

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Tuesday, July 5, 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 June 6, 2016 with the following revisions:

- Under Solicitors Report, it should read “Solicitor Brienza let the Authority know that he will try to get the tapping fee ordinance on the meeting schedule.”
- Under Engineers Report, clarification of which Parkway was made. “Mr. Schreiter stated that the Preston Lane Slip-Lining Project will likely start following the Center Valley Parkway water project.”
- Under Engineers Report, changed wording of sentence “Mr. Schreiter verified that the contractor for the Oakhurst leaking manhole has been notified...”

Motion passed unanimously.

CORRESPONDENCE COMMENTS:

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

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Mr. Reybitz asked if another bank is coming to the Township. Mr. Cope said there is a proposed Univest and that Mr. Schreiter received the sketch plan.

Ms. Moore commented on the issue of trees and tree canopies extending over sewer laterals. She asked if we may tell developers where to place trees instead. Mr. Schreiter said if he sees them on the plan, he will tell them to remove the trees. He added it is up to the developer where they will move them. Ms. Moore asked Mr. Schreiter why trees cannot be in the sewer lateral area. Mr. Schreiter said tree roots cannot be nearby and backhoes cannot get in for maintenance if there are trees above.

(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: 6/27/2016, 6/28/2016, 6/30/2016

Date of letter: 6/3/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Univest Bank / Preliminary, Final Plan Review

We reviewed the Plan as prepared by Ott Consulting Inc., dated 4/29/2016.

Proposed subdivision appears to be comprised of one lot located near Center Valley Parkway. It will consist of one proposed connection for a new bank facility.

Karl's comments included a note that all work must be in agreement with USTMA requirements.

Tree canopies cannot extend over the existing sewer easements.

No trees can be placed in or around any proposed sewer lateral.

Any sewer flows would be part of the allocation for the Stabler properties.

Developer will have to submit a Township Planning Module for this project.

Date of letter: 6/6/2016

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

Letter sent to: P Lang, UST

Subject: Mountain Glen

Any luck confirming the status/viability of the Mountain Glen HOA...and to what extent if any the HOA is willing to maintain the system privately...it is my understanding that Chris and John confirmed that some of the easements for the system have things have been built (driveways, mailboxes, corner of actual house) on/over or otherwise infringing upon sewer related easements.

Date of letter: 6/6/2016

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

Letter sent to: Josh Autry, Lavery Law

Did Benckini file any sort of reply to the motion or any response brief? If so, provide a copy to me in my capacity as solicitor for the USSTA and USTMA.

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Date of letter: 6/7/2016

Letter from: Water Sewer Office (e-mail)

Letter sent to: Authority members

Subject: (no subject)

Find (attached) the Benckini documents that were requested by the members at yesterday's meeting. I have also placed a hard copy in everyone's bin at the office.

Date of letter: 6/7/2016

Letter from: Gary Brienza, Solicitor

Letter sent to: Reinsel Kuntz Leshner, LLP, CPA's

Subject: USTMA and USSTA

As of 12/31/2015 I'm unaware of any pending or threatened litigation, claims and/or assessments made against either Authority. I'm unaware of any unasserted possible claims or assessments which must be disclosed. As of 12/31/2015 no money was due me or my firm for services and /or expenses.

As it relates to the time frame from 1/1/2016 I'm unaware of any unasserted claims or assessments of which there is a probability of assertion and that if asserted would lead to a reasonable possibility of an unfavorable outcome. However, there is currently pending, although no threatened litigation, the matter filed by Gene Benckini against both Authorities, as well as the Township and other individual Township employees. (Gary then continues the letter with details regarding the Benckini matter.)

Date of letter: 6/6/2016

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

Letter sent to: Tom Dinkelacker, DDA

Subject: Tapping Fee

I think we need one more meeting to finalize the review of the tapping fee ord....is that going to be scheduled soon?

Date of letter: 6/9/2016

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

Letter sent to: Tom Dinkelacker, DDA

Subject: Mountain Glen

See below.....not my recollection but okay.

Any update on the Mountain Glen HOA?

E-mail from Patricia Lang dated 6/8/2016.....

It is my understanding that Dinkelacker office was going to track down the HOA representative(s). Trent recently sent him contact information, so I assume he is following up.

