

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY  
SPECIAL MEETING  
September 29, 2010**

Call to Order: The Special Meeting of September 29, 2010 was called to order at 12:08 p.m. with the Pledge of Allegiance by Edward Testino, Vice-Chairman.

Announcement  
Vice-Chairman 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  
Kiran Desai, Treasurer  
Rocco Donatelli, Commissioner  
Reginald Butler, 1<sup>st</sup> Alternate – Assistant Secretary  
Richard Greene, 2<sup>nd</sup> Alternate – Assistant Treasurer

Absent:  
Nicholas Smolney, Chairman  
Thomas Galante, Secretary

Also present:  
Guy Donatelli, Acting Executive Director  
Michael Roy, P.E.  
Louis E. Granata, Esq.

Absent:  
Stephen A. Florek II, Comptroller

Executive Session: A motion to go into Executive Session at 12:10 p.m. was made by Mr. Desai and seconded by Mr. Butler.

The motion was approved by an ALL AYES vote.

**Regular Meeting Reconvened at 12:19 p.m.**

**During Executive Session Mr. Granata discussed with the Commissioners the Brunetti Litigation.**

Engineering Report: Michael Roy P.E.

## **Midtown Water Company/Brunetti Oaks at Glenwood**

### **1. W86-284 -Preliminary Water**

Mr. Roy stated that the application being considered today was submitted on September 14, 2010 for 1,312 residential units and 600,000 square feet of commercial space. They are constructing twelve, ten and eight inch water mains and an elevated water storage tank to connect into an existing water main in Route 9 at two locations.

In 1986 the Authority entered into an agreement with the Midtown Water Company which allowed Brunetti to pay no water connection fees or inspection fees for development within his franchise area. The balance, if any, of preliminary review fees are due.

The Township Planning Board granted an amended General Development Approval on September 5, 2000 for 1,535 residential units and 600,000 square feet of commercial space. Then the November 12, 2003 Planning Board resolution granted Preliminary and Final Subdivision and Site Plan Approval for 1,442 residential units and denied the Preliminary Site Plan Approval for the commercial development. The Authority may grant Preliminary Approval of the commercial development without the Township Approval.

The Authority granted Preliminary Sewer Approval on September 6, 2006 and granted Tentative Sewer Approval on April 18, 2007 for 1,380 residential units and a 65 EDCU recreation building. The 600,000 SF commercial area was not in the Applicant's Sewer Applications. The NJDEP Treatment Works Approval (TWA) was granted for 1,312 residential units and a 150 member clubhouse.

In May 2006 the Applicant submitted a Preliminary Water Application for 1,380 residential units and one clubhouse (approximately 7,000 SF). On September 14, 2010 this revised Preliminary Water Application being considered today was submitted. The revised application was dated May 2, 2006/August 26, 2010) and proposed 1,312 residential units and approximately 600,000 SF of Commercial.

The Applicant has indicated that the fire flow demand for the commercial area is 1,650 gpm. A hydrant flow test performed on

August 2, 2010, indicates that the system has the fire flow available.

The Applicant has indicated that all proposed water mains and fire hydrants within public right-of-way will be dedicated to the Authority, and all proposed water mains and fire hydrants on private property and private roads will remain privately owned and maintained by the Applicant.

Technical design review of the drawings will be performed after receipt of a revised Tentative Water Application submittal which will include details on the tank.

The deadline for submission of a complete Tentative Water Application package shall be as follows:

- A. By October 5, 2010 for the October 26 meeting.
- B. By October 26, 2010 for the November meeting.

Jerry Primavera has been given a copy of this Engineer's Report.

Preliminary Water Approval is recommended subject to the payment of the applicable fees; addressing the Engineer's Report comments; addressing the Consulting Engineer's Report dated September 23; and complying with the rules and regulations. This Preliminary Water Approval will expire one year from the date of the resolution.

The September 23, 2010 report from CME requests that Preliminary Approval be granted subject to the following conditions:

1. Information to be provided relative to the needed fire flow for the Oaks at Glenwood with the submission of the Tentative Application.
2. The acreage of the entire tract (719.90 acres) including the portion to be served (327.61 acres) should be clearly identified on a General Map as required by the OBMUA Rules and Regulations.
3. The capacity of the proposed tank is acceptable based upon the development described in the Preliminary Application. The proposed tank should match the Authority's current hydraulic gradient in this area to ensure proper system operation.

Mr. Testino inquired if the Preliminary Water Application was the only item pending.

Mr. Roy responded that this is the only thing they have completed with the Water Application. With respect to the Sewer Application, they are currently addressing comments to receive their Final Sewer Approval. The Preliminary Water Application is ready for action today.

Mr. Desai inquired how many units were to be approved.

Mr. Roy responded that the number is 1,312 residential plus commercial.

Mr. Greene inquired why the 1.75 million gallon tank is not mentioned in the report and if the capacity were negotiable.

Mr. Roy indicated that the Engineer's Report states that "the capacity of the tank is acceptable". The Applicant's Engineer's Report describes a 1.75 million gallon tank which is acceptable based on the development described in their Preliminary Application.

Mr. Guy Donatelli added that originally the tank capacity was 2 million gallons and would give the developer his connections, but that was changed when the Authority decided not to "cost share". The developer was told to build the tank on his site. A tank capacity of 1.75 million is sufficient for the application being considered tonight.

Mr. Roy stated that the Authority was in negotiations with the developer about a one million gallon tank, the cost of which would be shared. When the developer rejected that, a lawsuit ensued, and the negotiations died.

Mr. Desai inquired if the Authority had a financial responsibility for the 1.75 million tank.

Mr. Roy stated that the judge ruled that everything to be built on their property will be at their expense.

In response to a question posed by Mr. Testino, Mr. Roy stated that this is not a Final Approval, and everything has not been established with respect to the tank. The next step would be to have a meeting with their Consulting Engineers. We are only

addressing with this action Preliminary Water Approval of the application that they submitted.

Mr. Guy Donatelli stated that there is a possibility of returning to a 1 million gallon tank.

Mr. Roy stated that Preliminary Approval is merely a capacity approval. The questions to be addressed with a Preliminary Approval are: Is the system going to be impacted by this development? Is there enough water for them? Are the planned improvements going to be enough to take care of the development? When those questions are resolved, then Preliminary Approval is recommended to the Commissioners.

Mr. Granata stated that the Preliminary Approval process indicates that the Authority can serve the water needs of the Application.

Mr. Desai asked if the 1986 Agreement were still in effect wherein Brunetti is not responsible for water connection fees.

Mr. Granata responded that the agreement was going to expire in 2011, but because of on going litigation, the judge stopped the clock on the expiration date. The litigation period is not charged against the term of the agreement.

Mr. Desai requested a clarification of a statement that a part of Brunetti's property is not included in the 1986 Agreement.

Mr. Granata stated that the Applicant's Consulting Engineer's Report seems to indicate that Brunetti wants to service his lands that are outside the 1986 Agreement. We want to be sure that the water storage tank is limited to the lands that are included in the franchise to Midtown Water Company.

A motion to grant as recommended Preliminary Water Approval for Midtown Water Company, W86-284 Oaks at Glenwood was made by Mr. Desai and seconded by Mr. Butler.

The roll call was as follows:

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

NAYS: None.

ABSENT: Galante, Smolney.

5 Ayes      0 Nays      2 Absent

Legal Report: Louis E. Granata, Esq.

Mr. Granata informed the Commissioners that in their packets was a draft of the proposed Inter-local Service Agreement between the Township and the MUA concerning shared services which he is discussing with Mr. Convery, Esq.

Mr. Desai expressed his appreciation for having a copy of the proposed agreement to review.

Open to the public.

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

Adjournment:

A motion to adjourn at 12:33 p.m. was made by Mr. Donatelli and seconded by Mr. Testino.

The roll call was as follows:

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

NAYS:      None.

ABSENT:    Galante, Smolney.

5 Ayes      0 Nays      2 Absent

Respectfully Submitted:

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Thomas Galante, Secretary