

1 TOWNSHIP OF BERKELEY
 2 PLANNING BOARD
 3 -----
 4 IN THE MATTER OF:
 5 SOUTH SEASIDE PARK HOMEOWNERS
 6 AND VOTERS ASSOCIATION
 6 DE-ANNEXATION PETITION HEARING
 7 -----
 8 Pinewald Keswick Road
 8 Bayville, New Jersey
 9 Thursday, May 4, 2017
 9 6:20 p.m.
 10
 11 B E F O R E:
 12 Robert Winward, Chairman
 12 John Bacchione, Councilman
 13 Frederick Belli, Member
 13 Domenick Lorelli, Member
 14 Nick Mackres, Member
 14 John Hudak, Member
 15 Richard Callahan, Member
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 23 -----
 24 LINDA SULLIVAN-HILL & ASSOCIATES
 24 CERTIFIED COURT REPORTERS
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 6 BY MR. MICHELINI 41, 112
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 2 APPEARANCES:
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 4 CHERKOS & CONNORS, ESQS.
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 5 Forked River, New Jersey 08731
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 8 Brick, New Jersey 08723
 8 BY: JOSEPH MICHELINI, ESQ.
 9 Attorneys for the Petitioners
 10
 11 ALSO PRESENT:
 12 Kelly Hugg, Secretary
 13 Ernie Peters, Engineer
 14 Nick Dickerson, Planner
 14 Stuart B. Wiser, Planner
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1 MR. MACKRES: So, we'll go now to the
 2 South Seaside Park Homeowners and Voters
 3 Association, de-annexation petition hearing,
 4 continuation thereof. Mr. Michelini is here.
 5 MR. MICHELINI: Yes. It's my
 6 understanding -- good evening, everyone. Joseph
 7 Michelini on behalf of the petition signers from
 8 South Seaside Park Homeowners and Voters
 9 Association. It's my understanding that the
 10 township was continuing tonight with the testimony
 11 of at least one or two individuals from Parks and
 12 Recreation. Is that right, Mr. Camera?
 13 MR. CAMERA: Yes. Tim Yurcisin will
 14 be our first person to testify.
 15 MR. MICHELINI: How many do we have
 16 tonight?
 17 MR. CAMERA: Two.
 18 MR. MCGUCKIN: Mr. Yurcisin, come on
 19 up.
 20 TIMOTHY YURCISIN, having been duly sworn, according
 21 to law, upon his oath, testified as follows:
 22 THE WITNESS: Okay. First I'd like
 23 to make a general statement about our parks in
 24 Berkeley Township and South Seaside Park. And then
 25 I want to address a couple of specific items that I

1 read through in some of the annotated testimony.
 2 First thing is, Parks, Beaches and
 3 Recreation we basically do consider South Seaside
 4 Park as part of the town. Anything we do anywhere
 5 else in the town as far as maintenance and parks,
 6 we -- South Seaside Park is part of all our efforts.
 7 We do all of our beach cleaning everything and
 8 cleanup just like -- we consider it part of Berkeley
 9 Township. So, they are on our route for cleanup and
 10 garbage pickup, our daily routes. And just part of
 11 the town just like anywhere else.

12 And if there was a de-annexation, it
 13 wouldn't specifically have any financial impact on
 14 our department, because, frankly, our budget's so
 15 low we would be using the money elsewhere where we
 16 couldn't get to at that point. So, there's no
 17 financial impact.

18 And as far as beach maintenance, what
 19 we do, obviously, South Seaside Park is our biggest
 20 park in South Seaside, the beach. So, we have a
 21 routine for cleaning up during the season. We rake
 22 the beach at least once a week. And that's usually
 23 towards the end of May, right on through October.
 24 Sometimes we do it twice a week if it needs it. And
 25 during the rest of the year if there's major storms

1 or whatever, we do go over there and clean up any
 2 large debris.

3 We have a maintenance program, a
 4 yearly maintenance program, that consists of, in the
 5 fall, every year we get dune grass provided to us by
 6 the county. We also get, in the spring we get snow
 7 fencing provided by the county. And mostly in the
 8 fall, we plant dune grass along all our dunes and
 9 that snow fencing. And we do that every year. And
 10 in the off season, we empty the garbage cans over
 11 there at least three times a week. During the
 12 season, we're over there every day. We provide
 13 outstanding --

14 MS. HUGG: Excuse me.

15 THE WITNESS: Yes.

16 MS. HUGG: Just a minute. Can we
 17 just introduce that Chairman Winward arrived at
 18 6:25. Thank you.

19 THE WITNESS: Okay. We also provide
 20 outstanding, I'd like to say, lifeguards and staff
 21 for our beach during the summer months. And,
 22 generally, what I'd like to say is, we consider
 23 South Seaside Park as part of the family. It's part
 24 of the town. Do everything that we do anywhere else
 25 from our aspect.

1 Couple of specific things I'd like to
 2 address that I saw in the testimony. And let's
 3 start with after Sandy, which was, obviously, very
 4 devastating for everybody throughout the state. And
 5 what I'm really most proud of, and I'm not taking
 6 credit for myself, but we've been working on the
 7 dunes for over 30 years. And I'm not just saying
 8 myself, the town and everybody else that is involved
 9 and all our parks maintenance staff and everything,
 10 those dunes are -- they did their job during that
 11 storm, unlike a lot of other towns. There was
 12 minimal damage that came through through the ocean
 13 side. And I think it -- the dunes did their job.
 14 And that was through the efforts of the township for
 15 the past 30 plus years that I've been here. And all
 16 the parks maintenance, supervisor and all the
 17 employees and the town's efforts.

18 Another thing I would like to bring
 19 up about how the town responded to the residents
 20 over there or the residents that were there after
 21 Sandy. Three days after the storm, myself and
 22 Jim Sperber, who is here, we took a truckload, his
 23 pickup truck, we loaded it with pallets of water and
 24 ice, we went over there. And I think it was either
 25 the Thursday or the Friday after the storm, I don't

1 exactly remember. But there was some hold-out
 2 residents that were still over there. And, in fact,
 3 we met with Don Whiteman, who is in the audience,
 4 and we dropped off some water and ice for him. And
 5 he basically took us around to all the residents who
 6 were still around to make sure that they at least
 7 had some water and ice. Because that's all, at that
 8 point, that's all anybody could provide. That's all
 9 anybody had. So, we did that.

10 And then, as far as the dune fencing
 11 and trying to repair the dunes after the storm, I
 12 saw testimony where -- we got there as quickly as we
 13 can with the dune fencing that we were able to get,
 14 which was like gold at that time. But, anyway, I
 15 saw a comment where Midway Beach did a much better
 16 and quicker job of replanting the dune, or
 17 re-putting out the snow fencing after the storm. It
 18 was much more intricate. And we just had very
 19 little. Well, to be honest with you, you know,
 20 we've been all doing this for a very long time. Our
 21 design for our dune fencing, which I'm not an
 22 engineer, but it was like a zig-zag configuration
 23 which basically catches sand from south -- hard
 24 southeast/south winds, mostly in the summer, and
 25 hard northeast/east winds in the winter storms. And

1 that has always worked for us for 30 plus years.
 2 Midway Beach had a design where it
 3 looked like they had boxes of snow fence and
 4 diamonds. And, to be honest with you, couple months
 5 later, I looked at that, we had twice as much sand
 6 built up by our simple design compared to the
 7 designs that Midway Beach had. They had so much
 8 darn snow fence that the sand couldn't even get in
 9 there. So, I mean, I think personally that we did a
 10 better job.

11 As far as -- and I know there was a
 12 question about why we did not change the design of
 13 the entrances after the storm. Well, in order to do
 14 that, we would have had to start cutting into some
 15 of our dunes to change the angle of the entrances.
 16 And we felt our dunes worked. So, if it's not
 17 broke, don't fix it. So, our design, we didn't
 18 change the entrance too much. It builds up in the
 19 winter. We open it up a bit in the summer. But it
 20 still has -- it's still basically and up and over.
 21 It's not cut totally through the dunes in the
 22 summer.

23 And the other thing I saw that where
 24 there was questions about after two -- in 2013, when
 25 we were repairing the walkways, that the beach was

1 closed, nobody had access to the beach. Well, there
 2 was always access to the beach during the summer
 3 months. There might have been one road entrance
 4 that was inaccessible during certain times because
 5 they had to repair it. I mean, that's just when the
 6 contractor was available and that's when the work
 7 got done. If you couldn't go on one street, you
 8 might have had to go over a block. But there was
 9 always access to the beach during that summer
 10 months. During those summer months it was never
 11 closed.

12 Then, just quickly, the Bay Beach,
 13 if -- Bay Beach is more of like a natural type of
 14 beach. It's not really a beach to go hang out at.
 15 It's basically natural growth that's there. That
 16 kind of helps it erode or not erode. It was cleaned
 17 a few years back. We got as much debris out of
 18 there as we could without really going into the
 19 water. We really don't have jurisdiction to go into
 20 the water to do much cleaning up. So, I don't know
 21 if that answers any questions for that area of the
 22 town. But that's -- it's just a natural setting.
 23 It's basically -- it's not really much of a beach.
 24 It's just an area of the water line with some
 25 natural growth on it.

1 As far as recreation programs for
 2 South Seaside Park, we -- they're -- all our
 3 programs that we have for the township is provided,
 4 it's available to South Seaside Park residents. We
 5 have a summer program for kids. We have over 600
 6 kids a year in that program. We -- the last couple
 7 years, we have not had -- we have bussing for the
 8 kids in various areas of town. We always provide
 9 bussing for South Seaside Park and Pelican Island
 10 for any children that sign up for that program. The
 11 last two years, we have no children signed up from
 12 that area. That's why we did not have bussing. But
 13 if there were to have -- for instance, this year, I
 14 haven't seen the final numbers. If there's two or
 15 three kids that sign up from South Seaside Park, we
 16 will pick them up just like anybody else in town.

17 All other programs are open to all
 18 residents. And they would have to be driven to, of
 19 course, by the residents of South Seaside Park. But
 20 just like anybody else would actually have to drive
 21 to our programs. For instance, there's a senior
 22 softball league. Everybody's welcome to play if
 23 they would like to. They drive there to the games.
 24 And just like they would have to come from South
 25 Seaside Park or they come from Toms River or

1 whatever. So, all our programs are available to
 2 everybody in town, including South Seaside Park.
 3 Most of our programs involve driving to anywhere,
 4 regardless if you're from Seaside Park or another
 5 part of town.

6 And I don't know, Jimmy, do you have
 7 anything else you'd like to say?

8 MR. CAMERA: He'll testify
 9 separately.

10 THE WITNESS: Okay. All right. So,
 11 well, that's all I have for now. Okay. Thanks.

12 MR. MCGUCKIN: Hold on. He's going
 13 to have some questions for you.

14 THE WITNESS: Oh. Well, I have to
 15 stay? Oh. You mean I can't go home? Okay.

16 MR. WINWARD: Anybody on the board
 17 have any questions?

18 Seeing there's none, maybe our
 19 professionals do.

20 MR. WISER: I do, sir. You talked
 21 about there being over 600 kids for a summer
 22 program?

23 THE WITNESS: Yes.

24 MR. WISER: Where is the summer
 25 program based?

1 THE WITNESS: It's based out of
 2 Veterans Park in --
 3 MR. WISER: So, the mainland?
 4 THE WITNESS: The mainland, yes.
 5 Correct.
 6 MR. WISER: Okay. Do you take the
 7 kids over to the beach?
 8 THE WITNESS: We do, yes.
 9 MR. WISER: To the --
 10 THE WITNESS: White Sands Beach.
 11 MR. WISER: White Sands.
 12 THE WITNESS: Not every day. But we
 13 have, probably once a week, we have the various age
 14 groups go over there.
 15 MR. WISER: And you bus them over?
 16 THE WITNESS: Yes.
 17 MR. WISER: Bear with me as I sort of
 18 try and process what you said.
 19 THE WITNESS: Sure.
 20 MR. WISER: You rake the beach once a
 21 week?
 22 THE WITNESS: That's on our schedule
 23 regularly for the summertime, yes. And a little --
 24 actually, a little earlier and then extended past
 25 our regular summer season. Because the weather is

1 still nice, so we try to go maybe into October if,
 2 need be, if the weather stays nice.
 3 MR. WISER: And more times if
 4 necessary?
 5 THE WITNESS: Yes.
 6 MR. WISER: What would constitute
 7 necessary?
 8 THE WITNESS: A storm. You know,
 9 high tides.
 10 MR. WISER: Would you do it more
 11 after Fourth of July weekend? A weekend where the
 12 beach is more populated?
 13 THE WITNESS: It's pretty much our
 14 beach up until this year, we're opening a little
 15 earlier this year, but our beach officially opened
 16 the third Saturday in June. So, it's like the week
 17 or two before Fourth of July. So, we would
 18 basically have a regular schedule of once a week
 19 starting the third -- well, actually, the beginning
 20 of June we do it at least once a week because it
 21 starts to get nice. Even though we're officially
 22 not open until the third week in June, we do it like
 23 once a week. And, like I said, try to go through
 24 into October if the weather was still nice.
 25 MR. WISER: Do you have a day of the

1 week that it's typically done?
 2 THE WITNESS: Yes, I think it's
 3 Friday, Jim, Friday? Friday right before the
 4 weekend.
 5 MR. WISER: Okay. I think I may have
 6 missed a couple of -- a couple of your statements.
 7 You plant dune grass annually in the fall?
 8 THE WITNESS: Yes.
 9 MR. WISER: And that dune grass is
 10 provided by the county?
 11 THE WITNESS: Yes, they usually
 12 provide it first week of November. They get us the
 13 dune grass. And within two weeks, we get it over
 14 there and get it planted where we deem it's most
 15 necessary.
 16 MR. WISER: Is there a charge for
 17 that?
 18 THE WITNESS: No, county provides it
 19 to us.
 20 MR. WISER: And did I hear correctly
 21 that you add the snow fencing in the spring or --
 22 THE WITNESS: We usually receive the
 23 snow fencing in the spring. But we usually put it
 24 in the fall, along with the dune grass. That's why
 25 we kind of set up where it needs it the most. And

1 we do it all together.
 2 MR. WISER: Do you plant and snow
 3 fence in any of the other shorelines, the mainland
 4 shoreline, or is it just --
 5 THE WITNESS: We have in the past.
 6 Not in the recent few years. We put some dune grass
 7 over at Allen Road. A year or two we did that just
 8 to try to help with some erosion over there. But
 9 haven't done that in the last few years, other than
 10 the beach, South Seaside Park.
 11 MR. WISER: Okay. Three times a week
 12 trash collection?
 13 THE WITNESS: During the off season.
 14 MR. WISER: During --
 15 THE WITNESS: Yes, during the off
 16 season. Every day as the weather gets nicer. Every
 17 day they're over there.
 18 MR. WISER: Okay. You said you have
 19 lifeguards and staff. What would be the other
 20 staff?
 21 THE WITNESS: Badge checkers, beach
 22 badge checkers, ticket takers. They collect the
 23 money for daily badges. They check to make sure
 24 everybody has their seasonal bandages and such.
 25 They're at each road entrance.