Date of letter: 6/9/2016

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

Letter sent to: Gary Brienza and Tom Dinkelacker

Subject: Mountain Glen

Just a follow-up to this easement issue: Karl, John, and I met with Jeff Matyus (Pidcock) this afternoon and explained our concerns regarding the lack of access on these

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easements. Jeff's (Mt. Glen) plans actually show a 10' pedestrian walkway where the sewer easements are located. Because of financial and general non-responsive reasons, however, Jeff has some concerns that the developer may not follow-through constructing these "walkways" and ultimately not having an access easement for us. None-the-less Pidcock will mark out these easements to see exactly what the interferences are and note these issues on their final "punch list" to the developer. We also took Jeff to see the easement issue at Cumorah /Kay Builders (electrical box and fiber cable on top of sanitary line).

Date of letter: 6/9/2016

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

Letter sent to: Chris Cope and Tom Dinkelacker

Subject: Mountain Glen

Thanks for the update.....this is good info.....Tell me if Jeff said how long it would be until he/Pidcock is able to mark out the easement/walkways.....as mentioned in your 6/9 e-mail.

Date of letter: 6/13/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: High Hotels, Ltd. -- Lot 10 -- Escrow Cost Estimate Review

We reviewed the Sanitary Sewer, Probable Construction Cost Opinion dated 6/13/2016.

We concur that the estimates as presented can used as a basis for escrow funds required by the Developer's Agreement with the Township and Authority.

Total cost - \$ 96,697.20

Date of letter: 6/14/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Posh Properties -- Preliminary/Final Land Development Plan Review

We reviewed the subject document dated 6/8/2015 with revisions through 6/13/2016.

Project will be built in the area northeast corner of the intersection of Saucon Creek Road and East 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 work.

(Karl had no comments on the drawings he reviewed.)

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

Date of letter: 6/14/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Posh Properties -- Preliminary/Final Land Development Review

We reviewed the Preliminary Opinion of Probable Construction Cost for Posh Properties dated 5/23/2016.

The total cost for the Sanitary Sewer items is \$ 67,194.60.

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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.

Date of letter: 6/15/2016

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

Letter sent to: Gary Brienza, Solicitor, J Matyus, Pidcock

Subject: Mountain Glen

Spoke with Tom Beil this morning and you are authorized to mark the sewer easement at the Mountain Glen development. You mentioned that you will offer this service to the developer first, however. Let us know when everything is marked. Do you have an idea as to how long this will take?

Date of letter: 6/16/2016

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

Letter sent to: C Unangst, Hanover Engineering

Subject: Sewer Easement on Cumorah (Penns View South)

It appears that we have an issue with installed utilities (electric and fiber optics?) in our sewer easement at the Penns View South development on Cumorah Ave. I'm not sure how it was missed or what the solution is but wanted to make you aware so that discussions can begin with the developer (Kay Builders). I've attached a picture of the utilities and access issues within the easement as well as a lot drawing.

Is it possible to have the fiber optics moved and readjust the easement lines away from the electric? Or is there another option?

Date of letter: 6/16/2016

Letter from: C Unangst, Hanover Engineering

Letter sent to: Chris Cope, UST

Subject: Sewer Easement on Cumorah (Penns View South)

I will look at this info and call you back with some suggestions.

Date of letter: 6/21/2016

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

Letter sent to: Bruce Bush and others

Subject: SBI CAP Flow Study Flow Data

The peak flows at MH#22 appear to be extremely low. We may want to check the interceptor between MH#29 and MH#22 to see if there are any signs of exfiltration.

Date of letter: 6/21/2016

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

Letter sent to: Bruce Bush and others

Subject: Upper Saucon Township Tributary Flow Data

The flows at the Locust Valley Road meter were extremely low. This had resulted in the meters failing to record flows during a portion of the monitoring period. The velocity probes require a certain minimum depth of flow for them to function properly. The level data was recorded properly.

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NOTE: this statement was also made in Karl's e-mail dated 6/29/2016 regarding the subject

Date of letter: 6/23/2016

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

Letter sent to: Tom Dinkelacker, DDA

Subject: Peppercorn Pub

I would like the draft agreement before the USTMA meeting on 7/5.....I plan on presenting the issue that night during an Executive Session and would like to perhaps have the Board approve the settlement.

Date of letter: 6/23/2016

Letter from: Tom Dinkelacker, DDA (e-mail)

Letter sent to: Gary Brienza, Solicitor

Subject: Peppercorn Pub

I'm on vacation starting tonight, not back until 7/6. If you want to prepare the draft that is fine with me.

