

BRIAR CREEK BOROUGH
April 2, 2025
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, James Long, E James Seeley, Ed Fenton, David Kershner, Bill Witner, and Rodney Koch. Other officials present: Solicitor Barry Lewis, Zoning Officers Larry Frace and Abigail Smith, Melanie Bove (Peters Consultants), and Secretary Carol Kieser. Absent: Mayor Harold Kershner.

Citizen present: Richard Sabatura, Chase Milheim, Cassidy Robinson and Bailey Musial (LaBella), Shawn Brandt (New Leaf Energy), John Trivelpiece, Holli Trivelpiece, and Christy Kehl-Hess and Keith Hess.

No citizen comments or complaints were received.

Minutes of the 02/26 work session and 03/05/2025 regular council meeting were approved as recorded.

John Trivelpiece, reviewed the minutes of the 03/19/2025 Planning Commission Meeting and recommended the Ruckle Hill Solar Farm project be submitted to Council for action.

Mayor's Report - Mayor Harold Kershner was absent and no report was given.

Engineer's Report – Peters Consultants

Melanie Bove reported the new section of fence has been constructed at Taco Bell. Pictures were included in each council member's packets.

Further engineering comments were given during the Ruckle Hill Road Solar Farm discussion.

Solicitor's Report – Attorney Barry Lewis

Ordinance #199-2025, Repealing Ordinance #197-2024 and Amending Section 17, Violations and Appeals of Ordinance #188-2020, was presented. Motion by Jim Seeley/seconded Bill Witner to enact Ordinance #199-2025. Roll call taken: Jim Long, yes; Ed Fenton, yes; Rodney Koch, yes; Jim Seeley, yes; Bill Witner, yes; Dave Kershner, yes; Bruce Michael, yes. Motion carried on unanimous roll call vote.

Ruckle Hill Solar Farm 1 Project - Attorney Lewis will prepare separate New Leaf Energy developer's agreements for Briar Creek Township and Briar Creek Borough and one joint BCT/BCB letter of credit.

Meeting was turned over to Cassidy Robinson, LaBella Associates, engineer for the New Leaf Energy Project, to review the updated project plans based on the requests from the 2/19/2025 Planning Commission Meeting and reported the NPDES Permit is in the process of approval. The property lines have been moved to the middle of Ruckle Hill Road to meet the requests of the landowners and setbacks have been changed. The 03/07/2025 plan revisions were clarified by Ed Fenton, John Trivelpiece and Keith Hess.

Ed Fenton questioned if glare studies and sound studies have been completed and referred to Section 1105.6C, Measurements 4A of the Zoning Ordinance regarding Noise Study. Cassidy Robinson and Shawn Brandt acknowledged the time line to perform the noise study in accordance with the Zoning Ordinance. Larry Frace has a copy of the glare study.

Cassidy Robinson stated the type of tree has been updated to all dwarf blue spruce per the 02/19/2025 planning commission meeting recommendations. Discussion was held by Council and Attorney Lewis to abide by #11 of the 04/12/2024 Stipulation and Settlement Agreement. **Vegetation type will be changed on the plans from all dwarf blue spruce to green giant arborvitae and dwarf blue spruce to comply with the Court Order.**

Waivers-Ruckle Hill Road Solar 1 LLC. requested relief from (1) subdivision requirements as set forth in the Briar Creek Borough Subdivision and Land Development Ordinance, (2) Section 5.13.C Street Lights, (3) Section, 5.13.A Curbs, and (4) 5.13.B Sidewalks 5.

Motion by Dave Kershner/seconded Rodney Koch to grant a waiver from the subdivision and street light requirement. Roll call taken: Jim Long, yes; Ed Fenton, yes; Rodney Koch, yes; Jim Seeley, yes; Bill Witner, yes; Dave Kershner, yes; Bruce Michael, yes. Motion carried on unanimous roll call vote.

Motion by Jim Long/seconded Dave Kershner to grant a waiver from the curbs and sidewalks requirement, contingent upon the signing of curbs and sidewalk waiver agreement and leave green space on the plans for any future Borough request to install curbs and sidewalks at a later date. Roll call taken: Jim Long, yes; Ed Fenton, yes; Rodney Koch, yes; Jim Seeley, yes; Bill Witner, yes; Dave Kershner, yes; Bruce Michael, yes. Motion carried on unanimous roll call vote.

The Ruckle Hill Road Solar Farm 1 LLC plans dated 10/01/2024, revised 03/04/2025, were submitted to Council for approval. Motion by Bill Witner/seconded Jim Long to approve the plans contingent upon the 04/12/2024 Court Order, Court Docket No. 2023-CV-971, Stipulation and Settlement Agreement, the execution of the developer's agreement and decommissioning agreement, receipt of BCT/BCB joint financial security, and NPDES permit. Roll call taken: Jim Long, yes; Ed Fenton, yes; Rodney Koch, yes; Jim Seeley, yes; Bill Witner, yes; Dave Kershner, yes; Bruce Michael, yes. Motion carried on unanimous roll call vote.

PennDOT Traffic Signal Maintenance Agreement (TSMA) – No report.

BCB Maintenance Agreement for Rt 11 Traffic Signal – No report.

Zoning Officer's Report – Larry Frace

Larry Frace submitted the March 2025 zoning report including the zoning and construction permits. A copy of the report is filed in the Borough Office.

A zoning hearing was held on Thursday, March 27, 2025 for Scott Berlin who requested a variance for Heritage Hill MPH LLC. d/b/a Wicklin Main, relative to design standard regulations in the Mobile Home Park District. The applicant proposed to install a minimum of fifteen (15) new mobile homes on Lark Drive. The mobile homes will be approximately 560 square feet, which is less than the required minimum of 700 square feet. The BCB Zoning Commission approved the variance.

Secretary/Treasurer's Report

Invoices were presented for payment. Motion by Ed Fenton/seconded Jim Long to approve invoices for payment. Motion carried; no opposed.

Committee Reports

Law and Finance – No report given.

Highways and Streets – BAJSA Berwick Area Joint Sewer Authority will coordinate with Big Rock Paving to cutout and raise the manholes for the Park Road/E Rittenhouse Mill Road Resurfacing Project. The contractor, Eric Wetzels, will contact Ed Fenton to review the project.

Buildings and Grounds – No report.

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Old or Unfinished Business – No old business was discussed.

New Business – No new business was presented.

Open Floor for New Business

No further business and meeting was adjourned at 8:30PM.

Respectfully submitted:

Carol A Kieser, Secretary
Briar Creek Borough