

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING  
February 15, 2012**

- Call to Order: The Regular Meeting of February 15, 2012 was called to order at 7:00 p.m. with the Pledge of Allegiance by Chairman Galante.
- Announcement Chairman Galante 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:  
Thomas Galante, Chairman  
Edward Testino, Vice Chairman  
Richard Greene, Treasurer  
Kiran Desai, Secretary  
Rocco Donatelli, Commissioner  
Reginald Butler, 1<sup>st</sup> Alternate – Assistant Secretary  
Anita Greenberg, 2<sup>nd</sup> Alternate – Assistant Treasurer
- Absent: None
- Also present:  
Guy Donatelli, Executive Director  
Michael Roy, P.E.  
Stephen A. Florek II, Comptroller  
Louis Granata, Esq.
- Executive Director's Report:  
Executive Director Donatelli referred to the Drinking Water Analysis-Monthly Coliform Summary Report Form from the Garden State Laboratories for January 2012 as included in the Commissioners' packets.
- Crossroads Project**  
Mr. Donatelli announced that the Authority would be meeting with the Township to discuss acquiring easements for the sewer line to be constructed through Township property. A discussion should take place at the February 27, 2012 Township Council meeting.
- Recharge Basin**  
Mr. Donatelli stated that Dominick Cicio has been communicating with FEMA with respect to flood mitigation in South Old Bridge.

FEMA appeared to be very interested in the recharge basin project. A meeting is proposed between the Authority, FEMA, Mr. Cicio and Mayor Henry.

**Decommissioned Sites**

Mr. Donatelli reported that work should begin within a few weeks. Coordination with the Township will take place to allow for their access to the Sommers property at the rear of the Joseph Court site during our demolition work.

Mr. Testino asked the Authority's position on fluoridation.

**Water Fluoridation**

Mr. Donatelli stated that the Authority does not believe that this is something that should be mandated. The AEA and the AWWA has taken an opposing stance on this forced medication because fluoride does not create an enhancement to the water.

Mr. Testino asked whether the AEA has issued a position paper.

Mr. Donatelli responded that the AEA is currently soliciting senators to oppose it. The Authority would have to retrofit three sites which would cost hundreds of thousands of dollars.

Mr. Testino inquired if the Commissioners would be asked to pass a resolution either supporting or opposing fluoridation in drinking water.

Mr. Roy stated that a resolution would probably have to be adopted. The proponents of this law have taken the position that this is a health concern and also that different rates of fluoridation are used which should be standardized. Fluoridation should be optional, and the Authority will not add it willingly. There are many arguments against this including personal responsibility, side effects and benefits vs. the cost. The Authority's position is that fluoridation should not be mandatory.

Dr. Greenberg stated that studies have found that those who use bottled water are subject to more tooth decay.

Mr. Butler suggested that when a resolution is adopted, it be sent to the assembly representatives.

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

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Previous Minutes:	Regular Meeting	-	January 4, 2012
	Public Rate Hearing	-	January 18, 2012
	Regular Meeting	-	January 18, 2012
	Executive Session	-	January 18, 2012

A motion to approve the above listed Previous Minutes was made by Mr. Galante and seconded by Mr. Butler.

The roll call was as follows:

Ayes: Desai, Greene, Testino, Butler, Galante

Nays: None

Not Participating:    Donatelli

5 Ayes            0 Nays            0 Absent            1 No Participation

Engineering Reports: Michael Roy, P.E.

Report on Developers for Approval.

**Barclay Brook Trunk Sewer/Woodhaven Village, Inc.  
1. S96-323, Tentative Sewer – 0 EDCU’s**

Mr. Roy stated that this project is located in the southwest portion of the Township to provide sewage service to Woodhaven Village, Sections 2 and 3 and connects into an existing twenty-one inch (21”) Matchaponix Interceptor constructed with Woodhaven Village, Section 1 development.

The construction consists of approximately 8,200 LF of twelve and eighteen inch (12” & 18”) gravity sewer identified as Reach “A” and most of Reach “B” of the Barclay Brook Interceptor from the 1984 Woodhaven Sewer Agreement. This proposed sewer will connect into the existing Matchaponix Brook

Interceptor Sewer near Englishtown Road in accordance with the 1984 Woodhaven Sewer Agreement.

