

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, December 1, 2016  
6:50 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

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I N D E X

1		
2	NAME OF WITNESS	PAGE
3	CHIEF KARIN DiMICHELE	
4	By Mr. Michelini	5
5	CAPTAIN KEVIN SANTUCCI	
6	By Mr. Michelini	88

E X H I B I T S

10			
11	NUMBER	DESCRIPTION	PAGE
12	A-67	Vacant home report	24
13	A-68	Home Alone monitoring document	26

MR. WINWARD: The next item on our agenda is South Seaside Park Homeowners and Voters Association de-annexation petition hearing. We have attorney Joseph Michelini and representatives from the Berkeley Township Police Department here.

And where we left off, there was discussion. The police had given testimony regarding allegations of service in South Seaside Park by the police department. And our chief had been so kind as to present a lot of testimony and facts regarding the services that we provide. And now we were in the middle of some cross-examination of the chief by the Homeowners Association's attorney. So, that's where we're going to pick up.

MR. MICHELINI: Good evening. Joseph Michelini on behalf of the petition signers for South Seaside Park Homeowners and Voters Association.

We will continue with Chief DiMichele's cross-examination and then, hopefully, move on to the other police officers that are here.

1 CHIEF KARIN DiMICHELE, recalled.  
 2 EXAMINATION BY MR. MICHELINI:  
 3 Q Good evening, Chief. Last time you  
 4 were here, you talked about getting -- I believe you  
 5 talked about getting a police report online. That  
 6 can be done now? Is that possible?  
 7 A We're in the process.  
 8 Q So, it's not yet available?  
 9 A No, it's not yet available.  
 10 Q Okay. You're hoping to do that?  
 11 A Yes, we have the software.  
 12 Q Okay. But as of today, if somebody  
 13 who lives in South Seaside Park and, historically,  
 14 going backwards from today, that person who lives  
 15 there who needed a police report would have to come  
 16 the 16 miles over here to get one if they wanted to  
 17 get it right away, correct?  
 18 A Yes.  
 19 Q And to sign a complaint, there's no  
 20 methodology to meet the officers in the street in  
 21 their cruisers and sign a complaint? They have to  
 22 come over here? A citizen would have to come over  
 23 here to sign a complaint, correct?  
 24 A Yes.  
 25 Q And that would be the case even once

1 you get the online report availability, you'd still  
 2 have to come over here to sign a complaint, right?  
 3 A For the resident to sign a complaint,  
 4 yes.  
 5 Q Correct, for the resident to sign a  
 6 complaint. And if a police officer signs a  
 7 complaint, other than a traffic ticket, let's say  
 8 it's a 2C violation, a criminal type violation,  
 9 would they be able to issue a green sheet over there  
 10 or a complaint over on the beach?  
 11 A No.  
 12 Q Where do they have to do that?  
 13 A Headquarters.  
 14 Q So, they have -- if they make an  
 15 arrest, they have to come back here to fill out the  
 16 complaint form, correct?  
 17 A Correct.  
 18 Q And there's, obviously, aside from  
 19 police issues, there are a number of things that the  
 20 residents over there -- you lived over there for a  
 21 short time, correct? Is that correct?  
 22 A Yes.  
 23 Q So, you would actually know that if  
 24 you were going to get a building permit, you'd have  
 25 to come here over to the mainland to this facility

1 here that we're at, correct?  
 2 A I'm not in charge of the permits.  
 3 Q I know you're not in charge. I'm  
 4 asking if you know that you can't get a building  
 5 permit over there somewhere.  
 6 A I really don't want to elaborate on  
 7 that, because I do believe that they have a  
 8 substation over there. But I'm not a hundred  
 9 percent sure, so I can't really --  
 10 Q Well, is there a -- you're familiar  
 11 with the area, are you not?  
 12 A I am.  
 13 Q Is there a municipal annex over in  
 14 South Seaside Park?  
 15 A I believe there was something with  
 16 construction.  
 17 Q You don't know?  
 18 A I don't know.  
 19 Q Okay. Do you know where the planning  
 20 board meets? It meets here, right?  
 21 A Yes.  
 22 Q We're here before them. So, if  
 23 somebody wanted to go to the planning board, they'd  
 24 have to come here, correct?  
 25 A Yes.

1 Q The zoning board, they'd have to come  
 2 here, correct?  
 3 A I believe so.  
 4 Q Do you go to counsel meetings? Where  
 5 are they?  
 6 A They're here.  
 7 Q If somebody wanted to pick up a  
 8 landlord registration form, can they do that over  
 9 there?  
 10 A I'm not sure. I don't know.  
 11 Q You don't know. Is there any  
 12 municipal facility or building in South Seaside Park  
 13 that belongs to Berkeley Township?  
 14 A I'm going to speak on the police end.  
 15 And there's none on the police end.  
 16 Q Okay. Do you know of any -- on any  
 17 other end, do you know of any? Having lived over  
 18 there and having --  
 19 A No, I do not know.  
 20 Q Have you ever policed over there?  
 21 A Yes, I have.  
 22 Q Okay. So, wouldn't you know, having  
 23 policed over there, if there's municipal buildings  
 24 over there?  
 25 A I'm here to testify on the police.

1 That's why I'm here.  
 2 Q This is cross-examination. All due  
 3 respect --  
 4 A Then I don't know.  
 5 MR. MCGUCKIN: Mr. Michelini, with  
 6 all due respect, she testified on behalf of the  
 7 police. You want to cross-examine her on behalf of  
 8 the police, that's fine. But I don't know why you  
 9 would talk about building permits with this witness.  
 10 There will be other witnesses, I'm sure, the  
 11 township may submit. You can ask them. Why don't  
 12 you concentrate on the police.  
 13 MR. MICHELINI: For one thing,  
 14 Mr. McGuckin, not just Chief DiMichele, but the --  
 15 one or more of the other police officers talked  
 16 about how it's -- I think they talked about how it  
 17 really wasn't inconvenient. It was minor  
 18 inconvenience was the term. Minor inconvenience to  
 19 come over here and get -- pick up something such as  
 20 a parking pass. That's what it was. So, it was  
 21 within the testimony of the police when they talked  
 22 about the convenience or the lack of convenience and  
 23 characterized that as minor to coming over here for  
 24 things. So, I think it is part of, generally, what  
 25 they talked about.

10

1 MR. MCGUCKIN: Something that the  
 2 police department deals with, yes, I would agree  
 3 with you. But you're talking about building  
 4 department --  
 5 MR. MICHELINI: Well, they talked  
 6 about --  
 7 MR. MCGUCKIN: -- and other  
 8 facilities. Why don't you just stick with the  
 9 police. I mean, I'm not going to tell you --  
 10 MR. MICHELINI: They talked about --  
 11 MR. MCGUCKIN: Why don't we talk  
 12 about the police. That's why we're here.  
 13 MR. MICHELINI: No, I understand. I  
 14 think it's appropriate. I understand now that  
 15 you're making --  
 16 MR. WINWARD: I assume you're no  
 17 longer a resident, Chief, of South Seaside Park?  
 18 CHIEF DIMICHELE: No, I'm not.  
 19 MR. WINWARD: So, I really don't see  
 20 where it's applicable, because you're talking about  
 21 history.  
 22 MR. GINGRICH: Through the Chair.  
 23 MR. WINWARD: Yes.  
 24 MR. GINGRICH: I just have to. I'm  
 25 sorry. If I want to go to the beach from here every

1 day, I guess I got to go 16 miles, correct? Is that  
 2 correct?  
 3 MR. MICHELINI: Who are you asking  
 4 the question of?  
 5 MR. GINGRICH: You.  
 6 MR. MICHELINI: I'm not a witness.  
 7 But you can --  
 8 MR. GINGRICH: I just want, I just  
 9 want to ask you a question.  
 10 MR. MICHELINI: You can go to the bay  
 11 beach here and you don't have to go 16 miles.  
 12 Because they have lots of bay beaches over on the  
 13 mainland.  
 14 MR. WINWARD: I see --  
 15 MR. GINGRICH: Okay.  
 16 MR. WINWARD: -- it's a great point.  
 17 But you're not going to get anywhere with him on  
 18 that.  
 19 MR. GINGRICH: Well, I mean, if I  
 20 want to go to the beach, I got to go 16 miles. I  
 21 just want to know --  
 22 MR. WINWARD: You asked it already.  
 23 MR. GINGRICH: I want to know if they  
 24 can move the beach over to my backyard. I'm sorry.  
 25 MR. MICHELINI: Actually, you don't

12

1 have to go that far because you can go to Seaside  
 2 Heights and it's closer.  
 3 MR. WINWARD: Okay.  
 4 VOICE: Then you got to pay.  
 5 MR. CALLAHAN: He's right. It's only  
 6 free in South Seaside Park.  
 7 MR. WINWARD: All right. Let's go  
 8 back to the line of questioning. And, hopefully, we  
 9 can stick to police matters.  
 10 BY MR. MICHELINI:  
 11 Q At the first hearing, you testified,  
 12 quote, our role in the community is so vast that no  
 13 one is able -- no one else is going to be able to  
 14 touch what we do. And that's a quote.  
 15 Do you recall that testimony?  
 16 A I do.  
 17 Q Does that include Seaside Park,  
 18 nobody else is going to be able to touch what we do?  
 19 A Am I allowed to clarify that answer?  
 20 Q I'm asking you a --  
 21 MR. WINWARD: I'd like --  
 22 Q -- simple question. Does it include  
 23 Seaside Park?  
 24 A I meant the role of law enforcement.  
 25 Q Right. Right. You're talking from a

1 law enforcement standpoint, nobody can do what you  
 2 do, right?  
 3 A I'm saying law enforcement has many  
 4 hats that they wear.  
 5 Q Okay. Are there other departments  
 6 that are able to do what you do?  
 7 A I don't know what other departments.  
 8 You mean other departments within the township or  
 9 other police departments?  
 10 Q Other police departments.  
 11 A Other police departments have the  
 12 similar functions.  
 13 Q All right. So, I would imagine  
 14 Seaside Park police think that nobody can do what  
 15 they do, right? Is that a common thing that a  
 16 department feels that they're the best?  
 17 MR. MCGUCKIN: You're asking her to  
 18 comment on what the Seaside Park Police Department  
 19 thinks?  
 20 Q Well, how do you know -- let me ask a  
 21 different question, then. How do you know that  
 22 nobody can do what you do if you don't know what  
 23 other police departments do?  
 24 A I wasn't talking about any other  
 25 police departments. I was talking about law

1 enforcement. Meaning, law enforcement wears many  
 2 hats.  
 3 Q As opposed to what?  
 4 A As opposed to --  
 5 Q Law enforced as opposed to what?  
 6 A As opposed to what they used to do  
 7 many years ago.  
 8 Q So, when you say no one else is going  
 9 to be able to touch what we do, who's the else? Who  
 10 are you talking about there?  
 11 A Any other job function within the  
 12 municipalities, I guess. I was trying to make a  
 13 point that law enforcement does do more than they  
 14 did in the past.  
 15 Q So, you're not comparing your  
 16 department to Seaside Park, to Toms River, to  
 17 Manchester or anybody else when you make that  
 18 statement?  
 19 A I'm saying that I was --  
 20 Q Is that correct?  
 21 A I was speaking about law enforcement.  
 22 Q Well, I'm asking you, are you  
 23 making -- is that a statement of comparison that  
 24 nobody else such as Toms River can do what we can do  
 25 or no one such as Seaside Park can do what we do?

1 A That's not what that statement was.  
 2 That statement was --  
 3 Q I'm asking. I'm asking for  
 4 clarification.  
 5 A I did clarify that statement.  
 6 Q I'm going to ask it again because  
 7 you're not --  
 8 A You're asking me --  
 9 MR. MCGUCKIN: You're not going to  
 10 keep asking the same question. She's already --  
 11 MR. MICHELINI: She is not giving me  
 12 an answer.  
 13 MR. MCGUCKIN: Well, she's giving you  
 14 her best answer. You ask her ten times, I don't  
 15 think you're going to get a different answer. Let's  
 16 keep going.  
 17 Q So, are you comparing Berkeley  
 18 Township Police Department --  
 19 A I did not compare Berkeley  
 20 Township --  
 21 Q Excuse me. Let me finish the  
 22 question.  
 23 A -- Police Department and  
 24 Seaside Park.  
 25 Q Okay. Can I ask the question,

1 please. Let me finish the question before you  
 2 provide an answer.  
 3 Are you comparing in that statement Berkeley  
 4 Township Police Department with any other police  
 5 department?  
 6 A No, I'm not.  
 7 Q Okay. And you anticipate that in the  
 8 event that de-annexation does occur, that Seaside  
 9 Park will continue to cooperate with your department  
 10 and you'll cooperate with them; is that a fair  
 11 statement?  
 12 A Yes, we wouldn't take that out on any  
 13 police department.  
 14 Q Do you think there are any advantages  
 15 to having a police department within a mile of a  
 16 community, headquarters? Headquarters. Do you  
 17 think there are any advantages to having a  
 18 headquarters within a mile of the community?  
 19 A There could be.  
 20 Q Could be. Do you know what they are?  
 21 A No.  
 22 Q You're a chief and you don't know  
 23 what they are?  
 24 MR. GINGRICH: Through the Chair.  
 25 I'm not going to sit here much longer while he

1 badgers the chief. Let's get on with this and get  
 2 to something that will be -- that will move this  
 3 along. This is not it.  
 4 MR. WINWARD: He's trying to  
 5 establish the fact about 20 --  
 6 MR. GINGRICH: He's asked her 14  
 7 times the same thing.  
 8 MR. WINWARD: About sixteen miles.  
 9 MR. GINGRICH: He's asked her the  
 10 same thing 20 times. Stop badgering the police  
 11 chief and let's get on with it.  
 12 MR. MICHELINI: With all due respect,  
 13 I'm not badgering the police chief. I asked the  
 14 same thing over and over again because she wasn't  
 15 giving me an answer.  
 16 MR. GINGRICH: She's not giving you  
 17 the answer you want to hear.  
 18 MR. MICHELINI: No, that's not true.  
 19 MR. WINWARD: You're very  
 20 intimidating. And, you know, she doesn't -- she was  
 21 here to testify about the quality -- I took her  
 22 statement that she has pride in the job her  
 23 department does.  
 24 MR. GINGRICH: Exactly.  
 25 MR. WINWARD: And the amount of

1 resources that we provide that could be too  
 2 difficult for other departments. Like, for example,  
 3 Ocean Gate, which has nothing to do with South  
 4 Seaside Park, could not provide that same level of  
 5 service for another township. They have don't have  
 6 the resources.  
 7 MR. MICHELINI: For the record, she's  
 8 not saying that. Because when I asked her if she  
 9 was comparing it to other departments --  
 10 MR. WINWARD: No, she's not  
 11 comparing.  
 12 MR. MICHELINI: Right.  
 13 MR. WINWARD: She was just proud of  
 14 her department's amount of resources that are  
 15 available.  
 16 MR. MICHELINI: Well, it's not a  
 17 comment on Ocean Gate if she's not comparing. If  
 18 she is comparing, then it could be a comment about  
 19 Ocean Gate or other departments. That's why I asked  
 20 the question.  
 21 MR. MCGUCKIN: Mr. Michelini.  
 22 A At no point were we trying to compare  
 23 to any other police department. We were stating  
 24 facts of service.  
 25 Q Thank you.

1 A Does that help?  
 2 Q You indicated in your testimony that  
 3 the Berkeley Township Police Department has  
 4 significant programs to assist the community. Which  
 5 programs exist over on the beach other than having  
 6 class one and class two officers in the summer,  
 7 specific to the beach community?  
 8 MR. GINGRICH: I'm sorry. Go ahead.  
 9 MR. MICHELINI: No, that's okay.  
 10 Q Do you understand the question? Do  
 11 you want me to repeat it?  
 12 A Yes, please.  
 13 Q Okay. You indicated in your  
 14 testimony that the Berkeley Township police have  
 15 significant programs to assist the community. And  
 16 my question is, which specific programs, other than  
 17 having class one and class two officers in the  
 18 summer, are specific to the beach community, if  
 19 there are any?  
 20 A We have quads on the beach during  
 21 concerts, during Fourth of July. You know, the  
 22 students still go to the schools and they have  
 23 access to the DARE Program and the officers within  
 24 the school districts.  
 25 Q The DARE Program, does the

1 DARE Program function over in South Seaside Park or  
 2 is that something that the kids are coming over here  
 3 and function on the mainland?  
 4 A The kids are coming over here from  
 5 South Seaside Park. And it's in schools over here.  
 6 Q That's not specific to the beach,  
 7 because anybody in the mainland can participate in  
 8 the DARE Program, right?  
 9 A That's correct.  
 10 Q Okay. I'm asking about things  
 11 specific to the beach that the police have in terms  
 12 of programs besides class one and class two  
 13 officers, which really is specific.  
 14 A Those are the two big programs,  
 15 though.  
 16 Q Okay. But anything other than that?  
 17 No?  
 18 A No, nothing's coming to mind.  
 19 Q Okay. And the quads are actually  
 20 kept here?  
 21 A One of them is kept over there.  
 22 Q One is kept over there 20 -- 24/7 all  
 23 year round?  
 24 A Not 2/47. During the summer season.  
 25 Q Okay. For ten weeks, roughly,

1 correct?  
 2 A Maybe a little bit longer than ten  
 3 weeks.  
 4 Q Where is that kept?  
 5 A It's kept over by the lifeguard.  
 6 Q By the lifeguard stand?  
 7 A Yeah.  
 8 Q You indicated in your testimony that  
 9 in 2012, there was a neighborhood meeting at which  
 10 you were, quote, bombarded?  
 11 A 2011.  
 12 Q That was 2011?  
 13 A Yeah, I believe it was.  
 14 Q And I think your term was, bombarded  
 15 with the concerns of South Seaside Park; is that  
 16 correct?  
 17 A That is correct.  
 18 Q And you also said that there was a  
 19 lot of, you used the word frustration, exhibited by  
 20 the residents, correct?  
 21 A They wanted more police protection.  
 22 Q And you acted in response to that --  
 23 A We did.  
 24 Q -- correct? You started the  
 25 class one and the class two program?

1 A Yes.  
 2 Q So, their frustration was a valid  
 3 concern, as far as you were concerned?  
 4 A It was heard. And I had an  
 5 administration that would go forward with the  
 6 program.  
 7 Q When you say it was heard, it was a  
 8 valid concern as far as you were concerned, right?  
 9 A Yes.  
 10 Q Without telling me the hours or the  
 11 shifts, can you agree with the statement that since  
 12 2011/12, that the coverage over there has increased?  
 13 A Yes.  
 14 Q And that meeting that was in 2011,  
 15 where was that held?  
 16 A Three C's.  
 17 Q What town is that in?  
 18 A Seaside Park.  
 19 Q Why was it held at Three C's in  
 20 Seaside Park?  
 21 A I was just told of the meeting and I  
 22 responded to the meeting.  
 23 Q Who organized that meeting?  
 24 A Administration.  
 25 Q So, there is no place in South

1 Seaside Park to hold meetings like that, correct?  
 2 A There's other restaurants.  
 3 Q Well, in terms of public facilities,  
 4 there's no public --  
 5 A That's not a public facility either.  
 6 Q Right. There's no public --  
 7 A It's a restaurant.  
 8 Q Right. There's no public facility in  
 9 South Seaside Park, correct?  
 10 A Correct.  
 11 Q I think even the planning meeting  
 12 that we just heard about a few minutes ago is going  
 13 to be at Tri-Boro. Again, that's in Seaside Park,  
 14 correct?  
 15 A Tri-Boro is in Seaside Park.  
 16 Q And if de-annexation occurs in those  
 17 places, Three C's, Tri-Boro, they would all, the  
 18 people coming from South Seaside Park would be going  
 19 to a facility within their own town if de-annexation  
 20 occurs, right?  
 21 A Yes.  
 22 Q Are you aware of any specific policy  
 23 in place to check homes for people who are summer  
 24 residents over in South Seaside Park and are not  
 25 there in the winter?

1 A We do have people who call in and  
 2 they do a vacation notice. Our computer can take  
 3 that information. And if there's an issue at the  
 4 house, we'll call.  
 5 Q Okay. But do you have a, like a  
 6 vacation home report site where you can enter the  
 7 information by computer and put in the address and  
 8 put in the leave date and return date and point of  
 9 contact and all that or is it just simply somebody  
 10 has to call you and initiate that?  
 11 A If someone calls and initiates it,  
 12 then it's put in the computer. But that information  
 13 that you just stated would be the information that  
 14 would be put in.  
 15 Q Okay. But, again, you don't have a  
 16 form online that someone can go to?  
 17 A No.  
 18 Q Are you aware that Seaside Park has  
 19 that form so you don't have to call? You can just  
 20 sit at your computer and enter all that information?  
 21 A No, I did not know that.  
 22 MR. MICHELINI: Why don't we have  
 23 this marked as an exhibit.  
 24 (The Vacant home report was marked as  
 25 A-67 for identification.)

1 Q I show you what's been marked A-67,  
2 which is the document I represented to you. Do you  
3 see that? That's issued by -- I got to take my  
4 glasses off to read it -- Borough of Seaside Park,  
5 the Office of Emergency Management. Can you see  
6 that?  
7 A Yes.  
8 Q Okay. And that's a, would appear to  
9 be a vacant home report that one can find on the  
10 computer on a page that says police on it, where you  
11 can enter your address, the owner, a leave date, a  
12 return date, a point of contact and additional  
13 comments. Do you see that?  
14 A Yes.  
15 Q Do you think that would be a good  
16 thing for Berkeley Township to have for South  
17 Seaside Park?  
18 A Yes.  
19 Q But it doesn't exist currently? You  
20 have to do it by telephone, correct?  
21 A Correct. But that can exist --  
22 Q It can exist?  
23 A It's a good idea.  
24 Q Is there also, are you familiar with  
25 a home monitoring program that Seaside Park has?

1 A No.  
2 MR. MICHELINI: Okay. Let's have  
3 this marked.  
4 (The Home Alone monitoring document  
5 was marked as A-68 for identification.)  
6 Q I show you what's been marked A-68.  
7 That would also appear to be from the Office of  
8 Emergency Management from Seaside Park, correct?  
9 A Yes.  
10 Q And that's a home alone monitoring  
11 program where you can enter information about that  
12 particular program. Does -- you can take a moment  
13 to read it.  
14 Are you familiar with this program in  
15 Seaside Park?  
16 A No.  
17 Q Do you have a program like this in  
18 Berkeley Township?  
19 A We have a program where we have a  
20 list of all individuals who need special assistance.  
21 Q Okay. But you don't have something  
22 like this? This would appear to be something where  
23 you can go on the computer and fill out the  
24 information and the police would have it  
25 immediately, correct?

1 MR. WISER: Excuse me, Mr. Micheline.  
2 I think it might help the Board if you could explain  
3 to them what you're talking about. You and the  
4 chief know what you're talking about --  
5 MR. MICHELINI: Sure.  
6 MR. WISER: -- but we don't.  
7 Q Okay. Can you tell us what this is.  
8 A It's a, looks like a program where  
9 they have a phone call that goes out to our  
10 residents once a day. Press one if you're okay. If  
11 not, they call back in four minutes.  
12 Q And you can register your name. You  
13 can register your address. You can register contact  
14 information for the person who needs a well-being  
15 check on a daily basis, correct?  
16 A Yes. Well, that's what it looks like  
17 to me.  
18 Q That's what it purports to say. You  
19 would think it is what it purports to say, right? I  
20 mean, there's no reason to disbelieve that  
21 Seaside Park has this program available when it's  
22 online and printed out, correct?  
23 A Yes.  
24 Q And do you think it would be good for  
25 Berkeley Township to have this kind of document

1 available online to do the same thing?  
2 A Something to look into.  
3 Q It would be a good thing, right, at  
4 least to look into?  
5 A Yes.  
6 Q And you don't have this exact type of  
7 program?  
8 A No.  
9 Q And these are concerns, the Home  
10 Alone program is a concern, particularly for people  
11 that are older, right, and people that are disabled?  
12 Would that be the target group for that program,  
13 that type of program?  
14 A Probably.  
15 Q Okay. And over in South Seaside  
16 Park, your average age, I believe was testified to,  
17 is 63 or 64. You would agree with that, as far as  
18 you know?  
19 A I believe it was in the 60s, yes.  
20 Q So, that's an older population.  
21 Unfortunately, I'm close there. But it is an older  
22 population, correct?  
23 MR. BELL: We'll wait for you.  
24 MR. MICHELINI: Thanks.  
25 Q And the other program, the vacant

1 home monitoring program, that would be particularly  
2 useful in a beach area where there are many summer  
3 residents and then in the wintertime they're not  
4 there, correct?

5 A If they're summer residents, yes,  
6 they're not there in the winter.

7 Q Right. But I mean that the program  
8 would be particularly helpful in the beach area,  
9 because that's more than common than it is in the  
10 mainland, generally?

11 A It could be helpful.

12 Q Now, there was some testimony about  
13 Superstorm Sandy. And I asked you about transcripts  
14 that were annotated transcripts. I believe we  
15 marked one of them in evidence, did we not?

16 A You did.

17 Q After having a month to think about  
18 it, do you know whether -- you were unsure as to  
19 whether or not you had seen the annotated  
20 transcripts prior to my question last month.

21 A I did not go back and look, if that's  
22 what the question is.

23 Q So, you still don't know?

24 A It looks like it. But, you know, I  
25 can't be 100 percent positive.

1 Q Okay. But it looks like the  
2 transcript you saw?

3 A Yes. Yes.

4 Q And that's, I believe you said you  
5 got from Mr. Camera, correct?

6 A Yes.

7 Q And I will represent I received those  
8 from Remington & Vernick.

9 So, there was testimony about Superstorm  
10 Sandy. Are you able to say whether you read the  
11 entire transcript of all the testimony about  
12 Superstorm Sandy or only annotated portions?

13 A I wouldn't say I went through every  
14 single word, no.

15 Q Okay. There were a lot of -- there  
16 was actually a lot of good testimony about the  
17 police. Did you read any of that?

18 A Not really.

19 Q Okay. So, no one pointed out to you  
20 when positive comments were said about the police,  
21 correct?

22 A They might have been in there. But I  
23 was going -- when I was going through those  
24 transcripts, I was looking for things that I had to  
25 address.

1 Q And who told you that you had to look  
2 for -- so, you were looking for negative things  
3 about the police, correct?

4 A I was looking for things that I had  
5 to clarify.

6 Q Why did you think you had to clarify  
7 them?

8 A Because I felt I had to defend the  
9 police department.

10 Q During Superstorm Sandy, I think  
11 Officer -- is it Lieutenant Santucci or  
12 Captain Santucci? What is it?

13 (Off the record.)

14 Q Captain. I'm sorry. Testified about  
15 the number of officers over there during Superstorm  
16 Sandy. During a shift, there was as many as seven  
17 officers. Do you remember he said something to that  
18 effect?

19 A You should be asking Captain  
20 Santucci.

21 Q Well, I'm just asking you because I'm  
22 trying to speed this along. I can ask him.

23 A Yes, there were probably at times  
24 probably more than seven but --

25 Q And they were all getting paid

1 overtime or regular pay?

2 A Well, it was regular pay and it was  
3 probably overtime.

4 Q Okay. Do you have any idea how much  
5 it cost to have all those officers over there? Do  
6 you have a cost related to Superstorm Sandy for the  
7 police?

8 A No, I didn't do that paperwork.

9 Q Would Captain Santucci know?

10 A No, he was actually not a captain at  
11 the time. He was lucky.

12 Q Do we know, is it reasonable to say  
13 it was thousands of dollars?

14 A Thousands, yes.

15 Q Is it reasonable to say it was  
16 hundreds of --

17 A There you go. I don't know.

18 Q I'm asking --

19 A I don't know.

20 Q You don't know. Okay. The police  
21 that were over there were working at the time, they  
22 weren't volunteering their time, correct?

23 A No, they were working.

24 Q So, they were getting paid?

25 A Yes.



1 Q You talked about buses for reentry  
2 being provided by Central Regional School District.  
3 Do you recall that?  
4 A Yes.  
5 Q Okay. Those buses are paid for by  
6 the residents who are part of that district --  
7 A Yes.  
8 Q -- correct? And that includes South  
9 Seaside Park --  
10 A Yes.  
11 Q -- and it includes Seaside Park,  
12 correct?  
13 A Yes.  
14 Q So, if de-annexation occurs, the same  
15 people are going to be paying for the Central  
16 Regional school buses, regardless of what town  
17 they're in, right? As far as you know?  
18 A As far as I know.  
19 Q You made a statement that you went to  
20 bat for the citizens of South Seaside Park and you  
21 expected at some point that you might need their  
22 backing. Do you recall that statement?  
23 A Yes.  
24 Q Were you looking for a quid pro quo  
25 from them?

1 A Absolutely not.  
2 Q Okay. In fact, when you were  
3 advocating for the residents of South Seaside Park,  
4 you were doing your job because South Seaside Park  
5 wasn't as damaged as the northern parts of the  
6 barrier peninsula?  
7 A I did more than my job when it came  
8 to the residents of South Seaside Park.  
9 Q Okay. But the idea that you could  
10 handle South Seaside Park different than the  
11 northern end, Ortlely and further north, that came  
12 from one of the residents, correct, and you  
13 implemented it; is that right?  
14 A What came from one of the residents?  
15 Q The idea that South Seaside Park  
16 should be treated differently?  
17 A No, that did not come from one of the  
18 residents.  
19 Q Was that your idea?  
20 A That was mine and my staff.  
21 Q It didn't come from the residents?  
22 A No. I mean, we had a meeting with  
23 Mr. Whiteman and -- I'm going to say it's probably  
24 20 residents, right?  
25 MR. WHITEMAN: Only three of us.

1 A The meeting in the street.  
2 Q Do you have a log of the date of that  
3 meeting?  
4 A No, I don't.  
5 Q Do you keep a log of what you do,  
6 typically, as a police officer, a chief?  
7 A Normally. But let's say,  
8 Superstorm Sandy was not normal.  
9 Q It was not normal.  
10 A Yeah.  
11 Q We can all agree on that.  
12 A Yes.  
13 Q So, you don't know if you have a log  
14 of that date?  
15 A I don't have a log on that date. I  
16 actually testified to that earlier.  
17 Q Was Mr. Whiteman helpful?  
18 A Yes, he was, actually.  
19 Q He gave you a contractors' list --  
20 A Yes.  
21 Q -- which has been marked in evidence?  
22 A Yes.  
23 Q So, he was, as far as you knew, he  
24 was acting passionately about the residents of South  
25 Seaside Park, correct?

1 A Yes.  
2 Q And he's still acting passionately,  
3 even in his testimony here, right? Yes?  
4 A He's passionate.  
5 Q And, as far as you can tell, he's  
6 asserting what he believes to be correct and true  
7 and did at that time in that meeting, correct?  
8 A Yes.  
9 Q Let's talk about Judy Erdman for a  
10 minute. I'll show you what's been marked, I  
11 believe, Township-1 in evidence. I think  
12 everybody's seen it. Now, this document, this  
13 appears to be a photocopy, correct? You can look at  
14 it closely.  
15 A I'm not a hundred percent sure, to be  
16 honest.  
17 Q Well, look at it closely and tell me  
18 what you think.  
19 A I'm looking at it as close as I can.  
20 I don't know.  
21 Q You don't know?  
22 A It could be.  
23 Q It appears to be a photocopy. I'll  
24 let the Board decide what they think. But,  
25 certainly, would appear to be a photocopy.

