

# UPPER SAUCON TOWNSHIP MUNICIPAL AUTHORITY MINUTES

Meeting Held Monday, May 3, 2021

4774 Saucon Creek Road

Chairman Bruce Bush called to order the regular meeting of the Upper Saucon Township Municipal Authority at approximately 6:03 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 – absent at start of meeting  
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  
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 April 2021 meeting minutes as presented.

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: 4/14/21, 4/19/21, 4/30/21

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Date of letter: 4/2/21

Letter from: Andrew Bohl, Hanover Engineering

Letter sent to: Patricia Lang, UST

Subject: Wawa Food Market & McDonald Restaurant.....Route 309 and Passer Road

We reviewed subject's Amended Final Land Development Plans dated 8/11/17, last revised 3/11/21 and offer these comments:

Grease Trap Construction Detail shall be revised to indicate 3 coats of Bitumastic Coating with a minimum dry film thickness of 32.0 mills.

Sanitary sewer pipe material within the project limits shall be PVC SDR -26.

All sewers to be constructed for this project shall be privately owned and the responsibility of the developer to operate and maintain.

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Date of letter: 4/5/21

Letter from: Andrew Bohl, Hanover Engineering

Letter sent to: Patricia Lang, UST

Subject: Aldi Site Improvement Project.....Preliminary/Final Land Development

We reviewed the project's plans dated 3/16/21 prepared by Dynamic Engineering Consultant, P.C.

Site improvement is at the Aldi property located 2700 Saucon Valley Road. It is proposed to construct a 62,842 SF addition to the building and a stand-alone truck driver's restroom building. The truck driver's restroom building to the existing sanitary sewer collection system located within the subject parcel, no other connections are proposed for this project.

Hanover then listed 14 comments regarding their review of the plan.

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Date of letter: 4/6/21

Letter from: Andrew Bohl, Hanover Engineering (email)

Letter sent to: Tom Beil, UST

Subject: Oakhurst Drive Sanitary Sewer Project

The USTMA at last night's meeting made a motion to recommend the BOS award the Oakhurst Drive Sanitary Sewer Extension Project to Enrich, Inc of Wayne PA.

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Date of letter: 4/6/21

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: Tom Dinkelacker, LV Law Practice and T. Sear, UST

Subject: 4895 Majestic Drive

I believe Trent has some background on this situation but for Tom it is probably not on his radar. I have had a passing understanding of the issue but not the detail contained below/attached and in another email thread I will send right after this. It was discussed at length last night at our pre meeting dinner and then again with the Board. At this point I believe that it is necessary for the matter to be addressed by the "legal side of things" since it seems that the contractor/developer/owner is essentially ignoring

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Andy/Patrick/Ed. From my perspective, there is no issue here. The guy admits (see the next email) that he deviated from the approved plan and that he did not seek "relief" or approval from anyone before doing so. I have zero sympathy for his situation. The other home he discusses is not the same factual situation, so this is not some sort of selective enforcement issue. What is problematic though is that somehow without a CO being issued, the prospective homeowners were allowed to move into the home. Certainly, this builder is anxious to get the CO for them in order for him to get paid by the bank (albeit I am confused as to how the new owners were able to purchase without a CO since I would have expected their bank, unless they paid cash which I highly doubt, to not fund a mortgage and allow closing) and move on in life....he also doesn't want to spend any money to fix his self-created mistake. I can say without question that Andy/Patrick/Ed do not want to let this go...the Board fully supports them in this as do I. I can send another letter from the solicitor role or perhaps we can have Trent issue a notice of violation. The sticking point though is, again, that the people live there....I guess my thought is that with an NOV they will yipe to the builder.... What do you guys think?

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Date of letter: 4/6/21  
Letter from: Tom Dinkelacker, LV Law Practice (email)  
Letter sent to: Gary Brienza, Solicitor and T. Sear, UST  
Subject: 4895 Majestic Drive  
(Reply to Gary's email of 406) First I'm hearing of this. I will be happy to discuss.

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Date of letter: 4/6/21  
Letter from: Gary Brienza, Solicitor (email)  
Letter sent to: Andrew Bohl, Hanover Engineering; P.Lambert, UST; and E.Raisch, UST  
Subject: Majestic Drive

During a break in my zoom hearing, I spoke with Tom Dinkelacker. He is now up to speed on the matter.

In addition to the potential issuance of an NOV, we were wondering if 42R or whatever (sewer use ordinance) has any provisions that would apply here. We were part of the crafting of the sewer use ordinance but that was about 4-5 years ago, so recollection of all aspects is difficult. There is likely no provision that would apply since we are dealing with a lateral here and the majority, if not all, of the ordinance dealt with lines. However, it is worth a quick review to confirm either way. Would one of you take an opportunity to quickly peruse and see if you can spot anything that either is or might be applicable. IF you spot something that looks relevant, email that/those provision(s) to Tom and me....

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Date of letter: 4/6/21  
Letter from: P. Lambert, UST (email)  
Letter sent to: Gary Brienza, Solicitor; A. Bohl, Hanover Engineering; E. Rasich, UST  
Subject: Majestic Drive

This email listed the 3 sections of Ordinance 42R that may apply to this matter.

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Date of letter: 4/6/21

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: P. Lambert, UST; A. Bohl, Hanover Engineering; E. Rasich, UST

Subject: Majestic Drive

Clearly, B.3.6 applies; is that from 42R?

B.3.6 The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing and installation of the pipe, joint testing and backfilling the trench, shall all conform to Ordinance No. 91-B (adopting the "Standard Sewer Specification, dated March 2014") and Ordinance No. 130 (adopting the Pennsylvania Uniform Construction Code). Any deviation there from is prohibited unless approved in writing by the Township Code Official or Superintendent, as the case may be, prior to installation. In the event of a conflict between n the requirements of Ordinance No. 91-B and Ordinance No. 130, the requirements of Ordinance 91-B shall control.

P. Lambert replied that it was.

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Date of letter: 4/6/21

Letter from: Gary Brienza, Solicitor (email)

Letter sent to: P. Lambert, UST; A. Bohl, Hanover Engineering; E. Rasich, UST

Subject: Majestic Drive

OK- Thanks

Tom – thoughts?

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Date of letter: 4/7/21

Letter from: T. Dinkelacker, LV Law Practice (email)

Letter sent to: Gary Brienza, Solicitor; P. Lambert, UST; A. Bohl, Hanover Engineering; E. Rasich, UST

Subject: Majestic Drive

I spoke to Tom Beil yesterday on this matter. He will make one last attempt to obtain compliance by the builder. If that does not happen, then we will need to go the route of NOV"s. I agree with the analysis of B.3.6. Also applicable will be the zoning ordinance as this involved a grading permit violation and possibly our stormwater ordinance. My understanding is that we will sit tight for the moment.

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Date of letter: 4/8/21

Letter from: A. Bohl, Hanover Engineering

Letter sent to: Patricia Lang, UST

Subject: Estates at Saucon Valley Preliminary/Final Plan 2759 and 3131 Flint Hill Road

We reviewed the plans dated 12/13/2019, last revised 3/2/2021 related to the 102-lot residential subdivision located on Flint Hill Road.

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Andy then listed six comments regarding their review.

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Date of letter: 4/20/21  
Letter from: Vickie Beiler, Dimmich and Dinkelacker  
Letter sent to: Mark Mortensen and others  
Subject: Saucon Valley Crossing

The Assignments of Sanitary Sewer Line Easement and Water main Easement were recorded electronically this morning with the Recorder of Deeds of Lehigh County. (Attached) are copies of the recorded documents.

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Date of letter: 4/23/21  
Letter from: Gary Brienza, Solicitor (email)  
Letter sent to: T. Dinkelacker, LV Law Practice; P. Lambert, UST; A. Bohl, Hanover Engineering; E. Rasich, UST  
Subject: Majestic Drive

Wondering if there is any further update on this as we are 2 weeks since the email thread.

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Date of letter: 4/23/21  
Letter from: Tom Beil, UST (email)  
Letter sent to: Gary Brienza, Solicitor and others  
Subject: Majestic Drive

See the following email string. I believe this matter is well on its way to being resolved.

