

REGULAR MEETING – *January 21, 2009*

The Town Council of the Borough of Conway met in Regular Session on Wednesday, January 21, 2009 at 7:00 P.M., in the Fire Department Banquet Hall, South Gross Street, for the purpose of transacting General Business. President Ritorto presided and opened the meeting with the pledge to the flag.

ROLL CALL: PRESENT – S. Levenson, G. Ritorto, K. Roman, D. Rose, R. Senock,
Solicitor Tinstman, Chief Blum

ABSENT - R. Pribulsky, A. Sobolosky, Mayor Trombetto

MINUTES:

Upon motion of Senock seconded by Roman and carried the minutes from the previous meetings stood approved as submitted.

REPORTS:

Upon motion of Roman seconded by Senock and carried the reports read were accepted and ordered to be placed on file after proper action is taken.

COMMUNICATIONS:

A motion was made by Senock seconded by Levenson and carried the communications read were accepted and ordered to be placed on file after proper action is taken.

Beaver County Planning Commission

Re: Minutes from Tuesday, December 16, 2008 meeting.

Re: Minutes from Tuesday, November 18, 2008 meeting.

NIRA Consulting Engineers, Inc.

Re: Copy of letters sent to Analytical Laboratory Services Inc., Free-Col Laboratories, LTD, Microbac Laboratories Inc., Professional Analytical & Consulting Services Inc., and Test America Laboratories Inc. regarding proposals for monitoring services for the Borough's Pretreatment Program for the calendar year 2009.

Surplus Property Program

Re: Weekly Equipment list from January 12, 2009.

Re: Surplus Sampler – December 2008.

NASASP Federal Surplus

Re: Newsletter – November 2008.

Re: Winter National Meeting – February 8, 2009 to February 10, 2009.

Freedom Area Community Task Force – Re: Donation.

Beaver Falls Municipal Authority – Re: Water rate increase.

PA DCED

Re: Fire Department Roof Repair Project.

Re: Police Cruiser Equipment Upgrade project.

Norfolk Southern

Re: Conway Rail Yard Sample Analysis Report from December 19, 2008.

Mockenhaupt Benefits Group

Re: Borough of Conway Police Pension Plan – Act 92 of 2008.

PSABMRT

Re: Schedule of changes in net assets of the Police Pension plan month ending November 30, 2008.

PSAB – Re: Annual Conference – Hershey Lodge March 22 to 25, 2009.

Re: PSAB Webinars.

Re: Robert C. Edwards Foundation.

Herr-Voss Stamco – Re: Donation towards pavement of 16th Street.

Springer Contracting – Re: Quotation for cement work at Fire Hall.

Damian, Amato & Start – Re: 2008 Amendments to the Right To Know Law.

Conway Borough Zoning Officer – Re: 4th Quarter Report.

PA Borough Councils Association - Re: Dues and Membership.

Chief Blum – Re: Billboard survey report.

CDBG Program of Beaver County

Re: Application due date of February 20, 2009.

Beaver County Emergency Services

Re: 2009 Sara Title IV Reporting for 2008.

PUBLIC COMMENT:

No public comment.

President Ritorto stated that he thought something should be done for the postman, Mr. Ricardo Howell, who helped a resident when she had fallen in her garage. He said that she had fallen sometime around 7:00 am and laid there until he heard her around noon. He immediately took action. Chief Blum stated that the post office has already sent it in to the postmaster for acknowledgement. Council applauded him for his heroics.

Ms. Roman gave accolades to Officer Shawn Fleming for his action relating to a house fire on North 2nd Avenue. She asked the Secretary to send him a commendation letter and to place a copy in his personnel file.

MAYOR'S REPORT: *David Trombetta, Mayor*

Mayor Trombetta was absent from the meeting. Chief Blum read the police call record for the month of December 2008.

Ms. Roman asked Chief Blum if everybody got scheduled for training. She referred to a letter he had given her regarding some officers who still were not scheduled. He said that it is still being addressed. She also asked if the maintenance checklist was still being completed by each officer. He said that for the most part it was.

President Ritorto asked what was going on with the new car. The Secretary stated that she had called today and had not heard back from Day Chevrolet prior to the meeting.

CHIEF'S REPORT: *Anthony P. Blum, Chief*

Chief Blum informed Council that he appointed himself and Sergeant Johnston to the Right to Know Law records officers. He said that each Police Department had to have a designated records officer just like the Municipal Office.

Chief Blum explained that the Municipal Police Training Act requires that you have a resignation date for each officer who no longer works in your department. He said that he has a few part-time officers who no longer work in the department but have never formally given anybody a resignation letter nor has Council approved these. He said that some of them have verbally told the Mayor but have never given a letter. He said that they need to be told to give a letter to the Chief or the Secretary. President Ritorto said to ask these officers for a letter if they do not give you one then terminate them. The Chief did not want to do this. The Solicitor stated that it was better to get a letter of resignation but if you can not get one then it would be sufficient to write down the date of the conversation and use this as their termination date. The Secretary stated that she is very well aware that Council is to accept the resignation of any employee at a public meeting and has indeed asked the Chief, a couple of times, for letters from the officers who had not been working. Mr. Levenson asked if we had the keys and badges from these officers. Chief Blum said that he had a set of keys from Officer Grant and that was all that he has seen. The Chief is to discuss this with the Mayor and see who they need letters and keys from and proceed in getting these. The Secretary said that she would compile a list of those officers who have not received a paycheck in awhile.

Mr. Levenson referred to a letter from the Pennsylvania State Police dated October 1, 2008 mandating the department to begin UCR within thirty days or we will be penalized. He asked the Chief if we had gotten the software to start reporting the crime statistics as required by state law. Chief Blum stated that he had called the UCR Unit and asked for an extension. He had not purchased the CrimeStar software yet because he had talked to two different departments and they had glitches with this. Ms. Rose asked when this would be resolved. He said within the next few days. He hoped to have it implemented by February 1, 2009. Ms. Rose asked if the officers would need training for this. Chief Blum said that this would be done in house.

Mr. Levenson asked how the Traffic Ordinance was coming. Chief Blum said that it was very close to be complete. Ms. Senock asked if this would be done by the end of February. He said that he would try.

SOLICITOR'S REPORT: *Chrystal Tinstman, Esq.*

Solicitor Tinstman stated that she has made the necessary changes to the Zoning Ordinance to allow for Day Care Centers to operate in an R-1 District. She passed out a copy to each Councilmember. She said that this would be permitted by Special Exception, just like in other districts. There would have to be a public hearing before this Ordinance amendment could be passed. She said that she may tweak the Ordinance a bit before the hearing but would forward each Councilmember a revised copy if she does this.

A motion was made by Roman seconded by Senock and carried to advertise a public hearing for 7:00 pm on February 18, 2009 to receive comments on proposed Ordinance amending the Borough's Zoning Ordinance, Article VI (uses in Zoning Districts), Section 601 (R-1, Restricted Residential), Subsection D (Special Exception), to include Day Care Centers and the definition of such.

The Solicitor gave an update on the Code Violation properties under review. She said that a citation has been filed by the police against Graziani, 605 Snyder Street. She stated that she has finally been able to locate Bradley Hebert. He is in Florida. She said that he has hired a contractor to demolish the property. The Secretary said that the contractor has been in and has been given a razing permit to complete. He said that he would try to have the job done as soon as there is a break in the weather. Herr-Voss is still interested in purchasing the Dudash property located at 1516 2nd Avenue. She said that she has a preliminary agreement which is being reviewed by all the parties involved. She distributed a copy to each Councilmember. President Ritorto asked if he still owes the Borough \$2,000.00. The Secretary said that he does. The Solicitor said that under the agreement he is still responsible for any municipal liens and taxes due on the property.

Solicitor Tinstman said that under the Pretreatment Ordinance the levels of pollutants have to be assessed every so many years to determine if the levels need to be changed. They do need to be changed, thus an amendment to the Pretreatment Ordinance is necessary.

A motion was made Levenson seconded by Rose and carried to advertise the proposed Ordinance amending the Borough's Pretreatment Ordinance, Chapter 98 (Sewers), Article II, to be in accordance with the United States Environmental Protection Agency's Streamlining Regulations.

The Solicitor asked if all Council members reviewed the proposed Sexual Offender Ordinance and if they had any changes to it. Chief Blum said that it looked good. Solicitor Tinstman expressed that she did not how viable this would be in the Higher Court because it has not been challenged yet. She said that many other communities are passing Ordinances of this kind.

A motion was made by Levenson seconded by Senock and carried to advertise the proposed Ordinance establishing residential restrictions for registered sexual violent offenders within the Borough, providing for penalties for violations of such residential restrictions and establishing an effective date.

The Solicitor gave each Councilmember and the Secretary a copy of procedures set by the Beaver County District Attorney and the appeal process as designated by the PA Office of Open Records regarding the new Right to Know Law. She said that these needed to be added to the Ordinance papers concerning Public Records.

A motion was made by Levenson seconded by Roman and carried to adopt Ordinance #524 reestablishing a policy for access to Public Records according to 65 P.S. 66.1 ET. SEQ. as amended by Act 3 of 2008 including the procedures set by the Beaver County District Attorney and the appeal process as designated by the PA Office of Open Records and appointing Diane McKay as the Open Records Administrator.

COMMITTEE REPORTS:

MAINTENANCE: Albert Sobolosky, Chairman

Mr. Sobolosky was absent from the meeting.

President Ritorto commended the Public Works Department on the great job they are doing keeping the roads clear of all the snow.

Ms. Roman stated that the department had a couple of water breaks.

RECREATION/ORDINANCE: Renee Senock, Chairwoman

Ms. Senock had nothing to report.

FINANCE/ADMINISTRATION: Debbie Rose, Chairwoman

Ms. Rose had nothing to report.

PUBLIC SAFETY: Karen Roman, Chairwoman

Ms. Roman stated that they are meeting with the Full-Time Police Officers tonight at 8:00 pm.

NEGOTIATIONS: Robert Pribulsky, Chairman

Mr. Pribulsky was absent from the meeting.

Mr. Levenson asked the Secretary if Mr. Sobolosky had given the changes to her so that she can incorporate them into the contract. She said that she has not received these yet. He said to let him know if she does not have these by the end of the week and he will get to her.

ZONING/GRANTS/WEBSITE: Scott Levenson, Chairman

Mr. Levenson stated that the website is receiving lots of hits. He told Council that for \$30.00 more a year he can upgrade the website. He said that this would allow for things such as that the calendar of events page would be printable. Council agreed that this upgrade would be good and told Scott to go ahead with this. He said that this amount would still keep the budget under the amount previously approved by Council.

He said that there was a meeting held last night regarding the Greenhouse Gas Inventory. The meeting was held at the CVD Banquet Hall and representatives from Monaca, Beaver and Freedom Area School District attended. He said that they were all very interested in it and would like to get more communities involved. He said that the Professor from Duquesne informed them that if the State would not fund then they would have a private foundation, such as the Heinz Foundation, fund the study. The next meeting is scheduled for Monday, February 16th @ 1:00 pm in Monaca.

Mr. Levenson commented on the bond issue question on the ballot in November which was approved by the voters. He said that there is a grant application to receive some of this money. He said that the Borough may be able to recoup 50% of the cost of the water project. He told Council that he was going to email this to the Engineer for him to look at. Council thought this would be a great idea.

UNFINISHED BUSINESS:

A discussion was held on the CDBG. The application for this is due by February 20,2009. Council agreed to submit Phase II of the Roosevelt Street Water Line Replacement Project again since it was known to be an eligible project. They will have the Secretary notify the Engineer of this.

A brief discussion took place on potential projects for the 2009 Road Program. Because the weather has been so bad and there is still snow on some of the roads, Council said they had not been able to look at the condition of all of the roads. Mr. Levenson gave each Councilmember a road paving worksheet. He asked all members to get a list to him of the projects they believed should be included in this year’s program asap.

PUBLIC COMMENT:

No public comment.

A motion was made by Roman seconded by Levenson and carried to pay the following bills:

WATER & SEWER FUND

JJ Brunner, Inc.	Sludge Removal/STP	35.00
CMA Environmental Lab	Testing/STP & Water	350.00
Economy Septic Service	Pumping/STP	2,625.00
Ferrellgas	Propane/STP	969.47
Gordon Brothers, Inc.	Water Softener/STP	36.00
J.M. Cooper Landscape	Limestone/Water	64.80
L/B Water Service, Inc.	Supplies/Water	360.54
NIRA Consulting Engineers	Services/W&S	3,849.00
PA One Call System, Inc.	Monthly Activity Fee/Dec.	10.40
RayTech	Security/STP/1 st Quarter 2009	66.00
Sherwin Williams Co.	Supplies/STP	57.10
ZEP Sales & Service	Supplies/STP	403.01

GENERAL FUND

American Red Cross	CPR/Sperduti	12.00
B.C. Planning Commission	MS4 Advertisement	25.26
Beaver County Times	Advertising/Ord., Meetings	226.44
Bohach, Lori	Commission/December	156.71
Joseph J. Brunner	Services/January	9,222.50
Cercone Sales & Service	Oil Change/Police	53.95
Comcast	Office Internet/January	92.99
Crystal Springs	Water-Rental/Municipal Bldg.	10.95
Damian, Amato & Start, P.C.	Services/December	711.73
Economy Electric Supply	Lighting/Gratty Park	5,399.72
Economy Plumbing & Heating	Supplies/Maintenance	87.44
Garcia Marketing Inc.	Supplies/Computers	26.00
Giant Eagle	Refreshments/Mtg.	27.55
Herzog Truck Services. LLC	Fuel-Oil Filters-Insp./Fire Dept.	408.52
Keystone Municipal Collections	Commission/December	597.31
Keystone Municipal Collections	Postage/December	1.68
Martino, Inc.	Diesel Fuel/Maintenance	308.17
NASASP	Membership Dues	39.00
NIRA Engineers	Services/December	423.50
PA Borough Councils Assoc.	2009 Dues	25.00
PA State Association of Boroughs	Who's Who Listing	40.00
PA State Mayor's Association	2009 Annual Dues	50.00
Quill	Supplies/Office	62.57
RA Services	2009 Network Service Contract	1,320.00
Traffic Systems	Monthly Fee/January	70.00
Triangle Pet Control	Monthly Fee-Dog/Dec.	80.00

HIGHWAY FUND

Cargill	Salt	4,211.73
Newman Traffic Signs	Signs	156.01
Scobie Transit & Supply, Inc.	Slag	788.81

A motion was made by Rose seconded by Roman and carried to adjourn at 8:02 pm.

Respectfully submitted,

Diane R. McKay
Borough Secretary

DATE _____

PRESIDENT _____