

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

September 14, 2020

John Curtaccio, Chairman, called the regular meeting of the Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, to order at 7:01 P.M. Two (2) visitors were present.

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

Public Comment – Agenda Items: None

Declaration of Emergency Disaster: The Pennsylvania Emergency Management Agency previously recommended that all Townships adopt their own emergency declaration. Brighton Township put one into effect at the April meeting with an effective date of March 23rd.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to keep the declaration in effect until terminated.

Announce Executive Session: The Chairman announced that the Board conducted an executive session on August 17th at 10:00 AM to discuss real estate. The Township Manager was also present. The meeting lasted approximately 35 minutes.

Minutes of August 10, 2020 Regular Meeting: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the minutes of the August 10, 2020 Regular Meeting.

Mr. Curtaccio dispensed with the reading of the monthly **August Reports**. Mr. Piccirilli made a motion, seconded by Mr. Equels, 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.

Zoning Hearing Board Resignation: There is a vacancy on the Zoning Hearing Board for a term ending December 31, 2022.

Contract No. 20-R01 2020 Roadway Improvement Program Bid Liquid Fuels: At the March meeting the Board awarded Contract No. 20-R01 2020 Roadway Improvement Program Bid Liquid Fuels to Youngblood Paving, Inc. in the amount of \$561,162.65 for the base bid and add alternates 1, 2 and 3. The Township Engineer prepared and recommended for approval Partial Payment No. 1 in the amount of \$220,911.15.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous to approve Partial Payment No. 1 to Youngblood Paving, Inc. in the amount of \$220,911.15.

The Township Engineer advised the Board that she spoke to a representative of Youngblood Paving last Friday and was advised that they would complete the Township's road paving program the week of September 28th or the week after.

Contract No. 20-R02 2020 Roadway Improvement Program Bid General Fund: At the May meeting the Board awarded Contract No. 20-R02 2020 Roadway Improvement Program Bid General Fund to Youngblood Paving, Inc. in the amount of \$250,066. This contract is also expected to be completed the week of September 28th or the week after.

Contract No. 20-R03 2020 Slide Repairs Contract A – Gypsy Glen Road: At the May meeting the Board awarded Contract No. 20-R03 2020 Slide Repairs Contract A - Gypsy Glen Road to Stefanik's Next Generation Contracting Company, Inc. in the amount of \$361,432. The project is substantially completed. The Township Engineer submitted for approval Change Order No. 1 to increase the contract by \$12,592 to a total of \$374,024. The Township Engineer reported that during the excavation unsuitable material was encountered that needed to be removed and replaced through the importing of shale material. The increase is a result of the removal of additional material and the need to then bring in suitable material to rebuilding the slope. However, they were able to substitute shale material for the 2A backfill material to reduce the overall cost impact.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Change Order No. 1 for Contract No. 20-R03 2020 Slide Repairs Contract A – Gypsy Glen Road to increase the contract value by \$12,592 to \$374,024.

The Township Engineer presented and recommended for approval Partial Payment No. 1 to Stefanik's Next Generation Contracting Company, Inc. in the amount of \$336,621.60.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Partial Payment No. 1 to Stefanik's Next Generation Contracting Company, Inc. in the amount of \$336,621.60.

Contract No. 20-R03 2020 Slide Repairs Contract B – Sebring Road: At the May meeting the Board awarded Contract No. 20-R03 2020 Slide Repairs Contract B - Sebring Road to A. Folino Construction, Inc. The amount of the contract after Change Order No. 1 is \$342,250. The Township Engineer presented Change Order No. 2 to decrease the contract by \$46,727.20 to \$295,522.80 based upon final in place quantities.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Changer Order No. 2 for Contract No. 20-R03 Slide Repairs Contract B – Sebring Road to reduce the contract by \$46,727.20 to \$295,522.80.

Ms. Hartman said that a punch list of outstanding items has been issued to the contractor by letter dated September 14, 2020. Retainage of 5% is being held for project completion. Partial Payment No. 2 in the amount of \$23,213.64 was presented and recommended for approval by the Township Engineer.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Partial Payment No. 2 to A. Folino Construction, Inc. in the amount of \$23,213.64.

