

**BRIAR CREEK BOROUGH**  
**February 1, 2023**  
**REGULAR COUNCIL MEETING MINUTES**

President W. Bruce Michael called the meeting to order at 7PM. The Pledge Allegiance to the Flag was recited, followed by a Moment of Silence.

Roll call of Council Members was taken. Present: Mayor Harold Kershner, Jr., W. Bruce Michael, E. James Seeley, David Kershner, Ed Fenton, Joseph Riggio, James Long, and Bill Witner. Other officials present were Secretary Carol Kieser, Larry Frace, Borough Solicitor Barry Lewis, Angela Slusser, Peters Consulting.

Citizens present: Jordan Smith, John Trivelpiece, Holli Trivelpiece, David DeHaven, and Matt Hess, Columbia County Housing and Redevelopment.

Correction to the agenda: Engineer's Report to be given by Angela Slusser, Peters Consulting, and Solicitor's Report to be given by Attorney Barry Lewis.

Minutes of the December 28, 2022 Work Session and January 4, 2023 Regular Council Meeting were approved as recorded.

Meeting turned over to Matt Hess to discuss the pavilion project. Letter mailed from the Borough to the Columbia County Commissioners was reviewed. Council voiced their frustration for the delay of the completing the project. Preliminary layout of the pavilion structure was given to Council. Matt Hess reported three proposals have been requested for the project. Currently the Columbia County Commissioners have committed CBDG funds of \$12,000 toward the project. Size of the pavilion was discussed. Quote from Pennsylvania Aluminum was given to Matt Hess. Secretary to proceed with applying for the Community Giving Grant. Matt Hess will attend the February 22, 2023 work session with pricing and any updated information received from the commissioners.

At 7:24PM, a motion by Jim Seeley/seconded Joe Riggio to convene an executive session to discuss legal issues relating complaints from E. Rittenhouse Mill Road residents. Motion carried; no opposed.

At 7:38PM, a motion by Jim Seeley/seconded Joe Riggio to reconvene regular council meeting. Motion carried; no opposed.

Citizen's Comments and Complaints - David DeHaven voiced his concern over the on-going police activity at the Bonanza property. Larry Frace reported he will issue a demolition order to the owner of the property since people are living inside again. A hole was cut thru the wall to gain access and they have caused other damage to the property. Larry Frace installed a camera to try to identify them. Camera was taken by the state police during their last call. Attorney Lewis outlined the steps for a demolition grant thru the Blight Program. Municipality must be the owner of the property in order to receive grant money for demolition.

Jordan Smith, Smith Pipe and Welding reported his plot plan has been completed. Larry Frace, BCB zoning officer, stated the plan has been sent to Columbia County Planning Commission for comment. A planning commission meeting has been set for 6PM, Wednesday, March 15, 2023, to be held at the Borough Building. Larry Frace commented that he saw no issues with the plot plan. Jordan Smith asked if John Trivelpiece is planning to recuse himself from the planning commission meeting. John Trivelpiece replied he was planning to excuse himself from the meeting.

A zoning hearing for Smith Pipe and Welding can be scheduled after the planning commission reviews the plans. No date has been set.

No Mayor's Report was given.

Solicitor's Report – Cable Franchise Ordinances and PennDOT Rt 11 Project still pending.

Engineer's Report – Angela Slusser explained the differences between a weight study and a traffic study. A weight study involves bore samples taken from a road to confirm how much weight the road can support without occurring damage. A traffic study involves a traffic counter and collector strips set up for speed data collection over a week period. A traffic study includes times, counts, types of vehicles, etc. to establish speed limits.

Attorney Lewis read from the PA statute the stipulations that can be placed on a road ONLY after a traffic and weight study are performed. He also related that emergency vehicles, local delivery and pickup vehicles, agricultural equipment, etc. cannot be prohibited, and also access cannot be denied if there is only one way into an area. Attorney emphasized it is at the sole discretion of the municipality to perform a weight or traffic study on a road.

Attorney stated he has read all the complaints and correspondence regarding possible structure damage to a private party from proposed heavy truck traffic on E. Rittenhouse Mill Road. Attorney advised that the private party would need to acquire an engineer to assess their structure; Borough cannot expend taxpayer's dollars on private property.

Larry Frace submitted and discussed the January 2023 Zoning Report. Copy of report is filed in the Borough office. Some topics were discussed earlier in the meeting.

Owner of the property located at 51 Village Lane was fined by the state police for someone still living at the structure. Home Health Care removed the last resident living there. Permits have been issued for the home renovations.

Larry Frace reported a mobile home was put on a property owned by Julie Shearer and Christy Kehl Hess, located on Rt. 11 without permits. Letter has been sent to the owners of the mobile home because it is in poor condition and garbage and rubbish on the property.

Motion made by Ed Fenton/seconded Joe Riggio to approve the Secretary/Treasurer's Report. Motion carried; no opposed.

Committee Reports

Law and Finance – Jim Long reminded Council that the CD from the sale of the fire company can be used for the pavilion and/or the benefit of the general population.

Highways and Streets – Discussed repairing pot holes and painting lines on borough roads.

Buildings and Grounds – Jim Seeley met with Marr Construction to re-measure the exterior doors. Marr Construction lost their estimator and doors will be ordered from a different location. Jim Seeley reminded contractor that the borough needs the doors two weeks in advance of installation so they can be painted.

A proposal was presented from Native Creations Landscaping Services for the purchase of four trees and their planting. Council recommended the Buildings and Grounds Committee choose the types of trees. No action taken on the proposal.

BAJSA – No report.

Old or Unfinished Business

The owner of the solar farm is scheduled to tour the Baron Farm property.

No review was held regarding the zoning districts.

No report was given on the Berwick/Briar Creek Recycling Project. Waiting on a proposal from the Berwick Borough Council.

New Business

Discussion continued regarding the PennDOT regulations to perform a weight study. Attorney Lewis noted the legal aspects of a bonding ordinance. Some examples of the exemptions from a posted weight limit were reviewed: fire truck, emergency vehicles, public utilities, local delivery trucks, and also access cannot be denied if there is only one way into an area.

Bruce Michael asked for a motion to hire an engineer and perform a weight study on E. Rittenhouse Mill Road. No motion made from Council Members. Bruce Michael then made a motion, for the record, to hire an engineer and perform a weight study on E. Rittenhouse Mill Road. No second to motion was received. Motion failed for lack of second.

Motion by Ed Fenton/seconded Joe Riggio to adopt Resolution #3 of 2023, Appoint Two Alternatives to the Planning Commission. Motion carried; no opposed.

No further business. Meeting was adjourned at 8:55PM.

Respectfully submitted:  
Carol A Kieser, Secretary