

EAST BERLIN AREA JOINT AUTHORITY
103 LOCUST STREET, PO BOX 37
EAST BERLIN, PA 17316
July 7, 2016

The monthly meeting of the East Berlin Area Joint Authority was held July 7, 2016 at 103 Locust Street, East Berlin, PA 17316, and was conducted by Chairman Gerald L. Mummert. The meeting opened with the Pledge of Allegiance at 7 PM.

Members Present: Gerald L. Mummert; Charles Krall; Harold Lau; Ron Weidner; and Rick Saxon.

Also Present: Solicitor Matt Battersby; Andrew Gavin and Andrew Dehoff from SRBC; Secretary, Hannelore Furst; Deepthi Kalyanam of Buchart-Horn; Nathan Boyer; David Richards; Ken Young and Roberta Teal.

Minutes: *A motion was made by Harold Lau to accept the minutes of June 2, 2016 as written; with a second by Charles Krall. Motion carried to accept the minutes as written.*

Payment of Bills: All members received a copy of the bills and receipts for June 2016, the bills totaled \$22,409.47 from the operational funds. *A motion was made by Rick Saxon to approve the paying of the bills for June with a second by Ron Weidner. Motion carried.*

Public/Guest Comment: David Richards handed out information on the Sunshine Act; and mentioned that the Borough did not observe the Sunshine Act from 1998 thru 2007 and thinks the Authority is starting to slip on this matter also. His second hand out was a basic summary of material extracted from the Assignment, Dedication and Service Agreement between the East Berlin Borough and the Authority. He stated there were many issues the Borough had with the Agreement and the agreement was very badly done. He stated there is nothing in the agreement to continue at the expiration of the 50 years of the agreement. He also stated he would prefer the Authority do two things-Redo the agreement, and have a provision to extend the agreement after the 50 years.

Ken Young stated he is following up on his February meeting with the Authority; that his understanding was that Charles Krall instructed Solicitor Battersby to contact Jason Oyler of the SRBC. According to Mr. Young; Mr. Oyler has only received a letter from Solicitor Battersby addressing the issues of the annual SRBC fees. Mr. Young proceeded to mention a Buchart-Horn engineer checked Mr. Young's property and the damage is the responsibility of the Borough. He reiterated the Borough. The aerial view of the sticks and stones were put there by himself (Ken Young) to stop the erosion of his pond. The other issue Ken Young addressed was concerning Solicitor Matt Battersby, asking for Solicitor Battersby resignation. He thought he wasn't getting good representation over the SRBC and the electroplating leak at the Tyco plant on May 14, 1998. He stated the from that issue, to today; the well monitoring report are past due and were suppose to be done annually. He continued about the Borough's Ken Young file; and now the file is missing, and he has copies of those records. He wants Solicitor Battersby to address the SRBC, concerning the electroplating and get a clearance report on the pollution to the stream. He is leaving East Berlin this month but will still be fighting for the environment protection. He wants his pond made whole again from the damage created from the testing in 2014. The two measuring devices were removed from his pond with his permission in February 2016 after being there a year and half.

Solicitor Battersby made a response to Mr. Young. Solicitor Battersby stated he was not asked to contact SRBC on behalf of Mr. Young's issue. He also stated he does not work for Mr. Young, he works for the Authority Board. Solicitor Battersby also stated that the East Berlin Borough Council has never agreed in any way, shape, or form to be responsible for anything that happened to Mr. Young's pond going all the way back to 1998. Mr. Young proceed to pass out information.

Andrew Dehoff, Executive Director of the SRBC; introduced himself and Andrew Gavin, Deputy Executive Director of the SRBC. Mr. Dehoff hand delivered a letter to Chairman Mummert offering SRBC's staff for assistance in developing metering and monitoring plan; at no cost to the Authority; thru a grant from Pennsylvania. He also mentioned the post approval requirements associated with Well 1, 2, 4, and 5 SRBC's approvals. The deadline for submittal of the metering and monitoring plan is due by July 11, 2016. The Authority Board asked Mr. Dehoff for a 90 day extension to the deadline; which would be October 10, 2016. Mr. Dehoff agreed; stating he would send a letter stating such. There were questions from the Board members concerning the Grant. The grant is to assist small authorities with sighting a well, helping with applications, and putting together metering and monitoring program. This grant was in effect for 2 years and we were not advised about it. Charles Krall stated we would be paying our engineer and geologist to put a plan together, and the last time SRBC charged us

