

BOROUGH OF CONWAY COUNCIL  
REGULAR MEETING MINUTES  
Council Chambers, 801 First Avenue, Conway, Pennsylvania  
July 17, 2024

---

**MEETING** was called to order at 7:00 p.m. with Mr. Scott Levenson presiding. The following members of Council and officials of the Borough were present: Mr. Scott Levenson, 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. John Antoline  
Mr. Tim Antoline  
Mayor Debbie Rose

**PLEDGE OF ALLEGIANCE**

**RECOGNITION OF VISITORS:**

Michael Crispino of 110 10<sup>th</sup> Street  
Melinda Bergman of 1708 Porter Street  
Laura Partridge, Community Outreach Coordinator, of 200 Quigley Dr, Baden  
Glenda Yount of 925 E. Ridge Avenue, Economy Borough

**PUBLIC COMMENT (Agenda Items):** None

**MAINTENANCE SUPERVISOR'S REPORT:** This report was ordered received and filed.

**FIRE CHIEF'S REPORT:** The Fire Chief was not in attendance. This report was ordered received and filed.

Mr. Crispino stated that should anything come up for the CVFD, that it goes through Mr. Bohach from now on.

Mr. Crispino stated that the CVFD parking lot will be resealed in August and requested the PW Department to set up blockades to help.

**EMA COORDINATOR'S REPORT:** No Report.

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

1. List of Bills - A list of expenditures for the time period of June 20, 2024, through July 17, 2024, in the amount of \$70,440.06 from the General Fund, expenditures in the amount of \$3,685.93 from the Liquid Fuels Fund and expenditures in the amount of \$93,847.87 from the Water & Sewer Fund were presented to Council for review. **After some review, the motion of Mrs. Then, seconded by Mrs. Hertneky to approve the List of Bills as presented was unanimously carried.**
2. Budget Reports – These reports were ordered received and filed.
3. Treasurer Report – This report was ordered received and filed.
4. First National Dormancy Notice Discussion – The Borough Secretary explained the reasoning for the dormancy notice. There was discussion regarding transferring this fund to another fund, the closing of the fund, and that the War Memorial needs updated. **After some review, the motion of Mrs. Then, seconded by Mr. Bohach to transfer the funds in the amount of \$9,974.50 earmarked for a police vehicle to the General Fund and to close account 801 First Avenue was unanimously carried.**

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

1. Comcast Franchise Agreement Renewal Approval – The Borough Secretary reviewed the amendments to the cable franchise agreement agreed upon by both the Borough and Comcast. **After some discussion, the motion of Mrs. Hertneky to approve the Comcast Franchise Agreement Renewal for a ten (10) year term was unanimously carried.**
2. 1203 2<sup>nd</sup> Avenue (High Grass Discussion) – There was discussion regarding the circumstances regarding the overgrown grass at this residence, noting that it is unclear who is responsible for taking care of the yard. There was further discussion regarding other parcels within the Borough that need addressed, which included 1121 11<sup>th</sup> Avenue. **After some review, the motion of Mr. Bohach, seconded by Mrs. Hertneky to approve either the PW Department or a subcontracting company to cut the above parcels and place a lien against the parcels for the cost of the work performed was unanimously carried.**

**PARKS & RECREATION COMMITTEE REPORT:** Council was provided updates regarding the following issue(s).

1. Ms. Laura Partridge of Provident Charter School – Community Involvement – Ms. Partridge was present to introduce herself and provide a background on the Provident Charter School. The school is interested in getting more involved with the community. The school offers large fields/grounds and an indoor gym that could be used by organizations who need game or practice space. Ms. Partridge thanked Mrs. Hertneky for her time and help.
2. Buttermore Park Picnic Table – Mr. Levenson reviewed information that Mr. J. Antoline had provided regarding a chosen picnic table and plaque. The Bozza Family would like to donate a picnic table in memory of Jackie Bozza. There was discussion regarding the Borough providing a second picnic table which is within the means of the budget. **After some review, the motion of Mr. Bohach, seconded by Mr. Hertneky to place two (2) picnic tables at Buttermore Park, one donated and one purchased by the Borough, was unanimously carried.**

Mrs. Hertneky presented Council with an update regarding the Bare Root Tree Program.

