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TOWNSHIP OF BERKELEY
PLANNING BOARD

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: IN THE MATTER OF: :
: : TRANSCRIPT OF
SOUTH SEASIDE PARK : PROCEEDINGS
HOMEOWNERS AND VOTERS :
ASSOCIATION DE-ANNEXATION :
PETITION HEARING :
----- :

Pinewald-Keswick Road
Berkeley, New Jersey
November 5, 2015
7:13 p.m. to 9:09 p.m.

MEMBERS PRESENT:

- ROBERT WINWARD, Chairman
- JOHN BACCHIONE, Councilman
- FREDERICK BELL, Member
- DOMINICK LORELLI, Member
- RICHARD CALLAHAN, Member
- NICK MACKRES, Member
- JACK WIEGARTNER, Member

LINDA SULLIVAN HILL & ASSOCIATES
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 12 BY: JOSEPH MICHELINI, ESQUIRE
 13 Attorneys for the Petitioners

9 ALSO PRESENT:

10 KELLY HUGG, Secretary
 11 ERNIE PETERS, Engineer
 12 STANLEY SLACHETKA, Planner
 13 STUART B. WISER, Planner

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1 CHAIRMAN WINWARD: All right. I would
 2 like to reconvene this meeting, and we're going to
 3 hear -- I guess we're going to have questions being
 4 asked of the South Seaside Park planning
 5 professional.

6 MR. MICHELINI: Just briefly, Joseph
 7 Michelini from O'Malley, Surman and Michelini, on
 8 behalf of the petitioners, South Seaside Park
 9 Homeowners and Voters Association.

10 I understood that there was a few
 11 questions left. I believe the representation was
 12 about ten or 15 minutes. So hopefully we can keep
 13 it to that. I know Mr. Bauman is not feeling well
 14 tonight. I mentioned that to the planner, just to
 15 try to -- I will try to keep my questions short as
 16 well. And hopefully he doesn't infect any of us.

17 CHAIRMAN WINWARD: Try to keep to yes
 18 and no answers.

19 MR. BAUMAN: Yes.

20 MR. MICHELINI: Can you stand closer
 21 to the mic, please.

22 (Discussion held off the record.)

23 MR. KOUTSOURIS: For the record,
 24 Mr. Bauman remains sworn from the prior meetings.
 25 He's appeared under oath and given testimony to the

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1 Board and is under cross-examination.

2 MR. SLACHETKA: Thank you,
 3 Mr. Chairman. I'll try talking a little bit louder
 4 so that -- is that too loud?

5 MS. HUGG: No.

6 MR. SLACHETKA: I know that microphone
 7 doesn't work.

8 MS. HUGG: The sound system is not
 9 working tonight. So I'm trying to get everything on
 10 my cell phone right now. I don't know what to do.
 11 Everything was in disarray because after the
 12 election, everybody just through things up there.
 13 So I tried to get it to work and it's not. So I
 14 tried to get it to work, and it's not.

15 MR. CALLAHAN: Okay.

16 MR. SLACHETKA: Hope you have a good
 17 cellular plan. Are we using up all your minutes
 18 today?

19 MS. HUGG: Probably, Stan.

20 CONTINUED CROSS-EXAMINATION BY MR. SLACHETKA:

21 MR. SLACHETKA: All right. I just
 22 have a few questions remaining. So, sorry that
 23 you're not feeling well.

24 MR. BAUMAN: Thank you.

25 MR. SLACHETKA: And these questions

1 most specifically relate to references in your
 2 report to the Township's Strategic Recovery Planning
 3 Report --
 4 MR. BAUMAN: Okay.
 5 MR. SLACHETKA: -- which was prepared
 6 as part of the post-Sandy planning efforts of the
 7 Township.
 8 And on page 13 of the report, where
 9 you reference the Strategic Recovery Planning
 10 Report, or what would be commonly known as the SRPR.
 11 So if I say SRPR, that refers to that report. And
 12 after, actually I guess number seven, to create a
 13 beach dune susceptibility assessment, easy for me to
 14 say, you say that, "The remaining proposed actions
 15 do not directly relate to South Seaside Park. They
 16 are geared towards serving the Township as a whole."
 17 MR. BAUMAN: I'm sorry. When you
 18 first said page 13, I looked on my report. Is this
 19 the amended report, or is this the.
 20 MR. SLACHETKA: Let's see. Actually,
 21 it's after. Maybe it's before that.
 22 (Document reviewed.)
 23 MR. SLACHETKA: Maybe you can direct
 24 me.
 25 MR. BAUMAN: Certainly.

1 MR. SLACHETKA: What was the page that
 2 you referenced?
 3 MR. BAUMAN: It's on the Amendment to
 4 Planner's Report, February 19 date, and it's on page
 5 13.
 6 MR. SLACHETKA: That's it. That's it.
 7 MR. BAUMAN: And it's actually number
 8 seven.
 9 MR. SLACHETKA: My apologies.
 10 MR. BAUMAN: No problem.
 11 MR. SLACHETKA: So, anyway, again you
 12 note that with the exception of that one action item
 13 to create a Beach Dune Susceptibility Assessment,
 14 that the remaining actions don't directly relate to
 15 South Seaside Park, that they're geared towards the
 16 Township as a whole.
 17 First of which, I mean, can you
 18 clarify that in terms of the foundation and basis of
 19 your conclusion with regards to that? What lead you
 20 to that conclusion?
 21 MR. BAUMAN: Sure. On the previous
 22 page of that same report, page 12 on the last
 23 paragraph where I cite ten actions where the report,
 24 your strategic report, prioritizes ten actions and
 25 the length of time it would take to complete each

1 action. These actions were not specific to South
 2 Seaside Park on there. So I was -- you know,
 3 prepare a Capital Improvement Plan. Prepare --
 4 update, automate and expedite the Township system
 5 for processing construction permits, install a
 6 town-wide supervisory control data acquisition
 7 system to communicate critical alarms to a
 8 centralized location or operational personnel."
 9 When I reviewed the strategic plan, I
 10 couldn't find any specifics relating to South
 11 Seaside Park.
 12 MR. SLACHETKA: Well --
 13 MR. BAUMAN: Except for the
 14 preparation of the dune system.
 15 MR. SLACHETKA: Although that South
 16 Seaside Park is not specifically mentioned in any of
 17 these actions, why would not any of the actions that
 18 are recommended, specifically the creation of or the
 19 preparation of a capital improvement program that
 20 would identify infrastructure investments needed by
 21 the Township as a whole?
 22 How would any of those not really
 23 apply to South Seaside Park?
 24 MR. BAUMAN: They didn't specifically
 25 say they would apply. So I could not take into

1 account that they would apply.
 2 MR. SLACHETKA: Okay. Well, I'll go
 3 through the actions, then.
 4 MR. BAUMAN: Sure.
 5 MR. SLACHETKA: So adopting the Flood
 6 Plain Management Plan as part of the Master Plan.
 7 How would that not benefit South Seaside Park?
 8 MR. BAUMAN: Isn't there a Flood Plain
 9 Management Plan already in place?
 10 MR. SLACHETKA: There's one that's
 11 just been updated pursuant to the Post-Sandy
 12 Planning Assistance Grant Program. Actually, let
 13 me -- before I get into that, let me ask you, are
 14 you aware of the number of recommendations that have
 15 already been completed as part of the Post-Sandy
 16 Planning Assistance Grant Program?
 17 MR. BAUMAN: No, I'm not. No, and
 18 this was June of 2014 was your report. So you're
 19 talking about progress made in a year and four
 20 months.
 21 MR. SLACHETKA: So a Township-wide
 22 Flood Plain Management Plan, even though South
 23 Seaside Park was not mentioned, wouldn't that be a
 24 general benefit to South Seaside Park residents as
 25 well as the Township as a whole?

1 MR. BAUMAN: If it increases their
2 insurance rates, I'm not so sure about that.

3 MR. SLACHETKA: Well, more
4 specifically, if the Floodplain Management Plan was
5 used to improve the community rating system point
6 schedule that would, in fact, reduce insurance
7 rates, wouldn't that benefit residents of South
8 Seaside Park?

9 MR. BAUMAN: That would, yes.

10 MR. SLACHETKA: Okay. For updating
11 the permit automation, streamline permit automation
12 or streamline the permitting process in the
13 Township, to make it more efficient and cost
14 effective and more responsive to Township residents,
15 would that benefit South Seaside Park residents as
16 well?

17 MR. BAUMAN: I can't say on that.
18 Those are --

19 MR. SLACHETKA: If the Township.

20 MR. BAUMAN: I can tell you that the
21 preparation of the dune system was a direct impact
22 on how that would positively improve conditions
23 there. That's the only one that I saw that would
24 have direct impact.

25 MR. SLACHETKA: Or it's really the

1 only one that specifically mentioned South Seaside
2 Park.

3 MR. BAUMAN: Yes.

4 MR. SLACHETKA: But the other action
5 and activities that are part of the Post-Sandy
6 Planning Assistance Program, although South Seaside
7 Park is not specifically mentioned, if it's
8 benefiting or addressing issue regarding resiliency
9 and recovery for the Township, how could that not
10 benefit South Seaside Park?

11 MR. BAUMAN: Without knowing how these
12 action items have progressed, I can't tell you
13 whether or not it's significant or not.

14 MR. SLACHETKA: What if I told you
15 that the flood plain management plan has been
16 adopted by this planning board?

17 MR. BAUMAN: I would need to look at
18 that management plan and review it and come back and
19 tell you whether or not its -- whether or not its
20 inception is significant positives to the -- if the
21 plan has significant impact or positive impact on
22 South Seaside Park.

23 MR. SLACHETKA: What if I told you
24 that the Township adopted a new hazard mitigation
25 plan, an emergency operations plan, as part of the

1 post-Sandy planning recovery activities that were
2 recommended in the SRPR document?

3 MR. BAUMAN: I'd have to give you the
4 same response, after I read it and determine whether
5 or not it has a positive impact on South Seaside
6 residents.

7 MR. SLACHETKA: Well --

8 MR. BAUMAN: When I reviewed this,
9 those things -- I reviewed this in February, and the
10 hazard mitigation plan, emergency operating plan, I
11 couldn't find those on your website, I couldn't find
12 them in documents. So I wasn't able to review
13 those. So I can't tell you whether or not they had
14 a positive impact or any impact at all on South
15 Seaside Park.