1 MR. WISER: Do you know how much the
2 lifeguards and the beach staff cost the township?
3 THE WITNESS: Generally, give or
4 take, \$100,000 a year.
5 MR. WISER: Do you have other
6 beaches, other than White Sands Beach, that is
7 guarded?
8 THE WITNESS: We have one beach in,
9 it's called Dudley Park. It's on Cedar Creek at the
10 southern border of Berkeley Township. And we do
11 staff that with lifeguards. That's a small swimming
12 area, very shallow. It's real suitable for smaller
13 kids. But we do have lifeguards.
14 MR. WISER: So, would that \$100,000
15 or so include staffing other than White Sands Beach?
16 THE WITNESS: Yes. Yes.
17 MR. WISER: Okay. Do you know how
18 much is attributable to White Sands Beach?
19 THE WITNESS: Ninety percent of it.
20 So, yeah, about \$90,000.
21 MR. WISER: Do the math.
22 THE WITNESS: Yeah, those are general
23 numbers, they're not exact.
24 MR. WISER: You talked about the
25 Bay Beach being more of a natural kind of beach.

1 There was a lot of comparisons between the Bay Beach
2 in South Seaside Park and the Bay Beach in
3 Seaside Park and the conditions of the two beaches.
4 Do you know how the conditions of those two
5 beaches -- let me take a step back. Does
6 Seaside Park do something differently to maintain
7 their beaches in a more -- in a less natural, more
8 active recreation state than you do for
9 South Seaside Park?
10 THE WITNESS: Other than driving by
11 there and seeing that there's playgrounds and some
12 beach, I don't know exactly what they do. I don't
13 know.
14 MR. WISER: So, you wouldn't know if
15 they -- you said you don't go into the water? It's
16 not your jurisdiction?
17 THE WITNESS: Right.
18 MR. WISER: You wouldn't -- would you
19 know whether they do?
20 THE WITNESS: Go into the water
21 and --
22 MR. WISER: Yeah.
23 THE WITNESS: No. No.
24 MR. WISER: Okay. Are you able to
25 break out -- well, there was a -- there was

1 testimony that says, on the bay side, it would be
2 nice to have a facility, something for the kids to
3 utilize during the summertime, but the investment is
4 not there from Berkeley Township to do that. And
5 then, in terms of investment, there was a
6 conversation about, it's not just money, it's time,
7 effort, services, equipment, man hours, et cetera,
8 et cetera, et cetera. If you were given the
9 facility, the money, the man hours, could you create
10 the type of park that might more closely represent
11 Seaside Park?
12 THE WITNESS: I don't see how that's
13 possible. Basically, that spit of land between the
14 road and the waterway is approximately ten foot
15 wide. I simply say there's no room to do anything
16 like that.
17 MR. WISER: And how, roughly, I don't
18 expect you to know off the top of your head with a
19 surveyor's tool, but how wide or how much space is
20 available in Seaside Park?
21 THE WITNESS: That I don't know.
22 MR. WISER: Is it considerably more?
23 THE WITNESS: I don't know. I don't
24 really pay -- you know, I see what they have. But I
25 don't really pay attention to what exactly they do

1 or, you know, think about it much, if I happen to
2 drive by, how wide it is or anything. I don't know.
3 MR. WISER: There was some extended
4 conversation about some type of a outfall and rocks
5 being placed over the outfall on the Bay Beach, in
6 the water at the Bay Beach, to keep that outfall in
7 place. And then the rocks washing away and the
8 township neglecting to put them back to keep the
9 outfall in place. Is that anything that you have
10 any involvement with?
11 THE WITNESS: Not at all. I don't
12 know. I would assume it's the State that did that.
13 We don't have any involvement in that at all.
14 MR. WISER: Okay. Bay Beach is not a
15 swimming beach, so there's no lifeguards over there.
16 Do you have any staff over there at all?
17 THE WITNESS: No.
18 MR. WISER: What maintenance along
19 the Bay Beach area, and I guess the best way to
20 describe it would be the curb waterward, are you
21 responsible for?
22 THE WITNESS: Well, the curb to the
23 water. And we have some garbage cans there. We
24 clean up on a regular basis. Empty any debris that
25 might be in that little area. We clean up.

1 MR. WISER: Is it patrolled
2 regularly?
3 THE WITNESS: Yes. Whenever we're
4 over at the beach collecting garbage at the beach
5 side, the ocean side, we go through the bay side
6 also.
7 MR. WISER: So, that would be three
8 times a week in the off season and daily in the
9 tourist season?
10 THE WITNESS: Yes, that is correct.
11 And Jim Sperber could verify that in his testimony.
12 He's the super -- he's the supervisor of Parks
13 Maintenance, so he has more direct knowledge of the
14 times for cleaning up but --
15 MR. WISER: I would ask you, sir, to
16 make sure that you put that as part of your
17 testimony when you come up.
18 Do you have any idea how much the
19 township spends to replenish and repair the beaches,
20 both Sandy and then as a normal course of a summer?
21 Obviously, Sandy was not a normal situation.
22 THE WITNESS: Correct. Expenditures,
23 are you saying?
24 MR. WISER: Yes.
25 THE WITNESS: Well, that would be

1 what we do through our maintenance department, which
2 is, rake the beach, send our men over during regular
3 work hours, cleaning up, picking up garbage.
4 Financial numbers, it would be hard to break out,
5 because it's part of our maintenance budget and our
6 manpower.
7 MR. WISER: So, you don't keep
8 records, specifically, this area of town versus that
9 area of town?
10 THE WITNESS: That's correct. To us,
11 it's all part of the town.
12 MR. WISER: In terms of the White
13 Sands Beach, there was also conversation about lack
14 of general investment for the White Sands Beach.
15 You talk about cleaning. Are there any bathrooms
16 available for the bathers at White Sands Beach?
17 THE WITNESS: Yes.
18 MR. WISER: How many?
19 THE WITNESS: There's a men's room
20 and a ladies' room that's attached to our lifeguard
21 headquarters.
22 MR. WISER: What street is that on?
23 THE WITNESS: Twenty-Third.
24 MR. WISER: Twenty-Third. And is
25 that a staffed or not staffed facility?

1 THE WITNESS: The lifeguard
2 headquarters?
3 MR. WISER: No, the restroom
4 attendants. Are there restroom attendants?
5 THE WITNESS: Well, not during the
6 day. But they get cleaned on a daily basis by our
7 maintenance staff or the actual lifeguards help out
8 doing that also.
9 MR. WISER: Okay.
10 THE WITNESS: Fill the toilet paper,
11 paper towels and such. That's always maintained.
12 MR. WISER: That's on a daily basis?
13 THE WITNESS: Yes.
14 MR. WISER: What type of recreational
15 program -- other than a physical facility, what type
16 of recreational programs are you responsible for on
17 the island?
18 THE WITNESS: Well, they're all
19 included in our general recreation programs that we
20 have. We don't have any specific programs for just
21 the island. What we do have is, once a year, we
22 have a, what we call the beach party. We have
23 concerts in our summertime on the mainland. And
24 we -- one of our concerts we have at the beach so
25 that we can get the residents of South Seaside Park

1 to enjoy and come over. And it's during the week,
2 so it's mostly residents that are there or
3 vacationers that are there for that week of
4 vacation. So, we provide that one concert during
5 the summer months.
6 MR. WISER: How many concerts do you
7 have on the mainland?
8 THE WITNESS: Five.
9 MR. WISER: And then, so, it's a five
10 to one?
11 THE WITNESS: Five to one. Then we
12 have our big community pride day which is, I guess,
13 like a sixth concert but involves a little more.
14 There's more vendors there and rides for kids and
15 such.
16 MR. WISER: And that's a mainland
17 focused --
18 THE WITNESS: Yes. All at Veterans
19 Park. Yes. Yes.
20 MR. WISER: Okay. So, the -- does
21 the town -- does the township have a transportation
22 service to bring people to the various recreation
23 offerings?
24 THE WITNESS: What we do have is two
25 recreation busses owned by the township. And we use

1 them for our summer camp. As I explained before, we
2 have various pickups throughout the town. And we
3 will provide pickup for South Seaside Park if any
4 children are signed up.

5 And we also have, use those busses
6 for our senior citizen program which we, during the
7 winter months, when -- winter, fall, spring months,
8 we have like once a week trip for seniors available.
9 And we have various pickup spots throughout -- right
10 now, it's throughout the various clubhouses in
11 Holiday City and one stop at the mainland. If we
12 did or would get a request from senior citizens,
13 qualified senior citizens in South Seaside Park to
14 join that program, we would provide bussing in that
15 area also for the trips.

16 MR. WISER: So if somebody called and
17 said, I want to be on the trip to the outlets --

18 THE WITNESS: Yes.

19 MR. WISER: -- you would pick them up
20 at South Seaside Park?

21 THE WITNESS: Yes, we would. If we
22 got regular attendees for that program, we would do
23 that, yes.

24 MR. WISER: There was considerable
25 testimony comparing the various parks on the

1 mainland to what was termed, I think, limited or
2 meager amount of facilities on the island. Is
3 there -- is there any reason -- I want to phrase
4 this correctly. Do you know why there would be such
5 an investment for the mainland parks in terms of all
6 the facilities that are there and the amenities that
7 are a part of those parks but not for the park in
8 South Seaside Park, the basketball -- I just lost
9 what the name of that is.

10 THE WITNESS: The Lyons.

11 MR. WISER: Lyons.

12 THE WITNESS: Lyons Memorial Park.

13 No, there is no reason other than, I mean, our ocean
14 beach is one of our biggest parks. So, we do have a
15 park over in South Seaside Park. We have a
16 basketball court simply because that's the only
17 space to have any recreational park. South Seaside
18 Park is pretty much built out. I couldn't see where
19 there would be space for anything, any, like a
20 township park. And keeping in mind also, on the
21 mainland, I mean, there are various parks throughout
22 town but not in every section of town. Holiday
23 City, which is -- population of Holiday City, I'm
24 guessing, is at least half. In between Holiday City
25 and Silver Ridge, at least half of the entire

1 population of Berkeley, there is one park with a
2 pavilion and two ball fields in that area in the one
3 section of Holiday City. There's other sections of
4 the town that don't have -- not every section of
5 town has a local park.

6 MR. WISER: Has anybody ever
7 approached you to say basketball at the Lyons Park
8 may not be the best use of that space and we prefer
9 to have it be something else?

10 THE WITNESS: No.

11 MR. WISER: In terms of beach badges,
12 if somebody goes to purchase a beach badge, do you
13 record their name and address?

14 THE WITNESS: For seasonal badges,
15 yes. Not for daily badges.

16 MR. WISER: Okay. Are you able to
17 produce or are you able to break out, for seasonal
18 badges, how many badges are sold to mainland
19 residents of Berkeley Township?

20 THE WITNESS: Well, right now, no. I
21 don't know if we'd be able to do that, honestly. We
22 may be. We may not be. I can't say for sure. I
23 would have to look at our records. I'm not sure.

24 MR. WISER: Okay. My typical last
25 question I think you sort of short circuited in your

1 testimony by saying that you would -- there would be
2 no impact to your job if de-annexation were to
3 occur. But I'd like to take that a step further.
4 Because you said you had such a low budget that you
5 would use your current resources elsewhere. And I
6 understand that. But would you have a concern that
7 if de-annexation were to occur, that your budget
8 would be cut because you don't have as many
9 facilities to take care of?

10 THE WITNESS: No.

11 MR. WISER: You wouldn't have the
12 beach, you wouldn't have, et cetera, et cetera?

13 THE WITNESS: No, I would have no
14 concern. Frankly, I don't know how you could cut it
15 anymore.

16 MR. WISER: Fair enough. At this
17 point, those are all the questions that I have. I
18 reserve the right to come back.

19 MR. WINWARD: Nick, do you have any
20 questions?

21 MR. DICKERSON: At this time, I --
22 no, I do not have any other questions.

23 MR. WINWARD: Okay. Our board
24 attorney, Greg, has one.

1 EXAMINATION BY MR. MCGUCKIN:

2 Q You mentioned the budget. If the
3 township had a loss of ratables of ten percent by
4 virtue of using that number for your -- that would
5 impact -- that could have an impact upon your
6 budget, wouldn't it?

7 MR. MICHELINI: I'm going to object
8 to that, because it doesn't take into account all
9 the costs that are saved. Not just these costs that
10 are related to Parks and Rec, but all the other
11 costs that have been testified to by our expert that
12 would be saved as a result. So, he can't possibly
13 answer that question. I mean, that's an unfair
14 question without having Ken Moore testify and give
15 his whole report.

16 MR. MCGUCKIN: I think it's, a
17 department head can give an opinion as to the loss
18 of ten percent of the township rate base, what that
19 might do to his department. You're free to
20 cross-examine on his answer. But I think he can
21 answer that question as a department head.

22 MR. MICHELINI: I don't think he's an
23 economics guy. I don't think he's a budget guy.
24 He's not your CFO. He's not your municipal
25 accountant. I think it's an unfair question to him.

1 I don't know how he could possibly answer that
2 without knowing what all the expenses are that are
3 going to be saved as a result of de-annexation in
4 other areas of the township.

5 Q Let me rephrase. Are you familiar
6 with budgetary process, correct?

7 A Yes.

8 Q Do you prepare a budget every year
9 to --

10 A Yes.

11 Q -- give that to the administration?

12 A Yes.

13 Q Do you have discussions with the
14 administration about funding available to your
15 department?

16 A Yes.

17 Q Have they ever expressed to you their
18 concerns regarding rate base, if it decreased, that
19 would have an impact on your budget?

20 A Are we talking specifically about
21 de-annexation?

22 Q Yes.

23 A No.

24 Q But if there was a decrease in the
25 rate base, do you believe that would have an impact

1 on your budget in a negative way?

2 A If you're asking my opinion, I would
3 say probably. That's an opinion. I can't say for
4 sure, obviously.

5 MR. MCGUCKIN: Okay. Thank you.

6 MR. WINWARD: Anyone on the board
7 have any additional questions? Must have done a
8 good job.

9 MR. WISER: Mr. Chairman, I realized,
10 I apologize, I do have some more questions. It was
11 in a different set of papers.

12 How do you respond to the assertion
13 from one of the petitioners that Berkeley does not
14 do a good job to keep the beach clean?

15 THE WITNESS: I would say they're
16 wrong.

17 MR. WISER: Fair enough. In terms of
18 the Bay Beach and the materials that are in the
19 water, the -- there was asphalt, wood, tar, cement,
20 concrete, the pad of rusty pipes. So, you have no
21 jurisdiction, you said, to go into the water to
22 clean those out?

23 MR. MICHELINI: Objection. That's a
24 misrepresentation. Some of those things were in the
25 water and some of those things were on the beach

1 itself.

2 MR. WISER: Okay. The ones that are
3 on the beach itself, do you clean?

4 THE WITNESS: Yes.

5 MR. WISER: The stuff that's in the
6 water, you said you had no jurisdiction to go into
7 the water?

8 THE WITNESS: Correct.

9 MR. WISER: Who would have
10 jurisdiction?

11 THE WITNESS: I'm not going to -- I'm
12 not going to guess.

13 MR. WISER: You don't know. Okay.
14 If you did have jurisdiction, would you have the
15 facilities to clean it if someone said, have at it,
16 go clean it up?

17 THE WITNESS: We would have -- we
18 have some equipment in town that we'd be able to do
19 that. I don't know that would involve putting
20 people in the water, though. So, I don't know, you
21 know. We don't have any specialized equipment that
22 would actually -- can float in the water and clean
23 up. We have land based equipment.

24 MR. WISER: Perhaps it would be hand
25 picking?

1 THE WITNESS: If people were going in
 2 the water, I don't know if that would be something
 3 that would -- we would want our people to do.
 4 MR. WISER: Have you seen the
 5 exhibits, the pictures that were submitted by the
 6 petitioners showing the various pieces of debris
 7 along and in the water?
 8 THE WITNESS: I have not, no.
 9 MR. WISER: Okay. Do we have them
 10 available to -- can we -- I'll get you the number.
 11 I'm going to get it in a second.
 12 MS. HUGG: We have the rock.
 13 MR. WISER: We have the -- okay. I
 14 believe there was A-6, A-19, A-37. I think the rock
 15 was A-39. I think we can hold that off.
 16 MS. HUGG: A-39. We better slow
 17 down.
 18 MR. WISER: I'm sorry. I apologize.
 19 MS. HUGG: A-6?
 20 MR. WISER: A-6.
 21 THE WITNESS: Is this for me?
 22 MS. HUGG: That's for you.
 23 MR. WISER: Okay. Let's do it one at
 24 a time, then. Can I see -- can you just show me
 25 A-6, just so I can coordinate it with what I have

1 here.
 2 Okay. So, it looks like the items on
 3 the left-hand side, well, and even the weeds in the
 4 middle, are they items that you would normally clean
 5 if somebody called and said, here, take a look at
 6 these pictures. Can you clean these? Are these
 7 items that you would normally clean?
 8 THE WITNESS: If somebody, a resident
 9 specifically asked us to check a specific area out
 10 on the on the sand for some debris that was there,
 11 we could certainly look at it. If it was something
 12 we can take out of there, we would.
 13 You know, this is -- there's tides
 14 every day. So, two tides every day. Four tides, to
 15 be honest with the you. So, in and out. So,
 16 sometimes you have stuff come in, sometimes you have
 17 stuff go out.
 18 MR. WISER: So, has anybody ever
 19 called you to say, hey, we got this problem over
 20 here, can you come and clean it up?
 21 THE WITNESS: If they have, they
 22 would call James Sperber.
 23 MR. WISER: Okay. I would ask you to
 24 address that, please.
 25 Same thing with the overgrowth, the

1 vegetative overgrowth?
 2 THE WITNESS: Same thing.
 3 MR. WISER: Same thing?
 4 THE WITNESS: Yes.
 5 MR. WISER: On that particular, on
 6 the right-hand side, the two pictures are showing,
 7 one, welcome to Seaside Park, which is holiday --
 8 THE WITNESS: Right.
 9 MR. WISER: -- entrance that's
 10 holiday themed. And the one that is at the entrance
 11 to South Seaside Park looks a little bear and
 12 desolate. Do you -- do you have it in your program
 13 to do a decorative entrance or more of a treatment
 14 at that entrance, whether it's seasonally or at
 15 least winter?
 16 THE WITNESS: I would then -- through
 17 the road department, they do all signage such as
 18 this, I believe, the road department. It's nothing
 19 we have done. Basically, these signs here, these
 20 are road department.
 21 MR. WISER: Would it be something
 22 that you could do if asked?
 23 THE WITNESS: As far as cleaning up
 24 and making an area --
 25 MR. WISER: Well, making the bottom

1 one look a little closer to the top one?
 2 THE WITNESS: Well, as far as
 3 vegetation, yes. As far as signage, it would be the
 4 road department. Work together, obviously.
 5 MR. WISER: Okay. Leaving aside the
 6 welcome to piece of it. Just to make it a more
 7 attractive entrance, that could be something that
 8 you could do?
 9 THE WITNESS: If it was on township
 10 property, yes.
 11 MR. WISER: Okay. That's clear.
 12 Now I think that's all I have.
 13 MR. WINWARD: I believe our planner,
 14 Nick, has a question.
 15 MR. DICKERSON: Yeah, I did have
 16 something that just came to mind looking through
 17 some of these reports.
 18 And just kind of going off of what
 19 Mr. Wiser had asked earlier about the beach badges.
 20 Do you record in any way, or through observations,
 21 the amount of usage at each park throughout the
 22 township?
 23 THE WITNESS: Other parks besides the
 24 beach?
 25 MR. MACKRES: Yes.

1 THE WITNESS: No, we don't. We don't
2 have specific recordings. We don't take countings
3 of, you know, who uses the park or, you know, how
4 often or how many people. No.

5 MR. DICKERSON: I would assume,
6 actually, if you're selling beach badges, you would
7 have counts?

8 THE WITNESS: Yes, we do. We have
9 daily, weekly, seasonal, monthly beach reports. So,
10 we have all that. We know, you know, money and
11 amount of badges sold. That's all audited every
12 year, so it's all --

13 MR. DICKERSON: Okay. Thank you.

14 MR. WISER: But you don't get into
15 the level of detail of who's buying?

16 THE WITNESS: Not too much, no. The
17 preseason, like I said, the preseason seasonal
18 badges, when we sell them at our office, we write a
19 receipt of who gets the badges and same thing over
20 at the beach. But once the beach opens, we don't
21 really record exactly who buys the badges.

22 MR. WISER: Is that typically a cash
23 purchase?

24 THE WITNESS: It's both. Once the
25 beach opens, it's mostly cash. Because we're mostly

1 dealing with weekly and/or daily. The seasonal,
2 cash, check, money order. We don't -- we are not at
3 the point where we do anything online credit card
4 yet.

5 MR. WISER: Okay. Thank you.

6 MR. DICKERSON: Actually, just one
7 other thing. So, if you do record numbers, is there
8 a specific capacity that the beach, that you have
9 before you can no longer sell any badges?

10 THE WITNESS: No. There's no -- no
11 set number of people that are allowed on the beach.

12 MR. DICKERSON: Okay. Thank you.

13 MR. WINWARD: I do have one question
14 from the board here.

15 MR. BACCHIONE: Thank you,
16 Mr. Chairman.

17 Many meetings ago, I can remember a
18 conversation regarding the beach. And who would own
19 the beach if the de-annexation should occur.
20 Assuming that Berkeley Township still maintains and
21 owns the beach after de-annexation, assuming
22 de-annexation does occur, will that have an impact
23 on your budget in any negative way? In other words,
24 will you be spending the same money if
25 Berkeley Township still owns the beach after

1 de-annexation, as you would be spending today?

2 THE WITNESS: Yes.

3 MR. BACCHIONE: Okay. So, therefore,
4 going back to the question regarding your budget and
5 losses or whatever, it really is a moot point if
6 that scenario should happen? Because I don't think
7 it's conclusive yet who's going to get the beach,
8 assuming de-annexation does happen. At least, if we
9 do know, I haven't heard at the meetings. So,
10 nothing would change, then. It's almost a moot
11 point?

12 THE WITNESS: Correct, nothing would
13 change.

14 MR. BACCHIONE: Thank you.

15 THE WITNESS: On our end, yes.

16 MR. BACCHIONE: Thank you.

17 MR. WINWARD: Seeing there's no more
18 questions from the board or the professionals.
19 Mr. Michelini?

20 MR. MICHELINI: Yeah, just to the
21 record, I think our request was to include the
22 beach. It came up as part of a discussion whether
23 or not they would -- whether it would be included or
24 not included. And that, ultimately, is up to the
25 council. But our request included the beach,

1 without a doubt, if you look at the map that's
2 attached to the petition, so, but I think it came up
3 in the context of whether or not the -- you know,
4 it's up to the council ultimately when they make a
5 decision on de-annexation of whether or not they
6 would include it or not include it.

7 MR. WISER: I think there were really
8 two issues there. There was the de-annexation for
9 jurisdictional purposes. What town the beach would
10 be in. But there was still the open conversation
11 and, I think, perhaps some disagreement as to who
12 would own the property. And I think that goes for
13 the beach as well as the Lyons Park, that's
14 municipally owned land. And I would think that
15 would be, at the very least, subject to some measure
16 of negotiations between the township and
17 Seaside Park as to, if that land is going to
18 transfer, what the compensation would be.

19 MR. MCGUCKIN: As a matter of law,
20 many municipalities -- some municipalities own land
21 in other municipalities for recreational purposes,
22 for drinking water purposes and so forth. Statute
23 provides for it under title 40-A. And, although I
24 understand the petitioners want the beach to go as
25 well, legally, it is certainly possible that the

1 township would retain ownership of public property
 2 in another municipality, assuming the de-annexation
 3 were to occur. But I think that's still under, as
 4 counsel indicated, that's not yet been resolved.
 5 MR. WINWARD: And it's not something
 6 we're going to resolve this evening. I suggest -- I
 7 think we should --
 8 MR. BACCHIONE: The question wasn't
 9 meant to resolve.
 10 MR. WINWARD: I know it's just -- it
 11 was thrown out there, but I think we should proceed
 12 with cross-examination now.
 13 EXAMINATION BY MR. MICHELINI:
 14 Q Thank you.
 15 Mr. Yurcisin, you have notes in front of you,
 16 correct?
 17 A Yes.
 18 Q When did you make those notes?
 19 A This afternoon.
 20 Q Okay. And why did you make those
 21 notes?
 22 A So I had something to refer to since
 23 I'm 62 years old and I can't remember everything.
 24 Q Good for you. Who did you talk to
 25 about what you should testify to in making these

1 notes and preparing for tonight?
 2 A I was -- talked to the administrator
 3 as far as what has the annotated testimony. I
 4 looked through that.
 5 Q Annotated?
 6 A Annotated, correct.
 7 Q So, you looked through an annotated
 8 transcript?
 9 A That's correct.
 10 Q And who gave you that?
 11 A Administration.
 12 Q Do you have it with you?
 13 A No, I actually have it in my truck.
 14 Q You have it in your truck?
 15 A Outside, yeah.
 16 Q Okay. Were you given all of the
 17 transcripts of all of the 20 some odd hearings? I
 18 think it's 20 that we've been here. Or were you
 19 just given annotated portions of transcripts?
 20 A Annotated portions.
 21 Q How many pages -- were you directed
 22 to specific pages and testimony?
 23 A Yes.
 24 Q Okay. How many pages of testimony
 25 were you directed to?

1 A Probably about 15, I'm going to say,
 2 that basically referred to the beach and park.
 3 Q Do you know who prepared the
 4 annotated transcript?
 5 A No.
 6 Q I will represent to you that it came
 7 from Mr. Wiser's office. Mr. Wiser is the gentleman
 8 that questioned you at length.
 9 A Uh-hum.
 10 Q Did you have any discussions with
 11 Mr. Wiser?
 12 A No.
 13 Q Do you know why an annotated
 14 transcript was prepared?
 15 A So I would have some in -- for me,
 16 specifically?
 17 Q Yes.
 18 A So I would have some information for
 19 this testimony today.
 20 Q Okay. So, you understood that the
 21 annotated transcript was prepared by Mr. Wiser and
 22 given to Mr. Camera so that you could specifically
 23 address certain issues before this board? That's
 24 your understanding?
 25 A Well, I did not know that Mr. Wiser

1 provided Mr. Camera until you just told me now
 2 but --
 3 Q But that was your understanding,
 4 correct?
 5 A That's -- well, that's what you're
 6 telling me, yes.
 7 Q Well, I'm asking. Is that your
 8 understanding?
 9 A I understand --
 10 Q It was provided to you so that you
 11 could --
 12 A It was provided to me, yes.
 13 Q So you could address specific issues?
 14 A Yes.
 15 Q So, you didn't read the testimony of
 16 all of the petitioners and all that they said about
 17 recreation and parks types issues? You read what
 18 was given to you on those 15 pages, correct?
 19 A Yes.
 20 Q Okay. You didn't review all the
 21 transcripts? I think I have 20 of them.
 22 A No.
 23 Q You didn't review them?
 24 A No.
 25 Q In fact, you didn't even look at the

1 exhibits until tonight? You've only looked at A-6,
2 correct?
3 A Correct.
4 Q Okay. Did you talk to anybody else
5 besides Mr. Camera in conjunction with getting ready
6 to testify tonight?
7 A No, other than Mr. Sperber that I
8 work with.
9 Q What did you tell Mr. Sperber and
10 what did he tell you?
11 A We just discussed what -- prepared
12 ourselves for tonight.
13 Q How many meetings did you have with
14 Mr. Camera?
15 A One.
16 Q When was that?
17 A Couple weeks ago, week ago.
18 Q What did he tell you?
19 A Told me to be honest and answer the
20 questions honestly.
21 Q Good. Good. I'm counting on that,
22 okay.
23 Let's take a look at A-6. All right. Now,
24 on A-6, it indicates that the six pictures on the
25 left of A-6 are South Seaside Park's Bayside Beach.

1 A Uh-hum.
2 Q Right? Yes?
3 A Yes.
4 Q Okay. You've got to answer verbally.
5 A Oh, okay. I mean, I'm assuming this
6 is South Seaside Park because it says there.
7 Q Well, that's what I asked you.
8 A Okay.
9 Q It says, the six pictures are labeled
10 South Seaside Park Bayside Beach. Do you recognize
11 it as the South Seaside Park Bayside Beach?
12 A It looks familiar, yes.
13 Q When's the last time you were there?
14 A Drove by probably couple weeks ago.
15 Q When's the last time you walked it?
16 A Last year.
17 Q Last year?
18 A Yeah.
19 Q Hasn't been since last year?
20 A No.
21 Q Okay. So, let's look up at the upper
22 right photo of the beach. Do you see that?
23 A Uh-hum.
24 Q Yes?
25 A Yes.

1 Q Okay. And it would appear, you can
2 correct me if I'm wrong, that there are many, many
3 pieces of asphalt. I bet if you were to count them,
4 it would probably be, I don't know, 50 to 100.
5 Would that be accurate?
6 A Is that asphalt? I can't tell.
7 Q You can't tell if that's asphalt?
8 Look closer.
9 A I'm looking as close as I can. Is
10 that asphalt? That originally looked like
11 clamshells to me. But probably asphalt.
12 Q What do you think? I'm asking you to
13 be honest. Look at it.
14 A It looks like it could be asphalt.
15 Q Okay.
16 A But I couldn't say 100 percent.
17 That's me being honest.
18 Q Okay. I will represent to you that
19 the testimony was that it was a lot of asphalt.
20 A Okay.
21 Q You have no reason to disbelieve
22 that --
23 A That's correct. Yes.
24 Q -- correct? And then in the lower
25 left, there's what would appear to be a pretty large

1 pipe, a rusted pipe.
2 A That's --
3 Q Is that accurate?
4 A That looks like a pipe, yes.
5 Q Yes. And it's a large pipe, correct?
6 It's not a one or two-foot section.
7 A Correct.
8 Q It's actually a pretty long pipe,
9 correct?
10 A Correct.
11 Q And then it appears that there's also
12 some -- I don't know whether there's concrete or
13 some other kind of large concrete, I would say,
14 structures. Is that accurate? Do you think there's
15 something else?
16 A Well, now that you're telling me, it
17 does look like concrete. That looks like concrete.
18 I wasn't sure about that. But you're saying it's
19 concrete --
20 Q You're pointing to the other piece in
21 the lower left-hand picture. And then in the lower
22 right-hand picture, there's a picture of the beach
23 which, in my mind, and maybe I'm wrong, it does
24 appear to be more than ten feet wide there.
25 A What tide is it? Is it low tide?

1 High tide?
 2 Q Well, whichever tide it is, the beach
 3 appears to be more than ten feet at that point,
 4 correct?
 5 A Yeah, I think you go by the mean high
 6 tide for measurements. Isn't that how --
 7 Q Well, I'm asking you, what does the
 8 picture look like to you, honestly? Does it look
 9 like more than ten feet to you --
 10 A I can't tell.
 11 Q -- honestly? You can't tell?
 12 A No, honestly.
 13 Q Okay. How many pieces of concrete do
 14 you see in that lower right-hand picture?
 15 A Do I have to count them?
 16 Q Yeah, sure.
 17 A That's three right there that I can
 18 see.
 19 Q Three large pieces, correct?
 20 A Well, I guess by perspective, they
 21 look like they could be pretty large.
 22 Q All right. So, the things that
 23 you've identified in these pictures, the pipe, the
 24 two big pieces of concrete, the three large pieces
 25 of concrete in the lower right picture and the many

1 pieces of what appear to be asphalt, perhaps 50 to
 2 100 --
 3 A Uh-hum.
 4 Q -- if I'm accurate, they're all
 5 essentially trash? They don't belong on the beach?
 6 Is that accurate?
 7 A Yeah, they're man-made, correct.
 8 Q So, if you were to send somebody over
 9 to clean the beach, that shouldn't be there, right?
 10 A I'm not sure, especially in this
 11 picture.
 12 Q This picture meaning the upper right
 13 picture?
 14 A The asphalt.
 15 Q The upper right picture. I want, for
 16 the record, I want to identify which picture you're
 17 referring to.
 18 MR. WISER: Could you please hold
 19 that up so we can see.
 20 MR. MICHELINI: I'm going to bring it
 21 over afterwards.
 22 MR. WINWARD: Is there a number?
 23 MR. WISER: You're testifying --
 24 MR. MICHELINI: Sure.
 25 MR. WISER: -- this, that and the

1 other thing. It would be helpful if we saw what
 2 you're pointing to.
 3 MR. MICHELINI: Sure. You're right.
 4 Q Go ahead. What were you going to
 5 say?
 6 A What I was going to say is, when you
 7 start digging up that kind of stuff and asphalt,
 8 what you get underneath is more of the same stuff.
 9 So, I don't know how it may -- how far down it could
 10 go. You know, eventually, it could get to the point
 11 where you're digging a very large hole to remove
 12 what's there.
 13 Q Okay. But it would be appropriate as
 14 part of your job to clean the beach, correct?
 15 A Yes.
 16 Q I think that's what was testified to?
 17 A Yes.
 18 Q So, if you had to dig a big hole to
 19 clean the beach, then you would presumably put sand
 20 in or something to fill the hole, correct?
 21 A It could be done, yes.
 22 Q And pointing to the center pictures,
 23 the title, I'll represent to you, and you can read
 24 it, says, weeds in winter obstructing traffic signs.
 25 Do you see that?

1 A I do see that.
 2 Q What are the traffic signs? Do you
 3 know what kind of signs they are?
 4 A Look closer. It's hard to tell.
 5 Q Hard to tell because there's weeds in
 6 front of them.
 7 It's hard to tell because there's weeds in
 8 front of them, correct?
 9 A Yes.
 10 Q Okay. Is that the way it should
 11 look?
 12 A I don't know where that is.
 13 Q Okay.
 14 A So, I don't know. I guess --
 15 Q You don't know --
 16 A Signs should not be blocked by weeds,
 17 correct.
 18 Q You don't know where it is?
 19 A I don't know exactly.
 20 Q Do you know if it's in South Seaside
 21 Park?
 22 A I do not know.
 23 Q Okay. I'll represent to you that
 24 there was testimony that those signs are in
 25 South Seaside Park.

1 A Okay. I believe you.
 2 Q Is it your job, as part of Parks and
 3 Recreation, to make sure that signage is clear and
 4 free of any weeds so it can be read?
 5 A Depends on where the sign is. If
 6 it's obstructing a sign on the roadway, it's
 7 normally our job and we try to help out the police
 8 department and clear areas that are obstructing.
 9 Q Well, if it's a no parking sign,
 10 would that be obstructing a sign on the roadway?
 11 A Right. And if the police had
 12 reported to us that it was obstructing something, we
 13 would have helped them out and taken care of it.
 14 Q So, this testimony was given a long
 15 time ago. I'm not sure exactly when. But, let's
 16 see. I can tell you when. Because this is marked
 17 in evidence in February of, it looks like, of 2015.
 18 A Uh-hum. Okay.
 19 Q So, no one reported to you, none of
 20 the board professionals here reported to you that
 21 there was obstructions in South Seaside Park and
 22 trash on the beach after that testimony?
 23 A As far as this is concerned, that was
 24 not reported specifically to me.
 25 Q How about trash on the beach, on the

1 Bay Beach?
 2 A We've had reports before of trash on
 3 the beach. And we've had cleanups before of trash
 4 on the beach.
 5 Q I think I heard you say that you had
 6 a cleanup a couple of years ago. Was that accurate
 7 testimony?
 8 A For large debris, yes.
 9 Q Was that the last time that you had a
 10 large debris cleanup?
 11 A Any kind of cleanup, no.
 12 Q No, no. I said a large debris
 13 cleanup.
 14 A Depends on what you call large.
 15 Q Well, what did you mean by large when
 16 you said a couple of years ago you had --
 17 A Tires, concrete, big pieces of
 18 concrete and such, yes.
 19 Q What's shown in these pictures
 20 generally on the left side of Exhibit A-6 is large
 21 debris?
 22 A Uh-hum.
 23 Q Yes?
 24 A Yes.
 25 Q Okay. And the last time you had a

1 large debris cleanup on the Bay Beach was a couple
 2 of years ago. Do you know what year that was? Was
 3 that 2015? '14? '16?
 4 A I don't know off the top of my head.
 5 I don't know.
 6 Q Is there a plan to clean the beach,
 7 the Bay Beach in South Seaside Park of large debris
 8 anytime soon?
 9 A A specific plan?
 10 Q Yes.
 11 A As of right now, large debris?
 12 Q Yes.
 13 A Not that I know of. We do that work
 14 in conjunction with Public Works, so it could
 15 possibly be a plan. But that I don't know.
 16 Q You don't know?
 17 A No. No. And also, I mean, sometimes
 18 that stuff is under water depending on the wind, the
 19 tides. And sometimes that debris is under water.
 20 Q Who owns that land under the water
 21 there? Is that part of the township?
 22 A Well, I don't know. The township
 23 owned land under water? Mean high tide lines, is
 24 that what's the basis for property lines on the
 25 water? So, I don't know --

1 Q You don't know.
 2 A -- exactly where the property line
 3 would be and tide line would be.
 4 Q I'm going to show you what was marked
 5 A-7. You've never seen A-7 before either, have you?
 6 A You're talking about everything or
 7 just --
 8 Q Well, have you ever seen this exhibit
 9 before?
 10 A No.
 11 Q Okay.
 12 A No.
 13 Q And on the left side of the exhibit,
 14 there was testimony of about three pictures that
 15 show some of the Bay Beach in South Seaside Park.
 16 Does that look like the Bay Beach on the left side
 17 in South Seaside Park?
 18 A It looks like it could be, yes.
 19 Q Well, do you have any reason to
 20 believe it's not?
 21 A No.
 22 Q And then you have the Bayside Beach
 23 in Seaside Park on the right side. Do you see that?
 24 A I do.
 25 Q And that's an improved beach,

1 correct?
 2 A There is.
 3 Q And it's got a playground, right?
 4 A Yes.
 5 Q Is there a playground anywhere in
 6 South Seaside Park?
 7 A No, there's not.
 8 Q Not one, correct?
 9 A That's correct.
 10 Q Okay. And then in the second
 11 pictures, there's a nice beach entrance with a
 12 welcome sign and some red and white pillars. Do you
 13 see that?
 14 A I see that.
 15 Q And there's nothing like that that
 16 exists in South Seaside Park?
 17 A Not like their beach. It's a lot
 18 wider than the South Seaside beach.
 19 Q Do you know that for a fact?
 20 A Well, I'm looking at those pictures.
 21 I can see, yes, they're wider.
 22 Q You think it's wider?
 23 A Yeah.
 24 Q But you couldn't tell me whether or
 25 not the other beach was more than ten feet; is that

1 what you're telling me?
 2 A No, you asked me how long it was.
 3 And I --
 4 Q No, I asked you if it looked to be
 5 more than ten feet wide. Do you think this beach is
 6 more than ten feet wide in the upper right-hand
 7 corner?
 8 A It's pretty big.
 9 Q Do you know if it's more than
 10 ten feet wide?
 11 A I don't -- can't measure it by
 12 looking at a picture.
 13 Q So, you don't know?
 14 A That's correct.
 15 Q Okay. And then there are various
 16 improvements, including on the bottom right, there's
 17 a pier in the Seaside Park Bayside Beach area. Do
 18 you see that?
 19 A Yes.
 20 Q Are there any piers in South Seaside
 21 Park?
 22 A No, there is the dock, I think that's
 23 owned by the State, on 24th Avenue, but that's the
 24 State's.
 25 Q That's the State's?

1 A State's. Yeah, it's a marina. Yeah.
 2 Q Is that -- are you -- is it open for
 3 the public right now?
 4 A They have slips there. I don't know
 5 what's the requirement to have a slip there. The
 6 little parking area is open to the public, yes.
 7 Q Okay. But there's no pier there as
 8 such?
 9 A No, it's boat slips, mainly. There's
 10 a pier that goes out to boat slips.
 11 Q Is there a public ramp in
 12 South Seaside Park?
 13 A Boat ramp, no.
 14 Q And there is in Seaside Park,
 15 correct?
 16 A Yeah, there is, yes.
 17 Q So, the bay side parks -- I'm going
 18 to show you what's been marked A-8. And tell me if
 19 you recognize what are photos in any of these
 20 pictures. Do you recognize them?
 21 A Yes.
 22 Q What are they?
 23 A They're beaches, bay side beaches in
 24 Berkeley Township. Except for Dudley Park is on
 25 Cedar Creek.

1 Q All right. So --
 2 A All that's down here is part of Cedar
 3 Creek.
 4 Q So, what you're looking at in A-8 are
 5 mainland beaches, correct?
 6 A Correct.
 7 Q None of them are on the south, are on
 8 the barrier peninsula --
 9 A That's correct.
 10 Q -- is that correct?
 11 A That's correct.
 12 Q And these are all improved beaches,
 13 correct?
 14 A Well, these were all the size that
 15 they are now, naturally. They're a lot bigger,
 16 naturally, than they are at the other side of
 17 South Seaside Park. But improved as far as putting
 18 the equipment and picnic tables and such, yes, they
 19 are improved because there's more space to do so.
 20 Q All right. There's playground
 21 facilities in some of them. There's a parking lot,
 22 correct?
 23 A Yep. Yes.
 24 Q There's picnic tables?
 25 A Yes.

1 Q Benches --
 2 A Yes.
 3 Q -- correct? And none of that exists
 4 over in the South Seaside Park Bay Beach, correct?
 5 A That's correct, because there's no
 6 room for any of that over on South Seaside Park Bay
 7 Beach.
 8 Q There's no room at all --
 9 A No.
 10 Q -- as far as you're concerned?
 11 A Ten-foot wide. Maybe a picnic table.
 12 Q Maybe a picnic table?
 13 A Picnic table or a bench.
 14 Q Have you measured it to know if it's
 15 ten feet wide?
 16 A No, I'm just assuming it's about
 17 ten feet. It depends on the tide. What tide are we
 18 talking about? High tide or low tide?
 19 Q So, you don't really know how wide
 20 the beach is over there, correct?
 21 A Correct. Yep.
 22 Q And --
 23 A I can tell you these are
 24 significantly wider than South, the beach at
 25 South Seaside Park.

1 Q And then at Dudley Park, there's a
 2 pavilion?
 3 A Correct.
 4 Q Correct? There's no pavilion over in
 5 South Seaside Park, right?
 6 A No, there -- no.
 7 Q Okay. Roller rink, picnic tables,
 8 none of that exists at the South Seaside Park
 9 Bay Beach, correct?
 10 A That's correct. If you find space
 11 for us to put it, we can do something like that.
 12 Q How about just clean the beach?
 13 A We can do that, too, if it's not
 14 under water.
 15 Q Now, the summer camp that you talked
 16 about for the kids.
 17 A Uh-hum. Yes.
 18 Q You said 600 kids attend that. Where
 19 is that mainly held?
 20 A It's based out of Veterans Park.
 21 They go on daily trips. A lot of times they come
 22 over to the beach.
 23 Q How many days a week is that?
 24 A Five days a week for six weeks.
 25 Q And you said if there was a child

1 from Berkeley -- a child over in South Seaside Park,
 2 that you would bus them over, correct?
 3 A Yes, and we have in the past.
 4 Q So, does that -- is that true for a
 5 child who comes down to South Seaside Park from
 6 North Jersey with their family for the summer?
 7 A No, they must, that program must --
 8 you must be a resident of Berkeley Township.
 9 Q What if they're part-time residents,
 10 that doesn't count?
 11 A No, not if they're a summer resident.
 12 No. If they're a resident of Berkeley Township.
 13 Q What about a child who is a -- who
 14 lives over in South Seaside Park that goes to
 15 Donovan Catholic or Saint Joe's over in Toms River,
 16 do they get bussed in?
 17 A Of course. If they're a resident,
 18 yeah.
 19 Q So, you don't have to be a member of
 20 the Berkeley Township schools?
 21 A Correct.
 22 Q Okay. But a part-time resident you
 23 don't think qualifies?
 24 A We would look at -- we have looked at
 25 case to case basis. If a child is coming to stay

1 with a grandmother for the summer and she's watching
 2 him for the summer, we take it case by case.
 3 Q Now, how many blocks is the
 4 White Sands Beach?
 5 A What, four? 20th, 21st, 22nd, 23rd.
 6 Q Three or four?
 7 A Four.
 8 Q You're sure it's four?
 9 A Well, if you count the street ends,
 10 20th through 23rd.
 11 Q Okay. But 20th to 21st is one?
 12 A One.
 13 Q 20th to 21st is one, correct?
 14 A That's correct.
 15 Q 21st to 22nd is two?
 16 A Two.
 17 Q It's not a trick question.
 18 A I know.
 19 Q 22nd to 23rd is --
 20 A It's four roads, ends in three
 21 blocks, yes. Correct.
 22 Q All right. So, it's essentially
 23 three blocks?
 24 A Three blocks, yes.
 25 Q Okay. And how long are those blocks?

1 Tenth of a mile?
 2 A Each block?
 3 Q Yeah.
 4 A Entire beach is 900-foot wide, tenth
 5 of a mile is 500 feet. Probably a little less, I
 6 would think.
 7 Q Less than a tenth of a mile?
 8 A I would think, yes.
 9 Q Okay. So --
 10 A Not exactly sure. It's not
 11 100 percent guess. It's estimate.
 12 Q So, if that's the case, Island Beach
 13 State Park is approximately ten miles long?
 14 A That's correct, yes.
 15 Q And that has ten miles of,
 16 essentially, public beach, although they have
 17 bathing areas --
 18 A Correct.
 19 Q -- and have it divided up?
 20 A Right.
 21 Q And you said that you consider
 22 White Sands Beach part of Berkeley Township?
 23 A Yes.
 24 Q Well, it is part of Berkeley
 25 Township. Not that you consider it, it actually is

1 part of Berkeley Township --
 2 A That's correct.
 3 Q -- correct?
 4 A Yeah.
 5 Q Okay. And so is Island Beach State
 6 Park, even though it's run by the State, it's
 7 within, physically within Berkeley Township?
 8 A It's within the boundaries of
 9 Berkeley Township, yes.
 10 Q So, comparing White Sands Beach which
 11 is, on a percentage basis, less than three-tenths of
 12 a mile, to ten miles of beach in Island Beach State
 13 Park, it would represent what? Less than what
 14 percent, if you can tell me? Be less than -- it
 15 would be about less than three percent, right?
 16 A Compared to the Island Beach State
 17 Park --
 18 Q Yeah.
 19 A -- that's ten miles.
 20 Q Two to three percent, right?
 21 A Yes, that's correct. It's about
 22 that, yes.
 23 Q And if de-annexation were to occur,
 24 the other 97 to 98 percent would remain in Berkeley
 25 Township, because that's not part of the petition,

1 correct?
 2 A Well, physically, yes, it would
 3 remain in Berkeley Township.
 4 Q Now, the -- you talked about after
 5 Superstorm Sandy, that Mr. Whiteman took you around
 6 and, I believe, Mr. Sperber also?
 7 A Yes.
 8 Q With water and --
 9 A Ice.
 10 Q -- and ice, correct? So, he was
 11 helpful, correct?
 12 A Yes, he was very helpful.
 13 Q You find him to be straightforward
 14 and honest?
 15 A Absolutely.
 16 Q So, if he came up here and testified
 17 about issues, you would have no reason to believe
 18 that he was not telling the truth concerning the
 19 beach, correct?
 20 A Well, I wouldn't -- no, I would not.
 21 I might have a different opinion than him. But I --
 22 Q Okay.
 23 A -- wouldn't say he's certainly not
 24 trying to say anything dishonest.
 25 Q Okay. And as far as the beach

1 design, the beach design, you indicated that your
 2 beach opening is straight on and I believe some of
 3 the other beach openings are not straight on, such
 4 as Seaside Park, correct?
 5 A Yeah. One of our beaches, 22nd, is
 6 more on an angle. But 23rd, 21st and 20th are
 7 basically straight on.
 8 Q Okay. And why is one on an angle and
 9 the other three straight on?
 10 A That's how it was designed and
 11 rebuilt in 2013 when all the walkways were rebuilt.
 12 Q Okay. And is that a better design in
 13 light of northeast storms? I assume it would be on
 14 an angle to the south/southeast?
 15 A Yeah. Yeah. Better design than what
 16 we had. It doesn't seem to make much of a
 17 difference as far as accumulation of sand.
 18 Q So, do you know why it was built on
 19 an angle?
 20 A Specifically, no. I was just
 21 actually looking at the plans today and I noticed
 22 that the one had a bit of an angle on it. The
 23 others didn't. I was privy to the original design.
 24 Q And you don't know who prepared that
 25 design?

1 A I would imagine the engineers at the
2 time.
3 Q For the township?
4 A Yes.
5 Q Were the other three entrances
6 rebuilt after the storm?
7 A They were all rebuilt, yes.
8 Q Now, you talked about programs,
9 senior programs. Are there any senior programs over
10 in South Seaside Park that are specific to
11 South Seaside Park?
12 A No.
13 Q Okay. And the senior programs that
14 exist over on the mainland are, I believe you
15 said -- are they -- where are they located?
16 Holiday City?
17 A The program, there's no specific
18 place. Well, we do have some programs that are at
19 our rec center.
20 Q Where is that?
21 A Route Nine in Bayville.
22 Q And that's Route Nine in Bayville?
23 A Yes.
24 Q You have some senior programs that
25 are there?

1 A Yes, and we have some at the
2 clubhouses in the various retirement villages.
3 Q Let's just stop there. Somebody from
4 South Seaside Park that wants to go to the
5 Route Nine rec center for a senior program, they
6 have to drive there, correct?
7 A That's correct. So does everybody
8 else.
9 Q Well, yeah, but they have to drive 16
10 miles. And in the summertime it can be 40 minutes,
11 correct?
12 A Yes, that's true. We don't have
13 senior programs in the summer because we --
14 Q You don't have them in the summer?
15 A No, we don't. We have the kids.
16 Q All right. So, but they still have
17 to drive. If you're in South Seaside Park, you've
18 got to drive --
19 A Wherever they live, they have to
20 drive, yes.
21 Q Yeah. And you would agree that the
22 distances within the mainland, although the mainland
23 is pretty big, it's closer than driving 16 miles
24 from South Seaside Park?
25 A Yes, more or less. But if we have a

1 rec center, program at a rec center, and the
2 resident of Holiday City that lives in Holiday City
3 South --
4 Q Right.
5 A -- the other end, I mean, it's going
6 to be close.
7 Q Eight or nine miles?
8 A Ten, maybe.
9 Q Correct?
10 A Yeah, correct.
11 Q And many of your residents live
12 closer than eight or nine miles, correct?
13 A To the rec center.
14 Q Yes.
15 A Most of our senior members are living
16 in the Holiday City section.
17 Q Okay. But --
18 A Yeah.
19 Q -- there's Holiday City very far out
20 and Holiday City --
21 A Yes.
22 Q -- closer to the rec center --
23 A Yeah.
24 Q -- correct?
25 A Yeah, I would say the closest

1 retirement village like Holiday City, probably
2 six miles, seven miles, yeah.
3 Q All right. That's still a lot closer
4 than 16?
5 A Sure.
6 Q Okay.
7 A Yes.
8 Q So, if somebody wanted to go to the
9 rec center program from South Seaside Park, they'd
10 have to drive that 16 miles. Where are the other
11 senior programs that you mentioned? You said
12 other --
13 A We have bus trips.
14 Q No, no, no. The other programs. You
15 said that there's some at the rec center and then
16 some somewhere?
17 A Yeah, we have exercise programs at
18 Silver Ridge Park West. We use their clubhouse.
19 And residents need to drive there. That's a
20 little -- would be a little closer for South Seaside
21 Park residents.
22 Q A little closer than where?
23 A Than going to the rec center in
24 Bayville.
25 Q You think so?

1 A Yeah, I would think so.
 2 Q Okay.
 3 A Silver Ridge Park is closer. Yeah,
 4 absolutely.
 5 Q A little bit closer?
 6 A Uh-hum.
 7 Q Okay. But they would still have to
 8 drive from over there. There's no bussing for those
 9 programs, correct?
 10 A For those programs, no. We do have a
 11 weekly bus trip that we provide. And it's not
 12 really -- we don't really bus people to the program.
 13 We actually pick people up in various locations
 14 throughout town. We --
 15 Q Where does that bus -- I'm sorry.
 16 A We take them to the mall, to
 17 shopping, to various activities that our seniors
 18 like to do.
 19 Q Anywhere else?
 20 A Where --
 21 Q Do they go to like Atlantic City, for
 22 instance? New York City?
 23 A Yeah. New York City, no. We try to
 24 keep it within New Jersey. Within, you know, Cape
 25 May County Zoo, things like that. We've done trips

1 like that.
 2 Q And you said that program would pick
 3 up the seniors over in South Seaside Park?
 4 A If that came up, we would make
 5 arrangements, yes.
 6 Q How many times has that happened?
 7 A It hasn't.
 8 Q It hasn't?
 9 A It hasn't. I have not had a request
 10 from a resident of South Seaside Park to be picked
 11 up for a senior program.
 12 Q You, personally?
 13 A Right.
 14 Q Do you know if anybody from
 15 South Seaside Park has called and inquired about
 16 that?
 17 A If they have, I don't recall.
 18 Q Okay. Did you read the testimony
 19 about that?
 20 A No.
 21 Q Okay. Now, you talked about
 22 White Sands Beach gets raked once per week, correct?
 23 A Yes.
 24 Q The testimony was that Seaside Park
 25 is raked I believe five days, at least five days a

1 week in the summertime?
 2 A Okay.
 3 Q Do you dispute that?
 4 A No.
 5 Q And what kind of -- what kind of
 6 machines is used to rake the beach in South Seaside
 7 Park at White Sands?
 8 A It's a pull behind machine. We have
 9 a tractor. It's a beach rake machine. And we got
 10 it, just got a new one two years ago. Two, three
 11 years ago.
 12 Q And where is that stored?
 13 A We store that in Island -- Island
 14 Beach lets us keep it in their maintenance area.
 15 Q So, you use the State park?
 16 A The State park, yes. Yep.
 17 Q Okay.
 18 A Yep.
 19 Q And when did you bring -- is it over
 20 there all year long?
 21 A No. No, we're going to be bringing
 22 it over there within the next week or so.
 23 Q Why is the beach only raked once a
 24 week?
 25 A Because that's all we're able to do

1 that.
 2 Q So, if you had the ability, let's say
 3 the resources, the manpower, you would do it more
 4 often?
 5 A Yes.
 6 Q Is that fair to say?
 7 A Yes.
 8 Q You'd do it every day if you could in
 9 the summer, I would imagine?
 10 A Sure. Yes.
 11 Q Because the beach is a -- gets pretty
 12 crowded, I would imagine, correct?
 13 A Yes.
 14 Q Now, you indicated that the county
 15 provided dune grass for the White Sands Beach. And
 16 it doesn't cost anything to the township, correct?
 17 A That I'm aware of. I think there's a
 18 program called Schedule C. I don't know if the town
 19 pays the county a certain amount of money. But we
 20 specifically don't pay for it, my department.
 21 Q Do you know if other towns have to
 22 pay for it or is it --
 23 A No, this program is open to all beach
 24 towns.
 25 Q So, if de-annexation were to occur

1 and this became -- this beach became part of
 2 Seaside Park, that would still be provided, as far
 3 as you knew?
 4 A I would think so, yes.
 5 Q Now, specific programs for
 6 South Seaside Park seniors, I believe there are
 7 none, correct?
 8 A No seniors in South Seaside Park?
 9 Q No specific programs for the seniors
 10 in South Seaside Park?
 11 A Right, correct.
 12 Q And are you aware of the demographics
 13 of South Seaside Park?
 14 A Exactly, no.
 15 Q There was testimony that it's mostly
 16 a senior community.
 17 A Okay.
 18 Q That the average age is similar to, I
 19 think, Holiday City. And it's in the high 60s.
 20 A Okay.
 21 Q I could be off a little bit. I'm
 22 sure Mr. Wiser will correct me if I am. But knowing
 23 that, would you expect that there should be, from
 24 your standpoint in Parks and Recreation, knowing
 25 that, would you expect that there should be some

1 kind of a program for the seniors over in South
 2 Seaside Park?
 3 A Well, we have a program. All our
 4 senior programs, all our recreation programs are for
 5 town wide residents. We don't have any specific
 6 programs for specific areas of town.
 7 Q Okay.
 8 A Anywhere.
 9 Q But all your senior programs
 10 except -- well, are any senior programs held over in
 11 South Seaside Park?
 12 A No. No.
 13 Q They're all held on the mainland?
 14 A Yes.
 15 Q And then you talked about the
 16 programs that are held over there. I think you have
 17 a big beach party, correct?
 18 A At South Seaside Park, yes.
 19 Q At White Sands?
 20 A Yes.
 21 Q And that's once a year --
 22 A Correct.
 23 Q -- correct? And is that open to
 24 everybody, seniors and non-seniors?
 25 A Yes.

1 Q Do you have to be a Berkeley
 2 resident --
 3 A No.
 4 Q -- to attend?
 5 A No.
 6 Q So, anybody can come?
 7 A Correct.
 8 Q And what is provided at that party?
 9 A Music, entertainment, some food,
 10 drinks.
 11 Q But you do -- do you do similar
 12 parties on the mainland? Correct? I think you said
 13 you did. I shouldn't say similar. You do things --
 14 A We do concerts.
 15 Q -- on the mainland? Concerts?
 16 A Yes, summer concerts. Yes.
 17 Q And then you have some other events
 18 where there's a concert as part of it?
 19 A Yes. Yes.
 20 Q What is that event?
 21 A Community Pride Day, it's typically
 22 the Saturday after Labor Day.
 23 Q How many summer concerts are there?
 24 A Including that, there are six.
 25 Q Okay. And five of them are held on

1 the mainland, correct?
 2 A Well, six on the inland. Including
 3 the beach party, there are seven.
 4 Q Okay. Do you know if the beach
 5 entrances were opened on July 4 after
 6 Superstorm Sandy?
 7 A 2012. Then that would be 2013?
 8 Q Correct.
 9 A Yes. Yes, our beaches were open on
 10 time.
 11 Q They were open?
 12 A Yes.
 13 Q And do you know what the beach
 14 entrances looked like at that time?
 15 A They were -- I don't know the exact
 16 dates, but construction was starting, as we talked
 17 about earlier, for each beach entrance, repairs of
 18 the beach entrances. But we made them, before
 19 construction, they were accessible to get on the
 20 beach, even though there was some damage. There
 21 was -- we made -- moved sand around and made it so
 22 that people could get on the beach.
 23 Q So, they were under construction but
 24 people could still get on the beach?
 25 A In the summer, that summer, yes.

1 Yes. But not all at once. Not each entrance was
2 being done at once.
3 Q So, do you know if South -- if,
4 rather, Seaside Park entrances were done by
5 July 4th?
6 A I'm not sure, no.
7 Q But yours were not, correct, in
8 South Seaside Park?
9 A Totally done by July 4th, no.
10 Q Do you have a municipal yard for the
11 storage of beach equipment?
12 A Do we have any for the storage of
13 beach equipment?
14 Q Yes.
15 A In the off season we keep it in our
16 maintenance, park maintenance yard.
17 Q Where is that located?
18 A It's on the mainland.
19 Q Where on the mainland?
20 A Anchorage, 99 Anchorage Boulevard.
21 Q And that's off of Route Nine?
22 A Correct.
23 Q You indicated the beach garbage cans
24 are emptied how many times? Are -- they're emptied
25 every day?

1 A During the summer season, yes.
2 Q And then there's just -- when are
3 they emptied? When does that occur? The morning?
4 A They try to get over there in the
5 morning. It could be different.
6 Q And then in the non-summer season,
7 how often are they emptied?
8 A Approximately three times a week.
9 Q How many beach garbage cans do you
10 have over there?
11 A I would -- there's a couple at each
12 road end. So, 20th, 21st, 22nd, 23rd.
13 Q So, you have eight? Yes?
14 A I would say yes. Maybe more. Might
15 be more.
16 Q Divided between recycling and regular
17 trash?
18 A Yes.
19 Q And what is done, if anything, if you
20 have a particularly busy beach day? What is done,
21 if anything, to deal with overflow trash?
22 A The lifeguards will empty the garbage
23 and bag it up.
24 Q Where do they store it?
25 A They keep it at the road end.

1 Q So, it just gets bagged and put at
2 the road end until the next day; is that what
3 happens?
4 A Correct, yes.
5 Q Do you know whether or not the monies
6 from beach badge sales is used for things other than
7 the beach itself, such as mainland parks and bay
8 beaches?
9 A Do I know that? No.
10 Q You don't know. The municipal lot
11 where the beach equipment is over on
12 Anchorage Avenue, is there anything else kept
13 there besides the beach equipment?
14 A Yes, all of our parks maintenance
15 equipment is kept in that yard.
16 Q That's not just for the beach?
17 A Correct.
18 Q Are there any water fountains
19 available at the street ends like there are in
20 Seaside Park?
21 A We don't have -- no. No, we don't
22 have a specific water fountain. We have a water
23 shower during the summer months.
24 Q Where is the water shower?
25 A A rinse-off shower. It's right in, I

1 would say, what's that, the west side of the
2 lifeguard headquarters on 23rd.
3 Q Okay. So, you don't have it at each
4 street entrance?
5 A No.
6 Q Are you aware, like in Seaside Park,
7 they have them, I believe, at each street end --
8 A I don't know.
9 Q -- on the boardwalk?
10 A No.
11 Q You're not aware of that?
12 A No.
13 Q So, you just have one?
14 A Correct.
15 Q So, if you're at the beach at 20th,
16 between 20th and 21st, you have to walk over to 23rd
17 to rinse off?
18 A If you want to rinse off, yes.
19 Q If you want to rinse off?
20 A Yes.
21 Q Other than the basketball court at
22 Lyons, are there any playgrounds for young children
23 anywhere in South Seaside Park, that you're aware
24 of?
25 A No.

1 Q So, if somebody from South Seaside
2 Park wanted to take their child or grandchild to a
3 playground, they'd have to go to Seaside Park would
4 be the closest, correct?
5 A Yes.
6 Q Are you allowed to -- you indicated
7 that there is no boat launch in South Seaside Park.
8 Are you allowed to launch a boat from the shoreline
9 on the bay side?
10 A A full sized boat? Not a motorboat.
11 There is no place to launch a motorboat. If you had
12 a kayak or paddleboard, you could do that. There's
13 room enough to do that.
14 Q But not a regular --
15 A No, no, not a regular boat. No.
16 Q Do you think that the installation of
17 a public dock for fishing or crabbing would be an
18 amenity to the residents of South Seaside Park?
19 A Of course. Sure it would.
20 Q Has there ever, in your tenure --
21 you've been there a long time, correct?
22 A Uh-hum.
23 Q How long?
24 A Thirty plus years.
25 Q Okay. Has there ever been any

1 discussion of putting in a public dock for crabbing
2 or fishing in South Seaside Park off of that natural
3 beach?
4 A That I can recall, no. It's not to
5 say there wasn't discussion without me, but --
6 Q Well, normally, you would -- at this
7 point, you're the director, correct?
8 A That's correct.
9 Q So, that discussion would most likely
10 include you, correct, or it should?
11 A It should. There have been things in
12 the past that I have not been included in, so I'm
13 not going to say it should be.
14 Q I won't ask you about that. Do you
15 know -- can you break down the cost that's been
16 associated with bayfront cleanup and beach bay --
17 for bayfront cleanup on the Bay Beach in
18 South Seaside Park?
19 A I can't give you that figure, no.
20 Q Do you know if there's been anything
21 done on the Bay Beach to stop erosion?
22 A I think the natural growth that's
23 there helps with the erosion.
24 Q Okay. Well, no, I'm talking about,
25 has your department done anything in particular to

1 help with stopping erosion on the Bay Beach? Have
2 you planted dune grass, for instance?
3 A We have in the past put some dune
4 grass there.
5 Q You have. When? When's the last
6 time?
7 A I don't remember.
8 Q In the last year?
9 A I don't think we did in the last
10 year.
11 Q The last two years?
12 A I -- I can't say for sure we have or
13 have not.
14 Q Would there be a record of that
15 somewhere?
16 A There might be on our daily reports.
17 Q This Lyons Park where the basketball
18 is, are there any other amenities besides a
19 basketball court there?
20 A There's a nice little memorial there
21 that the residents have put together with the help
22 of the township and Jim Sperber and the Parks
23 Department. They provided a lot of material and
24 physical help for it.
25 Q And the memorial is what?

1 A It's for Lyons, who was a soldier
2 that was killed in action.
3 Q Right. But in terms of amenities for
4 people who want to go use the park, I understand the
5 memorial, I think that's a good thing, but in terms
6 of amenities for people who want to use the park,
7 are there bathrooms there?
8 A No.
9 Q Is there a pavilion there?
10 A No.
11 Q Is there a water fountain there?
12 A No.
13 Q Is there a field there or is it
14 just --
15 A Basketball court.
16 Q That's it?
17 A That's it.
18 Q Are there any buildings in
19 South Seaside Park that can be used for recreation?
20 A Not that I'm aware of.
21 Q So, if you wanted to participate in
22 indoor recreation, you'd have to go to Seaside Park
23 or some other town if you lived in South Seaside
24 Park, correct?
25 A That's correct.

1 Q And the basketball court is really
2 only good when it's warm, right?
3 A Well, depends on who's playing.
4 Q Okay.
5 A I just -- when I was a kid, I played
6 in the winter.
7 Q Do you play in the winter now?
8 A I'm not a kid, so the answer is no.
9 Q And neither are most of the people in
10 South Seaside Park.
11 A I don't play any basketball anytime.
12 Q All right. Okay. So, tell me about
13 beach badges. When can you buy beach badges at the
14 lifeguard headquarters on 23rd Avenue?
15 A It's changed for this year. We're
16 making it a little bit earlier, so everything is
17 changed for this year. Starting this year, this
18 Saturday, seasonal beach badges will be available.
19 Q This Saturday, May 6?
20 A The first two Saturdays of May.
21 Q Right.
22 A And also, this year only, they're
23 going to be available the first two Saturdays in
24 June, because that's what people have -- when they
25 have gotten them in the past. So, people who

1 haven't gotten those, we're making accommodations
2 for them by also providing it in June like we have
3 in the past. But we're opening a little earlier
4 starting this year. So our badges are available
5 earlier.
6 MR. MICHELINI: So, let's just have
7 this marked.
8 (The Photograph of sign was marked as
9 A-72 for identification.)
10 MR. MCGUCKIN: What is it?
11 MS. HUGG: A-72.
12 Q Let me show you what's been marked
13 A-72. It is a sign, correct?
14 A Yes.
15 Q Do you know where that sign is?
16 A That sign is at one of our road
17 entrances.
18 Q In South Seaside Park?
19 A South Seaside Park, correct.
20 Q And it indicates, among other things,
21 that the preseason badges on sale are at the
22 lifeguard headquarters on 23rd Avenue, correct?
23 A Yes. Yes.
24 Q So, that's for this year, correct?
25 A Yes.

1 Q All right. What are the dates that
2 are given?
3 A The dates are given. And there's a
4 date missing. And that -- we just found that out.
5 We're addressing that with the sign shop to get this
6 fixed. The dates given are 5/6, 5/13, 6/10, 6/3 is
7 missing from that.
8 Q 6/3 meaning June 3rd, correct?
9 A June 3rd, correct.
10 Q And that's what you testified a
11 moment ago, and that's why I brought this out.
12 A Yeah.
13 Q That's different. The sign is
14 different than what you testified to, correct?
15 A Correct. Because the sign is a
16 mistake. We're getting that rectified.
17 Q Okay. So, how did that happen, do
18 you know?
19 A No. I gave the information to the
20 sign shop. The signs were put up. And I was just
21 made aware of it a couple of days ago. And I
22 addressed it immediately with the sign shop to get
23 it fixed. So, you can blame me on that one if you
24 want. My mistake.
25 Q I'm not blaming anybody. I'm just

1 pointing out that the information sometimes that is
2 not given to the residents in an accurate way.
3 A Well, that's not typical. That was a
4 mistake and it was just an oversight. And it's
5 being fixed. So, that's not fair to even say that.
6 Q So, how many personnel do you have
7 over at the beach in the summertime on a daily
8 basis?
9 A On a daily basis, probably 16 to 20,
10 between lifeguards and badge checkers.
11 Q Do you have any idea of what kind
12 of -- what kind of total employment income that
13 consists of on a daily basis?
14 A How much --
15 Q How much money does it cost?
16 A -- does it cost to pay our lifeguards
17 and --
18 Q Those 16 people?
19 A Well, on a daily basis, we have to
20 break it down. But, for the season, we're looking
21 at about, approximately, \$100,000, give or take.
22 So, our beaches are usually what we spend and what
23 we bring in are generally the same --
24 Q Pretty even?
25 A -- sometimes less. Yes.

1 Q So, you don't really make --
 2 A Give or take.
 3 Q You don't make money on the beach?
 4 A And sometimes we lose some money.
 5 Yes, that's correct.
 6 Q Sometimes you lose some money?
 7 A Yes.
 8 Q Sometimes you make a little --
 9 A Yes.
 10 Q -- sometimes -- but, generally, it
 11 breaks even, correct?
 12 A Well, it has -- in the past couple
 13 years, we have not broken even. And that's why
 14 there was a change in the beach rates for this
 15 coming year.
 16 Q So, you have actually lost money in
 17 the last few years --
 18 A Yes.
 19 Q -- on the beach? And, of course, if
 20 there was de-annexation, you wouldn't lose money on
 21 the beach, correct, because it wouldn't be your
 22 responsibility?
 23 A Well, we don't plan on losing money
 24 on the beach this year because the rates were
 25 adjusted.

1 Q How were the rates adjusted so as not
 2 to lose money?
 3 A The daily rates were raised. And the
 4 seasonal badges after the beach opens were
 5 increased. And the weekly badges were increased.
 6 This is all designed to not affect residents who
 7 desire to buy beach badges during seasonal --
 8 pre-season badges, which residents always get in the
 9 pre-season, are the same. And the residents rarely
 10 buy daily or weekly. So, the pre-season rate has
 11 remained the same.
 12 We now have a season -- a senior lifetime ID
 13 badge that we instituted this year for ten dollars
 14 for lifetime for seniors 62 and over. And that's
 15 just to cover the cost of the beach badges.
 16 Q Before seniors didn't have to pay
 17 that ten dollars?
 18 A That's correct. But that does not
 19 differentiate between resident or non-resident.
 20 Q So, let me -- I want to just go
 21 through with you some things from the 2017 summer
 22 program. Rather than mark it, I'll just ask you.
 23 You're familiar with the special events for
 24 the 2017 summer program?
 25 A Yes.

1 Q Okay. That's part of your
 2 department, right?
 3 A That is correct. Yes, correct.
 4 Q Okay. So, there's an environmental
 5 education program on May 27, correct?
 6 A Yes. That is not technically part of
 7 the township. That is the school -- is that the car
 8 show?
 9 Q It says Berkeley Township, Berkeley
 10 Township Environmental Education Program. So,
 11 that's part --
 12 A Done by the school, correct. Yes,
 13 that's the car show.
 14 Q That's part of the Berkeley Township
 15 schools' car show. Not part of, necessarily, Parks
 16 and Rec, although it's in the Parks and Rec folder?
 17 A Right.
 18 Q But it's part of the Berkeley
 19 schools, right?
 20 A Yes, that program.
 21 Q And that program is located where?
 22 A That is at Veterans Park.
 23 Q And then anybody can attend these
 24 programs, right?
 25 A Yes. Yes.

1 Q And all these programs are listed in
 2 the Berkeley Township Recreation Parks and Beaches
 3 summer program, correct?
 4 A Right.
 5 Q Did you oversee the preparation of
 6 this document?
 7 A Yes.
 8 Q And the next thing is the DARE,
 9 D-A-R-E, daycare show and festival --
 10 A DAR.
 11 Q Or DAR?
 12 A DARE. Yeah, that's the DARE.
 13 Q DARE, right?
 14 A Right.
 15 Q So, the first one is on the mainland,
 16 correct, at Veterans Park?
 17 A Right.
 18 Q The second one, where is that held?
 19 A Veterans Park.
 20 Q That's at Veterans Park?
 21 A Yes.
 22 Q Okay. And that's on June 10?
 23 A Right.
 24 Q And the third program is the Annual
 25 Mayor's Golf Outing?

1 A Right.
 2 Q And where is that held?
 3 A That's the golf course, Cedar Creek,
 4 located at Veterans Park.
 5 Q On the mainland, correct?
 6 A Yes.
 7 Q And then Wednesday, June 28,
 8 there's --
 9 A Concert.
 10 Q -- a concert celebrating the music of
 11 Billy Joel.
 12 A Right.
 13 Q Might have to go to that one. Okay.
 14 And that's also in Veterans Park?
 15 A Correct.
 16 Q Okay. And then July 12, The Duprees?
 17 A Yes.
 18 Q And they're at Veterans Park?
 19 A Yes.
 20 Q Okay. And then Wednesday, July 26 --
 21 A Yes.
 22 Q -- that's Beatlemania. And that's in
 23 Veterans Park?
 24 A Yeah, correct.
 25 Q And then Soul --

1 A Soulsational.
 2 Q Soulsational.
 3 A We co-sponsor it, but we don't
 4 really -- we don't run the program. We have
 5 somebody that runs that program and sets it all up.
 6 We just basically put our name on it and let them
 7 run that show.
 8 Q So, you co-sponsor that one, correct?
 9 A Yes.
 10 Q Okay. And that's at Veterans Park?
 11 A Yes.
 12 Q And then August 2, that's Night Out
 13 Against Crime?
 14 A Yes.
 15 Q Featuring Radio Nashville. What is
 16 that?
 17 A That's a country band.
 18 Q And that's also at Veterans Park?
 19 A Yes.
 20 Q And then the 12th Annual Beach Party,
 21 which we talked about?
 22 A Yeah. Yeah.
 23 Q That's over in White Sands, correct?
 24 A Yes.
 25 Q That's on August 9?

1 A Right.
 2 Q And then August 23rd, you got the New
 3 York Bee Gees. Where is that?
 4 A That's at Veterans Park. Pretty much
 5 say Veterans Park for all the rest.
 6 Q August 30, Family Movie Night --
 7 A Yes.
 8 Q -- Veterans Park.
 9 A Yes.
 10 Q September 9 --
 11 A Yes.
 12 Q -- Community Pride Day. That's what
 13 you talked about?
 14 A Yes.
 15 Q That's a big festival, correct?
 16 A Yes.
 17 Q Including music and other things?
 18 A Yes.
 19 Q That's at Veterans Park. And then
 20 the car show, Ocean County Car Show, which you're
 21 putting your name on, correct?
 22 A Yes.
 23 Q September 17. So, that's at
 24 Veterans Park. So, one, two, three, four, five,
 25 six, seven, eight, nine, ten, eleven, twelve,

1 thirteen events, special events. They're named
 2 special events, correct?
 3 A Yes.
 4 Q Are in your Berkeley Township Parks
 5 and Recreation and Beaches Summer Program. And only
 6 one of those is over in South Seaside Park, correct?
 7 A That's correct.
 8 Q Although they're open to everyone. I
 9 understand that.
 10 A Yes.
 11 Q But only one is over in South Seaside
 12 Park?
 13 A That's correct.
 14 MR. WINWARD: Why can't we have the
 15 golf outing in South Seaside Park?
 16 THE WITNESS: We can have, sure.
 17 MR. MICHELINI: On the beach.
 18 THE WITNESS: Why not?
 19 MR. MICHELINI: Okay. I have no
 20 further questions. Thank you very much.
 21 THE WITNESS: Can I go now?
 22 MR. WINWARD: Are you done,
 23 Mr. Michelini?
 24 MR. MICHELINI: Yes, I am. Thank
 25 you.

1 MR. WINWARD: I have three quick --
 2 actually, two questions and a statement. When I was
 3 in college and a resident of Toms River, I worked at
 4 Island Beach State Park. And they were strict, the
 5 first three miles to the public of the ocean beach.
 6 There was only seven miles of beach available to
 7 swim on. So, I just wanted to put that into the
 8 record. And, to the best of my knowledge, that
 9 hasn't changed.
 10 The debris on the bay --
 11 MR. MICHELINI: It is changed, by the
 12 way, because you can go down Two Bit Road --
 13 MR. WINWARD: To fish, but you can't
 14 swim.
 15 MR. MICHELINI: That's correct.
 16 MR. WINWARD: It's not public access
 17 for swimming.
 18 MR. MICHELINI: And you can walk in
 19 that area. It's a pretty big area that you can walk
 20 in.
 21 MR. WINWARD: The debris on the bay,
 22 who has to give the order to have that cleaned up?
 23 THE WITNESS: Well, if there is a
 24 resident complaint, we'll take a look at it. And
 25 then that would come usually through administration.

1 MR. WINWARD: Okay. And then who
 2 decides what in the township is to become a park?
 3 Do you ride around? For example, is that your job
 4 to look at an area and say, hey, that could be a
 5 park? Or --
 6 THE WITNESS: I've made many
 7 suggestions throughout my years.
 8 MR. WINWARD: But you don't -- it's
 9 not your jurisdiction?
 10 THE WITNESS: I don't -- it's not my
 11 decision to -- I don't get to decide where we're
 12 going to have a park.
 13 MR. WINWARD: So, that bay that's on
 14 the beach under question that we keep hearing about
 15 with the debris, if that were cleaned up, that
 16 wouldn't instantly make it a park, would it? It has
 17 to be voted on by somebody.
 18 THE WITNESS: I'm not sure, to be
 19 honest.
 20 MR. WINWARD: That's not -- you can't
 21 just put a sign up and say it is a park?
 22 THE WITNESS: This is a park, no.
 23 MR. WINWARD: I just want to kind of
 24 see. Because we're hearing a lot of things about
 25 this. And some of us are kind of scratching our

1 head. We're like, okay, now what. Okay. That was
 2 all the questions I had.
 3 Anybody else?
 4 MR. MACKRES: Mr. Yurcisin, good
 5 evening. This is concerning the 13 special events
 6 we just spoke about. A lot of those sounded like
 7 the ones that are sponsored by the county; is that
 8 correct?
 9 THE WITNESS: No, none of them are
 10 sponsored by the county. The one is sponsored by
 11 the school. It's for the Stokes Program for kids
 12 who go to Stokes. Another one is Soulsational, it's
 13 a young woman who puts this together. It's kind of
 14 an organic health festival. But nothing is
 15 sponsored by the county. It's all --
 16 MR. MACKRES: It's all Berkeley
 17 Township?
 18 THE WITNESS: Yeah, it's all Township
 19 events, correct.
 20 MR. MACKRES: Thank you. That was
 21 it.
 22 MR. WISER: Just a couple of
 23 questions. You went through this play of -- and I
 24 lost track -- but a substantial number of events in
 25 Veterans Park versus one event on the beach. Did

1 you ever consider shifting any events from
 2 Veterans Park to the beach?
 3 THE WITNESS: Other than the beach
 4 party, no. Veterans Park is our flagship park. And
 5 it has a band shell. It has a stage area. It's the
 6 really suitable, only suitable place in town, other
 7 than the beach for a small event like the beach
 8 party to have concerts. There's no other place in
 9 town that would -- could accommodate something like
 10 that.
 11 MR. WISER: So, that's the facility
 12 that the township has designed for these type of --
 13 THE WITNESS: Correct.
 14 MR. WISER: Could any of the events
 15 that you got, you ticked off on your list, be
 16 shifted?
 17 THE WITNESS: Car show. There's,
 18 obviously, very little room and open space in
 19 South Seaside Park, other than the beach, to do
 20 events where, you know, parking issues and things
 21 like that would definitely become a problem. So --
 22 MR. WISER: So, sounds like if you're
 23 saying parking issues, that might be actually an
 24 inconvenience for the residents of South Seaside
 25 Park?

1 THE WITNESS: Oh, no doubt about it.
 2 Yes, if you're going have a large amount of people
 3 coming into South Seaside Park, it would be
 4 difficult for parking and residents and everyone
 5 else.
 6 MR. WISER: You talked about the
 7 ten-dollar lifetime payment for a beach badge --
 8 THE WITNESS: Right.
 9 MR. WISER: -- for the seniors. Can
 10 you correct my memory or refresh my memory. So,
 11 heretofore, seniors were free to go to the beach?
 12 THE WITNESS: They would acquire a
 13 free beach badge. Yeah, we'd have -- at our
 14 expense, we would buy beach badges, a thousand a
 15 year, and distribute them to seniors with proof of
 16 age. Now, keep in mind that was not -- by state
 17 statute, you cannot differentiate between resident
 18 and non-resident. So, anybody from anywhere could,
 19 as long as they were a senior, could get a free
 20 beach badge for the beach.
 21 MR. WISER: And that would be either
 22 seasonal or daily or --
 23 THE WITNESS: Well, that --
 24 MR. WISER: -- weekly?
 25 THE WITNESS: That would be, yes,

1 seasonal. That's a seasonal badge.
 2 MR. WISER: Seasonal.
 3 THE WITNESS: Yes, a seasonal. It
 4 was free up until this year. For this year, as a
 5 transition year, we're asking everybody to get their
 6 ten-dollar lifetime badge so they cover expenses.
 7 And we're also going to have two dates over at the
 8 South Seaside Park 23rd Avenue where we'll have a
 9 little computer set up where residents of
 10 South Seaside could come get their daily badge over
 11 there at South Seaside the second Saturday of May
 12 and the second Saturday of June, between nine and
 13 one p.m., they can come over and get their
 14 ten-dollar badge with a picture.
 15 MR. WISER: You said daily badge.
 16 You mean --
 17 THE WITNESS: Seasonal.
 18 MR. WISER: -- seasonal?
 19 THE WITNESS: Seasonal badge. I'm
 20 sorry. Lifetime.
 21 MR. WISER: In terms of daily badges,
 22 if a senior wants -- does a senior still have to pay
 23 for a daily pass?
 24 THE WITNESS: This year, as a
 25 transition year, no. Because we realized we have

1 the picture ID is mostly going to take place at our
 2 recreation center on Route Nine. For some people,
 3 they have to drive there, residents of Seaside Park,
 4 if they can't make one of the two nights. So, for
 5 this year, as long as they show ID that they're a
 6 senior citizen, they can get on the beach that day.
 7 We won't give them a badge, but they can get on
 8 the -- on the beach, excuse me.
 9 That's giving some people time to,
 10 whenever they get a chance, any time of the year
 11 now, they can come over, in October, November,
 12 December, they can come over, get their lifetime
 13 badge, as long as they're a senior. And they have
 14 to do it once and then it's good forever.
 15 MR. WISER: And it's the ten-dollar
 16 fee?
 17 THE WITNESS: And it's the ten-dollar
 18 fee. But if people, if it's inconvenient this year
 19 for them to do it, now that the summer's coming up,
 20 we will let them on the beach for free, as long as
 21 they show ID that they're a senior.
 22 MR. WISER: You mentioned the
 23 memorial that was placed in Lyons park. And you
 24 said that that came from a request of the -- of
 25 somebody?

1 THE WITNESS: Yes, it went through to
 2 the mayor, to the mayor's office and administration
 3 requesting to build that. And Mr. Sperber could be,
 4 you know, give you more specifics as far as how he
 5 helped provide equipment and manpower to build that
 6 memorial.
 7 MR. WISER: So, that was in a
 8 reaction to a request from somebody wanting that to
 9 happen?
 10 THE WITNESS: Yes. Yes.
 11 MR. WISER: Okay. Have there been
 12 any other requests made for changes to the park that
 13 were either agreed upon or rejected?
 14 THE WITNESS: There have been -- on
 15 the bay side, there's been -- we have a couple of
 16 garbage cans there. There's been -- we had a
 17 request one time where a resident said there was too
 18 many garbage cans there because the people were
 19 putting bathing and everything. So, we got rid of a
 20 couple of them. And then another resident then
 21 called and said, where are all the garbage cans?
 22 There's not enough garbage cans. So, I mean, we've
 23 had that issue.
 24 MR. WISER: That's -- I'm sorry.
 25 That's on the Bay Beach?

1 THE WITNESS: The Bay Beach, yes.
 2 Yes.
 3 MR. WISER: Okay. How about for
 4 Lyons Park?
 5 THE WITNESS: As far as?
 6 MR. WISER: Requests that you
 7 either -- requests other than the memorial?
 8 THE WITNESS: Well, actually, for --
 9 there's been a request just recently for, within the
 10 past week, if we had any type of block or anything
 11 that they could do a little more work over there on
 12 the memorial. And we actually have some block that
 13 we're going to provide for them to do what they
 14 would like to do over there, as far as, you know,
 15 decorative block, make the memorial a little nicer.
 16 MR. WISER: Other than that, you're
 17 not aware of any requests that were either granted
 18 or denied?
 19 THE WITNESS: For Lyons Park?
 20 MR. WISER: Right.
 21 THE WITNESS: No.
 22 MR. WISER: You talked about the
 23 beaches opening earlier this year?
 24 THE WITNESS: Yes.
 25 MR. WISER: Why was that decision

1 made?
 2 THE WITNESS: Well, we were looking
 3 at it that there's been some really nice weekends.
 4 Like last year, Memorial Day weekend was beautiful.
 5 And we -- you know, there's a ton of people on the
 6 beach. And we started looking at it through
 7 administration that maybe we should have lifeguards
 8 and badge checkers on the beach. And it's going to
 9 be on an ongoing basis. If it's nice weather, we're
 10 going to man the beach and charge for people to get
 11 on, daily badges and such. And it's just to take
 12 advantage of the nicer weather when people are
 13 really starting to come to the beach. And also for
 14 safety, too, make sure we have lifeguards on hand on
 15 nicer days earlier in June and the end of May.
 16 MR. WISER: And I think, lastly,
 17 there was a comment that Mr. Michelini made that if
 18 de-annexation were to occur, the township wouldn't
 19 be losing money on the beach as you have in the past
 20 couple of years. I'm paraphrasing. I don't
 21 remember exactly what the comment, but it was
 22 something along those lines.
 23 THE WITNESS: Yes.
 24 MR. WISER: But for the board, I
 25 think we just need to keep in mind, consistent with

1 the conversation we had earlier this evening, that
 2 whether the township still maintains ownership of
 3 the beach, and whether the township -- if that
 4 happens, whether the township continues to staff the
 5 beach and run the beach really is not part of this
 6 de-annexation conversation. It's part of, should
 7 de-annexation be granted, it's part of the
 8 negotiations between the township and the
 9 municipality of Seaside Park. But there may be no
 10 change at all in the way that the township operates
 11 the beaches, or there may be a wholesale change in
 12 the way the township operates the beaches. That's
 13 not really part of the de-annexation conversation.
 14 That's a jurisdictional issue and a municipality
 15 issue. So, I don't know that we can even have an
 16 intelligent or an informed conversation about it.
 17 Because we simply don't know what's going to
 18 transpire.
 19 MR. WINWARD: Okay. Thank you. At
 20 this time, we thank you so much for your testimony.
 21 MR. MICHELINI: I just have -- excuse
 22 me. I'm sorry. I have a follow-up question or two
 23 from what he just testified to.
 24 MR. WINWARD: All right. Thank you.
 25

1 FURTHER EXAMINATION BY MR. MICHELINI:
 2 Q So, we talked about how Seaside,
 3 South Seaside Park doesn't have space to hold the
 4 events that are held at Veterans Park?
 5 A Large events, correct.
 6 Q Okay. Are you aware that there's
 7 weekly concerts in Seaside Park on the circle where
 8 the police station is?
 9 A Yeah, I've seen the signs for that,
 10 yes.
 11 Q So, you would expect somebody perhaps
 12 leaving South Seaside Park, rather than driving all
 13 the way over to the mainland, they might go to a
 14 concert, would be more likely to go to a concert
 15 close by one of those or one of the beach concerts
 16 that are held in Seaside Heights, correct?
 17 A Well, it's -- they would be --
 18 they're smaller scale concerts. They wouldn't be as
 19 good as ours.
 20 Q What about Seaside Heights, they hold
 21 some pretty big concerts over there?
 22 A Yeah, yeah. I would have to say
 23 Mumford and Sons is probably pretty good.
 24 Q That was a pretty good one.
 25 A Yes. Yes.

1 Q So, but you would expect that there
2 are other opportunities for people from
3 South Seaside Park to be part of the beach
4 community, whether it's Seaside Park,
5 Seaside Heights, to do things that are similar to
6 what you have in Veterans Park, correct?
7 A Well, yeah, the smaller scale, for
8 the most part.
9 Q On a smaller scale?
10 A Yeah. Yeah.
11 Q But they have fields over there in
12 Seaside Park, correct?
13 A Yeah, they have, I think, one
14 softball field. There's a couple basketball courts,
15 if I'm not mistaken.
16 Q Right.
17 A Yes.
18 Q Tennis courts, correct?
19 A If you're saying they're tennis
20 courts, then I'm agreeing with you, yes.
21 Q So, you would expect the people from
22 South Seaside Park to do those things? If you're
23 going to play tennis or throw a ball around, you
24 would expect that they would go to an adjoining town
25 that has those facilities, rather than drive

1 16 miles to Veterans Park, let's say, correct?
2 A That would make sense, yes.
3 Q Thank you. And also, how old do you
4 have to be to be a senior?
5 A Sixty-two.
6 Q Okay.
7 A I just made it.
8 Q You just made it.
9 MR. MICHELINI: Thank you.
10 MR. BACCHIONE: Through the Chair.
11 Mr. Yurcisin, to the best of your knowledge, how
12 many, on average, how many people attend the
13 concerts at Veterans, at Veterans Park?
14 THE WITNESS: Some are, we've had --
15 I would say the smallest ones, you know, maybe a
16 thousand. And we've had larger ones where we've
17 probably had six to seven thousand people.
18 MR. BACCHIONE: And to the best of
19 your knowledge, how many attend the beach party over
20 at South Seaside Park?
21 THE WITNESS: Couple hundred. I
22 would say maybe three, maybe four hundred, maybe a
23 little less. We've never actually counted but --
24 MR. BACCHIONE: Okay. So, a
25 substantial difference?

1 THE WITNESS: Yes.
2 MR. BACCHIONE: Thank you.
3 MR. WINWARD: Thank you so much.
4 Mr. Sperber, how long is your
5 testimony going to take? Because we have about 15,
6 20 minutes left.
7 Okay. Come on up and introduce
8 yourself for the record. Spell your name for the
9 court reporter.
10 MR. SPERBER: Good evening,
11 everybody. My name is James D. Sperber,
12 S-p-e-r-b-e-r. I'm the supervisor of Parks and
13 Beaches for Berkeley Township.
14 JAMES D. SPERBER, having been duly sworn, according
15 to law, upon his oath, testified as follows:
16 THE WITNESS: Like I said, I'm the
17 supervisor of Parks and Beaches. Our main purpose
18 of my division, my department, is to oversee the
19 maintenance and construction of the parks, beaches,
20 tree removal, tree care and athletic fields. Our
21 attentiveness is just as focused in South Seaside
22 Park as in any other one of our responsibilities
23 here in Berkeley Township.
24 For the land that the township has in
25 South Seaside Park that's afforded to us, we have an

1 appropriate size park, I believe, in my opinion.
2 Not having --
3 Excuse me. I'm a little nervous.
4 I'm not used to public speaking.
5 We have various size parks in
6 different areas of the township that have larger
7 areas of land that we can afford a larger park, a
8 larger facility, which South Seaside Park doesn't
9 lend itself to. That's why we're restricted down to
10 a basketball court, as far as a park and a memorial.
11 Not having South Seaside Park part of
12 Berkeley Township shouldn't affect my staffing or my
13 budget in pretty much any way. It would afford me
14 more time to spend in other areas of my other parks
15 and beaches and athletic fields.
16 As far as cleaning South Seaside Park
17 in the off-season months, when it's not tourism
18 season, we spend two to three days over there, not
19 full days. But cleaning the refuse, checking the
20 beaches, checking for erosion, checking the dune
21 heights. Not specifically measuring anything but
22 just visual inspections. We check the bayfront,
23 North Roberts, the cans, empty anything. Answer any
24 questions or comments or concerns that come in
25 through the, via phone or through town hall.

1 As the season picks up, we'll rake
 2 the beach one to two times a week, depending on who
 3 and what is in there, or what -- we spoke about --
 4 depending on how everything goes, you know, and how
 5 many people are there.
 6 You had asked about 6-A,
 7 specifically, I believe. When we clean and we go
 8 over and we dump the garbage cans, we check the
 9 beaches on the bay side and the ocean side. The
 10 guys are instructed, my staff, to look for any kind
 11 of large debris or anything. If they see it, they
 12 pick it up when they spot it. We do our best to
 13 accommodate a request that comes in via phone from a
 14 resident. If they have a concern, we try to address
 15 it as quickly as possible.
 16 Other than that, that's my statement.
 17 Short and sweet.
 18 MR. WINWARD: Okay. Thank you. Is
 19 there any quick question from any board members? We
 20 got like maybe, I don't know, five, six --
 21 MR. WISER: I just have one quick
 22 question. Do we have that exhibit, the one that I
 23 asked for to begin with?
 24 THE WITNESS: 6-A?
 25 MR. MICHELINI: A-6.

1 MR. WISER: A-6, yes.
 2 MR. MICHELINI: Mr. Bacchione had it.
 3 I gave it to him. Did it go back over there?
 4 MR. BACCHIONE: The poster board?
 5 MR. MICHELINI: Yes.
 6 MR. BACCHIONE: Yeah, it's gone.
 7 MR. WISER: First one is landscape
 8 orientation.
 9 (Off the record.)
 10 MR. WISER: I'm going to give this to
 11 you. Given what you had said about your staff being
 12 over and doing, I forget how many times that you
 13 said, but doing a routine check --
 14 THE WITNESS: Right.
 15 MR. WISER: -- along the Bay Beach,
 16 does that, the picture that shows a lot of debris
 17 there, or the series of pictures that may
 18 collectively show a lot of debris, does that look
 19 like an inordinate amount of debris along that area
 20 for your routine checks?
 21 THE WITNESS: Yes, it does look like,
 22 in this one top right picture.
 23 MR. WISER: Can you show us which one
 24 you're speaking -- Oh, I'm sorry.
 25 THE WITNESS: This top right picture.

1 MR. WISER: Yeah.
 2 THE WITNESS: This looks like it was
 3 taken kind of after Sandy. I'm not sure when it was
 4 taken. So I really can't say if it was something
 5 that was post or pre-Sandy.
 6 MR. MICHELINI: Tells you the date.
 7 THE WITNESS: Oh, January 2015.
 8 Thanks. I didn't see that.
 9 Yeah, those look like moorings and
 10 stuff like that that would be in the tide line.
 11 MR. WISER: So, if you, as the
 12 supervisor, were out there and saw that, would you
 13 direct your staff to clean that up?
 14 THE WITNESS: Yes. And we have
 15 cleaned up some of that stuff when it was brought to
 16 our attention. Because, like, when we go over
 17 there, if it's high tide, we're not going to be able
 18 to see it. You can see sort of where the tide line
 19 is. A lot of that debris is in the tide line.
 20 MR. WISER: And then with the other
 21 picture there, I don't -- I think it's sort of in
 22 the middle that shows the overgrowth and the
 23 vegetation hiding signs or obscuring the signs, I
 24 guess I should say. Is that also something that you
 25 would normally take care of?

1 THE WITNESS: Yes. If it was brought
 2 to our attention, we would trim it.
 3 MR. WISER: Has anybody brought
 4 things like that to your attention outside of this
 5 de-annexation process in the past?
 6 THE WITNESS: Yeah. On occasion, we
 7 do get phone calls for tree trimming and things like
 8 that on the island, yes.
 9 MR. WISER: So, you would -- and --
 10 THE WITNESS: We would address it.
 11 MR. WISER: You would respond?
 12 THE WITNESS: Yes.
 13 MR. WISER: I think that's all that I
 14 have.
 15 EXAMINATION BY MR. MICHELINI:
 16 Q Just a couple questions.
 17 A Sure.
 18 Q Mr. Sperber, I take it that the
 19 conditions shown on A-6 are, insofar as there's
 20 debris, pipes, concrete, that those are unacceptable
 21 conditions that need to be addressed?
 22 A Sure. I would say that, yes.
 23 Q And, similarly, with the signage
 24 being obscured by the bushes, that's an unacceptable
 25 condition? That should be addressed, correct?

1 A Yeah, it should be cleared and
2 visible.
3 Q And has anybody -- this -- these
4 reflect the conditions as of January 5, 2015. So,
5 that was more than two years and -- about two years
6 and three or four months after Superstorm Sandy,
7 correct?
8 A Yes, supposedly.
9 Q All right. So, it should have
10 been -- that's something that should have been
11 addressed between the time of Superstorm Sandy and
12 January of 2015; would that be accurate?
13 A If it was there after Sandy, if it
14 wasn't there the week prior, if it was maybe placed
15 there by somebody cleaning up the moorings, which
16 happens from to time, volunteers will go in the
17 water here and clean up old moorings and drop them
18 along the bayfront for us to pick up.
19 Q Take a look at the upper right
20 picture. It would appear to be a significant amount
21 of asphalt, correct, and concrete?
22 A Sure.
23 Q And that's something that -- do you
24 know whether or not that's been cleaned up?
25 A I was over there today. I did notice

1 some of it, but not in this quantity, no.
2 Q So, some of it is still there that
3 needs to be cleaned up?
4 A I'm sure some of it washed back up in
5 and out with the tide line.
6 Q Okay.
7 A With the tides.
8 Q But if it's removed from the beach,
9 then it wouldn't be washing back up, correct?
10 A Yeah, of course.
11 Q Right. So --
12 MR. WISER: Or it's new.
13 Q -- has anyone --
14 A If it's in the water.
15 Q Excuse me. This testimony was given
16 back in February of 2015, regarding these pictures.
17 Has anybody from this board or associated with the
18 town indicated to you that, at that time, that there
19 was testimony given in a de-annexation hearing and
20 that the beach on the bayside needed to be cleaned
21 up?
22 A No.
23 Q So, the engineer, planner, they
24 didn't contact you with that information?
25 A No.

1 Q Okay. Nobody on the board contacted
2 you with that information?
3 A No.
4 Q Okay. The then administrator, I
5 believe Mr. Reed, didn't contact you with that
6 information?
7 A No, not that I recall.
8 Q And the -- this Bay Beach, is that
9 raked? That's not raked?
10 A This one, no. Our machine would not
11 fit on that. The larger machine that's over there
12 would not fit on that.
13 Q It's not hand raked either, correct?
14 A Nope.
15 Q And the --
16 A It is cleaned, though, when large
17 debris and stuff like this pipe and stuff would be
18 removed if it was brought to our attention. And I'm
19 pretty sure that stuff is now all gone, at least the
20 majority of it.
21 Q So, your -- Mr. Yurcisin testified
22 that there was the large debris day a couple years
23 ago. Do you know if there's been once since, to the
24 best of your knowledge?
25 A No, not to my knowledge.

1 Q And in terms of, would it be possible
2 to build a pier on this beach out into the water, do
3 you know?
4 A I'm not an engineer. I couldn't --
5 Q You don't know?
6 A No, I wouldn't.
7 MR. MICHELINI: Thank you very much.
8 MR. WINWARD: Okay. I believe that's
9 all we have for you. You got off luckier. Thank
10 you for coming.
11 THE WITNESS: Thank you for having
12 me.
13 MR. MICHELINI: Thank you very much.
14 MR. WINWARD: With that, since we hit
15 the two-hour mark, it's senseless to start any new
16 lines of testimony or questioning.
17 Do we need a motion for adjournment
18 and a second?
19 MR. MACKRES: Motion.
20 DR. HUDAK: Second.
21 MR. WINWARD: All in favor?
22 ALL: Aye.
23 MR. WINWARD: This meeting is now
24 adjourned.
25 (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, 2021

Dated: May 23, 2017

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