

EAST BERLIN AREA JOINT AUTHORITY
128 WATER STREET
EAST BERLIN, PA 17316

APRIL 3, 2008

The monthly meeting of the East Berlin Area Joint Authority was held April 3, 2008 at 7PM. The meeting was held at the East Berlin Borough Hall, 128 Water Street, East Berlin, PA. The meeting opened with the Pledge of Allegiance.

Members Present: Chairman Gerald L. Mummert; Gregory Green; Charles Eisenhart; John Lerew; and John O'Brien.

Also Present: Plant Manager T. Michael Thoman; Authority Secretary Hannelore Furst; Solicitor Matthew Battersby; and Engineer Bruce Hulshizer of Buchart-Horn.

No residents were present to comment.

*A motion was made by John O'Brien and seconded by Charles Eisenhart to approve the minutes of the previous meeting as written with all voting in favor. **Motion Carried***

Treasurer's Report:

Charles Eisenhart reported about another bond counselor that Bruce Hulshizer referred. There was a discussion on the fees and which bond counselor they should choose either Frank Leber of Rhodes and Sinon or Kathleen Gray of Barley Snyder, LLC. They compared their rates and other similar services. Solicitor Battersby stated both are reputable. *A motion was made by John Lerew to employ Frank Leber from the firm of Rosen and Sinon as bond counselor, Greg Green seconded the motion. **Motion Carried with all voting in favor of.***

Charles Eisenhart discussed the information he collected on the banks. There was one commitment letter from Susquehanna Banks and a proposal letter from Adams County National Bank. The Authority members discussed the terms of the loan, the fees, the interest rates, the security interests, and the repayment schedule.

The discussion continued on the differences of the information received from the two. *John Lerew made a motion to have Solicitor Battersby draw up a resolution to enable the transferring of money from accounts to another accounts and John O'Brien seconded the motion. **Motion was carried with all in favor.***

Bruce Hulshizer from Buchart-Horn reported the information is ready for the bids to go out. When bids are advertised the tentative date to open the bids would be May 22, 2008. The authority wouldn't have to make any payments for another three months. Once bids are open Buchart-Horn reviews them, the job is awarded, the Borough receives the bids and CW Test is contacted so they can get their financing ready. Bond counsel will need to be selected. Solicitor Battersby suggested the Bank letters should be sent to Bond Counsel.

The discussion went back to the bank information on the loan. It was decided to wait for selection of the bank for the loan. *The Motion was made by John O'Brien and*

seconded by John Lerew to table the selection of the bank with no discussion on the table.
Motion carried with all in favor of.

The motion was made by John Lerew to pay the bills in the amount of \$105,102.78 and seconded by John O'Brien with no discussion. **Motion Carried with all voting in favor of.**

Solicitor's Report:

Solicitor Battersby reported he sent the request for right-of-ways to the residents that would be affected by the sewer lines going thru their property. He has received the right-of-way of the Borough's signed by President of Council, David Richards. There was right-of-way that needed changed because of a pending divorce.

Solicitor Battersby also reported Mr. Brown's hearing is scheduled for April 28, 2008 at 10:00 AM at Magistrates Zepp's, for the balance due on the water/sewer bill.

Charles Eisenhart asked Solicitor Battersby to write up something about the shut off of the water because of lateness of bills and the excess overdue money amounts. Charles Eisenhart explained that the EBAJA needs the authority to be able to shut off the water; this is the first time for anyone has not complied with notices to pay their bills.

Solicitor Battersby stated he will be contacting the Bond Counsel, Frank Leber of Rhodes and Sinon.

Engineer's Report:

Bruce Hulshizer of Buchart-Horn, Inc. reported that First Energy (Met Ed) has an existing right-of-way thru the park property, and the Authority needs to get permission from them (Met Ed) to go thru their right-of-way. The water/sewer lines would go underneath their lines. Met-Ed has some conditions. It was stated that T. Michael Thoman has the authorization to sign the papers from Met-Ed.

Bruce asked permission to advertise for bids on the new sewer treatment plant. *Greg Green made a motion to advertise for the bids for the new sewer treatment plant and John O'Brien seconded.* There was a brief discussion of whether CW Test was in contact with Hamilton Township. **Motion was Carried with all voting in favor of.**

Bruce stated the information that would be put in the advertisement were as follows: Pre bid meeting at the Borough on April 30, 2008; at 10 AM, opening bids would be tentative 45 days around May 22, 2008 around 2 PM -3 PM at Buchart-Horn office, and 14 month construction period.

Bruce asked Chairman Mummert if he would authorize the amendment to the agreement concerning the payment construction, administration, site, northwest Water St., and review of bids, construction meetings.

A question arose whether CW Test would be responsible for any of the amended fees of \$290,000.00, the answer was yes. CW Test's share is 60% of the fee, except for the northwest trunk line.

Bruce mentioned this fee is in addition to the separate agreement with Test to construct the Water facility for them.

A motion was made by Charles Eisenhart and seconded by John Lerew to amend the engineering agreement of the trunk line so that the added services of the scope for the representative the Authority will pay the engineer a total lump sum of \$290,000.00. Some discussion ensued concerning the exact fees. **Motion carried with all in favor.**

Bruce Hulshizer reported he received the Land Development Engineering Report for CW Test's Sewage Planning Module. They need documentation from the water company (Authority) stating it will serve all the properties in his development. Bruce will write a letter to them stating that is part of the original agreement. There is also a problem with the permit on the Corrosion and Sediment Control Permit. The stormwater is an environmental issue, one of the problems is with the Conservation District; what needs to be done is an infiltration test of some areas. Buchart-Horn, Inc. will be doing some perk tests soon.

Bruce explained the hold up on the permits. Susquehanna River Basin Commission (SRBC) wants existing wells to be permitted; this is a complicated process. The Borough wells were grandfathered in, but because of the name change to the Authority, they are no longer grandfathered.

A discussion ensued on the Right-of-Ways. The President of East Berlin Borough Council, David Richards did sign the Right-of-way for the Borough. (Solicitor has the original copy.) No one else has signed their Right-of-Way. There was a discussion on the Leon Smith property.

Charles Eisenhart and John Lerew reported on the work group meeting between the Authority and the Borough. They feel they are getting some things accomplished.

Chairman Gerald L. Mummert requested the employees fill out Work Orders when they go out to fix water leaks and do other jobs for the water or sewer departments. He wants things documented so as to keep track of the water authority expenses.

Chairman Mummert reported that Plant Manager T. Michael Thoman received a renewal on his license which is good until 3/31/2011. Leroy Byers received his water and sewer licenses renewal, his water license is good until 2011, and sewer license is good until 2010. Also T. Michael Thoman, Michael Wallen, Nathan Boyer completed a course on Cross Connection Control Workshop.

Cain Rosenberry paid \$2500 to be hooked up to the sewer.

Having nothing else to discuss the meeting adjourned at 9 PM.

Respectfully submitted

Hannelore B. Furst

Hannelore B. Furst,
Secretary of EBAJA



April 3, 2008

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East Berlin Area Joint Authority
C/O Mr. T. Michael Thoman
128 Water Street
East Berlin, PA 17316

Reference: **Proposal Amendment 2: Construction Phase Services**
Sewage Facilities Improvements
BH Proposal No. 20358

York, PA
Coatesville, PA
Harrisburg, PA
Hershey, PA
King of Prussia, PA
New Cumberland, PA
Pittsburgh, PA
State College, PA
Stroudsburg, PA
Baltimore, MD
Marlton, NJ
Charleston, WV
Morgantown, WV
Memphis, TN
Nashville, TN
Baton Rouge, LA
Batesville, MS
Pensacola, FL
Frankfurt/Main, Germany
Kaiserslautern, Germany

Dear Mike:

Buchart Horn, Inc. (BH) is pleased to provide this amendment to our April 13, 2007 agreement to provide engineering services related to construction phase of the Wastewater Treatment Plant (WWTP) and Collection System Expansion projects. The proposed amendment to the scope is described in Attachment No. 1. A fourteen (14) month construction period is contemplated in the budgets established herein for both the WWTP and collection system projects, with notice to proceed expected around August 2008.

Compensation for BH services will be in accordance with Section 2.D of our Agreement. In exchange for the added services under scope item III.A (Construction Administration), the Authority will pay the Engineer a lump sum amount of Two Hundred and Ninety Thousand Dollars (\$290,000.00).

For the added services under scope item III.B (Resident Representative), the Authority will pay the Engineer \$75/hour for the Collection System representative and \$85/hour for the WWTP representative. The estimated fee for the Resident Representative services for the WWTP and Water Street Interceptor is Two Hundred and Thirty-Two Thousand Dollars (\$232,000.00). The estimate fee for the Resident Representative services for the Northwest Trunk Sewer is an additional Sixty-Eight Thousand Dollars (\$68,000.00). The estimated fee will not be exceeded without authorization by the Authority.

If the terms and conditions herein are acceptable, please sign below to authorize this assignment and return the original to our office. A duplicate copy has been provided for your records.

