

**WASHINGTON TOWNSHIP MUA**  
**Regular Meeting Minutes**  
 June 07, 2023

The Regular Meeting of the W.T.M.U.A. was called to order at 7:34 pm on June 07, 2023. Adequate notice of this meeting of the W.T.M.U.A. was given to the Daily Record and the Courier News February 2, 2023. Notice was also posted on the Municipal Building Bulletin Board.

This is a remotely accessible public meeting that is being recorded. Members of the public wishing to comment during the public portion of meetings or during a public hearing may type in the Google Meet chat function that they have a comment or unmute their microphone and state that they have a comment. Public comment is limited to three minutes. A representative of the Authority ("Facilitator") will keep members of the public muted, except when they are selected to speak during the public portion of the meeting or during any public hearing. Members of the public may mute and unmute themselves by pressing the microphone button on Google Meet or pressing \*6 on the telephone keypad. Members of the public may also discontinue their video through the "Google Meet" platform.

**ROLL CALL:**

Members:	Present	Excused	Absent	Others:	Present	Excused	Absent
Chairman Cullen	X			WT Liaison Wall	X		
V Chairman Napolitano	X			Exec Dir McAndrew	X		
Babb	X			Exec Secr Waller	X		
Drake	X			Attorney Napolitano	X		
Sparone	X						
Sehnal		X					
<vacant>							

**REGULAR MEETING**

**SALUTE THE FLAG**

**PUBLIC DISCUSSION OF HIGH RIDGE TANK PROJECT**

The High Ridge Water Tank issues were reviewed and the public was given the opportunity to ask questions regarding the Authority's plans to resolve the issues.

**CLOSED SESSION – 8:26 pm**

RESOLUTION CLOSED SESSION
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No. 23-06-C

WHEREAS, it is necessary for the Washington Township Municipal Utilities Authority to review Closed Minutes and potential litigation as 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: June 7, 2023

Motion was made by Mr. Drake, and seconded by Mr. Napolitano, to approve Res 23-06-C. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

**OUT OF CLOSED: 8:51 pm**

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**APPROVAL OF 5/9/2023 OPEN AND CLOSED MINUTES & 5/16/23 OPEN MINUTES**

Motion was made by Mr. Babb, and seconded by Mr. Cullen, to approve the presented minutes. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**MAY 2023 CHECKBOOK REGISTER**

Motion was made by Mr. Babb, and seconded by Mr. Cullen, to approve the presented checkbook registers. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**BILLING ADJUSTMENTS –MARCH, APRIL, MAY 2023**

Tabled until next meeting

**VOUCHERS OVER \$6,600**

Motion was made by Mr. Drake, and seconded by Mr. Napolitano, to approve the following voucher over \$6,600: Pumping Services, dated 5/9/23, for \$8,360.05; Barkman Excavating, dated 5/1/23, for \$7,326.22; Barkman Excavating, dated 5/1/23, for \$7,674.83; Harper Control, dated 5/17/23, for \$12,432.00; Rapid Pump, dated 5/22/23, for \$11,890.00; Barkman Excavating, dated 6/3/23, for \$59,363.15; Manda Painting, dated 6/5/23, for \$344,500.00 and Mueller, dated 6/2/23, for \$129,240.00. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**PURCHASES OVER \$6,600**

Motion was made by Mr. Napolitano, and seconded by Mr. Drake, to authorize the final reporting by the engineers for the BPU grant over \$6,600. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**EMPLOYEE PROMOTIONS**

<b>RESOLUTION EMPLOYEE ASSOCIATION MEMBERS TITLE ADJUSTMENTS</b>
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No. 23-06-A

WHEREAS, the Washington Township Municipal Utilities Authority (“the Authority”) employs personnel included in collective negotiations agreement with the Washington Township Municipal Authority Employees Association (“Association”); and

WHEREAS, the Employee Association Agreement sets the titles and pay schedules for members of the Association; and

WHEREAS, it is in the best interest of the Authority to change the titles of several employees.

NOW, THEREFORE, BE IT RESOLVED by the Washington Township Municipal Utilities Authority that the following employee titles will be as follows:

1. Rick Banda: Operator I
2. Tyler Van Riper: Operator I
3. Kelvin Rivera: Operator II
4. Jeffrey McNeel: Operator IV

BE IT FURTHER RESOLVED, that this resolution shall take effective June 17, 2023, payable with the first payroll in July.

INTRODUCED AND PASSED: June 7, 2023

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Motion was made by Mr. Babb, and seconded by Mr. Cullen, to approve Res 23-06-A. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

**WATER SYSTEMS PFAS LIABILITY PROTECTION ACT**

RESOLUTION "WATER SYSTEMS PFAS LIABILITY PROTECTION ACT" PUBLIC AND PRIVATE WATER AND WASTEWATER FACILITIES EXEMPTION FROM CERCLA LIABILITY
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No. 23-06-B

Whereas, A goal of the Washington Township Municipal Utilities Authority ("Authority") is to protect and preserve the environment, while being fiscally responsible to our customers while providing proper corrective and preventative maintenance policies for the collection system and treatment facility; and

Whereas, PFAS substances are a threat to human health and the environment; and

Whereas, the Authority is ready and willing to do its part to remove PFAS substances from systems to protect public health and the environment; and

Whereas, the Authority is responsible to protect the interests of its ratepayers; and

Whereas, the U.S. Environmental Protection Agency (EPA) proposes to designate certain per- and polyfluoroalkyl substances (PFAS) as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA; a.k.a., Superfund Act); and

Whereas, under a broad definition of CERCLA, public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs are potentially subject to CERCLA with regard to PFAS; and

Whereas, public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs are not polluters. They are passive receivers of PFAS substances and do not manufacture, use, or originate the PFAS substances; and

Whereas, CERCLA was enacted to hold polluters responsible for environmental cleanups; and

Whereas, being subject to such a CERCLA designation would ensnare public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs in endless litigation at the expense of taxpayers and ratepayers; and

Whereas, in the past, some New Jersey utilities have been drawn into Superfund actions even though they are not polluters; and

Whereas, EPA assurances that it will rely on its enforcement discretion to keep POTWs from being forced to pay for cleanup under CERCLA fall short because 1) discretion can vary based on the administration and 2) polluters may employ legal strategies that draw public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs into litigation; and

Whereas, taxpayers and ratepayers are "innocent bystanders" and should not be made to pay to further polluter legal strategies, nor should they be subject to the regulatory uncertainty associated with EPA "discretion"; and

Whereas, cost implications the proposed CERCLA designation are complicated by the fact that PFAS substances aren't introduced into the environment in a single or several discreet "spills" but are continually being introduced into the environment;

Now Therefore Be It Resolved that the Washington Township Municipal Utilities Authority calls on the Hon. Cory A. Booker and the Hon. Robert Menendez to join Sen. Cynthia Lummis in sponsoring the "Water Systems PFAS Liability Protection Act" because it would explicitly exempt public and private drinking water utilities, wastewater agencies (POTW), stormwater utilities, and biosolids management programs from CERCLA liability.

INTRODUCED AND PASSED: June 7, 2023

Motion was made by Mr. Napolitano, and seconded by Mr. Drake, to approve Res 23-06-B. Motion was carried by the following vote:

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone  
NAYS: Messrs.: None  
ABSTAIN: Messrs.: None

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**BOB CARPENTER RETIREMENT CELEBRATION**

It was agreed to have a sit-down dinner to celebrate Bob's retirement. The staff and the committee members will be invited, as well as Dave Carswell who retired recently. Spouses will not be included. Alternate options and pricing will be collected for review.

**NEW BUSINESS**

- A discussion on fiscal savings will be added to a future meeting
- An accounting of the WIIF revenue and expenditures will be provided

**DIRECTOR'S REPORT**

The Director's Report was reviewed. Other items discussed:

- Due to the Tank Rehab project, an increase in overtime has occurred to ensure the Schooley's Mountain customers have sufficient water supply. Both water and sewer staff have significantly stepped up to manually manage the system throughout the 24-hour day while also conducting water patrol looking for leaks and water restriction violations

**ADJOURNMENT**

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

AYES: Messrs.: Cullen, Napolitano, Babb, Drake, Sparone

NAYS: Messrs.: None

ABSTAIN: Messrs.: None

Meeting Adjourned: 9:49 PM

Respectfully Submitted, E. Jill Waller, Secretary