

TOWNSHIP OF BERKELEY  
PLANNING BOARD

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3 IN THE MATTER OF:  
4 SOUTH SEASIDE PARK HOMEOWNERS  
AND VOTERS ASSOCIATION  
5 DE-ANNEXATION PETITION HEARING  
6  
7 Pinewald Keswick Road  
8 Bayville, New Jersey  
9 Thursday, September 1, 2016  
7:45 p.m.

10 B E F O R E:

11 Robert Winward, Chairman  
12 John Bacchione, Councilman  
13 Domenick Lorelli, Member  
14 Richard Callahan, Member  
15 Nick Mackres, Member

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23 LINDA SULLIVAN-HILL & ASSOCIATES  
24 CERTIFIED COURT REPORTERS  
25 46 SOUTH LAKEVIEW DRIVE  
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BY: JOSEPH MICHELINI, ESQ.  
9 Attorneys for the Petitioners

11 ALSO PRESENT:

12 Kelly Hugg, Secretary  
13 Stuart B. Wiser, Planner  
14 Nicholas Dickerson, Planner  
15 Rodney Haines, CPA

I N D E X

2	NAME OF WITNESS	PAGE
3	CHIEF KARIN DiMICHELE	8
4	OFFICER RONALD BONDULICH	34
5	SGT. GEORGE DOHN	41
6	DET. MIKE TIER	44
7	LT. RYAN ROTH	59
8	CAPT. KEVIN SANTUCCI	69
9	KEVIN GEOGHEGAN	83

E X H I B I T S

14	NUMBER	DESCRIPTION	PAGE
15	Township-1	Notice signed by Erdman	25
16	Township-2	Stack of notices signed by residents	25

23  
24  
25

1 MR. WINWARD: Okay. I think we  
2 should begin. What we'd like to do is have our  
3 police department, they wish to refute some of the  
4 allegations and testimony heard prior. And I think  
5 the most effective way to handle this is let them  
6 finish and then cross-examine them any way that you  
7 choose after that. I think that would work things  
8 most efficiently that way.

9 MR. MICHELINI: Joseph Michelini,  
10 attorney for the petitioners. It would appear that,  
11 from what I understand is, there's going to be  
12 testimony by committee. In other words, there's  
13 one, two, three, four, five, six -- all right.

14 (Off the record.)

15 MR. MICHELINI: So, there's not going  
16 to be testimony by committee. There's going to be  
17 one officer at a time. You're asking me to hold my  
18 cross-examination till the very end, until everybody  
19 testifies; is that what you're asking?

20 MR. MCGUCKIN: I think that's what  
21 the chief is asking.

22 CHIEF DiMICHELE: Yes.

23 MR. WINWARD: That's what they're  
24 requesting.

25 MR. MCGUCKIN: It's all the same

1 subject, so.  
 2 MR. MICHELINI: Okay. That will  
 3 probably -- I would imagine that that will take,  
 4 their testimony will take a good chunk of this  
 5 meeting or all of the meeting, which means that  
 6 they're all going to have to show up next time for  
 7 cross-examination. Because then I'm going to have  
 8 to go through each one.  
 9 MR. MCGUCKIN: Whoever will testify,  
 10 you will have the opportunity to cross-examine.  
 11 We'll make sure.  
 12 MR. MICHELINI: No, I understand.  
 13 I'm just talking about in terms of efficiency.  
 14 We're going to keep seven police officers here this  
 15 meeting. Then probably have to bring seven police  
 16 officers back next meeting, as opposed to getting  
 17 done with maybe two or three. And then when we have  
 18 two or three next meeting, that seems to be much  
 19 more efficient.  
 20 MR. WINWARD: I'd rather let them  
 21 tell us --  
 22 CHIEF DiMICHELE: No, because a lot  
 23 of this testimony, you know, I'm going to give a  
 24 brief overview. And then they are going to take  
 25 subject matters and speak on them.

1 MR. MICHELINI: Okay.  
 2 MR. MCGUCKIN: You'll have the  
 3 opportunity to cross-examine, Mr. Michelini.  
 4 CHIEF DiMICHELE: We'll be back.  
 5 We'll be back here for you to cross-examine. Don't  
 6 worry about that.  
 7 MR. WINWARD: They're only right next  
 8 door.  
 9 MR. MICHELINI: I just -- I guess we  
 10 got to wait and see how it plays out. I'm making it  
 11 a tentative objection to the process because it's  
 12 highly unusual. It's not normal in any court or  
 13 quasi judicial body or administrative hearing that  
 14 I've ever been involved with. So, it could have a  
 15 significant ability on my -- my ability to do proper  
 16 cross-examination by wading through each witness.  
 17 You tend to sometimes forget what Witness A said by  
 18 the time you get to Witness G in this case. And I'm  
 19 not really in favor of that.  
 20 I think the cross-examination is much  
 21 more effective if you do it right after a witness  
 22 testifies. And it's also more efficient for the  
 23 board, because the board is hearing that testimony  
 24 and then they're hearing the followup questions  
 25 right away. So, for those reasons, I would object.

1 I leave it to the discretion of the board,  
 2 obviously, to do it whichever way they want to do  
 3 it. But I want my objection to be on the record.  
 4 Because I think -- I think I know how it's going to  
 5 play out. It's just going to make it much more  
 6 difficult for me to do my job for my clients. So,  
 7 with that statement, Mr. Windward, it's as the Board  
 8 sees fit.  
 9 MR. WINWARD: Thank you. That's duly  
 10 noted in the record.  
 11 Chief, please proceed.  
 12 CHIEF DiMICHELE: Okay. My name is  
 13 Chief Karin DiMichele, Berkeley Township Police  
 14 Department. I am here with numerous staff to  
 15 address numerous issues that were brought up in  
 16 testimony in reference to the de-annexation of South  
 17 Seaside Park.  
 18 MR. MICHELINI: Probably should be  
 19 sworn first.  
 20 CHIEF DiMICHELE: We're all sworn  
 21 officers here.  
 22 MR. MICHELINI: Well, this is a  
 23 proceeding where you need to be sworn.  
 24 (Off the record.)  
 25

1 KARIN DiMICHELE, having been duly sworn, according  
 2 to law, upon her oath, testified as follows:  
 3 CHIEF DiMICHELE: We do have  
 4 substantial testimony to give to this board in  
 5 reference to the de-annexation. Our first step in  
 6 this process is to at least address the inaccuracies  
 7 of the testimony that has already been given. And I  
 8 will go through a couple of inaccuracies.  
 9 Testimony given on May 5, 2016 -- and  
 10 pardon me if I pronounce this name wrong --  
 11 Vitarello. I'm going to spell it for the record.  
 12 V-i-t-u-r-e-l-l-o. Testimony stated August 5, 2009,  
 13 a 911 call was placed. The person was connected  
 14 with Berkeley Township Police Department. They  
 15 stated in the record that you took 20 minutes to  
 16 have an officer arrive.  
 17 Now, we have records in our computer  
 18 system that dictate how long when we're dispatched  
 19 and when the officer arrives. So, in this case,  
 20 where they stated it was 20 minutes, the officer was  
 21 dispatched at 11:37 a.m. The officer arrived at  
 22 11:42 a.m. That's a total of five minutes' response  
 23 time. If you check with any PD, that is an  
 24 excellent response time.  
 25 The first aid was dispatched at 11:37

1 a.m. First aid arrived at 11:48 a.m. That's a  
 2 total of 11 minutes for first aid to respond.  
 3 Medics were dispatched at 11:40 a.m. Medics arrived  
 4 at 11:56 a.m. The total time for the medics'  
 5 arrival was 16 minutes.

6 The de-annexation is to take -- have  
 7 Seaside Park officers respond to South Seaside Park.  
 8 Even if that did happen, the medic response time,  
 9 the first aid response time stays the same. They're  
 10 the same medics and they're the same first aid that  
 11 will be responding. So, the only difference is,  
 12 you're trying to say that it would be less of a  
 13 arrival time for an officer for five minutes. I beg  
 14 to differ on that one.

15 Testimony two. On May 5, 2015, by  
 16 the same subject, V-i-t-u-r-e-l-l-o. Quote, and the  
 17 same thing repeated itself. Fifteen, 20 minutes and  
 18 she was on the ground on the sidewalk. I had to put  
 19 a blanket on her and a pillow under her head before  
 20 they got to my house. I called 911. And they  
 21 connected me with Berkeley and the Berkeley police  
 22 came. But it was the same amount of time. This is  
 23 ridiculous.

24 Here's stats. The call was received  
 25 and dispatched at 4:59 p.m. The call was dispatched

10

1 at 4:59. The officer arrived at 5:03. We're  
 2 talking a four-minute response time, when testimony  
 3 has been given, it's taken 15 to 20 minutes. Once  
 4 again, another discrepancy.

5 Now, as I said before, the same thing  
 6 plays out here. The EMS, Tri-Boro, Berkeley  
 7 Township gives Tri-Boro a certain amount of money.  
 8 And they respond to the calls in South Seaside Park  
 9 and most of the island over there. All right.  
 10 Paramedics, there's only one set of paramedics.  
 11 They're the same paramedics that you're going to  
 12 have. Nothing changes. So, you're saying that a  
 13 four-minute response time on a first aid call is not  
 14 good enough. I say it is. And if you check with  
 15 other police departments, you're going to find out a  
 16 four-minute response time is actually good.

17 Now, I have to say a general  
 18 statement. And when a family member is hurt, is  
 19 injured and you're calling for help, usually it's on  
 20 the worst day of your life and you think it's going  
 21 to take forever. This is a perception. This is not  
 22 the fact for the case. So, I understand where they  
 23 might have thought that it had taken longer than it  
 24 was, but that is not the case.

25 Also, during some of the testimony,

1 they said that there was an issue with 911. Now,  
 2 let's keep in mind, it's going to be the same 911.  
 3 It's the same program. Seaside Park is the same 911  
 4 we do. They go to Ocean County radio room for fire  
 5 and first aid. We have a full dispatch center that,  
 6 once the calls are received by the county, it's  
 7 transmitted to us. If you have a couple second  
 8 lapse, that's about it. But you're going to have  
 9 people answering those phones that know the town.  
 10 They know the history. We have history on  
 11 everybody's address, what they need. We have  
 12 contact names, numbers. We're more of a community  
 13 police department. But these facts and statements  
 14 that are supported by documents are actual facts.

15 All right. Testimony given on  
 16 2/5/15, that's February 5, 2015, by Whiteman.  
 17 Quote, the police presence affected me this past  
 18 summer. There was an altercation. A guy and a girl  
 19 were fighting out in the front of my house. This  
 20 happened about 1:30 in the morning. I believe it  
 21 was August 2. We called the police to come.  
 22 Waiting for the police. They did not arrive, so I  
 23 ended up walking outside hoping that the guy would  
 24 see me, and just calm things down. Quote, and that  
 25 occurred for about 15, 20 minutes.

12

1 We did some research. We found the  
 2 call. The call was actually on July 26 at 3:06 a.m.  
 3 And was made by a female who was speaking to another  
 4 female named Katie on the recording of the  
 5 conversation. The caller provided her phone number  
 6 but would not provide her address, which you're not  
 7 required to do. So, that's fine. They were calling  
 8 about an incident that was occurring in the middle  
 9 of an intersection.

10 At that time, they said, caller  
 11 states that it was occurring at the corner of  
 12 Barnegat and 20th Avenue, but they were walking down  
 13 to the bay. The officers checked the bay area  
 14 before going back to the intersection, because the  
 15 caller did state that they were going towards the  
 16 bay.

17 Now, the times that it took for the  
 18 officers to respond. The call was placed at 3:06  
 19 a.m. And the officer was on scene at 3:09 a.m.  
 20 Now, there was no address provided, so they wouldn't  
 21 have gone to a house. At that time of night,  
 22 normally people do call in, they don't give their  
 23 address, they don't want to get involved. So, we  
 24 don't push the issue. So, that was a couple minute  
 25 response. But keep in mind, that wasn't only a

1 Berkeley response. Seaside Park was there also.  
 2 Testimony, February 5, 2015, by  
 3 Whiteman. And you know, you say, well, what about  
 4 dog licenses? You have to come over here for  
 5 something simple as a dog license when you get a  
 6 dog. You have to come over here to the police  
 7 station.

8 It needs to be stated that Berkeley  
 9 Township is contracted by Seaside Park to perform  
 10 the functions of animal control. Seaside Park does  
 11 not have an animal control officer, nor program.  
 12 This animal control department falls within the  
 13 police department under my realm.

14 Now, let's throw some numbers out  
 15 here. Seaside Park paid Berkeley Township for the  
 16 calendar year of 2016, \$3,406. We have two  
 17 full-time employees. So, that means that Berkeley  
 18 takes up the sum of their salary, takes up their  
 19 equipment, their workers' comp, their pension. This  
 20 is a lot of money for \$3,406. However these  
 21 testimonies go, at that point, we need to discuss  
 22 that that rate needs to go up significantly.

23 Testimony, May 5, 2016 by Moore.  
 24 Public investments. Wisner, which is? Oh, Wisner.  
 25 Hello, Wisner. Okay. So, you would consider there

1 to be a lack of public investment in South Seaside  
 2 Park? Moore: It seems minimal based on the total  
 3 dollars.

4 The PD investments is not just for  
 5 the mainland. It is not just for the Bayville  
 6 section. It's not just for Holiday City. It is not  
 7 just for Pelican Island. It is not just for South  
 8 Seaside Park. These are infrastructures that we  
 9 built. These are a ton of money.

10 Now, you say that, or as I'm reading  
 11 through the testimony, and this is my perception of  
 12 how I read this testimony, the numbers that were  
 13 thrown out were that it was a cop and a car. Well,  
 14 guess what. A cop and a car going back to 1970,  
 15 maybe that was the case with a radio. But a cop and  
 16 a car now has more equipment than they know what to  
 17 do with. And there is more networks. There is more  
 18 databases. There is more infrastructure that goes  
 19 into just a cop and a car. So, when you're talking  
 20 numbers, you can't talk a cop and a car, salary and  
 21 the price of the car. That's not how it works.

22 Okay. Testimony, February 4, 2016 by  
 23 Moore. So in Berkeley Township, there's 102 police  
 24 officers, not counting class ones or class twos.  
 25 Who's Moore?

1 MR. WISER: Moore is the applicant's  
 2 auditor. Financial expert.

3 CHIEF DiMICHELE: Okay. So, I would  
 4 love to have 102 police officers. That is not even  
 5 close. I don't know where they got the numbers  
 6 from. That's not even close. We have 66 full-time  
 7 police officers. Eight class twos and ten class  
 8 ones. That's a total of 84, not 102.

9 As I was going through these  
 10 testimonies, that number 102 came up a lot on the  
 11 financial end as to how they factored the cost  
 12 savings would be for South Seaside Park  
 13 de-annexation. Obviously, those numbers are wrong  
 14 and would have to be recalculated.

15 Testimony given on December 3rd, 2015  
 16 and February 4, 2016 by Moore. This pertains to  
 17 overtime. Haines. Do we have Haines here?

18 MR. HAINES: Right here.

19 CHIEF DiMICHELE: Haines. Hello,  
 20 Haines. Haines: So, our savings of 3,000 --  
 21 300,000 six -- \$368,043, you're basically saying  
 22 that you're going to save 87 percent of your total  
 23 overtime in police because you're saying that the  
 24 total overtime for the police was \$421,000, am I  
 25 correct? Moore: That is correct.

1 On February 4, 2016. Haines: So not  
 2 only are you going to reduce the force by six  
 3 officers, you're going to have a savings of \$250,000  
 4 worth of overtime. Moore: Apparently.

5 Berkeley Township Police Department  
 6 overtime associated with South Seaside Park and  
 7 Pelican Island is approximately less than \$20,000 a  
 8 year. You will not see a cost savings of \$250,000.  
 9 As it relates to overtime, it is similar to what I  
 10 said with capital improvements. It's not just a cop  
 11 and a car. Overtime can be related to criminal  
 12 cases. Overtime can be related to court  
 13 proceedings, DWI patrols. Training, which is the  
 14 most integral part of law enforcement these days.  
 15 We not only have to be a police officer to enforce  
 16 the laws, we're also an attorney. Sorry, sir. We  
 17 are also a counselor. We are a mentor. We get kids  
 18 to school. Like this, you know, the thought of the  
 19 cop and car are completely done. Our role and our  
 20 responsibility in this community is so vast that no  
 21 one else is -- no one's going to be able to touch  
 22 what we do.

23 We have kids that won't go to school.  
 24 The mothers call us. What do we do? We have to go  
 25 to the house. We have to convince the kid to go to

1 school. But we are a community police department.  
 2 Testimony given on May 2, 2016 by  
 3 Whiteman. That was different prior to the start of  
 4 the de-annexation proceedings. Memorial Day 2016,  
 5 Friday, Saturday, Sunday, we have officers crossing  
 6 the three streets. This is not an accurate  
 7 statement once again. Class one officers have been  
 8 manning those posts over on the beach, crossing  
 9 beach goers since 2011.

10 Berkeley Township contracted with  
 11 Seaside Park and we paid Seaside Park for these  
 12 class one officers that man the same posts that are  
 13 now. At that time, we did not have a class one or a  
 14 class two program.

15 In the spring of 2012, there was a  
 16 neighborhood meeting held with the residents to  
 17 discuss issues over in South Seaside Park. And,  
 18 quite frankly, we got bombarded. But we heard them,  
 19 and we did something about it.

20 Now, one of their main concerns was  
 21 Fourth of July and having people on the beach for  
 22 the fireworks complaints. We addressed that  
 23 immediately. Some of their concerns were going to  
 24 take time to create programs. And we needed time to  
 25 do so. But we have completed all the programs. And

1 I think the service as far as it relates to the  
 2 police department is excellent over on South Seaside  
 3 Park. And, you know, it's kind of -- we're kind of  
 4 put off that they think anything other than that.

5 So, when the police department, after  
 6 that meeting, we started having discussions with the  
 7 administration to start programs that would assist  
 8 the beach community, meaning class one and class two  
 9 officers. That program cannot be born overnight.  
 10 If somebody thinks that you can just start a program  
 11 of that magnitude overnight, they are being naive.

12 The officers that we allow to wear  
 13 this patch go through grueling background process.  
 14 Because what we are actually doing is giving them a  
 15 gun and the power to take -- to have power over  
 16 somebody else's life. We're putting them in their  
 17 homes. We take pride in that. And I take  
 18 exceptional pride in that. So, those programs can't  
 19 be born overnight.

20 So, let's go back to the time. So,  
 21 this was the summer of -- prior to the summer of  
 22 2012, in which we met over there. All right. The  
 23 end of 2012 we go into the hurricane. 2013,  
 24 complete recovery process. This program was up and  
 25 running in the winter of 2014 going -- yeah, it was

1 winter 2014 going into the beginning of 2015 in  
 2 which they started academy classes.

3 Okay. I want to give you some brief  
 4 arguments and statements of inaccuracies as it  
 5 pertains to the police department before it's lost  
 6 in translation. Now, we move on to --

7 MR. MICHELINI: Excuse me one moment.  
 8 If I may register an objection. I don't have any  
 9 problem with factual statements, but argument should  
 10 be left to a different time. This is time for  
 11 testimony and fact. So, if she wants to, you know,  
 12 the chief wants to mention facts, that's fine, but  
 13 not address an argument. So, that would be  
 14 inappropriate at this time.

15 MR. MCGUCKIN: I'm not -- I'm not  
 16 sure completely. I understand your point. But  
 17 there were arguments made during testimony by the  
 18 petitioners. And, quite frankly, they're presenting  
 19 something to us. I'm not going to tell them how to  
 20 do it. I think it's appropriate for them to present  
 21 their case as they wish. And let them present it.

22 MR. MICHELINI: Except that I was  
 23 constricted in presenting my case to a specific way  
 24 of doing it, just as I should be.

25 MR. MCGUCKIN: You had the

1 opportunity to make arguments during the process.

2 MR. MICHELINI: The only time we made  
 3 argument, with all due respect, was usually over  
 4 objections. I didn't make argument in the middle of  
 5 witness testimony. We made arguments over  
 6 objections a lot. You and I both did that,  
 7 Mr. McGuckin. That's perfect. But in terms of  
 8 actually submitting argument in lieu of facts, the  
 9 witness has testified. Witnesses are supposed to  
 10 testify to facts. They're not supposed to  
 11 present --

12 MR. MCGUCKIN: I think the chief of  
 13 police can give her perception of what the  
 14 petitioners had to say and the department's response  
 15 to that. I don't think that's inappropriate. And  
 16 if she ventures into some kind of legal argument or  
 17 something else and you want to object --

18 MR. MICHELINI: I just want to make  
 19 my objection clear on the record.

20 MR. MCGUCKIN: I understand.

21 MR. WINWARD: Thank you.

22 CHIEF DiMICHELE: All right. We're  
 23 going to move over into now Hurricane Sandy. Okay.  
 24 I'm going to review some dates. Because we all  
 25 think we're going to remember everything. And when

1 it comes down to it, it kind of merges together.  
 2 Because that was months and months of dealing with  
 3 the hurricane, and not sleeping, and sleeping in  
 4 headquarters and, okay, so.

5 All right. The officers I do have up  
 6 here are my OEM coordinators. All right. So,  
 7 Hurricane Sandy. We're going to review some dates,  
 8 the factual dates. October 28, 2012, the storm was  
 9 heading our way and we definitely knew we were  
 10 getting hit and we would be impacted. October 29,  
 11 2012, in the evening, the storm started hitting us.  
 12 The water started coming up. The storm actually  
 13 hit, to be clear, between October 29 and October 30.

14 By October 30, later in the day, the  
 15 rain had stopped and it seemed that we had made it  
 16 through and we had had no loss of life, which, with  
 17 a storm of that magnitude, we are very grateful.  
 18 October 5, 2012 was our first reentry. I mean,  
 19 sorry, not October. November 5, 2012 was our first  
 20 reentry. November 7, 2012, that's when we got hit  
 21 with the nor'easter. So a little bit of a double  
 22 doozie there.

23 The prep work for this hurricane  
 24 started a week prior to the hurricane. We had  
 25 plans. We knew what would we do. But let's be

1 honest. No one knew and no one thought that this  
 2 storm, until the storm was right on top of us, that  
 3 it was going to be as massive as it was.

4 We held meetings. We had  
 5 representatives from public works, the road  
 6 department, parks and beaches, communications,  
 7 police, OEM, any entity within our township where we  
 8 were going to pull any resources from. During these  
 9 meetings -- because maybe some don't realize, we are  
 10 the bigger department within this area. We are the  
 11 one people come to when they need assistance. We  
 12 have more resources than the neighboring departments  
 13 have. We've dealt with more storms. And when you  
 14 realize how long some of these officers here have  
 15 been on, you'll understand they've probably dealt  
 16 with more storms than I have. And they've been in  
 17 the OEM capacity for too many years. Right, guys?

18 Okay. So, surrounding towns, knowing  
 19 that we are the bigger department, they started  
 20 coming to our headquarters. We had South Toms River  
 21 representative. We had Pine Beach, Ocean Gate.  
 22 They built upon our plans. Myself and my staff had  
 23 plans in place and were hoping for the best, but we  
 24 were starting to prepare for the worst.

25 Let's talk a little bit about

1 evacuation process. On October 28, 2012, at  
 2 10:15 a.m., we started going door-to-door with a  
 3 notification to our residents. Information was  
 4 given out to the newspapers, the radio stations. It  
 5 was posted on Facebook under the police department  
 6 Facebook site. It was posted on the township  
 7 website. It was posted on the township TV channel,  
 8 which brings us to a discrepancy that was stated in  
 9 a prior testimony.

10 Testimony on 5/7/2015 by Erdman,  
 11 E-r-d-m-a-n. My household was not notified there  
 12 was an evacuation order in place. It did not  
 13 happen. Erdman was asked by Wiser -- hold on one  
 14 second. Bear with me. Let me go back. Okay. My  
 15 household was not notified there was an evacuation  
 16 order in place. It did not happen. Erdman was  
 17 asked by Wiser: So you don't know it was a  
 18 mandatory beforehand? And Erdman answered no.

19 On October 28, 2012, Berkeley  
 20 Township firemen, from all departments, and law  
 21 enforcement went door-to-door in that community  
 22 notifying residents. The emergency personnel who  
 23 were doing the notification had the residents sign a  
 24 form stating that they were notified. The form  
 25 stated, notice of evacuation from the office of

1 chief of police. This notice is to advise residents  
 2 that there will be a mandatory evacuation at  
 3 four p.m. on Sunday October 28, 2012. If the  
 4 weather becomes severe enough and you opt to stay,  
 5 this serves as a notice to you that emergency  
 6 personnel may not be able to reach you in the event  
 7 that you need assistance.

8 The residents were to print their  
 9 names, address, sign and date, the signature of the  
 10 official and the agency that they represent. Here's  
 11 a copy -- here's a copy of a form, Erdman from  
 12 106 Sprague Avenue, with his signature and dated  
 13 October 28, 2012. Was signed by a member of the  
 14 Pinewald Fire Company, along with all the other  
 15 residents who signed the same form within the  
 16 neighborhood that he said was not -- he or she, I  
 17 don't know -- was not -- she was not notified.

18 So here's a form with her name on it,  
 19 her address, her signature and the date she was  
 20 served. The official that was she was served by,  
 21 along with the date that they served her.

22 MR. MCGUCKIN: Why don't we mark  
 23 those as Township-1 would be one from Ms. Erdman and  
 24 two would be the remainder.

25 MR. MICHELINI: May I look at them,

1 please.  
 2 MR. MCGUCKIN: Sure.  
 3 MR. MICHELINI: Before you mark them.  
 4 Just for the record, there's no  
 5 indication as to whether it's a male or a female.  
 6 It just says, print name, Erdman. So, I don't think  
 7 we can assume that it's Judy Erdman who testified.  
 8 CHIEF DiMICHELE: In the testimony,  
 9 it did state, neither me, nor my family were  
 10 notified.  
 11 MR. MICHELINI: Okay. Well, for the  
 12 record, there's no indication as to who it is except  
 13 there's a printed name and there's an illegible  
 14 signature. So, we don't know who signed it.  
 15 CHIEF DiMICHELE: And it should also  
 16 be noted then, any forms, any official documents  
 17 that go to any residence is never given to anyone  
 18 who is under the age of 18. So, serving somebody or  
 19 notifying somebody within the house that's over the  
 20 age of 18, it can be presumed that they will notify  
 21 the other residents of that home.  
 22 (The Notice signed by Erdman was  
 23 marked as Township-1 for identification.)  
 24 (The Stack of notices signed by  
 25 residents were marked as Township-2 for

1 identification.)  
 2 CHIEF DiMICHELE: Now, the evacuation  
 3 process in more detail will go -- will be elaborated  
 4 on by one of my OEM staff.  
 5 So, let's move on to October 29,  
 6 2012. This is when the winds were reported at over  
 7 92 miles an hour on the island by four p.m. This is  
 8 when the water started coming in. The bridge was to  
 9 be closed at 4:35 p.m. It needs to be stated that  
 10 we do not have any control over that bridge. That  
 11 bridge is controlled by the State DOT. They say if  
 12 it's open. They say if it's closed. And it's also  
 13 manned by Toms River Police Department.  
 14 Yes, officers were pulled off that  
 15 beach October 29, prior to that storm, in the  
 16 evening of October 29. And we need to all remember  
 17 that when these officers were over on that island,  
 18 they signed a form and they were all notified that  
 19 emergency services might not be available for them.  
 20 At what point -- and law enforcement is -- what's  
 21 our primary responsibility with law enforcement?  
 22 It's to protect life. At what point after we've  
 23 done our due diligence to inform our residents that  
 24 we were to stay over there.  
 25 Let's move on to October 30, 2012,

1 7:45 p.m., reported that the roads are not even  
 2 passable. There's over four feet of water on the  
 3 beach, eight feet of water on Pelican Island. No  
 4 one can get in. No one can get out.  
 5 MR. WISER: Chief, excuse me one  
 6 second. When you say beach, you're talking about  
 7 South Seaside Park? You're not talking about the  
 8 beach itself? Or are you?  
 9 CHIEF DiMICHELE: No, no, I'm not  
 10 talking about the beach. I'm talking about roads.  
 11 MR. WISER: You're talking about the  
 12 community?  
 13 CHIEF DiMICHELE: Yeah, roads.  
 14 MR. WISER: Okay. Thank you.  
 15 CHIEF DiMICHELE: And this, again,  
 16 will be discussed more thorough by one of my OEM  
 17 staff.  
 18 MR. MICHELINI: Excuse me. Just for  
 19 clarification. Could she go back to the beginning  
 20 of that statement? Did she say -- did she say eight  
 21 feet of water was on the roads? Is that what she  
 22 said?  
 23 CHIEF DiMICHELE: On Pelican Island.  
 24 Yes, I did.  
 25 MR. MICHELINI: On the roads on

1 Pelican Island?  
 2 CHIEF DiMICHELE: Yes, on the roads  
 3 on Pelican Island.  
 4 MR. MICHELINI: We're not talking  
 5 South Seaside Park?  
 6 CHIEF DiMICHELE: No, but --  
 7 MR. MICHELINI: All right.  
 8 CHIEF DiMICHELE: -- let's clarify  
 9 your statement now. How do you get to the Seaside  
 10 Park? You have to pass Pelican Island.  
 11 MR. MICHELINI: I'm just trying to  
 12 clarify for the record. I'm not asking for a road  
 13 map of how to get from one place to another. I just  
 14 wanted to know if you were talking about --  
 15 CHIEF DiMICHELE: Well, you asked for  
 16 clarification.  
 17 MR. MICHELINI: Note my objection.  
 18 All I was trying to do is figure out if we're  
 19 talking about Pelican Island or South Seaside Park.  
 20 Thank you.  
 21 CHIEF DiMICHELE: October 31, 2012,  
 22 emergency services were finally allowed to start  
 23 going back over the bridge at 7:30 a.m.  
 24 Now, remember, with the winds of 92  
 25 miles an hour plus, the height of the bridge, cars

1 crossing that bridge would have put people in  
2 danger. The bridge was staffed with an abundant  
3 amount -- I'm sorry, not the bridge -- the beach was  
4 staffed with an abundant amount of law enforcement  
5 at that time. When we came over that bridge, we  
6 came in force. And that will be testified to by one  
7 of my OEM staff.

8           As some testified to that we were off  
9 the island for this period of time, you need to  
10 remember that we were lucky that the storm did not  
11 hit us as we expected. We should be very lucky that  
12 we were not Ortley Beach. Ortley Beach is -- they  
13 are -- how do I phrase this? I don't know how they  
14 did not lose life there. If you were over there,  
15 which we were calling ground zero at that time, you  
16 would say houses were gone. Gas was pouring out of  
17 everywhere. There were no roads to drive on. You  
18 couldn't -- it was not -- it was not passable. That  
19 was not our issue in South Seaside Park. So, when  
20 we went over, we went over in force.

21           Now, keep in mind that I'm going to  
22 just go back to pulling the officers off. You know,  
23 it's just not a cop and a car. We're going back to  
24 that. Would you leave that amount of equipment and  
25 liability on an island, knowing that you were going

1 to be hit with a hundred year storm. I don't think  
2 any of you would. There were some that stayed. And  
3 there were some that stayed on Pelican Island that I  
4 don't think they're ever going to be the same again.  
5 They were traumatized by it. And many people over  
6 there were.