Date of letter: 6/23/2016

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

Letter sent to: Tom Dinkelacker, DDA

Subject: Peppercorn Pub

I can have the Board approve subject to prep by you and review by me of settlement.

Date of letter: 6/24/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Traditions of America - Plan Review Phase 3

We reviewed the Final Land Development Plan for the subject, dated 6/17/2016.

The project consists of 51 dwelling units. The Developer has proposed a gravity sanitary sewer collection system.

(Karl's only comment was -- the existing sanitary sewer located in Freedom Way that was installed as part of the phase one work must be re-televised after installation of the new water main has been completed.)

Date of letter: 6/24/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Traditions of America -- Plan review of Phase 4

We reviewed the Final Land Development Plan for the subject, dated 6/17/2016.

Phase four will consist of 60 dwelling units. Developer has proposed a gravity sanitary sewer collection system.

(Karl's only comment was --- Existing sanitary sewer in Alliegata Street that was installed as part of the Phase 1 work must be re-televised after installation of the new water main has been completed.)

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Date of letter: 6/27/2016

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Sacred Heart Senior Living --- Escrow Cost Estimate Review

We reviewed the cost estimate received from Liberty Engineering on 6/27/2016. We concur that the estimates can be used as a basis for escrow funds required by the Developer's Agreement with the Township and the Authority.

The sanitary sewer estimate is --- \$ 97,970.00

Date of letter: 6/29/2016

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

Letter sent to: Gary Brienza, Solicitor

Subject: Mountain Glen

The sewer easements at Mt. Glen have been marked. As expected, there is a small portion of a driveway, no access ramp, and two mailboxes in the easement of the west cul-de-sac. The east cul-de-sac has more issues that are shown in the attached picture. There are also issues with the over growth of the easement behind the homes (pic attached) and the numerous cleanouts that still do not have metal cover lids on them. Not sure if these issues can be discussed with the HOA representative on 7/6 or what our best path of resolve is.

Date of letter: 7/1/2016

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

Letter sent to: Bruce Bush

Subject: Southern Lehigh School District – New Hopewell Elementary School

Review of Video inspection

We reviewed the videotapes from a televisions inspection of the sewers of the subject. The inspection was conducted on 6/24/2016 by Township Staff.

The sewer segments named in the letter will remain under private ownership.

Operation and maintenance of these segments will be the sole responsibility of the building owner. Correction of any deficiencies is the responsibility of the building owner.

Segment MH#3 – MH#4

Two deficiencies were found

Segment MH#3 – MH#2

Acceptable condition

Segment MH#2 – MH#1

Marginally acceptable condition

Segment MH#1 – MH#149

Acceptable condition

*****end of correspondence for the July meeting

SOLICITOR'S REPORT:

The Solicitor's Report dated July 5, 2016 was presented by Solicitor Brienza.

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Solicitor Brienza said Brinley has not approached him with any changes since February. As far as the Township is concerned, nothing has changed and the ball is still in their court.

Solicitor Brienza indicated that Mr. Benckini's second complaint is a recapitulation of the initial complaint. He said that it normally takes three to six months until Federal court presents a motion to dismiss. Mr. Brienza is confident the court will dismiss the case but he will continue to monitor the situation.

Solicitor Brienza let the Authority know that the tapping fee ordinance is not on the meeting schedule yet.

Mr. Brienza said field markings were placed in the Mountain Glen subdivision and it is confirmed they are encroaching on sewer easements. He said there are a few major issues. Mr. Brienza said a meeting is set up tomorrow with the HOA president to discuss. Solicitor Brienza, Mr. Schreiter and Mr. Guignet will attend. We need to find out how they will assure the Township will have access to the sewer. It was suggested that a stone path be placed around the development so Township vehicles have access. However, there is an area where a bridge is needed and a permit would be required. There is also a bog turtle issue.

Mr. Cope said they can access areas in the cul-de-sac but cannot reach where the area that leads to the Oakhurst subdivision. He said grass is up to their hips and the area needs to be maintained. Mr. Brienza said one or two trees may need to be removed plus a corner of a home is built on the easement.

Mr. Schreiter said the Township will eventually have to enact an easement maintenance program. There have been too many issues with sheds, gardens, trees and other items being placed in the easements. Mr. DeMatos added that the issue is with what the developers are building currently and it needs to be corrected.

