

1 TOWNSHIP OF BERKELEY
2 PLANNING BOARD

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

8 Pinewald Keswick Road
9 Bayville, New Jersey
10 Thursday, September 7, 2017
11 6:10 p.m.

11 B E F O R E:

- 12 Robert Winward, Chairman
- 13 John Bacchione, Councilman
- 14 Nick Mackres, Member
- 15 Richard Callahan, Member
- 16 John Hudak, Member
- 17 Jack Wiegartner, Member

23 -----
24 LINDA SULLIVAN-HILL & ASSOCIATES
25 CERTIFIED COURT REPORTERS
46 SOUTH LAKEVIEW DRIVE
JACKSON, NEW JERSEY 08527
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10	A-75	OPRA request form for Seaside Park relating to T&M Associates
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12	A-76	OPRA request dated August 16, 2017
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14	A-77	Definition of neighborhood in the Complete Illustrated Book of Development Definitions by Moskowitz and Lindbloom, page 335
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EXHIBITS

REQUESTS

1
2 APPEARANCES:

3 DASTI, MURPHY, MCGUCKIN, ULAKY,
4 CHERKOS & CONNORS, ESQS.
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Forked River, New Jersey 08731
5 BY: GREGORY MCGUCKIN, ESQ.
6 Attorneys for the Board
7 O'MALLEY, SURMAN & MICHELINI, ESQS.
17 Beaverson Blvd.
8 Brick, New Jersey 08723
9 BY: JOSEPH MICHELINI, ESQ.
Attorneys for the Petitioners

12 ALSO PRESENT:

13 Kelly Hugg, Secretary
14 Nick Dickerson, Planner
15 Stuart B. Wiser, Planner
16 Rodney Haines, CPA
17 Stanley C. Slachetka, Planner

1 MR. WINWARD: We don't have any other
2 applications tonight, so we're going to get right
3 into the South Seaside Park Homeowners and Voters
4 Association de-annexation petition hearing.
5 MR. MICHELINI: We're ready.
6 MR. WINWARD: Did you finish your
7 testimony, Stan, or do you still have more to
8 review?
9 MR. SLACHETKA: I did finish my
10 direct testimony.
11 MR. WINWARD: Okay. So, now the
12 attorney for South Seaside Park, Joseph Michelini,
13 will now begin his cross-examination.
14 And for the record, board member
15 Dr. John Hudak is now present.
16 MR. MICHELINI: I need the report
17 that was marked.
18 For the record, I'll enter my
19 appearance. Joseph Michelini from O'Malley, Surman
20 & Michelini on behalf of the petition signers from
21 South Seaside Park.
22 Good evening, everyone.
23 (Off the record.)
24 MR. MICHELINI: I believe at the
25 last -- actually, the first time that Mr. Slachetka

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1 testified, he had his report marked. I would like
 2 to have that to begin.
 3 (Off the record.)
 4 MR. SLACHETKA: This is a copy of the
 5 report. It's not the marked version.
 6 MR. MICHELINI: This is a copy but it
 7 does not have any of the exhibits, correct? Could
 8 you assemble the full report and maybe we can have
 9 it marked again for the purpose of the record.
 10 MS. HUGG: I'm sorry.
 11 MR. MICHELINI: That's okay. It's
 12 just, it needs to be marked for the purpose of the
 13 record if I'm asking questions about it.
 14 (Off the record.)
 15 MR. SLACHETKA: I have the maps with
 16 me but I don't have the appendices. So, if you --
 17 MR. MICHELINI: So, the question is,
 18 what happened to the report? I believe it was
 19 marked. Was it not? Am I mistaken about that?
 20 MS. HUGG: I got it. A-32 is the
 21 exhibit.
 22 MR. MICHELINI: Perfect. Okay.
 23 MR. MCGUCKIN: T-32.
 24 MS. HUGG: T-32. I'm sorry. I do
 25 have it. I was looking at the other exhibits.

1 Sorry.
 2 MR. MICHELINI: Okay. All right.
 3 Thank you.
 4 EXAMINATION BY MR. MICHELINI:
 5 Q Okay. Mr. Slachetka, bear with me as
 6 I go through a number of questions. I know you
 7 testified for what, four hours?
 8 A Yes.
 9 Q Is that the longest that you've ever
 10 testified as a professional?
 11 A I don't -- if it's not the longest,
 12 it probably ranks up there.
 13 Q And how long have you been a
 14 professional planner?
 15 A For over 30 years.
 16 Q Okay. And also, do you have any
 17 other certifications? In other words, are you a
 18 professional engineer?
 19 A I'm a member of the American
 20 Institute of Certified Planners.
 21 Q Do you have any -- do you have a CV,
 22 curriculum vitae?
 23 A I don't have one with me, but I can
 24 provide you with one.
 25 Q I would ask, as a matter of the

1 record, that you provide me with one. I would
 2 reserve to ask any further questions, although I
 3 doubt that I would want to. After tonight, I would
 4 ask that you provide that to me. You can just
 5 e-mail it to me or send it to my office.
 6 A Yeah, that's fine.
 7 Q Thank you. But you are not a
 8 professional engineer, correct?
 9 A I am not a professional engineer, no.
 10 Q Now, this report with appendices was
 11 several hundred pages long, correct?
 12 A That is correct.
 13 Q When did you begin to prepare it?
 14 A I believe we began working on the
 15 report approximately two years ago. And during
 16 various times, we had worked on it a little bit
 17 more, little better less. It's about two years in
 18 the making.
 19 Q Okay. Now it is September of 2017.
 20 So that would be sometime around the summer of 2015,
 21 would that be accurate, approximately?
 22 A I would say yeah, approximately, or
 23 maybe towards -- probably closer towards the end of
 24 2015.
 25 Q Did anybody assist you in the

1 preparation of your report which has been marked as
 2 T-32?
 3 A Yes, the staff of, the planning staff
 4 at T&M Associates. Nicholas Dickerson, who's in
 5 attendance here, he participated in the preparation.
 6 And we had other staff members also participate in
 7 various components of preparing the report.
 8 Q Okay. And how much of the report did
 9 you actually prepare as opposed to other staff
 10 members?
 11 A I really couldn't quantify that.
 12 There were sections that I did some writing and
 13 editing. Other sections that were drafted by
 14 planning staff that I reviewed and made edits to.
 15 And others that I reviewed and just agreed to and
 16 incorporated. So, it was a combination of, there
 17 were some sections that I had more involvement in
 18 actually writing it. Other sections where I was
 19 supervising and reviewing the draft.
 20 Q Is it fair to say that you were in
 21 charge of preparing the report?
 22 A Yes. Yes.
 23 Q Okay. And Mr. Dickerson and the
 24 others from your office at T&M were under you and
 25 answered to you with regard to what they did with

1 the report?
 2 A That's exactly right.
 3 Q Okay. And, ultimately, you decided
 4 what was in the report, correct?
 5 A That is correct.
 6 Q Did you excise anything from the
 7 report?
 8 A I mean, other than, you know, doing
 9 your standard edits. I don't know what -- what do
 10 you mean by excise?
 11 Q Well, was there anything that you
 12 rejected?
 13 A I mean, if there were, there might
 14 have been some sections or there might have been
 15 some narrative that I rejected as we developed the
 16 report over time.
 17 Q Did you meet with any of the board
 18 professionals, other than Mr. Dickerson, in
 19 conjunction with preparation of the report?
 20 A I believe there was a meeting or two
 21 that I attended that the board engineer also
 22 attended.
 23 Q When was that?
 24 A That was probably, I would say,
 25 probably sometime in 2015.

10

1 Q When you say the board engineer, are
 2 you talking about Mr. Peters or Mr. Wisner?
 3 A Mr. Peters.
 4 Q Okay. And was he the only person at
 5 that meeting?
 6 A There were others who attended that
 7 meeting. I'd have to review the, you know, my notes
 8 and see who else was at the meeting if, in fact, I
 9 had an attendance sheet at that meeting.
 10 Q So, you don't know if you have an
 11 attendance sheet?
 12 A I don't know. I'd have -- I'd have
 13 to check my records.
 14 Q Do you remember who else was there
 15 besides Mr. Peters?
 16 A I believe it might have been
 17 Mr. McGuckin in relationship to the board. And, as
 18 you mentioned, I think maybe Mr. Wisner was in
 19 attendance at that meeting as well.
 20 Q Anyone else?
 21 A I'd have to -- I'd have to take a
 22 look and see in my notes.
 23 (Off the record.)
 24 MR. MCGUCKIN: Just for the record,
 25 you were sworn in when you first began to testify?

1 MR. SLACHETKA: Oh, that is correct.
 2 MR. MCGUCKIN: You are still under
 3 oath, you understand that, correct?
 4 MR. SLACHETKA: Yes, I do.
 5 Q And you understand that oath is to
 6 tell the truth and that there are penalties
 7 associated with not telling the truth?
 8 A I certainly do. Yes, I do.
 9 Q Good. I'm glad we got that out of
 10 the way.
 11 A Not a problem.
 12 Q Okay. Now, you said that there was a
 13 meeting back in 2015. You said one or two meetings.
 14 Was it one or two meetings?
 15 A I'm just talking about the ones that
 16 I attended. It might have been two. I'm not sure.
 17 It's one or two.
 18 Q But you don't know?
 19 A No, I'd have to -- I'd have to go
 20 back in my notes and confirm.
 21 Q And other than Mr. Peters and
 22 Mr. McGuckin, do you know if Mr. Camera, let's say,
 23 was at that meeting or those meetings?
 24 A He might have been at that meeting,
 25 but, again, I'd have to double check.

12

1 Q Do you know if Mr. Oris was at those
 2 meetings?
 3 A I believe he was, yes.
 4 Q And who is he with?
 5 A He is with T&M Associates as well.
 6 Q How about Mr. Dickerson?
 7 A Mr. Dickerson was at those meetings,
 8 yes.
 9 Q So, there were three people from
 10 T&M Associates at those meetings, correct?
 11 A That is correct.
 12 Q Any more?
 13 A No, I don't think so.
 14 Q And all of you are professional
 15 planners, you, Mr. Oris and Mr. Dickerson?
 16 A Yes.
 17 Q Okay. What was the meeting for?
 18 A This was, I think, very early on in
 19 the process where we were basically getting together
 20 to review the de-annexation process. Basically,
 21 kind of evaluate and establish roles and
 22 responsibilities in reviewing the de-annexation
 23 petition. And just generally briefing in terms of
 24 understanding the de-annexation process.
 25 Q And who led those meetings?

1 A I don't know if there was a specific
2 leader of those meetings. I don't think there was
3 anybody who chaired the meetings or led the meetings
4 specifically.
5 Q Who called the meeting?
6 A I believe that was called by the
7 township. And I believe Mr. Camera was the one who
8 called it. But I'd have to double check my notes on
9 that.
10 Q And who gave you the information
11 about de-annexation and how it should proceed?
12 A Well, Mr. Wisner, you know, based on
13 his experience, provided some information about the
14 process, if I recall correctly.
15 Q Anybody else?
16 A I can't recollect, you know, who
17 specifically kind of provided us with information on
18 the process. Possibly the attorneys. But I do
19 recollect that Mr. Wisner providing some overview
20 that --
21 Q When you say the attorneys, was there
22 an attorney there besides Mr. McGuckin or only
23 Mr. McGuckin?
24 A I'm trying to think. There might
25 have been -- the township attorney might have been

1 at that initial meeting.
2 Q And who was the township attorney at
3 that time?
4 A I believe -- well, let's see. I know
5 Lauren Staiger provides, you know, provides those
6 services to the township. I don't recollect who
7 from that office was at that meeting.
8 Q But you think somebody probably was
9 there from that office, correct?
10 A I think so. And, again, I'd have to
11 double check my notes to confirm.
12 Q But you don't know if you have notes,
13 correct?
14 A Again, I'd have to check to see if I
15 have notes. I don't know if I have any.
16 Q Okay. Where was that meeting held or
17 meetings?
18 A At the township, township offices.
19 Q Okay. So, essentially, at this
20 campus here where we're at now?
21 A Yes.
22 Q Okay. How long did those meetings
23 last?
24 A I would think about an hour,
25 approximately.

1 Q Was the chief of police there?
2 A He might have been, but I'd -- but,
3 again, I'd have to double check.
4 Q Do you know who the chief of police
5 is?
6 A I don't remember her name
7 specifically. But I do know the chief of police.
8 Q Okay. As we're talking about it, do
9 you remember anything else that was discussed at
10 these meetings?
11 A No. I think, in general, that was
12 the -- my recollection is that that meeting was, it
13 was about, again, briefing on the de-annexation
14 process and what would be the roles and
15 responsibilities of the various, you know, township
16 professionals in the process.
17 Q Were any board members there from
18 this planning board?
19 A I don't think so, but I don't
20 remember.
21 Q Were any council members there?
22 A I don't remember.
23 Q Do you know if the mayor was there?
24 A I don't know if he was at that
25 meeting, no.

1 Q Was he at any meeting with you to
2 discuss de-annexation?
3 A He might have been. But, again, I'd
4 have to double check and check my records to see who
5 was at that meeting.
6 Q And you were at that meeting in what
7 capacity?
8 A As the -- as a representative of
9 T&M Associates, the township planner.
10 Q And was Mr. Oris there also as a
11 township planner?
12 A Yes, he was.
13 Q And was Mr. Dickerson also there as a
14 township planner?
15 A Yes, as --
16 Q Why were there three of you there
17 from T&M as the township planner?
18 A Well, Mr. Oris is the appointed
19 township planner. And I provide, you know,
20 professional planning services to the township and
21 to the board in various capacities. As we mentioned
22 before, Mr. Dickerson also provides support,
23 planning support staff for our work and has been
24 involved working with the planning board on a
25 regular basis. So, each one of us has had some

1 significant role and involvement in working in
2 various capacities as the planning professionals for
3 the township.

4 Q And so, were you -- you were also
5 the -- are you also the planner for the planning
6 board, as well as for the township?

7 A Well, T&M is appointed as the
8 township planner. And as part of the roles and
9 responsibilities of T&M Associates, we're the --
10 we're the board planners, the planners for the
11 planning board.

12 Q Correct. So, T&M is -- I mean, you
13 don't function apart from T&M, you're part of T&M,
14 correct?

15 A That is correct.

16 Q Mr. Dickerson is part of T&M and
17 Mr. Oris is part of T&M, correct?

18 A That is correct.

19 Q All right. And so, in your capacity
20 in these meetings, were you there on behalf of the
21 township, behalf of the planning board or both or
22 don't you know?

23 A At that point, there wasn't a
24 specific definition of role of saying, well, you're
25 representing the planning board, you're representing

1 the township. Again, T&M represents both the
2 township overall and the planning board as the
3 planning board's planner.

4 Q Did you discuss your report or any
5 portion of it with any of the board members at any
6 time?

7 A No.

8 Q Did you discuss your report or any
9 portion of it with any of the council members at any
10 time?

11 A No.

12 Q Did you discuss it with any of the
13 petition signers at any time?

14 A No, I did not.

15 Q Did you talk to any of the petition
16 signers in preparation of your report?

17 A Well, I attended the -- some of the
18 hearings on the de-annexation case at the planning
19 board. And, obviously, I might have had questions
20 of the members of the petitioners. But I did not
21 discuss the report with the petitioners.

22 Q So, you indicated that you attended
23 some of these hearings. When you were attending
24 some of these hearings, you were attending as the
25 planning board planner, correct?

1 A That is correct.

2 Q And you actually engaged in
3 cross-examination of one of my experts, Mr. Bauman,
4 as the planning board planner, correct?

5 A That is correct.

6 Q And you may have also asked questions
7 of petitioners as the planning board planner,
8 correct?

9 A That is correct.

10 Q And as you testified in this matter
11 over the last two hearings, you testified, though,
12 on behalf of the township, correct?

13 A Well, actually, my role in testifying
14 before the planning board and providing the planning
15 board with my testimony was really as a role as the
16 board planner and providing them advice pursuant to
17 the de-annexation process.

18 Q So, you didn't testify on behalf of
19 the township in the township's case; is that what
20 you're telling us?

21 A No, my -- well, I didn't even view it
22 as the township's case in terms of my role and
23 responsibility to provide professional advice and
24 perspective to the board. In that -- in that
25 instance, it's my understanding, and the way that I

1 presented the testimony and prepared the report, is
2 as adviser and planning professional for the
3 planning board.

4 Q So, you were not acting on behalf of
5 the township in providing this report; is that what
6 you're telling us?

7 A No, I was acting as, in my role and
8 capacity -- and, again, there's a little bit of, you
9 know, crossover in the sense of what T&M's role was
10 as being the township planner and representing the
11 planning board. But, in this specific instance, in
12 preparing this report and also providing testimony
13 to the board, that was in my capacity as adviser to
14 the board and representing the board as its planner.

15 Q So, the board asked you to come and
16 testify; is that correct?

17 A Yes, as part at the -- it's part of
18 our role in the --

19 Q So, Mr. Camera didn't ask you to come
20 and testify?

21 A I don't think Mr. Camera specifically
22 said, I want you there at the board hearing. The
23 board -- we represent the board. The board is
24 conduct -- was conducting these hearings. It's my
25 understanding that the board wanted to understand

1 the de-annexation petition in the context of my role
2 as a professional planner to the board.

3 Q Who at the board asked you to
4 testify?

5 A I don't know if anyone specifically
6 asked me to testify, other than the fact that we do
7 have the responsibility to participate as the
8 board's professional.

9 Q So, did you just simply say and
10 volunteer, I am going to testify, I want everybody
11 to know?

12 A No, that's not necessarily the case.

13 Q Okay. So, how did it come about that
14 two meetings ago, it was decided that you would come
15 and testify during the township's case?

16 A Well, and, again, I mean, I --
17 whether or not this is a, as you categorize it,
18 quote, the township's case, I was directed initially
19 by the township to evaluate the de-annexation
20 petition. However, in terms of my presentation to
21 the board, that presentation was made in the context
22 of my being a planner for the board and
23 providing them --

24 Q So, who asked you -- I'll go back to
25 my question. You testified two times for four

1 hours. Two hearings ago, you began your testimony.
2 Who told you you need to show up and give your
3 testimony at that hearing? Who told you that?

4 A And, again, my -- initially, the
5 direction to prepare the analysis of the report was
6 at the direction of the township. However, the
7 testimony, once the report was prepared and I was
8 presenting to the board, that is my -- that was my
9 role as a -- as board planner, to provide them
10 information and inform the board with regards to the
11 nature of the planning issues in the context of the
12 de-annexation process.

13 Q I understand what you think your role
14 is. I'm asking who asked you to testify two
15 meetings ago. Somebody had to ask you to testify.
16 Who asked you to testify?

17 A I don't know in terms of the specific
18 person.

19 Q Fine.

20 A The specific person from the board
21 that would have asked me to testify, I don't know.

22 Q So, you think it was somebody from
23 the board, not Mr. Camera?

24 A Well, again, it's, you know, we're
25 planners to the board. And we provide advice and

1 perspective to the board. The initial evaluation,
2 as I said, the initial context was the township
3 requesting us to evaluate the de-annexation petition
4 for the township. But once I was presenting to the
5 board, it's my perspective, my role that I was
6 providing advice to the board as a professional
7 planner and as the board's professional planner.

8 Q Is your role different or -- is your
9 role different as a planner for the township as
10 opposed to being a planner for the board?

11 A I don't know if necessarily that I
12 would categorize as that you have a different role.
13 You have different level -- different
14 responsibilities.

15 For example, if the township has authorized
16 me or the township committee -- trying to stay close
17 to the mike here -- if the township committee is
18 authorizing me to undertake a redevelopment study,
19 that would be performing that service or if they
20 were asking me to prepare a plan, I would be
21 performing that service on part -- as part of the --
22 our responsibilities as township planner.

23 If we're reviewing a development application,
24 that's obviously for the board. But if I'm
25 providing testimony and evaluating a plan or

1 presenting a plan to the board, that, in my
2 perspective, is my role as the professional planner
3 to the board and providing the board with advice and
4 perspective.

5 Q So, let me just understand. You
6 don't necessarily see that there's a difference in
7 the role when you're sitting as a representative of
8 this planning board or on behalf of the planning
9 board as its planner and when you're acting as a
10 professional planner for the township; is that
11 correct?

12 A Yeah. And let me clarify. I think
13 that that's not unusual in terms of the role of a
14 professional for any municipality where you are both
15 the appointed municipal planner, as well as the
16 board planner. Many, many municipalities, many --
17 we have -- we carry those dual capacities and those
18 dual responsibilities. And to a certain extent, you
19 know, if you're a city planner and you're working
20 within the context of a -- you're the designated
21 city planner or working in-house within a
22 municipality, you, in many cases, provide those
23 services to the municipality, as well providing
24 consulting services to the board. It's not an
25 unusual relationship. And it's not an unusual

1 distinction that you need a separate planner for the
2 municipality and a separate board planner. In fact,
3 just the other way around. I think it's more common
4 to see, see that role combined in many, many, many
5 municipalities.

6 Q Is that true in your experience in
7 de-annexation proceedings?

8 A No, this is the first de-annexation
9 proceeding that I'm --

10 Q Correct. So, you have no experience
11 from which to give that answer in this context,
12 correct?

13 A Well --

14 MR. MCGUCKIN: I'm going to stop.
15 Hold on. You asked him a question as to what his
16 understanding of the -- of a township planner and a
17 board planner. And he gave you his answer. So, now
18 you're asking him about de-annexation. He said to
19 you he hasn't done one before. So, what is the
20 question regarding how he views this from something
21 he's never done before?

22 MR. MICHELINI: Because he's giving
23 an answer to justify what he's done here. And he
24 did it based on his experience in other
25 circumstances.

1 MR. MCGUCKIN: Right.

2 MR. MICHELINI: But he doesn't have
3 the experience of having done it in a de-annexation
4 case.

5 MR. MCGUCKIN: I think he's -- and he
6 answered he has never done that before in a
7 de-annexation case.

8 MR. MICHELINI: Correct.

9 Q So, that experience that you have,
10 doesn't really apply to this type of case,
11 de-annexation, in terms of the roles that one has as
12 a professional planner or as a planner for the
13 planning board.

14 MR. MCGUCKIN: Mr. Michelini, I'm
15 sorry, but is there some issue with the town or
16 board planner providing testimony to the board on a
17 de-annexation petition?

18 MR. MICHELINI: I believe there is.

19 MR. MCGUCKIN: Okay. I'm sure you'll
20 tell us whenever you wish to do so. But I don't
21 understand how this would be relevant to this
22 proceeding at this juncture.

23 MR. MICHELINI: Well, I believe it's
24 quite relevant. And I believe it's a conflict of
25 interest.

1 Q So, Mr. Slachetka, in your -- what do
2 you, in de-annexation, generally, what do you
3 understand the role of the planning board to be
4 versus the role of the council?

5 MR. MCGUCKIN: Well, that -- that
6 would be a legal conclusion and certainly beyond the
7 scope of his report.

8 MR. MICHELINI: I --

9 MR. MCGUCKIN: If you want to ask him
10 about his report, I think that's fine.

11 Q Does your report --

12 MR. MCGUCKIN: I think you're asking
13 him a legal opinion.

14 MR. MICHELINI: Excuse me.

15 Q Mr. Slachetka, do you have legal
16 conclusions in your report? You do, don't you? You
17 cite the statute, correct?

18 A Well, I cite the statute in the
19 context of the planning analysis that I provided,
20 which is not --

21 Q Correct.

22 A -- not unusual for a planning report
23 to do so.

24 Q Correct. So, you've actually set
25 forth legal conclusions. In order to set forth

1 those legal conclusions, they are there in order to
2 direct and help this board, are they not?

3 A Well, I think you miscategorize it.
4 I have planning conclusions and planning testimony
5 and planning opinions within the confines of the
6 statutory requirements. I'm not proffering a legal
7 position or legal opinion to the board.

8 Q You're not proffering -- so, it's not
9 your opinion that it would be arbitrary or
10 capricious or unreasonable for this board to
11 recommend de-annexation?

12 A Well, that -- that's actually not
13 even recommended or set forth in my report. We talk
14 about arbitrary in the context of, is it -- would it
15 be arbitrary for the township to oppose a
16 de-annexation or not grant a de-annexation request.

17 Q Correct.

18 A But I'm not suggesting whether or not
19 the board is acting arbitrary or not.

20 Q Well, the board makes a report to the
21 council, correct?

22 A That's correct.

23 Q Okay. So, what you've set forth,
24 you've analyzed the legal standards that apply and
25 have attempted to utilize your planning knowledge

1 and experience and apply them to the legal
2 standards, the statute, correct?

3 A Yeah. But, again, you're --

4 Q Is that correct? That's all I'm
5 asking. Is that correct?

6 A Well, it's not a yes or no answer.

7 Q I think it is.

8 A No, it's not, actually. It --
9 essentially, what I'm doing is providing a planning
10 opinion based upon the statutory requirements and my
11 professional opinion. It's not any different than
12 one would do if I was doing a redevelopment study or
13 I was doing -- providing a report pursuant to a,
14 say, a use variance case where you have to evaluate
15 the statutory criteria and proffer a planning
16 opinion. I'm not providing a legal opinion to the
17 board. I'm providing a professional planning
18 opinion to the board.

19 Q Do you view the role of the planning
20 board in this situation different than the role of
21 the township?

22 MR. MCGUCKIN: Again --

23 MR. MICHELINI: He can answer. He's
24 an expert.

25 MR. MCGUCKIN: Well, no, maybe not.

1 what does his opinion as to what the role of the
2 planning board versus the township have to do with
3 this petition.

4 MR. MICHELINI: It directly impacts
5 him, because he's acting, he says, on behalf of the
6 planning board --

7 MR. MCGUCKIN: Right.

8 MR. MICHELINI: -- but he was called
9 in the township's case. So, I'd like to know --

10 MR. MCGUCKIN: You keep referring
11 to --

12 MR. MICHELINI: -- what he thinks the
13 role of the planning board is here.

14 MR. MCGUCKIN: You keep referring to
15 the township's case.

16 MR. MICHELINI: Yes.

17 MR. MCGUCKIN: The planning board has
18 their planner giving testimony before the board.

19 That's what they're doing. There's no township
20 case.

21 MR. MICHELINI: That's not the case.
22 We've been referring to this as the township's case
23 all along. Mr. Camera has been deciding --

24 MR. MCGUCKIN: Understand. And
25 the --

1 MR. MICHELINI: Excuse me.

2 Mr. Camera has been deciding what
3 witnesses to call. We know that.

4 MR. MCGUCKIN: That's correct.

5 MR. MICHELINI: Okay. We've even
6 asked Mr. Camera, who's next?

7 MR. MCGUCKIN: Right.

8 MR. MICHELINI: And he has been
9 communicating with e-mail saying, I'm going to call
10 this witness or that witness --

11 MR. MCGUCKIN: Right.

12 MR. MICHELINI: -- in the township's
13 case. We've been discussing it as the township's
14 case. At the very beginning of Mr. Slachetka's
15 testimony, he was testifying in the township's case
16 as the planner. And here it is, now I'm learning
17 for the first time he's testifying on behalf of the
18 board. I'm entitled to explore that.

19 MR. MCGUCKIN: I think you've
20 explored it.

21 MR. MICHELINI: The roles are
22 different.

23 MR. MCGUCKIN: You want to go
24 further, fine. I think we're, you know, just
25 beating a dead horse, but you want to go a little

1 further, go ahead.

2 Q So, Mr. Slachetka, what do you
3 understand the role of the planning board to be
4 versus the role of the township?

5 A Well, my understanding is that the
6 planning board -- the township, when presented with
7 a request for de-annexation, refers the case to
8 the -- or refers the petition to the planning board.
9 The planning board provides its advice and
10 recommendations to the township, to the
11 municipality, as to whether or not the proposed
12 petition is beneficial or not beneficial or adverse
13 to the township and to the residents in the area
14 that is being proposed for de-annexation.

15 Q And do you understand that the role
16 in that context, that the role of the planning board
17 is it to be independent and apart from the township?

18 A And, again, I don't -- I think we're
19 crossing a, sort of a fine line with regards to
20 that. Because, to a certain extent, the planning
21 board is actually an agency of the municipality, an
22 entity of the municipality, it's part of it, but
23 it's a -- but it has a somewhat different role.

24 So, when I'm working for the township, I'm
25 working for the township in the capacity as a

1 township planner and -- but when I'm before the
2 board and discussing issues and concerns with the
3 board, I'm providing the board with advice and
4 perspective, advice and -- planning advice and
5 perspective for them to make an adequate decision.
6 That's how I view my role.

7 You know, you might want to contest it or you
8 might want to disagree with that, but that's the
9 role that -- that's the role as I define it and I
10 view it. And it's, as I said before, it's not
11 inconsistent with any other municipal situation or
12 circumstance where the township planner or the
13 municipal planner and the board planner are one and
14 the same.

15 Q I'm going to ask the question again.
16 And I'm just going to ask you -- if you don't know,
17 it's fine. You can say I don't know. And that's a
18 completely acceptable answer.

19 My question to you is: Do you understand as
20 to whether or not this board is to be acting
21 independently from the township in this process? If
22 you don't know, that's fine.

23 A The board is actually supposed to
24 provide independent advice and perspective to the
25 township.

1 Q All right. And, yet, you are the
2 planning board attorney and you're also --

3 MR. MCGUCKIN: Planner.
4 Q -- the planner for the township. I'm
5 sorry. You're not the planning board attorney.
6 You're also the planner for this board and also the
7 planner for the township, correct?

8 A That is absolutely correct.

9 Q And those roles have kind of, they've
10 crossed, in your own words, in this process of
11 meeting with township officials and preparing this
12 report, correct?

13 A Well, it's not a -- again, I mean,
14 we're talking a fine line here. But I don't view it
15 as really crossing. You know, my perspective as a
16 professional, and, again, this is based on my
17 experience in working with municipalities throughout
18 my professional career, that when -- if I am the
19 municipal planner, as I am in a number of
20 circumstances, and I'm also the board planner, when
21 I'm presenting my findings and conclusions to the
22 board, I'm providing them as a professional as --
23 and providing them with a professional perspective
24 so that it allows them to make an informed decision
25 on a planning issue. And that's the way that I view

1 my role and responsibilities.

2 Q So, would it be accurate to say --
3 will you concede that the interest of the planning
4 board and the interest of the township are not
5 exactly the same in this situation, in
6 de-annexation?

7 A And, again, I think maybe the better
8 way to describe it is that their roles are somewhat
9 different. Maybe their interest, you know, as,
10 again, the board -- and then we talked about it in
11 the planning report -- the board has a strong
12 involvement in defining the land use policies of the
13 community. Actually, it has the preeminent role in
14 defining the land use policies of the municipality.
15 So, they are engaged and they're involved in the
16 township in that respect. But they can and they do
17 make independent recommendations to the municipality
18 on a variety of different things.

19 For example, if the township adopts a or
20 proposes to adopt a land use ordinance or a zoning
21 ordinance, under the requirements of the Municipal
22 Land Use Law, that gets referred to the planning
23 board for their review and recommendations. And
24 those review and recommendations are provided to
25 the, you know, to the governing body. We would be

1 acting, if we crafted the ordinance for the
2 township, we'd be acting as the township planner in
3 crafting those ordinances. When we are explaining
4 them to the board, we're acting as the board's
5 planner and basically describing the reasons why, in
6 our opinion, that the ordinances are consistent or
7 not consistent with the master plan of the
8 municipality.

9 Similarly, in a redevelopment context, the
10 planning board has a role and responsibility of
11 reviewing a proposed area in need of redevelopment
12 designation. We may be directed by the governing
13 body to prepare that, the redevelopment study, to
14 present to the board. In one capacity, we're
15 asking -- we're acting as, on behalf of the
16 municipality. And another case, in the same
17 process, we're acting as a representative and the
18 professional to the board. That is a process in
19 which the planning board and the governing body have
20 different roles in that process. So, I think, in my
21 opinion, my perspective, I view this in a very, very
22 similar -- in a similar manner.

23 Q Very simple question. Were you
24 called in the township's case as a witness? That's
25 a yes or no. Were you called in the township's case

1 as a witness? Very simple.
 2 A I was requested to appear on behalf
 3 of the township before the board.
 4 Q Okay. And not as the planner,
 5 correct?
 6 A Well, not as the planner as --
 7 Q For the planning board? You were
 8 called as the planner for the township; isn't that
 9 correct?
 10 A But --
 11 Q Isn't that correct? It's simple.
 12 A Well, it's not -- as I have been
 13 saying, that the answer is not a straightforward,
 14 you know, yes, no in terms of what my role is here.
 15 I mean, we can keep going on if you want.
 16 Q Well, you won't answer the question
 17 directly, that's the problem.
 18 MR. MCGUCKIN: He's answered the
 19 question, Mr. Michelini. You don't like the answer.
 20 He serves a dual role as a planning board planner
 21 and as, on behalf of the township, as a township
 22 planner.
 23 MR. MICHELINI: So, he's appearing in
 24 both capacities, then? Is that what you're saying,
 25 Mr. McGuckin?

1 MR. WINWARD: Just for clarification,
 2 though. When he did testify, it was before the
 3 planning board, even if it was on behalf of the
 4 township. So, it wasn't like it was two separate
 5 situations. He testified before the planning board
 6 regarding the township.
 7 MR. MCGUCKIN: There are multiple
 8 times where the township planner will testify before
 9 the planning board. There's multiple occasions
 10 where the same person is the township planner and
 11 the planning board planner. It's no different than
 12 any other --
 13 MR. MICHELINI: Mr. McGuckin, with
 14 all due respect --
 15 MR. MCGUCKIN: Let me finish. It's
 16 no different than any other legislative function
 17 which the planning board undertakes, including the
 18 master plan, areas in need of redevelopment. It's
 19 the exact same thing. And in this case, it's the
 20 exact same thing.
 21 MR. MICHELINI: I absolutely and
 22 totally disagree. I think the case law --
 23 MR. MCGUCKIN: I understand.
 24 MR. MICHELINI: -- is different than
 25 that. I think the case law indicates that this

1 board should be acting totally independently from
 2 the township, cannot assist the township in any way.
 3 MR. MCGUCKIN: The township --
 4 MR. MICHELINI: We've had a lot of
 5 that, unfortunately. And I think it's absolutely
 6 wrong for your planner to be testifying on behalf of
 7 the township in any capacity. And clearly --
 8 MR. MCGUCKIN: You keep saying, on
 9 behalf of the township. He's testifying as the
 10 township planner with respect to a report that your
 11 expert prepared and his response to it.
 12 MR. MICHELINI: Okay.
 13 MR. MCGUCKIN: So, we can go around
 14 this all day and all night, but that's why he's
 15 here. And it's all on the record, so --
 16 Q Mr. Slachetka. When you were sitting
 17 at the dais as the planning board attorney, you
 18 question the --
 19 MR. MCGUCKIN: Planner.
 20 MR. MICHELINI: I'm sorry. I said
 21 attorney. It's my mistake.
 22 Q When you were sitting where
 23 Mr. Dickerson is, as the planner for the planning
 24 board, you indicated that you engaged in
 25 cross-examination. Did you expect that

1 Mr. Dickerson, who's been sitting here through your
 2 testimony, would cross-examine you?
 3 A He's welcome to ask me any questions
 4 that he wants to, but, no, I -- I wasn't -- that
 5 wasn't my expectation that he would cross-examine
 6 me.
 7 Q Right. Correct. Because he's with
 8 you. He's from your firm. And he sits there as a
 9 planner both for the town and for the planning
 10 board, correct?
 11 A Yeah, I mean, his services are
 12 enveloped within the services that T&M provides to
 13 the township and the planning board as their
 14 planners, yes.
 15 Q Who's paying for your services
 16 tonight?
 17 A The township.
 18 Q Okay. The planning board or the
 19 township? Does it come out of --
 20 A No, the township.
 21 Q Okay. And --
 22 MR. WINWARD: Just a correction. The
 23 planning board does approve the voucher, though.
 24 MR. SLACHETKA: Oh, I'm sorry. That
 25 is true.

1 Q Okay. So, you're paid by the
2 township, but approved by the planning board; is
3 that what you're telling us?
4 A Well, we submit our invoices to the
5 township. And I will confess that I don't know all
6 the administrative details, so I'll pass on that
7 one.
8 Q Did you seek any special consent --
9 and I assume the answer is no -- from the planning
10 board and the township to provide testimony in this
11 matter?
12 A I don't understand. What do you mean
13 by, special consent?
14 Q Any consent? Did you get something
15 in writing saying, we consent to you acting in two
16 roles?
17 A Not specifically that, no.
18 Q And with regard to the funds that --
19 well, let me ask you about those meetings
20 that occurred. When you appeared in those meetings,
21 you were appearing at the request of the township at
22 those meetings to discuss de-annexation, correct?
23 A That is correct.
24 Q And you got paid for those on behalf
25 of the -- by the township, correct, for those

1 meetings?
2 A That is correct.
3 Q And every time Mr. Dickerson is here
4 and you're here also, both as licensed planners,
5 you're both getting paid by the township, correct?
6 A That is correct.
7 Q In regard to what has been spent on
8 this matter, how much has T&M billed for these
9 de-annexation proceedings?
10 A I don't know the total amount. I'd
11 have to review the invoices to get the answer to
12 that question.
13 Q And how long would it take you to
14 review the invoices?
15 A I'm sure it wouldn't take me that
16 long, but I don't know, probably a couple of days
17 or, you know --
18 Q Couple of days?
19 A Yeah, next week, you know, if you
20 want something.
21 Q You couldn't do it during a break if
22 I give them to you?
23 A If they -- if they're pretty
24 straightforward and I have a chance to take a look
25 at them, I could, you know, proffer an opinion on

1 that.
2 Q I think we heard testimony from
3 Mr. Peters that Remington & Vernick had spent, I
4 want to say, either 123 or \$127,000 thus far on
5 de-annexation as from an -- from Remington & Vernick
6 for engineering services. Were you here for that
7 testimony?
8 A I was not here for that testimony,
9 no.
10 Q Are you aware of that testimony?
11 A Yes, I am.
12 Q Did you read it in the transcript?
13 A Yes.
14 Q How much was it, do you recall?
15 A I don't recall.
16 Q But something like that, correct?
17 A Yeah, I think that was the order of
18 that magnitude.
19 Q Has T&M spent a similar amount of
20 money?
21 A I'm sure that we've spent a similar
22 amount, but, like I said, I would need to look at
23 the invoices specifically to give you a specific
24 amount.
25 Q And is there a limit on how much

1 you're allowed to spend to -- in conjunction with
2 providing services relative to this de-annexation
3 matter?
4 A I don't know if there's a specified
5 limit, no.
6 Q Were you given a budget?
7 A No.
8 Q Now, you've concluded that
9 de-annexation is adverse to Berkeley Township,
10 correct?
11 A That is -- that would be correct.
12 Q Were you here when Mr. Moore
13 testified that it would benefit Seaside Park from a
14 tax standpoint to acquire South Seaside Park?
15 A I wasn't here for that testimony, no.
16 Q Are you aware of that testimony?
17 A Yes, I am.
18 Q And you're not a financial expert,
19 correct?
20 A No. In fact, we were very clear that
21 the report was, and my testimony, was not related to
22 the financial aspects of the --
23 Q Right.
24 A -- case.
25 Q So, you have no reason specifically

1 to doubt that conclusion, correct?

2 A No, I would not even have researched
3 that.

4 Q But if Mr. Moore's statement is true,
5 then it would be in the best interest of Seaside
6 Park to have de-annexation occur, at least for that
7 one reason, correct?

8 A I mean, I think it's a much more
9 complex analysis, I would anticipate. If you're
10 simply talking about just taxes, I would anticipate
11 that would be the case.

12 Q Okay. And so, assume for a moment
13 that Mr. Moore's testimony is true and that it is in
14 the best interest of Seaside Park for de-annexation
15 to occur, as expressed by Mr. Moore. Your opinion
16 supports the opposite conclusion based on planning
17 elements or planning concerns, correct, that
18 de-annexation would be detrimental to
19 Berkeley Township, talking about Berkeley Township,
20 that it would be detrimental to Berkeley Township,
21 correct?

22 A And I want to be very clear that our
23 analysis was with reference to South Seaside Park
24 and Berkeley Township, on the planning reasons and
25 rationale as presented in the report. We did not do

1 any evaluation of the impact on Seaside Park.

2 Q But you are aware of other
3 professionals who testified in these proceedings
4 that de-annexation could benefit Seaside Park,
5 correct?

6 A Yes.

7 Q Okay. And isn't it true that
8 Seaside Park Borough is also a client of T&M?

9 A I believe you're -- yes, I believe we
10 do provide some professional services. I'm not --
11 let me clarify that. I'm not certain specifically
12 if we provide professional services to South
13 Seaside -- or to Seaside Park.

14 MR. MICHELINI: Can we have this
15 marked?

16 (The OPRA request form for Seaside
17 Park relating to T&M Associates was marked as A-75
18 in evidence.)

19 (Recess was taken.)

20 Q For brevity and speed, I'll
21 summarize, it, and then you can tell me if I'm
22 correct.

23 A Sure.

24 Q This would be appear to be an OPRA
25 request to Seaside Park from Robert A. Nora, one of

1 the petition signers, requesting bills paid to T&M
2 Associates for the last five years. And it's dated
3 August 17, 2017; is that correct?

4 A That is correct.

5 Q Best you can tell?

6 A Yeah, that's what it says on this
7 cover page.

8 Q And that's A-75 in evidence, correct?

9 A Yes.

10 Q And then behind it is a list of bills
11 paid, what appear to be bills paid, and then
12 resolutions of the borough council of Seaside Park,
13 relating to services provided by T&M. And you can
14 just quickly look through that and tell me if that
15 is accurate.

16 A Yeah, sure, not a problem. So --

17 Q Is that correct, those relate to
18 services provided by T&M Associates to Seaside Park,
19 those resolutions?

20 A Well, for the record, I'm looking at
21 a resolution. There's a package of materials here,
22 materials that are attached to the OPRA request.
23 OPRA request response, I should say. There's one
24 resolution, which is number 2011-277, which is dated
25 July 14, 2011, resolution of the Borough of

1 Seaside Park, County of Ocean, State of New Jersey,
2 awarding a contract to T&M Associates for
3 preliminary engineering services for the purchase of
4 a regenerative air sweeper jet vacuum equipment
5 through the New Jersey Environmental Infrastructure
6 Trust Program. So, that resolution again is dated
7 July 14, 2011.

8 Q And that relates to --

9 A Services that --

10 Q -- obtaining services from T&M and
11 authorizing them, correct?

12 A Yeah, that's correct. I just want --
13 the reason why I wanted to go through this, because
14 I wanted to be very clear which ones were -- were
15 actually specific authorizations versus proposals.
16 So, you have --

17 Q Just let me ask the questions, okay?

18 A Okay.

19 Q With regard to the first page of, or
20 the second page of A-75, there is a list of dollar
21 amounts. The first one refers to the sweeper
22 preliminary work additional, and it says, PO total
23 \$850, correct?

24 A That's correct. That's the one
25 that's dated 6/21/12.

1 Q Right. And the payment was made in
2 June of 2012. So, approximately five years ago,
3 correct?
4 A That's correct.
5 Q And then there's one for bayside
6 flooding study, \$680, correct?
7 A Yes, that's July 9, 2012.
8 Q Right. And then there's one for
9 engineering bulkhead projects, \$47,511.12 from
10 February 19 of 2016, correct?
11 A That is correct.
12 Q And then one for engineering
13 assistance with fire grant from April 4, 2016, of
14 \$2,300?
15 A That's \$2,500.
16 Q 2,500, my eyesight is bad. Sorry.
17 There's, next says, engineering for marina piling
18 replace, and there's zero for that.
19 A Yeah.
20 Q That's still open --
21 A Don't know --
22 Q -- correct?
23 A Yes. Well, although the PO, there
24 should be -- if it's a PO, there should be an amount
25 there. So, it's unusual that it says zero amount.

1 Q Okay. So, you'll go back and make
2 sure your bookkeeper bills that one, right?
3 A For zero.
4 Q All right. Then there's one from May
5 of 2017 for flood elevation certificate. And that's
6 a thousand dollars, correct?
7 A That is correct.
8 Q And then there's one for services
9 through 5/19/17, \$1,176.50?
10 A Yes.
11 Q One for professional services dated
12 July 6, 2017, for services through June 16, 2017 of
13 \$4,552.32?
14 A That's correct.
15 Q And one for an engineering bulkhead
16 project, 7/21/2017, with the PO order on August 3rd,
17 2017, of \$5,037.75, correct?
18 A That is correct.
19 Q And the total of these amounts billed
20 by T&M over approximately five years to Seaside Park
21 is \$63,307.69, correct?
22 A That's correct.
23 Q Do you have any reason to doubt that
24 those service were actually billed by T&M
25 Associates, your firm, to Seaside Park?

1 A Well, yeah, obviously, I'm not
2 involved in any of those engineering projects. But
3 I would assume I wouldn't have any doubt that they
4 would be -- if services were provided that they
5 would be -- would have been billed.
6 Q Right. And that's your firm,
7 correct? You may not be involved but you're
8 employed by the firm, correct?
9 A Yeah, exactly.
10 Q All right. And isn't it a fact that
11 the opinion that you gave against de-annexation on
12 behalf of Berkeley Township is, or could be, at
13 least, if it not, it could be in conflict with the
14 interest of Seaside Park which may favor
15 de-annexation; isn't that correct?
16 MR. MCGUCKIN: Hold on. That's --
17 no, no, no, no. Seaside Park is not a party to this
18 proceeding. You are representing the petitioners
19 for this petition. It's an absolutely inappropriate
20 question on behalf of Seaside Park to make the leap
21 that this may somehow benefit them or hurt them
22 based on what happens here. We have no idea if
23 that's the case. No idea whatsoever. I don't think
24 it's an appropriate question. And I don't believe
25 the witness should answer the question.

1 MR. MICHELINI: I think it is an
2 appropriate question, because there's testimony in
3 the --
4 MR. MCGUCKIN: I disagree.
5 MR. MICHELINI: -- record, for one
6 thing, that Seaside Park will benefit, and the
7 witness admitted it. In the event --
8 MR. MCGUCKIN: They may benefit
9 financially --
10 MR. MICHELINI: Excuse me. Let me
11 finish putting this on the record.
12 In the event that de-annexation
13 occurs, that Seaside Park will benefit, that their
14 homeowners will benefit, at least in terms of taxes.
15 And he admitted that he read that in Mr. Moore's
16 testimony. And he acknowledged it, that it was
17 potentially in the interest of Seaside Park to have
18 de-annexation.
19 At the same time, this representative
20 from T&M Associates is rendering an opposite opinion
21 about de-annexation and saying, it's not a good
22 thing. Okay. That --
23 MR. MCGUCKIN: For Berkeley.
24 MR. MICHELINI: -- is on its face --
25 for Berkeley.

1 MR. MCGUCKIN: Right.

2 MR. MICHELINI: But on its face, it
3 is a potential conflict of interest, if not an
4 actual conflict of interest with a client of the
5 firm for which he is employed. He is employed by --

6 MR. MCGUCKIN: Have you filed a
7 conflict --

8 MR. MICHELINI: -- T&M Associates --
9 excuse me. He is employed by T&M Associates. It
10 cannot carry water on both shoulders. You cannot
11 represent Berkeley on the one hand or Berkeley
12 planning board, whatever he's doing, because I think
13 he's testified as to both, quite frankly, and say
14 de-annexation is not good for Berkeley, and at the
15 same time render that opinion which might be adverse
16 to Seaside Park Borough when his own firm has gotten
17 paid \$67,000 in services from Seaside Park Borough
18 over the last five years. That is a state -- that
19 is conflict on its face.

20 And Mr. Slachetka, I understand he's
21 not an engineer and those are engineering services,
22 but they're still provided by his firm. The very
23 firm by which he is employed --

24 MR. MCGUCKIN: Mr. Chairman --

25 MR. MICHELINI: -- and I'm entitled

1 to explore that.

2 MR. MCGUCKIN: Mr. Chairman, I'm
3 going to direct -- I'm going to ask the Chairman if
4 he would direct the witness not to answer any
5 further questions with respect to that. If
6 Mr. Michelini thinks that this individual,
7 professional planner, is in a conflict of interest,
8 he has an absolute revenue -- remedy and an avenue
9 to pursue that. It's inappropriate to do it here.
10 We have no idea if this is in the best interest of
11 Seaside Park, nor is it any of our business.

12 Our business is whether or not it's
13 appropriate for Berkeley Township. That's what the
14 report is for. If Mr. Michelini thinks he did
15 something improper, he has an absolute way to pursue
16 that through the Professional Planner's Association,
17 through the State of New Jersey and, if necessary,
18 through Seaside Park. They're not a party to this
19 proceeding. It's absolutely inappropriate to ask
20 that question of this witness when we don't know
21 what Seaside Park's position will be. We had one or
22 two witness who said it may be beneficial to them
23 from a financial standpoint. But it may be
24 ultimately not beneficial to them. That's for
25 Seaside Park to decide, if we ever get that far.

1 It's inappropriate to put that --

2 MR. MICHELINI: I'm -- go ahead.

3 MR. MCGUCKIN: -- ask this witness
4 that question at this juncture.

5 MR. MICHELINI: I'm entitled to ask
6 -- excuse me. Let me just finish my objection. I'm
7 entitled to ask this because it shows interest and
8 bias in terms of preventing -- presenting an
9 opinion.

10 Let's say, for instance, that he's
11 been paid or T&M has been paid \$100,000 for
12 services, just like Remington & Vernick has been
13 paid, but Seaside Park over five years paid them
14 only 67,000. Whereas, in the last, let's say, two
15 or three years, they've made \$100,000 from Berkeley.
16 Berkeley's obviously the better client. Berkeley's
17 obviously the one that you want to keep as a client.
18 Berkeley's obviously the one whose interest you want
19 to serve more. So, therefore, it goes to
20 demonstrating the potential for interest and bias in
21 providing the opinion that he actually provided in
22 this matter. And that's why it's important.

23 MR. MCGUCKIN: If he was providing an
24 opinion as to the benefit or detriments to
25 Seaside Park, perhaps I'd agree with Mr. Michelini,

1 but he's not. And it's inappropriate to keep
2 bringing it up if he's not filing some complaint or
3 petition --

4 MR. MICHELINI: Just for the
5 record -- so, go ahead.

6 MR. MCGUCKIN: -- with an appropriate
7 panel, appropriate place for it to be heard. Here
8 it's not appropriate.

9 MR. MICHELINI: So, for the record,
10 you're cutting my cross-examination off as to that
11 issue; is that correct?

12 MR. WINWARD: At the advice of our
13 township attorney, I think at this point last week
14 and the week -- last month and the month before
15 that, Mr. Slachetka testified as to his report. And
16 I think that there's plenty of things that he
17 testified to and put in the report that you would
18 have a lot of material there to cross-examine him on
19 that. And I think it's very appropriate, if you
20 wanted to challenge him on the facts, the sources,
21 but asking him to give legal opinions as to whom he
22 represents and what's a conflict of interest, that's
23 not his position. But that is your opinion. And
24 you certainly have made that clear to put on the
25 record. But I think it's time we move on and

1 actually get to the meat of the testimony. I'm sure
2 you must have some questions about a lot of the
3 facts and statements that he actually did make in
4 his report.

5 MR. MICHELINI: I certainly do. And
6 I understand the board's decision. I respect it,
7 and I disagree with it.

8 MR. WINWARD: And we have that noted
9 on the record.

10 MR. MICHELINI: Thank you.

11 MR. WINWARD: And we'd like to move
12 forward. Thank you.

13 MR. MICHELINI: Yes.

14 BY MR. MICHELINI:

15 Q Now, Mr. Slachetka, in your report --
16 and I'm sure you're more familiar with it than I
17 am -- but on page one, it indicates that the
18 petition of de-annexation was signed by 351
19 individuals, 285 of which were verified as valid,
20 representing 65.5 percent of the 435 registered
21 voters in South Seaside Park. Where did you get
22 that information from?

23 A I believe that was based upon the
24 petition that was filed with the township.

25 Q Did you look at the petition yourself

1 and make that determination or did you -- that
2 information, was that given to you by someone?

3 A That was compiled by the staff. And
4 I reviewed the information that was presented, but I
5 did not review the petition itself.

6 Q So, based on that information that
7 you put in your report, the petition was valid, as
8 you understood it, correct?

9 A Well, I don't want to make a legal
10 interpretation of valid or invalid, but it's my
11 understanding that the petition can move forward
12 because of the fact that 65.5 percent of the
13 registered voters signed the petition.

14 Q And what is the threshold?

15 A That I don't know.

16 Q So, you don't know. You don't know
17 whether it was 64 percent, 63 percent, 60 percent?

18 A No, I do not.

19 Q On page three of your report, you
20 indicate a table of references that you had
21 referenced to. Have you attached each one of these
22 to your report or not?

23 A No.

24 Q Okay. So, if I wanted to look at
25 this table of references, let's say I wanted to look

1 at the GIS report from 2015, how would I get it?

2 A You'd need to contact the township to
3 obtain a copy of it.

4 Q I need to contact the township to
5 obtain a copy. Okay.

6 A It might be posted on the website,
7 but I'm not certain if it is, in fact.

8 MR. MICHELINI: Let's have this
9 marked.

10 (The OPRA request dated August 16,
11 2017 was marked as A-76 in evidence.)

12 Q I'm going to show you what's been
13 marked A-76 from Patricia Dolobacs, one of the
14 petition signers. It appears to be an OPRA request
15 dated August 16, 2017, asking for a copy of any
16 information between Berkeley Township and Notre Dame
17 concerning the GIS grant. Any information. Do you
18 see that?

19 A It says, the planning board has not
20 received copies of information. I'm looking at the
21 response here. It says, may we have the -- the
22 request says, may we have a copy of any information
23 between Berkeley Township and Notre Dame concerning
24 the GIS grant. And the response was, the planning
25 board has not received copies of information

1 regarding the Notre Dame GIS grant. And it's signed
2 by Kelly Hugg.

3 Q Right. Is the request made of the
4 township or the planning board? The request is made
5 of the township, is it not?

6 A Let me see. To the township.

7 Q Sent to the Township of Berkeley,
8 correct?

9 A Yeah. Yes, it is.

10 Q Okay. So, for some reason the
11 planning board responded. Do you know if that
12 information -- that's the type of information that
13 you're saying is available?

14 A Well, this is -- those are two
15 different reports or two different items. The
16 Notre Dame GIS grant, that is sort of a misnomer
17 here. Because the GIS report is -- the one that's
18 referenced in the table of references, is the post
19 Sandy GIS report that was prepared for the township
20 as part of the Post Sandy Planning Assistance Grant
21 Program, which is different than the Notre Dame
22 project --

23 Q Okay.

24 A -- where Notre Dame was the grant
25 recipient, not the township.

1 Q So, the Notre Dame project, you
2 testified about that, correct?
3 A Yes.
4 Q You testified at great length about
5 that, as I recall. Where would we find that
6 information?
7 A What, specifically, what information?
8 Q It was a study, right? Notre Dame,
9 the township is part of a GIS study with Notre Dame
10 and some other university, correct?
11 A Yeah, and that's -- that's ongoing.
12 Q Yeah. And you testified at great
13 length about that. Where did you get the
14 information from to testify about that?
15 A Well, we're aware that, and actually
16 did participate in some sessions that the
17 University of Notre Dame had with the township with
18 regards to their pilot project, pilot project for
19 Berkeley Township that's being funded by the
20 New Jersey Department of Community Affairs. So,
21 there -- I don't believe that there is any final
22 report. Because my understanding is, that's to be
23 completed sometime in 2018.
24 Q So, the testimony that you gave, was
25 it from any writings? Did it come from any writings

1 at all of any type?
2 A It came from a combination of
3 sources. It came from meetings with the University
4 of Notre Dame and the township, as well as materials
5 about their, their process. I'm trying to think of
6 the right word for it. Their analytical process by
7 which they would be assisting and supplementing the
8 township's GIS program.
9 Q And how many meetings was there with
10 Notre Dame?
11 A There were -- let's see, there
12 were -- I believe there were two meetings with
13 Notre Dame. An initial meeting and then a follow-up
14 meeting with the town.
15 Q Who attended those meetings?
16 A Those meetings were attended by
17 Mr. Camera, the chief of police, representatives of
18 DPW and emergency -- the emergency management
19 services here in the township, as well as myself and
20 representatives from the University of Notre Dame.
21 Q Do you have any notes from any of
22 those meetings?
23 A Not notes. We did -- I do have an
24 agenda that was provided in some, a Power -- a
25 printed version of a PowerPoint that the University

1 of Notre Dame provided to the township describing
2 the process and next steps.
3 Q So, there is some paper?
4 A Yes, there is.
5 Q And who has that, the township?
6 A Well, I know that we have it, but I
7 would assume the township would have that as well.
8 Q Okay. And it's not attached to your
9 report, correct?
10 A Well, no. That was not attached to
11 my report, no.
12 Q Do you have it with you here tonight?
13 A No, I do not.
14 Q Let's just talk about that GIS for a
15 moment.
16 MR. MCGUCKIN: Just to be clear,
17 which one are we talking about? The Notre Dame one?
18 MR. MICHELINI: It's confusing to me,
19 honestly.
20 MR. MCGUCKIN: Well, I think he
21 clarified --
22 MR. MICHELINI: He testified for an
23 hour or two, probably an hour about GIS.
24 Q Which one did you testify to?
25 A Well, I wouldn't categorize it as an

1 hour. I did talk both about the post Sandy GIS
2 project that the township undertook. And I did
3 discuss and describe the fact that the township was
4 one of the pilots for the University of Notre Dame
5 project.
6 Q Right. And that's the GIS program
7 that you thought was very important, because only
8 Berkeley and I think Keansburg was selected to be
9 part of that pilot project. And, therefore, that
10 was a benefit to the residents of South Seaside
11 Park, correct?
12 A That is correct.
13 Q Okay. So, that's the GIS project I
14 want to talk about. Is there a different name for
15 that GIS project? Is it appropriate to call it the
16 GIS Notre Dame project?
17 A Yeah, I think for want to make a
18 distinction between the GIS project, I would say
19 you'd call it the post Sandy GIS and then the
20 Notre Dame GIS.
21 Q Well, let's talk about the Notre Dame
22 GIS. Because I believe you testified at great
23 length about that one.
24 There's going to be a report done in May of
25 2018, correct?

1 A Yes. It's not only just a report,
2 but it's actually a GIS program that is going to be
3 incorporating a variety of data sets that were
4 developed both here at the township as part of the
5 post Sandy GIS, as well as layers and analytical
6 tools that are being developed by the University of
7 Notre Dame.

8 Q Okay. And that's scheduled to be
9 completed in May of 2018, correct?

10 A May, June, somewhere in mid 2018.

11 Q And if de-annexation finishes up,
12 let's say -- let's say all these hearings finish up
13 in April of 2018, how does the fact that that's
14 going to be available in May or June of 2018 affect
15 de-annexation, if it finishes in April of 2018?

16 A Well, that report -- and the reason I
17 referenced that report was the fact -- or that, that
18 project, was the fact that I was identifying as an
19 example of the benefit that would accrue to the
20 residents of South Seaside Park by having access and
21 availability to that enhanced analytical tool, which
22 would provide --

23 Q Right.

24 A -- realtime storm tracking to the --
25 as part of the, evaluating the planning for and

1 response to storms likes Superstorm Sandy. So --

2 Q Let me just stop you right there.
3 Because we don't need to rehash the testimony. If
4 de-annexation --

5 A I was trying to answer your -- I was
6 trying to answer your question.

7 Q I think you already -- I know why
8 you -- I wasn't asking about why. I'm asking about
9 timing. Okay. The question is about timing.

10 Let's say de-annexation finishes in April of
11 2018 and the report comes out or the program comes
12 out in May of 2018. Will the people in South
13 Seaside Park have access to it?

14 A That, that would be an open question.
15 I would assume that the township would make that
16 available to the residents of South Seaside Park,
17 but I don't have a -- you know, I don't know.

18 Q You have no reason to believe that
19 they wouldn't make it available?

20 A No, no, I wouldn't.

21 Q Especially if it's -- if it helps
22 your emergency services? You don't think
23 Berkeley Township --

24 A No.

25 Q -- would say, we're going to hold

1 this information, we're not going to let anybody
2 else have it.

3 MR. MCGUCKIN: There could be a
4 public safety issue. It's speculative. We don't
5 know.

6 MR. MICHELINI: Excuse me.

7 MR. MCGUCKIN: No, I'm going to --
8 no, I don't think it's appropriate.

9 MR. MICHELINI: Mr. McGuckin, please
10 let me ask my questions, okay?

11 MR. MCGUCKIN: I think you asked --
12 he tried to answer it. You wouldn't let him answer.

13 MR. MICHELINI: Throughout these
14 hearings, you've constantly interrupted my
15 cross-examination, trying to rescue witnesses. And
16 I just think it's inappropriate.

17 MR. MCGUCKIN: Mr. Micheline, I would
18 characterize it as trying to stop you from going
19 outside the relevant facts that are here before the
20 board. So, we can continue to debate that or we can
21 get on with the testimony before the board tonight.

22 Q So, is it accurate to say that you
23 would expect, reasonably expect, that

24 Berkeley Township would share that information if
25 de-annexation occurred in April of 2018 and the

1 program came out in May of 2018?

2 A But that wasn't the point. The point
3 was that the fact --

4 Q I didn't ask you what the point was.
5 I'm asking you a different question. I'm not asking
6 you what the point of your testimony was. We heard
7 you testify for four hours. I'm asking you if you
8 think that Berkeley Township would reasonably be
9 expected to share that information with South
10 Seaside Park should the de-annexation process finish
11 in April of 2018 and the program come out
12 thereafter?

13 A Yeah, but the --

14 MR. MACKRES: Hold on a second.
15 Mr. McGuckin, I have a question here. Excuse me.
16 I'm sorry.

17 MR. MICHELINI: Sure.

18 MR. MACKRES: Isn't that a question
19 more relevant to the town council between townships
20 what they're going to do? Isn't that a question
21 more relevant for the township council to discuss
22 agreements and approve those between other
23 municipalities and themselves?

24 MR. MCGUCKIN: I think you're right.
25 And I think that it's not even necessarily the

1 council. It would be the township clerk, first of
2 all, if it's a public document or not. I don't know
3 the answer to that. I don't know what's going to be
4 in it. So, how Mr. Slachetka would know it, I have
5 no idea. How would he know what the clerk will do
6 in 2018 if there's GIS report that, I don't know if
7 it's going to be something that would not be
8 provided to the public under exceptions to OPRA or
9 not. I have no idea.

10 MR. MICHELINI: What exception?

11 MR. MCGUCKIN: Public safety. It
12 could be a question as to whether or not it's not
13 something that you want out in the world to be
14 provided. I don't know, because I don't know what
15 it's going to say. I'm a lawyer, not a planner. I
16 don't know what's going to be in it. But there are
17 many GIS programs that are not provided to the
18 public because of public safety issues that are held
19 by public entities. And I don't know if this one
20 is. And you've asked the question and I don't know
21 if he can answer it any better or not.

22 A I can attempt to just -- I think the
23 one other factor that I think is important to
24 consider here is that there would not have been, if
25 Berkeley Township didn't have a barrier island

1 portion of the township, they would actually not
2 have the opportunity to participate in the
3 Notre Dame project. And who knows, I mean,
4 there's -- we could speculate on top of speculation.
5 You know, if, in fact, de-annexation comes a fact
6 and the Notre Dame project takes longer, we don't
7 know what effect that might have on the availability
8 not only to South Seaside Park but to
9 Berkeley Township itself. So, that was the point I
10 was trying to make, is that, I don't -- it's -- I
11 don't have enough information to adequately answer
12 your question.

13 Q And if de-annexation occurred,
14 Berkeley Township would still have ten miles of
15 Island Beach State Park and Pelican Island, correct?

16 A That is correct, but they're --

17 Q Right.

18 A -- not -- it's not developed or
19 habited areas.

20 Q Well, Pelican Island is inhabited, is
21 it not?

22 A Pelican Island is. Yes, it is.

23 Q Right. So, isn't it speculative --
24 do you have anything in writing to back up your
25 statement that Berkeley Township would not have been

1 chosen for this GIS Notre Dame program had
2 South Seaside Park not been part of
3 Berkeley Township? Do you have anything in writing
4 that would back that up?

5 A No, I don't.

6 Q That's speculation on your part,
7 isn't it?

8 A Not really. I mean, it's based on
9 discussions and dialogue with people from the
10 University of Notre Dame as to why

11 Berkeley Township --

12 Q Who?

13 A -- and Keansburg was --

14 Q Who at Notre Dame?

15 MR. WINWARD: Let him answer the
16 question.

17 A Oh, I'm sorry. Representations to me
18 that the Department of Community Affairs wanted to
19 have communities, both on the bay shore and along
20 shorefront, with barrier, with barrier islands. I
21 don't recall who specifically said that.

22 Q You have no names?

23 A Other than the people who
24 participated in the project.

25 Q And their names?

1 A I can get them for you. I don't
2 have --

3 Q You don't have them here tonight --

4 A Yeah.

5 Q -- correct?

6 A No, I don't.

7 Q Okay. Now, this is a pilot program,
8 correct?

9 A That is correct.

10 Q And by its very definition, a pilot
11 program is something that if it works here, it's
12 going to be extended elsewhere; isn't that correct?

13 A It could if funds are available.

14 Q Okay. But the idea is that it's a
15 pilot program. So, theoretically, if it works here,
16 it should be extended elsewhere, correct?

17 A And, again, if funds are available.

18 Q That's always a condition of
19 everything in government; isn't that right?

20 A That is correct.

21 Q Okay. So, put that aside for a
22 minute, because that's always a condition of any
23 government program. So, if it works here in this
24 pilot program, it should be extended elsewhere,
25 correct?

- 1 A Yeah, I would -- I would like to see
2 it extended elsewhere. But, you know, we'll see,
3 depending upon what the outcomes are and whether or
4 not funding is available or not.
- 5 Q And if it is successful and extended
6 elsewhere, that would include Berkeley Township,
7 South Seaside Park, the adjacent community,
8 Seaside Heights, Toms River, Lavallette, Ortley
9 Beach, et cetera, correct?
- 10 A I mean, it could. Theoretically, it
11 could.
- 12 Q Well, isn't it a pilot program to see
13 if it would work for the state?
- 14 A Yes, that is correct.
- 15 Q And the state includes all those
16 communities, does it not?
- 17 A That's correct. But, again, it's,
18 you know, if funding's available. You know, what
19 the criteria is. Who gets to do it. Again, we just
20 don't know that at this point in time.
- 21 Q So, the GIS report that you refer to
22 on page three of your report is a different GIS
23 report, correct?
- 24 A That is correct.
- 25 Q And is that -- that's a publicly

- 1 available GIS report, correct?
- 2 A Yes.
- 3 Q All right. And, in fact, is that
4 something that's available through the township
5 website or you're not sure?
- 6 A I'm not sure if it's -- well, I know
7 that the GIS itself is not available through the
8 township website. But I believe the report is
9 available. But I don't know if it's on -- if it's
10 posted on the website or not. But the township does
11 have that report.
- 12 Q Right. And the concept of GIS is
13 what? What does GIS stand for?
- 14 A It's a geographic information system.
- 15 Q Okay. And there's all kinds of
16 geographic information system maps, correct?
- 17 A What do you mean?
- 18 Q Just that. Are there different
19 kinds?
- 20 A Well, there are different GIS maps,
21 yes.
- 22 Q Okay. In fact, there's a bureau in
23 Trenton, a GIS bureau as part of the DEP, correct?
- 24 A That is correct.
- 25 Q And you can go on the DEP website and

- 1 access a number of statewide GIS maps; isn't that
2 correct?
- 3 A That is correct.
- 4 Q Okay. What kind of GIS maps can you
5 access on that website?
- 6 A On which website?
- 7 Q The DEP one.
- 8 A Well, there's a whole variety of
9 different maps. I don't have the entire list, but
10 land use, land cover, wetlands, flood hazard areas.
11 There's a wide range of things that are available on
12 the DEP website.
- 13 Q Correct. And, presumably, if this
14 Notre Dame program GIS map pilot program ultimately
15 extends statewide, presumably, that would also be
16 part of the bureau's access, the GIS bureau's
17 website where you could access it, correct?
- 18 A That's correct, but that's not
19 totally accurate.
- 20 Q Now, on page six of your report, you
21 talk about historic products of prior municipal
22 boundary changes, okay. And, in fact, in a number
23 of places, you talk about history, is that correct,
24 in your report?
- 25 A That is correct.

- 1 Q History is important to you?
- 2 A Typically, yes.
- 3 Q And history of de-annexation, both in
4 the State of New Jersey and these -- and in
5 Berkeley Township in particular, is important in
6 this case, is it not?
- 7 A Well, I did not review or do a
8 history of de-annexation in the State of New Jersey.
- 9 Q Well, what about, is it important to
10 note that there was, that Berkeley Township was
11 bigger and several portions of the municipality were
12 removed from it in some respect many years ago? Did
13 you note that in your report?
- 14 A I think we acknowledged that, that
15 the boundaries of the township had changed over
16 time.
- 17 Q Correct. In fact, would you
18 acknowledge that Berkeley Township at one time
19 included Ocean Gate, Pine Beach, South Toms River,
20 Beachwood, Seaside Heights, Seaside Park; is that
21 all true?
- 22 A That is correct.
- 23 Q And they're no longer part?
- 24 A That is correct.
- 25 Q So, this would not be the first time,

1 should de-annexation occur, that a portion of the
 2 municipality was separated out from the main part of
 3 the municipality?
 4 A That's correct.
 5 Q Okay. And on page seven, you note
 6 various examples of mainland island municipalities,
 7 correct?
 8 A That is correct.
 9 Q And I think that carries over onto
 10 page 8, even. No, just page seven. Okay. And I
 11 think you have four or five different townships,
 12 Upper Township, Lower Township, Toms River Township,
 13 Pennsauken and Brick Township, correct?
 14 A That is correct.
 15 Q So, how many municipalities are there
 16 in New Jersey?
 17 A 565.
 18 Q Are these the five that have mainland
 19 townships with some barrier area island or peninsula
 20 as well?
 21 A It's not -- are you asking, are they
 22 exclusive?
 23 Q Are they the only five or are there
 24 more?
 25 A I believe that there may be more. I

1 mean, we're just using these as just examples.
 2 Q So, you believe that there may be
 3 more or --
 4 A Yeah, I --
 5 Q -- you don't know?
 6 A I'm not sure, but I think that there
 7 are more.
 8 Q Okay. And in these examples, these
 9 are examples of showing you mainland, island
 10 municipalities?
 11 A Yes.
 12 Q Okay.
 13 A That's exactly the reason why they're
 14 being shown.
 15 Q Right. And in each of these --
 16 A Shown, yes.
 17 Q Okay. That they exist?
 18 A Yes.
 19 Q That there's at least five of them.
 20 And this would be the sixth one if there's
 21 Berkeley Township and South Seaside Park?
 22 A Yeah. Well, actually, yes. Berkeley
 23 Township and South Seaside Park is -- would be
 24 included or could be included in that list.
 25 Q Right. In any of these maps that you

1 show on this report, on any of them, do you have to
 2 drive through six or seven municipalities to get to
 3 the mainland recreation center, let's say, from
 4 the -- from the barrier peninsula?
 5 A We didn't do that analysis or looked
 6 at -- looked at any of the driving times or driving
 7 locations or, I should say, driving routes for any
 8 of these.
 9 Q Well, take a look at them. I mean,
 10 if you look at the one in Upper Township, to get
 11 from the barrier peninsula to the main part of Upper
 12 Township, you just have to cross a bridge, correct?
 13 A Again, I didn't look at the routes.
 14 Q Looking at the map, can't you tell
 15 that all you'd have to do is cross a bridge?
 16 A Little difficult to see on the, on
 17 this list here, but --
 18 Q It would appear that way, though,
 19 correct?
 20 A It would appear that way.
 21 Q Okay.
 22 A Yeah.
 23 Q You don't have to go through any
 24 other municipalities to get from the mainland to the
 25 barrier peninsula or vice versa, correct?

1 A Well, actually, I probably need to
 2 take a look at a map at a little bit larger scale so
 3 I can answer that question.
 4 Q Well, what about Lower Township in
 5 Cape May, do you have to cross through five or six
 6 or seven other municipalities like you do in
 7 Berkeley to get to the mainland from the barrier?
 8 A No.
 9 Q And in Toms River Township you cite
 10 Toms River Township. It would appear that from the
 11 upper portion of Toms River Township on the barrier
 12 peninsula, what are the names of those, that portion
 13 up there, do you know?
 14 A Which one are you pointing to?
 15 Q The upper portion, the northerly
 16 portion of the barrier peninsula in Toms River.
 17 A There -- are you pointing -- you're
 18 talking about the ones that are within Toms River
 19 Township?
 20 Q Correct.
 21 A There's a number of different
 22 neighborhoods that are up in that, I guess they're
 23 more commonly known as the north beaches, but
 24 there's --
 25 Q Okay.

1 A -- a variety of different --
 2 Q So, to get from those north beaches
 3 into the mainland part of the township, you'd cross,
 4 you'd come south through Lavallette?
 5 A Yes.
 6 Q Into Ortlely which is part of
 7 Toms River --
 8 A Right.
 9 Q -- correct?
 10 A Yes.
 11 Q And then further south into a small
 12 portion of Seaside Heights?
 13 A Yes.
 14 Q And then cross into Toms River --
 15 A That's right.
 16 Q -- correct?
 17 A That is correct.
 18 Q And, actually, you'd go into
 19 Pelican Island where you'd actually go through
 20 Berkeley for a very little portion?
 21 A That is correct.
 22 Q And then into Toms River. So, even
 23 there, you'd have to cross maybe three
 24 municipalities or portions of three municipalities?
 25 A That is correct.

1 Q But not six or seven, correct?
 2 A That is correct.
 3 Q And similarly, with Brick Township,
 4 you'd only have to cross one municipality? You'd
 5 have to go from the Brick Beach, through Mantoloking
 6 over --
 7 A Yes.
 8 Q -- Mantoloking Bridge?
 9 A That's --
 10 Q So, you'd only go through one
 11 portion, correct?
 12 A That is correct.
 13 Q You have to go through what they call
 14 Mantoloking Shores, which is technically Brick
 15 Township, correct?
 16 A That is correct.
 17 Q And in Pennsauken Township, I don't
 18 know that there's any bridge or anything to the
 19 small island in the Delaware River. Are you aware
 20 of a bridge there?
 21 A No, I don't think so.
 22 Q Okay. But, certainly, you could, you
 23 could set out in a boat from Pennsauken Township on
 24 the mainland and go directly to the island, correct?
 25 A That is correct.

1 Q So, in those island mainland
 2 municipalities in New Jersey, Berkeley Township's
 3 the only one that you have to go through six or
 4 seven towns in order to get to a section of the
 5 township such as where the rec center is?
 6 MR. MCGUCKIN: I'm having a hard time
 7 understanding. You keep saying six or seven towns.
 8 MR. MICHELINI: Well, let's see.
 9 MR. WINWARD: Can you name them?
 10 Q If you want to go from South Seaside
 11 Park and you want to go to the rec center down on
 12 Route Nine, okay, the recreation center where the
 13 senior bus picks up.
 14 MR. MCGUCKIN: You could also go the
 15 Parkway.
 16 MR. MICHELINI: Okay. Well, let
 17 me --
 18 A Oh, I'm sorry. I didn't know you
 19 were asking me a question.
 20 Q That's fine. Mr. Slachetka, let's
 21 say you want to go to the rec center down on
 22 Route Nine, okay. And you start in South Seaside
 23 Park, you have to drive through Seaside Park, right?
 24 A That is correct.
 25 Q Twenty-five miles an hour in the

1 summer, thirty-five in the winter, correct?
 2 A Yes.
 3 Q And with a lot of summer traffic up
 4 until this past weekend, correct?
 5 A Yes, that's correct.
 6 Q And then the same through
 7 Seaside Heights, correct?
 8 A Absolutely.
 9 Q And then, you go into a small portion
 10 of Berkeley Township on Pelican Island, correct?
 11 A That is correct.
 12 Q And then you go into Toms River,
 13 right?
 14 A Right.
 15 Q And then there's a small section of
 16 Island Heights that borders on Route 37, correct?
 17 MR. MCGUCKIN: But you don't go
 18 through it.
 19 Q But you go past it, right?
 20 A Well, you go past it, yes.
 21 Q You go right past it?
 22 A Yeah.
 23 Q And if you're coming back the other
 24 way, you actually go through it, right, because that
 25 side of 37 is actually Island Heights?

1 A I think you're right. I think --
 2 MR. MCGUCKIN: I don't think that's a
 3 correct statement --
 4 MR. MICHELINI: It is. It is true.
 5 MR. MCGUCKIN: Putting that aside for
 6 a second. You would then go --
 7 MR. MICHELINI: Excuse me. Let me
 8 finish the question.
 9 Q All right. So, then, from there, if
 10 you're going down Route Nine, you're going to come
 11 into -- from Toms River, you're going to come into
 12 South Toms River, correct?
 13 MR. MCGUCKIN: Who would go Route
 14 Nine? You'd go on the Parkway.
 15 Q If you're going to the rec center.
 16 MR. MCGUCKIN: You'd go on the
 17 Parkway.
 18 MR. MICHELINI: Excuse me.
 19 Q If you're going to the rec center --
 20 A Okay.
 21 Q -- in Bayville --
 22 A Okay.
 23 Q -- right?
 24 A And you take that route.
 25 Q And you take that route. You would

1 go through South Toms River, right?
 2 A Yes, that's correct.
 3 Q And then you would go through
 4 Beachwood, correct?
 5 A Yes. Yeah, absolutely.
 6 Q And then you go through Pine Beach --
 7 A Yes.
 8 Q -- correct?
 9 A Yes.
 10 Q And then you eventually get to the
 11 rec center. Actually, I think you actually might go
 12 through a little bit of Ocean Gate there, too.
 13 A Hmm.
 14 Q Not sure, right?
 15 A Yeah, not sure.
 16 Q Okay. But it's six or seven towns?
 17 A Yeah, if you -- yeah.
 18 Q Okay.
 19 A Absolutely, if you took that route,
 20 you would go that.
 21 Q Right. And you could take the
 22 Parkway --
 23 A Yeah.
 24 Q -- but you'd still go through a
 25 number of towns, right?

1 A Oh, absolutely.
 2 Q Yeah. Okay. And none of the
 3 municipalities that you cite in your report are
 4 quite like that?
 5 A Not the ones on that page, no.
 6 Q Right. And also, none of them are
 7 16 miles from the barrier peninsula to the center of
 8 the township; isn't that correct?
 9 A Well, I'd have to take a look and see
 10 where the centers of each of those townships are
 11 but --
 12 Q So, you don't know?
 13 A No, I don't know.
 14 Q And Toms River, which you mentioned,
 15 they were actually the subject of a recent
 16 de-annexation. Are you aware of that?
 17 A Actually, no. Well --
 18 Q Do you realize --
 19 A -- I'm going to say no. I don't
 20 think I was aware of that.
 21 Q You did not know that there was a
 22 street in Toms River called Bay Beach Way that had,
 23 I think, 52 homes on it that de-annexed from
 24 Toms River Township and became part of Lavallette?
 25 A You know, again, I didn't do any kind

1 of study of the history of de-annexation, so I
 2 didn't review that.
 3 Q That would actually be an example in
 4 favor of de-annexation, correct, Toms River
 5 Township?
 6 A Well, I mean, I don't know if it's an
 7 example in favor of de-annexation. Just that if, in
 8 fact, that took place --
 9 Q Well, are you suggesting that I'm not
 10 telling the truth about that?
 11 A I'm not suggesting you're not telling
 12 the truth, but I was -- I was -- the conclusion that
 13 it's a argument in favor of de-annexation I'm not
 14 sure about.
 15 Q Well, if de-annexation actually
 16 occurred, that would generally be an argument in
 17 favor of de-annexation, if it was a barrier area
 18 that de-annexed from a mainland town and became part
 19 of the barrier town, as we are asking for in this
 20 case, correct?
 21 A I am certain that there's probably a
 22 lot of specific fact issues related to that that may
 23 or may not have any parallels to the case in front
 24 of the board.
 25 Q You don't know --

1 A I don't --
 2 Q -- correct?
 3 A I do not know.
 4 Q And on page seven -- I'm sorry -- on
 5 page eight, let's see, you talk about South
 6 Hackensack Township, Byram Township, Aberdeen
 7 Township and Long Beach Township in Ocean County.
 8 None of those situations involve a mainland township
 9 owning or possessing a portion of a barrier island's
 10 communities.
 11 A No, no. Those were examples of
 12 municipalities that had separate or disaggregated
 13 components of their individual municipalities. It's
 14 just intended to show that, that specific case.
 15 Q On page nine, you talk about
 16 neighborhoods. And I think you quote a source,
 17 Moskowitz & Lindbloom.
 18 A Uh-hum.
 19 Q You talk about neighborhoods as an
 20 area of a community with characteristics that
 21 distinguish it from other areas, and that may
 22 include distinct ethnic or economic characteristics,
 23 housing types, schools or boundaries defined by
 24 physical barriers, such as, major highways and
 25 roadways or natural features, such as, water bodies

1 or topography, correct?
 2 A That is correct.
 3 Q That's the quote. And I guess you
 4 find them to be an authoritative source?
 5 A That is correct.
 6 Q Let me ask you a question about that.
 7 A Yeah, sure.
 8 Q Would you agree with this definition
 9 of a neighborhood. A geographical area exhibiting a
 10 high degree of homogeneity in residential amenities,
 11 land use, economic, social trends and housing
 12 characteristics. That would encompass more than
 13 just --
 14 A Yeah. I mean, there's -- and there
 15 are a variety of descriptions of neighborhoods.
 16 Obviously, Moskowitz & Lindbloom is a recognized
 17 source by the planning community, particularly here
 18 in New Jersey, for definitions. But there are any
 19 number of planning works and planning professionals
 20 that described neighborhoods and characteristics of
 21 neighborhoods in one way, shape or form or the
 22 other.
 23 Q So, you would agree that it's a
 24 geographical area exhibiting a high degree of
 25 homogeneity in residential amenities, land use,

1 economic social trends and housing characteristics?
 2 Would you agree with that or not?
 3 A Well, actually, no, I wouldn't agree
 4 with it in its totality. Because I'm not sure about
 5 homogeneity. I mean, there can be neighborhoods in
 6 which there is a substantial amount of level of
 7 diversity. And, really, that, I think, is the point
 8 that I was making to the board in the report, is
 9 that there are all different types of ways and
 10 varieties -- excuse me -- of describing
 11 neighborhoods and what neighborhood characteristics
 12 would be. And that, you know, there are certain
 13 elements and certain characteristics that may be
 14 common to certain types of neighborhoods whether
 15 it's, you know, a geographic location, sort of an
 16 ethnic aspect to them, organized around a cultural,
 17 a social or religious institution. There's a number
 18 of different ways that you can kind of identify
 19 neighborhoods. So --
 20 Q So, you like the Moskowitz definition
 21 better than this definition that I just read you,
 22 correct?
 23 A I don't know if I like it better. I
 24 mean, again, Moskowitz and Lindbloom are references.
 25 And, I mean, I think that's, you know, that, you

1 know -- you can even disagree, you know, with, you
 2 know, if you had a -- if a planning professional
 3 proffers a number of different ways to describe
 4 things, you can differ with them in a variety of
 5 different aspects. But I think Moskowitz and
 6 Lindbloom is a recognized source. But the point
 7 being is, there's not just one definition of
 8 neighborhood. It's that neighborhoods can exist in
 9 a variety of different places. They can be defined
 10 in a number of -- a number of different ways.
 11 Q So, the definition that I gave you,
 12 which is a neighborhood defined by a geographical
 13 area exhibiting a high degree of homogeneity in
 14 residential amenities, land use, economic and social
 15 trends and housing characteristics, that's something
 16 that could apply to South Seaside Park and Seaside
 17 Park together, could it not?
 18 A Well, I mean, it could. And, as I
 19 mentioned, that you can have neighborhoods that
 20 cross over municipal boundaries, yes.
 21 Q And the neighborhood in South Seaside
 22 Park indeed does cross over municipal boundary, does
 23 it not?
 24 A Yes. I mean, there's -- well, let me
 25 define it differently, though. It's -- there are

1 probably, if you take a look at South Seaside Park
2 and the housing types, if you want to be -- if you
3 want to really fine tune it, you can say, well, you
4 know, you have cottages to the south and single
5 family -- and some single family dwellings. But,
6 you know, it's, again, it's not necessarily that you
7 define a specific boundary and you can say, okay,
8 here's the boundary of the neighborhood. But what
9 you can do is that you can identify that, the fact
10 that neighborhoods embody different characteristics
11 and that there is a variety of neighborhoods within
12 Berkeley Township, of which South Seaside Park is
13 one of them.

14 Q So I'm going to show you the Complete
15 Illustrative Book of Development Definitions by
16 Moskowitz and Lindbloom.

17 A Sure.

18 Q Is that the book you're referring to?

19 A Yeah, that's the new edition.

20 Q That's the new edition, right?

21 A Yeah.

22 Q The new edition has, at the bottom,
23 having the old definition --

24 A Uh-hum.

25 Q -- at the top, but then at the bottom

1 has an additional portion that defines neighborhood.

2 A Uh-hum.

3 Q And it says that a neighborhood is
4 defined as a geographical area exhibiting a high
5 degree of homogeneity and residential amenities,
6 land use, social and economic trends and housing
7 characteristics, correct?

8 A Yeah, but you're only reading part of
9 that.

10 Q Well, it says pursuant to State Tax
11 Department Administrative Notice 2016 --

12 A Yeah, that's -- if you're --

13 Q -- right?

14 A If you're -- they're noting the fact
15 that -- can I see that?

16 Q Can you see it?

17 A Yes. Don't take it away. You're
18 referencing it and don't take it away. Okay.

19 So, here's the complete way that this is
20 structured. So -- no, no, no, no, but --

21 Q I didn't ask you the complete way
22 it's structured. What I'm asking you, is the
23 definition that I read, is that in the new edition?

24 A Yes, but it's not --

25 Q That's fine.

1 A But it's not their --

2 Q That's the answer to my question.

3 A It's not their definition.

4 Q It's in their book, correct?

5 A It's referenced because of the fact
6 that they're -- that it's -- it has a legal
7 reference that they're referencing for information
8 purposes. They're not --

9 Q Is that what it says right after
10 that? This is only -- does it say this annotation
11 is for information purposes?

12 A If you give me the book --

13 Q Let me ask you a question.

14 A Look, if you give me the book, I will
15 be glad to read it and I will tell you. I will tell
16 you how it's referenced.

17 Q I'm asking you a question. Does it
18 say, referenced for informational purposes anywhere
19 around that definition? Does it say that?

20 A It says, legal annotation.

21 Q Correct. Does it say --

22 A It says --

23 Q Excuse me.

24 A It says --

25 MR. MCGUCKIN: Let him read it,

1 Mr. Michelini.

2 A You know --

3 MR. MCGUCKIN: You read part of it.

4 MR. MICHELINI: I'm not asking him to
5 read it. I'm asking him -- this is

6 cross-examination. I'm supposed to get great
7 latitude. I'm asking a very simple question.

8 Q Does it say the legal annotation
9 referenced definition is there for informational
10 purposes only?

11 A It's --

12 Q Does it say that?

13 A It's a legal annotation. And that's
14 how I'm referencing it. It's not their definition.
15 They're referencing that. And, as I said, it's
16 informational.

17 Q And that's not the definition.

18 That's your opinion that it's informational. It
19 doesn't say that in the book, correct?

20 A Well, you didn't actually let me read
21 the entire passage.

22 Q I don't want you to read the entire
23 passage, because it doesn't say that. And you're
24 just going to take up the record and waste our time.
25 Okay.

1 MR. MCGUCKIN: Why don't we have the
2 whole passage marked in evidence, Mr. Michelini.

3 MR. MICHELINI: Sure. I'm happy to
4 do that. But it's got to be photocopied. And it's
5 not my book, so, I can't leave it. So, what I will
6 do is, I will take it back and I will photocopy it
7 and I will send it in.

8 (Off the record.)

9 MR. WINWARD: We're going to
10 reconvene. Okay. Let's continue to the meeting.

11 MR. MICHELINI: Mark that as an
12 exhibit.

13 (The Definition of neighborhood in
14 the Complete Illustrated Book of Development
15 Definitions by Moskowitz and Lindbloom, page 335 was
16 marked as A-77 in evidence.)

17 MR. MICHELINI: Definition of
18 neighborhood in the Complete Illustrated Book of
19 Development Definitions by Moskowitz and Lindbloom.
20 And it is the latest edition.

21 MR. MCGUCKIN: What's the page
22 number, Joe?

23 MR. MICHELINI: 335.

24 MR. MCGUCKIN: Thank you.

25 MR. MICHELINI: It appears to be the

1 2015 edition, if I'm correct.

2 Q Going back a moment, Mr. Slachetka,
3 to the GIS issue. There was far more damage on the
4 mainland from Super Storm Sandy than on the barrier
5 peninsula, correct?

6 A That I -- I'm not aware of the level
7 of the damage in comparison to the two. But there
8 was a substantial amount of damage on the mainland.
9 I don't know how that compares to the island, to the
10 South Seaside Park neighborhood.

11 Q You didn't -- have you heard the
12 testimony about that?

13 A Oh, I thought you were asking me if I
14 made an evaluation of the level of damage myself.

15 Q Do you know -- I'm asking you if you
16 know whether or not there was far more damage on the
17 mainland than there was on the barrier peninsula?

18 A I believe there was, but I didn't do
19 any independent analysis of that.

20 Q And in the resiliency plan that you
21 testified about, that concerns itself primarily with
22 the mainland, does it not?

23 A Which resiliency plan are you
24 referencing?

25 Q Well, you tell me. How many did you

1 do?

2 A Well, I mean, there was the Strategic
3 Recovery Planning Report in 2014. There was the
4 Reexamination Report and Master Plan Amendments in
5 2015. The Township Flood Plain Management Plan in
6 2015. The Hazard Mitigation Plan in 2015. Permit
7 software assessment in 2015. The GIS report which
8 we were referencing in 2015. And then the more
9 recent Coastal Neighborhood Resiliency Plans.

10 Q Oh, that's the one. The one that has
11 the word resiliency in it is the one that I was
12 looking for. How about that? That's the one.

13 A Glad to help.

14 Q So, does that deal with resiliency
15 more on the mainland than it does on the barrier
16 peninsula?

17 A Yes, it does, because of the fact
18 that that's the Coastal Neighborhood Resiliency
19 Plan, which, in my testimony, you heard that those
20 reference the neighborhoods on the bay shore. And
21 that was also done for -- a similar study and
22 analysis was done as part of the neighborhood plan
23 for South Seaside Park. So, yes, the Coastal
24 Neighborhood Resiliency Plan was about the
25 neighborhoods on the mainland.

1 Q Do you know how many homes were
2 severely damaged in South Seaside Park as a result
3 of Super Storm Sandy?

4 A I don't have it off the top of my
5 head, but I'm sure I can get you that number.

6 Q So, you don't know?

7 A Not off the top of my head, no.

8 Q Do you know if it was more than
9 three?

10 A Again, I don't have the specific
11 number. And I don't want to guess.

12 Q Okay. I don't want you to guess.

13 Now, with regard to the GIS plan, do you know
14 whether or not -- and I'm talking in particular
15 about the Notre Dame program study, whatever you
16 want to call it. Did the town adopt a resolution of
17 participation?

18 A I believe they submitted a letter of
19 participation.

20 Q So, they didn't adopt -- the answer
21 is no, right? They didn't adopt a resolution, to
22 your knowledge?

23 A I don't know that for a fact. I
24 don't know whether they did or did not. I know that
25 they submitted a letter indicating their

1 participation.
 2 Q I didn't ask you if they submitted a
 3 letter. It's a simple question. Did they adopt a
 4 resolution?
 5 A That, I don't know if they adopted
 6 one.
 7 Q Okay. You don't know. That's fine.
 8 Do you know if any grant money was provided
 9 to the town for participation in the Notre Dame
 10 study?
 11 A My understanding is that no grant
 12 money was provided to the township for that study.
 13 Q Were any proposals submitted by your
 14 firm in relation to that study?
 15 A To the Notre Dame study?
 16 Q Correct.
 17 A No.
 18 Q Was T&M Associates paid anything in
 19 relation to the Notre Dame study?
 20 A We're, as part of our general
 21 planning services to the township, yes, we're -- we
 22 invoiced and we were paid for that.
 23 Q Were any separate contracts entered
 24 into by the township apart from T&M relating to the
 25 GIS Notre Dame study?

1 A I'm not aware of any.
 2 Q But you don't know, correct?
 3 A Yeah, I don't know.
 4 Q On page 12 of your report, you talk
 5 about -- maybe it isn't 12, but throughout your
 6 report in various places, you talk about the
 7 American Community Study, I believe. Is that it,
 8 ACS?
 9 A It's American Community Survey.
 10 Q Survey, I'm sorry.
 11 A Yeah.
 12 Q American Community Survey. You refer
 13 to as ACS, correct?
 14 A That is correct.
 15 Q And that's something that's done
 16 between censuses, correct?
 17 A That is correct.
 18 Q How often is a census done?
 19 A Once every ten years.
 20 Q And the census, presumably, is a more
 21 complete information gathering process than the
 22 annual ACS?
 23 A That's correct.
 24 Q Right?
 25 A The ACS is based on a survey.

1 whereas, the decennial census is a more
 2 comprehensive data collection.
 3 Q Okay. And how much more
 4 comprehensive is the census?
 5 A It's substantially more comprehensive
 6 because of the fact that it's -- they gather
 7 information from -- for all households and for
 8 the -- for all populations, so, yeah, it's --
 9 Q As opposed to what?
 10 A As opposed to surveying data and
 11 information that is done under the ACS.
 12 Q And the ACS data, how is that
 13 collected, if you know. If you don't know --
 14 A It's collected from, again, from
 15 surveys, selected data points. The exact
 16 methodology, I'm not familiar with the exact
 17 methodology.
 18 Q So, you don't know if it's telephone
 19 surveys or internet surveys or both or one or the
 20 other?
 21 A Yeah, it could be a combination. But
 22 I'm not familiar with the exact methodology which
 23 they collect the data.
 24 Q But, obviously, the census data
 25 collection is much greater, correct?

1 A That is correct.
 2 Q And, therefore, more reliable,
 3 correct?
 4 A Well, it's not a question of
 5 reliability. It is the benchmarks for every ten
 6 years. But the ACS is relied on by planning
 7 professionals and other professionals.
 8 Q I didn't ask you if it was relied on
 9 by planning professionals and other professionals.
 10 I'm asking you whether or not the census data, as
 11 compared with the ACS data, is generally more
 12 reliable because there's more information gathered?
 13 A Yeah, of course.
 14 Q Of course.
 15 A Yeah.
 16 Q Exactly, of course. And the
 17 information that you rely upon for education, income
 18 and employment, as it relates to people in
 19 South Seaside Park, is primarily from the ACS,
 20 correct?
 21 A That is correct.
 22 Q And what you've done is, you've
 23 compared ACS information from South Seaside Park to
 24 all of Berkeley Township, correct?
 25 A That's -- that is correct.

1 Q So, what you haven't done is, you
 2 haven't compared South Seaside Park to other
 3 waterfront neighborhoods in Berkeley Township,
 4 correct?
 5 A That is correct.
 6 Q All right. And there are a number of
 7 other waterfront neighborhoods in Berkeley Township,
 8 correct?
 9 A That is correct.
 10 Q And are they all on Barnegat Bay?
 11 A Yes, they are.
 12 Q How about --
 13 A Well, the -- and the northernmost
 14 being on Toms River, I believe.
 15 Q Right. And they're pretty nice
 16 neighborhoods. Have you been through those
 17 neighborhoods?
 18 A Yes, I have, actually. Yes. Yeah.
 19 Q Okay. Can you tell me any of the
 20 streets on the -- the ones on the Toms River?
 21 A Not off the top of my head, no.
 22 Q Okay. Let's take a look at a map.
 23 By the way, how big is South Seaside Park
 24 geographically?
 25 A Right off the top of my head, I don't

1 know, but I certainly can get that information.
 2 Q You don't have that information in
 3 your report?
 4 A It's -- I believe it's in there
 5 somewhere. That's why -- I didn't want to just
 6 speak off the top of my head.
 7 Q So, you don't know.
 8 I'm going to show you what's been marked A-2
 9 in evidence. Have you seen A-2 in evidence before?
 10 Have you seen this exhibit before?
 11 A I think so, yes.
 12 Q You think so but you're not sure?
 13 A I'm not absolutely sure, but there's
 14 been a lot of different exhibits. I think I've seen
 15 this one.
 16 Q So, prior to rendering your report,
 17 did you go through and review all the exhibits or
 18 no?
 19 A Well, not every single exhibit,
 20 but --
 21 Q Okay.
 22 A But let's see. Which one is this?
 23 Q So, this is a map of Berkeley
 24 Township. I'll represent to you that Berkeley is
 25 outlined in yellow marker. Do you see that?

1 A Yes, I do.
 2 Q Is that map accurate, to the best of
 3 your knowledge?
 4 A Yes.
 5 Q It's a County of Ocean map, in fact,
 6 or, actually, it might be a State of New Jersey map.
 7 I'm not sure but --
 8 A Yeah, State of New Jersey.
 9 Q Official map of some kind, correct?
 10 A Yes. Division of Information
 11 Technology.
 12 Q All right. And you see this pink
 13 area on the right side of the map, there's a little
 14 pink square?
 15 A Yes, that's --
 16 Q That would appear to be South Seaside
 17 Park, wouldn't it?
 18 A That is correct.
 19 Q Okay. So, let's talk about the
 20 neighborhoods on the Toms River. There's a
 21 neighborhood that's west of Ocean Gate on the
 22 Toms River, correct?
 23 A Yes, that is correct.
 24 Q Okay. And there's a neighborhood on
 25 the Toms River that's east of Ocean Gate?

1 A Right.
 2 Q Correct?
 3 A Yes.
 4 Q Do you know what the value of the
 5 homes are in those neighborhoods?
 6 A No, I do not.
 7 Q And those two neighborhoods together
 8 are probably about the geographic size of
 9 South Seaside Park, correct?
 10 A You're saying together?
 11 Q Yes, together.
 12 A Yeah, probably. Yeah.
 13 Q Okay.
 14 A Yeah.
 15 Q And if you were to compare those
 16 neighborhoods, they could very well have higher
 17 education than the rest of Berkeley Township,
 18 correct?
 19 A It's possible.
 20 Q It's probable that they have higher
 21 income living on the river, correct?
 22 A It's probable. But, obviously, we
 23 didn't do any analysis of that.
 24 Q Okay. And along with higher income
 25 often comes higher education; isn't that correct?

1 Isn't that correct, generally speaking? Aren't more
 2 highly educated people, don't they, generally
 3 speaking, as a planner, make more money than people
 4 who are not educated?
 5 A In general, yeah.
 6 Q Okay. And also employment, people in
 7 a higher income bracket usually have higher
 8 employment; isn't that correct also?
 9 A Yes.
 10 Q Okay. And, in addition to those two
 11 neighborhoods that you did not compare with
 12 South Seaside Park, there are a number of bayfront
 13 neighborhoods in Berkeley Township that you didn't
 14 compare specifically, correct? So, you got the
 15 northern shore of the bay on the bay side. There's
 16 a neighborhood there. Do you know what that
 17 neighborhood's called?
 18 A Good Luck Point.
 19 Q Okay. And then below that, what's
 20 the next neighborhood below that, do you know that?
 21 A Yeah, not off the top of my head,
 22 but, yeah.
 23 Q And then below that, you have another
 24 neighborhood, a neighborhood at the end of Butler
 25 Boulevard, correct?

1 A Yes. Yes.
 2 Q And below that you have another
 3 neighborhood, correct?
 4 A Yes, that's correct.
 5 Q You have one, two, three, four
 6 distinct neighborhoods --
 7 A Yes.
 8 Q -- on the bay and two neighborhoods
 9 on the river --
 10 A Uh-hum.
 11 Q -- none of which you compared to
 12 South Seaside Park, which is also a waterfront
 13 community, correct?
 14 A That is correct. We did not do that
 15 comparison.
 16 Q And had you done that, you might have
 17 realized or come to the conclusion that there were
 18 six neighborhoods in Berkeley Township that had
 19 education, income and employment that was much
 20 higher than the rest of Berkeley, just like
 21 South Seaside Park?
 22 A It's possible. I mean, obviously,
 23 wouldn't know for certain without doing the
 24 analysis, but it is possible.
 25 Q And isn't it a fact that Berkeley

1 Township has a lot retirement communities?
 2 A Yes.
 3 Q And that brings down the income
 4 generally in the entire township; isn't that right?
 5 A Yes. Many of the seniors are on
 6 fixed income, of course.
 7 Q And what we're talking about in
 8 South Seaside Park is, generally speaking, a
 9 homogenous group of white people who earn a fair
 10 amount of money; isn't that right?
 11 A Well, I don't know the racial makeup
 12 specifically. But we, as I said in the report, they
 13 earn -- they're relatively high earners. They have
 14 relatively low unemployment rates, correct?
 15 Q Did you look at the racial impact or
 16 the racial diversity in South Seaside Park? Did you
 17 look at that at all?
 18 A No, we did not.
 19 Q Why not?
 20 A From our perspective, we were looking
 21 at it, again, in a planning perspective, from a
 22 neighborhood characteristic perspective, from the
 23 household income, from the -- from those
 24 demographics. We weren't doing analysis on a racial
 25 basis.

1 Q Right. But diversity also includes
 2 racial diversity, does it not?
 3 A It could, yes.
 4 Q Yeah. So, if this was an all black
 5 neighborhood or a mostly African-American
 6 neighborhood like Manitou Park, you mention that in
 7 your report, that would be important to you, would
 8 it not?
 9 A It may. But it -- but it wasn't in
 10 this case.
 11 Q It wasn't in this case, but you
 12 didn't even do the analysis, correct?
 13 A No. No, we did not.
 14 Q And, in fact, isn't it a fact, to the
 15 best of your knowledge, that South Seaside Park is
 16 mostly white, well-to-do people; isn't that right?
 17 A You're categorizing it, but I --
 18 Q You would agree?
 19 A Yeah, in general.
 20 Q Okay. So, if de-annexation occurs,
 21 we're going to lose a wealthier white neighborhood;
 22 isn't that correct?
 23 A Well --
 24 Q Isn't that correct?
 25 A But that's --

1 Q Isn't that correct?
 2 A It would be. I mean --
 3 Q Okay. All right. That's what I'm
 4 asking.
 5 Now, recently, you talk about housing
 6 diversity in South Seaside Park, correct?
 7 A That's correct.
 8 Q And housing diversity consists of
 9 mobile homes, single family homes, townhomes and
 10 multifamily structures, correct?
 11 A That is correct.
 12 Q Okay. And you say there's a
 13 significant diversity over there, right?
 14 A That is correct.
 15 Q Okay. But, recently, it has been
 16 changed, the zoning has been changed in response to
 17 the residents, right?
 18 A That is correct.
 19 Q And so, now it's zoned almost
 20 exclusively for single family, except for the
 21 commercial strip which has, allows a multi-use,
 22 right?
 23 A Yeah, I think there's another zone
 24 that provides for different uses as well, but it's
 25 primarily single family residential based upon the

1 recommendations in the South Seaside Park --
 2 Q Right.
 3 A -- neighborhood analysis.
 4 Q So, over time, South Seaside Park is
 5 going to become less and less diverse; isn't that
 6 right? It's going to become more and more single
 7 family, because that's what's required by the zoning
 8 ordinance, correct?
 9 A Yeah. Although the, you know, the
 10 mobile homes and the small cottages, I mean, they --
 11 they're technically single family dwellings. So,
 12 they would be, you know, essentially if -- unless
 13 somebody redeveloped those for different single
 14 family types, it's, essentially, that's the same
 15 characteristic.
 16 Q And you think those mobile homes are
 17 somehow special? They create diversity; is that
 18 what you're saying?
 19 A No, it's not that they're special.
 20 It's just the fact that we're just recognizing the
 21 characteristics of the neighborhood.
 22 Q Well, they create diversity? That's
 23 what your report says, right? The mobile homes
 24 create diversity?
 25 A The diversity of housing types.

1 Q Right.
 2 A Yeah.
 3 Q And that's at a greater percentage in
 4 South Seaside Park than it is on the mainland?
 5 A That's correct.
 6 Q That's what you say in your report?
 7 A Yes, exactly.
 8 Q Yeah. But, on the mainland, there's
 9 areas where they could zone wide, large areas for
 10 mobile homes, if the town wanted to, correct?
 11 A Absolutely, they could zone --
 12 Q Because there's nowhere else to build
 13 in South Seaside Park? It's built out, isn't it?
 14 A Yes, it's essentially a fully
 15 developed area.
 16 Q Is there even one vacant lot?
 17 A Actually, there are a few.
 18 Q A few?
 19 A Yeah, there are a few.
 20 Q But it's essentially built out?
 21 A Yeah.
 22 Q Okay. And so, if Berkeley Township
 23 really wanted to diversify housing, there's plenty
 24 of space where they could have a mobile home park
 25 zoned into existence or areas of the township which

1 could be zoned for mobile home parks, correct?
 2 A The township certainly has the zoning
 3 power. They can zone for a variety of different
 4 uses where they determined it was appropriate.
 5 Q Right. And on the mainland, there's
 6 plenty of space to do that, correct?
 7 A Well, I don't know if I'd categorize
 8 it as plenty of space to do that, but -- I'm not
 9 sure I would categorize it that way.
 10 Q What about, have you been out to
 11 Manchester in the Pinelands where Pine Ridge South
 12 is?
 13 A Yes.
 14 Q Okay. How big is that place?
 15 A That's very large, but I'm not sure
 16 how, specifically, how large it is.
 17 Q All right. But it's a very large
 18 mobile home development --
 19 A Yes.
 20 Q -- just down the road in the
 21 Pinelands, correct?
 22 A That is correct.
 23 Q And there's acres and acres and acres
 24 of undeveloped pines sitting on the mainland,
 25 correct, in Berkeley?

1 A Yeah, but some of that, some of those
2 pineland areas are out of sewer service area.
3 They're zoned for, accordingly, they're zoned for
4 very low density. They're in some of the sending
5 districts. So, there's a lot of areas that are
6 really sort of taken off the roles because of that.

7 Q But you don't -- certainly, there is
8 land, though, that could be zoned. I mean,
9 South Seaside Park isn't very big. There's land at
10 least as big as South Seaside Park in the mainland
11 that could be zoned for mobile homes and other
12 diverse types of housing, correct?

13 A Yeah. And, again, we were
14 recognizing the existing characteristics of the
15 neighborhood. We weren't talking about, you know,
16 analyzing any future characteristics.

17 Q Do you think the people in the
18 mainland are really that concerned about losing some
19 mobile homes? Do you really think that?

20 A I don't think it's a question of
21 just -- if it was just the mobile homes, I don't
22 know. But I think the report stands for itself in
23 terms of what the potential impact would be if the
24 South Seaside neighborhood were lost to the
25 township.

1 Q Did you do any surveys of the
2 residents of the mainland as to whether or not they
3 would be happy to lose mobile homes or not?

4 A No, I did not.

5 Q Okay. And as I indicated, the single
6 family dwellings are going to -- the multifamily
7 dwellings are going to become less and less because
8 it's one of the primary principles of zoning is to
9 bring properties into conformance with the zone;
10 isn't that correct?

11 A That is correct.

12 Q Right. So, if now something that was
13 multifamily is single family, as you've just done in
14 the ordinance that was passed, those multifamily
15 uses over time should disappear?

16 A Over time, they will. I would
17 anticipate that they would. Based upon, as you
18 said, the recommendations of the residents of
19 South Seaside Park.

20 Q Right. So, therefore, South Seaside
21 Park is likely to become less and less and less
22 diverse as time goes by and more and more single
23 family as time goes by, correct?

24 A You would assume so, yes.

25 Q Okay. Now, you, in page 14 of your

1 report, you talk about locational decision making.

2 Do you --

3 MR. WINWARD: Joe, what I was going
4 to say is, we already hit the two hour point. Is
5 this line of question still about the diversity of
6 neighborhood or is it a different line?

7 MR. MICHELINI: It's just slightly
8 different -- it's different, you know.

9 MR. WINWARD: Do you have a lot more
10 to go? Because maybe we should table --

11 MR. MICHELINI: I probably do, yes.

12 MR. WINWARD: We should probably
13 table it to the next meeting. I assume you're going
14 to be here anyway. I know you'll be here anyway.

15 MR. SLACHETKA: I'm not taking any
16 vacation time, so --

17 MR. WINWARD: Okay. So, I think at
18 this point, this would be a good place to stop
19 since, like I said, we've exceeded the two hours.
20 We thank you both for your --

21 MR. MICHELINI: Only thing I would
22 say, is, I can -- I may have an issue with the next
23 meeting personally. And I think it's important that
24 I conclude the cross-examination. So, I can send a
25 substitute, but I don't think it would be fair to

1 that substitute to have to cross-examine. So, you
2 know, we'll talk about that. We'll try to get that
3 worked out.

4 I'm sure Mr. McGuckin will lend me
5 every courtesy.

6 MR. MCGUCKIN: If it's a problem, are
7 you available in November, the first Thursday in
8 November? In case --

9 MR. SLACHETKA: You're asking me?

10 MR. MCGUCKIN: Yes.

11 MR. SLACHETKA: Yeah, I should be.
12 I'll check my calendar but I should be available.

13 MR. MICHELINI: I'll communicate with
14 Mr. McGuckin and Mr. Camera. So, if the township
15 wants to put up another witness, we can move forward
16 and I can send somebody else. I may not be able to
17 make the next meeting at the present time. So,
18 we'll -- and then we'll come back to Stan in
19 November. That's fine with me. Or we can talk
20 about other arrangements.

21 MR. MCGUCKIN: All right.

22 MR. MICHELINI: But Mr. McGuckin and
23 I will talk. All right. Thank you very much.
24 (Matter adjourned.)

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C E R T I F I C A T E

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

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

Dated: October 1, 2017

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