

**BOROUGH OF BROWNSVILLE
FAYETTE COUNTY PENNSYLVANIA
DECEMBER 14, 2022**

The Regular meeting of the Council of the Borough of Brownsville was held this evening at the Borough building in Brownsville. The meeting was called to order by President, Tracy Sheehan Zivkovich at 6:00 p.m. by reciting the Lord's Prayer and the Pledge of Allegiance.

The following members were present: Council President, Tracy Sheehan Zivkovich, Council Vice President Paul Synuria, Beth Bock, Jackie Jackson, Kasandra Ward, and Mike Walters. Also present were Solicitor Mitch Mitchell, Mayor Ross H. Swords, Jr., and Borough Secretary/Treasurer Melissa S. O'Brien. Barbara Pfeffer was not in attendance.

RECOGNITION OF VISITORS

Robert Rhodes, 320 Front Street. Mr. Rhodes spoke on the increased drug activity on the Northside. Over the last few years, there has been increased activity. His neighbor found a loaded weapon last year near the Commons. Prostitutes are on Market and Broad Streets. Masked individuals ran and hid in the bushes. Gunfire was exchanged on his street a few weeks ago. In the last three weeks, used syringes and drug paraphernalia were found. Stray cats and makeshift basketball courts are also here. This is all causing a decrease in property values, residents are afraid to go outside. We would like something done to help with these things.

Ron Novak, 509 Brashear Street. Mr. Novak presents a petition to act and give attention to the Northside district regarding blight and crime and code violations. They are also asking for more police presence, for landlords to be held responsible for their tenants and properties, and acknowledgement of nuisance properties.

Kim Brashear, PO Box 135, Brier Hill. Ms. Brashear is here to represent her business and family members, which are both on the Northside. She would like to see a peaceful existence without people who do not care about the area. Out of state landlords can be an issue. It is a start the get Ordinances that we need and start to enforce them. Working together is needed here. She has been in touch with the National and the Pennsylvania Historical Society to see what needs to be done. We want people and businesses here. We want to work together.

Jason Novak, 420 Front Street. Mr. Novak is here to speak about the code violations, Ordinances, blight, crime, drugs and prostitution and the Borough's lack of attention to these matters. These conditions occur because of Council's reluctance to act on these matters. 506 Brashear Street has been a decaying eyesore for 20 years and nothing has been done. The downtown has been improved but the historic Northside is falling behind. Absentee landlords do not care for their properties. They are asking for help from our local officials.

John Marietta, New Salem. Mr. Marietta is the Fayette County Recorder of Deeds and is able and willing to help us in any manner he can, including with vacant properties.

Joe Terry, 216 Front Street. Crime and blight are both problems here. A part-time Ordinance officer does not work. A third-party inspection company will not work. Mr. Terry has downloaded rental ordinances and inspection ordinances from other states and areas and asks the Borough to adopt and enforce them immediately. Mr. Terry also asks the Borough to hire a full-time ordinance officer and a part-time constable to work alongside this person, with the Borough handling all permits and fees. The inspection for electrical was \$400 on one of his properties. This will create funds, keep the money in the Borough, and give the Borough control of what goes on here. There are 30 people on the petition asking for help.

Connie Gore, 131 Front Street. Ms. Gore has been coming since April 2021 to discuss cutting down the tree near her property, which she believes is a Borough tree. She is asking if we got quotes for the tree cutting. She filed a RTK request, and was unable to get a Policy, as it does not exist. Ms. Gore is asking the Borough to follow code and cut the tree down as the expense is less than \$8,000.

Rocky Brashear, 502 Market Street. Mr. Brashear is President of the Historical Society and is here to represent their 11 board members. Since April, Nemaquin Castle has taken in 8,882 visitors. They stay at hotels in California or Uniontown. They spend money in our town and visit our food vendors, putting money into our town. There is concern with crime. Not just the historic district, but all through the Borough. The walking tours are pretty big, with over 300 people

attending. The Historical Society expects to exceed 9,000 visitors this year and those visitors say what a nice town this is and they want to keep it that way. We want to work together.

Brian Brashear, 300 Front Street. Mr. Brashear is concerned with the increase in crime and blighted properties. These issues have gotten progressively worse and create a dangerous environment. Many famous visitors including 4 US presidents have visited here. He would like to see property owners held accountable for their properties. They would like to see a set of Ordinances developed specifically for the historic district. Saving the historic district should be a priority.

Joe Barantovich, 527 Pearl Street. Joe Barantovich is here to discuss a grant received through the Laurel Highlands Visitors Bureau. The 'Welcome to Brownsville' signs and placement of said signs will be the focus of this grant, and we need to decide where they go. Enhancement of the existing sign will also be included in this grant. Brownsville Township has been asked to work with the Borough to make these decisions.

The other part of the grant was to reseal and repaint the parking lot at the stage. This will require the lot to be closed for some amount of time. Bright Stripe will do the work.

The Autodesk flyer focuses on the Union Station building and this flyer will be made public this spring with Brownsville being a primary focus of a worldwide distribution.

Paul Synuria would like to comment on the Front Street issues. It is a good thing for the public to get together and have the people step up by watching the neighborhood activities and reporting these crimes. We have to follow codes and Ordinances, so the input of the people is well-received. Second Street, Water Street, Clover Street – they all have issues. The police and code officer are doing what they can. Council will stand behind all of this and do what we can. Tracy Sheehan Zivkovich noted that once we get to the Code section of the Agenda, our Code Officer will be here via phone to discuss things. The passions and concern of the residents is appreciated. We appointed a hearing Appeals Board to hear these things, knowing that we would be moving forward.

Beth Bock excused herself from the meeting at 6:35 p.m.

MINUTES

Motion by Paul Synuria to approve the November minutes. Second by Jackie Jackson. All in favor. Motion carries.

MAYOR'S REPORT – Mayor Ross H. Swords, Jr.

Mayor Ross H. Swords, Jr. asked if someone would make a motion to purchase a department cellphone at a cost of \$58.99 per month. Additionally, the police department uses a Verizon hotspot that we currently pay \$40.01 per month for, and we expect that we will eliminate that. Motion by Paul Synuria to purchase the cell phone. Second by Mike Walters. Paul Synuria noted that he does not feel that our police should have to use their personal cell phones. Mayor Ross H. Swords, Jr. also noted that the department phone can be forwarded to the cell phone so that less calls go unanswered. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes. Votes are unanimous. Motion carries.

The police fines for the month totaled \$677.64 from the state police, \$107.30 from the County and \$726.41 from the MDJ.

There were 85 calls for service, 23 citations, 12 incidents, and 7 arrests. 2 prisoner transports were reported. A total of 1,508 miles were put on the police vehicles last month.

Mayor Ross H. Swords, Jr. also noted that our toy drive was a huge success and thanked everyone who donated.

FINANCE & ADMINISTRATION – Tracy Sheehan Zivkovich

Budget reports were included in Council's folders. The total funds at this time are \$458,086.43, including General Fund \$131,206.80, Payroll \$1,271.58, Petty Cash \$371.08, Act 13 \$28,259.41, K-9 Fund \$5,460.23, Fenwick Park \$3,001.00 Fire Escrow \$6,668.00, Parking Authority \$1,920.59, PLGIT \$52,451.23, ARPA Grant Fund \$225,476.27, and Comprehensive Plan Fund \$2,000.24.

Monthly bills paid were \$71,189.39. Bills that still need paid total \$1,389.43 from the General Fund, \$0 from the Payroll Fund, \$7,676.05 from the ARPA Grant Fund, \$0 from PLGIT. Deposits this month totaled \$34,738.61.

Motion by Mike Walters to pay the logo invoice from the general fund and the car payment from the ARPA fund. Second by Jackie Jackson. Melissa S. O'Brien noted that the invoice for Who Rescued Who is out of contract. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Kasandra Ward, yes; Mike Walters, yes. Votes are unanimous. Motion carries.

Mike Walters spoke on the current budget and noted that we stayed under budget, thanks to Kasandra Ward and Mayor Ross H. Swords, Jr. for staying under budget on their committees, which are our largest expense categories. Mike Walters also spoke on the 2023 budget and noted that we are presenting a balanced 2023 budget.

Tracy Sheehan Zivkovich asked what this does to our millage. Mike Walters noted that we had a 4 mill increase last year, but several county reassessments were done this year, resulting in a significant decrease to our tax revenue. Regardless of this lost revenue, we are able to move into 2023 without a tax increase.

