

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

December 14, 2020

John Curtaccio, Chairman, called the regular meeting of the Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, to order at 7:01 P.M. One (1) visitor was present.

PRESENT: John Curtaccio – Chairman
 Mark Piccirilli – Vice Chairman
 James E. Equels, Sr. – Supervisor
 Bryan K. Dehart - Manager/Secretary
 Kathryn L. Johnston, Esq. – Solicitor
 Marie S. Hartman, P.E. - Township Engineer

Public Comment – Agenda Items: None

Declaration of Emergency Disaster: The Pennsylvania Emergency Management Agency previously recommended that all Townships adopt their own emergency declaration. Brighton Township put one into effect at the April meeting with an effective date of March 23rd.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to keep the declaration in effect until terminated.

Minutes of November 9, 2020 Regular Meeting: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the minutes of the November 9, 2020 Regular Meeting.

Mr. Curtaccio dispensed with the reading of the monthly **November Reports**. Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the following November Reports as written and submitted.

- A. Treasurer's Report
- B. Building Permit Report
- C. Road Department Report
- D. Police Department Report
- E. Fire Department Report – No Report
- F. Report of Tax Collectors
- G. Report of Fines
- H. Recycling Report

Zoning Hearing Board Vacancy: There is a vacancy on the Zoning Hearing Board for a term ending December 31, 2022.

Personnel Actions: Police Department: The Township Manager recommended that the Board approve payroll bonuses of \$500 for each full-time and \$250 for each part-time police officer. During the course of the COVID-19 pandemic the Township was able to restrict access to certain public facilities and take other protective steps, including reduced work schedules. However, the police officers have not had these opportunities and have been on the front line continuously.

Mr. Piccirilli made a motion, seconded by Mr. Equels to approve payroll bonuses of \$500 for each full-time and \$250 for each part-time police officer as recommended by the Township Manger. The vote to approve the motion was two (2) “YES” votes by Messrs. Equels and Piccirilli and one (1) “ABSTAIN” by Mr. Curtaccio. Mr. Curtaccio abstained from voting due to conflict of interest as his son, Joshua Curtaccio, is a Brighton Township Police Officer.

Authorize Purchase of Computers: Computers in the Police Department are due for replacement as they can no longer be upgraded and have access to JNET and other applications. A quotation in the amount of \$11,200 for the purchase of 8 Dell Precision 8530 Laptops with Windows 10 Pro and Microsoft Office 2019 has been secured from Donald Sanders.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the quotation from Donald Sanders in the amount of \$11,200 for the purchase of 8 new laptops with software and installation.

Approve Final Payment – 2020 Pierce Encore Rescue: The 2020 Pierce Encore Rescue is due for delivery. Payment of \$291,975 is due. Initially it was proposed that a PEMA Loan of \$150,000 be secured to partially fund the final payment. However, no response was received to the application filed with the Office of the State Fire Commissioner in June 2020. It is now proposed that payment full be authorized from the Township Capital Reserve Fund.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve final payment of \$291,975 to Glick fire Equipment Company for the 2020 Pierce Encore Rescue.

Police Procedure Manual Amendments: Two amendments to Brighton Township Police Department Procedure Manual were presented for consideration. The first is the **Supplemental Policy D. Body Worn Camera Policy:** The 2021 Budget proposes the purchase of body worn cameras for the Police Department. This policy establishes the guidance for their use and for the storage and disposition of recorded data. The draft policy was reviewed at the October and November meetings. The Solicitor confirmed that the policy has been reviewed.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous to amend the Brighton Township Police Department Procedure Manual by adopting the Supplemental Policy D. Body Worn Camera Policy.

The second amendment is Procedure: 1.110 Audio & Video Recording Systems Retention: This policy is being amended to specify that it does not apply to Body Worn Camera recordings or data. Those recordings and data will be regulated by Supplemental Policy D. Body Worn Camera Policy.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to Amend the Brighton Township Police Department Procedure Manual by adopting the revised Procedure: 1.110 Audio & Video Recording Systems Retention.

Resolution No. 2020-24 Adopting the Emergency Operation Plan: The Emergency Operation Plan has been reviewed and updated. Resolution No. 2020-24 adopts the updated and revised plan document.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2020-24 adopting the Emergency Operation Plan for Brighton Township.

