
**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
May 01, 2013**

The Regular Meeting of the W.T.M.U.A. was called to order at 7:32 p.m. on May 1, 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 12, 2013. Notice was also posted on the Municipal Building Bulletin Board.

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

*left at 9:26pm

**arrived at 8:24 pm

SALUTE THE FLAG

OPEN TO THE PUBLIC 7:35PM

Mr. Bera of Sandt Lane resident discussed issues related to septic issues as a result of poor ground quality and requested the sewer line extension be moved to a priority project. Options for funding of the line extension was discussed and the Board advised that they intend for the cost of the pipe extension will be paid by the residents of Sandt Lane. Mr. Pucilowski is working on rough costs to extend the sewer line and will reach out to residents.

Mr. Antonucci of Dorset Rd, discussed the Authority's rates as compared to the Hackettstown Municipal Utilities Authority. The differences in the two MUA's were discussed. The Board offered Mr. Antonucci to schedule a tour and recommended comparing additional MUA's rates as well as attending rate meetings in October. M. Pucilowski will reach out to Mr. Antonucci to discuss this further.

CLOSED TO THE PUBLIC 8:03 PM

CLOSED SESSION – 8:03 PM

RESOLUTION CLOSED SESSION

No. 13-05-C

WHEREAS, it is necessary for the Washington Township Municipal Utilities Authority to discuss a matter relating to 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 aforesated matter will be discussed.

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INTRODUCED AND PASSED: May 1, 2013

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

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

OUT OF CLOSED 9:24PM

CHESTER/WTMUA INTER-MUNICIPAL AGREEMENT

It was agreed to change the Inter-Municipal Agreement to include a hold harmless provision arising out of the Comb Fill easement.

<p>RESOLUTION AUTHORIZING APPROVAL OF THE INTERMUNICIPAL AGREEMENT FOR THE CHESTER WATERLINE EXTENTION PROJECT</p>

No. 13-05-F

WHEREAS, the Washington Township Municipal Utilities Authority (“Authority”) owns and operates a water supply system in the Township of Washington; and

WHEREAS, the Township of Chester (“Chester”) has been notified by the United States Environmental Protection Agency, Region 2, (“EPA”) that a number of private wells for businesses and residences in Chester are currently contaminated or are at risk of contamination from pollution emanating from the Combe Fill South Superfund Site (“Site”); and

WHEREAS, the EPA and Chester have requested the Authority to extend its public water supply system into Chester to provide potable water to those homes affected or at risk from the contamination and to certain other homes along the proposed water line; and

WHEREAS, the Authority and Chester desire to enter into an inter-municipal agreement to set forth the understanding of the parties and to authorize the sale of water at retail by the Authority in certain sections of Chester (the “Chester Service Area”) as set forth in the form of agreement attached hereto; and

WHEREAS, the U.S. EPA has represented that it will provide written assurances to the Authority regarding a number of issues related to the water supply extension project, including, but not limited to, protection of well LV 9 from nearby pollution, review and input on construction related equipment and decisions, potential liability arising from the acquisition of an easement on a portion of the Combe Landfill and reimbursement to the Authority of costs and expenses related to the Project.

WHEREAS, it is in the best interests of the Authority to enter into the attached inter-municipal agreement with Chester.

NOW, THEREFORE, BE IT RESOLVED by Washington Township Municipal Utilities Authority as follows:

1. The Executive Director is hereby authorized and directed to execute the attached inter-municipal agreement after receipt of satisfactory written assurances from the U.S. EPA concerning:
 - a. The protection of well LV 9 from nearby pollution.
 - b. The Authority review and input on construction related equipment and decisions.
 - c. The limitation of potential liability arising from the acquisition of an easement on a portion of the Combe Landfill.
 - d. The reimbursement to the Authority of costs and expenses related to the Project.
2. The Executive Director with approval of the Authority attorney is hereby authorized to make de-

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minimis, non-substantial changes to the attached inter-municipal agreement as may be necessary.

3. This resolution shall take effect immediately pursuant to law

INTRODUCED AND PASSED: May 1, 2013

Motion was made by Mr. Napolitano, and seconded by Mr. Akin, to approve the above Resolution with changes to the Agreement as discussed in Closed Session. Motion was carried by the following vote:

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

SWEARING IN OF BOARD COMMISSIONER

Mr. Vincent Kramer was sworn in by the attorney.

