

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

OCTOBER 8, 2018

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. Five (5) visitors were present.

PRESENT: John Curtaccio – Chairman
 James E. Equels, Sr. – Vice Chairman
 Mark Piccirilli - Supervisor
 Bryan K. Dehart - Manager/Secretary
 Harold F. Reed, Jr. – Solicitor
 Ned Mitrovich, P.E. - Township Engineer

Public Comment – Agenda Items: None.

Minutes of September 10, 2018 Regular Meeting: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the minutes of the September 10, 2018 Regular Meeting.

The following **September Reports** were read by Mr. Dehart except as noted:

- A. Treasurer's Report
- B. Building Permit Report
- C. Road Department Report
- D. Police Department Report – given by Chief Howard Blinn
- E. Fire Department Report – no report given
- F. Report of Tax Collectors
- G. Report of Fines
- H. Recycling Report

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept the September Reports as submitted.

Parks & Recreation Board Vacancy: There is a vacancy on the Parks & Recreation Board for one (1) member for a term expiring December 31, 2022. Heather Walker of 166 Aspen Drive has expressed interested in serving on the Parks & Recreation Board.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to appoint Heather Walker, 166 Aspen Drive, as a member of the Parks & Recreation Board for a term ending December 31, 2022.

Police Personnel Actions: Remove from Probation: Part-time Police Officer Mustafa Mahmood has completed his probationary period. Chief Blinn recommended his removal from probationary status.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to remove Office Mustafa Mahmood from probationary status.

Part-time Police Resignation: Part-time police officer Daniel A. Wesolowski has resigned to accept a full-time position with another department.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the resignation of Officer Daniel A. Wesolowski.

Part-Time Police Hire: Chief Blinn is recommending that the Board approve the hiring of Kevin Margetic as a part-time police officer at a starting rate of \$17.50/hour – first year with experience, subject to a six-month probationary period, physical and psychological examination.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the hiring of Kevin Margetic as a part-time police officer at a starting rate of \$17.50/hour – first year with experience, subject to a six-month probationary period, physical and psychological examination.

BCRCOG Winter Commodities Bid Awards: At the August meeting the Board authorized participation in the Beaver County Regional C.O.G. 2018/2019 Winter Commodities Bid. The following bid awards are recommended:

Compass Minerals

Rock Salt	\$90.95 Ton	1,600 Tons	\$145,520.00
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McClymonds Supply & Transit

Anti-Skid Type AS-1 (3A)	\$14.71 Ton	400 Tons	\$5,884.00
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Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to award the bids as recommended and authorize execution of the contract documents.

Authorize Purchase of Police Vehicle: A proposal for the purchase of a 2019 Ford Utility Police Interceptor vehicle has been secured from Woltz & Wind Ford through CoStars (Contract No. 013-010 Emergency Responder Vehicles) pricing in the amount of \$30,055.

A proposal has been secured from Ibis Tek (CoStars Contract No. 012-101) for marking and outfitting the new vehicle for an additional \$10,406.25. Therefore, the total price for the 2019 Ford Utility Police Interceptor vehicle is \$40,461.25.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the purchase of a 2019 Ford Utility Police Interceptor from Woltz & Wind through CoStars (Contract No. 013-010) in the amount of \$30,055.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept the proposal from Ibis Tek (CoStars Contract No. 012-101) for the marking and outfitting of the vehicle in the amount of \$10,406.25.

Authorize Purchase of Office Furniture: A proposal has been received from Bauman Office Equipment for the purchase and installation of five (5) workstations with chairs in one of the office areas within the Police Department. The total cost is \$10,278.05. The work stations are necessary to accommodate additional officers.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the quotation from Bauman Office Equipment for the purchase and installation of five (5) workstations with chairs in the Police Department at a cost of \$10,278.05.

Two Mile Run Park Development DCNR Grant: The contracts have been completed for the General Building Construction, Electrical and Plumbing.

Contract No. 17-PK1 Parking Lot Renovations: Mele & Mele & Sons, Inc. was awarded the contract in the amount of \$338,162.25 for the Base Bid and Add Alternates Nos. 1 & 2. With Change Orders the final contract amount is \$350,310.43.

The project is substantially completed, with approximately \$5,000 being retained for punch list items listed on the June 7, 2018 report from Lennon, Smith, Souleret Engineer, Inc. The Township Engineer reported that he has received Change Order No. 4 deducting \$2,000 from the contract total.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Change Order No. 4 to deduct \$2,000 from the contract price. The final contract price is now \$348,310.43.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 4 (FINAL) to Mele & Mele & Sons, Inc. in the amount of \$3,075.30.