16 MR. SLACHETKA: So, in other words, in
17 addition, then, you didn't review the re-management
18 plan that was adopted by the Township as part of the
19 SRPR?

20 MR. BAUMAN: When was that adopted?

21 MR. SLACHETKA: This is just recently
22 was completed.

23 MR. BAUMAN: Then no, I have not.

24 MR. SLACHETKA: What about the
25 geographic information system, or otherwise known as

1 the GIS system, that is intended to improve response
2 and recovery township-wide throughout the Township,
3 which the data and information about South Seaside
4 Park is also part of that GIS system.

5 MR. BAUMAN: I had not had the
6 opportunity to review the GIS system that the
7 municipality has.

8 MR. SLACHETKA: And so, therefore, you
9 really have sort of an incomplete picture as to
10 whether the SRPR and the recommended actions
11 actually benefit the residents of South Seaside Park
12 along with the residents of the Township as a whole.

13 MR. MICHELINI: I'm going to object to
14 the characterization of "incomplete". I think his
15 testimony is that the only one that directly
16 addressed it out right was the beach system, and the
17 other ones may or may not depending upon, you know,
18 what plans have been implemented and developed. And
19 a lot of those have been recently developed after
20 the preparation of this report that was submitted
21 some time ago. So I object to the characterization
22 of the question.

23 MR. SLACHETKA: But do you have -- I
24 guess the question is, do you have any evidence that
25 the residents of South Seaside Park are not

1 benefited by the various and substantial planning
 2 activities that have been taking place as a result
 3 of the recommendations of the Strategic Recovery
 4 Planning Report and the substantial grant funding
 5 that the Township has received for the purposes of
 6 undertaking a comprehensive post-Sandy planning
 7 analysis for the community as a whole?
 8 MR. BAUMAN: That may be better
 9 answered by the residents themselves and whether or
 10 not they felt the impact of these plans and
 11 processes that are now in place.
 12 MR. SLACHETKA: Well, the question is,
 13 are you aware of any differentiation in terms of
 14 addressing the Township's needs as versus addressing
 15 Seaside Park -- South Seaside Park's needs as part
 16 of these various planning activities?
 17 MR. BAUMAN: Like the other plans, the
 18 Master Plan, the housing plan, I looked for where
 19 South Seaside Park was mentioned, and those are the
 20 things I went for first --
 21 MR. SLACHETKA: So your conclusion
 22 is --
 23 MR. MICHELINI: Let him answer the
 24 question.
 25 MR. SLACHETKA: I thought you

1 finished. My apologies.
 2 MR. BAUMAN: So those are the things I
 3 look at first, and then I look at the plan as a
 4 whole, and there's --
 5 MR. SLACHETKA: So your analysis would
 6 be that if the name South Seaside Park does not
 7 appear in the document but may be addressing a
 8 comprehensive planning effort for the Township as a
 9 whole, that simply because South Seaside Park is not
 10 specifically mentioned in the document, then there
 11 are no benefits to the residents of South Seaside
 12 Park.
 13 MR. BAUMAN: No. No. I don't think
 14 that's true. Master plans are general policy
 15 documents. They don't always cite certain places.
 16 Sometimes they do. So that was the first indication
 17 where I would look and see where South Seaside Park
 18 is mentioned, and then go back and look at it and
 19 read it further. So I looked, I just didn't search
 20 for the words and circle them and say whether or not
 21 they're good or not.
 22 MR. SLACHETKA: So therefore,
 23 conversely, that just because South Seaside Park is
 24 not specifically mentioned, does not mean that the
 25 benefits are not occurring to the residents of South

1 Seaside Park.
 2 MR. BAUMAN: I would think that the
 3 plans have a municipality as a whole as it's
 4 objectives.
 5 MR. SLACHETKA: And South Seaside Park
 6 is part of the Township, correct?
 7 MR. BAUMAN: Yes.
 8 MR. SLACHETKA: Thank you. I don't
 9 have any more questions.
 10 CROSS-EXAMINATION BY MR. WISER:
 11 MR. WISER: Just before I get into my
 12 questions to follow up, even -- when you were
 13 writing your report, so leaving aside any progress
 14 that would have been made on the post-Sandy work
 15 through the grants, your report or the addendum to
 16 your report says "The remaining proposed actions do
 17 not directly relate to South Seaside Park. They are
 18 geared toward serving the Township as a whole."
 19 MR. BAUMAN: Okay.
 20 MR. WISER: Okay.
 21 MR. BAUMAN: Just because you're
 22 proposing a Capital Improvement Plan does not mean
 23 that that plan is going to focus on South Seaside
 24 Park. Just because you're proposing, you know, the
 25 GIS data base, there may be characteristics of South

1 Seaside Park that aren't covered in this updated GIS
 2 data base.
 3 So while you're serving the Township
 4 as a whole, we're looking for services for -- geared
 5 towards South Seaside Park residents over the
 6 geographic area, such as a dune system or --
 7 MR. WISER: So would it have satisfied
 8 you had -- I'm trying to find one that -- Stan,
 9 where is the GIS?
 10 Well, on item eight, prepare a Capital
 11 Improvement Plan. Would it have satisfied you if it
 12 said "prepare a Capital Improvement Plan to include
 13 South Seaside Park"?
 14 MR. MICHELINI: I'm going to object to
 15 the characterization of the question. I mean, he's
 16 already testified about what he looked for, and what
 17 he didn't look for. So whether it would have
 18 satisfied him --
 19 MR. WISER: Well, he obviously --
 20 MR. MICHELINI: That's an odd question
 21 for an expert.
 22 MR. WISER: I'll rephrase it.
 23 MR. BAUMAN: If that were the case --
 24 can I? If that were the case, I would ask to see
 25 the Capital Improvement Plan and I would look to see

1 which parts address South Seaside Park and then I
2 would determine whether or not it's significant.

3 MR. WISER: Well, being a municipal
4 employee for as long as you have been and an
5 official, do you suggest that every neighborhood has
6 to be specifically called out on a city-wide effort,
7 or a full, municipal-wide effort for it to be
8 relevant to a particular neighborhood?

9 MR. BAUMAN: I think it depends on the
10 town. Smaller towns may include or section out
11 neighborhoods or areas. Larger towns or cities may
12 not have that capabilities, or may not be functional
13 to do that.

14 MR. WISER: Okay.

15 MR. KOUTSOURIS: Just out of
16 curiosity, Mr. Bauman, why did you not seek out the
17 Capital Improvement Plan or the GIS information?

18 MR. BAUMAN: Well, it says one of the
19 actions is to prepare a Capital Improvement Plan.

20 MR. KOUTSOURIS: Did you inquire as to
21 the progress of the plans at any time during your
22 investigation or preparation of the report?

23 MR. BAUMAN: I'll ask right now. Is
24 there one?

25 MR. KOUTSOURIS: There was just

1 testimony that some of these items were prepared --
2 MR. MICHELINI: Apparently recently
3 prepared.

4 MR. KOUTSOURIS: So you have not
5 followed up after this?

6 MR. BAUMAN: Well, I prepared this in
7 February of 15 and we were supposed to go on for
8 testimony beginning in June, so there wasn't -- no.

9 MR. KOUTSOURIS: Okay.

10 MR. SLACHETKA: I mean, Mr. Chairman,
11 just as a very quick follow up. So I guess the
12 question is, do you have any evidence to suggest
13 that any actions that the Township has taken in
14 terms of its post-Sandy recovery efforts has, in
15 fact, not benefited the residents of South Seaside
16 Park?

17 MR. BAUMAN: Well, I think in pages 24
18 through 26 of your report you cite beach
19 replenishment between 21st and 22nd Avenue, repair,
20 replacement and damages of benches. You cite --
21 there is a citation of four items that have been
22 projects that have been implemented in the area.
23 That's on page 11 of my amended report. I could
24 read them, but --

25 MR. SLACHETKA: And these are things

1 that you're referencing from the SRPR.

2 MR. BAUMAN: Yes.

3 MR. SLACHETKA: And that's the only
4 thing you're referencing.

5 MR. BAUMAN: So when you address South
6 Seaside Park beaches on page 25 of the report, with
7 specifics such as repairing destroyed benches at
8 20th Avenue, completely rebuild areas of emergency
9 vehicles and equipment access, complete rebuilt
10 areas of ramps, lifeguard headquarters, snow fence
11 replacement.

12 When you cite specifics likes this,
13 and then when you go to priority of actions and --
14 you kind of lose it. South Seaside Park is lost in
15 the rest, where certain goals -- certain
16 accomplishments are cited, but --

17 MR. SLACHETKA: But, again, you
18 haven't followed up and you don't have any evidence
19 that supports that in all the planning activities
20 that the Township has undertaken, that benefits the
21 Township township-wide, that there's anything that
22 does not benefit South Seaside Park?

23 MR. BAUMAN: When I look at your
24 prioritized or the actions that have been made, and
25 I look at your -- what you're proposing to do, I

1 only see one, the beach dune system. While the rest
2 address the Township as a whole, that was the one
3 thing that addresses South Seaside Park in
4 particular. And that's exactly what my sentence
5 says: "The remaining proposed actions besides
6 action number seven, repairing the beach dune
7 system, the remaining actions do not directly relate
8 to South Seaside Park. They're geared towards
9 serving the Township as a whole".

10 MR. SLACHETKA: So things like,
11 again --

12 MR. BAUMAN: They serve it as a whole.
13 Creating a debris management plan, that's a
14 township-wide priority. That is not specific.

15 MR. SLACHETKA: And that would not
16 benefit residents of South Seaside Park?

17 MR. BAUMAN: I don't know. I don't
18 know if it will or not. I need to see it. I need
19 to read it. I need to study it.

20 MR. MICHELINI: I think we've gone
21 over this.

22 MR. SLACHETKA: I don't have any more
23 questions.

24 MR. WISER: Okay. First of all, I too
25 give my sympathies for your not feeling well.

1 MR. BAUMAN: Happens to every one.
2 MR. WISER: And I will try to be as
3 quick and painless as I can.

4 Mr. Slachetka did a very good job of
5 addressing the pieces of your report by subject
6 matter. What I would like to do is, for the areas
7 that I don't think we have addressed so far, just go
8 through sort of beginning to end, page by page.

9 I will endeavor not to do anything on
10 page six, except that is exactly where my first
11 question comes from.

12 MR. BAUMAN: I know.

13 MR. WISER: So let me know when you're
14 ready.

15 MR. BAUMAN: I'm here.

16 MR. WISER: Page six at the bottom
17 paragraph, you say, "The proposed de-annexation is
18 consistent with statewide public policies that
19 encourage sensible municipal governing of adjacent
20 and contiguous areas".

21 MR. BAUMAN: I mean, there's no --
22 well.

23 MR. WISER: I guess my question is,
24 what specific policy -- I have two questions. What
25 specific policies are you speaking to? And are you

1 aware of any state policies that might address
2 de-annexation issues specifically?

3 MR. BAUMAN: Not any that -- well,
4 there -- I can't recall the studies. But there have
5 been municipal consolidation studies. They always
6 want to consolidate smaller towns into bigger towns
7 and get less. We have 564 municipalities, and while
8 property -- oh, this was a governor's initiative, if
9 I recall, even going back to Whitman. But just for
10 the sake of being in the present, with Governor
11 Christie and trying to get towns to consolidate, to
12 cap their property taxes in ways that they could be
13 creative and ways include, while not specifically
14 mentioned, I would need to re-read the studies. But
15 annexing or consolidating municipalities that are
16 close together would be -- would make economic
17 sense.

18 MR. WISER: So you're suggesting that
19 there's some policy document out there that says
20 that municipal boundaries should be massaged
21 statewide so that the lands become more efficient?

22 MR. BAUMAN: I think there are
23 studies --

24 MR. MICHELINI: I'm going to object to
25 the term "massage".

1 MR. WISER: Okay.

2 MR. MICHELINI: He never said
3 "massage".

4 MR. WISER: I apologize. I stand
5 corrected.

6 MR. MICHELINI: I'm not trying to give
7 you a hard time. It's just when --

8 MR. WISER: Adjusted.

9 MR. MICHELINI: When you ask a
10 question, try to include his answer in it so I don't
11 have to object. I know what you're getting at.
12 We're not trying to give you a hard time.

13 MR. WISER: Let me rephrase the
14 question. Are you suggesting that there are studies
15 out there that suggest a public policy goal of
16 adjusting municipal boundary lines on a statewide
17 basis to create more efficiencies?

18 MR. BAUMAN: I can't cite the
19 specifics, but I know Scotch Plains and Fanwood is
20 one case. And then the Princeton Township and
21 Princeton Borough.

22 MR. WISER: Well, that's a
23 consolidation.

24 MR. BAUMAN: Right.

25 MR. WISER: That's not an adjustment

1 of boundaries to -- that is a consolidation to
2 reduce the number of municipalities in the state.

3 MR. BAUMAN: For what purpose? For
4 economic sense? For -- these are consolidations.
5 These are ways to have municipalities work better
6 and more efficiently from economics in the
7 geographic standpoint. And when there are
8 situations where municipal boundaries stretch
9 6 miles, 5 miles over water onto a barrier island.
10 And while there are healthy municipalities just to
11 the north, Seaside Park, I believe that there are
12 some state policies that would encourage those type
13 of municipal boundary changes.

14 MR. WISER: But you don't have any --

15 MR. BAUMAN: I don't have that in
16 front of me now.

17 MR. WISER: Okay. Moving off of page
18 six and going to page seven. Never mind, that
19 actually covers the same question.

20 Page eight. Down at the second
21 paragraph to the bottom, and this is a theme that
22 actually flows through a number of sections in your
23 report. You talk about the build-out analysis that
24 was apparently done in 2008.

25 MR. BAUMAN: Um-hum.

1 MR. WISER: And you say your
2 conclusion is theres no potential" -- well, you cite
3 their conclusion.

4 MR. BAUMAN: Yes.

5 MR. WISER: You reiterate their
6 conclusion that "There's no potential for new
7 residential and commercial growth". And then on
8 page ten at the bottom, similarly, you talk about
9 there is not any loss -- there would be no loss of
10 benefits from future development in that same theme
11 if de-annexation were to occur.

12 I did not read or have not yet read
13 the 2008 report. But did you not make -- when you
14 looked at it, did you not make any room for the tear
15 down and redevelopment process that is going on
16 along the coast line up and down New Jersey?

17 MR. BAUMAN: No, I did not.

18 MR. WISER: Is not that a relevant
19 factor for changing the nature of, in this case, a
20 barrier island community and changing a lot of the
21 statistics and a lot of the rationale that you cite
22 as relates to the purported lack of ability to --
23 the lack of growth?

24 MR. MICHELINI: I'm going to -- hold
25 on. I'm going to object to the question because

1 there's been no testimony that in South Seaside Park
2 specifically that there's this process of tear down
3 and rebuilding. I'm aware that that does happen in
4 some towns. But there's no testimony of that here,
5 because it's really not happening here.

6 MR. WISER: Well, it's not happening
7 here yet, and --

8 MR. MICHELINI: So it's outside of
9 the --

10 MR. KOUTSOURIS: I don't think the
11 question referenced whether or not it was relevant
12 to South Seaside Park. The question was, is it
13 relevant to consider what's happening up and down?

14 MR. MICHELINI: Well, that would
15 include up and down the coast, I would assume would
16 include South Seaside Park. And there's no
17 testimony that it's actually occurring. It assumes
18 a fact not in evidence with regard to South Seaside
19 Park.

20 MR. WISER: Well, it says that --

21 MR. KOUTSOURIS: He just testified,
22 Joe, that he's aware that it's happening outside of
23 Seaside Park.

24 MR. MICHELINI: Well, yeah. But
25 there's no testimony that this is happening within

1 South Seaside Park. If it was part of his testimony
2 that it was happening within South Seaside Park,
3 then it would be a relevant inquiry. But he hasn't
4 testified to that.

5 MR. KOUTSOURIS: That wasn't the
6 question. The question is, is it relevant to
7 consider what's happening up and down the Jersey
8 shore when you make this assessment on page eight?

9 MR. MICHELINI: All right. We're
10 talking about South Seaside Park. I would assume
11 that the question, when he says "the Jersey shore",
12 encompasses the area of South Seaside Park. If
13 there's no testimony that this is going on in South
14 Seaside Park then the question is irrelevant.

15 MR. WISER: Except that the
16 conclusions that are drawn by Mr. Bauman project out
17 into the future.

18 MR. BAUMAN: Well, that was from the
19 study. The study said that. I didn't say that.

20 MR. WISER: Well, you did say it.

21 MR. BAUMAN: I cited the study.

22 MR. WISER: Right. But if you didn't
23 agree with it, you would have either put in here
24 that you didn't agree with it, or you wouldn't have
25 cited it.

1 MR. MICHELINI: I'm going to object to
2 that, too. You know. What he would or wouldn't do
3 about agreeing to the report is up to him. It's an
4 expert report. That's a ridiculous question, with
5 all due respect.

6 MR. WISER: Well, this -- the comments
7 that run through this report that Mr. Bauman put in
8 this report and submitted appear to suggest that,
9 well into the future, there is no potential for
10 growth in South Seaside Park.

11 MR. BAUMAN: Your 2008 study say that.

12 MR. WISER: Very well.

13 MR. BAUMAN: And you have that, and I
14 put it in my report.

15 MR. WISER: Okay. Very well.

16 MR. BAUMAN: Okay, good.

17 MR. WISER: But as a professional
18 planner, you have the ability to agree or disagree
19 with that assessment and put your own interpretation
20 on it as it applies to de-annexation.

21 MR. BAUMAN: And I agreed with the
22 report.

23 MR. WISER: You agreed with the
24 report.

25 MR. BAUMAN: The 2008 report.

1 MR. WISER: So you have agreed that
2 there is no potential for growth due to the
3 redevelopment process that we have seen, perhaps not
4 yet in --

5 MR. BAUMAN: That's not what your
6 study said.

7 MR. WISER: I'm asking you.

8 MR. BAUMAN: Redevelopment.

9 MR. WISER: What do you think?

10 MR. BAUMAN: What do I think? I
11 think that there's no ability for potential future
12 growth in South Seaside Park. And I base that on
13 the 2008 growth capacity study endorsed by the
14 Township.

15 And if you're going to tell me that
16 there's tear downs, I need to know the zone. I need
17 to know the lot sizes. I need to know variances.
18 Those are specific, individual cases. And if you're
19 going to tell me that they're tearing down a
20 building up in Atlantic City or in Deal, which are
21 all on the Jersey shore, I'm going to -- you know,
22 I'm going to ask you to show me it on that.

23 You're making a very broad,
24 generalized statement about the growth of the Jersey
25 shore, and I can't go along with that.

1 MR. WISER: So if I were to tell you
2 that in different forms it's happening in Wildwood,
3 or it has happened and is still happening in many
4 cases, in Wildwood, in North Wildwood, in Stone
5 Harbor, in Avalon, in Ocean City, in Margate, in
6 Long Port, in Ventnor, and Brigantine, and we could
7 work our way up, that doesn't lead you to say
8 that -- or doesn't leave room for the possibility
9 that at some point into the future, that type of
10 growth can be expected in South Seaside Park?

11 MR. BAUMAN: No.

12 MR. MICHELINI: I'm going to object to
13 the question. That testimony is not in the record.
14 Nobody has stood here and testified that those
15 things have happened in all those towns. You're
16 asking it in a question, but that question is way
17 beyond the scope of his report, and it's really
18 improper.

19 If he had testified about a trend of
20 tear downs in those towns, then it would be proper
21 to question him about it. But to ask this question
22 when those facts are not in evidence is
23 inappropriate. And if you want to testify -- you
24 know, if you want to prepare a report and testify
25 and come forth with facts and figures showing how

1 many tear downs there are in Long Port and try to
2 show that there's a trend going north from that
3 area, or Atlantic City, or whatever, I suppose you
4 can try to do that. But that's for your report, if
5 you want to do it.

