

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

June 4, 2009

The monthly meeting of the East Berlin Area Joint Authority was held on June 4, 2009, 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; Gregory Green; John Lerew; John O'Brien; and David Richards.

Members Absent: None

Also Present: Secretary, Hannelore Furst; Treasurer, Charles Eisenhart; Solicitor Matthew Battersby; Bruce Hulshizer of Buchart-Horn; and Ken Furst.

*John O'Brien made the motion to accept the minutes of May as written with no corrections. There was a second by John Lerew. There was a discussion on the wording of the motion on Page 4. David Richards stated he wanted to change the word behalf to in favor. Matt Battersby explained it was a matter of schematics; the agent is McNees, Wallace, and Nurick and the client is the Authority. It was decided to leave it as is. **Motion carried** with no dissenting votes.*

Payment of Bills: *Gregory Green moved to pay the bills for May, 2009 in the amount of \$37,073.55; and seconded by John O'Brien. All members received a copy of the bills and receipts for May. There was a discussion on the bills, whether they were already paid or not. It was explained the checks were cut but not paid until they are approved; with a few exceptions like insurances where due dates are before the next meeting. **Motion carried** with no dissenting votes.*

Correspondence:

- Chairman Mummert report he received an estimate from Paul Grim to repoint the bricks at the reservoir building for \$2,800 and repoint brick, tear out and replace brick at pump house for \$3,900, for a total of \$6,700. There was a discussion on the estimate received last month from Reese Masonry. Daryl Reese's estimate for the reservoir building was \$800 and the pump house repointing for \$1700, for a total of \$2,500. It was discussed about closing in some windows at an additional charge. *John Lerew made the motion to contract Reese Masonry to do the brick work and windows at the two buildings on Fish and Game Road for a total of \$4,200. Gregory Green moved to second the motion. It was decided that Matt Battersby would check if Reese Masonry had adequate insurance coverage. By roll call vote all voted in favor. **Motion carried.***
- Chairman Mummert reported he received a brochure on PA Municipal Authorities Assn. Conference & Trade Show to be held Sept. 13-16, 2009.
- Received a fax from Matt Battersby engaging McNees, Wallace & Nurick to lobby for State/Federal grants- will discuss under Solicitor's report.
- The Authority received a copy of the letter sent to Yorco Hopwood Insurance from the Borough President, David Richards.
- Received a copy of the Borough's draft resolution for a proposed amendment to the Assignment, Dedication & Service Agreement- will discuss under Solicitor's report.

Engineer's Report:

Bruce Hulshizer of Buchart-Horn, Inc. reported he received more correspondence concerning the Pennvest application. He then discussed the water valve problem, which Dan Standish was helping Mike Wallen with; there was concern that one of the valves they worked on wasn't open, but it was. The water tanks were over flowing; there is only a sensor on the elevated tank on Route 194. There was a problem with the telemetry. It was noted

that to find out what the water level in the water tank is; someone has to climb up and look in. Mike Wallen spoke with Paul Lenig about the options. There are a few options for a solution to this problem: A complete transmitter box would be approximately \$5,000; another option would be a pressure sensor and manually calculate the height for a cost of approximately \$25, or acquire a gauge that measures the feet of water tower at the entry point of the water for a cost of approximately \$100. Bruce further explained the design with CW Test on the water system requires them to do improvements to the Authority's existing system, which includes work at the pump house and all the controls. Bruce felt that would be a more appropriate time to get the complete transmitter equipment.

Bruce suggested the Authority authorize additional staff from Buchar-Horn to assist with the training on the valve exerciser equipment and how to fully utilize the new equipment. This would be in addition to the manufacturers help. It was suggested to have Dan Standish as "on call" service, for approximately \$140 an hour. There was a brief discussion. *A motion was made by John Lerew to allow Dan Standish be called after Gerald Mummert reviews the necessity of the call. John O'Brien moved to second the motion. With no further discussion; Motion carried.*

Solicitor's Report

Solicitor Battersby reported he has been in contact with Leon Smith's lawyer, Richard Thrasher and they have worked out the language for the right-of-way. The Smith's divorced and Mr. Smith owns the property, so a new right of way was drawn up with the wording stating "it will be completed in a reasonable time frame". Everything is ready for Mr. Smith's signature.

Solicitor Battersby stated he met with Mr. Dougherty, Andy Miller, Randy and Brad Test and it was decided Mr. Dougherty of McNees, Wallace, & Nurick; would be lobbying for the East Berlin Area Joint Authority to explore and develop state and federal grants for systems and system infrastructure upgrades; and the lobbying fees would be reimbursed by CW Test. The anticipated fee range is from \$3,500 to \$5,000. Solicitor Battersby stated CW Test has not posted any money towards this lobbying yet. Mr. Battersby requested \$3,000 to be put in an escrow account from the CW Test. Mr. Battersby explained the standard engagement letter and if the lobbying goes forward then the Test's will pay on behalf of the Authority, for McNees, Wallace, & Nurick, their agent; to lobby for the Authority in Harrisburg. There was a discussion on the reservation fees, which were not returned because they expired.

Solicitor Battersby also reported he received the "Draft" version of the Amendment to Assignment, Dedication, and Service Agreement; that he believes was drafted by Mr. Shultis and Mr. Richards reviewed it and made changes. Mr. Battersby had some comments about it, i.e., (1) any licensing of the use of the land around the Borough hall; the sewer and water treatment facility that is going to be constructed will takes priority. Solicitor Battersby stated Mr. Shultis had no problem with that. (2) All the other provisions of the December 21, 2007 agreement remain in full force. Solicitor Battersby also stated there was an exhibit stated in the draft about an equipment list, but there wasn't any equipment list attached to his copy. There was a comment that the Authority has the titles to the two trucks but they have not been transferred yet. David Richards stated it was only the Sludge truck and the 1999 Pick Up Truck. Solicitor Battersby mentioned he did not make any comment on the repayment of the loan, because didn't know what was acceptable to the Board and that is a financial issue not a legal issue.

Mr. Richards commented the "Draft" was an old one. There was a new one sent last week. Solicitor Battersby asked what was different about this one, Mr. Richards responded under Number 5-Outstanding Debt there are two "B"'s, and that pertains to the loan. Solicitor Battersby reiterated that is a financial issue. Mr. Richards continued there were three additional items to look at. (1)The effective date of the agreement because there are multiple dates. John O'Brien questioned how that would affect anything. Mr. Richards stated it doesn't; except for the accounting purposes, but the auditor never questioned the one day difference. It was stated the audit is complete so why worry about the one day. Solicitor Battersby recommended making the date December 31, 2007 as the effective date. (2)Part A- The debt was discussed again concerning the 20% payment for the Borough and the 80% payment by the Authority for the 1998 loan. Part B-The Act 537 Plan debt was discussed concerning the 20% payment for the Borough and the 80% payment by the Authority. It was mentioned that the Board just received this paperwork and didn't have adequate time to read over. Mr. Richards continued that he wants to know where the \$66,000 is that was taken from the Act 537 account and put in a reserve account. Charles Eisenhart asked

to see the documentation. Mr. Richards stated he didn't have any. (3) Mr. Richards stated the Borough does not have a copy of the original agreement. Solicitor Battersby stated he would provide a copy to the Borough.

Solicitor Battersby informed the Board about information he received concerning the Right-To-Know Act. He stated the tape recordings are now considered part of the information available to the public. He suggested the Board draft a Records Retention Policy, specifically for the tape recordings by the next meeting. *Greg Green made a motion to form a committee to draft a records retention policy for the tape recordings. The second for the motion was made by John O'Brien.* After a brief discussion Mr. Green accepted the invitation to head the committee.

Motion carried with no dissenting vote.

Solicitor Battersby provided a handout on calculating tapping fees for informational purposes only.

Treasurer's Report

Charles Eisenhart reported on the handout of the budget for year to date. The transfer to capital reserve will be discussed at a later date when the audit report is finished.

Charles Eisenhart also reported there are 46 delinquent accounts of 90 days or less for approximately \$15,000 owed, and this is out of a total of 755 accounts. He praised the office staff for staying on top of the accounts.

Mr. Eisenhart then introduced a draft copy of an Identity Theft Prevention Program. He would like the Board to review it for the next meeting. It does not need to be reported to anyone, but a copy should be on file for the Auditors.

Mr. Eisenhart present information on joining the Pennsylvania Rural Water Association, everyone received information on the services they offer to their members. The dual system membership fee is \$438.00 annually. *John Lerew made a motion to join the PA Rural Water Association; with a second by David Richards.* After a brief discussion of the benefits and reduced rates for the classes; **motion carried** with a roll call vote of all voting in favor.

New Business: None – Identity Theft Prevention Program covered earlier in meeting.

Old Business:

Chairman Mummert read an invitation to Smith, Elliott, Kerns & Co. and Weber Insurance Co. open house on June 10, 2009, if anyone was interested in going let Hanna know. Mr. Mummert suggested Hanna go and check out insurance information from Weber Insurance Co.

Chairman Mummert presented information from Mike Wallen about the approximate retail value of the flail mower to be between \$2,500 and \$3,000. These estimates were descriptive estimates over the phone. *Gregery Green made a motion to advertise in the paper by seal bids for next meeting. David Richards second the motion.* There was a discussion that it was thought the mower was going to be used as a trade in for the new mower, but they wouldn't take it as a trade. **Motion carried** with no dissenting vote.

Chairman Mummert distributed a progress report from Mike Wallen and Nathan Boyer, asked the Board to read over it at their leisure.

John Lerew questioned when they are going to go over the personnel policy. He discussed some changes he would like to see. Mr. Lerew thinks the raises should be addressed as a separate motion and not a line item of the budget. He feels a personnel committee should discuss the raises and they bring it before the Board for the budget. Another item that should be looked at would be if future employees should pay a portion of the insurance rates. This could be a consideration with the new insurance policy. The last item Mr. Lerew would like to see changed would be the Drug and Alcohol policy, he thinks all employees should be tested as a condition of hiring. The personnel policy will be discussed at the July meeting.

Public Comment: None

A motion was made by John O'Brien to reschedule the July 2nd meeting to July 9th; the motion was second by Gregery Green. **Motion carried** with all voting in favor of. The secretary will take care of placing the advertisement.

Solicitor Battersby asked if anyone planned to attend the Pennsylvania Municipal Authorities Association Conference & Trade Show on September 13-16 at the Hershey Lodge and Convention Center. He would like to attend just the Solicitor's ½ day Program.

John Lerew brought to the Boards attention that in the book the Authority members received (PA Municipality Authorities Act) on page 81, appendix 2.3; it states the authorities are required to submit to the municipalities which incorporated them; a report at the end of every six-month period containing names of the employees of the authority, their position and salary.

Having no further business to discuss John O'Brien made the motion to adjourn at 8:50 PM. The motion was second by Gregory Green. Motion Carried.

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