

TOWNSHIP OF BERKELEY  
PLANNING BOARD

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IN THE MATTER OF:  
  
SOUTH SEASIDE PARK HOMEOWNERS  
AND VOTERS ASSOCIATION  
DE-ANNEXATION PETITION HEARING  
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627 Pinewald Keswick Road  
Bayville, New Jersey  
Thursday, June 2, 2016  
8:04 p.m.

B E F O R E :

- Robert Winward, Vice Chair
- Brian Gingrich, Member
- Richard Callahan, Member
- Nick Mackres, Member
- Jack Wiegartner, Member
- Domenick Lorelli, Member
- John A. Bacchione, Councilman
- Carmen F. Amato, Jr., Mayor

Darlene Sillitoe, Certified Court Reporter

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1 APPEARANCES:

2 DASTI, MURPHY MCGUCKIN, ULAKY  
3 KOUTSOURIS & CONNORS, ESQS.  
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5 Forked River, New Jersey 08731  
6 BY: GREGORY P. MCGUCKIN, ESQ.  
7 Attorneys for the Board

8 O'MALLEY, SURMAN & MICHELINI  
9 17 Beaverson Boulevard  
10 Brick, New Jersey 08723  
11 BY: JOSEPH MICHELINI, ESQ.  
12 Attorneys for the Petitioners

13 ALSO PRESENT:

14 Kelly Hugg, Secretary  
15 Nicholas Dickerson, Board Planner  
16 Stuart B. Wiser, Board Planner  
17 Rodney Haines, CPA  
18  
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20  
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1 (The application was called at 8:04  
2 p.m.)  
3 VICE CHAIR WINWARD: All right. We'd  
4 like to continue our meeting. We are hearing the South  
5 Seaside Park Homeowners and Voters Association  
6 de-annexation petition here.  
7 MR. MICHELINI: Good evening. Joseph  
8 Michelini on behalf of the petition signers for South  
9 Seaside Park Homeowners and Voters Association.  
10 I understand Mr. McGuckin would like to  
11 make -- put some things on the record.  
12 MR. MCGUCKIN: Thank you, Mr. Michelini.  
13 VICE CHAIR WINWARD: Mr. McGuckin?  
14 MR. MCGUCKIN: Yes.  
15 Mr. Chairman, if you recall --  
16 VICE CHAIR WINWARD: Yes.  
17 MR. MCGUCKIN: -- at the end of the last  
18 meeting, there was an allegation -- two allegations  
19 were made regarding two of the board members and  
20 whether they are in conflict on this application. I  
21 had asked Mr. Michelini to send me a letter outlining  
22 the basis for those allegations and any legal arguments  
23 as to why they should be recused or why they should  
24 recuse themselves in the matter. And Mr. Michelini did  
25 send me a letter indicating that the basis was based

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1 upon the testimony that was put on the record back on  
2 May 5th.  
3 Since that time, I've briefly had a  
4 discussion with the two members of the board, and I  
5 just want to put on the record so we can address this  
6 issue.  
7 So, Councilman Bacchione, I guess, the  
8 first question, according to the witness, Ms. Vitarello  
9 if I'm pronouncing the name perhaps incorrect. I  
10 think --  
11 MR. MICHELINI: Vitarello.  
12 FROM THE FLOOR: Vitarello.  
13 MR. MCGUCKIN: Vitarello indicated  
14 approximately a year ago, which was either the spring  
15 or early summer of 2015, that you had attended a  
16 meeting of the Italian American Club where she was  
17 present and that you urged residents at that meeting to  
18 attend these meetings because if South Seaside Park  
19 became part of Seaside Park, their taxes may go up.  
20 And I guess my first question to you,  
21 Mr. Bacchione, is did, in fact, that occur? Did you  
22 attend a meeting approximately a year ago where that  
23 discussion was made at the Italian American Club?  
24 COUNCILMAN BACCHIONE: I did attend the  
25 meeting. I'm a member of the Italian American Club.

1 MR. MCGUCKIN: And as I recall,  
 2 approximately a year ago, we had a report from the  
 3 Applicant's financial expert indicating that the taxes  
 4 on the mainland would go up in the event that the  
 5 de-annexation petition went forward; is that correct?  
 6 COUNCILMAN BACCHIONE: Yes. That is  
 7 what I remember as well.  
 8 MR. MCGUCKIN: And then subsequent to  
 9 that, there was testimony from Mr. -- I think it's  
 10 Miller [sic]. I apologize. In his report he indicated  
 11 that that may not, in fact, be the case. If certain  
 12 layoffs were made in the police department and some  
 13 other areas, if positions were not filled, that taxes  
 14 may not go up. But approximately a year ago, that was  
 15 your understanding of the testimony and the reports of  
 16 the Applicant's own expert? The Petitioners' own  
 17 expert?  
 18 COUNCILMAN BACCHIONE: Yes. That is  
 19 what I understood Mr. Moore to say.  
 20 MR. MCGUCKIN: And as a public official,  
 21 you urged members of the public to attend a public  
 22 hearing on a matter of public interest; is that  
 23 correct?  
 24 COUNCILMAN BACCHIONE: That is correct.  
 25 Yeah.

1 MR. MCGUCKIN: Did you in any way  
 2 express to the members of the Italian American Club  
 3 any -- any indication of which way you or would lean  
 4 with respect to the Petition itself?  
 5 COUNCILMAN BACCHIONE: I did not. I  
 6 said there was a possibility that the taxes could go  
 7 up. I didn't make a definite because I, at that point,  
 8 wasn't sure. But it was an inferred that there is a  
 9 possibility that taxes could go up.  
 10 MR. MCGUCKIN: And that was based upon  
 11 the reports of the Petitioners' own expert at that  
 12 time; is that correct?  
 13 COUNCILMAN BACCHIONE: Yes. In addition  
 14 to his own expert or the Applicant's own expert. Our  
 15 own financial professionals here in Berkeley Township  
 16 concurred as well, that there is a possibility that the  
 17 taxes can go up.  
 18 MR. MCGUCKIN: But in any event, that  
 19 testimony has not yet been presented, and you had not  
 20 made your mind up when you attended the Italian  
 21 American Club meeting; is that correct?  
 22 COUNCILMAN BACCHIONE: Correct.  
 23 MR. MCGUCKIN: And you have not made up  
 24 your mind today --  
 25 COUNCILMAN BACCHIONE: That's correct.

1 MR. MCGUCKIN: -- on this Petition.  
 2 COUNCILMAN BACCHIONE: Correct.  
 3 MR. MCGUCKIN: Second line of  
 4 questioning related to Mr. Callahan.  
 5 MR. MICHELINI: Excuse me, Mr. McGuckin.  
 6 May I ask Mr. Bacchione some questions relative to --  
 7 MR. MCGUCKIN: Not at this point.  
 8 MR. MICHELINI: You're asking --  
 9 MR. MCGUCKIN: Not at this point.  
 10 MR. MICHELINI: You're having him  
 11 essentially testify or give his reasons. I'd like to  
 12 ask him a couple of questions.  
 13 MR. MCGUCKIN: Maybe we'll get there.  
 14 Maybe we won't. I'd like to go on to Mr. Callahan for  
 15 a minute.  
 16 MR. MICHELINI: Okay.  
 17 MR. MCGUCKIN: Mr. Callahan, there were  
 18 comments made by Mr. Nora, I believe, regarding a sign  
 19 which is located near your residence. Do you recall  
 20 that?  
 21 MR. CALLAHAN: Yes, sir.  
 22 MR. MCGUCKIN: And the sign he was  
 23 referring to, is that sign owned by you?  
 24 MR. CALLAHAN: No.  
 25 MR. MCGUCKIN: Is that sign on your

1 property?  
 2 MR. CALLAHAN: No.  
 3 MR. MCGUCKIN: Did you place the sign  
 4 there?  
 5 MR. CALLAHAN: No.  
 6 MR. MCGUCKIN: Did you put a red mark  
 7 through the sign there?  
 8 MR. CALLAHAN: No.  
 9 MR. MCGUCKIN: How long has that sign  
 10 been there?  
 11 MR. CALLAHAN: Best part of a year.  
 12 MR. MCGUCKIN: The reason I asked that  
 13 last question is because, as I've mentioned at the last  
 14 hearing, I do have a concern, and that is the  
 15 Petitioners' witness made an allegation in May of  
 16 2015 -- of 2016 about an incident which occurred in the  
 17 spring or summer of 2015. And since that time, we've  
 18 had at least six public hearings in the matter where  
 19 that allegation was not raised or brought up. With  
 20 respect to -- that was with respect to Mr. Bacchione.  
 21 With respect to Mr. Callahan, as he  
 22 indicates, that sign has been there for over a year in  
 23 question and, again, no allegation was made until we  
 24 were in May of 2016. I have to question why that  
 25 allegation was not raised earlier in these proceedings.

1 And the reason I say that is because if, in fact, a  
2 conflict of interest existed, then in that event, every  
3 meeting subsequent thereto has been tainted, and that's  
4 why I needed to know those dates, and that's why I was  
5 so inquisitive as to when this allegedly occurred.

6 The fact that the Petitioner' witnesses  
7 were aware of these items for at least a year and  
8 didn't raise them until May of 2015 causes me great  
9 concern. And the reason for that is because, having  
10 reviewed the transcripts of this matter from the  
11 beginning, having sat through almost every one of the  
12 meetings, except for one, I believe, I wonder why the  
13 allegations were not made previously. And the only  
14 conclusion I can reach is that was a tactical decision  
15 not raise them earlier than May of 2016.

16 I'm concerned now that if the  
17 Petitioners, in fact, have any evidence of a conflict  
18 other than what was presented at the last meeting which  
19 was assumptions and maybes and their conclusions based  
20 upon certain facts but without any real evidence, that  
21 these proceedings would be in jeopardy. And the reason  
22 I say this, we could have another year of hearings.  
23 If, in fact, there is a problem, if there is a  
24 conflict, that means that then these proceedings have  
25 been tainted. And if they've been tainted, the only

1 remedy that I can see is to start over. And I don't  
2 think that's in the Petitioners' best interest. I  
3 certainly don't think it's in the Board's best interest  
4 or the Township's best interest. But that's why I  
5 wanted to get on the record the comments of Mr.  
6 Callahan and Mr. Bacchione.

