

UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Tuesday, October 5, 2020

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, Solicitor
Andrew T. Bohl, P.E., Engineer
Farley F. Fry, P.E., Engineer
Patrick Lambert, Director of Water and Sewer Resources
Ed Rasich, UST Asst. Director of Water and Sewer Resources

VISITORS:

None

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:

None

MINUTES:

A motion was made and seconded to approve the meeting minutes as presented from September 2020.

Motion passed unanimously.

CORRESPONDENCE:

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: 9/26/2020, 9/28/2020, 10/2/2020

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Date of letter: 9/8/2020

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: A. Bohl, Hanover Engineering

Subject: Valley Manor

(Gary forwarded the following email from T. Paashauss, Coopersburg dated 9/8/2020)

We received an engineering plan for replacement. It was unacceptable. Design is ok....but the location of the line was not appropriate. We are working on a field meeting to discuss the location further. I have attached a letter that was received. It is a weak response from VM's administration. However, we have had better communication with their engineer and facilities manager. I will try to get a firm date on a meeting. If this does not move forward soon; we will continue to pursue legal methods.

Date of letter: 9/9/2020

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: Tom Dinkelacker, LV Law Practice and J. Geib, UST

Subject: Copperhead

Tom

Not sure where this one is at....I was unaware of a "deal" between the Township and owners until late yesterday when Joe G called me. One of the "Mike's" came to meeting. Based upon my understanding, and to a degree my recollection of some prior history, long story short they were looking at having to purchase about 25 +/- EDUs as they were only ever charged for 2. I BELIEVE the Township is willing to let them continue to operate and only purchase 5 additional EDUs. That agreement is to be the subject of a writing by you. In the interim, the Authority conditionally approved the planning module for the Copperhead expansion...the condition being the execution of such an agreement (along with payment for the EDUs). Truthfully, I was at a bit of a disadvantage in my ability to guide the board on this. I HOPE it was handled correctly. Please confirm....Also to the extent we got it right, what is the timing on the agreement? Mike seemed anxious....but perhaps that is par for the course? Please provide a draft to me along the way. While I recognize the value to the community, and the good neighbor aspect of this accommodation, the financial disparity between what is truly owed, and the "deal" is significant. With that in mind, I suggest that the 5 EDUs should be paid for essentially upon execution of the agreement....do you concur? Finally, Mike and his wife mentioned an aspect involving water and the size of the water service line going into the facility. It was explained to them that we do not have any role in the water aspect. While they understood this, it was clear to all that the water issue is an important component going forward. Not sure if that is to be part of this agreement or another....

thanks

G

Date of letter: 9/9/2020

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

Letter sent to: Gary Brienza, Solicitor and J. Geib, UST

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Tom and I discussed this several weeks ago, and I need to circle back. I think it is a Peppercorn Pub situation where there was little documentation as to the number of EDU's purchased over time, and Tom negotiated a deal for 5 as a result of the expansion. I have no problem with your resolution. I will try to prepare a draft before going on vacation Tuesday, and I will of course send you a copy for comment.

Date of letter: 9/9/2020

Letter from: T. Paashaus, Coopersburg Borough (email)

Letter sent to: A. Bohl, Hanover Engineering

Subject: Valley Manor

We have a meeting next Wednesday with Geotech here at Borough Hall at 10 AM. Feel free to attend.

(This email was in response to an email that Andy had sent on 9/9/2020 regarding the Plan for sewer alignment listing his concerns)

Date of letter: 9/10/2020

Letter from: T. Beil, UST (email)

Letter sent to: K. Durso, FLB Law

Subject: Copperhead Grill EDU Calculation

Kate: I am following up on yesterday's phone conversation regarding the water and sewer EDUs for the Copperhead Grill. Attached for your information and review are the various review letters related to this matter. As we discussed, Tom D will prepare an agreement which addresses the following unresolved issues:

