

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

December 12, 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. Seven (7) visitors were present.

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

Public Comment – Agenda Items: Mr. Bill Sheerin, owner of 4270 Dutch Ridge Road stated that he was available to answer any questions regarding his property located in the C2-Mixed Use Zoning District. Two agenda items affect his property, the proposed ordinance to amend the Zoning Code and the proposed ordinance to amend the Official Zoning Map.

Minutes of November 14, 2022 Regular Meeting: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the minutes of the November 14, 2022 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

Parks & Recreation Board Resignation: Jason Bumblis has submitted a letter of resignation as a member of the Parks & Recreation Board. His resignation creates a vacancy for a term ending December 31, 2025.

Mr. Equels made a motion to accept the resignation of Jason Bumblis from the Parks and Recreation Board.

Personnel Actions: Police Department – Donald Sanders has submitted his resignation from the Police Department. Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept the resignation of Donald Sanders from the Police Department effective December 5, 2022 and authorizing the Chairman to sign the resignation Agreement.

Proposal for Planning Services – Recreation Fee in Lieu Ordinance Update: A proposal has been received from Strategic Solutions to update the Township’s fee in lieu of land dedication ordinance language and fee calculation. The fee for the services is up to \$5,000. The current documents were prepared in 2005.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the proposal from Strategic Solutions to update the Township’s fee in lieu of land dedication ordinance language and fee calculation for a fee up to \$5,000.

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 paving program is complete. All items on the punch list dated October 24, 2022 have been addressed. The Township Engineer prepared and presented for approval Change Order No. 1 (FINAL) and recommended approval of Partial Payment No. 2 in the amount of \$51,225.78.

Change Order No. 1 (FINAL) – The Township Engineer has prepared and recommended for approval and execution Change Order No. 1 to decrease the contract amount by \$28,551.74 based upon final in-place quantities and to increase the final contract amount by \$14,717.67 based upon price adjustment for the Liquid Asphalt Index. The net result of Change Order No. 1 (FINAL) is a decrease of \$13,834.07. Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Change Oder No. 1 (FINAL) to decrease the final contract amount by \$13,834.07 to \$423,827.43.

Partial Payment No. 2 (FINAL) - The Township Engineer has prepared and recommended for approval Partial Payment No. 2 (FINAL) in the amount of \$51,225.78. Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 2 (FINAL) in the amount of \$51,225.78.

Contract No. 22-ST01 2022 Stormwater Improvements (Beaver Woods Detention Pond): At the November meeting, the Board awarded the bid for the Beaver Woods Detention Pond Retrofit Project to Pride Masonry, Inc. for the Base Bid (\$197,350) and Add Alternate No. 2 (\$48,750) for a total bid award of \$246,100. The Township Engineer reported that the bid award letter has been sent. Upon all contract documents being returned a pre-construction meeting will be scheduled.

Brighton Township Revised Non-Uniform Pension MMO Calculation: At the September meeting the Board was advised for the Minimum Municipal Obligation (MMO) to the pension plans for 2023. The PA Municipal Retirement System has advised that there was an error

on their calculation sheet and a revised 2023 MMO is needed. The 2023 Revised Non-Uniform Pension Plan MMO is \$58,526 based on the PMRS worksheet, an increase of \$155.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the 2023 Revised Minimum Municipal Obligation (MMO) calculation for the Non-Uniformed Pension Plan as \$58,526. This amount will be included in the 2023 Budget.

Adopting the 2023 Budget: The 2023 Budget was presented at the October 10, 2022 meeting and reviewed a second time at the November 14, 2022 meeting. The 2023 Budget has been advertised for adoption. The budget proposes an increase of 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.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve **Resolution No. 2022-29** adopting the 2023 Budget as follows: General Fund \$5,569,105; Stormwater Fund \$812,000; Capital Reserve Fund \$3,312,970; State Aid Fund \$331,241 and Police Pension Fund \$3,308,277.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve **Resolution No. 2022-30** establishing a 2023 Real Estate Tax Levy of 14.0 mills.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve **Resolution No. 2022-31** establishing a 2023 Earned Income Tax Levy of 1.0%.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve **Resolution No. 2022-32**, establishing a 2023 Per Capita Tax Levy of \$5.00.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve **Resolution No. 2022-33**, establishing a 2023 Amusement Tax Levy of 5.0%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve **Resolution No. 2022-34**, establishing a 2023 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 approve **Resolution No. 2022-35**, establishing a 2023 Real Estate Transfer Tax Levy of 0.5%.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve **Resolution No. 2022-36**, establishing the base 2023 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, 2023. The Agreement establishes the monthly fee as \$346.50 and establishes other fees.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve accept the proposal and authorize execution of the Agreement with the Beaver County Humane Society for animal control services for 2023.

Social Hall Renovation Project: The architect and engineer are proceeding with final design drawings for the Social Hall renovation project. The variance application to the Zoning Hearing Board to permit and encroachment into the front yard for a deck addition has been approved. The goal is to authorize bids at the February 2023 meeting with awards at the March 2023 meeting.

Ordinance - Zoning Code Amendment for C-2 Mixed Use: At their meeting of December 5, 2022 the Planning Commission recommended for approval a proposed ordinance to amend the C-2 Mixed Use District. The Manager and Solicitor reviewed the proposed ordinance. The ordinance adds new definitions and amends others. Additional conditions of approval are added for some of the listed conditional uses. A new use, Flex Space, is added and permits a building area of up to 100,000 SF.

After review of the proposed ordinance, Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to refer the ordinance to the Beaver County Planning Commission for their review and comment prior to scheduling a public hearing to consider adoption of the ordinance.

Ordinance – Amending the Official Zoning Map: At their meeting of December 5, 2022 the Planning Commission recommended for approval a proposed ordinance to adopt an amended Official Zoning Map. The change would rezone Tax Parcel No. 55-152-0137.000 (Haffey property) and a portion of Tax Parcel No. 55-152-0135.P00 (Sheerin property) from C2 Mixed Use District to R1 Rural Residential District. The proposed district boundary line through the Sheerin property is the natural gas pipeline right of way. The location of that right of way is being confirmed by the Township Engineer’s office.

After review of the proposed ordinance and zoning map amendment, Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to refer the ordinance and map amendment to the Beaver County Planning Commission for their review and comment prior to scheduling a public hearing to consider adoption of the ordinance.

Ordinance – Zoning Code Amendment Section 195-137.1 Buffer Yard Requirements: At their meeting of December 5, 2022 the Planning Commission recommended for approval a proposed ordinance to amend the Zoning Code Section 195-137.1 Buffer Yard Requirements. These changes were recommended by the planner for Lennon, Smith, Souleret Engineer as part of her overall review of the Zoning Code. The Manager and Solicitor reviewed the proposed ordinance. The ordinance amends the number and size of plantings within the buffer yard types identified as Buffer yard A (minor), Buffer yard B (moderate), and Buffer yard C (major). New details for each have been prepared also. New details are also included for the permitted berms and fencing improvements permitted as part of a buffer yard. An updated Recommended Buffer Yard Plant List is also provided, which encourages the use of Pennsylvania native trees and shrubs.

After review, Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to refer the ordinance to the Beaver County Planning Commission for their review and comment prior to scheduling a public hearing to consider adoption of the ordinance.

Two Mile Run PRP Stormwater Letters of Intent: An additional stormwater pond needs to be constructed 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. A location in the 700 block of Tuscarawas Road is under evaluation. Letters of Intent to purchase property based upon an evaluation period have been sent to, and executed by, the two land owners involved in the project area. Based upon the terms, a \$2,000 deposit for each location is to be made. Final property acquisition is pending subdivision, land appraisal and executed Agreements of Sale.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the escrow deposit of \$2,000 for each of the two (2) land owners, approve the Township Engineer to prepare plans of subdivision for each property, authorize land appraisals, and to approve execution of an Agreement of Sale for each property at the appropriate time.

Resolution No. 2022-37 DCED H2O Program Grant Application: This Resolution authorizes the filing of an application for the PA DCED H2O Program Grant to seek funding in the amount of \$351,204.75 for the proposed stormwater pond in the Two Mile Run drainage area.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adopt Resolution No. 2022-37 authorizing the filing of the PA DCED H2O Program Grant program to seek funding of \$351,204.75.

Township MS4 Program: The Township Engineer provided an update on the Township's permit. All MS4 permits have been extended by two (2) years.

Branthoover Subdivision and Consolidation Plan: Application has been filed by two (2) adjoining lot owners to subdivide and consolidate 4-lots into 2-lots. Two (2) lots are owned by Robert and Lynn Branthoover and two (2) lots are owned by Jashi Alexander Branthoover. The Board reviewed the plan prepared by Interstate Survey Group, LLC and the review letters of the Township Engineer dated November 11, 2022 and the Beaver County Planning Commission dated November 16, 2022. Two minor changes are noted in the Township Engineer's letter. The front yard setback was incorrectly listed and a 10-foot side yard setback needs established for the new lot line at the northeast corner of proposed Lot 2. Mr. Dehart advised the Board that those two (2) items have been addressed on the revised plan.

At their meeting of December 5, 2022, the Planning Commission recommended approval of the Branthoover Subdivision and Consolidation Plan prepared by Interstate Survey Group, LLC subject to compliance with the Township Engineer's review comments by letter dated November 11, 2022.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the Branthoover Subdivision and Consolidation Plan prepared by Interstate Survey Group, LLC and authorize execution and recording of the final plan.

Additional Business: The Engineer reported that Clover Development has completed the paving on Western Avenue.

Public Comment: Five (5) residents of Aspen Fields were in attendance to ask if the Board would make an exception to permit a basketball hoop within the public right of way of Wheatfield Drive. The Township recently removed the one that was present. Those in attendance were Mindy Furda, 146 Aspen Drive; Angela Marino, 107 Cottonwood Drive; Penny Balouris, 105 Cottonwood Drive; Sarah Shuleski, 187 Aspen Drive; and Helen Chontos, 109 Wheatfield Drive. Mr. Dehart and Mr. Curtaccio said that they could not make an exception. It was noted that the Township negotiated as part of the plan approval open space within the interior of the plan, with connecting sidewalks, and a cash contribution per lot to the HOA by the developer for the purpose of recreation improvements.

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

Adjournment: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adjourn the meeting at 7:51 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary