

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, August 3, 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:

James Zulick, 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 table approving the July 2015 minutes until the Sept 2015 meeting. Ms. Moore would like to review the tape and add her comments concerning the unconnected sewer analysis.

Motion passed 4-0 with Mr. Sullivan abstaining.

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 - 7/27/2015, 7/28/2015

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Date of letter: 7/3/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Jim Mazeika, Barry Isett and Associates, Inc.

Subject: DeSales University -- Athletic Facilities Project
Equipment Submittal Review

The following product is approved for use on this project:

Internal Manhole Chimney Seal as manufactured by Cretex Specialty Products.

Date of letter: 7/7/2015

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

Letter sent to: A Shaw, Goodman Shaw

Subject: Upper Saucon - Center Valley Mobile Home Park

Just want to confirm that despite the notice received by the Township it appears that there is no bankruptcy that has been filed which would impeded the Township from proceeding to sale in order to enforce its judgment against the owners....I am not sure how or why the sale was continued if the bankruptcy was not filed by the owner.....Please advise/confirm as well as suggest what the next step would be.....Presumably the Sheriff THINKS the bankruptcy is in place and that the sale cannot proceed....how do we deal with that?

Date of letter: 7/8/2015

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

Letter sent to: Tom Dinkelacker and Gary Brienza and others

Subject: Upper Saucon - Center Valley Mobile Home Park

Double-checked PACER this morning and the bankruptcy is active. Property is owned solely and individually by Shafiq A. Sheikh -- there is no corporate entity. Sheikh filed for Chapter 11 on 4/23/2015. Property is virtually his only asset.

Center Valley Motor Lodge does not exist, nor do any of its derivative names. Rather, Sheikh leases the property to Center Valley Logistics. CVL operates the motel and lets the individual lots to the mobile home tenants. CVL is a registered entity owned solely by Mr. Sheikh's daughter.

As for the sewer issue, it is at least arguable that we can go after the landlord here.

CVL is an entity separate and distinct from Sheikh. CVL does not own the property, but does exist in a landlord-tenant relationship with the mobile home residents and is a party to each lease agreement. Just a thought.

Date of letter: 7/8/2015

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

Letter sent to: A Shaw, Goodman Shaw and others

Subject: Upper Saucon-Center Valley Mobile Home Park

If you can confirm/determine if proceeding to lift the stay is necessary/appropriate

Date of letter: 7/9/2015

Letter from: A. Shaw, Goodman Shaw (e-mail)

Letter sent to: Gary Brienza and others

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Subject: Upper Saucon - Center Valley Mobile Home Park

It does not make any sense at this point to file a motion for relief as the bank already has such relief and can proceed with a sheriff's sale if the property does not sell by 10/1/2015. Only concerns I have is your lien position and whether a sheriff's sale of the property avoids the liens although I believe ant AI noted in an email yesterday that he did not think this would be a problem.

Date of letter: 7/10/2015

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

Letter sent to: A Shaw, Goodman Shaw

Subject: Upper Saucon - Center Valley Mobile Home Park

Concur with you analysis but I will leave the final choice on this matter to Tom B. and Tom D.....AI can you confirm from a lien perspective how the bank's foreclosure in October would impact, if at all, on the current muni liens?

Date of letter: 7/13/2015

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

Letter sent to: J Mazeika, Barry Isett

Subject: DeSales University - Repair of HDPE Pipe Downstream of MH5A
(Attached) is a sketch for replacing the HDPE pipe downstream of MH5.

Date of letter: 7/14/2015

Letter from: Thomas Beil, Upper Saucon Township

Letter sent to: Mark P. Sullivan

Subject: Appointment to USTMA and USSTA

You have been appointed to the named authorities. Your term will begin immediately and expire on 12/31/2018.

Date of letter: 7/14/2015

Letter from: Thomas Beil, Upper Saucon Township

Letter sent to: George Thomas

Subject: Resignation from USTMA and USSTA

The BOS accepted your resignation from the Authorities.

Date of letter: 7/17/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: Weyhill Estates

Review of video inspection

We reviewed the videotapes from a TV inspection of the sanitary sewers of this subdivision. Inspection was conducted on 7/16/2015 by Township Staff.

Segment MH #BB46 - MH #BB47 Bell Flower Lane

Pipe segment appeared to be in acceptable condition

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Segment MH #BB46 - MH #BB11 Bell Flower Lane
Pipe segment appeared to be in acceptable condition.

Date of letter: 7/20/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: DeSales University -- Athletic Field Modifications

We reviewed the video tapes from a TV inspection of the sewers of this subdivision. Inspection was done on 7/17/2015 by Township Staff.

Segment

MH #5B - MH#5C Right of Way

Pipe segment appeared to be in acceptable condition

MH #5B - MH #5A1

Following defect observed located downstream of MH #5B

Possible chip in pipe lining. This should be reexamined and may require repair at a later date.

MH #5A2 - MH #5A1

Pipe segment appeared to be in acceptable condition

MH #5A1 - MH #5A

Possible chip in pipe lining. Should be reexamined and may require repair at a later date.

Overall this segment of pipe can be placed in service. However the defects as outlined above must be addressed by the Contractor.

Date of letter: 7/22/2015

Letter from: Karl Schreiter, SEA

Letter sent to: Joanna Slagle, UST

Subject: Southern Lehigh School District

New Hopewell School

We reviewed the cost estimate prepared by Barry Isett and Associates dated 6/5/2015.

Cost estimate was compared against the sanitary sewer design as shown on New Elementary School as prepared by KCBA Architects, Inc and Barry Isett and Associates, Inc. dated 11/4/2014 with revisions through 2/10/2015.

Based on our review of the estimate the approved costs are as follows:

Sanitary Sewers --- \$ 49,626.50

Date of letter: 7/22/2015

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

Letter sent to: Jim Mazeika, Barry Isett

Subject: SLSD Elem. School -- Latest revised preliminary / final plans

Reviewed the request for the drop manhole with S. Miller. We do not have a problem with the concept. However, we must work out the details on how it will be installed.

Call to discuss.

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Date of letter: 7/22/2015

Letter from: Jim Mazeika, Barry Isett (e-mail)

Letter sent to: Karl Schreiter, SEA and others

Subject: SLSD Elem. School -- Latest revised preliminary / final plans

A detail that we recently used on another project is shown (below). Review and let me know if you have any comments.

Date of letter: 7/22/2015

Letter from: Tom Dinkelacker, LV Law Practice (e-mail)

Letter sent to: Karl Schreiter, SEA and others

Subject: SLSD New Hopewell School Cost Estimate Review

It is my recollection that the sewer cost estimate, as approved by Karl becomes part of the overall cost estimate / release form prepared by Hanover. Am I still correct as to this procedure?

Date of letter: 7/23/2015

Letter from: J Mazeika, Barry Isett

Letter sent to: Tom Dinkelacker, LV Law Practice and others

Subject: SLSD New Hopewell School Cost Estimate Review

You are correct based on what was done for DeSales Univ Athletic Facilities Project. A LOC was provided for the combined costs of general site improvements and sewer construction. The riparian buffer cost was handled separately through a cash escrow.

Date of letter: 7/21/2015

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

Letter sent to: Joe Folger

Subject: 2340 Augusta Drive

We reviewed your request to purchase a sewer permit for the property you wish to purchase at 2340 Augusta Drive / 2325 Ballybunion Road. At this time the Township does not have any policy in place for the early purchase of sewer permits. Currently, the area is not subject to any sewer moratorium or other restriction related to prohibiting future sewer connections. Therefore, we do not foresee any issues with providing a sewer connection at the time when your house will be built.

Under current regs, PADEP only recognizes building permits that would be issued before issuance of any sewer moratorium. Once you have plans for a home on this property, you can apply for the building permit and a sewer permit will be issued at that time. The cost of the permit will be the tapping fee charges in effect at the time of the issuance of the building permit.

*****end of correspondence for August meeting

SOLICITOR'S REPORT:

Solicitor James Zulick presented the Solicitor's Report dated August 3, 2015 on behalf of Solicitor Gary A. Brienza, who did not attend the meeting.

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Concerning the Center Valley Mobile Home Park, Solicitor Zulick explained that Attorney Shaw confirmed there is indeed a bankruptcy filed on the property. Attorney Shaw advised that the Township has nothing more to do now because it is first in line to be paid, even before the mortgages, if there is a sale or foreclosure.

Attorney Zulick reported that Township staff had another meeting with Brinley Easements in July to review Tom Beil's proposal in detail. Brinley is to consider the proposal. Mr. Beil has not heard back from them at this point.

ENGINEER'S REPORT:

Karl Schreiter, PE presented Engineer's report dated July 31, 2015.

Mr. Schreiter reported that the Preston Lane slip-lining project is going well and the wrecker is working well. Mr. Cope said that pulling pipe is going well and that the team has until the last week in August to complete the project because school will begin.

Mr. Schreiter said that a letter was sent to PADEP a year ago requesting that the CAP for the North Branch Interceptor be rescinded because there has not been an overflow in two years there. There has been no response from PADEP.

