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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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The Reorganization Meeting of the W.T.M.U.A. was called to order at 7:30 p.m. on February 4, 2009.

Adequate notice of this meeting of the W.T.M.U.A. was given to the Observer Tribune and the Daily Record on February 8, 2008. Notice was also posted on the Municipal Building Bulletin Board.

Members Present: Messrs. Akin, Strawn\*, Cullen, LaVista,  
Alt. Members Present: Messrs. Kramer  
Members Absent: Messrs. Napolitano  
Alt. Members Absent: Messrs. Popper

Staff Members Present: Executive Director (E.D.) Costic, Secretary Waller, Attorney Gregory

\*Arrived at 7:45

**Election of Officers**

Chairman

Mr. Cullen nominated Mr. Akin as Chairman for the year 2009. There being no other nominations made for Chairman, a motion was made by Mr. Cullen, seconded by Mr. LaVista to close the nominations.

Motion was made by Mr. Cullen, seconded by Mr. LaVista that Sam Akin be elected Chairman for the year 2009. Motion was carried by the following vote:

AYES: Messrs: Cullen, LaVista, and Kramer  
NAYS: None  
ABSTAIN: Messrs: Akin

Vice Chairman

Mr. Cullen nominated Dean Strawn as Vice Chairman for the year 2009. There being no other nominations made for Vice Chairman, a motion was made by Mr. Cullen, seconded by Mr. LaVista to close the nominations.

Motion was made by Mr. Cullen, seconded by Mr. LaVista that Dean Strawn be elected Vice Chairman for the year 2009. Motion was carried by the following vote:

AYES: Messrs: Akin, Cullen, LaVista and Kramer  
NAYS: None  
ABSTAIN: None

Executive Director

Motion was made by Mr. Cullen, seconded by Mr. LaVista that Paul Costic's appointment as Executive Director for the year 2009 be confirmed. Motion was carried by the following vote:

AYES: Messrs: Akin, Cullen, LaVista, and Kramer  
NAYS: None  
ABSTAIN: None

Secretary/Treasurer

Motion was made by Mr. Cullen, seconded by Mr. LaVista that Jill Waller's appointment as Executive Secretary/Treasurer for the year 2009 be confirmed. Motion was carried by the following vote:

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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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AYES:           Messrs:     Akin, Cullen, LaVista, and Kramer  
NAYS:           None  
ABSTAIN:       None

Required Resolutions/Notices

Regular Meeting Schedule

<p><b>RESOLUTION</b> <b>Regular Meeting Schedule</b></p>
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*No. 09-02-R1*

**BE IT RESOLVED** that the regular meetings of the **Washington Township Municipal Utilities Authority** be held on the first Wednesday of each month at 7:30 p.m. at the Washington Township Municipal Utilities Authority Administration Building at 46 East Mill Road, Long Valley, New Jersey, for the year of 2009, in addition, Special Meetings will be held at 7:30 p.m. on October 14, 2009 and October 21, 2009

**DATED:** February 4, 2009

<p><b>NOTICE OF SCHEDULED MEETINGS</b> <b>FOR THE YEAR 2009</b></p>
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**PLEASE TAKE NOTICE**, that the Washington Township Municipal Utilities Authority will meet to discuss or take formal action upon business at 7:30 p.m. on each of the dates set forth below, at the Washington Township Municipal Utilities Authority Administration Building, 46 East Mill Road, Long Valley, New Jersey:

March 4  
April 1  
May 6  
June 3  
July 1  
August 5  
September 9  
October 7  
October 14 (Special meeting to review budget)  
October 21 (Special meeting to review budget)  
November 4  
December 2  
January 6, 2010  
February 3, 2010 (Reorganization Meeting)

Notice of any additions to the above schedule, or changes in the time, date or place of any scheduled meeting, will be posted in this location and delivered to the Observer Tribune in advance, as required by law.

