
**WASHINGTON TOWNSHIP MUA
REGULAR MEETING
January 7, 2015**

The Regular Meeting of the W.T.M.U.A. was called to order at 7:35 PM on January 7, 2015. Adequate notice of this meeting of the W.T.M.U.A. was given to the Daily Record and the Courier News on February 19, 2014. Notice was also posted on the Municipal Building Bulletin Board.

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

*arrived at 7:45 PM

**arrived at 8:29 PM

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SALUTE THE FLAG

DAVE CARSWELL RETROACTIVE LICENSE COMPENSATION

Mr. Carswell provided Mr. Pucilowski with his updated request in writing. His interpretation is that the license compensation should be pensionable and overtime should be applicable. Mr. Gregory previously spoke with the labor attorney and received verbal input that compensation should not be pensionable until 2010 when the provisions of the Employee Agreement changed. Mr. Pucilowski is going to request a written position from the Authority's labor attorney on the interpretation of the contract language. Additional discussion will take place in Closed Session.

DUSTIN HINGEL RETROACTIVE LICENSE COMPENSATION

This topic was tabled until next meeting.

ADMINISTRATION STAFF PERFORMANCE REVIEW

This topic was tabled until next meeting. The reviews will be provided in a Closed Agenda packet prior to the meeting.

LESTER WRIGHT VACATION DAYS

The additional work required at the Long Valley Sewer Plant has prevented Lester Wright from taking earned vacation time. Going forward additional personnel will be needed to assist in operation of the Long Valley Plant and to assist with meter reading and installations. Work hours may also need to be adjusted. The Plant did not have good bug life for sludge settling. Problems began in the end of 2013. There were upsets in the system, equipment issues and overflows in the sand filter room as well as one instance when an overflow went into the River. Ultimately the percentage of solids needs to increase. Each SBR needs to be tested daily requiring three additional man-hours a day. Testing was supposed to be done from the beginning but never was. There was a lack of training when the Plant was brought online. It was suggested that economically, hiring another person is acceptable if there is a cost savings or compliance issue. Currently Mr. Wright has been incurring a large amount of overtime due to the new testing needs. An individual with a first level license is preferable. Course information for acquiring licenses was requested.

The Executive Director will confirm with the labor attorney to ensure that the payment of unused vacation time will not be pensionable.

VEHICLE INCIDENT – JEFFREY MCNEEL

Jeff McNeel took the Authority vehicle to a NJ Motor Vehicle Agency to renew his personal vehicle registration. As he pulled into the parking spot he bumped another parked vehicle. He was punched out and the Executive Director is not aware if he has taken the vehicle at other times. Personnel on Duty have been permitted to take the vehicle home. The Executive Director is not aware if there will be an insurance deductible due on the claim. The Executive Director will remind the staff that use of Authority vehicles for personal use.

Motion was made by Mr. Akin, and seconded by Mr. Babb, to authorize the Executive Director to implement his recommendations as presented with the stipulation that the employee pay any out of pocket expenses to the Authority.

Motion was carried by the following vote:

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

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REVISION TO PERSONNEL POLICIES AND PROCEDURES MANUAL

Mr. Napolitano will provide a comparison of the Personnel Policy and the Employee Association Agreement. It will be determined if the benefits that are currently being provided to non-association employees that are included in the Employee Association Agreement will continue to be provided. The labor attorney will be consulted with regard to the Authority's ability to remove the Employee Association Members from any benefits that are provided in the Personnel Policy and not included in the Employee Association Agreement.

APPROVAL OF MEETING MINUTES

Motion was made by Mr. Akin, and seconded by Mr. Babb, to approve December 3, 2014 Meeting Minutes. Motion was carried by the following vote:

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

DECEMBER CHECKBOOK REGISTER

Motion was made by Mr. Akin, and seconded by Mr. Babb, to approve the December 2014 Checkbook Register. Motion was carried by the following vote:

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

NOVEMBER BILLING ADJUSTMENTS

Motion was made by Mr. Akin, and seconded by Mr. Cullen, to approve the November 2014 Billing Adjustments. Motion was carried by the following vote:

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

VOUCHERS OVER \$5,000

Motion was made by Mr. Babb, and seconded by Mr. Akin, that the vouchers for DJ Egarian dated 11/4/14 for \$10,525.00, Passaic Valley Sewerage Commission dated 11/17/14 for \$6,817.50, Pumping Services dated 12/1/14 for \$11,270.00, Rio Supply dated 12/12/14 for \$54,908.00, Toby Barkman dated 12/12/14 for \$6,880.39 and \$10,944.48 be approved for payment and authorized by the signature of the proper official. Motion was carried by the following vote:

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

WATER SHUT OFF FOR NON-PAYMENT POLICY

The Executive Director consulted with the Health Department to ensure that they had no concerns with the Authority shutting off water. This policy was requested to reduce the volume of customers going to tax sale through the Township Tax Department.

<p>RESOLUTION AUTHORIZING WATER SHUTOFF FOR NON-PAYMENT OF UTILITY BILLS</p>

No. 15-01-D

WHEREAS, it has come to the attention of the Authority that the number of customers making payments late or failing to pay for utility services have increased substantially over the last couple of years; and

WHEREAS, this increase in late and non-payment of utility bills is detrimental to the continued efficient operation and maintenance of the public water and sewer systems; and

WHEREAS, N.J.S.A. 40:14B-43 provides "In the event that any service charge of any municipal authority with regard to any parcel of real property shall not be paid as and when due, the municipal authority, may, in its discretion, enter upon such parcel and cause any connection or connections thereof leading directly or indirectly to or from the

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utility system to be cut and shut off until such service charge and any subsequent service charge with regard to such parcel and all interest accrued thereon shall be fully paid to the municipal authority.”

WHEREAS, the threat and the actual shut off of a customer’s water service has proven to be an effective detriment to the late and non-payment of utility bills.

WHEREAS, it is in the best interest of the Authority to collect all utility service charges in a prompt and timely manner.

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

1. The Executive Director is hereby authorized to utilize, to the fullest extent allowed under the law, the power to shut off water service to customers who have not paid their utility bills when due.

2. The Executive Director shall use his full and absolute discretion in administering this power, keeping in mind that the goal of the Authority is not to shut off water service, but to collect utility bills in a prompt and timely manner.

2. This resolution shall take effect immediately.

DATED: January 7, 2015

Motion was made by Mr. Babb, and seconded by Mr. Akin, to approve Resolution 15-01-D. Motion was carried by the following vote:

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

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

SENIOR CITIZEN DISCOUNT

It was agreed at the last meeting to review options for providing an additional discount to customers that are not eligible for PAAD. PAAD is the basis for the current senior citizen discount and regulated by NJ law.

A lower sewer rate was discussed for anyone that uses the water minimum. This would be much easier if all the meters were radio reads to avoid issues with reading errors. In 2016 most of the meters will be radio. The software company will be consulted to see if a credit can be automatically provided for someone that had a certain amount of water over four quarters, after a certain usage level was hit for several quarters or on any other option that they might recommend.

APPEAL OF APPLICATION FOR PRIVATE WELL – 217 PARKER RD

The Rules and Regulations allow an exception when “demonstrating hardship”. The unique points that relate to the hardship can be detailed in the approval. The customer will need to be aware of the costs for annual testing and inspection of the backflow preventor.

DEP NOTICE OF VIOLATION SETTLEMENT AGREEMENT

<p>RESOLUTION AUTHORIZING SETTLEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION</p>
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No. 15-01-F

WHEREAS, the Washington Township Municipal Utilities Authority (“Authority”) owns and operates the Long Valley Village Wastewater Treatment Plant and the associated wastewater collection system; and

WHEREAS, on May 24, 2014, as the result of a power surge, the pumps at the Long Valley Pump Station tripped off causing raw sewage to rise in the station’s wet well and discharge an estimated 350 gallons of raw sewage into the South Branch of the Raritan River (“Discharge”); and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) alleged that the above discharge was a violation of the Authority’s NJPDES Permit Number NJ0109061 (“Permit”) and issued a Notice of Violation (“NOV”); and

WHEREAS, the NJDEP further alleged that the Authority is liable for civil administrative penalties for the Discharge pursuant to N.J.S.A. 58:10A-10.d and N.J.A.C. 7:14-8.1 et seq.

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WHEREAS, in an effort to settle this matter, the NJDEP has offered a settlement of all claims arising out of the Discharge with no admission of liability and in accordance with the form of Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, it is in the best interest of the Authority to settle this matter in accordance with the terms and conditions set forth in the attached Settlement Agreement.

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

1. The Executive Director is hereby authorized and directed to execute and deliver the Settlement Agreement attached hereto as Exhibit A to the New Jersey Department of Environmental Protection in settlement of all claims arising out of the above described Discharge.

2. This resolution shall take effect immediately as permitted by law.

INTRODUCED AND PASSED: January 7, 2015

Motion was made by Mr. Akin, and seconded by Mr. Cullen, to approve Resolution 15-01-F. Motion was carried by the following vote:

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

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

PARKER RD CHESTER INTERMUNICIPAL AGREEMENT AMENDMENT

<p>RESOLUTION AUTHORIZING APPROVAL OF AMENDMENT TO AGREEMENT REGARDING EXTENSION OF WATER SYSTEM AND SALE OF WATER</p>

15-01-J

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

WHEREAS, on or about June 11, 2013, at the request of the U.S. EPA and Township of Chester ("Chester"), the Authority and Chester entered into an Agreement Regarding Extension of Water System and Sale of Water ("Agreement") to help address contamination emanating from the Combe Landfill; and

WHEREAS, the Authority and Chester agree that the Agreement shall be amended to clarify Chester's obligations in the event that the Authority loses access to a re-chlorination facility ("Re-Chlorination Facility") site that is part of the waterline extension project; and

WHEREAS, the Authority and the U.S. EPA are in the process of finalizing an agreement which will provide, in part, access to the Authority to the site Re-Chlorination Facility site; and

WHEREAS, upon completion of the Agreement with the U.S. EPA, it is in the best interest of the Authority to enter into the attached Amendment to Agreement Regarding Extension of Water System and Sale of Water.

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

1. Upon execution of an acceptable agreement with the U.S. EPA regarding access for the Re-Chlorination Facility, the Executive Director is hereby authorized and directed to execute the Amendment to Agreement Regarding Extension of Water System and Sale of Water attached hereto as Exhibit A.

2. This resolution shall take effect immediately pursuant to law

INTRODUCED AND PASSED: January 7, 2015

Motion was made by Mr. Cullen, and seconded by Mr. Akin, to approve Resolution 15-01-J. Motion was carried by the following vote:

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

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

PARKER RD WATER MAIN EXTENSION RE-CHLORINATION BUILDING

This topic has been tabled until next meeting.

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GROVE STREET BOOSTER STATION PROJECT COMPLETION

<p>RESOLUTION AUTHORIZING FINAL PAYMENT, RELEASE OF RETAINAGE AND ACCEPTANCE OF MAINTENANCE BOND FOR CONTRACT NO. C108B, GROVE STREET BOOSTER PUMP STATION</p>

No. 15-01-E

WHEREAS, on or about April 24, 2013 the Washington Township Municipal Utilities Authority ("Authority") entered into Contract C108B, Grove Street Booster Pump Station with DeMaio Electrical Company, Inc., ("Contractor") in the amount of \$179,800.00; and

WHEREAS, the Contractor has submitted Payment Request No. 15, Final, in the amount of \$4,308.73 for the return of Contract retainage.

WHEREAS, the Authority engineer has inspected and approved the project and confirms it was constructed in accordance with the Contract Specifications only as changed by approved change order and has recommended approval of the Final Payment; and

WHEREAS, the Contractor has submitted the required closeout documents, including Maintenance Bond No. 601056181 in the amount of \$215,436.64; and

WHEREAS, the availability of funds for this expenditure have been certified in writing by the certifying finance officer.

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

1. The Executive Director is hereby authorized and directed to release Contract retainage and make final payment to the Contractor in the amount of \$4,308.73.
2. The Executive Director is hereby authorized and directed to accept Maintenance Bond No. 601056181 in the amount of \$215,436.64.

This Resolution shall take effect immediately upon passage according to law.

INTRODUCED AND PASSED: January 7, 2015

Motion was made by Mr. Akin, and seconded by Mr. Cullen, to approve Resolution 15-01-E. Motion was carried by the following vote:

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

CLIFFSIDE PARK

There will be a meeting with Aqua and the Authority to discuss how to ensure that the water is shut off for any customers that do not pay their mortgage payments. It was suggested that the purchase includes Aqua accepting the mortgages from the Authority

PURCHASE OF GORMAN RUPP PUMP FOR LVSTP

It was suggested that the Authority ask Worthington if they have a pump that will fit the specifications.

Motion was made by Mr. Babb, and seconded by Mr. Cullen, to authorize the Executive Director to purchase the pump for LVSTP SBR 2 not to exceed \$17,000. Motion was carried by the following vote:

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

DIRECTOR'S REPORT

- It is expected that the DEP will take another two weeks to issue the permit on the new well for the Parker Road extension. Most customers might be connected by the beginning of March.
- The HMUA advised that they are not willing to provide excavation services to the Authority.
- The new Water Allocation could be reduced to the original level if the lost water issue is not resolved in both water systems.

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- The DEP report lists a roof collapse at SM11. It is disturbing that this hasn't been addressed by the water operator.

CLOSED SESSION – 9:08 PM

RESOLUTION CLOSED SESSION

No. 15-01-K

WHEREAS, it is necessary for the Washington Township Municipal Utilities Authority to discuss a matter relating to Personnel and Contract Negotiations which 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 7, 2015

Motion was made by Mr. Akin, and seconded by Mr. Cullen, to approve Resolution 15-01-K. Motion was carried by the following vote:

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

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

OUT OF CLOSED – 10:35 PM

ADJOURNMENT

Motion was made by Mr. Babb, and seconded by Mr. Akin, to adjourn the meeting. Motion was carried by the following vote:

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

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

Meeting Adjourned: 10:36 PM

Respectfully Submitted,
E. Jill Waller
Secretary