

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

May 7, 2009

The monthly meeting of the East Berlin Area Joint Authority was held on May 7, 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; Plant Operator, T. Michael Thoman; Mike Wallen; Nathan Boyer; and Ken Furst.

John Lerew made the motion to accept the minutes of April as written with no corrections with a second by John O'Brien. Motion carried with all voting in favor.

Payment of Bills: *John O'Brien moved to pay the bills for April, 2009 in the amount of \$48,641.49; and seconded by Gregory Green. All members received a copy of bills and receipts for April. Motion carried* with no dissenting votes.

Correspondence:

- Received a fax from Randy Test requesting an extension on the time period for the reserved EDU's. There was brief discussion on the availability of any EDU's, and they are accounted for, but not connected. It was suggested to send him a letter stating the EDU's are expired and cannot grant him an extension. *A motion was made by Gregory Green with a second by John Lerew to send CW Test a letter to inform them that the EDU's have expired and cannot grant them an extension. A roll call vote was taken and all voted in favor. Motion carried.*
- Received a copy of the complaint letter that Solicitor Battersby sent to the Commonwealth of PA Insurance Dept. Bureau of Consumer Services concerning the handling of the insurance of the transferred employees. Also, received a copy of the acknowledgement letter from the Insurance Department concerning the complaint. It was reported the employees now have health insurance since the Borough cancelled them and we are still working on getting the life insurance on a separate policy from the Borough.
- Received an email informing the Authority that due to extraordinary demand on available financial resources, our project was not able to be recommended to the PENNVEST Board of Directors for approval. And money from the American Recovery and Reinvestment Act of 2009 (ARRA) will be available for approval at the next PENNVEST meeting. ARRA requires that 20% of the funding being made available be targeted to "Green" projects. The funding request may remain active for up to one year from the original submittal. The next meeting that the project will be eligible for consideration will be July 21, 2009. Bruce reviewed the guidelines and filled out a survey on the green components of the project in order to maximize potential priority of the project. On the survey there is a question asking if the Authority would be interested in receiving assistance from the Commonwealth Engineering Contractors to add green infrastructure components to the project. There was a brief discussion; and the consensus was the Commonwealth Engineering Contractors would not be doing this for free. It was questioned if the Authority wants to keep the application with PENNVEST. *John Lerew made a motion for Buchart-Horn to do the necessary revisions to keep the application in the plan with PENNVEST, with a second by Gregory Green. There was brief discussion; with a decision that the Authority does not need assistance from the Commonwealth Engineering Contractors. Roll call vote was taken, with all voting in favor for Buchart-Horn to do the revisions. Motion carried.*
- Chairman Mummert read a copy of the letter he received from Senator Alloway; which was sent to Vickie Johnson of PENNVEST requesting EBAJA's request for financial support to be approved at their July meeting.
- Solicitor Battersby emailed a copy of a letter from Acting Secretary George E. Cornelius that outlines the funds that DCED will be receiving under the Federal American Recovery and Reinvestment Act of 2009.

- Chairman Mummert read a note from Mrs. Curvin Dennis expressing her feeling on the separate billing for the water and sewer and a separate bill for the trash.
- Received a response from Matthew Stough from Adams County Conservation District thanking us for our input on a possible West Nile Virus location, along the railroad tracks.

Chairman Mummert reported on the inspection tour the board members took on April 16, 2009 of the other Authority facilities. The inspected locations were: (1) Reservoir in Reading Township, needs painted and bricks re-pointed (2) Pump house, which needs the corner of the building fixed, there is deterioration, and the building needs painted and bricks re-pointed, need gutters and downspouts; (3) Lift station at Zeigler's Mill, the roof needs repairs; (4) Well house on South Avenue, needs painted and re-pointed; (5) Lift station on Park Road; (6) Water tower; (7) Well house on Beaver St., the blacktop needs patched or resurfaced; (8) Lift station on Branch Circle. It was suggested to get estimates to do the brick work. A bid was sent in by Darryl Reese and Paul Grim was contacted also to give an estimate. It was also suggested there should be better security at the pump house and reservoir. Chairman Mummert reported the accumulated debris has been cleaned up at the pump house and Mike Wallen and Nathan Boyer did a good job. Chairman Mummert reported that 20 fire hydrants have been flushed in April and May.

Mike Thoman requested approval for him, Mike Wallen and Nathan Boyer to attend a Trade Fair in York on June 5, 2009; they would receive DEP contact hours towards their license. The cost would be \$90 for all three people to attend. There is also a possibility of getting a meter to read the flow of water in the pipes. *John O'Brien made the motion to approve the expenditure, with a second by John Lerew.* **Motion carried** with no dissenting vote.

Engineer's Report:

Bruce Hulshizer of Buchart-Horn, Inc. reported that he covered the PENNVEST information earlier. He then went on to the letter he sent Mike Thoman about the Water Valve Planning; that everyone received a copy of. It stated that Buchart-Horn completed their review of the Authority's existing water system and prepared mapping showing the location of the water valve on the water mains. It also shows the fire hydrants and indicates which hydrants have isolation valves. He stated that some of the valves could be restored to service through a valve exercise program. He recommended purchasing a valve exerciser to rejuvenate the valves; this would avoid replacing valves. Bruce stated that the investment would be approximately \$8,000 for 2 pieces of equipment: the valve exerciser and the leak detector. *John Lerew made the motion to authorize Mike Thoman to check into purchasing a leak detector and valve exerciser as economically as possible, but not to exceed \$8,000. Gregory Green seconds the motion. There was a roll call vote, with all voting in favor.* **Motion carried.** A discussion was held on the computer program to keep track of the valves that were exercised. Another item that was discussed was system looping.

Chairman Mummert brought up the subject of the fire hydrants. Mike and Nathan would like to paint them, and would like direction on the colors. A discussion was held on color coding them by the size of the main.

Chairman Mummert reported that Mike Wallen and Nathan Boyer helped save money for the Authority, by repairing a pump. Instead of using Don Grim's or buying one as previously mentioned at another meeting; this helped save money for the Authority.

Solicitor's Report

Solicitor Battersby reported on the Right of Ways: **Zeigler's** thought they already signed one, will check on that. **Kennedy's** wants to know what the Authority is going to do for him. He thinks with the bill for the plumbing and permits it would cost him \$30,000. Matt Battersby stated he would get \$1 per lineal foot, and his property would be improved. Mr. Battersby questioned if Mr. Kennedy knows the Authority has the right to take the ground for the Right of Way. Chairman Mummert replied that he did inform Mr. Kennedy of that fact. There was discussion of the lines going through his drain field. **Smith's** they divorced and he is the owner of the property, so a new Right of Way should be drawn up with just his name.

Solicitor Battersby also reported on the insurance information that was reported earlier.

Solicitor Battersby asked to have an executive session later in the meeting.

Treasurer's Report

Charles Eisenhart introduced Resolution 2009-6 A Resolution authorizing and enabling the Authority to charge the sum of \$25 plus any bank fees for Non-Sufficient Funds (NSF). *John O'Brien made the motion to adopt Resolution 2009-6, with a second by David Richards.* **Motion carried** with all voting in favor. Charles Eisenhart also reported the \$50,000 he requested to transfer last month was put on hold right now.

New Business: None

Old Business:

John Lerew wanted to know where the Authority stands with the meeting that was held March 12, 2009 with the attorneys. Matt Battersby stated he is still waiting for the agreement from Mr. Shultis. Davis Richards reported he received his copy from Mr. Shultis, on May 5, 2009, but it contained multiply errors. Mr. Richards proposes that when the errors are fixed the Borough would forward the whole agreement to the Authority for any comments before the final draft. John Lerew wants to know why this keeps getting dragged along. Matt Battersby responded he has not seen anything yet.

Chairman Mummert reported that everyone received their copy of the PA Municipal Authority Act. This is the Authority's property and should be returned when the members is no longer on the Board.

Public Comment:

Ken Furst stated he read the Borough's recent newsletter written by Mr. Richards which had less than a page of praise for the Borough Council and three and a half pages of condemnations for the Authority. Mr. Furst asked Mr. Richards if he conferred with the rest of the Board (referring to the Authority) before he printed that crap. Mr. Richards stated they all got it (referring to the Borough Council) and he conferred with the Borough Council. Mr. Richards continued that there was nothing in the newsletter that wasn't true and there is a lot more background material at the Borough Office. Mr. Richards acknowledged the Authority is a separate entity. Mr. Furst continued stating that Mr. Richards had an underhanded way of handling the Authority employee's insurance issues. Mr. Richards stated the Borough had no employees, so they discontinued the insurance. Mr. Richards stated the employees knew they wouldn't have insurance because they signed the resignation letter.