2021 Budget Adoption: The 2021 Budget has been advertised for adoption. The Board previously reviewed the budget at the October 12th and November 9th meetings. The budget maintains the real estate tax millage rate at 12.0 mills. The Stormwater Fee is budgeted to remain at \$5.50 per month per ERU. The following amounts were presented for adoption: General Fund \$4,823,059; Stormwater Fund \$266,200; Capital Reserve Fund \$2,054,445; State Aid Fund \$293,597 and Police Pension Fund \$2,984,768.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve **Resolution No. 2020-25** adopting the 2021 Budget as follows: General Fund \$4,823,059; Stormwater Fund \$266,200; Capital Reserve Fund \$2,054,445; State Aid Fund \$293,597 and Police Pension Fund \$2,984,768.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2020-26** Real Estate Tax Levy of 12.0 mills.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adopt **Resolution No. 2020-27**, Earned Income Tax Levy of 1.0%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2020-28**, Per Capita Tax Levy of \$5.00.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adopt **Resolution No. 2020-29**, Amusement Tax Levy of 5.0%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2020-30**, Local Service Tax Levy of \$47 Brighton Township/\$5.00 Beaver Area School District.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adopt **Resolution No. 2020-31**, Real Estate Transfer Tax Levy of 0.5%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2020-32**, establishing the base 2021 ERU Stormwater Management Fee as \$5.50 per month.

Ordinance No. 227 - Amending the Vehicles and Traffic Code: At the November meeting the Board authorized the Solicitor to prepare and advertise for consideration an ordinance approving the placement of traffic control signs on the accepted streets in the Aspen Fields Phase IV Plan. That has been done. The Ordinance includes the approval of a 25 mph speed limit and the placement of stop signs at the intersection of Wolf Drive at Aspen Drive and at the intersection of Aspen Drive at Sebring Road.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Ordinance No. 227 amending Chapter 189 Traffic to approve and authorize traffic control signs in Aspen Fields Phase IV Plan.

Beaver Woods Stormwater Pond(s) Retrofit: The Township has acquired the stormwater detention facilities and surrounding property located behind Beaver Woods. The Township Engineer is working on the design of the BMPs required to implement the Township's Pollution Reduction Plan for that watershed. The Township Engineer reported that Requests for Proposals have been sent to geotechnical firms to conduct field borings for field sampling and testing operations. There will be four borings along the proposed gravel access drive from Chapel Road, four borings within the two identified waste/borrow areas, and four borings within the basin area. Additional borings may be directed during the operations. The proposals are due by the end of December.

Two Mile Run Park Area PRP Stormwater Pond: An additional stormwater pond needs to be constructed or retrofitted to meet the full obligations of the Township's Pollution Reduction Plan (PRP) as part of the MS4 permit. A site at Two Mile Run Park area is now being evaluated for this purpose. The Engineer advised that a grading plan is now being prepared.

Township MS4 Program: The Township Engineer reported on activities for the Municipal Separate Storm Systems Program. During October CCTV was taken to investigate the dry weather flow areas. A report on the findings has been issued.

DCNR Grant – Two Mile Run Park Trails: The Township Engineer has submitted to PA DCNR the preliminary design drawings and construction specifications for the Two Mile Run Park Trails project. Prior to construction an NPDES Permit is needed. The Township Engineer stated that the permit application has been made and responses submitted to review comments. A new project manager has been assigned by DCNR who requested additional documentation and encouraged and section of the trail to be ADA compliant. The information has been submitted to the project manager.

Comcast Franchise Agreement: The prior Comcast Franchise Agreement has expired, but it was agreed to continue to operate under the terms of the prior agreement due to the inability to meet on a new Agreement. The Solicitor has exchanged emails with Jennifer M.

Cloonan, Director, External & Government Affairs for Comcast – Keystone Region. The Solicitor has proposed a contract renewal utilizing the existing contract format, and had submitted proposed changes. Comcast has submitted a new contract format and asked that it be red-lined to show requested changes. Ms. Johnston said she could do that, but it would take a considerable amount of time to revise Comcast's new proposed agreement format to match the existing agreement. Another option would be to proceed to administrative hearings. A final option is to take no further action at this time. The Board discussed the options, and determined to take no further action at this time.

Memorandum of Understanding with Marathon Pipe Line LLC: Marathon Pipe Line LLC is planning the construction of a new pipeline within Brighton Township that will cross two Township roads and access other roadways during project construction. The Engineer has prepared a draft Memorandum of Understanding (MOU) with Marathon Pipe Line, LLC to address the requirements for the scope of work. After receipt of comments on the MOU the Engineer, Solicitor and Manager prepared revisions and re-submitted to Marathon. Mr. Ken Jones, Sr. ROW Agent for Percheron LLC, representing Marathon Pipe Line, requested by email that the bonding amount be reduced from \$1,216,350 to reduce their bonding expense, which is 3% of the total bond. The Engineer stated that the calculation was calculated in accordance with Township Code and is consistent with the calculations prepared for other projects. The Board declined to grant any waiver from the requirements of the grading code.

