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**WASHINGTON TOWNSHIP MUA**  
**Regular Meeting**  
March 21, 2011

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The Regular Meeting of the W.T.M.U.A. was called to order at 7:35 p.m. on March 21, 2011. Adequate notice of this meeting of the W.T.M.U.A. was given to the Daily Record and the Courier News on February 7, 2011. Notice was also posted on the Municipal Building Bulletin Board.

Members Present:	Messrs.	Akin, Strawn*, Peters
Alt. Members Present:	Messrs.	Kramer
Members Absent:	Messrs.	Napolitano, Cullen
Alt. Members Absent:	Messrs.	Popper
Township Liaison Present:	Messrs.	
Township Liaison Absent:	Messrs.	Roehrich
Staff Members Present:	Executive Director (E.D.) Pucilowski, Secretary Waller, Attorney Gregory	

\*arrived at 8:40pm

**MEETING MINUTES**

Motion was made by Mr. Peters, and seconded by Mr. Kramer, to approve the January 5, 2011 Meeting Minutes. Motion was carried by the following vote:

AYES:	Messrs.:	Akin, Peters, Kramer
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

**WEST MILL ASSOCIATES**

Reviewed request by representatives of West Mill Associates to reduce EDU for the Brew Pub and Splash. It was agreed that J. Gregory will review the DEP standards for calculating EDU and determine if seats or square footage is appropriate. J. Waller will review F. Platt's notes to ensure that process to brew beer will not use more than an equivalent EDU. A service agreement will be presented to West Mill Associates for signature.

**NJSEM MEMBERSHIP**

<b>RESOLUTION</b> <b>JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING</b>
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No. 11-03-B

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the Washington Township Municipal Utilities Authority (The Authority) has determined that membership in the Joint Meeting is in the best interest of The Authority.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Washington Township Municipal Utilities Authority does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to

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cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED that the Executive Director is authorized, after attorney review, to execute the Joint Contract Joinder Agreement, attached hereto as Exhibit A, and that Michael Pucilowski is hereby designated to represent The Authority as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$300 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

INTRODUCED AND PASSED: March 21, 2011

Motion was made by Mr. Strawn, and seconded by Mr. Peters, to approve participation in the NJSEM electrical co-op pending J. Gregory's review of the contract, Motion was carried by the following vote:

AYES:        Messrs.:        Akin, Strawn, Peters, Kramer

NAYS:        Messrs.:        None

ABSTAIN:    Messrs.:        None

**BILLING PROGRAM**

The WTMUA is reviewing the billing needs such as reverse email billing, reverse 911 notification and account access. Consideration is being made to replacing the billing software.

**GROVE STREET**

M. Pucilowski presented to the Township Committee for the placement of the Pump Station in the paper road, Grove Street, in the right of way. They were in favor of the project. The only concern is that the purpose of the right of way is not for a structure. The area may need to be vacated. There would have to be easements within the vacated right of way for water and sewer piping. J. Gregory to speak to the Township attorney regarding the right of way. A review by the Planning Board may be required.

**LV09 WELL**

DEP notified the WTMUA that the well application for LV09 is about to expire. The WTMUA responded advising of the potential of needing the well in relationship to the Combe Fill line extension project. The DEP requested a timeline which is due by April 6<sup>th</sup>. J. Gregory to contact E. Putman, from DEP, to help coordinate the timing with the EPA.

**DIRECTOR'S REPORT**

- May want to take advantage of capital financing for 2012 for some of the projects such as High Ridge Tank, Naughright Tank, Pump Storage, Cathodic Protection, Meter Replacement Program, Smith Well, I&I, SMSTP Phosphorus Limits and other major improvements with the plant. M. Pucilowski will contact the Bond Council to determine bonding options.
- DEP has accepted our request to allow payment of the fines over two payments.
- A JIF inspection was conducted with only a few minor things. A few trees around the tanks that need to be trimmed as well as a tree that fell on a fence.
- The WTMUA will be soliciting insurance quotes in August since the JIF commitment ends at the end of 2011.

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**WASHINGTON TOWNSHIP MUA**  
**Regular Meeting**  
March 21, 2011

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- The WTMUA is in the process of getting preliminary estimates for health insurance to determine if paying the \$3,000 for the WTMUA claim history is worthwhile. Current claim history may make it cost prohibitive to go with another provider. J. Gregory to look at avoiding the \$3,000 fee if it is decided to solicit final estimates.

**CLOSED SESSION – 9:30 PM**

**RESOLUTION**  
**CLOSED SESSION**

No. 11-03-C

WHEREAS, it is necessary for the Washington Township Municipal Utilities Authority to discuss a matter relating to Litigation, Personnel and Contract Negotiations which matter is permitted by Section 7.6 of the Open Public Meetings Act (Chapter 231 of the Public Laws of the State of New Jersey for 1975) to be discussed in closed session in the absence of the Public; and

WHEREAS, the Washington Township Municipal Utilities Authority has determined that it is necessary in the public interest that the matter in fact be discussed in closed session, and has estimated that, as nearly as can be ascertained, the results of the discussion can be disclosed to the public when formally acted upon.

NOW, THEREFORE, BE IT RESOLVED by the Washington Township Municipal Utilities Authority, in the County of Morris and State of New Jersey, that the public be excluded from the closed portion of this meeting, during which only the aforestated matter will be discussed.

INTRODUCED AND PASSED: March 21, 2011

Motion was made by Mr. Strawn, and seconded by Mr. Cullen, to go into Closed Session to discuss Litigation and Personnel matters. Motion was carried by the following vote:

AYES: Messrs.: Akin, Strawn, Peters, Kramer

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

**OUT OF CLOSED – 10:30 PM**

**SMITH WELL SITE**

**RESOLUTION**

**ENDORsing THE ACCEPTANCE OF THE ROBERT SMITH FARM PROPERTY INTO THE NEW JERSEY FARMLAND PRESERVATION PROGRAM**

No. 11-03-D

WHEREAS, the Washington Township Municipal Utilities Authority (“Authority”), filed a condemnation action to acquire an easement of less than 1 acre on a portion of the property known as Block 12, Lot 4, Washington Township, New Jersey, hereinafter referred to as (the “Smith Farm”); and,

WHEREAS, by order of the Superior Court State of New Jersey, dated October 19, 2010, the Authority’s right to condemn a portion of the Smith Farm was confirmed with the condemnation area being limited to an easement of less than one acre (the “Well Easement”); and,

WHEREAS, the Authority is confident that the Well Easement is of sufficient size to install and operate a public well with adequate buffers to satisfy the regulatory requirements for buffers surrounding a public well; and,

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**WASHINGTON TOWNSHIP MUA**  
**Regular Meeting**  
March 21, 2011

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WHEREAS, the Authority is fully aware and accepts the risk that pursuant to N.J.S.A. 4:1C-25, that upon acceptance of the Smith Farm into the Farmland Preservation Program, the Authority will no longer have the power to exercise eminent domain over any property within the farmland preservation area for "construction of dwellings, commercial facilities, transportation facilities, or water or sewer facilities to serve non-farm structures unless the governor declares that the action is necessary for the public health, safety and welfare and that there is no immediate apparent feasible alternative"; and,

WHEREAS, fully understanding the aforesaid limitation on its right to condemn, the Authority is in favor of the Smith Farm being accepted into the New Jersey Farmland Preservation Program and believes that the permanent use of the property as a farm is consistent with and beneficial to the installation and operation of public well to be located within the Well Easement.

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

- (1) The Authority endorses the acceptance of the Smith Farm into the New Jersey Farmland Preservation Program.
- (2) The Authority will endeavor to work and cooperate with Mr. Smith, or the current owner of the Smith Farm, to facilitate the property being used for farm purposes.
- (3) This Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED: March 21, 2011

Motion was made by Mr. Strawn, and seconded by Mr. Peters, to approve the Resolution endorsing the acceptance of the Smith property into farmland preservation with the provision that the amount of acreage is verified and revised as necessary, as well as getting written confirmation of Mr. Smith's cooperation with the access necessary to complete the well project. M. Pucilowski will provide more specifics on the access needs for discussion between Mr. Smith's attorney and J. Gregory. Motion was carried by the following vote:

AYES:	Messrs.:	Akin, Strawn, Peters, Kramer
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

Motion was made by Mr. Strawn, and seconded by Mr. Kramer, to adjourn the meeting.

AYES:	Messrs.:	Akin, Strawn, Peters, Kramer
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

Meeting Adjourned: 10:31pm

Respectfully Submitted,  
E. Jill Waller  
Secretary