

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

IN THE MATTER OF:

OLD BRIDGE MUNICIPAL  
UTILITIES AUTHORITY  
RATE HEARING

ORIGINAL

TRANSCRIPT OF PROCEEDINGS:  
WEDNESDAY, APRIL 20, 2022

B E F O R E:

BRUCE WALKER - Chairman  
FRANK WEBER  
DR. ANITA GREENBERG  
EDWARD CASSERLY  
JOHN MURPHY, III  
MARK RAZZOLI  
THOMAS GALANTE

GUY DONATELLI, Executive Director  
MICHELLE SMITH, Comptroller  
RONNIE MORRIS, Board Secretary  
MICHAEL ROY, Engineer

1    A P P E A R A N C E S:

2            CLEARY, GIACOBBE, ALFIERI, AND JACOBS, LLC  
3            BY:    Mitchell B. Jacobs, Esq.  
4            Counsel for the Old Bridge MUA

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9            A L S O    P R E S E N T:

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1 CHAIRMAN WALKER: Call to order.

2 (Pledge of Allegiance).

3 CHAIRMAN WALKER: This meeting is  
4 being held in conformance with the Open Public  
5 Meetings Act. Notice has been published in the  
6 Asbury Park Press on March 26, 2022, in the Home News  
7 Tribune March 27, 2022, notice of the meeting has  
8 been posted at 15 Throckmorton Lane, Old Bridge, at  
9 71 Boulevard West, Cliffwood Beach, and on the OBMUA  
10 Website. This public meeting is being recorded. Can  
11 I have a roll call, please?

12 MS. MORRIS: Chairman Walker?

13 CHAIRMAN WALKER: Here.

14 MS. MORRIS: Dr. Greenberg?

15 DR. GREENBERG: Here.

16 MS. MORRIS: Mr. Murphy?

17 MR. MURPHY: Here.

18 MS. MORRIS: Mr. Razzoli?

19 MR. RAZZOLI: Here.

20 MS. MORRIS: Mr. Weber? Absent. Mr.

21 Galante? Absent. Mr. Casserly? Absent.

22 CHAIRMAN WALKER: At this time, we're  
23 gonna need a motion to open the rate hearing.

24 MR. RAZZOLI: Move it.

25 DR. GREENBERG: Second.

1 CHAIRMAN WALKER: Any discussion?

2 Roll call, please.

3 MS. MORRIS: Dr. Greenberg?

4 DR. GREENBERG: Yes.

5 MS. MORRIS: Mr. Murphy?

6 MR. MURPHY: Yes.

7 MS. MORRIS: Mr. Razzoli?

8 MR. RAZZOLI: Yes.

9 MS. MORRIS: Chairman Walker?

10 CHAIRMAN WALKER: Yes.

11 MS. MORRIS: Four ayes, zero nays.

12 CHAIRMAN WALKER: I'm gonna turn it  
13 over to our attorney, and he'll take it from here.

14 MR. JACOBS: Thank you, Mr. Chairman.

15 This public rate hearing pertains to rate  
16 changes for the Water Division of the Old Bridge  
17 Municipal Utilities Authority. This hearing is for  
18 the purpose of the passthrough rate on water  
19 increases for Middlesex Water Company, and any other  
20 rate changes deemed necessary by the Board of  
21 Commissioners. This public rate hearing is open to  
22 the public, and the public is invited to participate.  
23 At this time, I would like to have Michelle Smith  
24 sworn in as a witness.

25

1 MICHELE SMITH, S-M-I-T-H, having first been duly  
2 sworn, testified under her oath as follows:

3 MR. JACOBS: Miss Smith, can you just  
4 state what your position is with the Authority?

5 MS. SMITH: Sure, I am the comptroller.

6 MR. JACOBS: And how long have you served  
7 as comptroller?

8 MS. SMITH: Seven years.

9 MR. JACOBS: And can you please describe  
10 your duties and responsibilities as comptroller of  
11 the Authority?

12 MS. SMITH: Sure, I maintain all  
13 financial records including the preparation of the  
14 financial statements, budgets, bill listings, and I  
15 oversee the payroll, accounts payable and payroll  
16 deposits.

17 MR. JACOBS: And do you also give advice  
18 to the commissioners with respect to the setting of  
19 rates?

20 MS. SMITH: Yes, I do.

21 MR. JACOBS: And have you provided  
22 testimony in Authority rate hearings before?

23 MS. SMITH: Yes, I have.

24 MR. JACOBS: As a matter of fact, you've  
25 given testimony in rate hearings before this

1 Authority, is that correct?

2 MS. SMITH: That's correct.

3 MR. JACOBS: And are you responsible for  
4 making sure that public notices for rate hearings are  
5 posted in local newspapers in accordance with the  
6 statutes?

7 MS. SMITH: Yes, I am.

8 MR. JACOBS: And before you, we have  
9 exhibit A. Can you pick up exhibit A and just  
10 describe what it is?

11 MS. SMITH: Exhibit A is an affidavit of  
12 publication from the Asbury Park Press showing that  
13 the advertisement for this rate hearing was published  
14 in their paper on March 26th.

15 MR. JACOBS: And I noticed that exhibit A  
16 has two pages, just describe what that second page  
17 is.

18 MS. SMITH: The second page is the actual  
19 advertisement for today.

20 MR. JACOBS: And you have exhibit B in  
21 front of you, can you describe for the commissioners  
22 what exhibit B is?

23 MS. SMITH: Exhibit B is an affidavit of  
24 publication from the Home News Tribune showing that  
25 the advertisement for today's rate hearing was



1 published in the paper on March 27th.

2 MR. JACOBS: And are you familiar with the  
3 petition filed by Middlesex Water Company with the  
4 Board of Public Utilities in and around May of 2001?

5 MS. SMITH: Yes, I am.

6 MR. JACOBS: And did you recall whether  
7 the Authority intervened in that petition contesting  
8 and objecting to the rate increase sought by  
9 Middlesex Water?

10 MS. SMITH: Yes, we did, we entered into  
11 a shared service agreement with the Township of  
12 Marlboro, and jointly retained legal counsel and a  
13 rate expert to contest Middlesex Water's proposed  
14 uses.

15 MR. JACOBS: And are you aware of what the  
16 result of the Board of Public Utility's petition was?

17 MS. SMITH: Yes, I am.

18 MR. JACOBS: And did the Board of Public  
19 Utilities issue an order of proving a rate increase  
20 to Middlesex Water Company?

21 MS. SMITH: Yes, they did.

22 MR. JACOBS: Can you take a look at what  
23 has been marked as exhibit C, can you just describe  
24 for the board what exhibit C is?

25 MS. SMITH: That is the order adopting

1 the initial decision approving the stipulation of the  
2 settlement.

3 MR. JACOBS: And -- strike that.  
4 What's the effect of the rate increase granted to  
5 Middlesex Water Company on the Old Bridge MUA?

6 MS. SMITH: The rate increase granted to  
7 Middlesex Water Company is being implemented in two  
8 phases, which is shown In Exhibit D. Phase 1, which  
9 became effective January 1st, 2022, resulted in a  
10 water rate increase of 24.53 percent for all water  
11 purchased from Middlesex Water Company. Phase 2,  
12 which becomes effective January 1, 2023, will  
13 increase all water purchased from Middlesex Water  
14 Company an additional 8.87 percent.

15 These increases equate to 5.5 percent  
16 rate increase to OBMUA water users in phase 1, an  
17 additional 2 and a half percent increase in phase 2.

18 MR. JACOBS: In your professional opinion,  
19 are those increases substantial increases?

20 MS. SMITH: Yes, they are.

21 MR. JACOBS: And in your professional  
22 opinion, can the authority absorb the increase, or is  
23 a rate increase the most fiscally prudent decision to  
24 make?