Tentative Review Fees have been paid in accordance with the 1984 Woodhaven Sewer Agreement. The Barclay Book Trunk Sewer is consistent with the master planning aspects for the South Old Bridge Area that was contemplated in the 1984 Woodhaven Sewer Agreement. Future site plan developments in this area, such as Woodhaven Village, Sections 2 and 3, will be serviced by this Application. Although there are issues to be addressed with respect to the Final Application, Tentative Sewer Approval is required in order to obtain the TWA Approval at the DEP.

Mr. Roy recommends Tentative Sewer Approval subject to the four conditions outlined in his report.

A motion to approve Barclay Brook Trunk Sewer/Woodhaven Village, Inc. S96-323, Tentative Sewer – 0 EDCU’s as recommended was made by Mr. Donatelli and seconded by Mr. Butler.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Superintendent’s  
Report:

Al Lunkenheimer, Superintendent Sewer Division

A motion to approve the Superintendent’s Report as included in the Commissioners’ packets was made by Mr. Butler and seconded by Mr. Donatelli.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Engineering Reports: Michael Roy, P.E.

### **1. Redevelop Well No. 1, Contract No. W11-156, Award Contract**

Mr. Roy stated that this project is the redevelopment of Well No. 1 which is located in front of the Throckmorton Lane Plant. Last year the well was repaired with a fourteen inch (14") liner pipe installed within an existing eighteen inch (18") casing pipe that failed. After the repair was performed, some redevelopment work was done on the well, but during the summer months the well's performance revealed the need for more redevelopment work.

The lowest bidder, Steffan Drilling, LLC, has not taken any exceptions on the bid proposal, and their unit prices appear to be balanced and in line with the Engineer's estimate. Stefan Drilling, LLC performed well redevelopment for the City of Bridgeton which was completed in December 2011, and the work was reported to be performed in a satisfactory manner.

Mr. Roy recommended awarding this contract to Steffan Drilling, LLC as the lowest responsible bidder in the amount of \$32,600.00 if the bid package is deemed legally acceptable.

A motion to award Contract No. W11-156 Redevelopment of Well No. 1 to Steffan Drilling, LOC in the amount of \$32,600.00 as recommended was made by Mr. Desai and seconded by Mr. Greene.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes          0 Nays          0 Absent

### **2. Woodhaven Village Section 1, W96-428, S96-320, Release Performance Bonds**

Mr. Roy reported that Woodhaven Section 1 is located at the corner of Texas and Englishtown Roads where the trunk sewer ends. (The project previously approved will extend the trunk sewer from that point up towards Texas Road.) The application has completed all requirements for a bond release.

Installation and testing of the water and sewer construction is complete and satisfactory. As built drawings are approved, and mylar and electronic copies have been received. All water meters have been installed, and all water and sewer utilities are installed within public right-of-ways and easements. Final paving is completed, and confined space equipment has been received.

Mr. Roy recommended release of the performance bonds subject to the applicant “zeroing” out the escrow account for which the cash bonds may be used. A maintenance bond will not be required since the water utilities have been maintained by the property owner for over ten (10) years. When the Authority performed a final inspection, it was found that the water utilities are in good condition.

Mr. Greene inquired if the sewer lines are inspected and if Mr. Roy is confident that the work was done correctly. He referred to a cave in at Matchaponix.

Mr. Roy stated that inspections are done in-house, but he is not aware of a sewer line caving in at Matchaponix. He is confident that the work at Woodhaven Section 1 has been done.

A motion to release Woodhaven Village Section 1, W96-428, S96-320 Performance Bonds as recommended was made by Mr. Galante and seconded by Mr. Desai.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Financial Report:     Stephen A. Florek II Comptroller

***Resolution***

A motion to authorize the execution and delivery of the Twentieth Supplemental Indenture, Loan Agreements and Escrow Agreements to be entered into with the NJEIT and with the State of New Jersey, acting by and through the DEP all pursuant to the Fiscal Year 2012 NJEIT Financing Program was made by Mr. Donatelli and seconded by Mr. Greene.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes          0 Nays          0 Absent

***Budget Workshops***

Mr. Florek suggested the following dates for budget workshops:

March 7, 2012 at 7:00 p.m.

March 14, 2012 at 6:30 p.m.

April 18, 2012 at 6:30 p.m.

A motion to approve the schedule of budget workshops was made by Mr. Galante and seconded by Mr. Donatelli.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes          0 Nays          0 Absent

Legal Report:

Louis E. Granata, Esq.

**Mr. Shah (24 Ashley Drive)**

Mr. Granata reported on a claim by Mr. Shah with respect to a suspected water meter defect resulting in an exorbitant bill amounting to approximately \$1,700. Mr. Shah requested that the Authority inspect for leaks, and a leak in one of the toilets was detected. Mr. Shah asked that the meter be calibrated, and the meter was removed at a cost of \$100 to be borne by Mr. Shah if the meter was proved to be accurate.

After Middlesex Water Company determined that the meter was accurate, Mr. Shah continued to object, and the outstanding bill was placed on a tax sale. Mr. Shah paid the bill under protest, and this matter was presented for a legal review.

Mr. Granata rendered his opinion that the water meter was correct, and that there was an apparent leak in Mr. Shah's home. Mr. Shah has cited various Administrative Code sections concerning responsibilities of the Authority for meter reading and abatement of certain charges none of which affect the Authority but rather those utilities controlled by the BPU.

Mr. Granata's finding is that the meter and bill are correct, and that there was no tampering of Mr. Shah's meter.

***Chairman Galante recused himself from discussion on this matter.***

Mr. Shah addressed the Commissioners with his objection to Mr. Granata's ruling. He stated that the Department of Public Utilities and the Office of the Attorney General confirmed that the New Jersey Administrative Code is applicable.

Mr. Granata stated that this Authority is not subject to Bureau of Public Utilities.

Mr. Shah continued to argue his position contending that his meter was faulty, and that there should be no money collected nor interest accrued on a disputed bill. His money should be refunded.

Mr. Granata stated that the Old Bridge Municipal Authority is subject only to NJSA 40:14B-1, etc. which is the Municipal Utility Authority Law. This Authority is neither subject to the BPU nor the New Jersey Administrative Code except for those areas which concerns environmental issues with regard to standards affecting water and sewers.

Vice Chairman Testino asked Mr. Granata if he carefully reviewed the file and believes that the Authority is in compliance with all rules and procedures with respect to billing.

Mr. Granata replied that he had.

Vice Chairman Testino asked if there were any deviation in the handling of Mr. Shah's case as opposed to any other reviewed case.

Mr. Granata stated that there was no deviation in Mr. Shah's case.

Vice Chairman Testino asked if the administration deviated in any way in the handling of Mr. Shah's problem.



Mr. Granata responded that Mr. Florek had many communications with Mr. Shah.

Vice Chairman Testino asked Mr. Florek if he followed all policies and procedures of the Authority is dealing with Mr. Shah including placing this matter on a tax sale.

Mr. Florek responded that he had followed all appropriate policies and procedures with respect to billing and tax sale. He added that Mr. Shah paid the outstanding amount prior to the tax sale. Interest charges were incurred as per the statute.

Vice Chairman Testino asked Mr. Roy to report on the meter readings.

Mr. Roy stated that fifty gallons went through Mr. Shah's water meter as a pre-test subsequent to it being sent to Middlesex where the meter was tested under laboratory conditions. The percentages were found to be within the accepted tolerances.

Mr. Roy also stated that although there was a high water bill due to the quantity of water measured on the meter, there is also a sewage drain which leads away from the house in which a leak may occur and the resident not even be aware of the water flowing.

Mr. Shah responded that if that amount of water drained from his 836 square foot home, he would be living in a seventeen foot swimming pool.

Vice Chairman Testino ended the discussion by stating that the Commissioners, guided by Mr. Granata's and the professional's reports, will determine if any action should be taken.

Dr. Greenberg asked if Mr. Shah now has the replacement meter.

Mr. Florek stated that a new meter is now installed.

Dr. Greenberg asked for a confirmation that a leak was detected.

Executive Director Donatelli stated that the work order reflected that there was a toilet leak which can consume up to 1,500 gallons per day.

Dr. Greenberg asked that when the leak was discovered was the leak repaired by Mr. Shah.

Mr. Shah responded that there was no leak. A plumber was called in the month of March.

Dr. Greenberg stated that if there were no repair made, there should continue to be a high reading with the new meter.

Mr. Desai asked for a clarification of why a protested charge needs to be paid.

Mr. Granata explained that this Authority is governed by the statute that states specifically that when the amount due is not paid within thirty days, interest is charged at 1.5% per month (mandatory), and if not paid, the Authority has various collection routes to take, one of which is a tax sale. This is a public authority, and if charges are not paid, the Authority cannot pay its bills.

Mr. Florek added that all procedures were followed. If the testing were not completed, the amount would have been added to next year's tax sale.

Vice President Testino invited Mr. Shah to return in March and to exercise his rights as he sees fit, but denied Mr. Shah a copy of Mr. Granata's report based on attorney/client confidentiality privilege and in anticipation of potential litigation.

### **Summerfield Gravity Sewer**

Mr. Granata stated that this project is the construction of a pump station on Summerfield Avenue. All easements have been prepared for the property owners in order to build a retaining wall. Notices are in the process of being prepared to set up appointments with the property owners to sign the easements. The appraisal is complete.

An application for subdivision of that property is being prepared because the Bruzzese Family Partnership is accepting the offer based upon the appraisal, but they had questions about the manner in which the project will be constructed. The completion of the subdivision maps is anticipated so that filing with the Township Planning Board may be made.

### **Crossroads**

Mr. Granata stated that DeRosa is preparing an appraisal for the acquisition of property at Oasis Ford. Mr. Roy, along with Mr. Samuel, have met to discuss the owners concerns about proper alignment of the pipeline. The total easement acquisition including

temporary construction is less than \$25,000. All reports are adequate and satisfactory. He requested the Commissioners to authorize him to commence discussions with the property owner to acquire the property either by negotiation or condemnation.

Mr. Testino inquired if the property owner is completely satisfied with the location of the property line.

Mr. Granata stated they were not 100% satisfied; the owners wanted the pipeline off their property which cannot be done. Due to wetlands restrictions, certain alignments must be done.

Mr. Testino wanted to be sure that the owner could continue with their development.

Mr. Granata stated that the project goes along the property line away from any construction or building.

Mr. Roy stated that condemnation may still be possible because the owner is not 100% satisfied.

A motion to accept the DeRosa appraisals and to authorize Mr. Granata to negotiate with the property owner or proceed with condemnation was made by Mr. Testino and seconded by Mr. Donatelli.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Bills & Claims:            \$2,935,245.45

A motion to approve Bills & Claims was made by Mr. Donatelli and seconded by Mr. Testino.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Old Business:

**Brunetti Oaks at Glenwood Development - Status**

To be discussed in Executive Session

**Recharge Basin Study – Status**

Mr. Roy reported that drilling is to begin on Tuesday with respect to soil investigation.

New Business:

**Monthly Billing**

Mr. Butler asked the Commissioners to consider authorizing the current billing system be changed from quarterly to monthly.

Executive Director Donatelli stated that Mr. Florek was investigating this.

Mr. Desai asked the Commissioners to consider the administrative costs of monthly billing.

Dr. Greenberg added that with monthly billing, perhaps a reason for a high bill would be detected earlier, but it would be prudent to balance the advantages and disadvantages.

Mr. Florek stated that he hoped to have a report for the Commissioners within the next two months due to the forthcoming budget cycle.

Mr. Greene stated that if monthly billing were feasible, perhaps notification should be made via e-mail or as an advertisement in the Suburban.

Mr. Testino suggested adding a notice on the current bills.

**Chamber of Commerce Business Directory**

A motion to place an ad in the Chamber of Commerce Business Director not to exceed \$300 was made by Mr. Butler and seconded by Mr. Donatelli.

The roll call was as follows:

Ayes: Desai, Donatelli, Greene, Testino, Galante

Nays: None

5 Ayes            0 Nays            0 Absent

Open to Public:        Seeing no hands Chairman Galante closed the public portion.

Executive Session:    A motion to go into Executive Session at 8:07 p.m. was made by Mr. Desai and seconded by Mr. Galante.

The motion was approved by an ALL AYES vote.

**The Regular Meeting reconvened at 8:42 p.m.**

**During Executive Session Mr. Granata discussed Brunetti litigation and potential pending litigation.**

Adjournment:        A motion to adjourn at 8:45 p.m. was made by Mr. Testino and seconded by Mr. Butler.

The motion was approved by an ALL AYES vote.

Respectfully submitted:

---

Kiran Desai, Secretary