

1 TOWNSHIP OF BERKELEY
 2 PLANNING BOARD
 3 -----
 4 IN THE MATTER OF:
 5 SOUTH SEASIDE PARK HOMEOWNERS
 6 AND VOTERS ASSOCIATION
 7 DE-ANNEXATION PETITION HEARING
 8 -----
 9 Pinewald Keswick Road
 10 Bayville, New Jersey
 11 Thursday, February 5, 2015
 12 7:50 p.m.
 13
 14 BEFORE:
 15 Robert Winward, Chairman
 16 Brian Gingrich, Member
 17 John Bacchione, Councilman
 18 Thomas Guarascio, Member
 19 Jack Wiegartner, Member
 20 Frederick Bell, Member
 21 Domenick Lorelli, Member
 22 Nick Mackres, Member
 23 -----
 24 LINDA SULLIVAN-HILL & ASSOCIATES
 25 CERTIFIED COURT REPORTERS
 46 SOUTH LAKEVIEW DRIVE
 JACKSON, NEW JERSEY 08527
 (732) 833-0001

1
 2 APPEARANCES:
 3 DASTI MURPHY, MCGUCKIN, ULAKY,
 4 CERRROS & CONNORS, ESQS.
 5 620 W. Lacey Road
 6 Forked River, New Jersey 08731
 7 BY: GREGORY MCGUCKIN, ESQ.
 8 Attorneys for the Board
 9 O'MALLEY, SURMAN & MICHELINI, ESQS.
 10 17 Beaveron Blvd.
 11 Brick, New Jersey 08723
 12 BY: JOSEPH MICHELINI, ESQ.
 13 Attorneys for the Petitioners
 14
 15 ALSO PRESENT:
 16 Kelly Hugg, Secretary
 17 Ernie Peters, Engineer
 18 James Oris, Planner
 19 Stanley C. Slachetka, Planner
 20 Stuart B. Wiser, Planner
 21
 22
 23
 24
 25

1 INDEX
 2 NAME OF WITNESS PAGE
 3 DONALD WHITEMAN
 4 BY MR. MICHELINI 6, 89
 5 BY MR. MCGUCKIN 59, 77, 91
 6 KATHERINE FULCOMER
 7 BY MR. MICHELINI 103
 8
 9
 10 EXHIBITS
 11 NUMBER DESCRIPTION PAGE
 12 A-5 Minutes 43
 13 A-6 Photo board 105
 14 A-7 Photo board 106
 15
 16
 17
 18 REQUESTS
 19 BY MR. WISER:
 20 Website information 74
 21
 22
 23
 24
 25

1 MR. WINWARD: We'd like to call this
 2 meeting back to order We'd like to call this
 3 meeting back to order, please. I notice that we
 4 have another professional sitting at our
 5 professionals' table. Could you state your name and
 6 spell it for the court reporter, please?
 7 MR. WISER: Sure. Stuart Wiser I'm
 8 a licensed professional planner in the State of New
 9 Jersey and I'm with Remington, Vernick & Vena.
 10 S-t-u-a-r-t, W-i-s-e-r
 11 MR. WINWARD: Okay May the
 12 applicant's attorney please open.
 13 MR. MICHELINI: Sure Good evening
 14 It's good to see everyone again.
 15 My name is --
 16 MR. MCGUCKIN: I'm sorry to
 17 interrupt. I apologize. I just realized we do have
 18 one other housekeeping matter Mr Mackres came
 19 late to the meeting and he has to be sworn in. So,
 20 before we get any further, let me just take care of
 21 that.
 22 NICK MACKRES, sworn in as member by
 23 Mr McGuckin.
 24 MR. MICHELINI: Good evening, Mr
 25 Chairman, members of the board. My name is Joseph

1 Michelini of O'Malley, Surman & Michelini. I
 2 represent members of the South Seaside Park
 3 Homeowners and Voters Association and we are
 4 continuing tonight with our two hours In
 5 conjunction with our request for de-annexation, the
 6 board is to hear our testimony and then to make a
 7 recommendation to the governing council. And they
 8 would make any formal official action on the issue.
 9 I would like to continue with the
 10 testimony of Mr Donald Whiteman, who was sworn at
 11 the last meeting.
 12 MR. WINWARD: Okay Please continue.

13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 DONALD WHITEMAN, previously sworn.
 2 EXAMINATION BY MR. MICHELINI:
 3 Q So Mr Whiteman, I'm just going to go
 4 over a couple of areas that you hit last time and
 5 we'll go into some new areas. But just to follow up
 6 a few things
 7 One of the things we talked about last time
 8 was that if, in fact, South Seaside Park became part
 9 of Seaside Park that the elementary school kids that
 10 currently go to, I believe you said, the H & M
 11 Potter School would go to Washington Street School
 12 in Toms River
 13 Have you since the last meeting measured the
 14 distance from South Seaside Park to Washington
 15 Street? I believe you had already measured it to
 16 the H & M Potter School
 17 A Yes What I did do, I did get in my
 18 car and I timed it and had the mileage and from 23rd
 19 Avenue to the Washington Street School, and that is
 20 7 1 miles, to that school. It also was, took me
 21 about 12 minutes And where we turn at was
 22 Batchelor Street, which is, again, by, I guess, the
 23 Shop & Bag or --
 24 Q Stop & Shop?
 25 A Stop & Shop. Thank you. That's

1 where we made the turn and went into the Washington
 2 Street School.
 3 I know if I use the comparison, the students
 4 who do live on 23rd Avenue and they go to
 5 H & M School, that is about a 14 1 mile, 14 2 mile
 6 trip. And with traffic, sometime it can run up as
 7 high as 45 to 50 minutes for students going to,
 8 going to that school
 9 Q Okay And if the de-annexation did
 10 occur, the students from South Seaside Park would
 11 ultimately go to the Washington Street School?
 12 A Yes Right now the students from
 13 Seaside Park do go to the elementary school,
 14 Washington Street School, in Toms River, Toms River
 15 Township.
 16 Q Okay Now, I just want to hit a
 17 couple of things You mentioned last time that if
 18 you were to -- currently being in South Seaside Park
 19 and having to come to Berkeley Township for things,
 20 you indicated that, obviously, if you were part of
 21 Seaside Park, you wouldn't have to go very far I
 22 think you said you could go a mile to the municipal
 23 building on your bike or something to that.
 24 A Right.
 25 Q But to come here for permits, you

1 have to come to this building here, correct?
 2 A What happens --
 3 Q Berkeley?
 4 A -- is, yes, from my house to pick up
 5 permits here, again, the distance -- and it's all
 6 according what time you're going during the daytime,
 7 it's a long trip when I go to the council meetings
 8 And I go to many a council meeting To be honest
 9 with you, it's a long trip. And, again, when I
 10 think you changed the council meetings to an earlier
 11 start, we over here on the beach understand that
 12 when you make it an earlier start, we get caught up
 13 in the traffic on the Parkway So, when the council
 14 meetings were at seven o'clock, at least we missed
 15 the traffic If you make them at 6:30 or
 16 six o'clock, the traffic on the Parkway is still a
 17 big problem. So, we're dealing with that with --
 18 Q What if you went a different way off
 19 the Parkway and took the back roads, is traffic
 20 better at six or seven?
 21 A You know, you just have local
 22 traffic. And the local traffic is, again, causing
 23 you to, where normally it could take you 35 minutes,
 24 it may take as much as 45, 50 minutes Again,
 25 according to traffic Something that, to me, I

1 don't want to say -- I guess I could say I have to
 2 come over and get a parking permit to park on the
 3 streets on the ocean side in South Seaside Park.
 4 So, I have to travel over here to the township
 5 police headquarters to pick up three parking
 6 permits. And what happens, again, if you go, you're
 7 talking about 35 or 40 minute travel. You're
 8 talking 15 plus miles one way.

9 Q Is that an annual thing?
 10 A And that's an annual thing that the
 11 residents have to do to use the parking permits
 12 Because if you don't have the parking permits on the
 13 ocean side, you will be ticketed for not parking
 14 with permits.

15 Q Okay
 16 A Another thing here --
 17 MR. WINWARD: I just have a quick
 18 question.
 19 THE WITNESS: Yes
 20 MR. WINWARD: Is that something that
 21 could be done my mail? Is there that option in our
 22 system?
 23 THE WITNESS: I just know when I go
 24 over there, your parking permit is old,
 25 Mr. Whiteman. You have to get new ones every,

1 plastic new ones every so often. I've never sent
 2 them in. I was never told, send them in and we'll
 3 send them back to you. I was never told that every
 4 time I go over there.

5 MR. WINWARD: I was just asking.
 6 This sounds like that would make sense.
 7 THE WITNESS: Yeah.
 8 A And, you know, you say, well, what
 9 about dog licenses? You have to come over here for
 10 something simple as a dog license when you got your
 11 dog. You can send it in, okay. But your initial
 12 thing, is dog license, you have to come over here to
 13 the police station.
 14 As you know, there's been a lot of damage
 15 from Hurricane Sandy. How many times have our
 16 residents come over here for getting permits and,
 17 you know, back and forth and back and forth. So, it
 18 is a big problem. As opposed to being on
 19 13th Avenue or, should I say, now it's at Fifth
 20 Avenue, which is less than a mile away from my
 21 house.
 22 So, if we were part of Seaside Park, boy, I
 23 could ride my bike three-quarters of a mile, get the
 24 building permits and then come back home
 25 three-quarters of a mile.

1 Q Okay. And, also, obviously, you
 2 mentioned council meeting. That would also apply to
 3 this meeting, planning board meetings --

4 A Yes
 5 Q -- and zoning board meetings or other
 6 types of municipality meetings --

7 A Yes.
 8 Q -- that are held here, correct?
 9 What is your zip code currently?
 10 A My zip code is 08752
 11 Q What is Seaside Park's?
 12 A That is a Seaside Park zip code also.
 13 Q And to the best of your knowledge,
 14 would it be accurate to say that your telephone
 15 directory is either Seaside Park or South Seaside
 16 Park, not Berkeley Township?
 17 A Right. It would be Seaside Park
 18 also.
 19 Q Is that true for your driver's
 20 license?
 21 A Driver's license says S Seaside Park
 22 which is South Seaside Park.
 23 Q What about your cable provider over
 24 there?
 25 A That's a problem. Our cable provider

1 is Optimum, which is the whole shore area or should
 2 I say the beach area. We go to the council meetings
 3 and we say, could we have the cable provider show
 4 the council meetings? We don't get that. Because
 5 we are Optimum and over here is a different cable
 6 provider, so --

7 Q So, those meetings are on the cable
 8 provider over here?
 9 A Yes, but they're not in our town
 10 whatsoever
 11 Q When you say your town, you mean
 12 South Seaside Park?
 13 A South Seaside Park, yes. And so,
 14 again, I brought it up in the meetings, council
 15 meetings, can we do something about it? And it's
 16 been brought up many a time. And, you know, they
 17 look into it but nothing is ever done. And we don't
 18 know what's going on in Berkeley Township with the
 19 council meetings.

20 Q Now, just to briefly indicate the --
 21 I think you had covered some of these but I
 22 just want to confirm. Are there any churches in
 23 South Seaside Park?
 24 A Our area, there's no churches in
 25 South Seaside Park, but in the adjacent town of

1 Seaside Park, you have two churches there that are
 2 utilized by our residents, yes.
 3 Q What are those churches?
 4 A One is Saint Catharine's Roman
 5 Catholic Church. And the other one is the
 6 Seaside Park Union Church.
 7 Q Okay That's a Protestant church?
 8 A It's a, right, a Protestant church.
 9 Q Okay And there's no schools in
 10 South Seaside Park, correct?
 11 A No schools in South Seaside Park.
 12 Q No police substation?
 13 A No police substation in South Seaside
 14 Park and that's another --
 15 Q We'll get into that. And no retail
 16 shopping areas as such, although there's a couple of
 17 restaurants? We know that.
 18 A There are restaurants.
 19 Q But no shopping?
 20 A But no shopping whatsoever in South
 21 Seaside Park.
 22 Q And all those things, obviously,
 23 exist to some extent or other in Seaside Park with
 24 the exception of the school which is closed?
 25 A Right. Right. Yes, we can go to

1 Seaside Park for some retail. We can go to Seaside
 2 Park for some eateries. So, we do have the
 3 opportunity --
 4 Q And you have police there?
 5 A And there's also, again, a police
 6 station that is on, I want to say, Eighth Avenue
 7 which is -- I live on 20th Avenue, and which is,
 8 again, 12 blocks, 12 blocks from my house.
 9 Q Do you know if Seaside Park is --
 10 South Seaside Park, I should say, is fully built
 11 out? In other words, is it fully occupied with
 12 structures on the land, to the best of your
 13 knowledge?
 14 A Best of my knowledge, the growth of
 15 South Seaside Park is done, okay South Seaside
 16 Park has just about every lot built on. South
 17 Seaside Park may have half a dozen lots that are
 18 still open. You know, ten lots maybe at the most.
 19 So, the growth for South Seaside Park is basically
 20 finished in the sense of any new --
 21 Q New construction?
 22 A -- new building, new construction.
 23 Q Now, I realize people are often
 24 quoted wrong in the press. So, with that preface,
 25 Mr McGuckin was quoted between the last meeting and

1 this meeting that there were 700 waterfront homes in
 2 South Seaside Park. Is that accurate? Waterfront?
 3 A No, there are not 700 waterfront
 4 homes in South Seaside Park. I know a lot of the
 5 homes in South Seaside Park are on the inside
 6 streets. And maybe when we looked at waterfront
 7 homes, again, they could be about 80 waterfront
 8 homes on the bay side, as well as on the ocean side.
 9 Q Okay And the housing over there is
 10 a mix of housing, is it not? You have Midway Beach.
 11 You have other cottage communities You have mobile
 12 homes --
 13 A Yes.
 14 Q -- is that accurate?
 15 A Yes, that's accurate.
 16 Q Can you just describe that a little
 17 bit.
 18 A Okay
 19 Q We're going to have a planner address
 20 it. Just describe it a little bit to give --
 21 A All right.
 22 Q -- the board an idea of what's over
 23 there.
 24 A We have different types of houses
 25 over in South Seaside Park. And I'm pretty sure

1 that most of you are aware of that. We have the
 2 Midway Beach section, which are the summer homes,
 3 summer cottages. We have the trailer area, block of
 4 trailers that are on 15th Avenue. We also have
 5 small bungalows that are from 15th Avenue to
 6 14th Avenue We then have the old section of South
 7 Seaside Park, which goes from 20th Avenue to
 8 24th Avenue. And these are a lot of single family
 9 houses from Central Avenue west to the bay
 10 And then we also have the -- what we call the
 11 Midway Beach on the west side with six streets that,
 12 again, are single family houses, which lead out to
 13 Roberts Point, okay And they are single family
 14 houses, too.
 15 Q And I know Mr. McGuckin -- and,
 16 again, I'm not saying that he said these things
 17 because the press often gets things wrong
 18 A Yes
 19 Q But one of the things it says that
 20 they were going to lose all of their ocean beaches
 21 But Island Beach State Park is not part of this
 22 de-annexation effort, correct?
 23 A That is correct. We are not asking
 24 that Island Beach State Park be part of this
 25 de-annexation, okay That will, again, leave a