7           Let's talk about the behind the  
8 scenes activity of the police department. By  
9 October 31, there were daily and sometimes even more  
10 than once a day meetings with the chiefs that were  
11 affected of the beach communities. In those  
12 meetings, we had a head of State Police. We had, at  
13 one point we had Governor Christie with us. We had  
14 representatives from the gas company. We had  
15 representatives from everywhere trying to assist us  
16 to see how we could make this work and get these  
17 people home.

18           There was a meeting at the Ocean  
19 County Office of Emergency Management, which is down  
20 the road here. It was either on November 3 or  
21 November 4, 2012. At that meeting, it was a chiefs'  
22 meetings, along with mayors. The mayors and the  
23 chiefs were broken up. I announced my reentry plan,  
24 knowing that we did not have the catastrophic damage  
25 to the roadway or the infrastructure that the other

1 towns did, about my reentry. After the meeting,  
2 there were a couple of chiefs that came to me and  
3 asked me about my plan. Seaside Park PD and  
4 Seaside Park mayor actually came back to our police  
5 department and OEM. And I provided them with a copy  
6 of my plan. At which time, I contacted the  
7 superintendent of our schools, Central Regional High  
8 School, Tommy Parlapandis, asking if Seaside Park  
9 could use their school to execute the reentry plan  
10 and also at that time asked for, to secure buses for  
11 the second phase of the reentry plan. Now keep in  
12 mind, this was all done for Seaside Park.

13           You have to remember that there was  
14 nowhere in Seaside Park for residents to go, because  
15 their area was greatly affected. So, the  
16 neighboring towns assisted. During this time, all  
17 towns, all police departments, all chiefs, all law  
18 enforcement officers, whether you were retired or  
19 active, helped each other. So, we did not mind  
20 helping Seaside Park. They were good neighbors and  
21 they had helped us in the past. But this was the  
22 storm of the century and they needed us and we stood  
23 there with them.

24           Seaside Park was provided also with  
25 the forms that we chose to give out to our residents

1 for the reentry. They also were provided the facts  
2 that we were giving our residents stickers. Their  
3 stickers were much more elaborate than ours. They  
4 were very nice. Ours were kind of plain Jane. But  
5 that idea originated with Berkeley Township.

6           Now, November 5, 2012, the day prior,  
7 so this will be November 4, the day prior, we posted  
8 our plan on Facebook and the outlets that we  
9 discussed before, the paper, WOBN, newspapers, other  
10 outlets picked up what we were planning to do. So,  
11 when people say they weren't advised, I don't know  
12 how they could say they weren't advised, because I  
13 had probably over 600 people on the front lawn of  
14 town hall when we rolled up before the sun was even  
15 up. So, I don't understand how they said that we  
16 did not put out information.

17           What most of you don't know that day  
18 is that I was put under tremendous fire by other law  
19 enforcement executives, people I trust, I value  
20 their opinion, they have been my mentors. But when  
21 I tell you I was put under fire and I stood up for  
22 every resident in this township on South Seaside  
23 Park and Pelican Island, and I went against all the  
24 other chiefs to get these residents back in their  
25 homes. When I say I was put under fire, there was a



1 few of them that are standing with me that  
2 understand what that meant.

3 I was a new chief. And here I am  
4 going against every other chief in Ocean County that  
5 was affected on the island. I made other chiefs not  
6 look good, but my answer or how I kept trying to  
7 tell them, our infrastructure was not as damaged as  
8 your infrastructure. I do not have the gas leaks.  
9 I do not have the roadway with four-foot gaps. I  
10 can get people on that island and I can get people  
11 off that island. It took some time. Those fences  
12 have been healed. But the residents of South  
13 Seaside Park and Pelican Island need to know how I  
14 went to bat for you. I went to bat for you as a new  
15 chief and with a lot to lose. But I did it because  
16 I thought it was the right thing to do, knowing that  
17 at some point that we might need your backing. And  
18 reading the testimony, I don't feel you understand  
19 what we did for you in Hurricane Sandy.

20 November 8, November 9, we developed  
21 a second plan, or we put our second phase into  
22 action. Now we're dealing with a nor'easter that  
23 hit on November 7. So, now we have added issues.  
24 Our second phase was coordinated with buses which we  
25 secured from the schools for us, along with

1 Seaside Park. And once again, Seaside Park and  
2 other neighboring towns, not just Seaside Park,  
3 Seaside Heights, there were quite a few departments  
4 that followed in our footsteps and did exactly the  
5 same thing. And one of my OEM officers will discuss  
6 that.

7 Now, another fact that just needs to  
8 be brought into evidence here is that Berkeley  
9 Township schools has 27 large buses which hold 57  
10 people. They have 11 small buses which hold 16  
11 passengers. Central Regional has 35 large buses and  
12 12 smaller buses. Toms River was using all their  
13 buses. They would not have been able to help  
14 Seaside Park. We did, though.

15 And at this time, I'm going to allow  
16 my OEM staff. They have -- and each have a portion  
17 of the hurricane that they will discuss a little bit  
18 more in detail and what actions that were taken and  
19 what plans were put in place during the hurricane.  
20 And the first officer will be Officer Rip Bondulich.  
21 Ronald. I'm sorry. We know him as Rip.  
22 RONALD BONDULICH, having been duly sworn, according  
23 to law, upon his oath, testified as follows:

24 OFFICER BONDULICH: Good evening. I  
25 was a police officer in Berkeley Township for 25

1 years before I retired in 2014. I've since come  
2 back as a class two officer. With the entire time  
3 from 1992 to present, I've been involved in  
4 emergency management. First I was the operations  
5 officer. Sometime around 1997, '98, I became deputy  
6 coordinator. So, I have a long history with the  
7 township and with emergency management.

8 I'm just going to talk about a few  
9 things that were discussed in the testimony given by  
10 a couple residents. On 5/7/2015, Judith Erdman  
11 testified that her house was not notified that there  
12 was an evacuation in place. It did not happen.  
13 That's her quote.

14 She further stated that, during our  
15 meeting, a gentleman from Berkeley Township came  
16 out, going door-to-door, leaving flyers and telling  
17 everybody that -- what was going on. That didn't  
18 happen with Sandy is what she said. Ms. Erdman  
19 stated that she didn't know about the mandatory  
20 evacuation beforehand.

21 The Office of Emergency Management  
22 sent -- the Office of Emergency Management sent  
23 Bayville Fire Company, Pinewald Fire, Pinewald  
24 Pioneer Fire Company and Manitou Park Fire Company,  
25 all Berkeley Township Fire Departments, over to

1 South Seaside Park to go door-to-door to notify  
2 residents of the evacuation order.

3 A request was made prior to Seaside  
4 Park Fire Department to accomplish this task, but  
5 they were too busy to do it because they had their  
6 own town to take care of. The fire companies went  
7 door-to-door with evacuation notices. Those notices  
8 state that there would be a mandatory evacuation as  
9 of four p.m. Sunday, October 28, 2012. And if the  
10 weather became severe enough and the residents opted  
11 to stay, that emergency personnel may not be able to  
12 reach them in the event they needed assistance.

13 Fire personnel were instructed to  
14 require a signature from residents that were home  
15 and to leave a copy at the door if no one was home.  
16 You were presented with the copies. There's also a  
17 list of homes that weren't there. There's several  
18 pages of firemen wrote down that they left the  
19 flyers.

20 The Office of Emergency Management  
21 has signed copies of evacuation orders to the  
22 residents of South Seaside Park that were notified  
23 by fire personnel. We have a copy of signature from  
24 Ms. Erdman's house at 106 Sprague Ave. I can't tell  
25 if it's her signature or her husband's.

1 Ms. Erdman has also claimed that her  
2 neighbors didn't know about the evacuation order  
3 either. We have signatures from 110, 112, 119,  
4 209 Sprague Avenue.

5 Ms. Erdman referred to her neighbors  
6 as an elderly couple that were also unaware that an  
7 evacuation order was given. I believe the elderly  
8 company Ms. Erdman testified to were the Muse at 110  
9 Sprague Ave. We have a copy of that notice with  
10 William Muse' signature on it.

11 On 6/4/2015, Don Whiteman testified  
12 that notification was never made about the  
13 evacuation. We do, however, have the proof that  
14 fire companies went door-to-door to notify the  
15 residents on 10/28/2012. The Office of Emergency  
16 Management does not have a signed copy for  
17 Mr. Whiteman, but he stated in his testimony, I did  
18 talk to the officer. He did tell me that the  
19 evacuation order was something that was going to  
20 occur and you should leave.

21 Prior to the arrival of Super Storm  
22 Sandy, the Ocean County Sheriff's Department opened  
23 up shelters at Toms River North, Southern Regional  
24 and Pinelands Regional High Schools. We also opened  
25 up a shelter at Saint Maximilian Church in Holiday

1 City on October 29, 2013. The distance from  
2 Toms River North from South Seaside Park is  
3 10.5 miles. To Saint Maximilian is 13.5 miles.  
4 Only three miles more.

5 After Super Storm Sandy hit and the  
6 full extent of the damage was realized, we were  
7 notified by the Ocean County Office of Emergency  
8 Management that they and the Red Cross would not be  
9 able to support our shelter. During the evening  
10 hours on 10/30/2012, buses were sent by the county  
11 to move evacuations -- evacuees from our shelter to  
12 the county shelters. The size of the event was too  
13 big for any one town to handle and that is why the  
14 county shelters were utilized. And, in the long  
15 run, the State opened up even larger shelters.

16 On May 7, 2015, Ms. Erdman testified  
17 that if there's an emergency at Oyster Creek, that  
18 the residents of Berkeley Township evacuate to Brick  
19 Township. This is true. But the reason Berkeley  
20 Township was located -- but the reason is that  
21 Berkeley Township is located within the ten-mile  
22 emergency planning zone of Oyster Creek Nuclear  
23 Generator Station. No town within a ten-mile EPZ  
24 will have a shelter when there's an incident at  
25 Oyster Creek. This includes Toms River, Lacey,

1 Berkeley, Seaside Park and nine other towns.

2 It should be noted that on  
3 October 31, when we first went over to the beach, we  
4 did have a meeting, the chief and I, with residents  
5 in the street, including Mr. Whiteman, in front of  
6 his house. And we advised him exactly what was  
7 going on and where we stood at that time. So, for  
8 them to say they were unaware of what was going on,  
9 that is not true.

10 MR. MICHELINI: What date was that?

11 OFFICER BONDULICH: October 31.

12 CHIEF DiMICHELE: I'm not a hundred  
13 percent sure. I don't recall the exact date of that  
14 meeting, but it was after the storm.

15 MR. WHITEMAN: It was after the  
16 storm.

17 CHIEF DiMICHELE: Yes, that's what  
18 we're saying.

19 MR. WHITEMAN: The 31st was the  
20 storm. Correct.

21 CHIEF DiMICHELE: That is correct.  
22 You are correct.

23 That's Don Whiteman.

24 What the point is -- and, listen, we  
25 were going crazy with that storm. We had

1 significant damage. I don't recall the date of  
2 that. I can't say that anybody who was standing in  
3 that street when we gathered every resident that was  
4 left on that island, I don't know the date of it,  
5 but I can't say that they're going to deny that it  
6 occurred. It absolutely occurred. And  
7 Mayor Carmen Amato was also there.

8 We discussed our plan. And let me  
9 just go one step further. During that meeting, they  
10 were very concerned that we were going to bring the  
11 military in to secure like Brick Township did. And  
12 what would that have been called?

13 DETECTIVE TIER: Activation, state  
14 activation.

15 CHIEF DiMICHELE: Okay. The state  
16 activation. And they were very concerned. They  
17 didn't want it. That would have assisted us  
18 greatly, but we did what the residents wanted. And  
19 we did not bring the military into our section of  
20 Berkeley Township. It was brought in in Brick Town.  
21 And when you go further north, it was activated for  
22 them. But because our residents, and I met with the  
23 people that were still there, they did not want it,  
24 we did not do it.

25 I'm going to now bring up --

1 MR. MCGUCKIN: Before you do, I just  
 2 want to clarify one thing.  
 3 CHIEF DiMICHELE: Yes.  
 4 MR. MCGUCKIN: You said on the  
 5 evening of the 29th is when you pulled the officers  
 6 off the barrier island; is that correct?  
 7 CHIEF DiMICHELE: Yes. Yes.  
 8 MR. MCGUCKIN: And you went back in  
 9 force at 7:30 a.m. on October 31?  
 10 CHIEF DiMICHELE: That's correct.  
 11 MR. MCGUCKIN: So, it was a day and  
 12 evening of the 29th and the overnight of the 30th?  
 13 CHIEF DiMICHELE: That is correct.  
 14 MR. MCGUCKIN: Thank you.  
 15 GEORGE DOHN, having been duly sworn, according to  
 16 law, upon his oath, testified as follows:  
 17 SERGEANT DOHN: Good evening. My  
 18 name is George Dohn, D-o-h-n. I've been a volunteer  
 19 fireman for 31 years. And I've been a deputy  
 20 coordinator for close to 30 years of the Office of  
 21 Emergency Management. Been a police officer here  
 22 for 21 years. And I'm a charter life member of the  
 23 Berkeley emergency response hazmat team. We're the  
 24 only one in Ocean County.  
 25 What I'm going to be going over is,

1 one of the issues, it's the morning of October 31.  
 2 There was a statement from Ms. Erdman that stated  
 3 that on Wednesday after the storm, which was the  
 4 31st of October, that the Pine Beach Fire Department  
 5 came to our home. That they were going  
 6 door-to-door. They were checking to see what was  
 7 going on. And then chaos just continued. It was  
 8 absolutely horrible. That was what was stated.  
 9 On that morning of the 31st, I was  
 10 one of the sergeants that met on Route 37 at the  
 11 base of the bridge. I was accompanied by the  
 12 Berkeley Township Detective Bureau, along with the  
 13 Pinewald Fire Company Technical Rescue Team from  
 14 Berkeley Township. It wasn't Pine Beach. It was  
 15 Pinewald Fire Company, right here across the street.  
 16 We were also with New Jersey Tax Force One, our USAR  
 17 team for the State of New Jersey. The New Jersey  
 18 Task Force One USAR team, U-S-A-R.  
 19 So, we met on the bridge. The  
 20 New Jersey National Guard put us in their high water  
 21 vehicles and drove us over the bridge to the island.  
 22 Once we were on the island, the first thing we did  
 23 with our lists and everything in hand, and I was one  
 24 of the ones with the clipboards going around, we  
 25 went to all the residents that we know were staying

1 on the island and offered our assistance to them  
 2 first. Then we went door-to-door checking every  
 3 structure to see if anyone else was on the island.  
 4 We did go and went with yellow  
 5 caution tape we tied to the front door of every  
 6 structure we went to that we knocked on and checked  
 7 to see if anyone was there. We also then, after we  
 8 did that, we went back and all the major, all the  
 9 destruction, went and tried to assess, you know,  
 10 what kind of damage there was, and if there was  
 11 anybody in those homes.  
 12 We did speak to the residents. We  
 13 offered our assistance. We did escort people off  
 14 the island that had stayed for the storm who wanted  
 15 to leave. We did well-being checks for loved ones  
 16 who couldn't contact a family or a friend. We  
 17 answered abandoned 911 calls while we were there.  
 18 We investigated suspicious vehicles and persons  
 19 calls. Our detective bureau also arrested subjects  
 20 that had used kayaks to come over to the island that  
 21 were going to damaged homes, stealing stuff. They  
 22 were arrested.  
 23 At no time was there any chaos.  
 24 Everything was calm. And the people that were there  
 25 all came together to help each other. I saw no --

1 no chaos. And from this date when we came over, our  
 2 police presence was back on the island and has been  
 3 there 24 hours a day, seven days a week, 365 days a  
 4 year, like it was prior and will be. Thank you.  
 5 MIKE TIER, having been duly sworn, according to law,  
 6 upon his oath, testified as follows:  
 7 DETECTIVE TIER: Okay. I've been in  
 8 emergency management since the storm. That was a  
 9 baptism by fire, if you will. But I'm serving as a  
 10 deputy coordinator since then. I guess my --  
 11 currently in the Army National Guard, I'm a captain.  
 12 I have a lot of operational experience working in  
 13 TOCs, things like that. Running operations from an  
 14 EOC type of environment.  
 15 (Off the record.)  
 16 DETECTIVE TIER: I just want to be  
 17 able to clarify before I begin to speak about my  
 18 portion of Hurricane Sandy event. Chief DiMichele  
 19 asked me about what that would be called when the  
 20 military would come in. I said state activation. I  
 21 think what the residents of South Seaside Park were  
 22 more scared about was martial law. They didn't want  
 23 the -- they did not want the military to kind of  
 24 take over operations. They wanted to still have  
 25 that direct link with the police department.

1 A state activation is when the State  
2 of New Jersey says, hey, you know, the local  
3 municipalities have exhausted their resources and  
4 now we need some State National Guard assets to come  
5 in. That would be a state activation. Just to  
6 clarify.

7 I'm going to speak about the  
8 reentries. The first reentry on November 5. So,  
9 this plan consisted of a registration period that  
10 occurred right here at town hall. When the chief  
11 said there was several hundred people here, yes,  
12 there was, without a doubt, several hundred people  
13 here. If you stood on the road and you looked as  
14 far down as you could look both ways, there were  
15 cars parked on the sides of the road.

16 The residents were required to come  
17 in here with some means of identification that could  
18 show, hey, you know, I am a property owner. I am a  
19 resident of South Seaside Park. Tax bills, driver's  
20 license, whatever. After they came in and  
21 registered and filled out a form, they were issued  
22 the sticker that Chief talked about. It's a  
23 triangular, triangle shaped sticker with a blue --  
24 correction -- a red star in the middle that said  
25 Berkeley Township abbreviated underneath. That

1 sticker was placed on the upper driver's side corner  
2 of the windshield. And the vehicles were then  
3 directed into a convoy. And the vehicles were then  
4 taken into Seaside Park down Route 37 and into South  
5 Seaside Park so they could get back to their houses.

6 I think something we need to  
7 remember, just to the initial push of residents  
8 going back in. You know, the Chief's not joking  
9 when she said that she had some friction points  
10 getting this done.

11 All right. The second reentry. This  
12 reentry, a little bit more coordinated. Had to  
13 utilize some outside resources. We were the first  
14 township that went to the Ocean County Mall and  
15 said, hey, you guys have probably the best linkup  
16 location. Can we utilize your parking lot? They  
17 said sure, no problem. They asked that we kind of  
18 kept it in the outlying parking lots, no problem.  
19 We brought our Ford command post, which is a large  
20 camper like trailer that can be towed by a truck.  
21 We set up our command post there. And residents  
22 came. They brought tools, luggage, antifreeze so  
23 they could winterize their homes, because the  
24 situation was very fluid. The guidance that was  
25 coming from all kinds of different state agencies,

1 from the DOT to the State Police, everybody who can  
2 restrict our movement back on that island. The  
3 situation is changing every day. We can let you go.  
4 We're not going to let you go. You can go this day.  
5 You can't go this day. So, they don't know when the  
6 next time they can get back over to that island is  
7 going to be. So, they're bringing necessities to  
8 prep their homes as if it's going to be a long  
9 period of time. You know, for example, the tools  
10 and the antifreeze.

11 So, along with the buses that were  
12 resourced from Central Regional School District and  
13 Berkeley Township, we got with local businesses.  
14 Asked who had box trucks available that we could  
15 utilize. And I think we had somewhere between three  
16 and five box trucks. I can't remember the exact  
17 number.

18 So, these items were loaded up on the  
19 box trucks. The residents got on the buses. And we  
20 made our movement over. They were given, I can't  
21 remember the exact amount of time, probably between  
22 six and eight hours to situate their homes. If they  
23 were, you know, were able to pack things, they had a  
24 limited amount of bags they could bring, because we  
25 only had so much space. But once we arrived on the

1 island, the buses dropped the residents off. And  
2 personnel from the Berkeley Township Department of  
3 Public Works in Department of Public Works trucks  
4 went around, and they delivered their antifreeze to  
5 them. They delivered their tools to them, their  
6 bags to them. And then once they were done, right  
7 around closing time, they went back up and down  
8 every street, they picked up their stuff. So these  
9 people didn't have to drag their stuff. They're  
10 having a hard enough time. We're not trying to make  
11 them carry two large suitcases from down by the bay  
12 up to Central Avenue. And there were several  
13 hundred residents, so this took some time.

14 Also during this time, as  
15 Sergeant Dohn indicated earlier, this is when patrol  
16 operations had resumed there for several days at  
17 this point. We also had New Jersey State Police  
18 there as well to assist with security. Obviously,  
19 with the great concern that you know, some people  
20 might go walking into other people's homes, unsafe  
21 structures, things of that nature.

22 So, I can't give you exact dates.  
23 But there was a period of time where movement was  
24 restricted on the barrier island. Chief was in and  
25 out of meetings every day, arguing for the point,

1 hey, let us back on the island, with the primary  
 2 concern being infrastructure damage of the road.  
 3 I'm telling you, I saw box trucks in  
 4 holes. I saw houses in the middle of roads in  
 5 Ortley. So, I think they were concerned that that  
 6 had occurred in South Seaside Park. But  
 7 South Seaside Park's water source comes from Shore  
 8 Water Company. There's a gentleman there by the  
 9 name of George Cramer. Great guy. He is the person  
 10 responsible for servicing and taking care of the  
 11 water system there.  
 12 We made arrangements for George to  
 13 get over the island and begin the water shutoff for  
 14 vacant houses. And this gentleman has to go from  
 15 house to house in the road, has to find the cover,  
 16 he has to pop the cover off. You know, I watched  
 17 him several times sitting there trying to turn the  
 18 wrench to turn people's water off. There's, in our  
 19 entire beach sector, there's like 1,400 homes, 1,500  
 20 homes. So, he's over there trying to go house to  
 21 house to get this done. We're trying to give him as  
 22 much time as we can.  
 23 So, this is going to bring us to the  
 24 12th of November. This is when they were  
 25 officially, hey, this is going to kind of be, you're

1 going have like banker's hours to go over, reenter  
 2 the island. And you're going to be able to start  
 3 rehabbing your homes. You're going to be able to  
 4 take the remaining items out, salvage what you can  
 5 salvage.  
 6 So, the first thing we did was we set  
 7 up the CP, command post, out at 24th Avenue right  
 8 before the entrance to Island Beach State Park. The  
 9 CP was staffed daily from 07 to 1700, usually by  
 10 yours truly. This was a registration point. So,  
 11 residents that maybe are summer residents only and  
 12 were not able to get down during the previous  
 13 reentry phases, were able to come down, register  
 14 with us, be issued their stickers, so they can begin  
 15 their process.  
 16 Also, this gives all residents an  
 17 opportunity to come down and tell us, hey, John  
 18 Smith is going to be fixing my roof. You know,  
 19 Jim Jones, he's going to be taking care of my  
 20 plumbing. So, they're giving us this data daily.  
 21 This spreadsheet, this master spreadsheet, is being  
 22 updated every day. So, at the end of the day, I  
 23 would take that data, I would come back to  
 24 headquarters, it would be input into a master  
 25 spreadsheet. And that spreadsheet would be issued

1 to the officer that would be working the checkpoint  
 2 coming into South Seaside Park. All right. That is  
 3 one of the more specific measures that we were able  
 4 to take to say, to ensure that no unauthorized  
 5 personnel came into Seaside Park. Because,  
 6 obviously, while, you know, our primary concern is  
 7 life, we also are there to protect your property.  
 8 Security during this time. At this  
 9 point in time, there was always at least three  
 10 officers over there, twenty-four hours a day, with  
 11 upwards of five to seven during the day. So, that  
 12 number would increase. The three officers consisted  
 13 of the officer that would be at the checkpoint, the  
 14 entrance. Because all the other entrances in the  
 15 South Seaside Park closer towards the bay, they were  
 16 barricaded, cars can't get through. So there's one  
 17 gentleman at that single point of entry and there's  
 18 one officer staying at the point of entry into  
 19 Pelican Island. Because that's part of our beach  
 20 sector and we had the same responsibilities to them  
 21 as we did South Seaside Park. And then there would  
 22 be a third Berkeley Township officer that would be  
 23 roving. He would be doing a mobile patrol  
 24 throughout both portions of the beach sector.  
 25 Now, during the day, I would be

1 the -- I was the additional officer down at the  
 2 command post. And we had assets from the New Jersey  
 3 State Police, assets from the Louisiana State  
 4 Police. Pennsylvania State Police were there.  
 5 There were -- states from all over the country were  
 6 sending people. I'll leave it at that. And Ocean  
 7 County prosecutor's office also had sent personnel  
 8 to assist.  
 9 Also during this time, the Berkeley  
 10 Township engineer's office and some -- a contracted  
 11 outside agency, they began going door-to-door  
 12 checking every single structure for its suitability  
 13 to be occupied. You know, they're doing their best  
 14 to ensure that if people are going to be going to  
 15 these houses that, hey, they're safe to be in there  
 16 and working.  
 17 Also during this time on a daily  
 18 basis, as the residents are rehabbing their homes,  
 19 they're literally taking everything apart and  
 20 bringing it to the curb, our sanitation department  
 21 is there every single day with their trucks going up  
 22 and down the streets picking up the bulk garbage,  
 23 pieces of house, whatever they needed to discard.  
 24 They're there every single day, all day. When I say  
 25 all day, that's at banker's hours. They are only

1 allowed to be there from eight to four, just to  
2 clarify.

3 Another thing to just point out, I've  
4 seen people in vulnerable states. But I don't know  
5 I've ever seen people in vulnerable states like I  
6 saw today. Because there's a lot people over on  
7 that island that I've known probably 20, 25 years.  
8 And one thing that, you know, we started to see  
9 right away is, there were companies coming in to try  
10 to solicit business. Actually had Lawrence Taylor  
11 walk into the CP one day as the face of this  
12 company, said they're there to help. And I asked  
13 him if they're there to help for free. And they  
14 said no. And I said, well, then you can leave. And  
15 Lawrence Taylor is humongous, probably wasn't the  
16 best move, but I'm here to tell about it.

17 All right. The next thing I want to  
18 talk about, dunes. So, the dunes help. We can all  
19 agree on that. If the dunes didn't hold, South  
20 Seaside Park wouldn't be there. The closest breach  
21 was, obviously, in Seaside Park and then down into  
22 Island Beach State Park where there was like a  
23 200-yard breach just south of the governor's  
24 mansion. And that water's what caused the damage on  
25 the mainland side of Berkeley Township.

1 On May 7, 2015, Mrs. Judith Erdman  
2 made several statements in reference to the dune  
3 systems in Berkeley Township. She did acknowledge  
4 that the dunes in Berkeley Township held. This is  
5 not an exact quote, but I'm just generalizing. She  
6 did, in fact, say that they held and they saved  
7 South Seaside Park. But she criticized the  
8 response, the township's response to repairing the  
9 dunes.

10 Having knowledge, because I do the  
11 reimbursement, I do the reimbursement now, process  
12 with FEMA, when there is a -- any type of natural  
13 disaster, I know that they -- that the Berkeley  
14 Township Department of Parks and Beaches does  
15 biannual servicing and maintenance to the dunes.  
16 I'm not going to talk to the specifics of that, but  
17 they do. And they've been doing it for well over 30  
18 years. So, those dunes held because those guys are  
19 there twice a year, and they're maintenancing them.  
20 Because those guys live here, too, and they care.

21 Within the first three months, over  
22 100 ton of sand was put in to replace the missing  
23 portions of the dunes. Park and Beaches worked with  
24 the engineers, the township contracted engineers, to  
25 develop a snow fence pattern that returned the dunes

1 to 100 percent within two years.

2 One thing people don't understand,  
3 I've learned this just recently going through the  
4 reimbursement process for Winter Storm Jonas in  
5 January, that they don't really look to have to  
6 bring sand in. All right. The studies have been  
7 done and they kind of look to the environment to  
8 help it repair itself. Storms, tides, they bring  
9 sand back. So, there's really -- so putting the  
10 dune fence in, putting some extra sand in there and  
11 then allowing nature to kind of take its course will  
12 eventually rebuild the dunes back to where it needs  
13 to be. This dune snow fence pattern was so  
14 successful that the New Jersey DEP adopted it as a  
15 means to repair Island Beach State Park.

16 I'm not going to go any further into  
17 dunes. When Parks and Beaches has their opportunity  
18 to testify, they can speak more intelligently about  
19 it. That's all I have.

20 MR. WINWARD: Thank you.

21 CHIEF DiMICHELE: I just want to add  
22 a couple of items here. When he speaks about the  
23 buses going over and --

24 Did you all leave me? You can come  
25 back.

1 When the buses went over there and  
2 the manpower that was over there, you have to  
3 remember, every one of our retired officers who was  
4 willing and able to do so did so. They were over  
5 there. They were the ones helping carrying the  
6 luggage. We had officers from other jurisdictions  
7 that their jurisdiction didn't need them or was not  
8 affected and they did come and assist us.

9 The box trucks that were provided  
10 were provided from businesses within Berkeley  
11 Township, the Bayville section. They didn't have  
12 any vested interest in, you know, helping South  
13 Seaside Park, except this is what a community does  
14 in a time of need. They stepped up. They got no  
15 profit. They got no pay for it. They did not get  
16 paid for it. They got nothing. They got nothing.  
17 But they provided those box trucks for the residents  
18 of South Seaside Park and Pelican island. Because  
19 they were part of Berkeley Township and they wanted  
20 to help.

21 I just want to touch one more time on  
22 the meeting that we had in the street with  
23 Don Whiteman. At that time, he did -- he was asked  
24 to assist us. He did assist us in that. He did  
25 provide a list of contractors that he knew was

1 reputable. Now, as a government agent, we cannot  
 2 supply a list of contractors. That would go against  
 3 what we're allowed to do. But Don Whiteman did  
 4 supply that list and we do still have a copy of  
 5 those contractors. And I'm only stating this as  
 6 proof that that meeting did occur, since we do not  
 7 have the actual dates. And that's all I have for --  
 8 oh, wait.

9           Let me touch one more time on the  
 10 garbage. I'm sure once Sanitation has their point,  
 11 they will come up here and they will tell what they  
 12 did. But in case Hurricane Sandy is not touched  
 13 upon by the Sanitation end of it, when we say that  
 14 they were putting things out at the curb, they  
 15 weren't just putting things out at the curb. We had  
 16 officers carrying couches. We had officers carrying  
 17 TVs. We had sanitation workers carrying anything  
 18 they can carry to help any one of these residents,  
 19 because our heart went out to them. And you got to  
 20 keep in mind, too, that these officers that were  
 21 working at some point 20 hours a day, had damage to  
 22 their home also.

23           Now, the entire time that they  
 24 couldn't get over to their home over in South  
 25 Seaside Park, there were bay areas within our

1 township -- and let's be honest, my house included.  
 2 I had to get -- I had to go on a boat to get to my  
 3 house. So, when I tell you I understand where you  
 4 guys were coming from, I understand where you were  
 5 coming from. We had homes on fire in the middle of  
 6 this storm that the water was so deep we could not  
 7 get to. We had people calling who -- on the east  
 8 side of town, we did the same thing that we did over  
 9 in South Seaside Park, Pelican island, we went  
 10 door-to-door and did our evacuation.

11           During that storm, we had people  
 12 climbing up to the attics crying. Calling for us to  
 13 come get them. We're lucky we didn't have it over  
 14 in South Seaside Park, but we did have it here in  
 15 Berkeley Township. We did -- the fire departments  
 16 did the best they could to try and get to the people  
 17 that were calling. But at some point, we had to  
 18 tell them, you have to stay where you are and we  
 19 will be to you at daylight. This is how significant  
 20 this storm was.

21           So, not only were we dealing with  
 22 South Seaside Park, Pelican Island, we were also  
 23 dealing with the devastation over in Glen Cove  
 24 section of Berkeley Township. Actually, the whole  
 25 waterfront section of Berkeley Township, which

1 sustained more damage than South Seaside Park did,  
 2 far more damage than South Seaside Park did.

3           That's all I have on Hurricane Sandy.  
 4 Can we take a second? Yes? Thank you.

5           (Off the record.)

6 RYAN ROTH, having been duly sworn, according to law,  
 7 upon his oath, testified as follows:

8           LIEUTENANT ROTH: Ryan Roth. I'm a  
 9 lieutenant with Berkeley Township Police. I've been  
 10 there for 16 years. I'm currently in charge of day  
 11 shift and traffic safety. I'm going to speak --

12           (Off the record.)

13           LIEUTENANT ROTH: He was asking if I  
 14 was sworn.

15           I'm going to speak about directions  
 16 and clarifications of the testimony that I was  
 17 provided.

18           The first one I'd like to discuss is  
 19 from January 8 and the 18th of 2015. Mr. Whiteman  
 20 states, resident parking permit parking from Route  
 21 35 East at Ocean Ave is forcing parking onto side  
 22 streets and Barnegat Ave. He further states that  
 23 when Island Beach State Park is full, visitors  
 24 overflow into South Seaside Park. He is referring  
 25 to township ordinance 7-16. And I'll just read that

1 real quick, if that's okay.

2           7-16, residential parking, permit  
 3 parking for Berkeley. No person shall park a  
 4 vehicle on streets or parts of streets as described  
 5 within the following sections, unless an appropriate  
 6 and current parking permit as issued by the Township  
 7 of Berkeley is displayed on said vehicle for those  
 8 streets or parts of streets as described or listed  
 9 within the following sections. And then it lists  
 10 20th Ave through 24th Ave. And then details,  
 11 further, that the location is Route 35 or Central  
 12 Ave east to Ocean Ave, which is a paper street. And  
 13 that's limited to May 15 to September 15.

14           So, to clarify on that, that  
 15 ordinance is not a problem. That ordinance is a  
 16 benefit to residents. It's a benefit because it  
 17 reserves the parking closest to the beach to be used  
 18 by people with the required parking pass. I  
 19 understand it's an inconvenience to come to my  
 20 office to get one of those parking passes. But that  
 21 minor inconvenience gives you a full summer of  
 22 preferred parking, essentially.

23           He suggested that Island Beach State  
 24 Park overflow, because those spots were being used  
 25 up by residents. The overflow on Island Beach State

1 Park, which does happen and it happens on busiest  
2 days of the summer, are then flowing into the side  
3 streets and Barnegat Ave. That would occur whether  
4 or not this ordinance was in place.

5           Island Beach State Park would still  
6 have an overflow on the busiest days. And on the  
7 busiest days, the side streets would still be full.  
8 Because those are the busiest days. Those are the  
9 summer weekends when everyone has the same idea to  
10 come to Island Beach State Park or to enjoy South  
11 Seaside Park beaches. This ordinance, I honestly  
12 don't understand how anyone would see this ordinance  
13 as a problem. This ordinance is another benefit  
14 that we provide to our residents.

15           The next testimony I would like to  
16 make a correction or clarification to, actually,  
17 it's a full correction, is, February 5, 2015, again  
18 Mr. Whiteman. He references Chief Larkin of Seaside  
19 Park Police Department and an August Seaside Park  
20 council meeting. Stating that Seaside Park Police  
21 Department covered or assisted Berkeley Township  
22 Police on 320 police calls in South Seaside Park.  
23 Later, in the same testimony, Mr. Whiteman  
24 references 434 police calls, 200 of which he calls  
25 legit in 2013, where Seaside Park Police Department

1 assisted Berkeley Township Police Department in  
2 South Seaside Park.

3           So, I've reviewed -- well, let me  
4 first state that both men seem to be referencing a  
5 report of a July 2013/2014 report that was authored  
6 by Seaside Park Police Department, in using that  
7 data to suggest a failure on our part, on Berkeley  
8 Township Police Department's part. I've reviewed  
9 that report and I reviewed Seaside Park Police  
10 Department's CAD and Berkeley Township Police  
11 Department's CAD entries from those same dates.  
12 That's July 2013 to July 2014.

13           So, Seaside Park's Police  
14 Department's CAD shows 291 calls in Berkeley  
15 Township, which includes Pelican Island and South  
16 Seaside Park. And that sounds like a lot, but when  
17 you cross reference that with their own CAD system,  
18 you see that 227 of those 229 calls -- or 291 calls,  
19 are motor vehicle stops made by Seaside Park police  
20 officers in Berkeley for offenses that occurred in  
21 Seaside Park.

22           So, we started with number 291, using  
23 their records. And we can subtract 227. Because  
24 that's them doing work that led to our town. So, an  
25 example would be if they see an offense in Seaside

1 Park, but by the time the officer gets behind that  
2 car, follows them, calls in the plate, gets their  
3 feedback, turns on their lights, pulls the car over,  
4 now they're in Berkeley. Their records show that as  
5 occurring in Berkeley Township, just the way the  
6 report printed out. And that leaves us with 227 --  
7 I mean, that leaves us with 64 remaining calls. Two  
8 of those are not in Berkeley due to a CAD error.  
9 Three are duplicate entries made by their dispatch.  
10 Eighteen of those calls were Berkeley Township  
11 police officers assisting Seaside Park police  
12 officers. So, it was actually the reverse of what  
13 they were reporting. And five calls are for first  
14 aid or fire department only. No Seaside Park  
15 officer was requested or responded. That leaves us  
16 with a remainder of 36 calls. In those calls, they  
17 did back us up. They did help us. Thirty-six calls  
18 between 2013, July 2013 to July 2014. Thirty-six is  
19 a reasonable number.

20           Our CAD in that same period,  
21 July 2013 to July 2014, Seaside Park is shown as  
22 backing us up 70 times. So, there's a difference  
23 again. They're showing, once you comb through their  
24 data, 34 times they backed us up. Our data shows  
25 70. That discrepancy is probably just their officer

1 saw our officer doing some work and, like, stopped.  
2 That's part of police culture. If I see another  
3 officer, their lights are on and they're by  
4 themselves, I'm obligated to see if he's okay. I  
5 may not radio that in. I may not make a CAD entry.  
6 So, that's where those 36 missing calls are. It's  
7 just what everyone does. That's something that I  
8 would say they teach you the first day at the  
9 academy and every single day all the way through.  
10 And then every officer you meet does the exact same  
11 behavior. It's probably the most engrained thing in  
12 police culture. So, the real numbers are probably  
13 70. Because we probably called in that they were  
14 helping us.

15           So, using those same dates, I then  
16 look at our CAD, how many times did we help  
17 Seaside Park. And the number is 66 times. So, if  
18 we -- the original numbers that were used to make us  
19 look like we were dependent on Seaside Park were 320  
20 or -- I forget what was the other number, 434. That  
21 is unreasonable, but assisting one another an equal  
22 number of times is perfectly reasonable.

23           The next issue I had in the testimony  
24 is the distance that kept being brought up. The  
25 distance from Berkeley headquarters to South Seaside



1 Park is referenced several times in the testimony,  
 2 as causing wear and tear on vehicles. First, for a  
 3 comparison, Berkeley's mainland is approximately  
 4 15 miles across, depending on which points you  
 5 measure from. Officers on the mainland drive seven  
 6 to eight miles to get to the sectors from  
 7 headquarters and up to 15 miles to assist one  
 8 another. Just to give some examples from Google  
 9 Maps. Sky Harbor Court to Harbor Inn Road is  
 10 15 miles. Whitmore Drive to Trixie's Landing,  
 11 15 miles. Sandalwood Drive to Westbrook Drive is  
 12 14 miles.

13 An officer is in their assigned  
 14 sector. Once an officer is in their assigned  
 15 sector, a mainland officer typically has a larger  
 16 geographic area to cover. The beach officers have  
 17 to travel a longer distance, 16.1 miles is noted in  
 18 the testimony, but once there, they patrol a smaller  
 19 area. The difference in wear and tear on a mainland  
 20 patrol vehicle or a beach vehicle becomes negligible  
 21 over the course of a full shift.

22 The other point I wanted to bring up  
 23 is traffic safety and overall police service. In my  
 24 opinion, South Seaside Park receives excellent  
 25 police service. That is an opinion. But I'll back

1 it up with some -- some points that I have. Several  
 2 people in the testimony stated or insinuated that  
 3 South Seaside Park is a pedestrian and bicycle  
 4 community. There was testimony about overflow  
 5 traffic. And both statements are true. It is one  
 6 of the most heavily traveled communities by bike or  
 7 by walking. It's a perfect community for that. But  
 8 they also have a traffic problem at times in the  
 9 summer. However, despite heavy traffic, heavy  
 10 vehicle traffic and heavy pedestrian traffic and  
 11 heavy bicycle traffic, sharing the exact same roads  
 12 in South Seaside Park, we had no pedestrian or  
 13 bicycle crash in 2015. That is a result of  
 14 excellent police service, again, in my opinion.

15 South Seaside Park only had 26  
 16 crashes in all of 2015. And three of those crashes  
 17 resulted in minor injuries. So minor that they  
 18 didn't require first aid and that all three people  
 19 refused medical assistance. There were 585 radar  
 20 posts in 2015, 387 motor vehicle stops and 879  
 21 tickets issued. That's South Seaside Park alone,  
 22 not including Pelican island. Those numbers are  
 23 excellent. And they are a result of proactive  
 24 police enforcement and Berkeley responding to the  
 25 traffic needs specific to South Seaside Park.

1 The final point I want to make is  
 2 that Berkeley Township Police Department is  
 3 approximately five times the size of Seaside Park  
 4 Police Department. When comparing manpower,  
 5 vehicles, resources and equipment, it's going to be  
 6 a multiple of about five. Having more officers  
 7 allows us to have more specialized units, traffic  
 8 investigators, detectives, squad patrol and boat  
 9 patrol. So, we have a larger pool of officers with  
 10 more experience and more training to choose from  
 11 when a need arise. I think we saw that in all the  
 12 testimony for Sandy.

13 We can increase our manpower and  
 14 respond to a need that a smaller department can't  
 15 do. A perfect example would be Sandy. I'll use a  
 16 more recent example. Fourth of July weekend, one of  
 17 the biggest barbecue, drinking party weekends of the  
 18 year. We expect our call volume to increase  
 19 throughout the township. And it does. Well, we  
 20 increase our manpower. We add quad patrol. We use  
 21 DWI grant money to put extra traffic enforcement on  
 22 the road. And we put those traffic officers in  
 23 what's called an ALPR car, town made license plate  
 24 for your car. We give them equipment that other  
 25 departments don't have. We have three of those.

1 The result for that holiday weekend,  
 2 2016, in South Seaside Park, was a response time to  
 3 calls that averaged under one minute. The chief  
 4 already said that five minutes is good, and that is  
 5 good. We responded so well that it was under a  
 6 minute. One of the big complaints was firework  
 7 calls. Our response time to firework calls was 15  
 8 seconds. A smaller police department cannot scale  
 9 up a response like that, because they don't have the  
 10 officers or equipment. They don't have the same  
 11 pool that we have. A seasonal police department  
 12 like South -- like Seaside Park Police Department  
 13 can only scale up their response with special  
 14 officers. That's all they have at their disposal.  
 15 Special officers have limited training and very  
 16 limited experience. We call out officers with years  
 17 of experience, not months. Thank you.

18 OFFICER BONDULICH: Ronald Bondulich.  
 19 Lieutenant Roth just mentioned about quad patrol for  
 20 the beach. We started that probably about four  
 21 years ago, four years ago as a result of complaints.  
 22 The first year, it was myself and another officer on  
 23 two quads. And we were absolutely overwhelmed. We  
 24 would be on 20th and they would be shooting them off  
 25 at 21st; went over to 21st, they'd be shooting them

1 off at Midway. So, the following year, more  
2 officers were added. And then, I think a total of  
3 four or five guys just for fireworks for the next  
4 couple years just to quell the problems over there.  
5 And it seemed to have helped. There wasn't as many  
6 complaints this year as there were in the past. We  
7 definitely nipped it in the bud, in my opinion.

8 CHIEF DiMICHELE: Just to elaborate a  
9 little bit. We listened to that meeting that we had  
10 with the residents of South Seaside Park where they,  
11 one of their main issues was the beach with the  
12 fireworks on Fourth of July weekend. We listened to  
13 them. We responded to them. And it might have  
14 taken us two years, but, I have to say, this year,  
15 there wasn't that much activity on the beach with  
16 fireworks. We confiscated the fireworks. We tried  
17 to eliminate the drinking on the beach. We try and  
18 make that area of town more of a family area and not  
19 a party like it is in the towns north of there.

20 Now I'm going to bring up  
21 Captain Santucci. Captain Kevin Santucci.  
22 KEVIN SANTUCCI, having been duly sworn, according to  
23 law, upon his oath, testified as follows:

24 CAPTAIN SANTUCCI: My name is  
25 Kevin Santucci. I'm a captain here in Berkeley

1 Township. Prior to working in Berkeley Township, I  
2 worked as a class one and class two officer in  
3 Seaside Park. So, I know some of the officers over  
4 there. I have relationships with them.

5 I'm going to touch upon some of the  
6 resource issues that were brought up during  
7 testimony around our beach sector, as well as  
8 manpower issues over there. On January 8, 2015,  
9 Mr. Whiteman, what he said in his testimony in  
10 reference to a substation on the beach. There's no  
11 substation in South Seaside Park. Could there be a  
12 substation in South Seaside Park? Oh, I'd love see  
13 to it. But guess what? It's not there, where  
14 Toms -- where Toms River Township has one, where  
15 Brick Township has one, but Berkeley Township looks  
16 at it and says, it's not important, we can't put one  
17 there.

18 Just to clarify that, I've had the  
19 opportunity to speak with officers in Brick Township  
20 and Toms River Township. They do have substations  
21 on the beach. But they are for the use of the  
22 officers over there. They have a phone within the  
23 substation for, if there was an emergency that a  
24 resident can come in there. But that phone would  
25 basically just go to their dispatch or to the Ocean

1 County radio room which is where the 911 system is.

2 We do actually have a substation that  
3 we can bring over to areas such as we did in  
4 Hurricane Sandy. It's a mobile substation. So,  
5 basically, our view in this agency or I should say  
6 Chief DiMichele, if I could speak for her, would be  
7 that a substation at this time is antiquated. It  
8 really served more of a purpose when not everybody  
9 in the world had a cell phone or had access to  
10 contact emergency services. And I think if you talk  
11 to Toms River or Brick Township, they would agree  
12 with you. They had it prior to all of that. That's  
13 why they have that. But if you go into a substation  
14 and call us, say, for instance, you have a burglary  
15 at your house, at 123 Main Street. You go to the  
16 substation. You call us up. I had a burglary at my  
17 house. You can ask any police officer, any  
18 detective, I think Detective Tier would tell you, he  
19 currently does this, they want to go to the scene of  
20 the incident. They don't want to go to the  
21 substation and say, all right, now I'm going to walk  
22 back with you. You can lose time, such as a track  
23 for -- a canine track for a dog, the scent could  
24 dissipate. The person could be gone where you could  
25 have obtained the actor. You're going to canvass

1 that neighborhood. There's many steps that not  
2 being in law enforcement, obviously, you wouldn't  
3 understand. And I don't fault you for that. But  
4 there's reasons behind it and that's kind of some of  
5 the reasons behind that, that we don't have a  
6 substation there.

7 Like I said also, we can move that  
8 substation. We can move that substation. So, it's  
9 more cost effective, actually, for the taxpayers.  
10 We move it to the beach. We had instance of say you  
11 had a large fire, we can move it over, you know, out  
12 into the Pinewald area for a large fire. So, we  
13 think that's more cost effective.

14 I'm going to touch on some other  
15 statements related to officer coverage over there on  
16 the beach sector. On 6/2 of '16, June 2nd of 2016,  
17 there was questions regarding our manpower, and how  
18 many officers are there, and whether or not they're  
19 there 24 hours a day. For obvious reasons, we don't  
20 give out how many officers are posted in one area at  
21 one time with the total numbers. That would be a  
22 safety issue, not only for the officers but for the  
23 residents of the township. I mean, obviously, I  
24 don't expect anybody in this room would use it, but  
25 we don't want the information falling into the hands

1 of the wrong people. If they know that there's only  
2 two officers in one specific area, they drive by and  
3 see that. Well, guess what? Now they're going to  
4 go over here and do all this other stuff. So, I  
5 mean, that's obvious, basic common sense issue.

6 So, on 6/2 of '16, a statement was  
7 made by Mr. Whiteman. He said, I saw three police  
8 cars. I saw two officers in a police car. And then  
9 underneath that he says, yes, I don't know if it's  
10 at night there's a police car riding around. I  
11 don't know. Prior to four in the morning or by  
12 9:30, ten.

13 There could be multiple reasons why  
14 there's more than one officer in one area. He's  
15 stating here that he does see two or three police  
16 cars. There could be two officers in a car for  
17 multiple reasons, whether we have a specific detail  
18 that would require more officers for safety reasons.  
19 It could be an officer training, which would be  
20 our -- that's our field training program, our FTO,  
21 which is basically, when you graduate police  
22 academy, we don't just throw you out onto the road.  
23 You go through a specific training and you have to  
24 cover certain areas. So, that could be -- there  
25 could be many reasons why. But I believe he

1 referenced that just to say that he thought there  
2 was abundance of officers at that time.

3 We do have 24 hour police coverage.  
4 I don't think there's many places that don't now.  
5 In any department that doesn't, usually, in the  
6 State, usually is covered by the State Police. But  
7 we have 24 hour coverage, seven days a week, 365  
8 days a year. I can testify to that because I have  
9 worked on Christmas. No? Everybody asleep? All  
10 right.

11 The overlap of shifts was brought up  
12 on February 5, 2015. Basically, made reference to  
13 whether or not officers have to go back to our  
14 headquarters and our township is left unmanned.  
15 That's never true. Any of the supervisors in the  
16 room can tell you at any time when there was an  
17 instance when an officer had to go from the beach  
18 sector back to the mainland, that's not done until  
19 proper coverage is made and has an officer go over  
20 there and relieve them. As far as shift change, we  
21 have a time period where we have an overlap where  
22 the officer that's on the beach meets up with the  
23 officer that's leaving the beach and transfers any  
24 equipment they might need to transfer and provides  
25 any information. We call a briefing, for lack of

1 better words, to tell them what's going on over  
2 there. So, that always occurs.

3 On December 3rd, 2015, there was  
4 statement made by Mr. Moore stating, I used Bauman's  
5 census numbers a population of -- B-a-u-m-a-n --  
6 Bauman's population numbers, population of 41,000  
7 for Berkeley, 490 year round South Seaside Park  
8 residents. Then they also go on to say there had to  
9 be some consideration for the summer population.

10 So, without giving away, obviously,  
11 any of our manpower, just from earlier testimony  
12 from where Mr. Whiteman is saying he's seen two,  
13 possibly even three officers. That would be two  
14 officers for every nine -- or 490 residents. So,  
15 roughly 245 to 250 residents per officer. I  
16 challenge you to find another town in this state  
17 that has that amount of coverage. I wish -- I'm a  
18 resident of Lacey Township. That's like putting one  
19 cop in my neighborhood. I would love to see that.

20 Also, by using our CAD system, we're  
21 able to determine that the area of South Seaside  
22 Park is roughly .3 square miles. There was -- so,  
23 in conjunction with that, there was testimony on  
24 April 2, 2015, from Sergeant Robert Cardwell,  
25 retired Sergeant Cardwell from Seaside Park Police.

1 He says you probably have a population between 1,500  
2 to 2,000 people. And according to the data that we  
3 found, that's correct according to the last census  
4 there. And there's also about .77 square miles.  
5 So, the square mileage is, for South Seaside Park,  
6 is roughly half of Seaside Park. And has about a  
7 third the amount of people there.

8 He says in testimony, Cardwell states  
9 that they usually had at least two officers on when  
10 he worked there. So, if you do the math on that,  
11 you have two officers for 1,500 to 2,000 people, or  
12 two officers for 490 people. I'm not sure which  
13 town you would want to live in, but I can do the  
14 math quite easily.

15 I know there's been statements that  
16 if South Seaside Park were to join Seaside Park they  
17 would be able to eliminate the officer that's down  
18 in Seaside Park. So, I'm not sure if I  
19 misunderstand the testimony they gave. But by that  
20 logic, you would add -- you would now have  
21 one square mile with two officers, instead of having  
22 your .3 square miles with two officers. Unless  
23 they're stating that they would combine and hire  
24 more officers, in which case they gave testimony  
25 from their financial expert, Mr. Moore I believe it

1 was, that it would take approximately five officers  
2 to cover one car. So, you're either going to spread  
3 the two officers from Seaside Park over a larger  
4 area or you're now going to hire an additional five  
5 to six officers from Seaside Park Police Department  
6 to cover that area. I'm not sure which one that is.  
7 But either way, I don't believe it would be cost  
8 effective.

9 In addition to covering that area, we  
10 also provide backup and police services to  
11 Island Beach State Park. Now, I know it's mostly a  
12 desolate beach. You cannot say -- I cannot say,  
13 that there have been no -- that there hasn't been  
14 any important calls there. We've had first aid  
15 calls, swimmers in distress, missing people,  
16 domestic violence, burglaries. Stuff that goes on  
17 there that you do not realize that goes on there.  
18 So, now, if we're not there, and I'm assuming, I'm  
19 not -- I shouldn't assume, but I don't know if  
20 they're going to take over that area as well. So,  
21 now, in addition, if you're just keeping those two  
22 police officers, you're not only accepting South  
23 Seaside Park, you're accepting the responsibility,  
24 unless you have some other agreement, of covering  
25 Island Beach State Park, which is approximately

1 ten miles long.

2 So, the way I look at it, if those  
3 two officers had a domestic down by the jetty in  
4 Island Beach State Park and the first aid call comes  
5 in around Lafayette Avenue in Seaside Park, that's  
6 going to be, I don't know, maybe 12 miles away. So,  
7 it's a pretty good distance that officers are going  
8 to be responding from. Unless they increase their  
9 force in Seaside Park, which would be  
10 significantly -- significant monetary increase.

11 On April 2, 2015, Mr. Cardwell gave  
12 statements in reference to the manpower on Memorial  
13 Day through that -- through the Memorial Day through  
14 Labor Day time period. He's asked by  
15 Mr. Michelini -- I apologize if I'm butchering it.

16 MR. MICHELINI: You're right.

17 CAPTAIN SANTUCCI: Is it in your  
18 experience that there was ever more than one officer  
19 down there. Cardwell says yes, maybe in the  
20 summertime in the height of the season, maybe  
21 through Memorial -- Memorial Day through Labor Day.  
22 Which is understandable.

23 Then Mr. Cardwell goes on to say that  
24 they increased their manpower at Seaside Park during  
25 that same peak season. So, I don't understand where

1 the differential is. That if they increased during  
2 that peak season, so do we.

3 He states that they have  
4 approximate -- at that time when he worked, they had  
5 approximately 25 special officers. Now, there's  
6 nothing -- we have class one, class two officers.  
7 For people here that don't know the difference. The  
8 class one officers do not carry a firearm. Class  
9 two officers carry a firearm, have police powers,  
10 but only while they're on duty and working in the  
11 town in which they're employed.

12 So, having been a class one and a  
13 class two officer and now a full-time officer,  
14 there's nothing against any of these officers, but  
15 they do not have the same training and experience,  
16 as Lieutenant Roth indicated, that a full-time  
17 officer's going to have. They just don't. They  
18 don't have the time that they put into it. They  
19 might work from Memorial Day through Labor Day, but  
20 they're not working year-round. And a lot of this  
21 stuff that might occur that officers might deal with  
22 on the beach, I know that when I dealt with when I  
23 worked in Seaside Park and then I came over to here,  
24 it was a little bit of a culture shock. You're  
25 dealing with -- something happens on the beach, it's

1 more of a resort community. It's not happening or  
2 it's happening in a greater amount when you come to  
3 work in a bigger town like this.

4 I just want to touch also upon the  
5 crossing -- what we refer to the crossing guards  
6 that we've had in our area. I know it was brought  
7 up that it appeared as all of a sudden that the  
8 crossing guards were hired just as a response to the  
9 de-annexation. And I know Chief DiMichele touched  
10 on that. That that was put in place prior to that.

11 One of the things I know she stated  
12 that it came -- it was brought to light and  
13 implemented through Seaside Park Police Department  
14 initially, because we didn't have a program in  
15 place. There's was multiple reasons for that. By  
16 the time we were able to implement our own program,  
17 there was multiple reasons why we did it. But I  
18 think it was even at a council meeting. I think it  
19 might have been you, Mrs. Fulcomer, that actually  
20 questioned as to why the class one officer, why  
21 didn't we just have Seaside Park continue to pay for  
22 them meanwhile, it was more cost effective. I  
23 believe it was you. I apologize if it wasn't.

24 There's multiple reasons. And one  
25 being, the first being is just presence. You look

1 at us. You know all of us here work in Berkeley  
2 Township Police Department. It's definition of  
3 uniform. That may seem stupid to a lot of people,  
4 but people see somebody on the road, they see that  
5 uniform, they understand who that is and what  
6 they're going to go for.

7 Two, we can do our own selection and  
8 recruitment, which is huge. And I know from in the  
9 role I'm in now, it's huge, because selection and  
10 recruitment is one of the key points under the  
11 attorney general guideline for internal affairs  
12 investigations. You don't get to pick a date or  
13 time in choosing the right people, it's going to be  
14 issues down the road. It's going to compound. So,  
15 that's another issue.

16 And then just training. We get to  
17 dictate what training we do. We, you know, we -- I  
18 don't know what the -- what Seaside -- I'm sure  
19 they're doing the basic guidelines that they have to  
20 do. But maybe there's specific issues to the  
21 residents of Berkeley Township that we want touched  
22 upon. So, that's why we would do our own training  
23 for them.

24 I believe some of the other issues  
25 were touched upon that I was going to speak about.

1 I believe that's it.

2 MR. DICKERSON: Through the Chair, if  
3 I may.

4 MR. WINWARD: Yes.

5 MR. DICKERSON: I just have a few  
6 questions.

7 MR. WINWARD: Sure.

8 MR. DICKERSON: One of the things you  
9 mentioned earlier on was about that mobile  
10 substation.

11 CHIEF DiMICHELE: I thought we  
12 weren't doing that questions.

13 MR. McGUCKIN: We're going to do  
14 questions after they're done with their  
15 presentation.

16 MR. DICKERSON: Okay.

17 MR. McGUCKIN: Unless it's something  
18 specific that you need to have addressed this  
19 meeting.

20 MR. DICKERSON: It can wait. Thank  
21 you.

22 CHIEF DiMICHELE: I'm sorry. I just  
23 didn't want to open the door to other questions at  
24 this time. All right.

25 I do have another employee here. His

1 name is Kevin Geoghegan. He is in charge or charged  
2 with the responsibilities of EMS, emergency medical  
3 services. And he's going to touch upon that a  
4 little bit.

5 KEVIN GEOGHEGAN, having been duly sworn, according  
6 to law, upon his oath, testified as follows:

7 MR. GEOGHEGAN: Good evening, all.  
8 My name is Kevin Geoghegan. I am employed by  
9 Berkeley Township under Chief DiMichele's office  
10 through emergency management to supervise paid  
11 emergency medical services.

12 What I'd first like to go over is,  
13 there is a distinct difference in EMTs, your local  
14 volunteer first aid squad or your local township  
15 ambulance that arrives at the scene of the emergency  
16 and paramedics.

17 Paramedics, I'm just going to clarify  
18 now and set it off to the side. Paramedics are run  
19 by the hospital system. There's nothing that we or  
20 the governing body or anybody else can do to dictate  
21 how many paramedic units they must have in a area.  
22 They have their own contingency plans if there's a  
23 snowstorm, if they're adding units, or whatever the  
24 case might be.

25 With the local ambulances, I'll try

1 to keep this very simple, there are six first aid  
2 squads that cover parts of Berkeley Township. That  
3 being the Bayville First Aid Squad; the Holiday City  
4 Berkeley First Aid Squad; Tri-Boro First Aid Squad  
5 covering South Seaside Park; South Toms River First  
6 Aid Squad they cover Manitou Park; Silver Ridge and  
7 Holiday Heights First Aid Squads. All of them do a  
8 fantastic job. And the township also financially  
9 supports all of these squads based on their  
10 individual need, fuel, maintenance, age of the  
11 vehicles, supplies.

12 Just before Hurricane Sandy hit,  
13 Berkeley Township was in the process of instituting  
14 a paid EMS program, emergency medical service  
15 program. It's very specific as to New Jersey  
16 Administrative Code 8:40 what has to be done, how it  
17 has to be done and whatnot. While we were working  
18 on that plan to institute that, the township came  
19 into an agreement with Tri-Boro First Aid Squad.  
20 Tri-Boro stepped up to the plate and they helped out  
21 Berkeley Township. They couldn't do it during the  
22 summer months. After summer closed, just before  
23 Hurricane Sandy hit, they assisted us in covering  
24 primarily our senior communities.

25 Hurricane Sandy had hit. They were a

1 little bit devastated, obviously, on the beach.  
 2 They were maintaining beach coverage. There are  
 3 three communities over there. That's the  
 4 tri-boroughs, Seaside Heights, Seaside Park, South  
 5 Seaside Park. As well as assisting us in Berkeley  
 6 Township. If it wasn't for that storm, Tri-Boro  
 7 First Aid may not be here today. And I've spoken  
 8 with Marie Rice, who's the captain there. Berkeley  
 9 Township basically kept their people employed, and  
 10 then in service, and they were able to return to the  
 11 island when the need had arose.

12           Looking at the call stats for the  
 13 different squads and whatnot, South Seaside Park --  
 14 well, if I can take a step back. Our paid EMS  
 15 system, we'll help out the first aid squads when  
 16 they come to us, whatever time frames or days that  
 17 they have need. There may be some time frames we  
 18 cover the Bayville section of town. Other areas we  
 19 might cover Holiday City, might be Silver Ridge. It  
 20 all depends. So far, Tri-Boro does a fantastic job  
 21 covering South Seaside Park. And the call volume  
 22 for the past three years has been just under 200  
 23 requests for ambulance. And the reason I don't have  
 24 an exact number, and I believe one of the other  
 25 officers had touched upon it earlier, if a 911 call

1 comes in and an ambulance is requested, obviously,  
 2 they're going to send an ambulance. If the officer  
 3 goes to someone's home for an assisted lift and  
 4 realizes, geez, this person needs to go to the  
 5 hospital, it's then coded in the CAD a little bit  
 6 different. As well as maybe if he just went to, you  
 7 know, check on the well-being and an ambulance  
 8 wasn't requested. And later, an ambulance was  
 9 requested. That's why I don't have a specific  
 10 target number for how many calls. But, generally,  
 11 it's less than 200 calls in a three-year period in  
 12 the South Seaside Park area.

13           In comparison, you know, Berkeley  
 14 helps, you know, Tri-Boro the same amount they help  
 15 out South Toms River First Aid. South Toms River in  
 16 the Manitou section part of Berkeley Township, they  
 17 handle anywhere between 200 and 300 calls each year,  
 18 not over a time frame.

