

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

October 12, 2020

John Curtaccio, Chairman, called the regular meeting of the Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, to order at 7:03 P.M. One (1) visitor was 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. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to keep the declaration in effect until terminated.

Minutes of September 14, 2020 Regular Meeting: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the minutes of the September 14, 2020 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

Planning Commission Vacancy: There is a vacancy on the Planning Commission for a term ending December 31, 2023.

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

Authorize Purchase of Vehicles: Police Vehicles: Two 2015 police vehicles are scheduled for replacement in 2021. A proposal for the purchase of a 2020 F-150 Police Responder 4x4 and a 2021 Ford Utility Police Interceptor have been secured from Woltz & Wind Ford through CoStars (Contract No. 013-010 Emergency Responder Vehicles). The 2020 F-150 Police Responder 4x4 is in the amount of \$38,435 and the 2021 Ford Utility Police Interceptor is in the amount of \$34,815. A trade offer of \$5,000 for each of the 2015 Ford Utility Police Interceptors has been offered, reducing the purchase price of the vehicles to \$33,435 and \$29,815.

Proposals have been secured from Ibis Tek (CoStars Contract No. 012-101) for outfitting the vehicles for a total of \$17,056 as follows:

2020 F150 for \$8,621 (estimate 5168)
2021 Utility Interceptor for \$6,855 (estimate 5174)
Unmarked Unit (Chief vehicle) for \$1,580 (estimate 5175)

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the purchase of a 2020 Ford Police Responder 4x4 and a 2021 Ford Utility Police Interceptor from Woltz & Wind Ford through CoStars (Contract No. 013-010) in the amount of \$38,435 and \$34,815 and accepting the trade-in offer of \$5,000 for each of the two 2015 Ford Utility Police Interceptors. The total purchase price after trade-ins is \$63,250.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept estimate numbers 5168, 5174 and 5175 from Ibis Tek (CoStars Contract No. 012-101) for marking and outfitting of the vehicles in the total amount of \$17,056.

Authorize Purchase of Bullet Proof Vests: The 2021 budget includes funding for the purchase of ULW-II Level bullet proof vests with carriers for the Police Department. These vests are replaced on a 5-year rotation based upon the warranty provided. The Police Chief has requested that the purchase be authorized now to permit time for the fitting of the vests, ordering and delivery prior to the expiration of the warranty period on the existing vests. Three quotations have been received as follows:

Markl Supply Company	\$1,075/each X 15 = \$16,125
Pittsburgh Public Safety Supply	\$1,097/each X 15 = \$16,455
North Eastern Uniform & Equip., Inc.	\$1,219/each X 15 = \$18,285

Markl Supply Company utilizes CoStars Contract No. 012-071 Emergency Responder Loose Supplies.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the purchase of 15 ULW-II Level bullet proof vests with carriers from Markl Supply Company in

the amount of \$16,125 utilizing CoStars Contract No. 012-071 Emergency Responder Loose Supplies.

Authorize Release of the Thompson Fire Escrow: The Thompson Fire Escrow was previously established pursuant to the Township's Fire Loss Ordinance as a result of a house fire at 102 Edgewood Drive. The current escrow balance is \$11,000.66. The home renovations have now been completed and an Occupancy Permit issued. Full release is now warranted pursuant to the Township's Policy for Escrow Release established by Resolution No. 2013-17.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize release of \$11,000.66, plus any accrued interest, from the Thompson Fire Escrow and closing of the Thompson Fire Escrow Savings Account at First National Bank.

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. Add Alternates 1, 2 and 3 have now been paved. The Township Engineer reviewed Partial Payment No. 2 in the amount of \$180,810.13 that has been submitted for approval. She noted that a 10% retainage in the amount of \$44,635.70 is being held. The only remaining item is restoration behind the curbs.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 2 to Youngblood Paving, Inc. in the amount of \$180,810.13.

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. The segment of Sebring Road this contract was for has now been paved. The Township Engineer reviewed Partial Payment No. 1 in the amount of \$119,909.73 that has been submitted for approval. She noted that a 10% retainage in the amount of \$13,323.30 is being held. The only remaining item is restoration behind the curbs.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Partial Payment No. 1 to Youngblood Paving, Inc. in the amount of \$119,909.73.

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. Change Order No. 1 increased the final contract value to \$374,024. The contract balance is \$37,402.40.

The Township Engineer said that a paving area was repaired where a small "dip" was present and additional curbing placed. Project close out is expected next month.

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 Township Engineer reported that all punch list items have been completed and presented Partial Payment No. 3 FINAL in the amount of \$14,766.14 for approval.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous to approve Partial Payment No. 3 FINAL to A. Folino Construction, Inc. in the amount of \$14,766.14.

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. A final project punch list was issued by the Township Engineer by dated September 14, 2020. The Township Engineer said some plantings need to be replaced that had died due to the dry weather. The anticipated project close out will take place at the November meeting.

2021 Budget – First Reading: The first reading of the 2021 Budget was presented. The following amounts are being proposed: General Fund \$4,820,079; Stormwater Fund \$296,200; Capital Reserve Fund \$1,904,445; State Aid Fund \$298,062 and Police Pension Fund \$2,984,068. The budget proposes no increase in the real estate tax millage rate or personnel additions. The Stormwater Fee is budgeted to remain at \$5.50 per month per ERU. The budget will be reviewed at the November 9th meeting and proposed for adoption at the December 14th meeting. Mr. Dehart 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 2021.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to authorize the advertisement of the 2021 budget at least 20 days prior to adoption and schedule budget meetings with the police, fire and public works departments.

Body Worn Camera Policy Draft: The 2021 Budget proposes the purchase of body worn cameras for the Police Department. Prior to their purchase a policy will need to be established for their use and for the storage and disposition of recorded data. The Solicitor presented a first draft of a proposed policy and reviewed it with the Board.

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 presented a conceptual plan. The project will included approximately 20,000 CY of earth moving. The property is being evaluated for a burrow and fill site as well. That will determine if an access to the site from Chapel Road is created.

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 adjacent property owner has been contacted regarding site access

and the owner of the adjacent common area property has been contacted also. The Township Engineer anticipates presenting a conceptual plan at the next meeting.

Township MS4 Program: The Township Engineer reported on activities for the Municipal Separate Storm Systems Program. The annual report has been submitted to the PA DEP. A map has been created of the locations to be reviewed CCTV. That work is being scheduled.

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. Prior to construction an NPDES Permit is needed. The Township Engineer stated that the permit application has been made and responses submitted to review comments. The Certification of Title has been prepared by the Solicitor and it will be submitted for DCNR approval. The revised project timeline anticipates an April 2021 construction start date.

Resolution No. 2020-19 Distribution of State Pension Aid: The Township has received State Pension Aid in the amount of \$157,562.66. Resolution No. 2020-19 authorizes the distribution of aid as follows: Non-Uniform Pension: \$32,246 to pay the 2020 Minimum Municipal Obligation; and Police Pension Fund: \$125,316.66 with the balance of the 2020 MMO (\$28,000.34) to be paid from the General Fund.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2020-19 distributing the 2020 General Municipal Pension System State Aid as follows: \$32,246 to the Non-Uniform Pension Plan and \$125,316.66 to the Police Pension Plan with the balance of the 2020 Police MMO (\$28,000.34) to be paid from the General Fund.

Stormwater BMP Operations & Maintenance Agreements: Michael & Celina Hendershot have filed an individual small stormwater management BMP for construction of a single-family home at 1995 Dutch Ridge Road. The BMPs filed with the application include the construction of gravel sumps.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the Agreement for individual small stormwater management BMP submitted by Michael & Celina Hendershot for construction of a single family home at 1995 Dutch Ridge Road.

Daniel R. & Rebecca M. Naber have filed an individual small stormwater management BMP for construction of a single-family home at 3000 Dutch Ridge Road. The BMPs filed with the application include the construction of a gravel sump.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the Agreement for individual small stormwater management BMP submitted by Daniel R. & Rebecca M. Naber for construction of a single family home at 3000 Dutch Ridge Road.

Resolution No. 2020-20 Furgiurele Subdivision Plan No. 1 Sewage Facilities Planning Module: The PA DEP has denied the planning exemption for the sewage connections

for the Furgiurele Subdivision Plan No. 1 and is requiring the submission of a full sewage module. The module has been prepared by the applicant and submitted for review and approval.

After review, Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2020-20 approving the Sewage Facilities Planning Module for the Furgiurele Subdivision Plan No. 1 and finding it consistent with Brighton Township Land Development Codes, and authorizing the recording of the plan upon PA DEP approval of the Module.

Aspen Fields Phase V – Winter Maintenance Agreement: A Winter Maintenance Agreement has been prepared for Aspen Fields Phase V. 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 fee in the spring. Maronda Homes, Inc. has been forwarded the Agreement for execution and payment.

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 Phase V upon receipt of the executed document and payment.

Excess Maintenance Agreement 2020-04: An over-posted weight hauling permit application and an Excess Maintenance Agreement have been filed by Sunoco Pipeline L.P. for that portion of Center Drive from Tuscarawas Road to their existing tank farm. This Agreement coincides with their grading permit approval for the construction of two new tanks and grading activities at their existing site.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve and authorize execution of Excess Maintenance Agreement No. 2020-04 with Sunoco Pipeline L.P. for a portion of Center Drive.

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. The Solicitor advised that she has received no further response from Comcast.

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 Township Engineer said that submissions by Marathon have been reviewed and commented on. A revised MOU was sent to Marathon last week. One item that remains unresolved is the road crossing fee of \$6,500 included in the MOU. The Engineer noted that this is a private transmission line and should not be subject to the same fees charged to utilities who occupy the road right of way to provide services to local residents.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to establish the fee for road crossings by open cut or bore crossings less than 10' under the road surface by pipelines at \$6,500 each. Road crossing by bore crossing of 10' feet or greater depth will have a crossing fee of \$2,500 each.

Resolution No. 2020-21 Aspen Fields Phase IV Road Dedication: The final paving of streets in the Aspen Fields Phase IV Plan has taken place. The Developer has requested the Township to proceed with dedication. In addition a small portion of Phase III was not previously dedicated. The Township Solicitor has prepared Resolution No. 2020-21 to accept the streets in Aspen Fields Phase IV and the portion remaining undedicated in Phase III. The Township Engineer confirmed that the street is ready for dedication.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Resolution No. 2020-21 accepting dedication of the streets in the balance of Aspen Fields Phase III and all of Phase IV.

Aspen Fields Phases III and IV Dedication Request: The Developer has requested that all remaining public improvements in Aspen Fields Phases III and IV be accepted for dedication. This request would cover the stormwater collection systems. The Township Engineer said that there has been no acceptance of stormwater collection systems in any of the phases of Aspen Fields. In addition, a post construction Stormwater BMP Maintenance Agreement has not been executed with the HOA. The Township Engineer reported that there are three (2) detention ponds serving the five (5) phases of Aspen Fields. Therefore, the dedication of stormwater collections systems will be done based upon the collection areas for each detention pond rather than by plan phases. Their office is evaluating this request now and will determine which ponds have been transferred to the HOA and which remain to be transferred.

Aspen Fields Bond Release and Consolidation Phases III, IV & V: The Developer has requested releases from the bonds for Phases III, IV and V. The Township Engineer has prepared bond releases for these phases and has recommended that all remaining items in these three bonds be consolidated into one bond. Maronda Homes has agreed with the recommendation. By letter of September 25, 2020 the Township Engineer recommended the following actions on the performance bonds for Aspen Fields Phases III, IV and V:

Phase III Bond – full release of the remaining balance of \$51,680.50.

Phase IV Bond – full release of the remaining balance of \$223,030.50.

Phase V Bond – increase balance from \$199,653.08 to \$301,672.74 representing 110% of the total cost for the remaining improvements in Phases III, IV and V in accordance with the Township Engineer's report by letter of September 25, 2020.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the recommendations of the Township Engineer by letter of September 25, 2020 and authorize a full release of the bonds for Phases III and IV, subject to receipt of the revised Phase V bond in the amount of \$301,672.74.

Brighton Bubbles Car Wash Bond Release No. 1: The Township Engineer has prepared a report dated October 9, 2020 for Bond Release No. 1 for the Brighton Bubbles Car Wash. The recommended release is \$280,049. The remaining balance after release is \$20,669.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Bond Release No. 1 for the Brighton Bubbles Car Wash in the amount of \$280,049.

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 are being reviewed by the Engineer and Solicitor. The Township Solicitor advised that a final Agreement has not yet been prepared for Board action.

Deerfield Preserve Developer's Agreement: The Solicitor has forwarded the Development Agreement for the Deerfield Preserve Plan to the applicant's engineer. At this time, no response has been received.

Fall Road Inspection: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to schedule a fall road inspection to view the completed 2020 projects and to make evaluations for the 2021 road projects at 8:00 AM on Monday November 2, 2020.

Additional Business: There was no additional business.

Public Comment: There was no public comment.

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

Announce Executive Session: The Chairman recessed the meeting at 8:03 P.M. to enter into an executive session for the purpose of discussing 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 8:22 P.M.

Adjournment: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to adjourn the meeting at 8:24 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary