

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Tuesday, September 5, 2017

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:08 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

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:

Denise and Richard Keen, 1415 Station Avenue, Bethlehem

Brad Stine, 3054 Fern Lane

PUBLIC COMMENT:

Brad Stine of Keystone Developers purchased a rental property located at 1475 Station Avenue and the original septic system is failing. Mr. Stine explained that he approached a neighbor, Ms. Van Pelt, for an easement and she originally agreed. She changed her mind because she does not want to be liable to Mr. Stine. Mr. Stine said he also found out that Ms. Van Pelt claimed bankruptcy on her property. Mr. Stine asked the Authority for help on how and where he can connect his rental property. Mr. Stine added that he would grant the Township an easement on his property so sewer service could be added to the properties located behind his.

Mr. Schreiter said the Township intends to add sewer service in the areas discussed. Mr. Cope explained that if the Township assumes responsibility of the line on her property, she will be more open to accepting the easement.

The Authority is in agreement to ask Solicitor Brienza to notify the Township that the Authority recommends this item for Township approval. They also approve Mr. Schreiter to begin work on the drawings needed for the appraisals. Mr. Brienza said if the Township approves, appraisals of easements will be done. He estimates it will take two to three months to gain the easement.

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MINUTES:

A motion was made and seconded to approve the meeting minutes for August 5, 2017 as presented.

Ryan Holmes was absent from this meeting.

Motion passed 4-0-1 with Mr. Holmes abstaining.

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: 8/29/2017, 9/3/2017

Date of letter: 8/8/2017

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

Letter sent to: Tom Beil, UST and Tom Dinkelacker, DDA Law Office

Subject: SV Crossings / 52 Connection Letter

The Board considered and discussed your request that the use of a single lateral to service 2 units be permitted for SV Crossings. Initially, I would note that there are significant misgivings since a waiver of this "rule" could lead to others seeking a similar waiver. Additionally, the somewhat "blackmailish" nature of the demand by the current/prospective owner on the issue is not favored.

Despite these problems, the Board agreed to "waive" the construction/installation standard in this rare, isolated instance. They made a very detailed and specific motion that addressed the specific facts surrounding this request (a system that is in existence; repair of a failing system; location at a mobile home park; noted the crowded nature/space constraints for piping installation; the benefit of addressing I & I in the NBI). It was also noted that final sewer plan approval lies with Karl. It is believed....hoped....that by having such a specific and detailed motion, no other development, including new developments, will be able to use this accommodation as a precedent. I suspect that Tom D will notify the developer's counsel.

With regard to the letter surrounding the ongoing issue of the homes that have not connected, it would seem that the matter is dormant. However, the Board reiterated, last evening, its hope that the Township will see fit to begin the process needed to include a sewer lateral review requirement at the time a property is sold or changes hands for whatever reason. Perhaps it could be added to or included on the CO inspection requirements.

Date of letter: 8/9/2017

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

Letter sent to: Gary Brienza and tom Beil

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Subject: SV Crossings / 52 Connection Letter

Thanks for the update. As to SVC, I will include specific language in the contract addressing the "waiver" and the assignment of responsibility to the owner and management company to address any issues relating to laterals. I will update the agreement in the next week or two and forward same to you for review. Perhaps Karl can call me with an update on the plan review.

Date of letter: 8/18/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: Traditions of America - Phase 3.....Review of video inspection

We reviewed the video from a television inspection of the sanitary sewers of this subdivision. Purpose of the inspection was to determine the current condition of the sewers. The inspection was conducted on August 9-10, 2017 by township staff.

(Note: Because of the number of Segments that were inspected the comments on each of the segments should be obtained by reading the letter. Majority of the segments were found in acceptable condition. One segment, MH#B10-MH#B9, was very dirty with debris and must be re-flushed and re-inspected.)

Date of letter: 8/18/2017

Letter from: Gary Brienza, Solicitor's paralegal

Letter sent to: Tom Beil, UST and others

Subject: 5547 Camp Meeting Road / Elim Camp

(Attached) is correspondence directed to William Ginder on today's date.

"The Purpose of this letter is to advise that in addition to the ongoing nature of the "cease and desist", you must remove the piping and other appurtenances which were improperly and illegally installed by you. As you are aware, the items installed by you were in violation of the permit application and not remotely what was agreed to as well as explained to you, by Karl Schreiter and Chris Cope. It is not sufficient for you to merely stop the work. Instead, as indicated, the piping and appurtenances must be immediately removed. "

Date of letter: 8/24/2017

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

Letter sent to: Bruce Bush

Subject: 1475 Station Ave, Sewer Connection Options

Karl forwarded an e-mail from Stephen Tabakelis, dated 8/23/2017, regarding the subject.

Stephen listed 3 options regarding his connecting to the public sewer

Option 1:

The original plan was to obtain a sewer easement thru Van Vliet's property to extend the sewer main. This is no longer an option as the property is about to be bank owned and Van Vliet is not willing to grant the easement. Might it be possible for the Township to obtain the easement from Van Vliet? If so, how long will this process take as my client is under a short timeframe to get the property sold?

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Options 2:

Connect to the sanitary sewer located on Kane property, just as Kane recently has obtained approval to connect. Kane has agreed to grant my client an easement across her land to access the existing sewer main with a low pressure sewer lateral.

Option 3:

Pursue an on lot septic system option. After initial site visit, this property may have a suitable area for on lot septic. Proper soils testing would need to be completed to verify this as well as the township would need to allow the on lot septic system in their public sewer area.

Please review the options with the Township tomorrow (Thursday) and get back to me with your finds at your earliest convenience. Please keep in mind that time is a major factor for my clients. Thank you.

Date of letter: 8/25/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Michael Livengood, Professional Site Management Inc.

Subject: Blue Ridge West Estates.....Submittal Review - Low Pressure Force Main

Karl approved two items for use on this project.

Date of letter: 8/25/2017

Letter from: Karl Schreiter, SEA

Letter sent to: Katlyn Kumernisky, JC Sons Excavating Company

Subject: Sacred Heart Senior Living.....Submittal Review

Karl approved products for use on this project.

Date of letter: 9/1/2017

Letter from: Tom Dinkelacker, DDA Law Office

Letter sent to: Tom Beil, UST and Bruce Bush

Subject: Promenade Shops Sewer Easements

Vickie and I have reviewed the background materials for the off-site and on-site sanitary sewer easements. Vickie will be in touch with FLB and do the following over the next week:

1. Contact FLB to confirm whether they have found any easements between Stabler and Poag McEwen for the off-site easements along Center Valley Parkway and up to Oakhurst;
2. If not, she will have a search done at the Courthouse for any such easements (Vickie will confirm with Patricia the full name of the developer for purposes of the search, we know Stabler was the property owner at the time);
3. She will confirm that the legal descriptions and drawings of the on-site easements are correct (in other words, do they need to be modified as they might include what we consider to be laterals, i.e., stubs which appear to extend off the main line along the loop road);
4. Once the legal descriptions are confirmed, she will prepare bills of sale for on-site and off-site sewer lines, to be executed by the Shops;
5. If we have off-site easement agreements in favor of the Shops, we will prepare assignments, but if not we will need easements from Saucon Creek Golf and Lehigh.

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Date of letter: 9/2/2017

Letter from: Tom Dinkelacker, DDA Law Office

Letter sent to: Mark Malkames

Subject: Saucon Valley Crossings

The USTMA agreed to waive the requirements of one dwelling per lateral, to allow 2 dwellings per lateral. The waiver was granted due to the exceptional circumstances at the site. It will be necessary for me to document the waiver in the Agreement and to add provisions which clearly and unequivocally commit the owner and manager, and not the occupant, to the prompt repair or maintenance of the laterals. Let me know the status of the project and where do we go from here. At my end I will revise the Agreement.

*****end of correspondence list for Sept. meeting

SOLICITOR'S REPORT:

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

Solicitor Brienza said Brinley has finally submitted a planning module. He said that Traditions of America had not submitted their planning module due to decisions that need to be made at the upcoming Zoning Hearing Board meeting.

Solicitor Brienza said the judge still has not made a ruling on the Benkini lawsuit. He said insurance counsel is going to send a reminder to the judge.

Mr. Brienza said we are waiting on Saucon Crossing's plans in order to proceed. The ball is in their court.

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 he just received an email from the Developer. They have agreed to pay for the equipment the Township needs in order to access the system. They are going this route rather than requiring homeowners to give easements.

Solicitor Dinkelaker is going to the court house to research the Promenade Shops easements and if they were submitted. Solicitor Brienza thinks they will have an answer soon and the Oakhurst Drive residents will be able to attend the November meeting.

Solicitor Brienza sent a follow-up letter to the owner of Camp Elim since he did not receive a reply from the first letter. At Mr. Cope's request, he gave the owner a deadline of September 6 to remove the illegal work. Mr. Cope and Mr. Guignet will check to see if the work has been done. If not, Mr. Brienza will go to the Magistrate to take further action.

ENGINEER'S REPORT

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

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

Mr. Schreiter said Hanover Engineering is working on easements for the Sunset Drive/Ackerman's Lane project.

On the Oakhurst Road sewer project, Mr. Schreiter said the designs are almost finished.

Mr. Schreiter said flow monitoring has been unimpressive with not much happening.

SUPERINTENDENT'S REPORT:

Mr. Cope said there was a dispute between the Volunteer Fire Company and Social Quarters because a bathroom on the Fire Company's lateral backed up. The bathroom was supposed to be on the Social Quarters line. Both lines are officially separated now.

Mr. Cope said there was an overflowing trap at Fairmont Village outside of Weis Markets. He said they need to keep an eye on it because it overflowed in the past. Mr. Schreiter said the cause is a small 4" line that runs to all tenants.

Mr. Cope said staff was trained on point repairs.

Mr. Cope requested recommendations for the 2018 budget.

TREASURER'S REPORT:

Mr. Sullivan reported the current balance is \$1,349.80. He said that he will send attendance information tomorrow so that payroll checks will be processed.

MOTION (S):

None

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

E. Saucon Valley Crossings Mobile Home Park Update on the status.

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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 **Monday, October 2, 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 7:00 pm.

Respectfully submitted,

Ryan Holmes,
Secretary