Mr. Schreiter received preliminary plans for rehabilitation of the sewer system at Saucon Crossing Mobile Home Park but has not looked at them yet.

SUPERINTENDENT'S REPORT:

Mr. Cope reported that currently the staff's big projects are the Preston Lane slip-lining project and the work being done at DeSales University.

Mr. Cope said there are electrical issues at the Spring Valley Pump Station and they will be handled by an assigned contractor.

Mr. Cope explained there was a lateral blockage at a home on Whitetail Drive. The line was run when the home was built roughly seventeen years ago. When staff TVed the line, they found a hard bend in the pipe. This was probably done to avoid rock. The homeowner is not happy because she wants the Township to help with repair costs. But because the issue is on her property, she must pay for repairs.

Mr. Cope was happy to report that new contractors at Liberty Village are replacing plastic caps with metal ones.

TREASURER'S REPORT:

Treasurer Ronald Raybitz submitted the report.

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

MOTION (S):

None

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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.

Chairman Bush explained the background on this issue to Mr. Sullivan to help bring him up to speed. He would like Mr. Sullivan to give it some thought and table making any decisions on how to address the issue until the September meeting. The other members are in agreement.

Mr. Bush said it is in PA Second Class Township Code that if a sewer line is run within 150 feet of a property, the owner must connect to it. However, the Township did not send notification letters to certain property owners to tell them they must connect.

Mr. Bush discussed the problem with Mr. Beil who said he would present it to the Board of Supervisors. Mr. Beil feels the best way to resolve the issue is to create an ordinance stating that when a property is sold or transferred, the seller has to connect to the sewer system. He does not want to simply tell the property owners who were not notified in the past that they have to connect right now.

Mr. Cope also discussed the issue with Mr. Beil who said he would ask the Board of Supervisors how they would like to proceed. Mr. Beil added that he would begin working with Solicitor Dinkelacker to draft an ordinance. No ordinance has been written so far. Mr. Beil estimates that there is currently \$217,300 in tapping fees due to the Township from unconnected properties. The fee is \$4,100 per connection multiplied by 53 properties. He said most of these properties are located in the Limeport Pike, Oakhurst and Old Bethlehem Pike areas.

Mr. DeMatos agrees that an ordinance is needed for when a property is sold or transferred, the seller must connect to the sewer system. As for the 53 unconnected properties, he would like the property owners to be notified and given a certain number of years to connect. Then they are able to save money to have the connection made. Mr. Raybitz thinks this solution makes sense and agrees with Mr. DeMatos.

Ms. Moore is not on board with making the 53 property owners connect. She feels that the township failed to notify them to connect so going back now and making them connect is wrong if their system is not failing. She is concerned that some owners do not have the funds to connect and the Township should not force them to. She is also against taking the connection fee at the time of sale because it is taking revenue away from the sale of the home and that forcing owners to do this is not worth it. She does not see the value in connecting to a homeowner who has a working system and is not selling their property.

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Mr. Bush said it isn't worth the Township spending the money to lay the line then have residents not connect to it.

The discussion turned to how the Township would know if a system is failing. Mr. Schreiter said surfacing is the only thing that constitutes a septic tank failure. This is due to pollution. He added it would be impossible to inspect the thousands of properties with septic systems and to enforce making homeowners repair systems.

Mr. Sullivan asked if the Township can legally check the systems at the 53 unconnected properties. Mr. DeMatos doesn't think the Township can unless there is a system failure. Mr. DeMatos asks "What can the Township do if an owner refuses to connect?" He answers his own question by saying that a lien would be put on the property and it would be collected at the time of sale.

Mr. Bush reiterated that he would like The Authority to give the matter some thought discuss the issue again in the September meeting.

B. Sewer Tapping Study - update

Mr. Schreiter said that Dave Bush is has a few questions but the study should be complete soon. Mr. Bush would prefer that the tapping fee be raised gradually, not all at once. This is the reason for the study.

NEW BUSINESS:

Selection of the Treasurer and Asst. Treasurer.

A motion was made and seconded to appoint Ronald Raybitz to the position of Treasurer.

Motion passed 4-0 with Mr. Raybitz abstaining.

A motion was made and seconded to appoint Mark Sullivan to the position of Asst. Treasurer.

Motion passed 4-0 with Mr. Sullivan abstaining.

ANNOUNCEMENTS:

The next scheduled meeting of the Authority will be Tuesday, September 8, 2015 at 6:00 PM at the Water and Sewer Building.

ADJOURNMENT:

With there being no further business to discuss, the meeting of the Upper Saucon Municipal Authority was unanimously adjourned at approximately 7:14 pm.

Respectfully submitted,

Jack DeMatos,
Secretary

August

2015

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