

**BRIAR CREEK BOROUGH**  
**June 7, 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. Absent: Joseph Riggio. Other officials present were Secretary Carol Kieser, Zoning Officer Larry Frace, and Solicitor Barry Lewis. Absent: Engineer.

Citizens present: Jordan Smith, John Trivelpiece, Holli Trivelpiece, Ryan May, Judy Reichert, Keith and Christy Hess, and David DeHaven.

Minutes of the April 26 Work Session, May 3 Regular Council Meeting, and May 17, 2023 Planning Commission Meeting were approved as recorded.

No Citizen Comments or Complaints were received on the agenda items

Judy Reichert, 114 Welliver Road, Berwick, requested assistance from the Borough Council to determine the Borough's boundary line and her property line. Ms. Reichert explained that she applied for a permit for a shed and it was denied because the location of the shed did not meet Borough setback guidelines. She feels she has been personally harassed by a Borough Councilmember throughout the years over various property disputes. Ms. Reichert gave verbal approval to Larry Frace to get a copy of her survey, which was performed by Peters Consultants, to determine her property lines.

Discussion was held with her regarding other sheds in the area that do not meet Borough setback guidelines. Explanation was given that those sheds were installed prior to zoning guidelines and now are "grandfathered" in.

After Borough property lines are determined, the Borough will have that area mowed and will not be the responsibility of Ms. Reichert to maintain.

Keith Hess advised Council of Act 65 of 2021, amendment to the Sunshine Act. Copy of the Act was given to Attorney Lewis.

Mayor Harold Kershner reported a tree came down over W. Rittenhouse Mill Road on June 3 and was removed by the Jim Long and Jim Seeley, saving the Borough money by not calling a contractor to remove the tree.

Solicitor's Report – Attorney Barry Lewis presented Ordinance #195 of 2023, Regulate Outside Burning, and Repeal Ordinance #105 of 1988. Motion by Jim Long/seconded Bill Witner to advertise the ordinance for adoption at the July 5, 2023 Council Meeting. Motion carried; no opposed.

Attorney Lewis submitted three examples of hall rental agreements from local fire companies. Council to review and discuss at the June 28 work session.

Email from Peters Consultants was read by Bruce Michael to update Council on the progress of the Welliver Road Weight Study. Work to begin on June 8<sup>th</sup> or 9<sup>th</sup>.

Email from Peters Consultants was read by Bruce Michael to update Council on the progress to survey E. Rittenhouse Mill Road. Right-of-Way plans from PennDOT have been received and work has begun to plot onto the survey. Work to begin the week of June 12<sup>th</sup>.

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

- Complaints were received regarding 30 Rittenhouse Mill Road. Cannot enforce conditions set by Zoning Hearing Board because an appeal of Zoning Hearing Board's decision was filed in Columbia County Court.
- Ryan May, Briar Creek Self Storage, requested a waiver for sidewalks and curbs at his proposed storage facility. Motion by Ed Fenton/seconded Jim Long to grant the waiver unless Council deems it necessary to install sidewalks at a future time. Formal Agreement will be drawn up by the Solicitor.
- Peters Consultants recommends Ryan May provide a financial security bond for his project. Ryan May requested a Waiver from Council. Attorney Lewis to research SALDO.
- Working on right-to-know requests from John Trivelpiece and Keith Hess, 30-day extension has been given.
- Council needs to review the fire lane revamp for Dollar Tree Warehouse HVAC Project.
- Continuance of Ruckle Hill Road Solar Farm special exception hearing at Briar Creek Township has been set for June 28<sup>th</sup>.
- Conditional Use Hearing for Libra Holdings, LLC (19 Old Route 4 Pods) was scheduled for Wednesday, June 28<sup>th</sup> at 5:30PM. Solicitor to advertise and hire a stenographer for the meeting.

Motion by Jim Seeley/seconded Jim Long to accept the Secretary/Treasurer's Report and approve the invoices for payment. Motion carried; no opposed.

#### Committee Reports

Law and Finance - Discussion was held at the May 31 work session to not allow Food Truck sales in the Borough Parking Lot due to lack of parking spaces and issues with line-of-sight while pulling onto Park Road from the parking lot. Motion by Ed Fenton/seconded Jim Seeley to deny permits or vendor sales on the Borough's property. Roll call taken: Jim Long, Aye; Ed Fenton, Yes; Jim Seeley, Aye; Bill Witner, Aye; Dave Kershner, Yes; Bruce Michael, Yes. Motion carried on unanimous roll call vote.

Highways and Streets – No report given for the crack sealing specs.

Proposal was presented from Don E Bower Inc to perform work to install a new catch basin on W Rittenhouse Mill Road. Motion by Bill Witner/seconded Jim Long to accept the proposal in the amount of \$10,210. Motion carried; no opposed.

Discussion was held to remove the bank on W. Rittenhouse Mill Road to increase the line-of-sight in the area of the proposed catch basin. Jim Long reported a tree that is on private property would need to be removed. Jim Long to contact owner of the property and get verbal consent to remove the tree. Attorney Lewis to draft an easement to do the work.

Buildings and Grounds – No report given on the purchase of stackable chairs.

Jim Seeley reported the water valve in the basement was replaced.

Jim Seeley reported a project meeting was held with the Columbia County Redevelopment Authority at the Borough Building on Monday, June 5 at 11AM to review the pavilion project. Design is complete and pavilion project should begin in two weeks.

No report was given concerning the Berwick Area Joint Sewer Authority.

#### Old or Unfinished Business

No report was given on the BIDA Downtown Project.

No report was given regarding the review of the Zoning Districts.

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No new business.

No further business and motion by Jim Seeley/seconded Dave Kershner was made to adjourn. Motion carried; no opposed. Meeting adjourned at 8:28PM.

Respectfully submitted:

Carol A Kieser, Secretary  
Briar Creek Borough