

## BRIAR CREEK TOWNSHIP SUPERVISORS

Combined Supervisors Meeting & Work Session

August 7, 2023

Briar Creek Township Municipal Building, 150 Municipal Rd., Berwick, PA 18603, Columbia County, PA

The Meeting of the Supervisors of Briar Creek Township, Columbia County, PA was held at the Township Municipal Building on August 7, 2023 at 7:00 PM. Present were the following: Supervisors C. Fisher, M. Sitler, G. Naus, J. Gallagher, T. Prutzman, Road Master S. Rauch, Police Chief T. Frace, Secretary/Treasurer M. DeStefano, Zoning/Codes Official L. Frace, residents V. Dickerson, B. Gensemer, C. Milheim, D. Kasputo, V. & R. Deter, S. Batchelder, and First Columbia Bank & Trusts representatives M. Celli and M. Fisher.

### **AGENDA & MEETING MINUTES**

- Chairman C. Fisher called the meeting to order at 7:00 PM.
- Pledge of Allegiance was completed by all present.
- Public Participation
  - B. Gensemer inquired about the Slow/Children at Play sign, which S. Rauch confirmed was ordered.
  - Briar Crest Residents – Concerns with large utility trucks damaging roadways
    - Discussion was held regarding the work PPL and their subcontractors are doing to upgrade the grid in the area. B. Gensemer shared Briar Crest resident concerns about the utility trucks damaging the roads. S. Rauch commented that he spoke directly with the PPL Project Manager. Both S. Rauch and PPL obtained photo documentation of the roads prior to initiation of the project. Roads will be restored to original condition if there is any confirmed damage. D. Kasputo raised concerns about the weight of the trucks on the roads, increase in electromagnetic radiation, health considerations, and a potential decrease in home values. Discussion of weight restrictions and bonding on township roads was discussed. Bonding is only required for profit entities, not public utilities. He indicated he would like to have someone from PPL come to talk to the residents and/or will contact the newspaper to discuss.
- First Columbia Bank & Trust Presentations – M. Celli, Asst. VP, Commercial Lender First Columbia Bank & Trust
  - Sweep Account Proposal - M. Celli explained what a Sweep Account is and its parameters. Discussion was held about how it is funded and maintained, how monies are invested in strong-rated bonds to produce a higher interest rate as long as the minimum balance of \$50,000 is maintained and what happens if/when this amount drops. Sweep accounts are not FDIC insured but are secured as outlined in the proposal. Interest is compounded daily and paid monthly. Other municipalities, school districts and business utilize sweep accounts. The same banking options (bill processing, ACH.EFT, etc.) are available with a sweep account. There is no fee to transfer. It was agreed that more time is needed to review the proposal document and address any additional follow-up questions. This agenda item will be revisited at the September Meeting.
  - Equipment Purchase Financing - M. Celli presented First Columbia Bank & Trust's Equipment Lease/Purchase proposal for a new tractor for the Maintenance Dept. He presented terms for a 5 and 7-year loan. The proposal is for a rate lock in only. No cost is incurred if this is not pursued. The proposal is valid for 30-days but he stated that the terms could be extended through the next meeting in September to give the municipality more time to consider this and its options. See also *Tractor Financing* further below on the agenda for additional information related to this agenda topic.
- Pass the minutes from the following meeting:
  - 10JUL2023 Combined Supervisors Meeting & Work Session – A motion to accept these meeting minutes was made by T. Prutzman and seconded by G. Naus. Motion passed 5-0.

## BRIAR CREEK TOWNSHIP SUPERVISORS

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- Maintenance Report – S. Rauch reviewed his report for JUL2023. A motion to accept the Maintenance Report was made by M. Sitler and seconded by T. Prutzman. Motion passed 5-0.
  - Davis Hill Roadway Damage Issue
    - Water is collecting in swale area causing heaving. Repair work is too much for Maintenance Dept. to address. Issue was discussed with PennDot Municipal Services Specialist S. Kehoe. Recommendation was to obtain estimate from CH Paving since they are already contracted to complete Bogarts Hill work and estimate is expected to be less than the bidding threshold. CH Paving was contacted and provided an estimate of \$10,898. They indicated it would add 2+/- days to the already contracted workload. A motion was made to proceed with the proposal with the following contingencies: get a completion date and seek net 30 days bill payment (not net 15) and satisfactory inspection prior to payment. Motion was made by M. Sitler and seconded by G. Naus. Motion passed 5-0.
  - Lower Woodcrest Water Issue
    - S. Rauch presented an update following his meeting with PennDot Municipal Services Specialist S. Kehoe and made recommendations on repairs for the water issue. The issue stems from a resident who had a pipe removed when redoing their driveway. Discussion was held regarding permitting, right of way, consulting the Township Solicitor (by M. Sitler), and review of the township driveway ordinance (by L. Frace). Slade noted that he is seeking quotes on materials for a repair. Updates will be provided at the next meeting.
  - Bogarts Hill Rd. Paving Project Update
    - All township road work is done. CH Paving is expected to start work on 14AUG2023.
  - Yost Hollow Road Culvert Replacement Project Update
    - Review and motion decision on Change Order #1 for removal of 3 trees (cost: \$9,060.00) The change order was reviewed, and it was confirmed that B&B Tree Service would be the contractor to remove the trees. S. Rauch met with T. Babb of B&B Tree Service to identify the 3 trees for removal. No change in the project timeline is expected for this. A 10% financial contingency was built into the cost proposal so this item should be covered without causing any further financial concerns. A motion to approve the Yost Hollow Road Culvert Replacement Project Change Order #1 for removal of 3 trees (cost: \$9,060.00) was made by M. Sitler and seconded by T. Prutzman. Motion passed 5-0.
    - Detour signs were placed on the roadways by Don E. Bower, Inc. T. Frace stated he updated the township website with the road work information.
  - Tractor Financing
    - Discussions continued regarding tractor financing. It was noted that it is not required to bid out the purchase since this would be a verified Costar purchase. Two pieces of older equipment (~1974/~1986) will be traded in or sold on Municibid. Loan rates from 3 banks were obtained as part of the information gathering process. M. Sitler inquired as to a realistic date for purchase and suggested next year. However, S. Rauch indicated the purchase would likely need to be made this year. He has had to make repeated repairs to the backhoe and prices for equipment and parts continue to increase. He also stated that new updated quotes for the tractor will be needed. Both T. Prutzman and T. Frace confirmed that the township would not be eligible for a Dept. of Agriculture grant as this has been researched previously for other township vehicle needs; the township does not meet the criteria requirements. T. Prutzman noted that a possible DCED grant may be an option but the information needs to be reviewed by all. Resident V. Deter inquired about the purchase of a used tractor. S. Rauch commented on the need to purchase a tractor

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that has the necessary hydraulic capabilities for operation of all attachments. Both S. Rauch and M. Sitler indicated it would be difficult to find one worth buying for that reason. Additionally, J. Gallagher commented that it's typical when companies lease out vehicles and then place these for sale; the vehicles are usually not in good condition and have not been well-maintained.

