

HARMONY BOROUGH COUNCIL MEETING CONTINUED NOVEMBER 15, 2016

COUNCIL MEMBERS PRESENT:

Phyllis Metz, Frank Luek, Don Sims, Joe Dippold, Jason Sarver and Mayor Cathy Rape, Greg Such attended via speaker phone.

OTHERS PRESENT:

Frank Grannon, Bob Ziegler, Susan Franz, Allen Bayer, Joe White and Delsa White.

CALL TO ORDER:

Vice President Don Sims called the reconvened November 1st meeting to order at 7:00 pm on November 15, 2016.

Don Sims explained that this is a continuation from the November 1st Council meeting to address two subjects.

The Certificate of Appropriateness for the purposed roof by the Murrays. Council has not received a Certificate of Appropriateness, HARB voted no.

Tom Murray stated that he was very disappointed that HARB could not meet with them; HARB could not get a quorum; they had hoped to talk to HARB about their concerns and ask some questions of why they were voting against them. Mr. Murray stated that the Chairman did not vote but he did write a very strong letter stating that he thought that the slate roof was much too expensive. Brett indicated very strongly in the emails that a slate roof was much too expensive, that is why the Murrays appealed it; it did not create a financial hardship on them but it was just much too expensive because the nature of the property. Another email that was written was by the Borough's Code Enforcement Officer and he did indicate about the expense but he also established the concern that there have been a lot of inconsistencies. Tom himself pointed out that there are nine asphalt shingled roofs in town that had slate roofs; it is very inconsistent to allow one and deny another. Mr. Murray stated that he received several calls after the big article in the Butler Eagle, one caller stated that slate roofs aren't always the best way to do a property, the red barn roof leaks like a sieve; Mr. Murray confirmed it with two other people; adding that it may not be a wise thing to put an \$80,000 slate roof on there even from a practical point of view.

Pat Murray pointed out that it was a 3 – 2 vote with HARB without Brett voting. Brett did indicate in his email that he feels Murrays have proven the financial feasibility. There was some concern why Murrays did present HARB with three repair bids. Pat went over that with Greg, typically when you're repairing a slate roof its time and material. The slate is falling apart, it's old, there are rusty nails, they are probably 100-150 years old. It's to point that it needs replaced. In the past three years the Murrays have put over \$4,000 in repairs in that roof. The financial feasibility has been proven, as proven by the gentleman contacted

November 15, 2016

by someone in the borough. Pat did talk to him, his price is right in line with the bids Murray submitted; it starts at \$1500/square before you get into valleys, flashing and everything else. There are three options, approve it, don't approve it and go from there. Allen and Brett, two people with experience, construction cost and most familiar with the ordinance and how it works, you have the ordinance you have to follow it. The Murrays are asking for the same treatment as others; with the Borough having the same roof as they want to put on is a prime example of why they should be allowed to do it.

Greg Such acknowledged that the Murrays and their properties have been historically very strong conservators of the community. Their properties are well maintained and clean and he can appreciate that it is a steep price for a unit that generates \$6,000 per year.

Don Sims inquired if the Murrays explored alternative metal architectural roofing. Pat Murray responded that they did not; he feels that metal would not be appropriate and not look very good on that building. Don stated that there are metal roofs that look exactly like slate roof. Inquired if they would consider talking to Brett Shank about that type of roof. Pat responded that it would just put them further behind.

Allen Bayer, Code Enforcement Officer, commented that Dave Szakelyhidi is the interface between HARB and Council, Dave is out of town, Brett sent out an email in lieu of HARB not meeting stating that HARB had disapproved the request and that it would go to Council for a final decision.

Susie Franz inquired who in the room, if they owned the building, would pay the money to do that.

Delsa White thanked the Murrays for their interest in this historic community and how much they have put into it and how it has put a big effect on this town. We have lost slate roofs and we need to stop losing them. HARB has compromised where as they have left property owners do half slate on the part that is seen and asphalt on the part that is hidden and that seemed to be acceptable for most people. Delsa doesn't want to see HARB lose its status of making good historical choices, the town is doing very well.

Tom Murray commented that the three people who voted against them missed a very central point of their appeal. There is a provision very clear in the ordinance that says if it is too expensive then they don't have to do it; and Murrays think they have proven that without a doubt. They have experts such as an architect, code enforcement officers, 3 or 4 bids; they have proven it beyond a doubt that it is far too expensive to put a slate roof on. Tom Murray stated that he would love to put a slate roof on the property if he could justify it but he can't and HARB has to understand that.

Delsa White commented that three quotes for slate, three quotes for shingles and three quotes for repairs, using what slate that could was requested but it was not forth coming and refused.

Greg Such inquired if we could negotiate with something that is shingle like in appearance than asphalt. Don Sims commented that there is the metal roof that is more slate like, however nobody has discussed this with Mr. Shank at all. Mayor Rape commented that the

November 15, 2016

property owner came to HARB for approval, HARB should have suggestions or options for roofing at the first meeting, but to come back two and a half months later since the property owner has been trying to get this roof repaired/replaced is ridiculous. They're losing time, it's winter. Greg Such responded that if Council refuses to approve, it's going to be winter still; he appreciates that time is important but we're at a place we haven't been before. Cathy Rape commented that if we go to court, next spring all their expenses of repairing the roof could be added on to whatever we're going to pay out in court cost. Don Sims commented that is conjecture. Greg Such commented that HARB should have some alternatives when it has been proven that it's too expensive. Greg was proposing we begin to work on that now with the Murrays to figure out what those options are as quickly as we possibly can. Tom Murray asked if Council knew how much time they spent in getting the bids they have and all the plans they have made; and one of the suggestions now is to start all over and to come back with a suggestion of a metal roof. Mr. Murray would like a vote now.

A motion was made by Greg Such to accept the building owner's proposal to install asphalt shingles despite not having HARB's approval. Frank Luek seconded the motion.

Roll call vote: Phyllis Metz – yes
Frank Luek – yes
Don Sims – no
Joe Dippold – no
Jason Sarver – yes
Greg Such – no

Tie vote. Mayor Rape - yes. Motion approved for asphalt shingles.

Frank Luek commented that legally the Murrays have proven the cost, the legalities of how the Ordinance is written if we say no we'll end up in court. Frank stated he really likes the slate roof and will be sad to see it go.

Jason Sarver commented that he has the utmost respect for HARB it's just that he doesn't feel personally that it takes away from the historic image at that much of a cost difference. He doesn't think it's fair to force them to put a possibly inferior product on at a much higher cost.

Joe White commented that he hopes Council realizes what they just voted for was to instruct a property owner as to what building materials to use on their building, to what ordinance. Does Harmony Borough have the legal right to mandate a property owner to use a specific building material on a specific building; maybe we needed Matt's (Racunas) guidance on this. Should have voted to accept or reject HARB's recommendation. Joe White suggested Murrays go back to HARB to negotiate what kind of asphalt, what appearance, etc. that would seem to be best. The building is more than 200 years old and is one of the oldest buildings in Western PA; maybe one of the most important building in Western PA.

Drainage Issue:

Bob Ziegler inquired if Council is willing to fix any of the problems now. Discussed where the problems are. The Rt. 68 berm coming down, the Railroad exit pipe, the pipe between Rt. 68 and Dambach's, and First Street and Rt. 68; they need cleaned out. The Railroad pipe is a 3' pipe but it is about half full with silt. Bob would like to dig the catch basins out, it would be easy digging - its silt and small gravel. When Dambach had his pipe cleaned out in August, there were a lot of plastic bottles – assuming they came from Rt. 68. Jason Sarver commented the suggestions are all maintenance related issues; they seem to have

November 15, 2016

natural catch basins and in time have been clogged up. The water has nowhere to go and it floods. Don Sims commented that the one thing they haven't been able to determine and it would be nearly impossible without equipment, is the condition of all the piping in the run. Don commented if Bob is going to do anything, he hoped it would not be harmful to the system and start at the furthest end so you don't get a great flow at the top and create a bigger problem at the bottom - flood out the "pit of death." Bob Ziegler inquired to start at Tod's and work backwards. Don Sims responded that it would be the most logical way of doing it and suggested checking the condition of the pipe. Bob Ziegler commented that in 2008 a camera was put down, would like to see if the video if we have it.

Don Sims suggested starting at the inlet and work back to the first manhole by the Center of Harmony to determine removal or repair of that pipe or just patching certain areas but at that point you'd have to camera it but cleaning it out would be an undertaking. The flow here is non-hindered. Bob Ziegler commented that the clean out will probably be the cheapest option. Don Sims commented that Bob is asking if Council is willing to fix it now, probably not now because of the expense. Mayor Rape we should look for a grant to get this repaired because of flooding. Discussed the diameter of the pipes, the fall of the run, straightening it out. Bob Ziegler inquired if Council was interested in getting bids; Don stated he could get quotes as Bob Ziegler, not as a representative of Harmony Borough; Bob is doing the fact finding to get an idea of the cost. Mayor Rape inquired if she could contact the State Representative to see what grants are available. Bob Ziegler also inquired how to go about to get Penn Dot to fix the Rt. 68 problem. Don Sims stated that you're on Penn Dot's schedule. Don met with the State Representative, Penn Dot came out, did their preliminaries; where they have it scheduled Don does not know; it's usually schedule 5 or 6 years out.

ADJOURNED: 8:00 pm

As there was no further business to discuss, the Harmony Borough Council adjourned the November 15, 2016 meeting at 8:00 pm.

Respectfully Submitted,



Amy Brown
Secretary