

**BOROUGH OF BROWNSVILLE
FAYETTE COUNTY PENNSYLVANIA
MARCH 18, 2023**

The Special meeting of the Council of the Borough of Brownsville was held this afternoon at the Borough Building in Brownsville. The meeting was called to order by President, Tracy Sheehan Zivkovich at 12:00 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, Shane Ronzio, and Mike Walters. Also present were Mayor Ross H. Swords Jr. and Solicitor Mitch Mitchell. Councilman Kasandra Ward and borough Secretary/Treasurer Melissa S. O'Brien were not in attendance.

Tracy Sheehan Zivkovich started off by discussing the importance of following the Agenda and the rules surrounding such.

RECOGNITION OF VISITORS

Jolene Hough, Brownsville Historical Society. Jolene Hough was in attendance to ask if we were selling property at Fifth and Market Street, and she would like to put a bid in. Tracy Sheehan Zivkovich noted that Council can put properties up for bid, or that a letter of consideration can be sent in if there is a property of interest.

Kim Brashear, Brownsville Historical Society. Ms. Brashear is here to discuss 502 Market Street and 309 Middle Street properties. Ms. Brashear noted that the BHS would like a statue in town, possibly Welcome to Brownsville with a statue of Thomas Brown or anyone else how made a difference in Brownsville. Does Council have any knowledge of statue makers or where to start.

Tracy Sheehan Zivkovich noted that the Northside area and Lafayette markers were done by others, not by Council. There was no discussion about a statue that we are aware of, but that does not mean there cannot be.

Ms. Brashear noted that a statue with a sign directing people to the wonderful places here could be a beautiful "hello" or "welcome" to visitors. Tracy Sheehan Zivkovich noted that the Perennial Project is the recipient of a Laurel Highlands Visitors Bureau grant, and there are talks to add some welcome signage to town.

Mara Sim. Ms. Sim noted that there was no notice on the building that she saw, which is a violation of the Sunshine Act. Additionally, there was a general statement on the notice to the public, and it should be a specific statement.

Brianne Mitchell, 203 Front Street/523 Market Street. The Multi-municipal Comprehensive Plan over the course of the last 16-18 months has created a gateway signage program, and they do have areas that they are seeking funding for that. The Perennial Project was at those meetings seeking input from communities. Working in conjunction with the Perennial Project and Comprehensive Plan will create many beautification projects throughout town.

149 High Street Change Order – Tracy Sheehan Zivkovich

The Change Order for 149 High Street has been under construction. They ran into trouble with a pipe and put together a remediation plan. This has been reviewed by McMillen, who found it to be fair and necessary, and therefore, the recommendation has been made to move forward with Hunter's bid.

Motion by Michael Walters to approve Change Order. Second by Jackie Jackson. Though it will be reimbursed through a grant, we are spending money, therefore a roll call is necessary.

Roll Call: Paul Synuria, yes; Beth Bock, yes; Jackie Jackson, yes; Shane Ronzio, yes; Mike Walters, yes; Tracy Sheehan Zivkovich, yes. Votes are unanimous. Motion carries.

Borough Property Offer – Tracy Sheehan Zivkovich

Our second item on the Agenda is a letter from MBDL Holdings requesting to purchase parcel 02-06-0360 which is on the corner of Fifth and Market Street for a sum of \$2,000. The property was transferred to the Borough in 2021 for \$1 by Matthew Thompkins. This property is adjacent to 413 Market Street and 517-523 Market Street, which are owned by the same company.

Motion by Paul Synuria to approve the request by MBDL Holdings. Second by Michael Walters. Rocky Brashear noted it was not advertised and there were two bids for more than that amount. Tracy Sheehan Zivkovich asked for bids to be submitted. Mara Sim asked that it be noted in the minutes that this is a violation of the Sunshine Act.