6 Right now, he's not -- Mr. Bauman has
7 not testified about those towns, and I just think
8 it's totally improper.

9 MR. WISER: I'm not going to follow
10 this up. I'm not going to get any answer out of it.

11 MR. MICHELINI: Okay. Let's move on,
12 then.

13 MR. SLACHETKA: Mr. Chairman, may I
14 just ask one fill-in question on that?

15 CHAIRMAN WINWARD: Yes.

16 MR. SLACHETKA: There are many, many
17 neighborhoods in Berkeley Township and other
18 communities where they're stable, that they're fully
19 built out neighborhoods. Does that reduce those
20 neighborhoods' values to the community?

21 MR. BAUMAN: Do established
22 neighborhoods reduce values to the community?

23 MR. SLACHETKA: Yeah.

24 MR. BAUMAN: No.

25 MR. SLACHETKA: Conversely, are they

1 of value to communities?

2 MR. MICHELINI: In what sense may I
3 ask? Because that's a very broad question. In what
4 sense?

5 MR. BAUMAN: A landfill is a stable
6 entity. It's there, but it's a nuisance. Where are
7 we talking about?

8 MR. SLACHETKA: Stable, residential
9 neighborhoods, fully built out.

10 MR. BAUMAN: Multi-family?
11 Apartments? Single-family mc mansions?
12 (Various people speaking
13 simultaneously.)

14 MR. KOUTSOURIS: You guys are talking
15 over each other, and it's going to be difficult
16 without a sound recording when have -- when we're
17 relying on the court reporter.

18 MR. BAUMAN: I apologize.

19 MR. SLACHETKA: Same here.

20 MR. MICHELINI: Good point.

21 MR. SLACHETKA: You go first.

22 MR. MICHELINI: No, you go ahead.

23 MR. SLACHETKA: I guess my question
24 is, why should that be a factor in evaluating
25 whether the withdrawal of South Seaside Park or any

1 other neighborhood within the Township?

2 MR. BAUMAN: All right.

3 MR. SLACHETKA: Just because they're
4 stable, does that mean that the Township would not
5 negatively be effected if they withdrew from the
6 Township?

7 MR. BAUMAN: That's not what I was
8 saying. If it's a no-growth area, then if they
9 should leave, there will not be a negative impact on
10 the rest of the municipality because there's no
11 growth. If there were 50 acres left to be
12 developed, we would try to figure out how much of
13 that loss will be. But since your own studies have
14 said that there's no potential future growth, I
15 think it's safe to say that the impact would be a
16 lot less than if there were a 50-acre parcel ready
17 for development.

18 MR. SLACHETKA: Just because there was
19 no growth, there would be no negative impact?

20 MR. BAUMAN: Because there's no
21 growth, there would be no negative impact? I'm
22 not -- sorry. If you could rephrase it.

23 MR. SLACHETKA: That's okay. That's
24 fine.

25 MR. WISER: Did you have anything to

1 add?

2 MR. KOUTSOURIS: Yeah. Just from my
3 perspective, Mr. Michelini, there were some
4 questions concerning the 2008 report and as it
5 related to tear down or redevelopment up and down
6 the coast.

7 Now, your position is that assumes a
8 fact that's not in evidence. However, I understand
9 Mr. Bauman is a professional planner. He's here as
10 an expert, not a lay-witness. And if there's a
11 hypothetical proposed, although not factual, he may
12 be able to answer that question if it's within his
13 can.

14 So I think what was being asked is a
15 hypothetical. If you assume these facts as true,
16 does that change your opinion as to the 2008 report?

17 MR. MICHELINI: That was not the
18 question. The question was not, "it's a
19 hypothetical". The question was, "It's happening.
20 It's happening in this town. It's happening in that
21 town". The question was not hypothetically, "If
22 this was happening in these towns, and it continued
23 to represent or show a trend, and that trend reached
24 South Seaside Park, would your opinion be
25 different?" That's a different type of question.

1 It was not a hypothetical question.

2 MR. KOUTSOURIS: Okay. Well, do you
3 agree that if it was presented as a hypothetical,
4 Mr. Michelini, then if it's within his can, if it's
5 within his realm of knowledge, it's presented as a
6 hypothetical, it's a proper question to be presented
7 to him?

8 MR. MICHELINI: Not in this
9 circumstance, because it's beyond the scope of the
10 direct examination and also beyond the scope of the
11 report. So I think it would be inappropriate in
12 this circumstance.

13 MR. KOUTSOURIS: Mr. Bauman, the 2008
14 report that you referenced on page eight of your
15 primary report, your main report, that 2008 report,
16 you would agree, was written in 2008 and, therefore,
17 written concerning the facts as they existed in
18 South Seaside Park in 2008, correct?

19 MR. BAUMAN: It's the Township's most
20 recent document, and I relied on that.

21 MR. KOUTSOURIS: So you relied on it
22 insofar as it references the facts as they relate to
23 South Seaside Park in 2008.

24 MR. BAUMAN: Well, when they say
25 there's no future growth, I think that goes beyond

1 2008 as well. It may have been prepared in 2008,
2 but they're making -- these experts in the study are
3 making assumptions leading to the future.

4 MR. KOUTSOURIS: Okay. And in 2008,
5 we would agree, certain events like Super Storm
6 Sandy had not yet occurred. Correct?

7 MR. BAUMAN: Right.

8 MR. KOUTSOURIS: Okay.

9 MR. BAUMAN: So has the Township --
10 never mind, I'm not going to --

11 MR. KOUTSOURIS: No. I'm just asking
12 if you agree to those facts.

13 MR. BAUMAN: Um-hum.

14 MR. KOUTSOURIS: I don't know what
15 happened after that as far as your report is
16 concerned, but you agree with me, it's based on the
17 facts as they existed in 2008. Fair?

18 MR. BAUMAN: Yes.

19 MR. KOUTSOURIS: Okay.

20 CHAIRMAN WINWARD: Makes sense.

21 MR. WISER: Okay.

22 Moving on to page 11, the second to
23 last paragraph. I think it's labeled number six.

24 It's a little muddy on mine. This is not a "gotcha"
25 question. I've read this several times. I --

1 honestly, I don't know what you're saying. Can you
2 just sort of read through? There may be a typo or
3 something.

4 MR. BAUMAN: De-annexation would
5 result in the withdrawal of any of South Seaside
6 Park's students from the Berkeley Township School
7 District, and the subsequent savings involved with
8 such departures -- hum. There occur -- wow.

9 I guess what we're trying -- yeah.
10 There were two sentences put together and that's
11 not --

12 MR. WISER: Can you tell us what you
13 were thinking?

14 MR. BAUMAN: Yeah. There's a handful
15 of students, and should they leave on that, the
16 Township would experience a savings involved with
17 the -- just with the Berkeley Township School
18 District, but they would remain in the Central
19 Regional District. After the word "departures"
20 there's a comma, "there are". I'd probably scratch
21 the rest of that sentence out and --

22 MR. WISER: Okay.

23 Page 12, number nine. You suggest
24 that "De-annexation will not significantly impact
25 any cultural sites or environmental resources".

1 While the sites themselves might not
2 be impacted, would you -- isn't there a loss to the
3 Township if the historic sites such as the White
4 Sands Beach, Midway Beach, moves from South Seaside
5 Park to Seaside Park?

6 MR. MICHELINI: I'm just going to --

7 MR. WISER: Or from Berkeley to
8 Seaside Park?

9 MR. MICHELINI: Just one
10 clarification. Is White Sands Beach designated as a
11 historic site? Because I don't believe it is, and I
12 don't want to --

13 MR. WISER: Well, it's an
14 environmental resource.

15 MR. MICHELINI: No, I know. But you
16 said "historic" in your question.

17 MR. WISER: It says --

18 MR. MICHELINI: I understand what this
19 says. But you asked him about historic sites, and
20 included in your question you didn't say
21 "environmental". So I want to understand the
22 question.

23 MR. WISER: The question is, the last
24 sentence in item nine, would you not --

25 MR. BAUMAN: Um-hum.

1 MR. WISER: Would you not think that
2 the White Sands Beach and the Midway Beach, the loss
3 of those would be an impact to the Township?

4 MR. BAUMAN: Well, I don't address the
5 White Sands Beach in that number nine.

6 MR. WISER: I know you don't. I'm
7 asking you the question.

8 MR. BAUMAN: Well, it's not part of
9 that number nine. It's in one of my earlier
10 findings. But I can address what's in number nine.

11 And if that's the Midway Beach, there's no -- I
12 mean, tourists, the -- it's historic prominence is
13 not -- it's a tourist site. It's simply a

14 collection of houses on that. So that's the only --
15 you know, it was eligible to be listed. One
16 eligible property is the Midway Camp's Historic
17 District.

18 MR. WISER: So doesn't that take it up
19 a notch on it's level of significance?

20 MR. BAUMAN: 400 one-story houses
21 on 20 by 40 deep lots?

22 MR. WISER: That is eligible -- even
23 if nobody has, to date, put it on the historic
24 register, that's eligible to be put on the historic
25 register?

1 MR. BAUMAN: I don't know. Because I
2 don't know when this was deemed eligible, and
3 perhaps things like Super Storm Sandy could have
4 made it now ineligible.

5 MR. WISER: So you're suggesting that
6 a historic place, an historic structure on a barrier
7 island that may be susceptible to hurricanes and
8 flooding, that the State Historic Preservation
9 people would deem it no longer eligible?

10 MR. BAUMAN: Yeah. Yeah. I mean, if
11 it's destroyed, then it's no longer eligible.

12 MR. WISER: If it's destroyed?

13 MR. BAUMAN: Even if it's compromised.
14 If houses need to be moved, if now they permit
15 construction that raises the level of the houses,
16 those type of things could damage it's historic
17 significance, yes.

18 MR. WISER: So a lighthouse that was
19 built in the 1860s, built on a barrier island, would
20 no longer be considered an historic resource?

21 MR. BAUMAN: Where's that?

22 MR. MICHELINI: Objection. We're not
23 talking about lighthouses.

24 MR. BAUMAN: Where is that?

25 MR. MICHELINI: There is no

1 lighthouse.

2 MR. BAUMAN: That's what I thought.

3 MR. WISER: Okay. If we're going to
4 parse this out, you know, this is a -- never mind.
5 Go ahead.

6 (Various people speaking
7 simultaneously.)

8 MR. KOUTSOURIS: One hypothetical is
9 okay to assume, and one is not.

10 MR. MICHELINI: Before we --

11 MR. KOUTSOURIS: I don't understand.

12 MR. MICHELINI: Before we go any
13 further, this is the third time that Mr. Bauman has
14 been subjected to cross-examination, it's probably
15 about five hours by now, of cross-examination. Just
16 cross-examination. There was a representation last
17 time we were here that the questions that the board
18 professionals had left were 10 or 15 minutes of
19 questioning, and then I would do my redirect. I
20 didn't object for the first 10 or 15 minutes,
21 because I thought we were going to be done. And
22 here we're going on, on -- we're on page 12.

23 Now, either the Board professionals
24 were not being forthright. I don't believe they're
25 those kind of individuals, I believe they're

1 forthright. But I believe we've gone down a bunny
2 trail and that, you know, this is really getting to
3 the point that it's just wasting everybody's time
4 and being inappropriate.

5 We're going over things over and over
6 and over again. And it's clear to me, and I've said
7 this before, that this is not an effort to look at
8 Mr. Bauman's testimony and my clients' position in
9 an objective way to make a recommendation to the
10 governing body. This is an effort to tear down our
11 case. This has turned into an adversarial
12 proceeding simply by the nature that this man has
13 been up here for five hours trying to explain
14 himself.

15 I don't think I've ever been in a
16 court where an expert testified and was subject to
17 cross-examination that long, and I've been doing
18 this for 31 years. So to me, and I'm not saying
19 that everybody on the Board is of that mindset. I
20 know that not everybody on the board is of that
21 mindset, because I've heard some of the comments of
22 some of the board members.

23 But the manner in which this thing has
24 proceeded is extremely adversarial, and it really is
25 inappropriate. This is not suppose to be an

1 adversarial proceeding, and the further proof of
2 that is, we're going to have 10 or 15 minutes, we
3 expect, of additional cross-examination. And here
4 it is 8 o'clock. We've had, what, about an hour?
5 Yeah. And it appears we're only on page 12 of a
6 report that's, I don't know, with addendums over a
7 hundred pages, or whatever it is. I don't know.
8 Pretty long. So, I'm placing that objection on the
9 record.

10 MR. KOUTSOURIS: Mr. Chairman, I'll
11 agree with Mr. Michelini that he's been doing this
12 for a couple decades longer than I have. But
13 outside of that, what I'm not --

14 MR. MICHELINI: I have a little more
15 hair than you do, too.

16 MR. KOUTSOURIS: You do. Thank you.

17 But what I'm seeing, and I've only
18 been here for less than an hour of this hearing, is
19 an adversarial nature coming from the refusal to
20 answer one question, which results in 7 or 8. When
21 it's okay for a hypothetical to assume a fact not in
22 the record from your witness, I'm not hearing a
23 motion to strike his response. But the second a
24 hypothetical is asked which you believe assumes
25 facts not in the record, there's an objection and it

1 takes seven or eight times to reform that question.
2 Whereas a simple, straightforward answer to the
3 question that's asked would --

4 MR. MICHELINI: The record will read
5 as the record reads, and I'm sure a judge will be
6 able to adequately wade through those objections. I
7 disagree with your characterizations.

8 MR. KOUTSOURIS: As I'm sure the Board
9 disagrees with your's.

10 MR. MICHELINI: I'm not sure that all
11 the board members do.

12 MR. KOUTSOURIS: Okay.

13 MR. WISER: Should I proceed?

14 MR. KOUTSOURIS: That's up to you,
15 Mr. Chairman. There were certain representations
16 made as to the time. However, there is nothing that
17 I'm aware of in the Municipal Land Use Law that
18 would prohibit the Board from governing over the
19 proceeding of this cross-examination.

20 MR. WISER: I do recall Mr. McGuckin
21 saying "we'll try to limit it, but we can't
22 guarantee anything," or words to that effect.

23 CHAIRMAN WINWARD: I don't remember
24 the exact wording, but he did kind of seem to
25 indicate it was like what Mr. Michelini said, that

1 it would be 10, 15 minutes more and then redirect.

2 But I think maybe if we could try to be more
3 concise, it would probably be helpful for everybody.

4 MR. WISER: I will try to. I do not
5 have questions on every single page, Mr. Michelini.
6 Many of my questions have already been answered. I
7 will try to go as quickly as possible.

8 CHAIRMAN WINWARD: Proceed.

9 MR. WISER: Thank you.

10 Why don't we move on. Bear with me a
11 minute.

12 On page 30. See, I'm capable of doing
13 this. You speak about the sand dunes, and you note
14 that "The Midway Beach Condominium Association spent
15 their own funds on plants and fencing to replace
16 what was lost from Sandy without the assistance of
17 the Township".

18 Are the lands where that happened on
19 public property or private property?

20 MR. BAUMAN: I don't know. I got that
21 information from NationalGeographic.com, it's a
22 footnote. So I took that for what was printed.

23 MR. MICHELINI: We'll stipulate it's
24 private property.

25 MR. WISER: Private property?

1 MR. BAUMAN: Okay.

2 MR. WISER: So are you suggesting that
3 the Township spend Township money to replace
4 plantings and whatever else was replaced on private
5 property?

6 MR. BAUMAN: No, I didn't make that
7 assumption in that paragraph.

8 MR. WISER: Well, then, what are you
9 trying to say? Other than a recitation of facts,
10 what are you intimating? Or what are you
11 suggesting? Or what are you trying to say?

12 MR. BAUMAN: Well, the dunes fell into
13 the environmental resources inventory, and I felt
14 the report would not be complete without addressing
15 it, and that's what I found.

16 MR. WISER: So the statement that the
17 Township didn't do anything to assist in this effort
18 may or may not be relevant to a sense that the
19 Township is not living up to its responsibilities
20 for South Seaside Park?

21 MR. MICHELINI: I need to correct
22 something, just -- and I apologize. But apparently
23 the Midway Beach area is private, but where some of
24 the dunes are is on a paper street known as Ocean
25 Avenue. So that could have an impact on your

1 questions. I just want to clarify.

2 MR. WISER: Okay. Well, I don't
3 know --

4 MR. MICHELINI: Yeah.

5 MR. WISER: I don't know the answer to
6 this.

7 MR. MICHELINI: I'm not sure. So,
8 okay.

9 MR. WISER: So to the extent that any
10 work on private property was not assisted by the
11 Township, is that included here to suggest that it
12 should have been?

13 MR. BAUMAN: No. No, it's just saying
14 how they reacted to the hurricane.

15 MR. WISER: Okay.

16 MR. BAUMAN: The super storm.

17 MR. WISER: Okay.

18 On page 33, second paragraph from the
19 bottom, you note that "South Seaside Park is not
20 easily accessible via public transit". How is that
21 an issue related to de-annexation?

22 MR. BAUMAN: If de-annexation -- well,
23 right now at present there are -- there's no public
24 transportation for those residents in South Seaside
25 Park to the mainland to attend meetings, to enjoy

1 what the mainland has to offer. So, there's nothing
2 there for that. So it adds to the economic and --
3 to the burden of the residents that are there if
4 they wish to participate in civic or social
5 activities sponsored by the Township.

6 If there were, say, the bus system
7 that the senior's buses came down to that area,
8 picked them up and brought them to the recreation
9 center or to the municipal building, then that
10 wouldn't be there. That paragraph wouldn't be
11 there. It would be worded differently.

12 MR. WISER: Okay. So when I read
13 "public transit", I was thinking New Jersey transit,
14 the bus system. Are you thinking more differently
15 than that?

16 MR. BAUMAN: Any public funded way of
17 transporting people from one place to another;
18 jitney, et cetera.

19 MR. WISER: Is there any kind of
20 similar transportation as you suggest, or as you
21 have given as an example, in Seaside Park?

22 MR. BAUMAN: No. Not that I'm aware
23 of.

24 But everything is within walking
25 distance from South Seaside Park to Seaside Park.

1 The need for public transit wouldn't be as
2 important.

3 MR. WISER: On page 40, the
4 conversation about sanitary sewer. "The Berkeley
5 Township Sewage Authority provides sanitary sewer
6 service and waste water collection for South Seaside
7 Park". Do you know who provides it for Seaside
8 Park?

9 MR. BAUMAN: I do not.

10 MR. WISER: Okay.

11 MR. BAUMAN: This was a study on
12 Berkeley Township and South Seaside Park, not
13 Seaside Park. So I didn't look.

14 MR. WISER: Okay.

15 On page 45, number two, the last
16 bullet item, your statement to the effect of -- you
17 say that "Most Township residents are unaware that
18 South Seaside Park is part of Berkeley". How can
19 you make that -- did you have any conversations with
20 anybody to support that?

21 MR. BAUMAN: That was conversations
22 from the taxpayers and homeowners association. And
23 I would have to find a quote in here, but I know
24 some municipal employee called the White Sands Beach
25 as the "Township's little secret". Given that,

1 it's -- I made the assumption that the awareness is
2 low.

3 MR. WISER: Okay. At this point, I
4 think --

5 MR. BAUMAN: Oh, "best kept secret".
6 That's on page 25 of my report.

7 MR. WISER: Under "White Sands Beach"?

8 MR. BAUMAN: Yes.

9 MR. WISER: Can you just -- oh, I see
10 where it is. Okay.

11 Mr. Chairman, in the interest of
12 moving this along, I don't have any further
13 questions.

14 CHAIRMAN WINWARD: Okay.

15 Stanley, do you have any?

16 MR. SLACHETKA: Nope. I'm done.

17 Thanks.

18 CHAIRMAN WINWARD: Ernie, anything
19 from engineering department?

20 MR. PETERS: No, sir.

21 CHAIRMAN WINWARD: Okay. I'll turn it
22 over to our board attorney for any final questions
23 he may have.

24 MR. KOUTSOURIS: I have no further
25 questions on cross-examination. However, I'm

1 presuming the Board has no questions at this time?

2 CHAIRMAN WINWARD: I think we're all
3 good.

4 MR. KOUTSOURIS: Mr. Micheleni,
5 there's two ways to handle this. And frankly, the
6 decision is yours, in essence. I would imagine you
7 would prefer to receive public comment, and then
8 redirect. But, we had a conversation prior to the
9 hearing as to the procedural aspects, and you seem
10 to indicate you would prefer to complete redirect
11 and then take public comment on all the testimony,
12 effectively closing out testimony.

13 MR. MICHELINI: Well, the way that it
14 was set up before was that the redirect would occur
15 after the cross-examination. So that's all I'm
16 going with.

17 MR. KOUTSOURIS: Okay.

18 MR. MICHELINI: That was my -- and
19 this is the first I'm hearing about public comment
20 in between. And in terms of public comment
21 generally, that would be at a later point in the
22 case. We're talking about public comment in terms
23 of any questions, I guess, for Mr. Bauman alone.

24 MR. KOUTSOURIS: That's correct. So
25 you would prefer redirect?

1 MR. MICHELINI: I'm not sure. I mean,
2 you could ask if there's any questions for
3 Mr. Bauman. Let's get an idea as to what we're
4 talking about. There may not be any, anyway.

5 MR. KOUTSOURIS: Is there any member
6 of the public who would be interested in questioning
7 Mr. Bauman on his testimony to date, to point?

8 And there are no hands, for the
9 record. So, I think redirect is appropriate.

10 MR. MICHELINI: Thank you.

11 CHAIRMAN WINWARD: Okay. We'll
12 proceed with redirect.

13 MR. MICHELINI: And I promise, I'll
14 try to keep it brief.

15 REDIRECT EXAMINATION BY MR. MICHELINI:

16 MR. MICHELINI: Mr. Bauman, I just want
17 to go over a few areas. There was a lot of
18 questions in the last five and-a-half hours, or
19 whatever it's been, about whether or not Berkeley
20 was losing a unique area of the Township such that
21 there would be a loss of -- and I'm going to cover a
22 couple of areas with this question, for the sake of
23 time -- that there would be a lose of diversity,
24 economy of people, of property and culture. I think
25 that's where it all came up.

1 Can you address yourself as to whether
2 or not there would be those losses if de-annexation
3 occurred?

4 MR. BAUMAN: It's my opinion that
5 there would be no loss of diversity should
6 de-annexation be granted. In the previous testimony
7 and cross-examination I compared demographic housing
8 and economic data between South Seaside Park and the
9 mainland, and it came up at the last meeting what
10 about other -- to supplement the testimony I gave in
11 previous hearings, I reviewed the U.S. census block
12 data from South Seaside Park and block groups from
13 the mainland on the Bayside.

14 MR. MICHELINI: Okay. What block
15 groups did you look at? Do you have a map that
16 shows the area that you looked at?

17 MR. WISER: I'm sorry, Mr. Michelini.
18 Could you speak a little louder, with the air
19 conditioning on.

20 MR. MICHELINI: Sure. I'm sorry.

21 After -- well, let's have this marked.
22 And I apologize I don't have additional copies,
23 because I got this tonight. And I'm not sure, I'm
24 going to ask Kelly what we're up to. Do you know?

25 MR. BAUMAN: If we have a map --

1 be on page -- at the top of page two of A-43?

2 MR. BAUMAN: Yes.

3 MR. MICHELINI: So that would be the
4 shaded area at the top of page two. Correct?

5 MR. BAUMAN: Yes.

6 MR. MICHELINI: And that shows South
7 Seaside Park.

8 MR. BAUMAN: Yes.

9 MR. MICHELINI: And what are the other
10 block groups that you are now comparing South
11 Seaside Park with?

12 MR. BAUMAN: The second block group I
13 like to call Mainland Bayside North, and that is the
14 section of the Township that's -- again, I'm
15 referring to Exhibit A-1 along -- below ocean -- can
16 I see the map?

17 MR. MICHELINI: And that would be
18 below Ocean Gate?

19 MR. BAUMAN: Right, below Ocean Gate
20 all the way south to Potters Creek.

21 MR. MICHELINI: Okay. And then you
22 looked at another block group, which would be the
23 third block group of the water front area on the
24 Bayside. Correct?

25 MR. BAUMAN: Yes.

1 MS. HUGG: The exhibits?

2 MR. MICHELINI: Yes.

3 MS. HUGG: We left of at A-42.

4 MR. MICHELINI: All right. So this
5 will be A-43, and it will be a comparison of census
6 block groups, three pages.

7 (Exhibit A-43, Comparison of Census
8 Block Groups, was marked for
9 identification.)

10 MR. MICHELINI: So before we go
11 forward, can you tell us what A-43 is that's just
12 been marked in evidence?

13 MR. BAUMAN: A-43 is two pages --
14 three pages, I'm sorry. The first page has tables
15 1, 2 and 3, comparison of census block groups. The
16 second and third pages are maps of those census
17 block groups.

18 MR. MICHELINI: Okay. And just for
19 the record, you've divided the census block groups
20 comparisons into several different categories. What
21 are those categories?

22 MR. BAUMAN: All right. The first
23 block group is South Seaside Park. And I'm
24 referring to exhibit A-1 shown here.

25 MR. MICHELINI: Okay. And that would

1 MR. MICHELINI: And where would that
2 be located?

3 MR. BAUMAN: The south mainland,
4 Bayside South. That is the area south of Potters
5 Creek to the municipal boundary line.

6 MR. MICHELINI: Okay. And so, I know
7 there were questions last time by, especially, I
8 think Mr. McGuckin who talk about whether or not you
9 had made comparisons and looked at other groups of
10 the Township to determine whether or not, if
11 de-annexation occurred, that there would be a loss
12 of diversity in population, in housing, and in
13 income and careers, in those areas. Is that
14 correct?

15 MR. BAUMAN: That's correct.

16 MR. MICHELINI: Do you recall all
17 those questions, or the nature of those questions?

18 MR. BAUMAN: You lit a fire right
19 under me on that.

20 MR. MICHELINI: Okay.

21 MR. BAUMAN: So I went right to the
22 census block information.

23 MR. MICHELINI: Can I hand this one?
24 You have a copy of A-43?

25 MR. BAUMAN: Yes, sir.

1 MR. MICHELINI: Then I will hand it up
2 to the Chairman.

3 MR. KOUTSOURIS: Mr. Michelini, that
4 was prepared by Mr. Bauman, correct?

5 MR. MICHELINI: Yes.
6 And what data do you rely upon in
7 preparing A-43?

8 MR. BAUMAN: The U.S. census data,
9 2010.

10 MR. MICHELINI: Okay. And you deem
11 that to be, as a professional planner, the type of
12 data that you, as a professional planner, would
13 typically rely upon?

14 MR. BAUMAN: That's what we rely upon,
15 yes.

16 MR. MICHELINI: Okay. So what did you
17 do and what did you find when you compared this area
18 of South Seaside Park to those other bay front,
19 water front areas?

20 MR. BAUMAN: Well, between the water
21 front block groups, the racial composition of each
22 population is basically the same. The median age
23 varies from 62 years in South Seaside Park, all the
24 way down to 47 years at Bayside North section. And
25 the average household sizes are larger on the

1 mainland versus South Seaside Park.

2 MR. MICHELINI: How much different are
3 they?

4 MR. BAUMAN: 2.33 and 2.14 on the
5 mainland, versus 1.78 household size in South
6 Seaside Park.

7 MR. WISER: Can you explain that a
8 little more? You through out some statistics
9 without any labels.

10 MR. BAUMAN: The 2.3 -- oh, household
11 size. Number of --

12 MR. WISER: Number of people?

13 MR. BAUMAN: Yes.

14 MR. WISER: Okay.

15 MR. BAUMAN: Number of persons per
16 house.

17 MR. MICHELINI: All right. So let me
18 just reiterate, because I know the members of the
19 board do not have copies of this exhibit.

20 Between the South Seaside Park area
21 and the other block areas, the two water front areas
22 on the Bayside that you've identified, the racial
23 composition is basically the same. Correct?

24 MR. BAUMAN: Yes.

25 MR. MICHELINI: Why is that

1 meaningful? Does that mean anything?

2 MR. BAUMAN: There's no significant
3 loss in diversity should South Seaside Park be
4 granted de-annexation.

5 MR. MICHELINI: Okay. And the median
6 age varies some, correct, but between those block
7 areas and South Seaside Park. Correct?

8 MR. BAUMAN: Yes.

9 MR. MICHELINI: But my recollection
10 from your testimony is that the overall age in
11 Berkeley Township is very consistent with that, and
12 you can correct me if I am wrong, but very
13 consistent with that of South Seaside Park?

14 MR. BAUMAN: Yes. The overall age --
15 the average age of a Berkeley Township resident is
16 61.1 years, and South Seaside Park was 61.9 years.

17 MR. MICHELINI: So if South Seaside
18 Park is de-annexed, would there be a detriment or
19 loss in terms of a specific age group?

20 MR. BAUMAN: No youth range.

21 MR. MICHELINI: And you testified to
22 that before.

23 MR. BAUMAN: Yes.

24 MR. MICHELINI: Okay. And the average
25 household sizes are a little bit larger on the

1 mainland. Correct?

2 MR. BAUMAN: Correct.

3 MR. MICHELINI: Is that significant in
4 any way in terms of de-annexation?

5 MR. BAUMAN: No.

6 MR. MICHELINI: So other than racial
7 composition is basically being the same between
8 those water front areas, what did you determine with
9 regard to household income?

10 MR. BAUMAN: I found that there are
11 sections of the mainland that have higher incomes
12 than South Seaside Park. South Seaside Park does
13 not have the highest median income in Berkeley
14 Township. Of the two groups, the bay side north
15 block group, the median household was \$90,000, while
16 South Seaside Park was \$68,000. The other section I
17 studied, the Bayside South was \$61,000, very close
18 to South Seaside Park.

19 These mainland and bayside median
20 income figures are far greater than the overall
21 \$43,000 median income of the Township.

22 MR. MICHELINI: So the loss or
23 de-annexation, if the de-annexation occurs and you
24 lost South Seaside Park, that would not be losing
25 the wealthiest or the highest median household

1 income area of the Township. Is that correct?
 2 MR. BAUMAN: That's correct.
 3 MR. MICHELINI: And there are other
 4 income areas of the Township that are similarly
 5 situated in terms of income, the Bayside South area.
 6 Correct?

7 MR. BAUMAN: That's correct. Yes.

8 MR. MICHELINI: So, therefore, they
 9 would also be able to retain that area, which would
 10 not result in a substantial loss in terms of an
 11 income area. Is that correct?

