

1 TOWNSHIP OF BERKELEY
 2 PLANNING BOARD
 3 IN THE MATTER OF:
 4 SOUTH SEASIDE PARK HOMEOWNERS
 4 AND VOTERS ASSOCIATION
 5 DE-ANNEXATION PETITION HEARING
 6 -----
 7 Pinewald Keswick Road
 7 Bayville, New Jersey
 8 Thursday, December 6, 2018
 8 6:35 p.m.

10 B E F O R E:
 11 Robert Winward, Chairman
 12 Domenick Lorelli, Member
 12 Richard Callahan, Member
 13 Brian Giorico, Member
 13 Frederick Bell, Member

23 -----
 24 LINDA SULLIVAN-HILL & ASSOCIATES
 24 CERTIFIED COURT REPORTERS
 24 46 SOUTH LAKEVIEW DRIVE
 25 JACKSON, NEW JERSEY 08527
 25 (732) 835-0001

1
 2 APPEARANCES:
 3 DASTI MURPHY, MCGUCKIN, ULAKY,
 3 CHERKOS & CONNORS, ESQS.
 4 620 W. Lacey Road
 4 Forked River, New Jersey 08731
 5 BY: GREGORY P. MCGUCKIN, ESQ.
 5 Attorneys for the Board
 6 O'MALLEY, SURMAN & MICHELINI, ESQS.
 7 17 Beaverson Blvd.
 7 Brick, New Jersey 08723
 8 BY: JOSEPH MICHELINI, ESQ.
 8 Attorneys for the Petitioners
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 11
 12 ALSO PRESENT:
 13 Kelly Hugg, Secretary
 14 James Oris, Planner
 14 Stuart Wisner, Planner
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 25

12 ALSO PRESENT:
 13 Kelly Hugg, Secretary
 14 James Oris, Planner
 14 Stuart Wisner, Planner

I N D E X

2	NAME OF WITNESS	PAGE
3	BARBARA ALLEN WOOLEY-DILLON	
4	BY MR. MICHELINI	8

E X H I B I T S

11	NUMBER	DESCRIPTION	PAGE
12	A-96	Resumé	9
13	A-97	Summary of qualifications	14
14	A-98	Abbreviated statement of qualifications	14
15	A-99	Population estimates	25
16	A-100	Excerpts of building permits	28
17	A-101	Property Values for Pelican Island Neighborhood, Berkeley Township, Ocean County, New Jersey	32
18	A-102	Listing of tax parcels	33
19	A-103	Assessments for Glen Cove	38
20	A-104	Assessments for Glen Cove	38

E X H I B I T S cont'd

2	NUMBER	DESCRIPTION	PAGE
3	A-105	Berkeley Shores Document	42
4	A-106	Appendix F from FEMA website	51
5	A-107	Appendix F from the October 2018 NFIP Manual	53
6	A-108	Article regarding Beachwood Mall	67
7	A-109	Article regarding Holiday City mini mall	68

1 MR. WINWARD: At this time, I'd like
2 to call Attorney Joe Michelini for the South Seaside
3 Park Homeowners and Voters Association de-annexation
4 petition hearing.

5 (Off the record.)

6 MR. WINWARD: Who did you have on the
7 agenda for tonight?

8 MR. MICHELINI: We have an expert
9 witness to provide rebuttal testimony.
10 Unfortunately, she is currently not here yet. She
11 knew that -- I spoke to her a couple hours ago. So,
12 she knew what time the meeting was. I can only
13 assume she got delayed somehow.

14 MR. WINWARD: Do you anticipate her
15 coming?

16 MR. MICHELINI: I certainly do.

17 MR. WINWARD: Okay. Well, in the
18 meantime, we were discussing before the meeting, we
19 might have potentially three or four applications on
20 the January schedule. So, I was wondering if all
21 goes according to your plan, this meeting, what's
22 your plan for the next meeting? Because that was --

23 MR. MICHELINI: After that, I'm
24 finished.

25 MR. WINWARD: You're finished. Okay.

1 MR. MICHELINI: So after that would
2 be Mr. Wiser, I believe.

3 MR. WINWARD: Okay. So, apparently,
4 we have to do a time restriction. It would be on
5 him, not on your --

6 MR. MICHELINI: I'm completely okay
7 with putting a time restriction on Mr. Wiser.

8 MR. WINWARD: Okay. We won't know
9 until we actually find out how many applications are
10 actually -- some are going to carry and a lot can
11 happen between now and January 17, which, that's
12 also I want to announce, is that the official date
13 now?

14 MS. HUGG: Yes.

15 MR. WINWARD: January 17 will be the
16 next planning board meeting in January, because
17 we're in a conflict. The town council needs the
18 building and they're going to override us. So, it
19 would be, January 17 will be the next meeting, 2019.

20 MR. MICHELINI: Apparently, there's
21 an accident up on Route Nine somewhere and some
22 poles are down and traffic is snarled. So, I don't
23 know if that's the reason our expert is late or not,
24 but I would suggest that we take a five minute break
25 to see what's going on.

1 MR. WINWARD: We might as well. And
2 if you, in the meantime, if you get any text or
3 communication from her, please pass it along.

4 MR. MICHELINI: Sure, I'll let you
5 know.

6 And, yes, I understand the meeting is
7 January 17 because of the reorganization that has to
8 be done before you have a meeting. And when that's
9 going to occur, so, and we'll be in touch.

10 MR. MCGUCKIN: We have two
11 applications that we have to hear?

12 MR. WINWARD: Might be three.

13 MS. HUGG: So far, all I know about
14 is one. The other one for Hovchild, they -- they're
15 not ready, so.

16 MR. WINWARD: Okay.

17 MR. MCGUCKIN: We'll talk.

18 MR. MICHELINI: And then there's one
19 that I'm involved in, actually. Yeah. I can't get
20 enough of this board. I got to come back with
21 another application, so. But take a few minutes and
22 then I'll make some phone calls.

23 (Off the record.)

24 MR. WINWARD: I assume the applicant
25 is now ready to proceed.

1 MR. MICHELINI: Yes. As soon as I
2 walked out, our witness was in the parking lot. So,
3 she just ran into a little traffic getting here.

4 Tonight I would like to present a
5 rebuttal witness to the planning testimony of
6 Mr. Slachetka. The witness is Barbara
7 Allen Woolley-Dillon. She is a professional
8 planner. As you know, we had utilized the services
9 of Scott Bauman, a professional planner.

10 Unfortunately, he is suffering from leukemia. So, I
11 actually have a letter from him explaining that he
12 would be unable to appear. If you want me to mark
13 it, I can mark it, probably not necessary. And so,
14 we brought in another professional planner in his
15 place to provide testimony and rebuttal. Thank you.

16 So, with that, we'll start with
17 Ms. Woolley-Dillon.

18 BARBARA ALLEN WOOLLEY-DILLON, having been duly
19 sworn, according to law, upon her oath, testified as
20 follows:

21 EXAMINATION BY MR. MICHELINI:

22 Q Ms. Woolley-Dillon, I'm going to take
23 you through some of your professional qualifications
24 and education. And to do that, I'm going to mark --
25 you've given me your curriculum vitae or your

1 resumé, correct?
 2 A Yes.
 3 MR. MICHELINI: May we have that
 4 marked.
 5 (The Resumé was marked as A-96 in
 6 evidence.)
 7 Q That has been marked A-96 in
 8 evidence.
 9 Ms. Woolley-Dillon, can you tell us what
 10 professional licenses you hold.
 11 A Yes, I hold a New Jersey professional
 12 planners license for an NJPP. I also hold the
 13 American Institute of Certified Planners or AICP
 14 professional license. I have certifications that go
 15 along with that. I'm a certified zoning official
 16 through Rutgers Cooperative Education. And I also
 17 just received my wetlands delineation/environmental
 18 certification with regard to soils, hydrology and
 19 vegetation through Rutgers University.
 20 Q Are you a member of any professional
 21 associations?
 22 A Other than my planning licenses, I do
 23 not believe so, no.
 24 Q So, the American Planning
 25 Association --

10

1 A I'm sorry. Yes.
 2 Q Okay. And that has to do with your
 3 planning license, of course?
 4 A That's correct.
 5 Q Just briefly, give us the benefit of
 6 your education.
 7 A I have obtained an undergraduate
 8 degree in urban studies with an urban planning
 9 option from Rutgers-Camden. I then went on to
 10 achieve my master's degree or an MCP, it's a
 11 master's of city planning, from the University of
 12 Pennsylvania. And I'm actually getting ready to go
 13 back for my last eight courses for my doctorate in
 14 planning.
 15 Q And there -- I'm not going to --
 16 there are other educational items on your CV which
 17 is marked A-96 in evidence. You do have additional
 18 education beyond that, as stated on your CV,
 19 correct?
 20 A That is correct.
 21 Q I understand you also have some
 22 teaching experience; is that correct?
 23 A Yes. I have been a recitant or the
 24 instructor through obtaining my master's degree, I
 25 was a recitant instructor for Rutgers University.

1 And I have also taught the New Jersey planning
 2 officials board member courses to educate the board
 3 members as new board -- planning and zoning board
 4 members as to requirements of law.
 5 Q And in terms of professional
 6 experience, can you tell us a little bit about that.
 7 A Yes. Currently, I am a licensed
 8 professional planner, self-employed. I also hold
 9 other positions. I am currently the zoning official
 10 land use administrator for the Borough of
 11 Mantoloking. I also am employed by the Borough of
 12 Lavallette and with a shared services agreement with
 13 Seaside Park as their zoning official. And I've
 14 also been floodplain administrator/manager and do
 15 code enforcement.
 16 Q Okay. And when you say you are
 17 self-employed, you have, what does that entail?
 18 A That means I'm a consulting planner.
 19 I have municipal clients, as well as private
 20 clients. I represent applicants in front of boards
 21 for development approval, as well as doing
 22 objections before boards.
 23 Q And I know that you've testified
 24 before a number of boards, both planning and zoning
 25 boards, correct?

12

1 A Yes.
 2 Q In fact, this board you've testified
 3 before, correct?
 4 A That is correct.
 5 Q How many boards have you testified
 6 before in New Jersey, planning and zoning boards?
 7 A I think we're getting close to 80,
 8 possibly a hundred boards.
 9 Q And have you also appeared in the
 10 Superior Court of New Jersey?
 11 A Yes, I have.
 12 Q In what capacity?
 13 A I was brought in as a private
 14 planning consultant to -- it's an interesting case.
 15 There was an allegation spot zoning, and I defended
 16 our position that there was spot zoning. We had, as
 17 part of the application, a municipal planner, as
 18 well as a planning board planner and several
 19 attorneys. And we were successful in demonstrating
 20 that spot zoning had occurred.
 21 Q And have you, in your positions,
 22 municipal positions, have you served as the planner
 23 in any municipal or any municipalities?
 24 A Yes, I have.
 25 Q Okay. How many municipalities?

1 A Probably a dozen or so at this point.
 2 Q Okay. Have you prepared Master Plans
 3 and revisions of Master Plans? You're familiar with
 4 all that, I take it?
 5 A Absolutely.
 6 Q Have you also prepared fair housing
 7 share plans?
 8 A Yes, fair share housing plans, yes.
 9 Q Fair share housing plans?
 10 A Uh-hum.
 11 Q Redevelopment plans?
 12 A Yes.
 13 Q Things of that nature?
 14 A Yes.
 15 Q Okay. Is there anything else about
 16 your qualifications that you would like to tell this
 17 board about?
 18 A I think that about covers it and sums
 19 it up as quickly as possible.
 20 Q That's, I know you gave me three
 21 documents --
 22 A Yes.
 23 Q -- that set forth those
 24 qualifications. Your CV which has been marked A-96.
 25 And then two documents, one entitled summary of

1 qualifications and another one abbreviated statement
 2 of qualifications, correct?
 3 A That is correct.
 4 Q So, if we can just have the others
 5 marked, along with the CV, as A-97, summary of
 6 qualifications, and A-98, abbreviated statement of
 7 qualifications. They're somewhat duplicative of the
 8 initial document but not entirely, so I'd like to
 9 have them all marked.
 10 (The Summary of qualifications was
 11 marked as A-97 in evidence.)
 12 (The Abbreviated statement of
 13 qualifications was marked as A-98 in evidence.)
 14 Q Ms. Woolley-Dillon, in this
 15 particular case, were you asked to -- you were
 16 asked, obviously, to be a rebuttal witness or at
 17 least to entertain the possibility of being a
 18 rebuttal witness for petition signers, correct?
 19 A Yes.
 20 Q And did you have an opportunity to
 21 review documents?
 22 A Yes, I did.
 23 Q And what did you review?
 24 A I reviewed the municipality's zoning
 25 ordinances, Master Plans, Master Plan reexamination

1 reports. I've also reviewed the Master Plan housing
 2 Element and Fair Share Plan. The planner's reports
 3 in support of the de-annexation that was prepared by
 4 Mr. Bauman. The South Seaside Park Neighborhood
 5 Plan, South Seaside Park Financial Impact Report,
 6 prepared by Kenneth Moore. A planning report in the
 7 matter of the petition de-annexation of
 8 South Seaside Park that was prepared by T&M. Also
 9 the South Seaside Park Financial Impact Analysis
 10 that was prepared by the township financial offices.
 11 And then I have reviewed the following transcripts
 12 relating to the portions of the hearing: August 6,
 13 2015, September 3rd, 2015, October 1, 2015,
 14 November 5, 2015, December 3rd, 2015, February 4,
 15 2016, March 2, 2017, June 1st, 2017, July 6, 2017,
 16 August 3rd, 2017, September 7, 2017, November 1st,
 17 2018, and then most recently February 1st, 2018.
 18 MR. MICHELINI: Okay. Just as a
 19 housekeeping matter, I assume that the board would
 20 accept the qualifications of Ms. Woolley-Dillon as
 21 an expert in planning?
 22 MR. WINWARD: Yes, I believe she's
 23 been very thorough. I like the fact that she does
 24 have some local barrier island experience too.
 25 THE WITNESS: Thank you.

1 MR. MICHELINI: That is correct.
 2 BY MR. MICHELINI:
 3 Q So, Ms. Woolley-Dillon, in this
 4 particular case, did you have an opportunity to
 5 fully review Mr. Slachetka's testimony in those
 6 transcripts, as well as his report?
 7 A Yes, I did.
 8 Q And did you yourself form an opinion
 9 as to the testimony that he gave that you're
 10 prepared to provide here tonight?
 11 A Yes, I did.
 12 Q For the sake of brevity, I'm not
 13 going to take you through line by line. I know you
 14 have an outline. You didn't prepare a report, but
 15 you have an outline that we worked on together for
 16 testifying, correct?
 17 A That is correct.
 18 Q All right. So, if you would address
 19 yourself to the outline in front of you, and tell us
 20 what your review, in your opinion, what you found as
 21 a result of your review and going through all the
 22 documents and the testimony.
 23 A I had several issues with the
 24 testimony that was presented to the board. I'm
 25 going to sum it up and then go into detail as to the

1 concerns that I had.

2 First, the testimony that was provided had to
3 do with, basically, we're separated by more than a
4 water body, by more than one municipal boundary.
5 And it's not just geographic separation.

6 Second, the physical characteristics for
7 South Seaside Park are extremely similar to other
8 neighboring communities on the barrier island where
9 it's located. I think at this point, there's been
10 too much, too little, too late. The de-annexation
11 proceedings had started and as a result of that, I
12 understand that there have been several planning
13 efforts that have taken place. But, basically, 30
14 years lapsed before anything really got off and got
15 started. I, in dealing with Mr. -- and I'm so
16 sorry, I'm going to butcher --

17 Q Slachetka.

18 A -- Slachetka's testimony, I looked at
19 the facts, did an analysis of them and I believe
20 that a lot of the testimony is not exactly accurate
21 and needs further clarification. I think some of
22 the assumptions that were utilized by Mr. Slachetka
23 relating to the Super Storm Sandy grants, they
24 obtained a lot of grant funding, the grants that it
25 got, there was very little bearing that actually had

1 to do with damage that occurred in South
2 Seaside Park.

3 And there was the talk about this Notre Dame
4 or Notre Dame study. It was funded by the
5 New Jersey Department of Community Affairs. And
6 it's been one of the things that's used to support
7 the borough's -- or, I'm sorry, the township's
8 position that they perhaps are not necessarily in
9 favor of the de-annexation. I think that it is a
10 moot point.

11 And I think the final issue is that this is
12 really coming down to a fight over three blocks of
13 the beach. And it's listed as, it's 16 commercially
14 identified parcels with nine uses in the Borough of
15 Seaside Park. So, having said that.

16 (Off the record.)

17 A I'm sorry -- South Seaside Park.
18 Thank you so much.

19 Q Do you mean Berkeley Township?

20 A Berkeley Township.

21 Q Being South Seaside Park.

22 A Thank you.

23 Q I'm sorry. It's confusing for
24 everybody. Everybody has made the mistake, so don't
25 worry about it. Take a deep breath. I've done it

1 myself. I think every witness has misspoke. But
2 we're talking about South Seaside Park which is
3 within Berkeley Township?

4 A That's correct. And --

5 Q Okay. So if you would take us
6 through each one of those seven things that you
7 identified as your summary points and go back and
8 tell us why, you know, you have an opinion as to
9 each one, we'd appreciate that.

10 A I'm going to start off generally.
11 And we just hit the conundrum. There's a lot of
12 confusion about this. I must say, I did an
13 objection in front of both the planning and zoning
14 board here. And as a planner that's worked in Ocean
15 County, Monmouth County, I went to look up where I
16 was going to attend my meeting initially about five
17 years ago. Typing in South Seaside Park municipal
18 building, there isn't one. It was at that point
19 that I realized the application was not
20 South Seaside Park, it was Berkeley Township. So,
21 there's a lot of, a lot of confusion where this
22 happens.

23 Currently, in my position with Seaside Park,
24 we have -- and I'm there part-time, so I only see
25 part of the folks that come in. We have a handful

1 of people that come in, every week or two, trying to
2 drop off a construction jacket. I get telephone
3 calls. I've gotten so many calls I actually have on
4 the sticky on my bulletin board the number for
5 Berkeley Township so that I can direct residents
6 from South Seaside Park to call Berkeley Township
7 because I can't provide assistance.

8 I also went to do an inspection within the
9 last few months, and it was a very interesting
10 inspection. A homeowner on 12th Avenue in Seaside
11 Park had a very interesting story. She and her
12 husband were not at the shore, they were home.
13 Somebody called them in a panic and said, you better
14 call the cops. Somebody's at your property and
15 they're ripping off the roof. Here, the contractor
16 had delivered, instead of going to 12th Avenue, they
17 dropped the materials off at -- I'm sorry, 12th
18 Lane, they went to 12th Avenue. Since the materials
19 were dropped off there, that's where the contractor
20 showed up. They actually had taken off half her
21 roof before it was stopped dead in its tracks. So,
22 there's a lot of confusion, lot of overlap. And it
23 wasn't just me, and I was relieved to know that.
24 So, generally, that's what I have seen from my
25 personal experience in dealing with this.

1 Q Just let me follow up. You said that
2 you work how many hours a week in Seaside Park
3 through its shared services agreement with
4 Lavallette?

5 A Twenty hours. Yes, I'm actually
6 employed by the Borough of Lavallette.

7 Q And how often does somebody come in
8 with a Berkeley Township/South Seaside Park matter,
9 into your office, thinking that Seaside Park is
10 supposed to be handling it?

11 A From the time that I'm there,
12 sometimes I'm only there half the day, it's about
13 every -- about every week, week and a half we get
14 somebody that's trying to drop something off.

15 Q And those are owners of homes, do you
16 know, contractors?

17 A Both.

18 Q Both. And they're confused about
19 what township they're in?

20 A That's correct.

21 Q Go ahead.

22 A One of the things that's been talked
23 about is this separation, it's not simply we're one
24 boundary away. Am I picking up? It's not simply
25 that we're separated by one municipality. In order

1 to get here from South Seaside Park, depending on
2 what way you go to avoid traffic, it can be up to
3 seven municipalities that you're going through.

4 What I found very interesting was
5 Mr. Slachetka's comparison of, I believe he was
6 giving testimony for another municipality where they
7 had the separations, things like that. And he
8 compared the residents coming from South Seaside
9 Park for municipal services here to the municipal
10 building to folks having to go on an occasional
11 shopping trip to the grocery store and go one
12 municipality over, couple of miles. This simply
13 isn't that. I think it's much more than that. And
14 that was referenced in his testimony in July of
15 2017.

16 Again, I've done the commute. I know what
17 summertime traffic is like. It is -- it can be
18 horrendous. It can be at least 45 minutes to get
19 here from the tip end of the borough. And as I
20 stated before, I think that there are physical
21 characteristics that are extremely similar to
22 Seaside Park and the other coastal communities that
23 are in that area. Comparisons have only been
24 provided related to South Seaside Park in the entire
25 township. I think what we need to do at this point

1 is look at a more localized level.

2 One of the things that Mr. Slachetka had
3 stressed was that neighborhoods, it's beyond the zip
4 code boundary, sometimes there's overlap. And I
5 think that we need to look at some very specific
6 neighborhoods within Berkeley Township so that I
7 think that we can give a fair comparison.

8 Three that, in particular, that I looked at
9 that I think bear importance are Pelican Island,
10 Glen Cove and then the original boundary of Berkeley
11 Shores. So, having said that, I'm going to go
12 through the next point and then I'm going to come
13 back to those three communities, those three
14 neighborhoods. They are very important as part of
15 my future testimony.

16 The next issue that I have are the facts and
17 basis for Mr. Slachetka's testimony. I think
18 there's certain inaccuracies that have happened
19 here. One of the things that Mr. Slachetka used in
20 talking about the demographics, population, housing,
21 was the -- it's the ACS or American Community
22 Survey. I took a look at those statistics, because
23 I was mildly curious to see what was going on. In
24 his report and testimony, he's indicated that,
25 basically, there has been an increase of 330 -- I'm

1 sorry. There has been an increase of 334 persons.
2 Originally there was -- there were 490 documented in
3 2010. And according to Mr. Slachetka's testimony
4 and report, that it's now two percent of the entire
5 Berkeley Township population, 824 residents.

6 Q Before you go any further, why is
7 that important? Why is it important that
8 Mr. Slachetka found that the population had
9 increased from 490 to not quite double, but an
10 additional 337 people to 827, at the time of his
11 testimony?

12 A Why it's important is, it's
13 indicating that the doubling of population, in
14 essence, is a bigger increase or an impact to the
15 municipality in considering the de-annexation
16 procedure.

17 Q Okay.

18 A What I found very interesting is, I
19 looked at the ACS and I checked the footnotes to see
20 what the survey said. The first thing the footnotes
21 indicate are, this is a telephone survey and it was
22 unverified. This was happening during the time when
23 we had a federal government shutdown. So, this, the
24 projections that were put out based on the telephone
25 survey went unconfirmed. And I know when I tried to

1 do planning work, looking at things, you always want
2 to try to confirm as much as possible your
3 resources.

4 The next thing that I took a look at were the
5 population estimates that Ocean County has produced.

6 Q Maybe we can have those marked. And
7 where did you get these? From the County of Ocean?

8 A It's right from the county website.
9 They have a county data book. And they have the
10 population projections beginning April 1, 2010. And
11 then they have projections through as late as 2017.

12 Q Okay. And these documents, should we
13 mark them all together as a single exhibit or
14 separately?

15 A Actually, it's just one sheet.

16 Q Just the top sheet?

17 A Uh-hum. I made enough copies for
18 everybody.

19 MR. MICHELINI: Oh, I see. That's
20 just one sheet.

21 (The Population estimates was marked
22 as A-99 in evidence.)

23 Q I'll leave this one here with you,
24 A-99 in evidence, and give additional ones.

25 MR. WISER: Mr. Michelini, I'm sorry,

1 the entire municipality. Where this got very
2 interesting is, I was concerned about this, so I
3 actually took a look at the building permits that
4 were issued for South Seaside Park.

5 Q You personally examined them?

6 A Yes, I did.

7 Q For what period of time?

8 A I believe they were from 2008 through
9 2015.

10 Q Okay. And how did that compare with
11 the data that the county provides as opposed to what
12 Mr. Slachetka says?

13 A Mr. Slachetka testified in July of
14 2017 that the number of dwellings in South Seaside
15 Park had increased from 1,400 dwelling units in the
16 2000 base to, I believe it was 1,671 dwelling units
17 in 2017. Then you look at building permits, I took
18 a look one on one. And I was concerned about this
19 because there was potential impact from Super Storm
20 Sandy. And I really wanted to see, did we add 271
21 dwelling units in Seaside Park. I found that when I
22 went through -- and I have a couple of copies,
23 because it's so voluminous, I don't think you guys
24 want to bore yourself, but I did make some extra
25 copies in case you are interested.

1 this is A?

2 MR. MICHELINI: 99.

3 Thank you.

4 Q So, what are these estimates of
5 population growth in Ocean County that the County of
6 Ocean puts out as opposed to American Community
7 Survey, which does by telephone survey, what does
8 this tell you?

9 A I found this very interesting.

10 Q Oh, I'm sorry. Go ahead. Are we
11 ready?

12 THE WITNESS: Does everybody have a
13 copy?

14 MS. HUGG: Yes.

15 Q Go ahead.

16 A If we look at the April 1, 2010
17 estimate for Berkeley Township, it was estimated,
18 the census estimated that there had been 41,255
19 persons in the borough -- I'm sorry -- the township,
20 excuse me. The estimate base, which is one of the
21 other things that they are looking at, was 50 people
22 more. So, it was a plus or minus there.

23 If you go all the way to the end, to 2017,
24 for Berkeley Township, the number of residents is
25 41,747. That's an increase of only 492 residents in

1 Q Are these the building permits?

2 A Yes.

3 Q And these -- okay. Let's have these
4 marked first. Okay. This will be A-100.

5 A And these are the excerpts that
6 relate to, specifically, to the South Seaside Park
7 section of Berkeley Township.

8 Q You have those separate for --

9 A I did not print out the 2,000 pages
10 of all of the building permits.

11 Q Okay.

12 A I limited it to the part that would
13 be relevant to South Seaside Park.

14 MR. MICHELINI: Mark this A-100.

15 (The Excerpts of building permits was
16 marked as A-100 in evidence.)

17 Q Let me just ask you a question to
18 A-100. A-100, again, are portions of -- you looked
19 at thousands of building permits for the township?

20 A Absolutely.

21 Q And these are the ones, you
22 identified pages that dealt with properties in
23 South Seaside Park?

24 A That is correct.

25 Q And you pulled them out for the dates

1 that are indicated between January 2008 and
 2 August 23, 2017?
 3 A Yes. I'm sorry, it was 2017. Yes.
 4 Q The purpose of that was to determine
 5 whether or not Mr. Slachetka's population numbers
 6 were accurate or if the numbers were more in line
 7 with what the Ocean County estimates were on A-99,
 8 correct?
 9 A And also to verify that his number of
 10 projected dwellings was accurate as well.
 11 Q Okay. What did you find when you
 12 looked at the thousands of building permits?
 13 A There were over 2,000 pages. I have
 14 what -- the pages that are particularly relevant to
 15 South Seaside Park are pages 554 to 651. I took a
 16 look at this to see how many new building permits we
 17 had and how many demolitions occurred. What I found
 18 very fascinating is, there were 21 new building
 19 permits issued and 17 demolition permits. The
 20 demolition permits are clearly going to offset. It
 21 was almost a one-on-one where they had to take the
 22 dwelling down and put up a new one. Seventeen take
 23 away from 21 is four new buildings. That's it.
 24 Q So, with all of Super Storm Sandy and
 25 damage, it appears that there were 17 from the

1 documents you reviewed, and you reviewed all the
 2 building permits in South Seaside Park for that time
 3 frame, 17 demos would translate to 17 new buildings,
 4 correct?
 5 A That's correct.
 6 Q And then four additional new
 7 buildings beyond that?
 8 A That's correct.
 9 Q So, there would be only an increase
 10 of four new units over that period of time?
 11 A That is absolutely correct.
 12 Q Is that essentially because the town,
 13 that portion of town, South Seaside Park is
 14 essentially built out?
 15 A Yes. There are a couple of vacant
 16 lots, but it's really pretty much very established
 17 in this development.
 18 Q So, is it fair to say, then, that
 19 Mr. Slachetka's number that you testified to a few
 20 minutes ago of 271 new building units in
 21 South Seaside Park, is inaccurate in your opinion?
 22 A I believe it is, based on the
 23 research that I conducted and the number of building
 24 permits, yes.
 25 Q And, therefore, any conclusions that

1 he drew from the additional building units would be
 2 inaccurate as well in terms of impact?
 3 A That is correct.
 4 Q Go ahead.
 5 A The other thing that I looked at, one
 6 of the concerns that Mr. Slachetka had had, had
 7 stated on the record, is that there's a very unique
 8 type of housing that is located in South Seaside
 9 Park and that there are very little multiple-family
 10 or other types of dwellings located throughout the
 11 borough. I did take a look at Pelican Island.
 12 There are a few lots there. Some of them are lots
 13 that are riparian grants, open space and rights of
 14 ways, et cetera.
 15 I have something else that I think you're
 16 probably going to mark.
 17 Q Okay. Well, tell us what it is and
 18 then we'll mark it.
 19 A It's actually two parts. It is
 20 entitled, Property Values for Pelican Island
 21 Neighborhood, Berkeley Township, Ocean County,
 22 New Jersey. It is three pages long. It's a --
 23 Q Let's mark that first. If I may,
 24 let's get it marked and I'll ask you a couple of
 25 questions so we can identify it properly.

1 (The Property Values for Pelican
 2 Island Neighborhood, Berkeley Township, Ocean
 3 County, New Jersey was marked as A-101 in evidence.)
 4 Q Okay. And you were saying A-101 is a
 5 summary of property values. Is this from the
 6 assessments, the tax assessments?
 7 A These are based on the official tax
 8 records of Berkeley Township from 2017.
 9 Q Same records that Mr. Ebenau looked
 10 at, presumably, correct?
 11 A That's correct.
 12 Q You looked at his report and his
 13 report deals with 2017, correct?
 14 A That is correct.
 15 Q All right. So, this is, A-101 only
 16 deals with those tax property values for Pelican
 17 Island, correct?
 18 A That is correct.
 19 Q Now, are these single family homes?
 20 Are they vacant lots? Are they commercial
 21 properties? What are they?
 22 A This is everything. And the reason
 23 why I printed this out in color is, at the back of
 24 it, I tried to use the traditional planning codes.
 25 Vacant land is identified with the blue line.

1 Municipal is a shade of lavender/purple. Commercial
 2 is red. And right-of-ways are gray.
 3 Q All right. So, you've identified the
 4 various types of properties?
 5 (Off the record.)
 6 Q You've identified the various types
 7 of properties in color on A-101, correct?
 8 A That is correct.
 9 Q Now, did you want to talk about A-101
 10 or do you want to introduce another document first
 11 and then talk about them together?
 12 A I would like to introduce the other
 13 second document and then talk about them together.
 14 Q Okay.
 15 MR. MICHELINI: Let's mark this as
 16 A-102.
 17 (The Listing of tax parcels was
 18 marked as A-102 in evidence.)
 19 Q And tell us, if you would, what A-102
 20 is.
 21 A A-102 is a listing of all of the tax
 22 parcels that were in, I believe it's A-101, with the
 23 exception of removing out the vacant land,
 24 municipally opened or exempt property because there
 25 is no, no improvements on it. And the other anomaly

1 is the one commercial property. What I found
 2 interesting is the tax records indicated a very high
 3 assessment for the land, but the value of the
 4 building is only a dollar. And because we're trying
 5 to deal with residential improvements and comparing
 6 apples to apples, oranges to oranges, I felt it was
 7 appropriate to remove that from consideration as
 8 well.
 9 Q So, A-102 is without the colored
 10 items from A-101, essentially, and A-102 therefore
 11 then consists of single-family homes, correct?
 12 A That is correct.
 13 Q And in Mr. Ebenau's report when he
 14 came up with a value for South Seaside Park, I
 15 believe in his revised report it was \$408,000; is
 16 that correct?
 17 A That is correct.
 18 Q Okay. That was for single-family
 19 homes, correct?
 20 A That's correct.
 21 Q So, you're comparing single-family
 22 homes from another part of the township, in this
 23 case, Pelican Island, correct?
 24 A That's correct.
 25 Q And what did -- did you want to talk

1 about -- do you want to mark something else or do
 2 you want to talk about those documents?
 3 A I'll talk about these two and then
 4 we'll move to the next.
 5 Q Okay. So, tell us about A-101 and
 6 A-102 and why you did that.
 7 A The importance of this is, obviously,
 8 South Seaside Park, the assessed value of the new
 9 homes, I was concerned about that and I wanted to
 10 see if it was founded. It was really -- that was
 11 sticking out like a sore thumb and I wanted to see
 12 if there were other neighborhoods that might have
 13 comparables.
 14 Q So, let me stop you there. I
 15 understand Mr. Slachetka testified, and I may be
 16 paraphrasing, but this was kind of, South Seaside
 17 Park was a, I believe he said it was the wealthiest
 18 or most well to do area of the township. Does that
 19 ring a bell in terms of your review of the testimony
 20 as being accurate?
 21 A That's pretty, pretty much summing it
 22 up.
 23 Q And, therefore, losing South Seaside
 24 Park would be losing something unique because of its
 25 high property values and the housing that's there?

1 A That is correct.
 2 Q Okay. So, did you find any other
 3 neighborhoods, such as Pelican Island, that
 4 compared?
 5 A Yes, I have two others.
 6 Q Well, you can just tell us about
 7 Pelican Island first.
 8 A What I noticed with Pelican Island
 9 is, if you take the total, and it's at the back of
 10 each pages. I like to let the computer do my math
 11 because it just seems to be much easier these days.
 12 So, in looking at the total, I divided that by the
 13 number of parcels.
 14 Q Which exhibit are you looking at?
 15 A We're looking at A-102.
 16 Q Okay. And that would be the
 17 single-family homes, correct?
 18 A That's correct.
 19 Q And this is for Pelican Island?
 20 A That's correct.
 21 Q And the total, as I see it, is
 22 \$43,081,800; is that accurate --
 23 A That's correct.
 24 Q -- in what we're looking at? Okay.
 25 What did you do with that number?

1 A If you -- obviously, tallying up all
2 the number of parcels, there are 99 parcels. So, to
3 get the average assessed value, you can divide the
4 number of parcels by the amount that's listed as the
5 tally. And when you do that, you get an average of
6 \$435,169.69 as the average value for dwellings in
7 Pelican Island.

8 Q Is that -- that's higher than the
9 408,000 that Mr. Ebenau put in his report and; isn't
10 that correct?

11 A That is correct.

12 Q And that would indicate what to you,
13 then?

14 A That there is another neighborhood in
15 Berkeley Township located right on the barrier
16 island heading into the island that has a higher
17 value even than South Seaside Park does.

18 Q So, therefore, if de-annexation would
19 occur, it wouldn't be the most expensive
20 neighborhood in terms of single-family assessments,
21 that would be lost?

22 A That's correct.

23 Q Okay. Were there any other
24 neighborhoods in Berkeley Township on the mainland
25 that compared favorably?

1 A Yes. I looked at the Glen Cove
2 neighborhood. And I have two handouts for that,
3 very similar to the last ones that were handed out.

4 MR. MICHELINI: Have these marked.

5 (The Assessments for Glen Cove was
6 marked as A-103 in evidence.)

7 (The Assessments for Glen Cove was
8 marked as A-104 in evidence.)

9 Q Okay. So, show us, tell us what 103
10 is. Are those also the assessments --

11 A That is correct.

12 Q -- for Glen Cove?

13 A Yes, that is correct.

14 Q And that has the colored coding on
15 it, so it includes the vacant land and commercial
16 properties --

17 A Actually --

18 Q -- including things other than single
19 family or --

20 A There wasn't any commercial in
21 Glen Cove, which was interesting, but there were
22 riparian grants, municipally owned land and then
23 vacant land.

24 Q Okay. And the municipally owned land
25 would be exempt for tax purposes --

1 A That's correct.

2 Q -- correct? So, you've excluded all
3 those on A-104, correct?

4 A That's correct. Yes.

5 Q Okay. Taking A-103 and A-104
6 together, what did you determine?

7 A In looking at them together, pulling
8 out the vacant exempt parcels, et cetera, this is a
9 very interesting neighborhood again. If you go to
10 the back of the page where it sums it up, in looking
11 at the value on, I believe it's A-104, the total
12 assessed values of parcels are 50,958,300 for all of
13 the total parcels.

14 Q And how many parcels were in
15 Glen Cove, single-family homes in Glen Cove that you
16 considered?

17 A There were 144 parcels.

18 Q And, again, this is based on the 2017
19 tax assessments?

20 A That is correct, yes.

21 Q And they were the same assessments
22 that Mr. Ebenau relied upon, correct?

23 A That is correct.

24 Q And I'll make a representation to the
25 board, you provided -- or the township provided me

1 with disks in response to an OPRA request that I've
2 used over and over again in these proceedings. So
3 those same records were utilized in that way. I'm
4 not going to bring in the records as such, it would
5 delay this a very long time. So, we'll go with the
6 summaries.

7 So, go ahead, Ms. Woolley-Dillon. What did
8 you determine from those records?

9 A In looking at the Glen Cove
10 neighborhood, it's slightly lower. It's coming in,
11 if you take the total divided by the number of
12 parcels, it's \$353,877.08 for the average assessed
13 value. However, what I found very interesting,
14 this, if you look through it, particularly block
15 1547, lot 31.01, the high end value for homes in
16 this area, is 1 million -- 1,006,000. So, that's --
17 I mean, that's a pretty high value for that
18 neighborhood. And then on the low end, it's
19 \$120,000. That would be for block 1547, 82 -- 1547,
20 lot 82. And it's interesting that they're very
21 close to each other.

22 Q So, presumably, one is on the water,
23 one is not --

24 A That's what it appears to be.

25 Q -- would that be correct?

1 A Yes.
 2 Q Okay. And in terms of, I know that
 3 Mr. Ebenau's report, you've reviewed that
 4 thoroughly, it indicated that the average home in
 5 Berkeley Township was what, 199,500, if I recall
 6 correctly; is that correct?
 7 A That is correct.
 8 Q So, this neighborhood is much higher
 9 than the average home in Berkeley Township, correct?
 10 A That is correct.
 11 Q Okay. It may not be as high as
 12 South Seaside Park or Pelican Island, which is even
 13 higher than South Seaside Park, but it is still
 14 about \$154,000 in excess of the average, correct?
 15 A That is correct.
 16 Q So, that is another neighborhood that
 17 exceeds the value of the -- most of the rest of the
 18 township, correct?
 19 A That is absolutely correct.
 20 Q And anything else you want to mention
 21 about Glen Cove and the values there?
 22 A No, I think that pretty much covers
 23 it.
 24 Q Okay. What else would you like to
 25 point out to this board?

1 A I'm only going to turn in one page
 2 for the last exhibit because the neighborhood that I
 3 looked at, this was a pretty big one. And I hit the
 4 point of diminishing return at about 90 percent of
 5 the parcels. In looking at this, I looked at the
 6 original, what was identified as a Berkeley Shores
 7 neighborhood. It was the original boundary that was
 8 drawn. It was slightly bigger than the current one.
 9 So, I wanted to get a broader look and see if there
 10 were other homes that, again, had comparable values,
 11 similar values, higher values. So, in looking at
 12 this, I did an analysis of the parcels, and I looked
 13 at 90 percent of the parcels because I hit the point
 14 where it kept getting just about the same number.
 15 So, to do the last ten percent or 70, 80 of those
 16 lots, it really wouldn't have made much of a
 17 difference.
 18 Q We'll have these marked. You're just
 19 using one exhibit for this, correct?
 20 A That's correct.
 21 (The Berkeley Shores document was
 22 marked as A-105 in evidence.)
 23 Q Okay. And having said that, it's
 24 fair to say that neighborhood boundaries are
 25 arbitrary. We're picking somewhat artificial lines

1 because people would disagree as to whether a street
 2 is in Glen Cove or whether it's in Berkeley Shores
 3 or some other neighborhood, not exactly defined by
 4 the township, correct?
 5 A That's correct.
 6 Q But these are neighborhoods, these
 7 streets that you've identified, each one of these
 8 assessment summaries, are streets that are all next
 9 to each other, correct?
 10 A Contiguous in a cluster, yes.
 11 Q Okay. So, tell us about A-105 and
 12 the original Berkeley Shores neighborhood and what
 13 you found.
 14 A Okay. As I said, I did approximately
 15 90 percent of the parcels. There are 780 parcels
 16 that could be potentially looked at. When I hit the
 17 point of 704 and I kept summing it and doing the
 18 math, it just got to be just about the same number.
 19 If you look at the back of it, it's a very
 20 large number on the back of page 16. And doing the
 21 math, dividing it out, it gives you an approximate
 22 average of about \$435,000 for a single-family
 23 detached dwelling. And I apologize for the title
 24 getting cut off. Again, I removed the vacant land.
 25 This is truly only looking at detached single-family

1 dwellings in that particular neighborhood.
 2 Q And for that neighborhood, did you
 3 also utilize, as with the other values, the
 4 assessments for the year 2017?
 5 A That is correct.
 6 Q And, again, those values came in, I
 7 would imagine this neighborhood, like Glen Cove, is
 8 a mixed, and like Pelican Island, is a mix of
 9 waterfront and non-waterfront, correct?
 10 A Absolutely.
 11 Q And that's also somewhat similar to
 12 South Seaside Park, correct?
 13 A That is correct.
 14 Q Although South Seaside Park is all on
 15 the bay and the ocean over there, as opposed to the
 16 mainland waterfront areas are all bay, correct?
 17 A That is correct, yes.
 18 Q And the number of 435, that's similar
 19 to the number that you came up with in
 20 Pelican Island, correct?
 21 A Absolutely.
 22 Q And, again, a neighborhood which,
 23 according to the boundaries that you've drawn, which
 24 could be expanded or narrowed, I'm sure, has values
 25 which exceed that of South Seaside Park?

1 A That is correct.
 2 Q Per Mr. Ebenau's report?
 3 A Yes.
 4 Q And, again, that tells you that if
 5 there is de-annexation -- I'm summarizing what you
 6 said earlier -- that if there is de-annexation, the
 7 town is not losing the only affluent waterfront
 8 neighborhood, correct?
 9 A That is correct, yes.
 10 Q Anything else that you want to
 11 mention regarding those numbers?
 12 A No, I think they pretty much speak
 13 for themselves.
 14 Q Okay. And then moving on to the, the
 15 next issue that you identified. What would you like
 16 to tell this board?
 17 A It has to do with the affordable
 18 housing issues. In reviewing Mr. Slachetka's
 19 testimony, I was a bit concerned about this. Having
 20 done several housing plans and housing elements,
 21 fair share housing plans for communities, one of
 22 them that I prepared was for Bay Head. So, it was
 23 definitely a coastal community. There's been a
 24 concern that, first and foremost, that there was no
 25 funding that was put into South Seaside Park, as far

1 as funds from the affordable housing plan. The
 2 other concern is, well, we were talking about, where
 3 are we going to put the affordable housing, et
 4 cetera. And I just had a concern about how
 5 Mr. Slachetka was taking a look at this.
 6 In looking at what COAH says -- well, and
 7 I -- I say this lightly because COAH is supposed to
 8 be going into the fourth round. We're in the third
 9 round. It's been in court. There're a lot of
 10 changes but they went back to some of the previous
 11 methodologies.
 12 South Seaside Park is on the barrier island.
 13 It's a PA-5B planning area. That's what they
 14 designate it as in the State plan. Typically, for
 15 the State plan, it's not recommended that you
 16 encourage building new affordable housing. There
 17 are a few reasons why. First, there isn't any
 18 public transportation that goes all the way down to
 19 South Seaside Park. And for affordable housing --
 20 we also now call it work force housing. And as far
 21 as work force housing, some of the population that
 22 requires work force housing also requires public
 23 transportation. So, if there isn't any way for them
 24 to get to a job from where they live, it doesn't
 25 really make sense to put the affordable housing in

1 an area.
 2 I know I live in Bass River Township. We
 3 don't really have affordable housing down there.
 4 And the reason why is, there's one bus route. Out
 5 of the 79 square miles in that township, we have one
 6 bus route that goes right up and down Route Nine,
 7 and there really isn't anywhere to put affordable
 8 housing. So, COAH was trying to employ some of the
 9 state planning principles when they did this, and
 10 they want to put the affordable or work force
 11 housing where it would be appropriate.
 12 The other issue that kind of makes
 13 determination that perhaps affordable housing is not
 14 going to happen in this area is, has to do with the
 15 price of land. Basically, purchasing a parcel,
 16 maybe two, and then putting up construction, it's
 17 going to bankrupt whatever funds you have in your
 18 affordable housing trust fund. And the purpose of
 19 affordable housing is to employ or put as many units
 20 in the municipality as possible. So, simply because
 21 the basic cost of an average parcel of land, it's
 22 not really realistic to buy a parcel of land and put
 23 affordable housing down there.
 24 What I found very interesting in
 25 Mr. Slachetka's testimony is that he stated that

1 affordable housing can't be located in a floodplain.
 2 That's not entirely accurate.
 3 Q So, let me stop you there. He said
 4 it can't be located in a floodplain and, therefore,
 5 you can't have affordable housing in South Seaside
 6 Park. Is that what he was saying?
 7 A That is correct. That was the --
 8 Q Do you agree with that or do you
 9 disagree with that?
 10 A No, I don't.
 11 Q Okay. And why, why do you disagree?
 12 A Other communities that are located
 13 entirely in a floodplain, Bay Head, excuse me, Point
 14 Pleasant Beach, Point Pleasant Borough, Ocean City,
 15 they have affordable housing obligations. They are
 16 entirely coastal communities. So, it's not really
 17 that affordable housing can't build in a floodplain.
 18 If you don't have a choice, you're going to have to
 19 develop it. So, I, with all due respect, I do not
 20 necessarily agree with the statement that he
 21 posited.
 22 The last thing that I would offer is, in this
 23 case, to perhaps meet some of the affordable
 24 obligations, South Seaside Park, what could have
 25 been done is, there are programs and funding that

1 are set aside for rehabilitation of units in need of
2 rehabilitation, deed restrictions are attached to
3 that. It's something that, basically, funding could
4 have been taken from the Affordable Housing Fair
5 Share Trust Fund and put towards rehabilitation of
6 units in South Seaside Park.

7 Q And that's contrary to what
8 Mr. Slachetka said, correct?

9 A That is correct.

10 Q Okay. Go ahead.

11 A The next issue that I'm going to
12 bring up is the community rating system and
13 Mr. Slachetka's understanding of this. I had taken
14 the course that NJ DEP offers. I'm getting ready to
15 sit for my certified floodplain manager's
16 examination. I was also serving as the floodplain
17 manager in Seaside Park, as well as in the Borough
18 of Lavallette. And the Borough of Mantoloking has
19 integrated many of the FEMA requirements into the
20 zoning ordinances, and I pre-screen for our
21 floodplain manager there.

22 He made repeated reference to the fact that
23 the CRS rating system -- and I'm paraphrasing this,
24 perhaps -- is going to benefit from the areas of the
25 township on the mainland that are able to absorb

1 floodplains. And, basically, he said that they're
2 going to absorb the overflow from flooding. And
3 that's --

4 Q Do you have a transcript for that?

5 A I believe it was the most recent one
6 that he was testifying in.

7 Q Okay. Go ahead.

8 A And he was saying that because you
9 have all the ability to absorb additional
10 floodwaters here in the mainland, that that's going
11 to help reduce your CRS rating and your insurance
12 premiums for the borough, excuse me, for the
13 municipality. That's not an accurate statement.
14 How the CRS ratings are developed is, FEMA wants
15 everybody to be as high and dry as possible. They
16 want you to get up. They want you to get out of the
17 flood hazard. They take a look at how many
18 buildings you have, how many are located below or --
19 below the base flood elevation, BFE, design flood
20 elevation, DFE, depending on if you have coastal
21 wave activity or velocity zones. They take a look
22 at your total number of permits that have been
23 issued with the flood elevation certificates, and
24 then they're looking at how many of them meet the
25 current requirements. That's pretty much how it's

1 developed. They also have other things that go
2 hand-in-hand with that. I have a handout, I think,
3 that would be helpful.

4 (The Appendix F from FEMA website
5 was marked as A-106 in evidence.)

6 Q Let me show you the handout that you
7 just referenced that's been marked A-106. And if
8 you can explain what it is and why you want the
9 board to see it.

10 A What this is, is this is appendix F
11 from the FEMA's website that they operate in dealing
12 with floodplain management. And it basically talks
13 about the process for dealing with floodplain
14 management review, the community rating system, the
15 ratings for the individual communities. I printed
16 out two of the pages that -- or, actually, I think
17 it's three of the pages that I thought would be most
18 helpful.

19 This actually talks about what goes into that
20 community rating system. They also talked about
21 activities that are ineligible on page two. So, on
22 page three, I think it's very helpful. It lists the
23 class. And we always think that the higher the
24 number, the better off we are. Not necessarily with
25 FEMA. The higher the number, the worse your flood

1 insurance premiums are. So, page three gives an
2 example of what the flood premiums and the reduction
3 or discount would be based on your Community Ratings
4 System number that FEMA would assign to you.

5 So, I thought that was important for you
6 folks to have an understanding of where my position
7 is coming from and why I disagree with
8 Mr. Slachetka's testimony.

9 Q Now, let me hold you on that.
10 Mr. Slachetka testified that Seaside Park was a six,
11 or a seven, rather, and Seaside Heights was a class
12 six, resulting in a five percent discount. But he
13 also indicated that, his testimony, if I am correct,
14 and you can correct me if I'm wrong, that the
15 discount would be, by the end of 2018, that they
16 would likely be a five --

17 A That is correct.

18 Q -- in Berkeley Township?

19 A That is correct.

20 Q Is that an accurate statement,
21 Mr. Slachetka's testimony?

22 A No. And I have something else that I
23 would like to mark into evidence.

24 Q Okay.

25 MR. ORIS: Excuse me, Mr. Michelini.

1 Maybe I misheard you before. But I thought I heard
2 you say that if you're a class six, it's a
3 five percent discount?

4 MR. MICHELINI: It's a five percent
5 between six and seven.

6 MR. ORIS: Okay.

7 MR. MICHELINI: Twenty-five to a 20,
8 I believe.

9 MR. ORIS: Thank you. For the
10 record --

11 MR. MICHELINI: Yes.

12 MR. ORIS: -- I just want to make
13 sure I understood what you were saying.

14 MR. MICHELINI: I appreciate that.
15 Thank you.

16 (The Appendix F from the October 2018
17 NFIP Manual was marked as A-107 in evidence.)

18 Q So, tell us what A-107 is.

19 A This is appendix F, the community
20 rating system, from the October 2018 NFIP, National
21 Flood Insurance Protection, Flood Insurance Manual.
22 And it's entitled, table three, Community rating
23 system, eligible communities, continued, effective
24 October 1, 2018.

25 And I printed out the part that really only

1 deals with New Jersey. I didn't think it's
2 necessary to show you everybody's community rating
3 system.

4 Q Okay. And what do you want to show
5 us from there?

6 A Excuse me. If you look in the
7 New Jersey portion of it, and you come down to, it's
8 community number 340369, which is Berkeley Township,
9 their current classification as of October 1, 2018
10 is still a six.

11 Q So, it did not come down to a five as
12 testified to by Mr. Slachetka, correct?

13 A That is correct.

14 Q And Seaside Park on the next page is
15 still a seven, correct?

16 A That is correct.

17 Q So, there would be a slight discount
18 of five percent, the difference between 15 percent
19 and 20 percent for somebody in Berkeley Township?

20 A That is correct.

21 Q In your opinion -- well, how often do
22 these numbers change or should they -- can they
23 change? How often can they change, I should say.

24 A They -- communities are -- excuse
25 me -- required to do an annual reporting process to

1 the FEMA program. They can change depending on the
2 activities that have been undertaken, the level of
3 involvement, the number of flood elevation
4 certificates that have come in, documentation. And
5 they can be upgraded as part of that annual report
6 process.

7 Q So, it can be, annually, they can
8 change?

9 A That is correct.

10 Q So, in a year, Seaside Park could be
11 a six or a five and Berkeley could be a seven or an
12 eight, theoretically, at least?

13 A Potentially, yes.

14 Q Go ahead. What else did you want to
15 tell us about this?

16 A Now, one of the other things that I
17 found very interesting, and I had occasion to
18 testify, excuse me, down in Sea Isle City. If you
19 go to, it's the second page of the appendix F, and
20 you look at Sea Isle City, it's near the bottom,
21 it's community number 345318. They are located
22 entirely on the coastal barrier island, Cape May
23 County. They, however, have a rating of three which
24 is phenomenal. And I will tell you why. The
25 applicant that I was representing wanted to have

1 storage below the first habitable area, which FEMA
2 does allow that. Sea Isle City said no way. The
3 only things that they allow below that base flood
4 elevation and the DFE, or design flood elevation, is
5 the entrance to the building and parking. They
6 don't even want you to enclose things down there.
7 This is just part of the reason why they have such a
8 phenomenal rating down there. So, it's entirely
9 possible for a coastal community located entirely on
10 the barrier island not relying on anything on the
11 mainland to have a very high rating.

12 Q Meaning a low number?

13 A Yes, I'm sorry.

14 Q And a higher discount, correct?

15 A That's correct.

16 Q And that could -- that could happen,
17 I'm not saying it will happen, but it could happen
18 in Seaside Park -- it could happen in South Seaside
19 Park, that portion of South Seaside Park, should
20 de-annexation occur?

21 A That is correct.

22 Q Go ahead. What else would you like
23 to tell us?

24 A I think that wraps it up for the
25 community rating system and the FEMA portion of it.

1 I've already kind of sort of covered the housing
2 values for South Seaside Park, so I'm going to move
3 on to the next issue.

4 Q Let me ask you a question. Just go
5 back for a minute. Mr. Slachetka talked about how
6 there was a two percent increase or South Seaside
7 Park represented two percent of the overall
8 population. Based upon A-99, which was the county
9 numbers, you had indicated that the total population
10 in Berkeley over a period of seven years only
11 increased about 500, correct, something like that?

12 A That's correct.

13 Q Do you have an opinion as to how much
14 of that increase would have occurred over in
15 South Seaside Park? I mean, you do not believe that
16 334 people, of that number, of that 500, 334 moved
17 to South Seaside Park?

18 A I just don't think that's realistic.

19 Q So, do you have an indication as to
20 how many people may have, or you have no opinion as
21 to that, in terms of the population increase in
22 South Seaside Park over that period of time?

23 A I have an opinion. I think it would
24 potentially result in approximately ten residents,
25 given an average of 2.5 residents per dwelling unit,

1 given that in certain situations they're
2 condominiums, sometimes they're only two, there's
3 one and a half. So, I take the average number of
4 two and a half. Two and a half times four is ten
5 people. That's it.

6 Q So, the impact in terms of
7 de-annexation, in terms of the number of people
8 would be much less because instead of having 334
9 people increasing the population would only have ten
10 or something like that?

11 A That's correct. And when you look at
12 that number of ten residents, with the bulk of it
13 elsewhere in the municipality, it's actually even
14 less of an impact than the original number that was
15 projected and loss of that number of population.

16 Q Go ahead, Ms. Woolley-Dillon.

17 A I'm going to go back to one of the
18 issues that I mentioned briefly. Mr. Slachetka had
19 given testimony that there was a lot of grant money
20 that was obtained simply because of South Seaside
21 Park being a coastal community.

22 Q Grant funding related to Super Storm
23 Sandy or something else?

24 A Super Storm Sandy.

25 Q Okay. Go ahead.

1 A I was really struggling with this
2 one. Part of the reason why is, it just didn't -- I
3 understand that the coastal communities got,
4 received grants. I understand the purpose of it.
5 Part of what I was left scratching my head with is,
6 only three of the dwelling units that were located
7 in South Seaside Park had sustained moderate damage
8 from Super Storm Sandy. The bulk of the damage to
9 the rest of the homes was on the mainland,
10 particularly in the Bayville area. So, I understand
11 it's a coastal community, et cetera. But putting
12 that as the forefront to look for grant funding,
13 it's kind of a mixed signal or a mixed message. And
14 I just don't think that that was -- I also think
15 that Mr. Slachetka's characterization of the grant
16 funding process, I think it was an unfair
17 representation, because most of the communities that
18 got planning grants and zoning administration
19 grants, all you had to demonstrate was that you were
20 showing an increase of 50 percent of your zoning
21 permits from pre-Super Storm Sandy to what was
22 either coming through or anticipated to come through
23 to repair as a result of the storm damage.

24 Q So, how does that, those statements
25 by Mr. Slachetka relating to Super Storm Sandy

1 grants, how does that affect his overall opinion?

2 A Well, I believe his opinion was that
3 it was going to be substantially detrimental should
4 South Seaside Park be de-annexed. And I don't think
5 that that's necessarily appropriate, because, again,
6 most of the damage occurred here to the mainland.
7 That's really where the bulk of the planning grant
8 assistance went and the planning funds went.

9 Q So, therefore, grants of that nature
10 would be available and, in this case, they were
11 available but it was primarily for the mainland?

12 A That's correct.

13 Q Okay.

14 A Now, there's another part of all of
15 this, and I actually took particular interest in
16 this because working with the coastal community, I
17 was fascinated to see that there are studies that
18 are being done that will help the community. There
19 was a reference to a study that was done by
20 Notre Dame. And I wanted to find out more about
21 this because, certainly, it's something that we
22 should all be aware of. I wanted to find out -- you
23 know, there were two pilot communities. One of them
24 was Keansburg and the other one was
25 Berkeley Township, as part of the South Seaside

1 Park. What I found fascinating is that, again,
 2 Mr. Slachetka had claimed that if South Seaside Park
 3 is de-annexed, they're going to lose the benefit of
 4 this special Notre Dame study. So, I want --
 5 Q That was the GIS study that he talked
 6 about, correct?
 7 A That's correct.
 8 Q It was GIS mapping and that's -- what
 9 is GIS?
 10 A Geographic information systems.
 11 Q And what was that supposed to
 12 provide, according to Mr. Slachetka's testimony?
 13 A It provides a whole lot of
 14 information realtime to show where -- and I actually
 15 had a conversation with somebody at NJ DCA about
 16 this. I talked to Keith Henderson. And there's
 17 even more to it than Mr. Slachetka testified to.
 18 They actually show the direction of the wind,
 19 the potential impact of the wind, the rising waters
 20 and where the flooding is going to occur in
 21 realtime, looking to anticipate to see happening.
 22 So, to me, this is fascinating because I think that
 23 a lot of the coastal communities should be using a
 24 tool like this and being made aware. And to know
 25 that it's a pilot program out there, I was

1 interested to see, is this going to be coming to the
 2 rest of New Jersey at some point in time.
 3 So, I reached out to Keansburg and I spoke to
 4 the construction official about this. I wanted some
 5 more additional information. He was kind enough to
 6 contact me and we had a conversation about this.
 7 I also then received a call from, again,
 8 Keith Henderson at the New Jersey Department of
 9 Community Affairs. What Mr. Henderson indicated and
 10 stated to me was that this Notre Dame study was
 11 funded through the New Jersey Department of
 12 Community Affairs. They're planning on going public
 13 very soon with that. I was given a list of
 14 directions on how to log in. And it was really
 15 fascinating that this is coming online. They're
 16 going to make this available to local communities.
 17 They're going to allow the local communities to add
 18 layers, their own individual layers of GIS. They
 19 can work with the county. They'll certainly work
 20 with the state planning offices, or what's left of
 21 them, I should say, to incorporate this. And this
 22 is going public. It's coming online. Regardless of
 23 what happens with the de-annexation procedure, it's
 24 not going to impact either Berkeley Township, the
 25 mainland or South Seaside Park, one way or the

1 other.
 2 Q So, therefore, there's no
 3 disadvantage to de-annexation because of this GIS
 4 system and the Notre Dame study; is that correct?
 5 A That's absolutely correct.
 6 Q It will be absolutely public once
 7 it's online?
 8 A That's correct.
 9 One of the other things that I found
 10 interesting or -- and it -- I referred to it
 11 generally as kind of housing issues.
 12 One of the claims that Mr. Slachetka made is
 13 that South Seaside Park has such an unusual mix of
 14 housing, there's some units that don't have
 15 bedrooms, efficiency units, things like that. And
 16 that this is really the only place where you have
 17 seasonal units. It's where you have the bulk of
 18 your, or all of your multifamily. And I took a look
 19 at this closer to see if this was really bearing
 20 true and following through. I looked at, again,
 21 Pelican Island, I talked about this. There were 12
 22 multifamily units out of 99.
 23 Q So, therefore, Pelican Island is also
 24 a place where there's multifamily and South Seaside
 25 Park isn't the only place in the township, correct?

1 A That is absolutely correct.
 2 The other thing is, Pelican Island also has
 3 seasonal or rental housing. So, there is definitely
 4 a market for the seashore communities that is
 5 located within Pelican Island.
 6 One of the other things that we always look
 7 at, planners, we're trying to look forward. We're
 8 trying to be forward thinking, but sometimes we have
 9 to take a look back and see what happened. In this
 10 case, because of the zoning that had occurred,
 11 basically, Berkeley Township did not really invite
 12 other opportunities to have multifamily units
 13 anywhere else in the township. So, for whatever
 14 reason, they chose not to exercise this option. I
 15 think that if they had wanted this kind of housing
 16 somewhere else in the municipality, they could
 17 certainly put policies, zoning changes to the
 18 ordinance in place over 30 years ago that would have
 19 allowed this kind of housing.
 20 Q They could still do that if they
 21 wanted to, correct?
 22 A Yes.
 23 The other issue I have, and I summed it up
 24 with too much, too little, too late. In looking at
 25 the planning efforts that have gone into

1 South Seaside Park, I know there's been much
2 discussion about this. It really seems like it's
3 kind of been out there on its own. I took a look at
4 the zoning.

5 One of the things that Mr. Slachetka had
6 testified to is that, well, gee, we had to get
7 planning grants from Super Storm Sandy just to
8 change the zoning down in South Seaside Park. I sat
9 there scratching my head and wondering about this.
10 Most communities, planning, zoning, it's kind of
11 yes, you budget for it. Do we budget enough? Most
12 communities don't. But in looking at the minor
13 changes that were made to the zoning ordinance to
14 remove things like mining, things that weren't
15 necessarily as --

16 Q Hospitals?

17 A Hospitals and mining. It didn't
18 require a tremendous amount of funding. And I
19 just -- when Mr. Slachetka referred to the wealth,
20 the educational status, it shocks me that this
21 portion of the population has been left out of the
22 planning process. And, basically, most of the
23 planning efforts, they didn't take place until after
24 the de-annexation proceedings began in 2015. And
25 then it just seems like there's a flurry of activity

1 to try and meet whatever is going on. So, I was
2 just struggling with this one, and it's a very
3 interesting situation.

4 Q And, indeed, the multifamily, as a
5 result of the 2017 changes in the zoning ordinance,
6 multifamily is disappearing over in South Seaside
7 Park, it's becoming more single-family housing,
8 correct?

9 A That's correct. And I will say that
10 other communities have recently made the shift as
11 well. They're getting rid of their multifamily
12 zones. They are primarily putting residential
13 single-family homes, that's what they have. And
14 when somebody comes in to expand it or it gets
15 demolished, they now make them install a
16 single-family dwelling. That seems to be the going
17 pattern of development on the islands.

18 Q Thank you.

19 A Now, the other last interesting issue
20 that I have is with Mr. Slachetka's characterization
21 of the fact that the commercial properties in
22 South Seaside Park. And, again, I'm generalizing
23 perhaps the statement that he made. He said that
24 the commercial properties in South Seaside Park,
25 along with the commercial properties on Route Nine,

1 those were the biggest parts of commercial
2 development in the entire township. All right. So,
3 I wanted to take a look at this.

4 I took a look at the number of commercial
5 lots, parcels, that are designated as commercial in
6 South Seaside Park. There are 16 of them. Really,
7 there are nine commercial uses because some of those
8 commercial lots are parking lots. So there's really
9 nine commercial units located in South Seaside Park.

10 One of the other things that I wanted to look
11 at is, what's going on with commercial in the rest
12 of Berkeley Township. So, I started doing some
13 digging.

14 (The Article regarding Beachwood Mall
15 was marked as A-108 in evidence.)

16 Q Ms. Woolley-Dillon, tell us what
17 A-108 in evidence is.

18 A This is an article that I downloaded
19 when I did a general search on commercial
20 development in Berkeley Township. This talks about
21 a property that's been struggling for some time.
22 They identify it with a white dinosaur outside.
23 However, what is interesting is, they call it the
24 Beachwood Mall. Basically, there are commercial
25 ventures that are currently located there coming

1 there. And they're trying to revitalize this area.

2 One of the things that they talk about, I
3 think it's in about the fourth paragraph down, it
4 says, might be hard to spot some places, like in the
5 industrial park or CW -- CWR Electronics, which is
6 not visible from Route Nine. It's behind the
7 dinosaur, the liquor store, near a home and a
8 cemetery by Short Street.

9 So, they talk about the number of commercial
10 uses that are there that they anticipate coming in
11 and revitalizing. They talk about, further on in
12 the article, there was a Clark Grocery Store. And
13 there are some, I believe, state offices that are
14 there. And it shows that there are, I believe,
15 certainly more commercial uses than just this one
16 part of Berkeley Township than in South Seaside
17 Park.

18 The second thing that I downloaded is a
19 little blurb on the Holiday City mini mall.

20 (The Article regarding Holiday City
21 mini mall was marked as A-109 in evidence.)

22 A What this article -- and this, it was
23 a writeup on what this was. Because this is an
24 unusual feature.

25 Q Are you referring to A-109?

1 A Yes, that's correct.
 2 It identifies what's in this little mini
 3 mall. It has a Sovereign Bank, Ocean First Bank,
 4 Freedman's Bakery, ERA Realty. And they also say
 5 that there's a small supermarket, clothing store and
 6 a bar/restaurant. So, there are, again, a
 7 substantial and at least comparative number of
 8 commercial uses located --
 9 MR. GINGRICH: Excuse me. No more
 10 Ocean First Bank. No more Freedman's Bakery.
 11 THE WITNESS: And this was what the
 12 gentleman had, I guess, indicated was there at the
 13 time. But there --
 14 MR. GINGRICH: I'm just bringing you
 15 up to speed.
 16 THE WITNESS: Thank you. There are
 17 other uses that are there. They're certainly
 18 available. And it is a commercial development.
 19 Thank you for that clarification.
 20 Q Is it fair to say that on Route Nine,
 21 there are dozens, if not over a hundred commercial
 22 uses, if you were to drive up and down Route Nine in
 23 Berkeley Township?
 24 A I think that's a fair and accurate
 25 statement, yes.

1 Q And that is a much larger commercial
 2 area than the nine uses in South Seaside Park,
 3 correct?
 4 A That is absolutely correct.
 5 Q Okay. And the point of the article
 6 that, a Jersey Shore online article which you had
 7 marked as Exhibit A-108, indicates that there are
 8 other hard to spot places just off of Route Nine
 9 that may not be known to people, is that why you're
 10 bringing that up?
 11 A That's correct.
 12 Q Okay. So, it's not just what you see
 13 on Route Nine but it's also in the streets adjacent
 14 to it, that there are commercial uses --
 15 A Yes.
 16 Q -- is that correct?
 17 A That's absolutely correct.
 18 Q And is that anything like what's in
 19 South Seaside Park?
 20 A No.
 21 Q So, in your opinion, losing nine
 22 commercial uses in South Seaside Park, would that
 23 have a significant detrimental impact upon
 24 Berkeley Township?
 25 A I do not believe so. And the other

1 thing that I took in account to form the opinion is,
 2 you have a new town center coming in. You're
 3 welcoming mixed uses, you want new commercial there.
 4 It's not that one thing offsets another, but there
 5 are additional opportunities for new commercial
 6 development here within the township on the
 7 mainland.
 8 Q Okay. What else?
 9 A The other thing that I took a look at
 10 are the arguments over the beach area. And I'm just
 11 going to touch on this briefly. There were talks
 12 about the impact to the beach, losing the area, et
 13 cetera. And there were also discussions about the
 14 potential increase for users for beach badge prices,
 15 et cetera.
 16 with regard to this, Mantoloking was
 17 performing a study earlier this year to decide if
 18 they wanted to take over one of the beaches. So,
 19 being zoning and doing a lot of research, I helped
 20 the -- our CFO take a look at a lot of these things.
 21 I helped her collect a lot of information on this
 22 and helped do research for her. And in looking at
 23 this, the beach badges price, they change every
 24 year. Sometimes they stay the same, but typically
 25 they do change. Nothing is set in sand or in stone,

1 I should say. And, basically, they can go up
 2 typically, sometimes they go down, but they can go
 3 up. So, I understand why Mr. Slachetka's talked
 4 about it. But I certainly don't think that, and see
 5 that as a substantial issue with regard to the
 6 potential de-annexation hearings.
 7 Q Okay. With regard to the -- let's
 8 take you back for a minute.
 9 These other neighborhoods that are similar in
 10 terms of value, would you have an opinion --
 11 Mr. Slachetka made a big point of that, well, these
 12 are, there's a wealthy neighborhood in South Seaside
 13 Park, it has highest amount of employment, the
 14 highest amount of education and the highest amount
 15 of income. And I'm not -- I believe I'm stating
 16 that correctly.
 17 Would you expect the education, the income
 18 and employment to be similar in Pelican Island and
 19 Berkeley Shores, maybe in Glen Cove, maybe a little
 20 less in Glen Cove because the numbers are slightly
 21 different, would you expect those types of figures
 22 to track to others areas of the township where the
 23 values are higher?
 24 A That would be a reasonable
 25 connection, yes.

1 Q Okay. So, and as I understand it,
2 Mr. Slachetka compared South Seaside Park to all of
3 Berkeley Township in making that analysis; is that
4 correct?
5 A That is correct, yes.
6 Q And is that the right way to do it,
7 or is it better to take -- look at South Seaside
8 Park as a neighborhood and then look at other
9 neighborhoods within Berkeley Township, such as
10 Berkeley Shores, Pelican Island, Glen Cove that have
11 higher values so that you're comparing, essentially,
12 apples to apples?
13 A For his purposes, it was the correct
14 way to do it.
15 Q What do you mean by that?
16 A In presenting information that he
17 believes it's detrimental to approve and accept the
18 de-annexation proceeding. But in planning, there
19 are a lot of different ways to look at information.
20 And that's why I went to the extent that I did to
21 see what was out there, to make sure that we are
22 doing a true and fair comparison of things. And,
23 again, neighborhoods, there was a lot of discussion
24 about that. And I think it was important to look at
25 certain neighborhoods here within Berkeley Township

1 as a whole.
2 Q Now, I know that you work part-time
3 for Seaside Park. You haven't expressed an opinion
4 with regard to Seaside Park itself. You're dealing
5 with South Seaside Park, correct?
6 A That's correct.
7 Q And I know it's through -- you said
8 it was through a shared services arrangement with
9 Lavallette and you're actually employed by
10 Lavallette --
11 A That's correct.
12 Q -- in that arrangement, right?
13 A Yes.
14 Q But you do work in Seaside Park. Did
15 you check to see, make sure it was okay that you
16 could testify here, given the fact that you do work
17 in Seaside Park?
18 A Yes. I did e-mail the administrator.
19 I confirmed and asked him to respond if there was a
20 conflict. I received no response.
21 Q All right. So, based on that, you do
22 not perceive that there would be a conflict,
23 correct?
24 A No. And I would also add that the
25 shared services agreement is dissolving. I have two

1 other zoning officials in front of me for one
2 part-time job. So, as of December 31, I have no
3 horse in any race. And I will be staying in
4 Mantoloking and continuing my private practice.
5 Q Okay. What else would you like to
6 tell this board?
7 A The only thing that I'm going to
8 offer in conclusion is that Mr. Slachetka was here.
9 He talked a lot. He gave a report. He relied on
10 his information. I think that his information was
11 perhaps not exactly accurate. And I think his
12 methodology in what he looked at was flawed.
13 If you have bad information as the basis for
14 your decision and opinion, it's a bad opinion, it's
15 not a good opinion. So, basically, I think that
16 what he used to arrive at his conclusion, again, was
17 flawed. It's not entirely accurate. Therefore, I
18 can't imagine that his corresponding conclusions and
19 recommendations wouldn't also be flawed.
20 I also believe that, based on the information
21 presented by the township and their professionals,
22 there is no firm or substantial evidence that
23 Berkeley Township will suffer harm or damage if the
24 de-annexation were to occur. And that based on the
25 information previously presented by Mr. Bauman, the

1 planner, for our purposes, I conclude, I concur that
2 there is a detriment to not allowing the
3 de-annexation of South Seaside Park from
4 Berkeley Township to occur. And I believe that the
5 residents of South Seaside Park will continue to
6 suffer harm if it's not allowed or approved.
7 MR. MICHELINI: Okay. Thank you very
8 much, Ms. Woolley-Dillon. Questions?
9 MR. WINWARD: Thank you for your
10 testimony. Mr. McGuckin had a comment about --
11 MR. MCGUCKIN: Mr. Chairman, we
12 received, you know, about a hundred and some pages
13 of documents. And before I would be able to finish
14 my questions, I'm going to want to review these
15 documents ahead of time.
16 Ms. Woolley-Dillon has given us safely
17 80 to 100 pages of documents, which we have not seen
18 before this evening. I'm going to want to have a
19 chance to look at that before I could ask most of my
20 questions. So, I think we're going to need to bring
21 her back. We're getting close to two hours. We're
22 not quite there yet anyway. But that's what I feel.
23 I don't know about anyone else.
24 MR. WISER: I absolutely concur.
25 MR. ORIS: Through the Chair, if I

1 may.
 2 MR. WINWARD: Yes, go ahead.
 3 MR. ORIS: This is, you know, a
 4 question for our attorney. But it would seem to me
 5 that the documentation that's been submitted this
 6 evening, along with the testimony, may warrant
 7 Mr. Slachetka to be given an opportunity to review
 8 the information and provide the board with some --
 9 his view of the documentation that's been submitted.
 10 Clearly, what I've heard is opinion in the
 11 conclusions by Ms. Barbara Woolley-Dillon, that, you
 12 know, have questioned, called into question the
 13 accuracy and by extrapolation the accuracy of his
 14 opinion. So, I -- my view, the board -- and I don't
 15 know if this is possible, but the board may want to
 16 consider having Mr. Slachetka come back after maybe
 17 having reviewed the information, maybe even
 18 reviewing transcripts. But I would leave that up to
 19 the board if that's what you would choose and, if
 20 it's proper, the attorney.
 21 MR. MICHELINI: I have an opinion on
 22 that, but I'll let the -- you know, I mean --
 23 MR. WINWARD: I defer to our board
 24 attorney about the legalities and, you know, the
 25 necessity.

1 MR. MCGUCKIN: I think it's up to the
 2 board if you think that's necessary or not. It's
 3 your decision what information you want to hear or
 4 not hear. And I'm sure Mr. Michelini will say he
 5 does not believe it's necessary or appropriate.
 6 However, it's up to the board. If you believe that
 7 will help you reach your decision and your
 8 recommendation to the governing body, then it's your
 9 decision.
 10 MR. WINWARD: You had also stated
 11 that you had some questions you'd like to ask --
 12 MR. MCGUCKIN: Well, I have questions
 13 that I'm going to have to review these documents and
 14 be ready to cross-examination. So, I won't be able
 15 to do it tonight. I'm not going to go through the
 16 stuff and compare it to the information that was in
 17 Mr. Slachetka's report.
 18 MR. MICHELINI: My position on that
 19 is, certainly, Mr. Slachetka can work with Mr. Oris,
 20 with Mr. Wisner, to -- behind the scenes. They got a
 21 month to get together and to review the testimony
 22 and to look at the exhibits and to come back and to
 23 cross-examine, you know, Ms. Woolley-Dillon. She
 24 will be subject to cross-examine. We understand
 25 that there's a lot of paperwork that's been given.

1 MR. WINWARD: Okay. Yes.
 2 MR. MICHELINI: But he's testified
 3 for four hearings. And to bring him back -- besides
 4 it would be painful, I think, for all of us.
 5 Respectfully I say.
 6 (All talking at once.)
 7 MR. MICHELINI: But, you know, he's
 8 been given a shot. And, as I recall, this board was
 9 saying, well, there's got to be a cutoff point and,
 10 you know, allow rebuttal, but that's it. And here
 11 we are.
 12 MR. MCGUCKIN: I think -- I think
 13 Mr. Michelini makes a point. I think that, really,
 14 the board doesn't have to make that decision tonight
 15 anyway. So, until we're done with cross-examination
 16 of Ms. Woolley-Dillon, at that point, if the board
 17 feels you need some additional testimony, you can
 18 make that call and Mr. Michelini may convince you
 19 that you don't need to or you may not -- think you
 20 don't need to anyway.
 21 MR. WINWARD: Yeah.
 22 MR. MCGUCKIN: It's not a decision
 23 you have to make tonight anyway.
 24 MR. WINWARD: I think that would be
 25 right at this point. We just have her come back for

1 some cross-examination.
 2 And then I had a question for
 3 Mr. Wisner. When are you anticipating your report is
 4 going to be ready by?
 5 MR. WISER: Well, the -- it keeps
 6 getting pushed out.
 7 MR. WINWARD: So, you be won't be
 8 ready for the next meeting?
 9 MR. WISER: Oh, cer --
 10 MR. WINWARD: We're going to have
 11 some other applications here. There may be a time
 12 issue anyway.
 13 MR. WISER: Certainly. I mean,
 14 clearly, I would want to wait until we're done with
 15 the conversation with Ms. Woolley-Dillon. And then,
 16 frankly, I'm -- it's going to take some time to
 17 polish off the report and finish it and then to give
 18 it to Mr. -- the board and Mr. Michelini. You had
 19 recommended that you wanted it a month ahead of
 20 time.
 21 MR. MICHELINI: Well, a month before
 22 cross-examination. I mean, I don't need it a month
 23 before you testify. When you initially testified, I
 24 would assume that you would testify from your report
 25 at that time and that we would get the report, but I

1 would have it a month before cross-examination.
 2 MR. MCGUCKIN: We don't expect you to
 3 cross on that night, just like tonight.
 4 MR. MICHELINI: Yeah, exactly.
 5 MR. WISER: Yeah, I understand.
 6 MR. WINWARD: We're looking at
 7 February and March.
 8 MR. MICHELINI: If you want to give
 9 it to me a month early, you can. Just don't give it
 10 to anybody else.
 11 MR. MCGUCKIN: Well, I think we
 12 should clarify. Obviously, we're going to -- she's
 13 going to have to come back, so we're going to need
 14 to pick a date for that. But, again, I want to
 15 address these -- because we have meetings on the
 16 17th of January.
 17 MS. HUGG: Yes.
 18 MR. MCGUCKIN: And we know that
 19 there's at least one application.
 20 MS. HUGG: Yes.
 21 MR. MCGUCKIN: But we're being told
 22 there may be actually three.
 23 MS. HUGG: No.
 24 MR. WINWARD: That's what Ernie had
 25 said.

1 MR. MCGUCKIN: Homes For All. No?
 2 MS. HUGG: Homes For All, Hovchild --
 3 MR. MCGUCKIN: Okay.
 4 MS. HUGG: -- no. And then Attorney
 5 Michelini has an application --
 6 MR. MCGUCKIN: Oh, that's right.
 7 MS. HUGG: -- that was submitted for
 8 review. And I think the discussion with Mr. Peters,
 9 he was finishing up the review, so we may be --
 10 MR. MCGUCKIN: That would probably be
 11 ready.
 12 MS. HUGG: Which is a -- I think it's
 13 a minor subdivision, right?
 14 MR. MICHELINI: It is a minor
 15 subdivision, correct.
 16 MS. HUGG: So, we could --
 17 MR. MCGUCKIN: I'm just trying to
 18 make sure --
 19 MR. MICHELINI: Yes. Sure.
 20 MR. MCGUCKIN: -- they don't have
 21 to -- she doesn't have to be here. So, I think it
 22 would be ambitious for us to say we're going to do
 23 two applications, the reorg, and then do this at the
 24 January meeting. That's my -- I don't think we can
 25 do all that.

1 MR. MICHELINI: Yeah. But I don't
 2 want to delay Ms. Woolley-Dillon and keep her
 3 hanging out there for months. So, I would say that
 4 the Gucci application we would push into February
 5 and let's finish her and get this done.
 6 MR. MCGUCKIN: Keep in mind, the
 7 board meeting is only two weeks later, because --
 8 MR. MICHELINI: Oh, I see. Right.
 9 Because the meeting of the 17th.
 10 MR. MCGUCKIN: -- the first Thursday.
 11 I think we should do the applications
 12 that night, reorg meeting and then in two weeks
 13 we're back here anyway, and then do the
 14 South Seaside Park, guarantee the two hours.
 15 MR. MICHELINI: The first Thursday in
 16 February.
 17 MR. MCGUCKIN: And then we'll finish.
 18 MR. MICHELINI: Okay.
 19 MR. WINWARD: So then you want to
 20 make -- we'll put it on the record, then, that we're
 21 not going to have any South Seaside Park testimony
 22 for January 17.
 23 MR. MICHELINI: The January 17
 24 meeting.
 25 MR. WINWARD: But for the February --

1 MS. HUGG: We still have to approve
 2 the dates. But it, tentatively, would be
 3 February 7th.
 4 MR. WINWARD: February 7.
 5 MR. MICHELINI: Are you available,
 6 Ms. Woolley-Dillon?
 7 THE WITNESS: I'm pretty sure I could
 8 be.
 9 (Off the record.).
 10 MR. MICHELINI: So, then, all
 11 cross-examination is going to be held until that
 12 time --
 13 MR. MCGUCKIN: Yes.
 14 MR. MICHELINI: -- correct? So, not
 15 tonight, correct?
 16 MR. MCGUCKIN: Right.
 17 (Matter adjourned.)
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18
19
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C E R T I F I C A T E

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

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

Dated: December 31, 2018

MR. GINGRICH: [2] 69/8 69/13
MR. McGUICKIN: [22] 7/9 7/16 76/10
77/25 78/11 79/11 79/21 81/1 81/10
81/17 81/20 81/25 82/2 82/5 82/9 82/16
82/19 83/5 83/9 83/16 84/12 84/15
MR. MICHELINI: [39] 5/7 5/15 5/22
5/25 6/5 6/19 7/3 7/17 7/25 9/2 15/17
15/25 25/18 26/1 28/13 33/14 38/3 53/3
53/6 53/10 53/13 76/6 77/20 78/17 79/1
79/6 80/20 81/3 81/7 82/13 82/18 82/25
83/7 83/14 83/17 83/22 84/4 84/9 84/13
MR. ORIS: [6] 52/24 53/5 53/8 53/11
76/24 77/2
MR. WINWARD: [27] 4/10 5/5 5/13
5/16 5/24 6/2 6/7 6/14 6/25 7/11 7/15
7/23 15/21 76/8 77/1 77/22 78/9 78/25
79/20 79/23 80/6 80/9 81/5 81/23 83/18
83/24 84/3
MR. WISER: [6] 25/24 76/23 80/4 80/8
80/12 81/4
MS. HUGG: [12] 6/13 7/12 26/13
81/16 81/19 81/22 82/1 82/3 82/6 82/11
82/15 83/25
THE WITNESS: [5] 15/24 26/11 69/10
69/15 84/6

\$

\$120,000 [1] 40/19
\$154,000 [1] 41/14
\$353,877.08 [1] 40/12
\$408,000 [1] 34/15
\$43,081,800 [1] 36/22
\$435,000 [1] 43/22
\$435,169.69 [1] 37/6

0

0001 [1] 1/25
08527 [1] 1/25
08723 [1] 2/7
08731 [1] 2/4

1

1 million [1] 40/16
1,006,000 [1] 40/16
1,400 [1] 27/15
1,671 [1] 27/16
100 [6] 28/4 28/14 28/16 28/18 28/18
76/17
101 [8] 32/3 32/4 32/15 33/7 33/9 33/22
34/10 35/5
102 [8] 33/16 33/18 33/19 33/21 34/9
34/10 35/6 36/15
103 [3] 38/6 38/9 39/5
104 [4] 38/8 39/3 39/5 39/11
105 [2] 42/22 43/11
106 [2] 51/5 51/7
107 [2] 53/17 53/18
108 [3] 67/15 67/17 70/7
109 [2] 68/21 68/25
12 [1] 63/21
12th [4] 20/10 20/16 20/17 20/18
144 [1] 39/17
15 percent [1] 54/18
1547 [3] 40/15 40/19 40/19
16 [3] 18/13 43/20 67/6
17 [11] 2/7 6/11 6/15 6/19 7/7 29/19

29/25 30/3 30/3 83/22 83/23

17th [2] 81/16 83/9
199,500 [1] 41/5
1st [3] 15/15 15/16 15/17

2

2,000 [2] 28/9 29/13
2.5 [1] 57/25
20 [1] 53/7
20 percent [1] 54/19
2000 [1] 27/16
2008 [2] 27/8 29/1
2010 [3] 24/3 25/10 26/16
2015 [7] 15/13 15/13 15/13 15/14 15/14
27/9 65/24
2016 [1] 15/15
2017 [17] 15/15 15/15 15/15 15/16
15/16 22/15 25/11 26/23 27/14 27/17
29/2 29/3 32/8 32/13 39/18 44/4 66/5
2018 [10] 1/7 4/6 15/17 15/17 52/15
53/16 53/20 53/24 54/9 85/16
2019 [1] 6/19
2021 [1] 85/14
21 [2] 29/18 29/23
23 [1] 29/2
26 [1] 85/14
271 [2] 27/20 30/20

3

30 [2] 17/13 64/18
31 [2] 75/2 85/16
31.01 [1] 40/15
330 [1] 23/25
334 [4] 24/1 57/16 57/16 58/8
337 [1] 24/10
340369 [1] 54/8
345318 [1] 55/21
3rd [3] 15/13 15/14 15/16

4

408,000 [1] 37/9
41,255 [1] 26/18
41,747 [1] 26/25
435 [1] 44/18
45 [1] 22/18
46 [1] 1/24
490 [2] 24/2 24/9
492 [1] 26/25

5

50 [1] 26/21
50 percent [1] 59/20
50,958,300 [1] 39/12
500 [2] 57/11 57/16
554 [1] 29/15
5B [1] 46/13

6

620 [1] 2/4
651 [1] 29/15
6:35 [1] 1/8

7

70 [1] 42/15
704 [1] 43/17
732 [1] 1/25
780 [1] 43/15
79 square [1] 47/5

7th [1] 84/3

8

80 [3] 12/7 42/15 76/17
82 [2] 40/19 40/20
824 [1] 24/5
827 [1] 24/10
833-0001 [1] 1/25

9

90 [2] 42/4 42/13
90 percent [1] 43/15
96 [4] 9/5 9/7 10/17 13/24
97 [2] 14/5 14/11
98 [2] 14/6 14/13
99 [7] 25/22 25/24 26/2 29/7 37/2 57/8
63/22

A

A-100 [5] 28/4 28/14 28/16 28/18 28/18
A-101 [8] 32/3 32/4 32/15 33/7 33/9
33/22 34/10 35/5
A-102 [8] 33/16 33/18 33/19 33/21 34/9
34/10 35/6 36/15
A-103 [2] 38/6 39/5
A-104 [4] 38/8 39/3 39/5 39/11
A-105 [2] 42/22 43/11
A-106 [2] 51/5 51/7
A-107 [2] 53/17 53/18
A-108 [3] 67/15 67/17 70/7
A-109 [2] 68/21 68/25
A-96 [4] 9/5 9/7 10/17 13/24
A-97 [2] 14/5 14/11
A-98 [2] 14/6 14/13
A-99 [4] 25/22 25/24 29/7 57/8
abbreviated [4] 3/14 14/1 14/6 14/12
ability [1] 50/9
able [3] 49/25 76/13 78/14
about [63] 7/13 11/6 13/15 13/17 13/18
18/3 18/25 19/2 19/12 19/16 21/12
21/13 21/18 21/23 23/20 27/2 27/18
33/9 33/11 33/13 35/1 35/2 35/3 35/5
35/9 36/6 41/14 41/21 42/4 42/14 43/11
43/18 43/22 45/19 46/2 46/4 51/13
51/19 51/20 55/15 57/5 57/11 60/20
61/6 61/15 62/4 62/6 63/21 65/2 65/9
67/20 68/2 68/3 68/9 68/11 71/12 71/13
72/4 73/24 76/10 76/12 76/23 77/24
absolutely [12] 13/5 28/20 30/11 41/19
44/10 44/21 63/5 63/6 64/1 70/4 70/17
76/24
absorb [3] 49/25 50/2 50/9
accept [2] 15/20 73/17
accident [1] 6/21
according [5] 5/21 8/19 24/3 44/23
61/12
account [1] 71/1
accuracy [2] 77/13 77/13
accurate [12] 17/20 29/6 29/10 35/20
36/22 48/2 50/13 52/20 69/24 75/11
75/17 85/7
achieve [1] 10/10
ACS [2] 23/21 24/19
activities [2] 51/21 55/2
activity [2] 50/21 65/25
actually [21] 6/9 6/10 7/19 8/11 10/12
17/25 20/3 20/20 21/5 25/15 27/3 31/19

A

actually... [9] 38/17 51/16 51/19 58/13 60/15 61/14 61/18 74/9 81/22
add [3] 27/20 62/17 74/24
additional [9] 10/17 24/10 25/24 30/6 31/1 50/9 62/5 71/5 79/17
address [2] 16/18 81/15
adjacent [1] 70/13
adjourned [1] 84/17
administration [1] 59/18
administrator [3] 11/10 11/14 74/18
administrator/manager [1] 11/14
Affairs [3] 18/5 62/9 62/12
affect [1] 60/1
affluent [1] 45/7
affordable [19] 45/17 46/1 46/3 46/16 46/19 46/25 47/3 47/7 47/10 47/13 47/18 47/19 47/23 48/1 48/5 48/15 48/17 48/23 49/4
after [4] 5/23 6/1 65/23 77/16
again [19] 22/16 28/18 39/9 39/18 40/2 42/10 43/24 44/6 44/22 45/4 60/5 61/1 62/7 63/20 66/22 69/6 73/23 75/16 81/14
agenda [1] 5/7
ago [4] 5/11 19/17 30/20 64/18
agree [2] 48/8 48/20
agreement [3] 11/12 21/3 74/25
ahead [14] 21/21 26/10 26/15 31/4 40/7 49/10 50/7 55/14 56/22 58/16 58/25 76/15 77/2 80/19
AICP [1] 9/13
all [36] 5/20 7/13 13/4 14/9 16/18 16/21 25/13 26/23 28/10 29/24 30/1 32/15 33/3 33/21 37/1 39/2 39/12 43/8 44/14 44/16 46/18 48/19 50/9 59/19 60/14 60/22 63/18 67/2 73/2 74/21 79/4 79/6 82/1 82/2 82/25 84/10
allegation [1] 12/15
ALLEN [3] 3/3 8/7 8/18
Allen Woolley-Dillon [1] 8/7
allow [4] 56/2 56/3 62/17 79/10
allowed [2] 64/19 76/6
allowing [1] 76/2
almost [1] 29/21
along [5] 7/3 9/15 14/5 66/25 77/6
already [1] 57/1
also [35] 2/12 6/12 9/12 9/16 10/21 11/1 11/8 11/11 11/14 12/9 13/6 15/1 15/8 20/8 29/9 38/10 44/3 44/11 46/20 46/22 49/16 51/1 51/20 52/13 59/14 62/7 63/23 64/2 69/4 70/13 71/13 74/24 75/19 75/20 78/10
Although [1] 44/14
always [3] 25/1 51/23 64/6
am [5] 11/7 11/9 11/11 21/24 52/13
ambitious [1] 82/22
American [4] 9/13 9/24 23/21 26/6
amount [5] 37/4 65/18 72/13 72/14 72/14
analysis [4] 15/9 17/19 42/12 73/3
annexation [19] 1/4 5/3 15/3 15/7 17/10 18/9 24/15 37/18 45/5 45/6 56/20 58/7 62/23 63/3 65/24 72/6 73/18 75/24 76/3
annexed [2] 60/4 61/3
announce [1] 6/12

annual [2] 54/25 55/5
annually [1] 55/7
anomaly [1] 33/25
another [10] 7/21 8/14 14/1 22/6 33/10 34/22 37/14 41/16 60/14 71/4
anticipate [3] 5/14 61/21 68/10
anticipated [1] 59/22
anticipating [1] 80/3
any [13] 7/2 9/20 12/23 12/23 24/6 30/25 36/2 37/23 38/20 46/17 46/23 75/3 83/21
anybody [1] 81/10
anyone [1] 76/23
anything [6] 13/15 17/14 41/20 45/10 56/10 70/18
anyway [6] 76/22 79/15 79/20 79/23 80/12 83/13
anywhere [2] 47/7 64/13
apologize [1] 43/23
apparently [2] 6/3 6/20
appear [1] 8/12
APPEARANCES [1] 2/2
appeared [1] 12/9
appears [2] 29/25 40/24
appendix [7] 4/4 4/6 51/4 51/10 53/16 53/19 55/19
apples [4] 34/6 34/6 73/12 73/12
applicant [2] 7/24 55/25
applicants [1] 11/20
application [6] 7/21 12/17 19/19 81/19 82/5 83/4
applications [6] 5/19 6/9 7/11 80/11 82/23 83/11
appreciate [2] 19/9 53/14
appropriate [4] 34/7 47/11 60/5 78/5
approval [1] 11/21
approve [2] 73/17 84/1
approved [1] 76/6
approximate [1] 43/21
approximately [2] 43/14 57/24
April [2] 25/10 26/16
arbitrary [1] 42/25
are [95]
area [12] 22/23 35/18 40/16 46/13 47/1 47/14 56/1 59/10 68/1 70/2 71/10 71/12
areas [3] 44/16 49/24 72/22
arguments [1] 71/10
arrangement [2] 74/8 74/12
arrive [1] 75/16
article [9] 4/8 4/9 67/14 67/18 68/12 68/20 68/22 70/5 70/6
artificial [1] 42/25
as [109]
aside [1] 49/1
ask [5] 28/17 31/24 57/4 76/19 78/11
asked [3] 14/15 14/16 74/19
assessed [4] 35/8 37/3 39/12 40/12
assessment [2] 34/3 43/8
assessments [11] 3/22 3/24 32/6 32/6 37/20 38/5 38/7 38/10 39/19 39/21 44/4
assign [1] 52/4
assistance [2] 20/7 60/8
ASSOCIATES [1] 1/23
ASSOCIATION [3] 1/4 5/3 9/25
associations [1] 9/21
assume [4] 5/13 7/24 15/19 80/24
assumptions [1] 17/22

attached [1] 49/2
attend [1] 19/16
attorney [5] 5/2 77/4 77/20 77/24 82/4
attorneys [3] 2/5 2/8 12/19
August [3] 15/12 15/16 29/2
August 23 [1] 29/2
August 3rd [1] 15/16
available [5] 60/10 60/11 62/16 69/18 84/5
Avenue [3] 20/10 20/16 20/18
average [11] 37/3 37/5 37/6 40/12 41/4 41/9 41/14 43/22 47/21 57/25 58/3
avoid [1] 22/2
aware [2] 60/22 61/24
away [2] 21/24 29/23

B

back [21] 7/20 10/13 19/7 23/13 32/23 36/9 39/10 43/19 43/20 46/10 57/5 58/17 64/9 72/8 76/21 77/16 78/22 79/3 79/25 81/13 83/13
bad [2] 75/13 75/14
badge [1] 71/14
badges [1] 71/23
Bakery [2] 69/4 69/10
Bank [3] 69/3 69/3 69/10
bankrupt [1] 47/17
bar [1] 69/6
bar/restaurant [1] 69/6
BARBARA [4] 3/3 8/6 8/18 77/11
barrier [6] 15/24 17/8 37/15 46/12 55/22 56/10
base [4] 26/20 27/16 50/19 56/3
based [9] 24/24 30/22 32/7 39/18 52/3 57/8 74/21 75/20 75/24
basic [1] 47/21
basically [12] 17/3 17/13 23/25 47/15 49/3 50/1 51/12 64/11 65/22 67/24 72/1 75/15
basis [2] 23/17 75/13
Bass [1] 47/2
Bass River [1] 47/2
Bauman [3] 8/9 15/4 75/25
bay [4] 44/15 44/16 45/22 48/13
Bay Head [2] 45/22 48/13
Bayville [2] 1/7 59/10
be [84] 6/2 6/4 6/15 6/19 6/19 7/8 7/9 7/12 8/12 14/16 21/10 22/2 22/17 22/18 28/4 28/13 30/9 31/1 35/15 35/24 36/11 36/16 37/19 37/21 38/25 40/19 40/24 40/25 41/11 43/16 43/18 44/24 46/8 47/11 48/1 48/4 50/15 51/3 51/17 52/3 52/15 52/16 54/17 55/5 55/7 55/10 55/11 58/8 60/3 60/4 60/10 60/22 61/23 62/1 63/6 64/8 66/16 68/4 70/9 72/18 72/24 74/22 75/3 75/19 76/13 77/7 78/14 78/14 78/24 79/4 79/9 79/24 80/4 80/7 80/7 80/11 81/22 82/9 82/10 82/21 82/22 84/2 84/8 84/11
beach [6] 18/13 48/14 71/10 71/12 71/14 71/23
beaches [1] 71/18
Beachwood [3] 4/8 67/14 67/24
bear [1] 23/9
bearing [2] 17/25 63/19
Beaverson [1] 2/7
because [33] 5/22 6/16 7/7 20/7 23/22

B

because... [28] 27/19 27/23 30/12 33/24 34/4 35/24 36/11 42/2 42/13 43/1 46/7 47/20 50/8 58/8 58/20 59/17 60/5 60/16 60/21 61/22 63/3 64/10 67/7 68/23 72/20 81/15 83/7 83/9

becoming [1] 66/7

bedrooms [1] 63/15

been [29] 8/18 9/7 10/23 11/14 13/24 15/23 17/9 17/12 18/6 21/22 22/23 23/25 24/1 26/18 45/23 46/9 48/25 49/4 50/22 51/7 55/2 65/1 65/3 65/21 67/21 77/5 77/9 78/25 79/8

before [18] 5/18 7/8 11/22 11/24 12/3 12/6 17/14 20/21 22/20 24/6 53/1 76/13 76/18 76/19 80/21 80/23 81/1 85/8

began [1] 65/24

beginning [1] 25/10

behind [2] 68/6 78/20

being [8] 14/17 18/21 35/20 58/21 60/18 61/24 71/19 81/21

believe [24] 6/2 9/23 15/22 17/19 22/5 27/8 27/16 30/22 33/22 34/15 35/17 39/11 50/5 53/8 57/15 60/2 68/13 68/14 70/25 72/15 75/20 76/4 78/5 78/6

believes [1] 73/17

bell [2] 1/13 35/19

below [4] 50/18 50/19 56/1 56/3

benefit [3] 10/5 49/24 61/3

BERKELEY [47] 1/1 3/19 4/3 18/19 18/20 19/3 19/20 20/5 20/6 21/8 23/6 23/10 24/5 26/17 26/24 28/7 31/21 32/2 32/8 37/15 37/24 41/5 41/9 42/6 42/21 43/2 43/12 52/18 54/8 54/19 55/11 57/10 60/25 62/24 64/11 67/12 67/20 68/16 69/23 70/24 72/19 73/3 73/9 73/10 73/25 75/23 76/4

Berkeley Township [28] 18/19 19/3 20/6 23/6 24/5 26/17 26/24 28/7 31/21 32/8 37/15 37/24 41/5 41/9 52/18 54/19 60/25 64/11 67/12 67/20 68/16 69/23 70/24 73/3 73/9 73/25 75/23 76/4

Berkeley Township/South Seaside [1] 21/8

besides [1] 79/3

better [3] 20/13 51/24 73/7

between [4] 6/11 29/1 53/5 54/18

beyond [3] 10/18 23/3 30/7

BFE [1] 50/19

big [2] 42/3 72/11

bigger [2] 24/14 42/8

biggest [1] 67/1

bit [2] 11/6 45/19

block [2] 40/14 40/19

blocks [1] 18/12

blue [1] 32/25

blurb [1] 68/19

Bldv [1] 2/7

board [32] 1/1 2/5 6/16 7/20 11/2 11/2 11/3 11/3 12/2 12/18 13/17 15/19 16/24 19/14 20/4 39/25 41/25 45/16 51/9 75/6 77/8 77/14 77/15 77/19 77/23 78/2 78/6 79/8 79/14 79/16 80/18 83/7

boards [7] 11/20 11/22 11/24 11/25 12/5 12/6 12/8

body [2] 17/4 78/8

book [1] 25/9

bore [1] 27/24

borough [11] 11/10 11/11 18/14 21/6 22/19 26/19 31/11 48/14 49/17 49/18 50/12

borough's [1] 18/7

both [4] 11/24 19/13 21/17 21/18

bottom [1] 55/20

boundaries [2] 42/24 44/23

boundary [5] 17/4 21/24 23/4 23/10 42/7

break [1] 6/24

breath [1] 18/25

breavity [1] 16/12

Brian [1] 1/12

Brick [1] 2/7

briefly [3] 10/5 58/18 71/11

bring [4] 40/4 49/12 76/20 79/3

bringing [2] 69/14 70/10

broader [1] 42/9

brought [2] 8/14 12/13

budget [2] 65/11 65/11

build [1] 48/17

building [20] 3/17 6/18 19/18 22/10 27/3 27/17 28/1 28/10 28/15 28/19 29/12 29/16 29/18 30/2 30/20 30/23 31/1 34/4 46/16 56/5

buildings [4] 29/23 30/3 30/7 50/18

built [1] 30/14

bulk [4] 58/12 59/8 60/7 63/17

bulletin [1] 20/4

bus [2] 47/4 47/6

butcher [1] 17/16

buy [1] 47/22

C

call [7] 5/2 20/6 20/14 46/20 62/7 67/23 79/18

Callahan [1] 1/12

called [2] 20/13 77/12

calls [3] 7/22 20/3 20/3

Camden [1] 10/9

came [3] 34/14 44/6 44/19

can [30] 5/12 6/10 8/13 9/9 11/6 14/4 20/5 22/2 22/17 22/18 23/7 25/6 31/25 36/6 37/3 51/8 52/14 54/22 54/23 55/1 55/5 55/7 55/7 62/19 72/1 72/2 78/19 79/17 81/9 82/24

can't [7] 7/19 20/7 48/1 48/4 48/5 48/17 75/18

capacity [1] 12/12

Cape [1] 55/22

carry [1] 6/10

case [8] 12/14 14/15 16/4 27/25 34/23 48/23 60/10 64/10

cemetery [1] 68/8

census [1] 26/18

center [1] 71/2

cer [1] 80/9

certain [3] 23/18 58/1 73/25

certainly [9] 5/16 60/21 62/19 64/17 68/15 69/17 72/4 78/19 80/13

certificates [2] 50/23 55/4

certification [1] 9/18

certifications [1] 9/14

certified [5] 1/24 9/13 9/15 49/15 85/5

certify [1] 85/6

cetera [6] 31/14 39/8 46/4 59/11 71/13

71/15

CFO [1] 71/20

Chair [1] 76/25

Chairman [2] 1/11 76/11

chance [1] 76/19

change [8] 54/22 54/23 54/23 55/1 55/8 65/8 71/23 71/25

changes [4] 46/10 64/17 65/13 66/5

characteristics [2] 17/6 22/21

characterization [2] 59/15 66/20

check [1] 74/15

checked [1] 24/19

CHERKOS [1] 2/3

choice [1] 48/18

choose [1] 77/19

chose [1] 64/14

city [8] 4/10 10/11 48/14 55/18 55/20 56/2 68/19 68/20

claimed [1] 61/2

claims [1] 63/12

clarification [2] 17/21 69/19

clarify [1] 81/12

Clark [1] 68/12

class [3] 51/23 52/11 53/2

classification [1] 54/9

clearly [3] 29/20 77/10 80/14

clients [2] 11/19 11/20

close [3] 12/7 40/21 76/21

closer [1] 63/19

clothing [1] 69/5

cluster [1] 43/10

COAH [3] 46/6 46/7 47/8

coastal [11] 22/22 45/23 48/16 50/20 55/22 56/9 58/21 59/3 59/11 60/16 61/23

code [2] 11/15 23/4

codes [1] 32/24

coding [1] 38/14

collect [1] 71/21

color [2] 32/23 33/7

colored [2] 34/9 38/14

come [13] 7/20 19/25 20/1 21/7 23/12 54/7 54/11 55/4 59/22 77/16 78/22 79/25 81/13

comes [1] 66/14

coming [12] 5/15 18/12 22/8 40/10 52/7 59/22 62/1 62/15 62/22 67/25 68/10 71/2

comment [1] 76/10

commercial [27] 32/20 33/1 34/1 38/15 38/20 66/21 66/24 66/25 67/1 67/4 67/5 67/7 67/8 67/9 67/11 67/19 67/24 68/9 68/15 69/8 69/18 69/21 70/1 70/14 70/22 71/3 71/5

commercially [1] 18/13

Commission [1] 85/14

communication [1] 7/3

communities [19] 17/8 22/22 23/13 45/21 48/12 48/16 51/15 53/23 54/24 59/3 59/17 60/23 61/23 62/16 62/17 64/4 65/10 65/12 66/10

communities are [1] 54/24

community [21] 18/5 23/21 26/6 45/23 49/12 51/14 51/20 52/3 53/19 53/22 54/2 54/8 55/21 56/9 56/25 58/21 59/11 60/16 60/18 62/9 62/12

Community Ratings [1] 52/3

C

commute [1] 22/16
comparable [1] 42/10
comparables [1] 35/13
comparative [1] 69/7
compare [2] 27/10 78/16
compared [4] 22/8 36/4 37/25 73/2
comparing [3] 34/5 34/21 73/11
comparison [3] 22/5 23/7 73/22
Comparisons [1] 22/23
completely [1] 6/6
computer [1] 36/10
concern [3] 45/24 46/2 46/4
concerned [4] 27/2 27/18 35/9 45/19
concerns [2] 17/1 31/6
conclude [1] 76/1
conclusion [2] 75/8 75/16
conclusions [3] 30/25 75/18 77/11
concur [2] 76/1 76/24
condominiums [1] 58/2
conducted [1] 30/23
confirm [1] 25/2
confirmed [1] 74/19
conflict [3] 6/17 74/20 74/22
confused [1] 21/18
confusing [1] 18/23
confusion [3] 19/12 19/21 20/22
connection [1] 72/25
CONNORS [1] 2/3
consider [1] 77/16
consideration [1] 34/7
considered [1] 39/16
considering [1] 24/15
consists [1] 34/11
construction [3] 20/2 47/16 62/4
consultant [1] 12/14
consulting [1] 11/18
cont'd [1] 4/1
contact [1] 62/6
Contiguous [1] 43/10
continue [1] 76/5
continued [1] 53/23
continuing [1] 75/4
contractor [2] 20/15 20/19
contractors [1] 21/16
contrary [1] 49/7
conundrum [1] 19/11
conversation [3] 61/15 62/6 80/15
convince [1] 79/18
Cooperative [1] 9/16
copies [3] 25/17 27/22 27/25
cops [1] 20/14
copy [1] 26/13
correct [126]
correctly [2] 41/6 72/16
corresponding [1] 75/18
cost [1] 47/21
could [16] 43/16 44/24 48/24 49/3
 55/10 55/11 56/16 56/16 56/17 56/18
 64/16 64/20 74/16 76/19 82/16 84/7
council [1] 6/17
county [16] 3/20 19/15 19/15 25/5 25/7
 25/8 25/9 26/5 26/5 27/11 29/7 31/21
 32/3 55/23 57/8 62/19
couple [5] 5/11 22/12 27/22 30/15
 31/24
course [2] 10/3 49/14

courses [2] 10/13 11/2
court [4] 1/24 12/10 46/9 85/5
Cove [17] 3/23 3/24 23/10 38/1 38/5
 38/7 38/12 38/21 39/15 39/15 40/9
 41/21 43/2 44/7 72/19 72/20 73/10
covered [1] 57/1
covers [2] 13/18 41/22
cross [9] 78/14 78/23 78/24 79/15 80/1
 80/22 81/1 81/3 84/11
cross-examination [6] 78/14 79/15
 80/1 80/22 81/1 84/11
cross-examine [2] 78/23 78/24
CRS [3] 49/23 50/11 50/14
curious [1] 23/23
current [3] 42/8 50/25 54/9
currently [5] 5/10 11/7 11/9 19/23
 67/25
curriculum [1] 8/25
cut [1] 43/24
cutoff [1] 79/9
CV [4] 10/16 10/18 13/24 14/5
CW [1] 68/5
CWR [1] 68/5

D

damage [7] 18/1 29/25 59/7 59/8 59/23
 60/6 75/23
Dame [6] 18/3 18/4 60/20 61/4 62/10
 63/4
DASTI [1] 2/3
data [2] 25/9 27/11
date [3] 6/12 81/14 85/9
Dated [1] 85/16
dates [2] 28/25 84/2
day [1] 21/12
days [1] 36/11
DCA [1] 61/15
de [21] 1/4 5/3 15/3 15/7 17/10 18/9
 24/15 37/18 45/5 45/6 56/20 58/7 60/4
 61/3 62/23 63/3 65/24 72/6 73/18 75/24
 76/3
de-annexation [19] 1/4 5/3 15/3 15/7
 17/10 18/9 24/15 37/18 45/5 45/6 56/20
 58/7 62/23 63/3 65/24 72/6 73/18 75/24
 76/3
de-annexed [2] 60/4 61/3
dead [1] 20/21
deal [1] 34/5
dealing [5] 17/15 20/25 51/11 51/13
 74/4
deals [3] 32/13 32/16 54/1
dealt [1] 28/22
December [4] 1/7 15/14 75/2 85/16
December 3rd [1] 15/14
decide [1] 71/17
decision [6] 75/14 78/3 78/7 78/9
 79/14 79/22
deed [1] 49/2
deep [1] 18/25
defended [1] 12/15
defer [1] 77/23
defined [1] 43/3
definitely [2] 45/23 64/3
degree [3] 10/8 10/10 10/24
delay [2] 40/5 83/2
delayed [1] 5/13
delineation [1] 9/17

delineation/environmental [1] 9/17
delivered [1] 20/16
demographics [1] 23/20
demolished [1] 66/15
demolition [2] 29/19 29/20
demolitions [1] 29/17
demonstrate [1] 59/19
demonstrating [1] 12/19
demos [1] 30/3
DEP [1] 49/14
Department [3] 18/5 62/8 62/11
depending [3] 22/1 50/20 55/1
DESCRIPTION [2] 3/11 4/2
design [2] 50/19 56/4
designate [1] 46/14
designated [1] 67/5
detached [2] 43/23 43/25
detail [1] 16/25
determination [1] 47/13
determine [3] 29/4 39/6 40/8
detriment [1] 76/2
detrimental [3] 60/3 70/23 73/17
develop [1] 48/19
developed [2] 50/14 51/1
development [7] 11/21 30/17 66/17
 67/2 67/20 69/18 71/6
DFE [2] 50/20 56/4
did [37] 5/6 14/20 14/22 14/23 16/4
 16/7 16/8 16/11 17/19 19/12 25/7 27/6
 27/10 27/20 27/24 28/9 29/11 31/11
 33/9 34/25 34/25 35/6 36/2 36/25 39/6
 40/7 42/12 43/14 44/2 47/9 54/11 55/14
 64/11 67/19 73/20 74/14 74/18
didn't [5] 16/14 54/1 59/2 65/17 65/23
difference [2] 42/17 54/18
different [2] 72/21 73/19
digging [1] 67/13
DILLON [20] 3/3 8/7 8/17 8/18 8/22 9/9
 14/14 15/20 16/3 40/7 58/16 67/16 76/8
 76/16 77/11 78/23 79/16 80/15 83/2
 84/6
diminishing [1] 42/4
dinosaur [2] 67/22 68/7
direct [1] 20/5
direction [1] 61/18
directions [1] 62/14
disadvantage [1] 63/3
disagree [4] 43/1 48/9 48/11 52/7
disappearing [1] 66/6
discount [6] 52/3 52/12 52/15 53/3
 54/17 56/14
discussing [1] 5/18
discussion [3] 65/2 73/23 82/8
discussions [1] 71/13
disks [1] 40/1
dissolving [1] 74/25
divide [1] 37/3
divided [2] 36/12 40/11
dividing [1] 43/21
do [54] 5/14 5/16 6/4 8/24 9/22 10/2
 10/17 11/14 17/3 18/1 18/19 20/8 21/15
 22/25 25/1 33/10 35/1 35/1 35/18 36/10
 36/25 37/5 42/15 45/17 47/14 48/8 48/8
 48/11 48/19 50/4 54/4 54/21 54/25
 57/13 57/15 57/19 64/20 65/11 70/25
 71/22 71/25 73/6 73/14 73/15 74/14
 74/16 74/21 78/15 82/22 82/23 82/25

D

do... [3] 83/11 83/13 85/6
doctorate [1] 10/13
document [5] 4/3 14/8 33/10 33/13 42/21
documentation [3] 55/4 77/5 77/9
documented [1] 24/2
documents [11] 13/21 13/25 14/21 16/22 25/12 30/1 35/2 76/13 76/15 76/17 78/13
does [12] 11/17 15/23 21/7 26/7 26/7 26/12 35/18 37/17 56/2 59/24 60/1 78/5
doesn't [3] 46/24 79/14 82/21
doing [6] 11/21 43/17 43/20 67/12 71/19 73/22
dollar [1] 34/4
Domenick [1] 1/11
don't [23] 6/22 18/24 27/23 47/3 48/10 48/18 56/6 57/18 59/14 60/4 63/14 65/12 72/4 76/23 77/14 79/19 79/20 80/22 81/2 81/9 82/20 82/24 83/1
done [10] 7/8 18/25 22/16 45/20 48/25 60/18 60/19 79/15 80/14 83/5
double [1] 24/9
doubling [1] 24/13
down [16] 6/22 18/12 29/22 46/18 47/3 47/6 47/23 54/7 54/11 55/18 56/6 56/8 65/8 68/3 69/22 72/2
downloaded [2] 67/18 68/18
dozen [1] 13/1
dozens [1] 69/21
drawn [2] 42/8 44/23
drew [1] 31/1
drive [2] 1/24 69/22
drop [2] 20/2 21/14
dropped [2] 20/17 20/19
dry [1] 50/15
due [1] 48/19
duly [1] 8/18
duplicative [1] 14/7
during [1] 24/22
dwelling [8] 27/15 27/16 27/21 29/22 43/23 57/25 59/6 66/16
dwellings [5] 27/14 29/10 31/10 37/6 44/1

E

e-mail [1] 74/18
each [6] 19/6 19/9 36/10 40/21 43/7 43/9
earlier [2] 45/6 71/17
early [1] 81/9
easier [1] 36/11
Ebenau [3] 32/9 37/9 39/22
Ebenau's [3] 34/13 41/3 45/2
educate [1] 11/2
education [6] 8/24 9/16 10/6 10/18 72/14 72/17
educational [2] 10/16 65/20
effective [1] 53/23
efficiency [1] 63/15
efforts [3] 17/13 64/25 65/23
eight [2] 10/13 55/12
either [2] 59/22 62/24
Electronics [1] 68/5
Element [1] 15/2
elements [1] 45/20

elevation [6] 50/19 50/20 50/23 55/3 56/4 56/4
eligible [1] 53/23
else [16] 13/15 31/15 35/1 41/20 41/24 45/10 52/22 55/14 56/22 58/23 64/13 64/16 71/8 75/5 76/23 81/10
elsewhere [1] 58/13
employ [2] 47/8 47/19
employed [5] 11/8 11/11 11/17 21/6 74/9
employment [2] 72/13 72/18
enclose [1] 56/6
encourage [1] 46/16
end [5] 22/19 26/23 40/15 40/18 52/15
enforcement [1] 11/15
enough [4] 7/20 25/17 62/5 65/11
entail [1] 11/17
entertain [1] 14/17
entire [4] 22/24 24/4 27/1 67/2
entirely [8] 14/8 48/2 48/13 48/16 55/22 56/8 56/9 75/17
entitled [3] 13/25 31/20 53/22
entrance [1] 56/5
environmental [1] 9/17
ERA [1] 69/4
Ernie [1] 81/24
ESQ [2] 2/5 2/8
ESQS [2] 2/3 2/6
essence [1] 24/14
essentially [4] 30/12 30/14 34/10 73/11
established [1] 30/16
estimate [2] 26/17 26/20
estimated [2] 26/17 26/18
estimates [5] 3/16 25/5 25/21 26/4 29/7
et [6] 31/14 39/8 46/3 59/11 71/12 71/15
even [6] 37/17 41/12 56/6 58/13 61/17 77/17
evening [2] 76/18 77/6
every [5] 19/1 20/1 21/13 21/13 71/23
everybody [5] 18/24 18/24 25/18 26/12 50/15
everybody's [1] 54/2
everything [1] 32/22
evidence [20] 9/6 9/8 10/17 14/11 14/13 25/22 25/24 28/16 32/3 33/18 38/6 38/8 42/22 51/5 52/23 53/17 67/15 67/17 68/21 75/22
exactly [4] 17/20 43/3 75/11 81/4
examination [8] 8/21 49/16 78/14 79/15 80/1 80/22 81/1 84/11
examine [2] 78/23 78/24
examined [1] 27/5
example [1] 52/2
exceed [1] 44/25
exceeds [1] 41/17
exception [1] 33/23
excerpts [3] 3/17 28/5 28/15
excess [1] 41/14
excluded [1] 39/2
excuse [8] 26/20 48/13 50/12 52/25 54/6 54/24 55/18 69/9
exempt [3] 33/24 38/25 39/8
exercise [1] 64/14
exhibit [5] 25/13 36/14 42/2 42/19 70/7

exhibits [1] 78/22
expand [1] 66/14
expanded [1] 44/24
expect [3] 72/17 72/21 81/2
expensive [1] 37/19
experience [4] 10/22 11/6 15/24 20/25
expert [3] 5/8 6/23 15/21
expires [1] 85/14
explain [1] 51/8
explaining [1] 8/11
expressed [1] 74/3
extent [1] 73/20
extra [1] 27/24
extrapolation [1] 77/13
extremely [2] 17/7 22/21

F

fact [5] 12/2 15/23 49/22 66/21 74/16
facts [2] 17/19 23/16
fair [12] 13/6 13/8 13/9 15/2 23/7 30/18 42/24 45/21 49/4 69/20 69/24 73/22
familiar [1] 13/3
family [14] 31/9 32/19 34/11 34/18 34/21 36/17 37/20 38/19 39/15 43/22 43/25 66/7 66/13 66/16
far [3] 7/13 45/25 46/20
fascinated [1] 60/17
fascinating [4] 29/18 61/1 61/22 62/15
favor [1] 18/9
favorably [1] 37/25
feature [1] 68/24
February [8] 15/14 15/17 81/7 83/4 83/16 83/25 84/3 84/4
February 1st [1] 15/17
February 4 [1] 15/14
February 7th [1] 84/3
federal [1] 24/23
feel [1] 76/22
feels [1] 79/17
felt [1] 34/6
FEMA [9] 4/4 49/19 50/14 51/4 51/25 52/4 55/1 56/1 56/25
FEMA'S [1] 51/11
few [5] 7/21 20/9 30/19 31/12 46/17
fight [1] 18/12
figures [1] 72/21
final [1] 18/11
financial [3] 15/5 15/9 15/10
find [5] 6/9 29/11 36/2 60/20 60/22
finish [4] 76/13 80/17 83/5 83/17
finished [2] 5/24 5/25
finishing [1] 82/9
firm [1] 75/22
first [13] 17/2 24/20 28/4 31/23 33/10 36/7 45/24 46/17 56/1 69/3 69/10 83/10 83/15
five [10] 6/24 19/16 52/12 52/16 53/3 53/4 53/7 54/11 54/18 55/11
five percent [3] 52/12 53/3 54/18
flawed [3] 75/12 75/17 75/19
flood [11] 50/17 50/19 50/19 50/23 51/25 52/2 53/21 53/21 55/3 56/3 56/4
flooding [2] 50/2 61/20
floodplain [10] 11/14 48/1 48/4 48/13 48/17 49/15 49/16 49/21 51/12 51/13
floodplains [1] 50/1
floodwaters [1] 50/10

F

flurry [1] 65/25
folks [3] 19/25 22/10 52/6
follow [1] 21/1
following [2] 15/11 63/20
follows [1] 8/20
footnotes [2] 24/19 24/20
force [4] 46/20 46/21 46/22 47/10
forefront [1] 59/12
foregoing [1] 85/6
foremost [1] 45/24
Forked [1] 2/4
form [2] 16/8 71/1
forth [2] 13/23 85/9
forward [2] 64/7 64/8
found [14] 16/20 22/4 24/8 24/18 26/9
 27/21 29/17 34/1 40/13 43/13 47/24
 55/17 61/1 63/9
founded [1] 35/10
four [6] 5/19 29/23 30/6 30/10 58/4
 79/3
fourth [2] 46/8 68/3
frame [1] 30/3
frankly [1] 80/16
Frederick [1] 1/13
Freedman's [2] 69/4 69/10
front [4] 11/20 16/19 19/13 75/1
fully [1] 16/5
fund [2] 47/18 49/5
funded [2] 18/4 62/11
funding [8] 17/24 45/25 48/25 49/3
 58/22 59/12 59/16 65/18
funds [3] 46/1 47/17 60/8
further [3] 17/21 24/6 68/11
future [1] 23/15

G

gave [3] 13/20 16/9 75/9
gee [1] 65/6
general [1] 67/19
generalizing [1] 66/22
generally [3] 19/10 20/24 63/11
gentleman [1] 69/12
geographic [2] 17/5 61/10
get [18] 7/2 7/19 20/2 21/13 22/1 22/18
 25/7 31/24 37/3 37/5 42/9 46/24 50/16
 50/16 65/6 78/21 80/25 83/5
gets [1] 66/14
getting [9] 8/3 10/12 12/7 42/14 43/24
 49/14 66/11 76/21 80/6
Gingrich [1] 1/12
GIS [5] 61/5 61/8 61/9 62/18 63/3
give [6] 10/5 23/7 25/24 80/17 81/8
 81/9
given [10] 8/25 57/25 58/1 58/19 62/13
 74/16 76/16 77/7 78/25 79/8
gives [2] 43/21 52/1
giving [1] 22/6
Glen [17] 3/22 3/24 23/10 38/1 38/5
 38/7 38/12 38/21 39/15 39/15 40/9
 41/21 43/2 44/7 72/19 72/20 73/10
Glen Cove [8] 38/1 38/12 38/21 39/15
 41/21 44/7 72/20 73/10
go [32] 9/14 10/12 16/25 19/7 21/21
 22/2 22/10 22/11 23/11 24/6 26/10
 26/15 26/23 31/4 39/9 40/5 40/7 49/10
 50/7 51/1 55/14 55/19 56/22 57/4 58/16

58/17 58/25 72/1 72/2 72/2 77/2 78/15
goes [4] 5/21 46/18 47/6 51/19
going [61] 6/10 6/18 6/25 7/9 8/22 8/24
 10/15 16/13 16/21 16/25 17/16 19/10
 19/16 20/16 22/3 23/11 23/12 23/23
 29/20 31/16 40/4 42/1 46/3 46/8 47/14
 47/17 48/18 49/11 49/24 50/2 50/10
 57/2 58/17 60/3 61/3 61/20 62/1 62/12
 62/16 62/17 62/22 62/24 66/1 66/16
 67/11 71/11 75/7 76/14 76/18 76/20
 78/13 78/15 80/4 80/10 80/16 81/12
 81/13 81/13 82/22 83/21 84/11
going to [1] 10/15
gone [1] 64/25
good [1] 75/15
got [11] 5/13 7/20 17/14 17/14 17/25
 27/1 43/18 59/3 59/18 78/20 79/9
gotten [1] 20/3
governing [1] 78/8
government [1] 24/23
grant [6] 17/24 58/19 58/22 59/12
 59/15 60/7
grants [10] 17/23 17/24 31/13 38/22
 59/4 59/18 59/19 60/1 60/9 65/7
gray [1] 33/2
GREGORY [1] 2/5
grocery [2] 22/11 68/12
growth [1] 26/5
guarantee [1] 83/14
Gucci [1] 83/4
guess [1] 69/12
guys [1] 27/23

H

habitable [1] 56/1
had [45] 8/8 12/16 12/20 16/23 17/1
 17/2 17/11 17/25 20/11 20/16 20/20
 22/7 23/2 24/8 24/23 26/18 27/15 29/17
 29/21 31/6 31/6 31/6 42/10 46/4 49/13
 55/17 57/9 58/18 59/7 59/19 61/2 61/15
 62/6 64/10 64/15 65/5 65/6 69/12 70/6
 76/10 78/10 78/11 80/2 80/18 81/24
half [6] 20/20 21/12 21/13 58/3 58/4
 58/4
hand [2] 51/2 51/2
hand-in-hand [1] 51/2
handed [1] 38/3
handful [1] 19/25
handling [1] 21/10
handout [2] 51/2 51/6
handouts [1] 38/2
hanging [1] 83/3
happen [6] 6/11 47/14 56/16 56/17
 56/17 56/18
happened [2] 23/18 64/9
happening [2] 24/22 61/21
happens [2] 19/22 62/23
hard [2] 68/4 70/8
harm [2] 75/23 76/6
has [22] 7/7 9/7 10/2 13/24 18/24 19/1
 23/25 24/1 25/5 37/16 38/14 44/24
 45/17 47/14 49/18 63/13 64/2 65/21
 69/3 72/13 76/16 82/5
have [125]
haven't [1] 74/3
having [9] 8/18 18/15 22/10 23/11
 42/23 45/19 58/8 77/16 77/17

hazard [1] 50/17
he [29] 8/10 8/11 16/9 22/5 22/7 31/1
 34/13 35/17 47/25 48/3 48/6 48/20
 49/22 50/1 50/6 50/8 52/12 61/5 62/5
 66/23 66/23 73/16 75/9 75/9 75/9 75/12
 75/16 78/4 82/9
he's [3] 23/24 79/2 79/7
head [4] 45/22 48/13 59/5 65/9
heading [1] 37/16
hear [3] 7/11 78/3 78/4
heard [2] 53/1 77/10
hearing [3] 1/4 5/4 15/12
hearings [2] 72/6 79/3
Heights [1] 52/11
held [1] 84/11
help [3] 50/11 60/18 78/7
helped [3] 71/19 71/21 71/22
helpful [3] 51/3 51/18 51/22
Henderson [3] 61/16 62/8 62/9
her [12] 5/11 5/14 7/3 8/19 20/11 20/20
 71/21 71/22 76/21 79/25 83/2 83/5
here [20] 5/10 8/3 16/10 19/14 20/15
 22/1 22/9 22/19 23/19 25/23 50/10 60/6
 71/6 73/25 74/16 75/8 79/10 80/11
 82/21 83/13
hereby [1] 85/6
hereinbefore [1] 85/9
high [7] 34/2 35/25 40/15 40/17 41/11
 50/15 56/11
higher [10] 37/8 37/16 41/8 41/13
 42/11 51/23 51/25 56/14 72/23 73/11
highest [3] 72/13 72/14 72/14
HILL [2] 1/23 85/4
him [4] 6/5 8/11 74/19 79/3
his [21] 8/14 16/6 22/14 23/24 24/10
 29/9 32/12 32/12 34/15 37/9 52/13 60/1
 60/2 73/13 75/10 75/10 75/11 75/16
 75/18 77/9 77/13
hit [4] 19/11 42/3 42/13 43/16
hold [5] 9/10 9/11 9/12 11/8 52/9
Holiday [3] 4/10 68/19 68/20
Holiday City [1] 68/19
home [4] 20/12 41/4 41/9 68/7
homeowner [1] 20/10
HOMEOWNERS [2] 1/3 5/3
homes [14] 21/15 32/19 34/11 34/19
 34/22 35/9 36/17 39/15 40/15 42/10
 59/9 66/13 82/1 82/2
horrendous [1] 22/18
horse [1] 75/3
Hospitals [2] 65/16 65/17
hours [5] 5/11 21/2 21/5 76/21 83/14
housekeeping [1] 15/19
housing [38] 13/6 13/8 13/9 15/1 23/20
 31/8 35/25 45/18 45/20 45/20 45/21
 46/1 46/3 46/16 46/19 46/20 46/21
 46/22 46/25 47/3 47/8 47/11 47/13
 47/18 47/19 47/23 48/1 48/5 48/15
 48/17 49/4 57/1 63/11 63/14 64/3 64/15
 64/19 66/7
Hovchild [2] 7/14 82/2
how [23] 6/9 12/5 12/25 21/2 21/7
 27/10 29/16 29/17 39/14 46/4 50/14
 50/17 50/18 50/24 50/25 54/21 54/23
 57/5 57/13 57/20 59/24 60/1 62/14
however [4] 40/13 55/23 67/23 78/6
Hugg [1] 2/13

H
hum [2] 13/10 25/17
hundred [3] 12/8 69/21 76/12
husband [1] 20/12
hydrology [1] 9/18

I
I'd [2] 5/1 14/8
I'll [7] 7/4 7/22 25/23 31/24 35/3 39/24 77/22
I'm [56] 5/23 6/6 7/19 8/22 8/24 9/15 10/1 10/12 10/15 11/18 16/12 16/24 17/15 17/16 18/7 18/17 18/23 19/10 19/24 20/17 21/5 21/11 21/12 23/11 23/12 23/25 25/25 26/10 26/19 29/3 40/3 42/1 44/24 45/5 49/11 49/14 49/23 52/14 56/13 56/17 57/2 58/17 66/22 69/14 71/10 72/15 72/15 75/7 76/14 76/18 78/4 78/13 78/15 80/16 82/17 84/7
I've [8] 11/13 15/1 18/25 20/3 22/16 40/1 57/1 77/10
identified [9] 18/14 19/7 28/22 32/25 33/3 33/6 42/6 43/7 45/15
identifies [1] 69/2
identify [2] 31/25 67/22
imagine [2] 44/7 75/18
impact [11] 15/5 15/9 24/14 27/19 31/2 58/6 58/14 61/19 62/24 70/23 71/12
importance [2] 23/9 35/7
important [6] 23/14 24/7 24/7 24/12 52/5 73/24
improvements [2] 33/25 34/5
inaccuracies [1] 23/18
inaccurate [2] 30/21 31/2
includes [1] 38/15
including [1] 38/18
income [2] 72/15 72/17
incorporate [1] 62/21
increase [10] 23/25 24/1 24/14 26/25 30/9 57/6 57/14 57/21 59/20 71/14
increased [3] 24/9 27/15 57/11
increasing [1] 58/9
indeed [1] 66/4
indicate [2] 24/21 37/12
indicated [8] 23/24 29/1 34/2 41/4 52/13 57/9 62/9 69/12
indicates [1] 70/7
indicating [1] 24/13
indication [1] 57/19
individual [2] 51/15 62/18
industrial [1] 68/5
ineligible [1] 51/21
information [15] 61/10 61/14 62/5 71/21 73/16 73/19 75/10 75/10 75/13 75/20 75/25 77/8 77/17 78/3 78/16
initial [1] 14/8
initially [2] 19/16 80/23
inspection [2] 20/8 20/10
install [1] 66/15
instead [2] 20/16 58/8
Institute [1] 9/13
instructor [2] 10/24 10/25
insurance [4] 50/11 52/1 53/21 53/21
integrated [1] 49/19
interest [1] 60/15
interested [2] 27/25 62/1

interesting [18] 12/14 20/9 20/11 22/4 24/18 26/9 27/2 34/2 38/21 39/9 40/13 40/20 47/24 55/17 63/10 66/3 66/19 67/23
introduce [2] 33/10 33/12
invite [1] 64/11
involved [1] 7/19
involvement [1] 55/3
is [210]
island [28] 3/19 15/24 17/8 23/9 31/11 31/20 32/2 32/17 34/23 36/3 36/7 36/8 36/19 37/7 37/16 37/16 41/12 44/8 44/20 46/12 55/22 56/10 63/21 63/23 64/2 64/5 72/18 73/10
islands [1] 66/17
Isle [3] 55/18 55/20 56/2
isn't [7] 19/18 22/13 37/9 46/17 46/23 47/7 63/25
issue [10] 18/11 23/16 45/15 47/12 49/11 57/3 64/23 66/19 72/5 80/12
issued [3] 27/4 29/19 50/23
issues [4] 16/23 45/18 58/18 63/11
it [154]
it's [86]
items [2] 10/16 34/10
its [4] 20/21 21/3 35/24 65/3
itself [1] 74/4

J
jacket [1] 20/2
JACKSON [1] 1/25
James [1] 2/13
January [12] 5/20 6/11 6/15 6/16 6/19 7/7 29/1 81/16 82/24 83/22 83/23 85/14
January 17 [6] 6/11 6/15 6/19 7/7 83/22 83/23
January 2008 [1] 29/1
Jersey [20] 1/7 1/25 2/4 2/7 3/20 9/11 11/1 12/6 12/10 18/5 31/22 32/3 54/1 54/7 62/2 62/8 62/11 70/6 85/6 85/13
job [2] 46/24 75/2
Joe [1] 5/2
JOSEPH [1] 2/8
July [3] 15/15 22/14 27/13
July 6 [1] 15/15
June [1] 15/15
June 1st [1] 15/15
just [40] 8/3 9/17 10/5 14/4 15/18 17/5 19/11 20/23 21/1 25/15 25/16 25/20 28/17 36/6 36/11 42/14 42/18 43/18 43/18 46/4 51/7 53/12 56/7 57/4 57/18 59/2 59/14 65/7 65/19 65/25 66/2 68/15 69/14 70/8 70/12 71/10 79/25 81/3 81/9 82/17

K
Keansburg [2] 60/24 62/3
keep [2] 83/2 83/6
keeps [1] 80/5
Keith [2] 61/16 62/8
Kelly [1] 2/13
Kenneth [1] 15/6
kept [2] 42/14 43/17
Keswick [1] 1/6
kind [10] 35/16 47/12 57/1 59/13 62/5 63/11 64/15 64/19 65/3 65/10
knew [2] 5/11 5/12

know [31] 6/8 6/23 7/5 7/13 8/8 11/23 13/20 16/13 19/8 20/23 21/16 22/16 24/25 41/2 47/2 60/23 61/24 65/1 74/2 74/7 76/12 76/23 77/3 77/12 77/15 77/22 77/24 78/23 79/7 79/10 81/18
known [1] 70/9

L
Lacey [1] 2/4
LAKEVIEW [1] 1/24
land [12] 11/10 32/25 33/23 34/3 38/15 38/22 38/23 38/24 43/24 47/15 47/21 47/22
Lane [1] 20/18
lapsed [1] 17/14
large [1] 43/20
larger [1] 70/1
last [7] 10/13 20/9 38/3 42/2 42/15 48/22 66/19
late [4] 6/23 17/10 25/11 64/24
later [1] 83/7
Lavallette [6] 11/12 21/4 21/6 49/18 74/9 74/10
lavender [1] 33/1
lavender/purple [1] 33/1
law [2] 8/19 11/4
layers [2] 62/18 62/18
least [5] 14/17 22/18 55/12 69/7 81/19
leave [2] 25/23 77/18
left [3] 59/5 62/20 65/21
legalities [1] 77/24
less [3] 58/8 58/14 72/20
let [10] 7/4 21/1 28/17 35/14 36/10 48/3 51/6 52/9 57/4 77/22
let's [6] 28/3 31/23 31/24 33/15 72/7 83/5
letter [1] 8/11
leukemia [1] 8/10
level [2] 23/1 55/2
license [3] 9/12 9/14 10/3
licensed [1] 11/7
licenses [2] 9/10 9/22
lightly [1] 46/7
like [28] 5/1 8/4 13/16 14/8 15/23 22/7 22/17 33/12 35/11 36/10 41/24 44/7 44/8 45/15 52/23 56/22 57/11 58/10 61/24 63/15 65/2 65/14 65/25 68/4 70/18 75/5 78/11 81/3
likely [1] 52/16
limited [1] 28/12
LINDA [2] 1/23 85/4
line [4] 16/13 16/13 29/6 32/25
lines [1] 42/25
liquor [1] 68/7
list [1] 62/13
listed [2] 18/13 37/4
listing [3] 3/21 33/17 33/21
lists [1] 51/22
little [9] 8/3 11/6 17/10 17/25 31/9 64/24 68/19 69/2 72/19
live [2] 46/24 47/2
local [3] 15/24 62/16 62/17
localized [1] 23/1
located [15] 17/9 31/8 31/10 37/15 48/1 48/4 48/12 50/18 55/21 56/9 59/6 64/5 67/9 67/25 69/8
log [1] 62/14

L

long [2] 31/22 40/5
look [37] 19/15 23/1 23/5 23/22 25/4 26/16 27/3 27/17 27/18 29/16 31/11 40/14 42/9 43/19 46/5 50/17 50/21 54/6 55/20 58/11 59/12 63/18 64/6 64/7 64/9 65/3 67/3 67/4 67/10 71/9 71/20 73/7 73/8 73/19 73/24 76/19 78/22
looked [15] 17/18 23/8 24/19 28/18 29/12 31/5 32/9 32/12 38/1 42/3 42/5 42/12 43/16 63/20 75/12
looking [19] 25/1 26/21 36/12 36/14 36/15 36/24 39/7 39/10 40/9 42/5 42/11 43/25 46/6 50/24 61/21 64/24 65/12 71/22 81/6
Lorelli [1] 1/11
lose [1] 61/3
losing [5] 35/23 35/24 45/7 70/21 71/12
loss [1] 58/15
lost [1] 37/21
lot [22] 6/10 8/2 17/20 17/24 19/11 19/21 19/21 20/22 20/22 40/15 40/20 46/9 58/19 61/13 61/23 71/19 71/20 71/21 73/19 73/23 75/9 78/25
lots [8] 30/16 31/12 31/12 32/20 42/16 67/5 67/8 67/8
low [2] 40/18 56/12
lower [1] 40/10

M

made [10] 18/24 25/17 42/16 49/22 61/24 63/12 65/13 66/10 66/23 72/11
mail [1] 74/18
mainland [10] 37/24 44/16 49/25 50/10 56/11 59/9 60/6 60/11 62/25 71/7
make [14] 7/22 27/24 39/24 46/25 53/12 62/16 66/15 73/21 74/15 79/14 79/18 79/23 82/18 83/20
makes [2] 47/12 79/13
making [1] 73/3
mall [7] 4/8 4/10 67/14 67/24 68/19 68/21 69/3
management [2] 51/12 51/14
manager [3] 11/14 49/17 49/21
manager's [1] 49/15
Mantoloking [4] 11/11 49/18 71/16 75/4
Manual [3] 4/7 53/17 53/21
many [14] 6/9 12/5 12/25 20/3 21/2 29/16 29/17 39/14 47/19 49/19 50/17 50/18 50/24 57/20
mapping [1] 61/8
March [2] 15/15 81/7
mark [11] 8/12 8/13 8/24 25/13 28/14 31/16 31/18 31/23 33/15 35/1 52/23
marked [27] 9/4 9/5 9/7 10/17 13/24 14/5 14/9 14/11 14/13 25/6 25/21 28/4 28/16 31/24 32/3 33/18 38/4 38/6 38/8 42/18 42/22 51/5 51/7 53/17 67/15 68/21 70/7
market [1] 64/4
Master [5] 13/2 13/3 14/25 14/25 15/1
master's [3] 10/10 10/11 10/24
materials [2] 20/17 20/18
math [3] 36/10 43/18 43/21
matter [5] 1/2 15/7 15/19 21/8 84/17

may [15] 9/3 31/23 35/15 41/11 55/22 57/20 70/9 77/1 77/6 77/15 79/18 79/19 80/11 81/22 82/9
maybe [7] 25/6 47/16 53/1 72/19 72/19 77/16 77/17
McGUCKIN [3] 2/3 2/5 76/10
MCP [1] 10/10
me [29] 8/12 8/25 13/20 20/23 21/1 26/20 28/17 35/14 39/25 48/3 48/13 50/12 51/6 52/9 52/14 52/25 54/6 54/25 55/18 57/4 61/22 62/6 62/10 65/20 69/9 75/1 77/4 81/9 85/8
mean [7] 18/19 40/17 57/15 73/15 77/22 80/13 80/22
Meaning [1] 56/12
means [1] 11/18
meantime [2] 5/18 7/2
meet [3] 48/23 50/24 66/1
meeting [15] 5/12 5/18 5/21 5/22 6/16 6/19 7/6 7/8 19/16 80/8 82/24 83/7 83/9 83/12 83/24
meetings [1] 81/15
member [6] 1/11 1/12 1/12 1/13 9/20 11/2
members [2] 11/3 11/4
mention [2] 41/20 45/11
mentioned [1] 58/18
message [1] 59/13
methodologies [1] 46/11
methodology [1] 75/12
MICHELINI [12] 2/6 2/8 3/4 5/2 8/21 25/25 52/25 78/4 79/13 79/18 80/18 82/5
might [5] 5/19 7/1 7/12 35/12 68/4
mildly [1] 23/23
miles [2] 22/12 47/5
million [1] 40/16
mind [1] 83/6
mini [4] 4/10 68/19 68/21 69/2
mining [2] 65/14 65/17
minor [3] 65/12 82/13 82/14
minus [1] 26/22
minute [3] 6/24 57/5 72/8
minutes [3] 7/21 22/18 30/20
misheard [1] 53/1
misspoke [1] 19/1
mistake [1] 18/24
mix [2] 44/8 63/13
mixed [4] 44/8 59/13 59/13 71/3
moderate [1] 59/7
money [1] 58/19
Monmouth [1] 19/15
month [6] 78/21 80/19 80/21 80/22 81/1 81/9
months [2] 20/9 83/3
Moore [1] 15/6
moot [1] 18/10
more [13] 17/3 17/4 22/13 23/1 26/22 29/6 60/20 61/17 62/5 66/7 68/15 69/9 69/10
most [12] 15/17 35/18 37/19 41/17 50/5 51/17 59/17 60/6 65/10 65/11 65/22 76/19
move [2] 35/4 57/2
moved [1] 57/16
moving [1] 45/14
MR [10] 3/4 6/7 8/21 17/15 17/22 23/2

23/19 34/13 52/25 80/18
Mr. [60] 6/2 8/6 15/4 16/5 22/5 23/17 24/3 24/8 25/25 27/12 27/13 29/5 30/19 31/6 32/9 35/15 37/9 39/22 41/3 45/2 45/18 46/5 47/25 49/8 49/13 52/8 52/10 52/21 54/12 57/5 58/18 59/15 59/25 61/2 61/12 61/17 62/9 63/12 65/5 65/19 66/20 72/3 72/11 73/2 75/8 75/25 76/10 76/11 77/7 77/16 78/4 78/17 78/19 78/19 78/20 79/13 79/18 80/3 80/18 82/8
Mr. Bauman [2] 15/4 75/25
Mr. Chairman [1] 76/11
Mr. Ebenau [3] 32/9 37/9 39/22
Mr. Ebenau's [2] 41/3 45/2
Mr. Henderson [1] 62/9
Mr. McGuckin [1] 76/10
Mr. Micheline [5] 25/25 78/4 79/13 79/18 80/18
Mr. Oris [1] 78/19
Mr. Peters [1] 82/8
Mr. Slachetka [24] 8/6 24/8 27/12 27/13 31/6 35/15 46/5 49/8 52/10 54/12 57/5 58/18 59/25 61/2 61/17 63/12 65/5 65/19 72/11 73/2 75/8 77/7 77/16 78/19
Mr. Slachetka's [16] 16/5 22/5 23/17 24/3 29/5 30/19 45/18 47/25 49/13 52/8 52/21 59/15 61/12 66/20 72/3 78/17
Mr. Wisner [3] 6/2 78/20 80/3
Ms [1] 84/6
Ms. [16] 8/17 8/22 9/9 14/14 15/20 16/3 40/7 58/16 67/16 76/8 76/16 77/11 78/23 79/16 80/15 83/2
Ms. Barbara [1] 77/11
Ms. Wooley-Dillon [1] 76/16
Ms. Woolley-Dillon [14] 8/17 8/22 9/9 14/14 15/20 16/3 40/7 58/16 67/16 76/8 78/23 79/16 80/15 83/2
much [18] 17/10 18/18 22/13 25/2 30/16 35/21 36/11 41/8 41/22 42/16 45/12 50/25 57/13 58/8 64/24 65/1 70/1 76/8
multifamily [7] 63/18 63/22 63/24 64/12 66/4 66/6 66/11
multiple [1] 31/9
multiple-family [1] 31/9
municipal [9] 11/19 12/17 12/22 12/23 17/4 19/17 22/9 22/9 33/1
municipalities [3] 12/23 12/25 22/3
municipality [9] 21/25 22/6 22/12 24/15 27/1 47/20 50/13 58/13 64/16
municipality's [1] 14/24
municipally [3] 33/24 38/22 38/24
MURPHY [1] 2/3
must [1] 19/12
my [23] 9/17 9/22 10/10 10/13 10/13 10/24 19/16 19/23 20/4 20/24 23/15 36/10 49/15 52/6 59/5 65/9 75/4 76/14 76/19 77/14 78/18 82/24 85/14
myself [1] 19/1

N

NAME [1] 3/2
narrowed [1] 44/24
National [1] 53/20
nature [2] 13/13 60/9
near [2] 55/20 68/7

N

necessarily [5] 18/8 48/20 51/24 60/5 65/15
necessarily as [1] 65/15
necessary [4] 8/13 54/2 78/2 78/5
necessity [1] 77/25
need [9] 22/25 23/5 49/1 76/20 79/17 79/19 79/20 80/22 81/13
needs [2] 6/17 17/21
neighborhood [24] 3/19 15/4 31/21 32/2 37/14 37/20 38/2 39/9 40/10 40/18 41/8 41/16 42/2 42/7 42/24 43/3 43/12 44/1 44/2 44/7 44/22 45/8 72/12 73/8
neighborhoods [11] 23/3 23/6 23/14 35/12 36/3 37/24 43/6 72/9 73/9 73/23 73/25
neighboring [1] 17/8
new [33] 1/7 1/25 2/4 2/7 3/20 9/11 11/1 11/3 12/6 12/10 18/5 29/16 29/18 29/22 29/23 30/3 30/6 30/10 30/20 31/22 32/3 35/8 46/16 54/1 54/7 62/2 62/8 62/11 71/2 71/3 71/5 85/6 85/13
New Jersey [11] 9/11 11/1 12/6 12/10 18/5 31/22 54/1 54/7 62/2 62/8 62/11
next [13] 5/22 6/16 6/19 23/12 23/16 25/4 35/4 43/8 45/15 49/11 54/14 57/3 80/8
NFIP [3] 4/6 53/17 53/20
night [2] 81/3 83/12
nine [13] 6/21 18/14 47/6 66/25 67/7 67/9 68/6 69/20 69/22 70/2 70/8 70/13 70/21
NJ [2] 49/14 61/15
NJPP [1] 9/12
no [21] 9/23 33/25 33/25 41/22 45/12 45/24 48/10 52/22 56/2 57/20 63/2 69/9 69/10 70/20 74/20 74/24 75/2 75/22 81/23 82/1 82/4
non [1] 44/9
non-waterfront [1] 44/9
not [62] 5/10 6/5 6/23 7/15 8/13 9/23 10/15 14/8 16/12 17/5 17/20 18/8 19/19 20/12 21/23 21/24 24/9 28/9 29/5 40/4 40/23 41/11 43/3 45/7 46/15 47/13 47/22 48/2 48/16 48/19 50/13 51/24 54/11 56/10 56/17 57/15 62/24 64/11 64/14 68/6 69/21 70/9 70/12 70/25 71/4 72/15 74/22 75/11 75/15 75/17 76/2 76/6 76/17 76/22 78/2 78/4 78/5 78/15 79/19 79/22 83/21 84/14
Notary [2] 85/4 85/13
Nothing [1] 71/25
noticed [1] 36/8
Notre [6] 18/3 18/4 60/20 61/4 62/10 63/4
Notre Dame [5] 18/3 60/20 61/4 62/10 63/4
November [2] 15/14 15/16
November 1st [1] 15/16
November 5 [1] 15/14
now [13] 6/11 6/13 7/25 24/4 32/19 33/9 46/20 52/9 55/16 60/14 66/15 66/19 74/2
number [36] 3/11 4/2 11/24 20/4 26/24 27/14 29/9 30/19 30/23 36/13 36/25 37/2 37/4 40/11 42/14 43/18 43/20 44/18 44/19 50/22 51/24 51/25 52/4

54/8 55/3 55/21 56/12 57/16 58/3 58/7 58/12 58/14 58/15 67/4 68/9 69/7
numbers [6] 29/5 29/6 45/11 54/22 57/9 72/20

O

O'MALLEY [1] 2/6
oath [1] 8/19
objection [1] 19/13
objections [1] 11/22
obligations [2] 48/15 48/24
obtained [3] 10/7 17/24 58/20
obtaining [1] 10/24
obviously [4] 14/16 35/7 37/1 81/12
occasion [1] 55/17
occasional [1] 22/10
occur [6] 7/9 37/19 56/20 61/20 75/24 76/4
occurred [6] 12/20 18/1 29/17 57/14 60/6 64/10
ocean [13] 3/20 19/14 25/5 25/7 26/5 26/6 29/7 31/21 32/2 44/15 48/14 69/3 69/10
October [6] 4/6 15/13 53/16 53/20 53/24 54/9
October 2018 [1] 53/20
off [17] 5/5 7/23 17/14 18/16 19/10 20/2 20/15 20/17 20/19 20/20 21/14 33/5 43/24 51/24 70/8 80/17 84/9
offer [2] 48/22 75/8
offers [1] 49/14
office [1] 21/9
offices [3] 15/10 62/20 68/13
official [6] 6/12 9/15 11/9 11/13 32/7 62/4
officials [2] 11/2 75/1
offset [1] 29/20
offsets [1] 71/4
often [3] 21/7 54/21 54/23
Oh [5] 25/19 26/10 80/9 82/6 83/8
okay [58] 5/17 5/25 6/3 6/6 6/8 7/16 10/2 11/16 12/25 13/2 13/15 15/18 19/5 24/17 25/12 27/10 28/3 28/4 28/11 29/11 31/17 32/4 33/14 34/18 35/5 36/2 36/16 36/24 37/23 38/9 38/24 39/5 41/2 41/11 41/24 42/23 43/11 43/14 45/14 48/11 49/10 50/7 52/24 53/6 54/4 58/25 60/13 70/5 70/12 71/8 72/7 73/1 74/15 75/5 76/7 79/1 82/3 83/18
once [2] 63/6 79/6
one [57] 7/14 7/14 7/18 13/25 14/1 17/4 18/6 19/6 19/9 19/18 21/22 21/23 21/25 22/11 23/2 23/19 25/15 25/20 25/23 26/20 27/18 27/18 29/21 29/21 29/22 31/5 34/1 40/22 40/23 42/1 42/3 42/8 42/19 43/7 45/21 47/4 47/5 50/5 55/16 58/3 58/17 59/2 60/23 60/24 62/25 63/9 63/12 64/6 65/5 66/2 67/10 68/2 68/15 71/4 71/18 75/1 81/19
one-on-one [1] 29/21
ones [3] 25/24 28/21 38/3
online [4] 62/15 62/22 63/7 70/6
only [21] 5/12 19/24 21/12 22/23 26/25 30/9 32/15 34/4 42/1 43/25 45/7 53/25 56/3 57/10 58/2 58/9 59/6 63/16 63/25 75/7 83/7
open [1] 31/13

opened [1] 33/24
operate [1] 51/11
opinion [20] 16/8 16/20 19/8 30/21 54/21 57/13 57/20 57/23 60/1 60/2 70/21 71/1 72/10 74/3 75/14 75/14 75/15 77/10 77/14 77/21
opportunities [2] 64/12 71/5
opportunity [3] 14/20 16/4 77/7
opposed [3] 26/6 27/11 44/15
OPRA [1] 40/1
OPRA request [1] 40/1
option [2] 10/9 64/14
oranges [2] 34/6 34/6
order [1] 21/25
ordinance [3] 64/18 65/13 66/5
ordinances [2] 14/25 49/20
original [5] 23/10 42/6 42/7 43/12 58/14
Originally [1] 24/2
Oris [2] 2/13 78/19
other [43] 7/14 9/22 10/16 11/9 17/7 22/22 26/21 31/5 31/10 33/12 33/25 35/12 36/2 37/23 38/18 40/21 42/10 43/3 43/9 44/3 46/2 47/12 48/12 51/1 55/16 60/24 63/1 63/9 64/2 64/6 64/12 64/23 66/10 66/19 67/10 69/17 70/8 70/25 71/9 72/9 73/8 75/1 80/11
others [3] 14/4 36/5 72/22
our [8] 6/23 8/2 12/16 49/20 71/20 76/1 77/4 77/23
out [28] 6/9 8/2 24/24 26/6 28/9 28/25 30/14 32/23 33/23 35/11 38/3 39/8 41/25 43/21 47/4 50/16 51/16 53/25 60/20 60/22 61/25 62/3 63/22 65/3 65/21 73/21 80/6 83/3
outline [3] 16/14 16/15 16/19
outside [1] 67/22
over [15] 18/12 22/12 29/13 30/10 40/2 40/2 44/15 57/10 57/14 57/22 64/18 66/6 69/21 71/10 71/18
overall [2] 57/7 60/1
overflow [1] 50/2
overlap [2] 20/22 23/4
override [1] 6/18
own [2] 62/18 65/3
owned [2] 38/22 38/24
owners [1] 21/15

P

p.m [1] 1/8
PA [1] 46/13
PA-5B [1] 46/13
page [11] 3/2 3/11 4/2 39/10 42/1 43/20 51/21 51/22 52/1 54/14 55/19
page two [1] 51/21
pages [11] 28/9 28/22 29/13 29/14 29/15 31/22 36/10 51/16 51/17 76/12 76/17
painful [1] 79/4
panic [1] 20/13
paperwork [1] 78/25
paragraph [1] 68/3
paraphrasing [2] 35/16 49/23
parcel [3] 47/15 47/21 47/22
parcels [20] 3/21 18/14 33/17 33/22 36/13 37/2 37/2 37/4 39/8 39/12 39/13 39/14 39/17 40/12 42/5 42/12 42/13

P

parcels... [3] 43/15 43/15 67/5
 park [96]
 parking [3] 8/2 56/5 67/8
 part [16] 12/17 19/24 19/25 23/14
 28/12 34/22 53/25 55/5 56/7 59/2 59/5
 60/14 60/25 68/16 74/2 75/2
 part-time [3] 19/24 74/2 75/2
 particular [5] 14/15 16/4 23/8 44/1
 60/15
 particularly [3] 29/14 40/14 59/10
 parts [2] 31/19 67/1
 pass [1] 7/3
 pattern [1] 66/17
 Pelican [21] 3/19 23/9 31/11 31/20
 32/1 32/16 34/23 36/3 36/7 36/8 36/19
 37/7 41/12 44/8 44/20 63/21 63/23 64/2
 64/5 72/18 73/10
 Pelican Island [18] 23/9 31/11 31/20
 34/23 36/3 36/7 36/8 36/19 37/7 41/12
 44/8 44/20 63/21 63/23 64/2 64/5 72/18
 73/10
 Pennsylvania [1] 10/12
 people [10] 20/1 24/10 26/21 43/1
 57/16 57/20 58/5 58/7 58/9 70/9
 per [2] 45/2 57/25
 perceive [1] 74/22
 percent [14] 24/4 42/4 42/13 42/15
 43/15 52/12 53/3 53/4 54/18 54/18
 54/19 57/6 57/7 59/20
 performing [1] 71/17
 perhaps [6] 18/8 47/13 48/23 49/24
 66/23 75/11
 period [4] 27/7 30/10 57/10 57/22
 permits [16] 3/17 27/3 27/17 28/1
 28/10 28/15 28/19 29/12 29/16 29/19
 29/19 29/20 30/2 30/24 50/22 59/21
 personal [1] 20/25
 personally [1] 27/5
 persons [2] 24/1 26/19
 Peters [1] 82/8
 petition [4] 1/4 5/4 14/18 15/7
 Petitioners [1] 2/8
 phenomenal [2] 55/24 56/8
 phone [1] 7/22
 physical [2] 17/6 22/20
 pick [1] 81/14
 picking [2] 21/24 42/25
 pilot [2] 60/23 61/25
 Pinewald [1] 1/6
 place [8] 8/15 17/13 63/16 63/24 63/25
 64/18 65/23 85/9
 places [2] 68/4 70/8
 plan [9] 5/21 5/22 14/25 15/1 15/2 15/5
 46/1 46/14 46/15
 planner [12] 2/13 2/14 8/8 8/9 8/14
 11/8 11/18 12/17 12/18 12/22 19/14
 76/1
 planner's [1] 15/2
 planners [3] 9/12 9/13 64/7
 planning [34] 1/1 6/16 8/5 9/22 9/24
 10/3 10/8 10/11 10/14 11/1 11/3 11/24
 12/6 12/14 12/18 15/6 15/21 17/12
 19/13 25/1 32/24 46/13 47/9 59/18 60/7
 60/8 62/12 62/20 64/25 65/7 65/10
 65/22 65/23 73/18
 plans [9] 13/2 13/3 13/7 13/8 13/9

13/11 14/25 45/20 45/21
 Pleasant [2] 48/14 48/14
 please [1] 7/3
 plus [1] 26/22
 point [19] 13/1 17/9 18/10 19/18 22/25
 23/12 41/25 42/4 42/13 43/17 48/13
 48/14 62/2 70/5 72/11 79/9 79/13 79/16
 79/25
 points [1] 19/7
 poles [1] 6/22
 policies [1] 64/17
 polish [1] 80/17
 population [17] 3/16 23/20 24/5 24/8
 24/13 25/5 25/10 25/21 26/5 29/5 46/21
 57/8 57/9 57/21 58/9 58/15 65/21
 portion [5] 30/13 54/7 56/19 56/25
 65/21
 portions [2] 15/12 28/18
 posited [1] 48/21
 position [5] 12/16 18/8 19/23 52/6
 78/18
 positions [3] 11/9 12/21 12/22
 possibility [1] 14/17
 possible [6] 13/19 25/2 47/20 50/15
 56/9 77/15
 possibly [1] 12/8
 potential [4] 27/19 61/19 71/14 72/6
 potentially [4] 5/19 43/16 55/13 57/24
 practice [1] 75/4
 pre [2] 49/20 59/21
 pre-screen [1] 49/20
 pre-Super Storm [1] 59/21
 premiums [3] 50/12 52/1 52/2
 prepare [1] 16/14
 prepared [8] 13/2 13/6 15/3 15/6 15/8
 15/10 16/10 45/22
 present [2] 2/12 8/4
 presented [3] 16/24 75/21 75/25
 presenting [1] 73/16
 presumably [2] 32/10 40/22
 pretty [9] 30/16 35/21 35/21 40/17
 41/22 42/3 45/12 50/25 84/7
 previous [1] 46/10
 previously [1] 75/25
 price [2] 47/15 71/23
 prices [1] 71/14
 primarily [2] 60/11 66/12
 principles [1] 47/9
 print [1] 28/9
 printed [3] 32/23 51/15 53/25
 private [3] 11/19 12/13 75/4
 probably [4] 8/13 13/1 31/16 82/10
 procedure [2] 24/16 62/23
 proceed [1] 7/25
 proceeding [1] 73/18
 proceedings [4] 17/11 40/2 65/24 85/7
 process [5] 51/13 54/25 55/6 59/16
 65/22
 produced [1] 25/5
 professional [10] 8/7 8/9 8/14 8/23
 9/10 9/11 9/14 9/20 11/5 11/8
 professionals [1] 75/21
 program [2] 55/1 61/25
 programs [1] 48/25
 projected [2] 29/10 58/15
 projections [3] 24/24 25/10 25/11
 proper [1] 77/20

properly [1] 31/25
 properties [8] 28/22 32/21 33/4 33/7
 38/16 66/21 66/24 66/25
 property [10] 3/18 20/14 31/20 32/1
 32/5 32/16 33/24 34/1 35/25 67/21
 Protection [1] 53/21
 provide [6] 5/9 8/15 16/10 20/7 61/12
 77/8
 provided [4] 17/2 22/24 39/25 39/25
 provides [2] 27/11 61/13
 public [7] 46/18 46/22 62/12 62/22
 63/6 85/5 85/13
 pulled [1] 28/25
 pulling [1] 39/7
 purchasing [1] 47/15
 purple [1] 33/1
 purpose [3] 29/4 47/18 59/4
 purposes [3] 38/25 73/13 76/1
 push [1] 83/4
 pushed [1] 80/6
 put [13] 24/24 29/22 37/9 45/25 46/3
 46/25 47/7 47/10 47/19 47/22 49/5
 64/17 83/20
 puts [1] 26/6
 putting [4] 6/7 47/16 59/11 66/12

Q

qualifications [12] 3/13 3/15 8/23
 13/16 13/24 14/1 14/2 14/6 14/7 14/10
 14/13 15/20
 question [5] 28/17 57/4 77/4 77/12
 80/2
 questioned [1] 77/12
 questions [6] 31/25 76/8 76/14 76/20
 78/11 78/12
 quickly [1] 13/19
 quite [2] 24/9 76/22

R

race [1] 75/3
 ran [1] 8/3
 rather [1] 52/11
 rating [12] 49/12 49/23 50/11 51/14
 51/20 53/20 53/22 54/2 55/23 56/8
 56/11 56/25
 ratings [3] 50/14 51/15 52/3
 reach [1] 78/7
 reached [1] 62/3
 ready [9] 7/15 7/25 10/12 26/11 49/14
 78/14 80/4 80/8 82/11
 realistic [2] 47/22 57/18
 realized [1] 19/19
 really [22] 17/14 18/12 27/20 30/16
 35/10 42/16 46/25 47/3 47/7 47/22
 48/16 53/25 59/1 60/7 62/14 63/16
 63/19 64/11 65/2 67/6 67/8 79/13
 realtime [2] 61/14 61/21
 Realty [1] 69/4
 reason [6] 6/23 32/22 47/4 56/7 59/2
 64/14
 reasonable [1] 72/24
 reasons [1] 46/17
 rebuttal [6] 5/9 8/5 8/15 14/16 14/18
 79/10
 recall [2] 41/5 79/8
 received [5] 9/17 59/4 62/7 74/20
 76/12

R

recent [1] 50/5
recently [2] 15/17 66/10
recitant [2] 10/23 10/25
recommendation [1] 78/8
recommendations [1] 75/19
recommended [2] 46/15 80/19
record [8] 5/5 7/23 18/16 31/7 33/5 53/10 83/20 84/9
records [6] 32/8 32/9 34/2 40/3 40/4 40/8
red [1] 33/2
Redevelopment [1] 13/11
reduce [1] 50/11
reduction [1] 52/2
reexamination [1] 14/25
reference [2] 49/22 60/19
referenced [2] 22/14 51/7
referred [2] 63/10 65/19
referring [1] 68/25
regard [5] 9/18 71/16 72/5 72/7 74/4
regarding [5] 4/8 4/9 45/11 67/14 68/20
Regardless [1] 62/22
rehabilitation [3] 49/1 49/2 49/5
relate [1] 28/6
related [2] 22/24 58/22
relating [3] 15/12 17/23 59/25
relevant [2] 28/13 29/14
relied [2] 39/22 75/9
relieved [1] 20/23
relying [1] 56/10
remove [2] 34/7 65/14
removed [1] 43/24
removing [1] 33/23
rental [1] 64/3
reorg [2] 82/23 83/12
reorganization [1] 7/7
repair [1] 59/23
repeated [1] 49/22
report [20] 15/5 15/6 16/6 16/14 23/24 24/4 32/12 32/13 34/13 34/15 37/9 41/3 45/2 55/5 75/9 78/17 80/3 80/17 80/24 80/25
Reporter [1] 85/5
REPORTERS [1] 1/24
reporting [1] 54/25
reports [2] 15/1 15/2
represent [1] 11/20
representation [2] 39/24 59/17
represented [1] 57/7
representing [1] 55/25
request [1] 40/1
require [1] 65/18
required [1] 54/25
requirements [3] 11/4 49/19 50/25
requires [2] 46/22 46/22
research [3] 30/23 71/19 71/22
residential [2] 34/5 66/12
residents [9] 20/5 22/8 24/5 26/24 26/25 57/24 57/25 58/12 76/5
resources [1] 25/3
respect [1] 48/19
Respectfully [1] 79/5
respond [1] 74/19
response [2] 40/1 74/20
rest [4] 41/17 59/9 62/2 67/11

restaurant [1] 69/6
restriction [2] 6/4 6/7
restrictions [1] 49/2
result [5] 16/21 17/11 57/24 59/23 66/5
resulting [1] 52/12
resumé [3] 3/12 9/1 9/5
return [1] 42/4
review [13] 14/21 14/23 16/5 16/20 16/21 35/19 51/14 76/14 77/7 78/13 78/21 82/8 82/9
reviewed [7] 14/24 15/1 15/11 30/1 30/1 41/3 77/17
reviewing [2] 45/18 77/18
revised [1] 34/15
revisions [1] 13/3
revitalize [1] 68/1
revitalizing [1] 68/11
Richard [1] 1/12
rid [1] 66/11
right [16] 16/18 25/8 32/15 33/2 33/3 37/15 47/6 67/2 73/6 74/12 74/21 79/25 82/6 82/13 83/8 84/16
right-of-ways [1] 33/2
rights [1] 31/13
ring [1] 35/19
riparian [2] 31/13 38/22
ripping [1] 20/15
rising [1] 61/19
River [2] 2/4 47/2
Road [2] 1/6 2/4
Robert [1] 1/11
roof [2] 20/15 20/21
round [2] 46/8 46/9
route [10] 6/21 47/4 47/6 47/6 66/25 68/6 69/20 69/22 70/8 70/13
Route Nine [6] 47/6 66/25 68/6 69/22 70/8 70/13
Rutgers [4] 9/16 9/19 10/9 10/25
Rutgers-Camden [1] 10/9

S

safely [1] 76/16
said [16] 18/15 20/13 21/1 23/11 24/20 35/17 42/23 43/14 45/6 48/3 49/8 50/1 56/2 66/23 74/7 81/25
sake [1] 16/12
same [6] 32/9 39/21 40/3 42/14 43/18 71/24
sand [1] 71/25
Sandy [9] 17/23 27/20 29/24 58/23 58/24 59/8 59/21 59/25 65/7
sat [1] 65/8
say [16] 11/16 19/12 30/18 42/24 46/7 53/2 54/23 62/21 66/9 69/4 69/20 72/1 78/4 79/5 82/22 83/3
saying [6] 32/4 48/6 50/8 53/13 56/17 79/9
says [3] 27/12 46/6 68/4
scenes [1] 78/20
schedule [1] 5/20
Scott [1] 8/9
Scott Bauman [1] 8/9
scratching [2] 59/5 65/9
screen [1] 49/20
Sea [3] 55/18 55/20 56/2
Sea Isle [1] 56/2
search [1] 67/19

seashore [1] 64/4
SEASIDE [96]
Seaside Heights [1] 52/11
Seaside Park [13] 11/13 18/2 18/15 19/23 21/9 22/22 27/21 49/17 52/10 54/14 56/18 74/4 74/17
seasonal [2] 63/17 64/3
second [4] 17/6 33/13 55/19 68/18
Secretary [1] 2/13
section [1] 28/7
see [22] 6/25 19/24 23/23 24/19 25/19 27/20 29/16 35/10 35/11 36/21 42/9 51/9 60/17 61/21 62/1 63/19 64/9 70/12 72/4 73/21 74/15 83/8
seem [1] 77/4
seems [4] 36/11 65/2 65/25 66/16
seen [2] 20/24 76/17
self [2] 11/8 11/17
self-employed [2] 11/8 11/17
sense [1] 46/25
separate [1] 28/8
separated [2] 17/3 21/25
separately [1] 25/14
separation [2] 17/5 21/23
separations [1] 22/7
September [2] 15/13 15/16
September 3rd [1] 15/13
September 7 [1] 15/16
served [1] 12/22
services [6] 8/8 11/12 21/3 22/9 74/8 74/25
serving [1] 49/16
set [4] 13/23 49/1 71/25 85/9
seven [7] 19/6 22/3 52/11 53/5 54/15 55/11 57/10
Seventeen [1] 29/22
several [4] 12/18 16/23 17/12 45/20
shade [1] 33/1
share [6] 13/7 13/8 13/9 15/2 45/21 49/5
shared [4] 11/12 21/3 74/8 74/25
she [10] 5/10 5/10 5/12 5/13 8/3 8/7 15/23 20/11 78/23 82/21
she's [2] 15/22 81/12
sheet [3] 25/15 25/16 25/20
shift [1] 66/10
shocks [1] 65/20
shopping [1] 22/11
shore [2] 20/12 70/6
Shores [8] 4/3 23/11 42/6 42/21 43/2 43/12 72/19 73/10
Short [1] 68/8
shot [1] 79/8
should [11] 25/12 54/22 54/23 56/19 60/3 60/22 61/23 62/21 72/1 81/12 83/11
show [6] 38/9 51/6 54/2 54/4 61/14 61/18
showed [1] 20/20
showing [1] 59/20
shows [1] 68/14
shutdown [1] 24/23
signal [1] 59/13
signers [1] 14/18
significant [1] 70/23
similar [8] 17/7 22/21 38/3 42/11 44/11 44/18 72/9 72/18

S

simply [5] 21/23 21/24 22/12 47/20 58/20
Since [1] 20/18
single [14] 25/13 32/19 34/11 34/18 34/21 36/17 37/20 38/18 39/15 43/22 43/25 66/7 66/13 66/16
single-family [11] 34/11 34/18 34/21 36/17 37/20 39/15 43/22 43/25 66/7 66/13 66/16
sit [1] 49/15
situation [1] 66/3
situations [1] 58/1
six [6] 52/10 52/12 53/2 53/5 54/10 55/11
Slachetka [28] 8/6 17/17 17/22 23/2 23/19 24/8 27/12 27/13 31/6 35/15 46/5 49/8 52/10 54/12 57/5 58/18 59/25 61/2 61/17 63/12 65/5 65/19 72/11 73/2 75/8 77/7 77/16 78/19
Slachetka's [17] 16/5 17/18 22/5 23/17 24/3 29/5 30/19 45/18 47/25 49/13 52/8 52/21 59/15 61/12 66/20 72/3 78/17
slight [1] 54/17
slightly [3] 40/10 42/8 72/20
small [1] 69/5
snarled [1] 6/22
so [126]
so we [1] 82/9
soils [1] 9/18
some [30] 6/10 6/21 7/22 8/23 10/21 15/24 17/21 23/5 27/24 31/12 43/3 46/10 46/21 47/8 48/23 62/2 62/4 63/14 67/7 67/12 67/21 68/4 68/13 76/12 77/8 78/11 79/17 80/1 80/11 80/16
somebody [6] 20/13 21/7 21/14 54/19 61/15 66/14
Somebody's [1] 20/14
somehow [1] 5/13
something [10] 21/14 31/15 35/1 35/24 49/3 52/22 57/11 58/10 58/23 60/21
sometimes [6] 21/12 23/4 58/2 64/8 71/24 72/2
somewhat [3] 14/7 42/25 44/11
somewhere [2] 6/21 64/16
soon [2] 8/1 62/13
sore [1] 35/11
sorry [12] 10/1 17/16 18/7 18/17 18/23 20/17 24/1 25/25 26/10 26/19 29/3 56/13
sort [1] 57/1
SOUTH [79] 1/3 1/24 5/2 15/4 15/5 15/8 15/9 17/7 18/1 18/17 18/21 19/2 19/17 19/20 20/6 21/8 22/1 22/8 22/24 27/4 27/14 28/6 28/13 28/23 29/15 30/2 30/13 30/21 31/8 34/14 35/8 35/16 35/23 37/17 41/12 41/13 44/12 44/14 44/25 45/25 46/12 46/19 48/5 48/24 49/6 56/18 56/19 57/2 57/6 57/15 57/17 57/22 58/20 59/7 60/4 60/25 61/2 62/25 63/13 63/24 65/1 65/8 66/6 66/22 66/24 67/6 67/9 68/16 70/2 70/19 70/22 72/12 73/2 73/7 74/5 76/3 76/5 83/14 83/21
South Seaside [72] 5/2 15/4 15/5 15/8 15/9 17/7 18/17 19/2 19/20 20/6 22/1 22/8 22/24 27/4 27/14 28/6 28/13 28/23 29/15 30/2 30/13 30/21 31/8 34/14 35/8

35/16 37/17 41/12 41/13 44/12 44/14 44/25 45/25 46/12 46/19 48/5 48/24 49/6 56/18 56/19 57/2 57/6 57/15 57/17 57/22 58/20 59/7 60/4 60/25 61/2 62/25 63/13 63/24 65/1 65/8 66/6 66/22 66/24 67/6 67/9 68/16 70/2 70/19 70/22 72/12 73/2 73/7 74/5 76/3 76/5 83/14 83/21
Sovereign [1] 69/3
space [1] 31/13
speak [1] 45/12
special [1] 61/4
specific [1] 23/5
specifically [1] 28/6
speed [1] 69/15
spoke [2] 5/11 62/3
spot [5] 12/15 12/16 12/20 68/4 70/8
square [1] 47/5
start [2] 8/16 19/10
started [3] 17/11 17/15 67/12
state [7] 46/14 46/15 47/9 62/20 68/13 85/5 85/13
stated [6] 10/18 22/20 31/7 47/25 62/10 78/10
statement [9] 3/14 14/1 14/6 14/12 48/20 50/13 52/20 66/23 69/25
statements [1] 59/24
stating [1] 72/15
statistics [1] 23/22
status [1] 65/20
stay [1] 71/24
staying [1] 75/3
stenographically [1] 85/8
sticking [1] 35/11
sticky [1] 20/4
still [5] 41/13 54/10 54/15 64/20 84/1
stone [1] 71/25
stop [2] 35/14 48/3
stopped [1] 20/21
storage [1] 56/1
store [4] 22/11 68/7 68/12 69/5
storm [10] 17/23 27/19 29/24 58/22 58/24 59/8 59/21 59/23 59/25 65/7
story [1] 20/11
street [2] 43/1 68/8
streets [3] 43/7 43/8 70/13
stressed [1] 23/3
struggling [3] 59/1 66/2 67/21
Stuart [1] 2/14
studies [2] 10/8 60/17
study [7] 18/4 60/19 61/4 61/5 62/10 63/4 71/17
stuff [1] 78/16
subdivision [2] 82/13 82/15
subject [1] 78/24
submitted [3] 77/5 77/9 82/7
substantial [3] 69/7 72/5 75/22
substantially [1] 60/3
successful [1] 12/19
such [5] 36/3 40/4 56/7 63/13 73/9
suffer [2] 75/23 76/6
suffering [1] 8/10
suggest [1] 6/24
SULLIVAN [2] 1/23 85/4
SULLIVAN-HILL [2] 1/23 85/4
sum [1] 16/25
summaries [2] 40/6 43/8
summarizing [1] 45/5

summary [6] 3/13 13/25 14/5 14/10 19/7 32/5
summed [1] 64/23
summertime [1] 22/17
summing [2] 35/21 43/17
sums [2] 13/18 39/10
Super [9] 17/23 27/19 29/24 58/22 58/24 59/8 59/21 59/25 65/7
Super Storm [6] 17/23 29/24 58/24 59/8 59/25 65/7
Superior [1] 12/10
supermarket [1] 69/5
support [2] 15/3 18/6
supposed [3] 21/10 46/7 61/11
sure [9] 7/4 44/24 53/13 73/21 74/15 78/4 82/18 82/19 84/7
SURMAN [1] 2/6
survey [6] 23/22 24/20 24/21 24/25 26/7 26/7
sustained [1] 59/7
sworn [1] 8/19
system [10] 49/12 49/23 51/14 51/20 52/4 53/20 53/23 54/3 56/25 63/4
systems [1] 61/10

T

table [1] 53/22
take [23] 6/24 7/21 8/22 13/4 16/13 18/25 19/5 29/21 29/22 31/11 36/9 40/11 50/17 50/21 58/3 64/9 65/23 67/3 71/18 71/20 72/8 73/7 80/16
taken [5] 17/13 20/20 49/4 49/13 85/8
taking [2] 39/5 46/5
talk [11] 7/17 18/3 33/9 33/11 33/13 34/25 35/2 35/3 68/2 68/9 68/11
talked [8] 21/22 51/20 57/5 61/5 61/16 63/21 72/3 75/9
talking [4] 19/2 23/20 46/2 79/6
talks [4] 51/12 51/19 67/20 71/11
tally [1] 37/5
tallying [1] 37/1
taught [1] 11/1
tax [9] 3/21 32/6 32/7 32/16 33/17 33/21 34/2 38/25 39/19
teaching [1] 10/22
telephone [4] 20/2 24/21 24/24 26/7
tell [19] 9/9 11/6 13/16 16/19 19/8 26/8 31/17 33/19 35/5 36/6 38/9 43/11 45/16 53/18 55/15 55/24 56/23 67/16 75/6
tells [1] 45/4
ten [5] 42/15 57/24 58/4 58/9 58/12
ten percent [1] 42/15
tentatively [1] 84/2
terms [9] 11/5 31/2 35/19 37/20 41/2 57/21 58/6 58/7 72/10
testified [13] 8/19 11/23 12/2 12/5 27/13 30/19 35/15 52/10 54/12 61/17 65/6 79/2 80/23
testify [4] 55/18 74/16 80/23 80/24
testifying [2] 16/16 50/6
testimony [30] 5/9 8/5 8/15 16/5 16/9 16/22 16/24 17/2 17/18 17/20 22/6 22/14 23/15 23/17 23/24 24/3 24/11 35/19 45/19 47/25 52/8 52/13 52/21 58/19 61/12 76/10 77/6 78/21 79/17 83/21
text [1] 7/2

T

than [15] 9/22 17/3 17/4 22/13 37/8
 37/17 38/18 41/9 41/13 42/8 58/14
 61/17 68/15 68/16 70/2
Thank [12] 8/15 15/25 18/18 18/22
 26/3 53/9 53/15 66/18 69/16 69/19 76/7
 76/9
that [457]
that's [78] 6/11 6/23 7/8 10/4 13/20
 18/6 19/4 19/14 20/19 20/24 21/14
 21/20 21/22 25/19 26/25 29/23 30/5
 30/8 32/11 34/20 34/24 35/21 35/25
 36/18 36/20 36/23 37/4 37/8 37/22 39/1
 39/4 40/16 40/17 40/24 42/20 43/5
 44/11 44/18 46/13 48/2 49/7 50/3 50/10
 50/13 50/25 51/7 56/15 57/12 57/18
 58/5 58/11 60/5 60/7 60/12 61/7 61/8
 63/5 63/8 66/9 66/13 67/21 69/1 69/24
 70/11 70/17 73/20 74/6 74/11 76/22
 77/5 77/9 77/19 78/2 78/25 79/10 81/24
 82/6 82/24
their [5] 11/13 54/9 62/18 66/11 75/21
them [17] 14/9 17/19 20/13 25/13 27/5
 28/25 31/12 33/11 33/13 39/7 45/22
 46/23 50/24 60/23 62/21 66/15 67/6
themselves [1] 45/13
then [39] 7/18 7/22 10/9 13/25 15/11
 15/17 16/25 23/10 23/12 25/11 27/17
 30/6 30/18 31/18 33/11 33/13 34/11
 35/3 37/13 38/22 40/18 45/14 47/16
 50/24 62/7 65/25 73/8 78/8 80/2 80/15
 80/17 82/4 82/23 83/12 83/13 83/17
 83/19 83/20 84/10
theoretically [1] 55/12
there [102]
There're [1] 46/9
there's [25] 6/20 7/18 17/9 19/11 19/21
 20/22 23/4 23/18 31/7 45/23 47/4 58/2
 60/14 61/16 63/2 63/14 63/24 65/1
 65/25 67/8 69/5 72/12 78/25 79/9 81/19
therefore [9] 30/25 34/10 35/23 37/18
 48/4 60/9 63/2 63/23 75/17
these [25] 25/7 25/12 26/4 28/1 28/3
 28/3 28/5 28/21 32/7 32/19 35/3 36/11
 38/4 40/2 42/18 43/6 43/6 43/7 54/22
 71/20 72/9 72/11 76/14 78/13 81/15
they [75] 7/14 17/23 18/8 20/12 20/16
 20/18 20/20 22/6 23/14 25/9 25/9 25/11
 26/21 27/8 29/21 32/20 32/20 32/21
 39/21 45/12 46/10 46/13 46/24 47/9
 47/10 48/15 48/15 50/15 50/16 50/17
 50/21 51/1 51/11 51/20 52/15 54/22
 54/22 54/23 54/24 55/1 55/5 55/7 55/21
 55/23 56/3 56/5 56/7 60/10 61/18 62/18
 64/14 64/15 64/16 64/20 64/20 65/23
 66/12 66/13 66/15 67/22 67/23 68/2
 68/9 68/10 68/11 69/4 71/18 71/23
 71/24 71/25 72/1 72/2 72/2 78/20 82/20
They'll [1] 62/19
they're [18] 6/18 7/14 14/7 20/15 21/18
 21/19 40/20 50/1 50/24 58/1 58/2 61/3
 62/12 62/15 62/17 66/11 68/1 69/17
thing [10] 24/20 25/4 31/5 48/22 64/2
 68/18 71/1 71/4 71/9 75/7
things [24] 13/13 18/6 19/6 21/22 22/7
 23/2 23/19 25/1 26/21 38/18 51/1 55/16
 56/3 56/6 63/9 63/15 64/6 65/5 65/14

65/14 67/10 68/2 71/20 73/22
think [54] 12/7 13/18 17/9 17/21 18/9
 18/11 19/1 22/13 22/20 22/25 23/5 23/7
 23/9 23/17 27/23 31/15 41/22 45/12
 51/2 51/16 51/22 51/23 54/1 56/24
 57/18 57/23 59/14 59/14 59/16 60/4
 61/22 64/15 68/3 69/24 72/4 73/24
 75/10 75/11 75/15 76/20 78/1 78/2 79/4
 79/12 79/12 79/13 79/19 79/24 81/11
 82/8 82/12 82/21 82/24 83/11
thinking [2] 21/9 64/8
third [1] 46/8
this [123]
thorough [1] 15/23
thoroughly [1] 41/4
those [22] 13/23 16/5 19/6 21/15 23/13
 23/13 23/22 25/6 28/8 32/16 35/2 38/10
 39/3 40/3 40/8 42/15 44/6 45/11 59/24
 67/1 67/7 72/21
thought [3] 51/17 52/5 53/1
thousands [2] 28/19 29/12
three [15] 5/19 7/12 13/20 18/12 23/8
 23/13 23/13 31/22 51/17 51/22 52/1
 53/22 55/23 59/6 81/22
through [22] 8/23 9/16 9/19 10/24
 16/13 16/21 19/6 21/3 22/3 23/12 25/11
 27/8 27/22 40/14 59/22 59/22 62/11
 63/20 74/7 74/8 76/25 78/15
throughout [1] 31/10
thumb [1] 35/11
Thursday [3] 1/7 83/10 83/15
time [25] 5/1 5/12 6/4 6/7 19/24 21/11
 24/10 24/22 27/7 30/2 30/10 40/5 57/22
 62/2 67/21 69/13 74/2 75/2 76/15 80/11
 80/16 80/20 80/25 84/12 85/8
times [1] 58/4
tip [1] 22/19
title [1] 43/23
together [7] 16/15 25/13 33/11 33/13
 39/6 39/7 78/21
told [1] 81/21
tonight [8] 5/7 8/4 16/10 78/15 79/14
 79/23 81/3 84/15
too [7] 15/24 17/10 17/10 17/10 64/24
 64/24 64/24
took [11] 23/22 25/4 27/3 27/17 29/15
 60/15 63/18 65/3 67/4 71/1 71/9
tool [1] 61/24
top [1] 25/16
total [8] 36/9 36/12 36/21 39/11 39/13
 40/11 50/22 57/9
touch [2] 7/9 71/11
towards [1] 49/5
town [5] 6/17 30/12 30/13 45/7 71/2
township [56] 1/1 3/20 15/10 18/19
 18/20 19/3 19/20 20/5 20/6 21/8 21/19
 22/25 23/6 24/5 26/17 26/19 26/24 28/7
 28/19 31/21 32/2 32/8 34/22 35/18
 37/15 37/24 39/25 41/5 41/9 41/18 43/4
 47/2 47/5 49/25 52/18 54/8 54/19 60/25
 62/24 63/25 64/11 64/13 67/2 67/12
 67/20 68/16 69/23 70/24 71/6 72/22
 73/3 73/9 73/25 75/21 75/23 76/4
township's [1] 18/7
track [1] 72/22
tracks [1] 20/21
traditional [1] 32/24

traffic [4] 6/22 8/3 22/2 22/17
transcript [2] 50/4 85/7
transcripts [3] 15/11 16/6 77/18
translate [1] 30/3
transportation [2] 46/18 46/23
tremendous [1] 65/18
tried [2] 24/25 32/24
trip [1] 22/11
true [3] 63/20 73/22 85/7
truly [1] 43/25
trust [2] 47/18 49/5
try [2] 25/2 66/1
trying [8] 20/1 21/14 34/4 47/8 64/7
 64/8 68/1 82/17
turn [1] 42/1
Twenty [2] 21/5 53/7
Twenty-five [1] 53/7
two [23] 7/10 13/25 20/1 24/4 31/19
 35/3 36/5 38/2 47/16 51/16 51/21 57/6
 57/7 58/2 58/4 58/4 60/23 74/25 76/21
 82/23 83/7 83/12 83/14
two percent [3] 24/4 57/6 57/7
type [1] 31/8
types [4] 31/10 33/4 33/6 72/21
typically [3] 46/14 71/24 72/2
Typing [1] 19/17

U

Uh [2] 13/10 25/17
Uh-hum [2] 13/10 25/17
ULAKY [1] 2/3
unable [1] 8/12
unconfirmed [1] 24/25
undergraduate [1] 10/7
understand [11] 7/6 10/21 17/12 35/15
 59/3 59/4 59/10 72/3 73/1 78/24 81/5
understanding [2] 49/13 52/6
understood [1] 53/13
undertaken [1] 55/2
unfair [1] 59/16
Unfortunately [2] 5/10 8/10
unique [2] 31/7 35/24
unit [1] 57/25
units [16] 27/15 27/16 27/21 30/10
 30/20 31/1 47/19 49/1 49/6 59/6 63/14
 63/15 63/17 63/22 64/12 67/9
University [3] 9/19 10/11 10/25
until [5] 6/9 65/23 79/15 80/14 84/11
unusual [2] 63/13 68/24
unverified [1] 24/22
up [29] 6/21 13/19 16/25 19/15 20/20
 21/1 21/24 22/2 29/22 34/14 35/22 37/1
 39/10 44/19 47/6 47/16 49/12 50/16
 56/24 64/23 69/15 69/22 70/10 72/1
 72/3 77/18 78/1 78/6 82/9
upgraded [1] 55/5
upon [4] 8/19 39/22 57/8 70/23
urban [2] 10/8 10/8
us [22] 6/18 9/9 10/5 11/6 16/19 19/5
 19/8 31/17 33/19 35/5 36/6 38/9 38/9
 43/11 53/18 54/5 55/15 56/23 67/16
 76/16 79/4 82/22
use [2] 11/10 32/24
used [4] 18/6 23/19 40/2 75/16
users [1] 71/14
uses [11] 18/14 67/7 68/10 68/15 69/8
 69/17 69/22 70/2 70/14 70/22 71/3

U

using [2] 42/19 61/23
utilize [1] 44/3
utilized [3] 8/8 17/22 40/3

V

vacant [8] 30/15 32/20 32/25 33/23
 38/15 38/23 39/8 43/24
value [12] 34/3 34/14 35/8 37/3 37/6
 37/17 39/11 40/13 40/15 40/17 41/17
 72/10
values [17] 3/18 31/20 32/1 32/5 32/16
 35/25 39/12 41/21 42/10 42/11 42/11
 44/3 44/6 44/24 57/2 72/23 73/11
various [2] 33/4 33/6
vegetation [1] 9/19
velocity [1] 50/21
ventures [1] 67/25
verify [1] 29/9
very [28] 15/23 17/25 20/9 20/11 22/4
 23/5 23/14 24/18 26/9 27/1 29/18 30/16
 31/7 31/9 34/2 38/3 39/9 40/5 40/13
 40/20 43/19 47/24 51/22 55/17 56/11
 62/13 66/2 76/7
view [2] 77/9 77/14
visible [1] 68/6
vitae [1] 8/25
voluminous [1] 27/23
VOTERS [2] 1/4 5/3

W

wait [1] 80/14
walked [1] 8/2
want [30] 6/12 8/12 25/1 27/24 33/9
 33/10 34/25 35/1 35/2 41/20 45/10
 47/10 50/16 50/16 51/8 53/12 54/4
 55/14 56/6 61/4 71/3 76/14 76/18 77/15
 78/3 80/14 81/8 81/14 83/2 83/19
wanted [14] 27/20 35/9 35/11 42/9
 55/25 60/20 60/22 62/4 64/15 64/21
 67/3 67/10 71/18 80/19
wants [1] 50/14
warrant [1] 77/6
was [144]
wasn't [2] 20/23 38/20
water [2] 17/4 40/22
waterfront [4] 44/9 44/9 44/16 45/7
waters [1] 61/19
wave [1] 50/21
way [9] 22/2 26/23 40/3 46/18 46/23
 56/2 62/25 73/6 73/14
ways [3] 31/14 33/2 73/19
we [62] 5/8 5/18 5/18 6/4 6/8 6/9 6/24
 7/1 7/10 7/11 8/8 8/14 9/3 12/16 12/19
 14/4 16/15 19/11 19/24 19/25 21/13
 22/25 23/5 23/7 24/23 25/6 25/12 26/10
 26/16 27/20 29/16 31/25 46/2 46/3
 46/20 47/2 47/5 51/23 51/24 60/21 62/6
 64/6 64/8 65/6 65/11 73/21 76/11 76/17
 78/24 79/11 79/25 80/25 81/2 81/11
 81/15 81/18 82/9 82/16 82/24 83/4
 83/11 84/1
we'd [1] 19/9
we'll [9] 7/9 7/17 8/16 31/18 35/4 40/5
 42/18 83/17 83/20
we're [26] 6/17 12/7 17/3 19/2 21/23
 21/25 34/4 36/15 36/24 42/25 46/8 64/7

64/7 76/20 76/21 76/21 79/15 80/10
 80/14 81/6 81/12 81/13 81/21 82/22
 83/13 83/20
wealth [1] 65/19
wealthiest [1] 35/17
wealthy [1] 72/12
website [4] 4/5 25/8 51/4 51/11
week [4] 20/1 21/2 21/13 21/13
weeks [2] 83/7 83/12
welcoming [1] 71/3
well [25] 5/17 7/1 11/19 11/21 12/18
 16/6 29/10 31/2 31/17 34/8 35/18 36/6
 46/2 46/6 49/17 54/21 60/2 65/6 66/11
 72/11 78/12 79/9 80/5 80/21 81/11
went [10] 10/9 19/15 20/8 20/18 24/25
 27/22 46/10 60/8 60/8 73/20
were [43] 5/18 12/19 14/15 14/15 17/22
 20/12 20/12 20/19 24/2 24/24 25/4 27/4
 27/8 29/6 29/6 29/7 29/13 29/18 29/25
 32/4 33/22 35/12 37/23 38/3 38/21
 39/14 39/17 39/21 40/3 42/10 46/2
 53/13 59/6 59/19 60/10 60/23 63/21
 65/13 67/1 69/22 71/11 71/13 75/24
weren't [1] 65/14
wetlands [1] 9/17
what [85] 5/12 9/9 11/17 12/12 14/23
 16/20 16/20 20/24 21/19 22/2 22/4
 22/16 22/25 23/23 24/18 24/20 26/4
 26/7 27/7 27/11 29/7 29/11 29/14 29/17
 31/17 32/21 33/19 34/1 34/25 36/8
 36/24 36/25 37/12 38/9 39/6 40/7 40/13
 40/24 41/5 41/24 42/6 43/12 45/5 45/15
 46/6 46/13 47/24 48/6 48/24 49/7 51/8
 51/10 51/19 52/2 53/13 53/18 54/4
 55/14 56/22 59/5 59/21 61/1 61/8 61/11
 62/9 62/23 64/9 66/13 67/16 67/23
 68/22 68/23 69/11 70/12 71/8 73/15
 73/21 75/5 75/12 75/16 76/22 77/10
 77/19 78/3 81/24
what's [6] 5/21 6/25 62/20 67/11 69/2
 70/18
whatever [3] 47/17 64/13 66/1
when [16] 7/8 11/16 24/22 24/25 27/21
 29/11 34/13 37/5 43/16 47/9 58/11
 65/19 66/14 67/19 80/3 80/23
where [21] 17/8 19/15 19/21 20/19
 22/6 25/7 27/1 29/21 39/10 42/14 46/2
 46/24 47/11 52/6 60/7 61/14 61/20
 63/16 63/17 63/24 72/22
whether [3] 29/5 43/1 43/2
which [20] 6/11 10/16 13/24 19/2 26/7
 26/20 36/14 38/21 41/12 44/22 44/23
 44/25 54/8 55/23 56/1 57/8 68/5 70/6
 76/17 82/12
white [1] 67/22
Who [1] 5/6
whole [2] 61/13 74/1
why [18] 19/8 24/6 24/7 24/12 32/23
 35/6 46/17 47/4 48/11 48/11 51/8 52/7
 55/24 56/7 59/2 70/9 72/3 73/20
will [14] 6/15 6/19 28/4 55/24 56/17
 60/18 63/6 66/9 75/3 75/23 76/5 78/4
 78/7 78/24
wind [2] 61/18 61/19
Winward [1] 1/11
Wiser [5] 2/14 6/2 6/7 78/20 80/3
within [7] 19/3 20/8 23/6 64/5 71/6

73/9 73/25
without [1] 34/9
witness [8] 3/2 5/9 8/2 8/5 8/6 14/16
 14/18 19/1
won't [3] 6/8 78/14 80/7
wondering [2] 5/20 65/9
WOOLEY [3] 3/3 76/16 84/6
WOOLEY-DILLON [2] 3/3 84/6
Woolley [17] 8/7 8/17 8/18 8/22 9/9
 14/14 15/20 16/3 40/7 58/16 67/16 76/8
 77/11 78/23 79/16 80/15 83/2
WOOLLEY-DILLON [2] 8/18 77/11
work [12] 21/2 25/1 46/20 46/21 46/22
 47/10 62/19 62/19 74/2 74/14 74/16
 78/19
worked [2] 16/15 19/14
working [1] 60/16
worry [1] 18/25
worse [1] 51/25
would [70] 6/1 6/4 6/19 6/24 8/4 8/12
 13/16 15/19 16/18 19/5 28/12 30/3 30/9
 31/1 33/12 33/19 35/24 36/16 37/12
 37/18 37/21 38/25 40/4 40/19 40/25
 41/24 43/1 44/7 45/15 47/11 48/22 51/3
 51/17 52/3 52/4 52/15 52/16 52/23
 54/17 56/22 57/14 57/23 58/8 58/9
 60/10 64/18 70/22 72/10 72/17 72/21
 72/24 74/22 74/24 75/5 76/13 77/4
 77/18 77/19 79/4 79/24 80/14 80/24
 80/24 80/25 81/1 82/10 82/22 83/3 83/4
 84/2
wouldn't [3] 37/19 42/16 75/19
wraps [1] 56/24
writeup [1] 68/23
wrong [1] 52/14

Y

Yeah [5] 7/19 79/21 81/4 81/5 83/1
year [4] 44/4 55/10 71/17 71/24
years [4] 17/14 19/17 57/10 64/18
yes [57] 6/14 7/6 8/1 9/2 9/11 10/1
 10/23 11/7 12/1 12/11 12/24 13/8 13/8
 13/12 13/14 13/22 14/19 14/22 15/22
 16/7 16/11 21/5 26/14 27/6 28/2 29/3
 29/3 30/15 30/24 36/5 38/1 38/13 39/4
 39/20 41/1 43/10 44/17 45/3 45/9 53/11
 55/13 56/13 64/22 65/11 69/1 69/25
 70/15 72/25 73/5 74/13 74/18 77/2 79/1
 81/17 81/20 82/19 84/13
yet [2] 5/10 76/22
you [225]
you'd [1] 78/11
you're [14] 5/25 13/3 16/9 22/3 31/15
 34/21 42/18 48/18 53/2 70/9 71/2 73/11
 74/4 74/9
you've [9] 8/25 11/23 12/2 33/3 33/6
 39/2 41/3 43/7 44/23
your [41] 5/21 5/22 6/5 8/23 8/25 8/25
 10/2 10/6 10/16 10/18 12/21 13/16
 13/24 16/20 16/20 16/21 19/7 20/14
 21/9 25/2 30/21 35/19 47/17 50/11
 50/11 50/22 51/25 52/3 54/21 59/20
 63/18 63/18 70/21 75/14 76/9 78/3 78/7
 78/7 78/8 80/3 80/24
yourself [3] 16/8 16/19 27/24

Z

zones [2] 50/21 66/12

zoning [23] 9/15 11/3 11/9 11/13 11/24

12/6 12/15 12/16 12/20 14/24 19/13

49/20 59/18 59/20 64/10 64/17 65/4

65/8 65/10 65/13 66/5 71/19 75/1