

TOWNSHIP OF BERKELEY
PLANNING BOARD

IN THE MATTER OF:

SOUTH SEASIDE PARK HOMEOWNERS
AND VOTERS ASSOCIATION
DE-ANNEXATION PETITION HEARING

Pinewald Keswick Road
Bayville, New Jersey
Thursday, January 9, 2020
6:30 p.m.

BEFORE:

- Robert Winward, Chairman
- John Bacchione, Councilman
- Nick Mackres, Member
- Richard Callahan, Member
- Jack Wiegartner, Member
- Brian Gingrich, Member
- Frederick Bell, Member
- Domenick Lorelli, Member

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MR. WINWARD: Well, now we have the headliner, our only application for the evening. South Seaside Park Homeowners and Voters Association de-annexation petition hearing.

MR. MICHELINI: Good evening. Joseph Michelini on behalf of the petition signers. This is your show tonight. The meetings are -- the testimony is concluded. The public portion has been closed. And I believe that, in accordance with what occurred last time, the board is prepared to make a recommendation.

MR. CAMERA: Through the Chair.

MR. WINWARD: Yes.

MR. CAMERA: Could I just ask, just for the protocol. Obviously, I'm not going to participate in this. But should I sit at the dais or should I step down during these discussions?

MR. MCGUCKIN: You're not in conflict, so there's no reason for you to step down. But I don't imagine you'll have a lot to say.

MR. CAMERA: I don't intend to participate. Thank you.

MR. MCGUCKIN: Unless Mr. Michelini has no objection to you voting.

MR. MICHELINI: Well, how are you

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ALSO PRESENT:

- Kelly Hugg, Secretary
- Ernie Peters, Engineer
- James Oris, Planner
- Stuart B. Wiser, Planner

going to vote, John?

MR. MCGUCKIN: Just kidding. Just kidding.

MR. WINWARD: Do you have a copy of the agenda, I assume, Greg? It says, action, public hearing and discussion. Are we opening this up to the public?

MR. MCGUCKIN: No, Mr. Chairman, the public hearing is essentially closed. Tonight --

MR. WINWARD: Okay.

MR. MCGUCKIN: -- as you may recall back in the December meeting, the first issue we wanted to address was who was eligible to vote. And I think we've clarified and determined who that would be. So, anyone who has not reviewed all of the transcripts or participated at each of the hearings or listened to the audio recordings of those meetings, would not be eligible to vote. Only those individuals who were here for each and every meeting or reviewed those transcripts or audio recordings would be eligible to vote.

Under the statute, the role of the planning board in this function is really a planning advisory nature. It's unlike our normal application process where we act in a quasi judicial function to

1 hear and decide appeals or decisions on site plans
 2 and so forth and variances and so on. This is a
 3 strictly advisory nature under the statute. You are
 4 one of the very few planning boards in the State of
 5 New Jersey that has ever had to go through this
 6 process. There is not much case law on the issue.
 7 And there's not a lot of history of it. The statute
 8 was amended since the last time a process went
 9 through this in Berkeley Township. And you've been
 10 well versed. I think you've received numerous
 11 amounts of testimony and issues related to the
 12 statute, the criteria, the witnesses that have come
 13 before you, the exhibits that have been marked into
 14 evidence. And now it's your turn, as the board, to
 15 decide what you would like to do in this matter.

16 There are, essentially, three
 17 options. As I said, your role in this matter is to
 18 give advice and recommendation to the governing
 19 body. There are three possible recommendations you
 20 could make, that I see. One of which is to
 21 recommend that de-annexation be approved. A second
 22 would be that de-annexation not be recommended or
 23 approved. And a third would be that you would not
 24 make any recommendation to the governing body.
 25 However, after five years of testimony, I think that

1 it, planning board responsibilities.

2 So, before we get to any kind of
 3 recommendations or anything like that, I'm sure some
 4 of the board members have questions and comments and
 5 they want to put things on the record. So, I guess
 6 we'll start at that end. Nick, do you have some
 7 things you'd like to say?

8 MR. MACKRES: I do. I'm assuming --
 9 are we going to be -- is there going to be a motion
 10 and then do it like we normally do it, put a motion
 11 in and somebody would second --

12 MR. McGUCKIN: That would be correct.
 13 My thought would be, if there's a motion and a
 14 second and it passes, whatever that is, I would then
 15 prepare a resolution outlining the decision that was
 16 made and would provide documentation from within the
 17 transcripts and the record with respect to that
 18 recommendation.

19 MR. MACKRES: Now if it's the
 20 opposite, what we would normally do, we would -- you
 21 would give your reasons why.

22 MR. McGUCKIN: It is not -- this is
 23 not a hearing, quasi judicial hearing. You
 24 certainly can give your reasons why. You can
 25 indicate that, based on the record, that's your

1 you have heard everything. And it's this board, I
 2 think, that would want to, having reviewed that,
 3 give its opinion and recommendation to the governing
 4 body.

5 My intention is, assuming the board,
 6 if you wish to have a discussion this evening
 7 amongst yourselves, that would be certainly
 8 appropriate. If there's any questions any of the
 9 board members have, that's also appropriate at this
 10 point, if you wish to discuss with me.

11 Again, the hearing is, essentially,
 12 closed, but if there are any exhibits or testimony
 13 any of the board members wish to review, which you
 14 have not already done so, and you think that's
 15 important enough that you need to do that, then we
 16 would have to have a vote at the next meeting. But
 17 that's really what's in front of you.

18 You've received hundreds of pages of
 19 documents. You've received testimony from various
 20 witnesses. You've sat through these meetings. And
 21 now, essentially, it's in front of you. So, it's
 22 your pleasure as to what the board would like to do.

23 MR. WINWARD: Thank you. For the
 24 other board members that have Stuart Wiser's report,
 25 it's on page 54 into 55 about, if you want to reread

1 reason for your decision. Based upon the testimony,
 2 you found this testimony to be important to you and
 3 think it's of critical importance. You thought that
 4 testimony was not as good. You could say, you know,
 5 any of those -- any of that testimony that struck
 6 you as being important to your decision and your
 7 recommendation, would be appropriate to talk about.
 8 If you don't wish to recap the entire testimony or
 9 anything else, you would indicate that based on
 10 everything you've heard, that you would be
 11 recommending this or that. That's also appropriate,
 12 if that's what you choose to do.

13 MR. MACKRES: Thank you.

14 MR. McGUCKIN: The resolution would
 15 then set forth, once the board makes a decision, I
 16 would prepare a resolution outlining those reasons
 17 as well.

18 MR. WINWARD: Do you have anything
 19 else, Nick?

20 MR. MACKRES: I'll make my comments
 21 depending on the resolution.

22 MR. WINWARD: Oh, okay. We're not
 23 there yet, so.

24 MR. MACKRES: If we're ready to go.
 25 I have no other additional documents to review.

1 I've got a lot of notes. So, if any other board
 2 member has something to bring, I'd like to hear it.
 3 MR. WINWARD: We'll just go right
 4 down the row there. Brian, what would you like to
 5 say about the -- any questions or clarifications?
 6 MR. GINGRICH: Well, like
 7 Mr. McGuckin has said, we've sat here for five
 8 years. And I believe that if there's any board
 9 member, after five years, that doesn't have a
 10 direction, well, then I don't know what to say. I
 11 have a direction. And I'm hoping the rest of my
 12 board members do. Thank you.
 13 MR. WINWARD: Domenick, you're on
 14 the --
 15 MR. LORELLI: I think we've heard
 16 quite a bit. And I don't know what else we could
 17 possibly put in the pot that would mix. It's been a
 18 long time, five years is a long time to listen to
 19 both sides of the story. And I don't think anything
 20 we can say now would change anybody's mind or sway
 21 anything.
 22 MR. WINWARD: Okay. You're up, John.
 23 MR. BACCHIONE: Certainly was a long
 24 time, five years. But we saw it through and we
 25 listened and you guys presented. And I want to say

11

1 burden of proof, then you would have to answer both
 2 of those questions indicating that refusal to
 3 consent is detrimental to the potential well-being
 4 of the majority of the residents of South Seaside
 5 Park and de-annexation will not cause a significant
 6 injury to the well-being of Berkeley Township.
 7 That's the two prongs that you would have to reach,
 8 to reach that determination.
 9 If either one of those, for instance,
 10 if, under A, refusal to de-annex is not detrimental,
 11 then you would be determining that they've not met
 12 their burden to establish. If you determine under
 13 B, that it would cause a significant injury to
 14 Berkeley Township, even though you may agree that it
 15 would be appropriate under A, then, again, the
 16 applicant has not met their burden and your
 17 recommendation would be to -- against the
 18 de-annexation.
 19 MR. WINWARD: Okay. And before you
 20 said there's three different types of -- so, I just
 21 want to clarify for the rest of the board. There's
 22 three different types of direction we can go. We
 23 can recommend that de-annexation be approved. If
 24 that were the case, what happens next on that? I
 25 just want to ask about next steps.

1 that the petitioners and Mr. Michelini did a great
 2 job in presenting the petition. A lot of
 3 information, a lot of concerns that the residents --
 4 that members of this petition presented. And I, for
 5 one, have taken all of it into consideration, and
 6 have decided on a decision in my mind. So, I'll
 7 wait for the rest of the board to speak and then
 8 we'll get to the vote.
 9 MR. WINWARD: Okay. I must say,
 10 first of all, the presentation has been fantastic,
 11 you know, the testimony, everything. A very strong
 12 case was made. It's tough, too, because we're all
 13 residents, too, you know, and some of us have
 14 worries about taxes going up and things like that.
 15 And there's a lot of issues to consider.
 16 I did want to ask Greg. Greg, I see
 17 you have the book open. Are you at the page 54 and
 18 55?
 19 MR. MCGUCKIN: Yes.
 20 MR. WINWARD: Because at the top of
 21 55, I guess, it gives two things, A and B. And it
 22 says, both must be met for de-annexation to be
 23 affirmed.
 24 MR. MCGUCKIN: Correct. If the board
 25 were to determine that the applicants have met their

12

1 MR. MCGUCKIN: The next step, no
 2 matter what the board decides, then whatever this
 3 board decides, would then be forwarded to the
 4 township's governing body. And the governing body
 5 makes the ultimate determination as to whether or
 6 not they believe de-annexation should or should not
 7 occur. But they will be using your recommendation
 8 to reach that determination. They may agree with
 9 you, they may disagree with you, et cetera. But
 10 that's their decision to make.
 11 MR. WINWARD: Okay. So, no matter
 12 which one of the three, it still goes to the
 13 township even like no --
 14 MR. MCGUCKIN: Yes.
 15 MR. WINWARD: Okay.
 16 MR. MCGUCKIN: That's correct.
 17 MR. WINWARD: Okay. I just wanted to
 18 clarify that. Thank you. That's all I have to say.
 19 We'll pass John, go to Fred.
 20 MR. BELL: I'm good.
 21 MR. WINWARD: Go from Fred to Red.
 22 MR. MCGUCKIN: As I understand it,
 23 Mr. Callahan is not -- is he eligible to vote or no?
 24 MS. HUGG: No. He's the alternate,
 25 so, I don't believe he's eligible to vote if we have

1 the seven members.
 2 MR. McGUCKIN: If the seven members
 3 are eligible, then he would not be able to.
 4 MS. HUGG: Right.
 5 MR. WINWARD: Is it because of the
 6 position he has or because he's a member -- because
 7 he lives in South Seaside Park?
 8 MR. McGUCKIN: No. It's, the board
 9 is made up of seven members and two alternates.
 10 MR. WINWARD: Okay.
 11 MR. McGUCKIN: So, the regular
 12 members would vote. The only way an alternate would
 13 vote is in the event a regular member was not
 14 available.
 15 MR. WINWARD: Okay. That leaves Jack
 16 all the way at the end there. I'm sure you might
 17 have some questions or clarification --
 18 MR. WIEGARTNER: Just to repeat, I
 19 know that everybody here has been here for a while.
 20 It's been a long five years. It's been a good five
 21 years, though. We've picked up and learned a lot.
 22 Working for the town, I had the advantage of getting
 23 to see things firsthand, where I know a lot of the
 24 board members probably didn't. It was very
 25 interesting.

1 MR. WINWARD: Okay. Do we have
 2 anybody that wants to make a motion to recommend,
 3 not recommend or no recommendation? And then we
 4 need a second.
 5 MR. GINGRICH: Well, if everybody's
 6 going to sit, I'll make a recommendation, not to
 7 accept.
 8 MR. McGUCKIN: Not to consent to
 9 de-annexation?
 10 MR. GINGRICH: Correct.
 11 MR. MACKRES: I second.
 12 MS. HUGG: Mr. Mackres.
 13 MR. WINWARD: Hold on a second.
 14 MS. HUGG: Oh, sorry.
 15 MR. WINWARD: The vote now, yes means
 16 you're agreeing with the motion, no means you don't
 17 agree with the motion, or is it the other way
 18 around?
 19 MR. McGUCKIN: Correct. The motion
 20 has been made indicating that the recommendation
 21 would be to the governing body to not recommend
 22 de-annexation. So, a yes vote would be to deny
 23 de-annexation, to recommend denying de-annexation.
 24 MR. WINWARD: Okay. And a no vote
 25 would be, you know, you think they should --

1 I want to thank Mr. Michelini and how
 2 he presented himself. I think he did a phenomenal
 3 job, you know. And I think all of our professionals
 4 also did a very professional job. Other than that,
 5 I can just say it's been a long five years, you
 6 know, and that's really all I can say, Bob.
 7 MR. WINWARD: Okay. So, nobody else
 8 has any other questions or anything. So, I guess at
 9 this time, nobody has anything else, we'll do a
 10 motion, if somebody can craft a motion. I don't
 11 have an opinion yet on a resolution of how to
 12 craft -- any idea how to craft it. But, like, for
 13 example, on A there on page 55, I agree that they
 14 have made a significant case. That us refusing
 15 de-annexation would be detrimental to the residents
 16 of South Seaside Park.
 17 On the other hand, part B, I believe
 18 it will cause a significant injury to the well-being
 19 of Berkeley Township for some time. So, that's the,
 20 kind of, the dilemma there of what we have.
 21 So, how should we do this, do a vote
 22 or do a recomm --
 23 MR. McGUCKIN: Well, Mr. Chairman, I
 24 think it would be appropriate if whoever wants to
 25 make any motion, they could make a motion.

1 MR. McGUCKIN: Just that you --
 2 MR. WINWARD: Yeah, that you think it
 3 should be recommended.
 4 MR. McGUCKIN: It doesn't mean that.
 5 It could be no recommendation. So, it's simply a
 6 question of whether you believe that they've not met
 7 their burden of proof or not.
 8 MR. MACKRES: Discussion.
 9 MR. WINWARD: What's that?
 10 MR. MACKRES: Discussion.
 11 MR. WINWARD: Oh, you need -- If
 12 there's anything you want to discuss, go right
 13 ahead.
 14 MR. MACKRES: No.
 15 MR. BACCHIONE: We have a motion now.
 16 MR. WINWARD: Okay. So, we have a
 17 motion of not recommending de-annexation. And then
 18 we just need the vote on it, Kelly.
 19 MS. HUGG: Mr. Mackres.
 20 MR. MACKRES: Yes. And I will state
 21 my reasons.
 22 We've heard this petition for five
 23 years, understanding the common and universal
 24 complaints of the petitioners, while questioning
 25 some of the reasonings and their subject matter

1 experts. As this petition moved forward with
 2 evermore testimonies, information provided --
 3 (Off the record.)
 4 MR. MACKRES: I am voting no -- or
 5 I'm voting yes for two majors reasons.
 6 The petitioners have drastically
 7 failed to show a detrimental impact of their
 8 economic and social well-being. And there will be a
 9 significant injury to the well-being of the
 10 remaining Berkeley Township residents with a 14.1
 11 percent increase in taxes, pushing for a reduction
 12 of services, especially to the Berkeley Township
 13 School District, of almost two and a half thousand
 14 children.
 15 Many of your arguments are illogical.
 16 You state that this is not a big deal for an average
 17 homeowner of 183,000, to have their taxes increased
 18 a couple hundred dollars, but then complain those
 19 with a significantly -- significantly higher
 20 economic demographic from South Seaside Park that
 21 can't afford the extra \$4.14 to travel to a
 22 municipal building. And then use that statement as
 23 a reason why you should pull out of Berkeley
 24 Township. You do have a choice to come to a
 25 municipal meeting, which many people do not make.

1 residents need to know that clubhouses were built by
 2 homeowners associations or developer and not by the
 3 taxpayers, and, therefore, if South Seaside Park
 4 residents want a clubhouse, they should purchase
 5 property and build it themselves, just like the
 6 others did.
 7 Once again, this proves that South
 8 Seaside Park residents want more services, and are
 9 demanding more things, even though their area and
 10 population does not support it or have volunteered
 11 to pay for those additional expenses or to
 12 fundraising.
 13 Through public records and personal
 14 experience, Seaside Park has been trying to withdraw
 15 from Central Regional School District for almost two
 16 decades, spending about \$100,000 per year on both
 17 sides. Why? It's about the school taxes. Funding
 18 for such lawsuits on behalf of Seaside Park have
 19 also been questioned and court mandates have been
 20 issued against them. You can read these as well.
 21 We have questioned the funding at
 22 our -- the township has paid for in defense of this
 23 and with their expert witnesses, but we haven't
 24 questioned the motives and the funding from the
 25 residents who have put in this petition. We have

1 But you are forced to pay taxes with serious
 2 consequences. A fraction of one percent attend such
 3 meetings, but everyone has to pay their taxes.
 4 Interestingly, the abstract of
 5 ratables for Seaside Park, and if you compare this
 6 to your property values, the average homeowner from
 7 South Seaside Park will pay around \$500 more in
 8 local taxes.
 9 Why is there a financial incentive to
 10 de-annex its school taxes? It's the biggest part of
 11 the budget. Yet almost all of the complaints by the
 12 petitioners have been about the township not
 13 providing enough services. Not once do I recall
 14 petitioners asking to pay higher taxes in exchange
 15 for more services, not once. If you want more
 16 services, I'm sure the township can come up with
 17 additional assessments for South Seaside Park
 18 residents for more police, fire, rescue, snow
 19 plowing, et cetera.
 20 One registered voter from South
 21 Seaside Park complained about recreational
 22 transportation not coming out to South Seaside Park
 23 because they only go to the clubhouses in wards
 24 three and four. She publically stated that she had
 25 asked the town, where is her clubhouse. I think the

1 been questioned on e-mails, information and so
 2 forth, so I'm not sure where this has come, but
 3 that's neither here nor there. I will stick to the
 4 economic values.
 5 The economic scenarios. Taxes would
 6 go up around 14.1, and home values would be pushed
 7 down with millions of dollars in value destruction.
 8 With lower values and the same tax levy by dollar to
 9 maintain the same services, the tax rate will go up.
 10 And now comes the debt spiral. Higher tax rates
 11 will push the home values further down and it is
 12 inevitable that services will be cut. And now we
 13 have a high tax rate with lower services, equating
 14 to lower levels that most people do not want to come
 15 in to with -- in local competition of neighboring
 16 towns offering more.
 17 Where does my 14.1 percent come from?
 18 If there is a 10.6 percent reduction in revenue,
 19 while you increase the standard two percent in
 20 expenses for inflation, that's your 14.1., for those
 21 who remain behind to pick up the difference to have
 22 the same services. We have heard many times that
 23 the expenses will barely be reduced, especially when
 24 we still have to support Pelican Island, and the
 25 schools will not be impacted with the reductions.

1 The petitioners' CMFO, Mr. Moore, he
 2 did a very nice, common sense approach to try to do
 3 activity based costing with actual figures vice
 4 budgeted, but his outside information compared to
 5 the township's CMFO pales in great comparison. The
 6 township's CMFO is a full-time employee employed for
 7 many years with corporate knowledge. For example,
 8 Mr. Moore's major point about South Seaside Park
 9 de-annexation relates to the elimination of one
 10 police car verse two police cars, making the
 11 transition a cash flow positive. The township's
 12 testimony speaks about Pelican Island, which will
 13 remain a part of Berkeley Township. And this will
 14 still have to be patrolled, negating the police car
 15 reduction to zero. Mr. Moore did not know of
 16 Pelican Island, which is a major factor in assessing
 17 the township's operating cost. And if he missed an
 18 entire island, then what else is he missing?

19 What is interesting is that Mr. Moore
 20 seems to be correct when he figured out that the
 21 petitioners are going to save around 40 percent on
 22 their taxes if de-annexation occurs. If South
 23 Seaside Park de-annexation is awarded the beach,
 24 they must pay fair market value, not only of the
 25 property, but also of the Situs value to all South

1 If some of the petitioners care so much, they can
 2 donate their property in the future or current, or
 3 they can deed restrict for open space and
 4 recreational use.

5 I believe your planner's testimony
 6 was conflicted. Numerous times she stated we, when
 7 referencing to Seaside Park, since she was a former
 8 employee there. She was definitive in her reasons
 9 for de-annexation but dodgy and squirmy when
 10 challenged. The example of not having a bus stop is
 11 not a valid reason. It's a moot point because if
 12 South Seaside Park joins Seaside Park, they wouldn't
 13 get a bus stop anyway. And adding a bus stop goes
 14 against the petitioners' complaint of the time and
 15 distance to the mainland, since buses take much
 16 longer to travel, and not in the most direct route
 17 from a person's home to the location they want to go
 18 with respect to personal transportation.

19 De-annexation would cause an even
 20 greater concern for the homeowners of South Seaside
 21 Park since the numbering of the streets would be
 22 repetitive. Either Seaside Park or South Seaside
 23 Park would have to renumber all of their streets.
 24 The same issue occurs on Long Beach Island, yet they
 25 have different municipalities. I asked for numerous

1 Seaside Park. For example, a house of the same size
 2 and lot will be X dollars on the mainland, but it's
 3 worth Y because of the beach, therefore, the
 4 compensation of the beach should be the value of the
 5 land itself, plus Y minus X.

6 There is policy trying to be put
 7 forth from the State of merging towns of less than
 8 5,000 people. Seaside Heights' population is 1,635.
 9 We have heard about the merging and what would
 10 happen, but I haven't seen a plan if this does go
 11 through, especially for those residents who have not
 12 signed the petition. Would this happen overnight?
 13 When would the police be transitioned? When would
 14 fire, EMS, when would these services be cut off and
 15 moved over? And how quickly will it be done? Would
 16 your mail change? Would other factors take into
 17 effect? We call this in the military a battle
 18 handover, and it is the most critical and difficult
 19 part of transition. That burden has not been shown.

20 I do understand some of the concerns
 21 of the residents about services, but South Seaside
 22 Park is predominantly built out. The township would
 23 have to purchase many small lots for a high price or
 24 take property via eminent domain to create the
 25 facilities the current petitioners are demanding.

1 examples, both for and against her reasoning from a
 2 local to a national level, but she evaded the
 3 answers. She may have been credentialed to be a
 4 planner, but her expert advice is null and void, not
 5 only with the postal addresses and identity, but
 6 also with COAH and affordable housing.

7 I'm going to go through a list of
 8 bulleted items. The police, there is about one
 9 officer for every 600 residents for coverage.
 10 Police chief says excellent coverage. And during
 11 Hurricane Sandy, there was no -- the residents
 12 declined military support. Testimony has also been
 13 given that coverage has been increased. And we've
 14 heard from the chief that this action takes years to
 15 implement, with the class I program starting in
 16 2014, but actually budgeted in 2011. Do not forget
 17 that with the six times bigger police force, you can
 18 surge capability, and that also includes with fire.
 19 EMS, we've heard no change. Snow plowing, I don't
 20 think I know anybody who complains that they've been
 21 snowplowed too much and too quickly. This is a
 22 constant complaint across many people I know and all
 23 parts of the town. The dunes, they survived very
 24 well, while Island Beach State Park's went. This
 25 was a big investment from all across. And the

1 resiliency of that was also a complaint that we are
2 doing more now than before.

3 The sanitation of the new robo cans.
4 Robo cans are great. I'm sorry you don't have them
5 yet. I know when we started, Holiday City didn't
6 even have them. I think they do now.

7 MR. GINGRICH: No. No.

8 MR. MACKRES: They still don't have
9 them. And there's neighboring towns that also do
10 not have them.

11 Parks, I counted that two of the 15
12 parks listed on a flyer belong in your ward, yet
13 wards three and four, which is about half the
14 township, has one park with two fields. So, if
15 anybody was complaining about parks, they really --
16 wards three and four should be the biggest of all.

17 We talked about taking property by
18 eminent domain and land, you can donate that. I
19 sincerely doubt we're going to do eminent domain. I
20 really do believe that maybe we can ask Island Beach
21 State Park to donate some land on your border and
22 try to do something there with grants. I do
23 understand your complaints. I'm a big fan of parks
24 and recreations. And if we can do something like
25 that, especially to some of the governing body

1 Hurricane Sandy, especially with Mrs. Erdman never
2 being told about Hurricane Sandy. And then
3 signatures provided that someone signed from that
4 house, being notified. We questioned this. Zip
5 codes, with the postal addresses, that's a moot
6 point. We understand it's a federal issue and they
7 assign the zip codes.

8 There was a question about
9 commercial. Commerce will put wherever they want,
10 that makes commercial sense to them, you know.
11 There has been a zoning change. We've seen those
12 come in here. You're willing to start your own
13 business out there, I don't know how many of the
14 petitioners have tried that, and if there was a
15 complaint about the zoning or not.

16 We spoke about the replacement of the
17 loss in revenue. And, really, it's revenue minus
18 expenses is the profit. And so, I'd like to put on
19 the record, and we spoke about this before, is if
20 the township does approve for this to occur, and
21 de-annexation, if we keep the beach, there must be a
22 statement on what, you know, it will be our township
23 still and the items we can do on the beach to regain
24 those lost revenues. And we spoke about that in
25 testimony and discussion on highrises, wind mills,

1 members who are present here, I think that would be
2 a great idea. And, hopefully, that can be done to
3 alleviate some of your park concerns. Because once
4 Island Beach State Park gets filled up, they are
5 right there. So, if they can make something, that
6 would be great, with a partnership.

7 Roads, we've talked about that South
8 Seaside Park has two and a half percent of the
9 roads, yet 20 percent of the funding for repaving
10 from 2012 has gone to South Seaside Park. This
11 equates to around three times more service with the
12 testimony provided.

13 There was talk about churches. I
14 think we've all agreed that you're not going to
15 build a church if you go -- if you merge with
16 Seaside Park. And we assumed you're going to be
17 merging with Seaside Park. We don't even know if
18 that's going to be true. Will they take you or not.
19 And if they say no, no plan has been offered. Would
20 you stand on your own and make your own township?
21 And then the cost would be severe. And you'd have
22 to launch all those new programs. And how would
23 that, once again, that battle handover occur, if you
24 did your own township.

25 We heard some major complaints about

1 increasing badge prices, whatever to do to alleviate
2 that concern.

3 There was an issue about social
4 community. Your home and your community is what you
5 make of it. I think you have that out there, right?
6 We've seen it with this petition. I'm not sure
7 Seaside Park, how they will accept you if you go to
8 them. Their demographics are a little bit
9 different. So, if you do go, I do fear for that,
10 for those who haven't signed the petition. How
11 would they think of you? Are they just using you or
12 will they take you in with open arms?

13 There was a question about
14 communication, that we're not communicating enough.
15 I think that's a concern for many towns. And it's
16 generalized across, from what I've seen. How do you
17 communicate, other than having a PR person on
18 payroll, and doing your own Facebook groups. I
19 don't know how to rectify that. And I have not seen
20 that to be a detriment in this town, especially with
21 all the mailers and flyers that we have.

22 Beaches, there was a complaint of
23 cleanliness in roads and access in 2015. And then
24 there was another complaint that too much was -- too
25 much more is being done to undermine the original

1 complaint, as if more cleaning was being done than
2 before. There was a big issue about, November 5,
3 2015, about the value and that South Seaside Park is
4 built out. And instituting or stating that because
5 the remainder of the township is not built out,
6 people can build and you can make more money, since
7 South Seaside Park is built out, therefore, there is
8 no growth and there is no value. This is absolutely
9 wrong. It's a guaranteed cash flow. Okay. It's a
10 guaranteed cash flow for speculation of future
11 growth. And what's valued on Wall Street is
12 guaranteed value. And when it comes to governments,
13 we are risk averse and we cannot be gambling on the
14 future.

15 The debt must be passed and/or paid
16 off, and that's for PERS, PFRS, TPAF and other
17 pension liabilities. And our bonding capacity will
18 be greatly reduced. I request that there be a
19 clawback for up to 30 years on all such pensions,
20 liabilities, lawsuits, workers' compensation,
21 disability, health care. Why do I say that is
22 because it has happened before. Where the State
23 would give a loan, and they would do -- take the
24 interest and then years later said, no, you're going
25 to pay for it now. If you do break away and the

1 is no board resolution acknowledging this petition
2 or approving the school business administrator's
3 response. They are basically waiving their legal
4 rights and public voice.

5 In actuality, the petitioner has a
6 burden of proof that there will not be a detrimental
7 impact to the remaining residents, and they have not
8 brought any evidence whatsoever. There are only a
9 handful of children from South Seaside Park
10 attending Berkeley Township elementary school. This
11 is not even enough to fire one teacher. There will
12 be no impact to the staff, and the one bus still has
13 to service Pelican Island. Therefore, the business
14 administrator is correct, that there will be no
15 impact on the revenues or expenses, but when the
16 public gets nailed with a 14.1 percent increase in
17 property taxes the next school year, I guarantee you
18 that the board will care, as well as the public.

19 The local tax levy is currently more
20 than \$31 million. This is no trivial matter. We
21 are talking about several millions of dollars. This
22 will push an extreme cut in teachers and support
23 services for our children. And our township is
24 already a district factor group of a B. The second
25 lowest in the state. A step above cities like

1 State changes something or something like that
2 occurs, we must be able to clawback and pay for that
3 difference.

4 I believe that if South Seaside Park
5 de-annexes the cost efficiency will decrease for the
6 remainder of the residents, because we still have
7 fixed expenses, we still have to pay for the
8 utilities for running this building, payroll, the
9 custodians. And a ten percent reduction is a major
10 change.

11 My last topic concerns the
12 Berkeley Township School District. The
13 recommendation made today and the decision by the
14 township will not only have a grave effect to our
15 2,500 children, but also take the elected school
16 boards' authority and right for self-defense away.
17 It's not moral to make a decision that affects the
18 fair and equitable education of so many, when I
19 believe they have no idea of the impact.

20 After numerous requests that I
21 personally made to this board for the school
22 district to attend, all we have is a one page memo
23 from the school business administrator, basically
24 saying there will be no impact. The chief school
25 administrator did not respond. And certainly, there

1 Asbury Park, Camden, Newark and Atlantic City. We
2 have heard our neighboring townships losing state
3 aid and the major cuts they are doing, towns like
4 Lacey, Brick and Toms River. When half of our
5 township is on a fixed income, the pressure to cut
6 staff and services will be immense. Our elementary
7 schools rank in the bottom 30 percent. The pending
8 cuts will make it even worse for our children, while
9 they are trying to receive a fair and equitable
10 education.

11 If nothing changes with the
12 elementary schools, the increase in taxes will have
13 a major impact to property values. And lower
14 property values have a detrimental effect on
15 schools. If school staff and services are cut, this
16 will cause the rankings to drop even lower. And
17 poor performing school districts lower property
18 values, just as better schools increase property
19 values. Either way, de-annexation is a lose, lose
20 scenario for our children and property values.

21 It saddens me to catch onto what the
22 petitioners are trying to accomplish in shirking
23 their duties as Americans. The system built well
24 over a century ago for free education to all for the
25 betterment of our nation. A system that has paid

1 incredible dividends to make our nation as great as
2 it has. And I have no doubt that many of these
3 petitioners have also received the fruits of those
4 before them who paid for their free education. This
5 petition is a ruse. The ruse by the petitioners to
6 shirk the responsibilities, in order to cheat out of
7 paying one of the lowest tax rates in the county, so
8 they can cut their taxes even more, while making the
9 remaining population of Berkeley Township pay a
10 greater share, is outright shameful and
11 unacceptable.

12 In summations, the petitioners have
13 drastically failed to show a detrimental impact to
14 their economic and social well-being, while there
15 will be a significant injury to the well-being of
16 the remaining Berkeley Township residents with a
17 14.1 percent increase in taxes.

18 I'm ashamed and disgusted to have
19 heard this petition for the past five years, when
20 anyone can see that this is about the rich getting
21 richer, not only at the expense of others, but more
22 so at the expense of our children. Thank you.

23 MR. McGUCKIN: So, that was a yes?

24 MR. MACKRES: That was a yes. I'm
25 sorry. Yes.

1 you don't like it, then you move to another town.
2 You don't say to your town -- and this is a fine
3 town that it took many years for Carmen Amato and
4 his council to get it this way, and we should be
5 appreciating where we live, instead of wanting to
6 leave it. But if you do want to leave it, sell your
7 house and go buy the house where you want to live.
8 I don't see anybody, anywhere, that
9 has a right to say, okay, I want -- I bought my
10 house here, now we're going to be part of somebody
11 else. I don't think -- I don't think it works that
12 way. Maybe it does. But I don't really think it
13 does. Probably that's my biggest thing, because I
14 heard that so many times of how the travel expenses.
15 And I'm going to see how many people are in this
16 audience after these proceedings are over. Thank
17 you.

18 MR. McGUCKIN: That was a yes?

19 MR. GINGRICH: That's a yes.

20 MS. HUGG: Mr. Lorelli? Mr. Lorelli?

21 MR. WINWARD: That's you, Domenick.

22 MR. LORELLI: You know what, I've
23 been going through these files and these reports
24 this past week for this moment, and I felt like I
25 was back in college taking Civics 101 again. And

1 MS. HUGG: Mr. Gingrich.

2 MR. GINGRICH: Many things that my
3 fellow -- my colleague here to my right has said is
4 very good, very good structured points. I sat here
5 for five years and heard so many times, well, it
6 cost so much for us to get here to a meeting. Well,
7 if it weren't for these proceedings, how often would
8 you be sitting in that seat. That being said,
9 that's like when I go to the beach, I should say,
10 well, you know what, move the beach closer to my
11 house, it cost me so much to go to the beach.

12 You have picked where you -- you've
13 chosen where you want to live, and that's great. If
14 there are any problems that were so bad or so out of
15 line, that's your due diligence to go through
16 everything before you pick where you want to live.
17 That's like me living in New Brunswick and all of a
18 sudden I'll say, hey, you know what, I like North
19 Brunswick a lot better. Hey, this is going to be
20 North Brunswick from now on. You can't do that.
21 You chose where you wanted to be. It cost me more
22 to go to the beach than you to come here, because I
23 go to the beach more than you come here. So, that's
24 like a ludicrous point, as far as I'm concerned.
25 When and where you buy is up to you. And then if

1 you go through these reports and you realize what a
2 wonderful town we have. And I feel that taking it
3 apart may be detrimental to us. And then you read
4 other portions and you say, well, maybe it's a good
5 idea. But on a whole, I think -- I think losing
6 Seaside would be sort of detrimental to us. And I
7 can go through all the points, but I'm not going to
8 go through these reports and files again. So, I'm
9 just going to let it stay at that. That I think we
10 have something nice and I don't think we should
11 change it.

12 MS. HUGG: Mr. Bell.

13 MR. BELL: I'm simply going to say
14 yes.

15 MS. HUGG: Mr. Wiegartner.

16 MR. WIEGARTNER: If I can just say
17 one thing. Talking about the people that live over
18 there that have to travel to come over here. I've
19 lived -- I bought my first house in Bayville in
20 1977, so I've been here quite a few years. After
21 that, I moved out to Holiday City. Not that I
22 wanted to. But anyways, to go from my house to my
23 office in this building took me 25 minutes to 30,
24 depending on traffic. Now, my yard backs into
25 Manchester Township in Holiday City. So, I guess my

1 point is that I see both sides of everything. But I
2 also understand that the amount of time it took you
3 over on the island to get here, takes me the same
4 amount of time to get from my house in Holiday City
5 to this building. So, there was no difference in
6 the time.

7 Again, you know, I understand both
8 sides of everything. I really do. I looked at it
9 openly. But I don't see where there's an advantage
10 to leaving South Seaside Park to become Seaside
11 Park. So, at that point, I'd have to say yes.

12 MS. HUGG: Chairman Winward.

13 MR. WINWARD: Okay. This is really a
14 tough decision, too, because I've been reading the
15 requirements and everything. And I think the
16 refusal to consent to de-annexation is detrimental
17 to the economic and social well-being of the
18 majority of the residents of South Seaside Park.
19 And I do agree with that. That they've brought up
20 some really great issues and things like that. The
21 only thing is, when you sit through these
22 proceedings and you hear some of these complaints
23 and stuff like that -- I remember the complaint of
24 the guy getting up and saying, everybody in the town
25 has a robo can for recycling except for South

1 said, I agree that it is detrimental if South
2 Seaside Park doesn't de-annex from Berkeley.
3 However, on the flip side, on part B,
4 I disagree that it will not cause a significant
5 injury to the well-being of Berkeley Township. I
6 don't know if Nick's figures are right. I've heard
7 all kinds of different numbers on tax increases.
8 But it seems like every number I did hear was
9 anywhere from ten to 14, in that range. And I don't
10 think anybody really knows what the range. And as a
11 resident of Berkeley and a taxpayer, I'm concerned,
12 too, about my tax rate. But I think that because
13 there's service issues in other parts of the town,
14 it's not that South Seaside Park got singled out or
15 slighted.

16 I think with any township services,
17 it all comes down to budget and things like that.
18 But I do believe that there are issues that were
19 raised, and I would like to think there were
20 improvements since these issues were raised, like
21 with the better police coverage and better
22 communications. But I think there's some issues
23 that could be worked out, like, for example,
24 meetings. Perhaps with new technology, meetings
25 could be streamed. I've been on three calls this

1 Seaside Park. At that time, I didn't either. But
2 after five years they finally got around to me, so,
3 I just rolled it out tonight.

4 But there's other issues in other
5 parts of the township, too. Like when I first moved
6 to Berkeley in 2002 -- I live on a point on the bay
7 right across from South Seaside Park. I have to go
8 through Ocean Gate every day, every time I leave my
9 house, every time I come home. And during the
10 wintertime, Ocean Gate is now plowed by the county.
11 But when I get to my street, it seems like we're
12 always the last in Berkeley to get plowed. I don't
13 know. Especially when the democrats were in power
14 when I first moved to Berkeley. It's been getting
15 better over the years. But I remember a blizzard
16 last year where the county pushed all the snow, and
17 it had to be at least -- I have a picture of it, I
18 put it on Facebook, too -- at least ten feet high in
19 a couple spots. And we were stuck in the
20 neighborhood for two days. It was impassable. And
21 Berkeley did bring -- had to bring special equipment
22 in to dig it out and everything. And can we blame
23 that on Berkeley? It was the county that pushed the
24 snow there. But there's issues in the township. I
25 don't think any township is perfect. But with that

1 week for my work. I work for a national company.
2 And I was on three calls this week where, through
3 Skype, where I was a participant. And when they
4 asked for anybody had questions, you could unmute
5 and ask your question, things like that. So, I
6 think with some new technology, perhaps that could
7 solve some of the travel issues. But even where I
8 live, the traffic this evening was horrendous on
9 Route 9. It took me 20 minutes to get here from my
10 part of Berkeley, or, actually, Bayville.

11 But I also believe, too, that perhaps
12 the township -- and I'm kind of throwing some ideas
13 out here, too, for the town if they want to rectify
14 these issues that South Seaside Park's complaining
15 about, perhaps there could be shared services. I
16 know -- I think I remember one time there was a
17 substation for Berkeley Police in South Seaside
18 Park. Also, maybe they could rent some space in
19 Seaside Park or Seaside Heights' town hall, maybe
20 for one day where people can go get dog licenses or
21 maybe, you know, take care of some business that
22 way.

23 I mean, I'm a Berkeley resident. The
24 only time I come to town hall usually is just for
25 this monthly meeting. But if I wasn't on the board,

1 I don't know how many times I'd be coming here. But
 2 I think that's one way -- another way to solve the
 3 problem, stream meetings, have shared services with
 4 maybe another town, because we -- I don't understand
 5 why they can't -- we can't get some space in one of
 6 those town halls over there on the island, when we
 7 do shared services like with the police department
 8 and the Tri-Boro First Aid.

9 So, I believe there is things that
 10 can be worked out. And I think it was a very
 11 positive thing, overall, the de-annexation, because
 12 it did point out ways the township can improve. But
 13 make a long story short, because I agree to part A,
 14 but I disagree with part B, so I guess that would
 15 make my vote a yes.

16 MR. McGUCKIN: That's correct.

17 MR. WINWARD: But I just want to
 18 clarify that for the record.

19 MS. HUGG: Councilman Bacchione?

20 MR. BACCHIONE: Over the years of
 21 this petition, I made some bullet points as the
 22 petitioners got up to give their testimony. And I
 23 just wanted to go through some bullet points. It's
 24 probably the best way for me to describe what my
 25 vote is going to be.

1 the petitioners that I think, I believe the increase
 2 was approximately \$200 a year. To someone living in
 3 Holiday City or Silver Ridge, that's a serious
 4 effect on their property taxes.

5 Also, it was mentioned this evening
 6 the ownership interest in White Sands Beach.
 7 Berkeley Township has a piece of the Atlantic Ocean
 8 in the form of White Sands Beach. And there are
 9 many residents in Berkeley Township, not only on
 10 this side, but on South Seaside Park side, that
 11 enjoy the amenity of White Sands Beach.

12 In my opinion, there wasn't enough
 13 testimony on which way that beach would go, should
 14 the de-annexation occur. The petitioners' legal
 15 representative, Mr. Michelini, mentioned that it
 16 would go with the petitioners to Seaside Park. The
 17 planning board's attorney, Greg McGuckin, said that
 18 it would not. But I don't -- in my opinion, this
 19 wasn't enough conversation about it for me to feel
 20 comfortable that Berkeley Township would keep
 21 ownership of what they own now, White Sands Beach.
 22 I think it's an important asset to Berkeley
 23 Township. It, if you'll excuse the expression, puts
 24 Berkeley Township on the map.

25 What is Berkeley Township? Berkeley

1 On a lighter side, there was a
 2 petitioner who said that there is no winter
 3 basketball league in Berkeley Township, so he has to
 4 go to Seaside Park to play basketball. Also said
 5 that there are no tennis courts in South Seaside
 6 Park, so he has to go to Seaside -- South Seaside
 7 Park, to go to Seaside Park to play tennis.

8 Certainly not a reason for de-annexation, obviously.

9 Couple other points, bullet points
 10 that I wrote down or narratives was, the petitioners
 11 complained that they have to drive 15.2 miles to get
 12 to the Cedar Creek Golf Course. Well, if the
 13 de-annexation should occur, nothing changes, still
 14 15.2 miles. They also mentioned in the testimony
 15 that they have to travel to go to their choice of
 16 religious worship. Well, again, nothing changes if
 17 the de-annexation should occur. So, I found them to
 18 be weak points for de-annexation.

19 Some of the more serious points that
 20 they made, I want to comment on. It was mentioned
 21 by a couple of other board members tonight, the
 22 possibility of the -- after de-annexation should
 23 occur, that property taxes will rise here on the
 24 remaining Berkeley Township residents. I happen to
 25 agree with that statement. There was testimony by

1 Township does have a Dairy Queen, and we have White
 2 Sands Beach currently, which is on the Atlantic
 3 Ocean. So, it's a serious amenity that
 4 Berkeley Township can't afford to lose.

5 The snow removal issue that was
 6 mentioned by a number of the members here on the
 7 dais, I believe it's not a big enough issue to cause
 8 a de-annexation. Yes, we have storms. We have -- I
 9 grew up in New Jersey. I know what's capable here
 10 in New Jersey as far as snowstorms. And sometimes
 11 it's two feet, sometimes it's two inches. Whatever
 12 the results of the storm is, the townships all
 13 around the State get to it as quickly as they
 14 possibly can. And I don't think there was enough
 15 testimony here in this narrative to convince me that
 16 Berkeley Township did not do a good job plowing the
 17 streets in South Seaside Park.

18 A big issue that sort of like hit me
 19 like a cold bucket of water was the police coverage.
 20 Since 2015, I believe the month was July, there have
 21 been two police officers around the clock in South
 22 Seaside Park. That's more coverage than we give
 23 to -- than the township gives to Holiday City,
 24 Silver Ridge, any given hour of the day. So, I
 25 think the police coverage is adequate for the square

1 miles Seaside Park presents. There was some
 2 testimony regarding police incidents. The chief of
 3 police in her testimony refuted the testimony of the
 4 petitioners and disagreed with what the petitioners
 5 said about the time frame as to when the police
 6 reported to a particular incident.

7 The engineering costs, the
 8 engineering that goes on in South Seaside Park, I
 9 think is above and beyond what happens on the other
 10 side of the bay in Berkeley Township. And
 11 Mr. Mackres made mention of the road pavements. And
 12 I have the numbers here, as per Remington & Vernick,
 13 the town engineers, that 97 -- 9. -- let me correct
 14 it. Let me go slower for Linda. 9.7 percent of the
 15 paved roads outside of South Seaside Park were paved
 16 in Berkeley Township. 27 percent of the roads in
 17 South Seaside Park were paved. Again, a lot of
 18 attention from the engineering division paid to
 19 South Seaside Park.

20 The beach on the bay, and I believe
 21 it's, I guess, 20th Street to 23rd Street, whatever
 22 streets it's on, I don't think it presents an
 23 adequate bathing beach, but I don't know if it was
 24 meant to be a bathing beach. There's a lot of old
 25 tar that washed up on the beach, that, once brought

1 ratables, the burden is going to be always on the
 2 residential taxpayers.

3 So, for reasons that I've mentioned,
 4 and there probably are more, but, I mean, I know a
 5 few of us have talked a lot up here on the dais, but
 6 it's a serious issue and we took it seriously. I
 7 think South Seaside Park is a very important asset
 8 to Berkeley Township in many different ways. And I
 9 vote yes against the de-annexation. Thank you,
 10 Mr. Chairman.

11 MR. WINWARD: Okay. Thank you.
 12 MR. McGUCKIN: Mr. Chairman, I count
 13 7-0 in favor of the motion, so the motion is
 14 adopted. At this point, I'll prepare a resolution
 15 for our next meeting. And once adopted, we'll
 16 forward the entire package to the township.

17 MR. WINWARD: Okay. Thank you.
 18 (Matter concluded.)
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 25

1 to the attention of the park or recreation
 2 department here in Berkeley Township, was cleaned
 3 up. I saw pictures of a rusty can on the beach,
 4 cleaned up. Whatever problems the residents in
 5 South Seaside Park had or still have, it's addressed
 6 right away. It's addressed by the appropriate
 7 departments in Berkeley Township. Again, is that a
 8 reason for de-annexation?

9 The most, the most important issue,
 10 and I raised in a question to Stuart Wiser when
 11 he -- after he gave his testimony, is about the
 12 median household income. Currently, I believe it's
 13 approximately \$41,000 in Berkeley Township. It was
 14 argued, and I happen to agree, that the highest
 15 income of the residents of Berkeley Township are the
 16 South Seaside Park residents. If Berkeley Township
 17 should lose South Seaside Park, then, obviously, the
 18 household median income will drop. What that does
 19 is, it causes an adverse effect for retail shops,
 20 box stores, if we still believe in box stores, to
 21 come to Berkeley Township, which it will have an
 22 adverse effect on the residents of Berkeley
 23 Township, the property owners, who pay the property
 24 taxes, who pay a large portion that fund our budget
 25 in Berkeley Township. Without the commercial

1
 2 CERTIFICATE
 3
 4 I, LINDA SULLIVAN-HILL, a Notary
 5 Public and Certified Court Reporter of the State of
 6 New Jersey, do hereby certify that the foregoing is
 7 a true and accurate transcript of the proceedings as
 8 taken stenographically by and before me at the time,
 9 place and on the date hereinbefore set forth.
 10
 11
 12
 13 Notary Public of the State of New Jersey
 14 My Commission expires January 26, 2021
 15
 16 Dated: February 5, 2020
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MR. BACCHIONE: [3] 9/23
16/15 41/20
MR. BELL: [2] 12/20 36/13
MR. CAMERA: [3] 3/12 3/14
3/21
MR. GINGRICH: [6] 9/6 15/5
15/10 25/7 34/2 35/19
MR. LORELLI: [2] 9/15 35/22
MR. MACKRES: [13] 7/8 7/19
8/13 8/20 8/24 15/11 16/8
16/10 16/14 16/20 17/4 25/8
33/24
MR. MCGUCKIN: [26] 3/18 3/23
4/2 4/8 4/11 7/12 7/22 8/14
10/19 10/24 12/1 12/14 12/16
12/22 13/2 13/8 13/11 14/23
15/8 15/19 16/1 16/4 33/23
35/18 41/16 47/12
MR. MICHELINI: [2] 3/5 3/25
MR. WIEGARTNER: [2] 13/18
36/16
MR. WINWARD: [34] 2/15 3/13
4/4 4/10 6/23 8/18 8/22 9/3
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13/10 13/15 14/7 15/1 15/13
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MS. HUGG: [11] 12/24 13/4
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20 percent [1] 26/9
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abstract [1] 18/4
accept [2] 15/7 28/7
access [1] 28/23
accomplish [1] 32/22
accordance [1] 3/9
accurate [1] 48/7
acknowledging [1] 31/1
across [4] 24/22 24/25 28/16
38/7
act [1] 4/25
action [2] 4/5 24/14
activity [1] 21/3
actual [1] 21/3
actuality [1] 31/5
actually [2] 24/16 40/10
adding [1] 23/13
additional [3] 8/25 18/17
19/11
address [1] 4/13
addressed [2] 46/5 46/6
addresses [2] 24/5 27/5
adequate [2] 44/25 45/23
administrator [3] 30/23
30/25 31/14
administrator's [1] 31/2
adopted [2] 47/14 47/15
advantage [2] 13/22 37/9
adverse [2] 46/19 46/22
advice [2] 5/18 24/4
advisory [2] 4/24 5/3
affects [1] 30/17
affirmed [1] 10/23
afford [2] 17/21 44/4
affordable [1] 24/6
after [8] 5/25 9/9 30/20

35/16 36/20 38/2 42/22 46/11
again [10] 6/11 11/15 19/7
26/23 35/25 36/8 37/7 42/16
45/17 46/7
against [5] 11/17 19/20
23/14 24/1 47/9
agenda [1] 4/5
ago [1] 32/24
agree [9] 11/14 12/8 14/13
15/17 37/19 39/1 41/13 42/25
46/14
agreed [1] 26/14
agreeing [1] 15/16
ahead [1] 16/13
aid [2] 32/3 41/8
all [26] 4/15 10/5 10/10
10/12 12/18 13/16 14/3 14/6
18/11 21/25 23/23 24/22
24/25 25/16 26/14 26/22
28/21 29/19 30/22 32/24
34/17 36/7 38/16 39/7 39/17
44/12
alleviate [2] 26/3 28/1
almost [3] 17/13 18/11 19/15
already [2] 6/14 31/24
also [19] 2/12 6/9 8/11 14/4
19/19 21/25 24/6 24/12 24/18
25/1 25/9 30/15 33/3 37/2
40/11 40/18 42/4 42/14 43/5
alternate [2] 12/24 13/12
alternates [1] 13/9
always [2] 38/12 47/1
am [1] 17/4
Amato [1] 35/3
amended [1] 5/8
amenity [2] 43/11 44/3
Americans [1] 32/23
amongst [1] 6/7
amount [2] 37/2 37/4
amounts [1] 5/11
annex [3] 11/10 18/10 39/2
annexation [33] 1/5 3/4 5/21
5/22 10/22 11/5 11/18 11/23
12/6 14/15 15/9 15/22 15/23
15/23 16/17 21/9 21/22 21/23
23/9 23/19 27/21 32/19 37/16
41/11 42/8 42/13 42/17 42/18
42/22 43/14 44/8 46/8 47/9
annexes [1] 30/5
another [4] 28/24 35/1 41/2
41/4
answer [1] 11/1
answers [1] 24/3
any [19] 5/24 6/8 6/8 6/12
6/13 7/2 8/5 8/5 9/1 9/5 9/8
14/8 14/12 14/25 31/8 34/14
38/25 39/16 44/24
anybody [6] 15/2 24/20 25/15
35/8 39/10 40/4
anybody's [1] 9/20
anyone [2] 4/15 33/20
anything [8] 7/3 8/9 8/18
9/19 9/21 14/8 14/9 16/12
anyway [1] 23/13
anyways [1] 36/22
anywhere [2] 35/8 39/9
apart [1] 36/3
appeals [1] 5/1
APPEARANCES [1] 2/2
applicant [1] 11/16
applicants [1] 10/25
application [2] 3/2 4/24
appreciating [1] 35/5
approach [1] 21/2
appropriate [7] 6/8 6/9 8/7
8/11 11/15 14/24 46/6
approve [1] 27/20
approved [3] 5/21 5/23 11/23
approving [1] 31/2

A
 approximately [2] 43/2 46/13
 are [38] 3/7 3/25 4/6 5/3
 5/16 5/19 6/12 7/9 10/17
 13/3 17/15 18/1 19/8 21/21
 22/25 25/1 25/4 26/1 26/4
 28/8 28/11 29/13 31/3 31/8
 31/21 32/3 32/9 32/15 32/22
 34/14 35/15 35/16 39/6 39/18
 42/5 43/8 46/15 47/4
 area [1] 19/9
 argued [1] 46/14
 arguments [1] 17/15
 arms [1] 28/12
 around [8] 15/18 18/7 20/6
 21/21 26/11 38/2 44/13 44/21
 as [30] 4/11 5/14 5/17 6/22
 8/4 8/6 8/17 12/5 12/22 17/1
 17/22 19/20 29/1 31/18 31/18
 32/18 32/23 33/1 33/1 34/24
 34/24 39/10 41/21 44/10
 44/10 44/13 44/13 45/5 45/12
 48/7
 Asbury [1] 32/1
 ashamed [1] 33/18
 ask [5] 3/14 10/16 11/25
 25/20 40/5
 asked [3] 18/25 23/25 40/4
 asking [1] 18/14
 assessing [1] 21/16
 assessments [1] 18/17
 asset [2] 43/22 47/7
 assign [1] 27/7
 ASSOCIATES [1] 1/23
 ASSOCIATION [2] 1/5 3/3
 associations [1] 19/2
 assume [1] 4/5
 assumed [1] 26/16
 assuming [2] 6/5 7/8
 Atlantic [3] 32/1 43/7 44/2
 attend [2] 18/2 30/22
 attending [1] 31/10
 attention [2] 45/18 46/1
 attorney [1] 43/17
 Attorneys [2] 2/5 2/8
 audience [1] 35/16
 audio [2] 4/17 4/20
 authority [1] 30/16
 available [1] 13/14
 average [2] 17/16 18/6
 averse [1] 29/13
 awarded [1] 21/23
 away [3] 29/25 30/16 46/6

B
 Bacchione [2] 1/12 41/19
 back [2] 4/12 35/25
 backs [1] 36/24
 bad [1] 34/14
 badge [1] 28/1
 barely [1] 20/23
 based [4] 7/25 8/1 8/9 21/3
 basically [2] 30/23 31/3
 basketball [2] 42/3 42/4
 bathing [2] 45/23 45/24
 battle [2] 22/17 26/23
 bay [3] 38/6 45/10 45/20
 Bayville [3] 1/8 36/19 40/10
 be [84]
 beach [25] 21/23 22/3 22/4
 23/24 24/24 25/20 26/4 27/21
 27/23 34/9 34/10 34/11 34/22
 34/23 43/6 43/8 43/11 43/13
 43/21 44/2 45/20 45/23 45/24
 45/25 46/3
 Beaches [1] 28/22
 Beaverson [1] 2/7
 because [19] 10/12 10/20
 13/5 13/6 13/6 18/23 22/3

23/11 26/3 29/4 29/22 30/6
 34/22 35/13 37/14 39/12 41/4
 41/11 41/13
 become [1] 37/10
 been [28] 3/8 5/9 5/13 9/17
 10/10 13/19 13/20 13/20 14/5
 15/20 18/12 19/14 19/19
 19/19 20/1 22/19 24/3 24/12
 24/13 24/20 26/19 27/11
 35/23 36/20 37/14 38/14
 39/25 44/21
 before [10] 5/13 7/2 11/19
 25/2 27/19 29/2 29/22 33/4
 34/16 48/8
 behalf [2] 3/6 19/18
 behind [1] 20/21
 being [15] 8/6 11/3 11/6
 14/18 17/8 17/9 27/2 27/4
 28/25 29/1 33/14 33/15 34/8
 37/17 39/5
 believe [19] 3/9 9/8 12/6
 12/25 14/17 16/6 23/5 25/20
 30/4 30/19 39/18 40/11 41/9
 43/1 44/7 44/20 45/20 46/12
 46/20
 Bell [2] 1/15 36/12
 belong [1] 25/12
 BERKELEY [46] 1/1 5/9 11/6
 11/14 14/19 17/10 17/12
 17/23 21/13 30/12 31/10 33/9
 33/16 38/6 38/12 38/14 38/21
 38/23 39/2 39/5 39/11 40/10
 40/17 40/23 42/3 42/24 43/7
 43/9 43/20 43/22 43/24 43/25
 43/25 44/4 44/16 45/10 45/16
 46/2 46/7 46/13 46/15 46/16
 46/21 46/22 46/25 47/8
 Berkeley Township [30] 5/9
 11/6 14/19 17/10 17/12 21/13
 30/12 31/10 33/9 33/16 39/5
 42/3 42/24 43/7 43/9 43/20
 43/24 43/25 44/4 44/16 45/10
 45/16 46/2 46/7 46/13 46/15
 46/16 46/21 46/25 47/8
 best [1] 41/24
 better [5] 32/18 34/19 38/15
 39/21 39/21
 betterment [1] 32/25
 beyond [1] 45/9
 big [6] 17/16 24/25 25/23
 29/2 44/7 44/18
 bigger [1] 24/17
 biggest [3] 18/10 25/16
 35/13
 bit [2] 9/16 28/8
 blame [1] 38/22
 blizzard [1] 38/15
 Blvd [1] 2/7
 board [29] 1/1 2/5 3/10 4/23
 5/14 6/1 6/5 6/9 6/13 6/22
 6/24 7/1 7/4 8/15 9/1 9/8
 9/12 10/7 10/24 11/21 12/2
 12/3 13/8 13/24 30/21 31/1
 31/18 40/25 42/21
 board's [1] 43/17
 boards [1] 5/4
 boards' [1] 30/16
 Bob [1] 14/6
 body [7] 5/19 5/24 6/4 12/4
 12/4 15/21 25/25
 bonding [1] 29/17
 book [1] 10/17
 border [1] 25/21
 Boro [1] 41/8
 both [7] 9/19 10/22 11/1
 19/16 24/1 37/1 37/7
 bottom [1] 32/7
 bought [2] 35/9 36/19
 box [2] 46/20 46/20

break [1] 29/25
 Brian [2] 1/14 9/4
 Brick [2] 2/7 32/4
 bring [3] 9/2 38/21 38/21
 brought [3] 31/8 37/19 45/25
 Brunswick [3] 34/17 34/19
 34/20
 bucket [1] 44/19
 budget [3] 18/11 39/17 46/24
 budgeted [2] 21/4 24/16
 build [3] 19/5 26/15 29/6
 building [4] 17/22 30/8
 36/23 37/5
 built [6] 19/1 22/22 29/4
 29/5 29/7 32/23
 bullet [3] 41/21 41/23 42/9
 bulleted [1] 24/8
 burden [7] 11/1 11/12 11/16
 16/7 22/19 31/6 47/1
 bus [4] 23/10 23/13 23/13
 31/12
 buses [1] 23/15
 business [5] 27/13 30/23
 31/2 31/13 40/21
 buy [2] 34/25 35/7

C
 call [1] 22/17
 Callahan [2] 1/13 12/23
 calls [2] 39/25 40/2
 Camden [1] 32/1
 can [32] 7/24 7/24 9/20
 11/22 11/23 14/5 14/6 14/10
 18/16 19/20 23/1 23/3 24/17
 25/18 25/20 25/24 26/2 26/5
 27/23 29/6 29/6 33/8 33/20
 36/7 36/16 37/25 38/22 40/20
 41/10 41/12 44/14 46/3
 can't [5] 17/21 34/20 41/5
 41/5 44/4
 cannot [1] 29/13
 cans [2] 25/3 25/4
 capability [1] 24/18
 capable [1] 44/9
 capacity [1] 29/17
 car [2] 21/10 21/14
 care [4] 23/1 29/21 31/18
 40/21
 Carmen [1] 35/3
 Carmen Amato [1] 35/3
 cars [1] 21/10
 case [4] 5/6 10/12 11/24
 14/14
 cash [3] 21/11 29/9 29/10
 catch [1] 32/21
 cause [7] 11/5 11/13 14/18
 23/19 32/16 39/4 44/7
 causes [1] 46/19
 Cedar [1] 42/12
 Central [1] 19/15
 century [1] 32/24
 certainly [5] 6/7 7/24 9/23
 30/25 42/8
 CERTIFIED [2] 1/24 48/5
 certify [1] 48/6
 cetera [2] 12/9 18/19
 Chair [1] 3/12
 Chairman [6] 1/12 4/8 14/23
 37/12 47/10 47/12
 challenged [1] 23/10
 change [6] 9/20 22/16 24/19
 27/11 30/10 36/11
 changes [4] 30/1 32/11 42/13
 42/16
 cheat [1] 33/6
 CHERKOS [1] 2/3
 chief [4] 24/10 24/14 30/24
 45/2
 children [7] 17/14 30/15

C

children... [5] 31/9 31/23
 32/8 32/20 33/22
 choice [2] 17/24 42/15
 choose [1] 8/12
 chose [1] 34/21
 chosen [1] 34/13
 church [1] 26/15
 churches [1] 26/13
 cities [1] 31/25
 City [7] 25/5 32/1 36/21
 36/25 37/4 43/3 44/23
 Civics [1] 35/25
 clarification [1] 13/17
 clarifications [1] 9/5
 clarified [1] 4/14
 clarify [3] 11/21 12/18
 41/18
 class [1] 24/15
 clawback [2] 29/19 30/2
 cleaned [2] 46/2 46/4
 cleaning [1] 29/1
 cleanliness [1] 28/23
 clock [1] 44/21
 closed [3] 3/9 4/9 6/12
 closer [1] 34/10
 clubhouse [2] 18/25 19/4
 clubhouses [2] 18/23 19/1
 COAH [3] 21/1 21/5 21/6
 COAH [1] 24/6
 codes [2] 27/5 27/7
 cold [1] 44/19
 colleague [1] 34/3
 college [1] 35/25
 come [13] 5/12 17/24 18/16
 20/2 20/14 20/17 27/12 34/22
 34/23 36/18 38/9 40/24 46/21
 comes [3] 20/10 29/12 39/17
 comfortable [1] 43/20
 coming [2] 18/22 41/1
 comment [1] 42/20
 comments [2] 7/4 8/20
 Commerce [1] 27/9
 commercial [3] 27/9 27/10
 46/25
 Commission [1] 48/14
 common [2] 16/23 21/2
 communicate [1] 28/17
 communicating [1] 28/14
 communication [1] 28/14
 communications [1] 39/22
 community [2] 28/4 28/4
 company [1] 40/1
 compare [1] 18/5
 compared [1] 21/4
 comparison [1] 21/5
 compensation [2] 22/4 29/20
 competition [1] 20/15
 complain [1] 17/18
 complained [2] 18/21 42/11
 complaining [2] 25/15 40/14
 complains [1] 24/20
 complaint [8] 23/14 24/22
 25/1 27/15 28/22 28/24 29/1
 37/23
 complaints [5] 16/24 18/11
 25/23 26/25 37/22
 concern [3] 23/20 28/2 28/15
 concerned [2] 34/24 39/11
 concerns [4] 10/3 22/20 26/3
 30/11
 concluded [2] 3/8 47/18
 conflict [1] 3/19
 conflicted [1] 23/6
 CONNORS [1] 2/3
 consent [3] 11/3 15/8 37/16
 consequences [1] 18/2
 consider [1] 10/15
 consideration [1] 10/5

constant [1] 24/22
 conversation [1] 43/19
 convince [1] 44/15
 copy [1] 4/4
 corporate [1] 21/7
 correct [9] 7/12 10/24 12/16
 15/10 15/19 21/20 31/14
 41/16 45/13
 cost [6] 21/17 26/21 30/5
 34/6 34/11 34/21
 costing [1] 21/3
 costs [1] 45/7
 could [12] 3/14 5/20 8/4
 9/16 14/25 16/5 39/23 39/25
 40/4 40/6 40/15 40/18
 council [1] 35/4
 Councilman [2] 1/12 41/19
 count [1] 47/12
 counted [1] 25/11
 county [4] 33/7 38/10 38/16
 38/23
 couple [4] 17/18 38/19 42/9
 42/21
 Course [1] 42/12
 court [3] 1/24 19/19 48/5
 courts [1] 42/5
 coverage [7] 24/9 24/10
 24/13 39/21 44/19 44/22
 44/25
 craft [3] 14/10 14/12 14/12
 create [1] 22/24
 credentialled [1] 24/3
 Creek [1] 42/12
 criteria [1] 5/12
 critical [2] 8/3 22/18
 current [2] 22/25 23/2
 currently [3] 31/19 44/2
 46/12
 custodians [1] 30/9
 cut [6] 20/12 22/14 31/22
 32/5 32/15 33/8
 cuts [2] 32/3 32/8

D

Dairy [1] 44/1
 dais [3] 3/16 44/7 47/5
 DASTI [1] 2/3
 date [1] 48/9
 Dated [1] 48/16
 day [3] 38/8 40/20 44/24
 days [1] 38/20
 de [37] 1/5 3/4 5/21 5/22
 10/22 11/5 11/10 11/18 11/23
 12/6 14/15 15/9 15/22 15/23
 15/23 16/17 18/10 21/9 21/22
 21/23 23/9 23/19 27/21 30/5
 32/19 37/16 39/2 41/11 42/8
 42/13 42/17 42/18 42/22
 43/14 44/8 46/8 47/9
 de-annex [3] 11/10 18/10
 39/2
 de-annexation [33] 1/5 3/4
 5/21 5/22 10/22 11/5 11/18
 11/23 12/6 14/15 15/9 15/22
 15/23 15/23 16/17 21/9 21/22
 21/23 23/9 23/19 27/21 32/19
 37/16 41/11 42/8 42/13 42/17
 42/18 42/22 43/14 44/8 46/8
 47/9
 de-annexes [1] 30/5
 deal [1] 17/16
 debt [2] 20/10 29/15
 decades [1] 19/16
 December [1] 4/12
 decide [2] 5/1 5/15
 decided [1] 10/6
 decides [2] 12/2 12/3
 decision [9] 7/15 8/1 8/6
 8/15 10/6 12/10 30/13 30/17

37/14
 decisions [1] 5/1
 declined [1] 24/12
 decrease [1] 30/5
 deed [1] 23/3
 defense [2] 19/22 30/16
 definitive [1] 23/8
 demanding [2] 19/9 22/25
 democrats [1] 38/13
 demographic [1] 17/20
 demographics [1] 28/8
 deny [1] 15/22
 denying [1] 15/23
 department [2] 41/7 46/2
 departments [1] 46/7
 depending [2] 8/21 36/24
 describe [1] 41/24
 destruction [1] 20/7
 determination [3] 11/8 12/5
 12/8
 determine [2] 10/25 11/12
 determined [1] 4/14
 determining [1] 11/11
 detriment [1] 28/20
 detrimental [11] 11/3 11/10
 14/15 17/7 31/6 32/14 33/13
 36/3 36/6 37/16 39/1
 developer [1] 19/2
 did [13] 10/1 10/16 14/2
 14/4 19/6 21/2 21/15 26/24
 30/25 38/21 39/8 41/12 44/16
 didn't [3] 13/24 25/5 38/1
 difference [3] 20/21 30/3
 37/5
 different [6] 11/20 11/22
 23/25 28/9 39/7 47/8
 difficult [1] 22/18
 dig [1] 38/22
 dilemma [1] 14/20
 diligence [1] 34/15
 direct [1] 23/16
 direction [3] 9/10 9/11
 11/22
 disability [1] 29/21
 disagree [3] 12/9 39/4 41/14
 disagreed [1] 45/4
 discuss [2] 6/10 16/12
 discussion [5] 4/6 6/6 16/8
 16/10 27/25
 discussions [1] 3/17
 disgusted [1] 33/18
 distance [1] 23/15
 district [5] 17/13 19/15
 30/12 30/22 31/24
 districts [1] 32/17
 dividends [1] 33/1
 division [1] 45/18
 do [47] 4/4 5/15 6/15 6/22
 7/6 7/8 7/10 7/10 7/20 8/12
 8/18 9/12 14/9 14/21 14/21
 14/22 15/1 17/24 17/25 18/13
 20/14 21/2 22/20 24/16 25/6
 25/9 25/19 25/20 25/22 25/22
 25/24 27/23 28/1 28/9 28/9
 28/16 29/21 29/23 29/25
 34/20 35/6 37/8 37/19 39/18
 41/7 44/16 48/6
 documentation [1] 7/16
 documents [2] 6/19 8/25
 dodgy [1] 23/9
 does [8] 19/10 20/17 22/10
 27/20 35/12 35/13 44/1 46/18
 doesn't [3] 9/9 16/4 39/2
 dog [1] 40/20
 doing [3] 25/2 28/18 32/3
 dollar [1] 20/8
 dollars [4] 17/18 20/7 22/2
 31/21
 domain [3] 22/24 25/18 25/19

D
 Domenick [3] 1/15 9/13 35/21
 don't [33] 3/20 3/21 8/8
 9/10 9/16 9/19 12/25 14/10
 15/16 24/19 25/4 25/8 26/17
 27/13 28/19 35/1 35/2 35/8
 35/11 35/11 35/12 36/10 37/9
 38/12 38/25 39/6 39/9 41/1
 41/4 43/18 44/14 45/22 45/23
 donate [3] 23/2 25/18 25/21
 done [5] 6/14 22/15 26/2
 28/25 29/1
 doubt [2] 25/19 33/2
 down [7] 3/17 3/19 9/4 20/7
 20/11 39/17 42/10
 drastically [2] 17/6 33/13
 drive [2] 1/24 42/11
 drop [2] 32/16 46/18
 due [1] 34/15
 dunes [1] 24/23
 during [3] 3/17 24/10 38/9
 duties [1] 32/23

E
 e-mails [1] 20/1
 each [2] 4/16 4/19
 economic [6] 17/8 17/20 20/4
 20/5 33/14 37/17
 education [4] 30/18 32/10
 32/24 33/4
 effect [6] 22/17 30/14 32/14
 43/4 46/19 46/22
 efficiency [1] 30/5
 either [4] 11/9 23/22 32/19
 38/1
 elected [1] 30/15
 elementary [3] 31/10 32/6
 32/12
 eligible [6] 4/13 4/18 4/21
 12/23 12/25 13/3
 elimination [1] 21/9
 else [7] 8/9 8/19 9/16 14/7
 14/9 21/18 35/11
 eminent [3] 22/24 25/18
 25/19
 employed [1] 21/6
 employee [2] 21/6 23/8
 EMS [2] 22/14 24/19
 end [2] 7/6 13/16
 Engineer [1] 2/13
 engineering [3] 45/7 45/8
 45/18
 engineers [1] 45/13
 enjoy [1] 43/11
 enough [8] 6/15 18/13 28/14
 31/11 43/12 43/19 44/7 44/14
 entire [3] 8/8 21/18 47/16
 equates [1] 26/11
 equating [1] 20/13
 equipment [1] 38/21
 equitable [2] 30/18 32/9
 Erdman [1] 27/1
 Ernie [1] 2/13
 especially [7] 17/12 20/23
 22/11 25/25 27/1 28/20 38/13
 ESQ [2] 2/5 2/8
 ESQS [2] 2/3 2/6
 essentially [4] 4/9 5/16
 6/11 6/21
 establish [1] 11/12
 et [2] 12/9 18/19
 evaded [1] 24/2
 even [11] 11/14 12/13 19/9
 23/19 25/6 26/17 31/11 32/8
 32/16 33/8 40/7
 evening [5] 3/2 3/5 6/6 40/8
 43/5
 event [1] 13/13
 ever [1] 5/5

evermore [1] 17/2
 every [6] 4/19 24/9 38/8
 38/8 38/9 39/8
 everybody [2] 13/19 37/24
 everybody's [1] 15/5
 everyone [1] 18/3
 everything [8] 6/1 8/10
 10/11 34/16 37/1 37/8 37/15
 38/22
 evidence [2] 5/14 31/8
 example [5] 14/13 21/7 22/1
 23/10 39/23
 examples [1] 24/1
 excellent [1] 24/10
 except [1] 37/25
 exchange [1] 18/14
 excuse [1] 43/23
 exhibits [2] 5/13 6/12
 expense [2] 33/21 33/22
 expenses [7] 19/11 20/20
 20/23 27/18 30/7 31/15 35/14
 experience [1] 19/14
 expert [2] 19/23 24/4
 experts [1] 17/1
 expires [1] 48/14
 expression [1] 43/23
 extra [1] 17/21
 extreme [1] 31/22

F
 Facebook [2] 28/18 38/18
 facilities [1] 22/25
 factor [2] 21/16 31/24
 factors [1] 22/16
 failed [2] 17/7 33/13
 fair [3] 21/24 30/18 32/9
 fan [1] 25/23
 fantastic [1] 10/10
 far [2] 34/24 44/10
 favor [1] 47/13
 fear [1] 28/9
 February [1] 48/16
 federal [1] 27/6
 feel [2] 36/2 43/19
 feet [2] 38/18 44/11
 fellow [1] 34/3
 felt [1] 35/24
 few [3] 5/4 36/20 47/5
 fields [1] 25/14
 figured [1] 21/20
 figures [2] 21/3 39/6
 files [2] 35/23 36/8
 filled [1] 26/4
 finally [1] 38/2
 financial [1] 18/9
 fine [1] 35/2
 fire [4] 18/18 22/14 24/18
 31/11
 first [6] 4/12 10/10 36/19
 38/5 38/14 41/8
 firsthand [1] 13/23
 five [12] 5/25 9/7 9/9 9/18
 9/24 13/20 13/20 14/5 16/22
 33/19 34/5 38/2
 fixed [2] 30/7 32/5
 flip [1] 39/3
 flow [3] 21/11 29/9 29/10
 flyer [1] 25/12
 flyers [1] 28/21
 force [1] 24/17
 forced [1] 18/1
 foregoing [1] 48/6
 forget [1] 24/16
 Forked [1] 2/4
 form [1] 43/8
 former [1] 23/7
 forth [5] 5/2 8/15 20/2 22/7
 48/9
 forward [2] 17/1 47/16

forward with [1] 17/1
 forwarded [1] 12/3
 found [2] 8/2 42/17
 four [3] 18/24 25/13 25/16
 fraction [1] 18/2
 frame [1] 45/5
 Fred [2] 12/19 12/21
 Frederick [1] 1/15
 free [2] 32/24 33/4
 front [2] 6/17 6/21
 fruits [1] 33/3
 full [1] 21/6
 full-time [1] 21/6
 function [2] 4/23 4/25
 fund [1] 46/24
 funding [4] 19/17 19/21
 19/24 26/9
 fundraising [1] 19/12
 further [1] 20/11
 future [3] 23/2 29/10 29/14

G
 gambling [1] 29/13
 Gate [2] 38/8 38/10
 gave [1] 46/11
 generalized [1] 28/16
 get [14] 7/2 10/8 23/13 34/6
 35/4 37/3 37/4 38/11 38/12
 40/9 40/20 41/5 42/11 44/13
 gets [2] 26/4 31/16
 getting [4] 13/22 33/20
 37/24 38/14
 Gingrich [2] 1/14 34/1
 give [7] 5/18 6/3 7/21 7/24
 29/23 41/22 44/22
 given [2] 24/13 44/24
 gives [2] 10/21 44/23
 go [36] 5/5 8/24 9/3 11/22
 12/19 12/21 16/12 18/23 20/6
 20/9 22/10 23/17 24/7 26/15
 28/7 28/9 34/9 34/11 34/15
 34/22 34/23 35/7 36/1 36/7
 36/8 36/22 38/7 40/20 41/23
 42/4 42/6 42/7 42/15 43/13
 43/16 45/14
 goes [3] 12/12 23/13 45/8
 going [22] 3/15 4/1 7/9 7/9
 10/14 15/6 21/21 24/7 25/19
 26/14 26/16 26/18 29/24
 34/19 35/10 35/15 35/23 36/7
 36/9 36/13 41/25 47/1
 Golf [1] 42/12
 gone [1] 26/10
 good [8] 3/5 8/4 12/20 13/20
 34/4 34/4 36/4 44/16
 got [4] 9/1 38/2 39/14 41/22
 governing [7] 5/18 5/24 6/3
 12/4 12/4 15/21 25/25
 governments [1] 29/12
 grants [1] 25/22
 grave [1] 30/14
 great [8] 10/1 21/5 25/4
 26/2 26/6 33/1 34/13 37/20
 greater [2] 23/20 33/10
 greatly [1] 29/18
 Greg [4] 4/5 10/16 10/16
 43/17
 GREGORY [1] 2/5
 grew [1] 44/9
 group [1] 31/24
 groups [1] 28/18
 growth [2] 29/8 29/11
 guarantee [1] 31/17
 guaranteed [3] 29/9 29/10
 29/12
 guess [6] 7/5 10/21 14/8
 36/25 41/14 45/21
 guy [1] 37/24
 guys [1] 9/25

H
had [7] 5/5 13/22 18/24
38/17 38/21 40/4 46/5
half [4] 17/13 25/13 26/8
32/4
hall [2] 40/19 40/24
halls [1] 41/6
hand [1] 14/17
handful [1] 31/9
handover [2] 22/18 26/23
happen [4] 22/10 22/12 42/24
46/14
happened [1] 29/22
happens [2] 11/24 45/9
has [36] 3/8 3/24 4/15 5/5
9/2 9/7 10/10 11/16 13/6
13/19 14/8 14/9 15/20 18/3
19/14 19/22 20/2 22/19 24/12
24/13 25/14 26/8 26/10 26/19
27/11 29/22 31/5 31/12 32/25
33/2 34/3 35/9 37/25 42/3
42/6 43/7
have [96]
haven't [3] 19/23 22/10
28/10
having [3] 6/2 23/10 28/17
he [14] 12/23 13/3 13/6 13/7
14/2 14/2 21/1 21/17 21/18
21/20 42/3 42/6 46/11 46/11
he's [3] 12/24 12/25 13/6
headliner [1] 3/2
health [1] 29/21
hear [4] 5/1 9/2 37/22 39/8
heard [14] 6/1 8/10 9/15
16/22 20/22 22/9 24/14 24/19
26/25 32/2 33/19 34/5 35/14
39/6
hearing [7] 1/5 3/4 4/6 4/9
6/11 7/23 7/23
hearings [1] 4/17
Heights' [2] 22/8 40/19
her [5] 18/25 23/8 24/1 24/4
45/3
here [26] 4/19 9/7 13/19
13/19 20/3 26/1 27/12 34/3
34/4 34/6 34/22 34/23 35/10
36/18 36/20 37/3 40/9 40/13
41/1 42/23 44/6 44/9 44/15
45/12 46/2 47/5
hereby [1] 48/6
hereinbefore [1] 48/9
hey [2] 34/18 34/19
high [3] 20/13 22/23 38/18
higher [3] 17/19 18/14 20/10
highest [1] 46/14
highrises [1] 27/25
HILL [2] 1/23 48/4
himself [1] 14/2
his [3] 21/4 35/4 46/11
history [1] 5/7
hit [1] 44/18
Hold [1] 15/13
Holiday [6] 25/5 36/21 36/25
37/4 43/3 44/23
Holiday city [1] 44/23
home [5] 20/6 20/11 23/17
28/4 38/9
homeowner [2] 17/17 18/6
homeowners [4] 1/4 3/3 19/2
23/20
hopefully [1] 26/2
hoping [1] 9/11
horrendous [1] 40/8
hour [1] 44/24
house [10] 22/1 27/4 34/11
35/7 35/7 35/10 36/19 36/22
37/4 38/9
household [2] 46/12 46/18
housing [1] 24/6

how [16] 3/25 14/1 14/11
14/12 14/21 22/15 26/22
27/13 28/7 28/10 28/16 28/19
34/7 35/14 35/15 41/1
However [2] 5/25 39/3
Hugg [1] 2/13
hundred [1] 17/18
hundreds [1] 6/18
Hurricane [3] 24/11 27/1
27/2
Hurricane Sandy [1] 27/1
I
I want [1] 35/9
I'd [4] 9/2 27/18 37/11 41/1
I'll [5] 8/20 10/6 15/6
34/18 47/14
I'm [23] 3/15 7/3 7/8 9/11
12/20 13/16 17/5 18/16 20/2
24/7 25/4 25/23 28/6 33/18
33/24 34/24 35/15 36/7 36/8
36/13 39/11 40/12 40/23
I've [9] 9/1 28/16 35/22
36/18 36/20 37/14 39/6 39/25
47/3
idea [4] 14/12 26/2 30/19
36/5
ideas [1] 40/12
identity [1] 24/5
illogical [1] 17/15
imagine [1] 3/20
immense [1] 32/6
impact [8] 17/7 30/19 30/24
31/7 31/12 31/15 32/13 33/13
impacted [1] 20/25
impassable [1] 38/20
implement [1] 24/15
importance [1] 8/3
important [6] 6/15 8/2 8/6
43/22 46/9 47/7
improve [1] 41/12
improvements [1] 39/20
incentive [1] 18/9
inches [1] 44/11
incident [1] 45/6
incidents [1] 45/2
includes [1] 24/18
income [4] 32/5 46/12 46/15
46/18
increase [7] 17/11 20/19
31/16 32/12 32/18 33/17 43/1
increased [2] 17/17 24/13
increases [1] 39/7
increasing [1] 28/1
incredible [1] 33/1
indicate [2] 7/25 8/9
indicating [2] 11/2 15/20
individuals [1] 4/19
inevitable [1] 20/12
inflation [1] 20/20
information [4] 10/3 17/2
20/1 21/4
injury [6] 11/6 11/13 14/18
17/9 33/15 39/5
instance [1] 11/9
instead [1] 35/5
instituting [1] 29/4
intend [1] 3/21
intention [1] 6/5
interest [2] 29/24 43/6
interesting [2] 13/25 21/19
Interestingly [1] 18/4
investment [1] 24/25
is [96]
island [11] 20/24 21/12
21/16 21/18 23/24 24/24
25/20 26/4 31/13 37/3 41/6
issue [11] 4/12 5/6 23/24
27/6 28/3 29/2 44/5 44/7

44/18 46/9 47/6
issued [1] 19/20
issues [11] 5/11 10/15 37/20
38/4 38/24 39/13 39/18 39/20
39/22 40/7 40/14
it [86]
it's [40] 4/24 5/14 6/1 6/21
6/21 6/25 7/19 8/3 9/17
10/12 13/8 13/20 13/20 14/5
16/5 18/10 19/17 22/2 23/11
27/6 27/17 28/15 29/9 29/9
30/17 36/4 38/14 39/14 41/23
43/22 44/3 44/7 44/11 44/11
45/21 45/22 46/5 46/6 46/12
47/6
items [2] 24/8 27/23
its [2] 6/3 18/10
itself [1] 22/5
J
Jack [2] 1/14 13/15
JACKSON [1] 1/25
James [1] 2/14
January [2] 1/8 48/14
Jersey [9] 1/8 1/25 2/4 2/7
5/5 44/9 44/10 48/6 48/13
job [4] 10/2 14/3 14/4 44/16
John [4] 1/12 4/1 9/22 12/19
joins [1] 23/12
JOSEPH [2] 2/8 3/6
Joseph Michellini [1] 3/6
judicial [2] 4/25 7/23
July [1] 44/20
just [21] 3/14 3/14 4/2 4/2
9/3 11/20 11/25 12/17 13/18
14/5 16/1 16/18 19/5 28/11
32/18 36/9 36/16 38/3 40/24
41/17 41/23
K
keep [2] 27/21 43/20
Kelly [2] 2/13 16/18
Keswick [1] 1/7
kidding [2] 4/2 4/3
kind [3] 7/2 14/20 40/12
kinds [1] 39/7
know [32] 8/4 9/10 9/16
10/11 10/13 13/19 13/23 14/3
14/6 15/25 19/1 21/15 24/20
24/22 25/5 26/17 27/10 27/13
27/22 28/19 34/10 34/18
35/22 37/7 38/13 39/6 40/16
40/21 41/1 44/9 45/23 47/4
knowledge [1] 21/7
knows [1] 39/10
L
Lacey [2] 2/4 32/4
LAKEVIEW [1] 1/24
land [3] 22/5 25/18 25/21
large [1] 46/24
last [5] 3/10 5/8 30/11
38/12 38/16
later [1] 29/24
launch [1] 26/22
law [1] 5/6
lawsuits [2] 19/18 29/20
league [1] 42/3
learned [1] 13/21
least [2] 38/17 38/18
leave [3] 35/6 35/6 38/8
leaves [1] 13/15
leaving [1] 37/10
legal [2] 31/3 43/14
less [1] 22/7
let [3] 36/9 45/13 45/14
level [1] 24/2
levels [1] 20/14
levy [2] 20/8 31/19

L
 liabilities [2] 29/17 29/20
 licenses [1] 40/20
 lighter [1] 42/1
 like [36] 5/15 6/22 7/3 7/7
 7/10 9/2 9/4 9/6 10/14 12/13
 14/12 19/5 25/24 27/18 30/1
 31/25 32/3 34/9 34/17 34/18
 34/24 35/1 35/24 37/20 37/23
 38/5 38/11 39/8 39/17 39/19
 39/20 39/23 40/5 41/7 44/18
 44/19
 LINDA [3] 1/23 45/14 48/4
 line [1] 34/15
 list [1] 24/7
 listed [1] 25/12
 listen [1] 9/18
 listened [2] 4/17 9/25
 little [1] 28/8
 live [7] 34/13 34/16 35/5
 35/7 36/17 38/6 40/8
 lived [1] 36/19
 lives [1] 13/7
 living [2] 34/17 43/2
 loan [1] 29/23
 local [4] 18/8 20/15 24/2
 31/19
 location [1] 23/17
 long [7] 9/18 9/18 9/23
 13/20 14/5 23/24 41/13
 longer [1] 23/16
 looked [1] 37/8
 Lorelli [3] 1/15 35/20 35/20
 lose [4] 32/19 32/19 44/4
 46/17
 losing [2] 32/2 36/5
 loss [1] 27/17
 lost [1] 27/24
 lot [13] 3/20 5/7 9/1 10/2
 10/3 10/15 13/21 13/23 22/2
 34/19 45/17 45/24 47/5
 lots [1] 22/23
 lower [6] 20/8 20/13 20/14
 32/13 32/16 32/17
 lowest [2] 31/25 33/7
 ludicrous [1] 34/24

M
 Mackres [4] 1/13 15/12 16/19
 45/11
 made [10] 7/16 10/12 13/9
 14/14 15/20 30/13 30/21
 41/21 42/20 45/11
 mail [1] 22/16
 mailers [1] 28/21
 mails [1] 20/1
 mainland [2] 22/2 23/15
 maintain [1] 20/9
 major [6] 21/8 21/16 26/25
 30/9 32/3 32/13
 majority [2] 11/4 37/18
 majors [1] 17/5
 make [19] 3/10 5/20 5/24
 8/20 12/10 14/25 14/25 15/2
 15/6 17/25 26/5 26/20 28/5
 29/6 30/17 32/8 33/1 41/13
 41/15
 makes [3] 8/15 12/5 27/10
 making [2] 21/10 33/8
 Manchester [1] 36/25
 mandates [1] 19/19
 many [18] 17/15 17/25 20/22
 21/7 22/23 24/22 27/13 28/15
 30/18 33/2 34/2 34/5 35/3
 35/14 35/15 41/1 43/9 47/8
 map [1] 43/24
 marked [1] 5/13
 market [1] 21/24
 matter [8] 1/3 5/15 5/17

12/2 12/11 16/25 31/20 47/18
 may [6] 4/11 11/14 12/8 12/9
 24/3 36/3
 maybe [7] 25/20 35/12 36/4
 40/18 40/19 40/21 41/4
 MCGUCKIN [4] 2/3 2/5 9/7
 43/17
 me [16] 6/10 32/21 34/11
 34/17 34/21 36/23 37/3 38/2
 40/9 41/24 43/19 44/15 44/18
 45/13 45/14 48/8
 mean [3] 16/4 40/23 47/4
 means [2] 15/15 15/16
 meant [1] 45/24
 median [2] 46/12 46/18
 meeting [7] 4/12 4/20 6/16
 17/25 34/6 40/25 47/15
 meetings [7] 3/7 4/18 6/20
 18/3 39/24 39/24 41/3
 member [10] 1/13 1/13 1/14
 1/14 1/15 1/15 9/2 9/9 13/6
 13/13
 members [14] 6/9 6/13 6/24
 7/4 9/12 10/4 13/1 13/2 13/9
 13/12 13/24 26/1 42/21 44/6
 memo [1] 30/22
 mention [1] 45/11
 mentioned [6] 42/14 42/20
 43/5 43/15 44/6 47/3
 merge [1] 26/15
 merging [3] 22/7 22/9 26/17
 met [5] 10/22 10/25 11/11
 11/16 16/6
 MICHELINI [7] 2/6 2/8 3/6
 3/23 10/1 14/1 43/15
 might [1] 13/16
 miles [3] 42/11 42/14 45/1
 military [2] 22/17 24/12
 million [1] 31/20
 millions [2] 20/7 31/21
 mills [1] 27/25
 mind [2] 9/20 10/6
 minus [2] 22/5 27/17
 minutes [2] 36/23 40/9
 missed [1] 21/17
 missing [1] 21/18
 mix [1] 9/17
 moment [1] 35/24
 money [1] 29/6
 month [1] 44/20
 monthly [1] 40/25
 Moore [3] 21/1 21/15 21/19
 Moore's [1] 21/8
 moot [2] 23/11 27/5
 moral [1] 30/17
 more [20] 18/7 18/15 18/15
 18/18 19/8 19/9 20/16 25/2
 26/11 28/25 29/1 29/6 31/19
 33/8 33/21 34/21 34/23 42/19
 44/22 47/4
 most [5] 20/14 22/18 23/16
 46/9 46/9
 motion [15] 7/9 7/10 7/13
 14/10 14/10 14/25 14/25 15/2
 15/16 15/17 15/19 16/15
 16/17 47/13 47/13
 motives [1] 19/24
 move [2] 34/10 35/1
 moved [5] 17/1 22/15 36/21
 38/5 38/14
 Mr [8] 4/8 12/23 21/1 21/8
 34/1 35/20 35/20 36/15
 Mr. [14] 3/23 9/7 10/1 14/1
 14/23 15/12 16/19 21/15
 21/19 36/12 43/15 45/11
 47/10 47/12
 Mr. Bell [1] 36/12
 Mr. Chairman [3] 14/23 47/10
 47/12

Mr. Mackres [3] 15/12 16/19
 45/11
 Mr. McGuckin [1] 9/7
 Mr. Michellini [4] 3/23 10/1
 14/1 43/15
 Mr. Moore [2] 21/15 21/19
 Mrs [1] 27/1
 much [8] 5/6 23/1 23/15
 24/21 28/24 28/25 34/6 34/11
 municipal [2] 17/22 17/25
 municipalities [1] 23/25
 MURPHY [1] 2/3
 must [6] 10/9 10/22 21/24
 27/21 29/15 30/2
 my [30] 6/5 7/13 8/20 9/11
 10/6 16/21 20/17 30/11 34/2
 34/3 34/3 34/10 35/9 35/13
 36/19 36/22 36/22 36/24
 36/25 37/4 38/8 38/11 39/12
 40/1 40/9 41/15 41/24 43/12
 43/18 48/14

N
 nailed [1] 31/16
 narrative [1] 44/15
 narratives [1] 42/10
 nation [2] 32/25 33/1
 national [2] 24/2 40/1
 nature [2] 4/24 5/3
 need [5] 6/15 15/4 16/11
 16/18 19/1
 negating [1] 21/14
 neighborhood [1] 38/20
 neighboring [3] 20/15 25/9
 32/2
 neither [1] 20/3
 never [1] 27/1
 new [14] 1/8 1/25 2/4 2/7
 5/5 25/3 26/22 34/17 39/24
 40/6 44/9 44/10 48/6 48/13
 New Jersey [3] 5/5 44/9
 44/10
 Newark [1] 32/1
 next [6] 6/16 11/24 11/25
 12/1 31/17 47/15
 nice [2] 21/2 36/10
 Nick [3] 1/13 7/6 8/19
 Nick's [1] 39/6
 no [35] 3/19 3/24 4/8 8/25
 12/1 12/11 12/13 12/23 12/24
 13/8 15/3 15/16 15/24 16/5
 16/14 17/4 24/11 24/19 25/7
 25/7 26/19 26/19 29/8 29/8
 29/24 30/19 30/24 31/1 31/12
 31/14 31/20 33/2 37/5 42/2
 42/5
 nobody [2] 14/7 14/9
 normal [1] 4/24
 normally [2] 7/10 7/20
 normally do [1] 7/20
 North [2] 34/18 34/20
 not [73]
 Notary [2] 48/4 48/13
 notes [1] 9/1
 nothing [3] 32/11 42/13
 42/16
 notified [1] 27/4
 November [1] 29/2
 now [17] 3/1 5/14 6/21 7/19
 9/20 15/15 16/15 20/10 20/12
 25/2 25/6 29/25 34/20 35/10
 36/24 38/10 43/21
 null [1] 24/4
 number [2] 39/8 44/6
 numbering [1] 23/21
 numbers [2] 39/7 45/12
 numerous [4] 5/10 23/6 23/25
 30/20

O
objection [1] 3/24
obviously [3] 3/15 42/8
46/17
occur [7] 12/7 26/23 27/20
42/13 42/17 42/23 43/14
occurred [1] 3/10
occurs [3] 21/22 23/24 30/2
Ocean [4] 38/8 38/10 43/7
44/3
off [3] 17/3 22/14 29/16
offered [1] 26/19
offering [1] 20/16
office [1] 36/23
officer [1] 24/9
officers [1] 44/21
often [1] 34/7
Oh [3] 8/22 15/14 16/11
okay [19] 4/10 8/22 9/22
10/9 11/19 12/11 12/15 12/17
13/10 13/15 14/7 15/1 15/24
16/16 29/9 35/9 37/13 47/11
47/17
old [1] 45/24
once [8] 8/15 18/13 18/15
19/7 26/3 26/23 45/25 47/15
one [19] 5/4 5/20 10/5 11/9
12/12 18/2 18/20 21/9 24/8
25/14 30/22 31/11 31/12 33/7
36/17 40/16 40/20 41/2 41/5
only [12] 3/2 4/18 13/12
18/23 21/24 24/5 30/14 31/8
33/21 37/21 40/24 43/9
open [3] 10/17 23/3 28/12
opening [1] 4/6
openly [1] 37/9
operating [1] 21/17
opinion [4] 6/3 14/11 43/12
43/18
opposite [1] 7/20
options [1] 5/17
order [1] 33/6
original [1] 28/25
Oris [1] 2/14
other [17] 6/24 8/25 9/1
14/4 14/8 14/17 15/17 22/16
28/17 29/16 36/4 38/4 38/4
39/13 42/9 42/21 45/9
others [2] 19/6 33/21
our [19] 3/2 4/24 14/3 19/22
27/22 29/17 30/14 31/23
31/23 32/2 32/4 32/6 32/8
32/20 32/25 33/1 33/22 46/24
47/15
out [19] 17/23 18/22 21/20
22/22 27/13 28/5 29/4 29/5
29/7 33/6 34/14 36/21 38/3
38/22 39/14 39/23 40/13
41/10 41/12
outlining [2] 7/15 8/16
outright [1] 33/10
outside [2] 21/4 45/15
over [9] 22/15 32/24 35/16
36/17 36/18 37/3 38/15 41/6
41/20
overall [1] 41/11
overnight [1] 22/12
own [6] 26/20 26/20 26/24
27/12 28/18 43/21
owners [1] 46/23
ownership [2] 43/6 43/21

