

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, March 7, 2016

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:05 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 February 2, 2016 as submitted.

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: 2/17/2016, 2/23/2016, 2/24/2016, 3/1/2016

Date of letter: 2/2/2016

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

Letter sent to: Tom Beil, UST

Subject: Benckini

I explained status of subject suit (at the Authority meeting).....we spent a good amount of time on this topic. Do we have an update from the insurance carrier regarding the

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handling going forward? We have about 2 weeks before the 21 days is up.....would suggest that if we do not have a clear direction from the carrier by next Monday, we(Tom D. and I) may have to go forward with the response to the complaint....thoughts?

Date of letter: 2/2/2016

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

Letter sent to: Tom Dinkelacker and others

Subject: Tapping Fee Ordinance

Karl and I discussed last evening the status of the tapping fee ordinance/new fee structure....it seems that the only aspect left (prior to approval and adoption) is a meeting where the three of us (as well as Chris Cope and/or Tom Beil) meet to review and modify language (or agree that no modifications to the language are needed). Not sure when you want to do this/are available to do this.....perhaps Jen and Jackie can get the ball rolling on dates?

Date of letter: 2/2/2016

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

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

Subject: Status - Brinley / LVGC

I wanted to advise that the USTMA and USSTA adopted Karl's letter which outlined the proposed amendments to the CAP/SCP in order to service both the Brinley and LVGC/TOA proposed developments. Advise if you need something more formal or if this notification suffices AND will one of you be passing on this information to the respective developers or do you need me to do so?

Date of letter: 2/2/2016

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

Letter sent to: Mindy Moore

Subject: Mindy Moore Authority Term

Township confirmed that your current term with the USTMA and USSTA will expire at the end of this year. See a copy of your re-appointment letter (attached).

Date of letter: 2/2/2016

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

Letter sent to: Gary Brienza, Solicitor and Bruce Bush

Subject: Easement Agreement - revised

This is for an extension of the easement that was received from Ms. Beck as part of the Oakhurst low pressure sewer project. She adjusted her lot line since the low pressure sewer was installed. As a result, the line may have to be extended in the future to service her vacant lot next to her home. The easement will be in place for that to occur if and when necessary.

Date of letter: 2/2/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

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Subject: Traditions of America

Phase 3 -- Escrow Cost Estimate Review

We reviewed the Sanitary Sewer --- Probable Construction Cost Opinion as prepared by Rettew and dated 1/22/2016.

Based on our review of these estimates, we concur that the estimates are presented can be used as a basis for escrow funds required by the Developer's Agreement with the Township and the Authority. (Attached) is a copy of the estimate.

(Grand total of estimate is - \$358,520.38)

Date of letter: 2/3/2016

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

Letter sent to: G Noll, Keystone Consulting Engineers and others

Subject: Sherri Beck Lot Line Adjustment

I discussed this issue with Tom Beil this morning. I'm willing to go along with the easement as shown since it only is for a low pressure sewer main in the future.

Trisha --- get Bruce to sign the Easement Document.

Date of letter: 2/3/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: MS Center Valley, LLC

Preliminary /Final Plan Review

We reviewed the Plan for the subject as prepared by Ott Consulting Inc. dated 2/3/2015 with revisions through 1/6/2016.

(Note: Karl had several comments on the sheets; refer to the letter for the comments)

Date of letter: 2/5/2016

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

Letter sent to: Chris Cope, UST

Subject: Club House permit for TOA

The permit cannot be signed until we work out the number of edu's to be charged. Lynn Miller was unable to mark the proper tapping fee amount and asked for further guidance. Based on past experience, I had Lynn look up the charges for Liberty Village. At that time, we charged them 4 edu's for their clubhouse and pool. I expect the charges to be the same for TOA.

In order to confirm this, Eric Greisemer was to supply me with water data from another TOA facility. Also, he was to provide information on the pool. I must then evaluate the data to determine the number of edu's to be charged. Once you receive this information, I will need it to determine the proper number of edu's to be charged to the site.

Date of letter: 2/10/2016

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

Letter sent to: Chris Cope, UST and others

Subject: Draft Revised Sewer Connection Plan

(Attached) is a draft of the revised Plan. I have included the changes that were outlined in my letter of 1/19/2016.

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Review and provide comments. Once the document is finalized, it must be adopted by the Authority and forwarded to PADEP.

Date of letter: 2/11/2016

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

Letter sent to: Gary Brienza, Solicitor

Subject: Benckini Status

The insurance company assures me it is being taken care of.

Date of letter: 2/11/2016 (date of receipt)

Letter from: John H. Thompson, US Dept. of Commerce

Letter sent to: USTMA - Chairman

Subject: A Message

The US Census Bureau will be conducting the 2016 Government Units Survey in preparation for the 2017 Census of Governments. In a few weeks we will send a formal request. Please read the instructions and complete the survey by the due date on the log-in screen.

Date of letter: 2/12/2016

Letter from: Sandy Diacogiannis, UST (e-mail)

Letter sent to: Thomas Beil, Gary Brienza and others

Subject: Benckini

I just received a phone call from an attorney who said he is filing for a motion to dismiss.

Date of letter: 2/17/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Traditions of America

Phase 4 -- Escrow Cost Estimate Review

We reviewed the Sanitary Sewer -- Probable Construction Cost Opinion as prepared by Rettew and dated 2/16/2016.

We concur that the estimates as presented can be used as a basis for escrow funds required by the Developer's Agreement with the Township and the Authority. (Attached) is a copy of the estimate.

(Note: The total of the estimate is 386,767.68)

Date of letter: 2/19/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: High Hotels Ltd

Stabler Lot #10 --- Plan Review

We completed our review of the Plan for the subject as prepared by Rettew Associates Inc. dated 9/8/2015 with revisions through 2/1/2016.

Comments made were:

- Developer's engineer is responsible to confirm all sewer elevations in the field
- No profile shown for the sewer segment between the building and MH#HH1

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-No profile shown for the grease interceptor located outside of the building

Date of letter: 2/22/2016

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

Letter sent to: P Lang, UST

Subject: Peppercorn Pub Property

Under the Ordinance, they must install the larger lateral. I feel that a 4 inch diameter lateral is too small to provide service to 8 apartments. If nothing is done, I'm sure you will hear in the future when there is a blockage or other problems and "why did the Township approve this". This should have been addressed when the initial review was completed. Since we know nothing about it, we did not provide any comments. Furthermore, it is apparent that Keycodes does not review anything regarding the USTMA sewer requirements. Therefore, I still feel that the lateral should be replaced as required in the Ordinance.

As per the tapping fee, it is apparent that the Township did not properly bill the property for the proper number of edu's when it was connected in 1974. Since they made major changes to the building, this is a good time to rectify this situation.

Note: this e-mail was in reply to an e-mail from Trisha Lang, regarding a conversation she had with the owner of the Peppercorn Property. His concerns:

1. His plan was approved without this requirement (upgrade the existing 4" lateral to a 6" lateral). However, no sewer permit was submitted so no sewer connection was evaluated when the Building Permit was issued.
2. The prior use of the property included a restaurant and 15 boarding rooms....the flow from the proposed 8 apartment units would be far less than this
3. The proposed renovation is a significant investment in the Township and will alleviate a long standing eye-sore and the Township should be encouraging this re-development

Date of letter: 2/23/2016

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

Letter sent to: Bruce Bush

Subject: Peppercorn Pub Property

Expect a visitor from the Peppercorn Pub at the meeting.

Date of letter: 2/23/2016

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

Letter sent to: Karl Schreiter, SEA

Subject: Peppercorn Pub Property

I have read the standard....seems pretty clear that you can require the 6 inch pipe.....not sure what would be basis to revise your opinion.

Date of letter: 2/29/2016

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

Letter sent to: Bruce Bush

Subject: Meeting with Quakertown National Bank

On Wednesday March 9th at 2 PM Tom Beil and I will be meeting with representatives from QNB to discuss loan possibilities for residents who may be forced to connect to

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public sewer in the future. It is an "information-only" meeting where we are simply finding out if a program like this could work with the 53 unconnected users. You are welcome to join us if you like. Meeting will be at the Township Building.

