

## MINUTES

### BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

MARCH 11, 2019

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. Sixteen (16) 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:** A number of residents were in attendance with regard to the Township's MS4 Program. Township Engineer, Ned Mitrovich, explained the Township's MS4 Program and the Township's requirements to comply. The Township has been issued an NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) by PADEP. The DEP is implementing Federal regulations related to clean water. The Township is in at least the third permit cycle. The current permit is for a 5-year period, and each permitting cycle has increased the burden upon the Township for implementation and compliance requirements. The General Permit requires six (6) Minimum Control Measures (MCMs) to be implemented, and include:

- 1) MCM 1 Public Education and Outreach Program,
- 2) MCM 2 Public Involvement and Participation,
- 3) MCM 3 Illicit Discharge Detection and Elimination,
- 4) MCM 4 Construction Site Stormwater Runoff Control,
- 5) MCM 5 Post-Construction Stormwater Management (PCSM) in New and Re-Development Activities,
- 6) MCM 6 Pollution Prevention/Good Housekeeping.

Mr. Mitrovich briefly reviewed each of the MCMs and the activities the Township undertakes for each. Last month during the annual training and educational report he concentrated on MCMs 4 and 5.

Mr. Mitrovich also discussed the study prepared to implement the stormwater fee and the decision to use a fee to fund the stormwater program in lieu of increasing the real estate tax levy. The preparation of a Pollutant Reduction Plan as part of the current permit is the primary cost driver. To meet the required pollution reduction requirements the Township has to undertake infrastructure improvements. The Township has opted to construct stormwater treatment basins. He said in his opinion these are the most cost effective measures for permit compliance.

After the presentation, residents asked questions. Matthew Quigley of 3920 Dutch Ridge Road asked how much the MS4 Program will cost the Township, if exemptions could be granted and if a cap could be placed on the fee. It was explained that the base rate bill for the MS4 Program is expected to generate approximately \$259,000 this year. There is no method for exemptions, although appeals of the measurement of the impervious coverage area used to calculate the number of ERUs can be filed by non-residential properties. Chairman Curtaccio said the fee will be examined each year, and future funding needs are not known, due to changing legislation. He explained that the income from the Stormwater Management Fee is being deposited into a separate account and will only be used for purposes authorized by the ordinance. If all the funds are not needed, the fee could be reduced in years to come. Mr. Quigley asked why the Township has not fought against these regulations. Mr. Mitrovich said that there is a risk for noncompliance, and he has been at conferences on this subject where fines into six figures have been levied for noncompliance.

Mark Delawder, 1090 Barclay Hill Road, asked if once the facilities were built, will there just be a maintenance fees. Mark lives on a state maintained road and didn't know why he had to pay the Stormwater Management Fee. It was explained that there will possibly be additional requirements in the future as we are in year 2 of a 5 year program. The Township Manager also explained that runoff from Barclay Hill Road does enter Township streams and that the State has their own permit to adhere to.

Stuart List, 575 Bradys Ridge Road, asked the Township Engineer if he has seen the fee increase. The Township Engineer explained that since we are in year 2 of a 5 year program it is too early to determine. If the monies collected are not used, then the fee would decrease the following year. But if future permit cycles increase the compliance requirements, additional fees to fund those improvements could be necessary. Mr. List asked if there is any grant money available for stormwater management. Mr. Mitrovich said that no one has advertised available funds for MS4 compliance. Mr. List also questioned the fee relative to the size of the house and the ability to appeal the fee. It was explained that the fee was set by how large the impervious surface is. It was explained by the Township Manager that the only way to appeal is if the imperious surface was measured incorrectly.

Steve Cable, 895 Chapel Road, asked if the Township could recalculate the impervious surface of his gravel driveway since it was installed by the gas company to access their line for maintenance activities.

Matthew Quigley, 3920 Dutch Ridge Road, asked if the pit at his new single-family dwelling will need to be inspected. The Township Manager explained that it will be inspected every three (3) years.

Mark Delawder, 1090 Barclay Hill Road, asked that a separate mailer be sent about major issues happening in the township. Chairman Curtaccio explained that the Township has won state awards for communicating to its residents and that MS4 information has been in newsletters for a number of years. Information is also available on the Township web site.

Diane Zambetti, 138 Orchard Drive, suggested the Supervisors send a letter to residents, as she doesn't always see her newsletter as it is discarded by her family. She thought important issues such as this should have independent notices.

Ed Gray, 975 Dutch Ridge Road, stated he has been attending Board meetings for a number of years and that only a few residents are in attendance. He suggests that residents attend Board meetings more often.

Kathy Ohleger, 135 Evergreen Circle, explained that she lives in Evergreen Heights, where there are about 6 houses. Duplexes are being built across the street from her house. The General Contractor has been doing what he wants, from shutting off the electric, water and closing the street without prior notice to residents. She said the builder has been rude to her and has not been a good neighbor. She has had to call the Township Manager a number of times to bring to his attention dirt on the road, runoff and a number of other violations. She wants the Board to be aware of her frustration with the builder and his violations. The Township Engineer stated that a road cannot be closed without a prior permit and that the builder's violations haven't gone unnoticed. Ms. Ohleger's son-in-law stated that the school district wasn't aware of the road closure and it created a problem with the school bus. Chairman Curtaccio assured her that the Township will continue to conduct site inspections to enforce Township Codes.

Diane Zambetti, 138 Orchard Drive, was concerned about issues at 146 Orchard Drive and questioned who Pella Consulting was. Ms. Zambetti said she could not find information that Pella Consulting is registered in Pennsylvania. The Township Manager explained that Pella Consulting has been hired to assist the Township with implementing the International Property Maintenance Code and other property maintenance issues. He also assured Ms. Zambetti that Pella Consulting has been sent a 1099 form and could not confirm her information about them not being registered in Pennsylvania. Mr. Dehart told her if she has a concern to call him and if he isn't available to contact Howard Blinn, Chief of Police.

The meeting was then recessed and convened at 8:30 p.m.

**Minutes of February 11, 2019 Regular Meeting:** Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the minutes of the February 11, 2019 Regular Meeting.

The following **February 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 – given by Kevin Crawford
- 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 February Reports as submitted.

**Police Personnel Actions:**

**Part-Time Police Hire:** Chief Blinn is recommending that the Board approve the hiring of William Peake as a part-time police officer at a starting rate of \$18.00/hour – first year with experience, subject to a six-month probationary period, physical and psychological examination.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the hiring of William Peake as a part-time police officer at a starting rate of \$18.00/hour – first year with experience, subject to a six-month probationary period, physical and psychological exam.

**Remove from Probation:** Officers Zachary Spearing and Joe Daransky have completed their six-month probationary period as part-time Police Officers. Chief Blinn has recommended their removal from probationary status.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to remove Officer Zachary Spearing and Officer Joe Daransky from probationary status.

**Seasonal Employment:** Each year the Board approves the hiring of seasonal employees. It is recommended that the Board approve the hiring of the following individuals:

James R. Shaw, 17 Circle Drive - \$11.00 per hour  
Charles Bates, 2785 Dutch Ridge Road - \$11.00 per hour  
Lesley Brightwell, 300 McKinley Road, Beaver Falls - \$10.00 per hour; and  
Daniel B. Hughes, 3405 Dutch Ridge Road - \$9.50 per hour

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the hiring and pay rates of the four (4) seasonal employees as listed above.

**Township MS4 Program:** The Township Engineer addressed MS4 issues and questions earlier in the evening.

**Seasonal Maintenance:** Mr. Dehart requested that the Board authorize the release of an RFP for General Turf Mowing & Trimming Services Maintenance for Two Mile Run Park and the Richmond School and authorize an award in the best interest of the Township.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous to authorize the release of an RFP for General Turf Mowing & Trimming Services Maintenance.

**Authorize Purchase of Utility Trailer:** A quotation in the amount of \$3,620 has been received from Bennett Trailer Sales for the purchase of a 16' landscape utility trailer to be used for grounds maintenance.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize the purchase of a utility trailer from Bennett Trailer Sales in the amount of \$3,620.

**Accept Proposal for Geotechnical Investigation:** Distress cracks have been located on Gypsy Glen Road in the area of 2615. The Township Engineer’s office has met on site with Construction Engineering Consultants, Inc. (CEC) and has received a proposal in the estimated amount of \$6,200 to conduct a geotechnical investigation to identify a cause of the earth movement and an action plan. The Township Engineer recommended the acceptance of the proposal from Construction Engineering Consultants, Inc. (CEC) in the amount of \$6,320. The work can be started in approximately two (2) weeks.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to accept the proposal from Construction Engineering Consultants, Inc. (CEC) in the amount of \$6,320.

**Beaver County Regional COG 2019 Spring Commodities Bid:** At the February meeting the Board authorized the submission of estimated quantities of the 2019 Beaver County Regional COG Spring Commodities Bid. To date, bid results have not been reported.

