| TOWMSHANPINE BERKELEY |  | 1 INDEX |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | 2 | NAME OF |  | PAGE |
|  |  | 3 | ERNEST |  | 4 |
| 4 | IN THE MATEER OF: | 4 |  |  |  |
| 5 | SOUTH SEASTIDESARK HMYEOWERS | 5 |  |  |  |
| 6 | de-annexation petition hearing | 6 |  |  |  |
| 7 |  <br>  | 7 |  |  |  |
| 8 |  | 8 |  |  |  |
| 9 |  | 9 |  |  |  |
| 10 |  | 10 |  | EXHIBITS |  |
| 11 | before: | 11 | NUMBER | DESCRIPTION | Page |
| 12 | Robert Winward, chairman | 12 | T-31 | 3epprt dated June 1, | 5 |
| 13 |  | 13 |  |  |  |
| 14 |  | 14 | A-72 | Ioypice dated March 7, | 28 |
| 15 | Brian Gingrich, Memmer | 15 | A-73 | copy of two-page ${ }_{\text {rua }}$ | 34 |
| 16 |  | 16 |  | 8, 2095 dated February |  |
| 17 |  | 17 | A-74 | copy ${ }_{5}$ of , inyoice dated | 41 |
| 18 |  | 18 |  |  |  |
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| $\begin{aligned} & 23 \\ & 24 \end{aligned}$ |  | 23 |  |  |  |
|  | LINOA SUMITVAN-HTHL R ASSOCTATES | 24 |  |  |  |
| 25 |  | 25 |  |  |  |
|  |  |  |  |  | 4 |
| 1 |  | 1 |  | MR. WINWARD: South Seasi |  |
| APPEARANCES: |  | 2 | homeowners and voters de-annexation petition |  |  |
| 3 | DASTF MURRPHY MCGUCKIN, ULAKY, bosk kicey Road, EsSs. EOrked dicee 'M Ne jersey 08731 Attorneys for the Board | 3 | hearing. |  |  |
| 4 |  | 4 |  | we're having testimony |  |
| 5 |  | 5 | township | ight is our township engin | from |
| 6 |  | 6 | Remingto | İck, Mr. Ernie Peters. |  |
| 7 | G'MALLEY SUUMAN \& MICHELINI, ESQS. | 7 | Mr. PETERS: Thank you. Good |  |  |
| 8 | atorneys for the Pettioners | 8 | evening, Mr. Chairman. <br> My name is Ernie Peters. I'm with |  |  |
| 9 |  | 9 |  |  |  |
| 10 |  | 10 | Remingto | ick \& Vena Engineers. Our | ffice |
| 11 | ALSO PRESENT: |  | serves | consulting township engine | And I |
| 12 | John Camera Administrator/Acting Secretary | 12 | serve as | lanning board engineering | nsultant. |
| 13 | bicke peers | 13 |  | I'm a licensed engineer i |  |
| 14 | kodney Aaines, CPA ${ }^{\text {a }}$ | 14 | New Jers |  |  |
| 15 |  | 15 |  | (off the record.) |  |
| 16 |  | 16 | ERNEST | having been duly sworn, a | ding to |
| 17 |  | 17 | law, upo | ath, testified as follows |  |
| 18 |  | 18 |  | MR. PETERS: I'm a licens | engineer |
| 19 |  |  | in New | A licensed planner in Ne | rsey. |
| 20 |  |  | and a cers | municipal engineer in th | tate of |
| 21 |  |  | New Jers |  |  |
| 22 |  | 22 |  | I was asked to prepare a |  |
| 23 |  | 23 | dealing | street paving for the m | cipality |
| 24 |  | 24 | and for | ceaside Park. I prepared | eport |
| 25 |  |  | dated Ju | 217. Would the board lik |  |

marked?

4 marked as T-31 for identification.)

6 South Seaside Park Homeowners and Voters Association
7 De-annexation Petition Street Paving Analysis for
Berkeley Township.
Mr. Chairman, I have extra copies for
the board members if you'd like me to hand them out.
MR. WINWARD: Sure.
MR. WISER: Mr. Peters, do you have
any extra copies? Thank you. I think your firm would be good enough to do that.

MR. PETERS: There's some associates
in my firm who might not think that's a good idea.
Mr. Chairman, I'11 simply read the
report into the record and then explain the
attachments. The report was sent to Mr. Camera, the business administrator.

Dear Mr. Camera: In accordance with your request, our office has reviewed the length of municipally owned streets in Berkeley Township that have been paved since 2012. Our office reviewed
available Capital Bond Ordinances from 2012 to 2017,

6
payment vouchers and Department of Public works
records and have summarized our findings below. We
have attached a copy of the Township Street Map as
4 well as our worksheets for your review.
Berkeley Township has approximately
6251 miles of municipally owned, or what we refer to
7 on our street map as local streets.
The length of local roads represented
by the de-annexation petition, which is shown on the
street map as South Seaside Park, is approximately
6.4 miles, which makes up about two and a half
percent of the roads in Berkeley Township.
The length of local roads not
represented by the de-annexation petition, which is
shown on the street map as Mainland and
Pelican Island, is approximately 244.6 miles or 97.5
percent of the streets in Berkeley Township.
The length of local roads paved since
2012 in Berkeley Township is approximately 24.35
miles or approximately 9.7 percent of the local
roads in Berkeley Township.
The length of local roads paved since
2012 in South Seaside Park is 1.73 miles or
2 approximately 27 percent of the local roads in
South Seaside Park.

The length of local roads paved since 2012 on the Mainland and Pelican Island is
approximately 22.62 miles or approximately
nine percent of the local roads on the Mainland and Pelican Island.
should you have any questions or
require additional information, please do not
hesitate to contact our office. And it's signed by myself.

There are eight pages of attachments.
The first seven pages of attachments are lists of
roads that have been paved in the town from 2012 to
2017 and the bond ordinances that they were referred to.

The last page in the report is a reduced sized copy of the street map of Berkeley Township. I apologize, it's very difficult to read. I doubt you can read it at that scale. I have a larger version of the street map, although it's still reduced, on the board over there. It's about two and a half by three foot. The actual map itself, which I do have a copy of, is about three foot by four foot. So, if the board would like that for, to look at or so the public can see it, I'm happy to bring it up.

That's the sum and substance of my
report this evening, Mr. Chairman.
MR. WINWARD: Okay. Does any of the
board have any questions to Mr. Peters? Go ahead.
MR. CALLAHAN: Mr. Peters, I know
Barnegat is a county road.
MR. PETERS: Correct.
MR. CALLAHAN: It was repaired or we
were told we were going to get it repaved. And that
was about six years ago. Now, how far has that gotten?

MR. PETERS: I'm sorry. We were told
that the county was going to repave Barnegat?
MR. CALLAHAN: That's correct,
somebody told me.
MR. PETERS: okay. My analysis isn't
why roads haven't been paved. Mine is simply an
arithmetic calculation of the roads that
Berkeley Township is responsible for.
MR. CALLAHAN: I'm not disputing
that. All I've asked is for a point of information.
Is anything going to happen to Barnegat?
MR. PETERS: I can't speak for the
county.
MR. CALLAHAN: Thank you.

MR. PETERS: That would be correct.
MR. MACKRES: -- roughly? Was it an
8 equal spread across the years or is it -- there's no 9 additions here.

MR. PETERS: I'm sorry. Could you
repeat your question?
MR. MACKRES: Was it an equal
spread -- I don't see the additions per year on this, on these.

MR. PETERS: Well, we've listed as, under each of the years, this third column is called HOA. It will tell you whether it's on the island, if it's in Holiday City. If it's blank, it's just a street within the municipality. So, the ones that are listed as island would represent South Seaside Park.

MR. MACKRES: Thank you.
MR. PETERS: We thought that was the
easiest way for laypeople to recognize those streets.

10
MR. WINWARD: okay. So, at this
time, there's no more questions from the board.
Mr. Wiser has a question for you.
MR. WISER: Just a couple of questions. I think the main one is piggybacking on
Mr. Callahan's question. There are roads in
South Seaside Park that are not local roads, that are not municipally owned roads, correct?

MR. PETERS: That's correct. There
are county roads and state roads located on
South Seaside Park.
MR. WISER: And the -- whether or not
those -- are the mileage represent -- are the -- is
the length of those roads represented in the
calculations or any of the things that you -- the statistics that you have on your cover letter?

MR. PETERS: Not in the June 1st, 2017 letter. However, if you look at the street map, the street map actually indicates the mileages of different road ownerships. We didn't use that. We just used, for purposes of the June 1st, 2017 letter, Berkeley Township owned and maintained streets.

MR. WISER: okay. So, we could do a calculation or somebody could do a calculation of
the amount of nonlocal roads in South Seaside Park?
MR. PETERS: Yes, there -- Route 35,
as we all know, after Sandy, was rebuilt. So,
there's a brand-new road going north and south on
Route 35. The Township of Berkeley didn't directly
pay for it. Taxpayers, obviously, had a hand in
paying for it. But the State paid for the
reconstruction. The state and federal government
paid for the reconstruction of Route 35.
on 20th Avenue, from Route 35 to the bay, is a location of the storm sewer interceptor that goes to the storm sewer pump station on the bay, that road was reconstructed. But it was not done by Berkeley Township, it was done by the state and the federal government as a result of Sandy. Bayview from 20th to 22 nd, a portion of that was repaved as well as a result of Sandy. That is also a municipally owned road. But it wasn't done by Berkeley Township. It was done by the state as a result of Sandy.

MR. WISER: So, the -- wait. I'm
sorry. I didn't catch that last bit. So, there are municipally owned roads that were improved by others that are not reflected on your report?

MR. PETERS: That's correct. Those

12
1 were done in 2014, by the state as a result of the 2 construction of the storm sewer pump station.

MR. WISER: Okay. Are there other --
understanding you were asked to look at the roads,
5 are there other -- and if you can't answer this, I
get it. But are there other township investments in
7 South Seaside Park that you're aware of that could
be calculated? And maybe I'm not asking the question with specificity but --

MR. PETERS: Yes. The two that come to mind would be the bay side beach improvements
that have occurred in the last five years, as well as curbing on the bay side from 20th to 22nd to try to provide a little more depth for the bay before it spills into the municipal street.

So, when we -- the existing Bayview Avenue does not have curbing along most of it. From 20th to 22nd, six-inch curb was installed. which, in point of fact, would allow the water in the bay, before it spills out onto the street, to be another six inches higher. So, there were those improvements that were done by the municipality, using municipal funds since Sandy, that would not be reflected on the June 1st, 2017 report.

MR. WISER: And what was it -- before

1 you talked about the curb, you said there was some
2 kind of other bay side improvement?
MR. PETERS: A project called Bay
4 side Beach. It's the same area. There was
5 replenishment done there. And what's referred to as
6 armor protection or riprap was installed to try to
7 limit the amount of erosion that occurs along that area.

MR. WISER: So, the riprap would be
storm surge protection?
MR. PETERS: Correct.
MR. WISER: As opposed to the curb,
which would be just flooding?
MR. PETERS: The curb was simply
meant to provide some additional freeboard for when the water comes from up the bay.

MR. WISER: I think that's the only
questions I have at this time, Mr. Chair.
MR. WINWARD: Okay. And,
Mr. Michelini, do you have some questions?
MR. MICHELINI: I do.
For the record, Joseph michelini on
behalf of the petition signers from south Seaside
Park Homeowners and voters Association.

14
1 EXAMINATION BY MR. MICHELINI:
Q Mr. Peters, when you began to
testify, you testified that you are the engineer for
the planning board and also the engineer for the
municipality; is that correct?
I indicate --
Your firm is, Remington \& Vernick,
correct?
Yes.
Q How long has it been like that? In other words, how long has Remington \& vernick been
the engineering firm for the municipality of
Berkeley Township and also for the Planning Board of Berkeley Township?

A Since 2012.
Q So, basically, the entire time that this effort of de-annexation has occurred, correct, as far as you know?

A That I don't know when the de-annexation petition began.

Q The -- when you're standing here
tonight giving testimony, on whose behalf are you giving it? Are you giving it on behalf of the planning board or in your role as the township engineer?
de-annexation case and the planning board and what
their role is?

| A | No. |
| :--- | :--- |
| Q | You don't know if there is -- |
| A | I don't know if there is. |
| Q | -- or there isn't? Okay. Do you |

1 agree that the planning board needs to be
independent, then, from the township in this process
or you don't know?
A I'm aware that they need to be
separate.
Q okay. And so, then, again, if
they're separate, then in which role are you
testifying tonight? If you know. If you don't, that's fine.

A I don't know.
Q okay. Who asked you to testify?
A John Camera, the business
administrator.
Q Do you know why that the roles are separate between the township and the planning board in this process?

A That I do not.
Q Have you listened to the testimony at all of these meetings that have occurred or have you missed some of the meetings?

A Not at all the meetings. I've missed some of the meetings.

Q When you've been here -- you've been at most of the meetings. I think we're over 20. and I'll represent it's approximately -- well, it's

1 over 20 , we'll just leave it at that. of those 2 meetings, you've been at most of them, correct? 3 A correct.
4 Q And when you attended those meetings,
5 I know at least in the beginning, you were sitting 6 at the table where Mr. wiser is and now in the more
7 recent year or so you've been sitting in the chairs
8 for the gallery, so to speak, correct, at these
9 meetings?
A Okay.
Q Okay. And has your role changed
since you've been attending these meetings?
A I don't believe so.
Q What has been your role in your
attendance at these meetings? Are you here as the
township engineer or are you here as the planning
board engineer?
A This is a planning board meeting. I'm here as the planning board engineer.

Q But tonight, Mr. Camera asked you to testify specifically with regard to township issues, correct?

A with regard to information that the planning board wouldn't have immediate access to.

Q Mr. Camera, who's the township
it?
A Last Wednesday or Thursday.
3 Q Okay. And as a result of that, you
generated a report that's dated June 1, 2017, which
5 has been marked as T - 31 in evidence, correct?

| A | Yes. |
| :--- | :--- |
| Q | Was anybody else at the meeting at |

which you discussed preparing this report?
9 A Yes.
10 Q Who else was at that meeting?
11 A Alan Dittenhofer from my office.
12 Q and was he -- he is -- what is his role with Remington \& Vernick?
A I believe twice.
Q $\quad$ Okay. And when was that?
A
The most recent was either last
A He's a partner in the firm.
appears when you look on the township website to see
who the township engineer is and who the planning
board engineer is, correct, or is it the firm, if
you know?
A I don't know.
Q Why was he there?
A
Qecause he was asked to be there.
A
Who asked him?
Q

Mr. Camera -- why Mr. Camera asked him there, unless
he told you. Did Mr. Camera tell you why he wanted Mr. Dittenhofer there?

A He did not.
Q So, you don't know why he was there?
A I do not.
Q Now, aren't you involved in this
matter as the project manager for the -- for
Remington \& Vernick?
A I don't understand your question. Q are you designated as the project manager for Remington \& Vernick when it comes to de-annexation?
A Yes.
Q So, you are the project manager.
What does that mean?
A I'm responsible for attendance at
these meetings.
Q okay. What does it mean to be
project manager? Does it mean something more than
just simply showing up?
A When applications appear before the
board, I'm responsible for the review of the
applications and the preparation of reports.
Q Does that apply to the de-annexation

16 What does that mean?
A I'm responsible for attendance at 18 these meetings.
okay. What does it mean to be project manager? Does it mean something more than 21 just simply showing up? board, I'm responsible for the review of the applications and the preparation of reports.

