

TOWNSHIP OF BERKELEY
PLANNING BOARD

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

Pinewald Keswick Road
Bayville, New Jersey
Thursday, May 3, 2018
6:05 p.m.

10
11 B E F O R E:

12 Robert Winward, Chairman
13 Domenick Lorelli, Member
14 Nick Mackres, Member
15 Jack Wiegartner, Member
16 Richard Callahan, Member
17 John Hudak, Member

23 -----
24 LINDA SULLIVAN-HILL & ASSOCIATES
25 CERTIFIED COURT REPORTERS
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BY: JOSEPH MICHELINI, ESQ.
9 Attorneys for the Petitioners

12 ALSO PRESENT:

13 Kelly Hugg, Secretary
14 Nick Dickerson, Planner
15 Rodney Haines, CPA
16 James Oris, Planner
17 Stuart Wisner, Planner

I N D E X

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1 MR. WINWARD: Okay. Well, tonight we
2 only just have one thing on the agenda. So, we have
3 an opening act and headliner all in one.
4 So, without any further ado,
5 Mr. Michelini, could you open for the Seaside Park
6 Homeowners and Voters Association, De-annexation
7 Petition hearing.
8 MR. MICHELINI: Let the record
9 reflect that Mr. Hudak is -- Dr. Hudak is here.
10 MS. HUGG: Thank you.
11 MR. MICHELINI: Joseph Michelini,
12 appearing on behalf of the petition signers from the
13 South Seaside Park Homeowner and Voters Association.
14 My recollection where we left off is
15 that the testimony of Mr. Ebenau was concluded and
16 Mr. Camera was going to testify on behalf of the
17 township. I do have a preliminary -- he was kind
18 enough to send us his report ahead of time. But his
19 report, I do have some preliminary objections to it.
20 And, I don't know, maybe on the record it might be
21 appropriate for me to raise those objections, and
22 Mr. McGuckin, who's also had the report, can make a
23 determination as to them before we go forth with the
24 testimony.
25 (off the record.)

1 MR. MICHELINI: Usually I don't have
2 trouble being heard. Sorry about that.

3 Mr. Camera prepared a report, and in
4 the report he has indicated that it's, quote, my
5 goal in this report, and my testimony, is to analyze
6 the testimony using what he's heard and
7 Stuart Wiser's transcripts.

8 I object to the report. I don't
9 think it should be -- I think it's being handed out
10 right now. I don't think that's appropriate because
11 I'm objecting to the very report going into evidence
12 or even being seen by the board. Let the record
13 reflect --

14 MR. MCGUCKIN: Board, until we make a
15 ruling, please put the report upside down. Don't
16 look at it. It was just handed out, apparently, to
17 the board --

18 MR. MICHELINI: Yeah.

19 MR. MCGUCKIN: -- Mr. Micheleni. So
20 until we have a decision on this.

21 MR. MICHELINI: Yeah. The reason I'm
22 objecting to the report, there are multiple reasons.
23 But, in the first paragraph, as Mr. McGuckin knows,
24 because he's seen it, it says, quote, my goal in
25 this report, and in my testimony, is to analyze the

1 testimony, using what has been heard and together
2 with Stuart Wiser's annotated transcripts. And part
3 of that's a quote.

4 The report is, essentially, not
5 facts. It's an analyzation or analysis, I should
6 say, of testimony. It's argument. It's summation.
7 And it's inappropriate on several levels. There
8 isn't a whole lot of case law on these types of
9 proceedings. But the case law that does exist says
10 that the township cannot utilize an attorney to
11 participate in the proceedings because it truly is
12 supposed to not be an adversarial proceeding between
13 the township and the petitioner. And, therefore,
14 you know, you don't have an attorney here who would
15 be giving a summation on behalf of the township.

16 I don't think Mr. Camera, who's not
17 an attorney, should be able to do through
18 indirection, what you can't do directly. And that
19 is, essentially, say what he says, analyze the
20 testimony and sum up. That's what he wants to do.
21 There's no new facts in his report. He's basically
22 looking at the facts from the standpoint of the
23 township. I would argue that he's left out a lot of
24 important facts, particularly the testimony of
25 petitioners. But, be that as it may, he's got a

1 position. I understand that. He is arguing that
2 position.

3 The testimony of the witnesses, and
4 particularly the township in this case, is for
5 facts. It's not for argument. It's not for
6 characterizations. It's not to say that the
7 services are excellent. It's not for analysis.
8 It's not for opinion. The report is full of
9 opinion. It's full of opinion about other people's
10 opinions, such as Mr. Ebenau and Mr. Moore, the
11 planners that have testified.

12 With all due respect to Mr. Camera, I
13 know he's an intelligent man. I don't mean to
14 demean him in any way. But he's not a certified
15 municipal accountant. He's not a CPA. He's not a
16 planner. He's not an engineer. He's not an
17 education expert. And only experts can give an
18 opinion. And the report is replete with opinion,
19 because it's analyzing the testimony and coming to
20 opinions, conclusions and characterizations. The
21 analysis of the testimony in this case is the
22 board's job. It's not Mr. Camera's job. And an
23 analysis at this time in this way, I think, is
24 really inappropriate.

25 Now, if the board wants summation,

1 and I think it may be appropriate at some point to
2 have summation, that summation should come at the
3 end of a case. Whether it's a case before this
4 board or whether it's a case in court, what happens
5 is, after all the testimony is in, after the board
6 has called witnesses, after the public has been
7 heard, if there's any rebuttal witnesses, at the
8 very end of the case when the board is -- after
9 Mr. Wiser testifies, should he testify, at the very
10 end of the case when all this is done, then that's
11 the time, should this board wish to hear summation,
12 that it should elicit a summing argument. It's not
13 now. Okay. Because all the facts aren't in. And
14 it's inappropriate at this time to argue facts, when
15 you don't even have a full record.

16 So, for all those reasons, and
17 primarily because it does consist of argument, and
18 the township quite frankly isn't -- if they can't
19 have an attorney get up here and argue, why should
20 Mr. Camera be able to do it. It's not really
21 appropriate. But for all those reasons, I object to
22 the report. And, you know, it is what it is on its
23 face. It's an argument. It's an analysis of the
24 testimony and doesn't have any new facts. So, I
25 really think it's inappropriate at this time.

1 There may be, if the board wants to
2 hear summation on the end, the end of the case, and
3 allow him to do it, I would still argue it's
4 inappropriate, but at least in terms of order, it
5 would be the right time to do it, because all the
6 testimony would be in.

7 Thank you.

8 MR. MCGUCKIN: Mr. Chairman.

9 MR. WINWARD: Yes.

10 MR. MCGUCKIN: As Mr. Michèlini
11 indicated, there is no real case law outlining this
12 entire process. And we're one of the few cases
13 under the new statute that is going forward. This
14 is one of the few cases that have been generated
15 since the new statute was amended some years ago.
16 But a couple things I wanted to point out.

17 As Mr. Michèlini indicates, this is
18 not an adversarial proceeding. This is a
19 legislative function of the planning board.
20 Although at times, we've had this mat -- this matter
21 has been treated as an adversarial proceeding,
22 because there's no guidance from the statute or the
23 case law as to how it should be done. And each time
24 it occurs in these towns, each town does it a little
25 bit differently, as we have. But, theoretically, it

10

1 seems to me that the petitioners have an attorney.
2 And I've read the cases. And they're absolutely
3 right. The township doesn't haven't a right to have
4 an attorney conduct cross-examination or direct
5 testimony, elicit direct testimony of witnesses
6 under those cases. That's a far cry from what's
7 proposed here. And that is, the Berkeley Township
8 administrator now, essentially, summing up each of
9 the departments under his direction as the township
10 administrator and providing his comments and
11 thoughts on that. He's the township administrator
12 for Berkeley Township. Each of these departments in
13 some respects report to him as the administrator.
14 And seems to me that's an absolutely appropriate
15 thing to do.

16 He's not an attorney. He's not
17 summing up. And I don't think that's the case at
18 all. I've read his report as well. And while I
19 understand Mr. Michèlini's concern, he has the right
20 to cross-examine him on it. You know, I'm not
21 convinced -- although that's not the way we've done
22 it here, and I think probably the better course is
23 the way we've done it -- I'm not convinced that any
24 cross-examination is necessarily required in a
25 hearing such as this. But, of course, we haven't

1 done it that way. We've handled it in a particular
2 manner and we're going to continue to do that
3 throughout the process. But I view this as a
4 legislature type function. It's not a quasi
5 judicial hearing of the board. But we've treated it
6 as such in many respects. And we've provided
7 appropriate latitude, I think, where necessary with
8 respect to hearsay testimony, with respect to other
9 opinion testimony.

10 And as Mr. Michèlini's argued over
11 the course of the proceedings, the idea is to
12 present all the evidence that's relevant to the
13 proceeding. And while he certainly can question
14 Mr. Camera as to his opinions and thoughts, I think
15 the board would be well served by hearing what the
16 township administrator has to say about the
17 testimony that's been presented by all of the
18 various departments. And I don't believe there's
19 any prohibition upon it.

20 MR. MICHELINI: Just so the record is
21 clear, I'm not objecting to him testifying to new
22 facts. If he has new facts he wants to talk about,
23 that's fine. But his report doesn't contain new
24 facts. His report is what it says it is, an
25 analysis of testimony from the township's point of

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1 view. It's from a directed viewpoint.

2 MR. MCGUCKIN: I think it's -- I'm
3 sorry. I didn't mean --

4 MR. MICHELINI: And it doesn't
5 contain any new facts. So --

6 MR. WINWARD: I haven't seen it yet.

7 MR. MICHELINI: Yeah.

8 MR. WINWARD: Just got it now.

9 MR. MICHELINI: Sure.

10 MR. WINWARD: Previously, we've had
11 experts and their departments testify, refute and
12 discuss procedures and the services the township
13 provides. So, you're saying this is a summation of
14 all that?

15 MR. MCGUCKIN: It's a summation and
16 the township administrator's perspective on the
17 testimony that's been presented by the various
18 departments which are underneath his realm of not
19 only expertise but his realm of responsibility for
20 the Township of Berkeley.

21 MR. MICHELINI: And it's not just
22 the departments. He characterizes the testimony
23 of the -- of Mr. Moore. He characterizes the
24 testimony of Mr. Ebenau. He characterizes the
25 planner testimony. So, it's not simply looking at

1 the department heads. who, by the way, were not
2 admitted as expert witnesses. They were fact
3 witnesses as department heads.

4 The expert witnesses were the, you
5 know, the planners and the municipal accountants.
6 But, in any event, I understand your ruling. I
7 object. I think it also goes to show a certain
8 amount of -- you know, honestly, I think it's
9 inappropriate. And I think it goes to show bias.
10 And I just want to put that on the record. But I
11 understand your objection. I guess Mr. Camera would
12 come forward at this time, be sworn.

13 MR. WINWARD: I know we were told
14 last meeting that he would be testifying. We were
15 not told anything about content or anything like
16 that. So, I'm sure he must maybe have something he
17 wants to share.

18 MR. MICHELINI: Well, I think he's
19 going to share his report.

20 MR. WINWARD: And then you'll -- and
21 if he does, then you'll have every opportunity to,
22 you know, go through it with him.

23 MR. MICHELINI: I certainly intend
24 to.

25 MR. WINWARD: I thought you would.

1 JOHN CAMERA, having been duly sworn, according to
2 law, upon his oath, testified as follows:

3 MR. CAMERA: John, middle initial A,
4 Camera, C-a-m-e-r-a.

5 If it's okay, I'm going to sit. I
6 banged up my knee a little bit, like Kelly. So,
7 I'll keep her company down here.

8 I had brought copies of my report. And, in
9 fact, based on the last two meetings, because I had
10 worked on this a little while ago, the -- I actually
11 have some additional comments I wanted to make, once
12 I'm done going through the regular report. I'll ask
13 and make sure that's appropriate.

14 I certainly know that my regular job is doing
15 analysis and giving recommendations and speaking to
16 our governing body. That's who I work for. But in
17 this case, my understanding was that the township
18 would present testimony. So, of course, as was
19 stated, I sat in the audience. And for those of you
20 who know me, it was hard to be quiet sometimes. So,
21 when our people are talking and I feel it should
22 have been said a little differently or I have
23 something to add in, I did my best to be quiet. But
24 I had hoped it would be appropriate for me to kind
25 of sum up, go through it. And to Mr. Michelini's

1 point, while I'm hopeful there still will be public
2 testimony and my understanding is that Stu Wiser
3 will testify, this is, will be, the end of the
4 township's testimony. So, that's why I thought this
5 was the time for me to do it at the end, so. And I
6 know, they said some were handed out. I had sent
7 them to the attorneys. So, they're entered into the
8 record as some township piece. And did everybody
9 get a copy?

10 MR. WISER: Before they get entered,
11 I just want to make sure we're dealing with the
12 right document. The one that I was given this
13 evening says April 3 --

14 MR. CAMERA: Yes.

15 MR. WISER: -- 2018. It should be
16 May, or are there two separate documents?

17 MR. CAMERA: No. It's April. It
18 wasn't referencing the meeting. I think I put that
19 date in when I --

20 MR. WISER: When you were -- okay.

21 MR. CAMERA: -- did the report.
22 Yeah.

23 MR. WISER: Okay.

24 MR. MACKRES: And it's how many
25 pages?

1 MR. CAMERA: Just four, I think.
2 One, two, three, yeah, four pages.

3 MR. WINWARD: Three and a half.

4 MR. CAMERA: Three and a half.

5 MR. MACKRES: Thank you.

6 MR. CAMERA: I'll try not to read it
7 all. I know it's not that lengthy but -- oh, I'm
8 sorry.

9 (The April 3 report was marked as
10 T-41 for identification.)

11 MR. CAMERA: Okay. Like I said, I'll
12 try not to read the entire thing. As best I can,
13 touch on points and then be open to questions, of
14 course. But as was stated at the beginning, I said
15 several times, it's my intention to get in, clarify,
16 analyze and try to be here to answer questions for
17 any general township testimony. I have a fair
18 amount of experience. I've only been in Berkeley,
19 it will be three years in November. But I was in
20 Seaside Heights Borough as a municipal
21 administrator. I worked for the town over 25 --
22 just 25 years and was the administrator for about 20
23 of those years. So, I have a pretty good
24 understanding of municipal government and got a real
25 solid education when I came here.

1 The size of Berkeley Township
2 compared to the Borough of Seaside Heights is
3 interesting. Things are really different and it
4 makes a big difference. Just like in a
5 de-annexation, the size and makeup of a section that
6 you might be looking to -- that might be looking to
7 de-annex or annex to another town makes a huge
8 difference. So, size matters in this case, I
9 believe. That's on me.

10 So I'll go right into the different
11 departments. With the police department, as it
12 says, I feel we give exceptional service through our
13 police department. I started, when I got involved
14 in this process, that's when the township testimony
15 was going to begin. And the police was the first
16 one. And not being able to have an attorney, I
17 sit -- again, sitting in the audience, I felt sorry
18 for a lot of our employees because they got, you
19 know, cross-examined as if they were in a trial and
20 really hit hard. When, really, the reason they were
21 there, each of the departments, was just to talk
22 about the things that had already been put on the
23 record by the petitioners. And the fact that there
24 were such specific things with the police, like
25 response times, that, you know, any one of our

1 employees could stand up and say, we think we do a
2 good job, good services. But the other employees
3 specifically needed to respond, because when there
4 was testimony given that gave inaccurate times, then
5 our people went back and researched it and showed by
6 the record the real time that it took. And I felt
7 they did a good job of clarifying that.

8 The main thing I'd like to say,
9 because in the petitioners' financial analysis or
10 report, I believe a lot of the savings that we were
11 supposed to see, if this happened, was in the police
12 department, which is obviously our biggest budget.
13 And, quite frankly, like you'll hear me say several
14 times, because it's redundant but it's true of all
15 the departments, in a municipality this size, while
16 almost 11 percent of our ratables is 11 percent, it
17 has nothing to do and no correlation to the fact
18 that then we might lose anything close to even
19 noticeable percentage of our budget on the
20 appropriation side. And certainly, in the police
21 department, just sum it up, I do not see any
22 foreseeable savings there. The only possible one
23 would be that we do specifically hire special police
24 officers to work over on the island. And there is
25 some contract language with the PBA that attempts to

1 limit how many specials we can use and if we can use
2 them on the mainland. That being my problem, my
3 intention, quite frankly, would be with or without
4 de-annexation, to expand, if we could, our police
5 department. We have recently added new officers,
6 done some promotions. So, in no way, shape or form
7 would losing South Seaside Park generate any
8 reduction in our costs for the police department, in
9 my opinion.

10 Emergency medical service. That was
11 an easy one. Tri-Boro First Aid is who does it. We
12 pay them a donation every year. That donation has
13 nothing -- this came up with the last meeting also,
14 so it's not specifically said in the report -- but
15 that donation has nothing to do with the amount of
16 calls they do. So, I think there was some testimony
17 or some questions from the petitioners' side that
18 said, well, if you lost South Seaside Park and they
19 only had to cover Pelican Island for you, then that
20 cost could possibly go down. And I can tell you
21 that Tri-Boro operates on a shoestring budget.
22 They're regularly asking us for more money, not
23 because they want to bother us, but because it's
24 hard for them to operate. And so, I can tell you
25 for sure, they would not be agreeable to wanting

1 less money. And, in fact, they would still be
2 covering South Seaside Park and now for Seaside Park
3 and then it would be a question of whether or not
4 Seaside Park was willing to pony up more money for
5 the donations.

6 The towns that participate with
7 Tri-Boro make donations, and we make capital
8 investments for them. It is not a per service based
9 charge. So there would be absolutely no savings, in
10 my opinion, on the emergency medical side.

11 The street maintenance. I think we
12 do a good job over there. I think all the testimony
13 has shown that while, like any section of any town
14 I've ever seen, there's -- you can find streets that
15 could still be -- stand repaving. And, quite
16 frankly, that testimony I want to speak to, too.
17 Whether it's been ten years or 40 years since a road
18 has been repaved, the analysis as to whether or not
19 we're going to repave a road has to do with not only
20 the condition of the road, but the amount of traffic
21 on it, the general area. This is a large, large
22 township. And it's not -- I'm not proud of the
23 fact, but I can state as a fact that you can pick
24 almost any section of Berkeley Township or almost
25 any other town and you'll have people that think we

1 don't do enough, specifically on the roads.
 2 There's roads in every area of town
 3 that could use more. We spend four-ish million
 4 dollars a year, I think, four or five million
 5 dollars a year in capital on our road program. And,
 6 quite frankly, South Seaside Park has gotten way
 7 more for a small area than any other comparable
 8 area. And that I think was put on the record
 9 clearly by our engineer. It's kind of mixing the
 10 engineering. But as far as actual maintenance, like
 11 street sweeping and snow plowing, the -- again, we
 12 get regular complaints after a big snowstorm from
 13 all parts of town. There is no way that if
 14 South Seaside Park were to de-annex out of Berkeley
 15 Township that we would then be able to cut back on
 16 the personnel and/or contracted services that we use
 17 for snow plowing or street sweeping. It would just
 18 get utilized to do an even better job in the
 19 remaining part of the township.
 20 Let me just make sure. All right. I
 21 think I can move on to garbage and recycling on
 22 page two. Regarding that, this I can state for --
 23 at certainly, that Berkeley Township has a very,
 24 very, very liberal and positive for the residents
 25 garbage and recycling collection program. I'm not

1 aware of any other towns that pick up bulk garbage
 2 and everything else that we pick up on a regular
 3 basis from our residents. And, quite frankly, in a
 4 financial analysis, I'm hopeful that down the road
 5 we'll be able to cut back on that to some degree
 6 because people take advantage of it. It costs a lot
 7 of money. But we have a very liberal program. And,
 8 again, speaking to South Seaside Park, they have
 9 more collections than any other part of the town.
 10 In the summer we ramp it up because we recognize the
 11 type of area it is over there, the shore with a lot
 12 of seasonal people either utilizing their own homes
 13 or renting a place, and visitors that just come in,
 14 day trippers. So, there's a lot of garbage and
 15 there's fishing remains and there's a lot of reasons
 16 that on a barrier island, which, like I said, where
 17 most of my experience was, you need to do more
 18 regular pickups. And South Seaside Park gets that.
 19 Again, I have to restate that the
 20 size of our garbage department and recycling
 21 department, other than there would be some specific
 22 amount of garbage that we pick up in South Seaside
 23 Park now that would not have to go to the landfill
 24 if we were not collecting from them, obviously, that
 25 would be a savings. No manpower savings. Nothing

1 else that's foreseeable. And that amount of tipping
 2 fees in the scheme of our budget is negligible.
 3 Recreation, you know, just, I think
 4 in the report summed up what our guys had said.
 5 While most of our programs are on the mainland, they
 6 are certainly open to all residents of
 7 Berkeley Township. Nobody, I think that testimony
 8 came up, too, that, oh, you can't just walk over to
 9 this or you can't just walk over to that or ride
 10 your bicycle. But a lot of people can't. You're
 11 very fortunate. I mean, look at where the municipal
 12 building is in relation to most people's homes.
 13 That was not planned that way. In fact, it was
 14 planned that there would be development all around
 15 here. That never happened. So, the truth of it is,
 16 everybody who participates, almost everybody who
 17 participate in our programs has to travel to them.
 18 South Seaside Park happens to be the
 19 furthest travel distance. And I'm sure there was
 20 testimony that somebody bought there not knowing
 21 they were buying in Berkeley Township, that they
 22 thought they bought in Seaside Park, but that's got
 23 to be the oddity. And most people would know when
 24 they bought their property and they would have made
 25 decisions of why they bought there. So, the

1 distance to come back for anything they want to do
 2 here, A, is reasonable. And, B, when it comes to
 3 parks, I raised two kids in Seaside Heights. I
 4 always drove them over to the Castle Park or a
 5 bigger park in Toms River because that's what made
 6 sense. And people do that. So, the fact that
 7 you're going to a park or a playground or a
 8 basketball court or a tennis court that's not in
 9 your actual municipality is just common practice.
 10 And, in fact, in this case, South Seaside Park
 11 residents could proudly come to Veterans Park and
 12 participate in things that are in their own
 13 municipality. But, yes, it's not right in
 14 South Seaside Park. And, certainly, the geographics
 15 of the area have proven that there's not much space
 16 to develop large recreational facilities there, so.
 17 I should mention while we're in
 18 there, my feeling. I've heard this testimony back
 19 and forth. The White Sands, Ocean Beach, it's my
 20 understanding of the law that if de-annexation were
 21 to occur, that then that the beach is owned in fee
 22 by Berkeley Township. So, we would, of course,
 23 retain it. But, of course, if then it became -- if
 24 South Seaside Park became part of Seaside Park, then
 25 Seaside Park, if they saw a public purpose, they

1 could condemn that property, pay us the fair value
2 for it and take it. So, I think it's -- I've heard
3 a lot of testimony back and forth. But I don't
4 think it's that complicated. I think it's our
5 property, the township property. It's not just that
6 it's within our jurisdiction.

7 It's very different than everybody
8 else's property that they own that is within our
9 jurisdiction. But that on recreation, the White
10 Sands Beach and the John Lyons basketball court,
11 those two recreation pieces are owned indeed by the
12 township. So, they are our properties. And they --
13 we certainly would retain ownership until and unless
14 Seaside Park, if this happened, decided to condemn
15 them or take them, or we, quite frankly, negotiate
16 it just to sell it to them. Either way it could
17 happen.

18 (Off the record.)

19 MR. CAMERA: Oh, as to the costs
20 regarding parks and beaches, if we retain the ones
21 in South Seaside Park, obviously, it would still be
22 up to us to go over there and maintain the beach and
23 maintain the basketball courts. Even if they were
24 taken by Seaside Park, we don't all of a sudden
25 lose, whether it's for garbage collection or streets

1 and roads, or, in this case, maintaining our green
2 spaces, we don't lose the need to maintain manpower
3 and equipment to still drive over the bridge. And
4 as testimony is said ad nauseam, it is a long drive.
5 And part of our expenses and operational time is
6 spent because we go over there for South Seaside
7 Park and Pelican Island. So, if South Seaside Park
8 were to join in with Seaside Park, the township
9 would still have the obligation to get over there to
10 Pelican Island, albeit only about 100 households,
11 there's still property over there to maintain,
12 including garbage collection, snow plowing, street
13 sweeping and maintenance of the green spaces.

14 Finances is, obviously, I believe, at
15 the core of what should be your final decision
16 making and analysis. My understanding is that if
17 it's shown that de-annexation would show harm to the
18 remaining taxpayers, ratepayers, in the host town of
19 Berkeley Township, that then it shouldn't happen.
20 And I think it says that's true even if it would
21 show harm for the people that are leaving when they
22 go to the new town. I really don't have any
23 information or can't speak to the effect if
24 de-annexation occurred and if Seaside Park agreed to
25 annex South Seaside Park to them, that -- I can't

1 speak to that financial impact on them. But I can
2 speak to the fact that both the analysis by our CFO,
3 my own knowledge and from my understanding of the
4 report I read that the petitioners put in, there is
5 agreement that there would be an increase in taxes.
6 Based on the makeup of the majority of Berkeley
7 Township taxpayers, there's no doubt in my mind
8 from, if I remember, approximately the lowest
9 impact, I think even in the petitioners' report they
10 said would be \$200 a year. And I think the
11 township's report was closer to like 275. And I
12 believe in the petitioners' report, they even, if
13 you didn't factor in a lot of the appropriation side
14 savings that they did assume and factor in, without,
15 I don't think, a clear understanding of our
16 operations, they were then also up over \$250. And I
17 know that our ratepayers are concerned with a \$20
18 increase in their taxes, let alone ten times that
19 amount. So, there's no doubt that that would cause
20 a significant hardship on a lot of ratepayers. And
21 for no good reason, quite frankly.

22 Planning, I think, is another area
23 that should be looked at, both from a reasonable
24 standpoint and by the law when you talk about
25 whether or not an area should be allowed to de-annex

1 from one community and annex over to another. They,
2 Berkeley, in what I've seen and my experience here,
3 I think you can qualify as sort of four areas that
4 I've laid out in my report. The Bayville is a mix
5 of neighborhoods, mostly low to moderate income,
6 mostly older houses. A mix of new developments that
7 have come into in what most people call the Bayville
8 area.

9 Then we have our senior communities,
10 approximately 10,000 homes not divided up evenly but
11 in ten different associations. And the majority of
12 those people are low, moderate income and on fixed
13 income. So, they're not low and moderate where they
14 can easily decide to start making more money if they
15 have to pay more money. They are, a lot of them on
16 social security. It's a senior community. And
17 there's a mix of people living there now, but it is
18 a senior community.

19 Then you have the Manitou section
20 which is clearly our lowest income and made up of
21 people of color. The diversity in Berkeley
22 Township -- and then let me just stick with the
23 points. The South Seaside Park, Pelican Island is a
24 unique part of Berkeley Township. Clearly, by any
25 data I've ever seen, made up of the wealthiest,

1 whitest, most well-educated and most highly employed
2 people that we have. So that, the fact that we have
3 a diverse community I think is important and
4 healthy. And I think the makeup of our community
5 has proven it over and over again when it came to
6 affordable housing issues or grant money that we've
7 tried for, the mix in Berkeley Township is healthy
8 and I think should be maintained.

9 The idea that a specific segment of
10 town feels like they want to be associated and be a
11 part of a town next to them that is made up of very
12 similar people bothers me from a social standpoint
13 and lets me know, like I said, from a financial
14 standpoint that it would be very harmful in the loss
15 of revenue to Berkeley Township and, therefore, the
16 tax increase on our remaining ratepayers.

17 It can be argued either way, but the
18 other thing I think is worth considering that I
19 missed in there was that the -- there's a pretty
20 generally held feeling that a township about the
21 size of Berkeley Township is one of the most
22 efficient ones in the state. Very, very small
23 boroughs and municipalities tend to be costly
24 because of the fact that they still have to have all
25 the same departments, all the same kinds of

1 personnel. And are generally thought of as not as
2 efficient. It's certainly not always true, but, in
3 general, a township the size of Berkeley has -- in
4 most people's opinion, is ideal when you look at,
5 talk to people at the state that regulate all the
6 governments.

7 The large, large cities have,
8 obviously, proven to be inefficient and harder to
9 manage and things get out of hand. And they end up
10 being very costly and sometimes have other issues
11 that are a problem. The idea of adding, while still
12 maintaining it as a really small municipality, the
13 idea of plucking off a section of what I would
14 qualify as an ideally sized community, to then
15 attach it to another very small community, I think
16 also just doesn't make good planning sense.

17 In my general comments, I think I
18 touch on a couple facts. But I want to say that
19 while being involved, both as a councilperson for a
20 year or two, and as an administrator and before that
21 working as an employee in Seaside Heights, I can
22 tell you that there's always -- things can always be
23 done better and municipalities can always do more to
24 keep their taxpayers happy. I believe in the
25 concept that the system works. And that is that if

1 people from any area of town or an individual
2 homeowner have an issue with the township or with
3 whatever municipality they're in, the right way to
4 handle that is to go to your representatives,
5 whether first you start in the office and then you
6 go to the council meetings, and let them know that
7 you're not happy with certain services or certain
8 actions that are taking place. And you ask them to
9 change it. If you find it falls on deaf ears, if
10 you're not -- still not satisfied, then you change
11 those representatives. That's the way it's supposed
12 to work.

13 Berkeley Township actually has a type
14 of government that I was not familiar with, but it
15 is very effective and very close representation for
16 people in that they have a ward set up. So,
17 South Seaside Park has a specific councilperson
18 whose ward is comprised of South Seaside Park, as
19 well as the area south of Route Nine, our bayfront
20 waterfront area. And then they have four councilmen
21 at large. So, they have plenty of -- all people in
22 Berkeley Township have plenty of opportunity to
23 bring their issues to the administration or specific
24 departments, to then take it up to the level of
25 going to the council, if they're still not happy,

1 and then ultimately to change that governing body if
2 they want to. The idea of, again, having a section
3 of town carved off, just, I can't support it.

4 I don't know if I touched on already,
5 but, like, apologize if there was any not proper
6 protocol for the way the township presented its
7 case, but we did the best we can with very little to
8 go on. And the idea that there was some
9 communication between some of our people, myself
10 included, and professionals that work for the town
11 that may also work for the planning board who -- but
12 they're still -- it all comes from the township's
13 budget, there was certainly no -- I want to make it
14 clear that I'm not aware of any covert plan to
15 subvert any of these hearings.

16 Certainly, the township -- and I've
17 done this with the governing body for years. You've
18 done it when you hear testimony for cases. You not
19 only listen to the testimony in front of you, of
20 course you do, you make decisions based on your own
21 experience, your own knowledge, other conversations
22 you have with other people and the way things
23 develop. So, there were discussions that at least
24 have been alleged to be inappropriate, but I can
25 tell you that nothing that I'm aware of was ever

1 meant to subvert the hearings, but rather to give
2 testimony that represented the township's position
3 on things that were brought out by the petitioners.

4 And I am going to just read my
5 summary. That part I'll read. It's only two
6 paragraphs.

7 Refusal to consent to the
8 de-annexation of South Seaside Park from
9 Berkeley Township would be neither arbitrary nor
10 unreasonable. A great deal of time and money was
11 expended by the municipality to entertain, record,
12 research and respond to a great deal of testimony by
13 the petitioners. This was done so that the planning
14 board could have all the relevant information
15 possible so as to prepare a recommendation to the
16 governing body.

17 The de-annexation of South Seaside
18 Park from Berkeley Township would mostly certainly
19 cause a significant injury to the well being of the
20 municipality in which the land is located. The
21 record clearly shows that Berkeley Township will
22 lose an integral section of its diverse social
23 makeup. Additionally, the record also shows that
24 there would be a significant economic impact on the
25 remaining residents of Berkeley Township, a group of

1 primarily low to moderate income people who cannot
2 afford an increase in taxes to satisfy an elite
3 group of people who would rather be associated with
4 others more similar to them. Respectfully submitted
5 to the planning board, John Camera.

6 I do have a few other points, as I
7 mentioned, that came up at the last meetings after I
8 did the report. If -- I don't know if it's more
9 appropriate that I be questioned, if there are any
10 on the report, and then just touch on a few other
11 things I want to say, or if I should say it all
12 first.

13 MR. MCGUCKIN: Say it all first, I
14 would think.

15 MR. WINWARD: Yeah, I would say it
16 now, because then the --

17 MR. CAMERA: To be questioned later.

18 MR. WINWARD: -- attorney would have
19 the opportunity to cross-examine you on that, too.

20 MR. CAMERA: Sure. So, it's just a
21 few points so I could remember them on one page. I
22 made copies. Should I give that out as well?

23 MR. MCGUCKIN: What is it?

24 MR. CAMERA: It's -- I'll show it to
25 you. So you make a decision.

1 MR. MCGUCKIN: Why don't you show it
2 to Joe, too. Is there an extra copy? Want to show
3 it to Joe.

4 Mr. Michelini, I assume you have the
5 same objection as you did to the report itself?

6 MR. MICHELINI: I particularly object
7 to any statement about what Fred Ebenau probably
8 meant. I mean, he testified. He was subject to
9 cross-examination. He testified for hours. I think
10 it's really inappropriate for Mr. Camera, no matter
11 how well meaning his comments are, would be anything
12 where he's going to characterize what a witness
13 probably meant to try to explain his testimony, I
14 think is inappropriate. Especially if the witness
15 isn't here to be cross-examined.

16 MR. MCGUCKIN: Well, you
17 cross-examined Mr. Ebenau. Now you're going to have
18 a chance to cross-examine Mr. Camera. I think you
19 can make that point as part of your
20 cross-examination. He is Mr. Ebenau's boss, as I
21 understand it.

22 MR. MICHELINI: But he's testifying
23 about the state of mind of somebody else. And while
24 the rules of evidence don't strictly apply, it's
25 really inappropriate to say what somebody else

1 probably meant, to try to explain away their
2 testimony. I just think that that's absolutely
3 wrong.

4 And I have the same objections to
5 this as well. And I also note that it contains the
6 indication of 11 percent when it was clear in the
7 record, according to Mr. Ebenau's testimony, that
8 the ratables represent 10.66 percent, not 11.

9 MR. MCGUCKIN: It says approximately.

10 MR. MICHELINI: It does. And it's
11 more approximately ten and a half if we're going to
12 go approximately.

13 MR. MCGUCKIN: Well, you round it up.

14 MR. CAMERA: I round up.

15 MR. MICHELINI: Yeah, rounded up
16 instead of rounding to the appropriate sum.

17 So, for all those reasons, and, quite
18 frankly, again, it's simply opinion, it's -- and
19 it's characterization of testimony. For all the
20 reasons I mentioned at the beginning, it's totally
21 inappropriate. And it demonstrates to me a
22 continuing bias to allow this kind of testimony to
23 go on. But with that, I'm sure you're going to
24 allow it.

25 MR. MCGUCKIN: Mr. Chairman, I don't

1 think it's any different than the report he already
2 gave. And I don't think it's inappropriate. He's
3 Mr. Ebenau's boss. And he's going to be subject to
4 cross-examination by Mr. Michelini on it. And I'm
5 sure Mr. Michelini will make a point to tell us that
6 Mr. Camera's not a mind reader, so --

7 MR. WINWARD: I tend to agree with
8 you. Even with the report, I see that there was
9 some use of adverbs, things like exceptional,
10 excellent, which could be contested. Like who's to
11 say what's excellent and what's exceptional, that
12 kind of thing. So, I think we'll give Mr. Michelini
13 a lot of latitude in the cross-examination on this,
14 too. Because it clearly is opinion. So, with that
15 said, if you want to finish this out so we can --

16 MR. CAMERA: Sure. So, should I hand
17 this out as well if I'm going to speak to it?

18 MR. MCGUCKIN: It will be T-42, Mr.
19 Chairman. And I --

20 MR. MICHELINI: Also, for the record,
21 we have an understanding that reports would be
22 provided 30 days prior to cross-examination. I'm
23 getting this right now, and I want to put that on
24 the record as an additional basis to object.

25 MR. WINWARD: Duly noted. Thank you.

1 (The Additional points document was
2 marked as T-42 for identification.)

3 MR. MCGUCKIN: I just, before you
4 start, I just want to clarify one thing
5 Mr. Michelini just said.

6 while Mr. Ebenau gave his report to
7 myself and Mr. Michelini 30 days before, that was
8 voluntary. Not all reports have been exchanged 30
9 days before testimony. And, in fact, I seem to
10 recall that the plaintiffs' financial expert,
11 Mr. Michelini would not provide the report until
12 after he had completed his testimony.

13 MR. MICHELINI: Cross-examination was
14 not -- we gave you 30 days to do the
15 cross-examination.

16 MR. MCGUCKIN: Understood.

17 MR. MICHELINI: That was the point.
18 The point was --

19 MR. MCGUCKIN: Very good.

20 MR. MICHELINI: -- everybody had 30
21 days to do the cross-examination. Even if the
22 report was provided now in this meeting, we would
23 have 30 days to cross-examine.

24 MR. MCGUCKIN: If when you're done
25 tonight, I'm sure Mr. Ebenau's going to be here --

1 Mr. Ebenau -- I'm sure Mr. Camera's going to be here
2 the next hearing. And you'd have that opportunity,
3 I would think --

4 MR. MICHELINI: I would reserve that.
5 Even if I cross him tonight on this, I would reserve
6 the right to come back and ask him more questions --

7 MR. MCGUCKIN: Absolutely, that makes
8 sense.

9 MR. MICHELINI: -- as to the
10 supplemental report.

11 Thank you.

12 MR. CAMERA: And, again, I apologize.
13 Not knowing the protocol, I did do my -- had done my
14 report about a month ago. Submitted it to both
15 attorneys. And then, there was one or two more
16 hearings since then. I think actually -- well,
17 maybe -- whatever. I heard more testimony. And I
18 felt that I needed to just, again, qualify a few
19 things that were said on the record. So, I'll,
20 again, try to be brief and just sum up these five
21 paragraphs or six paragraphs.

22 The -- as I said, I am the last
23 witness that we've scheduled to testify for the
24 township. If the planning board needs anything else
25 from us, we'll certainly be willing to do it. But I

1 mention that point because there was really valid
2 concern brought up, as I said, at the last meeting
3 about the impact on the schools. But, again, I was
4 in the audience. And the way I heard it seemed to
5 qualify it such that if de-annexation occurred, the
6 schools would lose approximately \$3 million.

7 I wanted to make it clear that my
8 understanding was that that is not the way it would
9 work. The township would just lose the ratables.
10 The school would still have their same budget. They
11 would still need the same amount of tax money to do
12 it, to operate that budget. And the township would
13 then have to raise that additional money from the
14 remaining taxpayers. Hence, the reason for the
15 increase that everyone has recognized would happen
16 to the remaining Berkeley Township taxpayers. So,
17 for that reason, I just wanted to say, I understand
18 it, but there was a question as to whether or not
19 the township was going to bring somebody in from the
20 school. And for that reason, we are not.

21 That whole second paragraph, I know
22 it's written now, so it is what it is. But the
23 thing I needed to qualify, regardless of what Fred
24 actually meant, I believe I knew what he meant, but
25 I'll qualify it as, in sitting in the audience, I

1 understood the question from Michelini to Mr. Ebenau
 2 being, if de-annexation occurred, how long you've --
 3 I think he qualified it first by saying, Mr. Ebenau,
 4 you've done a lot of work in distressed cities, you
 5 fixed up budgets that were in trouble. You know
 6 how -- you know your job. You know how to do that.
 7 If de-annexation occurred, how long would it take
 8 you to correct that. And my recollection is that
 9 Fred said, a couple days. So, regardless of what he
 10 meant, I can tell you that much like the school
 11 thing, I think that was testimony that needs to be
 12 clarified. Because you could correct that on paper
 13 in ten minutes. If you're collecting this much
 14 money and spending the same amount and you need
 15 to -- all of a sudden, you lose half of your revenue
 16 and you need to collect the same amount, you can
 17 just double what you collect from everybody else.
 18 What I meant was, on paper, it can be corrected
 19 immediately. But that does not speak to the impact
 20 that's already clearly been spoken to about the fact
 21 that that means ratepayers would get substantially
 22 higher tax bills to do it.

23 The Tri-Boro thing, I think I already
 24 touched on during my other testimony about what the
 25 donation is based on.

1 Oh, and there was also testimony at
 2 the last meeting, I believe, where Fred was asked
 3 about whether or not the council might lay off
 4 personnel if they -- if de-annexation occurred and
 5 they had less money from -- less ratepayers to
 6 collect from. I just want to make it clear that the
 7 council in this type of government does not make
 8 those decisions. The council does almost no
 9 personnel actions, only just contractual things,
 10 sometimes with litigation. But the administration
 11 makes decisions about personnel, hiring, firing,
 12 laying off. And I just wanted to clarify that point
 13 as well.

14 I already touched on the cost and,
 15 yes, have used the approximately 11 percent of our
 16 ratables. Oh, and in closing, I guess, then I just
 17 want to say that not only are we not scheduling any,
 18 but I was not sure what the planning board had in
 19 mind. And I know at least petitioners spoke during
 20 the early parts of the hearing before I was even
 21 working for the township. And I didn't know if you
 22 had entertained other public comment or not. And
 23 was hopeful that with so much testimony having being
 24 given, that you would entertain at an additional
 25 meeting or meetings, whatever it took, whenever you

1 had the time, that even though our testimony was
 2 done from the township, that asking if you would
 3 entertain the idea of having, allowing public
 4 comment at subsequent meeting or meetings. That's
 5 it.

6 MR. WINWARD: Thank you for your
 7 testimony.

8 MR. MCGUCKIN: I just have a question
 9 if I could, Mr. Chairman.

10 MR. WINWARD: Sure.

11 MR. MCGUCKIN: I just wanted to get
 12 this in.

13 Mr. Camera, the tax increase, whether
 14 it's 250 or 275, that you mentioned. And I know
 15 whether it's 200, 250, 275. I just want to be
 16 clear. That's not like a one time hit, right? It's
 17 not like that, that year there'll be a tax increase
 18 and then everything's fine. Would it be fair to say
 19 that that then becomes the base for the following
 20 year? So, it's something that will be paid forever,
 21 that additional increase?

22 MR. CAMERA: Exactly that. There's,
 23 just to clarify, there's no -- there won't be an
 24 additional 200 or 250, all things being equal, based
 25 on this. But, right, that, it will not just be for

1 one year and then go away. It will be the new base,
 2 as you stated.

3 MR. MCGUCKIN: Thank you.

4 MR. WINWARD: And I just had a couple
 5 questions, too, I want to clarify.

6 Well, first of all, on that Tri-Boro,
 7 are they a paid or volunteer?

8 MR. CAMERA: They have a combination.
 9 They were volunteer for most of their existence.

10 And about maybe six, seven years ago, they started
 11 using some paid personnel, because they could not
 12 respond to the calls, particularly during the
 13 daytime when people are working. So, they're a mix
 14 of volunteers and paid, but they're only paid by the
 15 three municipalities that they work for by way of
 16 donations from each of those municipalities.

17 MR. WINWARD: Okay. Thank you.

18 And then on the snow plowing, I'm not
 19 sure if -- what you meant. Would there still be
 20 snow plowing in South Seaside Park after
 21 de-annexation, because there's a beach and
 22 basketball courts?

23 MR. CAMERA: No, no snow plowing.

24 There'd be snow plowing still. We'd have to go over
 25 there to plow --

1 MR. WINWARD: For Pelican.
 2 MR. CAMERA: -- at Pelican Island.
 3 In South Seaside Park, my understanding is if
 4 de-annexation occurred, the only maintenance we
 5 would still be responsible is for the two private
 6 pieces of property that we own over there.
 7 MR. WINWARD: So, that would be the
 8 garbage pickup you were referring to, just for the
 9 beach and the basketball courts?
 10 MR. CAMERA: Exactly.
 11 MR. WINWARD: How many class two
 12 police officers are there, roughly? Do they have
 13 like -- for example, last summer?
 14 MR. CAMERA: Yeah, I think we put on
 15 approximately six to eight specials each year.
 16 MR. WINWARD: And what would they be
 17 needed for, say, de-annexation did occur in Pelican
 18 Island? Because that's mostly just vehicles. I
 19 don't think anybody goes to Pelican --
 20 MR. CAMERA: I probably wasn't clear.
 21 I did not mean they might still be needed for
 22 Pelican Island. Special officers can work
 23 anywhere --
 24 MR. WINWARD: Oh, okay.
 25 MR. CAMERA: -- and supplement a

1 police department. There would be PBA concerns
 2 about the way we utilize special police officers.
 3 But my intention, I don't mind putting on the
 4 record, special police officers are less expensive
 5 than regular full-time police officers, so they can
 6 be used and are used in many municipalities to
 7 supplement the regular police force on the mainland.
 8 MR. WINWARD: Oh, okay. Okay. Thank
 9 you.
 10 MR. CAMERA: Sure.
 11 MR. WISER: Mr. Chairman, if I may.
 12 Just one question.
 13 Mr. Camera, you talked about, in this
 14 form of government, the governing body sets the
 15 budget. The administration deals with the employees
 16 exactly. Tying that into a projection, if
 17 de-annexation were to occur, about layoffs, who
 18 actually makes the decision as to whether the work
 19 force is going to be reduced or not?
 20 MR. CAMERA: The administration. I
 21 would say me, but there's, we have human resources
 22 people. And the Mayor is part of the
 23 administration, so we have discussions. We recently
 24 had to go through a layoff procedure because of
 25 privatizing our golf course in Berkeley Township.

1 And Berkeley Township is also a Civil Service town.
 2 So, anything like a layoff plan has to be submitted
 3 to Civil Service. They have to approve of it. And
 4 then there's a whole process. But bottom line
 5 answer is, the administration makes the decision.
 6 MR. WISER: So, is it a correct
 7 statement to say that you can speak to -- unlike
 8 other people who have testified, other municipal
 9 employees who have testified and said there would or
 10 wouldn't be layoffs, or even the petitioners who
 11 said there would or wouldn't be layoffs, you are
 12 able to speak with authority to that subject?
 13 MR. CAMERA: Yes.
 14 MR. WISER: And can you -- so,
 15 what -- is it correct to say, then, you have gone
 16 through the various departments, police, DPW,
 17 recreation, what have you, and you're saying there
 18 would be no layoffs?
 19 MR. CAMERA: Correct. I don't see
 20 any -- and whether it was through layoffs or
 21 attrition, just to be clear, I don't see any
 22 foreseeable reduction in our workforce based on
 23 de-annexation. And, quite frankly, I know, I
 24 believe in their financial report they said a lot of
 25 the savings would come from overtime and not

1 reducing the amount of personnel. But looking at
 2 that as well, I do not see any savings in our
 3 salaries due to de-annexation.
 4 MR. WISER: Just give me one second.
 5 I'm just processing what you said. You know what,
 6 thank you. Thank you.
 7 MR. CAMERA: All good?
 8 MR. WINWARD: I think Nick has a
 9 question.
 10 MR. MACKRES: I have a question.
 11 MR. WINWARD: And then we'll go
 12 to Nick on the -- the planner.
 13 MR. MACKRES: Mr. Camera, thank you
 14 for speaking. There's a note here. While I am
 15 certain school board representatives would testify
 16 as to the grave impact an approximately three
 17 million reduction in their budget would have, the
 18 township does not expect to call them as witnesses
 19 for the above stated reasons.
 20 You do not expect to call them for
 21 the reasons that you don't have authority over them
 22 or for what reasons then?
 23 MR. CAMERA: No. Sorry. I meant for
 24 what I said in the first two lines. And that is
 25 that I don't believe that de-annexation would mean

1 that their budget would get reduced. What it would
2 mean is that we have less, the township has less
3 ratepayers to collect that money from and thereby
4 would have to increase the taxes on everybody, but
5 the school would still get their money, that's why.
6 That's my understanding of how it would go.

7 MR. MACKRES: And then for us to call
8 them to testify, what is the procedure for that, for
9 the board to listen?

10 MR. MCGUCKIN: There is none. We can
11 ask them if they want to come.

12 MR. MACKRES: So, our board
13 secretary --

14 MR. MCGUCKIN: I guess the question
15 is, though, what evidence are they going to present
16 that would assist the board in reaching its
17 conclusion? If you're satisfied there's some
18 evidence that they could present that would help
19 you -- if there's some evidence you think that could
20 help us make, reach our determination, our
21 recommendation, we could certainly ask them to come.
22 But I think what Mr. Camera is saying is, the fact
23 is the three million dollars. Their budget's not
24 going to change and -- or, apparently, it's not
25 going to change. And they still get the same amount

1 of money they need to operate their system.

2 MR. MACKRES: So, the reason I'm
3 asking that is, their certified people can state
4 that for the record. So, if this is a yes or a no,
5 if there's an appeal or not and it goes through, I
6 think it's very important information, especially --
7 and what would happen to debt service as well? Does
8 that get passed on? Does South Seaside Park take
9 it? Also, what happens to their student body?

10 You know, we have, as Mr. Ebenau is
11 saying, an elitist section moving. How does that
12 affect the student body? Would our district factor
13 group change? Would that change their funding from
14 the State and their aid? And, in the end, what does
15 it mean to the remaining children? You know, and
16 then that's speaking on behalf of Berkeley. What
17 about Central Regional and the impacts to the
18 regional district? I have an assumption on that.
19 But if Seaside Park does win their case to pulling
20 out of the regional district, what happens to them
21 as well?

22 So, I'm looking mostly for the
23 children and the parents of the town who have kids
24 here and the future. And there's a lot of state
25 evidence and cases about breaking up certain pieces.

1 And we have -- God, you know, I'm getting a little
2 emotional here, but go back 40, 50 years and talk
3 about segregation and integration. So, I think it's
4 very important to put those on the record. At least
5 have the superintendent and the school business
6 administrator, maybe the board president of the
7 board may have a statement. That's up to them. But
8 I'm very adamant that we need to have both school
9 board administrators, both the school business
10 administrator and the superintendent, to come in and
11 give testimony. It's their choice. I mean, they
12 may send a letter. They may come in person. They
13 may send their legal representation. But we should
14 at least make the request so if something does
15 happen down the road and there is a, for or against,
16 if there's an appeal or not. How long it goes,
17 it goes -- maybe it fails. In 20 years, this goes
18 again. I'm not sure. But we need to have some of
19 that on record. Because it is, I think it's very,
20 very valid information. Thank you for --

21 MR. WISER: I would also add. There
22 has been dueling opinions by people who really
23 aren't experts on state aid. And perhaps it would
24 be beneficial to get someone here who is an expert
25 that deals with the state aid, just so the board can

1 have that piece of information put to bed.

2 MR. WINWARD: I like the idea.
3 That's why Nick had brought it up last meeting too.
4 Because, like you said, we've heard experts in every
5 other area except for that. And the sad fact is,
6 there's not really, not a lot of students in that
7 part of the township either. But other students in
8 the township could suffer because of it, and maybe
9 not. Maybe it's a misperception on our part. But
10 it would be nice to have some testimony and see some
11 more facts and figures as to an answer to those
12 questions. So, I don't know what the process is but
13 I think it's part of our opinion --

14 MR. MCGUCKIN: Well, I'll discuss it
15 with Mr. Camera tonight or tomorrow, and we'll see
16 if the township wishes to contact them or you want
17 us as the board to contact them. Then we'll come up
18 with a -- we'll send them an invite and see what we
19 can do.

20 MR. CAMERA: Sure. And we'll do
21 whatever can make it work. Like Mr. Mackres said,
22 we can't compel them to come, but if you think it's
23 better to come, the request to come from the
24 township, then certainly.

25 MR. WINWARD: It will probably be to

1 their advantage as well. They're the ones that, you
2 know, are going to have to scramble for their
3 budget, you know, if it does happen.

4 MR. CAMERA: Sure.

5 MR. WINWARD: So, they do have a
6 vested interest in it.

7 MR. HUDAK: I agree. It has to do
8 with much more than just numbers, just a matter of
9 dollars that go into this. So, I do think that
10 their input is very important.

11 MR. WINWARD: Okay. I believe our
12 planner, Nick, has a question for Mr. Camera.

13 MR. DICKERSON: Thank you. One of
14 the things I was just hoping that you could clarify.
15 As part of your general comments, you had mentioned
16 that there are numerous opportunities for residents,
17 property owners to comment, question, give
18 suggestions to mayor and council.