Contract No. 20-SW1 Brighton Fields Phase I 2020 Stormwater Improvement: At the March meeting the Board awarded Contract No. 20-SW1 2020 Brighton Fields – Phase I 2020 Stormwater Improvements to LM&R Excavating, LLC. The project is substantially completed. An updated final project punch list was issued by the Township Engineer by dated September 14, 2020. Retainage of 10% is being held for project completion. No action is needed at this time.

Beaver Woods Stormwater Pond(s) Retrofit: The Township has acquired the stormwater detention facilities and surrounding property located behind Beaver Woods. The Township Engineer has completed a survey of the properties and is now proceeding with the design of the BMPs required to implement the Township’s Pollution Reduction Plan for that watershed. The Township Engineer advised the Board that their office is moving forward with project design. A conceptual plan and project cost estimate will be presented at the October meeting. This is anticipated to be a 2021 project.

Township MS4 Program: The Township Engineer reported on activities for the Municipal Separate Storm Systems Program. E&S site review inspections have been conducted and violation notices sent where warranted. Scheduling of testing/inspecting outfalls with dry weather flows is taking place.

DCNR Grant – Two Mile Run Park Trails: The Township Engineer has submitted to PA DCNR the preliminary design drawings and construction specifications for the Two Mile Run Park Trails project. Pending is the Certification of Title for DCNR approval. Prior to construction an NPDES Permit is needed. That permit application has been made. The initial plan was to apply for a PaDEP GP-7 Permit for a Two Mile Run Creek stream crossing. However, due to the time necessary to secure this permit and the cost of the crossing, that portion of the project is recommended for removal to permit additional trail construction. Mr. Dehart

said that he did review the project with Mr. Mitrovich last week and it was determined to construct additional trail rather than investing substantial funds into the permitting process and cost of a foot bridge. The trails will still extend to the creek area from both sides. The trail is on the north side of the creek when you enter it at the trail head located between the two existing bridges located within the park. The revised project timeline anticipates an April 2021 construction start date.

Two Mile Run Park Area 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) as part of the MS4 permit. A site at Two Mile Run Park area is now being evaluated for this purpose. The project as proposed will require access through a neighboring property for construction and maintenance. A meeting will be scheduled with the property owner for this discussion.

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. Mr. Dehart presented the 2021 MMO calculations. The 2021 MMO for the Non-Uniform Pension Plan is \$33,367. The 2021 MMO for the Police Pension Plan is \$162,296.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the 2021 Minimum Municipal Obligation (MMO) calculations as follows: Non-Uniform Pension Plan of \$33,367 and the Police Pension Plan of \$162,296 and to direct that the amounts be included within the 2021 Budget.

Request for Exemptions from Refuse Program 2020-2021 Contract Year: At the June meeting the Board approved a group of requests for exemption from the refuse program for the next year. One additional request has been received for 302 Windy Ghoul Drive.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the one Request for Exemption from the Refuse Program 2020-2021 contract year.

Resolution No. 2020-16 Designating an International Property Maintenance Code Board of Appeals: Upon adoption of the 2015 Edition of the International Property Maintenance Code the Board created a Board of Appeals to hear appeals on decisions of the Code Official. Resolution No. 2020-16 disbands the Brighton Township Appeals Board and designates the Beaver County Regional Council of Governments Regional International Property Maintenance Code Appeals Board as the appeals board for Brighton Township.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2020-16 to dissolve the Brighton Township Property Maintenance Code Appeals Board and to appoint the Beaver County Regional Council of Governments Regional International Property Maintenance Code Appeals Board as the appeals board for Brighton Township.

Resolution No. 2020-17 Authorizing Sale of Equipment: Resolution No. 2020-17 authorizes the sale of used Township property that is no longer in use. Donawitz Auto, LLC

offered \$500 for the purchase of the tailgate off of the 2020 GMC Sierra 3500 Pickup that was replaced with a lift gate.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2020-17 authorizing and ratifying the sale of used Township property as listed.

