

EAST BERLIN AREA JOINT AUTHORITY  
224 EAST KING ST.  
EAST BERLIN, PA 17316

February 4, 2010

The monthly meeting of the East Berlin Area Joint Authority was held on February 4, 2010; at 224 East King Street, East Berlin, PA 17316. The meeting opened with the Pledge of Allegiance at 7 PM.

**Members Present:** Chairman Gerald L. Mummert; Charles Krall; John O'Brien; and David Richards.

**Members Absent:** Robert Clayton

**Also Present:** Secretary, Hannelore Furst; Treasurer, Charles Eisenhart; Solicitor Matthew Battersby; Bruce Hulshizer of Buchart-Horn; Mike Wallen; and David Woodward.

Chairman Mummert welcomed Charles Krall who was appointed to the Authority Board. He also relayed a thank you from Mike Thoman for the sympathy card he received on the death of his brother.

**Minutes:**

*John O'Brien made the motion to accept and approve the minutes of January 7, 2010 as written with no corrections, with a second by David Richards. **Motion carried** with no dissenting votes.*

**Payment of Bills:**

Chairman Mummert explained the bills for January. All members received a copy of the bills and receipts for January. *John O'Brien made the motion to accept of the bills for January 2010, with a second by Charles Krall.* There was a discussion on the transfer of \$26,840.00 of the capital expense to the Water & Sewer Project Fund, and how disbursements are shown in the bills report. Charles Eisenhart stated he would check with the Auditors if there is a way to change this. He also stated that starting with the next utility billing period all the capital expense amount would be transferred to the ACNB W/S Project Fund. **Motion carried** with no dissenting votes.

**Engineer's Report:**

Bruce Hulshizer reported on the construction of the collection system. The concrete has been poured. Excavation has started for where the digester tanks will be; an evaluation on the sub base was done on the area and it decided to put an additional 6 inches of sub base.

He also reported on the DEP ground water rule which is being implemented. He stated Wells #2 & #4 do not have sufficient contact time. This is going to require some construction; bigger pipes, more tanks. It was questioned about Mr. G.E. Mummert, he was grandfathered in to receive water even though he is outside the Borough service area; if he was removed from the system; would this change the retention time, and Bruce stated probably, but they would have to reevaluate. He stated there would have to be automatic chlorine analyzers installed at the well houses. We would three(3) analyzers even though there are four(4) wells, because there are only three(3) entry points, since well one (1) and two(2) merge together. The estimate for one (1) analyzer is \$3,000 for the equipment; then you would have the installation cost. Bruce further stated that by October 1<sup>st</sup> the Authority will have to report to DEP that they have met the ground water rule. Bruce mentioned he could prepare a proposal and cost estimate and report back to the Authority; this way he could look at a couple of alternatives. He also brought along a concept design proposal. Chairman Mummert read the Scope of Services which includes the following:

- (1) Prepare calculations for concept layout to provide required contact time at wells 2 and 4;
- (2) Prepare concept layout for installation for automatic chlorine analyzer at wells 2, 4, and 5;
- (3) Perform site visit with authority staff to review concept layout;
- (4) Revise concept layout as required and prepare basic sketch;
- (5) Prepare cost estimate for improvements; and
- (6) Prepare letter report summarizing findings.

The estimated cost for the additional service is \$5,700, and does not include preparing contract drawings or specifications for improvements to the facilities. Chairman Mummert entertained a motion to accept the proposal. *David Richards made the motion to accept Buchart-Horn's proposal with a second by John O'Brien.* **Motion carried with all voting in favor.**

The H2O grant request money is expected next week.

#### Solicitor's Report:

Solicitor Battersby requested an Executive Session following this meeting.

