

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, August 5, 2019

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:00 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
Ronald Reybitz - Asst. Secretary and Asst. Treasurer
Ryan Holmes - Secretary
Mark Sullivan – Treasurer

STAFF PRESENT:

Gary A. Brienza, Esquire, Solicitor
Andrew T. Bohl, P.E., Engineer
Farley F. Fry, P.E., Engineer
Chris Cope, Director of Water and Sewer Resources
John Guignet, UST Asst. Director of Water and Sewer Resources

VISITORS:

Dan Cocco
Keith Kichline (arrived part way through meeting)
Attorney Bo Zelechewsky (arrived at end of meeting)

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.

PUBLIC COMMENT:

Dan Cocco asked how the Oakhurst sewer extension project would affect the sale of his property as he is considering listing in the spring. It was determined this project will not begin before then and should not hinder but may in fact help him sell.

MINUTES:

A motion was made and seconded to approve the meeting minutes from July 2019 as presented.

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)

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Date list was prepared or amended: 7/22/19, 7/31/19, 8/1/19, 8/3/19

Date of letter: 7/2/19

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: Tom Beil, UST

Subject: Oakhurst - Kichline

I have been attempting to get some clarity on a family situation in order to accurately obtain an easement for this project from the Kichline family. I have been dealing with their attorney, Bo Zelechewsky. Last night one of the family members came to our meeting to inquire as to the status. He said that the attorney had told him, last Tuesday, that he (the attorney) had mailed a letter or some documents to "the Township". I have not received anything from the attorney so I am wondering if any such mail was in fact received at your office....Frankly I tend to doubt it but I advised the Board last night that I would follow up with your office....

Date of letter: 7/2/19

Letter from: Tom Beil, UST (email)

Letter sent to: Gary Brienza, Solicitor

Subject: Oakhurst-Kichline

I never received it.

Date of letter: 7/3/19

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: Tom Beil, UST

Subject: Kichline

Our options on this are as follows....

1-we could take the easement from the "owner" who is the grandson of the RECORD owner....and son of the direct heir of the record owner. Technically it would not be valid as the current resident is not the actual record owner. I would not anticipate this being problematic as long as the Kichline family remains on the land. If they sold to a third party....it COULD become an issue.

2-we go ahead to clean up the estate problems for them to get it into the correct ownership posture. I cannot say how much time and effort would be necessary but I tend to think it would be a bit of a hassle to deal with 58 years of them avoiding the 2 estates. Frankly, I have not sat down to consider the best approach to fix the estate problems but I would expect it would not be simply done. TECHNICALLY it is more appropriate that the estates be dealt with to assure that the party giving the easement is the record owner.

3-while not the best option, it is also feasible to consider not proceeding with the sewer extension at all

4-to the extent necessary and available (from an engineering perspective), reroute the extension to NOT include the Kichline property at all thus avoiding the necessity of the easement

Feel free to contact me to discuss

Let me know how you would like to proceed....for what it is worth I vote for option 4 (on the assumption it is viable)

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Date of letter: 7/8/19
Letter from: John Guignet, UST (email)
Letter sent to: Gary Brienza, Solicitor and Tom Beil, UST
Subject: Kichline

I received a call from Keith Kichline this morning. He wanted to let us know that they did not receive the letter dated 6/26/19 which was sent to residents on Oakhurst that have not responded to Gary's previous letter about the easement. I explained that they did not get a letter because they did agree to the easement but there was another issue with their property, namely the deed. In talking to Keith, I got the feeling that he did not see the letter from their attorney or know what was in it. I suggested that he talk to his attorney. I told Keith that the township was going to review out options and then decide how to proceed and that we would be in contact with their attorney.

Date of letter: 7/8/19
Letter from: Wendy Sinko, UST (email)
Letter sent to: Chris Cope, UST and others
Subject: Oakhurst

I was listening to minutes from last week and got to the part where you were wondering who the "ring leader" was for the project. Here is the latest from my end.

The gentleman you were inquiring about was Dan Cocco. I spoke with him the last week of June (he was out of town on vacation) and he questioned where things stood. I informed him that we waiting for him and several of his neighbors to sign the agreements. I again had a conversation with him via text, last week. I told him he should stop by the Township to sign the easements and that we really can't proceed until this takes place. He indicated he would speak to his neighbors and he himself would be in to sign, possibly this week. I just spoke with Joe Geib this morning and he indicated that thus far, Maria Spinosa has been in to sign. Hopefully this week Dan and the other two holdouts will be in!