Pella Consulting: At the July meeting the Board approved an Agreement with Pella Consulting for code enforcement services. Mr. Dehart recommended that the Board authorize Pella Consulting to perform Zoning Code enforcement activities. An Agreement for this purpose has been prepared to appoint Dawna Pella and Owen Pella as assistant zoning officers for Brighton Township. The cost of the service will remain consistent with the fee schedule approved for code enforcement services.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of the Agreement appointing Dawna Pella and Owen Pella of Pella

Consulting as assistant zoning officers of Brighton Township to conduct enforcement activities related to the Zoning Code.

2019 Budget – First Reading: The first reading of the 2019 Budget was presented. The following amounts are being proposed: General Fund \$4,443,765; Stormwater Fund \$242,000; Capital Reserve Fund \$1,559,595; State Aid Fund \$548,919 and Police Pension Fund \$2,434,619. The budget proposes no increase in the real estate tax millage rate. However, the budget does assume the implementation of the Stormwater Service Fee, and a new Fund 04 Stormwater Fund has been established for this purpose. The budget will be reviewed at the November 13th meeting and proposed for adoption at the December 10th meeting. In the interim it is recommended that the Board set up budget meetings with the police, fire and public works departments so that they may provide an informative presentation on their requested allocations during 2019.

Resolution No. 2018-27 Distribution of State Pension Aid: The Township has received State Pension Aid in the amount of \$112,425.32. Resolution No. 2018-27 authorizes the distribution of aid as follows: Non-Uniform Pension: \$29,715 to pay the 2018 Minimum Municipal Obligation; and Police Pension Fund: \$82,710.32 with the balance of the 2018 MMO (\$24,539.68) to be paid from the General Fund.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote to approve Resolution No. 2018-27 distributing the 2018 General Municipal Pension System State Aid as follows: \$29,715 to the Non-Uniform Pension Plan and \$82,710.32 to the Police Pension Plan with the balance of the Police MMO to be paid from the General Fund.

Tire Collection Event: The Township's 2018 event resulted in 416 tires being collected. The Independence Conservancy has been conducting a collection event in the Township annually since 2004. It is recommended that the Township make a payment of \$250 for this service.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the payment of \$250 to the Independence Conservancy.

Fire Department Social Hall: The Brighton Township VFD has proposed transferring ownership of the Social Hall to the Township, subject to the preparation of an Agreement between the Township and Fire Department. Mr. Dehart recommended that the Board designate one Supervisor, Manager and Solicitor to meet with the Fire Department on this matter. Thereafter the Solicitor can draft the Agreement request.

Mr. Piccirilli, along with the Manager and Solicitor will meet with a representative of the Fire Department on this matter.

Ordinance – Amending Chapter 97 Fireworks: Act 43 of 2017 authorizes the purchase and use of consumer fireworks in Pennsylvania that do not require a municipal permit. As a result of this Act, changes are needed to the Township's Chapter 97 Fireworks code. The Township Solicitor has prepared a draft ordinance for review, which is based upon a model ordinance prepared by PSATS.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to have the ordinance advertised for consideration of adoption at the November 13, 2018 meeting.

Grading Permit Waiver Request: A copy of a letter dated August 14, 2018 from PVE Engineering on behalf of Brighton Bubbles L.L.P. was presented which requests a waiver from a requirement of the Grading Code. The waiver is being requested from the following Township Code Chapter 104 Grading and Excavating: §104-17.A. The section prohibits slopes in excess of 3:1. The application proposed a slope of 2:1 on the eastern side of the site development for the proposed car wash at 4700 Tuscarawas Road.

Messrs. Biro and Katruska were in attendance and made a presentation on their request for the waiver. The slope to the rear of the project provides a 3:1 slope. However, to the east side of the property there are existing easements that restrict the property. One easement is for the Sewage Authority where a sewage force main is located. There is also a drainage easement that conveys stormwater from Tuscarawas Road to Dutch Ridge Road. Additional fill material cannot be placed within these areas.

The Township Engineer had no objection to approving the requested waiver, subject to receiving a sealed copy of a geo technical report from Pennsylvania Soil and Rock Incorporated (PS&R) certifying that the registered professional responsible for the report's preparation has reviewed the on-site conditions and provide specific certification as to the stability of the proposed slopes. The slope stability analysis must confirm the industry standard of a 1.5 safety margin.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the waiver from Township Code Chapter 104 Grading and Excavating: §104-17.A, recognizing the restrictions to the lot by the sewage and drainage easements, and subject to receiving a hard copy of the geotechnical report certifying that the registered professional responsible for the report's preparation has reviewed the on-site conditions and provide specific certification as to the stability of the proposed slopes. The slope stability analysis must confirm the industry standard of a 1.5 safety margin.

Conditional Use – Brighton Bubbles, L.L.P.: The Board of Supervisors conducted a public hearing on September 10, 2018 on the conditional use application of Brighton Bubbles, L.L.P. for a car wash on the property at 4700 Tuscarawas Road, being Tax Parcel No. 55-017-0107.002. A car wash is a permitted Conditional Use in the C-1 Neighborhood Commercial Zoning District. At their meeting of October 2, 2018 the Brighton Township Planning Commission recommended approval of the conditional use application subject to a listing of conditions. The Board reviewed and agreed with those conditions, with minor modifications.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to grant Conditional Use approval to the application submitted by Brighton Bubbles, L.L.P. for a car wash use in the C-1 Neighborhood Commercial Zoning District subject to the following conditions:

1. Compliance with the Township Engineer's comments of October 8, 2018, including any subsequent reviews undertaken pursuant to additional submittals by the applicant, and implementation of the land development improvements.
2. Applicant shall secure a PennDOT Highway Occupancy Permit for the driveway access onto Tuscarawas Road.
3. Applicant shall secure a PennDOT Highway Occupancy Permit for the discharge of stormwater to the existing inlet on Dutch Ridge Road.
4. Applicant shall secure a Grading Permit from Brighton Township and comply with any conditions made a part of the permit approval.
5. Applicant shall execute a Stormwater Best Management Practices Operations and Maintenance Agreement with Brighton Township as prepared by the Township.
6. Execution of a Developer's Agreement with Brighton Township required as part of a Land Development approval, including the posting of the required financial security as set forth in the Township Engineer's letter of September 5, 2018 or as it may be amended hereafter.
7. Compliance with the Brighton Township Municipal Authority Engineer's comments of August 30, 2018, including any subsequent reviews undertaken pursuant to additional submittals by the applicant.
8. Execution of a Developer's Agreement with the Brighton Township Municipal Authority, including the posting of the required financial security as may be approved by the Authority.
9. Execution of a Developer's Agreement with Brighton Township Sewage Authority, including the posting of the required financial security as may be approved by the Authority.
10. Applicant shall comply with provisions of Brighton Township Zoning Code Section 195-137.13 Industrial and development performance standards regulating lighting, noise and site development hours of operation.
11. Applicant proposes no free standing signs on the Dutch Ridge Road street frontage and agrees that no free standing sign will be erected on the Dutch Ridge Road street frontage.
12. Applicant proposes no access from Dutch Ridge Road and agrees that no access to the property from Dutch Ridge Road will be constructed or installed.
13. Applicant shall amend the Landscape Plan to include an evergreen landscape buffer on the northern side of the asphalt area of sufficient height and density to block the

headlights of vehicles exiting the car wash bays or utilizing the pass around driveway lane.

14. Brighton Township agrees to defer the construction of sidewalks along the Tuscarawas Road frontage at this time. However, should sidewalks be constructed along the Tuscarawas Road street frontage of the adjacent commercially zoned property in the future, applicant agrees to install sidewalks along the Tuscarawas Road frontage within one (1) year of notification from Brighton Township to do so.

Brighton Bubbles, L.L.P. Land Development: Brighton Bubbles, L.L.P. submitted an application for Land Development for a car wash on the property at 4700 Tuscarawas Road, being Tax Parcel No. 55-017-0107.002. At their meeting of October 2, 2018 the Brighton Township Planning Commission recommended approval of the Land Development application subject to conditions.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the Land Development application submitted by Brighton Bubbles, L.L.P. subject to the following conditions:

1. Compliance with the Township Engineer's comments of October 8, 2018, including any subsequent reviews undertaken pursuant to additional submittals by the applicant, and implementation of the land development improvements.
2. Applicant shall secure a PennDOT Highway Occupancy Permit for the driveway access onto Tuscarawas Road.
3. Applicant shall secure a PennDOT Highway Occupancy Permit for the discharge of stormwater to the existing inlet on Dutch Ridge Road.
4. Applicant shall secure a Grading Permit from Brighton Township and comply with any conditions made a part of the permit approval.
5. Applicant shall execute a Stormwater Best Management Practices Operations and Maintenance Agreement with Brighton Township as prepared by the Township.
6. Execution of a Developer's Agreement with Brighton Township required as part of a Land Development approval, including the posting of the required financial security as set forth in the Township Engineer's letter of September 5, 2018 or as it may be amended hereafter.
7. Compliance with the Brighton Township Municipal Authority Engineer's comments of August 30, 2018, including any subsequent reviews undertaken pursuant to additional submittals by the applicant.

