

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY**  
**REGULAR MEETING**  
**March 14, 2012**

- Call to Order: The Regular Meeting of March 14, 2012 was called to order at 7:03 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  
Kiran Desai, Secretary (Arrived at 7:05 PM)  
Richard Greene, Treasurer  
Anita Greenberg, Assistant Treasurer
- Absent:  
Rocco Donatelli, Commissioner  
Reginald Butler, 1<sup>st</sup> Alternate – Assistant Secretary
- Also present:  
Guy Donatelli, Executive Director  
Michael Roy, P.E.  
Stephen A. Florek II, Comptroller  
Louis E. Granata, Esq.
- Presentation: Chairman Galante presented Nicholas Smoley with a plaque in recognition of his years of service as a Commissioner of the MUA.
- Mr. Smolney expressed his appreciation for the cooperation of his fellow Commissioners as well as the staff.
- Announcement: Chairman Galante announced that the OBMUA has received the Award of Financial Reporting Achievement by the Government Finance Officers Association of the U.S. for the eighth year in a row.

Executive Director's  
Report:

Executive Director Donatelli stated that on March 13<sup>th</sup> a large water main break occurred on Rt. 516 affecting five homes. A ruling about to be imposed by the DEP requires the MUA to issue a "Boil Water Advisory" to customers affected by a water main break. Bacteria testing is now mandatory after a break, and the results must be made known to those affected. He included a sample letter for the Commissioners' review.

Executive Director Donatelli referred to the Water Analysis-Monthly Coliform Summary Report Form from the Garden State Laboratories for February 2012 as included in the Commissioners' packets as well as Mr. Granata's legal opinion as it relates to a claim made by Mr. Shah (24 Ashley Drive) with respect to an excessive billing problem.

Bids are about to be taken in connection with laboratory testing and chemicals for the Water Division. These bids have been extended to the maximum allowed by law; therefore, they must be re-advertised.

Executive Director Donatelli reported on a meeting which was held with FEMA and representatives of the state police, East Brunswick, Sayreville, Mayor Henry and OEM officials, the purpose of which was to discuss the basin. The consensus was that the basin project could help with flood mitigation in the South Old Bridge area. During a storm, the Matchaponix Brook affects towns upstream and downstream of the basin location.

The other affected towns have offered to adopt a Resolution of Support, and a resolution is being drafted for all the towns to use. The resolutions as well as other supporting documents will be submitted with an application to the DEP.

Mr. Testino asked if the sudden warm weather contributed to the water main break.

Executive Director Donatelli stated that excessive pressure leaving the booster station caused the break. There was a malfunction of one of the drives.

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

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

Previous Minutes: Reorganization Meeting - February 15, 2012  
Regular Meeting - February 15, 2012  
Executive Session - February 15, 2012

A motion to approve the previous minutes was made by Mr. Testino and seconded by Mr. Desai.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

Engineering Reports: Michael Roy, P.E.  
Report on Developers for Approval

**Birch Hill Connector Sewer/Madison Crossing @ Birch Hill/PRC Group**

**1. S203-419, Final Sewer Approval – 0 EDCU’s**

Mr. Roy reported that this project consists of 2,240 LF of eight inch (8”) PVC sewer main which will connect the Bayberry Boulevard gravity sewer into the Crossroads Regional Interceptor Sewer, thereby eliminating the temporary pump station on Bayberry Boulevard.

As per a Developer’s Agreement with Birch Hill, the Developer will either build a pump station at Bayberry Boulevard or abandon the temporary one and tie into the Crossroads Sewer. Since the Crossroads Sewer project is proceeding, the Developer has

designed, and we have reviewed for approval, the connector sewer from the temporary pump station past the clubhouse and across the Township property out to Texas Road to tie into the Crossroads Sewer.

This is an approval to allow for the TWA permit to construct the sewer. R3M has reviewed the design drawings and has confirmed that there is compliance with the design for the Crossroads project.

All technical requirements sufficient for Final Sewer Approval have been satisfied, and Mr. Roy recommended approval subject to the nine conditions listed in his report.

A motion to approve Birch Hill Connector Sewer/Madison Crossing @ Birch Hill/PRC Group S203-419, Final Sewer as recommended was made by Mr. Testino and seconded by Mr. Greene.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg

NAYS: None

ABSTAIN: Galante

ABSENT: Butler, Donatelli

4 Ayes            0 Nays            1 Abstain        2 Absent

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

Mr. Roy reported that this project, which dates back to a 1984 Sewer Agreement when there was an O&Y/Woodhaven development plan for this area in the southwest portion of the Township. The proposed Barclay Brook Trunk Sewer will provide sewerage service to Woodhaven Village, Sections 2 and 3, and connect into an existing twenty-one inch (21”) Matchaponix Interceptor constructed with Woodhaven Village, Section 1.

The project consists of approximately 8,200 LF of twelve and eighteen inch (12” and 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 Agreement.

Mr. Roy stated that all technical requirements have been satisfied for a TWA Permit Application to construct this project, and he recommended approval subject to the ten conditions listed in his report.

A motion to approve Barclay Brook Trunk Sewer/Woodhaven Village, Inc. S96-323, Tentative Sewer as recommended was made by Mr. Desai and seconded by Mr. Testino.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 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. Desai and seconded by Mr. Testino.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

## **1. Legends Center, W208-593, S208-467, Developer Agreements**

Mr. Roy stated that the Water and Sewer Developer Agreements for the referenced application have been prepared and signed in accordance with the Final Water and Sewer Approvals granted on August 17, 2011.

The Developer Agreements consist of the standard language, and the conditions of the Final Water and Sewer Approvals to construct approximately 4,200 LF of six, eight and ten inch (6", 8" and 10") water main to connect into an existing on-site water main and into an existing water main in Marlboro Road and approximately 1,800 LF of eight inch (8") PVC and the upgrade of the existing pump station to service Phase I (Wal-Mart) of the project.

Phase II (office/retail and two (2) restaurants) include the abandonment of the Phase I pump station and force main and connection into the Crossroads Regional Interceptor which will then service the entire project. As part of the approval, the Developer will be contributing money toward the cost of the Crossroads Sewer.

The agreements have been signed by the Developer and are ready to be considered for authorization to be countersigned by the Authority.

A motion to approve Legends Center, W208-593, S208-467, Developer Agreements as recommended was made by Mr. Galante and seconded by Mr. Greene.

The roll call was as follows:

AYES: Desai, Greene, Testino, Galante

NAYS: None

ABSTAIN: Greenberg

ABSENT: Butler, Donatelli

4 Ayes            0 Nays            1 Abstain        2 Absent

**2. Radio Frequency Transponders, Contract No. W10-142, Mars Co., One-Year Extension**

Mr. Roy stated that on April 7, 2010, the Authority awarded a contract to Floyd S. Salser, Jr. & Associates, d/b/a Mars Company, and the Authority authorized a one-year extension on March 16, 2011 which will expire on March 31, 2012.

The Contract Documents allow for an additional one-year extension upon mutual agreement of both parties using the current State “Index Rate” for any price adjustments in accordance with the Public Contracts Law. Floyd S. Salser, Jr. & Associates, d/b/a Mars Company has agreed to an additional one-year extension of this contract which will expire March 31, 2013.

Mr. Roy recommended a one-year extension with a price based on the current Index Rate to Floyd S. Salser, Jr. & Associates, d/b/a Mars Company. All other contract provisions shall be in accordance with the same terms and conditions of the original contract.

A motion to approve Radio Frequency Transponders, Contract No. W10-142, Mars Co., One-Year Extension as recommended was made by Mr. Galante and seconded by Mr. Greene.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes            0 Nays            2 Absent

Financial Report: Stephen A. Florek II, Comptroller

Mr. Florek reported that renewal for Workmen’s Compensation, General Liability, Auto Insurance, etc. is due in April.

Mr. Chris Volk stated that on April 15, the Workmen’s Compensation and the commercial package will renew with Selective Insurance Company. The experience modification has decreased on the Workmen’s Company by almost fifteen points

this year, but claims have risen. The reserves from last year do not exist this year.

The rates for the Sewer and Water Division are up significantly this year. The State rate for the Water Division is up \$.61/\$100 of payroll; sewer rates are up \$1/\$100 of payroll. For an estimated \$3 million in estimated payroll, this equates to a \$52,000 increase.

The Workmen's Compensation has an expired premium of \$236,500 and a renewal premium of \$252,053, which is offset by the experience modification decrease.

With respect to the commercial package policy, there has been a 3% property value increase across the board at all locations; the expired premium was \$407,725; the renewal will be close to that amount within a few hundred dollars.

Mr. Testino asked when the last appraisal of the value of the properties insured under these policies occurred.

Mr. Volk stated that Selective has done appraisals over the last few years.

Mr. Testino inquired whether the coverage for pump stations included replacement.

Mr. Volk responded that it did.

A motion was made to authorize the continuation of Selective Insurance Company for General Liability and Workmen's Compensation Insurance by Mr. Desai and seconded by Mr. Greene.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes            0 Nays            2 Absent



## **FY 2011-1012 Budget Introduction *Resolution***

A motion was made to approve the FY 2012-2013 Budget – Water Division as introduced by Mr. Testino and seconded by Mr. Greene.

The roll call was as follows:

AYES: Desai, Greene, Testino, Galante

NAYS: Greenberg

ABSENT: Butler, Donatelli

4 Ayes      1 Nay      2 Absent

**Prior to the roll call vote Chairman Galante opened the meeting to the public.**

**Seeing no hands from the public Chairman Galante closed the public portion.**

## ***Resolution***

A motion was made to approve the FY 2012-2013 Budget – Sewer Division as introduced by Mr. Testino and seconded by Mr. Greene.

The roll call was as follows:

AYES: Desai, Greene, Testino, Galante

NAYS: Greenberg

ABSENT: Butler, Donatelli

4 Ayes      1 Nay      2 Absent

**Prior to the roll call vote Chairman Galante opened the meeting to the public.**

**Seeing no hands from the public Chairman Galante closed the public portion.**

Legal Report:

Louis E. Granata, Esq.

***Chairman Galante recused himself from the discussion relating to Mr. Shah.***

**Mr. Shah**

Mr. Granata, referring to his memorandum included in the Commissioners' packets with respect to Mr. Shah, reminded the Commissioners that the memorandum is provided under attorney/client privilege, and will not be disclosed unless the Commissioners vote to do so.

Mr. Shah claims that a bill in excess of \$1,700 was as a result of a faulty meter rather than a condition existing in his home. After reviewing the information submitted by Mr. Shah, and the inspection report by employees of the Authority and other information, it is his opinion that Mr. Shah's bill should stand.

After filing an application with the Director of the Division of Local Government Services, Mr. Shah was informed that Mr. Ness and the Division have no jurisdiction over this matter. Mr. Shah then contacted Mayor Henry who indicated that Mr. Shah should appear before the Authority.

Mr. Shah paid to have his meter tested, and the meter was deemed to be accurate. Mr. Granata's opinion is that the bill should stand.

**Summerfield Gravity Sewer Easement Acquisitions**

Mr. Granata stated that an agreement has been received from the Bruzzese family accepting the offer made based upon the appraisal, and they signed the contract. There is a resolution before the Commissioners authorizing the Executive Director to execute the agreement on behalf of the Authority. The Planning Board application for the subdivision is being prepared.