19           Regardless of what happens here  
 20 tonight, again, Tri-Boro First Aid is still going to  
 21 be the EMS provider in South Seaside Park. You're  
 22 stuck with MONOC as your paramedic provider. And I  
 23 believe I've touched everything.

24           CHIEF DiMICHELE: Okay.  
 25           (Off the record.)

1           MR. GEOGHEGAN: Again, if  
 2 de-annexation were to occur, again, Tri-Boro is  
 3 still your EMS provider. It does not come into, you  
 4 know, play with it today, tomorrow or down the road.  
 5 Again, as well as EMS, obviously, the funding, I'm  
 6 sure for Berkeley Township, you know, would cease as  
 7 it's, you know, it's no longer your municipality and  
 8 you're not responsible for it.

9           I'm not sure how that would  
 10 financially affect, you know, that EMS agency, as,  
 11 you know, there's not a large volume of calls there  
 12 to sustain an individual ambulance. You know, just,  
 13 you know, do the math. Two EMTs, 24 days a day, 365  
 14 days a week, similar to, you know, staffing the  
 15 police car there all year long. Obviously, payroll  
 16 expenses aren't as high but it's similar, same  
 17 structure.

18           (Off the record.)

19           MR. GEOGHEGAN: I think I touched  
 20 already on that. Tri-Boro pretty much with Berkeley  
 21 Township, the agreement we had just before Hurricane  
 22 Sandy. And there was a point where, you know, I  
 23 remember meeting with Marie Rice. They were a  
 24 little bit, you know, frazzled, as everybody was  
 25 during that time frame. They weren't sure if they

1 were going to be able to help out Berkeley Township  
 2 then. You know, now looking back on it, they did.  
 3 They stayed there. Because Berkeley Township, as  
 4 any town would have, they had put plans on hold to  
 5 keep moving forward with making the best system of,  
 6 you know, getting people back in their homes and  
 7 rebuild was more of a priority. But Tri-Boro was in  
 8 covering Berkeley Township for, I believe it was  
 9 almost two full years after that. And, you know,  
 10 Tri-Boro was covering Berkeley Township. And, you  
 11 know, that was able to maintain, you know, Tri-Boro  
 12 to sustain their operations and still be there today  
 13 covering Seaside Park -- South Seaside Park.

14           That's all. Thank you.

15           CHIEF DiMICHELE: I honestly did not  
 16 think that we would get through all of the testimony  
 17 of the officers that were here. There still are  
 18 more officers that are scheduled for the next  
 19 meeting to testify.

20           I want to bring a couple points up.  
 21 As these officers are speaking, I'm thinking of  
 22 other things. I know in the testimony -- and I do  
 23 not have the date. I do believe that it was  
 24 Don Whiteman in reference to if we -- if we  
 25 de-annexize and we go to Seaside Park, we're not

1 interested in, you know, this section of  
2 Island Beach State Park. I don't know how that  
3 works. I'm just going to tell you how it's going to  
4 work when it comes to law enforcement. All right.

5 Now, neighboring towns, they back  
6 each other, that's what we do. No matter what  
7 happens here, you know, we're going to back up  
8 Seaside Park. Seaside Park's going to back us up.  
9 Island Beach State Park's going to back us up.  
10 We're going to back up Island Beach State Park.  
11 Seaside Heights, Toms River, these are our  
12 neighboring towns. We are good neighbors. We will  
13 not let any officer out -- out on his own. We will  
14 help when we need to help, okay.

15 So, when Captain Santucci did speak  
16 about the manpower of Seaside Park. Now, is  
17 Seaside Park understanding that they will now have  
18 to be the good neighbors to Island Beach State Park.  
19 Now, I'm not saying it about, you know, taking over  
20 the land, de-annexation, not my area of expertise.  
21 But what I am saying is, they will have to be a good  
22 neighbor. And Island Beach State Park, you know,  
23 I'm not going to talk to their staffing. But we do,  
24 you know, help them out when they need it. We'll  
25 leave it at that. And when the captain spoke about

1 major calls occurring there, there were major calls  
2 there.

3 There was one case where we had to  
4 walk that entire island on foot looking for a  
5 missing person, which took pretty much -- we dragged  
6 all our resources from this end of the town to cover  
7 that end of town. Seaside Park would not, unless  
8 they dramatically increased their staffing, would  
9 not be able to respond to a situation as Berkeley  
10 Township can and has done. They will not be able to  
11 pull the resources.

12 I think in Sergeant Cardwell's  
13 statements, he stated that there's 13 full-time  
14 officers. What are you going to do if 13 full-time  
15 officers, another hurricane hits? Where are you  
16 going to get the officers? You're relying on  
17 neighboring towns. You know, and honestly, if they  
18 called us, I'd help them again. Because that's what  
19 we do. This is our culture. This is law  
20 enforcement. We back each other up. I don't care  
21 what patch you're wearing or what chief is fighting  
22 with the other chief or I don't like this one, I  
23 don't like that one. That's all left at the door  
24 when you put the uniform on, and you go out and do  
25 your job, okay.

1 So, when you say I don't want to take  
2 over Island Beach State Park law enforcement and  
3 emergency services, you can't factor it that way.  
4 It's not a cut and dry situation. You will be  
5 taking over backup to Island Beach State Park. When  
6 they close those doors and during, you know, the  
7 winter months, guess who's there. It will now -- if  
8 this goes through, it will be Seaside Park. When  
9 somebody calls for service, these officers will go.  
10 They don't care what department they're with. All  
11 right.

12 Like I said, I do have more testimony  
13 that needs to be given. I did not think that we  
14 would make it through. I thought this meeting was  
15 two hours. It seems like an eternity right now.  
16 And I do see people falling asleep. And that's why  
17 I made everybody stand up, my officers.

18 (Off the record.)

19 CHIEF DiMICHELE: But I'm going to  
20 end it for tonight with a couple of statements.  
21 Berkeley Township Police Department provides as  
22 good, if not better, police protection and community  
23 services than any police department I am aware of.  
24 Our coverage for South Seaside Park is as good, if  
25 not better -- let me emphasize -- if not better than

1 our coverage for any other section of Berkeley  
2 Township. For the geographical size and the number  
3 of residents, South Seaside Park gets as much or  
4 more coverage and service than any similar size  
5 section of Berkeley Township.

6 Now, keep in mind, the distance to  
7 South Seaside Park from Berkeley Township Police  
8 Department is 16 miles. And there was testimony  
9 here on the wear and tear of the cars going back and  
10 forth to headquarters, from headquarters to South  
11 Seaside Park. Berkeley Township is almost 56 square  
12 miles. There are sections in Berkeley Township from  
13 Bayville section to Holiday City section that exceed  
14 that 15-mile ratio -- 15 miles that you're saying  
15 going from Seaside -- South Seaside Park to Berkeley  
16 Township.

17 I believe the size and the resources  
18 of my department allow Berkeley Township police to  
19 provide better service and protection to South  
20 Seaside Park than smaller departments could. If  
21 de-annexation were to occur, I don't see the --  
22 foresee the ability to reduce our salary or  
23 operation budgets or see any cost savings  
24 whatsoever.

25 Now, I'm going to leave it off at

1 that. And I guess, when's the next meeting for the  
 2 next officers to testify? I can't wait.  
 3 MR. WINWARD: First Thursday in  
 4 October. Kelly's looking that up now.  
 5 MR. MICHELINI: Can I make a  
 6 suggestion, if I will, that I be allowed to cross  
 7 the seven officers who testified before we start a  
 8 new group of officers. I think it's probably much  
 9 more efficient. Otherwise, we're going to be  
 10 crossing -- I don't know how many people are going  
 11 to testify. But, you know --  
 12 CHIEF DiMICHELE: Well, okay. Let me  
 13 bring up -- thank you. You actually made a point  
 14 there. When we made -- when we met, had that  
 15 meeting that I go back to that we met with the  
 16 residents back in 2012, they did -- they made a  
 17 point of saying that they didn't know their  
 18 officers. Because we would rotate the officers in  
 19 and out of there because the officers love going  
 20 over to the beach. The amount of call volume over  
 21 there, just being by the beach, you know, the  
 22 residents over there. They're great people. But  
 23 they -- but they wanted to know their officer. They  
 24 wanted more of a community feel.  
 25 So, what we did is, we changed what

1 we were -- what we were doing. And we assigned  
 2 permanent cars over to the beach. And I think a lot  
 3 of you have noticed or a lot of the residents have  
 4 noticed, they know the officers by the first name.  
 5 They have a cup of coffee with them. They're more  
 6 apt to go up to them and tell them, you know, any  
 7 issues that have occurred, are occurring.  
 8 The officers on their end, they know  
 9 who belongs where and what's going on. And what  
 10 road improvements are working. What roads are going  
 11 to be down. You know, they know the history of the  
 12 residents. And that better serves our community.  
 13 So, that's another area where we improved our police  
 14 services by listening to the residents.  
 15 MR. MCGUCKIN: So, Mr. Michelini, as  
 16 far as your question's concerned --  
 17 MR. MICHELINI: Thank you.  
 18 MR. MCGUCKIN: -- I think we're going  
 19 to wait till that meeting to make that decision only  
 20 because, I'm assuming all seven are available that  
 21 night. They may not be, in which case --  
 22 MR. MICHELINI: Could we have an  
 23 idea --  
 24 MR. MCGUCKIN: -- it doesn't make  
 25 sense to --

1 MR. MICHELINI: -- how many more  
 2 witnesses do you have?  
 3 CHIEF DiMICHELE: I have no more than  
 4 four.  
 5 MR. MICHELINI: And how much time do  
 6 you anticipate that they will take?  
 7 CHIEF DiMICHELE: Well, the last one  
 8 before this was, guesstimation of 15 minutes, but  
 9 that took an hour. I don't know.  
 10 MR. MICHELINI: You have no idea?  
 11 CHIEF DiMICHELE: I would not say it  
 12 would be as long as we are today.  
 13 MR. MICHELINI: Can you give me their  
 14 names, please?  
 15 CHIEF DiMICHELE: No, I cannot.  
 16 MR. MICHELINI: You don't know who  
 17 they are?  
 18 CHIEF DiMICHELE: I do know who they  
 19 are.  
 20 MR. MICHELINI: Can you tell --  
 21 CHIEF DiMICHELE: I will give you  
 22 their names and I will provide their names when they  
 23 show up here.  
 24 MR. MICHELINI: Okay. All right.  
 25 I'm just going to object on the record. The manner

1 in which this is being held, again, is very  
 2 prejudicial to the applicant or the -- it's not  
 3 really an applicant, but the petitioners. To not --  
 4 for the chief to not even tell us who's going to  
 5 testify at the next meeting when she knows who's  
 6 going to testify. It would be one thing if she  
 7 said, you know what, I'm not really sure, but to say  
 8 I know --  
 9 CHIEF DiMICHELE: Okay. I'm not  
 10 really sure.  
 11 MR. MICHELINI: Excuse me. Let me  
 12 finish. But for her to say that, you know, I held  
 13 my tongue when she made all kinds of arguments and  
 14 all kinds of sweeping statements which, quite  
 15 frankly, I contend are not supported by the record.  
 16 Because they depend upon this person or that person,  
 17 or we can do this. A lot of statements of opinion  
 18 about how we're better than Seaside Park Police  
 19 Department.  
 20 CHIEF DiMICHELE: We are not trying  
 21 to say that at all.  
 22 MR. MICHELINI: Excuse me. Excuse  
 23 me. Excuse me.  
 24 CHIEF DiMICHELE: I do need that to  
 25 be on the record. That is not the case.



1 MR. MICHELINI: Please do not  
 2 interrupt me. The court reporter has a job and she  
 3 can't do it when two people are talking.  
 4 So, I've held my tongue. I'm making  
 5 these objections on the record. I would like to  
 6 know who the next four witnesses are, so I can do my  
 7 job. Right now, my job is very complicated by the  
 8 fact, by Chief DiMichele coming in and testifying  
 9 four, five times in between other witnesses. I'm  
 10 going to have to pay the money to get an expedited  
 11 transcript so I can unravel this thing and figure it  
 12 out and make reasonable cross-examination.  
 13 Otherwise, the cross-examination is going to take  
 14 three meetings. And I know you don't want that.  
 15 And I don't want it either.  
 16 MR. MCGUCKIN: Well, why don't you  
 17 send me a letter, tell me what you're requesting,  
 18 Mr. Michelini. You already put it on the record.  
 19 We'll convey that to the township and we'll see what  
 20 they tell us.  
 21 MR. MICHELINI: I'm requesting right  
 22 now the four witnesses.  
 23 MR. MCGUCKIN: Well, that will be  
 24 addressed by the municipality.  
 25 MR. MICHELINI: Can you tell me that?

1 MR. MCGUCKIN: I can't. I'm not --  
 2 I'm an attorney of the board.  
 3 MR. MICHELINI: You are not going to  
 4 ask the police chief to give it to me now?  
 5 MR. MCGUCKIN: I can't tell the  
 6 police chief what to do. As much as I'd sometimes  
 7 like to tell the police chief --  
 8 MR. MICHELINI: As long as the record  
 9 is clear, she's refusing to give that information.  
 10 MR. MCGUCKIN: Send me a letter.  
 11 I'll refer it to the municipality. The municipality  
 12 will respond. That's all I can tell you.  
 13 MR. MICHELINI: Right. But what I'm  
 14 saying is, the record is clear, the chief is  
 15 refusing to give me that information.  
 16 MR. MCGUCKIN: That's --  
 17 MR. MICHELINI: Thank you very much.  
 18 Have a good evening, everyone.  
 19 MR. MCGUCKIN: Thank you.  
 20 MR. WINWARD: You're welcome.  
 21 (Matter adjourned.)  
 22  
 23  
 24  
 25

1  
 2 C E R T I F I C A T E  
 3  
 4 I, LINDA SULLIVAN-HILL, a Notary  
 5 Public and Certified Court Reporter of the State of  
 6 New Jersey, do hereby certify that the foregoing is  
 7 a true and accurate transcript of the proceedings as  
 8 taken stenographically by and before me at the time,  
 9 place and on the date hereinbefore set forth.  
 10  
 11  
 12  
 13 Notary Public of the State of New Jersey  
 14 My Commission expires January 26, 2021  
 15  
 16 Dated: September 12, 2016  
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\$	11/25 53/7 57/21	44 [1] 3/6
\$20,000 [1] 16/7	200 [4] 61/24 85/22 86/11	46 [1] 1/24
\$250,000 [2] 16/3 16/8	86/17	490 [3] 75/7 75/14 76/12
\$3,406 [2] 13/16 13/20	200-yard [1] 53/23	4:35 p.m [1] 26/9
\$368,043 [1] 15/21	2009 [1] 8/12	4:59 [1] 10/1
\$421,000 [1] 15/24	2011 [1] 17/9	4:59 p.m [1] 9/25
'	2012 [21] 17/15 18/22 18/23	<b>5</b>
'16 [2] 72/16 73/6	21/8 21/11 21/18 21/19 21/20	5/7/2015 [2] 23/10 35/10
'98 [1] 35/5	23/1 23/19 24/3 24/13 26/6	56 square [1] 92/11
.	26/25 28/21 30/21 32/6 36/9	57 [1] 34/9
.3 [2] 75/22 76/22	37/15 38/10 93/16	585 [1] 66/19
.77 [1] 76/4	2013 [7] 18/23 38/1 61/25	59 [1] 3/7
.77 square [1] 76/4	62/12 63/18 63/18 63/21	5:03 [1] 10/1
<b>0</b>	2014 [7] 18/25 19/1 35/1 62/5	<b>6</b>
0001 [1] 1/25	62/12 63/18 63/21	6/2 [2] 72/16 73/6
07 [1] 50/9	2015 [20] 9/15 11/16 13/2	6/4/2015 [1] 37/11
08527 [1] 1/25	15/15 19/1 23/10 35/10 37/11	600 [1] 32/13
08723 [1] 2/7	38/16 54/1 59/19 61/17 66/13	620 [1] 2/4
08731 [1] 2/4	66/16 66/20 70/8 74/12 75/3	64 [1] 63/7
<b>1</b>	75/24 78/11	66 [2] 15/6 64/17
1,400 [1] 49/19	2016 [12] 1/7 8/9 13/16 13/23	69 [1] 3/8
1,500 [3] 49/19 76/1 76/11	14/22 15/16 16/1 17/2 17/4	<b>7</b>
10.5 miles [1] 38/3	68/2 72/16 99/16	7-16 [2] 59/25 60/2
10/28/2012 [1] 37/15	2021 [1] 99/14	70 [3] 63/22 63/25 64/13
10/30/2012 [1] 38/10	209 Sprague [1] 37/4	732 [1] 1/25
100 [1] 54/22	20th [2] 60/10 68/24	7:30 [1] 28/23
100 percent [1] 55/1	20th Avenue [1] 12/12	7:30 a.m [1] 41/9
102 [4] 14/23 15/4 15/8 15/10	21 [1] 41/22	7:45 [1] 1/8
106 Sprague [2] 24/12 36/24	21st [2] 68/25 68/25	7:45 p.m [1] 27/1
10:15 a.m [1] 23/2	227 [3] 62/18 62/23 63/6	<b>8</b>
11 [2] 9/2 34/10	229 [1] 62/18	83 [1] 3/9
110 [2] 37/3 37/8	24 [5] 44/3 72/19 74/3 74/7	833-0001 [1] 1/25
112 [1] 37/3	87/13	84 [1] 15/8
119 [1] 37/3	245 [1] 75/15	87 [1] 15/22
11:37 [1] 8/25	24th [2] 50/7 60/10	879 [1] 66/20
11:37 a.m [1] 8/21	25 [5] 3/15 3/16 34/25 53/7	8:40 [1] 84/16
11:40 [1] 9/3	79/5	<b>9</b>
11:42 a.m [1] 8/22	250 [1] 75/15	911 [8] 8/13 9/20 11/1 11/2
11:48 [1] 9/1	26 [3] 12/2 66/15 99/14	11/3 43/17 71/1 85/25
11:56 [1] 9/4	27 [1] 34/9	92 [2] 26/7 28/24
12 [2] 34/12 99/16	28 [6] 21/8 23/1 23/19 24/3	9:30 [1] 73/12
12 miles [1] 78/6	24/13 36/9	<b>A</b>
123 [1] 71/15	29 [6] 21/10 21/13 26/5 26/15	a.m [12] 8/21 8/22 9/1 9/1 9/3
12th [1] 49/24	26/16 38/1	9/4 12/2 12/19 12/19 23/2
13 [2] 90/13 90/14	291 [3] 62/14 62/18 62/22	28/23 41/9
13.5 [1] 38/3	29th [2] 41/5 41/12	abandoned [1] 43/17
14 miles [1] 65/12	2nd [1] 72/16	abbreviated [1] 45/25
15 [7] 10/3 11/16 11/25 60/13	<b>3</b>	ability [3] 6/15 6/15 92/22
60/13 68/7 95/8	3,000 [1] 15/20	able [21] 16/21 24/6 34/13
15 miles [5] 65/4 65/7 65/10	30 [5] 21/13 21/14 26/25 41/20	36/11 38/9 44/17 47/23 50/2
65/11 92/14	54/17	50/3 50/12 50/13 51/3 56/4
15-mile [1] 92/14	300 [1] 86/17	75/21 76/17 80/16 85/10 88/1
16 [5] 9/5 34/10 59/10 59/25	300,000 [1] 15/21	88/11 90/9 90/10
60/2	30th [1] 41/12	about [45] 5/13 6/6 11/8 11/20
16 miles [1] 92/8	31 [7] 28/21 30/9 39/3 39/11	11/25 12/8 13/3 17/19 22/25
16.1 miles [1] 65/17	41/9 41/19 42/1	27/6 27/7 27/10 27/10 27/11
17 [1] 2/7	31st [3] 39/19 42/4 42/9	28/14 28/19 30/7 31/1 31/3
1700 [1] 50/9	320 [2] 61/22 64/19	35/8 35/19 37/2 37/12 44/17
18 [2] 25/18 25/20	34 [2] 3/4 63/24	44/19 44/22 45/7 45/22 53/16
18th [1] 59/19	35 [3] 34/11 59/21 60/11	53/18 55/18 55/22 59/15 66/4
1970 [1] 14/14	36 [2] 63/16 64/6	67/6 68/19 68/20 76/4 76/6
1992 [1] 35/3	365 [3] 44/3 74/7 87/13	81/25 82/9 89/16 89/19 89/25
1997 [1] 35/5	37 [2] 42/10 46/4	96/18
1:30 [1] 11/20	387 [1] 66/20	absolutely [3] 40/6 42/8 68/23
<b>2</b>	3:06 [2] 12/2 12/18	abundance [1] 74/2
2,000 [2] 76/2 76/11	3:09 [1] 12/19	abundant [2] 29/2 29/4
2/5/15 [1] 11/16	3rd [2] 15/15 75/3	academy [3] 19/2 64/9 73/22
20 [7] 8/15 8/20 9/17 10/3	<b>4</b>	accepting [2] 77/22 77/23
	41 [1] 3/5	
	41,000 [1] 75/6	
	434 [2] 61/24 64/20	

A		
<p>access [1] 71/9  accompanied [1] 42/11  accomplish [1] 36/4  according [9] 8/1 34/22 41/15  44/5 59/6 69/22 76/2 76/3 83/5  accurate [2] 17/6 99/7  acknowledge [1] 54/3  across [2] 42/15 65/4  action [1] 33/22  actions [1] 34/18  activated [1] 40/21  activation [6] 40/13 40/14  40/16 44/20 45/1 45/5  active [1] 31/19  activity [2] 30/8 69/15  actor [1] 71/25  actual [2] 11/14 57/7  actually [14] 10/16 12/2 18/14  20/8 21/12 31/4 53/10 58/24  61/16 63/12 71/2 72/9 80/19  93/13  add [3] 55/21 67/20 76/20  added [2] 33/23 69/2  adding [1] 83/23  addition [2] 77/9 77/21  additional [2] 52/1 77/4  address [9] 7/15 8/6 11/11  12/6 12/20 12/23 19/13 24/9  24/19  addressed [3] 17/22 82/18  97/24  adjourned [1] 98/21  administration [1] 18/7  administrative [2] 6/13 84/16  adopted [1] 55/14  advise [1] 24/1  advised [3] 32/11 32/12 39/6  affairs [1] 81/11  affect [1] 87/10  affected [5] 11/17 30/11 31/15  33/5 56/8  after [14] 4/7 6/21 18/5 26/22  31/1 38/5 39/14 39/15 42/3  43/7 45/20 82/14 84/22 88/9  again [14] 10/4 17/7 27/15  30/4 34/1 61/17 63/23 66/14  86/20 87/1 87/2 87/5 90/18  96/1  against [4] 32/23 33/4 57/2  79/14  age [3] 25/18 25/20 84/10  agencies [1] 46/25  agency [4] 24/10 52/11 71/5  87/10  agent [1] 57/1  ago [2] 68/21 68/21  agree [2] 53/19 71/11  agreement [3] 77/24 84/19  87/21  aid [23] 8/25 9/1 9/2 9/9 9/10  10/13 11/5 63/14 66/18 77/14  78/4 83/14 84/1 84/3 84/4 84/4  84/6 84/7 84/19 85/7 85/15  86/15 86/20  all [76] 4/13 4/25 5/5 5/6  7/20 10/9 11/15 17/25 18/22  20/3 20/22 20/24 21/5 21/6  23/20 24/14 26/16 26/18 28/7  28/18 31/12 31/16 31/17 31/17  31/17 32/23 34/12 35/25 42/25  43/8 43/8 43/25 46/11 46/25</p>	<p>50/16 51/2 51/14 52/5 52/24  52/25 53/17 53/18 55/6 55/19  55/24 57/7 59/3 64/9 66/16  66/18 67/11 68/14 71/12 71/21  73/4 74/9 80/7 81/1 82/24 83/7  84/7 84/9 85/20 87/15 88/14  88/16 89/4 90/6 90/23 91/10  94/20 95/24 96/13 96/14 96/21  98/12  allegations [1] 4/4  allow [3] 18/12 34/15 92/18  allowed [4] 28/22 53/1 57/3  93/6  allowing [1] 55/11  allows [1] 67/7  almost [2] 88/9 92/11  alone [1] 66/21  along [6] 24/14 24/21 30/22  33/25 42/12 47/11  ALPR [1] 67/23  already [4] 8/7 68/4 87/20  97/18  also [36] 2/11 6/22 10/25 13/1  16/16 16/17 25/15 26/12 31/10  31/24 32/1 36/16 37/1 37/6  37/24 40/7 42/16 43/7 43/19  48/14 48/17 50/16 51/7 52/7  52/9 52/17 57/22 58/22 66/8  72/7 75/8 75/20 76/4 77/10  80/4 84/8  altercation [1] 11/18  always [2] 51/9 75/2  am [8] 7/14 15/24 33/3 45/18  45/18 83/8 89/21 91/23  Amato [1] 40/7  ambulance [7] 83/15 85/23 86/1  86/2 86/7 86/8 87/12  ambulances [1] 83/25  amount [12] 9/22 10/7 29/3  29/4 29/24 47/21 47/24 75/17  76/7 80/2 86/14 93/20  animal [3] 13/10 13/11 13/12  annexation [10] 1/5 7/16 8/5  9/6 15/13 17/4 80/9 87/2 89/20  92/21  annexize [1] 88/25  announced [1] 30/23  another [15] 10/4 12/3 28/13  34/7 53/3 61/13 64/2 64/21  65/8 68/22 75/16 81/15 82/25  90/15 94/13  answer [1] 33/6  answered [2] 23/18 43/17  answering [1] 11/9  anticipate [1] 95/6  antifreeze [3] 46/22 47/10  48/4  antiquated [1] 71/7  any [34] 4/6 6/12 8/23 19/8  22/7 22/8 25/16 25/16 25/17  26/10 30/2 38/13 43/23 54/12  55/16 56/12 57/18 71/17 71/17  74/5 74/15 74/16 74/23 74/25  75/11 77/14 79/14 88/4 89/13  91/23 92/1 92/4 92/23 94/6  anybody [4] 40/2 43/11 72/24  83/20  anyone [4] 25/17 43/3 43/7  61/12  anything [2] 18/4 57/17  anywhere [1] 86/17  apart [1] 52/19  apologize [2] 78/15 80/23</p>	<p>Apparently [1] 16/4  appear [1] 4/10  APPEARANCES [1] 2/2  appeared [1] 80/7  applicant [2] 96/2 96/3  applicant's [1] 15/1  appropriate [2] 19/20 60/5  approximate [1] 79/4  approximately [6] 16/7 65/3  67/3 77/1 77/25 79/5  April [2] 75/24 78/11  apt [1] 94/6  are [74] 5/24 11/6 11/14 11/14  14/8 14/9 15/13 16/2 16/17  16/17 16/19 17/1 17/12 18/11  18/14 20/9 21/6 21/17 22/9  22/10 22/19 27/1 27/8 29/13  33/1 39/22 50/11 51/7 52/14  52/18 52/25 54/18 58/18 61/2  61/8 61/8 62/19 63/8 63/9  63/13 64/3 64/6 64/12 66/5  66/22 66/23 70/21 72/18 72/20  78/7 83/18 84/1 85/2 88/17  88/18 88/21 89/11 89/12 90/14  90/15 92/12 93/10 94/7 94/10  94/10 94/20 95/12 95/17 95/19  96/15 96/20 97/3 97/6 98/3  area [21] 12/13 22/10 31/15  65/16 65/19 69/18 69/18 72/12  72/20 73/2 73/14 75/21 77/4  77/6 77/9 77/20 80/6 83/21  86/12 89/20 94/13  areas [4] 57/25 71/3 73/24  85/18  aren't [1] 87/16  arguing [1] 48/25  argument [6] 19/9 19/13 20/3  20/4 20/8 20/16  arguments [5] 19/4 19/17 20/1  20/5 96/13  arise [1] 67/11  Army [1] 44/11  arose [1] 85/11  around [7] 35/5 42/24 48/4  48/7 70/7 73/10 78/5  arrangements [1] 49/12  arrested [2] 43/19 43/22  arrival [3] 9/5 9/13 37/21  arrive [2] 8/16 11/22  arrived [5] 8/21 9/1 9/3 10/1  47/25  arrives [2] 8/19 83/15  as [100]  ask [2] 71/17 98/4  asked [11] 23/13 23/17 28/15  31/3 31/10 44/19 46/17 47/14  53/12 56/23 78/14  asking [6] 4/17 4/19 4/21  28/12 31/8 59/13  asleep [2] 74/9 91/16  assess [1] 43/9  assets [3] 45/4 52/2 52/3  assigned [3] 65/13 65/14 94/1  assist [8] 18/7 30/15 48/18  52/8 56/8 56/24 56/24 65/7  assistance [6] 22/11 24/7  36/12 43/1 43/13 66/19  assisted [6] 31/16 40/17 61/21  62/1 84/23 86/3  assisting [3] 63/11 64/21 85/5  associated [1] 16/6  ASSOCIATES [1] 1/23  ASSOCIATION [1] 1/4</p>

**A**  
 assume [2] 25/7 77/19  
 assuming [2] 77/18 94/20  
 attics [1] 58/12  
 attorney [4] 4/10 16/16 81/11 98/2  
 Attorneys [2] 2/5 2/8  
 auditor [1] 15/2  
 August [3] 8/12 11/21 61/19  
 authored [1] 62/5  
 available [3] 26/19 47/14 94/20  
 Ave [9] 36/24 37/9 59/21 59/22 60/10 60/10 60/12 60/12 61/3  
 Avenue [6] 12/12 24/12 37/4 48/12 50/7 78/5  
 averaged [1] 68/3  
 aware [1] 91/23  
 away [4] 6/25 53/9 75/10 78/6

**B**  
 B-a-u-m-a-n [1] 75/5  
 Bacchione [1] 1/11  
 back [44] 5/16 6/4 6/5 12/14 14/14 18/20 23/14 27/19 28/23 29/22 29/23 31/4 32/24 35/2 41/8 43/8 44/2 46/5 46/8 47/2 47/6 48/7 49/1 50/23 55/9 55/12 55/25 63/17 65/25 71/22 74/13 74/18 85/14 88/2 88/6 89/5 89/7 89/8 89/9 89/10 90/20 92/9 93/15 93/16  
 backed [1] 63/24  
 background [1] 18/13  
 backing [2] 33/17 63/22  
 backup [2] 77/10 91/5  
 bags [2] 47/24 48/6  
 banker's [2] 50/1 52/25  
 baptism [1] 44/9  
 barbecue [1] 67/17  
 Barnegat [3] 12/12 59/22 61/3  
 barricaded [1] 51/16  
 barrier [2] 41/6 48/24  
 base [1] 42/11  
 based [2] 14/2 84/9  
 basic [2] 73/5 81/19  
 basically [6] 15/21 70/25 71/5 73/21 74/12 85/9  
 basis [1] 52/18  
 bat [2] 33/14 33/14  
 Bauman's [2] 75/4 75/6  
 bay [6] 12/13 12/13 12/16 48/11 51/15 57/25  
 Bayville [7] 1/7 14/5 35/23 56/11 84/3 85/18 92/13  
 be [132]  
 beach [61] 17/8 17/9 17/21 18/8 22/21 26/15 27/3 27/6 27/8 27/10 29/3 29/12 29/12 30/11 39/3 42/4 42/14 49/19 50/8 51/19 51/24 53/22 55/15 59/23 60/17 60/23 60/25 61/5 61/10 65/16 65/20 68/20 69/11 69/15 69/17 70/7 70/10 70/21 72/10 72/16 74/17 74/22 74/23 77/11 77/12 77/25 78/4 79/22 79/25 85/1 85/2 89/2 89/9 89/10 89/18 89/22 91/2 91/5 93/20 93/21 94/2  
 beaches [5] 22/6 54/14 54/23 55/17 61/11  
 Bear [1] 23/14