Mr. Bohach requested the small tree near the bench at Gratty Park to be caged due to the deer destroying it.

**PUBLIC SAFETY & CODE ENFORCEMENT COMMITTEE REPORT:** Council was provided updates regarding the following issue(s).

1. CVFD Engine 492 Repairs (Herzog) – An invoice was presented to Council in the amount of \$16,997.41 from Herzog Truck Services LLC for transmission and radiator repairs. There was discussion regarding the lack of funds remaining in the budget to cover this expense and the recent Glick quote in the amount of \$2,454.76 for a state inspection. **After some review and discussion, the motion of Mr. Bohach, seconded by Mr. Hertneky to approve moving funds from the Fire Truck Escrow account in the amount of \$11,341.80 to cover the repairs discussed was unanimously carried.** The Borough Secretary was asked to verify the transfer amount before paying the invoice(s).
2. Fire Hall Entrance Overhang Replacement – Mr. Michael Crispino presented Council with an overview of the proposed overhang for the Fire Hall entrance and stated that a bid was accepted at their last meeting. It was noted that this project will be paid by the CVFD. The contractor was present to review the design, building materials and answer questions. The Borough Secretary stated that a set of plans and a Building Permit form would be required.

**PUBLIC WORKS COMMITTEE REPORT:** No Report.

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

1. Kappe Associates, Inc. – Chicago Pump Repair Quote No. FM24062708 – Mr. Levenson reviewed the quote received in the amount of \$6,800.00 to repair the incoming pump number 01 and stated that there is available funding in the budget. **After some review and discussion, the motion of Mr. Hertneky, seconded by Mrs. Hertneky to accept the quote received and to schedule the work was unanimously carried.**
2. Conway-Baden Municipal Authority Sanitary Interconnect – The Borough Engineer provided Council with an update on this matter.

**MAYOR’S REPORT:** No Report.

**BVRPD REPORTS:**

Mr. Levenson presented Council with information regarding the Police Chiefs intent on retiring by the end of the year, and that the BVRPD 2025 Budget is being worked on.

Mr. Levenson reviewed the estimated expenses associated with the BVRPD K9 Unit. This program will be paid by fund raising, donations, and grants. The BVRPD currently is applying for a \$60,000.00 grant from Norfolk Southern to help with this program.

**ENGINEER’S REPORT:**

1. 10<sup>th</sup> Street and 3<sup>rd</sup> Avenue Waterline Replacement Bid Award – The Borough Engineer reviewed the five (5) bids received for the 10<sup>th</sup> Street & 13<sup>th</sup> Avenue Waterline Replacement Project with Mortimer’s Excavating, Inc. being the low bidder and recommends approving the same. **After some review and discussion, the motion of Mr. Bohach, seconded by Mrs. Then to award the bid of \$186,424.00 to Mortimer’s Excavating, Inc. was unanimously carried.** A grant in the amount of \$150,000.00 from the COVID-19 ARPA PA Small Water Grant Program to help with this project. There was some discussion regarding the possibility of the work beginning in September 2024.

Bid Schedule	Mortimer’s Excavating, Inc.	Jet Jack, Inc.	M. Oherron Company	SET, Inc.	W. Maiken & Son
10 <sup>th</sup> St. & 13 <sup>th</sup> Ave. Waterline Replacement	\$186,424.00	\$202,475.00	\$217,603.00	\$231,355.18	\$235,605.00

2. 11<sup>th</sup> Street Waterline Replacement Partial Payment No. 01 (Jet Jack, Inc.) – The Borough Engineer stated that all items and value of work completed have been reviewed and verified. The calculated cost of the work completed is \$40,766.64 less than quoted. The Borough Engineer recommends a partial payment in the amount of \$412,336.44 be made payable to Jet Jack, Inc., which includes five percent (5%) retainage. A grant in the amount of \$170,000.00 from the Beaver County ARPA Infrastructure Grant Program to help with this project. **After some review, the motion of Mr. Bohach, seconded by Mrs. Then to authorize payment to Jet Jack, Inc. in the amount of \$412,336.44 for the 11<sup>th</sup> Street Waterline Replacement Project was unanimously carried.** The street paving of 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue and Porter is not included in this payment request.

