
**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

The Regular Meeting of the W.T.M.U.A. was called to order at 7:36PM on December 4, 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. Napolitano*, Akin, Mascott
Alt. Members Present: Messrs. Babb
Members Absent: Messrs. Cullen, Popper
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,
Attorney Manganello

* Arrived at 7:45 pm

RATE HEARING

SALUTE THE FLAG

PUBLIC 2014 RATE HEARING

Mr. Pucilowski was sworn in by Mr. Gregory and advised his qualifications as the Executive Director of the WTMUA. Mr. Pucilowski attested notices were sent to the Daily Record, Observer Tribune, Hunterdon Democrat, and Hunterdon Review newspapers; mailed to the Municipal offices and posted on the WTMUA bulletin board as required. The proof from the newspapers will be marked Exhibit A for the record. The procedures to prepare the budget and rates were described by Mr. Pucilowski. A 2% increase is being recommended for sewer rates and a 5% increase for water in order to cover the 2014 expenses, debt service, reserves, and maintenance. A copy of the rate schedule will be marked Exhibit B for the record. It was confirmed that the rates presented and recommended were the rates discussed in the rate meetings prior to the Hear.

The Rate Hearing was opened to the public for questions. Mr. Antonucci contacted Bruce Smith at the Hackettstown MUA and he recommended that the WTMUA reach out to him for input. He also recommended dissolving the WTMUA and turning it back to the State of NJ because he believed that the WTMUA is not serving the public well with their pricing. It was suggested that the WTMUA is a poorly established organization within a difficult geographic service area.

The Rate Hearing was closed at 8:50 pm.

2014 RATE INCREASE

<p>RESOLUTION ADOPTING 2014 RATE SCHEDULE AND AMENDING WTMUA RULES AND REGULATIONS</p>

No. 13-12-A

WHEREAS, upon proper notice having been made and a public hearing having been held pursuant to the Municipal and County Utilities Authorities Law to amend the Washington Township Municipal Utilities Authority ("WTMUA") service charges for 2014 as set forth in Rate Schedule of the Rules and Regulations, Appendix A attached hereto; and

WHEREAS, for the reasons set forth in said public hearing and to ensure adequate revenues will be available to pay the expenses of operation and maintenance of the utility systems for the year 2014 it is the desire of the WTMUA to amend its Rules and Regulations to replace the 2013 rate schedule with the 2014 rate schedule, Appendix A attached hereto; and

WHEREAS, all other sections of the WTMUA's Rules and Regulations inconsistent with the new rate schedule set forth in Appendix A, are hereby amended to be consistent with the 2014 Rate Schedule.

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

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

1. The Rules and Regulations of the Washington Township Municipal Utilities Authority are hereby amended by the adoption of the 2014 rate schedule as set forth on Appendix A attached hereto.
2. All other sections of the WTMUA's Rules and Regulations inconsistent with the new rate schedule set forth in Appendix A, are hereby amended to be consistent with the 2014 Rate Schedule.
3. This resolution shall take effect immediately.

DATED: December 4, 2013

Motion was made by Mr. Mascott, and seconded by Mr. Akin, to approve Resolution 13-12-A to amend the 2014 Rate Schedule. Motion was carried by the following vote:

AYES: Messrs.: Napolitano, Akin, Mascott, Babb

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

REGULAR MEETING

2014 WATER AND SEWER BUDGETS

<p>RESOLUTION 2014 Authority Sewer Utility Budget WASHINGTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY for the FISCAL YEAR: from January 1, 2014 to December 31, 2014</p>

No. 13-12-B

WHEREAS, the Annual Budget and Capital Budget for the Washington Township Municipal Utilities Authority's Sewer Utility for the fiscal year period beginning January 1, 2014 and ending December 31, 2014, has been presented before the governing body of the Washington Township Municipal Utilities Authority at its open public meeting of December 4, 2013; and,

WHEREAS, the Sewer Utility Annual Budget as introduced reflects Total Revenues of \$2,648,480, Total Appropriations, including Accumulated Deficit if any, of \$2,648,480 and Total Unrestricted Net Assets utilized of \$0; and,

WHEREAS, the Sewer Utility Capital Budget as introduced reflects Total Capital Appropriations of \$999,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$999,000; and,

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and,

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Washington Township Municipal Utilities Authority, at an open public meeting held on December 4, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Washington Township Municipal Utilities Authority's Sewer Utility for the fiscal year beginning January 1, 2014 and ending December 31, 2014, is hereby approved; and,

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and,

BE IT FURTHER RESOLVED, that the governing body of the Washington Township Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on February 5, 2014.