Beaverson [1] 2/7  
 became [2] 35/5 36/10  
 because [42] 5/7 5/22 6/11 6/23 7/4 12/14 15/23 18/14 20/24 21/2 22/9 31/14 32/12 33/15 36/5 40/22 46/23 47/24 51/5 51/14 51/19 53/6 54/10 54/18 54/20 56/18 57/19 60/16 60/24 61/8 62/23 64/13 68/9 74/8 80/14 81/9 88/3 90/18 93/18 93/19 94/20 96/16  
 becomes [2] 24/4 65/20  
 been [32] 6/14 8/1 8/7 10/3 17/7 22/15 22/16 32/20 33/12 34/13 34/22 35/3 40/12 41/15 41/18 41/19 41/21 44/2 44/5 44/7 54/17 55/6 59/6 59/9 69/22 76/15 77/13 77/13 79/12 80/19 83/5 85/22  
 before [17] 9/19 10/5 12/14 19/5 25/3 32/9 32/14 35/1 41/1 44/17 50/8 84/12 84/22 87/21 93/7 95/8 99/8  
 beforehand [2] 23/18 35/20  
 beg [1] 9/13  
 began [1] 52/11  
 begin [4] 4/2 44/17 49/13 50/14  
 beginning [2] 19/1 27/19  
 behavior [1] 64/11  
 behind [4] 30/7 63/1 72/4 72/5  
 being [13] 18/11 43/15 49/2 50/21 60/24 64/24 72/2 80/25 80/25 84/3 86/7 93/21 96/1  
 believe [13] 11/20 37/7 73/25 76/25 77/7 80/23 81/24 82/1 85/24 86/23 88/8 88/23 92/17  
 belongs [1] 94/9  
 benefit [3] 60/16 60/16 61/13  
 BERKELEY [87] 1/1 7/13 8/14 9/21 9/21 10/6 13/1 13/8 13/15 13/17 14/23 16/5 17/10 23/19 32/5 34/8 34/25 35/15 35/25 38/18 38/19 38/21 39/1 40/20 41/23 42/12 42/14 45/25 47/13 48/2 51/22 52/9 53/25 54/3 54/4 54/13 56/10 56/19 58/15 58/24 58/25 59/9 60/3 60/7 61/21 62/1 62/7 62/10 62/14 62/20 63/4 63/5 63/8 63/10 64/25 66/24 67/2 69/25 70/1 70/15 75/7 81/1 81/21 83/9 84/2 84/4 84/13 84/21 85/5 85/8 86/13 86/16 87/6 87/20 88/1 88/3 88/8 88/10 90/9 91/21 92/1 92/5 92/7 92/11 92/12 92/15 92/18  
 Berkeley's [1] 65/3  
 best [6] 22/23 46/15 52/13 53/16 58/16 88/5  
 better [7] 75/1 91/22 91/25 91/25 92/19 94/12 96/18  
 between [7] 21/13 47/15 47/21 63/18 76/1 86/17 97/9  
 biannual [1] 54/15  
 bicycle [3] 66/3 66/11 66/13  
 big [2] 38/13 68/6  
 bigger [3] 22/10 22/19 80/3  
 biggest [1] 67/17  
 bike [1] 66/6  
 bills [1] 45/19  
 bit [10] 21/21 22/25 34/17 46/12 69/9 79/24 83/4 85/1

86/5 87/24  
 blanket [1] 9/19  
 blue [1] 45/23  
 Blvd [1] 2/7  
 board [8] 1/1 2/5 6/23 6/23 7/1 7/7 8/4 98/2  
 boat [2] 58/2 67/8  
 body [2] 6/13 83/20  
 bombarded [1] 17/18  
 BONDULICH [4] 3/4 34/20 34/22 68/18  
 born [2] 18/9 18/19  
 Boro [14] 10/6 10/7 84/4 84/19 84/20 85/6 85/20 86/14 86/20 87/2 87/20 88/7 88/10 88/11  
 boroughs [1] 85/4  
 both [5] 20/6 45/14 51/24 62/4 66/5  
 box [6] 47/14 47/16 47/19 49/3 56/9 56/17  
 breach [2] 53/20 53/23  
 Brick [7] 2/7 38/18 40/11 40/20 70/15 70/19 71/11  
 bridge [12] 26/8 26/10 26/11 28/23 28/25 29/1 29/2 29/3 29/5 42/11 42/19 42/21  
 brief [2] 5/24 19/3  
 briefing [1] 74/25  
 bring [13] 5/15 40/10 40/19 40/25 47/24 49/23 55/6 55/8 65/22 69/20 71/3 88/20 93/13  
 bring up [1] 40/25  
 bringing [2] 47/7 52/20  
 brings [1] 23/8  
 broken [1] 30/23  
 brought [10] 7/15 34/8 40/20 46/19 46/22 64/24 70/6 74/11 80/6 80/12  
 bud [1] 69/7  
 budgets [1] 92/23  
 built [2] 14/9 22/22  
 bulk [1] 52/22  
 bureau [2] 42/12 43/19  
 burglaries [1] 77/16  
 burglary [2] 71/14 71/16  
 buses [13] 31/10 33/24 34/9 34/10 34/11 34/12 34/13 38/10 47/11 47/19 48/1 55/23 56/1  
 busiest [4] 61/1 61/6 61/7 61/8  
 business [1] 53/10  
 businesses [2] 47/13 56/10  
 busy [1] 36/5  
 butchering [1] 78/15

**C**  
 CAD [10] 62/10 62/11 62/14 62/17 63/8 63/20 64/5 64/16 75/20 86/5  
 calendar [1] 13/16  
 call [19] 8/13 9/24 9/25 10/13 12/2 12/2 12/18 12/22 16/24 67/18 68/16 71/14 71/16 74/25 78/4 85/12 85/21 85/25 93/20  
 Callahan [1] 1/12  
 called [7] 9/20 11/21 40/12 44/19 64/13 67/23 90/18  
 caller [3] 12/5 12/10 12/15  
 calling [6] 10/19 12/7 29/15 58/7 58/12 58/17  
 calls [30] 10/8 11/6 43/17 43/19 61/22 61/24 61/24 62/14 62/18 62/18 63/2 63/7 63/10

<b>C</b>		56/8 57/11 58/13 60/19 61/10 70/24 80/2 85/16 87/3 comes [5] 21/1 49/7 78/4 86/1 89/4 coming [9] 21/12 22/20 26/8 46/25 51/2 53/9 58/4 58/5 97/8 command [4] 46/19 46/21 50/7 52/2 Commission [1] 99/14 committee [2] 4/12 4/16 common [1] 73/5 communications [1] 22/6 communities [4] 30/11 66/6 84/24 85/3 community [13] 11/12 16/20 17/1 18/8 23/21 27/12 56/13 66/4 66/7 80/1 91/22 93/24 94/12 comp [1] 13/19 companies [3] 36/6 37/14 53/9 company [10] 24/14 30/14 35/23 35/24 35/24 37/8 42/13 42/15 49/8 53/12 comparing [1] 67/4 comparison [2] 65/3 86/13 complaints [4] 17/22 68/6 68/21 69/6 complete [1] 18/24 completed [1] 17/25 completely [2] 16/19 19/16 complicated [1] 97/7 compound [1] 81/14 computer [1] 8/17 concern [3] 48/19 49/2 51/6 concerned [4] 40/10 40/16 49/5 94/16 concerns [2] 17/20 17/23 confiscated [1] 69/16 conjunction [1] 75/23 connected [2] 8/13 9/21 CONNORS [1] 2/3 consider [1] 13/25 consideration [1] 75/9 consisted [2] 45/9 51/12 constricted [1] 19/23 contact [3] 11/12 43/16 71/10 contacted [1] 31/6 contend [1] 96/15 contingency [1] 83/22 continue [1] 80/21 continued [1] 42/7 contracted [4] 13/9 17/10 52/10 54/24 contractors [3] 56/25 57/2 57/5 control [4] 13/10 13/11 13/12 26/10 controlled [1] 26/11 conversation [1] 12/5 convey [1] 97/19 convince [1] 16/25 convoy [1] 46/3 coordinated [2] 33/24 46/12 coordinator [3] 35/6 41/20 44/10 coordinators [1] 21/6 cop [9] 14/13 14/14 14/15 14/19 14/20 16/10 16/19 29/23 75/19 copies [2] 36/16 36/21 copy [8] 24/11 24/11 31/5 36/15 36/23 37/9 37/16 57/4 corner [2] 12/11 46/1
calls... [17] 63/13 63/16 63/16 63/17 64/6 68/3 68/7 68/7 77/14 77/15 86/10 86/11 86/17 87/11 90/1 90/1 91/9 calm [2] 11/24 43/24 came [16] 9/22 15/10 29/5 29/6 31/2 31/4 35/15 42/5 43/25 44/1 45/20 46/22 51/5 79/23 80/12 84/18 camper [1] 46/20 can [51] 16/11 16/12 18/10 20/13 25/7 25/20 27/4 27/4 33/10 33/10 46/16 46/20 47/1 47/3 47/4 47/6 49/22 50/4 50/14 53/14 53/18 55/18 55/24 57/18 59/4 62/23 67/13 68/13 70/24 71/3 71/17 71/22 72/7 72/8 72/11 74/8 74/16 76/13 81/7 82/20 83/20 85/14 90/10 93/5 95/13 95/20 96/17 97/6 97/11 97/25 98/12 can't [17] 14/20 18/18 36/24 40/2 40/5 47/5 47/16 47/20 48/22 51/16 67/14 70/16 91/3 93/2 97/3 98/1 98/5 canine [1] 71/23 cannot [6] 18/9 57/1 68/8 77/12 77/12 95/15 canvass [1] 71/25 capacity [1] 22/17 capital [1] 16/10 CAPT [1] 3/8 captain [7] 44/11 69/21 69/21 69/25 85/8 89/15 89/25 Captain Kevin Santucci [1] 69/21 Captain Santucci [1] 69/21 car [18] 14/13 14/14 14/16 14/19 14/20 14/21 16/11 16/19 29/23 63/2 63/3 67/23 67/24 73/8 73/10 73/16 77/2 87/15 Cardwell [6] 75/24 75/25 76/8 78/11 78/19 78/23 Cardwell's [1] 90/12 care [6] 36/6 49/10 50/19 54/20 90/20 91/10 Carmen [1] 40/7 carry [4] 48/11 57/18 79/8 79/9 carrying [4] 56/5 57/16 57/16 57/17 cars [7] 28/25 45/15 51/16 73/8 73/16 92/9 94/2 case [13] 6/18 8/19 10/22 10/24 14/15 19/21 19/23 57/12 76/24 83/24 90/3 94/21 96/25 cases [1] 16/12 catastrophic [1] 30/24 caused [1] 53/24 causing [1] 65/2 caution [1] 43/5 cease [1] 87/6 cell [1] 71/9 census [2] 75/5 76/3 center [1] 11/5 Central [5] 31/7 34/11 47/12 48/12 60/11 century [1] 31/22 certain [2] 10/7 73/24 CERTIFIED [2] 1/24 99/5 certify [1] 99/6	Chair [1] 82/2 Chairman [1] 1/11 challenge [1] 75/16 change [1] 74/20 changed [1] 93/25 changes [1] 10/12 changing [1] 47/3 channel [1] 23/7 chaos [3] 42/7 43/23 44/1 charge [2] 59/10 83/1 charged [1] 83/1 charter [1] 41/22 check [3] 8/23 10/14 86/7 checked [2] 12/13 43/6 checking [3] 42/6 43/2 52/12 checkpoint [2] 51/1 51/13 checks [1] 43/15 CHERKOS [1] 2/3 chief [29] 3/3 4/21 7/11 7/13 19/12 20/12 24/1 27/5 33/3 33/4 33/15 39/4 44/18 45/10 45/22 48/24 61/18 68/3 71/6 80/9 83/9 90/21 90/22 96/4 97/8 98/4 98/6 98/7 98/14 Chief DiMichele [4] 44/18 71/6 80/9 97/8 Chief DiMichele's [1] 83/9 Chief Karin DiMichele [1] 7/13 Chief Larkin [1] 61/18 Chief's [1] 46/8 chiefs [6] 30/10 30/23 31/2 31/17 32/24 33/5 chiefs' [1] 30/21 choose [2] 4/7 67/10 choosing [1] 81/13 chose [1] 31/25 Christie [1] 30/13 Christmas [1] 74/9 chunk [1] 5/4 Church [1] 37/25 City [5] 14/6 38/1 84/3 85/19 92/13 claimed [1] 37/1 clarification [3] 27/19 28/16 61/16 clarifications [1] 59/16 clarify [9] 28/8 28/12 41/2 44/17 45/6 53/2 60/14 70/18 83/17 class [20] 14/24 14/24 15/7 15/7 17/7 17/12 17/13 17/14 18/8 18/8 35/2 70/2 70/2 79/6 79/6 79/8 79/8 79/12 79/13 80/20 classes [1] 19/2 clear [4] 20/19 21/13 98/9 98/14 clients [1] 7/6 climbing [1] 58/12 clipboards [1] 42/24 close [4] 15/5 15/6 41/20 91/6 closed [3] 26/9 26/12 84/22 closer [1] 51/15 closest [2] 53/20 60/17 closing [1] 48/7 Code [1] 84/16 coded [1] 86/5 coffee [1] 94/5 comb [1] 63/23 combine [1] 76/23 come [22] 11/21 13/4 13/6 22/11 35/1 43/20 44/20 45/4 45/16 50/13 50/17 50/23 55/24	

<b>C</b>	daily [4] 30/9 50/9 50/20 52/17 damage [9] 30/24 38/6 40/1 43/10 49/2 53/24 57/21 59/1 59/2 damaged [2] 33/7 43/21 danger [1] 29/2 DASTI [1] 2/3 data [6] 50/20 50/23 62/7 63/24 63/24 76/2 databases [1] 14/18 date [11] 24/9 24/19 24/21 39/10 39/13 40/1 40/4 44/1 81/12 88/23 99/9 dated [2] 24/12 99/16 dates [7] 20/24 21/7 21/8 48/22 57/7 62/11 64/15 day [36] 10/20 17/4 21/14 30/10 32/6 32/7 32/17 41/11 44/3 47/3 47/4 47/5 48/25 50/22 50/22 51/10 51/11 51/25 52/21 52/24 52/24 52/25 53/11 57/21 59/10 64/8 64/9 72/19 78/13 78/13 78/14 78/21 78/21 79/19 79/19 87/13 daylight [1] 58/19 days [13] 16/14 44/3 44/3 48/16 61/2 61/6 61/7 61/8 74/7 74/8 85/16 87/13 87/14 de [11] 1/5 7/16 8/5 9/6 15/13 17/4 80/9 87/2 88/25 89/20 92/21 de-annexation [10] 1/5 7/16 8/5 9/6 15/13 17/4 80/9 87/2 89/20 92/21 de-annexize [1] 88/25 deal [1] 79/21 dealing [5] 21/2 33/22 58/21 58/23 79/25 dealt [3] 22/13 22/15 79/22 December [2] 15/15 75/3 December 3rd [2] 15/15 75/3 decision [1] 94/19 deep [1] 58/6 definitely [2] 21/9 69/7 definition [1] 81/2 delivered [2] 48/4 48/5 deny [1] 40/5 DEP [1] 55/14 department [48] 4/3 7/14 8/14 11/13 13/12 13/13 16/5 17/1 18/2 18/5 19/5 22/6 22/10 22/19 23/5 26/13 30/8 31/5 36/4 37/22 42/4 44/25 48/2 48/3 52/20 54/14 61/19 61/21 61/25 62/1 62/6 63/14 67/2 67/4 67/14 68/8 68/11 68/12 74/5 77/5 80/13 81/2 91/10 91/21 91/23 92/8 92/18 96/19 department's [5] 20/14 62/8 62/10 62/11 62/14 departments [9] 10/15 22/12 23/20 31/17 34/3 35/25 58/15 67/25 92/20 depend [1] 96/16 dependent [1] 64/19 depending [1] 65/4 depends [1] 85/20 deputy [3] 35/5 41/19 44/10 described [2] 60/4 60/8 DESCRIPTION [1] 3/14 desolate [1] 77/12 despite [1] 66/9	destruction [1] 43/9 DET [1] 3/6 detail [3] 26/3 34/18 73/17 details [1] 60/10 detective [4] 42/12 43/19 71/18 71/18 detectives [1] 67/8 determine [1] 75/21 devastated [1] 85/1 devastation [1] 58/23 develop [1] 54/25 developed [1] 33/20 Dickerson [1] 2/13 dictate [3] 8/18 81/17 83/20 did [72] 9/8 11/22 12/1 12/15 17/13 17/19 20/6 23/12 23/16 25/9 27/20 27/20 27/24 29/10 29/14 30/24 31/1 31/19 32/16 33/15 33/19 34/4 34/14 35/12 37/17 37/18 39/4 40/11 40/18 40/19 40/23 40/24 42/22 43/4 43/8 43/12 43/13 43/15 44/23 50/6 51/21 54/3 54/6 55/24 56/4 56/8 56/15 56/23 56/24 56/24 57/3 57/6 57/12 58/8 58/8 58/10 58/14 58/15 58/16 59/1 59/2 63/17 63/17 64/16 71/3 80/17 88/2 88/15 89/15 91/13 93/16 93/25 didn't [16] 20/4 35/17 35/19 37/2 40/17 44/22 48/9 53/19 56/7 56/11 58/13 66/18 80/14 80/21 82/23 93/17 differ [1] 9/14 difference [5] 9/11 63/22 65/19 79/7 83/13 different [5] 17/3 19/10 46/25 85/13 86/6 differential [1] 79/1 difficult [1] 7/6 diligence [1] 26/23 DiMICHELE [7] 3/3 7/13 8/1 44/18 71/6 80/9 97/8 DiMichele's [1] 83/9 direct [1] 44/25 directed [1] 46/3 directions [1] 59/15 disaster [1] 54/13 discard [1] 52/23 discrepancy [3] 10/4 23/8 63/25 discretion [1] 7/1 discuss [5] 13/21 17/17 34/5 34/17 59/18 discussed [4] 27/16 32/9 35/9 40/8 discussions [1] 18/6 dispatch [3] 11/5 63/9 70/25 dispatched [6] 8/18 8/21 8/25 9/3 9/25 9/25 displayed [1] 60/7 disposal [1] 68/14 dissipate [1] 71/24 distance [6] 38/1 64/24 64/25 65/17 78/7 92/6 distinct [1] 83/13 distress [1] 77/15 District [1] 47/12 do [78] 4/2 6/15 6/21 7/2 7/2 7/6 8/3 11/4 12/7 12/22 14/17 15/17 16/22 16/24 16/24 17/25 19/20 21/5 21/25 26/10 28/9 28/18 29/13 32/10 33/8 33/9
<b>D</b>		
D-o-h-n [1] 41/18		

<b>D</b>	drove [1] 42/21 dry [1] 91/4 due [3] 20/3 26/23 63/8 duly [8] 7/9 8/1 34/22 41/15 44/5 59/6 69/22 83/5 dune [3] 54/2 55/10 55/13 dunes [11] 53/18 53/18 53/19 54/4 54/9 54/15 54/18 54/23 54/25 55/12 55/17 duplicate [1] 63/9 during [23] 10/25 19/17 20/1 22/8 31/16 34/19 35/14 38/9 40/9 48/14 50/12 51/8 51/11 51/25 52/9 52/17 58/11 70/6 78/24 79/1 84/21 87/25 91/6 duty [1] 79/10 DWI [2] 16/13 67/21	90/4 entity [1] 22/7 entrance [2] 50/8 51/14 entrances [1] 51/14 entries [2] 62/11 63/9 entry [3] 51/17 51/18 64/5 environment [2] 44/14 55/7 EOC [1] 44/14 EPZ [1] 38/23 equal [1] 64/21 equipment [7] 13/19 14/16 29/24 67/5 67/24 68/10 74/24 Erdman [18] 3/15 23/10 23/13 23/16 23/18 24/11 24/23 25/6 25/7 25/22 35/10 35/18 37/1 37/5 37/8 38/16 42/2 54/1 Erdman's [1] 36/24 error [1] 63/8 escort [1] 43/13 ESQ [2] 2/5 2/8 ESQS [2] 2/3 2/6 essentially [1] 60/22 eternity [1] 91/15 evacuate [1] 38/18 evacuation [17] 23/1 23/12 23/15 23/25 24/2 26/2 35/12 35/20 36/2 36/7 36/8 36/21 37/2 37/7 37/13 37/19 58/10 evacuations [1] 38/11 evacuees [1] 38/11 even [10] 9/8 15/4 15/6 27/1 30/9 32/14 38/15 75/13 80/18 96/4 evening [9] 21/11 26/16 34/24 38/9 41/5 41/12 41/17 83/7 98/18 event [4] 24/6 36/12 38/12 44/18 eventually [1] 55/12 ever [4] 6/14 30/4 53/5 78/18 every [16] 32/22 33/4 40/3 43/2 43/5 47/3 48/8 48/25 50/22 52/12 52/21 52/24 56/3 64/9 64/10 75/14 everybody [7] 4/18 35/17 47/1 71/8 74/9 87/24 91/17 everybody's [1] 11/11 everyone [3] 61/9 64/7 98/18 everything [5] 20/25 42/23 43/24 52/19 86/23 everywhere [2] 29/17 30/15 evidence [1] 34/8 exact [8] 39/13 47/16 47/21 48/22 54/5 64/10 66/11 85/24 exactly [2] 34/4 39/6 examination [6] 4/18 5/7 6/16 6/20 97/12 97/13 examine [4] 4/6 5/10 6/3 6/5 example [4] 47/9 62/25 67/15 67/16 examples [1] 65/8 exceed [1] 92/13 excellent [5] 8/24 18/2 65/24 66/14 66/23 except [3] 19/22 25/12 56/13 exceptional [1] 18/18 excuse [7] 19/7 27/5 27/18 96/11 96/22 96/22 96/23 execute [1] 31/9 executives [1] 32/19 exhausted [1] 45/3 expect [2] 67/18 72/24 expected [1] 29/11
	<b>E</b>	
	E-r-d-m-a-n [1] 23/11 each [8] 5/8 6/16 31/19 34/16 43/25 86/17 89/6 90/20 earlier [4] 48/15 75/11 82/9 85/25 easily [1] 76/14 east [3] 58/7 59/21 60/12 effective [6] 4/5 6/21 72/9 72/13 77/8 80/22 efficiency [1] 5/13 efficient [3] 5/19 6/22 93/9 efficiently [1] 4/8 eight [6] 15/7 27/3 27/20 47/22 53/1 65/6 eight miles [1] 65/6 Eighteen [1] 63/10 either [5] 30/20 37/3 77/2 77/7 97/15 elaborate [2] 32/3 69/8 elaborated [1] 26/3 elderly [2] 37/6 37/7 eliminate [2] 69/17 76/17 else [4] 16/21 20/17 43/3 83/20 else's [1] 18/16 emergency [26] 23/22 24/5 26/19 28/22 30/19 35/4 35/7 35/21 35/22 36/11 36/20 37/15 38/7 38/17 38/22 41/21 41/23 44/8 70/23 71/10 83/2 83/10 83/11 83/15 84/14 91/3 emphasize [1] 91/25 employed [3] 79/11 83/8 85/9 employee [1] 82/25 employees [1] 13/17 EMS [8] 10/6 83/2 84/14 85/14 86/21 87/3 87/5 87/10 EMTs [2] 83/13 87/13 end [9] 4/18 15/11 18/23 50/22 57/13 90/6 90/7 91/20 94/8 ended [1] 11/23 enforce [1] 16/15 enforcement [13] 16/14 23/21 26/20 26/21 29/4 31/18 32/19 66/24 67/21 72/2 89/4 90/20 91/2 engineer's [1] 52/10 engineers [2] 54/24 54/24 engrained [1] 64/11 enjoy [1] 61/10 enough [4] 10/14 24/4 36/10 48/10 ensure [2] 51/4 52/14 entire [4] 35/2 49/19 57/23	

<b>E</b>	43/2 45/8 46/13 50/6 54/21 59/18 62/4 63/13 64/8 65/2 66/18 68/22 77/14 78/4 80/25 83/12 83/14 84/1 84/3 84/4 84/4 84/5 84/7 84/19 85/7 85/15 86/15 86/20 93/3 94/4 fit [1] 7/8 five [13] 4/13 8/22 9/13 47/16 51/11 63/13 67/3 67/6 68/4 69/3 77/1 77/4 97/9 fixing [1] 50/18 flowing [1] 61/2 fluid [1] 46/24 flyers [2] 35/16 36/19 followed [1] 34/4 following [3] 60/5 60/9 69/1 follows [8] 8/2 34/23 41/16 44/6 59/7 63/2 69/23 83/6 followup [1] 6/24 foot [1] 90/4 footstep [1] 34/4 force [7] 16/2 29/6 29/20 41/9 42/16 42/18 78/9 forcing [1] 59/21 Ford [1] 46/19 foregoing [1] 99/6 foresee [1] 92/22 forever [1] 10/21 forget [2] 6/17 64/20 Forked [1] 2/4 form [7] 23/24 23/24 24/11 24/15 24/18 26/18 45/21 forms [2] 25/16 31/25 forth [2] 92/10 99/9 forward [1] 88/5 found [2] 12/1 76/3 four [19] 4/13 10/2 10/13 10/16 24/3 26/7 27/2 33/9 36/9 51/10 53/1 68/20 68/21 69/3 73/11 95/4 97/6 97/9 97/22 four feet [1] 27/2 four p.m [2] 24/3 26/7 four-feet [1] 33/9 four-minute [3] 10/2 10/13 10/16 Fourth [3] 17/21 67/16 69/12 frame [2] 86/18 87/25 frames [2] 85/16 85/17 frankly [3] 17/18 19/18 96/15 frazzled [1] 87/24 free [1] 53/13 friction [1] 46/9 Friday [1] 17/5 friend [1] 43/16 front [4] 11/19 32/13 39/5 43/5 FTO [1] 73/20 fuel [1] 84/10 Fulcomer [1] 80/19 full [14] 11/5 13/17 15/6 38/6 59/23 60/21 61/7 61/17 65/21 79/13 79/16 88/9 90/13 90/14 full-time [6] 13/17 15/6 79/13 79/16 90/13 90/14 functions [1] 13/10 funding [1] 87/5 further [6] 35/14 40/9 40/21 55/16 59/22 60/11	Gate [1] 22/21 gathered [1] 40/3 gave [3] 76/19 76/24 78/11 geez [1] 86/4 general [2] 10/17 81/11 generalizing [1] 54/5 generally [1] 86/10 Generator [1] 38/23 gentleman [4] 35/15 49/8 49/14 51/17 GEOGHEGAN [4] 3/9 83/1 83/5 83/8 geographic [1] 65/16 geographical [1] 92/2 GEORGE [5] 3/5 41/15 41/18 49/9 49/12 get [32] 6/18 12/23 13/5 16/17 27/4 27/4 28/9 28/13 30/16 32/24 33/10 33/10 46/5 47/6 49/13 49/21 50/12 51/16 56/15 57/24 58/2 58/2 58/7 58/13 58/16 60/20 65/6 81/12 81/16 88/16 90/16 97/10 gets [3] 63/1 63/2 92/3 getting [4] 5/16 21/10 46/10 88/6 girl [1] 11/18 give [16] 5/23 8/4 12/22 19/3 20/13 31/25 48/22 49/21 65/8 67/24 72/20 95/13 95/21 98/4 98/9 98/15 given [12] 8/7 8/9 10/3 11/15 15/15 17/2 23/4 25/17 35/9 37/7 47/20 91/13 gives [3] 10/7 50/16 60/21 giving [4] 18/14 32/2 50/20 75/10 Glen [1] 58/23 go [51] 5/8 8/8 11/4 13/21 13/22 16/23 16/24 16/25 18/13 18/20 18/23 23/14 25/17 26/3 27/19 29/22 31/14 36/1 40/9 40/21 43/4 47/3 47/4 47/4 47/5 48/20 49/14 49/20 50/1 55/16 57/2 58/2 70/25 71/13 71/15 71/19 71/20 73/4 73/23 74/13 74/17 74/19 75/8 81/6 83/12 86/4 88/25 90/24 91/9 93/15 94/6 goers [1] 17/9 goes [6] 14/18 77/16 77/17 78/23 86/3 91/8 going [129] gone [3] 12/21 29/16 71/24 good [17] 5/4 10/14 10/16 31/20 33/6 34/24 41/17 68/4 68/5 78/7 83/7 89/12 89/18 89/21 91/22 91/24 98/18 Google [1] 65/8 got [12] 6/10 9/20 15/5 17/18 21/20 47/13 47/19 56/14 56/15 56/16 56/16 57/19 governing [1] 83/20 government [1] 57/1 Governor [1] 30/13 governor's [1] 53/23 graduate [1] 73/21 grant [1] 67/21 grateful [1] 21/17 great [3] 48/19 49/9 93/22 greater [1] 80/2 greatly [2] 31/15 40/18 GREGORY [1] 2/5
<b>F</b>	face [1] 53/11 Facebook [3] 23/5 23/6 32/8 fact [5] 10/22 19/11 34/7 54/6 97/8 factor [1] 91/3 factored [1] 15/11 facts [6] 11/13 11/14 19/12 20/8 20/10 32/1 factual [2] 19/9 21/8 failure [1] 62/7 falling [2] 72/25 91/16 falls [1] 13/12 family [4] 10/18 25/9 43/16 69/18 fantastic [2] 84/8 85/20 far [6] 18/1 45/14 59/2 74/20 85/20 94/16 fault [1] 72/3 favor [1] 6/19 February [7] 11/16 13/2 14/22 15/16 16/1 61/17 74/12 February 4 [3] 14/22 15/16 16/1 February 5 [4] 11/16 13/2 61/17 74/12 feedback [1] 63/3 feel [2] 33/18 93/24 feet [4] 27/2 27/3 27/21 33/9 FEMA [1] 54/12 female [3] 12/3 12/4 25/5 fence [3] 54/25 55/10 55/13 fences [1] 33/11 few [4] 33/1 34/3 35/8 82/5 field [1] 73/20 Fifteen [1] 9/17 fighting [2] 11/19 90/21 figure [2] 28/18 97/11 filled [1] 45/21 final [1] 67/1 finally [1] 28/22 financial [3] 15/2 15/11 76/25 financially [2] 84/8 87/10 find [3] 10/15 49/15 75/16 fine [2] 12/7 19/12 finish [2] 4/6 96/12 fire [24] 11/4 24/14 32/18 32/21 32/25 35/23 35/23 35/24 35/24 35/25 36/4 36/6 36/13 36/23 37/14 42/4 42/13 42/15 44/9 58/5 58/15 63/14 72/11 72/12 firearm [2] 79/8 79/9 fireman [1] 41/19 firemen [2] 23/20 36/18 firework [2] 68/6 68/7 fireworks [5] 17/22 69/3 69/12 69/16 69/16 first [45] 7/19 8/5 8/25 9/1 9/2 9/9 9/10 10/13 11/5 21/18 21/19 34/20 35/4 39/3 42/22	<b>G</b> gaps [1] 33/9 garbage [2] 52/22 57/10 gas [3] 29/16 30/14 33/8



