
**WASHINGTON TOWNSHIP MUA – Special Meeting
Closed Session
March 19, 2013**

The Closed Session portion of the W.T.M.U.A. Meeting began at: 7:45 pm on March 19, 2013.

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.	LiaBraaten*
Township Liaison Absent:	Messrs.	
Staff Members Present:	E.D. Pucilowski, Secretary Waller, Attorney Gregory, Attorney Manganello	

*arrived at 8:40pm

WTMUA AND TOWNSHIP OF CHESTER WATER SERVICE AGREEMENT

As this is a beneficial project to the Authority, it also holds some concerns for the Authority Attorney. The EPA has discouraged an official agreement between the EPA and the Authority. There is an agreement with Environmental Restoration, which is a contractor of the EPA, for the reimbursement of Authority expenses. There remains no written agreement that gives the Authority any input into the project results although the EPA has been cooperative to date with accepting input from the Authority. Because of the lack of a written agreement, many of the legal concerns have been added to the Intermunicipal Agreement with Chester. It has been agreed that some of the Agreement comments will be addressed but the Authority will stand firm on the major issues. In addition, the following issues were discussed:

1. LV09's risk of exposure to the contaminate site across the street: The concern is who will be responsible if, in the future, LV09 becomes subject to pollutants from the contamination site across the street. It is recommended that the study be updated to include worst case scenarios to ensure that LV09 will remain safe as well as a written guarantee from the DEP that they will pay to have LV09 cleaned up or replaced. It was agreed to look into the availability of insurance to cover the concerns.
2. Easement for re-chlorination building: The concern is that if the Authority has an easement on the contaminated property then they could be named in any legal action concerning the site. Liability for environmental issues comes from the status of ownership. Suggestions to protect the Authority were discussed. An act of condemnation to take the easement has some protection and wording can be added to the condemnation to include additional protection. Due diligence needs to be done to ensure that the land is clean. Soil borings have been done on the site and they have shown to be clear of land fill material. Recommended to get a release and waiver or hold harmless from the DEP and EPA. The Attorney will continue to look into this.
3. Allocation Permit: The comments on the revised draft of the Allocation Permit are being worked on. The draft is currently written that it will provide sufficient firm capacity but the Allocation could be reduced if the unaccounted for water does not reduce to 15% within five years. This will need to be removed before the Authority will agree to provide water to Chester. Additionally the DEP is attempting to separate the two water systems and provide two allocation limits. It was suggested that this would be acceptable if they allowed one system to provide capacity if one of the systems was over the limit.
4. The EPA has brought up the possibility of doing capital improvements rather than providing money for the connection fees. The Board is not in favor of this but is willing to see what the EPA suggests for capital improvements.

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5. It was suggested that the Authority oversight be handled with a Clerk of the Works rather than rely on inspections by others. This will require changes to the purchase order with Environmental Restoration.
6. The \$20,000 that was expended by the Authority when this project was originally proposed still has not been reimbursed. This amount will be added to the Intermunicipal Agreement.

EMPLOYEE ASSOCIATION AGREEMENT

It was agreed that the revised Agreement will be provided to the labor attorney and the Association tomorrow.

FUSION – ACCOUNT 855-5

The property owner has agreed to pay the \$500. The Attorney will draft the document.

SANDT LANE SEWER EXTENTION

The letter from a Sandt Lane resident was discussed. It was agreed that the Executive Director will work up the rough estimate of the cost and invite the residents to a meeting to discuss their cost and review their interest.

Motion was made by Mr. Popper, and seconded by Mr. Akin, that the closed session portion of this meeting be adjourned. Motion was carried by the following vote:

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

Closed meeting adjourned at 9:10 pm.

Respectfully submitted,
E. Jill Waller
Executive Secretary