INTRODUCED AND PASSED: December 4, 2013

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve Resolution 13-12-B to approve the 2014

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

Sewer Budget. Motion was carried by the following vote:

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

<p>RESOLUTION 2014 Authority Water Utility Budget WASHINGTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY for the FISCAL YEAR: from January 1, 2014 to December 31, 2014</p>

No. 13-12-C

WHEREAS, the Annual Budget and Capital Budget for the Washington Township Municipal Utilities Authority's Water Utility for the fiscal year period beginning January 1, 2014 and ending December 31, 2014, has been presented before the governing body of the Washington Township Municipal Utilities Authority at its open public meeting of December 4, 2013; and,

WHEREAS, the Water Utility Annual Budget as introduced reflects Total Revenues of \$1,354,587, Total Appropriations, including Accumulated Deficit if any, of \$1,354,587 and Total Unrestricted Net Assets utilized of \$0; and,

WHEREAS, the Water Utility Capital Budget as introduced reflects Total Capital Appropriations of \$1,108,500 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$1,108,500; and,

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and,

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Washington Township Municipal Utilities Authority, at an open public meeting held on December 4, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Washington Township Municipal Utilities Authority's Water Utility for the fiscal year beginning January 1, 2014 and ending December 31, 2014, is hereby approved; and,

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and,

BE IT FURTHER RESOLVED, that the governing body of the Washington Township Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on February 5, 2014.

INTRODUCED AND PASSED: December 4, 2013

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve Resolution 13-12-C to approve the 2014 Water Budget. Motion was carried by the following vote:

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

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

2014 LATE BUDGET SUBMISSION

RESOLUTION LATE SUBMISSION OF 2014 BUDGETS

No. 13-12-D

WHEREAS, the Washington Township Municipal Utilities Authority (Authority) held Meetings on September 11th, October 2nd, 9th & 23rd, and November 6th, 2013 where the operating and capital budgets for FY 2014 were discussed, and;

WHEREAS, there were a variety of issue related to increases in the operating budget as well as a need to determine the priority of capital work required in the Sewer and Water Utilities, and;

WHEREAS, the appropriations in the Sewer and Water Utilities required a review of revenue, in particular the user fee structure, and;

WHEREAS, review of these matters took more time than was anticipated, and;

WHEREAS, the additional time was considered necessary given the problems of balancing the revenue needs with the appropriations required in FY 2014.

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

- (1) The additional time taken to develop the FY 2014 Authority Budgets was prudent given the magnitude of needs in the Sewer and Water Utilities.
- (2) The late submission of the FY 2014 Authority Budgets warranted.

INTRODUCED AND PASSED: December 4, 2013

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve Resolution 13-12-D to authorize the late submission of the 2014 Budgets. Motion was carried by the following vote:

AYES: Messrs.: Napolitano, Akin, Mascott, Babb

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

2014 TEMPORARY BUDGET

RESOLUTION APPROVING TEMPORARY SEWER AND WATER UTILITY OPERATING AND CAPITAL BUDGETS FOR THE FISCAL YEAR: FROM JANUARY 1, 2014 TO DECEMBER 31, 2014
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No. 13-12-E

WHEREAS, at its open public meeting of December 4, 2013, as Resolutions 13-12-B and 13-12-C, the Washington Township Municipal Utilities Authority approved the Sewer and Water Utility Annual Budgets and Capital Budgets for the fiscal year beginning January 1, 2014 and ending December 31, 2014; and,

WHEREAS, said Budgets will be submitted to the New Jersey Department of Community Affairs, Division of Local Government Services, Authority Budgets and Finances (hereinafter referred to as NJDCA) on December 5, 2013; and,

WHEREAS, the NJDCA has not issued an approval of the budgets as submitted; and,

WHEREAS, the Authority cannot adopt its Sewer and Water Utility Annual Budgets and Capital Budgets without NJDCA approval; and,

WHEREAS, the Authority must have budgets to pay for ongoing operations.

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

1. The Sewer and Water Utility Annual Budgets and Capital Budgets for the fiscal year beginning January 1, 2014 and ending December 31, 2014 approved at its open public meeting of December 4, 2013 is hereby adopted as a temporary budget until such time the NJDCA approves the budget submissions made, or that may be required.
2. This resolution shall take effect immediately upon signing by the WTMUA Chairman.

INTRODUCED AND PASSED: December 4, 2013

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve Resolution 13-12-E to approve a temporary budget for 2014. Motion was carried by the following vote:

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

APPROVAL OF MEETING MINUTES

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve 10/3/12, 10/2/13, 10/9/13, 10/23/13, and 11/6/13. Motion was carried by the following vote:

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

NOVEMBER 2013 CHECKBOOK REGISTER

A question was raised regarding if there is a warranty period on the excavation services. This was brought up because of a recent leak on Ann that appeared to be in the same place as a prior repair. Mr. Pucilowski will look into this.

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve the November 2013 Checkbook Register. Motion was carried by the following vote:

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

FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER, OCTOBER, NOVEMBER BILLING ADJUSTMENTS

Motion was made by Mr. Mascott, and seconded by Mr. Akin, to approve the February, March, April and May Billing Adjustments. Motion was carried by the following vote:

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

VOUCHERS OVER \$5,000

Some of the expense for DJ Egarian is for the Sandt Lane extension. Some issues are the rocky geology. Preliminary estimates are being requested and should be available at the next meeting. The expected high cost is due to the rock, the depth requirement, and the repaving needs. Once the estimates are acquired, a meeting with the residents will be held.

Motion was made by Mr. Akin, and seconded by Mr. Mascott, that the vouchers for Passaic Valley for \$7,920.00, DJ Egarian for \$8,865.22 and DeMaio Electric for \$17,592.67 be approved for payment and authorized by the signature of the proper official. Motion was carried by the following vote:

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

JIF DIVIDEND

It was agreed to take the \$4,192.63 dividend as a credit to the account.

SMSTP CATWALK REPAIR

Motion was made by Mr. Mascott, and seconded by Mr. Akin, to authorize the expense of no more than \$6,300 for repair of the SMSTP catwalk handrail and floor. Motion was carried by the following vote:

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

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

1998 A&B BOND ARBITRAGE

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to authorize BLX to perform the Arbitrage on Bond 1988 A & B. Motion was carried by the following vote:

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

EDMUNDS WIPP - ACCOUNT INFORMATION ACCESS

Customers have been advised that their accounts are available online. Currently anyone can view any account. The Attorney will look into the OPRA laws to confirm if it is public information. A decision will be made at the next meeting.

REGENCY WATER AND SEWER SERVICE AGREEMENTS

Regency will test the lines prior to use to ensure that there are no repairs required. A maintenance bond is included in the Agreements. The maintenance bond must be accepted by the Authority Board when the improvements are completed and will be in affect for two years from the date acceptance.

<p>RESOLUTION AUTHORIZING APPROVAL OF THE SEWER SERVICE AGREEMENT WITH REGENCY AT LONG VALLEY I., LLC</p>
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No. 13-12-G

WHEREAS, the Washington Township Municipal Utilities Authority ("Authority") is the owner and operator of the Long Valley Wastewater Treatment Plant and sewerage collection system within the Township of Washington, Morris County, New Jersey; and

WHEREAS, Regency at Long Valley I., LLC ("Regency") is the owner of certain lands situated in the Township of Washington, currently designated as Lots 46 & 47 in Block 28, on which 45 townhouse units are planned to be constructed (hereinafter referred to as the "Development"); and

WHEREAS, Regency requires sewer connections for the Development, and has constructed and installed certain improvements to connect the Development to the sewerage collection system at its own cost and expense in accordance with all rules, regulations and requirements of the Authority, Township of Washington, County of Morris and State of New Jersey; and

WHEREAS, at this time, adequate capacity exists in the Authority's Long Valley Wastewater Treatment Facility to treat the sewerage from the proposed Development; and

WHEREAS, on or about January 5, 2007 the Authority and Regency entered into a sewer service agreement requiring all work under the Agreement to be completed within five (5) years from the date of the 2007 Agreement; and

WHEREAS, all work required under the 2007 Agreement was not completed within the time specified and Regency has requested an extension of the time to complete all work required to connect the Development to the public sewerage system; and

WHEREAS, it is in the best interests of the Authority to grant the extension requested by Regency under the terms and conditions set forth in the attached Sewer Service Agreement.

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

1. The Executive Director is hereby authorized and directed to execute and deliver the attached Sewer Service Agreement to Regency at Long Valley I., LLC for signature and requiring a fully executed Water Service Agreement to be returned within thirty (30) days from the date hereof.
2. This resolution shall take effect immediately pursuant to law

INTRODUCED AND PASSED: December 4, 2013

Motion was made by Mr. Akin, and seconded by Mr. Mascott, to approve Resolution 13-12-G authorizing the execution of the Sewer Service Agreement. Motion was carried by the following vote:

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

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

The storm water basin will be served by the WTMUA water but restrictions can be put on the use of that water. The WT Planning Board still needs to approve this. They are also looking into putting in a private well for this use. The Agreement will be changed to specify that the residential rates apply to the storm water basin usage.

