

SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY
THURSDAY, OCTOBER 8, 2020
Commencing 2:50 p.m.

RE: PUBLIC HEARING ON 2021 SEWER USE SERVICE SCHEDULE
CHARGE

TRANSCRIPT OF PROCEEDINGS HELD VIA VIDEOCONFERENCE

B E F O R E:

JOSEPH MAY, Chairman
KEVIN LYNCH, Vice Chairman
E. GENE CORY, Commissioner
KEN FARRELL, Commissioner
EDWARD DONOVAN, Commissioner
THOMAS B. NICOL, Commissioner
BERNARD J. BUJAK, CFO & Director of Human Resources
RYAN R. KRAUSE, P.E., Executive Director
TIMOTHY TIMBROOK, Superintendent
PAUL CUVA, CPA, Authority Auditor
JOHN BONELLO, ESQ., Authority Attorney

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INDEX OF EXAMINATION

WITNESS	VOIR DIRE	DIRECT
PAUL CUVA, CPA		
By: Mr. Bonello	7	8

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DESCRIPTION

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1 CHAIRMAN MAY: Yeah, at 2:50, I call the
2 rate hearing for the South Monmouth Regional Sewerage
3 Authority to order, please.

4 MR. KRAUSE: Do you have the agenda, Joe?

5 CHAIRMAN MAY: I have the one that I got
6 Monday.

7 MR. KRAUSE: Yeah, it's the sewer service
8 rate hearing agenda. You read the announcement;
9 we'll go through the roll call.

10 CHAIRMAN MAY: All right. This meeting
11 is called in accordance with the provisions of the
12 Open Public Meetings Act as well as guidance from the
13 New Jersey Department of Community Affairs, Division
14 of Local Government Services in that an announcement
15 of the same appeared on the Authority's website, in
16 the Asbury Park Press, The Coast Star and e-mailed to
17 the Clerks of our member municipalities October 1,
18 2020.

19 The meetings of this -- the minutes of
20 this meeting will be available after board approval
21 at a subsequent meeting. Roll call?

22 MR. BUJAK: Excuse me, if I could
23 interrupt, please. I just need -- that is not the
24 correct announcement.

25 CHAIRMAN MAY: September 16, 2020; is

1 that what you're looking for, Bernie?

2 MR. BUJAK: It's October 8th.

3 CHAIRMAN MAY: Hold on one second.

4 MR. KRAUSE: The agenda is the
5 October 8th agenda. The announcement in the paper
6 was made on September 16th.

7 (Whereupon there was a pause in the
8 proceedings.)

9 (Whereupon a discussion was held off the
10 record.)

11 MR. BUJAK: The notice was on the
12 Authority's website, in the Asbury Park Press, The
13 Coast Star and to the Clerks of our members
14 September 16, 2020.

15 MR. BONELLO: Thank you. From a
16 jurisdictional purpose, you have just enabled us to
17 go forward.

18 MR. KRAUSE: I'm going to do a roll call.

19 CHAIRMAN MAY: Okay.

20 MR. KRAUSE: Commissioner Burne? Absent.
21 Commissioner Cory?

22 COMMISSIONER CORY: Here.

23 MR. KRAUSE: Commissioner Donovan?

24 COMMISSIONER DONOVAN: Here.

25 MR. KRAUSE: Commissioner Lynch?

1 COMMISSIONER LYNCH: Here.

2 MR. KRAUSE: And Commissioner Nicol?

3 COMMISSIONER NICOL: Here.

4 MR. KRAUSE: Mr. Bonello?

5 MR. BONELLO: Here.

6 MR. KRAUSE: Mr. Krause, here. And Mr.
7 Timbrook?

8 MR. TIMBROOK: Here.

9 MR. KRAUSE: And for the record,
10 Commissioner Mattia is excused.

11 CHAIRMAN MAY: All right, the second is
12 the same as the first one I have in front of me, so
13 I'm not sure where we're at here.

14 MR. BONELLO: He can just give the
15 regular -- you can give the regular announcement.
16 It's been already on the record that the publication
17 and everything is 9/16/20. So use that date for
18 reference.

19 MR. KRAUSE: Okay.

20 CHAIRMAN MAY: This meeting is called in
21 accordance with the provisions of the Open Public
22 Meetings Act as well as guidance from the Department
23 of Community Affairs, Division of Local Government
24 Services in that an announcement of the same has
25 appeared on the Authority's website, in the Asbury

1 Park Press, The Coast Star, e-mailed to the Clerks of
2 the member municipalities on October 16th.

3 MR. BUJAK: September.

4 CHAIRMAN MAY: September 16th. The
5 minutes of this meeting will be available after board
6 approval at a subsequent meeting. All right, thank
7 you.

8 I would just instruct legal counsel to
9 proceed with the sewer service rate hearing. Mr.
10 Bonello.

11 MR. BONELLO: Thank you, Mr. Chairman.
12 To begin, I'd like to mark in some documents. P-1
13 will be the actual rate schedule now. P-2 is a
14 Notice of Hearing. P-3 is the Affidavit of
15 Publication of The Coast Star. P-4 is the Affidavit
16 of Publication of this notice in the Asbury Park
17 Press. P-5 are copies to (sic) the letters sent to
18 the municipalities, our membership, eight towns. P-6
19 is the evidence of sending the -- is the proof of
20 sending the notices by way of fax.

21 Mr. Chairman, reviewing these documents
22 that I'm asking to put into Evidence, I find you have
23 jurisdiction to conduct the hearing.

24 CHAIRMAN MAY: Okay.

25 MR. BONELLO: If everyone is satisfied, I

1 would like to call Paul Cuva. Paul?

2 MR. CUVA: Yes, sir.

3 (Whereupon a discussion was held off the
4 record.)

5 MR. BONELLO: I'll do it.

6 P A U L C U V A, C P A, was duly sworn and
7 testified under his oath as follows:

8 VOIR DIRE EXAMINATION BY MR. BONELLO:

9 Q. Mr. Cuva, could you give us your position
10 with the South Monmouth Regional Sewerage Authority?

11 A. I'm the Auditor with the South Monmouth
12 Regional Sewerage Authority.

13 Q. And could you give us the benefit of your
14 licenses professionally?

15 A. Yes. I'm licensed as a public accountant,
16 Certified Public Accountant, Registered Municipal
17 Accountant and Public School Accountant in the State
18 of New Jersey, and I've been auditing authorities,
19 municipalities and school boards for over 40 years.

20 Q. And during those 40 years have you had
21 occasion to compute the rates and review the
22 information that were used in order to come up with a
23 new rate?

24 A. Yes, I have.

25 Q. And how many times have you done that,

Voir dire - P. Cuva, CPA - Bonello

1 approximately?

2 A. More than 40 times.

3 MR. BONELLO: Mr. Chairman, I suggest and
4 move that Mr. Cuva is a qualified auditor and is able
5 to give testimony concerning the proposed new rate.

6 CHAIRMAN MAY: Okay, I have no problem.
7 We'll call him as an expert. Thank you.

8 MR. BONELLO: Thank you.

9 DIRECT EXAMINATION BY MR. BONELLO:

10 Q. Mr. Cuva, did you have occasion to review
11 the books and records and the information provided to
12 you by the Authority's executives?

13 A. Yes, I have.

14 Q. And did you have occasion to review what
15 the recommended new sewer rate is going to be and see
16 what the calculations were based upon?

17 A. Yes, I did.

18 Q. Now, the prior rate, as I understand it,
19 was \$4,084.75 per million gallons per day. Is that
20 correct?

21 A. That's the proposed rate, John. You asked the
22 current rate.

23 Q. All right, you're correct, you're
24 correct. I had the two, advertised rate and the
25 other one.

Direct - P. Cuva, CPA - Bonello

1 So that rate was the rate that is proposed
2 based upon the calculations and financial information
3 that you have reviewed?

4 A. That is correct.

5 Q. Do you accept that rate and recommend to
6 the board that they adopt a Resolution changing the
7 rate to that number?

8 A. Yes, I do.

9 Q. Now, as I understand that this rate is
10 approximately \$200 and 52.4 cents (sic) per million
11 gallons in excess of the current rate. Is that
12 correct?

13 A. I believe that's the increase in dollar amount,
14 \$200,524.

15 Q. And the percentage increase is how much?

16 A. Percentage increase in the sewer user charges
17 is 2.55 percent.

18 Q. Okay. In reviewing these numbers, do you
19 find that they were computed pursuant to the
20 statutory requirements?

21 A. Yes, they were.

22 Q. And do you feel that they're reasonable
23 and necessary based upon the budget and other
24 financial information for the Authority?

25 A. Yes, I do.

Direct - P. Cuva, CPA - Bonello

1 Q. Do you recommend to the board that they
2 adopt a Resolution changing the rate to the proposed
3 number?

4 A. Yes, I do.

5 MR. BONELLO: Okay. I don't have any
6 further questions of Mr. Cuva. Does any members of
7 the board have any questions?

8 COMMISSIONER LYNCH: No.

9 COMMISSIONER FARRELL: No.

10 MR. BONELLO: If not, do any members of
11 the public who have tuned in to this hearing have any
12 questions? If not, I would recommend that the public
13 portion of the meeting be closed.

14 CHAIRMAN MAY: We never opened it. We
15 should have had a motion by a Commissioner and
16 seconded to open the public portion.

17 COMMISSIONER DONOVAN: I make a motion to
18 open to the public.

19 COMMISSIONER LYNCH: Second.

20 MR. BONELLO: And based upon the
21 testimony of Mr. Cuva, would someone want to make a
22 motion to close the public portion?

23 COMMISSIONER LYNCH: I'll make a motion
24 to close the public portion.

25 COMMISSIONER FARRELL: Second.

1 MR. BONELLO: I submit to the board that
2 they adopt a Resolution changing the service rates
3 for the oncoming year.

4 CHAIRMAN MAY: I'll make that Motion.
5 Roll call? Bernie, will you call the roll?

6 MR. BUJAK: Who's making the second --
7 who's seconding the motion, please?

8 COMMISSIONER FARRELL: I did initially.
9 This is Ken Farrell.

10 MR. BUJAK: Thank you.

11 CHAIRMAN MAY: Ryan, roll call, please?

12 MR. KRAUSE: Commissioner Burne? Absent.
13 Commissioner Cory?

14 COMMISSIONER CORY: Yes.

15 MR. KRAUSE: Commissioner Donovan?

16 COMMISSIONER DONOVAN: Yes.

17 MR. KRAUSE: Commissioner Farrell?

18 COMMISSIONER FARRELL: Yes.

19 MR. KRAUSE: Commissioner Lynch?

20 COMMISSIONER LYNCH: Yes.

21 MR. KRAUSE: Commissioner May?

22 CHAIRMAN MAY: Yes.

23 MR. KRAUSE: And Commissioner Nicol?

24 COMMISSIONER NICOL: Yes.

25 MR. BONELLO: Is there a motion to

1 approve the new service rate for 2021?

2 CHAIRMAN MAY: That's what we just did.

3 MR. BUJAK: We just did.

4 MR. KRAUSE: We need a motion to adjourn.

5 MR. BONELLO: What we did is we closed
6 the public hearing and now the board will determine
7 whether to adopt a Resolution accepting the new rate.

8 MR. KRAUSE: Well, we already had a
9 motion on that and we already had a second and we
10 already had a vote.

11 MR. BONELLO: Then fine. If there's no
12 further information or need for the hearing to
13 continue, would someone move to close the hearing --

14 COMMISSIONER FARRELL: So moved. Ken
15 Farrell.

16 MR. BONELLO: -- the sewer service rate
17 hearing.

18 COMMISSIONER NICOL: Second. Tucker
19 Nicol.

20 CHAIRMAN MAY: In all favor?

21 MULTIPLE VOICES: Aye.

22 MR. BONELLO: Thank you.

23 (Whereupon the public hearing was
24 concluded at 3:08 p.m.)

25

C E R T I F I C A T E

I, BETSY CONDIOTTI, a Certified Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of the proceedings as taken 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 hearing 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.

BETSY CONDIOTTI, CCR
NJ CCR License No. XIO1642

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