12 MR. BAUMAN: Yes.

13 MR. MICHELINI: Anything else that you
 14 wanted to say relative to the income?

15 MR. BAUMAN: The income? No.

16 MR. MICHELINI: Okay. And the overall
 17 Township income of 43,000 I suspect, although I
 18 don't know and I'll allow you to correct me if I am
 19 wrong, that that income is driven, in large part,
 20 that low income, by the large number of senior
 21 housing in Berkeley Township which would drive that
 22 overall income down. Would that be accurate?

23 MR. BAUMAN: That is, yes.

24 MR. MICHELINI: Okay. What else did
 25 you find out when you were comparing the South

1 Seaside Park area to the other Bayside areas on the
 2 mainland?

3 MR. BAUMAN: My report shows that the
 4 value of the owner-occupied housing in South Seaside
 5 Park was about \$480,000, while the average in
 6 Berkeley Township overall was \$184,000.

7 MR. MICHELINI: Let me stop you there.

8 Before we go further, when you talked
 9 about income, median household income, where did you
 10 get those figures from?

11 MR. BAUMAN: The U.S. census.

12 MR. MICHELINI: Okay. So the same
 13 data you're relying upon?

14 MR. BAUMAN: Yes.

15 MR. MICHELINI: Okay. So go back now,
 16 if you will, to occupied housing and value the
 17 average value of a house you say is 480 in South
 18 Seaside Park, and 184,000 overall in Berkeley
 19 Township. Correct?

20 MR. BAUMAN: Correct.

21 MR. MICHELINI: And is that also from
 22 the census?

23 MR. BAUMAN: Yes.

24 MR. MICHELINI: And did you analyze
 25 that data with regard to the Bayside block groups

1 that you've testified to?

2 MR. BAUMAN: Yes.

3 MR. MICHELINI: And what did you find
 4 out?

5 MR. BAUMAN: I learned that the value
 6 of the owner-occupied housing in the mainland
 7 Bayside South block group is \$423,000 and 339,000
 8 for the North block group.

9 MR. MICHELINI: Okay. So the one is
 10 somewhat less, and the other one is a little bit
 11 more in terms of the overall average housing.
 12 Correct?

13 MR. BAUMAN: Yes.

14 MR. MICHELINI: Okay. What
 15 conclusions did you draw from the fact that the
 16 Bayside block south group has an average housing
 17 cost of 423,000 and the north group of 339,000.

18 MR. BAUMAN: That the two mainland
 19 block groups have valued much higher than the
 20 Township average. It further demonstrates that the
 21 loss of South Seaside Park will not result in
 22 significant economic injury to Berkeley Township,
 23 that there are structures that are of higher value
 24 or comparable value.

25 MR. MICHELINI: So let's assume, for a

1 minute, that Berkeley Township didn't have these
 2 high value, high income areas of the Bayside, and it
 3 only had this area that's shown on A-1 in red, or
 4 pink marker, which is South Seaside Park.

5 Let's assume that the Bayside areas
 6 didn't exist as you just testified to for the U.S.
 7 census. If they lost that area, if Berkeley lost
 8 that area through de-annexation as shown on A-1,
 9 would it cause a significant loss through
 10 de-annexation? Would that be a significant loss to
 11 Berkeley Township?

12 MR. BAUMAN: No.

13 MR. MICHELINI: Why not?

14 MR. BAUMAN: The values? We're
 15 talking about the house values?

16 MR. MICHELINI: Talking about house
 17 values and loss of income. Correct.

18 MR. BAUMAN: It's not significant.

19 There's more on the mainland that supplements.

20 MR. MICHELINI: How many houses are we
 21 talking about, according to the U S census, over all
 22 that would be lost through de-annexation?

23 MR. BAUMAN: Number of housing units
 24 1,268.

25 MR. MICHELINI: Okay. And how many

1 people?

2 MR. BAUMAN: 490 according to the
3 census.

4 MR. MICHELINI: So 490 people and
5 about a thousand housing units. So even if they
6 were high-end units, would it be your opinion -- and
7 Berkeley didn't have these other high-end areas of
8 the Bayside, which you've testified to, it would
9 still be your opinion that there wouldn't be a
10 significant injury or loss because of the small
11 number. Is that correct?

12 MR. BAUMAN: Yes, that's correct.
13 There's 24,000 housing units in Berkeley Township.
14 We're talking small percentages here.

15 MR. MICHELINI: All right. Now, what
16 else did you learn, if anything, from your study
17 between the last meeting and this meeting?

18 MR. BAUMAN: I also looked at the
19 occupations. I compared the income -- compared the
20 careers of those on the mainland area block groups
21 and the South Seaside Park and found that they are
22 very similar: Management and professional service,
23 occupation, sales and office, construction and
24 transportation and material moving occupations.
25 They're all -- they're all the same.

1 MR. MICHELINI: So they're virtually
2 the same for the Bayside groups, the block North
3 group and the Bayside South group as they are for
4 South Seaside Park?

5 MR. BAUMAN: Yes.

6 MR. MICHELINI: And so what is your
7 conclusion from that being the same?

8 MR. BAUMAN: That the loss of South
9 Seaside Park would not be significant as far as the
10 people and their careers are concerned. They won't
11 be losing professions or scientists. These are all
12 very similar myogenous career folks on both sides of
13 the bay.

14 MR. MICHELINI: And is that part of
15 your exhibit?

16 MR. BAUMAN: Yes.

17 MR. MICHELINI: And what else did you
18 find out between the last meeting and this meeting?

19 MR. BAUMAN: That the houses are --
20 the houses on South Seaside Park aren't mansions.
21 For the most part they're trailer type or mobile
22 type of housing. The average year of structure
23 built was in 1970. This is mainland bay side north,
24 the average year structure built was 1989.

25 That was the -- from the census data I

1 gathered, those are the three I hit: Population and
2 races, income and careers, and housing. I compared
3 those.

4 MR. MICHELINI: And when you compare
5 those three areas to the areas on the Bayside, which
6 are also water front type areas, it's your
7 conclusion that there is no significant loss.
8 Correct?

9 MR. BAUMAN: Yes.

10 MR. MICHELINI: And that's because
11 those areas on the Bayside also have similar
12 characteristics as you've testified to. Correct?

13 MR. BAUMAN: Yes.

14 MR. MICHELINI: Now, you just
15 mentioned that some of the housing over in South
16 Seaside Park consists of mobile homes, consists of I
17 guess would you say trailer are mobility homes,
18 small bungalow units.

19 MR. BAUMAN: Bungalows.

20 MR. MICHELINI: Homes on rented space.
21 Is that correct?

22 MR. BAUMAN: Yes.

23 MR. MICHELINI: Now, I know not all
24 the housing is that, but that is a significant
25 amount of housing. Correct?

1 MR. BAUMAN: Through my inspection we
2 have seen that, yes.

3 MR. MICHELINI: In fact, I think last
4 time when you testified there was some concern that
5 this was a high housing area and that they would be
6 losing something very unique in terms of valuable
7 housing. And you testified that it's, quote, not
8 Princeton Borough. Do you recall that testimony.

9 MR. BAUMAN: Yes, I do it.

10 MR. MICHELINI: All right.

11 Now, I have some photographs here I
12 would like to mark. And I know you didn't take
13 them, but I'll ask you if you can authenticate them
14 as, given your inspection of the areas, as being
15 accurate.

16 So if we could have these marked.

17 (Exhibits A-44, A-45 and A-46, Three
18 Poster Boards with photographs attached,
19 were marked for identification.)

20 MR. KOUTSOURIS: Are they marked as
21 one exhibit?

22 MR. MICHELINI: No. A-44, A-45 and
23 A-46, they are three boards of photographs.

24 MR. KOUTSOURIS: Thank you.

25 MR. MICHELINI: Okay. Now, Mr.

1 Bauman, for sake of time, I'm going to ask you to
2 authenticate these photographs. Based upon your
3 personal inspections of Seaside Park, do these
4 photographs accurately depict the area as it exists
5 today?

6 MR. BAUMAN: Yes.

7 MR. MICHELINI: South Seaside Park.

8 MR. BAUMAN: South Seaside Park, yes.

9 MR. MICHELINI: And I know it doesn't
10 show every home in South Seaside Park, but it shows
11 some of the housing in South Seaside Park. Correct?

12 MR. BAUMAN: Correct.

13 MR. MICHELINI: And I will make the
14 representation to the board that these were taken by
15 Kathy Folcomore, who has already testified that they
16 were taken within the last month. Unless you want
17 me to have her come up here and testify, I think
18 that everybody would accept that without wasting
19 additional time. The board accept that.

20 MR. KOUTSOURIS: It appears the Board
21 accepts it.

22 MR. MICHELINI: Okay. Thank you.

23 So would you just describe briefly the
24 type of housing that's on A-44, A-45 and A-46? And
25 I'll hold A-44 up first, and you can look at the top

1 for that purpose.

2 MR. BAUMAN: Sure one-story, narrow
3 housing, close to the street, close together.

4 MR. MICHELINI: This would be appear
5 to be Midway Beach Homes, homes on rental land and
6 trailers in South Seaside Park. Correct?

7 MR. BAUMAN: Yes.

8 MR. MICHELINI: And there's various
9 streets that are shown, and that -- in fact, it
10 shows a number of streets from different angles.
11 Correct?

12 MR. BAUMAN: That's correct.

13 MR. MICHELINI: In fact, on each board
14 I think there is 15 pictures showing different
15 angles of housing. Correct?

16 MR. BAUMAN: Yes.

17 MR. MICHELINI: And so that would show
18 a substantial number of homes, and the type of
19 housing in South Seaside Park. Recognizing that
20 there are other types of homes as well. Correct?

21 MR. BAUMAN: Yes.

22 MR. MICHELINI: And that's consistent
23 with your experience of what's there.

24 MR. BAUMAN: Yes. From my
25 inspections, these photos accurately depict what I

1 saw in my inspection.

2 MR. MICHELINI: Okay. And A-45, would
3 that also be the same, the nature of your testimony
4 would be the same, that this accurately depicts the
5 type of housing in South Seaside Park?

6 MR. BAUMAN: Yes.

7 MR. MICHELINI: And, again, it shows
8 various types of cottages, bungalows, trailers,
9 homes in Midway Beach. Correct?