<b>G</b>	head [2] 9/19 30/12 heading [1] 21/9 headquarters [8] 21/4 22/20 50/24 64/25 65/7 74/14 92/10 92/10 healed [1] 33/12 heard [2] 4/4 17/18 hearing [4] 1/5 6/13 6/23 6/24 heart [1] 57/19 heavily [1] 66/6 heavy [4] 66/9 66/9 66/10 66/11 height [2] 28/25 78/20 Heights [4] 34/3 84/7 85/4 89/11 held [8] 17/16 22/4 54/4 54/6 54/18 96/1 96/12 97/4 Hello [2] 13/25 15/19 help [18] 10/19 34/13 43/25 53/12 53/13 53/18 55/8 56/20 57/18 63/17 64/16 85/15 86/14 88/1 89/14 89/14 89/24 90/18 helped [4] 31/19 31/21 69/5 84/20 helping [4] 31/20 56/5 56/12 64/14 helps [1] 86/14 her [18] 8/2 9/19 9/19 12/5 12/6 20/13 24/18 24/19 24/19 24/21 35/11 35/13 36/25 36/25 37/1 37/5 71/6 96/12 here [39] 5/14 6/5 7/14 7/21 10/6 13/4 13/6 13/15 15/17 15/18 21/6 22/14 30/20 33/3 34/8 41/21 42/15 45/10 45/11 45/13 45/17 53/16 54/20 55/22 57/11 58/14 69/25 73/4 73/15 79/7 79/23 81/1 82/25 85/7 86/19 88/17 89/7 92/9 95/23 here's [4] 9/24 24/10 24/11 24/18 hereby [1] 99/6 hereinbefore [1] 99/9 hey [7] 45/2 45/18 46/15 49/1 49/25 50/17 52/15 high [4] 31/7 37/24 42/20 87/16 highly [1] 6/12 HILL [2] 1/23 99/4 him [5] 34/21 39/6 49/17 49/21 53/13 hire [2] 76/23 77/4 hired [1] 80/8 his [12] 24/12 34/23 37/17 39/6 41/16 44/6 59/7 69/23 70/9 82/25 83/6 89/13 history [4] 11/10 11/10 35/6 94/11 hit [10] 21/10 21/13 21/20 29/11 30/1 33/23 38/5 84/12 84/23 84/25 hits [1] 90/15 hitting [1] 21/11 hold [6] 4/17 23/13 34/9 34/10 53/19 88/4 holes [1] 49/4 holiday [7] 14/6 37/25 68/1 84/3 84/7 85/19 92/13 Holiday City [1] 85/19 home [8] 25/21 30/17 36/14 36/15 42/5 57/22 57/24 86/3 HOMEOWNERS [1] 1/4 homes [15] 18/17 32/25 36/17	43/11 43/21 46/23 47/8 47/22 48/20 49/19 49/20 50/3 52/18 58/5 88/6 honest [2] 22/1 58/1 honestly [3] 61/11 88/15 90/17 hoping [2] 11/23 22/23 horrible [1] 42/8 hospital [2] 83/19 86/5 hour [5] 26/7 28/25 74/3 74/7 95/9 hours [9] 38/10 44/3 47/22 50/1 51/10 52/25 57/21 72/19 91/15 house [17] 9/20 11/19 12/21 16/25 25/19 35/11 36/24 39/6 49/15 49/15 49/20 49/21 52/23 58/1 58/3 71/15 71/17 household [2] 23/11 23/15 houses [5] 29/16 46/5 49/4 49/14 52/15 how [32] 6/10 7/4 8/18 14/12 14/21 15/11 19/19 22/14 28/9 28/13 29/13 29/13 30/16 32/12 32/15 33/6 33/13 58/19 61/12 64/16 72/17 72/20 83/21 84/16 86/10 87/9 89/2 89/3 93/10 95/1 95/5 96/18 however [3] 13/20 37/13 66/9 huge [2] 81/8 81/9 Hugg [1] 2/12 humongous [1] 53/15 hundred [5] 30/1 39/12 45/11 45/12 48/13 hurricane [18] 18/23 20/23 21/3 21/7 21/23 21/24 33/19 34/17 34/19 44/18 57/12 59/3 71/4 84/12 84/23 84/25 87/21 90/15 Hurricane Sandy [6] 20/23 21/7 33/19 57/12 59/3 71/4 hurt [1] 10/18 husband's [1] 36/25
<b>H</b>	<b>I</b>	
had [75] 9/18 10/23 19/25 20/14 21/15 21/15 21/16 21/16 21/24 22/4 22/20 22/21 22/22 23/23 30/12 30/12 30/13 30/13 30/14 31/21 32/13 36/5 39/25 43/14 43/20 46/9 46/12 47/14 47/15 47/23 47/25 48/16 48/17 49/6 51/20 52/2 52/7 53/10 56/6 56/22 57/15 57/16 57/17 57/21 58/2 58/2 58/5 58/7 58/11 58/17 64/23 66/12 66/15 69/9 70/18 71/9 71/9 71/12 71/16 72/10 72/11 74/17 75/8 76/9 77/14 78/3 79/4 80/6 84/25 85/11 85/25 87/21 88/4 90/3 93/14 Haines [7] 2/13 15/17 15/17 15/19 15/20 15/20 16/1 half [1] 76/6 hall [2] 32/14 45/10 hand [1] 42/23 handle [3] 4/5 38/13 86/17 hands [1] 72/25 happen [6] 9/8 23/13 23/16 35/12 35/18 61/1 happened [1] 11/20 happening [2] 80/1 80/2 happens [4] 61/1 79/25 86/19 89/7 Harbor [2] 65/9 65/9 hard [1] 48/10 has [26] 8/7 10/3 14/16 20/9 34/9 34/11 36/21 37/1 44/2 49/14 49/15 49/16 55/17 57/10 61/9 65/15 70/14 70/15 74/19 75/17 76/6 84/16 84/17 85/22 90/10 97/2 hasn't [1] 77/13 have [157] having [14] 8/1 17/21 18/6 34/22 41/15 44/5 48/10 54/10 59/6 67/6 69/22 76/21 79/12 83/5 hazmat [1] 41/23 he [34] 24/16 24/16 37/17 37/18 49/9 49/16 51/23 55/22 56/23 56/23 56/24 56/24 56/25 59/13 59/22 59/24 60/23 61/18 61/24 70/9 71/18 73/7 73/9 73/15 73/25 74/1 76/1 76/8 76/10 79/3 79/4 83/1 86/6 90/13 he's [7] 49/20 50/19 64/4 73/14 75/12 78/14 83/3	<b>I</b> I'd [6] 5/20 59/18 70/12 83/12 90/18 98/6 I'll [6] 52/6 59/25 65/25 67/15 83/25 98/11 I'm [73] 5/7 5/13 5/23 6/10 6/18 8/11 14/10 19/15 19/15 19/19 20/24 27/9 27/10 28/11 28/12 29/3 29/21 34/15 34/21 35/8 39/12 40/25 41/22 41/25 44/9 44/11 45/7 49/3 53/16 54/5 54/16 55/16 57/5 57/10 59/8 59/10 59/11 59/15 64/4 69/20 69/25 70/5 71/21 72/14 75/17 76/12 76/18 77/6 77/18 77/18 78/15 81/9 81/18 82/22 83/17 87/5 87/9 88/21 89/3 89/19 89/23 91/19 92/25 94/20 95/25 96/7 96/9 97/4 97/9 97/21 98/1 98/2 98/13 I've [17] 6/14 35/1 35/3 41/18 41/19 44/7 53/3 53/5 53/7 55/3 59/9 62/3 62/8 70/18 85/7 86/23 97/4 idea [4] 32/5 61/9 94/23 95/10 identification [3] 25/23 26/1 45/17 illegible [1] 25/13 imagine [1] 5/3 immediately [1] 17/23	

<b>I</b>	42/1 69/11 70/6 70/8 81/14 81/20 81/24 94/7 it [173] it's [61] 4/25 6/11 6/12 6/22 7/4 7/5 7/7 10/3 10/19 10/20 11/2 11/3 11/6 14/6 16/10 18/3 19/5 19/20 25/5 25/7 26/12 26/12 26/12 26/22 29/23 36/25 42/1 45/22 47/8 60/16 60/19 61/17 64/6 64/11 66/7 67/5 70/13 70/16 71/4 72/8 73/9 77/11 78/7 79/25 80/1 80/2 81/2 81/9 81/13 81/14 82/17 84/15 86/5 86/11 87/7 87/7 87/16 89/3 91/4 93/8 96/2 items [3] 47/18 50/4 55/22 its [2] 52/12 55/11 itself [3] 9/17 27/8 55/8	Katie [1] 12/4 kayaks [1] 43/20 keep [9] 5/14 11/2 12/25 29/21 31/11 57/20 84/1 88/5 92/6 keeping [1] 77/21 Kelly [1] 2/12 Kelly's [1] 93/4 kept [4] 33/6 46/18 64/24 85/9 Keswick [1] 1/6 KEVIN [8] 3/8 3/9 69/21 69/22 69/25 83/1 83/5 83/8 Kevin Geoghegan [1] 83/8 Kevin Santucci [1] 69/25 key [1] 81/10 kid [1] 16/25 kids [2] 16/17 16/23 kind [12] 18/3 18/3 20/16 21/1 32/4 43/10 44/23 46/17 49/25 55/7 55/11 72/4 kinds [3] 46/25 96/13 96/14 knew [4] 21/9 21/25 22/1 56/25 knocked [1] 43/6 know [103] knowing [4] 22/18 29/25 30/24 33/16 knowledge [1] 54/10 known [1] 53/7 knows [1] 96/5
impacted [1] 21/10 implement [1] 80/16 implemented [1] 80/13 important [2] 70/16 77/14 improved [1] 94/13 improvements [2] 16/10 94/10 inaccuracies [3] 8/6 8/8 19/4 inappropriate [2] 19/14 20/15 incident [3] 12/8 38/24 71/20 included [1] 58/1 includes [2] 38/25 62/15 including [2] 39/5 66/22 inconvenience [2] 60/19 60/21 increase [6] 51/12 67/13 67/18 67/20 78/8 78/10 increased [3] 78/24 79/1 90/8 indicated [2] 48/15 79/16 indication [2] 25/5 25/12 individual [2] 84/10 87/12 inform [1] 26/23 information [6] 23/3 32/16 72/25 74/25 98/9 98/15 infrastructure [5] 14/18 30/25 33/7 33/8 49/2 infrastructures [1] 14/8 initial [1] 46/7 initially [1] 80/14 injured [1] 10/19 injuries [1] 66/17 Inn [1] 65/9 input [1] 50/24 insinuated [1] 66/2 instance [3] 71/14 72/10 74/17 instead [1] 76/21 institute [1] 84/18 instituting [1] 84/13 instructed [1] 36/13 integral [1] 16/14 intelligently [1] 55/18 interest [1] 56/12 interested [1] 89/1 internal [1] 81/11 interrupt [1] 97/2 intersection [2] 12/9 12/14 investigated [1] 43/18 investigations [1] 81/12 investigators [1] 67/8 investment [1] 14/1 investments [2] 13/24 14/4 involved [3] 6/14 12/23 35/3 is [179] island [62] 10/9 14/7 16/7 26/7 26/17 27/3 27/23 28/1 28/3 28/10 28/19 29/9 29/25 30/3 32/23 33/5 33/10 33/11 33/13 40/4 41/6 42/21 42/22 43/1 43/3 43/14 43/20 44/2 47/2 47/6 48/1 48/24 49/1 49/13 50/2 50/8 51/19 53/7 53/22 55/15 56/18 58/9 58/22 59/23 60/23 60/25 61/5 61/10 62/15 66/22 77/11 77/25 78/4 85/11 89/2 89/9 89/10 89/18 89/22 90/4 91/2 91/5 Island Beach [7] 77/11 89/2 89/9 89/18 89/22 91/2 91/5 issue [7] 11/1 12/24 29/19 64/23 72/22 73/5 81/15 issued [5] 45/21 50/14 50/25 60/6 66/21 issues [11] 7/15 17/17 33/23	<b>J</b> JACKSON [1] 1/25 Jane [1] 32/4 January [4] 55/5 59/19 70/8 99/14 January 8 [2] 59/19 70/8 Jersey [15] 1/7 1/25 2/4 2/7 42/16 42/17 42/17 42/20 45/2 48/17 52/2 55/14 84/15 99/6 99/13 jetty [1] 78/3 Jim [1] 50/19 Jim Jones [1] 50/19 job [7] 7/6 84/8 85/20 90/25 97/2 97/7 97/7 John [2] 1/11 50/17 join [1] 76/16 joking [1] 46/8 Jonas [1] 55/4 Jones [1] 50/19 JOSEPH [2] 2/8 4/9 judicial [1] 6/13 Judith [2] 35/10 54/1 Judy [1] 25/7 July [11] 12/2 17/21 62/5 62/12 62/12 63/18 63/18 63/21 63/21 67/16 69/12 July 2013 [3] 62/12 63/18 63/21 July 2013/2014 [1] 62/5 July 2014 [3] 62/12 63/18 63/21 July 26 [1] 12/2 June [1] 72/16 June 2nd [1] 72/16 jurisdiction [1] 56/7 jurisdictions [1] 56/6 just [71] 5/13 6/9 7/5 11/24 14/4 14/5 14/6 14/7 14/7 14/19 16/10 18/10 19/24 20/18 25/4 25/6 27/18 28/11 28/13 29/22 29/23 34/2 34/7 35/8 40/9 41/1 42/7 44/16 45/5 46/7 53/1 53/3 53/23 54/5 55/3 55/21 56/21 57/15 59/25 63/5 63/25 64/7 65/8 68/19 69/3 69/4 69/8 70/18 70/25 73/22 74/1 75/11 77/21 79/17 80/4 80/8 80/21 80/25 81/16 82/5 82/22 83/17 84/12 84/22 85/22 86/6 87/12 87/21 89/3 93/21 95/25	
<b>K</b>	<b>L</b> Labor [3] 78/14 78/21 79/19 Lacey [3] 2/4 38/25 75/18 lack [2] 14/1 74/25 Lafayette [1] 78/5 LAKEVIEW [1] 1/24 land [1] 89/20 Landing [1] 65/10 lapse [1] 11/8 large [7] 34/9 34/11 46/19 48/11 72/11 72/12 87/11 larger [4] 38/15 65/15 67/9 77/3 Larkin [1] 61/18 last [2] 76/3 95/7 later [3] 21/14 61/23 86/8 law [19] 8/2 16/14 23/20 26/20 26/21 29/4 31/17 32/18 34/23 41/16 44/5 44/22 59/6 69/23 72/2 83/6 89/4 90/19 91/2 lawn [1] 32/13 Lawrence [2] 53/10 53/15 laws [1] 16/16 leaks [1] 33/8 learned [1] 55/3 least [3] 8/6 51/9 76/9 leave [10] 7/1 29/24 36/15 37/20 43/15 52/6 53/14 55/24 89/25 92/25 leaves [3] 63/6 63/7 63/15 leaving [2] 35/16 74/23 led [1] 62/24 left [5] 19/10 36/18 40/4 74/14 90/23 legal [1] 20/16 legit [1] 61/25 less [3] 9/12 16/7 86/11 let [14] 4/5 5/20 19/21 23/14 40/8 47/3 47/4 49/1 57/9 62/3 89/13 91/25 93/12 96/11 let's [10] 11/2 13/14 18/20 21/25 22/25 26/5 26/25 28/8 30/7 58/1 letter [2] 97/17 98/10	
<b>KARIN</b> [3] 3/3 7/13 8/1		

<b>L</b>		
liability [1] 29/25	magnitude [2] 18/11 21/17	meanwhile [1] 80/22
license [3] 13/5 45/20 67/23	main [3] 17/20 69/11 71/15	measure [1] 65/5
licenses [1] 13/4	mainland [7] 14/5 53/25 65/3	measures [1] 51/3
lieu [1] 20/8	65/5 65/15 65/19 74/18	medic [1] 9/8
lieutenant [3] 59/9 68/19	maintain [1] 88/11	medical [4] 66/19 83/2 83/11
79/16	maintaining [1] 85/2	84/14
life [7] 10/20 18/16 21/16	maintenance [2] 54/15 84/10	medics [3] 9/3 9/3 9/10
26/22 29/14 41/22 51/7	maintenancing [1] 54/19	medics' [1] 9/4
lift [1] 86/3	major [3] 43/8 90/1 90/1	meet [1] 64/10
light [1] 80/12	make [17] 5/11 7/5 20/1 20/4	meeting [27] 5/5 5/5 5/15 5/16
lights [2] 63/3 64/3	20/18 30/16 48/10 61/16 64/5	5/18 17/16 18/6 30/18 30/21
like [29] 4/2 16/18 40/11 44/4	64/18 67/1 69/18 91/14 93/5	31/1 35/15 39/4 39/14 40/9
44/13 46/20 49/19 50/1 53/5	94/19 94/24 97/12	56/22 57/6 61/20 69/9 80/18
53/22 59/18 61/15 62/16 64/1	making [3] 6/10 88/5 97/4	82/19 87/23 88/19 91/14 93/1
64/19 68/9 68/12 68/12 69/19	male [1] 25/5	93/15 94/19 96/5
72/7 75/18 80/3 83/12 90/22	Mall [1] 46/14	meetings [7] 22/4 22/9 30/10
90/23 91/12 91/15 97/5 98/7	man [1] 17/12	30/12 30/22 48/25 97/14
limited [4] 47/24 60/13 68/15	management [11] 30/19 35/4	meets [1] 74/22
68/16	35/7 35/21 35/22 36/20 37/16	member [6] 1/12 1/12 1/13
LINDA [2] 1/23 99/4	38/8 41/21 44/8 83/10	10/18 24/13 41/22
link [1] 44/25	mandatory [4] 23/18 24/2 35/19	Memorial [6] 17/4 78/12 78/13
linkup [1] 46/15	36/8	78/21 78/21 79/19
list [4] 36/17 56/25 57/2 57/4	Manitou [3] 35/24 84/6 86/16	men [1] 62/4
listed [1] 60/8	Manitou Park [1] 84/6	mention [1] 19/12
listen [1] 39/24	manned [1] 26/13	mentioned [2] 68/19 82/9
listened [2] 69/9 69/12	manner [1] 95/25	mentor [1] 16/17
listening [1] 94/14	manning [1] 17/8	mentors [1] 32/20
lists [2] 42/23 60/9	manpower [10] 56/2 67/4 67/13	merges [1] 21/1
literally [1] 52/19	67/20 70/8 72/17 75/11 78/12	met [6] 18/22 40/22 42/10
little [10] 21/21 22/25 34/17	78/24 89/16	42/19 93/14 93/15
46/12 69/9 79/24 83/4 85/1	mansion [1] 53/24	MICHELINI [7] 2/6 2/8 4/9 6/3
86/5 87/24	many [13] 22/17 30/5 64/16	78/15 94/15 97/18
live [2] 54/20 76/13	69/5 72/1 72/18 72/20 73/25	middle [5] 12/8 20/4 45/24
loaded [1] 47/18	74/4 83/21 86/10 93/10 95/1	49/4 58/5
local [5] 45/2 47/13 83/13	map [1] 28/13	Midway [1] 69/1
83/14 83/25	Maps [1] 65/9	might [13] 10/23 26/19 33/17
located [2] 38/20 38/21	Marie [2] 85/8 87/23	48/20 69/13 74/24 79/19 79/21
location [2] 46/16 60/11	Marie Rice [1] 85/8	79/21 80/19 83/24 85/19 85/19
logic [1] 76/20	mark [2] 24/22 25/3	MIKE [2] 3/6 44/5
long [9] 8/18 22/14 35/6 38/14	marked [2] 25/23 25/25	mile [4] 38/21 38/23 76/21
47/8 78/1 87/15 95/12 98/8	martial [1] 44/22	92/14
longer [3] 10/23 65/17 87/7	massive [1] 22/3	mileage [1] 76/5
look [9] 24/25 33/6 45/14 55/5	master [2] 50/21 50/24	miles [20] 26/7 28/25 38/3
55/7 64/16 64/19 78/2 80/25	math [3] 76/10 76/14 87/13	38/3 38/4 65/4 65/6 65/7 65/10
looked [1] 45/13	matter [3] 1/3 89/6 98/21	65/11 65/12 65/17 75/22 76/4
looking [4] 85/12 88/2 90/4	matters [1] 5/25	76/22 78/1 78/6 92/8 92/12
93/4	Maximilian [2] 37/25 38/3	92/14
looks [1] 70/15	may [18] 8/9 9/15 13/23 17/2	military [4] 40/11 40/19 44/20
Lorelli [1] 1/12	19/8 24/6 24/25 36/11 38/16	44/23
lose [3] 29/14 33/15 71/22	54/1 60/13 64/5 64/5 81/3 82/3	mind [7] 11/2 12/25 29/21
loss [1] 21/16	85/7 85/17 94/21	31/12 31/19 57/20 92/6
lost [1] 19/5	May 15 [1] 60/13	minimal [1] 14/2
lot [14] 5/22 13/20 15/10 20/6	May 7 [1] 38/16	minor [3] 60/21 66/17 66/17
33/15 44/12 46/16 53/6 62/16	maybe [9] 5/17 14/15 22/9	minute [6] 10/2 10/13 10/16
79/20 81/3 94/2 94/3 96/17	50/11 78/6 78/19 78/20 81/20	12/24 68/3 68/6
lots [1] 46/18	86/6	minutes [10] 8/15 8/20 9/2 9/5
Louisiana [1] 52/3	mayor [2] 31/4 40/7	9/13 9/17 10/3 11/25 68/4 95/8
love [4] 15/4 70/12 75/19	Mayor Carmen Amato [1] 40/7	minutes' [1] 8/22
93/19	mayors [2] 30/22 30/22	missing [4] 54/22 64/6 77/15
loved [1] 43/15	McGUCKIN [3] 2/3 2/5 20/7	90/5
LT [1] 3/7	me [37] 4/17 7/6 8/10 9/21	misunderstand [1] 76/19
lucky [3] 29/10 29/11 58/13	11/17 11/24 19/7 23/14 23/14	mobile [3] 51/23 71/4 82/9
luggage [2] 46/22 56/6	25/9 27/5 27/18 31/2 31/3 33/1	moment [1] 19/7
	37/18 40/8 44/19 55/24 57/9	monetary [1] 78/10
	62/3 91/25 93/12 95/13 96/11	money [5] 10/7 13/20 14/9
	96/11 96/22 96/23 96/23 97/2	67/21 97/10
	97/17 97/17 97/25 98/4 98/10	MONOC [1] 86/22
	98/15 99/8	months [6] 21/2 21/2 54/21
<b>M</b>		68/17 84/22 91/7
Mackres [1] 1/13	mean [4] 21/18 63/7 72/23 73/5	Moore [10] 13/23 14/2 14/23
made [23] 12/3 19/17 20/2 20/5	meaning [1] 18/8	14/25 15/1 15/16 15/25 16/4
21/15 33/5 36/3 37/12 47/20	means [4] 5/5 13/17 45/17	75/4 76/25
49/12 54/2 62/19 63/9 67/23	55/15	more [51] 5/19 6/21 6/22 7/5
73/7 74/12 74/19 75/4 91/17	meant [1] 33/2	
93/13 93/14 93/16 96/13		

**M**

more... [47] 11/12 14/16 14/17  
 14/17 14/18 22/12 22/13 22/16  
 26/3 27/16 30/9 32/3 34/18  
 38/4 44/22 46/12 51/3 55/18  
 56/21 57/9 59/1 59/2 67/6 67/7  
 67/10 67/10 67/16 69/1 69/18  
 71/8 72/9 72/13 73/14 73/18  
 76/24 78/18 80/1 80/22 88/7  
 88/18 91/12 92/4 93/9 93/24  
 94/5 95/1 95/3  
 morning [4] 11/20 42/1 42/9  
 73/11  
 most [7] 4/5 4/8 10/9 16/14  
 32/17 64/11 66/6  
 mostly [1] 77/11  
 mothers [1] 16/24  
 motor [2] 62/19 66/20  
 move [10] 19/6 20/23 26/5  
 26/25 38/11 53/16 72/7 72/8  
 72/10 72/11  
 movement [3] 47/2 47/20 48/23  
 moving [1] 88/5  
 Mr [6] 39/5 59/19 73/7 75/4  
 76/25 78/23  
 Mr. [12] 6/3 7/7 20/7 37/17  
 61/18 61/23 70/9 75/12 78/11  
 78/15 94/15 97/18  
 Mr. Cardwell [1] 78/11  
 Mr. McGuckin [1] 20/7  
 Mr. Michellini [4] 6/3 78/15  
 94/15 97/18  
 Mr. Whiteman [5] 37/17 61/18  
 61/23 70/9 75/12  
 Mr. Windward [1] 7/7  
 Mrs. [2] 54/1 80/19  
 Mrs. Fulcomer [1] 80/19  
 Mrs. Judith Erdman [1] 54/1  
 Ms [7] 24/23 35/18 36/24 37/1  
 37/5 37/8 42/2  
 Ms. [1] 38/16  
 Ms. Erdman [1] 38/16  
 much [14] 5/18 6/20 7/5 32/3  
 47/25 49/22 69/15 87/20 90/5  
 92/3 93/8 95/5 98/6 98/17  
 multiple [6] 67/6 73/13 73/17  
 80/15 80/17 80/24  
 municipalities [1] 45/3  
 municipality [4] 87/7 97/24  
 98/11 98/11  
 MURPHY [1] 2/3  
 Muse [1] 37/8  
 Muse' [1] 37/10  
 must [1] 83/21  
 my [53] 4/17 6/15 6/15 7/3 7/6  
 7/6 7/12 9/20 11/19 13/13  
 14/11 19/23 20/19 21/6 22/22  
 23/11 23/14 25/9 26/4 27/16  
 28/17 29/7 30/23 31/1 31/3  
 31/6 32/20 33/6 34/5 34/16  
 41/17 44/10 44/17 50/18 50/19  
 58/1 58/2 60/19 65/23 66/14  
 69/7 69/24 71/16 75/19 83/8  
 89/20 91/17 92/18 96/13 97/4  
 97/6 97/7 99/14  
 myself [2] 22/22 68/22

**N**

naive [1] 18/11  
 name [12] 3/2 7/12 8/10 24/18  
 25/6 25/13 41/18 49/9 69/24  
 83/1 83/8 94/4

named [1] 12/4  
 names [5] 11/12 24/9 95/14  
 95/22 95/22  
 National [3] 42/20 44/11 45/4  
 natural [1] 54/12  
 nature [2] 48/21 55/11  
 necessities [1] 47/7  
 need [23] 7/23 11/11 13/21  
 22/11 24/7 26/16 29/9 33/13  
 33/17 45/4 46/6 56/7 56/14  
 67/11 67/14 74/24 82/18 84/10  
 85/11 85/17 89/14 89/24 96/24  
 needed [4] 17/24 31/22 36/12  
 52/23  
 needs [8] 13/8 13/22 26/9 34/7  
 55/12 66/25 86/4 91/13  
 negligible [1] 65/20  
 neighbor [1] 89/22  
 neighborhood [4] 17/16 24/16  
 72/1 75/19  
 neighboring [6] 22/12 31/16  
 34/2 89/5 89/12 90/17  
 neighbors [5] 31/20 37/2 37/5  
 89/12 89/18  
 neither [1] 25/9  
 networks [1] 14/17  
 never [3] 25/17 37/12 74/15  
 new [18] 1/7 1/25 2/4 2/7 33/3  
 33/14 42/16 42/17 42/17 42/20  
 45/2 48/17 52/2 55/14 84/15  
 93/8 99/6 99/13  
 New Jersey [4] 42/16 42/20  
 55/14 84/15  
 newspapers [2] 23/4 32/9  
 next [14] 5/6 5/16 5/18 6/7  
 47/6 53/17 61/15 64/23 69/3  
 88/18 93/1 93/2 96/5 97/6  
 nice [1] 32/4  
 Nicholas [1] 2/13  
 Nick [1] 1/13  
 night [3] 12/21 73/10 94/21  
 nine [2] 39/1 75/14  
 nipped [1] 69/7  
 no [39] 5/12 5/22 12/20 16/20  
 16/21 21/16 22/1 22/1 23/18  
 25/4 25/12 27/3 27/4 27/9 27/9  
 28/6 29/17 36/15 38/23 43/23  
 43/25 44/1 46/17 46/18 51/4  
 53/14 56/14 56/15 60/3 63/14  
 66/12 70/10 74/9 77/13 87/7  
 89/6 95/3 95/10 95/15  
 nor'easter [2] 21/21 33/22  
 normal [1] 6/12  
 normally [1] 12/22  
 north [4] 37/23 38/2 40/21  
 69/19  
 not [150]  
 Notary [2] 99/4 99/13  
 Note [1] 28/17  
 noted [4] 7/10 25/16 39/2  
 65/17  
 nothing [6] 10/12 56/16 56/16  
 79/6 79/14 83/19  
 notice [6] 3/15 23/25 24/1  
 24/5 25/22 37/9  
 noticed [2] 94/3 94/4  
 notices [4] 3/16 25/24 36/7  
 36/7  
 notification [3] 23/3 23/23  
 37/12  
 notified [9] 23/11 23/15 23/24  
 24/17 25/10 26/18 35/11 36/22  
 38/7

notify [3] 25/20 36/1 37/14  
 notifying [2] 23/22 25/19  
 November [11] 21/19 21/20  
 30/20 30/21 32/6 32/7 33/20  
 33/20 33/23 45/8 49/24  
 November 3 [1] 30/20  
 November 4 [2] 30/21 32/7  
 November 5 [3] 21/19 32/6 45/8  
 November 7 [2] 21/20 33/23  
 November 8 [1] 33/20  
 November 9 [1] 33/20  
 now [55] 8/17 10/5 10/17 11/1  
 12/17 12/20 13/14 14/10 14/16  
 17/13 17/20 19/6 20/23 26/2  
 28/9 28/24 29/21 31/11 32/6  
 33/22 33/23 34/7 40/25 45/4  
 51/25 54/11 57/1 57/23 63/4  
 69/20 71/21 73/3 74/4 76/20  
 77/4 77/11 77/18 77/21 79/5  
 79/13 81/9 83/18 88/2 89/5  
 89/16 89/17 89/19 91/7 91/15  
 92/6 92/25 93/4 97/7 97/22  
 98/4  
 nowhere [1] 31/14  
 Nuclear [1] 38/22  
 number [13] 3/14 12/5 15/10  
 47/17 51/12 62/22 63/19 64/17  
 64/20 64/22 85/24 86/10 92/2  
 numbers [12] 11/12 13/14 14/12  
 14/20 15/5 15/13 64/12 64/18  
 66/22 72/21 75/5 75/6  
 numerous [2] 7/14 7/15

