

**BROWNSVILLE BOROUGH  
FAYETTE COUNTY PENNSYLVANIA  
June 10, 2021**

The Regular meeting of the Council of the Borough of Brownsville was held this evening at the Sons of Italy in Brownsville. The meeting was called to order by Tracy Sheehan Zivkovich 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., Council President Tracy Sheehan Zivkovich, Council Vice President Paul Synuria, Jack Lawver, Lester Ward, Jackie Jackson, and Beth Bock. Barbara Peffer arrived at 6:04 p.m.

**RECOGNITION OF VISITORS**

**Tara Kimmel, 136 Brashear Street, (724) 557-6953**

She lives on a dead-end street with no parking. She has been parking in a particular location for a year now with no issues, and suddenly the castle caretakers have asked her to move. She feels she is being harassed by them. Someone at the castle placed burn barrels where she parks so she cannot get in or out. The police have been called multiple times. What are her rights as far as parking goes, and where can she legally park?

She called the Code Officer recently as the castle is sandblasting and it's causing breathing issues for her.

Tracy Sheehan Zivkovich asked Mayor Ross H. Swords, Jr. if the police have responded to any of these calls. Mayor Ross H. Swords, Jr. responded that the police did respond and issued a fine for illegal parking. The Mayor noted that years ago there were parking issues at this location due to there not being a driveway or parking spot, but there was an agreement with the historical society that there were two spots allowed for parking. Ms. Kimmel noted that two weeks ago her car was tagged to be towed. Mayor Ross H. Swords, Jr. clarified that the car was not titled or registered, making it illegal, which is why it was tagged. Ms. Kimmel asked why it was sometimes okay to park at the top of her yard and other times it was not. Mayor Ross H. Swords, Jr. noted that street parking has always been illegal and it prohibits snow plowing and street work.

Tracy Sheehan Zivkovich asked Ms. Kimmel if she contacted anyone from the county, to which she responded she was told the society leases the property from the county. The castle is allowed to put a road around, put a fence up, the contractor is allowed to do whatever he wants, all while blocking her property.

**Alexa Neil, 136 Brashear Street**

Ms. Neil's concerns are the same as Ms. Kimmel's. She has been parking at the top of the hill in the last two spots. Her mother cannot walk the hill due to her medical issues. Parking is an issue for her also with two small children. Her vehicles have been damaged.

Tracy Sheehan Zivkovich noted that it is illegal to park on a road. As Mayor Ross H. Swords, Jr. stated, the castle made parking available. Beth Bock noted that those two spots were designated to the residents of that house. Tracy Sheehan Zivkovich stated a car also has to be legal – it must have plates and registration. As far as what other accommodations need to be made, Council will look into it, but only has so much power, but Council wants things done in everyone's best interest. Ms. Kimmel feels there is a safety issue with no guardrails being on that road. Ms. Neil stated that she would be willing to accommodate the needs of the castle, but feels they are hostile towards her. Ms. Kimmel also noted that the castle workers park wherever they want, but she cannot.

Ms. Kimmel was instructed by Chief Jablonsky to set up a meeting with Mayor Ross H. Swords, Jr. to discuss the ticket and her parking issues. They were given permission several months ago to park there, but now it is an issue. Mayor Ross H. Swords, Jr. will speak with Chief Jablonsky to see what can be done.

## **MINUTES**

Motion to approve last month's minutes by Paul Synuria. Second by Jackie Jackson. All in favor. Motion carries.

## **BIDS**

Jack Lawver stated that Stephanie from PennDOT assisted us with the bid packet to do paving on three streets, namely Convenience Street, Prospect Street, and Fifth Avenue. We have bids from four companies. Redstone Excavating entered a bid of \$47,460.25. Morgan Excavating entered a bid of \$51,069.86. El Grande Industries entered a bid of \$52,395.65. Hunter's Excavating entered a bid of \$64,995.47. The low bid is from Redstone.

Motion by Paul Synuria to approve the low bid pending solicitor approval. Second by Beth Bock. Paul Synuria asked if anyone knew of Redstone's work. Jack Lawver noted they were currently working on a local project which is why he thinks they were able to bid low. Jack Lawver noted they did a lot of volunteer work on the honor roll.

Roll call vote: Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jack Lawver, abstained; Barbara Pepper, yes; Jackie Jackson, yes. Roll call vote was 5 yes, 1 abstain. Motion carries.

Paul Synuria asked Jack Lawver about the depth difference in paving on the bids. Jack Lawver stated it was due to the dip in the street, and we were instructed by PennDOT how thick to go.

## **MAYOR'S REPORT**

Mayor Ross H. Swords, Jr. presented the Mayor's Report, stating the revenue for the month of May was \$683.04.

Mayor Ross H. Swords, Jr. would like to discuss the Golf Cart Ordinance, which is similar to the West Brownsville Borough. He would like to issue permits for \$25, which would produce revenue to the Borough. Beth Bock asked why we were passing an Ordinance that discusses a danger to the Borough. Barbara Pepper asked where it was allowable to drive golf carts. Mayor Ross H. Swords, Jr. stated they could operate on Borough streets, not in parks and not on PennDOT streets. Tracy Sheehan Zivkovich asked if we could strike the hazard paragraph. Lester Ward asked when we discussed this, to which Tracy Sheehan Zivkovich responded it was brought up last month. Lester Ward questions why we want golf carts on the streets, if we do not allow motor bikes. Mayor Ross H. Swords, Jr. stated this is geared towards 25 mph or less. Quads and dirt bikes are moving at much faster speeds. This ordinance is a way to bring revenue to the Borough, as well as be able to track carts. Lester Ward asked if we were considering licensing medical motorized vehicles too, to which Tracy Sheehan Zivkovich stated no, as they are used on the sidewalks not the streets. Tracy Sheehan Zivkovich questioned whether we are talking about gas or battery operated carts, and Mayor Ross H. Swords, Jr. stated it could be both. Jack Lawver asked if the golf carts are required to have lighting, to which Beth Bock stated Article III, Item C states it must be used in daylight only, unless they are equipped with lights. Jack Lawver asked if they had to be insured, and the ordinance addresses this.

Solicitor, Mitch Mitchell is unsure if this is addressed under the motor vehicle codes. Jack Lawver asked if the state police would recognize a local ordinance. Solicitor, Mitch Mitchell feels they would have to. Tracy Sheehan Zivkovich reminded Council that we are considering this at this point. We will have to advertise it, and can make any changes.

Paul Synuria asked if drinking and driving applies the same as a car, to which Solicitor, Mitch Mitchell responded in the affirmative. Paul Synuria also asked if we could write an Ordinance for bikes. Solicitor, Mitch Mitchell noted that vehicles have to be inspected to be on the roadways to be safe, and in this case, we are able to make sure the carts are in good shape and safe to be on the streets.

Jackie Jackson asked if we had a quad ordinance, to which Paul Synuria responded in the affirmative. They are hard to enforce as the police cannot chase them.

Barbara Pepper asked about the enforcement of this Ordinance, to which Mayor Ross H. Swords, Jr. responded it would be the state police.

Roll call vote: Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jack Lawver, yes; Barbara Pepper, yes; Jackie Jackson, yes. Roll call vote was unanimous. Motion carries.

Tracy Sheehan Zivkovich noted that the income budgeted for 2021 is only at 33.89% and this ordinance would help to increase that number.

### **FINANCE & ADMINISTRATION**

Lester Ward noted the bank balances at this time total \$276,021.42, including General Fund \$144,562.79, Payroll \$2,713.37, Act 13 \$14,134.48, K-9 Fund \$3,880.76, Fire Escrow \$0, and PLGIT \$110,730.02.

The investment accounts total \$516,450.73, including \$437,788.13 in Mass Mutual and \$78,662.60 in BB&T.

Monthly bills paid this month were \$78,039.30. Bills that still need paid total \$9,757.68 from the General Fund. Deposits this month totaled \$31,477.09.

Motion by Lester Ward to pay bills due in the amount of \$9,757.68. Second by Jack Lawver. Roll call vote: Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jack Lawver, yes; Barbara Peffer, yes; Jackie Jackson, yes. Roll call vote was unanimous. Motion carries.

### **CODE ENFORCEMENT**

There were 36 total complaints this month, 0 home inspections, 6 court hearing, 58 citations, and 27 letters sent to residents. Fines and fees for this month totaled \$147.40.

Paul Synuria asked at what point do we have our street department cut down high grass and charge residents for it. For example, there are residential homes that have grass at least 2 feet high. Lester Ward noted that in the past we did not require this of our street department due to it being private property. Jack Lawver thinks there may be something under the property maintenance code that allows for us to enforce this. Paul Synuria would like to get something done soon on this. Jack Lawver feels we can maybe do this under the Sweep Ordinance.

Tracy Sheehan Zivkovich noted the Sweep Ordinance is budgeted to bring in \$20,000 but we have not initiated anything yet.

Tracy Sheehan Zivkovich stated the new budget is based on the DCED revisions and a new Chart of Accounts. Jack Lawver would like to thank Melissa S. O'Brien for the work on this.