7 And they're not going to be subject to  
8 cross-examination here with respect to facts and  
9 testimony that's been presented. The Applicants had  
10 months to present any evidence they have. Their only  
11 allegations were made at the hearing where they made  
12 assumptions that they believe that this meant that  
13 there was somehow a predetermination that was made,  
14 that they believe that because a sign is located near  
15 Mr. Callahan's property, they he must have put it there  
16 or believes in it or somehow did something. And the  
17 fact they weren't raised causes me just a tremendous  
18 amount of concern that this was a tactical decision to  
19 wait. And the reason for that would be that if there's  
20 a recommendation which the Petitioners do not agree  
21 with, that they would somehow be able to attack that  
22 decision of the Board based on these facts which  
23 they've known for a year but didn't raise until May of  
24 2016.

25 Having said that, and having listened to

1 the comments of Mr. Bacchione and Mr. Callahan, Mr.  
2 Michelini, if it is your position that the board  
3 members in question are in conflict, I would ask that  
4 you present any additional testimony you have with  
5 respect to same and put it on the record.

6 MR. MICHELINI: I think we'd beat this  
7 horse to death already last meeting. We presented the  
8 testimony. I don't think it's all assumption.

9 What causes great concern to me, to use  
10 your phrase, Mr. McGuckin, is the fact that there is a  
11 sign that is positioned such that it's on the property  
12 line, virtually on the property line of Mr. Callahan,  
13 and there is no way to view that sign -- which is on an  
14 angle so that when you look at it straight on to read  
15 it, you see Mr. Callahan's house behind it. So that's  
16 what causes me great concern.

17 And certainly Mr. Callahan knew that  
18 that sign was there at the beginning of these meetings.  
19 And if he -- he should have raised it himself,  
20 obviously. But he did not do that. And so we did  
21 that. But I'm not going to go back, obviously, unless  
22 you're going to give me the opportunity to  
23 cross-exam -- cross-examine.

24 I would note, also, that the statement  
25 that was made by you, Mr. McGuckin, in terms of sending

1 a letter, was specifically please send a letter setting  
2 forth the reasons for the request for recusal. Those  
3 reasons were made abundantly clear. I do not believe  
4 that you said send me legal argument.

5 MR. MCGUCKIN: I said the reasons.  
6 You're right.

7 MR. MICHELINI: Yeah. If you had said  
8 send me legal argument, I would have pulled out some  
9 case law. Maybe there was a misunderstanding as to  
10 what you wanted, but I wasn't about to try to make a  
11 record out of a letter. I think it's better to make  
12 record out of testimony because that's ultimately what  
13 a judge gets to review and make a decision.

14 In terms of whether or not these  
15 proceedings have been tainted, I certainly feel that  
16 they have, but I think the remedy is not for this board  
17 to decide, but it is ultimately for a court to decide.

18 With regard to Mr. Bacchione, I would  
19 just say a couple of things. I don't think he's a bad  
20 guy. I think he's a good guy, actually. But I do  
21 think that he made a mistake. And I think that it does  
22 taint the proceedings. I think that Ken Moore hadn't  
23 yet testified by the time that that meeting occurred,  
24 and we certainly can look back at Mr. Moore's testimony  
25 and try to figure that. So I don't see how he could

1 have been relying upon the statements of Mr. Moore at  
2 that time.

3 Secondly, the financial persons from  
4 Berkeley, as you indicated, had not testified. So,  
5 therefore, he was gathering information that was  
6 outside of the record, which I think is inappropriate.

7 Thirdly, I don't think he stood up at  
8 that meeting and gave an evenhanded presentation as to  
9 both sides. I didn't hear any testimony that he stood  
10 up there and said, let me tell you the reasons why  
11 there should be de-annexation. Now, maybe there's a  
12 reason over here why there shouldn't be. Maybe taxes  
13 will go up, especially for seniors in Holiday City and  
14 Silver Ridge Park, but this wasn't an evenhanded  
15 presentation. And certainly Miss Vitarello, she felt  
16 that she was being somehow -- and I may misstate --

17 MR. MCGUCKIN: Well, let's be clear  
18 about something.

19 MR. MICHELINI: Excuse me. Let me  
20 finish.

21 MR. MCGUCKIN: The testimony -- this was  
22 not a presentation. She said it was after the meeting.

23 MR. MICHELINI: Right. He got up in  
24 front of everybody.

25 MR. MCGUCKIN: Urging public to come to

1 meetings to hear the testimony that's presented to the  
2 Board.

3 MR. MICHELINI: He presented his  
4 comments to all the people that were there. Whether  
5 you want to call them --

6 MR. MCGUCKIN: Urging them to come to a  
7 public meeting. Well, you're saying that he didn't  
8 present both sides. What he asked them to do was come  
9 to the public meeting, which has both sides.

10 MR. MICHELINI: And then he proceeded to  
11 give information which clearly was favorable in -- to  
12 one side. Which is the anti-de-annexation side or the  
13 side of the mainlanders who do not want to see  
14 de-annexation.

15 MR. MCGUCKIN: There's no two sides at  
16 this point.

17 MR. MICHELINI: Clearly, if you read the  
18 transcript, you know there's two sides. You may not  
19 think that, but I think anybody who's been here will  
20 know that.

21 In any event, I don't think it was  
22 appropriate for all the reasons I just stated. I'm not  
23 going to go back. I think it's a legal determination  
24 for a court to decide someday. And if the court says,  
25 no, it's not big deal, then it's no big deal, and

1 that's the court's opinion. On the other hand, if the  
2 court says this was a conflict and they should recuse  
3 themselves, you know, then -- then the chips fall where  
4 they may. A judge can do whatever it wants to on that.  
5 It can send it back. It can reverse. It can say, yes,  
6 it was a conflict, but it wasn't a big enough conflict.  
7 There are any number of things that a judge may do once  
8 a judge reads the whole record. And right now we don't  
9 even have the whole record. So that's my position.

10 Thank you.

11 MR. MCGUCKIN: Well, if you believe that  
12 the matter has still been tainted and that the --  
13 proceedings has been tainted, it's going to be the  
14 decision of the Board then. Because we're not going to  
15 go through this again on a remand. We need to get this  
16 right. We need to get it straight, and we don't want  
17 to have to do it twice. And if your position is it's  
18 tainted because of a conflict, then I'm going ask the  
19 Board to make a determination on the matter. And,  
20 quite frankly, if the decision is it's tainted, then I  
21 don't think we have any choice but to start over. How  
22 do we rescue proceedings that --

23 MR. MICHELINI: Listen.

24 MR. MCGUCKIN: -- have been tainted for  
25 at least a year?

1 MR. MICHELINI: What my position is, is  
2 there's a conflict. And I think -- I think these  
3 gentlemen did things that they shouldn't have done. Or  
4 allowed things to happen that they shouldn't have  
5 allowed to happen. And I've raised those things. I  
6 believe they present conflict.

7 I think it would be a real waste of  
8 everyone's time and resources to say at this point  
9 we're not going hear the rest of the testimony. I have  
10 two witnesses that should take about a half hour. The  
11 Board may or may not have witnesses. And then if a  
12 judge wants to hear it someday, unless you decide, of  
13 course, to issue a report that indicates that  
14 de-annexation is appropriate, which is very doubtful  
15 that that would be the report based upon the comments  
16 of your professionals in these meetings and several of  
17 the board members, and now they've gone. But maybe I'm  
18 reading the Board wrong or reading the professionals  
19 wrong. I'd be surprised.

20 VICE CHAIR WINWARD: I have do have a  
21 question.

22 MR. MICHELINI: Yes.

23 VICE CHAIR WINWARD: I listened to  
24 the -- I missed the last meeting, but I did listen to  
25 the audio.

1 MR. MICHELINI: Yes.  
 2 VICE CHAIR WINWARD: But there was two  
 3 things I'm in doubt about. I heard the discussion. Is  
 4 there a transcript of Mr. Bacchione in any form, a  
 5 recording?  
 6 MR. MICHELINI: I don't know because --  
 7 of what happened before?  
 8 VICE CHAIR WINWARD: No. Any comments  
 9 he allegedly made.  
 10 MR. MICHELINI: Back at Holiday City?  
 11 VICE CHAIR WINWARD: No. In the Italian  
 12 American Club.  
 13 MR. MICHELINI: Yes. That's what I  
 14 mean. That meeting was over in either Holiday City --  
 15 VICE CHAIR WINWARD: Oh, it wasn't in  
 16 South Seaside Park.  
 17 MR. MICHELINI: No. No. No. It was --  
 18 VICE CHAIR WINWARD: It was in Holiday  
 19 City.  
 20 MR. MICHELINI: It was in the retirement  
 21 community where the taxes would go up.  
 22 VICE CHAIR WINWARD: And is there a  
 23 transcript?  
 24 MR. MICHELINI: To my knowledge, there  
 25 was not. And that would be great if there was. I

1 would love to have it.  
 2 VICE CHAIR WINWARD: And is there any,  
 3 kind of like, picture of the sign?  
 4 MR. MCGUCKIN: That was admitted into  
 5 evidence.  
 6 MR. MICHELINI: Yes. In fact, there was  
 7 a picture of the sign. A sign -- a full sign was  
 8 admitted without the red line through it. And then  
 9 there was a picture of a sign with the red line through  
 10 it that is on the property line of Mr. Callahan's  
 11 house. And the sign is -- the testimony was the sign  
 12 is tilted in such a way that when you read the sign,  
 13 you see Mr. Callahan's house directly behind it. And  
 14 it's right on the property line. There's a driveway  
 15 here, driveway here. Some cut piles with ropes around  
 16 it right down the center. The sign is right in the  
 17 middle. So, to me, it looks like -- and I was very  
 18 clear to say, I don't know if it's on his property or  
 19 not, but it certainly gives the appearance that a board  
 20 member is opposed to the effort of de-annexation. And  
 21 that I didn't think it was appropriate for him to have  
 22 that sign.  
 23 VICE CHAIR WINWARD: And I --  
 24 MR. MCGUCKIN: I'm sorry.  
 25 VICE CHAIR WINWARD: -- have some

