

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TOWNSHIP OF BERKELEY  
PLANNING BOARD

-----

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

-----

Pinewald Keswick Road  
Bayville, New Jersey  
Thursday, April 6, 2017  
6:15 p.m.

B E F O R E:

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

-----

LINDA SULLIVAN-HILL & ASSOCIATES  
CERTIFIED COURT REPORTERS  
46 SOUTH LAKEVIEW DRIVE  
JACKSON, NEW JERSEY 08527  
(732) 833-0001

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES:

DASTI, MURPHY, MCGUCKIN, ULAKY,  
CHERKOS & CONNORS, ESQS.  
620 W. Lacey Road  
Forked River, New Jersey 08731  
BY: GREGORY MCGUCKIN, ESQ.  
Attorneys for the Board

O'MALLEY, SURMAN & MICHELINI, ESQS.  
17 Beaverson Blvd.  
Brick, New Jersey 08723  
BY: JOSEPH MICHELINI, ESQ.  
Attorneys for the Petitioners

ALSO PRESENT:

Ernie Peters, Engineer  
Kelly Hugg, Secretary  
Stuart B. Wiser, Planner  
James M. Oris, Planner  
Rodney Haines, CPA

1 I N D E X

2	NAME OF WITNESS	PAGE
3	KEVIN GEOGHEGAN	
4	BY MR. MICHELINI	4, 22
	BY MR. WISER	14
5	BY MR. MCGUCKIN	18
6	STEVEN SEILER	
7	BY MR. WISER	26, 53
	BY MR. MCGUCKIN	47
8	BY MR. MICHELINI	55, 80
9	MARK VANNELLA	
10	BY MR. WISER	82
	BY MR. MICHELINI	96
11	BY MR. MCGUCKIN	114

12

13

14 E X H I B I T S

15	NUMBER	DESCRIPTION	PAGE
16	T-26	Street cleaning schedule	27
17	T-27	Resolution dated August 1, 2012	27
18			
19	T-28	Attachment to resolution on Exhibit T-27	28
20			
21	T-29	Snow plowing procedures	28
22	T-30	Snow plowing procedures more in-depth	28
23			
24	A-71	Annotated transcript	57

24

25

1                   MR. WINWARD: Okay. That's all that  
2 we have left on the agenda for tonight. And now  
3 we're going to get right into the South Seaside Park  
4 Homeowners and Voters Association De-annexation  
5 petition hearing.

6                   MR. MICHELINI: Good evening.  
7 Joseph Michellini on behalf of the petition signers  
8 for the South Seaside Park Homeowners and Voters  
9 Association.

10                   I believe that we're going to start  
11 with the cross-examination of Mr. Geoghegan, who  
12 previously testified. And then, after that, the  
13 township has a couple of witnesses from Public  
14 works. That's my understanding.

15                   MR. MCGUCKIN: That's correct.

16                   MR. MICHELINI: Mr. Geoghegan.  
17 Mr. Geoghegan, you were previously sworn; is that  
18 your recollection?

19                   MR. GEOGHEGAN: I don't recall.

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

22 EXAMINATION BY MR. MICHELINI:

23           Q           You previously testified in this  
24 matter, correct?

25           A           Yes, I have.

1 Q And it was several months ago now.

2 Did you have a chance to review the transcript

3 before you testified again today or --

4 A I did not.

5 Q Okay. And you testified about EMS,

6 particularly, that's my recollection; is that

7 correct?

8 A Yes, sir.

9 Q Who had asked you to testify before  
10 this board, if anyone?

11 A I believe the request came through  
12 Chief DiMichele. She is my superior.

13 Q Okay. You work, EMS is under the  
14 police umbrella?

15 A That is correct. Just in the area  
16 where EMT'S, they provide the township.

17 Q Okay. And that's, you're in charge  
18 of them, correct?

19 A Yes, sir.

20 Q And is your budget also under the  
21 umbrella of the police budget?

22 A That or emergency management. I'm  
23 not exactly sure how she has it broken down.

24 Q When you say she, you mean  
25 Chief DiMichele?

1 A Chief DiMichele, yes.

2 Q So, it's under her auspices or  
3 authority that your budget is established; is that  
4 true?

5 A That is correct.

6 Q Okay. Now, she asked you to testify.  
7 Do you know what she asked? Do you remember what  
8 she said?

9 A I don't recall specifically, but  
10 being in attendance for any questions regarding EMS  
11 and coverage and how it would be affected or not  
12 affected.

13 Q Did you meet with anybody before you  
14 testified here besides Chief DiMichele?

15 A No, I did not.

16 Q Did you talk to any of the board  
17 members before you testified?

18 A No, I have not.

19 Q Any of the board professionals such  
20 as Mr. McGuckin, Mr. Dickerson, Mr. Wiser,  
21 Mr. Peters?

22 A No, I have not.

23 Q Now, you talked about the Tri-Boro  
24 First Aid, which is over there in Seaside Park,  
25 correct? Their base is in Seaside Park physically,

1 correct?

2 A That is correct.

3 Q But they serve three municipalities  
4 currently, which is Seaside Heights, Seaside Park  
5 and South Seaside Park, which is part of Berkeley  
6 Township, correct?

7 A That is correct.

8 Q Now, do you know how long they've  
9 been around?

10 A I'm not sure. A long time. The  
11 original three boroughs, hence the name Tri-Boro, I  
12 believe, included Lavallette.

13 Q Correct. It did not include South  
14 Seaside Park. And then Lavallette got their own EMS  
15 at some point or first aid, correct?

16 A I believe so, yes.

17 Q Do you know when that was?

18 A That I do not know.

19 Q we're talking way back in the '30s,  
20 correct, or '40s?

21 A Long time ago I'm certain, yes.

22 Q Okay. And so, Tri-Boro has been  
23 around for decades, correct?

24 A Yes.

25 Q All right. And now it's three

1 different boroughs than it originally started. And  
2 I'll fill you in on a little history that I read  
3 today, you can tell me if it's wrong, that  
4 originally it was Lavallette, Seaside Heights and  
5 Seaside Park. And then once Lavallette got their  
6 own first aid, then it was Seaside Heights,  
7 Seaside Park and the Borough of Island Beach before  
8 Island Beach was a state park. Did you know that?

9 A I did not.

10 Q Okay. But today it's the South  
11 Seaside Park, Seaside Heights and Seaside Park,  
12 correct?

13 A Yes, that's where they cover.

14 Q All right. And you had indicated  
15 that prior to Superstorm Sandy, Berkeley did not  
16 have a paid EMS; is that correct?

17 A That is correct.

18 Q All right. And the EMS that  
19 functioned over in South Seaside Park was Tri-Boro  
20 First Aid prior to Superstorm Sandy, correct?

21 A That is correct.

22 Q And even post Superstorm Sandy,  
23 correct?

24 A Correct.

25 Q All right. So, there is money going



1 from Berkeley Township to pay for that EMS service  
2 for the citizens in South Seaside Park, correct?

3 A I'm not sure what stipend the  
4 municipality gives --

5 Q well --

6 A -- any of the first aid squads.

7 Q But there's some money that's being  
8 paid by Berkeley Township for the Tri-Boro First  
9 Aid; isn't that correct?

10 A That I'm unaware of. Again, my  
11 budget is only responsible for the eight municipal  
12 EMTs paid for by the township.

13 Q So, you're not aware of the fact that  
14 Berkeley Township pays for Tri-Boro for South  
15 Seaside Park? You're not aware of that?

16 A I'm not aware of that or any of the  
17 other squads in Berkeley Township.

18 Q I'm going to point your attention to  
19 a transcript, page 87 of a transcript from testimony  
20 that you gave. Let's see. Linda, where do you put  
21 the date? September 1, 2016. And I'll read it  
22 aloud, because it's probably easier that way.

23 MR. MCGUCKIN: whose testimony?

24 MR. MICHELINI: Mr. Geoghegan.

25 Page 87.

1 Q Again, if de-annexation were to  
2 occur, Tri-Boro is still your EMS provider.

3 Do you see that?

4 A Yes, sir.

5 Q That was your testimony, correct?

6 A Uh-hum.

7 Q It does not come into, you know, play  
8 with it today, tomorrow or down the road. Correct?

9 A Correct.

10 Q Do you see that?

11 A Right.

12 Q Again, as well as EMS, obviously --  
13 obviously, you said -- the funding, I'm sure for  
14 Berkeley Township, you know, would cease as it's,  
15 you know, it's no longer your municipality and  
16 you're not responsible for it.

17 Do you see that?

18 A I see that.

19 Q All right. Is that accurate?

20 A Again, as I, my previous testimony, I  
21 did not review notes from that.

22 Q Was your previous testimony accurate?

23 A To the best of my ability, yes, sir.

24 Q So, therefore, a moment ago when I  
25 asked you if Berkeley would save funding, you had

1 indicated that before, correct?

2 MR. MCGUCKIN: Hold on. That's not  
3 what you asked him. You asked him if he knew what  
4 type of funding Berkeley pays to Tri-Boro.

5 MR. MICHELINI: I asked him if --  
6 would Berkeley save money. And I dispute that. The  
7 record will bear it out.

8 Q Will Berkeley save money if  
9 De-annexation occurs, because they won't have to pay  
10 Tri-Boro, to the best of your knowledge?

11 A That would seem to be a reasonable  
12 deduction. Again, I'm not sure. I don't have --

13 Q You don't know the details of it, I  
14 understand that, correct?

15 A If it's fuel. If it's monetary. If  
16 it's maintenance services. I'm not sure.

17 Q But you would concede that  
18 something's going to be saved? You just don't know  
19 the amount, correct?

20 A It would probably be minimal based on  
21 the call volume. I believe my previous testimony, I  
22 also had done some research on how many calls EMS  
23 assignments take place within the Berkeley borders.  
24 Those figures I don't have at hand.

25 Q So, you say it would probably be

1 minimal. What analysis have you done of the  
2 finances of, or the amount of the contribution that  
3 Berkeley pays to Tri-Boro to be able to say that it  
4 would be minimal? Have you done any financial  
5 analysis whatsoever?

6 A No financial analysis. I just looked  
7 at the call volume.

8 Q The call volume was how many over a  
9 three-year period? Do you recall that?

10 A That I do not recall.

11 Q So, you don't really know if it would  
12 be minimal? That would be speculation on your part;  
13 isn't that correct?

14 A Based on the information and my  
15 experience with many other municipalities and  
16 volunteering EMS agencies or EMS agencies, usually  
17 it's far minimal than it is for fire services.

18 Q So, it would be less than fire  
19 services, but it would still be some cost, correct?  
20 Yes?

21 A Yes.

22 Q And you don't know how much that cost  
23 is, correct?

24 A That is correct.

25 Q And that cost would be saved in the

1 event of de-annexation, correct, to the best of your  
2 knowledge?

3 A To the best of my knowledge.

4 Q Now, you had indicated that the  
5 Tri-Boro does, quote, a fantastic job; is that  
6 accurate?

7 A Yes.

8 Q And you would expect that in the  
9 event that de-annexation occurs, they would still do  
10 a fantastic job, correct?

11 A Absolutely.

12 Q They're dedicated people to their  
13 task, correct?

14 A That is correct.

15 Q In fact, I think you described them  
16 as a good organization who stepped up to the plate  
17 during Superstorm Sandy; is that accurate?

18 A That is correct.

19 Q Where do you live, by the way?

20 A I live in Toms River.

21 Q On Main Avenue; is that right?

22 A That is not, no.

23 Q That's a different -- different  
24 relative or different person with your name. I just  
25 thought that -- I know somebody that lives up there.

1 Never mind. You don't have to tell me where you  
2 live. I thought I knew where you lived, but,  
3 apparently, I don't. Okay.

4 Are you concerned at all that if  
5 de-annexation occurs, that there'll be less tax  
6 dollars for the rest of the EMS in Berkeley  
7 Township?

8 A No, I'm not.

9 MR. MICHELINI: Okay. That's all I  
10 have. Thank you very much, sir. I don't know if  
11 anybody else has --

12 MR. WINWARD: Do you have anything,  
13 Stuart?

14 MR. WISER: I do. A couple  
15 questions.

16 MR. WINWARD: Go right ahead.

17 MR. WISER: Thank you. Be quick.

18 First of all, can you -- I know you  
19 testified about this back in, I guess it was,  
20 September. But can you give us a synopsis of what  
21 is the difference between the volunteer EMS service  
22 and the paid EMS service for Berkeley. I understand  
23 there's a paid EMS -- is there a paid EMS and a  
24 volunteer EMS?

25 MR. GEOGHEGAN: Yes, there is.

1 MR. WISER: And how does that work?  
2 what is the deviation of responsibilities?

3 MR. GEOGHEGAN: Pretty much the paid  
4 staff was put on to assist in areas of the township,  
5 particularly the senior community at night. In the  
6 Holiday City area, there's three volunteer first aid  
7 squads there. Again, staffed by seniors in that  
8 community. They do an excellent job providing  
9 coverage for their residents, except they don't want  
10 to come out at night. That, combined with lack of  
11 manpower, as every volunteer agency, whether it's  
12 fire or EMS across the nation are facing, you know,  
13 lifting people and whatnot. So, paid EMTs were  
14 hired to staff ambulances in Holiday City  
15 predominantly, but they do help out wherever needed,  
16 whether it's what we would consider the Bayville  
17 area. They have been called out mutually into Toms  
18 River. Toms River has helped out Berkeley. Maybe  
19 Berkeley's gone into Lacey. Lacey's come up to  
20 Toms River. So, pretty much wherever the call is.  
21 Although Berkeley Township is their primary response  
22 area.

23 MR. WISER: will they respond --  
24 geographically, is there overlap between Tri-Boro  
25 and your paid service?

1 MR. GEOGHEGAN: There is not.

2 MR. WISER: So, the township's paid  
3 service would not respond to South Seaside Park?

4 MR. GEOGHEGAN: It would not respond  
5 on an ordinary 911 call. Obviously, Tri-Boro is  
6 much closer. Toms River is closer. However, when  
7 Seaside Park did have the bombing event, we did send  
8 one of the paid rigs over there to assist.

9 MR. WISER: And that was all hands on  
10 deck?

11 MR. GEOGHEGAN: Yes, sir.

12 MR. WISER: Okay. Are you aware or  
13 can you tell us, in the last year, five years, how  
14 many times the paid service assisted Tri-Boro in  
15 South Seaside Park?

16 MR. GEOGHEGAN: I would have to say  
17 probably none. They did go to Seaside Park that one  
18 time to assist. And that was it, as far as I  
19 recall.

20 MR. WISER: Okay. You just had a  
21 conversation with Mr. Michelini about payment to  
22 Tri-Boro. You have no idea what they get paid; is  
23 that correct?

24 MR. GEOGHEGAN: I don't recall what  
25 it is --



1 MR. WISER: Do you know --

2 MR. GEOGHEGAN: -- if any.

3 MR. WISER: -- regardless of what the  
4 dollar value is, is it a -- do you know if it is a  
5 per call? Is it a stipend that could change year to  
6 year? Is it a contractual relationship? Is the  
7 fund set?

8 MR. GEOGHEGAN: Again, I don't  
9 believe it's a call basis. I believe, similar to  
10 the other squads, it may be based on call volume.  
11 It may be based on geographic area. I'm not sure  
12 how much they get compared to South Toms River first  
13 aid that covers a portion of Manitou Park. I'm  
14 unsure of that.

15 MR. WISER: As part of your  
16 responsibility, do you oversee Tri-Boro?

17 MR. GEOGHEGAN: No, sir, I do not.

18 MR. WISER: Am I correct in restating  
19 what you said earlier, that your responsibility is  
20 solely for the paid EMS?

21 MR. GEOGHEGAN: That is correct.

22 MR. WISER: So, if the paid -- if the  
23 paid EMS doesn't respond to South Seaside Park, you  
24 really have no role in South Seaside Park --

25 MR. GEOGHEGAN: You're absolutely --

1 MR. WISER: -- is that correct?

2 MR. GEOGHEGAN: Correct.

3 MR. WISER: Okay. I understand that  
4 now. Thank you. I don't have anything else.

5 MR. MCGUCKIN: I have one.

6 MR. MICHELINI: I have one follow-up.

7 MR. MCGUCKIN: If I could,  
8 Mr. Chairman.

9 MR. WINWARD: Sure. Go ahead.

10 EXAMINATION BY MR. MCGUCKIN:

11 Q I think the last question  
12 Mr. Michelini asked you, and I just didn't quite  
13 understand it, if you were concerned that if  
14 de-annexation occurs, that there would still be  
15 enough money for the other EMS services in town.  
16 Was that the -- do you recall that question?

17 A I do. And I believe he was referring  
18 to, like, there's several first aid squads in --  
19 that cover portions of Berkeley Township. One, of  
20 course, being Tri-Boro, Bayville First Aid, South  
21 Toms River First Aid, which does cover, as I said,  
22 part of Manitou Park or all of Manitou Park. And  
23 then you have three other agencies in the senior  
24 communities, that being Holiday City, Berkeley First  
25 Aid, Silver Ridge Park First Aid and

1 Holiday Heights. There's six squads that all cover  
2 a piece of Berkeley Township. Very similar to  
3 Toms River, there's also a paid and five different  
4 first aid squads that assist.

5 Q And the volunteer squads, you  
6 believe, receive some type of a stipend or payment  
7 from the town, but you don't know what that is?

8 A That's correct. And I'm not sure if  
9 it's an arrangement with fuel, maintenance, a  
10 physical check handed to them. Again, early on,  
11 when there was different meetings, those discussions  
12 came up, but it really didn't concern me and paid  
13 staff, so --

14 Q I guess the only follow-up I have,  
15 then is, but you're not talking about what the  
16 impact of the rate loss, ratable loss would be for  
17 the township and whether they could continue to  
18 afford those type of payments to the volunteer  
19 squads, right? That's not an analysis that you did?  
20 And you didn't mean that as part of your answer; is  
21 that correct?

22 A That is correct.

23 MR. MCGUCKIN: All right. Thank you.

24 MR. BACCHIONE: Through the Chair. I  
25 have a question for Mr. Geoghegan.

1 MR. GEOGHEGAN: Yes.

2 MR. BACCHIONE: In the event of a  
3 de-annexation, if de-annexation should happen, will  
4 Tri-Boro still cover Pelican Island?

5 MR. GEOGHEGAN: Again, I can't answer  
6 for them. But I wouldn't see why they would not  
7 cover that, and continue to cover everything that  
8 they're covering now right through to Island Beach  
9 State Park.

10 MR. BACCHIONE: For -- Mr. Michelini,  
11 if you don't mind me answering one of the questions  
12 you asked Mr. Geoghegan regarding the payment to  
13 Tri-Boro.

14 MR. MICHELINI: Go ahead.

15 MR. BACCHIONE: I'm on the --  
16 actually, I'm the chairman of the finance committee  
17 for the town council. Been on it for five years.  
18 And I believe there's a donation we make every year  
19 to Tri-Boro. And I believe it's the same amount. I  
20 don't have that exact amount. But I believe every  
21 year, it's the same amount. But we don't pay other  
22 than a donation.

23 MR. MICHELINI: I brought it up  
24 because Mr. Geoghegan had testified about it in his  
25 direct, that there would be some kind of a savings

1 that I, obviously, pointed out to him and he forgot.  
2 But that's why I brought it up.

3 MR. BACCHIONE: I just wanted to --

4 MR. MICHELINI: Yep.

5 MR. BACCHIONE: -- maybe clear that  
6 up a bit.

7 MR. WINWARD: I actually just had one  
8 quick question, Mr. Geoghegan. So, I assume by your  
9 testimony that you really don't get involved in the  
10 budget process with Tri-Boro?

11 MR. GEOGHEGAN: No, sir, not at all.

12 MR. WINWARD: Okay. So, that's why  
13 you have no knowledge?

14 MR. GEOGHEGAN: Correct.

15 MR. WINWARD: That explains it. I  
16 just wanted to clarify that.

17 MR. GEOGHEGAN: My brief conversation  
18 with Tri-Boro was, actually, right after  
19 Hurricane Sandy, Tri-Boro probably would have gone  
20 bankrupt, belly up, with the island being what it  
21 was. An arrangement was made when mayor and  
22 council -- and the right decision at that time -- to  
23 delay the startup of the paid program. And we moved  
24 Tri-Boro through a agreement with the first aid  
25 squads. I don't know if there was anything formal

1 with the town. But Tri-Boro First Aid Squad handled  
2 Holiday City of Berkeley for two years. And it  
3 really kept, you know, Tri-Boro safe.

4 BY MR. MICHELINI cont'd:

5 Q Wait a second. You're saying that  
6 Tri-Boro would have gone bankrupt, but at the same  
7 time, you're saying you don't know their finances.

8 A Well, and that's correct. By that, I  
9 mean --

10 Q Okay.

11 A -- obviously, there was no one on the  
12 barrier island after Sandy for a period of time.  
13 You know, the island was, you know, not populated  
14 with residents and whatnot.

15 Q When were residents allowed back in?

16 A That I'm not sure, sir.

17 Q So, you don't know when they would  
18 have been back in. Tri-Boro is supported how, do  
19 you know?

20 A Tri-Boro, most like other paid  
21 squads, or even a MONOC, you know, they bill  
22 insurance for reimbursement. So, it's a, based on a  
23 per call. And it's not the same amount per call.  
24 Obviously, some people have good insurance, some  
25 don't. And we're still going to -- you call 911,

1 we're still going to come, take care of you, take  
2 you to the hospital.

3 Q Right.

4 A Through that, I do know Marie Rice  
5 personally told me -- and, again, I don't --  
6 Marie Rice is the captain or chief of Tri-Boro first  
7 aid. You know, she's told me in person, again, I  
8 don't know what the dollar figure is or anything,  
9 that if it wasn't for, you know, going into Holiday  
10 City, Berkeley Township, you know, she doesn't know  
11 what they would have done.

12 Q Okay. But she never said, we were  
13 going to go bankrupt? Did they ever consult a  
14 bankruptcy attorney?

15 A That I don't know.

16 Q Right. So, that's speculation on  
17 your part that they would have gone bankrupt; isn't  
18 that correct?

19 A I would say probably more than  
20 speculation but --

21 Q what financial proof do you have?

22 A I don't have any documents, as you  
23 can see.

24 Q No documents, no financial proofs  
25 that they would have gone bankrupt, correct?

1           A           That's correct, sir.

2           Q           Okay. And this is a squad that's  
3 been around since the '30s, correct, or thereabouts?

4           A           Probably, yes, sir.

5           Q           And there have been other storms and  
6 other things to -- over the years, some very bad  
7 storms, maybe not as bad as Superstorm Sandy, but  
8 many storms over the years that they've weathered,  
9 correct?

10          A           None as bad as Sandy, that's correct.

11          Q           But they've made it and they're still  
12 here and it's almost a hundred years. So, isn't it  
13 accurate to say that you really don't have any basis  
14 in finance to say that they would have gone  
15 bankrupt?

16          A           Only for the statements from  
17 Marie Rice to myself.

18          Q           So, you're relying upon what somebody  
19 else told you, some hearsay statement of someone  
20 else, correct?

21          A           Correct. Someone that knows her  
22 organization, yes.

23                   MR. MICHELINI: All right. Thank  
24 you.

25                   MR. WISER: I just have one more.



1 MR. WINWARD: Go ahead.

2 MR. WISER: Just a follow-up

3 question.

4 Did I hear you correctly to say that,

5 in addition to South Seaside Park and the other

6 towns, Tri-Boro does cover Pelican island?

7 MR. GEOGHEGAN: Yes, sir.

8 MR. WISER: Okay. Thank you.

9 MR. WINWARD: Thank you for your  
10 testimony.

11 MR. MICHELINI: Thank you, sir.

12 (Witness excused.)

13 MR. WINWARD: Next up we're going to  
14 have testimony from the township. I don't know, do  
15 you want to run through any of that, Mr. Camera?

16 MR. CAMERA: Sure, if it's okay.

17 MR. WINWARD: Sure.

18 MR. CAMERA: I haven't done that  
19 before. Should I just introduce?

20 MR. MCGUCKIN: Just introduce.

21 MR. CAMERA: Yeah. Sure. So, we'd  
22 like to first just present our Director of Public  
23 works and Principal Public works Manager,  
24 Steve Seiler.

25 STEVEN SEILER, having been duly sworn, according to

1 law, upon his oath, testified as follows:

2 MR. SEILER: Hi there.

3 MR. WINWARD: Go ahead.

4 MR. SEILER: Go ahead, what?

5 MR. WISER: Maybe I can just sort of  
6 facilitate.

7 MR. SEILER: Ask me a question.

8 MR. WISER: You're aware that over  
9 the course of the beginning portion of these  
10 hearings, that the petitioners have made some  
11 assertions that the service that Public works  
12 Department provides to South Seaside Park is less  
13 than adequate, in their minds. Do you have anything  
14 to say to respond to that?

15 MR. SEILER: I don't believe that's  
16 true, number one. We provide numerous services for  
17 the whole town. And we treat everybody equally.  
18 There's no favoritism as far as street cleaning,  
19 snow plowing, taking care of the drainage systems.  
20 It's all equal.

21 MR. WINWARD: Do you have any other  
22 questions?

23 MR. WISER: Well, maybe the best  
24 way -- so, do you have an affirmative presentation  
25 to give the board or are you just here to react to

1 questions?

2                   MR. SEILER: well, I have some  
3 documentation for the street cleaning program, snow  
4 plowing programs. You had some questions on the  
5 county roads and municipal roads. I have that.

6                   MR. WISER: why don't you walk  
7 through those, each of those.

8                   MR. SEILER: Okay. I do have a  
9 street cleaning program here. Covers the whole  
10 town, shows it's all equal. It's every two months  
11 throughout the whole town. I can submit that.

12                   MR. WISER: And what is -- what does  
13 that street cleaning entail in terms of tasks?

14                   MR. SEILER: The street cleaner goes  
15 over and does a section of town. It's there for a  
16 week. Also checks the catch basins. And then every  
17 two months, we go back to the same area. Four times  
18 a year, throughout the whole town. This is the  
19 breakdown for the whole town for the first round.

20                   MR. MCGUCKIN: why don't we mark  
21 that.

22                   (The street cleaning schedule was  
23 marked as T-26 for identification.)

24                   (The Resolution dated August 1, 2012  
25 was marked as T-27 for identification.)

1 (The Attachment to resolution was  
2 marked as T-28 for identification.)

3 (The Snow plowing procedures was  
4 marked as T-29 for identification.)

5 (The Snow plowing procedures more  
6 in-depth was marked as T-30 for identification.)

7 (Off the record.)

8 MR. MCGUCKIN: Okay. So, T-26 is  
9 your street cleaning schedule?

10 MR. SEILER: Correct.

11 MR. MCGUCKIN: T-27 is a resolution  
12 dated August 1, of 2012; is that correct?

13 MR. SEILER: That's correct.

14 MR. MCGUCKIN: What would you call  
15 T-28?

16 MR. SEILER: T-28 is attached to this  
17 resolution, T-27, showing the transfer of county  
18 roads and township roads on August 30, 2012.

19 MR. MCGUCKIN: That's a schedule  
20 of --

21 MR. SEILER: It's --

22 MR. MCGUCKIN: -- of the roads?

23 MR. SEILER: It's attached -- this is  
24 attached to the resolution. T-28 is attached to  
25 T-27.

1 MR. MCGUCKIN: And what else?

2 MR. SEILER: It's a resolution  
3 showing the transfer of those roads.

4 T-29 is our snow plowing procedures,  
5 which is, explains everything, what we do. And T-30  
6 is also the same thing. We advertise this on  
7 Channel 22. We also put it in the Berkeley Patch.  
8 And it's available on our website.

9 MR. WISER: Sir, you said the last  
10 two -- okay. The last two you said are the same  
11 thing. Can you just be a little more descriptive?

12 MR. SEILER: Okay. T-29 is the snow  
13 plowing procedures for my employees and contractors.  
14 Spelled it all out. T-30 is more procedures but  
15 more in-depth.

16 MR. WISER: Okay.

17 MR. SEILER: And this is for the  
18 whole town, not just one section.

19 MR. WISER: The first document has to  
20 do with street cleaning, correct?

21 MR. SEILER: T-26.

22 MR. WISER: T-26. And you went  
23 through that for us before we stopped to have  
24 everything marked?

25 MR. SEILER: Correct.

1                   MR. WISER: The testimony has been  
2 that the roads in South Seaside Park are not  
3 cleaned. You said, based on that procedure, they're  
4 cleaned every, is it --

5                   MR. SEILER: Every two months.

6                   MR. WISER: Two months. Is that  
7 procedure circumvented at all if there is a, say, a  
8 storm event or a tide event where you might have a  
9 lot of debris washed up on the --

10                  MR. SEILER: Yes, it is weather  
11 permitting. Weather permitting.

12                  MR. WISER: So, if there's a storm  
13 event that may wash up sand, you would stop whatever  
14 the calendar procedure is and go and address that  
15 issue?

16                  MR. SEILER: That's correct.

17                  MR. WISER: Does that happen fairly  
18 regularly?

19                  MR. SEILER: The schedule -- what,  
20 storms?

21                  MR. WISER: In terms of when you have  
22 to circumvent that particular schedule to address an  
23 emergency situation?

24                  MR. SEILER: At times. At times.

25                  MR. WISER: The second exhibit was

1 related to what?

2 MR. SEILER: The resolution  
3 transferring county roads and township roads. Swap,  
4 so to speak.

5 MR. WISER: Swap. And that was a  
6 fairly significant piece of testimony that the  
7 petitioners thought was important to get into the  
8 record.

9 MR. MICHELINI: I'm going to object  
10 to the characterizations by Mr. Wisser, I mean, as to  
11 what petitioners thought or what they didn't think,  
12 whether something's significant. That's up to the  
13 petitioners. That's not his --

14 MR. WISER: Well --

15 MR. MICHELINI: That's totally  
16 inappropriate. If he wants to ask a question, he  
17 can ask a question.

18 MR. WISER: The petitioner certainly  
19 felt it was necessary to make comments about roads  
20 that were county roads that had not -- that are no  
21 longer county roads. I meant no disrespect, nor was  
22 I pointing to any motivation. It was something that  
23 they felt was necessary to testify to.

24 MR. MICHELINI: I'm just saying that  
25 the comment is kind of out of order. If you want to

1 ask a question, ask a question, but --

2 MR. WISER: Well, I'm trying to ask  
3 the question, if you would let me ask the question.

4 MR. MICHELINI: Excuse me. There's  
5 no need to characterize what the petitioners have  
6 said. Just, if you want to say what they said  
7 within the testimony, that's fine. But to  
8 characterize it is improper. Just the ask the  
9 question.

10 MR. MCGUCKIN: Well, to be fair,  
11 Mr. Chairman --

12 MR. WINWARD: Yes.

13 MR. MCGUCKIN: -- Mr. Michelini also  
14 characterized some questions in his questioning of  
15 Mr. Geoghegan. But I don't think it's  
16 inappropriate. It's up to the Chair to decide  
17 what's appropriate or not.

18 MR. WINWARD: I think just try to do  
19 it without passing judgment --

20 MR. WISER: I'm trying to ask the  
21 question.

22 MR. WINWARD: -- in any way.

23 MR. WISER: I'm not passing judgment.  
24 It was something that they felt they wanted to put  
25 on the record. They put it on the record. Now I'm



1 asking about it.

2 MR. WINWARD: Okay.

3 MR. WISER: Do you know -- so, you  
4 have in that resolution, which we haven't seen, so  
5 I'm trying to understand it sight unseen, what --  
6 certain roads that were township roads that went to  
7 become county roads and vice versa?

8 MR. SEILER: Correct.

9 MR. WISER: Do you know why those  
10 swaps took place?

11 MR. SEILER: No.

12 MR. WISER: Okay. Do they result in  
13 any changes in how your department addresses its  
14 functions in South Seaside Park?

15 MR. SEILER: No.

16 MR. WISER: Is it an equivalent swap  
17 road footage or mileage for road footage or mileage?

18 MR. SEILER: Yes, exactly.

19 MR. WISER: Do you know who may be  
20 able to answer the question as to why that took  
21 place?

22 MR. SEILER: I think could be  
23 answered to our engineering department.

24 MR. WISER: Okay. Okay. Does it --  
25 your next two exhibits relate to snow plowing?

1 MR. SEILER: Yes.

2 MR. WISER: Can you walk us through  
3 those, please?

4 MR. SEILER: Okay. I'll read it.  
5 First, the employees are supposed to stop in the  
6 garage for their assignments. The main arteries and  
7 intersections are plowed first. They plow curb to  
8 curb without hitting mailboxes or curbs. They clean  
9 as wide as possible without hitting fire hydrants.  
10 And they must also call in for all assigned breaks.

11 This is to my employees.

12 MR. WISER: For all -- I'm sorry, for  
13 all, the last thing?

14 MR. SEILER: This is for all my  
15 employees.

16 MR. WISER: No, the last thing you  
17 said, for all, they call in for all?

18 MR. SEILER: Assigned breaks.

19 MR. WISER: Assigned breaks. Okay.  
20 I'm sorry. The next one?

21 MR. SEILER: This, the second one,  
22 basically, tells our residents what we're doing.  
23 Four to five inches of snow, we start plowing snow.  
24 Icy conditions, of course, we sand accordingly. We  
25 have about 70 pieces in-house and about 30

1 contractor loaders that we also put on.

2                   Each vehicle is assigned a section.

3 And they plow that section until it's done, even if  
4 it's done two or three times. You get a four-inch  
5 snowstorm, 12-inch snowstorm, 20-inch snowstorm,  
6 it's repetitious. You keep going back over the same  
7 run. That's why it's time consuming. And then,  
8 basically, it just gives the ordinance number and  
9 stuff like that.

10                   MR. WISER: Do you have apparatus,  
11 plows or whatever pieces of equipment that are  
12 dedicated to South Seaside Park?

13                   MR. SEILER: Yes.

14                   MR. WISER: Do you know what those  
15 pieces are?

16                   MR. SEILER: Well, not by number.  
17 But it's usually two trucks and a loader. Three  
18 pieces all the time.

19                   MR. WISER: Can you describe for  
20 us -- and I apologize, but not having the  
21 opportunity to see those exhibits or anything, you  
22 said two trucks and a loader?

23                   MR. SEILER: Two dump trucks and a  
24 loader, yes.

25                   MR. WISER: So, the dump trucks are

1 fitted with a plow?

2 MR. SEILER: Yes.

3 MR. WISER: And the loader is a  
4 construction piece of equipment with a big bucket on  
5 the front that --

6 MR. SEILER: Correct.

7 MR. WISER: And they are assigned to  
8 South Seaside Park for the duration of an event?

9 MR. SEILER: Correct.

10 MR. WISER: And keep working South  
11 Seaside Park --

12 MR. SEILER: Over and over.

13 MR. WISER: Do they -- does that  
14 sector include Pelican Island?

15 MR. SEILER: Yes.

16 MR. WISER: You say that you wait  
17 unless there's -- protocol is to wait until there's  
18 five inches?

19 MR. SEILER: Four to five inches.

20 MR. WISER: Four to five inches.

21 MR. SEILER: And then we look at the  
22 forecast, of course.

23 MR. WISER: And why is that?

24 MR. SEILER: Well, we're not going to  
25 plow two inches of snow and wait till we get four to

1 five inches of snow to start. And then if the  
2 forecast is for a foot, at least we have six inches  
3 off. And then we'll start again, another six inches  
4 and continue. The time we have a problem is if we  
5 have breakdowns.

6 MR. WISER: Does that happen fairly  
7 often?

8 MR. SEILER: Yes. Once you have a  
9 breakdown, it delays.

10 MR. WISER: Do you pre-position the  
11 equipment in South Seaside Park depending on the  
12 forecast?

13 MR. SEILER: Not the trucks. The  
14 loader we do.

15 MR. WISER: The trucks come from?

16 MR. SEILER: The trucks are ours.  
17 The trucks are ours. The contractor brings the  
18 loader over there and stages it.

19 MR. WISER: So --

20 MR. SEILER: Prior to the snowstorm.

21 MR. WISER: So, in South Seaside  
22 Park, it is a combination of township --

23 MR. SEILER: In-house --

24 MR. MICHELINI: -- personnel and --

25 MR. SEILER: -- yes. In-house and

1 contractor.

2 MR. WISER: And is that the same mix  
3 that you have elsewhere in the township?

4 MR. SEILER: Yes.

5 MR. WISER: How long would it take to  
6 do a, if you know, a single pass through  
7 South Seaside Park, to do all of South Seaside Park  
8 once?

9 MR. SEILER: Could take 12 to 24  
10 hours, depending on accumulation.

11 MR. WISER: To do one pass through  
12 the neighborhood?

13 MR. SEILER: To do the whole town,  
14 yes.

15 MR. WISER: Okay. Are there priority  
16 streets within South Seaside Park that some get done  
17 first, some get done second?

18 MR. SEILER: No, not South Seaside,  
19 no.

20 MR. WISER: That is all I have based  
21 on those exhibits.

22 I do have a number of other  
23 questions. I don't know whether it makes sense for  
24 other people to ask questions based on those  
25 exhibits or for me to move forward with additional

1 questions.

2                   MR. WINWARD: I just have one quick  
3 question, Mr. Seiler. For the county roads, you had  
4 talked about the swap. If it's now a county road,  
5 is that still under your jurisdiction --

6                   MR. SEILER: No.

7                   MR. WINWARD: -- to plow and clean?

8                   MR. SEILER: No.

9                   MR. WINWARD: And is there any county  
10 roads left in South Seaside Park?

11                  MR. SEILER: Two.

12                  MR. WINWARD: Okay. So, that --

13                  MR. SEILER: Barnegat and 24.

14                  MR. WINWARD: So, that means that if  
15 there's snow, that you don't take care of them, the  
16 county would have to come out and do that?

17                  MR. SEILER: That's correct.

18                  MR. WISER: So, in addition to your  
19 three pieces of equipment, there is some number of  
20 county equipment that are there at the same time?

21                  MR. SEILER: We try to be there at  
22 the same time.

23                  MR. WISER: what I'd like to do is to  
24 go through just some of the testimony and ask for  
25 your reaction.

1 MR. SEILER: Okay.

2 MR. WISER: Do you have anything to  
3 do with roads being repaved?

4 MR. SEILER: I recommend.

5 MR. WISER: There is testimony on  
6 behalf or by the petitioners that roads in  
7 South Seaside Park don't get repaved.

8 MR. MICHELINI: Can you cite a  
9 transcript and person testifying rather than just  
10 generally?

11 MR. WISER: I can cite, just from my  
12 notes, Mr. Whiteman and Mr. Schwartz. I don't have  
13 a specific transcript number or chapter and verse on  
14 that, but --

15 MR. MICHELINI: I'm going to object  
16 because, you know, without -- to just say, well,  
17 they said roads didn't get paved is so general --

18 MR. WISER: Well --

19 MR. MICHELINI: Excuse me. It's so  
20 general that it could easily be a  
21 mischaracterization of testimony. If you want to  
22 ask about specific testimony and say, well,  
23 petitioner, you know, a petitioner, this petitioner  
24 said X on this date, fine, no problem. But the  
25 generalization could easily mischaracterize



1 something. We've had so many hearings, nobody's  
2 going to be able to go back and check until  
3 afterwards. And so, it's unfair to allow to proceed  
4 in that fashion.

5 MR. MCGUCKIN: Mr. Chairman, I would  
6 strongly disagree. I would strongly disagree. I  
7 don't believe what Mr. Micheline is suggesting is  
8 appropriate in any way. I believe Mr. Wiser has the  
9 right -- I'm sorry.

10 MR. WINWARD: I know we've all heard  
11 that, that testimony. I can't remember which date  
12 it was either, but --

13 MR. WISER: Well, I can tell you that  
14 on some date, which I do not have, the testimony of  
15 Mr. Robert Schwartz said, I live on 20th Avenue.  
16 20th Avenue is the main street to the beach. And  
17 that's -- pardon me. And that's -- all the  
18 emergency vehicles have to use. Because it is the  
19 only access over the dunes to get onto the beach  
20 from there. So, it's very, very highly used. It's  
21 a popular street. It hasn't been paved. According  
22 to my calculations, nobody alive knows the last time  
23 it was paved. I've checked with people. My  
24 neighbors. I can track it back to at least 1965.  
25 It wasn't paved since then. So, it's been a good 50

1 years or more. I do have pictures to support that.  
2 The condition of this road is very questionable. I  
3 mean, it's just totally worn out. It's just a mess.

4 I think that sort of gives the flavor  
5 of what is being --

6 MR. MICHELINI: And I have no  
7 objection to that specific type of reference.

8 That's fine. I didn't like the general reference.

9 MR. WISER: April 2, for the record.

10 MR. SEILER: What year?

11 MR. WISER: Well, the testimony would  
12 have been --

13 MR. SEILER: Oh, okay.

14 MR. WISER: -- April 2, 2015. But I  
15 think that characterizes -- that characterizes, at  
16 least for that road. I know there has been  
17 testimony -- Mr. Michellini is going to object to  
18 this. I know there's been testimony for other  
19 roads. I think Roberts Avenue was one of them. But  
20 we'll -- do you -- do you -- you recommend roads to  
21 be paved?

22 MR. SEILER: Yes.

23 MR. WISER: That recommendation goes  
24 to whom?

25 MR. SEILER: It goes to

1 administration.

2 MR. WISER: Administration. And they  
3 act on it or don't act on it?

4 MR. SEILER: Correct. And if a road  
5 doesn't get done on my recommended list, it gets  
6 pushed to the next year until it does get done.  
7 Just gets pushed forward and forward.

8 MR. WISER: In your experience, is it  
9 likely that a particular road would not have been  
10 done in 50 years?

11 MR. SEILER: It's possible. In this  
12 town, there's a lot of roads that haven't been done  
13 in 50 years.

14 MR. WISER: Okay. That's fair.

15 MR. WINWARD: I have a question. If  
16 you recommended then, who actually does the  
17 repaving? Do we hire a contractor --

18 MR. SEILER: Yes.

19 MR. WINWARD: -- to come in?

20 MR. SEILER: Yes. God forbid and  
21 it's --

22 MR. WISER: It would be part of a  
23 standard municipal road improvement program?

24 MR. SEILER: Yes, through a bond  
25 ordinance.

1                   MR. WISER: There was -- do you have  
2 anything to do with the provision of recycling  
3 containers?

4                   MR. SEILER: That's my partner over  
5 here. He's coming up next.

6                   MR. WISER: Okay. Fair. I'll wait.  
7                   Do you have responsibility for when  
8 trash is picked up?

9                   MR. SEILER: My partner next.

10                  MR. WISER: Okay. Do you have  
11 responsibility for any kind of debris or an unkept  
12 nature of the bay beach and the waters that lead  
13 from the bay beach?

14                  MR. SEILER: Yes.

15                  MR. WISER: There has been testimony,  
16 considerable testimony, some from Mr. Whiteman, some  
17 from Mrs. Fulcomer, some from Mrs. Dolobacs and from  
18 a -- I'm going to butcher the name, I apologize in  
19 advance -- Shalayda, Janet Shalayda, that there  
20 is -- that there is a lot of debris on the bay  
21 beach. There's rocks, there's construction debris.  
22 There is what at least one petitioner spoke to as  
23 illegal dumping. There is unkept vegetation. Is  
24 that -- would that be under your responsibility?

25                  MR. SEILER: That would be under

1 Parks and Beaches.

2 MR. WISER: Parks and Beaches? So --

3 MR. SEILER: Yes.

4 MR. WISER: Okay.

5 MR. SEILER: They're coming up.

6 MR. WISER: Do you have anything to  
7 do other than -- the parks that might be in  
8 South Seaside Park or anywhere in the township, do  
9 you have the responsibility to maintain those or is  
10 that somebody else?

11 MR. SEILER: That's Parks and Beaches  
12 also.

13 MR. WISER: Park and Beaches, okay.

14 There were exhibits, this particular  
15 exhibit that I'm referring to is A-11, and testimony  
16 around that exhibit that shows particular roads, it  
17 shows a vista of Seaside Park and South Seaside Park  
18 where Seaside Park is -- roads appear clear from  
19 snow. And South Seaside Park, the roads are not.  
20 Can you in any way react to why that might happen or  
21 why that might be?

22 MR. SEILER: Do you have a year on  
23 that? I mean, the only thing I could see is  
24 breakdowns. Like I said before, if we have a  
25 breakdown or two, it slows the whole process down.

1                   MR. WISER: The only date I have is  
2 the winter of 2012/2013. So, again, breakdowns  
3 would --

4                   MR. SEILER: 2012 we were there.

5                   MR. WISER: You said sanitation is  
6 not --

7                   MR. SEILER: Is my partner.

8                   MR. WISER: Your partner, okay.  
9                   were you involved in any of the  
10 improvements or repairs, renovations, what have you,  
11 that were made after Superstorm Sandy?

12                  MR. SEILER: Yes.

13                  MR. WISER: There is a comparison  
14 that was made that the beach infrastructure, and by  
15 that I mean, combination of the dunes and the  
16 entranceways to the beach and some of the other  
17 related man-made improvements, were repaired much  
18 more quickly in Seaside Park than they were in  
19 South Seaside Park.

20                  MR. SEILER: I wasn't involved in  
21 that. That was contracted out.

22                  MR. WISER: Contractor, okay. Do you  
23 have any idea how much the township paid for the  
24 beach related improvements?

25                  MR. SEILER: No.

1 MR. WISER: Mr. Chairman, at this  
2 point, I don't think I have anything else.

3 MR. MCGUCKIN: I have a couple.

4 MR. WINWARD: Okay. Sure. Go ahead,  
5 Greg.

6 EXAMINATION BY MR. MCGUCKIN:

7 Q Getting back to the plowing briefly.  
8 I think you said that when a snow event occurs, the  
9 employees and/or contractors report to your facility  
10 and then they're assigned particular sectors?

11 A Correct.

12 Q Do you divide the town up into  
13 sectors each year or is there a plan for how snow  
14 plowing is done that's been in place for a while?

15 A Yes, there is a plan.

16 Q Okay. And how many sectors are  
17 there?

18 A Numerous.

19 Q More than a dozen?

20 A Yes.

21 Q More than two dozen?

22 A Yes.

23 Q Okay. So, there's a lot. And one of  
24 those sectors is South Seaside Park?

25 A Correct.

1 Q And Pelican Island is considered the  
2 same sector?

3 A Correct.

4 Q And is each sector different? Is it  
5 determined by how many streets there are? How many  
6 miles of roadway? Or how is it determined, each  
7 sector?

8 A Well, if you want to take Holiday  
9 City and Silver Ridge, for example, we normally have  
10 about 20 trucks up there and about 20 loaders to  
11 cover the whole area.

12 Q How many streets and roads is that?

13 A Numerous. There's about 300  
14 cul-de-sacs alone.

15 Q And how long have you been in charge  
16 of the snow plowing and so forth in Public works?

17 A 1995.

18 Q And is there any difference between  
19 the way the procedures are done on the mainland as  
20 opposed to the procedures that are done on  
21 South Seaside Park with respect to snow plowing?

22 A No difference.

23 Q Are they done in generally the same  
24 amount of time?

25 A Yes.



1           Q           Is there -- there's no difference  
2 whatsoever, as far as you can tell, other than  
3 perhaps a breakdown?

4           A           Or an accumulation.

5           Q           Okay. So, if you have a foot of  
6 snow, it will take longer to do than five inches,  
7 obviously?

8           A           Of course.

9           Q           But the foot would apply township  
10 wide, correct?

11          A           Not necessarily.

12          Q           Okay. So, the town's large enough  
13 where you could get different types of --

14          A           Correct.

15          Q           -- precipitation as opposed to  
16 others?

17          A           Correct.

18          Q           But from your perspective, as the  
19 Director of Public Works, with respect to snow  
20 plowing, each section is treated the exact same way?

21          A           That's correct.

22          Q           Each sector is determined and the  
23 equipment is assigned based upon the number of roads  
24 and distance that would have to be plowed; is that  
25 correct?

1           A           That's correct.

2           Q           With respect to the paving of the  
3 roads, you make recommendation as to which roads.  
4 You do that on priority list, basically, you try to  
5 keep track of which of the roads --

6           A           Yes, it's done annually.

7           Q           And you make recommendations for  
8 repaving of the roads throughout the town?

9           A           Correct.

10          Q           Some in Seaside -- South Seaside  
11 Park, some in the mainland, some in Pelican Island?

12          A           That's correct.

13          Q           And there's no -- have you ever been  
14 instructed not to include roads from South Seaside  
15 Park?

16          A           No.

17          Q           And who makes the determination? who  
18 determines which are the worst roads?

19          A           Well, I make a recommendation. And  
20 the engineer's office reviews it, goes to the  
21 administration, and then it goes from there.

22          Q           And have you recommended certain  
23 roads in South Seaside Park to be repaved?

24          A           Yes, as a matter of fact, we're  
25 paving 23rd and 24th this year.

1 Q How about before this year?

2 A Yes.

3 Q And have they been paved in similar  
4 proportion to the rest of the town?

5 A Yes, numerous roads have been paved  
6 over in South Seaside.

7 Q In the years you've been the Director  
8 of Public Works, has the township ever not provided  
9 the same services in South Seaside Park from your  
10 department that it has provided to the rest of the  
11 town?

12 A We provide the same service  
13 throughout the town.

14 Q In the same manner?

15 A In the same manner.

16 MR. MCGUCKIN: Thank you.

17 MR. SEILER: You're welcome.

18 MR. WINWARD: I have two questions  
19 from the board and then Stu has another question.

20 MR. BELL: My question is relative to  
21 the normal cleaning you do. I think you said four  
22 times a year.

23 MR. SEILER: Street cleaning, yes.

24 MR. BELL: Unless a storm backs  
25 things up?

1 MR. SEILER: Correct.

2 MR. BELL: When that day gets  
3 delayed, when do you get back to continue that day  
4 to complete it?

5 MR. SEILER: Right after.

6 MR. BELL: Okay. So, it does get  
7 done?

8 MR. SEILER: Yes.

9 MR. BELL: Thank you.

10 MR. BACCHIONE: Mr. Seiler, you have  
11 knowledge of the dune system in South Seaside Park  
12 of Berkeley Township?

13 MR. SEILER: Some.

14 MR. BACCHIONE: How did the dune  
15 system perform during Sandy to -- how did -- let me  
16 finish. How did the dune system perform during  
17 Sandy, as far as keeping the streets from flooding  
18 or keeping the streets from washing out to sea?

19 MR. SEILER: I believe very well, in  
20 my opinion very well.

21 MR. BACCHIONE: All right. Thank  
22 you.

23 MR. WINWARD: One more question.

24 Brian.

25 MR. GINGRICH: Mr. Seiler, to really

1 put this real nice, the whole town is equal,  
2 correct?

3 MR. SEILER: That's correct.

4 MR. GINGRICH: Thank you.

5 MR. WISER: You had mentioned that  
6 the snow schedule, one of the exhibits or both of  
7 the snow related exhibits, were placed on  
8 channel 22?

9 MR. SEILER: That's correct.

10 MR. WISER: I understand that there  
11 are two different cable systems that serve mainland  
12 versus -- one serves mainland versus one serving the  
13 island. Is channel 22 received on the island?

14 MR. SEILER: I don't know that.

15 MR. CALLAHAN: No.

16 MR. WISER: Berkeley Patch is the  
17 web-based news service?

18 MR. SEILER: Yes, we do have a  
19 website also.

20 MR. WISER: You have a website. So,  
21 that would not be geographically limited, those two  
22 items?

23 MR. SEILER: Right.

24 MR. WISER: And, lastly, and I didn't  
25 ask this of you, I asked this of pretty much

1 everybody else, should de-annexation occur, how do  
2 you see your job changing?

3 MR. SEILER: I don't see it changing  
4 at all. We're a big operation. Cover the whole  
5 town.

6 MR. WISER: Okay. Thank you.

7 MR. BACCHIONE: Through the chair.  
8 Mr. Seiler, this is the last question. Did we just  
9 pave 23rd?

10 MR. SEILER: Yes.

11 MR. BACCHIONE: And parts of 24th?

12 MR. SEILER: Yes.

13 MR. BACCHIONE: Okay. Thank you.

14 MR. WINWARD: Seeing there's no more  
15 questions at this time, thank you so much,  
16 Mr. Seiler.

17 MR. MICHELINI: I have questions. I  
18 don't know if you --

19 MR. WINWARD: You want to  
20 cross-examine?

21 MR. MICHELINI: Yeah, I have  
22 cross-examination.

23 MR. WINWARD: Go ahead.

24 MR. MICHELINI: Do you want to do  
25 that now or do you want to take a break? It's up to

1 you.

2 MR. WINWARD: No, we're good.

3 EXAMINATION BY MR. MICHELINI:

4 Q Okay. Mr. Seiler, how did it come  
5 about that you were asked to testify? who did that?

6 A Administration.

7 Q who in the administration?

8 A Mr. Camera.

9 Q And what did he tell you?

10 A He showed me a copy of the  
11 transcripts and asked me to testify.

12 Q He showed you a copy of the  
13 transcripts?

14 A Yes.

15 Q Do you have those transcripts with  
16 you here today?

17 A No.

18 Q Okay. what -- there's probably 20 or  
19 30 transcripts by count. I mean, I have a whole  
20 folder of them. Do you know if they were annotated  
21 transcripts? In other words, they had comments on  
22 them and markings, typewritten comments about the  
23 testimony, or don't you know?

24 A I don't know.

25 Q Do you know where Mr. Camera got

1 those transcripts from?

2 A I don't know.

3 Q what transcripts did he show you?

4 From what testimony?

5 A I just got them all, the whole book.

6 Q Got the whole book? One book?

7 A Yeah.

8 Q Just one book?

9 A Yes. Yes.

10 Q Okay. well, I'm going to show you  
11 some transcripts. And I'll ask you if they look  
12 like this. Do they look like this? Because this is  
13 a transcript from a hearing, I'll represent to you,  
14 from November 3rd. This is all the testimony that  
15 was given on November 3rd. Did it look like this?

16 A No.

17 Q Okay. So, where is the whole book of  
18 transcripts that you got?

19 A It's in my office. In my office.

20 Q Did it look more like --

21 A Yes.

22 Q -- like this?

23 A Yes.

24 Q Okay.

25 MR. MICHELINI: And let the record



1 reflect I'm showing annotated transcripts. In fact,  
2 we can have this marked, if you like. It's an  
3 annotated transcript that was prepared by Mr.  
4 Wiser's office that was furnished to me, I believe,  
5 actually, in error, that one day your staff person  
6 brought it down.

7                   we can mark that.

8                   (The Annotated transcript was marked  
9 as A-71 for identification.)

10           Q           What I'm going to show you, and I'm  
11 not going to represent that this is the entire  
12 transcript, because I don't believe that it is, but  
13 I just -- I'm more interested in the form. This is  
14 the type of form that you saw, correct? Maybe not  
15 this page, but this type of form?

16           A           Oh, yeah.

17           Q           Yes?

18           A           Yes.

19           Q           And it has -- it's a long paper and  
20 it's got comments on one side, on the left side  
21 there are comments, and testimony on the right side,  
22 correct? See where it says comment at the top?  
23 Then it's got township cross and redirect on one  
24 side, on the page that we're looking at. And then  
25 on the left side it says, petitioners' assertion

1 comment. Do you see that?

2 A Yes.

3 Q And it pulls out pieces of testimony,  
4 as you understand it; is that correct?

5 A Yes.

6 Q And that was given to you by  
7 Mr. Camera, or something that looks like this?

8 A Correct.

9 Q And it has all names on the back on  
10 the bottom, including my name, Joseph Michellini. Do  
11 you see that? I'm the first name. I must be  
12 important, then --

13 A Yes.

14 Q -- in Mr. Wiser's eyes --

15 MR. WISER: I object to that  
16 characterization.

17 Q Mr. Wiser is second.

18 A Yes.

19 Q All right. So, you saw a document  
20 like this --

21 A Yes.

22 Q -- annotated transcript? So, you  
23 didn't read, actually, the transcripts of the entire  
24 testimony of the petitioners --

25 A No.

1 Q -- as it related to the issues about  
2 which you're discussing, correct, to the best of  
3 your knowledge? That's correct, right?

4 A Correct.

5 Q You just read what Mr. Wisner pointed  
6 out in the transcript that was given to Mr. Camera  
7 that you saw, correct?

8 A Correct.

9 Q Have you talked to any of the  
10 petitioners about their concerns?

11 A No.

12 Q Let me ask you about, I think it was  
13 20th Avenue that Mr. Schwartz testified about was,  
14 hadn't been paved in at least 50 years. Is that  
15 accurate, to the best of your knowledge?

16 A I believe it has been paved since.

17 Q You think so?

18 A Yeah.

19 Q When was it paved?

20 A I don't have the date, but we can  
21 look it up through our engineering department.

22 Q Okay. Do you know when you last  
23 inspected 20th Avenue?

24 A No.

25 Q Are you the one who personally

1 conducts the inspections of the streets to determine  
2 when they should be paved and when they shouldn't be  
3 paved?

4 A Some.

5 Q who else does it?

6 A well, I do it by complaints.

7 Q So, if somebody complains, then you  
8 go out and take a look?

9 A Correct.

10 Q If nobody complains, then you don't  
11 go out and take a look, because there's lots of  
12 streets in the town, correct?

13 A Yeah, lot of other things to do.

14 Q So, after Mr. Schwartz testified  
15 about 20th Avenue not being paved for over 50 years,  
16 a year ago in this public forum, did anybody contact  
17 you whatsoever and say, this gentleman, Mr.  
18 Schwartz, said that 20th Avenue hasn't been paved,  
19 go take a look at it?

20 A I believe 20th Avenue has been on my  
21 recommended list since 1988.

22 Q And it just doesn't get done?

23 A No. I explained that earlier. I  
24 have a recommended list. If it doesn't get done, it  
25 gets pushed to the next year until it does get done.

1 Q I understand. So, is there a  
2 priority on the list in terms of what gets done and  
3 what doesn't get done?

4 A Yes, depending on traffic, main  
5 drags.

6 Q Okay. So, 20th Avenue is not a main  
7 drag? It's a side street at the beach, right?

8 A Correct.

9 Q So, it would be given low priority,  
10 correct?

11 A Depending on how bad of shape it's  
12 in.

13 Q Well, assume it hasn't been paved in  
14 50 years, that would put it in pretty bad shape,  
15 correct?

16 A Well, some streets still hold up.

17 Q Okay. But you have no reason to  
18 dispute Mr. Schwartz's comments and his testimony  
19 about 20th Avenue, do you?

20 A No.

21 Q So, let me understand this: If  
22 20th Avenue has been on the recommendation list  
23 since 1988 --

24 A Uh-hum.

25 Q -- how does it, in that span of time,

1 which is significant -- it's 19 -- or 2017, so, what  
2 is that, 35 years? Yes? You would agree, 35 years,  
3 right?

4 A About.

5 Q About. Maybe -- or whatever it is.

6 Maybe my math is wrong. May be less than that or  
7 more. But it's ultimately not your decision, it's  
8 engineering's decision, correct?

9 A No, it's a mayor and council  
10 decision.

11 Q Mayor and council decision?

12 A Right. It's not the engineer's  
13 decision to go pave roads. You need funding.

14 Q So, does the mayor -- does the  
15 engineer then make a recommendation based upon your  
16 recommendation?

17 A Yes.

18 Q Do you know if the engineer -- is  
19 that the municipal engineer for the town?

20 A Yes.

21 Q who would that be in this case? This  
22 year?

23 A This year, RV.

24 Q Remington & Vernick?

25 A RV, yes.

1 Q Mr. Wiser's firm, correct?

2 A Yes.

3 Q Okay. And so they would then make a  
4 recommendation to pave 20th Avenue, let's say in our  
5 discussion here, correct?

6 A Yes, they could add to my list, too.

7 Q All right. Do you know if  
8 20th Avenue ever made it to the engineer's list of  
9 roads to pave?

10 A I'd have to look it up.

11 Q And that's, generally, that's  
12 available?

13 A Yes.

14 Q Where is that list kept?

15 A My recommended list? In my office.

16 Q And the engineer's recommended list?

17 A Well, they have it.

18 Q You don't have a copy of theirs?

19 A No.

20 Q And then do you know what process the  
21 mayor and council go through to decide whether or  
22 not they're going to pave a road?

23 A I don't know the process.

24 Q Do you know whether or not more roads  
25 have been paved over in the beach in the last few

1 years than in, let's say in the last five years,  
2 than in the five-year period before that?

3 A I'd have to look it up.

4 Q You don't know?

5 A Not off the top of my head.

6 Q So, you can't say whether or not  
7 there's been an effort to try to pave roads after  
8 the de-annexation process began? You can't say  
9 that?

10 A No.

11 Q One way or the other?

12 A No.

13 Q Besides the transcript that was  
14 produced to you, what other documents did you look  
15 at before you testified?

16 A My own stuff.

17 Q Okay. Did anybody -- did Mr. Camera  
18 or anybody else give you any other documents besides  
19 the annotated transcript?

20 A No.

21 Q Did you talk to Mr. Wisner before you  
22 testified here today?

23 A No.

24 Q Did you talk to any of the other  
25 board professionals or -- I take it nobody on the



1 board, correct?

2 A No.

3 Q How often do you actually go over to  
4 the -- to South Seaside Park in the course of your  
5 duties?

6 A Probably about once a month.

7 Q Once a month?

8 A Depending on what we're doing over  
9 there.

10 Q And what is the purpose of going over  
11 there once a month?

12 A well, check on my sweeper operators,  
13 check the drainage systems, check the beaches.

14 Q Did you check the beaches after the  
15 most recent storms that have occurred over there?

16 A I leave that up to Parks and Beaches.

17 Q So, if the beach is impacting a  
18 street and sand pours over onto, let's say,  
19 20th Avenue, who in your department or who in the  
20 township is responsible for that? Is that Parks and  
21 Beaches or is that your department?

22 A No, Parks and Beaches would call me,  
23 and I'd go over there with a loader.

24 Q And when you say you'd go over there  
25 with a loader, is that the township's loader --

1 A Yes.

2 Q -- or -- okay. where is that loader  
3 kept?

4 A In my yard.

5 Q And where is that?

6 A Across the street.

7 Q All right. So, it's got to go  
8 16 miles all the way over there to get there?

9 A well, I would trailer it.

10 Q Okay. You trailer it. Yeah. Okay.  
11 But you still got to travel 16 miles over there,  
12 correct?

13 A well, yes.

14 MR. MICHELINI: Excuse me one moment.

15 MR. SEILER: Take your time.

16 (Off the record.)

17 BY MR. MICHELINI:

18 Q These procedures that you've talked  
19 about, you have street cleaning procedures, snow  
20 plowing procedures, you would expect that every town  
21 would have those, correct?

22 A Yes.

23 Q And if de-annexation were to occur,  
24 would you expect that Seaside Park would then  
25 implement those proceedings in South Seaside Park,

1 the same kind of thing?

2 A I don't know.

3 Q You don't know?

4 A No.

5 Q Do you know if Seaside Park cleans  
6 their streets?

7 A Yes.

8 Q So, wouldn't you expect them to do  
9 that if they, South Seaside Park becomes part of  
10 Seaside Park?

11 A That would be entirely up to them.

12 Q You wouldn't expect them to just  
13 abandon those streets, would you?

14 A That's up to them, what they do.

15 Q But you --

16 A wouldn't be up to us.

17 Q I'm not asking you if it would be up  
18 to you. I'm asking you if you would expect another  
19 municipality, if it acquires through de-annexation a  
20 portion of what is now Berkeley Township, if they  
21 would take over street cleaning and snow plowing.

22 MR. MCGUCKIN: Mr. Michelini, you  
23 complained that the engineer, in asking questions,  
24 was supposing facts from other witnesses. I think  
25 you're doing the exact same thing.

1 MR. MICHELINI: He can -- he can  
2 answer it.

3 A I did.

4 Q So, you have no knowledge --

5 A It's up to them.

6 Q I know it's up to them. I'm not  
7 asking you --

8 A I have no knowledge.

9 Q I'm asking you if you expect that  
10 they would do that?

11 A I don't expect anything from anybody.

12 Q Okay. Well, let me ask you a  
13 question. Does Toms River provide snow plowing  
14 services?

15 A Yes.

16 Q Does Island Heights provide snow  
17 plowing services?

18 A As far as I know, yes.

19 Q Okay. What about South Toms River,  
20 do they supply it?

21 A Yes.

22 Q Ocean Gate?

23 A Yes.

24 Q Okay. And do they all -- how about  
25 Seaside Heights?

1           A           Yes.

2           Q           How about Lavallette?

3           A           Yes.

4           Q           Okay. Pine Beach?

5           A           Yes.

6           Q           Beachwood?

7           A           Yes.

8           Q           Okay. So, in your experience -- you

9 know that to be true, right?

10          A           Yes.

11          Q           So, in your experience,

12 municipalities supply snow plowing services, do they

13 not?

14          A           Not all.

15          Q           Okay. which ones don't?

16          A           You take Ocean Gate, for example, the

17 county does the snow plowing, not Ocean Gate.

18          Q           Okay. But there's --

19          A           Not the municipality.

20          Q           All right. But there's snow plowing

21 services provided, right?

22          A           Yes. Yes.

23          Q           Okay. So, can you name a

24 municipality in Ocean County where there is no snow

25 plowing services provided by some government entity?

1           A           Not to my knowledge.

2           Q           Okay. So, wouldn't it be reasonable,  
3 then, to expect, having that knowledge, that if  
4 de-annexation occurs, that South Seaside Park will  
5 be plowed, when it snows, by either the county or by  
6 Seaside Park, if they become part of Seaside Park,  
7 given your knowledge of those things?

8           A           I would hope so.

9           Q           You would expect it, wouldn't you?

10          A           I would hope so.

11                   MR. WINWARD: The residents would  
12 hope so.

13                   THE WITNESS: I don't expect --

14                   MR. MICHELINI: Pardon me?

15                   MR. WINWARD: I said, the residents  
16 should hope so.

17                   MR. MICHELINI: The residents hope so  
18 and expect so.

19          Q           Now, you indicated that there's two  
20 dump trucks and a loader that are utilized over in  
21 South Seaside Park when it's snows.

22          A           Correct.

23          Q           And where are those dump trucks kept?

24          A           In my yard.

25          Q           When is it determined that they have

1 to go over to South Seaside Park?

2 A When we have four to five inches of  
3 snow.

4 Q Until then, they stay in the yard,  
5 correct?

6 A No, they're out sanding.

7 Q Where would they be sanding?

8 A In Seaside.

9 Q In Seaside?

10 A The two that are assigned, yes.

11 Q In South Seaside Park?

12 A South Seaside Park.

13 Q Not Seaside?

14 A Yeah, South Seaside Park.

15 (Off the record.)

16 Q I'll reask the question, okay. He  
17 was saying Seaside. I was merely trying to clarify  
18 that you meant South Seaside Park.

19 A He was trying to correct.

20 Q Is that correct, you meant South  
21 Seaside Park?

22 A That's correct.

23 Q Are there any particular challenges  
24 that you face with your job with regard to the  
25 sector over in the beach as opposed to the mainland?

1 I know you said it's all equal, but are there any  
2 particular challenges?

3 A No.

4 Q Do you have a record of breakdown of  
5 equipment? In other words, when --

6 A Over the years?

7 Q Yes.

8 A Yes.

9 Q Where do you keep that?

10 A In my office.

11 Q Is your -- if you did not have to  
12 take care of South Seaside Park in terms of snow  
13 plowing and street sweeping and the other services  
14 that your department provides, do you know whether  
15 or not there would be any cost savings to Berkeley  
16 Township?

17 A No.

18 Q Why is that?

19 A Because we're a big operation. We  
20 cover the whole town.

21 Q So, it's not going to make a  
22 difference?

23 A No.

24 (Off the record.)

25 MR. MICHELINI: Let me just take a



1 Look at the documents that you had marked.

2                   If you want to take a break, that's  
3 fine.

4                   MR. WINWARD: Do you need a break?

5                   (Off the record.)

6                   (Recess was taken.)

7 BY MR. MICHELINI:

8           Q           Mr. Seiler, as I mentioned to you off  
9 the record, the area of 20th that is of particular  
10 concern is between Central Avenue and the beach.  
11 So, it may be possible that 20th was paved on the  
12 other side. But on the east side of Central Avenue  
13 to the beach, is the section that I'm thinking of.  
14 And in my questions, I'd like to just clarify that.  
15 To the best of your knowledge, has that been paved  
16 since 1988?

17           A           I don't know.

18           Q           Okay. But, certainly, it's been on  
19 the recommended list since 1988, to the best of your  
20 knowledge?

21           A           Yes. And that is a dead-end  
22 portion --

23           Q           Correct.

24           A           -- to the ocean.

25           Q           That's correct. But there are

1 streets, I mean, I'm sorry, there are houses that go  
2 all the way down to the ocean, correct?

3 A Correct.

4 Q And so, that street is actively being  
5 used by the people who live on it, correct?

6 A Absolutely. Absolutely.

7 Q Are you aware that back in 2012,  
8 there was some testimony that the residents hired a  
9 contractor to move snow between Beach Avenue and  
10 Roberts? Are you aware of that?

11 A No.

12 Q Okay. And it's my understanding, and  
13 I could be wrong, that that contractor was then  
14 hired by the municipality because he did a pretty  
15 good job. You're not aware of that?

16 A Who's the contractor?

17 Q I don't know.

18 A I don't know either.

19 Q Do you know what contractors -- do  
20 you know who the contractor is that typically plows  
21 snow over in South Seaside Park?

22 A They change.

23 Q Okay.

24 A They change.

25 Q So --

1           A           It depends.

2           Q           -- who was it this past year?

3           A           JR Landscaping.

4           Q           Where are they from?

5           A           I believe they're located in Jackson.

6                        (Off the record.)

7           Q           You don't know?

8           A           I could get it.

9           Q           Okay. And who did it last year?

10          A           Same, JR Landscaping.

11          Q           And the year before that?

12          A           I believe I had JR for the past four

13 years.

14          Q           Okay. And who was before them, do

15 you know?

16          A           I had Bil-Jim one year. I had

17 Rich-Mark one year. I had Sambol one year. And I

18 actually had Earle one year. Going back to the

19 '80s.

20          Q           What determines whether or not they

21 continue in that position? It's just by bid?

22          A           By bid. We go out for bid every two

23 years.

24          Q           So, it's a two-year contract?

25          A           Correct.

1 MR. MICHELINI: All right. I have no  
2 further questions. Thank you, sir.

3 MR. SEILER: You're welcome.

4 MR. WINWARD: Mr. Seiler, one more  
5 question from the Board.

6 MR. BACCHIONE: Through the Chair.  
7 Mr. Seiler, is it true that there are public dirt  
8 roads still here on the side of Berkeley Township?

9 MR. SEILER: Yes.

10 MR. BACCHIONE: That are traveled  
11 because people live on those roads?

12 MR. SEILER: Yes.

13 MR. BACCHIONE: In the event of a  
14 de-annexation, South Seaside Park de-annexation,  
15 would you still be servicing Pelican Island?

16 MR. SEILER: Of course.

17 MR. BACCHIONE: Thank you.

18 MR. WINWARD: Thank you, sir.

19 MR. WISER: If I may. With respect  
20 to those dirt roads, are they -- do they show up on  
21 your list to be paved?

22 MR. SEILER: Yes.

23 MR. WISER: And do they get priority  
24 over existing paved roads?

25 MR. SEILER: No.

1                   MR. WISER: Do you know, when it  
2 comes down to the decision as to what to pave, how  
3 roads are prioritized?

4                   MR. SEILER: I recommend.

5                   MR. WISER: So, your list -- your  
6 list includes a priority?

7                   MR. SEILER: Yes.

8                   MR. WISER: But then it goes to  
9 somebody who is not you, who then takes a look at  
10 that and accepts, rejects or adjusts?

11                   MR. SEILER: Or adds.

12                   MR. WISER: Or adds. Okay. Thank  
13 you.

14 BY MR. MICHELINI:

15           Q           I have some follow-up on that. Okay.  
16 So, your list includes a priority. Do you know  
17 where 20th Ave is on the priority list?

18           A           Low.

19           Q           Low, okay.

20           A           Because it's not a high-volume road.

21           Q           And the list that you maintain of  
22 roads that are recommended to be paved, do you  
23 maintain that for each and every year?

24           A           Yes.

25           Q           Do you have those lists going back in

1 time?

2 A Yes.

3 Q Till when? How far back?

4 A Probably in the '80s, but they're in  
5 boxes.

6 Q Okay. All right. So, if we submit  
7 an OPRA request, somebody can go get them, right?

8 A It's a possibility.

9 Q Is there any reason why they  
10 couldn't, to the best of your knowledge?

11 A To find them.

12 MR. MICHELINI: Okay.

13 MR. WINWARD: Nick, do you have a  
14 question?

15 MR. MACKRES: I do.

16 BY MR. MICHELINI:

17 Q Is 20th Avenue an access road to the  
18 beach? Isn't that the access road?

19 A It was.

20 Q Okay.

21 A I'm not sure if it's still  
22 functional.

23 Q Okay. And if it's an access road to  
24 the beach, then municipal vehicles which need access  
25 to the beach would have to go on the paved portion

1 of that road between Central Avenue and the beach,  
2 correct?

3 A Correct.

4 Q what about recreational vehicles, is  
5 that also an access for recreational vehicles?

6 A I don't think so.

7 Q But it would be for township  
8 vehicles?

9 A Yes.

10 MR. MICHELINI: Thank you. No  
11 further questions.

12 MR. WINWARD: One more question.  
13 Nick?

14 MR. MACKRES: I do. Mr. Seiler,  
15 thank you for coming. My question is a previous  
16 statement about the dunes serving very well. This  
17 was in relation to Hurricane Sandy, a Presidential  
18 Disaster Declaration on that one. I don't want to  
19 characterize it any more than that.

20 other dunes had failed along Barrier  
21 Island, especially Island Beach State Park and other  
22 areas. And ours served very well. And then the  
23 mainland got hit a little bit differently with, you  
24 know, numerous feet swells and damage. So, I want  
25 to ask a question that relates to your area since I

1 don't think you maintain the dunes, correct?

2 MR. SEILER: Parks.

3 MR. MACKRES: Parks. And maybe the  
4 Army Corps of Engineers?

5 MR. SEILER: Correct.

6 MR. MACKRES: Which definitely  
7 maintains Island Beach State Park?

8 MR. SEILER: I believe so.

9 MR. MACKRES: That's an assumption on  
10 my part as well. So, in relation to, in that storm,  
11 in relation to Public works, the roads and so forth,  
12 did you have to service more of South Seaside Park  
13 or more of the mainland due to the damage?

14 MR. SEILER: For Sandy?

15 MR. MACKRES: Yes.

16 MR. SEILER: The mainland.

17 MR. MACKRES: Okay. Thank you very  
18 much.

19 MR. WINWARD: Thank you, Mr. Seiler.

20 FURTHER EXAMINATION BY MR. MICHELINI:

21 Q I have one question that I forgot.  
22 That's okay. Just one question, I promise.

23 Did you look any at of the Petitioners'  
24 exhibits before coming up here and testifying?

25 A No.



1 MR. MICHELINI: Thank you.

2 MR. WINWARD: Thank you so much for  
3 your testimony.

4 I'd like to invite Mr. Mark Vannella  
5 of the Sanitation Department. We need you to be  
6 sworn in.

7 MARK VANNELLA, having been duly sworn, according to  
8 law, upon his oath, testified as follows:

9 MR. WINWARD: Briefly, could you just  
10 give us a quick rundown of your -- what your  
11 department does and like Mr. Seiler did, how do you  
12 treat the township.

13 MR. VANNELLA: Certainly.

14 MR. WINWARD: Then we'll have some  
15 questions for you.

16 MR. VANNELLA: I'm in charge --  
17 Director of Sanitation, Recycling. I handle all  
18 curbside pickup for the entire town, which includes  
19 South Seaside Park, the mainland and Holiday City  
20 and Silver Ridge area and also Pelican Island.

21 I was asked to come here tonight to  
22 talk about some issues that were brought up about  
23 recycling issues and sanitation issues. So, that's  
24 why I'm here, to present the town's case on these  
25 matters.

1                   MR. WINWARD: All right. We'll start  
2 off. Stu, do you have some questions for  
3 Mr. Vannella?

4                   MR. WISER: Yes. The first issue has  
5 to do with what were characterized or described as  
6 robo cans for recycling. And the testimony was that  
7 the mainland got these robo cans but that  
8 South Seaside Park residents did not; is that  
9 correct?

10                  MR. VANNELLA: That's incorrect.

11                  MR. WISER: Can you describe what is  
12 correct?

13                  MR. VANNELLA: The only areas that  
14 did not get robo cans, Holiday City/Silver Ridge  
15 area, which I call retirement village. And in  
16 South Seaside Park, there's a trailer camp, The  
17 Lanes, which are bungalow houses, and also Miller's  
18 Camp, which are little houses. The reason why  
19 robo cans are not in there, is because of the  
20 structure of how small the roads are. Can't get the  
21 bigger trucks down in there. The wires are very  
22 low, both areas. And that's why we don't get -- we  
23 don't have robo cans, the only reason.

24                  MR. WISER: Is there a similar  
25 situation elsewhere in the township where a

1 community, because of road widths or wires or  
2 whatever, does not have them?

3 MR. VANNELLA: No.

4 MR. WISER: So, everybody else but  
5 those --

6 MR. VANNELLA: That's correct.

7 MR. WISER: -- communities? Okay.  
8 was there -- when you purchased the robo cans, when  
9 the township purchased the robo cans, were they  
10 purchased in bulk for the entirety of the township  
11 or was it phased in?

12 MR. VANNELLA: For recycling cans?

13 MR. WISER: Yes.

14 MR. VANNELLA: Phased in.

15 MR. WISER: And was South Seaside  
16 Park the last community to get them?

17 MR. VANNELLA: Yes.

18 MR. WISER: Is there a reason?

19 MR. VANNELLA: I don't have a reason.

20 There is no reason. Just it's, we started in the  
21 Pinewald section, worked over to -- we did the  
22 mainland first. And then we worked over to  
23 South Seaside Park. No other reason other than --  
24 now, the recycling robo cans, not the regular  
25 robo cans, we have garbage robo cans also that the

1 whole town was done in one shot.

2 MR. WISER: One shot. Was that done  
3 at the same time or before or after the recycling?

4 MR. VANNELLA: Before the ro --  
5 before the recycling.

6 MR. WISER: And is there a same or  
7 similar lack of providing those cans in the smaller  
8 communities that you described with the robo cans or  
9 does everybody have them?

10 MR. VANNELLA: Everybody has them,  
11 except Holiday City Retirement Village has no  
12 robo cans at all.

13 MR. WISER: So, is it -- why do the  
14 smaller communities in South Seaside Park that you  
15 described, the geographically smaller ones, why can  
16 they have robo cans for trash but not recycling?

17 MR. VANNELLA: They don't have them  
18 for trash. Let me back up.

19 MR. WISER: Okay.

20 MR. VANNELLA: The Lanes and the  
21 trailers don't have robo cans at all because of, I  
22 can't get the trucks down in there.

23 MR. WISER: Okay.

24 MR. VANNELLA: The rest of the  
25 South Seaside Park, which I consider 20th to 24th,

1 and the other six streets, Roberts, Kathryn,  
2 Sprague, Beach, they all have robo cans, both  
3 robo cans, recycling and garbage.

4 MR. WISER: And for garbage, they got  
5 them at the same time everybody else did, but for  
6 recycling, that was delayed for reasons that you  
7 don't know?

8 MR. VANNELLA: Correct.

9 MR. WISER: Okay. There was --  
10 there's been questions about a schedule. There was  
11 a schedule that was submitted. It's exhibit --  
12 pardon my poor eyesight -- I think it's A-36, which  
13 is The Berkeley Citizen, which provides a recycling  
14 and trash -- I believe it's recycling -- sanitation  
15 and recycling schedule. And there has been some  
16 assertions on behalf of some of the petitioners,  
17 that this schedule is not adhered to. Are you  
18 familiar with why that might -- if that is and why  
19 that might be?

20 MR. VANNELLA: That's a false  
21 statement. That's adhered to throughout the town.

22 MR. WISER: I'm sorry?

23 MR. VANNELLA: Throughout the town  
24 that's adhered to. That's my scheduling throughout  
25 the town. When we pick up garbage, when we pick up

1 trash, when we pick up bulk.

2 MR. WISER: Okay. Because there is  
3 some testimony, some extended testimony, that trash  
4 was not picked up on normal pickup days or recycling  
5 was not picked up on scheduled pickup dates.

6 MR. VANNELLA: The only time it would  
7 not be picked up on a scheduled day is, if there's a  
8 storm, we push it off. If there's a holiday, it's  
9 picked up the next day. The other -- the rest of  
10 the town -- South Seaside Park is picked up twice a  
11 week in the summer. No other -- no other part of  
12 the town does, garbage wise. Recycling is picked up  
13 every two weeks. If there's a holiday, falls on a  
14 holiday, now, South Seaside Park's picked up on  
15 Mondays. So, a lot of holidays are on Monday. Of  
16 course, other parts of town are Monday, too.  
17 South Seaside Park gets picked up the next day,  
18 which is Tuesday. The rest of the town gets picked  
19 up, they have to be pushed off to a Saturday. So,  
20 they're actually getting their garbage picked up  
21 quicker than the other end of town if there's a  
22 holiday.

23 Now, the reason why I do that,  
24 meaning the town, I represent the town, obviously,  
25 is because of stuff laying over there. You don't

1 want stuff laying over. Now, there's a lot of --  
2 they get influx of people that come in during the  
3 summer. That's why they get the twice a week. We  
4 pick them up Mondays and Fridays, twice a week, so  
5 the garbage just doesn't lay there. Because people  
6 come down from up in -- I'm sure these residents can  
7 tell you, people come down from up in the -- up in  
8 the city and come down. They don't want to see  
9 garbage sitting there for a whole week. So, that's  
10 why the town decided to do two days over there.

11 MR. WISER: So, between what date and  
12 what date is it two times a week?

13 MR. VANNELLA: July and August.

14 MR. WISER: Summer months, twice a  
15 week?

16 MR. VANNELLA: That's correct.

17 MR. WISER: Monday and --

18 MR. VANNELLA: Monday and Friday.

19 MR. WISER: -- Friday? The rest of  
20 the year, it's just Monday?

21 MR. VANNELLA: That's correct.

22 MR. WISER: And that's for sanitation  
23 for garbage?

24 MR. VANNELLA: Yes.

25 MR. WISER: Recycling is once every

1 two weeks regardless of what time of year?

2 MR. VANNELLA: Yes.

3 MR. WISER: And is the -- and the  
4 sanitation pickup twice a week is only for  
5 South Seaside Park, nowhere else in town?

6 MR. VANNELLA: Nowhere else in town.

7 MR. WISER: In the township? How  
8 about Pelican Island?

9 MR. VANNELLA: Pelican Island is  
10 twice a week.

11 MR. WISER: Twice a week. Okay. And  
12 if a holiday falls on a Monday, is it the -- I  
13 didn't quite get it. Is it the preceding Saturday  
14 or the next Saturday.

15 MR. VANNELLA: Not in South Seaside  
16 Park or Pelican Island, it's picked up the next day.

17 MR. WISER: The next day?

18 MR. VANNELLA: Right. All the other  
19 rest of the town, for example, there's -- our town's  
20 broken down into 11 sections, as far as my  
21 sanitation end of it. If your day falls on a  
22 holiday, it's moved -- other than South Seaside Park  
23 and Pelican Island -- it's moved to a Saturday. So,  
24 you're waiting six days to get picked up.  
25 South Seaside Park and Pelican Island's waiting one



1 day.

2 MR. WISER: Next. Okay.

3 MR. VANNELLA: The next day they get  
4 picked up.

5 MR. WISER: Were you here when I  
6 asked Mr. Seiler about the debris and what was  
7 characterized as illegal dumping and unmaintained  
8 areas along the bay beach?

9 MR. VANNELLA: Yes.

10 MR. WISER: Did you hear that? And I  
11 apologize. Is that your responsibility or somebody  
12 else's responsibility?

13 MR. VANNELLA: As far as --

14 MR. WISER: He said, it was my  
15 partner's responsibility. I wasn't sure who he was  
16 pointing to.

17 MR. VANNELLA: Well, if there's  
18 debris on the road, if a resident calls or police  
19 call or whatever, I will send a garbage truck over  
20 there to pick it up. That's correct.

21 MR. WISER: How about debris on the  
22 bay beach, not on the road itself, but on the sloped  
23 area that goes down to the water.

24 MR. VANNELLA: That's Parks and  
25 Beaches.

1                   MR. WISER: Parks and Beaches. How  
2 about weeds along that same road?

3                   MR. VANNELLA: Parks and Beaches.

4                   MR. WISER: Parks and Beaches. Okay.  
5 Thank you. Bear with me, please.

6                   There was some testimony that there  
7 were some -- that bulk items that are placed out by  
8 the curb for pickup don't get picked up when they're  
9 supposed to. Can you react to that?

10                  MR. VANNELLA: They're picked up when  
11 they're supposed to. They're scheduled four times a  
12 year. And we also have a call-in procedure. They  
13 might have been referring to -- again, I'm not  
14 putting words in their mouth -- they might have been  
15 referring to if somebody leaves on a Monday or leave  
16 on a weekend and go home, that they might put some  
17 items out. If that's not called into my office,  
18 other than the scheduled bulk days, I don't know  
19 it's out there unless somebody calls me, unless one  
20 of my trucks see it.

21                  Now when they get their garbage  
22 picked up, I have a regular garbage truck over there  
23 also. I have a robo truck which is for the robo.  
24 And I have a regular truck over there. If I get  
25 calls from over there, meaning my office gets calls,

1 that truck that does The Lanes and the trailers,  
2 which is a rear load garbage truck, will go around  
3 with a list to pick up any bulk that's out there  
4 that's called in. Anything that's scheduled is  
5 picked up on the Tuesday, which is in March, March,  
6 June, September and December, that's the days.  
7 That's the four months. That's scheduled every  
8 Tuesday.

9 MR. WISER: And that's an advertised  
10 schedule?

11 MR. VANNELLA: That's correct. It's  
12 in the schedule that they get, that the citizens  
13 that you spoke about a couple minutes ago.

14 MR. WISER: Are you responsible for  
15 picking up trash in the parks?

16 MR. VANNELLA: No, Parks Department  
17 does that.

18 MR. WISER: Parks Department?

19 MR. VANNELLA: (Witness nods.)

20 MR. WISER: In terms of your bulk  
21 pickup, if somebody -- is there a -- how do I say  
22 this. Is there a, sort of a, minimum size that  
23 really constitutes a bulk pickup as opposed to  
24 something smaller that your bulk pickup just would  
25 miss because it doesn't rise to the level of bulk?

1 I don't know if I'm making myself clear. Somebody  
2 puts out a sofa -- this is not part of the  
3 testimony. I'm just trying to get at the issue. If  
4 somebody puts out a sofa, that's a bulk item, I  
5 would think.

6 MR. VANNELLA: Yes.

7 MR. WISER: If there is something  
8 else like a kitchen chair, some debris out there, is  
9 it likely that your bulk people wouldn't view that  
10 as bulk pickup because --

11 MR. VANNELLA: No.

12 MR. WISER: -- it's not a sofa?

13 MR. VANNELLA: No, it's still bulk.

14 MR. WISER: If they see it --

15 MR. VANNELLA: The only time they  
16 would ever call me is if a contractor, and they see  
17 a contractor working and has a dumpster there or  
18 they put contractor material out, they'll leave it.  
19 The truck will call me, driver will call me, say,  
20 you know, we're not picking up 231 23rd Avenue  
21 because they're doing work there. So, we'll make a  
22 note of that. The office will make a note of that.  
23 And then we send code enforcement over. And the  
24 first thing they do is, I'll go over and I'll  
25 explain to them why we don't pick it up. And then

1 if they -- you know, nine times out of ten, they  
2 don't like that answer. So, I'll send code  
3 enforcement over there.

4 MR. WISER: If somebody were to  
5 complain that bulk didn't get picked up on the  
6 appropriate schedule, would those complaints come to  
7 you?

8 MR. VANNELLA: Yes.

9 MR. WISER: Do they?

10 MR. VANNELLA: On occasion, yes. I  
11 mean, you know, I'm sure my guys aren't -- I'm sure  
12 they'll miss a stop here or there. And they will,  
13 you know, all over town, they'll call. I try to  
14 pride myself on my guys that they do a great job.  
15 But they may miss a stop here or there. It happens.  
16 And I will, within that week, they will get picked  
17 up. The truck will go over there and get them  
18 picked up.

19 And, also, if there's a storm coming  
20 up and I know there's a storm, I will make sure I  
21 get on the main line, the main side by all the  
22 water, bay side and the ocean side, any debris  
23 that's out there from people leaving it out there,  
24 we'll make sure we get it picked up so it doesn't  
25 cause any problems.

1                   MR. WISER: So, if somebody calls in  
2 and says, there is a refrigerator out on the street,  
3 and one of your trucks, your personnel misses it,  
4 it's within the week that it's going to get picked  
5 up but it's not going to get picked the next day?

6                   MR. VANNELLA: The refrigerator is  
7 under white goods. It's a heavy metal item. We  
8 recycle that. So, that's the resident, it's up to  
9 the resident to call that in. And that's picked up  
10 every Thursday throughout the town.

11                  MR. WISER: Throughout the year?

12                  MR. VANNELLA: Throughout the year.  
13 Every Thursday. That and electrics, TVs.

14                  MR. WISER: I was just fishing for a  
15 piece -- I wasn't suggesting that there was a  
16 refrigerator that somebody complained about. But if  
17 there was a sofa out there, and, again, I'm just  
18 trying to understand, and somebody missed it on a  
19 scheduled pickup day. Somebody calls in, it's not  
20 going to get picked up the next day, it's going to  
21 get picked up within the week, is that what I heard  
22 you say?

23                  MR. VANNELLA: Yes.

24                  MR. WISER: Okay.

25                  MR. VANNELLA: If somebody calls it

1 in and their day is Monday, and somebody happened to  
2 call in on a Wednesday, if they can't wait and if I  
3 can't get the truck over there, definitely that next  
4 Monday when that rear loader is over there doing The  
5 Lanes and trailers we'll get it.

6 MR. WISER: I think, Mr. Chairman,  
7 that's all I have at the moment.

8 MR. WINWARD: Okay. Any questions  
9 from the board? Looks like we're all good. It's  
10 all yours.

11 MR. BACCHIONE: Through the Chair.  
12 Mr. Vannella. So, in the event of de-annexation of  
13 South Seaside Park, will you be still be servicing  
14 Pelican Island?

15 MR. VANNELLA: Yes.

16 MR. BACCHIONE: Okay. Thank you.

17 MR. WISER: You know what, if I may  
18 just ask my standard question. Should de-annexation  
19 occur, how do you see your job changing?

20 MR. VANNELLA: My job won't change at  
21 all. I still service the whole town.

22 MR. WISER: Okay. Thank you.

23 MR. WINWARD: Mr. Michelini, I'm sure  
24 you might have some questions.

25 EXAMINATION BY MR. MICHELINI:

1 Q All right. Just a couple.

2 Mr. Vannella, were you shown annotated transcripts  
3 before you testified here today?

4 A I was brought into the  
5 administrator's office and I was shown the same  
6 paperwork that Steve Seiler saw.

7 Q All right. And you heard him testify  
8 that he was shown annotated transcripts that came  
9 from Mr. Wiser to Mr. Camera to him?

10 A Came from Mr. Camera to me. I don't  
11 know where it came -- where he got it from.

12 Q Right. But you heard him testify to  
13 that?

14 A Yes, I did.

15 Q Okay. And were you shown the  
16 testimony of Mr. Schwartz, do you know?

17 A I don't know. I was shown four pages  
18 that concerned my department.

19 Q Did you make copies of them?

20 A I didn't make copies of them, but I  
21 have the page numbers.

22 Q Okay.

23 A If that helps you any.

24 Q What are the page numbers?

25 A Page 19. Page -- I have it written



1 right here. If I can look at my notes here.

2 Q Sure.

3 A Page 19, concerning the robos. Page  
4 20, concerning bulk pickup. Page 21 was a single  
5 stream. Page 71 was South Seaside Park Rec  
6 Center -- South Seaside Park Recycling Center, that  
7 Seaside Park has it over there. And residents  
8 sometimes take stuff there.

9 Q So, out of months of testimony, you  
10 were basically shown four pages of testimony  
11 correct?

12 A What concerns my department, yes,  
13 that's what I was shown.

14 Q You didn't read the full transcripts?

15 A Absolutely not.

16 Q And you didn't make the determination  
17 as to what concerned your department and what  
18 didn't? Somebody else made that determination?

19 A That's correct.

20 Q Who made that determination?

21 A Township administrator.

22 Q Mr. Camera?

23 A That's correct.

24 Q And in that meeting with Mr. Camera  
25 where you were shown those four pages, who else was

1 in that meeting?

2 A Steve Seiler was in that meeting.

3 Q Anybody else?

4 A No.

5 Q Just you and Mr. Seiler?

6 A That's it.

7 Q Mr. Camera?

8 A That's it.

9 Q He was there, too?

10 A Yes. Yes.

11 Q There were three of you?

12 A Yes, that's correct.

13 Q When did that meeting occur?

14 A Two weeks ago.

15 Q Had you talked to Mr. Camera before  
16 about your proposed testimony?

17 A Absolutely not.

18 Q Okay. And with regard to the  
19 indiv -- the pages that you looked at, it was  
20 testimony from the petitioners, correct?

21 A Yes.

22 Q Did you find it to be truthful?  
23 Untruthful?

24 A Untruthful.

25 Q You thought it was untruthful?

1           A           Pertaining to my department, the  
2 stuff that I read, yes.

3           Q           Okay. Is there somebody named Kim  
4 that works in your department?

5           A           She's a mechanic secretary, that's  
6 correct.

7           Q           She works in your department,  
8 correct?

9           A           She works in Public Works, yes.

10          Q           So, did you read the testimony about  
11 Mr. Schwartz calling Kim every day for several days  
12 for a bulk pickup that didn't happen?

13          A           Yes, I did read that.

14          Q           And you just find that to be  
15 incredible; is that what you're telling us?

16          A           Yes.

17          Q           Did you check with Kim to see if that  
18 was true?

19          A           No, I did not.

20          Q           Do you keep any records when somebody  
21 calls in?

22          A           Yes.

23          Q           Did you check to see if you have a  
24 record of Mr. Schwartz calling in?

25          A           No, I did not.

1 Q why didn't you do that?

2 A I don't know.

3 Q That would tell you whether or not he  
4 actually called in, correct?

5 A well, let me back up a little. When  
6 a resident calls in, it goes on a sheet, call-in  
7 sheet, the call-in sheet. If I'm on the road,  
8 they'll call me directly. If not, they'll put it on  
9 my desk and say the person called in.

10 Q And do you keep those call-in sheets?

11 A I don't keep them. They do.

12 Q who's they?

13 A The secretaries.

14 Q what secretary would have called --  
15 kept the call-in sheets when Mr. Schwartz called?

16 A That would have been Bernadette.  
17 That's my secretary. We have three secretaries in  
18 the office. If anything pertains to sanitation  
19 recycling, it's called into me and then it's given  
20 to my secretary to log in.

21 Q And how long are those sheets kept,  
22 are those logs of people calling in?

23 A Honestly, I couldn't tell you.

24 Years. I have boxes of them.

25 Q So, do -- you have them going back to

1 2013, right?

2 A Oh, definitely.

3 Q So, if I asked for them, they could  
4 be produced? They'd be a little bit of a pain, I  
5 agree, I understand, but they could be produced?

6 A It wouldn't a pain. I can grab the  
7 box.

8 Q Okay.

9 A You can look through them. But I can  
10 grab the box.

11 Q Okay. I just want to make sure,  
12 though, there is a person named Kim. So, when Mr.  
13 Schwartz got up there and talked about all these  
14 conversations with Kim, it would seem that there is  
15 somebody named Kim in your department?

16 A Yes, there is.

17 Q What's her last name?

18 A That I don't know, to be honest with  
19 you.

20 Q What's Bernadette's last name?

21 A Musslewhite. Bernadette Musslewhite.  
22 M-u-s-s-l-e-w-h-i-t-e.

23 Q Did you look at any of the  
24 petitioners' exhibits?

25 A No.

1 Q So, you didn't look at any exhibits  
2 and you didn't read the full testimony? You were  
3 just given four pages, that's it, correct?

4 A No, I wasn't given four papers. I  
5 was given a lot thicker than you have there. But  
6 I -- all I did was look at my highlighted pages.

7 Q who highlighted them?

8 A I highlighted them.

9 Q Okay. How did you know which pages  
10 to look at?

11 A Because the administrator gave me the  
12 pages to look at.

13 Q Okay. So, you looked at the four  
14 pages that he told you to look at?

15 A There was five pages.

16 Q Five pages, okay.

17 A I said five pages to you.

18 Q Okay. All right. Well, maybe I made  
19 a mistake.

20 A we all make mistakes.

21 Q So, there is a section, you indicated  
22 that the robo cans, that the trailer camp and  
23 Miller's camp are bungalows with no robo cans,  
24 correct? And that's for trash and recycling?

25 A That's correct.

1 Q And that's because the Lanes are  
2 narrow and you got wires that are hanging low,  
3 correct?

4 A That's correct.

5 Q Is there any ability to take  
6 robo cans and put them out on the nearest street  
7 that doesn't, isn't exceptionally narrow or have  
8 wires?

9 A well, one street is a state highway,  
10 the other one's a county. So, I guess the town  
11 would have to get permission from the state to do  
12 that and from the county to do that.

13 Q Okay. If that --

14 A And if you want a resident to drag a  
15 robo can 400 feet, I can't get them to move it  
16 five feet.

17 Q Okay. what about Midway Beach, what  
18 about that area, does that have robo cans?

19 A Midway Beach?

20 Q Yeah.

21 A I don't know by -- what's the street?

22 Q Fourteenth to 20th on the east side  
23 of Central Avenue.

24 A Fourteenth to 20th. That's part of  
25 The Lanes. That's considered The Lanes. First

1 Lane, second Lane, third Lane. On the ocean side?

2 Q Yes.

3 A That's The Lanes. That does not have  
4 robo cans.

5 Q That's not a trailer camp and it's  
6 not Miller's Camp. You talked about a trailer camp,  
7 Miller's Camp. So, I'm just trying to clarify,  
8 okay.

9 A Correct.

10 Q So, it's not just a trailer camp,  
11 it's not just Miller's Camp, it's also all of Midway  
12 Beach, which is --

13 A which is --

14 Q -- a pretty big section.

15 A Yes, it is.

16 Q Okay. And they don't get robo cans  
17 either?

18 A Can't get -- can't get a robo truck  
19 down there.

20 Q And then the areas that do get  
21 robo cans, they were last on the list, as I  
22 understand it, to get them in the township?

23 A Recycling. Not a regular robo.

24 Q Recycling, right.

25 A we distributed robo cans 2012 and



1 ended up in 2014. Took two years to do it, because  
2 of the cost of them.

3 Q And where is your recycling yard at?

4 A Public works yard across the street.

5 Q So, it's right here, when you say

6 across the street --

7 A 630 Pinewald Keswick Road.

8 Q Okay. It's across the street from

9 the building we're in right now?

10 A That's correct.

11 Q Okay. And all the vehicles that  
12 service South Seaside Park, where are they kept?

13 A Same yard.

14 Q Okay. Across the street here?

15 A That's correct.

16 Q Sixteen miles away, right?

17 A Sixteen, 17, I don't know. I don't  
18 have that.

19 Q Where is the -- do you know where the  
20 recycling center is in Seaside Park?

21 A Yes, I do.

22 Q Where is that?

23 A It's right by their -- it's across  
24 from their yard, which is probably 15 feet away from  
25 our last street that we service.

1 Q Do you know if residents in  
2 South Seaside Park are allowed to use that recycling  
3 center or not?

4 A I don't know if they're allowed. I  
5 can only tell you that some of them do, because they  
6 have said that they do. However, our township  
7 doesn't get credit for it. Seaside Park gets credit  
8 for it through a tonnage grant. So, the town's  
9 losing money that way.

10 Q Do you know if -- do you have a  
11 recycling yard here?

12 A Yes, I do.

13 Q Where is it?

14 A It's across the street. 630 Pinewald  
15 Keswick Road.

16 Q So, if a mainland resident in  
17 Berkeley wants to bring their recycling to your  
18 yard, can they do that on a day that's not a pickup  
19 day?

20 A Oh, yes.

21 Q People do that, I assume.

22 A It's open seven days a week.

23 Q Okay. So, people do do that  
24 occasionally when they have access?

25 A Yes, they do.

1 Q But if somebody in South Seaside Park  
2 wants to do that, unless they want to do something  
3 that might be illegal, they have to drive all the  
4 way over here to do that, right?

5 A They do.

6 Q And if the de-annexation occurred,  
7 they wouldn't have to do that, they could go right  
8 down to Seaside Park within a mile and do it,  
9 correct?

10 A Again, I can't answer for South --  
11 for Seaside Park, if they allow residents. We only  
12 allow residents in ours.

13 Q And, similarly, if you have -- if a  
14 resident has extra trash and they want to get rid of  
15 it and they don't want to wait for the pickup day,  
16 okay, can they do that here on the mainland?

17 A They can do it all over town. We'll  
18 send a truck.

19 Q If you're on the mainland, you just  
20 have to go across the street for that or --

21 A Not trash.

22 Q Where do you go?

23 A You have to put it out curbside or  
24 take it to the landfill yourself. We can't take  
25 trash in our yard, only recycling.

1 Q Okay. So, if somebody -- where is  
2 the landfill that they would take it to?

3 A Manchester.

4 Q Okay.

5 A The only landfill that -- in the  
6 county.

7 Q And where is that?

8 A Route 70.

9 Q Okay. So, they'd have to go out  
10 Route 70 if they wanted to get rid of trash? If a  
11 Berkeley Township resident wanted to get rid of  
12 trash, it wasn't a pickup day, they have to go to  
13 the Manchester landfill?

14 A That's correct, or call my office. I  
15 can always send a truck.

16 MR. MICHELINI: Okay. All right.  
17 Thank you, sir. I have no further questions.

18 MR. WINWARD: Okay.

19 MR. MICHELINI: One second.

20 MR. WINWARD: Couple questions from  
21 our board professionals. Then we're going to cut --  
22 we hit the two-hour mark. I want to -- out of  
23 respect for our professionals and your time, we want  
24 to let them --

25 MR. MICHELINI: I just have one more

1 question about --

2 MR. WINWARD: Okay.

3 BY MR. MICHELINI:

4 Q Do you have recycling materials,  
5 soil, things like that?

6 A Mulch and stuff like that for  
7 residents?

8 Q Yes.

9 A Absolutely.

10 Q And where is that located?

11 A In the recycling yard.

12 Q Where, is that across the street?

13 A That's correct.

14 Q Okay. What about Seaside Park? Do  
15 you know if they have it?

16 A I couldn't answer that. I don't work  
17 for them.

18 Q I understand that. But you do go  
19 over there occasionally, don't you?

20 A Sure. But I don't go over to their  
21 yard.

22 Q You don't check out the competition?

23 A No, there's no competition. We're  
24 all working for Ocean County. We all work for the  
25 tax dollars.

1 Q There was testimony that there is  
2 mulch and recycling type -- mulch and soil, those  
3 types of materials, over in Seaside Park. Does that  
4 surprise you at all?

5 A No, doesn't surprise me.

6 Q Okay. And that would be available to  
7 the residents of South Seaside Park in a much closer  
8 proximity if de-annexation were to occur, correct?

9 A I would imagine so. Sure.

10 MR. MICHELINI: Thank you.

11 MR. WINWARD: Okay, Nick.

12 MR. DICKERSON: Yeah, thank you.

13 Mr. Vannella, just quickly, and I  
14 apologize if I missed this earlier, but in the  
15 discussion on bulk pickup, my colleague, Mr. Wiser  
16 here, threw out a few hypotheticals about sizes and  
17 stuff. But are there limitations in terms of bulk  
18 pickup in terms of what types of materials? Because  
19 I know like one of the hypotheticals was a  
20 refrigerator. And you had responded that that would  
21 be a recycling item for bulk pickup. But are there  
22 certain types of trash that is not eligible for bulk  
23 pickup?

24 MR. VANNELLA: Oh, yes. Any  
25 hazardous waste, gasoline, tires, any metal, I take

1 that in the recycling yard.

2 MR. DICKERSON: So --

3 MR. VANNELLA: And we'd also pick it  
4 up curbside for the schedule. So, if you call it  
5 in, we'll come get it. Except for tires and paint,  
6 you have to bring that to a recycling yard.

7 MR. DICKERSON: Construction  
8 equipment, materials, anything like that?

9 MR. VANNELLA: We don't take that at  
10 all. It's up to the homeowner to get rid of it.  
11 Our ordinance even reads -- it doesn't read --  
12 people get confused with, I don't have a contractor  
13 doing it, I'm just a homeowner doing it. Our  
14 ordinance reads construction material. So, even if  
15 a homeowner is doing work around the house, it's  
16 their responsibility to get rid of it.

17 MR. DICKERSON: So, if someone left  
18 that out by the street, or any type of material that  
19 was not eligible, anything that you had mentioned or  
20 anything else that's ineligible, is there a process  
21 where your staff or somebody tells the owner or  
22 notifies them that their, whatever they put out is  
23 ineligible?

24 MR. VANNELLA: I have my drivers  
25 would call me. And I would call my office and say,

1 look, if Resident 231 is not home, I'll go over  
2 there, knock on the door if they're not home.  
3 231 23rd Avenue, we're talking about that, that's  
4 the only reason why I'm talking about that. If they  
5 do call, I'll leave a card, please call the office.  
6 And if they call, the secretaries know the reason  
7 why, you know, we're not picking this up because,  
8 we're not picking up because, or we're going to  
9 come. You have to ask to go on schedule. A lot of  
10 people -- it's written right in the citizens' thing  
11 about what to pick up, what not to pick up; what we  
12 recycle, what we don't recycle; when to put it out,  
13 how to put it out.

14 MR. DICKERSON: Okay. Thank you.

15 MR. WISER: Thank you. Do you know  
16 how much it costs for your department to service  
17 South Seaside Park annually?

18 MR. VANNELLA: I mean, I could break  
19 it down. I don't know exactly.

20 MR. WISER: Do you know what would  
21 happen, should de-annexation occur, to the manpower  
22 and equipment that currently services South Seaside  
23 Park?

24 MR. VANNELLA: Nothing's going to  
25 happen. But I would just put into where I need



1 trucks over here. Only thing that would change over  
2 there is, for the town wise, is tonnage grant wise,  
3 what we take to the landfill. That's a cost,  
4 obviously.

5 MR. WISER: And do you know what  
6 those numbers are?

7 MR. VANNELLA: I don't know.

8 MR. WISER: Is it something that can  
9 be readily calculated?

10 MR. VANNELLA: Absolutely.

11 MR. WISER: So, if we were to ask  
12 what the tipping fees were for South Seaside Park on  
13 an annual basis, that could be provided?

14 MR. VANNELLA: Yes.

15 MR. WISER: Would that be provided  
16 just for South Seaside Park or would it also include  
17 Pelican Island?

18 MR. VANNELLA: I can break it down  
19 however you want.

20 MR. WISER: Would that be something  
21 that you could provide to us?

22 MR. VANNELLA: Definitely. I can  
23 break it down per household if you want.

24 MR. WISER: I don't think we care  
25 about that.

1 MR. VANNELLA: Yeah, it's \$71 a ton  
2 no matter what. No matter where I pick it up.

3 MR. WISER: And you know the tonnage?

4 MR. VANNELLA: Yes, that's county.  
5 That's -- there's nothing I can do with that. And I  
6 know the tonnage.

7 MR. WISER: Okay. But as far as  
8 you're concerned, and I understand there are other  
9 people who make decisions as well, but should  
10 de-annexation occur, your division isn't losing a  
11 truck? You're not losing manpower? It just gets  
12 reassigned?

13 MR. VANNELLA: That's all. It will  
14 get reassigned.

15 MR. WISER: Thank you.

16 MR. MCGUCKIN: Sorry, Mr. Chairman.  
17 Very quickly, I promise.

18 EXAMINATION BY MR. MCGUCKIN:

19 Q Is there any difference in the way  
20 your department treats South Seaside Park versus the  
21 mainland, other than the twice a week garbage  
22 collection in the summer?

23 A No, everything else is equal.

24 Q And you mentioned the recycling cans.  
25 That was the last area of town to get the recycling

1 robo cans, correct?

2 A Correct.

3 Q Now, I assume there was a cost  
4 savings to the town. That was the reason you went  
5 to the robo cans?

6 A That's correct.

7 Q So, it would have been in the town's  
8 interest to do it as soon as possible, correct?

9 A That's correct.

10 Q But there was a heavy outlay of  
11 capital cost; is that right?

12 A That's correct. In fact, the town  
13 wanted it done in five years. I did it in three  
14 years. Thanks to the council and mayor.

15 Q And you mentioned garbage collection  
16 if your day is on Monday. So, if I -- if you have a  
17 town, a street in the mainland, that has Monday  
18 pickup for garbage collection, you have such  
19 streets, I assume, correct?

20 A Yes. Yes.

21 Q Okay. So, it's a holiday. So, that  
22 street won't get picked up until the following  
23 Saturday?

24 A That's correct.

25 Q So, they will have gone roughly 12

1 days without garbage collection, assuming the prior  
2 week --

3 A That's correct.

4 Q But on the barrier island, they never  
5 wait further than an extra day?

6 A An extra day.

7 Q And there's questions about the  
8 distance from the recycling yard and your, et  
9 cetera, from the barrier island. would it be fair  
10 to say that there's a large distance also between  
11 the recycling yard and other areas of the  
12 municipality along the mainland?

13 A That's correct.

14 MR. MCGUCKIN: Okay. Thank you.

15 MR. WINWARD: We thank you so much,  
16 Mr. Vannella.

17 MR. VANNELLA: Thank you for your  
18 time.

19 MR. WINWARD: Yes.

20 At this time, I'd like a motion for  
21 adjournment.

22 MR. MALLON: I'll make a motion.

23 MR. WINWARD: Okay. All in favor,  
24 say aye.

25 ALL: Aye.

1                   MR. GINGRICH: Through the Chair, I  
2 have something for Mr. Michellini.

3                   MR. MCGUCKIN: Hold on. Still on the  
4 record.

5                   MR. WINWARD: Go ahead.

6                   MR. GINGRICH: I just want to let him  
7 know that Holiday City/Berkeley, which has 3,400  
8 houses, does not have robo cans, as your 400 houses.  
9                   Number two, that street you kept  
10 pounding about for repaving, that is not the  
11 entrance to the beach. The beach entrance is  
12 23rd Street. Thank you.

13                   MR. MICHELINI: Not for vehicles. I  
14 would take issue with that. On the record, I will  
15 take issue with that.

16                   (Matter adjourned.)

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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: April 29, 2017