**DATED:** February 4, 2009

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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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Motion was made by Mr. Cullen, seconded by Mr. LaVista that the foregoing Resolutions, 09-02-R1, be adopted as amended to correct the year to 2009, change the Special Meetings dates to October 14, 2009 and October 21, 2009 and revise the Notice of Scheduled Meetings to replace September 2, 2009 with September 9, 2009. Motion was carried by the following Roll Call Vote:

AYES:               Messrs:       Akin, Cullen, LaVista, and Kramer  
NAYS:               None  
ABSTAIN:           None

Official Newspapers and Open Public Meetings Act

<b>RESOLUTION</b>
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<b>Official Newspapers</b>
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*No. 09-02-R6*

**BE IT RESOLVED** that the official newspapers of the **Washington Township Municipal Utilities Authority** for the year 2009 shall be the Observer Tribune and Morristown Daily Record.

**DATED:** February 4, 2009

<b>RESOLUTION</b>
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<b>Open Public Meetings Act</b>
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*No. 09-02-R2*

**WHEREAS**, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the "Open Public Meetings Act", requires notification of meetings of public bodies, as therein defined, in the amount therein set forth;

**NOW, THEREFORE, BE IT RESOLVED** by the **Washington Township Municipal Utilities Authority**, for purposes of compliance with the "Open Public Meetings Act" aforesaid, the **Washington Township Municipal Utilities Authority** hereby makes the following designations:

(1) The Observer Tribune, the Morristown Daily Record and Hunterdon Democrat are hereby designated as the newspapers to receive notice of meetings as required by any and all sections of the Open Public Meetings Act, it appearing that those newspapers are more likely to inform the local public of such meetings.

(2) The notice of meetings shall be prominently posted in a space reserved for such posting in the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey.

(3) The notice of meetings shall be filed with the clerk of the Township of Washington and the clerk of the Township of Tewksbury.

(4) The sum of \$15.00 is hereby fixed as the amount to be paid by any person requesting

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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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individual notice of meetings as provided in Section 14 of the Open Public Meetings Act.

**DATED:** February 4, 2009

Motion was made by Mr. Strawn, seconded by Mr. Cullen that the foregoing Official Newspapers Resolution and Open Public Meetings Act Resolution be approved to include the Observer Tribune and the Morristown Daily Record as the designated newspapers. Subsequently, the Open Public Meetings Act Resolution was amended to include the Hunterdon Democrat. Motion was carried by the following Roll Call Vote:

AYES:                Messrs:        Akin, Strawn, Cullen, LaVista, and Kramer  
NAYS:                None  
ABSTAIN:            None

Appointment of Auditor, Attorney and Engineer

<p style="font-size: 1.2em; margin: 0;"><b>RESOLUTION</b></p> <p style="margin: 0;"><b>AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR AUDITING SERVICES</b></p>
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*No. 09-02-R3*

**WHEREAS**, the Washington Township Municipal Utilities Authority (“Authority”) has a need to acquire Auditing Services; and,

**WHEREAS**, Nisivoccia & Company has submitted a proposal dated December 31, 2007 indicating they will provide the Auditing Services for the not to exceed price of \$24,860, attached hereto as Schedule A; and,

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of a contract for "Professional Services" without competitive bids and the contract for said services must be made available for public inspection; and,

**WHEREAS**, this is an award of a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5 and as required thereby: (1) the Executive Director has determined and hereby certifies in writing that the value of the contract is anticipated to exceed \$17,500, (2) Nisivoccia & Company has submitted a Business Entity Disclosure Certification which certifies that Nisivoccia & Company has not made any reportable contributions to a political or candidate committee in Township of Washington in the previous year, and (3) the Contract will prohibit Nisivoccia & Company from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Executive Director hereby certifies that adequate funds are available for these purposes; and,

**WHEREAS**, the term of this contract is one year.

**NOW, THEREFORE, BE IT RESOLVED** by the **Washington Township Municipal Utilities**

**Authority:**

(1) The Executive Director is hereby authorized and directed to accept the proposal of Nisivoccia & Company as the form of Professional Services Contract ("Contract") not to exceed \$24,860 for Auditing Services

(2) A copy of this Resolution and the Contract engaging Nisivoccia & Company shall be kept on file and available for public inspection at the office of the WTMUA, PO Box 226, 46 East Mill Road, Long Valley, New Jersey.

(3) This contract are made without competitive bidding as a "professional service" in accordance with N.J.S.A. 40:22-5(1)(a)(i) of the Local Public Contracts Law, because it involves the services of recognized professionals.

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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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(4) A notice of this action shall be printed in the Authority's Official Newspaper within ten (10) days of the passage of this resolution.

**DATED:** February 4, 2009

<p style="font-size: 24pt; margin: 0;"><b>RESOLUTION</b></p> <p style="margin: 0;"><b>AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR LEGAL SERVICES</b></p>
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*No. 09-02-R4*

**WHEREAS**, the Washington Township Municipal Utilities Authority ("Authority") has a need to acquire Legal Services; and

**WHEREAS**, James R. Gregory of Gregory & Reed has submitted a proposal dated January 30, 2009 indicating they will provide the Legal Services in accordance with the rate schedule submitted; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of a contract for "Professional Services" without competitive bids and the contract for said services must be made available for public inspection; and,

**WHEREAS**, this is an award of a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5 and as required thereby: (1) the Executive Director has determined and hereby certifies in writing that the value of the contract is anticipated to exceed \$17,500, (2) Gregory & Reed has submitted a Business Entity Disclosure Certification which certifies that Gregory & Reed has not made any reportable contributions to a political or candidate committee in Township of Washington in the previous year, and (3) the Contract will prohibit Gregory & Reed from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Executive Director hereby certifies that adequate funds are available for these purposes; and,

**WHEREAS**, the anticipated term of this contract is one year.

**NOW, THEREFORE, BE IT RESOLVED** by the **Washington Township Municipal Utilities Authority**:

(1) The Executive Director is hereby authorized and directed to execute a form of professional services contract with Gregory & Reed for legal services as approved by our attorney, attached hereto as Schedule A.

(2) A copy of this Resolution and the Contract engaging Gregory & Reed shall be kept on file and available for public inspection at the office of the WTMUA, PO Box 226, 46 East Mill Road, Long Valley, New Jersey.

(3) This contract are made without competitive bidding as a "professional service" in accordance with N.J.S.A. 40:22-5(1)(a)(i) of the Local Public Contracts Law, because it involves the services of recognized professionals.

(4) A notice of this action shall be printed in the Authority's Official Newspaper within ten (10) days of the passage of this resolution.

**DATED:** February 4, 2009

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WASHINGTON TOWNSHIP MUA

February 4, 2009

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**RESOLUTION**

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR ENGINEERING SERVICES**

*No. 09-02-R5*

**WHEREAS**, the Washington Township Municipal Utilities Authority ("Authority") has a need to acquire Engineering Services; and

**WHEREAS**, David J. Egarian, P.E. of D.J. Egarian & Associates, Inc. has submitted a proposal dated January 30, 2009 indicating they will provide the engineering services in accordance with the rate schedule submitted; and,

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of a contract for "Professional Services" without competitive bids and the contract for said services must be made available for public inspection; and,

**WHEREAS**, this is an award of a non-fair and open contract in accordance with N.J.S.A. 19:44A-20.5 and as required thereby: (1) the Executive Director has determined and hereby certifies in writing that the value of the contract is anticipated to exceed \$17,500, (2) D.J. Egarian & Associates, Inc has submitted a Business Entity Disclosure Certification which certifies that D.J. Egarian & Associates, Inc has not made any reportable contributions to a political or candidate committee in Township of Washington in the previous year, and (3) the Contract will prohibit D.J. Egarian & Associates, Inc from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Executive Director hereby certifies that adequate funds are available for these purposes; and,

**WHEREAS**, the anticipated term of this contract is one year; and

**NOW, THEREFORE, BE IT RESOLVED** by the **Washington Township Municipal Utilities**

**Authority:**

(1) The Executive Director is hereby authorized and directed to execute a form of professional services contract with David J. Egarian, P.E. of D.J. Egarian & Associates, Inc. for engineering services as approved by our attorney, attached hereto as Schedule A.

(2) A copy of this Resolution and the Contract engaging David J. Egarian, P.E. shall be kept on file and available for public inspection at the office of the WTMUA, PO Box 226, 46 East Mill Road, Long Valley, New Jersey.

(3) This contract are made without competitive bidding as a "professional service" in accordance with N.J.S.A. 40:22-5(1)(a) of the Local Public Contracts Law, because it involves the services of recognized professionals.

(4) A notice of this action shall be printed in the Authority's Official Newspaper within ten (10) days of the passage of this resolution.

**DATED:** February 4, 2009

Motion was made by Mr. Strawn, seconded by Mr. LaVista that the foregoing Appointment of Auditor Resolution, Appointment of Attorney Resolution and Appointment of Engineer Resolution for the Year 2009 be approved as presented. Motion was carried by the following Roll Call Vote:

AYES:                Messrs:        Akin, Strawn, Cullen, LaVista, and Kramer  
NAYS:                None  
ABSTAIN:            None

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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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Official Depositories

Due to the current health of the banking industry, it was agreed that Mr. Costic will look into the best way to protect the MUA's depository money.

<h1 style="margin: 0;">RESOLUTION</h1>
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<h2 style="margin: 0;">Official Depositories</h2>
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*No. 09-02-R7*

**BE IT RESOLVED** by the **Washington Township Municipal Utilities Authority** that the following be designated as official depositories for the Authority's funds for the year 2009:

PNC Bank, N.A.  
Peapack - Gladstone Bank  
Wachovia Corporation  
U.S. Bank

**DATED:** February 4, 2009

Motion was made by Mr. Strawn, seconded by Mr. Cullen that the foregoing Official Depositories Resolution for the Year 2009 be approved with the date being amended to the year 2009. Motion was carried by the following Roll Call Vote:

AYES:           Messrs:     Akin, Strawn, Cullen, LaVista, and Kramer  
NAYS:           None  
ABSTAIN:       None

Employee Benefits for 2009

It was agreed to address this resolution after further discussion of additional employee issues. After that further discussion it was determined that this resolution was not necessary.

Payment of Bills Exception

<h1 style="margin: 0;">RESOLUTION</h1>
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<h2 style="margin: 0;">Payment of Bills Exception</h2>
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*No. 09-02-R9*

**WHEREAS**, the **Washington Township Municipal Utilities Authority** receives goods and services, and invoices for such goods and services at various times during any given month; and,

**WHEREAS**, it is to the benefit of the **Authority** to make payments for goods and services on a timely basis to retain good relations with vendor, avoid interest amounts on overdue payments, and to take advantage of discounts.

**NOW, THEREFORE, BE IT RESOLVED** by the **Washington Township Municipal Utilities Authority**, that:

(1) The Executive Director is authorized to make payments for certain goods and services prior to review by the MUA Committee.

(2) To qualify for payment prior to Committee review, vouchers for such goods and services shall be:

\*     Less than \$5,000 in the aggregate, and in accordance with applicable law, or

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**WASHINGTON TOWNSHIP MUA**

February 4, 2009

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- \* Covered by a contract previously approved by the Committee, or
- \* For goods or services received from regulated utilities (e.g. - Electricity or Telephone) and required in the ongoing operation of the sewer and water systems.

**INTRODUCED AND PASSED:** February 4, 2009

Motion was made by Mr. Strawn, seconded by Mr. Cullen that the foregoing Payment of Bills Exception Resolution for the Year 2009 be accepted with the following amendment: the copy in the first bullet point of item #2 be changed to: "Less than \$5,000 in the aggregate, and in accordance with applicable law, or". Motion was carried by the following Roll Call Vote:

AYES:                Messrs:        Akin, Strawn, Cullen, LaVista, and Kramer  
NAYS:                None  
ABSTAIN:            None

Motion was made by Mr. Cullen, and seconded by Mr. LaVista to adjourn the Reorganization Meeting. Motion was carried by the following vote:

AYES:                Messrs:        Akin, Strawn, Brackenridge, Kramer, and Cullen  
NAYS:                None  
ABSTAIN:            None

Reorganization Meeting Adjourned:    8:08 pm

Respectfully submitted,

E. Jill Waller  
Secretary