1 concerns.  
 2 MR. MCGUCKIN: Why the year delay? How  
 3 come we didn't hear about this for June, July, August,  
 4 September, October, November, December, January,  
 5 February, March, April? I know a few of those months  
 6 we didn't meet. But during that entire time, not a  
 7 letter, no nothing, about this alleged conflict which  
 8 occurred at least a year ago with the sign and almost a  
 9 year ago, if not about that time, with the sign?  
 10 MR. MICHELINI: Well, we just --  
 11 VICE CHAIR WINWARD: Well, Mr.  
 12 Bacchione --  
 13 MR. MICHELINI: Quite frankly, I only  
 14 learned of that more recently. And, plus, Mr. Nora  
 15 hasn't been available to be at -- you know, I don't  
 16 know if he's been at many meetings even. He's been at  
 17 a couple meetings. But I only learned of it most  
 18 recently in terms of the issue. And certainly Miss  
 19 Vitarello just came back from Florida and learned of  
 20 her issue with --  
 21 MR. MCGUCKIN: What happened in Berkeley  
 22 Township? She was here when it happened.  
 23 MR. MICHELINI: I understand. I met her  
 24 a couple weeks ago or a week before the last hearing.  
 25 So it's more than a couple. About five weeks ago.

1 You know, there's 235 petition signers.  
 2 I've only met a handful of them, honestly.  
 3 MR. MCGUCKIN: I understand. And you've  
 4 presented the testimony of some of them, and some of  
 5 them have raised conflicts.  
 6 MR. MICHELINI: Right.  
 7 MR. MCGUCKIN: Which allegedly occurred  
 8 a year ago. So I think it's appropriate to find out  
 9 why we didn't hear about it sooner.  
 10 MR. MICHELINI: Well, I think the board  
 11 member should have know, honestly. I don't think the  
 12 burden should be on me. Under the circumstances in  
 13 this case, in these circumstances, I think the board  
 14 members should have known and recused themselves right  
 15 from the beginning.  
 16 MR. MCGUCKIN: Because a public official  
 17 told the public about public hearings that they may  
 18 have a public interest in.  
 19 MR. MICHELINI: Well, my statements are  
 20 on the record. I disagree with your characterization.  
 21 MR. MCGUCKIN: I understand.  
 22 MR. MICHELINI: I don't think it makes  
 23 sense to keep going and arguing this.  
 24 VICE CHAIR WINWARD: Well, the good news  
 25 is we now have it all on the record, and let's proceed.

1 MR. MICHELINI: Thank you.  
 2 Okay. George?  
 3 And I still like you, Mr. McGuckin.  
 4 MR. MCGUCKIN: I like you, too, Joe.  
 5 Always have.  
 6 MR. GINGRICH: I'm welling up.  
 7  
 8 G E O R G E G I O V E N C O , 203 Midway Avenue,  
 9 South Seaside Park, New Jersey, having been first duly  
 10 sworn, testified as follows:  
 11  
 12 DIRECT EXAMINATION BY MR. MICHELINI:  
 13 Q. Mr. Gioenco, did I spell -- pronounce  
 14 your name correctly?  
 15 A. Correct.  
 16 Q. Okay. Where is -- you live in South  
 17 Seaside Park; correct?  
 18 A. Yes. 203 Midway Ave.  
 19 Q. And how long have you lived there?  
 20 A. Since 2010.  
 21 Q. And were you familiar with Seaside Park  
 22 before then?  
 23 A. Yes.  
 24 Q. Or South Seaside Park.  
 25 A. Yes. My mother-in-law had a house at

1 the top of 11th Lane for -- since, like, 1963.  
 2 Q. All right. So you've been coming down  
 3 here for a number of years; is that correct?  
 4 A. Yes. And my parents had a house in  
 5 Ortleigh Beach, also, so.  
 6 Q. Okay. And ultimately you bought a house  
 7 in 2010.  
 8 A. Correct.  
 9 Q. Are you a part-time or full-time  
 10 resident?  
 11 A. I started as a part-time resident, and  
 12 now I'm a full-time resident.  
 13 Q. Okay. And are you a petition signer?  
 14 A. Yes, I am.  
 15 Q. And we just met not too long ago;  
 16 correct?  
 17 A. Correct.  
 18 Q. Okay. And with regard to this matter, I  
 19 know that you had indicated that you wanted to tell a  
 20 story about your interaction with the police in South  
 21 Seaside Park; correct?  
 22 A. Correct.  
 23 Q. You can tell the Board your story.  
 24 A. Okay. I'd like to start by saying that  
 25 this is in no way saying anything bad about the police

1 department that comes to Berkeley Township, that comes  
 2 over to our side of the bridge. They are very nice  
 3 gentleman. Never had a problem to that.  
 4 Q. And we'll stipulate to that. Several of  
 5 our witnesses have said that. Go ahead.  
 6 A. On August 3rd, 2011, we were awoken at  
 7 around 3 a.m. by a large crash, and we all got up out  
 8 of bed ran out to the front door.  
 9 Q. Who is "we"?  
 10 A. My wife, and my son was down, and my two  
 11 daughters were down.  
 12 So we all ran out to the -- to the front  
 13 door. And we noticed that my son's car and my car  
 14 were both hit. We were parked on the opposite side of  
 15 the street, and someone came around and hit two of the  
 16 cars.  
 17 Q. And this was what time of day?  
 18 A. This was around 3 a.m.  
 19 Q. Okay. Go ahead.  
 20 A. And, obviously, someone called 911, said  
 21 the cops, you know, supposed to be on their way. And  
 22 they did come.  
 23 Q. Who came? Was it Berkeley?  
 24 A. Berkeley Township came. Yes.  
 25 Q. All right. What happened?

1 A. He responded. And what I said to him  
 2 was, listen, this just happened, not too long ago. We  
 3 just came out. We heard the crash. And our neighbor  
 4 down the street told us that the car went towards  
 5 Island Beach. So they went south, and there's nowhere  
 6 to go. So is it possible that you guys --  
 7 Q. Nowhere to go because you end up in  
 8 Island Beach State Park?  
 9 A. You wind up in Island Beach -- yeah.  
 10 Dead-end at Island Beach State Park.  
 11 Q. And Midway, how far is it to Midway to  
 12 Island State Beach Park where the state park begins?  
 13 A. Approximately a half a mile.  
 14 Q. Okay.  
 15 A. Maybe less.  
 16 Q. Okay.  
 17 A. Six blocks.  
 18 Q. Six blocks. Okay.  
 19 So the car took off in that direction.  
 20 A. Took off in that direction. And I said  
 21 to the officer, Officer, is it possible -- there's  
 22 only two ways out of Seaside. You can either go Ocean  
 23 Avenue, or you could go Central Avenue. Is it  
 24 possible to, you know, send a couple of more cars and  
 25 block off those streets? Because obviously this car

1 caused so much damage to my two cars that there has to  
2 be incredible damage to his car. Or her car. We  
3 didn't know at the time, you know, if it was a male or  
4 female.

5           And he said to me, listen, you're all I  
6 got. What I'm going to do is, I'm going to fill out  
7 the reports. And you have insurance and, you know,  
8 it's going to be paid for by your insurance. And I  
9 said to him, Officer, I have a \$500 deductible. My  
10 son, I think, has a 1500 deductible because of his  
11 age. I said, if we can find a person who did this,  
12 then his insurance company takes care of it. And he  
13 said, I'm all you have here. I'm going to fill out  
14 the report. So I said --

15       Q.     From that, did you understand that there  
16 was nobody else that could -- that he could call at  
17 that time?

18       A.     That's what I believe. That there was  
19 no one else that was on the Island at the time from  
20 Berkeley that could -- could come. Because he didn't  
21 call for anybody. So, you know, it was an  
22 assumption--

23       Q.     So then what happened?

24       A.     So then I said to him, well, this is  
25 ridiculous. What if we call Seaside Park Police and

1 know there's probably going to be a car coming down  
2 Central or Ocean Avenue or maybe Bay Avenue and would  
3 eventually wind up at the bridge or go down 35, and we  
4 can find this guy? You know, because I don't want to  
5 pay the deductibles and everything else. We didn't do  
6 anything. And he said, look, I'm going to fill out  
7 the report.

8           So that's when I said, well, they told  
9 me he went down towards Island Beach. All I had on  
10 was shorts and a pair of flip-flops. I jumped on my  
11 bike, and I headed south towards Island Beach. While  
12 I was driving that way -- riding my bike that way, I  
13 noticed two young men walking from the bay towards the  
14 ocean on 22nd. And as they were walking, I could tell  
15 they were a little, you know, they weren't -- they  
16 were wobbling a little bit. Talking very loud. So I  
17 became inventive, and I said, well, I'm a guy on a  
18 bike at night. I was out drinking. So I was swerving  
19 a little bit on the bike so they wouldn't think  
20 anything on of it. And I heard one of the gentlemen  
21 say to the other gentlemen, damn, we really destroyed  
22 those cars. What are we going to do? What are we  
23 going to do? And as soon as I heard that, I threw the  
24 bike down, and I get a little -- I was a UPS driver  
25 for 36 years. And I get a little, you know, intense.

1 And I grabbed both of them. Right in the middle of  
2 the street. And I made them both sit down in the  
3 street. They didn't really like it, but they did it.  
4 And I said, look, that was my car and my son's car.  
5 My son's brand new car, first new car he ever owned.  
6 And I said, you guys, I heard you. You did this.  
7 You're not moving.

8           Now, unfortunately, I realized at that  
9 time because I ran out of the house, I didn't have my  
10 cell phone. So at 3 a.m., I'm yelling louder hoping  
11 that somebody comes out of the house so I can say, can  
12 you recall the police and have them come down 22nd?  
13 Well, then my wife took it upon herself because she  
14 was worried about me. She jumped on her bicycle,  
15 found us on 22nd. She had a cell phone. Then she  
16 called the cops again.

17           Now, I don't know if she called Seaside  
18 Park Police. But the first police that came down  
19 22nd -- I believe there were three Seaside Park Police  
20 cars that came and responded. And they took over and  
21 said, look, we got this. We'll take care of it. Then  
22 the Berkeley Township cop, I guess he heard over the  
23 radio, he came down, and he said, this is mine. You  
24 know, I have it. You know, I have the reports. And  
25 at that point I walked away from it because they said,

1 just go home. We got it from here.

2           And then found out that they found the  
3 car because the guys were walking up to Central. They  
4 admitted that they did it. And my thing is, it was  
5 3:00 in the morning on August 3rd, and there was one  
6 police officer that was assigned to that area. To my  
7 knowledge. Because no one else was called and no  
8 other Berkeley police officers came to the area. The  
9 only other police officers that showed up that day  
10 were the Seaside Park officers.

11           And because I became a vigilante and was  
12 put in a position to become a vigilante, I had to go  
13 and get these kids myself, which isn't a good  
14 situation. Luckily, you know, I overtook the two  
15 kids. And, you know, they could have easily overtaken  
16 me. And I didn't want to be held responsible to pay  
17 for the damage done to my car. My cars. And because  
18 of this, both cars were -- the insurance of his was,  
19 you know -- took care of all the problem and  
20 everything. But there was one police officer that was  
21 in that area on August 3rd, 2011.

22           And I know you guys brought up a situ --  
23 a question about the sign that -- about red sign. And  
24 why it took so long. I have to tell you that I  
25 haven't been involved too much in the proceedings with



1 this, and I happened to be talking to a neighbor, and  
 2 they made a statement about someone who made a  
 3 statement, I guess, last week or last month about a  
 4 response time. And I happened to mention it.  
 5 MR. MCGUCKIN: Before we get to double  
 6 hearsay, why don't we say who's saying this?  
 7 THE WITNESS: Double hearsay?  
 8 MR. MCGUCKIN: Yeah. Mr. Michelini will  
 9 explain it to you, but --  
 10 THE WITNESS: Well, I know what double  
 11 hearsay means.  
 12 MR. MCGUCKIN: Who said who said --  
 13 before you say somebody said something to somebody, who  
 14 was it that said something to somebody?  
 15 THE WITNESS: Who said something?  
 16 MR. MCGUCKIN: Yeah.  
 17 THE WITNESS: My neighbors the Noras --  
 18 MR. MCGUCKIN: Okay.  
 19 THE WITNESS: -- told me that someone  
 20 was here.  
 21 MR. MCGUCKIN: Uh-hum.  
 22 THE WITNESS: A woman. And she  
 23 testified about her husband and the response time.  
 24 MR. MCGUCKIN: Ms. Viturelio. Okay.  
 25 Thank you.

1 THE WITNESS: Okay? So we're over the  
 2 double/double?  
 3 MR. MCGUCKIN: Yeah.  
 4 THE WITNESS: Okay. Good.  
 5 Q. Okay. All right. That's it. You made  
 6 your point.  
 7 A. Yeah.  
 8 MR. MICHELINI: Any questions?  
 9 MR. MCGUCKIN: Couple quick questions.  
 10 THE WITNESS: Sure.  
 11  
 12 CROSS-EXAMINATION BY MR. MCGUCKIN:  
 13 Q. Did you contact Berkeley Police  
 14 Department any time after that to explain about or to  
 15 inquire as to why they wouldn't do an investigation to  
 16 if that's what you thought happened?  
 17 A. To explain about it? No. Because  
 18 eventually what I needed to be taken care of was taken  
 19 care of. I mean, through me catching them. If I  
 20 didn't catch them, I don't know that anything would  
 21 have happened. I can't say it wouldn't have. Maybe  
 22 they would have found the car later on that night,  
 23 but, you know, his response was he was going to fill  
 24 out the report.  
 25 Q. Okay. And you assume that there was

1 only one officer assigned based on the fact that he  
 2 would do -- only do the report, and he said --  
 3 A. And no one else ever showed up.  
 4 Q. And he's the only one you have.  
 5 A. That's it.  
 6 Q. Okay.  
 7 MR. MICHELINI: Did he say that to you,  
 8 I'm all you got?  
 9 THE WITNESS: He said, I'm all you have.  
 10 MR. MCGUCKIN: Okay. Thank you.  
 11 THE WITNESS: All right?  
 12 MR. DICKERSON: Through the Chair, I  
 13 actually do have one question.  
 14 MR. MICHELINI: Go ahead. George?  
 15 MR. DICKERSON: How quickly did the  
 16 officer respond when you made that call?  
 17 THE WITNESS: The response time was not  
 18 a bad response time. I don't know exactly, you know.  
 19 Try to guess, but five minutes, maybe. You know, he  
 20 was -- I mean, it's a small area. We only have ten  
 21 blocks, whatever it is. You know. So his response  
 22 time, he was there. But then the followup to that was,  
 23 you know, there was nothing else that could be done.  
 24 MR. DICKERSON: Thank you.  
 25 MR. MICHELINI: Okay. Thank you.

1 MR. MCGUCKIN: I'm sorry. Sir?  
 2 MR. MICHELINI: You're going to make him  
 3 come back?  
 4 MR. MCGUCKIN: I'm sorry. One more  
 5 time.  
 6 MR. MICHELINI: Unbelievable.  
 7  
 8 CROSS-EXAMINATION BY MR. MCGUCKIN:  
 9 Q. Did they find the car that supposedly  
 10 hit your car?  
 11 A. Yes, they did.  
 12 Q. And where was that?  
 13 A. That was parked on Central Avenue. I  
 14 think it was right across from Bum Rogers.  
 15 Q. Do you know what street that is?  
 16 A. Central. Well, no. That would be 35, I  
 17 guess.  
 18 Q. Okay. Thank you.  
 19 THE WITNESS: Anybody else?  
 20 MR. MICHELINI: Thank you.  
 21 THE WITNESS: Going once.  
 22 MR. MICHELINI: Thank you, sir.  
 23 Okay. I'm going to recall Mr. Whiteman  
 24 to testify about new matters, not anything that he's  
 25 previously testified to.

1 D O N W H I T E M A N , 2000 Barnegat Avenue, Seaside  
2 Park, New Jersey, having been previously duly sworn,  
3 testified as follows:  
4

5 DIRECT EXAMINATION BY MR. MICHELINI:

6 Q. Mr. Whiteman, last time there was  
7 testimony about -- or a comment about how the Board  
8 was going to lose beach buggy permit money in the  
9 event of de-annexation. Do you -- not the Board but  
10 the Town, Berkeley Township. Do you remember that?

11 A. Yes, I do.

12 Q. Okay. And as a result of that, did you  
13 do something?

14 A. Well, I didn't have to do anything  
15 because some of the items that you do cover I have  
16 already put in for OPRA's, and it just so happened that  
17 I had OPRA'd -- the statement was that the -- I  
18 thought it was large revenue loss because of beach  
19 buggy permits, and I'm thinking, well, no. I had  
20 OPRA'd it and --

21 Q. Before we -- is it --

22 MR. MICHELINI: Let me have this marked.

23 THE WITNESS: Sure.

24 MR. MICHELINI: Okay? I forget what  
25 we're up to.

1 MR. McGUICKIN: 60.

2 MS. HUGG: 60.

3 MR. MICHELINI: 60?

4 MS. HUGG: Yes. That will be 61.

5 MR. MICHELINI: That will be 61. If we  
6 could have that marked.

7 (2014/2015 Beach Buggy Permit Listing  
8 was marked as Exhibit A-61.)

9 Q. Okay. I'm going to show you what is  
10 A-61 and ask you just a couple of questions.

11 Is this what you received in response to  
12 your OPRA request?

13 A. Yes.

14 Q. And your --

15 A. Yes, it is.

16 Q. -- OPRA request was for information  
17 regarding beach buggy permit holders for 2014 and  
18 2015; is that correct?

19 A. Yes. And that was November 10th, 2015,  
20 when I asked for that.

21 MR. MICHELINI: Okay. If I could hand  
22 this up to the Chairman. Oh, hand it to Kelly.

23 Q. Okay. And I just have the one copy, but  
24 if you could just go through what you found and why  
25 that's important to you.

1 A. Why it's important to me is the  
2 statement, I think, was a very general statement. And  
3 I sat back and thought, a lot of revenue being lost by  
4 beach buggy permits? We have a beach that is a half a  
5 mile. Okay? That's all it is. In 2014 we had ten  
6 buggy permits that were -- I guess went over to  
7 Berkeley to be able to drive the beach buggy on the  
8 beach.

9 Q. All right. Let me stop you.

10 A. Sure.

11 Q. So in 2014 for the South Seaside Park  
12 area, the White Sands Beach essentially; right?

13 A. Yes.

14 Q. There were only ten permits issued by  
15 Berkeley Township for a buggy permit?

16 A. There were ten -- that's correct. There  
17 were ten permits issued.

18 Q. And that's on the -- on the exhibit, the  
19 No. 61; correct?

20 A. Yes. Correct.

21 Q. And of those ten people, how many are  
22 Berkeley Township mainland residents?

23 A. I believe there was only one that was  
24 from Berkeley Township mainland resident.

25 Q. Okay.

1 A. And --

2 Q. So and that was in 2014.

3 A. That's correct.

4 Q. And how -- what is the cost of a buggy  
5 permit over there?

6 A. For the half-mile beach, you have to pay  
7 \$35.

8 Q. So that would be a total loss of revenue  
9 if de-annexation occurred, as regards the people who  
10 got their permits in 2014, of \$350?

11 A. That is correct, \$350.

12 Q. And you wouldn't consider that a large  
13 amount of money that would be lost by the town?

14 A. I didn't consider it comparable to what  
15 the statement was. I had to look at it and say, no.  
16 And I would have brought it up the other day but it  
17 ended early, and I wasn't able to bring it to your  
18 attention.

19 Q. Well, that's fine. We indicated we'd be  
20 back here.

21 A. Right.

22 Q. For the year 2015, how many beach buggy  
23 permits were issued?

24 A. There were a total of eight beach buggy  
25 permits that were issued, again at \$35.

1 Q. Which would be what, \$280 if my math is  
2 correct? Approximately.  
3 A. Thirty-five times eight would be --  
4 Q. You don't have to --  
5 A. \$280. Correct.  
6 Q. Okay. And how many of those beach buggy  
7 permits were issued to mainland residents of Berkeley  
8 Township?  
9 A. There were none that were issued to  
10 mainland residents.  
11 Q. Zero?  
12 A. Zero who utilized the beach buggy  
13 permits.  
14 Q. Okay. And if the -- let's assume that  
15 de-annexation had occurred and the eight people in  
16 2015 had applied for permits in Seaside Park, which  
17 would then include this additional area if  
18 de-annexation was granted, how long would the beach be  
19 in Seaside Park together with the beach area in South  
20 Seaside Park?  
21 A. Well, the area -- if you combined South  
22 Seaside Park as well as Seaside Park beach area, you  
23 have an area that you can drive just about almost two  
24 miles. Okay? Give or take, you know, 200 yards  
25 because of what went down up there in the burning of

1 the Funtown Pier. So really got about two miles of  
2 beaches that would be accessible in Seaside Park.  
3 Q. And how much is the Seaside Park permit?  
4 A. And I had asked. The Seaside Park  
5 permit was \$50, and \$55 also for outside people. But  
6 I looked at it myself and thought, \$35 for a half  
7 mile, and here we have \$55 for two miles.  
8 Q. Fifty or 55?  
9 A. \$50 for two miles.  
10 Q. Okay. So it would be a -- for those  
11 people who were paying for the White Sands Beach for a  
12 beach buggy permit, they would have an increase in  
13 usage of about 300 percent for only an additional 15  
14 bucks; correct?  
15 A. Right. That is correct.  
16 Q. Should de-annexation occur, of course.  
17 A. Yes. When de-annexation occurs. Yes.  
18 Q. Okay. All right. Anything else you  
19 wanted to mention about the beach buggy permits?  
20 About the beach buggy permits?  
21 A. Beach buggy permits? There's nothing  
22 there other than the use of it. I -- it's open for, I  
23 guess, about nine months.  
24 Q. And it's open to anybody.  
25 A. And it's open to anybody.

1 Q. So even if de-annexation occurs and  
2 somebody from the mainland says, you know what? I  
3 really want to get a beach buggy permit to use that  
4 portion of White Sands Beach that used to be part of  
5 South Seaside Park, they could get a Seaside Park  
6 permit and drive there even if they're not from --  
7 A. Right. They'll always be opened up.  
8 The beach buggy permit will always be opened up to the  
9 White Sands Beach. Whether it's -- as I said, now  
10 it's with Berkeley, or whether it be with Seaside  
11 Park.  
12 Q. Okay. Now, are --  
13 MR. WISER: Before -- Mr. Michelini.  
14 MR. MICHELINI: Yes.  
15 MR. WISER: Before you move on? Are you  
16 going to move on to a different topic?  
17 MR. MICHELINI: Yes.  
18 MR. WISER: I just have a couple  
19 questions.  
20 MR. MICHELINI: Sure.  
21 MR. WISER: When did you say you made  
22 that OPRA request?  
23 THE WITNESS: OPRA request was November  
24 10th, 2015.  
25 MR. WISER: And I didn't make my inquiry

1 to Mr. Moore about the beach buggies until recently, so  
2 you didn't make that OPRA request in response to my  
3 questions.  
4 THE WITNESS: Oh, no, no. I made it --  
5 MR. WISER: Okay. I just wanted to be  
6 clear about it.  
7 THE WITNESS: If I'm going to come up  
8 here and talk about the usage of the beach, I want to  
9 make sure if I give you facts, that you have the facts.  
10 MR. WISER: Thank you.  
11 THE WITNESS: I don't want to shoot from  
12 the hip.  
13 MR. WISER: Thank you.  
14 THE WITNESS: I want the information to  
15 be correct.  
16 BY MR. MICHELINI:  
17 Q. And someone made a comment the recent  
18 meeting.  
19 A. Yes.  
20 Q. About it was going to be very costly if  
21 the beach buggy permit revenue was lost.  
22 A. Yes. There was -- in response, I pulled  
23 it out.  
24 Q. And you remembered that you had this  
25 information?

1 A. Absolutely. Yes.  
 2 Q. Okay.  
 3 MR. WISER: That's fine. Thank you.  
 4 MR. MICHELINI: It wasn't in response to  
 5 your statement.  
 6 MR. DICKERSON: Just one other question  
 7 about beach buggies.  
 8 MR. MICHELINI: Sure.  
 9 THE WITNESS: Sure.  
 10 MR. DICKERSON: So just to clarify my  
 11 notes here. So you said in Berkeley Township it's \$35  
 12 for a beach buggy pass.  
 13 THE WITNESS: That's what they told me.  
 14 Yes.  
 15 MR. DICKERSON: And in Seaside it is  
 16 \$50.  
 17 THE WITNESS: \$50.  
 18 MR. MICHELINI: Seaside Park.  
 19 THE WITNESS: Seaside Park.  
 20 MR. DICKERSON: Seaside Park. My  
 21 apologies.  
 22 So if de-annexation were to occur,  
 23 anyone who wants to use the beach would have to pay the  
 24 higher rate assuming --  
 25 THE WITNESS: Right. But you also get

1 three times more beach.  
 2 MR. DICKERSON: Okay. Thank you.  
 3 MR. WISER: And did I hear you say there  
 4 was a 55 -- it's, what? Correct me if I'm wrong. I  
 5 thought I heard you say it was 50 for Seaside Park  
 6 residents and 55 for non-Seaside Park residents.  
 7 THE WITNESS: Non-Seaside Park  
 8 residents.  
 9 MR. WISER: Okay. So I heard that  
 10 correctly.  
 11 THE WITNESS: Right.  
 12 BY MR. MICHELINI:  
 13 Q. But if de-annexation occurs, it would be  
 14 \$50?  
 15 A. It would be \$50 for --  
 16 Q. Right.  
 17 A. It would be a constant fee.  
 18 Q. Right. Okay.  
 19 MR. MICHELINI: Anything else on that  
 20 issue?  
 21 VICE CHAIR WINWARD: Yeah. I just had a  
 22 quick question. If somebody got the permit for  
 23 south -- for Berkeley when you drive on White Sands  
 24 Beach -- two questions. Primarily just to go down  
 25 there and fish, I assume, because in a half mile,

1 you're not really joyriding. And can they ride on the  
 2 Seaside or --  
 3 THE WITNESS: You have to pick up  
 4 another permit.  
 5 VICE CHAIR WINWARD: So you're not  
 6 supposed to --  
 7 THE WITNESS: Every town has -- has to  
 8 get a -- they have to get a permit for every town. So  
 9 if you want to go from South Seaside Park all the way  
 10 up to Point Pleasant, each town, you have to purchase a  
 11 permit.  
 12 MR. MICHELINI: It's my suspicion, Mr.  
 13 Chairman, although this is not testimony, but that it's  
 14 my suspicion that the same people on that list are  
 15 somewhere on the list in Seaside Park and Seaside  
 16 Heights. Because they are probably fishermen and want  
 17 to be able to drive the whole stretch.  
 18 VICE CHAIR WINWARD: Thank you.  
 19 BY MR. MICHELINI:  
 20 Q. Okay. Now, Mr. Whiteman, you also --  
 21 new testimony. I don't want you to go over what you  
 22 testified before.  
 23 A. Uh-hum.  
 24 Q. But there was significant testimony,  
 25 significant amount of testimony about police and also

1 testimony previously about lack of police presence  
 2 over the last several years and an increased police  
 3 presence, more or less, since these proceedings have  
 4 begun. So in response to that, what did you do?  
 5 A. What I did, gentlemen, I thought to  
 6 myself back in 2013, we have a big problem. Okay?  
 7 Last year I've noticed that we've had more police.  
 8 And I want to say I know some of the police officers.  
 9 Q. And you don't have anything personal --  
 10 A. No, nothing personal.  
 11 Q. -- against the police officers.  
 12 A. No. I know the dads -- because I'm old  
 13 now. I know their dads, and they're good guys, okay?  
 14 You know, I went to Central. Some of them graduated  
 15 from Central, also. So it's nothing about that.  
 16 But I guess it was about the amount of  
 17 officers that we deserve in South Seaside Park. And  
 18 what I did on myself was I thought, what I'm going to  
 19 do is, I'm going to see the number of officers and  
 20 cars that we have in South Seaside Park. And what  
 21 I'll do is, I'll mark down every car I see when I go  
 22 out in the morning, in the afternoon when I come home  
 23 from work, on weekends. And I'll just put down when I  
 24 see cars and when I see officers.  
 25 Now, why do I have to do this? I

1 OPRA'd. Because I needed information. I wanted to  
2 know how many police officers we have in South Seaside  
3 Park. Again, I was told we cannot give you that  
4 information --

5 Q. For security purposes.

6 A. -- because of security purposes.

7 Q. I believe the Board already has that  
8 information.

9 A. Yes. So I thought, well, I'll see what  
10 I can come up with. What I did was I started a  
11 calendar. And my calendar started from February 1st,  
12 2016, and went all the way to May 31st, which was just  
13 passed. And what I tried to do is mark every -- as I  
14 said, every car here. And later on, I'll give you the  
15 reason why I did it, also. And what I found out was  
16 this. During July and August in 2015, there has been  
17 a big change in the amount of officers in South  
18 Seaside Park. We've had crossing officers in the  
19 walkways, three of them.

20 Q. That would be the first summer after the  
21 de-annexation proceedings began.

22 A. Yes. When we started de-annexation,  
23 there was definitely a change that was made. Before  
24 we started the proceedings, there wasn't. There  
25 was -- and I testified to you that we did not have

1 officers but one car, not there on 24 hour. I also  
2 said that there was backup. We didn't know who our  
3 backups were going to be, whether it was going to be  
4 Island Beach State Park, whether it was going to be  
5 Seaside Park. I heard Seaside Heights. I heard  
6 everyone's going to be involved. That's why, a reason  
7 why I did this.

8 So in 2015 for that summer, we had the  
9 three crossing patrolmen at 5th and 6th Lane, 20th  
10 Ave, and 23rd Avenue.

11 Q. And how often were they there, according  
12 to your counts?

13 A. They were there most of the summer, to  
14 be honest with you. Any time on weekends, they were  
15 there and 4th of July. And for the most part, even  
16 during the week in the height of the summer, they were  
17 there.

18 Q. Now, is that in addition to the other  
19 police officers on patrol in plain cars?

20 A. This is not including those who are  
21 patrolling. Okay?

22 So what had happened also, I noticed on  
23 July 4th, we had the four-wheel drive vehicles up on  
24 the beach because we had complaints of fireworks.  
25 South Seaside Park had a great fireworks. As a matter

1 of fact, it was even better than Seaside Heights, they  
2 were saying. And what had happened was, it was really  
3 good fireworks, but the problem was, it was a  
4 free-for-all. And so what they did was, they -- which  
5 was very good. They brought two cars up or -- pardon  
6 me -- they brought two of the small little jitneys up  
7 and was on the beach, and that helped to alleviate  
8 that problem.

9 I also saw during that summer there were  
10 two and three police cars in South Seaside Park. Two  
11 cars patrolling. I thought, wow, this is great. And  
12 then there would be another police car parked, I  
13 guess, for those who were the crossing officers to  
14 either if they had to go someplace or use bathrooms.  
15 I'm assuming they would go in there. Or it would be a  
16 place where that they could cool off. I don't know.  
17 But there would be one parked, also.

18 From September through January, I  
19 stopped. I thought, okay. You know, let's -- I guess  
20 I'm not going to do it. And then all of a sudden, it  
21 dawned on me come February, what I'm going to do is  
22 continue picking it up. So what I did was, I put down  
23 number of cars, the number on the cars, the time the  
24 cars were there, and I put it on a calendar like this  
25 (indicating) to show that we do have two cars now in

1 South Seaside Park. For the most part, we definitely  
2 have one car, and now we do have two cars that I see.

3 Q. And that was different prior to the  
4 de-annexation proceedings.

5 A. That was different prior to the  
6 de-annexation, the start of the de-annexation  
7 proceedings.

8 Q. Okay. I'll have your calendar marked.  
9 I have an extra copy.

10 A. Thank you. Can I give you the updated  
11 one?

12 Q. Sure.

13 A. That this one has the updated.

14 Q. That has it all up through the last  
15 meeting?

16 A. Through the 31st.

17 Q. Now, there's handwriting notes on this  
18 one.

19 A. Yeah.

20 Q. Okay.

21 MR. MICHELINI: Could you mark this,  
22 please.

23 (Calendar was marked as Exhibit A-62.)

24 MR. MICHELINI: Unfortunately, I only  
25 have one of these that's a current updated with Mr.

1 Whiteman's notes, so --

2 THE WITNESS: I have another one, if you  
3 like.

4 MR. MICHELINI: If you have another one,  
5 I'll give this one to the Board. Do you have another  
6 one?

7 THE WITNESS: I have this here.

8 MR. MICHELINI: No. I'm going to hand  
9 this one. You can testify from that one.

10 THE WITNESS: That one I think is  
11 clearer than this one.

12 MR. MICHELINI: Okay. Well, I'm going  
13 to give the Board the extra copy just because Mr.  
14 Whiteman needs to testify from the document, and then  
15 we'll give you this one afterwards.

16 Q. Okay. So --

17 A. Can I --

18 Q. Go ahead.

19 A. So this weekend -- this weekend was --  
20 or the last weekend was Memorial Day. And I'll give  
21 you an example. I'll tell the Board here. We still  
22 had Friday, Saturday, and Sunday we had the officers  
23 crossing the three streets. We had two police cars  
24 driving around at the same time, different parts of  
25 the town. We had two officers in one car.

1 Q. When you say "the town," you mean South  
2 Seaside Park?

3 A. South Seaside Park.

4 Q. Okay. Go ahead.

5 A. South Seaside Park.

6 Now, when I looked at that, I thought  
7 there is definitely a change that took place. And I  
8 look at it and I say, the reason why I want to bring  
9 it up -- should I go into it now?

10 Q. Go ahead.

11 A. And the reason why I wanted to bring up  
12 is, we had Mr. Moore testify up here. And Mr. Moore's  
13 testifying that if one police car was eliminated, the  
14 local purpose tax, we'd go down to, I believe, 2.7  
15 percent. And if we had two police cars in South  
16 Seaside Park, and you were to take away the two police  
17 cars, local purpose tax is zero. And that's what Mr.  
18 Moore testified. And I'm saying with de-annexation,  
19 if Berkeley Township does not have to put the two cars  
20 in South Seaside Park, local purpose tax then for the  
21 remaining people would be at zero.

22 Q. Okay. So what did your counts show?  
23 What did you find in terms of an increase in police  
24 presence now versus prior to the de-annexation  
25 proceedings? Tell us what your recent counts showed

1 from February.

2 A. Recent counts.

3 Q. Are they reflected on A-62?

4 A. Yes.

5 Q. Okay.

6 A. Yes. What I have noticed was there were  
7 two cars for most of the calendar's time that I  
8 noticed this and that I marked down. I seen two cars.

9 Q. So --

10 A. I will tell you this, I wasn't doing  
11 this for 24 hours a day.

12 Q. How often were you doing it?

13 A. At 7:00 in the morning, 7:30 in the  
14 morning, 3, 3:30 in the afternoon. And then I would  
15 sometimes go out. I got a new truck. I like to drive  
16 my truck. In the evening. And I would notice police  
17 cars in the evening, also.

18 Q. So this was your effort to write down  
19 what you noticed as you left for work and --

20 A. Yes.

21 Q. -- when you came home. And then if you  
22 drove around in the evening or on the weekends.

23 A. Right. Weekends, again, I'd go out and  
24 get breakfast in the morning maybe at 9:00. Walk my  
25 dog in the afternoon. Go for a bike ride. And, you

1 know, I would --

2 Q. And would you write down these -- pretty  
3 much that day, these notations that day?

4 A. All of them were written down in my  
5 original calendar book here.

6 Q. And they would be written down that day?

7 A. And they would be written down that day.  
8 Yes.

9 Q. Okay. And there were -- I know there  
10 were some days where you only saw one police car, but  
11 that doesn't necessarily mean --

12 A. Right.

13 Q. -- that there was one; correct?

14 A. Some days -- and I think there may be  
15 four days where I didn't see a police car. Four or  
16 five days. I did not see a police car. Doesn't mean  
17 they're not there. It's just that I didn't run into  
18 them. Didn't run into them.

19 Q. And on several weekdays, you saw  
20 multiple police cars.

21 A. Oh, I saw three police cars. All right?  
22 I saw two officers in a police car. I looked at it  
23 and thought to myself, well, there is definitely a  
24 change now with the -- and I want to thank the Mayor  
25 and Council for -- and the Police Chief for seeing

1 that we were lacking. And it was lacking back in 2013  
2 and 2014 and '12. All right? Is it up to par with  
3 what we used to have there? And, again, I will say,  
4 we had a substation in South Seaside Park.

5 Q. And there is no substation.

6 A. There is no substation. We would have  
7 during the summertime -- we would have a four-wheel  
8 drive vehicle on the beach that would make sure that  
9 people would not sleep on the beach.

10 Q. Do you have that now?

11 A. We don't have that now.

12 Q. Okay.

13 A. Okay?

14 Q. So how long ago were those things, the  
15 substation and the beach vehicle?

16 A. That would be back, again, in the '70s  
17 and '80s.

18 Q. Okay. And then you've already testified  
19 about the lack of police presence --

20 A. Right. Right.

21 Q. -- prior to the de-annexation. Please,  
22 I don't want to go back in there.

23 A. Right. I don't either.

24 Q. And so this is -- this is your effort to  
25 document in a casual way the police that you've

1 noticed.

2 A. Yes.

3 Q. And just by that, you're convinced that  
4 there's been a much greater presence since  
5 de-annexation started; correct?

6 A. A great -- much greater presence since  
7 de-annexation has started. Yes.

8 Q. And it's your considered -- it's your  
9 thought that that's important for this board because  
10 of Mr. Moore's testimony about what would happen if  
11 they eliminated some police cars and the cost of those  
12 cars in South Seaside Park.

13 A. Yes. And I got to add something because  
14 I'm going to be upfront with you. I -- 95 percent of  
15 what's written on there -- 97 percent is my work.  
16 Anything you see that occurs during the week between  
17 9:00 and 2:00, I can't be there because I'm at work.  
18 So if there is a notation there of a 9:45 or a 12:00,  
19 it's because we had a gentleman who called me up and  
20 said, yes, I know you're doing this. This is where I  
21 saw this -- this police. I want to be upfront and  
22 tell you that 98 percent of this is my work that I  
23 did. Ninety-eight percent of it is what I saw.

24 Q. Okay. Your personal observations.

25 A. My personal observation. Yes.

1 Q. Okay. Anything else you want to tell  
2 the Board about that?

3 A. (Reviewing.) I think that's -- that's  
4 it. It was a big undertaking. I will tell you that.

5 Q. And you're still doing that?

6 A. No. I stopped.

7 Q. Okay.

8 A. Okay? I think as of yesterday, I ran  
9 out of my calendar, and I just said, well, I'm going  
10 to stop it because I was hoping to testify here. And  
11 it does -- it's does take time.

12 Q. And you didn't go out in the middle of  
13 the night and count cars either.

14 A. No, no. I didn't.

15 Q. All right.

16 A. I don't know if at night there's a  
17 police car riding around. I don't know, you know,  
18 prior to 4 in the morning or -- I'm in bed by 9:30  
19 now, 10:00. And after that there's a police car  
20 around.

21 Q. Thank you. No further questions.

22 VICE CHAIR WINWARD: Okay. Any of the  
23 board members have any questions? Professionals?

24 MR. WISER: I have one, Mr. Whiteman.

25 THE WITNESS: Yes.

1 MR. WISER: In terms of this increased  
2 police presence, do you know whether additional  
3 officers were hired, or just the existing manpower was  
4 reallocated?

5 THE WITNESS: You know, can you believe  
6 newspaper articles?

7 MR. WISER: I can believe what you tell  
8 me.

9 THE WITNESS: I don't know what you read  
10 in the newspapers is true anymore or not. We know  
11 that. We don't know whether what we see on the news is  
12 true or not anymore. There are articles that there  
13 were grants given to Berkeley Township but, you know, I  
14 remember seeing an article about that. That's the  
15 only -- I don't know if that was part of this or not.  
16 I have no clue.

17 MR. WISER: So you don't know.

18 THE WITNESS: I don't know.

19 MR. WISER: That's fine. That's --

20 MR. MICHELINI: But you would like to  
21 find out that information?

22 THE WITNESS: Yeah. I would. I think  
23 that's pretty good information if we had to hire police  
24 officers to cover South Seaside Park.

25 MR. MICHELINI: And we've been unable to

1 determine that because of OPRA request?  
 2 THE WITNESS: Right. Because I can't  
 3 get the information.  
 4 MR. MICHELINI: Yeah. Thank you.  
 5 THE WITNESS: Yeah. I'd like to know,  
 6 do we -- what are the hours of the police officer? But  
 7 it's not fair. We can't do that.  
 8 MR. WISER: Okay. I -- so I've asked  
 9 the question. You've answered it. That's fine. Yeah.  
 10 MR. MICHELINI: Thank you.  
 11 MR. MCGUCKIN: I have a couple more, Mr.  
 12 Chairman.  
 13 VICE CHAIR WINWARD: Yes. Go ahead,  
 14 Greg.  
 15  
 16 CROSS-EXAMINATION BY MR. MCGUCKIN:  
 17 Q. Just to follow up on that, you can  
 18 certainly find out how many officers the township has  
 19 this year versus last year versus the year before.  
 20 That's a public record. Have you had --  
 21 A. I believe Mr. Moore did make a statement  
 22 on that, and he put it in there.  
 23 Q. I think so, too. But --  
 24 A. Yeah. But I wasn't listening. Okay?  
 25 (Laughter.)

1 Q. He didn't make you listen. I  
 2 understand.  
 3 A. He's long, you know?  
 4 Q. That information is available; correct?  
 5 A. Yeah. I don't know if it's available.  
 6 I just thought it was mentioned that --  
 7 Q. The police department, their rules and  
 8 regs and their contract is also public record. So you  
 9 would be able to determine what their hours are.  
 10 A. I don't know. I'm not going to do that.  
 11 Q. Okay. You could find it out.  
 12 MR. MICHELINI: I don't think we could  
 13 find out the hours and shifts in South Seaside.  
 14 Q. Not the shifts, but how many hours they  
 15 are supposed to work a week.  
 16 A. I don't think so, either.  
 17 Q. Putting that aside. Your calendar the  
 18 Exhibit A-62, you maintained that from February 1st of  
 19 2016 to May 31st of 2016?  
 20 A. Yes.  
 21 Q. Okay. Do you have any similar calendar  
 22 for anything prior to February of 2016?  
 23 A. No. No calendar prior to that.  
 24 Q. Okay. And you mentioned in 2015 at the  
 25 summer, you noticed these cross patrolman. I'm

1 assuming some sort of crossing guards?  
 2 A. Yeah. Yeah.  
 3 Q. Okay.  
 4 A. Not crossing guards. They are --  
 5 Q. Special police officers.  
 6 A. Number 2.  
 7 Q. Class II?  
 8 A. Class II officers were at each of those  
 9 three things. Yeah.  
 10 Q. Okay.  
 11 A. No doubt about it.  
 12 Q. And there were three of those, and they  
 13 were there most of the summer --  
 14 A. Yes.  
 15 Q. -- of 2015.  
 16 A. Yes.  
 17 Q. And we're starting 2016 now.  
 18 A. Right.  
 19 Q. And do you recall any of those  
 20 crossing -- the Class II officers ever being there or  
 21 crossing guards being there in 2014, 2013, 2012, 2011,  
 22 any of those years?  
 23 A. I know I went to a meeting here, and  
 24 it may have been in 2011. Not planning board, council  
 25 meeting. And said, I had to get out of my car and

1 park my car, walk to the street, and I became the  
 2 person holding up the traffic so cars could go down  
 3 the street. And I believe that was in 2011 I did  
 4 that.  
 5 Q. In the middle of summer?  
 6 A. In the middle of the summer. So I know  
 7 in 2011, I'm pretty sure we did not have crossing  
 8 guards back then.  
 9 Q. Okay. So in 2011 you didn't have  
 10 crossing guards --  
 11 A. Yes.  
 12 Q. -- at South Seaside Park.  
 13 A. So '12, '13. We can -- you can get the  
 14 information right from the police department.  
 15 Q. I understand. But you're testifying  
 16 that it's different now than it was, and so that's why  
 17 I'm trying two figure out it was.  
 18 A. Yes. Yes.  
 19 Q. And you don't have detailed records  
 20 prior to 2016. You have some assumptions based upon  
 21 your observations --  
 22 MR. MICHELINI: I'm going to object to  
 23 the characterization.  
 24 A. Yeah. It's not assumption. It's what  
 25 occurred.



1 Q. What you observed.  
 2 A. What I definitely observed. Yes.  
 3 Q. Okay. And, again, between February '16  
 4 and May, you kept a daily record of that information.  
 5 A. Yes, I did.  
 6 Q. But you don't have such a record that  
 7 you kept before that?  
 8 A. I don't have it on paper. No.  
 9 Q. Okay.  
 10 A. You know, you can understand that when  
 11 there is lack of police presence there, and I go to  
 12 the meetings, council meetings, to complain about it,  
 13 and I go and continue to complain about it, and  
 14 nothing happens, there is a record, and that record  
 15 would be with the council meetings.  
 16 Q. I understand. I'm just trying to --  
 17 A. Uh-hum.  
 18 Q. -- get to what you observed in South  
 19 Seaside Park.  
 20 A. Yes.  
 21 Q. That's what I'm trying to figure out.  
 22 And you say there's been a change. 2013  
 23 was bad, so you didn't see police officers as much in  
 24 2013 as you saw in 2015; is that a fair --  
 25 A. No. What I said was, there's definitely

1 a big change from 2015 to 2016. Or should I say, from  
 2 2013 to -- 2014 to 2015 and starting this year. So  
 3 this past year, I have seen more policeman than I've  
 4 done -- than I've seen in prior years. Yes.  
 5 Q. Okay. So in 20 -- you specifically  
 6 mentioned a couple times "2013."  
 7 A. Yes.  
 8 Q. And you said you had a bad year. There  
 9 was a bad year. I think that's what you referred to.  
 10 A. I don't know a bad year. Every year is  
 11 a good year at my age.  
 12 Q. That's what you said. But irregardless.  
 13 So what you meant by that was, you didn't believe  
 14 there was a sufficient police presence --  
 15 A. Right. I saw a change occur in 2014.  
 16 Q. In 2014.  
 17 A. 2014. Pardon me. Let me get it right  
 18 here. We had -- no. I saw a change last year. Which  
 19 is 2015.  
 20 Q. 2015. Okay.  
 21 A. Yes.  
 22 Q. So prior to 2015, you believe there was  
 23 insufficient police presence in South Seaside Park.  
 24 THE WITNESS: When did we file this?  
 25 Q. Well, I don't think that matters. I'm

1 asking you.  
 2 A. When did we file this?  
 3 Q. That's not my question.  
 4 A. '14. So basically I talked about a year  
 5 and a half ago about how Berkeley neglected South  
 6 Seaside Park. So a year and a half ago, if we go  
 7 back, that would be 2014.  
 8 MR. MICHELINI: I think it would be  
 9 either late 2014 or early 2015 --  
 10 A. Right.  
 11 MR. MICHELINI: -- that you testified.  
 12 A. So if I said that we can assume now that  
 13 it would have occurred from 2013 and prior where there  
 14 was a problem, even somewhat in 2014.  
 15 Q. Well, that's what I'm trying to clarify.  
 16 A. Yeah.  
 17 Q. So you say there's been a change. I'm  
 18 trying to figure out what the change was and when it  
 19 occurred. So you said 2013 was not a good year.  
 20 That's what you said a couple times, and I just want  
 21 to be clear.  
 22 A. Well, I had said --  
 23 Q. Was that a year --  
 24 A. The police was not as present there as  
 25 it is today.

1 Q. Okay.  
 2 A. Absolutely.  
 3 Q. Okay. So that 2013 is not as good as it  
 4 is today. As far as police presence.  
 5 A. The police presence was different. Yes.  
 6 Q. And --  
 7 A. It is better today than it was prior in  
 8 '13, '12, '11, '10.  
 9 Q. Okay. And in 2014.  
 10 FROM THE FLOOR: And '14.  
 11 A. And 2014.  
 12 Q. That -- that's similar to 2013, 2011,  
 13 2012?  
 14 A. You know, I -- I look back at it, and  
 15 since we were here, okay? and we had our petition,  
 16 when that petition was filed, there was a change. I  
 17 said that earlier to you, also.  
 18 Q. Okay. And, last, you mentioned  
 19 four-wheel drives. You said back in the '70s and  
 20 '80s, there was a four-wheel drive vehicle on the  
 21 beach; is that correct?  
 22 A. Yes. It was.  
 23 Q. Was that a police vehicle or a lifeguard  
 24 vehicle, do you recall?  
 25 A. Back in the '70s, we had Officer Baum

1 and Officer John Rotelli. They were summer police.  
2 So what they would do is, they would take their  
3 vehicle up on the beach, Officer -- I think his name  
4 was Rotelli -- and they would drive. We called it Rat  
5 Patrol. So if we had people who wanted to sleep on  
6 the beach, they couldn't.

7 Q. Okay.

8 A. Because they would drive back and forth  
9 on the beach all night long until about four in the  
10 morning and tell the people that they were not allowed  
11 to sleep on the beach. They were not allowed to build  
12 fires on the beach. And they were not allowed to  
13 party on the beach and drink.

14 Q. And is it your testimony, then, that  
15 that hasn't happened since the '80s?

16 A. That hasn't happened since the '80s  
17 except for July 4th.

18 Q. Okay. And as far as you're aware,  
19 except for July 4th, no four-wheel drive police  
20 vehicles have been on the beach? As far as you know.

21 A. As far as I know. I haven't seen any.

22 Q. Okay. All right. Thank you.

23 MR. WISER: Are there incidents now,  
24 despite the lack of four-wheel drive on the beach where  
25 people sleep or drink or party on the beach? Is that

1 happening currently? The last couple of years?

2 THE WITNESS: Put it this way, when I go  
3 up on the beach in the evening, you know, two years  
4 ago, there's fires on the beach. There are people who  
5 party on the beach, drinking. There are kids on the  
6 beach. You know, and this is late-night walks with my  
7 bride and myself.

8 MR. WISER: So the answer is, yes, it's  
9 happening now.

10 THE WITNESS: I would say yeah.

11 MR. WISER: Okay.

12 THE WITNESS: It's happening now. Yes.

13 MR. MICHELINI: Anything else?

14 MR. GINGRICH: Through the Chair.

15 VICE CHAIR WINWARD: Go ahead, Brian.

16 MR. GINGRICH: I listened to you in  
17 great lengths talk about the police, and you even had  
18 some percentages of what we would save; correct?

19 THE WITNESS: Not my percentages.

20 MR. GINGRICH: No. You did --

21 THE WITNESS: It's Mr. Moore's  
22 percentages.

23 MR. GINGRICH: Okay. Now, let me ask  
24 you a very simple question. Common sense kind of  
25 dictates.

1 (Mr. Wiegartner exited.)

2 MR. GINGRICH: You guys are assuming  
3 that if you do get annexed, these police just -- and  
4 cars just go away. Did it ever occur to any of you  
5 guys that it would just be absorbed into our township  
6 for better police protection? Therefore, there would  
7 really be no savings because we wouldn't let anybody  
8 go. Did -- that's just a thought.

9 THE WITNESS: I think what you should do  
10 and ask those who live east of Route 9 if South Seaside  
11 Park was to let go, should -- should they drop police  
12 officers, too, or should they also --

13 MR. GINGRICH: That's not what I'm  
14 saying, sir. That's not what I'm saying. I didn't say  
15 ask anybody else. I'm asking you. The question is,  
16 according to what you're saying, they're just going to  
17 go away. I'm not asking anybody south, east, or west.

18 THE WITNESS: All right. I can --

19 MR. GINGRICH: I'm saying, don't you  
20 think there's a possibility that the police and the  
21 cars would just be put into the Berkeley system for  
22 better protection; and, therefore, there would be no  
23 savings?

24 THE WITNESS: You realize -- can I  
25 answer that? You realize that back in the '70s, the

1 patrol used to be South Seaside Park --

2 MR. GINGRICH: We're not in the '70s.  
3 I'm talking right now 2016. We --

4 MR. MICHELINI: Let him answer.

5 THE WITNESS: Let me answer the  
6 question.

7 MR. GINGRICH: We don't need to go back  
8 to 2000 --

9 MR. MICHELINI: Let him finish the  
10 answer.

11 THE WITNESS: To prove my point, I have  
12 to --

13 MR. GINGRICH: No. You don't. I'm  
14 asking you a question about 2016.

15 THE WITNESS: Yes, I do.

16 MR. MICHELINI: Let him ask you the  
17 question, please.

18 VICE CHAIR WINWARD: Okay.

19 THE WITNESS: Back then patrols were  
20 part of the mainland and part of the Island. Okay?  
21 The patrols were both areas. So if the patrol was to  
22 leave, those policemen would still be patrolling on the  
23 mainland.

24 MR. GINGRICH: I'm not talking about  
25 that.

1 THE WITNESS: We've now have the  
 2 police --  
 3 MR. GINGRICH: I'm talking about now  
 4 you've been annexed. That's all.  
 5 THE WITNESS: Will you let met finish?  
 6 VICE CHAIR WINWARD: Brian, let him  
 7 finish.  
 8 THE WITNESS: Now what we have is, we  
 9 have two cars that are for our area. Okay? If it's  
 10 only for our area and not patrolling any other area on  
 11 the mainland, yeah, you can get rid of those two cars.  
 12 MR. GINGRICH: You could.  
 13 THE WITNESS: Certainly you could.  
 14 MR. MICHELINI: Do they patrol Pelican  
 15 Island?  
 16 THE WITNESS: They also control Pelican  
 17 Island. But you realize Seaside Park at one time  
 18 offered to patrol South Seaside Park, which Dover  
 19 Township could do the same thing.  
 20 MR. MICHELINI: South Seaside Park or  
 21 Pelican Island?  
 22 THE WITNESS: South Seaside Park.  
 23 Seaside Park offered to patrol for monies. That was at  
 24 one time talked about. And when I was growing up, we  
 25 had Seaside Park that did patrol our area. Okay?

1 Seaside Heights used to patrol Pelican Island, also.  
 2 That's what the police was back in the '60s. All  
 3 right?  
 4 Now, you say, well, can that happen,  
 5 too? Sure, the Council can get an agreement with one  
 6 of the towns to say will you patrol Pelican Island for  
 7 us since it's only 70 houses, I guess.  
 8 MR. MICHELINI: Anything else?  
 9 MR. GINGRICH: Yeah. I'm not quite  
 10 finished yet.  
 11 THE WITNESS: Oh, good.  
 12 MR. GINGRICH: Give you a reason why you  
 13 couldn't get rid of two police cars. See, back in '08,  
 14 my house was robbed.  
 15 THE WITNESS: Uh-hum.  
 16 MR. GINGRICH: We came home to find out  
 17 our house had been invaded. And you know what happened  
 18 to us? Six miles away in Holiday City. That's pretty  
 19 close, isn't it? Six miles from here. Police -- the  
 20 police station is right here. Six miles to Hoiiday  
 21 City. Would you kind of agree with that?  
 22 THE WITNESS: That's --  
 23 MR. GINGRICH: And it took 45 minutes.  
 24 MR. MICHELINI: Go ahead. You can  
 25 answer that.

1 THE WITNESS: Yeah.  
 2 MR. GINGRICH: It took 45 minutes for a  
 3 911 call to be answered due to the volume that the  
 4 police were handling. Forty-five minutes, six miles  
 5 away. So do you understand what I'm saying? So maybe  
 6 if those two cars were there, maybe they would have got  
 7 to me sooner and caught the guy sooner. Police did a  
 8 great job. They caught the individual. But understand  
 9 my dilemma. I come home, my house is invaded. Maybe  
 10 those two cars would have made a difference. So you  
 11 wouldn't let the cars just go away.  
 12 (Mr. Wiegartner entered.)  
 13 THE WITNESS: I believe 911 doesn't work  
 14 for Berkeley, and you should have called directly to  
 15 the police. And I totally agree with you on that. 911  
 16 doesn't work.  
 17 MR. GINGRICH: I didn't say 911 didn't  
 18 work, sir.  
 19 THE WITNESS: Yes, you did. You called  
 20 911 is --  
 21 MR. GINGRICH: What I said was, it took  
 22 them 45 minutes to get to me. The 911 worked.  
 23 THE WITNESS: But you called 911.  
 24 That's the problem.  
 25 MR. GINGRICH: And it worked. They

1 called the police. They just doesn't have anybody to  
 2 get to me. Very simple.  
 3 THE WITNESS: Mr. Gingrich, that is the  
 4 problem. 911. I'm telling you. It is. It's not  
 5 good.  
 6 MR. GINGRICH: What did the gentleman  
 7 tell you who had the car problem? He called 911.  
 8 THE WITNESS: Uh-hum.  
 9 MR. GINGRICH: Aii right. I'm done.  
 10 Thank you.  
 11 MR. MICHELINI: Anybody else? Okay. I  
 12 think that concludes our testimony.  
 13 I would reserve is the right to bring  
 14 rebuttal witnesses and obviously to give a closing  
 15 statement after all testimony has been given. That  
 16 would be the appropriate time to do that.  
 17 So Mr. McGuckin and I will talk about  
 18 July. We mentioned that earlier.  
 19 MR. MCGUCKIN: Correct.  
 20 MR. MICHELINI: And we'll try to figure  
 21 out what's going to go on for July.  
 22 MR. MCGUCKIN: Yeah.  
 23 MR. MICHELINI: Thank you very much.  
 24 THE WITNESS: Thank you very much.  
 25 MR. MICHELINI: I know it's been a very

1 difficult application so far and heated at times. I do  
2 appreciate the Board's patience as well when that has  
3 occurred. And thank you for your time.

4 VICE CHAIR WINWARD: Okay. Next up on  
5 our agenda is adjournment. Do we have a motion?

6 MR. WIEGARTNER: I'll make a motion.

7 VICE CHAIR WINWARD: Second?

8 BOARD MEMBER: Second.

9 VICE CHAIR WINWARD: All in favor?

10 (Ayes.)

11 (The proceedings were adjourned at 9:14

12 p.m.)

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1  
2 CERTIFICATE

3  
4  
5 I, DARLENE SILLITOE, a Certified Court  
6 Reporter and Notary Public of the State of New Jersey,  
7 certify that the foregoing is a true and accurate  
8 transcript of the proceedings.

9  
10 I further certify that I am neither  
11 attorney, of counsel for, nor related to or employed by  
12 any of the parties to the action; further that I am not  
13 a relative or employee of any attorney or counsel  
14 employed in this case; nor am I financially interested  
15 in the action.

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*Darlene Sillitoe (H)*

DARLENE SILLITOE, CCR  
License No 30XI0102300

22  
23  
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