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**WASHINGTON TOWNSHIP MUA**  
**Regular Meeting**  
March 7, 2012

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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 7, 2012. Adequate notice of this meeting of the W.T.M.U.A. was given to the Daily Record and the Courier News on February 3, 2012. Notice was also posted on the Municipal Building Bulletin Board.

Members Present: Messrs. Napolitano, Popper, Cullen, Mascott  
Alt. Members Present: Messrs. Kramer  
Members Absent: Messrs. Akin  
Alt. Members Absent: Messrs.  
Township Liaison Present: Messrs. Kennedy  
Township Liaison Absent: Messrs.  
Staff Members Present: Executive Director Pucilowski, Secretary Waller, Attorney Gregory

**NEW COMMITTEE MEMBER**

Attorney Gregory swore in for reappointment Committee Member Howard Popper and swore in newly appointed Committee member, Joseph Mascott.

**MUA BOARD APPOINTMENTS**

<b>RESOLUTION</b> <b>WTMUA BOARD APPOINTMENTS</b>
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No. 12-03-A

WHEREAS, the term of the current Chairman of the Washington Township Municipal Utilities Authority has expired; and

WHEREAS, it is in the interest of the Authority to appoint a Chairman to the Washington Township Municipal Utilities Authority Committee; and

NOW, THEREFORE BE IT RESOLVED, by the Washington Township Municipal Utilities Authority in the County of Morris and in the State of New Jersey on this 7th day of March 2012 Walter Cullen is hereby appointed Chairman of the Washington Township Municipal Utilities Authority.

**INTRODUCED AND PASSED:** March 7, 2012

A motion was made by Mr. Napolitano, and seconded by Mr. Popper, to appoint Mr. Walter Cullen as Chairman of the WTMUA Board. Motion was carried to the following vote:

AYES: Messrs.: Cullen, Mascott, Napolitano, Popper, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**SIGNATURE ACCOUNTS**

Decision was made to designate Sam Akin, Vince Kramer, Mark Napolitano and Chairman Cullen for signature authorization on PNC Bank and US Bank Accounts.

**APPROVAL OF MEETING MINUTES**

A motion was made by Mr. Popper, and seconded by Mr. Napolitano. Motion was carried to the following vote:

AYES: Messrs.: Cullen, Mascott, Napolitano, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: Popper

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**FEBRUARY 2012 CHECKBOOK REGISTER**

Motion was made by Mr. Napolitano, and seconded by Mr. Kramer, to approve the February 2012 Checkbook Register as presented. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer  
NAYS: Messrs.: None  
ABSENT: Messrs.: Popper  
ABSTAIN: Messrs.: Mascott

**METER REPLACEMENT**

Mr. Napolitano requested a formal analysis of the number of remaining meter replacements in order of priority to expedite the capital spending approval.

**JANUARY 2012 BILLING ADJUSTMENTS**

A motion was made by Mr. Kramer, and seconded by Mr. Napolitano, to approve the January 2012 Billing Adjustments as presented. Motion was carried to the following vote:

AYES: Messrs.: Cullen, Napolitano, Mascott, Popper, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**VOUCHERS OVER \$5,000**

Motion was made by Mr. Popper, and seconded by Mr. Napolitano to approve the payment of the D. J. Egarian Associates, Inc. voucher dated 2/7/12 for \$6,795.25 for engineering services. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Mascott, Popper, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**SCHOOLEY MOUNTAIN WATER TANK LOCATION**

Questions were raised concerning the need for a supplementary storage tank as well as the location for the proposed tank. Additional information was requested and the subject was tabled until the next meeting.

**CONTINUED SERVICE AGREEMENT**

The concept of a continued service agreement was discussed. It was agreed that Mr. Napolitano and Mr. Pucilowski will research this further. Additionally, the Township's current reimbursement policy will be reviewed.

**JIF EPL PROGRAM**

J. Waller will review, with the attorney, the memo dated 5/18/09 that is included in the Personnel Policies and Procedures manual with regard to the "failure to promote" language that is in the first paragraph and advise if the language is necessary to comply with the law.

<p><b>RESOLUTION</b> <b>Adoption of Employee Handbook</b></p>
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No. 12-03-B

**WHEREAS**, the Washington Township Municipal Utilities Authority (the Authority) has insurance coverage through New Jersey Utility Authorities Joint Insurance Fund (JIF); and,

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**WHEREAS**, JIF coverage for Personnel Practices Risk Control is provided through the New Jersey Municipal Excess Liability System (MEL); and,

**WHEREAS**, MEL requires that the Authority maintain an Employee Handbook; and,

**WHEREAS**, MEL also requires that the Employee Handbook be by updated and redistributed at least every two years; and,

**WHEREAS**, the Authority has updated its Employee Handbook and it is ready it for redistribution.

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

1. The Employee Handbook, originally adopted December 2, 2004 and last revised July 7, 2010, attached hereto is hereby adopted.
2. The Employee Handbook procedures shall apply to all Authority officials, appointees, employees, and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State Law, the terms and conditions of that contract or law shall prevail. In all other cases, the Employee Handbook shall prevail.
3. The Employee Handbook is intended to provide guidelines covering public service by Authority employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Authority.
4. To the maximum extent permitted by law, employment practices for the Authority shall operate under the legal doctrine known as "employment at will."
5. That the Executive Director and the MEL Personnel Administrator are authorized to distribute said **Employee Handbook** to all Employee personnel.
6. This Resolution shall take effect as provided by law.

**INTRODUCED AND PASSED:** March 7, 2012

Motion was made by Mr. Napolitano, and seconded by Mr. Mascott. Motion was carried by the following vote:

AYES:	Messrs.:	Cullen, Napolitano, Popper, Mascott, Kramer
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

<b>RESOLUTION</b> <b>Adoption of Personnel Policies and Procedures Manual</b>
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No. 12-03-C

**WHEREAS**, it is the policy of the Washington Township Municipal Utilities Authority (the Authority) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to:

Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Age Discrimination in Employment Act, Equal Pay for Equal Work Act, Fair Labor Standards Act, New Jersey Law Against Discrimination, Americans with Disabilities Act, Family and Medical Leave Act, Conscientious Employee Protection Act, Public Employee Occupational Safety and Health Act, New Jersey Workers Compensation Act, Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and Open Public Meetings Act; and,

**WHEREAS**, the Authority has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

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

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1. The Personnel Policies and Procedures Manual, originally adopted June 2, 2004 and last revised July 7, 2010, attached hereto is hereby adopted.
2. These personnel policies and procedures shall apply to all Authority officials, appointees, employees, and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State Law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This manual is intended to provide guidelines covering public service by Authority employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Authority.
4. To the maximum extent permitted by law, employment practices for the Authority shall operate under the legal doctrine known as "employment at will."
5. The Executive Director and all managerial/supervisory personnel are responsible for these employment practices.
6. This Resolution shall take effect as provided by law.

**INTRODUCED AND PASSED:** March 7, 2012

Motion was made by Mr. Napolitano, and seconded by Mr. Popper, to approve Resolution 12-03-C. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Popper, Mascott, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**PARKER ROAD/CHESTER WATERMAIN EXTENSION**

There are some questions as to the treatment requirements. This is still being examined. There are some concerns regarding the VOC monitoring from the Sunoco Station spill and if the EPA would be involved if something comes up at a later date. It has been determined that all homeowners need to connect to the extension. Chester and Washington Township will be discussing this issue. The Board Members will be advised of the date and time of an upcoming Chester Township meeting which have the water main extension on the agenda.

**SMITH WELL SITE – WELL DRILLING**

<p><b>RESOLUTION</b> <b>CHANGE ORDER #1 FOR CONTRACT C141F, DRILLING &amp; TESTING PRIMARY AND OBSERVATION WELLS: SM21, SM22 &amp; SM23</b></p>
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No. 12-03-E

**WHEREAS**, on January 7, 2009, the Washington Township Municipal Utilities Authority (Authority) awarded a contract to **Samuel Stothoff** of Flemington, NJ entitled **WTMUA Contract No. C141f, Drilling & Testing Primary and Observation Wells: SM 21, SM 22 and SM 23**; and,

**WHEREAS**, as part of the permitting process it was determined private residential wells surrounding the SM23 need to be monitored and Samuel Stothoff has provided a proposal to install and remove the monitoring equipment; and,

**WHEREAS**, the Samuel Stothoff has agreed to do the additional work in the form of a proposal for a total of not to exceed \$3,500; and,

**WHEREAS**, the Change Order #1 for the additional monitoring is recommended by the WTMUA staff; and,

**WHEREAS**, the Authority has reviewed the Request for Change Order filed by the Executive Director; and

**WHEREAS**, the Authority is satisfied that the proposed Change Order is justified and meets the requirements of N.J.A.C. 5:34-4, 5:30-11.2; and

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**WHEREAS**, sufficient funds are available to pay for the requested Change Order.

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

- (1) The Executive Director is hereby authorized to execute an amendment to Contract C141F in the amount of not to exceed \$3,500.00 consisting of Change Order #1 for the work described in the aforesaid Request for Change Order in the form submitted to the Authority.
- (2) This Resolution shall take effect immediately according to law.

**INTRODUCED AND PASSED:** March 7, 2012

Motion was made by Mr. Popper, and seconded by Mr. Napolitano, to approve Resolution 12-03-E.

Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Popper, Mascott, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**DEP INSPECTIONS FOR WATER & SEWER**

The DEP performed inspections on the Water and Sewer departments and advised of miscellaneous maintenance issues that the MUA needs to address such as painting the equipment to prevent rusting. Additionally, it was advised that a Water Operator's Procedure Manual is required for both the Hagar and Schooley's Mountain water systems. A report of the Water Conservation and Drought Management Plan is also required for filing to the DEP.

**HONOR DEAN STRAWN'S SERVICE TO THE WTMUA**

It was unanimously agreed upon that Mr. Strawn's dedication and contributions to the WTMUA should be honored. Further discussion concerning the recognition of his service is required and recollection of his many achievements will be amassed and presented at a future date.

**PURCHASING**

<p><b>RESOLUTION</b> <b>Authorizing Purchases under the</b> <b>New Jersey Cooperative Purchasing Program</b> <b>and the Morris County Cooperative Council</b></p>
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No. 12-03-F

WHEREAS, the Washington Township Municipal Utilities Authority (the "Authority"), pursuant to N.J.S.A. 40A:11-10 – 40A:11-12 and N.J.A.C. 5:34-7 may by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program and the Morris County Cooperative Council ("MCCC") for any contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury and the MCCC; and,

WHEREAS, The Authority has the need on a timely basis to purchase goods or services utilizing State and MCCC contracts; and

WHEREAS, The Authority intends to enter into contracts with State and MCCC contract vendors through this resolution and properly executed purchase orders.

NOW, THEREFORE, BE IT RESOLVED that the Authority authorizes the purchase of goods and services from the New Jersey State contract and MCCC vendors, pursuant to all the conditions of the individual contracts; and

BE IT FURTHER RESOLVED that, pursuant to the N.J.A.C. 5:30-5.5(b), the certification of available funds shall be completed by the Authority's Chief Financial Officer prior to placing an order for goods and services from the New Jersey State contract and MCCC vendors and said certification shall be in the form of an authorized purchase order; and

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BE IT FURTHER RESOLVED that the duration of this authorization shall be until February 6, 2013.

**INTRODUCED AND PASSED:** March 7, 2012

Motion was made by Mr. Napolitano, and seconded by Mr. Popper, to approve Resolution 12-03-F. Motion was carried by the following vote:

AYES:	Messrs.:	Cullen, Napolitano, Popper, Mascott, Kramer
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

**DIRECTOR'S REPORT**

- **Regency** – drafts of the Water and Sewer agreements have been prepared and await attorney review. The Water Agreement draft includes the WTMUA's denial to fill the pond and a request to have the irrigation system include a rain gauge or moisture sensors in the ground to prevent unnecessary watering.
- **Municipal Excess Liability Joint Insurance Fund** - Noted that there was still time to schedule attendance at the March 13, 2012 meeting.
- **Grove Street Pump Station** – Both license agreements have been signed. Planning Board courtesy review is scheduled for March 28, 2012 and upon approval, advertising will be submitted in April and Bids accepted by May 2012.
- **Valley View Chapel** – Permission granted to occupy the new addition with the condition that the septic system is pumped out until the waste management plan is approved and the sewer connection completed.
- **Smith Farm** – Marked easement and observation wells postponed to March 15, 2012. Efforts to include Mr. Smith's personal well were decline.
- **Billing Software** – Live date scheduled for July 2012.
- **Federal funding** – Paperwork submitted for October snowstorm and Hurricane Irene for loss of electricity and operation of generators.
- **Excavation Spec** – Met with Jim Gregory and finalized details for changes. Noted that there was still time to schedule attendance at the March 13, 2012 meeting.
- **Illegal Connection**- Water usage is being monitored for the customer that was illegally connected to the system. Formal action will be assessed upon the end of the monitoring period.
- **Flexible Spending Account (FSA)** – The State inquired as to whether or not municipalities would be interested in using the state vendor to process the flexible Spending Account. Additional information will be acquired and a decision will be in the future.

**EXCAVATION SPECS**

A motion was made by Mr. Popper, and seconded by Mr. Napolitano, to authorize the Executive Director to advertise, accept and manage bids for the Excavation Specifications. Motion was carried to the following vote:

AYES:	Messrs.:	Cullen, Napolitano, Popper, Mascott, Kramer
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

**CARRY OVER DAYS VACATION DAYS**

A motion was made by Mr. Napolitano, and seconded by Mr. Popper, to authorize M. Pucilowski to extend of two vacation days beyond the first quarter into April 2012. Motion was carried to the following vote:

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AYES: Messrs.: Cullen, Napolitano, Popper, Mascott, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**STATUS ON CUSTOMER'S BYPASS OF WATER METER**

The attorney's are looking at the WTMUA's options on how to handle a customer bypassing the water meter after the reconstruction of the building.

**CLOSED – 9:36 PM**

<b>RESOLUTION</b> <b>CLOSED SESSION</b>
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No. 12-02-D

**WHEREAS**, it is necessary for the Washington Township Municipal Utilities Authority to discuss a matter relating Personnel, Contract Negotiations and Litigation 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 aforesated matter will be discussed.

**INTRODUCED AND PASSED:** March 7, 2012

Motion was made by Mr. Napolitano, and seconded by Mr. Popper, to go into Closed Session. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Popper, Mascott, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**OUT OF CLOSED – 10:15 PM**

Motion was made by Mr. Napolitano, and seconded by Mr. Mascott, to adjourn the meeting.

AYES: Messrs.: Cullen, Napolitano, Popper, Mascott, Kramer  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

Meeting Adjourned: 10:15 pm

Respectfully Submitted,  
E. Jill Waller, Secretary