

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

Special Meeting

December 20, 2007

The special meeting of the East Berlin Area Joint Authority was held December 20, 2007 at 7 PM. The meeting was held at the East Berlin Borough Office, 128 Water Street, East Berlin, PA. The meeting opened with the Pledge of the Allegiance.

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

Members Absent: None

Also Present: Solicitor Matthew Battersby, Solicitor Erik Hume, Bruce Hulshizer of Buchart-Horn, Inc., Borough Manager, T. Michael Thoman, and Authority Secretary, Hannelore B. Furst.

Public Comment Period: None; Nobody in attendance.

Chairman Gerald L. Mummert stated the reason for the meeting was to pass a resolution to transfer sewer and water assets and the real property from the Borough to the East Berlin Area Joint Authority. The meeting was advertised. A copy of proof of publication is a part hereof. The meeting was then turned over to Solicitor Erik Hume.

Solicitor Hume drafted Resolution #2007-9. Mr. Hume stated that basically this resolution is similar to one the Borough Council adopted last week at their special meeting. He then read the title of Resolution 2007-9, and continued to highlight the important parts of the resolution. Solicitor Hume stated there is an important provision of the resolution, concerning the debt service loan, he wanted to point out. The Authority will be making certain Debt Service payments to the Borough. He continued to explain; the Borough has an outstanding loan that was originally \$850,000.00; that will be paid off in 2013. The Borough makes 2 payments a year of approximately \$41,000.00 each; 80% of that payment in the past was paid through water and sewer revenues. So with the water and sewer revenues going to the Authority the Borough has no way to pay this debt.

Erik stated what this means is that until this debt is paid off, the Authority is going to pay the 80%. If the Borough decides to refinance or change the terms of the debt service loan; then the Authority is no longer obligated to make the 80% payment.

Solicitor Hume continued explaining the Agreements that are part of the resolution. There is a Lease Agreement, concerning the property; a Joint Equipment Agreement, 40% Borough and 60% Authority; several Bills of Sale; an Assignment, Dedication, and Service Agreement; a Leased Employee Agreement; and a Ground Lease Agreement. A copy of all agreements are made a part hereof.

A discussion continued on the concerns of the sharing of equipment. The Borough will be responsible for 40% and the Authority (which is the water and sewer) is responsible for 60%. This was how things had been divided out for many years. (General 40%, Water 30%, Sewer 30%)

The Authority then went over the resolution and had some changes that needed to be made to the resolution. Some wording that was changed was the word Council was changed to Board and the word President was changed to Chairman.

Engineer Bruce Hulshizer of Buchart-Horn, Inc. had some items that he wanted to discuss about the assignment of the permits that needs changed to the Authority; such as Susquehanna River Basin Commission (SRBC) report and the DEP Chapter 94 report. He also mentioned when the Act

537 plan was sent in; it was stated the authority would be up and running by the end of the 2007 year.

*Chairman Gerald L. Mummert entertained a motion to adopt **Resolution # 2007-9**. The motion was made by John O'Brien and seconded by Gregory Green. The motion was passed by unanimous vote. The resolution and all agreements pertaining to it were signed and the originals were given to Solicitor Battersby.*

The re-organizational meeting is scheduled for Tuesday, January 8, 2008; with all other meetings scheduled for the first Thursday of each month.

Having nothing further to discuss the meeting was adjourned at 7:25 PM, to meet again on January 8, 2007; at the East Berlin Borough Hall, 128 Water Street, East Berlin, PA.

Respectfully Submitted,
Hannelore B. Furst
East Berlin Area Joint Authority Secretary