- A motion was made by M. Sitler to continue moving forward with the process, complete the debt statement, obtain the Solicitor's Opinion Letter, etc. The motion was seconded by J. Gallagher. Motion passed 5-0.
- Police Report – T. Frace reviewed his report for JUL2023. A motion to accept the Police Report was made by G. Naus and seconded by T. Prutzman. Motion passed 5-0.
- Sewer Authority Report – The JUN & JUL 2023 reports/notes submitted by M. Fisher were reviewed. A motion to accept these Sewer Authority Reports and Notes was made by T. Prutzman and seconded by G. Naus. Motion passed 5-0.
- Sewer Enforcement Report – No report; B. Brior confirmed via email that there was no activity in July.
- Zoning & Codes Report - L. Frace reviewed his report for JUL2023.
  - Regarding 1154 6th Ave., L. Frace commented that Mr. Patel was planning to change the engineering firm for the project and that he would resubmit in 60 days. It is expected that Mr. Patel will tear all the buildings down. A new application for the Personal Care Home is expected to be submitted in 60 days [September 13, 2023].
  - The ZHB held on 03AUG2023 for a side yard setback variance for workshop addition resulted in the variance being granted.
  - T. Prutzman inquired about the permit and issue at 120 Vista Rd. L. Frace stated that the original setbacks for the pool were not followed which resulted in a second problem for the deck permit and setbacks.
  - L. Frace stated that he is compiling mobile home park data into binders which includes current pictures, violations, etc.
  - A motion to accept this Zoning & Codes Report was made by J. Gallagher and seconded by M. Sitler. Motion passed 5-0.
  - Update on status
    - 286 Dairy Road & Woodland Acres Lane
      - L. Frace reconfirmed that a business cannot be run in the Agricultural District and current and historical details were shared regarding the Dairy Road property from L. Frace's review of available records. He noted that when DEP took over the issue with the Dairy Road property, it superseded any actions by the Township. At present because the State agency is involved, any township zoning violations and any actions are on hold. The Supervisors stated that any neighbor to neighbor complaints would need to be addressed via civil suit, but it was advised that the property deed be obtained and reviewed to verify any property restrictions.
    - Blight property at 381 Summerhill Rd.
      - A. Cruz met with the Township Solicitor to complete the required estate documentation. Township Solicitor B. Lewis and M. Hess, Executive Director, Columbia County Housing & Redevelopment Authorities confirmed that the property will undergo an appraisal for fair market value before proceeding with the probate petition.

## BRIAR CREEK TOWNSHIP SUPERVISORS

Combined Supervisors Meeting & Work Session

August 7, 2023

Briar Creek Township Municipal Building, 150 Municipal Rd., Berwick, PA 18603, Columbia County, PA

- B. Rubio, Community Development Specialist, Columbia County Housing & Redevelopment Authorities inquired via email if the Township obtained conditional agreements from the taxing bodies for the property. It was confirmed previously that the 3 entities (township, county, and school district) all motioned for tax forgiveness in prior meetings documented in meeting minutes. It will be confirmed if this is sufficient or something more is needed.
- Planning Commission Report – The JUL2023 report submitted by R. Samsel was reviewed. A motion to accept this Planning Commission Report was made by M. Sitler and seconded by G. Naus. Motion passed 5-0.
- Fire Company Report – The JUL2023 report submitted by C. Fisher was reviewed. A motion to accept this Fire Company Report was made by M. Sitler and seconded by T. Prutzman. Motion passed 5-0.
- Present Bills for Payment: Check #s 24559 to 24586/Electronic Payments 11JUL2023 through 07AUG2023 – A motion to pay these bills was made by M. Sitler and seconded by T. Prutzman. Motion passed 5-0.
- Budgets: General Fund, State/Liquid Fuels Fund, ARP Fund
  - The budgets were reviewed and no issues were noted.
  - M. DeStefano noted that the draft 2024 budget process will begin next month and suggested either dedicating the OCT Work Session to the initial draft budget review or scheduling a special meeting for this purpose. The Supervisors opted to dedicate the OCT 2024 Work Session for budget review.
- Correspondence – The BoS reviewed the correspondence received to date since the last meeting.
- Ongoing Business
  - PSATS CDL & “As needed employees” – discuss and motion to remove “As needed” employees with CDLs (C. Hess, T. Albertson) from the PSATS CDL roster with the understanding that if/when they are called in, they would first need to submit to testing before completing any township CDL-related work.
    - A decision on this at the last meeting was tabled until further information can be gathered. S. Rauch did voice the concern that if he needed help via an “as needed” employee, he might not be able to wait for the testing requirements to be fulfilled, especially in urgent situations.
    - The annual fee as a member of the PSATS CDL Program in 2023 is \$100; each random or requested individual test is \$60.
    - The program requirements, testing process, and the township needs were discussed. A motion to keep the “as needed” employees on the roster and to have them submit to random testing as required was made by M. Sitler and seconded by G. Naus. Motion passed 5-0.
  - Update on Connect Humanity “Preparing Appalachian Communities for Broadband Equity, Access, and Deployment (BEAD) and Digital Equity Act (DEA)” grant application
    - T. Prutzman stated that the state approved the budget and while formal notification is pending, BCT is expected to be awarded a grant. He also discussed other parameters for the grant including the requirement to use SEDA-COG as the grant facilitator, whether USDA funds can be used for the match which is to be confirmed by S. Hailstone and noting that BCT & NCT will need to apply for a Regional BEAD grant.

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- Reminders:
  - Joint Multimunicipal Comprehensive Plan Implementation Meeting to be held Mon., 21AUG2023 at 6:00PM at the BCT Municipal Building
  - Commissioners Meeting with BCT & NCT/Larson Design Group re: Briar Creek Lake Future Planning to be held Mon., August 14, 2023, 2:00 PM-3:30 PM at the Sawmill Road location in the large conference room
- ARP Funds and Projects
  - Discussion of and any motions for ARP funding project allocations
    - Township Sign & Message Board
      - Township Sign - The proof was reviewed and a motion to purchase the township sign (\$300.00 plus any mounting supplies needed by the Maintenance Dept.) was made by M. Sitler and seconded by G. Naus. Motion passed 5-0.
      - Message Board – M. Sitler stated that the quote was more than expected and indicated more research would be needed to obtain additional price comparisons. All agreed it would be helpful to determine what needs to be displayed to help estimate actual size needed.
    - Other items for ARP allocation per BoS discretion
      - T. Prutzman suggested setting aside \$50,000 for new tractor financing, especially since the money previously set aside for the Yost Hollow Road Culvert Project was no longer necessary. He noted that DCED may have a match which would help to support the tractor funding. A motion to reserve \$50,000 of the ARP funds for the new tractor was made by T. Prutzman and seconded by J. Gallagher. Motion passed 5-0.
      - Codification – the quote received about a year ago was around \$16,000 which is expected to be higher now. New quotes will need to be obtained. It was agreed that it would be beneficial to have this completed since Briar Creek & North Centre Townships are proceeding with the joint Zoning & SALDO updates.
        - The Briar Creek & North Centre Townships Zoning & SALDO Updates RFP quotes were received and 2 consultants were similar in estimates. The DCED MAP grant for this project requires a 50/50 match. Since BCT is also updating their SALDO, BCT will need to support a larger portion of the match costs. BCT & NCT will split all other costs including any required advertising for the project.
  - New Business
    - FEMA Meeting for next steps in the flood risk projects for Columbia County, Pennsylvania.
      - Tuesday, 05SEP2023, 10 AM to 12 Noon - Columbia County Offices, Sawmill Road Complex - RSVP by Tuesday, August 29, 2023
        - T. Prutzman and L. Frace stated they will attend this meeting.
      - Actions required to continue to take part in the National Flood Insurance Program (NFIP).
        - Resident outreach for properties affected by changes to the Flood Insurance Rate Map (FIRM) – L. Frace stated he previously notified all affected residents by letter.
        - Adopt a new or amended floodplain ordinance that at least meets the NFIP requirements – Once final determinations and related guidance have been issued by FEMA, the township can begin the floodplain ordinance amendment process.

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- For the good of the order
  - M. Sitler stated he received an inquiry about road cutting and sewer work being done at a parcel on Martzville Rd. He also inquired if it would be worthwhile to do any additional sewer-related work for future use. This would need to be addressed with BAJSA.
  - The Supervisors politely declined a request by an Edward Jones Financial Advisor to present on township investing.
  - G. Naus stated he will not be available to attend the next meeting.
  - M. DeStefano reminded colleagues that she will be out of the office 09-14AUG2023.
- Adjourn – A motion to adjourn the meeting at 8:55 PM was made by G. Naus and seconded by J. Gallagher. Motion passed 5-0.

Respectfully,  
Michelle DeStefano