

1 TOWNSHIP OF BERKELEY  
2 PLANNING BOARD

3 IN THE MATTER OF:  
4 SOUTH SEASIDE PARK HOMEOWNERS  
5 AND VOTERS ASSOCIATION  
6 DE-ANNEXATION PETITION HEARING

7 Pinewald Keswick Road  
8 Bayville, New Jersey  
9 Thursday, June 7, 2018  
10 7:30 p.m.

11 B E F O R E:

- 12 Robert Winward, Chairman
- 13 Domenick Lorelli, Member
- 14 Nick Mackres, Member
- 15 Richard Callahan, Member
- 16 Brian Giorico, Member
- 17 Frederick Bell, Member

22 -----  
23 LINDA SULLIVAN-HILL & ASSOCIATES  
24 CERTIFIED COURT REPORTERS  
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7 Attorneys for the Board

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9 17 Beaverson Blvd.  
10 Brick, New Jersey 08723  
11 BY: JOSEPH MICHELINI, ESQ.  
12 Attorneys for the Petitioners

13 ALSO PRESENT:

- 14 Kelly Hugg, Secretary
- 15 Nick Dickerson, Planner
- 16 James Oris, Planner
- 17 Stuart Wisler, Planner

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1 MR. WINWARD: Okay. Let's reconvene.  
2 For our next application is the South Seaside Park  
3 Homeowners and Voters Association de-annexation  
4 petition hearing. And to put it on the record,  
5 while they're approaching, we lost two members that  
6 had to leave, Mayor Carmen Amato and Councilman  
7 John Bacchione.

8 Mr. Michelini, would you please  
9 proceed.

10 MR. MICHELINI: Sure. Good evening,  
11 everyone. Joseph Michelini from O'Malley, Surman &  
12 Michelini on behalf of petition signers from  
13 South Seaside Park.

14 You may recall that Mr. Camera was  
15 testifying. I had reserved to ask him a few more  
16 questions because we received T-42, additional  
17 points that he wanted to make. And was also -- we  
18 were pretty much up with the two hours. So, I  
19 honestly only have a few questions.

20 So, I had asked Mr. Camera several  
21 times over the last several weeks who would be  
22 coming forth from the township or the board, and he  
23 indicated that he would be here tonight. I believe  
24 he has had interaction with the Board of Education.  
25 I'll ask him about that. So, just for the

1 smoothness of the procedure, I'll continue and I'll  
2 ask him about that. And then he indicated that  
3 Mr. Ebenau was here to answer questions. If the  
4 board has questions of Mr. Ebenau, I would like to  
5 be heard beforehand, if there's any questions on  
6 that.

7 MR. WINWARD: Okay.

8 MR. MICHELINI: So, with that,  
9 Mr. Camera, is that accurate, Mr. Camera, sounds  
10 right?

11 MR. CAMERA: That's accurate except  
12 that I would maybe tweak the part about Mr. Ebenau's  
13 presence here tonight. I'd like him to present some  
14 testimony and enter into the record his revised  
15 report that we spoke about at the last meeting.

16 MR. WINWARD: Okay.

17 MR. MICHELINI: We'll get to that. I  
18 certainly have objections to that.

19 MR. WINWARD: Okay. Carry on.

20 MR. CAMERA: I'm going to sit as I  
21 did before, if you don't mind.

22 MR. MICHELINI: Sure. No problem.

23 JOHN CAMERA, recalled.

24 EXAMINATION BY MR. MICHELINI:

25 Q Mr. Camera, you realize you're still

1 under oath?

2 A Yes, I do.

3 Q Okay. And you understand that being  
4 under oath, you obviously have to tell the truth.  
5 You know that, right?

6 A Yes.

7 Q And that there are penalties, both  
8 civil and criminal, for not telling the truth when  
9 you have sworn an oath. Are you aware of that?

10 A Yes.

11 MS. HUGG: Excuse me, John, your  
12 mike.

13 A Yes.

14 Q Now, between the last meeting and  
15 this meeting, did you talk to anybody from the  
16 planning board about these proceedings?

17 A No.

18 Q Did you talk to any board  
19 professionals about these proceedings?

20 A No.

21 Q You didn't talk to Mr. McGuckin or  
22 any of the engineers or the planners?

23 A I corresponded with you and  
24 Mr. McGuckin, but only together, to send you what I  
25 sent and tell you who I expected to put on tonight.

1 Q Right. And in the correspondence  
2 that you sent to me and Mr. McGuckin, it indicated  
3 that Mr. Ebenau would be here tonight to answer  
4 questions, right?

5 A I don't remember it. If I said  
6 that --

7 Q Would you like me to pull it out?

8 A Nope. If I said that, then your  
9 interpretation was more accurate and your memory was  
10 better.

11 Q But now you would like him to  
12 testify?

13 A Yes.

14 Q Just a few questions. When you gave  
15 your opinion, both in your initial report and your  
16 supplemental report, you essentially summed up in  
17 part the testimony of the department heads, correct?

18 A Correct.

19 Q Okay. And I believe Mr. Ebenau also  
20 in his report, as you analyzed it, referred back to  
21 the department heads and what they said, correct?

22 A Correct.

23 Q And in evaluating the opinion of the  
24 department heads, you presumably assigned a certain  
25 amount of weight to that, correct?

1 A Correct.

2 Q You found it to be -- it was  
3 important to you that it was truthful, right?

4 A For sure.

5 Q All right. It was important that the  
6 department heads were -- had good character,  
7 honesty, correct?

8 A Yes.

9 Q And truthfulness in what they -- in  
10 their position, correct?

11 A Correct.

12 Q Are all the department heads still in  
13 those positions?

14 A They are not.

15 Q Who is not?

16 A There was testimony given by  
17 Mark Vanella, who was our director or department  
18 head, I should say, for sanitation and recycling.

19 Q And what happened to Mr. Vanella?

20 A Mr. Vanella has retired.

21 Q He retired?

22 A Yes.

23 Q Was that his idea to retire?

24 A I can't speak to other people's  
25 ideas. We -- there were -- but there was a

1 situation where we had discussions. And I'm trying  
2 to remember if it went any further than discussions  
3 in any way.

4 Q Is there --

5 A There were discussions --

6 Q Go ahead.

7 A There were discussions with him and,  
8 ultimately, he did retire from the township.

9 Q Those discussions, isn't it a fact  
10 that he was encouraged to retire?

11 A Yes.

12 Q Okay. And that's because there were  
13 allegations, whether or not they were truthful,  
14 there were allegations that he was utilizing  
15 township resources at his home; is that correct?

16 A No.

17 Q That is not correct? What were the  
18 allegations?

19 A I don't know that I can or will or  
20 should speak to that. The -- he ultimately  
21 resigned. There were no charges pending or  
22 sustained against him. So, discussions we had based  
23 on allegations that were made and there was -- some  
24 of those allegations were in an anonymous letter.  
25 So, I don't feel that I should or will discuss it

10

1 with anyone.

2 Q But those allegations went to his  
3 truthfulness as an employee, did they not?

4 MR. DASTI: Mr. Michelini, let me  
5 interject. I mean, we're talking about a township  
6 personnel matter which would be a potential  
7 litigation matter on behalf of the township. So,  
8 you can ask Mr. Camera if he believes this  
9 individual is a truthful person. But to get into  
10 reasons as to why he retired or certain internal  
11 allegations I think is irrelevant and it's beyond  
12 the scope of why we're here today. So, let's do it  
13 and move on.

14 MR. MICHELINI: Let me just put my  
15 objection on the record, because I do think it's  
16 relevant, because previous to that Mr. Camera  
17 testified that he assigned a certain amount of  
18 weight to the testimony given by the department  
19 heads and that it was important that they were  
20 truthful. Their veracity was important and their  
21 honesty was important. So, if one of those  
22 department heads is then involved in a situation  
23 where he's, essentially, asked to retire or resign,  
24 because if he doesn't there might be charges brought  
25 against him, and he subsequently takes the easy way

1 out, as many would, and perhaps that was the right  
2 decision on his part, it certainly goes to his  
3 veracity and the testimony that he's given in this  
4 matter. Because if he's a dishonest person, then  
5 when he stood before this board and testified under  
6 oath, his testimony should not be given weight under  
7 those circumstances. So, I do think it's relevant,  
8 Mr. Dasti. And I would like to pursue that line of  
9 questioning. If you're telling me I can't --  
10 MR. DASTI: No, I don't think it is  
11 relevant. And if you think that that individual  
12 was -- is a untruthful person, you could have  
13 cross-examined that individual about their  
14 truthfulness.

15 MR. MICHELINI: Well, this is  
16 something that's come out since --

17 MR. DASTI: Hold on one second. To  
18 cross-examine Mr. Camera about another individual as  
19 to why that individual may or may not be truthful,  
20 who's no longer here, is irrelevant. So, let's move  
21 on to the two or three questions I believe you said  
22 you had of Mr. Camera and let's wrap it up.

23 MR. MICHELINI: Well, let me put my  
24 objection on the record. It is relevant for two  
25 reasons. Number one, these events have happened

12

1 after his testimony. That's my understanding. So,  
2 therefore, I could not have asked him about those  
3 things at that time, or, at least, they came to  
4 light after his testimony.

5 Secondly, in terms, Mr. Camera has  
6 given an opinion before this court and he  
7 testified -- or this board, rather -- he testified  
8 freely that he was giving an opinion. And that  
9 opinion was based upon the truthfulness of the  
10 department heads. And similarly, Mr. Ebenau has  
11 given an opinion in which he relied upon and  
12 testified about the truthfulness of the information  
13 provided by the department heads. And they both  
14 said this. So, I do think it's relevant for those  
15 reasons. If you're telling me I have to move on --

16 MR. DASTI: I don't believe it is,  
17 and I'm not going to allow you to get into it.

18 MR. MICHELINI: My objection is  
19 noted. Thank you very much. I believe it goes to  
20 the continuing bias demonstrated by the board --

21 MR. WINWARD: And as chairman I'd  
22 like to make a comment that it may be relevant in  
23 your situation, but it could also open up a can of  
24 worms for the township. So, I concur with our  
25 attorney. And I don't know if the testimony he

1 gave -- I mean, it's a matter of, he basically  
2 talked about how often they pick up trash and  
3 garbage. And, I mean, there's records of that, I  
4 mean. So, I mean, if we have to have another round  
5 of testimony from the new head of sanitation, if  
6 that would satisfy things, then, you know, so be it.

7 MR. CAMERA: Thank you, Chairman  
8 Winward. Because, as I said, regardless of the  
9 relevancy, I am not going to talk about the  
10 allegations that were made against any employee.  
11 And on the -- to your point, yes, I think it's  
12 important when people are truthful in general. But  
13 if on -- in the specificities of what he testified  
14 to I think were completely backed up by our own  
15 records, my own knowledge. So, I have no concerns.  
16 Quite frankly, if he had been convicted of some  
17 serious crime, it would not change, in my mind, the  
18 relevance or the accuracy of his testimony.

19 MR. MICHELINI: Thank you, Mr.  
20 Chairman. There was no question pending of you.  
21 But thank you for your little speech.

22 MR. CAMERA: I thought it was still  
23 out there. I'm sorry.

24 BY MR. MICHELINI:

25 Q Okay. Moving on. Mr. Camera, last

1 time we were here, you testified to, and I actually  
2 agreed with you, you may recall, Mr. Ebenau had  
3 agreed with you, too, that the school budget would  
4 not be affected in the event of de-annexation; is  
5 that correct?

6 A Correct.

7 Q And you've subsequently -- you've  
8 subsequently researched that with the business  
9 administrator for the school board, correct?

10 A I reached out to the superintendent  
11 of the Berkeley schools and had a phone conversation  
12 with him, Dr. Roselli, and their business  
13 administrator/board secretary, Laura Gingerelli.

14 Q Okay. What did you learn? I'm sure  
15 the board is interested to know. And because I'm  
16 not really -- I'm not the one to bring out this  
17 testimony, I'm going to let you at this point take  
18 over and testify as to what you learned.

19 A Thank you. The board had asked, just  
20 to sum it up, asked about whether or not the  
21 township planned on calling somebody from the school  
22 board in for testimony. We had not planned on that.  
23 And I said that. But then the planning board asked  
24 that I would reach out to the school board  
25 superintendent or some representatives to sit and

1 talk to them about their coming and possibly giving  
2 testimony. So, I did just that.

3 And as I said, I had a phone conversation  
4 with Dr. Roselli and Laura Gingerelli. And in that  
5 conversation, rather than like making it hearsay, we  
6 discussed the impact of the de-annexation, both in  
7 regards to any financial impact on their budget and  
8 any operational impact or social impact. And  
9 they -- Laura Gingerelli authored a letter on  
10 June 4. They both said that they would prefer not  
11 to come give testimony and didn't see any reason to.  
12 But did, at the end of our conversation, say, would  
13 you like me to put something in writing. So, they  
14 did -- Laura Gingerelli did author a letter. It's  
15 very short. I can read it and/or I have copies.  
16 But I'd like to put it into the record as something  
17 that came from the school board.

18 MR. WINWARD: Yes, please do.

19 MR. CAMERA: All right.

20 (The Letter, 6/4/18 was marked as  
21 T-43 for identification.)

22 BY MR. MICHELINI:

23 Q Mr. Camera, anything else you want to  
24 say about T-43?

25 A No.

1 Q T-43 indicates that the budget for  
2 the school district will not change in the event of  
3 de-annexation. That's your understanding, correct?  
4 A Correct.

5 Q And bussing may continue to occur  
6 over the bridge if there are students in  
7 Pelican Island, and I'm aware that some years they  
8 don't have students in Pelican Island, so if there  
9 are no students in Pelican Island, then they  
10 wouldn't that year, correct?

11 A Yes, and that's the way the  
12 conversation went. They said, literally, we can't  
13 see any change in our budget or savings in our  
14 budget unless, of course, there could be some minor  
15 savings if we did not have to send a bus onto the  
16 island, you know, over the bridge at all. But then  
17 he said, but, certainly, we would if it was still  
18 Pelican Island and even if we did not, it would be  
19 so minimum that -- minimal that they couldn't factor  
20 it in.

21 Q And do you know how many students are  
22 on South Seaside Park?

23 A I do not know.

24 Q My understanding is there's one. But  
25 you don't -- that doesn't -- you're not sure about

1 that, correct?  
 2 A Not sure, but it doesn't -- I don't  
 3 think it's --  
 4 Q wouldn't surprise you?  
 5 A -- unreasonable that that could be in  
 6 any given year.  
 7 Q And do you know if there are any in  
 8 Pelican Island at the current time?  
 9 A I do not.  
 10 Q And so, your position is the same as  
 11 our expert's position, is the same as Mr. Ebenau, it  
 12 would not affect -- de-annexation would not affect  
 13 the school board budget?  
 14 A Correct.  
 15 MR. MICHELINI: Thank you. I have no  
 16 further questions of Mr. Camera. And I think he's  
 17 already been asked questions about, just about  
 18 everything else except for what he testified to  
 19 tonight.  
 20 MR. WISER: I just have one question.  
 21 You spoke to two people that you spoke to, a Laura  
 22 Gingerelli and there was another person?  
 23 THE WITNESS: Dr. Jim Roselli, he's  
 24 the school superintendent.  
 25 MR. WISER: Oh, she's the bus. --

1 that's all need.  
 2 THE WITNESS: Yeah.  
 3 MR. WISER: Okay. Thank you.  
 4 MR. DASTI: Any members of the board  
 5 have any questions?  
 6 MR. WINWARD: Yeah, I believe Nick  
 7 does.  
 8 MR. MACKRES: I do have questions.  
 9 Thank you.  
 10 Mr. Camera, was there a board member  
 11 present, any board presentation on that phone call?  
 12 THE WITNESS: No.  
 13 MR. MACKRES: So, no elected members?  
 14 THE WITNESS: Correct.  
 15 MR. MACKRES: Any elected members,  
 16 are they even aware of this?  
 17 THE WITNESS: I can't answer to that.  
 18 MR. MACKRES: Did they know -- say  
 19 that they were going to notify their board members  
 20 since Ms. Gingerelli is the board secretary?  
 21 THE WITNESS: She did not.  
 22 MR. MACKRES: Was there a discussion  
 23 about state aid?  
 24 THE WITNESS: No.  
 25 MR. MACKRES: Was there any

1 discussion about the social makeup of the students?  
 2 THE WITNESS: Yes. From my end, when  
 3 she said she would put something in writing, that's  
 4 what I said, anything that you think, I did not  
 5 mention state aid, but I said anything that you  
 6 think might affect your budget, might affect the --  
 7 like your budget on the appropriation side or your  
 8 budget on your expense side or any social impact on  
 9 the makeup of the school.  
 10 MR. MACKRES: This letter is really  
 11 addressing about what a business administrator would  
 12 normally address, money, and operations as in  
 13 physical operations, not teaching, or student  
 14 makeup, or ethnicity, or any other socioeconomic,  
 15 but also doesn't address any state aid funding.  
 16 Did you address any issues or any  
 17 perceived issues that -- I forget the tax increase  
 18 that would be, which is, if I recall, going to be  
 19 significantly over two percent. What would that --  
 20 how would that impact the board for the future on  
 21 the pressure by the public to decrease the taxes?  
 22 THE WITNESS: I missed that there.  
 23 MR. MACKRES: So, I'll try to say  
 24 that, let me take a step back and try to say this a  
 25 little bit better.

1 With any increases over two percent,  
 2 the public, and this is from my experience, tends to  
 3 be more vocal and puts pressure on the board and the  
 4 operators, such as the chief school administrator  
 5 and the business administrator, to reduce services  
 6 in exchange, you know, for getting the taxes at  
 7 two percent or below. Since this will be pushing it  
 8 up, while maintaining the same, you know, something  
 9 has to give. So, was there any discussion on  
 10 potential future political pressure?  
 11 THE WITNESS: No.  
 12 MR. MACKRES: So, the politics was  
 13 not really discussed, board members were not  
 14 present. The -- so, in effect, the public was not  
 15 present, it was just merely the business  
 16 administrator and the board secretary and chief  
 17 school administrator or the superintendent. And we  
 18 do not know if the board even has an inkling or a  
 19 clue that this discussion even took place?  
 20 THE WITNESS: Correct.  
 21 MR. MACKRES: Thank you very much.  
 22 THE WITNESS: Okay.  
 23 MR. WINWARD: Thank you, Nick. Any  
 24 other questions from anybody on the board?  
 25 MR. MICHELINI: Just a follow-up

1 question.  
 2 FURTHER EXAMINATION BY MR. MICHELINI:  
 3 Q Mr. Camera, if there was a social  
 4 impact, you would have expected Laura Gingerelli to  
 5 comment on that, correct?  
 6 A Correct. She --  
 7 Q Because you asked?  
 8 A It's very few children.  
 9 Q Right. So, even if -- it would be  
 10 hard to have any kind of a measurable social impact  
 11 with only a couple of children at most, correct?  
 12 A I believe it would be an  
 13 insignificant number in their numbers of students.  
 14 Q Correct. And in terms of the  
 15 questions that Mr. Mackres was asking about, the  
 16 two percent. Whatever that's about, it's not  
 17 affected by this because the budget is not going to  
 18 change, correct?  
 19 A Well --  
 20 Q To the best of your knowledge?  
 21 A -- I -- what I -- the budget is not  
 22 going to change, to the best of my knowledge. My  
 23 understanding of Mr. Mackres's point was that the --  
 24 where it would show on the tax bill that if we have  
 25 less ratables and, therefore, everybody else is

1 paying more, it's not just the bottom line. It's  
 2 more they would show that they're paying more for  
 3 the Berkeley schools.  
 4 I understood his point to be that then there  
 5 would be some political impact, whether it's on the  
 6 governing body and/or school board members, to  
 7 reduce the school budget, therefore, not giving as  
 8 good of services because those people will -- those  
 9 taxpayers will look at their bill and say, oh, this  
 10 big increase, and I think that's what he was  
 11 referring to, over two percent. Like, we're seeing  
 12 such a big increase in our school thing that they're  
 13 going to start pushing for the school board to lower  
 14 their budget.  
 15 Q Okay. But you didn't see it as your  
 16 job to explore the political ramifications of the  
 17 impact of de-annexation on the school board,  
 18 correct?  
 19 A Correct.  
 20 Q You're only here to present facts and  
 21 to try to determine the impact in terms of dollars,  
 22 correct?  
 23 A Correct.  
 24 Q And, as you see it, there are no --  
 25 there really is no direct impact in terms of dollars

1 to the school board because the budget's not going  
 2 to change, correct?  
 3 A Correct. As she clearly says, I  
 4 think they would request the same amount from us,  
 5 but we'd have to get it from fewer ratables.  
 6 MR. MICHELINI: Okay. Nothing  
 7 further.  
 8 MR. MACKRES: I have some follow-ups  
 9 to this.  
 10 MR. WINWARD: Okay.  
 11 MR. MACKRES: So, when I was talking  
 12 about social impact, it wasn't just potentially that  
 13 one child thing and how good of a -- or how popular  
 14 that child is. It also has to do with state aid.  
 15 And state aid is designated by numerous factors that  
 16 we can spend a whole entire day trying to discuss.  
 17 So, if that -- if there is a de-annexation, you  
 18 know, and the state aid numbers change, that could  
 19 have an impact. And I have seen and heard of towns  
 20 fighting that back and forth, and it going to  
 21 Department of Education to do those fights and how  
 22 to block, block schools from pulling out, block  
 23 towns from pulling out, paying in back and forth.  
 24 Famously, in Central Regional Seaside Park. Okay.  
 25 So, to think that's not going to happen, you know,

1 with the history that we've had with Seaside Park  
 2 and Central Regional, and if this de-annexation does  
 3 occur and join Seaside Park, it's pretty foolish. I  
 4 mean, you see the writing on the wall. And that's  
 5 my opinion based off of base rate information.  
 6 My notes from December 7, 2017, I was  
 7 doing some numbers. And if everything stayed the  
 8 same, as in no teachers were fired, no busses were  
 9 changed, no inflation, no teacher moved under the  
 10 guide, nothing, the tax rate, instead of with a loss  
 11 of the ratables, would go up 14.9 percent. My math  
 12 may be wrong, but that's what I'm coming up with.  
 13 And if you don't think that's going to have an  
 14 impact by somebody saying, we didn't do a single  
 15 thing, we may have cut one bus, but we're still  
 16 going up 14.9 percent. And we haven't even talked  
 17 about health care going up around ten percent or  
 18 teachers' salaries going up or inflation or gas or  
 19 water or electric and trash going up. That's pretty  
 20 reckless.  
 21 THE WITNESS: I don't think -- I  
 22 know --  
 23 MR. MACKRES: I'm just putting that  
 24 on the record. So that when it goes to the  
 25 township, if it does go to appeals, it does go to

1 the courts, something happens down the road, I'm  
2 still pushing for a clawback.

3 THE WITNESS: Yeah. And I completely  
4 agree, the tax impact on the remaining taxpayers, if  
5 de-annexation occurs, is the bottom line issue that  
6 the township has with this application for  
7 de-annexation. The money, you, you know, knowing  
8 that field, are focusing on the, specifically, the  
9 school part of it. And, as I said, I thought I  
10 understood what you meant about like a more than  
11 two percent, whether your numbers are right and it's  
12 14 or it's more or it's less. As I thought I said,  
13 we agree that a significant impact on the taxes will  
14 be really a hardship on all of our taxpayers. How  
15 that reflects on them, some of them directly,  
16 attributing it to, well, now we got to get the  
17 school board to lower their budget, those kind of  
18 things. Sure, that could be, who knows what the  
19 impact or how they'll react to that. But the  
20 financial impact on the remaining taxpayers is, I  
21 would call, the crux of the township's case and  
22 issue with de-annexation.

23 MR. MACKRES: And my personal  
24 experience with budgets, and we've seen it before  
25 with, when the state, under Christie, cut a lot of

1 the aid. And then retained it at zero percent. A  
2 lot of services were cut. A lot of resources were  
3 cut. Teachers were fired, custodians. And in the  
4 end, they cut a lot of it from operations in the  
5 buildings, and buildings started to deteriorate.  
6 So, for me, you know, a 14.9 percent increase with  
7 not a single teacher added, nothing changing, is  
8 going to do -- is going to put undue pressure. And  
9 it's definitely going to lower the academics of the  
10 township. And with, you know, a four year old and  
11 twin two year olds, I have serious concerns about  
12 this. And I'm pretty sure I'm not the only one with  
13 kids in our school systems.

