

1 TOWNSHIP OF BERKELEY
 2 PLANNING BOARD
 3 -----
 4 IN THE MATTER OF:
 5 SOUTH SEASIDE PARK HOMEOWNERS
 6 AND VOTERS ASSOCIATION
 7 DE-ANNEXATION PETITION HEARING
 8 -----

8 Pinewald Keswick Road
 9 Bayville, New Jersey
 10 Thursday, March 1, 2018
 11 7:40 p.m.

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

21 -----
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 12 Attorneys for the Petitioners

11 ALSO PRESENT:
 12 Kelly Hugg, Secretary
 13 Nick Dickerson, Planner
 14 Ernie Peters, Engineer
 15 Rodney Haines, CPA
 16 James Oris, Planner

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1 MR. WINWARD: Okay. If everybody
2 could take their seat, we'd like to proceed with our
3 South Seaside Park Homeowners and Voters Association
4 De-annexation Petition hearing.

5 MR. MICHELINI: Good evening, Joseph
6 Michelini, appearing on behalf of the petition
7 signers for South Seaside Park Homeowner and Voters
8 Association.

9 You may recall at the last meeting,
10 we finished up with the cross-examination of
11 Mr. Slachetka. The meeting before that was the
12 testimony of Mr. Ebenau, the chief financial officer
13 for the municipality. And he was unavailable last
14 meeting. He is here tonight.

15 My recollection is that there was
16 already questioning of him by Mr. Wisner and others
17 and that I am to proceed at this time, if that's
18 everybody else's recollection as well.

19 MR. WINWARD: Okay.

20 MR. MICHELINI: It was two months
21 ago.

22 MR. PETERS: I don't have any
23 questions at this point. If anything comes up
24 during cross-examination, I'll ask to be heard at
25 the end.

1 MR. WINWARD: Okay.

2 MR. PETERS: Thank you.

3 MR. MICHELINI: And just for ease of
4 the proceedings, I think it's appropriate to mark
5 Mr. Ebenau's report. It was not previously marked
6 and I'm going to be referring to it. And it has
7 previously been referred to in the record. So, I
8 think to keep the record clear, we should mark it as
9 a township exhibit.

10 MR. WINWARD: Okay.

11 MR. MICHELINI: I'm sure Mr. Ebenau
12 doesn't object to that.

13 (The Report of Mr. Ebenau was marked
14 as T-38 in evidence.)

15 MR. MICHELINI: Thank you. At this
16 time, we'll commence the cross-examination of
17 Mr. Ebenau. I would remind him that he's still
18 under oath.

19 FREDERICK C. EBENAU, having been previously sworn,
20 according to law, upon his oath, testified as
21 follows:

22 EXAMINATION BY MR. MICHELINI:

23 Q Mr. Ebenau, just going to your report
24 marked T-38 in evidence. I believe the first
25 section of your report, in fact, the first chapter,

1 is entitled history, correct?

2 A That's correct.

3 Q And you found that when you made this
4 report, you included all the things that you thought
5 were salient or important; is that correct?

6 A That's correct.

7 Q You left out things that you thought
8 were unimportant or not really salient, correct?

9 A That's correct.

10 Q So, therefore, you felt that history
11 was, in fact, an important item to mention?

12 A I did.

13 Q Okay. And I think in your history
14 section, you mention that there were several
15 de-annexations in the past, that Berkeley was formed
16 out of portions of Toms River Township, which was
17 then Dover Township, and then subsequently sections
18 of the township were taken to make various
19 municipalities; Seaside Heights, Seaside Park, Ocean
20 Gate, Pine Beach, South Toms River, Island Beach,
21 but then got reacquired later on; that is all
22 correct?

23 A That's correct.

24 Q All right. And so there have been, I
25 think you said, six de-annexations or separations,

1 if you will --

2 A Yes.

3 Q -- correct?

4 And then you pointed out that, in this
5 particular case, that this was a little different in
6 that the proposed de-annexation here was not to
7 create its own municipality, but to become part of
8 another municipality, that is, Seaside Park,
9 correct?

10 A That's correct.

11 Q Why is that significant?

12 A Because it hadn't been done before.

13 Q Okay. But de-annexations certainly
14 have been done before, right?

15 A Absolutely.

16 Q And when you say it hasn't been done
17 before, is there a reason that you left out the
18 history from, approximately, 30 years ago where
19 there was a de-annexation effort? Are you aware of
20 that?

21 A I am aware of it, but it didn't
22 happen, so I didn't include it.

23 Q So, you didn't include it because it
24 didn't happen?

25 A Correct.

1 Q Are you aware that it went to the
2 planning board and the planning board denied that
3 de-annexation and then a court reversed the planning
4 board or, actually, technically, they reversed the
5 township? The planning board made a recommendation
6 report and the township acted to deny it and the
7 court reversed that. Are you aware of that?

8 A I am aware.

9 Q Did you read the decision?

10 A No, I did not. I was aware of it
11 having attended meetings here.

12 Q Okay. But you didn't think that that
13 was important history?

14 A I did not, not in the contents of the
15 history itself for the actual de-annexation.

16 Q And you didn't think it was important
17 to read the decision, even though many of the same
18 issues might have been brought up in that 30 years
19 ago?

20 A That's correct.

21 Q And you didn't think that was
22 important even though it was the same issues?

23 A That's correct.

24 Q Okay. Now, in this particular case,
25 your report refers over and over again -- I'm going

1 to have to go back a little bit because it's been
2 two months. But your report refers over and over
3 again to the number 11.27 percent. And as I
4 understand it, that's your determination in your
5 report of the amount of the assessment that
6 South Seaside Park consists of in terms of the
7 overall township assessment, that is, the real
8 property assessment for South Seaside Park
9 represents 11.27 percent of the overall assessment;
10 is that correct?

11 A That is correct based upon what the
12 tax assessor had educated me to. That was not my
13 calculation.

14 Q All right. So, it's not -- so, you
15 didn't do anything to verify that calculation?

16 A I did not.

17 Q Okay. Did you receive documentation
18 from the tax assessor?

19 A I don't recall if it was verbal or if
20 he sent me an e-mail on it. I do not recall at this
21 point.

22 Q Do you have your e-mails with you?

23 A I do not.

24 Q So, you couldn't even check to see if
25 you had it tonight, correct?

1 A I could check to see if I have
2 something in my notes.

3 Q Just take a quick check.

4 A Sure.

5 There's nothing in the notes.

6 Q Okay. So, this information, as far
7 as you know, is something that is totally unverified
8 and simply based upon what Mr. Zanetti, the
9 assessor, told you, correct?

10 A That's correct.

11 Q And that number of 11.27 percent, is
12 that important in your report?

13 A It is.

14 Q Okay. In fact, it's very important
15 because it's repeated probably at least a dozen or
16 more times in your report, right?

17 A I would say that's correct.

18 Q Okay. And just generally speaking,
19 how do you use that 11.27 percent? How is that
20 being used in your report, for what purposes?

21 A For purposes of assessed valuation
22 and for purpose of proportioning of the budget or
23 budgets.

24 Q And is it important to the impact of
25 what we're talking about here, de-annexation?

1 A I believe it is.

2 Q Okay. Is it important to the
3 conclusions that you've drawn in your report?

4 A I believe it is.

5 Q Okay. And if it turns out that that
6 11.2 percent number is inaccurate, that would change
7 your conclusions or could change your conclusions,
8 correct?

9 A It could.

10 Q And it would certainly change the
11 numbers in your report, correct?

12 A Absolutely.

13 Q All right. Let's just look briefly
14 together at T-38. I believe you start with the
15 11.27 percent number on page four of your report,
16 correct?

17 A That is correct.

18 Q That's where you indicate that the
19 total assessed valuation for the year 2016, and
20 hopefully I get this right, is \$5,107,714,648 for
21 the township, correct?

22 A That's correct.

23 Q And then you indicate that the total
24 assessed valuation for the area of South Seaside
25 Park that you received from Mr. Zanetti, is

1 \$575,639,441?
 2 A Which is the 11.27 percent.
 3 Q Okay. And, actually, I think you
 4 told me that those are two different years, 2016 for
 5 the assessed valuation and 2017 for the
 6 South Seaside Park portion, or is that not correct?
 7 A That is not correct.
 8 Q It's all 2016?
 9 A That's correct.
 10 Q You're certain of that?
 11 A Yes.
 12 Q Okay. And so, those two numbers are
 13 what create, essentially, the 11.27 percent. You
 14 take the lower, the smaller number of the assessment
 15 of South Seaside Park and divide it by the overall
 16 assessment in the entire township to determine the
 17 percentage of 11.27; is that correct?
 18 A That's what the assessor assumably
 19 did -- that's what, assumably, the assessor did. I
 20 merely took the assessed valuation for the township
 21 as a whole, multiplied it by 11.27 percent, and got
 22 this number over here, \$575,639,441, subtracted that
 23 from the overall assessment, that 575 million being
 24 the South Seaside portion and the balance being the
 25 rest of the township, should they de-annex.

1 Q But the math that I just referred to,
 2 that is, taking the smaller number of the assessment
 3 of South Seaside Park and dividing it by the larger
 4 number would yield the 11.27 percent, correct?
 5 A Correct.
 6 Q Okay. That's correct math. I know
 7 I'm not a mathematician, but I just want to make
 8 sure I'm looking at it correctly.
 9 A You are.
 10 Q Okay. I am. Thank you. And then,
 11 so on page four, you start out with the assessed
 12 valuation as the very first thing that you mention.
 13 Why is that?
 14 A Because once I know what the
 15 allocation percentage is, then I could then relate
 16 that to the overall budgets as a whole and in
 17 pieces, in part.
 18 Q Right. And if the number or the
 19 percentage of 11.27 percent is inaccurate, then
 20 that's going to change that relationship in all the
 21 rest of the calculations that you've done with that
 22 11.27 percent in the rest of the report, correct?
 23 A That is correct.
 24 Q So, for instance, on page two, you --
 25 or five, rather, I'm sorry, of T-38, you use the

1 11.27 percent in determining the reduction of the
 2 levy for municipal tax purposes, open space
 3 purposes, county tax, Berkeley Board of Ed., Central
 4 Regional, right?
 5 A That's correct.
 6 Q Okay. And do you use it anywhere
 7 else on page five, besides that top portion?
 8 A No, just the top portion.
 9 Q Okay. And then on -- I don't know if
 10 you use it on page six at all. Do you use the 11.27
 11 percent on page six?
 12 A Indirectly I do because of the -- the
 13 overall assessed valuation is decreased by 11.27.
 14 Q So, in the numbers on the page, top
 15 of page two thousand -- I'm sorry, page six, where
 16 you're talking about the tax rates without
 17 South Seaside Park and, again, go through all those
 18 tax rates, the municipal, the open space, County of
 19 Ocean, Berkeley Board of Ed. and Central, all of
 20 that is impacted by that 11.27 percent, correct?
 21 A Correct.
 22 Q And then, I'm not sure you use it on
 23 page seven where you talk about township costs and
 24 savings, do you?
 25 A I do not.

1 Q And probably not on page eight
 2 either?
 3 A That's correct.
 4 Q Or page nine, correct?
 5 A That is correct.
 6 Q But then I believe you come back to
 7 it on page ten?
 8 A That's correct.
 9 Q And why do you refer to 11.27 percent
 10 on page ten?
 11 A To show the levies based upon the
 12 analysis in the previous pages and to show the
 13 impact on the individual tax levies.
 14 Q Okay. And that's throughout on
 15 page ten, correct?
 16 A That's correct.
 17 Q And I think you then mention it
 18 indirectly on page 11 it's utilized, correct, at the
 19 top?
 20 A That's correct.
 21 Q And then also page 12. In talking
 22 about debt service, you've calculated the debt
 23 service that would be allocable to South Seaside
 24 Park in the event of de-annexation based on the
 25 11.27 percent --

1 A Correct.
 2 Q -- correct? And, again, you carry
 3 that onto page 13 in several sections. And I
 4 believe that it continues on page 14, there's a
 5 reference to it. Then on page 15 in your
 6 conclusions you also have a reference to it as well,
 7 correct?
 8 A That's correct.
 9 Q And possibly on page 16 or at least
 10 its impact?
 11 A Its impact.
 12 Q It's even mentioned on page 16. So,
 13 essentially, that number is important throughout
 14 your report; isn't that correct?
 15 A Absolutely.
 16 Q And if that report -- if that number
 17 is wrong, then your report is wrong, at least in
 18 some respects in terms of arithmetic at least,
 19 correct?
 20 A It would be wrong in the respect of
 21 the arithmetic, yes.
 22 Q It may be wrong in terms of the
 23 ultimate conclusions as well, correct?
 24 A That's correct, as far as the
 25 numbers, I could say. There would be an impact, but

1 it would be a different impact.
 2 Q Right. And at what point is the
 3 impact significant or not significant or don't you
 4 have an opinion on that?
 5 A I don't have an opinion on that.
 6 Q Okay. All right. So, let me take
 7 you through what I did, because I suspected that you
 8 did not verify those numbers.
 9 The first thing that I'm going to do, let's
 10 mark this as an O exhibit. It is the Ocean County
 11 2016 abstract of ratables. We'll mark that as an O
 12 exhibit.
 13 (Off the record.)
 14 MR. MICHELINI: Oh, it's A. I'm
 15 sorry. I said O. It's probably A. You can put A
 16 on the record.
 17 (The Ocean County 2016 abstract of
 18 ratables was marked as A-80 in evidence.)
 19 Q I'm going to show you what's been
 20 marked as A-80, which purports to be the Ocean
 21 County 2016 abstract of ratables. Have you ever
 22 seen something like that before?
 23 A I have.
 24 Q Okay. And as you leaf through it,
 25 there is some yellow marking that I put on it, but

1 this would appear to be the 2016 County abstract of
 2 ratables, correct?
 3 A Correct.
 4 Q So, this would have that number in it
 5 for the total assessed value for the municipality of
 6 Berkeley as of 2016, right?
 7 A For the total as a whole, yes.
 8 Q And that should match the number in
 9 your report, should it not?
 10 A It should.
 11 Q So, let's look at the number in your
 12 report. On T-38 on page four, you indicate the
 13 total assessed valuation for 2016 is 5,107,714,648,
 14 correct?
 15 A Yes.
 16 Q For the whole township?
 17 A Correct.
 18 Q So, let's look on the first page
 19 where it's got the 2016 ratables and it's got each
 20 town, correct?
 21 A Yes.
 22 Q And Berkeley is the sixth town listed
 23 by alphabet, alphabetically?
 24 A Yes.
 25 Q And if you see the net taxable value

1 for Berkeley, depending upon whether it includes
 2 communication equipment, is either 5,115,448,410, or
 3 if it includes the communication equipment, it's
 4 actually a little bit more, it's 5,119,435,600,
 5 correct?
 6 A Correct.
 7 Q And neither one of those numbers
 8 match your report?
 9 A Correct.
 10 Q So, can you explain why neither one
 11 of those numbers match your report?
 12 A I cannot. All I could tell you is, I
 13 got the number from the tax assessor.
 14 Q So, based upon what I've just shown
 15 you, do you think that your 2016 number is accurate
 16 in your report?
 17 A No, it's not.
 18 Q It's not?
 19 A Not based upon the abstract of
 20 ratables.
 21 Q Do you have any reason to believe
 22 that A-80 in evidence, the abstract of ratables, is
 23 inaccurate for 2016?
 24 A I do not.
 25 Q Okay. So, we know your report is

1 probably in error when it comes to the 2016 number,
 2 correct?
 3 A Correct.
 4 Q I'm going to help you out. I'm going
 5 to tell you where you got that number from.
 6 A Go ahead.
 7 Q It will make you feel better, I
 8 promise.
 9 A Okay.
 10 MR. MICHELINI: Okay. So, let's
 11 mark -- let's mark this one, which is also Ocean
 12 County abstract of ratables. But it's a multi-year,
 13 you can see that, from 2000 to 2017. So, we'll mark
 14 that as A-81.
 15 (The 2000 to 2017 Ocean County
 16 abstract of ratables was marked as A-81 in
 17 evidence.)
 18 Q So, A-81 purports to be the Ocean
 19 County abstract of ratables from 2000 through 2017.
 20 Do you see that?
 21 A I do.
 22 Q And I'll represent to you that I went
 23 on my computer and I looked this up. And lo and
 24 behold, you can get this off the Ocean County Tax
 25 Board site.

1 A Yes.
 2 Q You know that?
 3 A Yes.
 4 Q But you didn't do it yourself?
 5 A I did not.
 6 Q Well, had you done that, you would
 7 have seen that the number that's referred to in your
 8 report for 2016, is actually the 2017 assessed value
 9 for the township.
 10 A Okay.
 11 Q Do you see that?
 12 A I do.
 13 Q Okay. So, actually, your report is
 14 inaccurate in reporting the 2016 assessed valuation,
 15 that should be 2017, correct?
 16 A Correct.
 17 Q So, the number 5,107,714,648 is the
 18 2017 assessment, not the 2018 -- or '16 assessment?
 19 A I agree.
 20 Q All right. So, we clarified that.
 21 Took me a while to figure that out.
 22 A Thank you.
 23 Q Two months.
 24 A Just wanted to see if you were
 25 watching.

1 Q Well, what's a little troubling is, I
 2 was concerned because both these numbers need to
 3 work in order to come to 11.27 percent. That is,
 4 the overall assessed valuation needs to be known and
 5 you need to know the valuation for South Seaside
 6 Park specifically, which is set forth in your report
 7 on page four, in order to determine that 11.27
 8 percent, correct?
 9 A Yes.
 10 Q So, what I did was, I OPRA'd the
 11 township for that information.
 12 MR. MICHELINI: If we can just have
 13 this marked. You can have these two marked,
 14 actually. The first one is the assessment for
 15 Berkeley Township tax for all properties, for the
 16 years 2013 through '17. And the second one is the
 17 assessment rolls only for South Seaside Park for
 18 2013 through 2017.
 19 For the purposes of this testimony,
 20 I'm only going to focus on '16 and '17 because
 21 that's what Mr. Ebenau testified to. But if you
 22 could mark those.
 23 (The Complete copy of the assessment
 24 rolls for all township properties from the years
 25 2013, 2014, 2015, 2016 and 2017 was marked as A-82

1 in evidence.)
 2 (The Assessment rolls only for the
 3 properties located within South Seaside Park for the
 4 years 2013 through 2017 was marked as A-83 in
 5 evidence.)
 6 Q So, Mr. Ebenau, I'm going to show you
 7 an OPRA request. Are you familiar with an
 8 OPRA request?
 9 A I am.
 10 Q Do you know what that is?
 11 A Yes.
 12 Q These were actually done by Pat
 13 Dolobacs, one of my clients who testified, a
 14 petition signer. On the first one, just for the
 15 record, A-82 is the complete copy of the assessment
 16 rolls for all township properties from the years
 17 2013, '14, '15, '16 and '17, correct?
 18 A Correct.
 19 Q And then the second one is the tax
 20 assessment rolls only for the properties located
 21 within South Seaside Park for the same years, 2013
 22 through '17, correct?
 23 A Yes.
 24 Q That's A-83. And that's the kind of
 25 information, at least, that you would need for 2016

1 and/or 2017, to determine that percentage
 2 accurately, correct?
 3 A Correct.
 4 Q And you didn't do that, you relied
 5 upon the tax assessor?
 6 A I did.
 7 Q Okay. So, what we'll do, I'm going
 8 to show you what the tax assessor gave me, and I'm
 9 going to mark these. And I'm going to actually give
 10 them to you. Because if we get finished tonight, it
 11 will be a miracle. And you can look at them.
 12 A Sounds good.
 13 MR. MICHELINI: So, I'll mark them
 14 for the record as the CDs that were provided by the
 15 township in response to the OPRA request
 16 containing -- each CD contains all the assessments,
 17 and then there's a folder just with South Seaside
 18 Park, for the respective years. One is marked 2016
 19 and one is marked 2017. And I will leave those with
 20 the board so that you can look at them or anybody
 21 can look at them. But if you would mark those.
 22 (The 2016 CD of assessments was
 23 marked as A-84 in evidence.)
 24 (The 2017 CD of assessments was
 25 marked as A-85 in evidence.)

1 MR. MICHELINI: Now what I'd like to
 2 do is mark the actual tax rolls for South Seaside
 3 Park that I printed out from the information
 4 provided by the township. So, these are specific
 5 tax rolls only for properties in South Seaside Park,
 6 in response to the OPRA requests that are contained
 7 on the CD's. But, you know, we have to have them in
 8 paper to question the witness.
 9 The CD's actually contain the entire
 10 assessment, but we can get those numbers from the
 11 county exhibit. So, for 2016, if you would mark
 12 this. South Seaside Park property roll for 2017.
 13 Mark this one South Seaside Park property roll.
 14 (The Property tax roll for 2016 was
 15 marked as A-86 in evidence.)
 16 (The Property tax roll for 2017 was
 17 marked as A-87 in evidence.)
 18 Q Mr. Ebenau, we'll start with 86, the
 19 property tax roll for 2016. I just want you to look
 20 at it with me for a moment so we can authenticate it
 21 on the record. It does appear to be the real
 22 property tax roll for 2016 for a portion of
 23 Berkeley Township, correct?
 24 A Correct.
 25 Q And it starts at page 1898, correct?

1 A Yes.
 2 Q And it ends, I think, 100 pages later
 3 on 1998?
 4 A Yes.
 5 Q Do you see that?
 6 A Yes, I do.
 7 Q Okay. And I will represent to you
 8 that this is the file that was furnished to me in
 9 response to the OPRA request for only the
 10 South Seaside Park tax property roll. And I will
 11 indicate that on the front page, there's only three
 12 properties in South Seaside Park, and I would like
 13 you to verify that, or, actually, four properties.
 14 The top looks like it's Sunset Drive South, which
 15 would be Pelican island with a Seaside Heights
 16 address. Do you see that?
 17 A I do.
 18 Q And that's for several properties?
 19 A Yes.
 20 Q And then there's several properties
 21 that are exempt that are State of New Jersey
 22 properties on Route 37. And then beginning with
 23 block 1687 or -- I don't know whether that's --
 24 A 1687.01, lot one.
 25 Q Yeah, lot one. That's the first

1 Berkeley -- I mean, South Seaside Park property, at
 2 1425 Bayview Avenue. Do you see that?
 3 A I do.
 4 Q And then it would seem to -- then it
 5 continues to Beach Drive, which is in South Seaside
 6 Park and so forth. And it continues all the way to
 7 the last page, 100 pages, and then the last page
 8 there's only, it would appear, one property in
 9 South Seaside Park on Bayview Avenue. Do you see
 10 that?
 11 A I do.
 12 Q And then after that, it has Island
 13 Beach State Park property, which has been crossed
 14 out, because that's not part of this. It's not in
 15 South Seaside Park and it's not part of the
 16 de-annexation. Do you understand?
 17 A I do.
 18 Q Okay. So, and on the first page, the
 19 four properties on the bottom have been totaled up.
 20 You'll see on each page, there is a total for each
 21 page. Do you see that, the totals at the bottom for
 22 each page --
 23 A I do.
 24 Q -- for the assessments for that page
 25 for the properties listed on that page?

1 A I do.
 2 Q You have no reason to believe that
 3 that's inaccurate?
 4 A Correct.
 5 Q And so, in order to figure out the
 6 total assessments in South Seaside Park, let's say,
 7 for 2016, looking at Exhibit A-87 or Exhibit -- I'm
 8 sorry, A-86 or A-87 for 2017, one would simply have
 9 to total up all the pages or the numbers at the
 10 bottom of the page which summarize that page, plus
 11 the portions of the first page and the last page for
 12 the properties that are in South Seaside Park --
 13 A I would agree.
 14 Q -- correct?
 15 A Yes.
 16 Q Okay. And that would give you the
 17 total assessment for South Seaside Park for either
 18 2016 or 2017?
 19 A Agreed.
 20 MR. MICHELINI: Okay. So, I'm going
 21 to mark this in evidence, 2016 calculation of
 22 assessment for South Seaside Park.
 23 (The 2016 calculation of assessment
 24 for South Seaside Park was marked as A-88 in
 25 evidence.)

1 MR. MICHELINI: Why don't we mark the
 2 one for 2017 as well.
 3 (The 2017 calculation of assessment
 4 for South Seaside Park was marked as A-89 in
 5 evidence.)
 6 MR. MICHELINI: That's the same
 7 thing.
 8 Q So, I'm going to start with A-88.
 9 And I'd like you to look at A-88, this, I will
 10 represent to you, and you can verify that, I'd like
 11 you to verify it, is a calculation of the assessment
 12 for 2016, containing the, each page's assessment and
 13 then a total. So, for instance, on the first page,
 14 there are four properties. And I know you don't
 15 have a calculator with you, but it would appear that
 16 they come up to 2,041,000. And you see the first
 17 number on the calculation is -- which was done with
 18 a calculator, obviously, correct?
 19 A Correct.
 20 Q Is 2,041,000. Do you see that?
 21 A I do.
 22 Q And then the next page, if you look
 23 at the column number seven, which has the summary of
 24 the values, right?
 25 A Yes.

1 Q And the summary for that page is
 2 \$6,225,500 --
 3 A Correct.
 4 Q -- right? And that is the next
 5 number on the calculation --
 6 A Correct.
 7 Q -- right? And if you continue to go
 8 through, you'll see that for each page. And if you
 9 want to, you can do that, or you can trust me that
 10 it says that.
 11 A I trust you.
 12 Q You have no reason to believe that's
 13 wrong?
 14 A I have no reason, yes.
 15 Q Then on the last page, there was only
 16 one property that was in South Seaside Park, because
 17 it's the last page of the document and it has other
 18 properties. And that one's 654,000. Do you see
 19 that?
 20 A I do.
 21 Q And that's how the calculation ends
 22 in terms of all of the pages with 654,000 on the
 23 last page. So, the total number, according to the
 24 calculator, and I'll let you have this and verify
 25 it, but for South Seaside Park for 2016, was

1 545,165,700?
 2 A Correct.
 3 Q Now, your report has 2017 numbers in
 4 it, in spite of the fact that it says 2016, right?
 5 A That's correct.
 6 Q So, this isn't going to tell us too
 7 much, but what I would like to do is take you
 8 through a little exercise. If we look at, back at
 9 A-81, which is the Ocean County assessment for
 10 various years or the ratables for various years, if
 11 we go back to --
 12 MR. MCGUCKIN: Excuse me, Joe. I
 13 think you said it, but I just -- did you say that
 14 for 2017 it was 575?
 15 MR. MICHELINI: No.
 16 MR. MCGUCKIN: Or you didn't address
 17 that?
 18 MR. MICHELINI: No. For 2016, it's
 19 545,165,700. We haven't gotten to 2017 yet.
 20 MR. MCGUCKIN: Okay. Thank you.
 21 Q So, the total assessments, according
 22 to A-81 in evidence, for 2016, not including exempt
 23 properties, is 5,119,435,600, right?
 24 A Yes.
 25 Q Okay. And, again, that number should

1 be accurate, right?
 2 A Should be accurate, yes.
 3 Q Okay. And so to figure out the
 4 percentage for 2016, okay, we would take the total
 5 assessments in South Seaside Park of 545,165,700,
 6 and divide it by that number, the total assessments,
 7 to come up with a percentage, correct?
 8 A In '16, but '16 and '17 --
 9 Q For '16, yes. For 2016.
 10 A But this is '17's numbers, right?
 11 Q No, this is 2016, isn't it?
 12 A Oh, okay. Yes.
 13 Q Okay. 2017 was the number I gave you
 14 earlier that I corrected your --
 15 A Yes.
 16 Q -- your date?
 17 A Yes.
 18 Q Okay. So, flipping to the next page,
 19 we have 2016. And that would, obviously, be
 20 accurate for the Ocean County tax board?
 21 A Right.
 22 Q Okay. So, if we do that division
 23 that I just mentioned, we would come up with a
 24 percentage. I've done it on A-88, okay. And it
 25 comes out to .1065, right?

1 A Yes.
 2 Q So, that would be 10.65 percent of
 3 the overall tax base instead of 11.27 or some other
 4 number, but we're talking only about '16?
 5 A '16, yes.
 6 Q Right. And then, this A-81 also
 7 includes exempt ratables, and it has a number of,
 8 for the total for the township, of 6,401,195,100.
 9 Do you see that?
 10 A I do.
 11 Q Okay. If we do the same calculation
 12 of dividing the South Seaside Park ratables by the
 13 total, including exempt ratables, we come up with a
 14 percentage of, basically, eight and a half percent.
 15 Do you see that?
 16 A I see it.
 17 Q And there's no -- you wouldn't argue
 18 with that, correct?
 19 A Correct.
 20 Q Okay. So, that's for 2016. But your
 21 report focuses on 2017, so let's go to 2017 and see
 22 if we come up with something similar.
 23 So, what I'm going to show you now is the
 24 same documentation but for the year 2017 and take
 25 you through the same exercise. So, A-87 is the

1 rent -- I'm sorry, not the rent -- the tax roll for
 2 South Seaside Park for 2017, correct?
 3 A Correct.
 4 Q Okay. And you have no reason to
 5 dispute that?
 6 A No.
 7 Q Okay. And if you look, the first
 8 number matches the first number for the three
 9 properties listed --
 10 A Yes.
 11 Q -- right? And then as you go on each
 12 page, you'll see the --
 13 A Yes.
 14 Q -- numbers match, right? There was
 15 actually one little error of \$10,000, and I
 16 corrected it by hand. And if you want to verify
 17 that, you can --
 18 A I trust you.
 19 Q -- but I'll tell you it's correct. I
 20 didn't feel like running the tape all over again.
 21 And the total assessments for 2017, per these
 22 two documents, A-87 and A-89, is 544 million for
 23 South Seaside Park, \$544,115,100, going through this
 24 document, which is the tax roll?
 25 A Yes.

1 Q And you would have no reason to
 2 dispute that --
 3 A None whatsoever.
 4 Q -- based on those?
 5 And that is significantly different from your
 6 number by like 30 or \$31 million, correct?
 7 A That's correct.
 8 Q Your number is 575,639,441. This
 9 number is 544,115,100, right? Yes?
 10 A Yes.
 11 Q Okay. And then when you take the
 12 544 million number and you divide that by the
 13 overall assessments for 2017, which we've
 14 established is 5,107,714,648, correct?
 15 A Yes, that's correct.
 16 Q That's the 2015 number, not the 2016
 17 number --
 18 A Correct.
 19 Q -- as set forth in your report? We
 20 come up with a percentage of 10.66 or .1066, which
 21 is actually 10.66 percent, correct?
 22 A Correct.
 23 Q And that is significantly different
 24 than 11.27 percent?
 25 A It is.

1 Q And you have no reason to think that
2 that's wrong?
3 A Correct.
4 Q Because you didn't verify it. Had
5 you verified it, I trust you would have come up with
6 these --
7 A I would have came up with the same
8 numbers.
9 Q And then if you look at the
10 percentage of South Seaside Park assessments to the
11 total of township assessments, including exempt
12 properties, including exempt properties, the total
13 assessment per the county on A-81 is \$6,400,910,478,
14 right?
15 A Yes.
16 Q Okay. If you take that number and
17 you divide the smaller number of the total
18 assessments in South Seaside Park for 2017, roughly
19 544 million, by that number, you come up with eight
20 and a half percent. That is that when you take into
21 account all the assessments, including the exempt
22 properties per the County of Ocean, it's eight and a
23 half percent?
24 A I agree.
25 Q Now you didn't do that because exempt

1 properties you don't collect tax on?
2 A Exactly.
3 Q I understand. I just wanted to -- I
4 wanted to clarify because your report indicates that
5 you're taking all the assessments, but you're not
6 using all the assessments, you're using all the
7 assessments that taxes are collected on?
8 A That's correct.
9 Q That's different than all the
10 assessments?
11 A That's correct.
12 Q Okay. So, your report, I just want
13 to clarify that and -- but when you do that with the
14 correct numbers, you don't come up within 11.27
15 percent, you come up with 10.66 percent, correct?
16 A I agree, yes.
17 Q And so, that would make pretty much
18 the entirety of your report inaccurate in terms of
19 its numbers?
20 A I wouldn't say the entire report --
21 Q Well --
22 A -- but where it is applying the 11.27
23 percent, yes.
24 Q Which is on how many pages did we go
25 through? Maybe -- how many pages are in your

1 report?
2 A Several pages.
3 Q Yes.
4 A It would affect the assessed
5 valuation. It would not affect the cost savings
6 areas.
7 Q Which is, I think, two pages of your
8 report, two or three?
9 A About two or three pages.
10 Q So, the rest of your report, which is
11 the majority of your report, would be significantly
12 affected by the calculation of an inaccurate number,
13 correct?
14 A Correct.
15 Q Okay. Going back to T-38. By the
16 way, before you prepared this report, did you talk
17 to any of the board professionals about it?
18 A No.
19 Q Okay. So, you didn't talk to
20 Mr. Wiser or Mr. Peters?
21 A No.
22 Q You didn't talk to Mr. Haines? He
23 was hired specifically by this board by contract.
24 A Before I did the report?
25 Q Yes.

1 A No, I put the report together on my
2 own.
3 Q So, you didn't review any drafts with
4 Mr. Haines?
5 A No.
6 Q You didn't do that?
7 A (Witness shakes head.)
8 Q Okay.
9 A Oh, drafts. I'm sorry. Yes.
10 Q Oh, you did?
11 A Yes.
12 Q Okay. So, you did talk your report
13 over with Mr. Haines?
14 A I did.
15 Q And Mr. Haines' been in all these
16 meetings as an expert for the board in this matter?
17 A Expert as our auditor.
18 Q Okay. You don't -- he wasn't hired
19 by this board or by the town for this particular
20 matter as far as you know?
21 A As far as I know, he was, yes.
22 Q So, he was?
23 A Yes.
24 Q As an auditor?
25 MR. MCGUCKIN: Let's be clear. Not

1 by the board, correct?
 2 A By the township.
 3 Q Well, was it for the purpose of the
 4 de-annexation hearings?
 5 A I asked for his professional opinion
 6 as our auditor and a fellow accountant.
 7 Q So, is he the regular auditor for the
 8 municipality?
 9 A He is.
 10 Q Okay. And you discussed your report
 11 with him in draft form, correct?
 12 A That's correct.
 13 Q Did you make any changes to it?
 14 A From the draft form, yes.
 15 Q What changes did you make?
 16 A I don't recall off the top of my
 17 head.
 18 Q Okay. Did you discuss it with
 19 anybody else before you finalized your report?
 20 A The township administrator.
 21 Q Anyone else?
 22 A No.
 23 Q Did you have any understanding --
 24 you're here for the township, correct?
 25 A That's correct.

1 Q You're not here for the planning
 2 board, right?
 3 A That's correct.
 4 Q Okay. Did you understand as to
 5 whether or not the township had a position as to
 6 whether or not they were in favor or against
 7 de-annexation as you undertook your work on this
 8 matter?
 9 A No.
 10 Q You didn't understand that?
 11 A I didn't understand what the township
 12 position was. That wasn't my goal. It was to
 13 report what I had best known about de-annexation.
 14 Q At any point in the proceeding, did
 15 you, you know, from the beginning of this process to
 16 today, did you understand that the township had a
 17 position on de-annexation?
 18 A I don't know the township does have a
 19 position on the de-annexation until after the
 20 hearings are over.
 21 Q Okay. Otherwise, it would be
 22 premature, right?
 23 A Correct.
 24 Q Certainly would be premature for this
 25 board to judge the matter beforehand?

1 MR. MCGUCKIN: At this point, he's a
 2 financial auditor. He's not qualified to give
 3 opinions on that. Your point's made. But he's
 4 certainly not qualified to give a legal opinion on
 5 what the board's roll is.
 6 Q Just one more question. You
 7 understand the board is supposed to be impartial in
 8 this process, correct?
 9 A I do.
 10 Q And the township is separate?
 11 A Yes.
 12 Q Okay. Last time we were here -- can
 13 I see the exhibits.
 14 (Off the record.)
 15 Q I'm going to show you what's
 16 previously been marked A-79. Just read that to
 17 yourself, please.
 18 Do you see that?
 19 A I do.
 20 Q Does that look familiar to you?
 21 A I don't recall it, but my name is on
 22 there, so I must have seen it.
 23 Q Okay. And it's an e-mail, and I'll
 24 summarize it because it's already been testified to,
 25 an e-mail from Christopher Reid to a number of

1 people, Stuart Wiser, Mr. McGuckin, Rodney Haines,
 2 Jim Morris, Stan Slachetka, correct?
 3 A Yes.
 4 Q Okay. With copies to Mayor Amato,
 5 yourself twice. You must have two e-mails, because
 6 it's twice, or you're more important than anybody
 7 else.
 8 A Just more important.
 9 Q Karin DiMichele, the chief of police,
 10 right? Mr. Bacchione. Judy Noonan, who's that,
 11 somebody on the council?
 12 A One of the councilwomen.
 13 Q Okay. Sophia Gingrich, council
 14 member --
 15 A Council member.
 16 Q -- right? Jim Byrnes?
 17 A Councilman.
 18 Q Tom Gross?
 19 A Councilman.
 20 Q Anthony Guadagno?
 21 A Councilman.
 22 Q Okay. And the subject is the
 23 South Seaside Park de-annexation, right?
 24 A That's correct.
 25 Q And it's from Mr. Reid. And, among

1 other things -- and this is dated what, April 10,
 2 2015?
 3 A Yes.
 4 Q And among other things, he is asking
 5 for the courtesy of -- actually, he's thanking them
 6 for their courtesy of most recent discussions, and
 7 is asking to plan a meeting to, among other things,
 8 obtain material, provide material items to refute
 9 from the applicant testimony, documentation
 10 required, priority of testimony, witnesses for the
 11 township. Do you see that?
 12 A I do.
 13 Q And you got that?
 14 A Yes, it says I did.
 15 Q Would that indicate to you or did
 16 that indicate to you that the township was opposed
 17 to the de-annexation effort way back in April of
 18 2015?
 19 A In reading of it, certainly looks
 20 that way.
 21 Q And, in fact, this was sent to many
 22 professionals associated with the board indicating
 23 that they should be part of that meeting, right?
 24 A It appears that way, yes.
 25 Q Did you go to that meeting?

1 A Was that in '15? I don't remember.
 2 I probably did.
 3 Q You don't remember?
 4 A I know there was a meeting. I don't
 5 know if it was in '15 or '14, to be honest with you.
 6 Q Okay. And were there discussions as
 7 set forth in Mr. Reid's e-mail that material items
 8 had to be identified to -- in creating a strategy
 9 for the township portion of the hearing to refute
 10 the petitioners' testimony?
 11 A Yes, I do recall that.
 12 Q Okay. So, that was discussed. And
 13 that was discussed with also the board
 14 professionals, correct?
 15 A I don't remember who exactly was
 16 there.
 17 Q Do you know if any of the board
 18 professionals were there?
 19 A I know there was a room full of
 20 people. I don't recall who was there.
 21 Q Well, it's actually addressed to all
 22 of the board professionals. And you're only on the
 23 copy list, correct?
 24 A Correct.
 25 Q But you did attend it?

1 A I -- yeah, I know I attended a
 2 meeting. I don't know if it was that meeting or a
 3 previous meeting.
 4 Q Do you have any reason to believe
 5 that what was in this e-mail was not discussed?
 6 A I have no reason not to.
 7 Q Okay. And you would believe that
 8 what's in this e-mail was actually discussed,
 9 correct?
 10 A I would believe that.
 11 Q Did any of the board professionals
 12 get up and say, we can't do this, that would be
 13 violating our duty of impartiality?
 14 A I don't recall.
 15 Q You don't recall anybody doing that
 16 or you don't recall -- do you not recall --
 17 A I don't recall anybody doing that.
 18 Q Okay. Did it strike you as strange
 19 that the board professionals were getting together
 20 with the township to refute the applicant's
 21 testimony before it was all even in fully?
 22 A I didn't know what to think of it
 23 because I -- I did not know that legal capacity of
 24 the law at the time.
 25 Q Do you remember what was discussed at

1 that meeting specifically?
 2 A No, I can't say I do.
 3 Q Where did the meeting take place?
 4 A In the conference room downstairs.
 5 Q Do you know who chaired the meeting?
 6 A No.
 7 Q Do you remember what you did, if
 8 anything, as a result of that meeting?
 9 A Myself, personally?
 10 Q Yes.
 11 A Nothing. Just started looking into
 12 matters that may affect the de-annexation on a
 13 financial level.
 14 Q Did you specifically look for
 15 information that would then try to refute what the
 16 petitioners were saying?
 17 A No.
 18 Q Were you given any information in
 19 that meeting as to what the petitioners were saying?
 20 A No.
 21 Q Did you have any other meetings with
 22 any individuals from the township regarding this
 23 process of de-annexation?
 24 A The process, no.
 25 Q Did you have any other meetings about

1 de-annexation after April 15 -- before or after
 2 April 10, 2015?
 3 A I don't believe I did.
 4 Q So, this was the only meeting you
 5 had?
 6 A That I can recall, yes.
 7 Q I'm going to show you this. And,
 8 unfortunately, these were produced by OPRA
 9 two-sided. So, I'll have to have you identify both
 10 sides, but we'll only mark one side.
 11 (The Two-sided e-mail dated March 28,
 12 2016 was marked as A-90 in evidence.)
 13 MR. MCGUCKIN: I'm sorry, what was
 14 the date, Joe?
 15 MR. MICHELINI: It is march 28, 2016.
 16 On the back side there's an e-mail dated
 17 February 17, 2016. Looks like two e-mails. And
 18 then the front side is the March 28. And,
 19 unfortunately, they were produced to me this way, so
 20 I thought I probably should put them in that way.
 21 Q Showing you what's been marked A-90
 22 in evidence. Okay. That's an e-mail dated, on the
 23 front side, dated March 28, 2016, correct?
 24 A Correct.
 25 Q Okay. And, actually, I'm going to --

1 there's actually two e-mails on this front page,
 2 right? One from Mr. McGuckin saying, I will be
 3 there. That's all he said. He's a man of few
 4 words, right?
 5 A Yes.
 6 Q Okay. But the e-mail underneath of
 7 that is an e-mail from Gina Russo. Do you see that?
 8 A I do.
 9 Q Who is Gina Russo?
 10 A She's the director of human resources
 11 and the mayor's confidential assistant.
 12 Q Okay. And so, the mayor's
 13 confidential assistant and director of human
 14 resources writes an e-mail to John Camera, the
 15 administrator, correct?
 16 A Yes.
 17 Q Carmen Amato, the mayor, correct?
 18 A Yes.
 19 Q Gregory McGuckin, the planning board
 20 attorney?
 21 A Yes.
 22 Q Stuart Wiser, the planning board
 23 engineer, correct?
 24 A Yes.
 25 Q Ernie Peters, engineer, also for the

1 planning board, with Remington & Vernick, right?
 2 A Correct.
 3 Q Rodney Haines?
 4 A Yes.
 5 Q Okay. Yourself --
 6 A Yes.
 7 Q -- right? You're named on this,
 8 right?
 9 A Yes.
 10 Q Lauren Staiger, I believe she's an
 11 attorney for the township?
 12 A Correct.
 13 Q Okay. James Oris, who is here. I
 14 think he's still here. He's a planner --
 15 A Correct.
 16 Q -- correct? And maybe an engineer,
 17 too. I don't want to sell him short.
 18 Nicholas Dickerson, also a planner for the planning
 19 board, correct?
 20 A Yes.
 21 Q Kelly Hugg, who we know is the
 22 esteemed secretary here.
 23 A Yes.
 24 Q Can't say enough good things about
 25 her.

1 And it says, de-annexation meeting, Monday,
 2 March 28, 2016, 12:21 p.m. That's when it was sent,
 3 right?
 4 A Yes.
 5 Q Subject is de-annexation. From Gina
 6 Russo. Good afternoon. We scheduled a tentative
 7 meeting for Thursday, March 31, at five p.m. here at
 8 town hall. This is to confirm the meeting will be
 9 held. Please let me know if you are unavailable to
 10 attend. Thanks. Right?
 11 A Correct.
 12 Q So, does that refresh your
 13 recollection about whether or not there was a
 14 subsequent meeting?
 15 A Yes.
 16 Q Okay. And you were invited to that
 17 meeting?
 18 A I was.
 19 Q Did you go to that meeting?
 20 A I did.
 21 Q And what was discussed at that
 22 meeting?
 23 A I don't recall.
 24 Q Did all these people attend that were
 25 invited?

1 A I don't even recall who was there.
 2 Q Do you know what was discussed at
 3 all?
 4 A De-annexation. I can't be specific
 5 because I don't -- I do not recall.
 6 Q You don't remember anything that was
 7 discussed other than, generally, de-annexation?
 8 A Correct.
 9 Q Do you know if it was a strategy
 10 meeting to decide who was going to rebut the
 11 testimony of the petitioners?
 12 A I don't recall.
 13 Q Do you have any notes from that
 14 meeting?
 15 A No.
 16 Q Do you know -- can you tell me if any
 17 of these people were at the meeting that were --
 18 that this e-mail was sent to?
 19 A No, I can't.
 20 Q So you have no recollection of this
 21 meeting at all?
 22 A Very vaguely of seeing this and
 23 having a five o'clock meeting, that's about it.
 24 Q You don't know what the purpose of
 25 that meeting was?

1 A De-annexation.
 2 Q Well, other than that?
 3 A No.
 4 Q Do you know, looking at those two
 5 e-mails now, that indicate that you attended at
 6 least two meetings that talked about de-annexation,
 7 one of which was specifically to develop a strategy
 8 to rebut the petitioner's testimony, do you recall
 9 any other meetings that you attended with any
 10 members of the planning board professionals
 11 regarding de-annexation.
 12 A With the planning board
 13 professionals, I do not recall. But you may have
 14 something.
 15 Q I'm just asking.
 16 Have you ever discussed this matter with the
 17 mayor?
 18 A No.
 19 Q Have you ever discussed it with
 20 Mr. Wiser?
 21 A No.
 22 Q Mr. Slachetka?
 23 A No.
 24 Q Mr. Oris?
 25 A No.

1 Q Mr. Peters?
 2 A No.
 3 Q Mr. Dickerson?
 4 A No.
 5 Q Mr. Bacchione?
 6 A Yes.
 7 Q Okay. When did you discuss it with
 8 Mr. Bacchione?
 9 A Couple years back at a finance
 10 committee meeting.
 11 Q And who was at that meeting?
 12 A The finance committee.
 13 Q Who is that?
 14 A Which is Mr. Bacchione. May have
 15 been Mr. DePaola possibly. And Mrs. Gingrich
 16 possibly.
 17 Q And where was that meeting held?
 18 A It would be upstairs.
 19 Q Is that a regular meeting that
 20 occurs?
 21 A Monthly, yes.
 22 Q And how many times at the monthly
 23 meeting of the finance committee was the
 24 de-annexation discussed?
 25 A Just the once.

1 Q Was it an agenda item?
 2 A Probably --
 3 Q Do you know --
 4 A -- yes.
 5 Q Do you know what year that was?
 6 A Maybe 2016, '15. It was quite a
 7 while ago.
 8 Q Do you have notes from that meeting?
 9 A Yes. Well, not notes per se, but I
 10 remember doing a very quick analysis, developing
 11 what eventually became a final, very, very early
 12 stages.
 13 Q Did you bring that to the meeting or
 14 was it as a result of that?
 15 A No, I brought it to the meeting.
 16 Q Okay. And who asked you to bring
 17 that to the meeting?
 18 A I don't think anybody did. I brought
 19 it on my own.
 20 Q Why would you do that your own?
 21 A Because it has a financial impact.
 22 Q Okay.
 23 A It was a finance committee meeting.
 24 Q Okay. And what -- what was -- what
 25 did you determine at that meeting? Do you have that

1 report with you?
 2 A I do.
 3 MR. MICHELINI: Mark this. That will
 4 be a township exhibit.
 5 (The Report, three pages was marked
 6 as T-39 in evidence.)
 7 Q I show you what's been marked as
 8 T-39. Can you identify that?
 9 A Yes. That's the report I just
 10 referred to.
 11 Q Okay. That's a report that you did a
 12 couple of years ago. Is there a date on it?
 13 A No, there's not.
 14 Q There's no date on it?
 15 A No.
 16 Q Okay. And did you get any assistance
 17 in preparing this report?
 18 A The only assistance I would have
 19 gotten was specific information from the tax
 20 assessor. Once again, the 11.27 is there. From the
 21 director of sanitation and recycling and --
 22 Mark Vannella, and from the chief of police for the
 23 police information.
 24 Q Did you --
 25 A And --

1 Q Go ahead.
 2 A -- from the director of public works
 3 for snow removal.
 4 Q You really don't know whether this
 5 was done two years ago, three years ago? Was it
 6 more than a year ago?
 7 A Yes.
 8 Q Was it more than two years ago?
 9 A Possibly.
 10 Q And did this report get, T-39, did it
 11 get disseminated to anybody besides the people in
 12 that room?
 13 A No.
 14 Q How do you know?
 15 A Well, from me, anyway.
 16 Q From you, right. But you don't know
 17 if somebody took it and e-mailed it --
 18 A No, I don't.
 19 Q -- or sent it somewhere else?
 20 A No, I don't.
 21 Q Did you give out copies of this
 22 report?
 23 A I believe I did.
 24 Q So, Mr. Bacchione, who sits on the
 25 planning board here for the last couple years, has

1 had a copy of this report, to the best of your
 2 knowledge?
 3 A Correct.
 4 Q And this was never entered into
 5 evidence by anybody up until this point in time,
 6 that you know of, correct?
 7 A I wasn't at all the meetings, so I
 8 can't say. But as far as I know, no.
 9 Q Do you know if this report -- you
 10 said it has the 11.27 percent number in it, correct?
 11 A It does.
 12 Q We know that that's wrong?
 13 A That's correct.
 14 Q Okay. And so, therefore, several of
 15 the numbers in this report would also be wrong
 16 because they're based on the 11.27 percent number?
 17 A I would agree with that.
 18 Q Is there anything in this report
 19 that's different, in terms of numbers, than what's
 20 in your report that we've marked in evidence, if you
 21 know?
 22 A The only thing I can think of, this
 23 report here --
 24 Q T-39.
 25 A -- T-39, was probably updated several

1 times. And I don't know what this last update was
 2 compared to this before I actually put it into this
 3 formal report. So, these numbers could have
 4 changed. Could be a couple different drafts of that
 5 that I do not have, that I would have just written
 6 over.
 7 Q Okay. And when you had a meeting,
 8 the date of which you don't remember, regarding
 9 T-39, what was said about your report?
 10 A It was more for information purposes,
 11 just to see what the impact was. I don't recall
 12 what any of the council people, you know, had
 13 stated --
 14 Q You don't recall what --
 15 A -- specifically. I wouldn't even
 16 paraphrase, so I don't know.
 17 Q So, you don't remember the -- do you
 18 remember anything about the reaction of that report?
 19 A That it had a big -- has a big
 20 impact, but that's about it.
 21 Q And that was based on the 11.27
 22 percent, correct?
 23 A It could have been a different
 24 percentage. Could have been different numbers that
 25 we used. Like I said, this is probably the last

1 draft that I had in the computer before going to
2 this other report. This report had -- it was a work
3 in process. It had changed as I added information,
4 once I fine tuned information, prior to going to the
5 final report.

6 Q So, what we just marked as T-39 was
7 not the -- was that the final report before the
8 report marked T-40?

9 A Yes.

10 Q That was the penultimate report, but
11 there were other drafts before this?

12 A Yes.

13 Q Okay. Do you know if those drafts
14 got disseminated to anybody on the planning board?

15 A It may not have been this specific
16 one. It could have been one of the prior ones. But
17 I only know the one time that I had shared the
18 report with the finance committee and that was it.

19 So, I don't know if -- where they went after that.

20 Q Do you know if the mayor got a copy
21 of it?

22 A As far as I know, no.

23 Q Did you talk to any other board
24 members about de-annexation besides Mr. Bacchione
25 prior to your testimony?

1 A No.

2 Q Okay. And you mentioned that you, I
3 think, that you talked to the chief of police,
4 correct?

5 A I did, yes.

6 Q What was the purpose of talking to
7 the chief of police?

8 A To determine what the cost of the
9 police work specific to South Seaside Park.

10 MR. MICHELINI: In fact, let's mark
11 this.

12 (The E-mail dated August 30, 2016
13 from Karin DiMichele was marked as A-91 in
14 evidence.)

15 Q I'm going to show you what's been
16 marked A-91 in evidence. Do you recognize that?

17 A I do.

18 Q What is it?

19 A It's part of the chief's deposition.

20 Q Well, what's on top? It's an e-mail,
21 right, from Karin DiMichele --

22 A Yes.

23 Q -- who's the chief of police,
24 right --

25 A Yes.

1 Q -- to you --

2 A That's correct.

3 Q -- and to John Camera, dated
4 August 30, 2016 --

5 A Uh-hum.

6 Q -- enclosing annotated schedule of
7 testimony, right?

8 A Yes.

9 Q Okay. Did you get that?

10 A I did.

11 Q It says, Fred, a lot of this section
12 deals with ratables and budget on how it would
13 affect the township?

14 A That's correct.

15 Q K. That would be from the chief,
16 right --

17 A That's correct.

18 Q -- Karin?

19 A Yes.

20 Q So, she sent that to you. And do you
21 know who prepared this annotated transcript?

22 A I would assume our stenographer.

23 Q Okay. And what about all the notes
24 on it of who's testifying when, it's got a legend on
25 the bottom with my name, Donald Whiteman,

1 Katherine Fulcomer, et cetera?

2 A I would make the same assumption.

3 Q That's an assumption? You weren't
4 provided with this transcript by Mr. Wiser?

5 A No.

6 Q I will represent to you that this --
7 there's been testimony that this annotated
8 transcript was prepared by Mr. Wiser, because it
9 has -- breaks up the transcript and has comments on
10 it. Do you see that?

11 A I do.

12 Q Comments on the side?

13 A I do.

14 Q Okay. And you -- but you didn't
15 realize that at the time?

16 A No, not at all.

17 Q Did you have any discussions with
18 Mr. Wiser directly?

19 A No.

20 Q But you were given that annotated
21 transcript?

22 A I was, by the chief.

23 Q Let's talk about police a little bit.
24 Turn to the page where you discuss the police in
25 your report, please.

1 A Page seven.
 2 Q Okay. On page seven of your report,
 3 which has been marked as T-38, you go through
 4 certain cost savings that will be result -- result
 5 from a de-annexation, correct?
 6 A I wouldn't say cost savings. Certain
 7 costs.
 8 Q Well, what is -- doesn't it say right
 9 at the top, township cost savings in de-annexation?
 10 A Yes.
 11 Q Isn't that what you meant?
 12 A Yes.
 13 Q Okay. I'm just -- I don't want to be
 14 confusing. That's what it says right on report?
 15 A Yes.
 16 Q So, it's talking about cost savings
 17 in the event of de-annexation?
 18 A Yes.
 19 Q To the township?
 20 A Correct.
 21 Q Okay. All right. So, and one of
 22 those things you analyze is police services?
 23 A Yes.
 24 Q And, presumably, you look through the
 25 transcript that Karin DiMichele gave you, right?

1 A I did.
 2 Q Did you also talk to her and gather
 3 information?
 4 A Yes, I did, to produce this
 5 information that is in this report.
 6 Q Okay. So, you had conversations with
 7 her, because you were trying to do a good job,
 8 right?
 9 A Correct.
 10 Q You didn't independently verify the
 11 information, I take it, when it came to police
 12 information, did you?
 13 A No, I did not.
 14 Q Okay. So, you relied upon the
 15 information provided to you by the chief?
 16 A That's correct.
 17 Q Did you talk to anybody else in the
 18 department?
 19 A I don't believe I did.
 20 Q And if the information provided to
 21 you by the chief turns out to be inaccurate, just
 22 like the information that Mr. Zanetti provided to
 23 you is inaccurate, then that would make your
 24 conclusions inaccurate?
 25 A That's correct.

1 Q All right. So, you didn't
 2 independently verify it. So you're going by her
 3 numbers, right?
 4 A Correct.
 5 Q Okay. And just summarize very
 6 quickly what you determined with regard to police
 7 services without going through your whole testimony
 8 again.
 9 A Specific to the police services?
 10 Q Yes.
 11 A In my conversation with the chief, I
 12 had found out that the police are a 24/7, 365, over
 13 in Seaside Park -- South Seaside Park. That they
 14 have at least one police officer there at all times,
 15 except on the 4th of July and for concerts on the
 16 beach, there are four police officers.
 17 Additionally, there are two police officers each
 18 weekend during the summer months. And then I did a
 19 below analysis based upon the cost of the police
 20 officers.
 21 Q How much was saved or will be saved
 22 in your analysis based on the numbers that the chief
 23 gave you?
 24 A \$111,670.
 25 Q Okay. That's the total?

1 A No, I'm sorry. It's even less. That
 2 includes first aid and fire services as well. So,
 3 looks like \$81,670.
 4 Q And how did you come to that number?
 5 A Based upon the police officers which
 6 would not be terminated as a result of --
 7 Q You say they would not be terminated.
 8 That's an assumption on your part, right?
 9 A It's an assumption on my part.
 10 Q You don't make that determination?
 11 A That's correct.
 12 Q Who told you they wouldn't be
 13 terminated?
 14 A No one. That's just my assumption.
 15 Q It's an assumption. If your
 16 assumption turns out to be wrong, then your numbers
 17 and conclusions are going to be wrong, are they not?
 18 A That's correct.
 19 Q Okay. So that's just an assumption
 20 on your part? You don't actually know, correct?
 21 A Correct.
 22 Q Okay. Go ahead.
 23 A There is also additional -- there
 24 would be additional savings, assumption on my part,
 25 additional four officers on the 4th of July and for

1 the concert, of \$2,103.36. Also, additional two
 2 officers on weekends during the summer, which would
 3 generate \$12,620.16. Special class one and two
 4 officers for crosswalk detail, \$81,670. And
 5 detectives for ABC licensing, \$1,384.20. My
 6 assumption concludes that only the loss of the
 7 special class one and two officers for the crosswalk
 8 detail of \$81,670 would be eliminated from the
 9 police, resulting in the only savings should a
 10 de-annexation. The rest of it would be -- the rest
 11 of the officers would just be folded in with the
 12 officers for the rest of the township.

13 Q And, again, that's based on your
 14 assumption?

15 A Correct.

16 Q All right. And the police -- you say
 17 police officers per day, you have times 365 days.
 18 Essentially, you have the 24/7, you're using three
 19 shifts of police, right?

20 A Three shifts at an average patrol
 21 salary.

22 Q An average patrol salary of
 23 \$95,965.84?

24 A Correct.

25 Q That's without overtime, right?

1 A That's correct.

2 Q So, actually, the average police
 3 officer has some overtime, correct?

4 A Yes.

5 Q So, but you didn't include that?

6 A Correct.

7 Q The average police officer has
 8 benefits, correct?

9 A Yes, they do.

10 Q Did you include benefits?

11 A I did not.

12 Q You did not include -- why didn't you
 13 include benefits?

14 A Because I didn't think it was going
 15 to be any savings, so I didn't even bother
 16 calculating the benefits.

17 Q Well, if you didn't think there was
 18 going to be savings, why did you even put the salary
 19 in?

20 A Because I wanted to show the cost was
 21 for South Seaside Park, minus benefits and overtime.

22 Q Okay. All right. I'm not going to
 23 argue with you about it. But it doesn't seem to me
 24 to make any sense at all to include the salaries, if
 25 you're not even going to include them, you know, to

1 put a number.

2 A Okay.

3 Q Do you understand that?

4 A I do.

5 Q Okay. But if you're going to include
 6 the salaries and talk about them, you have three
 7 police officers for eight hours, eight-hour shifts,
 8 right?

9 A Yes.

10 Q The average -- that's actually to
 11 cover that time frame of a week, though, you
 12 actually, or a year, whatever it is.

13 A Per year.

14 Q You need more than three police
 15 officers, right?

16 A Correct.

17 Q Because three police officers don't
 18 work a 24/7 week, correct?

19 A Correct.

20 Q The average police officer works
 21 what, five days?

22 A Forty hours, right.

23 Q Right. So, to cover, let's just say
 24 a week, a week's time, how many police officers do
 25 you need? Do you need five, six? You need more

1 than three?

2 A You need more than three. I'm only
 3 counting the officers that are there at a minimal.

4 Q You're only counting the minimum of
 5 one officer being there?

6 A Correct.

7 Q But even if you had one officer per
 8 eight-hour shift, that officer isn't going to work
 9 seven days?

10 A No.

11 Q So you, would need more officers?

12 A Correct.

13 Q And you didn't count that?

14 A I did not. I think that's why I used
 15 the average salary police officer.

16 Q Okay. But you didn't include
 17 benefits, and the --

18 A Correct.

19 Q -- average police officer gets
 20 medical benefits, right?

21 A Yes.

22 Q They get pension, you didn't include
 23 that, right?

24 A I did not. Right.

25 Q Do they get -- they get overtime, you

1 didn't include that --
 2 A Correct.
 3 Q -- right? Any other benefits that
 4 they get that you didn't include?
 5 A Yes. Clothing allowance, gun
 6 maintenance allowance.
 7 Q Right. You didn't include any of
 8 that?
 9 A I did not.
 10 Q The average police officer has to buy
 11 equipment?
 12 A Yes.
 13 Q And sometimes that's given in
 14 allowance, sometimes the department pays for that,
 15 you didn't include that?
 16 A Correct.
 17 Q The average police officer has an
 18 automobile, you didn't include that --
 19 A Correct.
 20 Q -- correct?
 21 A This was a low number.
 22 Q Right. It's a low number. We can
 23 agree on that. Okay.
 24 And the other thing that you said, I believe,
 25 in your testimony, is that there's only one officer

1 that the coverage is at least one officer 24/7,
 2 right?
 3 A Correct. Except for the --
 4 Q Except for the holidays?
 5 A Right. Weekends, over the summer.
 6 Q By the way, did you include sick pay?
 7 Do they get sick pay?
 8 A I did not include that.
 9 Q But they do get that?
 10 A When they retire.
 11 Q Now, you indicate that there are two
 12 police officers each weekend during the summer. I
 13 think you said that in your testimony.
 14 A Yes.
 15 Q I don't know if it's -- is it in your
 16 report or just in the testimony?
 17 A It's in here. There are two police
 18 officers each weekend during the summer months.
 19 Q Where did you get that information?
 20 A From the chief.
 21 Q Because I tried to get information
 22 about how many officers were working how many shifts
 23 in South Seaside Park. In fact, we OPRA'd it. And
 24 we were told that we couldn't get that information
 25 because it impacted safety. But the chief told you

1 that there were two officers there every weekend?
 2 A That's correct.
 3 Q Do you know why she did that?
 4 A Because I asked her.
 5 Q Do you know why she didn't tell us?
 6 A No, I don't.
 7 Q Let's talk about the next page,
 8 page eight, recreation. Again, we're on cost
 9 savings, right? Now, there's a recreation item in
 10 the budget, correct?
 11 A Yes, that's correct.
 12 Q Is this the recreation item in the
 13 budget?
 14 A No, this is a recreation item in the
 15 budget. This is specifically for the beaches.
 16 Q So, when you say, the beaches, you're
 17 talking about the ocean beach of three blocks in
 18 South Seaside Park, right?
 19 A Correct.
 20 Q There isn't a bay beach?
 21 A No.
 22 Q So, we're really talking about the
 23 beach?
 24 A The beach.
 25 Q Okay. So, really, this would be

1 beach recreation expenses?
 2 A And revenue.
 3 Q And revenue, right?
 4 A Right.
 5 Q Okay. Now, you indicate that there
 6 would be no change if South Seaside Park were
 7 de-annexed due to the beach remaining with the
 8 township. Who told you the beach was going to
 9 remain with the township?
 10 A That's my assumption.
 11 Q Why did you assume that?
 12 A Because I know there are properties
 13 in other towns that are not part of the township
 14 itself, but you can have other -- you can have
 15 municipally owned property in other municipalities.
 16 Q Do you know --
 17 A And I took the same assumption here.
 18 Q I'm sorry. Were you here in
 19 December?
 20 A December, yes.
 21 Q Yeah, that's when you testified?
 22 A I testified, yes.
 23 Q Correct? And I think you were here
 24 the months before, as well?
 25 A I think it was October.

1 Q Okay. Do you remember me -- and
 2 maybe you don't -- saying to this board that it's
 3 our desire as the petitioners to keep the beach?
 4 Did you ever hear that?
 5 A I believe I did hear that, yes.
 6 Q Okay. And if you had looked at the
 7 history of this matter, and had actually looked into
 8 Judge Addison's decision, you would have known that
 9 he had decided 30 years ago that the people in
 10 South Seaside Park could keep Ocean Sands Beach.
 11 So, those two facts alone, okay, the fact that the
 12 petitioners are desirous of keeping the beach, and
 13 the fact that the history in this case shows that
 14 the beach was kept at least at that point, okay, by
 15 the petitioners, the then petitioners, wouldn't that
 16 lead you to believe that maybe the beach is going to
 17 go with the petitioners, rather than assume that
 18 it's going to go with the township?
 19 A Well, I had not read the opinion
 20 either.
 21 Q But you agree that the history is
 22 important and, in light of that, that history might
 23 have been important to you, correct?
 24 A It would have been, yes.
 25 Q Okay. And so, knowing that now, you

1 wouldn't necessarily assume that the beach would
 2 remain with the township, correct?
 3 A Correct.
 4 Q And so, let's look at what the
 5 town -- the town has actually lost money on the
 6 ocean beach over the last six years, correct, or
 7 five years?
 8 A Five years.
 9 Q Five years. 2013 through 2017, they
 10 lost money every year?
 11 A They did.
 12 Q Okay. They lost as much as
 13 \$24,273.95 in a year and as little as \$4,660.06?
 14 A Correct.
 15 Q Fluctuated year to year --
 16 A Correct.
 17 Q -- right? So, if, in fact, the beach
 18 goes with the petitioners, those costs would be
 19 saved?
 20 A Correct.
 21 Q That would be a savings to the
 22 municipality?
 23 A Correct.
 24 Q That would be a benefit to the
 25 township in that regard?

1 A Correct.
 2 Q Now, let's talk a little about
 3 insurance. Did you look at whether or not there
 4 would be insurance savings to the township?
 5 A I did not.
 6 Q Okay. And, in fact, do they have
 7 lifeguards at these beaches?
 8 A They do.
 9 Q And is the insurance premium, is that
 10 impacted at all by the fact that these beaches are
 11 guarded and they're -- it's an ocean beach?
 12 A It would be.
 13 Q Yes. And I think this past year was
 14 the highest year for drownings in the State of New
 15 Jersey. I think there were 26 or 27. Not all of
 16 them were ocean --
 17 A No.
 18 Q -- but several of them were ocean?
 19 A Yes.
 20 Q And that -- those kinds of statistics
 21 impact insurance premiums?
 22 A They do.
 23 Q And those insurance premiums would be
 24 saved, in part, if the beach goes with the
 25 petitioners, because the town wouldn't have to pay

1 them?
 2 A Correct.
 3 Q But you didn't take that into
 4 account?
 5 A I did not.
 6 Q Now, public works, I think, is the
 7 next section of your report, right?
 8 A It is.
 9 Q And you indicated that Mr. Vannella,
 10 the -- I think it's Vannella.
 11 A Vannella, yes.
 12 Q Okay. The director of sanitation and
 13 recycling has told you that the costs associated
 14 with South Seaside Park are what, 92,508.22 --
 15 A Correct.
 16 Q -- right? And did you verify those
 17 numbers?
 18 A I did not.
 19 Q So, if those numbers turn out to be
 20 wrong, then your conclusions would be wrong?
 21 A Correct.
 22 Q All right. And do you know where he
 23 got those numbers from?
 24 A Just his experience.
 25 Q All right. So, you don't know that

1 he was relying upon any data?
 2 A I don't think he was.
 3 Q And does that include 14,000 for
 4 outside contractors and 4,000 for a street sweeper
 5 in South Seaside Park?
 6 A I guess it does.
 7 Q And the 14,000 was for, I believe,
 8 snow removal, but you can correct me.
 9 A By outside contractors.
 10 Q Pardon me?
 11 A Snow removal by outside contractors.
 12 Q And those would be saved, right?
 13 A Would be.
 14 Q So, they're not to be added to the
 15 \$92,000, they're included in the \$92,000 number?
 16 A No, it's separate.
 17 Q So, they would be additional costs?
 18 A Correct.
 19 Q So, how much did you say would be
 20 saved based upon the -- if de-annexation were to
 21 occur?
 22 A \$53,479.
 23 Q How did you get there?
 24 A Based upon the fuel cost of \$503.
 25 Based upon the landfill cost of \$38,976. Based upon

1 the snow removal of approximately \$14,000 to the
 2 outside contractors. And by the approximate \$4,000
 3 in street sweepings.
 4 Q And you didn't deduct any labor?
 5 A That's correct.
 6 Q Why not?
 7 A Again, the assumption would be that
 8 no employees would be laid off. They would just be
 9 re-proportioned.
 10 Q And who made that assumption?
 11 A I think both myself and
 12 Mark Vannella.
 13 Q Okay. And based on what? You based
 14 yours, I assume, on him?
 15 A Correct.
 16 Q You didn't make it independently, did
 17 you?
 18 A No. No.
 19 Q So, you based it on him. What was he
 20 basing his assumption on?
 21 A That he could use the manpower
 22 elsewhere.
 23 Q Well, the fact that he could use it
 24 doesn't mean that those employees get retained,
 25 right?

1 A That's true.
 2 Q It's not his decision to retain them?
 3 A No, it's not.
 4 Q Whose decision is it? Council?
 5 A Ultimately, the council.
 6 Q Did you talk to anybody on the
 7 council about whether or not employees would be
 8 retained?
 9 A No.
 10 Q In the event of de-annexation for any
 11 department?
 12 A No.
 13 Q So, you don't know whether or not
 14 that would occur, whether they would all be
 15 retained?
 16 A I don't.
 17 Q So, if that assumption turns out to
 18 be wrong, then the labor costs would be also be a
 19 savings in part?
 20 A That's why it's an assumption.
 21 Q And you have absolutely no hard data
 22 whatsoever to verify the assumptions that are set
 23 forth in the public works section of your report,
 24 correct?
 25 A Correct.

1 Q So, for instance -- I just want to --
 2 the \$503 in fuel cost savings, how did that number
 3 get calculated, do you know at all?
 4 A No.
 5 Q Do you know how many employees in
 6 public works work in South Seaside Park?
 7 A I do not.
 8 Q Do you know how many vehicles there
 9 are in South Seaside Park from public works?
 10 A I do not.
 11 Q Do you know how many miles of road
 12 there are in South Seaside Park?
 13 A Not off the top of my head.
 14 Q Do you know, have you checked with
 15 anybody in the insurance field to determine whether
 16 or not the cost of insurance would be reduced
 17 because vehicles wouldn't be driven all the way to
 18 South Seaside Park for public works or any other
 19 department -- any other township purpose?
 20 A I did not.
 21 Q Now, I think you addressed street
 22 lighting. Do you address street lighting? Where is
 23 that? That's in utilities --
 24 A Under utilities.
 25 Q -- right? Approximately \$14,000 a

1 year would be saved in street lighting if
 2 de-annexation occurs; is that right?
 3 A That's correct.
 4 Q How did you determine that number?
 5 A I contacted JCP&L.
 6 Q Okay. So, you did some work on that
 7 one?
 8 A I did.
 9 Q You got some information?
 10 A I did.
 11 Q You didn't make an assumption?
 12 A Not on that one.
 13 Q What about fire hydrants?
 14 A Same thing. I checked out the fire
 15 hydrants that are in South Seaside Park. I looked
 16 at the bills and found out the cost.
 17 Q All right. And that was \$7,054.14,
 18 correct?
 19 A \$7,064.14.
 20 Q Sorry. But you verified that?
 21 A I did.
 22 Q Why did you verify some things and
 23 not verify others?
 24 A Because I knew nobody would have
 25 these answers.

1 Q Okay. So, if somebody had an answer
 2 that you could ask, you did that instead?
 3 A They would be much more
 4 understandable of their own operations than I would
 5 be.
 6 Q Except in the case of Mr. Zanetti,
 7 right?
 8 A Well, looks that way.
 9 Q Let's talk about tax bills. Now, you
 10 have rates in here for taxes for the average home.
 11 So, the average assessment is 199,5, correct?
 12 A Based upon Mr. Zanetti.
 13 Q Based upon Mr. Zanetti. We're
 14 relying upon Mr. --
 15 A Yes, we are.
 16 Q You didn't verify that?
 17 A I did not.
 18 Q What about the average assessment in
 19 South Seaside Park of 408, you didn't verify that
 20 either?
 21 A I did not.
 22 Q And the senior communities of 127,
 23 127,000, you didn't verify that either?
 24 A I did not.
 25 Q Based upon Mr. Zanetti's error in

1 giving you information before, you know that you
 2 can't rely on that, correct?
 3 A I don't know. Maybe he had this one
 4 right.
 5 Q Maybe he did, maybe he didn't, right?
 6 We don't know?
 7 A Don't know.
 8 Q And the numbers that you determined,
 9 so how much would the average tax bill go up for the
 10 average single-family home? You say the average
 11 single-family home is worth just under 200,000 in
 12 the township, right?
 13 A That's correct.
 14 Q So, somewhere in here, you say how
 15 much the average tax bill would go up for that
 16 single-family home?
 17 A I do.
 18 Q And how much is it?
 19 A \$297.26.
 20 Q Okay. And that's per year, right?
 21 A Yes.
 22 Q Okay. And that's --
 23 A Well, based upon the current year
 24 assessed valuation.
 25 Q All right. But, again, that's in

1 part -- is that in part based upon that 11.27
 2 percent number?
 3 A It is.
 4 Q So, that wouldn't be accurate?
 5 A Correct.
 6 Q Let's talk a little bit about debt
 7 service. You indicated that the, again, the debt
 8 service would actually be lower if the number of
 9 11.27 percent has to go down to 10.66 --
 10 A Correct.
 11 Q -- or ten and a half, something like
 12 that, right?
 13 A Right.
 14 Q But there would be some debt service.
 15 And let's, for sake of discussion, we'll say it's
 16 \$5 million. Because we don't really know what the
 17 number is now, correct?
 18 A Right. It changes.
 19 Q Well, not only that. We know that
 20 the tax numbers that Mr. Zanetti gave you were
 21 wrong?
 22 A Correct.
 23 Q So, for the sake of our discussion,
 24 we'll say that the South Seaside portion of the
 25 current debt service is \$5 million, okay?

1 A Okay.
 2 Q It's a reasonable thing to do in our
 3 discussion.
 4 A Sure.
 5 Q That debt service would be saved,
 6 right? That money would come into the township in
 7 the event of de-annexation to Berkeley --
 8 A Right.
 9 Q -- right? Does it have to be used
 10 for defeasance?
 11 A Of debt, yes.
 12 Q So, you have to set it aside to pay a
 13 certain amount of debt either all at once or each
 14 year, correct?
 15 A It would go into reserve for debt
 16 service.
 17 Q It would go into reserve?
 18 A Reserve for debt service, yes.
 19 Q Okay. So, it would be used to pay
 20 off debt of the town for, presumably, for capital
 21 improvements?
 22 A Correct.
 23 Q Bonded capital improvements?
 24 A Bonded capital improvements, yes.
 25 Q And that debt service has an annual

1 nut attached to it or an annual payment, right?
 2 A Correct.
 3 Q How much is the payment on \$5 million
 4 of debt service or South Seaside Park's portion?
 5 A Well, I used 11.27 percent.
 6 Obviously, if that's incorrect, it would be
 7 10.65 percent.
 8 Q All right. So, assuming it's
 9 around -- let's go with your number of 11 -- what is
 10 the annual amount that the township has to pay on
 11 that debt that is South Seaside Park's portion or
 12 the township has been paying?
 13 A I can't give you a number off the top
 14 of my head, only because there are various different
 15 general obligation issues with different interest
 16 rates and different lives.
 17 Q Do we know if it's more than
 18 \$100,000, South Seaside Park's portion?
 19 A I would say yes.
 20 Q Do we know if it's more than 200,000?
 21 A I would say yes.
 22 Q Do we know if it's more than 300,000
 23 annually?
 24 A Let's put it this way, there's about
 25 \$4 million a year just in debt service, so --

1 Q Okay. So, if --
 2 A So ten percent of that would be about
 3 \$400,000.
 4 Q All right. So, ten percent is
 5 400,000. So --
 6 A Just using simple numbers.
 7 Q Okay. So, using that --
 8 (Off the record.)
 9 Q So, the debt service that's
 10 South Seaside Park's portion of is about
 11 ten percent, somewhere north of 400,000 --
 12 A That would be correct, yes.
 13 Q -- correct?
 14 And that would be an annual savings to the
 15 township in the event of de-annexation, right?
 16 A Correct.
 17 Q Did you calculate that into the
 18 savings?
 19 A No, I just took the percentage of the
 20 11.27 percent, the overall debt.
 21 Q But why wouldn't -- what the township
 22 is also going to be saving by losing that debt, they
 23 are also -- and giving it to Seaside Park, the
 24 township is also going to be saving in their budget
 25 that payment that they have to make on that portion

1 of the debt annually, correct?
 2 A I did that calculated annually. I
 3 calculated it based upon the total amount. If on
 4 the same exhibit --
 5 Q Go ahead.
 6 A -- if you go further. On page 16,
 7 you'll see the township portion of the debt service
 8 is that same five million, five.
 9 Q Okay.
 10 A So, it would be overall savings.
 11 Q Right. But each year that
 12 de-annexation, that you don't have that
 13 five million, you don't have to make a payment on
 14 that five million?
 15 A Correct. And the township would save
 16 approximately \$400,000.
 17 Q But you didn't put that in the
 18 annual -- in the savings that the township would
 19 have? They would have that savings until that debt
 20 was paid off?
 21 A That's correct.
 22 Q How many years would it take to pay
 23 it off?
 24 A Somewhere between ten and 15 years.
 25 Q Right.

1 MR. MICHELINI: I forget when we
2 started. What time do we go to, Mr. Chairman?
3 MR. WINWARD: I think we started 20
4 of eight.
5 MR. GINGRICH: That's correct.
6 MR. MICHELINI: So, we got about 15,
7 20 minutes, something like that?
8 MR. WINWARD: Yeah.
9 MR. MICHELINI: Thank you.
10 Q Now, you've indicated that there
11 aren't many expenses that would be saved in the
12 event of de-annexation, except for the ones that
13 we've just identified, such as the debt service of
14 400,000 plus --
15 A Correct.
16 Q -- and others?
17 Do you have any idea as to what the
18 percentage of expenses of the municipal budget are
19 actually being spent in South Seaside Park?
20 A No.
21 Q I think you said the savings, which
22 we know is not accurate, was, in the event of
23 de-annexation was what, a hundred and -- how much
24 was it? I think it's on your last page. Take your
25 time.

1 A It's on page ten.
2 Q Okay. And what, in your report,
3 which we know the numbers aren't accurate, but just
4 tell me what your calculated savings was.
5 A \$162,967.14.
6 Q Okay. And we just indicated there
7 would be the savings of a debt service --
8 A Another 400,000.
9 Q -- of about 400 plus?
10 A Right.
11 Q And then you'd have the difference in
12 the percentage of numbers, which also impacts all
13 the numbers?
14 A Correct.
15 Q And then, of course, if your
16 assumptions turn out to be wrong, that could change
17 that as well --
18 A Correct.
19 Q -- correct? Okay. So, only 162,000
20 or 500,000 or some number, right?
21 A Yes.
22 Q Okay. How much does South Seaside
23 Park pay in taxes for the municipality? Roughly
24 ten, ten and a half percent, roughly?
25 A Correct.

1 Q So, that's a pretty big number. What
2 is that overall? That's --
3 A Ten percent of the -- just the
4 municipal taxes or the overall?
5 Q All the taxes.
6 A About ten -- a little over ten
7 million dollars.
8 Q And of the municipal taxes, it would
9 be what? Three million, three and a half million,
10 something like that, right?
11 A Probably closer to four, yes. Little
12 over three and a half.
13 Q Okay. What are they getting for
14 that? Do you have any idea? In other words, how
15 much is being spent in South Seaside Park on an
16 annual basis?
17 A That I don't know.
18 Q Is it more than your \$162,000 number?
19 A Yes.
20 Q Is it more than a million bucks? We
21 don't know.
22 A I don't know.
23 Q There's no calculation of that
24 whatsoever?
25 A No.

1 Q Would you be surprised if it was far
2 less than what they're paying in tax?
3 A No, it wouldn't surprise me.
4 Q Now, let's just talk for a moment, we
5 heard testimony -- were you here earlier tonight
6 when they were talking about the prior application?
7 A For part of it.
8 Q And there was discussion about
9 Victoria Homes Development --
10 A Yes.
11 Q -- that's been approved for building,
12 I forget how many homes?
13 A Thirty-five homes.
14 Q Yeah, 35 homes. The mainland is not
15 built out? There's room to build in the mainland,
16 correct?
17 A Yes.
18 Q And as the chief financial officer --
19 that's your title, right?
20 A Correct.
21 Q You're not -- by the way, you're a
22 municipal accountant? You're not a CPA, right?
23 A Correct.
24 Q But you are a municipal accountant
25 with lots of experience. I'll acknowledge that.

1 A And CMFO, Certified Municipal Finance
 2 Officer.
 3 Q Okay. Well, there you go.
 4 You have to plan for difficult situations
 5 that happen in the town, correct?
 6 A Correct.
 7 Q All right. And in part of that
 8 planning, do you look at how many homes are going to
 9 be built or how many things are approved? How many,
 10 projecting out, how many commercial buildings are
 11 going to be built? When the town center's going to
 12 be developed, those kinds of things, so you know
 13 what kind of revenue to expect in the future?
 14 A Correct.
 15 Q In fact, I think you talked about
 16 your experience in some distressed municipalities
 17 Paterson being one of them, right?
 18 A That's correct.
 19 Q And Ocean Gate?
 20 A Yes.
 21 Q And Manchester Township as a result
 22 of the theft of the former mayor?
 23 A Uh-hum.
 24 Q And I would assume that you had
 25 issues of cash flow and raising money in those

1 municipalities --
 2 A Yes.
 3 Q -- correct?
 4 A And Camden.
 5 Q And Camden, right. Probably the
 6 biggest one?
 7 A Yes.
 8 Q And those were big challenges, I
 9 would assume.
 10 A They were.
 11 Q I commend you for, you know, being
 12 able to work in those towns and do your job and
 13 bring in the money that was necessary and to get
 14 things on track.
 15 So, I'm going to ask you, if de-annexation
 16 occurs and the township loses a significant tax
 17 base, how long will it take, under your leadership
 18 in the financial area, to recover from that, given
 19 the projected development on the mainland? You
 20 know, do you have any sense as to whether it would
 21 take two years? Three years? Five years? One
 22 year?
 23 A Probably less than five years.
 24 Q Less than five years. What would the
 25 township do in order to recover from it, from a

1 de-annexation, in this case?
 2 A From a de-annexation, part would have
 3 to raise taxes a little bit and part would have to
 4 use more of their surplus.
 5 Q Okay. And do you anticipate that the
 6 ratables over the next five years will increase to
 7 take up some of that slack?
 8 A Some of it, yes.
 9 Q Okay. Have you done any projecting
 10 in this regard?
 11 A Not for the de-annexation, no.
 12 Q Okay. Have you done it for the other
 13 purposes?
 14 A Yes.
 15 Q Okay. For what purposes have you
 16 done it?
 17 A Budget stability.
 18 Q Okay. And what do you anticipate in
 19 terms of additional ratables being added, let's say,
 20 over the next five years, if you projected that?
 21 A Probably somewhere in the area of
 22 about \$50 million.
 23 Q Okay.
 24 A More in ratables.
 25 Q What would that produce in -- do you

1 know what that would produce in actual tax dollars?
 2 A You know what, doesn't produce
 3 anything in tax dollars.
 4 Q Okay.
 5 A Ratables merely get you a tax rate.
 6 Q Okay.
 7 A Doesn't produce any money.
 8 Q So, ratables are not the same as
 9 assessments?
 10 A That's correct. Well, they are
 11 assessments which equal together to get a tax rate
 12 so you can proportion the taxes --
 13 Q I understand.
 14 A -- based upon the assessed valuation,
 15 but they don't generate money.
 16 Q Not by themselves?
 17 A Not by themselves.
 18 Q You have to apply the rate to the
 19 assessments --
 20 A To the levy. You have to apply the
 21 assessed valuation to the levy to come up with how
 22 much taxes are going to be for the taxpayers.
 23 Q Right. But in order to raise taxes,
 24 you need to have more ratables or more assessed
 25 properties?

1 A Well, it helps, because it spreads
 2 out the levy.
 3 Q Okay. But the more ratables you
 4 have, the more money you can raise in taxes and the
 5 lower the tax rate?
 6 A Not the more money you can raise.
 7 You spread out the proportionment of the taxes.
 8 Q Okay. So, then the rate changes and
 9 goes down?
 10 A Or up --
 11 Q Or up?
 12 A -- depending on what the ratables
 13 are.
 14 Q Well, I'm assuming a situation where
 15 you're adding ratables.
 16 A Then the rate would -- with all
 17 things being equal, the levy being the same, yes,
 18 the rate would go down.
 19 Q Now, you've projected a tax increase
 20 of about 15 cents per 100, in the event of
 21 de-annexation?
 22 A I did.
 23 Q But that, again, is based on the
 24 11.27 percent?
 25 A That's correct.

1 Q All right. And we've talked about
 2 other things, assumptions that might affect that
 3 number, correct?
 4 A Correct.
 5 Q Do you think that you would be in a
 6 position to lower that to, let's say, eight or nine
 7 cents per 100, taking into account other factors as
 8 a CFO, and I forget exactly, Certified --
 9 A Municipal finance officer.
 10 Q I'm just going to call you an expert.
 11 As an expert, would you be able to lower that, under
 12 your tutelage, under your leadership?
 13 A Yes, but not immediately.
 14 Q Not immediately, but over a few
 15 years?
 16 A Over a few years.
 17 Q Okay.
 18 MR. MICHELINI: Why don't we quit now
 19 before I go into another area. Probably be a good
 20 time. Thank you, Mr. Ebenau.
 21 (Matter adjourned.)
 22
 23
 24
 25

1
 2 C E R T I F I C A T E
 3
 4 I, LINDA SULLIVAN-HILL, a Notary
 5 Public and Certified Court Reporter of the State of
 6 New Jersey, do hereby certify that the foregoing is
 7 a true and accurate transcript of the proceedings as
 8 taken stenographically by and before me at the time,
 9 place and on the date hereinbefore set forth.
 10
 11
 12
 13 ~~Notary Public of the State of New Jersey~~
 14 My Commission expires January 26, 2021
 15
 16 Dated: March 21, 2018
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