



HMUA MINUTES

REGULAR
MEETING OF

November 12, 2019

ADMINISTRATION BUILDING
424 Hurley Drive
Hackettstown, NJ



REGULAR MEETING November 12, 2019

JACOB GARABED ADMINISTRATION BUILDING

The meeting was called to order by Chairperson Kuster at 7:01 P.M. Chairperson Kuster announced that adequate notice of this meeting has been given to the area press and the Town of Hackettstown, and the meeting shall be convened and conducted in accordance with the requirements of the Open Public Meetings Act.

Roll call indicated the following members in attendance: Kuster, Jerry DiMaio, John DiMaio, and Kunz.

Also attending: Counselor Michael Selvaggi, Pete Paftinos, Robert McNich, Counselor John Zaiter, Executive Director Corcoran, Deputy Director Biank, Recording Secretary Palma and Court Stenographer.

Chairperson Kuster led a salute of the United States Flag.

Chairperson Kuster opened the meeting to the public hearing to hear testimony and to discuss proposed changes to water and sewer connection fees listed in the Rate Schedule in Section VII of the HMUA rules and Regulations. Executive Director Corcoran explained the reason for the public hearing and introduced Robert McNinch of the accounting firm, FWCC. Robert McNinch explained the steps taken to determine the new connection fees and reviewed the findings. There was no further public comment.

See the attached public hearing transcription from the Court Stenographer.

Chairperson Kuster stated the next agenda item was the discussion and possible action to adopt changes to water and sewer connection fees listed in the Rate Schedule in Section VII of the HMUA Rules and Regulations.

A motion was made by Kuster to adopt the new water connection fee of \$5,773 to be listed in Section VII of the HMUA Rules and Regulations. This was seconded by John DiMaio and vote carried:

Ayes: Kuster, Jerry DiMaio, John DiMaio and Kunz

A motion was made by John DiMaio to adopt the new sewer connection fee of \$5,500 to be listed in Section VII of the HMUA Rules and Regulations. This motion was seconded by Jerry DiMaio and vote carried:

Ayes: Kuster, Jerry DiMaio, John DiMaio, and Kunz

Chairperson Kuster indicated approval of the October 8th Regular Meeting minutes as the next agenda item. A motion to approve the minutes was made by Jerry DiMaio, being seconded by Kunz with Kuster, John DiMaio and Kunz voting yea and Jerry DiMaio abstaining.

Chairperson Kuster indicated approval of the October 8th Executive Session minutes as the next agenda item. A motion to approve the minutes was made by Kunz, being seconded by John DiMaio with Kuster, John DiMaio and Kunz voting yea and Jerry DiMaio abstaining.

Chairperson Kuster opened the meeting to public participation and noted there were members of



the public present.

Counselor Selvaggi approached the Board. He stated that he represents Moudro Corporation. He stated that on March 11, 2019 Moudro submitted an application for final approval for water and sewer utility service for the "Residences at Bilby Road" residential development. He stated that no response was received from HMUA until October at which time Moudro was told that its application for final approval had been rejected as being incomplete. He further explained how there was a previous "Princess Towers" project that had received planning board approval; however he acknowledged that project was a residential/commercial combination and was different than the current all residential project. He stated that the Residences at Bilby Road project involves a P.I.L.O.T and 55 of the 275 units will be low income units.

Selvaggi stated that Moudro is requesting a reconsideration of this determination and a waiver from compliance with the current connection fees. Selvaggi stated that, with the new rates, project costs will increase well over a million dollars.

Executive Director Corcoran stated that applications for tentative and final approval were submitted in March 2019. The subject application for final approval did not include the required checklist items including planning board approval, connection fees and permits at that time, all of which are required to deem the application complete. Moudro Corporation submitted a second application for service (tentative approval) in October 2019, which was deemed complete as it included planning board approval in addition to all the other required checklist items for tentative approval.

The Board expressed that it understood their concerns and indicated that Mr. Paftinos has done a lot for the Town of Hackettstown and its seniors. However, it was stated that the Rules and Regulations of the Authority are an important part of the decision making.

At this point, it was suggested that the Board convene into Executive Session.

Chairperson Kuster stated he would entertain a motion to convene into Executive Session. Resolution #19-3428 was proposed by John DiMaio who moved its adoption. The motion to convene into Executive Session was seconded by Kunz. Ayes: Kuster, Jerry DiMaio, John DiMaio, and Kunz.

Counselor Selvaggi and Pete Paftinos exited the meeting.

Resolution #19-3428

BE IT RESOLVED, on this 12th day of November, 2019 by the Hackettstown Municipal Utilities Authority and pursuant to N.J.S.A. 10:4-1 et. seq., the Authority shall discuss Potential Litigation in Executive Session.

It is not possible, at this time, for the Authority to determine when and under what circumstances the above referenced item, which is to be discussed in Executive Session, can be publicly disclosed.

THEREFORE, BE IT RESOLVED, on this 12th day of November, 2019 by the Hackettstown Municipal Utilities Authority that the matters, as noted above, will be discussed in Executive Session, said session commencing at 7:35 PM.

Kunz moved to end Executive Session and re-enter Regular Session, said motion being seconded



by Jerry DiMaio and all indicating approval at 7:55 PM. No formal action was taken during Executive Session.

Upon returning from Executive Session, Counselor Selvaggi and Pete Paftinos re-entered the meeting.

Counselor Zaiter suggested that the Board have more time to review the Rules and Regulations and that he then could have a discussion with Counselor Selvaggi.

Chairperson Kuster stated the next agenda item was the discussion and possible action regarding any project Change Orders. Executive Director Corcoran stated there were no Change Orders.

Chairperson Kuster stated the next agenda item was to entertain Resolutions approving the Operations Expense Account Requisitions #OEA-1169 and #OEA-1170 in the total amount aggregate amount of \$241,369.88.

The following Resolution #19-3429 was proposed by Kunz who moved its adoption:

Resolution #19-3429

BE IT RESOLVED, that the following Operations Expense Requisitions be formally approved:

Dated:	October 11, 2019	OEA-1169	SL-23	\$112,398.88
Dated:	October 25, 2019	OEA-1170	SL-24	<u>128,971.00</u>
			Total	\$241,369.88

This Resolution was seconded by John DiMaio and upon roll call vote carried:

Ayes: Chairperson Kuster, John DiMaio, Jerry DiMaio and Kunz

Chairperson Kuster stated the next agenda item was to entertain a Resolution approving Renewal & Replacement Fund Requisition #RR-263 in the aggregate amount of \$53,190.92. The following Resolution #19-3430 was proposed by John DiMaio who moved its adoption.

Resolution #19-3430

BE IT RESOLVED, that the following Renewal and Replacement Fund Requisition #RR-263 be formally approved:

REQUISITION #RR-263

Cleanearth	Recycling & Disposal/Soil	\$ 27,694.06
Cory Brothers	Sewer Jet Repairs	5,422.54
Howard Burd & Sons	Concrete & Paving Mat.	15,880.00
JR Metal Products	Manhole Risers	1,964.32
Mott MacDonald	Nitrification Tank	<u>2,230.00</u>
	Total	\$ 53,190.92

This Resolution was seconded by Kunz and upon roll call vote carried:

Ayes: Kuster, John DiMaio, Jerry DiMaio and Kunz.

Chairperson Kuster stated the next agenda item was to entertain a Resolution approving Escrow Subaccount Requisition #ESR-294 in the amount of \$13,745.33. The following Resolution #19-



3431 was proposed by Jerry DiMaio who moved its adoption.

Resolution #19-3431

BE IT RESOLVED, that the following Escrow Subaccount Requisition #ESR-294 be formally approved:

REQUISITION #ESR-294

2016 Mountain Hackettstown	Refund Escrow Balance	\$	162.00
Jade Hackettstown	Refund Escrow Balance		6,730.83
Mott MacDonald	Heath Village West		1,546.00
Mott MacDonald	Liongate (WAWA)		540.00
Mott MacDonald	Residences at Bilby Rd.		180.50
Rio Supply, Inc.	Heath Village West		<u>4,586.00</u>
	Total	\$	13,745.33

This Resolution was seconded by Kunz and upon roll call vote carried:

Ayes: Kuster, John DiMaio, Jerry DiMaio and Kunz.

Chairperson Kuster stated the next agenda item was discussion and possible action to ratify budget line item transfers. After a brief discussion, the following Resolution #19-3432 was proposed by Kunz who moved its adoption.

Resolution #19-3432

BE IT RESOLVED, the Governing Body of the Town of Hackettstown Municipal Utilities Authority hereby ratifies the action of the Executive Director to transfer funds between the individual Expense Accounts as listed below: Water Operations – Electric (63301) is decreased by \$6,200. Water – Chemicals (63101) is increased by \$6,200. Water Administration – Salaries (65101) is decreased by \$6,500 and Water Administration – Professional Services (67201) is increased by \$6,500. Sewer Administration – Salaries (75102) is decreased by \$7,000 and Professional Services (77202) is increased by \$7,000.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried:

Ayes: Kuster, Jerry DiMaio, John DiMaio and Kunz voting yea.

Chairperson Kuster stated the next agenda item was discussion and possible action to adopt the FY 2019/220 budgets. The following Resolution #19-3433 was proposed by John DiMaio who moved its adoption.

Resolution #19-3433

WHEREAS, the Annual Budget and Capital Budget/Program for the Town of Hackettstown Municipal Utilities Authority for the fiscal year beginning December 1, 2019 and ending November 30, 2020 has been presented for adoption before the governing body of the Town of Hackettstown Municipal Utilities Authority at its open public meeting of November 12, 2019; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by



the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$4,931,000, Total Appropriations, including any accumulated Deficit, if any, of \$4,931,000 and Total Unrestricted Net Position utilized of \$0; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$2,402,000 and Total Unrestricted Net Position planned to be utilized of \$0; total Renewal and Replacement Reserve funds planned to be utilized of \$1,375,000; Total other sources (Construction Aid Fund) planned be utilized of \$1,027,000; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Town of Hackettstown Municipal Utilities Authority, at an open public meeting held on November 12, 2019 that the Annual Budget and Capital Budget/Program of the Town of Hackettstown Municipal Utilities Authority for the fiscal year beginning December 1, 2019 and ending November 30, 2020 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried:

Ayes: Kuster, Jerry DiMaio, John DiMaio, and Kunz voting yea.

Chairperson Kuster stated the next agenda item was discussion and possible action regarding an Interlocal Services Agreement for sewer cleaning and inspection services with the Township of Allamuchy.

The following Resolution #18-3434 was proposed by Kunz, who moved its adoption:

Resolution #18-3434

WHEREAS, the Hackettstown Municipal Utilities Authority and the Township of Allamuchy desire to enter into a Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. Agreement for Sewer Cleaning and TV Inspection Services; and,

WHEREAS, these services will be provided to the Township of Allamuchy for costs as specified on "Attachment A" to the Agreement; therefore,

BE IT RESOLVED, this said Uniform Shared Services Agreement for Sewer Cleaning and TV Inspection Services should take effect December 1, 2019 and expire November 30, 2020. It is understood that either party may terminate this contract at any time for any reason by providing at least thirty (30) days written notice to the other party.

This Resolution was seconded by John DiMaio and upon roll call vote carried:

Ayes: Kuster, Jerry DiMaio, John DiMaio and Kunz voted yea.

Chairperson Kuster requested the reports from the Executive Director and Deputy Director.



Executive Director Corcoran reminded everyone that the Holiday Get Together would be on December 13th and stated that she hopes that all would be able to attend.

Executive Director Corcoran began by giving an update on developer projects as follows:

- Heath Village West is continuing construction and the Authority continues the water and sewer system inspections.
- Quick Check has met all the requirements of the Authority and is good to go from HMUA perspective.
- Woodmont is awaiting County approval.
- Residences at Bilby Road – HMUA provided Mott MacDonald review letter to SESI engineer for drawing modifications,

Kathy also stated that they are still receiving very high dissolved oxygen reading and they are continuing to operate the blowers at the lowest setting. Also they seem to still get shut downs on blower #2, which Neuros is tracking to determine the cause.

Kathy continued by stating that Mott MacDonald completed the summary of results from the full scale PAA trials and, based on the results, they do not recommend implementing PAA over UV disinfection long term. This information will be useful for construction phase disinfection when the UV system replacement occurs.

Kathy also stated that the budgeted capital projects for the WPCP were largely related to conversion to natural gas. She deferred to Frank on this matter.

Frank stated he is continuing to work with Mott MacDonald on the conversion to natural gas. He confirmed that this project will be done in two phases. With the AB being done first and the ATB second. Mott MacDonald is preparing the proposed easement for the natural gas service to the WPCP. Once the easement is prepared, HMUA will then approach the two affected property owners.

On the water side, Kathy stated the County is moving forward with drafting a sales agreement for the 1.0 tank.

Kathy continued by stating that water usage continues going down. October usage was lower than last year by 30-50,000 gallons per day on average.

Kathy also stated they continue to look at loggers and have tested out several models. She confirmed that there have been 3 main breaks this year and 3 service leaks. She also stated that the water utility will be replacing a main line valve on Willow Grove Street that is leaking.

Kathy stated that the valve exercising program has been going very well with over 500 valves done and no major issues. She stated with the colder weather approaching, this will slow down.

Kathy continued by stating the pressure reducing valve (PRV) on Ketchum Rd. has been replaced. She confirmed that this PRV was the most problematic in our system.

Kathy also stated they have been working with M&M Mars and have reviewed and commented on the meter pit plans. HMUA is awaiting updated plans. She confirmed that they are looking to do part of the project over the holiday shut down.

Kathy concluded by stating that the paving on Seber Road and Countryside has been completed



by Howard Burd & Sons.

Chairperson Kuster requested Counselor Zaiter to proceed with his report. Counselor Zaiter had nothing to report.

Chairperson Kuster asked whether anyone had business of a general nature to discuss. There being no additional comments or discussion, Chairperson Kuster declared a motion to adjourn would be in order and was so moved by Kunz, seconded by Jerry DiMaio and followed by a unanimous voice vote.

Time – 8:20 P.M.

Kathleen Corcoran, PE, PP, PMP
Executive Director & Secretary



Deposition of:
Meeting

November 12, 2019

In the Matter of:

**Hackettstown Municipal Utility
Authority**

Veritext Legal Solutions
800.808.4958 | svs@veritext.com |

1 HACKETTSTOWN MUNICIPAL UTILITIES AUTHORITY

2 424 Hurley Drive

3 Hackettstown, New Jersey 07840

4 Public Meeting

5 November 12, 2019, at 7:00 p.m.

6
7 IN RE:

8 Open Public Hearing to hear testimony and to
9 discuss proposed changes to water and sewer charges

10 _____
11 P R E S E N T:

12 WILLIAM W. KUSTER, JR., CHAIRPERSON

13 JERRY DiMAIO, VICE CHAIRPERSON

14 JOHN DiMAIO, BOARD MEMBER

15 LEONARD KUNZ, BOARD MEMBER

16
17 A L S O P R E S E N T:

18 KATHLEEN CORCORAN, EXECUTIVE DIRECTOR

19 FRANK P BIANK, JR. DEPUTY EXECUTIVE

20 JOHN M. ZAITER, BOARD ATTORNEY

21 ROBERT McNINCH, CPA

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23
24
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1 CHAIRPERSON KUSTER: We are going to
2 open the public hearing to hear testimony and to
3 discuss proposed changes to water and sewer
4 connection fees listed in the rates schedule to
5 Section 7 of the HMUA rules and regulations.

6 MS. CORCORAN: This is a public
7 hearing of the HMUA, which was noticed in the daily
8 record, on the HMUA website and on the HMUA Facebook
9 page to consider the adoption of changes to the
10 water and sewer connection fees listed in Section 7
11 of the HMUA rules and regulations.

12 The proposed water connection fee is
13 \$5,773, and the proposed sewer connection fee is
14 \$5,500 based on calculations completed by our
15 accounting firm, FWCC.

16 Now I will give the floor to Robert
17 McNinch of FWCC, who will explain the statutory
18 requirement and basis for the fee calculation.

19 MR. McNINCH: Thank you, Kathy.

20 As Kathy mentioned last meeting, our
21 firm prepared a calculation report for the 2020
22 water and sewer connection fees.

23 This calculation was based on a
24 statutory formula, NJSA 40:14B-21 and 22. It takes
25 the total amount that is invested in the system and

1 divides it by the total number of EDUs to come up
2 with a water and sewer rate.

3 The idea behind this formula is to
4 fairly distribute costs of the authority
5 infrastructure among new connections and new users
6 and take the burden away from the regular-operating
7 charges and user fees associated with our normal
8 water and sewer rates.

9 As Kathy mentioned, the authority is
10 suggesting the rates tonight of -- the water fee
11 will be adjusted to \$5,773, which is a 243-dollar
12 increase or 4-percent increase over the 2019 water
13 connection fee and adjusting the sewer fee, 5,500,
14 which is a five-dollar decrease under the 2019 sewer
15 connection fee.

16 The reason for this decrease -- I am
17 sorry, the reason for the increase relates to
18 additional or significant water capital expenditures
19 in the 2018 year. The reason for the five-dollar
20 decrease on the sewer end relates to the statutory
21 formula this year and the number of EDUs we had
22 versus the infrastructure cost, where there really
23 wasn't -- really anything on the sewer side.

24 As I mentioned in previous meetings, it
25 is fairly common for authorities to adjust their

1 connection fees annually, especially as improvements
2 are being made to their system.

3 Barring any questions from the board,
4 this is all I have to report.

5 CHAIRPERSON KUSTER: Any questions
6 from the Board members?

7 Anyone from the public wishing to
8 comment?

9 Okay. No discussion further.

10 We need a motion and a second.

11 MR. KUNZ: So moved.

12 MR. ZAITER: Are we doing water first
13 and then sewer second?

14 CHAIRPERSON KUSTER: Water first.

15 MR. KUNZ: Water, so moved.

16 CHAIRPERSON KUSTER: Second? John?

17 MR. JOHN DiMAIO: Second on the
18 motion.

19 This is something that hasn't been done
20 in many, many years. And frankly, with the
21 investments we have made in the water system over
22 the past, I would say 20 years, we have replaced a
23 great deal of water lines. I believe 65 percent is
24 close to the number. And reliability cost basis and
25 long-term by not burdening the rate payers with the

1 cost of either replacement or renewal or keeping the
2 system wells we have developed reliable. This could
3 have been done years ago and hasn't.

4 When was the last time it was done?

5 MR. McNINCH: We did it last year.

6 That was the initial catchup. Before then, it was
7 well over 20 years.

8 MS. CORCORAN: We didn't have any --

9 MR. JOHN DiMAIO: Had the HMUA done
10 this on a regular basis annually for the last 20
11 years, it would have been higher for a longer period
12 of time. Everything we have done to date in the
13 last 20 years or so has been PAGO. We haven't
14 borrowed money. That is why the water and sewer
15 rates are so low in this town.

16 If you go to other places, water, sewer
17 is a lot more expensive than it is here. If we
18 don't make adjustments in these buy-ins, so to
19 speak, the rates, we are going to end up with much,
20 much higher rates, which is going to be with anyone
21 who is a user for a longer period of time, forever.

22 So in order to keep the system in good
23 shape, it is time that we make adjustments to have
24 the finances to do it without borrowing money,
25 without paying interest, which would further

1 exacerbate the cost to rates.

2 MR. McNINCH: That is fair.

3 MR. JOHN DiMAIO: Versus pay as you
4 go. So this is not done without reason or without
5 the investments that we have made in the system.

6 Anyone who is in Hackettstown enough
7 knows that we have been putting a lot of water mains
8 in the ground for reliability. So it is not like we
9 will are doing this without good reason.

10 MR. KUNZ: John, to further what you
11 said, I think what is important to note for the
12 record is had we been doing it over the past 20
13 years, it would have been brought to where we are
14 proposing tonight.

15 We are not proposing something tonight
16 to make up for lost increases in the past. This is
17 where we would have been. We just would have gotten
18 there gradually.

19 Am I explaining that properly?

20 MR. McNINCH: You are.

21 MR. KUNZ: Okay.

22 MR. McNINCH: To further note, the
23 rate that we had 20 years ago, I am not sure if that
24 was where -- that could have been, under the
25 statutory formula, certainly higher than what it

1 was.

2 MR. KUNZ: But we are not making up
3 any. We are getting to where we would have been.

4 MR. JOHN DiMAIO: Without any
5 increases over a long period of time.

6 CHAIRPERSON KUSTER: Any other
7 comments?

8 If not, we have a motion and a second.
9 Role call vote, please.

10 MS. CORCORAN: Chairman Kuster?

11 CHAIRPERSON KUSTER: Yes.

12 MS. CORCORAN: Jerry DiMaio?

13 MR. JERRY DiMAIO: Yes.

14 MS. CORCORAN: John DiMaio?

15 MR. JOHN DiMAIO: Yes.

16 MS. CORCORAN: Mr. Kunz?

17 MR. KUNZ: Yes.

18 CHAIRPERSON KUSTER: Thank you.

19 MR. ZAITER: You need a motion on the
20 sewer.

21 CHAIRPERSON KUSTER: Sorry.

22 Is there a motion on the --

23 MR. ZAITER: There is a five-dollar
24 reduction on the sewer.

25 MR. JOHN DiMAIO: So moved.

1 MR. JERRY DiMAIO: Second.

2 CHAIRPERSON KUSTER: Any comments
3 from board members? Questions?

4 MR. JOHN DiMAIO: If the calculation
5 shows a reduction, that is what it will be.

6 CHAIRPERSON KUSTER: Okay.

7 MS. CORCORAN: Chairman Kuster?

8 CHAIRPERSON KUSTER: Yes.

9 MS. CORCORAN: Jerry DiMaio?

10 MR. JERRY DiMAIO: Yes.

11 MS. CORCORAN: John DiMaio?

12 MR. JOHN DiMAIO: Yes.

13 MS. CORCORAN: Mr. Kunz?

14 MR. KUNZ: Yes.

15 (Proceedings concluded at 7:10 p.m.)

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CERTIFICATE

I, RITA GARDNER, Notary Public of the State of New Jersey and a Certified Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative or employee of such attorney or counsel, and that I am not financially interested in the action.



Notary Public of the State of New Jersey

Dated: November 21, 2019

0	adjusting 3:13	chairman 7:10 8:7	director 1:18
07840 1:3	adjustments 5:18 5:23	chairperson 1:12 1:13 2:1 4:5,14,16 7:6,11,18,21 8:2,6 8:8	discuss 1:9 2:3
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