

**OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
NOVEMBER 13, 2023**

Call to Order: The Regular Meeting of November 13, 2023, was called to order at 11:00 a.m. by Chairman Walker with the Pledge of Allegiance.

Announcement: Chairman Walker announced that this meeting is in conformance with the Open Public Meetings Act. Notice has been published in the Asbury Park Press on July 23, 2023, and in the Home News Tribune on July 23, 2023. Notice of the meeting has been posted at 15 Throckmorton Lane, Old Bridge, at 71 Boulevard West, Cliffwood Beach, and on the OBMUA Website at www.obmua.com.

Roll Call: This Public Meeting is being recorded.

Present:

Bruce Walker, Chairman
Frank Weber, Vice Chairman
Anita Greenberg, Treasurer
Mark Razzoli, Secretary
James Blair, Commissioner
Thomas Galante, First Alternate Commissioner

Absent:

Edward Casserly, Second Alternate Commissioner

Also Present:

Guy Donatelli, Executive Director
Michelle Smith, Comptroller
Michael Roy, P.E.
Mitchell B. Jacobs, Esq.

Executive Director's
Report:

Guy Donatelli, Executive Director

Mr. Donatelli said that the Authority has received Qualification packages from three Legal Firms for the position of "Special Litigation Attorney" in connection with Brunetti matters. He said that the sub-committee has chosen Elliot D. Ostrove, Esq. of the Law Firm of Epstein-Ostrove of Edison, NJ. He recommended that the Authority appoint him to the position of Special Litigation Attorney.

A motion to appoint Elliot D. Ostrove, Esq. of the Law Firm of Epstein-Ostrove of Edison, NJ was made by Mr. Razzoli and seconded by Dr. Greenberg.

Chairman Walker asked if there was any discussion.

There was none.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

Mr. Donatelli said that the annual solicitation for Professional Qualifications for the 2024 to 2025 year needs to be publicly advertised in our official newspapers. The Qualifications will be received on January 17, 2024, for action at the Authority's February Reorganization Meeting. The Qualifications Committee will evaluate the Qualification Packages submitted by the various Professionals in response to the Authority's Request for Qualifications (RFQs) and report back to the Board of Commissioners.

A motion to authorize advertisement for the Solicitation of Professional Qualifications for 2024 to 2025 was made by Dr. Greenberg and seconded by Mr. Razzoli.

Chairman Walker asked if there was any discussion.

There was none.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

Mr. Donatelli said that the Sewer Division has a need to replace their 1990 Dump Truck that has been put up for auction on gov.deals as authorized at the August Board Meeting. The new dump truck that would suit the needs of the Sewer Division is available on the ESCNJ Cooperative Program, of which the Authority is a member. The dump truck will be purchased from two different vendors on the coop under Contract No. 23/24 Class 4-8 Trucks. Hoover Truck Centers of Flanders, NJ, will be providing the chassis and cab which will be a 2025 Western Star 47X.

After delivering to us this portion of the dump truck, we will then deliver it to Tony Sanchez LTD of Ledgewood, NJ who will install the dump body and install the accessories into the truck. Two separate Purchase Orders will be needed to accomplish the complete assembly of the Dump Truck. Hoover's price for the chassis and cab is \$147,261.96, that includes a 41.5% discount and Sanchez's price for installing the dump body and accessories is \$42,695.09, that includes a 5% discount.

A motion was made by Dr. Greenberg and seconded by Mr. Razzoli to purchase the 2025 Western Star 47X Dump Truck as explained by Mr. Donatelli.

Chairman Walker asked if there was any discussion.

There was none.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

A motion to accept Mr. Donatelli's Executive Director's Report was made by Dr. Greenberg and seconded by Mr. Weber.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Chairman's Report: Chairman Walker said he does not have a report.

Previous Minutes: **Regular Meeting – July 19, 2023**

A motion to approve the Regular Meeting Minutes of July 19, 2023, was made by Mr. Razzoli and seconded by Dr. Greenberg.

Chairman Walker asked if there were any corrections to the Minutes.

There were none.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Superintendent's
Report:

Walter E. Gillins, Superintendent, Sewer Division

Mr. Gillins said he submitted his report, and asked if anyone had any questions.

There were none.

A motion to accept Mr. Gillins' report was made by Dr. Greenberg and seconded by Mr. Razzoli.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Superintendent's
Report:

Walter Tier, Superintendent of Distribution, Water Division

Mr. Tier said he submitted his report and asked if anyone had questions.

There were no questions.

A motion to accept Mr. Tier's Report was made by Dr. Greenberg and seconded by Mr. Razzoli.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Superintendent's
Report:

Ray Totten, Superintendent – Treatment – Water Division

Mr. Totten said he submitted his report. He asked if anyone had any questions.

There were no questions.

A motion to accept Mr. Totten's Report was made by Dr. Greenberg and seconded by Mr. Razzoli.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

**REPORT UPON DEVELOPER'S APPLICATIONS FOR
APPROVAL**

**Outback Steakhouse/New Private Restaurant Properties, LLC
W22-708, Tentative Water – 14 Domestic + 1 Fire = 15 EDCUs**

Mr. Roy said that this application is the existing Outback Steakhouse restaurant on the northbound side of Route 9 between Perrine Road and Route 34.

Mr. Roy said that it is for the construction of approximately 260 L.F. of six-inch D.I.P. water mains to service the redevelopment of the existing Outback Steakhouse that will now accommodate a 187-seat restaurant/bar.

Mr. Roy said the balance of the Preliminary and Tentative Review Fees are due with the Final Water Application submittal. He said the commercial property is currently rated at 21 EDCU's; therefore, no connection fees are due for this application.

Mr. Roy said the Applicant has acknowledged that all proposed water mains and fire hydrants will remain privately owned and maintained by the Applicant. He said they will provide required fire suppression demand in gallons per minute and pressure for the proposed building.

Mr. Roy said the building's water service line shall be sized in accordance with the hydraulic calculation demand by a professional engineer who specializes in fire suppression and approved by the Fire Sub-Code Official at the time of the Building Permit Application. He said the Applicant shall provide proof of title showing that it is the owner of the property.

Mr. Roy said they also must provide a list of outside agency permits required for this project including NJDOT Road Opening Permits. It appears that the work under this Application will not require an NJDEP Safe Drinking Water Permit. The drawings to be revised as per marked up drawing set sent to the Applicant's engineer with the cover letter dated October 25, 2023.

Mr. Roy said submission deadlines for a Final Water Application package are November 29, 2023; December 27, 2023; and January 31, 2024. He said a copy of this report has been supplied to the Contact Person of the Applicant as listed on the application form.

Mr. Roy said that he recommends Tentative Water Approval subject to the four conditions in his report.

The conditions are that the Applicant shall pay all applicable fees. All comments from my Engineer's Report dated November 9, 2023, shall be addressed with the Final Water Application. The Applicant is to fully comply with the Rules and Regulations of the Authority and any Agency having jurisdiction.

Mr. Roy said that this Tentative Water Approval shall expire one (1) year from the date of the resolution or as otherwise extended by law. Submission of a Final application shall extend this approval by another year.

Attorney Jacobs said that a resolution is needed for Outback Steakhouse/New Private Restaurant Properties, LLC, W22-708, Tentative Water – 14 Domestic + 1 Fire = 15 EDCU as outlined by Mr. Roy.

The motion was made by Mr. Razzoli and seconded by Dr. Greenberg.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

**Outback Steakhouse/New Private Restaurant Properties, LLC
S22-555, Tentative Sewer – 14 EDCUs**

Mr. Roy said that on the sewer application, it is for the construction of approximately 290 L.F. of eight-inch D.I.P. sewer main to service the redevelopment of the existing Outback Steakhouse that will now accommodate a 187-seat restaurant/bar.

He said Tentative Review fees have been paid. The commercial property is currently rated at 21 EDCU's, therefore no Connection Fees are due for this application. The Applicant is to acknowledge that all proposed sewer mains, manholes and laterals will remain privately owned and maintained by the Applicant.

Mr. Roy said the proposed grease trap shall be approved by the Township Plumbing Sub-Code Official. He said the size, slope, and installation of the on- site sewer laterals are subject to approval by the Township Plumbing Sub-Code Official. He said the Applicant shall provide proof of title showing that it is the owner of the property.

They should also provide a list of outside agency permits required for this project including NJDOT Road Opening Permits. It appears that the work under this application will not require an NJDEP Treatment Works Approval.

Also, the Drawings to be revised as per marked-up drawing set sent to the Applicant's engineer with the cover letter dated October 25, 2023. Submission deadlines for a Final Sewer Application package are November 29, 2023; December 27, 2023; and January 31, 2024. A copy of this report has been supplied to the Contact Person of the Applicant as listed on the application form.

Mr. Roy said that he recommends Tentative Sewer Approval subject to the four Conditions in his report.

Mr. Roy said that the conditions are that the Applicant shall pay all applicable fees. All comments from my Engineer's Report dated November 9, 2023, shall be addressed with the Final Sewer Application. He said the Applicant is to fully comply with the Rules and Regulations of the Authority and any Agency having jurisdiction. Also, this Tentative Sewer Approval shall expire one year from the date of the resolution or as otherwise extended by law. Submission of a Final application shall extend this approval.

Attorney Jacobs said a resolution is needed for Outback Steakhouse/New Private Restaurant Properties, LLC, S22-555, Tentative Sewer – 14 EDCUs as described by Mr. Roy.

A motion was made by Mr. Razzoli and seconded by Mr. Weber.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes

0 Nays

0 Absent

OTHER ENGINEERING REPORTS

Brixmor Grocery – Gateway Shopping Center, W20-694, S20-546, Water & Sewer Performance Guarantee Releases

Mr. Roy said this project included the installation of an additional fire hydrant assembly, 90 LF of eight-inch (8") DIP, and a new six-inch (6") sewer lateral and grease trap connecting into the existing on-site private water and sewer mains to provide domestic and fire suppression water service and sewer service for a 39,112 SF Grocery Store located in the Gateway Shopping Center in place of four existing tenants including the Modell's and Allied Dental that was demolished and the Brixmor Grocery space was built in their place.

Mr. Roy said that the status of the water and sewer improvements for this project is that the installation and testing of water and sewer construction is complete and satisfactory. He said As-built drawings are approved, mylars and electronic copies have been received. Also, a 3" water meter has been installed. The on-site water and sewer improvements will remain privately owned and maintained by the Applicant.

Mr. Roy said there is currently a shortfall of approximately \$920 in the water escrow account as of September 30, 2023. There is currently approximately \$1,000 remaining in the sewer escrow account as of September 30, 2023.

Mr. Roy said based on the status of this application, he recommends a conditional release of the Water Performance Guarantee.

Mr. Roy said in addition, he recommends conditional release of the Sewer Performance Guarantee.

Attorney Jacobs said to vote on the Water and Sewer Performance Guarantees separately.

A motion was made by Dr. Greenberg and seconded by Mr. Razzoli to release the Performance Guarantee for Brixmor Old Bridge, LLC in the amount of \$13,630.32 for Water Application No. W20-694 known as Brixmor Grocery Store.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None
5 Ayes 0 Nays 0 Absent

A motion was made by Mr. Razzoli and seconded by Dr. Greenberg to release the Performance Guarantee for Brixmor Old Bridge, LLC in the amount of \$12,007.71 for Sewer Application No. S20-546 known as Brixmor Grocery Store.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker
Nays: None
Absent: None
5 Ayes 0 Nays 0 Absent

Oaks at Glenwood, Phase 1, W86-284B, S86-208B, Water and Sewer Performance Guarantee Reductions

Mr. Roy said that K. Hovnanian has requested a reduction in their Water and Sewer Performance Guarantees for the Phase 1B construction of the Oaks at Glenwood Development. Phase 1B consists of sixty-eight (68) single family homes being constructed by K. Hovnanian on Gazania Drive and Impatiens Court off Aster Circle within the Oaks at Glenwood Development.

Mr. Roy said in accordance with the Authority's Rules and Regulations, performance guarantees in excess of \$100,00 can be reduced by a maximum of seventy percent (70%) of the original bond amount.

Mr. Roy said that the installation of the water and sewer main construction is complete. The final punch-list items for the water and sewer utility improvements remain outstanding and will be completed after the final top pavement. The acceptance of the "As-built" Record Drawings for the water and sewer utility improvements remain outstanding. The last request for revisions was sent to the Applicant on October 18, 2023.

Mr. Roy said the formal acceptance of the water and sewer utility improvements by resolution remains outstanding. He said the posting of the Water and Sewer Maintenance Guarantees remain outstanding and will

be required after the recommendation of the water and sewer Performance Guarantees releases.

The water and sewer escrow accounts need additional payments which were requested on October 30, 2023, via e-mail request of \$4,000 in the water escrow account and \$2,000 in the sewer escrow account for Phase 1B.

Mr. Roy said that with the satisfactory completion of the water main installation for Phase 1B of the Oaks at Glenwood Development, he recommends that the Water Improvements Performance Guarantees be reduced by an amount of seventy percent from \$284,638.86 to a new surety bond amount of \$85,391.66, and the water cash bond be reduced from \$31,626.54 to a new water cash bond amount of \$9,487.96, conditioned upon the payment of the outstanding water escrow payment.

Mr. Roy said that he also recommends that with the satisfactory completion of the sanitary sewer main installation for Phase 1B of the Oaks at Glenwood Development, that the Sewer Improvements Performance Guarantees be reduced by an amount of seventy percent (70%) from \$313,644.87 to a new surety bond amount of \$94,093.46, and the sewer cash bond be reduced from \$34,849.43 to a new sewer cash bond amount of \$10,454.83, conditioned upon the payment of the outstanding sewer escrow payment. This amount should safely protect the Authority regarding the performance of the remainder of Phase 1B work.

Attorney Jacobs said to vote on the water and sewer separately.

A motion was made by Mr. Razzoli and seconded by Mr. Blair to reduce the Performance Bond in the amount of \$284,638.86 to \$85,391.66 as well as the reduction in the cash portion of the performance guarantee from \$31,626.54 to \$9,487.96 for Oaks at Glenwood, Phase 1B, W86-284B – Water Division.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

A motion was made by Mr. Razzoli and seconded by Mr. Blair to reduce the Performance Bond from in the amount of \$313,644.87 to \$94,093.46

as well as the reduction in the cash portions of the performance guarantee from \$34,849.43 to \$10,454.83 for Oaks at Glenwood, Phase 1B, S86-208B – Sewer Division.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

Water Division Auxiliary Maintenance Garage – Authorize Engineering Services to CME Associates

Mr. Roy said that there is a need for Engineering Services to design an auxiliary maintenance garage structure on the Authority's Rt. 516 property that currently serves as headquarters for the Water Division Operations. The Auxiliary garage will house the trucks and the new Vacuum Excavator Truck that was purchased last year. The garage will prolong the life of this equipment by keeping them out of the harsh winter weather months.

CME Associates will perform the design work to prepare first a Preliminary Design and Design Report to be reviewed and approved by staff, and then to prepare the necessary Contract Documents that include Plans and Specifications for public bids. CME Associates has provided estimates of engineering fees.

Preliminary and Final Design - \$109,647; Allowance for Geotechnical Investigation - \$10,587.50; and Allowance for LOI Delineation of Wetlands - \$29,581.00.

Mr. Roy said that the dollar amount of these estimated fees appears to be reasonable. The fees are based upon an estimate of the number of hours required for the level of effort anticipated for each of the engineering tasks.

He said that once the Contract Documents are reviewed and approved by Staff, we will request that the Commissioners authorize the Advertisement of Public Bids and Construction Services to CME Associates. This expense is in the Budget.

Mr. Roy said that he recommends that CME Associates be authorized to proceed with the Water Division Auxiliary Maintenance Garage Design work in accordance with their November 7, 2023, proposal and their February 2, 2023, Consulting Engineering Contract.

Attorney Jacobs said a motion is needed for CME Associates be authorized to proceed with the Water Division Auxiliary Maintenance Garage Design work in accordance with their November 7, 2023, proposal and their February 2, 2023, Consulting Engineering Contract.

A motion was made by Mr. Razzoli and seconded by Dr. Greenberg.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

**Disbrow Road 1MG Elevated Water Storage Tank –
Recommendation of Award of Construction Contract**

Mr. Roy asked Mr. Ed Traina of CME Associates to address this since CME was authorized to prepare plans and specifications and obtain bids for this project.

Mr. Traina said the Authority received two bids from CB&I Storage Tank Solutions and Dulaine Contracting, Inc. He said Dulaine Contracting Inc. was the lowest bidder but was deemed fatally defective for failure to comply with the Public Works Contractor Registration Act in that its tank subcontractor was not registered under the Act at the time of bid submission.

Mr. Traina said after review with the Authority's Attorney, they recommended that the contract be awarded to the second lowest bidder, CB&I Storage Tank Solutions, in the amount of \$8,596,330.00.

Mr. Roy said a resolution is needed.

Attorney Jacobs said that a motion is needed for a resolution awarding the contractor CB&I, Inc. in the amount of \$8,596,330.00 for the Disbrow Road 1MG Elevated Water Storage Tank.

The motion was made by Dr. Greenberg and seconded by Mr. Razzoli.

There was no discussion.

The roll call vote was as follows:

Ayes: Greenberg, Razzoli, Blair, Weber, Walker

Nays: None

Absent: None

5 Ayes 0 Nays 0 Absent

A motion to approve Mr. Roy's Engineering Report was made by Mr. Weber and seconded by Mr. Razzoli.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Financial Report: Michelle Smith, Comptroller

Mrs. Smith said that her first item is authorization for our Connection Fee Rate Hearing which is scheduled for December 20, 2023, at 11:00 a.m. This is always done at the completion of the audit, and it is only for Connection Fees this year.

A motion for authorization for a Rate Hearing on December 20, 2023, at 11:00 a.m. for Connection Fees was made by Mr. Razzoli and seconded by Mr. Blair.

There was no discussion.

The voice vote was as follows:

Ayes: Greenberg, Blair, Weber, Walker, Galante

Nays: None

Absent: None

5 Ayes

0 Nays

0 Absent

My next item that she has is a resolution to renew our Public Official and Employment Practices Liability Insurance. Westchester Fire Insurance Company came in with the best quote of \$40,199, a decrease of \$10,000 from the expiring policy. The public entity deductible remained the same at \$10,000, and the Employment Practices Liability deductible increased from \$12,500 to \$25,000.

A motion for a resolution to renew the Public Official and Employment Practices Liability Insurance with Westchester Fire Insurance Company was made by Mr. Weber and seconded by Chairman Walker.

Chairman Walker asked if there was any discussion.

Mr. Razzoli said that if we don't go with the JIF with this policy, we can't go with them at all. It's all or nothing with the JIF. He said that just because it's an \$8,000 savings over the JIF with this policy, that's not the whole picture. The other policies can be much more of a savings. You must look at all the policies together to see which one is better.

Mr. Donatelli said that we didn't receive any other quotes from the JIF. With the Workers' Compensation Policy, we went with the JIF, but it wasn't a savings when you consider the dividends. They were very comparable; and with this policy, the JIF is more money. So, there are no big savings going with the JIF. Besides, their quote came after the deadline, so he had to make the decision on the spot. There was no time to call around. He made the executive decision to go with this policy. If he said that if he was wrong, then you can reprimand me, but the JIF doesn't benefit us.

A motion for the renewal of the Public Official and Employment Practices Liability Insurance to Westchester Fire Insurance Company was made by Mr. Weber and seconded by Chairman Walker.

There was no discussion.

The roll call vote was as follows:

Ayes:	Greenberg, Blair, Weber, Walker
Nays:	Razzoli
Absent:	None

4 Ayes 1 Nay 0 Absent

A motion to accept Michelle Smith's Report was made by Dr. Greenberg and seconded by Mr. Razzoli.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Bills & Claims: Dr. Greenberg said the Bills and Claims for this month are a total of \$2,794,585.48.

A motion was made by Mr. Razzoli and seconded by Dr. Greenberg.

There was no discussion.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

Legal Report: Mitchell B. Jacobs, Esq.

Attorney Jacobs said he does not have a report.

Old Business: None.

New Business: None.

Open to Public: Chairman Walker opened the meeting to the public. Seeing no hands, he closed the public portion.

Executive Session: There was no Executive Session.

Adjournment: A motion to adjourn the meeting was made by Mr. Razzoli and seconded by Dr. Greenberg.

The voice vote was as follows:

All Commissioners were in favor.

No Commissioners were opposed.

5 Ayes 0 Nays 0 Absent

The meeting was adjourned at 11:50 a.m.

Respectfully submitted,



Edward Casserly, Secretary