Date of letter: 2/29/2016

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

Letter sent to: D Meiser, Toll Brothers and others

Subject: Weyhill Storm Drainage and I&I Issues

I'm sure you are aware of the poor drainage issue on Foxglove Lane but the picture (from last week) shows a large mud puddle over top of a few sanitary sewer manholes. It appears that stormwater cannot drain into the retention pond properly or there is too much water for the basin to handle. In addition to this problem, we continue to see a direct correlation with rainfall amounts and gallons pumped at the Spring Valley Pump Station (see Feb. chart below). This is a new collection system and we should not be seeing an I&I issue so soon. We have done a little investigating but have not found anything substantial yet. Please remind your contractors to plug lines that are not in use as well as verify correct connections to the sewer main. It is also imperative that all inspections are completed and signed off on.

Under these circumstances, I don't think the Township can accept dedication of the sewer line until something is done to reduce the I&I within this system. I will discuss this issue with Karl and the Authority to see what measures can be taken.

Date of letter: 2/29/2016

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

Letter sent to: Karl Schreiter, SEA and Bruce Bush

Subject: Compelling Sewer Hook-Ups

This e-mail forwarded a copy of an e-mail from Tom Dinkelacker to Gary dated 2/26/2016 regarding the subject.

Tom Beil and I talked about the subject and the upcoming meeting. Since the matter was on the BOS Agenda last Monday evening I took the opportunity to review the Second Class Township Code and discovered a "little known codicil....." Section 2503 states that no system shall be constructed under this article without publishing a resolution of the BOS authorizing the construction 1x per week for 3 successive weeks. Tom doubts this was ever done. The question is whether we can require a hook-up under Article 25, without complying with the Article 25 notice requirements.

I suspect that the sewer was built by the Authority and if that was the case then we are probably under the MAA and not the SCTC. Does the MAA have mandatory connection provisions? Perhaps we should look into this before the meeting.

Date of letter: 2/29/2016

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

Letter sent to: Tom Dinkelacker, DDA Law Office

Subject: Compelling Sewer Hook-Ups

In 5607 of the MAA, Paras 17, 22, 23 and 24....there are some references to such a paragraph but not SPECIFICALLY stated as such....

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Date of letter: 2/29/2016

Letter from: Michael Dougherty, Toll Brothers (e-mail)

Letter sent to: Chris Cope, UST and others

Subject: Weyhill Storm Drainage and I & I issues

We have been working diligently and had this cleaned up Friday (photos from Friday attached). We have been in close contact with the LCCD and have come with additional BMP's to prevent this from happening again while we are completing the improvements in phase 3. The reason this standing water occurred has nothing to do with the basin. The inlet sediment bags we were required to install became clogged and would not allow any stormwater to pass through. This is particularly problematic in low lying roadway section like this. The LCCD has given us permission to remove the inlet bags and use an alternative method on inlet protection that will prevent this.

Date of letter: 2/29/2016

Letter from: Curt Genner, C N Wynn (e-mail)

Letter sent to: M Dougherty, Toll Brothers and others

Subject: Weyhill Storm Drainage and Issues

I understand that LCCD did not permit the removal of silt sacks until the skimmer attachment was fixed. A diver was onsite to fix the skimmer leak. Silt sacks are now removed in low lying areas so we are now to believe the road flooding issue is resolved. With continued infiltration tracking, we can more easily isolate/pinpoint where water is infiltrating into the sewer system. This will need to be addressed.

\*\*\*\*\*end of correspondence for March meeting

## SOLICITOR'S REPORT:

The Solicitor's Report dated March 7, 2016 was presented by Solicitor Brienza.

Solicitor Brienza updated the Authority on the issues with Brinley. He said he confirmed with Karl Schreiter and Tom Beil that Brinley has not submitted a new plan, copy of settlement agreement or tri-party agreement. Therefore, the ball is in their court until these are submitted.

As for the Benckini lawsuit, Solicitor Brienza said the Township's insurance carrier agreed to appoint council. Counsel submitted a 12(b)(6) motion noting seven to eight various reasons to throw out the lawsuit. It was very comprehensive. Mr. Benckini has not responded. Mr. DeMatos asked if he has a time limit to respond. Mr. Brienza said he believes it is thirty days.

Solicitor Brienza explained that Saucon Crossings has identified five to seven trailers they want to replace. Trent Sear is confirming the trailers they are exchanging will have the same usage as the previous trailers. Mr. Cope said they marked the lines about two and a half weeks ago for Saucon Crossings to make a plan. Mr. Schreiter added that they want the Township to take over the system after upgraded. Mr. Beil does not want to do that. Mr. Schreiter does not have a problem with it.

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Mr. Brienza said that Tom Beil is setting up a committee meeting in April to discuss the 53 unconnected properties. Two members of the Authority will attend, Mr. Bush and Ms. Moore. Township Solicitor Dinkelacker has questions for Solicitor Brienza regarding if this issue is part of Township code or Municipal code. The solicitors will work together to determine this. Mr. Brienza will set up a meeting with Mr. Dinkelacker, Mr. Cope and Mr. Schreiter to discuss the issue before the April committee meeting.

Solicitor Brienza said they need to research the reasons why the 53 are not connected. Some may be because a line needed to be run past their residence to reach another one that was in need. He said the original letter composed cannot go out as written. Mr. Brienza explained they may still add that residents must connect at the time of transfer. This will not make them connect within four years but they will eventually have to connect. Mr. Cope added that he and Tom Beil are going to meet with QNB this week on low-interest loans that may be available for residents needing to connect.

## ENGINEER'S REPORT:

Karl Schreiter, PE presented Engineer's report dated March 4, 2016.

Mr. Schreiter updated the Authority on the Sunset Drive/Ackerman's Lane Sewer Design. He said this is part of the road restoration project that Hanover is doing. They will put in the line and stop at Limeport Pike for now.

Mr. Schreiter said a revised Sewer Connection Plan was developed to address Brinley Court and Locust Valley Golf Course developments. He asked since there has been no response from Brinley, do they want to implement this yet. Mr. Bush proposes that they do nothing until there is a reply from Brinley. The Authority is in agreement to wait thirty days to see if Brinley responds.

Mr. Schreiter has not heard back from Olympus on the chemicals they asked to discharge.

On the sewer tapping fee study, Mr. Schreiter is going to reschedule the meeting.

The Act 537 letter was promised to him. Also, Daryl Fritz needs to review the study and hopefully should reply soon.

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

## SUPERINTENDENT'S REPORT:

Mr. Cope said the collection system held strong with the six plus inches of rain on February 24.

He said they are going to raise and seal thirteen manholes along Saucon Creek and the ones near I78.



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He updated the Authority on the Peppercorn Pub issue and said they are connected now. There are eight units so they should have been charged for eight EDUs back in the 1970's when they were originally added. They were only charged for one EDU. Mr. Schreiter said Trent Sear issued their building permit without showing it to him first and the issue was missed. He said the owners were pushing back because they need to pay for seven EDUs, but the issue is now resolved.

Mr. Cope said there are I&I issues at Weyhill Estates concerning retention pond overflow. These are developer issues. Staff is looking at ways to do flow monitoring to investigate.

Also, the Curly Horse development's maintenance bond is coming due. Staff is doing inspections and checking manholes.

Mr. Cope said they received a new push camera that can record to a flash drive.

## TREASURER'S REPORT:

Treasurer Mark Sullivan submitted the report. He said he now has online access and will cut checks next 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 table the approval of the revised Sewer Connection Plan associated with the Corrective action Plan for the South Branch Interceptor as outlined in SEA letter March 4, 2016, until the April meeting.

Motion to table 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".

### B. Sewer Tapping Study – update

Mr. Schreiter said they are halfway through reviewing and it took three hours. They are having a second meeting to complete the review.

## NEW BUSINESS:

None

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## ANNOUNCEMENTS:

Next scheduled meeting of the Authority will be Monday, April 4, 2016 @ 6:00 PM at the Water and Sewer Building.

Mr. Bush said that PMAA is having Board Member training on Thursday, March 10, in Allentown at the Holiday Inn. He did not think the sessions he attended in the past were worthwhile. However, Solicitor Brienza is planning on attending the Solicitors meeting.

## ADJOURNMENT:

With there being no further business to discuss, the meeting of the Upper Saucon Municipal Authority was unanimously adjourned at approximately 6:55 pm.

Respectfully submitted,

Jack DeMatos  
Secretary