### **BUILDINGS & GROUNDS – PAUL SYNURIA**

Paul Synuria stated that Beth Bock noted there was a camera system available to the Borough through a grant program. Paul Synuria will work with Mayor Ross H. Swords, Jr. and the police to see where these cameras need to be placed.

There was a police chase at the ball park, which has some damage to it. Once Chief Jablonsky issues citations we can file a claim and go after the person who did it.

Paul Synuria makes a motion to advertise the dumpster Ordinance. Second by Jack Lawver. All in favor. Motion carries.

Paul Synuria just received an RFP sample for the garbage contract and would like to move forward with that. He will work on the RFP and present it next month.

### **PUBLIC SAFETY – BETH BOCK**

There were 84 calls for service, 40 citations, 18 total incidents, 9 arrests and 0 transports.

### **STREETS – JACK LAWVER**

The street report is included in everyone's packet for review.

The street sweeper worked out well with the Township. We received a lot of compliments from residents.

Street openings - there is nothing new to report.

### **RECREATION – JACKIE JACKSON**

Jackie Jackson reported that there were 2 fundraisers held under the Recreation Committee in the past month.

### **ECONOMIC DEVELOPMENT – BARBARA PEFFER**

Barbara Pepper spoke with Dennis Martinak letting him know that Council accepted DCED's proposal to accept Martinak's Agreement and not ask for RFPs. Barbara Pepper would like the solicitor to review the agreement. Jack Lawver stated Mr. Martinak is a creditable individual, and grant writer.

Barbara Pepper makes a motion to use Dennis Martinak Consulting for the comprehensive plan. Second by Beth Bock. Lester Ward asked if this would cost us anything, to which Tracy Sheehan Zivkovich noted we are obligated to an \$11,000 match.

Roll call vote: Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jack Lawver, yes; Barbara Pepper, yes; Jackie Jackson, yes. Roll call vote was unanimous. Motion carries.

### **LIBRARY – PAUL SYNURIA**

Paul Synuria noted the library will be open for people to go in. The door will be locked, but they will let you in. The SIA has a private ceremony coming up and after that, people will have more access to things.

Lester Ward asked if SIA invited Council, to which Tracy Sheehan Zivkovich noted it would be Tuesday.

### **FIRE DEPARTMENTS – BETH BOCK**

Northside's total number of incidents for the month were 28, which includes 1 fire, 14 rescue and emergency medical services, 5 hazardous conditions, 5 service calls, 2 good intent calls, and 1 false alarm.

### **TAX BUREAU**

Jack Lawver noted on property appeals, there are several LLCs out of state, which was brought to the attention of the County Solicitor. If our Code Officer sends a citation, there is no individual to send it to and the LLC goes unfined. Solicitor, Mitch Mitchell and Tracy Sheehan Zivkovich noted that we are not approving sales from LLCs out of state who do not respond to us; however, if the County allows the sale to go through, there is not much we can do to change that. Lester Ward asked if out of state buyers have to do anything different, to which Tracy Sheehan Zivkovich responded regarding our Ordinance requirements, but Attorney Mitchell replied again that ultimately, the County has the final say.

Paul Synuria asked if we could meeting with someone on the School Board so we are on the same page with property sales to out of state buyers. Melissa S. O'Brien would like to copy the School District on letters.

### **OLD BUSINESS**

Tracy Sheehan Zivkovich would like to report that the DEP fines on the demolition have been waived. The DEP recommended some training for our Code Enforcement, which we will follow up on.

The police department K9 dog is on hold at this time as we did not move forward with the offer.

Jack Lawver made a motion to go into Executive Session at 7:11 p.m. regarding legal matters. Second by Lester Ward. Jack Lawver makes a motion to call the meeting to order at 7:30 p.m. Second by Jackie Jackson.

### **NEW BUSINESS**

There is a notice included from the LCB regarding a license.

We received 2 RFPs for pensions. All Council members were emailed a copy of the RFPs. Tracy Sheehan Zivkovich asked if anyone had questions. The first proposal is from the PSAB and the second from Steve Feaster and his group. Both followed our RFP. Tracy Sheehan Zivkovich noted there is a significant difference in price. PSAB proposes a total of \$9,458 in fees. Feaster proposes a total of \$12,905 in fees.

Jack Lawver makes a motion to move to the PSAB pension. Second by Paul Synuria. Jack Lawver noted the PSAB had a higher percentage of returns than we have had with our existing pension. Paul Synuria asked if Melissa S. O'Brien would be included in the new plan, to which Tracy Sheehan Zivkovich stated in the affirmative. Tracy Sheehan Zivkovich would like to move this forward on July 1 to get admin into a pension.

