

TOWNSHIP OF BERKELEY
PLANNING BOARD

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4 IN THE MATTER OF:
5 SOUTH SEASIDE PARK HOMEOWNERS
6 AND VOTERS ASSOCIATION
7 DE-ANNEXATION PETITION HEARING
8 -----
9 Pinewald Keswick Road
10 Bayville, New Jersey
11 Thursday, October 6, 2016
12 6:20 p.m.

13 B E F O R E:

14 Robert Winward, Chairman
15 Brian Gingrich, Member
16 John Bacchione, Councilman
17 Frederick Bell, Member
18 Domenick Lorelli, Member
19 Richard Callahan, Member
20 Jack Wiegartner, Member
21 Nick Mackres, Member

22 -----
23 LINDA SULLIVAN-HILL & ASSOCIATES
24 CERTIFIED COURT REPORTERS
25 46 SOUTH LAKEVIEW DRIVE
JACKSON, NEW JERSEY 08527
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8 Attorneys for the Board
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11 Brick, New Jersey 08723
12 BY: JOSEPH MICHELINI, ESQ.
13 Attorneys for the Petitioners

14 ALSO PRESENT:

15 Kelly Hugg, Secretary
16 Stuart B. Wiser, Planner
17 Nick Dickerson, Planner
18 Rodney Haines, CPA

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I N D E X

2 NAME OF WITNESS PAGE
3 CHIEF KARIN DiMICHELE 6
4 LT. RYAN ROTH 22
5 CAPT. KEVIN SANTUCCI 24
6 OFR. WALTER DUDLEY 40
7 OFR. MICHAEL POIKANS 41
8 SGT. GEORGE DOHN 64
9 DET. MIKE TIER 66

E X H I B I T S

14 NUMBER	DESCRIPTION	ID	EVD
15 Township-3	Dispatch record		8
16 Township-4	Dispatch record, 6/8/12		8
17 Township-5	Dispatch record, 7/26/14		8
19 Township-6	Detail call for service report, 7/26/14		8
20 Township-7	CD 142070026	21	
22 Township-8	Agreement, 2011 to 2015		8
23 Township-9	Agreement, 2015 to 2020		8
24 Township-10	List of officers		8
25 Township-11	Invoice, four pages		8

E X H I B I T S, cont'd

2 NUMBER	DESCRIPTION	ID	EVD
3 Township-12	Group of letters		8
4 Township-13	Beach overtime spreadsheet		8
5 Township-14	Bureau of Justice statistics		8
6 Township-15	Contractor List		8
7 Township-16	Photos, (47)		8
8 Township-17	Police report and CD with attachments	21	
10 Township-18	Sample reentry form		8
11 Township-18A	Spreadsheet of contractors		8
12 Township-19	South Seaside Park Police Department report, July 2013 to July 2104		8
14 Township-20	South Seaside Park CAD, July 2013 to July 2014		8
15 Township-21	Berkeley CAD, July 2013 to July 2014		8
17 Township-22	Berkeley CAD assisting South Seaside Park July 2013 to July 2014		8
19 Township-23	Google Maps printouts, three pages		8
20 Township-24	Crash reports for South Seaside Park, 2015		8

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1 MR. WINWARD: Now, our next item on
2 the agenda is the South Seaside Park Homeowners and
3 Voters Association de-annexation petition hearing.
4 I don't see anyone here yet, so we may have to just
5 take a break for, see if they're coming. They're
6 usually here by now. So let's adjourn for 15, 20
7 minutes. Can we set a time limit?

8 MR. MCGUCKIN: Yeah. But keep in
9 mind it's the police department is to continue. So,
10 it's their testimony that would go forward.

11 MR. WINWARD: Okay.

12 MR. MCGUCKIN: We shouldn't begin
13 without them being here.

14 MR. WINWARD: Okay. Still put that
15 on the record.

16 (Recess was taken.)

17 MR. WINWARD: We are going to
18 reconvene the meeting. Everybody is here regarding
19 the testimony of South Seaside Park Homeowners and
20 Voters Association de-annexation petition hearing.
21 We're going to start where we left off last month
22 with the Berkeley Township Police Department will be
23 continuing their testimony.

24 You may proceed.

25

1 CHIEF KARIN DiMICHELE, previously sworn.

2 CHIEF DiMICHELE: Today I am just
3 going to put some evidence on the record, okay.
4 The testimony that was given May 5
5 referenced the response time for the first aid call
6 on 217 Beach Drive. I have the police computer
7 record that I'd like to mark.

8 MR. MCGUCKIN: What was the date on
9 that?

10 CHIEF DiMICHELE: The date of the
11 testimony or the date of the call?

12 MR. MCGUCKIN: The date of the call.

13 CHIEF DiMICHELE: That would be
14 8/5/2009.

15 MR. MCGUCKIN: This is the radio
16 dispatch log?

17 CHIEF DiMICHELE: Yes, this the
18 dispatch log that shows the times that I referenced
19 in my testimony.

20 MR. MCGUCKIN: So we have?

21 (Off the record.)

22 CHIEF DiMICHELE: If you want to mark
23 up, I've got 15 things that I'm entering in.

24 MR. MCGUCKIN: Why don't you do them
25 chronologically first. We'll go off the record.

1 She can mark each of them chronologically. Then
2 we'll come back and you can talk about what they are
3 before we --

4 MR. MICHELINI: Before we talk about
5 them, maybe I can just get a look at them and save
6 time rather than --

7 MR. MCGUCKIN: Sure. Absolutely.

8 MR. MICHELINI: Thank you.

9 CHIEF DiMICHELE: Do you want me to
10 retestify to them or just --

11 MR. MCGUCKIN: No, I just would like
12 you to -- we're going to take a break for a minute,
13 so the court reporter can mark the exhibits. If you
14 have 15 of them --

15 CHIEF DiMICHELE: I have them marked
16 one through 15.

17 MR. MCGUCKIN: You do?

18 CHIEF DiMICHELE: Yes.

19 MR. MCGUCKIN: We started with one,
20 two. So, we have to label them three through 18,
21 because two are already marked.

22 (Off the record.)

23 MR. MCGUCKIN: So, we'll take a break
24 for a minute. We'll do that. We're going to show
25 them to Mr. Michelini before we start again.

1 MR. MICHELINI: Thank you.

2 (Off the record.)

3 (The Documents were marked as
4 Township-3 to Township-18 in evidence.)

5 CHIEF DiMICHELE: Can I ask a
6 question? I have stuff to introduce into evidence.
7 Lieutenant Ryan Roth also has his own stuff, so I'm
8 going to let him discuss that.

9 MR. MCGUCKIN: Right.

10 CHIEF DiMICHELE: Okay.

11 MR. MCGUCKIN: That's fine. Why
12 don't we mark it all, if we could.

13 CHIEF DiMICHELE: At first?

14 MR. MCGUCKIN: At first. So we'll
15 save time as we go forward.

16 CHIEF DiMICHELE: Okay.

17 (Recess was taken.)

18 (The Documents were marked as
19 Township-19 to Township-24 in evidence.)

20 MR. WINWARD: Okay. Everything's
21 been marked into evidence. We're going to resume
22 testimony.

23 MR. MICHELINI: If I may. Everything
24 has been marked in evidence. I do have a couple of
25 concerns about a couple of pieces of evidence, but I

1 will hold those until there's a, you know, a
2 description of what they are. So, I haven't waived
3 my rights to object to them, but I didn't want to
4 hold up everything by getting into an argument. You
5 know, most everything is fine. There's a couple of
6 things that I have some concern about.

7 MR. WINWARD: Thank you.

8 MR. MICHELINI: Thank you.
9 (Off the record.)

10 CHIEF DiMICHELE: Okay. Let's see.
11 Exhibit number three was in response to the first
12 aid call at 217 Beach Drive. This is Township-3.
13 Township number four is the other first aid call
14 spoken and testified about at 217 Beach Drive. And
15 the date of that call was 6/8/2012. That's township
16 number four.

17 Township number five, six and seven
18 are all referenced together. Five is the testimony
19 given for February 5 referenced the response time,
20 Berkeley police CAD, for the argument in the street
21 that Mr. Don Whiteman brought up. I have our police
22 CAD, which is marked Township number five --
23 township number seven. The disk of the conversation
24 is Township number five. And the police CAD record
25 from Seaside Park is Township number six, showing

10

1 response times.

2 (Off the record.)

3 CHIEF DiMICHELE: Township
4 number five is the Berkeley Township police CAD
5 report, that's Township-5. Township-6 is the CAD
6 report, the police CAD report from Seaside Park PD.
7 Township number seven is the disk of the
8 conversation of the call coming into headquarters.

9 MR. WISER: And just to be clear,
10 that's a conversation from the caller calling in an
11 emergency and the dispatcher having that
12 conversation with that person?

13 CHIEF DiMICHELE: Yes, with that
14 person and also with the officers that responded to
15 the scene.

16 MR. WISER: Thank you.

17 CHIEF DiMICHELE: Okay. Township
18 number eight is the contracts between Berkeley
19 Township and Seaside Park providing animal control
20 service from 2011 through 2015. That's Township
21 number eight.

22 Township number nine is the agreement
23 between Berkeley Township and Seaside Park for 2016
24 through 2020, which states the amounts that Berkeley
25 Township gets paid for providing animal control

1 resources to Seaside Park. That's Township number
2 nine.

3 Township number ten is a list of the
4 officers, the amount of officers that we do have
5 full-time, class twos and class ones. That's
6 Township number ten.

7 Township number 11 is the bills from
8 Seaside Park where they provided class one service
9 for our crossing guard positions from 2011 to 2014.
10 That's township number 11.

11 Township number 12 is 19 pages long.
12 And it is attaboys to the officers and the township
13 and the police department during Hurricane Sandy and
14 our response to the storm. That's Township number
15 12.

16 Township number 13 is the exact
17 amount of overtime paid for the beach sector.
18 That's Township number 13. And for 2014, it was
19 \$17,605. Fifteen, it was \$17,994. 2016, it was
20 9,000 -- to date, 2016 is 9,687. I do have to
21 clarify this a little bit. This does count when the
22 officer takes comp. time versus pay, but in our
23 computer system, it still comes out as money. So,
24 it could be even less than that.

25 Township number 14 is the Bureau of

12

1 Justice statistics from '96 to 2007, stating the
2 average response time to a police car was 11
3 minutes. That's Township number 14.

4 Township number 15 speaks to the
5 meeting in the street that we had with the residents
6 of South Seaside Park that stayed after the storm.
7 We had an impromptu meeting in the street. We do
8 not have a date of that. But while we were at that
9 meeting, I asked Don Whiteman to produce a list of
10 contractors that he thought were reputable on the
11 island that would be able to assist these people.
12 Because as law enforcement and government officers,
13 we're not allowed to make recommendations. So, I do
14 have that list that Don Whiteman prepared for me.
15 That's Township number 15.

16 Township number 16 is pictures of the
17 aftermath of Hurricane Sandy. And how many pictures
18 did she say it was?

19 MS. HUGG: Forty-seven.

20 CHIEF DiMICHELE: Forty-seven
21 pictures. And it speaks to the damage that was over
22 there, but it also speaks to the amount of officers
23 that when we crossed that bridge we had.

24 Oh, let me have that one more time.
25 I'm sorry. It does also show the officers going

1 door-to-door and putting yellow caution tape on all
2 the houses that we went to. And it does show the
3 houses that we -- where nobody was home, that there
4 was a flyer put in the door the best that they
5 could.

6 MR. WISER: Chief, those pictures
7 were taken by the police department?

8 CHIEF DiMICHELE: Yes, they were.

9 So, here's somebody's letter in their
10 door. Here's another resident with a letter in the
11 door.

12 Township document number 17 speaks to
13 the Erdman residence, number 106 Sprague Avenue, and
14 the concern that was brought up about the official
15 signature and it being illegible. We did find whose
16 signature that was. It came back to Brian LaTrent
17 (phonetic), who was a fireman in Pinewald. I'm not
18 even sure if he's still a fireman in Pinewald. I
19 think he's within another fire department. But I
20 did have the detective bureau reach out to him and
21 he did give a taped statement and an interview. So,
22 you have the interview here and you also have the
23 official police report, just like we would do for
24 anyone that we want to document evidence on.

25 MR. MICHELINI: That is one that I

1 have an objection. I don't know if you want to deal
2 with it now or later. Just --

3 MR. MCGUCKIN: Sure. What's the
4 objection?

5 MR. MICHELINI: Well, it's
6 essentially a taped statement of a witness who's not
7 here. And it's not a contemporaneously prepared
8 report in the sense that it wasn't prepared at the
9 time that the notice was purported to be signed and,
10 you know, the time the notice was prepared during
11 the storm. Now coming in with evidence to support
12 that, that should be done by testimony here. That
13 shouldn't be done by creating testimony or creating
14 a tape at a later point in time.

15 It's essentially the same kind of
16 argument that you would make that a business record,
17 you wouldn't be able to come into court with a
18 business record that was created yesterday for
19 something that happened three years ago. You need
20 to come in with things that are contemporaneously
21 created because they have a greater sense of
22 reliability because they're created in the moment
23 themselves, as opposed to something which is created
24 a few years later.

25 Plus, the individual -- Chief

1 DiMichele, told me that it's basically a ten-second
2 conversation. And, you know, from what I can tell
3 from the report, the man doesn't know who the
4 signature is because he doesn't recall. So, without
5 a recollection, I think it's useless anyway. You
6 know, he says, yeah, that's my signature, but he
7 doesn't recall who signed it or anything like that.
8 So, it's not really useful in all events. But I
9 just think it's created evidence at this time to
10 support something that happened three years ago
11 that's evidential already. And I'm not sure you can
12 bootstrap in that way. I think the witness really
13 has to come in if they're going to testify to the
14 form. Essentially, it's hearsay. And it's also,
15 you know, it's after the fact creation. I think
16 it's inappropriate under the circumstances.

17 MR. MCGUCKIN: Chief, the statement
18 that was given is, in fact, a very short statement?

19 CHIEF DiMICHELE: It is a very short
20 statement. Pretty much the reason for us trying to
21 do this was to try and document him stating that it
22 was his signature, not so much anything else.

23 MR. MCGUCKIN: Not who he spoke to
24 or --

25 CHIEF DiMICHELE: Not who he spoke

1 to.

2 MR. MCGUCKIN: Just that it's his
3 signature?

4 CHIEF DiMICHELE: Yeah.

5 MR. MCGUCKIN: I think that's
6 appropriate for purposes of this hearing --

7 MR. MICHELINI: Well --

8 MR. MCGUCKIN: -- then, because that
9 was a question as to whose signature it was.

10 MR. MICHELINI: The question of whose
11 signature was, was it somebody from the Erdman
12 household. I'll stipulate that, so we don't have to
13 listen to the tape, we'll stipulate that it's a
14 fireman's signature on the form. You know, that's
15 fine. But in terms of --

16 MR. MCGUCKIN: I just want to be
17 clear. The fireman doesn't say who signed the form
18 from the household --

19 CHIEF DiMICHELE: No. No. He
20 said --

21 MR. MCGUCKIN: -- correct? It's not
22 being offered for that purpose?

23 CHIEF DiMICHELE: No, it's not.

24 MR. MCGUCKIN: It's just being
25 offered for purposes to show that this particular

1 fireman is the one that went to that address and
 2 he's the one who signed that document?
 3 CHIEF DiMICHELE: That's correct.
 4 MR. MICHELINI: Right. But I
 5 don't --
 6 MR. MCGUCKIN: I think that's
 7 admissible and appropriate for this hearing, but I
 8 agree that it doesn't address who signed it from the
 9 household.
 10 MR. MICHELINI: Right. But I think
 11 the CD, without him being here, I don't think the CD
 12 should go in. I mean, certainly, I need to listen
 13 to it first. And I can't listen to a CD in this
 14 context. I've got to take it with me. Take it to
 15 my office. Pop it in a machine. Listen to the ten
 16 seconds. I think it's probably a waste of
 17 everybody's time.
 18 MR. MCGUCKIN: What we'll do then is,
 19 we'll make a copy of this for you and get it to you.
 20 MR. MICHELINI: And there's no --
 21 MR. MCGUCKIN: Before we make a call
 22 on it --
 23 MR. MICHELINI: Sure.
 24 MR. MCGUCKIN: -- we'll just let you
 25 have --

1 MR. MICHELINI: There's also another
 2 CD, I think, that was marked earlier. For the same
 3 reason, I would like to have that CD and listen to
 4 that before I can obviously --
 5 MR. MCGUCKIN: Is that capable of
 6 being done in the near future?
 7 CHIEF DiMICHELE: You know what? I
 8 have a copy for myself for everything that I'm
 9 handing in, so I can hand -- I can give him copies
 10 of what I have.
 11 MR. MICHELINI: Well, except it's
 12 already been marked. So why don't we just change
 13 the marking on the CD.
 14 CHIEF DiMICHELE: No, no, no. I have
 15 another copy of this disk right here.
 16 MR. WINWARD: That she'll give you.
 17 CHIEF DiMICHELE: That I will give to
 18 you.
 19 MR. MICHELINI: Okay. Fine. What I
 20 would say is, on the disk, we can just mark them for
 21 identification. Change the marking until there's a
 22 ruling on it.
 23 MR. MCGUCKIN: That's fine.
 24 MR. MICHELINI: Thank you.
 25 MR. MCGUCKIN: Just for these two CD

1 disks for identification purposes and not for
 2 evidence.
 3 MR. MICHELINI: And to the extent
 4 that the report -- well, we'll just do the disks.
 5 MR. MCGUCKIN: Actually, the disks,
 6 however, were created at the time.
 7 MR. MICHELINI: No, the disk -- this
 8 disk was just created --
 9 MR. MCGUCKIN: I agree this one, but
 10 I'm talking about the one from the call.
 11 CHIEF DiMICHELE: That was real time.
 12 MR. MICHELINI: That's a different
 13 objection. The disk on -- the objection on that is,
 14 I can't listen to it. You know, we can't put it in
 15 evidence until I've had an opportunity to review it.
 16 I suspect that disk is fine. But I probably should
 17 be able to listen to it first. Because I don't know
 18 what I'm going to object to until I listen to it.
 19 MR. MCGUCKIN: You're going to have a
 20 chance to listen to the disk. I have no problem
 21 with that.
 22 MR. WISER: Gentlemen, we do have a
 23 CD player here.
 24 MR. MICHELINI: With all due respect,
 25 I think it would be better --

1 CHIEF DiMICHELE: They're both very
 2 short.
 3 MR. MICHELINI: -- if I had an
 4 opportunity to listen to them outside of the context
 5 of a hearing where I got to make a decision like
 6 that, not having heard the report.
 7 MR. MCGUCKIN: I don't see any
 8 problem with marking it for identification tonight.
 9 And before they're -- if they're -- before
 10 they're -- a decision is made on the admission of
 11 evidence, Mr. Michelini --
 12 MR. MICHELINI: Sure. We'll be back.
 13 MR. MCGUCKIN: -- will listen to it
 14 and we'll decide.
 15 MR. MICHELINI: All right. Thank
 16 you.
 17 MR. MCGUCKIN: Anything else other
 18 than those two disks? Anything else, Mr. Michelini,
 19 so far?
 20 MR. MICHELINI: No, not so far.
 21 Thank you.
 22 MR. MCGUCKIN: We're at 17.
 23 Seventeen for ID only.
 24 CHIEF DiMICHELE: Seventeen also has
 25 the police report attached to it. It's kind of all

1 grouped together.
 2 MR. MCGUCKIN: For now we'll just
 3 mark that for ID.
 4 MR. MICHELINI: Thank you.
 5 MR. MCGUCKIN: And also T-7 was the
 6 other CD disk, as I recall.
 7 CHIEF DiMICHELE: Yes.
 8 MR. MICHELINI: So, the police
 9 report, which essentially incorporates the disk,
 10 would be for ID at this point.
 11 MR. MCGUCKIN: T-7 and T-17 both will
 12 be for ID only at this point.
 13 MR. MICHELINI: Right. But the
 14 police report that goes with the disk that was just
 15 created.
 16 MR. MCGUCKIN: Also ID only at this
 17 point.
 18 MR. MICHELINI: Thank you.
 19 (The Exhibits were marked as
 20 Township-7 & 17 for identification.)
 21 CHIEF DiMICHELE: Okay. Eighteen,
 22 Township-18, is just a copy of the registration form
 23 for any homeowner who wanted contractors to come
 24 over during Hurricane Sandy. And Township-18A is a
 25 spreadsheet that was created daily to make sure

1 that, you know, no unwanted contractors were on the
 2 beach. And that was supplied to the officers so
 3 they knew who could get through the checkpoints and
 4 who could not get through the checkpoints.
 5 Anything else you need?
 6 MR. MICHELINI: You had a bunch of
 7 other documents marked. Do you want to go through
 8 those now or do you --
 9 MR. MCGUCKIN: Yeah, let's get them
 10 all in so we can get them all.
 11 LIEUTENANT RYAN ROTH, previously sworn.
 12 LIEUTENANT ROTH: Document
 13 Township-19, I have Seaside Park Police Department
 14 calls for service in Berkeley Township report from
 15 July 2013 to July 20 -- July 2014.
 16 MR. MCGUCKIN: I'm sorry. Seaside
 17 Park PD calls for?
 18 LIEUTENANT ROTH: Within Berkeley
 19 Township, a report they created from July 2013 to
 20 July 2014.
 21 MR. MCGUCKIN: Thank you.
 22 LIEUTENANT ROTH: Township number 20
 23 is the CAD report, the computer aided dispatch for
 24 Seaside Park from the same time period, July 2013 to
 25 July 2014.

1 MR. MICHELINI: How many documents is
 2 that, if you know, if you happen to know?
 3 LIEUTENANT ROTH: No, I didn't count.
 4 MR. MICHELINI: Maybe 70? 50? 60?
 5 Something like that? At least?
 6 LIEUTENANT ROTH: Looks like a ream
 7 to me.
 8 MR. MICHELINI: Okay.
 9 MR. MCGUCKIN: A ream of copy paper
 10 almost.
 11 MR. MICHELINI: Yeah. Just, because
 12 it's so much, I think it would be efficient if I get
 13 a copy of that and next time we're back I can ask
 14 questions about it, rather than have to absorb it
 15 one page at a time and then ask questions of the
 16 witness. That would be very inefficient and takes
 17 an extraordinarily long time.
 18 MR. MCGUCKIN: So, we're not going to
 19 be finished tonight.
 20 MR. MICHELINI: Yeah, it makes sense
 21 for all these packages of documents. So, that would
 22 be 20, 21, 22. Thank you.
 23 LIEUTENANT ROTH: Number 20 is
 24 Seaside Park's CAD, so I can't speak to --
 25 MR. MCGUCKIN: We understand.

1 LIEUTENANT ROTH: Okay. Township
 2 number 21 is the Berkeley CAD, computer aided
 3 dispatch, from the same time period, July 2013 to
 4 July 2014. Also specific to Seaside Park -- South
 5 Seaside Park.
 6 And Township number 22 is Berkeley's
 7 CAD, again, from the same time period July 2013 and
 8 July 2014. This is the calls to service where we
 9 assisted Seaside Park.
 10 Number 23 is three pages,
 11 Township number 23, Google Maps, that I testified to
 12 the distance within our township.
 13 And number 24 is the crash reports
 14 for South Seaside Park for all of 2015.
 15 MR. MICHELINI: Just, if I could get
 16 copies of those. That's all. Thank you.
 17 MR. MCGUCKIN: Okay. Chief, do you
 18 have any additional testimony you wish to present?
 19 CAPTAIN KEVIN SANTUCCI, previously sworn.
 20 CAPTAIN SANTUCCI: Good evening. My
 21 name is Kevin Santucci. I'm a captain with Berkeley
 22 Township Police Department. Do I need to be sworn
 23 in again?
 24 (Off the record.)
 25 CAPTAIN SANTUCCI: I'm going to give

1 an overview of our department, some of the resources
2 we have available to us, training that our officers
3 have and some of our facilities.

4 Our agency is made up of
5 approximately -- not approximately. It's made up of
6 139 employees, both civilian and sworn. It's made
7 up of full-time police officers, class one and class
8 two police officers. As I explained in my testimony
9 last time, the difference between that is, a class
10 one officer is an officer that we use for traffic
11 reasons. They do not carry any type of firearm.
12 They do not normally make any arrests, anything of
13 that nature.

14 A class two officer you would
15 encounter would look -- have the same police powers
16 that a full-time officer would have, except for they
17 don't have those powers when they're not working and
18 they're not in that town. So, they have to be on
19 duty and in the town they're employed to have police
20 powers.

21 It's made up of dispatchers. We have
22 a dispatch staff of 12 civilians. Clerical staff,
23 that would be our records bureau. Also, there's
24 secretaries in traffic safety. The chief has a
25 secretary and the detective bureau. We have two

1 animal control officers. And we have emergency
2 medical technician. We have a paid EMT service.
3 We border ten other agencies that we
4 have contact with pretty frequently. We have good
5 working relationships with. We're an accredited
6 agency through the New Jersey State Chiefs of Police
7 Association. What that means is, there's a certain
8 set of specific standards and objectives that are
9 written that we have to abide by. And in order to
10 ensure that we abide by them, trained assessors come
11 and verify this every three years and make sure that
12 we are following these procedures.

13 We have a full-time training officer.
14 We have crisis intervention instructors. Many of
15 our officers have attained education past the
16 initial requirements. We have three officers with
17 master degrees, fifteen with bachelor's degrees,
18 seventeen with associate's degrees. One of our
19 supervisors is a commander on the Ocean County
20 Regional SWAT team, which is comprised of several
21 towns in the area and they -- well, they will be
22 called out to do certain jobs where they have to
23 make entries. An example would be on a narcotics
24 investigation where it's deemed that it would be a
25 no-knock search warrant, they would come in and make

1 the entry to secure the residence.

2 We have an officer assigned to the
3 Ocean County Prosecutor's Office Special Operations
4 Group. That's a division of the Prosecutor's Office
5 that investigates narcotics and gang-related
6 activities. We have a full-time DARE officer that's
7 in our -- actually, in all of our schools.
8 Primarily our elementary, he teaches classes, but he
9 does go to all of our schools. We have an officer
10 that works security in each school within our
11 district every day during school, during the school
12 year, which would be Central Regional High School
13 and Middle School, Bayville School, Clara B. Worth,
14 Berkeley Township Elementary School and
15 H&M Potter School.

16 Our PBA, which is our union, is
17 heavily involved in the community. They provide
18 donations and do fundraisers for various charities
19 throughout the year. They provide Thanksgiving
20 baskets to residents in the town. They do a
21 Christmas toy drive. They do coat drives. They
22 provide scholarships. We also have officers in that
23 union that participate in the Police Unity Tour,
24 which is a bike ride to raise awareness for officers
25 killed in the line of duty. It starts in New Jersey

1 and it's a four-day ride to the National Law
2 Enforcement Memorial in Washington, D.C. That's
3 been going on for, I believe, our officers have been
4 involved for about five years, six years. The chief
5 wants on the record that she started that in 2010.
6 They also participate in the Special Olympics Torch
7 Run, which starts at the entrance of Island Beach
8 State Park over on the beach.

9 As far as facilities, our
10 headquarters, which is located next door to the town
11 hall where we're currently at, is approximately
12 19,000 square foot building with interior and
13 exterior electronic surveillance. We have a
14 detective bureau within that building. It's made up
15 of a detective sergeant and five detectives and a
16 secretary. Those detectives have specialized
17 training in the area of arson, narcotics, financial
18 crimes. There's designated juvenile detectives.
19 They do their own crime scene processing when
20 available. Sometimes if it's a major incident,
21 we'll use the Sheriff's Department. A lot of times,
22 they're able to do it on their own. They use
23 electronic surveillance in their activities, such
24 as, cameras, night vision, things of that nature.
25 They have a separate recorded interview room so they

1 can take taped statements. They have a conference
2 area connected to their detective bureau. So, not
3 only can they have their own internal conferences,
4 but they can also host outside agencies when they
5 work in conjunction with, say, Lacey Township's
6 detective bureau. And in another room connected to
7 the detective bureau, they have an evidence
8 processing area where they frequently field test
9 drugs prior to -- narcotics prior to being sent out
10 to the state lab.

11 We have a traffic safety unit. It's
12 a separate office within the building. The unit is
13 made up of 11 officers and has two supervisors. Two
14 of the officers on that unit have attained the
15 highest level of training you can for a traffic
16 safety officer, which is an accident
17 reconstructionist. Two officers within that unit
18 are members of the Ocean County Fatal Accident
19 Support Team. So, if there's a fatal accident
20 within our town or in another agency and they call
21 for help, they -- part of that team, they would be
22 called out to assist on.

23 They have a speed study trailer that
24 they use approximately 26 times a year. I spoke to
25 Lieutenant Roth. He said every -- usually every

1 other week they do a speed study. Basically, what
2 that is, they'll take this trailer, and say they
3 have a speed complaint in the area of 123 Main
4 Street, they'll put this trailer out there for a
5 specific amount of time and determine whether or not
6 the complaint -- so, they'll basically collect data
7 to determine if it's warranted, if there's action
8 needed to be taken. So, they use that frequently.

9 They have four information signs they
10 put out throughout the town, basically, to pass on
11 information to the community for upcoming events,
12 things of that nature. They frequently do a child
13 safety seat inspection. They have several grants
14 that they're involved in. One being -- the first
15 being Click It or Ticket, which promotes seatbelt
16 use, obviously. Second is Cops in Crosswalks, where
17 they raise awareness for pedestrian crossings.
18 Usually, it's in an area where there's been high
19 incidents of accidents or pedestrians struck. And
20 the third one would be DWI enforcement, which is
21 pretty self-explanatory. They'll look for signs of
22 impairment when they make stops and take the
23 appropriate action based upon that.

24 They also have three vehicles that
25 are automated license plate readers or ALPR cars.

1 In simple terms, basically, what that is is, that's
2 a vehicle that has cameras on the exterior of the
3 vehicle. And say, for example, I drove through the
4 lot in between here. It has a computer attached to
5 that. And it's instantly reading the license plates
6 in that area. So, it can come back stolen vehicle,
7 wanted person, things of that nature. They use it
8 all -- every sector of our town they use that,
9 depending on the situations. Perfect example would
10 be if that vehicle was on Pelican Island a couple

11 weeks ago when they had the incident over in --
12 MR. WISER: Seaside.

13 CAPTAIN SANTUCCI: No, I'm just
14 giving an example.

15 The chief's saying that it was on
16 Pelican Island.

17 But just saying that if it was on
18 Pelican Island prior to the incident that was --
19 that occurred in Seaside Park, they could go back
20 later on and review that data to see what plates
21 went by there and possibly use that to obtain a
22 suspect. And what I'm referring to is the bombing
23 on Ocean Avenue in Seaside Park. That's the
24 incident I'm referring to.

25 We have a records bureau. It's made

1 up of six civilian employees and a supervisor.
2 They're in charge of, basically, all of our
3 electronic reporting system goes through them. They
4 do OPRA requests, things of that nature. Through
5 the records bureau, we're also still implementing a
6 self-reporting system that's called Police to
7 Citizen. Basically, what that is is an online
8 service for the reporting of nonemergency,
9 nonviolent incidents that occur in the town. An
10 example of that would be if you had damage to --
11 minor damage to your house during a storm and you
12 just need a report for your insurance purposes, but
13 you really didn't need an officer to investigate
14 anything. Basically, it saves time to allow that
15 officer to be available for emergency calls, but
16 also saves the victim the time of either having to
17 come out to the headquarters or to have an officer
18 out at their house at a later time. It's just more
19 of an ease of use.

20 We have a separate training room
21 where we hold training. And I can tell you that the
22 training that a law enforcement officer is required
23 to have now is increasing every day. I talked to
24 Lieutenant Smith, who is our training coordinator,
25 today. He just got another notice from the state

1 about an additional training now. So, we have a
 2 specific training room that we hold our trainings
 3 in. But we also hold outside trainings in there.
 4 For example, we're going to have a Glock Armorer
 5 School, which is the glock is the firearm that we
 6 all are carrying right now. We provide that class
 7 to outside agencies and then we are allowed for free
 8 to have that class -- we're allowed to have two
 9 seats within that class for free. So, it's an
 10 advantage to us to be able to host these trainings.

11 We have our own municipal detention
 12 facility or jail. Our jail has six separate small
 13 jail cells. I'm saying small. I don't have an
 14 exact measurement on them. But the reason I'm
 15 saying small is in front of that, we have one large
 16 holding area. So, say there was an incident, and
 17 there has been, of a large quantity of people being
 18 arrested, we're able to sustain that within the cell
 19 area.

20 We also have a sally port which when
 21 the officers bring in an arrest, dispatch opens the
 22 door for them through dispatch and they drive in and
 23 then it's closed and secured. This way, if there's
 24 an incident when removing the person from the
 25 vehicle, they're now secured in the building.

1 They're not able to get out. Some agencies don't
 2 have a secured interior sally port.

3 Our communications center, we have
 4 our own dispatch staff. It's made up of 12
 5 dispatchers. They've recently received newer
 6 computer equipment in there, updated computer
 7 equipment and an updated 911 system. They have --
 8 we have digitally encrypted -- a digitally encrypted
 9 radio system made up of four towers. Basically, the
 10 way it was explained to me is, the importance of
 11 having four towers is, if there was an issue to up
 12 to two of the towers, you could still run off of two
 13 towers.

14 We have our own police firearms range
 15 where we do our annual firearms training. Our
 16 officers train in both handgun -- in handgun and
 17 long guns, such as a shotgun or rifle. We have five
 18 firearms instructors. Our range specifically, which
 19 is across the street from where we are right now, is
 20 used by other agencies, used by Ocean Gate, Pine
 21 Beach, Island Heights and the Ocean County
 22 Prosecutor's Office. Any other agency normally that
 23 uses another town's range, if they use, say,
 24 Manchester's range or another range somewhere else,
 25 they usually have to pay to use that. We're able to

1 have our own and even provide other agencies to use
 2 ours.

3 As far as equipment, we have 89 total
 4 vehicles in the police department. That includes
 5 patrol SUVs and cars. We have two police boats. We
 6 have access with our fire department to another boat
 7 that has capability to pump while on the water in
 8 case there's an incident that we need it while
 9 you're out on the water. We have three Humvees, one
 10 five-ton. Five-ton is a larger -- trying to
 11 describe it -- a larger transport vehicle. It has a
 12 higher ground clearance, because it's -- transport
 13 larger quantity of people, I would say up to 20. I
 14 don't know. Depending on how many you want. Yeah,
 15 I believe it's in the picture that was presented as
 16 evidence. I'm not sure what number that, township
 17 evidence, that was presented at.

18 We have a mobile command post that we
 19 move around. Obviously, being mobile, that we can
 20 bring it to areas that we would need such as over on
 21 the beach during a storm, or if we need to bring it,
 22 say, like we had like a major fire. We have ten
 23 undercover cars, which are seizures from work done
 24 by our detective bureau. So that's at no cost to
 25 the town. Seizures through -- sorry, talking like a

1 police officer. Seizure is, basically, if they make
 2 an arrest and they're able to put in for forfeiture,
 3 asset forfeiture, they're able to obtain that
 4 property that's used in the commission of crime.
 5 And for those vehicles, we have three designated
 6 police mechanics that are able to work on those
 7 vehicles.

8 We participate in the Law Enforcement
 9 Support Office Program or LESO. It's through the
 10 United States military. Through that, we've
 11 attained a lot of equipment. But I'm going to give
 12 you examples of the major items we've gotten from
 13 that. We've gotten 18 patrol rifles. We found
 14 vehicles, which I specified earlier, the three
 15 Humvees and the one five-ton vehicle. Obtained a
 16 forklift and a pallet jack, which is often used by
 17 our town employees.

18 All of our officers in patrol wear
 19 body worn cameras, which they activate when they
 20 have any type of interaction with civilians or with
 21 the public. That's a benefit in many ways. I know
 22 being a supervisor, if there's issues that need to
 23 be resolved, whether it's a complaint from the
 24 public or a specific incident where there could be
 25 litigation later on, we're able to review that.

1 And, oftentimes, it's an asset that we're able to
 2 just squash it at that point or develop a plan to
 3 rectify it later. It also assists in our
 4 investigations.

5 We participate in Project Lifesaver.
 6 What that program is, basically, it's used for --
 7 it's actually run by Lieutenant Phillip Smith.
 8 It's, to explain it easiest is, person wears a
 9 bracelet that has -- or can wear it really anywhere.
 10 It has a transponder on it. It has a specific
 11 frequency. And then Lieutenant Smith or any of the
 12 other supervisors, we're actually all trained in it,
 13 have another device that you can put in that
 14 frequency and you're able to track the person from
 15 it. It's used a lot of the times in our senior
 16 development for people that have dementia or
 17 Alzheimer's. A lot of younger children who may
 18 wander a lot. It's used for those purposes. We
 19 have had people in that program over on the beach
 20 sector. So, basically, it really cuts down the time
 21 in which we're able to search for somebody in a
 22 missing person situation. There's no cost to the
 23 people that are enrolled in it. And we are the only
 24 municipality in Ocean County that actually
 25 participates in that. Everybody else in the county

1 has to use the Ocean County Sheriff's Department to
 2 have that service.

3 As part of our accreditation, we use
 4 the directive management system or DMS, as we call
 5 it. Basically, what that is is a computer system.
 6 When the officers come in, they have a log in and
 7 password. And they're able to review any type of,
 8 whether it's directives that I spoke about earlier
 9 that makes us accredited, whether it's a message, a
 10 transfer order for an officer. Any information we
 11 want to put out to those officers. It's web based,
 12 so everybody has access to it. And it time stamps
 13 when you sign for all of these documents, so we're
 14 able to ensure that everybody is receiving the
 15 correct information. We use a timekeeping system
 16 called a Police Officer Scheduling System. That
 17 tracks time off, overtime, things of that nature.
 18 Allows for scheduling.

19 Our Office of Emergency Management
 20 has a coordinator and three deputy coordinators. We
 21 have shelters that we've used at Saint Maximilian's
 22 Church in Holiday City, Central Regional High School
 23 and the volunteer community Center, the VCC, which
 24 is located down at, near Leiter Field off of
 25 Moorage Avenue in the Bayville section.

1 We have our own fire coordinator. We
 2 have access to school buses for evacuations through
 3 Berkeley Township and Central Regional schools.
 4 There are 72 large buses, which hold approximately
 5 54 people each, and 23 small buses, which hold
 6 approximately 16 people each.

7 We have a paid EMS service that works
 8 in conjunction with our volunteers. It's been used,
 9 there's been times when the volunteers, if they
 10 don't have enough staffing, if they're not able to
 11 have an ambulance on standby to respond to the
 12 emergency medical services, that they'd supplement
 13 that. We have 12 ambulances that we have access to
 14 and are in the process of getting approval for a new
 15 ambulance, which a new ambulance costs \$150,000.

16 We have a township underwater search
 17 and rescue team. We're part of the Ocean County
 18 Regional Urban Strike Team, also known as RUST.
 19 It's made up of Berkeley Township, Toms River and
 20 Brick. We have a supervisor from our department
 21 that's on that team. He's a team leader. He's also
 22 the chief of the Pinewald Pioneer Fire Company.
 23 What they do is, they're trained in structural
 24 collapse, trench rescue and swift underwater rescue.
 25 That's all I have. I apologize if I

1 spoke too fast.

2 OFFICER WALTER DUDLEY, having been duly sworn,
 3 according to law, upon his oath, testified as
 4 follows:

5 OFFICER DUDLEY: Good evening. My
 6 first name is Walter. The spelling of my last name
 7 is D-u-d-l-e-y.

8 Like I said, my name is
 9 Patrolman Walter Dudley. I've been employed with
 10 the Berkeley Township Police Department since 2002.

11 My primary daily sector is the beach
 12 area over in South Seaside Park. I've been assigned
 13 to this sector primarily for the last four years
 14 since Super Storm Sandy. During this time, I've
 15 made numerous friends with residents in South
 16 Seaside Park. Many of these friendships go beyond
 17 my duties as a police officer. There's been several
 18 occasions where I've been called at home or, you
 19 know, middle of the night and asked questions from
 20 some of the residents, just asking, you know, about
 21 a call or about an incident or they have concerns
 22 about something.

23 There's also been times where been
 24 working over there and a couple residents have
 25 called headquarters and specifically requested that

1 I come to -- that me, or I go to their house and
2 help them out with something. I'm fairly familiar
3 with the people, the faces and the cars that belong
4 in the neighborhood. I could probably look in this
5 audience right now and probably tell you close to a
6 quarter of the people that are here just by their
7 names.

8 That's pretty much all I have. I
9 just wanted to give a little testimony of how my
10 community relations work over there.

11 OFFICER POIKANS: Poikans is the last
12 name, P-o-i-k-a-n-s, Michael.

13 OFFICER MICHAEL POIKANS, duly sworn, according to
14 law, upon his oath, testified as follows:

15 OFFICER POIKANS: Hello, my name is
16 Mike Poikans. I've been employed by the Berkeley
17 Township Police Department for 18 years as a
18 patrolman. I currently work day shift. And I'm
19 assigned to the beach sector during my Sunday
20 through Wednesday work week. I thoroughly enjoy
21 being assigned to the sector because it gives me the
22 opportunity to work in a community policing fashion.
23 With that, it gives me time to talk, stop and talk
24 to the residents and address their concerns or
25 issues within the community on a face-to-face basis.

1 When notified I was speaking tonight,
2 I was asked by Chief DiMichele to think of any
3 interactions I've had with residents or business
4 owners that may be enlightening for this evening's
5 meeting, to narrow the scope of how our police
6 department services the beach sector. My response
7 was, I can't think of anything that comes to mind
8 because my day-to-day patrol activities and
9 interaction just come natural.

10 So, while driving on patrol, I came
11 up with a list of personal interactions and
12 observations I feel would be beneficial for
13 tonight's meeting. I do not have dates or times for
14 these specific said events, but I'm sure if I were
15 called into question, any of the involved parties
16 would concur with what is being put on the record
17 tonight.

18 I just drove around and thought of a
19 few incidents, interactions I had with people, that
20 weren't really police functions but I believe I went
21 above and beyond for these people. I want to -- I
22 don't know -- again, I could probably look back.
23 June or July or August, we had a storm come across
24 early in the morning. There's a lot of boats that
25 are moored on Bayview Avenue. Some of the boats

1 broke free, washed up on the beach. We were able to
2 locate people, resecure them. Later in the day, on
3 21st Avenue a gentleman approached me. His name is
4 Lou. He has a summer home there. He's from
5 Hoboken. He said, I think my boat may have washed
6 away, maybe stolen, I don't know. Well, a lot of
7 people's response to that was, well, where was it
8 at? Well, it was in the water. Okay. It's the
9 State Police, they cover the water. Now, I was
10 listening to the Coast Guard station earlier in the
11 morning. I heard that there was a boat that was
12 washed ashore on the far side of the bay. It turns
13 out it was a Lou's boat. I was able to determine
14 that because one of my friends, Sergeant Sean Reader
15 of the New Jersey State Police -- Reader, just like
16 the book, R-e-a-d-e-r -- he was patrolling the area.
17 So, I called him with my cell phone to ask him if he
18 had come across the boat in question. Because I
19 heard on the radio it was like an 18, 20-foot boat,
20 black motor, and the motor was tilted up.

21 Well, when I was listening to the
22 Coast Guard station in my patrol vehicle, it kind of
23 was the same description of what this gentleman who
24 was telling me. With that, I called the Coast
25 Guard. The Coast Guard wasn't able to give me an

1 identification, but they texted me a picture to my
2 cell phone of the boat. I went back to Lou. He's
3 like, great, there's my boat. Now how do I get it?
4 I'm from Hoboken. So, with that, I went into his
5 phone, typed in the address of Water's Edge
6 Restaurant. He was able to drive over and retrieve
7 his boat. You know, that's one incident that
8 happened over there with me.

9 Another gentleman lives on Beach Ave.
10 He has a specific handicapped parking area in front
11 of his house with his placard number on the sign.
12 Just because in the summer, there's people see the
13 handicapped parking sign, they may park there, where
14 it's specifically for him. His concern was, he got
15 a new placard and the number was different. He's
16 like, who do I call, what do I do? I'll take care
17 of it. I went over to the sign shop, told them.
18 Asked him what the new placard number was. They
19 went over, they put a new sign up for this
20 gentleman. You know, nothing that he had to do
21 himself. I did that for him.

22 Like Officer Dudley stated, we're
23 friends with a lot of people over there. Familiar
24 with a lot of snowbirds that may go south, you know,
25 December through April. We've been offered, me, and

1 I know Officer Dudley, people, hey, you want the key
2 to our house when we're gone if you want? No. You
3 know, call, let us know where you might hide a key.
4 Give us a code to get in the house. And sometimes
5 during a storm, just like Officer Dudley stated,
6 hey, you know, we get a phone call on our personal
7 phone. Hey, I know there's a bad storm. Can you
8 check on our house? Yeah, your house is fine.
9 Enjoy your winter down there.

10 I see the residents' movement daily.
11 I know that Mr. Fulcomer loves watering his
12 hydrangea bush during the summer season. The
13 thing's humongous. I know that Mr. Whiteman, his
14 son comes over on Sunday mornings, they go to church
15 with the family. I have like time stamps on
16 everybody's movement over there. I'm familiar with
17 what vehicles and what residents in most cases
18 belong to the homes, the winter residents. So, if I
19 see an unusual vehicle parked in front of the house,
20 I'll stop and check it out.

21 Like Captain Santucci referred to
22 before, a lot of times, it's not my assigned
23 vehicle, but I'll use it a couple times a week, the
24 ALPR car. Because that will record any vehicles
25 that are in the area. So, if it shows up that it's

1 unregistered or not, that's one thing. But it
2 records every vehicle that you pass. And you
3 collect that data. Just on Tuesday, I took it over
4 there. Slow time of the year. I recorded 1,100
5 vehicles. So, you wouldn't think that many
6 vehicles. But if one of those vehicles turns up to
7 be suspicious or there's a problem, you know, we
8 have that data.

9 A lot of times, I've come across
10 homes, pipes are frozen, cracked, the house is
11 fogged up, you can see it from the street. Nobody
12 notices it. So, what I do, I have George Kramer
13 from Shore Water. I give him a call on my cell
14 phone. I have his cell phone. Explain to him
15 what's going on. You know, if I think he needs to
16 be there right away or if he can wait awhile. You
17 know, I have a good relationship with him.

18 I've seen response -- complaints
19 about response times on the beach. I believe it was
20 August 21, somebody had called and reported a smoke
21 coming from the rear of the residence of a house on,
22 I believe it was 23rd Ave. Myself and Officer
23 Bondulich, we were dispatched at 14:07 hours and
24 four seconds. We arrived at 14:07, 42 seconds. So,
25 within 38 seconds, we were to this residence. We

1 were able to grab hoses and extinguish this fire and
2 knock it down. The fire was a fence, which was
3 attached to a deck, which was attached to the house.
4 If we didn't get there in that time, it would have
5 been a lot of loss there.

6 Even though I see a lot of signs in
7 people's front yards indicating that they're members
8 of the South Seaside Park Homeowners' Association, a
9 lot of these people come out, thanks for doing your
10 job. Thanks for coming down the street a few times
11 today. I'm glad to see you're out here. So, even
12 though they may be in favor of de-annexation, they
13 love us, so.

14 And of all things, when we had the
15 repopulation after Super Storm Sandy, I was on one
16 of the fixed posts working 12 or 16-hour days with
17 the New Jersey State Police. People are stopping.
18 Thank you. Thanks for doing what you're doing.
19 Some people, you know, lot of thank yous. Lot of
20 thank yous. We're out there. Nothing's open over
21 there. People stop. You know, somebody like,
22 should have brought you more coffee, more water,
23 like that. No, I just want you to get to your home.
24 But of all people to stop and give us something was
25 Mr. Whiteman's wife. She stopped and gave us a box

1 of Dunkin' Donuts. So, we can't be doing that bad
2 of a job.

3 That's all I have.

4 CHIEF DiMICHELE: I just have a
5 couple more statements and then we're going to close
6 up here. When I brought up the documents for animal
7 control, I should have also mentioned that it was
8 stated that you have to drive all the way over here
9 to get a permit for your dog. That's not true. The
10 permits are online. You can mail them in. All
11 right. You do not have to come to headquarters.
12 You can come to headquarters if you choose to.

13 Safety seat. Captain Santucci spoke
14 about us doing safety seats. We don't -- we do
15 this, the ones at specific locations. But anyone
16 who calls our headquarters and says, hey, listen,
17 you know, we want to make sure that this seat is in
18 properly, we respond to their homes.

19 The ALPR car was not on the beach the
20 day of the bombing for Seaside Park. But it was
21 over there within 45 minutes of that bombing. And
22 tracked every car leaving Seaside Park. And another
23 piece of technology that we just went with is
24 Carfax. So, now, any resident does not have to come
25 to headquarters and pick up a copy of the report.

1 They can just go online and print it out themselves.
 2 I think that concludes our testimony.
 3 MR. MICHELINI: Okay. So --
 4 MR. MCGUCKIN: I think it would be
 5 appropriate if the Board has any questions first.
 6 MR. MICHELINI: Yeah. Just before we
 7 get to that, Greg, Mr. McGuckin, the -- I don't want
 8 to have to go through our correspondence. We had a
 9 flurry of correspondence between the last meeting
 10 and this meeting over procedure and how these
 11 meetings are being held. In particular, how the
 12 police have been able to testify without any
 13 interruption, without cross-examination to the end,
 14 continuously, one witness after the other. And we
 15 have each set forth our positions on that in
 16 correspondence. Rather than read those into the
 17 record, I'm sure Mr. McGuckin will agree that they
 18 are part of the record.
 19 MR. MCGUCKIN: Yes.
 20 MR. MICHELINI: That's all I want to
 21 say on that.
 22 MR. MCGUCKIN: I don't know if any of
 23 the Board members have questions, Board
 24 professionals.
 25 MR. WINWARD: I have one question.

1 On the last statement you had said, yes, Chief, are
 2 you talking about online printing of accident
 3 reports? Is that what you meant?
 4 CHIEF DiMICHELE: Yes.
 5 MR. WINWARD: That's a great idea.
 6 CHIEF DiMICHELE: And we're getting
 7 to the point -- Captain Santucci spoke about it and
 8 Lieutenant Phillip Smith, there he is in the back,
 9 he's working on it, our P to C program. P to C,
 10 it's police to citizen. It's a software that we
 11 currently already have and we're in the process of
 12 building it out.
 13 MR. WINWARD: Go ahead.
 14 MR. BACCHIONE: I have a question
 15 directed on Lieutenant Roth. I didn't get a chance
 16 to go through the item T-6, which was entered into
 17 evidence, but I scanned through it. It looked like
 18 to me it was a shared service for police coverage
 19 for Berkeley Township covering Seaside Park; is that
 20 correct?
 21 LIEUTENANT ROTH: Yeah, I didn't
 22 enter that in evidence, so I think the Chief's going
 23 to speak on that.
 24 MR. BACCHIONE: Okay.
 25 CHIEF DiMICHELE: Okay. That's a

1 shared service agreement with Seaside Park for
 2 Berkeley Township to cover for animal control.
 3 MR. BACCHIONE: Just animal control?
 4 CHIEF DiMICHELE: Just animal
 5 control, since 2011 to current.
 6 MR. BACCHIONE: And I did look
 7 through, and, again, I just scanned through it, T-22
 8 I guess it is, where Berkeley Township does report
 9 to calls in Seaside Park.
 10 LIEUTENANT ROTH: Yes, if they need
 11 us.
 12 MR. BACCHIONE: So, I'm assuming,
 13 then, that we, in turn, help Seaside Park with
 14 covering incidents that happen, like they cover
 15 South Seaside Park for us, correct?
 16 LIEUTENANT ROTH: Yes. We help each
 17 other out.
 18 MR. BACCHIONE: Yeah.
 19 LIEUTENANT ROTH: That's what I gave
 20 testimony to. I believe -- I don't have my
 21 testimony in front of me, but I believe my final
 22 numbers were that Seaside Park assisted us 70 times
 23 within that given year, July 2013 to July 2014. And
 24 we assisted them 66 times.
 25 MR. BACCHIONE: That's what I was

1 asking. Thank you.
 2 MR. MCGUCKIN: On that issue, if I
 3 could. Lieutenant, what municipality, assuming the
 4 de-annexation went forward, what municipality would
 5 be able to assist Seaside Park for mutual aid,
 6 adjoining wise?
 7 LIEUTENANT ROTH: Seaside Heights.
 8 MR. MCGUCKIN: Would be the only one?
 9 LIEUTENANT ROTH: Assuming we
 10 maintain Pelican Island, I guess we would still help
 11 them.
 12 MR. MCGUCKIN: Thank you.
 13 MR. WISER: If I may just piggyback
 14 on that. I know in other communities there is a
 15 sense of a separation between a joint services
 16 agreement and mutual aid, whereas, a joint services
 17 agreement is a formalized agreement that, you know,
 18 town A will assist town B under whatever
 19 circumstances for whatever. And mutual aid is, when
 20 help is needed, you're going to respond.
 21 LIEUTENANT ROTH: I believe that's
 22 correct.
 23 MR. WISER: So, while not having had
 24 the benefit of reviewing the exhibits, you put in
 25 exhibits that reflect the shared services agreement.

1 Can you speak a little bit to how the town responds
2 to mutual aid to its neighbors?

3 MR. MICHELINI: If I could, I think
4 the shared services agreement that was referenced
5 was the animal control. I don't want it to be
6 confusing.

7 MR. WISER: Fair enough.

8 MR. MICHELINI: So, I don't know if
9 you want to --

10 MR. WISER: Okay. Let me see if I
11 can --

12 MR. MICHELINI: I don't think there
13 was a shared services agreement introduced that had
14 to do with police, other than animal control, so.
15 Unless I'm wrong about that.

16 MR. WISER: Okay. I will try to
17 clarify. So, I guess question number one is, does
18 the police or the fire or the ambulance or any of
19 the public safety departments under your collective
20 umbrellas have any joint services, joint service
21 agreements with other towns?

22 CHIEF DiMICHELE: The only joint
23 services agreements we have, we spoke about lending
24 an officer to the Prosecutor's Office for the strike
25 team. That is an actual written agreement between

1 us and the Prosecutor's Office.

2 There's also another written
3 agreement between us and the county to do the SWAT
4 team. You're talking about when they call for help,
5 is there any written agreement? There is not. That
6 is a culture. And when they call for help, we go.

7 MR. WISER: I think you testified at
8 length last time, Chief, about that.

9 CHIEF DiMICHELE: Yes.

10 MR. WISER: Okay.

11 MR. MCGUCKIN: I guess the testimony
12 regarding the officers who patrol there. So an
13 officer who's assigned to the beach sector, that's
14 their normal tour of duty? They go -- when they go
15 to work, that's where they go?

16 CHIEF DiMICHELE: Yes. Yes.

17 MR. MCGUCKIN: And they're assigned
18 there for a period of time. It sounds like years.
19 So, it's --

20 CHIEF DiMICHELE: It's a great
21 assignment.

22 MR. MCGUCKIN: It's basically their
23 beat, that's where they go?

24 CHIEF DiMICHELE: That's correct.

25 MR. MCGUCKIN: They get to know the

1 residents. And it's a smaller, compact area of the
2 town. So, they really get a chance that you may not
3 get in other areas of the town; is that true?

4 CHIEF DiMICHELE: That is absolutely
5 correct. They get to know the residents. They get
6 to know the comings and goings. They know who's
7 supposed to be there, who's not supposed to be
8 there. And we started that in Hurricane Sandy.
9 Might have even started it a little bit before
10 Hurricane Sandy. But that's because we need to
11 control who was coming in and who wasn't coming in.
12 And to update 70 officers as to who's supposed to be
13 there and who's not supposed to be there, you're
14 going to lose it in communication.

15 MR. MCGUCKIN: The captain testified
16 about some of the feathers in the cap of the police
17 department, I suppose, as to some of the things you
18 do, some of the vehicles, the services, the
19 training. And I guess the range is, obviously, an
20 issue that's helpful, the training. How much does
21 the town save if they provide the facility for, such
22 as, the glock training?

23 CHIEF DiMICHELE: Well, those schools
24 can be at an upmost of about six, eight hundred
25 dollars a slot.

1 MR. MCGUCKIN: Okay. So, the
2 township saves by doing that. By having the
3 facility, the township is able to save that money by
4 training officers at little cost because we have the
5 facility?

6 CHIEF DiMICHELE: Agreed. And some
7 of those trainings, they're hot trainings. So, I
8 mean, by us hosting them, yes, we might get two
9 free, but we're going to get the first bid at how
10 many seats we can have.

11 MR. MCGUCKIN: I don't expect you to
12 be familiar with everything that Seaside Park has.
13 But in listing the types of services that our
14 department provides, would it be fair to say that
15 the services provided by Berkeley Township Police
16 Department are a different level, let's say, than
17 that -- and not to begrudge anyone in Seaside Park
18 but I want to say --

19 CHIEF DiMICHELE: I know. But you're
20 bringing me into a territory I'm refusing to go to.
21 We cannot pit one police department against the
22 other.

23 What a police department can do with
24 70, 80 officers and 80 something cars and
25 specialties that, you know, a department of a

1 smaller size, you know, and you can draw inference
 2 from that. But I don't feel like --
 3 MR. MCGUCKIN: I understand.
 4 CHIEF DiMICHELE: -- wearing the
 5 badges, that we need to pit one police department
 6 against the other.
 7 MR. MCGUCKIN: I guess I'm just
 8 trying to determine --
 9 CHIEF DiMICHELE: Because, in the
 10 end, when this is all said and done, or even while
 11 this is going on --
 12 MR. MCGUCKIN: It's all the same.
 13 CHIEF DiMICHELE: -- they're the
 14 people that are, you know, backing us up; we're the
 15 people that are backing them up.
 16 MR. MCGUCKIN: So, there are
 17 specialties that we have that they don't, basically,
 18 some equipment we have that they don't have?
 19 I'm not pointing at any particular
 20 one. I'm just, in general terms, there's -- because
 21 it's a larger department, we have more specialties
 22 than they may have?
 23 CHIEF DiMICHELE: I think you can
 24 draw that inference.
 25 MR. MCGUCKIN: Thank you.

1 MR. WINWARD: Anyone else down there
 2 have a question?
 3 I believe Nick has a question. Go
 4 ahead, Nick.
 5 MR. MACKRES: Thank you.
 6 Good evening, Chief. So, I saw a
 7 report that you have 66 officers.
 8 CHIEF DiMICHELE: Yes.
 9 MR. MACKRES: And five are what I'm
 10 going to call company grade, meaning lieutenants and
 11 up. So, about 61 sergeants and lower. And our town
 12 has around 40,000 residents, roughly. I don't know
 13 the exact figure, but we're looking at around one
 14 per 650 residents. Do we have any -- I don't have
 15 South Seaside Park's numbers on me. But how many
 16 officers do we have there on a -- during an
 17 off-season basis?
 18 CHIEF DiMICHELE: That's protected
 19 information.
 20 MR. MACKRES: Okay. So, I --
 21 CHIEF DiMICHELE: I do believe that
 22 Mr. Whiteman did testify to it, although I can't
 23 state.
 24 MR. MACKRES: I'm just trying to
 25 assess if the coverage --

1 CHIEF DiMICHELE: I understand where
 2 you're going. But I just, I can't go there with
 3 you. I think they have excellent coverage there.
 4 MR. MACKRES: Thank you very much.
 5 MR. WINWARD: Okay. I think that's
 6 all the questions from the Board. Any from the
 7 professionals?
 8 MR. WISER: Chief, I went through the
 9 transcript from last meeting and highlighted a bunch
 10 of questions. I'm going to apologize in advance, it
 11 may seem sort of disjointed. But I'm flipping
 12 through page by page and just as questions come up,
 13 so, they -- some, I'm going to direct them to you
 14 but some may be directed towards your staff.
 15 CHIEF DiMICHELE: We can pull them
 16 up.
 17 MR. WISER: At one point in time, you
 18 talked about ambulance response. There was a
 19 conversation about a four-minute response time to a
 20 first aid call. The assertion being that not being
 21 good enough. And you made a comment to the effect
 22 of, a four-minute response time is actually pretty
 23 good.
 24 The question I have is, is there any
 25 protocol, a manual, a standard that would say, you

1 know, X in such a time is an acceptable response
 2 time, something different than that is unacceptable?
 3 CHIEF DiMICHELE: Yes, I did present
 4 a document with the Bureau of Justice statistics
 5 that we have --
 6 MR. WISER: Okay. So, that's in
 7 there so I can review there. Apologize.
 8 CHIEF DiMICHELE: I did present the
 9 document in the documents for evidence that -- I
 10 don't remember what number it was. But it was the
 11 Bureau of Justice statistics that state 11 minutes
 12 is the average response time to a police call.
 13 MR. WISER: And would you have
 14 something similar to that for ambulance response?
 15 CHIEF DiMICHELE: No. But the point
 16 that needs to be made when it comes to ambulance
 17 response and EMT -- excuse me -- and medic response
 18 is that they're saying if they succeed that they'll
 19 get better service. It's the same service for the
 20 entire island. It's the same first aid squad. It
 21 is the same paramedics. Nothing would change except
 22 for the police. So, that's why we only discussed
 23 the police end of it.
 24 MR. WISER: Okay. The petitioners'
 25 financial expert testified that there was 102 police

1 officers. You took issue with that. You gave us
2 the statistic. I'm not sure you're going to be able
3 to answer this question. But do you have any idea
4 where the 102 number might have come from?

5 CHIEF DiMICHELE: No, I don't.

6 MR. WISER: Where that confusion may
7 have -- Okay.

8 And I guess the same thing in terms
9 of the dollar figures related to that and the
10 overtime as well, you don't --

11 CHIEF DiMICHELE: I don't know where
12 they would have gotten that from.

13 MR. WISER: Okay. You went on to
14 talk about what your officers do to create the need
15 for overtime. And you talked about DUI patrols and
16 follow-up; how you're also not just a police
17 officer, but you're attorneys and you're counselors,
18 you're mentors, you speak to kids, things like that.
19 Can you give us a sense of how that generates the
20 need for overtime? How those activities generate
21 the need for overtime?

22 CHIEF DiMICHELE: Well, we're a
23 24-hour operation. And when you have an officer
24 working a case, sometimes you just can't stop that
25 case. You have somebody, you know, a victim of a

1 shooting or something, everybody's coming out.
2 That's an investigation that's going to go on for
3 days. You'll see the overtime was more than normal
4 during Hurricane Sandy, you know.

5 And as far as the training is
6 concerned, the training, there's high liability
7 issues within law enforcement. A few of them are,
8 you know, hiring practices, discipline practices.
9 Training is one of the highest ones. You know,
10 agencies get sued. There are specific trainings
11 that you have to have every year. And when you --
12 and a more educated officer is also going to give a
13 better service. So, if you need the officer on the
14 road, but you still want to send him for a training
15 to make him a better officer on the road, you're
16 going to have to do it. It's better for the
17 department. It's better for the township. Better
18 for the residents.

19 MR. WISER: Bear with me. There was
20 extensive conversation about Sandy and a number of
21 residents in South Seaside Park elected to stay
22 during the storm. I don't want to put words in your
23 mouth. I don't want to sort of characterize what
24 you said but does -- that makes your job harder?

25 CHIEF DiMICHELE: Absolutely.

1 MR. WISER: How would you, if you had
2 to classify -- characterize that type of activity,
3 people staying, could you?

4 CHIEF DiMICHELE: I mean, at some
5 points, it was almost -- it was almost reckless. I
6 mean, we had calls coming into headquarters, people
7 going up to the attic with their children because
8 the water was rushing in so far. But you got to
9 remember that, you know, this is a hundred-year
10 storm. Nobody was prepared for this.

11 We did have a hurricane the year
12 before that, you know, we put all the same notices
13 out. And, you know, that one didn't hit us the way
14 we thought it was. This one actually hit us even
15 more. And I'm going to actually let one of my OEM
16 coordinators speak on this topic, because he did go
17 over to the beach and actually take somebody out.
18 And I think his personal information on this might
19 be warranted at this time.

20 Sergeant George Dohn, D-o-h-n.

21
22
23
24
25

1 SERGEANT GEORGE DOHN, previously sworn.

2 SERGEANT DOHN: Hi, everyone.
3 Sergeant George Dohn.

4 When we went over, the third day
5 after, when we went over to the island, when we went
6 and we saw debris, when we got to Pelican Island, we
7 had this one home. And I'll never forget. It was a
8 retired fireman from North Jersey, an older
9 gentleman. The look on his face I'll never forget.
10 It was him and his dog. He stayed several storms
11 before. He's lived there forever. And this time
12 when the back doors, his French doors, sliding
13 doors, came crashing through, him and the dog ran to
14 the second floor. The pictures were actually --
15 would be in that packet of how bad damage -- how
16 badly damaged the home was. And they took refuge on
17 the second floor. He didn't think he was going to
18 make it out of there. We actually took him and the
19 dog off the island that day. That was one of the
20 ones that really hit home when you saw that. And
21 the devastation we saw over there with those homes.

22 MR. WISER: And that was Pelican
23 Island, though. It wasn't South Seaside Park.

24 SERGEANT DOHN: That was on
25 Pelican Island, which is part of the barrier

1 islands, it's just not South Seaside, correct.
2 MR. WISER: Chief, you talked about
3 how you are the emergency management officer for the
4 township.

5 CHIEF DiMICHELE: Yes.

6 MR. WISER: And you talked about with
7 great pride your plan for the Sandy incident and how
8 other communities, other emergency management people
9 came to look at your plan. Congratulations, by the
10 way.

11 CHIEF DiMICHELE: It wasn't just me.
12 Congratulations.

13 MR. WISER: To everybody. I would
14 assume that there's standard training for emergency
15 management coordinators. May be difficult for you
16 to pat yourself on the back like this. But what
17 made your plan better? Did you have training that
18 the other emergency management coordinators don't
19 have?

20 CHIEF DiMICHELE: I would say no.
21 But I do have people within my staff. Like, we have
22 depth within our organization. And depth is what's
23 going to get you through an incident that's going to
24 take days and days. Now, every township has one
25 person designated as the OEM coordinator. But a lot

1 of the other townships don't have the depth behind
2 them. I can't be up 24 hours, seven days a week for
3 the months that this incident. That's where we --
4 our depth came in.

5 Now, when you're picking people for
6 these positions, you're picking them because of
7 their training. And I'm going to bring one officer
8 up here who has a lot of training in other areas --
9 Mike, come on up -- and let him go through his
10 training. So, when you said did I have any special
11 training, I had the training that every other
12 coordinator has, but I had people within my
13 organization that did have special training.
14 DETECTIVE MICHAEL TIER, previously sworn.

15 DETECTIVE TIER: Detective
16 Michael Tier, T-i-e-r. Okay.

17 So, I'd say it's more experience
18 based than necessarily training. Hurricane Sandy, I
19 was totally new to OEM. I had participated in some
20 drills prior to, but this was my first storm where
21 you actually had to put it into practice.

22 My prior experience, I'm going to
23 pretty much rely on my military experience for that.
24 I was a reconnaissance platoon leader during
25 deployment to Iraq. While assigned as a platoon

1 leader, you're in charge of a group of people.
2 You're in charge for the overall wellbeing,
3 logistics, the administrative responsibilities, the
4 planning of missions. Pretty much the success and
5 overall failure of your group falls on you.

6 Prior to the storm, I also had
7 experience working as an executive officer at the
8 troop level. That's second in command of a
9 92-person organization. That position, you are in
10 charge of the maintenance, logistical,
11 administrative operations for the unit. And during
12 the storm, I was assigned as an operations officer
13 at a squadron level. The squadron level is all
14 encompassing of about 415 people. And as an
15 operations officer, you're pretty much tracking
16 day-to-day operations and helping develop future
17 operations that will be carried out.

18 So, day-to-day, especially in the
19 initial one to two weeks following the storm, the
20 chief, myself, Patrolman Bondulich and Sergeant
21 Dohn, we would sit in the EOC with other members of
22 the administration of the police department, we
23 developed a plan for the next day. Sometimes those
24 planning sessions went smoothly, sometimes they
25 ended in an argument. But years of experience in

1 different realms resulted in a plan for the next day
2 to eventually get the residents of South Seaside
3 Park and Pelican Island back on the island.

4 That's all I have.

5 MR. WISER: Thank you.

6 CHIEF DiMICHELE: And we can go into
7 more experience, but I think just Officer or
8 Detective Tier speaking. I mean, Sergeant George
9 Dohn he is also in charge of the fire department.
10 How many people in that fire department?

11 SERGEANT DOHN: Fifty-five.

12 CHIEF DiMICHELE: So, he's also a
13 commanding officer. And then you have
14 Rip Bondulich, who has more time on the job.
15 Ronald, I'm sorry. You caught me that time. Ronald
16 Bondulich. He's a patrolman, but he's been in OEM
17 longer than all three of us. So, he has had the
18 experience of all the storms, all the drills,
19 everything pertaining to the nuclear power plant.
20 So, each one of us had our own special ingredient
21 that we brought to the table. And we thought
22 outside the box. And we took recommendations from,
23 and thoughts, from people. You know, it wasn't
24 just, hey, this is what we're doing, and it's my
25 decision, and that's it. We listened to the people.

1 One of the residents actually is the
2 one that came up with the idea of the sticker. He
3 went out, he came to our OEM center, he gave us a
4 box of stickers that was, actually, supposed to be
5 for the east side, the Glen Cove section of town.
6 But when we were developing this plan, like, you
7 know, they said it's -- it was very fluid. You
8 know, and we're like, oh, my God, let's use those
9 stickers to identify our residents with
10 documentation that they own property or have a
11 license or some sort of government ID that allows
12 them to be over on the beach. And, like I said,
13 Seaside Park followed our footsteps, Seaside Heights
14 followed our footsteps, Lavallette followed our
15 footsteps.

16 MR. WISER: Thank you.

17 Detective Tier, you had made a
18 comment that the residents -- I think the residents
19 of South Seaside Park were more scared -- what they
20 were more scared about was martial law. They didn't
21 want martial law as part of Sandy. I'm just
22 wondering, was that a sense you got? Was it
23 something that was specifically stated by the
24 residents? How did you come to that conclusion?

25 DETECTIVE TIER: Chief's going to

1 answer this for you.

2 CHIEF DiMICHELE: I used my military
3 guy to give me the terminology of that. But I had
4 spoken about that prior. Myself and Officer
5 Ronald Bondulich, we went over and we met the
6 residents.

7 Now, I testified that we were having
8 a meeting almost daily, sometimes more than twice a
9 day, three times a day, with the chiefs. Now,
10 Colonel Fuentes (phonetic) was down there. We had
11 the governor down there. The meetings were held in
12 Seaside Heights' headquarters. And that's where
13 every chief that had a section of that barrier
14 island met to discuss their plans, ideas, issues
15 that were going on. And that's when, I think it
16 was, Brick Town is the one that started with the,
17 having the military man their posts. I left that
18 meeting. And Officer Bondulich was driving me. The
19 mayor was there. And that's when we met with
20 Mr. Whiteman in the street.

21 Now, I had Lieutenant Ryan Roth on
22 the beach. And he went around to every house that
23 we knew that there were residents at and gathered
24 them all in front of Don Whiteman's house. So, we
25 discussed it with them. And they were adamant

1 against it. That's how that decision was made.

2 MR. WISER: That's an answer.

3 With respect to your mobile command
4 post, there was a lot of testimony from the
5 petitioners about there being no police substation
6 on the island when other local towns have a police
7 substation.

8 In situations such as Sandy, would a
9 substation in South Seaside Park have been any
10 assistance to you? And I guess a corresponding
11 question would be, what happened in the police
12 station during the storm in Seaside Park, if you
13 know?

14 DETECTIVE TIER: I can't speak to
15 what South Seaside Park was doing at their police
16 station -- I'm sorry -- Seaside Park at their police
17 station on a day-to-day basis. I can only speak to
18 what I was doing in the trailer and the command post
19 daily, which you want me to speak to that, sir?

20 MR. WISER: I think you did speak to
21 that last time.

22 DETECTIVE TIER: You want me to
23 reiterate?

24 MR. WISER: No. No, I don't. But do
25 you know whether -- obviously, you don't know what

1 was happening specifically in the police station in
2 Seaside Park. Was the station itself even
3 habitable?

4 DETECTIVE TIER: I don't know, sir.
5 I never went in there. I was in the command post at
6 24th and Central, right at the entrance to Island
7 Beach State Park.

8 MR. WISER: That's fair.

9 MR. MACKRES: Stuart, can I --

10 MR. WISER: Please.

11 MR. MACKRES: Just one quick question
12 about that mobile command post. I can't remember if
13 you had discussed this at the last -- all right. Am
14 I on here? There we go.

15 So, with that, I mean, is it -- it's
16 mobile enough that if a storm can come and it looks
17 like it's in danger, it can be moved out of harm's
18 way. And then when, the first moment that you can
19 get back there to utilize that mobile station, you
20 can bring it back; is that correct?

21 DETECTIVE TIER: Yes, sir. We have
22 several vehicles in the police department that can
23 move it. It's just a trailer hitch trailer. I
24 don't know the length, but it's easily moved.

25 MR. MACKRES: Okay. Thank you.

1 MR. WISER: Chief, you talked about
2 your patrol sectors or you touched upon it.
3 Understanding you have a security issue, are you
4 able to -- is there a map of the patrol sectors that
5 you could show us?

6 CHIEF DiMICHELE: No, I'm sorry,
7 that's also protected --

8 MR. WISER: Protected. Okay.

9 CHIEF DiMICHELE: -- information. I
10 can give you a map of the town, the entire town that
11 we patrol. I'm not sure where you're going with the
12 question. Maybe if --

13 MR. WISER: I think I'm -- what I'm
14 trying to get a sense of is the patrol sector that
15 would include South Seaside Park and physically how
16 big that is compared to the other patrol sectors
17 that might be in town.

18 CHIEF DiMICHELE: South Seaside Park
19 is one of the smallest -- actually, Pelican Island
20 is the smallest section. And then there's South
21 Seaside Park, which is the second smallest section.

22 MR. WISER: And those are considered
23 different sectors?

24 CHIEF DiMICHELE: No, they're
25 considered one.

1 MR. WISER: Okay.

2 CHIEF DiMICHELE: We have officers
3 that go back and forth.

4 MR. WISER: Okay. The petition does
5 not include Island Beach State Park. We understand
6 that Berkeley Police Department has a role to play
7 in policing for Island Beach State Park. But that
8 falls to, and correct me if I'm wrong, it falls to
9 the officer that's already patrolling South Seaside
10 Park. If there's no longer a need to patrol
11 South Seaside Park because de-annexation is
12 successful, what kind of difficulties, if any, would
13 you have in continuing to do the same level of
14 support for the park?

15 CHIEF DiMICHELE: We wouldn't be
16 doing any support for the park. That is a state
17 property. And the neighboring jurisdiction would
18 have to lend assistance, just like we lend
19 assistance to every jurisdiction that we border.
20 So, if they called for help -- they have State Park
21 Police, but if they need help, they're not going to
22 call Berkeley Township. They're going to call
23 Seaside Park first. And then they'll call Seaside
24 Heights next. And then they're going to call Toms
25 River. It will go in order of jurisdictions.

1 MR. WISER: Understanding that the
2 park is owned and managed by the State, it's still
3 within -- it would still remain within the boundary
4 of the Municipality of Berkeley Township. And if
5 this is --

6 CHIEF DiMICHELE: Okay. Yes --

7 MR. WISER: -- outside of your --

8 CHIEF DiMICHELE: -- but no. But no,
9 because if we have an incident that occurs on state
10 property, just like if we have an incident -- we are
11 part of the waterways, but that is all governed by
12 the State Police.

13 MR. WISER: Okay.

14 CHIEF DiMICHELE: So, if something
15 occurred in the state park, we would lend our
16 assistance, and we have done that numerous, numerous
17 times, but we wouldn't be doing that any longer.

18 MR. WISER: Okay.

19 CHIEF DiMICHELE: We also have -- the
20 captain brought up a good point. We also have
21 Double Trouble State Park within our Bayville
22 section of Berkeley township. And we do lend
23 assistance there also, but when a major call comes
24 in, the main invest defers to the state. It's not
25 ours.

1 MR. WISER: Okay. Thank you.

2 CHIEF DiMICHELE: We're just a
3 support agency for them. Just like if you take it
4 another step further, it's just like the township
5 does not maintain the beach property. It's the
6 State that maintains that beach property.

7 MR. WISER: Okay. Thank you.

8 Mr. Chairman, I would like to reserve
9 the balance of my time to take a look at the
10 transcript once it comes out from tonight's
11 testimony, which may generate some more questions
12 for the chief and her officers. But other than
13 that, I think my questions from last time have been
14 answered.

15 MR. WINWARD: Thank you. Go ahead.

16 MR. MCGUCKIN: Chief, I don't know
17 how to ask the question the right way because I
18 understand the -- certain things you can't discuss
19 in public. I guess, would the fact that if South
20 Seaside Park was -- became part of Seaside Park,
21 would that mean that the only area that the Berkeley
22 Township, for lack of a better term, the beach
23 patrol would cover, would be that small portion of
24 Pelican Island that is part of Berkeley Township?

25 CHIEF DiMICHELE: That's correct.

1 MR. MCGUCKIN: Would that result in
2 some inefficiencies within your department as to how
3 you would handle patrolling that one isolated area
4 out on the other side of the bridge, which is not --
5 you know, then you don't have the whole South
6 Seaside Park to patrol either?

7 CHIEF DiMICHELE: It would be a waste
8 of a resource.

9 MR. MCGUCKIN: Thank you.

10 MR. WINWARD: Go ahead.

11 MR. MACKRES: Chief DiMichele, you
12 gave some testimony, as well as your officers, about
13 Hurricane Sandy. I have -- I'm trying to rethink
14 this and ask your question towards the end. So, we
15 talked about -- you talked about bringing military
16 in. And so, we have title ten. We have title 32.
17 Title 32, being the State National Guard with law
18 enforcement powers. And title ten being federal
19 troops who are governed by the Posse Comitatus Act
20 and cannot do any law action, but they can do many
21 other things. Both of those entities are called on
22 and support the local officials. They are in
23 charge. And so, even if you have federal troops
24 come in, they report to the mission commander or
25 whoever the person is on the ground.

1 Where I'm going with this is that
2 there is an incredible amount of resources on the
3 federal level that I saw personally idle, because
4 local governments did not properly request or ask
5 for things. And how it relates to this is that,
6 from what I see, you stated that the residents did
7 not want to request the support of the military.
8 So, in the greatest time of the need, a hundred year
9 storm, basically, saving people from their homes
10 with water rushing in, a state emergency, a national
11 emergency across multiple states. Once again, the
12 greatest time of need from what I've seen. And your
13 police department and the town felt that the people
14 over there, that you were doing an adequate job.
15 And so, my question to you is that, if, at the
16 greatest time of their need, you were supporting
17 them, then why do we have prior testimony from some
18 of the same individuals stating that the police
19 support is not adequate at the current moment?

20 CHIEF DiMICHELE: That's a great
21 question. I just don't have the answer for that.

22 MR. MACKRES: Thank you.

23 CHIEF DiMICHELE: I do believe that
24 in a time of need, when they need you and we're
25 there, they'll remember. But that memory is only

1 short lived. And people do forget what was done.

2 And can I bring up one more topic
3 here? And I believe Sergeant Dohn maybe spoke to
4 it. But the Township of Berkeley pays the fire
5 department of Seaside Park a percent or a certain
6 amount of money. And I do not know that money off
7 the top of my head. When the time came to do the
8 evacuations, Seaside Park Fire Department told us
9 they couldn't do that. So, we took resources from
10 the mainland, away from the Bayville section, away
11 from the Holiday City section, Manitou Park Fire
12 Department, other resources that we had under our
13 umbrella, and we brought them over to Seaside Park
14 and Pelican Island, when, in fact, we were paying
15 Seaside Park to do a service. But they were tied up
16 in their town. And, you know, I'm trying to not pit
17 one police department against the other, one
18 township fire department against the other, but when
19 in need, yes, they chose us over the military and
20 our fire departments over theirs.

21 MR. MACKRES: Thank you.

22 MR. WINWARD: Okay. What we'll do at
23 this time is, I don't see any more questions from
24 the Board or our professionals. I know Stu said he
25 reserves the right for future questions. It's been

1 a little bit over two hours now. And what I was
2 thinking was that you would probably have a lot of
3 questions and needed some time to prepare.

4 MR. MICHELINI: I'm ready. But I
5 have a lot of questions, so --

6 MR. WINWARD: And you probably
7 estimate an hour? Two hours?

8 MR. MICHELINI: Depends on what the
9 answers are.

10 MR. WINWARD: Okay. So, I think --
11 would you have a problem tabling his
12 cross-examination till the next meeting?

13 CHIEF DiMICHELE: Can I speak
14 frankly?

15 MR. WINWARD: Yes.

16 CHIEF DiMICHELE: I would. There's a
17 lot of money here. Mr. Business Administrator? I
18 understand that if it's, you need more people to
19 come back. But as long as it's not every single
20 person.

21 MR. MICHELINI: Well, if we had done
22 it the way that I think we should have done it, some
23 of these people would have been gone. Because they
24 could have testified and I could have crossed them
25 and they could have been gone.

1 MR. MCGUCKIN: I think that --
 2 MR. MICHELINI: But be that as it
 3 may, here we are. My testimony -- my cross is
 4 probably going to be long. It's probably a good
 5 time to break. I agree with the chairman.
 6 MR. MCGUCKIN: All right.
 7 Understanding it may be long, Mr. Michelini, I guess
 8 what I would say is, I would ask you to send me a
 9 letter just telling me, I would say, three or four
 10 people you're going to want to cross at the next
 11 meeting. You'll have another transcript available
 12 to you from this meeting. But I don't think we
 13 should bring them all back if you're not going to
 14 finish that night. I think it's fair to say that
 15 that's what's going to happen, based upon what you
 16 just indicated.
 17 MR. MICHELINI: Well --
 18 MR. MCGUCKIN: We're not going to
 19 bring every officer back.
 20 MR. MICHELINI: No, I understand.
 21 I'm not --
 22 CHIEF DiMICHELE: There's some that
 23 aren't going to be available at the next meeting. I
 24 just want --
 25 MR. MICHELINI: Well, you can let me

1 know who's going to be available and who's not
 2 first.
 3 MR. WINWARD: That's a good idea.
 4 MR. MICHELINI: I have no objection
 5 in cooperating with the Board in the process so that
 6 we can identify a number of people that would
 7 testify so that I can, you know, figure out how long
 8 it's going to take and appropriately prepare for
 9 those people.
 10 The only thing I would ask is that if
 11 I'm going to prepare for a specific number of
 12 people, I would like to do that rather than come
 13 back and have the Board and the professionals have
 14 two hours of questions. That would be a waste of my
 15 time, so --
 16 MR. MCGUCKIN: I think that's
 17 reasonable, Mr. Chairman. I think that --
 18 MR. WINWARD: Yes.
 19 MR. MCGUCKIN: -- perhaps when we
 20 come back at the next meeting, we would start
 21 with Mr. Michelini's questions. Anybody else we
 22 have, may have at the end, you may address --
 23 MR. WINWARD: Sure. We'll hold off
 24 any additional questioning.
 25 MR. MICHELINI: Let me hear first

1 from -- Mr. McGuckin will identify those people in a
 2 letter to me.
 3 MR. MCGUCKIN: I'll have a discussion
 4 with the Chief. We'll find out who is available for
 5 that evening. And then we'll discuss who you think
 6 you would be able to reasonably get to, so we don't
 7 have everybody here for that night.
 8 MR. MICHELINI: Very good. All
 9 right. Thank you.
 10 MR. MCGUCKIN: Chief, does that sound
 11 like --
 12 CHIEF DiMICHELE: My question was,
 13 there's some people that have long testimony here
 14 and some people that have shorter testimony. Is
 15 there anyone here that is --
 16 MR. MICHELINI: Well, I think you had
 17 the longest testimony, perhaps Officer --
 18 CHIEF DiMICHELE: Captain and --
 19 MR. MICHELINI: -- Sergeant Santucci.
 20 It's a Sergeant, right, Santucci?
 21 CAPTAIN SANTUCCI: Captain.
 22 MR. MICHELINI: Captain. I'm sorry
 23 about that. Captain, sorry.
 24 CAPTAIN SANTUCCI: That's all right.
 25 MR. MICHELINI: Captain Santucci.

1 CHIEF DiMICHELE: Probably be
 2 happier.
 3 MR. MICHELINI: We might be all
 4 happier if we weren't here right now. But you're
 5 going to be here, obviously, correct, Chief?
 6 MR. MCGUCKIN: While she's looking, I
 7 was --
 8 MR. MICHELINI: Obviously, the Chief
 9 is going to be the longest one because she testified
 10 longer than anybody else by a lot.
 11 MR. MCGUCKIN: I was thinking today,
 12 if the storm had been heading to our direction, none
 13 of us would be here.
 14 MR. MICHELINI: None of us would be
 15 here.
 16 MR. MCGUCKIN: As much as we can plan
 17 for this, we never know, something could occur
 18 that --
 19 MR. MICHELINI: Sure.
 20 MR. MCGUCKIN: -- changes things.
 21 (Off the record.)
 22 CHIEF DiMICHELE: I have to check. I
 23 might have to switch something around. I might not
 24 be able to switch something around. So, I will --
 25 who do I speak to?

1 MR. MCGUCKIN: You will talk to me or
2 the administrator, that's fine. And then we'll
3 discuss who's available. Then Mr. Michelini will
4 discuss who we can have here and who we won't need
5 for that next meeting.

6 MR. MICHELINI: Very good. Then the
7 exhibits will -- I don't know if Kelly can make
8 copies for us. That would be great. I'm sure
9 Mr. Wiser wants copies as well. And you can let us
10 know when they're ready. That would also expedite
11 cross-examination, having those sooner rather than
12 later.

13 MR. WINWARD: Does anybody have any
14 more exhibits down there? Anybody have any exhibits
15 down there?

16 MR. MACKRES: No.

17 MR. WINWARD: Okay.

18 MR. MICHELINI: Okay. Thank you.

19 MR. WINWARD: Okay. Thank you. And
20 we thank you, Berkeley Township Police Department,
21 for taking the time.

22 And I'd like to have a motion for
23 adjournment.

24 MR. LORELLI: Motion.

25 MR. GINGRICH: Second.

1 MR. WINWARD: All in favor say aye.

2 ALL: Aye.

3 MR. WINWARD: Okay. This meeting is
4 ended.

5 (Meeting adjourned.)
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C E R T I F I C A T E

I, LINDA SULLIVAN-HILL, a Notary

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

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

Dated: October 18, 2016

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