

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, February 1, 2016

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:07 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 Asst. Treasurer
Mark Sullivan – 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 meeting minutes for January 11, 2016 with the following amendments:

- Ron Reybitz submitted Treasurer's report, not Mark Sullivan.
- Changed spelling of Ron's last name from Raybitz to Reybitz.
- Added 12/29/15 correspondence from Karl Schreiter to Patricia Lang concerning Posh Properties.

Motion passed unanimously.

CORRESPONDENCE COMMENTS:

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

Date list was prepared or amended: 1/23/2016, 1/25/2016, 1/26/2016, 1/28/2016

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Date of letter: 1/12/2016

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

Letter sent to: Tom Beil, UST

Subject: Reorganization

The Board of both Authorities approved the calendar and meeting times as previously published. All members on the Board remain the same EXCEPT that Mark Sullivan is the Treasurer and Ron Reybitz is the Assistant Sec/Treasurer. All professional appointments remain the same from the prior year as well.

Date of letter: 1/12/2016

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

Letter sent to: Tom Beil, UST and others

Subject: Center Valley

Is there any update on the status of the lien the Township has against Center Valley? I was under the impression from Al Striba that a resolution would occur in the November timeframe.

Date of letter: 1/12/2016

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

Letter sent to: Tom Beil, UST

Subject: Meeting with the Public Works Committee

Bruce Bush asked me to see if the scheduling of a meeting with the Committee to discuss the draft letter/notification and possible procedure regarding the 50 or so properties subject to sewer tap-in would be scheduled soon now that we are past reorganization meetings for the Township and the Authority.

Date of letter: 1/12/2016

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

Letter sent to: T Beil, UST and others

Subject: Traditions of America Phase 1 Escrow Release

(Attached) is the approved release of escrow for TOA Phase 1. Please process for Township approval.

Date of letter: 1/12/2016

Letter from: Tom Beil, UST (e-mail)

Letter sent to: Gary Brienza, Solicitor

Subject: Meeting with the Public Works Committee

A meeting has not been scheduled. I will keep you posted.

Date of letter: 1/12/2016

Letter from: Tom Beil, UST (e-mail)

Letter sent to: Gary Brienza, Solicitor

Subject: Center Valley

The delinquent utility bills for Center Valley Mobile Home Park have been paid.

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Date of letter: 1/14/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Thomas Beil, UST

Subject: 6660 Route 309 - Peppercorn Pub

Sanitary Sewer Lateral

On 1/14/2016 we attended a meeting at the Peppercorn Pub. It is our understanding that the existing building is serviced by a 4 inch diameter cast iron lateral pipe that parallels east side of the old Route 309 cartway and connects to the sewer main located in Passer Road. Condition of the existing lateral is unknown. We understand that the condition of the lateral at the building was in poor condition.

Proposed construction is to include 8 apartment units. We recommend that the existing lateral pipe be replaced with a new 6 inch diameter lateral pipe to service the building.

This lateral must be replaced from the point of connection into the building to the existing 6 inch diameter terra cotta pipe at the curb line along Passer Road.

The Township Staff is researching the original number of edu's that were purchased at the time of connection in 1974 when the sewer main was originally constructed. The Township should charge the property owner the additional edu's that are over the number of those originally purchased.

Date of letter: 1/19/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: South Branch Interceptor Corrective Action Plan

This letter is the final analysis for revising the SCP to allow Brinley Court and LVGC to use Gun Club Road and bypass the Borough (of Coopersburg).

(Note: The Chairman has not attempted to summarize this lengthy letter. A copy of the letter was provided to each member of the Authority via e-mail on 1/26/2016)

Date of letter: 1/22/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Steve Goffredo, Muschlitz Excavating

Subject: Weyhill Estates (aka Blue Belle Farms)

Sewer modifications

We reviewed the transmittal from Tim Buskirk dated 1/21/2016.

We concur with the proposed change to the proposed grades to eliminate a drop manhole at MH#BB56. In addition, the barrel section for the upper connection of the drop manhole must be replaced with a barrel section with no connection hole. There should be no sewer related conflicts associated with lowering the sewer mains in this area. All changes must be shown on any "as-built" drawing for the project.

Date of letter: 1/25/2016

Letter from: Tom Beil, UST (e-mail)

Letter sent to: Gary Brienza, Solicitor and others

Subject: Benckini v. Upper Saucon Township Municipal et al FYI

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This e-mail was forwarded from an e-mail sent by Mr. Beil to various individuals regarding the subject. In this particular e-mail Tom stated.....