<p>RESOLUTION AUTHORIZING APPROVAL OF THE WATER SERVICE AGREEMENT WITH REGENCY AT LONG VALLEY I., LLC</p>
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No. 13-12-H

WHEREAS, the Washington Township Municipal Utilities Authority ("Authority") is owner and operator of the public water system within the Township of Washington, Morris County, New Jersey; and

WHEREAS, Regency at Long Valley I., LLC ("Regency") is the owner of certain lands situated in the Township of Washington, currently designated as Lots 46 & 47 in Block 28, on which 45 townhouse units are planned to be constructed (hereinafter referred to as the "Development"); and

WHEREAS, Regency requires water connections for the Development and has constructed and installed certain improvements to connect the Development to the public water supply system at its own cost and expense and in accordance with all rules, regulations and requirements of the Authority, Township of Washington, County of Morris and State of New Jersey; and

WHEREAS, on or about January 5, 2007 the Authority and Regency entered into a Water Service Agreement requiring all work required under the 2007 Agreement be completed within five (5) years of the date of the 2007 Agreement; and

WHEREAS, all work required under the 2007 Agreement was not completed within the time specified and Regency has requested an extension of the time to complete all work required to connect the Development to the public water supply system; and

WHEREAS, it is in the best interests of the Authority to grant the extension requested by Regency under the terms and conditions set forth in the attached Water Service Agreement.

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

3. The Executive Director is hereby authorized and directed to execute and deliver the attached Water Service Agreement to Regency at Long Valley I., LLC for signature and requiring a fully executed Water Service Agreement to be returned within thirty (30) days from the date hereof.
4. This resolution shall take effect immediately pursuant to law.

INTRODUCED AND PASSED: December 4, 2013

Motion was made by Mr. Mascott, and seconded by Mr. Akin, to approve Resolution 13-12-H authorizing the execution of Water Service Agreement with a change to paragraph six indicating that the residential rates will apply to the water basin usage. Motion was carried by the following vote:

AYES: Messrs.: Napolitano, Akin, Mascott, Babb

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

DIRECTOR'S REPORT

- Parker Rd: The water main is almost to the Chester Township Municipal Building. They have hit rock that has slowed down the progress. Currently there is over 10,000 feet of water main down between Parker Rd and School House Lane. There is water in the main but the lines are not charged.
- Grove Street Pump Station: The work on the structure has begun.
- SM23: They payment of the easement was held up until the Farmland Preservation was completed. Morris County is going to preserve the land. Met with Mr. Bucco and was advised that the Highlands Exemption was denied and a now a full Permit Application is required. The Engineer has begun work on the Application.
- Phosphorus at SMSTP: Additional jar tests are complete. A planned pilot program should take place at the beginning of 2014. Need to verify that we don't need DEP approval.
- DEP inspections reports: A report arrived yesterday. They will be reviewed and reported on next meeting
- Elected Officials Training: M. Pucilowski took the training and most of it was on ethics.
- NJ Water Supply Authority Contract: M. Pucilowski working on this to include the Parker extension.
- Bartley Rd. Pump Station Acquisition of a portion of property: An adjustment needs to be made to purchase price in the Agreement to the full \$3,900 of the appraisal because the WTMUA is not planning on taking an easement

**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
December 4, 2013**

portion back. Agreed to send it to the Christians as a draft and the Board can take the time to review it and vote on it at the next meeting. The Agreement is to sell the piece of property, the buyers pay the WTMUA legal and miscellaneous fees. The sale is subject to Planning Board approval. This sale will provide a better, safer sight distance. The Executive Director will check with the Planning Board to ensure that there is no side yard set back for the well that is on the property.

- Excavation contract: Needs to be put out to bid. The update Grove St bid spec needs to be incorporated into the Excavation Spec. The manpower needs to be addressed on the spec to avoid too much manpower on a job.

CLOSED SESSION – 9:20 PM

RESOLUTION CLOSED SESSION

No. 13-12-F

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.

INTRODUCED AND PASSED: December 4, 2013

Motion was made by Mr. Mascott, and seconded by Mr. Akin, to approve Resolution 13-12-F authorizing a Closed Session. Motion was carried by the following vote:

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

OUT OF CLOSED: 9:25 PM

ADJOURNMENT

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

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

Meeting Adjourned: 9:25 PM

Respectfully Submitted,
E. Jill Waller
Secretary