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Authority inspects dilapidated Brownsville buildings

By Christine Haines , Herald-Standard

BROWNSVILLE - The Fayette County Redevelopment Authority showed up in Brownsville ready for most anything as they prepared to conduct inspections and appraisals of properties slated to be taken by eminent domain.

In addition to an engineer and an appraiser, a contractor and a locksmith were also standing by to assist with entry to some of the 14 buildings owned by Ernest Liggett or his companies. Fire Chief and borough code officer Edward "Woody" Nicholson was also on hand, as was the Redevelopment Authority's code officer Donald Baugh, Redevelopment Authority attorney John Armentis of Goldberg, Kamin and Garvin in Pittsburgh, Mayor Lew Hosler and Councilman James Lawver, who heads the borough's Community and Economic Development committee.

The inspections began around 8:15 at 204 High St., the white stucco building across from the Brownsville Borough Building. Neither Liggett nor his representative had arrived on the scene, though Redevelopment Authority Executive Director Andrew French said they had been notified of the inspections that had been ordered by Fayette County Judge Ralph Warman.



Engineer Terry McMillen enters a condemned building owned by Ernest Liggett through a broken window as appraiser John Dudash of Howard Hanna (left) and redevelopment authority attorney John Armentis prepare to follow. Dave Rafferty/Herald-Standard

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Members of the

inspection team gained entry to 204 High St. by stepping through a broken ground-floor window. About 10 minutes later, Liggett's attorney, Lee Grimm, arrived on the scene, objecting to the number of people entering the building. Grimm said only the engineer and appraiser needed to go inside the structures under the court order.

"There's no need for you to go in, you're administrative," Grimm said to French. "It says for appraisals and studies. This is not a public viewing. We'll let people in that the court says have to go in and that's it."

French disagreed with Grimm's interpretation, noting that the order granted the redevelopment authority access to the properties to conduct studies, surveys, tests, sounding, appraisals, etc.

"There are liability issues," Grimm said. "This is still private property. I suggest we talk to Judge Warman before we go into any more properties."

French declined to halt the inspections, which were initially requested in April and court ordered first for December, then delayed until Friday.

According to Warman's office, Grimm did not call to request an injunction to halt the inspections by individuals other than the engineer and appraiser, nor was a request filed with the Fayette County Prothonotary's office as of Friday afternoon.

Warman Friday did grant a motion by the Redevelopment Authority seeking two additional days for the inspections. No one representing Liggett attended motions court Friday morning and no objections to the request were filed.

More than half of the buildings were inspected Friday and French said he expected the rest of the inspection to be completed Monday, though the authority could also conduct inspections Feb. 6 under Friday's court order.

"We want to cover as much ground as we can in one day. It's just too expensive to bring in everybody," said Armentis.

After the inspection of the first building Grimm did not object to which officials entered the buildings and when possible, he unlocked the buildings, shuffling through a stack of keys. Grimm said he did not intend to remove any plywood for the redevelopment authority to

gain access to the buildings. Ken Beck, the contractor hired by the redevelopment authority, removed plywood covering the fronts of several buildings so doors could be accessed. There were a few locks that Grimm was unable to open and bolt cutters were used to gain access to the buildings.

"It's reluctant cooperation," French said of the assistance provided by Grimm Friday. "Obviously it's good that we're getting access to the properties, but we knew we were going to get access whether we got cooperation or not."

The inspections are being done as past of the blight declaration under Pennsylvania's eminent domain law.

"We absolutely intend to fight the eminent domain," Grimm said.

Grimm did not specify the reasons why Liggett is fighting having the vacant properties taken by eminent domain.

"I'm not going to do this in the press. The courts will be there for that," Grimm said.

The downtown area has already been declared blighted under the state's urban redevelopment laws. Engineer Terry McMillen said he was looking at safety issues with the buildings.

"Particularly safety to the public," McMillen said. "If someone would happen to get in there, would they be safe?"

Inspectors found fallen ceilings, debris-strewn floors and in at least one case, a collapsed wall with icicles clinging to the interior of the structure.

McMillen said blighted conditions were found in the buildings as he conducted his inspections.

"We are basically confirming what the borough had previously determined from exterior inspections," McMillen said.

Borough officials were encouraged by the actions taken Friday to move the eminent domain process forward.

"This has been a long time coming. It's a shame you have to step through the legal hoops you have to just to get an appraisal of the properties. We're not going to go away. We're going to make something happen," said borough council President Jack Lawver.

James Lawver said he's hoping this next year will see progress on the redevelopment authority's plan to acquire the buildings and do selective demolition in preparation for future development.

"Brownsville has had two rebirths. I'd like to be part of the third rebirth. I'd like to see the community get what it needs: stores, restaurants, whatever it needs," James Lawver said. "I think we can be a prosperous town again."

Mayor Lewis Hosler said that at one time, many people in Brownsville had put hope in the development plans Liggett had presented for the borough, starting with riverboat gaming, then progressing to Native American gaming when the state Legislature failed to approve riverboat gaming. Other considerations have included a theme park or a bicycle-racing arena.

"I don't think there's anyone who's a member of this borough who didn't think he was going to do something for this town," Hosler said. "From what I've seen, he hasn't done so much as replaced a window."