

BRIAR CREEK BOROUGH
September 6, 2023
REGULAR COUNCIL MEETING MINUTES

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

Roll call of members was taken. Present: Mayor Harold Kershner, Jr., W Bruce Michael, E James Seeley, James Long, Ed Fenton, Dave Kershner, Bill Witner, and Rodney Koch. Absent: Engineer. Other Officials present were Solicitor Barry Lewis, Zoning Officer Larry Frace and Abigail Kurecian, and Secretary Carol Kieser.

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

Minutes of the July 26 Work Session, August 2 Regular Council Meeting, August 8 Planning Commission Meeting, and August 9, 2023 Special Council Meeting were approved as recorded.

Comments and Complaints

No comments or complaints were received.

No Mayor's report was given.

Solicitor Barry Lewis read the order from the 09/06/2023 Briar Creek Borough vs Rick L Smethers Civil Case Hearing, held before Magistrate Judge Brenda Hess Williams. Judgment was ruled in favor of the borough.

No Engineer's report was given.

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

The Zoning Hearing Board held a Special Exception Hearing for the Ruckle Hill Solar Farm on Thursday, August 10, 2023. The special exception was denied. An appeal has been filed by Ruckle Hill Road Solar I against Briar Creek Borough.

Taco Bell has submitted a scoping application to PennDOT for driveway access off W Front Street. A land development application for Taco Bell has been received. Waiting on site and construction plans before a Planning Commission Meeting can be scheduled. Judy Reichert questioned the impact a drive-thru may have on Welliver Road. Council reviewed the results of a weight study performed BY Peters Consulting on Welliver Road, resulting in no weight restrictions on that road. Columbia County, Peters Consulting (Briar Creek's engineer), and Borough Council Planning Commission will review the plans before project is approved.

Vought Property (Midnite Towing) has submitted a scoping application to PennDOT for driveway access off Rt. 11.

Two zoning violations were discussed:

- (1) 7474 Columbia Blvd – Lot clearing and paving without a permit-Violation letter has been sent to Carl Majer.
- (2) 7421-7459 Columbia Blvd - Earthmoving with no permit; wetland evaluation by Columbia County needs completed. County has notified DEP.

Larry Frace introduced Abigail Kurecian as an employee with Larry C. Frace Inspections.

Secretary presented a list of bills for payment and bank account balances and registers. Motion by Jim Seeley/seconded Dave Kershner to approve the Secretary/Treasurer's Report. Motion carried; no opposed.

Committee Reports

Law & Finance – Resolution #4 of 2023, Establishing a Fee Schedule of Rental Rates for the Use of the Borough Hall, was presented. Motion by Ed Fenton/seconded Bill Witner to adopted Resolution #4 of 2023. Motion carried; no opposed.

Motion by Ed Fenton/seconded Rodney Koch to approve the updated Hall Agreement. Motion carried; no opposed.

Highway and Streets – The PennDOT results of the safety study for the intersection of SR 93 and Park Road onto E Rittenhouse Mill Road and the intersection of SR 93 and E Rittenhouse Mill Road was reviewed. The PennDOT study revealed no reportable crashes involving delivery trucks making turning movements at these intersections.

Bruce Michael read his notes relating to E Rittenhouse Mill Road and the Council's efforts to respond to the safety issues brought to the Council's attention. A discussion was held by Council regarding the trees, shrubbery, fences etc that are encroaching on the Borough's right-of-way, causing a line-of-sight safety situation. Each Council member was asked to comment. Motion by Ed Fenton/seconded Dave Kershner to authorize the Solicitor to write a letter to the residents on E Rittenhouse Mill Road asking that anything encroaching on the Borough's right-of-way be removed, excluding mailboxes, by November 30, 2023, in attempt to improve the line-of-sight for safety on that road. Roll taken: Jim Long, yes; Ed Fenton, yes; Rodney Koch, yes; Jim Seeley, yes; Bill Witner, yes; Dave Kershner, yes; Bruce Michael, yes. Motion carried by unanimous roll call vote.

Ed Fenton submitted his bid specs for the Crack Sealing Project. Motion by Ed Fenton/seconded Bill Witner to authorize the project for bid. Proposals to be accepted for the Wednesday, September 27th work session. Motion carried; no opposed.

PPL has been contacted to install a new street light on W Front Street. PPL will assign installation to an engineer with an estimated eight-week installation date.

Jim Seeley reported a building permit has been issued to PA Aluminum for the pavilion and installation will begin when materials are received by PA Aluminum.

Proposals to grind the tree stump in the pavilion area were reviewed. Motion by Dave Kershner/seconded Bill Witner to award project to B&B Tree Service in the amount of \$300. Motion carried; no opposed.

Discussion was held by Council to remove two maiden trees and shrubs and grind stumps on E Rittenhouse Mill Road. Those tree trimmers who submitted proposals for the tree grinding project will be contacted for proposals. Proposals will be reviewed at the Wednesday, September 27th work session.

Jim Seeley submitted and discussed the July 12 BAJSA meeting minutes and past due list.

Page Four of Four
Regular Council Meeting Minutes
September 6, 2023

Old or Unfinished Business – No update was given on the Zoning Ordinance Text Changes. Mayor Harold Kershner will assist Bruce Michael in completing these changes.

New Business – Larry Frace discussed the deadline to update the Borough’s flood plain ordinance and suggested a public meeting be held at his facility to share the cost of the project with other municipalities.

No further business. Motion by Ed Fenton/seconded Jim Long to adjourn. Motion carried. Meeting was adjourned at 8:24PM.

Respectfully submitted:

Carol A Kieser, Secretary
Briar Creek Borough