(Attached) is the lawsuit filed by Gene Benckini against the USTMA, former Township Manager Bernie Rodgers, and various police officers and the current Police Chief. The events giving rise to the lawsuit seem to have occurred between 1978 and 2013, although Benckini's complaint is less than clear in this regard. It is important to note that this is the third lawsuit Mr. Benckini has filed against the Township in the last 10 years. Please assign an attorney to defend those named in the lawsuit. Time is of the essence, as the defendants must respond to the lawsuit within 21 days of receipt of the summons. The summons was received by the township on Friday, 1/22/2016.

Date of letter: 1/26/2016

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

Letter sent to: T Sear, UST

Subject: Saucon Valley Crossings MHP

(Note - This letter is in response to an e-mail from Trent regarding the owner of the subject wanting to make improvements to the property)

We have a ban on new connections in the park. Gary will have to make a ruling if these are replacement or new connections. Also, we must find out how he is coming with his plans to replace the existing sewer/water system. We have not received a Chapter 94 Report form from him.

Date of letter: 1/27/2016

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

Letter sent to: Tom Dinkelacker

Subject: Beck/Upper Saucon Easement Agreement

Looks ok to me. Note that this is only for the Easement. The USTMA will not extend the line at this time. If the other property (Lot 2) wishes to have sewer service in the future, they can extend the line at that time.

Date of letter: 1/27/2016

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

Letter sent to: Karl Schreiter, SEA and Trent Sear, UST

Subject: Saucon Valley Crossings MHP

My initial reaction is that they would be replacement and NOT new connections.....but that assumes there is no expansion or increase in the usage/amount of people/overall square footage of the new trailers/mobile homes.

Date of letter: 1/28/2016

Letter from: C Cope, UST (e-mail)

Letter sent to: J Geib, UST

Subject: Things not to flush --- for the new UST website

(Attached) are the ten top items not to flush.

They are:

Medications

Cloth

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Feminine Products
Plastic
Chemicals
Grease
Wipes
Cooking Oil / Grease
Condoms
Diapers

*****end of correspondence for February's meeting

Solicitor Brienza commented that Center Valley Mobile Home Park's entire debt of \$180,000 for sewer and water bills has been paid to the Township per Tom Beil and Solicitor Dinkelacker.

Mr. Bush added that copies of the Corrective Action Plan are included in the members' packets. He also said that Solicitor Brienza is going to discuss the lawsuit of Benckini vs. UST MA and STA.

SOLICITOR'S REPORT:

The Solicitor's Report dated February 1, 2016 was presented by Solicitor Brienza.

Solicitor Brienza updated the Authority on the issues with Brinley. He said as a result of the December meeting, they have slightly increased the number of units, they are not building the holding tank, and the Township will have to create a letter that deals with sewer issues between the Brinley property, Locust Valley Golf Club and Traditions of America's development. Mr. Brienza said there is a meeting tonight between Traditions of America and the Board of Supervisors. They are looking to build an age-qualified community with no more than 125 units on the Locust Valley property. He said water use will be less than a typical house because this is a 55+ community. 176 gallons per day is the typical use per the last study done. They will still be billed for one EDU per unit.

Mr. Schreiter said if Brinley builds first, they will build a pump station near Gun Club Road that goes through to Red Oak Drive. If Traditions of America happens to build first, they would have to build the pump station with Brinley connecting to the main. 217 is the total number of Brinley units. Mr. Schreiter clarified that Brinley will be constructing the entire force main. Per Mr. Schreiter's study, he said 3.5 is the peak factor at both pump stations, this shows there is enough capacity. If TOA goes to an AQC, this will only help. Mr. Schreiter said the Mill Creek intersection could be the critical area because flows pick up there.

Solicitor Brienza discussed timing of the projects. He thinks Brinley may have an updated plan possibly in March. They need to submit a new DEP Planning Module and also need the Authority to approve Mr. Schreiter's connection recommendation. The easement issue is still up in the air between Brinley and Locust Valley Golf Club. Mr.

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Schreiter wanted 30 feet but Brinley wants 20 feet. Mr. Schreiter said this isn't ideal but he would accept it as a permanent easement. Also, he said the easement needs to be changed from a water-only easement to water/sewer easement. Mr. Brienza said that an Inter-municipal agreement may also be needed in the future.

Solicitor Brienza said for tonight's meeting, the Authority needs to approve the revised Corrective Action and Sewer Connection Plan. He mentioned that TOA has a contingent agreement of sale of Locust Valley Golf Club but there are issues with the clubhouse and number of EDU's.

Mr. DeMatos asked what brand would be used to construct the pump stations. The Township recommends Flight and it would be easier if they are all the same brand. Mr. Schreiter said he would recommend this to the developers.

Mr. Brienza said he received a question from Trent Sear about Saucon Crossings Mobile Home Park wanting to add new connections. Mr. Brienza said they are under prohibition from adding new connections. If it is a current connection, they may replace it. They wanted to build on two or three empty lots but Mr. Brienza said no. He said they are looking to replace five to six mobile homes/units and the replacements must be the same size EDU. Mr. Brienza is optimistic they are moving on the right track.

