

EAST BERLIN AREA JOINT AUTHORITY
128 Water Street
East Berlin, PA 17316

December 4, 2008

The monthly meeting of the East Berlin Area Joint Authority was held on December 4, 2008 at the East Berlin Hall. The meeting was opened with the Pledge of Allegiance at 7:00 PM.

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

Also Present: Bruce Hulshizer of Buchart-Horn; T. Michael Thoman, Plant Manager; Andrew Miller; David Richards; Michael Wallen, Jr.; Nathan Boyer and Hannelore Furst, Secretary.

*John O'Brien made the motion to accept the minutes of November 6, 2008. John Lerew seconded the motion; **Motion Carried with all voting in favor of.***

*Gregory Green made the motion to pay the bills in the amount of \$20,136.72 for the end of November. Charles Eisenhart seconded the motion; **Motion Carried with all voting in favor of.***

*John O'Brien made the motion to pay the bills in the amount of \$3,444.30 for the beginning of December. Gregory Green seconded the motion; **Motion Carried with all voting in favor of.***

*Charles Eisenhart made the motion to pay the bills for the end of the 2008 year. Gregory Green seconded the motion; **Motion Carried with all voting in favor of.***

Andy Miller spoke on behalf of his client, CW Test; and was requesting the escrow money that was held to be released back to CW Test, less the amount that is owed to the Authority. The original amount plus interest was \$63,555.96, less the \$30,744.45; the amount that would be released is \$32,811.51.

*A motion was made by Charles Eisenhart to release the escrow money in the amount of \$32,811.51; John O'Brien seconded the motion. **Motion carried by unanimous vote.** CW Test could expect their check by the beginning of next week.*

Public Comment Period:

David Richards addressed the Authority with regards to the rental of the Borough Hall, the garage and the sharing of the employees.

Solicitor Battersby informed Mr. Richards and the Authority that he spoke with the Borough Solicitor Tim Shultis. The Authority has offered employment to the 4 employees (Hannelore Furst, Michael Wallen, Jr., Nathan Boyer, and Crystal Topper) who are all interested in working for the Authority. It was suggested there should be a written confirmation of their intentions by Monday, December 15, 2008. As far as the Office Lease Agreement, which includes the clerical area, the conference room, and the garage; Solicitor Battersby stated to his understanding the Borough is not happy with the \$100 a year rental figure. The Authority has not seen the letter of November 5th from David Richards; they just received it today. Solicitor Battersby thought according to the letter the Borough feels this is not a fair compensation to cover the Authority's share of the bills. Solicitor Battersby stated he asked Solicitor Shultis to give the Authority a dollar figure they felt was fair, but they have not come up with one, and Borough Council is not happy with the current financial arrangement. He continued that leaves the Authority to decide whether they plan to stay at the Borough

building or look for another place to rent. There is a potential space available, but the Authority board would have to meet and look at the space and then make a decision.

Mr. Richards stated the Council wasn't asked to make the determination of the expenses, but they could make an estimate. Solicitor Battersby asked Mr. Richards how quickly that could be done, and he replied that he could have an estimate by Monday, December 8, 2008.

Also discussed, were the Authority to find new quarters; what would they take besides the computer? It was stated that most of the tools and parts belong to water and sewer, along with the water and sewer files. Charles Eisenhart stated the one computer was bought exclusively for the water and sewer billing, and that would be the only one they would want.

Hanna Furst asked Mr. Richards about when the employees were suppose to be getting the written notices if they were suppose to respond by December 15th. Mr. Richards stated that they wouldn't have known until this meeting whether or not there would be an offer. His belief was that they should give the employees a certain amount of time to make a decision and their decision should be in writing by December 15, 2008. He also stated you are still borough employees until you receive an offer from the Authority, then if you do get an offer and accept it; then the Borough would need to know.

Mike Thoman stated he was told the Borough Manager already told some employees they won't have jobs. At first it was stated that by November 1st they wouldn't have jobs, and then it was changed to the end of the year. Charles Eisenhart stated the Borough Council was going to wait to meet with the employees because it depended on what the Authority decided on tonight. Matt Battersby stated the Authority has made the offer to the employees and to his knowledge they have accepted the employment offer. The Authority is just waiting on the formal communication from each employee.

The payroll was discussed and the final Borough pay period would end on Dec 31, 2008 with the final check dated January 2, 2009. Solicitor Battersby brought up about the accrued vacation and sick days, and if they would be bought out. Mr. Richards stated they would be paid.

Michael Wallen, Jr. asked Mr. Richards about the Borough's budget only having \$28, 000.00 for the salary of the staff and he has concerns about the pay for the employees if they elected to work for the Borough and he doesn't think the amount will cover their pay. Mike stated that right now the pay is split 40% general fund and 60% from the water and sewer fund, if they work for the Borough then their pay would all come from the general fund (100%) and is there enough money in the budget for the pay. Mr. Richards replied there is money in the budget for that.

Charles Eisenhart reported the pension could transfer from the Borough to the Authority. The Authority would have to join Pennsylvania Municipal Retirement System (PMRS). Also mentioned was the Borough would like to have a meeting to decide about the transfer of equipment. It was suggested to make up a list of equipment that should transfer from the Borough to the Authority.

It was suggested to have a special meeting for the adoption of the 2009 Final Budget and finalize the lease issues between the Borough and the Authority.

Engineer's Report:

Bruce Hulshizer reported he received the DEP permits for the water facility at the Buttercup Farm Development.

He also reported Penndot has given us the notice to proceed with the moving of the fire hydrant and service lines for the construction of the Route 234 Bridge with 50/50 shared payment. The contractor will submit a schedule.

Bruce also stated DEP suggested a meeting with Reading Township and the Authority; there are two possible dates for the meeting but December 23, 2008 was the date that suited most members' schedule. It was suggested to invite Representative Tallman, and Skip Strayer from Senator Alloway's office to this meeting. The grant money would be distributed through PENNVEST.

Solicitor's Report:

Solicitor Battersby reported the Authority has already heard from Andrew Miller. He also reported the forms for the grant money have been printed and are available, and we should be the first in the line to get some of the money. Solicitor Battersby also suggested the Authority check out the physical layout of the building for the potential rental.

Plant Manager's Report:

Mike Thoman reported he received information on an identity theft program and that we should be in compliance by May 1, 2009. Matt Battersby said he would contact someone to find out if the Authority would fall under this program. There was also a handout of the possible dates for meetings in 2009. All dates were listed as the 1st Thursday of the month, except January 1, 2009 will be changed to January 8, 2009.

*A motion was made by Gregory Green and seconded by Charles Eisenhart to accept the dates for next year's meetings, and the meetings to be advertised. **Motion carried with a unanimous vote.***

Treasurer's Report:

Charles Eisenhart reported the budget was advertised, but it didn't get into the paper in time to have the required 10 available working days, so we need to have a special meeting .

*A motion was made by Charles Eisenhart to have the special meeting on December 17, 2008 at 7 PM to adopt the final budget for 2009 and finalize and lease decisions between the Borough and the Authority. Gregory Green seconded the motion, with no further discussion the **motion carried with a unanimous vote.***

Charles Eisenhart also reported that money has been transferred from Susquehanna Bank to PNC Bank to a \$250,000.00 CD; and to Adams County National Bank in CD's and money market accounts. The main checking accounts will continue to be at Susquehanna Bank. There may be more transferring of money because of the Federal limit on secured money being \$250 thousand dollars until the year 2010.

Also reported was the used truck purchase for \$2,000 from Conewago Enterprises, and that we have been collecting money from delinquent accounts.

A discussion was held about Earl Brown's delinquent accounts and the liens on the property for the past due bills. Matt Battersby stated that we could start from the when the liens was and go forward to start collecting the additional past due amount, but you must follow the procedure. The three letters will be sent then the water will be shut off. If the water is shut off then the Borough would have to evict the tenants.

A discussion was held about the employee pension. *Charles Eisenhart made a motion to give him authorization to contact PMRS concerning information on the transfer of the pension pending notification of the final decision by the employees. Gregory Green seconded the motion. With no further discussion, **Motion carried by unanimous vote.***

Having no further business to discuss John Lerew made a motion to adjourn the meeting at 7:55PM, and the motion was second by John O'Brien. **Motion Carried**

Meeting adjourned at 7:55 PM.

Respectfully Submitted
Hannelore B. Furst, Secretary of EBAJA