**SOLICITOR’S REPORT:**

1. Solicitor Resignation & Solicitor Assignment Notice – A letter, dated July 16, 2024, was received from the Borough Solicitor Kate M. Diersen regarding her resignation from GRB Law. The letter also recommends Mr. Rick Monti to fill the position of Borough Solicitor for Conway Borough, should the Borough wish to remain with GRB Law for legal counsel. **After some review and discussion, it was the consensus of Council to remain with GRB Law and retain Mr. Rick Monti as the Borough Solicitor.**

## CORRESPONDENCE:

1. PennDOT Notice – Construct an Acid Mine Drainage Treatment System – Dated 06/24/2024 – This document was ordered received and filed.
2. Freedom Area High School – Program(s) Support Request - This document was ordered received and filed.
3. Harshman CE Group, LLC – Monthly Report - This document was ordered received and filed.
4. Norfolk Southern Railyard Co. Sample Analysis Report-Dated 07/08/2024 – This document was ordered received and filed.

## OLD BUSINESS:

1. 2023 DCED Audit – The 2023 DCED Audit was presented to Council for review. There was some discussion regarding a meeting with the auditor to review some of the recommendations outlined in the audit. **A motion by Mrs. Then, seconded Mr. Hertneky to approve the 2023 DCED Audit as submitted was unanimously carried.**
2. Refuse Service Bid Preparation – No update at this time.
3. Conway Water System Consolidation – No update at this time.
4. 11<sup>th</sup> Street Waterline Replacement Loan – There was discussion regarding the 11<sup>th</sup> Street Waterline Replacement Project and the 10<sup>th</sup> Street & 3<sup>rd</sup> Avenue Waterline Replacement Project, the amounts owed by the Borough and the grants received for both projects. The Borough Secretary was asked to verify the procedure relating to how the grant monies will be distributed to the Borough. **After some review and discussion, it was the motion of Mrs. Then, seconded by Mrs. Hertneky to approve a loan, not exceeding \$620,462.36, with First National Bank and subject to how the grant monies will be received was unanimously carried.**
5. Fee Schedule – No Update at this time.

## NEW BUSINESS:

1. Resolution No. 2024-05 – A Resolution establishing a policy to govern the use of social media by the Borough of Conway was presented to Council for review. There was some discussion regarding a signature page being added for employees and elected officials. The Borough Solicitor stated that elected officials cannot be forced to sign the policy. It was noted that employees who chose not to sign the policy need to understand that it is the policy of the Borough and part of their employment. **After some discussion, the motion of Mrs. Then, seconded by Mr. Hertneky to adopt Resolution No. 2024-05 as amended was unanimously carried with the exception of Mr. Bohach, who voted against Resolution No. 2024-05.**
2. 2024 BCR COG Summer & Winter Commodities Bid Tabulation and Contract Approval(s) – The Borough Secretary reviewed the bid tabulations received from the Beaver County Regional COG and requested approval to execute the contracts. **After some discussion, the motion of Mr. Hertneky, seconded by Mrs. Then to approve the contracts for the 2024 BCR COG Summer & Winter Commodities Bids was unanimously carried.**
3. 2024 Roadway Liquid Manganese & Cold Patch Discussion – The Borough Secretary reviewed the issues regarding the liquid manganese not receiving bids and our cold patch bid request being listed as another product. Both of these issues were a result of the BCR COG using a new system for their bidding

process. The Borough Secretary reviewed the verified PennDOT process required to purchase liquid manganese using Liquid Fuels funding for the lack of bids and requested authorization to acquire quotes from Cargill, Inc., and Scobie Transit. The Borough Secretary was able to secure the bid price from Russell Standard even though we were not included with the bid tabulation for cold patch due to the product request mix-up. **After some review and discussion, it was the consensus of Council to authorize the Borough Secretary to acquire quotes, as recommended by PennDOT, from Cargill, Inc. and Scobie Transit for liquid manganese and approve the bid tabulation for cold patch from Russell Standard.**

4. **J. Straile Repository Exoneration – 18-001-0103.00 1629 1<sup>st</sup> Avenue (Payne, R.) – There was some discussion regarding the exoneration request and the need to verify that this parcel is listed as a vacant lot by the Beaver County Assessment Office. After some review and discussion, the motion of Mrs. Then, seconded by Mr. Bohach to approve the exoneration of 1629 1<sup>st</sup> Avenue to be taken out of repository was unanimously carried.**
5. **SAM.gov Discussion** – An internal memo was presented to Council to explain the background of the upcoming updates with our SAM.gov account and the possibility of acquiring a representative to help with the updates. This matter will be placed on the next agenda for further discussion.
6. **Eric Climo Celebration of Life (August 10, 2024)** – Mr. Levenson stated that Mr. Climo was on the BVRPD Board and invited everyone to attend.
7. **2024 PAMA Conference (Nelko)** – The Borough Secretary reviewed the upcoming PAMA Conference information and volunteered to waive traveling expenses to help with the expense of attending the conference. **After some review, it was the consensus of Council to approve the Borough Secretary to attend in the 2024 PAMA Conference.**

#### **OTHER BUSINESS:**

Mrs. Then introduced Mindy Bergman who wishes to resurrect the Recreation Committee to pull the community together and help stop the negativity. Mrs. Then stated that the 501c for the Recreation Committee no longer exists and volunteered to help get Mrs. Bergman with the old Facebook page and Gmail account information. Mr. Levenson and Mrs. Then commended Mrs. Bergman for stepping up to help the community.

#### **PUBLIC COMMENT:**

Glenda Yount, of Economy Borough, was present to express her concerns regarding asphalt millings being stored in her neighborhood by the Borough of Conway. Mrs. Yount questioned the plan for sediment control and the time frame for use. It was explained that there are plans to use the millings throughout the Borough on various projects but there is not a set time frame for the usage. Mrs. Yount stated that our Zoning Ordinance does not permit the dumping of the millings at this location, quoted DEP regulations and that according to the 2006 water tower variance the salt shed should be where the millings are.

Ms. Hamill stated that the sidewalk along 11<sup>th</sup> Street is not passable due to the overgrown tree branches and bushes. There was discussion regarding this being a state road and/or private property which would require a review of the maps.

**EXECUTIVE SESSION:** Mr. Levenson requested Council go into Executive Session regarding a litigation matter at 9:14 p.m., as per the motion of Mrs. Hertneky, seconded by Mrs. Then.

On the motion of Mr. Hertneky, seconded by Mrs. Hertneky to reconvene at 9:28 p.m. was unanimously carried.

There being no further business, the motion of Mr. Bohach, seconded by Mrs. Then to adjourn the meeting at 9:29 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 the List of Bills
2. Approve the Comcast Franchise Agreement
3. Approve Grass Cutting Service and Liening of Properties
4. Placing of two (2) Picnic Tables at Buttermore Park
5. Approve moving funds from Fire Truck Escrow to the General Fund
6. Accept the Kappe Associates Quote and Schedule Pump Work
7. Award the 10<sup>th</sup> Street & 3<sup>rd</sup> Avenue Waterline Replacement Project Bid
8. Authorize Partial Payment No. 01 to Jet Jack, Inc.
9. Consensus to remain with GRB Law and retain Mr. R. Monti as Borough Solicitor
10. Approve the 2023 DCED Audit Report
11. Approve the First National Bank Loan for the Waterline Replacement Projects
12. Adopt Resolution No. 2024-05
13. Approve the BCR COG Summer & Winter Commodities Bids
14. Consensus authorizing the Borough Secretary to acquire quotes for Liquid Manganese and Approve the Russell Standard Cold Patch Bid
15. Approve 1629 1<sup>st</sup> Avenue Exoneration
16. Consensus approving the Borough Secretary to attend 2024 PAMA Conference