

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY**  
**REGULAR MEETING**  
**November 15, 2010**

Call to Order: The Regular Meeting of November 15, 2010 was called to order at 12:03 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  
Rocco Donatelli, Commissioner  
Reginald Butler, 1<sup>st</sup> Alternate – Assistant Secretary  
Richard Greene, 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: Guy Donatelli, Executive Director

Executive Director Donatelli referred the Commissioners to the monthly Coliform Summary Report from Garden State Laboratories and the Monthly Water Distribution Report for October 2010 which were both included in their packets.

Executive Director Donatelli also stated that the Labor Counsel, Mr. Giacobbe, has relocated to a new firm, and that the resolution of appointment designates an individual as counsel, not the firm.

Mr. Granata added that Mr. Giacobbe indicated in a letter that the Authority has a right to select legal counsel of its choosing. If you

choose to continue with Mr. Giacobbe at Cleary, Giacobbe, Aflieri Jacobs, LLC, Executive Director Donatelli must sign to that effect.

Mr. Desai stated that his interpretation of the resolution appointing Labor Counsel was that the firm was appointed.

Mr. Granata clarified that Mr. Giacobbe was the individual appointed. The firm is merely where he worked.

Mr. Desai stated that in his opinion the Commissioners should wait to appoint Labor Counsel.

Mr. Galante added that Mr. Giacobbe has already been approved and has been working with the Authority for many years.

A motion was made to authorize Executive Director Donatelli to sign the acceptance letter continuing Mathew J. Giacobbe, Esq. as Labor Counsel for the balance of the term ending January 31, 2011 by Mr. Donatelli and seconded by Mr. Butler.

The roll call was as follows:

AYES: Galante, Testino, Butler, Smolney.

NAYS: Desai.

NO PARTICIPATION: Donatelli.

4 Ayes            1 Nays            1 No Participation    0 Absent.

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

Mr. Greene stated that the Authority has been using Mr. Giacobbe for more than five years, and that the working relationship should continue until professionals are appointed in February.

Mr. Desai stated that there is another individual who was not appointed because his qualifications were not submitted in time to be considered.

Executive Director Donatelli added that contracts relating to the recharge basin would be discussed in Executive Session.

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.

Chairman's Report: Nicholas R. Smolney  
None

Previous Minutes: None

Engineering Reports: Michael Roy, P.E.

Report on Developers for Approval:

**Temporary Sewer Connection Outside of Service Area - Former Doormaster Property on Bordentown Avenue**

Mr. Roy stated that the Doormaster Property on Bordentown Avenue has an on-site septic system for their warehouse. The property has fallen into receivership and a request has been made that the Authority allow the new property owner to obtain sewer service outside the Authority's service area. Their position is that if they were to install a pump station and force main to pump their sewage to Cheesequake Road over two thousand feet (2,000) away, it would be a hardship for their facility. They are looking to connect into Sayreville.

The Authority has allowed this arrangement in the past with properties that border other surrounding services, i.e., Raceway Park, CVS (Texas Road) and for a brief period Birch Hill, when it operated as a swim club.

Conversely, the Goddard School on Bordentown Avenue located in Sayreville has connected into the Authority's sewer system on the Madison Park side of Bordentown Avenue. These connections were done on a temporary basis.

Mr. Roy recommends that the Authority allow the property owner at 3160 Bordentown Avenue (Block 5001, Lot 4.13) to pursue a sewer connection with the Borough of Sayreville as a temporary sewer service connection subject to the conditions imposed by the Authority.

Mr. Testino asked whether there was an agreement with Sayreville.

Mr. Roy stated that approval has not yet been granted from Sayreville. Old Bridge MUA approval had to be granted first.

Mr. Donatelli asked if they would continue to be the Authority's customer.

Mr. Roy responded that they will continue to be a water customer. They have not been a sewer customer because they are on a septic system. They are paying for the cost of our professionals to review this request.

A motion to grant as recommended a temporary sewer connection outside of the Authority's service area for the former Doormaster Property on Bordentown Avenue was made by Mr. Donatelli and seconded by Mr. Desai.

The roll call was as follows:

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

NAYS: None.

5 Ayes            0 Nays            0 Absent

Superintendent's Report:

Al Lunkenheimer, Superintendent Sewer Division

A report will be given at the December 15<sup>th</sup> meeting.

Engineering Reports: Michael Roy, P.E.  
None

Financial Report: Stephen A. Florek, II, Comptroller

Mr. Florek stated that the financial report was included in the Commissioners' packets.

