

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, August 7, 2017

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:04 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

Mark Sullivan – Treasurer

Ronald Reybitz - Asst. Secretary and Asst. Treasurer

MEMBERS ABSENT:

Ryan Holmes - Secretary

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

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:

Guy Jesiolowski, 1475 Station Avenue.

PUBLIC COMMENT:

Mr. Jesiolowski wants to connect his property to the public sewer. He addressed the Authority to ask if he may use 4" pipe instead of the required 8". Mr. Schreiter said he discussed this issue with Mr. Jesiolowski's engineer. Mr. Schreiter needs the engineer to submit a design for approval and the pipe must be 8". Mr. Schreiter said the Township is planning on extending the sewer to connect the other properties located behind 1475 Station Avenue and Mr. Jesiolowski's property will be the first to connect.

MINUTES:

A motion was made and seconded to approve the meeting minutes for July 5, 2017 with the following amendment:

Ronald Reybitz was absent from the meeting.

Motion passed 3-0-1 with Mr. Reybitz abstaining.

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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: 6/20/2017, 6/30/2017

Date of letter: 6/5/2017

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

Letter sent to: Bruce Bush

Subject: Promenade Easements

(Gary forwarded the following e-mail from Tom Dinkelacker dated 6/5/2017 to Joe Fitzpatrick)

Joe: Please see attached diagram prepared by Karl. We are having a problem.

If you look at Karl's diagram, we need an easement through the Shops. That's the easy part as it runs mostly through the access road. It only hits the upgraded hard-scape at the corner of the Theater.

Unfortunately I have no information on the off-site easements to the west and to the northeast of the Shops. These would have been through lands formerly of Stabler, now Lehigh. We have no record of easements ever having been obtained from Stabler, most likely by Poag. Please advise as to whether easements exist with Stabler or Lehigh for the off-site sewer line.

Date of letter: 6/6/2017

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

Letter sent to: Bruce Bush and Karl Schreiter, SEA

Subject: Camp Meeting Road Bridge Replacement Project

As discussed at last night's meeting, the subject project is delayed until 2018.

Date of letter: 6/6/2017

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

Letter sent to: Gary Brienza, Solicitor

Subject: July Scheduling

The public notice will go in the Morning Call on Friday 6/16/2017 (meeting rescheduled from 7/3 to 7/5).

Date of letter: 6/6/2017

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

Letter sent to: Tom Dinkelacker, DDA Law Office

Subject: Ordinance

The Authority reviewed and discussed the draft ordinance, 42M, last evening. There were 2 comments regarding minor "typo" things. First, at M.2.2.2 (page 3) there is an extraneous "and other township"....obviously one of them should have been removed... Second, at M.5 there is a listing of the fees to be paid in a "forced" connection

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situation. The second item says "customer service fee"...it should be "customer facilities fee". Finally, while there was discussion on 2.1 versus 2.1.1 (definitions seemed to be essentially the same thing twice), the Board agreed to leave it alone...You may want to review those though and discuss further with Karl IF you have a different view.

Date of letter: 6/6/2017

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

Letter sent to: Tom Beil, UST

Subject: Ordinance 42M

Please be advised that the USTMA reviewed and discussed the draft Ordinance 42M last evening. There were a few minor typographical issues that were noted. I sent an email to Tom D. about these minor changes which were copied to you as well. I do not view those items as being any impediment to proceeding. Therefore, this email will serve as confirmation that the USTMA authorized me to advise that 42M is recommended by the USTMA and further that the USTMA agrees that the Township should proceed to adopt/enact the Ordinance. Please confirm that this email is sufficient or if you require a more formal notification.

Date of letter: 6/6/2017

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

Letter sent to: Gary Brienza, Solicitor

Subject: Ordinance 42M

Your e-mail (dated 6/6/2017) is sufficient.

Date of letter: 6/7/2017

Letter from: Karl Schreiter, SEA

Letter sent to: William Ginder

Subject: Camp Elim Manhole

(Karl approved the products to be used on this project)

Date of letter: 6/7/2017

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

Letter sent to: L Miller, UST and others

Subject: TOA Phase 3 Escrow Release

(Attached) is the executed release form for TOA Phase 3. This was approved by the USTMA on Monday night.

Date of letter: 6/8/2017

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

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

Subject: Sewer and Water Line Easements and Bills of Sale --- Promenade Shops

Yes...Karl and I just discussed....

while it would seem that the descriptions here include the off-premise easements we need, and while it would make sense that those easements would have been provided and recorded back when construction was taking place (or at least when the center was

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ready to open), we do not have the actual off site easements...I would imagine (assuming they have been recorded) that they will have to be assigned to us? Also I noted that there were water line easement descriptions in the packet (at least I think) so those would also be deleted as with the front of the center mentioned by Karl below.... Finally Karl confirmed that there are no "internal" lines or laterals as part of the packet....
G

From: Karl Schreiter [mailto:kes1@aol.com]

Sent: Thursday, June 08, 2017 3:28 PM

To: Tdinkelacker@ddalawoffice.com; tbeil@uppersaucon.org; Gary Brienza <gabrienza@pzlblaw.com>; ccope@uppersaucon.org; jguignet@uppersaucon.org
Subject: FW: Sewer & Water Line Easements & Bills of Sale - Promenade Shops
Importance: High

Tom: I reviewed the easements provided by Joe. They appear to cover all of the areas we wish to be dedicated.

However, they also show the sanitary sewer inform of Buildings 600, 700, and 800 (front of the center) that we decided that we no longer want due to restoration issues. Also, there were no recorded easements, just descriptions.

Date of letter: 6/15/2017

Letter from: Karl Schreiter, SEA

Letter sent to: William Ginder

Subject: Camp Elim

We have enclosed the following drawings:

Camp Elim - RV Sewer Lateral; Typical House Connection; Intermediate Cleanout Sheet; Cleanout Pipe Connection; Summary of Requirements for Residential Sanitary Sewer Connections.

All elevations must be confirmed prior to actual construction. The ground elevation at the terminal cleanout connection should be checked to assure that it is as shown on the drawings. The entire sewer line must have a minimum cover of 4 feet.

All piping used in this project must be SDR-26 PVC with push-on type joints.

Date of letter: 6/19/2017

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

Letter sent to: Gary Brienza, Solicitor

Subject: 42-R Rate Ordinance

(Attached) is a red-lined version addressing your comments regarding M.2.1 and M.2.1.1; M.2.2.2 and M5.1. I will now put the document in an adoptable ordinance form.

Date of letter: 6/19/2017

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

Letter sent to: Tom Beil, UST

Subject: Sewer Rate Ordinance

(Attached) is the Ordinance amending Ordinance 42-R to add Subsection M relating to sewer rates (previously reserved). As you know I recently revised the language to address Authority comments. I have now placed the document in Ordinance form ready

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for enactment. Where shall we go from here? If you give me a date for adoption I will do the public notice.

*****end of correspondence for August meeting

SOLICITOR'S REPORT:

The Solicitor's Report dated August 7, 2017 was presented by Solicitor Brienza.

Solicitor Brienza sent a reminder letter to the Brinley's attorney to reiterate that they still has not submitted the required planning module update. There has been no response. Mr. Schreiter has not heard from them either.

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

Saucon Crossings told Mr. Schreiter if they aren't allowed to use single laterals to service two trailer homes, they will not do any work to the system. Mr. Schreiter said if enough cleanouts are installed there may not be issues with using one lateral for two homes. After discussing, it was a consensus of the Authority to allow the use of one lateral for two homes. This is because it is for the common good to have the system redone instead of leaving it in its current poor state.

Mr. Brienza will let Mr. Beil know the Authority conditionally approves Saucon Crossing's plan that will use single laterals for two homes. A motion follows later in tonight's meeting.

Mr. Brienza emailed Tom Beil concerning the tapping fee ordinance but has not received a reply. He hopes to have an answer for the September meeting.

Mr. Brienza said in regard to the "52" properties, he still has not received a response.

Concerning the Blue Belle/Weyhill easements, Solicitor Brienza said there are significant issues with the sloped topography, trees in the easement and lack of width for access. There is a meeting at the site tomorrow with Mr. Brienza, Mr. Schreiter, Mr. Cope and the developer to try and resolve the issues. Mr. Cope will bring the jet vac truck so the developer understands the clearance space needed.

Solicitor Brienza has not heard back from Solicitor Dinkelaker about the Promenade Shops easements. Mr. Brienza will email him for an update. He said the Promenade Shops need to get the easement paperwork signed and recorded or prove they have done so already. Solicitor Brienza would like the Oakhurst Drive residents to be able to attend the September meeting but needs an answer first.

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ENGINEER'S REPORT

Karl Schreiter, PE, presented Engineer's report dated August 4, 2017.

Mr. Schreiter said Solicitor Dinkelacker is working on dedication paperwork for the Spring Valley Pumping Station.

Mr. Schreiter said Hanover Engineering needs easements for the Sunset Drive/Ackerman's Lane project before proceeding.

SUPERINTENDENT'S REPORT:

Mr. Cope said the Preston Lane slip-lining project is almost complete. They just need to touch-up manholes and linings. The road will be closed one more day next week to get this done.

Mr. Cope said that Mr. Ginder, owner of Camp Elim, was sent a cease and desist order and he will need to backfill the unapproved work. It is assumed that Mr. Ginder did not disconnect the line or tear out the work he did before covering it up. Mr. Brienza said we could get a Municipal Search Warrant to check on this if Mr. Ginder will not let staff on the property. Mr. Schreiter said the Township can legally plug the manhole where Mr. Ginder connected since it is illegal. Solicitor Brienza will send a letter of our intentions to Mr. Ginder.

Mr. Cope had a pre-construction meeting with Posh Properties concerning their daycare and office building project located at the old Masters House. He also had a pre-construction meeting with the Lanark Commons developer for their bank and office building project located at Rt. 309 and Lanark Road.

TREASURER'S REPORT:

Mr. Sullivan reported that the current balance is \$1,348.71.

MOTION (S):

Motion made and seconded to recommend to the Township to waive the Authority/Township regulation which prohibits splitting laterals such that a single lateral can be used to service two separate residences with regard to the pending request by the prospective owners of Saucon Crossings Mobile Home Park. This waiver is prepared for the following reasons and is limited to this matter only:

1. The current system at Saucon Crossings Mobile Home Park is old and is in serious disrepair creating significant I&I issues in the North branch receptor area.
2. This waiver is limited to the specific lateral circumstance herein:
 - a. It is a mobile home park, not a housing development.
 - b. There is limited space to fit multiple laterals.
 - c. It is a rehabilitation of an existing, not new, facility.
 - d. There are serious health and safety concerns if the system is not repaired/replaced.

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3. Saucon Crossings Mobile Home Park's design plan must be approved by the sewer engineer.

Motion passed unanimously.

UNFINISHED BUSINESS:

A. Unconnected Sewer Analysis

Reference SAE's letter dated 1/8/2014. Study identified 53 potential properties that should be connected to the sanitary sewers. Status update on the letter that the Authority recommends be sent to the "53".

B. Sewer Tapping Study - update

C. Easement Problems

D. Oakhurst Drive Project

Ref: Meeting minutes from the March 6, 2017 meeting

Mr. Bush said we will wait on Solicitor Brienza's feedback to proceed.

NEW BUSINESS:

- A. Saucon Valley Crossings Mobile Home Park
Can we be flexible on the lateral issue?

ANNOUNCEMENTS:

Next scheduled meeting of the Authority will be **Tuesday, September 5, 2017 @ 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 7:02 pm.

Respectfully submitted,

Ronald Reybitz,
Asst. Secretary and Asst. Treasurer