Date of letter: 7/15/19
Letter from: Tom Beil, UST (email)
Letter sent to: Gary Brienza, Solicitor
Subject: Kichline

I do not have a strong preference. The Authority should decide this issue (issue - Gary's suggest options, his email dated 7/3/19)

Date of letter: 7/15/19
Letter from: Andrew Bohl, Hanover Engineering (email)
Letter sent to: Gary Brienza, Solicitor and Tom Beil, UST
Subject: Kichline

Find attached a PDF of the preliminary alignment options prepared for the project.....
Option #1 depicts the current design in which an easement is proposed within the Hartman/Kichline property and the sewer line traverses to the west on the north side of Oakhurst. Option #1 services the Hartman/Kichline residence with a gravity lateral, shown as Option A.

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Option #2 depicts the easement on the south side of Oakhurst pass the Hartman/Kichline property, then crossing over Oakhurst beyond their property to service the properties west of the Hartman/Kichline property. Option #2 does not require an easement from the Hartman/Kichline. Option #2 requires the Hartman/Kichline to connect to the pressure portion of the project, which requires them to install a grinder pump, shown as Option B.

Either option is constructible; however, Option #1 appears to less challenging and more direct way.

Date of letter: 7/15/19

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: A Bohl, Hanover Engineering and tom Beil, UST

Subject: Kichline

From my perspective, obtaining an APPROPRIATE easement will be, potentially, cost prohibitive if we have to untie the legal mess created See following message for Patricia Lang, dated 7/19/19.....

due to the Kichline's failure, over the course of the last almost 60 years, to clear up the estate issues. Frankly I do not know how to even have at the estate problems or what exactly would need to be done. I am confident though that it would not be easy, cheap or quick. I think the Board needs to decide how it would like to proceed.

Date of letter: 7/19/19

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: Bruce Bush

Subject: 3821 E. Hopewell Road, Lot #33

See following message from Patricia Lang, dated 7/19/19

All,

From the planning/zoning perspective, easements prohibit all encroachments.

I doubt there is a written agreement - there should be a note on the plan indicating the need to keep easements clear.

I will look for this information and forward you the exact language.

Our position on this lot has been that no fencing is permitted in the multiple easements located within this property.

When the residents refused to accept this determination, we suggested that they request a determination from the sewer authority who is the beneficiary of the easements.

We think it appropriate to hold the line on such encroachments but, if the Authority wants to "make a deal" with these people for some reason, I imagine that they are entitled to do so.

The above was in reply to an email from John Guignet, dated 7/19/19 which read.....

The residents at 3821 E. Hopewell Road would like to construct a fence on their property. The problem is that there are sewer easements where they want to put the fence. Do we have easement agreement for the Weyhill Woods development? I have brought Andy and Gary in on the discussion and they would like to review the agreement and then make a decision on what we would allow.

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Date of letter: 7/23/19

Letter from: Andrew Bohl, Hanover Engineering

Letter sent to: Bruce Bush

Subject: Sunset Park Subdivision and Saucon Country Estates.....Review of Sanitary Sewer video inspection on 7/15/19

Saucon County Estates:

Segment from Manholes AL-6 to AL-5 (Ackerman's Lane) segment was videoed from AL-6 to AL-5. This segment of sewer is satisfactory.

Sunset Park Subdivision:

Segment from Manholes SD-5 to SD-4 (Sunset Drive) segment was videoed from SD-5 to SD-4. This reach of pipe is unacceptable as there is a sag greater than 1/2" from station 92 to station 108, measured from Manhole SD-5. Contractor shall repair this segment of pipe to provide positive flow to Manhole SD-4.

Date of letter: 7/25/19

Letter from: Andrew Bohl, Hanover Engineering

Letter sent to: Patricia Lang, UST

Subject: Penn State Dining Hall Addition, 2809 Saucon Valley Road

The letter listed the documents that were reviewed.

Comments:

The submitted calculations for the proposed Grease Interceptor are acceptable. A Grease Interceptor construction detail shall be provided on the Land Development Plan.

Date of letter: 7/25/19

Letter from: C. Cope, UST (email)

Letter sent to: Patricia Lang, UST and others

Subject: Follow - up; 3821 E. Hopewell Road, Lot #33

I spoke to Mr. Marcks about his request to construct a fence within the sewer easement and told him that the Water/Sewer Dept. had the same determination as the Community Development Dept. (*Trent Sear email dated 7/1/19*) – that no construction within the easement is permitted. I told Mr. Marcks he had two options, both of which seem doubtful to change the Township's decision:

1. Try and locate the record plan for the subdivision and the sanitary sewer easement agreement and see if there is any language that may or may not allow this type of construction.
2. Approach the Municipal Authority and request a waiver

I believe Mr. Marcks may attend the August 5th Authority meeting to see if the Board might consider a waiver and overturn the Township's decision.

Andy B. created the attached drawing mark-up which shows his lot/property and associated easements. In red, is where Mr. Marcks would be allowed to construct a fence, outside the easement. He is concerned with the amount of yard he would lose on the north side of his property.

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Date of letter: 7/26/19

Letter from: Andrew Bohl, Hanover Engineering

Letter sent to: Bruce Bush

Subject: DeSales University.....MSC Sacred Heart Villa.....Grease Interceptor Review

The letter listed the documents that were reviewed.

The letter also listed eight comments regarding the review.

The grease interceptor and sewer pipe to be constructed for this project will be privately owned and the responsibility of the University to operate and maintain.

Date of letter: 7/29/19

Letter from: Chris Cope, UST (email)

Letter sent to: Gary Brienza, Solicitor and others

Subject: Kichline

I received a visit from Mr. Kichline this afternoon wondering if I heard anything regarding his easement. I told him that there might be some hurdles regarding how the current estate is set-up. He mentioned that he will be at the next Authority meeting to hopefully get some answers.

Date of letter: 7/29/19

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: Chris Cope, UST and others

Subject: Kichline

Problem is we have to discuss the options before we can give him any answers.....

Date of letter: 7/30/19

Letter from: A. Bohl, Hanover Engineering (email)

Letter sent to: Gary Brienza, Solicitor and others

Subject: Kichline

Since we received the response from the Kichline's attorney I looked at another option for the project staying on the south side of Oakhurst Drive, thus not requiring an easement from Kichline. Thus, we have a (second option) that does not require an easement from the Kichline's.

(My) opinion if the Kichline family cannot resolve legal issue of the estate, there are two options the Authority can proceed with without an easement from the Kichline's. I will bring the plans on Monday to review the options with the Authority.

Date of letter: 7/30/19

Letter from: A. Martin, Barry Isett (email)

Letter sent to: A. Bohl, Hanover Engineering

Subject: DeSales Grease Interceptor Project Review

I have revised the plan as per your comments and our subsequent discussion this morning and attached to this email for your review. Let me know if you or anyone at the Township needs a hard copy resubmission or if there is anything else you need at this time.

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Date of letter: 7/30/19

Letter from: A. Bohl, Hanover Engineering

Letter sent to: Bruce Bush

Subject: DeSales University.....MSC Sacred heart Villa.....Grease Interceptor Review #2

The letter lists the documents that were reviewed.

The following comments were listed in the letter:

1. John Miller, DeSales University is coordinating with the Water and Sewer Dept. for a modification to their existing Industrial Pretreatment Program Wastewater Discharge permit for the proposed Grease Interceptor. The modified permit should be submitted before construction of the interceptor.
2. The Missionaries of the Sacred Heart Villa Plan has been revised to address our comment within our 7/26/19 review letter. The design engineer should provide 2 signed and sealed plans to Chris Cope for their files before the construction of the grease interceptor.

Date of letter: 7/30/19

Letter from: A. Bohl, Hanover Engineering

Letter sent to: Patricia Lang, UST

Subject: Penn State Lehigh Valley.....New Maintenance Building....Sanitary Sewer Review

The letter listed the documents that were reviewed.

The letter also listed these comments:

1. Carrier pipe is proposed to be 6" dia. HDPE DR32.5 pipe and the casing pipe is proposed to be 10" dia. SDR-21 and are acceptable. UST geologist consultant should review whether it is acceptable since this project is located within the former mine area of the Township.
 2. Applicant must submit an Industrial Pretreatment Permit Application.
 3. UST should consider placing a condition of approval for this project as it relies on the sanitary sewer improvements to be installed for the proposed Dining Hall addition.
- All sewers for this project will be privately owned and the responsibility of the University to operate and maintain.

Date of letter: 7/31/19

Letter from: Chris Cope, UST (email)

Letter sent to: J. Geib, UST and P. Leonard, UST

Subject: Sunset Sanitary Sewer

RGC will be on site tomorrow, 8/1/19, to make the repairs to the Sunset Drive Sanitary sewer from MH SD-5 to SD-4.

Date of letter: 7/31/19

Letter from: Chris Cope, UST (email)

Letter sent to: A. Bohl, Hanover Engineering

Subject: DeSales Grease Interceptor Project Review

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No IPP is needed for this construction. Since it is a replacement/upgrade to an existing structure, this work will fall under the current IPP permit. Mr. Miller will document the upgrades and changes with his next annual IPP report.

Date of letter: 7/31/19

Letter from: A. Bohl, Hanover Engineering (email)

Letter sent to: P. Lang, UST and others

Subject: Brinley Court Sanitary Sewer Pump Station Review Letter

The letter listed the documents that were reviewed.

All submitted documents have been revised such that the Authority should sign page 3, the Certification Page of the Part 2 Permit for the Sanitary Sewer Pump Station proposed for this project at the next Authority meeting.

Date of letter: 8/1/19

Letter from: A. Bohl, Hanover Engineering (email)

Letter sent to: P. Lang, UST and others

Subject: Traditions of America @ Locust Valley.....Sanitary Sewer Review

The letter listed the documents that were reviewed.

The letter also listed 5 comments regarding the review.

Date of letter: 8/2/19

Letter from: Tom Dinkelacker, LV Law Practice (email)

Letter sent to: Gary Brienza, Solicitor and others

Subject: Saucon Valley

I believe we are done (with this project). Gary and Tom Beil review and confirm with me that we have resolved the disputes and that we can release the water meters.

Bruce, we will need you to sign on behalf of the Authority.

*****end of correspondence list for the August meeting

Executive session referencing contract negotiations and easement acquisitions was entered into at approximately 6:30pm and finished at 6:47pm. No approvals or votes were taken.

SOLICITOR'S REPORT:

The Solicitor's Report dated August 5, 2019 was presented by Solicitor Brienza.

Solicitor Brienza said that he still does not have a fully executed agreement with Saucon Crossings. They added some handwritten language down the side of the agreement which needs clarification. The Township has bought and paid for the water meters so once the agreement is complete the new meters can be installed. Mr. Brienza is requesting that the Board authorize the Chair to execute the agreement upon approval by the Solicitor.

Solicitor Brienza said that the Brinley pump station review has been completed.

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Attorney Brienza said he had nothing new to report on Mountain Glen but Sewer Engineer, Andy Bohl said that he spoke with the surveyor and they are making revisions to the easements.

Solicitor Brienza reported that the final documents for the Promenade still have not been recorded.

ENGINEER'S REPORT

Andrew Bohl, PE, presented Engineer's report dated August 2, 2019.

Mr. Bohl said that a meeting to discuss the 537 was supposed to take place but was rescheduled for 8/21/2019.

Mr. Bohl said that he requested two land development plans from Community Development, that would be affected by our sewer job but to date he has not received anything. He wants to see if there are already easements that exist in this area.

Mr. Bohl gave an update on the Sunset/Ackerman's project and said that more repairs have been made, the Sewer Department has TV'd again and Andy done an additional review. His findings were that the Ackerman's section was acceptable and the Sunset portion was not. Once the Sunset portion repairs are made the Sewer Department will need to TV and video again (note: this will be about the 10th time) to see if this section will pass. This will also be the third time the contractor will have to dig up the road to make repairs. The issue with the Sunset portion is that there is a 1 ½" sag in the last section of pipe. Andy reviewed the video with the contractor and showed them exactly where the repairs need to be made.

Mr. Bohl told the Authority that Coopersburg had four exceedances between 6/26/19 and 7/24/19.

Mr. Bohl noted that the Brinley Court developer submitted revised plans for the sanitary sewer pump station and he recommends that the Authority endorse part 2 of the pump station. He will give it to Bruce Bush, Chairman, to sign and have notarized. Ref: Hanover Engineering letter of 7/30/2019.

SUPERINTENDENT'S REPORT:

Mr. Cope reported that work on the new garage is moving along.

Mr. Cope mentioned that the Sewer Department has done additional point repairs on Lincoln Street and plan on doing more on Price Avenue. They have raised several manholes, repaired a few and pitched some on the South Branch.

Mr. Cope said recently the Township has posted the sewer cap clean-out replacement project on Facebook and we have received a few more responses but we still have not had the response he was hoping for.

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Mr. Cope told the Authority that Coopersburg again had several exceedances as Andy had mentioned and that they are still a big contributor to our I&I. He is compiling some data so he and Tom Beil can sit down with Coopersburg and go over this data.

Mr. Cope said that there was one new sewer connection to a new home on Chestnut Hill Road between Limeport and Vera Cruz Road.

Mr. Bush asked Chris Cope if Preston Lane was complete. Mr. Cope explained that it was, however the opening of the road was delayed because a resident noticed a water leak. The Water Department had to cut a hole in the brand new road to make the repair. This is now fixed and the road is open.

TREASURER'S REPORT:

Mr. Sullivan reported that there are no dispersements this month. The ending balance is \$927.04 with interest. No approvals are needed this month. He intends to wait to ask the Township for replenishment funds until the account drops lower since there are no expenses.

MOTION (S):

A motion was made and seconded to authorize the Chairman to execute the Sewer and Water Agreement with Saucon Investors upon approval by the Authority Solicitor.

Motion passed unanimously.

A motion was made and seconded to authorize the Authority Chairman to sign the Part 2 permit for the Brinley Court development pump station. Ref: Hanover Engineering letter of 7/30/2019.

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.

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

Status: 2/19/19--Tom Dinkelacker had a casual discussion regarding this matter with Tom Beil. Tom's sense is that there will be some discussion regarding further review by the committee. 3/8/2019--Tom Beil stated that Bruce would be invited to the next Public Works Committee meeting.

B. Sewer Tapping Study – update

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C. Easement Problems - Kichline options. Ref: Gary Brienza's email dated 7/3/19.

Mr. Kichline and his attorney entered at the end of the meeting to discuss the easement on the Kichline property. Attorney Zelechewsky said that there is an issue with the Kichline estate which has been held open for the past 60 years. He stated that the Kichline's want to cooperate with the Authority but are trying to figure out the best, most cost effective way for them to do that noting that the family does not have unlimited means. Mr. Bush said that the Engineer has come up with a 3rd option for the sewer extension and that version does not require an easement from the Kichline's. This 3rd option would run the sewer line on the south side of Oakhurst instead of through the Kichline property. When asked what the cost difference would be for Option 3 Mr. Bush stated that it would be minimal to the Authority however Mr. Brienza mentioned that if anything, it may be cheaper not to have to work around the trees on the Kichline property.

Andy Bohl gave the following summary:

Option 1 would provide the Kichline's with a lateral connection via gravity.
Options 2 & 3 would have the Kichline's connecting via a grinder pump.

Attorney Zelechewsky said that the Kichline family would rather not connect via grinder pump because of the possibility of frequent power outages.

Mr. Bush stated that because there is no clear title to the Kichline property and the expense the Authority would incur trying to clear up 60 years of legal issues has the Authority leaning towards Option 3. It was noted several times by different individuals in attendance that the Authority is not comfortable moving forward without a clean title.

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.

E. Stabler Executive Parkway Sewer Issues. Ref: Letter from Karl Schreiter dated 9/19/2018. Copy of letter sent to each member of the Authority on 9/25/2018.

NEW BUSINESS:

Chris Cope questioned whether the next meeting was Tuesday, September 3 or Monday, September 9? They will have to check and see what the Township advertised in January. Mr. Reybitz mentioned he will not be able to attend if the meeting is on September 3.

The Authority is waiting to adjourn the meeting for Mr. Kichline and his lawyer to enter the room.

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ANNOUNCEMENTS:

While waiting for Mr. Kichline and his lawyer, it was confirmed that the next scheduled meeting of the Authority will be Tuesday, September 3, 2019 @ 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 7:20 pm.

Respectfully submitted,

Ryan Holmes
Secretary