A motion to authorize the Executive Director to execute an agreement with the Bruzzese family in connection with the acquisition of an easement for the Summerfield Gravity Sewer project as recommended was made by Mr. Greene and seconded by Mr. Desai.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg

NAYS: None

ABSENT: Butler, Donatelli

ABSENT FROM PODIUM: Galante

4 Ayes          0 Nays          2 Absent          1 Absent From Podium

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

Mr. Granata stated that in addition to the Summerfield claim for compensation, Greg and Mrs. Zaccardi have been meeting with the property owners to acquire easements, most of which have been agreed to. There will be a resolution shortly with the two homeowners who have yet to sign.

**Crossroads**

Mr. Granata stated that he has sent Mrs. Rosen's attorney a copy of the appraisal conducted by DeRosa for consideration and acceptance, but a response has not been forthcoming. He will determine the status.

Mr. Testino asked if the placement of the line was being contested.

Mr. Granata stated that they have been accommodated as well as possible. The proposed sewer runs along a property line and through a street. There is no interference with the business or the planned development. The appraisal amount is \$14,000.

Mr. Greene inquired about the status of the easements in relation to the Wal-Mart shopping center.

Mr. Roy stated that this was brought to the Township on February 27, and action should be taken sometime this month. The construction should commence this summer.

A motion to accept the Legal Report was made by Mr. Galante and seconded by Mr. Testino.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

Bills & Claims: A motion to approve Bills & Claims in the amount of \$1,827,706.13 was made by Mr. Greene and seconded by Mr. Testino.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

Old Business: **Compulsory Water Fluoridation**

Mr. Roy stated that with respect to the proposed compulsory fluoridation of water, Mr. Granata sent a letter to Senator Sam Thompson and Assemblymen Ronald Dancer and Robert Clifton stating the Authority's opposition to S959 and A1877, bills which are being considered this month. Mr. Granata has prepared a resolution in opposition to the mandatory fluoridation of water.

Mr. Testino stated that the supporting material prepared by the staff of the Authority was very informative, and he thanked them for their work and concern for the public welfare.

***Resolution***

A motion to authorize the resolution in opposition to mandatory fluoridation as prepared by Mr. Granata was made by Mr. Testino and seconded by Mr. Desai.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

**Brunetti Oaks at Glenwood – Status**

To be discussed in Executive Session.

**Recharge Basin Study – Status**

Mr. Roy stated that a soils report status should be received at CME's office the next day.

New Business:          None

Open to Public:          **Chairman Galante recused himself from the following discussion.**

Mr. Shah restated his case that he is seeking relief from an excessive bill in the amount of \$1,700 and stands by his conviction that his meter was faulty.

Dr. Greenberg stated it is strange to her that there is no history of anyone repairing a leak at Mr. Shah's home.

Executive Director Donatelli stated that this type of problem occurs many times. Each time a meter is taken for testing, it is checked here to determine if it is within a certain range.

Mr. Totten (Water Division Foreman) stated that in 99% of the occurrences of high bills, a toilet leak is to blame. It was he who discovered the leak at Mr. Shah's home.

Mr. Roy added that Mr. Shah's meter was sent to a certified lab at Middlesex Water Company. The meter must register one and one half percent of the actual amount of water put through the meter. Mr. Shah's test was one half percent which is three times more accurate than it needs to be in spite of the fact that the meter has been in use for over twenty years.

Mr. Greene stated that the meter was tested accurately, and that evidently there was a leak as was determined by Mr. Totten.

Mr. Desai recommended that at the time a leak is detected by an employee of the Authority, it should be noted on the work order.

Seeing no further hands Vice Chairman Testino closed the public portion.

Executive Session: A motion to go into Executive Session at 8:09 p.m. was made by Mr. Greene and seconded by Mr. Desai.

The roll call was as follows:

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

**The regular meeting resumed at 9:10 p.m.**

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

Adjournment: A motion to adjourn at 9:12 p.m. was made by Mr. Galante and seconded by Mr. Greene.

AYES: Desai, Greene, Testino, Greenberg, Galante

NAYS: None

ABSENT: Butler, Donatelli

5 Ayes          0 Nays          2 Absent

Respectfully submitted:

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Kiran Desai, Secretary