P
p.m [1] 1/9
package [1] 47/16
page [4] 6/25 10/17 14/13
30/22
pages [1] 6/18
paid [5] 19/22 29/15 32/25

33/4 45/18
pales [1] 21/5
park [66]
Park's [2] 24/24 40/14
parks [4] 25/11 25/12 25/15
25/23
part [9] 14/17 18/10 21/13
22/19 35/10 39/3 40/10 41/13
41/14
participant [1] 40/3
participate [2] 3/16 3/22
participated [1] 4/16
particular [1] 45/6
partnership [1] 26/6
parts [3] 24/23 38/5 39/13
pass [1] 12/19
passed [1] 29/15
passes [1] 7/14
past [2] 33/19 35/24
patrolled [1] 21/14
paved [3] 45/15 45/15 45/17
pavements [1] 45/11
pay [12] 18/1 18/3 18/7
18/14 19/11 21/24 29/25 30/2
30/7 33/9 46/23 46/24
paying [1] 33/7
payroll [2] 28/18 30/8
Pelican [4] 20/24 21/12
21/16 31/13
Pelican Island [2] 21/12
21/16
pending [1] 32/7
pension [1] 29/17
pensions [1] 29/19
people [8] 17/25 20/14 22/8
24/22 29/6 35/15 36/17 40/20
per [2] 19/16 45/12
percent [14] 17/11 18/2
20/17 20/18 20/19 21/21 26/8
26/9 30/9 31/16 32/7 33/17
45/14 45/16
perfect [1] 38/25
performing [1] 32/17
perhaps [4] 39/24 40/6 40/11
40/15
PERS [1] 29/16
person [1] 28/17
person's [1] 23/17
personal [2] 19/13 23/18
personally [1] 30/21
Peters [1] 2/13
petition [15] 1/5 3/4 3/6
10/2 10/4 16/22 17/1 19/25
22/12 28/6 28/10 31/1 33/5
33/19 41/21
petitioner [2] 31/5 42/2
petitioners [20] 2/8 10/1
16/24 17/6 18/12 18/14 21/21
22/25 23/1 27/14 32/22 33/3
33/5 33/12 41/22 42/10 43/1
43/16 45/4 45/4
petitioners' [3] 21/1 23/14
43/14
PFRS [1] 29/16
phenomenal [1] 14/2
pick [2] 20/21 34/16
picked [2] 13/21 34/12
picture [1] 38/17
pictures [1] 46/3
piece [1] 43/7
Pinewald [1] 1/7
place [1] 48/9
plan [2] 22/10 26/19
planner [3] 2/14 2/14 24/4
planner's [1] 23/5
planning [6] 1/1 4/23 4/23
5/4 7/1 43/17
plans [1] 5/1
play [2] 42/4 42/7

pleasure [1] 6/22
plowed [2] 38/10 38/12
plowing [3] 18/19 24/19
44/16
plus [1] 22/5
point [10] 6/10 21/8 23/11
27/6 34/24 37/1 37/11 38/6
41/12 47/14
points [8] 34/4 36/7 41/21
41/23 42/9 42/9 42/18 42/19
police [17] 18/18 21/10
21/10 21/14 22/13 24/8 24/10
24/17 39/21 40/17 41/7 44/19
44/21 44/25 45/2 45/3 45/5
policy [1] 22/6
poor [1] 32/17
population [3] 19/10 22/8
33/9
portion [2] 3/8 46/24
portions [1] 36/4
position [1] 13/6
positive [2] 21/11 41/11
possibility [1] 42/22
possible [1] 5/19
possibly [2] 9/17 44/14
postal [2] 24/5 27/5
pot [1] 9/17
potential [1] 11/3
power [1] 38/13
PR [1] 28/17
predominantly [1] 22/22
prepare [3] 7/15 8/16 47/14
prepared [1] 3/10
present [2] 2/12 26/1
presentation [1] 10/10
presented [3] 9/25 10/4 14/2
presenting [1] 10/2
presents [2] 45/1 45/22
pressure [1] 32/5
price [1] 22/23
prices [1] 28/1
probably [4] 13/24 35/13
41/24 47/4
problem [1] 41/3
problems [2] 34/14 46/4
proceedings [4] 34/7 35/16
37/22 48/7
process [3] 4/25 5/6 5/8
professional [1] 14/4
professionals [1] 14/3
profit [1] 27/18
program [1] 24/15
programs [1] 26/22
prongs [1] 11/7
proof [3] 11/1 16/7 31/6
property [16] 18/6 19/5
21/25 22/24 23/2 25/17 31/17
32/13 32/14 32/17 32/18
32/20 42/23 43/4 46/23 46/23
protocol [1] 3/15
proves [1] 19/7
provide [1] 7/16
provided [3] 17/2 26/12 27/3
providing [1] 18/13
public [10] 3/8 4/5 4/7 4/9
19/13 31/4 31/16 31/18 48/5
48/13
publically [1] 18/24
pull [1] 17/23
purchase [2] 19/4 22/23
push [2] 20/11 31/22
pushed [3] 20/6 38/16 38/23
pushing [1] 17/11
put [8] 7/5 7/10 9/17 19/25
22/6 27/9 27/18 38/18
puts [1] 43/23

Q
quasi [2] 4/25 7/23

Q
Queen [1] 44/1
question [5] 16/6 27/8 28/13
40/5 46/10
questioned [5] 19/19 19/21
19/24 20/1 27/4
questioning [1] 16/24
questions [7] 6/8 7/4 9/5
11/2 13/17 14/8 40/4
quickly [3] 22/15 24/21
44/13
quite [2] 9/16 36/20

R
raised [3] 39/19 39/20 46/10
range [2] 39/9 39/10
rank [1] 32/7
rankings [1] 32/16
ratables [2] 18/5 47/1
rate [3] 20/9 20/13 39/12
rates [2] 20/10 33/7
reach [3] 11/7 11/8 12/8
read [2] 19/20 36/3
reading [1] 37/14
ready [1] 8/24
realize [1] 36/1
really [11] 4/23 6/17 14/6
25/15 25/20 27/17 35/12 37/8
37/13 37/20 39/10
reason [6] 3/19 8/1 17/23
23/11 42/8 46/8
reasoning [1] 24/1
reasonings [1] 16/25
reasons [7] 7/21 7/24 8/16
16/21 17/5 23/8 47/3
recall [2] 4/11 18/13
recap [1] 8/8
receive [1] 32/9
received [4] 5/10 6/18 6/19
33/3
recomm [1] 14/22
recommend [6] 5/21 11/23
15/2 15/3 15/21 15/23
recommendation [13] 3/11
5/18 5/24 6/3 7/18 8/7 11/17
12/7 15/3 15/6 15/20 16/5
30/13
recommendations [2] 5/19 7/3
recommended [2] 5/22 16/3
recommending [2] 8/11 16/17
record [6] 7/5 7/17 7/25
17/3 27/19 41/18
recordings [2] 4/17 4/21
records [1] 19/13
recreation [1] 46/1
recreational [2] 18/21 23/4
recreations [1] 25/24
rectify [2] 28/19 40/13
recycling [1] 37/25
Red [1] 12/21
reduced [2] 20/23 29/18
reduction [4] 17/11 20/18
21/15 30/9
reductions [1] 20/25
referencing [1] 23/7
refusal [3] 11/2 11/10 37/16
refusing [1] 14/14
refuted [1] 45/3
regain [1] 27/23
regarding [1] 45/2
Regional [1] 19/15
registered [1] 18/20
regular [2] 13/11 13/13
related [1] 5/11
relates [1] 21/9
religious [1] 42/16
remain [2] 20/21 21/13
remainder [2] 29/5 30/6
remaining [5] 17/10 31/7

33/9 33/16 42/24
remember [3] 37/23 38/15
40/16
Remington [1] 45/12
removal [1] 44/5
rent [1] 40/18
renumber [1] 23/23
repaving [1] 26/9
repeat [1] 13/18
repetitive [1] 23/22
replacement [1] 27/16
report [1] 6/24
reported [1] 45/6
Reporter [1] 48/5
REPORTERS [1] 1/24
reports [3] 35/23 36/1 36/8
representative [1] 43/15
request [1] 29/18
requests [1] 30/20
requirements [1] 37/15
reread [1] 6/25
rescue [1] 18/18
resident [2] 39/11 40/23
residential [1] 47/2
residents [24] 10/3 10/13
11/4 14/15 17/10 18/18 19/1
19/4 19/8 19/25 22/11 22/21
24/9 24/11 30/6 31/7 33/16
37/18 42/24 43/9 46/4 46/15
46/16 46/22
resiliency [1] 25/1
resolution [7] 7/15 8/14
8/16 8/21 14/11 31/1 47/14
respect [2] 7/17 23/18
respond [1] 30/25
response [1] 31/3
responsibilities [2] 7/1
33/6
rest [3] 9/11 10/7 11/21
restrict [1] 23/3
results [1] 44/12
retail [1] 46/19
revenue [3] 20/18 27/17
27/17
revenues [2] 27/24 31/15
review [2] 6/13 8/25
reviewed [3] 4/15 4/20 6/2
rich [1] 33/20
Richard [1] 1/13
richer [1] 33/21
Ridge [2] 43/3 44/24
right [11] 9/3 13/4 16/12
26/5 28/5 30/16 34/3 35/9
38/7 39/6 46/6
rights [1] 31/4
rise [1] 42/23
risk [1] 29/13
River [2] 2/4 32/4
road [3] 1/7 2/4 45/11
roads [5] 26/7 26/9 28/23
45/15 45/16
Robert [1] 1/12
robo [3] 25/3 25/4 37/25
role [2] 4/22 5/17
rolled [1] 38/3
route [2] 23/16 40/9
row [1] 9/4
running [1] 30/8
ruse [2] 33/5 33/5
rusty [1] 46/3

S
saddens [1] 32/21
said [11] 5/17 9/7 11/20
29/24 34/3 34/8 39/1 42/2
42/4 43/17 45/5
same [6] 20/8 20/9 20/22
22/1 23/24 37/3
Sands [5] 43/6 43/8 43/11

43/21 44/2
Sandy [3] 24/11 27/1 27/2
sanitation [1] 25/3
sat [3] 6/20 9/7 34/4
save [1] 21/21
saw [2] 9/24 46/3
say [21] 3/20 7/7 8/4 9/5
9/10 9/20 9/25 10/9 12/18
14/5 14/6 26/19 29/21 34/9
34/18 35/2 35/9 36/4 36/13
36/16 37/11
saying [2] 30/24 37/24
says [3] 4/5 10/22 24/10
scenario [1] 32/20
scenarios [1] 20/5
school [14] 17/13 18/10
19/15 19/17 30/12 30/15
30/21 30/23 30/24 31/2 31/10
31/17 32/15 32/17
schools [5] 20/25 32/7 32/12
32/15 32/18
SEASIDE [65]
Seaside Heights' [2] 22/8
40/19
Seaside Park [6] 23/7 23/12
40/19 42/7 43/16 45/1
seat [1] 34/8
second [7] 5/21 7/11 7/14
15/4 15/11 15/13 31/24
Secretary [1] 2/13
see [8] 5/20 10/16 13/23
33/20 35/8 35/15 37/1 37/9
seems [3] 21/20 38/11 39/8
seen [5] 22/10 27/11 28/6
28/16 28/19
self [1] 30/16
self-defense [1] 30/16
sell [1] 35/6
sense [2] 21/2 27/10
serious [5] 18/1 42/19 43/3
44/3 47/6
seriously [1] 47/6
service [3] 26/11 31/13
39/13
services [18] 17/12 18/13
18/15 18/16 19/8 20/9 20/12
20/13 20/22 22/14 22/21
31/23 32/6 32/15 39/16 40/15
41/3 41/7
set [2] 8/15 48/9
seven [3] 13/1 13/2 13/9
several [1] 31/21
severe [1] 26/21
shameful [1] 33/10
share [1] 33/10
shared [3] 40/15 41/3 41/7
she [7] 18/24 18/24 23/6
23/7 23/8 24/2 24/3
shirk [1] 33/6
shirking [1] 32/22
shops [1] 46/19
short [1] 41/13
should [19] 3/16 3/17 12/6
12/6 14/21 15/25 16/3 17/23
19/4 22/4 25/16 34/9 35/4
36/10 42/13 42/17 42/22
43/13 46/17
show [3] 3/7 17/7 33/13
shown [1] 22/19
side [5] 39/3 42/1 43/10
43/10 45/10
sides [4] 9/19 19/17 37/1
37/8
signatures [1] 27/3
signed [3] 22/12 27/3 28/10
signers [1] 3/6
significant [7] 11/5 11/13
14/14 14/18 17/9 33/15 39/4
significantly [2] 17/19

S
 significantly... [1] 17/19
 silver [2] 43/3 44/24
 simply [2] 16/5 36/13
 since [7] 5/8 23/7 23/15
 23/21 29/6 39/20 44/20
 sincerely [1] 25/19
 singled [1] 39/14
 sit [3] 3/16 15/6 37/21
 site [1] 5/1
 sitting [1] 34/8
 situs [1] 21/25
 six [1] 24/17
 size [1] 22/1
 skype [1] 40/3
 slighted [1] 39/15
 slower [1] 45/14
 small [1] 22/23
 snow [5] 18/18 24/19 38/16
 38/24 44/5
 snowplowed [1] 24/21
 snowstorms [1] 44/10
 so [56]
 social [4] 17/8 28/3 33/14
 37/17
 solve [2] 40/7 41/2
 some [25] 7/3 7/6 10/13
 13/17 14/19 16/25 22/20 23/1
 25/21 25/25 26/3 26/25 37/20
 37/22 39/22 40/6 40/7 40/12
 40/18 40/21 41/5 41/21 41/23
 42/19 45/1
 somebody [3] 7/11 14/10
 35/10
 someone [2] 27/3 43/2
 something [7] 9/2 25/22
 25/24 26/5 30/1 30/1 36/10
 sometimes [2] 44/10 44/11
 sorry [3] 15/14 25/4 33/25
 sort [2] 36/6 44/18
 SOUTH [47] 1/4 1/24 3/3 11/4
 13/7 14/16 17/20 18/7 18/17
 18/20 18/22 19/3 19/7 21/8
 21/22 21/25 22/21 23/12
 23/20 23/22 26/7 26/10 29/3
 29/7 30/4 31/9 37/10 37/18
 37/25 38/7 39/1 39/14 40/14
 40/17 42/5 42/6 43/10 44/17
 44/21 45/8 45/15 45/17 45/19
 46/5 46/16 46/17 47/7
 space [3] 23/3 40/18 41/5
 speak [1] 10/7
 speaks [1] 21/12
 special [1] 38/21
 speculation [1] 29/10
 spending [1] 19/16
 spiral [1] 20/10
 spoke [3] 27/16 27/19 27/24
 spots [1] 38/19
 square [1] 44/25
 squirmy [1] 23/9
 staff [3] 31/12 32/6 32/15
 stand [1] 26/20
 standard [1] 20/19
 start [2] 7/6 27/12
 started [1] 25/5
 starting [1] 24/15
 state [14] 5/4 16/20 17/16
 22/7 24/24 25/21 26/4 29/22
 30/1 31/25 32/2 44/13 48/5
 48/13
 stated [2] 18/24 23/6
 statement [3] 17/22 27/22
 42/25
 stating [1] 29/4
 statute [4] 4/22 5/3 5/7
 5/12
 stay [1] 36/9
 stenographically [1] 48/8

step [4] 3/17 3/19 12/1
 31/25
 steps [1] 11/25
 stick [1] 20/3
 still [11] 12/12 20/24 21/14
 25/8 27/23 30/6 30/7 31/12
 42/13 46/5 46/20
 stop [3] 23/10 23/13 23/13
 stores [2] 46/20 46/20
 storm [1] 44/12
 storms [1] 44/8
 story [2] 9/19 41/13
 stream [1] 41/3
 streamed [1] 39/25
 street [4] 29/11 38/11 45/21
 45/21
 streets [4] 23/21 23/23
 44/17 45/22
 strictly [1] 5/3
 strong [1] 10/11
 struck [1] 8/5
 structured [1] 34/4
 Stuart [3] 2/14 6/24 46/10
 Stuart wiser [1] 46/10
 Stuart wiser's [1] 6/24
 stuck [1] 38/19
 stuff [1] 37/23
 subject [1] 16/25
 substation [1] 40/17
 such [3] 18/2 19/18 29/19
 sudden [1] 34/18
 SULLIVAN [2] 1/23 48/4
 SULLIVAN-HILL [2] 1/23 48/4
 summations [1] 33/12
 support [4] 19/10 20/24
 24/12 31/22
 sure [5] 7/3 13/16 18/16
 20/2 28/6
 surge [1] 24/18
 SURMAN [1] 2/6
 survived [1] 24/23
 sway [1] 9/20
 system [2] 32/23 32/25

T
 take [8] 22/16 22/24 23/15
 26/18 28/12 29/23 30/15
 40/21
 taken [2] 10/5 48/8
 takes [2] 24/14 37/3
 taking [3] 25/17 35/25 36/2
 talk [2] 8/7 26/13
 talked [3] 25/17 26/7 47/5
 talking [2] 31/21 36/17
 tar [1] 45/25
 tax [8] 20/8 20/9 20/10
 20/13 31/19 33/7 39/7 39/12
 taxes [18] 10/14 17/11 17/17
 18/1 18/3 18/8 18/10 18/14
 19/17 20/5 21/22 31/17 32/12
 33/8 33/17 42/23 43/4 46/24
 taxpayer [1] 39/11
 taxpayers [2] 19/3 47/2
 teacher [1] 31/11
 teachers [1] 31/22
 technology [2] 39/24 40/6
 ten [3] 30/9 38/18 39/9
 ten feet [1] 38/18
 ten percent [1] 30/9
 tennis [2] 42/5 42/7
 testimonies [1] 17/2
 testimony [25] 3/8 5/11 5/25
 6/12 6/19 8/1 8/2 8/4 8/5
 8/8 10/11 21/12 23/5 24/12
 26/12 27/25 41/22 42/14
 42/25 43/13 44/15 45/2 45/3
 45/3 46/11
 than [10] 14/4 22/7 25/2
 28/17 29/1 31/20 34/22 34/23

44/22 44/23
 thank [11] 3/22 6/23 8/13
 9/12 12/18 14/1 33/22 35/16
 47/9 47/11 47/17
 that [194]
 that's [30] 6/9 6/14 6/17
 7/25 8/11 8/12 11/7 12/10
 12/16 12/18 14/6 14/19 20/3
 20/20 26/18 27/5 28/15 29/16
 34/9 34/13 34/15 34/17 34/23
 35/13 35/19 35/21 41/2 41/16
 43/3 44/22
 their [23] 10/25 11/12 11/16
 12/10 16/7 16/25 17/7 17/17
 18/3 19/9 19/23 21/22 23/2
 23/23 28/8 31/3 32/23 33/4
 33/8 33/14 41/22 42/15 43/4
 them [9] 19/20 25/4 25/6
 25/9 25/10 27/10 28/8 33/4
 42/17
 themselves [1] 19/5
 then [25] 6/15 7/10 7/14
 8/15 9/10 10/7 11/1 11/11
 11/15 12/2 12/3 13/3 15/3
 16/17 17/18 17/22 21/18
 26/21 27/2 28/23 29/24 34/25
 35/1 36/3 46/17
 there [62]
 there's [16] 3/19 5/7 6/8
 7/13 9/8 10/15 11/20 11/21
 16/12 25/9 37/9 38/4 38/24
 39/13 39/22 45/24
 therefore [4] 19/3 22/3 29/7
 31/13
 these [15] 3/17 6/20 19/20
 22/14 33/2 34/7 35/16 35/23
 35/23 36/1 36/8 37/21 37/22
 39/20 40/14
 they [48] 7/5 12/6 12/7 12/8
 12/9 14/13 14/25 15/25 18/23
 19/4 21/24 23/1 23/3 23/12
 23/17 23/24 24/23 25/6 25/8
 25/15 26/4 26/5 26/18 26/19
 27/6 27/9 28/7 28/11 28/11
 28/12 29/23 30/19 31/3 31/7
 32/3 32/9 33/8 38/2 40/3
 40/13 40/18 41/5 42/11 42/14
 42/15 42/20 43/21 44/13
 they've [4] 11/11 16/6 24/20
 37/19
 thing [4] 35/13 36/17 37/21
 41/11
 things [11] 7/5 7/7 10/14
 10/21 13/23 19/9 34/2 37/20
 39/17 40/5 41/9
 think [46] 4/14 5/10 5/25
 6/2 6/14 8/3 9/15 9/19 14/2
 14/3 14/24 15/25 16/2 18/25
 24/20 25/6 26/1 26/14 28/5
 28/11 28/15 35/11 35/11
 35/12 36/5 36/5 36/9 36/10
 37/15 38/25 39/10 39/12
 39/16 39/19 39/22 40/6 40/16
 41/2 41/10 43/1 43/22 44/14
 44/25 45/9 45/22 47/7
 think they [1] 15/25
 third [1] 5/23
 this [70]
 those [17] 4/18 4/19 4/20
 8/5 8/16 11/2 11/9 17/18
 19/11 20/20 22/11 26/22
 27/11 27/24 28/10 33/3 41/6
 though [3] 11/14 13/21 19/9
 thought [2] 7/13 8/3
 thousand [1] 17/13
 three [11] 5/16 5/19 11/20
 11/22 12/12 18/24 25/13
 25/16 26/11 39/25 40/2
 through [17] 3/12 5/5 5/9

T
 through... [14] 6/20 9/24
 19/13 22/11 24/7 34/15 35/23
 36/1 36/7 36/8 37/21 38/8
 40/2 41/23
 throwing [1] 40/12
 Thursday [1] 1/8
 time [19] 3/10 5/8 9/18 9/18
 9/24 14/9 14/19 21/6 23/14
 37/2 37/4 37/6 38/1 38/8
 38/9 40/16 40/24 45/5 48/8
 times [7] 20/22 23/6 24/17
 26/11 34/5 35/14 41/1
 today [1] 30/13
 told [1] 27/2
 Toms [1] 32/4
 Toms River [1] 32/4
 tonight [4] 3/7 4/9 38/3
 42/21
 too [12] 10/12 10/13 24/21
 24/21 28/24 28/24 37/14 38/5
 38/18 39/12 40/11 40/13
 took [5] 35/3 36/23 37/2
 40/9 47/6
 top [1] 10/20
 topic [1] 30/11
 tough [2] 10/12 37/14
 town [16] 13/22 18/25 24/23
 28/20 35/1 35/2 35/3 36/2
 37/24 39/13 40/13 40/19
 40/24 41/4 41/6 45/13
 towns [5] 20/16 22/7 25/9
 28/15 32/3
 township [59]
 township's [5] 12/4 21/5
 21/6 21/11 21/17
 townships [2] 32/2 44/12
 TPAF [1] 29/16
 traffic [2] 36/24 40/8
 transcript [1] 48/7
 transcripts [3] 4/16 4/20
 7/17
 transition [2] 21/11 22/19
 transitioned [1] 22/13
 transportation [2] 18/22
 23/18
 travel [6] 17/21 23/16 35/14
 36/18 40/7 42/15
 Tri [1] 41/8
 Tri-Boro [1] 41/8
 tried [1] 27/14
 trivial [1] 31/20
 true [2] 26/18 48/7
 try [2] 21/2 25/22
 trying [4] 19/14 22/6 32/9
 32/22
 turn [1] 5/14
 two [15] 10/21 11/7 13/9
 17/5 17/13 19/15 20/19 21/10
 25/11 25/14 26/8 38/20 44/11
 44/11 44/21
 two feet [1] 44/11
 types [2] 11/20 11/22

U
 ULAKY [1] 2/3
 ultimate [1] 12/5
 unacceptable [1] 33/11
 under [5] 4/22 5/3 11/10
 11/12 11/15
 undermine [1] 28/25
 understand [7] 12/22 22/20
 25/23 27/6 37/2 37/7 41/4
 understanding [1] 16/23
 universal [1] 16/23
 Unless [1] 3/23
 unlike [1] 4/24
 unmute [1] 40/4
 up [20] 4/6 9/22 10/14 13/9

13/21 18/16 20/6 20/9 20/21
 26/4 29/19 34/25 37/19 37/24
 41/22 44/9 45/25 46/3 46/4
 47/5
 upon [1] 8/1
 us [6] 10/13 14/14 34/6 36/3
 36/6 47/5
 use [2] 17/22 23/4
 using [2] 12/7 28/11
 usually [1] 40/24
 utilities [1] 30/8

V
 valid [1] 23/11
 value [7] 20/7 21/24 21/25
 22/4 29/3 29/8 29/12
 valued [1] 29/11
 values [10] 18/6 20/4 20/6
 20/8 20/11 32/13 32/14 32/18
 32/19 32/20
 variances [1] 5/2
 various [1] 6/19
 Vernick [1] 45/12
 verse [1] 21/10
 versed [1] 5/10
 very [10] 5/4 10/11 13/24
 14/4 21/2 24/23 34/4 34/4
 41/10 47/7
 via [1] 22/24
 vice [1] 21/3
 voice [1] 31/4
 void [1] 24/4
 volunteered [1] 19/10
 vote [18] 4/1 4/13 4/18 4/21
 6/16 10/8 12/23 12/25 13/12
 13/13 14/21 15/15 15/22
 15/24 16/18 41/15 41/25 47/9
 voter [1] 18/20
 VOTERS [2] 1/5 3/3
 voting [3] 3/24 17/4 17/5

W
 wait [1] 10/7
 waiving [1] 31/3
 Wall [1] 29/11
 want [23] 6/2 6/25 7/5 9/25
 10/16 11/21 11/25 14/1 16/12
 18/15 19/4 19/8 20/14 23/17
 27/9 34/13 34/16 35/6 35/7
 35/9 40/13 41/17 42/20
 wanted [5] 4/13 12/17 34/21
 36/22 41/23
 wanting [1] 35/5
 wants [2] 14/24 15/2
 ward [1] 25/12
 wards [3] 18/23 25/13 25/16
 was [53]
 washed [1] 45/25
 wasn't [3] 40/25 43/12 43/19
 water [1] 44/19
 way [11] 13/12 13/16 15/17
 32/19 35/4 35/12 40/22 41/2
 41/2 41/24 43/13
 ways [2] 41/12 47/8
 we [73]
 we'll [6] 7/6 9/3 10/8 12/19
 14/9 47/15
 we're [7] 8/22 8/24 10/12
 25/19 28/14 35/10 38/11
 we've [11] 4/14 9/7 9/15
 13/21 16/22 24/13 24/19 26/7
 26/14 27/11 28/6
 weak [1] 42/18
 week [3] 35/24 40/1 40/2
 well [27] 2/15 3/25 5/10
 8/17 9/6 9/10 11/3 11/6
 14/18 14/23 15/5 17/8 17/9
 19/20 24/24 31/18 32/23
 33/14 33/15 34/5 34/6 34/10

36/4 37/17 39/5 42/12 42/16
 well-being [9] 11/3 11/6
 14/18 17/8 17/9 33/14 33/15
 37/17 39/5
 went [2] 5/8 24/24
 were [12] 4/19 10/25 11/24
 19/1 34/14 38/13 38/19 39/18
 39/19 39/20 45/15 45/17
 weren't [1] 34/7
 what [29] 3/9 5/15 6/22 7/20
 8/12 9/4 9/10 9/16 11/24
 12/2 14/20 21/18 21/19 22/9
 27/22 28/4 28/16 32/21 34/10
 34/18 35/22 36/1 39/10 41/24
 43/21 43/25 45/4 45/9 46/18
 what's [4] 6/17 16/9 29/11
 44/9
 whatever [6] 7/14 12/2 28/1
 44/11 45/21 46/4
 whatsoever [1] 31/8
 when [24] 20/23 21/20 22/13
 22/13 22/14 23/6 23/9 25/5
 29/12 30/18 31/15 32/4 33/19
 34/9 34/25 37/21 38/5 38/11
 38/13 38/14 40/3 41/6 45/5
 46/10
 where [19] 4/25 13/23 18/25
 20/2 20/17 29/22 34/12 34/13
 34/16 34/21 34/25 35/5 35/7
 37/9 38/16 40/2 40/3 40/7
 40/20
 wherever [1] 27/9
 whether [2] 12/5 16/6
 which [10] 5/20 6/13 12/12
 17/25 21/12 21/16 25/13
 43/13 44/2 46/21
 while [7] 13/19 16/24 20/19
 24/24 32/8 33/8 33/14
 white [5] 43/6 43/8 43/11
 43/21 44/1
 white sands [2] 43/6 43/8
 who [14] 4/13 4/14 4/15 4/19
 19/25 20/21 22/11 24/20 26/1
 28/10 33/4 42/2 46/23 46/24
 whoever [1] 14/24
 whole [1] 36/5
 why [7] 7/21 7/24 17/23 18/9
 19/17 29/21 41/5
 Wiegartner [2] 1/14 36/15
 will [39] 11/5 12/7 14/18
 16/20 17/8 18/7 20/3 20/9
 20/11 20/12 20/23 20/25
 21/12 21/13 22/2 22/15 26/18
 27/9 27/22 28/7 28/12 29/17
 30/5 30/14 30/24 31/6 31/11
 31/14 31/18 31/22 32/6 32/8
 32/12 32/16 33/15 39/4 42/23
 46/18 46/21
 willing [1] 27/12
 wind [1] 27/25
 winter [1] 42/2
 wintertime [1] 38/10
 Winward [2] 1/12 37/12
 Wiser [2] 2/14 46/10
 Wiser's [1] 6/24
 wish [4] 6/6 6/10 6/13 8/8
 withdraw [1] 19/14
 within [1] 7/16
 without [1] 46/25
 witnesses [3] 5/12 6/20
 19/23
 wonderful [1] 36/2
 work [2] 40/1 40/1
 worked [2] 39/23 41/10
 workers' [1] 29/20
 working [1] 13/22
 works [1] 35/11
 worries [1] 10/14
 worse [1] 32/8

W

worship [1] 42/16
worth [1] 22/3
would [71]
would second [1] 7/11
wouldn't [1] 23/12
wrong [1] 29/9
wrote [1] 42/10

Y

yard [1] 36/24
Yeah [1] 16/2
year [4] 19/16 31/17 38/16
43/2
years [20] 5/25 9/8 9/9 9/18
9/24 13/20 13/21 14/5 16/23
21/7 24/14 29/19 29/24 33/19
34/5 35/3 36/20 38/2 38/15
41/20
yes [17] 3/13 10/19 12/14
15/15 15/22 16/20 17/5 33/23
33/24 33/25 35/18 35/19
36/14 37/11 41/15 44/8 47/9
yet [7] 8/23 14/11 18/11
23/24 25/5 25/12 26/9
you [131]
you'd [2] 7/7 26/21
you'll [2] 3/20 43/23
you're [8] 3/18 9/13 9/22
15/16 26/14 26/16 27/12
29/24
you've [7] 5/9 5/10 6/18
6/19 6/20 8/10 34/12
your [32] 3/7 5/14 5/17 6/22
7/21 7/24 7/25 8/1 8/6 8/6
11/16 12/7 17/15 18/6 20/20
22/16 23/5 25/12 25/21 25/23
26/3 26/20 26/20 26/24 27/12
28/4 28/4 28/18 34/15 35/2
35/6 40/5
yourselves [1] 6/7

Z

zero [1] 21/15
zip [2] 27/4 27/7
zoning [2] 27/11 27/15