APPROVAL OF MEETING MINUTES

Motion was made by Mr. Napolitano, and seconded by Mr. Kramer, to approve the April 3, 2013 Meeting Minutes with the correction of a typographical error in the second paragraph of page four. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

MARCH & APRIL 2013 CHECKBOOK REGISTER

Motion was made by Mr. Kramer, and seconded by Napolitano, to approve the presented checkbook register. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

JANUARY BILLING ADJUSTMENTS

Motion was made by Mr. Babb, and seconded by Napolitano, to approve the presented Billing Adjustment register. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

VOUCHERS OVER \$5,000

Motion was made by Mr. Napolitano, and seconded by Mr. Kramer, that the voucher for DJ Egarian, dated 4/9/13, in the amount of \$6,742.30, Gregory & Reed, dated 4/4/13 in the amount of \$8,215.00, Nisivoccia, dated 4/8/13 in the amount of \$12,345.00 and Toby Barkman, dated 3/6/13, in the amount of \$6,499.10 be approved for payment and authorized by the signature of the proper official. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: None

2012 AUDIT CERTIFICATION

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**RESOLUTION
Certification of FY 2012 Audit Review**

No. 13-05-A

WHEREAS, Nisivoccia & Company, the Auditor for the **Washington Township Municipal Utilities Authority (Authority)** has prepared an Audit of the **Authority's** financial position for Fiscal Year 2012; and,

WHEREAS, the **New Jersey Department of Community Affairs (NJDCA)** requires that each of the **Authority's Commissioners** certify that they have reviewed said FY 2012 Audit; and,

WHEREAS, the five (5) below signed are of full age and duly appointed **Commissioners (Members)** of the **Authority**; and,

WHEREAS, by signing this instrument, each of the five (5) below signed certifies that they have personally reviewed the recommendation and comment section of the FY 2012 Audit as prepared by **Nisivoccia & Company**.

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

- (1) Upon adoption of this resolution, it shall be signed by each of the **Authority's five Commissioners**; and,
- (2) Upon signature, this resolution shall be attested by the **Authority's** Secretary who shall forward it to the **NJDCA** in compliance with its request.

INTRODUCED AND PASSED: May , 2013

Motion was made by Mr. Napolitano, and seconded by Mr. Kramer, to approve the Resolution above.

Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb

NAYS: Messrs.: None

ABSTAIN: Messrs.: none

2012 AUDIT CORRECTIVE ACTION PLAN

**RESOLUTION
2012 AUDIT CORRECTIVE ACTION PLAN ACCEPTANCE**

No. 13-05-B

WHEREAS, the 2012 Annual Audit of the Washington Township Municipal Utilities Authority (Authority), conducted by Nisivoccia & Company LLP, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Executive Director and the duly appointed Authority Board of Commissioners; and

WHEREAS, the Division of Local Government Services requires a corrective action plan to be prepared and submitted per N.J.A.C 5:31-7.6(i)

WHEREAS, the corrective action plan has been developed and covers all findings and recommendation in the audit report

NOW, THEREFORE, BE IT RESOLVED that the Authority Board of Commissioners hereby approves the corrective action plan and directs the Executive Secretary to transmit a certified copy of this resolution and the attached corrective action plan to the Division of Local Government Services.

INTRODUCED AND PASSED: May 1, 2013

Washington Township Municipal Utilities Authority
Morris County

Audit Report Year Ending: December 31, 2012

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RECOMMENDATION #1 - An analysis by individual of escrow deposits payable be prepared and reconciled to the general ledger on a monthly basis.

The escrow deposit account money will be reconciled to the payee.

Motion was made by Mr. Napolitano, and seconded by Mr. Kramer, to approve the Resolution above. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

ELECTED OFFICIALS ONLINE TRAINING

Mr. Pucilowski has taken the training. It takes a half hour to complete. Instructions were provided. J. Waller will send an email to all Commissioners requesting their participation and providing instructions.

FINANCIAL DISCLOSURE STATEMENTS

Instructions for electronically submitting Financial Disclosure Statements were provided. J. Waller will send an email to all Commissioners reminding them of the May 31st deadline and providing instructions.

MERCHANT SERVICES

PNC Bank has advised that sometime this year they will no longer be refunding merchant services fees. Currently, the fees range from \$800 to \$1,100 per month and is increasing steadily due to increased usage. As a result of this, it is recommended to begin utilizing Edmunds' services that provide residents with the ability to see their account balances and usage online. With this service, the customer can pay with a credit card or debit their bank account through this online service. The customer will be charged a fee based on if the payment is a credit card or a debit payment. The cost to the Authority to offer the service is \$1,200 per year. There was no objection to initiating this service as long as the customers are properly notified and clearly state that the payments will require a fee.

LAWN MAINTENANCE SERVICES

Motion was made by Mr. Kramer, and seconded by Mr. Napolitano, to authorize the extension of the Lawn Maintenance Services contract into the 2013 season. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

EXECUTIVE DIRECTOR AUTHORIZATION TO SIGN PERMIT APPLICATIONS

This request was initiated when the new owners of the Schooley's Mountain Inn property have requested Mr. Pucilowski's signature on the TWA application for the sewer line, which would certify that the Authority has the sewer capacity for the property. It was discussed if the authorization for Mr. Pucilowski to sign TWAs in general or just the Schooley's Mountain Inn property. The attorney advised that TWAs should be authorized by Board.

Motion was made by Mr. Babb, and seconded by Mr. Kramer, to authorize Mr. Puciloski to sign the TWA application for Block 33, Lots 2 & 3. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

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2013 WATER RESTRICTIONS

Potential changes to the Water Restrictions were discussed. It was agreed to review the restrictions for next year.

Motion was made by Mr. Babb, and seconded by Mr. Kramer, to authorize Mr. Puciloski to sign the TWA application for the Schooley's Mountain Inn property. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

PUBLIC PROTECTION CLASSIFICATION REPORT BY ISO

Discussed request from the Township to help improve the ISO classification. It was determined that pressure testing needs to be done on the hydrants. The Board had no objection for the Authority to put forth resources to test the hydrants.

FUSION LOUNGE

RESOLUTION AUTHORIZING SETTLEMENT OF CIVIL PENALTY ASSESSMENT
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No. 13-05-E

WHEREAS, West Mill Assoc., LLC, ("West Mill") is the owner of property located at 9 West Mill Road, situated in Washington Township, Morris County, New Jersey, (the "Property"); and

WHEREAS, In January of 2013, the Authority issued West Mill a Notice of Civil Administrative Penalty Assessment (the "Notice") for violations of the Authority's Rules and Regulations including; failure to have a water meter installed, failure to apply for a Connection Permit, failure to obtain a Connection Permit prior to receiving a Certificate of Occupancy, and illegally taking water from the Authority's system without payment; and

WHEREAS, West Mill responded to the Notice, and submitted evidence that it was unaware that an employee had arranged to have the previous water meter removed, and thus, did not realize when it began operation that it was not properly connected to the Authority's water system; and

WHEREAS, the Authority considered the information submitted by West Mill and found sufficient mitigating circumstances satisfying reduction in the penalty amount originally provided in the Notice; and

WHEREAS, West Mill agrees to settle this matter in accordance with the terms of this Resolution and to pay the reduced penalty imposed by the Authority.

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

1. The Executive Director is hereby authorized to enter into a settlement agreement with West Mill, as approved by the Authority attorney, reducing the penalty assessment to \$500.00 along with the reimbursement of attorney's fees as set forth in the Notice of Civil Administrative Penalty Assessment.
2. West Mill agrees to pay approximately \$300.00 for water used during the time period from the issuance of its Certificate of Occupancy until a water meter was installed.
3. This Resolution shall take effect immediately pursuant to law.

INTRODUCED AND PASSED: May 1, 2013

Motion was made by Mr. Babb, and seconded by Mr. Kramer, to approve the Resolution above. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Kramer, Babb
NAYS: Messrs.: None
ABSTAIN: Messrs.: none

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REGENCY AT LONG VALLEY

J. Gregory to prepare the Water & Sewer Service Agreements. The Agreements will be presented to the Board prior to submission to Regency.

CUSTOMER REQUEST FOR IRRIGATION WELL

<p>RESOLUTION AUTHORIZING INSTALLATION OF PRIVATE COMMERCIAL WELL</p>
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No. 13-05-D

WHEREAS, the Washington Township Municipal Utilities Authority (“Authority”) owns and operates a public water supply system within the Township of Washington; and

WHEREAS, the Authority’s Rules and Regulations, Section 7, Part A - General, prohibits the installation or use of private wells on any property connected to the Authority’s water system unless specific written approval for such private well is granted by the Authority; and

WHEREAS, the Authority’s Rules and Regulations, Section 7, Part A - General, provides that when a property owner desires to install or continue to use a private well on property connected to the water supply system, the owner shall make application to the Authority for a permit to make such installation, or to continue the use of any existing private wells, and said application shall set forth the reasons for the installation or use of said private wells and demonstrate hardship and/or special reasons for making such installation or continuing such use; and

WHEREAS, Hoffman’s Supply Home and Garden Center (the “Applicant”), is a commercial business located at 35 East Mill Road, Long Valley, New Jersey 07853, has made application (attached as Exhibit A) to install a private well to irrigate its agricultural inventory; and

WHEREAS, Applicant is currently connected to the public water supply and will remain connected to the public water supply after the installation of the private well; and

WHEREAS, the Authority considered all information submitted by the Applicant and finds sufficient hardship and/or special reasons for installing and using a private well at the Applicant’s location, 35 East Mill Road, Long Valley, New Jersey; and

WHEREAS, subject to the conditions set forth herein, the Authority will approve the application for the installation and use of a private well for irrigation of agricultural commercial products only.