Roll call vote: Tracy Sheehan Zivkovich, yes; Paul Synuria, yes; Jack Lawver, yes; Barbara Pepper, yes; Jackie Jackson, yes. Roll call vote unanimous. Motion carries.

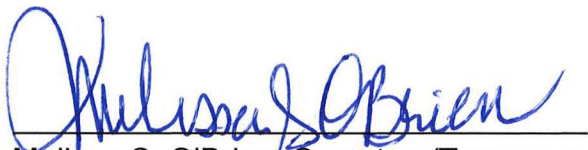
**CORRESPONDENCE**

The Municipal Authority minutes are included in everyone's packet.

Jack Lawver makes a motion to accept Nena Kaminsky's resignation. Second by Barbara Pepper. All in favor. Motion carries.

**MEETING ADJOURNMENT**

Motion to adjourn by Paul Synuria. Second by Lester Ward. Meeting adjourned at 7:39 p.m.

  
Melissa S. O'Brien, Secretary/Treasurer





# TREASURER'S REPORT

June 2021

## BANK ACCOUNTS (adjusted through June 10, 2021)

|              |           |                   |
|--------------|-----------|-------------------|
| General Fund | \$        | 144,562.79        |
| Payroll      | \$        | 2,713.37          |
| Act 13       | \$        | 14,134.48         |
| K-9 Fund     | \$        | 3,880.76          |
| Fire Escrow  | \$        | -                 |
| PLGIT        | \$        | 110,730.02        |
| <b>TOTAL</b> | <b>\$</b> | <b>276,021.42</b> |

## INVESTMENT ACCOUNTS (adjusted through May 31, 2021)

|              |           |                   |
|--------------|-----------|-------------------|
| Mass Mutual  | \$        | 437,788.13        |
| BB&T         | \$        | 78,662.60         |
| <b>TOTAL</b> | <b>\$</b> | <b>516,450.73</b> |

## DEPOSITS (adjusted through June 10, 2021)

|                           |                               |           |                  |
|---------------------------|-------------------------------|-----------|------------------|
| Mayor Ross H. Swords, Jr. | Fines & Fees                  | \$        | 683.04           |
| Clerk of Courts           | Fines & Fees                  | \$        | 151.74           |
| Commonwealth of PA        | Fines & Fees                  | \$        | 603.88           |
| Brownsville Police        | Police Reports                | \$        | 30.00            |
| Fidelis Productions       | Traffic Control               | \$        | 3,120.00         |
| MDJ                       | Code Fines & Fees             | \$        | 147.40           |
| Fayette County            | Delinquent Real Estate Taxes  | \$        | 3,221.29         |
| Fayette County            | Delinquent Fire Hydrant Taxes | \$        | 162.03           |
| Fayette County            | Delinquent Street Light Taxes | \$        | 499.70           |
| Tena Congelio             | Real Estate Taxes             | \$        | 8,241.73         |
| Tena Congelio             | Fire Hydrant Taxes            | \$        | 414.72           |
| Tena Congelio             | Per Capita Taxes              | \$        | 171.00           |
| Tena Congelio             | Street Light Taxes            | \$        | 1,278.72         |
| Recorder of Deeds         | Real Estate Transfer Tax      | \$        | 632.10           |
| SWRTB                     | Local Service Tax             | \$        | 203.70           |
| SWRTB                     | Per Capita Tax                | \$        | 144.18           |
| SWRTB                     | Earned Income Tax             | \$        | 10,638.75        |
| Fidelis Productions       | Parking Lot Rental Fee        | \$        | 1,000.00         |
| First National Bank       | Interest                      | \$        | 6.11             |
| PAWC                      | Street Digs                   | \$        | 127.00           |
| <b>TOTAL</b>              |                               | <b>\$</b> | <b>31,477.09</b> |

