

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Tuesday, September 8, 2015

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:00 PM in the public meeting room of the Upper Saucon Township Water and Sewer Department office building, 4774 Saucon Creek Road, Upper Saucon Township, Lehigh County, PA.

NOTIFICATION:

All public sessions of the Upper Saucon Township Municipal Authority are electronically recorded. The recordings are maintained as part of the record of the meeting until the minutes are transcribed and approved by the Authority.

MEMBERS PRESENT:

Bruce Bush – Chairman
Mindy Moore - Vice Chairwoman
Joaquin (Jack) DeMatos - Secretary
Ronald Reybitz - Asst. Secretary and Treasurer
Mark Sullivan – Asst. Treasurer

STAFF PRESENT:

Gary A. Brienza, Esquire, Solicitor
Karl E. Schreiter Jr. P.E., Engineer
Chris Cope, UST Director of Water and Sewer Resources
John Guignet, UST Assistant Director of Water and Sewer Resources

VISITORS:

None

PUBLIC COMMENT:

None

MINUTES:

A motion was made and seconded to approve the amended meeting minutes for July 6, 2015 with the following amendments to the Engineer's Report from Ms. Moore: Mr. Bush is concerned about what if the owners don't sell. I am concerned about the owners in the past where the sewer line was run and they were never sent a letter that they had to connect. All I want to know is why the letter wasn't sent out. Since no letter was sent out, it leads me to believe it is political.

Mr. Schreiter thinks one reason a letter was not sent out that the homeowner must connect is because people would show up at the meetings with complaints "why do I have to spend \$4,000 to connect?" \$4,000 is the tapping fee.

Mr. DeMatos added it would be \$8,000 to \$10,000 for plumbing.

Mr. Cope thinks one issue is going to be how to handle hardship cases.

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Mr. Bush asked, what's the point of running sewer lines just to run lines, if nobody connects? My reaction is we're not running anymore sewer lines.

Mr. DeMatos said we just ran sewer in Oakhurst. Were they sent a letter? Mr. Cope said no. Notification was sent and it was recommended they connect. Basically this is just a letter to let you know sewer has been installed in front of your house. You can hook up.

Mr. Bush said the property owner has 90 days to hook up, this is what I think. I don't know what the rest of the board thinks. According to the letter sent to me, Tom Beil is thinking of some ideas.

Mr. DeMatos doesn't think it's fair. If anybody screwed up, the Township should have told them 20 years ago. To give somebody 90 days now is unfair. My thoughts originally were to phase it in, give them so much time, like four years, to connect. The idea of a bill of sale to the property is the first time I'm hearing about this. I would have to think about that. I'm thinking the phased-in approach to avoid 600 people coming to the Township.

Motion passed 4-0 with Mr. Sullivan abstaining.

A motion was made and seconded to approve the meeting minutes for August 3, 2015.

Motion passed unanimously.

CORRESPONDENCE COMMENTS:

Authority members may comment on the correspondence packets or the "Summary" which they received.

Upper Saucon Municipal Authority Correspondence for August Meeting (NOTE: This is a summary of the correspondence prepared by the Chairman. Details must be obtained by reading the actual correspondence)

Date list was prepared or amended - 8/18/2015, 8/23/2015, 9/1/2015

Date of letter: 8/4/2015

Letter from: Al Striba, LV Law Practice (e-mail)

Letter sent to: Gary Brienza, Solicitor

Subject: Upper Saucon - Center Valley Mobile Home Park

(this e-mail was in response to Gary's e-mail to Al on 8/3 requesting an update)

Our liens have priority over the mortgages. If the bank successfully foreclosed, it can either satisfy the liens immediately or at the time it re-sells the property. As you would expect, the bank will wait as long as possible. If it becomes an issue, we can always file for a Sheriff's sale against the bank after it has foreclosed.

Date of letter: 8/12/2015

Letter from: Karl Schreiter, SEA (e-mail)

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Letter sent to: B Bauer, Base Engineering

Subject: Lanark Commons (Chernay Property - PA Route 309 and Lanark Road)

We still want this subdivision to be served by the gravity sewer in Camp Meeting Road. We are still working on the NBI Corrective Action Plan and would like to keep new flows out of this area for now.

Call me if you wish to discuss further. You may wish to address the Authority at their 9/8 meeting to discuss this issue.