Antler Ridge Open Space Area: The Comprehensive Plan has identified the Two Mile Run Creek area as a location for a potential trail. The developer for Antler Ridge has offered to dedicate the Open Space area of the plan for this purpose in lieu of paying the recreation impact fee of \$500 per lot. A proposed trail area along the Two Mile Run corridor from its beginning near the Social Hall to Brighton Road is included in the 1998 Comprehensive Plan, and it is included in the new plan now being prepared. The most recent community survey/questionnaire identified it as a favored project. There are ten (10) properties in the corridor. The Township owns one (1) of the properties and the Antler Ridge project is one (1) of the others. The area includes a sewage line right of way and there is also a power line in a portion of the project area, including the Antler Ridge property.

The Planning Commission has recommended that the Board of Supervisors accept the offer of dedication of the open space area from Antler Ridge in lieu of recreation impact fees for the purpose of a future trail area. However, rather than taking ownership of the property, the Commission favored placing a public access easement on the property that would grant the Township rights to develop it for a public trail.

The Board discussed this matter and determined that a public access easement in lieu of land dedication would be preferable. They agreed that it was appropriate to do so since it is an opportunity to take an action step towards implementing a recommendation of the Comprehensive Plan.

Mr. Piccirilli, made a motion, seconded by Mr. Equels, vote unanimous, to accept the offer of a dedication of a public recreation access and development easement within the common area of the Antler Ridge Plan in lieu of the recreation impact fee.

Aspen Fields Phases III and IV Dedication Request: The Developer has requested that all remaining public improvements in Aspen Fields Phases III and IV be accepted for dedication. This request would cover the stormwater collection systems. The Township Engineer said that there has been no acceptance of stormwater collection systems in any of the phases of Aspen Fields. In addition, a post construction Stormwater BMP Maintenance Agreement has not been executed with the HOA. Pond No. 1 has been transferred to the HOA. The Engineer will prepare exhibits for the dedication of the storm sewer system within Phase I. She will also provide the attachments needed for the Stormwater BMP Maintenance Agreement the HOA will need to execute.

Aspen Fields Phases III, IV & V - Bond Release Request No. 1: Maronda Homes, LLC has submitted a request for Bond Release No. 1 for the Aspen Fields Phases III, IV & V. The Township Engineer conducted an inspection and recommended a release of \$74,481.16.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Bond Release No. 1 for Aspen Fields Phases III, IV & V in the amount of \$74,481.16. The balance after release is \$227,191.58.

R.E.D. Mantini, LLC Grading Permit - Bond Release Request No. 2: R.E.D. Mantini, LLC posted a bond for their grading permit at the construction site of the new State Police Barracks. A request for Bond Release No. 3 has been made. The Township Engineer conducted an inspection and is recommending a release of \$20,833.66.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Bond Release No. 3 for the R.E.D Mantini Grading Permit in the amount of \$20,833.66. The remaining balance after release is \$22,034.59.

R.E.D. Mantini, LLC PSP Barracks Site Development - Bond Release Request No. 1: R.E.D. Mantini, LLC posted a bond for the site development of the new State Police Barracks. A request for Bond Release No. 1 has been made. The Township Engineer conducted an inspection and is recommending a release of \$61,220.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Bond Release No. 1 for the R.E.D Mantini PSP Barracks Site Development in the amount of \$61,220. The remaining balance after release is \$289,049.37.

Clover Development Developer's Agreement: The Developer's Agreement with Clover Development has been finalized by the Solicitor and executed by Clover Communities Brighton LLC and financial security has been posted.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to ratify the execution of the Developer's Agreement as prepared by the Solicitor, and authorize recording of the plan upon execution of the agreements with BTMA and BTSA and posting of their required financial security.

Stormwater BMP Agreement: The Stormwater BMP Operations and Maintenance Agreement for the Clover Communities Brighton LLC project has been finalized and executed by Clover.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to ratify the execution of the Stormwater BMP Operations and Maintenance Agreement for the Clover Communities Brighton LLC project.

Additional Business: Animal Control Services Agreement - The Beaver County Humane Society has submitted an Agreement for the provision of animal control services effective January 1, 2021. The Agreement is the same as the current year with no change to the monthly fee of \$315.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept the proposal and authorize execution of the Agreement with the Beaver County Humane Society for animal control services for 2021.

Public Comment: Mr. Gray asked what the Local Service Tax was. Mr. Dehart advised that it is a \$57 tax imposed upon persons employed within Brighton Township who make in excess of \$12,000 per year. Of the total \$47 goes to the Township and \$5 to the Beaver Area School District.

Ratify November Bills List: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to ratify the November Bills List.

Announce Executive Session: The Chairman recessed the meeting at 8:02 P.M. to enter into an executive session for the purpose of discussing a matter of litigation. Also present at the Executive Session were the Township Manager, Township Solicitor and Township Engineer. The meeting was reconvened by the Chairman at 8:11 P.M.

Adjournment: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adjourn the meeting at 8:12 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary