

1 TOWNSHIP OF BERKELEY
2 PLANNING BOARD

3 -----
4 IN THE MATTER OF:
5 SOUTH SEASIDE PARK HOMEOWNERS
6 AND VOTERS ASSOCIATION
7 DE-ANNEXATION PETITION HEARING
8 -----

8 Pinewald Keswick Road
9 Bayville, New Jersey
Thursday, December 3, 2015
7:50 p.m.

10 B E F O R E:

- 11 Robert Winward, Chairman
- 12 Brian Gingrich, Member
- 13 Frederick Bell, Member
- 14 Richard Callahan, Member
- 15 Nick Mackres, Member
- 16 Jack Wiegartner, Member

23 -----
24 LINDA SULLIVAN-HILL & ASSOCIATES
25 CERTIFIED COURT REPORTERS
46 SOUTH LAKEVIEW DRIVE
JACKSON, NEW JERSEY 08527
(732) 833-0001

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2 APPEARANCES:

3 DASTI, MURPHY, MCGUCKIN, ULAKY,
4 CHERKOS & CONNORS, ESQS.
620 W. Lacey Road
Forked River, New Jersey 08731
5 BY: CHRISTOPHER K. KOUTSOURIS, ESQ.
Attorneys for the Board

6 O'MALLEY, SURMAN & MICHELINI, ESQS.
7 17 Beaverson Blvd.
Brick, New Jersey 08723
8 BY: JOSEPH MICHELINI, ESQ.
9 Attorneys for the Petitioners

11 ALSO PRESENT:

12 Kelly Hugg, Secretary
13 Stuart B. Wiser, Planner
14 Nicholas Dickerson, Planner
15 Rodney Haines, CPA

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I N D E X

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2	NAME OF WITNESS	PAGE
3	KENNETH MOORE	
4	BY MR. MICHELINI	5

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E X H I B I T S

10	NUMBER	DESCRIPTION	PAGE
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1 MR. WINWARD: We'd like to start with
2 our continuing ongoing discussion, the de-annexation
3 of South Seaside Park. You may proceed.

4 (The CV was marked as A-48 in
5 evidence.)

6 (The Mr. Moore's Financial Impact
7 Study was marked as A-49 for identification.)

8 MR. MICHELINI: Good evening. Joseph
9 Michelini from O'Malley, Surman & Michelini on
10 behalf of the petitioner signers for the South
11 Seaside Park Homeowners and Voters Association.

12 Tonight I'm calling Ken Moore, our
13 municipal accountant. As represented last time,
14 it's our hope and expectation to hopefully get his
15 direct testimony in tonight. We will actually come
16 back for cross-examination, unless everybody wants
17 to go home in five minutes, which it's possible.

18 MR. GINGRICH: Don't tell on us.

19 MR. MICHELINI: So, Mr. Moore, why
20 don't you come up and be sworn and we'll start with
21 you.

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1 KENNETH MOORE, having been duly sworn, according to
 2 law, upon his oath, testified as follows:
 3 EXAMINATION BY MR. MICHELINI:
 4 Q Okay. Mr. Moore, could you give the
 5 board the benefit of your occupation.
 6 A I am a certified public accountant
 7 and a registered municipal accountant.
 8 Q And what is your educational
 9 background?
 10 A I've a BS degree from LaSalle
 11 University.
 12 Q When did you get that?
 13 A In 1970. Couple years ago.
 14 Q Just a few. And are you licensed?
 15 Do you have accreditations?
 16 A I have a -- I'm a CPA. I'm an RMA.
 17 I'm a certified municipal finance officer. I'm a
 18 licensed public school accountant. I have a CFP
 19 license.
 20 Q Are those licenses in the State of
 21 New Jersey or are they beyond the State of
 22 New Jersey?
 23 A They're all in the State of
 24 New Jersey except the CFP and, you know, the CPA
 25 license is a nationwide license.

1 Q The CFP, for the benefit of those who
 2 don't know, is certified financial planner; is that
 3 correct?
 4 A Yes.
 5 Q Just give the board the benefit, if
 6 you would, of your professional experience.
 7 A Well, I've been practicing as a
 8 public accountant since 1970. I've been in various
 9 accounting firms since that time. My main focus in
 10 the last 25 years has been as a municipal auditor.
 11 And that is where most of my function is. I do
 12 authorities. I do school audits, utilities. So,
 13 that's really where my main activity is at this
 14 point.
 15 Q Okay. Do you have any areas of
 16 special competence within your field?
 17 A Special competence. Well, as I said,
 18 I've been doing the municipal accountant for 25
 19 years, prepared budgets, do audits, do numerous
 20 different projects for municipalities, do arbitrage
 21 calculations, do rate studies. Have done internal
 22 control evaluations in a lot of municipalities.
 23 Currently, I mentioned to my colleague over here
 24 that I have spent almost my entire year in Atlantic
 25 City working for the emergency managers, which has

1 be an interesting development, to say the least.
 2 Q How many public entities have you
 3 performed financial statement audit for, audits of?
 4 A Roughly, 75 different municipalities
 5 over my career.
 6 Q And are they all in the State of
 7 New Jersey?
 8 A Yes.
 9 Q And you -- have you assisted in the
 10 preparation, I take it, of the annual budgets; is
 11 that correct?
 12 A Yes.
 13 Q In those municipalities?
 14 A Yes.
 15 Q And how about debt statements, do you
 16 do those, too?
 17 A Annual debt statements, supplemental
 18 debt statements, yes.
 19 Q Do you get involved in debt and
 20 refinancing projects for the municipalities?
 21 A Yes.
 22 Q What is arbitrage? When you said
 23 you're involved in calculation of arbitrage, what is
 24 that?
 25 A Well, years ago, when interest rates

1 were extremely high, municipalities had -- or not
 2 just municipalities -- but bonds were issued in
 3 excess of their real needs. And municipalities were
 4 making a huge amount of interest on the arbitrage.
 5 And the government woke up one day and said that
 6 they shouldn't be doing that. We should get some of
 7 that. So, there's calculations done that if you
 8 earn more than debt structure, then you have to pay
 9 the federal government. In the last five to ten
 10 years, that has not been the case because --
 11 Q The interest rates --
 12 A -- there's no interest rates,
 13 correct.
 14 Q Have you assisted in the preparation
 15 of grant applications for any municipalities?
 16 A In some instances, yes.
 17 Q Have you been involved in conducting,
 18 let's say, fraud investigations for municipalities
 19 and various departments?
 20 A As a normal course, you know, of an
 21 audit where, you know, we're required to look to see
 22 if fraud has been committed. If it has, we have,
 23 you know, in many instances, expanded the scope of
 24 the audit and done special assignments to uncover
 25 the fraud and determine the amount that was lost.

1 Q You, I take it as a municipal
2 accountant, you've assisted in long-term planning
3 for the municipality, both in terms of debt and
4 capital assets?
5 A Yes. You know, and each municipality
6 has different needs. So, you know, the larger ones
7 have more planning needs and more long-term
8 structure than, you know, smaller municipalities
9 that sometimes go in a year to year basis.
10 Q I understand that you were involved
11 in the only phase-in tax payment subsequent to
12 revaluation in New Jersey; is that correct?
13 A Yes.
14 Q Can you tell us about that?
15 A Atlantic City hadn't been revalued
16 since 1991. They were asked or forced out of
17 revaluation in 2006. And there was a law that was
18 enacted years ago for Newark to do this phasing.
19 What it encompasses is, certain pieces of property
20 are excluded from the phase-in. They would be
21 exempt properties. And then there's criteria that
22 were used to determine who could qualify to, instead
23 of paying 100 percent of their new assessment, 25,
24 20 percent over the next five years, that
25 municipality was not able to do it. But Atlantic

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1 City, because they were able to carve out the
2 casinos, were able to use this plan. So, all of the
3 residential and smaller commercial properties phased
4 their taxes in over five years. So, it was very
5 interesting to do something different.
6 Q Can you tell us whether or not you've
7 ever developed any tests for things like ghost
8 employees? Can you tell us what that is?
9 A We've done payouts over the years in
10 different places. The school boards now require it
11 on a regular basis. We just conducted one in
12 Atlantic City. And the idea is that you ask each
13 employee has to appear, two forms of identification,
14 sign to get their check before they're allowed to
15 get it.
16 Q What's the purpose of that?
17 A To see if there's any people that
18 really don't exist that are getting payroll checks.
19 Q That actually happens in
20 municipalities?
21 A Yeah.
22 Q I'm sure it doesn't happen in
23 Berkeley.
24 A Oh, I'm positive.
25 Q We got good people up here. You're

1 from down south. This is a different area.
2 All right. So, and, obviously, in this case,
3 you've prepared a feasibility study regarding the
4 de-annexation, correct?
5 A An impact study, yes.
6 Q Have you done that before?
7 A I helped prepare them and review them
8 with different firms and different partners, yes.
9 Q Now, with regard to authorities and
10 utilities, can you tell us what kinds of things
11 you've done for them and whether or not they're more
12 or less the same as what you've done for
13 municipalities and counties, as you've just
14 testified to, or if they're different?
15 A Well, there's, you know, we have
16 utilities that are part of the municipality.
17 Q Right.
18 A They're included in the municipal
19 finances. They're in their budget. They have a
20 separate fund, but they are part of the
21 municipality.
22 Authorities are a separate entity, you know,
23 as a component unit of a municipality. And
24 utilities and authorities are somewhat the same.
25 The accounting is different in an authority than the

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1 utility, but the authorities are under
2 GAAP accounting. Utilities are under regulatory
3 basis of accounting. So, it is different but, you
4 know, the whole purpose of the utility is to serve
5 clients, set rates, pay bills. And so, in that
6 sense, they're somewhat the same.
7 Q And you've also, I take it, done the
8 same kinds of things like preparing the -- assist in
9 the preparation of annual budget for utilities and
10 authorities?
11 A Yes.
12 Q Okay. How many utilities and/or
13 authorities have you been involved with, let's say,
14 doing financial audits? Where you said you did 75
15 in municipalities, how many in utilities and
16 authorities?
17 A If you count utilities, maybe 40.
18 Q Okay. And you also assist in
19 long-term planning of debt and capital assets and
20 things of that nature?
21 A You know, it's the same general idea.
22 I think the utilities because of the infrastructure
23 is a little bit different because their life
24 expectancy is so much longer than in a municipality.
25 We're talking buildings versus pipes in the ground.

1 So 40 years, 25 years. So, it's a little more
 2 long-term. Their maintenance issues, I think, are a
 3 little bit different than most municipalities as far
 4 as utilities.
 5 Q You testified before the BPU?
 6 A Yes.
 7 Q Have you ever been appointed by a
 8 bankruptcy court to be a receiver to oversee a
 9 utility or an authority?
 10 A Yes, I was appointed to oversee the
 11 Strathmere Utility when it was privately owned. It
 12 was in the midst of bankruptcy. And eventually ran
 13 the utility. Had a rate increase that was accepted.
 14 And then we sold it to a large entity.
 15 Q Okay. Do you belong to any
 16 professional associations?
 17 A I'm a member of the AICPA, New Jersey
 18 Society of Public Accountants, yes. Certified
 19 Public Accountants.
 20 Q How long have you been a member?
 21 A Since I've been a CPA.
 22 Q Since 1977?
 23 A '73.
 24 Q And do you serve in a position as a
 25 officer or committee person or have you so served

1 for any -- for the New Jersey CPAs?
 2 A I was involved quite a bit with the
 3 New Jersey CPAs and/or in 1997/'98, I was president
 4 for the state society.
 5 Q And that's a society, I mean, just
 6 what it says, NJCPAs, right?
 7 A Yeah, 15,000 members.
 8 Q And you have to be a certified public
 9 accountant --
 10 A Yes.
 11 Q -- to be part of that, correct?
 12 A Yes.
 13 Q You were the president for the entire
 14 state?
 15 A Yes.
 16 Q Have you also, before that, I take it
 17 you were the president elect, vice president,
 18 trustee, all those things that they make you go
 19 through before you --
 20 A Many, many things, yes.
 21 Q Be better if you could just run for
 22 president and be president?
 23 A Or do accounting work.
 24 Q And also, you served on several
 25 committees within the NJCPA?

1 A I was the PAC chairman, chapter
 2 chairman, you know, numerous committees.
 3 Q I know you have various civic
 4 associations on your curriculum vitae. I'm not
 5 going to ask you about those. Have you testified
 6 before boards such as this, planning boards, zoning
 7 boards, councils, things of that nature?
 8 A Yes, you know, in different
 9 occasions, you have to present different opinions
 10 and in front of the municipalities, utilities. I've
 11 testified at grand juries, federal courts, superior
 12 courts for either an expert or fact witness.
 13 Q Okay. And in those capacities where
 14 you were an expert, were you an expert as a
 15 certified public accountant, a municipal accountant?
 16 A Certified public accountant and
 17 registered municipal accountant, yes.
 18 Q This is your CV that's been marked
 19 A-48, correct?
 20 A Yes.
 21 Q And with the exception of the
 22 reference to being appointed by the state bankruptcy
 23 court -- bankruptcy courts are federal -- as far as
 24 you know, is it otherwise accurate?
 25 A Yes.

1 Q I have some of these that we can
 2 offer up. And basically, you testified to the
 3 information in there, although there's certainly
 4 more information in the CV itself, correct?
 5 A Correct.
 6 MR. MICHELINI: I would offer
 7 Mr. Moore as an expert in municipal accounting. I'm
 8 sure there's not going to be any objection to that.
 9 MR. WINWARD: No objection.
 10 MR. MCGUCKIN: Mr. Michelini, are we
 11 marking this as an exhibit?
 12 MR. MICHELINI: I think it was marked
 13 as an exhibit. I gave the original to Kelly.
 14 MR. MCGUCKIN: A-48. Here you go,
 15 Kelly. I don't want to keep yours.
 16 BY MR. MICHELINI:
 17 Q Mr. Moore, did you have occasion to
 18 prepare a report in this situation?
 19 A Yes.
 20 Q And is it your report or did you have
 21 people in your office do all the work and then put
 22 your name on the bottom line?
 23 A No, I did all the work.
 24 Q You did all the work?
 25 A Yes.

1 Q And can you tell us, that report was
 2 at our request, correct?
 3 A Yes.
 4 Q That's at my request and the
 5 petitioner signers --
 6 A Correct.
 7 Q -- in this case? All right.
 8 And can you tell us generally what the
 9 subject of your report was? In other words, what
 10 was it that you were tasked to do?
 11 A I was asked to prepare a report that
 12 would show the impact on the de-annexation from
 13 South Seaside Park from Berkeley Township.
 14 Q Did you only focus on municipal
 15 accounting issues within your general knowledge and
 16 expertise?
 17 A Yes.
 18 Q Just in a general way, because we're
 19 going to go over your report in some detail, can you
 20 tell us what the process was? Did you look at
 21 documents? Did you talk to people? Did you gather
 22 information? What did you do?
 23 A Well, this, I guess, matter has been
 24 going on for a while. So, you know, I think I was
 25 just out of high school when I started this, to tell

1 you the truth. But a couple years ago when I was
 2 asked to do the report, I contacted the
 3 municipality. I spoke to the CFO, asked him if I
 4 could gather some information. Talked to the
 5 assessor, same thing. Talked to the clerk, same
 6 thing.
 7 We did file OPRA requests just as a matter of
 8 course, which, you know, they wanted us to do and
 9 that was fine with us. So, we obtained numerous
 10 documents, both for the year 2013 and 2014. Edmunds
 11 documents, which are the financial records, are
 12 maintained by the township. We obtained police
 13 reports, road information, call information that
 14 would go from the public works department. We
 15 obtained budgets, audits, debt statements. All
 16 types of financial information that I thought would
 17 be necessary to prepare, you know, this impact study
 18 and get as much information to this board as we
 19 could gather.
 20 Q You've reduced that to a written
 21 report that's been marked A-49, correct?
 22 A Correct.
 23 Q As a result of that report, you came
 24 to some conclusions, correct?
 25 A Correct.

1 Q And they're set forth in here?
 2 A Yes.
 3 Q What I'm going to have for ease of
 4 having the public or have the board follow along, I
 5 think we'll hand out the reports now. Because the
 6 financial information is a little bit more
 7 complicated than planning type information, it's
 8 hard to follow without having numbers in front of
 9 you.
 10 So, with the board's permission, we've had
 11 this marked A-49. I'll give that to Kelly. We have
 12 some more that we can give out.
 13 MR. MCGUCKIN: Is that the only one
 14 you have?
 15 MR. MICHELINI: No, no, no. We're
 16 going to hand out some more.
 17 Q So, Mr. Moore, showing you what's
 18 been marked A-49, take us through the first couple
 19 of pages, which I believe are marked Financial
 20 Impact Summary. And then I believe that starts on
 21 page one, correct?
 22 A That's correct.
 23 Q Okay. First of all, before we get
 24 going, these numbers that are shown on page one,
 25 what -- I know you talked about having looked at

1 numbers from 2013 to 2014. Which year does this
 2 reflect?
 3 A This is 2014 year.
 4 Q Okay. So, this is the most current
 5 information?
 6 A Right.
 7 Q Because now, 2015 is not fully
 8 available, I take it?
 9 A That's correct.
 10 Q So, take us through your summary.
 11 And since numbers are not my thing and they're your
 12 thing, I'm going to let you pretty much tell the
 13 board what's in your report. I'll interrupt you
 14 when I think that I need to understand something or
 15 the board needs to understand something, okay? Go
 16 ahead.
 17 A And if the board wants to ask a
 18 question, would they --
 19 Q They can. I would ask that questions
 20 be held mainly to the end, if possible. Because,
 21 otherwise, this direct could end up going a very
 22 long time. We know he's coming back for another
 23 time, so I would prefer the questions be held to the
 24 end.
 25 A They can make clarification on a term

1 or something, okay.
 2 Q Clarification. So, go ahead. Start
 3 with the South Seaside Park Financial Impact
 4 Summary, page one, and tell us what you found.
 5 A Well, you know, my approach on
 6 preparing this report was to take information that
 7 has -- would be used to determine if this impact
 8 study was, you know, going to, in any way, hurt
 9 Berkeley Township or enhance South Seaside Park.
 10 And that's kind of what I was trying to do here.
 11 One of the first criterias that I think
 12 everybody looks at is the assessed values. The
 13 assessed values for Berkeley Township, based on the
 14 2014 abstractive ratables, are \$5,094,000,000. You
 15 don't mind if I just round some of these numbers.
 16 The net valuation for South Seaside Park is
 17 \$543 million. That \$543 million represents
 18 10.68 percent of the township. So, that was an
 19 important piece of information that we should have.
 20 Q And that, just for clarification,
 21 that just means it's not including exempt
 22 properties?
 23 A That's correct. Net valuation
 24 taxable is how we determine what the tax levy is
 25 going to be. If it's an exempt property, we're not

1 sending out a tax bill. So, there's no sense
 2 bringing that into the discussion.
 3 Q Go ahead.
 4 A The second part of the exhibit has to
 5 do with the dollars, the total tax dollars. So,
 6 Berkeley Township in 2015 had a total levy of just
 7 under \$100 million, ninety-nine -- I mean, just,
 8 yeah, a hundred million dollars, 99 million. The
 9 South Seaside Park portion of that was 10,600,000.
 10 The tax for just local purpose tax was \$31 million.
 11 That portion of South Seaside Park was \$3,300,000.
 12 Q So, let me stop you there. The total
 13 tax includes things other than the local tax,
 14 correct?
 15 A The total tax would include the
 16 county, the district school, the regional school.
 17 So, they're all part of the hundred million dollars.
 18 Whereas, the 31 million is just what's used in
 19 Berkeley Township to maintain their budget.
 20 Q Okay. Go ahead.
 21 A The next portion, if you look at the
 22 3,300,000, is what we're going to -- I'm going to
 23 get into it in a lot more detail as we go through
 24 this. \$1,689,000, is what I've determined that the
 25 savings would be by Berkeley Township with

1 de-annexation, thereby leaving a net result loss of
 2 tax, total tax revenue of a million, six, which
 3 represents 5.2 percent.
 4 MR. WISER: If I may --
 5 MR. MOORE: Go ahead.
 6 MR. WISER: -- I have to interrupt,
 7 just to clarify. You go from local, under number
 8 two, local purpose.
 9 MR. MOORE: Go ahead. Yes.
 10 MR. WISER: Down to total.
 11 MR. MOORE: Okay. Local purpose,
 12 31 million.
 13 MR. WISER: Right.
 14 MR. MOORE: Got you.
 15 MR. WISER: And then as we go down
 16 that section there, up to the 5.2 percent, is that
 17 only local purpose or does that include the school
 18 and other --
 19 MR. MOORE: Local purpose.
 20 MR. WISER: Locally only?
 21 MR. MOORE: Yeah. We're going to get
 22 into the tax with all the tax --
 23 MR. WISER: Okay. I'm sorry.
 24 MR. MOORE: No, no, that's what I
 25 said to Joe and said, you know, if you have some

1 question that clarifies it, maybe other people have
 2 the same question. So, it's a good question.
 3 So, the loss, the total loss for
 4 Berkeley based on these, you know, this information
 5 would be 5.2 percent.
 6 The next three pieces represent what
 7 the taxes are. The total tax for Berkeley Township
 8 in 2014 was one dollar and 955 per \$100 assessment.
 9 And after the de-annexation, it would be \$2 point
 10 57. So, a total increase of ten cents. The local
 11 purpose would be a total increase of three, five,
 12 3.5 cents.
 13 Q That's per hundred of assessed
 14 value --
 15 A Yeah.
 16 Q -- correct?
 17 A Correct. So, what does that mean?
 18 On the average home, and I'm taking the average home
 19 from what Mr. Berman presented, 180 --
 20 MR. MICHELINI: Mr. Bauman.
 21 MR. MOORE: Bauman. Sorry.
 22 MR. MICHELINI: That's okay.
 23 MR. MOORE: I've always called him
 24 Berman. Bauman.
 25 A I used his number as to what the

1 average value was in the township. And I think he
2 believed, he used \$183,000, which then would equate
3 to 51 cents a day, on the total taxes. The local
4 person would be 18 cents. So, you know, it's less
5 than significant. It's fairly insignificant when
6 you break it down that way.

7 Q If somebody had a house that was
8 worth half that, let's say, of Holiday City or
9 Silver Ridge Park or one of those, the tax would
10 be --

11 A Half, would be half of it.

12 Q It would be actually half of that?

13 A Right.

14 MR. MCGUCKIN: Just a question.

15 MR. GINGRICH: Say it again.

16 MR. MCGUCKIN: I'm sorry. Go ahead.

17 MR. GINGRICH: I'm sorry. Would you
18 repeat what you just said?

19 Q If someone had a house in
20 Holiday City or Silver Ridge Park that was worth
21 half of \$183,000, you know, because those homes tend
22 to be worth less, the annual tax would be half of
23 the numbers that are set forth on the bottom of page
24 one, correct?

25 A Correct.

1 Q In terms of the increase to Berkeley
2 mainland owners in that situation, if de-annexation
3 is granted, this is if de-annexation is granted,
4 correct?

5 A Correct.

6 MR. MCGUCKIN: Back to --

7 MR. MACKRES: That was for an average
8 home of --

9 MR. MOORE: Yes.

10 MR. MACKRES: -- 183?

11 MR. MOORE: Yes.

12 MR. MACKRES: 183,000. Thank you.

13 MR. MOORE: I believe that is what
14 was in the report.

15 MR. MCGUCKIN: I'm sorry. My
16 question. That savings is only on the municipal
17 rate? That has nothing to do with school rates, the
18 regional school district or the local school
19 district?

20 MR. MOORE: No, but I'll get -- we'll
21 get into that also. Well, no, the \$51 represents
22 the entire rate -- 51 cents. That's the entire
23 rate, tax rate. The 18 cents is just the local
24 purpose tax.

25 MR. MCGUCKIN: Well, how do you get

1 to the 51 cents? Because you're table only
2 refers --

3 MR. MOORE: Well -- I'm sorry. I'm
4 sorry.

5 MR. MCGUCKIN: -- only refers to the
6 municipal rates. And that's everything below first
7 section two, exhibit two. Everything then goes to
8 the local municipal rate. There's no calculations
9 for the schools.

10 MR. MOORE: Right. And that's why
11 this is called the summary. We're going to get
12 into --

13 MR. MCGUCKIN: Okay.

14 MR. MOORE: -- those details as we go
15 back. But thank you.

16 MR. MCGUCKIN: Do you have the
17 summary that addresses the school impact?

18 MR. MOORE: Yes.

19 MR. MCGUCKIN: Okay. Thank you.

20 BY MR. MICHELINI:

21 Q Just to clarify. The numbers on the
22 bottom where it says, the average taxpayer's total
23 tax will only increase \$179 or \$15 a month or 51
24 cents per day, that's taking into account the
25 average homeowner who has a house worth \$183,000,

1 correct?

2 A Correct.

3 Q And that takes into account all the
4 taxes --

5 A Correct.

6 Q -- on the assessment, not just the
7 local purpose tax?

8 A Correct.

9 Q Okay. And, obviously, to go to
10 Mr. Gingrich, what he had me repeat, is if you have
11 a house in Holiday City, which is worth half of
12 that, let's say \$91,500, it would be \$7.50 a month
13 or roughly 25 cents a day, correct?

14 A Correct.

15 Q All right. Go ahead, if you would.

16 A Page two, we talk about the municipal
17 budget. Municipal budget for the year 2014 was
18 \$44 million. They spent 42.7 million. Of that, if
19 you took the 10.68 percent, the amount that should
20 have been spent for services in South Seaside Park
21 would be approximately \$4.6 million. Based on --

22 MR. MCGUCKIN: I'm sorry.

23 MR. MOORE: Okay. Go ahead.

24 MR. MCGUCKIN: That's, you're just
25 using an estimate, using the same percentage?

1 That's not actual expenditure?
 2 MR. MOORE: Wait a minute. I'm not
 3 sure I understand your question.
 4 MR. MCGUCKIN: Well, if you calculate
 5 the four point -- four million, six forty five
 6 representing 10.678 percent, which you said it
 7 should have been spent on South Seaside Park?
 8 MR. MOORE: Based on their
 9 assessments.
 10 MR. MCGUCKIN: So, you're taking,
 11 just using the same percentage of assessments for
 12 purposes of determining what should have been spent
 13 there?
 14 MR. MOORE: Correct. It's just a
 15 number that appears on this report.
 16 MR. MCGUCKIN: Okay. It's not what
 17 was actually spent?
 18 MR. MOORE: We'll get into that.
 19 MR. MCGUCKIN: Okay. Thank you.
 20 MR. MOORE: And I hesitate to give
 21 you the next number then. Because the million, six
 22 sixty is what I'm determining was spent in South
 23 Seaside Park. And the second number, the 190,000 --
 24 you know, please realize this is the summary. We're
 25 going to get into the details of this as we go

1 forward. So, 190,000 represents the savings that
 2 I'm determining would be your reduction in reserve
 3 or uncollected taxes, and we'll get into that. And
 4 the -- if we have a savings in expenses, we also
 5 have a loss of revenue.
 6 The 161,000 represents the loss of
 7 revenue caused by the de-annexation. So, the net
 8 savings is the 1,689,000 that reflects back to the
 9 other page before this that we talked about.
 10 The other two numbers I just
 11 explained, the 190,000 and the 161,000, have
 12 schedules that we're going to go over in detail.
 13 MR. WISER: That 161,968?
 14 MR. MOORE: Yes.
 15 MR. WISER: Is that on page one
 16 anywhere?
 17 MR. MOORE: Yes, it was on page one.
 18 It's part of the 1,689 number.
 19 MR. WISER: So, it's part of that?
 20 MR. MOORE: Yes. So, if you took --
 21 if you took the 1,851 on page two, page two.
 22 MR. WISER: All right. 1,851. Okay.
 23 MR. MOORE: Less the 161, gives you
 24 1,689.
 25 MR. WISER: Okay.

1 MR. MOORE: Okay. I'm hoping my math
 2 is somewhat accurate.
 3 MR. HAINES: So do we.
 4 MR. GINGRICH: Why didn't they do
 5 that?
 6 MR. MOORE: What's that, sir?
 7 MR. GINGRICH: What you're just
 8 saying. Why didn't they just go ahead and do that?
 9 Instead of you doing math standing there, how
 10 much --
 11 MR. MOORE: It is here. I wrote it.
 12 It's here. He was making reference that, where it
 13 appeared on page one and --
 14 MR. GINGRICH: So, why didn't they
 15 just put it where he's suggesting where it should
 16 be?
 17 MR. MOORE: I'd be putting this --
 18 this is the summary. I'd be putting it in four and
 19 five times --
 20 MR. GINGRICH: Okay.
 21 MR. MOORE: -- the same numbers. I'm
 22 with you. And, you know, as you go through these
 23 reports, sometimes you get ideas from other
 24 professionals that would enhance the report. And I
 25 try to do that, try to make it somewhat readable.

1 Although, you know, I do this every day. And to me,
 2 it's sometimes understandable, sometimes not.
 3 So, we go on page two, up to
 4 page two. Page three was, is just something that
 5 Mr. Michelini alluded to. What are these things
 6 that are included in the tax levy. So, we have four
 7 different elements in Berkeley Township. We have
 8 the county, which has four elements in and of
 9 itself. We have the district tax, which is your
 10 local schools. We have regional tax, which is
 11 middle and high schools here. And we have the local
 12 purpose tax. And that's just some kind of
 13 clarification. I'm sure everybody already knew all
 14 that. But I did that more for Mr. Michelini's
 15 satisfaction than anything.
 16 On page four, these are some of the
 17 considerations that I used to come to the final
 18 numbers and the summary page. First of all, I did
 19 use the year 2014. I had prepared this report based
 20 on 2013, but with the delay, it was my opinion that
 21 I should try to get the most current information to
 22 make this as relevant as I could. We cannot use
 23 2015. The year's not done yet, so we don't know the
 24 outcome of 2015. We won't -- I mean, a month, but
 25 we don't at this point. So, that is, this is the

1 most current information I could use for you.
 2 The net valuation taxable for
 3 Berkeley Township is from the abstract of ratables
 4 of Ocean County. That's where that number comes
 5 from. The net valuation taxable for South Seaside
 6 Park comes from the Ocean County Board of Taxation
 7 segregating by the tax map page 137 and 138. That
 8 represents South Seaside Park. That information, as
 9 I said, came from the Ocean County Board of
 10 Taxation. That is, when you asked to get that
 11 information, it is constantly being updated. So,
 12 that is the most current valuation as of a month ago
 13 that -- I couldn't obtain it any other way. That's
 14 the way I had to obtain it.

15 Q I take it that's constantly being
 16 updated because there's tax appeals.

17 A Well, tax appeals. There's sales.
 18 There's all those things. And they are constantly
 19 updating that. So, if you went to their records,
 20 the Ocean County Board of Taxation, and said, I want
 21 your mod four disk, that would not agree to the
 22 abstractive ratable on the current basis. And
 23 that's -- you need to understand that, because I
 24 tried to get that as current as I could. And in
 25 that case, it even increased the value of South

1 Seaside Park, which, because they seem to have a few
 2 more properties being added on. Trailer parks and
 3 trailer lots were added during the year. So, that
 4 is as current as I could get that. The, as I say,
 5 when you do that, the tax valuation is
 6 10.68 percent. That's going to be used throughout
 7 this.

8 Some of this other information we went over
 9 in the summary already. So that, I'm not going to
 10 go over number three. Number four, why that's
 11 important, you know, you have a local school. They
 12 have their own levy. The loss of South Seaside Park
 13 will not affect their levy, so that the burden of
 14 that tax would still be placed on the Berkeley
 15 Township taxpayers.

16 Now, are there things that could lower that
 17 levy? There's probably one or two things. One, I
 18 understand there's a bus route that goes over there.
 19 Well, they would not have to have a bus route
 20 anymore. There's also state aid that's involved in
 21 a local school district.

22 Q Did you attempt to find out what the
 23 state aid, how that would change and whether or not
 24 Berkeley would get more state aid in the event of
 25 de-annexation?

1 A Yes, I did try. I contacted the
 2 Department of Education. And they are the ones that
 3 have the formula to calculate the state aid that
 4 goes to a municipality. Their comment to me was,
 5 you're not Berkeley Township, we're not giving it to
 6 you. So, you know, my thought would be, is that --

7 Q Well, if Berkeley Township obtained
 8 that information, you would crank into your
 9 analysis, correct?

10 A And I think for a fair presentation,
 11 whether it raises it, lowers it, the board should
 12 have all the information they can to make the
 13 decision. I mean, that would be my thought. So,
 14 maybe somebody from, you know, Berkeley can get
 15 ahold of the Department of Education. I have the
 16 name of the person. I have his phone number. I
 17 have what I sent him. He refused to do anything.

18 MR. MCGUCKIN: Oh, on that issue, Mr.
 19 Moore. You audited school boards, you said?

20 MR. MOORE: Yes. Yes.

21 MR. MCGUCKIN: Does any school
 22 district know what they're going to get in state
 23 aid?

24 MR. MOORE: No.

25 MR. MCGUCKIN: So, Berkeley couldn't

1 get it either, could they?

2 MR. MOORE: Well, they will run a
 3 calculation for it and we've had it done in --

4 MR. MCGUCKIN: That assumes, that
 5 assumes there's a budget that approves a certain
 6 amount of money in June 30 of 2016, correct?

7 MR. MOORE: Very interesting point.
 8 But if we're doing this as of '14, maybe they would
 9 rerun it based on these calculations. I don't know,
 10 to tell you the truth.

11 MR. MCGUCKIN: Well, don't we know
 12 what '14 was?

13 MR. MOORE: Yeah, but we're saying
 14 run the calculation based on the de-annexation.
 15 That's what I'm saying.

16 MR. MCGUCKIN: But don't we know what
 17 the money -- what we got in 2014 for the school
 18 district?

19 MR. MOORE: But that's based on all
 20 of Berkeley Township.

21 MR. MCGUCKIN: Okay.

22 MR. MOORE: I'm saying, if there was
 23 a de-annexation, and \$500 million of ratables left,
 24 does the school get more money.

25 MR. MICHELINI: They said that they

1 would answer that for Berkeley Township, correct?
 2 MR. MOORE: Right.
 3 MR. WISER: Although it's speculation
 4 at best because they don't follow the formula and
 5 year to year it's different?
 6 MR. MOORE: I couldn't agree more.
 7 It's kind of like municipal aid.
 8 MR. MCGUCKIN: I understand. All
 9 right. I got it.
 10 MR. MOORE: Yeah. But it was, you
 11 know, a consideration that if somebody else asked me
 12 that, did I look at that, I'd have to say yes, I did
 13 look at it. And that's why I did it.
 14 The regional school, those taxes are
 15 going to follow the assessments, so that would not
 16 have any effect, would lower Berkeley Township's
 17 overall tax. But it's almost a zero tradeoff. And
 18 the same with the county. And even though there's,
 19 you know, possible equalization calculation that
 20 would have to be involved, Berkeley Township was at
 21 99 percent and South Seaside Park was at 95,
 22 so there could be --
 23 MR. MICHELINI: You mean
 24 Seaside Park?
 25 MR. MOORE: Seaside Park, sorry, was

1 at 95. So, it would have some bearing but not very
 2 much on Berkeley Township.
 3 MR. MCGUCKIN: Well, on that issue.
 4 MR. MOORE: Yeah.
 5 MR. MCGUCKIN: Does your report,
 6 because we haven't come through it all yet, does
 7 your report address the impact upon the residents of
 8 South Seaside Park and what their school taxes will
 9 be if they are no longer part of Berkeley Township?
 10 MR. MOORE: Yes.
 11 MR. MCGUCKIN: Okay. Thank you.
 12 BY MR. MICHELINI:
 13 Q Go ahead and continue, Mr. Moore, if
 14 you would.
 15 A Page five. These were some
 16 additional considerations. And the significance of
 17 this page is going to be explained on another on a
 18 schedule where percentages are calculated. But
 19 these are the facts that I used to do the percentage
 20 calculations, so. And there's, you know, five
 21 criteria here, population, houses, improved roads,
 22 assessments, and the number of line items in the tax
 23 book. And I'm not sure we want to go through these
 24 right now. I think when we get to that page, it
 25 would make a little more sense when we get there.

1 Is that okay?
 2 Page six. Also, I took a look at the six
 3 years of ordinances that Berkeley Township passed.
 4 That was over \$30 million. I have the schedule
 5 prepared in the back. You know, we reviewed these
 6 ordinances for any reference to South Seaside Park
 7 and there was a minimal reference at best.
 8 The number nine, we're understanding that the
 9 debt of Berkeley Township, that percentage would
 10 follow the de-annexation. At this point, the debt
 11 at the end of '14 was almost \$38 million.
 12 Q So, 10.68 percent of that would be
 13 assumed by --
 14 A Somehow, we would have to work that
 15 out. I mean, that's part of the de-annexation --
 16 Q So, even --
 17 A -- as far as I know.
 18 Q Even though the expenses that you've
 19 calculated that Berkeley is spending over there is
 20 only what, one --
 21 A I don't even know.
 22 Q Okay. It's far less than
 23 10.68 percent. They would, nevertheless, be
 24 assuming 10.68 percent in debt, should de-annexation
 25 occur?

1 A That's my understanding, yes.
 2 Q Go ahead.
 3 A Also, we reviewed the revenues. And
 4 once again, there'll be a much more detailed
 5 schedule on the revenues as we go forward. Because
 6 as there's cost savings, there's also revenue
 7 losses. I think I mentioned that already. So, we
 8 will go through that.
 9 Number 11, I know the beach is a concern of
 10 everybody. We looked at the revenue of the beach.
 11 We looked at the direct cost of the beach, not
 12 indirect cost, which are almost impossible to
 13 determine. And though both of those numbers were
 14 taken out in total when we did this calculation, we
 15 looked at -- we're going to go through all the
 16 budget lines line by line, which would be very
 17 exciting, to look at what the cost, potential cost
 18 savings will be upon de-annexation. So, I think
 19 that will be good.
 20 The one problem you have, and I'm sure we're
 21 all aware of that, I think Stuart mentioned it a
 22 little bit, is where we got these costs from. There
 23 are no cost studies done in these municipalities
 24 that says, I spend X dollars for South Seaside Park
 25 and I spend X dollars for some other portion of

1 Berkeley Township, Bayville, or what's the other?
 2 Q Holiday City.
 3 A Holiday City. No one tracks that.
 4 To some extent, there might be some tracking. We
 5 obtained police call records. That's a tracking.
 6 How do you quantify it? Don't know if you can. How
 7 do you say what does it cost me to do a road here
 8 versus over there? Don't know if you can. How much
 9 time does the clerk spend to derive the costs spent
 10 for South Seaside Park? Does she maintain a -- if
 11 you come in from South Seaside Park, write your name
 12 down, spend ten minutes, South Seaside Park 14
 13 minute -- it's not done. So, how do we determine
 14 what the costs are? That's what we're going to get
 15 into. But just to know, there are no reports that
 16 are generated by anybody that determines this
 17 amount. If there are, we should use them.
 18 Also, the last is, there's no quantification
 19 for effort and time that employees spend in any
 20 direction. I can't determine that. We talked about
 21 what's going to happen in Seaside Park -- I mean,
 22 Seaside Borough, Seaside Park Borough. And we
 23 did --
 24 Q Page seven?
 25 A Seven, sorry. We did -- I didn't

1 spend a lot of time on Seaside Park Borough because
 2 I think it's premature to do that. But just for the
 3 board to gather some information, I think it's
 4 worthwhile to see a few things. The number two,
 5 their increase in their regional school tax would be
 6 what your decrease is. We're trading assessments
 7 here. Their county tax, we're trading assessments
 8 on the county tax so that what you lose, they gain.
 9 Their operating budget I had not reviewed in
 10 any way. I'm not trying to determine what it cost
 11 saving or cost increase would be for them. You
 12 know, they're spending much less than you. But at
 13 some point that would have to be done, but not, I
 14 don't think, at this proceeding.
 15 Q That would be done when an
 16 application is made to Seaside Park to become part
 17 of Seaside Park?
 18 A I would believe that is true, yes.
 19 Okay. Now, page eight, we're going to start
 20 to get into some of the more details. Some of these
 21 we've already gone over. You know, we've talked
 22 about the assessments. I think it's important to,
 23 once again, for me to emphasize the total Berkeley
 24 assessments from the abstractive ratables. The
 25 South Seaside Park assessment is from Ocean County

1 Board of Taxation. So, it's not exactly apples and
 2 apples. But, you know, the percentages are so
 3 minute in the change, in my opinion, that it's not
 4 significant. That's the way I've looked at this.
 5 I've looked at three years of taxes. The
 6 percentages don't change that much in any way,
 7 either Berkeley going up or South Seaside Park going
 8 up or down. They are insignificant overall. The
 9 one reason and -- that I could not use the Ocean
 10 County taxation mod four was when I looked at what
 11 the exempt properties were, which are a billion,
 12 two, if you added up what was in the mod four,
 13 somehow they truncated columns and their exempt
 14 properties only totaled 500 million. So, I said, I
 15 can't use this. It's just, for whatever reason,
 16 they did not have those columns updated. So, that
 17 was my other concern. That I can't back out apples
 18 and apples. I had to go to sources that we could
 19 rely on. So, I hope you understand that.
 20 Seaside Park, their net valuation is just
 21 over a billion dollars. If we were to add in South
 22 Seaside Park's 500 million, their net valuation
 23 would increase to \$1.6 billion, which is a
 24 48 percent increase. So, of course, that's
 25 significant. Good? Go ahead.

1 MR. WISER: If I may.
 2 MR. MOORE: Yeah, go ahead.
 3 MR. WISER: Obviously, we're going to
 4 sit down and digest this over the next month. But
 5 you have under Berkeley total net valuation taxable
 6 for South Seaside Park, you have the 543 number --
 7 MR. MOORE: Yeah.
 8 MR. WISER: -- and the -- I'm sorry.
 9 Above that. I'm sorry. Total net valuation
 10 taxable, the 5.094. And then you have a
 11 hundred percent.
 12 MR. MOORE: Yeah.
 13 MR. WISER: The percentage is what?
 14 MR. MOORE: All the property of
 15 Berkeley Township.
 16 MR. WISER: Okay. Then going down to
 17 Seaside Park, you have total net valuation taxable,
 18 the 1.118 and you have 67.29.
 19 MR. MOORE: If the de-annexation were
 20 to take place. In other words, if South Seaside
 21 Park -- yes.
 22 MR. WISER: Sixty seven and the 32
 23 add up to a hundred. Okay. Understood.
 24 MR. MOORE: Yes. Good question.
 25 That's why I said, some of these numbers to me make

1 sense. And it's good to have somebody else kind of
2 review them.

3 Page nine. This is where we get into
4 some of the tax levy information that we were
5 talking about earlier. Are we showing what the
6 taxes will be, total taxes, and what the changes
7 are. That's what this page does.

8 Starting on the first group, Berkeley
9 Township, the first column on the left, first two
10 columns represent the rates, net valuation taxable
11 and the tax levies for 2014.

12 MR. MICHELINI: Is that the total of
13 Berkeley, all of Berkeley Township?

14 MR. MOORE: Yes.

15 MR. MICHELINI: Because underneath,
16 you have South Seaside Park?

17 MR. MOORE: Right.

18 MR. MICHELINI: That's included,
19 actually, in those numbers above?

20 MR. MOORE: Yeah. Yes.

21 The next two columns would represent
22 the de-annexation without any cost savings, which
23 would really be a shift in the taxes. The last two
24 columns represent the de-annexation with the cost
25 savings.

1 The second group, South Seaside Park,
2 that represents their share of Berkeley Township's
3 total tax dollars. Some of these numbers we've
4 already seen. So, you know, if you have a question,
5 but this just breaks down the detail which was asked
6 about earlier. Also, you're going to find that
7 whatever the decrease of South Seaside Park is,
8 would then be reflected in what the increase would
9 be on the next page, Seaside Park Borough. I think
10 that was also asked.

11 So, the only -- let's just go to
12 page ten for just a second. The only change on the
13 last two columns for Seaside Park Borough are going
14 to represent the debt that they are forced to
15 absorb, about 300 and -- or \$400,000, somewhere in
16 that range. So, that is the only cost that I knew
17 would flow over there. And that's the only one I
18 could really reflect.

19 MR. MCGUCKIN: You said 400. You
20 mean four million?

21 MR. MOORE: I only put in the debt
22 service because I'm going to have to deal with the
23 budget. The budget only reflects the debt service,
24 not the total debt. How, you know, how Seaside Park
25 would handle that, would they redeem the debt?

1 Would they issue their own debt? Would they pay you
2 on an annual basis what the debt service is? I
3 mean, that's some matter that I don't think we're
4 going to get into here. That's just -- so that's
5 how I had to handle. I had to try to treat it, you
6 know, dollar for dollar. Because you wouldn't throw
7 the total debt into the tax levy in one year.

8 MR. MCGUCKIN: On this page ten.

9 MR. MOORE: Yep.

10 MR. MCGUCKIN: You have, this would
11 be what the cost -- this would be what the rates
12 would be in Seaside Park with the de-annexed portion
13 of South Seaside Park?

14 MR. MOORE: Yes, on the far -- the
15 middle two columns and the far right column, two
16 columns.

17 MR. MCGUCKIN: I'm sorry. I'm on
18 page ten.

19 MR. MOORE: Page ten. There's one,
20 two, three -- six columns with numbers.

21 MR. MCGUCKIN: Okay. All right.
22 Okay. And you have on the top, before
23 de-annexation. After de-annexation before cost
24 savings. After de-annexation and cost savings,
25 correct?

1 MR. MOORE: Right. It really
2 shouldn't be cost savings. It should be cost
3 increase but --

4 MR. MCGUCKIN: That's what I thought,
5 increase in cost.

6 MR. MOORE: Oh, yeah, there's some
7 increase, but -- yeah, I'll go with that. Good
8 catch.

9 MR. MICHELINI: Doesn't change the
10 numbers?

11 MR. MOORE: Doesn't change the
12 numbers. Just the heading. A lot of numbers here.
13 That's why I thought that, you know, once we got
14 done, this would be accepted and we'd move on.

15 We go to ten. Eleven, 11 shows the
16 taxes for --

17 MR. MCGUCKIN: I'm sorry.

18 MR. MOORE: I'm sorry. Go ahead.

19 MR. MCGUCKIN: I'm sorry, before we
20 go to 11.

21 MR. MOORE: Yeah, go ahead.

22 MR. MCGUCKIN: Your answer about the
23 debt service.

24 MR. MOORE: Yes.

25 MR. MCGUCKIN: I understand what

1 you're saying.
 2 MR. MOORE: Okay.
 3 MR. McGUCKIN: Do we know what the
 4 current debt of South Seaside Park -- excuse me --
 5 of Seaside Park Borough is and what percentage of
 6 that would be whatever debt is transferred to
 7 Berkeley Township?
 8 MR. MOORE: No, and --
 9 MR. McGUCKIN: Can you provide that
 10 to us?
 11 MR. MOORE: I can get that, sure.
 12 Once again, I'm not sure that we can answer that
 13 question. Are they going to assume the debt? Are
 14 they going to have a contract with Berkeley Township
 15 to reimburse them for the annual debt they pay? I
 16 understand what you're saying. Are we --
 17 MR. McGUCKIN: Well, they would have
 18 to include it on their financial statements as their
 19 debt one way or the other if this were to occur,
 20 would they not?
 21 MR. MOORE: Possibly. Maybe not.
 22 You know, without --
 23 MR. McGUCKIN: Okay.
 24 MR. MOORE: -- if they're not going
 25 to issue debt, they're not going to include the

1 debt. If they're going to --
 2 MR. McGUCKIN: If they're assuming
 3 the debt --
 4 MR. MOORE: If they're going --
 5 MR. McGUCKIN: -- you don't think DCA
 6 is not going to make them put that in their debt
 7 statements?
 8 MR. MOORE: Then there's not going to
 9 be any money coming back to you in that regard.
 10 MR. McGUCKIN: I understand. I think
 11 what's important for us to know --
 12 MR. MOORE: Yeah.
 13 MR. McGUCKIN: -- is what is going to
 14 be the impact in Seaside Park Borough, because that
 15 will have a direct impact on what our residents from
 16 South Seaside Park will also be part of. So, is
 17 that -- if it's four million dollars, let's assume
 18 for a minute that's what it is, and if the debt of
 19 South Seaside Park is eight million dollars, I think
 20 that's important for the residents of South Seaside
 21 Park to understand and for this town to understand
 22 and for this board to understand, the impact that
 23 might have on South Seaside Park residents in the
 24 future.
 25 MR. MOORE: Or Seaside Park

1 residents.
 2 MR. McGUCKIN: Well, if they become
 3 Seaside Park residents, yes. But our obligation is
 4 also to determine if this is in the best interest of
 5 the residents of South Seaside Park to do this. And
 6 I think that's an important factor for us to weigh
 7 when that determination recommendation is made.
 8 MR. MOORE: I'm not sure I follow
 9 you.
 10 MR. McGUCKIN: If Seaside Park
 11 Borough debt is going to jump, I say jump, let's
 12 assume it's a doubling, that will have an impact on
 13 our residents who are now currently Berkeley
 14 residents. May become part of Seaside Park in the
 15 future. Whereas, in Berkeley Township, their debt
 16 represents ten percent, but if in Seaside Park it
 17 represents that higher percentage, I think that's
 18 something this board needs to weigh and I think the
 19 residents of that portion of the municipality, it
 20 could have an impact on them. And that's why I was
 21 asking, is there a way to determine that? Maybe,
 22 maybe not. Maybe it will have no impact.
 23 MR. MOORE: Well, I think it has been
 24 determined in that we've included that portion,
 25 those dollars in the cost of, you know, Seaside Park

1 Borough.
 2 MR. McGUCKIN: You're just talking
 3 about the debt service. You're not talking about
 4 the overall debt. You're talking about the annual
 5 budget.
 6 MR. MOORE: That's all I'm dealing
 7 with. I'm dealing with the annual debt service, not
 8 the overall debt. The overall debt's going to still
 9 be paid over a number of years. And maybe if they
 10 went out and refinanced, it would be lower. And
 11 maybe I'd get better terms. I mean, these, some of
 12 these --
 13 MR. McGUCKIN: All of those are true.
 14 But I think we would want that number. If there's a
 15 way to do it. If you can't --
 16 MR. MOORE: I don't know if there is.
 17 MR. MICHELINI: We'll figure it out
 18 between this meeting and the next meeting --
 19 MR. McGUCKIN: Thank you.
 20 MR. MICHELINI: -- as to whether or
 21 not it can be done.
 22 MR. McGUCKIN: Okay.
 23 MR. MOORE: Good up to ten. Eleven?
 24 Eleven is the tax rates, which are derivatives of
 25 the assessments and what the costs are. So, you

1 know, we can study them and say, here's the tax rate
2 for this year. Here's what the tax rate's going to
3 be if there's a de-annexation. And here's what the
4 tax rate's going to be with the savings after the
5 de-annexation.

6 I've also shown those same tax rates
7 for Seaside Park Borough as a comparison.

8 MR. WISER: The first column.

9 MR. MOORE: Yeah, go ahead.

10 MR. WISER: That's various housing
11 costs?

12 MR. MOORE: That's assessments.

13 MR. WISER: Assessments, rather?

14 MR. MOORE: Yes. Yeah. And there on
15 the second line, Stuart, is the 183 that we talked
16 about.

17 MR. WISER: Okay. That's --

18 MR. MOORE: Yeah.

19 MR. WISER: I just wanted to clear
20 that up.

21 MR. MOORE: Yeah. I think, yeah, it
22 says that.

23 MR. HAINES: It's not necessarily a
24 tax rate? It's the average -- it's the tax on that
25 average home?

1 MR. MOORE: Correct, yes. But I've
2 given various assessments from 100,000 to a million.
3 But I specifically wanted to put that in because
4 that was referenced in other reports.

5 Okay. Do we have any questions on
6 that page? No. Okay.

7 Let's, before we go to page 12, what
8 I'd like to do is take you back to page 18, because
9 this is kind of a relevant page that drives page --
10 the budgets and the revenues.

11 Remember we talked about how are we
12 going to determine the cost savings and that there's
13 no studies. There's no indirect cost reports.
14 There's none of that. So, we had to determine some
15 calculation that would give some, you know, give us
16 the credibility to say these things can be saved.

17 MR. MICHELINI: And that's, in the
18 event of de-annexation, we're talking about cost
19 savings to mainland Berkeley Township, correct?

20 MR. MOORE: Correct.

21 MR. MICHELINI: Go ahead.

22 MR. MOORE: So, the first one is
23 pretty obvious. That's the assessments. We've
24 already discussed that the assessments are worth
25 10.68 percent.

1 The second one is number of tax lines
2 in the tax duplicate. It's 28,000 lines, 1,300 of
3 which are Berkeley -- South Seaside Park,
4 4.85 percent.

5 MR. MCGUCKIN: I'm sorry. What does
6 that have to do with the financial impact, how many
7 line items there are?

8 MR. MOORE: Well, we're going to get
9 to that. The next is the improvements, improved
10 roads. So, in Berkeley Township -- and this was
11 obtained from the road department or public works --
12 163.51 miles. The improved roads in South Seaside
13 Park are 4.3 percent.

14 MR. WISER: Is that municipal roads?
15 Does it include county?

16 MR. MOORE: Just municipal.

17 MR. WISER: And this actually, the
18 question I'm going to ask occurred in a different
19 de-annexation situation. Is it per lane going one
20 way and coming back the other? Do you know how that
21 was calculated?

22 MR. MOORE: What I did was, the
23 public works sent me a copy from, it seemed like it
24 was from an assessment book where they circled where
25 each road was listed and they had the linear feet.

1 MR. WISER: Oh, okay.

2 MR. MOORE: Linear feet of the road.
3 I have a copy of that.

4 MR. WISER: Not a tax assessment --

5 MR. MOORE: You had --

6 MR. WISER: -- but an evaluation?

7 MR. MOORE: Something.

8 MR. WISER: All right.

9 MR. MOORE: But it came from the road
10 department. So, that's what I used as my standard.
11 Was I trying to get width? I don't have width. I
12 have linear feet.

13 MR. WISER: Understood.

14 MR. MOORE: Okay. So, I had to use
15 one thing or the other. So, that's where I came up
16 with the 4.3 percent.

17 Population, little more calculation
18 in the population. And a lot of these numbers were
19 from Scott's report.

20 BY MR. MICHELINI:

21 Q Which were from the census, as you
22 understood?

23 A Yes. Yes. So, I used those because
24 you're already familiar with those numbers.

25 Population 41,000 for Berkeley, 490 year

1 round for South Seaside Park. There had to be some
2 consideration for the summer population. So, there
3 are X amount of houses that are housed all year,
4 307. X amount of houses all the time. And what I
5 did was said, okay, the summer houses have four
6 people in them, which I think is low. Scott wanted
7 me to use six. I thought four was a low number.
8 But I said that's probably fair. And I said they
9 lived there a third of the year. So, extrapolate
10 that out to give me a summer population of 1,471. I
11 then added that to the total population for Berkeley
12 and the total population for South Seaside Park and
13 then came up with the 4.62 percent. Interesting,
14 but -- there had to be some weight given to the
15 summer population.

16 The last was the houses. And this
17 information is, you know, based on the report that
18 Scott had given me. Now, with that said, we'll get
19 back to the budget page and why any of these numbers
20 mean anything. On page 12, you're going to see
21 across the top -- and this is the budget for 2014,
22 we went over that, \$44 million. Also included the
23 expended amount which I did not use as any
24 calculation. I used budget amount. And then I
25 applied these percentage criteria going down against

1 the budget line. Not every budget line has a dollar
2 cost savings. For instance, the administrator,
3 okay, does he have a cost associated with South
4 Seaside Park? I believe absolutely. Would the
5 administrator in a de-annexation be paid any less?
6 Would there be any less people there? In my
7 determination, that was no. So, I did not attribute
8 any amount to cost savings for the administrator.
9 I'm not going to go through every line. I was
10 kidding on that.

11 Q So, you took, would it be safe to say
12 in that situation, you took a conservative approach,
13 because even though there is some cost associated
14 with every employee in regard to South Seaside Park,
15 you didn't assign any cost savings to Berkeley
16 Township in that situation of the administrator's
17 salary, correct?

18 A In that situation. And as we go down
19 each and every one of these salaries, there are no
20 employees eliminated in any of this cost savings.
21 No employees are eliminated.

22 What was eliminated, and let's go to an
23 example, would be the clerk. Based on what work
24 does the clerk do. In my opinion, it's based on
25 population. She deals with people. She does vital

1 statistics. She does wills. You know, she does
2 birth certificates. She sells dog licenses. So,
3 what criteria can you use? I use population. I
4 feel that's a realistic number to be able to apply
5 that against the clerk. The calculation with using
6 4.62 percent of the clerk's budget would be 8,995.
7 Her overtime --

8 Q So, that's under the population --

9 A Column, right.

10 Q -- column? That would be the fourth
11 number down, correct?

12 A Fourth number down. Does everybody
13 see that? Am I going too fast? Okay.

14 Q So, you've assigned that amount of
15 the clerk's cost as a savings in the event of
16 de-annexation because the clerk deals with people,
17 there's people over in South Seaside Park, correct?

18 A Right.

19 Q Instead of 10.68, just to get
20 everybody onboard so they follow, you didn't just
21 take 10.68 percent, which is the amount of
22 assessment, you tried to come up with a rational
23 basis for assigning cost savings to, in this case,
24 the clerk, which ends up being 4.62 percent, based
25 upon the relative population that South Seaside Park

1 is to the entire township?

2 A Correct.

3 Q Go ahead.

4 A So, based on the 4.62 percent, that
5 the savings would be 8,995. I took that a step
6 further and said, what was the overtime in the
7 clerk's office. And that is what I'm saying the
8 savings would be.

9 Q The savings is not the 8,996.56?

10 A No, it would be the \$6,000.

11 Q So, it's even less than the
12 population correlation --

13 A Yeah.

14 Q -- of 4.6 percent?

15 A In almost all cases. In this one it
16 is not because I used 8,000. But in all the other
17 cases, it will be.

18 Q Okay. Go ahead.

19 A So, that was my rationale. How do we
20 have cost savings without eliminating people,
21 because even though it might be worthwhile for the
22 township if there was a de-annexation to look at all
23 of the employees and say maybe there is an
24 opportunity to have cost savings, I could not do
25 that. I could not say, I'm going to eliminate

1 anybody. I tried to take a very conservative
2 approach in this and not overstep any bounds to
3 arrive at what we think the savings are going to be.
4 And I took that approach and, you know, going down,
5 down this page, that's how I did this.

6 And getting back to the question of why a
7 certain percentage was relevant, does it make sense
8 to you now why I did these percentages?

9 Q Why don't you take us through each
10 category? In other words --

11 A We could go down each line now.

12 Q Well, use an example from each
13 category.

14 A Well, okay. So, housing, you know,
15 if we're dealing with a planning board, there's a
16 planning board. What do you deal with? Number of
17 houses. Not number of people. Not assessments.
18 Houses, block and lots. I mean, lots and houses.
19 So, based on the housing, I used that percentage for
20 categories that related to housing.

21 MR. MICHELINI: Okay.

22 MR. GINGRICH: What's planning board
23 salary in rate?

24 MR. MOORE: Planning board salary is
25 \$9100.

1 MR. GINGRICH: For who?

2 MR. MOORE: The secretary. Planning
3 board secretary.

4 MR. GINGRICH: Oh, okay. I thought
5 maybe we were making some money we didn't know
6 about.

7 MR. MOORE: The chairman made 9,000.
8 The secretary got 100. You didn't know that.

9 MR. GINGRICH: Just, you know --

10 MR. MOORE: I read the details.

11 MR. GINGRICH: I got a check laying
12 somewhere.

13 MR. MACKRES: Uncollected checks.

14 MR. MOORE: So, any -- you know, I
15 tried to determine what related to housing. What
16 related to roads. What related to people. And
17 applied those percentages against those things.
18 Also, if we were to go to page 13, at the very top,
19 you're going to see another column called direct.

20 MR. WISER: Before we go on.

21 MR. MOORE: I'm sorry. Yeah, go
22 ahead.

23 MR. WISER: I apologize.

24 MR. MOORE: No, that's okay.

25 MR. WISER: You had talked about

1 planning and the planning board.

2 MR. MOORE: Yes.

3 MR. WISER: But the planning board is
4 funded through application fees.

5 MR. MOORE: We're going to use --

6 MR. WISER: You lose --

7 MR. MOORE: Oh, yeah. We're going to
8 take off application fees as revenue.

9 MR. WISER: Okay.

10 MR. MOORE: Yeah. Yeah. I agree.

11 MR. WISER: Okay.

12 MR. MOORE: Yeah. And once again,
13 I'm not -- I'm only taking off if there's overtime,
14 not -- you know, no employees have been eliminated
15 from this impact study.

16 MR. MCGUCKIN: Again, if we're on
17 12 --

18 MR. MOORE: 12, go ahead.

19 MR. MCGUCKIN: -- I'm just a little
20 confused --

21 MR. MOORE: Yep.

22 MR. MCGUCKIN: -- about some of this.

23 Let's go under tax assessment, tax collection.

24 MR. MOORE: Okay.

25 MR. MCGUCKIN: Is that where you came

1 up with a line item --

2 MR. MOORE: Yes.

3 MR. MCGUCKIN: -- differentiation?

4 MR. MOORE: Yes.

5 MR. MCGUCKIN: So, because there's --
6 I forget what percent -- about 4.85 percent less
7 line items, that the township will save because
8 there won't be as much work involved?

9 MR. MOORE: Not sending out bills.

10 The mod four has less lines to process. The, you
11 know, software could be decreased. There's numerous
12 areas that are associated with every department in
13 the township.

14 MR. MCGUCKIN: So, we can reduce the
15 salary of the tax assessor by that percentage?
16 That's a savings that we adopt?

17 MR. MOORE: The tax assessor had
18 19 -- had \$13,000 in overtime in that department.

19 I'm only saying we're reducing it up to this
20 \$10,000. If there's less line items and less cost
21 associated with the removal of South Seaside Park,
22 there has to be less work.

23 MR. MCGUCKIN: Well, if it's a
24 tenured employee, we can't reduce their salary.

25 MR. MOORE: I didn't reduce their

1 salary. I reduced the overtime.
 2 MR. MCGUCKIN: The line item?
 3 MR. MOORE: Of overtime.
 4 MR. MCGUCKIN: Well, can we reduce
 5 their overtime either at the moment?
 6 MR. MOORE: Well, if they're not
 7 dealing with, you know, that many more line items,
 8 1,300 line items, maybe they don't need the overtime
 9 to do that.
 10 MR. MCGUCKIN: Okay.
 11 MR. MOORE: That is my opinion.
 12 MR. MCGUCKIN: And legal services,
 13 you had -- do you want to --
 14 MR. MOORE: I can't talk about legal
 15 service.
 16 MR. MCGUCKIN: I don't blame you.
 17 MR. MOORE: Yeah, no. That's out. I
 18 should have increased that. I'm sorry.
 19 (Off the record.)
 20 MR. MCGUCKIN: I just want to make
 21 sure. Just go back to -- so, for workers' comp. and
 22 general liability.
 23 MR. MOORE: Well, the workers' comp.,
 24 you know, if we're going to have less people doing
 25 work because of the overtime, some of the workers'

1 comp. calculations are based on dollars of salaries.
 2 And there's, you know --
 3 MR. MCGUCKIN: It's not based --
 4 MR. MOORE: -- is there a lag -- a
 5 lag in years, but there could be a reduction.
 6 MR. MCGUCKIN: It's not based on the
 7 number of employees?
 8 MR. MOORE: It's based on employees
 9 and what their job titles are.
 10 MR. MCGUCKIN: Okay. Well, you said
 11 nobody is losing their job.
 12 MR. MOORE: Right.
 13 MR. MCGUCKIN: So, we're not changing
 14 any job titles?
 15 MR. MOORE: Well --
 16 MR. MCGUCKIN: We're not losing any
 17 job titles?
 18 MR. MOORE: But the salaries are
 19 still going down. They come in and do an annual
 20 audit based on salaries.
 21 MR. MCGUCKIN: I'm sorry. The
 22 salaries are going down? I'm not sure I understand.
 23 MR. MOORE: No overtime.
 24 MR. MCGUCKIN: But you don't know how
 25 much overtime is spent on back over there as opposed

1 to on the mainland.
 2 MR. MOORE: Yeah, I do, based on this
 3 percentage.
 4 MR. MCGUCKIN: Okay. Based on the
 5 number of houses?
 6 MR. MOORE: Or line items.
 7 MR. MCGUCKIN: Okay. That's how
 8 that's calculated?
 9 MR. MOORE: Yes.
 10 MR. MCGUCKIN: Okay. And on the
 11 police salary and wage.
 12 MR. MOORE: Right.
 13 MR. MCGUCKIN: Just explain that for
 14 me, if you could.
 15 MR. MOORE: Police, once again, based
 16 on population, police deal with number of people,
 17 arrests, you know, burglaries, speeding. So, that
 18 percentage is based on the number of people. Once
 19 again, their overtime was \$421,000. If they are not
 20 sending patrols and police over to South Seaside
 21 Park, then there's going to be a savings.
 22 MR. MCGUCKIN: Did you compare it
 23 based upon actual calls in South Seaside Park?
 24 MR. MOORE: I did not. Because I
 25 can't tell, based on the call record, if the police

1 actually went to South Seaside Park. The call
 2 record indicates calls were made. How they were
 3 handled, I can't tell.
 4 MR. MCGUCKIN: For every call,
 5 there's a record of what happened?
 6 MR. MOORE: There was. But it
 7 doesn't -- it doesn't determine that they actually
 8 went to South Seaside Park.
 9 MR. MCGUCKIN: Well, I guess my
 10 question is, you're saying it would be a savings of
 11 368,000 some odd dollars?
 12 MR. MOORE: Yes.
 13 MR. MCGUCKIN: But you don't know how
 14 many times officers had went on call there or how
 15 much time was involved --
 16 MR. MOORE: Correct.
 17 MR. MCGUCKIN: -- on those calls?
 18 MR. MOORE: Correct.
 19 MR. MCGUCKIN: So, you're just basing
 20 that on population and not actual call volume for
 21 those officers?
 22 MR. MOORE: Correct.
 23 MR. MCGUCKIN: Okay.
 24 MR. MOORE: And maybe they have a
 25 cost study that determines how much it cost them to

1 service South Seaside Park.
 2 MR. WISER: So, the incident reports
 3 from the police don't indicate that they went out to
 4 South Seaside Park?
 5 MR. MOORE: I couldn't glean that
 6 information from the reports. Very, you know -- the
 7 nomenclature in there that it was difficult to
 8 understand. There was over 2,500 calls that were
 9 related to South Seaside Park.
 10 MR. WISER: There was no -- in the
 11 documents that you got, it never said, arrived on
 12 scene or words to that effect?
 13 MR. MOORE: Once again, and if they
 14 did, I did not analyze them to that extent. And the
 15 reason was, I'm basing every other number on a
 16 percentage. I cannot then, am I going to change the
 17 method for the police? If I had detailed records
 18 and the police could say, here's what it cost me and
 19 here's the overtime, here's the class two officers
 20 that were over there, I think, you know, if we could
 21 get that information, once again, that would be
 22 valuable to give to the board. I'm all for that,
 23 yeah. But I did not do that.
 24 MR. WISER: Okay.
 25 BY MR. MICHELINI:

1 Q Let me just ask you a follow-up
 2 question. Did you make any assumptions about how
 3 many officers might have been over there or what is
 4 your understanding?
 5 A My understanding when I prepared this
 6 was that officers are on a place called Pelican
 7 Island and that they dispatch from there to
 8 South Seaside Park.
 9 Q And let's say if there's -- you have
 10 no officers actually being cut, according to your
 11 analysis, correct?
 12 A That's correct.
 13 Q So, this is maintaining the entirety
 14 of the force that currently exists in the event of
 15 de-annexation?
 16 A That's correct.
 17 Q So, you're only dealing with a
 18 percentage of the overtime as being associated with
 19 the cost in South Seaside Park?
 20 A Correct.
 21 Q And if it turns out that there's more
 22 officers over there recently, in the last six
 23 months, than were there in the past, would that
 24 affect your numbers or could it affect your numbers?
 25 A I would think if there's permanent

1 officers in South Seaside Park on a regular basis
 2 that are, you know, stationed there, it would
 3 absolutely affect these numbers.
 4 Q And which way would that affect them?
 5 A Well, if there's a de-annexation and
 6 the officers stationed there, they wouldn't need
 7 those officers any longer.
 8 Q So, that would change these numbers
 9 to increase --
 10 A The savings.
 11 Q -- the savings? Thank you.
 12 MR. WISER: Just in terms of the way
 13 you laid out your spreadsheet, there are a number of
 14 numbers under line items population, housing, roads,
 15 that don't have a corresponding number in the last
 16 column, salary saved?
 17 MR. MOORE: And then I took no cost
 18 for the salaries.
 19 MR. WISER: So, just -- and I think I
 20 understand it. I just want to make sure I
 21 understand it. About two thirds, maybe a little
 22 more of the way down, workers' compensation and
 23 other expenses, you have \$22,600 and change under
 24 housing. But you, since there's nothing in that
 25 last column, that did not calculate into the

1 savings --
 2 MR. MOORE: That does calculate into
 3 the savings, yes.
 4 MR. WISER: Okay. So --
 5 MR. MOORE: And I'm not sure that it
 6 belongs -- it could belong in housing, but it could
 7 belong to salary, population. I just wasn't sure
 8 where I was going to derive that, put that number
 9 in. Certainly, the general liability could relate
 10 to housing. But it could also relate to lawsuits.
 11 It could also relate to the buildings here in
 12 Berkeley. So, that, some of those insurance ones
 13 have to be --
 14 MR. WISER: I understand the judgment
 15 call.
 16 MR. MOORE: Yeah.
 17 MR. WISER: But just in terms of the
 18 spreadsheet --
 19 MR. MOORE: Yes.
 20 MR. WISER: -- as we look at it and
 21 try to digest it --
 22 MR. MOORE: Uh-huh.
 23 MR. WISER: -- how do we know which
 24 numbers are included in the savings and which one
 25 aren't?

1 MR. MOORE: Okay. If you go to
2 page 14. So, you have line items, population,
3 housing, roads and direct, they would equal the
4 \$1.6 million that's highlighted at the bottom.
5 MR. WISER: So, okay, I get it. I
6 get it.
7 MR. MOORE: We can get to that in a
8 second. And then I'll just --
9 MR. WISER: I don't mean to jump
10 ahead.
11 MR. MOORE: No, no, no. That's --
12 it's a good point. There's lot of numbers here and
13 it's -- it can be confusing. And, you know, for
14 people that don't do numbers every day, I can see,
15 you know.
16 MR. WISER: Or choose not to.
17 MR. MOORE: People wouldn't want to
18 do this, right.
19 MR. HAINES: Let me ask you a
20 question.
21 MR. MOORE: Yeah. Go ahead.
22 MR. HAINES: So, back to your police
23 salary and wages.
24 MR. MOORE: Yes.
25 MR. HAINES: So, your savings of

1 368,043, you're basically saying that you're going
2 to save 87 percent of your total overtime in police
3 because you're saying the total overtime for the
4 police was 421,306, am I correct?
5 A That is correct. Now, why, why --
6 once again, I've used the same standard going down
7 every line. I'm saying that there has to be a cost
8 associated with police in South Seaside Park. Can
9 we determine that directly? Doubtful. So, I'm
10 saying if we don't have those officers, whatever the
11 presence is over there, and all we have to do is
12 eliminate overtime, did the overtime create? Was it
13 created because of South Seaside Park? Were any of
14 these overtimes created because of South Seaside
15 Park? Yes. No. Could be. If we eliminate South
16 Seaside Park, there's going to be cost savings.
17 MR. HAINES: Okay.
18 MR. McGUCKIN: But that savings would
19 be 80 some percent of the total overtime budget for
20 the police department?
21 MR. MOORE: It would -- well, the
22 total police budget is \$8 million. This is 360,000.
23 MR. McGUCKIN: But of the overtime --
24 MR. MOORE: No, no. 360,000 of the
25 total police budget. So, you can't focus on just

1 the overtime. You have to focus on the \$8 million.
2 MR. McGUCKIN: Okay. I got it.
3 MR. WISER: So, there were certain
4 instances where you applied it to the overtime and
5 certain instances where you applied it to the base
6 salary?
7 MR. MOORE: No, I never applied it --
8 I applied it against the budget. Percentages are
9 applied against the budget.
10 MR. WISER: That's what I meant.
11 MR. MOORE: All percentages are
12 against the budget. What I said was, if the savings
13 was more than the overtime, I used --
14 MR. WISER: Oh, okay.
15 MR. MOORE: Yeah. So, all -- I never
16 eliminated a person. But we're dealing with the
17 \$8 million, not the 368.
18 Just jumping to page 13 for a second.
19 The one column we haven't talked about, direct.
20 They're dollars that were identified as 100 percent
21 related to South Seaside Park. For instance, the
22 volunteer fire company, we pay out \$208,000. 39,000
23 goes to Seaside Park. We pay out money to the first
24 aid. Whatever that number is. 12 -- my eyes are
25 getting bleary -- is paid to Tri --

1 MR. MICHELINI: Tri-Borough.
2 MR. MOORE: -- Borough. So, in any
3 place I could identify direct cost, I used them,
4 because that is a real number.
5 The next three down relate to the
6 beach and the beach and boardwalk. And then we have
7 hydrants. You know, in the records, there's a
8 direct bill to hydrants over there. And so, that
9 was a direct number.
10 On page 14 --
11 MR. McGUCKIN: Before we go there.
12 On the beach and boardwalk --
13 MR. MOORE: Oh, yeah.
14 MR. McGUCKIN: -- there's an open
15 question on Mr. Michelini's recent correspondence on
16 this. That assumes that the beach and boardwalk go
17 with the petitioners; is that correct?
18 MR. MOORE: Yes.
19 MR. McGUCKIN: And if the beach and
20 boardwalk were actually owned by the municipality
21 and remained part of Berkeley Township, that would
22 not be included in the savings, correct?
23 MR. MOORE: No.
24 MR. McGUCKIN: And you still have
25 that cost?

1 MR. MOORE: Absolutely. And, of
2 course, the revenue would also be included.
3 MR. McGUICKIN: Correct.
4 MR. MOORE: So, you're gaining money
5 by getting rid of the beach.
6 On page 14, this is where the debt
7 service is. That those four numbers represent what
8 the debt service was. And that those are the
9 numbers that I used as a cost addition to
10 Seaside Park. And this is the debt service. So,
11 that's how, you know, I had to use the same numbers
12 in all the places. I couldn't just pull out the
13 debt. Because there's nowhere in this report that
14 just reflects on the assets and liabilities of
15 Berkeley Township.
16 MR. WISER: What is the highlighted?
17 MR. MOORE: I had -- I based that
18 30 -- 333,000 on the budget number. Not the actual
19 payment number.
20 MR. MICHELINI: Why did you do that?
21 MR. MOORE: I couldn't find a
22 rationale why we paid, you know, \$800,000 less in
23 bond principal.
24 So, bottom lines, columns, line
25 items, population, housing, roads and direct equal

1 the 1,000,609 -- 605, sorry.
2 MR. MICHELINI: 652, right? Pretty
3 small numbers.
4 MR. MOORE: No, 100 -- 1,605,800.
5 MR. MICHELINI: Eight?
6 MR. MOORE: Right?
7 MR. HAINES: Yes.
8 MR. MOORE: Somebody's eyes are still
9 working. Okay. Good.
10 The 54 represents the social security
11 savings on not paying overtime. The 190,000 is
12 savings from the reserve for uncollected taxes. And
13 I will be going over that in great detail because
14 that's so interesting. And, yeah.
15 MR. HAINES: I'll be the only person
16 in here that will understand.
17 MR. MOORE: I un -- I said that to
18 Joe. I said, there's only one other person that
19 will understand it.
20 MR. MICHELINI: He actually did say
21 that.
22 MR. MOORE: So, any more questions on
23 the budget? Go ahead.
24 MR. WISER: So, what you're saying
25 is, there is a total savings post de-annexation of

1 1.85 million?
2 MR. MOORE: In cost. Cost savings,
3 yes. That's what I'm saying. And that's going to
4 be reduced on the next -- within the next two
5 schedules.
6 MR. WISER: Okay.
7 MR. MOORE: Okay. Not the next
8 schedule but the following one.
9 The next schedule represents the
10 reserve, savings in reserve for uncollected taxes.
11 And that's a result of, we're going to pay lower
12 county tax. We're going to pay lower regional
13 school tax. And we're going to pay, you know, a
14 decrease in our levy also. So, those calculations
15 allow us to decrease the budget by \$190,000. And at
16 some point, I'm sure you're going to ask your
17 accountant to explain that to you. Yeah. There's
18 no -- there's no reason for me to do that at this
19 point, I don't think. Unless somebody has a direct
20 question on that. But I think it's a budget
21 savings.
22 The next two page represents the loss
23 that Berkeley Township will have on revenue. Use
24 the same percentages, use the same criterias, to
25 arrive at this. And, you know, you can -- we can go

1 down the lines if you want, but that is the
2 procedure I used.
3 In some cases, they were immaterial.
4 I did not use them because I didn't know if there
5 was any relationship to some of these lines
6 regarding South Seaside Park. There certainly could
7 be, but I couldn't discern it, so I ignored it.
8 And the higher this one, the more
9 detrimental -- the higher that the loss, the loss in
10 savings went would be -- would lower the percentage
11 of cost on de-annexation.
12 MR. MICHELINI: So, for instance,
13 there are several items on here where there's no
14 potential loss or no potential revenue loss,
15 correct?
16 MR. MOORE: Correct. One line, a
17 limo license, I don't know if there's any limos in
18 South Seaside Park.
19 MR. WISER: Beach administration
20 fees, that's beach badges?
21 MR. MOORE: Yes. So, I took a
22 hundred percent of that out. Correct. I took out
23 the alcoholic beverages. I believe there's three
24 licenses associated with South Seaside Park. So,
25 that was somewhat of realistic number. Water and

1 cable franchise, that is a number that we, you know,
2 is an absolute number. And as you can see, when you
3 get to page 17, it only equates to \$161,000 of lost
4 revenue.

5 Now, that's what I -- that's the way
6 I did this. Then, and once again, this revenue ties
7 into the Edmunds revenue status report, so --

8 Q What is that? What is the Edmunds
9 revenue status report?

10 A I said that for their expert.

11 MR. WISER: On page 17, middle of the
12 page.

13 MR. MOORE: Yep.

14 MR. WISER: Interlocal, gas, Berkeley
15 BOE?

16 MR. MOORE: Yeah, Board of Education.
17 You have an interlocal agreement where they pay you
18 for their gasoline. I'm not -- there's no way or
19 there's nothing that I could see that that would be
20 any lower. And that has a direct budget cost
21 associated with it. In other words, the revenue and
22 the cost are the same in the budget.

23 MR. WISER: But that's not, just so I
24 understand, and it's getting late, that's not being
25 taken out, correct?

1 MR. MOORE: No. I'm saying you're
2 still going to get \$111,000.

3 MR. WISER: Okay. Okay.

4 MR. MOORE: Yeah. Now, the only
5 things that -- does that make sense? Some sense?

6 Okay. We've already discussed
7 page 18. Page 19, 20 and 21 are the detail on where
8 the roads came from. I'm not going to go over
9 those. But that, if, you know -- somebody can
10 analyze that and determine that. This information
11 was obtained from your public works department.

12 MR. MICHELINI: And those are all
13 municipal roads as indicated, correct?

14 MR. MOORE: Yes.

15 MR. WISER: Can you just tell us what
16 the word missing means.

17 MR. MOORE: Yeah. When I told you I
18 received those documents, these documents I never
19 got. But I did get the map, you know, on page 21.
20 So, if I had a road indicated on the map, which I
21 also obtained from, you know, the township, that I
22 did not get one of these slips for, I had to
23 estimate what the linear feet would be.

24 MR. WISER: How did you do that?

25 MR. MOORE: I kind of measured it.

1 Now, I'm not an engineer but --

2 MR. MICHELINI: So for instance,
3 21st Avenue, you had 1950 feet. 22nd Second was
4 missing, you put 1950 feet.

5 MR. MOORE: Because it looked the
6 same.

7 MR. MICHELINI: Okay.

8 MR. WISER: Understood.

9 MR. MOORE: I mean, it's not a great
10 detailed map, but I did the best I could.

11 MR. WISER: For an accountant.

12 MR. MOORE: Thank you. The last --
13 the next two pages represent the ordinances.

14 BY MR. MICHELINI:

15 Q What pages are these?

16 A Twenty-two and 23. I think we
17 mentioned that we spent, we had ordinances in the
18 last six years of \$30 million. And in the far right
19 column, I indicated what roads were referenced in
20 the ordinance. And you can see, and in the 2012
21 ordinance one road. In the 2011 ordinance one road.
22 In the 2010 ordinance two roads. So, just as a
23 point of reference that, you know we should -- you
24 should have available.

25 Q What does that mean? Why did you put

1 that in your schedule as a point of reference?

2 A Because I believe some of the
3 discussion was, you know, very little was spent in
4 South Seaside Park. And these ordinances somewhat
5 bear that out.

6 Q Good.

7 A And the last page, page 24, is just
8 budgets for the last six years. In the first -- the
9 second column is the total budget. The second, the
10 change in dollars, change in percents. The last
11 three columns are the levies and how they changed in
12 the last six years. So, from 2010 to 2015, the
13 budget went up \$6 million and the levy went up 4.7.

14 Q And in two years, there was hardly
15 any movement, correct?

16 A In the levy, there was no increase in
17 2011 or '15. Minor in '15.

18 Q So, what did you ultimately --
19 this -- well, let me ask you a couple questions.
20 This methodology that you came up with to try to
21 determine the cost savings, that's something that
22 you developed, correct?

23 A Yes.

24 Q It's not something that you had seen
25 somewhere else? I take it this is not an area that

1 is well booked, that there's treatises on in your
 2 field to tell you how to do de-annexation analysis
 3 in terms of cost savings?
 4 A That's correct.
 5 Q So, would it be safe to say that you
 6 applied your years of experience as a CPA for the
 7 last 40 -- how many years is it?
 8 A Forty, 45 years.
 9 Q Forty-five years, roughly, of doing
 10 municipal accounting to come up with this?
 11 A You know, my goal, of course, was to
 12 try to present a fair estimate of what the savings
 13 should be to the board. Try to use the most
 14 conservative approach that I thought I could use.
 15 And that is the method I had. The -- you know, as
 16 we already talked about, there are no cost studies.
 17 We can't walk into any department and say, what did
 18 you spend in South Seaside Park or Bayville or --
 19 so, there has to be a savings. This is the method
 20 that I determined was a, you know, adequate and
 21 acceptable method to try to determine what the
 22 savings are.
 23 Q And, obviously, it's far less than
 24 10.68 percent of the budget, which would have been a
 25 much higher number, correct?

1 A Right. That would be 4.6 million.
 2 Q And does the savings in any way
 3 support the -- did you read the testimony of the
 4 people who testified here, the petitioners who
 5 signed the petition about their complaints of lack
 6 of services and things of that nature? Or if you
 7 didn't, that's okay.
 8 A I did not.
 9 Q Did you read the --
 10 A I read the testimonies but I did not
 11 use that as an influence to do this report.
 12 Q Is it consistent? Is the information
 13 in your report consistent with the lack of services
 14 that they complained of?
 15 A This report can't address that. I
 16 mean, I think the two pages that maybe allude to
 17 that are the ordinances.
 18 Q Okay.
 19 A But beyond that, this was strictly a
 20 determination of what the cost -- the impact would
 21 be on the de-annexation.
 22 Q Now, you mentioned something that the
 23 beach is actually a -- they'll save -- I forget
 24 exactly the terminology you used.
 25 A Loser.

1 Q The beach is a loser for whom?
 2 A Berkeley.
 3 Q So, if they get rid of the beach
 4 through de-annexation, that would actually benefit
 5 the township in your opinion?
 6 A Based on their -- their financial
 7 records.
 8 Q And would -- there was a lot of
 9 discussion in prior hearings about Island Beach
 10 State Park. Did you run across Island Beach State
 11 Park at all in the records that you reviewed?
 12 A The place I ran across it was when I,
 13 you know, obtained the assessments from the Ocean
 14 County Board of Taxation that, that is listed in
 15 there in tax map 138 at \$660 million.
 16 Q Obviously, no taxes are collected?
 17 A Oh, no.
 18 Q It's exempt but there's a value
 19 associated with it?
 20 A Correct.
 21 Q And it's, obviously, within the
 22 Township of Berkeley. Otherwise, it wouldn't be on
 23 their rolls.
 24 A Correct.
 25 Q The 2000 -- I think you said that you

1 also analyzed 2013 numbers. Are they -- 2013,
 2 without going into the detail, you did the same
 3 thing for 2013, basically, correct?
 4 A Yes.
 5 Q Were those numbers more favorable to
 6 the petition signers, less favorable or about the
 7 same?
 8 A About the same.
 9 Q Okay. Did you take a look at
 10 residential properties over in Berkeley Township in
 11 the South Seaside Park section and determine whether
 12 or not the township would be losing a lot of high
 13 end assessed properties? In terms of the
 14 improvements only. Not talking about the land.
 15 We're talking about whether there's McMansions or
 16 big buildings built over in South Seaside Park.
 17 A The only -- I did an analysis of the
 18 assessments just on the improvements. And there's
 19 only three properties in South Seaside Park over
 20 \$500,000.
 21 Q We're talking about residential?
 22 A Resident, just residential.
 23 Q Okay. In terms of the improvements
 24 only?
 25 A Yes.

1 Q Are there more in mainland Berkeley
2 Township --
3 A Yes.
4 Q -- than three?
5 A Yes.
6 Q You looked at a lot of beach towns in
7 your career, correct?
8 A Yes.
9 Q What -- name some of those towns.
10 A Well, I was raised in Ocean City, so
11 I'm very familiar with Ocean City. Have audited
12 Cape May, Stone Harbor, Avalon, Longport, Margate,
13 Ventnor, Atlantic City, brigantine. So --
14 Q Any --
15 A -- very familiar with the towns.
16 Q Any towns in Ocean County that you've
17 audited or been --
18 A Little Egg Harbor I audited.
19 Q All right. In terms of a beach town,
20 is this the -- is this kind of -- have you been over
21 there, actually?
22 A I was, yes.
23 Q Okay. You've actually been to --
24 A Yes.
25 Q -- South Seaside Park?

1 A Yes.
2 Q You've been to mainland Berkeley
3 Township besides here?
4 A Yes, I had dinner tonight in Berkeley
5 Township.
6 Q Where?
7 A Some Shady place.
8 Q Shady Rest?
9 A Shady Rest. It was very good. It
10 was very good. Too much food.
11 Q In terms of other beach towns, is
12 this area similar to the other beach towns further
13 south that you're familiar with in terms of the
14 types of assessments it has? Is it different? Is
15 it the same? Can you draw any distinctions or not?
16 A I think the distinction that I saw
17 was that the houses don't appear to be very lavish
18 in South Seaside Park and versus, you know, and I
19 know there was testimony about Vent -- I mean,
20 Ventnor and Avalon and Stone Harbor. Those
21 communities have, you know, gone through the
22 teardown, duplicate -- duplex buildings. Have built
23 out everything to the maximum that they can.
24 Whereas, South Seaside Park, you know, based on what
25 I'm seeing, hasn't changed in 30, 40 years.

1 Q Is it -- I know that you have an
2 analysis in your report about the savings in taxes
3 that would occur, I think it's on the schedule,
4 where you have all the values of the homes. You
5 start at 100,000 and you go to 183,600, et cetera,
6 down to 500,000. And then you compare those homes
7 to what happens if those homes are in -- become part
8 of Seaside Park.
9 So, would there be a tax savings to the
10 people who live in South Seaside Park if they become
11 part of Seaside Park and is it reflected in that
12 schedule?
13 A Yes, it is.
14 Q Is there a savings then --
15 A Yes.
16 Q -- to those people?
17 A Yes.
18 Q So, there is a tax savings benefit?
19 A Yes.
20 Q From what you can tell, is this -- to
21 the best that you're able to tell -- you may not be
22 able to tell -- is this a case about tax shopping or
23 not, in your opinion?
24 A Based on the dollars, it doesn't,
25 it --

1 MR. MCGUCKIN: Hold on one second.
2 On what basis is he an expert in that field?
3 MR. MICHELINI: He's going to say
4 based on the dollars.
5 MR. MCGUCKIN: How can he give his
6 opinion on tax shopping, the motivation of other
7 individuals?
8 MR. MICHELINI: Well, let him testify
9 and you can question him.
10 A I mean, based on the dollars there --
11 it's certainly not a significant amount of savings
12 by de-annexation and going to Seaside Park.
13 Q There is some? There's some benefit,
14 correct?
15 A The big benefit is for Seaside Park,
16 in my opinion.
17 Q But in terms of the residents of
18 South Seaside Park will become part of Seaside Park
19 in the event of de-annexation, the benefit is?
20 A Not significant.
21 Q There has been some testimony by the
22 planner about what is anticipated as future
23 development in mainland Berkeley Township. Did you
24 read that testimony?
25 A Yes, some of it, yes.

1 Q Okay. So, there's going to be,
2 hopefully, with this new TDR plan a town center, two
3 town centers, in fact, and then some other nodes,
4 including a light industrial node and so forth, that
5 will add, according to those reports, substantial
6 numbers in terms of, when I say substantial, I'm
7 talking 500,000 plus, in terms of square footage of
8 commercial space, for instance, according to the
9 township's own reports. Have you taken that into
10 account?

11 A No.

12 Q If you took that into account and you
13 had more specific numbers than I'm giving you in my
14 questions and a time frame for applying them, in
15 other words, that's going to be done within three
16 years or five years or something, how would -- could
17 that be cranked into your numbers and what effect
18 would it have one way or the other?

19 A Well, I mean, if you were going to
20 add, you know, a large number of assessments that
21 are on the mainland, then that, of course, would
22 lower the percentage that's associated with South
23 Seaside Park.

24 Q So, that would lower the impact
25 overall --

1 A Yes.

2 Q -- of de-annexation --

3 A Yes.

4 Q -- correct?

5 A Yes.

6 Q But you didn't consider that?

7 A No.

8 Q But you --

9 MR. MCGUCKIN: Why didn't you
10 consider it?

11 MR. MOORE: Because it wasn't a
12 factual thing that I had in front of me.

13 MR. MCGUCKIN: Speculative?

14 MR. MOORE: I didn't have -- I wasn't
15 asked to do that.

16 MR. MCGUCKIN: It may happen? It may
17 not happen?

18 MR. MOORE: Correct.

19 MR. MCGUCKIN: Thank you.

20 MR. MICHELINI: I'm going to object
21 to that. You put words in his mouth. May happen,
22 may not happen.

23 MR. MCGUCKIN: He said it correct. I
24 thought that --

25 MR. MICHELINI: He said he wasn't

1 asked to do it because he didn't have the
2 information in front of him.

3 MR. MCGUCKIN: And I asked him and he
4 said I was correct.

5 BY MR. MICHELINI:

6 Q Okay. Do you think you can rely upon
7 the mayor when he says that the Beachwood Shopping
8 Center is going to be redeveloped and that's going
9 to lower the tax burden for everybody in
10 Berkeley Township?

11 A I think you absolutely would have to
12 rely on the mayor for that.

13 Q And that's actually in your Berkeley
14 Times today. You read that, didn't you?

15 A I saw that, yes.

16 MR. GINGRICH: How many years away?
17 You forgot that one. How many years down the road?

18 MR. MICHELINI: Are you asking me?
19 I'm not testifying.

20 MR. GINGRICH: Well, you've thrown
21 that number in there. You got to have something.

22 MR. MICHELINI: We would love to know
23 that. Maybe we'll have it next time.

24 MR. GINGRICH: Could be ten years
25 from now. Am I wrong?

1 MR. MICHELINI: Could it be ten
2 years? I would hope it's not ten years. I would
3 think the mayor would probably disagree with you on
4 that.

5 MR. GINGRICH: Took him ten years
6 to -- yeah, took him ten years to get to tear it
7 down.

8 MR. MICHELINI: I can assure you -- I
9 can assure you --

10 MR. GINGRICH: They're going to build
11 it up and make a lot of money in the next six
12 months.

13 MR. MICHELINI: -- I can assure you
14 that the mayor would not agree with you on that.

15 MR. GINGRICH: I'm sure he wouldn't,
16 but that's why they make Coke and Pepsi.

17 BY MR. MICHELINI:

18 Q In regard to capital expenditures,
19 did you happen to look at what the borough projects
20 or the township, rather, projects? I'm talking
21 about Berkeley Township in terms of future capital
22 expenditures.

23 A For next, 2016, they are projecting
24 \$550,000.

25 Q And did you look beyond that as well?

1 A I did. You know, based on their
2 budget document, goes 750, a million. But nowhere
3 near the six and a half that they've been spending.

4 Q So, therefore, if their projections
5 are accurate, would it be safe to say that there
6 will be little or no impact to those future capital
7 expenditures as a result of de-annexation?

8 A Correct.

9 MR. MICHELINI: I think what we'll do
10 is halt it right there. Been just about two hours.
11 And it's about time. So we'll finish up next time
12 with any additional questions and then let you go to
13 cross.

14 Thank you very much for your
15 patience.

16 MR. WINWARD: Thank you for your --

17 MR. MOORE: Thank you.

18 (Matter adjourned.)

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C E R T I F I C A T E

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

10

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Linda Sullivan Hill

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~~Notary Public of the State of New Jersey~~

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My Commission expires January 26, 2016

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Dated: December 30, 2015

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