

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
 Bayville, New Jersey
 Thursday, October 1, 2015
 8:25 p.m.

10 B E F O R E:
 11 Robert Winward, Chairman
 12 Brian Gingrich, Member
 13 John Bacchione, Councilman
 14 Frederick Bell, Member
 15 Domenick Lorelli, Member
 16 Richard Callahan, Member
 17 Nick Mackres, Member

23 -----
 24 LINDA SULLIVAN-HILL & ASSOCIATES
 25 CERTIFIED COURT REPORTERS
 46 SOUTH LAKEVIEW DRIVE
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 2 I N D E X
 3 NAME OF WITNESS PAGE
 4 SCOTT BAUMAN 4
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 2 APPEARANCES:
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 4 CHERKOS & CONNORS, ESQS.
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 8 Attorneys for the Board
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 11 17 Beaverson Blvd.
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 13 BY: JOSEPH MICHELINI, ESQ.
 14 Attorneys for the Petitioners
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11 ALSO PRESENT:
 12 Kelly Hugg, Secretary
 13 Stanley Slachetka, Planner
 14 Stuart B. Wiser, Planner
 15 Nicholas Dickerson, Planner

1 MR. WINWARD: We're going to proceed
 2 with discussion of the de-annexation of South
 3 Seaside Park. And we're going to have testimony
 4 again from professional planner and the opportunity
 5 for our professionals to discuss -- cross-examine.
 6 MR. MICHELINI: Good evening.
 7 Joseph Michelini, appearing on behalf of the
 8 petition signers from the South Seaside Park
 9 Homeowners and Voters Association.
 10 Mr. Chairman, Mr. Bauman is here
 11 pursuant to our agreement that we would produce him
 12 for this session, to conclude the cross-examination.
 13 I'm hopeful that we can do that as quickly as
 14 possible tonight because he already has been subject
 15 to cross-examination for, I think, the entire
 16 meeting, two hours or close to two hours last time,
 17 an hour and a half, two hours. So, we're ready to
 18 proceed with that.
 19 MR. WINWARD: Stanley, would you like
 20 to start?
 21 MR. SLACHETKA: Sure. Greg, you
 22 don't have anything?
 23 MR. MCGUCKIN: Nothing to start off
 24 with. No.
 25 SCOTT BAUMAN, recalled.

1 MR. SLACHETKA: Good evening.
 2 MR. BAUMAN: Good evening.
 3 (Off the record.)
 4 MR. SLACHETKA: I think maybe a good
 5 starting point might be to kind of reiterate,
 6 refocus the tests and evaluation that you're
 7 undertaking and presenting to the board, just to
 8 sort of reframe it so we can understand, at least
 9 the board understands. If I misspeak about it or if
 10 I incorrectly represent the framework of your
 11 testimony, please correct me.

12 The way I'm understanding it, both
 13 your report and your testimony, focus on essentially
 14 three tests or three key elements. First of which
 15 that if the township refuses to agree to the
 16 petition for de-annexation, that there is going to
 17 be a detrimental impact to the economic and social
 18 well-being of Seaside Park residents.

19 And then that second, that
 20 de-annexation would benefit the economic and social
 21 well-being of South Seaside Park residents.

22 And then the third, de-annexation
 23 would not cause significant injury to the economic
 24 and social well-being of Berkeley Township. And,
 25 essentially, is that the three part or three

1 components of your test, i.e., testimony before the
 2 board?

3 MR. BAUMAN: Yeah, there were four.
 4 The first -- I'm sorry, five. The first three you
 5 mentioned. It's also outlined in the conclusion
 6 beginning on page 44 where all five conclusions are
 7 stated.

8 The ones you missed. If the township
 9 denies de-annexation, South Seaside Park residents
 10 will continue to experience economic and social
 11 injuries. And if Berkeley consents to
 12 de-annexation, that the township's planning and
 13 zoning would not be negatively impacted.

14 MR. SLACHETKA: We talked a lot at
 15 the last session about the planning and zoning
 16 issues, so I'm not going to get too much into, you
 17 know, back into that. But I guess I want to focus
 18 first on the issue of the detrimental impact to the
 19 economic and social well-being of the majority of
 20 residents in South Seaside Park.

21 Essentially, you're a planning
 22 expert. Your primary areas of expertise is in land
 23 use, land use planning, correct?

24 MR. BAUMAN: Historic preservation,
 25 land use planning, economic development.

1 MR. SLACHETKA: Can you outline your
 2 credentials in economic development?

3 MR. BAUMAN: Meet with developers.
 4 Work with them on creating a product that they're
 5 happy with and that the -- that the -- well, I work
 6 in the City of Plainfield, that the residents and
 7 elected officials would be happy with as well and
 8 that would create positive economic influence to our
 9 downtown and to our residents.

10 MR. SLACHETKA: So, essentially, your
 11 expertise in economic issues relate to your work as
 12 a professional planner within the context of the
 13 city planning department working with developers and
 14 applicants to the boards in the city?

15 MR. BAUMAN: As a facilitator to
 16 ensure smooth sailing through the board review
 17 process. To, you know, have technical review
 18 committees work, to give the board the best product
 19 that they can review.

20 MR. SLACHETKA: But that aspect or
 21 that aspect of your professional experience, you did
 22 not necessarily apply that part of it in terms
 23 evaluating development applications or, you know,
 24 facilitating development or economic development
 25 within that land use planning context? That wasn't

1 applied in this report or analysis, was it?

2 MR. BAUMAN: It helped me understand
 3 your land, vacant land analysis. It helped me
 4 understand the study by Urban Associates. It helped
 5 me understand your 2020 vision.

6 MR. SLACHETKA: Okay. So, then,
 7 like, when you say that the de-annexation won't have
 8 an impact on the municipal budget, what areas of
 9 expertise --

10 MR. MICHELINI: Objection.
 11 Objection. He never used the term, municipal
 12 budget. And the last time we were here, he said
 13 repeatedly, because I went through the transcript,
 14 that the economic impact, he didn't analyze the
 15 dollars and cents of it, but he was saying things
 16 like, you know, obviously, if people who live in
 17 South Seaside Park don't have to drive here to come
 18 to municipal meetings or to, you know, get permits
 19 or do things of that nature that, you know,
 20 residents have to come to town hall for, that there
 21 was an economic savings that they would have. And
 22 that's the context in which he gave that opinion.

23 The dollars and cents will be
 24 addressed by an economic expert. You know, I don't
 25 want to go backwards. We're spending time. We've

1 already been over this. So I do object to that
 2 question. Because he's already testified to it.
 3 It's been asked and answered probably three times in
 4 the transcript.
 5 MR. WISER: Well, except,
 6 Mr. Michelini --
 7 MR. MICHELINI: I think your attorney
 8 should rule on that.
 9 MR. MCGUCKIN: Well, I think that the
 10 testimony is one thing, but the report itself
 11 details and concludes numerous times, I think, a
 12 little bit summary matter, that there's an economic
 13 and social benefit to the residents and not an
 14 economic loss or detriment to the rest of the
 15 municipality. And I think it's appropriate to
 16 question him on how he reaches that conclusion. I
 17 understand that he's been clear that he's not an
 18 economic expert.
 19 MR. MICHELINI: Right.
 20 MR. MCGUCKIN: But I think when he
 21 concludes in his report, and I had to have read it
 22 in his report probably 15, 20 times, where he makes
 23 that conclusory --
 24 MR. MICHELINI: Sure.
 25 MR. MCGUCKIN: -- type of statement.

1 And I think it's appropriate then to question him on
 2 that issue.
 3 MR. MICHELINI: And he also testified
 4 more than once about the services that would be
 5 saved by not having to have services be spent on
 6 South Seaside Park. I mean, this is not rocket
 7 science.
 8 MR. MCGUCKIN: I'll agree.
 9 MR. MICHELINI: That's the nature of
 10 what he said in terms of the economics of it. The
 11 dollars and cents of those economics would be
 12 testified to by a municipal expert who's going to
 13 come in here and talk about dollars. But to, you
 14 know, go over stuff that we've already gone over is
 15 just wasting time. And I have an objection on the
 16 record. Because I'm going to tell you right now,
 17 this board has been very, very adversarial. And
 18 that is not its role. The role of this board is to
 19 hear things in an objective way and to make a
 20 recommendation to the council.
 21 MR. BACCHIONE: Through the Chair.
 22 Excuse me, Mr. Michelini. You made --
 23 MR. MICHELINI: Let me finish,
 24 please.
 25 MR. BACCHIONE: You made an

1 accusation that I don't think is correct.
 2 MR. MICHELINI: Can I finish?
 3 MR. BACCHIONE: Go ahead, finish.
 4 MR. MICHELINI: Now this has been a
 5 very adversarial proceeding and it should not be.
 6 That's not what this is about. So, to go back over
 7 things that we've been over time and time again is
 8 just more in the nature of that adversarial
 9 proceeding. It really amounts to badgering. It's
 10 wasting time. I mean, this man testified for what,
 11 an hour and a half, and he's already been examined
 12 for an hour and a half on cross-examination. I can
 13 tell you, in a court of law, it would have been cut
 14 off a long time ago.
 15 MR. MCGUCKIN: I would disagree, Mr.
 16 Michelini. This is the witness you proposed on a
 17 key issue in this entire proceeding. He's the
 18 witness. Certain times, direct testimony takes half
 19 the time of cross. I mean, if half. That's the
 20 nature of cross-examination.
 21 MR. MICHELINI: I disagree with you,
 22 Mr. McGuckin.
 23 MR. MCGUCKIN: I understand that.
 24 And as far as whether there's an
 25 adversarial proceeding, I certainly don't view it

1 that way. I don't believe the board does. But when
 2 you make an accusation that the board is somehow
 3 rehashing something or doesn't have the right to
 4 inquire as to his comments and his conclusions, that
 5 there's a benefit economically and socially and not
 6 a detriment economically and socially, I think it's
 7 important for the board to understand his basis for
 8 reaching that conclusion. And, as I said, it has to
 9 be in this report 20 times that he makes those --
 10 that language.
 11 MR. MICHELINI: And he's already --
 12 MR. MCGUCKIN: The testimony that it
 13 only relates to going back and forth, I understand
 14 if that's his answer, but I think the board is
 15 entitled to inquire into an opinion where he
 16 continuously says it throughout the report.
 17 MR. MICHELINI: I don't have any
 18 problem with the board inquiring. What I'm saying,
 19 it's been asked and answered. And it has been asked
 20 and answered more than one way and not just by
 21 people driving back and forth.
 22 Now, having heard my objection, if
 23 you want to ask questions over my objection, you
 24 certainly have that right. Your attorney will
 25 instruct you as to that. I'm making my objection.

1 MR. MCGUCKIN: Mr. Chairman, I don't
2 think it's an improper question based upon the
3 report that's been presented.
4 Mr. Bauman, can you answer the
5 question?
6 MR. BAUMAN: Can you please repeat
7 the question?
8 MR. SLACHETKA: And, specifically, I
9 was asking whether or not what -- actually, really
10 it's a two part question. First of which, what were
11 you relying on to make those assumptions,
12 specifically? And what aspect of the --
13 MR. BAUMAN: Which assumptions?
14 MR. SLACHETKA: Assumptions with
15 regards to the impact, the economic impacts on the
16 residents of Seaside Park and then in turn on the
17 township itself.
18 MR. MICHELINI: I'm going to object
19 because he didn't testify as to assumptions. You
20 know, he didn't say, I made the following
21 assumptions.
22 THE REPORTER: Stan, Seaside Park?
23 MR. SLACHETKA: South Seaside Park.
24 MR. MCGUCKIN: Are you referring to a
25 particular portion of his report?

1 MR. MICHELINI: If you're referring
2 to conclusions, that's one thing. But the question
3 asked about assumptions.
4 MR. SLACHETKA: I think where we were
5 going in terms of -- and the questions I'm asking,
6 I'm really not necessarily being adversarial about
7 any aspect of it. It's for me to better understand
8 the foundation of his testimony. To understand
9 what's coming from his experience as a professional
10 planner as versus what he might be relying on from
11 other experts and other sources of information. And
12 if that's the case, what information is he relying
13 on to come to those conclusions.
14 MR. MICHELINI: That is a very --
15 that's a nice statement, but it's -- if you want to
16 ask a question, ask a question.
17 Your prior question asked about
18 assumptions. He didn't testify about assumptions.
19 He testified about conclusions that were at the end
20 of his report. If you want to ask a question about
21 conclusions, that's fine.
22 MR. SLACHETKA: Well, I was asking --
23 MR. MICHELINI: I just want to
24 clarify for the record what the question is.
25 MR. SLACHETKA: I was asking him the

1 assumptions that form the foundation of those
2 conclusions. And maybe if, to be more specific,
3 what was the source of, either through his own
4 personal expertise or the information that he was
5 relying from other experts and sources, so I can
6 understand the foundation of those conclusions. I'm
7 saying assumptions. Assumptions come before
8 conclusions. You make certain assumptions about
9 certain things in order to form conclusions.
10 MR. MICHELINI: So, I just want to
11 understand. You're asking what sources he relied
12 upon in forming his conclusions; is that the
13 question?
14 MR. SLACHETKA: Yes, specifically on
15 the side of the economic issues that he presented in
16 his report.
17 MR. MICHELINI: Okay.
18 MR. BAUMAN: The travel costs that
19 residents have in Seaside Park -- South Seaside
20 Park, traveling to the mainland to utilize municipal
21 facilities. The opportunity costs of that time
22 spent in car en route. I actually have in the
23 report that residents would testify to the other
24 economic impacts. That's the -- on page 46, number
25 four, third bullet. That the economic injuries,

1 multi facet would be represented by testimony from
2 Seaside Park residents.
3 THE REPORTER: Seaside Park?
4 MR. BAUMAN: South Seaside Park.
5 Boy, this is really --
6 MR. SLACHETKA: Don't worry. I'm
7 doing the same myself.
8 Okay. I think that answers the
9 question. So, essentially, the fundamental analysis
10 from an economic perspective that you made was
11 related to the travel times?
12 MR. BAUMAN: Right.
13 MR. WISER: Stan, if I could --
14 MR. SLACHETKA: Yeah, sure.
15 MR. WISER: -- chime in on this. I
16 have a list here of one, two, three, four, five,
17 six, seven, eight, eight different instances where
18 you talk about things like financial savings. And I
19 can give you chapter and verse on this in your
20 report, but Mr. Michelini will object to that, so
21 I'm going to try to go through --
22 MR. MICHELINI: That's not
23 necessarily true.
24 MR. WISER: You talk about a
25 financial and administrative obligation about the

1 beach. You talk about significant injury to the
2 economic and social well-being of township
3 residents. Page 16, you talk about the initial
4 reduction of housing units will be an economic
5 injury to the township that will be offset by
6 reduction in services. You talk about significant
7 economic or social injury to Berkeley's diversity of
8 permitted uses. And I could go on and on. None of
9 these things have to do with driving time or the
10 resources it would take for the residents of one
11 side or the other of the bridge to get to the other
12 side. So --

13 MR. BAUMAN: Shall we hit those one
14 by one?

15 MR. WISER: Please, yeah.

16 The first one is page ten, item
17 number one. And you go through a number of things
18 in here. South Seaside Park borough facilities and
19 services are in close proximity to South Seaside
20 Park and their common shore community
21 characteristics will benefit South Seaside Park
22 residents with convenience, financial savings,
23 closer municipal services, and the ability to
24 formally unite with people democratically and
25 address the issues.

1 Let's go through these one at a time.
2 What are you referring to in that issue?

3 MR. BAUMAN: What am I referring to?

4 MR. WISER: When you talk about the
5 financial savings?

6 MR. BAUMAN: Again, the opportunity
7 cost and the cost of the -- of travel.

8 MR. WISER: Okay. That one's the
9 cost of travel?

10 MR. MICHELINI: In fact, I think he
11 uses the word close proximity.

12 MR. WINWARD: As the residents
13 travel? Residents' cost of travel?

14 MR. BAUMAN: Residents from
15 South Seaside Park.

16 MR. WINWARD: Okay.

17 MR. BAUMAN: That's page ten.

18 MR. WISER: That was ten. Page 12.
19 For the record, I'm avoiding page six.

20 MR. BAUMAN: Thank you.

21 MR. WISER: Item 14. You say that
22 de-annexation will relieve Berkeley Township of the
23 financial and administrative obligation of providing
24 roadway resurfacing, solid waste and recycling
25 collection, snow removal, police services, animal

1 control, beach and park maintenance.

2 MR. BAUMAN: While I don't have the
3 actual budget numbers, I can assure you the
4 township's not doing that for free. So, there will
5 be financial and administrative savings. I've been
6 a mayor of the township. I know how much these
7 things cost.

8 MR. WISER: Okay. With respect to
9 the beach, just as one piece of this, as we heard
10 before, the township owns the land that is the
11 beach?

12 MR. BAUMAN: White Sands Beach.

13 MR. WISER: White Sands Beach, excuse
14 me. I'm assuming that's the beach you're referring
15 to?

16 MR. BAUMAN: Yes.

17 MR. WISER: The township owns the
18 beach. How would the township be relieved of the
19 obligation to maintain, clean and whatever else you
20 would administer the beach if the township still
21 owns it?

22 MR. BAUMAN: If the township still
23 owns it?

24 MR. WISER: It's property that the
25 township owns, regardless of what town it ends up

1 being in?

2 MR. BAUMAN: What I'm saying is, if
3 it's de-annexed, that the town, Berkeley Township,
4 would no longer have to maintain the beach.

5 MR. WISER: But it's -- the beach is
6 the township's property.

7 MR. BAUMAN: It would be -- if
8 de-annexation were granted, then it would be, say,
9 if Seaside Park annexed it, then it would be their
10 responsibility.

11 MR. WISER: But the township still
12 owns the property.

13 MR. MICHELINI: Not if it's
14 de-annexed. That's part of the de-annexation
15 application.

16 MR. WISER: The township -- the land
17 that the township owns --

18 MR. MICHELINI: Correct.

19 MR. WISER: -- would become land that
20 Seaside Park owns?

21 MR. MICHELINI: Correct. Okay. We
22 submitted a map that includes the area.

23 MR. WISER: No, I understand that.

24 MR. MICHELINI: Yes.

25 MR. WISER: And I understand that for

1 political purposes, and I mean that small p, large
2 political purposes, in terms of governing the land,
3 Seaside Park would have the jurisdiction. But in
4 land that the township, that Berkeley Township owns,
5 they would lose?

6 MR. MICHELINI: Correct.

7 MR. MCGUCKIN: Any case for that, Mr.
8 Michelini?

9 MR. MICHELINI: I believe that's the
10 case. Look, if this board determines that as part
11 of de-annexation, they're not going to give that up,
12 that's up to the board. But I think it --

13 MR. MCGUCKIN: Even if it could --

14 MR. MICHELINI: -- makes sense --
15 excuse me. Let me finish. I think it makes sense
16 that if the de-annexation is granted, that it would
17 include the beach area. I mean, it absolutely makes
18 sense, but --

19 MR. WISER: But I want to separate --
20 I'm sorry.

21 MR. MICHELINI: That's the request of
22 the applicants, is that the beach goes with the
23 de-annexation.

24 MR. WISER: For jurisdictional
25 purposes. For police and fire, albeit that might be

1 silly, for making the laws for the use of the land.
2 But the ownership of the land, you're suggesting
3 transfers to the neighboring municipality?

4 MR. MICHELINI: I'm suggesting it
5 should transfer, correct. Just like the streets and
6 other areas that are not owned privately by
7 individuals, they would now essentially be part of
8 Seaside Park. The streets would be part of Seaside
9 Park.

10 MR. WISER: The township doesn't own
11 the streets. It's a public right-of-way that, if
12 vacated, goes to the property owners on either side.

13 MR. MICHELINI: If vacated. It's not
14 vacated. It's being --

15 MR. MCGUCKIN: They don't own the
16 land in fee. That's the difference.

17 MR. MICHELINI: Well, you know, look,
18 I think it makes sense for the beach to go with the
19 de-annexation. That's the request. If the board
20 chooses to do otherwise and say, okay, we'll give
21 you de-annexation but we're keeping the beach, then
22 that's the board's decision or, you know, the
23 council decides that. But our request is that it go
24 with it. And then in that case, of course,
25 Mr. Bauman's statement is correct, that those

1 services and expenses would not be incurred.

2 MR. WISER: I'm not aware of anything
3 in any of the case law, or certainly not in the
4 statute itself, that speaks to the transfer of
5 ownership of property as part of the de-annexation
6 petition, so --

7 MR. MICHELINI: I think the idea is
8 that it's a public area that would service the
9 people of South Seaside Park. Again, if the board
10 decides that they want to retain ownership of it or
11 their recommendation is to allow de-annexation and
12 retain ownership, so be it. You know, we certainly
13 would respect that decision.

14 MR. MCGUCKIN: Why don't we get back
15 to questioning Mr. Bauman on this.

16 That is an assumption in your report,
17 then, that the beach goes with Seaside Park?

18 MR. BAUMAN: Yes, it is.

19 MR. MCGUCKIN: And that assumption is
20 why you would conclude that there not be additional
21 costs?

22 MR. BAUMAN: Yes.

23 MR. MCGUCKIN: There would be a cost
24 savings, excuse me, to the municipality?

25 MR. BAUMAN: That is correct.

1 MR. MCGUCKIN: But, in fact, if
2 that's incorrect, that assumption is incorrect, that
3 cost would still be the case with the municipality,
4 correct?

5 MR. BAUMAN: If the municipality
6 chooses to continue to maintain it or invest in it.

7 MR. MCGUCKIN: Well, choosing to
8 maintain it --

9 MR. BAUMAN: Keep it, you --

10 MR. MCGUCKIN: -- if we still -- if
11 the township still owned it, you would agree that if
12 they maintain it, that that would be a continuing
13 cost for the municipality?

14 MR. BAUMAN: Sort of related, we have
15 our roadways that are state highways, while the
16 State owns it, the townships maintain it. So, there
17 could be -- Route 28 in Plainfield is like that,
18 where the municipality maintains it. There's
19 another one in Union Township and Union County,
20 where they wanted to put parking stalls out and the
21 State said, that's not what we do on the highway.
22 We'll still own it but you can maintain it. So,
23 there are compromises and agreements that could be
24 made for that. So, I'm not --

25 MR. MCGUCKIN: Let's talk about the

1 difference between owning a park or public property
 2 versus a right-of-way. You would agree that there's
 3 a difference in that, as a planner and municipal
 4 city planner, correct?
 5 MR. BAUMAN: Yes.
 6 MR. MCGUCKIN: And a public
 7 right-of-way, the town or city does not own that
 8 right-of-way, correct? We maintain it for the
 9 public benefit, correct?
 10 MR. BAUMAN: Correct.
 11 MR. MCGUCKIN: But a beach or public
 12 property that's owned in fee by the municipality is
 13 different, correct?
 14 MR. BAUMAN: Yes.
 15 MR. MCGUCKIN: But your assumption is
 16 that there would be savings because -- and your
 17 assumption is that it's going to South Seaside --
 18 that it's going to Seaside Park?
 19 MR. BAUMAN: Yes.
 20 MR. MCGUCKIN: And that assumption is
 21 not correct if you are incorrect?
 22 MR. BAUMAN: I can't make that
 23 assumption. Sorry.
 24 MR. MCGUCKIN: Okay.
 25 MR. WISER: The next piece I have is

1 the bottom of 14 and the top of 15. It's the
 2 italicized portion. And effectively, if I'm reading
 3 this correctly, you're suggesting that de-annexation
 4 will not cause significant injury to the economic
 5 and social well-being of township residents.
 6 MR. MICHELINI: That's a portion --
 7 I'm going to object because the question takes a
 8 section of a sentence. I would ask that you phrase
 9 the question within the context of the entire
 10 sentence.
 11 MR. WISER: De-annexation of 490
 12 persons, .1 percent of the township's population of
 13 identical ethnicity and age group will not cause
 14 significant injury to the economic and social
 15 well-being of Berkeley Township residents.
 16 MR. MICHELINI: Thank you. The
 17 question is?
 18 MR. WISER: The question is: What is
 19 the economic -- what is the basis for the economic
 20 component of that statement?
 21 MR. BAUMAN: It's one-tenth of
 22 one percent. Any loss of that is negligible.
 23 MR. WISER: What is the economics of
 24 population? We're not talking about property. The
 25 population doesn't pay property -- or income taxes

1 to the township. What is the -- what triggers the
 2 use of the phrase, economic well-being of the
 3 residents?
 4 MR. SLACHETKA: Can I try to fill in?
 5 MR. WISER: Please.
 6 MR. SLACHETKA: I guess, more
 7 specifically, other than -- let me just, let me
 8 finish.
 9 More specifically, other than just
 10 population, what other factors or evaluation went
 11 into that to form the basis of that conclusion? Was
 12 it, did you evaluate the value of the properties?
 13 Did you evaluate the incomes of the individuals
 14 living there? Is it just population?
 15 MR. BAUMAN: People are -- people are
 16 income earners. People own property. People have a
 17 net worth. Losing one-tenth of a percent of net
 18 worth is negligible. I can't give an actual number
 19 to that.
 20 MR. SLACHETKA: Well, that's
 21 population. But that doesn't necessarily mean net
 22 worth, does it?
 23 MR. WISER: I would --
 24 MR. MICHELINI: Let him answer the
 25 question before you --

1 MR. WISER: I'm sorry. Yes. Yes.
 2 MR. BAUMAN: Population means net
 3 worth? I'm asking if population means net worth?
 4 I'm not understanding.
 5 MR. MICHELINI: Not following his
 6 question.
 7 MR. SLACHETKA: To clarify, you may
 8 be losing .1 percent of the population, but that
 9 might not necessarily be .1 percent of the net worth
 10 of the -- to the community.
 11 MR. BAUMAN: Unless that person's
 12 Bill Gates where we have understandings of
 13 individuals and their net worth, where one
 14 individual or certain groups of individuals
 15 represent more buying power and more income, more of
 16 an economic force in a community. This is not that
 17 type of economic force.
 18 MR. SLACHETKA: Okay. But that's
 19 speculation, not based on any empirical analysis
 20 that you do.
 21 MR. BAUMAN: That's correct.
 22 MR. WISER: Then moving on to the
 23 second piece of that.
 24 MR. BAUMAN: Well --
 25 MR. WISER: I'm sorry. Please.

1 MR. BAUMAN: I just want to go back.
2 We do have a per capita income for the residents in
3 South Seaside Park. We do have the property --
4 yeah, the property values, the average cost of
5 housing in South Seaside Park. So, there are some
6 numbers to that, but they're based on the Census
7 data.

8 MR. SLACHETKA: And wasn't your
9 conclusion that the per capita income for residents
10 of South Seaside Park was higher than the remaining
11 part of the township?

12 MR. BAUMAN: Right. I also said
13 that's the reason for mostly the retirement
14 communities on the mainland.

15 MR. SLACHETKA: Regardless of reason,
16 we have a higher per capita income in South Seaside
17 Park than we do in the rest of the township,
18 correct?

19 MR. BAUMAN: It's a much smaller
20 sample.

21 MR. SLACHETKA: Okay. Thank you.

22 MR. WISER: And a similar question.
23 Moving on to the next sentence in that paragraph.
24 De-annexation of 15 persons of school -- the
25 de-annexation of the 15 person school age

1 population, .02 percent of Berkeley Township's
2 population of residents under 18, will not cause
3 significant injury to the economic and social
4 well-being of Berkeley Township residents.

5 Again, on both of these, I understand
6 where you're coming from on the social piece of the
7 statement. I do not understand the economic piece
8 of the statement.

9 MR. BAUMAN: That's not a question.

10 MR. WISER: I'm asking you --

11 MR. BAUMAN: You just said, you told
12 me you didn't understand it.

13 MR. WISER: What -- again, where --
14 the same question I had on the previous one, on the
15 previous piece, about how you equate individuals
16 with economics, I'm asking you to explain that.

17 MR. BAUMAN: Okay. We can just say
18 the cost per pupil is now \$9,000 per pupil. If
19 there's 15 pupils, that sum total, that's the
20 economics we're talking about. Rather than talking
21 about net worth of an individual or their property
22 values, we're talking about the cost per pupil.

23 MR. WISER: Okay. Is that anywhere
24 else in your report, that 9,000 figure?

25 MR. BAUMAN: No, I just said that --

1 I just said assume.

2 MR. WISER: Do we know what that
3 figure is?

4 MR. BAUMAN: I don't have that number
5 offhand, no.

6 MR. MICHELINI: Can I ask a
7 follow-up?

8 MR. MCGUCKIN: You'll get a chance,
9 Mr. Michelini. Why don't we just let the
10 cross-examination get forward. It will be a little
11 quicker. Do it that way.

12 MR. MICHELINI: Fair enough.

13 MR. WISER: Okay. That takes care of
14 that one. But sticking with that same sentence,
15 getting off the economics for a second. In terms of
16 the social piece, would you agree that there is
17 generally a positive social interaction and
18 diversity -- would you agree that there is positive
19 social interaction and diversity when islanders and
20 mainlanders mix?

21 MR. BAUMAN: I don't know. Those are
22 individual preferences of people on that. I can't
23 tell you if this gentleman met someone from the
24 mainland, whether they would agree or get along. I
25 don't -- I can't make --

1 MR. WISER: I'm not talking about
2 individuals. We're talking about your comment about
3 the social well-being. Isn't there a social benefit
4 when different people of different backgrounds,
5 different life experiences, interact with each
6 other?

7 MR. BAUMAN: These, forgive me for
8 saying it, these folks are pretty much homogenous on
9 that as far as the median age, the ethnicity. So,
10 there's -- the diversity is pretty much the same
11 both, both places.

12 MR. WISER: Don't the life
13 experiences of people who have the mainland or the
14 island experience, as we've heard from their
15 testimony, and what they enjoy about the island, and
16 then the same people presumably who have a mainland,
17 perhaps a more wooded experience, wouldn't those
18 interactions also be a measure of diversity that
19 would -- where they would benefit?

20 MR. BAUMAN: I don't think those are
21 private experiences. And I think those experiences
22 could be shared at any time, regardless of where the
23 municipal boundaries lie.

24 MR. WISER: Okay.

25 MR. MCGUCKIN: Can I ask a question

1 on the American Community Survey data that you
 2 talked about. The difference in per capita income.
 3 MR. MICHELINI: What page?
 4 MR. MCGUCKIN: This is on page 15,
 5 right, per capita income for the township residents
 6 as a whole is 29,591. For South Seaside Park, it's
 7 \$53,657; is that correct?
 8 MR. BAUMAN: That's what the ACS
 9 says, yes. And it's in my report.
 10 MR. MCGUCKIN: And would it be fair
 11 to say that the South Seaside Park portion of
 12 Berkeley Township has the highest per capita income
 13 of any distinct area within the municipality?
 14 MR. BAUMAN: I would say it's higher
 15 than the average per capita income of the township.
 16 MR. MCGUCKIN: I understand it's
 17 higher than the average. Is there any other
 18 distinct area of the municipality, whether the
 19 Bayville section or any other section, Manitou Park
 20 or any other portion of the municipality, that comes
 21 close to that per capita income?
 22 MR. BAUMAN: I didn't study that but
 23 it could be done through the Census tract and block
 24 data. But I didn't go into that detail.
 25 MR. MCGUCKIN: If, in fact, there was

1 no other area that came close to the per capita
 2 income of the South Seaside Park portion of the
 3 municipality, let's assume that fact for a moment.
 4 MR. BAUMAN: I'm sorry. I was
 5 writing something.
 6 MR. MCGUCKIN: Let's assume for a
 7 fact -- let's assume as a fact that if you had done
 8 that and it revealed that there was no other
 9 distinct portion of the municipality, whether
 10 neighborhood or area, that came close to the 53,000
 11 per capita income of South Seaside Park residents,
 12 would you, in fact, would you not agree that it
 13 would cause a societal detriment to the rest of
 14 Berkeley Township for the highest per capita portion
 15 of the municipality to be removed from that
 16 municipality?
 17 MR. MICHELINI: I object to the
 18 question because it assumes a fact not in evidence.
 19 But if you want to answer it, you may.
 20 MR. BAUMAN: I'm going to answer with
 21 saying it may. Without seeing, without going into
 22 further detail, it may.
 23 MR. WINWARD: We need to take a
 24 second here to put on the record that board member
 25 Nick Mackres has joined us.

1 MR. MACKRES: Thank you,
 2 Mr. Chairman.
 3 MR. MCGUCKIN: So, if that was, in
 4 fact, the case, it might impact.
 5 MR. MICHELINI: Same objection.
 6 You can answer.
 7 MR. BAUMAN: Same answer. It may.
 8 MR. MCGUCKIN: And why would it
 9 impact it?
 10 MR. MICHELINI: Same objection.
 11 But you can answer it.
 12 MR. MCGUCKIN: Well, you've indicated
 13 it would -- it could have impacted --
 14 MR. BAUMAN: I said it may impact.
 15 MR. MCGUCKIN: Why would it have an
 16 impact?
 17 MR. MICHELINI: If it does.
 18 MR. BAUMAN: I'm not prepared to go
 19 further with something that I didn't study.
 20 MR. MCGUCKIN: Would it be -- I'll
 21 suggest something. You can tell me if you think
 22 it's correct.
 23 MR. BAUMAN: Suggest away.
 24 MR. MCGUCKIN: Would it, in fact,
 25 cause a detriment to the rest of the residents in

1 the municipality to have the highest per capita
 2 income portion of the town disappear?
 3 MR. BAUMAN: It could.
 4 MR. MCGUCKIN: Thank you.
 5 MR. SLACHETKA: Mr. Chairman.
 6 MR. BAUMAN: I mean, they may take
 7 all their money and squirrel it away in the bank and
 8 never spend a dime in any of the towns where they
 9 live. On that income is just what the income is on
 10 that. It doesn't --
 11 MR. MCGUCKIN: Again, if it is the
 12 highest or close to the highest in the entire
 13 municipality, we don't know because you didn't do
 14 that analysis, in fact, it's going to lower the per
 15 capita income of the rest of the town as well,
 16 correct?
 17 MR. BAUMAN: That's correct.
 18 MR. MCGUCKIN: Do you think that's a
 19 detriment to the rest of the municipality?
 20 MR. BAUMAN: It could open up doors
 21 for other programs that you weren't first eligible
 22 or qualified for. So, there's both ways. It could
 23 or it could not.
 24 MR. MCGUCKIN: But you don't know?
 25 MR. BAUMAN: That's correct.

1 MR. MCGUCKIN: And just on that same
2 vein. You indicate that it's mostly a homogenous
3 type of community over in South Seaside Park,
4 correct?
5 MR. BAUMAN: Homogenous as far as
6 ethnicity, household composition, work force.
7 MR. MCGUCKIN: They're all very
8 similar?
9 MR. BAUMAN: Yes.
10 MR. MCGUCKIN: And you would agree
11 that the mainland portion of the municipality is not
12 as homogenous, correct?
13 MR. BAUMAN: I didn't break -- the
14 whole town is 95 percent white. You know, I can't
15 compare homogenous with median age. That's one
16 factor.
17 MR. MCGUCKIN: How much --
18 MR. MICHELINI: Let him finish
19 answering the question, please.
20 MR. BAUMAN: I'm finished answering.
21 MR. MCGUCKIN: How much is the
22 percentage of the population white in South Seaside
23 Park?
24 MR. BAUMAN: Ninety nine percent.
25 MR. MCGUCKIN: And you indicate for

1 the mainland, it's 95 percent?
2 MR. BAUMAN: Yes.
3 MR. MCGUCKIN: How much of the
4 mainland portion of the municipality is Hispanic?
5 MR. BAUMAN: Percent? Five. On the
6 mainland?
7 MR. MCGUCKIN: Yes.
8 MR. BAUMAN: Five percent.
9 MR. MCGUCKIN: And how much in South
10 Seaside Park?
11 MR. BAUMAN: 1.5 percent, but we're
12 talking a few people here.
13 MR. MCGUCKIN: Well, you would agree
14 that if those few residents left, in fact, the
15 diversity would decrease for the rest of the
16 municipality, correct?
17 MR. BAUMAN: If the eight Hispanics
18 in South Seaside Park were de-annexed, I don't think
19 it would be a significant impact, both social, you
20 know, social impact, diverse impact to Berkeley
21 Township.
22 MR. MCGUCKIN: Would it be a diverse
23 impact upon the residents of South Seaside Park to
24 lose the diversity of the citizenship with the rest
25 of the mainland who has a higher African-American

1 population and a higher Hispanic population?
2 Wouldn't that be a detriment to the residents of
3 South Seaside Park?
4 MR. BAUMAN: There's no
5 African-Americans in South Seaside Park, according
6 to the Census, so they're already missing out.
7 MR. MCGUCKIN: Well, they're already
8 part of the same town. But if they move to another
9 town, they're not going to even have that, correct?
10 MR. BAUMAN: I don't see that as
11 something of value, diversity that would --
12 MR. MCGUCKIN: You don't think
13 there's a benefit to the residents of South Seaside
14 Park to be part of a town that at least has some
15 portion of a minority population?
16 MR. BAUMAN: I'm sorry.
17 MR. MCGUCKIN: You don't believe that
18 that's a benefit to the residents of South Seaside
19 Park to be part of a community that has a more
20 diverse population --
21 MR. BAUMAN: Well, I don't know
22 the --
23 MR. MCGUCKIN: -- than where they may
24 wish to go to? You don't think so?
25 MR. BAUMAN: I didn't -- I'm sorry.

1 I didn't do the demographics of Seaside Park, so I
2 don't know what they would be entering into. So, I
3 can't tell you whether they would lose -- they may
4 benefit. There may be, you know, 50 African
5 Americans in South Seaside Park that they're going
6 to benefit from --
7 MR. MICHELINI: You mean Seaside
8 Park?
9 MR. BAUMAN: Seaside Park.
10 MR. MCGUCKIN: Well, didn't you
11 testify here and in your report that Seaside Park is
12 almost identical to South Seaside Park?
13 MR. BAUMAN: As far as from a --
14 MR. MCGUCKIN: From a per capita
15 basis, from a geographic basis, from an economic
16 basis, from a social basis, didn't you testify to
17 that in this matter?
18 MR. BAUMAN: That they're the same as
19 Seaside Park?
20 MR. MCGUCKIN: Yes.
21 MR. BAUMAN: I don't think so.
22 MR. MCGUCKIN: No?
23 MR. BAUMAN: No. My conclusion --
24 page 41 of my report is the only part that addresses
25 Seaside Park Borough, where I compare facilities,

1 recreation center, playgrounds, the zoning that we
 2 discussed last month, and that's all. I didn't go
 3 into demographics or social aspects of that.
 4 MR. MCGUCKIN: Okay. Do you think
 5 that should have been part of your report?
 6 MR. BAUMAN: No. That would be for
 7 the annexation to Seaside Park.
 8 MR. MCGUCKIN: Doesn't it impact on
 9 the societal benefit to the residents of South
 10 Seaside Park to know that answer before this board
 11 makes a recommendation?
 12 MR. BAUMAN: I don't -- no.
 13 MR. MCGUCKIN: Okay. Thank you.
 14 MR. BAUMAN: I think we were on
 15 number four or five.
 16 MR. WISER: Yeah, sorry.
 17 MR. SLACHETKA: I'll let Stuart
 18 continue on with his line of questioning, rather
 19 than tag team.
 20 MR. WISER: The next one is page 16.
 21 At the top, the -- well, the top italicized
 22 paragraph. You talk about the loss of housing
 23 stock. And then you end that paragraph by saying,
 24 while the initial reduction of housing units is an
 25 economic injury, it is one that is offset by the

1 reduction in services that no longer need to be
 2 provided.
 3 MR. BAUMAN: Yeah, those were
 4 experiences as mayor and also as a city planner in
 5 understanding what kind of services that residents
 6 require and that properties require on that. And
 7 the relief of that from Berkeley Township would
 8 result in a less economic -- it would reduce the
 9 economic injury.
 10 MR. WISER: Based on just --
 11 MR. BAUMAN: Based on my experience.
 12 MR. WISER: -- your experience?
 13 MR. BAUMAN: Yes.
 14 MR. WISER: Is it not possible -- and
 15 I don't know the answer to this question, but I'm
 16 going to pose it to you. I guess we'll get the
 17 answer from the financial guy that your clients are
 18 bringing in. But in terms of putting this report
 19 together, isn't it possible that the loss in
 20 ratables will be more than the loss -- will be more
 21 than what is gained by the fact that the services
 22 don't need to be provided, especially since many of
 23 your clients seem to indicate they're not getting a
 24 lot of services?
 25 MR. MICHELINI: I'm going to object.

1 It's possible -- anything is possible. It's not a
 2 proper question.
 3 MR. WISER: Well, he's made a
 4 statement in his report --
 5 MR. MCGUCKIN: Wait. That's a proper
 6 cross-examination question, to ask the witness if
 7 something is possible.
 8 MR. MICHELINI: I'm going to object.
 9 MR. MCGUCKIN: That's absolutely an
 10 appropriate question.
 11 MR. WISER: You've made a
 12 statement --
 13 MR. MICHELINI: You can rule on my
 14 objection -- excuse me. You can rule on my
 15 objection. He's ruled. You think it's a proper
 16 question, you can ask the question. I'm setting
 17 forth an objection on the record.
 18 MR. WISER: You've made a statement
 19 in your report that says something. You indicated
 20 that you really -- and it's something that is not a
 21 matter of opinion, it will be -- it's a matter of
 22 math. You didn't do any of the math. How can this
 23 board rely on that statement when you've already
 24 said you didn't do any of the math.
 25 MR. BAUMAN: This de-annexation

1 petition is a team effort and there will be a
 2 municipal accountant that will be able to quantify
 3 those --
 4 MR. WISER: Right. But you have made
 5 a statement in your --
 6 (Off the record.)
 7 (Answer read back.)
 8 MR. BAUMAN: Quantify the answers.
 9 MR. WISER: You have made a statement
 10 in your report. You apparently stand by that
 11 statement.
 12 MR. BAUMAN: Based on my professional
 13 experience.
 14 MR. WISER: But this is a
 15 quantifiable number that you really have no basis to
 16 say?
 17 MR. BAUMAN: I didn't put a number on
 18 here.
 19 MR. WISER: Well, I think here we're
 20 not talking about qualitative items. We're talking
 21 about you saying the reduction of housing units is
 22 an economic injury. That means there would be a
 23 loss of a dollar value that is offset by the
 24 reduction in services that is no longer needed to be
 25 provided. That's another dollar value. You

1 subtract the two. You either get a more or less
 2 number. You have made a statement here and I'm
 3 asking you where that statement came from.
 4 MR. MICHELINI: He answered based on
 5 his experience as a planner and as a mayor and
 6 knowing that when certain things are lost --
 7 MR. MCGUCKIN: Mr. Michelini, I
 8 understand why you are jumping in. And if we're
 9 going to maintain the record --
 10 MR. MICHELINI: I'm jumping in
 11 because it was asked and answered.
 12 MR. MCGUCKIN: If we're going to
 13 maintain the record, let's say it's an objection and
 14 then give the basis for your objection, not the
 15 answer to the question. If you want to preserve the
 16 record, then let's preserve the record and make sure
 17 it's clear. That's all I'm saying.
 18 MR. MICHELINI: That's fine.
 19 MR. WISER: The next one is on
 20 page 23. Second to the last paragraph. The
 21 permitted -- and this is under the heading of --
 22 it's more of a land use thing. But you say, the
 23 permitted uses and lot requirements in the zone
 24 district of the South Seaside -- of the South
 25 Seaside Park are no different than those throughout

1 Berkeley Township; de-annexation will not cause
 2 significant economic or social injury to Berkeley
 3 Township's diversity of permitted uses.
 4 MR. BAUMAN: Right. When
 5 appraisers -- I get a lot of phone calls from
 6 appraisers that they need to know what zone is this
 7 property zoned. You have, in South Seaside Park,
 8 you have several zones that are shared between the
 9 barrier -- between South Seaside Park and the
 10 mainland on that, so --
 11 MR. WISER: Meaning that zone X is --
 12 there is a zone X on the island and a zone X --
 13 MR. BAUMAN: Yes.
 14 MR. WISER: -- on the mainland?
 15 MR. BAUMAN: Similar zones. Similar
 16 economics when properties undergo appraisals.
 17 MR. WISER: Okay. But are you saying
 18 that the elimination of the island's residential
 19 type, the bars and restaurants on the island, the
 20 Midway Beach Cottages --
 21 MR. BAUMAN: I said zones, not
 22 specific uses.
 23 MR. WISER: They're not specific --
 24 we're talking about land use. Okay. That answers
 25 that question.

1 Next one, page 26, the bottom of the
 2 second paragraph, you're talking about beach badges.
 3 And you say, while Berkeley Township stands to lose
 4 the revenue generated by the sale of beach badges,
 5 being relieved of funding the personnel and capital
 6 expenses for maintaining and operating the White
 7 Sands Beach will result in no economic loss to
 8 Berkeley Township residents.
 9 Again, this is a math question.
 10 Same, same as before.
 11 MR. BAUMAN: Pretty much the same
 12 answer. I understand things cost a certain amount.
 13 And if they're no longer needed or used on that,
 14 that's no longer spent money. That's more money in
 15 the revenue of the township.
 16 MR. WISER: Is it not possible, and I
 17 guess, again, we'll find out, but did it not occur
 18 to you when you wrote your report that the township
 19 may make more money in beach badges than it spends
 20 on the beach?
 21 MR. BAUMAN: After I wrote this, I
 22 learned that you're really not supposed to make
 23 revenue on this. It's supposed to go back --
 24 MR. WISER: Yeah, but you wrote it
 25 before that. So what -- did you not -- was that not

1 in your thought process?
 2 MR. BAUMAN: That was not in my
 3 thought process at the time, no.
 4 MR. WISER: And, again, depending on
 5 whether or not the township is still to be
 6 responsible for property that, assuming it still
 7 owns, it would actually, de-annexation, would
 8 increase the cost to the -- the net cost to the
 9 township of maintaining the beach?
 10 MR. BAUMAN: I don't think that would
 11 change. It would still maintain it the same way.
 12 MR. WISER: But they wouldn't get the
 13 beach badge revenue?
 14 MR. BAUMAN: That's speculation. I
 15 don't, you know, depending on how this all pans out,
 16 you could agree that you keep the revenue and we do
 17 the maintenance. I mean, those are all speculative.
 18 I can't answer that.
 19 MR. WISER: So, I guess the board is
 20 left to discern, as part of --
 21 MR. BAUMAN: They could craft --
 22 MR. WISER: -- its deliberation --
 23 no, it's not what they craft -- as part of its
 24 deliberations, what is likely to occur?
 25 MR. MICHELINI: I'm going to object

1 to the question. That just -- the board has
 2 discretion to do a number of things. So, the
 3 question --

4 MR. WISER: But that --

5 MR. MICHELINI: Excuse me. The
 6 question is an unfair question. The board has a
 7 number of options that it can exercise. So, the
 8 board can decide to allow de-annexation with the
 9 beach. The board, if it chooses, can decide to
 10 allow de-annexation without the beach. The
 11 application before it is to allow the beach to go
 12 with South Seaside Park, to become part of
 13 Seaside Park.

14 MR. WISER: With all due respect --

15 MR. MICHELINI: If the board wants to
 16 choose to do something otherwise, it can do it.

17 MR. WISER: With all due respect,
 18 this board does not do those things. You had
 19 indicated earlier, this board is a fact finding and
 20 they make -- body and they make a recommendation.

21 MR. MICHELINI: That is correct.
 22 When I say the board, I'm talking generally that
 23 this board would make a recommendation to the
 24 council. You're absolutely correct. But, in any
 25 event, this board can make a recommendation

1 regarding White Sands Beach one way or the other.
 2 This board has the power to do that, make any
 3 recommendation.

4 MR. WISER: But in order to make that
 5 recommendation, they need to understand the universe
 6 of the facts. And on this issue, they're going to
 7 need to make a decision about that. They're going
 8 to need to either say they agree conceptually with
 9 what Mr. Bauman said or disagree or remain neutral.

10 MR. MICHELINI: The board can --
 11 you're talking about this board or are you talking
 12 about --

13 MR. WISER: I'm talking about this
 14 board.

15 MR. MICHELINI: That's correct. This
 16 board has options to decide what it wants to do. It
 17 hasn't heard all the testimony. Mr. Bauman has
 18 generally indicated why he's made the statements in
 19 his report. If you want to ask dollars and cents
 20 questions, we will have a municipal accountant. I
 21 know I'm repeating myself, but I think it's kind of
 22 a waste of time to continue to ask economic
 23 questions of Mr. Bauman, when he's indicated, in a
 24 general way, there's going to be a savings because
 25 you're not going to have this responsibility, let's

1 say, whether it comes -- whether it's the beach or
 2 whether it's maintenance or whether it's recycling
 3 or so forth.

4 He's saying, in a general way, if you
 5 don't have those things, there's an economic
 6 savings. That's all he's saying. You know, if you
 7 want to get down to the dollars and cents, you have
 8 to ask, you know, the municipal accountants who
 9 presumably are going to testify on our behalf,
 10 perhaps on the board's behalf. He's indicated very
 11 clearly, that's not what his report is based on, the
 12 specific dollar numbers. So, I think, again, we're
 13 wasting time. I have an objection. I think it
 14 almost amounts to badgering.

15 MR. SLACHETKA: Mr. Chairman, I think
 16 that's actually a very important point the attorney
 17 just made. I mean, to the extent that Mr. Bauman is
 18 making claims on an economic basis in his report,
 19 which he does in different areas, number of
 20 different areas in his report. We've gone through a
 21 lot of cross-examination and we've heard his
 22 testimony on this. It's seems to me, just
 23 basically, the attorney summed it up, that he's
 24 making these sort of anecdotal statements. I mean,
 25 they're not necessarily supported by any real

1 empirical analysis or data, other than sort of a
 2 generic understanding of, hey, if I don't have to
 3 spend X dollars on a widget, that's, you know, X
 4 dollars less I'm spending, but not really doing any
 5 kind of economic analysis or evaluation. I think,
 6 fundamentally, that's what we were trying get at.

7 I think the conclusion is that all
 8 the various statements that are contained in
 9 Mr. Bauman's report on the economic analysis should
 10 be weighed in that context, that these seem to be
 11 anecdotal statements rather than an analysis that's
 12 founded on empirical -- an empirical basis or facts.

13 MR. MICHELINI: Well, I object to the
 14 characterization of what I said. I didn't say that
 15 it was simply anecdotal or that it was without
 16 support. It absolutely is with support.

17 There's no question we had testimony,
 18 lay testimony about how long it takes, you know, to
 19 drive over here. How many miles is it. How many
 20 miles to each park. How many miles to each school.
 21 And, you know, all those things, they all add up to
 22 cost, that's what he's saying. That is not
 23 testimony to be ignored simply because nobody added,
 24 went to the gas station and said, well, it takes
 25 three gallons of gas to make that round trip and,

1 therefore, it's going to be, in today's numbers,
2 about six bucks, thankfully. You know, that doesn't
3 make his testimony any less valuable or any less
4 supported. So, I object to the characterization in
5 that sense.

6 In addition, he has given specific
7 concrete examples of other things where the
8 economics matter, you know, or where they don't
9 matter, you know. So, I don't want to characterize
10 it as that. I don't think it's fair to characterize
11 it as that. But he's not the municipal economist
12 either.

13 The municipal economist is going to
14 come in and talk about dollars and cents. So, he
15 is -- he is making broad statements. I agree with
16 you, Stan. He's making some broad qualitative
17 statements. But I think that they are supported by
18 the record. And they're all supported by the
19 Census. And they're supported by, you know, his
20 analysis in the report itself. So, I would disagree
21 that there's no evidence in support of them.

22 MR. SLACHETKA: I mean, without being
23 argumentative on it. I think that the board needs
24 to evaluate the statements in the report and the
25 testimony based on the foundation that's being

1 presented. I mean, so far, the only -- the
2 supporting structure that we've heard with regards
3 to that foundation is the mileage that the residents
4 are driving back and forth. And I think it's, you
5 know, we know what the mileage is. We know what
6 the -- how much a gallon of gas is going to cost to
7 get there. But I think the line of questioning
8 Mr. Wisner was going in was to those other statements
9 and other economic conclusions or economic related
10 conclusions that were presented in the report.

11 Look, we can -- you can establish the
12 value. The board can establish its own level of
13 value analysis with regards to that.

14 MR. MICHELINI: Well, I object again.
15 It's not simply, okay, it's not -- the
16 characterization that it's simply mileage is
17 inaccurate. I mean, you're saving in recycling.
18 You're saving in repaving. You're saving in
19 maintenance of roads. You're saving in some police
20 protection. You're saving in a number of areas
21 that's been testified to. His report is -- I forget
22 how many pages -- 70, 80, 100 pages, whatever it is,
23 it goes into a lot of those issues.

24 You've heard voluminous testimony
25 from the public members of the petition signers that

1 support those types of arguments. So, to kind of
2 dismiss it out of hand and say, it doesn't matter,
3 it doesn't have much support, is really not correct.
4 And I would object to that characterization.

5 The testimony is what the testimony
6 is. And the weight to be given is up to the board.
7 I agree with that statement. But I think it is
8 amply supported in the record and will be buttressed
9 by numbers.

10 MR. SLACHETKA: But I think to date,
11 and I think the line of questioning that both myself
12 and Mr. Wisner have been going in is, you know, if
13 you're talking about savings on paving, did you do
14 this analysis. Did you -- what are the numbers?
15 What are the -- what's the foundation? That's
16 really where we would -- and the analysis that forms
17 the foundation of the conclusions, I think, is a
18 fair thing to test.

19 MR. MICHELINI: Maybe I'll just end
20 it at this. It's really pretty simple. If you
21 don't have to pave, you're going to save money.
22 There's no question about it. He's not going to
23 testify --

24 MR. MCGUCKIN: All right. I'm going
25 to jump in here.

1 MR. MICHELINI: Excuse me. Let me
2 finish.

3 MR. MCGUCKIN: No, I'm not going to
4 let you finish speaking. Now you're testifying.
5 You're testifying now. You just started to testify.

6 MR. MICHELINI: I'm providing -- I'm
7 providing an objection --

8 MR. MCGUCKIN: Your objection is
9 noted.

10 MR. MICHELINI: -- to his
11 characterization of my client's testimony and also
12 my statement.

13 MR. MCGUCKIN: You started to
14 testify.

15 MR. MICHELINI: No, I'm not
16 testifying. I'm restating what has already been
17 said, but I'm not testifying.

18 MR. MCGUCKIN: Mr. Bauman, to try to
19 get this back on course. The assumptions that you
20 made with respect to the economic issues, would it
21 be fair to say that if those assumptions were
22 incorrect, that your conclusions are incorrect?

23 MR. BAUMAN: Then why are we here on
24 that? That's -- I can't speculate on that.

25 MR. MCGUCKIN: You can't answer that

1 question?
 2 MR. BAUMAN: No.
 3 MR. MCGUCKIN: So, if your
 4 assumptions are incorrect, it does not change your
 5 conclusion?
 6 MR. MICHELINI: I'm going to object
 7 because it presumes that he's basing things on
 8 assumptions as opposed to facts and testimony and
 9 Census.
 10 MR. MCGUCKIN: Thank you for the
 11 objection.
 12 Can you answer the question? If the
 13 assumptions you made with respect to the economic
 14 issues are incorrect, does that change your
 15 conclusion?
 16 MR. MICHELINI: I'm going to object
 17 because the assumptions --
 18 MR. MCGUCKIN: Mr. Michelini, you've
 19 objected twice. Now let's have him answer the
 20 question.
 21 MR. MICHELINI: I have a reason why
 22 I'm objecting.
 23 MR. MCGUCKIN: You already said your
 24 reason.
 25 MR. MICHELINI: No, I have a reason.

1 You haven't established what those exact
 2 assumptions -- what assumptions are you talking
 3 about?
 4 MR. MCGUCKIN: His economic ones.
 5 The ones he testified to.
 6 MR. MICHELINI: Which ones? Which
 7 assumptions?
 8 MR. MCGUCKIN: The cost of beach
 9 maintenance. The cost of road maintenance. The
 10 cost of all of those things. All of those costs
 11 that the township will save if the de-annexation
 12 goes forward.
 13 If your conclusion that that is a
 14 savings to the municipality is not offset by the
 15 loss of the ratables, would you agree that those
 16 assumptions, if they are incorrect, your conclusions
 17 are incorrect?
 18 MR. BAUMAN: I don't think I'm
 19 incorrect, so it's not --
 20 MR. MCGUCKIN: I didn't ask if you
 21 were correct.
 22 MR. BAUMAN: I'm not going to go
 23 through what ifs on this.
 24 MR. MCGUCKIN: Well, you are. That's
 25 why we're here.

1 MR. BAUMAN: You are.
 2 MR. MCGUCKIN: That's why we're here,
 3 because you can't testify to that because you don't
 4 have that information. But you've made conclusions.
 5 You've made it based on general knowledge or what
 6 somebody else may have testified to, so -- and
 7 you've, in your report, throughout your report, you
 8 talked about the economic and social cost and
 9 benefits, both to the residents of South Seaside
 10 Park and the residents of the mainland.
 11 MR. MICHELINI: So, let me -- let me
 12 just frame this as an objection. So, what you're
 13 asking him is, if he assumes that somebody's going
 14 to save money because they don't have to drive 45
 15 minutes in a round trip to go to a municipal
 16 meeting, that if that assumption is not correct --
 17 MR. MCGUCKIN: Mr. Michelini, I'm not
 18 talking about the residents. I'm talking about the
 19 township. I was very clear in my question. I'm not
 20 talking about the residents from South Seaside Park
 21 driving over the bridge. We all agree. We all know
 22 that. That's not what the question was. Your
 23 assumption --
 24 MR. MICHELINI: Well, part of --
 25 MR. MCGUCKIN: -- with respect to the

1 town -- let me finish my question again, because,
 2 apparently, you don't want him to answer it.
 3 MR. MICHELINI: No, that's not --
 4 MR. MCGUCKIN: If the assumptions
 5 that you made with respect to the township saving
 6 money by the loss of South Seaside Park and the
 7 de-annexation to Seaside Park with respect to road
 8 maintenance, beach maintenance, police, fire,
 9 emergency services, public works, all of those
 10 things, if they are not offset by the loss of the
 11 ratables, would you agree that your conclusions are
 12 incorrect?
 13 MR. BAUMAN: The day that all those
 14 services are free and provided without costs, then,
 15 yes, my -- it would be incorrect. This sole basis
 16 would be off, if all those -- if all those
 17 services --
 18 MR. MCGUCKIN: When did somebody say
 19 free, Mr. Bauman?
 20 MR. BAUMAN: No charge.
 21 MR. MCGUCKIN: That has nothing to
 22 do -- I didn't say anything about no charges.
 23 MR. BAUMAN: I'm making an assumption
 24 now.
 25 MR. MCGUCKIN: Mr. Bauman, you've

1 testified that there's a benefit to the residents of
 2 South Seaside Park and there's not a detriment to
 3 the residents -- the rest of the residents of
 4 Berkeley Township, correct?
 5 MR. BAUMAN: Correct.
 6 MR. McGUCKIN: And you based that
 7 conclusion on the fact that the township will not
 8 have certain expenses, although you're not here to
 9 testify as to what all of those expenses are or what
 10 the income is as far as ratables are concerned from
 11 this portion of the municipality, correct?
 12 MR. BAUMAN: That's correct.
 13 MR. McGUCKIN: So, if your
 14 information and your assumption that the benefit
 15 outweighs any detriment to the rest of the
 16 municipality, if that is incorrect, if the board
 17 concludes that the loss of the ratables is much
 18 greater than the cost of providing the services,
 19 would you agree that your conclusions are incorrect?
 20 MR. MICHELINI: I'm going to object
 21 to that because he's not testified about ratables.
 22 MR. BAUMAN: Yeah, I can't answer
 23 that.
 24 MR. McGUCKIN: How can you testify
 25 then about the cost without talking about what the

1 income is?
 2 MR. BAUMAN: Because we're making
 3 assumptions now. And I can't testify to that
 4 because it wasn't part of my testimony.
 5 MR. McGUCKIN: Well, your report
 6 talks about the savings a municipality will receive.
 7 How can you know what the savings are if you don't
 8 know what the revenue is? You've been --
 9 MR. BAUMAN: I know that the -- I
 10 know these services aren't free.
 11 MR. McGUCKIN: Right. And you
 12 understand --
 13 MR. BAUMAN: So if they don't have
 14 to --
 15 MR. McGUCKIN: -- the property pays
 16 taxes, right?
 17 MR. BAUMAN: If they don't have to
 18 provide those services anymore, it's not going to
 19 cost the township.
 20 MR. McGUCKIN: But what if the
 21 revenue that they've lost is greater than that?
 22 MR. BAUMAN: I don't know that.
 23 MR. McGUCKIN: I know you don't know
 24 that. If it, in fact, is higher, wouldn't that
 25 change your conclusions?

1 MR. MICHELINI: Object. I'm going to
 2 object. His report is not going -- he's not made
 3 that analysis. That analysis is for a municipal
 4 economist.
 5 MR. McGUCKIN: He's making
 6 conclusions, which is why I'm testing that
 7 conclusion.
 8 MR. MICHELINI: His conclusions are
 9 within the context of a different area. And simply
 10 saying, if you're saving this money, if you don't
 11 have to pave, you're going to save that money. Now
 12 you want to know, is that offset by loss of
 13 ratables. That's the municipal economist's area to
 14 testify about, not his area.
 15 MR. McGUCKIN: Not when his
 16 conclusion is that there's not a negative impact.
 17 MR. MICHELINI: Well, his conclusion
 18 is within the context of what he's testified to. He
 19 hasn't testified about ratables.
 20 MR. McGUCKIN: So, if you can't
 21 testify as to the loss of ratables, how can you
 22 conclude that it's a loss to the municipality or not
 23 a loss?
 24 MR. BAUMAN: If they're no longer
 25 providing it, it's not a cost to them. That's my

1 answer.
 2 MR. McGUCKIN: Okay. Thank you.
 3 Back to the same issue we had before.
 4 I think you raised 16 in the ACS report -- I'm
 5 sorry, 15, bottom of page 15, talked about the
 6 median property value, housing value. In South
 7 Seaside Park, the median housing value is \$479,900;
 8 is that correct?
 9 MR. BAUMAN: Yes.
 10 MR. McGUCKIN: And the rest of the
 11 municipality \$183,600, correct?
 12 MR. BAUMAN: That's what the report
 13 says, yes.
 14 MR. McGUCKIN: Is that fact, is that
 15 something you received from the ACS report?
 16 MR. BAUMAN: Yes.
 17 MR. WISER: Can I, before you go on,
 18 Mr. McGuckin, I have just a question on that.
 19 You've got three paragraphs on
 20 housing on page 15, that says, based on the U.S.
 21 Census, there are 1410 housing units in
 22 South Seaside Park. The next paragraph says, based
 23 on the ACS, there are 1468 housing units in South
 24 Seaside Park.
 25 MR. BAUMAN: Right.

1 MR. WISER: And then the third one,
2 the ACS reports that there are 1488 housing units.
3 MR. BAUMAN: That's a typo. The 88's
4 a typo. It should be 68. And the reason why, the
5 Census goes up to 2010, then the ACS takes it up to
6 2012. So, you usually see a little bump with that.
7 Thank you for bringing that up. It's 1468 --
8 MR. WISER: Okay. Thank you.
9 MR. BAUMAN: -- in the second to last
10 paragraph on page 15.
11 MR. WISER: I'm sorry, Mr. McGuckin.
12 MR. MCGUCKIN: No problem. We'll
13 continue on that unless somebody has questions.
14 In the housing issue in that
15 paragraph, you talk about 1410 units in the 2010
16 Census. Twenty percent were occupied and 80 percent
17 were vacant, correct?
18 MR. BAUMAN: That's what the Census
19 data says, yes.
20 MR. MCGUCKIN: Now, vacant, that
21 means that people don't live there year-round?
22 That's not their residence, correct?
23 MR. BAUMAN: Right.
24 MR. MCGUCKIN: So, people could stay
25 there, and in fact, likely do in the summer months,

1 correct?
2 MR. BAUMAN: Yes.
3 MR. MCGUCKIN: So, it's not vacant as
4 far as all year round, correct?
5 MR. BAUMAN: The Census classifies it
6 as vacant, so I wasn't going to take liberty on
7 their definitions.
8 MR. MCGUCKIN: But you understand, as
9 a planner and a resident of New Jersey, that, in
10 fact, these houses are fully occupied for a vast
11 portion of the year, correct?
12 MR. BAUMAN: Three or four months out
13 of the 12 month year, that's not a vast portion.
14 But it's a certain amount, yes.
15 MR. MCGUCKIN: Okay. Thank you.
16 Now, back to the bottom ACS reports.
17 Median household value in South Seaside Park is
18 \$479,900, correct?
19 MR. BAUMAN: Yes.
20 MR. MCGUCKIN: And it's 183,600 for
21 the rest of the town, correct?
22 MR. BAUMAN: Yes.
23 MR. MCGUCKIN: Would it be fair to
24 say that you did not do the analysis, just as you
25 did not do the analysis with respect to the per

1 capita income, as to other areas of the municipality
2 and the housing values?
3 MR. BAUMAN: That's correct.
4 MR. MCGUCKIN: So, you don't know of
5 any other portion of the municipality, any other
6 neighborhood, section, that has a median value close
7 to what South Seaside Park is?
8 MR. BAUMAN: I took the median values
9 from the study, from the Census.
10 MR. MCGUCKIN: And would you agree --
11 MR. BAUMAN: ACS, I'm sorry, from the
12 ACS.
13 MR. MCGUCKIN: Would you agree as a
14 planner that if, in fact, that represented the
15 highest section of the municipality, that there
16 could be a detriment to the municipality if it lost
17 the highest median value properties in the
18 municipality as a result of de-annexation?
19 MR. BAUMAN: Median value isn't
20 assessed value in this case. You're not taxing off
21 of -- I said the T word. But median value is not --
22 MR. MCGUCKIN: We're not going to go
23 there. I understand.
24 MR. BAUMAN: Median value is not the
25 assessed value which the municipality derive their

1 revenue from. So, I can't tell you --
2 MR. MCGUCKIN: I'm not talking about
3 revenue.
4 MR. BAUMAN: -- what those numbers
5 would be. If they lost them all, whether there
6 would be a negative offset or not.
7 MR. MCGUCKIN: If the South Seaside
8 Park property values of 400 -- median value of
9 479,900, if that was higher than any other portion
10 of the municipality, would it be fair, from a
11 planning perspective, to say that there would be a
12 negative impact on the municipality losing its
13 highest median value properties in the entire
14 community?
15 MR. BAUMAN: It would be a negative
16 impact? They -- no, I mean, they could all be
17 McMansions and an eyesore. I mean, just taking into
18 consideration what a 400, nearly \$500,000 dwelling
19 would look like, some folks may not want that in
20 their town.
21 MR. MCGUCKIN: Let's do --
22 MR. BAUMAN: This has to do with this
23 location.
24 MR. MCGUCKIN: Let's stick to
25 Berkeley Township and --

1 MR. BAUMAN: Sure.
 2 MR. McGUICKIN: -- there's very few
 3 McMansions, and South Seaside Park.
 4 MR. BAUMAN: Right.
 5 MR. McGUICKIN: Are you aware of any
 6 other portion of the municipality which has a median
 7 value of residences over \$183,000?
 8 MR. BAUMAN: I didn't study those
 9 individual -- certain areas of the mainland.
 10 MR. McGUICKIN: You're not aware of
 11 any other ones?
 12 MR. BAUMAN: That's correct.
 13 MR. McGUICKIN: And if we did a study
 14 and determined that there are no other ones, would
 15 you agree that there's a detriment to the
 16 municipality losing its highest median value
 17 properties from a social standpoint, not an
 18 economic, from a social standpoint? Isn't it a
 19 detriment to the municipality to lose the high end
 20 parts of their town?
 21 MR. BAUMAN: You could have some very
 22 antisocial people living in these high median value
 23 houses, so --
 24 MR. McGUICKIN: They're all very nice.
 25 We've seen them. They're not anti-social.

1 MR. BAUMAN: Oh, sorry.
 2 MR. McGUICKIN: You just called your
 3 clients anti-social.
 4 MRS. FULCOMER: We just --
 5 MR. FULCOMER: Maybe we are. We
 6 don't go to the mainland.
 7 MRS. FULCOMER: We don't go to the
 8 mainland, except for this.
 9 MR. McGUICKIN: Do you agree that a
 10 township losing its highest median value section is
 11 a detriment to the municipality?
 12 MR. MICHELINI: I'm going to just put
 13 an objection on the record because there's nothing
 14 in the record to indicate that it is the highest.
 15 MR. McGUICKIN: Mr. Michelini, you
 16 can't argue --
 17 MR. MICHELINI: There's nothing in
 18 the record to indicate --
 19 MR. McGUICKIN: -- one objection --
 20 you cannot argue in one objection that there's going
 21 to be testimony later and then not allow the answers
 22 to questions in because we don't know the answers
 23 yet.
 24 MR. MICHELINI: Well, you're making
 25 an -- you're making a question without knowing. For

1 instance, some of the bay front neighborhoods are
 2 very valuable neighborhoods. We know that. I mean,
 3 I'm not saying anything that's a secret. Okay.
 4 Okay. Some beautiful bay front neighborhoods east
 5 of Bayview in Berkeley Township. And I would
 6 imagine they have very, very high values. Without
 7 that being in the record, I mean, it's not -- he
 8 hasn't testified to that, so it's --
 9 MR. McGUICKIN: But he's testifying --
 10 MR. MICHELINI: You're making the
 11 assumptions that, without -- without the
 12 information. He can only testify based upon what
 13 he's done, not based upon a study he hasn't done.
 14 If you want him to do that study, maybe we'll have
 15 him do it. But he hasn't done that study.
 16 MR. McGUICKIN: Are you done? I'm
 17 sorry. I didn't want to interrupt.
 18 MR. MICHELINI: Go ahead.
 19 MR. McGUICKIN: Okay. He's testified
 20 at great length and with your objection, and you
 21 repeatedly made it, that he can still testify to
 22 conclusions, even though he's based his assumptions
 23 on things that are not yet in the record. You've
 24 been clear on that all night long, that he can make
 25 those conclusions because it's an assumption that

1 someone else is going to testify to other things.
 2 MR. MICHELINI: That's not my
 3 objection. My objection, I said that the things
 4 that he testified to in terms of economic loss was
 5 supported in the record, but it was not supported in
 6 the way that a municipal accountant would provide
 7 the support. That it was supported through the
 8 testimony of people. It was supported through his
 9 observations. It was supported by his reference to
 10 the U.S. Census.
 11 In various cases, he has referred to
 12 all kinds of things to support his economic
 13 conclusions, but he hasn't done the math. I've
 14 acknowledged that.
 15 MR. McGUICKIN: And I'm acknowledging
 16 he hasn't done the math here. My question is, as a
 17 planner, a professional, a planner who's been
 18 presented here as an expert, who sits as city
 19 planner for the City of Plainfield, has been a mayor
 20 of a municipality, would you agree, in your
 21 professional opinion, that one of the highest median
 22 value portions of a municipality, if it's de-annexed
 23 and sent to another town, is a detriment to the rest
 24 of the municipality? If your answer is no, it's no.
 25 If it's yes, it's yes. Just, what's your opinion on

1 that?
 2 MR. MICHELINI: Or it may have --
 3 it's not necessarily a yes or no. Objection. But
 4 go ahead. You can answer.
 5 MR. BAUMAN: I'm going to say no.
 6 MR. MCGUCKIN: It's not?
 7 MR. BAUMAN: It's not.
 8 MR. MCGUCKIN: Okay. Thank you.
 9 MR. SLACHETKA: Mr. Chairman, can I
 10 just follow up on that?
 11 MR. WINWARD: Yes.
 12 MR. SLACHETKA: And it seems like
 13 we're focusing a lot in terms of the negative
 14 impacts on the township. So, let's kind of stay
 15 there and stay in that vein and using these facts
 16 and figures that you actually do present in your
 17 report. So, looking at the median income of the
 18 Seaside Park residents in comparison to the rest of
 19 the township, you say that it's essentially twice as
 20 much. It's 53,000, approximately, to 29,000 median
 21 income per capita. So, twice as much, per capita
 22 income is twice as much on the island in comparison
 23 to the rest of the township, which includes all
 24 parts of the township, including those bay front
 25 communities that were referenced by the attorney.

1 And in addition, you say that the, or cite,
 2 information from the ACS, that the median value, the
 3 owner occupied housing units in South Seaside Park
 4 is 479,900 comparison -- compared to 183,600 in the
 5 rest of the township. Approximately 2.6 times as
 6 high as the rest of the township. Although there
 7 may be other neighborhoods in the township that have
 8 comparable --
 9 MR. BAUMAN: Well, we're talking --
 10 the 479,900, we're talking 377 owner occupied
 11 housing units. And when we're looking at the
 12 \$183,600 median value, that's for 18,365 -- 64 owner
 13 occupied housing units.
 14 MR. SLACHETKA: Understood.
 15 Understood. And I wasn't kind of going -- I'm not
 16 going in the direction that you might think I'm
 17 going in with regards to the economic impacts to the
 18 township.
 19 So, we got your high, you know, high
 20 per capita income of the residents, approximately
 21 five -- less than 500 year-round residents in that
 22 area. High value of the properties in that area.
 23 It's on a barrier beach. So, as a planner, you
 24 would -- in evaluating why those properties are such
 25 high value, location --

1 MR. BAUMAN: Location, location.
 2 MR. SLACHETKA: So, obviously, you're
 3 on a barrier beach, the property's going to be much
 4 more, you know, valued than in other areas of a --
 5 in other locations. We've got a beach. Township
 6 has a beach. White Sands Beach there.
 7 MR. BAUMAN: You have a couple
 8 beaches.
 9 MR. SLACHETKA: Yeah. Well, with the
 10 White Sands Beach, my understanding as you say that,
 11 for the petition is to take White Sands Beach along
 12 with the -- and then White Sands Beach, as we talked
 13 about at the last meeting, is on the township's
 14 ROSI, right?
 15 MR. BAUMAN: You informed me of that,
 16 yeah.
 17 MR. SLACHETKA: So, it's a -- it's a
 18 municipal park. It's a public open space. It's a
 19 valuable resource, right, to the community? It's a
 20 unique resource. Not making too many barrier
 21 beaches, right?
 22 MR. MICHELINI: Are you making -- is
 23 that a question?
 24 MR. SLACHETKA: That is a question.
 25 It's a unique --

1 MR. MICHELINI: I'm going to object,
 2 because we went -- he answered that significantly
 3 before in his testimony last time where he said yes,
 4 it's unique, but it's not a significant loss. I
 5 mean, he gave all the reasons for that. So, we can
 6 go over that all over again.
 7 MR. SLACHETKA: No, no. I just -- I
 8 just wanted to just reaffirm -- reaffirm that. I
 9 understand.
 10 So, you're a municipal planner.
 11 You're working for the City of Plainfield. In a
 12 similar circumstance, say, similar context, where
 13 you had a neighborhood in the City of Plainfield or
 14 any other municipality that you might be
 15 representing, a neighborhood that is one of the
 16 highest per capita areas, one of the highest per
 17 capita in terms of per capita income, one of the
 18 highest values of home per, you know, per home,
 19 right, per capita value of home, and has associated
 20 with it a very important, you know, public open
 21 space resource to the community, and they wanted to
 22 secede, would you not conclude, in terms of the
 23 impact on the community, that that would not cause a
 24 significant negative impact on the community?
 25 MR. BAUMAN: There are too many

1 variables to take into consideration to give you a
 2 one word answer on that. I can't. You know, I've
 3 done a study like this to give you an answer for
 4 that.

5 MR. SLACHETKA: Well, I mean, just
 6 using the basic facts that we have, I mean, you got
 7 high -- one of the highest residential values,
 8 highest per capita income, an important resource,
 9 public open space resource to the community, and
 10 they want to leave. That's not going to have a
 11 negative impact on the community?

12 MR. MICHELINI: I'm going to object
 13 to the term important, because that wasn't testified
 14 to.

15 But go ahead.

16 MR. BAUMAN: There's other resources.
 17 Island Beach State Park is a resource --

18 MR. SLACHETKA: I'm not asking
 19 about --

20 MR. BAUMAN: -- that's within the
 21 municipal jurisdiction, so the loss -- Island Beach
 22 State Park is a resource within the municipality's
 23 jurisdiction and it will be after de-annexation if
 24 it were to be granted. So, the loss of White Sands
 25 Beach is not significant.

1 It will still be a ROSI property.
 2 Quite, frankly, it's an asset for the state --

3 MR. SLACHETKA: But that was --

4 MR. BAUMAN: -- not where imaginary
 5 lines are drawn.

6 MR. SLACHETKA: Island Beach State
 7 Park is, obviously, a very unique situation. It's a
 8 state park. It's a statewide resource. I'm talking
 9 about a municipally owned and operated park, a
 10 valuable public resource and on the high, a very,
 11 very high per capita income and a high value in
 12 terms of the residential property values. That
 13 would not have an impact on any municipality if that
 14 portion of the township left?

15 MR. MICHELINI: I'm going to object
 16 to the question.

17 But go ahead, you can answer.

18 MR. BAUMAN: I see the opportunities
 19 that the township has to recover from any of those
 20 losses is significant through your transfer
 21 development rights, through your corridor studies
 22 and your other areas within the mainland. I don't
 23 see it as a --

24 MR. SLACHETKA: How would TDR, the
 25 transfer development rights, mollify or mitigate

1 against a loss like that?

2 MR. BAUMAN: You're inviting a lot of
 3 open development in those areas that would -- you
 4 would be able to recover from any loss from
 5 South Seaside Park through the implementation of the
 6 TDR --

7 MR. MCGUCKIN: Shouldn't the town
 8 have both? Shouldn't the town have both?

9 MR. BAUMAN: You could have both.

10 MR. MCGUCKIN: Why would we use that
 11 to mollify or --

12 MR. BAUMAN: What I'm saying is, if
 13 de-annexation were granted, that any economic
 14 statement of that would be remedied by the open door
 15 growth proposals that you have throughout the
 16 mainland.

17 MR. MCGUCKIN: So, if de-annexation
 18 does not go forward, there would be an economic
 19 benefit to the municipality, then, because that
 20 growth will occur anyway and we would retain the
 21 highest median, the higher property values and a
 22 major piece -- public resource.

23 MR. BAUMAN: I think if the town
 24 started investing the way they should in that area,
 25 that those economics would be scaled back a bit.

1 MR. MCGUCKIN: So, your opinion is
 2 that, in response to Mr. Slachetka's question, is
 3 that we should just -- the township should just let
 4 de-annexation occur and make up the money somewhere
 5 else?

6 MR. BAUMAN: No.

7 MR. MCGUCKIN: That's not what you
 8 just said?

9 MR. BAUMAN: I said that was an
 10 option. You know, you're not going to --

11 MR. MCGUCKIN: All right.

12 MR. WISER: I've got a couple more
 13 questions but --

14 MR. SLACHETKA: I've got a couple
 15 after that.

16 MR. WISER: Well, what I was going to
 17 say, Stan -- excuse me -- is that they're all in the
 18 same lines of the economic questions I was asking
 19 before. And I thought you really, when you summed
 20 up, you said it right for the board. There are some
 21 conclusions that have been drawn. The board can
 22 weigh the analyses that went into those conclusions
 23 and give them whatever weight you see fit.

24 The one thing that I keep coming back
 25 to, though, on the economic analyses, is that at the

1 end of the day, if we ever get to the point where
2 we're done here, his conclusions may very well end
3 up being correct, once we have the information from
4 the economist. Don't know, but they may. But I
5 think the point here is that in this report -- and
6 I'll wait for the objection -- but in this report,
7 he didn't have the figures to make those conclusions
8 at the time he made them.

9 MR. MICHELINI: Is this a question?
10 Because I can't apparently make statements out of
11 time or order, but apparently you can, sir.

12 MR. WISER: I'm speaking to my
13 client.

14 MR. MICHELINI: Well, this is a time
15 for cross-examination, as I understand it. So if
16 there's a question, you should ask it.

17 MR. WISER: Okay.

18 MR. MICHELINI: If you're going to
19 testify and give your own report at some point, then
20 I would say that you probably should do that. And
21 if you want to make statements when you give your
22 own testimony, you can do that. But at this time,
23 this is cross-examination. And we're just about to
24 two hours, so if we're going to have questions, I'd
25 like them to be made now.

1 MR. WISER: Well, I was explaining to
2 the board why I was not going to continue with my
3 questions. But I'm done. Thank you.

4 MR. WINWARD: Stanley?

5 MR. SLACHETKA: Yeah, and maybe just
6 to try to conclude the discussion in terms of
7 impacts to the municipality, would stay on this
8 point and move away from the economic aspect of it.

9 From a social and cultural
10 perspective, I mean, I would assume, and because you
11 alluded to it during several parts of your report,
12 that the Jersey Shore, you consider the Jersey Shore
13 fairly unique part of the state's culture and
14 cultural resources, correct?

15 MR. BAUMAN: Yes, and bay front.

16 MR. SLACHETKA: And you sort of
17 categorized this, I think, at some point, that South
18 Seaside Park is a unique barrier island community in
19 the context of your report?

20 MR. BAUMAN: Yes.

21 MR. SLACHETKA: And then as a unique
22 barrier island community and part of the fabric of
23 the New Jersey Shore, it has certain unique
24 characteristics and, really, becomes an important
25 part of our community fabric, not only in the

1 township but also statewide and regionally, correct?

2 MR. BAUMAN: Yes.

3 MR. SLACHETKA: So, and in evaluating
4 the businesses that are located, the uses that are
5 located on the -- in South Seaside Park, you would
6 also categorize them as being sort of a unique part
7 or a part of that unique cultural fabric?

8 MR. BAUMAN: Not exactly.

9 MR. SLACHETKA: Then explain.

10 MR. BAUMAN: Beach stands,
11 restaurants, you have them on the mainland, you have
12 them on the shoreline. I don't see the uniqueness
13 of -- you go buy a soda, you're going to go to a
14 7-Eleven. There's going to be one on the barrier
15 island. There's one on the mainland.

16 MR. SLACHETKA: Well, I mean,
17 although -- although if you're doing that on the
18 mainland, you have to admit that it's a much
19 different experience than if you're, you know, on a
20 barrier island? I mean, in fact, actually --

21 MR. MICHELINI: It is for these folks
22 if they need to drive 45 minutes to go buy that
23 soda.

24 MR. SLACHETKA: No, I mean, they
25 actually -- the testimony I've heard is that, you

1 know, that experience, that being there, is really
2 an important part of their lives and also it creates
3 this unique kind of experience and -- isn't that
4 correct?

5 MR. BAUMAN: Yes, but you're talking
6 more about the businesses or the business,
7 specifically the businesses, the restaurants unique
8 on that. I said, no, I find them on the mainland.
9 I find them on the barrier island.

10 MR. SLACHETKA: Maybe --

11 MR. BAUMAN: The community as a whole
12 is unique.

13 MR. SLACHETKA: Maybe I'm considering
14 the context that they're placing there in the
15 context of the overall experience. It's different.
16 You would admit that it's different, correct?

17 MR. BAUMAN: Having a coffee and a
18 bagel at a shop next to the beach isn't so much more
19 unique than having a coffee at a Starbucks on
20 Route Nine.

21 MR. SLACHETKA: That's your opinion?

22 MR. BAUMAN: Yes.

23 MR. WISER: You said it's not?

24 MR. BAUMAN: It's not.

25 MR. SLACHETKA: But you do say that

1 the barrier -- that this is a unique barrier island
 2 community. It's an important resource. How could
 3 the loss -- I'm sorry. I didn't realize he was --
 4 MR. BAUMAN: I think it's the
 5 walkability. It's the accessibility. It's the
 6 small -- smallness of it.
 7 MR. SLACHETKA: That's the only thing
 8 that makes it unique?
 9 MR. BAUMAN: No.
 10 MR. SLACHETKA: So, your statement is
 11 that this, the loss of this, this unique barrier
 12 island community, doesn't change or doesn't impact
 13 or doesn't affect the township's sense of community
 14 overall?
 15 MR. BAUMAN: It does not, no.
 16 Your -- because your master plan only addresses
 17 island zoning. It doesn't kick in -- I mean,
 18 there's so many things that are not addressed by
 19 your municipal documents that affect the lives and
 20 the physical appearances of South Seaside Park. And
 21 also given that you do have Island Beach State Park
 22 still.
 23 MR. SLACHETKA: We talked about the
 24 master plan last time and I don't think we need to
 25 go into it. I'm not talking about the zoning and

1 land use perspective.
 2 I don't have any more questions, at
 3 least on that part. I have other questions about
 4 other aspects of your report, other aspects of the
 5 report on the other two elements of -- other two to
 6 three elements of the conclusions. But I don't have
 7 any further questions on this part of it.
 8 MR. MCGUCKIN: Just a couple
 9 follow-ups, if I could.
 10 MR. WINWARD: Sure. Go ahead.
 11 MR. MCGUCKIN: Have you looked at
 12 Seaside Park's Affordable Housing Plan or Fair Share
 13 Plan?
 14 MR. BAUMAN: No, I haven't.
 15 MR. MCGUCKIN: You reached a
 16 conclusion in your report in this case that South
 17 Seaside Park, if it was de-annexed, one of the
 18 reasons would be because it is or is not part of the
 19 township's affordable housing?
 20 MR. MICHELINI: What page are you
 21 referring to?
 22 MR. MCGUCKIN: Page nine or ten. I
 23 can't remember.
 24 MR. BAUMAN: On page 22, I refer to
 25 the affordable housing parts that you're --

1 MR. WISER: I have a question on 22.
 2 MR. MICHELINI: Well, let him focus
 3 on Mr. McGuckin's question first.
 4 MR. MCGUCKIN: I'm looking at
 5 page nine, number four.
 6 MR. BAUMAN: All right. I have it.
 7 MR. MCGUCKIN: You reached a
 8 conclusion that the residents of South Seaside Park
 9 will not benefit from the township's current
 10 Affordable Housing Plan?
 11 MR. BAUMAN: I said they have not in
 12 the past, and they have not benefited.
 13 MR. MCGUCKIN: And --
 14 MR. BAUMAN: If de-annexation were
 15 granted, they, obviously, will not benefit any
 16 further.
 17 MR. MCGUCKIN: I guess that was my
 18 point. Do you know if they would become part of
 19 Seaside Park's Affordable Housing Plan?
 20 MR. BAUMAN: I don't know that.
 21 MR. MCGUCKIN: You don't know that --
 22 MR. BAUMAN: I don't think anybody
 23 knows that. That's a topic for another meeting.
 24 MR. MCGUCKIN: And just because this
 25 is a critical issue, we've been through it in detail

1 tonight, we talked about on page seven, from a
 2 demographic housing perspective, Berkeley Township
 3 and South Seaside Park are, essentially, homogenous
 4 communities divided by a geographic barrier,
 5 barriers. Do you see that?
 6 MR. BAUMAN: Yes.
 7 MR. MCGUCKIN: And that's a
 8 conclusion you have also in your report, pretty much
 9 a summary of what your opinion is, correct?
 10 MR. BAUMAN: Yes.
 11 MR. MCGUCKIN: Yet, when we went
 12 through the questioning, the median income, median
 13 property values are tremendous diversity between
 14 South Seaside Park and the rest of the municipality,
 15 wouldn't you agree?
 16 MR. BAUMAN: Well, I said
 17 essentially. And that doesn't mean all inclusive.
 18 So besides those two, everything else is homogenous
 19 on that. Again, the workforce --
 20 MR. MCGUCKIN: Median income --
 21 MR. BAUMAN: -- household
 22 composition, the race, the median age, the
 23 demographics of the population. Take everything out
 24 except the median value of the properties and the
 25 median income and they're, essentially, homogenous

1 communities.
 2 MR. MCGUCKIN: So, even though
 3 there's a percentage difference between minorities
 4 and majorities, and you don't know what the minority
 5 population of Seaside Park is versus South Seaside
 6 Park?
 7 MR. BAUMAN: Seaside Park has nothing
 8 to do with this conclusion.
 9 MR. MCGUCKIN: Okay. And you
 10 testified also in your report that it's -- you
 11 testified as to your report that the residents of
 12 South Seaside Park would be easily assimilated into
 13 Seaside Park because they had a common type of,
 14 homogenous type of barrier living; is that --
 15 MR. BAUMAN: Yeah, from the -- from
 16 my conversations with the residents, yes. And, you
 17 know, they used the facilities there. And that was
 18 my assumption.
 19 MR. MCGUCKIN: And Seaside Park is
 20 similar to South Seaside Park in the types of
 21 housing, I think you said?
 22 MR. BAUMAN: I didn't say that.
 23 MR. MCGUCKIN: You didn't? Is it
 24 different?
 25 MR. BAUMAN: I didn't go in -- I

1 didn't study the housing characteristics of
 2 Seaside Park.
 3 MR. MCGUCKIN: But you concluded that
 4 it would be a societal benefit from a housing
 5 perspective for them to be part of Seaside Park?
 6 MR. BAUMAN: From a housing, no.
 7 MR. MCGUCKIN: No?
 8 MR. BAUMAN: I didn't say that.
 9 MR. MCGUCKIN: From a zoning
 10 perspective?
 11 MR. BAUMAN: I said from a zoning
 12 that it would give the South Seaside Park a better
 13 shake at having consistent zoning throughout the
 14 barrier island.
 15 MR. MCGUCKIN: And --
 16 MR. BAUMAN: If it were under --
 17 MR. MCGUCKIN: -- would it be fair to
 18 say that it would also give them a similarity with
 19 respect to median income, median household values?
 20 MR. BAUMAN: I didn't study Seaside
 21 Park on their values.
 22 MR. MCGUCKIN: If the future
 23 testimony revealed that Seaside Park and South
 24 Seaside Park are similar in that regard with respect
 25 to median income and housing values and so forth --

1 MR. BAUMAN: Should that be decided,
 2 I'll come back to testify for that. I don't know.
 3 MR. MCGUCKIN: Okay. Do you think
 4 that some in Berkeley Township would view this as
 5 the wealthiest portion of the municipality trying to
 6 leave a poor municipality?
 7 MR. MICHELINI: Objection.
 8 MR. MCGUCKIN: I'm asking him his
 9 opinion.
 10 MR. MICHELINI: And I'm objecting
 11 because the perception of some is really not
 12 relevant.
 13 MR. MCGUCKIN: I'll rephrase the
 14 question. Could a perception be that the wealthy
 15 portion of the municipality wants to divest itself
 16 from the poor portion of the municipality?
 17 MR. BAUMAN: I think it depends on --
 18 MR. MICHELINI: Object. That's a
 19 ridiculous question.
 20 But go ahead, you can answer.
 21 MR. BAUMAN: I think it depends on
 22 who you ask. If you ask somebody very wealthy, I
 23 don't think they would see that as a loss. If you
 24 spoke to somebody who is not as -- not wealthy, then
 25 they may think that.

1 MR. MCGUCKIN: Thank you.
 2 MR. BAUMAN: You're welcome.
 3 MR. WISER: Along those lines. One
 4 of the tests that the court has, one of the courts
 5 has laid out for de-annexation, speaks to the loss
 6 of prestige that might be attendant to -- that might
 7 result in the host municipality if a portion of that
 8 municipality left.
 9 MR. MICHELINI: I'm going to object
 10 without a reference to the case and the specific
 11 language, because I don't want it to be
 12 misconstrued.
 13 MR. BAUMAN: There's a good chance I
 14 haven't read the court -- the case either. So, if
 15 it is pegged --
 16 MR. WISER: I apologize for not
 17 having it with me. There's something that you spoke
 18 to that I would like to question you about that
 19 triggered this thought in my head.
 20 MR. SLACHETKA: Can I just --
 21 MR. WISER: Go ahead.
 22 MR. SLACHETKA: -- while Stuart's
 23 trying to do the research there. Let me follow up
 24 with the questions that Greg was asking with regards
 25 to the housing. I was looking at that item number

1 four on page nine.
 2 MR. MCGUCKIN: I got it, Stan.
 3 MR. SLACHETKA: And -- do you want to
 4 continue on to that line, Stuart?
 5 MR. MCGUCKIN: Keep going.
 6 MR. WISER: Oh, okay. Yeah.
 7 MR. SLACHETKA: And just reading
 8 that, number four, and I'm quoting from the report,
 9 quote, South Seaside Park housing units are not
 10 included in Berkeley Township's Fair Share Plan for
 11 Affordable Housing and neither are South Seaside
 12 Park housing units part of the township's 610 unit
 13 prior round affordable housing obligation.
 14 South Seaside Park residents have not and will not
 15 benefit from any of Berkeley Township's affordable
 16 housing provision and rehabilitation programs.
 17 Whether South Seaside Park will be included in the
 18 next round of affordable housing remains to be seen.
 19 I didn't quite understand the
 20 statement and the premise there. Before we get into
 21 questions about, couple of other questions I had on
 22 it. What were you trying to say here? I mean, what
 23 was the point?
 24 MR. BAUMAN: Page 22 goes into the --
 25 that a little more. I looked at the -- in the

1 rehabilitation component, the 135 units were -- none
 2 were in South Seaside Park. Over eight year period,
 3 \$1.6 million in community development block grants
 4 for rehabilitation program funds were used to
 5 rehabilitate owner occupied rental units on the
 6 mainland. There was no mention of any units in
 7 South Seaside Park as being part of the --
 8 fulfilling the growth share obligation.
 9 MR. SLACHETKA: Let's stay on that
 10 rehabilitation. So, that's a program run by the
 11 Ocean County Development Block Grant, essentially
 12 run by Ocean County Community Development --
 13 MR. BAUMAN: They give the funds to
 14 the municipality. Then the municipality spends them
 15 at kind of the municipal discretion.
 16 MR. SLACHETKA: And that's -- that's
 17 a program that's openly advertised and available to
 18 any lower/moderate income household who has a
 19 housing unit that is not up to code and wishes to
 20 rehabilitate it to get it up to code; is that
 21 correct?
 22 MR. BAUMAN: That's correct.
 23 MR. SLACHETKA: So, anybody could
 24 apply? I mean, if you're a qualified low and
 25 moderate income household, you could apply for that?

1 And if you're -- and, specifically, if you're low
 2 and moderate income household and your dwelling unit
 3 is substandard and needs rehabilitation, you can
 4 qualify and apply for and obtain funding, correct?
 5 MR. BAUMAN: Yes. It is kind of
 6 peculiar that most of the units were in the Silver
 7 Ridge or Holiday City communities.
 8 MR. SLACHETKA: Okay. Well, I mean,
 9 we were just talking about the per capita, you know,
 10 household value in -- on the island and the per
 11 capita income being very, very high in South Seaside
 12 Park. So, could it be that, A, you know, that there
 13 are no qualified applicants on South Seaside Park or
 14 that if there were a qualified applicant, they just
 15 didn't apply for the program?
 16 MR. BAUMAN: Doesn't necessarily mean
 17 that there's code violations. If they're high
 18 median value of the house, it could still have
 19 issues that would need rehabilitation. And each
 20 individual house, and whether that matches up with
 21 the person of qualifying income, I don't know. I
 22 don't know.
 23 MR. SLACHETKA: But I guess the
 24 implication, and correct me if I'm wrong, the
 25 implication is that somehow Berkeley Township is

1 doing something that is harmful to the residents of
 2 South Seaside Park by not allowing the South Seaside
 3 Park residents to participate in the program?
 4 MR. BAUMAN: I'm just seeing no
 5 active -- no activity of any of these, you know,
 6 rehabilitation programs. I observe no activity on
 7 the South Seaside Park.
 8 MR. SLACHETKA: But that doesn't
 9 imply that that issue or that the availability of
 10 that program is going to change whether or not
 11 you're part of the Berkeley Township or South Sea --
 12 or Seaside Park, correct?
 13 MR. BAUMAN: It should not.
 14 MR. SLACHETKA: All right. So, with
 15 regards to that, continuing on with regards to that
 16 statement, again, I'm a bit confused. Are you
 17 suggesting that there should be affordable housing
 18 projects located in South Seaside Park?
 19 MR. BAUMAN: No, I'm not making any
 20 assumptions of what the township should or shouldn't
 21 do.
 22 MR. SLACHETKA: So, really, from the
 23 standpoint of the issue of de-annexation, it really
 24 is, there's -- there doesn't seem to be a relevancy
 25 there.

1 MR. MICHELINI: Objection.
 2 MR. SLACHETKA: Well, let me ask --
 3 let me ask. What is the relevancy?
 4 MR. BAUMAN: There hasn't been any
 5 attention of your COAH in South Seaside Park. They
 6 just haven't met yet. There hasn't been any
 7 interaction on it. So, if Seaside -- South Seaside
 8 Park were de-annexed, there wouldn't be any --
 9 there's nothing -- nothing missed, nothing gained.
 10 There's an inactive -- there's no program there now,
 11 so if they should de-annex, there would be nothing
 12 missed.
 13 MR. SLACHETKA: So, why is it even
 14 important or relevant?
 15 MR. MICHELINI: Objection.
 16 MR. BAUMAN: Because affordable
 17 housing is important to the state. And that's
 18 something that needs to be addressed. Every planner
 19 should be able to address this. I felt if I didn't
 20 address affordable housing in my report, I wouldn't
 21 be doing my job.
 22 MR. SLACHETKA: Understood.
 23 MR. BAUMAN: So, I observed what the
 24 past activities were from the township through third
 25 round, substantive certification through the

1 judgment of compliance for the second round. I
 2 looked through all that and I looked for places
 3 where South Seaside Park was being addressed or
 4 attended to. I couldn't find any.
 5 MR. SLACHETKA: But this is -- the
 6 relevancy of the affordable housing issue in this
 7 instance would be as to showing a harm that would be
 8 cured by the de-annexation or, in turn, the benefit
 9 to the township and lack of harm to the township.
 10 MR. BAUMAN: There would be no
 11 change.
 12 MR. SLACHETKA: So, where's --
 13 MR. BAUMAN: There would be no
 14 change.
 15 MR. SLACHETKA: All right. Thank
 16 you.
 17 MR. BAUMAN: You're welcome.
 18 MR. WISER: The case is Ryan versus
 19 the Borough of Demarest. I will not go through all
 20 the numbers.
 21 MR. MICHELINI: What's the case cite?
 22 MR. WISER: Well, that's what I was
 23 hoping not to go to. Sixty -- there's, looks like
 24 three sites. 64 NJ 593 319 A 2d 442.
 25 MR. MICHELINI: So, that's an

1 Appellate Division case not released for
 2 publication?
 3 MR. WISER: Well, no, there is --
 4 this, what I'm about to talk about is the Supreme
 5 Court's ruling. That is the number that I have
 6 here. It's the Supreme Court in the Ryan v.
 7 Demarest matter, where the judge --
 8 MR. MICHELINI: I don't mean to cut
 9 you off but the A number, the Appellate Division
 10 number. So, I want to -- there should be a cite to
 11 the Supreme Court.
 12 MR. WISER: Well, and I'm sure there
 13 is. I just don't know that I have it here.
 14 MR. MCGUCKIN: 64 NJ 593.
 15 MR. WISER: Thank you.
 16 MR. MCGUCKIN: New Jersey Supreme
 17 Court.
 18 MR. WISER: That's one of those
 19 tricks that you lawyers do that --
 20 MR. MICHELINI: I wasn't trying to
 21 trick you. I just want to make sure we're dealing
 22 with the Supreme Court decision, not a lower court
 23 decision.
 24 MR. WISER: No. And in this
 25 particular case, the judge went beyond -- the

1 justice went beyond simply addressing the merits of
 2 that particular case and laid out some parameters
 3 for boards to consider when addressing, when
 4 deciding de-annexation. Some of the appropriate
 5 considerations in resolving the issue of social
 6 detriment to municipality from de-annexation are the
 7 deprivation of -- and he gives five items. The one
 8 that I am concerned about right now is the item
 9 three, the contribution to the prestige and social
 10 standing of the municipality. Okay.
 11 So, with that said, there was a
 12 conversation earlier this evening that if the --
 13 excuse me -- if de-annexation were permitted to go
 14 through and the folks in South Seaside Park with
 15 their incomes then leave Berkeley Township, the
 16 remaining township becomes poorer. And with respect
 17 to -- and then your comment was, but they might be
 18 eligible for programs that they're not eligible for
 19 now. And I guess my question as a planner on the
 20 social impact is, being eligible for those programs,
 21 being a poorer -- what would being a poorer
 22 community and then perhaps being eligible for those
 23 programs do to the prestige of the municipality?
 24 MR. BAUMAN: It may improve it. If
 25 you're eligible for more, say, more rehabilitation

1 programs and now you're able to fix up more homes on
2 the mainland, it may be a better situation then for
3 the mainland.

4 MR. WISER: So, if certain of the
5 indices of distress are increased in the township --

6 MR. BAUMAN: How would they be
7 increased?

8 MR. WISER: Well, because they're
9 based on percentages and if a high percentage of the
10 town leaves, then some of those, by definition, some
11 of those indices would go up.

12 MR. MICHELINI: I'm going to object
13 to the question because the high percentage of the
14 town --

15 MR. WISER: I haven't asked the
16 question.

17 MR. MICHELINI: I know, but the
18 question is confusing, because a high percentage of
19 the town, we're talking about, I think, according to
20 the Census data, 379 homes.

21 MR. MCGUCKIN: Talking about value,
22 property value.

23 MR. MICHELINI: Yeah. Well --

24 MR. MCGUCKIN: Median property value.

25 MR. WISER: We're talking about

1 property value. Talking about household income.

2 MR. MICHELINI: A high percentage of
3 the municipality, we're talking about a very small,
4 low percentage, both people and land. So, I think
5 the question needs to be reworded, because it's
6 confusing and it's not clear.

7 MR. WISER: Fair enough.

8 What do you think the impact to the
9 township's prestige would be if it finds that
10 certain industry -- indices of distress rise in the
11 township?

12 MR. BAUMAN: I don't think the
13 prestige would change from the perception of people
14 within the town and outside the town. I don't think
15 anybody outside of Berkeley Township knows that
16 South Seaside Park is part of Berkeley Township.
17 Should they leave, people from Caldwell or from Cape
18 May aren't going to know a difference. They'll
19 still think you're as prestigious as ever on that.
20 From within the mainland and within your own
21 municipal borders, if you feel that you're losing a
22 certain amount of prestige, everyone has an opinion.
23 Prestige is -- without reading the case and knowing
24 what the judge is saying on that, I --

25 MR. WISER: Well, the judge is saying

1 what you just said. That's where it was left.

2 MR. BAUMAN: Well, prestige -- I
3 mean, no offense to my clients but this isn't
4 Princeton Borough either. There's a lot of prestige
5 in that. If they were losing Princeton Borough, I
6 could see perhaps the prestige of the university,
7 some -- something of more significance. But in this
8 case, we're talking about housing, a very small part
9 of business area and a beach, which you have ten
10 miles of beach in addition to, so I don't see where
11 the prestige loss comes into play.

12 MR. WISER: What if --

13 MR. MICHELINI: It's been over two
14 hours. I don't know if you want to put it off here
15 or what you want to do. I mean, if I know that
16 you're going to finish your cross in five minutes or
17 ten minutes, let's keep going and I'll do my
18 redirect another time. But if you think your cross
19 is going to go for a while, then I think we got to
20 stop.

21 MR. MCGUCKIN: I think we should
22 probably cut it here. I don't think we're quite
23 done. And I know you have redirect. I'm fairly
24 confident we'd be able to finish it the next one.

25 MR. MICHELINI: That's what you said

1 at the last meeting, so maybe we could --

2 MR. MCGUCKIN: Maybe not.

3 MR. MICHELINI: Maybe we could get an
4 estimate of, cross is going to take another 15
5 minutes but we promise you -- and I know it's hard
6 to make promises in these contexts. But, you know,
7 can we agree that this isn't going to be more than
8 15 or 20 minutes of additional cross-examination so
9 this poor gentleman doesn't have to come back two
10 more times.

11 MR. MCGUCKIN: I don't know if we can
12 say 15 minutes. I would say at least a half hour.
13 And then I know you have redirect. So, I think we
14 can probably finish in a half hour. What do you
15 think, Joe? Maybe less. Maybe --

16 MR. MICHELINI: Try. I will really
17 try.

18 MR. SLACHETKA: I just have one, one
19 area of questions I wanted to ask. And that's about
20 it. I think that would be --

21 THE REPORTER: I think that would be?

22 MR. SLACHETKA: I'm sorry. My
23 apologies. I think that would be just about it.

24 MR. MCGUCKIN: I think we will do our
25 best to finish within a half hour or less.

1 MR. MICHELINI: All right. Very much
2 appreciate that. I ask for that courtesy and thank
3 you for it.

4 MR. MCGUCKIN: We'll pick up there
5 the next time.

6 MR. WISER: That's fine, yeah.

7 MR. MICHELINI: Thank you.

8 (Meeting adjourned.)

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C E R T I F I C A T E

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

Linda Sullivan Hill

~~Notary Public of the State of New Jersey~~
My Commission expires January 26, 2016

Dated: October 26, 2015

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