Mr. Brienza reviewed the language in the Sewer Connection Plan and is very comfortable with it. Mr. Schreiter agreed that is in pretty good condition, the calculation is based on capacity and nothing else. This can be tracked in the future.

As for the Benckini lawsuit, Solicitor Brienza explained the specifics to the Authority. There is confusion as to who the defendant is. Mr. Benckini, who represents himself, states it as "UST MA Sewage Treatment Plant", which is an incorrect name. There is not clarity if he is suing the MA or STA. Mr. Brienza said Mr. Benckini was able to file without cost because he has no money. He is suing for himself and also under Benckini Nurseries, which is bankrupt. He is also suing for a neighbor who died in 1995 that he was the executor for.

Mr. Benckini said he is suing for illegal sewage spills from 1978 – 1986 but there is a statue of limitations. Mr. Beil said Mr. Benckini has sued the Township twice before and both were thrown out of Federal court. Mr. Brienza said some of the issues in the current lawsuit were already thrown out of past lawsuits.

Solicitor Brienza doesn't know exactly what Mr. Benckini is suing for. He said he had pesticide poisoning but said he has since cured himself.

Mr. Beil submitted the suit to the Township's insurance carrier. Mr. Brienza said due to the time frame of 30 years, it will take months for them to figure out which insurance company, current or past, is responsible for what. The Township must wait for the insurance companies to figure this out. If they don't decide, Mr. Beil will ask Solicitor Dinkelacker to file a 12(b)(6) to have the complaint dismissed. Mr. Beil wants the

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insurance companies to take care of this quickly for it can be dismissed but they have to decide which insurance companies were involved over the past 30 years for the Township, Municipal Authority and Police Department.

Solicitor Brienza said it is possible that Federal court may throw out part of the suit and keep a few issues to be researched and thrown out later. Mr. Bush asked if we have a deadline. Mr. Brienza said it is twenty-one days to report back from the date of receipt. There are stringent deadlines because it was filed in federal court, not state court.

ENGINEER'S REPORT:

Karl Schreiter, PE presented Engineer's report dated January 29, 2016.

Mr. Schreiter updated the Authority on the Sunset Drive/Ackerman's Lane Sewer Design. He said the Township is rebuilding both roads and sewer construction is incorporated into the road project. This way, there is only one contractor to work with.

As for the Preston lane Slip-lining project, Mr. Schreiter contacted PennDot because he thinks the Township needs a permit to tunnel under Route 378.

Mr. Schreiter commented on the flow monitoring program, saying that there have been no issues with rain but we haven't had any rainfall over 2". Mr. Cope said he is a little worried about snow melt coming this week.

Mr. Schreiter updated the Authority on the Oxford Ridge Subdivision in Coopersburg borough. He received a planning module for 26 units but they have used these units already. He asked Dave Busch for a cost estimate and said we should charge \$3,200 per unit. Mr. Schreiter forwarded this information to Tom Beil and negotiations will start.

Mr. Schreiter spoke with Olympus concerning their request to release chemicals into the system. There are concerns about pH in one of the chemicals and a disinfectant in the other. He received more information from Olympus' environmental person saying they will need to dilute. Mr. Schreiter is waiting for their plan on how they will deal with this.

On the sewer tapping fee study, Mr. Schreiter got the numbers from Dave Busch so he now must meet with Tom Beil to finish up.

Mr. Schreiter has one motion required at tonight's meeting.

SUPERINTENDENT'S REPORT:

Mr. Cope said staff is dealing with snow and water issues now. They are also dealing with plowing and manhole issues and are prepping for Wednesday's rain.

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TREASURER'S REPORT:

Treasurer Mark Sullivan submitted the report. He said that he and Mr. Reybitz went to the bank and they need all members of the Authority to sign paperwork before Mr. Sullivan can have account access. Therefore, there are no changes to the report this month.

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

Motion passed unanimously.

MOTION (S):

Motion was made and seconded to approve the revised Sewer Connection Plan associated with the Corrective action Plan for the South Branch Interceptor as outlined in SEA letter January 19, 2016.

Motion passed unanimously.

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. Update of the status of the letter that the Authority recommended be sent to the "53".

Mr. Bush spoke with Tom Beil to set up a date for a meeting to discuss this matter with the Public Works Committee. No date is set yet.

B. Sewer Tapping Study – update

Mr. Brienza said the next step is drafting the Ordinance.

NEW BUSINESS:

None

ANNOUNCEMENTS:

Next scheduled meeting of the Authority will be Monday, March 7, 2016 @ 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 7:11 pm.

Respectfully submitted,

Jack DeMatos,
Secretary

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