

BRIAR CREEK BOROUGH  
December 4, 2024  
REGULAR COUNCIL MEETING MINUTES

President of Council 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: W Bruce Michael, E James Seeley, Ed Fenton, Dave Kershner, Rodney Koch, and Bill Witner. Other officials present were Zoning Officer Larry Frace and Abigail Smith, Solicitor Barry Lewis, and Secretary Carol Kieser. Absent: Mayor Harold Kershner, James Long, and Engineer.

Citizen present: David DeHaven, Holli Trivelpiece, John Trivelpiece, and Keith Hess.

Minutes of the 10/30 work session and 11/6/2024 regular council meeting were approved as recorded.

No citizen comments on the agenda items were received.

Citizen Complaints

Keith Hess stated that equipment being used for bore testing for the Ruckle Hill Solar Farm Project is causing traffic issues on Ruckle Hill Road and E. Rittenhouse Mill Road; and on one occasion, equipment was parked on private property. Discussion was held by Council to encourage construction vehicles to enter and exit the construction site by using Golf Course Road. Larry Frace will contact the project manager.

No Mayor's report was given.

Solicitor's Report – Attorney Barry Lewis

Ordinance #197-2024, Amending Section 17 of the Mobile Home Ordinance #188-2020, has been advertised. Motion by Ed Fenton/seconded Dave Kershner to adopt Ordinance #197-2024. Motion carried, no opposed.

Proposed Ordinance #198-2024 was discussed to establish an intergovernmental cooperation agreement for BCB/BCT Joint Board of Appeals. Motion by Ed Fenton/ seconded Rodney Koch to authorize Atty Lewis to advertise the ordinance for enactment during the January 2, 2025 regular council meeting. Motion carried; no opposed.

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Engineer's Report

No Engineer's Report was given.

Zoning Officer's Report – Larry Frace submitted the November zoning report including the zoning violations, complaints, and permits. A copy of the report is filed in the Borough Office.

Larry Frace reported on the Planning Commission Meeting that was held on 11/20/2024. The Comcast Building plans were approved and planning commission recommended the development be approved by Council. Attorney Lewis recommended the outstanding documents for Comcast be signed and received before the Comcast drawings are approved and signed by Council. The outstanding documents are: Developer's Agreement, Letter of Credit and Sidewalk Waiver. Motion by Dave Kershner/seconded Jim Seeley to delay signing the plans until all executed documents are received from Comcast. Motion carried; no opposed.

Larry Frace reported a complaint was received regarding a broken sewer pipe in the basement of the Mavis Tire Building located at 2005 W Front Street. A certified letter will be sent to the owner of the property, Williams & Williams Real Estate, and a notice will be dropped off to Mavis Tire.

Bill Witner brought an inquiry from a Briar Creek Borough resident regarding the fence at the new Taco Bell. The length of the fence across the property line was questioned. Jim Seeley and Bill Witner will measure the fence to make sure it meets the development plans and recommend a solution to the resident.

Bruce Michael asked for any other comments or questions for the zoning officer and acknowledged John Trivelpiece. John Trivelpiece commented and suggested anyone with a complaint should attend the council meeting and bring their complaint directly before the council. (Context of comment has been abridged; not recorded word for word). The comment by John Trivelpiece provoked an angry discussion between Bill Witner and John Trivelpiece.

Secretary/Treasurer's Report

Invoices were presented for payment. Motion by Jim Seeley/seconded Dave Kershner to approve invoices for payment.

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Motion by Bill Witner/seconded Jim Seeley to hold the January 2025 council meeting on Thursday, January 2, 2025. Motion carried; no opposed.

Motion by Ed Fenton/seconded Rodney Koch to advertise the 2025 meeting dates. Motion carried/no opposed.

Motion by Jim Seeley/seconded Ed Fenton to adopt the 2025 Budget. Motion carried/no opposed.

Resolution No. 1 of 2025 was presented. Motion by Rodney Koch/seconded Bill Witner to enact the resolution to fix 2025 tax rates and appoint Columbia County as Tax Collector. Motion carried; no opposed.

Resolution No. 2 of 2025 was presented. Motion by Ed Fenton/seconded Jim Seeley to enact the resolution to establish a schedule of Attorney's fees for Zoning Hearing Board matters. Motion carried.

Resolution No. 3 of 2025 was presented. Motion by Ed Fenton/seconded Dave Kershner to enact the resolution to establish a schedule of Attorney's fees for collection and general matters. Motion carried; no opposed.

Draft of Resolution No. 4 of 2025 was presented. Motion by Jim Seeley/seconded Rodney Koch to postpone approval until the resolution amending the fee schedules is finalized. Motion carried; no opposed.

Motion by Jim Seeley/seconded Dave Kershner to accept the Secretary/Treasurer's Report. Motion carried; no opposed.

#### Committee Reports

Law and Finance – CD #6349 and #6376 will mature on December 23, 2024.

Motion by Ed Fenton/seconded Jim Seeley to combine the two into one CD.

Motion carried/no opposed.

Motion by Ed Fenton/seconded Rodney Koch to authorize Jim Seeley and Carol Kieser to roll the CD over into a new CD with the best rate. Motion carried; no opposed.

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Highways and Streets – Discussion held to repair the inlet on the corner of E Rittenhouse Mill Road and Park Road. Repair will be included in the Park Road/E Rittenhouse Mill Road resurfacing project. Ed Fenton will contact Steve Kehoe, PennDOT, in the Spring 2025 for an updated cost estimate.

Buildings and Grounds – Jim Seeley reported that M&M CarpetOne has re-glued the flooring in the area in front of the Prime-Time closet. However, it has been discovered that there is an issue with the floor coming loose on the entire right side of the room, starting under the map cabinet. M&M CarpetOne will be contacted to repair.

Old or Unfinished Business – No old business was discussed.

New Business

A request for a donation has been received from Columbia County Volunteers in Medicine Clinic, Inc. Secretary noted a donation of \$150 was made in the past. Motion by Jim Seeley/seconded Dave Kershner to make a donation in the amount \$150 to the clinic. Motion carried; no opposed.

John Trivelpiece asked if any information has been received from Berwick Borough regarding the recycling program. Jim Long was absent from the meeting so no report was given.

Larry Frace reported the adjoining municipalities are working toward aligning the zoning districts for easier permitting when a development spans two separate municipalities.

No further business and meeting was adjourned at 8:24PM.

Respectfully submitted:

Carol A Kieser, Secretary  
Briar Creek Borough