Chairman Mummert asked Mr. Richards what was the purpose of the newsletter. He stated Mr. Richards is responsible for the Borough not the Authority, and he is always criticizing the Authority. Mr. Richards brought up that in June the Authority received the purposed changes to the agreement between the Authority and the Borough. He stated then in July there was a request for a meeting between the two entities for changes to the agreement. According to Mr. Richards several months passed without any response from the Authority. Mr. Richards stated in order to get some action from the Authority they decided to implement the one thing the Borough had control over; that was, to no longer provide employees to the Authority.

Charles Eisenhart questioned Mr. Richards on how many times from June to November did the Borough Council try to pass motions to make the Authority defunct? Mr. Richards stated one time, Mr. Eisenhart stated 3 times. Mr. Lerew reminded Mr. Richards that the Borough's attorney agreed with the Authority, he understood why the Authority stopped negotiating with the Borough when Mr. Richards was making motions to do away with the Authority. Mr. Lerew mentioned that when the Authority asked the Borough what they thought the rent should be; Mr. Richards wrote a page and a half of information but no mention of an amount for the rent. Mr. Richards responded that the Authority knew what the rent was because they had been paying the expenses for the building for the last ten years. Mr. Lerew stated he and John O'Brien didn't know because they weren't on Council. How would they have known? Chairman Mummert asked Mr. Richards if he was going to continue to put allegations/half truth out about the Authority. Mr. Richards responded that all you had to do was show that it was a half truth. Mr. Lerew stated an example would be Mr. Richards insinuated that Mr. Richards' Borough Council was running the water and sewer in 2007, and the rates were lower.

Attorney Battersby stated the Borough attorney; Tim Shultis is trying to get an agreement together to address some of the concerns of the current Council. He also stated that publishing newsletters that dredge up the past and the allegations does not make anybody look good.

Charles Eisenhart reminded the members they should be doing some serious thinking on what they are going to do if the Authority doesn't get any of the Federal Stimulus money in July. He also mentioned Frank Leber was contacted and has developed a bond schedule. John Lerew asked Bruce Hulshizer if the proposed new sewer plant was designed twice as large as needed. Bruce responded no. Mr. Lerew stated that was an example of an untrue statement Mr. Richards wrote in the newsletter. Mr. Richards acknowledged he did make that statement. Mr. Lerew then questioned Bruce Hulshizer if making the plant smaller like the plant that is in operation right now, would the Authority be saving any money. Bruce stated there was a public meeting where all the information was presented; but very few people attended. He continued that a refurbished plant would be \$700,000 less than a new expanded plant. The Authority was reminded that DEP reported the present sewer plant is overloaded. The current technology is also outdated.

Mr. Furst asked why the Borough Council had to talk about the Authority in their newsletter. Mr. Richards explained that many residents don't realize there are two separate entities. They are asking the Borough questions about the water & sewer rates and why there was a split between the two entities. It was suggested they refer them to the Authority with their questions. Mr. Lerew restated we had public meetings and the people don't show up; what more can the Authority do.

Charles Eisenhart stated the Authority paid \$200,000.00 toward the design phase of the new plant with CW Test paying the balance. The design phase has been paid in full. Matt Battersby stated there is a binding agreement with the state of Pennsylvania titled the 537 Plan which calls for the sewerage of a section of Hamilton Township and if you change the plan, then you would have to refile the plan with DEP. DEP may not approve the revised plan.

The meeting was closed at 8:32 PM for an Executive Session; the meeting reopened at 8:36 PM for a motion as discussed at the Executive Session.

Gregery Green made a motion to authorize CW Test and his associates to lobby on behalf of the Authority; and authorize Matt Battersby to contact Andy Miller, solicitor for CW Test; with a second by John Lerew. There was no discussion. By roll call vote all voted yes. **Motion carried** by unanimous approval.

The members were reminded that the next meeting is scheduled for June 4, 2009.

Having no further business to discuss John O'Brien made the motion to adjourn at 8:42 PM. The motion was second by Gregery Green. Motion Carried.

Gerald L. Mummert, Chairman EBAJA

ATTEST:

Hannelore B. Furst, EBAJA Secretary