

EAST BERLIN AREA JOINT AUTHORITY
103 LOCUST STREET, PO BOX 37
EAST BERLIN, PA 17316
June 2, 2011

The monthly meeting of the East Berlin Area Joint Authority was held on June 2, 2011 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: Chairman Gerald L. Mummert; John O'Brien; Robert Clayton; David Richards; and Charles Krall.
Also Present: Secretary, Hannelore Furst; Treasurer, Charles Eisenhart; Solicitor Matthew Battersby; Bruce Hulshizer of Buchart-Horn; John Scrivens; Nathan Boyer; and Craig Pastowski, reporter for the Evening Sun.

Minutes: *A motion was made by John O'Brien to accept the minutes of May 2, 2011 as written, with a second by Charles Krall. David Richards proposed adding after the first sentence of the second paragraph of the Treasurer's Report: The Resolutions change the due date of water and sewer rents from fifteen working days to thirty calendar days. Robert Clayton made the motion to accept this change with a second by David Richards. There was a roll call vote on this change: R. Clayton-Yes; C. Krall-No; D. Richards-Yes; J. O'Brien-No; and Chairman Mummert-No. Tally: 3-No's and 2 Yes's. Motion Failed.*

David Richards also propose to add to the minutes near the end of the last page concerning the personnel manual: *Among other changes, the Personnel Policy was amended to indicate vacation hours cannot be carried over from one year to the next; that employees will receive six personal days per year; and that the Authority does not have paid sick time. Robert Clayton made the motion to accept this change with a second by David Richards. There was a roll call vote on this change: R. Clayton-Yes; C. Krall-No; D. Richards-Yes; J. O'Brien-No; and Chairman Mummert-No. Tally: 3-No's and 2 Yes's. Motion Failed.*

Charles Krall called for the question to accept the May 2, 2011 minutes: By roll call vote- R. Clayton-Yes; C. Krall-Yes; D. Richards-Yes; J. O'Brien-Yes; and Chairman Mummert-Yes. Tally: 5 Yes's and 0-No's. **Motion Carried.**

Payment of Bills: All members received a copy of the bills and receipts for May which totaled \$241,275.37, from all funds, which included E.K. Services invoice for the Groundwater Rule and Exeter Supply Company for the new water meters. *Robert Clayton moved to pay the bills for May; with a second by Charles Krall. Motion carried.*

Engineer's Report: Bruce Hulshizer of Buchart-Horn reported the treatment plant work is wrapping up and they are going over the item on the punch list. Buchart-Horn is putting together the record drawings (As Built) on CAD files. EK Services plan to do the paving next week. Bruce presented change order #1 for EK Services for a total increase change of \$19,327.76. This is for ten (10) items: fire hydrant; reducers; additional valves; curb stops; new water service; movement of hydrant at well 4 added additional mains; piping and replacing a main at well 2; additional pipe restraint. The original price was \$187,440.00 with the increase of \$19,327.76 brings the total to \$206,767.76. *A motion was made by David Richards to accept Change Order #1 for an increase of \$19,327.76; with a second by Robert Clayton. Motion carried.*

Bruce also mentioned about the SOC waiver. He discussed the sampling of the wells, and the documentation of the surrounding farm areas for dioxins. He estimated the cost at \$250 per well for the 4 wells to be \$1,000 per quarter to test for the dioxins. Bruce estimated the cost for Buchart-Horn to do the waiver for the testing to be \$5,000. The Authority would be contacting the farmers and collecting the information concerning what is used on their fields. *A motion was made by Charles Krall to approve Buchart-Horn to prepare the SOC waivers to submit to DEP up to a total of \$6,000; with a second by John O'Brien. Motion carried.*

Bruce Hulshizer reported on Gregory Contractors seeding of the yards where they ran the sewer lines. A letter of complaint was received from Dale & Edna Kennedy concerning their property seeding of the lawn. It was suggested to hold money in escrow for the correction of this problem. There was a discussion to pay Gregory Contractor and get another landscaper in to correct the landscaping. *A motion was made by Charles Krall to pay Gregory Contractors in full, with a pro viso that the money would be held in a third party escrow account with the amount to be determined by the*

engineer and held by the solicitor or secured by a irrevocable letter of credit at a local lending institution; with a second by John O'Brien. David Richards expressed his concerns that there would be no improvement until September and there would be more complaints. **Motion carried.** Bruce Hulshizer will get the details, and Solicitor Battersby will write the agreement.

Solicitor's Report: Solicitor Battersby reported he sent the agreement to Reading Twp Municipal Authority's solicitor, Sharon Myers, and has heard nothing in return. He has received correspondence from a law firm of Powell, Trachtman, Logan, Carrle & Lombardo concerning the PA Steel Products Procurement Act/ARRA requirements and the unsuccessful bidding is requesting specification of the steel that was used on the sewer plant project. Bruce will provide Solicitor Battersby with proof that the steel was produced in USA.

David Richards questioned Exhibit A of the Agreement with Reading Twp., concerning the 300 gallons. He also questioned the kind of meters Reading Twp. would be using and the transmitting of the information

Treasurer's Report: Charles Eisenhart reported seven accounts were sent to the District Justice and all have been satisfied and he sent out 42 past due letters. Charles Eisenhart read the letter from the State that denied the Authority the second H2O grant.

He presented a draft service agreement for testing of the water meters, to the Board for them to make changes. There was discussion on what should be on the service agreement and what can be deleted. The agreement was titled: Service Agreement Pertaining to the Testing of Water Meters. The Board eliminated the one signature area and left in the Schedule #1 information. *A motion was made by Robert Clayton to adopt the Service Agreement as amended, with a second by Charles Krall.* **Motion carried.**

New Business:

Nathan Boyer reported all the fire hydrants on West king Street have been tested. John Scrivens reported on the problems at the sewer plant. The transformer is blowing fuses and the equipment is tripping out, and Nathan and Ryan had to go in every three hours to manually open and close valves. The electrical problem has to do with the voltage. The sewer plant is supposed to be supplied with 480 volt but it is only getting 460 volts. Also, the air conditioning unit has been fixed.

David Richards had three items to discuss: The current financial status of the Authority, the use of fixed charges for capital expense, and amending the budget. He suggested amending the budget because of the rate increases and the high electrical charges for the sewer plant.

David Richards made a motion that the Authority adopt 2011 budget as adjusted to reflect increase revenue that was presented by email on April 3, 2011. His calculations came from the 2010 estimated budget. Mr. Richards withdrew his motion. Mr. Eisenhart reported the auditors did not request that the budget be changed. He stated the auditors read our minutes to see if there are any significant items that need to be addressed.

The consensus was to have an updated budget to reflect the rate increases in the income level for the July meeting. *David Richards then made the motion to have a revised budget for the July meeting with a second by Robert Clayton.* There was discussion and Chairman Mummert mentioned to Mr. Richards there was no need for derogatory comments about the Treasurer. **Motion carried** by unanimous vote.

David Richards made a motion that the treasurer presents a quarterly statement of revenue and expense for each quarter; with a second by Robert Clayton. There was a roll call vote: R. Clayton-Yes; C. Krall-No; D. Richards-Yes; J. O'Brien-No; and Chairman Mummert-No. Tally: 3-No's and 2 Yes's. **Motion Failed.**

David Richards made a motion that statement of revenue and expense be presented twice a year, midyear and end of year; with a second by Robert Clayton. There was a roll call vote: R. Clayton-Yes; C. Krall-Yes; D. Richards-Yes; J. O'Brien-Yes; and Chairman Mummert-Yes. Tally: 5 Yes's. **Motion carried.**

David Richards presented a Policy on Emergency Payments of Invoices or Emergency Approval of Other Contractual Events. Decisions involving expenditure of \$500 or less the Chairman or Vice Chairman has the authority to spend; and to be recorded at the next meeting. Decisions involving expenditure of over \$500 the Chairman or Vice Chairman is to contact each member concerning this expenditure and any alternatives. Each member shall vote to approve or disapprove; and to be explained and recorded at the next meeting. There was a discussed on an expense that was not approved or recorded in the minutes 2 or 3 years ago, concerning the cutting down of trees at the pump house and Mr. Richards didn't want this to happen again. Charles Krall made note that he is tired of Mr. Richards's personal

attacks, and he has had his fill of it. *A motion was made by David Richards to accept this policy with a second by Robert Clayton.* By roll call vote- R. Clayton-Yes; C. Krall-Yes; D. Richards-Yes; J. O'Brien-Yes; and Chairman Mummert-Yes.

Tally: 5 Yes's and 0-No's. **Motion Carried.**

Robert Clayton stated he has had inquiries about digital audio recording of the minutes and placing them in a permanent file. He compared the Borough to the Authority. Solicitor Battersby stated the accuracy is judged at each meeting and the members vote on them. The secretary read from the PA state Manual for Municipal Secretaries concerning tape recordings. The excerpt stated that tape recordings do not have any legal status as public records and are often kept only for a short period of time. The official record of the transactions of the governing body at a meeting is the written minutes. Mr. Richards presented a Policy on Taking of the Minutes. Charles Krall stated there is no public demand for our minutes, if there were they would be coming to the meeting. Charles Krall explained that the copies of other municipality's minutes range from a half a page to a page; we do not need to put everything in the minutes. Mr. Richards made the motion the Authority digitally record every meeting for posterity, for an approximately \$183; with a second by Robert Clayton. There was a roll call vote: R. Clayton-Yes; C. Krall-No; D. Richards-Yes; J. O'Brien-No; and Chairman Mummert-No. Tally: 3-No's and 2 Yes's. **Motion Failed.**

Old Business:

David Richards moved to strike the last sentence of the Treasurer's Report of April 7, 2011, and replace it with the following: *Mr. Eisenhart proposed the Authority adopt, by Resolution, minor changes to Section 3A, of Ordinance 2-2010 and 3-2010, titled Collection of Wastewater or Water Rents, respectively. These were last amended by Resolution 2010-4 and 5. After discussion, it was decided to change the due date of water and sewer rents from fifteen working days to thirty calendar days to reduce confusion and match neighboring communities. The Resolutions would be resubmitted at the next meeting. Robert Clayton second the motion to amend the minutes of April 7, 2011.* By roll call vote- R. Clayton-Yes; C. Krall-Yes; D. Richards-Yes; J. O'Brien-No; and Chairman Mummert-Yes. Tally: 4 Yes's and 1 No. **Motion Carried.**

Correspondence:

- Dale Kennedy's letter concerning his dissatisfaction of the seeding of the lawn.
- David Richards email concerning items for Thursday meeting, it was expounded on taken care of.

The secretary mentioned she checked on the pricing for uniform T-Shirts in safety green and gave pricing.

Public Comment: None, no public present.

The regular meeting closed at 8:57 PM for an executive session, concerning the personnel policy. The executive session closed at 9:20 PM.

The personnel policy was changed to read under Compensation 1A.2 Hourly Part time: Those employees who are scheduled to work up to 32 hours per week. *A motion was made by Robert Clayton to accept the Personnel Policy as amended with a second by Charles Krall.* **Motion carried.**

There being no further business, *Robert Clayton made a motion to adjourn the meeting; with a second by David Richards.* Meeting adjourned at 9:22 PM. **Motion carried.**

Respectfully submitted,

Hannelore B. Furst,
Secretary EBAJA