14 THE WITNESS: And I can tell you  
15 from -- I'm sorry to interrupt if I did -- but from  
16 the township's perspective, again, that increase, we  
17 haven't talked about that because we've been just  
18 defending why the impact would have a significant  
19 impact, why the increase would have a significant  
20 impact on the taxpayers. But, sure, I can speculate  
21 and feel pretty certain that those taxpayers are not  
22 going to come and say, this is ridiculous, look at  
23 this tax increase, it's too bad about de-annexation.  
24 They're going to come to the governing body and say  
25 the same kind of things you're supposing they will

1 say to a school board. They're going to say, I  
2 don't care why. At this point, you've got to do  
3 something to lower the taxes back down.

4 They're not going to just stand for  
5 it. They're going to demand reductions in salaries  
6 or budgets on the appropriation side. But, yes,  
7 there will be a lot of impacts. But, for us, at  
8 this point, we're focusing on the fact that there  
9 will be a significant tax impact on all the  
10 remaining taxpayers if this ever happened. And,  
11 like you said, what could -- what that could create  
12 could be devastating.

13 MR. MICHELINI: Just for the record.  
14 With all due respect to Mr. Mackres, I think he's  
15 essentially testifying. And his statements not only  
16 disagree with our expert, who doesn't see a  
17 significant financial impact to the municipality in  
18 the event of de-annexation, but also disagrees with  
19 the testimony of Mr. Ebenau. He did not testify  
20 that there would be a 14.9 percent increase in tax.  
21 And I also take umbrage to his statements that when  
22 the board, essentially, the matter goes to the  
23 council, and when the council denies the request for  
24 de-annexation, that it will go to the courts. I  
25 mean, that's -- we're still in the middle of the

1 hearings and testimony.

2 MR. DASTI: He hasn't said --

3 MR. MICHELINI: The record will  
4 reflect exactly what he said.

5 MR. MACKRES: Then read it back right  
6 now.

7 MR. DASTI: Hold on a second.  
8 Everybody stop for a second. Hold on.

9 Mr. Mackres was making his comments  
10 as to his concerns. He didn't say he's pre-judged  
11 this case. He said why -- the concerns he had with  
12 regard to the de-annexation hearing. So, he's free  
13 to do that. He's a duly appointed board member  
14 here. He's been sitting in these meetings for three  
15 and a half years. So, he certainly has the right to  
16 voice his opinion and ask Mr. Camera some questions.

17 MR. MICHELINI: Certainly he can  
18 voice his --

19 MR. DASTI: It's totally appropriate.

20 MR. MICHELINI: Certainly he can  
21 voice --

22 MR. DASTI: Let's move past it.

23 MR. WINWARD: And he's not testifying  
24 for the board. He's just giving his own opinion  
25 because of the nature of, he is a school

1 administrator for another district. I don't think  
2 it's any big secret. So, he has a little bit of a  
3 area of expertise. But I just want to make it clear  
4 for the record, he's not testifying before the  
5 board. He's testifying on behalf of himself as a  
6 board member with some concerns. And he also is a  
7 taxpayer.

8 MR. DASTI: Excuse me, Mr. Chairman.  
9 He was not testifying at all. He was making  
10 comments and asking questions of Mr. Camera. And  
11 there was an exchange between Mr. Camera and  
12 Mr. Mackres. It was totally appropriate. He has  
13 his own concerns. His own opinions. He has been  
14 sitting in that seat for three years. He's heard  
15 all the testimony. So, he was voicing his valid  
16 concerns. All right. So, let's move past it.

17 Do you have any other questions of  
18 Mr. Camera?

19 MR. MICHELINI: With all due respect,  
20 I think the record speaks for itself and I disagree,  
21 because he was very specific as to his crunching  
22 numbers and coming up with specific amounts --

23 MR. DASTI: If the record --

24 MR. MICHELINI: -- so the record  
25 speaks for itself. My objection --

1 MR. DASTI: If it speaks for itself,  
2 then why are you talking about it?

3 MR. MICHELINI: My objection is on  
4 the record. Thank you.

5 MR. WINWARD: Thank you. Duly noted.

6 MR. MACKRES: I still have one.

7 MR. WINWARD: Oh, okay.

8 MR. MACKRES: So, if I'm wrong,  
9 please review the numbers, come back, tell us the  
10 numbers. I am looking at the percentage difference  
11 between what the Berkeley taxpayer is paying on the  
12 local tax levy currently and what would it be in the  
13 future if de-annexation does go through.

14 One more question for Mr. Camera.  
15 Did you discuss with Ms. Gingerelli and Dr. Roselli  
16 what would happen to the bond rating of the township  
17 of the Berkeley School District?

18 THE WITNESS: No.

19 MR. MACKRES: Okay. So, if there was  
20 a de-annexation -- so the bond rating is dependent  
21 on many factors. So, there's potentially the more  
22 expensive part of the town, the higher value of the  
23 town coming out, and they look at the total value as  
24 well. If those demographics change, it has an  
25 impact either for or against a township's bond

1 rating and the school district's bond rating. So,  
2 no bond rating was discussed?

3 THE WITNESS: No.

4 MR. WINWARD: Okay. Moving on. I'm  
5 not sure if I heard right in the beginning. Are we  
6 hearing from Mr. Ebenau?

7 MR. CAMERA: Yes, the township would  
8 like --

9 MR. WINWARD: So, at this time, I'd  
10 like to call him for his revised report.

11 MR. MICHELINI: I'd like to put an  
12 objection on the record. If you'd bear with me for  
13 a moment.

14 MR. DASTI: Sure.

15 MR. MICHELINI: Mr. Ebenau testified  
16 at length in December of two thousand --

17 MR. GINGRICH: Could you step into  
18 the mike?

19 MR. MICHELINI: I'm sorry. Yes.

20 Mr. Ebenau testified at length on  
21 December 7, 2017. In fact, he testified for the  
22 entire meeting. On March 1, 2017, he then answered  
23 questions from the board, I believe, and the board  
24 professionals, beginning with Mr. Wisner. And then I  
25 commenced my cross-examination.

1 On April 5, I finished my  
2 cross-examination of Mr. Ebenau. And at page 84,  
3 the board attorney indicated that Mr. Ebenau was  
4 done testifying. On May 3rd, when we appeared last  
5 time, there was -- Mr. Camera testified and there  
6 was a statement at the beginning of the hearing as  
7 to what was going to happen. And it was stated that  
8 Mr. Ebenau had concluded his testimony and that Mr.  
9 Camera would now be testifying.

10 It is totally improper and out of  
11 order and unfair, quite frankly, and lack of due  
12 process to now allow Mr. Ebenau to come back again  
13 and testify merely because perhaps I've been able to  
14 make some inroads into the testimony of Mr. Ebenau,  
15 at least initially through cross-examination or by  
16 way of cross-examination of Mr. Camera. It is out  
17 of order. It is totally unfair to me as the  
18 petitioners' attorney.

19 I mean, how many bites at the apple  
20 does the township get? Do they get to call him back  
21 five times? Do they get to call him back four  
22 times? He's already testified three times. And not  
23 only did he testify previously, he put in a report  
24 and then he testified to some extent about a revised  
25 report that he didn't put into evidence and which is



1 several pages longer. But if he's going to testify  
 2 about that, you know, I'm supposed to get more than  
 3 two days' notice that he's going to testify.  
 4 MR. WINWARD: I'll leave it to our  
 5 board attorney to make the decision.  
 6 MR. CAMERA: Well, can I add  
 7 something from the township's perspective?  
 8 MR. DASTI: Sure, Mr. Camera.  
 9 MR. CAMERA: The one thing that was  
 10 mentioned at the very end there was that in one of  
 11 the -- I forget which month it was -- but after  
 12 Fred, Mr. Ebenau's initial testimony, and  
 13 Mr. Michelini's cross-examination, there was an  
 14 error brought out and Mr. Ebenau felt it was  
 15 appropriate to revise his report based on what was  
 16 pointed out. And, in fact, the township then gave  
 17 copies, if my recollection is right, of that revised  
 18 report to Mr. Michelini and Mr. McGuckin, well ahead  
 19 of the next meeting that Fred came to, Mr. Ebenau  
 20 came to. And then Mr. Ebenau came to that meeting  
 21 and gave testimony as to the contents of that  
 22 report, but just technically never entered the  
 23 report into the record. I felt that it should have  
 24 been entered into the record. The township is  
 25 not -- does not have an attorney representing them.

1 we've missed some of the proper protocols for the  
 2 hearing. So, I don't think it's unreasonable at  
 3 all. And to the point of only two days' notice,  
 4 Mr. Michelini and maybe the petitioners, however  
 5 they handle it, have had that revised report for  
 6 quite some time, heard testimony on it already.  
 7 And, certainly, Mr. Ebenau will be here to answer  
 8 any more questions.  
 9 MR. MICHELINI: I need to respond to  
 10 that very briefly. I got two days' notice that  
 11 Mr. Ebenau would be here to, quote, answer  
 12 questions.  
 13 MR. DASTI: Okay.  
 14 MR. MICHELINI: Not that he would be  
 15 here to put in his revised report that he did a  
 16 couple of months ago. And --  
 17 MR. DASTI: Mr. Michelini, let me ask  
 18 you a question.  
 19 MR. MICHELINI: No, let me finish,  
 20 please. Let me finish my objection.  
 21 MR. DASTI: I just want to know --  
 22 MR. MICHELINI: Excuse me. Let me  
 23 finish my objection.  
 24 MR. DASTI: -- how long have you had  
 25 the report for?

1 MR. MICHELINI: Let me finish my  
 2 objection.  
 3 MR. DASTI: Answer my question.  
 4 MR. MICHELINI: Let me finish my  
 5 objection.  
 6 MR. DASTI: I just want to know how  
 7 long you have the report for.  
 8 MR. MICHELINI: Let me finish my  
 9 objection.  
 10 MR. DASTI: Okay. Go ahead.  
 11 MR. WINWARD: Then answer the  
 12 question. How's that?  
 13 MR. MICHELINI: How long have I had  
 14 the revised report?  
 15 MR. DASTI: Yeah.  
 16 MR. MICHELINI: I don't know. That's  
 17 the answer. The answer is, I don't know. I'd have  
 18 to go look in my case and figure out exactly how  
 19 long I've had the revised report. But, certainly, I  
 20 have -- excuse me -- I have the revised report. But  
 21 this is the point, he testified -- that revised  
 22 report is three pages longer. He has not testified  
 23 about what's in that additional three pages. That's  
 24 all new stuff. He's never testified to that. And  
 25 he said he was done. He does not get another bite

1 at the apple. That is totally improper, totally  
 2 prejudicial to me. It shows bias and interest on  
 3 behalf of the board if they were to allow this. I  
 4 think it's totally improper. The report is three  
 5 pages longer. He didn't testify to those three  
 6 additional pages. I can't now --  
 7 MR. DASTI: Your objection's done  
 8 now?  
 9 MR. MICHELINI: Excuse me.  
 10 MR. DASTI: You've been on for two  
 11 minutes.  
 12 MR. MICHELINI: No, it's not done.  
 13 Okay.  
 14 MR. DASTI: Let's wrap it up, please.  
 15 MR. MICHELINI: Let's wrap it up,  
 16 please.  
 17 MR. DASTI: Yeah, please.  
 18 MR. MICHELINI: Okay. We'll wrap it  
 19 up.  
 20 This is just one more demonstration  
 21 of what is improper procedure. And it shows that it  
 22 should not -- it should not be allowed under these  
 23 circumstances. And I'll tell you right now, if this  
 24 board allows it, it's going to be a main point,  
 25 should this board recommend to the council and

1 should the council decide to deny de-annexation, it  
2 will be a main point to any court some day, should  
3 that occur. Thank you.

4 MR. DASTI: Thank you.

5 MR. WINWARD: And I want to go on  
6 record, too. Nobody -- as a board, we're relying  
7 on, we're taking all this in, we're relying on  
8 testimony, we're relying on our experts and  
9 yourself. Because this is something we don't have  
10 an area of expertise. We've never sat in on a  
11 de-annexation hearing. So, I guess maybe we can do  
12 it this way. If the board has any questions for  
13 Mr. Camera, or Mr. Ebenau, or Mr. Michellini, we can  
14 do it that way.

15 MR. DASTI: Well, Mr. Chairman, let  
16 me just say, you had asked me to --

17 MR. WINWARD: Yes, please.

18 MR. DASTI: -- give you my opinion,  
19 then we went off on a little side route.

20 Mr. Ebenau had prepared a revised  
21 report. The purpose of this board is to hear all  
22 testimony and evidence that you feel is relevant to  
23 help you make a recommendation to the governing  
24 body. So, the determination that you have to make  
25 is, is the revised report and the additional

1 testimony from Mr. Ebenau, relevant evidence to help  
2 you make your determination. He's prepared the  
3 report. From what I understand, counsel's had it  
4 for some time. If Mr. Ebenau is going to or has  
5 testified to it, it should be admitted into evidence  
6 as part of the record. And you should consider the  
7 additional testimony. So, that's the foundation.

8 MR. MICHELINI: Essentially --  
9 essentially, what that amounts to, it amounts --  
10 see, I think the cross-examination of Mr. Ebenau was  
11 particularly effective. And that's not to pat  
12 myself on the back, but I spent a lot of time  
13 getting ready for it. And as a result of that, his  
14 opinion was significantly, in my opinion, not  
15 necessarily in the board's, but in my opinion,  
16 significantly undermined. And, therefore, the  
17 opportunity to get another bite at the apple, under  
18 those circumstances, is totally unfair and improper.  
19 If we were in a court of law, certainly, that would  
20 never happen. I'm totally comfortable saying that,  
21 having practiced law for 34 years. And although  
22 we're in a somewhat different environment, and I  
23 acknowledge that, we have been going according to  
24 those rules of direct examination,  
25 cross-examination, redirect, recross.

1 There's been no indication that we  
2 would deviate from that to a situation where months  
3 after Mr. Ebenau last testified, on April 5, that he  
4 would be able to come and try to cure defects in  
5 either his testimony or the testimony of Mr. Camera,  
6 who also testified about Mr. Ebenau over my  
7 objection, testified about his opinions. It's just  
8 totally improper. And I can't strongly enough  
9 indicate that objection. It's up to the board as to  
10 what it wants to do.

11 MR. WINWARD: Just so we get the  
12 other side of the story. Mr. Camera, what exactly  
13 is different about Mr. Ebenau's revised report, and  
14 is it anything significant?

15 MR. CAMERA: The core part of the  
16 revision came because in cross-examination, it was  
17 brought out that the -- one of the critical numbers  
18 as far as the, I think it was, the dollar amount of  
19 the ratables, if I remember correctly, for  
20 South Seaside Park, was incorrect. And, therefore,  
21 made him use a or caused him to use a different  
22 percentage that was incorrect. So, he put in the  
23 correct numbers, used the -- came up with the  
24 correct percentage and then adjusted everything  
25 according to that. And, again, my recollection is

1 that he testified to aspects of that corrected  
2 report, but the board doesn't have that corrected  
3 report in the record, because it was just a  
4 procedural thing. That night, I assume there would  
5 have been no objection if he wanted to enter that  
6 report in that night. Well, I shouldn't assume  
7 that. I would hope that there wouldn't have been  
8 any objection if he did it that night. Since it  
9 didn't happen and the meeting was adjourned, I think  
10 it's appropriate that he put it into the record so  
11 you have it.

12 And I think I'm hearing that  
13 Mr. Michellini has a base concern with it ever going  
14 in the record, but I did also hear him say that the  
15 shortness of time. Certainly from the township's  
16 perspective, if you'd prefer, and that makes a  
17 difference, for us to come back to the next meeting  
18 with Mr. Ebenau instead of doing it tonight. It's  
19 not like we feel it has to happen tonight. But we  
20 thought it was appropriate, it should be in the  
21 record at some point.

22 MR. MICHELINI: I object to it going  
23 in at any time. It's three additional pages that he  
24 hasn't testified to. And I didn't get notice of  
25 that, but I object to it going in --

1 MR. WINWARD: Well, in our case --  
 2 you'll have an opportunity to cross-examine him --  
 3 but, like I said, we can only go by what our  
 4 professionals recommend. And our, the board  
 5 attorney said it is permissible. So, I would like  
 6 to maybe just hear a very brief, noting your  
 7 objections, summary of what the difference is.  
 8 Maybe we don't have to read all three pages. But I  
 9 think it would be appropriate if we do, when we do  
 10 make a decision, that we have the right facts to  
 11 work with, especially since we are all residents of  
 12 this township as well, we're curious to see how it's  
 13 going to affect our taxes, if at all.

14 Mr. Ebenau.

15 FREDERICK EBENAU, recalled.

16 MR. DASTI: Mr. Ebenau, do you have a  
 17 copy of your report?

18 THE WITNESS: I do, yes.

19 MR. DASTI: Can you give it to  
 20 Ms. Sullivan-Hill?

21 (The Revised report of Mr. Ebenau was  
 22 marked as T-44 for identification.)

23 MR. DASTI: Mr. Ebenau, I believe  
 24 there is a question. I think the Chairman asked,  
 25 what's the difference, in summary, right?

1 THE WITNESS: Yes. The main  
 2 difference in the report is, Mr. Michelini, and  
 3 rightfully and justifiably pointing out, that the  
 4 percentage of South Seaside Park to the whole of  
 5 Berkeley Township was incorrect in the initial  
 6 report. I had reported in my report that it was  
 7 11.27 percent. He did the math on his own. And it  
 8 was actually 10.66 percent. I then went back and  
 9 confirmed that with the tax assessor of the  
 10 municipality. And Mr. Michelini is correct at 10.66  
 11 percent.

12 MR. WISER: And this is the -- the  
 13 percentage is what, the assessment?

14 THE WITNESS: Is the portion of  
 15 South Seaside Park to the township as a whole.

16 MR. WISER: But it's the  
 17 assessment --

18 THE WITNESS: Correct.

19 MR. WISER: -- is it land value, plus  
 20 improvement value --

21 THE WITNESS: Yes.

22 MR. WISER: -- total value?

23 THE WITNESS: Total value, right.

24 MR. WISER: Okay. Thank you.

25 THE WITNESS: That's the main. The

1 additional three pages, have you, is, again, another  
 2 point Mr. Michelini had brought up during the  
 3 testimony, and that was, there was an absence of the  
 4 consideration of the debt service that would be  
 5 lost. And which would, essentially, have a savings  
 6 for the municipality, because the debt service would  
 7 be decreased, should South Seaside Park, because  
 8 they would take their portion with them. So, the  
 9 current -- the annual debt service would be  
 10 decreased. And that's addressed in the revised  
 11 report.

12 So, accordingly, because of the  
 13 percentages that changed, that changed the numbers.  
 14 It did not change the numbers of the savings, but it  
 15 did change the shifting in the tax rate and the  
 16 portion of which taxes would be increased to the  
 17 rest of the taxpayers, should all things being  
 18 equal, with the budget numbers that were used to,  
 19 you know, to put this report together.

20 MR. WINWARD: I had a question. So,  
 21 10.66 is the correct figure? So, is that a lower  
 22 figure than the 11.2 percent?

23 THE WITNESS: It is. Yes, it is.

24 MR. WINWARD: So, I mean -- so, okay,  
 25 so, it's less. So, it actually helps you then?

1 MR. MICHELINI: Correct. And I  
 2 pointed that out in the initial report. I went  
 3 through it and showed that the 13 out of 15 pages of  
 4 the initial report were essentially totally  
 5 inaccurate, because they have the wrong percentage.  
 6 You may recall that.

7 MR. WINWARD: So, I think that's  
 8 actually a good thing to get in the record  
 9 because -- maybe it doesn't. I don't know. A  
 10 difference of point five, six percent -- or five --  
 11 point five, four, something like that.

12 MR. MICHELINI: With all due respect,  
 13 I think it's already in the record because I already  
 14 crossed him on the differences.

15 MR. WINWARD: Got it.

16 MR. MICHELINI: It's already in  
 17 there. We don't need to put it in with a report  
 18 also.

19 MR. WINWARD: Okay. So at this  
 20 point, I'd like to open up to the board. Do they  
 21 have any questions for Mr. Ebenau or our  
 22 professionals?

23 MR. DICKERSON: Through the chair,  
 24 just one very basic question.

25 Whether we're looking at this report

1 or the previous report, would there still be a  
2 negative financial impact to the remaining residents  
3 of Berkeley Township should de-annexation occur?

4 THE WITNESS: Yes, there would be.

5 MR. DICKERSON: Thank you.

6 MR. WINWARD: I believe you had a  
7 question, Chris?

8 MR. DASTI: I do not.

9 MR. WINWARD: Red you must have. Red  
10 or Fred? Nick? Brian?

11 MR. WISER: Mr. Chairman, I do have  
12 just one question. Well, I shouldn't say that. The  
13 first question I have is, we've been here a long  
14 time. I don't remember off the top of my head what  
15 year data Mr. Moore used in doing his calculation,  
16 but it was certainly a couple years ago. What is  
17 the date of the, pardon me, the date of the  
18 information that you got from the assessor that  
19 would then allow you to do your recalculations  
20 through your report?

21 THE WITNESS: Using the numbers for  
22 the 2017 total assessed valuation.

23 MR. WISER: And that would be current  
24 through October 2017; is that correct?

25 THE WITNESS: September 30, yes.

1 MR. WISER: September, okay. Thank  
2 you. You know, just, it's -- I don't know whether I  
3 have any more questions, Mr. Chairman. Because we  
4 have not seen the report, the revised report. We  
5 have not, as professionals, had the opportunity to  
6 review it to see whether there would be any more  
7 questions. So, with that, that's really all I have.

8 MR. WINWARD: I'll have to leave that  
9 up to our board attorney. Do they get copies of  
10 this report?

11 MR. DASTI: They should be provided  
12 copies, yes. So, the planner and the engineer  
13 should have an opportunity to review it, sure. It's  
14 in the record. So, you can reserve any questions  
15 you may or may not have in the future.

16 MR. WINWARD: And just so we have  
17 some guidance, I'm going to ask each professional.  
18 So I'll start with you. What's our next steps?  
19 What's the next steps now after this? Do you have  
20 anything additional?

21 MR. MICHELINI: Well, This is part of  
22 the township's case. Okay.

23 MR. WINWARD: Okay.

24 MR. MICHELINI: I reserve -- we have  
25 the burden of proof. And typically, when a

1 plaintiff, in this we're not technically plaintiffs,  
2 but we're petitioners, typically, when they have the  
3 burden of proof, they get the first word and the  
4 last word. They get the opening argument. They get  
5 the closing argument. They get the initial  
6 witnesses. The defense or, in this case, the  
7 township, puts on their case, and then we would have  
8 rebuttal witnesses. The only issue with regard to  
9 that is, where does Mr. Wiser fit in, because he's a  
10 board -- as a board professional, I know that he's,  
11 from his invoices and from conversations with him,  
12 that he's preparing a report. And at some point,  
13 the board is going to want to hear testimony from  
14 him.

15 MR. WINWARD: When is that testimony  
16 going to be?

17 MR. WISER: Well, before we get to  
18 that -- and I'll be happy to talk to that.

19 Mr. Ebenau, do you have additional  
20 copies of your report to hand out to us so we can  
21 review?

22 THE WITNESS: I do not, not with me  
23 tonight.

24 MR. WISER: Okay. Kelly, or could I  
25 ask, I guess, whoever the appropriate person would

1 be, if you could scan those in and e-mail them to  
2 us. That would be great. Thank you.

3 MS. HUGG: I will.

4 MR. WISER: Thank you.

5 The way this has, this is now, I  
6 think I've told everybody, I've got a little bit of  
7 experience with this. This is my third go-round  
8 with de-annexation. The way I see it unfolding, and  
9 Mr. Michelini and I did chat about this in the  
10 hallway before the hearing tonight, is that my  
11 original assumption was that some folks from the  
12 school board would testify. Apparently, that's not  
13 going to happen.

14 Presumably, next month, the board,  
15 having seen now the report and us as professionals  
16 having seen the report, may or may not have some  
17 questions of Mr. Ebenau. Presumably, then  
18 Mr. Michelini will redirect some questions related  
19 to that. That will take up as much time as it takes  
20 up. And then, whether it starts next month or after  
21 that, assuming there are no more witnesses on the  
22 township side, and I believe, Mr. Camera, that would  
23 be it.

