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ORIGINAL

OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

IN THE MATTER OF: :
: TRANSCRIPT
OLD BRIDGE MUNICIPAL UTILITIES: OF
AUTHORITY RATE HEARING FOR : PROCEEDINGS
2022 :
- - - - -

OLD BRIDGE MUNICIPAL BUILDING
1 Old Bridge Plaza
Old Bridge, New Jersey 08857
Wednesday, December 15, 2021
11:00 a.m.

B E F O R E: BOARD OF COMMISSIONERS

FRANK WEBER - Chairman
BRUCE WALKER
DR. ANITA GREENBERG
ARTHUR CARULLO
EDWARD CASSERLY

A P P E A R A N C E S:

CLEARY, GIACOBBE, ALFIERI & JACOBS, LLC
By: MITCHELL B. JACOBS, ESQ.
Counsel for the Old Bridge MUA

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

GUY DONATELLI - Executive Director
MICHELLE SMITH - Comptroller
BRIAN WALDRON - Senior Audit Manager
RONNIE MORRIS - Board Secretary

Reported by: MARY BAUMANN, C.C.R., R.P.R.
License No. XI01271

1 MR. WALKER: Call to order.

2 (Pledge of Allegiance.)

3 MR. WALKER: This public rate hearing
4 is being held in conformance with the Open Public
5 Meetings Act. Notice has been given to the
6 newspaper. Notice of the meeting has been posted
7 in public places. Roll call.

8 MS. MORRIS: Chairman Weber.

9 Mr. Carullo. Dr. Greenberg.

10 DR. GREENBERG: Present.

11 MS. MORRIS: Mr. Murphy, absent.

12 Mr. Walker.

13 MR. WALKER: Here.

14 MS. MORRIS: Mr. Galante, absent.

15 Mr. Casserly.

16 MR. CASSERLY: Here.

17 MR. WALKER: Now we need a motion to
18 open the rate hearing.

19 DR. GREENBERG: Move it.

20 MR. CASSERLY: Second.

21 MR. WALKER: Any discussion?

22 MR. JACOBS: We can do an all in
23 favor.

24 MR. WALKER: All in favor? Against?

25 (Motion passes unanimously.)

1 MR. WALKER: Now we'll hand it over
2 to our attorney.

3 MR. JACOBS: Thank you, Mr. Chairman.
4 This public rate hearing concerns connection rates
5 and charges for the sewer and water divisions of
6 the Old Bridge Municipal Utilities Authority and
7 any other rate changes deemed necessary. This
8 meeting is being held and conducted pursuant to and
9 in accordance with N.J.S.A. 40:14B-21 and N.J.S.A.
10 40:14B-22. This meeting is open to the public and
11 the public is invited to participate and will be
12 provided with an opportunity to speak later on in
13 the process.

14 At this time I would like the court reporter
15 to swear in Michelle Smith to testify.

16 MICHELLE SMITH, sworn.

17 MR. JACOBS: Miss Smith, do you
18 currently serve as the Authority's chief financial
19 officer and comptroller. Is that correct?

20 MS. SMITH: That is correct.

21 MR. JACOBS: For the record can you
22 share with us some of the responsibilities, duties
23 and obligations that you have as chief financial
24 officer and comptroller for the Authority?

25 MS. SMITH: Sure. I maintain all the

1 financial records, including the preparation of
2 their financial statements, budgets and billing,
3 and I oversee the payroll, accounts payable and
4 billing departments.

5 MR. JACOBS: Did your duties and
6 obligations include providing your opinion to the
7 commissioners as to the appropriate rates and
8 charges the Authority should charge its users?

9 MS. SMITH: Yes, it does.

10 MR. JACOBS: In connection with the
11 rate hearing and rate increases, did you compile
12 certain information and review certain information
13 prior to this actual hearing?

14 MS. SMITH: Yes, I did.

15 MR. JACOBS: And can you tell me
16 whether you have done that prior to today's
17 meeting, reviewed certain financial information,
18 compiled documents, and you've had an opportunity
19 to review those prior to the hearing?

20 MS. SMITH: Yes, I have.

21 MR. JACOBS: You've also prepared
22 some financial information and documents for the
23 commissioners to consider during the rate hearing.
24 Is that correct?

25 MS. SMITH: That is correct.

1 MR. JACOBS: And just by way of your
2 past experience, you have given testimony in prior
3 rate hearings for the Authority before, correct?

4 MS. SMITH: Correct.

5 MR. JACOBS: So you currently have a
6 number of documents in front of you?

7 MS. SMITH: Yes.

8 MR. JACOBS: So first I am going to
9 refer to what we previously marked as Exhibit A.
10 Can you describe to me what Exhibit A is?

11 MS. SMITH: Exhibit A is an affidavit
12 of publication from the Home News Tribune showing
13 the advertisement for today's rate hearing was
14 published in their paper November 23, 2021.

15 MR. JACOBS: And this exhibit has two
16 pages. The second page is a copy of the actual
17 notice that was published?

18 MS. SMITH: Yes, it is.

19 MR. JACOBS: Now, could you go to
20 what has been previously marked as Exhibit B. Can
21 you describe to us what Exhibit B is?

22 MS. SMITH: Exhibit B is an affidavit
23 of publication from the Asbury Park Press showing
24 the advertisement for today's rate hearing was
25 published in their paper on November 23, 2021.

1 MR. JACOBS: And the second page of
2 that exhibit again is a copy of the legal notice
3 that was published?

4 MS. SMITH: Yes, it is.

5 MR. JACOBS: And you previously
6 testified that you created certain documents and
7 reviewed certain documents for preparation for this
8 rate hearing. Is that correct?

9 MS. SMITH: That is correct.

10 MR. JACOBS: And we've previously
11 marked a document as Exhibit C. Is Exhibit C one
12 of the documents that you either prepared or
13 reviewed?

14 MS. SMITH: Yes, it is.

15 MR. JACOBS: So can you describe what
16 this document is which we've marked Exhibit C and
17 inform the commissioners what the numbers on this
18 schedule represent?

19 MS. SMITH: Sure. Exhibit C is a
20 connection fee calculation worksheet. I used this
21 to come up with the new connection fee rates.
22 What I did was take the total historical costs at
23 May 31, 2020 from previous certifications, add the
24 debt service payments, the facilities improvements
25 from the operating budget for the year, and our

1 share of MCUA debt service to come up to the total
2 historical cost at May 31, 2021, and I took that
3 number and divided it by the total equivalent units
4 to come up with a new connection rate of \$3,484 for
5 water and \$4,603 for sewer.

6 MR. JACOBS: And in those rates that
7 you just mentioned, does that illustrate an
8 increase over the rate charges for the previous
9 year?

10 MS. SMITH: Yes, it does.

11 MR. JACOBS: Do you know what the
12 percentage is in the increase rates?

13 MS. SMITH: Yes. The water increase
14 is 1.25 percent and the sewer increase is 1.14
15 percent.

16 MR. JACOBS: Thank you. If you can
17 refer to what we previously marked as Exhibit D.
18 Can you describe what Exhibit D is?

19 MS. SMITH: Exhibit D is MCUA's
20 yearly estimates for 2020 and 2021. This was used
21 to determine our portion of MCUA's debt service
22 which is part of the connection fee calculation for
23 sewer.

24 MR. JACOBS: So the numbers on
25 Exhibit D or the calculations on Exhibit D, you

1 utilized these numbers in order to make the
2 determination that you believe there should be a
3 rate increase in water and sewer as reflected in
4 previous exhibits?

5 MS. SMITH: Yes.

6 MR. JACOBS: Could we now turn to
7 what we previously marked as Exhibit E. Can you
8 describe for us what Exhibit E is?

9 MS. SMITH: Exhibit E is the proposed
10 rate changes. It shows that the water connection
11 fee is increasing \$43 from \$3,441 to \$3,484, which
12 is an increase of 1.25 percent. The sewer
13 connection fee is increasing \$52 from \$4,551 to
14 \$4,603, an increase of 1.14 percent. The 5/8ths
15 and 3/4ths inch water meter fee is increasing \$50
16 from \$300 to \$350, an increase of 16.67 percent.
17 The one-inch water meter fee is increasing \$25 from
18 \$475 to \$500, an increase of 5.26 percent. And the
19 1 1/2 inch water meter fee is increasing \$50 from
20 \$550 to \$600, an increase of 9.09 percent, and the
21 two-inch water meter fee is increasing \$45 from
22 \$655 to \$700, an increase of 6.87 percent.

23 The water meter fees are being raised to
24 cover the increase in the cost of the meters and
25 materials.

1 MR. JACOBS: That's a total of six
2 increases between the water and sewer divisions?

3 MS. SMITH: That's correct.

4 MR. JACOBS: And these are the only
5 six increases that you are recommending to the
6 board?

7 MS. SMITH: Yes.

8 MR. JACOBS: Can you now refer to
9 Exhibit F. Can you tell me what Exhibit F is?

10 MS. SMITH: Exhibit F is a proposed
11 water division resolution reflecting the new
12 connection fee rate and water meter fees as shown
13 in Exhibit E with an effective date of January 1,
14 2022.

15 MR. JACOBS: And this resolution
16 accurately reflects the increases that you are
17 recommending?

18 MS. SMITH: Yes, it does.

19 MR. JACOBS: Can you refer to what we
20 previously marked as Exhibit G? Can you tell me
21 what that is?

22 MS. SMITH: Exhibit G is a proposed
23 sewer division resolution reflecting the new
24 connection fee rate as shown in Exhibit E with an
25 effective date of January 1, 2022.

1 MR. JACOBS: And the increase that is
2 reflected in this resolution for the sewer
3 division, that's the increase that you are
4 recommending to the board?

5 MS. SMITH: Yes, it is.

6 MR. JACOBS: In your professional
7 opinion as both chief financial officer and
8 comptroller of the Authority, do you believe that
9 the increases that you are proposing today as
10 reflected in your testimony and in the resolutions
11 which we've marked as Exhibits F and G and the
12 other documents we have gone over and entered into
13 and marked as evidence, are they necessary for the
14 financial stability of the Authority?

15 MS. SMITH: Yes, they are.

16 MR. JACOBS: And again you are
17 recommending to the commissioners these increases
18 in rates for the water and sewer division?

19 MS. SMITH: Yes, I am.

20 MR. JACOBS: I don't have any further
21 questions for Miss Smith.

22 So at this point I would like the court
23 reporter to swear in Brian Waldron.

24 BRIAN WALDRON, sworn.

25 MR. JACOBS: Good afternoon,

1 Mr. Waldron.

2 MR. WALDRON: Good afternoon.

3 MR. JACOBS: Could you tell the
4 commissioners what your professional certifications
5 and licenses are?

6 MR. WALDRON: My name is Brian
7 Waldron. I am the senior audit manager from
8 Holman, Frenia, Allison. I am a certified public
9 accountant and we work with the MUA.

10 MR. JACOBS: And Holman, Frenia,
11 Allison have serviced the Authority for a number of
12 years as their auditors, correct?

13 MR. WALDRON: That is correct.

14 MR. JACOBS: And besides the
15 Authority have you or your firm serviced several
16 other governmental entities across the State of
17 New Jersey as auditors?

18 MR. WALDRON: Yes, that's true.

19 MR. JACOBS: You have attended and
20 given testimony at a number of rate hearings for
21 authorities, correct?

22 MR. WALDRON: Correct.

23 MR. JACOBS: As a matter of fact, you
24 have given testimony in rate hearings for the Old
25 Bridge MUA before?

1 MR. WALDRON: I have.

2 MR. JACOBS: Did you have the
3 opportunity to review the documents that are marked
4 as Exhibits C through G that Miss Smith has
5 testified to and gone over?

6 MR. WALDRON: I have reviewed those
7 documents, yes.

8 MR. JACOBS: Did you have the
9 opportunity prior to this hearing to speak to Miss
10 Smith regarding the contents of those documents
11 which have been marked as Exhibits C through G?

12 MR. WALDRON: I did, yes.

13 MR. JACOBS: And based on your review
14 of the documents, your communications with Miss
15 Smith and your communications with other people in
16 the Old Bridge MUA who might have been involved in
17 the process and providing information to you, is it
18 your opinion that the rate structure that has been
19 memorialized and proposed in the resolutions which
20 we marked as Exhibits F and G are sound and
21 necessary for the fiscal integrity of the
22 Authority's operations?

23 MR. WALDRON: Yes, that is correct.

24 MR. JACOBS: I don't have any other
25 questions. So at this time do we have any members

1 of the public who would like to make a comment as
2 to the testimony given at this rate hearing?

3 Seeing none, are there any commissioners who
4 would like to ask any questions of either Miss
5 Smith -- Mrs. Smith or Mr. Waldron regarding their
6 testimony?

7 DR. GREENBERG: It's all clear.

8 MR. CASSERLY: All good.

9 MR. JACOBS: Okay. Seeing none, it
10 is now time to move the two resolutions for rate
11 increases, one for the water division and one for
12 the sewer division. So the first motion is for a
13 resolution for the water division which is going to
14 reflect five rate increases. One is for an
15 increase in the water connection fee from \$3,441 to
16 \$3,484, an increase of the 5/8ths times 3/4ths
17 water meter fee from \$300 to \$350, an increase in
18 the one-inch water meter fee from \$475 to \$500, an
19 increase in the 1 1/2 inch water meter fee from
20 \$550 to \$600, an increase in the two-inch water
21 meter fee from \$655 to \$700. So do we have a
22 motion for the resolution as I previously just
23 described?

24 MR. WALKER: Motion.

25 DR. GREENBERG: Second.

1 CHAIRMAN WEBER: Discussion? Roll

2 call.

3 MS. MORRIS: Mr. Carullo.

4 MR. CARULLO: Yes.

5 MS. MORRIS: Dr. Greenberg.

6 DR. GREENBERG: Yes.

7 MS. MORRIS: Mr. Walker.

8 MR. WALKER: Yes.

9 MS. MORRIS: Mr. Casserly.

10 MR. CASSERLY: Yes.

11 MS. MORRIS: Chairman Weber.

12 CHAIRMAN WEBER: Yes.

13 MS. MORRIS: Five ayes, zero nays.

14 MR. JACOBS: The next motion is for a
15 resolution to increase the sewer connection fee
16 from \$4,551 to \$4,603.

17 DR. GREENBERG: Move it.

18 MR. CARULLO: I will second it.

19 CHAIRMAN WEBER: Discussion? Roll

20 call.

21 MS. MORRIS: Mr. Carullo.

22 MR. CARULLO: Yes.

23 MS. MORRIS: Dr. Greenberg.

24 DR. GREENBERG: Yes.

25 MS. MORRIS: Mr. Walker.

1 MR. WALKER: Yes.

2 MS. MORRIS: Mr. Casserly.

3 MR. CASSERLY: Yes.

4 MS. MORRIS: Chairman Weber.

5 CHAIRMAN WEBER: Yes.

6 MS. MORRIS: Five ayes, zero nays.

7 MR. JACOBS: That concludes the
8 public rate hearing. We turn the meeting back over
9 to you, Mr. Chair, for adjournment of the meeting.

10 CHAIRMAN WEBER: Do we have to have a
11 roll call?

12 MR. JACOBS: Just do a motion to
13 adjourn.

14 CHAIRMAN WEBER: A motion to adjourn?

15 DR. GREENBERG: Motion to adjourn.

16 CHAIRMAN WEBER: I will second.

17 Those in favor? Those opposed?

18 (Motion passes unanimously.)

19 (Meeting adjourns at 11:13 a.m.)

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4 I, MARY BAUMANN, License Number XIO1271, a
5 Certified Court Reporter, a Registered Professional
6 Reporter and Notary Public of the State of New
7 Jersey, certify that the foregoing is a true and

8 accurate transcript of the proceedings at the place
9 and on the date hereinbefore set forth.

10 I further certify that I am neither attorney
11 nor counsel for, nor related to or employed by, any
12 of the parties to the action in which this
13 deposition was taken, and further that I am not a
14 relative or employee of any attorney or counsel
15 employed in this case, nor am I financially
16 interested in the action.

17

18

19

20



21 A Notary of the State of New Jersey

22 Notary No. 3782

23 My Commission Expires 3/7/24

24

25

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