

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

March 6, 2008

The monthly meeting of the East Berlin Area Joint Authority was held March 6, 2008 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 Allegiance.

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

Members Absent: None

Also Present: Solicitor Matthew Battersby; Bruce Hulshizer of Buchart-Horn, Inc.; Plant Manager T. Michael Thoman; Authority Secretary Hannelore Furst; Doris Sabine; David Richards; Karen and John Cleary; David Woodward; John Schlaline; Bev Jadus; and Bill Powell.

Chairman Mummert asked if there were any public comments; no one asked to speak.

New Business: *A motion was made by John O'Brien and seconded by John Lerew to approve February 7, 2008 minutes as written. Motion Carried.*

Gregory Green made the motion to pay the bills which will include the \$100.00 rent for using the Borough facilities. Charles Eisenhart seconded the motion. Motion Carried.

John O'Brien made the motion to adopt Ordinance 1-2008 "An Ordinance together with the rules and regulations amended by resolution from time to time by the East Berlin Area Joint Authority pursuant to this ordinance, shall form and become part of the contract with every consumer within the service area who utilize the WATER SYSTEM, and every such agrees to be bound thereby." The motion was seconded by Gregory Green. Having no questions to discuss; the motion was voted on and all were in favor. Motion Carried. A full copy is made a part hereof.

John Lerew made the motion to adopt Ordinance 2-2008 "An Ordinance together with the rules and regulations amended by resolution from time to time by the East Berlin Area Joint Authority pursuant to this ordinance, shall form and become part of the contract with every consumer within the service area who utilize the WASTEWATER SYSTEM, and every such consumer, by utilizing the wastewater system agrees to be bound thereby." The motion was seconded by John O'Brien. Having no questions to discuss; the motion was voted on and all were in favor. Motion Carried. A full copy is made a part hereof.

Solicitor's Report: Solicitor Battersby informed the Authority he has filed a suit against Earl Brown as District Justice Zepp's office for past due water/sewer bills. The hearing is set for March 31, 2008.

Solicitor Battersby stated there was a meeting with the engineer and Mr. Test; they are working on the financing. Solicitor Battersby suggested the Authority should obtain Bond Counsel services. Charles Eisenhart replied he has contacted Frank Leber of Rhoads and Sinon, LLP; who was recommended by Adams County National Bank. Solicitor Battersby also gave his recommendation for Frank Leber but also suggested checking out some other Bond Counsel services.

There was a discussion on Frank Leber's fees of \$17,500.00. John Lerew commented on the meeting with Pennvest. They were told the Authority didn't have enough points to obtain a loan

with them. He continued that the Bond Counsel thing is important because if you don't have a bond counsel you cannot get a tax free loan. The Bank can treat it as a Municipal tax break and give the Authority a much lower rate of interest. You may spend the \$17,000.00; but you will save that on the amount of interest you would have to pay.

Chairman Mummert read the fees schedule of Mr. Leber as follows.

For bond counsel services in connection with the authorization, issuance and sale of a single guaranteed water and sewer revenue note, as described above, with settlement to occur within the next 6 months, we quote a flat fee of \$17,500, plus out of pocket expenses, payable at loan closing. This fee quotation assumes that the lending bank will be accepting of the contemplated loan structure and that there will not be any protracted negotiations with the lending bank or its counsel or the Borough. Should we encounter any circumstances that we believe may warrant an increase in the quoted fee, we will notify you promptly and negotiate with you for an appropriate adjustment to our fee.

Solicitor Battersby is still working with Bruce on the right of way behind the Community Center.

Charles Eisenhart reported that he and John Lerew met with Pennvest, Susquehanna Bank and Adams County National Bank and are waiting for letters of commitment for tax free loans.

John Lerew reported that he and Charles Eisenhart have met with David Woodward and David Richards of the Borough Council and are continuing to make progress, but it will be slow. There are likely to be some changes to the agreement between the Authority and the Borough. They have been discussing briefly the rate structure and there are some different ideas that are feasible and are building a good rapport.

Chairman Mummert reported that Plant Manager T. Michael Thoman is qualified and in good standing with his license for the next 3 years.

Engineer Report: Bruce Hulshizer of Buchart-Horn, Inc. reported they have received the Highway Occupancy Permit from PennDot. He received a call from DEP on Permit Part 1 and Part 2. He is in contact with MET-ED for them to send a letter concerning the sewer and water lines crossing under their easements. The letter from MET-ED is to grant the authority the right to do work in their easements.

The Erosion and Sediment control report is in the county's hands right now, and he is waiting for their OK. The two things that are outstanding are the financing and the county erosion and sediment control. Bruce suggested they could start the bidding process, because it could take 45-60 days and you probably would have everything ready by then. The Authority considered waiting until next month to do the advertising.

Bruce Hulshizer continued that he has finished the annual Chapter 94 Report, and it needs to be submitted to the state.

A motion was made by Charles Eisenhart and seconded by Gregory Green to submit the Chapter 94 Report, there was no discussion and all voted in favor. Motion Carried.

The Authority considered waiting until next month to do the advertising.

Having no further business to discuss the meeting was adjourned at 7:30 PM with next meeting scheduled for April 3, 2008 at 7:00 PM at the Borough Building.

Respectfully submitted

Cannelore B. Furst

Secretary of the East Berlin Area Joint Authority