Resolution No. 2020-18 Approving a Penn D.O.T. Winter Maintenance Agreement:

The current five-year Agreement with Penn DOT for winter maintenance has expired. A new five-year Agreement has been submitted for Township approval. The Agreement is for Beaner Hollow, Brighton and Dutch Ridge Roads. Resolution No. 2020-18 authorizes approval and execution of the Agreement.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2020-18 approving and authorizing execution of a five-year Winter Maintenance Agreement with Penn D.O.T.

Excess Maintenance Agreement 2020-03: An over-posted weight hauling permit application and an Excess Maintenance Agreement have been filed by JM Logging and Lumber for a 0.5 mile section of Pine Grove Road. This is for a logging permits applied for at 485 and 525 Pine Grove Road.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of Excess Maintenance Agreement No. 2020-03 with JM Logging and Lumber for 0.5 miles of Pine Grove Road for a logging operation.

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 exchanged emails with Jennifer M. Cloonan, Director, External & Government Affairs for Comcast – Keystone Region, but new terms have not been reached. Essentially, Comcast wants to utilize a new agreement format that would be the same for all franchise agreements. Ms. Johnston noted that the Township hires special counsel when the current agreement was put into place and it has functioned well over the past two years. In her opinion, we should continue to utilize that agreement, only changing what is required due to changes within regulatory law.

The Solicitor reviewed two items that will require change. First, services that were previously provided by Comcast at no charge will now be required to be paid for. This is for TV video services at municipal facilities and one internet connection. Second, the current agreement provides that the Township's consent was necessary if there was a transfer of ownership. The new requirement is notice only. Ms. Johnston proposed that she send Comcast a proposed Agreement that only made those required changes.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Solicitor to proceed by sending the proposed contract changes to Comcast as presented for a ten-year contract.

Memorandum of Understanding with Marathon Pipe Line LLC: Marathon Pipe Line LLC is planning the construction of a new pipeline within Brighton Township that will cross two Township roads and access other roadways during project construction. The Engineer has prepared a draft Memorandum of Understanding (MOU) with Marathon Pipe Line, LLC to address the requirements for the scope of work. The updated MOU was reviewed by the Township Engineer in detail. She reviewed the fees that will be due, and the bonding amounts for the excess maintenance agreement and grading bonds.

Aspen Fields Phase IV: The Developer has requested permission to proceed with the paving of streets in the Aspen Fields Phase IV Plan so he can proceed with dedication. The Township Engineer stated that a walk through is scheduled for later in the week to mark the limits of paving and to identify any base repairs or inlet work needed. The Township Engineer will also be tabulating all remaining outstanding items for Phases III, IV and V so they can be consolidated into one bond.

Clover Development Developer's Agreement: The Developer's Agreement with Clover Development has been prepared by the Solicitor and commented on by Clover Development. Their comments were reviewed by the Engineer and Solicitor. The Solicitor advised that some of the changes requested by Clover cannot be made. The Agreement duplicated conditions that were included in prior written decisions that were accepted by the developer. These cannot be changed. The Engineer also pointed out specific language the Township requires within an agreement that cannot be changes. No action on the Developer's Agreement was taken.

Deerfield Preserve Developer's Agreement: The Solicitor has prepared a proposed Development Agreement for the Deerfield Preserve Plan and reviewed it with the Board. Updated bonding was prepared the grading permit and site development.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize execution of the Developer's Agreement with Deerfield Preserve, subject to the posting of the required financial security and confirmation from the Township Engineer and Township Solicitor of the final form of the Developer's Agreement is acceptable.

Additional Business: There was no additional business.

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.

Announce Executive Session: The Chairman recessed the meeting at 7:47 P.M. to enter into an executive session for the purpose of discussing a matter of litigation and real estate. Also present at the Executive Session were the Township Manager, Township Solicitor and Township Engineer. The meeting was reconvened by the Chairman at 8:28 P.M.

Adjournment: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adjourn the meeting at 8:30 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary