

BOROUGH OF CONWAY COUNCIL  
REGULAR MEETING MINUTES  
Council Chambers, 801 First Avenue, Conway, Pennsylvania  
October 16, 2024

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**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, Mrs. Jocelyn Hertneky, Mr. Mark Hertneky, Mrs. Patty Then, Mayor Debbie Rose, Borough Secretary Margie Nelko, Borough Solicitor Mr. Richard Monti, and Borough Engineer Emile Ketterer.

**ABSENT:** Mr. John Antoline  
Mr. Tim Antoline  
Mr. Joe Bohach

**PLEDGE OF ALLEGIANCE**

**RECOGNITION OF VISITORS:**

William Giska of 1013 2<sup>nd</sup> Avenue  
Dan Byrne of 1201 15<sup>th</sup> Street  
Nikki Santiago of 1825 Porter Street

**PUBLIC COMMENT (Agenda Items):**

Mrs. Nikki Santiago was present to request an update regarding Birchwood Falls drainage and flooding issues. The Borough Solicitor reviewed the results of research conducted and stated that this matter will be discussed further in Executive Session.

Mr. Scott Melton, Esq., (not signed in) was present to review the background of the JO-EL Subdivision. The Conway Planning & Zoning Commission approved the subdivision. The BCPC submitted a review letter regarding the proposed subdivision. The subdivision would be dividing one lot into two lots, with Lot 1A being retained by the current owner and Lot 2A being sold to Beaver County Association of the Blind for the purpose of a parking lot. **After some review, the motion of Mrs. Then, seconded by Mr. Hertneky to approve the JO-EL Subdivision was unanimously carried.**

Mr. Joe Bohach entered the meeting at this time (7:05 p.m.)

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

**MINUTES** of the Regular Meeting held on May 15, 2024, were presented to Council. **After some review, the motion of Mr. Hertneky, seconded by Mrs. Then to approve the Regular Meeting Minutes of May 15, 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.

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

**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 September 19, 2024, through October 16, 2024, in the amount of \$89,472.18 from the General Fund, expenditures in the amount of \$3,681.44 from the Liquid Fuels Fund and expenditures in the amount of \$62,919.60 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. The Borough Secretary noted that the current 6 Month CD with First National Bank will mature on November 22, 2024.
4. 2025 Budget Meeting Discussion – A meeting was scheduled for October 24, 2024, at 6:30 p.m., to work on the 2025 Draft Budget.

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

1. Bare Root Grant Trees Plan of Action – The ten (10) trees are scheduled to be available for pickup on November 8, 2024. Mr. Kris Hall will donate a trailer for picking up the trees, if needed. There was discussion regarding a webinar for the purpose of planting the trees that new grantees and the Public Works Department will participate in.
2. Recreation Committee Discussion (Moving Forward) – No Report.

Mayor Rose and Mr. Levenson discussed the CVFD being reserved for the 2025 Community Day and December 20, 2024, for a proposed Holiday and Police Chief Johnston's Retirement Luncheon.

**PARKS & RECREATION COMMITTEE REPORT:** No Report.

**PUBLIC SAFETY & CODE ENFORCEMENT COMMITTEE REPORT:**

1. Fire Hydrant Pressure Testing (2025) – There was discussion regarding scheduling the testing of the fire hydrants for 2025. It was noted that the Sewer Plant Operator had conducted the hydrant flushing in 2024, and the Fire Chief stated that he could do the tests with the pressure gauge(s) in 2025.
2. Engine 492 Battery Replacement – There was some discussion regarding the need to replace six (6) batteries in Engine 492 at a cost of \$1,002.00. **After some review, the motion of Mr. Bohach, seconded by Mr. Hertneky to authorize moving the cost of the batteries from the Fire Truck Escrow and approve the payment of such.**

Mr. Bohach reported that there have been dirt bikes traveling along the area(s) near the park.

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

1. Backhoe Repair/Replacement Discussion – It was noted that the old backhoe being non-repairable. Case Power Equipment was contracted to replace the worn-out front axle king pin(s), but the company refused to do the repairs due to safety concerns. There was discussion regarding the pros/cons of renting vs. purchasing a new or used backhoe, available funding and grants. Black Diamond Equipment Rental has a 2013 Case 580 Super N WT backhoe for sale (which has been completely serviced and well maintained) was located and being considered. **After some review and discussion, the motion of Mrs. Then, seconded by Mr. Hertneky to authorize the purchase of the used backhoe subject to an inspection by**

**the Public Works Supervisor and available Councilmember(s), not to exceed \$45,000.00 payable from the Police Vehicle Fund and the remaining balance from the ARPA Fund the was unanimously carried.** Mr. Levenson stated that he would reach out to Raven Writers to discuss possible grants.

2. **Boiler Bid Discussion** – A bid was received from Air Systems Mechanical, Inc. in the amount of \$165,433.00 to replace two (2) boilers. This bid was requested for grant purposes.
3. **Electrical Upgrade Meeting Update** – There was discussion regarding the results of the meeting for electrical upgrades which is for grant purposes.
4. **Fall Leaf Pickup Update – After some review, it was the consensus of Council to start the Fall Leaf Pickup on October 15, 2024, and to approve Tuesday pickups for downtown and Thursday pickups for uptown.**

**SEWER PROJECT MANAGEMENT COMMITTEE REPORT** – No Report.

**MAYOR’S REPORT:** No Report.

**BVRPD REPORTS:** Mr. Levenson, Chairperson of the BVRPD Board, presented Council with updates regarding the following issue(s).

1. **2025 BVRPD Budget Approval** – An overview of the proposed 2025 BVRPD was presented for Council’s review. There was some discussion regarding the BVRPD MMO for 2025 and 2026. **After some discussion, the motion of Mrs. Hertneky, seconded by Mr. Bohach to approve the proposed 2025 BVRDP Budget was unanimously approved.**

Mr. Levenson presented Council with updates regarding the retirement offer to Police Chief Johnston, the purchase of two (2) police vehicles and the K9 Unit.

**ENGINEER’S REPORT:**

1. **MS4 Ordinance No. 570 Advertising Approval** – A draft Ordinance to amending the Stormwater Management Ordinance was presented to Council for review. The Borough Engineer presented an overview of the proposed amendments. **After some review, the motion of Mrs. Then, seconded by Mrs. Hertneky to advertise Ordinance No. 570 was unanimously carried.**
2. **Columbia Gas Line Replacement Update** – No update at this time.
3. **10<sup>th</sup> Street and 3<sup>rd</sup> Avenue Waterline Replacement Project Update** – Necessary amendments to the shop drawings were submitted to the contractor for implementation.
4. **Beaver County APRA Municipal Infrastructure Grant Update** – The Borough Secretary stated that the reimbursement check was issued by Beaver County but was not received. A replacement check is being processed.
5. **Catch Basin Issues from Street Paving Discussion** – No update at this time.

The Borough Engineer reported that continuous work on the pump station is being done, that DEP is requiring the submittal of plans by the end of 2024 and that we are waiting for the scheduled sampling for the sewer plant permit.

**SOLICITOR’S REPORT:**

1. **Hope Learning Lease and the BVRPD Lease** – An update regarding the amended Hope Learning Lease was provided to Council for review. The Hope Learning Center will be moving out of the 1<sup>st</sup> floor leased area for a reduced monthly rental rate. The BVRPD will be expanding by moving into the 1<sup>st</sup> Floor leased

area which will include an increase in the monthly rental rate. **After some discussion, the motion of Mrs., Hertneky seconded by Mrs. Then to approve the amended Hope Learning Lease and authorize the execution of the BVRPD Lease was unanimously carried.**

2. Occupancy-1809 Porter Street – This matter will be discussed in Executive Session.
3. Birchwood Falls Drainage-1825 Porter Street Flooding – This matter was discussed in the Public Comment (Agenda Items only) section of the meeting.

The Borough Solicitor reviewed a Supreme Court Case regarding the Right-to-Know matter involving a Council that was using a private Facebook page to discuss matters while blocking the public. This case is under review and could be a violation of the Right-to-Know Laws.

#### **CORRESPONDENCE:**

1. Planning and Zoning Committee Minutes of 09/23/2024 – This document was ordered received and filed.
2. Harshman CE Group, LLC Monthly Report-Dated 10/14/2024 - This document was ordered received and filed.
3. Real Estate Tax Assessment Appeal Notification(s) / Result(s) – These documents were ordered received and filed.
4. Norfolk Southern Railyard Co. Sample Analysis Report-Dated 10/02/2024 – This document was ordered received and filed.

#### **OLD BUSINESS:**

1. Rental Letter(s) Update – The Rental Letters were mailed, and the Borough Office is receiving submittals.
2. Course Vector ADA Website Compliance Proposal – No update at this time.
3. Conway Water System Consolidation – No update at this time. The Borough Secretary has been forwarding requested information to RCAP as needed.
4. Conway-Baden Municipal Authority Sanitary Interconnect & RCAP Solutions (Funding) Email Discussion – This matter was discussed in the Engineer section of the meeting.
5. Fee Schedule – No Update at this time.

Mayor Rose presented Council with information regarding a request to remove a Handicap Parking Space. After some discussion, this request was not granted.

#### **NEW BUSINESS:**

1. Refuse/Recycling Collection Service Bid(s) – The Borough Secretary presented Council with the results from the Bid Opening on September 16, 2024. **After some review and discussion, the motion of Mrs. Hertneky, seconded by Mrs. Then to accept Alternate 02 Unlimited Weekly Waste and Unlimited Weekly Recyclables-Billed by the Contractor and Alternate 04 Handicapped/Back Yard Service Unlimited Weely Waste and Unlimited Weekly Recyclables (paid by the Resident after the request for this service) for the years of 2025-2029 with a 2 Year Option submitted by Valley Waste Service, Inc. (the low bidder) was unanimously carried.**
2. Dept. of Labor/Industry 3-Year Elevator Inspection Approval – The Borough Secretary presented Council with a background of the required elevator inspection(s) and requested approval to accept the Hadfield

Elevator bid proposal. **After some review, the motion of Mrs. Hertneky, seconded by Mrs. Then to approve the Hadfield Elevator Bid for the state required 3-year elevator inspection(s) was unanimously carried.**

3. **2024 Non-Uniform MMO and 2024 Police Pension MMO Payment Approvals – After some review and discussion, the motion of Mrs. Then, seconded by Mrs. Hertneky to approve payment of \$4,235.00 for the 2024 Non-Uniform Minimum Municipal Obligation and payment of \$270,860.00 for the 2024 Police Pension Minimum Municipal Obligation was unanimously carried.**
4. **2024 Volunteer Fire Relief Allocation Notification – After some review and discussion, the motion of Mrs. Hertneky, seconded by Mr. Hertneky to approve the distribution of the 2024 Volunteer Fire Relief Allocation to the CVFD was unanimously carried.**
5. JO-EL Subdivision - This matter was discussed in the Public Comment (Agenda Items only) section of the meeting.
6. Vacating Alley Request – Sampson Street/Chaplin Street (Brown) – Mr. Levenson and Mrs. Then presented Council with an overview of the request for an alley vacation. The alley is accessible from 13<sup>th</sup> Street which narrows past the rented garage to permit personal vehicle access. The Borough Solicitor requested this matter be postponed and a Zoning Violation letter be sent for the rented garage.
7. Zoning Hearing Board Letter of Interest – A letter of interest to serve on the Zoning Hearing Board was received from Katherine Baker. **After some discussion, the motion of Mr. Hertneky, seconded by Mrs. Then to appoint Katherine Baker to the Zoning Hearing Board for a five (5) year term was unanimously carried.**
8. 2024 PURTA Distribution Payment for 2023 – The Borough Secretary presented Council with the 2023 PURA Distribution Payment record from MyPATH. This document was ordered received and filed.
9. Estimated 2025 Liquid Fuels Allocation - A notice regarding the 2025 Estimated Liquid Fuels Allocation, in the amount of \$65,184.93, was received. This notice was ordered and filed.

**OTHER BUSINESS:** None

**PUBLIC COMMENT:** None

**EXECUTIVE SESSION:** Mr. Levenson requested Council go into Executive Session regarding a potential litigation matter at 8:51 p.m., as per the motion of Mrs. Then, seconded by Mr. Bohach.

On the motion of Mrs. Hertneky, seconded by Mrs. Then to reconvene at 9:39 p.m. was unanimously carried.

There being no further business, the motion of Mrs. Hertneky, seconded by Mr. Bohach to adjourn the meeting at 9:40 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. Approval of JO-EL Subdivision
2. Approve Minutes of April 17, 2024, and May 15, 2024
3. Approve the List of Bills
4. Approve the purchase of Engine 492 Batteries (6)
5. Approve purchase of 2013 Case 580 Super N WT Backhoe
6. Approval of Fall Leaf Pickup Schedule
7. Approval of 2025 BVRPD Budget
8. Authorize advertising of Ordinance No. 570
9. Approve Hope Learning Lease and Execution of BVRPD Lease
10. Acceptance of 2025-2029 (w/2 Yr Option) Valley Waste Refuse Service Bid
11. Approval of State Required 3 Year Elevator Inspection
12. Approval of 2024 Non-Uniform MMO and Police Pension MMO Payments
13. Approve distribution of 2024 Volunteer Fire Relief Allocation
14. Appoint Katherine Baker to Zoning Hearing Board