

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

December 6, 2007

The monthly meeting of the East Berlin Area Joint Authority was held December 6, 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; and John O'Brien

**Members Absent:** Gregory Green and Solicitor Erik Hume

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

The minutes of the previous meeting were approved.

**Public Comment Period:** None; Nobody in attendance.

**Reports:**

**Solicitor's Report:**

Solicitor Battersby explained about a large packet of information each member had in front of them. It is the identification of the assets, which will come into the authority's possession this month. The packet includes the Ground Lease Agreement; Leased Employee Agreement; Lease Agreement of the Borough Office; and Assignment, Dedication & Service Agreement. Solicitor Battersby stated the Borough will be having a special meeting next week, December 12<sup>th</sup>, 2007; at which time they will review the documents, and hopefully sign them.

Solicitor Battersby recommended having a special meeting to transfer assets and real property from the East Berlin Borough to the East Berlin Area Joint Authority. The dates were discussed and it was decided to have the meeting on December 20<sup>th</sup>, 2007 at 7PM at the Borough Hall. The special meeting will be advertised.

The Borough Manager requested that the agreements between the Borough and the Authority should have something in them concerning the sharing of the equipment; such as mowers, and small tools. Charles Eisenhart had a concern about the wording of these agreements because the Borough Manager is retiring from the Borough, and then he is going to be working for the Authority part time. There was some confusion as to who full time employees are and who part time employees are. As of February 1<sup>st</sup>, 2008; T. Michael Thoman will be a part time employee of the Authority. The wording should be the Authority plant manager is an Authority employee only and should have licenses to run the water and wastewater treatment plant. The rest of the employees would be work for both the Borough and the Authority. Charles Eisenhart felt the rest of the agreements looked OK to him.

Solicitor Battersby suggested that the Authority pass a proposed budget. Mr. Battersby gave some background on the budget. It was explained that the budget was the current proposed budget for the Water Fund and Sewer Fund the Borough had, until the Authority was formed. Under water expenditures for item 449.140 the wording should be change to eliminate council, and under sewer expenditures for item 429.140 the wording should be change to eliminate council. Charles Eisenhart stated that we were going to let the budget ride the year, and the Authority would have a better idea on the operating costs for next year (2008). A copy of the Water Fund Budget and Sewer Fund Budget is made a part hereof.

Chairman Gerald L. Mummert entertained a motion to accept the proposed 2008 Water & Sewer Budget. Charles M. Eisenhart made the motion to accept the 2008 Budget; John C O'Brien seconded the motion. The motion was passed by unanimous vote.

Attorney Battersby introduced two resolutions for the water and sewer rents.

The water rent resolution is **Resolution # 2007-7.**

For each residential or commercial property receiving water from the East Berlin Area Joint Authority's water system on a metered basis, quarterly water rent of \$12.00 Administrative Fee on the first 3000 gallons or less water consumption per quarter, together with an additional water rent of \$0.004 per gallon of water consumption in excess of 3000 gallons. This is to become effective January 1, 2008.

*Charles M. Eisenhart made the motion to accept Resolution # 2007-7; John Lerew seconded the motion. The motion was passed by unanimous vote. A copy is made a part hereof.*

The sewer rent resolution is **Resolution # 2007-8.**

For each residential property receiving water from the East Berlin Area Joint Authority's water system on a metered basis, a quarterly sewer rent of \$85.00 Administrative Fee on the first 3000 gallons or less of water consumption per quarter, together with an additional quarterly sewer rent at the rate provided in Subdivision C of this section based on water consumption in excess of 3000 gallons per quarter.

For each commercial property receiving water from the East Berlin Area Joint Authority's water system on a metered basis, a minimum quarterly sewer rent of \$100.00 Administrative Fee on the first 3000 gallons or less of water consumption per quarter, together with an additional quarterly sewer rent at the rate provided in Subdivision C of this section based on water consumption in excess of 3000 gallons quarterly.

For each residential property or commercial property receiving water from the East Berlin Area Joint Authority's water system, an additional quarterly sewer rent based on water consumed in excess of 3000 gallons per quarter, of \$0.0019 per gallon. This is to become effective January 1, 2008. A copy is made a part hereof.

*John C. O'Brien made the motion to accept Resolution # 2007-8; John Lerew seconded the motion. The motion was passed by unanimous vote. A copy is made a part hereof.*

A discussion was held about when the re-organizational meeting could be held. It was decided on Tuesday, January 8, 2008, at 7PM. The reason for Tuesday was stated because Charles Eisenhart, Gerald Mummert, T. Michael Thoman, and Hannelore Furst would all be attending the Borough Council Re-Organizational meeting; as will John O'Brien will be attending his Township meeting. This meeting will be advertised.

### **Engineer's Report:**

The engineer, Bruce Hulshizer, asked a question about the Assignment, Dedication and Service Agreement on page 3, number 9; the Authority's Contribution to the Debt Service; whether the Authority's indebtedness is 80%. Mike Thoman stated he gave Erik Hume the contact person at the bank. Bruce questioned what the loan was actually for. He was told it was for the sewer upgrade from 1998, plus some other work that was done to Locust Street. Solicitor Battersby stated the Act 537 is actually for the Borough because they are required to have it. It is designed by engineers considering the water and sewer plants, filed with DEP, but it is done for planning and zoning purposes as a tool for future development for them. Bruce also questioned if there was anywhere in

the agreements about tapping fees. Charles Eisenhart mentioned there are tapping fees in the Borough Ordinances, but the Authority would have to use those ordinances and reword them.

The discussion continued concerning the tapping fees. Charles Eisenhart made mention that CW Test is laying the lines, so he will be getting the tapping fees. Bruce Hulshizer asked if there was anything that Hamilton Township has to do at this point; he was told the township needs to have mandatory connection ordinances for the new service area, and they need to do this as soon as possible. John O'Brien stated the township already had an ordinance for hook ups. Charles Eisenhart questioned if that would be binding for the new development.

Engineer Bruce Hulshizer, stated he has forms that need a signature, they are the plan review, actual sewer design and the water facilities design. He also wanted to know if the Authority was going to accept the current standing agreement of the Borough. It was stated that this will brought up at the Borough meeting, next Wednesday. Charles Eisenhart made a motion to approve the signing of the 1<sup>st</sup> form: Assignment of Agreement from Borough to Authority BH 70045-10,-11,-12; John O'Brien seconded the motion. *The motion was passed by unanimous vote.* The next form to be signed is the Amendment to the Sewage Facilities Improvements Design BH 70045-11, this is a change in the route, instead going thru the middle of the Zeigler Mill land, tentative to the Borough signing this next week. *Gerald Mummert made a motion to sign the agreement, Charles Eisenhart seconded the motion. The motion was passed by unanimous vote.* The final form is the Annual Retainer Agreement BH 76540; since Buchart-Horn will be working for the Authority the old agreement with the Borough no longer pertains. The cost is the same rate as the previous retainer. *Charles Eisenhart a motion to sign the retainer agreement, John O'Brien seconded the motion. The motion was passed by unanimous vote.*

Bruce stated he has some DEP Permit Transfer forms that also need signed. The wastewater side of the DEP forms is only one form, but the water side we have to do one for everything that we need to transfer. The Borough is transferring their assets to the Authority but we have to have this done officially because the Authority is now the permittee. They need to be signed and notarized.

Bruce stated that Susquehanna River Basin Commission (SRBC) in applying for CWTest wells wants the Borough's well permitted also. They are requesting a waiver from doing a pumping test for the existing Borough well that is getting transferred to the Authority. Bruce did the forms and he has a letter to be sent to SRBC, he is asking for approval to send this information on behalf of the Authority. *A motion was made by John Lerew and seconded by John O'Brien. The motion was passed by unanimous vote.*

Bruce stated that they are ready for Matt Battersby to obtain the easements in the name of the Authority for the Northwest trunk area. Buchart-Horn, Inc has them information for Matt but not in the legal terms. There was a discussion pertaining to what land would be effected by the easements. The properties down the Schoolhouse Lane area would have mandatory hook up. Also Solicitor Battersby suggested writing a new tapping fee ordinance. The discussion continued about the tapping fees and whether they should be waived in the Northwest trunk area. No decision was made on the waiving of the tapping fees. Solicitor Battersby will start the process to obtain the easements of the properties. Chairman Gerald L. Mummert entertained a motion to authorize Solicitor Battersby to do the paperwork to obtain the easements for the Northwest trunk line. *Charles Eisenhart made the motion and it was seconded by John Lerew. The motion was passed by unanimous vote.*

Having nothing further to discuss the meeting was adjourned at 8:25 PM, to meet again on December 20, 2007; for a Special Meeting, at the East Berlin Borough Hall, 128 Water Street, East Berlin, PA.

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

EAST BERLIN AREA JOINT AUTHORITY

128 Water Street

EAST BERLIN, PA 17316

RESOLUTION NO. 2007-7

RESOLVED, that the East Berlin Area Joint Authority, Adams County, Pennsylvania, adopt the following rules and regulations pertaining to the water service provided by the East Berlin Area Joint Authority, pursuant to Section 2 Article V of the By-Laws of the East Berlin Area Joint Authority, adopted the 1<sup>st</sup> day of November, 2007.

Water Rents

Quarterly water rents are hereby fixed, imposed and collected from each owner of improved property, Residential or Commercial, which shall be connected with the water system as follows:

- A.) For each residential or commercial property receiving water from the East Berlin Area Joint Authority's water system on a metered basis, quarterly water rent of \$12.00 Administrative Fee and the first 3000 gallons or less water consumption per quarter, together with an addition water rent of \$0.004 per gallon of water consumption in excess of 3000 gallons.
  
- B.) To be effective January 2008.

ENACTED AND ADOPTED this 6<sup>th</sup> day of December, 2007.

By: Genald L. Mummert  
Chairman, East Berlin Area Joint Authority

Attest: Danelope B. Furst  
Secretary, East Berlin Area Joint Authority

EAST BERLIN AREA JOINT AUTHORITY

128 Water Street

EAST BERLIN, PA 17316

RESOLUTION NO. 2007-8

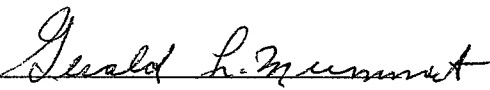
RESOLVED, that the East Berlin Area Joint Authority, Adams County, Pennsylvania, adopt the following rules and regulations pertaining to the sewage service provided by the East Berlin Area Joint Authority, pursuant to Section 2, Article V of the By-Laws of the East Berlin Area Joint Authority, adopted the 1<sup>st</sup> day of November, 2007

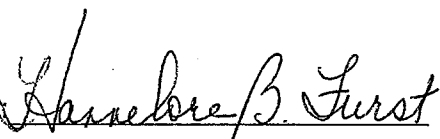
Sewer Rents

Quarterly sewer rents are hereby fixed, imposed and collected from each owner of improved property which shall be connected with the sewer system as follows:

- A.) For each residential property receiving water from the East Berlin Area Joint Authority's water system on a metered basis, a quarterly sewer rent of \$85.00 Administrative Fee and the first 3000 gallons or less of water consumption per quarter, together with an additional quarterly sewer rent at the rate provided in Subdivision C of this section based on water consumption in excess of 3000 gallons per quarter.
- B.) For each commercial property receiving water from the East Berlin Area Joint Authority's water system on a metered basis, a minimum quarterly sewer rent of \$100.00 Administrative Fee and the first 3000 gallons or less of water consumption per quarter, together with an additional quarterly sewer rent at the rate provided in Subdivision C of this section based on water consumption in excess of 3000 gallons quarterly.
- C.) For each residential property or commercial property receiving water from the East Berlin Area Joint Authority's water system, an additional quarterly sewer rent based on water consumed in excess of 3000 gallons per quarter, of \$0.0019 per gallon.
- D.) To be effective January 2008.

ENACTED AND ADOPTED this 6<sup>th</sup> day of December, 2007.

By:   
Chairman, East Berlin Area Joint Authority

Attest:   
Secretary, East Berlin Joint Authority