1. There is no record of how many water/sewer EDUs were allocated to the current restaurant use at 5737 Route 378 (Copperhead Grill). Furthermore, I cannot find any records of tapping fees having been paid by the current or former owners of this property. Keep in mind the restaurant was probably built in the 1960s and our records from that time-period are incomplete and, in many cases, seem to be missing altogether.
2. Copperhead Grill recently constructed an addition to the restaurant that resulted in the need to allocate an additional 5 water and 5 sewer EDUs to this property (see attached letter dated November 21, 2019 from Hanover Engineering). The total number of EDUs for the existing restaurant and expansion is 24 (19 existing EDUs, 6 new EDUs and 1 EDU credit for house that was demolished).
3. Township will assume that 19 EDUs were previously allocated to this establishment, even though no record of this can be found.
4. Final Certificate of Occupancy for the recently constructed restaurant addition will not be issued until the water and sewer tapping fees for the 5 additional EDUs are paid. The Township is willing to consider a payment plan in this regard.

I will email you the draft agreement as soon as its ready.

Date of letter: 9/10/2020

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: J. Graeffe, PennCap Properties

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Subject: 3701 Corporate Parkway

Thanks for the follow up email. I have sent it to the engineer, Andy Bohl, for confirmation. If I understand the remainder, the \$1000 for easement acquisition should be paid directly and not held in abeyance for a tapping fee credit. Advise to whom a check for the 1k should be made out. I would like to get that part of the process moving as soon as possible.

Email from J. Graeffe.....

Nice talking with you. As discussed on the phone, our worry was that original drawings showed the easement going through our parking lot, which was a major concern for us. Please confirm that the attached drawing with the easement identified only in the turf area moving around our sign and going back under Corporate Parkway before it meets our parking lot?

It is typically for us to receive \$1k when negotiating easements or license agreements for 3rd party technology in our buildings. I will confirm with ownership but as long as the parking lot is not affected, and the language is clear about remediation. That with the payment of \$1k I believe we can execute the easement. I do not believe we foresee a future tapping fee at this location.

Date of letter: 9/11/2020

Letter from: Tom Beil, UST (email)

Letter sent to: Kate Durso, FLB Law

Subject: Copperhead Grill EDU / Calculation

(Attached) is the draft Agreement (for your review).

Note: a copy of this email was sent to each member of the Authority on 9/28/2020.

Date of letter: 9/22/2020

Letter from: Andy Bohl, Hanover Engineering

Letter sent to: P. Lang, UST and others

Subject: Brinley Court Sanitary Sewer Review Letter for Phase One

We reviewed the following documents and have no further comment:

- 1. Van Cleef Engineering Associates cover letter dated 8/20/2020
- 2. Brinley Court Subdivision Final Plan Set (Phase one, dated 1/17/2014, last revised 8/12/2020, Sheets 1-36 prepared by Van Cleef Engineering Associates

Date of letter: 10/2/2020

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: T. Paashaus, Borough of Coopersburg

Subject: Valley Manor

Seeking an update of the Valley Manor situation and/or how things went with the (recent) meeting.

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

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CORRESPONDENCE COMMENTS:

None

SOLICITOR'S REPORT:

The Solicitor's Report dated October 5, 2020 was presented by Solicitor Brienza.

Attorney Brienza noted that the pump and haul option Brinley Court had mentioned they may seek, does not seem likely to be approved at this point.

Solicitor Brienza informed the Authority that the issue at Weyhill is a water line issue and does not need to be addressed by the Authority at this time.

Solicitor Brienza said all easements for Oakhurst have been acquired and all are recorded except the Yundt Trust.

Solicitor Brienza told the Authority that he has heard back from property owner PennCap in Corporate Parkway, but they have requested significant changes to the easement. They also requested that the Township pay their attorney fees. Gary said he has never encountered the Township paying landowner attorney fees to obtain an easement. They are also asking for more than D&B did when the Authority decided to find an alternate route. Attorney Brienza asked Andy Bohl to investigate whether there is a route that would require NO easements. Andy stated that he is 90% sure that there is a way to do this. He found an existing 25' drainage utility easement on the NW side. He will place a PAOneCall to see if there are any utilities in the way that would prevent us from taking that route.

Attorney Brienza reported that plans were presented for Mt. Trexler and a meeting is scheduled for October 16.

ENGINEER'S REPORT:

Andrew Bohl, PE, presented Engineer's report dated October 2, 2020.

Mr. Bohl was asked if sewer could be provided from Kozy Korner all the way up to Mt. Trexler? After he looked at topography, he feels we could gravity from Mt. Trexler to Kozy Korner where the proposed pump station would be. It would then be pumped up to the intersection of Limeport Pike and Chestnut Hill Road where the interceptor currently terminates. This would allow the dry lines @ Sunset and Ackerman's to be connected.

Mr. Bohl noted that as-builts for Saucon Valley Mobile Home Park have been reviewed and approved.

Mr. Bohl told the Authority that Lanark Commons Phase III received DEP approval for the Planning Module.

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Mr. Bohl noted that Coopersburg flows were steady for September running between 280,000 and 378,000 GPD.

Mr. Bohl told the Authority that he attended a pre-construction meeting for Brinley Court on 9/21/2020 with the developer and the contractor. They will begin with off-site improvements on Gun Club Road.

Andy Bohl reported that Phase 1 repairs for Old Saucon are complete and were videoed on 9/24/2020. He still needs to review the video. The developer has fired the Engineer for Phase 2 and they have solicited a different Engineer for future phases. They are looking to modify the sanitary sewer connection which they have sent to Andy for his review.

SUPERINTENDENT'S REPORT:

Mr. Lambert told the Authority that there they have found the broken sewer line that they had been searching for at Rte. 309 and New Street. He presented the Authority with a slide show so they could see for themselves. It had been determined that the meter between this location and Copperhead would always peek after a storm. They discovered a leaking lateral between manholes 17 and 18. It is a 6" lateral and it was 1/2-3/4 full of clear water flow. The lateral is 3-4' deep under water. It is estimated this accounts for 200,000 – 500,000 GPD. He believes this is where the fish and eel that the Plant has been finding were coming from. He had National Water Main come in last week and bypass pump manholes 80 and 17, then cut the lateral back and lined it. He showed a picture on the screen of the significantly reduced flow.

Mr. Lambert said that there also a problem area along the creek bordering the former Benkini property. He showed Authority members pictures of the stream bank that washed out and indicated that it will need to be reinforced with stone. Andy Bohl noted that he has secured emergency permits from DEP to complete this work. The area has already been surveyed and he is working on design plans.

Mr. Lambert mentioned that the Sewer Department is continuing to do point repairs and that they have completed 31 so far this year. They will finish up the product that is in stock and then pick this up again in the spring. They are currently doing point repairs on Passer Road where the WaWa is going in.

Mr. Lambert noted that he had a budget meeting earlier in the day and the question came up about building a new plant. In his opinion, after fixing that large break and doing some additional point repairs, construction of a new building could be postponed for 10 years or possibly more depending on new construction.

TREASURER'S REPORT:

Mr. Sullivan reported that with interest this month the balance stands at \$705.75. The Treasurer's report does not need approval this month.

MOTION (S):

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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. **October 2019** - Bruce Bush mentioned that he again, recently reminded Tom Beil that he would still like a meeting with the Public Works committee regarding the unconnected sewers. **February 2020** – Bruce noted that there is still nothing new to report on the unconnected properties and that to his knowledge a date still has not been set for the Public Works committee meeting.

B. Sewer Tapping Study – Nothing new on this either. Both the unconnected properties and the sewer tapping study needs to be addressed by the Supervisors.

C. Easement Problems

D. Oakhurst Drive Project

This project will be ready to go out for bid as soon as we receive the permits from DEP.

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:

The meeting dates for 2021 were tentatively set and they will be formally approved in January.

ANNOUNCEMENTS:

The next scheduled meeting of the Authority will be Monday, November 2, 2020 @ 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 6:29 pm.

Respectfully submitted,

Ryan Holmes
Secretary