24 Then the general public, the people  
25 who have -- are not petitioners -- or I should say,

1 let me take a step back -- the people who have not  
 2 testified yet, would get an opportunity, whether  
 3 it's other residents of South Seaside Park, other  
 4 residents -- or residents of other parts of the  
 5 township, or any other member of the general public  
 6 who wish to comment on it, would have their  
 7 opportunity. That will take, again, as long as it  
 8 takes. One meeting, two meetings, I don't know.

9 MR. WINWARD: I have a question on  
 10 that. When the public testifies, does he get an  
 11 opportunity to cross-examine them or just --

12 MR. WISER: I will leave that answer  
 13 up to counsel.

14 MR. LORELLI: I don't follow you.  
 15 You're saying that the public will get a chance to  
 16 comment on this?

17 MR. WINWARD: Not the South Seaside  
 18 Park public, the rest of the township.

19 MR. LORELLI: South Seaside Park, any  
 20 public.

21 MR. WINWARD: Yes.

22 MR. LORELLI: Either South Seaside  
 23 Park or Berkeley.

24 MR. WINWARD: It's their tax rate.  
 25 Of course.

1 MR. DASTI: Think of it like a --

2 MR. LORELLI: Can I finish my  
 3 statement, please? You would say people who were  
 4 not listening to this thing for the last year are  
 5 going to comment on this. What are they going to  
 6 comment on? On a few words that we know or are they  
 7 going to comment on we discussed or we heard for the  
 8 last year?

9 MR. WISER: Sir, this is a public  
 10 hearing. Just like any public hearing, the public  
 11 has the right to --

12 MR. LORELLI: What do you expect from  
 13 a person, a public hearing, who hasn't even heard  
 14 any of this? What could they say? What would they  
 15 know?

16 MR. WISER: I, I don't know that.

17 MR. LORELLI: Well, then how value  
 18 is -- then how value is their input?

19 MR. WISER: Well, you as board  
 20 members will determine whether there's any value to  
 21 their comments.

22 MR. WINWARD: That makes sense.

23 MR. LORELLI: You know, it's very  
 24 difficult for us sitting here also to make any  
 25 comments, because we only listen to this thing once

1 a month. Okay. And it doesn't go continuously. We  
 2 jump from one thing to another thing. We're not  
 3 CPA's. We're not lawyers.

4 MR. WISER: So, to that point --

5 MR. LORELLI: So, it makes me even --  
 6 I'm an engineer, but I can't follow half the things  
 7 that go on. So, I'm going to comment on something.  
 8 Now you expect somebody who has not heard a word of  
 9 this to comment. That doesn't make sense.

10 MR. DASTI: Well, sir, the issue is  
 11 is that it's a public hearing. So, just if you were  
 12 hearing a subdivision or the wawa, or whatever, at  
 13 some point, you have to open up to the public to  
 14 allow members of the public to comment.

15 MR. LORELLI: I understand that.

16 MR. DASTI: It doesn't mean the room  
 17 is going to be full, but you just have to do it.  
 18 It's just -- it's a procedural thing.

19 MR. LORELLI: I understand what  
 20 you're saying. But what you're talking about is,  
 21 the public is hearing something that is brought up  
 22 to the board. We show them a blueprint. We show  
 23 them, this is going to be fixed or this is going to  
 24 be changed.

25 MR. DASTI: Sure.

1 MR. LORELLI: And that's the whole  
 2 story. So, yes, they have a right to comment on  
 3 something. But how are you going to get somebody to  
 4 comment on something that they haven't heard about  
 5 for a whole year?

6 MR. WINWARD: But they have the right  
 7 to, so that's what he's saying.

8 MR. MICHELINI: I agree with Mr.  
 9 Lorelli, that this has been a very difficult  
 10 process. And I don't --

11 MR. LORELLI: It is a very difficult  
 12 process. My hat's to you for carrying on.

13 MR. MICHELINI: It is.

14 MR. WINWARD: But we do have to open  
 15 it up to the public.

16 MR. DASTI: One at a time.

17 MR. MICHELINI: I'm not saying I  
 18 think the board has an obligation for better or for  
 19 worse to open it up to the public. I would simply  
 20 say that that should be done after all the testimony  
 21 is in, rather than --

22 MR. WINWARD: Exactly.

23 MR. MICHELINI: -- before, and,  
 24 personally, I think Mr. Wiser should go next, then  
 25 we should have the chance for rebuttal, because he's

1 going to give opinion testimony as an expert. We  
2 should have a chance for rebuttal. And then the  
3 public should come in. And then if the board wants  
4 to entertain summations, they can do that, but  
5 that's up to them. But that, you know, I think  
6 Mr. McGuckin and I and Mr. Dasti, we can talk about  
7 that after the meeting, rather than take up time  
8 here.

9           The only thing I would like to do is,  
10 I don't want to waste time. So, if this report is  
11 in evidence, I'd like to ask Mr. Ebenau a few  
12 questions and reserve my right to continue next  
13 time. But ask him what's on my mind now so that we  
14 don't just waste time. Because, obviously, he's  
15 coming back.

16           MR. WINWARD: Okay. Did you have  
17 anything additional?

18           MR. WISER: Well, I did.

19           MR. WINWARD: I wanted to finish this  
20 train of thought first.

21           MR. WISER: So -- and I'm going to  
22 disagree with Mr. Michelini. The way it has been  
23 done in the past, the way I have done it, been a  
24 part to in the past, is that all of the testimony,  
25 including the testimony is -- from the public, or

1 comments, are placed into the record. That part is  
2 done. Then I go and write a -- write a report. And  
3 that report is basically a distillation of  
4 everything that we've heard. I, frankly, don't  
5 anticipate putting in any expert, new expert  
6 testimony. It will be more of a review of the  
7 record, a summary of the record, with then our  
8 opinion of what we've heard and how it matches up  
9 with the statutory criteria or requirements for  
10 de-annexation in much the same way we would do a  
11 report on a variance, but clearly much longer.

12           I will then present that and we can  
13 talk about how that gets presented. And Michelini,  
14 pardon me, Mr. Michelini --

15           MR. MICHELINI: Call me Joe, whatever  
16 you want to call me.

17           MR. WISER: Learned counsel will have  
18 the opportunity to cross-examine me, as long as that  
19 takes. And then the board will be asked to finally,  
20 at the end of all of this, render their findings,  
21 their findings of the impact. You can agree with my  
22 report. You cannot agree with my report. You could  
23 agree in whole or in part. The actual decision of  
24 what the impacts are, your findings are yours. You  
25 will make your decision. Mr. McGuckin will distill

1 that to a resolution. And that will go to the  
2 governing body for their action.

3           MR. MICHELINI: The only thing I  
4 would say is, I think Mr. McGuckin and I should talk  
5 about it. We've, outside of these hearings, been  
6 able to get along pretty well on what's going to  
7 happen in procedure. And I think that if you're  
8 going to open it up to the public, given the fact  
9 that this has been going on for years, that the  
10 public are owed at least the courtesy of, the next  
11 meeting we're going to hear the public, some kind of  
12 an announcement to that effect.

13           MR. WINWARD: Oh, yeah, I think that  
14 would be good.

15           MR. MICHELINI: Yeah.

16           MR. WINWARD: I agree to that.

17           MR. MICHELINI: It's not going to  
18 happen next meeting. It may happen the meeting  
19 after or maybe we'll have rebuttal witnesses the  
20 meeting after or maybe Mr. McGuckin will say,  
21 Mr. Wiser, get your report ready. Do that the  
22 meeting after. But I'll talk to him and we'll see  
23 if we can come to some agreement on those issues.  
24 Because there really -- the way that you have done  
25 it may be fine or it may be, you know, we may come

1 to a different conclusion about how it should be  
2 done. I mean, my own opinion is, doing court work,  
3 that we should have the last word. That's different  
4 than what you're proposing. So, we'll talk, Mr.  
5 McGuckin and I will talk about that.

