

BRIAR CREEK BOROUGH
May 3, 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, James Long, Ed Fenton, David Kershner, Bill Witner, and Joseph Riggio (arrived at 8:15PM). Other officials present were Secretary Carol Kieser, Zoning Officer Larry Frace, and Attorney Rob Davidson on behalf of Solicitor Barry Lewis. Absent: Engineer.

Citizens present: Jordan Smith, John Trivelpiece, Holli Trivelpiece, and David DeHaven.

Minutes of the March 29 Work Session and April 5, 2023 Regular Council Meeting were approved as recorded.

No Citizen Comments or Complaints were received.

No Mayor's Report was given.

Solicitor's Report – Attorney Rob Davidson presented two ordinances for signature. Motion by Ed Fenton/seconded Jim Long to adopt Ordinance 193 of 2023, Comcast Cable Franchise Ordinance. Motion carried; no opposed.

Motion by Ed Fenton/seconded Jim Long to adopt Ordinance 194 of 2023, Breezeline Cable Franchise Ordinance. Motion carried; no opposed.

Attorney Lewis is continuing to work on the Hall Rental Policy and Fee Schedule.

Discussion was held with Attorney Davidson regarding community solar projects and legislature updates. Attorney to review our current zoning ordinance.

Discussion was held regarding rezoning and "text amendments" to sections of the Borough's zoning ordinance. Proposed text amendments to the zoning ordinance is for the addition of permitted accessory uses and special exemption uses in Village Commercial Districts and Highway Service Districts and not changing the map. Advice from the Solicitor: "If you are not changing the map, you still need to send to local and county planning commissions for comments and hold a public hearing that is advertised; and lastly, pass an ordinance at a regular meeting with the revisions.

The difference with a map change is if it is dealing with a small area you must notify all the land owners and actually post the properties. That is not needed for your "text amendments".

Email from Peters Consultants for the cost associated with the survey of East Rittenhouse Mill Road, set pins, and prepare a Plan of Survey was discussed. Motion by Jim Seeley/seconded Joe Riggio to accept the proposal of \$5700 and require #5 rebar be used for the pins. Roll call was taken: Jim Long; yes; Ed Fenton, yes; Joe Riggio, yes; Jim Seeley, yes; Bill Witner, yes; Bruce Michael, yes. Motion carried on unanimous roll call vote.

Larry Frace submitted a zoning report and discussed the zoning activity during April 2023. A copy of the report is filed in the Borough Office.

Larry Frace explained the difference between "Uses Permitted by Right" and "Permitted Accessory Uses" of the Zoning Ordinance. **Uses Permitted by Right** - A use permitted in a zoning district and is therefore not subject to special review and approval by a local government. **Permitted Accessory Use** -Uses of land that are found on the same parcel as the principal use but are subordinate and incidental.

Larry Frace reported a request was received from Michael Knaus, Libra Holdings, LLC, for the Borough Council to review his application for a conditional use permit for 19 Old Route Four and exempt him from having to submit a plot plan. This property would be used as an area to load/unload portable storage containers until they are delivered to customers. Motion by Jim Long/seconded Joe Riggio to waive the requirement for a plot plan drawing and approve project to move forward. Motion carried; no opposed. Request signed by W. Bruce Michael, President of Council. Other required signatures, Planning Commission and Zoning Officer, are needed,

Larry Frace reported a letter was received from Peters Consultants, Inc. regarding the review of the Briar Creek Storage Land Development Project. Peter Consultants gave general comments on the project and recommended the items be completed and resubmitted for further review.

Secretary presented the list of bills and financial report. Motion by Ed Fenton/seconded Joe Riggio to pay the bills. Motion carried; no opposed.

Carol Kieser reported the TnR Feral Cat Vouchers have arrived from No Nonsense Neutering. Information to be posted on Facebook and website.

Additional bank signature cards were signed for the new CD's.

Information about an upcoming webinar entitled "Siting and Zoning Considerations for Large Scale Solar" presented by Penn State is scheduled for May 18, 2023 and will focus on the importance of having a solar ordinance.

Committee Reports

Law and Finance – Spreadsheet was distributed of past grant amounts. Secretary to check with Columbia County Housing and Redevelopment to find out who will be sending the letters to the residents and administering the program.

Attorney Davidson reported there is no conflict with Attorney Tanribilir for the Zoning Hearing for the proposed solar farm.

Highways and Streets – Three proposals were received for the Crack Sealing Project were received. Discussion held on the type of material each company will be using to seal the roads. Motion by Ed Fenton/seconded Jim Long to reject all bids and rebid with specific specs. Motion carried: no opposed. Ed Fenton will draw up specs for this project.

Jim Long reported on the recent storm which caused water to run down from Ruckle Hill Road onto W. Rittenhouse Mill Road. Steve Kehoe, PennDOT Municipal Service Specialist, will be contacted to discuss installing a culvert at the base of the road and direct the water into the stream.

Jim Long reported he received a complaint from a resident on Old Route 4 stating water from the recent storm ran down into the garage on the side of his house. Jim Long and Bruce Michael investigated. Highway and Streets to coordinate ditch cleanout in the area. Condition of the property referred to Larry Frace.

Buildings and Grounds – Jim Seeley discussed the need to purchase new chairs for the hall. Information and photos of three types of stackable chairs was submitted. Committee was asked to shop around and purchase two styles for Council approval.

Council discussed the dirty condition the chairs and tables are left in after a hall rental. Council suggested delaying a refund to the customer until the hall can be inspected. Council agreed the office should not accept cash in payment for a hall rental.

Berwick Area Joint Sewer Authority – No update given.

Old or Unfinished Business

BIDA – No report given.

Berwick/Briar Creek Borough Recycling Program – On the Berwick Council agenda.

Council is continuing to review the “text amendments” for permitted accessory uses and special exemption uses in Village Commercial Districts and Highway Service Districts.

Larry Frace commented on the draft Outside Burning Ordinance which was presented to Council at the April 26, 2023 work session. Bruce Michael will make corrections to the ordinance and present at the May 31 work session.

New Business

Discussion was held regarding the Borough’s fee schedule for planning and zoning hearings if the applicant needs to hold more than one planning or zoning hearing for a project. Consensus of Council is that our fee schedule resolution includes no provision for multiple meetings; therefore, the applicant can be assessed a fee for each meeting.

Respectfully submitted:

Carol A Kieser, Secretary
Briar Creek Borough