Date of letter: 8/12/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: DeSales University - Athletic Field Modifications

Review Sanitary Sewer Videos

We reviewed the videotapes from the inspection of sewers of the subject. Inspection was conducted on 8/4/2015.

We noted the following:

Segment MH#6 - MH#5A

An approximate sag of $>1/4"$

The segment is marginally acceptable under the current USTMA standards.

Segment MH#7 - MH#6

Two defects were found -

0-34 feet - Approximate sag of $1/4"$ to $1/2"$

222-244 feet - Approximate sag of $1/4"$ to $1/2"$

Defects must be addressed by the contractor. The pipe was dirty with some debris.

Segment must be flushed.

Segment MH#8 - MH#8A

Segment to be in acceptable condition

Segment MH#8 - MH#7

Defect found -

Approximate sag of $1/4"$ - $1/2"$ at 112-124 feet

Defect must be corrected by contractor. Pipe still dirty and must be flushed.

Segment MH#9 - MH#8

Defect found at 220-230 feet - approximate sag of $1/4"$ to $1/2"$

Defect must be corrected by contractor. Pipe dirty and must be flushed.

Date of letter: 8/12/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Joanna Slagle, UST

Subject: Lanark Commons

Sketch Plan Review

We reviewed the Plan as prepared by Base Engineering, dated 7/16/2015.

Proposed subdivision is comprised of one lot located between PA Route 309, Lanark Road and West Valley Road. Subdivision will consist of:

--3000 sf of Bank Building

--15,000 sf of Pharmacy Building

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--20,000 sf of a two story Office Building

Due to hydraulic capacity issues associated with sewers servicing this area, the property will be serviced by the sewer located in Camp Meeting Road that terminates at PA Route 309. Gravity sewer service could be provided to this property. The developer will be required to install a gravity sewer under PA Route 309 to connect to the existing manhole of the east side of PA Route 309.

(Karl then offered his comments on the drawings)

There is an approved Township Planning Module for the site that was approved in 2014. Since the site development plans have changed significantly with this new proposed development plan, the Developer must submit a new Township Planning Module for this project. The Developer must also submit an Industrial Pretreatment Wastewater Discharge Application for the proposed facilities.

Date of letter: 8/12/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Joanna Slagle, UST

Subject: Weyhill Estates (a.k.a Blue Belle Farms)

Phase 3 Cost Estimate Review

We reviewed the Cost Estimate submitted by Toll Brothers via e-mail dated 8/4/2015.

The cost estimate was compared against the sewer design shown on Amended Sanitary Sewer Design, as prepared ESE, dated 1/7/2013 with revisions through 7/18/2013.

We agree with the sanitary sewer costs outlined in the cost estimate. The cost for the sanitary sewers will be as follows:

\$ 287,330.60

Date of letter: 8/13/2015

Letter from: Gary Brienza, Solicitor (e-mail)

Letter sent to: Leo Devito

Subject: UST - Flint Hill Road

I was troubled by your comments that there were multiple errors in the appraisal report obtained by the Township. As you know, I'm the solicitor for the USTMA and USSTA.

We have utilized Indian Valley over the past few years whenever we have temp/permanent easement for sewer related matters. I'm hoping that you can share with us the issues or errors that you found in the appraisal of your client's property to assess our continued utilization of Indian Valley for appraisals.

Date of letter: 8/14/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Scott Lowery, Lobar Construction Services

Subject: SLSD -- New Hopewell Elementary School

Submittal Review

(Karl commented on the products to be used on this project. His comments were based on an electronic transmittal from Barry Isett dated 8/12/2015. Seven products were listed in Karl's letter)

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Date of letter: 8/19/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Joanna Slagle, UST

Subject: Traditions of America

Plan Review

We reviewed the Final Land Development Plan --- AQC Phase 2 for Traditions of America as prepared by Rettew Associates Inc., dated 6/19/2015.

Proposed subdivision is located on a vacant tract of land located on the western side of Lanark Road and the on the northern side of West Hopewell Road. Phase 2 portion will consist of 39 dwelling units. The subdivision would be provided sewerage service using existing sanitary sewers located in the sewer right- of- way parallel to the unnamed tributary that transverses the property. The Developer has proposed a gravity sanitary sewer collection system.

(Karl's comments included:

-all lateral locations must be shown of the final plan set. No lateral shall be located in the driveway of a residential unit.