**O**

O'MALLEY [1] 2/6  
 oath [7] 8/2 34/23 41/16 44/6  
 59/7 69/23 83/6  
 object [3] 6/25 20/17 95/25  
 objection [5] 6/11 7/3 19/8  
 20/19 28/17  
 objections [3] 20/4 20/6 97/5  
 obligated [1] 64/4  
 obtained [1] 71/25  
 obvious [2] 72/19 73/5  
 obviously [12] 7/2 15/13 48/18  
 51/6 53/21 72/2 72/23 75/10  
 85/1 86/1 87/5 87/15  
 occupied [1] 52/13  
 occur [6] 37/20 57/6 61/3  
 79/21 87/2 92/21  
 occurred [7] 11/25 40/6 40/6  
 45/10 49/6 62/20 94/7  
 occurring [5] 12/8 12/11 63/5  
 90/1 94/7  
 occurs [1] 75/2  
 Ocean [12] 11/4 22/21 30/18  
 33/4 37/22 38/7 41/24 46/14  
 52/6 59/21 60/12 70/25  
 October [25] 21/8 21/10 21/13  
 21/13 21/14 21/18 21/19 23/1  
 23/19 24/3 24/13 26/5 26/15  
 26/16 26/25 28/21 30/9 36/9  
 38/1 39/3 39/11 41/9 42/1 42/4  
 93/4  
 October 29 [6] 21/10 21/13  
 26/5 26/15 26/16 38/1  
 October 31 [1] 39/3  
 October 5 [1] 21/18  
 OEM [9] 21/6 22/7 22/17 26/4  
 27/16 29/7 31/5 34/5 34/16  
 off [22] 4/14 7/24 18/4 26/14  
 29/8 29/22 33/11 41/6 43/13  
 44/15 48/1 49/16 49/18 59/5

<p><b>O</b></p> <p>off... [8] 59/12 68/24 69/1 83/18 86/25 87/18 91/18 92/25 offense [1] 62/25 offenses [1] 62/20 offered [2] 43/1 43/13 office [12] 23/25 30/19 35/21 35/22 36/20 37/15 38/7 41/20 52/7 52/10 60/20 83/9 officer [51] 3/4 4/17 8/16 8/19 8/20 8/21 9/13 10/1 12/19 13/11 16/15 34/20 34/20 34/25 35/2 35/5 37/18 41/21 51/1 51/13 51/18 51/22 52/1 63/1 63/15 63/25 64/1 64/3 64/10 65/13 65/14 65/15 68/22 70/2 71/17 72/15 73/14 73/19 74/17 74/19 74/22 74/23 75/15 76/17 78/18 79/13 79/13 80/20 86/2 89/13 93/23 officer's [1] 79/17 officers [92] 5/14 5/16 7/21 9/7 12/13 12/18 14/24 15/4 15/7 16/3 17/5 17/7 17/12 18/9 18/12 21/5 22/14 26/14 26/17 29/22 31/18 34/5 41/5 51/10 51/12 56/3 56/6 57/16 57/16 57/20 62/20 63/11 63/12 65/5 65/16 67/6 67/9 67/22 68/10 68/14 68/15 68/16 69/2 70/3 70/19 70/22 72/18 72/20 72/22 73/2 73/8 73/16 73/18 74/2 74/13 75/13 75/14 76/9 76/11 76/12 76/21 76/22 76/24 77/1 77/3 77/5 77/22 78/3 78/7 79/5 79/6 79/8 79/9 79/14 79/21 85/25 88/17 88/18 88/21 90/14 90/15 90/16 91/9 91/17 93/2 93/7 93/8 93/18 93/18 93/19 94/4 94/8 official [3] 24/10 24/20 25/16 officially [1] 49/25 oh [3] 13/24 57/8 70/12 okay [25] 4/1 5/2 6/1 7/12 13/25 14/22 15/3 19/3 20/23 21/4 22/18 23/14 25/11 27/14 40/15 44/7 60/1 64/4 82/16 86/24 89/14 90/25 93/12 95/24 96/9 once [12] 10/3 11/6 17/7 30/10 34/1 42/22 47/25 48/6 57/10 63/23 65/14 65/18 one [83] 4/13 4/17 5/8 9/14 10/10 16/21 17/7 17/12 17/13 17/20 18/8 19/7 22/1 22/1 22/11 23/13 24/23 26/4 27/4 27/4 27/5 27/16 28/13 29/6 30/13 34/5 36/15 38/13 40/9 41/2 41/24 42/1 42/10 42/16 42/18 42/23 51/3 51/16 51/18 53/8 53/11 55/2 56/3 56/21 57/9 57/18 59/18 60/20 64/21 65/7 66/5 67/16 68/3 68/6 69/11 70/2 70/14 70/15 70/16 72/20 72/21 73/2 73/14 73/14 75/18 76/21 77/2 77/6 78/18 79/6 79/8 79/12 80/11 80/20 80/24 81/10 82/8 85/24 90/3 90/22 90/23 95/7 96/6 one square [1] 76/21 one's [1] 16/21 ones [5] 14/24 15/8 42/24</p>	<p>43/15 56/5 only [22] 6/7 9/11 10/10 12/25 16/2 16/15 20/2 38/4 41/24 47/25 50/11 52/25 57/5 58/21 63/14 66/15 68/13 72/22 73/1 77/22 79/10 94/19 open [2] 26/12 82/23 opened [3] 37/22 37/24 38/15 operation [1] 92/23 operational [1] 44/12 operations [5] 35/4 44/13 44/24 48/16 88/12 opinion [6] 32/20 65/24 65/25 66/14 69/7 96/17 opportunity [6] 5/10 6/3 20/1 50/17 55/17 70/19 opposed [1] 5/16 opt [1] 24/4 opted [1] 36/10 order [6] 23/12 23/16 36/2 37/2 37/7 37/19 orders [1] 36/21 ordinance [7] 59/25 60/15 60/15 61/4 61/11 61/12 61/13 original [1] 64/18 originated [1] 32/5 Ortley [3] 29/12 29/12 49/5 other [34] 4/12 10/15 18/4 24/14 25/21 30/25 31/19 32/9 32/18 32/24 33/4 33/5 34/2 39/1 43/25 48/20 51/14 56/6 64/20 65/22 67/24 72/14 73/4 77/24 81/24 82/23 85/18 85/24 88/22 89/6 90/20 90/22 92/1 97/9 Otherwise [2] 93/9 97/13 our [86] 4/2 8/5 8/17 15/20 16/19 16/19 21/9 21/18 21/19 22/7 22/20 22/22 23/3 26/21 26/23 26/23 29/19 31/4 31/7 31/25 32/2 32/8 33/7 33/21 33/24 34/4 35/14 38/9 38/11 40/8 40/19 40/22 42/5 42/16 42/23 43/1 43/13 43/19 44/1 46/19 46/21 47/2 47/20 49/18 51/6 51/19 52/20 56/3 57/19 57/25 58/10 61/14 62/7 62/24 63/20 63/24 64/1 64/16 67/13 67/18 67/20 68/7 70/7 71/5 72/17 73/20 73/20 73/20 74/13 74/14 75/11 75/20 80/6 80/16 81/7 81/22 84/24 85/14 89/11 90/6 90/19 91/24 92/1 92/22 94/12 94/13 ours [2] 32/3 32/4 out [37] 6/10 7/5 10/6 10/15 11/19 13/14 14/13 23/4 27/4 28/18 29/16 31/25 32/16 35/16 45/21 48/25 50/4 50/7 53/3 57/14 57/15 57/19 63/6 68/16 72/11 72/20 73/22 84/20 85/15 86/15 88/1 89/13 89/13 89/24 90/24 93/19 97/12 outlets [2] 32/8 32/10 outlying [1] 46/18 outside [3] 11/23 46/13 52/11 over [76] 10/9 13/4 13/6 17/8 17/17 18/2 18/15 18/22 20/3 20/5 20/23 25/19 26/6 26/10 26/17 26/24 27/2 28/23 29/5 29/14 29/20 29/20 30/5 32/13 35/25 39/3 41/25 42/21 43/20 44/1 44/24 47/6 47/20 49/13</p>	<p>49/20 50/1 51/10 52/5 53/6 54/17 54/21 55/23 56/1 56/2 56/4 57/24 57/24 58/8 58/13 58/23 63/3 65/21 68/25 69/4 70/3 70/8 70/22 71/3 72/11 72/15 73/4 74/19 75/1 77/3 77/20 79/23 83/12 85/3 86/18 89/19 91/2 91/5 93/20 93/20 93/22 94/2 overall [1] 65/23 overflow [5] 59/24 60/24 60/25 61/6 66/4 overlap [2] 74/11 74/21 overnight [4] 18/9 18/11 18/19 41/12 overtime [8] 15/17 15/23 15/24 16/4 16/6 16/9 16/11 16/12 overview [1] 5/24 overwhelmed [1] 68/23 own [7] 36/6 62/17 80/16 81/7 81/22 83/22 89/13 owner [1] 45/18 Oyster [3] 38/17 38/22 38/25</p> <p><b>P</b></p> <p>p.m [7] 1/8 9/25 24/3 26/7 26/9 27/1 36/9 pack [1] 47/23 PAGE [2] 3/2 3/14 pages [1] 36/18 paid [6] 13/15 17/11 56/16 83/10 84/14 85/14 paper [2] 32/9 60/12 paramedic [2] 83/21 86/22 paramedics [6] 10/10 10/10 10/11 83/16 83/17 83/18 pardon [1] 8/10 park [154] Park's [4] 49/7 62/13 89/8 89/9 parked [1] 45/15 parking [12] 46/16 46/18 59/20 59/20 59/21 60/2 60/3 60/6 60/17 60/18 60/20 60/22 parks [3] 22/6 54/14 55/17 Parlapanides [1] 31/8 part [7] 16/14 51/19 56/19 62/7 62/8 64/2 86/16 parts [3] 60/4 60/8 84/2 party [2] 67/17 69/19 pass [2] 28/10 60/18 passable [2] 27/2 29/18 passengers [1] 34/11 passes [1] 60/20 past [4] 11/17 31/21 69/6 85/22 patch [2] 18/13 90/21 patrol [8] 48/15 51/23 65/18 65/20 67/8 67/9 67/20 68/19 patrols [1] 16/13 pattern [2] 54/25 55/13 pay [3] 56/15 80/21 97/10 payroll [1] 87/15 PD [3] 8/23 14/4 31/3 peak [2] 78/25 79/2 pedestrian [3] 66/3 66/10 66/12 Pelican [17] 14/7 16/7 27/3 27/23 28/1 28/3 28/10 28/19 30/3 32/23 33/13 51/19 56/18 58/9 58/22 62/15 66/22 Pennsylvania [1] 52/4 pension [1] 13/19</p>
---	---	---

<b>P</b>	67/1 87/22 93/13 93/17 points [5] 46/9 65/4 66/1 81/10 88/20 police [95] 4/3 5/14 5/15 7/13 8/14 9/21 10/15 11/13 11/17 11/21 11/22 13/6 13/13 14/23 15/4 15/7 15/23 15/24 16/5 16/15 17/1 18/2 18/5 19/5 20/13 22/7 23/5 24/1 26/13 30/8 30/12 31/4 31/17 34/25 41/21 44/2 44/25 47/1 48/17 52/3 52/4 52/4 59/9 61/19 61/20 61/22 61/22 61/24 61/25 62/1 62/6 62/8 62/9 62/10 62/13 62/19 63/11 63/11 64/2 64/12 65/23 65/25 66/14 66/24 67/2 67/4 68/8 68/11 68/12 71/17 73/7 73/8 73/10 73/15 73/21 74/3 74/6 75/25 77/5 77/10 77/22 79/9 80/13 81/2 87/15 91/21 91/22 91/23 92/7 92/18 94/13 96/18 98/4 98/6 98/7 pool [2] 67/9 68/11 pop [1] 49/16 population [5] 75/5 75/6 75/6 75/9 76/1 portion [2] 34/16 44/18 portions [2] 51/24 54/23 possibly [1] 75/13 post [4] 46/19 46/21 50/7 52/2 posted [5] 23/5 23/6 23/7 32/7 72/20 posts [3] 17/8 17/12 66/20 pouring [1] 29/16 power [2] 18/15 18/15 powers [1] 79/9 preferred [1] 60/22 prejudicial [1] 96/2 prep [2] 21/23 47/8 prepare [1] 22/24 presence [3] 11/17 44/2 80/25 present [5] 2/11 19/20 19/21 20/11 35/3 presentation [1] 82/15 presented [1] 36/16 presenting [2] 19/18 19/23 presumed [1] 25/20 pretty [3] 78/7 87/20 90/5 previous [1] 50/12 price [1] 14/21 pride [2] 18/17 18/18 primarily [1] 84/24 primary [3] 26/21 49/1 51/6 print [2] 24/8 25/6 printed [2] 25/13 63/6 prior [15] 4/4 17/3 18/21 21/24 23/9 26/15 32/6 32/7 36/3 37/21 44/4 70/1 71/12 73/11 80/10 priority [1] 88/7 proactive [1] 66/23 probably [16] 5/3 5/15 7/18 22/15 32/13 46/15 47/21 53/7 53/15 63/25 64/11 64/12 64/13 68/20 76/1 93/8 problem [6] 19/9 46/17 46/18 60/15 61/13 66/8 problems [1] 69/4 proceed [1] 7/11 proceeding [1] 7/23 proceedings [3] 16/13 17/4 99/7	6/11 8/6 18/13 18/24 20/1 23/1 26/3 50/15 54/11 55/4 84/13 profit [1] 56/15 program [11] 11/3 13/11 17/14 18/9 18/10 18/24 73/20 80/14 80/16 84/14 84/15 programs [4] 17/24 17/25 18/7 18/18 pronounce [1] 8/10 proof [2] 37/13 57/6 proper [2] 6/15 74/19 property [2] 45/18 51/7 prosecutor's [1] 52/7 protect [2] 26/22 51/7 protection [2] 91/22 92/19 provide [6] 12/6 56/25 61/14 77/10 92/19 95/22 provided [9] 12/5 12/20 31/5 31/24 32/1 56/9 56/10 56/17 59/17 provider [3] 86/21 86/22 87/3 provides [2] 74/24 91/21 public [7] 13/24 14/1 22/5 48/3 48/3 99/5 99/13 pull [2] 22/8 90/11 pulled [2] 26/14 41/5 pulling [1] 29/22 pulls [1] 63/3 purpose [1] 71/8 push [2] 12/24 46/7 put [19] 9/18 18/4 29/1 32/16 32/18 32/21 32/25 33/21 34/19 42/20 54/22 67/21 67/22 70/16 79/18 80/10 88/4 90/24 97/18 putting [6] 18/16 55/9 55/10 57/14 57/15 75/18
	<b>Q</b>	
	quad [2] 67/20 68/19 quads [1] 68/23 quasi [1] 6/13 quell [1] 69/4 question's [1] 94/16 questioned [1] 80/20 questions [6] 6/24 72/17 82/6 82/12 82/14 82/23 quick [1] 60/1 quite [5] 17/18 19/18 34/3 76/14 96/14 quote [5] 9/16 11/17 11/24 35/13 54/5	
	<b>R</b>	
	radar [1] 66/19 radio [5] 11/4 14/15 23/4 64/5 71/1 rain [1] 21/15 rate [1] 13/22 rather [1] 5/20 ratio [1] 92/14 reach [2] 24/6 36/12 read [2] 14/12 59/25 reading [2] 14/10 33/18 real [2] 60/1 64/12 realize [3] 22/9 22/14 77/17 realized [1] 38/6 realizes [1] 86/4 really [7] 6/19 55/5 55/9 71/8 96/3 96/7 96/10 really sure [1] 96/10 realm [1] 13/13 reason [3] 38/19 38/20 85/23	

<b>R</b>	30/15	97/21 98/13
reasonable [3] 63/19 64/22 97/12	reputable [1] 57/1	Rip [2] 34/20 34/21
reasons [11] 6/25 72/4 72/5 72/19 73/13 73/17 73/18 73/25 80/15 80/17 80/24	request [1] 36/3	River [14] 2/4 22/20 26/13 34/12 37/23 38/2 38/25 70/14 70/20 71/11 84/5 86/15 86/15 89/11
rebuild [2] 55/12 88/7	requested [4] 63/15 86/1 86/8 86/9	road [16] 1/6 2/4 22/5 28/12 30/20 45/13 45/15 49/2 49/15 65/9 67/22 73/22 81/4 81/14 87/4 94/10
recalculated [1] 15/14	requesting [3] 4/24 97/17 97/21	roads [10] 27/1 27/10 27/13 27/21 27/25 28/2 29/17 49/4 66/11 94/10
recall [2] 39/13 40/1	requests [1] 85/23	roadway [2] 30/25 33/9
received [2] 9/24 11/6	require [3] 36/14 66/18 73/18	Robert [2] 1/11 75/24
receives [1] 65/24	required [3] 12/7 45/16 60/18	Rodney [1] 2/13
recent [1] 67/16	Rescue [1] 42/13	role [2] 16/19 81/9
recently [1] 55/3	research [1] 12/1	rolled [1] 32/14
record [23] 4/14 7/3 7/10 7/24 8/11 8/15 20/19 25/4 25/12 28/12 44/15 59/5 59/12 86/25 87/18 91/18 95/25 96/15 96/25 97/5 97/18 98/8 98/14	reserves [1] 60/17	RONALD [4] 3/4 34/21 34/22 68/18
recording [1] 12/4	residence [1] 25/17	roof [1] 50/18
records [3] 8/17 62/23 63/4	resident [6] 32/22 40/3 45/19 59/20 70/24 75/18	room [4] 11/4 71/1 72/24 74/16
recovery [1] 18/24	residential [1] 60/2	rotate [1] 93/18
recruitment [2] 81/8 81/10	residents [56] 3/16 17/16 23/3 23/22 23/23 24/1 24/8 24/15 25/21 25/25 26/23 31/14 31/25 32/2 32/24 33/12 35/10 36/2 36/10 36/14 36/22 37/15 38/18 39/4 40/18 40/22 42/25 43/12 44/21 45/16 46/7 46/21 47/19 48/1 48/13 50/11 50/11 50/16 52/18 56/17 57/18 60/16 60/25 61/14 69/10 72/23 75/8 75/14 75/15 81/21 92/3 93/16 93/22 94/3 94/12 94/14	ROTH [5] 3/7 59/6 59/8 68/19 79/16
red [2] 38/8 45/24	resort [1] 80/1	roughly [3] 75/15 75/22 76/6
reduce [2] 16/2 92/22	resource [1] 70/6	round [2] 75/7 79/20
reenter [1] 50/1	resourced [1] 47/12	Route [4] 42/10 46/4 59/20 60/11
reentries [1] 45/8	resources [8] 22/8 22/12 45/3 46/13 67/5 90/6 90/11 92/17	Route 37 [1] 42/10
reentry [11] 21/18 21/20 30/23 31/1 31/9 31/11 32/1 45/8 46/11 46/12 50/13	respect [1] 20/3	roving [1] 51/23
refer [2] 80/5 98/11	respond [7] 9/2 9/7 10/8 12/18 67/14 90/9 98/12	run [2] 38/15 83/18
reference [8] 7/16 8/5 54/2 62/17 70/10 74/12 78/12 88/24	responded [3] 63/15 68/5 69/13	running [2] 18/25 44/13
referenced [2] 65/1 74/1	responding [3] 9/11 66/24 78/8	RYAN [3] 3/7 59/6 59/8
references [2] 61/18 61/24	response [18] 8/22 8/24 9/8 9/9 10/2 10/13 10/16 12/25 13/1 20/14 41/23 54/8 54/8 68/2 68/7 68/9 68/13 80/8	
referencing [1] 62/4	responsibilities [2] 51/20 83/2	<b>S</b>
referred [1] 37/5	responsibility [3] 16/20 26/21 77/23	safe [1] 52/15
referring [1] 59/24	responsible [2] 49/10 87/8	safety [4] 59/11 65/23 72/22 73/18
refused [1] 66/19	restrict [1] 47/2	said [26] 6/17 10/5 11/1 12/10 16/10 24/16 27/22 32/15 35/18 41/4 44/20 45/11 45/24 46/9 46/15 46/17 53/12 53/14 53/14 60/7 68/4 70/9 72/7 73/7 91/12 96/7
refusing [2] 98/9 98/15	restricted [1] 48/24	Saint [2] 37/25 38/3
refute [1] 4/3	result [4] 66/13 66/23 68/1 68/21	Saint Maximilian [1] 37/25
regarding [1] 72/17	resulted [1] 66/17	salary [3] 13/18 14/20 92/22
Regardless [1] 86/19	resumed [1] 48/16	salvage [2] 50/4 50/5
Regional [5] 31/7 34/11 37/23 37/24 47/12	retired [4] 31/18 35/1 56/3 75/25	same [30] 4/25 9/9 9/10 9/10 9/16 9/17 9/22 10/5 10/11 11/2 11/3 11/3 17/12 24/15 30/4 34/5 51/20 58/8 61/9 61/23 62/11 63/20 64/10 64/15 66/11 68/10 78/25 79/15 86/14 87/16
register [2] 19/8 50/13	return [1] 85/10	sand [4] 54/22 55/6 55/9 55/10
registered [1] 45/21	returned [1] 54/25	Sandalwood [1] 65/11
registration [2] 45/9 50/10	reverse [1] 63/12	Sandy [16] 20/23 21/7 33/19 35/18 37/22 38/5 44/18 57/12 59/3 67/12 67/15 71/4 84/12 84/23 84/25 87/22
rehabbing [2] 50/3 52/18	review [2] 20/24 21/7	sanitation [4] 52/20 57/10 57/13 57/17
reimbursement [3] 54/11 54/11 55/4	reviewed [3] 62/3 62/8 62/9	SANTUCCI [6] 3/8 69/21 69/21 69/22 69/25 89/15
related [3] 16/11 16/12 72/15	Rice [2] 85/8 87/23	Saturday [1] 17/5
relates [2] 16/9 18/1	Richard [1] 1/12	save [1] 15/22
relationships [1] 70/4	Ridge [2] 84/6 85/19	saved [1] 54/6
relieve [1] 74/20	ridiculous [1] 9/23	savings [5] 15/12 15/20 16/3 16/8 92/23
relying [1] 90/16	riding [1] 73/10	saw [8] 43/25 49/3 49/4 53/6 64/1 67/11 73/7 73/8
remainder [2] 24/24 63/16	right [36] 4/13 6/7 6/21 6/25 10/9 11/15 15/18 18/22 20/22 21/5 21/6 22/2 22/17 28/7 33/16 42/15 45/10 46/11 48/6 50/7 51/2 53/9 53/17 55/6 71/21 74/10 78/16 81/13 82/24 89/4 91/11 91/15 95/24 97/7	say [38] 9/12 10/14 10/17 13/3
remaining [2] 50/4 63/7		
remember [10] 20/25 26/16 28/24 29/10 31/13 46/7 47/16 47/21 56/3 87/23		
repair [2] 55/8 55/15		
repairing [1] 54/8		
repeated [1] 9/17		
replace [1] 54/22		
report [4] 62/5 62/5 62/9 63/6		
reported [2] 26/6 27/1		
reporter [2] 97/2 99/5		
REPORTERS [1] 1/24		
reporting [1] 63/13		
represent [1] 24/10		
representative [1] 22/21		
representatives [3] 22/5 30/14		

<b>S</b>	92/19	92/17
say... [34] 14/10 20/14 26/11	services [9] 26/19 28/22 71/10	Sky [1] 65/9
26/12 27/6 27/20 27/20 29/16	77/10 83/3 83/11 91/3 91/23	sleeping [2] 21/3 21/3
32/11 32/12 32/25 39/8 40/2	94/14	small [1] 34/10
40/5 51/4 52/24 54/6 57/13	servicing [2] 49/10 54/15	smaller [5] 34/12 65/18 67/14
64/8 69/14 71/5 71/14 71/21	serving [2] 25/18 44/9	68/8 92/20
72/10 74/1 75/8 77/12 77/12	set [5] 10/10 46/21 50/6 83/18	Smith [1] 50/18
78/23 91/1 95/11 96/7 96/12	99/9	snow [2] 54/25 55/13
96/21	seven [8] 5/14 5/15 44/3 51/11	snowstorm [1] 83/23
saying [10] 10/12 15/21 15/23	65/5 74/7 93/7 94/20	so [129]
39/18 75/12 89/19 89/21 92/14	several [9] 36/17 45/11 45/12	solicit [1] 53/10
93/17 98/14	48/12 48/16 49/17 54/2 65/1	some [38] 4/3 10/25 12/1 13/14
says [7] 25/6 45/2 70/16 73/9	66/1	17/23 19/3 20/16 20/24 21/7
76/1 76/8 78/19	severe [2] 24/4 36/10	22/9 22/14 29/8 30/2 30/3
scale [2] 68/8 68/13	SGT [1] 3/5	33/11 33/17 45/4 45/17 46/9
scared [1] 44/22	shall [1] 60/3	46/13 48/13 48/19 52/10 55/10
scene [3] 12/19 71/19 83/15	shaped [1] 45/23	57/21 58/17 64/1 65/8 66/1
scenes [1] 30/8	sharing [1] 66/11	66/1 70/3 70/5 72/4 72/14 75/9
scent [1] 71/23	she [24] 9/18 19/11 20/16	77/24 81/24 85/17
scheduled [1] 88/18	24/16 24/17 24/19 24/20 27/19	somebody [6] 18/10 18/16 25/18
school [6] 16/18 16/23 17/1	27/20 27/20 27/21 35/14 35/18	25/19 81/4 91/9
31/8 31/9 47/12	35/19 46/9 46/9 54/3 54/5 54/7	someone's [1] 86/3
schools [4] 31/7 33/25 34/9	80/11 96/5 96/6 96/13 97/2	something [9] 13/5 17/19 19/19
37/24	she's [1] 98/9	20/17 37/19 46/6 64/7 79/25
SEASIDE [141]	shelter [4] 37/25 38/9 38/11	82/17
Seaside Park [8] 13/1 17/11	38/24	Sometime [1] 35/5
31/4 34/1 34/14 64/17 78/9	shelters [4] 37/23 38/12 38/14	sometimes [3] 6/17 30/9 98/6
89/17	38/15	somewhere [1] 47/15
season [3] 78/20 78/25 79/2	Sheriff's [1] 37/22	sorry [5] 16/16 21/19 29/3
seasonal [1] 68/11	shift [3] 59/11 65/21 74/20	34/21 82/22
second [9] 11/7 23/14 27/6	shifts [1] 74/11	sounds [1] 62/16
31/11 33/21 33/21 33/24 46/11	shock [1] 79/24	source [1] 49/7
59/4	shooting [2] 68/24 68/25	south [78] 1/4 1/24 7/16 9/7
seconds [1] 68/8	Shore [1] 49/7	10/8 14/1 14/7 15/12 16/6
Secretary [1] 2/12	should [9] 4/2 7/18 19/9 19/24	17/17 18/2 22/20 27/7 28/5
section [12] 14/6 40/19 56/11	25/15 29/11 37/20 39/2 71/5	28/19 29/19 32/22 33/12 36/1
58/24 58/25 85/18 86/16 89/1	shouldn't [1] 77/19	36/22 38/2 44/21 45/19 46/4
92/1 92/5 92/13 92/13	show [4] 5/6 45/18 63/4 95/23	49/6 49/7 51/2 51/15 51/21
sections [3] 60/5 60/9 92/12	showing [1] 63/23	53/19 53/23 54/7 56/12 56/18
sector [8] 49/19 51/20 51/24	shown [1] 63/21	57/24 58/9 58/14 58/22 59/1
65/14 65/15 70/7 72/16 74/18	shows [2] 62/14 63/24	59/2 59/24 61/10 61/22 62/2
sectors [1] 65/6	shutoff [1] 49/13	62/15 64/25 65/24 66/3 66/12
secure [2] 31/10 40/11	side [7] 46/1 53/25 58/8 59/21	66/15 66/21 66/25 68/2 68/12
secured [1] 33/25	61/2 61/7 83/18	69/10 70/11 70/12 75/7 75/21
security [2] 48/18 51/8	sides [1] 45/15	76/5 76/16 77/22 84/5 84/5
see [23] 6/10 11/24 16/8 30/16	sidewalk [1] 9/18	85/4 85/13 85/21 86/12 86/15
42/6 43/3 43/7 53/8 61/12	sign [2] 23/23 24/9	86/15 86/21 88/13 91/24 92/3
62/18 62/25 64/2 64/4 70/12	signature [8] 24/9 24/12 24/19	92/7 92/10 92/15 92/19
73/3 73/15 75/19 81/4 81/4	25/14 36/14 36/23 36/25 37/10	South Seaside [15] 10/8 29/19
91/16 92/21 92/23 97/19	signatures [1] 37/3	32/22 49/7 51/2 51/15 58/9
seem [2] 62/4 81/3	signed [10] 3/15 3/16 24/13	59/2 62/2 66/12 66/25 68/2
seemed [2] 21/15 69/5	24/15 25/14 25/22 25/24 26/18	85/21 86/21 91/24
seems [3] 5/18 14/2 91/15	36/21 37/16	Southern [1] 37/23
seen [3] 53/4 53/5 75/12	significant [4] 6/15 40/1	space [1] 47/25
sees [1] 7/8	58/19 78/10	speak [11] 5/25 43/12 44/17
selection [2] 81/7 81/9	significantly [2] 13/22 78/10	45/7 55/18 59/11 59/15 70/19
send [3] 86/2 97/17 98/10	Silver [2] 84/6 85/19	71/6 81/25 89/15
sending [1] 52/6	similar [4] 16/9 87/14 87/16	speaking [2] 12/3 88/21
senior [1] 84/24	92/4	speaks [1] 55/22
sense [2] 73/5 94/25	simple [2] 13/5 84/1	special [3] 68/13 68/15 79/5
sent [4] 35/22 35/22 38/10	since [5] 17/9 35/1 44/8 44/10	specialized [1] 67/7
52/7	57/6	specific [10] 19/23 51/3 66/25
September [3] 1/7 60/13 99/16	single [5] 51/17 52/12 52/21	73/2 73/17 73/23 81/20 82/18
Sergeant [4] 48/15 75/24 75/25	52/24 64/9	84/15 86/9
90/12	sir [1] 16/16	specifics [1] 54/16
Sergeant Dohn [1] 48/15	site [1] 23/6	spell [1] 8/11
sergeants [1] 42/10	sitting [1] 49/17	spoke [1] 89/25
served [4] 24/20 24/20 24/21	situate [1] 47/22	spoken [1] 85/7
71/8	situation [4] 46/24 47/3 90/9	spots [1] 60/24
serves [2] 24/5 94/12	91/4	Sprague [4] 24/12 36/24 37/4
service [9] 18/1 65/23 65/25	six [8] 4/13 15/21 16/2 47/22	37/9
66/14 84/14 85/10 91/9 92/4	63/17 63/18 77/5 84/1	spread [1] 77/2
	size [5] 38/12 67/3 92/2 92/4	spreadsheet [4] 50/21 50/21



S	
spreadsheet... [2] 50/25 50/25	39/16 39/20 39/25 42/3 43/14
spring [1] 17/15	44/8 55/4 58/6 58/11 58/20
squad [7] 67/8 83/14 84/3 84/4 84/4 84/6 84/19	85/6
squads [5] 84/2 84/7 84/9 85/13 85/15	storms [3] 22/13 22/16 55/8
square [6] 75/22 76/4 76/5 76/21 76/22 92/11	street [7] 39/5 40/3 42/15 48/8 56/22 60/12 71/15
Stack [2] 3/16 25/24	streets [9] 17/6 52/22 59/22 60/4 60/4 60/8 60/8 61/3 61/7
staff [6] 7/14 22/22 26/4 27/17 29/7 34/16	structure [4] 43/3 43/6 52/12 87/17
staffed [3] 29/2 29/4 50/9	structures [1] 48/21
staffing [3] 87/14 89/23 90/8	Stuart [1] 2/12
stand [1] 91/17	stuck [1] 86/22
standing [2] 33/1 40/2	studies [1] 55/6
star [1] 45/24	stuff [6] 43/21 48/8 48/9 73/4 77/16 79/21
start [6] 17/3 18/7 18/10 28/22 50/2 93/7	stupid [1] 81/3
started [11] 18/6 19/2 21/11 21/12 21/24 22/19 23/2 26/8 53/8 62/22 68/20	subject [3] 5/1 5/25 9/16
starting [1] 22/24	subjects [1] 43/19
state [44] 12/15 25/9 26/11 30/12 36/8 38/15 40/13 40/15 42/17 44/20 45/1 45/1 45/4 45/5 46/25 47/1 48/17 50/8 52/3 52/3 52/4 53/22 55/15 59/23 60/23 60/25 61/5 61/10 62/4 74/6 74/6 75/16 77/11 77/25 78/4 89/2 89/9 89/10 89/18 89/22 91/2 91/5 99/5 99/13	submitting [1] 20/8
stated [15] 8/12 8/15 8/20 13/8 23/8 23/25 26/9 35/14 35/19 37/17 42/2 42/8 66/2 80/11 90/13	substantial [1] 8/4
statement [8] 7/7 10/18 17/7 27/20 28/9 42/2 73/6 75/4	substation [14] 70/10 70/11 70/12 70/23 71/2 71/4 71/7 71/13 71/16 71/21 72/6 72/8 72/8 82/10
statements [12] 11/13 19/4 19/9 54/2 66/5 72/15 76/15 78/12 90/13 91/20 96/14 96/17	substations [1] 70/20
states [8] 12/11 52/5 53/4 53/5 59/20 59/22 76/8 79/3	subtract [1] 62/23
stating [6] 23/24 57/5 61/20 73/15 75/4 76/23	successful [1] 55/14
station [2] 13/7 38/23	such [2] 71/3 71/22
stations [1] 23/4	sudden [1] 80/7
stats [2] 9/24 85/12	suggest [1] 62/7
stay [4] 24/4 26/24 36/11 58/18	suggested [1] 60/23
stayed [4] 30/2 30/3 43/14 88/3	suggestion [1] 93/6
staying [2] 42/25 51/18	suitability [1] 52/12
stays [1] 9/9	suitcases [1] 48/11
stealing [1] 43/21	SULLIVAN [2] 1/23 99/4
stenographically [1] 99/8	SULLIVAN-HILL [2] 1/23 99/4
step [3] 8/5 40/9 85/14	sum [1] 13/18
stepped [2] 56/14 84/20	summer [11] 11/18 18/21 18/21 50/11 60/21 61/2 61/9 66/9 75/9 84/22 84/22
steps [1] 72/1	summertime [1] 78/20
sticker [3] 45/22 45/23 46/1	sun [1] 32/14
stickers [3] 32/2 32/3 50/14	Sunday [3] 17/5 24/3 36/9
still [9] 40/23 44/24 57/4 61/5 61/7 86/20 87/3 88/12 88/17	Super [2] 37/21 38/5
stood [4] 31/22 32/21 39/7 45/13	superintendent [1] 31/7
stopped [2] 21/15 64/1	supervise [1] 83/10
stops [2] 62/19 66/20	supervisors [1] 74/15
storm [24] 21/8 21/11 21/12 21/17 22/2 22/2 26/15 29/10 30/1 31/22 37/21 38/5 39/14	supplies [1] 84/11
	supply [2] 57/2 57/4
	support [1] 38/9
	supported [2] 11/14 96/15
	supports [1] 84/9
	supposed [2] 20/9 20/10
	sure [16] 5/11 19/16 25/2 39/13 46/17 57/10 76/12 76/18 77/6 81/18 82/7 87/6 87/9 87/25 96/7 96/10
	SURMAN [1] 2/6
	surrounding [1] 22/18
	suspicious [1] 43/18
	sustain [2] 87/12 88/12
	sustained [1] 59/1
	sweeping [1] 96/14
	swimmers [1] 77/15
	sworn [11] 7/19 7/20 7/23 8/1 34/22 41/15 44/5 59/6 59/14 69/22 83/5
	system [8] 8/18 49/11 62/17 71/1 75/20 83/19 85/15 88/5
	systems [1] 54/3
	<b>T</b>
	take [22] 5/3 5/4 5/24 9/6
	10/21 17/24 18/15 18/17 18/17 36/6 44/24 50/4 50/23 51/4 55/11 59/4 77/1 77/20 85/14 91/1 95/6 97/13
	taken [6] 10/3 10/23 34/18 46/4 69/14 99/8
	takes [2] 13/18 13/18
	taking [5] 49/10 50/19 52/19 89/19 91/5
	talk [9] 14/20 22/25 30/7 35/8 37/18 53/18 54/16 71/10 89/23
	talked [1] 45/22
	talking [12] 5/13 10/2 14/19 27/6 27/7 27/10 27/10 27/11 28/4 28/14 28/19 97/3
	tape [1] 43/5
	target [1] 86/10
	task [2] 36/4 42/18
	Tax [2] 42/16 45/19
	taxpayers [1] 72/9
	Taylor [2] 53/10 53/15
	teach [1] 64/8
	team [4] 41/23 42/13 42/17 42/18
	tear [3] 65/2 65/19 92/9
	Technical [1] 42/13
	tell [24] 5/21 19/19 32/21 33/7 36/24 37/18 50/17 53/16 57/11 58/3 58/18 71/18 74/16 75/1 89/3 94/6 95/20 96/4 97/17 97/20 97/25 98/5 98/7 98/12
	telling [2] 35/16 49/3
	ten [5] 15/7 38/21 38/23 73/12 78/1
	ten miles [1] 78/1
	ten-mile [2] 38/21 38/23
	tend [1] 6/17
	tentative [1] 6/11
	terms [2] 5/13 20/7
	testified [16] 8/2 20/9 25/7 29/6 29/8 34/23 35/11 37/8 37/11 38/16 41/16 44/6 59/7 69/23 83/6 93/7
	testifies [2] 4/19 6/22
	testify [9] 5/9 20/10 55/18 74/8 88/19 93/2 93/11 96/5 96/6
	testifying [1] 97/8
	testimonies [2] 13/21 15/10
	testimony [51] 4/4 4/12 4/16 5/4 5/23 6/23 7/16 8/4 8/7 8/9 8/12 9/15 10/2 10/25 11/15 13/2 13/23 14/11 14/12 14/22 15/15 17/2 19/11 19/17 20/5 23/9 23/10 25/8 33/18 35/9 37/17 59/16 61/15 61/23 64/23 65/1 65/18 66/2 66/4 67/12 70/7 70/9 75/11 75/23 76/8 76/19 76/24 88/16 88/22 91/12 92/8
	than [19] 10/23 14/16 16/7 18/4 22/12 22/16 30/10 32/3 59/1 59/2 73/14 78/18 86/11 91/23 91/25 92/4 92/20 95/3 96/18
	thank [15] 7/9 20/21 27/14 28/20 41/14 44/4 55/20 59/4 68/17 82/20 88/14 93/13 94/17 98/17 98/19
	that [489]
	that's [60] 4/20 4/23 7/9 8/22 9/1 11/8 11/16 12/7 14/21 15/6

T		
that's... [50] 15/8 19/12 20/7 20/15 21/20 25/19 35/13 39/17 39/23 41/10 51/19 52/25 55/19 57/7 59/3 60/1 60/13 62/12 62/24 64/2 64/6 64/7 66/21 68/14 71/12 72/4 72/13 73/5 73/20 74/15 74/18 74/22 74/23 75/18 76/3 76/17 78/5 81/15 81/22 82/1 85/3 86/9 88/14 89/6 90/18 90/23 91/16 94/13 98/12 98/16	34/5 41/2 42/22 50/6 53/3 53/8 53/17 55/2 58/8 64/11 96/6 97/11 things [11] 4/7 11/24 35/9 44/13 47/23 48/21 57/14 57/15 80/11 82/8 88/22 think [36] 4/1 4/4 4/7 4/20 6/20 7/4 7/4 10/20 18/1 18/4 19/20 20/12 20/15 20/25 25/6 30/1 30/4 44/21 46/6 47/15 49/5 67/11 69/2 71/10 71/18 72/13 74/4 80/18 80/18 87/19 88/16 90/12 91/13 93/8 94/2 94/18	today [5] 53/6 85/7 87/4 88/12 95/12 together [2] 21/1 43/25 Tommy [1] 31/8 tomorrow [1] 87/4 Toms [14] 22/20 26/13 34/12 37/23 38/2 38/25 70/14 70/14 70/20 71/11 84/5 86/15 86/15 89/11 Toms River [1] 38/2 ton [2] 14/9 54/22 tongue [2] 96/13 97/4 tonight [2] 86/20 91/20 too [5] 22/17 36/5 38/12 54/20 57/20 took [6] 8/15 12/17 33/11 48/13 90/5 95/9 tools [3] 46/22 47/9 48/5 top [1] 22/2 total [9] 8/22 9/2 9/4 14/2 15/8 15/22 15/24 69/2 72/21 touch [7] 16/21 56/21 57/9 70/5 72/14 80/4 83/3 touched [7] 57/12 80/9 81/21 81/25 85/25 86/23 87/19 towards [2] 12/15 51/15 towed [1] 46/20 town [19] 11/9 32/14 36/6 38/13 38/23 40/20 45/10 58/8 62/24 67/23 69/18 75/16 76/13 79/11 80/3 85/18 88/4 90/6 90/7
their [71] 5/4 12/22 13/18 13/18 13/19 13/19 17/20 17/23 18/16 19/21 24/8 31/9 31/15 32/2 32/20 32/24 34/12 36/5 42/20 45/3 46/5 46/23 47/8 47/22 48/4 48/5 48/5 48/8 48/9 50/14 50/15 52/13 52/18 52/21 55/17 56/7 57/10 57/22 57/24 62/17 62/23 63/2 63/3 63/4 63/9 63/23 63/25 64/3 65/13 65/14 68/13 68/14 69/11 70/25 76/25 78/8 78/24 82/14 83/22 84/9 85/9 88/6 88/12 89/23 90/8 93/17 93/23 94/8 95/13 95/22 95/22	thinking [1] 88/21 thinks [1] 18/10 third [2] 51/22 76/7 Thirty [2] 63/17 63/18 Thirty-six [2] 63/17 63/18 this [111] 27/16 thorough [1] 27/16 those [34] 6/25 11/9 15/13 17/8 18/18 24/23 30/11 33/11 36/7 43/11 54/18 54/18 54/20 56/17 57/5 60/7 60/20 60/24 61/8 61/8 62/11 62/18 63/8 63/10 63/16 64/6 64/15 66/16 66/22 67/22 67/25 77/21 78/2 91/6 though [1] 34/14 thought [7] 10/23 16/18 22/1 33/16 74/1 82/11 91/14 three [20] 4/13 5/17 5/18 17/6 38/4 47/15 51/9 51/12 54/21 63/9 66/16 66/18 67/25 73/7 73/15 75/13 85/3 85/22 86/11 97/14	township [10] 22/18 31/1 31/16 31/17 34/2 39/1 69/19 89/5 89/12 90/17 township [101] township's [1] 54/8 Township-1 [3] 3/15 24/23 25/23 Township-2 [2] 3/16 25/25 track [2] 71/22 71/23 traffic [12] 59/11 65/23 66/5 66/8 66/9 66/10 66/10 66/11 66/25 67/7 67/21 67/22 trailer [1] 46/20 training [10] 16/13 67/10 68/15 73/19 73/20 73/23 79/15 81/16 81/17 81/22 transcript [2] 97/11 99/7 transfer [1] 74/24 transfers [1] 74/23 translation [1] 19/6 transmitted [1] 11/7 traumatized [1] 30/5 travel [1] 65/17 traveled [1] 66/6 tremendous [1] 32/18 tri [15] 10/6 10/7 84/4 84/19 84/20 85/4 85/6 85/20 86/14 86/20 87/2 87/20 88/7 88/10 88/11
them [49] 4/5 4/6 5/20 5/25 17/18 18/14 18/16 19/19 19/20 19/21 24/25 25/3 26/19 31/5 31/23 33/1 33/7 36/12 39/8 40/22 43/1 48/5 48/5 48/6 48/11 51/20 54/19 56/7 57/19 58/13 58/18 62/24 63/2 67/24 68/24 68/25 69/13 69/13 70/4 74/20 75/1 80/22 81/23 84/7 89/24 90/18 94/5 94/6 94/6 themselves [1] 64/4 then [32] 4/6 5/7 5/15 5/17 5/24 6/24 25/16 42/7 43/2 43/7 44/10 46/2 46/3 48/6 51/21 53/14 53/21 55/11 60/9 60/10 61/2 64/10 64/15 69/2 73/8 75/8 78/23 79/23 81/16 85/10 86/5 88/2	three-year [1] 86/11 through [25] 5/8 6/16 8/8 14/11 15/9 18/13 21/16 51/16 55/3 60/10 63/23 64/9 73/23 78/13 78/13 78/13 78/21 78/21 79/19 80/13 82/2 83/10 88/16 91/8 91/14 throughout [2] 51/24 67/19 throw [2] 13/14 73/22 thrown [1] 14/13 Thursday [2] 1/7 93/3 tickets [1] 66/21 tides [1] 55/8 tied [1] 43/5 TIER [3] 3/6 44/5 71/18 till [2] 4/18 94/19 time [79] 4/17 5/6 6/18 8/23 8/24 9/4 9/8 9/9 9/13 9/22 10/2 10/13 10/16 12/10 12/21 13/17 15/6 17/13 17/24 17/24 18/20 19/10 19/10 19/14 20/2 29/5 29/9 29/15 31/6 31/10 31/16 33/11 34/15 35/2 39/7 43/23 47/6 47/9 47/21 48/7 48/10 48/13 48/14 48/23 49/22 51/8 51/9 52/9 52/17 56/14 56/21 56/23 57/9 57/23 63/1 68/2 68/7 71/7 71/22 72/21 74/2 74/16 74/21 78/14 79/4 79/13 79/16 79/18 80/16 81/13 82/24 85/16 85/17 86/18 87/25 90/13 90/14 95/5 99/8	towns [10] 22/18 31/1 31/16 31/17 34/2 39/1 69/19 89/5 89/12 90/17 township [101] township's [1] 54/8 Township-1 [3] 3/15 24/23 25/23 Township-2 [2] 3/16 25/25 track [2] 71/22 71/23 traffic [12] 59/11 65/23 66/5 66/8 66/9 66/10 66/10 66/11 66/25 67/7 67/21 67/22 trailer [1] 46/20 training [10] 16/13 67/10 68/15 73/19 73/20 73/23 79/15 81/16 81/17 81/22 transcript [2] 97/11 99/7 transfer [1] 74/24 transfers [1] 74/23 translation [1] 19/6 transmitted [1] 11/7 traumatized [1] 30/5 travel [1] 65/17 traveled [1] 66/6 tremendous [1] 32/18 tri [15] 10/6 10/7 84/4 84/19 84/20 85/4 85/6 85/20 86/14 86/20 87/2 87/20 88/7 88/10 88/11
there [145] there's [41] 4/11 4/12 4/15 4/16 10/10 14/23 25/4 25/12 25/13 25/13 27/2 36/16 36/17 38/17 38/24 49/8 49/18 49/19 51/16 51/17 53/6 55/9 63/22 70/10 72/1 72/4 73/1 73/10 73/14 74/4 76/4 76/15 79/5 79/14 80/15 80/24 81/20 83/19 83/22 87/11 90/13 these [23] 11/13 13/20 14/8 14/9 15/9 16/14 17/11 22/8 22/14 26/17 30/16 32/24 47/18 48/8 52/15 57/18 57/20 79/14 84/9 88/21 89/11 91/9 97/5	time [79] 4/17 5/6 6/18 8/23 8/24 9/4 9/8 9/9 9/13 9/22 10/2 10/13 10/16 12/10 12/21 13/17 15/6 17/13 17/24 17/24 18/20 19/10 19/10 19/14 20/2 29/5 29/9 29/15 31/6 31/10 31/16 33/11 34/15 35/2 39/7 43/23 47/6 47/9 47/21 48/7 48/10 48/13 48/14 48/23 49/22 51/8 51/9 52/9 52/17 56/14 56/21 56/23 57/9 57/23 63/1 68/2 68/7 71/7 71/22 72/21 74/2 74/16 74/21 78/14 79/4 79/13 79/16 79/18 80/16 81/13 82/24 85/16 85/17 86/18 87/25 90/13 90/14 95/5 99/8	Tri-Boro [14] 10/6 10/7 84/4 84/19 84/20 85/6 85/20 86/14 86/20 87/2 87/20 88/7 88/10 88/11 tri-boroughs [1] 85/4 triangle [1] 45/23 triangular [1] 45/23 tried [2] 43/9 69/16 Trixie's [1] 65/10 truck [1] 46/20 trucks [8] 47/14 47/16 47/19 48/3 49/3 52/21 56/9 56/17
they [219] they'd [1] 68/25 they're [39] 4/23 5/6 6/7 6/24 9/9 9/10 10/11 19/18 20/10 30/4 40/5 47/7 48/9 50/20 52/13 52/15 52/19 52/24 53/12 53/13 54/19 63/4 63/23 64/3 72/18 73/3 76/23 77/20 79/10 79/11 79/20 81/6 81/19 82/14 83/23 86/2 91/10 93/22 94/5 they've [3] 22/15 22/16 54/17 thing [15] 9/17 10/5 33/16	times [11] 12/17 49/17 63/22 63/24 64/16 64/17 64/22 65/1 66/8 67/3 97/9 TOCs [1] 44/13	trucks [8] 47/14 47/16 47/19 48/3 49/3 52/21 56/9 56/17

**T**

true [5] 38/19 39/9 66/5 74/15 99/7

truly [1] 50/10

trust [1] 32/19

try [4] 53/9 58/16 69/17 83/25

trying [10] 9/12 28/11 28/18 30/15 33/6 48/10 49/17 49/20 49/21 96/20

turn [2] 49/17 49/18

turns [1] 63/3

TV [1] 23/7

TVs [1] 57/17

twenty [1] 51/10

twenty-four [1] 51/10

twice [1] 54/19

two [37] 4/13 5/17 5/18 9/15 13/16 17/14 18/8 24/24 35/2 48/11 55/1 63/7 68/23 69/14 70/2 73/2 73/8 73/15 73/16 75/12 75/13 76/9 76/11 76/12 76/21 76/22 77/3 77/21 78/3 79/6 79/9 79/13 81/7 87/13 88/9 91/15 97/3

twos [2] 14/24 15/7

type [2] 44/14 54/12

typically [1] 65/15

**U**

U-S-A-R [1] 42/18

ULAKY [1] 2/3

unauthorized [1] 51/4

unaware [2] 37/6 39/8

under [12] 9/19 13/13 23/5 25/18 32/18 32/21 32/25 68/3 68/5 81/10 83/9 85/22

underneath [2] 45/25 73/9

understand [17] 4/11 5/12 10/22 19/16 20/20 22/15 32/15 33/2 33/18 55/2 58/3 58/4 60/19 61/12 72/3 78/25 81/5

understandable [1] 78/22

understanding [1] 89/17

uniform [3] 81/3 81/5 90/24

units [3] 67/7 83/21 83/23

unless [6] 60/5 76/22 77/24 78/8 82/17 90/7

unmanned [1] 74/14

unravel [1] 97/11

unreasonable [1] 64/21

unsafe [1] 48/20

until [3] 4/18 22/2 74/18

unusual [1] 6/12

up [58] 5/6 7/15 11/23 13/18 13/18 13/22 15/10 18/24 21/5 21/12 30/23 32/10 32/14 32/15 32/21 37/23 37/25 38/15 40/25 46/21 47/18 48/7 48/8 48/12 50/7 52/21 52/22 56/14 57/11 58/12 60/25 63/17 63/22 63/24 64/24 65/7 65/22 66/1 68/9 68/13 69/20 70/6 71/16 74/11 74/22 80/7 84/20 88/20 89/7 89/8 89/9 89/10 90/20 91/17 93/4 93/13 94/6 95/23

updated [1] 50/22

upon [16] 8/2 22/22 34/23 41/16 44/6 57/13 59/7 69/23 70/5 80/4 81/22 81/25 83/3 83/6 85/25 96/16

upper [1] 46/1

upwards [1] 51/11

us [48] 5/21 11/7 16/24 19/19 21/11 22/2 23/8 29/11 30/13 30/15 31/21 31/22 33/25 40/17 42/20 42/21 49/1 49/23 50/14 50/17 50/20 56/8 56/24 56/24 58/12 63/6 63/7 63/15 63/17 63/17 63/22 63/24 64/14 64/18 67/7 69/14 71/14 71/16 81/1 81/1 84/23 85/5 85/16 89/8 89/9 90/18 96/4 97/20

USAR [2] 42/16 42/18

use [5] 31/9 67/15 67/20 70/21 72/24

used [5] 43/20 60/17 60/24 64/18 75/4

using [5] 34/12 62/6 62/22 64/15 75/20

usually [6] 10/19 20/3 50/9 74/5 74/6 76/9

utilize [3] 46/13 46/16 47/15

utilized [1] 38/14

**V**

V-i-t-u-r-e-l-l-o [2] 8/12 9/16

vacant [1] 49/14

value [1] 32/19

vast [1] 16/20

vehicle [7] 60/4 60/7 62/19 65/20 65/20 66/10 66/20

vehicles [7] 42/21 43/18 46/2 46/3 65/2 67/5 84/11

ventures [1] 20/16

very [13] 4/18 21/17 29/11 32/4 40/10 40/16 46/24 68/15 84/1 84/15 96/1 97/7 98/17

vested [1] 56/12

view [1] 71/5

violence [1] 77/16

visitors [1] 59/23

Vitarello [1] 8/11

volume [4] 67/18 85/21 87/11 93/20

volunteer [2] 41/18 83/14

VOTERS [1] 1/4

vulnerable [2] 53/4 53/5

**W**

wading [1] 6/16

wait [5] 6/10 57/8 82/20 93/2 94/19

Waiting [1] 11/22

walk [3] 53/11 71/21 90/4

walking [4] 11/23 12/12 48/20 66/7

want [27] 7/2 7/3 12/23 19/3 20/17 20/18 40/17 40/23 41/2 44/16 44/22 44/23 53/17 55/21 56/21 67/1 71/19 71/20 72/25 76/13 80/4 81/21 82/23 88/20 91/1 97/14 97/15

wanted [8] 28/14 40/18 43/14 44/24 56/19 65/22 93/23 93/24

wants [2] 19/11 19/12

was [212]

wasn't [8] 12/25 42/14 53/15 69/5 69/15 80/23 85/6 86/8

watched [1] 49/16

water [12] 21/12 26/8 27/2 27/3 27/21 42/20 49/7 49/8 49/11 49/13 49/18 58/6

water's [1] 53/24

waterfront [1] 58/25

way [11] 4/5 4/6 4/8 7/2 19/23 21/9 63/5 64/9 77/7 78/2 91/3

ways [1] 45/14

we [302]

we'd [1] 4/2

we'll [7] 5/11 6/4 6/5 85/15 89/24 97/19 97/19

we're [31] 5/14 7/20 8/18 10/1 11/12 16/16 18/3 18/16 20/22 20/25 21/7 28/4 28/18 29/23 33/22 39/18 41/23 47/4 48/10 49/21 57/3 58/13 75/20 77/18 82/13 88/25 89/7 89/10 93/9 94/18 96/18

we've [4] 22/13 26/22 77/14 80/6

wear [4] 18/12 65/2 65/19 92/9

wearing [1] 90/21

weather [2] 24/4 36/10

website [1] 23/7

Wednesday [1] 42/3

week [4] 21/24 44/3 74/7 87/14

weekend [3] 67/16 68/1 69/12

weekends [2] 61/9 67/17

welcome [1] 98/20

well [24] 7/22 13/3 14/13 25/11 28/15 43/15 48/18 53/14 54/17 62/3 67/19 68/5 70/7 73/3 77/20 85/5 85/14 86/6 86/7 87/5 93/12 95/7 97/16 97/23

well-being [2] 43/15 86/7

went [24] 23/21 29/20 29/20 32/23 33/14 33/14 36/6 37/14 39/3 41/8 42/25 43/2 43/4 43/6 43/8 43/9 46/14 48/4 48/7 56/1 57/19 58/9 68/25 86/6

were [144]

weren't [6] 32/11 32/12 36/17 57/15 82/12 87/25

Westbrook [1] 65/11

what [77] 4/2 4/11 4/19 4/20 4/23 6/17 11/11 13/3 14/14 14/16 16/9 16/22 16/24 18/14 20/13 21/25 26/20 26/22 27/21 32/10 32/17 33/2 33/19 34/18 34/19 35/17 35/18 39/6 39/8 39/10 39/17 39/24 40/12 40/18 41/25 42/6 42/8 43/10 44/19 44/21 50/4 53/24 56/13 57/3 57/11 63/12 64/7 64/20 70/9 70/13 73/3 80/5 81/5 81/17 81/18 81/18 83/12 84/16 86/19 89/6 89/6 89/21 90/14 90/18 90/21 90/21 91/10 93/25 93/25 94/1 94/9 94/10 96/7 97/17 97/19 98/6 98/13

what's [4] 26/20 67/23 75/1 94/9

whatever [4] 45/20 52/23 83/23 85/16

whatnot [2] 84/17 85/13

whatsoever [1] 92/24

when [73] 5/17 8/18 8/19 10/2 10/18 13/5 14/19 18/5 20/25 21/20 22/11 22/13 26/6 26/8 26/17 27/6 29/5 29/19 32/11 32/14 32/20 32/25 38/24 39/3 40/3 40/21 41/5 44/1 44/19 45/1 45/10 46/9 47/5 48/15 49/24 52/24 54/12 55/17 55/22 56/1 57/13 58/3 59/23 61/9 62/16 67/4 67/11 71/8 73/21

**W**

when... [24] 74/16 74/17 76/9  
79/4 79/22 79/22 80/2 85/11  
85/15 89/4 89/14 89/15 89/24  
89/25 90/24 91/1 91/5 91/8  
93/14 93/14 95/22 96/5 96/13  
97/3

when's [1] 93/1

where [29] 7/23 8/20 10/22  
15/5 22/7 39/7 48/23 53/22  
55/12 58/3 58/4 58/18 61/25  
64/6 69/10 70/13 70/14 70/14  
71/1 71/24 74/21 74/21 75/12  
78/25 87/22 90/3 90/15 94/9  
94/13

whether [6] 25/5 31/18 61/3  
72/18 73/17 74/13

which [37] 5/5 12/6 13/24  
16/13 18/22 19/2 21/16 23/8  
29/15 30/19 31/6 33/24 34/9  
34/10 42/3 46/19 58/25 60/12  
61/1 61/24 62/15 65/4 71/1  
73/19 73/21 76/12 76/24 77/6  
77/25 78/9 78/22 79/11 81/8  
90/5 94/21 96/1 96/14

whichever [1] 7/2

while [4] 43/17 51/6 79/10  
84/17

Whiteman [16] 11/16 13/3 17/3  
37/11 37/17 39/5 39/23 56/23  
57/3 59/19 61/18 61/23 70/9  
73/7 75/12 88/24

Whitmore [1] 65/10

who [20] 12/3 23/22 24/15 25/7  
25/12 25/14 25/18 40/2 43/14  
43/16 47/1 47/14 56/3 58/7  
81/5 93/7 94/9 95/16 95/18  
97/6

who's [5] 14/25 85/8 91/7 96/4  
96/5

Whoever [1] 5/9

whole [1] 58/24

why [12] 24/22 38/13 71/13  
73/13 73/25 80/17 80/20 80/20  
81/22 86/9 91/16 97/16

will [40] 5/2 5/3 5/4 5/9 5/10  
8/8 9/11 16/8 24/2 25/20 26/3  
26/3 27/16 29/6 32/7 34/5  
34/17 34/20 38/24 44/4 44/9  
55/11 57/11 57/11 58/19 89/12  
89/13 89/17 89/21 90/10 91/4  
91/7 91/8 91/9 93/6 95/6 95/21  
95/22 97/23 98/12

William [1] 37/10

willing [1] 56/4

winds [2] 26/6 28/24

windshield [1] 46/2

Windward [1] 7/7

winter [4] 18/25 19/1 55/4  
91/7

winterize [1] 46/23

Winward [1] 1/11

Wiser [6] 2/12 13/24 13/24  
13/25 23/13 23/17

wish [3] 4/3 19/21 75/17

within [14] 13/12 22/7 22/10  
24/15 25/19 38/21 38/23 54/21  
55/1 56/10 57/25 60/5 60/9  
70/22

without [2] 45/12 75/10

witness [7] 3/2 6/16 6/17 6/18  
6/21 20/5 20/9

witnesses [5] 20/9 95/2 97/6  
97/9 97/22

WOBM [1] 32/9

won't [1] 16/23

words [2] 4/12 75/1

work [9] 4/7 21/23 30/16 62/24  
64/1 79/19 80/3 81/1 89/4

worked [6] 54/23 70/2 74/9  
76/10 79/4 79/23

workers [1] 57/17

workers' [1] 13/19

working [9] 44/12 51/1 52/16  
57/21 70/1 79/10 79/20 84/17  
94/10

works [5] 14/21 22/5 48/3 48/3  
89/3

world [1] 71/9

worry [1] 6/6

worst [2] 10/20 22/24

worth [1] 16/4

would [82] 4/7 4/10 5/3 6/25  
9/12 11/23 12/6 13/25 15/3  
15/12 15/14 18/7 19/13 21/10  
21/25 24/23 24/24 29/1 29/16  
29/24 30/2 34/13 36/8 38/8  
40/12 40/17 44/19 44/20 45/5  
50/23 50/23 50/24 50/25 51/1  
51/12 51/13 51/21 51/22 51/23  
51/25 57/2 61/3 61/5 61/7  
61/12 61/15 62/25 64/8 67/15  
68/24 68/24 70/24 71/6 71/11  
71/18 72/21 72/24 73/18 73/19  
75/13 75/19 76/13 76/17 76/20  
76/20 76/23 77/1 77/7 78/9  
81/22 87/6 87/9 88/4 88/16  
90/7 90/8 91/14 93/18 95/11  
95/12 96/6 97/5

wouldn't [3] 12/20 53/20 72/2

wrench [1] 49/18

wrong [3] 8/10 15/13 73/1

wrote [1] 36/18

**Y**

yard [1] 53/23

yeah [2] 18/25 27/13

year [16] 13/16 16/8 30/1 44/4  
54/19 67/18 68/22 69/1 69/6  
69/14 74/8 75/7 79/20 86/11  
86/17 87/15

year-round [1] 79/20

years [16] 22/17 35/1 41/19  
41/20 41/22 53/7 54/18 55/1  
59/10 68/16 68/21 68/21 69/4  
69/14 85/22 88/9

yellow [1] 43/4

yes [13] 4/22 26/14 27/24 28/2  
39/17 41/3 41/7 41/7 45/11  
59/4 73/9 78/19 82/4

you [219]

you'll [2] 6/2 22/15

you're [35] 4/17 4/19 9/12  
10/11 10/12 10/15 10/19 11/8  
12/6 14/19 15/21 15/22 15/23  
16/3 27/6 27/7 27/11 49/25  
50/2 50/3 71/25 77/2 77/4  
77/21 77/22 77/23 78/16 79/24  
86/21 87/8 90/16 90/21 92/14  
97/17 98/20

your [20] 10/20 15/22 19/16  
28/9 33/8 33/17 46/16 50/3  
51/7 67/24 71/15 76/22 78/17  
83/13 83/14 86/22 87/3 87/7  
90/25 94/16

**Yours [1] 50/10**

**Z**

zero [1] 29/15

zone [1] 38/22