**2019 Roadway Improvement Program:** The Board has authorized the release of bids for the 2019 Road Paving Program. Bid opening will occur prior to the April meeting. The 2019 Budget includes \$635,000 for road paving. The selected streets are as follows:

<u>Street Name</u>	<u>From/To</u>	<u>Est. Cost</u>
Western Avenue	Dutch Ridge to culvert past Lynn Haven	\$ 93,232
Maplewood Drive	Entire Length	\$ 86,044
Spicewood Drive	Entire Length	\$ 10,769
Orchard Drive	Entire Length	\$ 146,734
Appletree Drive	Entire Length	\$ 83,041
Woodlawn Drive	Entire Length	\$ 45,754
Woodview Drive	Entire Length	<u>\$ 92,512</u>
		\$ 558,086

Add Alternate #1

<u>Street Name</u>	<u>From/To</u>	<u>Est. Cost</u>
2 <sup>nd</sup> Avenue	Entire Length	\$ 26,778
3 <sup>rd</sup> Avenue	Entire Length	\$ 20,775
Terrace Avenue	2 <sup>nd</sup> Avenue to end	<u>\$ 45,724</u>
		\$ 93,277

Add Alternate #2

<u>Street Name</u>	<u>From/To</u>	<u>Est. Cost</u>
Western Avenue	Beaver Street to end	<u>\$ 90,686</u>
		\$ 90,686

The bid will also include a contract for some paving for the Brighton Township Sewage Authority.

The Township Engineer reported that the bids will be opened on April 2 at 11 a.m. and that he will have the bid report at the Board meeting on April 8<sup>th</sup>.

**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. The Solicitor has prepared an Agreement for consideration that addresses future use of the property by the VFD and its member. A deed is also being prepared for the transfer.

Mr. Reed reported that the deed and agreement have been prepared. Mr. Reed would like to discuss with the Manager some small revisions after the meeting prior to signatures. He also advised the Board to make a motion to adopt the Agreement if the Fire Department finds it acceptable.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve and approve execution of the Agreement between the Township and Fire Department addressing the transferring of ownership of the Social Hall to the Township subject to signing of the Agreement by the Fire Department.

**DCNR Grant – Diana Property – Hardy Field Park Addition:** Brighton Township has received Approval to proceed with the documentation for the DCNR property acquisition grant related to the Diana Property purchase. The grant amount is \$43,000. The terms of the grant agreement require a new deed to be recorded that includes specific Non-Conversation Language. The Township Solicitor has prepared the deed. Mr. Reed also noted that he used the legal description from the most recent survey.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize execution of the revised deed for recording.

**DCNR Grant – Two Mile Run Park Trails:** Brighton Township has received the pre-construction checklist for the DCNR grant funding the trails project in Two Mile Run Park. The grant award is \$155,000. One item required is the execution of an agreement with the design consultant for the project. The Township Engineer has submitted a Service Order Authorization for the Two Mile Run Park Trails project. The estimated cost for the surveys, design & bidding service, PA DEP permitting, general product services and construction inspection is \$42,500. The DCNR has reviewed the documentation and has determined that it meets their requirements.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of the Service Order Authorization with Lennon, Smith, Souleret Engineering, Inc. for the Two Mile Run Park Trails project in the estimated amount of \$42,500.

The Township Engineer will get the work scheduled for construction which will most likely occur in 2020.

**Application for Public Education & Involvement Credit:** Application has been filed for a Public Education and Involvement Credit for activities related to stormwater quality. Activities will be conducted in partnership with the Dutch Ridge Elementary School science classes, particularly with the 5<sup>th</sup> grade class involving water quality testing and education on the impacts of stormwater on water quality. The Board can grant a credit of up to 10% in this category. For the Beaver Area School District property the credit would be \$435.60.

Mr. Curtaccio made a motion, seconded by Mr. Piccirilli, vote unanimous, to grant the 10% Public Education and Involvement Credit to the Beaver Area School District for their proposed program. The credit will apply to the next billing cycle subject to completion of the activities.

**Excess Maintenance Agreement 2019-02:** An over-posted weight hauling permit application and an Excess Maintenance Agreement has been filed by Appalachia Midstream Services, LLC for a 2.1 mile section of Pine Grove Road. This is for work that will take place at the gas line crossing on the segment between Oak Grove Road and Doyle Drive. This is to make repair to a slide area.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of Excess Maintenance Agreement No 2019-02 with Appalachia Midstream Services, LLC for 2.1 miles of Pine Grove Road.

**Ordinance No. 220 – Adopting an Amended Official Zoning Map:** In February the Board rescheduled a public hearing on a proposed ordinance to adopt a revised zoning map to change the zoning classification of three (3) properties: 5145; 5155 and 5165 Tuscarawas Road from C-1 Neighborhood Commercial to R-1 Rural Residential. The hearing date could not be conducted in March due to the time period required for the notice requirements. Therefore, it will be conducted in April.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to schedule a public hearing on the ordinance to adopt a revised Official Zoning Map for 6:16 p.m. on April 8, 2019.

