

## BRIAR CREEK TOWNSHIP SUPERVISORS

Supervisors Meeting

November 7, 2022 @ 7PM

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

The Briar Creek Township Supervisors Meeting was held at the Township Municipal Building on November 7, 2022 beginning at 7:00 PM at the Township Municipal Building. Present were the following: Supervisors M. Sitler, C. Hess, C. Fisher, T. Prutzman, Secretary/Treasurer M. DeStefano, Police Chief T. Frace, Road Master T. Albertson, and Solicitor R. Davidson.

### **AGENDA & MEETING MINUTES**

- M. Sitler called the meeting to order at 7:00 PM.
- Pledge of Allegiance was completed by all present.
- Announcement of Executive Sessions
  - M. Sitler announced that the Supervisors had an Executive Session at the end of the 10OCT2022 Work Session to discuss an employee. It was entered into at 8:28 PM. A motion to leave the executive session at 8:40 PM and a motion to re-enter the Work Session at 8:41 PM were made by G. Naus and seconded by C. Fisher. Both motions passed 4-0. A motion was made by T. Prutzman to adjourn the meeting at 8:43 PM, which was seconded by G. Naus. Motion passed 4-0.
  - M. Sitler announced that the Supervisors had an Executive Session on 20OCT2022 to discuss the following: Yost Hollow Road Culvert Project with the Township Engineer, the Berwick Hospital and an employee. It was entered into at 7:00 PM. A motion to adjourn the Executive Session at 7:50 PM was made by T. Prutzman and seconded by C. Hess. Motion passed 5-0.
- Public Participation – None
- Pass the minutes from the following meetings:
  - September 6, 2022 Supervisors Meeting – A motion to approve these minutes was made by C. Fisher and seconded by C. Hess; motion passed 4-0.
  - September 19, 2022 Work Session – A motion to approve these minutes was made by C. Fisher and seconded by C. Hess; motion passed 4-0.
  - October 3, 2022 Supervisors Meeting – A motion to approve these minutes was made by C. Fisher and seconded by T. Prutzman; motion passed 4-0.
  - October 10, 2022 Work Session – Not yet available for review; draft to be completed.
- Ordinances
  - Solar Ordinance – review for final changes and motion to advertise
    - The draft Zoning Ordinance Amendment to allow solar energy development was discussed. Solicitor, R. Davidson advised the BoS that he would not recommend proceeding with placement of a 180-day moratorium for solar application submissions as this motion can only be used one time every 3 years and should be reserved for when absolutely necessary. Therefore, the BoS agreed not to proceed with this via resolution. He noted that once the township places its advertisement for its intent to amend its zoning ordinance for solar energy development, this serves as notice to all those seeking solar permits within the township about the potential requirements. He also reviewed the process required to progress the draft ordinance to adoption and enactment. The draft will be sent to the Columbia County Planning Commission for review. A public hearing will also be scheduled. Following this, the BoS can then motion to advertise the ordinance for adoption and enactment at their next meeting.
    - Zoning: New Leaf Solar & Solar Farm – It is not yet known if a permit application for this community solar project was submitted to Zoning Official L. Frace.
  - Mobile Home Park Ordinance – review for final changes and motion to advertise
    - It was clarified that the prior input from the BCT PC is covered under the existing Zoning

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Ordinance. The draft Mobile Home Park Ordinance focuses on a property that has three (3) or more mobile homes. The draft will be sent to the Columbia County Planning Commission for review.

- ❖ A motion to proceed with submission for all reviews and advertising for the draft Zoning Ordinance Amendment to allow solar energy development and the Mobile Home Park Ordinance was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
- Zoning Ordinance
  - Discuss status of Berwick Hospital – The Chapter 11 Bankruptcy process continues. The BOS zoning-related concerns were revisited. Solicitor R. Davidson addressed these in relation to current laws, the zoning ordinance, and considering the property resides in two (2) municipalities. The Berwick Hospital can be transformed into a mental health facility since it is considered an existing non-conforming use as per the Zoning Ordinance. If the physical footprint of the facility is to be expanded (i.e., new construction) than the zoning ordinance requirements must be followed.
  - Discuss adding back in Section 853 Treatment Centers/Clinics, Medical Offices, and Health Facilities; consider reviewing and revising permit and ZHB fees
    - Solicitor R. Davidson explained that Section 853 was most likely removed due to the ADA Regulations issued and therefore, should remain removed. He did recommend the BoS review and revise the ZO definitions to ensure compliance with ADA regulations.
    - The potential revision of permit and ZHB fees was deferred until L. Frace provides recommendations to the BoS.
- Maintenance Report – T. Albertson presented his report for October. He noted salt is being ordered and the cinders were received. A motion to accept this report was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
  - Leaf Blower Purchase – T. Albertson indicated he would like to purchase a new leaf blower to replace the old one, and the cost estimate is approximately \$279. The BoS noted that the cost for this is allowable under “430.26 HWY Small Tools”
- Police Report – T. Frace presented his report for October. A motion to accept this report was made by C. Fisher and seconded by C. Hess. Motion passed 4-0.
  - Motion to approve the PD expenses in the PD Report was made by T. Prutzman and seconded by C. Fisher. Motion passed 4-0.
  - T. Frace stated that Airiam would be completing an IT penetration test to see if there are any vulnerabilities in our systems. There is generally a cost associated with this, but the service is being offered free by the vendor. A report of the findings will be issued and reviewed between T. Frace and Airiam. He also mentioned there is a possible grant for cyber security which has a due date of 14NOV2022 but there is not much time for submission, pending the results of the test.
- Solicitor's Report – In addition to discussion and advisement on the topics under Ordinances, R. Davidson advised the BoS on the following agenda item.
  - 381 Summerhill Rd. - Blight property follow-up and BoS decision: R. Davidson informed the BoS that a title search is being completed to ensure no issues. According to the Columbia County Tax Office, this property is planned to be included in the first 2023 Judicial Sale which is targeted for Spring 2023. Therefore, R. Davidson advised that the BoS hold off on taking any action at the present time.
- Sewer Authority Report – The Sewer Authority Report for October submitted by M. Fisher was reviewed. A motion to accept the report was made by C. Hess and seconded by T. Prutzman. Motion passed 4-0.

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- Discussion regarding amending Ordinance No. 1 of 2013 related to maximum allowable industrial load for given pollutants permitted to be disposed of in the sanitary sewer system serving BCT. (Amends original ordinance 1 of 1996 Section 403 Specific Prohibitions Subsection W.)
  - R. Davidson stated that due to the Clean Water Act and the Clean Stream Act, the EPA puts out new standards and limits periodically and through DEP, requires sewer authorities and through SEOs, requires private sewage systems to meet the new industrial load parameters.
- Motion to advertise amendment to ordinance #3 of 2022.
  - A motion to advertise this amendment was made by C. Hess and seconded by C. Fisher. Motion passed 4-0. Following advertisement, the plan is to adopt this Ordinance Amendment at the 05DEC2022 Supervisors Meeting.
- Sewer Enforcement Report – The Sewer Enforcement Report for October submitted by B. Brior was reviewed. A motion to accept the report was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
- Zoning & Codes Report – The Zoning & Codes Report for October submitted by L. Frace was reviewed. A motion to accept the report was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
  - Update on status of property at 1154 6<sup>th</sup> Avenue – Per the report submitted, a denial letter for his permit application was issued to Mr. Patel on 02OCT2022 and he has the right to appeal within 30 days of receiving the letter.
- Planning Commission – The Planning Commission Report for October submitted by R. Samsel was reviewed. A motion to accept the report was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
- Fire Company Report – The Fire Company Report for October submitted by C. Fisher was reviewed. A motion to accept the report was made by C. Hess and seconded by T. Prutzman. Motion passed 4-0.
- Present Bills for Payment: Checks #24225 to 24269/Electronic Payments 04OCT2022 through 07NOV2022 – A motion to pay the bills was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
- Budgets: General Fund, State/Liquid Fuels Fund, ARP Fund – The budget status for each account was reviewed.
  - Motion to approve annual Intuit QuickBooks Modules – A motion to approve the modules noted below was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
    - (1) Desktop Bookkeeping (\$799)
    - (2) Payroll (~\$540/year + tax + employee charges)
  - Review Draft 2023 Budget
    - Discuss draft budget and set timeline for proposed 2023 budget adoption, advertisement, & approval – This was deferred to the 14NOV2022 Work Session.
- Correspondence – The Board reviewed the list of correspondence received to date through 07NOV2022.
  - M. DeStefano noted the policy renewal for the PA Dept. of Labor & Industry State Workers' Insurance Fund in 2023 for the SVFC will have an increase of \$984; the estimated premium is \$12,795.
  - There was discussion of the request for donations to the Bloomsburg Recycle Center. The BOS are refraining from making any such decisions until next year due to budget reviews, ensuring financial integrity and support for long-term commitments.
- Ongoing Business
  - Yost Hollow Road Culvert
    - Status Update: McTish, Kunkel & Associates is expected to have the revised design plans completed within 2 weeks. A. Keister, Township Engineer was with McTish, Kunkel &

