

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
January 6, 2010**

Call to Order: The Regular Meeting January 6, 2010 of was called to order at 7:03 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
Kiran Desai, Vice-Chairman
Edward Testino, Commissioner (arrived 7:09 p.m.)
Reginald Butler, 1st Alternate – Assistant Treasurer

Absent:
Rocco Donatelli, Commissioner
Thomas Galante, Secretary
Michaela Lane, 2nd Alternate – Assistant Secretary

Also present:
Arthur M. Haney, Executive Director
Michael Roy, P.E.
Stephen A. Florek II, Comptroller
Louis E. Granata, Esq.

Executive Director's Report: Arthur M. Haney, Executive Director

Mr. Haney reported that with respect to Lantana Way, Mr. Samuel (R3M) would be giving a status report on the project.

He noted that contained in the commissioner's packet was material with respect to the Deep Run water main leak. All emergency township services are aware of the existing problem.

Mr. Penley's retirement date will be February 28, 2010.

Mr. Desai expressed his views on the 2010 meeting schedule. His suggestion was to have one meeting per month with a special meeting to be called as needed.

A motion to move the Executive Director's report was made by Mr. Desai and was seconded by Mr. Butler. The motion was followed by an ALL AYES vote.

Chairman's Report: None.

Minutes: Public Rate Hearing – 12/2/09

A motion to approve the minutes of the 12/2/09 Public Rate Hearing was made by Mr. Butler and was seconded by Mr. Desai.

The following was the roll call vote:

AYES: Desai, Testino, Butler, Smolney.

NAYS: None.

ABSENT: Donatelli, Galante, Lane

4 Ayes 0 Nays 3 Absent

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

None

Water and Sewer
Superintendent's
Reports: None

Engineering Report: Michael Roy, P.E.
None

Financial Report: Stephen A. Florek, II, Comptroller
None

Legal Report: Louis E. Granata, Esq.
Mr. Granata stated that pending and potential litigation matters would be discussed in Executive Session.

Old Business:

Laurence Harbor Sewer Interception Replacement

Mr. Roy stated that the Laurence Harbor Sewer Interceptor project is about to be taken off the list since the final quantities change order was approved. Three leaking manholes will be repaired after which we will put it on for final payment and release the bond.

Mr. Smolney suggested that the Township be informed about the amount of money expended with respect to the lead mitigation.

Crossroads Regional Interceptor

Mr. Roy stated that correspondence from NJEIT indicated that the projects being rolled over to next year must be reapplied for. Authorization will be sought from the Commissioners at the next meeting to make that application.

Rt. 516/Cheesequake Booster and Various Upgrades

Mr. Roy stated that the bid opening date is January 26, 2010. This is a 2008 NJEIT project for which funding has been granted.

Higgins Road and Rt. 516 Water Tank Connection

Mr. Roy stated that this project must be reapplied for similarly to the Crossroads project.

Brunetti Oaks at Glenwood Development

Mr. Smolney stated that this would be discussed in Executive Session.

Groundwater Diversion rights

Mr. Smolney stated that this would be discussed at the next meeting.

Summerfield Avenue Gravity Sewers

Mr. Roy referred to reports contained in the Commissioner's packets. The preliminary pipe assessment report from R3M includes photos of the area. The report with respect to surface cracking which occurred as a result of rain on top of snow indicates that this will be addressed this week.

Mr. Smolney inquired if the cracks indicate a slip plane failure.

Mr. Samuel stated that the report is based on a surface soil investigation. R3M was authorized to look at the pipeline and the slope conditions along Lantana Way and Summerfield Avenue.

The first of the two phases of the investigation is underway. There was to be an short term solution in the first phase of the study to address the slope problem, and then a long term solution to address the slope problem in the second phase of the study. In the first phase there was also to be an internal pipeline assessment. The first phase of the geotechnical report is nearly completed, and anticipates that crushed stone needs to be placed in certain critical areas.

The surface crack situation from the recent rainfall has been stabilized with recycled materials under emergency work. Since the anticipated short term solution involves the same crushed stone that was used during the emergency work, the recommendation is that this work be continued in certain areas until the second phase of the subsurface investigation program is completed within the next two weeks.

Mr. Roy stated that certain residents will be contacted for access to perform soil borings for the second phase of the study.

Mr. Samuel stated that he would like to do at least two borings in the area. He will also be looking at the stability of the underlying soil. One resident has already indicated a willingness to cooperate.

Mr. Smolney asked when the Commissioners will know what needs to be disturbed and what easements will be needed.

Mr. Samuel stated he would propose a schedule at the next meeting.

New Business:

Mr. Desai discussed the SEP pension plan offered to employees of the MUA who are not in a union. He reported that a contribution in the amount of \$185,602 was made in 2009 for eleven employees. His opinion is that in light of the current economic situation, this contribution be discontinued and to suspend payments for 2009 and 2010.

Mr. Granata stated that he would need to investigate whether a retroactive suspension would be permitted.

A motion to table the proposed suspension of the SEP payments for 2009-2010 was made by Mr. Smolney and was seconded by Mr. Butler.

The following was the roll call vote:

AYES: Butler.

NAYS: Desai, Testino, Smolney.

ABSENT: Donatelli, Galante, Lane.

1 Ayes 3 Nays 3 Absent.

A motion to suspend SEP payments until legal research has been completed and reported on at the next meeting was made by Mr. Testino and was seconded by Mr. Smolney.

The following was the roll call vote:

AYES: Desai, Testino, Butler, Smolney.

NAYS: None.

ABSENT: Donatelli, Galante, Lane.

4 Ayes 0 Nays 3 Absent

Open to the Public: Mrs. Ulster suggested that the Commissioners of the MUA be as accountable to the residents as the elected officials who comprise the governing body of the Township of Old Bridge.

Seeing no further hands Chairman Smolney closed the public portion.

Executive Session: A motion to go into Executive Session at 7:37 p.m. was made by Mr. Desai and was seconded by Mr. Butler.

The following was the roll call vote:

AYES: Desai, Testino, Butler, Smolney.

NAYS: None.

ABSENT: Donatelli, Galante, Lane.

4 Ayes 0 Nays 3 Absent

Meeting Reconvened at 8:22p.m.

During the Executive Session Mr. Granata reviewed with the Commissioners the issues regarding the Brunetti Litigation, the Deep Run water main leak, and the Executive Director's contract.

A motion was made to reschedule the meeting of January 20, 2010 to January 27, 2010 at 7:00 p.m. by Mr. Testino and was seconded by Mr. Desai. The motion was approved by an ALL AYES vote.

A motion was made to authorize the attorney to prepare for action and to temporarily employ any professional assistance necessary in connection with the Deep Run matter by Mr. Testino and was seconded by Mr. Butler.

The following was the roll call vote:

AYES: Desai, Testino, Butler, Smolney.

NAYS: None.

ABSENT: Donatelli, Galante, Lane.

4 Ayes 0 Nays 3 Absent

Mr. Desai proposed the formation of a search committee in order to fill the position of Executive Director.

Mr. Granata interpreted the request as the intent to form a search committee to seek resumes for the position of Executive Director and that to ask Mr. Haney to continue his service until such time as the Board advises him otherwise.

A motion to form a search committee with respect to filling the position of Executive Director and to have Mr. Haney continue his service until such time as the Board advises him otherwise without the extension of his contract was made by Mr. Desai and was seconded by Mr. Testino.

The following was the roll call vote:

AYES: Desai, Testino, Butler, Smolney.

NAYS: None.

ABSENT: Donatelli, Galante, Lane.

4 Ayes 0 Nays 3 Absent

Adjournment: 8:30 p.m.

A motion to adjourn was made by Mr. Testino and was seconded by Mr. Desai. The motion was approved by an ALL AYES vote.

Respectfully submitted:

Thomas Galante, Secretary