

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

October 10, 2022

John Curtaccio, 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. Three (3) 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 September 12, 2022 Regular Meeting:** Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the minutes of the September 12, 2022 Regular Meeting.

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

**Award Bid – Contract No. 22-ST01 2022 Stormwater Improvements (Beaver Woods Detention Pond):** Bids were opened on October 7, 2022 for the Beaver Woods Detention Pond Retrofit Project. The Engineer presented the bid tabulation as follows:

Independent Enterprises, Inc.	\$158,750.00
LM&R Excavating	\$431,500 .00

Ms. Hartman reported that a letter has been submitted by Independent Enterprises, Inc. dated October 10, 2022 withdrawing their bid, stating that a mathematical error was made resulting in their bid for Earthwork to be calculated incorrectly.

After hearing the Engineer's report and discussing the matter in detail, Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to reject all bids for Contract No. 22-ST01 2022 Stormwater Improvements.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize the rebid for Contract No. 22-ST01 2022 Stormwater Improvements.

**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 Engineer reported that the paving has been completed. The contractor still needs to fill in behind the curbs and seal paving seams. No pay request has been submitted to date.

**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 an updated punch list by letter dated October 10, 2022. The Engineer said they will be updating the punch list. A change order and final payment are expected to be presented at the November meeting.

**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 completed. Final confirmation will be provided by the Forrest Manager, John Hudson.

**Resolution No. 2022-22 Implementing PA Act 57 of 2022 Property Tax Penalty Waiver Provisions:** PA Act 57 of 2022 amends the Local Tax Collection Law and requires taxing districts to adopt a resolution to direct the tax collector(s) to waive additional charges for real estate taxes in certain situations.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2022-22 to implement the requirements of PA Act 57 property tax penalty waiver provisions.

**Resolution No. 2022-23 Electing the Standard Allowance and Distributing the American Rescue Plan Act Funds:** Brighton Township received \$868,036 in American Rescue Plan Act (ARPA) funds. This Resolution elects the standard allowance for revenue loss provision of the ARPA and designates the distribution of the funding as follows:

Fire Truck Reserve Fund	\$250,000
Social Hall Renovation Project (Capital Fund)	\$300,000
Capital Fund (Reimburse Police Dept. Renovations)	\$125,000
Capital Fund (Reserve)	\$ 50,000

Stormwater Fund

\$143,036

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adopt Resolution No. 2022-23 to elect the standard allowance for revenue loss provided for in the ARPA and designating the distribution of the funds received as listed therein.

**Resolution No. 2022-24 Adopting a 2022 Revised Budget:** As a result of the receipt of the American Recovery Plan Act funds this year, pursuant to Resolution No. 2022-23, and other factors, the 2022 Budget was presented for amendment. The 2022 Budget Revisions also amend the revenues and expenditures previously appropriated to reflect year to date activity. The revised budget is as follows: General Fund \$6,374,434; Stormwater Fund \$699,575; ARP Fund \$435,395; Capital Reserve Fund \$3,347,141; State Aid Fund \$307,967 and Police Pension Fund \$2,997,088.

After review, Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2022-24 adopting a 2022 Revised Budget.

**2023 Budget – First Reading:** The first reading of the 2023 Budget was presented. The following amounts are being proposed for the 2023 Budget: General Fund \$5,374,578; Stormwater Fund \$812,000; Capital Reserve Fund \$3,206,970; State Aid Fund \$331,241 and Police Pension Fund \$3,308,277. The budget proposes an increase in the real estate tax millage rate from 13.5 mills to 14.0 mills. The Stormwater Fee is budgeted to remain at \$5.50 per month per ERU. The budget will be reviewed at the November 14<sup>h</sup> meeting and proposed for adoption at the December 12<sup>th</sup> meeting. The Board will schedule budget meetings with the police, fire and public works departments so that they may provide an informative presentation on their requested allocations for the budget.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the advertisement of the 2023 budget at least 20 days prior to adoption and schedule budget meetings with the police, fire and public works departments.

**Resolution No. 2022-25 Distribution of State Pension Aid:** The Township has received State Pension Aid in the amount of \$176,135.36. Resolution No. 2022-25 authorizes the distribution of aid as follows: Non-Uniform Pension: \$34,106.00 to pay the 2022 Minimum Municipal Obligation; and Police Pension Fund: \$142,029.36 with the balance of the 2022 MMO (\$17,058.64) to be paid from the General Fund. A notice was received from the Pennsylvania Auditor General advising that the state aid allocation includes a pension plan administered by the Pennsylvania Municipal Pension System (PMRS) based upon the 2019 actuarial valuation report (AVR), and that once the 2021 AVR is received from PMRS, the allocation may be adjusted and, therefore, this distribution of state aid may also be adjusted. This is noted in the Resolution.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2022-25 distributing the 2022 General Municipal Pension System State Aid as follows: \$34,106.00 to the Non-Uniform Pension Plan and \$142,029.36 to the Police Pension Plan with the balance of the 2022 Police MMO (\$17,058.64) to be paid from the General Fund.

**Proposal for SRO for Beaver Area School District:** The Beaver Area School District has requested a cost proposal from the Township to provide a School Resource Officer (police officer) at the Dutch Ridge Elementary School. The Board discussed the request and reviewed the cost analysis provided. A 180 day school year equates to 69.2% of the year. On a pro-rata basis that equals \$102,277.31 of the full burdened cost of a police officer at full rate. A new officer would need to be hired to fill the shifts. The Township would be responsible for the remaining 30.8%. Therefore, the Board would also seek a multi-year commitment since a new employee would be hired.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Manager to advise the BASD of the terms of a proposal as discussed.

**Social Hall Renovation Project:** The architect and engineer are proceeding 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 Board has authorized the filing of a variance application with the Zoning Hearing Board to permit this encroachment. The Engineer has provided the site drawing for this purpose and the Solicitor is preparing the application on behalf of the Township. The Solicitor advised that she has a draft prepared and will review it with the Manager.

**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 reviewed possible projects last month. An application for Phase II of the Two Mile Trails is being prepared, but is not completed. The property acquisition that was discussed could not be prepared in the shortened application period. A special meeting will need to be scheduled to act upon the Two Mile Run Trails Phase II application being prepared for DCNR for funding.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to schedule a special meeting at 4:00 P.M. on Monday, October 24, 2022 to act upon the grant application and to conduct any other business that may come before the Board.

**Two Mile Run 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) for the Two Mile Run watershed as part of the MS4 permit. The location is the 700 block of Tuscarawas Road. Letters of Intent to purchase property based upon an evaluation period have been prepared and sent by the Solicitor. The Township is now in the evaluation period.

**Ordinance No. 233 to Appeal and Replace Chapter 82 Outdoor Burning:** The Solicitor prepared an ordinance to amend Chapter 82 Outdoor Burning. The ordinance adds definitions, clarifies what can be burned and eliminates exemptions. These changes were recommended by the Police Chief following a hearing before the District Magistrate on a burning citation issued by the Department. At the September meeting the Board authorized the ordinance to be advertised to consideration of adoption at the October meeting.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt Ordinance No. 233 to repeal and replace Brighton Township Code Chapter 82 Outdoor Burning.

**Ordinance to Amend the Zoning Code for the Keeping of Chickens:** At the September meeting the Board reviewed an ordinance recommended for adoption by the Planning Commission. The ordinance amends 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 established a permitting process. The ordinance proposal has been sent to the Beaver County Planning Commission for their review and comment.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to schedule a public hearing on the ordinance to amend the Zoning Code Section 195-137.11 Keeping of Chickens at 6:15 P.M. on Monday, November 14, 2022 with consideration of the adoption of the ordinance at the regular meeting to follow.

**Ordinance – to Amend the Zoning for Private Swimming Pool:** At their October meeting the Planning Commission recommended adoption of an ordinance to amend the Zoning Code, Section 195-123 Private Swimming Pools. As proposed, the amendments reduce the required setback for private swimming pools from 20-feet to 10-feet. The ordinance also amends the barrier/fencing requirements for above-ground pools to meet the Uniform Construction Code and International Swimming Pool and Spa Code, with additional fencing requirements above these regulations for pools dug into slopes. There are no changes proposed to the fencing requirements in the Zoning Code for inground swimming pools. The ordinance proposal has been sent to the Beaver County Planning Commission for their review and comment.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to schedule a public hearing on the ordinance to amend the Zoning Code Section 195-123 Private Swimming Pools at 6:00 P.M. on Monday, November 14, 2022 with consideration of the adoption of the ordinance at the regular meeting to follow.

**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 Engineer reviewed some of the changes that are included. Sections 173-29 and 173-29 provide updates to the design requirements for stormwater conveyance and detention facilities. Section 173-16 provides updates to the design criteria for stormwater and water quality calculations. The allowable exemptions were also updated for projects with less than 1,000 SF of new impervious area, and methods of retention for projects with new impervious area between 1,000 and 5,000 SF. Provisions for solar farms have been added. A section to establish a Stormwater Maintenance Fund is included also. The Solicitor has placed the ordinance in a final format for adoption and utilized the numbering system established by the Township Code.

After review, Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Solicitor to proceed with advertisement of the Stormwater Management Ordinance for consideration of adoption at the November 14, 2022 meeting.

**Township MS4 Program:** The Township Engineer provided an update on the Municipal Separate Storm Systems Program. The Annual Report has been filed with the PA DEP.

**Schedule Meeting of Pension Review Committee:** The Pension Review Committee meets annually. Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to schedule the Committee meeting for November 15, 2022 at 3:30 P.M. Attendance will include the Board, Manager, Chief of Police, Solicitor, Police Plan Actuary and PNC Pension Trustee.

**Schedule Fall Road Inspection:** After discussion the Board determined they would not schedule a Fall road inspection. Mr. Curtaccio has driven the roads paved this year and encouraged everyone else to also do so.

**Additional Business:** The Engineer reported that Clover Development has conducted the paving on Western Avenue. LSSE will conduct an inspection and issue a punch list, if necessary.

The Solicitor advised that she has filed to appear at the tax assessment appeal hearing of St. Barnabas for the Beaver Meadows property.

Mr. Piccirilli said that he was asked by Representative Kail to discuss issuing a letter to the Beaver County Commissioners to seek their consideration of Verizon's proposal to extend fiber network within the community. The details of that proposal were unknown, so no action was taken.

**Public Comment:** Mr. Kevin Crawford of 710 Anderson Avenue, and a member of the Brighton Township VFD discussed an incident where the BTVFD responded to a non-life safety call in Industry Borough after both Industry VFD and Vanport VFD did not respond. The Brighton Township VFD responded with the paid firefighter and another person. While at that call, a structural fire call was received. Fortunately, it was not a major structural fire and Beaver Borough VFD was able to also respond. It was his opinion that the paid personnel should only respond to life safety calls outside of the Township. Mr. Curtaccio said that this issue has been addressed by the BTVFD.

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

**Adjournment:** Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adjourn the meeting at 8:15 P.M.

Respectfully submitted,

Bryan K. Dehart  
Township Secretary