1 Do you know where the original -- if it is a  
2 photocopy, do you know where the original is?  
3 A Probably in the stacks of forms in  
4 OEM.  
5 Q But you're not sure?  
6 A I'm not a hundred percent sure, no.  
7 Q And your department didn't prepare --  
8 that's the -- Township-1, for the record, is the  
9 notice of evacuation that is allegedly signed by  
10 someone from the Erdman house, correct?  
11 A Yes.  
12 Q Okay. But your office prepared the  
13 form?  
14 A Yes.  
15 Q But didn't prepare the signatures or  
16 the handwriting on there, correct?  
17 A Correct.  
18 Q And your officers didn't go around  
19 and collect those signatures?  
20 A No.  
21 Q And I think you did a little  
22 investigation and you found out that that was done  
23 in this particular case by a Pinewald fireman,  
24 correct?  
25 A Correct.

1 Q Who doesn't recall who signed the  
2 form?  
3 A Correct.  
4 Q Doesn't know if it was a man, doesn't  
5 know if it was woman, correct?  
6 A Correct.  
7 Q Doesn't know if it was Judy Erdman or  
8 somebody else, correct?  
9 A It was someone from the residence.  
10 Q Okay. That's what he said?  
11 A Correct.  
12 Q That it was someone from the  
13 residence?  
14 A Correct.  
15 Q But you have no personal knowledge of  
16 that, correct?  
17 A No, I don't.  
18 Q Okay. And in terms of someone from  
19 the residence, how many people reside in that  
20 residence? Do you have personal knowledge?  
21 A I don't know.  
22 Q Okay. So, it could be two, could be  
23 four, you don't know?  
24 A No, I don't.  
25 Q And the testimony, I think your

1 investigation revealed that the person who signed  
2 the form completed the information on the form  
3 insofar as the address and the date and their  
4 signature and their name, correct?  
5 A I'm not sure on that one.  
6 Q Well, wasn't that what the report  
7 said?  
8 A Do you have a copy of the report?  
9 I'll read the report.  
10 Q Sure.  
11 A Okay. The statement here in the  
12 report from Mr. Latrent stated that the print name  
13 signature of resident and address portion were not  
14 filled out by him and were filled out by a resident  
15 of 106 Sprague.  
16 Q What's the address? 106 Sprague?  
17 A 106 Sprague.  
18 Q How do you spell Sprague?  
19 A What is it? S-p-r-a, I think it's,  
20 u-g-e. Am I correct? I don't know.  
21 Q Is it in your report?  
22 A This is not my report.  
23 Q That's a police report, isn't it?  
24 A It's a police report. It's not  
25 authored by me.

1 Q Okay. Well, the report, when I say  
2 this report, I'm talking about Township-17, spells  
3 Sprague, I believe this is correct, S-p-r-a-g-u-e.  
4 A That's correct.  
5 Q G-u-e, correct?  
6 A Uh-hum.  
7 Q As far as you know, is that the  
8 correct spelling?  
9 A Yes.  
10 Q And so, Mr. Latrent says that the  
11 address was filled out by the person who signed the  
12 form from the residence, correct?  
13 A Correct.  
14 Q How is the address spelled on the  
15 form, on T-1?  
16 A Spelled incorrectly. S-p-r-a-g-u-e.  
17 Q So, if that form was filled out,  
18 presumably, by somebody from the residence, you  
19 would think that they would know how to spell the  
20 street on which they lived, correct?  
21 A Yes. Is the resident saying that  
22 this is not their signature?  
23 Q I'm not asking the resident questions  
24 right now. I'm asking the chief.  
25 In terms of the signature, it's absolutely

1 illegible, correct?  
 2 A That is correct.  
 3 Q And in terms of the print name, it  
 4 just says Erdman, so we don't know what Erdman, who  
 5 Erdman is, whether it's -- who it is, correct? It  
 6 just says Erdman?  
 7 A Correct.  
 8 Q Do you know what Judy --  
 9 A I have to state that the firemen  
 10 going over there wouldn't have had a list of names  
 11 of the residents.  
 12 Q Pardon me?  
 13 A They wouldn't have had the name of  
 14 the resident.  
 15 Q Okay.  
 16 A They were going door-to-door.  
 17 Q Okay. So, they wouldn't -- you --  
 18 that's a fact, you absolutely have personal  
 19 knowledge of that?  
 20 A They did not have. All they went  
 21 over with is this form.  
 22 Q Okay. And you have personal  
 23 knowledge of that?  
 24 A Yes, I was there when the fire  
 25 department came into the OEM room and they were

1 supplied with the information.  
 2 Q Okay. So, do you know what  
 3 Judy Erdman's signature looks like?  
 4 A No, I do not.  
 5 Q I'll represent that I have a copy of  
 6 her signature page from her will. And we can have  
 7 her authenticate that later on.  
 8 MR. MCGUCKIN: You're not going to  
 9 ask the chief to compare?  
 10 MR. MICHELINI: I am going to ask her  
 11 to compare.  
 12 MR. MCGUCKIN: Absolutely not. She's  
 13 a police chief, not a handwriting expert. She's not  
 14 here as a witness --  
 15 MR. MICHELINI: It's not a matter of  
 16 handwriting --  
 17 (Off the record.)  
 18 MR. MICHELINI: Sorry.  
 19 They are so absolutely different that  
 20 you don't have to be an expert.  
 21 MR. MCGUCKIN: Then the Board can  
 22 look at the page and make that own conclusion. But  
 23 the chief's opinion of that is irrelevant. The  
 24 Board can make that conclusion and you can have the  
 25 witness come up later and testify it's not her

1 signature and this is her signature. That's fine.  
 2 But it's improper to ask a chief of police that.  
 3 MR. MICHELINI: I can ask her if this  
 4 signature on this signature page of the will looks  
 5 anything like T-1.  
 6 MR. MCGUCKIN: No, not the chief.  
 7 The chief's here to answer your questions. She's  
 8 been here now a second meeting. I suggest you  
 9 continue -- the third meeting, excuse me. I suggest  
 10 you continue asking the chief questions that the  
 11 chief is properly here to answer.  
 12 MR. MICHELINI: Well, the chief --  
 13 MR. MCGUCKIN: Not questions -- let  
 14 me finish. Not testimony regarding whose signature  
 15 is whose and comparing them. This is her third  
 16 meeting you've had her here. I suggest -- I'm not  
 17 sure you're going to have another one, so I suggest  
 18 you just complete the testimony of the witness.  
 19 MR. MICHELINI: I did not get to  
 20 cross-examine her at the first meeting, you may  
 21 recall, okay. So, it's the second meeting that I've  
 22 had an opportunity to cross-examine her.  
 23 MR. MCGUCKIN: I understand.  
 24 MR. MICHELINI: That's number one.  
 25 Excuse me. Let me finish now.

1 Secondly, she provides a form and  
 2 testifies about a form that she didn't prepare. And  
 3 then she had an officer go out and interview the  
 4 person who allegedly prepared it, who isn't here to  
 5 testify. So, I should be able to have some leeway  
 6 in talking about and comparing the signatures when  
 7 she's relying on double hearsay.  
 8 MR. MCGUCKIN: You've asked her  
 9 repeatedly about that form. You've asked her not  
 10 once, not twice, about three times. And you're not  
 11 going to ask her to compare signatures. It's  
 12 absolutely inappropriate. It's not going to happen.  
 13 MR. MICHELINI: I disagree.  
 14 Q Do you know what Judy Erdman's  
 15 signature looks like?  
 16 A No, I don't.  
 17 Q And Mr. Latrent, he didn't  
 18 specifically recall getting the signature of the  
 19 resident, correct? He doesn't recall getting the  
 20 signature?  
 21 A Let me have the report back.  
 22 Q You don't know?  
 23 A No, I don't know. From the report,  
 24 Latrent stated he did not recall 106 Sprague  
 25 specifically.

1 Q And as we stand here and sit here  
 2 today, we don't know who from the household signed  
 3 this form on T-1, correct?  
 4 A Correct.  
 5 MR. MCGUCKIN: This is the third time  
 6 you've asked that question.  
 7 Q If we eliminate the need for police  
 8 in South Seaside Park as a result of de-annexation,  
 9 doesn't that enhance the ability to service the  
 10 mainland if no police are cut or lost as a result?  
 11 A I don't know.  
 12 Q You don't know?  
 13 A No, I have not looked into that.  
 14 Q Well, how many people are in the  
 15 mainland? Do you have any idea what the population  
 16 is?  
 17 A In the -- I know the town itself is  
 18 about 44, 45.  
 19 Q 44, 45,000?  
 20 A Uh-hum.  
 21 Q How many people over on the barrier  
 22 peninsula?  
 23 A I don't know.  
 24 Q There's been discussion, I think it  
 25 was under 500 in terms of permanent residents. Do

1 you recall any of that?  
 2 A Something along those lines.  
 3 Q Okay. And given the number of  
 4 officers, without telling me the numbers of  
 5 officers, over on the mainland, I assume the ratio  
 6 is not one officer to 500 residents, correct?  
 7 A I'm not going to go down that aisle.  
 8 Q You don't know?  
 9 A I'm stating that that is privileged  
 10 information.  
 11 Q Well, it's very simple. You have 66  
 12 officers, correct?  
 13 A That is correct.  
 14 Q And you have 44,000 people in the  
 15 township or 45. And you only have about --  
 16 A I'm not going into staffing levels.  
 17 Q I didn't ask you staffing levels.  
 18 I'm asking you the distribution of police officers  
 19 per person on the mainland versus that on the  
 20 barrier peninsula.  
 21 A I would say that South Seaside --  
 22 MR. MCGUCKIN: That would require her  
 23 to answer staffing.  
 24 A -- has more coverage -- South Seaside  
 25 Park residents, compared to any other area within

1 Berkeley Township, has more police presence.  
 2 Q Okay. So, then, if those officers  
 3 could work on the mainland, and de-annexation  
 4 occurs, that would enhance your ability to police  
 5 the mainland, would it not?  
 6 A I haven't looked into that.  
 7 Q So, you can't answer that?  
 8 A No.  
 9 Q So, you can't even tell me, if you  
 10 kept the same number of officers, if the ratio --  
 11 MR. GINGRICH: Through the Chair.  
 12 Five times.  
 13 MR. WINWARD: Hold on.  
 14 CHIEF DiMICHELE: Let him go.  
 15 Q You can't even tell me, if we kept  
 16 the same number of officers after de-annex -- if  
 17 de-annexation occurs, that the ratio of police  
 18 officers per population would be different in the  
 19 mainland? Would it be different?  
 20 A I would have to look into it.  
 21 Q Okay. Now, an officer leaving the  
 22 beach -- actually, let me ask you a different  
 23 question. When an officer finishes his shift or her  
 24 shift in the mainland, where do they go?  
 25 A Headquarters.

1 Q And then what happens?  
 2 A Under what scenario?  
 3 Q Well, generally, at the end of a  
 4 shift, you have a new officer coming in to take  
 5 their place and an officer who's leaving after their  
 6 shift, is there any kind of a lineup, a muster --  
 7 A Yes, there is.  
 8 Q -- a report?  
 9 A A brief.  
 10 Q Tell me what happens. Because I'm  
 11 not familiar with it.  
 12 A Where officers are given specific  
 13 instructions as to what their assignments are for  
 14 the day, what they're required to do, where they're  
 15 going to patrol.  
 16 Q Okay. So, that's a briefing. Is  
 17 that the same as a muster?  
 18 A Yes, it is.  
 19 Q Okay. Is it the same as a lineup or  
 20 is --  
 21 A Yes, it is.  
 22 Q -- that something different? So,  
 23 it's all kind of the same thing?  
 24 A Yes.  
 25 Q And that happens at the beginning of

1 every shift --  
 2 A That's correct.  
 3 Q -- and at the end of every shift?  
 4 A Beginning of the shift.  
 5 Q Okay. But the officers who are  
 6 finishing a shift, do they report as to what's  
 7 happened during their shift as part of that muster?  
 8 A Well, it would be in the computer  
 9 system. So, the sergeant that's running the muster  
 10 or the briefing, the lineup, would relay that  
 11 information to the officers coming on.  
 12 Q And where would that information be  
 13 inputted into the computer? From where? From what  
 14 source?  
 15 A From their car.  
 16 Q Okay.  
 17 A From the laptop.  
 18 Q So, in the situation where you have  
 19 people on the -- you have officers on the beach, and  
 20 you have one officer finishing a shift on the beach  
 21 and another officer going over, where does that  
 22 muster occur?  
 23 A There's -- without going into too  
 24 much of scheduling --  
 25 Q No, you don't have to tell me

1 schedule.  
 2 A There's overlaps.  
 3 Q So, does the muster, does it occur  
 4 here or they do --  
 5 A The muster still occurs here.  
 6 Q They don't do something on their own?  
 7 A No, they don't.  
 8 Q You talked about backup for Island  
 9 Beach. Do you have any idea how many times you  
 10 backed up Island Beach in, let's say, 2016?  
 11 A I do not.  
 12 Q 2015?  
 13 A I don't.  
 14 Q But if de-annexation occurs, that  
 15 backup would then default to Seaside Park as the  
 16 adjoining municipality, correct?  
 17 A That is correct.  
 18 Q Pardon me?  
 19 A That is correct.  
 20 Q I believe you testified that all the  
 21 four-wheel drive vehicles are kept at headquarters,  
 22 with the exception of the quad that's over there  
 23 during the summer. And I don't know if that's  
 24 four-wheel drive anyway. Is that a four-wheel drive  
 25 vehicle?

1 A The quad?  
 2 Q Yeah. You don't know?  
 3 A I don't know.  
 4 Q Okay. Excepting the quad, all the  
 5 four-wheel drive vehicles are kept here at  
 6 headquarters, right?  
 7 A Yes, unless the officer is in a  
 8 four-wheel drive vehicle.  
 9 Q The patrol cars don't have four-wheel  
 10 drive, correct?  
 11 A Yeah, all the trucks do.  
 12 Q But not the cruisers?  
 13 A We're transitioning all over to  
 14 trucks.  
 15 Q Okay. But right now, how many trucks  
 16 do you have?  
 17 A I don't have that exact number.  
 18 Q Do you have more than -- I mean, do  
 19 you have five? Ten?  
 20 A See that gentleman right there, he'd  
 21 be able to answer that --  
 22 Q You don't know?  
 23 A -- that question.  
 24 Q You don't know, correct?  
 25 A I don't know.

1 Q Are you familiar with the concept of  
 2 community in policing?  
 3 A Yes.  
 4 Q What's the idea behind it?  
 5 A Staying in touch with the community.  
 6 Q Bringing the community closer to you  
 7 as police and vice versa?  
 8 A Correct.  
 9 Q Are you familiar with the fact that  
 10 the New Jersey Association of Chiefs of Police  
 11 encourage community policing?  
 12 A Yes.  
 13 Q And that's the organization that  
 14 credits you or gives you some kind of --  
 15 A That is correct.  
 16 Q And do you -- are you aware as to  
 17 what -- that they believe that community policing is  
 18 enhanced by having either a substation or a  
 19 headquarters in a given neighborhood area?  
 20 A I don't recall that.  
 21 Q Do you agree with that, that  
 22 community policing is enhanced by either having a  
 23 substation or a headquarters, a place where you can  
 24 physically go to, that community policing is  
 25 enhanced in that situation?

1 A I don't know if I would agree with  
2 that.  
3 Q Okay. Do you disagree with it or you  
4 just don't know right now?  
5 A I just don't know.  
6 Q Do you agree that a police station  
7 can provide a place, a meeting place for community  
8 for police related things, such as Neighborhood  
9 Watch?  
10 A It could be used for that.  
11 Q And is it used -- is the mainland  
12 buildings over here, are they used for Neighborhood  
13 Watch?  
14 A Yes.  
15 Q Okay. But there's nothing over on  
16 the over barrier peninsula for that, correct?  
17 A There are no township buildings  
18 within South Seaside Park.  
19 Q Do you agree with the concept that  
20 the visible presence of the police in a neighborhood  
21 improves the residents' opinion of the police,  
22 generally speaking?  
23 A I would believe that to be true.  
24 Q And that visible presence can include  
25 a building, could it not?

1 A That's somebody's opinion.  
2 Q Well, let me ask you -- well, the --  
3 do people generally -- in your experience as a  
4 chief, isn't it a fact that people of the community  
5 feel more welcomed about addressing a police matter  
6 by going to a building than they do by walking up to  
7 a cruiser that's parked on the street?  
8 A I would have to say you're wrong with  
9 that one.  
10 Q Okay.  
11 A I would have to say most of our  
12 reports of every incident that we, you know, respond  
13 to, it's mostly the officer going to the person's  
14 home.  
15 Q No, I'm talking about if someone  
16 wanted to, if they saw a police officer, either in a  
17 car or they saw a building, isn't a building a more  
18 welcoming presence for the individual?  
19 A I wouldn't say that. I think that  
20 they would be more comfortable talking to the  
21 officers within their home and having the privacy.  
22 Q If a car has to leave the beach and  
23 it's in need of more equipment, let's say O2, where  
24 does it get it?  
25 A It could happen a couple different

1 ways. The first aid squad could help us and give us  
2 oxygen just like it does, you know, any other first  
3 aid building, or a sergeant can run equipment over,  
4 or, you know, we'll swap out the officers.  
5 Q So, swap out the officers, meaning  
6 you send a cruiser over there and --  
7 A But there should be no instance where  
8 an officer does not have enough oxygen to get him  
9 through a shift.  
10 Q Are there ever instances where an  
11 officer does -- needs to get additional equipment  
12 that he doesn't have with him in his cruiser?  
13 A He should not.  
14 Q Does it ever happen?  
15 A If it happened, it's not hitting my  
16 level.  
17 Q You're not aware of it?  
18 A No.  
19 Q Isn't it a fact that it's more  
20 efficient to have a police department and a fire  
21 department in the same building for training  
22 purposes?  
23 A I don't have an answer to that one.  
24 Q Well, does your police department do  
25 extraction training?

1 A No, we do not.  
2 Q Do you do hazmat training?  
3 A We do some hazmat.  
4 Q Do you do terrorist response?  
5 A We do.  
6 Q Okay. Are you aware that the fire  
7 department does hazmat, terrorist and extraction  
8 training?  
9 A I would think they would.  
10 Q And over in Seaside Park, the same  
11 building where the headquarters is is also for the  
12 fire department, right?  
13 A Because it's a smaller fire  
14 department and a smaller police department.  
15 Q So, that training can all be done  
16 there, both for the fire and the police, in the same  
17 place, correct? Yes?  
18 A If they choose. I shouldn't be  
19 commenting on how Seaside Park does their training.  
20 Q What do you do if the bridge is  
21 closed? I mean, it was stuck up this past summer  
22 several times. I don't know if you're aware of  
23 that. Probably you are.  
24 A I was.  
25 Q Does that present a challenge in

1 terms of policing if you have a situation over on  
 2 the barrier island?  
 3 A I believe they split the other bridge  
 4 to allow traffic back and forth.  
 5 Q Okay. Well, that's the construction  
 6 issue. I understand that. In the time when the  
 7 construction is not going on, let's say from  
 8 September to, I think, Memorial Day, or October,  
 9 somewhere around there, if the bridge going over  
 10 is -- if there's a mechanical problem with the  
 11 drawbridge, what do you do from a policing  
 12 standpoint?  
 13 A The officer stays over there.  
 14 Q Okay. What if he needs other  
 15 officers and backup?  
 16 A He has other officers and backup.  
 17 Q From other towns? From Seaside Park?  
 18 A No. If needed, if we needed more  
 19 than what we had over there, yeah, we would call for  
 20 backup. Just like if Seaside Park needed, they  
 21 would call for backup.  
 22 Q You made a comment about Pelican  
 23 Island, that if the de-annexation occurs and it  
 24 would be, I think you said, a waste of police  
 25 resources to still have to police Pelican Island.

1 Do you recall that?  
 2 A Yes, that was in response to a  
 3 question.  
 4 Q You're not saying that the people of  
 5 Pelican Island deserve less in terms of police  
 6 resources than anyone else, are you?  
 7 A You're putting words in my mouth.  
 8 Q I'm asking you whether or not you're  
 9 saying that.  
 10 A I'm saying that -- no, I'm not saying  
 11 that.  
 12 Q Just give me a minute so that I don't  
 13 have to call you back.  
 14 Do you get along with Chief Larkin in  
 15 Seaside Park?  
 16 A Very well.  
 17 Q Have you ever had any run-ins with  
 18 him over coverage?  
 19 A What do you mean run-ins?  
 20 Q Well, have you had any disputes with  
 21 him over --  
 22 A We have never had a dispute. We have  
 23 had discussion.  
 24 Q Okay. Isn't it a fact that  
 25 Seaside Park was unhappy a couple of years ago about

1 the number of backups that they had to provide to  
 2 Berkeley Township?  
 3 A And those numbers were not accurate.  
 4 And we've gone through that.  
 5 Q Well, I haven't questioned --  
 6 A Okay. Well, then maybe those --  
 7 Q -- Roth yet.  
 8 A -- questions should go to  
 9 Lieutenant Roth.  
 10 Q Except that I want to know, did you  
 11 participate in any meetings with mayors,  
 12 Chief Larkin or other government officials about  
 13 that issue?  
 14 A Yes.  
 15 Q Okay. And I know that there was  
 16 report generated --  
 17 A Yes.  
 18 Q -- by Seaside Park --  
 19 A Yes.  
 20 Q -- because that's been marked in  
 21 evidence. Did you --  
 22 A Yes.  
 23 Q -- generate your own report?  
 24 A At the time of the meeting, no.  
 25 Q Did you take any action as a result

1 of that meeting?  
 2 A We were already in the process of  
 3 doing our class one, class two program.  
 4 Q Okay. Was there a time when you  
 5 actually got backup from Seaside Heights because  
 6 Seaside Park didn't want to provide it?  
 7 A I wouldn't say they didn't want to  
 8 provide it.  
 9 Q But there was a time when you got  
 10 backup from Seaside Heights, correct?  
 11 A There was some backup from  
 12 Seaside Heights, yes.  
 13 Q Is that still the case or no?  
 14 A I don't believe that we have called  
 15 for backup, nor needed backup.  
 16 Q Okay. So, why were you calling for  
 17 backup from Seaside Heights?  
 18 A Maybe Seaside Park was busy. I don't  
 19 have the exact answer on that one.  
 20 Q Do you know if Seaside Park, if  
 21 anyone complained about the fact that you were  
 22 getting backup from Seaside Heights?  
 23 A I don't know if they did.  
 24 Q Were you provided with a list of  
 25 grievances that Seaside Park had regarding backup

1 besides the report?  
 2 A No, I was not.  
 3 Q You were not. How many meetings  
 4 occurred to discuss --  
 5 A One.  
 6 Q -- this? Just one? Where was that?  
 7 A It was at Seaside Park Town Hall.  
 8 Q Was that a public meeting or was that  
 9 a private meeting? In other words, was the public  
 10 invited like they are --  
 11 A No.  
 12 Q -- to a meeting like this?  
 13 A Well, I don't know if they were  
 14 invited. It wasn't my meeting. I just was -- I  
 15 just attended.  
 16 Q Who was there, that you recall?  
 17 A Chris Reed, the business  
 18 administrator, myself, Chief Larkin, one of his  
 19 officers, Lieutenant Jimmy Blair, myself, the two  
 20 mayors.  
 21 Q Is that Mayor Amato at the time?  
 22 A Yes.  
 23 Q So, this is within the last couple  
 24 years?  
 25 A I don't have the date of that

1 meeting.  
 2 Q Do you know if it was more than three  
 3 years ago?  
 4 A I don't have the date of the meeting.  
 5 Q You only had one meeting?  
 6 A Only one meeting.  
 7 Q And what was the result of that  
 8 meeting?  
 9 A There wasn't really a result of that  
 10 meeting.  
 11 Q Who called the meeting?  
 12 A I don't know who called the meeting.  
 13 It wasn't my meeting.  
 14 Q Who asked you to go?  
 15 A The business administrator.  
 16 Q And what was discussed, specifically?  
 17 A It was discussed what was in that  
 18 report.  
 19 Q Anything else?  
 20 A The backup for -- from Seaside Park  
 21 to Berkeley Township.  
 22 Q And what actions, if any, did you  
 23 take as a result of that meeting?  
 24 A We were already in the process of  
 25 doing the class one/class two program which put more

1 officers over on the beach.  
 2 Q Did you do anything else?  
 3 A No.  
 4 Q Okay.  
 5 A We actually -- what?  
 6 MR. WISER: No, go ahead.  
 7 A We actually weren't provided with a  
 8 copy of that report before that meeting. Otherwise,  
 9 we would have been more prepared with the numbers.  
 10 MR. WISER: The report you're  
 11 referring to, has that been entered into evidence?  
 12 CHIEF DiMICHELE: It has.  
 13 MR. WISER: Do you know what number  
 14 it is?  
 15 CHIEF DiMICHELE: I don't know what  
 16 number it is. All of these --  
 17 MR. WISER: That's the township you  
 18 guys entered?  
 19 CHIEF DiMICHELE: Yes, we --  
 20 MR. WISER: Okay.  
 21 CHIEF DiMICHELE: All of these  
 22 questions regarding the statistics and the number of  
 23 calls, backup, needs to be addressed to the person  
 24 who presented that information.  
 25 Q And that would be whom?

1 A Right there, Lieutenant Ryan Roth.  
 2 Q Right.  
 3 A Yes.  
 4 Q But Lieutenant Roth wasn't at that  
 5 meeting. That's why I'm asking you about it.  
 6 A No, he wasn't.  
 7 Q Correct, he was not there?  
 8 A No, he was not.  
 9 Q Do you recall anything else discussed  
 10 at that meeting other than the report?  
 11 A No, I don't. I don't recall.  
 12 MR. MICHELINI: Thank you,  
 13 Chief DiMichele. I have no further questions.  
 14 CHIEF DiMICHELE: I have to set the  
 15 record straight with something.  
 16 MR. MICHELINI: This is not --  
 17 CHIEF DiMICHELE: You're going to  
 18 want to --  
 19 MR. MCGUCKIN: She's allowed to  
 20 speak.  
 21 CHIEF DiMICHELE: You're going to  
 22 want it.  
 23 MR. MICHELINI: I'm objecting for the  
 24 record. Go ahead.  
 25 MR. WINWARD: Your objection has been



1 heard.  
 2 CHIEF DiMICHELE: Okay.  
 3 MR. MCGUCKIN: For the record, you're  
 4 objecting to her commenting after her testimony?  
 5 MR. MICHELINI: I'm objecting to  
 6 general comments, yes. This should be questions and  
 7 answers.  
 8 MR. MCGUCKIN: Why is that? She made  
 9 comments at the beginning of the case.  
 10 MR. MICHELINI: I objected to that  
 11 format as well, because no other witnesses simply  
 12 came up here and commented. I think it's  
 13 procedurally inappropriate.  
 14 MR. MCGUCKIN: Chief, what do you  
 15 want to say?  
 16 CHIEF DiMICHELE: I want to say, you  
 17 kept badgering me about meetings and meetings and  
 18 meetings. When I went back and actually read the  
 19 transcript and the words of the question where you  
 20 asked, were there any meetings, you were asking  
 21 whether there were any meetings to discuss my  
 22 testimony, which that is not the case. But there  
 23 was a meeting to say that we weren't allowed to  
 24 discuss anything. And I just wanted to put that on  
 25 the record.

1 BY MR. MICHELINI:  
 2 Q Who was that meeting with?  
 3 A That was called by the business  
 4 administrator, many of my staff, Mr. McGuckin. And  
 5 Mr. McGuckin came in and pretty much told us that we  
 6 weren't allowed to discuss with anybody. And that  
 7 we weren't getting any assistance, you know --  
 8 Q When was this meeting?  
 9 A -- with how this process was or how  
 10 to move forward or what to do or how to prepare.  
 11 Q When was this meeting?  
 12 A Two days before we had to testify.  
 13 Q Okay. Who called that meeting?  
 14 A The business administrator.  
 15 Q That would be Mr. Camera or Mr. Reed?  
 16 That would be --  
 17 A That would be Mr. Camera.  
 18 Q Okay. And who was present at that  
 19 meeting?  
 20 A Myself, Captain Santucci, Lieutenant  
 21 Ryan Roth, Sergeant George Dohn.  
 22 Can I ask him if he was there?  
 23 Q No, that's okay.  
 24 A Because I don't recall.  
 25 Q No. Just based on your recollection

1 is fine. Sergeant Dohn may have been there. You're  
 2 not sure, correct?  
 3 A Okay.  
 4 Q Anybody else?  
 5 A Like I said, Mr. Greg McGuckin was  
 6 there.  
 7 Q And Mr. McGuckin told you what you  
 8 could or couldn't --  
 9 A No, Mr. McGuckin was very specific  
 10 that, you know, he's not allowed to assist us. He  
 11 wasn't allowed to give us any guidance.  
 12 Q And he told you -- but he gave you  
 13 direction that you shouldn't talk to other people?  
 14 Is that -- I'm not sure what you said.  
 15 A No, that, that we didn't have anyone  
 16 to guide us through this process.  
 17 Q Did he tell you why you didn't have  
 18 anybody to guide you?  
 19 A Because he was for the Board and not  
 20 for the township, I believe it was.  
 21 Q Okay. Where was that meeting held?  
 22 A Here in this building.  
 23 Q How long did that meeting last?  
 24 A Minutes. I don't know. It wasn't  
 25 very long.

1 Q And that was just after you were told  
 2 that you were going to have to testify, correct,  
 3 within a day or two?  
 4 A At that meeting is when we were told  
 5 we had to testify.  
 6 Q And who told you that?  
 7 A John Camera.  
 8 Q And so, you put together this program  
 9 to testify within a couple days and then had to  
 10 testify, correct?  
 11 A That is absolutely correct.  
 12 Q All right. And could you have done  
 13 that, let's say, the information that you obtained,  
 14 that was, that was from records that have been  
 15 marked in evidence that were in the possession of  
 16 the police department or --  
 17 A Yes.  
 18 Q Okay. And that's something that you  
 19 could have done in May or June or July if you were  
 20 asked, but you weren't asked until September or the  
 21 end of August, correct?  
 22 A Yeah.  
 23 Q But you could have done it earlier,  
 24 right, if asked?  
 25 A I could have, yes.

1 Q And you could have appeared at  
2 earlier meetings to testify, if asked? Could you  
3 have appeared at the August meeting?  
4 A I don't -- no, I wasn't at the August  
5 meeting.  
6 Q No, you didn't. But you could have  
7 if asked, correct?  
8 A If I were required to. It's not  
9 like, hey, let's go to the planning board.  
10 Q Or the July meeting?  
11 A I'm sorry, but -- no, definitely not  
12 the July meeting. I don't believe I was at the July  
13 meeting.  
14 Q But you could have appeared if asked,  
15 correct?  
16 A If I was ordered to.  
17 Q Did somebody order you to show up  
18 here and testify?  
19 A I was told I had to testify, yes.  
20 Q By the administrator?  
21 A Yes.  
22 Q Okay. And you considered that an  
23 order?  
24 A Yes.  
25 Q Is there an umbrella of people that

1 you answer to or is it just the administrator?  
2 A Just the administrator.  
3 Q That's the only person that you  
4 answer to?  
5 A Yes, and only in -- if you look at  
6 the chief's bill of rights, there's very few  
7 scenarios you have to. Mostly, I'm in charge of the  
8 police department.  
9 Q So, where does it say that you have  
10 to answer to the administrator? Where is it written  
11 down?  
12 A He's the Appointing Authority.  
13 Q The Appointing Authority of what?  
14 A Of the township.  
15 Q Appointing Authority of what?  
16 A It's a title called the Appointing  
17 Authority --  
18 Q Okay.  
19 A -- which gives them the power to, you  
20 know, question, you know, scheduling, that sort of  
21 thing.  
22 MR. MCGUCKIN: Do you mean  
23 Appropriate Authority?  
24 CHIEF DiMICHELE: Thank you.  
25 MR. MCGUCKIN: Under the statute?

1 CHIEF DiMICHELE: Yes, I do.  
2 MR. MCGUCKIN: Under municipal law?  
3 CHIEF DiMICHELE: Thank you. Yes.  
4 Q So, that's -- there's no public  
5 safety commission or group of people that you report  
6 to?  
7 A There's a public safety committee.  
8 Q Do you report to them?  
9 A No, there's not very many meetings of  
10 them. There are when I need to. Like we developed  
11 the first aid squad. Yes, I did report to them,  
12 because it had to do with money.  
13 Q But they were not involved in this,  
14 providing testimony --  
15 A Correct.  
16 Q -- correct?  
17 A No.  
18 Q Anybody else besides the  
19 administrator involved in providing testimony?  
20 A Nobody helped provide testimony.  
21 Let's be very clear about that.  
22 Q Nobody else told you what you needed  
23 to do, except the administrator, that you need to  
24 come here and testify, correct?  
25 A That's correct. To defend the police

1 department. And that's what I did.  
2 Q Based upon the transcripts that were  
3 given to you, correct?  
4 A Yes.  
5 MR. MICHELINI: Thank you. No  
6 further questions.  
7 CHIEF DiMICHELE: Thank you.  
8 MR. WINWARD: Thank you, Chief.  
9 MR. WISER: I hate to do this. Mr.  
10 Chairman, I do have some questions of the chief.  
11 I'm sorry, Chief. But I figure while she's here so  
12 she doesn't have to come back again. Maybe there's  
13 some questions that I -- that came up during the  
14 various testimony that I thought she might be able  
15 to clarify.  
16 I promise, Chief, I'll try to --  
17 (Off the record.)  
18 MR. WISER: I will try to go through  
19 this as quickly as possible. A lot of these are  
20 going to just be boom, boom, boom questions,  
21 hopefully.  
22 You talked about, there's more than  
23 just a cop and a car. You talked at length about  
24 the infrastructure that you build around the police  
25 department. Are you able to quantify any of the

1 investment that might be specific to South Seaside  
 2 Park that if de-annexation -- if South Seaside Park  
 3 were never part of Berkeley Township, you wouldn't  
 4 have had to make that investment?  
 5 CHIEF DiMICHELE: I would say no.  
 6 When you're building the structures and the computer  
 7 systems and the softwares and the report writing  
 8 ability, it doesn't matter if you have a bigger  
 9 department or smaller department. It's still all  
 10 one cost. It still benefits every part of the  
 11 municipality.  
 12 MR. WISER: And I guess on the flip  
 13 side of that, are you able to quantify any savings  
 14 that would accrue to the township if South Seaside  
 15 Park were able to de-annex?  
 16 CHIEF DiMICHELE: No, I wouldn't be  
 17 able to give you numbers.  
 18 MR. WISER: You talked a little bit  
 19 about shift changing tonight. Is the way it works  
 20 that an officer, Officer A, who is in South Seaside  
 21 Park -- and I understand the sensitivity of trying  
 22 to ask this question. Officer A leaves South  
 23 Seaside Park?  
 24 CHIEF DiMICHELE: Officer A does not  
 25 leave South Seaside Park until Officer B --

1 MR. WISER: That answers my question.  
 2 CHIEF DiMICHELE: -- arrives, like  
 3 crosses the bridge, and they communicate that  
 4 through the radio, the police radios.  
 5 MR. WISER: So, Officer B says, I'm  
 6 on scene. Officer A says, see you tomorrow?  
 7 CHIEF DiMICHELE: Yes, but not those  
 8 words.  
 9 MR. WISER: I get it. Is providing  
 10 the police services or all of the services that  
 11 you -- that you have in your bailiwick, any more or  
 12 less expensive or inefficient or burdensome than  
 13 servicing other parts of the township?  
 14 CHIEF DiMICHELE: One more time.  
 15 MR. WISER: Is providing the services  
 16 to South Seaside Park that you're responsible for,  
 17 ultimately responsible for, any more or less  
 18 expensive, inefficient, burdensome than servicing  
 19 other portions of the township?  
 20 CHIEF DiMICHELE: I'm not really sure  
 21 what you're asking. Can you try a different way?  
 22 MR. WISER: Is it harder for you to  
 23 service South Seaside Park than it is the various  
 24 other communities --  
 25 CHIEF DiMICHELE: No.

1 MR. WISER: -- on the mainland?  
 2 CHIEF DiMICHELE: No. No. It's just  
 3 another section within our municipality.  
 4 MR. WISER: Okay. There was a lot of  
 5 conversation about overtime. Could you tell us, if  
 6 South Seaside Park were not part of Berkeley, would  
 7 police overtime be reduced?  
 8 CHIEF DiMICHELE: There was some  
 9 overtime related with South Seaside Park staffing,  
 10 but it was minimal.  
 11 MR. WISER: Is that sort of systemic  
 12 or is that every year there's different levels of  
 13 overtime because of the incidents that occur?  
 14 CHIEF DiMICHELE: That is correct.  
 15 MR. WISER: There were some questions  
 16 during the conversation about Sandy, about the  
 17 reverse 911 system. Can you walk us through how  
 18 that works.  
 19 CHIEF DiMICHELE: We did not have  
 20 reverse 911 when Hurricane Sandy hit.  
 21 MR. WISER: Okay. Is it correct to  
 22 say that Seaside Park did?  
 23 CHIEF DiMICHELE: Seaside Park did.  
 24 MR. WISER: Okay. Do you have  
 25 reverse 911 now?

1 CHIEF DiMICHELE: Yes, we do.  
 2 MR. WISER: One of the things that  
 3 was stated during testimony is that, in addition to  
 4 emergency calls, there's -- the reverse 911 is used,  
 5 for lack of a better term, human interest type  
 6 stuff. Notice of public events, reminders of  
 7 things, things that, really, if you take the name  
 8 literally, aren't 911 issues. Do -- does the  
 9 current reverse 911 system that you operate now  
 10 function that same way?  
 11 CHIEF DiMICHELE: Yes.  
 12 MR. WISER: In terms of snowstorms  
 13 and other instances where it might be difficult for  
 14 people to travel, does -- do the police have trouble  
 15 covering South Seaside Park in the snow, and is  
 16 that -- is their experience there any different from  
 17 other parts of the township?  
 18 CHIEF DiMICHELE: No. I mean,  
 19 whenever we have any sort of storm like that,  
 20 everyone, even if they are in a patrol car, assigned  
 21 to a patrol car, they are reassigned to a four-wheel  
 22 drive vehicle.  
 23 MR. WISER: And same question, there  
 24 was conversations about, after storms, large amounts  
 25 of sand being deposited in the streets. Is it your

1 experience that that causes the police any problems  
2 at all with respect to being able to maneuver around  
3 South Seaside Park?

4 CHIEF DiMICHELE: The sand?

5 MR. WISER: Yeah.

6 CHIEF DiMICHELE: Well, you mean  
7 after Hurricane Sandy?

8 MR. WISER: No, this was -- the  
9 testimony, as I recall, was after nor'easters it is  
10 somewhat of a regular occurrence, albeit after Sandy  
11 it was more than normal.

12 CHIEF DiMICHELE: I don't think it  
13 was to an extent where an officer couldn't pass  
14 through a street. During Hurricane Sandy, I believe  
15 it was.

16 MR. WISER: Okay. I had asked if  
17 there was any mapping of the police patrol areas,  
18 sectors. And you said even if there was, you  
19 couldn't give it to us.

20 CHIEF DiMICHELE: And I meant that in  
21 the most professional way.

22 MR. WISER: I fully get that. Is  
23 there any way, just so we have an understanding of  
24 what the Pelican Island/South Seaside Park sector  
25 looks like compared to other sectors, I know you

1 said it was smaller, can you give us, without being  
2 specific, acreage, anything at all that might help  
3 the Board understand this?

4 CHIEF DiMICHELE: Without going into  
5 too much detail.

6 MR. WISER: I respect your --

7 CHIEF DiMICHELE: You're picking as  
8 much as he was picking.

9 MR. WISER: I apologize.

10 CHIEF DiMICHELE: Okay. South  
11 Seaside Park is the smallest sector. That's about  
12 all I can give you.

13 MR. WISER: By a lot?

14 CHIEF DiMICHELE: By a lot.

15 MR. WISER: Okay. Mr. Whiteman  
16 talked about the parking stickers and how you have  
17 to come to township hall to get your parking  
18 stickers. Is there a way -- they're not available  
19 online?

20 CHIEF DiMICHELE: Parking stickers,  
21 no, they are not.

22 MR. WISER: Could they be?

23 CHIEF DiMICHELE: We would have to  
24 look into it.

25 MR. WISER: Okay. Fair enough.

1 CHIEF DiMICHELE: We can staff an  
2 officer over there on certain days, maybe.

3 MR. WISER: Fair enough. Are you  
4 able to give us, in terms of the number of officers,  
5 the size of the Seaside Park Police Department? Do  
6 you know?

7 CHIEF DiMICHELE: How many officers  
8 do they have --

9 MR. WISER: We know --

10 CHIEF DiMICHELE: -- in total?

11 MR. WISER: -- we have in the  
12 neighborhood of, what is it, 60, 66, whatever the  
13 number was?

14 CHIEF DiMICHELE: Yeah, we have 66  
15 full-time. And I think it's eight class twos and  
16 ten class ones.

17 MR. WISER: Do we know what South Sea  
18 -- what Seaside Park is like?

19 CHIEF DiMICHELE: Not off the top of  
20 my head.

21 MR. WISER: The Island Beach State  
22 Park, are you able to tell us the hours that the  
23 State Police cover? You're shaking your -- for the  
24 record, she's shaking her head no.

25 CHIEF DiMICHELE: I'm saying no. I'm

1 not giving out my staffing levels and I wouldn't be  
2 giving out any other department staffing levels.

3 MR. WISER: I understand. There was  
4 questions -- there was a Mrs. -- or Mr. Giovenco  
5 (phonetic) who talked about an incident that  
6 occurred to him in South Seaside Park where  
7 Seaside Park officers responded and Mr. Giovenco, if  
8 I'm pronouncing that properly, kept saying that the  
9 Seaside Park officers kept responding to him, we got  
10 this, this is ours, we got this, or words to that  
11 effect.

12 CHIEF DiMICHELE: Which incident is  
13 that, are you speaking of? Is that the first aid  
14 call?

15 MR. MICHELINI: For the record, I  
16 don't believe the chief spoke about that incident.  
17 That's my recollection, so maybe --

18 MR. WISER: No. And she did not  
19 speak about that incident. I have a question. But  
20 I want to -- I think this had to do with -- and  
21 Mr. Michelini, maybe you can corroborate. This had  
22 to do, I think, with somebody smashing into his cars  
23 with another car or some such incident like that.  
24 Where Seaside Park responded and there was a  
25 comment, something to the effect of three

1 Seaside Park cars responded while attempting to take  
2 change of the situation. They told him they -- they  
3 told him, we got this. Or, basically, the question  
4 I have for you is, is there a jurisdictional issue  
5 in which, even if a Seaside Park police officer or  
6 any other non-Berkeley police officer responded to  
7 an incident in South Seaside Park, that they could  
8 only take their role so far before a Berkeley  
9 officer had to take charge of the situation? It's a  
10 jurisdictional issue?

11 CHIEF DiMICHELE: As far as  
12 jurisdiction, the only thing that would come into  
13 play, a class two officer who carries a weapon,  
14 along with class one, only has jurisdiction within  
15 the municipality that they are employed. A law  
16 enforcement officer can take any action within the  
17 State of New Jersey.

18 MR. WISER: So, a non-Berkeley  
19 officer can make an arrest in Seaside Park?

20 CHIEF DiMICHELE: A non -- say that  
21 one more time.

22 MR. WISER: A non-Berkeley police  
23 officer, so, can they come in -- a Toms River police  
24 officer, okay --

25 CHIEF DiMICHELE: Let me just -- I

1 think I know where you're going with this. Can an  
2 officer from Berkeley Township arrest somebody in  
3 Toms River; is that your question?

4 MR. WISER: Actually, it was the  
5 reverse, but yes.

6 CHIEF DiMICHELE: Yes. An officer, a  
7 full-time sworn officer can make an arrest anywhere  
8 within the State of New Jersey. They have to  
9 process that person within the municipality in which  
10 the crime occurred.

11 MR. WISER: So --

12 CHIEF DiMICHELE: Or the arrest was  
13 made, I should say.

14 MR. WISER: -- if a Berkeley officer  
15 made an arrest in Toms River, they would have to  
16 process that at the Toms River Police Department?

17 CHIEF DiMICHELE: That is correct.

18 MR. WISER: Okay. Thank you.

19 There was a question about, somebody  
20 asked you if you were getting paid for your time  
21 here. And you said not enough. And I believe that.

22 CHIEF DiMICHELE: Business  
23 administrator, just checking.

24 MR. WISER: Mr. Camera. But you're  
25 on salary, right?

1 CHIEF DiMICHELE: I am a salaried  
2 employee.

3 MR. WISER: So, this -- how about the  
4 other officers that are appearing as part of the  
5 witnesses, are they getting paid for this or are  
6 they on salary?

7 CHIEF DiMICHELE: No, any other  
8 officer except for the chief is on hourly schedules.

9 MR. WISER: So, this is overtime for  
10 them or --

11 CHIEF DiMICHELE: Some of it's  
12 overtime.

13 MR. WISER: -- supplemental?

14 CHIEF DiMICHELE: If, you know, if I  
15 needed them during the day to handle something, then  
16 it's overtime at night. If I didn't, then we switch  
17 shifts and it's their regular scheduled time, if  
18 that makes sense.

19 MR. GINGRICH: We're not being paid.

20 MR. MICHELINI: You'd like to pass a  
21 resolution, Mr. Gingrich?

22 MR. GINGRICH: On overtime, I guess.

23 MR. WISER: There was -- you were  
24 talking about response times. And I asked if there  
25 was some kind of a protocol that established this

1 period of time to respond is an appropriate period  
2 of time within the law enforcement standards as  
3 opposed to this might be too long. And what you  
4 gave or what one of your officers gave that I  
5 thought was intended to answer that question, really  
6 was the response times for some kind of a national  
7 average.

8 CHIEF DiMICHELE: That is correct.

9 MR. WISER: Didn't really answer my  
10 question. Is there an established protocol that  
11 says in order to be accredited or in order to  
12 operate efficiently, response times have to be  
13 within X and such time?

14 CHIEF DiMICHELE: There is nothing to  
15 that.

16 MR. WISER: Okay. There were some  
17 questions about different response times clocked in  
18 differently between Berkeley's dispatch, I think  
19 Seaside Park's dispatch --

20 CHIEF DiMICHELE: Seaside Park does  
21 not dispatch.

22 MR. WISER: The Sheriff's Office  
23 dispatch?

24 CHIEF DiMICHELE: Yeah, they gave up  
25 their dispatch. They went to the Sheriff.

1 MR. WISER: And there may have been  
2 one other entity.  
3 CHIEF DiMICHELE: Probably MonOc.  
4 MR. WISER: Yes, that's one of the  
5 first aid --  
6 CHIEF DiMICHELE: Paramedics.  
7 MR. WISER: The question is, are all  
8 of those various entities synchronized at the same  
9 timing or do they operate their own clocks?  
10 CHIEF DiMICHELE: I can only speak on  
11 Berkeley Township's --  
12 MR. WISER: You don't --  
13 CHIEF DiMICHELE: -- behalf.  
14 MR. WISER: -- know whether your  
15 signal --  
16 CHIEF DiMICHELE: I don't know.  
17 MR. WISER: Okay.  
18 CHIEF DiMICHELE: I don't know.  
19 MR. WISER: There was a conversation  
20 about the incident at Mr. Whiteman's house late at  
21 night as to whether the call said, go to beach, go  
22 to the bay. And there was a comment that said, we  
23 can listen to the tape and figure out how that call  
24 came in. Did that ever happen? Can you testify as  
25 to --

1 CHIEF DiMICHELE: Well, the -- how  
2 the call came in, it came into our police  
3 headquarters.  
4 MR. WISER: And did that call say --  
5 CHIEF DiMICHELE: And then our  
6 headquarters would call the county radio room.  
7 MR. WISER: Okay. And when the call  
8 came in, was there a specific direction provided?  
9 Was it -- do we know?  
10 CHIEF DiMICHELE: Honestly, I don't  
11 know. But what I do have to state is, hey, if  
12 one -- if one CAD said they headed to the bay and  
13 one said they headed to the ocean, it's just more  
14 coverage.  
15 MR. WISER: And the last question.  
16 How would your job change if Seaside Park -- South  
17 Seaside Park de-annexed?  
18 CHIEF DiMICHELE: I wouldn't see my  
19 job changing at all.  
20 MR. WISER: That's all I have.  
21 MR. WINWARD: Thank you again, Chief.  
22 FURTHER EXAMINATION BY MR. MICHELINI:  
23 Q Just a follow-up. Very quickly.  
24 It goes back to that meeting you told me  
25 about. You said police officers were there.

1 Mr. McGuckin was there. You were obviously there?  
2 A Yes.  
3 Q I assume no board members were there,  
4 correct?  
5 A No. No.  
6 Q Was the administrator there?  
7 A Yes, the administrator was there.  
8 Q Were any of the board professionals  
9 there, if you know?  
10 A I don't recall.  
11 Q Do you know if Mr. Peters was there?  
12 A I don't recall.  
13 Q Or Mr. Wiser or -- you just don't  
14 remember?  
15 A Who's Mr. Wiser?  
16 MR. WISER: That's me again.  
17 CHIEF DiMICHELE: I'm sorry.  
18 A No, that's -- no.  
19 Q Mr. Peters, you don't know if he was  
20 there?  
21 A No.  
22 Q Mr. Peters?  
23 A I don't recall.  
24 MR. MICHELINI: All right. Thank  
25 you.

1 MR. WINWARD: Okay. Thank you.  
2 MR. WISER: Thank you, Chief.  
3 (Witness excused.)  
4 (Off the record.)  
5 CAPTAIN KEVIN SANTUCCI, recalled.  
6 EXAMINATION BY MR. MICHELINI:  
7 Q Captain Santucci.  
8 A Yes, sir.  
9 Q Okay. I'll try to keep that  
10 straight. You were here when the chief deferred to  
11 you on many occasions about numbers. Do you recall  
12 that?  
13 A I do.  
14 Q She said you would know. Do you  
15 know?  
16 A We're going to find out, I guess.  
17 Q I guess we're going to find out.  
18 Okay.  
19 So, I had asked a bunch of specific  
20 questions. So, I'll ask you those questions. First  
21 of all, why would you know about numbers?  
22 A Which numbers are you referring to?  
23 Q Within the police department, what's  
24 spent.  
25 A As far as overtime, you mean?

1 Q As far as anything, why would you  
2 know?  
3 A In the --  
4 Q What is your role?  
5 A In my -- I'm the captain in charge of  
6 the administrative duties. Most recently in charge  
7 of the patrol division at the retirement of the  
8 other captain. I do the time and scheduling  
9 function for the police department. Part of that is  
10 sending over the payroll to the township on behalf  
11 of the police officers.  
12 Q Okay.  
13 A I don't know --  
14 Q Do you know about costs of vehicles?  
15 I believe Chief said you would know what it would  
16 cost to outfit a police car.  
17 A No, I believe that would be  
18 Lieutenant Roth.  
19 Q That would be Lieutenant Roth.  
20 A He's in charge of the traffic safety  
21 unit.  
22 Q Okay. So, I'll just go through --  
23 it's probably easy if I go through. You just tell  
24 me if you know or you don't know.  
25 A Sure.

1 Q Okay. The -- let's start with the  
2 overtime. There was an exhibit which showed  
3 overtime for the last couple years, right?  
4 A Yes.  
5 Q But that information comes from a  
6 system that is privileged? In other words, I can't  
7 get access to that system, right?  
8 A No. Because if you did, then you  
9 would have access to our staffing levels, our  
10 sectors, all that information.  
11 Q So, that document -- I forget what it  
12 was.  
13 A It's basically a system that it's --  
14 the name of it is Police Officers Scheduling System.  
15 We call it POSS.  
16 Q Bad acronym.  
17 A Yeah. We've been using that since, I  
18 believe, 2013.  
19 Q Right. And that POSS System, the  
20 exhibit, if I can find it here. The exhibit was  
21 T-13 in evidence, correct?  
22 A Yes.  
23 Q And that set forth overtime for three  
24 years, 2014, '15 and '16, as regards to South  
25 Seaside Park or South Seaside Park and Pelican

1 Island?  
2 A South Seaside Park and Pelican Island  
3 would be what we consider our beach area.  
4 Q That sector?  
5 A Yes.  
6 Q They're part of the same sector,  
7 correct?  
8 A Yes.  
9 Q Okay. And that information, the  
10 backup, this is -- this -- you created this form,  
11 correct?  
12 A I did.  
13 Q Okay. So, this form is something  
14 that you had to make from other information, right?  
15 A Yes. Because, otherwise, I would  
16 provide all the other information that I'm not sure  
17 that we were supposed to divulge.  
18 Q So, there's no way to verify the  
19 information there? Only you can do that or somebody  
20 who has access to the system, right?  
21 A Yes.  
22 Q So, if I wanted to challenge these  
23 numbers and go into the system and said, you did it  
24 wrong, I can't do that, right?  
25 A No.

1 Q Do you have overtime records for the  
2 department, not just for that sector?  
3 A I don't have them with me. We can  
4 run a report just in the way that I did on that,  
5 basically run a report through that system.  
6 Q And that's not privileged, is it?  
7 A I don't know.  
8 Q You don't know? Why would it not?  
9 A I would assume not, then.  
10 Q Yeah.  
11 A If the chief asked me to supply that  
12 and I would --  
13 Q So, I would ask you to supply that --  
14 A Okay.  
15 Q -- to the township for the years 2014  
16 and '15.  
17 A Just '14 and '15, you said?  
18 Q Yeah, that's fine.  
19 MR. MCGUCKIN: Mr. Michelini, I don't  
20 think so. You want to make an OPRA request, make an  
21 OPRA request. It's not for this officer to decide  
22 what is or is not proper to be provided. That's a  
23 township record. You should submit that request to  
24 the township in accordance with the OPRA statute.  
25 The township will respond.

1 MR. MICHELINI: He just agreed to  
 2 supply it to me.  
 3 MR. MCGUCKIN: I don't -- it may not  
 4 be his authority to do it.  
 5 MR. MICHELINI: Do you represent the  
 6 township?  
 7 MR. MCGUCKIN: I do not. The  
 8 administrator is not in the room. But I don't  
 9 believe it appropriate --  
 10 CAPTAIN SANTUCCI: I have to go  
 11 through the chief of police.  
 12 MR. MCGUCKIN: -- as an attorney who  
 13 works for the township for him to say he can provide  
 14 that information. He may very well be able to. But  
 15 you're going to have to make an OPRA request and do  
 16 it the proper way.  
 17 MR. MICHELINI: I really don't think  
 18 it's your place to give that advice when you don't  
 19 represent the township. You only represent the  
 20 planning board.  
 21 MR. MCGUCKIN: Thank you.  
 22 MR. MICHELINI: Thank you.  
 23 BY MR. MICHELINI:  
 24 Q There was -- you talked about a lot  
 25 of infrastructure. Do you recall that testimony?

1 A Yes.  
 2 Q What infrastructure exists for the  
 3 police department? Just run, give me a list.  
 4 A The list that I can, I have the --  
 5 Q Yeah. Refer to your own list.  
 6 A You want read me to this whole thing  
 7 all over again?  
 8 Q I don't want you to read the whole  
 9 thing. I want you to tell me generally what the  
 10 infrastructure consists of.  
 11 A In one specific area? I don't  
 12 know -- I don't know what you're referring to.  
 13 Q Just generally, what do you consider  
 14 the infrastructure to be?  
 15 A We have the facility itself.  
 16 Q Okay. What else?  
 17 A I'm looking through the list. Give  
 18 me a second. The staff.  
 19 Q What else?  
 20 A Say the certification, such as the  
 21 accreditation that our agency has. The education of  
 22 the officers and their training. Other roles they  
 23 act in outside of our agency, such as the Ocean  
 24 County Regional SWAT Team, the Ocean County  
 25 Prosecutor's Office.

1 Q Anything else?  
 2 A Within the building itself, the size  
 3 of it, the actual separated units such as the  
 4 detective bureau, separated interview room, meeting  
 5 areas within that detective bureau, processing areas  
 6 within that detective bureau, traffic safety unit.  
 7 Q Anything else?  
 8 A Records bureau, the civilians that  
 9 work in there. Training room within there. Our  
 10 municipal detention facility which actually has been  
 11 redone. Our communication center, staffed with our  
 12 employees. Firearms range where we conduct our  
 13 training which is required for all agencies. The  
 14 vehicles, whether they be cars, the police boat,  
 15 quads, undercover vehicles. Equipment officers  
 16 carry, such as the rifles, defibrillators, body worn  
 17 cameras. Programs such as Project Lifesaver.  
 18 Systems we use, which I alluded to before, police  
 19 officer scheduling system or directive management  
 20 system, which is what we use to relay information  
 21 and conduct certain trainings. Our Office of  
 22 Emergency Management. Our paid EMS service. And  
 23 then other, other units that we work with, such as,  
 24 our hazmat team, underwater, search and rescue. And  
 25 I believe that basically sums up most of the stuff.

1 Q You testified to all that, correct?  
 2 A I did.  
 3 Q Okay. Can you tell us what the cost  
 4 is of the facility?  
 5 A I can't.  
 6 Q Is there a way to determine that?  
 7 A I don't -- I don't -- I don't know.  
 8 Q You don't know?  
 9 A I'm not in charge of the buildings  
 10 and grounds. Within the township they have a unit  
 11 called buildings and grounds. And they're  
 12 responsible for the maintenance of all buildings  
 13 within the township, basically.  
 14 Q Where would we find the cost for the  
 15 staff?  
 16 A Payroll records, I would assume. Is  
 17 that --  
 18 Q I'm asking.  
 19 A -- what --  
 20 Q I don't know.  
 21 A Payroll records, I would --  
 22 Q You know, I'd like you to tell me if  
 23 you know. If you don't know, that's fine.  
 24 A Well, that would be your cost,  
 25 payroll.



1 Q And that would be in the POSS system  
2 or --  
3 A Yeah, or through the finance  
4 department through the township, which is located  
5 here in town hall.  
6 Q What about the cost of accreditation,  
7 where would we find that?  
8 A That, I guess, would be in the  
9 chief's budget. I'm not a hundred percent sure.  
10 Q Do you know what the cost of  
11 accreditation is?  
12 A I do not.  
13 Q How about education and training, do  
14 you know what the cost of that is for, on an annual  
15 basis, for the department?  
16 A I do not. I don't know what's  
17 allotted for that. Some of that education was  
18 education officers like, such as myself, had prior  
19 to coming here such as college. So, it wasn't paid  
20 for by the town at all.  
21 Q Okay. What about a SWAT team, do you  
22 know what the cost --  
23 A SWAT team is a county regional SWAT  
24 team, so it's not just -- I'm not sure -- actually,  
25 I don't know. I don't know.

1 Q You don't know if that cost is  
2 absorbed in part by the county?  
3 A I think that is but I don't know  
4 100 percent. The chief does all -- I don't do the  
5 budget.  
6 Q Is there any kind of separate cost  
7 for the detective bureau?  
8 A No, it all falls within the police  
9 department.  
10 Q How about traffic safety, is that  
11 broken out in any way, as far as you know, what the  
12 cost is for that?  
13 A I believe everything's under the  
14 police department. But, like I said, I don't do the  
15 budget, so I don't know.  
16 Q Who does the budget?  
17 A The chief of police.  
18 Q And as I recall, she didn't know the  
19 cost for a lot of things in terms of infrastructure.  
20 She wasn't -- you know, I'm not necessarily faulting  
21 her, but she wasn't aware.  
22 A I can't testify.  
23 Q Who would know the costs for all the  
24 infrastructure that you mentioned? Who would know  
25 that?

1 A I would assume that the -- through  
2 the budget. If you were able to review the budget.  
3 I don't know. I can't testify to what she testified  
4 to. But I don't know if she meant that she didn't  
5 know at that time. She didn't have the numbers in  
6 front of her. I don't know.  
7 Q So, you don't know what the cost of  
8 all -- all the infrastructure, without going down  
9 the rest of the list --  
10 A Sure.  
11 Q -- is it fair to say you're not aware  
12 of the cost of the infrastructure for the  
13 department?  
14 A It is fair to say.  
15 Q Okay. And is it fair to say that the  
16 cost of the infrastructure for the department is not  
17 allocated per sector, so that portion which might be  
18 allocable to South Seaside Park is not allocated  
19 anywhere?  
20 A No, all the services within the  
21 township are available to all of the residents.  
22 Q Can you tell us how many hours -- you  
23 have eight hour shifts? Is that what you guys use  
24 typically? You can't tell us that?  
25 A I can't tell you that.

1 Q Okay. You testified, according to  
2 your testimony, on resource issues. Who asked you  
3 to do that? Was that the administrator?  
4 A No, the chief of police.  
5 Q Did you -- were you part of that  
6 meeting that she talked about a few minutes ago?  
7 A I was.  
8 Q Do you know who was there besides  
9 police officers and Mr. McGuckin?  
10 A Mr. Camera. I have a lot of  
11 meetings. We have a lot of meetings. I'm trying to  
12 think. I don't know if Mr. Ebenau, which is the  
13 chief, CFO, chief financial officer here. I don't  
14 know if he was on that one. I get confused with  
15 meetings. It's like we have a meeting like every  
16 other day.  
17 Q You have a meeting about  
18 de-annexation every other day?  
19 A No, about everything, everything else  
20 under the sun.  
21 Q Is that the only meeting that you  
22 attended that had to do with de-annexation?  
23 A Here, yes. But not within the police  
24 department. We have a command staff meeting in the  
25 police department of all the officers that respond

1 here. Not here, but within the police department,  
2 there was a command staff meeting. And it was made  
3 up of all the officers that had already responded  
4 here, that initial meeting.

5 Q So, the 11 officers who testified, I  
6 think it was 11?

7 A I believe they were all there. If  
8 they weren't, then they were notified by the chief.

9 Q When did that meeting occur?

10 A I don't know the date. It was --

11 Q Shortly before the first time --

12 A Yes.

13 Q -- the police testified, I assume,  
14 correct?

15 A Yes.

16 Q And who led that meeting?

17 A The chief.

18 Q And what was the purpose of that  
19 meeting?

20 A Basically just to clarify testimony  
21 that was presented originally, but --

22 Q How was that done? Were you given  
23 annotated transcripts?

24 A Yes.

25 Q Okay. Do you know who annotated

1 those transcripts?

2 A I do not. I was just given it by the  
3 chief. Said, you're going to do this section.

4 (Off the record.)

5 Q Okay. I'm going to show you what's  
6 been mark as A-64 and A-65, annotated transcripts.  
7 One which has A-64 deals with Sandy. And then A-65  
8 deals with police.

9 Did you look at either one of those  
10 in preparation for your testimony, to the best of  
11 your knowledge? You can leaf through it if you need  
12 to take a moment.

13 A Yeah. It could have been in the  
14 section that I had. I don't -- I don't know.

15 Q You don't know?

16 A I believe I did, because this part  
17 has Sergeant, retired Sergeant Cardwell. I believe  
18 I did.

19 Q So, you believe you looked at A-65,  
20 correct?

21 A Yeah, I think so.

22 Q Okay. The other one has to do with  
23 Sandy. Did you look at that, too?

24 A I don't think I did any of the Sandy  
25 involved stuff.

1 Q Do you recall at the meeting whether  
2 any board professionals were at the meeting that you  
3 had here with Mr. McGuckin? Was Mr. Peters here?

4 A Not that I recall. But I don't know.

5 Q But you're not sure?

6 A I don't know. I don't remember.

7 Q You don't remember about A-64, if you  
8 saw that?

9 A I don't remember, honestly.

10 (Off the record.)

11 Q So, what did you understand your role  
12 to be in terms of providing testimony? What was  
13 the -- you were told to talk about what?

14 A The resources within the police  
15 department. And also, I think the first meeting was  
16 as far as manpower. But, obviously, I couldn't get  
17 too into the manpower because we didn't want to  
18 release the staffing levels. But just to clarify  
19 some of the statements that were originally made.

20 Q And those statements were from the  
21 transcript, the annotated transcript that you read,  
22 correct?

23 A Yes.

24 Q You didn't read all the transcripts  
25 from all the hearings, right?

1 A No, I don't believe so.

2 Q So, you didn't read the testimony  
3 from the witnesses who talked favorably about the  
4 police and said good things about you?

5 A I didn't.

6 Q You were just given the information  
7 that was negative or somebody the chief felt needed  
8 to be addressed, correct?

9 A Yes, just addressed to clarify. Not  
10 to address it in a negative way.

11 Q Prior to testifying, did you speak to  
12 anybody about what your testimony would be?

13 A Just the chief, just the people that  
14 were in that meeting.

15 Q Did you -- you didn't talk to any of  
16 the board professionals, correct?

17 A No.

18 Q Didn't talk to any of the council  
19 members?

20 A No.

21 Q Or mayor?

22 A Not about that. I've seen them in  
23 council meetings. I have to attend council meetings  
24 when the chief's not available. But not about that.

25 Q Have you talked to anybody about

1 de-annexation?  
 2 A No. I may have said we have to go to  
 3 this meeting but not the particular --  
 4 Q Not in terms of substance?  
 5 A No.  
 6 Q Do you live in Berkeley?  
 7 A I do not. I live in Lacey Township.  
 8 Q Did the chief express to you whether  
 9 or not, from a department standpoint, the department  
 10 was in favor or against de-annexation?  
 11 A No, she didn't either way.  
 12 Q Either way?  
 13 A I think -- personally, I think she  
 14 just wanted to clarify that information. Provide  
 15 the best service possible.  
 16 Q Now, you used to work in  
 17 Seaside Park, right?  
 18 A I did.  
 19 Q When did you work in Seaside Park?  
 20 A 1999, The summers of 1999 and 2000  
 21 while I was in college. I worked there as a class  
 22 one officer. And then I went to the police academy.  
 23 Q All right. And then when did you  
 24 start in Berkeley?  
 25 A 2001.

1 Q Okay. Do you still have friends in  
 2 Seaside Park?  
 3 A In the PD?  
 4 Q In the PD.  
 5 A I do.  
 6 Q Do they, in your opinion, do they --  
 7 are you familiar with the job that they do over  
 8 there?  
 9 A Honestly, I haven't really seen them  
 10 or talked to them in awhile. Like, I haven't seen  
 11 them since we were specials there, so I don't really  
 12 know particularly what they do. But -- yeah, I  
 13 don't really know.  
 14 Q Did you work with good and fine  
 15 officers?  
 16 A I did.  
 17 Q And if de-annexation occurs, would  
 18 you expect them to do a reasonably good job in South  
 19 Seaside Park?  
 20 A I would expect any officer in any  
 21 police department to do their required job, yes.  
 22 Q Now, you testified that there wasn't  
 23 a substation in South Seaside Park. And you  
 24 actually said, oh, I'd love to see it, is how you  
 25 began your testimony. Do you recall that?

1 A I believe I was stating, I was  
 2 stating Mr. Whiteman's. I was quoting Mr. Whiteman,  
 3 oh, I'd love to see it. That's what he --  
 4 Q So, you --  
 5 A I was repeating his statement.  
 6 Q So, you're not -- you're not saying  
 7 that you would love to see it?  
 8 A No.  
 9 Q Now, you said that you talked to  
 10 officers in Toms River or police officers in  
 11 Toms River about the substation in Ortley Beach,  
 12 correct?  
 13 A Yes.  
 14 Q And, essentially, the upshot of that  
 15 was, it's really not that useful to them, correct?  
 16 A I didn't -- I'd say it was useful to  
 17 them but not as useful to the public is basically  
 18 what --  
 19 Q So, it is useful to the officers in  
 20 Toms River?  
 21 A It could be in certain situations but  
 22 they don't -- well, no.  
 23 Q Well, let me ask you a couple of  
 24 questions. Does it enhance police presence in the  
 25 area to have a substation?

1 A Only if it's manned by a police  
 2 officer.  
 3 Q Okay. Well, assume it's manned. If  
 4 it's manned, does it enhance police presence?  
 5 A Sure.  
 6 Q Okay. Does it make the police  
 7 approachable to have somebody in a substation, in  
 8 your opinion? You're a captain.  
 9 A Not necessarily. I think a lot of  
 10 times, people will tell us stuff within their  
 11 residence. Like the chief said, you know, they're  
 12 comfortable in their own environment. Or when  
 13 you're on the street, whether you're walking or in a  
 14 vehicle, they might feel easier to approach you.  
 15 Because we brought people out to headquarters next  
 16 door and they get inside the building and they're  
 17 intimidated by it.  
 18 Q Okay.  
 19 A They see the uniform. They see the  
 20 size of the building. They get intimidated by it.  
 21 Q If you had a substation, you could  
 22 have things there like a fax machine, right? You  
 23 could fax information back and forth to the  
 24 department?  
 25 A Yeah, I guess so.

1 Q You could sign complaints there,  
2 theoretically, right?  
3 A If you had that capability. They're  
4 all -- all the other agencies I spoke to, nobody  
5 processes that. Nobody does any of those things at  
6 those agencies. That's why I called them to confirm  
7 that. And they said they don't use it for that.  
8 Q Don't they say use it as a municipal  
9 annex in Toms River?  
10 A The shift commander that I spoke to  
11 said that they have in the past. I don't know if  
12 they always do. He kind of indicated that they  
13 don't always now, but they may have in the past.  
14 Q Are you familiar with the Bay Beach  
15 Way de-annexation case?  
16 A Is that the one over by Lavallette?  
17 Q Correct.  
18 A Yeah.  
19 Q It was part of Toms River?  
20 A Yeah. I don't really know anything  
21 about it, though.  
22 Q Okay. Well, you talked to officers.  
23 Did you talk to the chief, the former chief,  
24 Mastronardy? Do you know who he is?  
25 A I do. Sheriff Mastronardy, yes.

1 Q Yeah. He's now the sheriff, correct.  
2 A Yes.  
3 Q Did you know that he testified in the  
4 Bay Beach Way matter in favor of the substation and  
5 against de-annexation, saying, because there was a  
6 substation that was closer than the Lavallette  
7 Police Department headquarters, that de-annexation  
8 from a police standpoint, there was -- there was --  
9 they were better, in better shape not to have the  
10 de-annexation, that --  
11 A No, I didn't know that.  
12 Q You didn't hear about that testimony?  
13 A I did not.  
14 Q Well, you just heard from some  
15 officers that they really weren't in favor about  
16 the --  
17 A I just --  
18 Q -- substation?  
19 A -- spoke to them. They said they  
20 don't really use it. They didn't say whether or not  
21 they were in favor of it. They said they don't use  
22 it for those -- they said it's not really used.  
23 They don't have people come in there to make  
24 reports. They don't process prisoners there. They  
25 don't do DWIs.

1 Q Well, one --  
2 A They don't process prisoners. They  
3 don't do DWI arrests there.  
4 Q But one could be used for picking up  
5 the parking permits if you had one, correct?  
6 A Sure.  
7 Q Okay. One could be used for maybe  
8 faxing over a building permit or something like that  
9 or a CO, correct?  
10 A Correct.  
11 Q It could be an information center if  
12 one was there, correct?  
13 A If it was manned.  
14 Q Yes, if it was manned?  
15 A Yes. Not every agency always -- like  
16 Seaside Park, for example, they don't always have  
17 somebody who's sitting there manning, to take that  
18 information.  
19 Q But there's -- they don't have a  
20 substation in Seaside Park, correct?  
21 A No. But, I mean, their PD itself.  
22 Not somebody just sitting there giving information.  
23 Q But there are police there, officers  
24 there 24/7 in Seaside Park, correct?  
25 A I don't know. I can't speak to

1 how --  
2 Q You don't know?  
3 A I know that they're in the town, but  
4 I don't know if they're always in that building  
5 24/7. I don't know.  
6 Q But you know they have coverage  
7 24/7 --  
8 A Yes.  
9 Q -- correct?  
10 A Yes. Yes.  
11 Q Okay. And you would expect that if  
12 de-annexation occurs, that there would continue to  
13 be 24/7 coverage of that small area of South Seaside  
14 Park that would become part of Seaside Park,  
15 correct?  
16 A Yes.  
17 Q Are there advantages to having a  
18 headquarters within a mile of everyone's home?  
19 A I would say there could be, yeah.  
20 Q Do you know what they are?  
21 A Time maybe to travel there, bring a  
22 prisoner back, for example.  
23 Q Any other -- would there be  
24 advantages to the community? What about  
25 Neighborhood Watch? If they want to have a

1 Neighborhood Watch meeting, they could go less than  
 2 a mile to the police department to have that if  
 3 there's a meeting area, correct?  
 4 A They could. We actually do our  
 5 neighborhood watches within the community. We  
 6 respond, so it's actually even closer. We  
 7 respond --  
 8 Q You do one in South Seaside Park?  
 9 A That I do -- that I do not know. I  
 10 don't do them. It's usually done for our detective  
 11 bureau.  
 12 Q So, you don't know.  
 13 You talked about Mr. Whiteman's observations  
 14 of the police and you went to great lengths to talk  
 15 about how good the coverage was, according to  
 16 Mr. Whiteman's observations. You don't dispute his  
 17 observations, correct?  
 18 A In that respect, I would say no.  
 19 Q And let's talk about -- we talked  
 20 about a bunch of different programs and how the  
 21 resources are available in Berkeley Township in the  
 22 police department. How many times has a SWAT team  
 23 been utilized over in South Seaside Park in the last  
 24 year?  
 25 A I don't have access to that

1 information.  
 2 Q Do you know if it's been used at all?  
 3 A I believe it actually has. Oh, South  
 4 Seaside Park? I'm sorry.  
 5 Q South Seaside Park.  
 6 A I'm not sure. I don't know if was  
 7 Seaside Park or South Seaside Park. I think they  
 8 did respond to a call. But I'm not a hundred  
 9 percent sure.  
 10 Q You don't know?  
 11 A I don't know.  
 12 Q How about, there's, you have the  
 13 detective bureau. Do you know if the detective  
 14 bureau responded to anything over in South Seaside  
 15 Park in the last year?  
 16 A I don't know. I'm sure they have, if  
 17 we have a burglary or -- I mean, it could -- I don't  
 18 know.  
 19 Q You don't know. Okay. With regard  
 20 to the -- you have that mobile unit, correct, that  
 21 was used in Superstorm Sandy? What do you call  
 22 that?  
 23 A The mobile command post.  
 24 Q Right. Mobile command post?  
 25 A Yes.

1 Q Has that been used in South Seaside  
 2 Park in the last year?  
 3 A Not that I'm aware of. I'm not -- I  
 4 don't know. I'm not a hundred percent sure.  
 5 Q How about the last two years?  
 6 A Not that I'm aware of.  
 7 Q You talked about the PBA being  
 8 heavily involved in the community. Those are your  
 9 words, heavily involved in the community.  
 10 A They are.  
 11 Q Do you recall that?  
 12 A I do.  
 13 Q Would do they do specific to South  
 14 Seaside Park?  
 15 A I don't think any of their programs  
 16 are specific to any one area. I think --  
 17 Q Well, where's the Christmas --  
 18 MR. MCGUCKIN: Let him finish,  
 19 Mr. Michelini.  
 20 Q I'm sorry. Go ahead. You can  
 21 finish.  
 22 A I don't think they're specific to any  
 23 one area. I think they open everything to the  
 24 entire town as far as --  
 25 Q Okay.

1 A -- a toy drive or a coat drive. They  
 2 do that. They don't single it out to one area.  
 3 They open it up to all the residents.  
 4 Q So, where is the Christmas toy drive?  
 5 A Where do they pick the toys up at?  
 6 Q Yeah.  
 7 A Usually I believe at the VFW they do,  
 8 or they do it at the PD. They've done it at both  
 9 places.  
 10 Q Where is the VFW?  
 11 A It's about a mile down the road.  
 12 Q Okay.  
 13 A Mile east --  
 14 Q So, it's kind of centrally located in  
 15 the mainland township, correct?  
 16 A Yes.  
 17 Q So, if you wanted to go to that toy  
 18 drive from any sector, the outlying sector of the  
 19 mainland, it would be probably about 8 miles at the  
 20 farthest? Maybe eight, nine, something like that?  
 21 A We have some pretty far areas from  
 22 Holiday City. Some of those are pretty -- near the  
 23 Manchester border, so I don't --  
 24 Q Sure.  
 25 A Might be more than eight miles. I

1 can't say exact distance. I don't know.  
 2 Q But certainly it's centrally located  
 3 in the mainland? Yes?  
 4 A Yes.  
 5 Q And it's a lot closer for the people  
 6 on the mainland to go to that than the people over  
 7 on the barrier peninsula to drive 16 miles, correct?  
 8 A If it is less than 16 miles from that  
 9 area I referred to, Holiday City. I'm not sure of  
 10 the exact distance. If it is, then yes. I'm not  
 11 sure.  
 12 Q You can't tell us if it's less.  
 13 A I don't know the exact distance.  
 14 Q I didn't ask you for the exact  
 15 distance.  
 16 What about the coat drive, where is that  
 17 held?  
 18 A I believe that's at headquarters.  
 19 Q That's on the mainland also?  
 20 A Yes.  
 21 Q What about the Police Unity Tour,  
 22 where does that occur?  
 23 A That's a program that is made up of  
 24 all -- that doesn't occur in one town. We start in  
 25 New Jersey.

1 Q Right.  
 2 A And we ride over four days to the  
 3 National Law Enforcement Memorial in Washington,  
 4 D.C. So, that doesn't really have anything --  
 5 Q You testified about it, so that's why  
 6 I'm asking you. You did testify about it, correct?  
 7 A I said PBA supports that program,  
 8 yes.  
 9 Q Right. What was your point in saying  
 10 it?  
 11 A Just that the PBA is involved in the  
 12 community.  
 13 Q What does that have to do with  
 14 de-annexation?  
 15 A I guess it doesn't.  
 16 Q Okay. You talked about four signs  
 17 throughout the town that provide information. Do  
 18 you remember that testimony?  
 19 A I believe there -- I said there was  
 20 information boards for traffic safety. If that's  
 21 what you're referring to.  
 22 Q I think you said that there were four  
 23 of them. It's on page 30 of the transcript. I can  
 24 pull it out.  
 25 A Nope. I do have it right here, sir.

1 Four information signs.  
 2 Q Four, is that correct, the number  
 3 four?  
 4 A Yes.  
 5 Q Okay. What information is provided  
 6 on those signs?  
 7 A It could really be anything that we  
 8 just put out there. Might be a better question for  
 9 Lieutenant Roth, because he's usually the one that  
 10 puts them out there, honestly.  
 11 Q So, you don't know what's on them?  
 12 A It might advertise a local -- an  
 13 event coming up, things of that nature. Just to  
 14 make the community aware of what's going to be  
 15 occurring, just give them information.  
 16 Q Where are they located? Where are  
 17 those signs located?  
 18 A They're kept at headquarters. But  
 19 they can be moved all around. They're mobile.  
 20 Q Were any put in South Seaside Park in  
 21 the past year?  
 22 A I don't know, because I don't do  
 23 that, that's Lieutenant Roth.  
 24 Q Okay. You talked about it, though.  
 25 I don't think he talked about it. That's why I'm

1 asking.  
 2 A I spoke about it just to say that we  
 3 have that as equipment that we're able to utilize.  
 4 But I don't actually employ that. Like, I spoke  
 5 about the SWAT team, I'm not on the SWAT team.  
 6 Q You talked about having a narcotics  
 7 unit. Do you recall that? Narcotics unit, do they  
 8 do anything over in South Seaside Park in the last  
 9 year, if you know?  
 10 A I don't know, because -- well,  
 11 there's two different that I spoke about. I spoke  
 12 about the Ocean County Prosecutor's Office.  
 13 Q Okay.  
 14 A And it falls within our detective  
 15 bureau. They also have their own narcotics squad.  
 16 Q Has any -- has there been any  
 17 narcotics unit activity of your own department over  
 18 in South Seaside Park in the last year?  
 19 A Not that I'm aware of. But I  
 20 wouldn't know. I'd have to --  
 21 Q How about the financial --  
 22 A I'd have to speak to the detective  
 23 bureau supervisor.  
 24 Q You talked about having a financial  
 25 crimes unit. Do you recall that?

1 A We have officers that are trained in  
2 financial crimes, yes.  
3 Q Did you have any financial crimes in  
4 the last year over in South Seaside Park?  
5 A I don't know, because all those cases  
6 are distributed through the detective bureau  
7 supervisor. And I don't have anything to do with  
8 that.  
9 Q You talked about having juvenile  
10 detectives?  
11 A We do.  
12 Q Do you know if any of them worked  
13 over in South Seaside Park in the last year?  
14 A I don't.  
15 Q What about electronics surveillance,  
16 you talked about that, the ability and capacity for  
17 electronics surveillance, correct?  
18 A We do. We wear the body worn  
19 cameras. Is that what you're referring to or are  
20 you referring to --  
21 Q I'm -- it's your testimony. You used  
22 that term electronic --  
23 A Every officer wears a body worn  
24 camera. There's --  
25 Q Is that -- I'm sorry. Go ahead. I'm

1 sorry.  
2 A There's also electronics surveillance  
3 you could use that's mobile that you could move over  
4 there. I don't know if the -- that would be the  
5 detective bureau would really have to answer that.  
6 I don't know.  
7 Q So, you don't know if that type of  
8 electronics surveillance was used in South Seaside  
9 Park in the last year?  
10 A I don't, because a lot of the  
11 functions of the detective bureau I'm not always  
12 part of.  
13 Q What about night vision, you talked  
14 about night vision cameras, night vision cameras.  
15 A Yes.  
16 Q Are they used in South Seaside Park?  
17 A I don't know.  
18 Q What about DUI traps or DWI traps?  
19 A DWI checkpoint?  
20 Q Yeah. Was there one in South Seaside  
21 Park this past year?  
22 A I don't believe so, but Lieutenant  
23 Roth could probably answer that, because that's set  
24 up in traffic safety.  
25 Q You have a fatal accident unit,

1 correct?  
2 A We have a traffic safety unit. And  
3 members of that unit are part of the fatal accident  
4 response team in the Ocean County Prosecutor's  
5 Office.  
6 Q When's the last time there was a  
7 fatal accident in South Seaside Park?  
8 A I don't know. I don't keep those  
9 statistics. I would have to say the traffic safety.  
10 Q Has there been one in the last five  
11 years?  
12 A I don't recall. There's a lot of  
13 stuff that happens that I might not know of that  
14 occurred.  
15 Q You talked about free shelters for  
16 OEM, all on the mainland, correct?  
17 A I believe so, yes.  
18 Q None of them are over there on the  
19 beach, correct?  
20 A No.  
21 Q You talked about, in terms of  
22 resources that they have, boats of some kind. The  
23 department does, right? What do they have?  
24 A We have two police boats. One is a  
25 21-foot center console. And another is, I'm not

1 sure of the length, it's a flat bottom like aluminum  
2 boat that's actually kept down at the fire  
3 department, can be deployed.  
4 Q Boat kept on the mainland? I mean,  
5 the 21 foot, where is that docked?  
6 A That is docked at, usually at the  
7 Ocean Gate -- Ocean Gate Yacht Basin which is, I  
8 don't know if you're familiar where that is.  
9 Q It's on the mainland?  
10 A Well, it's on the water.  
11 Q Yeah, but it's on the mainland, it's  
12 not over on the barrier peninsula?  
13 A No.  
14 Q Okay. And the other boat, where is  
15 that kept?  
16 A That's kept down at the Bayville  
17 firehouse.  
18 Q So, what if there's an incident in  
19 the ocean, what do you do, where you need a boat to  
20 go into the ocean?  
21 A We normally wouldn't, it would be New  
22 Jersey State Police or the Coast Guard.  
23 Q Seaside Park, are you aware that they  
24 have an inflatable that they deploy in the ocean?  
25 A I do not. I'm not aware of that.

1 Q Okay. Wouldn't surprise you though,  
 2 correct?  
 3 A It would, because I am surprised.  
 4 MR. WINWARD: Excuse me, Joe. How  
 5 much more questioning do you have for  
 6 Captain Santucci? We're approaching -- we've hit  
 7 the two-hour mark. I just want to get a gauge on  
 8 where we break.  
 9 MR. MICHELINI: Just give me a  
 10 second, okay?  
 11 MR. WISER: Mr. Chairman, I will have  
 12 a couple questions for the captain.  
 13 (Off the record.)  
 14 MR. MICHELINI: I really don't have  
 15 very much. So, it's up to you, Mr. Chairman.  
 16 MR. WINWARD: Yeah, but we also --  
 17 Stu has some more questions for him, too. We know  
 18 how long -- that could take awhile, too. I think  
 19 we'll just call it.  
 20 MR. MICHELINI: Okay.  
 21 MR. WINWARD: Pretty much sounds like  
 22 you don't have a sense of urgency at the moment.  
 23 MR. MICHELINI: That's fine.  
 24 MR. WINWARD: Thank you so much for  
 25 your time.

1 MR. MICHELINI: Thank you.  
 2 MR. WINWARD: Thank you for the  
 3 department for your time as well.  
 4 I'd like to make a motion that we  
 5 adjourn. All in favor say aye.  
 6 ALL: Aye.  
 7 (Matter adjourned.)  
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 2 C E R T I F I C A T E  
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 4 I, LINDA SULLIVAN-HILL, a Notary  
 5 Public and Certified Court Reporter of the State of  
 6 New Jersey, do hereby certify that the foregoing is  
 7 a true and accurate transcript of the proceedings as  
 8 taken stenographically by and before me at the time,  
 9 place and on the date hereinbefore set forth.  
 10  
 11  
 12  
 13 Notary Public of the State of New Jersey  
 14 My Commission expires January 26, 2021  
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 16 Dated: December 31, 2016  
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'	7	actions [1] 62/22
'14 [1] 92/17	732 [1] 1/24	activity [1] 120/17
'15 [3] 90/24 92/16 92/17	8	actual [1] 95/3
'16 [1] 90/24	8 miles [1] 116/19	actually [21] 6/23 11/25 20/19
0	833-0001 [1] 1/24	30/16 32/10 35/16 35/18 47/22
0001 [1] 1/24	88 [1] 3/6	60/5 63/5 63/7 65/18 82/4
08527 [1] 1/24	9	95/10 97/24 106/24 113/4 113/6
08723 [1] 2/7	911 [6] 75/17 75/20 75/25 76/4	114/3 120/4 124/2
08731 [1] 2/4	76/8 76/9	addition [1] 76/3
1	A	additional [2] 25/12 55/11
100 percent [2] 29/25 98/4	A-64 [3] 102/6 102/7 103/7	address [10] 24/7 25/11 27/13
106 [3] 39/15 39/16 39/17	A-65 [3] 102/6 102/7 102/19	30/25 39/3 39/13 39/16 40/11
106 Sprague [1] 44/24	A-67 [2] 24/25 25/1	40/14 104/10
11 [2] 101/5 101/6	A-68 [2] 26/5 26/6	addressed [3] 63/23 104/8
12 [1] 22/12	ability [4] 45/9 47/4 73/8	104/9
13 [1] 90/21	121/16	addressing [1] 54/5
14 [1] 17/6	able [20] 6/9 12/13 12/13	adjoining [1] 50/16
16 [2] 11/20 117/8	12/18 13/6 14/9 30/10 44/5	adjourn [1] 126/5
16 miles [4] 5/16 11/1 11/11	51/21 72/14 72/25 73/13 73/15	adjourned [1] 126/7
117/7	73/17 77/2 79/4 79/22 93/14	administration [2] 22/5 22/24
17 [2] 2/7 40/2	99/2 120/3	administrative [1] 89/6
1999 [2] 105/20 105/20	about [127] 5/4 5/5 9/9 9/16	administrator [15] 61/18 62/15
2	9/16 9/22 9/25 10/3 10/6 10/10	66/4 66/14 69/20 70/1 70/2
2/47 [1] 20/24	10/12 10/20 13/24 13/25 14/10	70/10 71/19 71/23 82/23 87/6
20 [4] 17/5 17/10 20/22 34/24	14/21 17/5 17/8 17/21 18/18	87/7 93/8 100/3
2000 [1] 105/20	20/10 23/12 26/11 27/3 27/4	advantages [4] 16/14 16/17
2001 [1] 105/25	29/12 29/13 29/17 30/9 30/11	112/17 112/24
2011 [3] 21/11 21/12 22/14	30/16 30/20 31/3 31/14 33/1	advertise [1] 119/12
2011/12 [1] 22/12	35/24 36/9 40/2 44/2 44/6 44/9	advice [1] 93/18
2012 [1] 21/9	44/10 45/18 46/15 50/8 54/5	advocating [1] 34/3
2013 [1] 90/18	54/15 57/22 58/25 59/12 60/21	after [9] 29/17 47/16 48/5
2014 [2] 90/24 92/15	64/5 65/17 71/21 72/22 72/23	65/4 68/1 76/24 77/7 77/9
2015 [1] 50/12	73/19 75/5 75/16 75/16 76/24	77/10
2016 [3] 1/7 50/10 127/16	78/11 78/16 80/5 80/16 80/19	again [8] 15/6 17/14 23/13
2021 [1] 127/14	82/19 83/3 83/24 84/17 85/20	24/15 72/12 86/21 87/16 94/7
21 [1] 124/5	86/25 88/11 88/21 89/14 93/24	against [2] 105/10 110/5
21-foot [1] 123/25	97/6 97/13 97/21 98/10 100/6	age [1] 28/16
24/7 [5] 20/22 111/24 112/5	100/17 100/19 103/7 103/13	agencies [3] 95/13 109/4 109/6
112/7 112/13	104/3 104/4 104/12 104/22	agency [3] 94/21 94/23 111/15
26 [1] 127/14	104/24 104/25 107/11 109/21	agenda [1] 4/2
2C [1] 6/8	110/12 110/15 112/24 113/13	ago [5] 14/7 23/12 58/25 62/3
3	113/15 113/19 113/20 114/12	100/6
30 [1] 118/23	115/5 115/7 116/11 116/19	agree [8] 10/2 22/11 28/17
31 [1] 127/16	117/16 117/21 118/5 118/6	35/11 52/21 53/1 53/6 53/19
4	118/16 119/24 119/25 120/2	agreed [1] 93/1
44 [2] 45/18 45/19	120/5 120/6 120/11 120/12	ahead [5] 19/8 63/6 64/24
44,000 [1] 46/14	120/21 120/24 121/9 121/15	115/20 121/25
45 [2] 45/18 46/15	121/16 122/13 122/14 122/18	aid [5] 55/1 55/3 71/11 80/13
45,000 [1] 45/19	123/15 123/21	85/5
46 [1] 1/23	absolutely [7] 34/1 40/25	aisle [1] 46/7
47 [1] 20/24	41/18 42/12 42/19 44/12 68/11	albeit [1] 77/10
5	absorbed [1] 98/2	all [64] 9/2 9/6 12/7 13/13
500 [2] 45/25 46/6	academy [1] 105/22	17/12 20/22 23/17 24/9 24/20
6	access [5] 19/23 90/7 90/9	26/20 30/11 31/25 32/5 35/11
60 [1] 79/12	91/20 113/25	41/20 48/23 50/20 51/4 51/11
60s [1] 28/19	accident [3] 122/25 123/3	51/13 56/15 63/16 63/21 68/12
620 [1] 2/4	123/7	73/9 74/10 77/2 78/2 78/12
63 [1] 28/17	accordance [1] 92/24	85/7 86/19 86/20 87/24 88/21
64 [4] 28/17 102/6 102/7 103/7	according [2] 100/1 113/15	90/10 91/16 94/7 95/13 96/1
65 [3] 102/6 102/7 102/19	accreditation [3] 94/21 97/6	96/12 97/20 98/4 98/8 98/23
66 [3] 46/11 79/12 79/14	97/11	99/8 99/8 99/20 99/21 100/25
67 [2] 24/25 25/1	accredited [1] 84/11	101/3 101/7 103/24 103/25
68 [2] 26/5 26/6	accrue [1] 73/14	105/23 109/4 109/4 114/2 116/3
6:50 [1] 1/8	accurate [2] 59/3 127/7	117/24 119/19 121/5 123/16
	acreage [1] 78/2	126/5 126/6
	acronym [1] 90/16	allegations [1] 4/8
	act [1] 94/23	allegedly [2] 37/9 44/4
	acted [1] 21/22	allocable [1] 99/18
	acting [2] 35/24 36/2	allocated [2] 99/17 99/18
	action [2] 59/25 81/16	allotted [1] 97/17
		allow [1] 57/4
		allowed [6] 12/19 64/19 65/23
		66/6 67/10 67/11

<p><b>A</b></p> <p>alluded [1] 95/18  alone [4] 3/13 26/4 26/10 28/10  along [5] 17/3 31/22 46/2 58/14 81/14  already [5] 11/22 15/10 60/2 62/24 101/3  also [10] 2/11 21/18 25/24 26/7 56/11 103/15 117/19 120/15 122/2 125/16  aluminum [1] 124/1  always [6] 109/12 109/13 111/15 111/16 112/4 122/11  am [6] 7/12 12/19 39/20 42/10 83/1 125/3  Amato [1] 61/21  amount [2] 17/25 18/14  amounts [1] 76/24  annex [4] 7/13 47/16 73/15 109/9  annexation [23] 1/5 4/3 16/8 23/16 23/19 33/14 45/8 47/3 47/17 50/14 57/23 73/2 100/18 100/22 105/1 105/10 106/17 109/15 110/5 110/7 110/10 112/12 118/14  annexed [1] 86/17  annotated [7] 29/14 29/19 30/12 101/23 101/25 102/6 103/21  annual [1] 97/14  another [6] 18/5 43/17 49/21 75/3 80/23 123/25  answer [21] 12/19 15/12 15/14 15/15 16/2 17/15 17/17 43/7 43/11 46/23 47/7 51/21 55/23 60/19 70/1 70/4 70/10 84/5 84/9 122/5 122/23  answers [2] 65/7 74/1  anticipate [1] 16/7  any [63] 8/11 8/16 8/16 8/17 13/24 14/11 16/4 16/12 16/14 16/17 18/23 19/19 23/22 30/17 32/4 45/15 46/1 46/25 48/6 50/9 55/2 58/17 58/20 59/11 59/25 62/22 65/20 65/21 66/7 67/11 72/25 73/13 74/11 74/17 76/16 76/19 77/1 77/17 77/23 80/2 81/6 81/16 83/7 87/8 98/6 98/11 102/24 103/2 104/15 104/18 106/20 106/20 109/5 112/23 115/15 115/16 115/22 116/18 119/20 120/16 120/16 121/3 121/12  anybody [8] 14/17 20/7 66/6 67/4 67/18 71/18 104/12 104/25  anyone [3] 58/6 60/21 67/15  anything [16] 20/16 43/5 62/19 63/2 64/9 65/24 78/2 89/1 95/1 95/7 109/20 114/14 118/4 119/7 120/8 121/7  anyway [1] 50/24  anywhere [3] 11/17 82/7 99/19  apologize [1] 78/9  appear [4] 25/8 26/7 26/22 36/25  APPEARANCES [1] 2/2  appeared [3] 69/1 69/3 69/14  appearing [1] 83/4  appears [2] 36/13 36/23  applicable [1] 10/20</p>	<p>Appointing [4] 70/12 70/13 70/15 70/16  approach [1] 108/14  approachable [1] 108/7  approaching [1] 125/6  appropriate [4] 10/14 70/23 84/1 93/9  are [90] 4/22 6/19 7/11 8/5 11/3 13/5 13/6 14/10 14/22 15/17 16/3 16/14 16/17 16/20 16/23 18/14 19/18 19/19 20/2 20/4 20/14 20/19 23/22 23/23 23/24 24/18 25/24 26/14 28/9 28/11 28/11 29/2 30/10 33/5 33/6 33/15 42/19 45/10 45/14 48/12 48/13 49/5 50/21 51/5 52/1 52/9 52/16 53/12 53/17 55/10 56/6 56/23 58/6 61/10 71/10 72/19 72/25 73/13 76/20 76/21 78/21 79/3 79/22 80/13 81/15 83/4 83/5 83/5 85/7 88/22 99/21 106/7 109/14 111/23 112/17 112/20 113/21 115/8 115/10 115/16 116/22 119/16 119/16 121/1 121/6 121/19 122/16 123/3 123/18 124/23  area [14] 7/11 29/2 29/8 46/25 52/19 91/3 94/11 107/25 112/13 113/3 115/16 115/23 116/2 117/9  areas [4] 77/17 95/5 95/5 116/21  aren't [1] 76/8  around [5] 37/18 57/9 72/24 77/2 119/19  arrest [6] 6/15 81/19 82/2 82/7 82/12 82/15  arrests [1] 111/3  arrives [1] 74/2  as [94] 4/10 5/12 9/19 9/23 14/3 14/4 14/5 14/6 14/24 14/25 22/3 22/3 22/8 22/8 24/23 24/24 26/5 28/17 28/17 29/18 31/16 31/16 33/17 33/17 33/18 33/18 34/5 34/5 35/6 35/23 35/23 36/5 36/5 36/19 36/19 39/3 40/7 40/7 42/14 45/1 45/8 45/10 48/13 48/17 48/19 49/6 49/7 50/15 52/7 52/16 53/8 54/3 59/25 62/23 65/11 72/19 72/19 77/9 78/7 78/8 81/11 81/11 83/4 84/2 85/21 85/24 88/25 88/25 89/1 89/1 90/24 93/12 94/20 94/23 95/3 95/16 95/17 95/23 97/18 97/19 98/11 98/11 98/18 102/6 103/16 103/16 105/21 107/17 109/8 115/24 115/24 120/3 126/3 127/7  aside [1] 6/18  ask [21] 9/11 11/9 13/20 15/6 15/14 15/25 31/22 42/9 42/10 43/2 43/3 44/11 46/17 47/22 54/2 66/22 73/22 88/20 92/13 107/23 117/14  asked [24] 11/22 17/6 17/9 17/13 18/8 18/19 29/13 44/8 44/9 45/6 62/14 65/20 68/20 68/20 68/24 69/2 69/7 69/14 77/16 82/20 83/24 88/19 92/11 100/2  asking [24] 7/4 11/3 12/20</p>	<p>13/17 14/22 15/3 15/3 15/8 15/10 20/10 31/19 31/21 32/18 40/23 40/24 43/10 46/18 58/8 64/5 65/20 74/21 96/18 118/6 120/1  asserting [1] 36/6  assigned [1] 76/20  assignments [1] 48/13  assist [3] 19/4 19/15 67/10  assistance [2] 26/20 66/7  ASSOCIATES [1] 1/22  ASSOCIATION [4] 1/4 4/3 4/18 52/10  Association's [1] 4/13  assume [8] 10/16 46/5 87/3 92/9 96/16 99/1 101/13 108/3  attempting [1] 81/1  attend [1] 104/23  attended [2] 61/15 100/22  attorney [3] 4/4 4/14 93/12  Attorneys [2] 2/5 2/8  August [3] 68/21 69/3 69/4  authenticate [1] 42/7  authored [1] 39/25  authority [6] 70/12 70/13 70/15 70/17 70/23 93/4  availability [1] 6/1  available [9] 5/8 5/9 18/15 27/21 28/1 78/18 99/21 104/24 113/21  average [2] 28/16 84/7  aware [14] 23/22 24/18 52/16 55/17 56/6 56/22 98/21 99/11 115/3 115/6 119/14 120/19 124/23 124/25  away [1] 5/17  awhile [2] 106/10 125/18  aye [2] 126/5 126/6</p> <p><b>B</b></p> <p>Bacchione [1] 1/11  back [12] 6/15 12/8 27/11 29/21 44/21 57/4 58/13 65/18 72/12 86/24 108/23 112/22  backed [1] 50/10  backing [1] 33/22  backup [17] 50/8 50/15 57/15 57/16 57/20 57/21 60/5 60/10 60/11 60/15 60/15 60/17 60/22 60/25 62/20 63/23 91/10  backups [1] 59/1  backwards [1] 5/14  backyard [1] 11/24  Bad [1] 90/16  badgering [3] 17/10 17/13 65/17  badgers [1] 17/1  bailiwick [1] 74/11  barrier [7] 34/6 45/21 46/20 53/16 57/2 117/7 124/12  based [2] 66/25 72/2  basically [7] 81/3 90/13 92/5 95/25 96/13 101/20 107/17  Basin [1] 124/7  basis [2] 27/15 97/15  bat [1] 33/20  bay [6] 11/10 11/12 85/22 86/12 109/14 110/4  Bayville [2] 1/7 124/16  be [101] 5/6 5/25 6/9 9/10 12/13 12/18 14/9 16/19 16/20 17/2 18/1 18/18 23/13 23/18 24/13 24/14 25/9 25/15 26/7</p>
--	---	--

<b>B</b>	100/8	calling [1] 60/16
best [4] 13/16 15/14 102/10	105/15	calls [3] 24/11 63/23 76/4
better [4] 76/5 110/9 110/9	119/8	came [11] 34/7 34/11 34/14
between [1] 84/18		41/25 65/12 66/5 72/13 85/24
big [1] 20/14		86/2 86/2 86/8
bigger [1] 73/8		camera [7] 30/5 66/15 66/17
bill [1] 70/6		68/7 82/24 100/10 121/24
bit [2] 21/2 73/18		cameras [4] 95/17 121/19
Blair [1] 61/19		122/14 122/14
Blvd [1] 2/7		can [75] 5/6 8/8 9/11 11/7
board [17] 1/1 2/5 7/20 7/23		11/10 11/24 12/1 12/9 13/1
8/1 27/2 36/24 42/21 42/24		13/14 13/22 14/24 14/24 14/25
67/19 69/9 78/3 87/3 87/8		15/25 20/7 22/11 24/2 24/6
93/20 103/2 104/16		24/16 24/19 25/5 25/9 25/11
boards [1] 118/20		25/21 25/22 26/11 26/12 26/23
boat [5] 95/14 124/2 124/4		27/7 27/12 27/13 27/13 31/22
124/14 124/19		35/11 36/5 36/13 36/19 42/6
boats [2] 123/22 123/24		42/21 42/24 42/24 43/3 52/23
body [3] 95/16 121/18 121/23		53/7 53/24 55/3 56/15 66/22
bombarded [2] 21/10 21/14		74/21 75/17 78/1 78/12 79/1
boom [3] 72/20 72/20 72/20		80/21 81/16 81/19 81/23 82/1
border [1] 116/23		82/7 85/10 85/23 85/24 90/20
Boro [3] 23/13 23/15 23/17		91/19 92/3 93/13 94/4 96/3
Borough [1] 25/4		99/22 102/11 115/20 118/23
both [2] 56/16 116/8		119/19 124/3
bottom [1] 124/1		can't [16] 7/4 7/9 29/25 47/7
break [1] 125/8		47/9 47/15 90/6 91/24 96/5
Brian [1] 1/13		98/22 99/3 99/24 99/25 111/25
Brick [1] 2/7		117/1 117/12
bridge [4] 56/20 57/3 57/9		capability [1] 109/3
74/3		capacity [1] 121/16
brief [1] 48/9		captain [14] 3/5 31/12 31/14
briefing [2] 48/16 49/10		31/19 32/9 32/10 66/20 88/5
bring [1] 112/21		88/7 89/5 89/8 108/8 125/6
Bringing [1] 52/6		125/12
broken [1] 98/11		Captain Santucci [2] 31/12
brought [1] 108/15		125/6
budget [6] 97/9 98/5 98/15		car [8] 49/15 54/17 54/22
98/16 99/2 99/2		72/23 76/20 76/21 80/23 89/16
build [1] 72/24		Cardwell [1] 102/17
building [19] 6/24 7/4 8/12		carries [1] 81/13
9/9 10/3 53/25 54/6 54/17		carry [1] 95/16
54/17 55/3 55/21 56/11 67/22		cars [4] 51/9 80/22 81/1 95/14
73/6 95/2 108/16 108/20 111/8		case [6] 5/25 37/23 60/13 65/9
112/4		65/22 109/15
buildings [6] 8/23 53/12 53/17		cases [1] 121/5
96/9 96/11 96/12		causes [1] 77/1
bunch [2] 88/19 113/20		center [3] 95/11 111/11 123/25
burdensome [2] 74/12 74/18		Central [2] 33/2 33/15
bureau [13] 95/4 95/5 95/6		centrally [2] 116/14 117/2
95/8 98/7 113/11 114/13 114/14		certain [3] 79/2 95/21 107/21
120/15 120/23 121/6 122/5		certainly [2] 36/25 117/2
122/11		certification [1] 94/20
burglary [1] 114/17		CERTIFIED [2] 1/23 127/5
buses [3] 33/1 33/5 33/16		certify [1] 127/6
business [5] 61/17 62/15 66/3		CFO [1] 100/13
66/14 82/22		Chair [3] 10/22 16/24 47/11
busy [1] 60/18		Chairman [4] 1/11 72/10 125/11
by it [1] 108/17		125/15
		challenge [2] 56/25 91/22
<b>C</b>		change [2] 81/2 86/16
C's [3] 22/16 22/19 23/17		changing [2] 73/19 86/19
CAD [1] 86/12		characterized [1] 9/23
call [20] 24/1 24/4 24/10		charge [8] 7/2 7/3 70/7 81/9
24/19 27/9 27/11 57/19 57/21		89/5 89/6 89/20 96/9
58/13 80/14 85/21 85/23 86/2		check [2] 23/23 27/15
86/4 86/6 86/7 90/15 114/8		checking [1] 82/23
114/21 125/19		checkpoint [1] 122/19
Callahan [1] 1/12		CHERKOS [1] 2/3
called [8] 60/14 62/11 62/12		chief [54] 3/3 4/9 4/13 4/20
66/3 66/13 70/16 96/11 109/6		5/1 5/3 9/14 10/17 16/22 17/1
		17/11 17/13 27/4 35/6 40/24
		42/9 42/13 43/2 43/6 43/10
be... [82] 26/22 27/24 28/3		
28/12 29/1 29/8 29/11 29/25		
31/19 33/15 34/16 36/6 36/13		
36/15 36/22 36/23 36/25 38/22		
38/22 42/20 44/5 47/18 47/19		
49/8 49/12 51/21 53/10 53/23		
54/20 55/7 56/15 56/18 57/24		
63/23 63/25 65/6 66/15 66/16		
66/17 71/21 72/14 72/20 73/1		
73/16 75/7 76/13 78/22 80/1		
84/3 84/11 84/12 89/17 89/19		
91/3 92/22 93/4 93/14 94/14		
95/14 96/24 97/1 97/8 99/17		
103/12 104/8 104/12 107/21		
111/4 111/7 111/11 112/13		
112/19 112/23 116/19 116/25		
119/7 119/8 119/14 119/19		
122/4 124/3 124/21		
beach [27] 6/10 10/25 11/11		
11/20 11/24 19/5 19/7 19/18		
19/20 20/6 20/11 29/2 29/8		
47/22 49/19 49/20 50/9 50/10		
54/22 63/1 79/21 85/21 91/3		
107/11 109/14 110/4 123/19		
beaches [1] 11/12		
Beaverson [1] 2/7		
because [34] 7/7 10/20 11/12		
12/1 15/6 17/14 18/8 20/7 29/9		
31/8 31/21 34/4 48/10 56/13		
59/20 60/5 65/11 66/24 67/19		
71/12 75/13 90/8 91/15 102/16		
103/17 108/15 110/5 119/9		
119/22 120/10 121/5 122/10		
122/23 125/3		
become [1] 112/14		
been [24] 4/10 25/1 26/6 30/22		
35/21 36/10 43/8 45/24 59/20		
63/9 63/11 64/25 67/1 68/14		
85/1 90/17 95/10 102/6 102/13		
113/23 114/2 115/1 120/16		
123/10		
before [8] 7/22 16/1 63/8		
66/12 81/8 95/18 101/11 127/8		
began [1] 106/25		
beginning [3] 48/25 49/4 65/9		
behalf [5] 4/16 9/6 9/7 85/13		
89/10		
behind [1] 52/4		
being [7] 27/14 33/2 76/25		
77/2 78/1 83/19 115/7		
believe [39] 5/4 7/7 7/15 8/3		
21/13 28/16 28/19 29/14 30/4		
36/11 40/3 50/20 52/17 53/23		
57/3 60/14 67/20 69/12 77/14		
80/16 82/21 89/15 89/17 90/18		
93/9 95/25 98/13 101/7 102/16		
102/17 102/19 104/1 107/1		
114/3 116/7 117/18 118/19		
122/22 123/17		
believes [1] 36/6		
Bell [1] 1/13		
belongs [1] 8/13		
benefits [1] 73/10		
BERKELEY [26] 1/1 4/5 8/13		
15/17 15/19 16/3 19/3 19/14		
25/16 26/18 27/25 47/1 59/2		
62/21 73/3 75/6 81/6 81/8		
81/18 81/22 82/2 82/14 85/11		
105/6 105/24 113/21		
Berkeley's [1] 84/18		
besides [4] 20/12 61/1 71/18		

C		
<p>chief... [34] 43/11 43/12 54/4 58/14 59/12 61/18 64/13 65/14 72/8 72/10 72/11 72/16 80/16 83/8 86/21 88/2 88/10 89/15 92/11 93/11 98/4 98/17 100/4 100/13 100/13 101/8 101/17 102/3 104/7 104/13 105/8 108/11 109/23 109/23 Chief DiMichele [2] 9/14 64/13 Chief DiMichele's [1] 4/20 Chief Larkin [1] 59/12 chief's [5] 42/23 43/7 70/6 97/9 104/24 Chiefs [1] 52/10 choose [1] 56/18 Chris [1] 61/17 Christmas [2] 115/17 116/4 citizen [1] 5/22 citizens [1] 33/20 City [2] 116/22 117/9 civilians [1] 95/8 clarification [1] 15/4 clarify [9] 12/19 15/5 31/5 31/6 72/15 101/20 103/18 104/9 105/14 class [17] 19/6 19/6 19/17 19/17 20/12 20/12 21/25 21/25 60/3 60/3 62/25 62/25 79/15 79/16 81/13 81/14 105/21 class one [1] 21/25 clear [1] 71/21 clocked [1] 84/17 clocks [1] 85/9 close [2] 28/21 36/19 closed [1] 56/21 closely [2] 36/14 36/17 closer [5] 12/2 52/6 110/6 113/6 117/5 CO [1] 111/9 Coast [1] 124/22 Coast Guard [1] 124/22 coat [2] 116/1 117/16 collect [1] 37/19 college [2] 97/19 105/21 come [18] 5/15 5/22 5/22 6/2 6/15 6/25 7/24 8/1 9/19 34/17 34/21 42/25 71/24 72/12 78/17 81/12 81/23 110/23 comes [1] 90/5 comfortable [2] 54/20 108/12 coming [9] 9/23 20/2 20/4 20/18 23/18 48/4 49/11 97/19 119/13 command [4] 100/24 101/2 114/23 114/24 commander [1] 109/10 comment [6] 13/18 18/17 18/18 57/22 80/25 85/22 commented [1] 65/12 commenting [2] 56/19 65/4 comments [4] 25/13 30/20 65/6 65/9 commission [2] 71/5 127/14 committee [1] 71/7 common [2] 13/15 29/9 communicate [1] 74/3 communication [1] 95/11 communities [1] 74/24 community [22] 12/12 16/16 16/18 19/4 19/7 19/15 19/18 52/2 52/5 52/6 52/11 52/17</p>	<p>52/22 52/24 53/7 54/4 112/24 113/5 115/8 115/9 118/12 119/14 compare [5] 15/19 18/22 42/9 42/11 44/11 compared [2] 46/25 77/25 comparing [9] 14/15 15/17 16/3 18/9 18/11 18/17 18/18 43/15 44/6 comparison [1] 14/23 complained [1] 60/21 complaint [9] 5/19 5/21 5/23 6/2 6/3 6/6 6/7 6/10 6/16 complaints [1] 109/1 complete [1] 43/18 completed [1] 39/2 computer [9] 24/2 24/7 24/12 24/20 25/10 26/23 49/8 49/13 73/6 concentrate [1] 9/12 concept [2] 52/1 53/19 concern [3] 22/3 22/8 28/10 concerned [2] 22/3 22/8 concerns [2] 21/15 28/9 concerts [1] 19/21 conclusion [2] 42/22 42/24 conduct [2] 95/12 95/21 confirm [1] 109/6 confused [1] 100/14 CONNORS [1] 2/3 consider [2] 91/3 94/13 considered [1] 69/22 consists [1] 94/10 console [1] 123/25 construction [3] 7/16 57/5 57/7 contact [3] 24/9 25/12 27/13 continue [5] 4/19 16/9 43/9 43/10 112/12 contractors' [1] 35/19 convenience [2] 9/22 9/22 conversation [3] 75/5 75/16 85/19 conversations [1] 76/24 cooperate [2] 16/9 16/10 cop [1] 72/23 copy [3] 39/8 42/5 63/8 correct [135] corroborate [1] 80/21 cost [18] 32/5 32/6 73/10 89/16 96/3 96/14 96/24 97/6 97/10 97/14 97/22 98/1 98/6 98/12 98/19 99/7 99/12 99/16 costs [2] 89/14 98/23 could [45] 16/19 16/20 18/1 18/4 18/18 27/2 29/11 34/9 36/22 38/22 38/22 47/3 53/10 53/25 54/25 55/1 67/8 68/12 68/19 68/23 68/25 69/1 69/2 69/6 69/14 75/5 78/22 81/7 102/13 107/21 108/21 108/23 109/1 111/4 111/7 111/11 112/19 113/1 113/4 114/17 119/7 122/3 122/3 122/23 125/18 couldn't [4] 67/8 77/13 77/19 103/16 council [3] 104/18 104/23 104/23 Councilman [1] 1/11 counsel [1] 8/4 county [7] 86/6 94/24 94/24 97/23 98/2 120/12 123/4</p>	<p>couple [7] 54/25 58/25 61/23 68/9 90/3 107/23 125/12 COURT [2] 1/23 127/5 cover [1] 79/23 coverage [7] 22/12 46/24 58/18 86/14 112/6 112/13 113/15 covering [1] 76/15 CPA [1] 2/14 created [1] 91/10 credits [1] 52/14 crime [1] 82/10 crimes [3] 120/25 121/2 121/3 criminal [1] 6/8 cross [6] 4/12 4/20 9/2 9/7 43/20 43/22 cross-examination [3] 4/12 4/20 9/2 cross-examine [3] 9/7 43/20 43/22 crosses [1] 74/3 cruiser [3] 54/7 55/6 55/12 cruisers [2] 5/21 51/12 current [1] 76/9 currently [1] 25/19 cut [1] 45/10</p> <p><b>D</b></p> <p>D.C [1] 118/4 daily [1] 27/15 damaged [1] 34/5 DARE [4] 19/23 19/25 20/1 20/8 DARE Program [2] 20/1 20/8 DASTI [1] 2/3 date [12] 24/8 24/8 25/11 25/12 35/2 35/14 35/15 39/3 61/25 62/4 101/10 127/9 Dated [1] 127/16 day [8] 11/1 27/10 48/14 57/8 68/3 83/15 100/16 100/18 days [4] 66/12 68/9 79/2 118/2 de [26] 1/5 4/3 16/8 23/16 23/19 33/14 45/8 47/3 47/16 47/17 50/14 57/23 73/2 73/15 86/17 100/18 100/22 105/1 105/10 106/17 109/15 110/5 110/7 110/10 112/12 118/14 de-annex [2] 47/16 73/15 de-annexation [23] 1/5 4/3 16/8 23/16 23/19 33/14 45/8 47/3 47/17 50/14 57/23 73/2 100/18 100/22 105/1 105/10 106/17 109/15 110/5 110/7 110/10 112/12 118/14 de-annexed [1] 86/17 deals [3] 10/2 102/7 102/8 December [2] 1/7 127/16 decide [2] 36/24 92/21 default [1] 50/15 defend [2] 31/8 71/25 deferred [1] 88/10 defibrillators [1] 95/16 definitely [1] 69/11 department [61] 4/5 4/9 10/2 10/4 13/16 13/18 14/16 15/18 15/23 16/4 16/5 16/9 16/13 16/15 17/23 18/23 19/3 31/9 37/7 41/25 55/20 55/21 55/24 56/7 56/12 56/14 56/14 68/16 70/8 72/1 72/25 73/9 73/9 79/5 80/2 82/16 88/23 89/9 92/2 94/3 97/4 97/15 98/9 98/14 99/13 99/16 100/24 100/25 101/1 103/15 105/9 105/9</p>

<b>D</b>	<p> division [1] 89/7  divulge [1] 91/17  do [210]  docked [2] 124/5 124/6  document [6] 3/13 25/2 26/4  27/25 36/12 90/11  does [34] 12/17 12/22 14/13  16/8 17/23 19/1 19/25 26/12  49/21 50/3 50/3 54/24 55/2  55/8 55/11 55/14 55/24 56/7  56/19 56/25 70/9 73/24 76/8  76/14 84/20 98/4 98/16 107/24  108/4 108/6 109/5 117/22  118/13 123/23  doesn't [14] 17/20 25/19 38/1  38/4 38/4 38/7 44/19 45/9  55/12 72/12 73/8 117/24 118/4  118/15  Dohn [2] 66/21 67/1  doing [3] 34/4 60/3 62/25  dollars [1] 32/13  Domenick [1] 1/12  don't [195]  done [9] 5/6 37/22 56/15 68/12  68/19 68/23 101/22 113/10  116/8  door [3] 41/16 41/16 108/16  door-to-door [1] 41/16  double [1] 44/7  down [6] 46/7 70/11 99/8  116/11 124/2 124/16  drawbridge [1] 57/11  drive [14] 1/23 50/21 50/24  50/24 51/5 51/8 51/10 76/22  116/1 116/1 116/4 116/18 117/7  117/16  due [3] 9/2 9/6 17/12  DUI [1] 122/18  during [13] 19/20 19/21 20/24  31/10 31/15 31/16 49/7 50/23  72/13 75/16 76/3 77/14 83/15  duties [1] 89/6  DWI [3] 111/3 122/18 122/19  DWIs [1] 110/25 </p>	<p> employ [1] 120/4  employed [1] 81/15  employee [1] 83/2  employees [1] 95/12  EMS [1] 95/22  encourage [1] 52/11  end [7] 8/14 8/15 8/17 34/11  48/3 49/3 68/21  enforced [1] 14/5  enforcement [10] 12/24 13/1  13/3 14/1 14/1 14/13 14/21  81/16 84/2 118/3  Engineer [1] 2/12  enhance [4] 45/9 47/4 107/24  108/4  enhanced [3] 52/18 52/22 52/25  enough [4] 55/8 78/25 79/3  82/21  enter [4] 24/6 24/20 25/11  26/11  entered [2] 63/11 63/18  entire [2] 30/11 115/24  entities [1] 85/8  entity [1] 85/2  environment [1] 108/12  equipment [5] 54/23 55/3 55/11  95/15 120/3  Erdman [7] 36/9 37/10 38/7  41/4 41/4 41/5 41/6  Erdman's [2] 42/3 44/14  Ernie [1] 2/12  ESQ [2] 2/5 2/8  ESQS [2] 2/3 2/6  essentially [1] 107/14  establish [1] 17/5  established [2] 83/25 84/10  evacuation [1] 37/9  even [9] 5/25 23/11 36/3 47/9  47/15 76/20 77/18 81/5 113/6  evening [2] 4/15 5/3  event [2] 16/8 119/13  events [1] 76/6  ever [5] 8/20 55/10 55/14  58/17 85/24  every [11] 10/25 30/13 49/1  49/3 54/12 73/10 75/12 100/15  100/18 111/15 121/23  everybody's [1] 36/12  everyone [1] 76/20  everyone's [1] 112/18  everything [3] 100/19 100/19  115/23  everything's [1] 98/13  evidence [7] 29/15 35/21 36/11  59/21 63/11 68/15 90/21  exact [7] 28/6 51/17 60/19  117/1 117/10 117/13 117/14  Exactly [1] 17/24  examination [6] 4/12 4/20 5/2  9/2 86/22 88/6  examine [3] 9/7 43/20 43/22  example [3] 18/2 111/16 112/22  except [3] 59/10 71/23 83/8  Excepting [1] 51/4  exception [1] 50/22  excuse [5] 15/21 27/1 43/9  43/25 125/4  excused [1] 88/3  exhibit [4] 24/23 90/2 90/20  90/20  exhibited [1] 21/19  exist [4] 19/5 25/19 25/21  25/22 </p>
	<p> department... [9] 106/21  108/24 110/7 113/2 113/22  120/17 123/23 124/3 126/3  department's [1] 18/14  departments [11] 13/5 13/7  13/8 13/9 13/10 13/11 13/23  13/25 18/2 18/9 18/19  deploy [1] 124/24  deployed [1] 124/3  deposited [1] 76/25  DESCRIPTION [1] 3/11  deserve [1] 58/5  detail [1] 78/5  detective [12] 95/4 95/5 95/6  98/7 113/10 114/13 114/13  120/14 120/22 121/6 122/5  122/11  detectives [1] 121/10  detention [1] 95/10  determine [1] 96/6  developed [1] 71/10  Dickerson [1] 2/13  did [61] 14/14 15/5 15/19  21/23 24/21 29/15 29/16 29/21  30/17 31/6 34/7 34/17 36/7  37/21 41/20 43/19 44/24 59/10  59/21 59/25 60/23 62/22 63/2  67/17 67/23 69/17 71/11 72/1  75/19 75/22 75/23 80/18 85/24  86/4 90/8 91/12 91/23 92/4  96/2 100/5 101/9 102/9 102/16  102/18 102/23 102/24 103/11  104/11 104/15 105/8 105/18  105/19 105/23 106/14 106/16  109/23 110/3 110/13 114/8  118/6 121/3  didn't [30] 32/8 34/21 37/7  37/15 37/18 44/2 44/17 46/17  60/6 60/7 67/15 67/17 69/6  83/16 84/9 98/18 99/4 99/5  103/17 103/24 104/2 104/5  104/15 104/18 105/11 107/16  110/11 110/12 110/20 117/14  different [15] 13/21 15/15  34/10 42/19 47/18 47/19 47/22  48/22 54/25 74/21 75/12 76/16  84/17 113/20 120/11  differently [2] 34/16 84/18  difficult [2] 18/2 76/13  DiMICHELE [4] 3/3 5/1 9/14  64/13  DiMichele's [1] 4/20  direction [2] 67/13 86/8  directive [1] 95/19  disabled [1] 28/11  disagree [2] 44/13 53/3  disbelieve [1] 27/20  discuss [4] 61/4 65/21 65/24  66/6  discussed [3] 62/16 62/17 64/9  discussion [3] 4/7 45/24 58/23  dispatch [5] 84/18 84/19 84/21  84/23 84/25  dispute [2] 58/22 113/16  disputes [1] 58/20  distance [4] 117/1 117/10  117/13 117/15  distributed [1] 121/6  distribution [1] 46/18  district [2] 33/2 33/6  districts [1] 19/24 </p>	
	<p> <b>E</b>  earlier [3] 35/16 68/23 69/2  easier [1] 108/14  east [1] 116/13  easy [1] 89/23  Ebenau [1] 100/12  education [4] 94/21 97/13  97/17 97/18  effect [3] 31/18 80/11 80/25  efficient [1] 55/20  efficiently [1] 84/12  eight [4] 79/15 99/23 116/20  116/25  eight miles [1] 116/25  either [7] 23/5 52/18 52/22  54/16 102/9 105/11 105/12  elaborate [1] 7/6  electronic [1] 121/22  electronics [4] 121/15 121/17  122/2 122/8  eliminate [1] 45/7  else [19] 12/13 12/18 14/8  14/9 14/17 14/24 38/8 58/6  62/19 63/2 64/9 67/4 71/18  71/22 94/16 94/19 95/1 95/7  100/19  emergency [4] 25/5 26/8 76/4  95/22 </p>	

<b>E</b>	exists [1] 94/2 expect [3] 106/18 106/20 112/11 expected [1] 33/21 expensive [2] 74/12 74/18 experience [3] 54/3 76/16 77/1 expert [2] 42/13 42/20 expires [1] 127/14 explain [1] 27/2 express [1] 105/8 extent [1] 77/13 extraction [2] 55/25 56/7	foot [2] 123/25 124/5 foregoing [1] 127/6 forget [1] 90/11 Forked [1] 2/4 form [18] 6/16 8/8 24/16 24/19 37/13 38/2 39/2 39/2 40/12 40/15 40/17 41/21 44/1 44/2 44/9 45/3 91/10 91/13 format [1] 65/11 former [1] 109/23 forms [1] 37/3 forth [4] 57/4 90/23 108/23 127/9 forward [2] 22/5 66/10 found [1] 37/22 four [15] 27/11 38/23 50/21 50/24 50/24 51/5 51/8 51/9 76/21 118/2 118/16 118/22 119/1 119/2 119/3 four-wheel [7] 50/21 50/24 50/24 51/5 51/8 51/9 76/21 Fourth [1] 19/21 Frederick [1] 1/13 free [2] 12/6 123/15 friends [1] 106/1 front [1] 99/6 frustration [2] 21/19 22/2 full [2] 79/15 82/7 full-time [2] 79/15 82/7 fully [1] 77/22 function [5] 14/11 20/1 20/3 76/10 89/9 functions [2] 13/12 122/11 further [4] 34/11 64/13 72/6 86/22	12/1 12/7 19/8 19/22 22/5 24/16 26/23 29/21 32/17 37/18 44/3 46/7 47/14 47/24 52/24 59/8 62/14 63/6 64/24 69/9 72/18 85/21 85/21 89/22 89/23 91/23 93/10 105/2 113/1 115/20 116/17 117/6 121/25 124/20 goes [2] 27/9 86/24 going [49] 4/14 5/14 6/24 8/14 10/9 11/17 12/13 12/18 14/8 15/6 15/9 15/15 15/16 16/25 23/12 23/18 30/23 30/23 33/15 34/23 41/10 41/16 42/8 42/10 43/17 44/11 44/12 46/7 46/16 48/15 49/21 49/23 54/6 54/13 57/7 57/9 64/17 64/21 68/2 72/20 78/4 82/1 88/16 88/17 93/15 99/8 102/3 102/5 119/14 gone [1] 59/4 good [11] 4/15 5/3 25/15 25/23 27/24 28/3 30/16 104/4 106/14 106/18 113/15 got [10] 11/1 11/20 12/4 25/3 30/5 60/5 60/9 80/9 80/10 81/3 government [1] 59/12 great [2] 11/16 113/14 green [1] 6/9 Greg [1] 67/5 GREGORY [1] 2/5 grievances [1] 60/25 grounds [2] 96/10 96/11 group [2] 28/12 71/5 Guard [1] 124/22 guess [9] 11/1 14/12 73/12 83/22 88/16 88/17 97/8 108/25 118/15 guidance [1] 67/11 guide [2] 67/16 67/18 guys [2] 63/18 99/23
<b>F</b>	facilities [2] 10/8 23/3 facility [8] 6/25 8/12 23/5 23/8 23/19 94/15 95/10 96/4 fact [8] 17/5 34/2 41/18 52/9 54/4 55/19 58/24 60/21 facts [2] 4/11 18/24 fair [6] 16/10 78/25 79/3 99/11 99/14 99/15 falls [2] 98/8 120/14 familiar [9] 7/10 25/24 26/14 48/11 52/1 52/9 106/7 109/14 124/8 far [17] 12/1 22/3 22/8 28/17 33/17 33/18 35/23 36/5 40/7 81/8 81/11 88/25 89/1 98/11 103/16 115/24 116/21 farthest [1] 116/20 fatal [3] 122/25 123/3 123/7 faulting [1] 98/20 favor [5] 105/10 110/4 110/15 110/21 126/5 favorably [1] 104/3 fax [2] 108/22 108/23 faxing [1] 111/8 feel [2] 54/5 108/14 feels [1] 13/16 felt [2] 31/8 104/7 few [3] 23/12 70/6 100/6 figure [2] 72/11 85/23 fill [2] 6/15 26/23 filled [4] 39/14 39/14 40/11 40/17 finance [1] 97/3 financial [5] 100/13 120/21 120/24 121/2 121/3 find [6] 25/9 88/16 88/17 90/20 96/14 97/7 fine [7] 9/8 43/1 67/1 92/18 96/23 106/14 125/23 finish [6] 15/21 16/1 43/14 43/25 115/18 115/21 finishes [1] 47/23 finishing [2] 49/6 49/20 fire [7] 41/24 55/20 56/6 56/12 56/13 56/16 124/2 Firearms [1] 95/12 firehouse [1] 124/17 fireman [1] 37/23 firemen [1] 41/9 first [10] 12/11 43/20 55/1 55/2 71/11 80/13 85/5 88/20 101/11 103/15 five [3] 47/12 51/19 123/10 flat [1] 124/1 flip [1] 73/12 follow [1] 86/23 follow-up [1] 86/23	found [1] 37/22 four [15] 27/11 38/23 50/21 50/24 50/24 51/5 51/8 51/9 76/21 118/2 118/16 118/22 119/1 119/2 119/3 four-wheel [7] 50/21 50/24 50/24 51/5 51/8 51/9 76/21 Fourth [1] 19/21 Frederick [1] 1/13 free [2] 12/6 123/15 friends [1] 106/1 front [1] 99/6 frustration [2] 21/19 22/2 full [2] 79/15 82/7 full-time [2] 79/15 82/7 fully [1] 77/22 function [5] 14/11 20/1 20/3 76/10 89/9 functions [2] 13/12 122/11 further [4] 34/11 64/13 72/6 86/22	12/1 12/7 19/8 19/22 22/5 24/16 26/23 29/21 32/17 37/18 44/3 46/7 47/14 47/24 52/24 59/8 62/14 63/6 64/24 69/9 72/18 85/21 85/21 89/22 89/23 91/23 93/10 105/2 113/1 115/20 116/17 117/6 121/25 124/20 goes [2] 27/9 86/24 going [49] 4/14 5/14 6/24 8/14 10/9 11/17 12/13 12/18 14/8 15/6 15/9 15/15 15/16 16/25 23/12 23/18 30/23 30/23 33/15 34/23 41/10 41/16 42/8 42/10 43/17 44/11 44/12 46/7 46/16 48/15 49/21 49/23 54/6 54/13 57/7 57/9 64/17 64/21 68/2 72/20 78/4 82/1 88/16 88/17 93/15 99/8 102/3 102/5 119/14 gone [1] 59/4 good [11] 4/15 5/3 25/15 25/23 27/24 28/3 30/16 104/4 106/14 106/18 113/15 got [10] 11/1 11/20 12/4 25/3 30/5 60/5 60/9 80/9 80/10 81/3 government [1] 59/12 great [2] 11/16 113/14 green [1] 6/9 Greg [1] 67/5 GREGORY [1] 2/5 grievances [1] 60/25 grounds [2] 96/10 96/11 group [2] 28/12 71/5 Guard [1] 124/22 guess [9] 11/1 14/12 73/12 83/22 88/16 88/17 97/8 108/25 118/15 guidance [1] 67/11 guide [2] 67/16 67/18 guys [2] 63/18 99/23
<b>G</b>	G-u-e [1] 40/5 Gate [5] 18/3 18/17 18/19 124/7 124/7 gauge [1] 125/7 gave [5] 35/19 67/12 84/4 84/4 84/24 general [1] 65/6 generally [7] 9/24 29/10 48/3 53/22 54/3 94/9 94/13 generate [1] 59/23 generated [1] 59/16 gentleman [1] 51/20 George [1] 66/21 George Dohn [1] 66/21 get [25] 5/16 5/17 6/1 6/24 7/4 9/19 11/17 15/15 17/1 17/1 17/11 43/19 54/24 55/8 55/11 58/14 74/9 77/22 78/17 90/7 100/14 103/16 108/16 108/20 125/7 getting [10] 5/4 5/5 31/25 32/24 44/18 44/19 60/22 66/7 82/20 83/5 Gingrich [2] 1/13 83/21 Giovenco [2] 80/4 80/7 give [13] 55/1 58/12 67/11 73/17 77/19 78/1 78/12 79/4 93/18 94/3 94/17 119/15 125/9 given [8] 4/7 46/3 48/12 52/19 72/3 101/22 102/2 104/6 gives [2] 52/14 70/19 giving [7] 15/11 15/13 17/15 17/16 80/1 80/2 111/22 glasses [1] 25/4 go [43] 7/23 8/4 10/25 11/1 11/10 11/11 11/20 11/20 12/1	guidance [1] 67/11 guide [2] 67/16 67/18 guys [2] 63/18 99/23	had [43] 4/7 4/9 22/4 29/19 30/24 31/1 31/4 31/6 31/8 34/22 41/10 41/13 43/16 43/22 44/3 57/19 58/17 58/20 58/22 58/23 59/1 60/25 62/5 66/12 68/5 68/9 69/19 71/12 73/4 77/16 80/20 80/21 81/9 88/19 91/14 97/18 100/22 101/3 102/14 103/3 108/21 109/3 111/5 Haines [1] 2/14 hall [3] 61/7 78/17 97/5 handle [2] 34/10 83/15 handwriting [3] 37/16 42/13 42/16 happen [4] 44/12 54/25 55/14 85/24 happened [2] 49/7 55/15 happens [4] 48/1 48/10 48/25 123/13 harder [1] 74/22 has [31] 13/3 17/22 18/3 19/3 22/12 24/10 24/18 25/25 27/21 35/21 46/24 47/1 54/22 57/16 63/11 63/12 64/25 81/14 91/20 94/21 95/10 102/7 102/17 102/22 113/22 114/3 115/1 120/16 120/16 123/10 125/17 hate [1] 72/9 hats [2] 13/4 14/2 have [201] haven't [4] 47/6 59/5 106/9
<b>H</b>	had [43] 4/7 4/9 22/4 29/19 30/24 31/1 31/4 31/6 31/8 34/22 41/10 41/13 43/16 43/22 44/3 57/19 58/17 58/20 58/22 58/23 59/1 60/25 62/5 66/12 68/5 68/9 69/19 71/12 73/4 77/16 80/20 80/21 81/9 88/19 91/14 97/18 100/22 101/3 102/14 103/3 108/21 109/3 111/5 Haines [1] 2/14 hall [3] 61/7 78/17 97/5 handle [2] 34/10 83/15 handwriting [3] 37/16 42/13 42/16 happen [4] 44/12 54/25 55/14 85/24 happened [2] 49/7 55/15 happens [4] 48/1 48/10 48/25 123/13 harder [1] 74/22 has [31] 13/3 17/22 18/3 19/3 22/12 24/10 24/18 25/25 27/21 35/21 46/24 47/1 54/22 57/16 63/11 63/12 64/25 81/14 91/20 94/21 95/10 102/7 102/17 102/22 113/22 114/3 115/1 120/16 120/16 123/10 125/17 hate [1] 72/9 hats [2] 13/4 14/2 have [201] haven't [4] 47/6 59/5 106/9	had [43] 4/7 4/9 22/4 29/19 30/24 31/1 31/4 31/6 31/8 34/22 41/10 41/13 43/16 43/22 44/3 57/19 58/17 58/20 58/22 58/23 59/1 60/25 62/5 66/12 68/5 68/9 69/19 71/12 73/4 77/16 80/20 80/21 81/9 88/19 91/14 97/18 100/22 101/3 102/14 103/3 108/21 109/3 111/5 Haines [1] 2/14 hall [3] 61/7 78/17 97/5 handle [2] 34/10 83/15 handwriting [3] 37/16 42/13 42/16 happen [4] 44/12 54/25 55/14 85/24 happened [2] 49/7 55/15 happens [4] 48/1 48/10 48/25 123/13 harder [1] 74/22 has [31] 13/3 17/22 18/3 19/3 22/12 24/10 24/18 25/25 27/21 35/21 46/24 47/1 54/22 57/16 63/11 63/12 64/25 81/14 91/20 94/21 95/10 102/7 102/17 102/22 113/22 114/3 115/1 120/16 120/16 123/10 125/17 hate [1] 72/9 hats [2] 13/4 14/2 have [201] haven't [4] 47/6 59/5 106/9	

<b>H</b>	hit [2] 75/20 125/6 hitting [1] 55/15 hold [2] 23/1 47/13 Holiday [2] 116/22 117/9 home [13] 3/12 3/13 24/6 24/24 25/9 25/25 26/4 26/10 28/9 29/1 54/14 54/21 112/18 HOMEOWNERS [4] 1/4 4/2 4/13 4/17 homes [1] 23/23 honest [1] 36/16 honestly [4] 86/10 103/9 106/9 119/10 hopefully [3] 4/21 12/8 72/21 hoping [1] 5/10 hour [2] 99/23 125/7 hourly [1] 83/8 hours [3] 22/10 79/22 99/22 house [3] 24/4 37/10 85/20 household [1] 45/2 how [40] 9/16 9/16 13/20 13/21 32/4 38/19 39/18 40/14 40/19 45/14 45/21 50/9 51/15 56/19 61/3 66/9 66/9 66/10 67/23 75/17 78/16 79/7 83/3 85/23 86/1 86/16 97/13 98/10 99/22 101/22 106/24 112/1 113/15 113/20 113/22 114/12 115/5 120/21 125/4 125/18 Hugg [1] 2/12 hum [2] 40/6 45/20 human [1] 76/5 hundred [6] 7/8 36/15 37/6 97/9 114/8 115/4 hundreds [1] 32/16 Hurricane [3] 75/20 77/7 77/14	incident [9] 54/12 80/5 80/12 80/16 80/19 80/23 81/7 85/20 124/18 incidents [1] 75/13 include [3] 12/17 12/22 53/24 includes [2] 33/8 33/11 inconvenience [2] 9/18 9/18 inconvenient [1] 9/17 incorrectly [1] 40/16 increased [1] 22/12 indicated [4] 19/2 19/13 21/8 109/12 individual [1] 54/18 individuals [1] 26/20 inefficient [2] 74/12 74/18 inflatable [1] 124/24 information [35] 24/3 24/7 24/12 24/13 24/20 26/11 26/24 27/14 39/2 42/1 46/10 49/11 49/12 63/24 68/13 90/5 90/10 91/9 91/14 91/16 91/19 93/14 95/20 104/6 105/14 108/23 111/11 111/18 111/22 114/1 118/17 118/20 119/1 119/5 119/15 infrastructure [10] 72/24 93/25 94/2 94/10 94/14 98/19 98/24 99/8 99/12 99/16 initial [1] 101/4 initiate [1] 24/10 initiates [1] 24/11 inputted [1] 49/13 ins [2] 58/17 58/19 inside [1] 108/16 insofar [1] 39/3 instance [1] 55/7 instances [2] 55/10 76/13 instructions [1] 48/13 intended [1] 84/5 interest [1] 76/5 interview [2] 44/3 95/4 intimidated [2] 108/17 108/20 intimidating [1] 17/20 investigation [2] 37/22 39/1 investment [2] 73/1 73/4 invited [2] 61/10 61/14 involved [6] 71/13 71/19 102/25 115/8 115/9 118/11 irrelevant [1] 42/23 is [204] island [10] 50/8 50/10 57/2 57/23 57/25 58/5 77/24 79/21 91/1 91/2 Island/South [1] 77/24 isn't [6] 39/23 44/4 54/4 54/17 55/19 58/24 issue [6] 6/9 24/3 57/6 59/13 81/4 81/10 issued [1] 25/3 issues [3] 6/19 76/8 100/2 it [217] it's [75] 5/8 5/9 6/8 9/16 10/14 10/20 11/16 12/2 12/5 18/16 20/5 21/5 23/7 24/12 25/23 27/8 27/21 34/23 39/19 39/24 39/24 40/25 41/5 42/15 42/25 43/2 43/21 44/11 44/12 46/11 48/23 54/13 54/23 55/15 55/19 56/13 65/12 69/8 70/16 73/9 75/2 79/15 81/9 83/11 83/16 83/17 86/13 89/23 90/13 90/13 92/21 93/18 97/24 100/15 107/15 108/1 108/3 108/4
haven't... [1] 106/10 having [15] 8/17 8/18 8/22 16/15 16/17 19/5 19/17 29/17 52/18 52/22 54/21 112/17 120/6 120/24 121/9 hazmat [4] 56/2 56/3 56/7 95/24 he [37] 16/25 31/17 32/10 32/11 35/18 35/19 35/23 35/23 36/6 38/10 44/17 44/19 44/24 55/12 55/13 57/14 57/16 64/6 64/7 64/8 66/22 67/10 67/12 67/12 67/17 67/19 78/8 87/19 93/1 93/13 93/14 100/14 107/3 109/12 109/24 110/3 119/25 he'd [1] 51/20 he's [12] 12/5 17/4 17/6 17/9 36/2 36/4 36/5 67/10 70/12 89/20 110/1 119/9 head [2] 79/20 79/24 headed [2] 86/12 86/13 headquarters [17] 6/13 16/16 16/16 16/18 47/25 50/21 51/6 52/19 52/23 56/11 86/3 86/6 108/15 110/7 112/18 117/18 119/18 hear [2] 17/17 110/12 heard [5] 22/4 22/7 23/12 65/1 110/14 hearing [3] 1/5 4/3 12/11 hearings [1] 103/25 hearsay [1] 44/7 heavily [2] 115/8 115/9 Heights [6] 12/2 60/5 60/10 60/12 60/17 60/22 held [4] 22/15 22/19 67/21 117/17 help [4] 19/1 27/2 55/1 78/2 helped [1] 71/20 helpful [3] 29/8 29/11 35/17 her [31] 9/7 13/17 15/14 15/14 17/6 17/9 17/21 17/22 18/8 18/14 42/6 42/6 42/7 42/10 42/25 43/1 43/3 43/15 43/16 43/20 43/22 44/8 44/9 44/11 46/22 47/23 65/4 65/4 79/24 98/21 99/6 here [60] 4/5 4/22 5/4 5/16 5/22 5/23 6/2 6/15 6/25 7/1 7/20 7/22 7/24 8/2 8/6 8/25 9/1 9/19 9/23 10/12 10/25 11/11 16/25 17/21 20/2 20/4 20/5 20/20 36/3 39/11 42/14 43/7 43/8 43/11 43/16 44/4 45/1 45/1 50/4 50/5 51/5 53/12 65/12 67/22 69/18 71/24 72/11 82/21 88/10 90/20 97/5 97/19 100/13 100/23 101/1 101/1 101/4 103/3 103/3 118/25 hereby [1] 127/6 hereinbefore [1] 127/9 hey [2] 69/9 86/11 HILL [2] 1/22 127/4 him [16] 11/17 31/22 39/14 47/14 55/8 55/12 58/18 58/21 66/22 80/6 80/9 81/2 81/3 93/13 115/18 125/17 his [8] 36/3 47/23 55/12 61/18 80/22 93/4 107/5 113/16 historically [1] 5/13 history [1] 10/21	<b>I</b> I'd [8] 12/21 96/22 106/24 107/3 107/16 120/20 120/22 126/4 I'll [8] 36/10 36/23 39/9 42/5 72/16 88/9 88/20 89/22 I'm [92] 7/2 7/3 7/8 8/10 8/14 8/25 9/1 9/10 10/9 10/18 10/24 11/6 11/24 12/20 13/3 14/19 14/22 15/3 15/3 15/6 16/6 16/25 17/13 19/8 20/10 28/21 31/14 31/21 31/21 32/18 34/23 36/15 36/19 37/6 39/5 40/2 40/23 40/24 43/16 46/7 46/9 46/16 46/18 48/10 54/15 58/8 58/10 58/10 64/5 64/23 65/5 67/14 69/11 70/7 72/11 74/5 74/20 79/25 79/25 80/8 87/17 89/5 91/16 94/17 96/9 96/18 97/9 97/24 98/20 100/11 102/5 114/4 114/6 114/8 114/16 115/3 115/3 115/4 115/6 115/20 117/9 117/10 118/6 119/25 120/5 120/19 121/21 121/25 121/25 122/11 123/25 124/25 I've [2] 43/21 104/22 idea [8] 25/23 32/4 34/9 34/15 34/19 45/15 50/9 52/4 identification [2] 24/25 26/5 illegible [1] 41/1 imagine [1] 13/13 immediately [1] 26/25 implemented [1] 34/13 improper [1] 43/2 improves [1] 53/21 inappropriate [2] 44/12 65/13	

<b>I</b>	landlord [1] 1/23 laptop [1] 8/8 large [1] 49/17 Larkin [3] 76/24 last [3] 58/14 59/12 61/18 last [17] 5/3 29/20 61/23 67/23 86/15 90/3 113/23 114/15 115/2 115/5 120/8 120/18 121/4 121/13 122/9 123/6 123/10 late [1] 85/20 later [2] 42/7 42/25 Latrent [4] 39/12 40/10 44/17 44/24 Lavallette [2] 109/16 110/6 law [12] 12/24 13/1 13/3 13/25 14/1 14/5 14/13 14/21 71/2 81/15 84/2 118/3 leaf [1] 102/11 least [1] 28/4 leave [4] 24/8 25/11 54/22 73/25 leaves [1] 73/22 leaving [2] 47/21 48/5 led [1] 101/16 leeway [1] 44/5 left [1] 4/6 length [2] 72/23 124/1 lengths [1] 113/14 less [6] 58/5 74/12 74/17 113/1 117/8 117/12 let [13] 13/20 15/21 16/1 36/24 43/13 43/25 44/21 47/14 47/22 54/2 81/25 107/23 115/18 let's [16] 6/7 12/7 15/15 17/1 17/11 26/2 35/7 36/9 50/10 54/23 57/7 68/13 69/9 71/21 90/1 113/19 level [2] 18/4 55/16 levels [7] 46/16 46/17 75/12 80/1 80/2 90/9 103/18 Lieutenant [11] 31/11 59/9 61/19 64/1 64/4 66/20 89/18 89/19 119/9 119/23 122/22 Lieutenant Roth [2] 59/9 89/19 lifeguard [2] 21/5 21/6 Lifesaver [1] 95/17 like [41] 12/21 18/2 23/1 24/5 26/17 26/22 27/8 27/16 29/24 30/1 42/3 43/5 44/15 55/2 57/20 61/10 61/12 67/5 69/9 71/10 74/2 76/19 77/25 79/18 80/23 83/20 96/22 97/18 98/14 100/15 100/15 106/10 108/11 108/22 111/8 111/15 116/20 120/4 124/1 125/21 126/4 LINDA [2] 1/22 127/4 line [1] 12/8 lines [1] 46/2 lineup [3] 48/6 48/19 49/10 list [9] 26/20 35/19 41/10 60/24 94/3 94/4 94/5 94/17 99/9 listen [1] 85/23 literally [1] 76/8 little [3] 21/2 37/21 73/18 live [2] 105/6 105/7 lived [3] 6/20 8/17 40/20 lives [2] 5/13 5/14 local [1] 119/12 located [5] 97/4 116/14 117/2 119/16 119/17 log [4] 35/2 35/5 35/13 35/15 long [4] 67/23 67/25 84/3	125/18 longer [3] 10/17 16/25 21/2 look [12] 28/2 28/4 29/21 31/1 36/13 36/17 42/22 47/20 70/5 78/24 102/9 102/23 looked [3] 45/13 47/6 102/19 looking [6] 30/24 31/2 31/4 33/24 36/19 94/17 looks [8] 27/8 27/16 29/24 30/1 42/3 43/4 44/15 77/25 Lorelli [1] 1/12 lost [1] 45/10 lot [16] 4/10 21/19 30/15 30/16 72/19 75/4 78/13 78/14 93/24 98/19 100/10 100/11 108/9 117/5 122/10 123/12 lots [1] 11/12 love [3] 106/24 107/3 107/7 lucky [1] 32/11
<b>J</b>	JACKSON [1] 1/24 January [1] 127/14 Jersey [11] 1/7 1/24 2/4 2/7 52/10 81/17 82/8 117/25 124/22 127/6 127/13 Jimmy [1] 61/19 job [9] 14/11 17/22 34/4 34/7 86/16 86/19 106/7 106/18 106/21 Joe [1] 125/4 John [2] 1/11 68/7 JOSEPH [3] 2/8 4/4 4/16 Joseph Micheline [2] 4/4 4/16 Judy [5] 36/9 38/7 41/8 42/3 44/14 Judy Erdman [1] 38/7 Judy Erdman's [1] 42/3 July [5] 19/21 68/19 69/10 69/12 69/12 June [1] 68/19 jurisdiction [2] 81/12 81/14 jurisdictional [2] 81/4 81/10 just [66] 9/14 10/8 10/24 11/8 11/8 11/21 18/13 22/21 23/12 24/9 24/13 24/19 31/21 41/4 41/6 43/18 53/4 53/5 55/2 57/20 58/12 61/6 61/14 61/15 65/24 66/25 68/1 70/1 70/2 72/20 72/23 75/2 77/23 81/25 82/23 86/13 86/23 87/13 89/22 89/23 92/2 92/4 92/17 93/1 94/3 94/13 97/24 101/20 102/2 103/18 104/6 104/9 104/13 104/13 105/14 110/14 110/17 111/22 118/11 119/8 119/13 119/15 120/2 125/7 125/9 125/19 juvenile [1] 121/9	J JACKSON [1] 1/24 January [1] 127/14 Jersey [11] 1/7 1/24 2/4 2/7 52/10 81/17 82/8 117/25 124/22 127/6 127/13 Jimmy [1] 61/19 job [9] 14/11 17/22 34/4 34/7 86/16 86/19 106/7 106/18 106/21 Joe [1] 125/4 John [2] 1/11 68/7 JOSEPH [3] 2/8 4/4 4/16 Joseph Micheline [2] 4/4 4/16 Judy [5] 36/9 38/7 41/8 42/3 44/14 Judy Erdman [1] 38/7 Judy Erdman's [1] 42/3 July [5] 19/21 68/19 69/10 69/12 69/12 June [1] 68/19 jurisdiction [2] 81/12 81/14 jurisdictional [2] 81/4 81/10 just [66] 9/14 10/8 10/24 11/8 11/8 11/21 18/13 22/21 23/12 24/9 24/13 24/19 31/21 41/4 41/6 43/18 53/4 53/5 55/2 57/20 58/12 61/6 61/14 61/15 65/24 66/25 68/1 70/1 70/2 72/20 72/23 75/2 77/23 81/25 82/23 86/13 86/23 87/13 89/22 89/23 92/2 92/4 92/17 93/1 94/3 94/13 97/24 101/20 102/2 103/18 104/6 104/9 104/13 104/13 105/14 110/14 110/17 111/22 118/11 119/8 119/13 119/15 120/2 125/7 125/9 125/19 juvenile [1] 121/9
<b>K</b>	KARIN [2] 3/3 5/1 keep [5] 15/10 15/16 35/5 88/9 123/8 Kelly [1] 2/12 kept [17] 20/20 20/21 20/22 21/4 21/5 47/10 47/15 50/21 51/5 65/17 80/8 80/9 119/18 124/2 124/4 124/15 124/16 Keswick [1] 1/6 KEVIN [2] 3/5 88/5 kids [2] 20/2 20/4 kind [11] 4/10 27/25 48/6 48/23 52/14 83/25 84/6 98/6 109/12 116/14 123/22 knew [1] 35/23 know [193] knowledge [5] 38/15 38/20 41/19 41/23 102/11	<b>M</b> machine [1] 108/22 made [8] 33/19 57/22 65/8 82/13 82/15 101/2 103/19 117/23 mainland [24] 6/25 11/13 20/3 20/7 29/10 45/10 45/15 46/5 46/19 47/3 47/5 47/19 47/24 53/11 75/1 116/15 116/19 117/3 117/6 117/19 123/16 124/4 124/9 124/11 maintenance [1] 96/12 make [16] 6/14 14/12 14/17 42/22 42/24 73/4 81/19 82/7 91/14 92/20 92/20 93/15 108/6 110/23 119/14 126/4 makes [1] 83/18 making [2] 10/15 14/23 man [1] 38/4 management [4] 25/5 26/8 95/19 95/22 Manchester [2] 14/17 116/23 maneuver [1] 77/2 manned [5] 108/1 108/3 108/4 111/13 111/14 manning [1] 111/17 manpower [2] 103/16 103/17 many [17] 13/3 14/1 14/7 29/2 31/16 38/19 45/14 45/21 50/9 51/15 61/3 66/4 71/9 79/7 88/11 99/22 113/22 mapping [1] 77/17 mark [2] 102/6 125/7 marked [11] 24/23 24/24 25/1 26/3 26/5 26/6 29/15 35/21 36/10 59/20 68/15 Mastronardy [2] 109/24 109/25 matter [6] 1/3 42/15 54/5 73/8 110/4 126/7 matters [1] 12/9 may [9] 9/11 43/20 67/1 68/19 85/1 93/3 93/14 105/2 109/13 maybe [10] 21/2 59/6 60/18 72/12 79/2 80/17 80/21 111/7 112/21 116/20 mayor [2] 61/21 104/21 mayors [2] 59/11 61/20 McGUCKIN [11] 2/3 2/5 9/14 66/4 66/5 67/5 67/7 67/9 87/1 100/9 103/3 me [45] 13/20 15/8 15/11 15/21 15/21 16/1 17/15 19/11 22/10 27/1 27/17 36/17 39/25 41/12
<b>L</b>	Lacey [2] 2/4 105/7 lack [2] 9/22 76/5	



**M**

me... [31] 43/9 43/14 43/25  
 43/25 44/21 46/4 47/9 47/15  
 47/22 48/10 49/25 50/18 54/2  
 58/12 65/17 81/25 86/24 87/16  
 89/24 92/3 92/11 93/2 94/3  
 94/6 94/9 94/18 96/22 107/23  
 125/4 125/9 127/8

mean [16] 10/9 11/19 13/8  
 27/20 29/7 34/22 51/18 56/21  
 58/19 70/22 76/18 77/6 88/25  
 111/21 114/17 124/4

meaning [2] 14/1 55/5

meant [3] 12/24 77/20 99/4

mechanical [1] 57/10

meet [1] 5/20

meeting [68] 21/9 22/14 22/21  
 22/22 22/23 23/11 34/22 35/1  
 35/3 36/7 43/8 43/9 43/16  
 43/20 43/21 53/7 59/24 60/1  
 61/8 61/9 61/12 61/14 62/1  
 62/4 62/5 62/6 62/8 62/10  
 62/11 62/12 62/13 62/23 63/8  
 64/5 64/10 65/23 66/2 66/8  
 66/11 66/13 66/19 67/21 67/23  
 68/4 69/3 69/5 69/10 69/12  
 69/13 86/24 95/4 100/6 100/15  
 100/17 100/21 100/24 101/2  
 101/4 101/9 101/16 101/19  
 103/1 103/2 103/15 104/14  
 105/3 113/1 113/3

meetings [16] 8/4 23/1 59/11  
 61/3 65/17 65/17 65/18 65/20  
 65/21 69/2 71/9 100/11 100/11  
 100/15 104/23 104/23

meets [2] 7/20 7/20

Member [4] 1/12 1/12 1/13 1/13

members [3] 87/3 104/19 123/3

Memorial [2] 57/8 118/3

mentioned [1] 98/24

methodology [1] 5/20

MICHELINI [16] 2/6 2/8 3/4 3/6  
 4/4 4/16 5/2 9/5 12/10 18/21  
 27/1 80/21 86/22 88/6 92/19  
 115/19

middle [1] 4/12

might [14] 27/2 30/22 33/21  
 72/14 73/1 76/13 78/2 84/3  
 99/17 108/14 116/25 119/8  
 119/12 123/13

mile [6] 16/15 16/18 112/18  
 113/2 116/11 116/13

miles [9] 5/16 11/1 11/11  
 11/20 17/8 116/19 116/25 117/7  
 117/8

mind [1] 20/18

mine [1] 34/20

minimal [1] 75/10

minor [3] 9/17 9/18 9/23

minute [2] 36/10 58/12

minutes [4] 23/12 27/11 67/24  
 100/6

mobile [5] 114/20 114/23  
 114/24 119/19 122/3

moment [3] 26/12 102/12 125/22

money [1] 71/12

monitoring [5] 3/13 25/25 26/4  
 26/10 29/1

MonOc [1] 85/3

month [2] 29/17 29/20

more [28] 9/15 14/13 21/21  
 29/9 31/24 34/7 46/24 47/1

51/18 54/5 54/17 54/20 54/23  
 55/19 57/18 62/2 62/25 63/9  
 72/22 74/11 74/14 74/17 77/11  
 81/21 86/13 116/25 125/5  
 125/17

most [4] 54/11 77/21 89/6  
 95/25

mostly [2] 54/13 70/7

motion [1] 126/4

mouth [1] 58/7

move [5] 4/21 11/24 17/2 66/10  
 122/3

moved [1] 119/19

Mr [14] 3/4 3/6 5/2 12/10 27/1  
 66/15 66/15 66/17 72/9 82/24  
 86/22 88/6 100/10 100/12

Mr. [37] 9/5 9/14 18/21 30/5  
 34/23 35/17 39/12 40/10 44/17  
 66/4 66/5 67/5 67/7 67/9 78/15  
 80/4 80/7 80/21 83/21 85/20  
 87/1 87/11 87/13 87/15 87/19  
 87/22 92/19 100/9 103/3 103/3  
 107/2 107/2 113/13 113/16  
 115/19 125/11 125/15

Mr. Camera [1] 30/5

Mr. Chairman [2] 125/11 125/15

Mr. Gingrich [1] 83/21

Mr. Giovenco [2] 80/4 80/7

Mr. Greg [1] 67/5

Mr. Latrent [3] 39/12 40/10  
 44/17

Mr. McGuckin [8] 9/14 66/4  
 66/5 67/7 67/9 87/1 100/9  
 103/3

Mr. Michelini [5] 9/5 18/21  
 80/21 92/19 115/19

Mr. Peters [4] 87/11 87/19  
 87/22 103/3

Mr. Whiteman [4] 34/23 35/17  
 78/15 107/2

Mr. Whiteman's [4] 85/20 107/2  
 113/13 113/16

Mr. Wiser [2] 87/13 87/15

Mrs [1] 80/4

much [10] 16/25 32/4 49/24  
 66/5 78/5 78/8 125/5 125/15  
 125/21 125/24

municipal [6] 7/13 8/12 8/23  
 71/2 95/10 109/8

municipalities [1] 14/12

municipality [5] 50/16 73/11  
 75/3 81/15 82/9

MURPHY [1] 2/3

muster [7] 48/6 48/17 49/7  
 49/9 49/22 50/3 50/5

my [21] 11/24 19/16 25/3 29/20  
 34/7 34/20 39/22 55/15 58/7  
 61/14 62/13 65/21 66/4 74/1  
 79/20 80/1 80/17 84/9 86/18  
 89/5 127/14

myself [4] 61/18 61/19 66/20  
 97/18

**N**

name [8] 3/2 27/12 39/4 39/12  
 41/3 41/13 76/7 90/14

names [1] 41/10

narcotics [4] 120/6 120/7  
 120/15 120/17

national [2] 84/6 118/3

nature [1] 119/13

near [1] 116/22

necessarily [2] 98/20 108/9

need [8] 26/20 33/21 45/7  
 54/23 71/10 71/23 102/11  
 124/19

needed [8] 5/15 57/18 57/18  
 57/20 60/15 71/22 83/15 104/7

needs [4] 27/14 55/11 57/14  
 63/23

negative [3] 31/2 104/7 104/10

neighborhood [9] 21/9 52/19  
 53/8 53/12 53/20 79/12 112/25  
 113/1 113/5

never [2] 58/22 73/3

new [12] 1/7 1/24 2/4 2/7 48/4  
 52/10 81/17 82/8 117/25 124/21  
 127/6 127/13

New Jersey [4] 52/10 81/17  
 82/8 117/25

next [2] 4/1 108/15

Nicholas [1] 2/13

night [5] 83/16 85/21 122/13  
 122/14 122/14

nine [1] 116/20

no [119] 5/9 5/19 6/11 8/19  
 10/13 10/16 10/18 12/12 12/13  
 14/8 14/25 16/6 16/21 17/18  
 18/10 18/22 19/9 20/17 20/18  
 22/25 23/4 23/6 23/8 24/17  
 24/21 26/1 26/16 27/20 28/8  
 30/14 30/19 32/8 32/10 32/23  
 34/17 34/22 35/4 37/6 37/20  
 38/15 38/17 38/24 42/4 43/6  
 44/16 44/23 45/10 45/13 47/8  
 49/25 50/7 53/17 54/15 55/7  
 55/18 56/1 57/18 58/10 59/24  
 60/13 61/2 61/11 63/3 63/6  
 64/6 64/8 64/11 64/13 65/11  
 66/23 66/25 67/9 67/15 69/4  
 69/6 69/11 71/4 71/9 71/17  
 72/5 73/5 73/16 74/25 75/2  
 75/2 76/18 77/8 78/21 79/24  
 79/25 80/18 83/7 87/3 87/5  
 87/5 87/18 87/18 87/21 89/17  
 90/8 91/18 91/25 98/8 99/20  
 100/4 100/19 104/1 104/17  
 104/20 105/2 105/5 105/11  
 107/8 107/22 110/11 111/21  
 113/18 123/20 124/13

nobody [9] 12/18 13/1 13/14  
 13/22 14/24 71/20 71/22 109/4  
 109/5

non [4] 81/6 81/18 81/20 81/22

non-Berkeley [3] 81/6 81/18  
 81/22

none [2] 8/15 123/18

Nope [1] 118/25

nor'easters [1] 77/9

normal [3] 35/8 35/9 77/11

normally [2] 35/7 124/21

north [1] 34/11

northern [2] 34/5 34/11

not [181]

not going [1] 10/9

Notary [2] 127/4 127/13

nothing [3] 18/3 53/15 84/14

nothing's [1] 20/18

notice [3] 24/2 37/9 76/6

notified [1] 101/8

now [18] 4/12 5/6 10/14 29/12  
 36/12 40/24 43/8 43/25 47/21  
 51/15 53/4 75/25 76/9 105/16  
 106/22 107/9 109/13 110/1

number [15] 3/11 6/19 31/15  
 43/24 46/3 47/10 47/16 51/17

**N**  
number... [7] 59/1 63/13 63/16  
63/22 79/4 79/13 119/2  
numbers [9] 46/4 59/3 63/9  
73/17 88/11 88/21 88/22 91/23  
99/5

**O**  
O'MALLEY [1] 2/6  
O2 [1] 54/23  
objected [1] 65/10  
objecting [3] 64/23 65/4 65/5  
objection [1] 64/25  
observations [3] 113/13 113/16  
113/17  
obtained [1] 68/13  
obviously [3] 6/18 87/1 103/16  
occasions [1] 88/11  
occur [7] 16/8 49/22 50/3  
75/13 101/9 117/22 117/24  
occurred [4] 61/4 80/6 82/10  
123/14  
occurrence [1] 77/10  
occurring [1] 119/15  
occurs [10] 23/16 23/20 33/14  
47/4 47/17 50/5 50/14 57/23  
106/17 112/12  
ocean [13] 18/3 18/17 18/19  
86/13 94/23 94/24 120/12 123/4  
124/7 124/7 124/19 124/20  
124/24  
October [1] 57/8  
OEM [3] 37/4 41/25 123/16  
off [10] 4/6 25/4 31/13 42/17  
72/17 79/19 88/4 102/4 103/10  
125/13  
office [8] 25/5 26/7 37/12  
84/22 94/25 95/21 120/12 123/5  
officer [46] 6/6 31/11 35/6  
44/3 46/6 47/21 47/23 48/4  
48/5 49/20 49/21 51/7 54/13  
54/16 55/8 55/11 57/13 73/20  
73/20 73/22 73/24 73/25 74/5  
74/6 77/13 79/2 81/5 81/6 81/9  
81/13 81/16 81/19 81/23 81/24  
82/2 82/6 82/7 82/14 83/8  
92/21 95/19 100/13 105/22  
106/20 108/2 121/23  
officers [54] 4/21 5/20 9/15  
19/6 19/17 19/23 20/13 31/15  
31/17 32/5 37/18 46/4 46/5  
46/12 46/18 47/2 47/10 47/16  
47/18 48/12 49/5 49/11 49/19  
54/21 55/4 55/5 57/15 57/16  
61/19 63/1 79/4 79/7 80/7 80/9  
83/4 84/4 86/25 89/11 90/14  
94/22 95/15 97/18 100/9 100/25  
101/3 101/5 106/15 107/10  
107/10 107/19 109/22 110/15  
111/23 121/1  
officials [1] 59/12  
oh [3] 106/24 107/3 114/3  
okay [121] 5/10 5/12 7/19 8/16  
8/22 11/15 12/3 13/5 15/25  
16/7 19/9 19/13 20/10 20/16  
20/19 20/25 24/5 24/15 25/8  
26/2 26/21 27/7 27/10 28/15  
30/1 30/15 30/19 32/4 32/20  
33/5 34/2 34/9 37/12 38/10  
38/18 38/22 39/11 40/1 41/15  
41/17 41/22 42/2 43/21 46/3  
47/2 47/21 48/16 48/19 49/5

49/16 51/4 51/15 53/3 53/15  
54/10 56/6 57/5 57/14 58/24  
59/6 59/15 60/4 60/16 63/4  
63/20 65/2 66/13 66/18 66/23  
67/3 67/21 68/18 69/22 70/18  
75/4 75/21 75/24 77/16 78/10  
78/15 78/25 81/24 82/18 84/16  
85/17 86/7 88/1 88/9 88/18  
89/12 89/22 90/1 91/9 91/13  
92/14 94/16 96/3 97/21 99/15  
100/1 101/25 102/5 102/22  
106/1 108/3 108/6 108/18  
109/22 111/7 112/11 114/19  
115/25 116/12 118/16 119/5  
119/24 120/13 124/14 125/1  
125/10 125/20  
older [3] 28/11 28/20 28/21  
once [3] 5/25 27/10 44/10  
one [67] 5/16 9/13 9/15 12/13  
12/13 14/8 14/25 19/6 19/17  
20/12 20/21 20/22 21/25 25/9  
27/10 29/15 30/19 34/12 34/14  
34/17 39/5 43/17 43/24 46/6  
49/20 54/9 55/23 60/3 60/19  
61/5 61/6 61/18 62/5 62/6  
62/25 73/10 74/14 76/2 81/14  
81/21 84/4 85/2 85/4 86/12  
86/12 86/13 94/11 100/14 102/7  
102/9 102/22 105/22 109/16  
111/1 111/4 111/5 111/7 111/12  
113/8 115/16 115/23 116/2  
117/24 119/9 122/20 123/10  
123/24  
one/class [1] 62/25  
ones [1] 79/16  
online [6] 5/5 6/1 24/16 27/22  
28/1 78/19  
only [16] 12/5 30/12 34/25  
46/15 62/5 62/6 70/3 70/5 81/8  
81/12 81/14 85/10 91/19 93/19  
100/21 108/1  
only have [1] 46/15  
open [2] 115/23 116/3  
operate [3] 76/9 84/12 85/9  
opinion [5] 42/23 53/21 54/1  
106/6 108/8  
opportunity [1] 43/22  
opposed [5] 14/3 14/4 14/5  
14/6 84/3  
OPRA [4] 92/20 92/21 92/24  
93/15  
order [4] 69/17 69/23 84/11  
84/11  
ordered [1] 69/16  
organization [1] 52/13  
organized [1] 22/23  
original [2] 37/1 37/2  
originally [2] 101/21 103/19  
Ortley [2] 34/11 107/11  
Ortley Beach [1] 107/11  
other [60] 4/21 6/7 8/17 9/10  
9/15 10/7 13/5 13/7 13/8 13/9  
13/10 13/11 13/23 13/24 14/11  
16/4 18/2 18/9 18/19 18/23  
19/5 19/16 20/16 23/2 28/25  
46/25 55/2 57/3 57/14 57/16  
57/17 59/12 61/9 64/10 65/11  
67/13 74/13 74/19 74/24 76/13  
76/17 77/25 80/2 81/6 83/4  
83/7 85/2 89/8 90/6 91/14  
91/16 94/22 95/23 95/23 100/16  
100/18 102/22 109/4 112/23  
124/14

otherwise [2] 63/8 91/15  
our [25] 4/1 4/9 12/12 24/2  
27/9 54/11 60/3 75/3 86/2 86/5  
90/9 90/9 91/3 94/21 94/23  
95/9 95/11 95/11 95/12 95/21  
95/22 95/24 113/4 113/10  
120/14  
ours [1] 80/10  
out [25] 6/15 16/12 26/23 27/9  
27/22 30/19 37/22 39/14 39/14  
40/11 40/17 44/3 55/4 55/5  
80/1 80/2 85/23 88/16 88/17  
98/11 108/15 116/2 118/24  
119/8 119/10  
outfit [1] 89/16  
outlying [1] 116/18  
outside [1] 94/23  
over [74] 5/16 5/22 5/22 6/2  
6/9 6/10 6/20 6/20 6/25 7/5  
7/8 7/13 8/8 8/17 8/20 8/23  
8/24 9/19 9/23 11/12 11/24  
17/14 17/14 19/5 20/1 20/2  
20/4 20/5 20/21 20/22 21/5  
22/12 23/24 28/15 31/15 32/5  
32/21 41/10 41/21 45/21 46/5  
49/21 50/22 51/13 53/12 53/15  
53/16 55/3 55/6 56/10 57/1  
57/9 57/13 57/19 58/18 58/21  
63/1 79/2 89/10 94/7 106/7  
109/16 111/8 113/23 114/14  
117/6 118/2 120/8 120/17 121/4  
121/13 122/3 123/18 124/12  
overlaps [1] 50/2  
overtime [15] 32/1 32/3 75/5  
75/7 75/9 75/13 83/9 83/12  
83/16 83/22 88/25 90/2 90/3  
90/23 92/1  
own [9] 23/19 42/22 50/6 59/23  
85/9 94/5 108/12 120/15 120/17  
owner [1] 25/11  
oxygen [2] 55/2 55/8

**P**  
p.m [1] 1/8  
page [7] 3/2 3/11 25/10 42/6  
42/22 43/4 118/23  
paid [8] 31/25 32/24 33/5  
82/20 83/5 83/19 95/22 97/19  
paperwork [1] 32/8  
Paramedics [1] 85/6  
Pardon [2] 41/12 50/18  
PARK [126] 1/4 4/2 4/9 4/17  
5/13 7/14 8/12 10/17 12/6  
12/17 12/23 13/14 13/18 14/16  
14/25 15/24 16/9 18/4 20/1  
20/5 21/15 22/18 22/20 23/1  
23/9 23/13 23/15 23/18 23/24  
24/18 25/4 25/17 25/25 26/8  
26/15 27/21 28/16 33/9 33/11  
33/20 34/3 34/4 34/8 34/10  
34/15 35/25 45/8 46/25 50/15  
53/18 56/10 56/19 57/17 57/20  
58/15 58/25 59/18 60/6 60/18  
60/20 60/25 61/7 62/20 73/2  
73/2 73/15 73/21 73/23 73/25  
74/16 74/23 75/6 75/9 75/22  
75/23 76/15 77/3 77/24 78/11  
79/5 79/18 79/22 80/6 80/7  
80/9 80/24 81/1 81/5 81/7  
81/19 84/20 86/16 86/17 90/25  
90/25 91/2 99/18 105/17 105/19  
106/2 106/19 106/23 111/16  
111/20 111/24 112/14 112/14

<b>P</b>	127/9 places [2] 23/17 116/9 Planner [2] 2/13 2/13 planning [6] 1/1 7/19 7/23 23/11 69/9 93/20 play [1] 81/13 please [2] 16/1 19/12 point [7] 11/16 14/13 18/22 24/8 25/12 33/21 118/9 pointed [1] 30/19 police [130] policed [2] 8/20 8/23 policing [7] 52/2 52/11 52/17 52/22 52/24 57/1 57/11 policy [1] 23/22 population [4] 28/20 28/22 45/15 47/18 portion [2] 39/13 99/17 portions [2] 30/12 74/19 positive [2] 29/25 30/20 POSS [3] 90/15 90/19 97/1 possession [1] 68/15 possible [3] 5/6 72/19 105/15 post [2] 114/23 114/24 power [1] 70/19 preparation [1] 102/10 prepare [4] 37/7 37/15 44/2 66/10 prepared [3] 37/12 44/4 63/9 presence [6] 47/1 53/20 53/24 54/18 107/24 108/4 presence for [1] 54/18 present [4] 2/11 4/10 56/25 66/18 presented [2] 63/24 101/21 Press [1] 27/10 presumably [1] 40/18 pretty [4] 66/5 116/21 116/22 125/21 pride [1] 17/22 print [2] 39/12 41/3 printed [1] 27/22 prior [3] 29/20 97/18 104/11 prisoner [1] 112/22 prisoners [2] 110/24 111/2 privacy [1] 54/21 private [1] 61/9 privileged [3] 46/9 90/6 92/6 pro [1] 33/24 probably [11] 28/14 31/23 31/24 32/3 34/23 37/3 56/23 85/3 89/23 116/19 122/23 problem [1] 57/10 problems [1] 77/1 procedurally [1] 65/13 proceedings [1] 127/7 process [9] 5/7 60/2 62/24 66/9 67/16 82/9 82/16 110/24 111/2 processes [1] 109/5 processing [1] 95/5 professional [1] 77/21 professionals [3] 87/8 103/2 104/16 program [26] 19/23 19/25 20/1 20/8 21/25 22/6 25/25 26/11 26/12 26/14 26/17 26/19 27/8 27/21 28/7 28/10 28/12 28/13 28/25 29/1 29/7 60/3 62/25 68/8 117/23 118/7 programs [9] 19/4 19/5 19/15 19/16 20/12 20/14 95/17 113/20 115/15	Project [1] 95/17 promise [1] 72/16 pronouncing [1] 80/8 proper [2] 92/22 93/16 properly [2] 43/11 80/8 Prosecutor's [3] 94/25 120/12 123/4 protection [1] 21/21 protocol [2] 83/25 84/10 proud [1] 18/13 provide [13] 4/11 16/2 18/1 18/4 53/7 59/1 60/6 60/8 71/20 91/16 93/13 105/14 118/17 provided [6] 33/2 60/24 63/7 86/8 92/22 119/5 provides [1] 44/1 providing [5] 71/14 71/19 74/9 74/15 103/12 public [13] 23/3 23/4 23/5 23/6 23/8 61/8 61/9 71/4 71/7 76/6 107/17 127/5 127/13 pull [1] 118/24 purports [2] 27/18 27/19 purpose [1] 101/18 purposes [1] 55/22 put [9] 24/7 24/8 24/12 24/14 62/25 65/24 68/8 119/8 119/20 puts [1] 119/10 putting [1] 58/7
	<b>Q</b>	quad [3] 50/22 51/1 51/4 quads [3] 19/20 20/19 95/15 quality [1] 17/21 quantify [2] 72/25 73/13 question [31] 11/4 11/9 12/22 13/21 15/10 15/22 15/25 16/1 18/20 19/10 19/16 29/20 29/22 45/6 47/23 51/23 58/3 65/19 70/20 73/22 74/1 76/23 80/19 81/3 82/3 82/19 84/5 84/10 85/7 86/15 119/8 questioned [1] 59/5 questioning [2] 12/8 125/5 questions [20] 40/23 43/7 43/10 43/13 59/8 63/22 64/13 65/6 72/6 72/10 72/13 72/20 75/15 80/4 84/17 88/20 88/20 107/24 125/12 125/17 quickly [2] 72/19 86/23 quid [1] 33/24 quid pro quo [1] 33/24 quo [1] 33/24 quote [3] 12/12 12/14 21/10 quoting [1] 107/2
	<b>R</b>	radio [2] 74/4 86/6 radios [1] 74/4 range [1] 95/12 ratio [3] 46/5 47/10 47/17 read [11] 25/4 26/13 30/10 30/17 39/9 65/18 94/6 94/8 103/21 103/24 104/2 really [24] 7/6 7/9 9/17 10/19 20/13 30/18 62/9 74/20 76/7 84/5 84/9 93/17 106/9 106/11 106/13 107/15 109/20 110/15 110/20 110/22 118/4 119/7 122/5 125/14 reason [1] 27/20 reasonable [2] 32/12 32/15 reasonably [1] 106/18

R	resident [9] 6/3 6/5 10/17	Ryan [2] 64/1 66/21
reassigned [1] 76/21 recall [29] 12/15 33/3 33/22 38/1 43/21 44/18 44/19 44/24 46/1 52/20 58/1 61/16 64/9 64/11 66/24 77/9 87/10 87/12 87/23 88/11 93/25 98/18 103/1 103/4 106/25 115/11 120/7 120/25 123/12 recalled [2] 5/1 88/5 received [1] 30/7 recently [1] 89/6 recollection [2] 66/25 80/17 record [16] 18/7 31/13 37/8 42/17 64/15 64/24 65/3 65/25 72/17 79/24 80/15 88/4 92/23 102/4 103/10 125/13 records [5] 68/14 92/1 95/8 96/16 96/21 redone [1] 95/11 reduced [1] 75/7 Reed [2] 61/17 66/15 reentry [1] 33/1 Refer [1] 94/5 referred [1] 117/9 referring [6] 63/11 88/22 94/12 118/21 121/19 121/20 regard [1] 114/19 regarding [5] 4/8 4/11 43/14 60/25 63/22 regardless [1] 33/16 regards [1] 90/24 regional [4] 33/2 33/16 94/24 97/23 register [3] 27/12 27/13 27/13 registration [1] 8/8 regular [4] 32/1 32/2 77/10 83/17 related [3] 32/6 53/8 75/9 relay [2] 49/10 95/20 release [1] 103/18 relying [1] 44/7 remember [6] 31/17 87/14 103/6 103/7 103/9 118/18 reminders [1] 76/6 Remington [1] 30/8 repeat [1] 19/11 repeatedly [1] 44/9 repeating [1] 107/5 report [34] 3/12 5/5 5/15 6/1 24/6 24/24 25/9 39/6 39/8 39/9 39/12 39/21 39/22 39/23 39/24 40/1 40/2 44/21 44/23 48/8 49/6 59/16 59/23 61/1 62/18 63/8 63/10 64/10 71/5 71/8 71/11 73/7 92/4 92/5 Reporter [1] 127/5 REPORTERS [1] 1/23 reports [2] 54/12 110/24 represent [5] 30/7 42/5 93/5 93/19 93/19 representatives [1] 4/4 represented [1] 25/2 request [4] 92/20 92/21 92/23 93/15 require [1] 46/22 required [4] 48/14 69/8 95/13 106/21 rescue [1] 95/24 reside [1] 38/19 residence [7] 38/9 38/13 38/19 38/20 40/12 40/18 108/11	39/13 39/14 40/21 40/23 41/14 44/19 residents [21] 6/20 21/20 23/24 27/10 29/3 29/5 33/6 34/3 34/8 34/12 34/14 34/18 34/21 34/24 35/24 41/11 45/25 46/6 46/25 99/21 116/3 residents' [1] 53/21 resolution [1] 83/21 resource [1] 100/2 resources [8] 18/1 18/6 18/14 57/25 58/6 103/14 113/21 123/22 respect [6] 9/3 9/6 17/12 77/2 78/6 113/18 respond [7] 54/12 84/1 92/25 100/25 113/6 113/7 114/8 responded [7] 22/22 80/7 80/24 81/1 81/6 101/3 114/14 responding [1] 80/9 response [8] 21/22 56/4 58/2 83/24 84/6 84/12 84/17 123/4 responsible [3] 74/16 74/17 96/12 rest [1] 99/9 restaurant [1] 23/7 restaurants [1] 23/2 result [6] 45/8 45/10 59/25 62/7 62/9 62/23 retired [1] 102/17 retirement [1] 89/7 return [2] 24/8 25/12 revealed [1] 39/1 reverse [6] 75/17 75/20 75/25 76/4 76/9 82/5 review [1] 99/2 Richard [1] 1/12 ride [1] 118/2 rifles [1] 95/16 right [52] 5/17 6/2 7/20 12/5 12/7 12/25 12/25 13/2 13/13 13/15 18/12 20/8 22/8 23/6 23/8 23/20 27/19 28/3 28/11 29/7 33/17 34/13 34/24 36/3 40/24 51/6 51/15 51/20 53/4 56/12 64/1 64/2 68/12 68/24 82/25 87/24 90/3 90/7 90/19 91/14 91/20 91/24 103/25 105/17 105/23 108/22 109/2 114/24 118/1 118/9 118/25 123/23 rights [1] 70/6 River [12] 2/4 14/16 14/24 81/23 82/3 82/15 82/16 107/10 107/11 107/20 109/9 109/19 road [3] 1/6 2/4 116/11 Robert [1] 1/11 Rodney [1] 2/14 role [5] 12/12 12/24 81/8 89/4 103/11 roles [1] 94/22 room [5] 41/25 86/6 93/8 95/4 95/9 Roth [10] 59/7 59/9 64/1 64/4 66/21 89/18 89/19 119/9 119/23 122/23 roughly [1] 20/25 round [1] 20/23 run [6] 55/3 58/17 58/19 92/4 92/5 94/3 run-ins [2] 58/17 58/19 running [1] 49/9	S S-p-r-a [1] 39/19 S-p-r-a-g-e [1] 40/16 S-p-r-a-g-u-e [1] 40/3 safety [9] 71/5 71/7 89/20 95/6 98/10 118/20 122/24 123/2 123/9 said [36] 21/18 30/4 30/20 31/17 38/10 39/7 57/24 67/5 67/14 77/18 78/1 82/21 85/21 85/22 86/12 86/13 86/25 88/14 89/15 91/23 92/17 98/14 102/3 104/4 105/2 106/24 107/9 108/11 109/7 109/11 110/19 110/21 110/22 118/7 118/19 118/22 salaried [1] 83/1 salary [2] 82/25 83/6 same [19] 15/10 17/7 17/10 17/14 18/4 28/1 33/14 47/10 47/16 48/17 48/19 48/23 55/21 56/10 56/16 76/10 76/23 85/8 91/6 sand [2] 76/25 77/4 Sandy [16] 29/13 30/10 30/12 31/10 31/16 32/6 35/8 75/16 75/20 77/7 77/10 77/14 102/7 102/23 102/24 114/21 SANTUCCI [9] 3/5 31/11 31/12 31/20 32/9 66/20 88/5 88/7 125/6 savings [1] 73/13 saw [4] 30/2 54/16 54/17 103/8 say [44] 6/7 14/8 22/7 27/18 27/19 30/10 30/13 32/12 32/15 34/23 35/7 40/1 46/21 50/10 54/8 54/11 54/19 54/23 57/7 60/7 65/15 65/16 65/23 68/13 70/9 73/5 75/22 81/20 82/13 86/4 93/13 94/20 99/11 99/14 99/15 107/16 109/8 110/20 112/19 113/18 117/1 120/2 123/9 126/5 saying [13] 13/3 14/19 18/8 40/21 58/4 58/9 58/10 58/10 79/25 80/8 107/6 110/5 118/9 says [7] 25/10 40/10 41/4 41/6 74/5 74/6 84/11 scenario [1] 48/2 scenarios [1] 70/7 scene [1] 74/6 schedule [1] 50/1 scheduled [1] 83/17 schedules [1] 83/8 scheduling [5] 49/24 70/20 89/8 90/14 95/19 school [3] 19/24 33/2 33/16 schools [2] 19/22 20/5 Sea [1] 79/17 search [1] 95/24 SEASIDE [133] Seaside Heights [3] 60/5 60/12 60/17 Seaside Park [41] 13/14 14/16 15/24 23/15 25/4 25/25 26/8 26/15 27/21 33/11 50/15 56/10 57/17 57/20 58/15 58/25 59/18 60/6 60/20 60/25 61/7 62/20 75/22 75/23 79/5 80/7 80/9 80/24 81/1 81/5 81/19 84/20 105/17 105/19 106/2 111/16

<b>S</b>	44/18 44/20	somewhat [1] 77/10
Seaside Park... [5] 111/20	signatures [4] 37/15 37/19	somewhere [2] 7/5 57/9
111/24 112/14 114/7 124/23	44/6 44/11	sorry [12] 10/25 11/24 19/8
Seaside Park's [1] 84/19	signed [5] 37/9 38/1 39/1	31/14 42/18 69/11 72/11 87/17
season [1] 20/24	40/11 45/2	114/4 115/20 121/25 122/1
second [4] 43/8 43/21 94/18	signers [1] 4/16	sort [3] 70/20 75/11 76/19
125/10	significant [2] 19/4 19/15	sounds [1] 125/21
Secondly [1] 44/1	signs [5] 6/6 118/16 119/1	source [1] 49/14
Secretary [1] 2/12	119/6 119/17	SOUTH [74] 1/4 1/23 4/2 4/8
section [3] 75/3 102/3 102/14	similar [1] 13/12	4/17 5/13 7/14 8/12 10/17 12/6
sector [8] 77/24 78/11 91/4	simple [2] 12/22 46/11	18/3 20/1 20/5 21/15 22/25
91/6 92/2 99/17 116/18 116/18	simply [2] 24/9 65/11	23/9 23/18 23/24 25/16 28/15
sectors [3] 77/18 77/25 90/10	since [3] 22/11 90/17 106/11	33/8 33/20 34/3 34/4 34/8
see [13] 10/19 11/14 25/3 25/5	single [2] 30/14 116/2	34/10 34/15 35/24 45/8 46/21
25/13 51/20 74/6 86/18 106/24	sir [2] 88/8 118/25	46/24 53/18 73/1 73/2 73/14
107/3 107/7 108/19 108/19	sit [3] 16/25 24/20 45/1	73/20 73/22 73/25 74/16 74/23
seen [5] 29/19 36/12 104/22	site [1] 24/6	75/6 75/9 76/15 77/3 77/24
106/9 106/10	sitting [2] 111/17 111/22	78/10 79/17 80/6 81/7 86/16
send [1] 55/6	situation [5] 49/18 52/25 57/1	90/24 90/25 91/2 99/18 106/18
sending [1] 89/10	81/2 81/9	106/23 112/13 113/8 113/23
sense [2] 83/18 125/22	situations [1] 107/21	114/3 114/5 114/7 114/14 115/1
sensitivity [1] 73/21	sixteen [1] 17/8	115/13 119/20 120/8 120/18
separate [1] 98/6	size [3] 79/5 95/2 108/20	121/4 121/13 122/8 122/16
separated [2] 95/3 95/4	small [1] 112/13	122/20 123/7
September [2] 57/8 68/20	smaller [4] 56/13 56/14 73/9	South Seaside [4] 4/8 12/6
sergeant [6] 49/9 55/3 66/21	78/1	20/5 99/18
67/1 102/17 102/17	smallest [1] 78/11	speak [7] 8/14 64/20 80/19
service [7] 4/8 18/5 18/24	smashing [1] 80/22	85/10 104/11 111/25 120/22
45/9 74/23 95/22 105/15	snow [1] 76/15	speaking [3] 14/21 53/22 80/13
services [5] 4/11 74/10 74/10	snowstorms [1] 76/12	special [1] 26/20
74/15 99/20	so [105] 4/10 4/14 5/8 6/14	specials [1] 106/11
servicing [2] 74/13 74/18	6/23 7/9 7/22 8/3 8/22 9/20	specific [17] 19/7 19/16 19/18
set [4] 64/14 90/23 122/23	9/24 10/19 12/12 13/13 14/8	20/6 20/11 20/13 23/22 48/12
127/9	14/15 15/17 22/2 22/25 24/19	67/9 73/1 78/2 86/8 88/19
seven [2] 31/16 31/24	28/20 29/23 30/9 30/19 31/2	94/11 115/13 115/16 115/22
several [1] 56/22	32/24 33/14 35/13 35/23 38/22	specifically [3] 44/18 44/25
shaking [2] 79/23 79/24	40/10 40/17 41/4 41/17 42/2	62/16
shape [1] 110/9	42/19 43/17 43/21 44/5 47/2	speed [1] 31/22
she [27] 9/6 15/11 17/14 17/20	47/7 47/9 48/16 48/22 49/9	spell [2] 39/18 40/19
17/20 17/22 18/8 18/13 18/18	49/18 50/3 55/5 56/15 58/12	spelled [2] 40/14 40/16
44/1 44/2 44/3 65/8 72/12	60/16 61/23 68/8 70/9 71/4	spelling [1] 40/8
72/14 80/18 88/14 98/18 98/20	72/11 74/5 77/23 80/17 81/8	spells [1] 40/2
98/21 99/3 99/4 99/4 99/5	81/18 81/23 82/11 83/3 83/9	spent [1] 88/24
100/6 105/11 105/13	88/19 88/20 89/22 90/11 91/13	split [1] 57/3
she's [13] 15/10 15/13 17/16	91/18 91/22 92/13 92/20 97/19	spoke [8] 80/16 109/4 109/10
18/7 18/10 18/17 42/12 42/13	97/24 98/15 99/7 99/17 101/5	110/19 120/2 120/4 120/11
43/7 44/7 64/19 72/11 79/24	102/19 102/21 103/11 104/1	120/11
sheet [1] 6/9	104/2 106/11 107/4 107/6	Sprague [6] 39/15 39/16 39/17
shelters [1] 123/15	107/19 108/25 113/6 113/12	39/18 40/3 44/24
sheriff [3] 84/25 109/25 110/1	116/4 116/14 116/17 116/23	squad [3] 55/1 71/11 120/15
Sheriff Mastronardy [1] 109/25	118/4 118/5 119/11 122/7	stacks [1] 37/3
Sheriff's [1] 84/22	122/22 123/17 124/18 125/15	staff [7] 34/20 66/4 79/1
shift [14] 31/16 47/23 47/24	125/24	94/18 96/15 100/24 101/2
48/4 48/6 49/1 49/3 49/4 49/6	software [1] 5/11	staffed [1] 95/11
49/7 49/20 55/9 73/19 109/10	softwares [1] 73/7	staffing [8] 46/16 46/17 46/23
shifts [3] 22/11 83/17 99/23	some [23] 4/12 29/12 33/21	75/9 80/1 80/2 90/9 103/18
short [1] 6/21	44/5 52/14 56/3 60/11 72/10	stand [2] 21/6 45/1
Shortly [1] 101/11	72/13 75/8 75/15 80/23 83/11	standards [1] 84/2
should [9] 31/19 34/16 44/5	83/25 84/6 84/16 97/17 103/19	standpoint [4] 13/1 57/12
55/7 55/13 59/8 65/6 82/13	110/14 116/21 116/22 123/22	105/9 110/8
92/23	125/17	start [3] 90/1 105/24 117/24
shouldn't [2] 56/18 67/13	somebody [15] 5/12 7/23 8/7	started [1] 21/24
show [5] 25/1 26/6 36/10 69/17	24/9 38/8 40/18 69/17 80/22	state [9] 41/9 79/21 79/23
102/5	82/2 82/19 91/19 104/7 108/7	81/17 82/8 86/11 124/22 127/5
showed [1] 90/2	111/17 111/22	127/13
side [1] 73/13	somebody's [1] 54/1	stated [4] 24/13 39/12 44/24
sign [7] 5/19 5/21 5/23 6/2	someone [7] 24/11 24/16 37/10	76/3
6/3 6/5 109/1	38/9 38/12 38/18 54/15	statement [13] 14/18 14/23
signal [1] 85/15	something [19] 7/15 9/19 10/1	15/1 15/2 15/5 16/3 16/11
signature [14] 39/4 39/13	17/2 20/2 26/21 26/22 28/2	17/22 22/11 33/19 33/22 39/11
40/22 40/25 42/3 42/6 43/1	31/17 46/2 48/22 50/6 64/15	107/5
43/1 43/4 43/4 43/14 44/15	68/18 80/25 83/15 91/13 111/8	statements [2] 103/19 103/20
	116/20	stating [4] 18/23 46/9 107/1

<b>S</b>	sworn [1] 82/7 synchronized [1] 85/8 system [14] 49/9 75/17 76/9 90/6 90/7 90/13 90/14 90/19 91/20 91/23 92/5 95/19 95/20 97/1 systemic [1] 75/11 systems [2] 73/7 95/18	58/6 62/2 64/10 72/22 74/12 74/18 74/23 77/11 110/6 113/1 116/25 117/6 117/8 Thank [17] 18/25 64/12 70/24 71/3 72/5 72/7 72/8 82/18 86/21 87/24 88/1 88/2 93/21 93/22 125/24 126/1 126/2 Thanks [1] 28/24 that [563] that's [72] 4/14 9/1 9/8 9/20 10/12 12/14 15/1 17/18 18/19 19/9 20/6 20/9 23/5 23/13 25/3 25/8 26/10 27/16 27/18 28/20 29/9 29/21 30/4 37/8 38/10 39/23 40/4 41/18 43/1 43/24 48/16 49/2 49/9 50/22 50/23 52/13 54/1 54/7 57/5 59/20 63/17 64/5 66/23 68/18 70/3 71/4 71/25 72/1 78/11 80/17 85/4 86/20 87/16 87/18 92/6 92/18 92/22 96/23 107/3 109/6 117/18 117/19 117/23 118/5 118/20 119/23 119/25 122/3 122/23 124/2 124/16 125/23 their [28] 5/21 22/2 23/19 32/22 33/21 39/3 39/4 40/22 48/5 48/5 48/13 49/7 49/15 50/6 54/21 56/19 76/16 81/8 83/17 84/25 85/9 94/22 106/21 108/10 108/12 111/21 115/15 120/15 them [32] 7/22 9/11 16/10 20/21 27/3 29/15 31/7 33/25 43/15 70/19 71/8 71/10 71/11 83/10 83/15 92/3 104/22 106/9 106/10 106/11 106/18 107/15 107/17 109/6 110/19 113/10 118/23 119/10 119/11 119/15 121/12 123/18 then [25] 4/20 9/4 12/4 13/21 18/18 24/12 29/3 42/21 44/3 47/2 48/1 50/15 59/6 68/9 83/15 83/16 86/5 90/8 92/9 95/23 101/8 102/7 105/22 105/23 117/10 theoretically [1] 109/2 there [155] there a [1] 7/10 there's [32] 5/19 6/18 8/15 8/23 23/2 23/4 23/6 23/8 24/3 27/20 45/24 49/23 50/2 53/15 57/10 70/6 71/4 71/7 71/9 72/12 72/22 75/12 76/4 91/18 111/19 113/3 114/12 120/11 121/24 122/2 123/12 124/18 these [5] 28/9 63/16 63/21 72/19 91/22 they [151] they'd [2] 7/23 8/1 they're [19] 8/6 13/16 29/3 29/5 29/6 33/17 48/14 48/14 78/18 91/6 96/11 108/11 108/16 109/3 112/3 112/4 115/22 119/18 119/19 They've [1] 116/8 thing [13] 9/13 13/15 17/7 17/10 17/14 25/16 28/1 28/3 48/23 70/21 81/12 94/6 94/9 things [15] 6/19 9/24 20/10 30/24 31/2 31/4 53/8 76/2 76/7 76/7 98/19 104/4 108/22 109/5 119/13 think [54] 9/16 9/24 10/14
stating... [1] 107/2 station [1] 53/6 statistics [2] 63/22 123/9 statute [2] 70/25 92/24 Staying [1] 52/5 stays [1] 57/13 stenographically [1] 127/8 stick [2] 10/8 12/9 stickers [3] 78/16 78/18 78/20 still [10] 6/1 19/22 29/23 36/2 50/5 57/25 60/13 73/9 73/10 106/1 Stop [1] 17/10 storm [1] 76/19 storms [1] 76/24 straight [2] 64/15 88/10 street [6] 5/20 35/1 40/20 54/7 77/14 108/13 streets [1] 76/25 structures [1] 73/6 Stu [1] 125/17 Stuart [1] 2/13 stuck [1] 56/21 students [1] 19/22 stuff [5] 76/6 95/25 102/25 108/10 123/13 submit [2] 9/11 92/23 substance [1] 105/4 substation [12] 7/8 52/18 52/23 106/23 107/11 107/25 108/7 108/21 110/4 110/6 110/18 111/20 such [14] 9/19 14/24 14/25 53/8 80/23 84/13 94/20 94/23 95/3 95/16 95/17 95/23 97/18 97/19 suggest [4] 43/8 43/9 43/16 43/17 SULLIVAN [2] 1/22 127/4 SULLIVAN-HILL [2] 1/22 127/4 summer [8] 19/6 19/18 20/24 23/23 29/2 29/5 50/23 56/21 summers [1] 105/20 sums [1] 95/25 sun [1] 100/20 Superstorm [8] 29/13 30/9 30/12 31/10 31/15 32/6 35/8 114/21 Superstorm Sandy [2] 32/6 35/8 supervisor [2] 120/23 121/7 supplemental [1] 83/13 supplied [1] 42/1 supply [3] 92/11 92/13 93/2 supports [1] 118/7 supposed [1] 91/17 sure [29] 7/9 8/10 9/10 27/5 36/15 37/5 37/6 39/5 39/10 43/17 67/2 67/14 74/20 89/25 91/16 97/9 97/24 99/10 103/5 108/5 111/6 114/6 114/9 114/16 115/4 116/24 117/9 117/11 124/1 SURMAN [1] 2/6 surprise [1] 125/1 surprised [1] 125/3 surveillance [4] 121/15 121/17 122/2 122/8 swap [2] 55/4 55/5 SWAT [7] 94/24 97/21 97/23 97/23 113/22 120/5 120/5 switch [1] 83/16	<b>T</b> T-1 [3] 40/15 43/5 45/3 T-13 [1] 90/21 take [15] 16/12 24/2 25/3 26/12 48/4 59/25 62/23 76/7 81/1 81/8 81/9 81/16 102/12 111/17 125/18 taken [1] 127/8 talk [10] 9/9 10/11 36/9 67/13 103/13 104/15 104/18 109/23 113/14 113/19 talked [35] 5/4 5/5 9/15 9/16 9/21 9/25 10/5 10/10 33/1 50/8 72/22 72/23 73/18 78/16 80/5 93/24 100/6 104/3 104/25 106/10 107/9 109/22 113/13 113/19 115/7 118/16 119/24 119/25 120/6 120/24 121/9 121/16 122/13 123/15 123/21 talking [13] 10/3 10/20 12/25 13/24 13/25 14/10 27/3 27/4 40/2 44/6 54/15 54/20 83/24 tape [1] 85/23 target [1] 28/12 team [9] 94/24 95/24 97/21 97/23 97/24 113/22 120/5 120/5 123/4 telephone [1] 25/20 tell [20] 10/9 27/7 36/5 36/17 47/9 47/15 48/10 49/25 67/17 75/5 79/22 89/23 94/9 96/3 96/22 99/22 99/24 99/25 108/10 117/12 telling [2] 22/10 46/4 ten [5] 15/14 20/25 21/2 51/19 79/16 term [4] 9/18 21/14 76/5 121/22 terms [14] 20/11 23/3 38/18 40/25 41/3 45/25 57/1 58/5 76/12 79/4 98/19 103/12 105/4 123/21 terrorist [2] 56/4 56/7 testified [14] 9/6 12/11 28/16 31/14 35/16 50/20 96/1 99/3 100/1 101/5 101/13 106/22 110/3 118/5 testifies [1] 44/2 testify [17] 8/25 17/21 42/25 44/5 66/12 68/2 68/5 68/9 68/10 69/2 69/18 69/19 71/24 85/24 98/22 99/3 118/6 testifying [1] 104/11 testimony [34] 4/7 4/10 9/21 12/15 19/2 19/14 21/8 29/12 30/9 30/11 30/16 36/3 38/25 43/14 43/18 65/4 65/22 71/14 71/19 71/20 72/14 76/3 77/9 93/25 100/2 101/20 102/10 103/12 104/2 104/12 106/25 110/12 118/18 121/21 than [27] 6/7 14/13 19/5 19/16 20/16 21/2 29/9 29/9 31/24 34/7 34/10 51/18 54/6 57/19	

<b>T</b>	82/3 82/15 82/16 107/10 107/11 107/20 109/9 109/19 Toms River [4] 107/11 107/20 109/9 109/19 tonight [1] 73/19 too [8] 18/1 49/23 78/5 84/3 102/23 103/17 125/17 125/18 took [1] 17/21 top [1] 79/19 total [1] 79/10 touch [4] 12/14 12/18 14/9 52/5 Tour [1] 117/21 town [11] 22/17 23/19 33/16 45/17 61/7 97/5 97/20 112/3 115/24 117/24 118/17 towns [1] 57/17 township [47] 1/1 4/5 8/13 9/11 13/8 15/18 15/20 16/4 18/5 19/3 19/14 25/16 26/18 27/25 36/11 37/8 40/2 46/15 47/1 53/17 59/2 62/21 63/17 67/20 70/14 73/3 73/14 74/13 74/19 76/17 78/17 82/2 89/10 92/15 92/23 92/24 92/25 93/6 93/13 93/19 96/10 96/13 97/4 99/21 105/7 113/21 116/15 Township's [1] 85/11 Township-1 [2] 36/11 37/8 Township-17 [1] 40/2 toy [3] 116/1 116/4 116/17 toys [1] 116/5 traffic [9] 6/7 57/4 89/20 95/6 98/10 118/20 122/24 123/2 123/9 trained [1] 121/1 training [10] 55/21 55/25 56/2 56/8 56/15 56/19 94/22 95/9 95/13 97/13 trainings [1] 95/21 transcript [7] 30/2 30/11 65/19 103/21 103/21 118/23 127/7 transcripts [9] 29/13 29/14 29/20 30/24 72/2 101/23 102/1 102/6 103/24 transitioning [1] 51/13 traps [2] 122/18 122/18 travel [2] 76/14 112/21 treated [1] 34/16 Tri [3] 23/13 23/15 23/17 Tri-Boro [3] 23/13 23/15 23/17 trouble [1] 76/14 trucks [3] 51/11 51/14 51/15 true [4] 17/18 36/6 53/23 127/7 try [4] 72/16 72/18 74/21 88/9 trying [6] 14/12 17/4 18/22 31/22 73/21 100/11 twice [1] 44/10 two [16] 19/6 19/17 20/12 20/14 21/25 38/22 60/3 61/19 62/25 66/12 68/3 81/13 115/5 120/11 123/24 125/7 two-hour [1] 125/7 twos [1] 79/15 type [5] 6/8 28/6 28/13 76/5 122/7 typically [2] 35/6 99/24	Uh-hum [2] 40/6 45/20 ULAKY [1] 2/3 ultimately [1] 74/17 umbrella [1] 69/25 under [6] 45/25 48/2 70/25 71/2 98/13 100/20 undercover [1] 95/15 understand [9] 10/13 10/14 19/10 43/23 57/6 73/21 78/3 80/3 103/11 understanding [1] 77/23 underwater [1] 95/24 Unfortunately [1] 28/21 unhappy [1] 58/25 uniform [1] 108/19 unit [11] 89/21 95/6 96/10 114/20 120/7 120/7 120/17 120/25 122/25 123/2 123/3 units [2] 95/3 95/23 Unity [1] 117/21 unless [1] 51/7 unsure [1] 29/18 until [2] 68/20 73/25 up [21] 4/14 8/7 9/19 42/25 50/10 54/6 56/21 65/12 69/17 72/13 84/24 86/23 95/25 101/3 111/4 116/3 116/5 117/23 119/13 122/24 125/15 upon [1] 72/2 upshot [1] 107/14 urgency [1] 125/22 us [19] 27/7 34/25 55/1 55/1 66/5 67/10 67/11 67/16 75/5 75/17 77/19 78/1 79/4 79/22 96/3 99/22 99/24 108/10 117/12 use [8] 95/18 95/20 99/23 109/7 109/8 110/20 110/21 122/3 used [16] 14/6 21/19 53/10 53/11 53/12 76/4 105/16 110/22 111/4 111/7 114/2 114/21 115/1 121/21 122/8 122/16 useful [5] 29/2 107/15 107/16 107/17 107/19 using [1] 90/17 usually [4] 113/10 116/7 119/9 124/6 utilize [1] 120/3 utilized [1] 113/23
	<b>V</b>	
think... [51] 13/14 15/15 16/14 16/17 21/14 23/11 25/15 27/2 27/19 27/24 29/17 31/6 31/10 36/11 36/18 36/24 37/21 38/25 39/19 40/19 45/24 54/19 56/9 57/8 57/24 65/12 77/12 79/15 80/20 80/22 82/1 84/18 92/20 93/17 98/3 100/12 101/6 102/21 102/24 103/15 105/13 105/13 108/9 114/7 115/15 115/16 115/22 115/23 118/22 119/25 125/18 thinks [1] 13/19 third [3] 43/9 43/15 45/5 this [71] 6/25 9/2 9/9 17/1 17/2 17/3 24/23 26/3 26/14 26/17 26/22 26/22 27/7 27/21 27/25 28/6 31/22 36/12 36/12 37/23 39/22 40/2 40/3 40/22 41/21 43/1 43/3 43/4 43/15 45/3 45/5 56/21 61/6 61/12 61/23 64/16 65/6 66/8 66/9 66/11 67/16 67/22 68/8 71/13 72/9 72/19 73/22 77/8 78/3 80/10 80/10 80/10 80/20 80/21 81/3 82/1 83/3 83/5 83/9 83/25 84/3 91/10 91/10 91/10 91/13 92/21 94/6 102/3 102/16 105/3 122/21 this is [1] 91/10 those [26] 20/14 23/16 30/7 30/23 32/5 33/5 37/19 46/2 47/2 59/3 59/6 74/7 85/8 88/20 102/1 102/9 103/20 109/5 109/6 110/22 115/8 116/22 119/6 119/17 121/5 123/8 though [4] 20/15 109/21 119/24 125/1 thought [2] 72/14 84/5 thousands [2] 32/13 32/14 three [8] 22/16 22/19 23/17 34/25 44/10 62/2 80/25 90/23 through [22] 10/22 16/24 30/13 30/23 47/11 55/9 59/4 67/16 72/18 74/4 75/17 77/14 89/22 89/23 92/5 93/11 94/17 97/3 97/4 99/1 102/11 121/6 throughout [1] 118/17 Thursday [1] 1/7 ticket [1] 6/7 time [29] 5/3 6/21 32/11 32/21 32/22 36/7 45/5 57/6 59/24 60/4 60/9 61/21 74/14 79/15 81/21 82/7 82/20 83/17 84/1 84/2 84/13 89/8 99/5 101/11 112/21 123/6 125/25 126/3 127/8 times [14] 15/14 17/7 17/10 31/23 44/10 47/12 50/9 56/22 83/24 84/6 84/12 84/17 108/10 113/22 timing [1] 85/9 title [1] 70/16 today [3] 5/12 5/14 45/2 together [1] 68/8 told [14] 22/21 31/1 66/5 67/7 67/12 68/1 68/4 68/6 69/19 71/22 81/2 81/3 86/24 103/13 told you [1] 67/12 tomorrow [1] 74/6 Toms [11] 14/16 14/24 81/23	vacant [4] 3/12 24/24 25/9 28/25 vacation [2] 24/2 24/6 valid [2] 22/2 22/8 various [3] 72/14 74/23 85/8 vast [1] 12/12 vehicle [4] 50/25 51/8 76/22 108/14 vehicles [5] 50/21 51/5 89/14 95/14 95/15 verify [1] 91/18 Vernick [1] 30/8 versa [1] 52/7 versus [1] 46/19 very [11] 17/19 46/11 58/16 67/9 67/25 70/6 71/9 71/21 86/23 93/14 125/15 VFW [2] 116/7 116/10 vice [1] 52/7 violation [2] 6/8 6/8 visible [2] 53/20 53/24 vision [3] 122/13 122/14	
<b>U</b>		
u-g-e [1] 39/20 Uh [2] 40/6 45/20		

<b>V</b>		
vision... [1] 122/14		
volunteering [1] 32/22		
VOTERS [3] 1/4 4/2 4/17		
<b>W</b>		
wait [1] 28/23		
walk [1] 75/17		
walking [2] 54/6 108/13		
want [25] 7/6 9/7 10/25 11/8		
11/9 11/20 11/21 11/23 17/17		
19/11 59/10 60/6 60/7 64/18		
64/22 65/15 65/16 80/20 92/20		
94/6 94/8 94/9 103/17 112/25		
125/7		
wanted [9] 5/16 7/23 8/7 21/21		
54/16 65/24 91/22 105/14		
116/17		
was [186]		
Washington [1] 118/3		
wasn't [17] 9/17 13/24 17/14		
34/5 39/6 61/14 62/9 62/13		
64/4 64/6 67/11 67/24 69/4		
97/19 98/20 98/21 106/22		
waste [1] 57/24		
Watch [4] 53/9 53/13 112/25		
113/1		
watches [1] 113/5		
water [1] 124/10		
way [16] 73/19 74/21 76/10		
77/21 77/23 78/18 91/18 92/4		
93/16 96/6 98/11 104/10 105/11		
105/12 109/15 110/4		
ways [1] 55/1		
we [115] 4/3 4/6 4/11 4/12		
4/19 5/11 10/11 12/8 12/14		
12/18 14/9 14/24 14/25 16/12		
18/1 18/22 18/23 19/20 21/23		
23/12 24/1 24/22 26/19 26/19		
27/6 29/14 29/15 32/12 34/22		
35/11 41/4 42/6 45/1 45/2 45/7		
47/15 54/12 56/1 56/3 56/5		
57/18 57/19 57/19 58/22 58/22		
60/2 60/14 62/24 63/5 63/7		
63/9 63/19 65/23 66/5 66/7		
66/12 67/15 68/4 68/5 71/10		
75/19 76/1 76/19 77/23 78/23		
79/1 79/9 79/11 79/14 79/17		
80/9 80/10 81/3 83/16 85/22		
86/9 90/15 91/3 91/17 92/3		
94/15 95/12 95/18 95/20 95/23		
96/14 97/7 100/11 100/15		
100/24 103/17 105/2 106/11		
108/15 113/4 113/5 113/6		
113/19 114/17 116/21 117/24		
118/2 119/7 120/2 121/1 121/11		
121/18 121/18 123/2 123/24		
124/21 125/8 125/16 125/17		
126/4		
we'll [4] 24/4 28/23 55/4		
125/19		
we're [11] 4/14 5/7 7/1 7/22		
10/12 51/13 83/19 88/16 88/17		
120/3 125/6		
we've [3] 59/4 90/17 125/6		
weapon [1] 81/13		
wear [2] 13/4 121/18		
wears [2] 14/1 121/23		
weeks [2] 20/25 21/3		
welcomed [1] 54/5		
welcoming [1] 54/18		
well [44] 7/10 10/5 11/19		
	13/20 14/22 15/13 18/16 23/3	
	27/14 27/16 31/21 32/2 36/17	
	39/6 40/1 43/12 45/14 46/11	
	48/3 49/8 54/2 54/2 55/24 57/5	
	58/16 58/20 59/5 59/6 61/13	
	65/11 77/6 86/1 93/14 96/24	
	107/22 107/23 108/3 109/22	
	110/14 111/1 115/17 120/10	
	124/10 126/3	
	well-being [1] 27/14	
	went [7] 30/13 33/19 41/20	
	65/18 84/25 105/22 113/14	
	were [74] 4/12 5/4 6/24 18/22	
	18/23 21/10 22/3 22/8 29/14	
	29/18 30/15 30/20 31/2 31/23	
	31/25 32/21 32/21 32/23 32/24	
	33/24 34/2 34/4 39/13 39/14	
	41/16 41/25 59/3 60/2 60/16	
	60/21 60/24 61/3 61/13 62/24	
	65/20 65/20 65/21 68/1 68/2	
	68/4 68/15 68/19 69/8 71/13	
	72/2 73/3 73/15 75/6 75/15	
	82/20 83/23 84/16 86/25 87/1	
	87/3 87/8 88/10 91/17 99/2	
	100/5 101/7 101/8 101/22 103/2	
	103/13 103/19 103/20 104/6	
	104/14 106/11 110/9 110/21	
	118/22 119/20	
	weren't [8] 32/22 63/7 65/23	
	66/6 66/7 68/20 101/8 110/15	
	what [125] 9/20 9/24 12/14	
	12/18 13/1 13/6 13/7 13/14	
	13/18 13/22 13/22 14/3 14/5	
	14/6 14/9 14/24 14/25 15/1	
	16/20 16/23 22/17 27/3 27/4	
	27/7 27/16 27/18 27/19 29/22	
	31/12 33/16 34/14 35/5 36/6	
	36/18 36/24 38/10 39/6 39/19	
	41/4 41/8 42/2 44/14 45/15	
	48/1 48/2 48/10 48/13 48/14	
	49/13 52/17 56/20 57/11 57/14	
	57/19 58/19 62/7 62/16 62/17	
	62/22 63/5 63/13 63/15 65/14	
	66/10 67/7 67/14 70/13 70/15	
	71/22 72/1 74/21 77/24 79/12	
	79/17 79/18 84/3 84/4 86/11	
	89/4 89/15 90/11 91/3 92/22	
	94/2 94/9 94/12 94/13 94/16	
	94/19 95/20 96/3 96/19 97/6	
	97/10 97/14 97/21 97/22 98/11	
	99/3 99/7 99/23 101/18 103/11	
	103/12 103/13 104/12 106/12	
	107/3 107/18 112/20 112/24	
	114/21 117/16 117/21 118/9	
	118/13 118/21 119/5 121/15	
	121/19 122/13 122/18 123/23	
	124/18 124/19	
	what Judy [1] 41/8	
	what's [11] 25/1 26/6 36/10	
	39/16 49/6 52/4 88/23 97/16	
	102/5 119/11 119/14	
	whatever [1] 79/12	
	wheel [7] 50/21 50/24 50/24	
	51/5 51/8 51/9 76/21	
	when [32] 9/21 14/8 14/17 18/8	
	22/7 27/21 30/20 30/23 34/2	
	34/7 40/1 41/24 44/6 47/23	
	57/6 60/4 60/9 65/18 66/8	
	66/11 68/4 71/10 73/6 75/20	
	86/7 88/10 93/18 101/9 104/24	
	105/19 105/23 108/12	
	When's [1] 123/6	
	whenever [1] 76/19	
	where [54] 4/6 4/14 6/12 7/19	
	8/4 10/20 21/4 22/15 24/6	
	25/10 26/11 26/19 26/22 27/8	
	29/2 37/1 37/2 47/24 48/12	
	48/14 49/12 49/13 49/18 49/21	
	52/23 54/23 55/7 55/10 56/11	
	61/6 65/19 67/21 70/9 70/10	
	76/13 77/13 80/6 80/24 82/1	
	95/12 96/14 97/7 116/4 116/5	
	116/10 117/16 117/22 119/16	
	119/16 124/5 124/8 124/14	
	124/19 125/8	
	where's [1] 115/17	
	whether [13] 29/18 29/19 30/10	
	41/5 58/8 65/21 85/14 85/21	
	95/14 103/1 105/8 108/13	
	110/20	
	which [25] 18/3 19/4 19/16	
	20/13 21/9 25/2 35/21 40/20	
	62/25 65/22 70/19 80/12 81/5	
	82/9 88/22 90/2 95/10 95/13	
	95/18 95/20 97/4 99/17 100/12	
	102/7 124/7	
	while [4] 16/25 72/11 81/1	
	105/21	
	Whiteman [4] 34/23 35/17 78/15	
	107/2	
	Whiteman's [4] 85/20 107/2	
	113/13 113/16	
	who [46] 5/13 5/14 5/15 11/3	
	14/9 22/23 23/23 24/1 26/20	
	27/14 31/1 33/6 38/1 38/1 39/1	
	40/11 41/4 41/5 44/4 44/4 45/2	
	49/5 61/16 62/11 62/12 62/14	
	63/24 66/2 66/13 66/18 68/6	
	73/20 80/5 81/13 91/20 93/12	
	98/16 98/23 98/24 100/2 100/8	
	101/5 101/16 101/25 104/3	
	109/24	
	who's [4] 14/9 48/5 87/15	
	111/17	
	whole [2] 94/6 94/8	
	whom [1] 63/25	
	whose [2] 43/14 43/15	
	why [20] 9/1 9/8 9/11 10/8	
	10/11 10/12 18/19 22/19 24/22	
	31/6 60/16 64/5 65/8 67/17	
	88/21 89/1 92/8 109/6 118/5	
	119/25	
	will [12] 4/19 9/10 16/9 17/2	
	17/2 30/7 42/6 43/4 72/18	
	92/25 108/10 125/11	
	winter [2] 23/25 29/6	
	wintertime [1] 29/3	
	Winward [1] 1/11	
	Wiser [3] 2/13 87/13 87/15	
	within [36] 9/21 13/8 14/11	
	16/15 16/18 19/23 23/19 46/25	
	53/18 54/21 61/23 68/3 68/9	
	75/3 81/14 81/16 82/8 82/9	
	84/2 84/13 88/23 95/2 95/5	
	95/6 95/9 96/10 96/13 98/8	
	99/20 100/23 101/1 103/14	
	108/10 112/18 113/5 120/14	
	without [6] 22/10 46/4 49/23	
	78/1 78/4 99/8	
	witness [7] 3/2 9/9 11/6 42/14	
	42/25 43/18 88/3	
	witnesses [4] 9/10 65/11 83/5	
	104/3	
	woman [1] 38/5	
	word [2] 21/19 30/14	
	words [7] 58/7 61/9 65/19 74/8	



**W**

words... [3] 80/10 90/6 115/9  
work [6] 47/3 95/9 95/23  
105/16 105/19 106/14  
worked [2] 105/21 121/12  
working [2] 32/21 32/23  
works [3] 73/19 75/18 93/13  
worn [3] 95/16 121/18 121/23  
would [104] 5/15 5/22 5/25 6/9  
6/23 9/9 10/2 13/13 22/5 23/17  
23/18 24/13 24/14 25/8 25/15  
26/7 26/22 26/24 27/19 27/24  
28/3 28/12 28/17 29/1 29/8  
32/9 36/25 40/19 40/19 46/21  
46/22 47/4 47/5 47/18 47/19  
47/20 49/8 49/10 49/12 50/15  
53/1 53/23 54/8 54/11 54/20  
56/9 56/9 57/19 57/21 57/24  
63/9 63/25 66/15 66/16 66/17  
73/5 73/14 75/6 78/23 81/12  
82/15 86/6 86/16 88/14 88/21  
89/1 89/15 89/15 89/17 89/19  
90/9 91/3 91/15 92/8 92/9  
92/12 92/13 96/14 96/16 96/21  
96/24 97/1 97/7 97/8 98/23  
98/24 99/1 104/12 106/17  
106/20 107/7 112/11 112/12  
112/14 112/19 112/23 113/18  
115/13 116/19 122/4 122/5  
123/9 124/21 125/3  
wouldn't [15] 8/22 16/12 30/13  
41/10 41/13 41/17 54/19 60/7  
73/3 73/16 80/1 86/18 120/20  
124/21 125/1  
writing [1] 73/7  
written [1] 70/10  
wrong [2] 54/8 91/24

**Y**

Yacht [1] 124/7  
yeah [27] 21/7 21/13 35/10  
51/2 51/11 57/19 68/22 77/5  
79/14 84/24 90/17 92/10 92/18  
94/5 97/3 102/13 102/21 106/12  
108/25 109/18 109/20 110/1  
112/19 116/6 122/20 124/11  
125/16  
year [12] 20/23 75/12 113/24  
114/15 115/2 119/21 120/9  
120/18 121/4 121/13 122/9  
122/21  
years [9] 14/7 58/25 61/24  
62/3 90/3 90/24 92/15 115/5  
123/11  
yes [120] 5/11 5/18 5/24 6/4  
6/22 7/21 7/25 8/21 10/2 10/23  
16/12 19/12 22/1 22/9 22/13  
23/21 25/7 25/14 25/18 26/9  
27/16 27/23 28/5 28/19 29/5  
30/3 30/3 30/6 31/23 32/14  
32/25 33/4 33/7 33/10 33/13  
33/23 35/12 35/18 35/20 35/22  
36/1 36/3 36/8 37/11 37/14  
40/9 40/21 41/24 48/7 48/18  
48/21 48/24 51/7 52/3 52/12  
53/14 56/17 58/2 59/14 59/17  
59/19 59/22 60/12 61/22 63/19  
64/3 65/6 68/17 68/25 69/19  
69/21 69/24 70/5 71/1 71/3  
71/11 72/4 74/7 76/1 76/11  
82/5 82/6 85/4 87/2 87/7 88/8  
90/4 90/22 91/5 91/8 91/15

91/21 94/1 100/23 101/12  
101/15 101/24 103/23 104/9  
106/21 107/13 109/25 110/2  
111/14 111/15 112/8 112/10  
112/10 112/16 114/25 116/16  
117/3 117/4 117/10 117/20  
118/8 119/4 121/2 122/15  
123/17  
yet [3] 5/8 5/9 59/7  
you [561]  
you'd [3] 6/1 6/24 83/20  
you'll [1] 16/10  
you're [55] 5/10 7/3 7/10 10/3  
10/15 10/16 10/20 11/17 12/25  
13/17 14/15 15/7 15/8 15/9  
15/15 16/22 17/19 27/3 27/4  
27/10 37/5 42/8 43/17 44/10  
54/8 55/17 56/22 58/4 58/7  
58/8 63/10 64/17 64/21 65/3  
67/1 73/6 74/16 74/21 78/7  
79/23 82/1 82/24 93/15 94/12  
99/11 102/3 103/5 107/6 107/6  
108/8 108/13 108/13 118/21  
121/19 124/8  
you're making [1] 10/15  
you've [4] 43/16 44/8 44/9  
45/6  
your [53] 14/15 16/9 19/2  
19/13 21/8 21/14 24/20 25/11  
27/12 27/13 28/16 34/4 34/19  
37/7 37/12 37/18 38/25 39/21  
43/7 47/4 54/3 55/24 59/23  
64/25 66/25 74/11 76/25 78/6  
78/17 79/23 82/3 82/20 84/4  
85/14 86/16 89/4 93/18 94/5  
96/24 100/2 102/10 102/11  
103/11 104/12 106/6 106/25  
108/8 115/8 118/9 120/17  
121/21 125/25 126/3

**Z**

zoning [1] 8/1