Tracy Sheehan Zivkovich noted there is a letter from R.W. Brashear dated March 18, 2023 on the same property, parcel 02-06-0360, in the amount of \$5,599 plus transfer fees. There is another letter dated March 15, 2023 on the same property, parcel 02-06-0360, in the amount of \$4,000 plus fees and transfer charges. Tracy Sheehan Zivkovich asked for clarification, which it was noted the second letter is from the Brownsville Historical Society.

Tracy Sheehan Zivkovich noted there is a motion on the floor for the initial \$2,000 bid. Tracy Sheehan Zivkovich asked Solicitor Mitch Mitchell for an opinion, at which time Mr. Mitchell noted he has an ethical conflict as he has interest in MBDL Holdings. He is willing to answer questions from Council on the intended use of the property, but is unable to offer an opinion at this time.

From the audience, Mara Sim asked why it was not made public. Tracy Sheehan Zivkovich noted we purchased the property in 2021 and a variety of borough properties were discussed at previous meetings and made available. Mara Sim asked if the location of those meetings were made public, which Tracy Sheehan Zivkovich noted they were all public meetings and they were announced. Ms. Sim asked for clarification that those meetings were announced for the correct time and location, which again Tracy Sheehan Zivkovich responded in the affirmative.

Solicitor Mitch Mitchell stated that the request was made and offered by him as the interested party, as he has been at the Borough meetings for the past few years, and he has heard the Borough's interest in getting rid of certain lots. Solicitor Mitch Mitchell noted that Ms. Connie Gore has been outspoken about this specific lot and stated that it is unsightly and would like to know who has maintained it and is taking care of it. It was Mr. Mitchell's understanding that it was not to the public's satisfaction. We have had other experiences here where offers have been submitted. This particular lot was not publicly announced for sale, and he therefore offered to purchase it as he feels it will pair well with his property at 413 Market Street. Mr. Mitchell has intended development plans for that lot, as well as interested parties looking to come in and develop in Brownsville. There is discussion of keeping the façade which will pay homage to the perceived historic value that it may have. This is a private venture, and would be in the community's best interest.

At this time, Mr. Mitchell asked if Mr. Brashear could step into the room as he was unable to see him. Mr. Brashear noted he has nothing to hide and nothing personal, and was willing to retract his bid. Mr. Mitchell noted he has a development strategy that would welcome the BHS plans. He will not be building an unsightly structure, but rather is interested in the historic value of this town. Mr. Mitchell purchased the Brashear house, a historic house, after it sat vacant for years.

Mr. Brashear stated that his thoughts were not like that. The BHS board has had meetings where statues were discussed. While the Perennial Project has done a lot in town, they do not help the BHS. The BHS does things in town from the A-Plus to the Dairy Queen, and they want to erect statues throughout these areas. The reason for the two bids was if the BHS was unable to purchase the lot, Mr. Brashear was going to purchase it personally.

Mr. Mitchell noted he would hope Mr. Brashear would consider retracting his bid as he would happily work with the BHS. Mr. Mitchell stated that these properties are available all of the time, and feels that now that he has a development strategy, other interested parties are coming forward. Mr. Mitchell is happy to consider statues. There is a Borough lot across the street from this that is in desperate need of resurfacing, and there is a lot that can be done through group effort.

Mr. Brashear is here to maintain all aspects of historical value of the properties in the Borough. There is nothing personal here. That lot was discussed by the BHS board in August of last year. Mr. Mitchell noted that he understands and is looking at what is in the best interest. If the concern is the historic value of an empty vacant lot, then Mr. Mitchell is in disagreement with that.