approximately \$13,000.00 to review the plan that we paid \$17,000.00 to be put together. There was some discussion on this. Charles Krall asked if we would be charged again to review the new plan. Mr. Dehoff, Executive Director of the SRBC stated absolutely NOT; because built into the application fee and the annual compliance monitoring fee is revenue that allows us to review the post approval plans. SRBC will work with our engineers, they will not have to do any applications; since we already work with DEP. Mr. Dehoff stated the Commonwealth of PA gave them the money to in a sense pay themselves to help us. The annual compliance fee of \$840, covers July 1, 2016 to June 30, 2017; Chairman Mummert questioned what do we get for that money. Mr. Dehoff stated that allows them to do their job-accept the data we report to them; verify you're operating according to your docket approval; watch the water use of municipalities; which reports the water levels and whether it impacts surrounding areas. He also stated that once they issue approval for permits they do not walk away, they stay on top of it. The annual compliance fee of \$840, covers July 1, 2016 to June 30, 2017, and there would not be any other fees during the year. Deepthi or Theresa will be setting up a meeting with SRBC to work on getting the metering and monitoring plan completed.

Engineer's Report: Deepthi Kalyanam of Buchart-Horn stated the Chapter 94 report has been approved; the Authority also received a letter stating such. Chairman Mummert questioned the pricing on the water tower inspection and the extension of the water and sewer lines on Route 194, the 20 year Capital Improvement Plan and if the engineering costs were included. Deepthi stated the Route 194 extension DID include engineering costs. The water tower estimate includes the inspection and painting. It was mentioned the cost may be lower if the water and sewer lines are done at the same time for the Route 194 extension. Deepthi will be on vacation to India July 19, 2016 to August 16, 2016, and will have Teresa Blaich or another associate available for the Authority while she is away.

Solicitor's Report: Solicitor Battersby had nothing to report.

Treasurer's Report: Harold Lau reported the Audit has been completed; and the Borough and Hamilton Twp has received their copies. He also handed out a six month budget comparison to actual usage report; if there are any questions, they will be discussed next meeting. Mr. Lau proposed getting quotes for the water tower on Abbottstown Street inspected and painted. *A motion was made by Harold Lau to get quotes for inspection of the water tower; with a second by Charles Krall.*
Motion carried. Deepthi will provide contacts for the tower inspection. He also stated there are 4 delinquent accounts at the District Justice for a total of \$918.44.

Secretary's Report: Hanna Furst reported the water/sewer bills were mailed and a note was included on the bills about the Consumer Confidence Report (CCR) being available on our website and is also posted at various public locations as required by DEP.

Unfinished Business: None

New Business: None

Operator's Report:

Nathan Boyer –Nathan stated everything is good right now.

John Scrivens –Absent

Correspondence:

- Received notice from DEP the Annual Wasteload Mgmt Report (Chapter 94) was reviewed and found acceptable.
- Received notice from Selective Insurance that the flood policy cannot be cancelled without a valid reason.
- Received the final bill from McNees, Wallace & Nurick on the sale and or leasing of the Authority's water and wastewater systems for \$42,213.42 on June 13, 2016; also received a revised billing on July 5, 2016 from McNees, Wallace & Nurick for \$46,990.42; after Chairman Mummert questioned why the initial \$10,000 the Authority sent did not show on the billing. He was told they did not charge for everything. So the revised billing added the extra items and then deducted the \$10,000 for a total of \$46,990.42.

Chairman Mummert questioned Solicitor Battersby about the first billing stating it was a final billing, and if he was correct then we should only pay \$32,213.42. Solicitor Battersby stated send McNees ,Wallace, & Nurick the \$32,213.42 stating that is the final payment and see what Jim Dougherty does. Chairman Mummert requested a motion to pay the bill. *The motion was*

*made by Ron Weidner to pay \$32,213.42 and note it as final payment to McNees ,Wallace, & Nurick; with a second by Harold Lau. **Motion carried with all in favor.***

There being no further business, *Ron Weidner made a motion to adjourn the meeting; with a second by Rick Saxon. **Motion carried.*** Meeting adjourned at 7:47PM. Next meeting will be held August 4, 2016 at 103 Locust Street at 7 PM.

Respectfully submitted,
Hannelore B. Furst, Secretary EBAJA