Motion by Paul Synuria to approve the 2023 budget as presented, without a tax increase. Second by Jackie Jackson. Paul Synuria would like to remind everyone that the budget is available to the public. Paul Synuria would also like to thank Mike Walters, Kasandra Ward, and Melissa S. O'Brien for all of their work on the budget. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Kasandra Ward, yes; Mike Walters, yes. Votes are unanimous. Motion carries.

BUILDINGS & GROUNDS – Mike Walters

Motion by Paul Synuria to advertise the Ordinance to assess per capita tax. Second by Mike Walters. All in favor. Motion carries.

Motion by Paul Synuria to adverse the Ordinance for Failure to Receive a Tax Notice. Second by Jackie Jackson. All in favor. Motion carries.

Motion by Paul Synuria to advertise the Ordinance to Set the Tax Rate. Second by Mike Walters. All in favor. Motion carries.

CODE ENFORCEMENT – Paul Synuria

Motion by Paul Synuria to advertise the Ordinance to Prohibit Sledding. Second by Jackie Jackson. Mike Walters discussed the Ordinance and wants to see kids be kids. Paul Synuria commented that kids sledding on the streets and sidewalks can be dangerous not only to the sledders, but also drivers and the general public. Tracy Sheehan Zivkovich stated that we can look for some areas to allow sledding. All in favor. Motion carries.

Code fines for the month totaled \$205.60.

Code Officer Mark Gordon was present via phone call. Mr. Gordon reported that he had 10 complaints, 1 inspected house, 3 court hearings attended, 14 SWEEP citations issued, 0 follow-up inspections, and 13 letters sent. Mr. Gordon spoke on the types of citations issued. There are a few questions on the SWEEP appeal process that Mr. Gordon asked about, which Paul Synuria requested he meet with the appeals board to discuss the process so everyone understands how the process works. Mr. Gordon noted that the IPMC was adopted here in 2009, and the main thing in an appeal process is whether or not proper judgment was used. Adding two alternate members to the SWEEP board was also discussed. Tracy Sheehan Zivkovich would like Paul Synuria and Mr. Gordon to meet with the current board and work together to discuss concerns and a strategy moving forward. Absentee landlords and condemned properties also need to be discussed.

The demolition of 149 High Street started this week. Paul Synuria would like to make it a matter of record that a pre-demolition meeting was held by the Borough Engineer without Borough knowledge. Paul Synuria would also like to make it a matter of record that his recommendation is to not pay any invoices from McMillen regarding this meeting, due to the fact that the Borough was not informed. Tracy Sheehan Zivkovich noted that they are estimating January 16 as the completion date. Again, Paul Synuria noted that he feels that the Borough should not be paying for any pre-demo meetings that we were not included in. We had issues that we wanted to address, which McMillen was made aware of.

Paul Synuria noted that we have letter from Jordan Sealy requesting the position of EMA Director. After Mr. Nicholson's retirement, we have been without a director. Motion by Paul Synuria to appoint Jordan Sealy as the EMA Director for the Borough. Second by Kasandra Ward. All in favor. Motion carries.

Paul Synuria would like the Borough to require a standard complaint form for all issues.

125 High Street, 502 High Street, and 509 Baltimore Street demolitions are completed. There was mention that the properties are not finished yet. Motion to pay the contractor by Paul Synuria. Second by Mike Walters. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes. Votes are unanimous. Motion carries.

FIRE – Paul Synuria

For the month of October, Northside had 4 fires, 18 rescue and emergency calls, 2 hazardous condition, 3 service calls, 0 good intent calls, and 3 false alarms.

For the month of November, Northside had 2 fires, 8 rescue and emergency calls, 7 hazardous condition, 11 service calls, 1 good intent call, and 0 false alarms.

For the month of November, Southside had 5 fires, 10 rescue and emergency calls, 7 hazardous condition, 8 service calls, 0 good intent calls, and 4 false alarms.

Paul Synuria will be working on what we can do about false alarms and false calls, as things are getting out of hand.

ECONOMIC DEVELOPMENT – Barbara Peffer

Nothing to report.

LIBRARY – Paul Synuria

Santa and the Grinch were at the library last weekend, and we had 30 children in attendance, which is a great turnout.

PUBLIC RELATIONS – Beth Bock

Nothing to report.

PUBLIC WORKS – Kasandra Ward

Kasandra Ward would like to purchase a new dump truck for the public works department. The estimated cost is approximately \$100,000. We have a 2019 truck that will be paid off in 2023, and the purchase of the new one would just replace that loan amount. The existing truck we are hoping to replace is a 2009 which is starting to cost us money on a regular basis with its extensive repairs. Knowing that it will take at least a year, we would like to ask Council to approve the search for a new truck. Motion by Kasandra Ward to purchase a new dump truck not to exceed the existing annual payment of \$14,720. Second by Paul Synuria. The existing line item of a truck payment will be gone after 2023, and this will simply be a reallocation of funds. Mayor Ross H. Swords, Jr. noted that researching the vehicle and obtaining multiple quotes, even though all are through Costars, is the best option. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Kasandra Ward, yes; Mike Walters, yes. Votes are unanimous. Motion carries.

RECREATION – Jackie Jackson

Motion by Jackie Jackson to write a \$5,000 grant request to Walmart, in collaboration with the Perennial Project. Second by Paul Synuria. There is no match required. All in favor. Motion carries.

SOLICITOR'S REPORT – Mitch Mitchell

At the end of 2021, the Borough was faced with a tax increase and our financial strain was evident. Senator Casey, along with Pam Snyder, Scott Dunn and others, visited the Borough in September and noted our financial struggle. Residents want to enhance policing and code and this costs money. Solicitor, Mitch Mitchell was tasked with the duties to explore the Borough's potential assets, and the largest asset we have is the municipal authority, which does not provide the Borough with anything. The sale of municipal authorities has been capitalized on by other municipalities. Solicitor, Mitch Mitchell reached out to Watson Mundorff, a Fayette County law firm with experience in asset valuation, and they have provided the Borough with a proposal to put a value on the authority.

Paul Synuria asked what the Borough needs to do to move forward. Tracy Sheehan Zivkovich noted that the proposal is a contract with a \$5,000 retainer, and then we would be billed for any services. The first task would be for Watson Mundorff to notify the Municipal Authority that an asset valuation is going to happen. They would also be available to the Borough to answer questions. Tracy Sheehan Zivkovich noted that community meetings would be held so everyone understands what is going on. We have a few options as to how to move forward, such as selling it, taking it over, running it ourselves, etc.

Motion by Paul Synuria to approve the \$5,000 retainer to Watson Mundorff. Second by Mike Walters. Paul Synuria asked if that fee would get us a valuation, which Solicitor, Mitch Mitchell responded it would not. That is just an initial fee to be paid before the firm can start any work for us. There are several things that need done for this project. This is just a retainer fee, so there will be additional expenses as they work on the things that we need. Michael Walters noted that without legal council, we are not doing anything to move forward. We are unable to do this on our own. Solicitor Mitch Mitchell noted that this is not within his scope of work. Paul Synuria asked where the money was coming from for this retainer, which Tracy Sheehan Zivkovich noted we have applied for a Line of Credit, which can be accessed if need be. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Kasandra Ward, yes; Mike Walters, yes. Votes are unanimous. Motion carries.

TAX BUREAU – Tracy Sheehan Zivkovich

There is one notice for a zoning hearing on December 21, 2022 for Mr. Michael Brown, who we just accepted the inter-municipal liquor license transfer. Mike Walters asked if we have to do anything to show support. Tracy Sheehan Zivkovich noted that a letter of support can be sent to the County. Mike Walters would like to send a letter before the hearing date. Second by Jackie Jackson. All in favor. Motion carries.

OLD BUSINESS

Nothing to report on Brownsville Avenue over Dunlap Creek.

We opened bids on the Charles Street Bridge construction project, and our only bid came in at \$795k. Our existing grant is approximately \$500k, so we are a few hundred thousand dollars short.

The Comprehensive Plan requires a 45-day review period. There is a packet available for everyone, if interested.

The Union Station Building – the RACF has submitted a grant application to the EPA for the remediation of hazardous materials. This will not be awarded until spring of 2023.

The DCNR is requesting a meeting the week of January 8 on the Wharf grant. The meeting has not yet been set up, but we are working on that at this moment. Tracy Sheehan Zivkovich would like to add that we have identified at least two, maybe three, docking companies to design this. The goal is to have something in the water as soon as we can. The permit must be amended at this time.

The McMillen invoices are all tied to a particular budget. Beth Bock asked if we paid them yet, which Tracy Sheehan Zivkovich noted we did not. We will try to do so before the end of the year.

NEW BUSINESS

The meeting dates for 2023 are included. Motion by Paul Synuria to advertise these dates. Second by Jackie Jackson. **Roll Call:** Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jackie Jackson, yes; Kasandra Ward, yes; Mike Walters, yes. Votes are unanimous. Motion carries.

Motion by Jackie Jackson to adopt the Borough logo. Second by Paul Synuria. All in favor. Motion carries.

There is an agreement between the RACF and the Borough for the transfer of funds of \$216k for the demolition of 149 High Street. Motion by Paul Synuria to approve the Agreement. Second by Jackie Jackson. All in favor. Motion carries.

CORRESPONDENCE – Tracy Sheehan Zivkovich

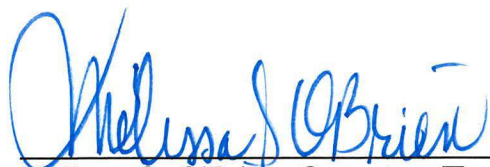
There is a letter in the packets from Phillip Giannetti expressing his interest to remain on the Municipal Authority board. Motion by Paul Synuria to reappoint Mr. Giannetti. Second by Jackie Jackson. Paul Synuria raised the question of having to advertise vacant positions before filling them. Tracy Sheehan Zivkovich would like to table the reappointment until next month.

The Municipal Authority meeting minutes are included in the packets. Tracy Sheehan Zivkovich asks that Council review the financials that are included, and note that there are several hundred thousand dollars in the Authority's accounts.

Tracy Sheehan Zivkovich would like to submit a letter to the Luzerne Park board while we re-evaluate the insurance at the park. There are concerns with special events that take place there, and our liability is in question. Motion by Paul Synuria to issue a Cease and Desist on events. Second by Kasandra Ward. Mike Walters asked how long it will take to evaluate coverage. Tracy Sheehan Zivkovich responded that we have a few months before any events happen anyway, so we should have it resolved prior to the first planned event. All in favor. Motion carries.

MEETING ADJOURNMENT

Motion to adjourn by Jackie Jackson. Second by Paul Synuria. Motion carries. Meeting adjourned at 8:15 p.m.


Melissa S. O'Brien, Secretary/Treasurer



TREASURER'S REPORT		
December 2022		
BANK ACCOUNTS (adjusted through December 14, 2022)		
General Fund		\$ 131,206.80
Payroll		\$ 1,271.58
Petty Cash		\$ 371.08
Act 13		\$ 28,259.41
K-9 Fund		\$ 5,460.23
Fenwick Park		\$ 3,001.00
Fire Escrow		\$ 6,668.00
Parking Authority		\$ 1,920.59
PLGIT		\$ 52,451.23
ARPA Grant Fund		\$ 225,476.27
Comprehensive Plan Fund		\$ 2,000.24
	TOTAL	\$ 458,086.43
DEPOSITS (adjusted through December 14, 2022)		
Mayor Ross H. Swords, Jr.	Fines & Fees	\$ 726.41
Clerk of Courts	Fines & Fees	\$ 677.64
Commonwealth of PA	Fines & Fees	\$ 107.30
MDJ	Code Fines & Fees	\$ 205.60
Various	SWEEP Fines	\$ 250.00
McMillen	Building Permits	\$ 135.00
Various	No Lien Letters	\$ 15.00
Various	Dumpster Permit	\$ 20.00
Fayette County	Delinquent Real Estate Taxes	\$ 402.36
Fayette County	Delinquent Fire Hydrant Taxes	\$ 24.54
Fayette County	Delinquent Street Light Taxes	\$ 75.64
Tena Congelio	Real Estate Taxes	\$ 7,274.69
Tena Congelio	Fire Hydrant Taxes	\$ 714.00
Tena Congelio	Per Capita Taxes	\$ 105.00
Tena Congelio	Street Light Taxes	\$ 1,428.00
Recorder of Deeds	Real Estate Transfer Tax	\$ 384.65
SWRTB	Local Service Tax	\$ 37.97
SWRTB	Earned Income Tax	\$ 10,356.74
Atlantic Broadband	Cable Franchise Fee	3363
Erie	Refund	\$ 75.75
First National Bank	Interest	\$ 93.88
PAWC	Street Digs	\$ 7,146.31
CRST	Insurance Claim	\$ 1,119.13
	TOTAL	\$ 34,738.61

