

EAST BERLIN AREA JOINT AUTHORITY
MAY 1, 2008

The monthly meeting of the East Berlin Area Joint Authority was held May 1, 2008 at the Borough Hall. The meeting opened with the Pledge of Allegiance at 7 PM.

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

Members Absent: Gregory Green

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

Note: No public in attendance.

John Lerew made a motion to accept the minutes of April 3, 2008 as written. John O'Brien seconded the motion. Motion Carried with all voting in favor of.

Treasurer's Report:

Charles Eisenhart reported to the Authority they received a check from CW Test for \$10,044.15 for reimbursement of bills.

Charles Eisenhart made a motion to pay the bills for the month of April in the amount of \$83,161.71. John O'Brien seconded the motion. There was no discussion. Motion Carried with all voting in favor of.

Charles Eisenhart made a motion to cash in Sewer CD of \$62,312.52 which will come due on May 20, 2008 and deposit it in the Authority Sewer checking account. John O'Brien seconded the motion. A discussion was held on whether to put it back into a CD or deposit into checking account. It was decided to deposit into the checking account. Motion carried with all voting in favor of.

John Lerew made the motion to open checking accounts for the Authority for the Water Fund and Sewer Fund; the accounts were opened January 2008 with the transfer of \$100.00 each. This was to make sure all checks cleared the bank before the total was transferred from the Borough Accounts to the East Berlin Area Joint Authority accounts. Charles Eisenhart seconded the motion. Having no discussion the motion carried with all voting in favor of.

John O'Brien made a motion to approve the transfer of \$126,905.18 from the Borough Capital Reserve Account to the Authority's Capital Reserve Account which was actually done January 16, 2008. Charles Eisenhart seconded the motion. There was no discussion. Motion carried with all voting in favor of.

Public Comment:

The record reflects no public in attendance.

Solicitor Reports:

Solicitor Matt Battersby reported only one right-of-way was signed, and that was by the Borough.. Solicitor Battersby requested direction since the 30 day time limit had expired. There was a brief discussion, it was decided to contact the people by phone and request they sign the right-of-way. A motion was made by Charles Eisenhart and seconded by John O'Brien to authorize as an incentive one hook up of sewer and water per right-of-way. There was more discussion. On a motion by Charles Eisenhart and seconded by John O'Brien it was decided to table the motion. **The motion was tabled until next month.**

Solicitor Battersby also reported on Earl Brown's Water/Sewer Account; notice of judgment which as of April 28, 2008 was for the amount of \$5,707.78. Mr. Brown did not show up for court and he has 30 days to appeal. This will be filed in Adams County Court and York County Court.

Solicitor Battersby presented the Authority members with a sample shut off notice from Fairfield Municipal Authority. They send out a first notice after 10 days, and then the second notice goes out giving them 5 days, after that they shut the water off. There is a concern over tenants living at the property, where the landlord does not respond. It was discussed to send a letter to tenants also as a courtesy to give the tenants an opportunity to pay. It was mentioned this shut off information is in our Ordinance. It was discussed to check the Ordinance. Solicitor Battersby stated all the information he presented was done by Campbell & White Law Firm who represents Fairfield Municipal Authority, Littlestown, and Gettysburg Municipal Authority and is the procedure that is followed by the majority of Sewer and Water facilities in Adams County.

Engineer Reports:

Bruce Hulshizer reported Buchart-Horn, Inc. advertised the Sewage Facility Expansion Project which was approved at last month meeting. They had the pre bid meeting on April 30, 2008 at Borough Hall. He also reported there was 20+ bid packets picked up for the collection system and 7 bid packet picked up for the treatment plant. The bids will be opened May 22, 2008 at Buchart-Horn, Inc. The contractor's at the pre bid meeting expressed concern as to when the projects would start. The contract states 120 days.

Bruce requested Mike Thoman sign a re-submission of the Post Construction Storm Water Management Permit (NPDS) which goes to Adams County Conservation District to approve.

Recently the Susquehanna River Basin Commission (SRBC) representative, Buchart-Horn and Mike Thoman had a conference call of approximately an hour concerning the Buttercup Farm wells and the existing wells in the Borough. Bruce feels we finally have some clarification on what they exactly want.

Bruce also reported DEP sent comments on the public water supply permits application. They are requesting the whole water distribution system plans to review. There was a comment concerning CW Test preliminary plans. John O'Brien stated Hamilton Township supervisors meeting is Monday, May 5, 2008 at 7 PM. CW Test's plans have already been to their Planning Commission.

Old Business:

*Chairman Mummert entertained a motion to adopt Resolution # 2008-1. John Lerew made the motion to adopt Resolution 2008-1; a resolution authorizing and approving the Treasurer of the Authority to transfer funds from Water system account to pay expenses contributing to the construction of the Authority's Waste water treatment facility. The Water system account will be reimbursed at the earliest possible convenience. John O'Brien seconded the motion, **Motion Carried with all voting in favor of.** A copy is made a part here of.*

New Business:

Charles Eisenhart reported he has information on another bank, Integrity Bank. He and Matt Battersby spoke with a representative of the bank. Matt stated he did not think it was a good idea to negotiate with them because they are a relatively new bank. His advice was to pick either Adams County National Bank or Susquehanna Bank. There was a discussion on the terms of the \$2,400,000.00 loan. Integrity Bank's terms listed as a 2 year term; with 2 year renewal option. Susquehanna Banks terms listed 2 year interest only with 20 year term and amortization. Adams County National Bank terms listed tax exempt rate for the first 5 years but loan for 25 years. It was suggested the Authority select a bank, so the bond counsel can start the process. The Authority continued discussing the options of each bank. Susquehanna Bank has several options to choose from.

A motion was made by John O'Brien and seconded by Charles Eisenhart to use Susquehanna Bank. All voted in favor except John Lerew who abstained from voting because he has an interest in Susquehanna Bank. There was still a quorum. Motion Carried.

Chairman Mummert also asked Plant Manager Mike Thoman to make sure the contractors bill state the location where work is being done for the Authority. Mike Thoman reported that will be done with the new work order forms.

Having no further business to discuss, *John O'Brien made the motion to adjourn the meeting so they could go into an executive session to discuss legal matters. John Lerew seconded the motion. Motion Carried.*

Meeting was adjourned at 7:45 PM to go into an executive session concerning legal matters about future cooperation of the Borough.

Respectfully submitted,

Hannelore B. Furst

Hannelore B. Furst
Secretary of East Berlin Area Joint Authority

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

RESOLUTION NO. 2008-1

A resolution of the Board of the East Berlin Area Joint Authority (Authority) pursuant to Article 1 Section 7-B of the By-Laws of the Authority adopted 1st day of November, 2007.

Authorizes and approves the Treasurer of the Authority to transfer the funds from the Water System Account to pay expenses contributing to the construction of the Authority's Waste Water Treatment Facility and the conveyances in the Northwest Project.

The Water System Account will be reimbursed for the total amount withdrawn at the earliest possible convenience.

BY: *Gerald L. Mummert*
Gerald L. Mummert
Chairman of the EBAJA

ATTEST:

Hannelore B. Furst
Hannelore B. Furst
Secretary of the EBAJA