19 One of the things that was brought up
20 by the petitioners' planner, and I believe in our
21 planning report as well, was the concern about
22 distance driving and how long it takes to get to
23 meetings or how long it gets to receive certain
24 services. And I guess I'm just wondering, because
25 beyond just South Seaside Park, you do have -- I

1 mean, through our planning report, I think when
2 we -- in looking at the demographics, I mean, the
3 township does have a large proportion of older
4 adults who may not want to drive, regardless of how
5 far that drive is. So, I guess I'm just wondering,
6 what steps, because I didn't really see it in this
7 report, but have there been any steps taken by the
8 township to improve access to residents for various
9 services, anything where they can provide comment,
10 anything of that nature?

11 MR. CAMERA: The Mayor regularly
12 schedules what he qualifies as town hall meetings.
13 They're primarily in the senior community from the
14 couple years I've been here that we've taken the
15 Mayor and some staff out to locations. We've also
16 done it in Manitou section of Berkeley. And not for
17 a general meeting that I'm aware of, but for
18 specific planning issues, we brought at least one
19 meeting over to the Tri-Boro First Aid building in
20 South Seaside Park to get input from residents and
21 make that easier.

22 MR. DICKERSON: Just one quick
23 follow-up. Beyond just providing input, are
24 residents able to access any services or anything
25 without actually having to come to the township

1 building? Is there anything that -- or has there
2 been any steps for that? Anything that can be done
3 online? Anything else?

4 MR. CAMERA: Yes. We just redid our
5 website. We recently initiated some new software so
6 that the recreation programs can be signed up
7 online, which they never could before. And I think
8 taxes can be paid online. I believe the police
9 department has several accessing reports online.

10 So, I don't know, I can't name all the specific
11 ones. But, yes, as the times have changed, there's
12 a lot more you can do online now.

13 MR. DICKERSON: Thank you.

14 MR. WINWARD: Okay. I think we have
15 all the questions. Mr. Michelini, you may proceed.

16 MR. MICHELINI: Thank you.

17 EXAMINATION BY MR. MICHELINI:

18 Q Mr. Camera, on that point, how many
19 town hall meetings have been held over in South
20 Seaside Park in the last ten years?

21 A As I said, I can only speak to the
22 time I was here. And I'm not aware of any general
23 meetings --

24 Q Zero?

25 A -- is what I meant by town hall.

1 Q Zero, correct?

2 A Yes.

3 Q Zero is the answer?

4 A Zero is the answer --

5 Q Thank you.

6 A -- to the two and a half years that
7 I've been here.

8 Q Okay.

9 A Only the special planning one. Yes.

10 Q All right. And that meeting that did
11 occur that involved a special planning meeting was
12 actually at Tri-Boro, it wasn't even in
13 South Seaside Park, it was in Seaside Park, correct?
14 Tri-Boro is in Seaside Park --

15 A Yes.

16 Q -- is that correct?

17 A Yes.

18 Q Thank you. Okay. And you would
19 agree that you are not a financial expert; isn't
20 that correct?

21 A Correct.

22 Q You're not a CPA, correct?

23 A Correct.

24 Q You're not a licensed planner,
25 correct?

1 A Correct.
 2 Q You're not a licensed engineer,
 3 correct?
 4 A Correct.
 5 Q And, in fact, you're an
 6 administrator.
 7 Have you ever testified in any court as an
 8 expert witness?
 9 A Honestly, I've testified in court
 10 cases for the township. I don't believe I -- I've
 11 certainly never qualified myself as an expert.
 12 Q Okay. So, you've never been
 13 qualified as an expert in a court, correct?
 14 A Correct.
 15 Q And as I look at your report from
 16 April 3, T-41, it indicates pretty much what I said,
 17 that it's an analysis of testimony, correct?
 18 A Correct.
 19 Q It's a summation, that's another way
 20 to say it, correct?
 21 A Yes.
 22 Q Okay. And, basically, you took the
 23 testimony of the township employees and you tried to
 24 sum up and point out the things that you thought
 25 were helpful to the township; isn't that correct?

1 A I looked at their testimony, used my
 2 experience here and tried to touch on each of the
 3 departments, yes.
 4 Q Okay. And, in fact, you
 5 characterized their testimony, you used the word
 6 excellent, several times in terms of the services
 7 that are being provided, exceptional. I think I
 8 counted at least five excellents, a couple of
 9 exceptionals. So, you're characterizing their
 10 testimony, correct?
 11 A Yes.
 12 Q That's your opinion, those are
 13 opinions, are they not?
 14 A Clearly.
 15 Q And opinions can differ, can they
 16 not?
 17 A Everybody has one, from my
 18 experience.
 19 Q Okay. And you didn't quote any of
 20 the testimony of the petitioners in your analysis of
 21 testimony, correct?
 22 A Correct.
 23 Q So, you focused on the township
 24 testimony?
 25 A Yes.

1 Q Okay. And by the way, you looked at
 2 Mr. Ebenau's report, and he's an expert, right? You
 3 would consider him -- he being an expert, right?
 4 A Yes.
 5 Q And Mr. Moore is an expert, you would
 6 agree with that, right?
 7 A And to your point, yes, differing
 8 opinions.
 9 Q And they have differing opinions,
 10 right?
 11 A Yes.
 12 Q Okay. By the way, Mr. Ebenau entered
 13 one report into evidence, correct?
 14 A Correct.
 15 Q And then he prepared another report
 16 that didn't go into evidence?
 17 A Correct.
 18 Q But you looked at both of them,
 19 right?
 20 A Correct.
 21 Q So, your opinions are based upon both
 22 of them, correct?
 23 A Correct.
 24 Q So, your opinions are based upon
 25 facts that aren't even in the record before this

1 board, isn't that correct, as to Mr. Ebenau?
 2 A Well, Mr. Ebenau read from his
 3 report, I believe. The last testimony he had, he
 4 had it with him. I had hoped that he would ask to
 5 enter it into testimony and, in fact -- into the
 6 record, I mean. And, in fact, I started to speak to
 7 Mr. Ebenau, again, not knowing the proper protocol,
 8 and was going to tell him he should put it in the
 9 record. And you --
 10 Q He never put it --
 11 A -- made it clear to me that I should
 12 not. So, yes.
 13 Q He never put in it the record,
 14 correct?
 15 A He never entered the report in the
 16 record, correct.
 17 Q Now, you say he spoke from the
 18 report?
 19 A I believe so, yes.
 20 Q Well, I don't want his report going
 21 into evidence, but I will have it marked for
 22 identification purposes only. Because he's not here
 23 to cross-examine him.
 24 A Okay.
 25 Q And I'll just focus on that point.

1 Okay.

2 Could we have this marked for identification
3 purposes. Not in evidence.

4 (The Revised report of Mr. Ebenau was
5 marked as A-94 for identification.)

6 MR. MCGUCKIN: Mr. Michelini, before
7 you -- I just had a question. So, I was not here at
8 the last meeting. So, Mr. Ebenau did not present
9 his report?

10 MR. MICHELINI: That is -- he did not
11 testify practically at all about his revised report.
12 I think there was one line. I think Mr. Camera's
13 right. He said one thing from the revised report,
14 and that's it.

15 MR. MCGUCKIN: Is the revised report
16 different than the original report?

17 MR. MICHELINI: Yes. It's several
18 pages longer. So, I don't want to put it into
19 evidence because he's not here to cross-examine, but
20 I want to --

21 MR. MCGUCKIN: Well, did you
22 cross-examine him on it at the meeting?

23 MR. MICHELINI: No, because he never
24 put it into the evidence.

25 MR. MCGUCKIN: So, you didn't

1 cross-examine him on the new report on the -- on his
2 second report?

3 MR. MICHELINI: That is correct.
4 However, Mr. Camera has referenced it and referenced
5 a number that was pulled out of it. So, I'm going
6 to limit my cross-examination just to that thing
7 that Mr. Ebenau testified to from the new report.
8 That's what Mr. Camera testified about. He said he
9 testified from his new report about a number. So, I
10 want to ask him about that number and show him the
11 revised report for identification purposes only,
12 because it never went into evidence.

13 MR. MCGUCKIN: Go ahead.

14 (Off the record.)

15 BY MR. MICHELINI:

16 Q So, you would agree with me,
17 Mr. Camera, that really there was only one number
18 that was testified to from the revised report which
19 was not put into evidence, correct?

20 A That's my recollection, yes.

21 Q Okay. So, I want to show you that,
22 from the transcript of April 5, 2018. And I believe
23 it's -- I'll show it to you. I just want you to
24 read it to yourself.

25 (Off the record.)

1 Q So, showing you pages 73 and 74 from
2 the April 5 transcript, I showed you a section,
3 Mr. Camera, where Mr. Ebenau referred to what would
4 appear to be information from his revised report.
5 Is that your understanding?

6 A Yes.

7 Q Okay. And he indicated that the
8 total tax -- I'll come over here -- that the total
9 increase in tax on a percentage -- actually, he
10 indicated that the total cents per hundred on the
11 tax would be 12.7 cents per 100, correct?

12 A Correct.

13 Q And he also indicated, as opposed to
14 what it was before, which I believe was 14.9. Do
15 you recall that?

16 A I don't recall that that's the exact
17 number. My understanding is that he changed those
18 numbers in the report based on the fact that you
19 pointed out that the ratables in South Seaside Park
20 that he used in his first report were incorrect.

21 Q Right. And in response to a question
22 from Mr. Wiser on page 74, he indicated that the
23 taxes would increase on the average home of 199,500
24 to the extent of \$277.31, correct?

25 A Correct.

1 Q Now I want to show you what's been
2 marked as his revised report. I marked this copy as
3 A-94 for identification purposes only. And it says
4 revised. And, unfortunately, I made a couple of
5 notes, so you can ignore my notes. But that does
6 appear to be his revised report, to the best of your
7 knowledge, correct?

8 A Yes.

9 (Off the record.)

10 Q In the revised report on page 16,
11 there's an indication that there would be an
12 increase of 12.7 cents per 100 of assessed value
13 increase in the event de-annexation occurs, right?

14 A Yes.

15 Q So, that is consistent with his
16 testimony?

17 A Yes.

18 Q And then he indicates that the impact
19 on the residents, based on the average assessment of
20 a single family home, which we know is 199,5, that
21 the tax increase would be 253.37. Do you see that?

22 A Yes.

23 Q Okay. And that's different than the
24 \$277.31 number, correct?

25 A Correct.

1 Q Okay. So, you would -- would you
2 think that Mr. Ebenau was correct when he said
3 277.31, or do you think he misstated it and should
4 have said 253.37 based on what's in his revised
5 report?
6 A Are you asking me what I think
7 Mr. Ebenau thought at that point?
8 Q I certainly am, because you've given
9 an opinion as to what he meant.
10 A On this one, I don't know. That's
11 why I kept my number general. But I don't know if
12 there's -- there is a difference between the two, so
13 one's right and one's wrong, I believe, or it's
14 somewhere in between. But I truly don't know
15 without, you know, going through this whole thing
16 more to see if that is the right number, but --
17 Q Well, if you look below --
18 A -- they are different.
19 Q -- it shows average tax bill. The
20 difference in the average tax bill with and without
21 Seaside Park again is 253.37, correct?
22 A Yes.
23 Q And that's different than his
24 testimony of 277.31?
25 A Correct.

1 Q Okay. If you want to look through,
2 you can look through this and see if you can explain
3 it.
4 A Sure.
5 Q You can ignore my notes.
6 A The pictures are what's bothering me
7 of the board. They don't do justice. But, no, just
8 kidding.
9 MR. WISER: Do we need to take a five
10 minute recess while he's doing that?
11 MR. MICHELINI: I don't think so. I
12 don't think it will be take very long.
13 MR. CAMERA: Yeah.
14 MR. MCGUCKIN: Are we going to get a
15 copy of this with your notes, then, Mr. Michellini?
16 I'm sure Mr. Wisser would like to have that chance.
17 MR. MICHELINI: Identification only.
18 Because he didn't testify to the rest of it. I
19 think it's unfair too, for both sides.
20 MR. MCGUCKIN: I understand. But how
21 do we have an exhibit marked for identification
22 that's not a copy maintained by the board? I
23 understand the board's not going to see it --
24 MR. MICHELINI: Yeah. I --
25 MR. MCGUCKIN: -- but the secretary

1 has to have it.
2 MR. MICHELINI: I can give her this
3 one or I can give her a clear copy and we can have
4 this one.
5 MR. MCGUCKIN: We'll take this one.
6 MR. MICHELINI: That's fine.
7 This one points out the difference
8 between his testimony. It's got a big question
9 mark, testimony? And then the number in the report.
10 I think he misstated it myself, but --
11 MR. MCGUCKIN: Just having fun.
12 (Off the record.)
13 Q So, looking at the revised report
14 that's been marked A-91 for identification -- A-94,
15 I'm sorry -- for identification, have you been able
16 to determine why Mr. Ebenau testified to the average
17 taxes going up \$277.31, as opposed to what's in his
18 revised report of 253.37?
19 A No, I could not see anywhere in the
20 report that -- find the 277.31 number. So I'm not
21 sure where that came from, but the 253.37 does
22 appear to be the correct number for the tax increase
23 based on the 12.7 cent increase.
24 Q Right. And the original amount in
25 his initial report was very close to \$300, you may

1 recall. I think it was 200 --
2 A Two --
3 Q What was it?
4 A 200 and 90 some dollars, I thought.
5 Q I think it was -- I believe it was --
6 I think I can tell you. I think it was \$297. Does
7 that sound accurate?
8 A That does sound accurate.
9 MR. MCGUCKIN: So, you're rounding up
10 to 300.
11 MR. MICHELINI: Well, I'd like to
12 round up to 300, but I'm keeping it at 297.
13 MR. MCGUCKIN: Got it.
14 Q And, therefore, the difference
15 between the 253 that the revised report indicates
16 and the 297 that he had in his initial report, is a
17 little under 50 bucks, about 44, \$45.
18 A Correct.
19 Q All right. And that is a difference
20 of, percentage wise -- do you know what the
21 percentage difference is? It's close to 15 percent.
22 I will represent it's 14.8. If you want to check my
23 math, you can check it.
24 A I don't need to check your math. If
25 it's a fact, it's a fact.

1 Q All right. So, the difference
2 between his initial record and his revised report,
3 which he actually didn't put into evidence but
4 testified to those numbers about, was a 15 percent
5 difference?
6 A Sounds right, yes, I heard the
7 numbers.
8 Q And then what he testified to last
9 time, you can't even find in his revised report,
10 correct?
11 A I did not see the 277.31 figure,
12 correct.
13 Q Okay. Now, you talked a little bit
14 about how people should effectuate process by going
15 to meetings, right?
16 A Yes.
17 Q You believe in that process?
18 A I do.
19 Q Can you tell me how many meetings my
20 clients have gone to?
21 A I cannot.
22 Q Did you hear the testimony of
23 Mr. Whiteman and others that they've been going to
24 meetings for years?
25 A I was not here for that testimony. I

1 believe I read it. But I believe you.
2 Q All right. You don't dispute it?
3 A I do not.
4 Q And, certainly, going to meetings --
5 how many years should they go to meetings to
6 effectuate change? And when they determine that
7 change is not being effectuated, at what point
8 should they avail themselves of the law in the form
9 of the de-annexation statute?
10 A In my opinion, if you go, there's all
11 kinds of issues that can be brought before a
12 governing body. If you go for some length of time
13 and you're not satisfied with what you're getting
14 from that governing body, then I think the process
15 moves forward to trying to elect officials that are
16 responsive to your needs.
17 Q Sure. That's one way, right?
18 A Yes.
19 Q Another way is to avail yourselves of
20 what the law provides, which is a statute, right?
21 A Yes.
22 Q They have that statutory right,
23 correct?
24 A Yes.
25 Q And that statutory right doesn't

1 require them to go to one meeting or a hundred
2 meetings?
3 A No requirement.
4 Q Right. And, in fact, in this case,
5 the testimony is, and you indicated you read it,
6 that they went to many meetings?
7 A Yes.
8 Q And they traveled 45 minutes to go to
9 some of those meetings, over the bridge.
10 Have you traveled over the bridge lately with
11 the construction?
12 A Very often, yes.
13 Q Pretty bad right now?
14 A It is. It's --
15 Q Yeah.
16 A -- they've opened up a few more lanes
17 and it will get better. But, yes, it's tough.
18 Q And even with it not yet being
19 summer, it can take a long time to get back and
20 forth, correct?
21 A Yes, it can.
22 Q So, you could understand the
23 frustration that my clients might have in coming to
24 meetings when it takes sometimes 45 minutes and they
25 have to travel 16 miles and go through a lot of

1 traffic and a bunch of towns?
2 A I definitely understand that your
3 clients are frustrated.
4 Q Now, you characterized my clients as
5 being elitist; isn't that correct?
6 A Yes.
7 Q But elitism, to me -- I mean,
8 personally, I think my clients -- that has the
9 potential to be offensive. Because elitism connotes
10 a certain attitude of the heart. Would you agree to
11 that, that you don't want to be associated with
12 certain types of people?
13 A Elite I think of as more of a upper
14 echelon of some group. I don't think you have to
15 have a bad heart.
16 Q So, you're not connoting -- there's
17 no connotation there that they moved to
18 South Seaside Park so that they can be away from
19 those other people of less socioeconomic status?
20 A No. They're already geographically
21 away from them. But I do believe that they would
22 rather be associated with the town of Seaside Park
23 and that some of that has to do with a status
24 feeling, yes.
25 Q Did anybody testify -- was there one

1 person who testified that they wanted to be part of
 2 Seaside Park for status purposes?
 3 A I can't imagine that they would put
 4 that on the record. And no, I did not.
 5 Q So, this is a supposition on your
 6 part?
 7 A Yes, I think I made it clear. This
 8 is what I do. Yes.
 9 Q You have no evidence for that; isn't
 10 that correct?
 11 A Correct.
 12 Q Okay. And, in fact, you're a upper
 13 class white person?
 14 A Upper-middle income white person,
 15 yes.
 16 Q No, I think you're probably an upper
 17 class white person. You get a pension from
 18 Seaside Heights?
 19 A Yes.
 20 Q What is that, about five or six,
 21 seven thousand a month? How much?
 22 A It's \$3,500 a month. My --
 23 Q 3,500?
 24 A I have an ex-wife that gets part of
 25 it, since you want to know.

1 Q So, you get 3,500 and your ex-wife
 2 gets how much? 2,500?
 3 A 1,500.
 4 Q 1,500.
 5 A You were pretty close with the 5,000.
 6 Q Pretty close. 5,000 a month?
 7 A Yes.
 8 Q So, your pension is 5,000 a month.
 9 And then on that top of that, you get a salary here,
 10 correct?
 11 A Correct.
 12 Q And how much is that?
 13 A 120,000 a year.
 14 Q Right. So, you have that. And I'm
 15 not even going to ask about your investments. I
 16 don't want to go too far afield. But you don't live
 17 in Berkeley Township, do you?
 18 A No. In fact, if you want to get
 19 everything on the record, I used to live in
 20 Seaside Heights and moved up to a more elite
 21 community of Colts Neck now.
 22 Q That's correct. You're in Colts
 23 Neck. A lot of white people in Colts Neck, aren't
 24 there?
 25 A There are.

1 Q Lot of rich people, correct?
 2 A Yes. Yeah.
 3 Q Okay. And, in fact, Colts Neck is of
 4 a higher socioeconomic status of not just Berkeley
 5 Township, but South Seaside Park section of
 6 Berkeley Township and Seaside Park, wouldn't you
 7 agree with that?
 8 A Most likely. Honestly, I don't know
 9 anything. While I've qualified a lot of things
 10 based on my experience and opinions, our census did
 11 show a lot of the precise makeups of the parts of
 12 Bayville, I don't -- Berkeley Township. I don't
 13 know how Colts Neck compares to Seaside Park.
 14 Q Seaside Heights is somewhat diverse,
 15 correct?
 16 A Seaside Heights is very diverse, yes.
 17 Q Right. Did your kids, when you lived
 18 in Seaside Heights, go to elementary school there?
 19 A Yes.
 20 Q What grade -- did they go to
 21 kindergarten, first grade there or no?
 22 A They went, if my recollection,
 23 they're two years apart. I think at least the
 24 older, my older son went to a Christian school
 25 across the bridge, for maybe kindergarten and first.

1 And by second grade when his sister was in
 2 kindergarten or third grade when his sister was in
 3 first, then they went to the public school there.
 4 Q Okay. So, for a couple years, you
 5 put your kids in private school?
 6 A Correct.
 7 Q You kept them away from the diverse
 8 crowd in Seaside Heights, correct?
 9 A What I did was put my kids -- because
 10 I was having my own uncertainty as to, in their --
 11 in my child rearing, if there should be any
 12 religious aspect. So, yes, we looked for a
 13 religious based school and thought that that might
 14 be formative for them. And then we thought that --
 15 and my wife and I made the decision to then go to
 16 the public school.
 17 Q How do you feel about the people in
 18 Berkeley Township?
 19 A How do I feel about the people in
 20 Berkeley Township?
 21 Q Yeah. Do you like them or do you
 22 like living up in Monmouth County, far away from
 23 them?
 24 A Well, they're two different things.
 25 I like the people in Berkeley Township. I've dealt

1 with, obviously, a diverse group of people since
2 I've been working here. And my children that you
3 brought into it then went to Central Regional
4 because Seaside Heights participates as well. And,
5 therefore, they made a lot of Bayville friends, many
6 of who -- one of who for sure still babysits for me
7 with my younger children now, that have only gone to
8 school in Colts Neck so far.

9 Q So, let's talk about Berkeley
10 Township.

11 A Okay.

12 Q You made a comment that size matters.
13 Can you point out on A-1 in evidence where
14 South Seaside Park is on A-1?

15 A Yes, it seems to be the area
16 highlighted in red with a number nine in the middle.

17 Q Okay. That's a relatively small area
18 as compared with the rest of Berkeley, highlighted
19 in yellow, correct?

20 A Oh, clearly.

21 Q Right. And let me just ask you a
22 couple of questions. You have this area of Berkeley
23 Township next to Pine Beach. Are you familiar with
24 Harbor Court and that area? This section right here
25 (indicating)?

1 A Actually, it's misidentified.
2 (Off the record.)

3 Q Are you familiar with the area on the
4 Toms River where Berkeley Township has land on the
5 Toms River?

6 A Not real familiar. I've been there
7 for specific situations that have arisen with
8 residents there, but I'm not very familiar with it.

9 Q Do you happen to -- those homes that
10 are right on the Toms River, do you know what kind
11 of value they have?

12 A I don't.

13 Q You have no idea?

14 A No. If I saw them, I might be able
15 to guesstimate.

16 Q You don't know if that's an affluent
17 neighborhood or a poor neighborhood?

18 A That particular one, no, I don't
19 know.

20 Q You're not familiar with it?

21 A No.

22 Q Okay. What about the other
23 neighborhoods east of Route Nine. There are several
24 neighborhoods east of Route Nine on the water. Have
25 you done any analysis whatsoever of those

1 neighborhoods and whether or not they're white and
2 rich?

3 A I think I actually call that out in
4 the report at one of what I -- or maybe I didn't.

5 At one point, I thought that the south of Route Nine
6 should be qualified, or east of Route Nine, should
7 be qualified differently. And I did not in my final
8 analysis separate that. But I know that that
9 area -- and I think the first area you referred to,
10 in my rough sketching out, would almost be similar
11 neighborhoods, like along the bay and then along the
12 river. And, yes, I do know that they're -- I don't
13 know the makeup of color, but I do think that that
14 section of Berkeley Township is also middle and
15 upper income people.

16 Q So, you say the waterfront --

17 A And more expensive homes.

18 Q -- east of Route Nine, the
19 waterfront -- and I'm quoting from T-41.

20 A Okay.

21 Q The waterfront east of Route Nine is
22 mostly comprised of moderate to upper -- I'm
23 sorry -- to higher income people living in
24 upper-middle class homes. Page three of your
25 report. Is that accurate?

1 A Oh, yes. I see what I did. Yep. I
2 included it in Bayville, but I did call it out
3 separately.

4 Q It's really a little bit different
5 than Bayville, correct?

6 A Yeah, and that's what -- yes, and
7 that's what I was referring to. I think in my first
8 draft, I actually made it five sections and called
9 that out on its own, but then ultimately put it in
10 with the Bayville section. But specifically called
11 out the quote you just read, moderate to higher.

12 Q And that area that's moderate to
13 higher is similar to South Seaside Park being
14 moderate to higher, correct, in the sense that it's
15 a moderate to higher, wealthier area of the
16 township?

17 A In the sense that it's that, correct.
18 I think it's very different when it comes to the
19 seasonal aspect of it. But, yes, in the income
20 level, yes.

21 Q Sure. Okay. Although there is some
22 seasonal housing right along the bay as well,
23 correct?

24 A Correct.

25 Q And you haven't done an analysis of

1 that, the amount of seasonal housing along the bay,
 2 as opposed to the amount of seasonal housing over on
 3 the barrier peninsula?
 4 A No.
 5 Q You haven't done a demographic
 6 analysis of the neighborhoods that are wealthier,
 7 middle to upper-middle class along the bay, versus
 8 South Seaside Park, correct?
 9 A There was some done by --
 10 Q I'm asking if you did one.
 11 A Oh, no, no.
 12 Q Do you think the people in Miller's
 13 Park -- are you familiar with Miller's Park?
 14 A I'm not, again, familiar with exactly
 15 where the boundaries of it are in South Seaside
 16 Park, so I'm not sure.
 17 Q It's basically a mobile home or what
 18 some people would call as a trailer park area.
 19 A Yeah.
 20 Q Are you familiar with that?
 21 A Yes, I know, but I thought there's a
 22 couple of -- I believe there's a couple associations
 23 in that area, so --
 24 Q Sure. There's Shore Villas?
 25 A Yeah.

1 Q Right.
 2 A I just don't know which one is --
 3 where Miller's boundaries are.
 4 Q There's also Midway Beach which are
 5 those little tiny cottages?
 6 A Correct.
 7 Q Do you think the people in
 8 Miller's Park consider themselves as elitist?
 9 A Probably not.
 10 Q That's not elite?
 11 A Yeah.
 12 Q That's not elitist property? That's
 13 very -- that's very blue collar beach property,
 14 wouldn't that be more accurate?
 15 A I would qualify that section as blue
 16 collar beach property, yes.
 17 Q And the same would be true of the
 18 Shore Villas, which, again, has some mobile homes in
 19 it, correct, to the best of your knowledge?
 20 A Yes.
 21 Q And maybe Midway Beach, there's a lot
 22 of homes over there, they're cottages, they're maybe
 23 a step up from the trailer parks, but they're
 24 certainly not the big homes on the beach or the bay,
 25 correct?

1 A Well, the majority of them are
 2 smaller, more modest homes. But there are the big
 3 homes on the oceanfront that I think are part
 4 of Midway.
 5 Q Well, excluding the ones right on the
 6 ocean --
 7 A Well --
 8 Q -- they're in a different class, I
 9 would say. Because only the ones on the ocean can
 10 be built higher than one story. Are you aware of
 11 that?
 12 A Yes.
 13 Q Okay. So, the majority, the vast
 14 majority of the homes in Midway are smaller homes,
 15 correct?
 16 A Yeah, that's what I said. I just
 17 wanted to qualify that those oceanfront ones are
 18 part of Midway, that's all.
 19 Q Okay. And the smaller ones, they
 20 might be a step up from the blue collar beach homes,
 21 but they're still middle class beach homes, they're
 22 not big McMansions on the beach, correct?
 23 A Correct.
 24 Q And then, of course, there are nicer,
 25 bigger homes on the beach and on the bay in South

1 Sea -- in the South Seaside, or near the bay in the
 2 South Seaside Park area, correct?
 3 A Correct.
 4 Q So, it is kind of a mix of housing
 5 over there; isn't that accurate?
 6 A Yes.
 7 Q Now, at some point, you came to your
 8 conclusions. When did you come to your conclusions
 9 that it wasn't in the township's best interest to
 10 have de-annexation?
 11 A That's really hard to say because,
 12 initially, my first reaction was that it probably
 13 wasn't in the best interest. Because while it's
 14 small geographically, it's such a large percentage
 15 of our ratables. Ten-point whatever, close to
 16 11 percent. Over 10.5 percent of our ratables. So,
 17 certainly, my initial feeling was that it probably
 18 didn't make sense. Through the, just working for
 19 the township, even if there had been no
 20 de-annexation process, I would have had a better
 21 understanding of our operations and money that we
 22 need to bring in and the ability of our taxpayers to
 23 pay their taxes. But specifically because of
 24 de-annexation, I've been coming to the hearings,
 25 read the annotated transcripts. And so, the full

1 blown opinion that it was not healthy for
 2 Berkeley Township or the right thing for anybody to
 3 allow, I can't say exactly when, but it was pretty
 4 early on. It didn't take me a long time.
 5 Q It didn't take you long. And it
 6 reinforced your initial impression, correct?
 7 A Correct.
 8 Q And then from the point of your
 9 initial impression to the early on stage, you then
 10 gathered evidence to support your position, correct?
 11 A Well, I specifically had our people
 12 testify, once I knew that was how the process
 13 worked, and directed them to look at testimony that
 14 was given about their departments so that they can
 15 respond to it.
 16 Q Right. And another word for respond
 17 is refuted, because you felt at the -- early on that
 18 it wasn't in the best interest of the municipality
 19 to have de-annexation. So, you gathered evidence,
 20 essentially, to refute the testimony of the
 21 petitioners, correct?
 22 A I really don't believe responding and
 23 refuting are the same. And I --
 24 Q I don't either.
 25 A Okay.

1 Q I don't either.
 2 A Okay.
 3 Q Now, did you read Mr. Reed's e-mail
 4 that's been marked in evidence and talked about over
 5 and over again, about very early in the process,
 6 April of 2015, that the purpose of getting together
 7 with various board professionals and township
 8 officials was for the specific purpose of refuting
 9 the testimony of the petitioners?
 10 A Yes.
 11 Q Did you read that?
 12 A I heard it in -- to go into
 13 testimony.
 14 Q Well, do you have any reason to
 15 believe that Mr. Reed was lying when he said that?
 16 A No.
 17 Q Okay. Did you talk -- you took
 18 Mr. Reed's position, right?
 19 A Correct.
 20 Q Did you talk to him about
 21 de-annexation at all?
 22 A No.
 23 Q Not at all?
 24 A Not at all.
 25 Q Now, you talk about recreation and

1 the beach. You understood the beach is a
 2 financial loser, right? You understand they lose
 3 money at the beach?
 4 A Actually, last year, I don't think
 5 that was the case. And we changed the rate
 6 structure a little bit. And we're trying. But,
 7 yes, there were -- when I first started here, I
 8 believe the -- it was -- it cost some taxpayer money
 9 to operate.
 10 Q Well, Mr. Ebenau testified from his
 11 first report that over the last four or five years
 12 that the beach lost money every year, anywhere from
 13 4,000 to over 20,000. Do you have any reason to
 14 dispute that testimony?
 15 A No.
 16 Q And you've indicated that the beach
 17 is going to go with the municipality in the event of
 18 de-annexation?
 19 A Yes, because we own that property.
 20 Q So, how do you know that the council
 21 isn't going to decide to allow the beach to be -- to
 22 go with the people in South Seaside Park? How do
 23 you know that?
 24 A Well, certainly, my job is to
 25 recommend things to the council. But from what I

1 know about our council, and what I would recommend,
 2 is that if they were to allow it, as you said, and
 3 that's what I tried to make clear, it's a piece of
 4 property that we own. So, we may very well allow
 5 it. I think I said that it could be condemned by
 6 Seaside Park if this happened or you could negotiate
 7 a sale.
 8 Q Now, you said --
 9 A But to just give it to them -- I'm
 10 sorry, just to finish the question.
 11 Q Okay. Go ahead.
 12 A There would be no reason that I would
 13 ever recommend to the governing body that they just
 14 give that property away.
 15 Q Well, you say that the municipality
 16 owns it. Really, the taxpayers own it, correct?
 17 A Not really. I don't believe when it
 18 comes to township or municipality owning property,
 19 that the ratepayers take title to it. They have
 20 some -- they have rights -- well, they don't even
 21 really have rights. Depending, a municipality can
 22 own property and utilize it in a certain way that
 23 all ratepayers would not necessarily have rights to
 24 it, so I don't --
 25 Q So you don't think the taxpayers have

1 any right to it, that it's the municipal -- let me
 2 phrase that another way.
 3 The municipality holds that land for the
 4 benefit of all the taxpayers in the municipality,
 5 correct?
 6 A Correct.
 7 Q Okay. So, the taxpayers are able to
 8 use that, it's, essentially, their property, even
 9 though it's not in their name, they benefit by being
 10 taxpayers in the town, correct?
 11 A Yes. But the beach is specifically
 12 different, as far as I understand it, in that all
 13 people in New Jersey have a right to use it, too.
 14 Q Sure. Anybody can use it?
 15 A Yes.
 16 Q I would agree with that. Are you
 17 aware of what happened approximately 35 years ago
 18 when this issue came up in the last case?
 19 A I'm aware that, or my understanding
 20 is that there was a de-annexation process. The town
 21 denied it. And a superior court judge approved it.
 22 And that then Seaside Park --
 23 Q Declined?
 24 A -- declined to take them, yes.
 25 Q Right. That is correct. Do you

1 understand that when the superior court judge,
 2 Judge Addison, approved it, that he approved that
 3 the beach would go with the people in South Seaside
 4 Park?
 5 A No, but with -- I'm not disputing it.
 6 I'm saying no, I was not aware. But was that -- and
 7 with no compensation?
 8 Q With no compensation based upon a
 9 theory that the taxpayers in South Seaside Park own,
 10 essentially, a percentage, based on their
 11 assessment, they own a percentage of all the parks
 12 on the mainland. And so, therefore, they would be
 13 giving up any rights in those mainland parks by no
 14 longer being part of the municipality, but they
 15 would retain the beach part. There's some logic to
 16 that.
 17 A I was going to say, that's
 18 interesting logic. And the -- if that was the
 19 decision then, my understanding is also that 35
 20 years ago, the standards for allowing annexation or
 21 de-annexation were also different. So I don't
 22 know if --
 23 Q Well, the burden was different. The
 24 standards were essentially the same --
 25 A Okay.

1 Q -- but the burden was different.
 2 A Thanks.
 3 Q Okay. So, what do you think the
 4 value -- how many parks are there on the mainland,
 5 by the way?
 6 A I don't know. There's, you know --
 7 Q Fourteen? 13? There's a lot, right?
 8 A Yes.
 9 Q Do you think that the value of
 10 White Sands Beach and a single basketball court
 11 would be more or less than the value of the -- all
 12 the parks on the mainland?
 13 A Less.
 14 Q Much less, correct?
 15 A Correct.
 16 Q And do you have any idea what
 17 10.66 percent of the value of all the parks on the
 18 mainland are?
 19 A I do not.
 20 Q Would you be surprised to learn that
 21 it's -- that value is far greater than any value you
 22 could set for three blocks of beach and a single
 23 basketball court? Would you be surprised?
 24 A Would I -- just give me the question
 25 again. Would I be surprised if --

1 Q 10.66 percent of the value of the
 2 mainland parks far exceeded the value of three
 3 blocks of beach and a single basketball court?
 4 A I can't qualify if I'd be --
 5 Q You don't know?
 6 A -- surprised. Yeah. It depends how
 7 much that different was. That's, I can't --
 8 Q But the land, the park land is
 9 assessed, it's just exempt for taxes, right?
 10 A Correct.
 11 Q So, that can be looked at, right?
 12 A Yes.
 13 Q Okay. Now, the annotated
 14 transcripts, Mr. Wisner gave you those?
 15 A Yes.
 16 Q Okay. When did he give you those?
 17 A I don't remember. But I started
 18 working for Berkeley in November of '15, I believe.
 19 Yes, November of '15. So, probably sometime early
 20 in 2016.
 21 Q Okay. Did he tell you how he came
 22 about with those, how those came about? You didn't
 23 ask him for them, right? He was already doing them?
 24 A I definitely did not ask him to do
 25 them.

1 Q Okay.
 2 A Whether or not I asked him could I
 3 have copies to go or he said do you want copies,
 4 that I don't recall.
 5 Q You don't know?
 6 A No. But I definitely did not ask him
 7 to do it. In fact, I know he was doing it because
 8 when I received them, they contained testimony from
 9 well before I ever started working for the township.
 10 Q Okay. And so, you read the testimony
 11 that Mr. Wisner had, essentially, annotated with his
 12 comments, correct?
 13 A Correct.
 14 Q Did you provide any of those to me at
 15 the time?
 16 A No.
 17 Q You knew I was involved in the case,
 18 correct?
 19 A Early on, yes. I don't know exactly
 20 when.
 21 Q Did you provide any of those to the
 22 petitioners directly?
 23 A No.
 24 Q The police, let's just talk about
 25 that for a minute. The police, you indicate that no

1 police are going to be laid off, correct, except for
 2 class twos, some class twos?
 3 A Possibly, yes.
 4 Q Okay. And you talk about other
 5 departments where nobody is going to be laid off.
 6 And you say that's an administrative decision,
 7 right?
 8 A Correct.
 9 Q So, let's say the administration
 10 says, we're not laying anybody off. Does council
 11 approval the budget if they can't afford it?
 12 A Council needs to approve the budget.
 13 Q Right.
 14 A I've never seen them ask on --
 15 regarding the amounts, whether or not that meant how
 16 many employees, full-time, part-time, what seasonal
 17 work. But they do approve the numbers. So, yes, if
 18 your question is, does the council have to still
 19 approve a budget, then yes, they have to. They have
 20 the ultimate say on the budget.
 21 Q And they have the right to say we're
 22 not approving it because too much money is being
 23 spent for these employees, correct?
 24 A Correct.
 25 Q And they can do that. So they

1 actually have the last veto power when it comes to
 2 providing monies for employees?
 3 A Yes, they ultimately approve the
 4 budget that is for the salaries of all the
 5 employees, as well as the other operating expenses.
 6 Q And if they -- well, we'll just leave
 7 it at that.
 8 Have you spoken to anybody on the council
 9 about de-annexation?
 10 A I'm sure I have. People ask me how
 11 it's going. I talk to them about the, you know, the
 12 process and how it went with testimony at different
 13 times, yes. So, I have.
 14 Q Can you tell us your impression as to
 15 whether or not any of the council members are for or
 16 against de-annexation?
 17 A I can't answer what --
 18 Q Honestly?
 19 A Yeah, I honestly can't tell you,
 20 like, because -- and this is not to avert answering
 21 your question. My hope is that they understand and
 22 believe that it would not be good for the township,
 23 even at this point, even before hearing more
 24 testimony or reading anything from here. But I have
 25 seen with this governing body and other governing

1 bodies, where you would think that you know how your
 2 governing body is going to vote and then on the
 3 night of the vote, people in the audience or people
 4 that have talked to them just before the meeting
 5 changes things. So, I really can't say how they
 6 would vote ultimately.
 7 Q Okay. But your general impression
 8 is, they're not for it, but it's always possible
 9 that they might vote for it; is that accurate?
 10 A That would be accurate.
 11 Q And the Mayor, have you talked to the
 12 Mayor about it?
 13 A Yes.
 14 Q And would he be in the same category?
 15 A Yes.
 16 Q There was a lot of testimony by our
 17 clients about the increased police presence. Did
 18 you hear that testimony?
 19 A No, I was not here for, I don't
 20 believe, any testimony of the petitioners. Maybe
 21 very little. But do you mean the fact that the
 22 police presence had been increased at some point?
 23 Q Over the last couple years --
 24 A Yes.
 25 Q -- during de-annexation?

1 A Yes.
 2 Q Mr. Whiteman testified to length at
 3 that. Did you -- he had counts, in fact, even. Did
 4 you read that testimony or no?
 5 A I think I read it, yes. I don't
 6 believe I was here for any of it.
 7 Q Do you have any reason to dispute it?
 8 A Dispute the fact that we've added
 9 more police presence over the past few years?
 10 Q Correct.
 11 A No. I know that we did.
 12 Q Okay. Can you explain to me how
 13 Mr. Ebenau was able to obtain shift information
 14 about the police and how many were there; however,
 15 when I asked for that information, I was not
 16 permitted to get that from the township?
 17 A I can't explain that.
 18 Q You talked about the police doing an
 19 excellent job. Did you hear Mr. Giovenco's
 20 testimony? I hoped I pronounced it correctly,
 21 George. Did you hear his testimony?
 22 A I don't recall, no. You'd have to
 23 refresh me.
 24 Q So, you didn't take that into account
 25 in determining whether or not the police had

1 performed excellently in South Seaside Park?
 2 A No.
 3 Q You talked about recreation and
 4 recycle -- not recreation, I'm sorry, garbage and
 5 recycling and how it's, quote, exceptional.
 6 Did you read Mr. Schwartz's testimony about
 7 how he had to call every day for a week and was told
 8 something different? Oh, we'll be there tomorrow,
 9 we'll be there tomorrow, we'll be there tomorrow,
 10 we'll be there tomorrow, and nobody ever showed up?
 11 Did you read that testimony?
 12 A I don't recall reading that. But I
 13 can tell you that, sadly, we do get complaints like
 14 that, not just from South Seaside Park, but
 15 certainly some people are not satisfied with their
 16 service and some people get missed in a process.
 17 So, if somebody truly called to the township public
 18 works or administration and got to the right person
 19 and was told, oh, yeah, they'll come get that
 20 tomorrow, and that didn't happen, I would certainly
 21 apologize and we would try to make it right. But it
 22 does happen. So, no, the fact that a person
 23 testified that they had an issue like that, it
 24 doesn't change my qualification of our employees
 25 doing a really good or excellent or exceptional job.

1 Q So, you would characterize that as an
 2 exceptional job, where somebody basically did not
 3 follow through on a phone call five times? Is that
 4 exceptional?
 5 A No, of course not.
 6 Q Okay.
 7 A I'm not saying I would qualify that
 8 kind of mistake or inattentiveness to a problem as
 9 exceptional. I'm speaking -- I'm saying that I
 10 would not -- the fact that that happens sometimes
 11 would not make me qualify our whole operation of
 12 whatever one we're talking about as not still good,
 13 exceptional or great.
 14 Q Are you familiar with the amount of
 15 debt service that exists in Berkeley Township?
 16 A Not intimately. I don't know if
 17 that's the right word. Not in depth and in
 18 specifics.
 19 Q Then I won't ask you about it.
 20 How much money has been spent in
 21 de-annexation? You talk about money being spent in
 22 de-annexation. How much money has been spent so far
 23 by the town?
 24 A I don't know the amount. I believe
 25 it's over \$100,000. And it's --

1 Q I believe one of the engineers alone
 2 was over 100,000. I believe the number is closer,
 3 that was testified last time, closer to 250 to
 4 300,000.
 5 A It could be, and it's been over a
 6 number of years. And I'm sad that that much is
 7 being spent. But, as I said, I think the township
 8 has an obligation to try and protect its ratables
 9 and its community.
 10 Q And is there an amount that the
 11 township will -- has for a budget for this
 12 de-annexation process?
 13 A No.
 14 Q Will they spend whatever they need to
 15 spend to try to avoid de-annexation?
 16 MR. MCGUCKIN: That's an
 17 inappropriate question for the administrator to
 18 answer. It's not his decision.
 19 MR. MICHELINI: Oh, I think he can
 20 answer that.
 21 MR. MCGUCKIN: It's not his decision.
 22 Q Do you have any input whatsoever in
 23 how much money is spent on de-annexation?
 24 A That would operate -- the outcome of
 25 that would be the exact same as what you questioned

1 about the salaries of employees. The administration
2 makes those decisions on a day-to-day basis, but the
3 council has to ultimately approve a budget. So, if
4 they looked at a budget and decided they didn't want
5 to have that much money in engineering, or any of
6 the line items that we use to pay this out of, then
7 they could affect it that way.

8 Q Do you have any input as an
9 administrator as to how much money is spent on
10 de-annexation?

11 A Yes. When there's things that have
12 to be done, I make decisions about what
13 professionals we might call in to work with it or
14 things we can do on or own and, you know, save those
15 costs. Because, in general, other than overtime for
16 the police and some of the other people that
17 testified, most of our employees' work on
18 de-annexation would be during their regular workday.

19 Q And have you had discussions with
20 anyone? You said that you're responsible for this
21 in part, or in general. Have you had discussions
22 with anyone about how much money should or can be
23 spent on de-annexation from the township's
24 standpoint?

25 A Not in the way that there's been some

1 specific amount qualified, but in the way that it's
2 been referenced of how much it's costing us and that
3 it's costing the petitioners, too, and that, you
4 know, we hate to be spending the money on this but
5 have to.

6 Q Who have you had those discussions
7 with?

8 A Generally, would talk to the Mayor
9 and the council people on the finance department,
10 committee.

11 Q Has there been any discussion about
12 the township having a lot more resources than the
13 petitioners, so they can outspend them in this
14 process?

15 A No, not with me.

16 Q And you're not aware of any limit in
17 terms of what the township will spend?

18 A Correct.

19 Q Would you agree that, basically, your
20 report does not contain new facts, it's a summary
21 and analysis --

22 A Yes.

23 Q -- correct?

24 MR. MICHELINI: All right. I have
25 nothing further on the report. I'll reserve on the

1 remaining new report, which I really haven't had a
2 chance to study. I think we're at our two hour
3 limit, in all events.

4 MR. WINWARD: Okay. I thought you'd
5 probably want to spill over to next month anyway. I
6 think one of our board members wanted to make some
7 quick comments. Nick?

8 MR. MACKRES: I do. I just want to
9 make a comment on value, the value of the beach and
10 the value of the parks. People have made billions
11 of dollars and lost billions of dollars trying to
12 figure out value of things in the stock market, real
13 estate, its situs. You're right, you know, people
14 pay more because they like something.

15 I believe personally that the
16 white Sands Beach is a lot -- is worth a lot more to
17 the residents in that area than the rest of the
18 parks would be to them, distance wise and so forth.
19 And I want to say, say this, is because when it
20 comes to valuation, its situs, its present value and
21 its future value. Because if the township did own
22 that property and this de-annexation went through,
23 they can do many things with it that they would not
24 be constrained, since they're no longer the
25 residents of the town nearby. And it's sovereign

1 territory. You can put a 20-story hotel. You can
2 put windmills and make 100 grand a year easily. And
3 make a lot more money. As previous testimony has
4 said, that the beach loses money.

5 MR. MICHELINI: With all due respect,
6 I don't think you can do those things. But if you
7 wanted to try, I suppose you could. But with all
8 due respect, I think that those are not attainable
9 things under the environmental laws of the State of
10 New Jersey.

11 MR. MACKRES: Well, I'm sure the town
12 can also petition themselves of the state and try to
13 figure that out as well. Because if there's enough
14 money --

15 MR. MICHELINI: And that's fine, if
16 they want to do that.

17 MR. MACKRES: -- they can do that.
18 That's the governing body's decision. But present
19 value and future value, what things are worth --
20 because I'm pretty sure that if that beach closed
21 down, the value of the properties around those area
22 would significantly go down. And that's why -- how
23 do you negotiate that? What is the value of
24 something? In the end, it's what people are willing
25 to pay for it. And so, if it comes to that point

1 for, you know, Mr. Camera to say what the value is,
2 and equal, and he's just looking at -- you know, you
3 were talking about percentages and properties.
4 Eleven percent of a park with a lot of land and
5 nothing around it and you can't really build much on
6 it, compared to rezoning something, you know, it's
7 really arbitrary. And, you know, in the end, what
8 will people pay for it when it comes to negotiation
9 is completely dependent on that point, so --

10 MR. MICHELINI: Well, with all due
11 respect, I haven't heard any indication from any
12 side that White Sands Beach is going to be anything
13 other than a beach. It's either going to be a beach
14 that belongs to Berkeley Township or it's going to
15 be a beach that belongs to Seaside Park. And in all
16 cases, it's going to be accessible to the public.
17 So, the idea of there being, you know, beachfront
18 hotels there or windmills I think is pure
19 speculation. And with all due respect, it's not
20 likely.

21 I think the issue is whether or not
22 it goes with the de-annexation or not. But I'll
23 leave my comments there. Thank you.

24 MR. MACKRES: But to speculate in
25 perpetuity what something would be or cannot be,

1 especially when somebody else controls it, and
2 governing body change all the time, zoning boards
3 change, planning boards can change, elections
4 change? How can you put that on the record that
5 you -- you can say your opinion that you think it's
6 going to be something in the future, but who knows.
7 I mean, this community has changed in the last 50 to
8 100 years.

9 MR. MICHELINI: Certainly. There are
10 many things that are unpredictable in life. And
11 boards and councils and individuals cannot control
12 that. That point I will agree to. But I think you
13 have to base your decision making on today's
14 reality. And that reality can change. We all know
15 that.

16 Same thing I tell clients when they
17 come in for estate planning. They want to do this or
18 that. I say, you got to make your decision based
19 upon your health today, what your situation is
20 today. The same thing applies here. You have to
21 make decisions based upon what it is today and what
22 it's likely to be in the near future. You can't go
23 out and make decisions on speculations because
24 anything can change, you know. I mean, that's true
25 of anything. So, I would just indicate that a

1 reasonable decision is based upon what is likely,
2 not what is possible. Thank you.

3 MR. WINWARD: I just had a quick
4 question for Mr. Camera. What happens if a council
5 doesn't approve a budget? I just kind of made a
6 note there. I don't know. Just --

7 MR. CAMERA: Yeah. I mean --

8 MR. WINWARD: Is there a process in
9 place for that or --

10 MR. CAMERA: Ultimately, the only
11 process like that I've ever seen happen is that then
12 they don't approve the budget as presented by the
13 administration, but then it gets reworked to a
14 budget that they ultimately do approve.

15 MR. WINWARD: Oh, okay.

16 MR. CAMERA: Because I don't -- and
17 in the meanwhile, the town operates on what's called
18 a temporary budget. And, quite frankly, when I've
19 seen municipalities go a really long time and not
20 adopt their budget, then so much has been spent on
21 the temporary budget that they basically have to
22 adopt a budget close to that anyway, so --

23 MR. MCGUCKIN: The other answer to
24 that is, if the governing body fails to adopt a
25 budget after a certain point of time, there'll be a

1 court order requiring to adopt a budget. And if
2 they don't, they'll be in contempt of court. And
3 that's very rare, but it has happened. And,
4 thankfully, not too often.

5 MR. MICHELINI: And the newly adopted
6 budget could be forced down everybody's throat,
7 which could include layoffs or not.

8 MR. WINWARD: That was just a
9 statement that was made that I just wanted to get
10 clarification on, so we understood. Thank you.

11 MR. HUDAK: I have just one question.
12 You brought up the aspect that the beach has lost
13 money multiple years. Are there other departments
14 inside of Berkeley Township that lose money on an
15 annual basis but are still done for the benefit of
16 township citizens?

17 MR. CAMERA: That's a really good
18 question. I should have pointed it out. All of our
19 parks don't make money -- none of our parks make
20 money. Berkeley Township maintains the
21 infrastructure of all of its parks, because the
22 taxpayers contribute to do that. We don't charge
23 for people to use parks at all. The beach we do
24 charge and try to cover our expenses. And I thought
25 last year we covered them, but maybe we were close

1 and still lost that \$4,000. I'm not sure. But,
 2 yes, good point. We do a lot of things that do not
 3 make money.

4 MR. HUDAK: Just one more follow-up
 5 just so I can be put to rest here. The township
 6 just did privatize the golf course. There's no
 7 thought process on privatizing the operations on the
 8 beach?

9 MR. CAMERA: Oh, no thought -- no,
 10 that has never come up in my mind or been brought to
 11 me by any --

12 MR. HUDAK: That's good to hear. I
 13 don't want to --

14 MR. CAMERA: -- governing body
 15 members, no.

16 MR. MICHELINI: Thank you all. See
 17 you next month.

18 MR. WINWARD: Thank you. We'll have
 19 a motion to adjourn.

20 MR. CALLAHAN: I so move.

21 MR. WINWARD: All in favor.

22 ALL: Aye.

23 (Matter adjourned.)

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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: June 4, 2018

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