

~~CA~~ CA Old Bridge 5/6/1981

O&Y v. O.B.

Interrogatories Demanded By

P's of ~~D~~ Old Bridge Twp.

Municipal Utilities Authority

pgs = 190

CA 0023159

BRENER, WALLACK & HILL

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PRINCETON, NEW JERSEY 08540
(609) 924-0808
ATTORNEYS FOR Plaintiff

Plaintiff

O & Y OLD BRIDGE DEVELOPMENT CORP.,
a Delaware Corporation,

vs.

Defendant

THE TOWNSHIP OF OLD BRIDGE in the
COUNTY OF MIDDLESEX, a municipal
corporation of the State of New Jersey,
THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF OLD BRIDGE, the PLANNING BOARD
OF THE TOWNSHIP OF OLD BRIDGE, the
OLD BRIDGE TOWNSHIP SEWERAGE AUTHORITY,
and the OLD BRIDGE TOWNSHIP MUNICIPAL
UTILITIES AUTHORITY.

TO: William E. Flynn, Esq.
ANTONIO & FLYNN
P.O. Box 515
Old Bridge, New Jersey 08857

SIRS:

PLEASE TAKE NOTICE that Plaintiff demands of Defendant,

THOMAS J. HOLMES
COUNTY CLERK

81 MAY 6 11:42

FILED
MIDDLESEX COUNTY CLERK
NEW BRUNSWICK, N.J.


SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. L-32516-80

CIVIL ACTION
INTERROGATORIES

OLD BRIDGE TOWNSHIP MUNICIPAL UTILITIES AUTHORITY answers
to the within Interrogatories within the time provided by the
Rules governing the Courts of New Jersey.

BRENER, WALLACK & HILL
Attorneys for Plaintiff

By: 
Guliet D. Hirsch

Dated: 10/17/20

DEFINITIONS

Whenever any of the following terms are used in the within Interrogatories, such term shall have the following meaning:

"PLAINTIFFS" shall mean O & Y OLD BRIDGE DEVELOPMENT CORP. and/or any of its agents, servants or employees including any attorney they may have employed or still employ.

"DEFENDANTS" shall include THE TOWNSHIP OF OLD BRIDGE, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE, THE PLANNING BOARD OF THE TOWNSHIP OF OLD BRIDGE, THE OLD BRIDGE TOWNSHIP SEWERAGE AUTHORITY, THE OLD BRIDGE TOWNSHIP MUNICIPAL UTILITIES AUTHORITY and any individual member of the aforementioned COUNCIL, BOARD or AUTHORITIES, including any attorneys it may have employed or still employs.

"PERSON" shall mean any individual, corporation, partnership, or unincorporated association, or sole proprietorship.

"DOCUMENT" or "WRITING" shall mean all documents as defined in Rule 4:18-1 of the New Jersey Rules of Civil Procedure, all writings of any nature whatsoever and all non-identical copies of different versions of the same document (e.g. copies of a printed document with different handwritten notations), in your possession, custody or control) or to which you have or have had access, regardless of location, and includes, but is not limited to, agenda, agreements, analyses, announcements,

articles, assignments, bills, books, books of account, brochures, bulletins, calendar and diary entries, charts, checks communications, computer output or input, contracts, correspondence, data sheets, drawings, handwritten note, inserts, instructions, invoices, indexes, labels, magazines, magnetic tapes, manuals, maps, memoranda of agreements, mechanical reproductions, memoranda, minutes, motion picture film, notebooks, notes, notices, orders, packages, pamphlets, papers, periodicals, pictures, price lists, receipts, recordings, records, reports, samples, schedules, statements, statistical or informational accumulations, studies, summaries, tabulations, tape recordings, teletypes, video tapes, vouchers, working papers, or any other written, recorded, transcribed, taped or photographic matter, however produced or reproduced.

Whenever the words "IDENTIFY", "SPECIFY" or "SET FORTH" are used, they mean:

1. If the source material is written, specify the author, publisher, date of publication and all information sufficient to identify the writing. If the writing is a letter or other document not exceeding fifteen pages, attach a copy of it to your answers to these Interrogatories. If the writing exceeds fifteen pages, state where the writing may be inspected and copied and the name and address of the person who has possession of it.

2. If the source material was orally given or submitted, state:

- a) the name and address of the person who gave it;
- b) the date, time and place where given;
- c) the name and address of all persons present when the oral information was given;
- d) exactly what was said by each person present; and
- e) whether Defendant has a memorandum or any other writing evidencing said oral material given and, if so, attach a copy thereof to your answers to these interrogatories.

"IDENTIFY" or IDENTIFICATION" when used in reference to an individual person, shall mean to state his full name, residence address and his present or last known business affiliation; when used in reference to a document, shall mean to state the type of document (e.g. letter, memorandum, telegram, chart, tape recording, etc.), or some other means of identifying it, and its present location or custodian. If any such document was, but is no longer in your possession, or subject to your control, state what disposition was made of it.

"CLAIM OF PRIVILEGE" - If any interrogatory requires or calls for the identification, production, or specification of any communication or document as to which the defendant claims a privilege, specifically set forth, as to each such document,

whether such claim is based upon work product or attorney-client privilege and state fully:

As to Documents

1. The name and capacity of the person who prepared the document.
2. The name and capacity of the recipient of the document, where applicable, and the name and capacities of all persons to whom copies of the document were directed or shown.
3. The date, if any, borne by the document.
4. A general summary of the subject matter of the document.
5. An identification of all persons who have seen or reviewed such documents.
6. All persons who have copies of such document.
7. The source of the factual information on which any legal opinion, contained in such document, was premised.

As to Communications

1. The date and place of the making of each such communication.
2. The persons present to such communication and the capacity in which they were present.
3. A general summary of the subject matter of such communications.
4. Whether any notes or memoranda or other writings whatsoever exist purporting to summarize or discuss such meet-

ings; and, if so, a specific identification of such document or writing, including the preparer, the recipients, and the present custodian of any copies thereof.

"WATER SERVICE CHARGES" shall include rents, rates, fees or other charges for direct or indirect connection with, or the use, of products or services of, the water system, or for sale of water or water services, facilities or products as authorized by N.J.S.A. 40:14B-21.

"CONNECTION FEE" or "TAPPING FEE" shall include any separate charge which may be imposed upon the person making a connection of property with the water system or upon the owner or occupant of the property so connected pursuant to N.J.S.A. 40:14B-21.

"DEVELOPER" shall include the legal or beneficial owner or owners of a lot or of any land proposed to be or actually included in a development including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

"SINGLE-FAMILY RESIDENTIAL UNITS" shall include detached dwelling units designed for occupancy by one or two families living as a single, non-profit housekeeping unit.

"MULTI-FAMILY RESIDENTIAL UNITS" shall include all dwelling units not defined as SINGLE-FAMILY RESIDENTIAL.

"MUNICIPAL UTILITIES AUTHORITY" and "AUTHORITY" shall mean defendant Old Bridge Township Municipal Utilities Authority.

"GARDEN APARTMENT" shall include multi-family buildings of maximum length of 150 feet and containing a maximum of 15 dwelling units.

"TOWNHOUSE" shall include contiguous dwelling units with private or semi-private rear yard areas.

"D.E.P." shall include the Division of Water Policy and Supply in the Department of Conservation and Economic Development and/or in the Department of Environmental Protection, and/or Bureau of Water Control in the Department of Environmental Protection.

1. State:

a. The names and present addresses of all persons known to you to possess knowledge of relevant facts concerning the matter complained of;

b. As to such persons who you have retained as expert witnesses, state their full names, present addresses and qualifications and annex copies of all written reports furnished you or your attorney; and

- c. If said reports are oral in nature, state the subject matter on which the expert is expected to testify.

2. In the event you are a corporation, state the full name and date and state of incorporation of defendant and list:

a. Full name and present address of each director;
and

b. Full name and present address of all managing employees and title.

3. Set forth in complete detail all facts which support the contention in the Municipal Utilities Authority Answer to plaintiff's complaint.

4. Set forth in complete detail all facts which support the Municipal Utilities Authority contentions in its Counterclaim, specifically including, but not limited to, the following:

a. The facts which support the Authority's contention that the purpose of the within suit is to harass defendants and in particular, said Authority;

b. The facts which support the Authority's contention that plaintiff has never filed any specific applications for service or approval.

c. The facts which support the Authority's contention that the within suit is premature, arbitrary, unreasonable and vexatious; and

d. The facts which support the Authority's contention that plaintiff brought the within suit with intent to intimidate said Authority.

5. As to any correspondence, writings or other documents between the parties which support the contentions in your Answer and Counterclaim, set forth in an itemized list:

a. The date;

b. By whom written including the full name and present address;

c. To whom written including the full name and present address; and

d. Set forth verbatim the contents or annex a copy hereto.

6. As to any correspondence, writings or other documents between yourself and any other persons or corporations, which support the contentions set forth in your Answer and Counterclaim, set forth in an itemized list:

a. The date;

b. By whom written including the full name and present address;

c. To whom written including the full name and present address; and

d. Set forth verbatim the contents or annex a copy hereto.

7. State the name, home and business address of the person answering these interrogatories; his/her title, capacity and duties with the responding party and the date these interrogatories are being answered.

8. Annex hereto copies of all interrogatories answered by the responding party at the request of any other party, including any and all exhibits, attachments or expert reports annexed to the same.

9. Annex hereto copies of all interrogatories propounded by the responding party and of all answers to such interrogatories propounded to any other party, including any and all exhibits, attachments or expert reports annexed to the same.

10. State the name, address, qualifications, and business relationship to the responding party of all experts consulted or retained by the responding party.

11. If there is in existence any recording, reporting, photo, motion picture, laboratory manual, notes or notebooks prepared by or at the direction of any expert or for the expert's use, state:

a. The subject matter of the same.

b. The location of the same.

c. When entries were made therein or when made or produced, and where.

d. When and where the propounding party may examine the same.

12. If there were any depositions taken in the cause at which plaintiff was not present or represented state:

a. The date and place.

b. The names of each deponent.

c. The names of each attorney present and the parties represented by each.

d. The name and address of the reporter.

13. State in detail or by computation all items of damage or loss the responding party contends are the fault of plaintiff.

14. State whether any admissions or statements were made by any party to this action or by their agents, servants or employees, and if so, state:

a. Whether oral, written, or otherwise recorded.

b. The date, time, place and participants.

c. The words used by each participant.

15. State completely and in detail the factual basis for all allegations you make that the party serving these interrogatories is liable for the incident or occurrence, damage, injury or loss complained of and enumerate all of the facts you contend support each of the allegations made.

16. Enumerate specifically, all of the things you contend the parties serving these interrogatories did which should not have been done.

17. Enumerate specifically, all of the things you contend the parties serving these interrogatories did not do which should have been done.

18. If any photographs, movies, drawings, sketches, charts or maps were made with respect to anything which is relevant to the subject matter of the litigation, state the date thereof, the names and addresses of the persons making the same and of the persons who have present custody or possession of or over the same. Annex full and complete copies of the same hereto, unless already annexed; or state when and where the propounding party may examine and copy the same.

19. State whether the Township Council created the Municipal Utility Authority by duly adopted resolution or ordinance.

20. If the answer to #19 is yes, state:

- a. Whether Municipal Utility Authority was created by ordinance or resolution;
- b. The date of adoption of the ordinance or resolution;
- c. The effective date of the ordinance or resolution;
- d. The name of the officer of the Township Council who certified the ordinance or resolution.; and
- e. The date of filing of the certified ordinance or resolution with the Office of the Secretary of State.

21. In accordance with R. 4:17-4(a), annex a copy of the ordinance or resolution creating the Municipal Utility Authority.

22. State whether any member of the Municipal Utilities Authority has ever been removed by the Township Council.

23. If the answer to #22 is yes, state:

a. The name(s) of the Municipal Utility Authority member(s) removed;

b. Specify whether the person(s) listed in response to 22 were removed for inefficiency, neglect of duty or misconduct in office.

c. The effective date of the person(s) removal.

24. List the names, and official appointed position of each member of the Municipal Utilities Authority, and in accordance with R. 4:17-4(a), annex a duly certified copy of each resolution appointing a current member of the Authority.

25. List or generally describe:

- a All reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping and ventilating stations, treatment, purification and filtration plants or works, trunk, intercepting and outlet sewers, water distribution systems, waterworks, sources of water supply and wells at such places within or without the district acquired by the Municipal Utilities Authority by purchase, gift, condemnation, or otherwise including leasehold since the effective date of creation of the Municipal Utilities Authority.

b. As to all facilities listed in response to interrogatory #25(a) above, list:

1. Purchase price, eminent domain award, or valuation as a gift;

2. Date of purchase, eminent domain award or gift;

3. Method by which the acquisition was
financed; and

4. All facilities presently not in service.

26. List or describe:

- a. All water supply, treatment and/or distribution facilities constructed by the Municipal Utilities Authority since the effective date of its creation.

b. As to each facility listed in response to interrogatory #26(a) above, state:

1. Project cost.

2. Date of completion.

27. List or describe:

a. All water supply, treatment and/or distribution facilities constructed and/or contributed to the Municipal Utility Authority System by developers.

b. As to each facility listed in response to interrogatory # 27(a) above, state:

1. The name of the developer and/or development.

2. The number of service connections;

3. The date the facilities were turned over or contributed to the Authority.

28. List or otherwise describe all water service charges charged by the Municipal Utilities Authority from the effective date of its creation, to the present and state as to each fee listed:

a. The effective dates of the charge;

b. Whether or not the charges are(were) uniform throughout the district for the same type, class and amount of use, products or service of the water system.

c. If the charges are(were) not uniform, state the reasons which justify(ed) the disparity.

d. If you claim the charges are(were) uniform, list the name of any document prepared for or at your request which justify the conclusion of uniformity and in accordance with R. 4:17-4(a), annex a copy of said document.

e. The full case name and docket number of any litigation commenced regarding said fee.

f. Pursuant to R. 4:17-4(a), annex a copy of all final judgments, orders or settlements in any litigation commenced regarding said fee.

29. List or otherwise describe all connection or tapping fees charged by the Municipal Utilities Authority from the effective date of its creation to the present and state as to each fee listed:

a. The effective date of the charge

b. Whether or not the charges are(were) uniform within each class of users;

c. If the charges are(were) not uniform, within each class of users; state the reason(s) which justify(ed) the disparity.

d. If you claim the charges are(were) uniform, list the name of any document prepared for you or at your request which justify the conclusion of uniformity, and in accordance with R. 4:17-4(a), annex a copy of said report.

e. If the charges exceed(ed) the actual cost of the physical connection plus an amount representing the fair contribution of the connecting party toward debt service charges;

f. If the charges exceed(ed) the actual cost plus fair contribution of the connecting party, state the reasons which justify(ed) the disparity.

g. If you claim the charges do not or did not exceed the actual cost plus fair contribution, list the name of any document prepared for or at your request which justify this conclusion, and in accordance with R. 4:17-4(a), annex a copy of said report.

h. The method by which said charge was set;

i. Whether or not said charge was designed to recoup facility costs incurred up to the effective date of the charge, and if so, the amount of said charge intended for the purpose.

