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APPEARANCES:

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APPEARANCES:
DASTI MURPHY,MCGUCNIN, ULAKY,
DASTI MURPHY,MCGUCNIN, ULAKY,
DASTI MURPHY,MCGUCKIN, ULAKY,
DASTI MURPHY,MCGUCKIN, ULAKY,
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DASTI MURPHY MCGUCKIN, ULAKY,
DASTI MURPHY MCGUCKIN, ULAKY,
DASTI MURPHY MCGUCKIN, ULAKY,
O'MALLEY, SURMAN \& MICHELINI, ESQS.
O'MALLEY, SURMAN \& MICHELINI, ESQS.
17 Beaverson Blvd.
17 Beaverson Blvd.
Brick NeW Jersey 08723
Brick NeW Jersey 08723
Attorneys for the Petitioners
Attorneys for the Petitioners
ALSO PRESENT:
ALSO PRESENT:
Kelly Hugg, Secretary
Kelly Hugg, Secretary
Nick Dickerson, Planner
Nick Dickerson, Planner
Stuart B.Wiser Planner
Stuart B.Wiser Planner
Rodney Haines, CPA

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Rodney Haines, CPA

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Towngir or prrili

IN THE MATTER OF:
SOUTH SEASIDE PARK HOMEOWNERS
DE-ANNEXATION PETITION HEARING

Frederick Bell, Member

$\qquad$


STANLEY C. SLACHETKA
BY MR. MICHELINI

6

MR. MICHELINI: Okay. I think that's unusual procedure to which I would object. But it's up to the board.

MR. WINWARD: Okay. You may proceed.
MR. SLACHETKA: Thank you. Actually, a correction to the record, and also just some responses to a request that Mr. Michelini had at the last meeting for documents. First of which, I did make copies of my resumé and CV. And I'll give that, a copy to the board.

MR. MCGUCKIN: For the record, he's providing it to Mr. Michelini. Why don't we mark it
as an exhibit, then. If you give it back to Linda, Stan, we'll mark it.
(The Resumé was marked as T-33 for identification.)

MR. SLACHETKA: The second item,

1 Mr . Michelini had asked me with regards to meetings
2 that were held with regards to the Notre Dame pilot
3 that Berkeley Township's participating in and who
4 attended that meeting. I do have a -- there were
5 two meetings. One on May 18, and the other on
6 June 1st of this year. I do have an agenda from the
7 May 18 meeting. And that also includes a list of
8 the individuals and who participated in that
meeting. I think that my recollection is that, in
general, the people who participated on the May 18
meeting were the same individuals who participated in the June 1st meeting, so.

MR. MCGUCKIN: Let's mark it, Stan.
MR. WINWARD: Is that the $\mathrm{T}-33$ or is
that a different one?
MR. McGUCKIN: T-33 was his resumé.
This will be T-34.
(The Agenda was marked as T-34 for
identification.)
(Off the record.)
MR. SLACHETKA: I don't know if this is the appropriate time to mark these in as well.
They were in a response to questions that
Mr. Michelini had, but I would -- I may want to kind
of add a little bit more information. But, for now,

6
I think I could just distribute it.
Mr. Michelini had a question to me
with regards to the nature of the American Community
Survey, how data is collected and information is
collected, how it's used. And we have a document
from the U.S. Census that I thought was a really
good, thorough overview of that. So, I think it
would be helpful for the board to understand the
data. And I'll provide that to Mr. Michelini. And, obviously, you know, we can talk about that in more detail, so.

And I have -- there's, I think, copies for individual board members for that one.

MR. MCGUCKIN: That will be T-35.
(The U.S. Census document was marked as T-35 for identification.)

MR. SLACHETKA: And then, finally, Mr. Michelini had asked me, actually, a couple of questions. They kind of relate to each other.

First question he was asking me with regards to the, our order of magnitude of the amounts invoiced for the de-annexation hearing. I think we were talking about something on the order of a little bit more than 100,000 or somewhere in that range. And we did check our records. I took a
look at the invoicing. And it is approximately
100,000. So, that's consistent with my recollection and how I responded to Mr. Michelini. But, in doing so, in reviewing that, I do want to put on record a clarification with regards to a question that Mr. Michelini had also asked me with regards to attendance at meetings as part of the de-annexation process. And I think I might have indicated that I attended meetings. My initial meetings were in -at the end of 2015. And, actually, looking back on the invoices, I noted that there was a meeting on December 29 of 2014 that I attended. And that was, actually, rather than Mr. Camera being the administrator or manager at that time, it was Mr. Christopher Reed.

And so, Mr. Reed had requested our attendance, T\&M's attendance, at the meeting. And I attended that meeting. I had -- had assumed or I thought that there was a subsequent meeting, a second meeting. I didn't see it in any of my files or records. That's not to say that it could be part of, part of meetings that we had on a regular basis with the township. But I -- specifically, looking back at the information, it was at the end of December 2014. And I believe, at that point,

8

township that basically outlined the de-annexation
process and some key issues relating to
de-annexation. And that was the -- that December 29
meeting, that was the subject of that December 29
meeting, similar to what I presented on the record.
So, I just wanted to make sure that that was clarified.

MR. WINWARD: Do you have anything

MR. SLACHETKA: Not at this time, no. MR. WINWARD: Okay. Mr. Michelini.
13
Joseph Michelini appearing on behalf of the petition
signers for South Seaside Park.
EXAMINATION BY MR. MICHELINI cont'd:

Q Mr. Slachetka, with regard to what
you just mentioned, the memo to the township
prepared by Mr. Wiser, do you have a copy of that?

A And I hope you don't mind, I'm going
o stand.
Q No, that's fine.
A Yes, I do. I have a copy of that.
Q Do you have it with you?
A As I indicated, there's subheadings. So, if you can just give that back to me and I'll take a look.
Q Sure.
A An anticipated -- one heading is anticipated schedule of events. And just outlining

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    A Yes, I do.
    ```
    A Yes, I do.
    Q Can I see it, please?
    Q Can I see it, please?
        MR. MICHELINI: Why don't we have
        MR. MICHELINI: Why don't we have
this marked as a township exhibit. What are we up
this marked as a township exhibit. What are we up
to thirty --
to thirty --
            MR. WINWARD: Be T-36.
            MR. WINWARD: Be T-36.
            (The Memorandum dated December 28,
            (The Memorandum dated December 28,
2 0 1 4 \text { was marked as T-36 for identification.)}
2 0 1 4 \text { was marked as T-36 for identification.)}
            (Off the record.)
            (Off the record.)
    Q Okay. Mr. Slachetka, I show you what
    Q Okay. Mr. Slachetka, I show you what
is Township 36. And just for the record, if you
is Township 36. And just for the record, if you
would identify it, please.
would identify it, please.
    A Yeah, absolutely. It's a memorandum
    A Yeah, absolutely. It's a memorandum
to Christopher Reed, Esquire, Berkeley Township
to Christopher Reed, Esquire, Berkeley Township
Administrator, from Stuart P. Wiser, PP AICP. The
Administrator, from Stuart P. Wiser, PP AICP. The
date is December 28, 2014. Subject is overview of
date is December 28, 2014. Subject is overview of
municipal de-annexation process.
municipal de-annexation process.
    Q And what does the memo consist of? I
    Q And what does the memo consist of? I
haven't had the opportunity to read it.
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haven't had the opportunity to read it.

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1 the time frame and what would be expected in terms of testimony. The governing statute and case law. Another subject at the hearings. In general, it's kind of \(a\), if \(I\) would categorize it, sort of a general overview of the de-annexation process and orientation of familiarization of the reader to the process.

Q And I presume it was prepared because
Mr. Wiser has been involved in that process previously?

A I'm not sure why it was prepared. Certainly, Mr. Wiser can respond to that.

Q Well, do you know whether or not he had been involved in that process previously?

A It is my understanding he has been. But I'm not sure what the specific reason or rationale for crafting that memo was.

Q Do you know if in any of the de-annexation matters that Mr. Wiser was associated, if he ever determined that it was in the best interest of the part of the town seeking to de-annex to go ahead and de-annex?

A I'm not aware of Mr. Wiser's record in terms of his participation to that level of detail, no.
yave you ever looked at any or hi
reports that he prepared in those other matters?

A No, I have not.
Q And he never told you what his
opinion was in those matters?

A Actually, no, we did not discuss it.
Q So, you don't know whether he gave an opinion on behalf of individuals seeking to de-annex or not?

A Yeah, actually, as I said, we did not discuss the substance or his recommendations.

Q And this was for a meeting, the memo is dated December 28, 2014, correct?

A That is correct.
Q Purporting to outlay the overview of the de-annexation process?

A That's correct.
Q All right. Who was at that meeting?
A As I said, I don't have minutes or
meeting or attendance. I think I gave my general
recollection of the individuals. But I really can't recall who specifically was at the meeting.

Q Well, in terms of general recollection, do you know if anybody else from your office was there?
that meeting. I believe Mr. Oris might have been at
that meeting. So, it would have been myself and
Mr . Oris.

Q Why would you need two planners from T\&M at that meeting?

A Well, Mr. Oris is actually the department head of the planning department. And I, essentially, work for T\&M and I work for Mr. Oris.

Q Right. But in this particular matter, you're in charge? That's what you testified to last time?

A I'm the one who is -- yes, I'm in charge of the report, the preparation of the report.

Q Right. And do you know if the township planning board attorney, Mr. McGuckin, was there?

A He might have been there.
Q You don't know?
A I can't recollect.
Q Do you know if anybody from the
council was there?
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    A Good question. I don't know.
    Q Do you know if the mayor was there?
    A I think the mayor was at that
    meeting. I believe so.
Q Do you know if there were any other
attorneys there?
A That I don't recollect.
Q Do you know how many people were at
that meeting? Was it more than five?
A Possibly.
Q Do you know if anybody kept notes of
that meeting?
A That I don't know.
Q Where was that meeting held?
A I believe it was -- well, actually,
it was held here at the municipal building. I'm not
sure what specific office, but it was here at the
municipal building.

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    Q Now, I want to point you to a couple
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    Q Now, I want to point you to a couple
    of statements in the memo on page three. It says,
of statements in the memo on page three. It says,
in order to satisfy their burden of proof -- and
in order to satisfy their burden of proof -- and
I'll read it just for sake of time.
I'll read it just for sake of time.
A Yeah, not a problem.
A Yeah, not a problem.
Q Petitioners will undoubtedly testify
Q Petitioners will undoubtedly testify
that being a part of Berkeley Township is causing

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that being a part of Berkeley Township is causing
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them social and economic harm that will be
alleviated if they are permitted to de-annex and
join Seaside -- with Seaside Park. It is likely
that they will provide testimony as to hardships
they face as part of Berkeley Township. And some of
these hardships might be viewed by the township
and/or board members as being exaggerated or worse.
Do you see that?
A Yes.
Q Is that an accurate statement?
A That's, that's exactly what's
presented here.
Q So, it would appear that Mr. Wiser
was telling the board members that some of the
testimony to be provided might be exaggerated?
MR. McGUCKIN: Hold on.
Q Or worse?
MR. McGUCKIN: There's nothing about
board members being there.
MR. MICHELINI: No, it says board
members. Might be viewed by the township and/or
board members as being exaggerated or worse.
Q Did I say that correctly?
A Yes, you did.
MR. McGUCKIN: I'm not arguing that
1 them social and economic harm that will be
2 alleviated if they are permitted to de-annex and
3
join Seaside - with Seaside Park. It is likely
4
that they will provide testimony as to hardships
5
6 they face as part of Berkeley Township. And some of
that's not what it said in the record in there. But
you're implying that the board members were
present --
Q Well, the next it says, board members
are urged to fight the natural tendency to argue
with witnesses. Do you see that?
A That's correct. It does say that.
Q Okay. So, this would appear to be prepared to be given to board members, right? It's got direction to board members --

A Yes.
Q -- isn't that right?
A Yes. But I'm not sure if it was given. Again, Mr. Wiser can better describe the distribution of that memo than I can.

MR. WINWARD: Can you clarify which board you're referring to? You're saying board members.

Q It's talking about the planning board, is it not? If you go to the hearings, it says, just as with -- just before this, within this paragraph heading, it says just as with any hearing before a planning board, the board can expect to hear from professional and lay witnesses. All
witnesses are sworn and board members may ask

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questions of any witness.
    A That's correct.
    Q It's within that section where it's
talking about board members, correct?
    A That is correct.
    Q So, it would appear to be talking
about planning board members, correct?
    A I would assume so, yes.
    Q And then there are a number of
information, initial information request items which
are indicated as a baseline of information that is
requested. And it says, based on prior
de-annexation hearings, the following baseline
information is requested. Do you see that?
    A Yes, I do.
    Q And it talks about most recent master
plan, right?
    A Yes.
    Q Tax rates and a number of things
going on and on.
    A Right.
    Q Right? And at the end of that list
of items that will -- that is being requested of
someone, I'm not sure of whom, quite frankly, it
says, additional information will be required as the
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process unfolds, but this is what was useful in
Strathmere and Egg Harbor Township.
    Do you see that?
    A Yes, I do.
    Q Does that refresh your recollection
that Mr. Wiser was, in fact, involved in Strathmere
and Egg Harbor Township?
    A Well, you didn't ask me that. You
asked me if he was involved with other cases. And
as I said, I was aware that he was involved in other
cases.
    Q Well, do you know for a fact that he
was involved in Strathmere and Egg Harbor Township?
    A I could only take, take him at his
word that, as he presented that in the memo.
    Q Do you know the results in those two
cases?
    A No, I do not.
    Q You're not aware that Mr. Wiser in
both of those situations recommended that
de-annexation not occur?
    A As I said before, we did not talk
about the substance. I have not had any
conversation about the substance of those specific
cases with Mr. Wiser.
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Q As you stand here today, you are
standing, do you have any recollection --
A I appreciate your courtesy on that
one.
Q Do you have any recollection at all
as to whether or not board members were there or not
there at the time of this meeting?
A Yeah, I don't recollect that there
were any board members there at the time. But,
again, I don't have an attendance list.
Q Do you know if the board members were
given this memo?
A That I do not know.
Q Do you have any notes from that
meeting in December?
A No, I do not.
Q Of 2014?
A Yeah. No, I do not.
Q Last time we were here was September
of 2017, correct?
A Yes.
Q And we were talking, among other
things, about the American Community Survey?
A That is correct.
Q And you indicated that, at that
1 meeting, that the American Community Survey data is
not based upon as much information as the Census is,
the U.S. Census, which occurs every ten years,
correct?
A That is correct. That's what I
testified to.
Q Right. Is that true?
A Well, I think maybe there may be some
further clarification.
Q Well, it's a real simple question.
Is that true or not true? Last time you testified
that it wasn't as reliable because it didn't contain
as much data. That was your testimony,
Mr. Slachetka.
A That is correct.
Q Okay. Was that testimony true or not
true?
A But --
Q It's a simple question. Is the
testimony true or not true?
A Yeah, if I'm -- if I recall
correctly, I had indicated that it's -- it was --
it's information that's collected on a survey basis.
Not the same extent as a U.S. Census. However, I
don't recollect whether I discussed anything with
20
regards to specifics with regards to accuracy. And
that's the reason why I did some further research
and provided the document on the ACS to the board
this evening.
5 Q Well, didn't you indicate that the
testimony given last time -- at the testimony given
last time, that the information in the Census was
more accurate because it contained -- it was based
on more data? Did you say that or --
A I didn't -- I don't think I suggested
it was more accurate. But I'm willing to listen to
what my responses were.
Q I'm going to read you from page 104
of the transcript from last time.
A Sure.
Q "Question: I didn't ask you if it
was relied on by planning professionals and other
professionals. I'm asking you whether or not the
Census data, as compared with the ACS data, is
generally more reliable because there's more
information gathered?
"Answer: Yeah. Of course.
Is that -- was that --
A And so --
Q And then my response is: of course.

A Okay.
Q Next. The ACS information, does it count the number of permits that are used or that have been issued annually, say, from one year to another to determine how many new buildings have been erected during a period of time?

A When you ask, when you say permits, what do you mean by permits?

Q I mean permits. I mean permits obtained from the town for construction.

A No, the information that's collected in the ACS is not building permit data that's collected from the township.

Q Right. And that would be very accurate, would it not, building permit data in terms of how many additional structures have been added?

A Yes, it would be.

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Q Okay. And you didn't look at that,
correct?
    A No, I did not.
    Q And you determined that there's been
an increase in population in South Seaside Park, I
believe, after 2012, such that it's approximately
two percent of the population of Berkeley Township
as opposed to one percent; is that accurate?
A That is correct.
A That is correct.
1 1 \text { on the ACS information, correct?}
A Yes, it is.
Q Okay. But if one were to look at 
Q Okay. But if one were to look at 
Q Okay. But if one were to look at 
Q Okay. But if one were to look at 
Seaside Park, correct?
A Well, you're kind of mixing
information.
    Q Okay.
    A Building permit data and household
formation is two separate things. Also, in terms of
population, identification of population --
    Q Sure.
    A -- and the amount of population,
19
9
Q Okay. And you didn't look at that, correct?
A No, I did not.
Q And you determined that there's been n increase in population in South Seaside Park, I
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1
$\begin{array}{cl}\text { Q } & \text { It's a yes or no question. } \\ \text { A } & \text { No, actually, it's not a yes or no } \\ \text { question, Mr. Michelini. } \\ \text { Q } & \text { I'll move on. I'll ask another } \\ \text { question. } \\ \text { A } & \text { Okay. } \\ Q & \text { If the numbers that you relied upon }\end{array}$
$\begin{array}{cl}\text { Q } & \text { It's a yes or no question. } \\ \text { A } & \text { No, actually, it's not a yes or no } \\ \text { question, Mr. Michelini. } \\ \text { Q } & \text { I'll move on. I'll ask another } \\ \text { question. } & \\ \text { A } & \text { Okay. } \\ \text { Q } & \text { If the numbers that you relied upon }\end{array}$
$\begin{array}{cl}\text { Q } & \text { It's a yes or no question. } \\ \text { A } & \text { No, actually, it's not a yes or no } \\ \text { question, } \mathrm{Mr} . & \text { Michelini. } \\ \text { Q } & \text { I'll move on. I'll ask another } \\ \text { question. } \\ \text { A } & \text { Okay. } \\ \text { Q } & \text { If the numbers that you relied upon }\end{array}$
$\begin{array}{lcl}1 & Q & \text { It's a yes or no question. } \\ 2 & \text { A } & \text { No, actually, it's not a yes or no } \\ 3 & \text { question, Mr. Michelini. } \\ 4 & \text { Q } & \text { I'll move on. I'll ask another } \\ 5 & \text { question. } & \\ 6 & \text { A } & \text { Okay. } \\ 7 & \text { Q } & \text { If the numbers that you relied upon }\end{array}$
$\begin{array}{cl}\text { Q } & \text { It's a yes or no question. } \\ \text { A } & \text { No, actually, it's not a yes or no } \\ \text { question, Mr. Michelini. } \\ \text { Q } & \text { I'll move on. I'll ask another } \\ \text { question. } & \\ \text { A } & \text { Okay. } \\ \text { Q } & \text { If the numbers that you relied upon }\end{array}$
in the ACS are inaccurate, then your conclusions
would be inaccurate, would they not?
10 A First of which is premised on an
11 incorrect assumption. The ACS data is not
inaccurate.
Q I didn't -- I didn't ask you to
analyze the assumption in my question.
A What you're doing is asking me to
spec --
Q I'm asking you to assume -- we'll
make it easier. Assume for a minute that the ACS
information is inaccurate. If it is, then your
conclusions would be inaccurate because you relied
upon it, correct?
A Well, which conclusion? First which,
which conclusions are we talking about?
Q Did you rely upon it in any way?
A I relied on the ACS information, yes.
while the ACS data is not going to get into as fine
of a detail, when I say -- when I was talking about
reliable, looking at specific, you know, areas and
getting down to the, potentially, the block level,
it still is used and relied very, very much by
planning officials and demographers and federal and
state grant agencies as a determination of
population. So I'm very, very comfortable in
relying on that.
10 Q So, even though it's less reliable
than Census data, it's still relied upon by
professionals; that's what you're telling us,
correct?
A And, again, you're using --
Q Is that true or not?
A No, you're using --
Q Excuse me.
A Excuse me, but I --
Q Please. It's a simple question.
Even though -- let's just listen to the question.
Even though it's less reliable than Census data,
it's still relied upon by professionals in the field
such as yourself? Is that true or not?
A Well, I think to answer the question,
we have to delve into --
24
24

Q It's a yes or no question.
A No, actually, it's not a yes or no
12
And your answer is, yeah.
Is that accurate? Is that an accurate
reading of the transcript?
A It's an accurate reading of the
Q Thank you. That's the end of the
8 A Okay.
Q Next. The ACS information, does it
count the number of permits that are used or that
have been issued annually, say, from one year to
another to determine how many new buildings have
been erected during a period of time?
A When you ask, when you say permits,
what do you mean by permits?
Q I mean permits. I mean permits
obtained from the town for construction.
A No, the information that's collected

A I relied on the ACS information, yes.

Q Did you draw any conclusions from it?
A Yes, I did.
Q Okay. So, the conclusions that you
drew from the ACS data, to the extent that you
relied upon them, would be inaccurate if the ACS
data was inaccurate; isn't that correct? Very simple.

A Again, you're making -- you're making an assumption. And that's an assumption that -- and a speculation that that information is, in fact, inaccurate. And it's my, my contention, it's not inaccurate. And as -- and probably what's more important is, as it was used and presented, it was presented in the report in an appropriate manner.

Q You talk about a one percent loss of population -- I'm sorry. You talk about South Seaside Park being one percent of Berkeley. But according to the ACS -- you disagree that it's one percent of the Berkeley population. And you say, based on the ACS information, it's two percent; is that correct?

A No, actually, what the -- the point of that passage and the point of the information was providing two reference sources. The first was the 2010 Census to identify the order of magnitude of
population. And then looking at the 2015 ACS data to, $A$, identify if there's any transient; $B$, also provide another source of information in terms of the order of magnitude of the Berkeley -- the portion of Berkeley Township that the South Seaside Park population represented.

Q Regardless of what your point is, I will ask a question, I'd like you to answer it. The 2010 Census information, which is based upon more reliable information, shows that the population in South Seaside Park is one percent of the overall population, correct? Is that correct?

A The 2010 shows it as 41,000 in Berkeley Township, approximately, and a population in South Seaside Park at 490, which is about 1.2 percent of the township's population.

Q So, the answer is yes to my question, about one percent?

A Just, just specifically with regards to the Census data, correct.

Q Well, that's all I was asking about.
And the ACS data, which you have already admitted is less reliable than Census data, shows that it's two percent of the population, isn't that correct, as of 2015?

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A
And, again, as I -- and, again, as I indicated to you, with regards to when using the term reliable, it's from a, as a statistical basis, but not necessarily as unreliable as a source of data and information for providing policymakers and decision makers information about populations in an area.
Q With all due respect, I hope you don't talk to your children this way. They'll never understand you.
A Mr. Michelini, that was -- that actually was kind of disrespectful. Mr. Michelini, can you apologize?
Q I'm not going to apologize, because you will not answer my question.
A No, that remark was -- bringing my children in was inappropriate, Mr. Michelini.
Q I'm sorry that you feel that way.
What is the margin of error on a percentage basis of the ACS data? Are you aware of it?
A Not off the top of my head, no.
Q Do you have information which shows it or no?
A I'm not sure it's -- I don't know if it's referenced in this reference document or not.
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Q All right. Well, I'm not going to
ask you to waste time.
A Okay.
A Okay.
variance or margin of error for the ACS?
    A I would assume so, yes.
    Q But you don't know?
    A Well, I mean, I would assume that
there would be some statistical foundation that
would be provided by the U.S. Census. I don't have
it off the top of my head, though.
    Q So, you're making an assumption,
correct?
    A Again, yes, I'm assuming that there
is, but I don't know specifically whether or not
there is a specific reference.
    Q Do you know what the process is by
which variance and margin of error are determined in
the ACS?
    A No, I do not.
    Q So, you would not be able to then
know how that compares with the variance and margin
of error with the Census, correct?
    A That is correct.
    Q The last time we were here, you spoke
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1 with Notre Dame here at Berkeley Township, they said
the selection criteria was basically the same for
Berkeley Township and Keansburg. So, they decided
they weren't going to duplicate the slide.
Q Other than this sheet of paper, this
single sheet of paper marked T-37, which says, Why
Keansburg, do you have any other documentation --
and the agenda, which has been marked T-34, do you
have any other documentation from this pilot
program?
A No, not with me tonight.
Q You don't have any?
A I didn't say I don't have any. I
don't have any with me.
Q Well, what else exists?
A There's a general slide presentation
that was provided, that Why Keansburg is part of the
analysis.
Q And who prepared that general slide
presentation about Keansburg?
A That was prepared by the
representatives from Notre Dame.
Q Do you have a copy of that slide
presentation?
A Yes, I can provide you with a copy.

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at length about the GIS Notre Dame program. Do you
recall that?
    A Yes, I do.
    Q Did you happen to bring any documents
with you relating to that program other than, I
think we have an agenda. T-34 is an agenda,
correct?
    A Yes, I provided that. And I also
have a one sheet that basically outlines the general
rationale of why the two pilot programs were
selected.
    Q Do you have that with you?
    A Yes, I do.
    Q Could I see that, please?
    (The Pilot programs selection
criteria was marked as T-37 for identification.)
    Q Let me show you what's been marked
T-37 in evidence. Can you tell us what that is?
    A Yes, it's a sheet from a presentation
that the Notre Dame representatives had provided to
us at that -- at the May }18\mathrm{ meeting that I had
represented. And it had indicated in a general
sense the selection criteria for the two pilot
programs. It says on the heading, it says, why
Keansburg. But as indicated to us at the meeting

Q I would ask that you provide that to

A Sure.
Q All right. Mr. Slachetka, you also indicated that you had other notes and records from the Notre Dame program. Did you bring those here with you today?

A That's what I was indicating before, is, I had the slide presentation. I don't have any specific notes or records, other than the
information that Notre Dame provided to us. And, as I said, I can provide those things to you.

Q And this program is scheduled to be completed in May of 2018?

A That is correct.
Q And I will represent to you that it is extremely unlikely that the entire de-annexation process will be done by then. So, whether or not de-annexation occurs --

A That's --
Q -- the program will be completed?
A That's -- as far as when the
completion of the de-annexation process, that's your representation.

Q It is my representation.

A It's going to be anticipated to be completed in June 2018 based upon what Notre Dame had indicated to us. But assuming that -- assuming that that schedule takes place and assuming that the de-annexation process is still ongoing, then it would be completed before de-annexation. Those are two assumptions that we -- I'm not sure that we can rely on, basically.

Q All right. And even if de-annexation does occur, it will have no effect on the completion of that program, correct, to the best of your knowledge?
A When you say no effect --
Q No effect on whether that program goes forward and gets completed or not?
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A I'm not sure, but --
Q Well, let me ask you specifically.

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Have you contacted Notre Dame and said there's a
de-annexation process going on, hold on, don't
finish?
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A No. No. Of course not.
Q Has anybody in your office done that?
A No.
Q Has anybody on this board, the board
professionals done that, to the best of your
knowledge?
A No, not to the best of my knowledge.
Q So, that process is going to go
forward and be completed in May of 2018 if it's on
schedule, correct?
A That is correct.
Q So, it's -- apart from de-annexation,
de-annexation should have no effect on the
completion of that program; isn't that right?
A On the completion of that program,
that is correct.
Q And as a pilot program, if
successful, and as you point out, if funding is
available, it would be available statewide?
A And, again, if funding is available.
And we don't know if funding will be available,
that's speculation.
Q That's always the case with
government programs, correct? They're always
subject to funding?

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A That is true.
Q Now, with regard to another acronym,
CRS, what's CRS?
A Community Rating System.
Q And you talked about that
extensively?
A Yes.
Q Do you recall that?
A Yes, I do.
Q And that's the -- Community Rating
System is the rating system that's used by the flood
insurance program operated by FEMA, correct?
A That is correct.
Q And are there special certifications
that exist with regard to the Community Rating
System?
A What do you mean by that?
Q Well, is there a -- isn't there a
certified floodplain manager certification of some
type?
A Yeah, there is. Those are
professionals that are involved with floodplain
management. That's correct.
Q And who are those professionals? Are
they planners? Engineers? Who are they?

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A They could be planners. They could
be engineers.
Q Okay. And what does that certified
floodplain manager certificate -- what is that?
A Again, what do you mean, what is
that?
Q What is it? Do you have to go to
take a course for that?
A You know, I don't know all the
specifics of the accreditation on the certified
floodplain manager program. And I'll try not to say
that three times fast. But I would imagine that
there's some educational requirements and some
fundamental requirements that you have to meet. I
don't have the specifics of that. I don't know the
specifics of what they would --
Q Is that a program that's designed or
put out by the DEP of the State of New Jersey?
A I don't know if it's -- again, I
don't know if it's a DEP program. It may very well
be but I --
Q Or it could be a federal government
program, right?
A Yeah, because you said FEMA. So,
it's possible. But, again, I don't want to

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36
speculate. I don't have the specifics of the
accreditation process or the agencies or entities
that are -- that basically handle the certification.
    Q So, I take it you are not a certified
floodplain manager?
    A One, one would make that assumption,
based on the information I just gave you.

Q And that's accurate, correct?
A That is accurate, yes.
Q And somebody who is a certified
floodplain manager, would they be in a better position to provide testimony regarding how the CRS system works?

A Yes, a certified floodplain manager could provide detailed information about how the CRS system works, how the rating systems work.

Q And they would be better suited to give an opinion, for example, for determining the rating for each municipality with regard to the flood insurance program, correct?

A That would be correct, yes.
Q Now, the CRS, the Community Rating
Standard, does that apply only to new flood policies or to renewals as well, if you know?

A Yeah. I don't know if it's -- if it
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    applies to both. It may. But, again, I don't want
    to speculate on that.
Q So, you don't know?
A I don't know.
Q So, it's possible that somebody who
lives in South Seaside Park who's continuously
renewed their flood policy might get the benefit of
Berkeley's rating, even if de-annexation occurs?
A Well, I don't know that.
Q Well, if you don't know whether or
not it applies to renewals or not, then it's
possible that those people who continue to pay their
premium, in the event of de-annexation, who've had a
flood policy, that they may continue to get the
benefit of the prior rating that Berkeley had?
A As I said, I can't attest to that.
But I'm not suggesting that that is, in fact, the
case.
Q But you're not suggesting it isn't
the case either?
A I'm not suggesting --
Q You don't know?
A -- either way. Yes.
Q Are you familiar with the concept of
grandfathering or keeping premiums the same, even

| A | I'm not suggesting -- |
| :---: | :--- |
| Q | You don't know? |
| A | -- either way. Yes. |
| Q | Are you familiar with the concept of |
| grandfathering or keeping premiums the same, even |  |

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though the flood map changes?
A \(\quad\) That I'm not aware of.
Q \(\quad\) So, you don't know whether that would
apply in the event of de-annexation either, do you?
    A No, I do not.
    Q Have you contacted any insurance
agents or insurance companies regarding the effect
of de-annexation upon the CRS rating and whether or
not it would change for those who live in Berkeley
in the event of de-annexation?
    A No, I have not contacted anyone.
    Q Now, do you know exactly what the
standard is for the CRS rating?
    A I know some of the general criteria
used for -- that gets evaluated in establishing the
CRS, but not the specific criteria as it relates to
specific point levels.
    Q So, you only know generally?
    A Yes.
    Q But you've given an opinion that it
would not help Seaside Park in their CRS rating if
de-annexation occurs? Haven't you given that
opinion?
    A That it would not help Seaside Park?
5 Q That's correct. Didn't you say that
in your testimony, that it wouldn't help
Seaside Park --
didn't say that?
regard to Seaside Park.
    Q What about South Seaside Park, you
don't think it would help the members of South
Seaside Park if de-annexation occurs, because
Seaside Park has a different rating than Berkeley,
correct?
    A Yeah, that is correct.
    Q But -- and the difference in the
premiums would be five percent, correct?
    A Yes, I think it was 15 percent
currently in Seaside Park and it's currently
20 percent in Berkeley Township. And I believe that
the township is proposing to increase -- or decrease
the CRS number, increase the CRS rating to get it up
to 25 percent in 2018.
Q But you don't know if that's going to
happen, correct?
    A Well, I know that the reports had
been prepared that provides justification for the
40
    increase. But that has not yet gone into effect.
Q
correct?
A
Q
A \(\begin{aligned} & \text { No, I do not make that decision. } \\ & \text { Whakes that decision? }\end{aligned}\)
back up. I think that -- I think it's the DEP.
But, as I said before, I'm not sure which agency is
specifically the one that makes that determination.
Could be FEMA.
    \(0 \quad\) And so the CRS rating can change
annually; is that what you're telling us?
    A Well, it could change if, one, if the
municipality doesn't sustain some of the activities
that go into the CRS rating. It could increase --
it could -- in other words, increase or be better,
assuming that the municipality implements certain
activities that would increase its CRS rating. So,
it's not something that -- it's something that would
take place, a change would take place, if, A, the
municipality was not doing what it had indicated it
was doing in the CRS process, or, \(B\) that it had
added on other features that it would allow it to
added on other features
get a better CRS rating.
25
    A No.
    Q -- if de-annexation occurs? You
    A I don't believe I said that with
1
1
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    Q How -- I'll ask the question another
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way -- how often can a CRS rating change for a
municipality? Is it annual?
A I'm not sure whether it's annual or
not.
Q So, you don't know if your CRS rating
is good for two years? One year? Three years?
Five years? You don't know?
A Not off the top of my head, no.
Q And you don't know what the CRS
rating will be for Seaside Park next year, correct?
A That's correct.
Q And that could get better; isn't that
correct?
A It could, yes.
Q And even -- what's the average flood
insurance premium for somebody in South Seaside
Park? Do you have any idea?
A I don't have that information, no.
Q Do you know if it's a thousand
dollars?
A I don't know.
Q You don't know if it's \$500?
A No, I don't know.
Q So, let's assume it's a thousand
dollars. If it's a thousand dollars, we're talking
way -- how often can a CRS rating change for a municipality? Is it annual?
A I'm not sure whether it's annual or not.
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is good for two years? One year? Three years?
Five years? You don't know?
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A No, I don't know.
Q So, let's assume it's a thousand
dollars. If it's a thousand dollars, we're talking

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1 about a savings, in your example, being in Berkeley,
of what, fifty bucks a year?
    Q Well, I'm asking you. In your
5 example, if the difference between being in Berkeley
and being in Seaside Park, South Seaside -- I'm
sorry -- Seaside Park, is five -- is \$50 difference,
is that what you're telling us, on a flood premium
of thousand?
    A I don't want to guess. But I can
provide some information on that. I don't want to,
I don't want to just speculate on something off the
top of my head.
Q Well, you told us that there was a
five percent difference in premium cost, correct?
A Twenty-five percent, yeah.
    Q Twenty-five percent versus
20 percent?
    A Yes.
    Q So, essentially, a five percent net
difference between the two municipalities?
    A Oh, okay. I understand.
    Q Is that correct?
    A Now I -- I apologize. I --
    Q No problem.
Yeah, that's -- if it's five percent,
whatever five percent of a thousand, which would be
\$50.
Q So, if the flood premium was a
thousand dollars annually for a home in South
Seaside Park and they became part of Seaside Park,
according to your numbers as it is today, could
change, we've already indicated that, there would be
about a \(\$ 50\) difference in premium?
    A Yeah. But you know that -- that it's
dependent upon what ultimately the -- if there's
going to be any change to the premiums. There's so
many different factors. I'm not going to suggest
that everybody is going to be saving just \(\$ 50\) on
their premiums.
    Q Some might save more, some might save
less, correct?
    A That is correct. That is correct.
    Q So, assume it's a \(\$ 50\) savings. Just
bear with me for a minute. So, that person who
saves \(\$ 50\), let's say they like to go to zoning board
meetings and planning board meetings and council
meetings and board of education meetings. And they

44
like to drop off their own recycling. And they make several trips to Berkeley from South Seaside Park.
Okay. And they come to this building, which we know is 16 miles away. So, a 32 -mile round trip. And maybe they travel through five or six towns or maybe
they take the Parkway and spend more money by
putting 50 cents in the toll. As long it's not in
the summer and they don't want to run into that
summer traffic. They're going to spend gas getting
over here, right? Correct?
    A Oh, yes, of course.
    Q Okay. So, what are they going to --
you know, average car gets 20 to 25 miles per
gallon. Hopefully they're going to spend somewhere
around three or four bucks in gas, right, for a
round trip? Maybe three dollars, four dollars,
something like that, right?
    A Maybe. The --
    Q Okay. They're going to spend 50
cents on the toll every time they come over, right?
Yes.
\begin{tabular}{ll} 
A & Yes. \\
Q & If they take the Parkway? \\
A & If they take the Parkway. \\
Q & They don't have to take the Parkway,
\end{tabular}
they can drive through all the six or seven towns, correct?

A Right.
Q And they can -- if they came over, come over here four times a month, let's say, to go 6 to meetings, to drop off recycling, maybe to go to 7 an event that's over here. Because, there's no senior events over on the -- on South Seaside Park, that we've heard about. And they come over here four times a month. What is the cost for that person to drive over here four times a month? Just in gas. Wear and tear on their vehicle, tolls, those type of expenses. Four times a month. It's going to cost them what? At least 20 bucks a month, right?

A I would love to do the math, but I'm not going to do the math off the top of my head.

Q You can't tell, can't tell me? If they come over maybe eight times, it might even cost them \(\$ 50\) a month. But if they go through with de-annexation and they only have to walk down to the municipal building for all the things that I've described, they're going to save all that money, correct, whatever the number is?

A Whatever, whatever the transportation
cost that they would come here, it's possible they would be -- definitely would be saving that, yes.

Q Right. And do they think they'd really be worried about \(\$ 50\) more on their flood insurance premium if they're saving \(\$ 50\) a month in other expenses by not having to come here?

A Well, you're -- I apologize for chuckling. You're -- you are assuming that that's all they're going to be saving on their flood insurance.

Q I am. In my example, I'm assuming the five percent that you talked about. And there's a value to people's time, is there not?

A Oh, yes.
Q And there's a discussion that it
takes often anywhere up to --
MR. GINGRICH: I'm sorry.
MR. MICHELINI: No problem. I'm
sorry. Do you need a break?
MR. GINGRICH: No.
Q There's a value to people's time.
And we know it takes upwards of 45 minutes to get
here, depending upon the time of year and the traffic situation, correct?

A It's -- that is correct, yes. think the people in South Seaside Park who have testified that they would rather be part of Seaside Park have taken that into account in terms of the flood insurance premium and the -- what I would characterize as a meager savings?

A I can't account for what they would have taken into account. All I can indicate was what we had specified in our report and the differences between the CRS ratings for the township as versus South Seaside Park.

Q Now, you talked about the CRS rating being benefited by the fact that Berkeley had mainland property. Do you recall that?

A That is correct, yes.
Q Okay. So, is it your testimony that the island or barrier island peninsula prejudices your ability to go get a lower CRS?

A No, not necessarily prejudices. The point being is that if you have open space areas that can accept flood volume, that that provides you with CRS points.

Q Are you aware that there are several barrier island municipalities in New Jersey with a
CRS rating of five, which is lower than Berkeley's

48
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CRS rating of six?
A Yeah. And as I indicated, that
Berkeley is, with its new efforts, is looking to
lower their rating to a five.
Q They're looking, but they don't have
a five. So, let's deal with what they have right
now. They have a six, correct?
A That is correct.
Q Are you aware that Surf City has a
five? Are you aware of that?
Not aware of it, no.
Q Beach Haven has a five?
A I wasn't aware of that.
Q Avalon has a five?
A No, I wasn't aware --
Q Sea Isle City has a five? Do you
doubt that I'm telling you the truth as to that?
A I would assume that you're telling
the truth.
Q I'll represent to you that that's
true. And that's all lower than Berkeley's, or
however you want to look at it, it's all lower than
Berkeley's CRS rating of six, currently --

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    A That's right.
    Q -- correct?
3 ability to store volumes of flood water. They may
be doing a variety of different aggressive things to
earn CRS points.

Q But, clearly, you would concede that barrier island communities, which are not connected to a mainland community, can get a CRS rating even better than what Berkeley's is right now?

A Assuming that they do certain things. All my statement was in relation to the foundation for Berkeley Township's CRS rating and why that that was a positive for the -- for South Seaside Park.

Q Let's talk about beaches for a
minute. You indicated that the Seaside Park beach
pass is, I think, five dollars more for the season
than the Berkeley beach pass; is that correct?
A Let me just review the report.
You're referring to table three in the report?
Q I'm referring to your testimony. Was that your testimony?

A I believe so. Whatever -- my
testimony reflected what table three is indicating.
Q Well, is it five dollars? Take a
look at table three and tell me, is a Seaside Park
beach pass for the season five dollars more than a
Berkeley beach pass or badge?
A Actually, it's \$10 more.
Q Okay. What's the difference?
A It's \$10.
Q What's the difference in price? What are the prices?

A Oh, \(\$ 50\) versus \(\$ 60\). That's a
season -- you're talking about seasonal standard correct?

Q Okay. And what about seniors?
A Seniors, Berkeley Township has no charge, and Seaside Park is \(\$ 20\).

Q Okay. All right. And what about
veterans?

A Veterans the -- in Seaside Park
veterans are exempted. They provide complimentary access to the beach to military personnel and their
families with proof of identification. There's a footnote in the table.

Q And is that true in Berkeley, too?
A No, it's --
Q It's not true in Berkeley?
A Yeah, it's not true in Berkeley.
Q So, that's a detriment on Berkeley's
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side, correct?
A If for the -- for those who are
veterans, yes.
Q So, let me ask you a question. For
\$10 more in Seaside Park, what do you get? What do
you get?
A What do you mean? I don't
understand.
Q What do you get for your \$10? Do you
get anything more? What do you get? Let me phrase
it another way. What do you get in Berkeley
Township for your seasonal beach pass?
A You get access to the beach.
Q To what beach? White Sands?
A White Sands, yeah.
Q Between 20th and 23rd, correct?
A Yes.
Q So, if you spend an extra ten bucks,
how much more beach do you get access to in
Seaside Park?
A I don't know. I -- I didn't quantify
that.
Q Are you aware that the beaches in
Seaside Park are a mile and a half longer on the
ocean side?

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\begin{tabular}{ll} 
A & Yes. \\
Q & So, you get at least a mile and a
\end{tabular}
half of beach, correct?
    A Yes.
    Q As opposed to three blocks?
    A Yes.
    Q And are you aware that the beaches in
Seaside Park, as has been testified to, are cleaned
on a daily basis as opposed to weekly?
    A I don't recall the testimony on that,
on the frequency of cleaning of the Seaside Park
beaches versus Berkeley Township.

Q Are you aware that they are more
frequently cleaned in Seaside Park?

A Yeah, I don't recall the testimony, but I'll assume that you're accurately reflecting
prior testimony.

Q And you have no reason to doubt that testimony, right?

A No reason, no.
Q And in Seaside Park, for that extra ten bucks, you get access to two bay beaches, correct?

A That I don't know. So, you're asking
me, do they get access to both the beachfront
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beaches and the bay beaches in Seaside Park?
Q Yes.
A I'm not aware of that. But I'll
assume that you're conveying accurate information.
Q And you get access to no bay, no
public bay beaches with sand and lifeguards and so
forth in South Seaside Park?
A That is correct.
Q And are you aware that for that extra
\$10, you get access to two fishing piers in Seaside
Park?
A Again, you know, I'm just going to
assume that you're accurately conveying that
information. I don't have that information.
Q How many fishing piers are there in
South Seaside Park?
A There -- I don't believe that there
are any.
Q There's not even one, correct?
A Yes.
Q Are you aware that for that extra ten
dollars, you can also get access to the tennis
courts in Seaside Park?
A And, again, I don't have independent
verification --

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children in South Seaside Park that your beach pass
gets you into?
    A I don't know that information either.
    Q Are there any playgrounds in South
Seaside Park?
    A Oh, you're talking about
South Seaside Park.
    Q Yes.
    A I thought you said Seaside Park. My
apologies.
    Q How many playgrounds in South Seaside
Park?
    A With the exception of the basketball
court, there's no playgrounds.
    Q There's no playgrounds?
    A No playgrounds.
    Q For children?
    A Well, children can play basketball if
they want to.
    Q Are you aware that there's two
playgrounds at the beach for children in Seaside
Park?

Q So, you don't dispute it? You don't
have anything to dispute that, correct?

A Yeah, that's correct.
Q How many fountains are there in South
Seaside Park?
A I don't believe there are any, but I'm not certain about that.

Q Are you aware that in Seaside Park along the boardwalk, there are fountains every
couple blocks, along with the showers?
A And, again, you know, I'm going to rely on your information that you're providing.

Q Well, I'm relying upon testimony, too. There was testimony given.

A Okay.
Q You've read the transcripts, haven't
you?
A Yes, but I don't recall that
specific -- those specific passages.
Q But you don't doubt that there's
fountains in Seaside Park and none in South Seaside Park --

A No.


Q Take a look at your report. You did a very long report. Tell us if it's in there.

A Yeah, I was referencing, when I said that there was an access point to the Roberts Avenue recreation area, but it's not -- but that
technically is not a boat ramp.
Q Can't put boats in there, can you?
A No, you can't put boats in there.
Q In the state marina, you have to have a slip in order to use the ramp, correct? And that's owned by the state.

A Yeah, that's correct. Yes.
Q Are you aware that there are gazebos or gazebos -- I don't know how you say it -- every couple of blocks in Seaside Park up on the boardwalk. Very nice. They have green roofs, you know, beautiful square structures. Have you seen those?

A Yes.
Q Okay. They're throughout the mile
and a half of the boardwalk in Seaside Park,
correct?
A That is correct.
Q And how many are in South Seaside
Park?
Q So, is it fair to say that for the
extra \$10 that you spend in Seaside Park that you
get a whole lot more amenities?

A There are a lot of amenities in South
Seaside Park -- in Seaside Park, yes.
    Q And there's no guarantee that the
beach prices are going to stay the same in
Berkeley Township; isn't that correct?

A Again, the information that we were providing was specifically as it relates to the existing beach tag information.

Q Now, you made no comparison at all to
Island Beach State Park, which is also in
Berkeley Township, correct?

A When you said we made no comparison, I don't understand the question.

Q Well, on your little chart, do you have Island Beach State Park on your chart of -what page is that on --

A Let me just --
Q -- of your exhibit, your report?
MR. MICHELINI: Can we have a exhibit number for his report?

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MS. HUGG: It's T-32.
MR. SLACHETKA: It's on page 17 of
the report.
Q Page 17 of \(T-32\). Your report is T-32, correct?

A That's correct.
Q All right. Find --
A Yeah, it's on page 17.
Q Beach badge pricing comparison. And
you make a pricing comparison between Berkeley
Township and Seaside Park Borough?
A That is correct.
Q But you make no comparison with Island Beach State Park, which is also part of Berkeley Township.

A Well, actually, if you read footnote number 24, we do reference the pricing for the gaining access to Island Beach State Park.

Q Okay. But you don't --
A Twenty-four.
Q But you don't put it in as part of your chart --

A Yeah.
Q -- correct?
A Yeah. And the reason why we didn't
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is because they charge by the vehicle. It's a
slightly different framework for charging. In fact,
which we describe in detail in footnote number --
Q In fact, it can be much cheaper to go
into Island Beach State Park if you have --
A And --
Q Excuse me. In fact, it can be much
cheaper to go into Island Beach State Park than to
go to the White Sands Beach, if you have a vehicle
that fits seven or eight people, correct?
A On a per person basis, yeah, that's
correct.
Q And, in fact, you can actually drive
in or walk into Island Beach State Park for free,
correct?
A That's true. You can bike or walk.
Q Not drive. Bike or walk.
And if de-annexation occurs, Berkeley
Township will still have approximately ten miles of
oceanfront beach, correct?
A Well, again --
Q Isn't that correct? Within the
Township of Berkeley, there'll be about ten miles?
A And, again, that's the Island Beach
State Park. And we did talk about the fact that the
township doesn't control access.
Q Well, isn't that an amenity of the
A In what respect?
Township?
A Well, you know, it's a state park
within the township. I don't think -- it's not
really an amenity of the town.
Q Did you rely upon any reports of
12 other professionals, such as, the Mazur report from
2012? Are you familiar with that? It's an
14 environmental report for Berkeley Township.
15 A I'm not -- I don't believe we did.
16 But I -- I'm not sure that we did. I don't think
we -- I don't think we reviewed. It's an
environmental report related specifically to what?
Q I'm going to show you and -- I'm just
going to show it to you. It's a report from January
of 2012. Okay. And it's -- I only have the first
eight pages of it, because I didn't want to copy 175
pages. But --
$\begin{array}{ll}\text { A } & \text { What's the date on that? } \\ \text { Q } & \text { January of } 2012 .\end{array}$
$\begin{array}{ll}\text { A } & \text { What's the date on that? } \\ 5 & \text { January of } 2012 \text {. }\end{array}$

Q Well, isn't that an amenity of the
4 A In what respect?
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    A Yeah, and we reference it as, as
    Q Okay. So, you do reference it. So,
it was important enough --
    A When you said the environmental
report, I wasn't sure what you were referring to.
    Q Okay. But it was important enough
for you actually to reference in your own report?
    A Yes.
    Q Okay. And in that Mazur report, it's
entitled, Environmental Resource Inventory --
    A That is correct.
    Q -- of the Township of Berkeley. So,
that's a report that sets out all the great
environmental resources within Berkeley Township,
correct?
    A That is correct.
    Q And I'm just going to direct your
attention to page eight of that report, which you
reference in your exhibit. And page eight, it says
specifically, Berkeley has a wealth of water
resources with }35\mathrm{ miles of shoreline, comprised of
23 roughly ten miles of oceanfront, eighteen miles of
bay frontage and seven miles of creek, stream and
river frontage. Is that true?
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references environmental resource --
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references environmental resource --
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A That it's referencing a report by, I
guess, Maski, 2009.
Q Okay. It's referencing a report by
Maski of 2009 within the Mazur report --
5 A Yeah.
Q -- that you, that you cite?
A I don't have any reason to doubt that
statement.
Q You don't disagree with that.
A No.
Q Okay. So, it's talking about the
location of Berkeley and the great water resources
that it has. Is it not saying that it has
tremendous water resources?
A Yes, absolutely.
Q Okay. And included in those
tremendous water resource -- in fact, it says a
wealth of water resources that you've put in your --
you've noticed or cited in your report, is the
35 miles of shoreline. How much shoreline is going
to be lost in the event that de-annexation occurs?
How much?
A About a couple of miles of shoreline.
Q Couple of miles?
24
25
Q Okay. It's referencing a report by
A Yes, absolutely.
tremendous water resource -- in fact, it says a
wealth of water resources that you've put in your --
you've noticed or cited in your report, is the
35 miles of shoreline. How much shoreline is going
to be lost in the event that de-annexation occurs?
How much?
A About a couple of miles of shoreline.
Q Couple of miles?
A Yeah.

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Q You think it's a couple of miles?
A Well, you're talking about either
side of the -- you're talking about bay shore -- I'm talking about bay shore as well as the oceanfront.
And I can provide you, I can look and provide you with the specifics in mileage. I don't know it off the top of my head.
Q Well, take a look at your report.
You have maps attached to your report, don't you?
A Yes, I do.
Q Okay. Well, take a look.
A Sure.
MR. WINWARD: At this time, we're
going to take a quick ten-minute break.
(Recess was taken.)
MR. WINWARD: You may proceed.
BY MR. MICHELINI:
Q Mr. Slachetka, during the break, did
you have an opportunity to measure the amount of shoreline in South Seaside Park, approximately?
A Yeah, I did have -- I had an opportunity. It's about a half mile on the oceanfront side and little bit more than a half a mile on the bay beach side because of the fact of the sinuous nature, which is curvy, curvy nature of
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the shoreline.
    Q In fact, Roberts goes out and is --
forms a little rectangle out into the bay. That's
what you're talking about, going around the
bulkheads and so forth?
    A That's correct.
    Q So, approximately a mile overall,
maybe a little bit more --
    A Yeah.
    Q -- of waterfront?
    A That is correct.
    Q Okay. So, Berkeley would then,
according to this, should de-annexation occur,
instead of having a wealth of water resources with
35 miles of shoreline, it would be approximately }3
miles of shoreline?
    A If we were just talking about
shoreline, that is correct.
    Q And instead of roughly ten miles of
oceanfront, it would be roughly nine and a half
miles of oceanfront?
    A And, again, just strictly focused on
the linear distance and the shorefront, that's
correct.
Q And 18 miles of bay frontage would be
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reduced to about 17 and a half or 17.4, something
like that, but it would still have seven miles of
creek, stream and river frontage, correct?

A Yes. And, again, if we just focusing on that, on the shorefronts and the linear distance,
you're absolutely correct.

Q Well, focusing on this statement, it wouldn't change that much?

A No.
Q Correct?
A In that specific statement, no.
Q Okay. And are you aware, and I
forgot to ask you this, that Seaside Park actually offers free Wi-Fi on its beaches? Are you aware of that?

A No, I was not.
Q I actually just became aware of that. And I understand that South Seaside Park does not.

A What's your source of information, Mr. Michelini?

Q The source of information is my client.

A Okay.
Q So -- but you're not aware that South Seaside Park offers that?

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report says?

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report says?
A Yeah, I think that's we said.
A Yeah, I think that's we said.
Q You can look it up.
Q You can look it up.
A Yeah, I know. I will. I think it's
A Yeah, I know. I will. I think it's
early on.
early on.
I think it's about 1,700 units.
I think it's about 1,700 units.
Q About 1,700 units, housing units,
Q About 1,700 units, housing units,
would be no longer part of Berkeley, correct?
would be no longer part of Berkeley, correct?
A That's correct.
A That's correct.
Q And what would that translate to in
Q And what would that translate to in
terms of reducing the overall burden to Berkeley for
terms of reducing the overall burden to Berkeley for
affordable housing?
affordable housing?
A There wouldn't be any relevancy in
A There wouldn't be any relevancy in
terms of reducing -- you're talking about in terms
terms of reducing -- you're talking about in terms
of reducing the obligation that the township faces?
of reducing the obligation that the township faces?
Q Yes. Would it reduce the
Q Yes. Would it reduce the
obligations?
obligations?
A No. The township has entered into a
A No. The township has entered into a
settlement agreement with the Fair Share Housing
settlement agreement with the Fair Share Housing
Center, which fixes its affordable housing
Center, which fixes its affordable housing
obligation moving forward through 2025.
obligation moving forward through 2025.
Q So, even if de-annexation occurs,
Q So, even if de-annexation occurs,
there would be no opportunity to amend that or
there would be no opportunity to amend that or
change it to reduce the obligation?
change it to reduce the obligation?
A Well, and, actually, you raise a good

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    A Well, and, actually, you raise a good
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    point. That if, in fact, South Seaside Park was no
    longer part of Berkeley Township, there may be a
    need to revisit the whole issue with regards to the
    obligation and also Seaside Park's, you know,
    obligation as well. So, I'm not saying that there
    would be no change. In fact, there could be a
    change one way or the other. There's a number of
    different factors that could affect that.
    Q But wouldn't you advocate to try to
    make a change because of the loss of units as a
professional planner for the planning board and the
township? Wouldn't you advocate to try to reduce
the affordable housing obligation for the remainder
of Berkeley Township?
A Well, I mean, it's kind of an
interesting issue because as part of the settlement
agreement with Fair Share Housing Center, the
township's obligation moving forward, essentially,
was established at a zero, you know, so in the third
around. So that -- actually, you know what. Let me
just double check that. But, regardless, I think
that the effects of South Seaside Park leaving from
the standpoint of the township's affordable housing
obligation, there could be an impact. But -- and in
terms of the township's plan, there could be an

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A Well, for the -- for that moment that it was closed, it was pretty substantial.
Q Sure. But, overall, looking at a ten-year span, two days is not that substantial, correct?
A Yeah. Yeah. Except that the issue was one of funding and the budget. And so, just so happens the budget year ends on the 30th, which is just before the Fourth of July. So, even if it's just a couple of times, that could be pretty substantial.
Q And I'm excluding from that anytime that it was closed during Super Storm Sandy, because all the beaches were closed during that time. You understand that when I asked that question?
A Yeah. No. No. I exactly understood your question.
Q With regard to affordable housing, is it true that there's, essentially, no ability to provide additional affordable housing in South Seaside Park, due to the fact that it is mostly built out?
A Except that there could be some new development or in-fill development where you -- if you provided multifamily residential, that there
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would be requirement for affordable housing. But, essentially, that portion of the township is essentially built out.

Q So, it's not likely that there's going to be much in terms of affordable housing in South Seaside Park?

A I wouldn't anticipate that. And, in particular, with the recommendations to reduce the areas where multifamily residential development was permitted, based on the recent plan that was adopted, I would imagine it would be limited. There would be limited opportunities for affordable housing, but I wouldn't preclude that it couldn't take -- it couldn't take place.
(Off the record.)
Q So, going forward, it's fair to say that most, if not all, affordable housing in Berkeley Township will occur on the mainland whether or not de-annexation occurs?

A Yeah, it's likely that most of the new provision of affordable housing will be on the mainland.

Q But if de-annexation does occur, will
Berkeley lose housing units? They'll lose what,
about 1600,1700 housing units? Is that what your

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impact. But I wouldn't know that right now.
    Q You don't know?
    A Yeah.
    Q Okay. What is cost to the township
for each affordable housing unit, do you know?
    A What do you mean by --
    Q Is there a cost to the township for
each affordable housing unit?
    A What do you mean by, a cost to the
township?
    Q Is there any cost to the township as
a result of an affordable housing unit?
    A Again, I'm not sure I understand what
you mean by the word cost in that context. You mean
in terms of what the township would have to pay for
an affordable housing unit or whether the -- what do
you mean by cost? I think you need to define.
    Q Well, is there a payment that the
township has to pay? Does it cost the town any
money for affordable housing?
    A Well, yes, to a certain extent. And
there's a portion of the township's obligation which
is a rehabilitation obligation that the township has
to allocate monies out of its affordable housing
trust fund to pay for those units.
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$Q \quad$ How much is that per unit?
A It has -- it was a minimum average
of, I believe it's either ten or $\$ 15,000$.
Typically, it runs into, you know, 15, 20,000 per
unit for rehabilitation purposes.
Q What about for a new unit, new
housing units, isn't there a cost of approximately
25,000 --
A Well, that's --
Q -- allocated?
A Actually, that's where I wasn't sure
what you were trying to ask in terms of cost. I
mean, the township -- are you suggesting the
township's going to be constructing its own
affordable housing units?
Q I'm asking about those costs.
A Again, I think you're kind of mixing
up issues here in terms of cost. I don't mean this
to be, you know, argumentative. I think you need to
understand better, so you can kind of clarify your
question.
Q So, you're not able to answer my
questions as asked; is that what you're saying?
A No, no. I think you're asking me
what's the cost to the township to provide
affordable housing.
Q What was the ten to $\$ 15,000$ figure that you mentioned a moment ago for rehabilitation housing?

A Yeah, that's a component of the township's affordable housing obligation is called a rehabilitation obligation or the present need.

I'm sorry, I keep on popping -- you're asking me questions where I have to use $P$ words, which is not good. I keep on popping my Ps here for you and I apologize. And I'm going to try to be also cognizant of the fact that it's hard for some of the board members to hear as well.

The -- when you're saying a rehabilitation obligation, that's the rehabilitation obligation that's established. And there is an obligation for the township to expend monies from its affordable housing trust fund, what it collects in mandatory development fees for that part of the program. And it's just there. It's just, it's an ongoing obligation that the township faces.

The township also has a new construction obligation. And components of the new construction obligation include units that already in existence that satisfy part of the obligation that,
essentially, the township's not paying for.
There's also a mechanism in the zoning
ordinance that establishes the opportunity for a, either construction on-site or payment in lieu of construction where the developer is actually providing the cost of affordable housing. The only time that the township would provide monies for affordable housing, if it was actually constructing municipally operated site or, you know, doing public housing, something along those lines.

Q Is Berkeley doing any of that?
A Well, Berkeley does have public
housing sites. But they're already in existence. So, there's no new, you know, public housing that the --

Q And what about rehabilitation --
A -- township's applying. By the way,
I might have said borough, but I meant township.
Q What about rehabilitation housing?
A Yes, they have an ongoing obligation.
I can look that up for you.
Q So, if de-annexation occurs, it's quite possible that there could be at least an application to amend the current plan to reduce the rehabilitation obligation, correct?

Riparian areas, you talked about riparian areas. And, in fact, we know that Seaside Park doesn't have a -- Seaside Park has two public bay beaches, and South Seaside Park has none, correct?

A That is correct.
Q And you said in your report that
there might be a problem, essentially, in
establishing a bay beach that would have sand and be guarded and so forth in South Seaside Park due to riparian rights?

A Yes. And, essentially, ownership of properties along the bay beach.

MR. MICHELINI: Well, let me mark this as an exhibit.
(The Appendix D.5, Appendix Planning
Report in the Matter of the Petition De-annexation
of South Seaside Park was marked as A-78 for
identification.)
Q Can you tell us what $A-78$ is?
A Sure. Yeah.
Q It's a portion of your report?
A Yeah, it's one of the appendices of the report. It's identified as Appendix Planning Report in the Matter of the Petition De-annexation of South Seaside Park.

You know what. Let me just double check just so I can make sure that we --

Q Sure.
A -- get the right appendix number.
It's identified in the report as Appendix
D.5, property ownership. And it's after page 349 in the report.

Q So, A-78 is intended to show property ownership, correct?

A Yeah, there's actually -- there's -it's actually two maps. There's one that's map number 137. And then it's continued on map number 138, which is both part of the same appendices.

MR. MICHELINI: All right. Well, let's have the other one marked. I think I have it. (Off the record.)
(The Map was marked as A-78A for
identification.)
Q Okay. So, $A-78$ and $A-78 A$ are maps that are in your report --

A That's correct.
Q -- correct?
A Yes.
Q And they're intended to show
ownership of different parts of the township,

80
correct?
A Yes. And it's specifically
properties that are in South Seaside Park.
Q All right. So, let's take a look at
A-78. Okay. Along Bayview Avenue, there is a --
this area with red and white checks?
A Yeah, crosshatched.
Q Crosshatched?
A Yes.
Q And what area is that? It says area in question.

A
Yeah, there was a question that had arisen with regards to the maintenance and upkeep of properties that were along the frontage of 24th Street.

Q Okay. And it looks to me like
there's, between 24 th and 23 rd , there are no
riparian grants, correct? Between 23rd -- 24th --
A That's correct.
Q -- and 23rd, there are no riparian grants?

A As indicated in the map, that's
correct.
Q And then there's only one riparian grant between 22 nd and $23 r d$, correct?

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Q Don't they have signs there?
    A I'm not certain what signs you're
talking about.
Q Well, signs about, that were shown on
some of the prior exhibits. Let me see.
I'm going to show you what's been marked A-6 in evidence, okay, which shows an area of the bay beach. Do you know if the pictures in -- on this
exhibit A-6, which show the six pictures on the left
of the exhibit and the two pictures in the center
which show traffic signs that are obstructed by
weeds, if that's in the area that we're talking
about around 23rd and 24th Street?
A It's not clear from those
photographs.
Q So, you don't know?
A Yeah, I couldn't tell from those photographs.
Q You're not familiar enough with South Seaside Park to identify whether or not these photographs are in the area of 23 rd and 24 th Street?
A Again, I'm just looking at these photographs. They're not identified at all in terms of their location. So, rather than --
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A That is correct.
Q So, you could theoretically, at
least, perhaps, explore the possibility of having a bay beach that's two blocks long, assuming you can either acquire ownership to this riparian grant or otherwise deal with it --

A Yeah.
Q -- correct? Is that correct?
A Well, no, actually, not exactly
correct. Because of the fact that there is state owned properties and there is the, the actual access along 24 th is an easement for maintenance purposes to maintain and support the structure of the road in that location. I think we talk about that a bit in the report.

Q Well, isn't it a fact that the township basically maintains that area?

A Maintains it for the purposes of the support of the road and not for -- it's not used -it's not available or accessible for open space purposes.

Q Well, do they have signs up on it to clean it and maintain and trash cans there?

A I'm not sure whether the, where the
least on one of them. And it says South Seaside bayside beach. It says that, correct?

A That's what -- that's what the
presentation board says.
Q When's the last time you were -- have
you ever been on the bayside beach in South Seaside Park?

A Well, again, you're referencing as a bayside beach. I mean, I've been out in that area, actually, many times.

Q You have?
A Yeah.
Q So, you know where these pictures are then?

A Yeah. All I'm suggesting that, looking at these pictures, it's difficult to know the orientation, specifically what location that they're in. So, I mean, I'm not going to, going to say -- I'm not going to answer the question yes, it's exactly there.

Q So, generally, is it there? Do you know generally, is it around 23 rd and 24 th Street on the bayside?

A Are you talking about those
photographs?

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Rnow?

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    Q You don't know that?
    A Yeah, I don't know that.
    Q Do you know whether or not there was
a unity of title for the one grant that's between
24th and 22nd Street on the Bayview beach area shown
on A-78? You don't know if there was a unity of
title between the upland owner --
    A No, I don't.
    Q -- and the waterward owner, when that
grant was established?
    A No, I do not.
    Q So, you don't have an opinion as to
whether that grant is even valid, correct?
    A No. All -- it's on record as being a
riparian grant.
    Q What record is it on? Tax map?
    A Tax assessment.
    Q Are you aware that the tax map is not
definitive for determining ownership? Are you aware
of that?
    A With riparian grants?
    Q With anything. If you look at deeds
to determine ownership.
    A Yeah. And, well, we also look at MOD
IV ownership as based on, based on geographic
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## information.

Q Under the law, are you aware of the fact that the tax map cannot be relied upon?

MR. McGUCKIN: Well, he's not a
lawyer, Mr. Michelini. He's not a lawyer. How can he answer that question?

Q So, therefore, you're not qualified to give an opinion as to whether or not the riparian grant would even be in the way of establishing a beach there, correct?

A However, if -- let's just -- for
example, if the riparian grant wasn't there, that, essentially, that those are tidal waters in the Barnegat Bay. And they would be under the state jurisdiction. So, the only way that you have -they're not under state jurisdiction, is that if it has a riparian grant.

Q So, how did Seaside Park establish their beaches on the bay?

A I don't know.
Q You don't know?
A No.
Q Do you know if this water that is just to the west of Bayview Avenue, if the land under that water is within the municipality of

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Berkeley Township?
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A No. Oh, you're talking about this
area over here?

Q Is the area on A-78 shown west of Bay
Avenue, the bay, the land under the water in the
bay, west of Bayview Avenue, next to -- in South
Seaside Park, is that within Berkeley Township?
A The land is within Berkeley Township and the water is within Berkeley Township, correct.

Q And the township, in fact, says that
they -- we've had people testify here. Have you read the testimony about how they've tried to maintain that beach?

A And, again, it's -- my understanding is that the maintenance is specifically for the shoring up and for the protection of the roadway.

Q You would agree, would you not, that it makes sense to explore the possibility of putting a public beach there? I think you say so in your report, correct?

A Yeah. And I believe that there was an exploration of a natural shoreline that would -grant or to get, to obtain a natural shoreline in that, in that area. I don't believe it was successful. But I don't know that for certain.

1 Q But you would encourage looking to try to put in a public bay beach there --

A Yeah.
Q -- correct?
A And I think what we did, we also said in the South Seaside Park Neighborhood Plan, looking at opportunities to provide for natural shorelines, so. And to expand recreational opportunities. But right now, that's not something that's -- it's not on the ROSI. It's not open space. It's not
recreation. It's not maintained as -- or the intent is not to maintain that as recreation. Again, it's a structural issue with regards to the adjoining roadway.

Q Okay. And that type of issue exists all the way up through Seaside Park, does it not?

A What do you mean by, all the way up through Seaside Park?

Q Right up through Seaside Park. The area is almost identical along the roadway that's adjacent to the bay. Talking about roadway adjacent to the bay. You have the same conditions in Seaside Park as you do between 22nd and 24th.

A No, but as you go -- as you go
further to the north, you do have a municipally

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owned property and the county property which -- of
which is on the -- the municipally owned property
being on the ROSI. So, that's --
    Q I'm talking about comparing --
    A But you said going all the way up to
Seaside Park.
    -- in Seaside Park. In Seaside Park,
the roadway is right next to the bay, is it not?
    A Not -- you're not talking about
South --
    Q In Seaside Park?
    A In Seaside Park.
    Q You don't know?
    A There -- I think there are portions
that are --
    Q Sure.
    A Of course there are.
    Q And they've been able to put beaches
there, have they not?
    A There are beaches there, yes.
    Q You mentioned in one of your planning
reports from 1997, your report says that Seaside --
South Seaside Park was found to be the least
visually attractive area of the township. Do you
recall that?
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1 A Yes, that was referenced in the
visual survey, in the 1997 master plan.
Q And is that because of the number of
mobile homes and small cottages?
A That I don't -- I don't know the
specific reasons. Just the fact that it was
identified as being such.
Q Has it visually changed significantly
since 1997?
A How would you determine --
Q Has it changed significantly --
A When you say --
Q -- since 1997?
A What kind of --
Q Are there still mobile homes there?
A Yes, and there's cottages.
Q There's still cottages, right?
A And there's single family.
Q Still single family?
A Yes.
Q It's pretty much the same as it was
in 1997?
A Yeah. There have been improvements
to individual properties and general improvements
within South Seaside Park.

Q Is it still the least visually
attractive area of the township?
A No, we didn't -- we didn't test -- we
didn't test that and we didn't analyze that. We're
just citing what was referenced in the 1997 master
plan, that's all.

Q By -- who adopted the master plan?
This planning board or, not these people, but the
planning board adopted it, right?
A Yes, of course, the township
planning --
Q And they found this area in South
Seaside Park to be the least visually attractive?
A Back in 1997, absolutely.
Q And it hasn't changed substantially
since then, correct?
A Yeah. Now, whether --
Q Is that correct?
A But whether the board found it --
Q Simple question.
A No. The question that you're asking
me is, did the planning board find that it was the
least visually attractive.
Q They adopted that plan, correct?
A That incorporated or included a
visual survey that identified the fact that pursuant to the survey. So, it's a factual information.
It's not whether the board found that it's the most visually unpleasing.

Q The board adopted the plan with that information in it and you thought it was important enough to put in your report, correct?

A Yeah. Yeah. Because I -- as I was referencing in the report that the township has been engaged in an ongoing and continuous planning effort to address, you know, planning issues in South Seaside Park.

Q So, if de-annexation occurs, isn't it a fact that Berkeley would be shedding itself of the least visually aesthetic area of the township?

A Did you talk to your client about that statement?

Q I'm just going by what's in the planning report that was adopted by the planning board.

A No, that's not the -- that's not the case.

Q So, you don't agree with that?
A No. No, I don't.
Q Now, you criticized the people who

1 live in South Seaside Park as having made a
decisional location choice. In other words, it's
3 their fault that they have to drive 16 miles to the
mainland in order to go to a municipal building
meeting, such as, a council meeting, a planning
board meeting, zoning meeting, education meeting?
A No, actually you miscategorize it.
Nobody's criticizing the residents of South
Seaside --
Q I sat here and listened to your testimony. And it certainly sounded like you were criticizing them for having made a decisional choice.

A No. My representation was that decisional choices are made all the time. People decide where to live based upon amenities, based upon convenience and the like. I wasn't singling out South Seaside Park residents and saying they made bad choices.

Q Did you talk to any of my clients before you prepared your report?

A No.
Q No. And, in fact, do you realize
from the testimony that many of them thought that
they were actually buying in Seaside Park when they

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bought?
    A I don't know what -- what
considerations that the --
    Q You don't know that?
    A No, I do not.
    Q And isn't it a fact that you have
zero personal knowledge of the efforts that my
clients have made individually to change the
planning in South Seaside Park over the last ten
years?
    A Oh, actually, I don't know about
individually, but, I mean, collectively they've
certainly been active and involved --
    Q Sure.
    A -- in the planning process.
    Q They've been very active?
    A Yes, of course.
    Q Right. And they've written letters
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to the mayor, correct? To your knowledge, have they
written letters to the mayor?

A On planning issues, I would imagine
so, yes.

Q How about to the council, do you
know?

A I would imagine they would, they
probably have written letters to the council.

Q Because it seemed to me that you criticized them in your report and your testimony for failure to initiate ways to change planning in South Seaside Park, saying that de-annexation is not the way to do it.

A No.
Q That was the essence of what you

A No, no, no. I think, again, you're totally miscategorizing or mischaracterizing the statement.

Q With all due respect --
A No. I was talking about it from -with due respect, I was talking about it from a planning policy perspective, a general planning policy perspective. That was my opinion that the preferable approach is to, if you need to address zoning and land use issues, that it's more appropriate to do it within the context of the planning process. And just as the borough -- the residents of South Seaside Park have done, engaged in the planning process and engaged effectively in the planning process.

Q Sure. They've gone to all kinds of
meetings, correct?
A Absolutely. So I wasn't --
Q They've written all kinds of letters?
A So, just to complete my answer. So,
I wasn't criticizing them for a lack of
participation or criticizing them for saying that
they did not want to participate in the process in
terms of a policy issue. It was my opinion and continues to be my opinion, that rather than de-annexation, that the way to address those specific land use policies and issues, would be better served or better addressed in the context of the comprehensive planning process. And the facts show that it has been effective.

> Q So, they've done that? They've
actually participated in that process?
A Yes. Yes.
Q And before participating in the
process recently, isn't it a fact, to your knowledge, that they've written dozens of letters?
And they've showed up at council meetings? And
they've showed at planning board meetings? They've
done a lot of things over the last ten years or more.

A I would -- obviously, I have not, I

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have not been here for or participated in over --
over ten years. But to the extent that I've been
involved in the land use planning process here in
Berkeley Township, and attended council meetings,
attended planning board meetings, the residents of
South Seaside Park are, in fact, fully engaged. I
don't -- I don't claim otherwise.
    Q To your knowledge, they have been for
years, correct?
    A Yes.
    Q Now, you indicated in your report
that municipal facilities are located far for most
residents on the mainland. I think it's page 20 of
your report. Is that true?
    A And I was specifically referencing
those municipal facilities like the municipal
building and the like?
    Q Right. Right. So, the municipal
building?
    A Yes.
    Q So, from the furthest point on the
mainland to the municipal building, isn't it
approximately eight miles?
    A I'd have to -- I'd have to double
check.
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1 Q So, you don't know?
2 A Not off the top of my head, but I can
find out.
Q But it's certainly 16 miles to South
Seaside Park?
A Yes, I think that's pretty well
established.
Q Isn't it a fact that many of the
roads that people would travel to get here on the
mainland are back roads? So, if you're coming from
Holiday City, you can take back roads, or Silver
Ridge Park, you take back roads, correct?
A Yeah, when you categorize back roads,
you're talking about --
Q I'm talking about --
A -- local roads and county roads? I
mean, how do you --
Q Local roads and county roads. Are
you familiar with the roads in this area?
A Yes.
Q Okay. So, how would you go from
Holiday City to here?
A I don't know the names of roads.
But, essentially, there's a roadway -- there's
actually a couple roadways where you'd kind of cross
through the Pineland areas of the township to get here.

Q Right. And those roadways don't have a lot of traffic lights on them, correct?

A Well, there are a few. I mean, there
are a few --

Q But they're generally not congested,
correct?

A Well, I mean, there are times when they can be, particularly near Holiday City.

Q Once you get out of Holiday City and you're on your way here, is it very congested?

A At least I heard from -- somebody from the planning board suggested it might be.

Q Okay. But it's unlike South Seaside Park where one has to go on Route 35, Route 37, Route Nine or the Parkway to get here, correct?

A Yeah, I think we've pretty well established the route that South Seaside Park residents have to take.

Q I'm going to tell you that, what Map Quest says, and you can tell me if you agree or disagree. The municipal building to the high school right down the road, where thousands of people live in Pinewald. Did you know that thousands of people

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live in Pinewald?
    A Yes.
    Q Okay. It's 2.2 miles from here to
the high school, which is in Pinewald, correct?
    A Well, again --
    Q Do you dispute that?
    A No, but you're citing things off of
Map Quest.
    Q I am. I'll be honest. I'm citing it
off of Map Quest. And you can agree or disagree.
Assuming Map Quest is accurate, is 2.2 miles?
    A Two things. Assuming Map Quest is
accurate and assuming that you're conveying the
information to me accurately, yes.
    Q Well, I'm just telling you what
Map Quest says. Okay.
    From 631 Jamaica Boulevard, do you know where
Jamaica Boulevard is?
    A It's not in the Pinewald section, but
generally I have --
    Q It's not in Pinewald?
    A It's not in Pinewald.
    Q Did you know it was in Holiday City?
    A Oh, yeah.
    Q 6.5 miles, according to Map Quest.
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suggesting otherwise.

Q Do you know where Glen Cove is?
A Yes.
Q It's over on the bay, right?
A Yes, right, exactly.
Q So, it's in the other direction. So, that's 200 Maple Drive, nine minutes, 5.6 miles, you wouldn't dispute that, right?

A No, I wouldn't dispute that.
Q How about Sylvan Lake Boulevard, 122 Sylvan Lake Boulevard, 7.2 miles.

A Again --
Q No reason to dispute that, right?
A No reason to dispute.
Q Berkeley Shores, seven miles, no reason to dispute that?

A No.
Q Okay. Holiday City South, 102
Paradise Boulevard, 5.8 miles?
A Yes.
Q Holiday City West, 67 Winterdon,
eight miles. Okay. I think this is the -- let's see. The Bayville Elementary School, 6.4 miles.

Does that sound about right?
A Yeah.
Q H\&M Potter School, 6.7 miles, right?
All of those distances that I just read you, were much closer than anywhere in South Seaside Park, correct?

A Absolutely, yes.
Q In your report, you note in a
footnote, and also, I believe in your testimony, you talked about how people from South Seaside Park -or Seaside Park, I'm sorry -- were required to go to downtown Toms River to go to municipal meetings. Do you recall that?

A Yes, I recall that.
Q And I guess the inference would be or the thought would be that if de-annexation occurs and we have another Super Storm Sandy, that the people that were in South Seaside Park would have to go to Toms River for municipal meetings, correct?

A That is correct.
Q But that's still a lot closer than coming here?

A Yes, it is closer, yes.
Q It's closer by miles, correct?
A That is correct.

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Q Isn't it a fact that it wasn't until
after de-annexation efforts were started that
significant rezoning efforts occurred in South
Seaside Park?
    A Actually, that's not true. As
indicated in my report, that this has been kind of
an ongoing, continuous planning process. It's sort
of a step by step by step to the current planning
efforts.
    Q Well, if that's the case, how long
has it taken to remove mining operations and
hospitals from the zoning ordinance in South Seaside
Park?
    A Well, it's part of --
    Q How long?
    A When you say how long, how long --
    Q Well, in 1997, was that in the
ordinance?
    A I don't know if it was in the
ordinance.
    Q I'll represent to you that it was
there in 1997.
    MR. McGUCKIN: Hold on one second. I
want some clarification. Does Seaside Park have
more than one zone?
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MR. SLACHETKA: Yes, it does.
MR. McGUCKIN: And are some of those
zones in the prior ordinances related to zones also
on the mainland? They have the same --
MR. SLACHETKA: Yeah.
MR. McGUCKIN: -- the same
characteristics?
MR. SLACHETKA: And that was the
reason it was sort of a vestige of what was in
other -- by the way, you said Seaside Park. I'm
assuming you meant South Seaside Park.
MR. McGUCKIN: South Seaside Park,
yeah.
MR. SLACHETKA: Yeah, that's -- when
we began to do our planning analysis and looked at
the zoning districts, we said, this is a vestige
that really should be corrected, so.
MR. McGUCKIN: I just want to clarify
that there's more than one zone in South Seaside
Park, and there was more than one zone previously
and that some of those zones have the same
standards, conditions, as areas also on the
mainland.
MR. MICHELINI: So, let me --
MR. SLACHETKA: And just to respond

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appropriate. Nobody, no place --
    Q So, for 20 years, nobody looked at
the details of what the zoning was in South Seaside
Park to know that mining operations and hospitals
should be removed?
    A Yeah. And I think your focus on this
one use, mining operations and, you know --
    Q And hospitals, that's two.
    A Yeah. So, you're focusing on those
specific uses. The context here is evaluating all
the districts. And it was called for in a variety
of different planning documents. So, I think it's,
it's not accurate to suggest that, somehow, the
township was ignoring South Seaside Park because
mining operations was still, you know, in one of the
zone districts that was also a zone district that
was on the mainland.
    Q When the master plan was looked at in
2008, the recommendation for South Seaside Park was
further study, was it not?
    A Yeah.
    Q It was?
    A Yes, it is. And that's --
    Q It wasn't until after the
de-annexation efforts were started that significant
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rezoning started, and that began in 2012, correct?
A Yeah. But if you look at the 2008 plan, it talked about the fact that there needed to be a more specific evaluation of the zoning in South Seaside Park. And when we looked at the -when we look at the post Sandy planning assistance efforts, which, in fact, those post Sandy planning assistance efforts, which included a variety of different plans, including the reexamination report, predated the filing of the petition.

Q Well, you understand that the effort predated -- the effort to de-annex predated the filing of the petition because signatures had to be obtained? You understood that, correct?

A I don't know what the -- I don't know what the status of your process was before it became official. All I know is that in terms of engagement on the planning side, we were doing a wide variety of things, including looking at the zoning for South Seaside Park. I think it's pretty clearly laid out, and I think anything else that you're suggesting is a mischaracterization of the facts.

Q So that the zoning changes that were determined to need further study back in 2008 didn't happen until 2017, correct? Is that correct?

108

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A Yes. And if you look at --
Q Okay. No. There's no and. Let's
just get through this. Okay?
A Mr. Michelini, there's no --
Q It's a matter of whether it's correct
``` or not. You don't have to go explaining every time.

A I don't have to explain for the
edification of the board?
Q No, because you've told them over and over again all about your report. This is cross examination, where I'm allowed to bring out points that I want to bring out. It's not for you to re-present your case.

A What I'm trying to do, though,
Mr. Michelini, is really answer the questions in a manner that is complete and forthgoing.

Q What you're trying to do is
supplement so that you can restate what you've already stated three or four times. And I'm trying to shorten it so we can get through it.

A The point --
Q Okay. Let me go on, please.
With regard to meetings that occurred, you indicated, you made reference to meetings being held in December of 2016, in January of 2017, in April of
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2017, in order to invite residents of South Seaside
Park to participate in the zoning process. Do you
recall that?
A Yes, I do.
Q And they did participate to a great
extent, as you indicated, correct?
A Yes, exactly.
Q Okay. But those meetings were
actually held over at Tri-Boro First Aid Squad which
is in Seaside Park, correct?
A That is correct.
Q They weren't held here?
A No, they weren't.
Q Why is that?
A Because the idea was to be proximate,
hold all these meetings proximate to the
neighborhood in South Seaside Park.
Q Sure. Because it would be more
convenient for them. They wouldn't have to travel
16 miles; isn't that correct?
A That is correct, yes.
Q Why were the meetings held
principally in the winter? December, January and
then in April, late spring or early spring?
A It really was just a question of

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timing as based on the timing of when the township
got the grant monies and that we were able to begin
working on the projects.
    Q Had nothing to do with the fact that
the high seasonal population is less those months of
the year?
    A No, no, no. It was -- it had to do
with the timing of the grant and when we needed to
get the -- when we got authorization and when we
needed to complete the work. It was -- that's
really very simply the reason why the timing was as
it was.
    Q On page 44 of your report, you talk
about a new town center that will provide ratables.
Do you recall that?
    A Yes, I do.
    Q Is that a justifying -- justifiable
planning rationale, providing ratables?
    A It can be one.
    Q Okay.
    A It doesn't have to be dispositive.
    Q Okay. And when do you foresee that
happening, the new town center?
    A It's going to be dependent upon a
number of different factors. But, you know, I would
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imagine it's probably going to take a few years
before the project's fully implemented.
Q Do you have any idea how many
ratables will be obtained? Is there any projection
of that?
A No, I don't have a projection of
that.
Q On page 38 of your report, you talk
about the largest concentration of commercial areas
in the township being Route Nine in Bayville and
South Seaside Park.
A Yes.
\& Okay. How many commercial businesses
are in South Seaside Park?
A Right off the top of my head, I
wouldn't be able to tell you.
Q How many on Route Nine?
A Again, off the top of my head, I
wouldn't be able to tell you.
Q Less than 20 in South Seaside Park,
that would be accurate, right?
A Probably, I would think.
Q Probably ten to 15, right?
A Yeah, exactly.
Q How about the Holiday Mall in Holiday

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        112
    City, how many commercial uses in that place?
    A Right off the top of my head, I
wouldn't be able to tell you.
    Q More than South Seaside Park, right?
    A I would think so, yes.
    Q Yeah. So, South Seaside Park is not
the largest concentration of commercial areas along
with Route Nine?
    A Well, I mean, we're talking about
along -- all right. I'll generally agree with you,
but I think we were focusing on major routes, 35 and
Route Nine.
    MR. WINWARD: Excuse me, Joe.
    MR. MICHELINI: Yeah.
    MR. WINWARD: How much more
questioning do you have for the planner?
    MR. MICHELINI: Just give me one
moment. We'll wrap it up here.
    MR. WINWARD: If it's several hours,
because I was going to say we are really close,
probably a little over the two hour mark.
    MR. MICHELINI: Even though I
certainly could continue this cross-examination for
many hours, I think I will heed the --
    MR. WINWARD: I mean, do you have
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more for next month for the planner? 1
MR. MICHELINI: I think we'll let it 2
go here and move on with other witnesses next month. 3
MR. WISER: Mr. Chairman --
MR. WINWARD: Yes.
MR. WISER: -- I think I do have some
questions for the planner. I'm not prepared
tonight. Frankly, I didn't think they would
conclude tonight. But I do have some questions for
Mr. Slachetka that I'd like to ask.
MR. MICHELINI: If we're going to
continue, then I might as well ask more questions
next time when --
MR. WINWARD: Well, no, I was going
to say, I'm assuming you're going to be here next
month anyway.
MR. SLACHETKA: Actually, yeah, let
me qualify that. Unfortunately, I do have a
conflict. The meeting's December 7, I believe.
MR. WINWARD: First Thursday is
usually what it is.
MR. SLACHETKA: Unfortunately, I have
a conflict that meeting, that night. But I can be
here in January. So, assuming that we're here in
January.
MR. WISER: Mr. Chairman --
MR. WINWARD: Yes.
MR. WISER: -- I think I do have some
questions for the planner. I'm not prepared
tonight. Frankly, I didn't think they would
conclude tonight. But I do have some questions for Mr. Slachetka that I'd like to ask.
MR. MICHELINI: If we're going to
continue, then I might as well ask more questions next time when --
MR. WINWARD: Well, no, I was going to say, I'm assuming you're going to be here next month anyway.
MR. SLACHETKA: Actually, yeah, let
conflict. The meeting's December 7, I believe.
MR. WINWARD: First Thursday is
usually what it is.
MR. SLACHETKA: Unfortunately, I have
114
1 MR. WINWARD: Will your questions
wait, Mr. Wiser?
MR. WISER: Oh, my questions, yes,
MR. MICHELINI: I'll just reserve at
this point. We'll stop now and I'll reserve. Thank
MR. WINWARD: Okay. We thank you.
Thank our planner. And at this point, unless
anybody has anything else, we need a motion for
adjournment.
DR. HUDAK: Motion.
MR. GINGRICH: Second.
MR. WINWARD: All in favor.
ALL: Aye.
(Meeting adjourned.)

DR. HUDAK: Motion.
MR. GINGRICH: Second.
MR. WINWARD: All in favor.
ALL: Aye.
(Meeting adjourned.)

CERTIFICATE

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.

Notary Public of the State of New Jersey My Commission expires January 26, 2021

Dated: November 30, 2017

adjournment [1] 114/11
administrator [2] 7/14 $9 / 15$ admitted [1] 26/23
adopted [6] 70/11 91/7 91/9
91/24 92/5 92/19
advocate [2] 72/9 72/12
aesthetic [1] 92/15
affect [2] 72/8 77/6
affordable [23] 69/18 69/20
70/1 $70 / 5 \quad 70 / 12$ 70/17 $70 / 21$
71/12 71/20 72/13 72/23 73/5 73/8 73/12 73/16 73/20 73/24
74/15 75/1 75/6 75/17 76/6
76/8
after [4] 22/6 79/6 103/2
106/24
again [37] 15/14 18/10 23/14 25/8 27/1 $27 / 1$ 28/14 $33 / 20$ $\begin{array}{llllll}35 / 5 & 35 / 19 & 35 / 25 & 37 / 1 & 40 / 6\end{array}$
 57/7 59/11 61/21 61/24 66/22 $\begin{array}{lllll}67 / 4 & 73 / 13 & 74 / 17 & 82 / 22 & 83 / 8\end{array}$ $84 / 3$ 87/14 88/12 95/10 100/5 $\begin{array}{lllll}101 / 1 & 101 / 14 & 108 / 10 & 111 / 18\end{array}$
agencies [2] $23 / 7 \quad 36 / 2$
agency [1] 40/8
$\begin{array}{lllllll}\text { agenda } & {[6]} & 3 / 13 & 5 / 6 & 5 / 18\end{array}$
29/6 29/6 30/8
agents [1] 38/7
aggressive [1] 49/4
$\begin{array}{lllll}\text { ago }[1] \quad 75 / 3 \\ \text { agree [5] } & 87 / 17 & 92 / 23 & 99 / 22\end{array}$
agree [5] $87 / 17$ 92/23 $99 / 22$
100/10 112/10
agreement [3] 71/19 72/17
77/13
ahead [1] 10/22
AICP [1] 9/15
Aid [1] 109/9
a11 [45] $11 / 18$ 15/24 $18 / 5$
26/21 $27 / 8 \quad 28 / 1 \quad 31 / 4 \quad 32 / 14$
$\begin{array}{llll}35 / 9 & 45 / 1 & 45 / 22 & 45 / 23 \\ 46 / 9\end{array}$
47/8 48/21 48/22 49/11 50/14 $\begin{array}{lllll}54 / 22 & 59 / 14 & 60 / 7 & 63 / 14 & 69 / 14\end{array}$ $\begin{array}{lllll}70 / 17 & 79 / 14 & 80 / 4 & 82 / 23 & 83 / 15\end{array}$ $\begin{array}{llllll}85 / 14 & 88 / 16 & 88 / 17 & 89 / 5 & 91 / 6\end{array}$ 93/15 $95 / 13$ 95/25 $96 / 3$ 102/4 106/10 $107 / 17$ 108/10 $109 / 16$ 112/10 114/14 114/15
alleviated [1] 14/2
allocate [1] 73/24
allocated [1] 74/10
allow [1] 40/23
allowed [1] 108/11
almost [1] $88 / 20$
along [11] $56 / 11 \quad 56 / 12 \quad 59 / 2$
76/10 78/12 $80 / 5 \quad 80 / 14 \quad 81 / 12$
88/20 112/7 112/10
already [5] 26/22 43/10
75/24 76/13 108/19
also [21] 2/11 4/14 5/7 7/6 22/22 $26 / 2 \quad 29 / 8 \quad 31 / 4 \quad 53 / 22$ $\begin{array}{lllll}59 / 15 & 60 / 14 & 72 / 4 & 75 / 11 & 75 / 22\end{array}$ 76/2 $85 / 2488 / 5 \quad 102 / 9 \quad 104 / 3$ 104/22 106/16
always [2] $33 / 23 \quad 33 / 24$
am [2] 46/11 100/9
amend [2] 71/23 76/24
amenities [3] 59/5 59/6 93/16
$\begin{array}{llll}\text { amenity }[3] & 62 / 2 & 62 / 6 & 62 / 10\end{array}$
American [3] $6 / 3 \quad 18 / 23 \quad 19 / 1$
among [1] 18/22
amount [2] 22/25 65/19
amounts [1] 6/22
analysis [4] $\quad 30 / 18 \quad 104 / 15$
105/4 105/5
$\begin{array}{llll}\text { analyze } \\ \text { and/or }[2] & 24 / 14 & 91 / 4 \\ 14 / 7 & 14 / 21\end{array}$
annex $\left[\begin{array}{llll}5] & 10 / 21 & 10 / 22 & 11 / 8\end{array}\right.$ 14/2 107/12
annexation [47] $1 / 5$ 3/19 4/3
6/22 7/7 8/2 $8 / 4 \quad 9 / 17$ 10/5
$\begin{array}{llll}10 / 19 & 11 / 16 & 16 / 13 & 17 / 21\end{array}$
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61/18 $\quad 64 / 21 \quad 66 / 13 \quad 70 / 19$
70/23 71/22 76/22 78/16
78/24 $92 / 13 \quad 95 / 5 \quad 96 / 10$
102/16 103/2 106/25
annual [2] $41 / 241 / 3$
annually [3] 21/11 40/12 43/7
another [9] 10/3 12/1 21/12 24/4 26/3 34/2 40/25 51/11 102/17
answer [12] 20/22 21/1 23/24 26/8 $26 / 17 \quad 27 / 15 \quad 74 / 22 \quad 83 / 19$ 86/6 96/4 105/18 108/15
anticipate [1] 70/7
anticipated [3] 9/24 9/25
antics [1] 68/4
any [38] 7/20 10/18 11/1
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$30 / 13 \quad 30 / 14 \quad 31 / 9 \quad 38 / 641 / 17$
$43 / 14 \quad 53 / 18$ 55/7 $56 / 8 \quad 62 / 11$
64/7 71/13 73/11 73/19 76/11
93/20 105/10 105/11 111/3
111/4
anybody [6] $\quad 11 / 24 \quad 12 / 24$
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anyone [2] $4 / 2$ 38/11
anything [7] $8 / 91^{19 / 25}$ 51/10
$56 / 4$ 85/22 $107 / 21114 / 10$
56/4 85/22 107/21 114/10
anytime [1] 69/12
anyway [1] 113/16
anywhere [2] 46/16 102/5
apart [1] 33/12
apologies [1] 55/13
apologize [6] 27/13 27/14
42/24 $46 / 7 \quad 68 / 13$ 75/11
appear [3] $14 / 13$ 15/8 $16 / 6$
APPEARANCES [1] $2 / 1$
appearing [1] 8/15
appendices [2] 78/22 79/13
appendix $[7]$ 3/18 $3 / 18$ 78/15
78/15 78/23 79/4 79/5
application [1] 76/24
applies [3] $37 / 1$ 37/11 77/20
apply [2] $36 / 2338 / 4$
applying [1] 76/17
appreciate [1] 18/3
approach [1] 95/18
appropriate [4] 5/22 25/14
95/20 106/1
approximately [9] $7 / 1 \quad 22 / 6$
26/14 61/19 65/20 66/7 66/15 74/7 97/23
Apri1 [2] 108/25 109/24
are [101] $\quad 9 / 4$ 14/2 $15 / 5$
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48/9 $48 / 10 \quad 49 / 7 \quad 50 / 7 \quad 50 / 17$
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$56 / 8$ 56/10 56/11 57/3 57/10
57/16 58/13 $58 / 13$ 58/24 $59 / 6$
59/9 62/13 67/12 67/14 74/13

79/19 79/20 80/3 80/17 80/20 81/25 82/11 82/21 83/13
83/24 $84 / 4 \quad 84 / 16 \quad 84 / 19 \quad 85 / 18$ 85/19 86/2 $86 / 13 \quad 89 / 14 \quad 89 / 15$ $\begin{array}{lllll}89 / 17 & 89 / 20 & 90 / 15 & 93 / 15 & 97 / 6\end{array}$ $\begin{array}{lllll}97 / 12 & 98 / 10 & 98 / 18 & 99 / 5 & 99 / 6\end{array}$ 99/9 104/2 105/24 111/14 112/20
area [20] $27 / 7$ 58/5 80/6 $\begin{array}{llll}80 / 10 & 80 / 10 & 81 / 17 & 82 / 7 \\ 82 / 12\end{array}$ $\begin{array}{lllll}82 / 21 & 83 / 9 & 85 / 5 & 87 / 3 & 87 / 4\end{array}$ 87/24 $88 / 20 \quad 89 / 24 \quad 91 / 2 \quad 91 / 12$ 92/15 98/19
areas [9] 23/3 47/20 70/9 78/1 78/2 99/1 104/22 111/9 112/7
aren't [1] 54/6
argue [1] 15/5
arguing [1] 14/25
argumentative [1] 74/19
$\begin{array}{lllll}\text { arisen } & {[1]} & 80 / 13 & & \\ \text { around } & {[6]} & 44 / 15 & 66 / 4 & 68 / 16\end{array}$ 72/20 82/13 83/22
as [110] $4 / 214 / 23 \quad 5 / 18 \quad 5 / 22$
$\begin{array}{lllll}6 / 16 & 7 / 7 & 9 / 4 & 9 / 8 & 9 / 20 \\ 11 / 10\end{array}$
$\begin{array}{llllll}11 / 19 & 14 / 4 & 14 / 5 & 14 / 7 & 14 / 22\end{array}$
$\begin{array}{llll}15 / 21 & 15 / 22 & 16 / 11 & 16 / 25\end{array}$
$\begin{array}{llllll}17 / 10 & 17 / 15 & 17 / 22 & 18 / 1 & 18 / 6\end{array}$
$\begin{array}{lllll}19 / 2 & 19 / 2 & 19 / 12 & 19 / 13 & 19 / 24\end{array}$
$\begin{array}{llllll}20 / 19 & 22 / 8 & 23 / 1 & 23 / 7 & 23 / 23\end{array}$
$\begin{array}{lllll}25 / 12 & 25 / 13 & 26 / 13 & 26 / 25 & 27 / 1\end{array}$
27/1 $27 / 3 \quad 27 / 4 \quad 27 / 4 \quad 29 / 16$
$\begin{array}{llll}29 / 25 & 31 / 11 & 31 / 22 & 31 / 22\end{array}$
$\begin{array}{llll}33 / 17 & 33 / 18 & 36 / 24 & 37 / 16\end{array}$
$\begin{array}{llllll}38 / 16 & 40 / 8 & 43 / 9 & 44 / 7 & 47 / 6\end{array}$
$\begin{array}{lllllllll}47 / 11 & 48 / 2 & 48 / 17 & 52 / 5 & 52 / 8\end{array}$ $\begin{array}{llllll}52 / 9 & 57 / 8 & 57 / 15 & 59 / 12 & 60 / 21\end{array}$ $62 / 12 \quad 63 / 1 \quad 63 / 1 \quad 65 / 4 \quad 65 / 4$ 68/4 $72 / 5 \quad 72 / 10 \quad 72 / 16 \quad 73 / 11$ 74/23 $75 / 13 \quad 77 / 11 \quad 78 / 14$ $\begin{array}{lllll}78 / 17 & 78 / 23 & 79 / 5 & 79 / 17 & 80 / 22\end{array}$ $83 / 8 \quad 85 / 12 \quad 85 / 14 \quad 85 / 25 \quad 86 / 8$ 88/11 88/12 88/23 88/24 $\begin{array}{lllll}88 / 24 & 90 / 7 & 90 / 21 & 92 / 8 & 93 / 1\end{array}$ 93/5 $95 / 21 \quad 103 / 5$ 104/22
105/7 109/6 110/1 110/11 113/12 115/7
ask [18] 4/7 15/25 17/8 20/16 $21 / 14 \quad 24 / 4 \quad 24 / 13 \quad 26 / 8$ $\begin{array}{lllll}28 / 2 & 31 / 1 & 32 / 22 & 40 / 25 & 51 / 4\end{array}$ 67/13 68/2 74/12 113/10 113/12
$\begin{array}{lllll}\text { asked [6] } & 5 / 1 & 6 / 18 & 7 / 6 & 17 / 9\end{array}$ 69/15 74/23
asking [12] 6/20 20/18 24/15
$\begin{array}{lllll}24 / 17 & 26 / 21 & 42 / 4 & 52 / 24 & 62 / 5\end{array}$
74/16 74/24 75/8 91/21
aspect [1] 77/23
assessment [1] 85/17
$\begin{array}{lll}\text { assistance } & {[2]} & 107 / 6 \\ \text { associated } & \text { 107/8 } & 10 / 19\end{array}$
$\begin{array}{ll}\text { associated [1] } & 10 / 19 \\ \text { ASSOCIATES [1] } & 1 / 22\end{array}$
ASSOCIATION [2] $1 / 5 \quad 4 / 3$
assume [11] 16/8 24/17 24/18
28/6 $28 / 8$ 41/24 43/21 48/18
52/16 53/4 53/13
assumed [1] 7/18
assuming [17] 28/14 32/2
$32 / 8 \quad 32 / 8 \quad 32 / 940 / 1746 / 8$ $\begin{array}{lllll}46 / 11 & 49 / 10 & 54 / 2 & 81 / 4 & 100 / 11\end{array}$ 100/12 100/13 104/11 113/15 113/24
assumption [7] 24/11 24/14
$\begin{array}{llllll} & 25 / 9 & 25 / 9 & 28 / 12 & 36 / 6 & 54 / 23\end{array}$
assumptions [1] 32/12
attached [1] 65/9
attendance [5] 7/7 7/17 7/17
attended [6] 5/4 7/9 7/12
attended... [3] 7/18 97/4 97/5
attention [1] 63/19
attest [1] 37/16
attorney [2] $12 / 19 \quad 84 / 19$
attorneys [3] 2/4 2/7 13/6
attractive [4] 89/24 91/2 91/13 91/23
authorization [1] 110/9
available [5] 33/19 33/19 33/20 33/21 81/20
Avalon [1] 48/14
$\begin{array}{lllll}\text { Avenue [6] } & \text { 58/4 } & 80 / 5 & 82 / 25\end{array}$ 86/24 87/5 87/6
average [3] $41 / 15 \quad 44 / 13 \quad 74 / 2$
aware [32] 10/23 17/10 17/19 $27 / 20 \quad 38 / 247 / 23 \quad 48 / 948 / 10$ 48/11 48/13 48/15 51/23 52/7 52/13 $53 / 3$ 53/9 $53 / 21 \quad 54 / 7$ $\begin{array}{lllll}54 / 16 & 55 / 23 & 56 / 10 & 57 / 4 & 58 / 13\end{array}$ $\begin{array}{lllll}67 / 12 & 67 / 14 & 67 / 17 & 67 / 24 & 68 / 1\end{array}$ 68/14 85/18 85/19 86/2
$\begin{array}{cc}\text { away [1] } & 44 / 4 \\ \text { Aye [1] } & 114 / 15\end{array}$
B
back [11] 4/21 7/10 7/24 $\begin{array}{lllll}9 / 21 & 40 / 7 & 91 / 14 & 98 / 10 & 98 / 11\end{array}$ 98/12 98/13 107/24
bad [1] 93/19
badge [2] 50/2 60/9
Barnegat [1] 86/14
$\begin{array}{llll}\text { barrier }[3] & 47 / 17 & 47 / 24 & 49 / 7\end{array}$
$\begin{array}{llll}\text { based [14] } & 16 / 12 & 19 / 2 \quad 20 / 8\end{array}$ $\begin{array}{lllllll}22 / 10 & 25 / 20 & 26 / 9 & 32 / 7 & 36 / 7\end{array}$ 70/10 $85 / 25 \quad 85 / 25 \quad 93 / 16$ 93/16 110/1
baseline [2] 16/11 16/13
$\begin{array}{llll}\text { basically [6] } & 8 / 2 & 29 / 9 & 30 / 2\end{array}$ 32/13 36/3 81/17
basis [6] 7/22 19/23 27/3 27/20 52/9 61/11
basketba11 [2] 55/16 55/21
bay [25] 52/22 53/1 53/5 53/6 63/24 65/3 65/4 65/24 $\begin{array}{llllll}66 / 3 & 66 / 25 & 78 / 3 & 78 / 8 & 78 / 12\end{array}$ $\begin{array}{lllll}81 / 4 & 82 / 7 & 86 / 14 & 86 / 19 & 87 / 4\end{array}$ 87/5 87/6 88/2 88/21 88/22 89/8 101/6
bayside [4] $83 / 2 \quad 83 / 6 \quad 83 / 9$ 83/23
$\begin{array}{llll}\text { Bayview [5] } & 80 / 5 \quad 82 / 25 & 85 / 5\end{array}$ 86/24 87/6
Bayville [3] $1 / 8$ 101/25
111/10
be [126]
$\begin{array}{llll}\text { beach } & {[44]} & 48 / 12 & 49 / 15 \\ 49 / 17\end{array}$ $\begin{array}{llllll}50 / 1 & 50 / 2 & 50 / 18 & 51 / 12 & 51 / 13\end{array}$ $\begin{array}{lllll}51 / 14 & 51 / 19 & 52 / 3 & 54 / 14 & 55 / 4\end{array}$ $\begin{array}{lllll}55 / 24 & 57 / 11 & 59 / 9 & 59 / 13 & 59 / 15\end{array}$ $\begin{array}{llll}59 / 20 & 60 / 9 & 60 / 14 & 60 / 18 \\ 61 / 5\end{array}$ 61/8 61/9 61/14 61/20 61/24 $\begin{array}{lllll}65 / 24 & 68 / 3 & 68 / 14 & 68 / 15 & 78 / 8\end{array}$ $\begin{array}{lllll}78 / 12 & 81 / 4 & 82 / 8 & 83 / 2 & 83 / 6\end{array}$ 83/9 85/5 86/10 87/13 87/19 88/2
beaches [14] 49/14 51/23 $\begin{array}{llllll}52 / 7 & 52 / 12 & 52 / 22 & 53 / 1 & 53 / 1\end{array}$ $\begin{array}{llllll}53 / 6 & 67 / 14 & 69 / 14 & 78 / 4 & 86 / 19\end{array}$ 89/18 89/20
beachfront [2] 52/25 59/2
bear [1] 43/22
beautifu1 [1] 58/17
Beaverson [1] 2/6
became [3] 43/8 67/17 107/16
$\begin{array}{llll}\text { because [27] } & 10 / 8 & 19 / 12 & 20 / 8\end{array}$ 20/20 24/20 27/14 35/24 39/10 45/7 61/1 62/22 65/24

69/13 72/10 72/16 77/2 77/25 81/10 $90 / 3 \quad 92 / 8 \quad 95 / 2 \quad 106 / 14$ 107/13 108/9 109/15 109/18 112/20
been [30] 10/9 10/14 10/15
$\begin{array}{llll}12 / 5 & 12 / 6 & 12 / 21 & 21 / 11 \\ 21 / 13\end{array}$ $\begin{array}{lllll}121 / 23 & 22 / 4 & 29 / 17 & 30 / 8 & 39 / 25\end{array}$ $\begin{array}{lllll}52 / 8 & 68 / 18 & 68 / 22 & 82 / 6 & 83 / 6\end{array}$ 83/9 84/7 $89 / 18 \quad 90 / 23 \quad 92 / 9$ $\begin{array}{lllll} & 94 / 13 & 94 / 16 & 96 / 14 & 97 / 1\end{array} 97 / 2$ 97/8 103/6
before [15] $4 / 5$ 15/21 $15 / 23$ $\begin{array}{lllll}17 / 22 & 31 / 8 & 32 / 11 & 40 / 8 & 69 / 9\end{array}$ 77/11 93/21 96/18 105/4 107/16 111/2 115/8
began [2] 104/15 107/1
begin [1] 110/2
behalf [2] $8 / 15$ 11/8
being [20] 4/4 7/13 13/25
$\begin{array}{llll}14 / 7 & 14 / 19 & 14 / 22 & 16 / 23 \\ 25 / 17\end{array}$ $\begin{array}{lllll}42 / 1 & 42 / 5 & 42 / 6 & 47 / 13 & 47 / 20\end{array}$ $\begin{array}{llllll}57 / 8 & 68 / 3 & 85 / 14 & 89 / 3 & 90 / 7\end{array}$ 108/24 111/10
believe [19] $7 / 25$ 12/5 $13 / 4$ $\begin{array}{lllll}13 / 15 & 22 / 6 & 39 / 6 & 39 / 18 & 40 / 6\end{array}$ $\begin{array}{lllll}49 / 22 & 53 / 17 & 56 / 8 & 57 / 13 & 57 / 25\end{array}$ $\begin{array}{llll}62 / 15 & 74 / 3 & 87 / 21 & 87 / 24 \\ 102 / 9\end{array}$ 113/19
Be11 [1] 1/14
benefit [2] 37/7 37/15
benefited [1] 47/13
BERKELEY [60] 1/1 5/3 9/14
$\begin{array}{lllll}13 / 25 & 14 / 5 & 22 / 7 & 25 / 17 & 25 / 19\end{array}$
$\begin{array}{llllll}26 / 4 & 26 / 5 & 26 / 14 & 30 / 1 & 30 / 3\end{array}$
$\begin{array}{lllll}37 / 15 & 38 / 9 & 39 / 11 & 39 / 18 & 42 / 1\end{array}$
$\begin{array}{lllll} & 42 / 5 & 44 / 2 & 47 / 13 & 48 / 3\end{array} 49 / 12$
$\begin{array}{lllll}49 / 17 & 50 / 2 & 50 / 12 & 50 / 21 & 50 / 23\end{array}$
$\begin{array}{llll}50 / 24 & 51 / 11 & 52 / 12 \quad 57 / 23\end{array}$
$\begin{array}{llll}59 / 10 & 59 / 16 & 60 / 10 & 60 / 15\end{array}$
61/18 $61 / 23$ 62/6 62/14 $63 / 13$
63/15 63/21 $64 / 12 \quad 66 / 12$
$\begin{array}{lllll}70 / 18 & 70 / 24 & 71 / 8 & 71 / 11 & 72 / 2\end{array}$
72/14 $76 / 11 \quad 76 / 12 \quad 87 / 1 \quad 87 / 7$
87/8 87/9 92/14 97/4 101/17
Berkeley Township [21] 9/14
$\begin{array}{lllll}14 / 5 & 22 / 7 & 26 / 5 & 30 / 1 & 30 / 3\end{array}$
$\begin{array}{llll}149 / 18 & 50 / 12 & 52 / 12 & 59 / 10\end{array}$
$\begin{array}{lllll}59 / 16 & 60 / 15 & 62 / 14 & 63 / 15\end{array}$
$\begin{array}{llllll}70 / 18 & 72 / 2 & 72 / 14 & 87 / 1 & 87 / 7\end{array}$
87/8 87/9
Berkeley Township's [2] 5/3 49/12
Berkeley's [6] 37/8 47/25
48/21 48/23 49/9 50/25
best [4] 10/20 32/16 33/5
33/7
better [10] 15/14 36/11
$\begin{array}{lllll}36 / 17 & 40 / 16 & 40 / 24 & 41 / 12 & 49 / 9\end{array}$ 74/20 96/12 96/12
between [12] $42 / 5 \quad 42 / 21$
47/10 51/16 60/10 80/17
$\begin{array}{llllll}80 / 18 & 80 / 25 & 85 / 4 & 85 / 7 & 88 / 23\end{array}$ 105/10
bike [2] 61/16 61/17
bit [6] 5/25 6/24 65/23 66/8 68/2 81/14
block [2] $23 / 4$ 54/21
$\begin{array}{lllll}\text { blocks [4] } & 52 / 5 & 56 / 12 & 58 / 15\end{array}$ 81/4
Blvd [1] 2/6
board [48] $1 / 1 \quad 2 / 4 \quad 4 / 11 \quad 4 / 18$ $6 / 8 \quad 6 / 1312 / 19 \quad 14 / 7 \quad 14 / 14$ $\begin{array}{lllll}14 / 19 & 14 / 20 & 14 / 22 & 15 / 2 & 15 / 4\end{array}$ $\begin{array}{lllll}15 / 9 & 15 / 10 & 15 / 17 & 15 / 17 & 15 / 20\end{array}$ $\begin{array}{llllll}15 / 23 & 15 / 23 & 15 / 25 & 16 / 4 & 16 / 7\end{array}$ $\begin{array}{lllll}18 / 6 & 18 / 9 & 18 / 11 & 20 / 3 & 33 / 4\end{array}$ $\begin{array}{lllll}33 / 4 & 43 / 23 & 43 / 24 & 43 / 25 & 72 / 11\end{array}$ $\begin{array}{lllll}75 / 13 & 83 / 4 & 91 / 8 & 91 / 9 & 91 / 19\end{array}$ 91/22 92/3 92/5 92/20 93/6

96/22 97/5 99/14 108/8
board found [1] 91/19
boardwalk [4] 55/1 56/11
58/16 58/21
boat [7] 57/3 57/5 57/9 57/15 57/22 57/23 58/6
boats [2] 58/7 58/8
bogged [1] 77/25
Boro [1] 109/9
borough [3] 60/11 76/18 95/21
both [4] 17/20 37/1 52/25
79/13
bought [1] 94/1
Boulevard [5] 100/17 100/18
101/12 101/13 101/21
$\begin{array}{llll}\text { break } & {[3]} & 46 / 19 & 65 / 14 \\ \text { Brian } & 65 / 18\end{array}$
Brian [1] $1 / 12$
$\begin{array}{ll}\text { Brick [1] } & 2 / 6 \\ \text { bring [5] } & 29 / 4\end{array}$
108/11 108/12
bringing [1] 27/16
bucks [5] 42/2 44/15 45/14 51/18 52/22
budget [2] 69/7 69/8
building [12] 13/16 13/18
21/19 21/22 22/21 44/3 45/22
93/4 97/17 97/19 97/22 99/23
buildings [1] 21/12
built [2] 69/22 70/3
bulkheads [1] 66/5
burden [2] 13/21 71/11
businesses [1] 111/13
but I [1] 35/21
buying [1] 93/25
C
Cal1ahan [1] 1/13
called [2] 75/6 106/11
came [1] 45/4
Camera [1] $7 / 13$
can [48] 6/10 9/2 9/21 10/12
$\begin{array}{llll}15 / 14 & 15 / 15 & 15 / 16 & 15 / 23\end{array}$
$\begin{array}{llll}27 / 13 & 29 / 18 & 30 / 25 & 31 / 12\end{array}$
$\begin{array}{llllll}32 / 12 & 40 / 11 & 41 / 1 & 42 / 10 & 45 / 1\end{array}$ 45/4 47/8 $47 / 21$ 49/8 53/22
$\begin{array}{lllll}55 / 21 & 58 / 7 & 59 / 24 & 61 / 4 & 61 / 7\end{array}$ $61 / 13 \quad 61 / 16 \quad 65 / 5 \quad 65 / 5 \quad 68 / 10$ $\begin{array}{lllll}71 / 3 & 74 / 20 & 76 / 21 & 78 / 19 & 79 / 2\end{array}$ $81 / 4 \quad 86 / 5 \quad 98 / 2 \quad 98 / 11 \quad 99 / 10$ $99 / 22 \quad 100 / 10 \quad 108 / 18 \quad 108 / 20$ 110/19 113/23
can't [8] $11 / 21 \quad 12 / 23 \quad 37 / 16$
$\begin{array}{llllll}45 / 18 & 45 / 18 & 47 / 7 & 58 / 7 & 58 / 8\end{array}$
cannot [1] 86/3
cans [2] 81/23 81/25
car [1] 44/13
case [7] $10 / 2 \quad 33 / 23 \quad 37 / 18$ 37/20 $92 / 22$ 103/10 108/13
cases [4] 17/9 17/11 17/17 17/25
categorize [3] 10/4 57/14 98/13

## causing [1] 13/25

Census [17] 3/14 6/6 6/15 $\begin{array}{lllll}19 / 2 & 19 / 3 & 19 / 24 & 20 / 7 & 20 / 19\end{array}$ $\begin{array}{lllll}23 / 11 & 23 / 21 & 25 / 25 & 26 / 9 & 26 / 20\end{array}$ 26/23 28/10 28/23 77/3
center [5] 71/20 $72 / 17 \quad 82 / 10$ 110/14 110/23
cents [2] 44/7 44/20
certain [6] 40/17 49/10 56/9 $73 / 2182 / 2 \quad 87 / 25$
certain7y [5] 10/12 93/11
94/13 98/4 112/23
certificate [1] 35/4
certification [2] $34 / 19 \quad 36 / 3$
certifications [1] $\quad 34 / 14$

| C |  | coup1e [10] 4/6 6/18 $\quad 13 / 19$ |
| :---: | :---: | :---: |
| $\begin{array}{\|cccc} \hline \text { certified.... } & {[6]} & 35 / 3 & 35 / 10 \\ 36 / 4 & 36 / 10 & 36 / 14 & 115 / 5 \end{array}$ | $\begin{array}{lllll} \text { completed } & {[8]} & 31 / 14 & 31 / 21 \\ 32 / 3 & 32 / 5 & 32 / 7 & 32 / 11 & 32 / 20 \end{array}$ | $\begin{array}{llllllll} 56 / 12 & 58 / 15 & 64 / 23 & 64 / 24 & 65 / 1 \\ 69 / 10 & 98 / 25 & & \end{array}$ |
| 36/4 36/10 36/14 115/5 | $33 / 9$ | course [8] $20 / 22 \quad 20 / 25 \quad 33 / 1$ |
| Chairman [2] 1/12 113/4 | completion [4] 31/23 32/15 | 35/8 44/11 89/17 91/10 94/17 |
| change [14] 38/9 40/11 40/13 |  | court [3] 1/23 55/17 115/5 |
| 40/20 $41 / 1.43 / 10 \quad 43 / 14$ 67/8 | complimentary [1] 50/17 | $\begin{aligned} & \text { courtesy [1] } 18 / 3 \\ & \text { courts [2] } 53 / 23 \text { 54/4 } \end{aligned}$ |
| $\begin{array}{llllll}71 / 24 & 72 / 6 & 72 / 7 & 72 / 10 & 94 / 8\end{array}$ | component [1] 75/5 components [1] 75/23 |  |
| 95/4 changed [4] | comprehensive [2] 96/13 | CPA [1] 2/13 |
| changed [4] 90/8 90/11 91/15 | 105/20 | crafting [1] 10 |
| changes [2] 38/1 107/23 | comprised [1] 63/22 | ee |
| characteristics [2] 104 |  | 23 |
| 05 | $\begin{gathered} \text { Concent } \\ 112 / 7 \end{gathered}$ | criticized [2] 92/25 95/3 |
| characterize [1] | concept | criticizing [4] 93/8 93/12 |
| charge [4] $12 / 14$ 12/17 50 | conclude [1] 113/9 | 96/5 96/6 |
| arging [1] 61/2 | conclusion [1] 24/ | cross [4] 8/13 98/25 108/10 |
| chart [3] 59/19 59/20 60/22 | conclusions |  |
| cheaper [2] 61/4 61/8 | /1 | cross-examination [2] 8/13 $112 / 23$ |
| Check [4] 6/25 72/21 79/1 | conflict [2] 113/19 113/23 | crosshatched [2] 80/7 80/8 |
|  | congested [2] 99/7 99/12 | CRS [30] $34 / 3$ 34/3 36/12 |
| $\begin{aligned} & \text { Ks } \\ & \text { KOS }{ }^{[1]}[1] \end{aligned}$ | connected [1] 49/7 | 36/15 $36 / 22$ 38/8 $38 / 13$ 38/16 |
| children ${ }^{[6]}$ [6] $27 / 9$ 27/17 $55 / 4$ | CONNORS [1] 2/2 | $\begin{array}{llll}38 / 21 & 39 / 20 & 39 / 20 & 40 / 11\end{array}$ |
| 5/20 55/21 55/24 | considerations [1] 94/3 | 40/15 $40 / 18$ 40/22 40/24 41/1 |
| ice [2] 93 | consist [1] 9/18 | $41 / 5$ 41/9 47/10 47/12 47/18 |
| choices [2] 93/15 93/19 | consistent [1] 7/2 | 47/22 47/25 48/1 48/23 49/1 |
| Christopher [2] 7/15 9/14 | Constructing |  |
| chuckling [1] 46/8 | construction $75 / 2376 / 476 / 5$ 21/17 75/22 | current [2] |
| cite [1] 64/6 |  | $48 / 23$ |
| cited [1] 64/19 |  |  |
| citing [3] 91/5 100/7 100/9 |  | $\text { CV [1] } 4 / 17$ |
| City [10] 48/9 48/16 98/11 |  |  |
| 99/10 99/11 100 | contained [1] 20/8 | D |
| m [1] 97/7 | contention [1] 25/11 | D. 5 [3] 3/18 78/15 79/6 |
| claim[1] 97/7 ${ }_{\text {clarification [4] }} 7 / 5$ | context [5] 73/14 95/20 | daily |
| clarifīcätion [4] 7/5 12/ $\begin{gathered} 19 / 9103 / 24 \end{gathered}$ | 96/12 105/20 106/10 | $\begin{array}{lllll}\text { Dame } & {[9]} & 5 / 2 & 29 / 1 & 29 / 20\end{array}$ |
| clarified [1] 8/ | continue [4] 37/12 37/14 | 30/22 31/6 31/11 32/7 32/23 |
| clarify [3] 15/16 74/20 |  | DASTI |
| 104/18 | continued |  |
| clean [ | Continues [2] 77/16 96/9 |  |
| cleaned [2] 52/ | continuous [2] 92/10/103/7 | 22/21 23/1 23/11 23/21 24/11 |
| cleaning [1] 52/11 |  |  |
| clear [1] 82/14 | venience [1] 93/17 | date [3] 9/16 62/24 11 |
| clearly [3] 49/6 105/7 | nient | dated [4] |
| 7/20 | conversation [1] 17/24 | 115/16 |
| client | conveying [3] 53/4 53/13 | days [2] 68/22 69/4 |
| $\begin{aligned} & \text { clients [2] } \begin{array}{r} 93 / 20 \\ \text { close }[1] \end{array}{ }_{112 / 20} \end{aligned}$ | 100/13 | de [[52] $1 / 5$ |
| closed [8] 68/4 | copies [2] 4/17 6/13 | $\begin{array}{llllllll}7 / 7 & 8 / 2 & 8 / 4 & 9 / 17 & 10 / 5 & 10 / 19\end{array}$ |
| $68 / 18 \quad 68 / 22 \quad 69 / 2 \quad 69 / 13 \quad 69$ | copy [6] 4/18 8/20 8/24 | $\begin{array}{lllllll}10 / 21 & 10 / 22 & 11 / 8 & 11 / 16 & 14 / 2\end{array}$ |
| $\begin{array}{lllll}\text { closer [4] } & 102 / 5 & 102 / 21\end{array}$ | 30/23 30/25 62/22 | $\begin{array}{llll}16 / 13 & 17 / 21 & 31 / 17 & 31 / 19\end{array}$ |
| 102/23 102/24 | correct [154 | $\begin{array}{llllll}31 / 23 & 32 / 4 & 32 / 10 & 32 / 11 & 32 / 14\end{array}$ |
| code [1] 77/22 | corrected [2] 104/17 105/8 | $\begin{array}{llllll}32 / 24 & 33 / 12 & 33 / 13 & 37 / 8 & 37 / 13\end{array}$ |
| cognizant [1] 75/1 | correction [1] 4/14 | 38/4 $48 / 8 \quad 38 / 10 \quad 38 / 22 \quad 39 / 4$ |
| collected [5] 6/4 6/5 19/23 | corrections [1] 4/6 19 | 39/10 $45 / 2161 / 18$ 64/21 |
| 21/18 21/20 | correctly [3] 14/23 19/22 | $\begin{array}{lllll}66 / 13 & 70 / 19 & 70 / 23 & 71 / 22\end{array}$ |
| collectively [1] 94 | 68/17 | $\begin{array}{llllll}76 / 22 & 78 / 16 & 78 / 24 & 92 / 13 & 95 / 5\end{array}$ |
| collects [1] 75/18 | cost [17] 42/15 45/10 45/14 | 96/10 102/16 103/2 106/25 |
| come [7] 44/3 44/20 45/5 | 45/19 46/1 $73 / 4 \begin{array}{llll} \\ 73 / 11 & 73 / 14 & 73 / 9\end{array}$ | 107/12 |
| 45/9 45/19 46/1 46/6 | 17 73/19 74 | -annex |
| comes [2] 84/8 84/16 | costs [1] 74/16 |  |
| comfortable [1] 23/8 | cottages [3] 90/4 90/16 | $\begin{array}{lllll}4 / 3 & 6 / 22 & 7 / 7 & 8 / 2 & 8 / 4 \\ 9 / 17\end{array}$ |
| coming [2] $98 / 10$ | $\begin{array}{r} \text { cortage } \\ 90 / 17 \end{array}$ | $\begin{array}{llllll} \\ 10 / 5 & 10 / 19 & 11 / 16 & 16 / 13 & 17 / 21\end{array}$ |
|  | could [27] 6/1 7/21 17/14 | $\begin{array}{llllll}10 / / 17 & 31 / 19 & 31 / 23 & 32 / 4 & 32 / 10\end{array}$ |
| 1 112/7 | 29/14 $35 / 1 \begin{array}{llll} & 35 / 1 & 35 / 22 & 36 / 15\end{array}$ | $\begin{array}{lllll}32 / 11 & 32 / 14 & 32 / 24 & 33 / 12\end{array}$ |
| munities [1] | 40/10 40/13 40/15 40/16 | $\begin{array}{llllll}33 / 13 & 37 / 8 & 37 / 13 & 38 / 4 & 38 / 8\end{array}$ |
| community [8] 6/3 | 41/12 41/14 43/9 69/10 69/23 | $\begin{array}{lllll}38 / 10 & 38 / 22 & 39 / 4 & 39 / 10 & 45 / 21\end{array}$ |
|  | 72/6 72/8 72/24 72/25 76/23 | 61/18 64/21 66/13 70/19 |
| companies [1] 38 | 77/6 77/7 77/8 81/2 112/23 | 70/23 71/22 76/22 78/16 |
| compared [1] 20/19 | couldn't [4] 70/13 70/14 | 78/24 92/13 95/5 96/10 |
| compares [1] 28/22 | 82/17 84/4 | 102/16 103/2 106/25 |
| comparing [1] 89/4 |  | deal [2] 48/6 |
| comparison [5] 59/14 59/17 | [1] | december [12] |
| /9 60/10 60/13 | $\begin{array}{llll} \text { Count } \\ \text { county } \end{array}\left[\begin{array}{lll} {[1]} & 21 / 10 \\ \hline 39 / 1 & 98 / 16 & 98 / 18 \end{array}\right.$ | $\begin{array}{llll} 8 / 4 & 8 / 5 & 9 / 7 & 9 / 16 \end{array} 11 / 1$ |


| D | distribute [1] 6/1 | $\text { Id [4] 7/10 } 7 / 24 \text { 16/22 } 21 / 6$ |
| :---: | :---: | :---: |
| December 28 [1] 11/13 | distribution [1] 15/15 | ends [1] 69/8 |
| December 29 [3] 7/12 8/4 8/5 | district [1] 10 | engaged [4] 92/10 95/22 |
| ecember 7 [1] 113/19 | $\begin{array}{r} 106 / 16 \end{array}$ | engagement [1] 107/17 |
| decide [1] 93/16 | do [125] | engineers [2] 34/25 35/2 |
| $\begin{array}{lllll}\text { decision } & {[4]} & 27 / 6 & 40 / 2 & 40 / 4\end{array}$ | document [6] 3/14 6/5 6/15 | enough [4] 63/4 63/7 82/19 |
| 40/5 | 20/3 27/25 105/12 |  |
| decisional [3] 93/2 93/12 | documentation [2] 30/7 30/9 documents [4] 4/16 29/4 | entered [1] 71/18 entire [1] 31/17 |
| 93/15 | d05/2 106/12 | entities [1] 36/2 |
| $\begin{aligned} & \text { ease } \\ & \text { s }[1] \\ & 85 / 22 \end{aligned}$ | does [16] 9/18 15/7 17/5 | entitled [1] 63/11 |
|  | 21/9 $32 / 15$ 35/3 36/23 57/22 | environmental [6] |
|  | 67/18 70/23 73/19 76/12 | 62/18 63/2 63/5 63/11 63/15 |
| $\begin{array}{llll}\text { definitely } & \text { [1] } & 46 / 2\end{array}$ | 88/16 102/1 103/24 104/1 | erected [1] 21/1 |
| definitive [1] ${ }_{\text {delve }}$ 85/19 | doesn't [4] 40/14 62/1 78/ | error [4] 27/19 28/5 28/18 |
| demographers [1] 23/6 | 110/21 | 23 |
| DEP [3] 35/18 35/20 40/7 | do | ESQ [2 |
| department [2] 12/11 1 | [ | ESQS |
| depend [1] 49/2 | dollars [10] 41/20 41/25 | Esquire [1] 9/14 |
| dependent [2] 43/13 110/24 | 41/25 $43 / 7$ 44/16 44/16 49/16 | essence [1] 95/8 |
| depending [1] 46/23 | 49/24 50/1 53/22 | essentially [11] 12 |
| pends [1] 49 | Domenick [1] 1/13 | 69/19 70/2 70/3 72 |
| scribe [2] 15/14 | don't [126] | 78/7 78/11 86/13 98/2 |
| scribed [1] 4 | done [6] 31/18 $33 / 2$ 33/5 | establish [1] 86/18 |
| SCRIPTION [1] |  | established [6] 72/19 75/16 |
| signed [1] 35/ | d |  |
| detail [4] 6/11 10/25 23/2 | 1 | S |
| 61/3 | 56/22 64/7 $23 / 4$ 45/21 77/25 | estabiishing |
| detailed [1] 36/15 |  | estimates |
| tails [2] 105/23 106/3 | downtown | evaluate [1] 54/ |
| determination [3] 22/15 23/7 | do | aluated [2] |
|  | draw [1] $25 / 1$ | evaluating [1] 106/10 |
| ermine <br> 10 | drew [1] 25/4 | evaluation [1] 107/4 |
| termined [5] 10/20 22 | drive [7] 1/23 45/1 45/11 | even [16] 23/10 23/20 |
| $2 / 10 \quad 28 / 18 \quad 107 / 24$ | 61/13 61/17 93/3 101/9 |  |
| determining [3] 22/16 36/18 | drop [2] 44/1 45/6 | 49/8 53/19 $69 / 9$ 71/22 $85 / 13$ |
| 85/19 | d | 86/9 105/4 112/22 |
| detriment [1] 50/ |  |  |
| developer [1] 76/5 | during [4] 21/13 65/18 69/13 | $\begin{aligned} & \text { event }[5] \quad 37 / 13 \\ & 45 / 764 / 21 \end{aligned}$ |
| development [4] 69/24 69/24 <br> 70/9 75/19 | 69/14 | events [2] 9/25 |
| Dickerson [2] 2/12 | E | 3] 10/20 |
| did [33] 4/16 6/25 11/6 |  | very [6] 19/3 44/20 54/21 |
| $\begin{array}{lllll} \\ 11 / 10 & 14 / 23 & 14 / 24 & 17 / 22 & 20 / 2\end{array}$ | each [4] 6/19 36/19 73/5 | 56/11 58/14 108/6 |
| 20/9 $22 / 3$ 24/24 $25 / 1 \quad 25 / 2$ |  | everybody [1] 43/16 |
| 29/4 $31 / 6$ 58/1 $61 / 25$ 62/11 | eariy [1] 49/5 | exactly [8] 14/11 38/12 |
| $\begin{array}{llll}62 / 15 & 62 / 16 & 65 / 18 & 65 / 21\end{array}$ | easement [1] 81/12 | $\begin{array}{ccccccl} \\ 69 / 16 & 81 / 9 & 83 / 20 & 101 / 7 & 109 / 7\end{array}$ |
| $\begin{array}{lllll}86 / 18 & 88 / 5 & 91 / 22 & 92 / 16 & 93 / 20\end{array}$ | easier [1] $24 / 18$ | 111/24 |
| 96/7 99/25 100/23 105/4 | economic [1] 14/1 | exaggerated [3] 14/7 14/15 |
| 105/11 109/5 7 /20 17/8 19/12 | edification [1] 108/8 | exaggerated [3] 14/72 |
| $\begin{array}{ccccc}\text { didn't } & {[23]} & 7 / 20 & 17 / 8 & 19 / 12 \\ 20 / 5 & 20 / 10 & 20 / 16 & 22 / 1 & 24 / 13\end{array}$ | education [2] 43/25 93/6 | examination [4] 8/13 8/17 |
| $\begin{array}{lllllll}20 / 5 & 20 / 10 & 20 / 16 & 22 / 1 & 24 / 13 \\ 24 / 13 & 30 / 13 & 38 / 25 & 39 / 5 & 43 / 1\end{array}$ | educationa1 [1] $35 / 13$ | 108/11 112/23 |
| $\begin{array}{llll}24 / 13 & 30 / 13 & 38 / 25 & 39 / 5 \\ 51 / 21 & 54 / 10 & 60 / 25 & 62 / 22\end{array}$ | $\begin{array}{llllll}\text { effect [8] } & 32 / 15 & 32 / 18 & 32 / 19\end{array}$ |  |
| $\begin{array}{llllll}51 / 21 & 54 / 10 & 60 / 25 & 62 / 22 & 91 / 3 \\ 91 / 3 & 91 / 4 & 91 / 4 & 107 / 24 & 113 / 8\end{array}$ | 33/13 38/7 40/1 77/7 77/8 | 46/11 86/12 |
| ence | effective [1] 96/14 | Except [2] 69/6 69 |
|  | effectively [1] 95/23 | exception [1] 55/16 |
| $50 / 6$ | effects [1] 72/22 | excluding [1] 69/12 |
| ifferences | effort [3] 92/10 107/11 | Excuse [5] 23/17 23/18 61/7 |
| different [10] 5/15 39/11 | 107/12 | /10 112/13 |
| 43/15 49/4 61/2 72/8 79/25 | efforts [8] 48/3 94/7 | exempted |
| 106/12 107/9 110/25 | 103/3 103/9 106/25 107/7 |  |
| difficult [1] 83/16 |  | exhibits [1] 82/5 |
| direct [1] 63/18 | eigght [7] $45 / 19 \quad 61 / 10 \quad 62$ | exist [1] $34 / 15$ |
| $\begin{array}{lllll}\text { direction [2] } \\ \text { disagree } & \text { [4] }\end{array}$ | 63/19 63/20 97/23 101/24 | existence [2] 75/24 76/13 |
| $\begin{aligned} & \text { disagree } \\ & 99 / 23100 / 10 \end{aligned}$ | eight miles [2] 97/23 101/24 | existing [1] 59/13 |
| discuss [2] 11/6 11/11 | eighteen [1] 63/23 | exists [2] 30/15 88/15 |
| discussed [1] 19/25 | eighteen miles [1] 63/23 | expand [1] 88/8 |
| discussion [1] 46/15 | either [10] 37/20 37/23 38/4 | expect [1] 15/23 |
| ispositive [1] 110/21 | 55/6 65/2 74/3 76/4 77/7 | expected [1] 10/1 |
| dispute [9] 56/3 56/4 100 | 77/8 81/5 | expend [1] 75/17 |
| 101/2 101/10 101/11 101/15 | Elementary [1] 101/25 | expenses [2] 45/13 46/6 |
| 101/16 101/18 | eligible [1] 77/18 | expert [3] 84/8 84/10 84/16 |
| isrespectful [1] 27/12 | else [6] 8/10 11/24 30/15 | expires [1] 115/14 |
| distance [2] 66/23 67/5 | 77/24 107/21 114/10 | explain [1] 108/7 |
| distances [1] 102/4 | encourage [1] 88/1 | explaining [1] 108/6 |


| E | focusing [4] 67/4 67/7 106/9 | $61 / 9 \text { 88/24 88/24 93/4 98/21 }$ |
| :---: | :---: | :---: |
| exploration [1] 87/22 |  | $99 / 16 \quad 102 / 11 \quad 102 / 12 \quad 102 / 19$ |
| explore [2] 81/3 87/18 | footnote [4] 50/20 60/16 |  |
| extensively [1] 34/6 | footnote $61 / 3102 / 9$ | $\left\lvert\, \begin{array}{llll} \text { goes } \\ \text { going } & {[51]} \end{array} \quad 8 / 21 \quad 16 / 20 / 13\right.$ |
| extent [6] 19/24 25/4 73/21 | foregoing [1] 115/6 | $\begin{array}{llllll} \\ 23 / 1 & 27 / 14 & 28 / 1 & 30 / 4 & 32 / 6\end{array}$ |
| $\begin{array}{lllllll}77 / 4 & 97 / 2 & 109 / 6 \\ & & \\ & \end{array}$ | foresee [1] 110/22 | $\begin{array}{lllll} & 32 / 24 & 33 / 8 & 39 / 22 & 43 / 1\end{array}$ |
| extra [5] 51/18 52/21 53/9 | forgot [1] 67/13 |  |
| extremely [1] 31/17 | Forked [1] 2/3 | 44/19 $45 / 1445 / 1745 / 23 ~ 46 / 9$ |
|  | ation | 53/12 $56 / 1156 / 13$ 57/7 59/9 |
| F | forms [1] 66/3 | $62 / 19$ 62/20 63/18 64/20 |
| face [1] 14/5 | forth [4] 53/7 66/5 78/9 | 65/14 $66 / 4 \begin{array}{lllll}70 / 5 & 70 / 16 & 74 / 14\end{array}$ |
| faces [2] 71/15 75/21 |  | $75 / 1182 / 6 \quad 83 / 18 \quad 83 / 18 \quad 83 / 19$ |
| facilities [2] 97/12 97/16 | forward [5] 32/20 33/9 70/16 | $111 / 1 \quad 112 / 20 \quad 113 / 11 \quad 113 / 14$ |
| fact [35] 17/6 17/12 25/10 | 71/21 72/18 | 113/15 |
| 37/17 $47 / 13$ 61/2 61/4 61/7 | found [4] 89/23 91/12 91/19 | gone [2] 40/1 95/25 |
| 61/13 61/25 64/17 65/24 66/2 | 92/3 [4] 89/23 91/12 91/19 |  |
| $\begin{array}{lllll}69 / 21 & 72 / 1 & 72 / 6 & 75 / 12 & 77 / 2\end{array}$ | foundation [2] 28/9 49/11 | good $75 / 10$ [ $6 / 713 / 141 / 6$ 71/25 |
| $\begin{array}{llllll}78 / 2 & 81 / 10 & 81 / 16 & 86 / 3 & 87 / 10 \\ 90 / 6 & 92 / 1 & 92 / 14 & 93 / 23 & 94 / 6\end{array}$ | fountains [3] 56/6 56/11 | got [3] $15 / 10$ 110/2 $110 / 9$ |
| $\begin{array}{lllll}90 / 6 & 92 / 1 & 92 / 14 & 93 / 23 & 94 / 6 \\ 96 / 19 & 97 / 6 & 98 / 8 & 103 / 1 & 107 / 3\end{array}$ | 56/23 | governing [1] 10/2 |
| $\begin{array}{lllll} 96 / 19 & 97 / 6 & 98 / 8 & 103 / 1 & 107 / 3 \\ 107 / 7 & 110 / 4 \end{array}$ | four [8] 44/15 44/16 45/5 | $\begin{array}{llll}\text { government } & {[2]} & 33 / 24 & 35 / 22\end{array}$ |
| factors [4] $43 / 15$ 49/2 $72 / 8$ | 45/10 45/11 45/13 60/20 | Governor's [1] 68 |
| 110/25 | /16 69 | grandfathering [1] 23/7 80/25 81/5 |
| facts [2] 96/13 107/22 | frame [1] 10/1 | 84/24 85/4 85/10 85/13 |
| factual [1] 92/2 | framework [1] 61/2 | 86/9 86/12 86/17 87/23 110/2 |
| failure [1] 95/4 | frankly [2] 16/24 113/8 | 110/8 |
| fair [4] 59/3 70/16 71/19 | Frederick [1] 1/14 | grants [4] 80/18 80/21 84/17 |
| familiar [5] 37/24 62/13 | f |  |
| 82/19 84/25 98/19 | frequency [1] 52/ | great [3] 63/14 64/12 109/5 |
| familiarization [1] 10/6 |  | ORY [1] 2/4 |
| families [1] 50/19 | /25 67/3 80/14 | guarantee [1] 59/8 |
| family [2] 90/18 90/19 | fully [2] 97/6 111/2 | guarded [1] 78/9 |
| far [2] 31/22 97/12 | fund [3] 73/25 75/18 77/21 | guess [4] 42/10 64/2 68/8 |
| st [1] $35 / 12$ | fundamental [1] 35/14 | 102/15 |
| $\begin{array}{lll}\text { fault [1] } & 93 / 3 \\ \text { favor [1] } & 114 / 14\end{array}$ | funding [6] 33/18 33/20 |  |
| favor [1] 114/14 | 33/21 33/25 69/7 77/20 | H |
| $\begin{array}{ll} \text { eatures } \\ \text { cderal } & \text { [1] } \\ 527 & 23 / 6 \end{array}$ | further [5] 19/9 20/2 88/25 | had [34] $4 / 15$ 5/1 5/24 6/2 |
| feel [1] $27 / 18$ | 106/20 107/24 | 6/18 7/6 7/16 7/18 7/18 7/22 |
|  | furthest [1] 97/21 | $\begin{array}{llllllllll}8 / 1 & 9 / 19 & 10 / 14 & 17 / 23 & 19 / 22\end{array}$ |
| MA [3] 34/12 | G | 29/20 29/21 29/22 31/5 31/9 |
|  | G | 32/8 37/13 $37 / 15$ 39/24 40/21 |
|  | gaining [1] 60/18 | 40/22 47/9 47/13 65/21 80/12 |
| $[$ | gallon [1] 44/14 | 87/11 107/13 110/4 110/7 |
|  | gas [3] 44/9 44/15 45/12 | Haines [1] 2/13 |
|  | gathered [1] 20/21 | half [7] 51/24 52/3 58/21 |
|  | gave [3] 11/7 11/20 36/7 | 65/22 65/23 66/20 67/1 |
| [1] | gazebos [3] 58/13 58/14 59/1 | handle [1] 36/3 |
| ng | general [12] 5/10 10/3 10/5 | $\begin{array}{lllll}\text { happen [4] } & \text { 29/4 } & 39 / 23 & 77 / 2\end{array}$ |
| ng | 11/20 $11 / 23$ 29/9 29/22 $30 / 16$ | 107/25 |
|  | 30/19 38/14 90/24 95/16 | happened [1] 68/7 |
| find [4] 60/7 91/22 9 | generally [7] 20/20 38/18 | happening [1] 110/23 |
| fi05/23 ${ }^{\text {c }}$ | 83/21 83/22 99/7 100/20 | happens [1] 69/8 |
| fine [3] 8/23 | 112/10 |  |
| nish [1] 32/ | geographic [1] 85/25 | hard [1] 75/ |
| first [8] 4/16 6/20 24/10 | get [35] 4/5 23/1 37/7 37/14 | hardships [2] 14/4 14/6 |
| 24/22 $25 / 24$ 62/21 109/9 | 39/20 $40 / 24$ 41/12 46/22 | harm [1] 14/1 |
| 113/20 | 47/18 $49 / 8$ 51/5 $51 / 6$ 51/9 | has [36] [3/6 10/9 10/15 $30 / 8$ |
| fishing [2] 53/10 53/15 | 51/10 51/10 51/11 51/13 | 33/2 $33 / 4$ 39/11 40/1 48/9 |
| fits [1] 61/10 | $\begin{array}{llllll}51 / 19 & 52 / 2 & 52 / 22 & 52 / 25 & 53 / 5\end{array}$ | $\begin{array}{llllll}48 / 12 & 48 / 14 & 48 / 16 & 50 / 12 & 52 / 8\end{array}$ |
| five [23] $13 / 9$ 39/15 $41 / 7$ |  | 63 |
| $\begin{array}{llllll} & 42 / 3 & 42 / 7 & 42 / 15 & 42 / 16 & 42 / 17\end{array}$ | 98/9 99/1 99/11 99/17 105/23 | $\begin{array}{llllll}71 / 18 & 73 / 19 & 73 / 23 & 74 / 2 & 75 / 22\end{array}$ |
| $\begin{array}{lllllll} & 42 / 20 & 43 / 3 & 43 / 4 & 44 / 5 & 46 / 12\end{array}$ | gets [5] 32/20 $38 / 15 \quad 44 / 13$ | 90/8 90/11 92/9 96/14 99/16 |
| $\begin{array}{lllllll} & 47 / 25 & 48 / 4 & 48 / 6 & 48 / 10 & 48 / 12\end{array}$ | gets [5] 32/20 38/15 44/13 | 90/8 90/11 92/9 96/14 99/16 |
| 48/14 48/16 49/16 49/24 50/1 | $\begin{array}{lllll}\text { getting [3] } & 23 / 4 & 44 / 9 & 77 / 25\end{array}$ |  |
| five percent [7] 39/15 42/3 | getting [3] 23/4 44/9 77/25 | hasn t have [143] |
| $\begin{array}{llllll}42 / 15 & 42 / 20 & 43 / 3 & 43 / 4 & 46 / 12\end{array}$ | GIS [1] 29/1 | Haven [1] 48/12 |
| fixed [1] 77/12 | give [6] $4 / 17$ 4/21 9/21 | haven't [4] 9/19 38/22 54/25 |
| fixes [1] 71/20 | 36/18 86/8 112/17 | $56 / 18$ |
| flood [14] 34/11 36/20 36/23 | $\begin{array}{lllll}\text { given } & {[8]} & 15 / 9 & 15 / 14 & 18 / 12\end{array}$ | having [5] 46/6 66/14 81 |
| $\begin{array}{lllllll}37 / 7 & 37 / 14 & 38 / 1 & 41 / 15 & 42 / 8\end{array}$ | 20/6 20/6 38/20 38/22 56/16 | $93 / 193 / 12$ |
| 43/6 46/4 46/9 47/5 47/21 | gives [1] 57/11 | he $\left[\begin{array}{llllll}15] & 4 / 6 & 6 / 20 & 10 / 13 & 10 / 15\end{array}\right.$ |
| 49/3 | $\begin{array}{ll} \text { gives [1] } & 101 / 4 \\ \text { Glen [1] } \end{array}$ | $\begin{array}{ccccccl}\text { he } \\ 10 / 20 & 11 / 2 & 11 / 4 & 11 / 7 & 12 / 4\end{array}$ |
| $\begin{array}{llll}\text { floodplain } & {[7]} & 34 / 19 & 34 / 22 \\ 35 / 4 & 35 / 11 & 36 / 5 & 36 / 11 \\ 36 / 14\end{array}$ | $\begin{array}{lll} \text { GI } \\ \text { go }[25] & 10 / 22 & 15 / 20,33 / 8 \end{array}$ | $12 / 21 \quad 17 / 9 \quad 17 / 10 \quad 17 / 12 \quad 17 / 15$ |
| focus [1] 106/6 <br> focused [1] 66/22 | $\begin{array}{lllll} 35 / 7 & 40 / 15 & 43 / 23 & 45 / 5 & 45 / 6 \\ 45 / 20 & 47 / 18 & 54 / 22 & 61 / 4 & 61 / 8 \end{array}$ | $\begin{array}{lllll} 86 / 6 \\ \text { he's }[3] & 4 / 19 & 86 / 4 & 86 / 5 \end{array}$ |


| H | $53 / 3 \quad 100 / 9$ | 92/2 92/6 100/14 |
| :---: | :---: | :---: |
| head [11] 12/11 27/21 28/11 | 103/21 112/10 $114 / 5114 / 6$ | initial [3] 7/9 16/10 68/8 |
| 41/8 42/13 45/17 65/7 98/2 |  |  |
| 111/15 111/18 112/2 | $14 / 25 \quad 15 / 13 \quad 16 / 24 \quad 19 / 21$ | $\begin{aligned} & \text { instead }[2] \quad 66 / 1466 / 19 \\ & \text { insurance }[9] \quad 34 / 12 \quad 36 / 20 \end{aligned}$ |
|  | $\begin{array}{llll}14 / 25 & 15 / 13 & 16 / 24 & 19 / 21\end{array}$ | 38/6 38/7 41/16 46/5 46/10 |
| hear [2] [2] $45 / 9$ 99/13 | $\begin{array}{lllll}25 / 16 & 27 / 14 & 27 / 18 & 27 / 24 & 28 / 1\end{array}$ | 47/5 84/12 |
| hearing [5] $1 / 5$ 4/4 6/22 | $\begin{array}{lllll}28 / 14 & 32 / 12 & 32 / 21 & 37 / 17\end{array}$ | intended [2] 79/8 79/24 |
| 12/3 15/22 | $\begin{array}{lllll}37 / 21 & 38 / 2 & 40 / 8 & 41 / 3 & 42 / 4\end{array}$ | intent [1] |
| hearings [3] 10/3 15/20 |  | interest [1] 10/21 |
| 16/13 | $\begin{array}{lllll}46 / 18 & 48 / 17 & 49 / 20 & 53 / 3 & 53 / 12\end{array}$ | interesting [1] 72/16 |
| heed [1] 112/24 | $\begin{array}{lllll}54 / 2 & 56 / 1 & 56 / 9 & 56 / 13 & 56 / 15\end{array}$ | Inventory [1] 63/11 |
| held [7] 5/2 13/14 13/16 |  |  |
| 108/24 109/9 109/12 109/22 | $\begin{array}{llllll}69 / 12 & 72 / 5 & 73 / 13 & 74 / 16 & 75 / 8\end{array}$ | invoices [1] 7/11 |
| he1p [4] 38/21 38/24 39/1 | $\begin{array}{llllll}75 / 11 & 81 / 24 & 82 / 2 & 82 / 6 & 82 / 22\end{array}$ | invoicing [1] 7/1 |
| he | 83/15 $8183 / 18$ 83/19 $84 / 20$ | involved [9] $10 / 9$ 10/14 $17 / 6$ |
| helpful  <br> here $\left[\begin{array}{llllll}{[1]} & & 6 / 8 & & 13 / 16 & 13 / 17\end{array}\right.$ $14 / 12$ | 84/25 $89 / 4 \quad 92 / 18$ 98/15 $99 / 21$ | $\begin{array}{llllll} & 17 / 9 & 17 / 10 & 17 / 13 & 34 / 22 & 94 / 13\end{array}$ |
|  | 100/9 100/15 101/2 102/11 | 97/3 |
|  | 104/10 108/11 108/14 108/19 | is [249] |
| 46/1 $46 / 6 \quad 46 / 23$ 57/8 $74 / 18$ | T've [3] 45/22 83/9 97/2 | island [14] 47/17 47/17 |
| 75/10 $84 / 5$ 87/3 $87 / 11103 / 10$ | I ve $[3]$ $45 / 22$ $83 / 9$ $97 / 21 / 3$ | $\begin{array}{lllll} 60 / 18 & 61 / 5 & 61 / 8 & 61 / 14 & 61 / 24 \end{array}$ |
| 97/1 97/3 98/9 98/22 99/2 | $\begin{aligned} & \text { 1dea }[3] \\ & \text { identical } \end{aligned}$ | $68 / 3 \quad 68 / 15$ |
| 99/12 99/17 100/3 101/1 | identification [9] 4/24 5/19 | Isle [1] $48 / 16$ |
| 102/22 106/10 109/12 112/18 | 6/16 9/8 22/23 29/16 50/19 | isn't [19] $15 / 12 \quad 25 / 6 \quad 26 / 24$ |
| $\begin{array}{lllll}113 / 3 & 113 / 15 & 113 / 24 & 113 / 24\end{array}$ | 78/18 79/18 | 33/14 $34 / 18$ 37/19 41/12 |
| hereby [1] 115/6 | identified [6] 78/23 79/5 | 59/10 61/22 62/2 74/7 81/16 |
| hereinbefore [1] 115/9 <br> high [3] 99/23 100/4 110/5 | 82/23 90/7 92/1 105/7 | 92/13 $94 / 6 \quad 96 / 19$ 97/22 $98 / 8$ |
| high [3] 99/23 100/4 110/5 | identify [4] $9 / 12$ 25/25 $26 / 2$ | 103/1 109/20 |
| $m[21] 4 / 717 / 14$ | 82/20 | issue [7] 69/6 72/3 72/16 |
| is [7] $5 / 16$ 10/24 $11 / 1$ | ignoring [1] 106/14 | 88/13 88/15 96/8 |
| 1/11 17/14 59/25 | imagine [5] 35/12 70/11 | issued [2] 21/11 22/14 |
| hold [4] 14/16 32/24 103/23 | act [2] | 1ssues [6] 8/3 74/18 92 |
| 109/16 | impact [2] 72/24 | 94/21 95/19 |
| holiday [10] 68/16 98/11 | implemented [1] 111/2 | 7t [244] |
| 98/22 99/10 99/11 100/23 | implements [1] 40/17 | it's [142] |
| 101/20 101/23 111/25 111/25 | implying [1] 15/2 | item [1] 4/25 |
| home [1] 43/7 | important [4] 25/13 63/4 | items [2] 16/10 16/23 |
| HOMEOWNERS [2] | 63/7 92/6 [2] 90/23 90/24 | its [7] 40/18 48/3 67/14 |
| mes [2] 90/4 | improvements [2] 90/23 90/24 | 71/20 73/24 74/14 75/17 |
| honest [1] 100/9 | 111 | itself [1] 92/14 |
| hope [2] 8/21 27/8 | 1 n | IV [1] |
| Hopefully [1] 44/14 |  | J |
| hospitals [4] 103/12 105/13 | inappropriate [1] 27/17 |  |
| 106/4 106/8 | include [1] 75/24 | $\begin{array}{llll}\text { Jamaica } & {[1]} & 100 / 17 & 100 / 18\end{array}$ |
| hour [1] 112/21 | included [3] 64/16 91/25 | January [7] 62/20 62/25 |
| hours [2] 112/19 112/24 | 107/8 [1] 5/7 | 108/25 109/23 113/24 113/25 |
| household [2] 22/21 77/18 households [2] 22/16 22/16 | includes [1] 5/7 | 115/14 |
|  | including [2] 107/9 107/19 | Jersey [9] 1/8 1/24 2/3 2/6 |
| 70/1 70/5 70/13 70/17 70/21 | income [1] 77/18 | 35/18 47/24 84/12 115/6 |
| 70/24 $70 / 25$ 71/7 $71 / 12 \quad 71 / 19$ | incorporated [1] 91/25 | 115/13 |
| $\begin{array}{llllll}71 / 20 & 72 / 13 & 72 / 17 & 72 / 23 & 73 / 5\end{array}$ | rrect [1] 24/11 | Joe [1] 112/13 |
| 73/8 $73 / 12$ 73/16 73/20 73/24 | ncrease [7] 22/5 39/19 | John [1] 1/14 |
|  | /20 40/1 40/15 40/16 40/18 | join [1] 14/3 |
| 75/18 $76 / 6$ 76/8 $76 / 10$ 76/13 | independent [1] 53/24 | JOSEPH [3] 2/7 $4 / 4 \mathrm{l}$ |
| 76/14 76/19 77/5 77/19 |  | $\begin{array}{llll}\text { Juty [2] } & 68 / 16 & 69 / 9\end{array}$ |
| how [47] $6 / 4 \begin{array}{llll}\text { l }\end{array}$ | indicated [20] 7/8 9/20 12/3 | June [3] 5/6 $5 / 12$ 32/7 |
| 21/12 21/23 28/22 36/12 | $16 / 11{ }^{18 / 25} 19 / 22 \quad 27 / 2 \quad 29 / 22$ | June 1st [2] 5/6 5/12 |
| $\begin{array}{llllll} & 36 / 15 & 36 / 16 & 40 / 25 & 41 / 1 & 51 / 19\end{array}$ | 29/25 $31 / 5$ 32/8 $40 / 2143 / 10$ | June 2018 [1] 32/7 |
| $\begin{array}{llllll}53 / 15 & 54 / 4 & 54 / 13 & 54 / 19 & 55 / 3\end{array}$ | $48 / 2$ 49/15 $80 / 22$ 97/11 103/6 | jurisdiction [2] 86/15 86/16 |
| $\begin{array}{llllll}55 / 14 & 56 / 6 & 57 / 9 & 57 / 9 & 58 / 14\end{array}$ |  | Just [59] 4/14 6/1 8/1 8/7 |
| 58/24 64/20 64/22 68/18 74/1 | 崖ing [3] 31/8 49/23 | 9/11 9/21 9/25 13/22 |
|  $86 / 5$ $86 / 18$ $87 / 12$ $90 / 10$ <br> $8 / 23$     |  | 15/21 15/21 15/22 23/20 |
| 98/17 98/21 101/12 102/10 | ndividua [2] 6/13 90/24 | $\begin{array}{llllll}26 / 19 & 26 / 19 & 36 / 7 & 42 / 12 & 43 / 16\end{array}$ |
| 103/10 103/15 103/16 103/16 | individually [2] 94/8 94/12 | $\begin{array}{llllll}43 / 21 & 45 / 11 & 49 / 2 & 49 / 18 & 53 / 12\end{array}$ |
| 111/3 111/13 111/17 111/25 | individuals [4] 5/8 5/11 | 57/7 $595 / 22$ 62/19 63/18 $63 / 17$ |
| 112/1 112/15 | 11/8 11/21 | $\begin{array}{llllll}66 / 22 & 67 / 4 & 67 / 17 & 68 / 7 & 69 / 7\end{array}$ |
| however [3] 19/24 48/22 | inference [1] 102/15 | 69/9 69/10 $72 / 21$ 75/20 75/20 |
| $86 / 11$ | information [45] 5/25 6/4 | 77/16 77/23 79/1 79/1 82/22 |
| Hudak [1] 1/14 | 7/24 16/10 $16 / 10$ 16/11 16/14 | 86/11 $86 / 24$ 90/6 $91 / 5$ 92/18 |
| Hugg [1] 2/12 | $\begin{array}{lllll}16 / 25 & 19 / 2 & 19 / 23 & 20 / 7 & 20 / 21\end{array}$ | 95/21 96/4 100/15 101/1 |
|  | 21/9 $21 / 18$ 22/11 $22 / 19$ 24/19 | 102/4 104/18 104/25 108/3 |
| I | 24/25 25/10 25/20 25/23 26/3 | 109/25 112/17 114/5 |
| I'd [4] $26 / 8$ 97/24 97/24 | 26/9 $26 / 10$ 27/5 27/6 $27 / 22$ | justifiable [1] 110/17 |
| 113/10 | $\begin{array}{lllll}31 / 11 & 36 / 7 & 36 / 15 & 41 / 18 & 42 / 11 \\ 53 / 4 & 53 / 14 & 53 / 14 & 55 / 6 & 56 / 14\end{array}$ | justification [1] 39/25 |
| $\begin{array}{llll} \text { I'11 } & {[16]} & 4 / 17 & 6 / 9 \\ 13 / 22 / 21 \\ 24 / 4 & 24 / 4 & 35 / 11 & 40 / 25 \end{array}$ | 59/11 59/13 67/19 67/21 86/1 | justifying [1] 110/17 |


| K | 1ong [7] $44 / 7$ 58/2 81/4 | math [2] 45/16 4 |
| :---: | :---: | :---: |
| keep [2] 75/8 75/10 | 103/10 103/15 103/16 103/16 | $\begin{array}{llll}\text { matter [6] } & 1 / 3 & 3 / 19 & 12 / 14\end{array}$ |
| keeping [1] 37/25 |  |  |
| Ke1ly [1] 2/12 | 22/13 $48 / 22 \quad 49 / 25 \quad 58 / 1 \quad 65 / 5$ | matters [4] 10/19 11/2 11/5 |
| kept [1] 13/11 | $65 / 8 \quad 65 / 11 \quad 71 / 3 \quad 76 / 21 \quad 80 / 4$ | may [18] 4/12 5/5 5/7 5/10 |
| Keswick [1] 1/7 | $85 / 22 \quad 85 / 24 \quad 107 / 2 \quad 107 / 6$ | $\begin{array}{llllll} 5 / 24 & 8 / 13 & 15 / 25 & 19 / 8 & 29 / 21 \end{array}$ |
| key [1] 8/3 | $108 / 1$ | $31 / 14 \quad 33 / 9 \quad 35 / 20 \quad 37 / 1 \quad 37 / 14$ |
| kind [13] 5/24 6/19 10/4 | looked [7] 11/1 54/25 104/15 | 49/3 $65 / 16$ 72/2 105/25 |
| 22/18 $74 / 20$ 77/12 | 105/2 106/2 106/18 107/5 | maybe [8] 19/8 $44 / 5$ 44/5 |
| 98/25 103/6 | looking [12] 7/10 7/23 23/3 | 44/16 44/18 45/6 45/19 66/8 |
| kinds [2] 95/25 96/3 | 26/1 48/3 48/5 69/3 82/22 | mayor [4] 13/2 13/3 94/19 |
| know [123] | 83/16 88/1 88/6 107/19 | 94/20 |
| know7edge [7] 32/17 | looks [1] 80/16 | Mazur [3] 62/12 $63 / 10$ 64/4 |
| $\begin{array}{lllll} \\ 33 / 7 & 94 / 7 & 94 / 19 & 96 / 20 & 97 / 8\end{array}$ | Lore11i [1] 1/13 | MCGUCKIN |
| L | loss [3] 25/15 72/10 77/5 | 7/6 9/21 17/8 17/9 23/17 |
| Lacey [1] 2/3 | lost [1] 64/21 | 23/18 $24 / 15$ 29/17 $30 / 11$ |
| 1 lack [1] 96/5 | 1ot [5] $\left[\begin{array}{lllll} \\ \hline 10 / 5 & 59 / 6 & 96 / 23 & 99 / 4\end{array}\right.$ | $\begin{array}{llllll}30 / 14 & 31 / 2 & 32 / 22 & 40 / 6 & 43 / 22\end{array}$ |
| 1aid [1] 107/20 | 10ve | $\begin{array}{llll}45 / 18 & 49 / 18 & 49\end{array}$ |
| Lake [2] 101/12 101/13 | 10ve | $52 / 25$ 59/22 61/7 68/2 68/10 |
| LAKEVIEW [1] 1/23 | lower [5] 47/18 47/25 48/4 | 79/1 80/16 82/5 91/22 95/2 |
| 1and [6] 86/24 87/5 87/8 | 48/21 48/22 | 99/22 100/14 101/2 104/24 |
| 95/19 96/11 97/3 |  | 108/22 112/13 112/17 113/18 |
| 1argest [2] 111/9 112/7 | M | 115/8 |
| $\begin{array}{lll} \text { 1ast }[13] & 4 / 16 & 12 / 2 \\ 12 / 3 \\ 10 / 15 & 18 / 19 & 19 / 11 \\ \hline \end{array}$ | $\text { M's [1] } 7 / 17$ | meager [1] 47/6 |
| $\begin{array}{lllll} 12 / 15 & 18 / 19 & 19 / 11 & 20 / 6 & 20 / 7 \\ 20 / 14 & 28 / 25 & 83 / 5 & 94 / 9 & 96 / 23 \end{array}$ | made [9] 59/14 59/17 68/5 | mean [26] $21 / 15$ 21/16 $21 / 16$ |
| late [1] 109/24 | 93/1 93/12 93/15 93/19 94/8 | 28/8 $34 / 17$ 35/5 $51 / 7172 / 15$ |
|  | 108/24 | 14 |
| 1 awyer [2] 86/5 86/5 | magnitude [3] 6/21 25/25 | $74 / 13 \quad 74 / 18 \quad 77 / 8 \quad 83 / 9 \quad 83 / 18$ |
| 1 ay [1] 15/24 |  | $99 / 9 \quad 112 / 9 \quad 112 / 25$ |
| 1earn [1] 68/21 | 70/18 70/22 93/4 97/13 97/22 | meant [2] 76/18 104/11 |
| 1east [11] 45/14 52/2 76/23 | $\begin{array}{lllll} \\ 98 / 10 & 104 / 4 & 104 / 23 & 106 / 17\end{array}$ | measure [1] 65/19 |
| 81/3 83/1 89/23 91/1 91/13 | maintain [4] $81 / 13$ 81/23 | mechanism [1] 76/2 |
| 91/23 92/15 99/13 | 87/13 88/12 | meet [1] 35/14 |
| leaving [1] 72/22 | maintained [1] 88/11 | meeting [38] 4/16 5/4 5/7 |
| $\begin{aligned} & \mathrm{d}[1] \\ & \mathrm{ft}[1] \\ & \Gamma 17 \end{aligned}$ | maintains [2] 81/17 81/18 | 5/9 5/11 $5 / 12$ 7/11 7/17 7/18 |
| ft [1] 82/9 | maintenance [3] 80/13 81/12 | $\begin{array}{lllll}7 / 19 & 7 / 20 & 8 / 5 & 8 / 6 & 11 / 12\end{array}$ |
| lengs [6] | 87/15 | $\begin{array}{lllll}11 / 18 & 11 / 20 & 11 / 22 & 12 / 2 & 12 / 4\end{array}$ |
| 1ess $43 / 19$ 110/5 111/ | major [1] 112/11 | $\begin{array}{lllllllll}12 / 5 & 12 / 6 & 12 / 9 & 13 / 4 & 13 / 9\end{array}$ |
| 1et [16] 29/17 32/22 40/6 | make [13] 4/6 4/17 8/7 24/18 | 13/12 $13 / 1418 / 7{ }^{18 / 15} 19 / 1$ |
| 49/18 $51 / 4 \quad 51 / 10$ 59/22 $68 / 2$ | 36/6 40/2 40/4 44/1 60/10 | $\begin{array}{lllllll}29 / 21 & 29 / 25 & 93 / 5 & 93 / 5 & 93 / 6\end{array}$ |
| 72/20 $78 / 13$ 79/1 $82 / 5 \quad 104 / 24$ | 60/13 72/10 79/2 105/12 | 93/6 93/6 113/23 114/16 |
| 108/22 113/2 113/17 | makers [1] 27/6 | meeting's [1] 113/19 |
| 1et's [14] 5/13 22/14 23/20 | makes [3] 40/5 40/9 87/18 | meetings [23] 5/1 5/5 7/7 |
| 41/24 43/23 45/ | making[3] 25/8 25/8 28/12 | 7/9 7/9 7/22 43/24 43/24 |
| 77/24 79/15 80/4 86/11 | Ma11 [1] 111/25 | $\begin{array}{llllll}43 / 25 & 43 / 25 & 45 / 6 & 96 / 1 & 96 / 21\end{array}$ |
|  | management [1] 34/23 | 96/22 97/4 97/5 102/12 |
| etters [5] | manager [7] 7/14 34/19 35/4 | 102/19 108/23 108/24 109/8 |
| 96/3 96/20 | 35/11 36/5 36/11 36/14 | 109/16 109/22 |
| level [2] 10/24 23/4 | mandatory [1] 75/18 |  |
| levels [1] 38/17 | manner [2] 25/14 108/16 | 1/14 1/14 |
| 1icense [2] 84/11 84/12 | many [22] 13/8 21/12 21/23 | members [19] |
| 1ieu [1] 76/4 | 43/15 $53 / 15$ 54/4 $54 / 13$ 54/19 | 14/19 14/21 14/22 15/2 |
| 1ifeguards [1] 53/6 | 55/3 $55 / 14 \quad 56 / 6 \quad 57 / 9 \quad 58 / 24$ | $\begin{array}{lllllll}15 / 9 & 15 / 10 & 15 / 18 & 15 / 25 & 16 / 4\end{array}$ |
| 1ights [1] 99/4 | 68/18 $83 / 10$ 93/24 98/8 111/3 | 16/7 18/6 18/9 18/11 39/9 |
| 1ike [12] $26 / 8 \quad 43 / 23$ 44/1 | 111/13 111/17 112/1 112/24 | 75/13 |
| 44/17 $54 / 18 \quad 67 / 2 \quad 80 / 16 \quad 93 / 11$ | $\operatorname{map}^{16}[16] 3 / 2138 / 1 \quad 79 / 11$ | memo [8] 8/19 9/18 10/17 |
| $\begin{array}{llll} \\ 93 / 17 & 97 / 16 & 97 / 17 & 113 / 10\end{array}$ | $\begin{array}{lllll}79 / 12 & 79 / 17 & 80 / 22 & 85 / 16\end{array}$ | 11/12 $13 / 20 \quad 15 / 15$ 17/15 |
| likely [5] $14 / 3 \quad 32 / 4$ 70/4 | 85/18 86/3 $99 / 22$ 100/8 | 18/12 |
| 70/20 77/1 | 100/10 100/11 100/12 100/16 | memorandum [4] 3/15 8/1 9/7 |
| 1imited [3] 57/1 70/11 70/12 | Map Quest |  |
| LINDA [3] $1 / 22$ 4/21 115/4 | Map Quest [5] 99/22 100/11 | mentioned |
| linear [2] 66/23 67/5 | Maple [1] 101/9 | method [1] 22/1 |
| lines [1] 76/10 | maps [3] 65/9 79/11 79/19 | $\begin{array}{llllll}\text { MICHELINI } & {[24]}\end{array}$ |
| 1ist [3] 5/7 16/22 18/10 | margin [4] 27/19 28/5 28/18 | $\begin{array}{lllllll} \\ 4 / 5 & 4 / 15 & 4 / 20 & 5 / 1 & 5 / 24 & 6 / 2\end{array}$ |
| 1 isten [2] 20/11 23/20 | 28/22 | $\begin{array}{lllllll}6 / 9 & 6 / 18 & 7 / 3 & 7 / 6 & 8 / 12 & 8 / 15\end{array}$ |
| 1 istened [1] 93/10 | marina [2] 57/17 58/9 | 8/17 $24 / 3 \quad 27 / 11 \quad 27 / 12 \quad 27 / 17$ |
| 1ittle [8] 5/25 6/24 59/19 | $\begin{array}{lllll}  \\ \text { mark [6] } \end{array}$ | 67/20 86/5 108/4 108/15 |
| $\begin{array}{lllll}65 / 23 & 66 / 3 & 66 / 8 & 68 / 2 & 112 / 21\end{array}$ | $78 / 13 \quad 112 / 21$ | microphone [1] 68/11 |
| 1ive [5] 38/9 93/1 93/16 | marked [13] 4/23 5/18 6/15 | might [21] $7 / 8$ 12/2 $12 / 3$ |
| 99/24 100/1 |  |  |
| lives [1] 37/6 | $30 / 8 \quad 78 / 17 \quad 79 / 15 \quad 79 / 17 \quad 82 / 6$ | $\begin{array}{llllll}12 / 7 & 12 / 18 & 43 / 18 & 45 / 19 & 76 / 18\end{array}$ |
| 1ocal [2] 98/16 98/18 | Maski [2] 64/2 64/4 | 77/6 77/7 $78 / 7$ <br> 174 |
| $\begin{array}{llll}\text { located [2] } & 81 / 25 & 97 / 12 \\ \text { location [6] } & 64 / 12 & 81 / 14\end{array}$ | master [5] 16/16 90/2 91/5 | $\begin{array}{llll} \\ 105 / 24 & 105 / 25 & 113 / 12\end{array}$ |
| 1ocation $[6]$ $64 / 12$ $81 / 14$  <br> $81 / 25$ $82 / 24$ $83 / 17$ $93 / 2$ | $91 / 7 \quad 106 / 18$ | mile [7] $44 / 4$ 51/24 $52 / 2$ |

mi1e...[4] 58/20 65/22
65/24 66/7
mileage [1] 65/6
miles [33] 44/4 44/13 61/19 61/23 63/22 63/23 63/23
63/24 64/20 $64 / 23 \quad 64 / 24 \quad 65 / 1$ 66/15 $66 / 16 \quad 66 / 19 \quad 66 / 21$
66/25 67/2 $93 / 3$ 97/23 $98 / 4$
100/3 100/11 100/25 101/9
$101 / 13 \quad 101 / 17 \quad 101 / 21 \quad 101 / 24$
101/25 102/3 102/24 109/20
military [1] 50/18
mind [1] 8/21
minimum [1] 74/2
mining [5] 103/11 105/13
106/4 106/7 106/15
$\begin{array}{llll}\text { minute [4] } & 24 / 18 & 43 / 22 & 49 / 15\end{array}$ 65/14
minutes [3] 11/19 46/22 101/9
míscategorize [1] 93/7
miscategorizing [1] 95/11
mischaracterization [1] 107/22
mischaracterizing [1] 95/11
mixing [2] 22/18 74/17
mobile [2] 90/4 90/15
MOD [1] 85/24
moderate [1] 77/18
moment [3] 69/1 $75 / 3 \quad 112 / 18$
money [3] $44 / 6$ 45/23 73/20
monies [4] 73/24 75/17 76/7 110/2
month [10] 45/5 45/10 45/11 $45 / 13 \quad 45 / 14 \quad 45 / 20 \quad 46 / 5 \quad 113 / 1$ 113/3 113/16
month anyway [1] 113/16
months [1] 110/5
more [36] $5 / 25$ 6/10 6/24
13/9 20/8 20/9 20/11 20/20
20/20 $25 / 12 \quad 26 / 9 \quad 43 / 18 \quad 44 / 6$
$46 / 449 / 16 \quad 50 / 1 \quad 50 / 3 \quad 51 / 5$
$\begin{array}{lllll}51 / 10 & 51 / 19 & 52 / 13 & 54 / 8 & 59 / 5\end{array}$
65/23 66/8 95/19 96/24
$103 / 25 \quad 104 / 19 \quad 104 / 20 \quad 107 / 4$
109/18 112/4 112/15 113/1 113/12
most [6] $16 / 16 \quad 32 / 4 \quad 70 / 17$ 70/20 92/3 97/12
mostly [1] 69/21
motion [2] 114/10 114/12
move [3] 24/4 77/24 113/3
moving [2] 71/21 72/18
$\begin{array}{llllll}\text { MR [10] } & 3 / 4 & 7 / 13 & 7 / 16 & 8 / 17\end{array}$ $\begin{array}{llllllllll} & 8 / 18 & 9 / 10 & 12 / 19 & 27 / 17 & 86 / 5\end{array}$ 114/2
$\begin{array}{lllll}M r . & {[38]} & 4 / 15 & 4 / 20 & 5 / 1 \\ 5 / 24\end{array}$
6/2 6/9 6/18 7/3 7/6 7/15
$\begin{array}{lllll}8 / 1 & 8 / 12 & 8 / 20 & 10 / 9 & 10 / 12\end{array}$
$\begin{array}{lllll}10 / 19 & 10 / 23 & 12 / 4 & 12 / 5 & 12 / 7\end{array}$
$\begin{array}{llllll}12 / 10 & 12 / 12 & 14 / 13 & 15 / 14 & 17 / 6\end{array}$ 17/19 17/25 19/14 24/3 $27 / 11$ 27/12 $31 / 4 \quad 65 / 18 \quad 67 / 20 \quad 108 / 4$ 108/15 113/4 113/10
Mr. Chairman [1] 113/4
Mr. Christopher [1] 7/15
Mr. Dickerson [1] 12/4
Mr. Michelini [16] 4/15 4/20 $\begin{array}{llllll}5 / 1 & 5 / 24 & 6 / 2 & 6 / 9 & 6 / 18 & 7 / 3\end{array}$ $\begin{array}{lllllll}7 / 6 & 8 / 12 & 24 / 3 & 27 / 11 & 27 / 12\end{array}$ 67/20 108/4 108/15
$\begin{array}{lllll}\mathrm{Mr} \text {. Oris [4] } & 12 / 5 & 12 / 7 & 12 / 10\end{array}$ 12/12
$\begin{array}{llll}\mathrm{Mr} . & \text { Slachetka [4] } & 19 / 14 & 31 / 4\end{array}$ 65/18 113/10
Mr. Wiser [10] $8 / 1 \quad 8 / 20 \quad 10 / 9$ $\begin{array}{lllll}10 / 12 & 10 / 19 & 14 / 13 & 15 / 14 & 17 / 6\end{array}$ 17/19 17/25

Mr. Wiser's [1] 10/23
much [15] 19/2 19/13 23/5 $\begin{array}{lllll}51 / 19 & 57 / 9 & 61 / 4 & 61 / 7 & 64 / 20\end{array}$ 64/22 67/8 70/5 74/1 90/21 102/5 112/15
multifamily [2] 69/25 70/9
municipa1 [13] 9/17 13/16 13/18 $45 / 22 \quad 93 / 4 \quad 97 / 12 \quad 97 / 16$ 97/16 97/18 97/22 99/23
102/12 102/19
municipalities [2] 42/21 47/24
municipality [8] 36/19 40/14 40/17 40/21 41/2 57/11 57/22 86/25
municipally [3] 76/9 88/25 89/2
MURPHY [1] 2/2
$\begin{array}{llll}\text { my [46] } & 4 / 17 & 5 / 9 & 7 / 2 \\ 7 / 20 & 7 / 9\end{array}$
$\begin{array}{llll}7 / 20 & 10 / 15 & 11 / 20 & 20 / 12\end{array} 20 / 25$
$\begin{array}{lllll}24 / 14 & 25 / 11 & 25 / 11 & 26 / 17\end{array}$
$\begin{array}{llll}27 / 15 & 27 / 16 & 27 / 21 & 28 / 11\end{array}$
$31 / 25 \quad 33 / 7 \quad 41 / 8 \quad 42 / 13 \quad 45 / 17$
$\begin{array}{lllll}46 / 11 & 49 / 11 & 49 / 22 & 55 / 12 & 65 / 7\end{array}$
67/21 68/8 74/22 75/10 87/14
93/14 $93 / 20 \quad 94 / 7 \quad 95 / 17 \quad 96 / 4$
96/8 96/9 98/2 103/6 111/15
111/18 $112 / 2$ 114/3 115/14
myse7f [1] $12 / 6$
N
NAME [1] 3/2
names [1] $98 / 23$
natural [4] 15/5 87/22 87/23
88/7
nature [3] 6/3 65/25 65/25
near [1] 99/10
necessarily [2] 27/4 47/19
need [10] 12/8 46/19 72/3
73/17 74/19 75/7 95/18
105/24 107/24 114/10
needed [4] 105/21 107/3
110/8 110/10
needing [1] 105/5
needs [1] 4/6
negatively [1] 77/9
$\begin{array}{llll}\text { neighborhood [2] } \\ \text { net [1] } & 42 / 20\end{array}$
net [1] 42/20
never [2] 11/4 27/9
new [22] $1 / 8 \quad 1 / 24 \quad 2 / 3 \quad 2 / 6$
21/12 $22 / 16 \quad 35 / 18 \quad 36 / 23$
$\begin{array}{lllll}47 / 24 & 48 / 3 & 69 / 23 & 70 / 21 & 74 / 6\end{array}$
$\begin{array}{lllll}74 / 6 & 75 / 22 & 75 / 23 & 76 / 14 & 84 / 12\end{array}$
110/14 110/23 115/6 115/13
New Jersey [1] 47/24
next [10] $4 / 1 \quad 15 / 4 \quad 21 / 9$
$\begin{array}{lllll}41 / 10 & 87 / 6 & 89 / 8 & 113 / 1 & 113 / 3\end{array}$
113/13 113/15
nice [1] 58/16
Nick [1] 2/12
night [1] 113/23
nine [7] 66/20 99/17 101/9
111/10 111/17 112/8 112/12
no [124]
nobody [2] 106/1 106/2
Nobody's [1] 93/8
none [2] 56/23 78/4
north [1] 88/25
not [186]
not used [1] 81/19
Notary [2] 115/4 115/13
note [1] 102/8
$\begin{array}{lllll}\text { noted [1] } & 7 / 11 & & \\ \text { notes [4] } & 13 / 11 & 18 / 14 & 31 / 5\end{array}$
31/10
nothing [2] $14 / 18$ 110/4
noticed [1] 64/19
Notre [9] 5/2 $29 / 1$ 29/20
$30 / 1 \quad 30 / 2231 / 6 \quad 31 / 1132 / 7$

32/23
Notre Dame [8] 5/2 29/1
29/20 30/1 30/22 31/6 31/11 32/7
November [2] $1 / 8 \quad 115 / 16$
now [17] $5 / 25$ 13/19 34/2
$\begin{array}{llllll}36 / 22 & 38 / 12 & 42 / 24 & 47 / 12 & 48 / 7\end{array}$
49/9 59/14 68/2 73/1 88/9
91/17 92/25 97/11 114/6
number [15] $3 / 11$ 16/9 $16 / 19$ 21/10 $39 / 20 \quad 45 / 24 \quad 59 / 25$
$\begin{array}{lllll}60 / 17 & 61 / 3 & 72 / 7 & 79 / 4 & 79 / 12\end{array}$ 79/12 90/3 110/25
numbers [2] 24/7 43/9
0

O'MALLEY [1] 2/5
object [1] 4/10
ob1igated [1] 77/21
$\begin{array}{lll}\text { obligation }[27] \quad 71 / 15 & 71 / 21\end{array}$
$\begin{array}{llllll}71 / 24 & 72 / 4 & 72 / 5 & 72 / 13 & 72 / 18\end{array}$
72/24 73/22 73/23 75/6 75/7
75/15 $75 / 15$ 75/16 $75 / 21$
75/23 75/24 75/25 76/20
$\begin{array}{llll}76 / 25 & 77 / 3 & 77 / 10 & 77 / 13 \\ 77 / 14\end{array}$
77/15 77/23
obligations [1] 71/17
obstructed [1] 82/11
obtain [1] 87/23
obtained [3] 21/17 107/14
obviously [2] 6/10 96/25
occupying [1] 77/19
occur [5] 17/21 32/15 66/13
70/18 70/23
occurred [2] 103/3 108/23
occurs [13] 19/3 $31 / 19$ 37/8 $38 / 22 \quad 39 / 4 \quad 39 / 10 \quad 61 / 18 \quad 64 / 21$ 70/19 71/22 76/22 92/13 102/16
ocean [1] 51/25
oceanfront [6] 61/20 63/23
65/4 65/23 66/20 66/21
off [18] 5/20 9/9 27/21
28/11 $41 / 8 \quad 42 / 12 \quad 44 / 145 / 6$ $\begin{array}{lllll} & 45 / 17 & 65 / 7 & 70 / 15 & 79 / 16\end{array} 98 / 2$
100/7 100/10 111/15 111/18
112/2
offer [1] 68/1
$\begin{array}{lll}\text { offers }[2] & 67 / 14 & 67 / 25\end{array}$
$\begin{array}{llll}\text { office }[3] & 11 / 25 & 13 / 17 & 33 / 2\end{array}$
official [1] 107/17
officials [1] 23/6
often [2] 41/1 46/16
Oh [10] $42 / 22 \quad 44 / 11 \quad 46 / 14$ $\begin{array}{llll}50 / 8 & 55 / 9 & 84 / 13 & 87 / 2 \\ 94 / 11\end{array}$ 100/24 114/3
okay $\left[\begin{array}{lllll}60] & 4 / 1 & 4 / 9 & 4 / 12 & 8 / 12\end{array}\right.$ $\begin{array}{lllll}9 / 10 & 15 / 8 & 19 / 16 & 21 / 8 & 22 / 1\end{array}$
22/10 $22 / 13 \quad 22 / 20 \quad 24 / 6 \quad 25 / 3$
$\begin{array}{lllll}28 / 3 & 32 / 1 & 35 / 3 & 42 / 22 & 44 / 3\end{array}$ $44 / 12 \quad 44 / 19 \quad 47 / 16 \quad 50 / 4 \quad 50 / 11$ $\begin{array}{llllll}50 / 14 & 54 / 4 & 56 / 17 & 58 / 20 & 60 / 19\end{array}$ $62 / 21 \quad 63 / 3 \quad 63 / 7 \quad 63 / 10 \quad 64 / 3$ 64/11 64/16 65/11 66/12 $\begin{array}{lllll}67 / 12 & 67 / 23 & 73 / 4 & 79 / 19 & 80 / 5\end{array}$ $\begin{array}{lllll}80 / 16 & 82 / 7 & 88 / 15 & 98 / 21 & 99 / 15\end{array}$ 100/3 100/16 101/20 101/24 $108 / 2 \quad 108 / 3 \quad 108 / 22 \quad 109 / 8$ $110 / 20 \quad 110 / 22 \quad 111 / 13114 / 8$
on-site [1] 76/4
once [2] 99/11 105/22
one [46] $\left[\begin{array}{llll}4 / 5 & 5 / 15 & 6 / 13 & 9 / 24\end{array}\right.$ $\begin{array}{lllll}12 / 16 & 18 / 4 & 21 / 11 & 22 / 8 & 22 / 13\end{array}$ 25/15 $25 / 17 \quad 25 / 18 \quad 26 / 11$ $\begin{array}{lllll}26 / 18 & 29 / 9 & 36 / 6 & 36 / 6 & 40 / 9\end{array}$ $\begin{array}{lllll}40 / 13 & 41 / 6 & 43 / 2 & 47 / 1 & 53 / 19\end{array}$ $\begin{array}{lllll}54 / 16 & 54 / 17 & 57 / 13 & 57 / 19 & 69 / 7\end{array}$ 72/7 77/23 78/22 79/11 79/15
$\qquad$
one... [13] $80 / 24 \quad 83 / 1 \quad 85 / 4$ 89/21 99/16 103/23 103/25 104/19 104/20 106/7 106/15 110/19 112/17
one percent [2] 22/8 26/11
ongoing [7] 32/10 75/20
76/20 77/14 77/16 92/10
103/7
only [10] $\quad 17 / 14 \quad 36 / 23 \quad 38 / 18$ 45/21 54/16 62/21 68/22 76/6 80/24 86/15
open [3] 47/20 81/20 88/10
operated [2] 34/12 76/9
operations [5] 103/11 105/13 106/4 106/7 106/15
opinion [10] $11 / 5$ 11/8 $36 / 18$ 38/20 38/23 85/12 86/8 95/17 96/8 96/9
opportunities [3] 70/12 88/7 88/8
opportunity [5] 9/19 65/19 65/22 71/23 76/3
$\begin{array}{llll}\text { opposed [3] } & 22 / 8 & 52 / 5 & 52 / 9\end{array}$
order [8] 6/21 6/23 13/21
$25 / 25 \quad 26 / 4 \quad 58 / 10 \quad 93 / 4 \quad 109 / 1$
ordinance [5] 76/3 103/12
103/18 103/20 105/14
ordinances [1] 104/3
orientation [2] 10/6 83/17
Oris [4] $12 / 5 \quad 12 / 7 \quad 12 / 10$ 12/12
other [26] 5/5 6/19 11/2 $\begin{array}{llllll}13 / 5 & 17 / 9 & 17 / 10 & 18 / 22 & 20 / 17\end{array}$ $\begin{array}{lllll}29 / 5 & 30 / 5 & 30 / 7 & 30 / 9 & 31 / 5\end{array}$ $31 / 1040 / 1640 / 23$ 46/6 49/2 49/2 62/12 $72 / 7 \quad 79 / 15 \quad 93 / 2$ 101/8 104/10 113/3
otherwise [3] 81/6 97/7 101/3
our [7] 6/21 6/25 7/16 47/9 104/15 105/4 $114 / 9$
out [16] 33/18 35/18 63/14 66/2 66/3 69/22 70/3 73/24 83/9 93/18 98/3 99/11 105/23 107/20 108/11 108/12
outlay [1] 11/15
outlined [1] 8/2
$\begin{array}{ll}\text { outlines [1] } & 29 / 9 \\ \text { outlining }[1] & 9 / 25\end{array}$
$\begin{array}{llll}\text { over [19] } & 44 / 1044 / 2045 / 4\end{array}$ 45/5 45/7 $45 / 8 \quad 45 / 9 \quad 45 / 11$ 45/19 87/3 94/9 96/23 97/1 $\begin{array}{llll}97 / 2 & 101 / 6 & 108 / 9 & 108 / 10\end{array}$ 109/9 112/21
$\begin{array}{llll}\text { overal1 } & {[5]} & 26 / 11 & 66 / 7\end{array} 69 / 3$ 71/11 105/20
$\begin{array}{lllll} \\ \text { overview } & \text { [4] } & 6 / 7 & 9 / 16 & 10 / 5\end{array}$ 11/15
own [3] $44 / 1 \quad 63 / 8 \quad 74 / 14$
$\begin{array}{llll}\text { owned [4] } & 58 / 11 & 81 / 11 & 89 / 1\end{array}$ 89/2
owner [4] 84/22 84/22 85/7 85/9
ownership [8] 78/11 79/6 79/9 $79 / 25 \quad 81 / 5 \quad 85 / 19 \quad 85 / 23$ 85/25

## P <br> p.m [1] 1/9 <br> page [14] 3/2 3/11 13/20 $\begin{array}{lllll}20 / 13 & 59 / 21 & 60 / 2 & 60 / 4 & 60 / 8\end{array}$ 63/19 63/20 79/6 97/13 110/13 111/8 <br> pages [2] 62/22 62/23 <br> paper [2] 30/5 30/6 <br> $\begin{array}{lr}\text { Paradise [1] } & 101 / 21 \\ \text { paragraph } & \text { [1] } \\ \text { park }\end{array}$ <br> park [158]

$\begin{array}{ll}\text { Park if [1] } \\ \text { Park's } & 61 / 5 \\ 72 / 4\end{array}$
$\begin{array}{llll}\text { parking [2] } & 54 / 8 & 54 / 10 & \\ \text { parkway [5] } & 44 / 6 & 44 / 23 & 44 / 24\end{array}$ 44/25 $99 / 17$
part [19] 7/7 7/21 7/22
$\begin{array}{lllll}10 / 21 & 13 / 25 & 14 / 5 & 30 / 17 & 43 / 8\end{array}$
$\begin{array}{llll}47 / 3 & 60 / 14 & 60 / 21 & 62 / 6\end{array} 71 / 8$
72/2 72/16 75/19 75/25 79/13
103/14
participate [3] 96/7 109/2 109/5
participated [5] 5/8 5/10
5/11 96/16 97/1
participating [2] 5/3 96/18
$\begin{array}{lll}\text { participation }[2] & 10 / 24 & 96 / 6\end{array}$
particular [2] 12/13 70/8
particularly [1] 99/10
parts [1] 79/25
pass [7] 49/16 49/17 50/1
50/2 51/12 55/4 57/12
passage [1] 25/23
passages [1] 56/21
$\begin{array}{llll}\text { pay } & {[5]} & 37 / 12 & 57 / 18 \\ 73 / 15\end{array}$
73/19 73/25
paying [1] 76/1
payment [2] 73/18 76/4
peninsula [1] 47/17
people [14] 5/10 13/8 37/12
$\begin{array}{lllll}47 / 2 & 61 / 10 & 87 / 11 & 91 / 8 & 92 / 25\end{array}$
93/15 98/9 99/24 99/25
102/10 102/18
people's [2] $46 / 13$ 46/21
per [4] 44/13 61/11 74/1
74/4
$\begin{array}{llll}\text { percent }[23] & 22 / 7 & 22 / 8 & 25 / 15\end{array}$
25/17 $25 / 19$ 25/20 $26 / 11$
$\begin{array}{llll}26 / 16 & 26 / 18 & 26 / 24 & 39 / 15\end{array}$
$\begin{array}{lllll}39 / 16 & 39 / 18 & 39 / 21 & 42 / 3 & 42 / 15\end{array}$
$\begin{array}{lllll}42 / 16 & 42 / 17 & 42 / 18 & 42 / 20 & 43 / 3\end{array}$
43/4 46/12
percentage [1] 27/19
perhaps [1] 81/3
$\begin{array}{llll}\text { period }[2] & 21 / 13 & 68 / 16 & 22 / 21\end{array}$
permits [6] 21/10 21/14
21/15 21/16 21/16 22/14
permitted [2] 14/2 70/10
person [3] 43/22 45/11 61/11
persona1 [1] 94/7
personne1 [1] 50/18
perspective [2] 95/16 95/17
petition [8] $1 / 5$ 3/19 $4 / 4$
$\begin{array}{llll}8 / 15 & 78 / 16 & 78 / 24 & 107 / 10\end{array}$
107/13
Petitioners [2] 2/7 13/24
photographs [8] 82/15 82/18
$\begin{array}{llll}82 / 21 & 82 / 23 & 83 / 25 & 84 / 1\end{array} \quad 84 / 4$
84/5
phrase [1] 51/10
$\begin{array}{llll}\text { pictures }[5] & 82 / 8 & 82 / 9 & 82 / 10\end{array}$
83/13 83/16
$\begin{array}{lllll}\text { piers } & {[2]} & 53 / 10 & 53 / 15\end{array}$
$\begin{array}{llll}\text { pilot } & {[7]} & 3 / 16 & 5 / 2 \\ 29 / 15 & 29 / 23 / 30 / 9 & 33 / 17\end{array}$
29/15 29/23 30/9 33/17
Pineland [1] 99/1
Pinewald [7] $1 / 7 \quad 99 / 25 \quad 100 / 1$
$\begin{array}{lll}100 / 4 & 100 / 19 & 100 / 21100 / 22\end{array}$
place [7] 32/9 40/20 40/20
$70 / 14 \quad 106 / 1 \quad 112 / 1 \quad 115 / 9$
plan [13] 16/17 70/10 72/25
$\begin{array}{lllll}76 / 24 & 88 / 6 & 90 / 2 & 91 / 6 & 91 / 7\end{array}$
91/24 92/5 105/12 106/18
107/3
planner [10] 2/12 2/13 2/14
4/5 72/11 105/11 112/16
113/1 113/7 114/9
planners [3] $12 / 8 \quad 34 / 25 \quad 35 / 1$
planning [46] $1 / 1 \quad 3 / 18 \quad 12 / 11$
$\begin{array}{lllll}12 / 19 & 15 / 19 & 15 / 23 & 16 / 7 & 20 / 17\end{array}$ 23/6 43/24 72/11 78/15 78/23 $89 / 21$ 91/8 91/9 91/11 91/22 92/10 $92 / 11$ 92/19 $92 / 19$ 93/5 $\begin{array}{lllll}94 / 9 & 94 / 15 & 94 / 21 & 95 / 4 & 95 / 16\end{array}$ $\begin{array}{llll}95 / 16 & 95 / 21 & 95 / 23 & 95 / 24\end{array}$ $\begin{array}{llll}96 / 13 & 96 / 22 & 97 / 3 & 97 / 5 \\ 99 / 14\end{array}$ 103/7 103/8 104/15 105/2 106/12 107/6 107/7 107/18 110/18
plans [1] $\quad$ 107/9
play [1] 55/21
playgrounds [7] 55/3 55/7
55/14 $55 / 17 \quad 55 / 18 \quad 55 / 19$ 55/24
please [5] 9/2 9/12 $23 / 19$ 29/14 108/22
point [16] $\quad\left[\begin{array}{llll}165 & 13 / 19 & 25 / 22\end{array}\right.$ 25/23 $26 / 7 \quad 33 / 18 \quad 38 / 17 \quad 47 / 20$ $\begin{array}{lllll}57 / 14 & 58 / 4 & 68 / 5 & 72 / 1 & 97 / 21\end{array}$ 108/21 114/6 114/9
points [3] $47 / 22$ 49/5 $108 / 11$
policies [2] 36/23 96/11
policy [5] 37/7 37/14 95/16
policymakers [1] 27/5
popping [2] 75/8 75/10
population [16] 22/5 22/7
22/23 $22 / 23$ 22/25 $23 / 8 \quad 25 / 16$
25/19 26/1 $26 / 6 \quad 26 / 10 \quad 26 / 12$
26/14 26/16 26/24 110/5
populations [1] 27/6
portion [4] 26/5 70/2 73/22 78/21
portions [1] 89/14
$\begin{array}{lll}\text { position } & \text { [1] } & 36 / 12 \\ \text { positive }[1] & 49 / 13\end{array}$
positively [1] 77/8
possibility [3] 77/6 81/3

## 87/18

possible [5] 35/25 37/5
37/12 46/1 76/23
Possibly [1] 13/10
post [2] 107/6 107/7
potentially [1] 23/4
Potter [1] 102/3
$\begin{array}{lll}\text { PP [1] } 9 / 15 & \\ \text { preciude [1] } & 70 / 13\end{array}$
$\begin{array}{llll}\text { prec1ude } & {[1]} & 70 / 13 \\ \text { predated } & {[3]} & 107 / 10 & 107 / 12\end{array}$
107/12
preferable [1] 95/18
$\begin{array}{lll}\text { prejudices [2] } & \text { 47/17 } & 47 / 19\end{array}$ premised [1] 24/10
premium [8] $37 / 13 \quad 41 / 1642 / 8$
42/15 $43 / 6$ 43/11 46/5 47/5
premiums [4] $37 / 25$ 39/15
43/14 43/17
preparation [1] 12/17
prepared [11] 8/20 10/8
$\begin{array}{llll}10 / 11 & 11 / 2 & 15 / 9 & 30 / 19 \\ 30 / 21\end{array}$
39/25 93/21 105/2 113/7
present [4] $2 / 11$ 15/3 75/7
108/13
presentation [6] $29 / 19 \quad 30 / 16$ 30/20 30/24 31/9 83/4
presented [5] 8/6 14/12
$\begin{array}{lll}17 / 15 & 25 / 13 & 25 / 14\end{array}$
presume [1] 10/8
pretty [6] 69/2 69/10 90/21
98/6 99/18 107/20
previously [3] 10/10 10/14
104/20
price [1] 50/6
prices [2] 50/7 59/9
pricing [3] 60/9 60/10 60/17
principal1y [1] 109/23
prior [8] 16/12 $32 / 4 \quad 37 / 15$ 52/17 82/5 104/3 105/4 105/11
$\qquad$
$\qquad$
5
$\qquad$

[^0]


$\qquad$








\author{[^1]}
$\qquad$

$\qquad$


#  

$\qquad$


1

<br>16<br>



$+$



| P | 113/9 113/12 114/1 114/3 |  |
| :---: | :---: | :---: |
| probably [6] 25/12 95/ | quick [1] 65/14 |  |
| 111/1 111/22 111/23 112/21 | quite [2] 16/24 76/23 |  |
| problem [4] 13/23 42/25 | R | 64/3 83/8 92/9 97/15 |
| 46/18 78/7 | raise [1] 71/25 | referring [4] 15/17 49/19 |
| procedure [1] | $\begin{aligned} & \text { raise [1] } \\ & \text { ramp [7] } \end{aligned} 57 / 357 / 5 \quad 57 / 15$ | $49 / 2063 / 6$ |
| proceed [3] 4/12 8/13 <br> proceedings [1] 115/7 | 57/22 57/23 58/6 58/10 | eflected [1] 49 |
| ss [30] $7 / 8 \quad 8 / 3$ 9/1 | ramps [1] 57/9 | eflecting [1] 52/16 |
|  | range [1] 6/25 | esh [1] 17/5 |
| $\begin{array}{llllll}17 / 1 & 28 / 17 & 31 / 18 & 31 / 23 & 32 / 4\end{array}$ | ratables [3] 110/14 110/18 | $8 / 18 \quad 34 / 2 \quad 34 / 15$ |
| $\begin{array}{lllll}32 / 10 & 32 / 24 & 33 / 8 & 36 / 2 & 40 / 22\end{array}$ | rates [1] 16/19 | regarding [2] 36/12 38/7 |
| $\begin{array}{lllll}94 / 15 & 95 / 21 & 95 / 23 & 95 / 24 & 96 / 7\end{array}$ | rates     <br> rather $[1]$ $16 / 19$ $7 / 13$ $47 / 3$$\quad 82 / 24$ | regardless [2] 26/7 72/21 |
| 96/13 96/16 96/19 97/3 103/7 | $\begin{aligned} & \text { rather } \\ & 96 / 9 \end{aligned} \text { [4] } / / 13 \text { 4//3 8L/L4 }$ | $\begin{aligned} & \text { egardiss } \\ & \text { egards }[13] \\ & 5 / 1 \\ & 5 / 2 \\ & 6 / 3 \end{aligned}$ |
| 107/16 109/2 professional [2] | rating [29] $34 / 4 \begin{array}{llll}\text { [ }\end{array}$ | 6/21 $7 / 5$ 7/6 20/1 $20 / 1$ 26/19 |
| professional [2] 15/24 72/11 professionals [8] 20/17 | $\begin{array}{lllll} \\ 34 / 15 & 36 / 16 & 36 / 19 & 36 / 22 & 37 / 8\end{array}$ | 27/2 72/3 80/13 88/13 |
| $\begin{array}{cc}\text { professionals } \\ 20 / 18 & 23 / 12\end{array} 23 / 22 \quad 33 / 5 \quad 34 / 22$ | 37/15 $38 / 8$ 38/13 $38 / 21 \quad 39 / 11$ | regular [1] 7/22 |
| 34/24 62/12 | 39/20 $40 / 1140 / 15$ 40/18 | rehabilitation [13] 73/23 |
| program [21] 29/1 29/5 30/10 | $\begin{array}{llllll}40 / 24 & 41 / 1 & 41 / 5 & 41 / 10 & 47 / 12\end{array}$ | 74/5 75/3 75/7 75/14 75/15 |
| 31/6 31/13 31/21 32/3 32/16 |  | 76/16 76/19 76/25 77/3 77/9 |
| $\begin{array}{lllll}32 / 19 & 33 / 14 & 33 / 15 & 33 / 17\end{array}$ |  | ate |
| $\begin{array}{lllll}34 / 12 & 35 / 11 & 35 / 17 & 35 / 20\end{array}$ | ratings ${ }_{\text {rationale }}$ |  |
| $\begin{array}{lllll}35 / 23 & 36 / 20 ~ 75 / 19 ~ 77 / 17 ~\end{array}$ | rationale [3] |  |
| 77/20 [5] 3/16 29/10 | re [1] 108/13 |  |
| programs [5] 3/16 29/10 $29 / 15 \quad 29 / 24 \quad 33 / 24$ | re-present [1] 108/13 | relation [1] 49 |
| project's [1] 111/2 | [ ${ }^{\text {ch] }}$ 9/19 13 | 1eased [1] 8/1 |
| projection [2] 111/4 111/6 | 56/18 60/16 87/12 102 | evancy |
| projects [1] 110/3 | reader [1] 10/6 | 1iable |
| proof [2] 13/21 50 | reading [2] 21/3 21/4 | 23/3 23/10 23/21 26/10 26/23 |
| properties [5] 78/12 80/3 | realize [1] 93 | relied [9] 20/17 |
|  | $\begin{array}{lllll}\text { realize } & \text { riod } & 6 / 6 & 11 / 21 & 46 / 4\end{array}$ | $\begin{array}{llllll} \\ 23 / 22 & 24 / 7 & 24 / 20 & 24 / 25 & 25 / 5\end{array}$ |
| property [6] 47/14 79/6 79/8 | $\left\lvert\, \begin{gathered} \text { realiy } \\ 62 / 10 \text { h7/1 } 104 / 17108 / 15 \end{gathered}\right.$ | 86/3 |
| /1 89/1 89/2 | 109/25 110/11 112/20 | rely [4] 24/24 32/13 56/14 |
| protection [1] | reason [12] 10/16 20/2 52/18 | 62/11 |
| provide [19] 6/9 14/4 26/ | 52/20 60/25 64/7 101/15 | ing [2] |
| $\begin{array}{lllll} & 30 / 25 & 31 / 1 & 31 / 12 & 36 / 12\end{array}$ | 101/16 101/18 104/9 105 | ainder |
| $\begin{array}{lllllll} & 42 / 11 & 50 / 17 & 57 / 23 & 65 / 5 & 65 / 5\end{array}$ | 110/11 | ark [1 |
| 69/20 74/25 76/7 77/15 88/7 | reasons [1] 90 | ember [1] 68 |
| 110/14 | recall [15] 11/22 19/21 29/2 | emove [2] 103/11 105/12 |
| provided [8] 14/15 20/3 | 34/8 47/14 $52 / 10$ 52/15 $56 / 20$ | a |
| 28/10 29/8 29/20 30/17 31/11 | 68/17 84/7 89/25 102/13 | enewals [2] 36/24 37/11 |
| 69/25 | 102/14 109/3 110/15 | renewed [1] 37/7 |
| provides [2] 39/25 | recent [2] 16/16 70/10 | (eplaced [1] 105/24 |
| providing [9] 4/20 25/24 | recently | report [53] 3/18 12/17 12/17 |
| 27/5 56/14 $57 / 8 \quad 57 / 22 \quad 59 / 12$ | Recess [1] 65/15 | 25/14 47/9 $49 / 18$ 49/19 58/1 |
| 76/6 110/18 | recollect [4] 12/23 13/7 | 58/2 59/23 $59 / 25$ 60/3 60/4 |
| provision [1] 70/ | 18/8 19/25 | $\begin{array}{llllll}62 / 12 & 62 / 14 & 62 / 18 & 62 / 20 & 63 / 6\end{array}$ |
| proximate [2] 109/15 109/16 | recollec | 63 |
| Ps [1] 75/10 | 11/21 11/24 17/5 18/2 18/5 | $\begin{array}{lllll}64 / 3 & 64 / 4 & 64 / 19 & 65 / 8 & 65\end{array}$ |
| pubiic [11] 53/6 57/3 | recommendation [2] 105/12 | $\begin{array}{llllllll}71 / 1 & 78 / 6 & 78 / 16 & 78 / 21 & 78 / 23\end{array}$ |
| 76/9 $76 / 12$ 76/14 78/3 87/19 | 106/19 | 78/24 79/5 79/7 79/20 81/15 |
| 88/2 115/5 115/13 | recommendations [2] 11/11 | $\begin{array}{lllll}87 / 20 & 89 / 22 & 92 / 7 & 92 / 9 & 92 / 19\end{array}$ |
| purporting [1] 11 | 70/8 | 93/21 95/3 $97 / 11 \quad 97 / 14102 / 8$ |
| purposes [4] | recommended [1] | 103/6 107/9 108/10 110/13 |
| 81/18 81/21 | record [15] 4/7 4/14 4/19 | 111/8 |
|  |  | Reporter [1] 115/5 |
| $\begin{array}{llllll}\text { put [9] } & 7 / 4 & 35 / 18 & 58 / 7 & 58 / 8\end{array}$ | 15/1 $57 / 8$ 70/15 79/16 85/14 | REPORTERS [1] 1/23 |
| $\begin{array}{llllll} & 60 / 21 & 64 / 18 & 88 / 2 & 89 / 18 & 92 / 7\end{array}$ | 85/16 | eports [4] 11/2 39/24 62/11 |
| putting [2] 44/7 87/18 | records [4] 6/25 | 89/22 |
| Q | recreation [3] 58/5 88/11 | 103/21 |
| qualifi |  | representation [4] |
| qualify [1] 113/18 | rea |  |
| quantify [1] 51/21 |  | $\begin{aligned} & \text { ep } \\ & 30 \end{aligned}$ |
| Quest [7] 99/22 100/8 100/10 | $\text { [1] } 80 / 6$ | represented [2] 26/6 29/22 |
| 100/11 100/12 100/16 100/25 | $\begin{array}{llllllll}\text { reduce } & {[5]} & 70 / 8 & 71 / 16 & 71 / 24\end{array}$ | equest [2] 4/15 16/10 |
| question [31] 6/2 6/20 7/5 | $\begin{array}{r} \text { reauce } \\ 72 / 12 \quad 76 / 24 \end{array}$ | $\begin{array}{lllll}\text { requested [5] 4/6 7/16 } & 16 / 12\end{array}$ |
| $\begin{array}{llllll}13 / 1 & 19 / 10 & 19 / 19 & 20 / 16 & 21 / 7\end{array}$ | reduced [1] 67/1 | 16/14 16/23 |
| $\begin{array}{llllllllll}23 / 19 & 23 / 20 & 23 / 24 & 24 / 1 & 24 / 3\end{array}$ | reducing [3] 71/11 71/14 | required [2] 16/25 |
| $\begin{array}{lllll}24 / 5 & 24 / 14 & 26 / 8 & 26 / 17 & 27 / 15\end{array}$ | redi/15 [3] 71/11 71/14 | requirement [1] 70/1 |
| $\begin{array}{llllll} 40 / 25 & 51 / 4 & 59 / 18 & 69 / 15 & 69 / 17 \\ 74 / 21 & 80 / 11 & 80 / 12 & 83 / 19 & 86 / 6 \end{array}$ | Reed [3] 7/15 7/16 9/14 |  |
| $\begin{array}{llllll} 74 / 21 & 80 / 11 & 80 / 12 & 83 / 19 & 86 / 6 \\ 91 / 20 & 91 / 21 & 109 / 25 & \end{array}$ | reexamination [1] 107/9 | research [1] 20/2 |
| questioning [1] $112 / 1$ | reference [9] 25/24 27/25 | reserve [2] 114/5 114/6 |
| questioning [1] 112/16 questions [11] 5/23 6/19 | 28/16 60/17 63/1 63/3 63/8 | esidentia] [2] 69/25 70/9 |
| $16 / 1 \quad 74 / 23 \quad 75 / 9 \quad 108 / 15 \quad 113 / 7$ | 63/20 108/24 | residents [7] 93/8 93/18 |


| R | 37/25 59/9 68/8 79/13 88/22 | Shores [1] 101/17 |
| :---: | :---: | :---: |
| residents... [5] 95/22 97/5 | $1104 / 4$ 104/6 104/21 | shoring [1] 87/16 |
| 97/13 99/20 109/1 | sand [2] 53/6 78/8 | shorten [1] 108/20 |
| resource [3] 63/2 63/11 | Sands     <br> Sandy $[3]$ $51 / 14$ $51 / 15$ $61 / 9$ | should [4] 33/13 66/13 |
| 64/17 [6] 63/15 63/22 | $107 / 7$ | $\begin{array}{llllll}\text { show [10] } & 9 / 10 & 29 / 17 & 62 / 19\end{array}$ |
| resources [6] 63/15 63/22 | sat [1] 93/10 | $\begin{array}{llllll} \\ 62 / 20 & 79 / 8 & 79 / 24 & 82 / 6 & 82 / 9\end{array}$ |
| $\begin{array}{cccl}64 / 12 & 64 / 14 & 64 / 18 & 66 / 14 \\ \text { respect [4] } & 27 / 8 & 62 / 4 & 95 / 13\end{array}$ | satisfy [2] 13/21 75/25 | 82/11 96/14 |
| respect [4] 27/8 62/4 95/13 95/15 | save [3] 43/18 43/18 45/23 | showed [2] 96/21 96/22 |
| respond [2] 10/12 1 | saves [1] 43/23 | shower [1] 54 |
| responded [1] 7/3 | saving [4] 43/16 46/2 46/5 | shower |
| response [2] 5/23 20/25 | savings [3] 42/1 43/2 |  |
| responses [2] 4/15 20/12 | $\begin{aligned} & \text { savings } \left.\begin{array}{llll} {[3]} & 42 / 1 & 43 / 21 & 47 \\ \text { say }[27] & 7 / 21 & 14 / 23 & 15 / 7 \end{array}\right] \end{aligned}$ | shown $[3]$ $82 / 4$ $85 / 5$ $87 / 4$ <br> shows $[5]$ $26 / 10$ $26 / 13$ $26 / 23$ |
| restate [1] 108/18 | 20/9 $21 / 11 \quad 21 / 14 \quad 22 / 14123 / 2$ | 27/22 82/7 |
| result [2] 68/4 ${ }^{\text {results }}$ | 25/19 $30 / 13$ 32/18 $35 / 11$ | side [6] 51/1 51/25 65/3 |
| umé [4] 3/12 4/17 4/23 | $\begin{array}{llllll}38 / 25 & 39 / 5 & 43 / 23 & 45 / 5 & 58 / 14\end{array}$ | 65/23 65/24 107/18 |
| sume [4] 3/12 4/17 4/23 | 59/3 70/16 77/4 82/25 83/19 | signatures [1] 107/13 |
| review [2] 49/18 105/20 | 87/19 90/12 103/16 112/20 | signers [1] 8/ |
| viewed [1] 62/17 | 113/15 | significance [1] 84/21 |
| reviewing [1] 7/4 | saying [9] 15/17 54/24 64/13 | significant [2] 103/3 106/25 |
| revisit [1] 72/3 | 72/5 74/23 75/14 93/18 95 | significantly [3] 54/8 90/8 |
| rezoning [2] 103/3 107/1 |  | signs [5] 81/22 82/1 82/2 |
| Richard [1] 1/13 |  | $\begin{array}{rl} \text { slgns } & \text { [5] } \\ 82 / 4 & 82 / 11 \end{array}$ |
| $\begin{array}{lllll}\text { Ridge } & {[1]} & 98 / 12 & & \end{array}$ | 29/24 $29 / 24$ 30/6 63/20 64/17 | silver [1] 98/11 |
| right [54] $11 / 18$ 12/13 $12 / 18$ | 71/1 $80 / 10 \quad 83 / 1 \quad 83 / 2 \quad 83 / 4$ | similar [1] 8/6 |
| $\begin{array}{llllll}15 / 9 & 15 / 12 & 16 / 17 & 16 / 21 & 16 / 22\end{array}$ | $\begin{array}{llll}87 / 10 & 89 / 22 & 99 / 22 \quad 100 / 16\end{array}$ | $\begin{array}{llll}\text { simple } & {[5]} & 19 / 10 & 19 / 19\end{array}$ |
| $\begin{array}{lllll}19 / 7 & 21 / 21 & 28 / 1 & 31 / 4 & 32 / 14\end{array}$ | $\begin{array}{ll}\text { schedule } & {[3]}\end{array} 9 / 25$ 32/9 $33 / 10$ | 25/7 91/20 |
| $\begin{array}{llll}33 / 14 & 35 / 23 & 44 / 10 & 44 / 15\end{array}$ | scheduled [2] 31/13 32/3 | simply [1] 110/11 |
| $\begin{array}{lllllll}44 / 17 & 44 / 20 & 45 / 3 & 45 / 15 & 46 / 3\end{array}$ | school [4] 99/23 100/4 | $\begin{array}{llll}\text { since [3] } & 90 / 9 & 90 / 13 & 91 / 16\end{array}$ |
| $\begin{array}{llllll}48 / 6 & 48 / 24 & 49 / 9 & 50 / 14 & 52 / 19\end{array}$ | 101/25 102/3 | $\begin{array}{lllll}\text { single } & {[3]} & 30 / 6 & 90 / 18 & 90 / 19\end{array}$ |
|  | Sea [1] 48/16 | singiing [1] 93/17 |
| 88/9 88/19 89/8 90/17 91/9 | SEASIDE [152] | sinuous [1] 65/25 |
| 94/18 97/18 $97 / 18$ 99/3 99/24 | $\begin{array}{lllll}\text { Seaside Park [12] } & 39 / 2 & 39 / 7\end{array}$ | site [2] 76/4 76/9 |
| 101/6 101/7 101/10 101/15 | 41/10 $47 / 449 / 15$ 50/16 51/20 | sites [1] 76/13 |
| $\begin{array}{lllll}102 / 1 & 102 / 3 & 111 / 15 & 111 / 21\end{array}$ | $\begin{array}{lllllllll} \\ 52 / 8 & 52 / 11 & 52 / 14 & 57 / 5 & 93 / 25\end{array}$ | situation [1] 46/24 |
| $\begin{array}{llll}111 / 23 & 112 / 2 & 112 / 4 & 112 / 10\end{array}$ | $\begin{array}{llll}\text { season [3] } & 49 / 16 & 50 / 1 & 50 / 9\end{array}$ | situations [1] 17/20 |
| rights [1] 78/10 <br> riparian [13] 78/1 | seasonal [3] 50/9 51/12 |  |
|  | 110/5 | 48/23 82/9 |
| $\begin{array}{llllll}\text { 78/10 } & 80 / 18 & 80 / 20 & 80 / 24 & 81 / 5\end{array}$ | second [4] 4/25 7/20 103/23 | Slachetka [8] $2 / 14$ 3/3 8/18 |
| 86/17 $85 / 15$ 85/21 86/8 86/12 | 114/13 | 9/10 19/14 $31 / 4$ 65/18 113/10 |
| river [5] 2/3 63/25 6 | Secretary [1] 2/12 | slide [5] 30/4 30/16 30/19 |
| 102/12 102/19 | section [2] 16/3 100/19 | 30/23 31/9 |
| road [5] $1 / 7$ 2/3 $31 / 13$ 81/19 | see [9] 7/20 9/2 14/8 $15 / 6$ | slightly [1] 61/2 |
| 99/24 [5] 1/7 2/3 81/13 81/19 | 16/14 17/3 $29 / 14$ 82/5 101/25 | slip [1] 58/10 |
| roads [11] 98/9 98/10 98 | seeking [2] 10/21 11/8 | sma11 [1] 90/4 |
| 98/12 98/13 98/16 98/16 | seemed [1] 95/2 | so [132] |
| 98/18 $98 / 18$ 98/19 98/23 | seen [1] 58/17 | Social [1] |
| roadway [6] 87/16 88/14 | selected [1] 29/11 | some [23] 4/14 8/3 14/5 |
| 88/20 88/21 89/8 98/24 | selection [4] 3/17 29/15 |  |
| roadways [2] 98/25 99/3 | senior [1] 45 | $\begin{array}{llll} 35 / 13 & 35 / 13 & 38 / 14 & 40 / 14 \\ 42 / 11 & 43 / 18 & 43 / 18 & 69 / 23 \end{array}$ |
| Robert [1] 1/12 | iors [2] 50/11 50/12 | 75/12 $82 / 5$ 103/24 104/2 |
| Roberts [2] 58/4 66/2 | se [2] 29/23 87/18 | 104/21 113/6 113/9 |
| Rodney | separate [1] 22/22 | somebody [4] $36 / 10 \quad 37 / 5$ |
| ofs [1] 58/16 | September [1] 18/19 | 41/16 99/13 |
| ROSI [2] 88/10 89/3 | served [1] 96/12 | somehow [1] 106/13 |
| roughly [3] 63/23 66/19 | set [1] 115/9 | someone [1] 16/24 |
| 66/20 [2] 44/4 44/16 | sets [1] 63/14 | something [9] 6/23 40/19 |
| round [2] 44/4 44/16 | settlement [3] 71/19 72/16 | 40/19 42/12 44/17 67/1 76/10 |
| 99/19 111/10 111/17 112/8 | 77/12 | 77/24 88/9 |
| 112/12 | seven [5] 45/1 61/10 63/24 | somewhere [2] 6/24 |
| Route 35 | 67/2 101/17 [3] 63/24 67/2 | sorry [8] 25/16 27/18 42/7 |
| Route Nine [4] 99/17 111/17 | seven miles [3] 63/24 67/2 | 46/17 46/19 68/12 75/8 102/11 |
| 112/8 112/12 | several [3] 44/2 47/23 | sort [5] 10/4 57/13 |
| routes [1] 112/11 | $112 / 19$ | $103 / 7104 / 9$ |
| run [1] 44/8 | Share [2] 71/19 | sound [1] 102 |
| runs [1] 74/4 | shedding [1] | sounded [1] |
| S | sheet [4] 29/9 29/19 30/5 | source [4] 26/3 27/4 67/19 |
| said [25] 11/10 11/19 15/1 | shore [2] 65/3 65/4 | sources [1] 25/24 |
| 17/10 $17 / 22$ 30/1 $31 / 12 \quad 32 / 23$ | $\begin{array}{lll}\text { shore } & & 65 / 3 \\ \text { shorefront } & 61] & 66 / 23\end{array}$ | $\begin{array}{\|llll} \text { sources [1] } & 25 / 24 \\ \text { SOUTH [95] } & 1 / 4 & 1 / 23 & 3 / 19 \end{array}$ |
| $35 / 24 \quad 37 / 16 \quad 39 / 6 \quad 40 / 8 \quad 54 / 18$ | shorefronts [1] 67/5 |  |
| $55 / 12 \quad 58 / 3 \quad 59 / 17 \quad 63 / 5 \quad 71 / 2$ | shoreline [11] 63/22 64/20 | $\begin{array}{llllll} & 26 / 11 & 26 / 15 & 37 / 6 & 39 / 8 & 39 / 9\end{array}$ |
| $\begin{array}{llllll}76 / 18 & 78 / 6 & 88 / 5 & 89 / 5 & 95 / 9 \\ 104 / 10 & 104 / 16 & \end{array}$ | 64/20 64/23 65/20 66/1 66/15 |  |
| 104/10 104/16 | 66/16 66/18 87/22 87/23 | $\begin{array}{llllllllll} & 47 / 2 & 47 / 11 & 49 / 13 & 53 / 7 & 53 / 16\end{array}$ |
| sake [1] $13 / 22$   <br> same [12] $5 / 11$ $19 / 24$ $30 / 2$ | shorelines [1] 88/7 |  |


| S | stop [1] 11 | $111 / 8$ |
| :---: | :---: | :---: |
| SOUTH . . [66] 55/10 55/14 | store [1] 49/3 | ta1ked [8] 34/5 46/12 47/12 |
| 56/6 56/23 $57 / 10$ 57/24 58/24 |  |  |
|  |  |  |
| $\begin{array}{lllll}69 / 20 & 70 / 6 & 72 / 1 & 72 / 22 & 77 / 5\end{array}$ | stream [2] 63/24 67/3 |  |
| $\begin{array}{llllllll}78 / 4 & 78 / 9 & 78 / 17 & 78 / 25 & 80 / 3\end{array}$ | stream $[2]$ $63 / 24$ $67 / 3$  <br> street $[6]$ $54 / 8$ $80 / 15$ $82 / 13$ | $57 / 21 \quad 64 / 11 \quad 65 / 2 \quad 65 / 3 \quad 65 / 4$ |
| $\begin{array}{lllllllll}82 / 20 & 83 / 1 & 83 / 6 & 87 / 6 & 88 / 6\end{array}$ | $82 / 21 \quad 83 / 22 \quad 85 / 5$ | $66 / 4 \quad 66 / 17 \quad 68 / 5 \quad 71 / 14 \quad 82 / 3$ |
| $\begin{array}{llll}89 / 10 & 89 / 23 & 90 / 25 & 91 / 12\end{array}$ | strictly [1] 66/22 | $\begin{array}{lllll}82 / 12 & 83 / 24 & 87 / 2 & 88 / 21 & 89 / 4\end{array}$ |
| $\begin{array}{llll} 92 / 11 & 93 / 1 & 93 / 8 & 93 / 18 \end{array} 94 / 9$ | structural [1] 88/13 |  |
| 99/19 101/20 102/5 102/10 | structure [2] 77/22 81/13 | 112/9 |
| 102/18 103/3 103/12 104/11 | structures [2] 21/23 58/17 | talks [1] 16/16 |
| 104/12 $104 / 19$ 105/3 105/6 | Stuart [2] 2/13 9/15 | $\operatorname{tax}[5] \quad 16 / 1985 / 16 \quad 85 / 17$ |
| 105/22 106/3 106/14 106/19 | bheadings [1] 9/20 | tear [1] 45/12 |
| 107/5 107/19 109/1 109/17 |  | technically [1] 58/6 |
| 111/11 111/14 111/20 112/4 | $\begin{gathered} \text { subject } \\ 33 / 25 \end{gathered}$ | $\begin{array}{llllll}\text { te11 [13] } & 29 / 18 & 45 / 18 & 45 / 18\end{array}$ |
| 112/6 Seaside [25] 8/16 | subsequent [1] 7/19 | 49/25 58/2 $78 / 19$ 82/17 84/4 |
| South Seaside [25] 8/16 | substance [3] 11/11 17/23 | 99/21 99/22 111/16 111/19 |
| 26/11 42/6 49/13 53/16 55/4 | 17/24 | 112/3 |
| $\begin{array}{lllll}55 / 10 & 57 / 10 & 57 / 24 & 72 / 22 & 77 / 5\end{array}$ | substandard [1] 77/19 | telling [9] 14/14 23/12 |
| $\begin{array}{llllll}80 / 3 & 82 / 20 & 83 / 6 & 89 / 23 & 93 / 1\end{array}$ | substantial [4] 68/24 69/2 | $\begin{array}{cccccl} \\ 40 / 12 & 42 / 8 & 48 / 17 & 48 / 18 & 54 / 2\end{array}$ |
| $\begin{array}{llllll}94 / 9 & 95 / 5 & 95 / 22 & 97 / 6 & 102 / 5 \\ 105 / 3 & 107 / 5 & 109 / 17 & 111 / 14\end{array}$ | $69 / 4 \quad 69 / 11$ | 54/23 100/15 |
| space [3] 47/20 81/20 $88 /$ | substantially [1] 91/15 | ten [18] 19/3 51/18 52/22 |
|  | successfu1 [2] 33/18 87/25 | 53/21 61/19 61/23 63/23 |
| span [1] $69 / 4$ <br> spec 1] $24 / 1$ | such [5] 22/6 23/23 62/12 | 65/14 $66 / 19$ 68/19 68/22 $69 / 4$ |
| special [1] 34/14 | 90/7 93/5 | 74/3 75/2 94/9 96/23 97/2 |
| specific [17] 10/16 13/17 | suggest suggested [2] $20 / 10 \quad 99 / 14$ |  |
| 17/24 23/3 28/16 31/10 38/16 |  |  |
| 38/17 $56 / 21$ 56/21 67/11 90/6 | $37 / 21 \quad 74 / 13 \quad 83 / 15$ 101/3 | tendency [1] 15/5 |
| 96/11 105/6 105/22 106/10 | 107/21 | tennis [2] 53/22 54/4 |
| 107/4 | suited [1] | term [1] 27/3 |
| specificaly $26 / 19 \quad 28 / 15 \quad 32 / 22$ | SULLIVAN [2] $1 / 22$ 115/4 | terms [19] 10/1 10/24 11/23 |
| $62 / 18$ 63/21 80/2 83 | SULLIVAN-HILL [2] 1/22 115/4 | 21/23 $22 / 22$ 26/3 47/4 70/5 |
|  | summer [2] 44/8 44/9 |  |
| 105/18 105/19 | Super [2] 69/13 102/17 | $\begin{array}{lllll}73 / 15 & 74 / 12 & 74 / 18 & 77 / 9 & 82 / 23\end{array}$ |
| specifics [6] 20/1 35/10 | supplement [1] 108/18 | 96/8 107/17 |
| $35 / 15$ 35/16 36/1 65/6 | support [2] 81/13 81/19 | $\begin{array}{lll}\text { test [2] } & 91 / 3 & 91 / 4\end{array}$ |
| specified [1] 47/9 | su | testi |
| speculate [3] 36/1 37 | $\begin{array}{lllll}16 / 24 & 20 / 15 & 22 / 24 & 27 / 24 & 31 / 3\end{array}$ |  |
| 42/12 | $\begin{array}{llllll} 32 / 12 & 32 / 21 & 40 / 8 & 41 / 3 & 62 / 16 \end{array}$ | $\begin{array}{llll}\text { testimony }[26] & 10 / 2 & 14 / 4\end{array}$ |
| $\begin{array}{llll}\text { speculation [2] } & 25 / 10 & 33 / 22\end{array}$ | $63 / 6 \quad 65 / 12 \quad 69 / 3 \quad 73 / 13 \quad 74 / 11$ | $\begin{array}{lllll}14 / 15 & 19 / 13 & 19 / 16 & 19 / 20 & 20 / 6\end{array}$ |
| $\begin{array}{ccccc}\text { spend [6] } & 44 / 6 & 44 / 9 & 44 / 14\end{array}$ | 78/20 79/2 79/3 81/24 89/16 | 20/6 $36 / 12$ 39/1 $47 / 16$ 49/20 |
| 44/19 51/18 59/4 | 94/14 95/25 109/18 | $\begin{array}{lllll}49 / 21 & 49 / 23 & 52 / 10 & 52 / 15\end{array}$ |
| spoke [1] 28/25 | Surf [1] $48 / 9$ | $\begin{array}{llllll}52 / 17 & 52 / 19 & 56 / 15 & 56 / 16 & 68 / 9\end{array}$ |
| Spring [2] 109/24 109/24 | SURMAN [1] 2/5 | 87/12 $93 / 11$ 93/24 $95 / 3$ 102/9 |
| quad quare | surprise [3] 4/2 68/21 68/23 | than [29] 6/24 7/13 13/9 |
| an [2] 4 | survey [7] 6/4 18/23 19/1 | 15/15 $23 / 11$ 23/21 $26 / 23$ 29/5 |
| and [2] 4/22 5 | 19/23 90/2 92/1 92/2 | 30/5 31/10 $39 / 11$ 47/25 48/21 |
|  | sustain [1] 40/14 | $\begin{array}{llllll}48 / 22 & 49 / 2 & 49 / 9 & 49 / 17 & 50 / 1\end{array}$ |
| $50 / 9$ | sworn [1] 15/25 | 61/8 65/23 82/24 $96 / 9$ 102/5 |
|  | Sylvan [2] 101/12 101/13 | 102/21 103/25 104/19 104/20 |
|  | system [6] 34/4 34/11 34/11 | 111/20 112/4 |
| standpoint [1] 72/23 | 34/16 36/13 36/16 | thank [6] 4/13 8/14 21/6 |
| Stanley [2] 2/14 3/3 | systems [1] 36/16 | 14/6 114/8 114/9 |
| started [4] 4/5 103/2 106/25 | T | 俍 |
| 107/1 | T-32 [3] 60/1 60/4 60/5 | that's [92] 4/9 7/2 7/21 |
| $\begin{array}{cc} \text { state } & {[22]} \\ 58 / 9 & 23 / 7 \\ 58 / 11 & 59 / 15 \end{array}$ | T-33 [3] 4/23 $5 / 14 \quad 5 / 16$ | $\begin{array}{llllll}8 / 23 & 11 / 17 & 12 / 1 & 12 / 14 & 14 / 11\end{array}$ |
| 60/18 $61 / 5$ 61/8 $61 / 14 \quad 61 / 25$ | $\begin{array}{lllllll}T-34 & {[4]} & 5 / 17 & 5 / 18 & 29 / 6 & 30 / 8\end{array}$ | 14/11 $15 / 115 / 716 / 2 \quad 19 / 5$ |
| $\begin{array}{llllll}62 / 8 & 68 / 3 & 68 / 15 & 81 / 10 & 84 / 12\end{array}$ | T-35 [2] 6/14 6/16 | $\begin{array}{lllll}19 / 23 & 20 / 2 & 21 / 6 & 21 / 18 & 21 / 19\end{array}$ |
| $\begin{array}{lllll} \\ 86 / 14 & 86 / 16 & 115 / 5 & 115 / 13\end{array}$ | T-36 [2] 9/6 9/8 | 23/12 $25 / 9$ 26/21 $31 / 8$ 31/20 |
|  |  | $\begin{array}{llll}31 / 22 & 31 / 23 & 33 / 22 & 33 / 23\end{array}$ |
|  | table [4] 49/19 49/23 49/25 | $\begin{array}{lllll}34 / 10 & 34 / 11 & 34 / 23 & 35 / 17 & 36 / 8\end{array}$ |
| 64/8 67/7 $67 / 11$ 92/17 $95 / 12$ | 50/20 | 38/25 39/22 $41 / 1143 / 3 \quad 45 / 7$ |
| statements [2] 13/20 56/2 | tag [1] 59/13 |  |
| statewide [1] 33/19 | take [23] 9/22 17/14 17/14 | $\begin{array}{llllll}50 / 8 & 50 / 25 & 56 / 5 & 57 / 19 & 58 / 11\end{array}$ |
| statistical [2] 27/3 | 35/8 $36 / 440 / 20$ 40/20 44/6 | 58/12 $60 / 6$ 61/11 $61 / 16$ 61/24 |
| status [1] 107/16 | 44/23 $44 / 24$ 44/25 49/24 $48 / 1$ | 62/6 63/14 66/3 66/6 66/23 |
| statute [1] 10/2 | 65/8 $65 / 11$ 65/14 $70 / 14$ 70/14 | 68/24 71/2 $71 / 974 / 974 / 11$ |
| stay [1] 59/9 | 80/4 $98 / 11$ 98/12 $99 / 20111 / 1$ | 75/5 $75 / 15$ 75/16 77/1 77/22 |
| stenographically [1] 115/8 | n [6] 47/4 47/8 65/15 | $\begin{array}{llll}79 / 11 & 79 / 21 & 80 / 19 & 80 / 22 \\ 81 / 4\end{array}$ |
| step [3] 103/8 $103 / 8103 / 8$ | takes [3] 32/9 46/16 46/22 | $\begin{array}{lllll} 88 / 9 & 88 / 20 & 89 / 3 & 91 / 6 & 92 / 21 \end{array}$ |
| stil1 [12] $23 / 5 \quad 23 / 11 \quad 23 / 22$ | takes talk 13$]$ $6 / 10$ $17 / 22$ <br> 25/15    | $\begin{array}{llll} \\ 92 / 21 & 98 / 6 & 101 / 9 & 102 / 21\end{array}$ |
| $\begin{array}{lllll}32 / 10 & 61 / 19 & 67 / 2 & 90 / 15 & 90 / 17 \\ 90 / 19 & 91 / 1 & 102 / 21 & 106 / 15\end{array}$ | $\begin{array}{ll} 25 / 16 & 27 / 9 \\ 49 / 14 \quad 61 / 25 & 68 / 11 \end{array}$ | $\begin{array}{lllll} \\ 103 / 5 & 103 / 10 & 104 / 14 & 106 / 8\end{array}$ |
| $\begin{array}{llll} 90 / 19 & 91 / 1 & 102 / 21 & 106 / 15 \end{array}$ | $81 / 14 \quad 92 / 16 \quad 93 / 20 \quad 110 / 13$ | $106 / 23 \quad 110 / 10$ |


| T | 15 96/15 96/20 96/21 | took [1] 6/25 |
| :---: | :---: | :---: |
| their [14] $13 / 21$ 37/7 37/12 | $96 / 22$ $96 / 22$ $16 / 19$ $18 / 23$ | $\begin{aligned} & \text { top }[10] \quad 27 / 21 \quad 28 / 11 \quad 41 / 8 \\ & 42 / 13 \\ & 45 / 17 \\ & 65 / 7 \\ & \hline \end{aligned}$ |
| $\begin{array}{llll} 38 / 21 & 43 / 17 & 44 / 1 & 45 / 12 \\ 46 / 9 & 48 / 4 & 50 / 18 & 82 / 24 \\ 86 / 19 \end{array}$ | 22/22 | $111 / 18$ 112/2 |
|  | 96/23 100/7 100/12 105/25 |  |
| them [13] 14/1 $25 / 545$ | think [54] $4 / 9$ 5/9 6/1 6/7 |  |
| $\begin{array}{lllllll}45 / 20 & 83 / 1 & 93 / 12 & 93 / 24 & 95 / 3 \\ 96 / 5 & 96 / 6 & 99 / 4 & 108 / 9 & 109 / 19\end{array}$ | 6/12 $6 / 23$ 7/8 11/20 12/2 | 110/23 |
| then [19] 4/21 6/17 16/9 |  | towns |
| 20/25 $24 / 8$ 24/19 $26 / 1 \quad 28 / 21$ | $47 / 2 \quad 49 / 16 \quad 62 / 9 \quad 62 / 16 \quad 62 / 17$ |  |
| 31/18 32/10 37/11 66/12 | 65/1 $71 / 2$ 71/4 71/6 $72 / 21$ | $\begin{array}{llllll} \\ 13 / 25 & 14 / 5 & 14 / 6 & 14 / 21 & 17 / 2\end{array}$ |
| 105/23 109/24 113/12 | 17 74/17 74/19 74/24 | 17/7 17/13 $21 / 20$ 22/7 $26 / 5$ |
| theoretically [1] 81 | 79/15 81/14 87/19 88/5 89/14 | 26/14 $30 / 1$ 30/3 39/18 39/19 |
| 6] 5/4 7/11 |  | 47/10 |
| /25 12/20 12/21 12/25 13/2 | 101/24 106/6 106/12 107/20 | $\begin{array}{llll}57 / 23 & 59 / 10 & 59 / 16 & 60 / 11 \\ 60 / 15 & 61 / 19 & 61 / 23 & 62 / 1 \\ 62 / 7\end{array}$ |
| $\begin{array}{lllllll}13 / 5 & 13 / 6 & 14 / 19 & 15 / 1 & 16 / 9\end{array}$ | 107/21 $111 / 22{ }^{1} 112 / 5$ 112/11 | 60/15 61/19 61/23 62/1 62/7 |
| 18/6 $18 / 718 / 818 / 919 / 8$ | $\text { third }[1] \quad 72 / 19$ | $\begin{array}{llll}70 / 18 & 71 / 15 & 71 / 18 & 72 / 2 \quad 72 / 12\end{array}$ |
|  | thirty [1] 9/5 | 72/14 $73 / 4 \begin{array}{llll} & 73 / 7 & 73 / 10 & 73 / 11\end{array}$ |
|  | this [47] 5/6 5/17 5/21 8/11 | 73/15 73/19 |
| 53/17 $53 / 17$ 54/5 $54 / 6$ 54/13 | $\begin{array}{lllllll}9 / 4 & 11 / 12 & 12 / 13 & 15 / 8 & 15 / 21\end{array}$ | $\begin{array}{lllll}74 / 25 & 75 / 17 & 75 / 21 & 75 / 22 & 76 / 7 \\ 76 / 18 & 77 / 14 & 77 / 16 & 77 / 21\end{array}$ |
|  |  |  |
| 56/11 56/16 57/10 58/2 58/4 | 31/13 $32 / 3$ 32/4 $33 / 444 / 3$ | 87/9 87/10 89/24 91/2 $91 / 10$ |
| $58 / 758 / 8$ 58/13 59/6 69/23 | 65/13 $66 / 13$ 67/7 $67 / 13$ 74/18 | 92/9 92/15 97/4 99/1 106/14 |
|  | 78/14 80/6 81/5 82/8 86/23 | 110/1 111/10 |
| 73/11 73/18 74/7 75/16 75/20 | 87/2 91/8 91/12 98/19 101/24 | township's [13] 5/3 26/16 |
| 76/23 77/6 77/15 78/7 80/5 | 103/6 104/16 106/6 108/3 |  |
| 80/12 80/17 $80 / 20 \quad 81 / 10$ | ug | 77/20 77/14 $75 / 6$ 76/1 |
| 81/11 81/23 82/1 83/20 | those [38] | craffic [4] 44/9 46/24 82/11 |
| 84/23 85/3 85/6 $86 / 1086$ | 17/20 17/24 $31 / 6 \quad 31 / 12$ 32/11 | 99/4 |
| $\begin{array}{ll}87 / 19 & 87 / 19 \\ 89 / 20 / 14\end{array}$ | $34 / 21 \quad 34 / 24 \quad 37 / 1238$ | transcript [4] 20/14 21/3 |
| 80/15 $90 / 15$ $90 / 23$ $99 / 5$ <br> $189 / 5$    | $51 / 2 \quad 56 / 21 \quad 58 / 18$ 64/16 73/25 | 21/5 115/7 |
| 99/9 103/22 104/20 105/23 | $74 / 16$ 76/10 82/14 82/17 | transcripts [1] 56/18 |
| 5/25 107/3 111/4 | $96 / 1097 / 1699 / 3101 / 2102 / 4$ |  |
| there'11 [1] 61/23 ${ }^{\text {che }}$ | 104/2 104/21 106/9 107/7 | ortat |
| there's [48] 6/12 9/20 14/18 | 109/8 110/5 |  |
|  | though [7] 23/10 23/20 23/21 | travel [3] $44 / 5$ 98/9 109/19 |
| $\begin{array}{llllll}35 / 13 & 43 / 13 & 43 / 14 & 45 / 7 & 46 / 12 \\ 46 / 15 & 46 / 21 & 50 / 19 & 53 / 19 & 54 / 7\end{array}$ | 28/11 $38 / 1108 / 14112 / 22$ | tremendous [2] 64/14 64/17 |
|  | thought [6] 6/6 7/19 55/12 | Tri [1] 109/ |
| 55/23 $56 / 22$ 57/13 $59 / 1 \quad 59 / 8$ | 92/6 93/24 102/16 | Tri-boro [1 |
| 69/19 70/4 72/7 73/22 76/2 | $\begin{gathered} \text { tnousana } \\ 41 / 25 \quad 42 / 9] \end{gathered} 43 / 4 / 194$ | trip [2] 44/4 44/16 |
| 76/14 79/10 $79 / 10$ 79/11 | thousands [2] 99/24 99/25 | trips [1] |
| $\begin{array}{llll}80 / 17 & 80 / 24 & 90 / 16 & 90 / 17 \\ 90 / 18 & 98 / 24 & 98 / 24 & 101 / 1\end{array}$ | three [10] 13/20 35/12 41/6 | true [21] 19/7 19/11 19/11 |
| $\begin{array}{lllll}90 / 18 & 98 / 24 & 98 / 24 & 101 / 1 \\ 101 / 2 & 104 / 19 & 108 / 2 & 108 / 4\end{array}$ | 44/15 44/16 49/19 49/23 | $\begin{array}{llll}19 / 16 & 19 / 17 & 19 / 20 & 19 / 20\end{array}$ |
| $\begin{array}{lllll}\text { 101/2 } & 104 / 19 & 108 / 2 & 108 / 4\end{array}$ | 49/25 52/5 108/19 | $\begin{array}{lllll} & 33 / 15 & 23 / 23 & 32 / 3 & 34 / 1\end{array}$ |
| there's no [1] ${ }^{\text {cher }}$ 108/4 | through [11] 44/5 45/1 45/20 | 50/21 50/23 50/24 61/16 |
| therefore [ $17 / 22$ 14/6 82/20 | 71/21 77/20 88/16 88/18 | 63/25 69/19 97/14 103/5 |
| 82/22 83/13 $83 / 16$ 91/8 | 88/19 99/1 108/3 108/20 | 115/7 |
|  | th | trust [2] 73/25 75/18 |
| they [79] $5 / 23$ 6/19 14/2 | tidal [1] ${ }^{\text {tid }}$ [/13 |  |
|  | time [ 31$] \quad 5 / 22$ 7/14 8/11 | 75/11 88/2 |
| $\begin{array}{llllll}30 / 4 & 34 / 25 & 34 / 25 & 35 / 1 & 35 / 1\end{array}$ | $\begin{array}{llllll}10 / 1 & 12 / 15 & 13 / 22 & 18 / 7 & 18 / 9\end{array}$ |  |
| $\begin{array}{lllll}35 / 16 & 36 / 11 & 36 / 17 & 37 / 14 & 43 / 8\end{array}$ | $18 / 1919 / 11 \quad 20 / 6 \quad 20 / 7 \quad 20 / 14$ | 108/17 108/19 |
|  | 21/13 $28 / 1288 / 25$ 44/20 46/13 | Twenty [3] 42/16 42/17 60/20 |
| $44 / 644 / 8 \quad 44 / 12244 / 20 \quad 44 / 23$ <br> $44 / 24 \quad 44 / 25 \quad 45 / 1 \quad 45 / 4 \quad 45 / 4$ | $46 / 21 \quad 46 / 23 \quad 65 / 13 \quad 68 / 8 \quad 68 / 16$ | Twenty-five [1] 42/16 |
| $\begin{array}{lllll}45 / / 9 & 45 / 19 & 45 / 20 & 45 / 21 & 46 / 1\end{array}$ | 69/14 $76 / 783 / 5$ 93/15 105/10 | Twenty-five percent [1] |
| $46 / 146 / 3$ 47/3 47/7 48/5 | 108/6 $113 / 13115 / 8$ | 42/17 |
| 48/6 48/7 $49 / 3$ 49/10 50/17 | times $\quad 11 \begin{array}{lll}13 & 35 / 12 & 45 / 11 \\ 45 / 13 & 45 / 19\end{array}$ | Twenty-four   <br> two $[125]$ $5 / 5$ |
| $52 / 13$ 52/25 55/22 58/16 61/1 | 69/10 83/10 99/9 108/19 | 22/22 $25 / 20 \quad 25 / 24 \quad 26 / 24$ |
| 68/1146/20 81/22 82/1182/25 | timing [4] 110/1 110/1 110/8 | 29/10 29/23 32/12 $41 / 642 / 21$ |
|  | 110/11 | 52/22 $53 / 10 \quad 55 / 23 \quad 68 / 22 \quad 69 / 4$ |
| $\begin{array}{llll}91 / 24 & 93 / 3 & 93 / 18 & 93 / 25 \\ 94 / 19 & 94 / 25 & 94 / 25 & 96 / 7 \\ 97 / 8\end{array}$ | title [8] 84/9 84/11 84/11 | 78/3 79/11 81/4 82/10 100/12 |
| $99 / 10 \quad 104 / 4 \quad 109 / 5 \quad 109 / 12$ | 84/13 84/14 84/23 85/4 85/7 | 106/8 112/21 |
| 109/13 109/19 113/8 | today [3] $18 / 1 \quad 31 / 7 \quad 43 / 9$ | two percent [3] 22 |
| they'd [1] 46/3 | tol1 [2] $44 / 7$ 44/20 |  |
| $\begin{array}{ll}\text { They'11 [2] } & 27 / 970 / 24 \\ \text { they're [15] } & 33 / 2444\end{array}$ | tolls [1] 45/12 | Typically [1] 74/4 |
| /14 44/19 45/23 46/5 | oms [2] 102/12 |  |
| 48/5 58/20 76/13 79/24 82/23 | Toms River [1] 102/12 tonight [3] 30/11 113/8 |  |
| $\begin{array}{llll}83 / 18 & 86 / 16 & 99 / 7 \\ \text { they've } & {[13]} & 87 / 12 & 89 / 18\end{array}$ | tonight 113/9 | $\begin{array}{lll} \text { U.S [4] } & 3 / 14 / 6 / 6 & 6 / 15 \\ \text { U.S. [2] } & 19 / 3 & 19 / 24 \end{array}$ |
| $\begin{array}{lll} \text { they've }[13] & 87 / 12 & 89 / 18 \\ 94 / 12 & 94 / 16 & 94 / 18 \\ 95 / 25 & 96 / 3 \end{array}$ | too [2] 50/21 56/16 | u.s. Census [2] $19 / 3$ 19/24 |


| $\underline{\mathbf{U}}$ | $1 / 54 / 3$ | $\begin{array}{llllll} 25 & 102 / 4 & 102 / 11 & 102 / 18 \\ 12 & 106 / 25 & 107 / 18 & 107 / 23 \end{array}$ |
| :---: | :---: | :---: |
| ULAKY | VOTERS [2] 1/5 4/3 | /2 106/25 107/18 107/23 |
| ultimately [1] 43/13 | W | weren't [3] 30/4 109/12 |
| biased [1] 28/4 | wait [1] 114/2 | 109/13 |
| 86/16 86/25 87/5 | walk [4] 45/21 61/14 61/16 | west [4] 86/24 87/4 87/6 |
| understand [10] 6/8 27/10 |  | what [111] 8/6 8/18 9/4 9/10 |
| 42/22 $51 / 8$ 59/18 67/18 $69 / 15$ |  | what $[111]$ $8 / 6$ $8 / 18$ $9 / 4$ <br> $9 / 18$ $10 / 1$ $10 / 16$ $11 / 4$ $12 / 14$ |
| $\begin{array}{llll} 73 / 13 & 74 / 20 & 107 / 11 \end{array}$ | $44 / 8 \quad 48 / 22 \quad 55 / 22 \quad 62 / 22 \quad 96 / 7$ | $\begin{array}{lllllll} & 13 / 17 & 15 / 1 & 17 / 1 & 19 / 5 & 20 / 12\end{array}$ |
| underst $87 / 14$ | 103/24 104/18 108/12 | $\begin{array}{llllll}131 / 15 & 23 / 12 & 24 / 15 & 25 / 22 & 26 / 7\end{array}$ |
| understood [2] 69/16 | wanted [1] 8/7 | $\begin{array}{lllllll} & 27 / 19 & 28 / 17 & 29 / 18 & 30 / 15 & 31 / 8\end{array}$ |
| undoubtedly [1] 13/24 | was [158] | $\begin{array}{llllll}32 / 7 & 34 / 17 & 35 / 3 & 35 / 4 & 35 / 5\end{array}$ |
| unfolds [1] 17/1 | wasn't [11] 19/12 48/13 | $\begin{array}{llllllll}35 / 5 & 35 / 7 & 35 / 16 & 38 / 12 & 39 / 8\end{array}$ |
| Unfortunately [2] 113/18 | 48/15 $63 / 6 \quad 74 / 11 \quad 86 / 12$ 93/17 | $\begin{array}{lllll}40 / 12 & 40 / 21 & 41 / 9 & 42 / 2 & 42 / 8\end{array}$ |
| 113/22 | $\begin{array}{rrrr}96 / 2 & 96 / 5 & 103 / 1 & 106 / 24\end{array}$ | 43/13 44/12 45/10 45/14 47/5 |
| unit [8] 73/5 73/8 |  | $\begin{array}{llllll}50 / 6 & 50 / 11 & 50 / 14 & 51 / 5 & 51 / 5\end{array}$ |
| 73/16 74/1 $74 / 5$ 74/6 77/19 | $64 / 14 \quad 64 / 17 \quad 64 / 18 \quad 66 / 14$ | $\begin{array}{lllll}51 / 7 & 51 / 9 & 51 / 10 & 51 / 11 & 51 / 14\end{array}$ |
| units [10] 70/24 70/25 71/6 | $86 / 23 \quad 86 / 25 \quad 87 / 5 \quad 87 / 9$ | $\begin{array}{lllll} 51 / 7 & 51 / 9 & 51 / 10 & 51 / 11 & 51 / 14 \\ 57 / 3 & 57 / 7 & 57 / 16 & 59 / 21 & 62 / 4 \end{array}$ |
| 71/7 71/7 72/10 $73 / 25$ 74/7 | waterfront [1] 66/10 | $\begin{array}{lllll} 62 / 18 & 63 / 6 & 66 / 4 & 70 / 24 & 70 / 25 \end{array}$ |
| 74/15 75/24 | waterfront [1] 66/10 waters [1] 86/13 |  |
| unity [3] 84/23 85/4 85/6 | waterward [2] 84/22 | 73/13 $73 / 15$ 73/16 $74 / 6 \quad 74 / 12$ |
| ess [1, | way [21] 24/24 27/9 27/18 | $\begin{array}{lllllll}74 / 23 & 75 / 2 & 75 / 18 & 76 / 16 & 76 / 19\end{array}$ |
| ike [1] | 37/23 41/1 47/1 51/11 72/7 | 78/19 79/1 $80 / 10$ 82/2 $83 / 3$ |
|  |  | $\begin{array}{llllll} & 83 / 3 & 83 / 17 & 84 / 10 & 84 / 21 & 85 / 16\end{array}$ |
|  | 88/16 88/17 89/5 95/6 96/10 | 88/5 88/17 90/14 91 |
|  | 99/12 101/2 104/10 | 94/2 $95 / 8$ 99/21 100/15 $104 / 9$ |
|  | ways [1] 95/4 | 106/3 107/15 107/16 108/14 |
| unusual [1] 4/ | we [67] 4/5 4/20 6/5 6/10 | 108/17 108/18 113/21 |
| up [20] $4 / 114 / 11 \quad 9$ | 6/23 6/25 $7 / 22$ 9/3 9/4 11/6 | what's |
| $\begin{array}{lllllll}40 / 7 & 46 / 16 & 55 / 1 & 58 / 15 & 71 / 3\end{array}$ | 11/10 $17 / 22$ 18/19 18/22 | 29/17 $34 / 3$ 41/15 50/4 50/6 |
| 74/18 76/21 77/22 81/22 | $\begin{array}{lllll}23 / 25 & 24 / 23 & 28 / 25 & 29 / 6 & 32 / 12\end{array}$ | 62/24 67/19 74/25 82/6 $92 / 18$ |
| $\begin{array}{lllllll} & 87 / 16 & 88 / 16 & 88 / 17 & 88 / 19 & 89 / 5\end{array}$ | $\begin{array}{lllll}32 / 12 & 33 / 21 & 44 / 3 & 46 / 22 ~ 47 / 9\end{array}$ | whatever [6] 43/4 45/24 |
| 96/21 112/18 | $\begin{array}{llllll}59 / 11 & 59 / 17 & 59 / 24 & 60 / 17\end{array}$ | $5 / 25$ 45/25 $49 / 22$ 54/23 |
| upkeep [1] 80/13 | 60/25 61/3 $61 / 25$ 62/15 $62 / 16$ | when [33] 4/8 21/14 21/14 |
| upland [2] 84/22 | 62/17 62/17 63/1 66/17 67/4 | $\begin{array}{lllllllllll} & 23 / 2 & 23 / 2 & 27 / 2 & 31 / 22 & 32 / 18\end{array}$ |
| 1an | $\begin{array}{lllll}71 / 2 & 78 / 2 & 79 / 2 & 81 / 14 & 85 / 24\end{array}$ | $\begin{array}{llllll}58 / 3 & 59 / 17 & 63 / 5 & 69 / 15 & 75 / 14\end{array}$ |
| 24/7 $24 / 21$ 24/24 $25 / 5$ 26/9 | 88/5 88/5 91/3 91/3 91/3 | 84/5 84/8 84/16 85/9 90/12 |
|  | 91/4 102/17 104/15 104/16 | 93/25 98/13 99/9 103/16 |
|  | 105/3 105/4 105/21 107/5 | 104/14 105/11 106/18 107/5 |
| 62/11 $110 / 24$ 86/3 93/16 93/17 | $107 / 6 \quad 107 / 18 \quad 108 / 20 \quad 110 / 2$ | 107/6 110/1 110/8 110/9 |
| 110/24 [1] 46/22 | 110/8 110/9 110/9 112/11 | $110 / 9 \text { 110/22 } 113 / 13$ |
| upwards [1] 46/22 | $\begin{array}{lll} 112 / 20 & 114 / 8 & 114 / 10 \end{array}$ | when's [1] 83/5 |
| urged [1] $15 / 5$ us [11] $23 / 12$ 29/18 | we talking [1] 24/23 | where [19] [13/14 $16 / 3$ 43/1 |
| $\begin{array}{lllll} \text { us } \\ \text { us } \end{array} \frac{2311}{23 / 12} \quad 29 / 18 \quad 29 / 21$ | we'11 [5] $4 / 22$ 24/17 $112 / 18$ | 57/17 $68 / 8 \quad 69 / 24 \quad 70 / 9 \quad 74 / 11$ |
|  | 113/2 114/6 | 75/9 76/5 81/24 83/13 93/16 |
| $\begin{array}{ccccccl}42 / 14 & 58 / 2 & 78 / 19\end{array}$ | we're [9] $41 / 2542 / 3 \quad 65 / 13$ | 98/25 99/16 99/24 100/17 |
|  | $77 / 25 \quad 82 / 12 \quad 91 / 4 \quad 112 / 9$ | 101/4 108/11 |
| 96/11 $97 / 3$ used [7] 6/5 | 13/11 113/24 | whether [24] $10 / 13$ 11/7 $18 / 6$ |
| $\begin{array}{lllllll}\text { used } & {[7]} & 6 / 5 & 21 / 10 & 23 / 5 \\ 25 / 13 & 34 / 11 & 38 / 15 & 81 / 19\end{array}$ | we've [4] 43/10 45/9 87/11 | $\begin{array}{lllll}\text { 19/25 } & 20 / 18 & 28 / 15 & 31 / 18\end{array}$ |
| $\begin{array}{lllll}25 / 13 & 34 / 11 & 38 / 15 & 81 / 19\end{array}$ | we ${ }^{\text {99/18 }}$ (4] $43 / 1045 / 987 / 11$ | $\begin{array}{llllll} & 32 / 19 & 37 / 10 & 38 / 3 & 38 / 8 & 41 / 3\end{array}$ |
|  | wealth [3] 63/21 64/18 66/14 | $\begin{array}{lllll} \\ 70 / 18 & 73 / 16 & 81 / 24 & 82 / 20\end{array}$ |
| $\begin{array}{lllll}\text { uses [3] } & 105 / 24 & 106 / 10 & 112\end{array}$ | Wear [1] 45/12 | 84/23 $85 / 3$ 85/13 $86 / 8$ 91/17 |
| $\begin{aligned} & \text { using } \\ & \text { usualy }[3] \quad 23 / 14 / 23 / 162 \\ & 113 / 21 \end{aligned}$ | weeds [1] 82/12 | 91/19 92/3 108/5 |
| Usuay | ekly [1] 52/9 | which [41] 4/10 4/16 15/16 |
| V | we11 [77] 5/22 10/13 11/23 | 16/10 19/3 $24 / 10$ 24/22 $24 / 22$ |
|  | $\begin{array}{lllllll}12 / 10 & 13 / 15 & 15 / 4 & 17 / 8 & 17 / 12\end{array}$ | $\begin{array}{llllll} & 24 / 23 & 26 / 9 & 26 / 15 & 26 / 22 & 27 / 22\end{array}$ |
| $\begin{array}{ll}\text { Vald [2] } & 84 / 24 \\ \text { Value [2] }\end{array}$ | 19/8 19/10 20/5 $22 / 18$ 23/24 | $\begin{array}{lllllll}28 / 18 & 30 / 6 & 30 / 8 & 40 / 8 & 43 / 4\end{array}$ |
| value [2] 46/13 46/21 | $\begin{array}{lllll}19 / 22 & 26 / 21 & 28 / 1 & 28 / 8 & 30 / 15\end{array}$ | 44/3 $47 / 25$ 49/7 $59 / 15$ 60/14 |
| variance [3] 28/5 28/18 | $\begin{array}{lllll} & 32 / 22 & 34 / 18 & 35 / 20 & 36 / 24\end{array}$ | $\begin{array}{llllll}61 / 3 & 63 / 19 & 65 / 25 & 69 / 8 & 71 / 20\end{array}$ |
| 28/22 [4] 49/4 106/11 | $\begin{array}{llllll} & 37 / 10 & 39 / 24 & 40 / 6 & 40 / 13 & 42 / 4\end{array}$ | 73/22 75/9 77/19 79/13 82/7 |
| variety [4] 49/4 106/11 | 42/14 $46 / 7 \quad 49 / 24$ 54/10 55/21 | 82/9 82/11 89/1 89/2 100/4 |
| 107/8 107/18 | 56/15 59/19 60/16 61/21 62/2 | 107/7 107/8 109/9 |
| $\begin{array}{llllll}\text { vehicle [3] } & 45 / 12 & 61 / 1 & 61 / 9\end{array}$ | $62 / 5 \quad 62 / 8 \quad 65 / 2 \quad 65 / 4 \quad 65 / 8$ | while [1] 23/1 |
| $\begin{array}{lllll}\text { verification } & {[1]} & 53 / 25\end{array}$ | 65/11 67/7 69/1 71/25 72/5 | white [4] 51/14 51/15 61/9 |
| versus [5] 42/17 47/11 50/8 | 72/15 $73 / 18$ 73/21 $74 / 9$ 75/13 | 80/6 |
| $52 / 12 ~ 54 / 9$ very [14] | $\begin{array}{lllllll}76 / 12 & 78 / 13 & 79 / 14 & 81 / 9 & 81 / 16\end{array}$ | White Sands |
| very [14] 21/21 22/15 23/5 | 81/22 82/4 82/25 83/8 85/24 | who [20] $5 / 3$ 5/8 $5 / 10$ 5/11 |
| $\begin{array}{llllll}23 / 5 & 23 / 8 & 23 / 8 & 25 / 6 & 35 / 20 \\ 58 / 2 & 58 / 16 & 68 / 24 & 94 / 16 & 99 / 12\end{array}$ | $\begin{array}{lllll}86 / 4 & 98 / 6 & 99 / 5 & 99 / 9 & 99 / 18\end{array}$ | $\begin{array}{llll}11 / 18 & 11 / 22 & 12 / 16 & 30 / 19\end{array}$ |
| $\begin{array}{lllll}58 / 2 & 58 / 16 & 68 / 24 & 94 / 16 & 99 / 12\end{array}$ |  | $\begin{array}{lllll} & 34 / 24 & 34 / 25 & 36 / 10 & 37 / 5\end{array} 37 / 12$ |
| 110/11 [2] 104/9 104/16 | 103/17 107/11 112/9 113/12 | 38/9 40/5 43/22 47/2 51/2 |
| $\begin{array}{llrl}\text { vestige [2] } & 104 / 9 & 104 / 16 \\ \text { veterans [4] } & 50 / 15 & 50 / 16\end{array}$ | 113/14 | 91/7 92/25 |
| veterans [4] $50 / 15$ 50/16 | were [42] 5/2 5/4 5/11 5/23 | who's [1] 37/ |
|  | $\begin{array}{lllll}6 / 23 & 7 / 9 & 13 / 5 & 13 / 8 & 15 / 2 \\ 18 / 8\end{array}$ | who've [1] 37 |
| $\begin{array}{llll}\text { viewed } \\ \text { visual [2] } & 14 / 6 & 14\end{array}$ |  | whole [2] 59/5 72/3 |
| visually [7] 89/24 90/8 |  | whom [1] 16/24 |
| 91/13 91/23 $92 / 419$ | 63/6 66/17 69/14 74/12 80/14 | why [14] 4/20 9/3 10/11 $12 / 8$ |
| volume [1] 47/21 | 82/4 83/5 84/5 84/6 93/11 | 20/2 29/10 29/24 30/6 30/17 |


| W |  |  |
| :---: | :---: | :---: |
| $\begin{gathered} \hline \text { why. } 14 \begin{array}{lll} {[5]} & 49 / 12 & 60 / 25 \\ 109 / 109 / 22 & 110 / 11 \end{array} \end{gathered}$ | $\begin{array}{llll} 88 / 3 & 90 / 23 & 91 / 17 & 92 / 8 \\ 98 / 13 & 92 / 8 & 99 / 10 & 100 / 24 \\ 9 \end{array}$ | $\begin{array}{lllll} 105 / 13 & 105 / 21 & 105 / 21 & 106 / 3 \\ 107 / 4 & 107 / 19 & 107 / 23 & 109 / 2 \end{array}$ |
| wi [1] 67/14 | 104/5 104/13 104/14 106/6 106/9 106/21 107/2 111/24 |  |
| Wi-Fi [1] 67/14 | $112 / 6$ 112/14 113/17 |  |
| wide [1] 107/18 | year [9] $5 / 6 \quad 21 / 11 \quad 41 / 6$ |  |
| wil1 [27] 5/17 6/14 13/24 | $\begin{array}{ccccc} \text { year } & {[9]} & b / 6 & 21 / 11 & 41 / 6 \\ 41 / 10 & 42 / 2 & 46 / 23 & 69 / 4 & 69 / 8 \end{array}$ |  |
| 14/1 14/4 16/23 16/25 26/8 | $\begin{aligned} & 41 / 10 \\ & 110 / 6 \end{aligned}$ |  |
| $\begin{array}{llll}27 / 15 & 31 / 16 & 31 / 18 & 31 / 21\end{array}$ | years [12] 19/3 $41 / 6 \quad 41 / 6$ |  |
| $\begin{array}{lllll}32 / 15 & 33 / 21 & 41 / 10 & 49 / 2 & 61 / 19\end{array}$ | $\begin{array}{lllll} \\ 41 / 7 & 68 / 19 & 68 / 22 & 94 / 10 & 96 / 23\end{array}$ |  |
| $\begin{array}{lllllll}70 / 18 & 70 / 21 & 70 / 23 & 71 / 4 & 77 / 15\end{array}$ |  |  |
| 77/16 110/14 111/4 112/24 | $\text { yes [101] } 8 / 24 \quad 9 / 1 \quad 12 / 16$ |  |
| 114/1 | $\begin{array}{llllll}14 / 9 & 14 / 24 & 15 / 11 & 15 / 13 & 16 / 8\end{array}$ |  |
| willing [1] 20/11 | $\begin{array}{lllll}16 / 15 & 16 / 18 & 17 / 4 & 18 / 21 & 21 / 25\end{array}$ |  |
| winter [1] 109/23 | $\begin{array}{lllll}16 / 15 & 16 / 18 & 24 / 2 & 24 / 25 & 25 / 2\end{array}$ |  |
| Winterdon [1] 101/23 |  |  |
| Winward [1] 1/12 | $\begin{array}{lllll}29 / 13 & 29 / 19 & 30 / 25 & 34 / 7 & 34 / 9\end{array}$ |  |
| Wiser [13] 2/13 8/1 8/20 |  |  |
| $\begin{array}{llllll}9 / 15 & 10 / 9 & 10 / 12 & 10 / 19 & 14 / 13\end{array}$ | $39 / 16 \quad 41 / 14 \quad 42 / 19 \quad 44 / 11$ |  |
| 15/14 17/6 17/19 17/25 114/2 | $44 / 21 \quad 44 / 22 \quad 46 / 2 \quad 46 / 14 \quad 46 / 25$ |  |
| wiser's [1] 10/23 |  |  |
| within [12] 15/21 16/3 61/22 |  |  |
| 62/9 63/15 64/4 86/25 87/7 |  |  |
| 87/8 87/9 90/25 95/20 | $\begin{array}{llll}57 / 19 & 58 / 12 & 58 / 19 & 59 / 7 \\ 63 / 9\end{array}$ |  |
| witness [2] 3/2 16/1 |  |  |
| witnesses [4] 15/6 15/24 | $\begin{array}{llllll}76 / 20 & 78 / 11 & 79 / 23 & 80 / 2 & 80 / 9\end{array}$ |  |
| 15/25 113/3 | $\begin{array}{lllllllllll}83 / 19 & 89 / 20 & 90 / 1 & 90 / 16 & 90 / 20\end{array}$ |  |
| word [2] 17/15 73/14 | $\begin{array}{llll}91 / 10 & 94 / 17 & 94 / 22 & 96 / 17\end{array}$ |  |
| words [3] 40/16 75/9 93/2 | 96/17 $97 / 10$ 97/20 98/6 98/20 |  |
| work [4] $12 / 12$ 12/12 $36 / 16$ | 100/2 100/14 101/5 101/7 |  |
| 110/10 | 101/22 $102 / 7$ 102/14 $102 / 23$ |  |
| working [1] 110/3 | 102/23 104/1 106/23 108/1 |  |
| works [2] 36/13 36/16 | 109/4 109/7 109/21 110/16 |  |
| worried [1] 46/4 | $\begin{array}{lllll}111 / 12 & 112 / 5 & 113 / 5 & 114 / 3\end{array}$ |  |
| worse [3] 14/7 14/17 14/22 |  |  |
| would [100] 4/10 5/24 6/8 | you [419] 98/25 |  |
|  | you'd [1] 98/25 |  |
| $\begin{array}{llllll} & 14 / 13 & 15 / 8 & 16 / 6 & 16 / 8 & 21 / 21\end{array}$ | you'11 [1] 4/7 |  |
| $\begin{array}{lllll} & 21 / 22 & 21 / 25 & 22 / 15 & 24 / 9\end{array}$ | you |  |
| 24/20 $25 / 5$ 28/6 $28 / 8 \quad 28 / 9$ | 15 |  |
| $\begin{array}{llllll}28 / 10 & 28 / 21 & 31 / 1 & 32 / 11 & 33 / 19\end{array}$ | 23/12 23/17 |  |
| $\begin{array}{llllll}35 / 12 & 35 / 16 & 36 / 6 & 36 / 11 & 36 / 17\end{array}$ | 25/8 $46 / 7{ }^{\text {2 }}$ |  |
| $36 / 21$ 38/3 38/9 38/21 38/24 | $\begin{array}{llllll}46 / 7 & 46 / 8 & 48 / 18 & 49 / 19 & 50 / 9 \\ 52 / 16 & 52 / 24 & 53 / 4 & 53 / 13 & 54 / 2\end{array}$ |  |
| $\begin{array}{llllll}39 / 9 & 39 / 15 & 40 / 18 & 40 / 19 & 40 / 20\end{array}$ | $\begin{array}{lllll}52 / 16 & 52 / 24 & 53 / 4 & 53 / 13 & 54 / 2 \\ 54 / 23 & 54 / 24 & 55 / 9 & 56 / 14 & 57 / 7\end{array}$ |  |
| 40/23 $43 / 4$ |  |  |
| 46/2 46/2 47/3 47/6 47/7 |  |  |
| 48/18 $49 / 6$ 54/22 66/12 $66 / 15$ |  |  |
| 66/20 66/25 67/2 68/21 70/1 | 74/22 74/23 74/24 75/8 75/14 |  |
| $\begin{array}{lllll}\text { 70/11 } & 70 / 11 & 70 / 12 & 71 / 8 & 71 / 10\end{array}$ |  |  |
| $\begin{array}{llllll}71 / 16 & 71 / 23 & 72 / 6 & 73 / 15 & 76 / 7\end{array}$ | 87/2 89/9 91/21 95/10 98/10 |  |
| 77/10 77/10 $78 / 8 \quad 86 / 986 / 14$ | 98/14 99/12 100/7100/13 |  |
| 87/17 87/17 87/22 88/1 90/10 | 106/9 107/21 108/171 |  |
| 92/14 94/21 94/25 94/25 | You re not [1] 57/21 |  |
| 96/11 96/25 $98 / 9$ 98/21 | you ve [6] 38/20 56/18 64/18 |  |
| 102/15 102/16 102/18 109/18 | 64/19 108/9 108/18 |  |
| 110/25 111/21 111/22 112/5 | your [76] 8/13 11/24 17/5 |  |
| 113/8 | 18/3 $19 / 13$ 21/1 $24 / 8$ 24/19 |  |
| would be [1] 46/2 | $\begin{array}{llllll} & 26 / 7 & 27 / 9 & 31 / 23 & 32 / 16 & 33 / 2\end{array}$ |  |
| wouldn't [16] 39/1 57/14 |  |  |
| 67/8 68/23 70/7 70/13 71/13 | 43/9 $47 / 16$ 47/18 $49 / 20$ 49/21 |  |
| 72/9 72/12 73/1 101/10 | $\begin{array}{llllll}51 / 9 & 51 / 12 & 55 / 4 & 56 / 2 & 56 / 14\end{array}$ |  |
| 101/11 109/19 111/16 111/19 | 57/4 $57 / 5$ 57/11 $58 / 150 / 19$ |  |
| 112/3 | 59/20 $59 / 23$ 59/23 $60 / 460 / 22$ |  |
| wrap [1] 112/18 | $\begin{array}{lllll}63 / 8 & 63 / 18 & 63 / 20 & 64 / 18 & 64 / 19\end{array}$ |  |
| written [5] 94/18 94/20 95/1 | $\begin{array}{llllll}65 / 8 & 65 / 9 & 67 / 19 & 69 / 17 & 70 / 25 \\ 74 / 20 & 78 / 6 & 78 / 21 & 79 / 20 & 87 / 19\end{array}$ |  |
| 96/3 96/20 | $\begin{array}{lllll} 89 / 21 & 89 / 22 & 92 / 7 & 92 / 16 & 93 / 10 \end{array}$ |  |
| Y | 93/21 94/19 95/3 95/3 96/19 |  |
| yeah [78] $9 / 13$ $11 / 10$ $12 / 1$ |  |  |
| $\begin{array}{lllll}13 / 23 & 18 / 8 & 18 / 18 & 19 / 21 & 20 / 22\end{array}$ | 102/9 106/6 107/16 108/10 |  |
| $\begin{array}{lllll}131 / 1 & 34 / 21 & 35 / 24 & 36 / 25 & 39 / 13\end{array}$ | 108/13 110/13 111/8 114/1 |  |
| $\begin{array}{llllll}42 / 16 & 43 / 3 & 43 / 12 & 48 / 2 & 50 / 24\end{array}$ | yourself [1] 23/23 |  |
| $\begin{array}{llllll}51 / 15 & 52 / 15 & 54 / 12 & 56 / 5 & 57 / 19\end{array}$ | Z |  |
| 58/3 58/12 60/8 60/23 60/25 |  |  |
| 61/11 $63 / 1.64 / 564 / 25 \quad 65 / 21$ | zero    <br> zone $[5]$ $103 / 25$ $104 / 19$ |  |
| 66/9 68/7 68/12 $68 / 14$ 69/6 | zon/20 106/16 106/16 |  |
| $\begin{array}{llllllll}69 / 6 & 69 / 16 & 70 / 20 & 71 / 2 & 71 / 4\end{array}$ |  |  |
| $\begin{array}{llllll}73 / 3 & 75 / 5 & 78 / 20 & 78 / 22 & 79 / 10\end{array}$ |  |  |
| 80/7 80/12 $81 / 7 \quad 82 / 17$ 83/12 | zoning [15] 43/23 76/2 93/6 |  |


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[^1]: