

BOROUGH OF CONWAY COUNCIL
REGULAR MEETING MINUTES
Council Chambers, 801 First Avenue, Conway, Pennsylvania
November 20, 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, 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
Mrs. Jocelyn Hertneky

PLEDGE OF ALLEGIANCE

RECOGNITION OF VISITORS:

Dan Byrne of 1201 15th Street
Nichole Ashbaugh of 1317 Sampson Street
Jeff Shafer
Rich Lacher of 1760 Porter Street
Tyler Mercer
Frank Thompson of Crows Run Storage

PUBLIC COMMENT (Agenda Items):

Ms. Nicole Ashbaugh was present to express concerns regarding the receipt of a Zoning Violation Notice for renting a garage. The violation is in regard to the rental of a residential garage to a commercial business. The Borough Solicitor reviewed the zoning district regulations and recommended appealing this matter to the Zoning Hearing Board. Ms. Ashbaugh expressed her displeasure and concerns regarding this matter. The Borough Solicitor informed Ms. Ashbaugh that she is able to begin the appeal process by stopping into the Borough Office.

Mr. Rich Lacher was present to express concerns regarding the Conway Alliance Church's receipt of a Zoning Violation Notice for two (2) pavilions. There was discussion regarding setbacks for each parcel the movable pavilions were placed on, that the pavilions were prebuilt and delivered and concerns regarding the need for engineer stamped plans according to the violation. The Borough Solicitor was asked to discuss these concerns with the Code Inspector.

Mr. Frank Thompson was present to express concerns regarding whether PennDOT needs a permit for the proposed acid mine drainage work to be done in the floodplain near his property and if PennDOT is adhering to the Borough's Ordinances. The Borough Engineer explained that the Borough can only verify the flood plain and clarified that according to PennDOT's statements and drawings there will be not increase the floodplain. Mr. Thompson stated that Council should be aware that every couple of years the pollution will be an issue. The Borough Engineer stated that pollution would be an issue for DEP and PennDOT and that the letter from PennDOT will be executed.

MINUTES of the Regular Meeting held on June 19, 2024, were presented to Council. **After some review, the motion of Mr. Hertneky, seconded by Mrs. Then to approve the Regular Meeting Minutes of June 19, 2024, as presented was unanimously carried.**

MINUTES of the Regular Meeting held on July 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 July 17, 2024, as presented was unanimously carried.**

MINUTES of the Regular Meeting held on August 21, 2024, were presented to Council. **After some review, the motion of Mr. Hertneky, seconded by Mrs. Then to approve the Regular Meeting Minutes of August 21, 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.

The Fire Chief informed Council that holes permitting birds into the building were sealed, a call for repairs to the garage door wheel has been made and the roof will be looked at this week.

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 October 17, 2024, through November 20, 2024, in the amount of \$342,765.58 from the General Fund, expenditures in the amount of \$3,933.23 from the Liquid Fuels Fund and expenditures in the amount of \$62,857.39 from the Water & Sewer Fund were presented to Council for review. **After some review, the motion of Mrs. Then, seconded by Mr. Bohach 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. **6 Month CD Rates** – The Borough Secretary stated that the current 6 Month CD with First National Bank will mature on November 22, 2024. **After some review and discussion, the motion of Mrs. Then, seconded by Mr. Bohach to approve reinvesting the maturing amount for another three (3) months at a rate of 4.25% was unanimously carried.**
5. **2025 Tax Assessment Valuation** – A letter, dated November 15, 2024, was received from the Beaver County Assessment Office providing the Borough with a value of \$173,513,270 beginning January 2025 for all of the taxable properties.
6. **2025 Tax Anticipation Note (TAN) Discussion** – The Borough Secretary presented an email regarding the 2025 TAN interest rate of 5.25%. There was some discussion regarding the possibility of reducing the TAN to \$100,000.00. **After some review and discussion, the motion of Mrs. Then, seconded by Mr. Hertneky to approve the Borough Secretary to investigate the possibility of reducing the amount of the 2025 TAN was unanimously carried.**
7. **2025 Budget Discussion/Approval to Advertise** - There was some review and discussion regarding the proposed 2025 Budget, the proposed millage (no increase from 2024) and the requirements for advertising prior to adoption. **After some review, the motion of Mrs. Then, seconded by Mr. Hertneky to approve advertising of the 2025 Budget was unanimously carried.**
8. **Fire Department Escrow Fund Discussion** – There was some discussion regarding the remaining funds available in the Fire Department Escrow Fund and moving the funds to the General Fund to help with the increase in fire truck repair expenses. **After some review and discussion, the motion of Mr. Bohach, seconded by Mrs. Then to move funding from the Fire Department Escrow to cover repairs to fire vehicles in the 2024 Budget was unanimously carried.** The Borough Secretary inquired if the bank account should be closed. **After some review, the motion of Mrs. Then, seconded by Mr. Hertneky to close the Fire Department Escrow Fund after the transfer is completed was unanimously carried.**

