

## MINUTES

### BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

December 13, 2021

John Curtaccio, Chairman, called the regular meeting of the Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, to order at 7:02 P.M. Two (2) visitors were present.

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

**Public Comment – Agenda Items:** None

**Minutes of November 8, 2021 Regular Meeting:** Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the minutes of the November 8, 2021 Regular Meeting.

Mr. Curtaccio dispensed with the reading of the monthly **November Reports**. Mr. Piccirilli made a motion, seconded by Mr. Equels, 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:** Phyllis Stedford of 120 Shadylane Drive has expressed interest in filling the vacancy on the Zoning Hearing Board.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to appoint Phyllis Stedford to fill the vacancy on the Zoning Hearing Board for a term ending December 31, 2022.

**Authorize Bid for Timber Harvest Chapel Road Property:** John Hudson of Hudson Forestry Services, LLC has completed the marking of timber on tax parcel numbers 55-039-0500.000 and 55-039-0600.000 located off of Chapel Road. Bid specifications and documents

have been prepared for this timber harvest project. Mr. Dehart recommended that bids be released for a January 5, 2022 bid opening with consideration of bid award at the Board's January meeting.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize the release of bids for timber harvesting on Township properties identified as tax parcel numbers 55-039-0500.000 and 55-039-0600.000, with a bid opening on January 5, 2022 and consideration of bid award at the January regular meeting.

**Contract No. 21-M1 Municipal Building HVAC Unit Replacement:** At the August meeting the Board awarded Contract No. 21-M1 Municipal Building HVAC Unit Replacement to Guy's Mechanical Systems, Inc. in the amount of \$21,400. The Engineer said that the shop drawing submittals have been approved, and the equipment has been ordered. Project is pending delivery of the equipment.

**Contract No. 21-R01 2021 Roadway Improvement Program:** At the March meeting the Board awarded Contract No. 21-R01 2021 Roadway Improvement Program Bid Liquid Fuels to Youngblood Paving, Inc. in the amount of \$395,815.10. At the November meeting the Board approved Partial Payment No. 1 in the amount of \$358,861.90. The project is completed. Change Order No. 1 (FINAL) and Partial Payment No. 2 (FINAL) were presented for approval.

Change Order No. 1 (FINAL), based on field measurements by the office of the Township Engineer, decreases the final contract amount from \$395,815.10 to \$383,611.90 – a decrease of \$12,203.20.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of Change Order No. 1 (FINAL) to decrease the final contract amount from \$395,815.10 to \$383,611.90.

Partial Payment No. 2 (FINAL) was recommended for approval by the Township Engineer in the amount of \$42,693.10.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 2 (FINAL) in the amount of \$42,693.10.

**Authorized Bid - Westview Drive Guiderail Installation:** The Township Engineer has solicited quotations for the installation of approximately 1,020 LF of guiderail installation along Westview Drive. One (1) quotation was received and it exceeded the amount required for sealed bids. Ms. Hartman stated that the project included approximate 410 LF of guiderail from Dutch Ridge Road to 615 Westview Drive and approximately 610 LF of guiderail across the road from 522 to 502 Westview Drive. The quote received had prices in the range expected, but the total cost exceeds the required bid limit.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Township Engineer to prepare bid specifications and documents for the Westview Drive Guiderail Installation project. Bid opening is expected prior to the January meeting.

**Contract No. 21- PK1 Two Mile Run Park Trails Development:** At the August meeting the Board awarded Contract No. 21-PK1 (BRC-PRD-24-229) Two Mile Run Park Trails Development to LM&R Excavating, LLC in the total amount of \$335,350. Project construction has started. The Engineer reviewed the project states, and estimated that the project was approximately 20% completed.

**Partial Payment No. 1** was presented and recommended for approval by the Township Engineer in the amount of \$61,155.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 1 in the amount of \$61,155.

**Resolution No. 2021-24 Adopting a 2021 Revised Budget:** At the November meeting the Board reviewed a proposed 2021 Revised Budget. As a result of the receipt of the American Recovery Plan funds this year, the 2021 Budget is recommended for amendment to create a new ARP Fund 05. The 2021 Budget Revisions also amend the revenues and expenditures previously appropriated to reflect year to date activity. The Revised 2021 Budget was advertised for adoption. The revised budget is as follows: General Fund \$5,095,809; Stormwater Fund \$265,100; ARP Fund \$432,670; Capital Reserve Fund \$2,467,895; State Aid Fund \$293,597 and Police Pension Fund \$2,951,401. The 2021 Revised Budget has been advertised for adoption at tonight's meeting.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2021-24 adopting a 2021 Revised Budget.

**Resolution No. 2021-25 Adopting a 2022 Budget:** The 2022 Budget was presented at the October 11, 2021 meeting and reviewed a second time at the November 8, 2021 meeting. The 2022 Budget has been advertised for adoption. The budget proposes an increase the real estate tax millage rate from 12.0 mills to 13.5 mills, the first increase in four (4) years. The Stormwater Fee is budgeted to remain at \$5.50 per month per ERU.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve **Resolution No. 2021-25** adopting the 2022 Budget as follows: General Fund \$5,208,158; Stormwater Fund \$962,075; ARP Fund \$865,395; Capital Reserve Fund \$2,373,485; State Aid Fund \$292,287 and Police Pension Fund \$3,534,588.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adopt **Resolution No. 2021-26** establishing a 2022 Real Estate Tax Levy of 13.5 mills.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2021-27** establishing a 2022 Earned Income Tax Levy of 1.0%.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adopt **Resolution No. 2021-28**, establishing a 2022 Per Capita Tax Levy of \$5.00.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2021-29**, establishing a 2022 Amusement Tax Levy of 5.0%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2021-30**, establishing a 2022 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. 2021-31**, establishing a 2022 Real Estate Transfer Tax Levy of 0.5%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt **Resolution No. 2021-32**, establishing the base 2022 ERU Stormwater Management Fee as \$5.50 per month.

