

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY**  
**REGULAR MEETING**  
**August 17, 2011**

- Call to Order: The Regular Meeting of August 17, 2011 was called to order at 7:00 p.m. with the Pledge of Allegiance by Vice Chairman Testino.
- Announcement Vice Chairman Testino announced that this meeting is being held in conformance with the Open Public Meetings Act. Notice has been given to the newspapers and notice of the meeting has been posted in public places.
- Roll Call: Present:  
Edward Testino, Vice Chairman  
Nicholas Smolney, Treasurer  
Kiran Desai, Secretary  
Rocco Donatelli, Commissioner  
Reginald Butler, 1<sup>st</sup> Alternate – Assistant Secretary  
Richard Greene, 2<sup>nd</sup> Alternate – Assistant Treasurer (arrived at 7:05 p.m.)
- Absent:  
Thomas Galante, Chairman
- Also present:  
Guy Donatelli, Executive Director  
Michael Roy, P.E.  
Stephen A. Florek II, Comptroller  
Louis E. Granata, Esq.
- Executive Director's Report: Guy Donatelli, Executive Director

Executive Director Donatelli referred to the Drinking Water Analysis-Monthly Coliform Summary Report Form from the Garden State Laboratories as well as the Monthly Water Distribution Report for July 2011 included in the Commissioners' packets.

A contract for repainting the Browntown Water Treatment Plant is going out to bid. Bids will be received before the September 21, 2011 board meeting. Funds are available.

A contract to purchase a new backhoe for the Water Division is out to bid. Bids will be received before the September 21, 2011 board meeting. Funds are available.

The Sewer Division Superintendent has a need for a new utility vehicle. A Ford F450 is recommended, and one is available on State Contract. The vendor is Warnock Fleet; the price is \$37,758; and the Contract No. is A73961. The vehicle will be equipped with special safety equipment used in manhole and pump station maintenance and is fitted for a snow plow. The old truck has already been approved for auction. Funds are available.

A motion to purchase a Ford F450 for the Sewer Division at a State Contract price of \$37,758 from Warnock Fleet, as recommend, was made by Mr. Smolney and seconded by Mr. Butler.

The roll call was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes            0 Nays            1 Absent

A motion was made to accept the Executive Director's Report by Mr. Desai and seconded by Mr. Smolney.

The roll call vote was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante

5 Ayes            0 Nays            1 Absent

Chairman's Report: None.

Previous Minutes: None.

Engineering Reports: Michael Roy, P.E.

Report on Developers for Approval:

**Woodhaven Plaza/Woodhaven Village, Inc.**

- 1. W96-432, Final Water – 31 + 4 Fire +2 Irrigation = 37 EDCU's**
- 2. S96-324, Final Sewer – 31 EDCU's**

Mr. Roy reported this project is located on Texas Road at Murray Drive and consists of approximately 3,650 LF of six and eight inch (6" and 8") water main to connect into the existing twelve inch (12") water mains in Texas Road and Murray Drive to service a 118,050 SF shopping center consisting of four retail buildings.

Fees sufficient for Final Water Approval have been paid. Water connection fee credits are owed to Woodhaven Village in accordance with a 2008 settlement of the 1998 Woodhaven Agreement for Regional Water System improvements.

Eight hundred water connection fee credits were credited to Woodhaven Village as a result of payments made by them as described in the 1998 Woodhaven Agreement regarding regional water system improvements. Five hundred water connection fee credits were used with the approval of the Woodhaven Section 1 (310), Matchaponix Estates a/k/a Rocky Creek (117) and Woodhaven Estates 1 a/k/a Winding Brook (73). With the 37 units in this application (Woodhaven Plaza), the remaining credit of water connection fees is 263 ( $800 - 310 - 117 - 73 - 37 = 263$ ).

The Authority granted Tentative Water Approval on January 19, 2011. Township final planning board approval was granted on July 12, 2011. All technical requirements sufficient for Final Water Approval have been satisfied, and Mr. Roy recommended Final Water Approval subject to the ten (10) conditions outlined in his report.

Attached to his report is the Water Agreement detailing when payments were made for pre-paid connection fees and the 2008 Settlement Agreement wherein the Authority acknowledged the 800 connection fees and the amount of the units used for the three developments.

Mr. Roy also reported that fees sufficient for Final Sewer Approval have been paid. Also Sewer Connection fee credits are owed to

Woodhaven Village in accordance with the 1984 Woodhaven Agreement for Regional Sewer Facilities.

1,552 Sewer Connection Fees were credited to Woodhaven Village as a result of the construction of “Regional Sewer Facilities to the South Old Bridge Area” described in the 1984 Woodhaven Sewer Agreement. Five hundred Sewer Connection fee credits were used with the approval of Woodhaven Section 1 (310), Matchaponix Estates a/k/a Rocky Creek (117) and Woodhaven Estates 1 a/k/a Winding Brook (73). With the 31 units in this application (Woodhaven Plaza), the remaining credit of Sewer Connection Fees is 1,021 (1552-310-117-73-31=1,201).