25

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matter?
A Not yet.
    Q Are you going to prepare another
report or is this the only report that you're
testifying to in regard to de-annexation?
    A This is the only report I've prepared
so far.
    Q Do you plan on preparing another
report, either on behalf of the board or on behalf
of the township, with regard to de-annexation?
    A I have not been asked.
    Q Well, you're the project manager. Do
you decide whether or not you prepare a report?
    A Again, I don't understand your
question.
    Q I'm trying to figure out if you're
only going to be here testifying in this
de-annexation hearing about what you put in the
June 1 report, or if you're here to testify about
other matters or anticipate testifying about other
matters. If you're only going to testify today,
then I need to ask you a whole lot more questions.
    A That's all I was asked to do so far.
    Q Well, so you don't know is what the
answer is, correct? You don't know if you're going
```

22
1 to be testifying another time?
A I do not know.
Q And who would ask you? who's -- at
whose -- at whose request would you come and testify
before this board?
A Either the board or Mr. Camera.
Q And Mr. Camera being the township
administrator?
A Yes.
Q The board hasn't asked you to testify
on this matter?
A I don't believe so. I believe
Mr. Camera was the one who asked me to testify.
Q What are you doing with regard to de-annexation when you're not here? In other words,
besides this report of June 1, 2017, what services
are you rendering to this board or to the township,
for that matter, with regard to de-annexation?
A I was listening to the testimony.
Q That's the only thing you do?
A I'm not sure what else you would
expect me to do.
Q And I'm not expecting anything. I'm asking you.
25 A Okay.
12
2 Q okay. Do you bill for your time?

24
for payment?
A All of our bills get sent to the
town.
Q Okay. So, tonight, who's paying for
your services here? Is it the planning board or is
it the township?
A I'm not sure.
Q You don't know. So, besides
attending the meetings and preparing the June 1
report, you haven't done anything else with regard
to de-annexation, correct?
A I'm not sure what --
Q Have you prepared any reports besides
June 1's report?
A No.
Q Have you assisted in the preparation
of any other reports besides the June 1 report?
A No.
Q Tell me a little bit about the meeting that you had, the other meetings -- so, let me go back for a minute.

Last Wednesday, you met with Mr. Camera, correct?

A Either last Wednesday or last
Thursday. I don't have --

| 1 | Q | That's fine. |
| :--- | :--- | :--- |
| 2 | A | -- it committed to memory. |
| 3 | Q | Where did that meeting occur? |
| 4 | A | In this building. |
| 5 | Q | All right. And who else was present? |
| 6 | A | Mr. Dittenhofer and Mr. Camera. |
| 7 | Q | Anybody else? |
| 8 | A | To the best of my knowledge, no. |
| 9 | Q | And how long did that meeting last? |
| 10 | A | Less than an hour. |
| 11 | Q | Okay. And what was discussed, if |
| 12 | anything, besides the information that you have in |  |
| 13 | your report dated June 1? |  |
| 14 | A | Nothing. |
| 15 | Q | Nothing. Okay. And you mentioned |
| 16 | that you had had another meeting with Mr. Camera, |  |
| 17 | correct? |  |
| 18 | A | Yes. |
| 19 | Q | When was that? |
| 20 | A | I don't know the specific date. I |
| 21 | would say it was last summer. |  |
| 22 | Q | Last summer. okay. Where was that |
| 23 | meeting held? |  |
| 24 | A | Here. |
| 25 | Q | And who else was present at that |

1 meeting?
2 A
$3 \quad$ Q And what was the point of that
4 meeting?
A There was a discussion regarding the
6 assembling of transcripts.
7 Q Okay. And what was the nature of
8 that discussion?
A Mr. Camera wanted to know if I was
going to do that or if Mr. Wiser was going to do
that.
Q And what was the outcome of that?
A Mr. Wiser got that job.
Q What did that involve, assembling
transcripts?
A I don't recall.
Q Does that mean preparing, reviewing
the transcripts and preparing annotated transcripts
and pulling specific things out of them and putting
them on a sheet so to make it easy for township
witnesses?
A I don't know. I didn't do the work.
Q Have you seen any of those annotated
transcripts?
A Something you've marked into evidence
and shown witnesses before?

| 2 | Q | Yes. |
| :--- | :---: | :--- |
| 3 | A | Yes, I've seen them. |
| 4 | Q | Okay. And is that the -- are those |
| 5 | the transcripts that we're talking about that |  |
| 6 | Mr. Wiser prepared and had the job to do and you |  |
| 7 | didn't? |  |
| 8 | A | I don't understand what we're talking |
| 9 | about. |  |
| 10 | Q | Well, you said that Mr. Wiser got the |
| 11 | job of preparing the transcripts, correct? |  |
| 12 | A | of organizing the information, yes. |
| 13 | I wasn't -- |  |
| 14 | Q | Who prepared the annotated |
| 15 | transcripts from your office? |  |
| 16 | A | I believe Mr. Wiser did. |
| 17 | Q | Okay. So, you didn't do that, have |
| 18 | you, correct? |  |
| 19 | A | I did not. |
| 20 | Q | Did you assist in doing it? |
| 21 | A | I don't believe so. |
| 22 | Q | And you haven't assisted in preparing |
| 23 | any reports, correct? |  |
| 24 | A | Gathering the transcripts from the |
| 25 | planning board for Mr. Wiser, because his office |  |

physically isn't here. But in terms of putting
documents together?
$\begin{array}{ll}\text { Q } & \text { Okay. } \\ \text { A } & \text { Is that what you're asking me? }\end{array}$
$\begin{array}{ll}\text { A } & \text { Is that what you're asking me? } \\ \text { Q } & \text { I'm asking if you assisted in }\end{array}$
preparing a report, other than the June 1 report.
A It's a broad question. I helped
gather the information that was put together by
Mr. Wiser.
MR. MICHELINI: I'm going to show you
-- we'll mark this. I don't know what exhibit
number we're up to.
(The Invoice dated March 7, 2016 was
marked as A-72 for identification.)
Q I'm going to show you what's been
marked as A-72 in evidence. It's a two-page
document, correct? Is that two pages?
A Yes.
Q Can you tell me what it is. There's
some highlighting on it to assist you. What is it?
A It's an invoice from our office dated
March 7, 2016, to the township regarding the
de-annexation.
Q So, this is an invoice that was sent
to the township for payment --
$\begin{array}{lll}1 & \text { A } & \text { Uh-hum. } \\ 2 & \text { Q } & \text { - correct, from your office? } \\ 3 & \text { A } & \text { Correct. } \\ 4 & \text { Q } & \text { And there's notations as to work that } \\ 5 & \text { was performed by you and Mr. Wiser on this invoice } \\ 6 & \text { for the month of February of 2016, correct? } \\ 7 & \text { A } & \text { Yes. } \\ 8 & \text { Q } & \text { All right. And the -- you don't know }\end{array}$
9 if this was paid by, through the planning board
budget or through the township budget, correct?
A I do not know, no.
Q okay. And it indicates that you're
the project manager/engineer for this de-annexation
project at Remington \& Vernick, correct?
A No, it indicates my billing title on the invoice.

Q okay. All right. So, your billing title is project manager/engineer?

A That's correct.
Q Are you the project manager for this de-annexation matter at Remington \& vernick?

A I'm project engineer.
Q So, project manager is not accurate
in terms of describing what you are in relation to
the de-annexation case; is that correct?

30

|  | A | 'm not sure I understand your |
| :---: | :---: | :---: |
| question. |  |  |
| 3 | Q | Well, the bill says, for your time, |
| 4 you're billing as the project manage |  |  |
| 6 | A | That's correct. |
| 7 | Q | Are you the project -- the question |
| is, are you the project manager at Remington \& |  |  |
| 9 vernick for the de-annexation matter? |  |  |
| 10 | A | I think I'm -- I believe I'm the |
| 11 project engineer. |  |  |
| $12$ | Q | okay. |
|  | A | If you're looking at creating -- |
|  | Q | Okay. Go ahead. |
|  | A | Joe, if you're going to ask me a |
| 16 question and you want an answer, I'm going to try to 17 give you an answer. |  |  |
|  | Q | All right. |
|  | A | You want me to answer yes and no, |
|  | whichever way you'd like to do this. |  |
|  | Q | It's very simple. |
|  | A | But I'm not cutting you off, so |
| please don't cut me off. |  |  |
|  | Q | I'll try not to cut you off -- |
|  | A | I'm listening |

Q -- if you have an explanation of why
it says project manager.
A I gave you that answer three
questions ago. It's a billing title in my firm. If
you look at the invoice, there's a project manager
listed, the top right-hand corner, it has
Mr. Dittenhofer's name on it --
Q okay.
A -- as well.
Q So, is he a co-project manager or is $^{2}$
he the project manager for this matter?
A He's the person responsible for
billing.
so, what is it -- so, project manager
is simply and only a billing title on this invoice
for you?
A You're taking three words and reading two of them consecutively. It's project
manager/engineer.
Q All right. I --
A That's my responsibility on this
invoice.
Q okay. So, what I'm trying to figure
out, and I'm not trying to be disrespectful, if you
are project manager on this invoice, obviously,

32
you're an engineer, I get that, but what are you --
are there duties that you're doing as project
manager for Remington \& Vernick relating to
de-annexation?
A To the extent --
Q That's the question.
A -- there are responsibilities for
this at the planning board, the answer to your
question is yes.
Q Okay. All right. And Mr. wiser is not the project manager, correct?

A Mr. Wiser is not listed on this invoice as the project manager, no.

Q Is he project manager in this matter for Remington \& Vernick?

A Mr. Wiser is the lead in putting the information together for this project, as you can see from the billing.

Q okay. So, I'm confused and I'm not trying to be disrespectful. But does that mean he's not the project manager?

A I'm not sure I can classify who a project manager is or isn't for this particular project.

Q It's not my invoice that has it, so
just understand that.
Now, under that title, project manager, is 3 your name, Peters, Ernest, correct?
4 A Uh-hum.
5 Q And this is for a entry on
February 4, 2016. Do you see that?
Yes.
Q And it says, review de-annexation
schedule and report preparation, correct?
A Yes.
Q And that's -- let's see. It's June.
It's already June. So, that's 15 months ago you
were preparing a report, correct?
A No. Review de-annexation schedule
and review report preparation.
Q It doesn't say, and review report preparation. It says, and report preparation.

A I apologize. As an engineer, I don't have a great command of the English language.

Q Okay. All right. So, what --
A If you're asking me to qualify what that intent was --
Q I'm asking what it means. What does it mean?

A I reviewed the de-annexation schedule

34
1 and I reviewed the report preparation.
2 Q whose report preparation?
3 A Whose?
4 Q Yes. who was preparing the report?
5 A Mr. wiser was assembling the
6 transcripts.
Q So, you were reviewing his work when it says, report preparation?
A Yes.
Q okay. So, you didn't prepare another
report 15 months ago, correct?

A No.
MR. MICHELINI: All right. Let's
have this one marked.
(The copy of two-page invoice dated
February 8,2017 was marked as A-73 for
identification.)
Q would you please identify what A-73

A a-73 is a copy of a two-page invoice from our office dated February 8, 2017.

Q okay. And, again, you are listed on the top under the professional personnel as project manager/engineer, Peters, Ernest, correct?

A Yes.

Q All right. And it says, coordinate
5 mapping with CAD staff and planner, correct?
A Yes.
Q For which you billed an hour and a
half, it looks like, right?
A Yes.
Q What is that referring to,
coordinating mapping or -- yes, what is the mapping part of that?

A I apologize. I simply don't recall
the specifics of it. I could give you a best
estimate.
Q I don't want you to guess. If you
don't know --
A Then I don't recall.
Q You don't recall what that is.
That's not reviewing transcripts and it's not
attending a meeting, correct?
A Yes.
Q All right. And then the next one, three hours, prepare mappings for de-annexation hearing. And then attend planning board
de-annexation hearing. So , those are two things
together, right, that you did on January 5, 2017?
A Yes.
Q Do you know how much time was
preparing maps for de-annexation versus attending
the planning board de-annexation meeting?
A I do not.
Q What maps have you prepared for
de-annexation, other than the map that you brought tonight?

A I've not prepared any additional
maps.
Q $\quad$ so, when it says, prepare mappings
for de-annexation, that's not good English for what you actually did?

A It was a generalization of the work that was being done by my CAD staff.
Q Okay. And you bill for that, correct?

A Yes.
Q Yes. All right. Then, on the next page, there's references to a person who billed by the name of John Keller. There's a number of references to billings for, quote, police substation maps. Do you see that?

| 1 | A | Yes. |
| :--- | :---: | :--- |
| 2 | Q | Now, who is John Keller? |
| 3 | A | John keller is one of our CAD |

1 Q Do you know how much your firm has
2 billed through, let's say, April 30?
A I do not.
Q Is your firm also the township
engineer for Seaside Park?
6 A Yes.
Q How long has your firm been the
township engineer for Seaside Park?
I don't know specifically.
Q Has it been more than a year?
A Yes.
Q More than two years?
A Yes.
Q More than three years?
A Yes.
Q Now, with regard to that, you're
assisting the township tonight in providing
testimony, correct? Yes?
A Yes.
Q And the township, as best you can
tell, has a position of not wanting the
de-annexation; wouldn't that be accurate to say?
MR. MCGUCKIN: Hold on one second.
23
24
25 Q You don't know?

2 nothing in evidence about that. I don't
understand --
MR. MICHELINI: I think it's pretty
5 clear myself.
MR. MCGUCKIN: well, I would
disagree. But how can the township engineer, unless
8 you have testimony from him that the township has
9 told him they're opposed to it or someone from the
10 township. You want to ask him that question, that's fine.

Q Has Mr. Camera indicated to you one way or the other whether or not he supports or
opposes de-annexation?
15
16
17
18
19
20
MR. MCGUCKIN: Mr. Chairman, there's

6
7

Q What is the point of your providing this report dated June 1, 2017? Isn't it to show that with regard to the percentage of land or, I'm sorry, the percentage of streets paved in South Seaside Park, that it, on a percentage basis, it exceeds the mainland and, therefore, South Seaside Park is not being neglected?

A That's sounded like rhetoric and not a question.

Isn't that the point?

## 40



1 knows

2 question.

4 knows.
6 Q Do you know the point of Mr. Camera 7 writing -- asking you to write that report?
A No.
MR. GINGRICH: How much more of this
are you going to let go?
MR. MICHELINI: Hours. That's tongue
in cheek.
(off the record.)
MR. MICHELINI: Let me ask you --
we'll get this one marked.
(The Copy of invoice dated May 5,
2017 was marked as A-74 for identification.)
Q Mr. Peters, I'm going to show you what's been marked A-74 in evidence. Can you tell
me what that is? And they were together, so I don't
know -- if they're separate documents, we can take
the second page away. Are they separate documents?
They were served on me together.
A The second page of A-74 appears to be a separate document.

42
$1 \quad \mathrm{Q} \quad$ All right. So, let's just identify
2 A-74 as a single page so as not to create any
confusion.
A A-74 appears to be a Xerox copy of our firm's invoice dated May 5, 2017.

Q Okay. And what time frame does that include professional services billed through?

A April 30 of 2017.
Q Okay. And what -- does that tell you
the total amount billed through april of 2017 in
regard to de-annexation?
A Yes.
Q And what is it?
A The exact amount appears to be
$\$ 123,185.83$.
Q Now, do you know -- are you writing time to the township on each matter that you work on
separately? In other words, this bill only relates to the de-annexation, correct?

A of course.
Q Okay. So, you -- when you do work in
the township for something else, that goes into a
different bill?
A Yes, it does.
Q Okay. So, is the township being
billed separately for de-annexation matters other
than this bill or these bills that I've been
referring to that have been marked, I think, A-71
through A-74?
A I don't believe so.
Q Have you gotten consent from the
township to act in this matter as both the township
engineer and the planning board engineer? Have you
gotten consent?
A I don't know.
Q You don't know. Have you ever seen a
written consent of any kind?
A I have not.
Q Do you know if one exists or you just
don't know?
A I don't know.
Q Have you gotten consent -- well,
would you concede that the interest in de-annexation
as between Seaside Park and Berkeley Township might be adverse to each other?
A I didn't understand that question. I apologize.

Q okay. Would you concede that it might be in the best interest of Seaside Park to have de-annexation but not in the best interest of

```
Berkeley Township?
    A I wouldn't know.
    Q You wouldn't concede that that's --
that could be the case?
    A Any case could be the case. I simply
don't know.
    Q So, it could be the case. And you,
your firm is also the engineer in Seaside Park,
correct?
    A You've answered that question, yes.
    Q Yes. So, have you gotten any consent
from Seaside Park to act as the engineer in this
matter for the Township of Berkeley?
    A You're going to have to -- you start
talking about Seaside Park.
    Q Very simple. Has your firm --
    A Then you start talking about
Berkeley.
    Q Has your firm gotten consent from
Seaside Park to act as the township engineer insofar
as it relates to de-annexation --
    A I don't know.
    Q -- in this case?
    Has your firm gotten consent from
Seaside Park to act as the township planning board
```

1 engineer, planning board engineer, insofar as it relates to de-annexation?
A I don't know.
Q That wasn't a concern of yours, that
5 there might be a conflict of interest?
6 A of mine?
7 Q Yes, of yours. You're a professional
8 engineer, correct?
A Yes, I am.
Q You have a license, correct? In
fact, you have multiple licenses. You told us at
the beginning. Not only are you a professional
engineer but you're also a professional planner;
isn't that correct?
A Yes.
Q And don't both the Association of Planners and Engineers, the New Jersey, whatever the governing body is of New Jersey engineers, don't
they both have codes of ethics that say you
shouldn't act where there's conflicts?
A I believe they do.
Q Did you ever consider that there
might be a conflict here in some way?
$\begin{array}{lll}24 & \text { A } & \text { Did I? } \\ 25 & \text { Q } & \text { Yes, did you? }\end{array}$

46
1 with a license.
A I have not. I was asked to do a job
for a client that I already have.
Q which one?
A Berkeley Township.
Q okay. Let's talk about your report
for a minute.
MR. MICHELINI: For the record, I
received this report tonight. Mr. Camera says he
tried to send it to me sometime late or the middle
afternoon, but, honestly, I didn't get it, for
whatever reason. You know, e-mail's not always
reliable. But, in any event, I got it tonight when
I got here. And that is the report that's been marked $\mathrm{T}-31$.

MR. MCGUCKIN: You got it before he
testified, though?
MR. MICHELINI: I got it tonight as
the other hearing was going on on the other issues, or just right around the beginning of the meeting, whenever that was.

Q I'm going to ask you some questions about the report. There was testimony previously by somebody, I believe from Public works, who had indicated that the area from Route 35 to the ocean,

1 I think it's on 20th, hadn't been paved in some 30
some odd years. Do you recall that testimony?
3 A Testimony of who? From Public Works?
Q It was a township representative. I
could be wrong if it was Public works. But it was
somebody that was in charge of the paving. The
gentleman who was in charge of the paving, do you
recall that testimony?
A I was here for the testimony. I don't recall that.

Q You don't recall that he testified that the area from Central Avenue or Route 35 to the ocean on 20th hadn't been paved in over 30 years? you don't recall that?

A You just asked me that and I said I don't recall.
Q You don't recall. okay. Do you recall him saying that he put it on the list for recommendation for paving for over 30 years. That he put it on a list for recommendation for paving, do you recall that?
22 A I recall part of the conversation. I don't recall the specific street.

Q Do you recall that he said that he sends that list to the township engineer's office

1 and they decide what roads are going to be
recommended for paving? Do you recall that?
A I don't recall him saying that the
township engineer decides.
Q well, they decide which are going to
be -- you don't recall him saying that?
(Witness shakes head.)
What is the process? Road needs to
be paved, what's the process? How does it get done?
Does somebody make a recommendation?
A Yes.
Q Who?
A Both the Public Works Department
through our office and our office to the governing body.

Q Do you -- so, the recommendations can
come from the Public works Department, correct?
A of course.
Q How do they come to you? In a
letter? In a list? How do they come?
A A list.
Q And who gets that list? Do you get
that or is it somebody else?
A I do not.
Q Who gets it?

|  | A | I don't know. |
| :---: | :---: | :---: |
|  | Q | Somebody at Remington \& Vernick? |
|  | A | Yes. |
|  | Q | And then -- but you are aware of the |
| 5 process? |  |  |
|  | A | Yes. |
|  | Q | What happens, then, with the list of |
| 8 recommended roads to be paved? |  |  |
|  | A | I just said, recommended list fro |
| 10 Public works and our office go to the governing 11 body. |  |  |
|  | Q | All right. But the list that comes |
| from Public Works to your office, what happens with |  |  |
| that list? Does it get adopted as a list to be |  |  |
| passed on or does somebody cross off some of the |  |  |
| those streets? I mean, is there any review of the |  |  |
|  | list that comes from Public Works to your office? |  |
|  | A | I don't know. I'm not involved in |
| that. |  |  |
|  | Q | So, you don't know. Okay. You're |
|  | not involved and you have no idea. You have no |  |
| idea in the office who does that? |  |  |
|  |  |  |
|  |  |  |

50
Q Do you know why a road in
South Seaside Park would not have been paved for in
excess of 30 some odd years?
A I do not.
5 Q Do you think that's reasonable or unreasonable?
7 A No way to answer that without ever 8 having physically visited the site.
$9 \quad$ Q Have you physically visited South
Seaside Park?
A Yes, 20th Street between 35 and the bay was repaired by the state.

Q Correct. And on the other side, the
testimony has been, I will represent to you, that it
hasn't been paved in excess of 30 years. Have you
looked at that stretch?
A I'm sure I've seen it. I don't,
again, I don't prepare the recommendation list.
Q Now, you did a -- your report
compares roads in the mainland versus roads that
were paved in the barrier island area, specifically
South Seaside Park, correct?
A That's correct.
24 Q Doesn't involve Pelican Island,
correct?

## names down because on the street map of the

township, are two inserts. One insert, which
represents the de-annexation petition area, is
called South Seaside Park. Another area, which doesn't fit on the map, is called Pelican Island.
So, I wanted it to be clear which areas were being
reviewed so that both board members, laypeople,
would understand what the report was dealing with.
Q Okay. Now, there's been testimony
that this de-annexation started somewhere around
2011/2012. Not necessarily the petition but the
effort itself. Were you here? Do you recall that testimony?

A No, I don't.
Q okay. Did you do any analysis of the period in time before 2011/2012 to compare the paving of roads in South Seaside Park before this effort of de-annexation started?

A I'm having a hard time understanding your question. What I --

Q Did you look at the five-year period from, let's say, 2007 to 2012?
effort began in 2011 and 2012, utilizing your
report, correct?
A Yes.
Q Now, you talked about the amount of
local roads. And I'm a little unclear on this. Is
Midway Beach, are those local roads that the
township is responsible for paving?
A Can I make reference to a larger copy
of the map?
Q Sure.
A Just for the record, I don't know if
you want to have this marked or not, I prepared a 24
by 36 -inch copy of the street map. It is not to
scale. The scale map --
Q Let me ask you a question about it.
This is the same map that is attached to your report
in a smaller form?
A That is correct.
21 Q All right. So, it's already in
evidence. It's just that this is just a larger
version of what is attached to T-31, correct?
A That's correct.
Q All right. So, with that in mind, go

1 ahead and tell us what you want to tell us about it.
A Well, no, I wanted to have the map in 3 front of me because you made reference to a section 4 of town.

Q Do you know where Midway Beach is?
6 A I know where Midway Beach generally
7 is, yes.
Q You don't know where it is exactly?
9 A I can point it out on the map. But I
don't know what streets it makes up. I didn't do an
analysis of neighborhoods. I did an analysis of streets.

Q All right. Where do you live, by the way, Mr. Peter?

A I live in Howell.
Q How far is it from Howell to
South Seaside Park? Pretty far, right?
Twenty-five miles, something like that?
A Approximately.
Q And how far is it from here to south
Seaside Park? Approximately 16 miles, correct?
A That's what I've heard at the meetings, yes.

Q And you have no reason to disbelieve that, correct?
1
2 A $\quad$ I do not.

1 A In that area, yes.
2 Q So, do you -- are you able to tell me 3 if the township is responsible to pave roads in Midway Beach or not?

| 1 | Q | Okay. So, just for the record, I |
| :--- | :--- | :--- |
| 2 | haven't asked you where anybody lived in |  |
| 3 | South Seaside Park. Beach Avenue -- Beach Drive, |  |
| 4 | rather, is that a municipal street or not? |  |
| 5 | A | Beach is a municipal street. |
| 6 | Q | Okay. And that's in Midway Beach, |
| 7 | correct? |  |
| 8 | A | I don't know I told you. |
| 9 | Q | Okay. But it's west of Route 35, |
| 10 | correct? |  |
| 11 | A | Correct. |
| 12 | Q | What about Surf Drive? |
| 13 | A | It's also a municipal street. |
| 14 | Q | Anchor? |
| 15 | A | Also a municipal street. |
| 16 | Q | Midway? |
| 17 | A | Also a municipal street. |
| 18 | Q | Okay. Kathryn? |
| 19 | A | Also a municipal street. |
| 20 | Q | Sprague? |
| 21 | A | Also a municipal street. |
| 22 | Q | Okay. And then 20th through 24th, |
| 23 | are they all municipal streets? |  |
| 24 | A | A portion of 24th is not. The rest |
| 25 | are. |  |

Q Okay. And that's in Midway Beach,
correct?
I don't know I told you.
okay. But it's west of Route 35,
correct?
orrect.
What about Surf Drive?
also a municipal street.
lso a municipal street.
Midway?
kay. Kathryn?
so a municipal street.
Also a municipal street.
are they all municipal streets?
are.

1 Q Who owns the portion of 24th that's 2 not a municipal street?

| 3 | A | I believe the county does. |
| :--- | :--- | :--- |
| 4 | Q | And where is that, at what portion? |
| 5 | A | I believe between Barnegat and 35 . |
| 6 | Q | Okay. And what about Barnegat |

58
1 street?
A I'm sorry. What?
Q Ocean Avenue.
A I didn't see Ocean Avenue on the map.
Yes.
Q And what about miller's Lane and
arlington Way? They're next to each other. Are they municipal streets?

A I don't believe they are.
Q okay. And Shore villa Road, is that a municipal street?

A I don't believe so.
Q So, is shore villa road included in
your calculations?
A If it wasn't a municipal street, it wasn't included.

Q What are you looking at when you
just -- you just referred to some document that's
not in evidence. What are you referring to?
A My work product.
Q What is it?
A It's a color coordinated copy of the South Seaside Park portion of the street mapped out.

Q Can we -- did you rely upon that in preparing your report?

2 Q Yes. Did you use information from
that to prepare your report?
4 A No, the other way around.
Q So, you used information from the
report to prepare that?
7 A Yes.
8 Q okay. Do you have any objection if I
look to that?
A Not at all.
MR. MICHELINI: off the record.
(off the record.)
MR. MICHELINI: Let me make a
suggestion. Mr. Peters is here at every meeting.
why don't we stop now.
MR. PETERS: I'm going to let you --
I won't be here in July.
MR. MICHELINI: You won't be here in
July?
MR. PETERS: I'm on vacation. I
apologize.
22
23

60
more questions and we'll cut it for tonight. I want
to reserve the right to ask him more questions
3 because he's here at every meeting and because I
4 received this report tonight. I may not, you know.
5 so, I'll just finish up tonight. But I would like
6 to reserve that right under the circumstances.
MR. WINWARD: That's understandable.
MR. MICHELINI: Thank you.
BY MR. MICHELINI:
Q Okay. So, Mr. Peters, were you here when the testimony was provided that approximately
ten percent of the tax base comes out of
South Seaside Park or that area? You've heard that?
A Whether testimony or
cross-examination, I remember hearing testimony.
Q And what is the percentage on T -31, local roads in South Seaside Park?
A 2.5 percent.
19 Q So, much less than that ten percent, correct? And, in addition, the length of roads
that -- the length of total roads is, is only
6.4 miles. So, if de-annexation were to occur,
there would only be 6.4 miles of roadway that, essentially, the township wouldn't be responsible for, correct?
the width of a road, correct?
11 A Yes.
12 Q Okay. And do we know, for instance,
the Lanes, First Lane through 11th Lane, are they
more narrow than the other roads in south seaside
Park?

A I don't know for sure.
Q Well, take a look at your map on T-31, the map that's attached. Doesn't it look, according to the very map that you have in evidence
as T -31, that the Lanes are all much more narrow
than the other roads shown in South Seaside Park?
A Your assumption about width is
incorrect. These are based on tax maps.

| 24 | Q | Okay. |
| :--- | :--- | :--- |
| 25 | A | Not actual street dimensions. |

1 Q So, you don't know what the street 2 dimensions are of the Lanes?

A That's what I said four questions 4 ago.
5 Q okay. And do you know what the
6 street dimensions are of the other roads in
South Seaside Park besides the Lanes?
A Not specifically.
Q And do you know how those widths compare to the roads on the mainland in terms of width?

A Not specifically. Different road classifications get different road widths.

Q So, you've only -- your report only analyzes the extent of roads represented and paved by length, not by width, correct? You're measuring length?

A That's what it says in my report. Q Okay. So, if the Lanes are, let's say, half the size of the average road in terms of width, on the mainland, then that would not be a fair comparison with a mainland road, correct?

A Nor would the opposite comparison be fair.

Q Right. of course. But you haven't

1 measured in terms of width, so you don't really --
it's unfair to make a comparison unless you know the average of the width of the roads in the mainland 4 versus the average of the width of the roads in 5 South Seaside Park; isn't that accurate?

A Well, that was more of a comment.
once again, the only thing I testified to was the length of road.

Q Right. But you're doing a
comparison. And the comparison is unfair if you
don't know the average width; isn't that correct?
A It's based upon length.
Q Right. And width could change the extent of how much an area -- a length of something is paved. If something is 30 feet wide and it's paved a distance of 100 feet and another road is 50 feet wide and it's paved a distance of 100 feet, there's going to be a whole lot more paving in the 50-foot-wide road; correct?
A That's mathematically correct.
Q okay. All right. And so, the only way to accurately compare the amount of pavement that would be utilized in South Seaside Park, versus the mainland roads, would be to do some kind of an average of the mainland roads and their width inland

64
versus the average of the width and length of the
South Seaside Park roads; isn't that accurate?
A That's not the only way, no.
Q That is a more accurate way than
simply --
A You asked me if it was the only way. The answer is no.

Q Is it a more accurate way than simply doing it by length?

A Yes.
Q And you haven't done that analysis, correct?

A No.
Q So, your report assumes that
Midway Beach roads are public roads, they're local
roads, correct?
A They're roads that the municipality maintains, correct.
Q Including the paving of them, correct?

A Yes.
Q Does that mean that the municipality does not own those roads, that they're not private?

A I don't know.
Q Is there a difference?

It wasn't part of the analysis. The analysis --

MR. MCGUCKIN: Well, I'm going to
jump in here. First of all, that's a legal
conclusion. And there are some roads that the township owns only if they own property on both sides of the road. Otherwise, it's a public right-of-way, which is completely different than
owning the land underneath it. There's a huge
difference between those two things.
Q Do you know the difference in
Berkeley Township between private roads and public roads?

A Generally.
Q And what is that, generally?
A Fee title. Whether or not the town has ownership of the ground beneath it.

Q Do you know in Midway if the town has ownership of the roads beneath it or the ground beneath the roads?

A I do not.
Q But it's your testimony that the town is responsible for paving those records?

A It's my testimony it's listed on the street map as a road maintained by the municipality,

1 A I told you, I'm not sure of the 2 limits of Midway Beach.

Q When's the last time any of the Lanes were paved, First through 11th, by the municipality?

A I don't know that.
MR. MICHELINI: Okay. I think we'11
stop it here. I know we're coming up on your time
8 frame anyway. And if I have other questions of
Mr. Peters, we'll see him in two months and wish him
10 a good vacation in July.
Thank you, Mr. Peters.
(Matter adjourned.)
4 attached streets of T-31, where it shows the years
and the name of the project and where it's located
6 in the town. Show me at least one of the roads in
Midway Beach.
A I don't believe there are any roads
in the Midway Beach area. I can list the streets
but I'm not going to be quizzed about what an area
is. If you have a specific road to ask me, that's
what I looked up. I looked -- please let me finish.
I looked up streets that had paving work done to
them. I have a list of those. I've tried to put
that list to a map.
16
Second Lane Third Lane, all the way through 11th
Lane, have any of those been paved in the last five
years, according to your report?

Q When's the last time any of the roads 24 in Midway Beach were paved?

CERTIFICATE

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

Notary Pubitic of the state of NeW Jersey
My Commission expires January 26, 2021

Dated: June 21, 2017

| \$ | 4 |  |
| :---: | :---: | :---: |
| \$118,000 [1] 37/14 | 46 [1] 1/24 | 50/18 55/21 63/7 |
| \$118,769.95 [1] 37/15 | 5 | ago [5] $8 / 10 \quad 31 / 4 \quad 33 / 12$ |
| \$123,185.83 [1] 42/15 | 5 | $34 / 11 \quad 62 / 4$ |
| 0 | 50 feet [1] $63 / 17$ <br> $50-$ foot-wide   <br> [1] $63 / 19$  | $\begin{array}{lllll} \text { agree } & {[1]} & 16 / 1 & \\ \text { ahead } & {[4]} & 8 / 4 & 30 / 14 & 53 / 1 \end{array}$ |
| 0001 [1] 1/25 | 6 | 55/16 ${ }^{\text {a }}$ [1] |
| 08527 [1] 1/25 | 6 | Alan [1] 19/11 |
| 08723 [1] 2/7 | 6.4 [1] 6/11 $60 / 22$ 60/23 | Alan Dittenhofer [1] 19/11 |
| 08731 [1] 2/4 | 6.4 miles [3] 60/22 60/23 | $\text { al1,[32] } 8 / 21 \quad 11 / 3 \quad 15 / 5$ |
| 1 | $\begin{array}{cc} 61 / 2 \\ 620[1] & 2 / 4 \\ \hline \end{array}$ | 16/19 16/21 21/23 24/2 |
| $\begin{array}{\|lr} \hline 1 ' s & {[1]} \\ 1.73[1] & 6 / 23 \\ \hline \end{array}$ | 7 | $\begin{array}{llll}31 / 20 & 32 / 10 & 33 / 20 & 34 / 13\end{array}$ |
| 100 feet [2] 63/16 63/17 | 71 [1] 43/3 | $35 / 4 \quad 35 / 23$ 36/21 $40 / 6 \quad 42 / 1$ |
| 119,000 [1] 37/23 | 72 [2] 28/14 28/16 | $\begin{array}{llll}53 / 13 & 56 / 23 & 59 / 10 & 59 / 22\end{array}$ |
| 11th [4] 57/21 61/13 66/17 |  | 61/20 63/21 65/4 66/17 |
| 67/4 | 732 [1] 1/25 | allow [1] 12/19 |
| 15 [2] 33/12 34/11 | 74 [6] $41 / 17$ 41/19 41/24 | allowed [1] 59/23 |
| 16 mifes [1] 53/21 | 42/2 42/4 43/4 | along [2] |
| $\begin{array}{llll} 17 & {[1]} & 2 / 7 & \\ 1 s t & {[3]} & 10 / 17 & 10 / 21 \end{array} \quad 12 / 24$ | 8 | al ready [3] 33/12 46/3 |
|  | $\begin{array}{\|lll\|} \hline 833-0001 & {[1]} & 1 / 25 \\ 8: 10 & {[1]} & 1 / 9 \end{array}$ | $\begin{array}{\|cccc} \text { also } & {[14]} & 2 / 11 & 11 / 17 \\ 14 / 13 & 38 / 4 & 44 / 8 & 45 / 13 \end{array}$ |
|  | 9 | $\begin{array}{lllll} \\ 56 / 13 & 56 / 15 & 56 / 17 & 56 / 19\end{array}$ |
| $\begin{aligned} & 20[2] \quad 16 / 2417 \\ & 2007[1] \quad 51 / 24 \end{aligned}$ | 9.7 percent [1] 6/20 | $\begin{array}{lll}56 / 21 & 57 / 25 & 61 / 9\end{array}$ |
| $\left[\begin{array}{ll} 2011 & {[1]} \\ 2011 / 24 \\ 52 / 3 \end{array}\right.$ | 97.5 [1] 6/16 | although [1] 7/19 |
| 2011/2012 [2] 51/13 51/18 | A | am [1] 45/9 |
| $\left\lvert\, \begin{array}{ccccc} 2012 & {[14]} & 5 / 24 & 5 / 25 & 6 / 19 \\ 6 / 23 & 7 / 2 & 7 / 12 & 9 / 3 & 14 / 15 \end{array}\right.$ |  | amount [8] ${ }^{\text {a }}$ |
| 6/23 7/2 $7 / 12$ 9/3 $14 / 15$ <br> $51 / 13$ 51/18 $51 / 24$ 52/3 | $\begin{array}{lllll}\text { A-71 } \\ \text { A-72 } & {[2]} & 128 / 14 & 28 / 16\end{array}$ | 42/14 52/6 61/2 61/7 63/22 |
| $\begin{array}{lllll}51 / 13 & 51 / 18 & 51 / 24 & 52 / 3 \\ 55 / 24 & 66 / 23 & & \end{array}$ | A-72 $[2]$ $28 / 14$ $28 / 16$  <br> $A-73$ $[3]$ $34 / 16$ $34 / 18$ $34 / 20$ | analysis [13] 5/7 8/16 |
| 2014 [1] 12 | $\begin{array}{lllll}\text { A-74 [6] } & \text { [6] } & 41 / 17 & 41 / 19 & 41 / 24\end{array}$ | 15/2 18/15 51/17 $53 / 11$ |
| $\begin{array}{llllll} \\ 2016 & {[5]} & 3 / 14 & 28 / 13 & 28 / 22\end{array}$ | 42/2 42/4 43/4 | 53/11 55/17 55/21 64/11 |
| 29/6 33/6 | able [2] 55/2 55/8 | $65 / 165 / 2 \quad 66 / 1$ |
| 2017 [25] 1/8 3/12 3/16 | about [33] 6/11 7/21 7/22 | analyzed [1] 62/15 |
| $\begin{array}{lllll} & 3 / 17 & 4 / 25 & 5 / 3 & 5 / 25\end{array}$ | 8/10 13/1 18/7 18/7 21/18 | analyzes [1] 56/14 |
| $\begin{array}{lllll}10 / 18 & 10 / 21 & 12 / 24 & 19 / 4\end{array}$ | 21/19 21/20 24/19 27/5 | annexation [48] $1 / 5 \quad 4 / 2$ |
| $\begin{array}{lllll}22 / 16 & 34 / 16 & 34 / 21 & 35 / 2\end{array}$ | 27/9 39/2 40/20 44/15 | $\begin{array}{lllll}5 / 7 & 6 / 9 & 6 / 14 & 14 / 17 & 14 / 20\end{array}$ |
| $36 / 2 \quad 37 / 9 \quad 37 / 17$ 39/17 | $\begin{array}{llll}44 / 17 & 46 / 6 & 46 / 23 & 52 / 6 \\ 52 / 17 & 53 / 1 & 55 / 12 & 55 / 20\end{array}$ | $\begin{array}{lllll}15 / 20 & 18 / 4 & 18 / 7 & 20 / 13\end{array}$ |
| 41/17 $42 / 5$ 42/8 42/10 | $\begin{array}{lllll}52 / 17 & 53 / 1 & 55 / 12 & 55 / 20 \\ 55 / 22 & 56 / 12 & 57 / 6 & 57 / 11\end{array}$ | $\begin{array}{lllll} 10 / 25 & 21 / 5 & 21 / 10 \quad 21 / 18 \end{array}$ |
| 68/16 | $\begin{array}{lllll}55 / 22 & 56 / 12 & 57 / 6 & 57 / 11\end{array}$ | $22 / 15 \quad 22 / 18 \quad 24 / 11 \quad 28 / 23$ |
| 2021 [1] 68/14 | 57/21 58/6 61/22 66/10 | $\begin{array}{llll} \\ 29 / 13 & 29 / 21 & 29 / 25 & 30 / 9\end{array}$ |
| 20th [8] 11/10 11/16 12/13 | 66/16 $\begin{aligned} & \text { absolutely [1] 40/22 }\end{aligned}$ | $\begin{array}{llll} & 32 / 4 & 33 / 8 & 33 / 14\end{array}$ |
| 12/18 $47 / 147 / 13$ 50/11 | absolutely [1] 40/22 access [1] 17/24 | $\begin{array}{lllll}35 / 24 & 36 / 1 & 36 / 5 & 36 / 6 & 36 / 9\end{array}$ |
| 56/22 $68 / 16$ |  | 36/14 $37 / 10$ 38/22 $39 / 14$ |
| 21 [1] 68/16 | accordance <br> 5/21 <br> according [3] 4/16 61/19 | 42/11 $42 / 19$ 43/1 $43 / 18$ |
| $\begin{array}{llllll}22.62 & {[1]} & 7 / 3 & \end{array}$ | according [3] 4/16 61/19 66/19 | 43/25 $44 / 21$ 45/2 $51 / 5$ |
|  | accurate [7] 29/23 38/22 | 51/12 51/20 52/2 60/22 |
| $\begin{aligned} & 24[2] \quad 18 / 1352 / 14 \\ & 24.35[1] \\ & 6 / 19 \end{aligned}$ |  | annotated [3] 26/18 26/23 |
| 24. | accurately [1] 63/22 | $\begin{array}{cc}\text { 27/14 } \\ \text { another [8] } & 12 / 21 \\ 21 / 3\end{array}$ |
| 24th [3] 56/22 56/24 57/1 | across [1] $9 / 8$  <br> act $[5]$ $43 / 7$ $44 / 12$$\quad 44 / 20$ | 21/8 $22 / 1 \quad 25 / 16$ 34/10 51/6 |
| $\left\lvert\, \begin{array}{lr} 25 & \text { [1] } \\ 251 & \text { mi les }[13 \\ {[1]} \end{array}\right.$ | $44 / 25 \quad 45 / 20$ | 63/16 [15] 12/5 21/25 |
|  | Acting [1] 2/12 | answer [15] 12/5 21/25 |
| 27 percent [1] 6/24 | actual [2] 7/21 61/25 | $\begin{array}{llll}23 / 7 & 23 / 10 & 30 / 16 & 30 / 17\end{array}$ |
| 3 | actually [4] 10/19 36/15 | $\begin{array}{llllll}30 / 19 & 31 / 3 & 32 / 8 & 40 / 23 & 41 / 2 \\ 50 / 7 & 55 / 9 & 64 / 7 & 66 / 21 & \end{array}$ |
|  | dditi | answered [2] 37/19 44/10 |
| $\begin{array}{rrrrr}30 & \text { [7] } & 38 / 2 & 42 / 8 & 47 / 1 \\ 47 / 13 & 47 / 19 & 50 / 3 & 50 / 15\end{array}$ | additional [3] 7/7 13/15 | anticipate [1] 21/20 |
| 30 feet [1] 63/15 | 36/11 $7 / 7$ 13/15 | any [23] 5/13 7/6 8/3 8/4 |
| 31 [11] 5/4 19/5 46/15 | additions [2] 9/9 9/13 | $\begin{array}{lllll}10 / 15 & 24 / 13 & 24 / 17 & 26 / 23\end{array}$ |
| 52/23 60/16 61/18 61/20 | adjourned [1] 67/12 | $\begin{array}{llll}44 / 5 & 44 / 11 & 46 / 13 & 49 / 17\end{array}$ |
| 66/2 66/2 66/3 66/4 | administrator [5] 2/12 | $\begin{array}{llllll} 51 / 17 & 59 / 8 & 66 / 3 & 66 / 8 & 66 / 18 \end{array}$ |
| 35 [9] 11/2 11/5 11/9 | $5 / 20 \quad 16 / 13 \quad 18 / 1 \quad 22 / 8$ | $66 / 24 \quad 67 / 3$ |
| $\begin{array}{llll} 11 / 10 & 46 / 25 & 47 / 12 & 50 / 11 \end{array}$ | Administrator/Acting [1] 2/12 | anybody [3] 19/7 25/7 56/2 anything [4] 8/22 22/23 |
| 36-inch [1] 52/15 | adopted $[1]$ $49 / 14$ <br> adverse [1] $43 / 20$  <br> after [2] $11 / 3$ $40 / 5$ | $\begin{array}{rll} 24 / 10 & 25 / 12 \\ \text { anyway } & {[1]} & 67 / 8 \end{array}$ |

A
apologize [5] 7/17 33/18 35/13 43/22 59/21
appear [2] 20/22 37/12
APPEARANCES [1] 2/2
appears [4] 19/16 41/24
42/4 42/14
applications [2] 20/22
20/24
apply [1] 20/25
approximately [13] 6/5 6/10 6/16 6/19 6/20 6/24 7/3 7/3 16/25 37/14 53/19 53/21 60/11
$\begin{array}{llll}\text { April }[3] & 38 / 2 & 42 / 8 & 42 / 10\end{array}$
are [71]
$\begin{array}{llll}\text { area }[13] & 13 / 4 & 13 / 8 \quad 46 / 25\end{array}$ $\begin{array}{lllll}47 / 12 & 50 / 21 & 51 / 5 & 51 / 6\end{array}$ 54/22 55/1 60/13 63/14 66/9 66/10
areas [1] 51/8
aren't [1] 20/7
arithmetic [1] 8/18
Arlington [1] 58/7
armor [1] 13/6
around [3] 46/20 51/12 59/4
as [66] $4 / 114 / 12 \quad 4 / 17$ 5/4 6/3 6/4 6/7 6/10 6/15 9/15 9/20 11/3 11/15 11/17 $\begin{array}{llll}11 / 17 & 11 / 19 & 12 / 1 & 12 / 12\end{array}$ $\begin{array}{llll}12 / 13 & 13 / 5 & 13 / 12 & 14 / 18\end{array}$ 14/18 14/24 $15 / 6$ 15/8 15/12 $15 / 1315 / 1415 / 15$ $\begin{array}{llll}17 / 15 & 17 / 16 & 17 / 19 & 19 / 3\end{array}$ $\begin{array}{llll}19 / 5 & 20 / 8 & 20 / 11 & 28 / 14\end{array}$ 28/16 29/4 30/4 31/9 32/2 $\begin{array}{lllll}32 / 13 & 32 / 17 & 33 / 18 & 34 / 16\end{array}$
 $\begin{array}{llll}41 / 17 & 42 / 2 & 42 / 2 & 43 / 7 \\ 43 / 19\end{array}$ 44/12 44/20 44/21 44/25 45/1 46/18 49/14 61/20 65/25 68/7
$\begin{array}{llll}\text { ask [15] } & 18 / 17 & 18 / 25 & 21 / 22\end{array}$ $\begin{array}{llll}22 / 3 & 30 / 15 & 39 / 10 & 40 / 13\end{array}$ 40/20 41/14 46/22 52/17 55/19 59/25 60/2 66/11
asked [25] 4/22 8/21 12/4 15/1 16/11 17/20 18/1 $\begin{array}{lll}18 / 21 & 19 / 22 & 19 / 23 \\ 20 / 1\end{array}$ $\begin{array}{lll}21 / 11 & 21 / 23 & 22 / 10 \\ 22 / 13\end{array}$ 23/6 23/9 46/2 47/15 55/8 55/11 55/22 56/2 64/6 66/20
asking [9] 12/8 22/24 28/4 $28 / 5 \quad 33 / 21 \quad 33 / 23 \quad 40 / 9$ 40/10 41/7
assembling [3] 26/6 26/14 34/5
assist [2] 27/20 28/20
assisted [3] 24/16 27/22 28/5
assisting [1] 38/17 associates [2] $1 / 23$ 5/15 ASSOCIATION [4] $1 / 5 \quad 5 / 6$ 13/24 45/16
assumes [1] 64/14
assumption [1] 61/22
attached [5] 6/3 52/18 52/23 61/18 66/4
attachments [3] 5/19 7/10

7/11
attend [1] 35/25
$\begin{array}{lll}\text { attendance [2] } & 17 / 15 \quad 20 / 17\end{array}$ attended [1] 17/4
$\begin{array}{lll}\text { attending [4] } & 17 / 12 \quad 24 / 9\end{array}$
35/21 36/5
$\begin{array}{lll} & \end{array}$
Avenue [12] 11/10 12/17
$47 / 12 \quad 54 / 22 \quad 54 / 25 \quad 56 / 3$
57/7 $\quad 57 / 10 \quad 57 / 13 \quad 57 / 25$
58/3 58/4
average [7] 9/4 62/20 63/3 63/4 63/11 63/25 64/1
$\begin{array}{llll}\text { aware [3] } & 12 / 7 & 16 / 4 & 49 / 4\end{array}$
away [1] 41/22
B
Bacchione [1] 1/12
back [1] 24/21
$\begin{array}{lllll} \\ \text { Barnegat [6] } & 8 / 6 & 8 / 13 & 8 / 22\end{array}$ 57/5 57/6 57/10
barrier [1] 50/21
base [1] 60/12
based [3] 55/18 61/23 63/12
basically [1] 14/16
basis [1] 39/20
$\begin{array}{llll}\text { bay [10] } & 11 / 11 & 11 / 13 & 12 / 11\end{array}$ $\begin{array}{llll}12 / 13 & 12 / 14 & 12 / 20 & 13 / 2\end{array}$ 13/3 13/16 50/12
$\begin{array}{llll}\text { Bayview [4] } & 11 / 16 & 12 / 17\end{array}$ 57/11 57/13
Bayview Avenue [2] 12/17 57/13
Bayville [1] 1/8
be [46] $5 / 14$ 9/6 $12 / 8$
$\begin{array}{lllll}12 / 11 & 12 / 20 & 12 / 23 & 13 / 9\end{array}$
$\begin{array}{llll}13 / 13 & 16 / 1 & 16 / 4 & 19 / 22\end{array}$

$\begin{array}{llll}32 / 20 & 38 / 22 & 41 / 24 & 42 / 4\end{array}$
42/14 43/20 43/24 44/4
44/5 44/7 45/5 45/23 47/5
48/1 48/6 48/9 49/8 49/14
51/8 52/1 59/17 59/18
60/23 60/24 62/21 62/23
63/18 63/23 63/24 66/10 66/21
beach [19] 12/11 13/4 52/8
53/5 53/6 54/14 54/16
54/17 54/24 55/4 56/3 56/3
56/5 56/6 64/15 66/7 66/9
66/25 67/2
Beaverson [1] 2/7
because [8] 19/22 27/25
$37 / 13$ 40/5 $51 / 3 \quad 53 / 3 \quad 60 / 3$
60/3
been [33] 4/16 5/24 7/12
$\begin{array}{llll}8 / 17 & 14 / 10 & 14 / 11 & 15 / 3\end{array}$
$\begin{array}{llll}16 / 23 & 16 / 23 & 17 / 2 & 17 / 7\end{array}$
$\begin{array}{lllll}17 / 12 & 17 / 14 & 18 / 12 & 19 / 5\end{array}$
$\begin{array}{llllll}121 / 11 & 28 / 15 & 37 / 11 & 38 / 7\end{array}$
$\begin{array}{llllll}38 / 10 & 41 / 19 & 43 / 2 & 43 / 3\end{array}$
46/14 47/1 $47 / 13 \quad 50 / 2$
50/14 50/15 51/11 55/18
66/18 66/22
$\begin{array}{llll}\text { before [10] } & 12 / 14 & 12 / 20\end{array}$
$\begin{array}{llll}12 / 25 & 20 / 22 & 22 / 5 & 27 / 1\end{array}$
$\begin{array}{llll}12 / 16 & 51 / 18 & 51 / 19 & 68 / 8\end{array}$
began [3] $14 / 2$ 14/20 52/3
beginning [3] 17/5 45/12
46/20
behalf [5] 13/23 14/22 14/23 21/9 21/9
behind [2] 40/2 40/3
$\begin{array}{lllll}\text { being } & {[5]} & 22 / 7 & 36 / 17 & 39 / 22\end{array}$ 42/25 51/8
$\begin{array}{llll}\text { believe } & {[15]} & 17 / 13 & 18 / 9\end{array}$
22/12 22/12 27/16 27/21
$\begin{array}{llll}30 / 10 & 43 / 5 & 45 / 21 & 46 / 24\end{array}$ $\begin{array}{llllll}57 / 3 & 57 / 5 & 58 / 9 & 58 / 12 & 66 / 8\end{array}$
Be11 [1] 1/13
below [1] 6/2
beneath [3] 65/17 65/19

## 65/20

BERKELEY [22] $1 / 1$ 5/8 5/23
$6 / 5 \quad 6 / 12 \quad 6 / 17 \quad 6 / 19 \quad 6 / 21$
$\begin{array}{lllll}7 / 17 & 8 / 19 & 10 / 22 & 11 / 5 & 11 / 14\end{array}$
11/19 14/13 14/14 43/19
44/1 $44 / 13$ 44/18 46/5

## 65/12

Berkeley Township [18] 5/8
$5 / 23 \quad 6 / 5 \quad 6 / 12 \quad 6 / 17 \quad 6 / 19$
$\begin{array}{lllll}6 / 21 & 7 / 17 & 8 / 19 & 10 / 22 & 11 / 14\end{array}$
11/19 14/13 $14 / 14$ 43/19
44/1 46/5 65/12
besides [6] 22/16 24/8
24/13 24/17 25/12 62/7
best [8] 25/8 35/14 38/20
$\begin{array}{lllll}43 / 24 & 43 / 25 & 54 / 14 & 57 / 8\end{array}$
57/23
between [7] 15/19 16/15 43/19 50/11 57/5 65/10 65/12
bi11 [16] 23/1 23/3 23/4 23/8 $23 / 11 \quad 23 / 18 \quad 23 / 22$
$\begin{array}{lllll}23 / 24 & 30 / 3 & 36 / 18 & 37 / 5 & 37 / 6\end{array}$
$\begin{array}{llll}37 / 7 & 42 / 18 & 42 / 23 & 43 / 2\end{array}$
billed [7] 35/7 36/22 $37 / 11$ 38/2 42/7 42/10 43/1
bilifing [7] 29/15 29/17
30/4 31/4 31/13 31/15 32/18
bil1ings [1] 36/24
bil1s [3] $23 / 17 ~ 24 / 2 ~ 43 / 2 ~$
bit [2] 11/22 24/19
blank [1] 9/18
Blvd [1] 2/7

board [39] 1/1 2/5 4/12 | $4 / 25$ | $5 / 10$ | $7 / 20$ | $7 / 23$ |
| :--- | :--- | :--- | :--- | $\begin{array}{lllll}10 / 2 & 14 / 4 & 14 / 13 & 14 / 24 & 15 / 6\end{array}$ $\begin{array}{llll}15 / 13 & 15 / 20 & 16 / 1 & 16 / 15\end{array}$ $\begin{array}{llll}17 / 17 & 17 / 18 & 17 / 19 & 17 / 24\end{array}$ $\begin{array}{llllll}19 / 18 & 20 / 23 & 21 / 9 & 22 / 5 & 22 / 6\end{array}$

$\begin{array}{lllll}12 / 10 & 22 / 17 & 23 / 25 & 24 / 5\end{array}$
$\begin{array}{lllll}27 / 25 & 29 / 9 & 32 / 8 & 35 / 25 & 36 / 6\end{array}$
43/8 44/25 45/1 51/9
board's [1] 15/9
body [3] 45/18 48/15 49/11
bond [2] 5/25 7/13
both [6] 43/7 45/16 45/19
$\begin{array}{lll}48 / 13 & 51 / 9 & 65 / 6 \\ \text { brand }[1] & 11 / 4\end{array}$
brand-new [1] 11/4
$\begin{array}{llll}\text { Brian } & \text { [1] } & 1 / 15 \\ \text { Brick } & \text { [1] } & 2 / 7\end{array}$

| Brick | [1] | $2 / 7$ |
| :--- | :--- | :--- |
| bring | [1] | $7 / 25$ |
| broad | [1] | $28 / 7$ |

$\begin{array}{ll}\text { broad [1] } & 28 / 7 \\ \text { broke [1] } & 51 / 2\end{array}$
$\begin{array}{llll}\text { brought [1] } & 36 / 9 \\ \text { budget [2] } & 29 / 10 & 29 / 10\end{array}$
$\begin{array}{llll}\text { building }[1] & 25 / 4 & \\ \text { business }[2] & 5 / 20 & 16 / 12\end{array}$

| C | $\begin{aligned} & 63 / 263 / 1063 / 10 \\ & \text { complete7y } 65 / 8 \text { [1] } \end{aligned}$ | $\begin{array}{llllll} 33 / 25 & 35 / 24 & 36 / 1 & 36 / 5 & 36 / 6 \\ 36 / 9 & 36 / 14 & 37 / 10 & 38 / 22 \end{array}$ |
| :---: | :---: | :---: |
| calculated [1] 12/8 | computer [1] 37/14 | 39/14 $42 / 11$ 42/19 $43 / 1$ |
| calculation [3] 8/18 10/25 | concede [3] 43/18 43/23 | 43/18 $43 / 25 \quad 44 / 2145 / 2$ |
| 10/25 | 44/3 | 51/5 51/12 51/20 52/2 |
| calculations [2] 10/15 | concern | 60/22 |
| 58/14 | conclusion [2] 40/4 65/5 | de-annexation [48] 1/5 4/2 |
| Callahan [1] 1/14 | conflict [2] 45/5 45/23 |  |
| Callahan's [1] 10/6 | conflicts [1] 45/20 | 15/20 18/4 18/7 $20 / 13$ |
| cal1ed [4] 9/16 13/3 51/6 | confused [2] 15/11 32/19 | 20/25 21/5 $21 / 10$ 21/18 |
| 51/7 | confusion [1] 42/3 | 22/15 22/18 $24 / 11 \quad 28 / 23$ |
| Camera [23] 2/12 5/19 5/21 | CONNORS [1] 2/3 | 29/13 29/21 $29 / 25$ 30/9 |
| 16/12 17/20 17/25 18/21 | consecutively [1] 31/18 | $32 / 4 \quad 33 / 8 \quad 33 / 14 \quad 33 / 25$ |
|  | consent [7] 43/6 43/9 | $\begin{array}{llllll}35 / 24 & 36 / 1 & 36 / 5 & 36 / 6 & 36 / 9\end{array}$ |
| $\begin{array}{lllll}22 / 7 & 22 / 13 & 24 / 22 ~ 25 / 6\end{array}$ | 43/12 43/17 44/11 44/19 | 36/14 37/10 38/22 39/14 |
| 25/16 26/2 26/9 39/12 | 44/24 | 42/11 42/19 43/1 43/18 |
| 40/20 41/6 46/9 | consider [1] 45/22 | 43/25 44/21 45/2 $41 / 5$ |
| can [24] 7/18 7/24 15/15 | construction [1] 12/2 | 51/12 51/20 52/2 60/22 |
| 15/17 28/19 32/17 32/22 | consultant [3] 4/12 15/9 | dealing [2] 4/23 51/10 |
| 38/20 39/7 40/4 41/19 | 15/14 | Dear [1] 5/21 |
| 41/21 48/16 51/1 52/10 | consulting [1] 4/11 | decide [3] 21/13 48/1 48/5 |
| 53/9 54/17 55/10 55/22 | contact [1] 7/8 | decides [1] 48/4 |
| 55/24 57/19 57/19 58/24 | conversation [1] 47/22 | Department [3] 6/1 48/13 |
| 66/9 | coordinate [1] 35/4 | 48/17 |
| can't [5] 8/23 12/5 37/13 | coordinated [1] 58/22 | depth [1] 12/14 |
| 40/23 41/2 | coordinating [1] 35/11 | describing [1] 29/24 |
| Capital [1] 5/25 | copies [2] 5/9 5/13 | DESCRIPTION [1] 3/11 |
| care [1] 18/7 | copy [12] 3/15 3/17 6/3 | designated [1] 20/11 |
| case [7] 15/20 29/25 44/4 | 7/16 $7 / 22$ 34/15 34/20 | determine [1] 15/12 |
| 44/5 44/5 44/7 44/23 | 41/16 42/4 52/10 52/15 | determined [1] 61/9 |
| catch [1] 11/22 | 58/22 | Dickerson [1] 2/13 |
| Central [3] 47/12 54/22 | corner [1] 31/6 | did [23] 18/17 18/25 20/2 |
| 54/25 | correct [92] | 20/4 25/3 25/9 26/14 27/16 |
| certified [3] 1/24 4/20 | correctly [1] 9/2 | 27/19 27/20 36/2 36/15 |
| 68/5 | could [12] 9/10 10/24 | 40/20 45/22 45/24 45/25 |
| certify [1] | 10/25 12/7 35/14 44/4 44/5 | 50/19 51/17 51/23 53/11 |
| Chair [1] 13/18 | 44/7 47/5 57/20 63/13 | 55/17 58/24 59/2 |
| Chairman [6] 1/12 4/8 5/9 | 66/22 | didn't [11] $10 / 20 \quad 11 / 5$ |
| 5/17 8/2 39/1 | Councilman [1] 1/12 | 11/22 26/22 27/7 27/17 |
| chairs [1] 17/7 | county [8] 8/6 8/13 8/24 | 34/10 43/21 46/11 53/10 |
| change [1] 63/13 | 10/10 57/3 57/9 57/10 | 58/4 |
| changed [2] 17/11 52/2 | 57/11 | difference [3] 64/25 65/10 |
| charge [2] 47/6 47/7 | couple [1] 10 | 65/11 |
| cheek [1] 41/12 | course [3] 42/20 48/18 | different [5] 10/20 42/23 |
| CHERKOS [1] 2/3 | 62/25 | 62/12 62/13 65/8 |
| circumstances [1] 60/6 | court [3] 1/24 57/18 68/5 | difficult [1] 7/17 |
| City [1] 9/18 $57 / 18$ | cover [1] 10/16 | dimensions [3] 61/25 62/2 |
| clarifying [1] 57/18 | CPA [1] 2/14 | 62/6 |
| classifications [1] 62/13 | create [1] 42/ | directly [1] 11/ |
| classify [1] 32/22 | creating [1] 30/13 | disagree [1] 39/7 |
| clear [5] 39/5 51/2 51/8 | cross [2] 49/15 60/15 | disbelieve [1] 53/24 |
| 57/19 57/20 | cross-examination [1] | discuss [1] 18/15 |
| client [1] 46/3 | 60/15 | discussed [2] 19/8 25/11 |
| $\begin{array}{lll}\text { closer } \\ \text { co [1] } & \text { [2] } \\ 31 / 10\end{array}$ | curb [4] 12/18 13/1 13/12 | discussion [2] 26/5 26/8 |
| co [1] 31/10 | 13/14 | disputing [1] 8/20 |
| $\begin{array}{ll} \text { co-project } \\ \text { codes } \end{array}$ | curbing | disrespectfut [2] 31/24 |
| $\begin{array}{ll}\text { codes [1] } \\ \text { color [1] } & 45 / 19\end{array}$ | cut [3] 30/23 30/24 60 |  |
| umn [1] |  | 54/8 54/11 |
|  | D | Dittenhofer [3] 19/11 20/3 |
| 48/19 48/20 | DASTI [1] 2/3 | 25/6 |
| comes [5] 13/16 20/12 | date [3] 25/20 37/16 68/9 | Dittenhofer's [1] 31/7 |
| 49/12 49/18 60/12 | dated [16] 3/12 3/13 3/15 | do [74] |
| coming [1] 67/7 |  | document [4] 28/17 41/25 |
| command [1] 33/19 | 28/13 $28 / 21$ 34/15 34/21 | 58/18 66/20 |
| comment [1] 63/6 | 39/17 41/16 42/5 68/16 | documents [3] 28/2 41/21 |
| Commission [1] 68/2 | de [48] 1/5 4/2 5/7 6/9 | 41/22 |
| committed [1] 25/2 | 6/14 $14 / 1714 / 20 \quad 15 / 20$ | does [22] 8/3 12/17 20 |
| compare [4] 51/18 52/1 |  | 20/19 $20 / 20 \quad 20 / 25 \quad 23 / 24$ |
| 62/10 63/22 | 21/10 $21 / 18$ 22/15 $22 / 18$ | 23/25 26/17 $32 / 20 \quad 33 / 23$ |
| compares [1] 50/20 | 24/11 28/23 $29 / 13 \quad 29 / 21$ | $42 / 642 / 942 / 2448 / 948 / 10$ |


| D | $\begin{array}{ll} 45 / 22 & 50 / 7 \end{array}$ | gather [1] |
| :---: | :---: | :---: |
| does... [2] 64/22 64/23 | $\begin{array}{ll}\text { every [2] } \\ \text { evidence [9] } & \text { 59/14 } \\ 19 / 5 & 60 / 3\end{array}$ | $\begin{array}{ll}\text { Gathering } \\ \text { gave [1] } & \text { 31/3 }\end{array}$ |
| doesn't [4] 33/16 50/24 | $\begin{array}{llllll} & 28 / 16 & 39 / 2 & 41 / 19 & 52 / 22\end{array}$ |  |
| 51/7 61/18 | 55/19 58/19 61/19 | generally [4] 53/6 55/24 |
| doing [5] 22/14 27/20 32/2 | exact [2] 37/24 42/14 | 65/14 65/15 |
| 63/9 64/9 | exactly [1] 53/8 | generated [1] 19/4 |
| Domenick [1] 1/13 | examination [2] 14/1 60/15 | gentleman [1] 47/7 |
| don't [88] | exceeds [1] 39/21 | get [12] 8/9 12/6 23/24 |
| done [15] 11/ | excess [2] 50/3 50/15 | 23/25 24/2 32/1 41 |
|  | exhibit [1] 28/11 | 46/11 48/9 48/22 49/14 |
| 13/5 15/3 $24 / 10$ 36/17 48/9 | existing [1] 12/16 | 62/13 |
| 55/10 55/23 64/11 66/13 | exists [1] 43/14 | gets [4] 23/18 23/21 48/22 |
| doubt [1] 7/18 | expand [1] 51/1 | 48/25 |
| $\begin{array}{llll}\text { down } & {[2]} & 23 / 17 & 51 / 3\end{array}$ | expect [2] 19/25 22/22 | Gingrich [1] 1/15 |
| draw [1] $40 / 4$ | expecting [1] 22/23 | give [2] 30/17 35/14 |
| DRIVE[3] 1/24 56/3 56/12 | expires [1] 68/14 | given [1] 37/22 |
| duly [1] $4 / 16$ | explain [1] 5/18 | giving [4] 14/22 14/23 |
| during [1] 18/3 | explanation [1] 31/1 | 14/23 15/9 |
| duties [1] 32/2 | extent [3] 32/5 62/15 | go [8] 8/4 24/21 30/14 |
| E | 63/14 | 41/10 49/10 52/25 55/16 |
| e-mail's [1] 46/12 | extra [2] 5/9 5/13 | 59/23 |
| each [4] 9/16 42/17 43/20 | F | going [26] $8 / 9 \quad 8 / 13 \quad 8 / 22$ |
|  | fact [3] 12/19 45/11 61/7 | 11/4 18/16 21/3 21/17 |
| easier [1] 66/22 | factual [1] 40/1 | 21/21 $21 / 25 \quad 26 / 10 \quad 26 / 10$ |
| easiest [1] 9/24 | fair [3] 37/25 62/22 62/24 |  |
| easy [1] 26/20 | far [7] 8/10 14/18 21/7 | 41/10 41/18 44/14 46/19 |
| effort [4] 14/17 51/14 | 21/23 53/16 53/17 53/20 |  |
| 51/20 52/3 | February [6] 3/15 29/6 | 63/18 65/3 66/10 |
| eight [2] 7/10 54/9 | 33/6 34/16 34/21 37/9 | good [5] 4/7 5/14 5/16 |
| eight miles [1] 54/9 | February 2017 [1] 37/9 | 36/14 67/10 |
| either [4] 18/11 21/9 22/6 | February 4 [1] 33/6 | got [6] 26/13 27/10 46/13 |
| 24/24 | February 8 [1] 34/21 | 46/14 46/16 46/18 |
| else [10] 15/15 19/7 19/10 | federa] [2] 11/8 11/15 | gotten [7] 8/11 43/6 43/9 |
| 22/21 24/10 $25 / 5$ 25/7 | Fee [1] 65/16 | 43/17 44/11 44/19 44/24 |
| 25/25 42/22 48/23 | feet [4] 63/15 63/16 63/17 | governing [3] 45/18 48/14 |
| else's [1] 40/10 | 63/17 | 49/10 |
| engineer [40] 2/12 4/5 | figure [2] 21/16 31/23 | government [2] 11/8 11/15 |
| 4/11 4/13 4/18 $4 / 2014 / 3$ | findings [1] 6/2 | great [1] 33/19 |
|  | fine [4] 16/9 25/1 39/11 | greater [1] 40/6 |
|  | 55/20 | GREGORY [1] 2/5 |
|  | finish [2] 60/5 66/12 | ground [2] 65/17 65/19 |
|  | firm [15] 5/13 5/16 14/7 | guess [1] 35/16 |
| 33/18 34/24 38/5 38/8 39/7 | 14/12 $19 / 14 \begin{array}{llll}19 / 18 & 31 / 4\end{array}$ |  |
| 43/8 43/8 44/8 44/12 44/20 |  | H |
| 45/1 45/1 45/8 45/13 45/25 | 44/16 44/19 44/24 | had [9] 11/6 24/20 25/16 |
| 48/4 | firm's [1] 42/5 | 25/16 27/6 37/11 37/22 |
| engineer's [2] 15/10 47/25 | first [7] 7/11 18/25 57/21 | 46/24 66/13 |
| engineering [2] 4/12 14/12 | 61/13 65/4 66/16 67/4 | hadn't [2] 47/1 47/13 |
| engineers [3] 4/10 45/17 | fit [1] 51/7 | Haines [1] 2/14 |
| 45/18 | five [4] 12/12 51/23 53/18 | half [4] 6/11 7/21 35/8 |
| English [2] 33/19 36/14 | 66/18 | 62/20 |
| enough [2] 5/14 37/25 | five-year [1] 51/23 | hand [3] 5/10 11/6 31/6 |
| enter [1] 23/16 | flooding [1] 13/13 | happen [1] 8/22 |
| $\begin{array}{ll}\text { entered [2] } & \text { 23/18 } \\ \text { 23/21 }\end{array}$ | follows [1] 4/17 | happens [2] 49/7 49/13 |
|  | foot [4] 7/21 7/23 7/23 | happy [1] 7/25 |
| entire [2] 9/5 14/16 | 63/19 | hard [1] 51/21 |
| entitled [1] 5/5 | foregoing [1] 68/6 | has [27] 5/22 6/5 8/10 |
| entry [1] 33/5 | Forked [1] 2/4 | 10/3 14/10 $14 / 1114117$ |
| equal [2] 9/8 9/12 | form [1] 52/19 |  |
| ERNEST [4] 3/3 4/16 33/3 | forth [1] 68/9 | $32 / 25$ 38/1 $38 / 7 \quad 38 / 10$ |
| 34/24 [3] | four [2] 7/23 62/3 | 38/21 39/8 39/12 $39 / 15$ |
| Ernie [3] 2/12 4/6 4/9 | frame [2] 42/6 67/8 | 44/16 44/19 44/24 50/14 |
| erosion [1] 13/7 | Frederick [1] 1/13 | 55/23 65/17 65/18 66/16 |
| ESQ [2] $2 / 5$ 2/8 | freeboard [1] 13/15 | hasn't [2] 22/10 50/15 |
| ESQS [2] 2/3 2/6 | front [1] 53/3 | have [69] |
| essentially [1] 60/24 | funds [1] 12/23 | have to [1] 44/14 |
| estimate [2] 35/15 37/23 | G | haven't [6] ${ }^{\text {[ }}$ |
|  |  | 27/22 56/2 62/25 64/11 |
| eveningevent $[1]$${ }^{[3]}$$46 / 13$ $8 / 2$ $15 / 8$ | gal1ery [1] $17 / 8$ <br> garnered [1] <br> 15/10  | $\underset{51 / 21}{\mid h a v i n g ~[4] ~} 4 / 46$ |


| H | $32 / 19$ $32 / 19$ $32 / 22$ $33 / 23$ <br> $39 / 18$ $41 / 18$ $46 / 22$ $49 / 19$ | $\begin{array}{\|cccc} 65 / 22 & 65 / 24 & 65 / 24 & 66 / 5 \\ \text { itself } & {[2]} & 7 / 22 & 51 / 14 \\ \hline \end{array}$ |
| :---: | :---: | :---: |
| he [32] 18/17 18/25 19/12 | $\begin{array}{llllll}50 / 17 & 51 / 21 & 52 / 7 & 55 / 14\end{array}$ | [21 712 |
| 19/12 $19 / 15$ 19/21 19/22 | 58/2 59/16 59/20 65/3 | J |
| 20/2 20/2 20/4 20/5 23/21 | 66/10 67/1 | JACKSON [1] 1/25 |
| 31/10 $31 / 11$ 32/14 $39 / 13$ | I've [ ${ }^{10]}$ ] $8 / 21$ 16/21 $21 / 6$ | January [4] 35/2 36/2 |
| 39/15 40/12 40/20 40/23 | 27/3 36/11 43/2 50/17 | 37/17 68/14 |
| 40/25 40/25 41/2 41/4 41/4 | 53/22 55/10 66/14 | January 5 [1] 36/2 |
| 46/9 46/16 47/11 47/18 | idea [5] 5/16 18/19 18/23 | Jersey [12] 1/8 1/25 2/4 |
| 47/20 47/24 47/24 | 49/22 49/23 | 2/7 4/14 4/19 4/19 4/21 |
| he's [4] 19/14 31/12 32/20 | identification [4] 5/4 | 45/17 45/18 68/6 68/13 |
| 60/3 | 28/14 34/17 41/17 | job [4] 26/13 27/6 27/11 |
| head [1] 48/7 | identify [2] 34/18 42/1 | 46/2 |
| heard [2] 53/22 60/13 | immediate [1] 17/24 | Joe [4] 30/15 55/7 55/14 |
| hearing [7] 1/5 4/3 21/18 | improved [1] 11/23 | 55/14 |
| 35/25 36/1 46/19 60/15 | improvement [1] 13/2 | John [6] 1/12 2/12 16/12 |
| hearings [1] 18/4 | improvements [2] 12/11 | 36/23 37/2 37/3 |
| held [1] 25/23 | 12/22 | John Camera [1] 16/12 |
| helped [1] 28/7 | inappropriate [1] 40/23 | JOSEPH [2] 2/8 13/22 |
| here [31] 9/9 14/21 15/8 | inch [2] 12/18 52/15 | Ju7y [3] 59/17 59/19 67/10 |
| 15/12 $15 / 1416 / 2317 / 15$ | inches [1] 12/21 | jump [1] 65/4 |
| 17/16 17/19 21/17 $21 / 19$ | include [1] 42/7 | June [19] 1/8 3/12 4/25 |
| 22/15 $23 / 4 \begin{array}{llll} & 23 / 14 & 24 / 5\end{array}$ | included [2] 58/13 58/16 |  |
| 25/24 28/1 $37 / 14$ 45/23 | Including [1] 64/19 | 21/19 22/16 24/9 24/14 |
| 46/14 $47 / 9$ 51/14 $53 / 20$ | incorrect [1] 61/23 | 24/17 $25 / 13$ 28/6 33/11 |
| 54/7 $59 / 14 \begin{array}{lllll} & 59 / 17 & 59 / 18\end{array}$ | independent [1] 16/2 | 33/12 39/17 68/16 |
| 60/3 60/10 65/4 67/7 | indicate [1] 14/6 |  |
| hereby [1] 68/6 | indicated [2] $39 / 12$ 46/25 | 22/16 24/9 24/17 25/13 |
| hereinbefore [1] 68/9 | indicates [3] 10/19 29/12 | 28/6 |
| hesitate [1] 7/8 | 29/15 | June 1's [1] 24/14 |
| higher [1] 12/21 | information [11] 7/7 8/21 |  |
| highlighting [1] 28/20 | 15/3 15/9 17/23 $25 / 12$ | just [25] 9/18 10/4 10/21 |
| HILL [2] 1/23 68/4 | $\begin{array}{lllllll} & \text { 27/12 } & 28 / 8 & 32 / 17 & 59 / 2 & 59 / 5\end{array}$ |  |
| him [15] 18/3 18/6 19/23 | inland [1] 63/25 | $\begin{array}{llllll}33 / 1 & 37 / 9 & 37 / 15 & 37 / 18 & 42 / 1\end{array}$ |
| 20/1 $39 / 8$ 39/9 39/10 40/10 | insert [1] 51/4 | 43/14 46/20 47/15 49/9 |
| 40/13 $47 / 18$ 48/3 48/6 60/2 | inserts [1] 51/4 | 49/22 $52 / 13$ 52/22 $52 / 22$ |
| 67/9 67/9 | insofar [2] 44/20 45/1 | 56/1 58/18 $58 / 18 \quad 60 / 5$ |
| his [7] $4 / 17$ 19/12 $23 / 21$ | installed [2] 12/18 13/6 | K |
| 27/25 34/7 40/9 40/13 | instance [1] 61/12 |  |
| HOA [1] 9/17 | intent [1] 33/22 | Kathryn [1] 56/18 |
| Hold [1] 38/23 | interceptor [1] 11/11 | $\begin{array}{lllll}\text { Ke1ler [3] } & 36 / 23 & 37 / 2 & 37 / 3\end{array}$ |
| Holiday [1] 9/18 | interest [5] 15/19 43/18 | Keswick [1] 1/7 |
| Holiday City [1] 9/18 | 43/24 43/25 45/5 | kind [3] 13/2 43/12 63/24 |
| homeowners [4] 1/4 4/2 5/6 | investments [1] 12/6 | know [73] |
| 13/24 | invoice [21] 3/13 3/15 | knowledge [4] 25/8 54/14 |
| honestly [1] 46/11 | $\begin{array}{lllll}3 / 17 & 28 / 13 & 28 / 21 & 28 / 24\end{array}$ | 57/8 57/23 |
| hour [2] 25/10 35/7 | 29/5 29/16 31/5 31/15 | knows [4] 40/25 41/1 41/4 |
| hourly [3] 23/5 23/8 23/12 | $\begin{array}{lllll}31 / 22 & 31 / 25 & 32 / 13 & 32 / 25\end{array}$ | 41/5 |
| hours [2] 35/24 41/11 | $\begin{array}{llll}34 / 15 & 34 / 20 & 35 / 2 & 37 / 12\end{array}$ | L |
| $\begin{array}{\|ccccc} \text { how }\left[\begin{array}{lll} 22 \\ 18 / 6 & 8 / 10 & 14 / 10 \end{array} 14 / 11\right. \\ 36 / 4 & 37 / 10 & 38 / 1 \end{array}$ | $\begin{array}{llll}37 / 16 & 41 / 16 & 42 / 5\end{array}$ |  |
| $\begin{array}{lllll}18 / 6 & 25 / 9 & 36 / 4 & 37 / 10 & 38 / 1\end{array}$ | involve [2] $26 / 14$ 50/24 | Lacey [1] 2/4 |
| $38 / 7$ 39/7 40/20 41/9 48/9 | involved [3] 20/7 49/19 | LAKEVIEW [1] 1/24 |
| 48/19 $48 / 20$ 52/2 $53 / 16$ | 49/22 | 1and [2] 39/18 65/9 |
| 53/20 57/10 62/9 63/14 | i s [149] | Lane [8] 57/22 58/6 61/13 |
| 66/16 | island [8] 6/16 7/2 7/5 | 61/13 66/16 66/17 66/17 |
| Howe11 [2] 53/15 53/16 | 9/17 9/20 50/21 50/24 51/7 | 66/18 |
| However [1] 10/18 | $\text { isn't [14] } 8 \text { 8/16 } 15 / 25 \text { 28/1 }$ | Lanes [7] 57/21 61/13 |
| huge [1] 65/9 | $32 / 23 \quad 39 / 17 \quad 39 / 2540 / 3$ |  |
| hum [2] ${ }^{\text {l }}$ [ $29 / 1$ 33/4 | 40/7 40/16 45/14 61/7 63/5 |  |
| I | 63/11 64/2 | $\left.\begin{array}{c} 1 \text { 1arger } \\ 52 / 22 \end{array}\right] \quad 7 / 1952$ |
| $\begin{array}{ccccc} \hline \text { I'11 } & {[5]} & 5 / 17 & 16 / 25 & 30 / 24 \\ 59 / 25 & 60 / 5 & & \end{array}$ | $\begin{array}{lllll} \text { it }[120] & & & \\ \text { it's }[44] & 7 / 8 & 7 / 17 & 7 / 20 \end{array}$ |  |
| I'm [54] 4/9 4/13 4/18 | $\left(\begin{array}{lllll}7 / 20 & 9 / 17 & 9 / 18 & 9 / 18 & 9 / 18\end{array}\right.$ | 24/24 $24 / 24 \quad 25 / 9 \quad 25 / 21$ |
| $7 / 24$ $8 / 12$ $8 / 20$ $9 / 2$ <br> $10 / 10$    | $\begin{array}{lllll} \\ 13 / 4 & 16 / 25 & 16 / 25 & 28 / 7\end{array}$ | 25/22 66/18 66/24 67/3 |
| 11/21 12/8 $15 / 8$ 15/11 | $\begin{array}{lllll}13 / 16 & 28 / 21 & 30 / 21 & 31 / 4\end{array}$ | 1ate [1] 46/10 |
| $\begin{array}{lllll}15 / 11 & 15 / 17 & 16 / 4 & 17 / 19\end{array}$ | $\begin{array}{llll} \\ 31 / 18 & 32 / 25 & 33 / 11 & 33 / 12\end{array}$ | 1 aw [1] 4/17 |
| 20/17 $20 / 23$ 21/16 $22 / 21$ | $\begin{array}{llll}35 / 20 & 37 / 23 & 39 / 447 / 1\end{array}$ | 1aypeople [2] 9/24 51/9 |
| $\begin{array}{lllll}22 / 23 & 22 / 23 & 24 / 7 & 24 / 12\end{array}$ | $\begin{array}{lllll}52 / 21 & 52 / 22 & 54 / 8 & 54 / 8\end{array}$ | lead [1] 32/16 |
| $\begin{array}{lllll}28 / 5 & 28 / 10 & 28 / 15 & 29 / 22\end{array}$ | 54/11 54/19 56/9 56/13 | 1east [2] 17/5 66/6 |
|  | $57 / 8 \quad 57 / 12 \quad 58 / 22 \quad 63 / 2$ | leave [1] 17/1 |
| 30/22 30/25 31/23 31/24 | 63/12 $63 / 15 \quad 63 / 17 \quad 65 / 7$ | 1ega1 [1] 65/4 |


| L | 63/ | memory [1] 25/2 |
| :---: | :---: | :---: |
| 7ength [17] 5/22 6/8 6/13 | $H_{\text {makes }}^{\operatorname{man}} \text { [2] } 6 / 11 \text { 53/10 }$ | $\begin{array}{lllll}\text { mentioned } & \text { [1] } & 25 / 15 \\ \text { met [3] } & 18 / 3 & 18 / 6 & 24 / 22\end{array}$ |
| 6/18 6/22 7/1 10/14 60/20 | manager [26] 20/8 20/12 | MICHELINI [6] 2/6 2/8 |
| 60/21 61/9 62/16 62/17 | $\begin{array}{llll}20 / 15 & 20 / 20 & 21 / 12 & 29 / 13\end{array}$ | 13/20 13/22 14/1 40/23 |
| 63/8 63/12 63/14 64/1 64/9 | 29/18 $29 / 20 \quad 29 / 23 \quad 30 / 4$ | middle [1] 46/10 |
| less [2] 25/10 60/19 | $30 / 8 \quad 31 / 2 \quad 31 / 5 \quad 31 / 10 \quad 31 / 11$ | Midway [16] $52 / 8$ 53/5 53/6 |
| 1et [7] 24/20 41/10 41/14 | 31/14 31/19 31/25 32/3 | 54/14 54/16 54/17 54/24 |
| 52/17 59/13 59/16 66/12 |  | 55/4 56 |
| 1et's [7] 33/11 34/13 38/2 | $32 / 23$ 33/2 $34 / 24$ | 65/18 66/7 66/9 66/25 67/2 |
| 42/1 46/6 51/24 62/19 | manager/engineer [5] 29/13 | Midway Beach [13] 52/8 |
| 1etter [4] 10/16 10/18 | 29/18 30/4 31/19 34/24 | 53/5 53/6 54/14 |
| 10/22 48/20 | many [1] 18/6 | 54/17 54/24 56/ |
| level [1] 15/4 | map [27] 6/3 6/7 6/10 6/15 | 66/7 66/9 66/25 67/2 |
| 1icense [2] 45/10 46/1 | 7/16 7/19 7/21 10/19 10/19 | might [5] 5/16 43/19 43/24 |
| licensed [3] 4/13 4/18 | 36/9 51/3 $51 / 7$ 52/11 $52 / 15$ | 45/5 45/23 |
| 4/19 | 52/16 $52 / 18$ 53/2 $53 / 9$ | mijeage [1] 10/13 |
| licenses [1] 45/11 | $\begin{array}{lllll}54 / 18 & 55 / 11 & 55 / 19 & 58 / 4\end{array}$ | mileages [1] 10/19 |
| like [10] $4 / 25$ 5/10 7/23 | 61/17 61/18 61/19 65/25 | miles [14] 6/6 6/11 6/16 |
| 14/10 $30 / 20$ 35/8 39/23 | 66/15 | $\begin{array}{lllllll}6 / 20 & 6 / 23 & 7 / 3 & 53 / 18 & 53 / 21\end{array}$ |
| 53/18 54/10 60/5 | mapped [1] 58/23 | 54/9 54/9 54/10 60/22 |
| limit [1] 13/7 | mapping [3] 35/5 35/11 | 60/23 61/2 |
| 1imits [1] 67/2 | 35/11 | Miller's [1] |
| LINDA [2] 1/23 68/4 | mappings [2] 35/24 36/13 | mind [2] 12/11 52/25 |
| 1ist [16] 47/18 47/20 | maps [5] 36/5 36/8 36/12 | mine [2] 8/17 45/6 |
| 47/25 48/20 48/21 48/22 | 36/25 61/23 | minute [2] 24/21 46/7 |
| 49/7 49/9 49/12 49/14 | March [3] 3/13 28/13 28/22 | missed [2] 16/20 16/21 |
| 49/14 49/18 50/18 66/9 | mark [1] 28/11 | month [1] 29/6 |
| 66/14 66/15 | marked [15] 5/1 5/4 19/5 | months [3] 33/12 34/11 |
| 1isted [6] 9/15 9/20 31/6 | 26/25 28/14 $28 / 16$ 34/14 |  |
| 32/12 34/22 65/24 | 34/16 $41 / 15$ 41/17 41/19 | more [17] 10/2 12/14 17/6 |
| 1isten [1] 55/7 | 43/3 46/15 52/14 55/11 | 20/20 21/22 38/10 38/12 |
| 1istened [1] 16/18 | material [1] 61/8 | 38/14 41/9 60/1 60/2 61/14 |
| listening [2] 22/19 30/25 | mathematically [1] 63/20 | 61/20 63/6 63/18 64/4 64/8 |
| lists [1] 7/11 |  | most [4] 12/17 16/24 17/2 |
| 1ittle [4] 12/14 24/19 | 22/11 22/18 29/21 30/9 | 18/11 |
| 52/7 54/6 | 31/11 32/14 37/10 42/17 | Mr [7] |
| Tive [2] 53/13 53/15 | 43/7 44/13 67/12 | 18/21 40/23 41/18 59/14 |
| ved [1] 56/2 | matters [3] 21/20 21/21 | Mr. [54] 4/6 4/8 5/9 5/ |
| lives [1] 55/20 | 43/1 |  |
| local [14] 6/7 6/8 6/13 | may [5] $3 / 17$ 18/13 $41 / 16$ | $\begin{array}{llllll}10 / 3 & 10 / 6 & 13 / 18 & 13 / 20 & 14 / 2\end{array}$ |
|  | 42/5 60/4 |  |
| 7/4 10/7 52/7 52/8 60/17 | maybe [1] 12/8 | 20/2 10/3 $22 / 6$ 22/7 $22 / 13$ |
| 64/15 | McGuckin [2] 2/3 2/5 | 23/21 24/22 25/6 25/6 |
| located [2] 10/10 66/5 | me [36] $5 / 10$ 8/15 $15 / 16$ | 25/16 26/2 26/9 $26 / 10$ |
| location [1] 11/11 | 22/13 22/22 23/6 23/9 | 26/13 27/6 27/10 27/16 |
| 1ong [4] 14/10 14/11 25/9 | 24/19 24/21 28/4 28/19 | 27/25 28/9 $29 / 5$ 31/7 $32 / 10$ |
| 38/7 | $\begin{array}{llll}30 / 15 & 30 / 19 & 30 / 23 & 33 / 21\end{array}$ | 32/12 $32 / 16$ 34/5 $39 / 1$ |
| 100k [10] 7/24 10/18 12/4 | 37/22 41/14 41/20 41/23 | 39/12 40/20 41/6 46/9 |
| 19/16 31/5 51/23 59/9 | 46/10 47/15 52/17 53/3 | 53/14 60/10 67/9 67/11 |
| 61/17 61/18 66/3 | 55/2 55/8 55/11 55/15 | Mr. Callahan's [1] 10/6 |
| 1ooked [4] 50/16 66/12 | 55/19 55/22 59/13 64/6 | Mr. Camera [19] 5/19 5/21 |
| 66/12 66/13 | 66/3 66/6 66/11 66/12 68/8 |  |
| 1ooking [3] 30/13 54/22 | mean [9] 20/16 20/19 20/20 |  |
| 58/17 | 26/17 32/20 33/24 49/17 | 25/16 26/2 $26 / 9$ 39/12 |
| looks [1] 35/8 | 61/2 64/22 | 40/20 41/6 46/9 |
| Lorel1i [1] 1/13 | means [1] 33/23 | Mr. Chair [1] 13/18 |
| lot [2] 21/22 63/18 | meant [1] 13/15 | Mr. Chairman [5] 4/8 5/9 |
| M | measured [1] 63/ | 5/17 8/2 39/1 |
| Mackres [1] 1/14 | measuring [1] 62/16 | Mr. Dittenhofer [2] 20/3 |
| made [2] 53/3 57/20 | $19 / 7 \quad 19 / 10 \quad 24 / 20 \quad 25 / 3 \quad 25 / 9$ | Mr. Dittenhofer's [1] 31/7 |
| mail's [1] 46/12 |  | Mr. Ernie [1] |
| main [1] 10/5 715 7/2 7/4 | 35/21 36/6 46/20 59/14 | Mr. Michelini [1] 13/20 |
| mainland [12] 6/15 7/2 7/4 | 60/3 | Mr. Peter [1] 53/14 |
| 39/21 40/7 50/20 62/10 | meetings [14] 16/19 16/20 | Mr. Peters [7] 5/12 8/5 |
| 62/21 62/22 63/3 63/24 | 16/21 16/22 16/24 17/2 | 9/1 $14 / 2$ 60/10 $67 / 967 / 11$ |
| 63/25 | 17/4 17/9 17/12 17/15 | Mr. Wiser [15] 10/3 17/6 |
| maintained [2] 10/22 65/25 |  |  |
| maintains [1] 64/18 | $\begin{array}{llll}\text { Member }[5] & 1 / 13 & 1 / 13 & 1 / 14\end{array}$ | $\begin{array}{llll} 23 / 10 & 27 / 10 & 20 / 15 & 28 / 6 \end{array}$ |
| $\begin{array}{ccccc} \text { make }[8] & 26 / 20 & 48 / 10 & 52 / 10 \\ 57 / 19 & 57 / 19 & 57 / 20 & 59 / 13 \end{array}$ | $\begin{array}{lll}1 / 14 & 1 / 15\end{array}$ <br> members [2] 5/10 51/9 | $\begin{array}{llll} 29 / 5 & 32 / 10 & 32 / 12 & 32 / 16 \\ 34 / 5 \end{array}$ |


| M | 0 | $\begin{array}{llll} 7 / 15 & 28 / 16 & 34 / 15 & 34 / 20 \\ 36 / 22 & 41 / 22 & 41 / 24 & 42 / 2 \end{array}$ |
| :---: | :---: | :---: |
| much [7] 36/4 37/10 38/1 | O'MALLEY [1] 2/6 |  |
| 41/9 60/19 61/20 63/14 | oath [1] 4/17 | pages [3] 7/10 7/11 28/17 |
| multiple [1] 45/11 | objection [1] 59/8 | paid [3] $11 / 711 / 9 \quad 29 / 9$ |
| municipal [20] 4/20 12/15 | obvious7y [2] 11/6 31/25 | PARK [46] $11 / 4$ 4/1 4/24 $5 / 6$ |
| 12/23 56/4 $56 / 5$ 56/13 | occur [2] 25/3 60/22 | 6/10 $6 / 23$ 6/25 $9 / 3$ 9/21 |
| 56/15 56/17 56/19 56/21 | occurred [3] 12/12 14/17 |  |
| 56/23 57/2 57/7 57/12 | 16/19 |  |
| 57/13 57/22 57/25 58/8 | occurs [1] 13/7 | 43/19 43/24 44/8 44/12 |
| 58/11 58/15 | ocean [5] 46/25 47/13 | 44/15 44/20 44/25 50/2 |
| municipality [11] 4/23 | 57/25 58/3 58/4 | 50/10 50/22 51/6 51/19 |
| 9/19 $12 / 22$ 14/5 14/12 $15 / 2$ | odd [2] 47/2 50/3 | 53/17 $53 / 21$ 54/7 54/20 |
| 55/23 64/17 64/22 65/25 | off [9] 4/15 30/22 30/23 | 56/3 58/23 60/13 60/17 |
| 67/4 | 30/24 41/13 49/15 59/11 | 61/3 61/15 61/21 62/7 63/5 |
|  | 59/12 59/24 | 63/23 64/2 |
| $\begin{array}{lll}10 / 8 & 11 / 18 & 11 / 23\end{array}$ | office [20] $4 / 10$ 5/22 5/24 | part [4] 35/12 40/6 47/22 |
| MURPHY [1] 2/3 | 7/8 15/10] 19/11 27/15 |  |
| my [17] $4 / 9$ 5/16 $8 / 18 / 16$ | 27/25 $28 / 21 \quad 29 / 2 \quad 34 / 21$ | particular [1] |
| 19/11 $25 / 8 \quad 29 / 15$ 31/4 | 47/25 48/14 48/14 49/10 | partner [1] 19/14 |
| $\begin{array}{llllll}31 / 21 & 32 / 25 & 36 / 17 & 57 / 8\end{array}$ | 49/13 49/18 49/23 54/2 | passed [1] 49/15 |
| 57/23 58/20 62/18 65/24 | 54/4 | pave [2] 49/16 55/3 |
| 68/14 | Oh [1] 54/15 | paved [24] 5/24 6/18 6/22 |
| myself [4] 7/9 23/19 26/2 | okay [69] | 7/1 7/12 8/17 39/19 47/1 |
| 39/5 | once [2] 55/21 63/7 | 47/13 48/9 49/8 50/2 50/15 |
| N | one [12] $10 / 5 \quad 22 / 13 \quad 34 / 14$ | $50 / 21 \quad 55 / 18 \quad 61 / 862 / 15$ $63 / 15 \quad 63 / 16 \quad 63 / 17 \quad 66 / 18$ |
|      <br> name $[7]$ $3 / 2$ $4 / 9$ $19 / 15$ <br> $31 / 7$ $33 / 3$ $36 / 23$ $66 / 5$  | 41/15 43/14 46/4 51/4 66/6 | 66/22 66/25 67/4 |
|  | ones [1] 9/19 | pavement [1] 63/22 |
| named [1] 54/16 | only [ $\left[\begin{array}{llll}20] & 13 / 17 & 21 / 4 & 21 / 6\end{array}\right.$ | paving [19] $4 / 23$ 5/7 9/4 |
| names [1] 51/3 | 21/17 21/21 22/20 31/15 | 15/2 18/15 40/6 47/6 47/7 |
| narrow [2] 61/14 61/20 | 42/18 45/12 60/21 60/23 | 47/19 47/20 48/2 51/19 |
| nature [1] 26/7 | 61/1 61/9 62/14 62/14 63/7 | 52/9 61/8 63/18 64/19 |
| necessarily [1] | 63/21 64/3 64/6 65/6 | 65/23 66/1 66/13 |
| need [2] 16/4 21/22 | opinion [3] 40/10 40/11 | pay [1] 11/6 |
| needs [2] 16/1 48/8 | 40/14 | paying [2] 11/7 $24 / 4$ |
| neglected [1] 39/22 | opposed [2] 13/12 39/9 | payment [3] 6 6/1 $24 / 1{ }^{\text {2 }}$ |
| neglecting [1] 40/5 | opposes [1] 39/14 | Pelican [5] $6 / 16$ 7/2 7/5 |
| neighborhoods [1] 53/11 | opposite [1] 62/23 | 50/24 51/7 |
| new [13] 1/8 1/25 2/4 $2 / 7$ | ordinances [2] 5/25 7/13 | Pelican Island [4] 6/16 |
| 4/14 4/19 4/19 4/21 11/4 | organizing [1] 27/12 | 7/2 7/5 51/7 |
| 45/17 45/18 68/6 68/13 | other [26] $12 / 312 / 5$ 12/6 | people [1] 49/24 |
| New Jersey [5] 4/14 4/19 | 13/2 14/11 18/7 21/20 | per [1] 9/13 |
| 4/21 45/17 45/18 | 21/20 22/15 $24 / 17$ 24/20 | percent [8] 6/12 6/17 6/20 |
| next [3] 35/23 36/21 58/7 | 28/6 36/9 39/13 42/18 43/1 | 6/24 7/4 60/12 60/18 60/19 |
| Nick [2] 1/14 $2 / 13$ | 43/20 46/19 46/19 50/13 | percentage [5] $39 / 18$ 39/19 |
| nine [2] 7/4 54/9 | 58/7 59/4 61/14 61/21 62/6 | 39/20 40/7 60/16 |
| nine percent [1] 7/4 | 67/8 | performed [1] 29/5 |
| no [35] 9/8 10/2 15/22 | others [1] 11/23 | period [2] 51/18 51/23 |
| 18/24 $23 / 11 \quad 24 / 15$ 24/18 | Otherwise [1] 65/7 | person [3] 19/15 31/12 |
| 25/8 $29 / 11 \quad 29 / 15$ 30/19 | our [16] 4/5 4/10 5/22 | 36/22 |
| $32 / 13$ 33/14 $34 / 12$ 39/15 | 5/24 6/2 6/4 6/7 7/8 24/2 | personnel [1] 34/23 |
| 40/17 $40 / 1941 / 849 / 22$ | 28/21 34/21 37/3 42/5 | Peter [1] 53/14 |
| 49/22 49/24 50/7 $51 / 16$ | 48/14 48/14 49/10 | Peters [17] $2 / 12$ 3/3 4/6 |
|  | out [10] 5/10 12/20 21/16 | 4/9 4/16 $5 / 12$ 8/4 8/5 9/1 |
|  | 26/19 31/24 $53 / 9$ 54/3 | $14 / 2 \quad 33 / 3 \quad 34 / 2441 / 18$ |
|  | 54/17 58/23 60/12 | 59/14 60/10 67/9 67/11 |
| ${ }^{\text {nonlocal }}$ north [1] ${ }^{\text {[1] }} 11 / 411 / 1$ | outcome [1] 26/12 | petition [9] $1 / 5$ 4/2 |
|  | over [7] 7/20 16/24 17/1 | 6/9 6/14 13/23 14/20 51/5 |
| northwest [2] 54/19 54/21 | 47/13 47/19 55/14 55 | 51/13 |
| not [92] | own [4] 23/16 55/7 64/23 | Petitioners [1] 2/8 |
| Notary [2] 68/4 68/13 | 65/6 | physically [3] 28/1 50/8 |
| notation [1] 35/1 | owned [6] 5/23 6/6 10/8 | 50/9 |
| notations [1] 29/4 | 10/22 11/18 11/23 | piggybacking [1] 10/5 |
| nothing [3] 25/14 25/15 | ownership [3] 55/24 65/17 | Pinewald [1] 1/7 |
|  |  | place [1] 68/9 |
| now [12] 8/10 17/6 20/7 | ownerships [1] 10/ | plan [1] 21/8 |
| $\begin{array}{lll} 33 / 2 & 37 / 2 & 37 / 18 \\ 42 / 16 & 38 / 16 \\ 4 \end{array}$ | owning [1] $65 / 9$ |  |
|  |  |  |
| $\begin{array}{llll} \left\lvert\, \begin{array}{lll} \text { number } \\ 36 / 23 & {[4]} \\ 37 / 24 \end{array}\right. & 3 / 11 & 28 / 12 \end{array}$ | P | lanning [26] |
|  | p.m [1] 1/9 |  |


| P | question [28] $9 / 11$ 10/3 <br> 10/6 12/9 20/10 21/15 23/6 | $\begin{array}{ll} \text { ng } \\ \text { d } & {[1]} \\ 8 / 8 & 22 / 17 \\ 50 \end{array}$ |
| :---: | :---: | :---: |
| p7anning... [19] 15/13 | 23/10 $23 / 11 \quad 28 / 7 \quad 30 / 2 \quad 30 / 7$ | repaired repave [1] 8/13 |
| 15/20 16/1 $16 / 1517 / 16$ |  | repaved [2] 8/9 11/17 |
| 17/18 17/19 17/24 19/17 | 39/10 39/24 40/24 41/3 | repeat [1] 9/11 |
| 23/25 24/5 27/25 29/9 32/8 | 43/21 44/10 51/22 52/17 | $\begin{array}{ll}\text { repeated [2] } 37 / 18 & 37 / 24\end{array}$ |
| 35/25 36/6 43/8 44/25 45/1 | 55/8 55/9 55/11 55/20 | replenishment [1] 13/5 |
| please [5] 7/7 30/23 34/18 | questions [13] 7/6 8/4 | eport [62] 3/12 4/22 4/24 |
| 55/15 66/12 | $\begin{array}{llll}10 / 2 & 10 / 5 & 13 / 18 & 13 / 20\end{array}$ | 5/3 5/5 5/18 5 5/19 7/15 7 8/2 |
| point [14] 8/21 12/19 | 21/22 31/4 46/22 60/1 60/2 | 11/24 12/24 19/4 19/8 21/4 |
| 18/14 $26 / 3$ 39/16 39/25 | 62/3 67/8 | 21/4 21/6 21/9 $21 / 13$ 21/19 |
| 40/2 40/3 40/8 40/16 40/18 | quite [1] 54/8 | 22/16 $24 / 10 \quad 24 / 14$ 24/17 |
| 41/6 53/9 54/17 | quizzed [1] 66/10 | 25/13 $28 / 6$ 28/6 $33 / 9$ 33/13 |
| police [1] 36/24 | quote [1] 36/24 | $33 / 15$ 33/16 $33 / 17{ }^{3} 1$ |
| portion [6] 9/3 11/16 | R | $34 / 234 / 4 \quad 34 / 8 \quad 34 / 11 \quad 39 / 17$ |
| 56/24 57/1 57/4 58/23 |  | 40/3 40/3 40/12 40/1 |
| position [2] 15/19 38/21 | rather [1] 56/4 | 40/18 40/21 $41 / 746 / 6 \quad 46 / 9$ |
| preparation [9] 20/24 | read [4] 5/17 7/18 7/18 | 46/14 46/23 50/19 51/10 |
| 24/16 33/9 33/15 33/17 | 66/22 | 52/4 $52 / 18$ 58/25 $59 / 115973$ |
| 33/17 34/1 34/2 34/8 | reading [2] 9/2 31/17 | 59/6 60/4 62/14 62/18 |
| prepare [14] 4/22 18/16 | really [1] 63/1 | 64/14 66/19 66/23 |
| 18/17 18/19 18/21 18/25 | reason [2] 46/12 53/24 | reporter [2] 57/19 68/5 |
| 21/3 21/13 34/10 35/24 | reasonable [1] 50/5 | REPORTERS [1] 1/24 |
| 36/13 50/18 $59 / 3$ 59/6 | rebuilt [1] 11/3 | reports [4] 20/24 24/13 |
| prepared [8] 4/24 21/6 | recall [20] 26/16 35/13 | 24/17 27/23 |
| 24/13 27/6 27/14 36/8 | 35/18 35/19 47/2 47/8 | represent [4] 9/20 10/13 |
| 36/11 52/14 | 47/10 47/11 47/14 47/16 | 16/25 50/14 |
| preparing [13] 19/8 21/8 | 47/17 47/18 47/21 47/22 | representative [3] 15/13 |
| 24/9 26/17 26/18 27/11 | 47/23 47/24 48/2 48/3 48/6 | 15/14 47/4 |
| 27/22 28/6 33/13 34/4 36/5 | 51/14 | represented [4] 6/8 6/14 |
| 58/25 59/1 | received [2] 46/9 60/4 | 10/14 62/15 |
| present [3] 2/11 25/5 | recent [2] 17/7 | represents [1] |
| 25/25 | recognize [1] 9/ | request [2] 5/22 |
| pretty [2] 39/4 53/17 | recommendation [4] 47/19 | require [1] 7/7 |
| previously [1] 46/23 | 47/20 48/10 50/18 | reserve [2] 60/2 60/6 |
| private [2] 64/23 65/12 | recommendations [1] 48/16 | responsibilities [1] 32/7 |
| probably [1] 54/9 | recommended [3] 48/2 49/8 | responsibility [1] 31/21 |
| proceedings [1] 68/7 | 49/9 | responsible [8] 8/19 20/17 |
| process [6] 16/2 16/16 | reconstructed [1] 11/13 | 20/23 31/12 52/9 55/3 |
| 18/4 48/8 48/9 49/5 | reconstruction [2] 11/8 | 60/24 65/23 |
| product [1] 58/20 | 11/9 | rest [1] 56/24 |
| professional [5] 34/ | record [12] 4/15 | result [5] 11/15 11/17 |
| 42/7 45/7 45/12 45/13 | 13/22 41/13 46/8 52/13 | 11/20 12/1 19/3 |
| project [34] 13/3 20/8 | 56/1 57/20 59/11 59/12 | review [8] 6/4 15/1 20/23 |
| 20/11 20/15 20/20 21/12 | 59/24 66/23 | $33 / 8 \quad 33 / 1433 / 15$ 33/16 |
| 29/13 29/14 $29 / 18$ 29/20 | record's [1] 51/2 | 49/17 |
| 29/22 29/23 30/4 30/7 30/8 | records [2] 6/2 65/23 | reviewed [5] 5/22 5/24 |
| $\begin{array}{lllll}30 / 11 & 31 / 2 & 31 / 5 & 31 / 10\end{array}$ | reduced [2] 7/16 7/20 | 33/25 34/1 51/9 |
| 31/11 31/14 $31 / 18$ 31/25 | refer [1] 6/6 | reviewing [3] 26/17 34/7 |
|  | reference [2] 52/10 53/3 | 35/20 |
|  | references [2] 36/22 36/24 | rhetoric [1] 39/23 |
| 33/2 34/23 66/5 | referred [3] 7/13 13/5 | Richard [1] 1/14 |
| property [1] 65/6 |  | right [32] $15 / 5$ 23/7 $25 / 5$ |
| protection [2] 13/6 13/10 | referring [3] 35/10 43/3 | 29/8 29/17 $30 / 18$ 31/6 |
| provide [2] 12/14 13/15 | 58/19 | 31/20 32/10 33/20 34/13 |
| provided [1] 60/11 | reffected [2] 11/24 12/24 | $35 / 4 \quad 35 / 8 \quad 35 / 23 \quad 36 / 2 \quad 36 / 21$ |
| providing [2] 38/17 39/16 | regard [10] 17/21 17/23 | 40/2 42/1 46/20 49/12 |
| public [15] 6/1 7/24 46/24 | 21/5 21/10 22/14 22/18 | 52/21 52/25 53/13 53/17 |
| 47/3 47/5 48/13 48/17 | 24/10 38/16 39/18 42/11 | 59/22 60/2 60/6 62/25 63/9 |
| 49/10 49/13 49/18 64/15 | regarding [2] 26/5 28/22 | 63/13 63/21 65/8 |
| 65/7 65/12 68/5 68/13 | relates [3] 42/18 44/21 | right-hand [1] 31 |
| pulling [1] 26/19 | 45/2 | right-of-way [1] 65/8 |
| pump [2] 11/12 12/2 | relating [1] 32/3 | riprap [2] $13 / 613 / 9$ |
| purposes [1] 10/21 | relation [1] 29/24 | River [2] $2 / 4$ 54/4 |
| put [5] 21/18 28/8 47/18 | reliable [1] 46/13 |  |
| 47/20 66/14 | rely [1] 58/24 | 10/20 $11 / 4 \quad 11 / 1311 / 18$ |
| putting [3] 26/19 28/1 | remember [1] 60/15 | 48/8 $50 / 1 \quad 55 / 25 \quad 58 / 10$ |
| 32/16 | Remington [16] 4/6 4/10 | 58/13 61/3 61/9 61/10 |
| Q | 4/7 14/11 19/13 20/9 | $\begin{array}{llll}62 / 12 & 62 / 13 & 62 / 20 & 62 / 22\end{array}$ |
| quadrant [2] 54/20 |  | 63/8 63/16 63/19 65/7 |
| qualify [1] 33/21 | $\begin{array}{llll} 30 / 8 \\ 54 / 5 \end{array} 32 / 3 \quad 32 / 15 \quad 37 / 1649 / 2$ | $\begin{array}{llllll} \\ \text { 65/25 } & 66 / 11 \\ \text { roads [59] } & 6 / 8 & 6 / 12 & 6 / 13\end{array}$ |


| R | separately [3] 37/6 42/18 | 5/6 6/10 6/23 6/25 9/3 |
| :---: | :---: | :---: |
| roads... [56] 6/18 6/21 | serve [1] 4/12 | 13/23 39/20 39/22 40/5 |
| 6/22 6/24 7/1 7/4 7/12 | served [1] 41/23 | 50/2 50/22 51/6 51/19 |
|  | serves [1] 4/11 | 53/17 54/7 $54 / 20 \quad 56 / 3$ |
| $\begin{array}{llll}10 / 10 & 10 / 10 & 10 / 14 & 11 / 1\end{array}$ | services [3] 22/16 24/5 | 58/23 60/13 60/17 61/3 |
| 11/23 $12 / 4$ 40/7 48/1 $49 / 8$ | 42/7 | 61/14 61/21 62/7 63/23 |
| 50/20 50/20 51/19 52/7 | set [1] 68/9 | 64/2 |
| 52/8 55/3 $60 / 1760 / 20$ | seven [1] 7/11 | speak [2] 8/23 17/8 |
| 60/21 61/4 61/5 61/14 | $\begin{array}{llll}\text { sewer [3] } & 11 / 11 & 11 / 12 & 12 / 2\end{array}$ | specific [5] 25/20 26/19 |
| 61/21 62/6 62/10 62/15 | shakes [1] 48/7 | 47/23 49/24 66/11 |
| 63/3 63/4 63/24 63/25 64/2 | she [3] 57/19 57/19 57/20 |  |
| 64/15 64/15 $64 / 16$ 64/17 | sheet [1] 26/20 | 38/9 50/21 61/6 62/8 62/12 |
| 64/23 65/5 65/12 65/13 | Shore [2] 58/10 58/13 | specificity [1] 12/9 |
| 65/19 65/20 66/6 66/8 | Should [1] 7/6 | specifics [1] 35/14 |
| 66/22 66/24 | shouldn't [1] 45/20 | spend [1] 23/14 |
| roadway [1] 60/23 | show [6] 28/10 28/15 39/17 | spent [1] 23/4 |
| Robert [1] 1/12 | 41/18 66/3 66/6 | spills [2] 12/15 12/20 |
| Rodney [1] 2/14 | show you [1] 28/ | Sprague [1] 56/20 |
| role [6] 14/24 15/21 16/7 | showing [2] 20/21 35/2 | spread [2] 9/8 9/13 |
| 17/11 17/14 19/13 | shown [4] 6/9 6/15 27/1 | staff [3] 35/5 36/17 49/25 |
| roles [1] 16/14 | 61/21 | standing [1] 14/ |
| roughly [1] 9/7 | shows [1] 66 | start [2] 44/14 44/17 |
| Route [7] 11/2 11/5 11/9 | $\begin{array}{lllll}\text { side } & {[5]} & 12 / 11 & 12 / 13 & 13 / 2\end{array}$ | started [2] 51/12 51/20 |
| 11/10 46/25 47/12 56/9 | 13/4 50/13 | state [10] 4/20 10/10 11/7 |
| run [2] 55/14 55/15 | sides [1] 65/7 | 11/8 11/14 $11 / 1912 / 1$ |
| S | signed [1] 7/8 | 50/12 68/5 68/13 |
|  | signers [1] 13/23 | station [2] 11/12 12/2 |
| said [7] 13/1 27/10 47/15 | simple [2] 30/21 | statistics [1] 10/16 |
| 47/24 49/9 57/17 62/3 | simply [9] 5/17 8/17 13/14 | stenographically [1] 68/8 |
| same [3] $13 / 4$ 23/10 $52 / 18$ | 20/21 31/15 35/13 44/5 |  |
| Sandy [5] 11/3 11/15 11/17 | 64/5 64/8 | stop [2] 59/15 67/7 |
| 11/20 12/23 | since [11] 5/24 6/18 6/22 | $\begin{array}{lllll}\text { storm [4] } & 11 / 11 & 11 / 12 & 12 / 2\end{array}$ |
| say [9] 25/21 33/16 38/2 | 7/1 9/3 12/23 14/15 17/12 | 13/10 |
| 38/22 45/19 49/16 51/24 | 52/2 55/23 66/23 | street [43] 4/23 5/7 6/3 |
| 54/19 62/20 | single [1] 42/2 | 6/7 6/10 6/15 7/16 7/19 |
| saying [3] 47/18 48/3 48/6 | site [1] 50/8 |  |
| says [10] 30/3 31/2 33/8 | sitting [2] 17/5 17/7 |  |
| 33/17 34/8 35/4 36/ | six [3] 8/10 12/18 12/21 | 50/11 $51 / 3$ 52/15 $55 / 12$ |
| 37/15 46/9 62/18 | six inches [1] 12/21 | 55/22 $56 / 4 \quad 56 / 5 \quad 56 / 13$ |
| scale [3] 7/18 52/16 52/16 | six-inch [1] 12/18 | 56/15 56/17 56/19 56/21 |
| schedule [3] 33/9 33/ | size [1] 62/20 | 57/2 57/7 57/9 57/11 57/12 |
| 33/25 | sized [1] 7/16 | 57/13 58/1 58/11 58/15 |
| SEASIDE [46] 1/4 4/1 4/2 | smaller [1] 52/19 | 58/23 61/25 62/1 62/6 |
| 5/6 6/10 6/23 6/25 9/3 | so [91] | 65/25 66/1 |
| $\begin{array}{llllll}9 / 20 & 10 / 7 & 10 / 11 & 11 / 1 & 12 / 7\end{array}$ | $\begin{array}{lllll}\text { some } & {[17]} & 5 / 15 & 13 / 1 & 13 / 15\end{array}$ | streets [21] $5 / 23$ 6/7 6/17 |
| $\begin{array}{llllllll}13 / 23 & 38 / 5 & 38 / 8 & 39 / 20\end{array}$ | $\begin{array}{llll}13 / 20 & 16 / 20 & 16 / 22 & 28 / 20\end{array}$ | 9/25 10/23 39/19 49/16 |
| 39/22 $40 / 543 / 19$ 43/24 |  |  |
| $\begin{array}{lllll}44 / 8 & 44 / 12 & 44 / 15 & 44 / 20\end{array}$ | 49/15 $50 / 3$ 58/18 $59 / 25$ |  |
| 44/25 50/2 $50 / 10$ 50/22 | 63/24 65/5 | 56/23 57/22 58 58/8 $66 / 4 \quad 66 / 9$ |
|  | somebody [10] 8/15 10/25 | 66/13 |
| 54/7 54/20 56/3 58/23 | 40/4 40/10 46/24 47/6 | stretch [1] 50/16 |
| 60/13 60/17 61/3 61/14 | 48/10 48/23 $49 / 249 / 15$ | Stuart [1] 2/13 |
| 61/21 62/7 63/5 63/23 64/2 | someone [1] 39/9 | substance [1] 8/1 |
| Seaside Park [8] 38/5 38/8 | something [8] 15/15 20/20 | substation [1] 36/24 |
| 43/19 43/24 $44 / 844 / 12$ | 26/25 42/22 53/18 54/9 | suggestion [1] 59/14 |
| 44/15 44/25 | 63/14 63/15 | SULLIVAN [2] 1/23 68/4 |
| second [5] 23/11 38/23 | sometime [1] 46/10 | SULLIVAN-HILL [2] 1/23 |
| 41/22 41/24 66/17 | somewhere [1] 51/12 | 68/4 |
| Secretary [1] 2/12 | sorry [5] 8/12 9/10 11/22 | sum [1 |
| section [1] 53/3 | 39/19 58/2 | summarized [1] 6/2 |
| see [9] 7/24 9/13 19/16 | sounded [1] 39/23 | summation [1] 9/2 |
| 32/18 $33 / 6$ 33/11 36/25 |  | summer [2] 25/21 25/22 |
| 58/4 67/9 | 4/24 5/6 6/10 6/23 6/25 | supports [1] 39/13 |
| seen [4] 26/23 27/3 43/11 |  | supposed [1] 61/2 |
| 50/17 | 11/4 12/7 13/23 39/20 | sure [13] 5/11 15/17 22/21 |
| send [1] 46/10 | 39/22 $40 / 5 \quad 50 / 2 \quad 50 / 9 \quad 50 / 22$ | $24 / 7 \quad 24 / 12 \quad 30 / 1 \quad 32 / 22$ |
| sends [1] 47/25 | 51/6 51/19 53/17 53/20 | 50/17 $52 / 12 \quad 57 / 19 \quad 57 / 20$ |
| sent [5] 5/19 23/24 23/25 | $54 / 7$ 54/20 $56 / 3$ 58/23 | 61/16 67/1 |
| 24/2 28/24 | 60/13 $60 / 17 \quad 61 / 3$ 61/14 | surf [1] 56/1 |
| separate [6] $16 / 5$ <br> $16 / 15$ $41 / 21$ $41 / 22$ <br> $41 / 25$   | 61/21 62/7 63/5 63/23 64/2 South Seaside [32] 4/24 | Surf Drive [1] 56/12 surge [1] 13/10 |


| S | 15/23 15/24 $15 / 25 \quad 19 / 21$ | $/ 17 \text { 36/2 41/20 41/23 }$ |
| :---: | :---: | :---: |
| SURMAN [1] 2/6 | $\begin{array}{llllll}15 / 22 & 20 / 1 & 20 / 3 & 20 / 5 & 26 / 5 \\ 32 / 2 & 32 / 7 & 45 / 5 & 45 / 22 & 46 / 23\end{array}$ | told $[8] / 8 / 98 / 128 / 15$ $20 / 2 \quad 39 / 945 / 11 ~ 56 / 867 / 1$ |
| sworn [1] 4/16 |  | Toms [1] 54/4 |
| T | 64/25 65/5 66/8 | Toms River [1] |
|  |  | tongue [1] 41/11 |
|  | $\begin{array}{lllll} 11 / 4 & 15 / 18 & 28 / 19 & 29 / 4 & 31 / 5 \\ 35 / 1 & 36 / 22 & 36 / 23 & 39 / 1 & 40 / 2 \end{array}$ | $\begin{array}{ccccc}\text { tonight } & {[14]} & 4 / 5 & 14 / 22 \\ 15 / 6 & 16 / 8 & 17 / 20 & 24 / 4 & 36 / 10\end{array}$ |
| 66/2 66/2 66/3 66/4 | 45/20 51/11 63/18 65/9 | 38/17 46/9 46/13 46/18 |
| table [1] 17/6 | therefore [1] 39/21 | 60/1 60/4 60/5 |
| take [2] 41/21 61/17 | these [9] 9/14 16/19 17/8 | top [2] 31/6 3 |
| taken [1] 68/8 | 17/12 $17 / 15$ 18/4 $20 / 18$ | tota1 [2] 42 |
| taking [1] 31/17 | 43/2 61/23 | town [7] 7/12 24/3 53/4 |
| talk [1] 46/6 | they [20] 7/13 16/4 37/6 | 65/16 65/18 65/22 66/6 |
| talked [2] 13/1 52/6 | 41/20 41/22 41/23 45/19 | township [70] |
| talking [4] 27/5 27/8 | 45/21 48/1 $48 / 5$ 48/19 | township's [1] |
| 44/15 44/17 | 48/20 55/6 56/23 57/22 | transcript [1] 68/7 |
| tax [2] 60/12 61/23 | 57/23 58/8 58/9 61/13 65/6 | transcripts [11] 26/6 |
| Taxpayers [1] 11/6 | they're [8] 16/7 39/9 | 26/15 26/18 26/18 26/24 |
| technicians [2] 37/4 37/5 | 41/21 58/7 64/15 64/17 | 27/5 27/11 27/15 27/24 |
| tel1 [15] 9/17 15/16 20/2 | 64/23 66/23 | 34/6 35/20 |
| 24/19 28/19 38/21 41/19 | they've [1] 55/18 | trick [1] 55/19 |
| 42/9 53/1 $53 / 1 \begin{array}{llll} & 55 / 2 & 55 / 8\end{array}$ | thing [2] 22/20 63/7 | tried [2] 46/10 66/14 |
| 55/10 55/22 55/24 | things [6] 10/15 18/8 | true [1] 68/7 |
| ten [3] 54/10 60/12 60/19 | 26/19 36/1 52/2 65/10 |  |
| ten percent [2] 60/12 | think [12] 5/13 5/16 10/5 | 30/24 |
| 60/19 | 13/17 16/24 30/10 $39 / 4$ | trying [5] 15/11 21/16 |
| terms [6] 28/1 29/24 54/8 | 43/3 47/1 50/5 54/24 67/6 | 31/23 31/24 32/20 |
| 62/10 62/20 63/1 | third [3] 9/16 23/9 66/17 | Twenty [1] 53/18 |
| testified [5] 4/17 14/3 | this [64] 8/2 9/2 9/14 | Twenty-five miles [1] |
| 46/17 47/11 63/7 |  | 53/18 |
| testify [9] $14 / 3$ 16/11 | $\begin{array}{llllllll} & 15 / 8 & 16 / 2 & 16 / 16 & 17 / 18 & 19 / 8\end{array}$ | twice [1] 18/9 |
| 17/21 18/1 21/19 21/21 | 20/7 21/4 $21 / 6$ 21/17 $22 / 5$ | two [14] 3/15 6/11 7/21 |
| 22/4 22/10 22/13 | 22/11 $22 / 16$ 22/17 $25 / 4$ | 12/10 28/16 $28 / 17 \quad 31 / 18$ |
| testifying [6] 15/5 16/8 | 28/11 28/24 $29 / 5$ 29/9 | $34 / 15$ 34/20 36/1 $38 / 12$ |
| 21/5 21/17 21/20 22/1 | $\begin{array}{lllll}29 / 13 & 29 / 20 & 30 / 20 & 31 / 11\end{array}$ | 51/4 65/10 67/9 |
| testimony [19] $4 / 4$ 14/22 | $\begin{array}{lllll}31 / 15 & 31 / 21 & 31 / 25 & 32 / 8\end{array}$ | two-page [4] 3/15 28/16 |
| 16/18 $22 / 19$ 38/18 $39 / 8$ | $32 / 12$ 32/14 $32 / 17 \quad 32 / 23$ | 34/15 34/20 |
| 46/23 47/2 47/3 47/8 47/9 |  | U |
| 50/14 51/11 51/15 60/11 | 37/12 $37 / 16$ 39/17 40/1 | U |
| 60/14 60/15 65/22 65/24 | 41/9 41/15 42/18 43/2 43/7 | Uh [2] 29/1 33/4 |
| than [17] 20/20 25/10 28/6 | 44/12 44/23 46/9 51/12 | Uh-hum [2] 29/1 33/4 |
| 36/9 37/6 38/10 38/12 |  | ULAKY [1] 2/3 |
| 38/14 40/7 43/2 54/7 60/19 | 52/22 55/10 55/19 60/4 | unclear [1] 52/7 |
| 61/14 61/21 64/4 64/8 65/8 | 66/20 | under [4] 9/16 33/2 34/23 |
| Thank [6] 4/7 5/13 8/25 | those [21] 9/24 10/13 |  |
| 9/22 60/8 67/11 | 10/14 11/25 12/21 17/1 | underneath [1] 65/9 |
| that [236] | 17/4 26/23 27/4 36/1 49/17 | understand [8] $20 / 10$ 21/14 |
| that's [50] 5/16 8/1 8/14 | 51/2 52/8 61/4 61/5 62/9 | 27/8 30/1 33/1 39/3 43/21 |
| 10/9 11/25 13/17 16/9 19/4 | 64/23 65/10 65/23 66/14 | 51/10 |
| 19/15 21/23 $22 / 20 \quad 23 / 9$ | 66/18 | understandable [1] 60/7 |
| 23/13 23/15 25/1 $29 / 19$ | though [1] 46/17 | understanding [2] 12/4 |
| $30 / 6$ 31/21 32/6 33/11 | thought [1] 9/23 | 51/21 |
| 33/12 35/20 36/14 39/10 | three [7] 7/21 7/22 9/4 | unfair [2] 63/2 63/10 |
| 39/23 40/18 40/22 41/11 | 31/3 31/17 35/24 38/14 | unity [1] 15/18 |
| 44/3 46/14 50/5 50/23 51/1 | through [14] 15/10 29/9 | unless [3] $20 / 1$ 39/7 63/2 |
| 52/24 53/22 54/6 55/20 | 29/10 $37 / 17$ 38/2 42/7 | unreasonable [1] 50/6 |
| 56/6 57/1 58/18 60/7 61/2 | 42/10 43/4 48/14 56/22 | $\begin{array}{lllll}\text { up [10] } & 6 / 11 & 7 / 25 & 13 / 16\end{array}$ |
| 61/8 61/18 $62 / 3 \quad 62 / 18$ | 57/21 61/13 66/17 67/4 | 20/21 28/12 53/10 60/5 |
| 63/20 64/3 65/4 66/11 | Thursday [4] $1 / 818 / 12$ | 66/12 66/13 67/7 |
| their [7] 9/3 15/13 15/15 | 19/2 24/25 | upon [4] 4/17 55/18 58/24 |
| 15/21 37/7 40/7 63/25 | time [24] 10/2 13/18 14/16 | 63/12 |
| them [9] 5/10 17/2 26/19 | 22/1 $23 / 1 \begin{array}{lllll} & 23 / 3 & 23 / 9 & 23 / 14\end{array}$ | us [3] 45/11 53/1 53/1 |
| 26/20 27/3 31/18 55/18 | 23/16 23/18 $23 / 2130 / 3$ | use [2] 10/20 59/2 |
| 64/19 66/14 | 35/2 $36 / 4 \quad 37 / 7$ 37/7 42/6 | used [3] 10/21 59/5 61/8 |
| then [14] 5/18 16/2 16/6 | 42/17 51/18 51/21 66/24 | using [1] 12/23 |
| 16/7 $21 / 22$ 35/18 35/23 | 67/3 67/7 68/8 | utilized [1] 63/23 |
| 35/25 36/21 44/17 49/4 | times [2] 9/4 18/6 | utilizing [1] 52/3 |
| 49/7 56/22 62/21 | title [6] 29/15 29/18 31/4 | V |
| there [34] 7/10 7/20 10/6 | 31/15 33/2 65/16 |  |
| $\begin{array}{lllll}10 / 9 & 11 / 2 & 11 / 22 & 12 / 3 & 12 / 5 \\ 12 / 6 & 12 / 21 & 13 / 1 & 13 / 4 & 13 / 5\end{array}$ | today [1] 21/21 | vacation [3] 59/20 59/23 |
| 12/6 $12 / 2113 / 1{ }^{13} 13 / 413 / 5$ | together [6] 28/2 28/8 | $67 / 10$ |


| V | When's [2] 66/24 67/3 whenever [1] 46/21 | $\|$wrong [1] $47 / 5$ <br> wrote [1] $40 / 12$ |
| :---: | :---: | :---: |
| Vena [2] 4/10 54/5 | where [16] $17 / 6{ }^{165 / 3}$ 25/22 |  |
| verify [1] 37/13 | 45/20 $\begin{array}{lllll} & 53 / 5 & 53 / 6 & 53 / 8 & 53 / 13\end{array}$ | $X$ |
| Vernick $\begin{array}{lllll}{[16]} & 4 / 6 & 4 / 10 & 14 / 7\end{array}$ |  | Xerox [1] 42/4 |
| $\begin{array}{lllll}14 / 11 & 19 / 13 & 20 / 9 & 20 / 12\end{array}$ | 66/2 66/4 66/5 |  |
| 23/17 $29 / 14 \quad 29 / 21 \quad 30 / 9$ | whether [8] $9 / 1710 / 12$ | Y |
| 32/3 32/15 $37 / 16$ 49/2 54/5 | 15/12 21/13 $39 / 13$ 55/22 | Yeah |
| version [2] 7/19 52/23 | 60/14 65/16 | year [4] 9/13 17/7 38/10 |
| versus [5] 36/5 50/20 63/4 | which [19] 6/9 6/11 6/14 | 51/23 |
| 63/23 64/1 | 7/22 12/19 13/13 15/16 | years [13] 8/ |
| very [4] 7/17 30/21 44/16 | $\begin{array}{llllll}16 / 7 & 18 / 12 & 19 / 4 & 19 / 8 & 35 / 7\end{array}$ | 12/12 38/12 38/14 47/2 |
| 61/19 |  | 47/13 47/19 50/3 50/15 |
| Villa [2] 58/10 58/13 | 51/8 65/8 | 66/4 66/19 |
| visited [2] 50/8 50/9 | whichever [1] 30/20 | yes [69] |
| voters [4] 1/5 4/2 5/6 | who [24] 5/16 16/11 19/10 | yet [1] 21/2 |
| 13/24 |  | you [275] |
| vouchers [1] 6/1 | 22/13 $25 / 15$ 25/25 $27 / 14$ | you'd [2] 5/10 30/20 |
| W | 32/22 $34 / 4436 / 22$ 37/2 | you're [32] 12/7 14/21 |
| wait [1] 11/21 | $\begin{array}{lllll}46 / 24 & 47 / 3 & 47 / 7 & 48 / 12 \\ 48 / 22 & 48 / 25 & 49 / 23 & 55 / 18\end{array}$ |  |
| want [9] $30 / 16 \quad 30 / 19$ 35/16 | $\begin{array}{lllll}48 / 22 & 48 / 25 & 49 / 23 & 55 / 18\end{array}$ | 28/4 $29 / 12 \quad 30 / 4 \quad 30 / 13$ |
|  | $\begin{array}{lllll}\text { who's } & {[3]} & 17 / 25 & 22 / 3 & 24 / 4\end{array}$ | $\begin{array}{llllll} & 30 / 15 & 31 / 17 & 32 / 1 & 32 / 2\end{array}$ |
| 55/19 60/1 | whole [3] 9/4 21/22 63/18 | 33/21 $38 / 16$ 40/4 $40 / 6{ }^{\text {l }}$ |
| wanted [4] 20/2 26/9 51/8 | $\begin{array}{llll}\text { whose [5] } & 14 / 22 & 22 / 4 & 22 / 4\end{array}$ | 44/14 45/7 45/13 45/25 |
| 53/2 | 34/2 34/3 | 49/21 54/21 59/22 62/16 |
| wanting [1] 38/21 | why [10] $8 / 17$ 16/14 $19 / 21$ | 63/9 |
| was [83] | 20/1 20/2 20/5 31/1 40/20 | you've [10] 16/23 16/2 |
| wasn't [8] 11/18 18/19 | 50/1 59/15 | 17/2 17/7 17/12 23/9 26/25 |
| 18/23 27/13 45/4 58/15 | wide [3] 63/15 63/17 63/19 | 44/10 60/13 62/14 |
| 58/16 65/1 | width [13] 61/4 61/10 | your [61] 4/12 5/13 5/22 |
| water [2] 12/19 13/16 | 61/22 62/11 62/16 62/21 | 6/4 9/11 10/16 11/24 14/7 |
| way [16] 9/24 30/20 39/13 | 63/1 63/3 63/4 63/11 63/13 | 14/24 17/11 $17 / 1417 / 14$ |
| 45/23 $50 / 7$ 52/1 $53 / 14$ 58/7 | 63/25 64/1 | 18/19 18/23 $20 / 10$ 21/14 |
| 59/4 63/22 64/3 $64 / 4 \quad 64 / 6$ | widths [2] 62/9 62/13 | 23/1 $23 / 16$ 24/5 25/13 |
| 64/8 65/8 66/17 | will [2] 9/17 50/14 | 27/15 29/2 $29 / 17$ 30/1 30/3 |
| we [18] 6/2 6/6 8/8 8/9 | Winward [1] 1/12 |  |
| 8/12 9/23 10/20 10/21 | Wiser [16] $2 / 13$ 10/3 17/6 | 38/1 38/4 38/7 39/16 40/16 |
|  | $\begin{array}{llllll} \\ 23 / 21 & 26 / 10 & 26 / 13 & 27 / 6\end{array}$ | 40/18 44/8 44/16 44/19 |
| 49/16 54/7 57/20 58/24 | 27/10 27/16 27/25 28/9 | 44/24 $46 / 649 / 13$ 49/18 |
| 59/15 61/12 | 29/5 32/10 32/12 32/16 | 50/19 51/22 52/3 52/18 |
| we'11 [6] 17/1 28/11 41/15 | 34/5 | $\begin{array}{llllll}54 / 14 & 54 / 18 & 55 / 7 & 55 / 9\end{array}$ |
| 60/1 67/6 67/9 | wish [1] 67/9 | 58/14 58/25 59/3 61/17 |
| we're [6] 4/4 16/24 27/5 | within [1] 9/19 | 61/22 62/14 64/14 65/22 |
| 27/8 28/12 67/7 | without [1] 50/7 | 66/19 67/7 |
| we've [1] 9/15 | WITNESS [2] 3/2 48/7 | yours [2] 45/4 45/7 |
| website [1] 19/16 | witnesses [2] 26/21 27/1 | yourse1f [1] 37/18 |
| $\begin{array}{llll}\text { Wednesday } & {[4]} & 18 / 12 & 19 / 2\end{array}$ | won't [2] 59/17 59/18 |  |
| 24/22 24/24 | word [1] 61/1 |  |
| we11 [23] 6/4 9/15 11/17 | words [4] 14/11 22/15 |  |
| $\begin{array}{lllll}12 / 12 & 16 / 25 & 21 / 12 & 21 / 24\end{array}$ | 31/17 42/18 |  |
| $\begin{array}{llll}27 / 10 & 30 / 3 & 31 / 9 & 37 / 15\end{array}$ | work [11] 26/22 29/4 34/7 |  |
| 37/22 $39 / 6 \begin{array}{lllll} & 43 / 17 & 48 / 5\end{array}$ | 36/16 42/17 42/21 54/2 |  |
| 49/16 53/2 57/18 59/25 | 54/4 55/23 58/20 66/13 |  |
| 61/7 61/17 63/6 65/3 | Works [9] 6/1 46/24 47/3 |  |
| were [21] $7 / 13$ 8/9 8/9 | 47/5 48/13 48/17 49/10 |  |
| 8/12 11/23 12/1 12/4 12/21 | 49/13 49/18 |  |
| 12/22 $17 / 5$ 33/13 $34 / 7$ | worksheets [1] 6/4 |  |
| 41/20 41/23 50/21 51/8 | would [32] 4/25 5/14 7/23 |  |
| 51/14 60/10 60/22 66/25 | $\begin{array}{ll}9 / 6 & 9 / 20 \\ 12 / 11 & 12 / 19 \\ 12 / 23\end{array}$ |  |
| 67/4 | $\begin{array}{lllll}13 / 9 & 13 / 13 & 15 / 3 & 18 / 12 & 22 / 3\end{array}$ |  |
| west [3] 54/22 54/24 56/9 | 22/4 22/21 25/21 34/18 |  |
| what [79] $13 / 5$ 28/15 | 37/12 39/6 43/18 43/23 |  |
| what's [4] 13/5 28/15 | 50/2 51/10 52/1 54/19 60/5 |  |
| 41/19 48/9 | 60/23 62/21 62/23 63/23 |  |
| whatever [2] 45/17 46/12 | 63/24 66/21 |  |
| $\text { when }[21] \text { 12/16 } 13 / 15 \text { 14/2 }$ | wouldn't [5] 17/24 38/22 |  |
| $\begin{array}{llll}14 / 19 & 14 / 21 & 16 / 23 & 17 / 4 \\ 18 / 10 & 18 / 25 & \end{array}$ | $\begin{array}{lllll}44 / 2 & 44 / 3 & 60 / 24 & & 23 / 20\end{array}$ |  |
| 20/22 $22 / 15$ 25/19 $34 / 7$ | wrio/21 41/7 |  |
|  | writing [2] 41/7 42/16 |  |
| 58/17 60/11 | written [1] 43/12 |  |