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Date of letter: 4/27/21  
Letter from: A. Bohl, Hanover Engineering (email)  
Letter sent to: Gary Brienza, Solicitor and T. Dinkelacker, LV LawPractice  
Subject: 4895 Majestic Drive

We received a proposal from Keith Hoeing on 4/15 with a proposed solution to sanitary sewer lateral for 4895 Majestic Drive. Also, below is my response to this proposed solution. It appears, this situation is moving in the right direction. I will keep you guys in the loop if things turn in the wrong direction.

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Date of letter: 4/28/21  
Letter from: A. Bohl, Hanover Engineering (email)  
Letter sent to: P. Lambert, UST and others  
Subject: Quarterly Corrective Action Plan Report

Find (attached) a PDF of our cover letter to the PADEP for the submission of the Quarterly Corrective Action Plan Report for the South Branch Interceptor as well as the Quarterly Report.

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Date of letter: 4/29/21

Letter from: A. Bohl, Hanover Engineering

Letter sent to: P. Lang, UST

Subject: Good Shepherd Rehab Hospital.....Preliminary/Final land Development Plan.....Planning Module Review

We reviewed the UST Planning Module dated 4/9/21 and PADEP Planning Module Mailer Exemption prepared by Pennoni Associates. Project proposes construction of a Rehabilitation Hospital with 76 beds.

The estimated sewage flows from the project will be 10,848 gpd. The projected flow represents 48 EDU's.

There is sufficient allocated treatment plant and conveyance capacity for providing sewer service to this area of the Township. Therefore, we recommend the PADEP Planning Module Exemption Mailer, and the UST Planning Module be approved by the USTMA and the USSTA. In addition, we recommend the Township endorse the PADEP Planning Module Exemption Mailer for the project and sent to PADEP.

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Date of letter: 4/29/21

Letter from: A. Bohl, Hanover Engineering

Letter sent to: P. Lang, UST

Subject: Good Shepherd Sketch Plan.....Sanitary Sewer Review

We reviewed the Land Development Plan dated 4/7/21 and the Response letter dated 4/7/21 from Pennoni Associates, Inc.

Proposed project is located on Center Valley Parkway west of the intersection of Center Valley Road and Saucon Valley Road. The project consists of one 33,645 SF Rehab Hospital with 76 beds.

The letter then lists 17 comments from Hanover's review of the documents. Some of the comments were --- an Industrial Pretreatment Program Wastewater Discharge Application is needed; a grease interceptor shall be required; light poles and plantings shall be relocated outside of sewer easement; see the letter for the comments.

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Date of letter: 4/29/21

Letter from: A. Bohl, Hanover Engineering

Letter sent to: P. Lang, UST

Subject: Proposed Mixed-Use Development Project.....301 South 3<sup>rd</sup> Street, Borough of Coopersburg

We reviewed the following – Bohler Engineering cover dated 3/16/21; Completed PADEP Sewage Planning Module Application Mailer; Existing Conditions/Demolition Plan, Site Plan Utility Plan and Profile dated 6/25/20, last revised 3/2/21.

Projected flow from the project is 4300 gallons per day which is equal to 19 EDU's.

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There is sufficient capacity in the South Branch Interceptor Drainage Area for the projected flows. There is allocated treatment plant capacity for providing sewer service to the Borough of Coopersburg.

Upon completion of the project, the Borough will have 48 available connections (EDU's) remaining from the Mutual Release and Settlement Agreement dated 12/18/13.

Second letter regarding the subject -----

The Plan proposes a Dominos Restaurant however, no exterior grease interceptor is shown. Also, if other restaurants become tenants, each restaurant should have their own grease interceptor. The sewer pipe material should be PVC SDR-26 sewer pipe. The sewer pipe shall have a minimum 0.50% slope.

\*\*\*\*\* end of correspondence for May

## **CORRESPONDENCE COMMENTS:**

Jack DeMatos asked for an update on the issues at 4895 Majestic. Andy Bohl responded that in mid-April the contractor sent a letter saying he would directionally drill under the subsurface infiltration bed (SIB). Andy reviewed this and determined that would be an acceptable solution. This would remove the joints and connection points under the SIB and replace it with a solid run of pipe. Yesterday Andy received another letter saying they were going to move forward with a different solution called pipe bursting. However, scheduling for this solution is 8 weeks out. Patrick Lambert noted that this contractor has been leisurely about making the necessary corrections to this connection and is seeking direction from the Authority as to how long they want to wait to act. Should we give them a deadline? Gary Brienza noted that he spoke with the Township Attorney and they agree it should be addressed right away. It was noted that Tom Beil stated he knows the developer and would reach out to him directly. A temporary CO was issued without this being resolved so Jack pointed out that you lose your leverage when this occurs. After discussion, the Authority would like Tom Beil to impose a deadline to make certain this work gets done. If not, then Notice of Violations should be issued.

## **SOLICITOR'S REPORT:**

The Solicitor's Report dated May 3, 2021 was presented by Solicitor Brienza.

Solicitor Brienza said that the Brinley contractor is again seeking to do a pump and haul. They have provided a plan which offers two options. They made the same request last fall that the Authority denied because if they start to build, then pull out of the deal the Township is on-the-hook financially to either build the pump station or pay for the pump and haul. Andy Bohl recommends that if the Authority considers approval the builder is held to a maximum amount of CO's until the pump station is built and in good working order. Option 1 would be to install a frack tank which holds around 20,000 gallons, then have the tank pumped, as necessary. Option 2 would be to install diesel pumps to bypass the station and discharge into the force main. Andy said he would recommend option 2 having them post bond, work within a determined timeframe, and limit the

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number of CO's that could be issued prior to completion of the pump station. Gary Brienza indicated that all of this would change the Developers Agreement so the Township would need to get involved. The Developer is afraid that the 3-phase electric needed to run the pump station will not be connected by PPL in time for the model units to be functional. Bruce Bush wanted it noted that he is not in favor of this idea. Patrick Lambert asked if Gary could make sure there is an agreement in place between the Developer and PPL to make sure they have an agreement of service before the Authority decides.

Attorney Brienza noted that the Mount Trexler meeting was held last week, and they are still finalizing the route. They will need to acquire roughly 37 easements. They can begin to start acquisitions once the route is finalized. The owners of Mt. Trexler have indicated their willingness to make a financial investment in the project. The estimated project cost currently stands between 2-3 million. They will be providing a draft cooperation agreement which will indicate what they are willing to commit to the project.

Solicitor Brienza said that Tom Beil has not responded to the Township Ordinance proposal similar to what Coopersburg recently adopted that he sent him for review.

At this point in the meeting Ron Reybitz arrived.

## **ENGINEER'S REPORT:**

Andrew Bohl, PE, presented the Engineer's report dated April 30, 2021.

Mr. Bohl noted that the location of the proposed pump station on Kozy Korner Road will likely not be approved by the DEP so the location will have to be moved to the Ohl property just south of Kozy Korner Road. The property would need to be subdivided for the pump station. All necessary properties and boundaries have been surveyed for easements.

Mr. Bohl said that there is a pipe shortage but is hoping the Oakhurst project can move forward.

Mr. Bohl told the Authority that he received a contract from Paragon Engineering for the electrical design for the Executive Parkway project, but the terms and conditions were not accepted so they need to be worked out.

Mr. Bohl said that last month Coopersburg only had three days where they exceeded their allocation.

Mr. Bohl noted that Brinley is currently working on the off-site force main, and that on-site work will begin soon.

Mr. Bohl indicated that TOA has started the sanitary sewer improvements and installed a wet well and valve pit.



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Mr. Bohl said that he has received revised plans for Old Saucon Phase II and he will review and approve if everything looks good.

Mr. Bohl told the Authority that there was a pre-construction meeting for Estates at Saucon Valley, and he just received their final plans for review.

Mr. Bohl noted that the WaWa fast food restaurant has been identified as a McDonald's. They submitted revised plans which he reviewed. They also submitted a revised planning module to include the projected flow with McDonald's included. He will need a motion to approve this tonight for 4 additional EDU's, totaling 16 EDU's.

Mr. Bohl said reported that Good Shepherd is proposing a 76-bed rehabilitation facility at Center Valley Parkway and Saucon Valley Road. A planning module has been submitted and reviewed. He will need a motion tonight to approve 48 EDU's for this project.