1 beach for Berkeley Township and be part of Berkeley
 2 Township, which is a nine-mile section of beaches
 3 that still is part of Berkeley
 4 Q Now, you and your family, what area
 5 do you personally identify with? Do you identify
 6 with South Seaside Park? Do you identify with
 7 Seaside Park or the combination of the two? Are you
 8 identified with also Berkeley Township? Where do
 9 you identify yourself as living and being part of?
 10 A Okay My family had four generations
 11 of South Seaside Park, four generations My
 12 grandmother, my mom and dad, myself and now my son
 13 and daughter live in South Seaside Park. And we
 14 always utilized the Seaside Park areas We also
 15 used the bay beaches up there. Because in South
 16 Seaside Park, our bay beaches are atrocious
 17 There's no other way to say it.
 18 Q We'll have someone address that.
 19 A Yes.
 20 Q But personally, you use --
 21 A Right, we use Seaside Park for our
 22 shopping We use Ortley Beach for the A&P We use
 23 the eateries up in Lavallette. And, basically, it's
 24 almost like a town in itself on the island.
 25 I just happened to be talking to my wife and

1 I said, we're familiar what goes on on the beach.
 2 If you asked me who Ms Potter is, I have no idea.
 3 If you ask me who Clara B. Worth is, I have no idea.
 4 But if you were to ask me, you know, who Mr Tunney
 5 was, I can tell you he was the owner of Funtown at
 6 one time. And my point of saying this is, we are
 7 familiarized ourselves with the culture of the beach.
 8 We're not real familiar with something as simple as,
 9 who is Ms Potter, or who is Clara B. Worth.
 10 So, when I say we are familiar with the beach
 11 and what goes on at the beach, it's like its own
 12 community The beach is like its own community
 13 And that's why we would like to become part of that
 14 same community, like community of Seaside Park.
 15 Q And although we're not going to get
 16 into history but you did sign the petition in 1974,
 17 correct?
 18 A Right. My dad was the original with
 19 Judy Appleby signer of the petition in 1974 I
 20 lived in South Seaside Park and I'm one of the ones
 21 who signed that petition in 1974
 22 Q And, obviously, you've signed the
 23 current petition?
 24 A And I have signed the current
 25 petition, yes.

1 Q Going on to a couple new areas And
 2 I know some other people will address these, so I
 3 don't -- I want you to talk about your
 4 experiences --
 5 A Uh-hum.
 6 Q -- okay So, tell us a little bit
 7 about whether or not there are issues related to
 8 services, such as, snow plowing where there is a
 9 snowstorm. Keeping in mind you get a little less
 10 snow over there, I would think.
 11 A Well, sometimes you have the
 12 northeast wind and the northeast coastal storms and
 13 we are inundated with snow on occasions
 14 Q Tell us about your experience.
 15 A Okay What we have, to be honest
 16 with you, when they were talking about the blizzard
 17 that we were supposed to have in 2015, it's always
 18 concern, okay, always concern. Because when we have
 19 had snow, and when I say heavy snow, we've had
 20 streets that have not been plowed for three or five
 21 days.
 22 We have gone up to Seaside Park and their
 23 streets are completely cleaned. Yet, when it comes
 24 to our streets, Roberts Avenue for five days were
 25 not plowed. I look back and the storms that are

1 most vivid in my mind were the storm of February 5
 2 and 6, 2010, and again on December 26, 2000 and --
 3 2010 and one was in 2009 And I remember looking at
 4 the streets And I had a four-wheel drive. I was
 5 able to drive my vehicle through the streets on what
 6 was called Barnegat Avenue, all right.
 7 Q That's the road that goes along the
 8 bay?
 9 A No, Barnegat Avenue is the road that
 10 goes in front of my house.
 11 Q Okay Not along the bay Go ahead.
 12 A Right. And I could drive up to
 13 Seaside Park. And I looked and I saw Seaside Park
 14 roads were cleared and our roads were not. And I
 15 did come over the council meetings and voice my
 16 opinion. But then we had the next storm and the
 17 same thing occurred. It did get so bad that the
 18 people on Bayview Avenue hired a contractor with a
 19 front end loader to clear Bayview Avenue so they
 20 could get their vehicles out. That shouldn't
 21 happen. Yet, in Seaside Park, their roads were
 22 clear And I realized the truck has to go 16 miles
 23 or 15 miles over the bridge to us. But, again, the
 24 investment is not there from Berkeley Township. The
 25 services that we would expect are not there from

1 Berkeley Township.

2 Just like my father in 1974 started the
3 petition, I looked at that myself and said, what
4 occurred in '74 is the same thing that now is
5 occurring in 2013, 2014

6 Q Okay. With regard to -- I know you
7 talked a little bit about the culture, already So,
8 move on to your next subject that you'd like to
9 bring to this board.

10 A I'll give you another example,
11 gentlemen. I've been going to a council meeting.
12 I've been going to a council meeting because
13 Berkeley Township was trying to vacate, which I was
14 told as a street, vacation of property and giving it
15 to the adjacent homeowner

16 Q Where was this property located?

17 A This was located on Central Avenue in
18 South Seaside Park. It was property owned by
19 Berkeley Township. At first, I could not get the
20 size of the property at the council meeting. It was
21 not given to me. Finally, we found out that the
22 property was 50 feet by 165 feet that the township
23 wanted to give to Arlington Trailer Park so they're
24 able to, how can I say, sell the property to some of
25 the trailers that are on it. There's only one

1 problem with that. This property does not just have
2 a road right-of-way It's also basically property
3 that does not include a road.

4 So, we've gone to the meeting a few times
5 talked about this should not happen. I ended up
6 calling the State and asking the State what can be
7 done with this The County Road Department, they
8 hit the ceiling They said, we never got any letter
9 from them. All right. Matter of fact, they cannot
10 sell this property because it's more than a road.
11 Now, my point, why am I bringing it up, Seaside Park
12 wouldn't do that to us, okay, if we were in Seaside
13 Park.

14 I look at property like this We don't have
15 a community center Wouldn't that be a nice area to
16 put a building for a community center? We don't
17 have any Okay. You take a look at this property
18 and say, well, wait a minute. They clean our beach.
19 Berkeley Township cleans our beach, but they have to
20 put their beach cleaner in Seaside Park's area of
21 where they put -- what is it called -- the --

22 VOICE: Public Works

23 A -- Public Works Department. Then
24 what happens is, they have to get a tractor for
25 this, which also has to be stored in Berkeley

1 Township Public Works

2 Q You mean, does that go to Seaside --
3 that's for the Berkeley --

4 A I mean Seaside Park Public -- Seaside
5 Park Public Works

6 So, again, I look at this, gentlemen, as,
7 Berkeley Township doesn't want to make an investment
8 in South Seaside Park. Here you have land that can
9 be utilized for this, yet, to me, I look at it and
10 say, well, it's easier for them to store it in
11 Seaside Park. Yet, we're going to get rid of this
12 land and this land probably is worth -- I'm not an
13 assessor I know my lot is assessed, 50 by 100 lot,
14 is assessed for 325. This lot is 50 by 165, which
15 probably is worth 500, 600,000 And we're going to
16 give it away?

17 MR. MCGUCKIN: I got to ask you a
18 question.

19 THE WITNESS: Sure.

20 MR. MCGUCKIN: How much of it was a
21 right-of-way? You said part of it was a
22 right-of-way and part of it wasn't.

23 THE WITNESS: Yes, 15th Avenue, the
24 way it was written up, by the Berkeley Township,
25 said that it was just the width of, which was called

1 14th Avenue -- 15th Avenue, which would have been a
2 50-foot right-of-way

3 MR. MCGUCKIN: Okay For how long?

4 THE WITNESS: Pardon?

5 MR. MCGUCKIN: For what distance?

6 THE WITNESS: 50-foot by 50-foot is
7 the width of --

8 MR. MCGUCKIN: Of the right-of-way?

9 THE WITNESS: Of the right-of-way,
10 right.

11 MR. MCGUCKIN: So, that would have
12 been a good portion of what you're talking about?
13 Not all of it but a good portion of it.

14 THE WITNESS: That's a hundred -- 50
15 from 165 feet still leaves 115 feet, which is
16 still --

17 MR. MCGUCKIN: Did the right-of-way
18 go through the middle of it?

19 THE WITNESS: -- 50 by 115 feet is
20 three hundred and --

21 MR. MCGUCKIN: Did the right-of-way
22 go through the middle of it?

23 THE WITNESS: The right-of-way
24 probably went -- goes through the middle of the
25 property, yes

1 MR. MCGUCKIN: Okay Thank you.
 2 MR. WISER: What was the ultimate
 3 disposition of that?
 4 THE WITNESS: It's not settled yet.
 5 MR. WISER: It's ongoing?
 6 THE WITNESS: In other words, the
 7 township has tabled it, so it's ongoing. So, it's
 8 something that will be probably coming up again.
 9 MR. MCGUCKIN: And you said that
 10 Seaside Park wouldn't do that to you. What is it
 11 that Berkeley is doing to you?
 12 THE WITNESS: Berkeley is taking
 13 Township property and either getting rid of it.
 14 They haven't offered this property to anyone else to
 15 buy except the adjacent homeowner, from --
 16 MR. MCGUCKIN: Is it buildable lot?
 17 THE WITNESS: It -- there are eight
 18 trailers on it.
 19 MR. MCGUCKIN: Is it a buildable lot,
 20 though, for purposes of the zoning ordinance?
 21 THE WITNESS: It would be a buildable
 22 lot, yes
 23 MR. MCGUCKIN: With a right-of-way
 24 through the middle of it?
 25 THE WITNESS: Right-of-way through

1 the middle of it, you still have property on each
 2 side which --
 3 MR. MCGUCKIN: Well --
 4 THE WITNESS: -- could be buildable.
 5 MR. MCGUCKIN: So, when you say
 6 Seaside Park wouldn't do that. If Seaside Park
 7 thought it was in the interest of their municipality
 8 to do something, you don't think they would do that?
 9 THE WITNESS: I don't think they
 10 would give away property that's worth --
 11 MR. MCGUCKIN: How do you --
 12 THE WITNESS: Let me finish, okay?
 13 MR. MCGUCKIN: How do you come to
 14 that conclusion?
 15 THE WITNESS: Could I finish, please?
 16 MR. MCGUCKIN: Well, you already made
 17 a conclusion --
 18 THE WITNESS: May I -- no, I did not
 19 finish.
 20 MR. MCGUCKIN: -- so I'm going to ask
 21 you.
 22 THE WITNESS: You asked me a
 23 question. Let me finish, please.
 24 MR. MCGUCKIN: You said they wouldn't
 25 do that to you.

1 THE WITNESS: You asked me a
 2 question.
 3 MR. MICHELINI: Just let him finish.
 4 THE WITNESS: Let me finish, okay?
 5 This property is probably worth \$600,000, okay
 6 MR. MCGUCKIN: Are you an appraiser?
 7 Are you an appraiser, sir?
 8 THE WITNESS: Am I an appraiser?
 9 MR. MCGUCKIN: You're making a lot of
 10 statements And we've let you go far afield from
 11 what I think you're qualified to testify to. Are
 12 you an appraiser?
 13 THE WITNESS: I can use similar
 14 properties to say this --
 15 MR. MCGUCKIN: Are you an appraiser?
 16 Come on. We don't need to spend two hours doing
 17 this again.
 18 THE WITNESS: I'm not an appraiser
 19 but I can use similar property --
 20 MR. MCGUCKIN: Please just answer my
 21 question. Are you an appraiser?
 22 THE WITNESS: I am not an appraiser
 23 MR. MCGUCKIN: Thank you.
 24 And how would you know what Seaside
 25 Park would do?

1 THE WITNESS: I would not know what
 2 Seaside Park would do but --
 3 MR. MCGUCKIN: Thank you.
 4 THE WITNESS: -- prudence would
 5 say --
 6 MR. MCGUCKIN: Please continue with
 7 your testimony
 8 THE WITNESS: -- this should not
 9 occur
 10 MR. WISER: Sir, before --
 11 MR. MCGUCKIN: And it hasn't.
 12 MR. WISER: Before you move on -- I'm
 13 sorry Before you move on
 14 THE WITNESS: Yes
 15 MR. WISER: I'm just -- I'm not from
 16 this area.
 17 THE WITNESS: Yes
 18 MR. WISER: Walk us through. So,
 19 there's a piece of property that the township owns
 20 in your neighborhood?
 21 THE WITNESS: Yes
 22 MR. WISER: It's a right-of-way?
 23 THE WITNESS: Part of it's a
 24 right-of-way Not all. Part of it.
 25 MR. MICHELINI: Most of it is not.

1 He testified to that.
 2 THE WITNESS: Yeah, most of it is
 3 not.
 4 MR. WISER: And the borough has
 5 decided to make this property available --
 6 MR. PETERS: No.
 7 MR. WISER: -- to purchase?
 8 VOICE: No. No. No.
 9 MR. WISER: Explain to me what the
 10 process was
 11 THE WITNESS: The process was, the
 12 individual came here with an attorney
 13 MR. MICHELINI: Not to this board.
 14 THE WITNESS: Not to this board. The
 15 council And they wrote a letter to the council and
 16 said, what we would like to do is -- excuse me for a
 17 minute -- what we would like to do is have this
 18 property basically vacated to the adjoining
 19 property, okay
 20 And I have this here on the Arlington
 21 Beach Company application for street vacation,
 22 Central Avenue block 1692, lot one and block 1722,
 23 lot three, okay And they did the first reading of
 24 it. They had a second reading of it. And I came in
 25 and brought up some facts, okay, about the property

1 And they said, what we're going to do is, we're
 2 going to hold off on making any move yet.
 3 I then contacted the State Department
 4 of Transportation. Wrote a letter Sent everything
 5 to them. And they did get back to me and said, we
 6 will take it from here. All right.
 7 MR. WISER: Do you know what that
 8 means?
 9 THE WITNESS: I don't know what that
 10 means
 11 MR. MCGUCKIN: Do you have a copy of
 12 the letter?
 13 THE WITNESS: I called them on the
 14 phone.
 15 MR. MCGUCKIN: Not a letter?
 16 THE WITNESS: Not a letter Called
 17 them on the phone.
 18 MR. WISER: So, is the township -- is
 19 Berkeley auctioning this property?
 20 THE WITNESS: No.
 21 MR. WISER: Just giving it away?
 22 THE WITNESS: Yes
 23 MR. WISER: No consideration
 24 whatsoever?
 25 THE WITNESS: For anyone else.

1 MR. WISER: No, that's not what I
 2 asked. Is there any consideration from --
 3 MR. MICHELINI: Is there any money
 4 being paid?
 5 MR. WISER: -- the would be
 6 purchaser?
 7 MR. MICHELINI: He's asking,
 8 consideration meaning money
 9 THE WITNESS: Not that I know of
 10 Not at the meetings they didn't say that.
 11 BY MR. MICHELINI:
 12 Q That's your understanding?
 13 A And that's my understanding
 14 Q Okay
 15 A These gentlemen here I know were at
 16 some of the meetings, so they'd be more familiar
 17 with it, I would think. I think.
 18 Q Well, your point, though, is --
 19 A Yes, my point is --
 20 Q Your point is that if land is
 21 available, you would like to see it used for --
 22 A Yes
 23 Q -- things for South Seaside Park?
 24 A South Seaside Park. It's, again,
 25 land for South Seaside Park. Let's make an

1 investment in the town. Let's put a community
 2 center there. Let's put some type of police
 3 substation there. Let's put something there that's
 4 going to benefit the community
 5 MR. MICHELINI: Okay All right.
 6 MR. WISER: May I just --
 7 THE WITNESS: Sure.
 8 MR. WISER: Just, if I may play this
 9 out just, just a little bit.
 10 Obviously, this gentleman who wants
 11 to purchase or acquire the property wants to do
 12 something with it.
 13 MR. MICHELINI: I don't believe the
 14 testimony is that it's being purchased.
 15 MR. WISER: Or somehow or another
 16 acquire the property?
 17 MR. MCGUCKIN: If I could. I don't
 18 know all the facts because I'm not part of it. But
 19 my understanding is, just from very little bit that
 20 I know, is that it was considered a right-of-way or
 21 at least the township somehow considered it a
 22 right-of-way But it's been occupied by trailers of
 23 residents for 50, 60 years And there's a legal
 24 question whether or not the township may or may not
 25 have the right to own it or not. I mean, I don't

1 know that for a fact. But my recollection of this,
 2 and only what I think I read in the paper, was that
 3 there was an issue that trailers were located on
 4 Township property or a Township right-of-way And
 5 the township is doing what's in the best interest of
 6 the township to try to resolve that issue, so --
 7 MR. WISER: But if this gentleman --
 8 I guess my question is, if this gentleman, the would
 9 be acquirer of this property, gets the property, the
 10 property then becomes taxable, right?
 11 THE WITNESS: He gets free property,
 12 yes.
 13 MR. WISER: That's not --
 14 THE WITNESS: And it goes on the tax
 15 map then, yes
 16 MR. WISER: The property goes on the
 17 tax rolls?
 18 THE WITNESS: Yes
 19 MR. WISER: Which then benefits the
 20 township --
 21 THE WITNESS: Uh-hum.
 22 MR. WISER: -- or the, I'm sorry, the
 23 borough?
 24 THE WITNESS: Yes
 25 MR. WISER: No, it is the township.

1 I'm sorry It is the township.
 2 THE WITNESS: Township.
 3 MR. MICHELINI: But we're not --
 4 we're not aware of townships giving away property
 5 just so they can tax it.
 6 MR. McGUCKIN: Well, they haven't
 7 given it away
 8 THE WITNESS: Right.
 9 MR. MICHELINI: No, I know It's in
 10 process We get it. We understand.
 11 MR. WISER: Well --
 12 MR. MICHELINI: His point is that --
 13 MR. WISER: Whether you're aware of
 14 it or not, townships, municipalities do make excess
 15 land that isn't needed available to become ratable.
 16 MR. MICHELINI: They have to sell
 17 that land, typically They have to -- they have to
 18 pass an ordinance declaring it a surplusage and then
 19 offer it to the public --
 20 MR. McGUCKIN: It's --
 21 MR. MICHELINI: -- especially if it
 22 has an improvement on it. So, there's a statute on
 23 it.
 24 MR. McGUCKIN: It depends on if it's
 25 a buildable lot under the zoning ordinance or not.

1 If depends if there's a right-of-way It depends on
 2 a number of factors.
 3 MR. MICHELINI: It does depend on a
 4 number of factors --
 5 MR. McGUCKIN: It also can be -- it
 6 also can be given to the adjoining property owners
 7 if it's undersized or not subject -- or not
 8 permitted to be built on. But it hasn't happened.
 9 So I think we've beat this one to death. It hasn't
 10 happened. Why don't we move on.
 11 THE WITNESS: Okay
 12 MR. MICHELINI: We'll be happy to.
 13 BY MR. MICHELINI:
 14 Q If you would, address the next issue
 15 in your outline that you'd like to talk about,
 16 Mr Whiteman.
 17 A I'm going to talk about police
 18 presence in South Seaside Park. We've got some good
 19 police officers from Berkeley Township. They do a
 20 great job. I just think what happens, some of the
 21 situations that they're put into is very, very
 22 difficult, okay And what they have to do is police
 23 our area.
 24 I'm just going to make a comparison before I
 25 get started on this And I remember back in the

1 '70s, South Seaside Park had one police car for
 2 South Seaside Park and Pelican Island and had to
 3 travel to the headquarters also. They gave us two,
 4 how can I say it, special officers for the summer
 5 And the one stayed over for also winter So, it
 6 would be one full-time, one summer
 7 MR. McGUCKIN: Again, I'm sorry to
 8 interrupt.
 9 THE WITNESS: Uh-hum.
 10 MR. McGUCKIN: But why don't we stick
 11 to this century, okay? We don't care what the
 12 police presences were in 1970 That's not what's
 13 before this board. This is going to be a long
 14 process
 15 THE WITNESS: Yes
 16 MR. McGUCKIN: We're trying to get
 17 this thing moving
 18 THE WITNESS: All right.
 19 MR. McGUCKIN: Let's talk about this
 20 century
 21 A Okay And this is the last comment
 22 of, there was a substation at Midway Beach Realty
 23 Now what happens, all right, what we have now in
 24 2013 --
 25 Q 2015.

1 A 2015, the investment's not there. We
 2 still have the one police car for Seaside Park and
 3 Pelican Island. We're given two to three crossing
 4 guards for the summer, but that's it. There is less
 5 police presence now than it was back in the '70s.
 6 Q Are there more people now or less
 7 people now?
 8 A We, all year round residents were 167
 9 all year round residents in South Seaside Park back
 10 in the '70s Today there are probably, voters, 400
 11 and, 400 plus voters in South Seaside Park.
 12 Q So, they would be permanent
 13 residents?
 14 A Yes, they would be permanent
 15 residents, yes
 16 Q And that police officer that is there
 17 is split between Seaside Park and Pelican Island,
 18 correct?
 19 A Yes, what he has to do is go to
 20 Seaside Park -- South Seaside Park, should I say
 21 He would be at South Seaside Park. He then has to
 22 go over to Pelican Island also. He then also at
 23 times has to travel back to the headquarters At
 24 times, we look at it and, luckily, I'm guessing,
 25 nothing serious has happened. But my idea of what's

1 going is, the police presence affected me this past
 2 summer.
 3 Q How did it affect you this past
 4 summer?
 5 A Okay What had happened was, there
 6 was an altercation. A girl and a guy were fighting
 7 out in the front of my house. This happened about
 8 1:30 in the morning We called.
 9 Q What date are we talking about?
 10 A We're talking, I believe it was
 11 August 2 We called for police to come. Waiting
 12 for the police. They did not arrive, so I ended up
 13 walking outside hoping that the guy would see me
 14 and, you know, he would just calm things down. But
 15 there was pushing, shoving, yelling going on. And
 16 that occurred for about 15, 20 minutes
 17 At that point, no police showed. Now, I know
 18 we were told that there's backup with Seaside Park
 19 but we didn't get any backup from Seaside Park
 20 either So, we had something occurring in front of
 21 my house that took 15, 20 minutes. And they
 22 continued to walk down the street towards
 23 Seaside Park yelling and screaming And there was
 24 no involvement by any police.
 25 MR. GINGRICH: Sir, in 2008, my house

1 was robbed.
 2 THE WITNESS: Yes
 3 MR. GINGRICH: It took the police 40
 4 minutes to get there due to volume. So, you know,
 5 it's --
 6 THE WITNESS: Well --
 7 MR. GINGRICH: -- what you're telling
 8 me is really laying hard. If they have volume, they
 9 can't get to you. It took 40 minutes to get to my
 10 house.
 11 THE WITNESS: Yeah.
 12 MR. GINGRICH: So, that's the way it
 13 goes. Sometimes that's the way it is.
 14 Q But if you were part of
 15 Seaside Park --
 16 A Seaside Park.
 17 Q -- how long, how long do you think it
 18 would take the police to get there? How far is the
 19 police station from your house?
 20 A Police station is, is less than a
 21 half mile from my house in Seaside Park.
 22 Q Do they have more than one police
 23 officer there?
 24 A They do have more than one police
 25 officer I don't know how many they have. They --

1 I don't know how many cars they have.
 2 MR. MCGUCKIN: Mr Whiteman, what
 3 time of night was it?
 4 THE WITNESS: This was about one,
 5 1:30 in the morning when the bars --
 6 MR. MCGUCKIN: And you think it was
 7 around August 2nd? You're not sure?
 8 THE WITNESS: It was around
 9 August 2nd. I can tell you this, though. Berkeley
 10 Township police has a website. And you can see what
 11 has occurred in the town. Well, what we did is, we
 12 put it on the website that we had no response from
 13 Berkeley Township police when this occurred.
 14 I don't know who the administrator is
 15 but the next day when we looked at it, it was taken
 16 off So, I'm saying to myself, other times they
 17 have what goes on in the town, but here we were
 18 concerned because no police showed up, and,
 19 basically, it was, it was taken off by whoever was
 20 the administrator of the website.
 21 MR. MACKRES: Excuse me, sir
 22 THE WITNESS: Yes
 23 MR. MACKRES: You made the phone call
 24 notifying the police?
 25 THE WITNESS: My wife made the phone

1 call, yes
 2 MR. MACKRES: Your wife made the
 3 phone call. And it's one police officer per 400
 4 residents or registered voters?
 5 THE WITNESS: No, this is summertime,
 6 so this would be one police officer for -- there's
 7 1,400 houses Summer population, we're talking, I
 8 don't know how many thousand people probably are in
 9 South Seaside Park.
 10 MR. WINWARD: Is that 24/7? Is that
 11 24 hours a day or do you have at least one car?
 12 THE WITNESS: No. Between the two
 13 towns, yes, Pelican Island and South Seaside Park.
 14 MR. WINWARD: You also said South
 15 Sea -- I mean -- Seaside Park was a backup. Why
 16 didn't they respond in a timely manner that evening
 17 or would they have done it if you were part of their
 18 Township?
 19 THE WITNESS: I'm going to get to
 20 that.
 21 MR. WINWARD: Okay.
 22 THE WITNESS: Okay I'm going to get
 23 to that. All right.
 24 A With that in mind, I went to the
 25 August council meeting in Seaside Park, okay Just

1 happened to go up there, want to see Seaside Park
 2 council meeting They have Chief Larkin there,
 3 who's the chief of police from Seaside Park. His
 4 testimony, what he basically -- not testimony, but
 5 what he said was, they had 320 calls to South
 6 Seaside Park. They cannot continue to do this.
 7 They also had an eight hour shift of covering
 8 South Seaside Park. The residents of Seaside Park
 9 are losing, again, coverage because of them coming
 10 down to South Seaside Park. All right. And what
 11 they feel is, they would either like to be
 12 compensated for it or something has to change.
 13 Now, you asked me the question. I think
 14 what's happening now is, Seaside Park and Berkeley
 15 Township had some type of mutual agreement. But
 16 from what I understand now, that mutual agreement is
 17 somehow not there.
 18 I then went to a Berkeley Township council
 19 meeting All right. And I believe that was October
 20 20th. I questioned our chief and council about the
 21 coverages in South Seaside Park. It was stated by
 22 the council member that there were 434 calls for
 23 assistance in South Seaside Park that Seaside Park
 24 had to help with. I was told also that only about
 25 200 of those calls were legit calls I said legit

1 calls What does that mean? Well, they pull a car
 2 over for speeding in Seaside Park and it ends up in
 3 South Seaside Park.
 4 Now, what I have here is, I have the
 5 transcripts from --
 6 Q Minutes or transcripts?
 7 A Minutes from the Berkeley Township
 8 meeting where I questioned the number of calls And
 9 they gave me the answers for the number of calls
 10 And what I'd like to do is use this -- what is it,
 11 in evidence?
 12 Q It needs to be marked if you refer to
 13 it.
 14 A Or be marked because in it, it's the
 15 town council and the chief stating what I just
 16 stated, okay
 17 Q Let's have it marked before you go
 18 any further
 19 A All right.
 20 MR. MICHELINI: This will be A-5
 21 (The Berkeley Township open caucus
 22 agenda minutes, Monday, October 20, 2014, 5:30 p.m.
 23 was marked as A-5 for identification.)
 24 Q Can you identify what A-5 is? These
 25 are the minutes, correct, of what? Read those out

1 A This is Berkeley Township open caucus
 2 agenda minutes, Monday, October 20, 2014, 5:30 p.m.
 3 MR. MCGUCKIN: Sir, what's -- how do
 4 did we mark that?
 5 MR. MICHELINI: A-5
 6 MR. WISER: Before you go on, we had
 7 asked last time if you had any exhibits that were
 8 reproducible that you would have multiple copies so
 9 we could all follow
 10 THE WITNESS: I don't remember you
 11 saying that. No, that's --
 12 MR. MICHELINI: Yeah, I don't
 13 specifically recall you saying that. We'll be happy
 14 to do that.
 15 THE WITNESS: Yes
 16 MR. MICHELINI: I mean, we've only
 17 marked five exhibits. So, if -- the only thing I
 18 think you might have been referring to is that we
 19 didn't have multiple copies of, or wasn't large,
 20 because several of the exhibits were large, was the
 21 Seaside map, which, certainly, the exhibits were
 22 kept here. So, I have to get, come, send somebody
 23 here and make photocopies We'll be happy to do
 24 that.
 25 MR. WISER: Well, I understand that.

1 I think it would be helpful for the board, as they
 2 follow along now and in their deliberations, to have
 3 all of it in front of them.
 4 MR. MICHELINI: Okay Well, we'll be
 5 happy next time to make multiple copies of whatever
 6 it is that we have marked.
 7 MR. WISER: Thank you.
 8 THE WITNESS: If I knew that, I would
 9 have made copies It's not much here for you. I
 10 didn't know that.
 11 BY MR. MICHELINI:
 12 Q Okay If you would tell us again why
 13 you marked those minutes. They refer to the numbers
 14 that you just referred to.
 15 A Yes, they refer to the numbers at the
 16 council meeting of the amount of backup that
 17 Seaside Park had to do to South Seaside Park.
 18 Q For what period of time was that, if
 19 you know?
 20 A And the period of time would be the
 21 past year, which would be two thousand and, again,
 22 2013
 23 Q Okay Well, this is -- so, that was
 24 referring back --
 25 A Or 2014, I guess

1 Q Well, I don't know
 2 A Yeah, 2013
 3 Q Okay And what is the point of you
 4 bringing that information to this board?
 5 A The point again is, if we were in
 6 Seaside Park, Seaside Park then takes the
 7 responsibility to control the area. They're the
 8 ones in charge. They're the ones -- they're the
 9 policing going on here. All right. And by being
 10 part of Seaside Park, we're part of a local
 11 community police force. And for me, that's --
 12 that's what I'm looking for All right. To send
 13 officers over here when you have a police force just
 14 a half mile from your town just does not seem like
 15 it's, it's, you know, something that should be done.
 16 And, again, my point is investment, okay
 17 Services, the services are not here. And the
 18 investment that Berkeley Township should be putting
 19 into our community just does not occur also.
 20 Q Do you know if there's any backup
 21 besides Seaside Park? Actually, do you know who's
 22 primary? Is it Seaside Park or is it the state park
 23 police in Island Beach State Park? Do they provide
 24 backup also?
 25 A What I was told is, now that the park

1 police, Island Beach State Park --
 2 MR. MCGUCKIN: Well, why don't you
 3 tell us by whom you were told before we just hear
 4 THE WITNESS: Yes, it's right in the
 5 minutes here of Chief --
 6 MR. MCGUCKIN: Say who said it.
 7 THE WITNESS: Chief Michelini
 8 MR. MICHELINI: I'm Michelini and I'm
 9 not the chief I promise you.
 10 THE WITNESS: Chief -- what's her
 11 name? What's our chief's name?
 12 VOICE: DiMichele.
 13 THE WITNESS: DiMichele,
 14 Chief DiMichele, okay Sorry there.
 15 MR. MICHELINI: That's okay
 16 A And stated that what we have now is,
 17 the park police will be our backup. All right. And
 18 I was concerned about the park police being our
 19 backup.
 20 Q Let me highlight the portion of the
 21 minutes that are marked A-5.
 22 A Here it is This is A-5
 23 Q Well, at the top it --
 24 A Yes
 25 Q And I'm just going to read this And

1 you tell me if I've read it accurately, so we can
 2 keep this moving. Chief DiMichele or DiMichele, as
 3 we serve as mutual aid for the park police and they
 4 are reciprocating, everything else remains the same
 5 except we will have to -- we will not have to use
 6 Seaside Park as much.
 7 So, is that what you're referring to or are
 8 you referring to some other comments?
 9 A No, that is what I'm referring to,
 10 the chief
 11 Q What did you understand that to mean
 12 at the time?
 13 A I inquired and I said, could you tell
 14 me exactly what does that mean? And she said, well,
 15 the park police will now be our backup. And I
 16 questioned further And I said, the park police has
 17 the area of Double Trouble State Park. The park
 18 police has Barnegat Light State Park. The park
 19 police has Island Beach State Park. Is that
 20 something that will work out well? And, again, my
 21 concern is, are we getting the proper police
 22 presence in South Seaside Park?
 23 The other concern is this I questioned
 24 further and I said, could you tell me when the park
 25 police will be there? She stated that the park

1 police will not be there. Will be there in Island
2 Beach State Park from seven o'clock in the morning
3 and they should have someone there till two o'clock
4 at night.

5 I said, well, what happens from two clock in
6 the morning to seven o'clock in the morning? And,
7 basically, the comment was, well, we can -- we have
8 mutual aid between Seaside Heights. We have mutual
9 aid also with other towns, so those towns can get
10 involved also.

11 My concern, again, is, we have a local police
12 a half mile from our, where I live. We become part
13 of Seaside Park, you don't have to worry about
14 policing that area there, okay Seaside Park will
15 do that. And I think, again, we look at services
16 We look at investment. Berkeley Township is not
17 wanting to make the investment here to put a
18 substation.

19 I've gone to meetings and asked for
20 substations in South Seaside Park. I told you they
21 had it back in 19 -- in the '70s at Midway Beach
22 Realty They would have a police there and utilize
23 that. They don't do that. So, I have to look at it
24 and say, the investment from Berkeley Township is
25 not occurring here in South Seaside Park.

1 Q Mr Whiteman, in your looking through
2 your outline of things that you would like to tell
3 this board about the reasons for de-annexation, is
4 there anything else you would like to mention?

5 A Well, I will just say this There's
6 no senior facilities in South Seaside Park. I can
7 tell you that right now I'm a senior, yeah. I'm
8 63, on my way to be 64 If I want senior
9 facilities, I have to go to Holiday City, all right,
10 to be part of Berkeley Township. There's no senior
11 citizen facility in South Seaside Park. In our area
12 in South Seaside Park, now more and more are getting
13 seniors Majority of people living in South Seaside
14 Park are seniors I'll say it again, as I said in
15 other council meetings, no investment.

16 Our bay front is atrocious.

17 Q When you say it's atrocious, what are
18 you speaking of, specifically?

19 A I came over at a meeting We have
20 asphalt in the bay. We have wood along the bay. We
21 have -- it's just something you cannot walk in the
22 bay without -- you have to have sneakers on, okay

23 You go to the adjacent town, you can walk
24 along the whole bay in the water and you can walk
25 barefoot. There's nothing in there. The town did

1 come by --

2 Q When you say, the adjacent town,
3 you're talking Seaside Park?

4 A Seaside Park. The town did come by
5 and remove some of the asphalt. But when you go
6 along the bay front now, again, into the water, all
7 it is is just tar, cement. What we have to do now
8 is, I did with my kids is, I had to take them up to
9 Seaside Park. I had to buy badges in Seaside Park
10 so I could use their bay front, bay front beach.

11 Q South Seaside Park, you're talking
12 about bay front but do they even have a public beach
13 in South Seaside Park? In other words, there's bay
14 front, correct?

15 A Right.

16 Q Is that a beach with a lifeguard and
17 people that sit there and towels and what have you?

18 A No No, we have a beach from about
19 22nd Avenue to 24th Avenue, and --

20 Q Is it on the bay side?

21 A It's on the bay side, Sandy Beach.

22 It would be a nice facility to get something going
23 for kids to utilize during the summertime. But the
24 investment is not there from Berkeley Township to do
25 something like that.

1 Q So, that's not a public beach in the
2 same way that the ocean or --

3 A Right.

4 Q -- other bay front?

5 A Anyone may use the bay front beach.
6 So, what are you going to use it for? You'll moor
7 your boats out in the water You'll use it for
8 crabbing and walking in the water or -- but to swim
9 in there, you have to be very careful because it's
10 just not conducive.

11 Q It's not guarded either, correct?

12 A Un-un. That is not guarded, yes

13 Q And there's no bathroom facilities
14 there?

15 A And no bathroom facilities there
16 either

17 Q Anything else that you'd like to
18 mention?

19 A Yes, I would. We used to have over a
20 mile of county roads in South Seaside Park, a mile
21 of county roads. Now, why do we like the county
22 with our roads? County would clean our roads,
23 street sweep them so often. The county would
24 snowplow the roads. The county would come in and
25 maintain the roads and maintain them well

1 Well, what had happened through, how can I
 2 say, years, what they did is, they made road
 3 switches, is that what it's called, where you
 4 exchange, road exchanges, until South Seaside Park
 5 did not have any more county roads

6 Q Are there any county roads there
 7 presently?

8 A Well, after --

9 Q Other than 35?

10 A After -- well, that's a state road.
 11 After being at the council meetings, a group of us
 12 pressed the issue. We finally got Barnegat Avenue
 13 back to a county road. Barnegat Avenue used to be a
 14 county road. Twenty-Fourth Avenue used to be the
 15 county road. Bayview Avenue used to be the county
 16 road. And little by little, they took it away from
 17 us. And the reason why, I'll say it again, that we
 18 like the county road is because the county took care
 19 of the roads cleaning them. When I say cleaning
 20 them, sweeping them and keeping them plowed when we
 21 had snowstorms. And that was our way of, again,
 22 getting in and out of town when the side roads were
 23 blocked.

24 Other things here. Something as simple as
 25 this. It shows the investment. We have a beach,

1 White Sands Beach. White Sands Beach has 23rd,
 2 21st -- 23rd, 22nd, 21st -- four beach entrances,
 3 with one water fountain at the beach entrance on
 4 23rd Avenue. I go down to Seaside Park and I think
 5 all of us have walked on Seaside Park boardwalk.
 6 Every two blocks, there's a water fountain. It's
 7 great. The investment is not there.

8 We have a bathroom facility on the beach.
 9 It's a male, for a male -- a room for a male, room
 10 for a female. One person using it at a time. Okay
 11 I look at that. That's a bathroom. But, again, if
 12 we have a beach that caters to people on a daily
 13 basis who are daily people and homeowners, let's
 14 give them water fountains. Let's give them a shower
 15 at the end of the beach. Let's do things like the
 16 adjacent community does. And I feel if we're in
 17 Seaside Park, Seaside Park would look at that beach
 18 and say, that has to be put there.

19 Do I go to the town council meetings and
 20 bring this up? I certainly do, gentlemen. And,
 21 again, that's the reason why I'm here today
 22 Because when I go to these meetings, I would hope
 23 that instead of saying, yes, I understand what
 24 Mr. Whiteman is saying, I hope they would say, we're
 25 going to do the work and we understand that this is

1 an important part of Berkeley Township.

2 We have beach cleaning of our beaches by our
 3 beach cleaner. I go to the council meeting. I'm
 4 told the beach will be cleaned two days a week, for
 5 Berkeley Township beaches, one day a week for
 6 Midway Beach. Our town does that. Past summers,
 7 I've had to go to the council meetings and say,
 8 you're only cleaning the beach one day a week.
 9 Seaside Park, our adjacent community, they clean
 10 their beach every day with their beach cleaner. Why
 11 isn't Berkeley Township doing that? People, if you
 12 clean two days a week on the beach and there's
 13 garbage on the beach, what happens the other seven
 14 days? Doesn't anyone clean it? Again, it comes
 15 down to investment.

16 An example, if -- if where we live, where you
 17 live, if the garbage people didn't come, once a week
 18 they decided we're not going to come one day, your
 19 garbage cans would be overflowed. Well, the same
 20 thing here at the beach. You expect it to be done
 21 and done right. And what's happening here is, the
 22 services are not there for a beach community. We
 23 are a beach community. And those beaches are to be
 24 cleaned. And those beaches are to be cleaned every
 25 day. Just like Seaside Park does. Just like

1 Seaside Heights does

2 How do I know this? I walk at six o'clock in
 3 the morning on the boardwalk or seven o'clock in the
 4 morning on the boardwalk. You see them going up and
 5 down the beach each day

6 Q If somebody from Berkeley Township
 7 wanted to come, obviously, they could come use the
 8 White Sands Beach, whether it's clean or not,
 9 correct?

10 A Um-hum. Yes

11 Q But if they wanted -- in fact, there
 12 are other beaches that are actually closer to the,
 13 to Berkeley Township, such as Seaside Park and --

14 A Yes.

15 Q -- Seaside Heights, even though they
 16 would have to buy badges for them, correct?

17 A Yes. Yes. You have beaches that can
 18 be utilized. Seaside Park beaches. Seaside Heights
 19 beaches. Island Beach State Park for seniors is
 20 free for Island Beach State Park. Seniors may go to
 21 Island Beach State Park and utilize that beach at no
 22 cost. Again, as the State told me, you only pay for
 23 parking. If you're not a senior, you come into
 24 Island Beach State Park, the fee of \$10 or seven
 25 dollars, that's for parking. Our beaches are free

1 And, again, we're not asking to take Island Beach
2 State Park away That's still going to be part of
3 Berkeley Township. We're just looking for our 11
4 blocks to be part of a like community, a similar
5 community A community that I know will take care
6 of our town.

7 Q Some cynics would say that you're
8 doing this as tax shopping Are you doing it
9 because you think that you might be able to get a
10 lower tax bill should you become part of
11 Seaside Park? Is that why you're doing this?

12 A That's not why we're doing it. I
13 have no idea what would happen with taxes if we're
14 in Seaside Park. I can tell you this, that my dad
15 back in 1974 did this. I have a book or a suitcase
16 of dockets I have a suitcase of information that
17 he had. I'm looking through it one day saying, we
18 have the same problems.

19 My dad and I, when we used to talk, he said,
20 son, he goes, there's going to be another time when
21 you're just going to get fed up with services and
22 what's going on. He said, the services were
23 horrible back then.

24 My dad died in 1992 Things are the same,
25 I'm telling you, about services in South Seaside

1 Park. Things haven't changed, gentlemen. And
2 that's why I'm here today to ask you, hey, these
3 people deserve a chance to go into a like community
4 These people deserve to be part of a community where
5 they can ride their bicycle to as opposed to going
6 15 miles one way, 40 minutes to 50 minutes in travel
7 time.

8 Summertime comes, come over to the beach. Do
9 it at ten o'clock during the day You'll see how
10 long it takes to get over to South Seaside Park.

11 Leave at four o'clock when Island Beach State Park
12 is emptying and you want to come back to Berkeley
13 Going to take you an hour to get home. That's what
14 we put up with every day that we have to come over
15 here where it's 40 minutes, 45 minutes, 35 minutes

16 Q Anything else you'd like to tell this
17 board?

18 A I, gentlemen, I can only tell you
19 that I hope you understand that, you know, four
20 generations living in South Seaside Park, I'm not a
21 new guy to the town. I invested in the town. The
22 town's not investing in me and my family I want a
23 town such as Seaside Park to take hold of our town
24 and say, okay, we'll give you what's needed for your
25 town there.

1 MR. MICHELINI: Thank you,
2 Mr Whiteman. I don't know if the board has any
3 questions.

4 MR. MCGUCKIN: I have a couple.

5 THE WITNESS: Sure.

6 EXAMINATION BY MR. MCGUCKIN:

7 Q You say the town is not investing in
8 South Seaside Park?

9 A Uh-hum.

10 Q Do you have any documentation as to
11 the amount of --

12 A Could you repeat that? I didn't
13 hear

14 Q Sure. You made repeated statements
15 tonight, in particular, that the township is not
16 invested in South Seaside park. Do you have any
17 information as to the amount of road improvements
18 that Berkeley Township has paid for just since
19 Superstorm Sandy in South Seaside Park?

20 A I can tell you what happened.

21 Q That's not what I asked. I said, do
22 you have any information as to how much they
23 expended?

24 A I have no idea the cost.

25 Q Thank you. Okay Do you have any

1 idea how much money the township spends to replenish
2 and/or repair the beaches following the storms
3 there, the hurricanes, et cetera?

4 A I thought the federal government did
5 that.

6 Q Do you have any idea how much --

7 A I have no idea.

8 Q -- the township -- do you have any
9 idea how much the township has spent for any sewer
10 or water improvements in South Seaside Park?

11 A Sewer --

12 Q In the past 20 years?

13 A Well, they put nothing in water
14 Because it's a private water company

15 Q And sewer?

16 A And sewer, we haven't had anything
17 dug up in South Seaside Park.

18 Q So, you don't know what's been
19 expended or how much --

20 A I don't know what's been --

21 Q -- in service, et cetera?

22 A Right.

23 Q So, you really don't have any idea
24 how much is actually invested in South Seaside Park?
25 MR. MICHELINI: In terms of money

1 You're asking --
 2 Q You don't really have any idea as to
 3 how much monetary investment Berkeley Township makes
 4 in South Seaside Park on an annual basis, do you?
 5 A Money wise I don't, but --
 6 Q Okay That's what my question --
 7 A -- input I do. And I'm hoping that
 8 we'll have someone that will tell you that.
 9 Q Let me ask my next question, okay?
 10 You said you aren't tax shopping How much is your
 11 property tax bill for 20 -- what was your property
 12 tax bill for 2014, for everything all included,
 13 property taxes, school, county, township?
 14 MR. MICHELINI: If you know
 15 A Seventy -- 7,000 -- 7,000, I'm going
 16 to say, 700 7,800 I don't -- somewhere in there.
 17 It's over 7,000 It's not 8,000 So, it's in
 18 between seven and 8,000
 19 Q Have you ever made a calculation as
 20 to what it would be if you were part of
 21 Seaside Park?
 22 A Have I ever made a calculation?
 23 Q Yes
 24 A I really don't know their tax rates,
 25 no

1 Q So, you've never tried to figure out
 2 what the tax would be at your property if you were
 3 part of South -- if you were part of Seaside Park?
 4 A I don't know their tax rate, so I
 5 can't.
 6 Q So, you never have?
 7 A No, I just don't know
 8 Q Okay You said that the services are
 9 not there for a beach community
 10 A Uh-hum.
 11 Q What would happen if it's determined
 12 that, assuming the residences became part of Seaside
 13 Park, but the beaches remained owned by Berkeley
 14 Township?
 15 A What would I do --
 16 Q Yeah.
 17 A -- at a council meeting?
 18 Q No, no, no. Would that change your
 19 opinion as to whether or not you would be a beach
 20 community if that were to happen? If you became
 21 part of Seaside Park --
 22 A Yes
 23 Q -- but the beaches over there
 24 remained part of Berkeley Township?
 25 A It's still a beach community

1 Q Okay Even though those beaches
 2 would not be part of Seaside Park, they could be
 3 part of Berkeley Township still?
 4 A That or you get Green Acre funds and
 5 you try to purchase that for the town. The town
 6 tries to purchase it.
 7 Q What if the town doesn't wish to sell
 8 it?
 9 A I have no idea. It's --
 10 Q So, you would be a beach community
 11 without a beach in that respect, wouldn't you?
 12 A Has anything changed since -- yes,
 13 beach community
 14 Q You would be --
 15 A Has anything changed from 1974 for
 16 beaches?
 17 Q I'm asking you the question at this
 18 point. You had a chance --
 19 A Yes
 20 Q -- to testify
 21 So, that South Seaside Park would no longer
 22 be a beach community, would it not?
 23 A No, it would be because we're part of
 24 Seaside Park now
 25 Q So, your beaches, though, would be --

1 A So, we would still be a beach
 2 community because Seaside Park has the beaches that
 3 make us still part of a beach community
 4 Q But the beaches that are currently in
 5 South Seaside Park, would not be part of that
 6 community, if that were the case?
 7 A Well, you still have, have --
 8 Q Still have other beaches in Seaside
 9 Park?
 10 A You still have Midway Beach which is
 11 part of a beach community which the township doesn't
 12 own. You still have beaches to the south --
 13 Q Well, let me back up
 14 A -- that the township doesn't own.
 15 Q I'm not going into Midway Beach.
 16 A We're talking about four sections
 17 Q The beaches that are owned by the
 18 township right now
 19 A Yes.
 20 Q Assuming you're successful
 21 A Uh-hum.
 22 Q The Township agrees you guys can go.
 23 Seaside Park welcomes you with open arms You
 24 become part of Seaside Park. If the township
 25 retains ownership of its oceanfront beach?

1 MR. MICHELINI: The four blocks
 2 you're talking about, not the --
 3 MR. MCGUCKIN: Yeah, not the --
 4 THE WITNESS: Four blocks.
 5 MR. MCGUCKIN: Well, anything the
 6 township owns, okay?
 7 Q The areas that are now oceanfront or,
 8 excuse me, across the street from the beach, would
 9 now be in another town, correct?
 10 A The houses or just the beach?
 11 Q Yes, the houses.
 12 A No, why would they be in the other
 13 town? They would not be in the other town.
 14 Those -- you're just talking about the beach which
 15 that area of the beach would be 100 foot wide of the
 16 beach, 75 foot wide of the beach.
 17 Q We'll see what that is.
 18 A Yeah.
 19 Q So, it wouldn't have any impact on
 20 your requests, is what we're telling us?
 21 A I look at it, I would like to have
 22 the whole beach section and the whole town as one
 23 unit.
 24 Q Would it change your opinion of
 25 becoming part of another town if, in fact, it was

1 determined that those beaches don't become part of
 2 that town?
 3 A Oh, no, I still want to go into
 4 Seaside Park.
 5 Q Okay Thank you.
 6 Do you know what seniors pay in Berkeley
 7 Township for beach badges for the Berkeley Township
 8 beaches?
 9 A Yes, I do.
 10 Q What is that?
 11 A And beaches are free.
 12 Q And you said a majority of the
 13 residents in South Seaside Park are now seniors; is
 14 that correct?
 15 A I don't know the exact but I would
 16 have to say over 50 percent of them are seniors
 17 Q I think you testified that the
 18 majority of them.
 19 A Yes
 20 Q So, you believe that to be the case?
 21 A I believe that would be of, and we
 22 got to say it, of all year-round residents, you
 23 know
 24 Q So, currently, those majority of
 25 residents have free beach access in Seaside Park

1 Municipal Beaches -- excuse me -- in the Berkeley
 2 Township municipal beaches?
 3 A They have it in Berkeley Township
 4 beaches, that would include Island Beach State Park,
 5 as well as --
 6 Q Well, I'm not asking about Island
 7 Beach State Park. I'm asking about the Berkeley
 8 Township beaches located in South Seaside Park.
 9 A Yes
 10 Q The residents of South Seaside Park
 11 who are seniors
 12 A Yes
 13 Q -- do not need to purchase a beach
 14 badge?
 15 A No, we do not.
 16 Q They get admission for free, okay
 17 Or they get free access?
 18 A We have free access
 19 Q If the beaches remain part of
 20 Berkeley Township, those seniors, if they wish to
 21 utilize those beaches next to their homes, would
 22 have to buy a beach badge; is that correct?
 23 A No, they would not.
 24 Q Why is that?
 25 A Because the State of New Jersey says

1 if you offer free beach badges to your community,
 2 you have to offer the same thing to everyone who
 3 lives and resides in New Jersey
 4 Q Where does it say that?
 5 A That is exactly how it reads That's
 6 why you --
 7 Q So, currently, anyone can -- anyone
 8 who's a senior can go on Berkeley beaches for free
 9 without purchasing a beach badge?
 10 A Anyone can go to Berkeley Township
 11 beaches if you are -- and gentlemen, if you are from
 12 Toms River or if you're from any other municipality
 13 in the State of New Jersey, Berkeley Township must
 14 give you a free beach badge.
 15 MR. MICHELINI: If you're a senior?
 16 THE WITNESS: If you're a senior,
 17 yes
 18 BY MR. MCGUCKIN:
 19 Q And you kept talking about Island
 20 Beach State Park and saying that --
 21 A Gorgeous.
 22 Q -- was part of Berkeley Township?
 23 A Yes
 24 Q While geographically that is true,
 25 that's not a Township beach, correct?

1 A That is not a Township beach.
 2 Q And you kept saying that it's free.
 3 But if you're someone who needs to -- who wants to
 4 go to the beach itself, you're taking a car, you
 5 have to pay for parking in the summertime, correct?
 6 A That's correct, yes.
 7 Q And nobody has to do that now in
 8 Berkeley Township beaches?
 9 A No one has to pay for parking, in --
 10 VOICE: Seniors Seniors only
 11 A No, this is parking If you're a
 12 senior, you don't have to pay to park in Island
 13 Beach State Park because you get in for free. And
 14 that's from 62 and older
 15 Q Don't you have to pay but it's a
 16 reduced rate?
 17 A No, it's free.
 18 VOICE: Free.
 19 MR. MICHELINI: It's free.
 20 THE WITNESS: I got my card.
 21 MR. MICHELINI: You're getting there,
 22 Greg Pretty soon you'll be there.
 23 MR. MCGUCKIN: I know I can't wait.
 24 Q You testified as to the roads that in
 25 the storm, tremendous storms of 2000 and --

1 December of 2009 and February 2010, fifth
 2 anniversary today that being, you said three to five
 3 days where certain roads --
 4 A Yes.
 5 Q -- were not plowed; is that correct?
 6 A That is correct, yes
 7 Q Do you know if that was different
 8 from any other streets in Berkeley Township?
 9 A I have no knowledge of that.
 10 Q You don't recall similar complaints
 11 from every beach community along the barrier island,
 12 do you?
 13 A I can only look at Seaside Park and
 14 their roads were clear --
 15 Q You don't have any from -- you don't
 16 remember those same complaints from Ortley Beach and
 17 Normandy Beach and Mantoloking and so forth and so
 18 on? You don't remember those complaints?
 19 A I would have to say Ortley Beach,
 20 from their history, would be complaining a lot about
 21 Toms River
 22 Q You don't recall how long it took in
 23 those --
 24 A No. No, I know nothing about that.
 25 Q And you were making points about

1 Township equipment being stored and the Township
 2 making arrangements with Seaside Park to store some
 3 of their equipment --
 4 A Yes
 5 Q -- in Seaside Park buildings.
 6 A Uh-hum.
 7 Q You would agree that makes economic
 8 sense, don't you?
 9 A You know, it does make economic
 10 sense, and --
 11 Q We don't have much equipment.
 12 There's two or three pieces Wouldn't it make sense
 13 to utilize somebody else's facilities rather than
 14 build a new one?
 15 A Yes, but if you have land --
 16 Q Don't you think that's an appropriate
 17 decision?
 18 MR. MICHELINI: Let him finish.
 19 THE WITNESS: Yeah.
 20 MR. MCGUCKIN: No, he did answer the
 21 question.
 22 MR. MICHELINI: No. He said yes, if
 23 you have land and he went to go on and answer it and
 24 you started another question.
 25 A Yes, if you have land, you can store

1 your own equipment and, basically, put facilities
 2 there that's going to benefit the town. And I've
 3 been saying all along about having a type of senior
 4 center or some type of center at, in South Seaside
 5 Park.
 6 Q So it makes since for the township to
 7 buy a piece of property to store pieces of equipment
 8 during the summer?
 9 A Well, if they have property that they
 10 own, they can utilize that property
 11 Q Is there such a piece that exists
 12 currently?
 13 A Again, the property that I --
 14 Q The one that has the trailers on it?
 15 A -- talked about had the trailers on
 16 it also, yes.
 17 Q They really can't put it there, can
 18 they?
 19 A I guess they can if they wanted to.
 20 Q If they kick the trailers out?
 21 A Yeah.
 22 Q Okay But you would agree it makes
 23 economic sense that, okay, if an equal makes
 24 economic sense, to share that cost with another town
 25 rather than build a new facility?

1 A I can only tell you they don't want
2 to invest and buy a piece of property in South
3 Seaside Park. That's my whole contention. There's
4 no investment to say, for the future, we should have
5 land in South Seaside Park to put our machines, to
6 put what we utilize in South Seaside Park.

7 Q Shouldn't the governing body make
8 that determination, though, based on what's in the
9 best interest of all the taxpayers who are paying
10 the cost for that?

11 A You want to say that again.

12 Q Shouldn't the township council make
13 that decision based on the best interest of all the
14 taxpayers, not just those of South Seaside Park?

15 A I just feel that by me coming over to
16 the council meeting --

17 Q You can't answer that?

18 A -- and bringing this up time and time
19 again that I would hope that the town would at least
20 see that there is a need in South Seaside Park for
21 something like that.

22 MR. MCGUCKIN: That's all I have,
23 Mr Chairman.

24 MR. WINWARD: Do any of our
25 professionals have any questions of this gentleman?

1 MR. ORIS: Through the Chair, I don't
2 currently I don't currently have any questions,
3 but I would like to reserve the right for future.

4 MR. WINWARD: Mr Wiser? Thank you.

5 MR. WISER: Thank you. I just have
6 one question. It's actually not about tonight.
7 It's about testimony that you gave last time.

8 THE WITNESS: Okay

9 MR. WISER: You read off of a history
10 and you said it was from website, the township's
11 website, I think I heard. And I went on the
12 township's website and I couldn't find it. I was
13 wondering if you could just --

14 MR. MICHELINI: I believe I said it
15 was from the township's website, not him.

16 MR. WISER: Okay

17 MR. MICHELINI: And I can get you a
18 copy of that. I got, actually, a title company
19 produced it for me and they said they got it off the
20 township website. But I'll get you a copy

21 MR. WISER: And if it's from a
22 website --

23 MR. MICHELINI: Yes

24 MR. WISER: -- could I get a link to
25 that?

1 MR. MICHELINI: I'll get you whatever
2 I have. And I'm sure it will have something on it
3 which indicates where it came from.

4 MR. WISER: Thank you.

5 MR. MICHELINI: Just make a note of
6 that.

7 MR. WINWARD: I do have a question
8 for you, though, about some accuracy of some of the
9 statements One specifically was the bay front not
10 being maintained, that there was lot of cement and
11 asphalt. Is that floating there? Was it dumped
12 there? Is that still an existing situation?

13 MR. PETERS: Well, I don't visit the
14 site on a daily basis. And if there's a resident
15 complaint, it would normally go through either
16 Public Works After Sandy, it went through the
17 State police department. And I know Mr Whiteman's
18 been in contact with public works about maintenance.
19 So I couldn't answer the question for Public Works
20 But certainly, based upon the comments we're hearing
21 tonight, something's going to be looked into by the
22 department heads to see what can be done if, in
23 fact, that's the case.

24 MR. WINWARD: Thank you.

25 MR. MICHELINI: Anybody else have

1 questions?

2 MR. GINGRICH: I do have one for
3 accuracy Did you state -- you stated during your
4 talk that there's 1,400 houses?

5 THE WITNESS: When we say --
6 different size houses, yes, 1,400 houses

7 MR. GINGRICH: You have 1,400 houses
8 in those four blocks?

9 THE WITNESS: No, no, no, no. 1,400
10 houses between 11, 11 blocks

11 MR. GINGRICH: Okay

12 THE WITNESS: I can tell you where
13 the -- the four blocks, that's the beach area. We
14 only have four streets of beaches

15 MR. GINGRICH: Okay

16 THE WITNESS: But then there's
17 Midway Beach who has another six streets of, how can
18 I say, of beaches So, that's where we have a total
19 of about 11 streets in South Seaside Park.

20 MR. GINGRICH: So, then, it's more
21 than 100 feet of beach? Didn't you say something
22 about 100 feet of beach that you had?

23 THE WITNESS: We're talking about
24 from -- from the dune down to the water

25 MR. GINGRICH: I don't think that's

1 what he's talking but --
 2 MR. MICHELINI: That's what his
 3 answer was talking about --
 4 THE WITNESS: Yeah.
 5 MR. MICHELINI: -- a width of beach
 6 about 100 feet.
 7 THE WITNESS: The width of beach,
 8 yeah. Not the length of the beach. The width.
 9 FURTHER EXAMINATION BY MR. MCGUCKIN:
 10 Q Just to follow up on that. There's
 11 1,400 homes in the vicinity of the area which wishes
 12 to be de-annexed?
 13 A Yes.
 14 Q Is that basically what you're trying
 15 to say?
 16 A Yes.
 17 Q Do you know how many of those are
 18 year-round residents? How many of those are
 19 occupied year-round, if you know?
 20 MR. MICHELINI: We will have a
 21 planner testify to those --
 22 THE WITNESS: Yes
 23 MR. MICHELINI: -- you know, get into
 24 detail about that. We'll give you exact --
 25 THE WITNESS: I don't know

1 MR. MICHELINI: I'm sure the planner
 2 will have exact numbers as your planner probably has
 3 exact numbers. Probably in your master plan or
 4 somewhere in the township records
 5 MR. ORIS: Through the Chair?
 6 MR. MICHELINI: I have a couple of
 7 followups. But anybody else?
 8 MR. ORIS: Through the Chair?
 9 MR. WINWARD: Oh, yeah. James,
 10 please, go ahead.
 11 MR. ORIS: Mr. Whiteman, you had
 12 indicated and stated that the bay front beach area
 13 is -- has tar and cement.
 14 THE WITNESS: Yes
 15 MR. ORIS: That exists today?
 16 THE WITNESS: That exists today, yes
 17 MR. ORIS: Where is that located at,
 18 again? What beach? What streets?
 19 THE WITNESS: It would be between the
 20 24th Avenue, if you walk in the water, you got to
 21 walk with sneakers, you know. In other words, in
 22 the water --
 23 MR. ORIS: Twenty-Fourth from where?
 24 THE WITNESS: Twenty-Fourth all the
 25 way down to the --

1 MR. ORIS: Heading north?
 2 THE WITNESS: Heading north, yes.
 3 MR. ORIS: Okay
 4 THE WITNESS: Heading north. You get
 5 to 23rd Avenue and they have a outfall pipe where
 6 the rocks from the outfall pipe have washed off into
 7 the bay again. All right. So, you have rocks from
 8 the, again, from the outfall pipe that's supposed to
 9 keep it down --
 10 MR. ORIS: But the area that you're
 11 stating --
 12 THE WITNESS: Yes, between --
 13 MR. ORIS: -- has tar and cement?
 14 THE WITNESS: Yes, if you walk in the
 15 water, you'll see it.
 16 MR. ORIS: Okay. So, that's from
 17 24th heading north to which, to which, to what
 18 location? To where it ends --
 19 THE WITNESS: To 23rd.
 20 MR. ORIS: Beyond 23rd or just to
 21 23rd?
 22 THE WITNESS: Twenty-Fourth to 23rd
 23 and then from 23rd to 22nd, you have rocks about
 24 this big (indicating)
 25 MR. MICHELINI: When you say, about

1 this big, about the size of a man's hand or bigger?
 2 You have to describe it for the record for the court
 3 reporter
 4 THE WITNESS: Yeah. Oh, about that
 5 size.
 6 MR. MICHELINI: That's not going to
 7 help her.
 8 THE WITNESS: About the size of a
 9 softballs --
 10 MR. ORIS: So, are they rocks or --
 11 THE WITNESS: -- or a little bit
 12 bigger than softballs.
 13 MR. ORIS: Are they rocks and cement
 14 or are they --
 15 THE WITNESS: No, these are rocks
 16 And they're from --
 17 MR. ORIS: Those are rocks?
 18 THE WITNESS: -- the township when
 19 they piled rocks to cover the outfall pipe. When
 20 you have the flooding, the water comes up and just
 21 takes it back out to the bay
 22 MR. ORIS: So, basically, what you're
 23 describing is, the town made an investment to
 24 protect the shoreline with the rocks?
 25 THE WITNESS: No, the town -- what

1 they did was, they put the rocks on the culvert so
 2 when the ice comes it wouldn't lift the pipe up.
 3 MR. ORIS: Right. So, they're
 4 maintaining --
 5 THE WITNESS: Yeah.
 6 MR. ORIS: -- their investment of the
 7 infrastructure that's there?
 8 THE WITNESS: They --
 9 MR. ORIS: But more importantly, that
 10 area, isn't that the area where there's currently
 11 construction going on --
 12 THE WITNESS: No.
 13 MR. ORIS: -- for the Route 35
 14 project?
 15 THE WITNESS: No. No. Construction
 16 on Route 35 project is down at 22nd Avenue.
 17 MR. ORIS: So, there's no impact from
 18 the construction activities where they're doing the
 19 pump station --
 20 THE WITNESS: No, this is nothing
 21 from the --
 22 MR. ORIS: Nothing from --
 23 THE WITNESS: Nothing from that
 24 horrible looking thing that they have down there on
 25 22nd Avenue.

1 MR. ORIS: So, there's natural --
 2 there's natural rocks and stone that presumably were
 3 there for shore protection --
 4 THE WITNESS: No. No.
 5 MR. ORIS: -- possibly --
 6 THE WITNESS: Never
 7 MR. ORIS: -- waves took them and now
 8 are along that area of the beach?
 9 THE WITNESS: Are you saying on a
 10 culvert or are you saying --
 11 MR. ORIS: You had indicated that
 12 the rocks --
 13 THE WITNESS: The culvert -- or not
 14 the culvert. The pipe that goes out.
 15 MR. ORIS: There are rocks about the
 16 size of a baseball that were placed there for shore
 17 protection at the outfall pipe. And that's what
 18 you're saying now that you're stepping on?
 19 THE WITNESS: What it is is to keep
 20 the pipe. It's not for keeping the beach there.
 21 MR. ORIS: So, are they by the pipe
 22 or are you stepping on them when you walk in the
 23 water?
 24 THE WITNESS: Oh, now they're out in
 25 the water Now you're stepping on them in the

1 water
 2 MR. MICHELINI: He also talked about
 3 asphalt.
 4 THE WITNESS: Asphalt.
 5 MR. ORIS: Do you think -- is it your
 6 opinion that the town put those rocks there or do
 7 you think that wave action moved them?
 8 THE WITNESS: The township put the
 9 rocks there.
 10 MR. ORIS: Out in the water where
 11 you're stepping?
 12 THE WITNESS: Oh, no. No. No. No.
 13 On the pipe. But then when you have the water,
 14 movement of water, they're going to carry them out.
 15 We have the asphalt, as I said, to the south. And
 16 they used to dump along the bay front there. And
 17 all that was dumped on the bay front over the years
 18 has washed those, believe it or not, has washed
 19 rocks, or should I say, asphalt, into the bay You
 20 cannot walk there barefoot.
 21 MR. ORIS: And the -- so, the town,
 22 again, made an effort to stabilize the shoreline
 23 with rubble, cement rocks and stone?
 24 THE WITNESS: The town never put
 25 rubble there, okay

1 MR. ORIS: The town --
 2 THE WITNESS: People did dumping
 3 there and they --
 4 MR. ORIS: To the best of your
 5 knowledge --
 6 THE WITNESS: Oh, I can tell you
 7 MR. ORIS: -- you're indicating that
 8 the town put the rocks at the outfall pipe?
 9 THE WITNESS: At the outfall pipe.
 10 But you were referring also to between 24th and
 11 23rd Avenue where the asphalt I said was
 12 MR. ORIS: So, you're --
 13 THE WITNESS: That's from illegal
 14 dumping
 15 MR. ORIS: That's the part I want to
 16 understand.
 17 THE WITNESS: Yeah.
 18 MR. ORIS: So, the asphalt, you're
 19 saying, is between 23rd and 24th?
 20 THE WITNESS: Between 23rd and 24th.
 21 MR. ORIS: And it's there today?
 22 THE WITNESS: Yeah, you walk out in
 23 the water, it's there today
 24 MR. ORIS: Okay
 25 MR. SLACHETKA: Mr Chairman, may I

1 follow up on --
 2 Is this intended, this area intended
 3 to be a public beach? Is that -- is that a -- is it
 4 set up to be a public beach?
 5 THE WITNESS: The Township has never
 6 set it up to be a public beach in a way of having
 7 people swimming, even though we've come over to the
 8 town and asked them to have a public bay beach.
 9 MR. SLACHETKA: If you went up along
 10 the bay shore --
 11 THE WITNESS: Yes
 12 MR. SLACHETKA: -- I mean, there are
 13 areas where they're not -- it's not public swimming
 14 or it's not -- there's not really public access to
 15 the beaches and bathing beach; isn't that correct?
 16 THE WITNESS: Are you talking about
 17 my town?
 18 MR. SLACHETKA: Just in general
 19 THE WITNESS: Yeah, Seaside --
 20 MR. SLACHETKA: I mean, there are
 21 area -- there's segments of the bay shore that are
 22 really necessarily designed to be public beaches,
 23 right? There may be public access You might be
 24 able to walk near it but it's not necessarily
 25 advisable for use of swimming?

1 THE WITNESS: The adjoining community
 2 of Seaside Park has a public beach for kids to
 3 utilize. The adjacent town of Seaside Heights has
 4 Bay Beach. Both of these beaches are -- have
 5 lifeguards and they can utilize it for kids to swim
 6 and enjoy it. So, that question I don't think --
 7 MR. SLACHETKA: Are there portions of
 8 those communities where the bay, the bay front beach
 9 or the bay front area is -- does not have a beach or
 10 is not public access?
 11 THE WITNESS: There's all public
 12 access It's just that there's area where
 13 lifeguards aren't there for you to be able to swim.
 14 MR. SLACHETKA: So, there's --
 15 there's a whole -- there's whole variety of
 16 shorefronts along the bay shore, different types of
 17 shorefronts? You know, there's places where
 18 there's -- there are beach like areas where there
 19 may be an opportunity to wade in the beach, but
 20 there may be other areas along the bay front where
 21 you can't walk in or it's not advisable to walk in?
 22 THE WITNESS: Talking about my town
 23 or --
 24 MR. SLACHETKA: Just in general along
 25 the bay --

1 THE WITNESS: Seaside Park has
 2 gorgeous bay front beaches They are so white.
 3 There's no rocks in them. And you can enjoy it,
 4 crabbing and everything
 5 MR. SLACHETKA: That wasn't my
 6 question.
 7 THE WITNESS: Oh.
 8 MR. SLACHETKA: Are there areas of
 9 that community that they don't have access or they
 10 don't have swimming areas?
 11 THE WITNESS: On the bay, you can go
 12 in the bay anywhere you want and swim, yes, in
 13 Seaside Park.
 14 MR. SLACHETKA: Okay That's all.
 15 MR. ORIS: If I could, Mr. Whiteman.
 16 In Seaside Park --
 17 THE WITNESS: Yes
 18 MR. ORIS: -- are there areas that
 19 are not designated for swimming because they do not
 20 have a lifeguard.
 21 VOICE: In Seaside Park?
 22 MR. ORIS: In Seaside Park?
 23 THE WITNESS: Yes
 24 MR. ORIS: There are areas that are
 25 waterfront access but are not designated swimming

1 areas because they do not have a lifeguard?
 2 THE WITNESS: You can still swim
 3 there, though. The lifeguard is at two streets by
 4 the public dock. But you're capable and able, you
 5 don't need a town to tell you you can't swim
 6 anyplace. You can go in and swim in the bay where
 7 you want.
 8 MR. ORIS: So, as Mr Slachetka said,
 9 there's different types of beach access along the
 10 bay front, as in Seaside Park --
 11 THE WITNESS: Yes, you can walk into
 12 the bay anywhere in Seaside Park.
 13 MR. ORIS: -- as there are in South
 14 Seaside Park?
 15 THE WITNESS: Right. The only
 16 problem is, if you walk in the bay in South Seaside
 17 Park, what you got is, you got to deal with asphalt
 18 and rocks that are in the bay I didn't see that
 19 when I would crab up in Seaside Park. They're
 20 gorgeous beaches, bay beaches
 21 MR. WINWARD: Mr. Wiser has a
 22 question.
 23 MR. WISER: Yeah, just one last
 24 question for me. Assuming de-annexation were to go
 25 through --

1 THE WITNESS: Yes
 2 MR. WISER: -- and your town, as you
 3 call it, becomes part of Seaside Park, how does that
 4 bay situation change? Will the rocks still be
 5 there?
 6 THE WITNESS: Well, I'd be the first
 7 one to be at the council meeting at Seaside Park to
 8 ask them to clean our beaches up.
 9 (Off the record.)
 10 (Recess was taken.)
 11 MR. WINWARD: Everyone please take
 12 their seat, resume the meeting May you proceed.
 13 MR. MICHELINI: Yes, just a couple
 14 questions to follow up with Mr Whiteman.
 15 FURTHER EXAMINATION BY MR. MICHELINI:
 16 Q You're not a municipal accountant,
 17 correct?
 18 A I'm not a municipal accountant.
 19 Q Would it be fair to say that when you
 20 were talking about investment by Berkeley Township
 21 into South Seaside Park, you were not just talking
 22 about money, but things like time, effort, services,
 23 equipment, man hours and investing in showing
 24 concern, all those things that you testified to?
 25 A Yes, that's basically showing

1 concern.
 2 Q You were asked the question about
 3 whether or not the areas of Ortley and Mantoloking
 4 were cleared of snow at a time when you testified
 5 that Seaside Park was cleared but South Seaside Park
 6 was not. Are you trying to become part of Ortley or
 7 Mantoloking?
 8 A I just want to become part of Seaside
 9 Park.
 10 Q And that was the town that was, in
 11 fact, cleared, correct?
 12 A That town was cleared, yes
 13 Q You were asked about the township
 14 having made an investment in South Seaside Park by
 15 putting rocks over an outfall pipe. Has the town
 16 made the equal investment of maintaining those rocks
 17 when they wash away and putting them back onto the
 18 outfall pipe?
 19 A No, they have not maintained the
 20 outfall pipe and rocks that are used for balance to
 21 keep the pipe down.
 22 Q And with regard to the beaches that,
 23 the bay beach in particular, that you were talking
 24 about, that's a beach without lifeguards, correct?
 25 A That is correct, without lifeguards.

1 Q It's not a nice white sandy beach
 2 like the ones in Seaside Park?
 3 A No, it's not a white sandy beach,
 4 right.
 5 Q And you would hope, although you
 6 don't know for sure, you would hope that that bay
 7 beach, should you become part of Seaside Park, would
 8 be like the other beaches in Seaside Park that are
 9 nice and white and sandy and maintained and cleaned?
 10 A I would, I would expect them to be
 11 clean and maintained from Seaside Park, yes
 12 MR. MICHELINI: Okay Thank you very
 13 much, Mr Whiteman.
 14 FURTHER EXAMINATION BY MR. MCGUCKIN:
 15 Q I have a couple questions Sorry A
 16 couple questions.
 17 Mr. Whiteman, you indicated -- and I'm going
 18 to try to get -- make sure I get them all The lack
 19 of investment that you talked about tonight, in
 20 particular that I made a list of, I'm going to ask
 21 you if you think it's comprehensive or if there's
 22 more.
 23 You mentioned bathrooms at the beach; water
 24 fountains; the cleaning of the bay front;
 25 construction of a bay front beach, you think there

1 should be one. A senior center More police
 2 services
 3 What other investments do you think should be
 4 provided for South Seaside Park that you believe is
 5 not being provided currently?
 6 MR. MICHELINI: I'm just going to
 7 clarify I don't want him to go over all of his
 8 testimony
 9 MR. MCGUCKIN: Some highlights.
 10 MR. MICHELINI: He talked for --
 11 MR. MCGUCKIN: I know But that's --
 12 MR. MICHELINI: -- a long time.
 13 MR. MCGUCKIN: He talked a long time.
 14 And that's why I made a list of those items I'm
 15 trying to determine what else there is, because
 16 that's all I got.
 17 MR. MICHELINI: And I mentioned time,
 18 effort, services, equipment, man hours Various
 19 concerns that he testified to.
 20 MR. MCGUCKIN: Equipment I got.
 21 Equipment I got, okay Services, you said?
 22 MR. MICHELINI: Investment in terms
 23 of services, absolutely He testified to that,
 24 Mr McGuckin. I don't want to go over his
 25 testimony

1 MR. MCGUCKIN: I don't either I
2 just want to make sure I have the whole list.
3 MR. MICHELINI: Well, the whole list
4 would require me to repeat the questions I'll be
5 happy to do that. We can do it for another two
6 hours
7 MR. MCGUCKIN: Why don't you just let
8 me finish what I'm doing
9 MR. MICHELINI: Go ahead.
10 MR. MCGUCKIN: And he can tell me if
11 my list is incomplete.
12 Q So, bathrooms; water fountains;
13 cleaning the bay front; bay front beach; police
14 services; senior center; equipment and such other
15 services that you think should be provided. Is
16 there anything else in particular, any major
17 consequence that you think should be provided?
18 A Cleaning of our --
19 Q Police substation. I got police
20 services
21 A Cleaning up our ocean beach more than
22 one day a week.
23 Q Okay All right. The equipment I
24 had, okay Cleaning the beach more than once a
25 week, okay

1 A Cleaning and sweeping our roads
2 Q The roads
3 A Okay Let's see. What else? Having
4 any type of senior --
5 Q I think I mentioned that.
6 A -- service program here in South
7 Seaside Park. Having playgrounds for people to
8 utilize. Having -- I mean, I can only look at South
9 Seaside Park and I have two basketball courts to
10 play on.
11 Q So, those are the type of things you
12 think should be invested in South Seaside Park?
13 A There is investments that should be
14 in South Seaside Park.
15 Q And if you are successful in this
16 process, as I said, counsel agrees and Seaside Park
17 agrees, you testified these are the things you're
18 going to immediately go to Seaside Park and demand
19 be provided in South Seaside Park; is that correct?
20 Isn't that what you testified to a few moments ago?
21 A No, I said that some items I would.
22 Some items, yes, you have to go to the council and
23 try to get. There's some things that I would try to
24 get.
25 Q You said you would go to the very

1 first meeting and that's what you --
2 A No, I did not say the very first
3 meeting. I said I would go to meetings and -- just
4 like I go to Berkeley Township meetings over the
5 past ten years and requested items. And it's been
6 going on deaf ears.
7 Q Okay But if you became part of
8 Seaside Park, you would go to them and ask, demand
9 that they do this with South Seaside Park as well?
10 A I wouldn't demand.
11 Q You would ask them?
12 A I would ask them, yes
13 Q If they didn't, would you try to join
14 another municipality?
15 A There would have to be an adjacent
16 municipality You can't do it. Because I think the
17 way the law reads, it has to be, for de-annexation
18 to take place, it has to be an adjoining
19 municipality --
20 MR. MICHELINI: He is correct.
21 A -- land wise.
22 MR. MICHELINI: The statute indicates
23 that it has to be contiguous.
24 MR. MCGUCKIN: I'm not asking the
25 law I asked him -- I'm not asking a legal

1 question.
2 Q If you were unsuccessful in
3 convincing Seaside Park to make these investments in
4 South Seaside Park, would you then seek to join
5 another municipality?
6 MR. MICHELINI: It's an
7 impossibility
8 MR. MCGUCKIN: It's not an
9 impossibility
10 THE WITNESS: It is.
11 MR. MICHELINI: It's a legal
12 impossibility There has to be a contiguous --
13 VOICE: Just say no.
14 A No, I wouldn't. No, I wouldn't.
15 MR. MICHELINI: It has to be
16 contiguous, Mr McGuckin, under the statute.
17 Q Thank you very much. But if they
18 were unsuccessful, you would just continue to ask
19 them; is that correct?
20 A I would continue to go to council
21 meetings, yes
22 MR. MCGUCKIN: Thank you very much.
23 MR. BACCHIONE: Through the Chair, a
24 final question for Mr Whiteman.
25 You mentioned the bay front beach.

1 THE WITNESS: Uh-hum.
 2 MR. BACCHIONE: Can you tell us what
 3 streets? What's the length of that beach? Where
 4 does it begin? Where does it end? Or what's the
 5 length of that beach? From what street to what
 6 street?
 7 THE WITNESS: Are you referring to
 8 South Seaside Park?
 9 MR. BACCHIONE: I'm only referring to
 10 what you -- I don't know what you're referring to.
 11 That's why I'm asking
 12 THE WITNESS: Okay It goes -- our
 13 beach, bay beach, goes from 24th to 23rd, 23rd to
 14 22nd. All right. At 22nd there becomes an
 15 ownership question of who owns the bay front down to
 16 the marina. Since Bayview Avenue is supposed to be
 17 100-foot wide, the township really owns that bay
 18 front property But, again, what we have is, we
 19 have a person who utilizes the bay front for their
 20 marina. And the road, Bayview Avenue road's
 21 supposed to be 100-foot wide, which takes it down
 22 into the water at one section of that. So, again,
 23 it's --
 24 MR. BACCHIONE: Okay So then --
 25 THE WITNESS: I will say that we use

1 it all the way to just south of -- just north of
 2 23rd Avenue.
 3 MR. BACCHIONE: So, just for
 4 clarification --
 5 THE WITNESS: So, 24th to just north
 6 of 22nd.
 7 MR. BACCHIONE: -- 22nd, 24th
 8 Streets?
 9 THE WITNESS: 24th, 23rd, 22nd.
 10 MR. BACCHIONE: And that's the length
 11 of the --
 12 THE WITNESS: And just a little bit
 13 further, yes
 14 MR. BACCHIONE: So, that's what
 15 you're referring to?
 16 THE WITNESS: Yes
 17 MR. BACCHIONE: Okay Thank you.
 18 VOICE: And Roberts. And Roberts
 19 THE WITNESS: Oh, pardon me. And
 20 then we also have Roberts Avenue --
 21 VOICE: All the way up to --
 22 THE WITNESS: -- which is Roberts
 23 Avenue that, that goes -- you have Roberts Avenue
 24 bulkhead. And then the county purchased the beach
 25 down along the, how can I say it, the pond, I guess,

1 North Roberts Avenue.
 2 MR. BACCHIONE: So, you say the
 3 county purchased it? It's no longer Berkeley
 4 Township property?
 5 THE WITNESS: Right. Part of it is
 6 owned by the town. The other part of it's owned by
 7 the county.
 8 MR. BACCHIONE: Thank you.
 9 MR. ORIS: Through the Chair, if I
 10 may?
 11 MR. WINWARD: Yes, go ahead.
 12 MR. ORIS: Mr Whitenan, so what
 13 you're referring to as bay front beach --
 14 THE WITNESS: Uh-hum.
 15 MR. ORIS: -- is also commonly known
 16 as -- it's bay shoreline. It's varying types of
 17 texture. Some areas might have sand. Some areas
 18 may have natural reeds and grass, like along the
 19 Roberts area. So, it's -- and it's not a designated
 20 bathing area. There are bay front shoreline areas,
 21 correct?
 22 THE WITNESS: Uh-hum. There is no
 23 designated --
 24 MR. ORIS: There's no -- they're just
 25 waterfront access points --

1 THE WITNESS: Waterfront access
 2 points --
 3 MR. ORIS: Bay front shoreline.
 4 THE WITNESS: -- all along there.
 5 MR. ORIS: They're not designated
 6 bathing beaches?
 7 THE WITNESS: Right. And what they
 8 have done is they have put up a snow fence and
 9 allowed areas at the end of each street you're able
 10 to go into the water And they put up a snow fence.
 11 So, between 22nd and 23rd where you don't have
 12 access to the middle part of that bay front. It's
 13 gone now because of the storms and they haven't
 14 repaired it.
 15 MR. ORIS: But it -- so, again, it's
 16 natural shoreline --
 17 THE WITNESS: Natural shoreline.
 18 MR. ORIS: -- that we're talking
 19 about?
 20 THE WITNESS: We're talking --
 21 MR. ORIS: They're not designated
 22 beach areas? There's natural shore --
 23 THE WITNESS: Oh, there's no
 24 designated beach areas for usage in the way of
 25 lifeguards and paid beach in South Seaside Park on

1 the bay side.
 2 MR. MICHELINI: On the bay side in
 3 Berkeley Township, are there designed beach areas?
 4 THE WITNESS: I believe we're going
 5 to have someone talk about that. I don't know
 6 because I don't go over to the Berkeley beaches to
 7 swim in the bay
 8 MR. MICHELINI: Okay
 9 MR. SLACHETKA: Through the Chair?
 10 MR. WINWARD: Yes, go ahead.
 11 MR. SLACHETKA: Are you aware of --
 12 are there any -- any beaches or any bay, bay areas
 13 that are not accessible to the public in Seaside
 14 Park? You mention -- you keep on mentioning about
 15 the beaches It's not all contiguous, is it? I
 16 mean, is every aspect of the bay shore along -- in
 17 Seaside Park, is that all -- are they all
 18 accessible? Is it all beach or are there places
 19 where there's not -- you can't necessarily go into
 20 the water?
 21 THE WITNESS: The north part of town,
 22 they have two areas that are bulkhead with houses
 23 on. So, you cannot -- you know, you're walking on
 24 private property because it goes right into the bay,
 25 these bulkheaded areas of property But Seaside

1 Park probably has -- Seaside Park is two and a half
 2 miles of -- the town is two and a half miles long.
 3 I would assume that -- and matter of fact, just
 4 about, they would have about two miles of beach that
 5 you can access the bay to.
 6 MR. SLACHETKA: Really two miles?
 7 THE WITNESS: I would say two miles,
 8 yeah.
 9 MR. SLACHETKA: Two miles of graded,
 10 sanded beach with lifeguards?
 11 THE WITNESS: No. No. No. I didn't
 12 say lifeguards I said, just have access into the
 13 water
 14 MR. SLACHETKA: Thank you.
 15 MR. WINWARD: Thank you for your
 16 testimony
 17 THE WITNESS: Guys, thanks a lot.
 18 You know, I appreciate it, giving you at least my
 19 feeling of what I have. And I said to you, I said
 20 I'm someone that's been here my whole life. So has
 21 my family And I want you to just listen to what
 22 our concerns are. They're big.
 23 MR. MICHELINI: Thank you,
 24 Mr. Whiteman.
 25 THE WITNESS: Thank you.

1 (Witness excused.)
 2 KATHERINE FULCOMER, having been duly sworn,
 3 according to law, upon her oath, testified as
 4 follows:
 5 THE WITNESS: Katherine Fulcomer
 6 And the address, 356 Roberts Avenue, South Seaside
 7 Park.
 8 EXAMINATION BY MR. MICHELINI:
 9 Q Ms Fulcomer, how long have you owned
 10 property in South Seaside Park?
 11 A Forty-three years
 12 Q Is that the address that you just
 13 recited that you've owned for 43 years?
 14 A No, we owned -- until 1997, we owned
 15 309 North Roberts in South Seaside Park. And now we
 16 own 356 South Roberts that we've had as our
 17 residence for 18 years
 18 Q Okay And when you say we, who's we?
 19 A Oh, my husband and I. And my
 20 children lived there, too, while they were home.
 21 Q Okay And what is your husband's
 22 name?
 23 A James Fulcomer
 24 Q He's sitting right behind you?
 25 A He's right back there.

1 Q Okay All right. Did you sign the
 2 petition for de-annexation?
 3 A Yes, I did.
 4 Q And why did you do that?
 5 A Well, even since 1972, I remember I
 6 couldn't sign in '72 because we weren't registered
 7 voters. But I did pay an assessment. And I thought
 8 back then, as I still do, that was illogical for us
 9 to be -- that is, South Seaside Park -- to be a part
 10 of Berkeley And I feel a great affinity for the
 11 town of Seaside Park. And this has nothing to do
 12 with -- you know, back in the 1970s, it had
 13 different administration. It's got nothing to do
 14 with personalities Nothing to do with
 15 administrations. Because those things change. But
 16 some things stayed the same. And the culture of
 17 that little community stays primarily the same. And
 18 that is why I would seek to join Seaside Park.
 19 Q And you have some comments that you
 20 want to make?
 21 A Yes, but before I make these, since
 22 there was so much talk about stones and beachfront
 23 and all that, I have pictures So, rather than lug
 24 them if I have -- you know, this is going to end at
 25 ten.

1 Q Yes.
 2 A So, rather than bring them to the
 3 next meeting --
 4 Q Sure.
 5 A -- maybe I could submit them as
 6 evidence, okay
 7 Q Let's start on that right now --
 8 A Okay Sure.
 9 Q -- because it's a current topic.
 10 That's makes a lot of sense.
 11 A Yup, that's what I thought would be
 12 more, more sensible. Now --
 13 Q Wait. Let's get it marked first and
 14 then you can identify it.
 15 A Okay The problem is, some of the
 16 pictures are on that one that have to do with each
 17 topic and the rocks.
 18 MR. MICHELINI: Okay Just take a
 19 moment.
 20 THE WITNESS: Okay
 21 MR. MICHELINI: Just take a moment.
 22 And off the record.
 23 (Off the record.)
 24 (The Beach photo board was marked as
 25 A-6 for identification.)

1 (The Beach photo board was marked as
 2 A-7 for identification.)
 3 MR. MICHELINI: Back on the record.
 4 Q I'm going to show you what's been
 5 marked A-6. And what we're going to do is, we're
 6 going to move up a little bit --
 7 A Sure.
 8 Q -- so the board members can see it,
 9 okay
 10 A Right.
 11 Q Can you tell me what A-6 is. It
 12 seems to be a photo array; is that correct?
 13 A All right. It's not this. It's
 14 these over here.
 15 Q Well, we'll go -- you can describe
 16 what's over there, too --
 17 A Oh, okay
 18 Q -- but we'll get to that.
 19 A Yeah. All right. These are photos
 20 taken January 5 of this year, 2015, of the stretch
 21 going from 24th, and I didn't walk all the way up to
 22 22nd but standing --
 23 Q Let me stop you right there.
 24 A Okay
 25 Q When you say, these photos, you're

1 referring to the six photos on the left of A-6?
 2 A And these also
 3 Q And the two in the middle as well?
 4 A Uh-hum.
 5 Q So, eight photos all together is what
 6 you're referring to --
 7 A Right.
 8 Q -- when you say, these photos?
 9 A Yes
 10 Q Okay Tell us what these photos are
 11 again.
 12 A I took these to show the planning
 13 board that this area is rather unkempt. There is a
 14 pipe here. This is a rusty pipe.
 15 Q So, this is from where? From 22nd to
 16 24th?
 17 A Yeah, if you're going south. Yeah.
 18 Q Okay And it's on the --
 19 A But I was facing north.
 20 Q You're facing north when you took --
 21 A Right.
 22 Q -- the photos?
 23 A Uh-hum.
 24 Q And is this on the bay side?
 25 A Yes, it is. Uh-hum.

1 Q Okay So, you're pointing to the
 2 lower left picture?
 3 A Right.
 4 Q What does that show?
 5 A Right. Well, this hulking figure
 6 that looks like a monster is actually me in the
 7 shadow
 8 Q That's a shadow?
 9 A But this is a rusty pipe here Now,
 10 here -- I'm not a good photographer, folks
 11 Q Okay Wait a second. Wait a second.
 12 Rusty pipe.
 13 A This is a big rusty pipe. See it?
 14 That big thing
 15 Q Yes What are these other things?
 16 A Big rocks. If I had known you wanted
 17 the size of the rocks, I could have brought them in
 18 for visual aid.
 19 Q Now, those are the two big white
 20 things, correct?
 21 A Yeah, those are big rocks
 22 Concrete --
 23 MR. WISER: Are they natural rocks or
 24 are they more debris or rubble?
 25 THE WITNESS: They look like concrete

1 to me But I can bring them in, I guess. I don't
 2 know
 3 Q And then the picture above it --
 4 A Then -- right.
 5 Q -- what is that?
 6 A That is, unfortunately, the way the
 7 shad -- see, this is a shadow And that was a rusty
 8 pipe sticking up, like straight up, okay
 9 Q All right. So, you're referring to
 10 the picture in the middle on the left side --
 11 A Right.
 12 Q -- of the Exhibit A-6?
 13 A Uh-hum.
 14 Q And there was a rusty pipe that was
 15 sticking --
 16 A Sticking right out.
 17 Q -- out of the sand?
 18 A Right. And the black thing is the
 19 shadow going that way
 20 Q To the right of it -- one of us needs
 21 to talk at a time.
 22 A I'm sorry
 23 Q To the right of it, there's a long
 24 shadow And that's actually --
 25 A Right.

1 Q -- that dark spot, correct?
 2 A Correct.
 3 Q Okay What else do you want to show
 4 us from these photos?
 5 A This is just the rest of the beach
 6 going up there. And, again, I was showing the --
 7 Q Debris?
 8 A -- debris
 9 Q Okay Wait a second. When you say,
 10 this is rest of the beach going up there.
 11 A Yeah, I walk --
 12 Q Again, this is going to be typed, so
 13 you have to keep that in your mind --
 14 A Okay
 15 Q -- when you're describing these
 16 things Because if we read, this is something and
 17 we don't know what it is that you're referring to,
 18 we're not going to understand the transcript. So
 19 you're --
 20 A The problem is --
 21 Q Wait a second. You're referring to
 22 the top left photo --
 23 A Right.
 24 Q -- correct, on A-6?
 25 A Correct.

1 Q And that shows debris that you said
 2 in a pipe, correct?
 3 A Correct.
 4 Q All right. Now, what is the problem?
 5 A The problem is that I didn't, when I
 6 took the pictures, I wasn't trying to figure out
 7 what block I was adjacent to that would be running
 8 perpendicular So, if you ask me whether it's 23rd,
 9 22nd, I really am not sure as to that measurement.
 10 Q Well, I didn't ask you that. I --
 11 A Oh, okay Yeah.
 12 Q -- had asked you earlier if it was
 13 between 22nd and 24th.
 14 A Right. Right. Okay
 15 Q Is that correct?
 16 A Yes.
 17 Q All right. So then, moving to the
 18 next column of pictures, there's three pictures in a
 19 row to the left of the three pictures you just spoke
 20 of
 21 A Uh-hum.
 22 Q And can you tell us, they're under
 23 the title -- all these pictures are under -- there's
 24 six pictures under the title, South Seaside Park's
 25 bay side beach, correct?

1 A Yes.
 2 Q So, the three pictures to the right
 3 in the column, what do they show?
 4 A This picture again shows --
 5 Q This picture was which one?
 6 A To the --
 7 Q The top?
 8 A -- right top.
 9 Q Okay
 10 A The right top shows rocky debris,
 11 high grasses and, again, part of my shadow This
 12 picture, second from the --
 13 Q The middle picture?
 14 A The middle.
 15 Q Okay
 16 A On the right shows standing on -- I'm
 17 standing on Bayview Avenue. And I was trying to
 18 indicate in this picture the grasslands looks a
 19 little unkempt. The wooden poles, I guess, wooden
 20 sticks, wooden posts -- wooden posts is a more
 21 proper word -- going in different directions
 22 Q So, what are those posts for? Do you
 23 have any idea?
 24 A I don't know Maybe they were a
 25 fence at one time.

1 Q Okay
 2 A I really don't know And this
 3 again --
 4 Q This being the bottom picture?
 5 A Right. Right.
 6 Q What does that show?
 7 A To me, I took that picture because it
 8 shows potential of what could be done to clean up
 9 that beach and make that beach relatively nice for
 10 the residents to be able to walk upon.
 11 Q Okay It shows --
 12 A That's why I took that.
 13 Q It shows a sandy area, correct?
 14 A Yes, it does It shows that there's
 15 potential there for something nice --
 16 Q And on the lower --
 17 A -- as opposed to rusty pipes.
 18 Q On the lower right-hand corner of the
 19 picture you're referring to on the lower right, what
 20 is that?
 21 A That's the one I mean that shows this
 22 could be relatively nice.
 23 Q No, what is in the picture?
 24 A More rocks and things
 25 Q They look like bricks. Are those

1 bricks or you can't tell?
 2 A Well, yeah, I -- I would have to get
 3 my glasses Hold on. Let me see.
 4 Q Okay
 5 A Let me see. Yeah, that's a piece of
 6 concrete.
 7 Q What's that?
 8 A Like a concrete block.
 9 Q All right. And then the pictures
 10 under the title, weeds in winter obstructing
 11 traffic --
 12 A Right.
 13 Q -- signs, where did you take those
 14 pictures?
 15 A Again, I was standing on
 16 Bayview Avenue. And the picture indicates, the
 17 reason I said winter also, is that even with leaves
 18 off of the shrubbery, you still really can't see the
 19 signs and what the signs indicate.
 20 Q Now, what are those signs? Do you
 21 know what they say?
 22 A Yeah, something about no parking I
 23 can't read the rest of it. No parking
 24 Q So --
 25 A Yeah. So --

1 Q -- your point is is that --
 2 A Yeah.
 3 Q -- the area's not maintained such
 4 that you can even see the signs --
 5 A Right.
 6 Q -- in the winter, correct?
 7 A Right. It's hard to see.
 8 Q And then to the right on Exhibit A-6,
 9 you show entrances to Seaside Park and South Seaside
 10 Park. What -- are those pictures you also took on
 11 January 5 of this year or some other time?
 12 A No. No, these were right before
 13 Christmas. You'll notice there's a upper right
 14 picture.
 15 Q Christmas, this past Christmas?
 16 A Christmas, yeah. There's a candy
 17 cane there. And there's another candy cane. And
 18 they had -- in Seaside Park, the entrance was a nice
 19 little display for Christmas There's lights on the
 20 tree, which --
 21 Q So, these two pictures were taken in
 22 December --
 23 A Yes
 24 Q -- of 2014?
 25 A Yes.

1 Q Is it okay if I write, December 2014
 2 under these two --
 3 A Sure.
 4 Q -- pictures so we know what they are?
 5 Okay And what was your intent in showing
 6 those pictures to the board?
 7 A I wanted to show that the town of
 8 Seaside Park, it's possible to make your community
 9 look very, very attractive. This was the new --
 10 wait a minute. Yeah, this is --
 11 Q This being the bottom picture?
 12 A This, the bottom picture. My husband
 13 and I went to a couple council meetings talking
 14 about sprucing up the entrance to South Seaside
 15 Park. So, this was the -- a little bit of
 16 beautification done right here. There's a little
 17 sailor man here, not -- captain, you know, with the
 18 yellow raincoat and --
 19 Q Like a mariner?
 20 A -- a couple posts and, yeah, some
 21 ropes and a few rocks to more beautify the entrance.
 22 Q How would you compare those two
 23 entrances as they exist today in terms of beauty?
 24 A Well, I would consider the entrance
 25 to Seaside Park nicer

1 Q Much nicer?
 2 A Yes, I would. It's a holiday theme
 3 and so forth. And they also have -- usually, they
 4 had nice little shrubs planted and they changed
 5 them. I'm talking about the top picture of Seaside
 6 Park now
 7 Q So, in Seaside Park, they seasonally
 8 adjust and change the entrance?
 9 A Yes Uh-hum.
 10 Q Do they do that in South Seaside
 11 Park?
 12 A No, up until -- I cannot remember
 13 when --
 14 Q The mariner?
 15 A -- the mariner was put up there this
 16 fall I know it was this fall or summer I can't
 17 quite remember But previous to that --
 18 Q Okay Let's --
 19 A Okay Yeah, I'm just --
 20 Q No, don't --
 21 A No?
 22 Q We can't go there --
 23 A No?
 24 Q -- because we haven't marked those.
 25 A But that's -- okay

1 Q We can't go there.
 2 A Okay
 3 Q We'll do that another time.
 4 A Oh, what a pity All right.
 5 Q We have five more minutes.
 6 A Five more minutes Okay
 7 Q All I'm going to ask you to do is,
 8 we're going to take A-7 Are these photographs
 9 you've taken as well, A-7?
 10 A Yes Yes.
 11 Q Can you tell us what A-7 is?
 12 A All right. A-7, if you're going on
 13 the left from the top to the middle and down, more
 14 pictures Bayview Avenue on the top showing the grass
 15 there
 16 Q So, these are in South Seaside Park,
 17 as it says
 18 A Right, in South Seaside Park.
 19 Q You have a legend above it that says,
 20 bay side beach in South Seaside Park --
 21 A South Seaside Park.
 22 Q -- with the top photo of view from
 23 the street --
 24 A From the street, which is --
 25 Q -- correct?

1 A -- Bayview Avenue.
 2 Q That's it, right?
 3 A Yes, it is.
 4 Q All right. So, that's the first
 5 photo. What does the second photo underneath show?
 6 Is that similar to one of the other photos from A-6?
 7 A Yes, these are similar shots I did
 8 take more than one shot of the pipe and this piece
 9 of, large piece of wood there sticking up
 10 Q You're referring to the two photos --
 11 A Right.
 12 Q -- on the bottom left-hand side --
 13 A And there is --
 14 Q -- of A-7? Of A-7, correct? The two
 15 photos on the bottom left-hand side --
 16 A Yes, I am.
 17 Q -- correct?
 18 A The two photos on the bottom --
 19 Q Okay
 20 A -- left of A-7
 21 Q Okay And what else? What else did
 22 you want to say about a -- this photo on the bottom?
 23 A There's debris here. And like the
 24 macadam rock here, which I think macadam is used
 25 mostly for streets. But I'm not an expert in, you

1 know, that kind of construction.
 2 Q Okay So, various --
 3 A But it is -- it is -- you would
 4 not -- my point being, you would not want to walk on
 5 this You would not want your children walking on
 6 it, playing on it. And it's certainly not
 7 attractive.
 8 Q And then on the right side of this
 9 Exhibit A-7, you have photographs entitled, bay side
 10 beach in Seaside Park --
 11 A Correct.
 12 Q -- correct? And do you want to just
 13 go through and show, describe what they show?
 14 A Yes, since -- for the past 35 years,
 15 I purchased beach badges so that my children could
 16 go and now my grandchildren. Seaside Park has a
 17 lovely beach. The top picture shows the swings
 18 And then the second picture from the top indicates a
 19 very charming entrance, very cute, very bright, very
 20 pretty Here also indicates there's a place, on the
 21 third picture from the top, indicates a place for
 22 the children to wash their feet of the sand. And
 23 this is a very cute little bucket here that the
 24 children go in and play in. This picture --
 25 Q The fourth?

1 A -- which is the fourth from the top
 2 indicates the swings again, the sidewalk, the
 3 fencing And the bottom picture on the right
 4 indicates the dock that they have. And they have a
 5 lifeguard there for the children. They also have, I
 6 can see it, you probably cannot, a screen going
 7 through the water which prevents the seaweed from
 8 going into the bathing area that the children are
 9 swimming and walking and bathing and using their
 10 little toys and stuff
 11 Q Would it be safe to say that you
 12 prepared this exhibit to show the differences
 13 between --
 14 A Yes.
 15 Q -- the two bay side areas?
 16 A Right. Showing -- showing what could
 17 be done and what Seaside Park has done. And it's
 18 lovely
 19 Q You took all these photos?
 20 A Yes, I did.
 21 Q Okay I think it's --
 22 MR. MCGUCKIN: Were these taken the
 23 same day?
 24 MR. MICHELINI: No, these are
 25 obviously --

1 THE WITNESS: This was in the summer
 2 MR. MICHELINI: These are obviously
 3 summer pictures on the right.
 4 Q The ones on the left were taken on
 5 January 5, correct?
 6 A Right. Uh-hum.
 7 Q And the ones on the right were taken
 8 this past summer?
 9 A Yes.
 10 Q All right. So, we're just going to
 11 mark on the top, summer 2014. Would that be
 12 accurate?
 13 A Yes
 14 MR. MICHELINI: I think that's it for
 15 tonight.
 16 MR. WINWARD: Thank you so much for
 17 your testimony
 18 MR. MICHELINI: If anybody wants to
 19 see these.
 20 (Off the record.)
 21 MR. MCGUCKIN: So, Mr Michelini, at
 22 this point, do you want to move forward on the first
 23 meeting in March?
 24 MR. MICHELINI: I think that makes
 25 sense only because I have a couple more witnesses

1 and then I'm sure that members of the public are
 2 going to speak. And we'll hold off on bringing any
 3 professionals in until Mr McGuckin is back. I know
 4 he's not going to be here at that meeting
 5 MR. MCGUCKIN: So, the next meeting
 6 on this will be March 5 And, again, you should
 7 contact Kelly the day before the day of the meeting
 8 (Matter adjourned.)
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1
 2 CERTIFICATE
 3
 4 I, LINDA SULLIVAN-HILL, a Notary
 5 Public and Certified Court Reporter of the State of
 6 New Jersey, do hereby certify that the foregoing is
 7 a true and accurate transcript of the proceedings as
 8 taken stenographically by and before me at the time,
 9 place and on the date hereinbefore set forth.
 10
 11 *Linda Sullivan-Hill*
 12
 13 Notary Public of the State of New Jersey
 14 My Commission expires January 26, 2016
 15
 16 Dated: February 25, 2015
 17
 18
 19
 20
 21
 22
 23
 24
 25