

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

November 5, 2009

The monthly meeting of the East Berlin Area Joint Authority was held on November 5, 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; Robert Clayton; Gregory Green; 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; Ben Leas and Gary Bullock of Reading Twp Municipal Authority; Bill Hill of Wm. F. Hill & Associates; Michael Wallen and Nathan Boyer.

Chairman Mummert informed the Board that John Lerew has relocated and read Mr. Lerew's letter of resignation dated 10/31/09. He then introduced Robert Clayton; who was appointed by the Borough Council to serve the remainder of Mr. Lerew's term; which ends December 31, 2010.

**Minutes:** *John O'Brien made the motion to accept and approve the minutes of September 3, 2009 as written with no corrections, with a second by Gregory Green. Motion carried with no dissenting votes.*

**Payment of Bills:** Chairman Mummert explained some of the revenues for the month. *Gregory Green moved to pay the bills for October, 2009 in the amount of \$32,872.68; and seconded by David Richards.* All members received a copy of the bills and receipts for October. **Motion carried** with no dissenting votes.

William Hill of Wm. F. Hill & Associates; Engineer for Reading Township Municipal Authority introduced Ben Leas and Gary Bullock of the Reading Township Municipal Authority. Mr. Hill explained they will be submitting their Part 2 permit (construction permit) for Laughman's Bottom and would like to submit Conewago Park permit at the same time. They have to finalize their cost effective evaluation per DEP. At the Authority's last meeting they had an executive meeting to determine the quarterly sewer fee would be. Mr. Hill mentioned the current charges of \$65 fixed rate and the \$3.90 per thousand gallons, and asked if this was correct. He was informed that the rate would be increasing with the proposed budget for 2010. The sewer tapping fee was mentioned which is \$5,128. Mr. Hill kept stating the Municipal Authorities Act states you can only use 90 gallons per person, but Bruce informed Mr. Hill that the Act 57 does not apply to Reading Twp connecting to the Authority. The discussion continued with Bruce Hulshizer again explaining the 300 EDU's were used for all the paperwork that was submitted to PENNVEST and DEP. Mr. Hill was reminded that they were offered a chance to connect several years ago; but they had decided not to. Mr. Hill continued to argue that they didn't think they needed 300 EDU's per household, and read the excerpt from the Municipal Authorities Act 57. Solicitor Battersby commented that the 300 EDU's is the same figure that was given to Hamilton Twp. Bruce announced Ed Correavea called and asked him to congratulate the Authority on getting the funding for the sewer plant; and thanked the Authority for their pro-rata approach to cost sharing and disbursing of the grant dollars. He also stated the department hopes that the connection of Conewago Park and Laughman's Bottom to the East Berlin System will be fully explored. Solicitor Battersby reiterated that the 300 EDU's is the guideline that was used and, Hamilton Township was given that figure and DEP reviewed that figure. Mr. Hill continued to argue his point. There was a brief discussion about Laughman's Bottom; they don't think they would be requiring any EDU's for that area. They also have the 537 Plan for Laughman's Bottom. Reading Township Municipal Authority will be in contact with the Authority on their decision.

**Engineer's Report:** Bruce Hulshizer reported they gave the contractors the notice to proceed; there has been some minor site work done. The stake off for the laterals for the Northwest Interceptor area was done. Bruce also mentioned there was a small area that was missed when obtaining the right-of-ways, this amounts to 51.02 lineal

feet. The right-of-way would be obtained from Dale Kennedy; so the lateral could go to Luther Haar's property. It was suggested that Mike Thoman explain this to Mr. Kennedy; take the paperwork to get signed and a check for \$52.00.

Bruce explained the Gregory Construction suggested one man hole on Route 234 instead of 2 man holes. It would be easier for him. The discussion centered on the plans were for two man holes, but Gregory Construction would know better than Buchart-Horn once the ground is dug.

Bruce also discussed the amended highway occupancy permit for Route 234, and since the road will be torn up; he suggested replacing the 2" line with an 8" line; and at a later date making other necessary changes.

Concerning PENNVEST; Bruce explained they are trying to get the first payments from PENNVEST, but they need original signatures on a signatory authorization page which is the form for authorization of the applications for payment. The people that are authorized to sign this paperwork are Charles M. Eisenhart, Hannelore B. Furst, Bruce Hulshizer and Matt Todaro (B-H, Inc, construction engineer). Chairman Mummert entertained a motion for the above named people to sign signatory authorization page. *Gregery Green made the motion with a second by John O'Brien.* It was stated the signatures are for paperwork related to payments from PENNVEST. All voted in favor of.

