

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:06 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.

## MEMBERS PRESENT:

Bruce Bush – Chairman  
Joaquin (Jack) DeMatos - Vice Chairman  
Ryan Holmes - Secretary  
Mark Sullivan – Treasurer  
Ronald Reybitz - Asst. Secretary and 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  
Mr. John Guignet - EXCUSED ABSENCE

## 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.

## VISITORS:

None

## PUBLIC COMMENT:

None

## MINUTES:

A motion was made and seconded to approve the meeting minutes for May 1, 2017 as submitted.

Motion passed 5-0.

## CORRESPONDENCE COMMENTS:

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

(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: 5/13/2017, 5/22/2017, 5/23/2017, 5/30/2017, 5/31/2017, 6/2/2017

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Date of letter: 4/28/2017

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

Letter sent to: Tom Beil, UST and others

Subject: Weyhill Estates --- Sanitary Sewer Easement --- Lot 134

Reviewed the Easement. They are only providing a 10 foot easement off of Fox Glove Road. This is unacceptable. This will not provide adequate access to the sewer line for our vehicles and give us any room to work on the line in the future. Toll is concerned about the property owner. We will need a wider easement than 10 feet.

Date of letter: 5/1/2017

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

Letter sent to: Gary Brienza, Solicitor and others

Subject: Sewer Rate Ordinance

The long awaited and (hopefully final) draft 3 Sewer Rate ordinance. Please review.

Date of letter: 5/2/2017

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

Letter sent to: Tom Beil, UST and others

Subject: July Meeting of the USTMA/USSTA

Board voted last night to change the July meeting from Monday July 3, 2017 to Wednesday, July 5, 2017. It appears that there would have been difficulty in achieving a quorum due to the long Holiday weekend...Please see that the appropriate re-advertising is accomplished.

Date of letter: 5/2/2017

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

Letter sent to: Tom Dinkelacker, DDA Law Office

Subject: Promenade

Is there any update on the dedication status/issues related to the Promenade Shops. There is a sewer extension request for current residents (about 10 homes most of which have a failing system) that is on the drawing board for next year. My understanding is that in order to proceed, the Promenade dedication will have to be completed first.

Date of letter: 5/2/2017

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

Letter sent to: Gary Brienza, Solicitor

Subject: Promenade

This work came to an end over differences in easement language relating to repair of the site following work by the Township. The Shops wanted to do all repair work (necessitated by our work) at our expense. Their position was that we required extensive upgrades to the site hardscape, and so *they wanted to perform all repairs to their standards at our cost.* It seemed to me to be authorization to write the proverbial

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Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

"blank check." Accordingly discussions broke down about 1 year after the original plan approval.

At this time, the Developer owns the water and sewer lines, and there exist no easements, express or implied for the same. The Township or Authority should refuse to do any work on the lines.

Over the years the Shops came in with multiple plans and potential development issues, and it was always our hope to revive easement discussions as part of the plan approval process. Unfortunately none of the plans ever materialized.

Call me if you have questions or thoughts on what we need to do.

Date of letter: 5/2/2017

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

Letter sent to: Karl Schreiter, SEA and others

Subject: Promenade

Does this totally hamstring us from proceeding?

Date of letter: 5/2/2017

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

Letter sent to: Gary Brienza, Solicitor and others

Subject: Promenade

If the restoration becomes an issue, we will only take over the 20 inch sewers that ring the property. We will take over the line to Oakhurst. This should only involve repaving of cart ways and replacement of the curbing in certain places. Also, is it not in their interest to get rid of the sewer and water lines to avoid future costs with breaks and other failure issues? We should not have anything to do with sewer laterals within the store areas. I think we have to negotiate with the new property owners.

Date of letter: 5/2/2017

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

Letter sent to: Tom Dinkelacker, DDA Law Office

Subject: New Homes at SV Crossings Development

The issue has been raised by the owner/developer if a "waiver" could be provided to them regarding the "one lateral serving one home" rule. Specifically, due to financial considerations, the owner/developer would like to have a single lateral service 2-trailers at a time. This issue was discussed by the Authority last evening. While no motion was made.....and no action was required or requested.....the Board discussed the matter at length. I was directed to advise that the Board is against any waiver of this specification.

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Date of letter: 5/2/2017

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

Letter sent to: Tom Dinkelacker, DDA Law Office

Subject: New homes at SV Crossings Development

As indicated in my earlier e-mail, this was discussed last night and the Board is strongly against such a waiver. The potential for a "me-too" argument/setting of a precedent was a primary motivation.

Date of letter: 5/2/2017

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

Letter sent to: Tom Dinkelacker, DDA Law Office and others

Subject: Sewer Rate Ordinance

I'm going to say that we do not have to meet.....if "outvoted" no problem. My plan would be to send to the Authority for their review prior to the June meeting...and then to have a discussion at the June meeting/issue a recommendation to the Township to proceed with the draft thereafter.

Date of letter: 5/2/2017

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

Letter sent to: Gary Brienza, Solicitor and others

Subject: Sewer Rate Ordinance

Wendy,

As instructed last night by the Authority, please mail hard copies of the (draft) Sewer Rate Ordinance to all Authority members for review prior to next month's meeting. Ron has requested an electronic copy.

Date of letter: 5/5/2017

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

Letter sent to: Tom Beil, UST and others

Subject: Kay Builders ---- Lehigh Site

(Attached) is a revised DRAFT of my analysis. I incorporated your comments from our last meeting. Let me know when you would like to discuss this latest draft.

(The draft included comments regarding the impact of the "Residential Promenade" on the sewer system and the WWTP. The project will include 1200 residential units consisting of single market units, single age targeted units, townhouses, condominium units, apartments and village flats. In addition they are proposing 110,000 sf of retail/commercial space.)

Date of letter: 5/2/2017

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

Letter sent to: Gary Brienza, Solicitor

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Subject: New Homes at SV Crossings Development

Ok, Thanks Gary. Let's see what Atty. M comes back with.

Date of letter: 5/5/2017

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

Letter sent to: Tom Beil, UST and others

Subject: Kay Builders.....Lehigh Site

Made further additions to my Table 1 in the report. Added both design flow of the WWTP and "Available Reserve Capacity" based on conditions for a given year. As you can see it varies greatly from year to year based on the I/I contributions and weather conditions.

Date of letter: 5/11/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: Traditions of America.....Phase 3.....Request for Partial Release of Sanitary Sewer Escrow Monies (First Request)

By request dated 2/17/2017 and received on 5/11/2017 via e-mail from P. Lang, TOA has requested partial release of escrow monies associated with the construction of the sanitary sewers for the TOA subdivision. Based on our review of the request, the Developer has requested release of 76.27% of the escrow monies less retainage as allowed under current Authority policy. All testing and inspection of the sewer mains including video inspection of the sewer segments included with this request have been completed and found to be acceptable. We recommend that the Authority approve this release. The total escrow release would amount to \$246,099.05.

Date of letter: 5/12/2017

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

Letter sent to: Karl Schreiter, SEA

Subject: 19 John Alley ---- Borough of Coopersburg

The (attached) is for your review and comments.

(The letter was from Barry Isett and Associates regarding the Sewage Facilities Planning Mailer for a proposed 2-unit residential townhome at the southeast corner of property on John Alley. The two units is equivalent to two EDU's.)

Date of letter: 5/15/2017

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

Letter sent to: Tom Beil, UST and others

Subject: 19 Johns Alley.....Borough of Coopersburg.....PADEP Planning Exemption Review

(Attached) is our review of the referenced item.

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Based on my conversation with Tim Paashaus at the Borough, Bill Erdman has required that this be completed by the Township. Based on the latest agreement, the Borough has sufficient edu's to provide service as requested.

Date of letter: 5/17/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Posh Properties.....Cost Estimate Review

We reviewed the Preliminary Opinion of Probable Construction Cost for Posh Properties dated 5/16/2017.

The total cost for the sanitary sewer items is \$88,145.20.

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

Date of letter: 5/17/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Strawberry Hill.....Final Plan Review

We reviewed the Final Plan dated 8/14/2007 with revisions through 4/20/2011 and the Roadway Entrance Modification dated 4/28/2017.

Proposed subdivision appears to be comprised of 16 lots located adjacent to Red Oak Drive (Colonial Crest Subdivision).

Karl had the following comments:

Sanitary note must be revised to reference Ordinance 42-R.

All Sanitary Sewer Construction must be completed in conformance with UST and the Authority's Ordinances.

The subdivision capacity was accounted for in any sewer modeling completed as part of the CAP and the subdivision is not required to install any off-line flow equalization facilities.

Date of letter: 5/23/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

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

We reviewed the subject dated 6/8/2015 with revisions through 5/12/2017.

(Karl had no comments on revisions.)

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Date of letter: 5/30/2017

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

Letter sent to: Bruce Bush and others

Subject: Revised Residential Sewer Connection Requirements

(Attached) is a copy of the subject that is to provide to new customers of the sewer system who want to connect. This document should be reviewed at the next USTMA meeting.

(Note: a copy of this document was sent by e-mail to all members of the Authority on 5/31/2017)

Date of letter: 6/1/2017

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

Letter sent to: Nadine Buehler, Toll Bros

Subject: Weyhill Estates -- Sanitary Sewer Easement - Lot 134

I apologize for the delay in replying.

Yes we have significant problems. Initially, it is customary for the Township to have the easement description reviewed by its engineers/surveyors prior to finalization of the easement. This was not done with the at-issue easement. Second, I am told that without a doubt the easement is too narrow (10ft but should be 20ft). Third, the parties on our end are incorrect. Finally, there is some language that we prefer to have included in easements which is not covered in the version supplied.

Since the description will have to be revised anyway, to accommodate for the increased width, I would suggest that a new description only be supplied to me. I will then have it confirmed on our end. Once that is accomplished I will prepare a new draft easement that addresses the party issue and modifies the language. I will submit that to you for review on your end and assuming we are good at that point, execution of the easement. Advise if this process is agreeable.

\*\*\*\*\*end of list of correspondence for June meeting

## SOLICITOR'S REPORT:

The Solicitor's Report dated June 5, 2017 was presented by Solicitor Brienza.

Mr. Brienza said the Brinley Court developer is trying to piggy back TOA Locust Valley and that they are looking to proceed once TOA moves forward. At the meeting held two weeks ago Brinley implied they would be moving forward once TOA did the sewer work necessary but Mr. Schreiter said Brinley has not submitted the required updated planning module.

Solicitor Brienza said the judge still has not made a ruling on the Benkini lawsuit.

Mr. Brienza said the request by Saucon Crossings regarding use of a single lateral to service two homes is against Township specs and the Authority should not make an

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

exception. The Authority members are worried that others may want to do the same thing and do not want to make a habit of this.

Mr. Brienza submitted the revised tapping fee ordinance for the Authority to review.

Mr. Brienza said that most easement issues have been addressed at Mountain Glen with exception to the one lot where the corner of the house is in the easement. The remaining issues need to be resolved with the conservancy. Mr. Cope noted that there were still issues with the curbing and catch basin.

Mr. Brienza said, with regard to the "53" properties, that he has sent the letter but received no response.

Concerning the Blue Belle/Weyhill, the easements that were put in place by Toll Brothers, without Township approval, are only 10' wide, not the 20' minimum necessary. Mr. DeMatos stated that even with a 20' easement we still may have accessibility issues so we absolutely cannot accept a 10' easement. Solicitor Brienza suggested a site visit.

Solicitor Brienza said that the Promenade lines are not dedicated to the Township and we would need this to connect the 10 residents from Oakhurst that are requesting sewer connection. The line that would need to be dedicated to connect these residents is on the outskirts of the Promenade on access roads. He also stated that we would need an easement from Lehigh which he is assuming we may already have but he's not sure where those records are. Mr. Brienza said there are also sinkhole issues that would need to be considered. He feels this will take some time to sort through and will be complicated.

Therefore, Mr. DeMatos feels that the Authority should notify the 10 Oakhurst residents and update them on the status and time frame of this project.

## ENGINEER'S REPORT

Karl Schreiter, PE, presented Engineer's report dated June 1, 2017.

Mr. Schreiter said the Sunset Drive/Ackerman's Lane project will not happen this year.

Mr. Schreiter stated that Cooper Farms is moving forward.

Mr. Schreiter also said that there is nothing new to report for Oxford Ridge.

Mr. Schreiter, Mr. Cope and Mr. Guignet visited many Industrial Pretreatment Program businesses and found just a few minor issues but the "red" liquid found at the Plant is likely red (animal) blood cells coming from Lampire. Mr. Cope stated that animal blood is not a biohazard. Mr. Schreiter, Mr. Cope and Mr. Guignet feel that these visits were worthwhile to both rule out contaminants entering the system and to establish contacts with the businesses.



# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

Mr. Schreiter said that TOA has sent a request for partial escrow release (76%) for Phase 3, however only 1 of the 3 sections can be released at this time.

Mr. Schreiter stated that he has not received any updates from Tom Beil or Toll Brothers regarding the dedication of Saucon Valley Pump Station.

Mr. Schreiter said that the remainder of the slip lining project on Preston Lane will be complete next month.

Mr. Schreiter stated that significant changes have been made to the sewer specs and that he would like to begin handing out the new version to residents.

Mr. Schreiter said that the agreement with Coopersburg to purchase the remaining 74 EDU's is almost finalized.

Mr. Schreiter has a motion that needs to be approved this evening. It is for a partial release of TOA phase three.

## SUPERINTENDENT'S REPORT:

Mr. Cope reported to the Authority that point repairs are continuing and going well.

Mr. Cope said we need to see if we can connect into the two existing manholes for the connection at White Oak for Strawberry Field. He did a site visit to see about connection to Township for Locust Valley sewer on Gun Club Road.

Mr. Cope said the bridge replacement project on Camp Meeting Road is on hold because of issues with a Bethlehem Township water line.

Mr. Cope stated that Mr. Ginder, owner of the Elim Camp would like to add multiple camper sewer hook-ups and that he already pays for one EDU year round. Mr. Cope also noted that this all came about due to the agreement for the Camp Meeting Road improvements.

## TREASURER'S REPORT:

Mr. Sullivan reported that the current balance is \$1,468.59.

Solicitor Brienza confirmed that it is only necessary to approve the Treasurer's Report on a quarterly basis. The report was received but no action was taken and the Treasurer's Report will need to be approved next month.

## MOTION (S):

Motion made and seconded to approve the partial escrow release to TOA for Phase 3 of the sanitary sewer in the amount of \$246,099.05. Ref: SEA letter dated 5/11/2017.

Motion passed unanimously.

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

## UNFINISHED BUSINESS:

### A. Unconnected Sewer Analysis

Mr. Bush stated that the Authority cannot force the Township to take action on the "53" but the Board wants their position on the matter to be on record.

Mr. Brienza will make the final updates, send out to the board members for review and then for to Tom Beil for final approval.

### B. Sewer Tapping Study - update

### C. Easement Problems

### D. Oakhurst Drive Project

Ref: Meeting minutes from the March 6, 2017 meeting

## NEW BUSINESS:

### A. New Rate Ordinance

There are a few pages that need minor corrections.

Page 2, 2.1 and 2.1.1, definition is repeated in both paragraphs.

Page 4, estimation of maximum monthly flow. Mr. Schreiter was asked about the estimation and told the Authority that the estimate that is used is from the most recent 537. Mr. Schreiter also noted that the estimation is based on water use and not I/I. Mr. Schreiter stated that between the year 2000 and present, occupancy in the Township has gone down, which has been the trend for the last 40+ years; therefore water use has also decreased. Mr. Schreiter said for instance, water use for a typical house has gone from 176 gallons/day down to 150/gallons per day and that's what his calculations are based on.

Section M.2.2.2 - "and other Township" is in there twice, need to remove one.

Last page, last paragraph "Customer Service Fee" should be changed to "Customer Facilities Fee" so all of the wording is uniform throughout.

### B. Residential Sewer Connections

As far as the residential sewer connection requirements, Solicitor Brienza stated that no formal motion will be needed for approval. The Board authorized Solicitor Brienza to send the letter to the Township Board.

To this point no one has challenged the Township requirement that specifies the mandatory use of the E1 Pump. Mr. Bush asked if the Township can legally dictate what grinder pump be used. Mr. Brienza said that at some point it could potentially become an issue if someone would decide to challenge it but that he feels for right now, it should be left the way it is.

The document was reviewed and the Authority had no issues with it.

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, June 5, 2017

4774 Saucon Creek Road

ANNOUNCEMENTS:

Next scheduled meeting of the Authority will be **Wednesday, July 5, 2017 @ 6:00 PM** at the Water and Sewer Building. Mr. Brienza said he will make sure the revised meeting date will be advertised.

ADJOURNMENT:

With there being no further business to discuss, the meeting of the Upper Saucon Municipal Authority was unanimously adjourned at approximately 7:15 pm.

Respectfully submitted,

Ryan Holmes  
Secretary

