

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

September 12, 2022

Mark Piccirilli, Vice-Chairman, called the regular meeting of the Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, to order at 7:00 P.M. No visitors were present.

PRESENT: 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

ABSENT: John Curtaccio – Chairman

Public Comment – Agenda Items: None

Minutes of August 8, 2022 Regular Meeting: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the minutes of the August 8, 2022 Regular Meeting.

Mr. Piccirilli dispensed with the reading of the monthly **August Reports**. Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the following August 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

Planning Commission Vacancy: There is a vacancy on the Planning Commission for a term ending December 31, 2023 due to the resignation of Matthew Stewart. Mr. Chris Dugan of 104 Highland Woods Drive has stated his interest in becoming a member of the Commission.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to appoint Mr. Dugan to fill the vacancy on the Planning Commission for the term ending December 31, 2023.

Municipal Authority Vacancy: Michael Keeliher has resigned from the Municipal Authority creating a vacancy for a term ending December 31, 2024. Mr. Mark Piccirilli previously submitted a letter of interest to serve on this Board. Mr. Piccirilli asked the Solicitor if he was permitted to vote on his appointment due to the absence of Mr. Curtaccio. She advised that he could proceed with the vote with an appointment subject to her review.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the resignation of Mr. Keeliher, and to appoint Mr. Piccirilli to the Municipal Authority for a term ending December 31, 2024, with the appointment subject to the review of the Township Solicitor.

The Board asked Mr. Dehart to thank Mr. Keeliher on their behalf for his many years of service as a member of the Municipal Authority Board.

Personnel Actions: The Township Manager recommended that the pay rates for part-time custodial positions be increased to be more in line with current hiring rates. Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to amend the pay scale for part-time custodians as recommended by the Manager.

Authorize Purchase of Vehicle: Police Vehicle: The 2017 police vehicle is scheduled for replacement in 2023. A proposal for the purchase of a 2023 Ford Utility Police Interceptor secured from Woltz & Wind Ford through CoStars (Contract No. 13-E22-220 Emergency Responder Vehicles) in the amount of \$40,300. A trade offer of for the 2017 Ford Utility Police Interceptor will be provided upon scheduling of vehicle delivery, not expected to the summer of 2023.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the purchase of a 2023 Ford Utility Police Interceptor from Woltz & Wind Ford through CoStars (Contract No. 13-E22-220) in the amount of \$40,300.

Resolution No. 2022-20 Supporting the PA Commission for US Semiquincentennial: The PA General Assembly and Governor Wolf created the Pennsylvania Commission for the United States Semiquincentennial to commemorate the 250th anniversary of the United States in 2026 and Pennsylvania's integral role in that event. PSATS has asked that each Township adopt a resolution to commemorate the event and the activities leading up to it.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2022-20 to support the Pennsylvania Commission for the United States Semiquincentennial.

Resolution No. 2022-21 Delinquent Collections for Stormwater Fees: The Brighton Township Stormwater Management Fee Ordinance provides for the creation of policies and procedures by the Board of Supervisors deemed appropriate to ensure collection of the stormwater fees. In 2019 the Board established a policy to file a lien on unpaid fees as of December 1st of each year, fees for the preparation, filing and satisfaction of liens and an interest rate of 6% on liens filed. The fees charged by Beaver County have increased and an administrative fee of \$5.50 is recommended. Resolution 2022-21 reflects the increased fees for the filing of liens. The Resolution will supersede the fees established by Resolution No. 2020-15.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2022-21 to establish the new fee schedule for the collection of delinquent stormwater fees.

Social Hall Renovation Project: The Board previously authorized the architect and engineer to proceed with final design drawings for the Social Hall renovation project. The preliminary renovation plans included the addition of a deck on the Dutch Ridge Road frontage. The existing building encroaches into the required setback, and the proposed deck will further extend into the setback area. Therefore, the Board will need to authorize the filing of a variance application with the Zoning Hearing Board to seek approval of this encroachment.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the filing of an application to the Brighton Township Zoning Hearing Board for the proposed encroachment into the setback area and authorize the Township Solicitor to present the application on behalf of the Township.

DCNR Community Conservation Partnerships Program Grant: Notification has been given that a special DCNR grant cycle is open, with grant applications due October 27, 2022. Development and land acquisition projects are eligible with a 50% match. The Board discussed the matter. Mr. Dehart asked the Board to consider a land acquisition application for additional property along the Two Mile Run Creek corridor. He noted that there is land listed for sale at the interchange area by Mr. Baycura, and that the newly adopted 2021 Implementable Comprehensive Plan recommended that the Township acquire additional properties.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Township Manager and Solicitor to discuss a possible letter of agreement or letter of intent with the owner that would authorize the Township to proceed with a land appraisal and possible subdivision in order to proceed with an application to DCNR for funding.

Contract No. 22-R01 2022 Roadway Improvement & Paving Program: At the April meeting the Board awarded the paving contract to Youngblood Paving, Inc. in the total amount of \$437,661.50. The contract documents have been executed. The Engineer said that a tentative start date is in two (2) to three (3) weeks. The Road Department has prepared the Police Department parking lot for paving.

Contract No. 21- PK1 Two Mile Run Park Trails Development: The Board previously 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 is complete. The Township Engineer has issued a punch list by letter dated August 8, 2022. The Engineer said they will be updating the punch list. A final inspection by the DCNR regional office is scheduled for September 23rd.

Timber Harvest Chapel Road Property: At the March meeting the Board executed the Agreement with JB Mill and Fabricating, Inc. for the timber harvest on Chapel Road. Payment in

full has been received. The logging operation has been started and is being monitored by Forest Manager John Hudson. The project is expected to be completed by the end of September.

Authorize Bid for Beaver Woods Stormwater Pond 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. The NPDES Permit and the Chapter 105 Permit have been issued. These permits were the final items needed in order to proceed with the project bid. The Engineer confirmed that the project could now be let for bid, with bids opened the week prior to the October 10, 2022 Board meeting.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the release of bids for the Beaver Woods Stormwater Pond Retrofit PRP Project.

Two Mile Run Park Area PRP Stormwater Pond: An additional stormwater pond needs to be constructed or retrofitted in the Two Mile Run watershed to meet the full obligations of the Township's Pollution Reduction Plan (PRP) as part of the MS4 permit. Ms. Hartman reviewed the locations evaluated to date. Of the additional locations discussed last month, one (1) looks favorable. It will require land acquisition. Mr. Dehart has contacted the two property owners who own the land needed for the project, and they are willing to discuss the sale so of their property further. However, subdivision(s) will be required, appraisals will be required, and the Engineer said that a geo-tech investigation will be needed.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize the Township Manager and Solicitor to discuss a possible letter of agreement or letter of intent with the owners that would authorize the Township to proceed with land appraisals, possible subdivisions and a geo-tech investigation for possible land acquisitions.

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 been in contact with Cheryl McCabe, Senior Manager, External & Government Affairs for Comcast – Keystone Region. Ms. Johnston reported that the two (2) final items that the Township had concerns with have been resolved. Section 1.14 Public Way had language added at the end to exclude rights of ways granted for purposes other than public access. Section 4.4 New Developments had language removed that required the Township to act as an intermediary between the developer and Comcast. With these changes the Solicitor advised that the Cable System Franchise Agreement could be executed.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the Cable System Franchise Agreement between Brighton Township and Comcast of Colorado/Pennsylvania/West Virginia, LLC and Comcast Cable Communications Management, LLC and authorize the Chairman to sign the Agreement on behalf of Brighton Township.

Brighton Township Pension MMO Calculations: Each year the Board is to be advised by September 30th of the Minimum Municipal Obligation (MMO) to the pension plans for the following year. The 2023 Police Pension Plan MMO is \$166,817 based on the calculation from

the plan actuary. The 2023 Non-Uniform Pension Plan MMO is \$58,371 based on the PMRS worksheet.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the 2023 Minimum Municipal Obligation (MMO) calculation for the Police Pension Plan of \$166,817 and \$58,371 for the Non-Uniformed Pension Plan and direct that these amounts be included within the 2023 Budget.

Ordinance to Amend the Zoning Code for the Keeping of Chickens: At the April meeting several residents appeared before the Board to request changes to the Zoning Code to permit the keeping of chickens in all zoning districts and on smaller size lots. The Board referred the matter to the Planning Commission for review and recommendation. The Commission reviewed the subject over several months. At their meeting of September 6, 2022, the Commission approved a motion to recommend for adoption an ordinance to amend the Zoning Code, Section 195-137.11 Keeping of Chickens. The proposed revisions would permit the keeping of chickens on lots as small as ½ acre in residential districts. The ordinance also establishes setback limitations, number of permitted chickens, and numerous other rules. It also establishes a permitting process.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to send the proposed ordinance to amend the Zoning Code, Section 195-137.11 Keeping of Chickens to the Beaver County Planning Commission as required for a Zoning Code amendment. After receipt of their comments a public hearing will be scheduled.

Ordinance to Amend Chapter 82 Outdoor Burning: The Solicitor has prepared an ordinance to amend Chapter 82 Outdoor Burning following a meeting with the Chief of Police and Township Manager. The ordinance adds definitions, clarifies what can be burned and eliminates and exemptions. These changes were recommended by the Police Chief following a hearing before the District Magistrate on a burning citation issued by the Department. Ms. Johnston reviewed the draft ordinance and the proposed changes.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Township Solicitor to advertise the ordinance to amend Chapter 82 Outdoor Burning for consideration of adoption at the October 10, 2022 meeting.

Stormwater Management Ordinance: The Township Engineer advised the Board at a prior meeting as part of her MS4 Program report that the Township must adopt an updated Stormwater Management Ordinance to address the minimum requirements of the Pennsylvania DEP's 2022 MS4 Model Ordinance. The draft ordinance has been prepared and circulated for review. Comments have been made by the Township Manager and Solicitor. Ms. Harman said that the comments received will be incorporated and a new draft circulated. A proposed final ordinance will be presented at the October meeting for review.

Stormwater BMP Operations & Maintenance Agreements: Derek R. and Joni L. Belcastro have filed an individual small stormwater management BMP Agreement for construction of a single-family home at 4543 Dutch Ridge 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 by the Chairman and Secretary for individual small stormwater management BMP Agreement submitted by Derek R. and Joni L. Belcastro for a single-family home at 4543 Dutch Ridge Road.

Jordan P. Holt and Paul E. Holt have filed an individual small stormwater management BMP Agreement for construction of a single-family home at 4258 Tuscarawas 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 by the Chairman and Secretary for individual small stormwater management BMP Agreement submitted by Jordan P. Holt and Paul E. Holt for a single-family home at 4258 Tuscarawas Road.

Township MS4 Program: The Township Engineer provided an update on the Municipal Separate Storm Systems Program. The Annual Report has been reviewed with the Manager and will be filed as required.

Winter Maintenance Agreements: Winter Maintenance Agreements have been prepared for Aspen Fields Phase V and Deerfield Preserve Plan Phase No. 1. The cost of service is based upon the rate established by Penn D.O.T. for their winter maintenance agreements, plus a one-time street sweeping fee in the spring. Maronda Homes, Inc. has executed their Agreement for Aspen Fields Phase V and made payment. Dutch Ridge Development has advised that they will be executing the Agreement for Deerfield Preserve Plan Phase I, but it has not been received.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize execution of the Winter Maintenance Agreement with Maronda Homes, Inc. for Aspen Fields Phase V.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize execution of the Winter Maintenance Agreement with Dutch Ridge Development for Deerfield Preserve Plan Phase I upon receipt of the executed Agreement and payment.

Aspen Fields Bond Release: By letter of August 30, 3033 Maronda Homes requested a release of funds from the combined bond for Phases III, IV and V. The Township Engineer has reviewed the request and has issued a letter dated September 9, 2022 recommending a release of \$118,079.06. The balance remaining after Release No. 2 is \$109,112.52.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Release No. 2 from the combined bond for Aspen Fields Phases III, IV and V in the amount of \$118,079.06.

Additional Business: The Solicitor said that much of the business conducted by the Board concerns stormwater. She noted that her office filed two (2) stormwater fee liens today and satisfied one (1) other.

Public Comment: There was no public comment.

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

Adjournment: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adjourn the meeting at 8:17 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary