

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, August 6, 2018

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:18 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  
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  
Charles Unangst, P.E., Township Engineer

## 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

## DISCUSSION ON SUNSET DRIVE/ACKERMAN'S LANE SEWER INSTALLATION

Township Engineer Charles Unangst explained that one of his inspectors incorrectly instructed the contractor on the installation of 40 of the 58 laterals. It is in the Township's Standard Specifications that the lateral must be enclosed in concrete at the base. 40 laterals were not in concrete. Mr. Unangst took responsibility and asked the Authority how they would like to resolve the situation.

Mr. Cope said that the lines are about 12' down and he would hate to see everything dug up again and disturb the residents. Mr. Unangst said there are no issues with the laterals, they are just missing the concrete.

Mr. Unangst suggested setting up an escrow account to cover the cost of adding concrete around the 40 laterals to be done at time of connection. The Authority is in agreement to do this. Solicitor Brienza, Mr. Unangst and Township staff will work on determining the escrow amount and prepare escrow paperwork to be ready for the September meeting.

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Motion made and seconded to add additional wording to the Standard Specifications stating at time of connection, concrete must be poured around the lateral if it is not already there.

Motion passed unanimously.

## MINUTES:

A motion was made and seconded to approve the meeting minutes for July 2, 2018 as submitted.

Motion passed unanimously.

## 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: 7/29/2018, 7/30/2018, 7/31/2018, 8/1/2018, 8/4/2018

Date of letter: 6/28/2018

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

Letter sent to: Station Ave Sewer Extension Residents

After a slow start brought about by incoming ground water, rocky soils, and tight digging boundaries we have completed the first stretch of the above sewer line installation. We are now in a waiting period as the customized manholes have not yet been delivered from the manufacturer. It is my hope that we can continue with the project on or before Monday, July 9th. Thank you for your patience and we apologize for any inconveniences this construction may cause.

Date of letter: 6/29/2018

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

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

Subject: Brinley / TOA Special Study

Targeting the July 23 Board Meeting. Make sure I receive the final resolution by Wednesday, July 18. Karl, the Board will want to know why we are doing this for the third time.

Date of letter: 6/26/2018

Letter from: Gary Brienza, Solicitor

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

Subject: USTMA and USSTA

This letter was to provide any and all information regarding legal matters that existed as of 12/31/2017 up and through the present time.

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1. Matter filed in Federal Court by Gene Benckini. This matter is being handled through the Township's insurance carrier. Counsel retained by the carrier filed the appropriate motion to have the case dismissed. That motion was filed in April 2016 and granted about 8 months ago so that case has ended.
2. I'm unaware of any unasserted possible claims or assessments. At the present time, I have not formed a professional conclusion that there is any need for the Township, Authority or the BOS to disclose any claims or assessments. However, I would so advise if appropriate circumstances arose requiring such a disclosure.

Date of letter: 6/26/2018 (received 6/29/2018)

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

Letter sent to: James Ridgik, PA Govt

Subject: Brinley Court/ TOA Act 537 Plan, Section J Flow Values and other Revisions (Attached) is a pdf of our letter outlining the final modifications to our study and the two PADEP Planning Modules. I placed the original in the mail that includes two copies of the pages for both the Brinley and TOA modules.

Date of letter: 6/29/2018

Letter from: Nyle McIlvaine (e-mail)

Letter sent to: Chris Cope, UST

Subject: Station Ave. Sewer Extension Project - Update

Megan and I appreciate the update and we'd like to thank the Township for their continued efforts during this project. As previously stated, please feel free to direct your team to use our property outside of the easement agreement if it helps.

Date of meeting: 7/11/2018

Letter from: Karl Schreiter, SEA

Letter sent to: Matt Elliot, Lehigh Valley Site Contractors

Subject: Oakhurst Storm Sewer Improvements.....Submittal Review

Karl offered his comments on products to be used on subject project.

Date of letter: 7/12/2018

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

Letter sent to: Ted Bigatel, Pidcock Company

Subject: Oakhurst Completed Sanitary as of 7/11/18....Oakhurst Payment #1

It appears that this payment request is for 6 completed laterals. I assume they have been observed during installation and are built to USTMA Standards. During our recent site visit, the trenches were filled in and the installation appeared to be completed. Therefore, we have no objection to the payment request as presented. Our items can be processed for payment.

Date of letter: 7/17/2018

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

Letter sent to: Tom Beil, UST

Subject: Sunset / Ackermans Lane Sewer Project - Cleanout issue

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On July 17, Chris Cope, John Guignet and I made a site visit to the Sunset Drive/ Ackermans Lane sewer project. During our visit, we observed that the Contractor was not installing concrete at the base of the lateral cleanouts as required in the USTMA Standard Specifications. We questioned Chris Ciccone about this issue and he stated that he was directed by Dean (Hanover inspector) not to install the concrete. We then asked Dean as to why they were not being installed to our specifications. Dean stated that he felt that this design was not correct and would result in a pipe failure. Therefore, he apparently made a decision not to follow our specifications. In addition, he was reluctant to disclose if anyone else told him to proceed with this change. He did acknowledge that he should have contacted us to discuss prior to moving forward with the work. Furthermore, we did not receive any telephone call or other communication regarding this issue for authorizing such a change. We discussed this with Charlie Unangst and he will get back to us regarding how he plans on correcting this issue.

Date of letter: 7/18/2018

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

Letter sent to: Bruce Bush, Chris Cope and others

Subject: Quarterly Status Report.....July 2018

(Attached) is the quarterly SBI CAP Report. Two copies must be mailed to PADEP by 7/30/2018.

Date of letter: 7/25/2018

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

Letter sent to: Chris Cope, Bruce Bush and others

Subject: PADEP - Act 537 Plan Special Study --- Reso. 2018-27

(Attached) letter is for your information.

Letter included 3 originals of Resolution No. 2018-27 which was adopted by the UST BOS at a Public Meeting on 7/23/2018. This Resolution confirms the Township's approval of the revised Act 537 Plan Special Study reallocating sewage capacity in the Township collection system to service the Brinley Court and Traditions of America developments.

Date of letter: 7/25/2018

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

Letter sent to: James Ridgik, PA Govt

Subject: PADEP Letter - Brinley Court / TOA Act 537 Plan Special Study --Reso # 2018-27

(Attached) is a copy of the resolution that was sent to your office today. We have forwarded copies to both the TOA and Brinley engineers.

Date of letter: 7/25/2018

Letter from: Karl Schreiter, SEA

Letter sent to: Patricia Lang, UST

Subject: Goddard School --- Stabler Lot 10.....Preliminary / Final Land Development Plan Review

We reviewed the subject Plans as prepared by Acela Engineering Company, dated 5/11/2018 with revisions through 7/13/2018.

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Proposed project will be built in the area of the intersection of West Drive and Corporate Parkway. Project will include a proposed 12,046 sf 2-story building that will house a daycare center.

It is our understanding that the current facility will not have any major cooking facilities. The engineer stated that the grease interceptor is being installed for future use. We recommended that the grease interceptor not be installed at this time, but shown on the plans for future installation if needed. If the interceptor is needed in the future, the property owner would be required to apply for a revised wastewater discharge permit at that time.

Date of letter: 7/26/2018

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: Ackerman's Lane / Sunset Drive Sewer Installation.....Payment Request #2

We reviewed the Payment Application #2 as submitted by RGC Development, Inc.

Base Contract Amount	\$ 1,319,409.00
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Total completed and stored to date	\$ 499,662.50
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Current payment due	\$ 262,300.50
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Contractor is progressing with the completion of the work. It is our understanding that this payment request has also been reviewed and approved by Hanover Engineering. We recommend that the Authority approve a payment of \$262,300.50.

Date of letter: 7/27/2018

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

Letter sent to: Gary Brienza, Solicitor

Subject: Oakhurst Sanitary Sewer Easements --- Alternate Route

Here are the Oakhurst easement (requests).

Date of letter: 7/27/2018

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

Letter sent to: Gary Brienza, Solicitor

Subject: Oakhurst Sanitary Sewer Easements --- Original Route

Will need this easement (request) to get around the issue on the North side of Oakhurst.

Date of letter: 7/27/2018

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

Letter sent to: Thomas Beil, UST

Subject: Oakhurst Sanitary Sewer Easements --- Alternate Route

There are about 8-10 easements which are needed for the subject. They appear to be minor (in terms of intrusion on the land) so I would not think they would be very expensive. We could consider offering \$1000 per easement.....OR we could get appraisals done by Indian Valley. I would imagine that since all the properties are in the same area it would not take too long to get the appraisals. Advise as to how you would like me to proceed on this.

Date of letter: 7/30/2018

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

Letter sent to: Gary Brienza, Solicitor

Subject: Oakhurst Sanitary Sewer Easements --- Alternate Route

Offer the standard \$1000 tapping fee credit as compensation for granting the easement. If the tapping fee credit is rejected, then we will order an appraisal.

Date of letter: 7/30/2018

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

Letter sent to: Chris Cope and others

Subject: UST Oakhurst Storm Sewer Project....Sanitary Sewer Submittals (Attached) is our review of the above referenced item.

Date of letter: 7/31/2018

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

Letter sent to: Bruce Bush and others

Subject: Sunset Park / Saucon Country Estates

(Attached) are two change orders that have been approved for the project. One CO is for paving of the roads and the other is for storm culvert issues on Ackerman's Lane. The Township has approved both change orders.

Date of letter: 7/31/2018

Letter from: Karl Schreiter, SEA

Letter sent to: Bruce Bush

Subject: Ackermans Lane / Sunset Drive Sewer Installation.....Payment Request #3

We reviewed Payment Application #3 as submitted by RGC Development, Inc.

Base Contract Amount	\$ 1,319,409.00
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Approved Change Orders	\$ 105,474.12
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Total Approved Contract Amount	\$ 1,424,883.12
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Current Payment Due	\$ 352,916.55
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Contractor is progressing with the completion of the work. It is our understanding that this Payment Request has also been reviewed and approved by Hanover Engineering. We recommend that the Authority approve a payment of \$ 352,916.55.

Date of letter: 7/31/2018

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

Letter sent to: Karl Schreiter, SEA

Subject: Oakhurst Sanitary Sewer Easements - Alternate Route

Need the addresses for the residents that will receive the letter. Am I to send letters to all using the so-called "alternate" route or what?

Date of letter: 8/1/2018

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

Letter sent to: Thomas Beil, UST

Subject: Sewer Use Ordinance

I reviewed one last time, and it looks good. I will prepare a public notice for action on 8/27 and have it to you on or before 8/14.

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Date of letter: 8/2/2018

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

Letter sent to: Chris Cope and others

Subject: Oakhurst Storm Sewer Improvements Sanitary Sewer Submittal Review 1 and 2

(Attached) are the reviews of sanitary sewer submittals. We still require submittals on the internal chimney seals and a resubmittal on the manhole structures.

Date of letter: 8/2/2018

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

Letter sent to: Chris Cope and others

Subject: UST Oakhurst Storm Sewer Project---Sanitary Sewer Submittals

As discussed in our conversation, the Township would like the manhole covers as attached. These would replace the ones shown in our 7/30 review letter.

\*\*\*\*\*end of correspondence list for August's meeting

## SOLICITOR'S REPORT:

The Solicitor's Report dated August 6, 2018 was presented by Solicitor Brienza.

Mr. Schreiter said one of the owners of Saucon Crossings called him to ask why wider easements are needed. Mr. Schreiter said because a new sewer line is being installed. Mr. Schreiter said their plan has been updated to include the missing information discussed at the July meeting. Mr. Brienza said he has not heard from their attorney but will follow up with Solicitor Dinkelacker and the developer.

Mr. Brienza said the Tapping Fee Ordinance is up for approval by the Board of Supervisors at the August 27 meeting.

On the sewer expansion/Promenade Shops easements, Mr. Schreiter said the paperwork is with Attorney Fitzpatrick's office. Solicitor Brienza will follow up with Solicitor Dinkelacker to assure everything is complete.

Mr. Brienza explained a shared driveway issue with the Station Avenue sewer project. The Township agreed to put Mr. Niles driveway back in its original place and condition when sewer work is done. Mr. Niles has requested the Township to move the driveway 3 or 4' away from his house and closer to the neighbor's property who also uses the driveway.

Mr. Guignet suggested that Mr. Niles be given an estimate of what it will cost to put the driveway back in its original condition and offer him that much money. Then Mr. Niles may complete the driveway work on his own without involving the Township. If Mr. Niles does not accept this, the Township will go with the original plan. The Authority is in agreement to do this. Solicitor Brienza will coordinate the needed paperwork with Mr. Cope.

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Solicitor Brienza received the mailing addresses of the Oakhurst Drive residents involved with the sewer extension project and will mail easement letters to them. They will be offered a \$1,000 waiver on the tapping fee. If all residents do not accept the conditions, there will be an alternate route to get around any issues.

Mr. Brienza spoke with GOL Steakhouse's attorney and he asked Solicitor Brienza to give him a few date options to have a site view meeting and work on revising their application.

Solicitor Brienza received notification from the Township of a lawsuit filed by The Foundation for Fair Contracting against RGC Development for unfair wages. RGC is currently doing work for the Authority and Township in the Sunset Drive/Ackermans Lane sewer project.

Mr. Schreiter said there are two motions for tonight's meeting requesting payment to RGC for this project. Solicitor Brienza said the two payments are for services provided that are not part of the lawsuit so they may be approved. However, there is over \$622,000 remaining to be paid after tonight's approvals that could be affected by the lawsuit. He said it is up to the Department of Labor to make a decision.

## ENGINEER'S REPORT

Karl Schreiter, PE, presented Engineer's report dated August 3, 2018.

Mr. Schreiter said the dedication of the Spring Valley Pumping Station was accepted by the Township but Toll Brothers has not signed the paperwork. Solicitor Brienza will send them an email reminder.

On the Sunset Drive/Ackerman's Lane sewer project, Mr. Schreiter said the two change orders are not sewer related and have been approved by the Township.

Mr. Schreiter said Cooper Farms still did not put a detour plan together that needs to be submitted to PennDOT.

On the Brinley Court/Traditions of America special study, Mr. Schreiter confirmed that PADEP has the approval written but they are waiting on the missing force main design from TOA.

## SUPERINTENDENT'S REPORT:

Mr. Cope said that they are continuing work on Station Avenue and are halfway done with the project.

Mr. Cope said that RGC Development pumped dirty water from the Sunset Lane project out into the street and someone called the Conservation District. The location is near a protected Class II Trout stream.



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Mr. Cope said a 20-year employee is retiring so there is a job opening. He has received several applications for the position.

## TREASURER'S REPORT:

Mr. Sullivan reported interest received. The ending balance is \$1,147.16.

## MOTION (S):

Motion made and seconded to approve Payment Request #2 regarding Sunset Drive/Ackermans Lane Sewer Project, dated June 18, 2018 from RGC Development, LP for \$262,300.50. Ref: SEA letter dated 7/26/2018

Motion passed unanimously.

Motion made and seconded to approve Payment Request #3 regarding Sunset Drive/Ackermans Lane Sewer Project, dated May 22, 2018 from RGC Development, LP for \$352,916.55. Ref: SEA letter dated 7/31/2018

Motion 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. (1) Update of the status of the letter that the Authority recommended be sent to the "53"; (2) Status of the request for an Ordinance to cover the inspection of the laterals prior to sale of the property.

### B. Sewer Tapping Study - update

### C. Easement Problems

### D. Oakhurst Drive Project

Ref: Meeting minutes from the March 6, 2017 meeting. Installation of gravity and low pressure sewers to the area east of the I-78 bridge.

Solicitor Brienza is going to send easement letters to the residents soon.

### E. Saucon Valley Crossings Mobile Home Park

Update on the status.

### F. Station Avenue Sanitary Sewer (Spring Valley Area)

Sewer extension from MH# BB99 located adjacent to Weyhill Drive will be installed to service existing homes located along Station Avenue.

## NEW BUSINESS:

A. Karl Schreiter's retirement on 12/31/2018. Discuss the plan for finding Karl's replacement.

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

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## ANNOUNCEMENTS:

Next scheduled meeting of the Authority will be Tuesday, September 4, 2018 @ 6:00 PM at the Water and Sewer Building.

## EXECUTIVE SESSION:

At 7:29 pm, the Authority met in executive session to discuss a personnel matter.

At 8:21 pm, the Authority returned from executive session.

## ADJOURNMENT:

With there being no further business to discuss, the meeting of the Upper Saucon Municipal Authority was unanimously adjourned at approximately 8:22 pm.

Respectfully submitted,

Ryan Holmes  
Secretary