Bills & Claims: \$2,233,214.85

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

The roll call was as follows:

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

NAYS: None.

ABSENT FROM THE PODIUM: Donatelli.

5 Ayes      0 Nays      1 Absent from Podium   0 Absent

Legal Report: Louis E. Granata, Esq.

Mr. Granata stated that his report would be given in Executive Session.

Old Business: **Recharge Basin Study – Status**

Mr. Roy stated that although most of this discussion would be held in Executive Session, CME has been authorized by Resolution No. M-44-10 to proceed with the next phases of the feasibility evaluation.

**Crossroads Regional Interceptor – Status**

Mr. Roy stated that DEP is proceeding very quickly, and due to a requirement in connection with the DEP environmental review a public hearing has been scheduled. A proposed cost sharing based on the percentage of total flow has been distributed to the Commissioners.

Mr. Smolney asked Mr. Roy to add a report on this for the December 15<sup>th</sup> meeting.

Open to Public: Dr. Greenberg inquired if the appraisal had been received for the recharge basin property.

Mr. Granata responded that the appraisal had been received in the amount of \$4.4 million, and that all negotiations will be in closed session.

Dr. Greenberg asked when a decision will be made.

Mr. Granata stated that the Commissioners will decide.

Dr. Greenberg expressed her concern about the urgency of the sale of this property and asked just how much money it would cost to build this property out.

Mr. Granata responded that this would be discussed in closed session.

Dr. Greenberg asked for a confirmation that this plan will not move forward until DCA and DEP approvals have been granted.

Mr. Granata stated that this will be discussed in closed session.

*Seeing no further hands Chairman Smolney closed the public portion.*

Executive Session: A motion to go into Executive Session at 12:20 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 1:22 p.m.**

**During Executive Session Mr. Granata discussed with the Commissioners the Township Inter-local Agreement.**

New Business:

**Old Bridge Knights Cheerleaders.**

Mr. Galante requested that the Authority donate \$1,000 to the Old Bridge Knights cheerleading squad which are Division Champions to defray costs of a trip to Disney World to compete in the national competition.

A motion was made to approve a \$1,000 donation to the Old Bridge Knights cheerleading squad by Mr. Donatelli and seconded by Mr. Desai.

The roll call was as follows:

AYES: Desai, Donatelli, Butler, Smolney.

NAYS: None.

NO PARTICIPATION: Galante, Greene.

4 Ayes      0 Nays      2 No Participation      0 Absent

**Recharge Basin Area**

A motion was made to authorize the offer to purchase the recharge basin property from the Township in an amount not to exceed \$4.4 million by Mr. Smolney and seconded by Mr. Butler.

The roll call vote was as follows:

AYES: Desai, Testino Butler, Smolney.

NAYS: Galante.

ABSENT FROM THE PODIUM: Donatelli

4 Ayes          1 Nay          1 Absent from Podium          0 Absent

A motion was made to authorize the Executive Director along with the Chairman and Legal Counsel to negotiate a supplemental agreement with the Township of Old Bridge contingent upon the purchase of the recharge basin area by Mr. Smolney and seconded by Mr. Butler.

The roll call vote was as follows:

AYES: Desai, Testino, Butler, Smolney.

NAYS: Galante.

ABSENT FROM THE PODIUM: Donatelli

4 Ayes          1 Nay          1 Absent from Podium          0 Absent

A motion was made to authorize the Executive Director to award and execute a contract to CME for a survey with the notice to proceed to be held in abeyance until the Township of Old Bridge indicates that it will accept the offer to sell land for the recharge basin to the Authority by Mr. Smolney and was seconded by Mr. Desai.

The roll call vote was as follows:

AYES: Desai, Testino, Butler, Smolney.

NAYS: Galante.

ABSENT FROM THE PODIUM: Donatelli

4 Ayes 1 Nay 1 Absent from Podium 0 Absent

A motion was made to authorize the Old Bridge MUA to file a Capital Project Review for the Old Bridge Planning Board pursuant to State Statute by Mr. Testino and seconded by Mr. Butler.

The roll call was as follows:

AYES: Desai, Testino, Butler, Smolney.

NAYS: Galante.

ABSENT FROM THE PODIUM: Donatelli

4 Ayes 1 Nay 1 Absent from Podium 0 Absent

Adjournment: A motion was made to adjourn at 1:30 p.m. by Mr. Butler and seconded by Mr. Smolney.

The motion was approved by an ALL AYES vote.

Respectfully submitted:

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Thomas Galante, Secretary