-reference to Ordinance 42-L must be changed to 42-R

Date of letter: 8/19/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Joanna Slagle, UST

Subject: Traditions of America

Plan Review

We reviewed the following document:

Final Land Development Plan -- AQC Phase 3 for Traditions of America as prepared by Rettew Associates Inc., dated 7/10/2015

Proposed subdivision is located on a vacant tract of property on the western side of Lanark Road and on the northern side of West Hopewell Road. Phase 3 portion of the subdivision will consist of 51 dwelling units. Subdivision would be provided sewerage service using existing sanitary sewers located in the sewer right- of- way parallel to the unnamed tributary that transverses the property. Developer has proposed a gravity sanitary sewer collection system.

(Karl had various comments including the ones for Phase 2 and

-Following segments must be constructed of epoxy coated ductile iron pipe due to depth: MH#B3 - MN#B2 & MH#B2 - MH#B1

Date of letter: 8/28/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Joanna Slagle, UST

Subject: Posh Properties

Preliminary/Final Land Development Plan Review

We reviewed the following:

-Preliminary /Final Land Development, Posh Properties, Proposed Office Space and Daycare as prepared by Bohler Engineering dated 6/8/2015 with revisions through 8/12/2015

-Letter to S. Heater from M. Jeitner of Bohler Engineering dated 8/18/2015

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Proposed project will be built in the area northeast corner of the intersection of Saucon Creek Road and Saucon Valley Road. Project will include two proposed 6,000 sf office buildings and a 10,000 sf daycare facility. The plan indicates that an existing residence will be demolished as part of the project.

Proposed subdivision must use the existing sewer main that is located north of the proposed development project. The area is service by the Old Bethlehem Pike pumping station and the Industrial Park Interceptor.

(Karl then listed his comments regarding the plans.)

Developer must submit a Township Planning Module for the project. Once the flow projections are obtained from the Developer we will be able to evaluate their impact on the available capacity in the USTMA and USSTA facilities.

Developer must submit an IPP Wastewater Discharge Permit Application to document if any cooking facilities will be included with any of the buildings

*****end of correspondence for September

Mr. Bush asked Solicitor Brienza for more information on the letter from Attorney Leo Devito concerning his issues with Indian Valley Appraisals having several errors on an appraisal they did for vacant land on Flint Hill Road. There is concern because Indian Valley is used by Upper Saucon Township. Mr. Brienza explained that Attorney Devito is representing a property owner there who is trying to gain property access. Mr. Devito said there are five to seven substantial errors that Indian Valley made in their appraisal. However, Mr. Devito will not put the errors in writing or return Mr. Brienza's calls or emails. Mr. Brienza will follow-up again.

Mr. Devito also claims that the he has an appraisal for \$275,000. Mr. Brienza told him that it should be closer to \$50,000. Mr. Brienza said that the estate for the property has probably spent \$40,000-\$50,000 on litigation when the land may only be worth \$20,000. Mr. Brienza is wondering if Mr. Devito is making the allocations against Indian Valley due to this.

SOLICITOR'S REPORT:

Solicitor Gary A. Brienza presented the Solicitor's Report dated September 8, 2015.

Concerning the Center Valley Mobile Home Park, Solicitor Brienza said he is advised that the Township Solicitor feels comfortable with the Township's lien position. He added the Township will receive payment when the property goes to sale, possibly in October.

Attorney Brienza reported that he confirmed with Tom Beil this morning the Brinley situation has not changed. The ball is in their court and the Township has not heard from them in six to eight weeks. There is nothing for the Township to do until further notice.

Attorney Brienza passed along a message from Mr. Beil that the Authority should start thinking about the 2016 budget and make sure the 537 plan is on it.

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ENGINEER'S REPORT:

Karl Schreiter, PE presented Engineer's report dated September 4, 2015.

Mr. Schreiter said the Oakhurst Drive Sewer extension is complete and one owner has connected.

Mr. Schreiter commented that he spoke with Tom Beil and the Sunset Drive/Ackerman's Lane sewer system could be done as a bid project in 2016 because the Township staff is on other projects.

Mr. Cope said the 2015 portion of the Preston Lane slip-lining project is complete.

Mr. Schreiter explained that the developer's engineer for Lanark Commons wants to reroute the sewage from the subdivision to the North Branch Interceptor when the current approval is to go through the South Branch. He thinks the engineer wants to do this because they will have to bore under Route 309 to access the South Branch Interceptor, which is more costly. He added that they do not need a pump station either way. Mr. Bush asked if Mr. Schreiter is concerned about the extra load on the North Branch Interceptor. Mr. Schreiter said yes, there is other development looking at going through the North. The Authority is in agreement that they are approved to go through the South and they should use it.

Mr. Schreiter asked the Authority if *Dwg DD19 – Internal Drop Connection to Existing Manhole w/o Excavation Around Manhole* may be added to the Standard book. He explained this method allows for a connection to be made to an existing manhole without excavating the road. The Authority is in agreement to add this to the Standard book.

Mr. Bush requested that since there has been no response, Mr. Schreiter follow-up with the PADEP concerning the Corrective Action Plans for the North and South Branch Interceptors.

On the Sewer Tapping Fee Study, Mr. Brienza said Tom Beil would like the Authority's comments on the study by next month. Mr. Schreiter said the current fee is \$3,140 and he is working on a new tapping fee. Mr. Brienza explained that this project will likely extend into 2016 because an ordinance will be needed due to a state law change. Mr. Bush admits that he is confused by the study and asked if an explanatory presentation could be made to the Authority. Mr. Schreiter said he would ask Dave Bush, author of the study, to come to the October meeting to present.

SUPERINTENDENT'S REPORT:

Mr. Cope reported that the Preston Lane 2015 portion of the project is complete. The staff has been flushing and TVing lines in Saucon Acres. He said he has put in a quote for lining two dozen or so manholes. He added that Traditions of America's project is close to getting inspected. Also, staff has been popping manholes in Oakhurst for groundwater checks. Mr. Cope said that the DeSales Athletic Field project is finished

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but they are not happy with their contractor. He said this is probably because it was done very fast.

TREASURER'S REPORT:

Treasurer Ronald Reybitz submitted the report.

Motion was made and seconded to approve the treasurer's report as presented. Motion passed unanimously.

MOTION (S):

None

UNFINISHED BUSINESS:

A. Unconnected Sewer Analysis

Reference SEA's letter dated 1/8/2014. Study identified 53 potential properties that should be connected to the sanitary sewers. T. Beil reported 5/31/2015 that he will discuss this issue with the BOS and advise us of their response.

Action to be taken:

A discussion regarding the "paper" prepared by the Chairman regarding possible recommendations to the UST Board of Supervisors of actions to be taken regarding this issue.

Mr. Sullivan said it is the Township's fault because they did not send out notices and feels that the Township should eat the cost sometimes. He is more concerned about that some septic systems are failing now. Mr. Schreiter said inspecting systems is a grey area due to state law. He asked who would do the inspections and said it would be costly and hard to implement.

Mr. Sullivan asked how much time the Township should give owners to connect. Solicitor Brienza said that Tom Beil's recommendation is to start drafting an ordinance to take care of the issue at the time of transfer or sale. Mr. Sullivan asked if inspection could take place earlier than time of sale. Mr. Brienza replied that unless the system is failing and it becomes apparent, there is no review of systems until the time of sale. Mr. DeMatos added that you normally have a system tested when you buy a property so a new system would be completed at the time of sale.

Mr. Brienza said that there are no exemptions to the rule intended. You sell, you connect. Mr. DeMatos said that his neighbor just installed a new sand mound. What if the Township runs a line next year? He thinks something like this should be an exemption.

Mr. DeMatos addressed the Authority saying they have four choices: Do nothing, draft an ordinance, connect at time of sale or make the properties pay and connect now, giving them 60 days or so. Mr. DeMatos and Mr. Reybitz both agree that making the properties connect now is unfair. Mr. Cope added that an inspection of laterals at the

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time of sale is great for the Township and also protects homeowners. Attorney Brienza said that an ordinance would affect all transfers, the lateral would be checked and sewer connected.

Ms. Moore said there were things discussed at the July and August meetings that have not been discussed tonight. She said these are modest homes. She asked how the Township will deal with hardship cases. She said the \$4,100 tapping fee is just the beginning of what homeowners will have to pay for sewer systems and plumbing costs. Ms. Moore said the hardship is less if connection is done at time of sale since it is negotiable. Ms. Moore does not agree that homeowners should have to connect at time of transfer because another family member will be stuck with the bill. She wants them to connect only if it is a sale, not a transfer. Since the Township did not send the letters, she does not agree that these 53 properties should have to connect. Mr. Schreiter remembers only two real hardship cases. He said the Township could take payments to relieve this hardship. Mr. Brienza added that it was done in the past over four years for a \$25/year service fee. This payment plan could only be for the tapping fee, not plumbing.