j. Whether or not said charge was designed to recoup expenses incurred for acquisition of facilities up to the effective date of the charge, and if so, the amount of said charge for this purpose;

k. Whether or not said charge was designed to recoup expenses incurred for improvement of facilities up to the effective date of the charge; and if so, the amount of said charge intended for this purpose;

1. Whether or not said charge was designed to pay a previously existing financial deficit, and if so, the amount of said charge intended for this purpose;

m. Whether or not said charge was designed to finance future construction of facilities; and if so, the amount of said charge intended for this purpose;

n. The name of the person who recommend(ed) the charge;

o. Pursuant to R. 4:17-4(a), annex any document which justifies or explains the charge;

p. Whether or not said charge was designed to provide funds for annual operating expenses incurred in the year collected, and if so, the amount of said charge intended for this purpose;

q. Whether or not said charge was designed to defray operating expense over runs of proceeding years, and if so, the amount of said charge intended for this purpose.

r. Whether or not said charge was designed to provide monies for any purpose other than those listed above in interrogatory # 29, and if so, the amount of said charge intended for this purpose.

s. The total number of system connections which were charged and paid this connection charge.

t. The full case name and docket number of any litigation commenced regarding said fee.

u. Pursuant to R. 4:17-4(a), annex a copy of all final orders, judgments or settlements in any litigation commenced regarding such fee.

30. State or provide a schedule of operation and maintenance expenses for the Municipal Utilities Authority from the effective date of its creation to the present, specifying at least the following:

a. Reserves;

b. Insurance;

c. Extensions;

d. Replacements;

e. Principal and interest on bonds; and

f. Amount necessary to maintain reserves or sinking funds as are required by any contract of the Authority.

31. With regard to all schedules of service charges prescribed by the Municipal Utilities Authority from the effective date of its creation to the present, state or describe:

a. The process by which the Authority determined that the schedule of service charges would be adequate to pay all expenses of operation and maintenance; and

b. The date of all public hearings held on schedules of service charges or revisions thereto.

32. In accordance with R. 4:17-4(a) annex a copy of all schedules described in interrogatory # 29 above.

33. State the annual amount of funds appropriated by the Old Bridge Township Council for use by the Municipal Utilities Authority from the effective date of its creation to the present.

34. State the annual amount of funds loaned by authorization of the Old Bridge Township Council for use by the Municipal Utilities Authority from the effective date of its creation to the present.

35. State the annual amount of funds donated by authorization of the Old Bridge Township Council for use by the Municipal Utilities Authority from the effective date of its creation to the present.

36. As to all construction and financing of water distribution facilities which have been authorized by Old Bridge Township as a general or local improvement from the effective date of creation of the Municipal Utilities Authority, to the present, state:

a. Whether said facilities are and/or were operated by Old Bridge Township;

b. Whether Old Bridge Township does presently and/or did fix rates and charges for said facilities; and

c. Whether said facilities were acquired and/or operated by the Municipal Utilities Authority.

37. In accordance with R. 4:17-4(a), annex a copy of all Municipal Utility Authority resolutions which authorize(d) the issuance, funding or refunding of bonds from the effective date of creation of the Authority to the present.

38. As to all bonds authorized by resolutions which are demanded in interrogatory #37 above, state:

a. Whether such bonds are outstanding;

b. Date of issue;

c. Value of bond;

d. The annual debt service thereon;

e. Whether there has ever been default in the payment of principal of or interest on such bond, and if so, in accordance with R. 4:17-4(a), annex a copy of any complaint, final order or judgment and/or settlement in any action brought by the Trustee concerning said default; and

f. Whether or not a receiver has ever been appointed to operate and manage the water system.

39. As to all real property acquired through condemnation proceedings by the Municipal Utilities Authority from the effective date of its creation to the present annex (pursuant to R. 4:17-4(a)) a copy of all declarations or taking, all reports of commissioners and/or all final judgments fixing required compensation.

40. Pursuant to R. 4:17-4(a) annex a copy of all annual operating reports and audit reports of the Municipal Utilities Authority completed and filed as required by N.J.S.A. 40:14B-66 from the effective date of creation of said authority to the present.

41. Does Section 20-7.7213 of the 1978 Land Development Ordinance of Old Bridge Township require that all water main extensions be approved by the Municipal Utilities Authority?

42. If the answer to interrogatory number 41 above is no, state the facts which support your conclusion.

43. State the number of customers which the Municipal Utilities Authority presently has and provide a breakdown by:

- a. Residential;

- b. Multi-family residential;

- c. Single-family residential;

- d. Commercial;

- e. Industrial; and

- f. Other.

44. State the estimated population presently served by the Municipal Utilities Authority.

45. State for the period of 1975 to the present:

a. The annual average daily flow;

b. The maximum monthly flow; and

c. The average per capita consumption.

46. State the current supply capacity of the Municipal Utilities Authority System.

47. State the current water storage capacity of the Municipal Utilities Authority System; and

a. List all storage facilities;

b. As to all storage facilities, indicate whether or not they have an elevated or low level; and

c. As to all storage facilities, state the current capacity.

48. As to all interconnections of the Municipal Utilities Authority System with water systems of other authorities, private water companies and municipal water systems, (hereinafter known as "interconnected system"), state:

a. Name of system owner of interconnected system;

b. Pipe size of connection;

c. Flow available from interconnected system to Municipal Utilities Authority System and unit price thereof; and

d. Flow available from Municipal Utilities Authority System to interconnected system and unit price thereof.

49. State as to all supply and/or storage facilities which the Municipal Utilities Authority plans to construct in the next five years:

a. Type of facility;

b. Location;

c. Capacity;

d. Estimated cost;

e. Proposed completion date;

f. Proposed funding method therefor:

g. Whether these facilities will provide capacity for future customers, and the amount of such capacity; and

h. Whether these facilities will correct deficiencies which exist in the present system, and the extent of said deficiencies to be corrected.

50. State as to all facilities currently planned to serve plaintiff's property:

a. Type of facility(s);

b. Estimated cost of facility(s);

c. Capacity of facility(s); and

d. Capacity allowance for plaintiff's property.

51. State as to all facilities currently planned to serve property of developers other than plaintiff;

a. Developer's name;

b. Type of facility(s);

c. Estimated cost of facility(s);

d. Capacity of facility(s); and

e. Capacity allowance for plaintiff's property.

52. Is an applicant for water service required to pay an application fee of \$25.00?

53. Is an applicant for water service required to pay conceptual review fees of \$20.00 per dwelling unit?

54. Is an applicant for water service required to deposit escrow fees for inspection, engineering review, legal review, etc. in the amount of:

a. water lines - \$.12 per foot;

b. water system appurtenances - 2% of construction costs;

c. inspection fees in the amount of 6% of construction costs;

d. construction water at \$8.00 per dwelling unit.

55. If your answer to any of interrogatory numbers 52 through 54 is "no", state the fee that is required under current rules and regulations.

56. As to all of interrogatories numbered 52 through 54 which are answered "yes" and answers provided in response to interrogatory number 55, state or describe:

a. Methodology and/or calculations you prepared or which were prepared at your direction prior to the effective date of the fee which justify and/or explain the fee;

b. Name of person who recommended the fee;

c. The purpose and/or activities to which said fee is applied, or scope of services provided in return for the fee; and

d. Pursuant to R. 4:17-4(a), annex any document which justifies or explains the fee.

57. With regard to escrow fees referred to in interrogatory number 54 above, state whether the Rules and Regulations of the Municipal Utility Authority require said Authority to refund fees paid by an applicant for water service, but not utilized for escrow fund purposes.

58. If the answer to interrogatory number 57 above is negative, give a detailed description of how the Authority utilizes said funds, specifying, additionally, whether said funds become part of the Authority's general revenues.

59. Describe the meaning of the term "equivalent unit" as utilized in the fee schedule, and list the "equivalent unit" for:

a. Single family dwelling units with 4 bedrooms;

b. Single family dwelling units with 3 bedrooms;

c. Single family dwelling units with 2 bedrooms;

d. Townhouses with 3 bedrooms;

e. Townhouses with 2 bedrooms;

f. Townhouses with 1 bedroom;

g. Garden apartments with 3 bedrooms;

h. Garden apartments with 2 bedrooms;

i. Garden apartments with 1 bedroom; and

j. Commercial uses (per square foot).

60. Has the Municipal Utilities Authority prepared, or had prepared at its direction, a map or plan showing its existing water facilities?

61. If the answer to interrogatory number 60 above is yes, annex said map/plan in accordance with R4:17-4(a).

63. In accordance with R. 4:17-4(a), annex copies of all engineering or planning documents prepared by or at the request of the Municipal Utilities Authority, since the effective date of its creation, specifically including, but not limited to, reports concerning project growth or expansion requirements.

64. In accordance with R. 4:17-4(a), annex copies of all executed Service Agreements between developers and the Municipal Utilities Authority for developments:

- a. Which have a development application pending before the Planning Board or Board of Adjustment;
- b. Which have been granted preliminary approval by the Planning Board or Board of Adjustment;
- c. Which have been granted final approval by the Planning Board or Board of Adjustment but have not completed construction; and
- d. Which have completed construction.

65. As to each existing development which is connected to the Municipal Utility Authority system, state:

a. Development name;

b. Number of service connections;

c. Connection fees paid (per connection and
in total)

66. In accordance with R4:17-4(a), annex a copy of the following document: "Old Bridge Municipal Utilities Authority Rate Study - Connection Fees" dated December 1, 1978 and prepared by Richard A. Alaimo Associates.

67. In accordance with R4:17-4(a), annex a certified copy of the official minutes of the Special Meeting of the Authority held January 31, 1978.

68. In accordance with R4:17-4(a), annex a certified copy of the official minutes of any meeting, regular or special, other than the January 31, 1978 meeting of the Authority at which an increase in connection fees or water service charges was discussed and/or voted on.

69. In accordance with R4:17-4(a), annex a certified copy of all resolutions of the Authority which increased connection fees or water service charges.

70. As to all private water companies or systems previously acquired by the Authority, state:

a. Name of water company;

b. Date of acquisition;

c. D.E.P. approval date of diversion rights;

d. Diversion limit set by D.E.P. permit;

e. Actual pumpage (M.G.D.'s); and

f. Geologic formation that water is obtained from.

71. Set forth as to water diversion permits granted or held by the Authority but not listed in answer to interrogatory number 69;

a. Application number;

b. D.E.P. approval date;

c. Diversion limit set by D.E.P. permit;

d. Actual pumpage (M.G.D.'s); and

e. Geologic formation that water is obtained from.

72. In accordance with R. 4:17-4(a), annex copies of "Public Potable and Private Industrial Water Diversion Report" submitted to D.E.P. by the Authority for the years 1975 to the present.

73. State whether or not the Authority has since 1978 filed an official application with D.E.P. for water diversion rights for the purpose of water supply to potential developers in the following zoning districts:

a. AF

b. AR

c. R15

d. R7

e. PD

f. CN

g. CC

h. CR

i. CM

j. OG

k. R-20

l. M5

m. SD

n. TCD

o. TH

74. If the answer to interrogatory number 72 is negative, state the reason(s) for your failure to apply for said water diversion rights.

75. If the answer to interrogatory number 72 is in the affirmative, in accordance with R. 4:17-4(a), attach a copy of all diversion permit applications submitted by the Authority to D.E.P.

76. State for each zoning district listed in interrogatory number 72 the approximate quantity of water (MGD) which would be required to serve said district if developed at full capacity under the 1978 Land Development Ordinance.

77. State the Authority's official position regarding the availability of water to supply each of the following proposed developments individually:

a. Winston Associatons	258 SF Houses 172 Patio Houses
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b. Kaufman & Broad	280 SF Houses
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c. Cottrell Estates - Old Bridge Mews	16 Patio Houses 36 SF Houses 67 Townhouses
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d. Merrit Estates

69 SF Houses

e. Oakwood at Madison

385 SF Houses
275 Cluster Houses
320 Patio Houses
220 Townhouses

f. F.B.S. Corporation -
Deerwood Farms

23 SF Houses
42 Townhouses

g. Woodhaven Village 1,514 SF Houses
 1,710 Townhouses
 350 Garden Apts.

h. Matchaponix Hills 96 Townhouses
 54 Patio Houses
 132 SF Houses

i. Jaimee Page Development 77 Townhouses
 Company 41 Patio Houses

78. State the Authority's position regarding the availability of water to supply all of the proposed developments, in combination, listed in interrogatory number 76.

79. If the Authority's official position in response to interrogatories number 76 and/or 77 is to the effect that water is not presently available, state whether you have filed or intend to file an official application with D.E.P. for water diversion rights to serve these development(s).

80. If the answer to interrogatory number 78 is negative, state the reason(s) for your failure to apply for said water diversion rights.

81. If the answer to interrogatory number 78 is in the affirmative, in accordance with R4:17-4(a), attach a copy of all diversion permit applications filed with D.E.P. by the Authority.

82. State the average daily water consumption of water supplied by the Authority in 1973, specifying:

a. Amount consumed by residences;

b. Amount consumed by industry;

c. Amount consumed by commercial/service; and

d. Total municipal demand.

83. State the projected average daily water consumption in MGD for water supplied by the Authority for the years 1986, 1992 and 2000, specifying for each year:

a. Projected residential demand;

b. Projected industrial demand;

c. Projected commercial/service demand; and

d. Total projected water demand.

84. State the estimated safe yield in MGD of the groundwater aquifers available for use by the Authority.

85. State the current treatment capacity in MGD of the Authority's system.

86. State the current pumping capacity in MGD of the Authority's system.

87. State the Authority's official position regarding plaintiff's right to apply for diversion permits to serve future residential and commercial development of its property.

88. If the answer to interrogatory number 86 is that plaintiff may apply for diversion permits, state whether or not the Authority would support and/or aid plaintiff in its efforts to obtain diversion permits.

89. If your answer to interrogatory number 86 is that plaintiff may not apply for diversion rights, state all facts which support this position.

90. In accordance with R. 4:17-4(a), annex a copy of minutes of the April 27, 1978 meeting of Plaintiff with the Authority at which Lloyd Brown, George Stone, Charles Scarlaski, John Allgair and Peter Strong attended.

91. With regard to the meeting described in interrogatory number 89, state:

a. The subject matter discussed;

b. Whether or not representatives of the Authority indicated there would be a problem in supplying water to plaintiff's proposed development; and

c. The method by which the Authority proposed to serve plaintiff's development.

92. As to all meetings with plaintiff or its representatives, other than the one described in interrogatory number 89, state:

a. The subject matter discussed;

b. Whether or not representatives of the Authority indicated there would be a problem in supplying water to plaintiff's proposed development; and

c. The method by which the Authority proposed to serve plaintiff's development.

93. If any member, agent, employee or consultant of the Authority is personally acquainted with any member, agent, employee or consultant of the Old Bridge Township Planning Board, state:

a. Name of person on Authority with said relationship;

b. Name of person on Planning Board with said relationship;

c. Nature of such relationship;

d. Inclusive dates during which the relationship exist(ed); and

e. If said relationship concerned or involved a business, state:

1. Name of each person who was a party to such relationship; and

2. In accordance with R. 4:17-4(a), attach any written contract or agreement concerning said relationship.

94. If any member, agent, employee or consultant of the Authority is personally acquainted with any member, agent, employee or consultant of the Old Bridge Township Council state:

a. Name of person on Authority with said relationship;

b. Name of person on Council with said relationship;

c. Nature of such relationship;

d. Inclusive dates during which the relationship exist(ed); and

e. If said relationship concerned or involved a business, state:

1. Name of each other person who was a party to such relationship; and

2. In accordance with R. 4:17-4(a), attach any written contract or agreement concerning said relationship.

95. If any member, agent, employee or consultant of the Authority is personally acquainted with any member, agent, employee or consultant of the Old Bridge Township Sewerage Authority Board, state:

a. Name of person on Authority with said relationship;

b. Name of person on Sewerage Authority with said relationship;

c. Nature of such relationship;

d. Inclusive dates during which the relationship exist(ed); and

e. If said relationship concerned or involved a business, state:

1. Name of each other person who was a party to such relationship; and

2. In accordance with R. 4:17-4(a), attach any written contract or agreement concerning said relationship.

96. State who conceived the idea of providing a theoretically large area for multi-family housing under the 1978 Land Development Ordinance while preventing housing development pursuant to said ordinance by failing to plan and provide water necessary to serve such development and state:

a. When the idea was conceived (specific date); and

b. Each step in planning and organization of the conspiracy.

97. State who conceived the idea of preventing developers in Old Bridge Township from providing least cost housing by failing to plan and provide for future water supply needs; and state:

a. When the idea was conceived (specific date);
and

b. Each step in planning and organization of the conspiracy.

98. State who conceived the idea of preventing development of federal and/or state subsidized low and moderate income housing by failing to plan and provide for future water supply needs, and state:

a. When the idea was conceived (specific date); and

b. Each step in planning and organization of this conspiracy.

99. As to each person involved in the activities described in interrogatories numbers 96 - 98, state:

a. Date he learned of the activity;

b. From whom and the manner in which he learned of the activity;

- c. Whether his participation was solicited, and, if so:
1. Name of person soliciting participation; and
 2. Date of soliciation.
- d. Whether he knew of the participation of all other members, and, if not, state the names of other persons known to him to be involved.
- e. Whether each knew the purpose of the activity described in interrogatory numbers 96, 97 and/or 98.

f. Whether he ever made any protest concerning the effect of the activity described in interrogatories numbers 96, 97 and/or 98 and, if so, state:

1. Substance of protest;

2. Date of protest;

3. To whom protest was made; and

4. Whether the activity was changed in response to the protest, and, if so, describe the change.

100. Did you know prior to carrying out the ideas described in interrogatory numbers 96, 97 and/or 98, that if these plans were carried out that it would cause damage to plaintiffs?

101. If the answer to interrogatory number 100 is yes, state:

a. Date you acquired such knowledge;

b. How you acquired such knowledge; and

c. Whether you made any protest concerning the continuation of the activity, and if so, state:

1. Substance of each protest;

2. Date of each protest;

3. To whom the protest was made; and

4. The effect of the protest, if any, on the activity.

102. State the names of all persons who were involved in activities described in interrogatories numbers 96, 97 and/or 98.

103. What were the specific duties and functions of each person involved in the activities described in interrogatories numbers 96, 97 and/or 98?

104. As to all persons named in response to interrogatory number 102, state the date when each person became active in the activities described in interrogatories numbers 96, 97 and/or 98 and state:

a. By what transaction each became active; and

b. Who were the leaders or officers of this activity.

105. Were the persons involved in the activities described in interrogatories numbers 96, 97 and/or 98 acting under instructions during their participation in the activity?

106. If the answer to interrogatory number 105 is yes, state:

a. The date when such instructions were given;

b. The place where they were given;

c. The name of each person giving such instructions;

d. The substance of the instructions;

e. The manner in which there were given; and

f. If written, in accordance with R. 4:17-4(a),
annex a copy of said instructions.

107. Did you in any manner converse or communicate with any person involved in the activities described in interrogatories numbers 96, 97 and/or 98 since the date of conception of any of these plans?

108. If the answer to interrogatory number 107 is yes, state for each conversation:

a. The date;

b. The name and address of each person present;

c. What was said by you;

d. What was said by the other person; and

e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a), annex a copy of this document.

109. Was any group meeting ever called or held concerning the activities described in interrogatories numbers 96, 97 and/or 98?

110. If the answer to interrogatory number 109 is yes, state:

a. When each such meeting was held;

b. Where each such meeting was held;

c. Who initiated or requested each such meeting;

d. The purpose for which each meeting was called;

e. Whether minutes or other records were kept of any such meeting; and

f. If minutes or other documents were kept of any of the above meetings, in accordance with R. 4:17-4(a), annex a copy of each such document.

111. Were any persons involved in the activities described in interrogatories numbers 96, 97 and/or 98 to derive any compensation from their participation?

112. If the answer to interrogatory number 111 is yes, state:

a. Name of person paid;

b. What compensation each was to receive;

c. The source of such compensation;

d. Who paid, or was to pay, each member compensated;

e. When such compensation was paid, or to be paid; and

f. If any written agreements or contracts were involved in this activity, in accordance with R. 4:17-4(a), annex a copy of said documents.

113. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants and/or any of the Authority's agents or representatives and member(s) of the Old Bridge Township Council or agent(s) or representative(s) of said Council, which conversation/communication involved the subject of future members of the Authority:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant(s) and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a), annex a copy of this document.

114. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants and/or any of the Authority's agent(s) or representative(s), and any member(s) of the Old Bridge Township Council or agent or representative of said Council, which conversation/communication involved the subject of interviews of potential members of the Authority:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant, and/or agent or representative of the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

115. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants and/or any of the Authority's agents or representatives, and any member(s) of the Old Bridge Township Council or agent or representative of said Council which conversation/communication involved the subject of future land development policy and its interaction or interdependency with water supply availability:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority,
consultant and/or agent or representative
of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

116. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives, and any member(s) of the Old Bridge Township Planning Board or agent or representative of said Planning Board, which conversation/communication involved the subject of future land development policy and its interaction or interdependency upon water supply availability;

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority,
consultant and/or agent or representative
of the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

117. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any member(s) of the Old Bridge Township Sewerage Authority or agent or representative of said Sewerage Authority which conversation/communication involved the subject of future land development policy and its interaction or interdependency upon water supply availability:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

118. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any other member, consultant, representative and/or agent of the Authority, which conversation/communication involved the subject of future land development policy and its interaction or interdependency upon water supply availability:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority,
consultant and/or agent or representative of
the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

119. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any member of the Old Bridge Township Council or agent or representative of said Council, which conversation/communication involved the subject of the need for, application process and/or consequences of seeking further ground-water diversion rights from the Department of Environmental Protection:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

120. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives, and any member(s) of the Old Bridge Township Planning Board or agent or representative of said Planning Board which conversation/communication involved the subject of the need for, application process and/or consequences of seeking further groundwater diversion rights from the Department of Environmental Protection:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

121. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority any of the Authority's consultants and/or any of the Authority's agents or representatives, and any member of the Old Bridge Township Sewerage Authority or agent or representative of said Sewerage Authority, which conversation/communication involved the subject of the need for, application process and/or consequences of seeking further groundwater diversion rights from the Department of Environmental Protection:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

122. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants and/or any of the Authority's agents or representatives and any other member, consultant, representative and/or agent of the Authority, which conversation/communication involved the subject of the need for, application process and/or consequences of seeking further groundwater diversion rights from the Department of Environmental Protection:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

123. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any member of the Old Bridge Township Council or agent or representative of said Council, which conversation/communication involved the subject of the potential for Township support of any individual developer, or developers in general, in their attempt(s) to obtain a water franchise within the Authority's service area;

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

124. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants and/or any of the Authority's agents or representatives and any member of the Old Bridge Township Planning Board or agent or representative of said Planning Board, which conversation/communication involved the subject of the potential for Township support of any individual developer or developers in general, in their attempt(s) to obtain a water franchise within the Authority's service area:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present:

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

125. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any member(s) of the Old Bridge Township Sewerage Authority or agent or representative of said Sewerage Authority, which conversation/communication involved the subject of the potential for Township support of any individual developer or developers in general in their attempt to obtain a water franchise within the Authority's service area:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present:

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

126. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any other member, consultant, representative and/or agent of the Authority, which conversation/communication involved the subject of the potential for Township support of any individual developer, or developers in general, in their attempt to obtain a water franchise within the Authority's service area:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

127. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any member(s) of the Old Bridge Township Council or agent or representative of said Council, which conversation/communication involved the subject of Township policy regarding the sizing of water pipes to serve new developments in general or any specific new development:

a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

128. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives and any member of the Old Bridge Township Planning Board or agent or representative of said Planning Board, which conversation/communication involved the subject of Township policy regarding the sizing of water pipes to serve new developments in general, or any specific new development:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority,
consultant and/or agent or representative of
the Authority present

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

129. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives, and any member(s) of the Old Bridge Township Sewerage Authority or agent or representative of said Sewerage Authority, which conversation/communication involved the subject of Township policy regarding the sizing of water pipes to serve new developments in general, or any specific new development:

a. Date of conversation:

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

- e. Whether any such communication is in writing; and if so, in accordance with R. 4:17-4(a) annex a copy of this document.

130. Set forth as to all conversations and/or communications between any member(s) of the Municipal Utilities Authority, any of the Authority's consultants, and/or any of the Authority's agents or representatives, and any other member, consultant, representative and/or agent of the Authority, which conversation/communication involved the subject of Township policy regarding the sizing of water pipes to serve new developments in general, or any specific new development:

- a. Date of conversation;

b. Name and address of each person present;

c. What was said by the member of the Authority, consultant and/or agent or representative of the Authority present;

d. What was said by all other persons present;

e. Whether any such communication is in writing;
and if so, in accordance with R. 4:17-4(a)
annex a copy of this document.

CERTIFICATION

I hereby certify that the answers to the foregoing interrogatories are true. I am aware that if any of the foregoing answers are wilfully false, I am subject to punishment.

I further certify that copies of any documents annexed hereto are true and accurate copies of the original of such documents.

Dated: _____