25 MS. SMITH: In my opinion, increasing the

1 rates is the best fiscally prudent decision.

2 MR. JACOBS: And what would the effect of  
3 the rate increase be on the minimum bill of each Old  
4 Bridge MUA Water customer?

5 MS. SMITH: The minimum bill in the first  
6 phase would go from \$72.46 to \$76.45 cents a quarter,  
7 an increase of \$1.33 per month. The minimum bill for  
8 the qualified seniors and disabled person would go  
9 from \$57.97 to \$61.16 per quarter, which is a monthly  
10 increase of \$1.06.

11 In the second phase, the minimum bill  
12 would increase to \$78.36 per quarter, or 64 cents per  
13 month, and for the qualified seniors and disabled  
14 persons, it would increase to \$62.69 per quarter, or  
15 51 cents per month.

16 MR. JACOBS: Do you recall when the last  
17 time the Authority increased it's water rates?

18 MS. SMITH: It was four years ago.

19 MR. JACOBS: And during those four years,  
20 was the Authority subjected to increases in Middlesex  
21 Water Company rates?

22 MS. SMITH: Yes, during that period, the  
23 Authority was subjected to three different rate  
24 increases.

25 MR. JACOBS: And were those rate increases

1 passed on to the Authority's ratepayers, or were they  
2 absorbed by the Authority?

3 MS. SMITH: No, the Authority absorbed  
4 those rate increases without passing the cost onto  
5 the ratepayers.

6 MR. JACOBS: However, with this Middlesex  
7 Water rate increase, you are advising the board to  
8 approve a rate increase, why is that?

9 MS. SMITH: Because this rate increase is  
10 substantial. The Authority does not have the  
11 sufficient retained earnings to absorb this increased  
12 cost. So, in order to keep a balanced budget, and to  
13 be able to continue to provide a safe and reliable  
14 water system, we need to pass this rate increase onto  
15 our ratepayers.

16 MR. JACOBS: And before you is what we  
17 marked as exhibit E, which is a proposed resolution.  
18 Are the new rates inclusive of the proposed increases  
19 included in the resolution of the commissioners to  
20 consider?

21 MS. SMITH: Yes, they are.

22 MR. JACOBS: And are the rates and  
23 information contained in the resolution for the rate  
24 structure of the Authority's water division compliant  
25 with New Jersey statutes?

1 MS. SMITH: Yes, they do.

2 MR. JACOBS: And finally, in your  
3 professional opinion, is the rate structure embodied  
4 in the proposed resolution based on fiscally sound  
5 principles and in the best interest and financial  
6 wellbeing of the Authority?

7 MS. SMITH: Yes, it is.

8 MR. JACOBS: I don't have any more  
9 questions for Michelle at this point, so I would like  
10 to now have Courtney Winters sworn in.

11

12 COURTNEY WINTERS, W-I-N-T-E-R-S, having first been  
13 duly sworn, testified under her oath as follows:

14 MR. JACOBS: Ms. Winters, you're currently  
15 employed by the Authority's auditors, Holman, Frenia,  
16 and Allison, is that correct?

17 MS. WINTERS: That is correct.

18 MR. JACOBS: And as the auditors for the  
19 Authority, can you provide a brief description of the  
20 services you provide as part of your auditing duties?

21 MS. WINTERS: Each year we provide an  
22 annual audit of the fiscal year, and we provide an  
23 opinion on the financial statements that Michelle  
24 presents to us.

25 MR. JACOBS: And do Holman, Frenia, and

1 Allison serve as auditors for several other  
2 governmental entities in New Jersey including other  
3 authorities?

4 MS. WINTERS: Yes, we do.

5 MR. JACOBS: And did you have the  
6 opportunity to review the documents relative to the  
7 Middlesex Water Company rate increase prior to this  
8 hearing?

9 MS. WINTERS: Yes, I have.

10 MR. JACOBS: And have you had the  
11 opportunity to discuss the approved W -- MWC rate  
12 increase with the Authority's comptroller, Michelle  
13 Smith?

14 MS. WINTERS: Yes, I have.

15 MR. JACOBS: And have you had the  
16 opportunity to review the resolution which we've  
17 marked as exhibit A, setting forth the rate structure  
18 being proposed tonight in consideration of passage by  
19 the commissioners?

20 MS. WINTERS: Yes.

21 MR. JACOBS: And do the calculation of the  
22 rates reflected therein conform with New Jersey  
23 statutes?

24 MS. WINTERS: Yes.

25 MR. JACOBS: And after your review of

1 the documents, your conversations with Miss Smith,  
2 and in examination of the financial records of the  
3 Authority, do you concur with Miss Smith's opinion  
4 that a passthrough of the increase of water charges  
5 from Middlesex Water Company should be passed through  
6 to the ratepayers?

7 MS. WINTERS: I do.

8 MR. JACOBS: And based on your  
9 professional opinion and expertise, do you recommend  
10 that the commissioners approve the rate structure for  
11 the Authority's Water Division as reflected in  
12 Exhibit E, which is the proposed resolution?

13 MS. WINTERS: I do.

14 MR. JACOBS: Okay, thank you very much.  
15 At this time, we don't have any more witness  
16 testimony. Is there any member of the public who  
17 would like to make a comment or question the  
18 witnesses? Seeing none, do you want to open it up to  
19 the commissioners to make any statements, ask any  
20 questions of the witnesses?

21 DR. GREENBERG: I would just like to say  
22 that what you presented was very clear, and  
23 basically, for no fault of the utility authority,  
24 that we have an increase. And this is a passthrough  
25 rate for Middlesex County Water. As our comptroller

1 just explained, for four years we were able to absorb  
2 it, but now this is such a high rate that it's not  
3 sustained for us to do that any longer.

4 So I just want to make it clear that it  
5 is a passthrough, and it's from Middlesex Water. And  
6 then basically on May 20, 2021, Middlesex Water  
7 Company filed a petition with the New Jersey State  
8 Board of Public Utilities to increase the rate.

9 The company first requested a 37.8  
10 increase in the revenues. The matter was brought  
11 before the judge in the Office of Administrative Law  
12 for a hearing, at which time the revenue increase was  
13 reduced from 37.8 percent to 33.63 percent, and that  
14 percentage was agreed to by the New Jersey State Rate  
15 Advocate.

16 The rate increase that the company first  
17 wanted to pass on to the Old Bridge MUA was a total  
18 rate increase of 53 percent, that's outrageous. The  
19 MUA staff, Mitch Jacobs from the office of our  
20 general counsel, along with the Township of Marlboro  
21 that we jointly hired a rate counsel and a rate  
22 expert, notified Middlesex County Water Company that  
23 we officially opposed this rate increase, which  
24 started a series of virtual conference negotiations.

25 These virtual conferences include a WMC



1 key employees, representatives from the ratepayer  
2 advocate's office, Marlboro, and Old Bridge MUA  
3 representatives, and various attorneys representing  
4 all parties.

5 So I want to make it clear, really to the  
6 public, that this isn't taken lightly. We take it  
7 very strong when these rates come in, and honestly,  
8 we hear about them at the 11th hour, after it's  
9 already been decided what percentage they're gonna  
10 increase, but we do our due diligence, and we try to  
11 make it better for the ratepayer.

12 So, we partner with Marlboro and try to  
13 get this done. Through these negotiations, it was  
14 result in convincing Middlesex Water Company to lower  
15 our rate increase from approximately 53 to 36  
16 percent. So, we worked hard to get that. I'm sure  
17 we're all not satisfied, but it was done through a  
18 collaborative effort to make an improvement, which  
19 was then spread out over two years, so everyone is  
20 not hit right up front in the first year.

21 Our negotiations were successful in that  
22 we were able to reduce our rate increase about 17  
23 percent, while the company's revenue increase was  
24 only reduced approximately 4 percent from 37.8 to  
25 33.63 percent. This water rate increases entirely,

1 and I want to stress that, entirely due to the rate  
2 increase that was passed on to us from the Middlesex  
3 Water Company. And it was improved by various state  
4 agencies, including the State Board of Public  
5 Utilities. And that is the problem right there. We  
6 need people to help us on that level, so this doesn't  
7 continue to happen. They are a public company, and  
8 we're servicing our residents, and it's really just  
9 wrong to treat a local utility like this, we're not a  
10 public utility. We don't have stockholders, we don't  
11 have people getting dividends and things like that,  
12 and that's a big chunk this year for us to do, and I  
13 just want to make it be on record and explain to the  
14 public why this is happening. Because a lot of  
15 times, these are the concerns, as commissioners, that  
16 we hear.

17 So, I thank you for your job and your  
18 service and for your explanation also. Thank you.

19 MR. WEBER: I don't know if you discussed  
20 it before I got here. Did you talk about the fact  
21 that we're, how much are we buying our water from  
22 Middlesex County?

23 MR. JACOBS: None of that is discussed.  
24 If you want to direct that question to somebody,  
25 we'll swear them in, Guy, Mike? Is that what you

1 want to do?

2 MR. WEBER: No, I just want to  
3 acknowledge to the public that it's my understanding  
4 that when this change took place where they capped  
5 the -- to us, they've never increased it since then.  
6 Just in the last 20 years, this town has only grown  
7 about 1500 people, and if it wasn't for that  
8 remarkable small growth, we would be a lot worse off.  
9 So I want people to be aware of it.

10 MR. JACOBS: Thank you. Any other  
11 commissioners have any other comments, questions? If  
12 not, we need a motion for the commission to adopt the  
13 new rates, which the resolution increases the water  
14 rates by 5.5 percent effective April 21, 2022, an  
15 additional 2.5 effective January 1st, 2023, along  
16 with all the other rates which is set forth in the  
17 resolution that has been prepared. So it's been  
18 first and second?

19 MR. RAZZOLI: I moved it.

20 MR. WEBER: Second.

21 CHAIRMAN WALKER: Any other  
22 discussion?

23 MR. MURPHY: I have a question. Guy,  
24 basically, in the last, probably since I've been  
25 here, we've used all the water, we have used all of

1 the water in our underground water wells, so  
2 everything else is coming from Middlesex, right?

3 MR. DONATELLI: Correct.

4 MR. MURPHY: So, still 100 percent of our  
5 own water every year?

6 MR. DONATELLI: Yep.

7 CHAIRMAN WALKER: Anyone else?

8 MR. WEBER: Yeah, I would just observe  
9 that this is only half of the two products that we  
10 deal with. So, even though it's five and a half  
11 percent for the water, depending on what the ratio is  
12 for sewage and all that, it's not five and a half  
13 percent on your whole account.

14 MR. MURPHY: That's a good point.

15 CHAIRMAN WALKER: Anyone else have any  
16 comments? Can I ask for a roll call?

17 MS. MORRIS: Dr. Greenberg?

18 DR. GREENBERG: Yes.

19 MS. MORRIS: Mr. Murphy?

20 MR. MURPHY: Yes.

21 MS. MORRIS: Mr. Razzoli?

22 MR. RAZZOLI: Yes.

23 MS. MORRIS: Mr. Weber?

24 MR. WEBER: Yes.

25 MS. MORRIS: Chairman Walker?

1 CHAIRMAN WALKER: Yes.

2 MS. MORRIS: Five ayes, zero nays.

3 MR. JACOBS: We can adjourn the public  
4 rate hearing. All in favor?

5 BOARD MEMBERS: Aye.

6

7 (Hearing was adjourned at 6:46 p.m.)

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## C E R T I F I C A T E

I, DEANNA WIZBICKI, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of testimony provided under oath by and before me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

*Deanna Wizbicki*

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DEANNA WIZBICKI,  
Registered License No: 30CY00001700  
Notary ID No: 2330518

A								
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