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Associates but has transitioned to Livic Civil. The plan is to have his McTish, Kunkel & Associates colleagues who have been working with him on this project continue the re-design work and submission of the permit to DEP. Then the contract documents would be revised for hand-over from McTish to him at Livic for the remainder of the project's completion. He would then see the project from bidding to completion.

- Review Alternate Engineer Agreement – This is essentially a retainer until the end of the year.
  - Motion to appoint Alternate Engineering Firm/Engineer for remainder of 2022 – A motion to appoint Livic Civil/A. Keister as the Alternate Engineering Firm/Engineer for remainder of 2022 was made by C. Hess and seconded by T. Prutzman. Motion passed 4-0.
- Funding Support – Discuss possibility of using portion of Liquid Fuels Funds #438.45-Contracted Services
  - If yes, plans must be submitted to PennDOT Bridge Engineer for review; turnaround review time is ~ 1 month
  - This potential option was discussed but was not recommended due to the delays already encountered with the project and the continual rise of prices.
- Intergovernmental Cooperation Agreement for Implementing the Multimunicipal Comprehensive Plan – Discuss potential meeting dates/times with NCT BoS
  - This was not discussed at the meeting. M. DeStefano will follow-up with the BoS via email.
- New Business
  - ZHB – Appointment of a 3rd Member and Alternate Member
    - Resident D. Bowers expressed interest in serving on the Zoning Hearing Board as a Member and resident M. Goresh, Jr. expressed interest in serving on the Zoning Hearing Board as an Alternate. Therefore, the BoS recommended moving forward to fill these vacancies for the remainder of 2022.
    - A motion to appoint D. Bowers as a ZHB Member and M. Goresh, Jr. as a ZHB Alternate via Resolution # 11 of 2022 was made by C. Hess and seconded by C. Fisher. Motion passed 4-0.
- For the good of the order
  - C. Hess provided draft copies of the Secretary/Treasurer job description for review at the Work Session on 14NOV2022. He may not be present at this meeting.
  - The Carat Chase/S'more Wine Run on Sunday, 05NOV2022 was cancelled due to low participation.
  - M. DeStefano noted that she received from another municipal colleague updated PA legislation amending the PA fireworks code, AGRICULTURE CODE (3 PA.C.S.) - FIREWORKS AND A RELATED REPEAL Act of Jul. 11, 2022, 2022 ACT 74. This will need to be reviewed to see if it affects BCT Ordinance 1 of 2021; T. Frace was also made aware of this.
  - Information regarding ACT 172 of 2016, ACT 91 of 2020 was previously sent to the BoS.
    - Office of the State Fire Commissioner (OSFC) Volunteer Firefighter and Emergency Medical Service Personnel Tax Credit Incentive Program Guidelines - OSFC was required by legislation, Act 172 of 2016: Chapter 79A of Title 35 with developing guidelines and reporting process for the Volunteer Tax Credit Incentive program for fire and EMS personnel.
    - C. Fisher who serves as SVFC Fire Chief is aware of this program will look into this further.

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- M. DeStefano will generate a draft 2023 meeting date schedule for PC and BoS review so that it can be approved and motioned for advertisement at one of the December meetings. In addition, the 2023 Auditors Meeting will also need to be motioned for advertisement in December.
- Adjournment – An Executive Session was entered into at 8:46 PM; adjournment details will be documented at next meeting.

Respectfully,  
Michelle DeStefano  
Secretary/Treasurer