

1 TOWNSHIP OF BERKELEY
 2 PLANNING BOARD
 3 -----
 4 IN THE MATTER OF:
 5 SOUTH SEASIDE PARK HOMEOWNERS
 6 AND VOTERS ASSOCIATION
 7 DE-ANNEXATION PETITION HEARING
 8 -----
 9 Pinewald Keswick Road
 10 Bayville, New Jersey
 11 Thursday, September 6, 2018
 12 7:10 p.m.
 13
 14 B E F O R E:
 15 Robert Winward, Chairman
 16 John A. Bacchione, Councilman
 17 Domenick Lorelli, Member
 18 Nick Mackres, Member
 19 Richard Callahan, Member
 20 Brian Gingrich, Member
 21 Frederick Bell, Member
 22 Jack Wiegartner, Member
 23 -----
 24 LINDA SULLIVAN-HILL & ASSOCIATES
 25 CERTIFIED COURT REPORTERS
 46 SOUTH LAKEVIEW DRIVE
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 10 17 Beaverson Blvd.
 11 Brick, New Jersey 08723
 12 BY: JOSEPH MICHELINI, ESQ.
 13 Attorneys for the Petitioners
 14
 15 ALSO PRESENT:
 16 Kelly Hugg, Secretary
 17 James Oris, Planner
 18 Stuart Wisler, Planner
 19
 20
 21
 22
 23
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 25

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1 MR. WINWARD: South Seaside Park. If
 2 everybody could take their seat, we'd like to get
 3 started. I'd like to get started.
 4 We're going to have a two-hour time
 5 limit. And we're going to have anybody that was
 6 not a petitioner can come up, has the right to come
 7 up and speak first that didn't sign the petition.
 8 If there's time after that, then we'll permit that.
 9 Our board attorney, Mr. McGuckin, has
 10 some additional instructions. And I believe the
 11 South Seaside Park attorney, Mr. Michelini, would
 12 like to say a quick couple words.
 13 MR. MCGUCKIN: Thank you, Mr.
 14 Chairman. Yeah, I did have discussions with
 15 Mr. Michelini this week regarding tonight's
 16 proceedings. And I advised him that, in our
 17 opinion, the members of the public who would be
 18 allowed to speak tonight would be those who are not
 19 his clients.
 20 The petitioners had numerous months
 21 to present their case and testimony and presented a
 22 tremendous amount of testimony. So, if there's
 23 anyone here's who's a signer of the petition, after
 24 anyone else has spoken, then we'll see what time it
 25 is, but the board has a two-hour limit with respect

1 to these proceedings. Doesn't mean we're not --
 2 we're coming back. But for purposes of this
 3 evening, it would be for testimony of people who
 4 have not signed the petition and are members of the
 5 public.

6 I believe Mr. Michelini wanted to put
 7 something on the record.

8 MR. MICHELINI: Just briefly.
 9 Joseph Michelini for the petition signers. I did
 10 communicate with Mr. McGuckin this week. At the
 11 last hearing, I understood that members of the
 12 public would have the opportunity to speak. And
 13 that my clients, as petition signers, would also
 14 have an opportunity but that we would discuss
 15 parameters around that, because we already had an
 16 opportunity. But I represent several hundred
 17 people. And some of them have only been here
 18 through me each meeting. They haven't been here
 19 physically. And some of them do want to speak. So,
 20 I understand, essentially, what is a ruling that has
 21 come from Mr. McGuckin that the nonpetition signers
 22 will speak first. And then, after that, if there's
 23 time tonight, the petition signers who wish to
 24 speak, will speak. I understand there's about 75 or
 25 80 people here from South Seaside Park. Some of

1 them are petition signers, some of them are not.
 2 I'm not sure of the breakdown. Suffice it, all the
 3 petition signers will wait until the nonpetition
 4 signers have spoken first.

5 MR. MCGUCKIN: Well, I think the
 6 only -- and perhaps we didn't quite finalize this.
 7 My understanding was that the public was going to go
 8 and then the petitioners would have an opportunity
 9 to present their final, and I think we discussed
 10 this as well, your final position and final
 11 arguments, rebuttal testimony. And I understood
 12 that to mean any additional live testimony you
 13 wanted to present from your clients, petition
 14 signers. I didn't quite understand that you meant
 15 this evening or before you submitted, you prepared
 16 and submitted your rebuttal testimony, which I
 17 thought was going to be when we would -- setting
 18 another meeting to establish that.

19 MR. MICHELINI: Yeah. Actually, I
 20 think what we talked about at the last meeting is my
 21 rebuttal -- we talked about rebuttal testimony in
 22 terms of expert witnesses. And we were talking
 23 about I was objecting to Mr. Wiser going last. And
 24 I was saying my rebuttal testimony of experts should
 25 be able to go after him. And the rule -- the board

1 essentially ruled that Mr. Wiser would go last and
 2 my experts would go before that.

3 We then also discussed and touched on
 4 briefly, that there were members of the petition
 5 signers who also wanted to speak. And my
 6 understanding is that the nonpetition signers will
 7 go, as a result of our discussion, over my
 8 objection, that the nonpetition signers would go
 9 first and then the petition signers that have
 10 something to say -- and I will make sure that my
 11 clients, to the extent that I'm able, because
 12 there's hundreds of them, so it's hard to get to
 13 know every one of them -- but to the extent that I'm
 14 able, I've advised them to keep their comments brief
 15 for the sake of moving this right along.

16 MR. MCGUCKIN: Well, let's get
 17 through the non --

18 MR. MICHELINI: Right.

19 MR. MCGUCKIN: -- the people who are
 20 not your clients, let's get though that and see
 21 where we're at.

22 MR. MICHELINI: All right. Very
 23 good. Thank you.

24 MR. MCGUCKIN: Thank you.

25 MR. CAMMARATO: Just so I understand,

1 what you're saying is that anyone who signed the
 2 petition --

3 (Off the record.)

4 MR. WINWARD: As far as the procedure
 5 is, if you want to speak, you come to the mike and
 6 you're a nonpetitioner, state that you're a
 7 nonpetitioner, and spell your name for the court
 8 reporter who has to type every word you say. So,
 9 you got to have respect for the person. It's a very
 10 hard job. Most of us could not do that.

11 MR. CAMMARATO: I just want to make
 12 sure I understand --

13 MR. WINWARD: Sit down.

14 MR. CAMMARATO: No.

15 MR. WINWARD: Sit down, please. We
 16 got to have a procedure here.

17 I believe you're a petition signer.

18 MR. FULCOMER: No.

19 MR. WINWARD: You aren't?

20 MR. FULCOMER: Check the record.

21 MR. MCGUCKIN: You're not a signer,
 22 you're under --

23 MR. FULCOMER: I'm under oath.

24 MR. WINWARD: You're under oath.

25 Okay.

1 MR. FULCOMER: Or will be under oath.
 2 MR. WINWARD: State your name for the
 3 record.
 4 MR. FULCOMER: Jim Fulcomer, 356
 5 Roberts Avenue, Seaside Park, zip code of
 6 Berkeley Township.
 7 There are several points I wish to
 8 make.
 9 MR. MCGUCKIN: I'm sorry. Swear him
 10 in.
 11 JAMES FULCOMER, sworn.
 12 MR. FULCOMER: Okay. There are a
 13 number points I'd like to make, which have not been
 14 made before. And also certain reaction to some
 15 comments made by board members and the attorney.
 16 First thing I'd like to mention is
 17 that the times at which Berkeley council meetings
 18 start are a serious barrier to the right of working
 19 South Seaside Park homeowners to participate fully
 20 in council meetings. However, the times when the
 21 Seaside Park council meetings start are much better
 22 for South Seaside Park homeowners. I'd like to
 23 demonstrate that to you with a display that I put
 24 together, which you can pass among yourselves.
 25 MR. MCGUCKIN: We're going to have to

1 mark that.
 2 MR. FULCOMER: Yes. You want to mark
 3 it now or later?
 4 (The Display of council meeting times
 5 was marked as P-1 for identification.)
 6 MR. FULCOMER: All right. Ever since
 7 after the petitioners filed their petition, the
 8 municipal council has been holding its meetings --
 9 Since, after the petitioners filed
 10 their petition, the following four years the council
 11 meetings have started at six p.m. Now, this is very
 12 difficult for people who work up north and in other
 13 areas who travel an hour and a half, two hours or
 14 more away from Berkeley Township. They simply, if
 15 they get out of work at five o'clock, cannot make
 16 the council meetings on time. That was not a
 17 problem when it was seven o'clock. Assuming they
 18 didn't eat supper, they could make it by seven. I
 19 used to, for example, not only teach but I also
 20 tutored in Elizabeth. And by the time I got out, it
 21 took me an hour and a half to get here. If the
 22 meetings were at seven, I can make it, no problem.
 23 I might not eat supper, but I can make it. But six
 24 o'clock, out of the question. You cannot do that
 25 during the rush hour. And six o'clock is part of

1 the rush hour.
 2 On the other hand, the regular
 3 council meetings in Seaside Park are at seven
 4 o'clock. So, if I get out of work at five, and I
 5 come from Elizabeth, for example, where I used to
 6 work, I can make those meetings. And I can even
 7 have supper. Now, that's a big difference. And, of
 8 course, many of our -- many of our people don't
 9 actually live in South Seaside Park year-round.
 10 They constitute the majority of the homeowners. So,
 11 you're pretty much kicking out these people from the
 12 proceedings on a regular basis, or making it very
 13 difficult for them, which shouldn't happen. But in
 14 Seaside Park, which is much closer, they start their
 15 meetings at seven o'clock, big difference.
 16 All right. Now, the other thing, of
 17 course, very important, council meetings are when
 18 you hold your budgets. Now, starting in 2015, the
 19 hearings on the budget in Berkeley Township have
 20 been at six p.m., 9:30 in the morning, ten o'clock
 21 in the morning, six p.m., ten o'clock in the
 22 morning, eleven o'clock in the morning, six o'clock
 23 at night and 5:30 at night. All these times are
 24 extremely inconvenient for people of South Seaside
 25 Park. I think you'd have to realize that.

1 I realize that some people will say,
 2 as one person on this body once said when I
 3 complained about this, well, you're retired. I'm
 4 retired. But when I worked, I couldn't go to those
 5 council meetings. And I'll tell you something else.
 6 The people who are working now are supporting the
 7 people who receive social security. So, I think
 8 those who work should be given the same respect as
 9 those who are retired.
 10 Now, in Seaside Park, their public
 11 hearings on the budget and on amendments to the
 12 budget are all at seven p.m. So, just about
 13 everybody in South Seaside Park who works during the
 14 day can make those meetings and even have, in many
 15 cases, supper before they go. So, I hand this in.
 16 Here you are.
 17 Now, I very carefully documented
 18 these items. I have here the minutes and meeting
 19 notices that document all those times from both
 20 Berkeley Township and Seaside Park. And I didn't go
 21 to the internet for it. I made sure that I picked
 22 them up in the municipal clerk's office. All right.
 23 (The Minutes and meeting notices from
 24 Berkeley Township and Seaside Park was marked as P-2
 25 for identification.)

1 MR. FULCOMER: Now, a second point I
2 would like to make is that since the start of these
3 board meetings, over four years ago, there were
4 more -- there were a large number of eyesores in
5 South Seaside Park that easily could be remedied.
6 But still, over four years later, are not corrected.
7 And they're not that expensive to correct. And I
8 just want to show some of them to you so you can
9 appreciate this. Maybe it's the distance and the
10 administrative -- people who work for the
11 administration find it relatively inconvenient to go
12 to South Seaside Park and check these things out.
13 But it's good to see what you may have seen four
14 years ago, or more. And see what they're like now.
15 I'll have to mark it.

16 (The Display of photographs was
17 marked as P-3 for identification.)

18 MR. FULCOMER: In this display, on
19 the left-hand side, you can see photos taken over
20 four years ago on West Central Avenue. They are
21 photos of street signs that haven't been painted
22 perhaps since the days that the railroad used to be
23 in South Seaside Park, they're in such bad
24 condition. And when you take a look at them, you
25 wonder why they're still there.

14

1 MR. MCGUCKIN: Excuse me, Mr.
2 Fulcomer.

3 MR. FULCOMER: Yes.

4 MR. MCGUCKIN: I'm sorry, I don't
5 mean to interrupt. But I just want to -- looking
6 through my notes, you said you're not a signer of
7 the petition. I recall that. Because you said that
8 the last time you testified.

9 MR. FULCOMER: That is correct.

10 MR. MCGUCKIN: But you've already
11 testified in this matter, it seems.

12 MR. FULCOMER: No.

13 MR. MCGUCKIN: Yes, you have.

14 MR. FULCOMER: I made a comment on
15 state aid. I'm not a signer of the petition.

16 MR. MCGUCKIN: I didn't --

17 MR. FULCOMER: You can't change the
18 rules in the middle.

19 MR. MCGUCKIN: Mr. Fulcomer, did you,
20 in fact, testify before this proceeding, before this
21 board, in fact, introduced your CV, your curriculum
22 vitae?

23 MR. FULCOMER: Introduced what?

24 MR. MCGUCKIN: Exhibit A-55, is that
25 Mr. Fulcomer's curriculum vitae? Do you have the

1 list of the exhibits?

2 MR. FULCOMER: I don't think -- I
3 don't remember whether I submitted a --

4 MR. MCGUCKIN: There was a question
5 whether you were an expert. You sent a letter to
6 the 9th district.

7 MR. FULCOMER: I spoke on state aid.
8 And I volunteered to speak on state aid.

9 MR. MCGUCKIN: The point is, you
10 testified already as part of the petitioner's case.
11 I understand you didn't sign the petition.

12 MR. FULCOMER: I did not sign the
13 petition.

14 MR. MCGUCKIN: You were called as a
15 witness in the petitioner's case, that's what I'm
16 trying to confirm. And my recollection --

17 MR. FULCOMER: Yes.

18 MR. MCGUCKIN: -- if that's the
19 case --

20 MR. FULCOMER: That is true.

21 MR. MCGUCKIN: -- and, therefore, it
22 would seem it would be inappropriate for you to
23 testify again at this time. You've already had the
24 chance to testify in this matter.

25 MR. FULCOMER: No, if I had a chance

16

1 to testify, I would have said some of the things
2 that I've said already, which I have not done so. I
3 merely volunteered to correct a mistake that had
4 been made, which I felt as a good citizen I should
5 do. Okay. And nobody seemed to object. And you
6 didn't object either.

7 MR. MCGUCKIN: I didn't object to --

8 MR. FULCOMER: No.

9 MR. MCGUCKIN: -- your testimony
10 because you were offered as a witness by the
11 petitioners. Mr. Michelini is the one who called
12 you as a witness.

13 MR. MICHELINI: May I be heard
14 briefly?

15 MR. MCGUCKIN: Do you represent him,
16 Mr. Michelini?

17 MR. MICHELINI: Only in the -- only
18 in the -- for the purpose of calling him as a
19 witness on the education issue. I only called him
20 for a very limited purpose. I didn't call him for
21 any other purpose. It was only to address state
22 aid, because that issue had been raised. And
23 Mr. Fulcomer had some experience with that. I would
24 think that the board would want to hear as a member
25 of the public all of his comments and would want to

1 accommodate his testimony as a citizen of
 2 South Seaside Park with regard to any other matter.
 3 I think it's reasonable. I think the board wants to
 4 hear that from any of the citizens. I only called
 5 him for a very limited purpose within my case. Yes,
 6 I did call him, but for a very limited purpose, and
 7 his testimony was very short. I didn't open him up
 8 to talk about any other matter. So, I would say
 9 it's appropriate to say, now, he shouldn't talk
 10 about state aid, because he did that before, but in
 11 terms of anything else, I would think that the board
 12 would welcome and want to hear his comments as they
 13 would any other member of the public.
 14 MR. MCGUCKIN: I'm sure they might.
 15 It's just a question of the timing, that's all,
 16 whether he should go now or after the conclusion of
 17 other members of the public who have not yet been
 18 called as a witness.
 19 MR. MICHELINI: He's already started.
 20 MR. MCGUCKIN: Well, it's up to the
 21 board. It's not just because he started.
 22 MR. WINWARD: I just want to make
 23 sure you don't take up the whole two hours.
 24 MR. FULCOMER: No, I'll try not to.
 25 MR. WINWARD: I want to make sure we

1 have to spread this out fairly so people --
 2 MR. FULCOMER: Right. It's just
 3 there are facts that you should be aware of, which
 4 you may not be aware of.
 5 MR. MACKRES: Mr. McGuckin, I have a
 6 point of order here. The petitioners, when they
 7 sign, did they sign as a voting resident or are they
 8 signing as a block for their property?
 9 MR. MCGUCKIN: The petitioner --
 10 MR. MACKRES: So, if a spouse or
 11 whoever owns a percentage of that property, do they
 12 sign for the whole entire property as a single
 13 voice?
 14 MR. MCGUCKIN: The answer to that
 15 would be no. The property owner is the one who
 16 signs the petition, as I recall. Any property owner
 17 may sign it.
 18 MR. WISER: If I may, the -- it's the
 19 percentage of the registered voters that triggers
 20 the operation of the petition.
 21 MR. MCGUCKIN: So, the signature
 22 number is based on the number of registered voters,
 23 however, a spouse signing the petition does not mean
 24 a person who's not -- who didn't sign it does not
 25 have the right to speak about it. So, Mr. Michelini

1 is correct, he represents the persons who signed the
 2 petition.
 3 MR. MICHELINI: That's correct.
 4 MR. MCGUCKIN: And Mr. Fulcomer has
 5 said under oath, and I certainly believe him, that
 6 he did not sign the petition. In fact, that's what
 7 he testified when he testified three years ago.
 8 That he did not sign the petition because, I recall,
 9 he was a member of the board of ed. I believe at the
 10 time or something like that.
 11 MR. MICHELINI: And I concur with Mr.
 12 Wisser. It's the registered voters that sign the
 13 petition, according to the statute.
 14 MR. FULCOMER: Mr. Michelini, however
 15 excellent he may be, does not represent me.
 16 MR. MACKRES: Okay. So, the South
 17 Seaside --
 18 MR. FULCOMER: May I continue?
 19 MR. MACKRES: -- Park de-annexation
 20 is based on the registered voters, who --
 21 VOICE: Don't we have two hours to
 22 speak?
 23 MR. MACKRES: -- if they do that,
 24 then the people who are property owners don't have
 25 their voice?

1 MR. MCGUCKIN: I believe --
 2 MR. MACKRES: If they're not voters
 3 in town or residents in town, but they own the
 4 properties?
 5 MR. MCGUCKIN: Anyone can speak
 6 before, before the board on this issue. You don't
 7 have to be a resident of either town, quite frankly,
 8 number one.
 9 Number two, the question for
 10 tonight's purposes was, if you're a petitioner, or
 11 represented by Mr. Michelini, you've already had the
 12 opportunity to present your case. In this case, he
 13 was called as a witness, but it was on a specific
 14 issue. It's for the board to decide if you think
 15 it's appropriate for him to go further now or on the
 16 petitioner's rebuttal case, which they intend to
 17 present.
 18 MR. MACKRES: All right. Thank you.
 19 MR. MCGUCKIN: Mr. Chairman, whatever
 20 the board would decide.
 21 MR. FULCOMER: May I proceed?
 22 MR. WINWARD: How long do you
 23 anticipate your testimony?
 24 MR. FULCOMER: As soon as I can get
 25 it over.

1 MR. WINWARD: Okay.
 2 MR. FULCOMER: And the less
 3 interruptions, the faster. Okay.
 4 The left side shows what West Central
 5 Avenue is like with the signs. They're very rusty
 6 and falling apart, four years ago, over four years
 7 ago. And then the right side photograph that I
 8 took -- not I took -- my wife took, a couple days
 9 ago, yesterday, actually, you will see that they are
 10 the same or worse. And it's very easy to remedy the
 11 problem. Get rid of them, paint them, repair them,
 12 whatever. But it shouldn't be a junkyard of
 13 municipal waste.
 14 Underneath, in the center, you can
 15 see the entrance to Seaside Park and the entrance to
 16 South Seaside Park. The entrance to Seaside Park is
 17 much more impressive and really nice. The entrance
 18 to South Seaside Park really looks like a junkyard.
 19 At the bottom, there are pictures of three unpainted
 20 signs on Bayview Avenue, which can very easily be
 21 painted, were not painted as they should have been
 22 four years, over four years ago. And I'm just
 23 saying that the progress that should have been made
 24 in light of these hearings has not been made.
 25 All right. Now, the board attorney

1 raised the issue of my presentation on state aid.
 2 And I just, the board attorney seemed to say that
 3 hundreds of school districts do not receive state
 4 aid. Now, that is not the case at least during the
 5 last five years. And I have documents here to prove
 6 it.
 7 MR. MCGUCKIN: I never said that
 8 hundreds of districts don't receive state aid.
 9 MR. FULCOMER: Well, good.
 10 MR. MCGUCKIN: I know that's not the
 11 case.
 12 MR. FULCOMER: Check the transcript.
 13 That's the impression I got, and I could be
 14 mistaken. That's why I said seemed to say.
 15 MR. MCGUCKIN: Okay.
 16 MR. FULCOMER: All right. So, I'm
 17 just going to hand in these documents, to indicate
 18 that that is not the case.
 19 MR. MCGUCKIN: So, that will be P?
 20 (The Department of Education 2015/16
 21 state aid spreadsheet state aid was marked as P-4
 22 for identification.)
 23 MR. FULCOMER: And the documents also
 24 indicate an increase in state aid to
 25 Berkeley Township school year every single year.

1 Now, sometimes we had problems with
 2 emergency vehicles. And I don't recall this being
 3 mentioned. But emergency vehicles from the mainland
 4 cannot get to South Seaside Park quickly sometimes,
 5 because of construction on the bridge and because
 6 the bridge is opened for sailing vessels frequently.
 7 I would point out that, on occasion, we've had to go
 8 north to a bridge far north of South Seaside Park
 9 because the bridge was closed.
 10 Now, one thing that you as board
 11 members should appreciate very much, is that if
 12 South Seaside Park left Berkeley Township, the
 13 township no longer would spend hundreds of thousands
 14 of dollars analyzing and fighting de-annexation of
 15 South Seaside Park. Because I predict that even if
 16 we failed with this de-annexation effort, it would
 17 happen again. It happened years ago. We won in
 18 court. And I would say, why go through this over
 19 and over again when you would be much better off
 20 saving the money.
 21 Now, a board member asked the
 22 question, if you want to be near the municipal
 23 building, why not buy a house within a block of the
 24 municipal building. The answer is, we bought our
 25 homes in South Seaside Park because we wanted to be

1 able to walk to the ocean and to Barnegat Bay from
 2 our homes. This municipal building is not near the
 3 bay and not near the ocean. Also, there are no
 4 homes within a block of the Berkeley municipal
 5 building. And it is illegal to build a home within
 6 a block of this building because Pineland
 7 regulations outlaw the building of such homes.
 8 Now, there was one item which I quite
 9 frankly found a little offensive, because it
 10 referred to race in the administrator's report. The
 11 administrator reports complained that South Seaside
 12 Park is mostly white. But so is mainland
 13 Berkeley Township mostly white. Maybe the
 14 percentage isn't as high, but it's still mostly
 15 white. I also point out, even though you may not be
 16 aware of this, that both Seaside Park and
 17 South Seaside Park have African-American residents,
 18 and people of all ethnicities can buy homes in both
 19 Seaside Park and South Seaside Park, and they're
 20 welcome to do so. So, I think we should keep race
 21 out of this. And that is all I have to say.
 22 Thank you.
 23 MR. WINWARD: Thank you very much.
 24 SAMUEL CAMMARATO, sworn.
 25 MR. CAMMARATO: I'd like to express

1 my concerns to this board why South Seaside Park's
2 request for de-annexation be denied.

3 First, I will address South Seaside
4 Park's complaints, as I understand them, which I
5 feel are not valid. And then explain the financial
6 hardship the remaining Berkeley Township residents
7 would have to endure if this de-annexation were
8 approved.

9 Now, their complaints, again, as I
10 understand them, one, the lack of amenities and
11 township services. South Seaside Park's
12 geographical remoteness from the mainland. The
13 belief they have a very small voice in what happens
14 in Berkeley Township. And they claim 60 percent of
15 South Seaside Park residents signed the petition
16 asking to leave Berkeley Township.

17 Now my response to these complaints.
18 First, the lack of amenities and service issues.
19 The amenities and services provided to South Seaside
20 Park, as outlined in the April 3 de-annexation
21 report, are not less than the mainland, just
22 different. For example, they have the ocean and the
23 beaches. Our town services and maintains these
24 beaches at considerable cost. Even though --
25 (Audience all talking at once.)

1 MR. MCGUCKIN: All right. You got to
2 stop this.

3 MR. WINWARD: Excuse me. We can't
4 have this. It's taking up a lot of time. Everybody
5 has a right to opinion. We're going to try to hear
6 from as many people as possible. He's bringing up
7 maybe some -- a perspective that maybe not everybody
8 shares. But that's what the purpose of a public
9 forum is. And he should be free to express his
10 point without ridicule and laughter. So, please
11 refrain from that.

12 MR. CAMMARATO: As I said, they have
13 the beaches. They have the ocean and the beaches.
14 And our town services and maintains those beaches at
15 considerable cost, even though those amenities are
16 very convenient to South Seaside Park residents and
17 not so for residents of the mainland. Because of
18 the influx of summer vacationers and visitors to
19 South Seaside Park, more security and safety
20 measures such as police, lifeguards and cleanup
21 workers are required during those months than
22 otherwise necessary on the mainland, again, at
23 considerable cost to our town. Allowable weekly,
24 monthly and summer vacation homes rentals are
25 permitted, where not always the same on the

1 mainlands.

2 Now the geographic remote issue.
3 Towns that encompass a large land mass will always
4 have sections that are remote geographically from
5 other sections of that town. This certainly is not
6 unusual. However, as previously mentioned, the
7 services provided South Seaside Park is what they
8 require, sometimes as noted at additional cost than
9 that of the mainlands.

10 Now, the very small voice as to what
11 happens in Berkeley Township. There are various
12 other sections in Berkeley Township such as Holly
13 Park, Glen Cove, Sandpiper Beach and others. And
14 when those sections are compared to the senior
15 population of Holiday City, those less populated
16 sections can also claim a small voice as to what
17 happens in Berkeley Township. My question is,
18 should these other less populated sections of our
19 town also request de-annexation?

20 To continue this small voice issue,
21 let's compare North Jersey to South Jersey. Due to
22 the population of Essex, Hudson, Passaic and Bergen
23 Counties, we in Ocean County also have a small voice
24 as to our needs and wants. If we can persuade
25 60 percent of our Ocean County residents, will that

1 give us the right to secede from New Jersey?

2 The claim that 60 percent of
3 South Seaside Park residents signed the petition to
4 leave Berkeley township issue. Once again, using
5 this very small voice argument, what about the
6 remaining 40 percent of residents that did not sign
7 the petition? Should their rights be trampled on
8 and be forced to leave Berkeley Township?

9 When the residents of South Seaside
10 Park purchased their properties, they understood the
11 amenities they would enjoy and the services our town
12 would provide them are different than those offered
13 on the mainland. Also, due to the desirous location
14 and remoteness of their properties afforded them,
15 they still chose to purchase their properties in
16 Berkeley Township. If the issues presented by those
17 wishing secession was of such importance to them, my
18 question is, why did these residents purchase their
19 property in Berkeley Township?

20 I should also mention, the only major
21 changes to South Seaside Park, Berkeley Township,
22 since your property was purchased, was a major
23 improvement to a now well managed town, and our
24 Mayor Amato, along with our town council, lowering
25 our property tax rate, which is now one of the

1 lowest in Ocean County. And we haven't even
2 mentioned Berkeley Township's very low crime rate,
3 because of the dedication of our police officers to
4 keep us safe.

5 I'd like to briefly address the
6 de-annexation report submitted by John A. Camera,
7 Berkeley Township administrator, on April the 3rd of
8 this year. Although this report, I feel, confirms
9 my reasons for denial of South Seaside Park's
10 request for de-annexation, I would like to comment
11 on several points made within that report, such as,
12 since our town will still need to service and
13 maintain Pelican Island, any monies thought to be
14 saved by de-annexation of South Seaside Park is
15 simply not true. Our property values may very well
16 decrease with the loss of one of Berkeley Township's
17 premier high income sections due to de-annexation,
18 since the average income throughout Berkeley
19 Township will be much less, therefore, making our
20 town a less desirable town to live or to purchase
21 property in.

22 Also, I believe the additional taxes
23 needed to be raised, due to the loss of
24 South Seaside Park's ratables, will be much higher
25 than the average \$275 per year, as shown in that

1 de-annexation report. And it will be a substantial
2 financial hardship to Berkeley Township residents if
3 de-annexation is permitted.

4 Now, let me explain. I will use my
5 home as an example of the additional taxes residents
6 who live in waterfront communities will be required
7 to pay. In October of 2012, Superstorm Sandy caused
8 substantial damage to our waterfront communities,
9 including my home. I was required by town ordinance
10 to either elevate and repair the damage or demolish
11 my home. I chose to elevate and repair, like so
12 many other homeowners. When all the repairs were
13 completed and I finally moved back in my home, my
14 home was assessed at almost \$800,000.

15 Recently, I contacted a realtor. And
16 was told, most waterfront homes on the mainland in
17 Berkeley Township are assessed at approximately
18 somewhere between 600,000 and well over 800,000.
19 Using the town's calculation, as shown in the
20 de-annexation report, I will now have to pay about
21 \$1,100 more every year in taxes, and every homeowner
22 living in a waterfront community will be taxed well
23 over the \$275 per year as shown in the de-annexation
24 report.

25 I mention the storm Sandy, because I

1 am enrolled in the New Jersey Senior Tax Freeze
2 Program. I was recently told by them, my senior tax
3 freeze base will be increased by thousands of
4 dollars because they will not allow the additional
5 assessment I received due to the elevation and
6 repair of my flood damaged home. Now, I wonder, and
7 I'm not sure, I wonder if this de-annexation
8 additional taxes will also not be allowed for
9 seniors and their tax base freeze will also be
10 increased.

11 In closing, I would like to share
12 this board with my final thoughts. I wonder if any
13 of the South Seaside Park residents asking to secede
14 from Berkeley Township have any thoughts or concerns
15 as to the rights of not only the 40 percent of
16 South Seaside Park residents that do not wish to
17 secede, and the financial hardship the vast majority
18 of mainland residents will now have to endure if
19 this de-annexation is approved. Perhaps we should
20 just ignore all Berkeley Township residents' rights
21 and financial hardships, just as long as this small
22 group wanting de-annexation has their wants
23 satisfied.

24 I want to thank this board for taking
25 the time to listen to me.

1 MR. WINWARD: You're welcome.

2 MR. WISER: Mr. Cammarato, if I could
3 just -- one quick question for the record, sir. Do
4 you live on main -- where do you live, sir?

5 MR. CAMMARATO: I live in Glen Cove.

6 MR. WISER: So, that's on the
7 mainland --

8 MR. CAMMARATO: Yes.

9 MR. WISER: -- for the record.

10 MR. CAMMARATO: Yeah.

11 MR. WISER: Okay. Thank you.

12 MR. CAMMARATO: I was going to say,
13 if anyone has any questions, I would be more than --
14 have to answer them, but you would have to use your
15 microphone.

16 MR. WINWARD: Okay. And I also want
17 to remind everybody, please refrain from your
18 comments, laughter, guffaws to his opinion. We've
19 been sitting here for four years going through this
20 testimony. And we didn't make any faces at you when
21 you had your testimony done. We didn't give you
22 thumbs down or laugh or anything like that. So, we
23 have to be fair here. There's going to be people
24 who are going to be for this, there are going to be
25 people against it. And we want to hear as many

1 people as possible. Please proceed.

2 MR. RING: Thank you.

3 MR. MICHELINI: Just briefly, I
4 concur with the chairman's comments. I know that I
5 don't represent all you people. But those who
6 signed the petition, please abide by what the
7 chairman said. Thank you.

8 MR. RING: Good evening. My name is
9 Bobby Ring, R-i-n-g.

10 BOBBY RING, sworn.

11 MR. RING: Good evening, my name, as
12 I said, is Bobby Ring, and along with my wife, Pam,
13 I own a home at 119 Surf Drive. I'm a part-time
14 resident, but a full-time taxpayer in Berkeley
15 Township. I spend about 45 percent of my time in
16 Berkeley since my wife and I bought our home here in
17 2012. We plan to eventually retire in South Seaside
18 Park.

19 First, I'd like to thank all of you
20 for your kind attention while you listened to these
21 hearings regarding this application. I realize that
22 you're all volunteers serving our community. And
23 for that, I again say thank you.

24 I've attended approximately 90
25 percent of the 35 planning board meetings and

1 de-annexation proceedings over the last three years
2 and nine months. And I'd to make a couple of
3 comments on the processes that I've observed.

4 I've recently observed the board
5 exhibit great interest in making sure they have all
6 of the information that they need to make a decision
7 about this application. This included letting the
8 township CFO revise his report, including several
9 additional testimonies, and included the township
10 administrator, Mr. Camera, asking the school
11 superintendent and the school board administrator if
12 they would like to appear before this board and
13 testify in any potential impact to the school
14 district.

15 I respect the board wanting to hear
16 all of this information and get all the information
17 that it needs to make an informed decision. But
18 then, unfortunately, I'm reminded of the very first
19 evening that this board heard testimony from the
20 petitioners some three or four years ago. Members
21 of this board interrupted the testimony of one of
22 the petitioners, stating that they didn't feel it
23 was necessary to hear what he was testifying to.
24 And then this board actually voted as to whether or
25 not they wanted to allow him to continue to provide

1 his testimony and get his position on the record. I
2 only wish the board had thought of that -- thought
3 that what he had to say was important as it was to
4 allow the township's CFO to testify as many times as
5 necessary to correct his error laden report.

6 During the course of these
7 proceedings, we've heard testimony indicating that
8 members of this board have spoken publicly about
9 these proceedings and actually given warnings to
10 other residents that their taxes may go up if this
11 de-annexation application is approved.

12 We've learned of conflicts of
13 interest with professionals representing the
14 planning board and the township. And even learned
15 that the township engineer represents both Berkeley
16 Township and the Borough of Seaside Park. Yet, gave
17 neither party notice of the potential conflict of
18 interest. And we heard the township administrator,
19 Mr. Camera, refer to a group of citizens petitioning
20 its government for a change as a group of elitists.

21 Thanks to the Open Public Records
22 Act, we have learned that there were, apparently,
23 numerous e-mails between township officials and
24 planning board professionals, and even several
25 meetings that included discussion of preparing

1 witnesses for these proceedings. Witnesses were
2 even given annotated copies of transcripts of prior
3 witnesses' testimony, which included notes prepared
4 to help them understand the author's opinion on that
5 testimony. One can only assume for the purpose of
6 influencing their own testimony.

7 At last month's meeting, this board
8 actually debated limiting public comment on this
9 application. And after nearly four years of
10 testimony, the public finally gets a chance to let
11 you know what we think about this process, and you
12 considered limiting not only who could speak but for
13 how long. I'm pleased that Attorney McGuckin
14 advised you otherwise.

15 I was also very disappointed in your
16 decision to instruct this public hearing into the
17 process before the professional you've hired makes
18 his report and offers his professional opinion to
19 the board. The public has a right to comment on his
20 recommendations and opinion before you consider
21 them.

22 For the record, I support
23 de-annexation. And in addition to many of the
24 reasons that the petitioners have testified to, I
25 believe a significant reason to support

1 de-annexation is the South Seaside Park community's
2 identification and association with the people,
3 culture and civic organizations of the other beach
4 communities that make up the barrier peninsula.

5 For my fellow township residents who
6 are here tonight concerned that their property taxes
7 may go up if South Seaside Park successfully
8 de-annexes from Berkeley, you should know that the
9 Berkeley Township CFO testified that the increased
10 ratables in the remainder of Berkeley Township would
11 offset the loss of ratables from South Seaside Park
12 within a few years, negating any projected tax
13 increase. More importantly, you should also know
14 that part of the testimony that was offered at these
15 hearings over the last several years was from a
16 certified municipal finance officer, who testified
17 that with the savings from the services that would
18 be no longer required, that Berkeley Township would
19 actually save money following de-annexation.

20 In business, if you have fewer
21 customers and less revenue, then you must reduce
22 your costs and your workforce to reflect those
23 changes in order to balance the books and survive.
24 The same is true in government. Testimony was given
25 showing that savings can be accomplished in many

1 ways, including the reduction of overtime and the
2 elimination of positions through attrition.

3 De-annexation would require elected
4 officials to make some tough choices, and it's the
5 citizens' responsibility to hold their elected
6 officials accountable to do so.

7 Thank you very much for your time.

8 MR. WINWARD: Thank you.

9 MS. LUCIANO: Good evening.

10 Carol Luciano. 103 23rd Avenue. South Seaside
11 Park.

12 CAROL LUCIANO, sworn.

13 MR. MCGUCKIN: Carol, just for the
14 record, you're not a signer of the petition,
15 correct?

16 MS. LUCIANO: No, I'm not. At the
17 time, I did not live here.

18 MR. MCGUCKIN: Thank you.

19 MS. LUCIANO: I do now. I have just
20 a few points to make regarding travel time. Over --
21 between the years 2013 and 2016, I had the pleasure,
22 actually, to speak before the two boards. And have
23 contact with everyone. And I spent a great deal of
24 time making trips across the bridge, at a time of
25 approximately 40 to 45 minutes each way. I attended

1 numerous meetings. Came to township hall for OPRA
2 reports, requests and to speak with officials,
3 obtain police reports. And speak not only before
4 the two boards but also before the mayor and
5 council.

6 As I said, the trip runs
7 approximately 40 to 45 minutes each way. And, quite
8 frankly, it's too far when you have an issue that
9 has to be dealt with. I heard people speak about
10 the -- about, well, why would you buy here, if --
11 buy there, if it's so far from where you have to go.
12 Well, the reason is, as I believe people did
13 testify, I personally did not know until the title
14 search was done. And our attorney called and said,
15 the location is not in Seaside Park, it's in
16 Berkeley Township. So, that was how I realized I
17 was moving to Berkeley Township.

18 Another issue, and I believe it has
19 been corrected -- thankfully, I haven't had the
20 chance to encounter it -- I had to apply for a full
21 restraining order. I did have to call the police on
22 June 27 of, back in 2010. The Berkeley police
23 responded. But, sadly, it took them 21 minutes.
24 Now, this is -- this restraining order was obtained
25 due to violence. And it was a very frightening

1 experience for me. In my opinion, this situation,
2 21 minutes is too long.

3 And that's it. Those are my comments
4 for the board. And thank you very much for
5 listening.

6 MR. WINWARD: You're welcome.

7 MS. LUCIANO: And if you would like
8 the police report, I do have it with the times.

9 MR. MCGUCKIN: I'd rather not put
10 that in the record, ma'am --

11 MS. LUCIANO: Okay. That's fine.

12 MR. MCGUCKIN: -- especially if it
13 was a domestic violence incident.

14 MS. LUCIANO: That's -- well, the
15 violence didn't occur that date, but that was the
16 reason for the restraining order.

17 MR. MCGUCKIN: You can certainly --
18 if that's the case, then there's no problem with the
19 report --

20 MS. LUCIANO: Okay.

21 MR. MCGUCKIN: -- especially if
22 you're offering it for the times.

23 MS. LUCIANO: All right. Thank you,
24 Mr. McGuckin.

25 MR. WINWARD: Who would like to go

1 next?

2 (The Police report dated 6/27/10 was
3 marked as P-5 for identification.)

4 MARY ANN MENEHGHIN, sworn.

5 MS. MENEHGHIN: My name is
6 Mary Ann Meneghin. I'm at 1493 Barnegat Avenue in
7 South Seaside Park.

8 MR. MCGUCKIN: I'm sorry, Mary Ann.
9 Could you spell your last name again.

10 MS. MENEHGHIN: M-e-n-e-g-h-i-n. And
11 I will also be honest and tell you, I don't know, I
12 can't remember whether I signed the petition or not.
13 But I'm -- you know, I thought, oh, dear God -- but
14 I'm here because of the letter that came with the
15 tax bill, what was it, two weeks ago. And the mayor
16 said at the bottom of the letter, if you have any
17 questions, please feel free to call. So, I did.
18 Because in the letter with the tax bill, came this
19 letter that, about senior bus trips.

20 Now, when I moved into Berkeley
21 Township 20 years ago, I didn't need this
22 (indicating) and but these days I do. I need this
23 and I do need some assistance. So, I was really
24 interested in the senior bus trips. And it said
25 there was a registry. So, I called, I did call the

1 mayor's office and I talked to a lovely person. I'm
2 sorry, I didn't get her name. And, you know, it was
3 about ten-dollar registration, plus the cost of the
4 trips. And online, which I'm not, you know, used
5 to, it says, but in person registration is August
6 16, from nine to three. This arrived on August the
7 20th. So, I said to her I, obviously, couldn't come
8 down and register even if I wanted to. So, she
9 said, oh, I'm so sorry. Okay.

10 Then it went on. It says, busing
11 provided from all clubhouses. So, I said, well,
12 where's our clubhouse? And she went, oh. And she
13 said, wait a minute, let me -- she left me. You
14 know, she came back and she said, well, she said,
15 we're working on it. She said, they're working on
16 getting a clubhouse over there. She said, we're
17 turning this over to the recreation department. And
18 she said, please give me your name and phone number
19 and someone will call you.

20 Now, that was like a week or so,
21 nobody's called me. So, my complaint is, along with
22 some of the other comments that were made, that I've
23 had to call Tri-Boro first aid. One time I called
24 the fire department. They told me that I had to
25 call Berkeley Township Fire Department. I said I'm

1 glad my house was not burning down. It was just the
2 deck, the grill outside. But we do lack services.
3 And, at this point, I would greatly appreciate
4 having some kind of senior services for us.
5 Because, although I am a bit incapacitated, I'm
6 still an active senior. And I would like to get
7 some services on that end.

8 Thank you.

9 MR. WISER: Ma'am, before you sit
10 down, if I may.

11 MR. WINWARD: Yes, please.

12 MR. WISER: Just wondering. You've
13 talked eloquently about services. Are you for or
14 against de-annexation?

15 MS. MENEHGHIN: I am for
16 de-annexation, yes, because I believe that a lot
17 of -- I go to church on the barrier island. I shop
18 on the barrier island. Much of my activity is
19 confined to the barrier island because I have
20 difficulty getting around. I said, 20 years ago, I
21 was not. I was quite active. And I'm still trying
22 to maintain it. But, like I say, I am limited these
23 days, but I'm slowed down but not knocked down.

24 Thank you.

25 SHARON RUSNAK, sworn.

1 MS. RUSNAK: Sharon Rusnak. 1497
2 Barnegat Avenue. We are part-time residents, but
3 we've owned our property for 22 years. And in those
4 22 years, when we first purchased the property, I
5 was a little leary because we have a storm sewer
6 right on the corner. And my husband's family had
7 problems with one of those when he was growing up.
8 However, being very familiar with the area, my
9 family has had a home in Midway since the 1950s. I
10 have friends who've had houses around the corner
11 from us since the 1970s. I'm very familiar with the
12 neighborhoods.

13 Since Hurricane Sandy, we have had
14 multiple incidents of where a ten-minute downpour
15 causes the water to rise above and over the curbs
16 and halfway up our properties. We've never had that
17 before. Back in 2015, I believe, I took some
18 pictures and we called Berkeley Township. Because
19 at the time, we weren't sure how to go about making
20 the complaint. And the person that we spoke to said
21 that Barnegat Avenue is actually a county road and
22 that the County Road Department would have to take
23 care of that. They would put in a request for
24 someone to come out to check and, you know, evaluate
25 the situation. Well, about 30 to 60 days later, we

1 did spot a county truck. They came out, took a
 2 couple pictures and we never saw them again.
 3 Then back in September 6 of 2017 --
 4 my house is on the corner of Kathryn and Barnegat
 5 Avenue -- we had some rain. It wasn't an all day
 6 rain. Doesn't have to be an all day rain. And the
 7 entire corner -- my house, my lot goes back 70 feet.
 8 Well, 70 feet of Kathryn was flooded up to the
 9 curbs. I have pictures.
 10 At that time, I also sent pictures to
 11 the Ocean County Road Department. I made a phone
 12 call. There was no answer. I left a voice mail.
 13 And then I thought, well, you know, they may get
 14 back to me, they may not get back to me. So, I
 15 faxed the pictures to that department. Made another
 16 phone call. A gentleman answered the phone. He
 17 said, I'm not the supervisor, I can't help you, but
 18 I will tell him. Never heard from him.
 19 July 17, 2018, the pictures are very
 20 much disturbing, in my opinion. There were cars
 21 going by that the water like flooded over the cars.
 22 Again, it was not an all day rain. And the whole
 23 street was flooded, and up through Sprague, Kathryn
 24 and Midway. With those pictures, I sent a e-mail
 25 to -- actually, let me go back. I ended up taking

1 the pictures, making composites of them. And
 2 yesterday, my husband noticed a county truck up the
 3 street. And it was the pumping truck. And we
 4 thought, oh, great, they're going to come out and
 5 clean the storm sewers. They moved from one block
 6 to the next block to the next block with no one
 7 getting out of the truck.
 8 So, he called Ocean County Road
 9 Department. Spoke to a very nice young lady, Randi
 10 Zupco, explained the situation. And she said she
 11 would look into it. Well, she did. We've had
 12 multiple back and forth communication with her. And
 13 she said she got in touch with the supervisor, and
 14 he said, well, it was high tide so they couldn't
 15 clean out the storm sewers. Well, if you know that
 16 you're in a barrier island situation and you have
 17 the tide to deal with, you would look at the tide
 18 tables before you sent your crew out to sit in a
 19 truck for the better part of a day, because the tide
 20 doesn't shift in half an hour, to do this. So, now,
 21 the response we got was that they will be back when
 22 the tide is low. Okay.
 23 Like I said, I sent her the pictures.
 24 We have communication. I think the pictures speak
 25 for themselves. The fact that the side streets are

1 flooding, I really do believe that Berkeley Township
 2 should be fighting with the county to make sure that
 3 the sewers are cleaned out so that Barnegat Avenue
 4 doesn't cause the side streets to flood. And the
 5 flooding is also down on Bayview, down near Miller's
 6 and up further by 22nd, 23rd. It's always flooded
 7 there. And no one's been doing anything about it.
 8 So, you know, to say we have services, yeah, they're
 9 limited.
 10 And as far as, you know, us being
 11 elitists. We're not elitists. We bought the house
 12 22 years ago with anticipation of retiring there.
 13 My taxes have more than quad -- whoops, never mind.
 14 It's just -- it's just frustrating, you know, to go
 15 outside and find that the water has come up. And I
 16 have pictures of after the water receded and how far
 17 up the water came. And it went up halfway on most
 18 of the properties. I only have three pictures, but
 19 you can see where the debris line is on the
 20 properties.
 21 So, I really do think that they need
 22 to get their priorities in order. And I can leave
 23 these pictures. I have the dates and the streets
 24 that are involved in the pictures. And I don't know
 25 if you want the e-mails and the fax reports.

1 MR. MCGUCKIN: Whatever you want to
 2 present, you can present. But you understand that
 3 if de-annexation went through, it would still be a
 4 county road. It would be still be a county
 5 responsibility.
 6 MS. RUSNAK: I understand that,
 7 but --
 8 MR. MCGUCKIN: I just want to make
 9 sure you did. I wasn't sure.
 10 MS. RUSNAK: No, I understand that.
 11 I'm also a realtor of 40 years, so I know the area.
 12 MR. MCGUCKIN: Okay. If you want to
 13 admit those, we'll mark them.
 14 MS. RUSNAK: Yes.
 15 MR. MCGUCKIN: Whatever you what to
 16 submit. So, that will be P-6.
 17 MR. WISER: Ma'am, for the record,
 18 are you for or against?
 19 MS. RUSNAK: I am for the
 20 de-annexation.
 21 MR. WISER: Thank you.
 22 MS. RUSNAK: Someone mentioned the
 23 police presence. I knew there was something else.
 24 A couple of weeks ago, there were fireworks going
 25 off all over. And it wasn't Fourth of July. And it

1 was an hour and a half of steady fireworks. And I
2 did call the police department. I had to make three
3 separate contacts before I got Berkeley Township
4 Police, because I dialed 911. They took all my
5 information. Well, let me put you through to so and
6 so. Okay. They took my information. Then,
7 finally, the Berkeley Township Police. So, you
8 know, I agree with the lady who said it took 21
9 minutes for the police to get there.

10 We've only started seeing a presence
11 of -- an added presence of the Berkeley Township
12 Police since we started the de-annexation process.
13 Before that, if we saw one police officer drive
14 through once or twice a day, we were lucky.

15 MR. WINWARD: What time of day was
16 that fireworks?

17 MS. RUSNAK: It was like --

18 MR. WINWARD: Supposedly, they're
19 legal now.

20 MS. RUSNAK: -- between 9:30 and
21 quarter after 11. I let it go and let it go and let
22 it go, p.m., hoping that they would stop. And it's
23 you know, it's ongoing.

24 MR. WINWARD: It's becoming a problem
25 now because there's some legality now with

1 fireworks.

2 Okay. Next resident?

3 MR. MCGUCKIN: She's got to mark it.

4 MR. WINWARD: Just hold off until our
5 court reporter marks.

6 (The Photographs were marked as P-6
7 for identification.)

8 JOHN BUDISH, sworn.

9 MR. BUDISH: John Budish,

10 B-u-d-i-s-h.

11 Okay. I'm 75 years old. I've been,
12 one way or another, I've been a resident of
13 South Seaside Park for 74 years. So, I seen a lot
14 of development. From 1944 to 1966, my parents had a
15 house on Third Lane and Midway. '66, they bought
16 the house where I'm residing now on Anchor Drive.

17 MR. MCGUCKIN: I'm sorry, John. I
18 just want to put on the record. You did not sign
19 the petition; is that correct?

20 MR. BUDISH: I did not sign the
21 petition.

22 MR. MCGUCKIN: Okay.

23 MR. BUDISH: And I'm not in favor of
24 de-annexation.

25 Okay. I lost my train of thought.

1 In 1999, I retired and we moved down full-time. So,
2 I've been there. And like I said, back in the day,
3 there was Barnegat Avenue, say, from 20th to 20 --
4 from 20th up to 14th was nothing but sand and poison
5 ivy. There was no houses there. So, the
6 development was due to two people that owned all
7 that property, which was Joseph Citta and
8 Mr. William Hiering. They owned all that property.
9 That's how all the houses got developed.

10 Now, in reference to Hurricane Sandy.

11 I had no damage to my house other than losing two
12 sections of stockade fence. But being we had no
13 electricity and when they shut the gas off and the
14 water off, I went to Toms River to live with my son.
15 We moved back into our house on December 21st. It
16 was a day or two later, I took a walk up the beach
17 with my dog to see what it looked like. And it was
18 low tide. So, I was walking along the water's edge
19 looking for sea glass. Nobody around to the north
20 of me or south of me. All of a sudden, here comes
21 two quads, with two Seaside Park police officers on
22 them. They stopped probably from me to you away.
23 Throw sand all over me and the dog. Get off the
24 beach. Get off the beach. Seaside Park beaches are
25 closed. I said, excuse me. He says, I said Seaside

1 Park beaches are closed. And I said, excuse me,
2 this is not Seaside Park. See the end of the
3 boardwalk? He goes yeah. I said, that's the end of
4 Seaside Park. This is Berkeley Township. Get the
5 you know what out of here. And they left.

6 But then, another thing. If it --
7 due to Sandy, Seaside Park wasn't going to give us
8 access for six months to get in. And if it wasn't
9 for Chief DiMichele's fighting to get us in, you
10 know, you don't know how many houses would have been
11 broken into, because there was -- I know of two
12 times that people came over by boat and were looking
13 to be break into houses. So, I am not for
14 de-annexation.

15 Thank you.

16 MR. WINWARD: You're welcome.

17 MR. MICHELINI: I have a question.

18 MR. MCGUCKIN: No, no. No,
19 Mr. Michelini. We're not cross-examining any
20 witnesses. They're giving opinions in almost every
21 instance. We're not going to be here -- we'll be
22 here for three more meetings just on this. No one
23 is cross-examining.

24 MR. MICHELINI: Well, I object to
25 that procedure --

1 MR. MCGUCKIN: I understand.
 2 MR. MICHELINI: -- especially since
 3 Mr. Wiser has been asking questions.
 4 MR. MCGUCKIN: He asked one question.
 5 Are you in favor or opposed, that's it.
 6 MR. MICHELINI: And he's asked a few
 7 other questions, too.
 8 MR. MCGUCKIN: I don't believe so.
 9 MR. MICHELINI: I just want it on the
 10 record. Okay. If these people are getting up and
 11 entering their opinion or making statements, I
 12 should have the right to cross-examine them. And I
 13 think it's a departure from proper procedure to
 14 disallow me that cross-examination. Now, you can
 15 make whatever ruling you want. But I'm making it
 16 very clear on the record that that's improper.
 17 MR. MCGUCKIN: Well, that's fine.
 18 Then all you were talking about then is
 19 cross-examining of any witnesses also in favor.
 20 MR. MICHELINI: Anybody can be
 21 cross-examined.
 22 MR. MCGUCKIN: That's up to the board
 23 if that's what they want to do. I did not
 24 understand that to be the process we were following
 25 this evening. But it's up to the board what they

1 want to do.
 2 MR. MICHELINI: I never mentioned --
 3 I never gave up my right of cross-examination. I
 4 never indicated that that was being waived. What I
 5 was doing, I refrained from cross-examining some of
 6 the witnesses that were not in favor of
 7 de-annexation, because I'm trying to allow this
 8 process to be sped along. But I have one or two
 9 very important questions of Mr. Budish.
 10 MR. WINWARD: Why don't we allow one
 11 question.
 12 MR. MCGUCKIN: Absolutely, Mr.
 13 Chairman.
 14 MR. WINWARD: I think it's fair to
 15 allow one question. Because, like I said, you're
 16 questioning somebody's opinion.
 17 EXAMINATION BY MR. MICHELINI:
 18 Q Mr. Budish, you've been here for
 19 several of these hearings, correct?
 20 A All but two.
 21 Q Okay. And during one of those
 22 hearings, in the middle of the hearing, you actually
 23 went up and started talking to Mr. Gingrich during
 24 the hearing while the hearing was going on. Do you
 25 recall that?

1 A No, I don't.
 2 Q You don't recall that?
 3 A No, but Mr. Gingrich and I grew up
 4 together in North Brunswick.
 5 Q Right.
 6 A So --
 7 Q So you don't deny that you went up
 8 and talked to him in the middle of the hearing?
 9 A I wouldn't say it was the middle of
 10 the hearing. It might have been during a break.
 11 Q So, you do admit that you did that?
 12 A Yeah, I probably did, but it wasn't
 13 during the hearing. It was during a break.
 14 Q The record will reflect when it was.
 15 Do you remember what was said?
 16 A No, I don't.
 17 Q And you live next to Mr. Callahan,
 18 correct?
 19 A Yes, I do.
 20 Q And you're friends with him, correct?
 21 A Most likely, yes.
 22 Q And the sign that's -- the sign
 23 that's -- the South Seaside Park sign with the red
 24 arrow through it, that's on your property line with
 25 his property line, correct?

1 A Yes, it is.
 2 Q And if you're looking at it, you see
 3 his house behind it, correct?
 4 A Yes.
 5 Q But it's your sign?
 6 A No, it's our sign.
 7 Q It's yours and Mr. Callahan's?
 8 A Yeah.
 9 MR. MICHELINI: Thank you very much.
 10 MR. BUDISH: Well, I'd like to tell
 11 you how that sign arrived there.
 12 MR. MICHELINI: Well, I'm just --
 13 my question --
 14 MR. WINWARD: Go ahead.
 15 MR. BUDISH: You want to
 16 cross-examine me, I want to cross-examine you.
 17 MR. MICHELINI: I'm not testifying.
 18 If I was testifying, you could.
 19 MR. MCGUCKIN: John, you want to add
 20 something, John, you can add something. Go ahead.
 21 MR. MICHELINI: There's no question
 22 pending. Let me just state that.
 23 MR. MCGUCKIN: Understood. He wants
 24 to say something.
 25 MR. BUDISH: Three or four years ago,

1 I got up in the morning to go out on the beach to go
2 striper fishing. The sign was there. So, I thought
3 it was Mr. Callahan's. So, I came home later in the
4 day. I saw Mr. Callahan. I said, is that your
5 sign? He said no, I thought it was yours. So,
6 being that we're -- are not in favor of
7 de-annexation, I put the red line through it.

8 BY MR. MICHELINI:

9 Q And when did -- being that you and
10 Mr. Callahan are not in favor of de-annexation, you
11 put the red line through it. When did you put the
12 red line through it?

13 A Probably a week or two after it was
14 there.

15 Q And this is a couple years ago?

16 A Yes.

17 Q So, you knew back then Mr. Callahan
18 wasn't in favor of de-annexation, correct?

19 A Right.

20 MR. MICHELINI: Thank you.

21 MR. WINWARD: Okay. I hate to do
22 this to you, but our court reporter needs a quick
23 break. Would you be willing to wait a few minutes?
24 (Off the record.)

25 (Recess was taken.)

1 MR. WINWARD: Let us proceed.

2 ALAN SCHOENWIESNER, sworn.

3 MR. SCHOENWIESNER: My name is
4 Alan Schoenwiesner. I live on 22nd Avenue with my
5 wife, Carol. We've got 65 years of presence because
6 her parents owned the house before us.

7 MR. MCGUCKIN: Alan, could you spell
8 your last name, please.

9 MR. SCHOENWIESNER: Okay. It's
10 S-c-h-o-e-n-w-i-e-s-n-e-r.

11 MR. MCGUCKIN: And, Alan, you did not
12 sign the petition?

13 MR. SCHOENWIESNER: I signed the
14 petition, yes. And I am for de-annexation.

15 MR. MCGUCKIN: Alan, if you signed
16 the petition, this is not the night for you to
17 testify.

18 MR. SCHOENWIESNER: Pardon?

19 MR. MCGUCKIN: If you have signed the
20 petition, this is not the night for you to testify.
21 You have already had the chance through your
22 attorney, but you'll have another opportunity when
23 the petitioners present their rebuttal case.

24 So, we said that at the very
25 beginning of the meeting.

1 MR. SCHOENWIESNER: Oh, geez. I only
2 have a couple of things to say.

3 MR. MCGUCKIN: Sir, I'm sorry. We
4 want to hear from anyone who has not yet had an
5 opportunity to present any testimony or comments.

6 MR. SCHOENWIESNER: I haven't had an
7 opportunity to say anything.

8 MR. MCGUCKIN: Sir, if you signed the
9 petition, you're represented by Mr. Michelini. And
10 he has presented months and months of testimony, in
11 fact, years of testimony and exhibits. So, yes, you
12 have been represented. I know you will get an
13 opportunity, it just won't be this evening.

14 MR. SCHOENWIESNER: Well, I can't
15 guarantee that I signed the petition. I think I
16 did. I'm not sure.

17 MR. MCGUCKIN: That's good enough for
18 us. You're under oath and you believe you signed
19 it. You're going to have another opportunity. It
20 just won't be this evening, sir.

21 MR. SCHOENWIESNER: Okay.

22 MR. MCGUCKIN: We want to hear from
23 people who have not signed who are not parties to
24 the litigation.

25 MR. SCHOENWIESNER: Well, I

1 understand what you're saying. And I don't think
2 it's fair because I'm not here a good part of the
3 year. I have a residence here in Seaside Park or
4 South Seaside Park, and I also have a residence in
5 Florida. And it's impossible for me to come back up
6 here from Florida to testify at these meetings.

7 MR. MCGUCKIN: Alan, we said this at
8 the beginning of the meeting. You are represented
9 by Mr. Michelini, who's not standing up and not
10 saying anything.

11 MR. SCHOENWIESNER: I didn't hear
12 that. I can't --

13 MR. MCGUCKIN: He's letting you do it
14 for him. But that is the case. You are represented
15 by him. He's presented months of testimony. We
16 said this at the beginning of the meeting. If you
17 are represented or signed the petition --

18 MR. SCHOENWIESNER: Okay.

19 MR. MCGUCKIN: -- then you don't get
20 the chance to go tonight. You will get another
21 opportunity.

22 MR. SCHOENWIESNER: Well, there's
23 some safety issues which I'm not being given a
24 chance to discuss --

25 MR. MCGUCKIN: You will have the

1 opportunity. Just not this evening, sir.
 2 MR. SCHOENWIESNER: And --
 3 MR. MICHELINI: If -- are you a
 4 registered voter in --
 5 MR. SCHOENWIESNER: Yes, I am.
 6 MR. MICHELINI: -- in Berkeley?
 7 MR. SCHOENWIESNER: In Berkeley.
 8 MR. MICHELINI: Then you probably
 9 signed the petition. So --
 10 MR. SCHOENWIESNER: Yes.
 11 MR. MICHELINI: -- they're going to
 12 give you another opportunity on another night. I
 13 know that --
 14 MR. SCHOENWIESNER: Yeah, another
 15 night, then I'm going to be in Florida.
 16 MR. MICHELINI: Okay. Well, we'll
 17 talk about it. Okay. I'll talk to you about it
 18 after the meeting. Okay?
 19 MR. SCHOENWIESNER: Okay.
 20 MR. MICHELINI: Sorry about that.
 21 MR. SCHOENWIESNER: Well, again, I
 22 sort of protest. I don't think it's fair, because
 23 I'm not here all the time.
 24 MR. MCGUCKIN: I understand, sir.
 25 MR. MICHELINI: If he's not here next

1 meeting. Are you going to be here --
 2 MR. SCHOENWIESNER: I won't be here
 3 next meeting.
 4 MR. MICHELINI: Well, it's to the
 5 discretion of the board, then. It's up to the
 6 board.
 7 MR. SCHOENWIESNER: Okay. Because I
 8 think I have some things to say that I think are
 9 very important from a safety standpoint.
 10 MR. MCGUCKIN: It's up to you, Mr.
 11 Chairman.
 12 MR. WINWARD: Can you be really
 13 brief, because we want to make sure everybody gets
 14 heard.
 15 MR. SCHOENWIESNER: Okay. It won't
 16 take me more than five minutes.
 17 MR. WINWARD: Okay.
 18 MR. SCHOENWIESNER: One of the things
 19 that I'd like -- thank you very much for allowing me
 20 to speak.
 21 One of the things I wanted to discuss
 22 very quickly was the walkway going to the beach. We
 23 appreciate the fact that you people put up a new
 24 walkway this year. But it's about half the size of
 25 the walkway that we used to have.

1 I'm 75, and I go to the beach with --
 2 a lot with senior citizens. And walking an extra
 3 50 feet, through the sand, gets to be a little
 4 difficult, because I have two bad knees. And we
 5 have some people that don't even go to the beach
 6 anymore. That's one quick issue. So, we'd
 7 appreciate it if you could lengthen the walkway.
 8 Another thing is, on the top of the
 9 railings that are on the beach, there's an opening.
 10 Okay. Now, I have seen children walking through
 11 that walkway and hanging on a wall, which is
 12 probably about six inches wide. And one of these
 13 days, one of those kids is going to fall off and
 14 fall onto the bike rack. Okay. And it would only
 15 take a few pieces of wood to fix that and make it so
 16 the kids can't get through that.
 17 The last thing I want, I'll talk
 18 about then is the -- I have one complaint about, you
 19 know, a few years ago when they were redoing the
 20 boardwalk after Sandy, they were putting up a new
 21 walkway. And they were putting up new railings.
 22 Okay. They never finished the railings before the
 23 season, the summer season started. I called up
 24 Berkeley Township, and I had a very difficult
 25 conversation with the lady I spoke with. And she

1 just told me that they didn't have time to do it.
 2 And I, you know, told her it was a safety issue.
 3 And I said, well, what kind of services are we
 4 getting from Berkeley Township? And I was told,
 5 well, we pick up your garage. That's all I have to
 6 say.
 7 Thank you.
 8 MR. WINWARD: Thank you.
 9 MR. SCHOENWIESNER: Thank you very
 10 much for your time.
 11 MR. WINWARD: You're welcome.
 12 LISA MUSCI, sworn.
 13 MS. MUSCI: Lisa Musci, M-u-s-c-i.
 14 Okay. I have a home on Two First Lane,
 15 South Seaside Park, Midway Beach. I'd like to bring
 16 up an incident that occurred on August 2, 2 --
 17 MR. MCGUCKIN: Lisa, just -- you
 18 didn't sign the petition? You're not a registered
 19 voter?
 20 MS. MUSCI: No, I'm not a registered
 21 voter.
 22 MR. MCGUCKIN: Thank you very much.
 23 MS. MUSCI: I live in Pompton Plains,
 24 New Jersey.
 25 (off the record.)

1 MS. MUSCI: Okay. So, August 2,
2 2013, an incident occurred in Midway Beach, where
3 two young men, under the influence, tried to enter a
4 home my niece was renting on Third Lane. My sister,
5 who lives across the street on Third Lane, happened
6 to be at that residence. She opened the door. She
7 heard shouting and commotion. So, you know, it's
8 pretty safe place. You don't really -- she opened
9 the door. And these two men were trying to enter
10 the home. Okay. So, at this point, my nephew,
11 trying to push them out, closed the door. You know,
12 we don't know what's going to happen. So, I mean,
13 this was a very frightening experience. My nieces
14 were crying. They just didn't know what was going
15 on. These men were really under the influence,
16 incoherent. Okay.
17 So, at that point, a neighbor called
18 the police. We didn't call the police, but someone
19 called the police. So, immediately, Seaside Park
20 police came, two police cars. And Tri-Borough came,
21 two ambulances, within minutes. The police took
22 care of the situation. When it was over,
23 Berkeley Township police arrived. Okay. So, to me,
24 that's just not acceptable. Okay. That's number
25 one.

1 Number two, I have a very disabled
2 adult child. And when you hear things like police
3 responding after so long. And someone else said
4 that they were told, well, you have to call
5 Berkeley. If something should happen to my child,
6 so what are we going to say? Oh, well, Berkeley
7 couldn't get there. Okay. That should be on the
8 record.
9 And then, my cousin, who's a resident
10 of Midway Beach, has been calling regarding garbage
11 cans. Are we entitled to garbage cans as
12 Berkeley Township residents? I mean --
13 VOICE: Robo cans.
14 MS. MUSCI: Are we entitled to those?
15 MR. MCGUCKIN: There's been extensive
16 testimony on that already in the proceedings.
17 MS. MUSCI: Excuse me?
18 MR. MCGUCKIN: There has been
19 extensive testimony with respect to that already in
20 the proceedings.
21 MS. MUSCI: Okay. So, are we
22 entitled to them?
23 MR. WINWARD: Absolutely.
24 MS. MUSCI: Okay. All right. So,
25 that's all I have to say.

1 Thank you.
2 MS. SKEFFINGTON: Hello, my name is
3 Alisanne Skeffington. I live at 108 Beach Drive in
4 South Seaside Park.
5 ALISANNE SKEFFINGTON, sworn.
6 MS. SKEFFINGTON: I don't have
7 complaints. I have some comments. And one of the
8 first ones was, I heard banter in the beginning of
9 the evening about, if you signed the petition, are
10 you a registered voter, back and forth. I did sign
11 the petition. I am not a registered voter in
12 New Jersey. I have not been a registered voter in
13 New Jersey for ten years, although I did just get
14 summoned for jury duty in Ocean County. So, anyway.
15 So, I am --
16 MR. MCGUCKIN: Ma'am, I'm sorry to
17 interrupt you for a second.
18 MS. SKEFFINGTON: Yes.
19 MR. MCGUCKIN: If you signed the
20 petition, whether you're a resident or not, if you
21 signed the petition, you are represented by
22 Mr. Michelini. And we're going to continue the
23 hearing with people who have not yet had a chance to
24 present any testimony to the board.
25 MS. SKEFFINGTON: Well, I also am a

1 resident of South Carolina. I am here --
2 MR. MCGUCKIN: I --
3 MS. SKEFFINGTON: Excuse me. My
4 turn. I am here two months, and you let the other
5 gentleman who lives in Florida say a couple of
6 words.
7 MR. MCGUCKIN: That's the discretion
8 of the board. I understand. And you can make that
9 same request. But I'm telling you that that is not
10 what we agreed to do this evening. And, again, it
11 will be up to the board if that's what they want to
12 do.
13 MS. SKEFFINGTON: Well, I ask you.
14 The other gentleman was allowed to speak. I'm not
15 complaining. I have some comments.
16 MR. WINWARD: Do you have one point
17 to make? Because we do want to hear from all the
18 other people who aren't represented by
19 Mr. Michelini.
20 MS. SKEFFINGTON: I just have a
21 couple of points to make. But my one question is,
22 since I am not a registered voter, do my opinions
23 count as much as everybody else, since I do pay
24 taxes and so on? Would I be allowed to vote --
25 MR. WINWARD: Please just make your

1 point.

2 MS. SKEFFINGTON: Okay. All right.

3 But I would like to find that out.

4 In regard to the ambulance and
5 response time, and there was a comment about it
6 costs money for us to use Seaside Park services, I
7 understand that. Can you put a price on a life?
8 That's all.

9 As for notifications, as I said, I
10 live here two months a year. Two years ago, I
11 believe, I got one notification in the summer about
12 the park music fest, that's it. We get nothing
13 except our tax bills. I have all my mail forwarded.
14 I get nothing from you. I have no notifications --
15 pardon me -- about anything.

16 As for the price of taking care of
17 the beaches. I think everybody knows that you pay
18 for badges to go on these beaches, so it doesn't
19 totally fall on the taxpayer. There is a charge,
20 and I believe all of Berkeley Township is allowed to
21 come over and use the Berkeley Township beach. So,
22 it's not just for the people that live there.

23 In regard to school kids. I don't
24 honestly know how many children there are. I know
25 there's barely any. But there's a lot of money

1 spent on busing to come and get those kids and so
2 on. And, you know, prices are a little bit better
3 here in South Jersey than North Jersey.

4 And Mr. Cammarato, I believe, made a
5 statement about more kids moving in. Well, I know
6 that two years ago down the street, family with kids
7 moved in. I know that right next door to me,
8 there's a family with two kids that moved here.
9 They were going to move here full-time this fall.
10 So, that's something to consider as well. If you
11 don't want to --

12 MR. WINWARD: Actually, I don't want
13 to interrupt you --

14 MS. SKEFFINGTON: Yes.

15 MR. WINWARD: -- but it's the same
16 school district that services the entire barrier
17 island from Ortley Beach South, so --

18 MS. SKEFFINGTON: Okay. But --

19 MR. WINWARD: That won't change.

20 MS. SKEFFINGTON: But is the busing
21 also included in Ortley Beach?

22 MR. WINWARD: That won't change.

23 It's all the same.

24 MS. SKEFFINGTON: Okay.

25 MR. WINWARD: It's a school district,

1 regional school district --

2 MS. SKEFFINGTON: And

3 Berkeley Township doesn't have to pay individuals
4 for -- because I know from being on the board up in
5 North Jersey, if they couldn't provide busing, you
6 had to provide \$600 a month for transportation.

7 MR. WINWARD: Okay. You're taking up
8 a lot of time. Please make your point --

9 MS. SKEFFINGTON: All right. Well,
10 I'm just answering. You asked me a question. I'm
11 just giving you something.

12 MR. WINWARD: Make factual points.

13 MS. SKEFFINGTON: And when I bought
14 my house, I wasn't given anything that said there
15 was a difference in services. Mr. Cammarato said
16 there's different services offered to the people at
17 the beach as opposed to people in Berkeley Township
18 proper. Well, not only didn't I receive something
19 about the services in Berkeley, but I never received
20 anything that anything was different with the ocean
21 people. And it just seems to me that it's not quite
22 fair.

23 And one last thing. All right. The
24 gentleman, I'm sorry, Mr. Callahan, I think you live
25 over in South Seaside Park, if you have a sign with

1 an arrow through it on your property, and you're
2 hearing all of this --

3 MR. MCGUCKIN: Ma'am --

4 MS. SKEFFINGTON: -- it just seems to
5 me that you should recuse yourself --

6 MR. MCGUCKIN: No, ma'am --

7 MR. WINWARD: You're out of line now.

8 MS. SKEFFINGTON: -- from the hearing
9 and voting.

10 MR. WINWARD: Hold on.

11 MS. SKEFFINGTON: I'm done.

12 MR. WINWARD: Now, please, if you're
13 not -- if you did not sign the petition, you may
14 speak. We are getting near the end of the evening.
15 And we want to hear as many people as possible. It
16 doesn't matter if you're for or against, we just
17 want to make sure you're not a petition signer.

18 DON MERKER, sworn.

19 MR. MERKER: My name is Don Merker,
20 M-e-r-k-e-r, at 208 Sprague Ave in beautiful
21 South Seaside Park. And I do mean beautiful.

22 Thank you, gentlemen and ladies also,
23 for all your time that you have dedicated. You
24 probably recognize my face. I'm one of the ones
25 that's been here probably 90 percent of the

1 meetings. And I do live in Edison. I did not sign
2 the petition. I'm not a voter.

3 And I am in favor of de-annexation.
4 The reason, I really just want to get a real brief
5 point out, is, I don't admire the elected officials,
6 the job that they have to do. Because, really, with
7 such a large town and so many different little
8 communities in the town, everyone has a little bit
9 of a special need maybe. And you guys, elected
10 officials and volunteers, realize that there's only
11 so many pieces of the pot, that not everyone can get
12 everything or taxes would even go up more,
13 obviously.

14 With that being said, I just feel
15 that Seaside Park, being a smaller township, and
16 having a beach culture, will suit our needs a lot
17 better.

18 Thank you. That's it.

19 GAIL LEIBOWITZ, sworn.

20 MS. LEIBOWITZ: Gail Leibowitz,
21 L-e-i-b-o-w-i-t-z.

22 Okay. My name is Gail Leibowitz. I
23 reside at 11 20th Avenue in South Seaside Park,
24 ocean block.

25 what I'd like to talk to you about

1 today is the condition of our road and lack of
2 adequate coverage from the building department. The
3 walkway to the beach is steeply sloped Trex and very
4 slippery when covered with sand. A volunteer not
5 associated with Berkeley Township sweeps it
6 occasionally, out of the goodness of his heart. I
7 have never seen anyone from Berkeley clean the ramp.
8 Not to mention that 20th Avenue ocean block has not
9 been repaved, actually ever repaved, for at least 50
10 years. To give you an idea of its vintage, it is
11 tar and stone, not macadam. And no one alive
12 remembers it being refinished.

13 My neighbor over there, cannot
14 testify, has a terrible time pushing his wife in a
15 wheelchair on the macadam -- I mean, on the rocks
16 and the gravel and the sand. Occasionally, we do
17 call, complain. And one time this summer, they did
18 come and send a street cleaner so that he was able
19 to push the wheelchair.

20 Also, on 11 20th Avenue, I have a
21 garage now being built. It took over a year to
22 secure the permits to begin construction. And 15 or
23 more trips, I lost count, to Berkeley town hall,
24 which is about a 45 minute trip. Now that
25 construction has finally begun on the garage, the

1 inspectors only visit the island on Tuesday and
2 Thursday. And the construction had to be stopped
3 this summer for two weeks waiting for the inspector
4 who went on vacation. There was no replacement
5 inspector that was assigned. When I called the
6 town, I was told that the mainland has inspectors
7 out five days a week, but in South Seaside Park,
8 they only come on Tuesday and Thursday, when they're
9 not on vacation.

10 Thank you for the opportunity to
11 voice my concerns.

12 JOANN PACIFICO, sworn.

13 MS. PACIFICO: Joann Pacifico. Just
14 like the ocean.

15 MR. WINWARD: Could you say your name
16 again, please? I didn't hear.

17 MS. PACIFICO: Joey Pacifico.

18 MR. WINWARD: Pacifico?

19 MS. PACIFICO: Yes, like the ocean.

20 I have -- I've owned property in
21 Seaside Park at 103 23rd Avenue for over 25 years.
22 And I have another property at the end of the street
23 at 250 that I share with my sister, 23rd Avenue, 250
24 23rd Avenue. I am now a resident of Seaside Park,
25 but just in the last year I retired here. So, I

1 guess what I have to say, I did not sign the
2 petition and I am for de-annexation. I'm one of
3 those 40 percent.

4 What I -- I guess what I have to
5 really say is that even people who are arguing
6 against de-annexation are pointing out how different
7 this community, Seaside Park, is from the mainland
8 communities, in my opinion. It just seems to me
9 that the culture differences are more aligned with
10 what goes on in Seaside Park. And like
11 Carol Luciano, who spoke earlier, I didn't know my
12 property when I bought was in Berkeley Township.
13 But when I bought 25 years ago, it came up in the --
14 it came up in the reviews with the attorneys. So, I
15 thought it was part of it, because it seemed like it
16 should be.

17 So, I, too, have experienced the
18 problems with delays in the police coming on time
19 and having to drive a sister to the airport -- to
20 the emergency room myself. It was very terrifying.
21 And when the police did come, they were polite, they
22 were helpful, but they were late.

23 I, too, have experienced all of the
24 back and forth over the bridge after Sandy, trying
25 to get things done with the engineering departments

1 and see what I can do to make repairs to the home.
 2 It's 40 minutes easy, plus tolls.
 3 I, too, have experienced when you're
 4 trying -- you're at work and you're trying to make
 5 it to a township meeting here, because it's
 6 important that as citizens, we show up. I mean,
 7 local government's the most important kind, I think.
 8 And so, it is hard and sometimes impossible to get
 9 your dog to your house over in South Seaside Park
 10 after work and then get here.
 11 So, those are the points I'd make.
 12 And I'd ask that nobody's wrong here in terms of
 13 wanting the best community for both sides. And I
 14 appreciate all Berkeley Township has tried to do for
 15 us.
 16 Thank you.
 17 MR. WINWARD: You're welcome.
 18 EDWARD LIPMAN, sworn.
 19 MR. LIPMAN: My name is Edward
 20 Lipman, L-i-p-m-a-n.
 21 I would like to make a clarification
 22 about the gentleman who bragged about running his
 23 dog on the beach. I am here tonight to make an
 24 observation that one of the best assets
 25 Berkeley Township has is the quality of the white

1 sands on our beaches. And I am a very blessed
 2 resident to be able to sit on a second floor of my
 3 condominium and watch people walk their dogs up onto
 4 the beach. This summer, I have counted over 200
 5 dogs, 18 of which were on the beach during beach
 6 hours. Three of which, because the lifeguards
 7 didn't now how to handle the situation, that the
 8 resident was claiming they were service dogs.
 9 Now, a community that claims one of
 10 its best portfolio assets is white sand, we are
 11 turning that beach, regardless of the outcome of
 12 this decision tonight, gentlemen, into a giant dog
 13 depository. And, for the records, there are signs
 14 placed on every entryway to the Berkeley Township
 15 beaches on the island, ordinance number 26-1-16,
 16 that very clearly articulates whether or not you
 17 happen to be a member of this community or are a
 18 guest, no walking of dogs on the beach or using the
 19 waters to service your dogs.
 20 If we care so much about the
 21 decisions of these people behind me, why is it that
 22 on three separate occasions, over the last two
 23 summers, I have been given the proverbial runaround
 24 by members of the animal enforcement unit, who did
 25 not know when I mentioned the term South Seaside

1 Park, that I wasn't referring to Seaside Park. They
 2 suggested that I reach out to the Borough of
 3 Seaside Park and speak to the local police
 4 department. And I had to educate the gentleman on
 5 the phone that I am a Berkeley Township taxpayer.
 6 My family has grown cranberries in
 7 Berkeley Township since 1951. I have a great deal
 8 of respect for the community. But I do not respect
 9 members of an organization who pay homage to a
 10 concept, but don't put their money where our tax
 11 dollars are, especially on assets as important. I
 12 cannot get an enforcement official to even stand
 13 over on the beach and see what I see every single
 14 day. So, I would simply bring to the attention of
 15 this committee, that you need to be more attentive
 16 to the assets that you have in your portfolio,
 17 because my children are in a litter box and their
 18 grandchildren do not understand where the dogs go
 19 and where the dogs do not go.
 20 Thank you for the opportunity.
 21 MR. WINWARD: You're welcome.
 22 MR. WISER: Sir, are you for or
 23 against de-annexation?
 24 MR. LIPMAN: I am for de-annexation.
 25 MR. WISER: Thank you.

1 MR. WINWARD: I just wanted to
 2 clarify a comment Mr. Lipman made. There is no vote
 3 tonight. This is an ongoing hearing. And there'll
 4 probably be several more meetings and stuff. So,
 5 there's no vote tonight.
 6 MICHAEL MACDERMOTT, sworn.
 7 MR. MACDERMOTT: Michael MacDermott.
 8 Hi, good evening. I'm not a
 9 resident. I stay at my in-laws' place on 22nd Ave
 10 every year for about two weeks. My only testimony
 11 would be to an experience I had three years ago. We
 12 come down for two weeks every summer. And August of
 13 2015, it was a problem with fireworks on the beach.
 14 And I -- we called it in. Went on for about an
 15 hour. And there was no police response at all. So,
 16 myself and a couple other family members went down
 17 to the beach to try and get them to stop. And what
 18 resulted was an intoxicated group down there. And
 19 it became kind of an unpleasant situation. I called
 20 again to the police to report a dispute that was --
 21 that resulted from this. We had waited about an
 22 hour for the first before we went out to the beach.
 23 So, the situation evolved, but not too much.
 24 Anyway, eventually, that intoxicated group left the
 25 beach. But the police never responded. I mean, we

1 were right there on 22nd Ave at the beach. And it
2 was over an hour and a half and we had no response
3 at all.

4 I would think that if fireworks
5 doesn't generate a response, a dispute should. And
6 the people here should expect better than that.
7 And, I mean, that was our experience. And it would
8 be unsatisfactory at home and I thought it was
9 unsatisfactory here.

10 MR. WISER: Are you for or against
11 de-annexation?

12 MR. MacDERMOTT: For de-annexation.

13 MR. WISER: Thank you.

14 KATHLEEN PRICE, SWORN.

15 MS. PRICE: My name is Kathleen
16 Price. I live at 243 22nd Avenue.

17 I'm just one of the 40 percent. I
18 moved down here full-time last year. So, I'm one of
19 the 40 percent that hasn't been counted. That's all
20 I have to say, because everything else has been
21 covered. And now it's up to whomever.

22 Thank you.

23 MR. WISER: Are you --

24 MS. PRICE: Oh, I'm definitely for
25 de-annexation.

1 DAVID MCKEE, SWORN.

2 MR. MCKEE: David McKee, 100B Beach
3 Drive, Seaside Park.

4 Couple different items. One is,
5 after every big snowstorm -- and I consider anything
6 above six inches a big snowstorm -- after lunch, I
7 go out, look at my street, it's still not plowed.
8 Then I go in my house, go to the third floor and I
9 can look north at Seaside Park. And doggone, all
10 the side streets are all plowed. The main street's
11 plowed. And that's like two o'clock in the
12 afternoon. And maybe by the end of the day, my
13 street will get plowed in Seaside Park south.

14 And the other thing is that I called
15 this spring, one Tuesday morning when we got our
16 recycling collection, my garbage can, my recycling
17 can goes out Monday night. So, it's out on the
18 street plenty of time. It was never emptied. So,
19 that afternoon, I called the collection over here.
20 And I was told, yes, somebody would pick up that
21 can. By the end of Wednesday, it still hadn't been
22 picked up. So, I called again and talked to the
23 Department of Public Works manager, and was assured
24 it would be picked up. And Thursday, it was not
25 picked up again. I called the mayor's office and

1 got an assistant there who assured me that it would
2 be picked up. And Friday, it was not picked up.
3 So, by Saturday, it had still not been touched. And
4 it was the weekend. People would be coming. So, I
5 took the thing and put it back on my property. And
6 decided that I'd have to wait till the next
7 regularly scheduled pickup. So, we don't get
8 service. And, yes, I'm for de-annexation.

9 MR. BACCHIONE: Through the Chair.
10 If I can ask Mr. MacDermott a question. Sorry to
11 bother you after you testified.

12 I'm just curious. You mentioned that
13 you called the police. Are you calling 911? Are
14 you calling Berkeley? Who are you calling?

15 MR. MacDERMOTT: We called 911.

16 MR. BACCHIONE: 911. Okay. That
17 goes to the county, just so you know that. I know
18 you're not from the town. But 911 calls goes to the
19 county. And then the county sends the calls to the
20 municipalities. But I appreciate your comments.

21 Thank you.

22 MR. MacDERMOTT: I think it was 911.
23 Might have been --

24 MR. BACCHIONE: I'm curious.

25 Because, I mean, I'm hearing a lot of testimony

1 tonight about the police not showing up. And as an
2 elected official here in Berkeley Township, I know
3 there are two police cars in Berkeley Township. And
4 I'm just curious as to what's going on. So, I'm
5 going to -- I will talk to the chief in the morning
6 to find out. Because I took down some dates of the
7 previous testimony that you guys have made. And I'm
8 going to ask what happened that day. But I
9 appreciate your answering the question.

10 MR. MacDERMOTT: It was a Saturday
11 night, so it would be busy. And it was 2015. But
12 it should generate a response.

13 (Off the record.)

14 MR. BACCHIONE: Mr. MacDermott, I
15 thank you for coming back up.

16 MR. MacDERMOTT: Sure.

17 MR. BACCHIONE: A Saturday night
18 shouldn't be an excuse that should be a busier
19 night.

20 MR. MacDERMOTT: I agree.

21 MR. BACCHIONE: Especially over there
22 on the barrier islands.

23 MR. MacDERMOTT: Yeah, and it should
24 be anticipated that it's going to busy on a Saturday
25 night. But this went on for more than hour and a

1 half. And we never saw a police car come down.
 2 MR. BACCHIONE: I believe you. I
 3 just want to confirm with the chief what happened.
 4 I want to know exactly what happened.
 5 MR. MacDERMOTT: Yeah. I don't
 6 recall if I dialed 911 or if I called --
 7 MR. BACCHIONE: Do you remember the
 8 date? You said 2015. You don't remember?
 9 MR. MacDERMOTT: -- Berkeley.
 10 MR. BACCHIONE: Was it the
 11 summertime?
 12 MR. WINWARD: He said August.
 13 MR. MacDERMOTT: It was August.
 14 MR. BACCHIONE: Oh, August. Okay.
 15 MR. MacDERMOTT: Yeah. August of
 16 '15.
 17 MR. WINWARD: So you have a choice of
 18 four Saturdays.
 19 MR. MacDERMOTT: Yeah, which one I
 20 don't know.
 21 MR. BACCHIONE: All right. Thank
 22 you.
 23 MR. MacDERMOTT: Okay.
 24 (Off the record.)
 25 MR. WINWARD: Is there -- we might

1 have time for maybe one more, two more. Is there
 2 anybody else that would like to have a -- that's not
 3 a petitioner?
 4 All right. Seeing there's no one
 5 approaching, I thank you all for coming.
 6 MRS. FULCOMER: Question. Could you
 7 take petition signers now or not?
 8 MR. WINWARD: I think because of,
 9 we've almost went the whole time anyway, I think --
 10 MRS. FULCOMER: That's fine.
 11 MR. WINWARD: -- there would be
 12 another night for that. You're always here. You're
 13 not in other states like some of the other people.
 14 I've bent the rule a little bit because of their
 15 locations.
 16 MR. MICHELINI: Thank you for doing
 17 that.
 18 MR. WINWARD: All right. Well, thank
 19 you all for coming. The meeting is adjourned.
 20 All in favor say aye.
 21 ALL: Aye.
 22 (The meeting was adjourned.)
 23
 24
 25

1
 2 CERTIFICATE
 3
 4 I, LINDA SULLIVAN-HILL, a Notary
 5 Public and Certified Court Reporter of the State of
 6 New Jersey, do hereby certify that the foregoing is
 7 a true and accurate transcript of the proceedings as
 8 taken stenographically by and before me at the time,
 9 place and on the date hereinbefore set forth.
 10
 11
 12
 13 ~~Notary Public of the State of New Jersey~~
 14 My Commission expires January 26, 2021
 15
 16 Dated: September 26, 2018
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