9. Code Enforcement Services – Mrs. Then expressed concerns regarding recent enforcement events and results. A meeting should be scheduled with Jamie Harshman and Council to review the concerns and practical solutions.

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

1. Cardboard / Paper Recycling Bins – There was some discussion regarding whether maintaining the bins due to the cost of emptying the paper bins and the hassle of getting the cardboard bins emptied. The grants available currently do not meet the needs of the Borough.

PARKS & RECREATION COMMITTEE REPORT: No Report.

PUBLIC SAFETY & CODE ENFORCEMENT COMMITTEE REPORT: Mr. Hertneky, a member of the Public Safety & Code Enforcement Committee, presented Council with updates regarding the following issue(s).

1. Fire Department Bay Concrete Replacement Discussion – There was discussion regarding the request to repair the drain system and concrete area in front of one of the bays. One bid was received for the repairs and concrete replacement(s). The Committee will attempt to acquire at least one more bid for the repairs.
2. Fire Department-Permission to renovate police room (1208 3rd Ave.) – The Fire Chief requested permission from Council to renovate the old police room to accommodate the need for extra space for fire fighters to gear up. There was discussion regarding this area not being used as a hang-out location and only occupied for call outs. **After some discussion, it was the consensus to authorize the Fire Department to renovate the old police room at their expense.**

PUBLIC WORKS COMMITTEE REPORT:

1. Part-time Public Works Laborer Discussion – Mr. Levenson reviewed the topic of recent discussions regarding possibly of part-time public works laborer(s) being used for grass cutting, plowing and sewer plant work to help reduce expenses. This matter was postponed.

SEWER PROJECT MANAGEMENT COMMITTEE REPORT – No Report.

MAYOR'S REPORT:

1. Holiday Party and Office Hours-12/20/2025 (12 p.m.-4 p.m.) – There was discussion regarding whether the Borough would like to host a holiday party and in conjunction with retirement party for Police Chief Adam Johnston to celebrate his 28-years of service to the Borough. There was discussion regarding the number of people to be invited, the cost involved, the closing of the office in order for the secretaries to help with set up and the purchase of a gift for the Police Chief. **After some discussion, the motion of Mrs. Then, seconded by Mr. Hertneky to approve a holiday/retirement party not to exceed \$1,500.00 and close the office at 11 am was unanimously carried.** There were some recommendations made regarding a gift for the Police Chief. **After some review, the motion of the motion of Mrs. Then, seconded by Mr. Hertneky to approve the purchase of a watch subject to not exceeding \$1,000.00 to commend the service to the Borough of Conway was unanimously carried.**
2. Santa on the Fire Truck-12/08/2024 (1 p.m.-4 p.m.) – Santa will be riding through the Borough distributing coloring books and crayons to be paid from the Community Day monies with Council's permission. **After some review, it was the consensus to authorize using Community Day monies to purchase the coloring books and crayons.**

Mayor Rose stated that the Letters to Santa Mailbox will be placed in the lobby again this year for children to leave their wish lists for Santa. Secret Santa will be writing back and leaving a gift for each child who submits their wish list.

