

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
October 26, 2010**

Call to Order: The Regular Meeting of October 26, 2010 was called to order at 7:00 p.m. with the Pledge of Allegiance by Chairman Smolney.

Announcement by Chairman: Chairman Smolney 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:
Nicholas Smolney, Chairman
Edward Testino, Vice-Chairman
Thomas Galante, Secretary
Kiran Desai, Treasurer (arrived at 7:03 p.m.)
Rocco Donatelli, Commissioner
Reginald Butler, 1st Alternate ó Assistant Secretary
Richard Greene, 2nd Alternate ó Assistant Treasurer

Absent:
None

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

Mr. Guy Donatelli stated that the Brunetti lawsuit will be discussed in Executive Session.

He also requested engineering services for the demolition of the old water plants in Laurence Harbor and Joseph Court. Environmental study reports with respect to contamination have been completed, and the findings determine that the site is clean. Proposals should be sought for the demolition work. The plant wells have been sealed; diversion rights have been shifted; all internals of the plant are gone; and the building should be demolished.

Mr. Desai requested that the Commissioners reopen the proposal process because one of the Engineering Consultants was late in submitting their qualifications.

Mr. Smolney suggested that since this is not a dire emergency, it would be up to the Commissioners to decide whether the existing engineers review the project or allow the engineers who were initially involved in the project to go forward.

Mr. Roy added that Naik Engineering missed the deadline for submission of qualification. Advertising will commence in the beginning of December.

Mr. Greene inquired about the possibility of a lawsuit.

Mr. Smolney stated that this would create the possibility of delaying everything until the next round.

Mr. Galante wondered if there were engineers already in place, why the commissioners would want to reopen the bids.

Mr. Desai suggested tabling this proposal.

Mr. Greene stated that it appears to him that the bidding process is being geared to favor one engineer.

A motion to TABLE action on the demolition of the Laurence Harbor and Joseph Court Treatment Plants until the next solicitation of professional services in accordance with the fair and open process was made by Mr. Desai and seconded by Mr. Testino.

The roll call vote was the roll call vote:

AYES: Desai, Testino, Smolney.

NAYS: Donatelli, Galante.

3 Ayes 2 Nays 0 Absent

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

The motion was approved by an ALL AYES vote.

Previous Minutes: A motion to approve the following list of previous minutes was made by Mr. Smolney and seconded by Mr. Desai.

Regular Meeting - September 15, 2010
Executive Session - September 15, 2010
Regular Meeting - October 13, 2010
Executive Session - October 13, 2010

The roll call was as follows:

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

NAYS: None.

5 Ayes 0 Nays 0 Absent

A motion to approve the following list of previous minutes was made by Mr. Donatelli and seconded by Mr. Butler.

Special Meeting - September 29, 2010
Executive Session - September 29, 2010

The roll call was as follows:

AYES: Desai, Testino, Butler.

NAYS: None.

ABSTAIN: Galante.

NO PARTICIPATION: Smolney.

ABSENT FROM THE PODIUM: Donatelli

3 Ayes 0 Nays 1 Abstain 1 No Participation 1 Absent Podium

Engineering Reports: Michael Roy, P.E.

Report on Developers for Approval:

**Water's Edge at Laurence Harbor– 9 Units
Dennis Kessler, Todd Kessler, And Edwin Larsen, III**

1. W10-616, Tentative Water
2. S10-483, Tentative Sewer

Mr. Roy reported that this is a project for the construction of approximately 460 LF of 8" DIP water main to connect into an existing water main in Roosevelt and McKinley Avenues to service three (3) proposed single family units, plus six (6) proposed one inch (1") wet taps on the existing water main in McKinley Avenue to service the balance of six (6) single family units.

This project is ready for Tentative Water and Sewer Approval subject to the developer addressing the comments in the Engineering Report.

A motion was made to approve as recommended Water's Edge at Laurence Harbor, Dennis Kessler, Todd Kessler and Edwin Larsen, II ó 9 Units W10-616 Tentative Water and S10-483 Tentative Sewer by Mr. Smolney and seconded by Mr. Donatelli.

The roll call was as follows:

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

NAYS: None.

5 Ayes 0 Nays 0 Absent

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

Mr. Testino requested a confirmation that the approval was only for the Tentative Applications.

Mr. Roy confirmed that was correct.

Executive Session: A motion was made to go into Executive Session at 7:14 p.m. by Mr. Desai and seconded by Mr. Galante.

The motion was approved by an ALL AYES vote.

Regular Meeting Reconvened at 8:03 p.m.

During Executive Session Mr. Granata discussed with the Commissioners the Brunetti Litigation, the Township Inter-local Agreement.

Brunetti Litigation

A motion was made to authorize a resolution for the defense and indemnification of the Municipal Utility Authority Commissioners and Staff with respect to the Brunetti litigation in accordance with State Statutes by Mr. Testino and seconded by Mr. Desai.

The roll call vote was as follows:

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

NAYS: None.

ABSENT PODIUM: Donatelli.

5 Ayes 0 Nays 1 Absent Podium 0 Absent

Engineering Reports: Michael Roy, P.E.

1. Waterworks Road Sewer Rehabilitation – Engineering Construction Services to R3M Engineering

Mr. Roy reported that R3M Engineering, Inc. has been previously authorized to perform the design of the Waterworks Road Sewer Rehabilitation.

The plans and specifications have been completed and reviewed by the Staff. The contract is ready to be advertised for public bids. Engineering Services for the Bid and Construction Phases need to be authorized.

A motion was made as recommended to authorize R3M Engineering to proceed with the Engineering Bid and Construction

Services for the Waterworks Road Sewer Rehabilitation project by Mr. Smolney and seconded by Mr. Testino.

The following was the roll call vote:

AYES: Donatelli, Testino, Butler, Greene, Smolney

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

2. Sewer Division SCADA System – Engineering Design Services to R3M Engineering

Mr. Roy reported that a proposal from R3M Engineering, Inc dated October 20, 2010 reflects the Engineering Services for the design work of a Sewer Division SCADA System that was previously presented to the Commissioners at the last meeting. The estimates of engineering fees are approximately as follows:

- | | |
|-----------------------------------|--------------|
| 1. Design Report | \$132,144.00 |
| 2. Contract Documents Preparation | \$248,838.00 |
| 3. Regulatory Commission | \$ 11,924.00 |

Mr. Roy reminded the Commissioners that this project will be submitted for funding through the NJEIT program, and that the scope of the work involves the installation of data collection within the Authority's thirty-five (35) sewage pump stations to transfer operational data through a combination of radio and cable based transmission to a central operational location in Laurence Harbor.

Mr. Roy recommended that R3M Engineering be authorized to proceed with the Design and Regulatory Tasks for the SCADA System project in accordance with their proposal.

A motion was made as recommended to authorize R3M Engineering to proceed with the Design and Regulatory Tasks for the SCADA System by Mr. Smolney and seconded by Mr. Butler.

The roll call was as follows:

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

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

**3. Electrical Services Annual Contract, W09-141 –
One Year Extension**

Mr. Roy stated that John Faccas, Inc. t/a Quality Electric Construction Co. (290 Laurel Avenue, West Keansburg, NJ) was awarded a contract (Resolution No. M-60-09) on November 9, 2009 which is about to expire on October 31, 2010.

The contract documents allow for an extension of up to two (2) years upon mutual agreement of both parties using the current NJDEP "Index Rate" for any price adjustments in accordance with the Public Contracts Law. Quality Electric has agreed to a one (1) year extension of the contract.

Quality Electric has performed their work in an effective and efficient manner. Mr. Roy recommended a one (1) year extension with a price increase based on the current rate index all in accordance with the same terms and conditions of the original contract. The new contract will expire on October 31, 2011.

A motion was made as recommended to authorize a one year extension of the Electrical Services Annual Contract, W09-141, expiring October 31, 2011 by Mr. Testino and seconded by Mr. Donatelli.

The roll call vote was as follows:

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

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

4. Fiberglass Well Enclosures, Contract W10-143, Final Quantities Change Order.

Mr. Roy reported that the total cost of the change order is a minus \$3,240.00 which is a 3.6% reduction from the original contract amount of \$89,988.00, to amend the contract amount of \$86,7498.00.

A motion was made as recommended to approve the Final Quantities Change Order for the Fiberglass Well Enclosures, Contract W10-143, by Mr. Testino and seconded by Mr. Donatelli.

The roll call vote was as follows:

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

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

Financial Report: Stephen A. Florek, II, Comptroller

A motion was made as recommended to accept the Financial Report by Mr. Smolney and seconded by Mr. Testino.

The roll call vote was as follows:

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

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

Bills & Claims: \$1,609,479.20

A motion was made to approve Bills & Claims by Mr. Greene and seconded by Mr. Butler.

The roll call vote was as follows:

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

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

Old Business:

Crossroads Regional Interceptor.

A Report will be given at the next meeting.

Brunetti Oaks at Glenwood – Status

Discussed in Executive Session

Groundwater Diversion Rights – Status

A motion was made to appoint Wilentz, Goldman & Spitzer as Special Counsel by Mr. Smolney and seconded by Mr. Butler.

The roll call vote was as follows:

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

NAYS: None.

ABSENT: Desai, Galante.

5 Ayes 0 Nays 2 Absent

Adjournment:

A motion was made to adjourn at 8:10 p.m. by Mr. Testino and seconded by Mr. Smolney.

The motion was approved by an ALL AYES vote.

Respectfully submitted,

Thomas Galante, Secretary