The sewer lines will remain privately owned. The technical requirements for Final Sewer Approval have been satisfied, and Mr. Roy recommended Final Sewer Approval subject to the ten (10) conditions as outlined in his report.

A motion to approve Woodhaven Plaza/Woodhaven Village, Inc. W96-432, Final Water and S96-324, Final Sewer, as recommended, was made by Mr. Desai and seconded by Mr. Smolney.

The roll call was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes      0 Nays      2 Absent

**Legends Center at Old Bridge/The Golf Center, Inc.**

**3. W208-593, Final Water – 63 + 5 Fire = 68 EDCU’s**

**4. S208-467, Final Sewer – 63 EDCU’s**

Mr. Roy reported that this project is located at Spring Valley Road on the site of the existing Golf Center. Phase I will be a Walmart; Phase II will be four other stores (two restaurants, one office and one retail). The construction consists of approximately 4,200 LF of 6”, 8” and 10” DIP water main to connect into an existing on-site, private water main and into an existing water main in Marlboro Road to service 197,590 SF of office/retail and two restaurants.

Final Review and Inspection fees have been paid. Connection fees for Phase I have been paid. Connection fees for Phase II are due prior to the installation of water meters in each Phase II building. Connection fee rates are subject to change.

The Authority granted Tentative Water Approval on July 27, 2010. The Township planning board approval was granted on June 9, 2009. The delay from July 2010 until present was caused by the discussion relating to the contribution for the Crossroads Regional Interceptor (to be discussed as part of the Final Sewer Approval).

The Applicant has indicated that lawn irrigation is not proposed for this site; therefore lawn irrigation is not included in this approval. If a lawn irrigation system using municipal water is proposed in the future, the plan must be submitted to the Authority to determine the number of additional Equivalent Domestic Consumer Units.

The water mains will remain privately owned by this commercial property. All technical requirements sufficient for Final Water Approval have been satisfied, and Mr. Roy recommended that Final Water Approval be granted subject to the thirteen (13) conditions outlined in his report.

Mr. Testino inquired about the appeal of the Township's approval and its impact on approval by the Authority.

Mr. Roy stated that the Authority is granting the water and sewer approval which will expire in one year. If, as a result of the appeal, there is a significant change to the utilities, the applicant will have to return to the Authority.

Mr. Roy stated that the applicant has acknowledged its obligation to contribute approximately \$380,000 (calculated by R3M) cost sharing towards the Crossroads Regional Interceptor as evidenced by their letter dated August 10, 2011. Payment will be made proportionately for each building at the time of the connection of each building or within five (5) years of the signing of the Developer's Agreement, whichever comes first.

The applicant will be extending municipal sewer service to its driveway on Marlboro Road which facilitates future extensions. The sewer through their property will be dedicated to the Authority since it is part of the regional sewer system. Phase I (Wal-Mart) will utilize the existing pump station used by the golf course. The

sewer will remain privately owned until the sewer connection transfer to the Crossroads Regional Interceptor project under Phase II.

All technical requirements sufficient for Final Sewer Approval have been satisfied, and Mr. Roy recommended Final Sewer Approval subject to the fourteen (14) conditions outlined in his report.

A motion to approve Legends Center at Old Bridge/The Golf Center, Inc. W208-593, Final Water and S208-467, Final Sewer, as recommended, was made by Mr. Smolney and seconded by Mr. Butler.

The roll call was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes      0 Nays      1 Absent

**Middlesex Long Term Care Facility Irrigation/County of Middlesex  
5. W-11-625, Minor Water – 3 EDCU’s**

Mr. Roy stated that this project is located between Marlboro and East Greystone Roads, just south of the Authority’s Marlboro Road Water Storage Tank. The construction consists of an irrigation system to service the existing Middlesex County Long Term Care Facility which will be connected to the internal plumbing.

Because the Applicant has requested no separate water meter for this irrigation system, the application was tabled at the regular meeting of the Authority on August 3, 2011. Since that time a letter has been received from Thomas Kelso, Esq., an attorney for Middlesex County, wherein he confirms that Middlesex County is not requesting a water meter, and he further acknowledged that the facility sewer charges will be based upon the total usage in accordance with the single water meter being installed.

Mr. Roy recommended Minor Water approval subject to the conditions outlined in his report.

A motion to approve Middlesex Long Term Care Facility Irrigation/County of Middlesex W-11-625, Minor Water, as recommended, was made by Mr. Smolney and seconded by Mr. Butler.

The roll call was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Greene.

NAYS: None.

NOT PARTICIPATING: Testino.

ABSENT: Galante.

5 Ayes            0 Nays            1 No Participation    1 Absent

Engineering Reports: Michael Roy, P.E.

**Iresick Brook Interceptor, Final Quantities Change Order**

Mr. Roy reported that Change Order No. 2 to Jo-Med Contracting Corp. prepared by R3M Engineering for Iresick Brook Interceptor represents the final quantities for payment and consists of the increased cost to remove a block of concrete (an unforeseen underground condition) that had adhered to a manhole to be removed under the contract.

The total cost of this Change Order No. 2 is an increase of \$3,000 which is a two point two percent (2.2%) increase from the original contract amount of \$136,580 to a new contract amount of \$139,580. This is the final contract amount, since Change Order No. 1 was a “no cost” change order.

A motion to approve Iresick Brook Interceptor, Final Quantities Change Order in the amount of \$3,000 (2.2% increase), as recommended, was made by Mr. Smolney and seconded by Mr. Butler.

The roll call was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes          0 Nays          1 Absent

**Prior to the roll call vote the following discussion took place.**

Mr. Testino asked for a clarification of the procedures leading up to a change order.

Mr. Roy explained that when a particular unexpected situation occurs, it is discussed in the field and a price to do the work is negotiated. The contractor is taking a risk by going forward with the work. Many contractors will not continue until a change order is approved. Originally, the change order price requested was in the amount of \$7,000, and the negotiated price became \$3,000.

Superintendent's  
Report:

Allan Lunkenheimer, Sewer Division Superintendent

None

Financial Report:

Stephen A. Florek II, Comptroller.

Mr. Florek reported that the Hodulik & Morrison commenced the the audit for the year ending May 31, 2011 and a report should be received in time for the September 21, 2011 meeting.

**Rate Hearing**

Mr. Florek requested a connection fee rate hearing to adjust the fees for the coming year.

A motion to hold a connection fee rate hearing on September 21, 2011 at 6:30 p.m., as recommended, was made by Mr. Smolney and seconded by Mr. Butler.

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes          0 Nays          1 Absent



A motion to accept the Financial Report was made by Mr. Smolney and seconded by Mr. Greene.

AYES: Desai, Donatelli, Smolney, Butler, Greene.

NAYS: None.

NOT PARTICIPATING: Testino.

ABSENT: Galante.

5 Ayes          0 Nays          1 No Participation          1 Absent

Legal Report: Louis E. Granata, Esq.

Mr. Granata stated that all legal matters would be discussed in closed session.

Bills & Claims: \$2,852,902.05

A motion to approve Bills & Claims was made by Mr. Smolney and seconded by Mr. Desai.

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes          0 Nays          1 Absent

Old Business: **Brunetti Oaks at Glenwood Development – Status**  
To be discussed in Executive Session

**Recharge Basin Study - Status**

Mr. Roy reported that a response is being prepared to a DEP e-mail previously reviewed by the Commissioners and he is awaiting comments from Barbara Koonz.

Mr. Testino suggested the creating of a subcommittee consisting of two commissioners with Chairman Galante filling in as needed.

**Crossroads, Summerfield, Sewer Division SCADA NJEIT  
Projects – Status**

Mr. Roy reported that all the above projects are on schedule.

New Business: Executive Director Donatelli responded to an inquiry from Mr. Greene relating to a Marlboro Road sewer problem. He stated that an emergency would not be declared at this time. After the sewer was cleaned and viewed, it was observed that the lateral to a house was causing the sink hole. R3M will be preparing specs to reline sewers in the area of Southwood and we may be able to wait to fix this sewer on Marlboro Road. If anything changes with the condition of this sewer, we will report it at the next meeting.

Mr. Roy added that this is a high priority area and that a project is soon to start with a company to clean and TV within the Southwood area to determine what conditions exist with all the sewer pipes and prioritize what sewers need to be relined first. That information will be available within the next few weeks. Marlboro Road sewer will most likely be on the top of the list to reline.

Open to Public: Mrs. Wooster, referring to the Reorganization Meeting of the Authority, inquired about the fees to be paid to the attorneys who were voted upon at that time.

Mr. Testino explained that these firms are qualified for the entire year, and as needs arise, contracts are negotiated.

Mrs. Wooster also inquired about a Cottrell Road fire hydrant used for irrigation.

Executive Director Donatelli responded that there is a meter on the hydrant.

See no further hands; Vice Chairman Testino closed the public portion.

Executive Session: A motion to go into Executive Session at 7:30 p.m. was made by Mr. Smolney and seconded by Mr. Desai

The roll call vote was as follows:

AYES: Desai, Donatelli, Smolney, Butler, Testino.

NAYS: None.

ABSENT: Galante.

5 Ayes      0 Nays      1 Absent

**Regular Meeting Reconvened at 8:07 p.m.**

**During Executive Session Executive Mr. Granata discussed Deep Run and Brunetti litigation.**

Adjournment: A motion to adjourn at 8:08 p.m. was made by Mr. Butler and seconded by Mr. Smolney.

The motion was approved by an ALL AYES vote.

Respectfully submitted:

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Kiran Desai, Secretary