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 1st day of May 2013 as follows:

1. The Executive Director is hereby authorized and directed to issue a permit to Hoffman’s Supply Home and Garden Center to install a private well at the property located at 35 East Mill Road, Long Valley, New Jersey.
2. This approval is subject to reasonable permit conditions to be determined by the Executive Director, including, but not limited to, the following conditions:
 - a. The well shall have an approved backflow prevention device and shall comply with all Authority and NJDEP backflow prevention requirements. This device is subject to inspection by the Authority at the Applicant’s expense.
 - b. Water from the well shall be used for non-potable purposes only.
 - c. Access points for well water must be clearly labeled, at all time, as “Non-Potable Water”.
 - d. This approval, shall be considered an exemption to the Authority’s rules, and shall apply only to the uses referenced in the Applicant’s application. Any modification from the uses referenced in the application will invalidate this exemption and require the well be sealed at Applicant’s expense.
 - e. Applicant agrees to release the Authority from any and all claims and liabilities which may

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arise at any time from the date of this Resolution as a result of any and all personal, property, or economic injuries due to or related to the use or ownership of the well.

- f. Applicant shall defend, indemnify, protect, and hold harmless, the Authority, its officers, agents, and employees, from any and all damage, claims, demand, liability, judgment, loss, expense or cost arising from, or in connection with the use of the well.
- g. The well shall only be used to irrigate agricultural inventory located at 35 East Mill Road, Long Valley, New Jersey. Water from the well shall not be used or transported offsite.
- h. If the proposed use of the well changes, unless otherwise approved by the Authority, the Applicant shall seal the well at its own cost and expense.
- i. Applicant shall provide access to the Authority at all reasonable times to inspect the private well and the use of the water produced.

3. This resolution shall take effect according to law.

INTRODUCED AND PASSED: May 1, 2013

Motion was made by Mr. Babb, and seconded by Mr. Kramer, to approve the Resolution above. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Kramer, Babb
NAYS: Messrs.: Napolitano
ABSTAIN: Messrs.: none

DIRECTOR'S REPORT

- Grove Street Water Pump Station is close to signing the contract.
- The Smith Property Well Allocation Permit and the Highlands Applicability Determination Application has been submitted to the NJDEP and the State Ag Board has been notified. Awaiting the Farmland Preservation determination.
- 159 Flocktown Rd is applying for Highlands exemption to connect both the house and the barn to the sewer service. They were denied and are applying for just the home. The DEP has advised that they can apply but the WMP will have to be amended.
- The Amendments are now done by the resident through the County. The Rate Structure still has a charge for this and will need to be reviewed once the Authority's involvement in amending the WMP is determined.
- 429 Naughtright has requested to connect to the sewer service. The line in front of the property is a force main that was built by the Board of Education for Cucinella School. M. Pucilowski will contact the BOE. Then the WMP will have to be amended.
- The inspection of the RBC roof, as required by the DEP Inspection, will be done this month.
- There is a Senate Bill pending that substantially changes the interest calculation that the Authority can charge for unpaid bills. It will tie it to the Municipal Prevailing Municipal Bond Yield. It was suggested to charge a late fee on top of the interest similar to credit card bills.

CLOSED SESSION - 10:51

RESOLUTION CLOSED SESSION

No. 13-05-G

WHEREAS, it is necessary for the Washington Township Municipal Utilities Authority to discuss a matter relating to 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

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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: May 1, 2013

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

AYES: Messrs.: Cullen, Napolitano, Babb, Kramer

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

OUT OF CLOSED – 11:15 PM

SPECIAL MEETING

Discussed Board Members availability for a Special Meeting, if required, to discuss the Chester/MUA Intermunicipal Agreement and the Employee Association Agreement. It was decided to schedule it for Monday, April 13, 2013 at 7:00.

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

AYES: Messrs.: Cullen, Napolitano, Babb, Kramer

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

Meeting Adjourned: 11:23pm

Respectfully Submitted,
E. Jill Waller
Secretary