Mr. Cope said they are looking into hiring a contractor to maintain easements by cutting grass and brush.

Mr. Brienza said he will update the Authority on the Mountain Glen situation after tomorrow's meeting.

EXECUTIVE SESSION

At 6:32 p.m., a motion was made and seconded to hold an executive session concerning the Peppercorn Pub and Coopersburg's request to purchase additional EDU's.

Motion passed unanimously.

The Authority returned from Executive Session at 7:22 p.m.

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Motion made and seconded to deny Coopersburg's request to purchase additional EDU's from the Township.

Motion failed 2 – 3.

Motion made and seconded to request the Township offer Coopersburg 26 EDU's to use for the Oxford Ridge subdivision at the current full tapping fee at the time of sale per the Township ordinance.

Motion passed 3 – 2.

ENGINEER'S REPORT

Karl Schreiter, PE, presented Engineer's report dated July 1, 2016.

Mr. Schreiter said he is working diligently on the 537 and is gathering information. He is waiting on programming that will show which homes are connected. He is moving ahead as fast as possible.

Mr. Schreiter let the Authority know that he is working on standard specifications for new developments. He said that storm water drainage design is changing to underwater French drain trenches per the DEP. Mr. Schreiter wants to force homeowners to place laterals in concrete to protect them. He wants the Authority's input and wants to know if he should proceed with creating specs for this. Mr. Schreiter added that he is concerned some laterals are under the trenches.

The Authority and Staff discussed pros and cons of the plan. Other options were discussed such as wrapping. In summary, Mr. Schreiter will work on a detail for wrapping laterals that are within 10-15 feet of infiltration beds and present it to the Authority.

Mr. Schreiter also discussed adding a standard for curbs. He said the new types of curbs are easily damaged if trucks run over them. He would like a curb cut for the length of off-road easements.

Also, Mr. Schreiter wants to add a standard that developers are required to maintain easements until dedicated to the Township.

Mr. Schreiter will prepare standard specifications for all three items discussed and present them to the Authority at the August meeting.

SUPERINTENDENT'S REPORT:

Mr. Cope let the Authority know of a sanitary sewer overflow that occurred on June 22 at a location near I78, the Oakhurst development and the Industrial Park. A manhole overflowed due to a backup of grit, sludge and debris. PennDot saw it and called. Mr. Cope said the problem is that the easement is hard to get to. PennDot mowed the area

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for Township staff could access the manhole. Mr. Cope informed the DEP by phone and also in writing on the day it occurred.

Mr. Cope said there was an issue at Tuscany Court where sewage was coming out in the middle of the road. The developer is supposed to correct the issue but has not yet.

Mr. Cope said there are minor issues at the Hopewell School due to sloppy work. He added that we are not taking dedication yet.

Homes are currently being torn down in the Jellybean development. They will need to be capped off when demolition is complete.

Liberty Village is looking better and a lot of work has been done.

Ms. Moore asked Mr. Cope about the electric and fiber cable installed over the sewer easement. Mr. Cope said Hanover is going out to mark the easement and they will go from there. Ms. Moore asked what has been done in the past concerning covered easements. Mr. Cope said nothing. He said this is why they are looking into hiring a contractor. They will do semi-annual clearing of easements.

TREASURER'S REPORT:

Treasurer Mark Sullivan submitted the report.

A check in the amount of \$45.68 was issued to Mr. Bush as reimbursement for printing and postal costs.

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

B. Sewer Tapping Study - update

C. The Authorities 74th Annual Conference and Trade Show will be held in Pittsburgh, August 28-31.

One interesting item to be discussed is the PENNVEST On-Lot Program Improvements. PENNVEST and PHFA have implemented major changes to the PENNVEST Homeowner Septic Loan and are eager to share these improvements with municipal

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authority staff and leadership. The "big one" for PMAA is the loans can now be used to pay for first-time connections to public sewer as well as the repair and replacement of on-lot septic systems. Another sure-to-impress change is the removal of the household income limits that restricted homeowner participation. (Moderator: Glenn Higbie, Hellertown Borough Authority)

Ms. Moore said that she would like to attend. Mr. Bush will give her the necessary paperwork.

NEW BUSINESS:

None

ANNOUNCEMENTS:

Next scheduled meeting of the Authority will be Monday, August 1, 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 7:55 pm.

Respectfully submitted,

Jack DeMatos
Secretary