**Animal Control Services Agreement:** The Beaver County Humane Society has submitted an Agreement for the provision of animal control services effective January 1, 2022. The Agreement is the same as the current year with an increase in the monthly fee from \$315 to \$350.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the proposal and authorize execution of the Agreement with the Beaver County Humane Society for animal control services for 2022.

**Approve Land Lease Agreement for Communications Tower:** An existing communications tower is located at 1400 Brighton Road, and a Lease Agreement was in effect for the communications tower with the prior owner when Brighton Township acquired the property. A new Land Lease has been negotiated with New Cingular Wireless PCS, LLC for the existing communications tower. The lease is effective May 1, 2021 for an initial term five (5) years, with automatic renewals for five (5) additional years. Rent is \$1,350 per month, increasing 2% each year on the anniversary date. The Township Solicitor has reviewed the Agreement. The exhibits for the land lease area and access easement have been reviewed by the Township Engineer.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of the Land Lease Agreement with New Cingular Wireless PCS, LLC for a communications tower at 1400 Brighton Road.

**Ratify Appeal of Tax Assessment Status:** The Township previously filed an appeal with Beaver County to seek tax exempt status on Tax Parcel Nos. 55-152-0130.001 and 55-024-0200.000. The properties in question are the police station at 1400 Brighton Road and the adjoining lot. Beaver County denied the application for tax exempt status. The Solicitor prepared and filed an appeal of this decision. The Solicitor advised that the appeal is only filed on Tax Parcel No. 55-152-0130.001, 1400 Brighton Road. No appeal is filed on the vacant lot. Ms. Johnston advised that there were specific time periods for the filing of the appeal and they have been met. No status hearing has been scheduled to date.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to ratify the filing of the appeal filed against Beaver County regarding the tax status of Tax Parcel No. 55-152-0130.001.

**Beaver Woods Stormwater Pond(s) Retrofit:** The Township Engineer has designed the BMPs required to implement the Township's Pollution Reduction Plan for the Bradys Run watershed at the current location of the Beaver Woods Stormwater Pond. Ms. Hartman advised that the Chapter 105 and NPDES permit applications have been submitted and are still pending.

**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 has been proposed for this purpose. The project was on hold pending acquisition of the needed land. The Solicitor advised that the deed for the common area in the Woodridge Heights Plan of Lots has been recorded. The Engineer advised that access to the parcel and project area needs finalized.

**Resolution No. 2021-33 Adopting the 2021 Brighton Township Implementable Comprehensive Plan:** The Board of Supervisors conducted a Public Hearing earlier this evening on the 2021 Plan. The Plan was prepared by a study committee and the Brighton Township Planning Commission, who have recommended the Plan for adoption.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2021-33 adopting the 2021 Brighton Township Implementable Comprehensive Plan.

**Ordinance No. 231 Amending Chapter 195 Zoning Code – Wireless Communication Facilities:** The Board of Supervisors conducted a Public Hearing earlier this evening on the ordinance to amend Zoning Code Section 195-135 Wireless Communication Facilities. The ordinance was prepared by the Brighton Township Planning Commission, who has recommended the ordinance for adoption.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Ordinance No. 231 amending Zoning Code Section 195-135 Wireless Communication Facilities.

**Resolution No. 2021-34 Adoption of Revised Fee Schedule:** Ordinance No. 231 establishes new categories for fees related to wireless communication facilities within the public right of way. The revised fee schedule establishes fees for these types of applications and uses.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2021-34 adopting a revised Brighton Township Fee Schedule.

**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 was previously in contact with Jennifer M. Cloonan, Director, External & Government Affairs for Comcast – Keystone Region. However, she has been unable to make contact to close out the review of the Agreement. The Solicitor stated that she has now had email contact and the hope is to conclude the Agreement for the January meeting. Until then, the Township will continue to operate under the terms of the prior Agreement.

**Township MS4 Program:** The Township Engineer stated that project inspections continue to confirm compliance with approvals and permits.

**Stormwater BMP Operations & Maintenance Agreements:** Michael & Lori Miller have filed an individual small stormwater management BMP Agreements for construction of a detached garage at 400 Neville Road. The BMP proposed is the construction of a rock sump.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of the Agreement for individual small stormwater management BMP Agreement submitted by Michael & Lori Miller the for construction of a detached garage at 400 Neville Road.

**Mount Pleasant Farms Plan of Subdivision Phase 2 Lot Plan:** At the July 12, 2021 meeting the Board approved the Mount Pleasant Farm Plan of Subdivision Phase 2 Lot Plan as prepared by R.A.R. Engineering Group, Inc. dated October 22, 2020 and last revised June 22, 2021. The plan has now been presented for recording.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve for signature and recording the Mount Pleasant Farm Plan of Subdivision Phase 2 Lot Plan.

**Additional Business:** There was no additional business.

**Public Comment:** There was no public comment.

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

**Executive Session:** Mr. Curtaccio called for an executive session to discuss a matter of real estate at 7:33 P.M. Present were the Board of Supervisors, Township Manager, Township Solicitor and Township Engineer. The meeting was reconvened at 7:55 P.M.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Solicitor to proceed with a quiet title action in cooperation with the Township Manager and Township Engineer on the recently recorded property that was identified as common area.

**Adjournment:** Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adjourn the meeting at 7:58 P.M.

Respectfully submitted,

Bryan K. Dehart  
Township Secretary