6           So, the question is now, can I ask  
7 Mr. Ebenau a few questions about his report?

8           MR. WINWARD: Sure. Absolutely.

9 EXAMINATION BY MR. MICHELINI:

10           Q     Mr. Ebenau, I'm going to show you  
11 what's been marked T-44 in evidence. That's your  
12 revised report, correct?

13           A     That's correct.

14           Q     Okay. And in this revised report,  
15 you essentially redid your prior report because it  
16 had incorrect information based upon what I pointed  
17 out --

18           A     That's correct.

19           Q     -- correct? In fact, the -- you've  
20 said the percentage in your initial report was --  
21 just about everything in your initial report was  
22 based on a percentage of the ratio of South Seaside  
23 Park being 11.27 percent of the total assessment of  
24 Berkeley Township when, in fact, it's only 10.66,  
25 correct?

1 A Correct.  
 2 Q Okay. And, as a result of that,  
 3 you've indicated also that you've now taken into  
 4 account the debt service, which was something else  
 5 that I pointed out, that there would be a savings of  
 6 debt service, a substantial savings of debt service  
 7 to Berkeley Township in the event of de-annexation.  
 8 You remember me asking you about that?  
 9 A I do.  
 10 Q And you agreed with that?  
 11 A I did.  
 12 Q And how much debt service is saved as  
 13 a result, on an annual basis?  
 14 A \$531,543.11.  
 15 Q So, a little over \$500,000 of saving  
 16 annually for how long, ten years?  
 17 A Approximately.  
 18 Q Okay. So, that's over \$5 million  
 19 that would be saved, that Berkeley Township would  
 20 save in the event of de-annexation, correct?  
 21 A That's correct.  
 22 Q And they would save it not only just  
 23 annually but they save the whole number as well?  
 24 A Correct.  
 25 Q Okay. And as a result of that, the

1 difference between what you determined to be the  
 2 proposed tax increase in the event of de-annexation  
 3 the first time in your initial report and your  
 4 second report is substantially different, right,  
 5 14-point --  
 6 A .9, I believe it was.  
 7 Q .9. And now it goes down to 12.7  
 8 cents per 100, correct?  
 9 A 12.7 or 12.3. 12.7, yes.  
 10 Q That's about a 15 percent difference?  
 11 A Yes.  
 12 Q So, the difference between your first  
 13 report and your second report in terms of  
 14 conclusions is 15 percent, correct?  
 15 A Approximate, yes.  
 16 Q And that's because some lawyer who  
 17 knows a little bit about math was able to point that  
 18 out to you, right?  
 19 You don't have to answer that.  
 20 MR. GINGRICH: Better not.  
 21 Q So, you eliminated 11.27 percent from  
 22 everywhere in this revised report because that's  
 23 inaccurate, correct?  
 24 A That's correct.  
 25 Q On page ten of your revised report --

1 A With the exception of a typo on page  
 2 ten, yes.  
 3 Q You've actually written in on  
 4 page ten of your report, correct?  
 5 A That's correct.  
 6 Q And you -- there's a indication on  
 7 page ten -- and I'll read it for expediency. You  
 8 say, based on the above cost savings on the  
 9 de-annexation of the township and no cost savings by  
 10 the Berkeley Board of Education and the tax levies  
 11 for Municipal Open Space, County and Central  
 12 Regional School Board Education being reduced by  
 13 11.27 percent, and the tax levies would be as  
 14 follows. And then you have a chart, correct?  
 15 A Correct, with the proper percentage  
 16 of 10.66.  
 17 Q So, the introduction is wrong --  
 18 A Correct.  
 19 Q -- in your revised report?  
 20 A Correct.  
 21 Q All right. So, now you have to do a  
 22 revised revised report?  
 23 A No, it's noted in that. It's noted  
 24 in there.  
 25 Q It's noted in there in your hand,

1 that mistake, correct?  
 2 A That's correct.  
 3 Q Anything else wrong in here as far as  
 4 you know?  
 5 A No.  
 6 Q And the -- you would testify that the  
 7 average assessment of a single family home,  
 8 previously it was going to go up in Berkeley  
 9 Township, if de-annexation occurred, it was going to  
 10 go up to, I believe, \$297, roughly, and now it's  
 11 253. --  
 12 A 37.  
 13 Q -- 37, correct?  
 14 A That's correct.  
 15 Q And that's a pretty significant  
 16 change as well, that's the 15 percent change, right?  
 17 A Between the two, yes.  
 18 Q And that disagrees with our expert,  
 19 Mr. Moore, does it not?  
 20 A Yes, it does.  
 21 Q Substantially, correct?  
 22 A Yes, it does.  
 23 Q All your assumptions that were made  
 24 in the initial report about the department heads  
 25 giving you information that you didn't verify, are

1 they still true in this report?  
 2 A Yes, they are.  
 3 Q So, much of the conclusions of this  
 4 report rely upon information that is as of yet  
 5 unverified, correct?  
 6 A Correct.  
 7 Q And there was testimony earlier today  
 8 about, from Mr. Camera, about the school board and  
 9 our expert and you and Mr. Camera and myself in  
 10 advocating a position for my client, all agree that  
 11 the school budget's not going to change, correct?  
 12 A That's correct.  
 13 Q Does any of the discussion here today  
 14 by the board, Mr. Camera, myself, change that in  
 15 your mind?  
 16 A No.  
 17 Q It does not?  
 18 A Does not.  
 19 Q So, the school budget stays the same  
 20 regardless?  
 21 A Based upon what the school had told  
 22 me, yes.  
 23 Q And you believe that?  
 24 A I do.  
 25 Q That's the kind of information as a

1 chief financial officer that you would rely upon in  
 2 your position as an expert, correct?  
 3 A That is, yes.  
 4 MR. MICHELINI: I'll reserve any  
 5 further questions.  
 6 Thank you very much, Mr. Ebenau.  
 7 MR. WINWARD: I have a quick question  
 8 for our attorney, too.  
 9 when we have the general public  
 10 portion, I assume board members are exempt from  
 11 testifying in the public portion, even though we're  
 12 residents, and we do have a resident of  
 13 South Seaside Park on the board as well?  
 14 MR. DASTI: No, I would counsel  
 15 against any board members testifying as members of  
 16 the public. But, you know, that issue is a couple  
 17 meetings down the road. So, let's keep our eye on  
 18 the ball here.  
 19 MR. MICHELINI: So, for the record,  
 20 for clarity, next meeting Mr. Ebenau is going to be  
 21 here to finish with him, correct?  
 22 MR. WINWARD: Finish what? I  
 23 thought --  
 24 MR. DASTI: I believe he's going to  
 25 come back because the other professionals are going

1 to get a copy of his report.  
 2 MR. WINWARD: Oh, okay. I got it.  
 3 So they don't have a copy --  
 4 MR. MICHELINI: Right. And also, I  
 5 would have a chance to look at the three pages.  
 6 MR. WINWARD: So you had a copy.  
 7 Greg had a copy. Mr. Dasti --  
 8 MR. MICHELINI: Correct. But I  
 9 didn't know --  
 10 MR. WINWARD: These fellows didn't.  
 11 MR. MICHELINI: Yeah. I didn't know  
 12 he was testifying about that tonight until tonight.  
 13 MR. WINWARD: Oh. That's when we  
 14 found out, too, so --  
 15 MR. DASTI: I think he should be  
 16 here, then, if anybody has questions we'll --  
 17 THE WITNESS: Sure.  
 18 MR. DASTI: -- go through it. If  
 19 not, then he'll be excused.  
 20 MR. MICHELINI: And is the board or  
 21 the township planning -- I believe the township is  
 22 finished, right, Mr. Camera?  
 23 MR. CAMERA: Correct.  
 24 MR. MICHELINI: So, beyond that, if  
 25 the board is going to call anyone themselves besides

1 Mr. Wiser -- I know he's maybe a little bit down the  
 2 road -- if the board is going to call anybody else,  
 3 we need to know that. But I'll talk to Mr. McGuckin  
 4 in the meantime.  
 5 MR. DASTI: Yes.  
 6 MR. MICHELINI: Thank you very much,  
 7 everyone.  
 8 MR. WINWARD: All right. Thank you.  
 9 Have a good evening.  
 10 (Matter adjourned.)  
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C E R T I F I C A T E

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

~~Notary Public of the State of New Jersey~~  
My Commission expires January 26, 2021

Dated: June 27, 2018

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