

**Borough of Brownsville
Fayette County Pennsylvania
February 14, 2024**

The regular monthly meeting of the Council of the Borough of Brownsville was held this evening at the Borough Building located at 200 Second Street in Brownsville. The meeting was called to order by President, James Lawver at 6:00 p.m. by reciting the Lord's Prayer and the Pledge of Allegiance.

The following members were present: Council President, James Lawver, Council Vice President Shane Ronzio, Councilmen Brian Brashear, Jackie Jackson, Mike Walters, and Tracy Sheehan Zivkovich. Also present were Mayor Ross H. Swords, Jr., Solicitor Christian Sesek, and Borough Secretary/Treasurer Melissa S. O'Brien. Councilman Kasandra Ward arrived At 6:08 P.M.

Recognition of Visitors

No visitors were present for tonight's meeting.

Minutes

Motion by Jackie Jackson, second by Shane Ronzio to approve the January 2, 2024 Organization Meeting minutes. Tracy Sheehan Zivkovich asked about the meeting schedule not being discussed at the Organization Meeting, and how Council convened on January 10, 2024 without it being a legal meeting. Solicitor, Christian Sesek noted the fact it was posted publicly and that constituted minimum constructive notice, therefore anything done at that meeting would be considered legal. It was posted and advertised, which provided legal notice. Tracy Sheehan Zivkovich asked for confirmation that the solicitor's opinion was that it was done legally, which Solicitor, Christian Sesek noted that what was done cannot be undone. The concern with the Sunshine Act is notice to the community, which was done. The list of meetings were approved at the last regular meeting. All in favor. Motion carried.

Motion by Shane Ronzio, second by Jackie Jackson to approve the January 10, 2024 regular meeting minutes. All in favor. Motion carried.

Motion by Shane Ronzio, second by Brian Brashear to approve tonight's Agenda. Tracy Sheehan Zivkovich asked why the Agenda approval was now made via motion, which Solicitor, Christian Sesek noted was just a matter of preference and that public announcement and postings remain the same. All in favor. Motion carried.

Mayor's Report – Mayor Ross H. Swords, Jr.

Mayor Ross H. Swords, Jr. noted the fines for the month of January were \$59.57 from the Magistrate and \$938.73 from the County, for a total of \$998.30.

Mayor Swords reported for the month of January that there were 117 calls for service (78 Borough, 15 Township, 24 out of town), 30 citations (29 Borough, 1 Township, 0 out of town), 10 incidents (9 Borough, 1 Township, 0 out of town), 11 arrests, and 1 prisoner transport. A total of 1,193 miles were put on the police vehicles last month.

Mayor Swords asked everyone to refer to tonight's Agenda regarding an \$8,000 request. This is a follow-up to a prior request from Brownsville Fire Company No. 1 requesting ARPA funds in the amount of \$11,500 for a generator for the traffic lights. Mayor Ross H. Swords, Jr. noted that since that initial request, the fire station has been able to secure a grant for the generator, and tonight's request is for the funds to run the wiring from that generator to the traffic signals at both locations. Motion by Shane Ronzio, second by Tracy Sheehan Zivkovich to allocate an amount not to exceed \$8,000 from the ARPA Funds to run wiring from a generator located on Borough property at 520 Market Street to the stoplights at both Fifth and Market and Broadway and Market. Kasandra Ward stated that the ARPA fund has approximately \$19k in it, which was originally allocated to streets but the paving came in less than was quoted. There is now an issue with funding for the Charles Street Bridge, which Mrs. Ward feels should come from the ARPA funds. Mike Walters noted that the ARPA balance is a little more than \$20k. Tracy Sheehan Zivkovich asked if we had already paid the engineer for the Charles Street Bridge, which Kasandra Ward noted she reached out to McMillen to ask for a cost breakdown and hopes to have that breakdown before the next meeting, but that it is estimated at approximately \$30k. Melissa S. O'Brien noted that there is approximately \$52k in excess of grants due on the Charles Street Bridge, and Kasandra Ward added there is now an additional \$30k due in engineering fees, which puts the project at approximately \$82k over the grant. Michael Walters stated he would like to postpone this request, due to the Charles Street Bridge project not yet being finalized and not knowing exactly how much will be due from the Borough.

Mayor Ross H. Swords, Jr. reminded Council that the Borough will be highly liable if there is an accident at either of these intersections. Most municipalities put up temporary stop signs and provide traffic control in these situations. Michael Walters feels it would not be in the Borough's best interest to make this decision to spend money tonight. Kasandra Ward stated the ARPA funds are already obligated to pay these engineering fees. Mike Walters stated this money is sitting there because the paving came in under budget. James Lawver asked where the extra \$8k was coming from if we are using \$20k from ARPA and there is nearly \$30k in engineering fees due, which Kasandra Ward noted could be covered from the PLGIT account. James Lawver asked if we could take an extra \$8k from PLGIT to pay for the Charles Street Bridge, so we can allocate funds to the wiring for the traffic lights, which Kasandra Ward noted she did not agree with. James Lawver noted he agrees with Mayor Ross H. Swords, Jr. due to the amount of vehicles that pass through. Kasandra Ward stated we have to ensure that we can pay this. Once we take \$60k from PLGIT, the Public Works money is spent and there are still streets to take care of. She suggests we review finances and then make a decision. Shane Ronzio asked Mayor Ross H. Swords, Jr. if this Motion can wait, which the Mayor noted it may be possible, though he believes it may be more cost effective to do it all at once. Mayor Ross H. Swords, Jr. also stated we may need to draft a Policy regarding the traffic signals going out, where the Public Works Department installs temporary stop signs. Kasandra Ward asked how this has been handled in the past, which the Mayor noted the fire station would put up flares and direct traffic, but the manpower is limited during the daytime with volunteers and the fire station has had this concern, which is why they originally asked for help here. At this time, Shane Ronzio rescinded his motion.

Mayor Ross H. Swords, Jr. stated that the Borough is still accepting applications for a new patrolman.

There is a letter from Rotary asking for the Borough's blessing to move the flag pole holes back slightly so they are not destroyed by passing vehicles. Rotary would do all the work. There is no distance noted. Solicitor, Christian Sesek noted a concern regarding ADA compliance and the width of the sidewalk once the flags are placed, and suggested coming back to this at next month's meeting with more information. Tracy Sheehan Zivkovich asked if this was setting a precedent for anyone else to drill into the sidewalks, or should we be granting permission before they do it.

Finance & Administration – Mike Walters

Michael Walters noted that the total non-restricted funds at this time are \$199,357.15 and restricted funds total \$343,358.20. deposits for the month total \$21,519.08. Monthly bills paid were \$45,069.46.

Michael Walters discussed the general fund bills due to Peacock Keller in the amount of \$500 for the monthly retainer and \$3,410 for legal work/research. Mike Walters noted this will put him over budget, as we only budgeted \$6k for the entire year. The budget was reduced from \$15k to \$6k in order to move \$5k back to the fire stations and \$4k back to the library, as we were supposed to save \$9k with the Solicitor. Anything over \$500 is going to put us over budget, and we are only in the first month of the year. James Lawver noted it has to be found, as we asked the Solicitor to provide a service and they have to be paid. Mike Walters noted the cost was incurred on the Fifth and Market sale through the AG process, but that we also paid Vincent Tiberi to do the same work. James Lawver noted Vincent Tiberi's invoices totaled \$4,589, and we now have \$8k into this sale. Mike Walters stated he is not saying to not pay the invoice, but we already asked Attorney Tiberi to work with the AG on this matter, and we did what was recommended as far as rescinding the sale and redoing it.

Motion by Mike Walters, second by Tracy Sheehan Zivkovich to pay the \$500 January retainer from line item 404 under the budget. James Lawver asked if there would be late fees if the invoice was not paid, which Solicitor, Christian Sesek noted he was unsure. Tracy Sheehan Zivkovich noted these additional costs were incurred because Attorney Tiberi was not hired back at the beginning of the year, which means a new Solicitor had to start over on the matter. **Roll Call:** James Lawver, no; Shane Ronzio, no; Brian Brashear, no; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are 4-3. Motion carried.

Michael Walters noted he needs help finding the line item to pay the additional Solicitor invoice from.

Motion by Mike Walters, second by Kasandra Ward to pay McMillen Engineering for the Charles Street Bridge in the amount of \$1,036. James Lawver asked about the additional McMillen invoices, which Mike Walters asked Melissa S. O'Brien to discuss. Ms. O'Brien noted the Charles

Street Bridge is reimbursable, while we do not have approval to spend money yet on Fenwick Park or Hollow Road. Kasandra Ward would like to see an itemized breakdown from McMillen on the bridge so we can see what charges have been incurred to date. Tracy Sheehan Zivkovich clarified that the grants give us an authorization to spend, and until that happens, we cannot spend money as the grant can disallow reimbursement. Tracy Sheehan Zivkovich also stated the Hollow Road grant was from several months ago, and is unsure what that invoice is for. Melissa S. O'Brien noted the Hollow Road invoice is from a 2022 grant. At this time, we are not making a motion to pay this invoice until we get clarification on what it is for. **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carried.

Motion by Mike Walters, second by Shane Ronzio to pay the Fenwick Park invoice from McMillen in the amount of \$441, from line item 406.315. Mike Walters cautioned Council that the items in this category are typically allocated for maintenance, so once we pay this invoice, that money is gone. James Lawver asked why Hope Park had \$1k and Fenwick Park only had \$500. Mike Walters noted items under culture-recreation could be moved around, as the total is \$9k. Tracy Sheehan Zivkovich noted there is money under 406.315 under Engineering fees. **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carried.

Mike Walters discussed CD investments with Council, and noted that we can invest our money, and that short-term investments are permitted under Borough Code. The funds in Act 13, K9, Parking Authority, and possibly the Insurance Claims are monies that we can possibly invest. The best thing to do may be finding a short-term investment in a bank that we already deal with. Once the Solicitor confirms that we can do this, Mike Walters would like to move the funds.

