
**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
January 09, 2013**

The Regular Meeting of the W.T.M.U.A. was called to order at 7:32 p.m. on January 9, 2013. 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.	Cullen, Napolitano, Akin, Popper
Alt. Members Present:	Messrs.	Babb
Members Absent:	Messrs.	Mascott
Alt. Members Absent:	Messrs.	Kramer
Township Liaison Present:	Messrs.	
Township Liaison Absent:	Messrs.	LiaBraaten
Staff Members Present:	Executive Director (E.D.) Pucilowski, Secretary Waller, Attorney Gregory	

APPROVAL OF MEETING MINUTES

Motion was made by Mr. Popper, and seconded by Mr. Napolitano, to approve the March 7, 2012 Meeting Minutes. Motion was carried by the following vote:

AYES:	Messrs.:	Cullen, Napolitano, Popper
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	Akin, Babb

DECEMBER 2012 CHECKBOOK REGISTER

Motion was made by Mr. Akin, and seconded by Mr. Popper, to approve the December checkbook register. Motion was carried by the following vote:

AYES:	Messrs.:	Cullen, Napolitano, Akin, Popper, Babb
NAYS:	Messrs.:	None
ABSTAIN:	Messrs.:	None

OPEN TO THE PUBLIC

A question was raised regarding if the water lines were ever replaced in the Capital Estates area. There was discussion regarding the Authority's plan for water line replacement for aging infrastructure. The limit on the Authority's capital funds was discussed.

An issue of communicating with the public was raised. It was suggested that a series of handouts be produced to be included in bills and handed out to the public as questions are raised.

Tours were suggested. Mr. Tobin will check with the Township Committee to see if they would like to participate in a tour.

NOVEMBER BILLING ADJUSTMENTS

It was noted that some of the adjustments that are included in the November report and will appear in the December report are a result of the learning curve on the new billing system.

Additionally, it was pointed out that the open balances have increased considerably beginning in October. The receivable aging was reviewed and it is suspected that the increased balances are a result of billing going out late as well as a result of a slow down in payments due to the Holidays.

The new billing/finance software is live in both billing and finance. Getting the system up and running smoothly has become cumbersome, but is progressing.

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It was agreed to change the report header of the third spreadsheet to more accurately describe the percentage of billings.

Motion was made by Mr. Akin, and seconded by Mr. Popper, to approve the November Billing Adjustments. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

Motion was made by Mr. Popper, and seconded by Mr. Napolitano, to waive late charges on account #2751 for \$66.35 and for account #585 up to \$57.00. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

VOUCHERS OVER \$5,000

Motion was made by Mr. Akin, and seconded by Mr. Napolitano, that vouchers for DJ Egarian, dated 12/10/12, in the amount of \$9,653.02; Highlands Water Co, dated 12/17/12, in the amount of \$5,800.95; Integrated Controls, dated 12/18/12, in the amount of \$13,220.24; Rio Supply, dated 12/17/12, in the amount of \$37,028 and Toby Barkman, dated 12/2/12, in the amount of \$6,648.55 approved for payment and authorized by the signature of the proper official. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

AFFIRMATIVE ACTION AUDIT

The Resolution for use of purchasing cooperatives was presented as a result of the Affirmative Action Audit. The Auditor advised that a Resolution for cooperative purchasing must detail the items that will be purchased through the coop or the Affirmative Action Compliance Documents must be obtained by the Authority. As a result of the Audit, the new vendor SOP will be updated to incorporate the compliance items that are required. There were no non-compliant items found as a result of the audit.

AUTHORIZE USE OF PURCHASING COOPERATIVES

<p>RESOLUTION AUTHORIZING PURCHASES UNDER THE NJ COOPERATIVE PURCHASING PROGRAM, THE MORRIS COUNTY COOPERATIVE COUNCIL (MCCC), THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM (SOCCP) and THE NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING (NJSEM)</p>
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No. 13-01-A

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, the Morris County Cooperative Council ("MCCC"), the Somerset County Cooperative Pricing System (SOCCP) and the New Jersey Sustainable Energy Joint Meeting

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(NJSEM) for any contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury, the MCCC, the SOCCP and the NJSEM; and,

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

WHEREAS, The Authority intends to enter into contracts with State Division of Purchase and Property, MCCC, SOCCP and NJSEM 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, MCCC, SOCCP and NJSEM vendors, pursuant to all the conditions of the individual contracts; and

BE IT FURTHER RESOLVED that the Authority intends to authorize the purchase of the following items as indicated below:

1. New Jersey State Contract:
 - a. ultra low sulfur diesel and biodiesel fuel
 - b. office supplies & equipment
 - c. environmental testing instruments
 - d. vehicles/trucks
 - e. industrial MRO supplies
2. MCCC
 - a. office supplies
 - b. water treatment chemicals
 - c. DPW uniforms/work shoes/boots
 - d. #2 fuel oil (for heating)
 - e. #2 ultra low sulfur diesel fuel
 - f. tree removal/trimming/stump grinding services
 - g. purchase of communications equipment (radios)
 - h. preventive maintenance/repair of communications equip. (radios)
 - i. fencing materials & installation
 - j. utility vehicles
 - k. janitorial supplies
 - l. pest control services (buildings)
 - m. office paper supplies
 - n. light bulbs
 - o. personal protection items & equip. for Emergency personnel
 - p. propane gas
 - q. septic pumping/sludge removal & disposal services
 - r. preventive maintenance/repair of emergency generators
 - s. water meters/data recorders & radio frequency meter interface units
3. SOCCP
 - a. Industrial & Commercial Equipment & Supplies – Catalog Sales
4. NJSEM
 - a. natural gas
 - b. electricity
 - c. other forms of energy

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, SOCCP and MCCC vendors and said certification shall be in the form of an authorized purchase order; and

BE IT FURTHER RESOLVED that the duration of this authorization shall be until February 28, 2014.

INTRODUCED AND PASSED: January 9, 2013

Motion was made by Mr. Popper, and seconded by Mr. Napolitano, to approve Resolution 13-01-A. Motion was carried by the following vote:

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AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

AUTHORIZE PURCHASE OF VEHICLE

Motion was made by Mr. Babb, and seconded by Mr. Popper, to authorize the Executive Director to purchase a new Sewer Vehicle. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

2013 MEETING SCHEDULE

It was agreed to keep the meeting schedule on the first Wednesday of the month with a few exceptions as a result of Holidays. The July meeting will be moved into the month by one week. The schedule will be voted on during the February Reorganization meeting. The Township will be advised of the decision. The language on the Reorganization Resolution will reference the statute NJSA 10:4-9 which allows for emergency meetings without advertising the meeting.

PERSONNEL POLICY COMPLAINT POLICY LANGUAGE

The Board members previously had requested an attorney position on the complaint policy language. The attorney recommended that the language remain. No further action required.

CUSTOMER REQUEST FOR IRRIGATION WELL

It was agreed that J. Gregory will put together a Resolution for vote for next meeting. Concerns to be address are impact of the well on our new well on East Mill Road. Additionally he will ensure that this exception will be in line with our current exceptions and the Authority's Rules & Regulations.

FUSION LOUNGE

This item was tabled to Closed Session.

REGENCY AT LONG VALLEY

The option to terminate that agreement was discussed as well as the objection to filling the pond with potable water. This would put a drain on the Authority's DEP pumping restrictions. It was pointed out that the time that they would need to fill the most would be during drought conditions when the Authority would have to impose restrictions preventing them from filling the pond. The need for a pond is due to wetlands requirements for water quality. It was agreed to table further discussion to Closed Session.

GROVE STREET PUMP STATION

Motion was made by Mr. Akin, and seconded by Mr. Popper, to authorize the Executive Director to sign the Elizabethtown Gas contract extending the gas line to the pump station.

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

DIRECTOR'S REPORT

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- Parker Road water line extension: The Historic Committee approved the pump house for LV9. The Draft Approval for the Allocation Permit has been received. A reply will be sent addressing the concern of the increase in Allocation ending in five years as well as the restrictions on the production of the well. The EPA is working with the Authority on this.
- Grove Street Pump Station bid specs are being reviewed and very close to going out for bid.
- The 50 foot buffer has been determined to be sufficient by the DEP. The next step is to meet with the Board of Education on the pump house at the Cucinella School as well as the Booster Station at Old Farmer's Road School.
- The effort put into the Affirmative Action Audit successfully produced no violations.
- Options for payroll services are being reviewed due to loss of services from Ceridian that will require additional payroll work.
- Black Oak Golf Course Sewer Connection Agreement is with the customer's attorney. They have decided not to secure a connection loan through the Authority.
- The Board is welcome to attend the February JIF safety meeting.
- Christopher Drive sewer line extension preliminary costs have been provided to the community representatives. Nothing further will be done until a response is provided.
- The next step with the new well on the Smith property site is to submit the Allocation Modification Permit. This will be held until after the Parker Road Allocation is resolved. It is expected that it will take two years before the well is online.
- The new well resolves the water supply issue in the Schooley's Mountain water system. The pressure issue is being addressed with a Booster Station that is being discussed with the DEP for special approval for pump storage solution. The next steps on the Booster Station are to find a location, get permits and funding.

CLOSED SESSION – 9:42 PM

The Authority went into Closed Session for the purpose of discussing Regency at Long Valley contract negotiations. The Attorney advised that there is a current Regency litigation with the Township and the potential for the Authority to be pulled into the litigation with regard to the possible termination of the Water and Sewer Agreements. Also to be discussed will be Fusion and Employee Contract Negotiations.

RESOLUTION CLOSED SESSION

No. 13-01-A

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 aforesaid matter will be discussed.

INTRODUCED AND PASSED: January 9, 2013

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

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

OUT OF CLOSED – 10:27 PM

REGENCY AT LONG VALLEY

Motion was made by Mr. Akin, and seconded by Mr. Popper, to authorize the Executive Director to submit a letter to Regency terminating the former Water Service Agreement and defining terms for modification of a new Agreement including elimination of filling the pond with potable water. This will be memorialized in a Resolution at the next meeting. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

Motion was made by Mr. Akin, and seconded by Mr. Popper, to authorize the M. Pucilowski and J. Gregory to review the Sewer Service Agreement. If it is found not to be acceptable, they are authorized to terminate the Agreement and present modifications to the Agreement. Motion was carried to the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

FUSION LOUNGE

Motion was made by Mr. Babb, and seconded by Mr. Popper, to authorize the Executive Director to officially present the Penalty Assessment and offer the Owner to present their position at a Board Meeting. Motion was carried to the following vote:

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

Motion was made by Mr. Babb, and seconded by Mr. Popper, to adjourn the meeting.

AYES: Messrs.: Cullen, Napolitano, Akin, Popper, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

Meeting Adjourned: 10:32pm

Respectfully Submitted,
E. Jill Waller
Secretary