| BOROUGH OF BROWNSVILLE                                   |                               |                          |              |              |
|----------------------------------------------------------|-------------------------------|--------------------------|--------------|--------------|
| MONTHLY BILLS - June 2021                                |                               |                          |              |              |
| DEPARTMENT                                               | VENDOR                        | FOR                      | AMT.         | TOTAL        |
| Finance                                                  | EMC Insurance                 | Insurances               | \$ 4,244.56  |              |
|                                                          | Erie Family Life              | Life Insurance           | \$ 24.00     |              |
|                                                          | FayCo Recorder of Deeds       | Pilgreen Deed            | \$ 112.27    |              |
|                                                          | First National Bank           | TAP Loan                 | \$ 5,000.00  |              |
|                                                          | IRS                           | Federal Income Tax       | \$ 5,973.93  |              |
|                                                          | Microsoft                     | Office 365               | \$ 37.50     |              |
|                                                          | PA Department of Revenue      | PA Taxes                 | \$ 902.68    |              |
|                                                          | PSAB                          | BEO Membership           | \$ 25.00     |              |
|                                                          | Quickbooks                    | Payroll                  | \$ 80.56     |              |
|                                                          | Quill                         | Office Supplies          | \$ 99.07     |              |
|                                                          | UPMC                          | Employee Insurance       | \$ 8,512.32  |              |
|                                                          |                               |                          |              | \$ 25,011.89 |
| Buildings                                                | Brownsville Municipal         | Sewage                   | \$ 136.00    |              |
|                                                          | Columbia Gas                  | Gas Bill                 | \$ 319.02    |              |
|                                                          | PA American Water             | Building                 | \$ 96.67     |              |
|                                                          | Terminix                      | Pest Control             | \$ 63.00     |              |
|                                                          | Traffic Control Equip.        | Traffic Signal Repair    | \$ 25,211.50 |              |
|                                                          | West Penn Power               | Building & Grounds       | \$ 440.77    |              |
|                                                          |                               |                          |              | \$ 26,266.96 |
| Police                                                   | BB&T                          | Police Pension           | \$ 1,073.22  |              |
|                                                          | Bevard                        | Gas                      | \$ 438.13    |              |
|                                                          | Local 491                     | Union Dues               | \$ 157.00    |              |
|                                                          | Quill                         | Office Supplies          | \$ 88.90     |              |
|                                                          | SPJ                           | Uniform Allowance        | \$ 145.95    |              |
|                                                          | Verizon Wireless              | Police Phone             | \$ 40.09     |              |
|                                                          |                               |                          |              | \$ 1,943.29  |
| Streets                                                  | Bevard                        | Gas                      | \$ 299.00    |              |
|                                                          | Brownsville Hardware          | Supplies                 | \$ 135.72    |              |
|                                                          | Brownsville Township          | Line Painting            | \$ 475.20    |              |
|                                                          | JG Services                   | Gas                      | \$ 101.71    |              |
|                                                          | Local 373                     | Union Dues               | \$ 78.00     |              |
|                                                          | NAPA                          | Supplies                 | \$ 12.06     |              |
|                                                          | PA One Call                   | Street Openings          | \$ 15.33     |              |
|                                                          | West Penn Power               | Street Lights            | \$ 4,246.82  |              |
|                                                          | West Penn Power               | Traffic Lights           | \$ 120.41    |              |
|                                                          |                               |                          |              | \$ 5,484.25  |
| Fire                                                     | Brownsville Fire Co. #1       | Annual Contribution      | \$ 9,000.00  |              |
|                                                          | South Brownsville Fire Co. #1 | Annual Contribution      | \$ 9,000.00  |              |
|                                                          | Center Independent            | Gas                      | \$ 156.41    |              |
|                                                          | PA American Water             | Hydrants                 | \$ 1,154.83  |              |
|                                                          | West Penn Power               | Fire Whistle             | \$ 21.67     |              |
|                                                          |                               |                          |              | \$ 19,332.91 |
| TOTAL BILLS PAID                                         |                               |                          |              | \$ 78,039.30 |
| BOROUGH OF BROWNSVILLE                                   |                               |                          |              |              |
| Monthly Bills DUE                                        |                               |                          |              |              |
| Bills paid this month total                              |                               | \$ 78,039.30             |              |              |
| The following bills are due before the end of the month: |                               |                          |              |              |
|                                                          | Brownsville Township          | Street Sweeper Rental    | \$ 2,100.00  |              |
|                                                          | DeLage Landen                 | Copier Lease             | \$ 159.72    |              |
|                                                          | K2                            | Survey                   | \$ 2,500.00  |              |
|                                                          | NAPA                          | Street Supplies          | \$ 65.96     |              |
|                                                          | PAWC                          | Building Water           | \$ 59.92     |              |
|                                                          | PAWC                          | Shed Water               | \$ 24.10     |              |
|                                                          | Rittenhouse Bus Lines         | Annual Inspection        | \$ 48.00     |              |
|                                                          | S&D Calibration               | Vascar Certification     | \$ 64.00     |              |
|                                                          | West Penn Power               | Building & Grounds       | \$ 336.85    |              |
|                                                          | West Penn Power               | Fire Whistle/Radio Tower | \$ 22.45     |              |
|                                                          | West Penn Power               | Street Lights            | \$ 4,251.13  |              |
|                                                          | West Penn Power               | Traffic Lights           | \$ 125.55    |              |
|                                                          | TOTAL BILLS DUE               |                          |              | \$ 9,757.68  |