Solicitor Battersby reported he and Mike Thoman took a tour of Conewago Park (approx 30 homes) and Laughman's Bottom (approx 52 home) area, so he can get a better idea of what he would be discussing with Reading Township. He also reported he has been in contact from Reading Township solicitor and Reading Township. Reading Twp. wants the Authority to take control of the sewer services and the billing for Conewago Park area only; but not the Laughman's Bottom area. Solicitor Battersby suggested it should be a package deal, all or none. There was discussion about the Laughman's Bottom area having the same constraints from DEP as Conewago Park area. Solicitor Battersby expressed his thoughts on having connection problems should the Authority take complete control of the water and sewer for Conewago Park area. It was decided the Authority doesn't want to own the lines or do the billing because if the residents don't pay their bill and there is no water to shut off; then bills will not get paid. Reading Twp. would have a portal to hook into the sewer system. Solicitor Battersby stated Conewago Park area is settled as far as connecting to the Authority sewer lines, and suggested to get an agreement with Reading Twp. on this as soon as possible.

Solicitor Battersby also reported he has been contacted by Andy Miller, the solicitor for CW Test concerning the water for Buttercup Farms in Hamilton Township. CW Test has been in consultation with York Water Co. about servicing the Buttercup Farms development. He mentioned that the Authority has filed with PUC for that water. Mr. Richards stated that the PUC may allow CW Test to utilize York Water Co because this whole area has a ground water shortage. Chairman Mummert stated that there was a surplus of water at the wells that were drilled on the Buttercup Farms development. When Hamilton Twp stated they didn't want to do the billing for the new homes and wanted the Authority to handle their sludge, this initiated the agreement for both the water and sewage. At the present time there is no agreement anymore. Bruce Hulshizer was questioned if the permits for the two (2) wells on the Buttercup Farms property had expired. He wasn't sure but he would check the expiration dates of the permits.

Solicitor Battersby mentioned that the lease of the Authority office is still on a month to month lease. He has not received a written lease from Brian Tucker.

#### Treasurer's Report:

Charles Eisenhart reported that the capital expense of the sewer bills in the amount of \$26,840 was depositing it into the ACNB Water/Sewer Project Fund for the interest payments on the Pennvest loan; this is to accumulate money for the repayment of the loan debt.

Mr. Eisenhart reported on the meeting and demonstration that he and the secretary had with the representative from Municipay; which is a program about accepting credit card payments for utility bills. There was a discussion about implementing the MuniPay program. It suggested inviting the representative of MuniPay to the next meeting.

Mr. Eisenhart also reported there was a second request for the grant money. Charles Eisenhart entertained a motion to pay Johnston Construction if the grant money isn't received soon. *David Richards made the motion to pay Johnston Construction Co. the \$13,000 from the ACNB W/S Project Fund that is owed to them if the grant money isn't received by Wednesday, February 10th, with a second by John O'Brien.* **Motion carried with no dissenting votes.**

#### New Business:

Chairman Mummert reported on the sewer plant inspection on January 12, 2010 by DEP, there were no violations. Bruce reported that DEP also did a site inspection of the construction work on January 7, 2010.

Chairman Mummert mentioned the recognition letter to Mike Wallen for receiving his Wastewater license, and the Board approved increase to his wages of \$5,000 which was effective the 1<sup>st</sup> of this year. Mike Wallen thanked the Board.

Chairman Mummert stated a fax was received from David Richards concerning the storm water pipes location at the Borough hall. Mr. Richards was requesting any information or drawings on the location of the pipes. Mr. Richards replied there was no definitive point to see where the storm sewer connects from its entrance of the swale going under the Borough hall. Mr. Richards was concerned about the depth of the storm sewer pipes and if it would interfere with the new sewer plant pipes. He suggested the Borough may wait until the sewer plant construction is finished to replace the storm sewer lines. He stated their problem right now is that the Borough doesn't have any diagrams of where the current lines are, and he thought the Authority may have taken the diagrams, in their move from the Borough office. He did state that he received back a building plan of the municipal building which contained the presumed location of the storm sewer that went underneath the building. Bruce Hulshizer questioned why it was critical to know where that pipes is located. David Richards explained the route he thought the connection was in front of the garage, what the depth of the pipe should be, and if it angles to the east side of Water Street and crosses over the sanitary sewer lines. Bruce explained the existing pipe crosses the new sanitary sewer and the new pipe crosses the new sanitary sewer. Bruce's concern was the contractor is going to be repaving the road, and then the Borough would do their work on the storm lines and rip up the new paving. Charles Krall suggested the Borough contact a utility locator to locate the lines. Mr. Richard's asked if the Authority has any storm sewer diagrams. He then stated the Borough doesn't have any storm sewer system diagrams; and he was told there were no plans.

Chairman Mummert reported a new printer was bought for the daily reports the guys have to do; at a cost of approximately \$70.

#### Old Business:

Chairman Mummert reported about the safety issue brought up at last month's meeting concerning the shoring of the ground at the leak near L & L Ford. Mike Wallen checked on some products and they have bought the material for future leaks.

In other business, Chairman Mummert asked David Richards about any updates on the Borough Code-Chapter 31 Excavating of Streets. Mr. Richards reported the Borough would be adopting the ordinance at their March meeting.

David Richards reported on the Water Resources Advisory Committee (WRAC) survey. He stated the survey was for usable wells to measure the level of the ground water. The committee is searching for capped wells they can monitor. He stated he told them about the 3 wells in East Berlin.

David Richards questioned the office hour's schedule that Chairman Mummert implemented. He was told there are certain times the office is not accepting payments, because there is only one person. He compared the circumstances to the Borough as only having one person there and was told the Authority handles a lot more money than the Borough, and he agreed.

There was a discussion to start a Petty Cash fund. *David Richards made a motion for \$100 to start the Petty Cash fund; with a second by Charles Krall. Motion carried* with all voting in favor.

#### Correspondence:

Chairman Mummert received a registered letter dated January 21, 2010 and received January 26, 2010, from David Richards, Borough Council President concerning not receiving any written acknowledgement of his correspondence. Chairman Mummert stated all of Mr. Richards's concerns were answered in the course of the Authority meetings, and there was no need to write letters. Solicitor Battersby has continually mentioned at the meetings that he has been looking for the agreement from the Borough Solicitor Tim Shultis, and has not received it yet. Solicitor Battersby asked Mr. Richards to request Mr. Shultis to expedite an agreement to the Authority. Mr. Richards stated this is a separate issue from the letters. He continued to go thru the issues he perceived as the Authority's wrong doing. Mr. Richards stated the absences of the answers to his letter will necessitate the

Borough suing for money. Mr. Richards also stated that his correspondence was never circulated, because he didn't receive them from the Authority. ~~Mr. Mummert stated it was in the minutes he received them but did not have an opportunity to review them.~~

Chairman Mummert proceeded to answer Mr. Richards's letter. The June 3, 2009 letter concerning the construction permits, SALDO, zoning and county requirements, Mr. Mummert reported he has an East Berlin Borough building permit which was a renewal permit(2-08) signed by David Richards, a county building permit(08-666), and other paperwork which is displayed in the construction trailer. Mr. Richards stated he didn't remember signing that permit.

The February 10, 2009 letter was concerning the Act 537 file. Mr. Richards stated what was returned was unacceptable, he stated he has a picture of the Act 537 file and the file was considerably thicker than what was returned. It was mentioned there were more people in that office than Authority personnel. Solicitor Battersby asked Mr. Richards what is his concern; because the official document is lodged at DEP in Harrisburg, and we had a copy which was returned to the Borough. Mr. Richards stated that he was told that when the agreement is finalized all the information would be available, and the Borough doesn't have anything. Solicitor Battersby explained to Mr. Richards that some of the documents that were in that file could have been old 537 plans and engineering paperwork because they were the engineers working on the Act 537 plan. Mr. Richards is looking for the background that led to the Act 537 Plan. He was told he has access to the Authority files. He further stated the letter was written as a member of the council.

Solicitor Battersby explained the problems with the previous insurance carrier and it was a nightmare for both the Authority and the Borough. Chairman Mummert continued with the March 4, 2009 letter, concerning insurance costs. Mr. Richards noted a separate liability policy was obtained by the Authority in 2008, and he thought it was paid for with a refund due the Borough. Mr. Mummert stated he spoke with an insurance agent and was told any refund would have been given to the original policy holder. Mr. Richards disagreed and was given copies of paid insurance bills.

Chairman Mummert reminded Mr. Richards that he <sup>4/26</sup> have told him before that if he has questions he doesn't have to write letters, he can call or come into the office and talk; he doesn't need to send letters with innuendo's that make the Authority sound like a bunch of crooks. Mr. Richards stated that the reason he sends letters is to get official comments either way.

The September 16, 2009 letter was concerning the personnel files of the previous employees; these files were returned this week.

Mr. Richards's letter of June 3, 2009 concerning the auditing of accounts because of the separation of the Borough and Authority stated he wanted reimbursement for accounting errors. Mr. Richards stated the accountants relayed the water and sewer accounts were out of balance. Solicitor Battersby stated that for many years the accounts were not separate because it was only one entity and that doesn't mean anything was wrong. Mr. Richards stated the errors were created by the separation of the Borough and the Authority. Solicitor Battersby stated that doesn't mean any money is missing. Mr. Richards agreed there was no money missing, but he questioned who pays for the cost of correcting errors. It was explained, one auditor would tell you how a certain entry should be made; then a different auditor would do the quarterly audit and want it done a different way. The quarterly audits were done because of the auditor's recommendation; so there wouldn't be a lot of corrections to do at the end of the year. Solicitor Battersby stated there was change in personnel, and different people had access the accounts. The borough manager was fired and Mr. Richards agreed, but then revoked that statement and stated the borough manager wasn't fired; he was left go because of finances.

Solicitor Battersby reiterated that Mr. Shultis should get the agreement to him. Mr. Richards stated he has the agreement and was waiting for the responses to his letters to finish up the agreement. Charles Krall asked how we can sensibly resolve these issues. Mr. Richards stated if he goes through and looks at the different things and is satisfied with it that basically ends it. Chairman Mummert requested from Mr. Richards documentation from the Borough auditor in writing of what the Authorities mistakes were; so we can share with our auditors. Chairman Mummert stated our audit for 2009 was fine. Chairman Mummert informed Mr. Richards that he does have a file with Mr. Richards' letters. Mr. Richards stated he cannot act as Borough President and come and do both sides, which was why Mr. Mummert received the letter. It was mentioned that was why Mr. Richards should be on the board at all; and Mr. Richards stated that was a good point. Mr. Richards stated he has never

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sent a letter the council hasn't seen first. Discussion continued concerning the auditors and it was stated the Stambaugh-Ness was the auditing firm of the Borough and Smith Elliott Kearns was the auditing firm of the Authority for 2008 audit. Mr. Richards brought up the transfer of the money of the capital reserve funds. He was told the money was in a capital reserve account but was split into separate accounts on paper: such as general capital reserve account, water capital reserve account, and sewer capital reserve account, with the split of the Borough and the Authority this was in the Agreement under Accounts and Funds to be transferred to the Authority. Mr. Richards was told the Borough has the computer which has all the Authority information on it, and he has access to it and should be able to locate any of the bills the Authority paid in 2008, the Authority did not erase their information when they left.

Solicitor Battersby stated this information is moot, it may not have been given in a timely fashion, but it is moot now. John O'Brien stated Mr. Richards has not given the Authority the agreement in a timely manner either, and pointing the finger is not the best thing to do.

Public Comment: None

The public meeting adjourned at 9:00 PM to have an Executive meeting for legal matters. The public meeting reopened at 9:25 PM, the solicitor will be working with the engineer to draft documentation concerning any connections for Reading Township.

The next scheduled meeting is March 4, 2010 at 7 PM.

Having no further business to discuss; *the motion was made by John O'Brien to adjourn, with a second by Charles Krall. Motion carried.* The meeting adjourned at 9:30 PM.

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Gerald L. Mummert, Chairman  
East Berlin Area joint Authority

ATTEST:

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Hannelore B. Furst, Secretary  
East Berlin Area Joint Authority