Attorney Brienza said that transfers will be hard to enforce, such as situations like divorce. Mr. Reybitz added that by connecting at time of sale, you will get the majority. At time of transfer, it can slip through. Mr. Brienza added if it is not taxable, the Township cannot trace it. Mr. Cope said the added inspection could be a work burden on staff.

Mr. DeMatos said the Township can send an informal letter, saying that they are required to connect in four or five years. Then an official notice will be sent saying they have 60 days to connect. Mr. DeMatos said because transfers are hard to track, he would just require connection at time of sale.

Mr. Sullivan stated that if the Authority was forced to vote right now, three members, Mr. DeMatos, Mr. Reybitz and Ms. Moore, do not want to send a sixty-day notice now. Mr. Bush said an informal letter could be sent, giving the homeowners maybe four years and telling them that it will cost less to connect now before the fee is increased. Plus it would add that the property has to connect at time of sale. Mr. Sullivan agrees with this. Mr. Sullivan asked if transfers should be included. Solicitor Brienza said that some will slip by but they should be included.

Solicitor Brienza said from here, he will put together a letter from the Authority to Tom Beil with their suggestion. He suggests that due to opposing views, a motion should be made. He added this is the first step in a six-month process.

Mr. Moore asked Mr. Brienza if a lien must be put on a property if connected but not paid for. He replied yes, ultimately the Township will get the connection money back, but not until the time of sale.

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Mr. Bush said an informational letter should be sent to the 53 unconnected homes saying that you will be asked to connect in four years and that you will be reminded yearly. Then a sixty-day certified letter will be sent that connection must be made or the Township will connect for you and place a lien on your property. Mr. Brienza explained that the first letter can be sent now without an ordinance. But if "at the time of sale" is discussed, the letters must wait for the ordinance to be passed.

The Authority is in agreement to separate the issues of unconnected properties and connecting at the time of sale.

Ms. Moore would like a cost estimate in the letters including the \$4,100 tapping fee plus sewer cost. Mr. DeMatos and Mr. Schreiter said that you cannot add a sewer cost because it differs by property.

Mr. Bush said that two motions are needed: one for a letter to the 53 unconnected homes and one for a recommendation to the Board of Supervisors to create an ordinance to make homeowners connect at time of sale.

Motion made by Mr. Reybitz and seconded by Mr. Sullivan to recommend to the Board of Supervisors that they should enact an ordinance that prior to the sale of a property, it is required to get a lateral inspection of system and also if the property is within 150 feet of a sewer line, it must connect.

Motion passed 4-1 with Ms. Moore opposing.

Mr. Bush said that he will work on creating a letter to be sent to the 53 unconnected homes with Solicitor Brienza. A draft will be presented to the Authority at the October meeting.

Mr. DeMatos said that 42R should be enforced in the future. He asked if Oakhurst Drive homes were made to connect. Mr. Schreiter said no. Mr. DeMatos said that 42R does not give the Authority authorization to issue notices, the Township must do this. He would like to recommend to the Township that notices are sent out for all new properties. He said that a sewer line was run to Oakhurst because there were to be several upcoming sales but they are not connecting. He said this is ridiculous that a line was run and they don't connect. He concluded by saying we are back in the same situation as the original 53 owners. Mr. Sullivan would like this on record.

Motion made that the Authority recommends to the Township that 42R should be enforced, if a line is run, you must connect.

Motion passed unanimously.

B. Sewer Tapping Study – update

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Mr. Schreiter will ask Dave Bush to attend the October meeting to explain the study to the Authority.

NEW BUSINESS:

None

ANNOUNCEMENTS:

The next scheduled meeting of the Authority will be Monday, October 5, 2015 at 6:00 PM at the Water and Sewer Building. The Authority will tour the sewage treatment plant at 5:00 PM.

ADJOURNMENT:

With there being no further business to discuss, the meeting of the Upper Saucon Municipal Authority was unanimously adjourned at approximately 7:58 pm.

Respectfully submitted,

Jack DeMatos,
Secretary