8. Execution of a Developer's Agreement with the Brighton Township Municipal Authority, including the posting of the required financial security as may be approved by the Authority.
9. Execution of a Developer's Agreement with Brighton Township Sewage Authority, including the posting of the required financial security as may be approved by the Authority.
10. Brighton Township agrees to defer the construction of sidewalks along the Tuscarawas Road frontage at this time. However, should sidewalks be constructed along the Tuscarawas Road street frontage of the adjacent commercially zoned property in the future, applicant agrees to install sidewalks along the Tuscarawas Road frontage within one (1) year of notification from Brighton Township to do so.

Aspen Fields Phases III & IV – Winter Maintenance Agreement: A Winter Maintenance Agreement has been prepared for Aspen Fields Phases III & IV. 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 in the spring. Maronda Homes, Inc. has executed the Agreement.

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

Excess Maintenance Agreement: An over-posted weight hauling permit application and an Excess Maintenance Agreement No. 2018-05 has been filed by Utica Gas Service, LLC for Pine Grove Road from Tuscarawas Road to a location near Doyle Drive. The applicant will be repairing a slide area at a gas line crossing. Mr. Dehart said that the Road Bond and fee for the Over Posted Weight Permit are not yet received but he was advised they are forthcoming.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Excess Maintenance Agreement No. 2018-05 with Utica Gas Service, LLC., subject to receipt of the required Road Bond and receipt of the Over Posted Weight Permit fee.

Township MS4 Program: The Township Engineer reported that work is continuing on the Municipal Separate Storm Systems Program.

Brighton Fields Phase I Stormwater Pond Restoration: The Township Engineer reported that the cost to make the required improvements to the stormwater detention facility within Phase I will be \$254,804, \$125,000 which is the cost to remove the silt from the site. The attorney for the Brighton Fields HOA has contacted the Township Solicitor to discuss entering into an agreement with the Township for the restoration of the stormwater facility and its future maintenance. The Township Solicitor will contact Attorney Jones to set up the meeting.

Stormwater Service Fee Analysis and Report: The Board has authorized the Township Engineer to prepare a Stormwater Service Fee Analysis and Report that will provide a basis upon

which to charge stormwater fees. A draft report and implementation ordinance based upon the study has been prepared. Mr. Mitrovich gave a quick overview of the study and findings. He recommended that the Board review the study in more depth at a special meeting. The monthly fee that has been determined is \$5.50 per month per Equivalent Residential Unit (ERU). Mr. Dehart noted that the 2019 Budget includes the implementation of this fee in 2019.

Antler's Ridge – Deferral of Stormwater BMP Operations & Maintenance Agreement: An Agreement for individual small stormwater management BMPs was previously approved and recorded for Roy Early and Vida Kaniecki – 4545 Dutch Ridge Road. This lot is part of the Antler Ridge Plan of Lots. The developer, Tod Arbutina, has advised that he plans to file a new plan to re-subdivide the remaining lots into a new configuration what will include a public street. He has stated that the revised plan will include 4545 Dutch Ridge Road in the stormwater management plan. Therefore, he has asked if the individual small stormwater management BMPs to be installed by Roy Early and Vida Kaniecki can be deferred until a later date, as it would become unnecessary if the stormwater is managed as part of the new development.

At the August meeting the Board authorized the Township Solicitor to prepare an Agreement for execution by all parties that would include conditions and a limited time period for implementation of the BMPs.

Mr. Reed presented the proposed agreement which includes time limitations for the parties involved. The proposed agreement will be reviewed by Mr. Reed, Mr. Dehart and Mr. Mitrovich and then reviewed with Mr. Arbutina.

Special Meeting: Mr. Dehart recommended that the Board schedule a special meeting at 4:00 P.M. on October 11th to discuss the stormwater fee and other items in more detail. The implementation of the Stormwater Service Fee will require an ordinance. There will be some properties which will be eligible for credits based upon existing stormwater management facilities. The intended use of the Social Hall can also be discussed, as well as other items related to the proposed 2019 Budget.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to conduct a special meeting at 4:00 P.M. on October 11th to discuss the stormwater fee, Social Hall and other items in more detail.

Additional Business: Mr. Dehart received a proposal from Moshier Studio for the evaluation of the social hall. The cost is \$4,900 to evaluate the building, prepare schematic drawings and cost estimates of those items recommended for renovation. The Supervisors agreed to discuss this item at the October 11 meeting as to improvements and the necessary timeframe to complete the work.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the proposal from Moshier Studio in the amount of \$4,900 for the review and evaluation of the Social Hall.

Public Comment: Ed Gray, 975 Dutch Ridge Road, asked where the car wash would be located. It was explained by Messrs. Katruska and Biro that it would be on Tuscarawas Road next to the A Della Dea Hair and Nail Salon. There will be three bays, two of which will be self-service and one a jet, no-touch type.

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 8:03 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary