

MINUTES

BRIGHTON TOWNSHIP BOARD OF SUPERVISORS

November 9, 2020

John Curtaccio, Chairman, called the regular meeting of the Board of Supervisors, located in the Municipal Building, 1300 Brighton Road, to order at 7:00 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. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to keep the declaration in effect until terminated.

Minutes of October 12, 2020 Regular Meeting: Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the minutes of the October 12, 2020 Regular Meeting.

Mr. Curtaccio dispensed with the reading of the monthly **October Reports**. Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept the following October 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. Kimberly Radler of 2005 Tuscarawas Road submitted a resume and request for appointment.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to appoint Kimberly Radler of 2005 Tuscarawas Road to the Planning Commission to fill a vacancy 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.

Personnel Actions: **Police Department:** Nick Cusano has completed his probationary period as a full-time police officer effective November 1, 2020. Chief Blinn has recommended his removal from probationary status.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to remove Nick Cusano from probationary status as a full-time police officer.

Phat (Anthony) Phan has completed his as a part-time police officer. Chief Blinn has recommended his removal from probationary status.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to remove Phat (Anthony) Phan from probationary status as a part-time police officer.

Sign Quotations: The digital display sign on Tuscarawas Road is out of service. Quotations to replace the sign with upgraded technology have been solicited. In addition, some vendors have offered a discount for multiple signs. Therefore, quotes to include the replacement of the Dutch Ridge Road sign have been incorporated. Quotes are for a 3' x 4' display area, with Hi-Def resolution, a minimum 5-year cellular communications package, software, removal of existing signs and installation. Quotes were received as follows:

	<u>One Sign</u>	<u>Two Signs</u>
Smart Signs	\$10,500	\$20,000
VIS Signs	\$12,711	\$22,879
Crest Advertising*	\$11,691	\$23,382
	\$11,651	\$23,302

*Two options quoted.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to accept the proposal from Smart Signs in the amount of \$20,000 to replace the message board signs on Tuscarawas Road and Dutch Ridge Road.

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 project has been completed. Change Order No. 1 FINAL has been

submitted to reduce the final contract price from \$561,162.65 to \$507,243.58 a reduction/decrease of \$53,919.07. The Township Engineer confirmed that the project has been completed and the contract can be closed out. The Change Order represents actual field verified quantities.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Change Order No. 1 FINAL to reduce Contract No. 20-R01 2020 Roadway Improvement Program Bid Liquid Fuels from \$561,162.65 to \$507,243.58 a reduction/decrease of \$53,919.07.

Partial Payment No. 3 FINAL in the amount of \$105,522.30 has been submitted for approval.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 3 FINAL to Youngblood Paving, Inc. in the amount of \$105,522.30.

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 project has been completed. Change Order No. 1 FINAL has been submitted to reduce the final contract price from \$250,066 to \$237,461.0358 a reduction/decrease of \$12,604.97. The Township Engineer confirmed that the project has been completed and the contract can be closed out. The Change Order represents actual field verified quantities.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Change Order No. 1 FINAL to reduce Contract No. 20-R02 2020 Roadway Improvement Program Bid General Fund from \$250,066 to \$237,461.0358 a reduction/decrease of \$12,604.97.

Partial Payment No. 2 FINAL in the amount of \$117,511.30 has been submitted for approval.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 2 FINAL to Youngblood Paving, Inc. in the amount of \$117,511.30.

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 completed. Change Order No. 1 increased the final contract value to \$374,024. Partial Payment No. 2 (FINAL) in the amount of \$37,402.40 has been submitted for approval. The Township Engineer confirmed that the project is completed.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Partial Payment No. 2 (FINAL) for Contract No. 20-R03 2020 Slide Repairs Contract A – Gypsy Glen Road in the amount of \$37,402.40.

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 completed. Partial Payment No. 3 (FINAL) in the amount of \$12,171.20 has been submitted for approval. The Township Engineer confirmed that the project is completed.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, order to approve Partial Payment No. 3 (FINAL) for Contract No. 20-SW1 Brighton Fields Phase I 2020 Stormwater Improvement in the amount of \$12,171.20.

2021 Budget – Second Reading: The second reading of the 2021 Budget was conducted. The following amounts are being proposed: General Fund \$4,823,059; Stormwater Fund \$266,200; Capital Reserve Fund \$2,054,445; State Aid Fund \$293,597 and Police Pension Fund \$2,984,768. 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 RDU. Minor changes were made to the budget presented in October. The budget will be advertised and presented for adoption at the December 14th meeting.

Advertise Intent to Appoint a Certified Public Accountant: The Township is required to advertise their intent to appoint a CPA to audit the books for the year ending December 31, 2020 in lieu of the elected auditors. The Township Solicitor previously filed a petition with the courts to appoint the auditor and approve his compensation of \$6,000 as set forth in a three-year proposal. The appointment of the CPA will occur at the Board's January 4, 2021 Reorganization meeting beginning at 5:00 P.M.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the advertisement of the Township's intent to appoint Mark Turnley, CPA at the January 4, 2021 Reorganization Meeting and approve his compensation of \$6,000 as set forth in a three-year proposal to audit the books for the year ending December 31, 2020.

Refuse & Recycling Fee Adjustment: Year 1 of the refuse contract began July 1, 2020 with a base rate of \$11.66 per month. The contract also contains provisions for a Fuel Cost Adjustment. A calculation has been prepared for fuel cost based upon OPIS price postings and in accordance with the formula included in the contract documents. The calculation results in a decrease of 1-cent per month. As a result of the calculations, the new rate will be as follows:

Base Rate July 1, 2020 to June 30, 2021	\$11.66
Fuel Cost Adjustment calculated effective January 1, 2021	<u>(\$ 0.01)</u>
Monthly Refuse Rate effective January 1, 2021	\$11.65
Quarterly Refuse Rate effective January 1, 2021	\$34.95

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the revised refuse and recycling fee of \$11.65 per month effective January 1, 2021.

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. A first draft was

discussed by the Solicitor at the October meeting. The Solicitor updated the Board on the status of the Body Worn Camera Policy. A meeting to review the draft policy was undertaken by the Solicitor with the Manager and Chief of Police. She also recommended the policy 1.110 Records Storage be amended to clarify that retention of video from Body Worn Camera would be governed by the new policy.

Mr. Dehart said that a December adoption date is anticipated and that a copy of the proposed policy would be sent to the Board in advance.

Beaver Woods Stormwater Pond(s) Retrofit: The Township has acquired the stormwater detention facilities and surrounding property located behind Beaver Woods. The Township Engineer is working on the design of the BMPs required to implement the Township's Pollution Reduction Plan for that watershed. The Township Engineer presented a conceptual plan that included burrow and fill areas. An access road from Chapel Road was shown on the plan. Work on the design and cost estimates will continue.

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 has prepared a survey of the land to be conveyed. The Solicitor is having a title search done in advance.

Township MS4 Program: The Township Engineer reported on activities for the Municipal Separate Storm Systems Program. During October CCTV was taken to investigate the dry weather flow areas. A report will be made.

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. A new project manager has been assigned by DCNR who requested additional documentation and encouraged and section of the trail to be ADA compliant. The information is being compiled and the trail areas are being further evaluated.

Resolution No. 2020-22 Fee Schedule Amendment: Effective October 1, 2020 the U.S. Department of Housing and Urban Development Office of Manufactured Housing Program requirements have replaced the PA Department of Community and Economic Development requirements for all new manufactured housing installations in PA. These regulations require additional inspections before a unit can be occupied. Resolution No. 2020-22 amends the current fee schedule for MDIA inspections for this purpose.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2020-22 approving the revised fee schedule for zoning matters, building permits and other services.

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. Mr. Ken Jones, Sr. ROW Agent for Percheron LLC, representing Marathon Pipe Line was in attendance. He discussed various parts of the MOU. He would like to combine agreements and bonding to reduce the number of documents and bonds. He also questioned some of the fees and the requirement to evaluate sanitary and storm sewer systems by CCTV on the haul route. The Chairman asked that he conduct a conference call with the Township Engineer to work out the final details.

Mixer Plan of Lots: Application has been made for a three (3) lot subdivision at the intersection of Dutch Ridge Road and Beaner Hollow Road. The Residual Lot has an existing dwelling at 840 Dutch Ridge Road. Lot Nos. 1 & 2 are proposed as new building lots. Both lots have frontage on both Dutch Ridge Road and Beaner Hollow Road. The Board reviewed the site plan prepared by Widmer Engineering, the Township Engineer's review letter of November 3, 2020 and the Beaver County Planning Commission review letter of October 21, 2020.

At their meeting of November 2, 2020 the Brighton Township Planning Commission recommended approval of the Mixer Plan of Lots prepared by Widmer Engineering dated August 2019, last revised October 1, 2020, subject to PA DEP Sewage Planning Module Planning Exemption approval and a note being added on the plan to restrict access to the lot from Beaner Hollow Road only.

Mr. Curtaccio pointed out that connection to the sanitary sewer on Dutch Ridge Road will require boring and they will be located in or in close proximity to the access road into the Beaver County Health and Welfare Complex. That work will need to be coordinated appropriately.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the Mixer Plan of Lots prepared by Widmer Engineering dated August 2019, last revised October 1, 2020, subject to PA DEP Sewage Planning Module Planning Exemption approval and a note being added on the plan to restrict access to the lot from Beaner Hollow Road only.

Resolution No. 2020-23 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. Aspen Drive was accepted at the October meeting. The Township Solicitor has prepared Resolution No. 2020-23 to accept Wolf Drive in Aspen Fields

Phase IV. The Township Engineer confirmed that the improvements are completed and can be accepted.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Resolution No. 2020-23 accepting dedication of Wolf Drive in Aspen Fields Phase IV as part of the Township road system.

Ordinance - Amending the Vehicles and Traffic Code: The Solicitor is preparing an ordinance approving the placement of traffic control signs on the accepted streets in the Aspen Fields Phase IV Plan. This will include the approval of a 25 mph speed limit and the placement of stop signs at the intersection of Wolf Drive at Aspen Drive and at the intersection of Aspen Drive at Sebring Road.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to authorize the Solicitor to advertise an ordinance for consideration of adoption at the December 14, 2020 meeting that will amend Chapter 189 Traffic and to authorize traffic control signs in Aspen Fields Phase IV Plan.

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. Pond No. 1 has been transferred to the HOA. Exhibits are being prepared for the dedication of the storm sewer systems.

R.E.D. Mantini, LLC Grading Permit - Bond Release Request No. 2: R.E.D. Mantini, LLC posted a bond for their grading permit at the construction site of the new State Police Barracks. A request for Bond Release No. 2 has been made. The Township Engineer conducted an inspection and is recommending a release of \$36,684.52.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve Bond Release No. 2 for the R.E.D Mantini Grading Permit in the amount of \$36,684.52. The remaining balance after release is \$42,868.25.

Ganoe Grading Bond Release No. 1: A. Daniel Ganoe has requested a release of bond for his grading permit at Neville Road – Tax Parcel Nos. 55-162-0102.008 and 55-162-0102.009/ The Township Engineer prepared a report dated November 4, 2020 for Bond Release No. 1 FINAL for the Ganoe Grading Bond – Lindy Waste Site. The report recommends a full release of \$26,526.50. Ms. Hartman stated that the PA DEP has issued a Notice of Termination for the project. This will be a full release of the bond.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Bond Release No. 1 FINAL for the Ganoë Grading Bond – Lindy Waste Site in the amount of \$26,526.50.

Clover Development Developer's Agreement: The Developer's Agreement with Clover Development has been prepared by the Solicitor. Comments have been exchanged and a final agreement is pending. The Township Solicitor has also reviewed and commented on the access agreement for the shared access drive area with the District Magistrate office.

Deerfield Preserve Developer's Agreement: The Solicitor has forwarded the Development Agreement for the Deerfield Preserve Plan to the applicant for execution and bonding. Mr. Dehart noted that the plans were approved for recording upon completing of certain items at the July 13th meeting and recommended a renewal of that approval to permit plan recording within a 90-day period of the approval.

Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve Deerfield Preserve Lot Consolidation Plan as prepared by Trant Corporation dated June 19, 2020 subject to satisfaction of an outstanding lien upon the property by the Brighton Township Municipal Authority and payment of any other outstanding fees or assessments prior to recording.

Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve execution of the Developer's Agreement for Deerfield Preserve Plan Phase I and recording of the Deerfield Preserve Plan Phase I subdivision as prepared by Trant Corporation subject to posting financial security and satisfaction of the conditions of approval.

Additional Business: Mr. Dehart also recommended the re-approval of two additional plans to permit their recording when all conditions are met.

Ganoë Consolidation Plan: This plan was last approved for recording at the July 13, 2020 meeting. Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to approve the Ganoë Consolidation Plan for recording, subject to the execution of a Developer's Agreement with the Brighton Township Sewage Authority.

Furguele Subdivision Plan No. 1: This plan was last approved at the August 10, 2020 meeting. Mr. Piccirilli made a motion, seconded by Mr. Equels, vote unanimous, to approve the Furguele Subdivision Plan No. 1 as prepared by Larson Design Group dated June 22, 2020 with final plan approval subject to a PA DEP sewage planning module approval or postcard mailer.

Public Comment: There was no public comment.

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

Announce Executive Session: The Chairman recessed the meeting at 8:47 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 9:07 P.M.

Adjournment: Mr. Equels made a motion, seconded by Mr. Piccirilli, vote unanimous, to adjourn the meeting at 9:08 P.M.

Respectfully submitted,

Bryan K. Dehart
Township Secretary