Mr. Bohl said that the South Branch Interceptor CAP report was submitted to DEP on 4/28/2021.

Mr. Bohl told the Authority that he still has not received any of the delinquent IPP's.

Mr. Bohl indicated that he wants to work on the I&I before submitting the ACT 537.

Mr. Bush asked Andy if the Old Saucon Developer has fixed the sags in the sewer line near the pump station? Andy indicated they have not, and they have asked the Township for a quote to go out and flush and video the lines for them. Patrick is working up a cost estimate.

Mr. Bush asked about the land development project in Coopersburg for a multi-use building with commercial space on the bottom and residential on top that is being proposed for S. 3<sup>rd</sup> Street. Andy indicated that it is going where the building(s) were just demolished between the used car dealership and the motel.

Bruce also asked if the work at Valley Manor is finished? Gary told him that the work is complete, and inspections have been done. Our flow data for next month should indicate to what extent, if any, the replacement of the lateral has impacted flows.

Mr. Bohl has two motions for approval tonight.

## **SUPERINTENDENT'S REPORT:**

Mr. Lambert noted that Bob Blanchfield has performed his 500<sup>th</sup> inspection for the Township and has been a great asset.

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Mr. Lambert told the Authority that the new dry sewer lines at Sunset and Ackerman's were videoed as the Township is looking to perform final road restoration and a small sag was found.

Mr. Lambert noted that the Department will be videoing Bittersweet underneath a culvert that is slated to be replaced. They will also be looking at State Street in Coopersburg where it was found to be eroded underneath a culvert.

Mr. Lambert indicated that so far there have been 13 areas identified in Coopersburg that need point repairs. UST is going to provide the equipment and labor and Coopersburg is going to pay for materials. He is hoping to complete this during the summer to help them eliminate some of their I&I which in turn will help our Plant.

Mr. Lambert said that a leak was found on Lanark Road between Madle's and the end of the Convent parking lot. Two breaks and several cracks were identified in this small stretch. He had National Water Main in to discuss lining this portion. He estimates about 125GPM is flowing through there.

Mr. Lambert told the Authority that on Friday night the Spring Valley Pump Station was out of power for several hours into Saturday morning, but everything was ok.

Mr. Lambert said that he had Flyte Pumps in to give him quotes on two new pumps for the Old Bethlehem Pike pump station. This station has been in service for about 20 years, and he is looking to add this to his 5-year Capital Improvement Plan to rehab the whole station.

## **TREASURER'S REPORT:**

Mr. Sullivan reported that there was one disbursement this month for the annual PMAA membership, so with interest, the balance stands at \$507.17. The report does not need approval this month.

## **MOTION (S):**

A motion was made and seconded to approve the Planning Module for Good Shephard's Rehabilitation Hospital Land Development Project for a total of 48 EDU's. REF: Hanover Engineering's letter dated April 29, 2021.

Motion passed unanimously.

Motion was made and seconded to approve the Planning Module for the WaWa/McDonald's land development project for four additional EDU's, for a total of 16 EDU's for both uses. REF: Hanover Engineering letter dated April 29, 2021.

Motion passed unanimously.

## **UNFINISHED BUSINESS:**

A. Unconnected Sewer Analysis

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Gary discussed this with Tom Beil and noted that if the Mt. Trexler project goes through it could bring this issue to a head.

B. Sewer Tapping Study – This continues to be an unresolved issue.

C. Authority recommendation sent to Tom Beil to adopt an Ordinance similar to what Coopersburg recently adopted, addressing lateral inspection at time of sale and sump pump inspections.

## **NEW BUSINESS:**

Bruce posed the question as to whether the Authority needs to make a recommendation to the BOS regarding issuance of temporary CO's. Gary feels the BOS may want to put protocols in place to prevent similar issues in the future. Authority would like Gary to ask Tom Beil how he would like to address this issue.

Bruce informed the Authority that he is having surgery and will not be able to attend the June meeting so Jack will run the next meeting.

## **ANNOUNCEMENTS:**

The next scheduled meeting of the Authority will be Monday, June 7, 2021 @ 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 7:01 pm.

Respectfully submitted,

Ryan Holmes  
Secretary