Mr. Brashear stated that it is not about that. Private entities never had a chance to bid as it was not in the paper. And legal rights state you have to do that. Tracy Sheehan Zivkovich stated that the Borough did not request bids. Sealed bids require certified checks to be with them. Mr. Brashear noted that if it was advertised correctly, he would have a certified check in hand. Mr. Brashear stated that this is pushing him to the point where he will no longer retract his bid. Tracy Sheehan Zivkovich noted we have a motion on the floor. Paul Synuria noted this is not

time for public input. Beth Bock stated that in the past when we had people interested in property, we advertised it, and she would like to see this done as there. The policy that we are holding people to, even with the tree, goes along the same line. She is asking that we table it, put it out to bid, and we go through the process and go from there. Michael Walters noted that as Council, they do what is best for the community. All of the properties that are in the Borough that everyone knows they can buy or make an offer to buy, whether we are advertising them or not. It has been said several times that these properties that are sitting blighted and vacant can be purchased or given. It is not so much about the highest bidder, but he is asking what the proposals are for that property. To sell this property with statues does not help us as a community with tax revenue. From Mr. Walters point of view, he will look at all bids, but it is not necessarily about the highest value, but what the plans are.

Jackie Jackson stated that we should advertise it fairly, and everyone should have the opportunity to bid on it. It does not matter what they put there. Michael Walters disagrees and would like to see the bid come in with a proposal as to what they are going to do with it. There is a building next to where the tap house is going that was sold to the highest bidder and has been sitting there since. He feels that we have to stop selling property in the Borough that could end up with nothing being done. Beth Bock stated that she would like to see plans of what a buyer would be doing with a property, rather than seeing people purchase properties and nothing being done with it. Michael Walters noted we can sell any Borough properties, and he is asking Council to consider asking for proposals so we do not end up selling everything to the highest bidder who may not make any renovations or updates. Tracy Sheehan Zivkovich noted that in the last year we have purchased a few properties so that we could demolish them. Rather than offering those to the highest bidders, we discussed offering them to the neighboring properties first. The only way for us to get these properties cleaned up was for the Borough to purchase them and take them down. Paul Synuria stated that the last time we sold a property to a low bidder it was 218 Front Street, which was for the Historical Society to use.

Mr. Brashear offered to retract his bid at this time, and Tracy Sheehan Zivkovich noted he did not have to do so.

Roll Call: Paul Synuria, yes; Beth Bock, no; Jackie Jackson, no; Shane Ronzio, yes; Mike Walters, yes; Tracy Sheehan Zivkovich, yes; 4 Yes, 2 No. Motion carries.

Shane Ronzio would like to discuss it a bit more with Mr. Brashear, who asked that it be publicly put out for bid. He will pull his bid now, but it was not publicly bid. Shane Ronzio noted that with more communication and collaboration, he feels everyone will be happy in the end and we all want what is best for Brownsville. If there is more communication and collaboration, great things can happen. Other areas have taken older buildings and left the façade and the right look in areas. It is not very appealing right now to see bricks falling down. Mr. Brashar agrees. Paul Synuria noted he is unwilling to table his vote. Solicitor Mitch Mitchell reiterated that he will absolutely work with the BHS.

Mara Sim [incorrectly] noted that the Mayor can veto this motion, and asked what the Mayor's option was on this. Ms. Sim asked if her statement was going to be ignored.

Hiring of Police Officer – Tracy Sheehan Zivkovich

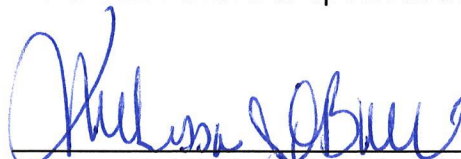
The next item on the Agenda is the hiring of a new police officer, and asked Paul Synuria if he had a recommendation.

Motion by Paul Synuria to hire Noah Hough as a full-time police officer. Mr. Hough's credentials were provided to Council. Second by Shane Ronzio. All in favor. Motion carries.

MEETING ADJOURNMENT

Motion to adjourn by Beth Bock. Second by Paul Synuria. All in favor. Motion carries. Meeting adjourned.

Mara Sim wanted to speak at this time, but the meeting was adjourned.


Melissa S. O'Brien, Secretary/Treasurer