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

1. Police Chief Retirement Incentive Agreement –Mr. Levenson reviewed the Retirement Incentive Separation and Release Agreement presented to Council for review. There was some discussion regarding what would happen if the BVRPD dissolves before the Police Chief turned 65 years of age. **After some review and discussion, the motion of Mr. Hertneky, seconded by Mrs. Then to approve the Retirement Incentive Separation and Release Agreement between the BVRPD and Adam Johnston was unanimously carried.**
2. BVRPD Lease Agreement – There was some discussion regarding the proposed modified lease agreement effective the first of year 2025. **After some review, the motion of Mr. Bohach, seconded by Mrs. Then to authorize the signing and execution of the amended lease agreement with the BVRPD was unanimously carried.**
3. Police Chief Retirement Discussion – This matter was discussed during the Mayor’s section of the meeting.

Mr. Levenson informed Council that Michael Priolo would be the new Police Chief as of January 1, 2025, and that Rochester School is proposing to join the BVRPD for School Resource Officer services.

ENGINEER’S REPORT:

1. Birchwood Falls Drainage Review Approval – There was discussion regarding the proposed review process and estimated costs of a study for drainage issues near Porter Street in Birchwood Falls. **After some review, the motion of Mrs. Then, seconded by Mr. Hertneky to approve the study subject to not exceeding \$5,000.00 was unanimously carried.**
2. Columbia Gas Line Replacement Update – No update at this time.

The Borough Engineer reported that Columbia Gas will be spot boring along various intersections in an effort to locate utility lines.

3. 10th Street and 3rd Avenue Waterline Replacement Project Update – Both chlorine tests failed. The contractor will be re-chlorine flushing and then resubmitting the new tests prior further work being completed.

SOLICITOR’S REPORT:

1. Gaming/Mechanical License Enforcement Option(s) – The Borough Solicitor informed Council that the Gaming Commission will not enforce the mechanical license renewals and recommended sending letters to the businesses who are not complying. **After some review, it was the consensus of Council to authorize mailing ordinance violation letters.**

The Borough Solicitor requested Executive Session to discuss a potential litigation matter.

CORRESPONDENCE:

1. Planning and Zoning Committee Minutes of 10/14/2024 – This document was ordered received and filed.

2. PennEnergy Resources, LLC-Water Source Notice for PER B25 1H-12H Wells - This document was ordered received and filed.

OLD BUSINESS:

1. Vacating Paper Alley Discussion-Sampson Street/Chaplin Street (Brown) – There was some discussion regarding the owner’s concerns regarding construction vehicles and children playing. The abutting neighbor has provided a verbal statement declining the additional footage to their property. The Borough Solicitor will draft an agreement to vacate the alley.
2. Catch Basin Issues from Street Paving Update – No update at this time.
3. Conway Water System Consolidation – Mr. Levenson stated that the BFMA Solicitor informed him there is still interest in this matter and requested dates for setting up a meeting.
4. Conway-Baden Municipal Authority Sanitary Interconnect & RCAP Solutions (Funding) Email Discussion – No Update at this time.

NEW BUSINESS:

1. Ordinance No. 570 – MS4 Stormwater Management – An Ordinance amending the Stormwater Management Ordinance was presented to Council for review. The Borough Secretary verified that Ordinance No. 570 was adequately advertised under the Borough Code. **After some review and discussion, a motion Mrs. Then, seconded by Mr. Hertneky to adopt Ordinance No. 570 was unanimously carried.**
2. Resolution No. 2024-07 – Police Pension Plan Contributions – A Resolution reducing police officers’ contributions to the police Pension Plan for the Year 2024 was presented to Council for review. **After some discussion, the motion of Mr. Hertneky, seconded by Mr. Bohach to adopt Resolution No. 2024-07 was unanimously carried.**
3. Resolution No. 2024-08 – Appointing Signatories for the Boiler LSA Grant Application – A Resolution designating officials to execute all documents and agreements between the Borough of Conway and the Commonwealth Financing Authority was presented to Council for review. **After some discussion, the motion of Mr. Bohach, seconded by Mr. Hertneky to adopt Resolution No. 2024-08 was unanimously carried.**
4. Resolution No. 2024-09 – Appointing Signatories for the BVRPD Vehicles LSA Grant Application – A Resolution designating officials to execute all documents and agreements between the Borough of Conway and the Commonwealth Financing Authority was presented to Council for review. **After some discussion, the motion of Mr. Bohach, seconded by Mrs. Then to adopt Resolution No. 2024-09 was unanimously carried.**
5. 2023 Liquid Fuels Tax Fund Audit – The Auditor General’s Liquid Fuels Tax Fund Audit for January 2023 to December 2023 was presented to Council for review. **After some discussion, the motion of Mrs. Then, seconded by Mr. Hertneky to approve the 2023 Liquid Fuels Tax Audit was unanimously carried.**
6. Advertise 2025 Meeting Dates - A draft of the advertisement for the 2025 Council and Committee Meeting Dates was presented Council for review. **After some review, a motion of Mr. Bohach, seconded by Mrs. Then to authorize the advertising of the 2025 Meeting Dates was unanimously carried.**

7. Act 205 Notice of 2024 Distress Determination – After some review and discussion, the motion of Mrs. Then, seconded by Mr. Hertneky to approve and order this document received and filed was unanimously carried.
8. 2025 Department of Labor Solvency Fee Notice – The Borough may pay the fee as an election for relief from unemployment compensation benefit charges. After some review and discussion, it was the consensus of Council to not participate in the 2025 Department of Labor Solvency Fee.
9. PennDOT S.R. 2024, Sectio B12 Acid Mine Drainage Project Review – This matter was discussed under the Public Comment (Agenda Items only) section of the meeting.
10. Max Auto Real Estate Subdivision Plan – A proposed subdivision of Lot/Block No. 18-001-0222-001 into two (2) lots was presented to Council for review. Both the Planning & Zoning Committee and the Beaver County Planning Commission reviewed and approved the subdivision. After some review and discussion, the motion of Mrs. Then, seconded by Mr. Bohach to approve Max Auto Real Estate Subdivision Plan was unanimously carried.
11. Garage Rental Violation-Harshman CE Group Discussion - This matter was discussed under the Public Comment (Agenda Items only) section of the meeting.

OTHER BUSINESS:

Mr. Bohach expressed concerns regarding trailers parked everywhere along East Ridge Road, which was determined to be located in Economy Borough.

PUBLIC COMMENT: None

EXECUTIVE SESSION: Mr. Levenson requested Council go into Executive Session regarding personnel and potential litigation matters at 9:22 p.m., as per the motion of Mr. Bohach, seconded by Mrs. Then.

On the motion of Mr. Bohach, seconded by Mr. Hertneky to reconvene at 10:32 p.m. was unanimously carried.

There being no further business, the motion of Mr. Bohach, seconded by Mr. Hertneky to adjourn the meeting at 10:33 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 June 19, 2024, July 17, 2024, and August 21, 2024
2. Approve the List of Bills
3. Approval of 3 Month CD Investment
4. Authorize 2025 TAN Reduction Inquiry
5. Approve advertising the 2025 Budget
6. Approval transferring Fire Truck Escrow Funds

7. Approval to close Fire Truck Escrow Fund
8. Authorize the CVFD to renovate 1208 3rd Ave police room
9. Approval of Holiday/Retirement Party
10. Approve the purchase of Police Chief Retirement Gift
11. Approval of Retirement Incentive Separation/Release Agreement (BVRPD/A. Johnston)
12. Approval of Birchwood Falls Drainage Review Study
13. Consensus to send Gaming/Mechanical License Violation Letters
14. Adopt Ordinance No. 570-MS4 Stormwater Management
15. Adopt Resolution No. 2024-07-Police Pension Contribution
16. Adopt Resolution No. 2024-08-Appoint Signatories for Boiler LSA Grant
17. Adopt Resolution No. 2024-09-Appoint Signatories for BVRPD Vehicle LSA Grant
18. Approval of 2023 Liquid Fuels Audit
19. Authorize advertising of 2025 Meeting Dates
20. Approval of Act 205 Notice 2024 Distress Determination
21. Consensus to not participate in the 2025 Dept. of Labor Solvency Fee
22. Approve Max Auto Real Estate Subdivision Plan