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**WASHINGTON TOWNSHIP MUA  
Special Meeting  
Closed Session  
May 20, 2013**

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The Closed Session portion of the W.T.M.U.A. Meeting began at: 7:08 pm on May 20, 2013.

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

**CHESTER/WTMUA INTER-MUNICIPAL AGREEMENT**

Discussed the comfort letter that was provided by the EPA. The Attorney pointed out that it did not include DJ Egarian Associates as the engineer and inspector on the project. M. Pucilowski advised that this is not a given as they have to solicit quotes due to the anticipated cost. If Egarian is not the inspector on the project, the Inter-Municipal Agreement provides the WTMUA with the right to approve the construction.

It was agreed to ask the EPA to include in the comfort letter language in the second to last paragraph stating that the project-related costs are subject to adjustment as work outside the scope of work is provided. Additionally it will be requested that more specifics be added to the language in the second paragraph, second to the last sentence regarding the EPA and NJDEP ensuring a safe water supply.

The EPA has agreed to pay connection fees either in cash or equivalent capital improvements.

The suggestion in Mr. Rosoff's email to go ahead and sign the Inter-Municipal Agreement while the details of the location of the re-chlorination building could be worked on through the summer should be incorporated in the letter when the signed Agreement is provided. The worst case scenario is that the Agreement is signed, no indemnification is provided on the re-chlorination building and the WTMUA never takes possession building.

It was suggested that the WTMUA's position that an indemnification must be provided in order for the WTMUA to sign off on the design of the re-chlorination building should be voiced clearly in either the Agreement, a letter provided with the Agreement or some other instrument. It was suggested that a timeline be included.

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

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

Closed meeting adjourned at 8:50 pm.

Respectfully submitted,  
E. Jill Waller  
Executive Secretary