**Loose Plan of Lot Revision:** Application has been filed by Robert G. & Tina L. Loose of 114 Coleman Drive for a lot line revision between 114 and 116 Coleman Drive. A copy of the site plan dated January 23, 2019 prepared by Pringle-Nero Land Surveying, Inc., the Township Engineer's review comments dated February 11, 2019 and the Beaver County Planning Commission review comments dated February 6, 2019 were presented. A revision has been submitted to address the review comments.

At their meeting of February 4, 2019 the Brighton Township Planning Commission voted to recommend approval of the Loose Plan of Lot Revision as prepared by Pringle-Nero Land Surveying, Inc. dated January 23, 2019 and last revised February 13, 2019, subject to the

additional driveway being construction on Parcel “B” to access the detached garage within six (6) months of plan recording.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous to approve the Loose Plan of Lot Revision as prepared by Pringle-Nero Land Surveying, Inc. dated January 23, 2019 and last revised February 13, 2019, subject to the additional driveway being construction on Parcel “B” to access the detached garage within six (6) months of plan recording.

**Bond Release Request No. 1 – Evergreen Heights Plan of Subdivision:** Bond Release No. 1 has been submitted by the owners for the Evergreen Heights Plan of Subdivision. The Township Engineer recommended the release of \$45,025.30.

Mr. Piccirilli made a motion, seconded by Mr. Erath, vote unanimous, to approve Bond Release No. 1 in the amount of \$45,025.30 for the Evergreen Heights Plan. The remaining balance after Release No. 1 is \$206,628.63.

**Aspen Fields Phase I & II:** Brighton Township accepted the streets and storm sewer systems in Aspen Fields Phases I & II in August 2017. An inspection has been conducted by the Township Engineer and a report issued by letter of January 10, 2019. To date those items have not been addressed.

The Township Engineer suggested the release of the maintenance bond be deferred until the maintenance items have been addressed.

**Aspen Fields Plan of Lots Phase V:** Application has been field by Maronda Homes, Inc. for the Aspen Fields Plan of Lots – Phase V. This is the final plan phase and it consists of 24 lots. The Township Engineer, by letter of February 8, 2019, states that all prior review comments have been addressed. The final outstanding item is the execution of developer agreements.

At their meeting of March 4, 2019 the Brighton Township Planning Commission recommended preliminary approval of the Aspen Fields Plan of Lots Phase V as prepared by Lennon, Smith, Souleret Engineering, Inc., with final plan approval subject to the following conditions:

1. Execution of Developer’s Agreements with Brighton Township, Brighton Township Sewage Authority and Brighton Township Municipal Authority.
2. Final plan approval and recording will be subject to the terms set forth in the Developer’s Agreements regarding completing of improvements or bonding as the situation dictates.
3. Compliance with the conditions of the August 12, 2002 Aspen Fields PRD Conditional Use Application Approval.
4. Compliance with the conditions of the August 12, 2002 Aspen Fields PRD Tentative Approval Application Approval.

The Township Solicitor has prepared the Developer's Agreement for Phase V. As in the prior phase, the developer proposes to construct the public improvements in advance of the plan recording. At the time of plan recording, the Engineer will determine the amount to be bonded.

John Wright from Lennon, Smith, Souleret Engineering Inc. presented a map of Phase V and answered questions.

The Township Solicitor reported that the executed Developer's Agreement for Phase V has been signed and returned by Maronda Homes, Inc.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize the execution of the Developer's Agreement for Aspen Fields Plan of Lots Phase V.

**Brighton Fields Phase I Stormwater Pond Restoration:** The Township Solicitor is working with Attorney Michael Jones on an access agreement to undertake a project to restore the basin in Brighton Fields Phase I and modify it so it achieves the goals of the Township's Pollution Reduction Plan. The Township Engineer has been authorized to prepare the design drawings and bid documents for the project.

The Township Solicitor reported that he has prepared a revised agreement and is submitting it to Attorney Jones.

The Township Engineer reported that some technical language needs to be made clearer and will work on the revisions.

**Additional Business:** None

**Public Comment:** Matthew Quigley of 3920 Dutch Ridge Road asked if the Township has received any plans relative to the bridge replacement on Dutch Ridge Road. Mr. Quigley explained that he is unable to access about 1 acre of his property due to a wash out. Mr. Dehart said he will get a copy of the plans for him to review.

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

**Adjournment:** Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adjourn the meeting at 9:22 P.M.

Respectfully submitted,

Bryan K. Dehart  
Township Secretary