

**BOROUGH OF BROWNSVILLE
FAYETTE COUNTY PENNSYLVANIA
January 2, 2024**

The Organization Meeting of the Council of the Borough of Brownsville was held this evening, Monday, January 2, 2024 at the Borough Building. The meeting was called to order by Mayor Ross H. Swords, Jr. at 6:00 p.m. by reciting the Lord's Prayer and the Pledge of Allegiance.

The following members were present: Mayor Ross H. Swords, Jr., Tracy Sheehan Zivkovich, Brian Brashear, Jackie Jackson, James Lawver, Shane Ronzio, Mike Walters, Kasandra Ward. Also present was Borough Secretary/Treasurer Melissa S. O'Brien.

NOMINATIONS

Mayor Ross H. Swords, Jr. asked for nominations for President.

Motion by Mike Walters, second by Kasandra Ward to nominate Tracy Sheehan Zivkovich for President. Roll call vote: Tracy Sheehan Zivkovich, yes; Brian Brashear, no; Jackie Jackson, no; James Lawver, no; Shane Ronzio, no; Michael Walters, yes; Kasandra Ward, yes. Votes are 4-3. Motion denied.

Motion by Shane Ronzio, second by Jackie Jackson to nominate James Lawver for President. **Roll Call:** Tracy Sheehan Zivkovich, yes; Brian Brashear, yes; Jackie Jackson, yes; James Lawver, yes; Shane Ronzio, yes; Mike Walters, no; Kasandra Ward, no. Votes are 5-2. Motion carries.

Motion by James Lawver, second by Brian Brashear to nominate Shane Ronzio for Vice President. **Roll Call:** Tracy Sheehan Zivkovich, no; Brian Brashear, yes; Jackie Jackson, yes; James Lawver, yes; Shane Ronzio, yes; Mike Walters, yes; Kasandra Ward, yes. Votes are 6-1. Motion carries.

Motion by James Lawver, second by Jackie Jackson to nominate the most senior Council member for President Pro Tem. **Roll Call:** Tracy Sheehan Zivkovich, yes; Brian Brashear, yes; Jackie Jackson, yes; James Lawver, yes; Shane Ronzio, yes; Mike Walters, yes; Kasandra Ward, yes. Votes are unanimous. Motion carries.

After nominations for President, Vice President, and President Pro Tem, Mayor Ross H. Swords, Jr. handed the meeting over to James Lawver.

Motion by Tracy Sheehan Zivkovich, second by Michael Walters to nominate Vincent Tiberi for Solicitor. Votes were 3-4, with Brian Brashear, Jackie Jackson, James Lawver, and Shane Ronzio voting no. Motion denied.

Motion by Tracy Sheehan Zivkovich, second by Jackie Jackson to nominate Peacock Keller for Solicitor. All in favor. Motion carries.

Motion by Jackie Jackson, second by Shane Ronzio to nominate Widmer Engineering for the Borough Engineer. Votes were 6-1 with Kasandra Ward voting no. Motion carries.

Motion by Shane Ronzio, second by Jackie Jackson to retain McMillen for the current projects, including Fenwick Park, the Charles Street Bridge, and the Wharf. All in favor. Motion carries.

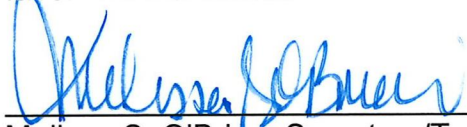
James Lawver spoke about Committee Appointments, and noted everyone would retain the same committees, with Tracy Sheehan Zivkovich assuming Chairman of Public Relations and Brian Brashear taking over Police and Code Enforcement.

Motion by James Lawver, second by Jackie Jackson to rescind Kasandra Ward's appointment to the sewage authority. James Lawver stated that under the law you cannot appoint anyone until after a term has expired. There is case law on this, Ross Township v. Menhorn, states that you must wait until a term expires, and Mr. Dolobach's term did not expire until December 31, 2023 at 11:59 p.m. James Lawver asked for Solicitor, Christian Sesek's opinion on this, which the Solicitor confirmed. Tracy Sheehan Zivkovich noted that a motion can only be rescinded by the person who made the motion. James Lawver stated we would then vacate the motion. Tracy Sheehan Zivkovich stated this also has to be done by the person who made the motion. James Lawver asked for Solicitor, Christian Sesek's opinion, which the Solicitor stated he would research. Tracy Sheehan Zivkovich asked Solicitor, Christian Sesek if someone at his firm would make this determination as there is a conflict of interest. Solicitor, Christian Sesek spoke on the

matter and explained that a lame duck appointment occurs when an appointment is made prior to the expiration of a term, and believes there to be case law to support this, which he will provide to Council at the next meeting. Tracy Sheehan Zivkovich stated the appointment was to be effective January 1, 2024, and also does not believe Solicitor, Christian Seseek can comment on this due to his conflict of interest. Jackie Jackson noted that she thought we had to advertise any vacancies. James Lawver noted that the last four appointments made under Tracy Sheehan Zivkovich's administration were not made until after January. The vacancies were informally advertised and interested parties were asked to submit a letter of interest. Tracy Sheehan Zivkovich noted that Kasandra Ward was appointed based upon a prior application, but James Lawver stated that this went against a policy that Tracy Sheehan Zivkovich created. Tracy Sheehan Zivkovich noted there were December appointments in the past. James Lawver stated that Mr. Jackson, Chip Giannetti, Pandi Cross, and Mr. Ryan were all done after January. James Lawver asked Solicitor, Christian Seseek's firm to draft a written opinion to Council on this matter. Solicitor, Christian Seseek also noted that for the first few meetings an associate attorney from his firm would be attending to assist. Kasandra Ward asked if this would be at an additional charge to the Borough, which Solicitor, Christian Seseek noted it would not as it would be included in the retainer fee. Tracy Sheehan Zivkovich asked for confirmation that the opinion letter would be included in the retainer, which Solicitor, Christian Seseek stated Peacock Keller's preparation for meetings, attendance at regular meetings including any executive sessions, and miscellaneous responded would be included. If there is research required for this matter, there may be an hourly fee, which he would confirm with Council.

MEETING ADJOURNMENT

Motion by Tracy Sheehan Zivkovich, second by Jackie Jackson to adjourn at 6:16 p.m. All in favor. Motion carries.



Melissa S. O'Brien, Secretary/Treasurer