**Motion carried.**

Bruce suggested watching for infiltration and inflow from sump pumps in Beaver Colony. Normal flows are low but during rain and after rainfall the flows come up substantially. It was questioned why sump pumps would be hooked to the sewer, and mentioned it is illegal if they are hooked to sewer. Mr. Richards mention Hanover Borough Public Works placed a notice in the paper that they will be inspecting the sanitary sewer connections for sump pump connections. *Gregery Green made the motion to publish in the paper the regulations concerning the sump pumps hooked up to the sewer and send letters to the homeowners; with a second by Robert Clayton.* The discussion centered on sump pumps being illegal to be hooked into the sewer system, and any other violations would be noted with the inspection. Any violations would be noted and a follow up inspection would be warranted to confirm the correction was made. A roll call vote was taken with all voting in favor. **Motion carried.**

There was a discussion on the storm pipe on the south side of the sewer plant and there is a swale area that sometimes has a lot of standing water. Mr. Richards wanted to know if there was going to be any work done on that pipe with the sewer plant. Bruce stated no, the new sewer plant is going to be further north. The only thing being done to the south side would be the demolition of the old sewer building, nothing with the pipes underground. Mr. Richards mention the Borough may have to replace the storm pipe line behind the Borough building; but Bruce suggested it would probably make more sense to change the line to the front of the building. It was suggested the Borough engineer to do a survey and contact Bruce with his suggestions.

Solicitor's Report

Solicitor Battersby reported that the Dale Kennedy right of way was already discussed. Mr. Hill and Reading Twp had been discussed. He also reported he received a copy of the lease with Brian Properties proposing a month to month lease. Solicitor Battersby suggested there should be some kind of yearly lease. David Richards suggested a minimum of 2 year lease, with a 60 day notice.

Solicitor Battersby checked the Identity Theft Prevention Program and stated there isn't a lot of sensitive information collected, but will write it as if the residents pay with credit cards.

Treasurer's Report:

Charles Eisenhart handed out the revised proposed budget of last month, and the members went over the items and made a few changes. Chairman Mummert commented that Mike Wallen passed his wastewater test and there will be an increase in his salary. All full time employees will be getting a 2% increase. *John O'Brien made the motion to publish the proposed budget for 2010 with revenues and expenses of \$237,446 for the water fund; and revenues and expenses of \$415,247 for the sewer fund with a second by Robert Clayton.* **Motion carried.**

There was a discussion on the proposed increase in the **sewer rates** only.

- Charles Eisenhart proposed raising the fixed rate for residential service from \$65 to \$86 and the variable rate from \$3.90 per thousand gallons to \$4.00 per thousand gallons. He also proposed raising the fixed rate for commercial service from \$80 to \$102 and the variable rate from \$3.90 per thousand gallons to \$4.00 per thousand gallons.

- David Richards proposed raising the fixed rate for residential service from \$65 to \$91.46; and the commercial service from \$80 to \$91.46 with no justification for commercial being different than residential and the variable rate from \$3.90 per thousand gallons to \$9.00 per thousand gallons.

After a lengthy discussion it was stated that no matter how much each account uses, all accounts pay the same capital costs. As far as commercial vs. residential there was mention that the business premium in water is usually handled by the size of the service pipe and if there is no difference from the residential service pipe, then there shouldn't be any difference in costs. It was also stated, the fixed cost is what is going to cover the debt. Mr. Richards questioned whether each customer should pay the same amount of capital if they are using a different amount of service.

Gregery Green suggested a compromise between the two proposed increases; to increase the fixed sewer rates for residential from \$65 to \$75 and the variable amount to \$6 per thousand gallons of usage, and the fixed sewer rates for commercial from \$80 to \$90 and the variable amount to \$6 per thousand gallons of usage to be effective on January 2010 billing; which would be for the last quarter of 2009. Charles Eisenhart will draft a resolution for the next meeting to adopt the new rates.

Charles Eisenhart suggested transferring \$50,000 from the Water Fund checking account to the Water/Sewer Project Fund. The PENNVEST loan interest payments will be taken from the Water/Sewer Project Fund every month and there has to be money in that account, because it will be drawn from the bank automatically. *John O'Brien made a motion to transfer \$50,000 from the Water Fund checking account to the Water/Sewer Project Fund with a second by Robert Clayton.* After a brief discussion; the board voted in favor of. **Motion carried.**

New Business: Chairman Mummert reported Michael Wallen, Jr. passed his wastewater test and he has sent for his license.

David Richards handed out a copy of the letter the Borough received from Ken Young concerning the removal of the trees from the wastewater treatment plant area. Bruce stated the trees are not the Borough's and were removed for the construction of the new wastewater treatment plant. It was part of the contract and the contractor can do with them as they please.

Old Business: David Richards reported on an on-line company called John Sterling Safety Guard that has bars for approximately \$30 each. Mr. Richards stated he measured the windows and there are 8 windows for a cost of approximately \$240. Chairman Mummert read from the Universal Construction Code book about emergency escape openings. The consensus was to purchase the bars for the windows. Mr. Richards will order them from the Authority office using the Authority credit card.

Correspondence:

- Email from Mrs. O'Brien thanking the Authority for the planter during her hospital stay.
- Email from Solicitor Battersby concerning Mr. Hill and Reading Twp hooking to the sewer system.
- Received the PA Municipal Authority Association newsletter (CHAR).
- Received a memo from DEP concerning the Pandemic Flu Emergency Preparedness.

Public Comment: None

Chairman Mummert questioned Bruce Hulshizer if Mike Thoman should be available more hours for the contractors. It was suggested to leave Mike Thoman's hours as is; but get Mike Wallen more involved.

*A motion was made by Robert Clayton to adjourn, with a second by John O'Brien.* **Motion carried.**  
Having no further business to discuss the meeting adjourned at 9:55 PM.

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