Motion by Mike Walters, second by Shane Ronzio to accept the resignation of part-time secretary Lyssa Mauk, effective January 31, 2024.

We are still searching for a part-time secretary at this time, and reviewing applications from Career Link.

Buildings & Grounds – Mike Walters

Michael Walters noted the Albany repairs have been awarded to Lee Plumbing, and the repairs are weather dependent.

The parts are in, and we are on the schedule to have the water lines and boiler pipes in the basement repaired.

Mike Walters has an estimate from Lee Plumbing, which was originally \$600, but upon further investigation, it was found that the repairs are much more extensive and a revised estimate for \$3,200 has been provided. This estimate includes replacing the broken galvanized pipe with PVC. Solicitor, Christian Sesek advised that this motion should be postponed until next month, as it is not on the Agenda. Kasandra Ward asked if even emergency issues had to be postponed, which the Solicitor noted could be added as an emergency. Kasandra Ward noted it is unsanitary and Michael Walters stated that postponing it could push the repairs out several months.

Motion by Tracy Sheehan Zivkovich, second by Kasandra Ward to amend the Agenda to include emergency repairs to the plumbing at the Borough building and consider a proposal from Lees Plumbing. All in favor. Motion carried.

Motion by Mike Walters, second by Kasandra Ward to accept Lee Plumbing's proposal in the amount of \$3,200 to do the repairs as previously mentioned. This will be paid out of line item 409.250 **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carried.

The wharf is still in the review process for the permitting.

Economic Development – Shane Ronzio

Motion by Shane Ronzio, second by Brian Brashear to submit a sealed bid for parcels 02-06-0189, 02-06-0190, 02-06-0191, 02-06-0192 listed on the Fayette County repository list, at a total cost not to exceed \$200 per parcel. Tracy Sheehan Zivkovich asked if there were pictures of these parcels available. Mike Walters asked where a potential buyer could find this information, which Shane Ronzio noted was on the Fayette County repository list. Shane Ronzio

stated there are approximately 170 properties between the repository list and properties the Borough currently owns. Tracy Sheehan Zivkovich asked if there were identifying pictures of these parcels, which Shane Ronzio noted he did not but stated that the parcels are approximately 4 acres located on Brown Street, near Dunlap Creek. Michael Walters asked where a potential buyer could find properties for sale, which Shane Ronzio noted they are located on the repository on the Fayette County website. Shane Ronzio also stated there has been some clearing done here, and feels that recreational and/or tourism grants could possibly be available. Tracy Sheehan Zivkovich asked if Shane Ronzio was asking for the Borough to develop this or sell it, which Shane Ronzio noted it would be definitely be something to hold on to. There is a bit of a gap between properties the Borough currently owns and these properties. Tracy Sheehan Zivkovich asked about the costs, and it was confirmed by Solicitor, Christian Sesek that the cost per parcel would be under \$200, and that includes the purchase and deed filing fee. This purchase could potentially be paid from line item 409.710. Tracy Sheehan Zivkovich asked if the timing is right, as we do have a funding issue while we seek the money to pay for the Charles Street Bridge. At this time, Shane Ronzio would like to table this motion, and he will come back with identifiable grants, photos, and a presentation next month.

Motion by Shane Ronzio, second by Jackie Jackson to immediately cease any action to investigate the sale of the Authority's system and that it terminate any agreement previously made with, or revoke any authorization to, any attorney or other person to investigate such a sale, at this time. Tracy Sheehan Zivkovich questioned the use of the word "sale," and stated that Council talked about determining value of an asset, and also noted there was no action by Council to initiate a sale. You can pass a motion to do something, but it never existed. James Lawver noted that correspondence from Watson Mundorff states "sale of the Brownsville Municipal Authority scope of work," which Kasandra Ward and Tracy Sheehan Zivkovich noted that was never part of a motion made at a Council meeting. James Lawver noted there was discussion on it. Tracy Sheehan Zivkovich stated the issue is not terminating the agreement, but rather it goes back to the text of the motion in question where it states "to immediately cease any action to investigate the sale" when there was never any action taken by Council to sell the Authority. James Lawver stated an attorney was hired, which Tracy Sheehan Zivkovich responded they were hired to get a value of the asset, and nothing in the Minutes will show interest in pursuing a sale. Tracy Sheehan Zivkovich stated that the disposal of an asset was discussed, as well as the steps to take to get there, including assessing the value. There were several possible outcomes for the Borough, including taking it over, running it ourselves, leaving it alone, and others. Kasandra Ward stated that an issue she has is that she did not agree to sell the Authority, and Mike Walters agreed with this statement. If you check the minutes, there was no agreement to sell. Shane Ronzio stated the invoice from Watson Mundorff does state something about exploring the sale. Michael Walters stated that to undo something, it had to have previously been done, and there is nothing in the Minutes that was a motion made by Council to sell anything. The wording used in a letter from Watson Mundorff cannot be put into the mouth's of Council. James Lawver stated that letter was sent to Solicitor Mitch Mitchell. Michael Walters stated there are seven people who did not vote to sell anything. Shane Ronzio asked why there was a refund from Watson Mundorff, and how it was allocated or voted on. Kasandra Ward stated that what was agreed to in the Minutes, was a valuation. Shane Ronzio asked why it was refunded if it was agreed to spend, which Michael Walters clarified the money was spent to give us a valuation, and Kasandra Ward stated the Motion should be reworded to show this. Michael Walters also stated the reason they refunded the balance of the retainer is not because you stopped the sale of anything, but rather because you asked them to stop everything. Tracy Sheehan Zivkovich asked where the letter came from, which James Lawver stated it came from Watson Mundorff. Solicitor, Christian Sesek stated he would be happy to review the Minutes, and that it would be covered under Peacock Keller's monthly retainer. James Lawver stated there was a rumor to sell, and if anyone filed a RTK request, it would not look good. Tracy Sheehan Zivkovich suggests looking at several months of Minutes to see the discussions. Tracy Sheehan Zivkovich stated there were several options that were presented by Watson Mundorff, which Shane Ronzio responded the letter from them states "sale." At this time, the Motion has been rescinded.

Code Enforcement / Public Safety / Non-Profits – Brian Brashear

Brian Brashear discussed a complaint regarding an excessive amount of trash on Clover Street. Mayor Ross H. Swords, Jr. spoke to the resident, but we have to look into this to find an answer.

Several attempts were made to contact the owner of the church at 128 Market Street, with no contact made.

A house collapsed at 150 Jackson Street, but contact with the owner could not be made. The Public Works Department cleaned up the area for safety.

We are still in the process of finding someone for Code Enforcement, and we have several applicants and letters of interest. In January, with Widmer Engineer, there was no code manager specified.

There are a significant amount of blighted properties in the Borough, and eventually Brian Brashear would like to put together an outlined step-by-step plan to fix this situation. Pennsylvania's Act 90 allows the Borough to place liens on personal properties for those owners who have code violations.

Fire – Brian Brashear

No fire reports were available this month.

Library – Brian Brashear

Brian Brashear noted that he met with the Library on January 17, 2024. They had Take Your Child to the Library Day on February 3, 2024, which was an open house where families could experience how the Library works. The Library will be doing a vendor show on Pike Days weekend. The Library is open and willing to work with organizations in town, so please contact them.

PARKS & RECREATION – Jackie Jackson

Jackie Jackson received an email from Ashley at the DCNR approving the draft for Fenwick Park. We are now waiting for McMillen to finalize the drawings and then we should have approval to move forward.

Jackie Jackson has been working with Ashley Kyber from Rivers of Steel for banner designs. Mike Walters' son Cameron has helped with the design of this banner.

Motion by Jackie Jackson, second by Shane Ronzio to apply for a DCED Greenways, Trails, and Recreation Program Grant for improvements to Fenwick Park. Michael Walters asked if the grants require a match, which Jackie Jackson stated the DCED grant does require a 15% match, and the DCNR requires a 50% match. Michael Walters asked where the matching funds would come from. Jackie Jackson stated Rivers of Steel has a Creative Leadership Program in the amount of \$4,800. Tracy Sheehan Zivkovich asked what the money would be used for, which Jackie Jackson stated would be for Phase 2. Michael Walters stated if we are applying for a grant that requires matching funds, we need to know exactly how much we are applying for and what it will be used for. Melissa S. O'Brien stated if there is a match for \$4,800, then we can apply for \$32,000. Tracy Sheehan Zivkovich asked what the deadline was, which Jackie Jackson was unsure. Michael Walters stated we were considerably over budget last year on Fenwick's grants, and to go forward with another request, we need to know the Borough's cost. At this time, we are tabling this Motion until next month.

PUBLIC WORKS – Kasandra Ward

Kasandra Ward updated the Public Works 5-year plan. The update shows the projects that were completed last year, as well as upcoming projects.

We ordered new street signs and started to install them on the upper Southside. We have had streets without signs, and damaged signs for so long now, and Public Works hopes to do signs for the lower Southside next.

Motion by Kasandra Ward, second by Jackie Jackson to approve Change Order No. 2, extending the completion date of the Charles Street Bridge Repairs from December 31, 2023 to April 19, 2024. All in favor. Motion carried.

Motion by Kasandra Ward, second by Jackie Jackson to pay Mar-Allen's invoice for Charles Street Bridge repairs, in the amount of \$160,411.99, which will be reimbursed by the grant. **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carried.

Street paving for 2024 is unknown at this time, as a portion of our budget has been set aside to pay for the overages on the Charles Street Bridge.

Kasandra Ward noted that she and Melissa S. O'Brien wrote and applied for four grants. A Keystone Communities grant for \$500k, a CDBG grant for \$1k, and two state LSA grants for \$645k and \$660k. It is unknown at this time whether any of these will be approved, so we have to wait until the awards are given. There is so much that needs done. Michael Walters noted that there was a lot done last year, and hopefully at least one of these grants will be awarded to the Borough. Kasandra Ward stated that she hopes to get at least one of the grants for Hollow Road.

PUBLIC UTILITIES – Tracy Sheehan Zivkovich

Tracy Sheehan Zivkovich asked if Melissa S. O'Brien could send the garbage contract to everyone, as it is set to expire.

Tracy Sheehan Zivkovich also has meetings set up with PA American Water, Columbia Gas, and Breezeline, and she will bring that information back to Council for consideration.

James Lawver stated that we receive a Franchise Fee from the garbage company, and asked if we should also ask the dumpster companies for this. Tracy Sheehan Zivkovich asked James Lawver if he could email these suggestions to her so that she can address it moving forward. James Lawver believed that in the past, streaming services did not provide Franchise Fees, but is it something they can provide now. Mike Walters stated that with everyone streaming now, our cable Franchise Fee has been decreasing.

SOLICITOR'S REPORT – Peacock Keller

Solicitor, Christian Sesek noted the revised Agenda is due to the Sunshine Act law and thanks Council for working with him on this.

Motion by James Lawver, second by Jackie Jackson to approve the terms of the Consent Petition for Final Decree in the matter of Commonwealth of Pennsylvania v. Borough of Brownsville, which has not yet been filed or assigned a docket number in the Commonwealth Court of Pennsylvania, and to direct and authorize the Council President and Solicitor to execute the same on behalf of the Borough of Brownsville. Kasandra Ward asked what the cost for this might be, which Solicitor, Christian Sesek noted would be at Peacock Keller's hourly rate. Solicitor, Christian Sesek stated that one of the directives from the Attorney General required rescinding the sale of 02-06-0360, which was done. A description of the real estate sold must go to the AG, along with an appraisal, and a notice of what is to be done. Additionally identified procedures going forward must be developed and sent to the AG. This will be for a period of five years, on an ongoing basis. The biggest requirement is the required training, but as far as how much time this will take, Peacock Keller cannot estimate that. PK is planning to join the Borough's Association, and will reach out to Shelley at PSAB to see if there is anything to base the training on. There will be a cost for Peacock Keller to administer and develop this training. Kasandra Ward asked if the Compliance Officer could do the training, which Solicitor, Christian Sesek noted for the first two years, the Solicitor would conduct the training, and afterwards the Compliance Officer can do it. If there is an estimate of time, it would be helpful to the Borough, as we do not have the money for this. Solicitor, Christian Sesek stated the AG is looking for Peacock Keller to send something to them, which Kasandra Ward stated there should be training out there or some guidelines to follow. Solicitor, Christian Sesek stated that PK's recommendation was to accept this, as the cost to litigate would be considerably more. Solicitor, Christian Sesek also stated that he will be mindful of our budget going forward, but the guidelines from the AG must be followed as we work with them. Mike Walters stated we are not the first municipality with a Consent Decree, and while this may be new to PK, it is not new to the world. James Lawver believes that Monessen had something similar to this, which we may be able to work with, and he will reach out to them. Solicitor, Christian Sesek stated there is a possibility that there is material available out there that could significantly decrease the time involved, but without exploring the situation, it is difficult to say. All in favor. Motion carried. Tracy Sheehan Zivkovich stated it will be easier for the Borough to make decisions going forward if we know how much this training may cost. All in favor. Motion carried.

OLD BUSINESS

Nothing to report.

NEW BUSINESS

It is noted that an Executive Session was held on January 25, 2024 at 6 pm via Zoom for purposes of discussing litigation and for attorney-client privileged discussions.

Motion by Kasandra Ward, second by Shane Ronzio, to advertise Ordinance O-01-2024 to Fix the Tax Rate. **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie

Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carried.

Motion by Shane Ronzio, second by Mike Walters to terminate the retention of Widmer Engineering as Borough Engineer. Kasandra Ward asked if you have to use the Engineer voted on for all future projects. James Lawver stated he believes so, while Michael Walters stated he did not. Michael Walters also noted the Borough Engineer is the UCC inspector on the project, but to design and inspect the job, anyone can be used. Kasandra Ward stated that one of her grants already had a design engineered by Slater Engineering, as it is in conjunction with the Housing Authority, and Ms. Ward would like to keep them on this project. James Lawver stated he did not see a problem with that as they were involved from the start. As explained, the final inspection must be done by the Borough Engineer, but another Engineer can do the actual work. All in favor. Motion carried.

Motion by Shane Ronzio, second by Brian Brashear to appoint K2 Engineering as Borough Engineer. Mike Walters noted that K2's rates are very similar to what we have now with McMillen, and what is the reason to move to K2. James Lawver stated that he feels K2 is more qualified under code, and Widmer was unable to perform UCC inspections, which made them non-qualified for our needs. K2 has new management under Brian Lake. Mike Walters stated the rates are the same, and he does not see a benefit. Jackie Jackson asked if her existing project for Fenwick Park had to move, which James Lawver noted all existing projects would remain with McMillen. **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie Jackson, no; Mike Walters, no; Kasandra Ward, no; Tracy Sheehan Zivkovich, no. Votes are 3-4. Motion denied.

James Lawver asked what Council would like to do at this time for an Engineer. Michael Walters recommends staying with what we have, which would be McMillen. Shane Ronzio stated we have to have Code Enforcement, and K2 is part of the Code Enforcement process. There are a lot of things in town that need to be fixed, and if we do not start doing code properly, that is all we may be remembered for, and K2 is a crucial part of having the right code enforcement structure for what we have to do in this town. Kasandra Ward asked what the issue is with the Charles Street Bridge, as it was simply a funding issue. James Lawver asked if anyone knew a code officer that we could hire. James Lawver has been speaking with Myron Nypaver who recommends K2 to help with code. Code is important. Mike Walters does not feel we should be choosing our Engineer based on a code recommendation. Michael Walters also stated we now have our second Council person chairing Code, and the job needs to be done. James Lawver stated he is confident in Mr. Nypaver's work, and if he is recommending K2, we should consider it. Michael Walters stated K2 has been our Engineer in the past, and we moved on for a reason. James Lawver asked what was done under code in the last year, which Tracy Sheehan Zivkovich stated there were five demolished properties. James Lawver stated we need more. Westmoreland County just demolished an entire block. We have had problems with K2 in the past, and with McMillen, and others. Kasandra Ward stated we keep burning bridges with Engineers, and it does not say much about us. It was discussed that at this time, we do not have an Engineer. Jackie Jackson asked if we advertised for code enforcement, which we have for over a year now. Jackie Jackson also asked if Myron Nypaver would consider working with McMillen. Michael Walters does not feel that a Code Officer should not be able to dictate who our Engineer is. Tracy Sheehan Zivkovich asked Brian Brashear about the letters of interest that he does have, and what the issues are with them.

Motion by Jackie Jackson, second by Kasandra Ward to appoint Connie Gore as a public representative to the Civil Service Commission for a term commencing 1/1/24 and ending 12/31/24. All in favor. Motion carried.

James Lawver asked for a motion to appoint Jack Lawver as a public representative to the Civil Service Commission for a term commencing 1/1/24 and ending 12/31/25. Tracy Sheehan Zivkovich noted that Jack Lawver is an elected official and it would be a conflict of interest for him to serve on the Civil Service Board. Discussion was held between James Lawver and Solicitor, Christian Sesek regarding incompatible offices. Tracy Sheehan Zivkovich noted the Auditor is a Borough official, and can be active in the Borough's Association, which is a conflict. Solicitor, Christian Sesek stated he would need to review this and get back to Council.

Motion by Tracy Sheehan Zivkovich, second by Jackie Jackson to appoint Lisa Synuria as a public representative to the Civil Service Commission for a term commencing 1/1/24 and ending 12/31/25. James Lawver and Shane Ronzio were the only "no" votes. Motion carried.

Motion by Shane Ronzio, second by Brian Brashear to appoint Beth Bock as a public representative to the Civil Service Commission for a term commencing 1/1/24 and ending 12/31/26. Tracy Sheehan Zivkovich was the only "no" vote. Motion carried.

James Lawver asked Mayor Ross H. Swords, Jr. if Ross Swords, III would want to be considered as an alternate, which we could do at the next meeting. Mayor Swords stated he would let Council know next month.

Motion by Tracy Sheehan Zivkovich, second by Michael Walters to appoint Jordan Sealy as a representative to the Emergency Management Board for a term commencing 1/1/24 and ending 12/31/25. All in favor. Motion carried.

Motion by Brian Brashear, second by Shane Ronzio to appoint Josh Lawver as a deputy to the Emergency Management Board. All in favor. Motion carried.

Motion by Shane Ronzio, second by Brian Brashear to create the Historic Committee which will be comprised of the following: one representative from the Brownsville Historical Society, one representative from the Brownsville Area Revitalization Corporation (BARC), one representative from the Monongahela River, Railroad & Transportation Museum, one representative from the Brownsville Free Public Library, and one public representative, each with two-year terms. All in favor. Motion carried.

Motion by Tracy Sheehan Zivkovich, second by Brian Brashear to appoint Robb Rhodes as a public representative to the Historic Commission Board for a term commencing 1/1/24 and ending 12/31/25. All in favor. Motion carried.

Motion to appoint Jack Lawver as a public representative to the Housing and Appeals Board for a term commencing 1/1/24 and ending 12/31/25. Tracy Sheehan Zivkovich noted she has the concern with this being a conflict of interest. Motion tabled until next month.

Motion by Shane Ronzio, second by Jackie Jackson to appoint Mara Sim as a public representative to the Patsy Hillman / Luzerne Park Board for a term commencing 1/1/24 and ending 12/31/28. All in favor. Motion carried.

Motion by Brian Brashear, second by Shane Ronzio to appoint Dr. Bernard Dolobach as a public representative to the Municipal Authority for a term commencing 1/1/24 and ending 12/31/28. Kasandra Ward and Tracy Sheehan Zivkovich were the only "no" votes. Motion carried.

Motion by Tracy Sheehan Zivkovich, second by Shane Ronzio to appoint Connie Gore as a public representative to the Planning Commission Board for a term commencing 1/1/24 and ending 12/31/24. All in favor. Motion carried.

Motion by Tracy Sheehan Zivkovich, second by Shane Ronzio to appoint Phil Giannetti as a public representative to the Planning Commission for a term commencing 1/1/24 and ending 12/31/26. All in favor. Motion carried.

Motion to appoint Jack Lawver as a public representative to the SWEEP/IPMC Appeals Board for a term commencing 1/1/24 and ending 12/31/26. Tracy Sheehan Zivkovich noted the same objection. Motion tabled until next month.

Motion by Tracy Sheehan Zivkovich, second by Brian Brashear to appoint Wallace Bakewell as a public representative to the Vacancy Board for a term commencing 1/1/24 and ending 12/31/25. All in favor. Motion carried.

FAYETTE COUNTY – James Lawver

There is an Ordinance from the County regarding establishing requirements for parcel improvements to the County Assessment office.

CORRESPONDENCE – James Lawver

Borough contact information is included in the packets.

Brownsville Municipal Authority minutes for November and December 2023 are included in the packets.

There is a letter from the Fell Township Board of Supervisors included.

Patsy Hillman Park Board minutes from December 2023 and January 2024 are included.

The TCBA meeting notice is included. The Borough is hosting the meeting this month (tomorrow) at the Sons of Italy. Jim Bittner will be the guest speaker. Please everyone consider attending.

Mayor's Report – Mayor Ross H. Swords, Jr. (CONTINUED)

Mayor Ross H. Swords, Jr. asked to revisit the installation of cable lines from the generator to the traffic lights, with a revised total of \$6,200. If we look at line item 395.100, there is \$5,811.10 leaving a balance of \$388.90, which we can take from line item 341.000, giving us the total amount of \$6,200 that is required for the generator wiring.

Motion by Shane Ronzio, second by Jackie Jackson to amend the Agenda to include the revised cost for the generator wiring. All in favor. Motion carried.

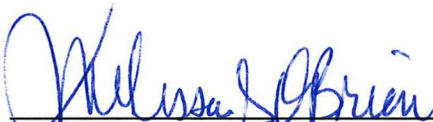
Motion by Mike Walters, second by Jackie Jackson to allocate \$6,200 from the General Fund to run wiring from a generator located on Borough property at 520 Market Street to the stoplights at both Fifth and Market and Broadway and Market. **Roll Call:** James Lawver, yes; Shane Ronzio, yes; Brian Brashear, yes; Jackie Jackson, yes; Mike Walters, yes; Kasandra Ward, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carried.

PUBLIC COMMENT PERIOD

No additional public comments.

MEETING ADJOURNMENT

Motion by Jackie Jackson, second by Shane Ronzio to Adjourn. Meeting adjourned at 8:47 p.m.



Melissa S. O'Brien, Secretary/Treasurer



TREASURER'S REPORT		
February 2024		
CHECKING ACCOUNTS (adjusted through February 9, 2024)		
General Fund		\$ 166,413.13
Payroll		\$ 3,324.07
Petty Cash		\$ 690.57
PLGIT		\$ 28,929.38
	TOTAL General/Liquid Fuel Funds	\$ 199,357.15
Act 13		\$ 29,704.87
ARPA Grant Fund		\$ 20,068.61
Charles Street Bridge Grant Fund		\$ 205,147.92
Fenwick Park		\$ 27,629.42
Fire Escrow		\$ 4,172.26
Insurance Claims		\$ 49,155.69
K-9 Fund		\$ 5,540.94
Parking Authority		\$ 1,938.49
	TOTAL Restricted Funds	\$ 343,358.20
DEPOSITS (adjusted through February 9, 2024)		
Mayor Ross H. Swords, Jr.	Fines & Fees	\$ 998.30
Brownsville Police	Police Reports	\$ 60.00
Brownsville Police	Parking Violations	\$ 25.00
MDJ	Code Fines & Fees	\$ 185.85
Various	No Lien Letters	\$ 120.00
Various	Occupancy Permits	\$ 120.00
Various	Amusement Permits	\$ 2,400.00
McMillen	Permits	\$ 90.00
Fayette County	Tax Claim Sales	\$ 1,805.50
Fayette County	Delinquent Taxes	\$ 931.20
Recorder of Deeds	Real Estate Transfer Tax	\$ 1,215.18
SWRTB	Taxes	\$ 19.40
Banks	Interest	\$ 1,691.48
County Hauling	Garbage Franchise Fee	\$ 1,873.17
Various	Fire Escrow Payment	\$ 4,172.90
Various	REFUND - Municipal Authority	\$ 1,627.60
Various	REFUND - Watson Mundorff	\$ 4,183.50
	TOTAL	\$ 21,519.08

BOROUGH OF BROWNSVILLE				
MONTHLY BILLS PAID - February 2024				
DEPARTMENT	VENDOR	FOR	AMT.	TOTAL
Finance	Active 911	Subscription	\$ 15.00	
	Amazon	Window Envelopes	\$ 29.67	
	Breezeline	Cable & Internet	\$ 158.73	
	T. Congelio	Envelopes	\$ 603.92	
	Course Vector	Website	\$ 694.95	
	DeLage	Copier Lease	\$ 227.14	
	Ford Office Technologies	Phone & Fax	\$ 206.83	
	Guardian Life	BEO Insurance	\$ 12.09	
	Herald Standard	Advertising	\$ 455.55	
	IRS	Federal Income Tax	\$ 4,265.38	
	McMillen Engineering	Charles Street Bridge	\$ 700.00	
	Microsoft	Office 365	\$ 50.00	
	Misc	Deductibles	\$ 660.33	
	PA Department of Revenue	PA Taxes	\$ 720.26	
	PA UC Fund	Unemployment Insurance	\$ 51.05	
	Postmaster	Postage	\$ 136.00	
	PSAB	Website	\$ 61.28	
	PSAB MRT	Pension	\$ 1,187.50	
	PSAB MRT	MMO	\$ 951.07	
	PSAB UC Plan	Unemployment Insurance	\$ 369.67	
	Quill	Office Supplies	\$ 166.45	
	Shop PA Heritage	Borough Code Books	\$ 48.76	
	Staples	Supplies	\$ 19.99	
	SWRTB	EIT	\$ 769.32	
	TCBA	Annual Dues	\$ 30.00	
	V. Tiberi, Solicitor	Solicitor Fees	\$ 715.50	
UPMC	M/D/V Insurance	\$ 6,580.56		
				\$ 19,887.00
B&G	Amcrest	Cameras	\$ 927.48	Ins. Claims
	Brownsville Municipal	Sewage	\$ 129.00	
	Columbia Gas	Gas Bill	\$ 1,636.48	
	Home Depot	Roofing Tar	\$ 28.60	
	Home Depot	Lumber & Screws	\$ 68.92	Ins. Claims
	NAPA	Sandpaper, Block, Nails	\$ 47.76	Ins. Claims
	Ollie's	Carpet	\$ 145.19	Ins. Claims
	PA American Water	Water	\$ 133.23	
	Staples	supplies	\$ 46.88	
	Terminix	Pest Control	\$ 70.00	
	Home Depot	Screws	\$ 7.41	Ins. Claims
	West Penn Power	Electric	\$ 6,206.07	
				\$ 9,447.02
Code Enf.	Hoffman Kennels	Animal Control	\$ 250.00	
				\$ 250.00
Police	Active 911	Subscription	\$ 30.00	
	AT&T	Cell Phone	\$ 62.22	
	Bevard	Gas	\$ 368.75	
	Double H Training	Firearms training	\$ 35.00	
	Local 491	Union Dues	\$ 73.00	
	NAPA	bug cleaner	\$ 3.19	
	PSAB	Pension	\$ 1,023.20	
	S&D Calibration	Vascar Certification	\$ 64.00	
				\$ 1,659.36
Streets	Bevard	Gas	\$ 943.51	
	BNY Mellon	Pension	\$ 3,000.54	
	Gillespie Coal	Coal	\$ 148.00	
	Lacey's Truck	Inspections & Repairs	\$ 2,996.38	PLGIT
	Local 373	Union Dues	\$ 84.00	
	NAPA	Supplies	\$ 260.00	PLGIT
	PA One Call	Street Digs	\$ 10.36	
	PA American Water	Water	\$ 23.47	
	US Municipal	Signage	\$ 4,087.60	PLGIT
				\$ 11,553.86
Fire	Center Independent	Gas	\$ 334.12	
	PA American Water	Hydrants	\$ 1,360.10	
	SWIF	Workers' Comp	\$ 578.00	
				\$ 2,272.22
	TOTAL BILLS PAID			\$ 45,069.46
BOROUGH OF BROWNSVILLE				
MONTHLY BILLS DUE THIS MONTH - February 2024				
General Fund	PA American Water	Water bill	\$ 1,539.62	
	SWIF	Workers' Comp	\$ 590.00	
	West Penn Power	Electric bills	\$ 675.13	
				\$ 2,804.75
Grant Fund	Mar-Allen	Charles St. Bridge	\$ 167,055.79	
				\$ 167,055.79
	TOTAL INVOICES DUE THIS MONTH			\$ 169,860.54
MONTHLY BILLS DUE / VARIOUS DUE DATES				
The following invoices are due from the General Fund:				
	Peacock Keller	January Retainer	\$ 500.00	
	Peacock Keller	Legal work/research	\$ 3,410.00	\$ 3,910.00
The following McMILLEN invoices are due from various Grant Funds (REIMBURSABLE):				
	McMillen Engineering	Charles Street Bridge	\$ 1,036.00	
	McMillen Engineering	Fenwick Park	\$ 10,000.00	
	McMillen Engineering	Hollow Road	\$ 520.00	
	McMillen Engineering	Wharf	\$ 6,893.00	
				\$ 18,449.00
The following McMILLEN invoices are due from various Grant Funds (NON-REIMBURSABLE):				
	McMillen Engineering	Fenwick Park	\$ 441.00	
				\$ 441.00
	TOTAL INVOICES DUE - Various Dates			\$ 22,800.00