10 MR. BAUMAN: Correct.

11 MR. MICHELINI: And that would also be
12 the same for A-47. Correct?

13 MR. BAUMAN: Yes.

14 MR. MICHELINI: I'm sorry, A-46.

15 I'm going to put these up here for the
16 Board to look at them.

17 So what impact does that type of
18 housing have when it comes to your conclusion that
19 there is no significant impact by the loss of that
20 housing? What are those pictures -- do those
21 pictures support your opinion or not?

22 MR. BAUMAN: Yes. The houses are
23 basically non-descript, lack of style that won't
24 have a -- if they were lost, the loss would not be
25 significant.

1 MR. MICHELINI: All right. Anything
2 else from the study that you did between the last
3 meeting and this meeting?

4 MR. BAUMAN: No.

5 MR. MICHELINI: Okay. Let me move you
6 to another area, then. You were asked
7 significantly, at length, about the motivation of
8 the petition signers. And I actually stipulated, at
9 one point, and said you don't know the motivation of
10 every petition signer.

11 Do you know the motivation of every
12 petition signer?

13 MR. BAUMAN: No.

14 MR. MICHELINI: All right. What do
15 you know about the motivations, and how did you
16 learn them?

17 MR. BAUMAN: I attended numerous
18 homeowner and voter association meetings, and I
19 conducted numerous site inspections, and spoke to
20 many residents in the area, who shared with me their
21 experiences, which I incorporated in my report and
22 my testimony. And I read the transcripts from the
23 previous hearings, the de-annexation hearings, and I
24 believe what the residents have said to me and on
25 the testimony.

1 MR. MICHELINI: Okay. I think you
2 testified that you had spoken to as many as, I want
3 to say 70 people, and also attended meetings where
4 there were lots of people, and talked on a couple
5 occasions to the executive board members of the
6 South Seaside Park Homeowners and Voters association
7 who signed the petition. Correct?

8 MR. BAUMAN: Yes.

9 MR. MICHELINI: And so you gathered
10 information from all those sources?

11 MR. BAUMAN: Um-hum.

12 MR. MICHELINI: But you didn't take a
13 poll and ask each specific person what their
14 motivation was --

15 MR. BAUMAN: Um-hum.

16 MR. MICHELINI: -- correct?

17 MR. BAUMAN: No.

18 MR. MICHELINI: But you did believe
19 what they told you in terms of their concerns, much
20 of which has been testified here to before.
21 Correct?

22 MR. BAUMAN: Yes.

23 MR. MICHELINI: I don't want to go
24 over all their testimony. But that testimony
25 related to things like lack of services. Correct?

1 MR. BAUMAN: Lack of services.

2 MR. MICHELINI: Feeling that they were
3 not being heard by people in the Township. Correct?

4 MR. BAUMAN: Yes. And the travel, the
5 inconvenience of having to come to the mainland for
6 various services or for municipal provisions.

7 MR. MICHELINI: Now, there was a lot
8 of testimony about White Sands Beach compared with
9 Island Beach State Park.

10 I would like to have this marked,
11 please.

12 (Exhibit A-47, Island Beach State Park
13 2015 Visitor's Guide, was marked for
14 identification.)

15 MR. MICHELINI: I would like to show
16 you what's been marked as A-47. Can you tell me
17 what that is?

18 MR. BAUMAN: "Island Beach State Park
19 2015 Visitor's Guide, brought to you by the friends
20 of Island Beach State Park".

21 MR. MICHELINI: And have you had a
22 chance to look through that Visitor's Guide for 2015
23 for Island Beach State Park.

24 MR. BAUMAN: Yes, I have.

25 MR. MICHELINI: Okay. You have your

1 own copy in fact.

2 MR. BAUMAN: I do.

3 MR. MICHELINI: Okay.

4 And so, what I would like you to do,
5 going through the Visitor's Guide, if you will, tell
6 us what amenities are offered at Island Beach State
7 Park versus the amenities that are offered at White
8 Sands Beach.

9 MR. BAUMAN: White Sands Beach has no
10 parking, no changing facilities, no snack shack or
11 organized activities. It's a place to walk, swim,
12 sunbathe and fish.

13 MR. MICHELINI: And that would be for
14 approximately three blocks. Correct?

15 MR. BAUMAN: Three blocks long, yes.

16 MR. MICHELINI: Versus approximately
17 ten miles of Island Beach State Park being a state
18 park of that size. Correct?

19 MR. BAUMAN: Yes.

20 MR. MICHELINI: And White Sands Beach
21 is only an ocean beach. Correct?

22 MR. BAUMAN: Yes.

23 MR. MICHELINI: Whereas, Island Beach
24 State Park goes from the ocean all the way over to
25 the bay, it's entire length. Correct?

1 MR. BAUMAN: That's correct.

2 MR. MICHELINI: Okay.

3 So go ahead and, if you would,
4 continue with regard to the amenities of Island
5 Beach State Park versus those of White Sands Beach.

6 MR. BAUMAN: Sure. There's a
7 multitude of activities offered at Island Beach
8 State Park, from picnic groves to the swimming,
9 scuba diving, surfing, wind boarding, kayaking,
10 bicycle trails, hiking. There's horseback riding.

11 There's a nature center. You could bring your pets
12 to the park. There's changing stations. There's
13 events and there's festivals held on the Island
14 Beach State Park.

15 MR. MICHELINI: And, in addition, to
16 that, there's also -- I don't know if you mentioned,
17 there's also hiking trails, there are not?

18 MR. BAUMAN: Yes.

19 MR. MICHELINI: And White Sands Beach
20 doesn't have any of those. Correct?

21 MR. BAUMAN: That's correct.

22 MR. MICHELINI: And because White
23 Sands Beach is not on the bay side, as well as on
24 the ocean, I would assume that there's no crabbing
25 or clamming at the White Sands Beach.

1 MR. BAUMAN: Correct. No bay side --
2 essential no bay side activities provided in the
3 White Sands Beach.

4 MR. MICHELINI: In fact, there's a map
5 in this A-47. I'll show you what the centerfold --
6 and we'll give a copy up to the chairman.

7 CHAIRMAN WINWARD: Thank you.

8 MR. MICHELINI: Thank you.

9 On A-47 at the centerfold map, this
10 shows a number of different trails, does it not?

11 MR. BAUMAN: Yes, it does.

12 MR. MICHELINI: And on the bay side
13 there is a maritime forest trail. Correct?

14 MR. BAUMAN: Yes.

15 MR. MICHELINI: There's also a bird
16 observation blind. Correct?

17 MR. BAUMAN: Yes.

18 MR. KOUTSOURIS: Mr. Michelini, at
19 each time during cross-examination that there was a
20 reference to Seaside Park or a municipality outside
21 of South Seaside Park or Berkeley Township, there
22 was an objection interposed, by you, because it
23 wasn't relating to the de-annexation of Seaside Park
24 but rather to a municipality outside. So --

25 MR. MICHELINI: This is part of

1 Berkeley Township.

2 MR. KOUTSOURIS: Island Beach State
3 Park is not part of Berkeley Township.

4 MR. MICHELINI: It is part of Berkeley
5 Township.

6 MR. KOUTSOURIS: No. It's a state
7 park.

8 MR. MICHELINI: It's within the
9 Township of Berkeley.

10 MR. KOUTSOURIS: Based on which fact
11 do you rely for that information?

12 MR. MICHELINI: The Berkeley Township
13 website indicates that Island Beach State Park is
14 within the Township of Berkeley. Your own website
15 indicates it's within the Township of Berkeley.

16 I don't think there's any real despite
17 about that.

18 MR. KOUTSOURIS: I think there is.

19 CHAIRMAN WINWARD: I have an objection
20 that, as a Berkeley Township resident, I don't get
21 any additional treatment when I go to the gate
22 there. I pay the same thing that somebody from
23 Paterson or Plainfield would pay. It's a state
24 park, run by the State of New Jersey. I use to work
25 there in the '70s, and the paycheck said from the

1 State of New Jersey.

2 The only thing that Berkeley
3 Township -- the only involvement it had is when
4 there was a violation of the park laws, Berkeley
5 Township Police would be backup for the State Park
6 Ranger. But there was no -- as far as I know,
7 there's no jurisdiction of Berkeley Township
8 government whatsoever over this state park. It's
9 all controlled by Trenton.

10 MR. MICHELINI: That may be true,
11 Mr. Chairman. The point of us showing this, there
12 was a lot of testimony about --

13 CHAIRMAN WINWARD: And it is nicer
14 than White Sands. I think we all agree with that.

15 MR. MICHELINI: Yeah, we all agree
16 it's better than White Sands, by a lot.

17 MR. KOUTSOURIS: Mr. Peters is
18 informing me that on the tax map it is shown within
19 the municipal boundary, but it is -- is that
20 correct?

21 MR. PETERS: Yes. Owned by the State
22 of New Jersey.

23 MR. MICHELINI: It's land owned by the
24 State of New Jersey within Berkeley Township. The
25 whole point of this testimony is to show all the

1 wonderful amenities that exist at Island Beach State
2 Park that are still going to be there after this --
3 should you grant or should the governing body grant
4 de-annexation, you're losing three blocks of White
5 Sands Beach, arguably, but you still have about ten
6 miles of public beach; albeit in a state park, that
7 offers far more amenities than White Sands Beach
8 offers. And that's the point of this testimony.

9 And there was a lot of testimony about
10 that. There was testimony, "Well, you can go to
11 White Sands Beach and it's going to cost \$30. But
12 if you go into Island Beach State Park, it's going
13 to cost you ten bucks on a certain day, on the
14 weekend". Mr. McGuckin had a lot of questions about
15 that.

16 So I am following up on those
17 questions that Mr. McGuckin had, not only with
18 regard to cost, but also with regard to amenities.

19 COUNCILMAN BACCHIONE: Mr.
20 Michelini -- through the chair.

21 CHAIRMAN WINWARD: Yes, go ahead.

22 COUNCILMAN BACCHIONE: Just a
23 question. Are there any more benefits to Berkeley
24 Township residents at Island Beach State Park that
25 other state residents don't have?

1 MR. MICHELINI: I don't know. Not
 2 that I'm aware of. But the point of this testimony
 3 is not to show whether or not there are additional
 4 or less benefits to the residents of Berkeley
 5 Township. It's to show that there is no detriment
 6 to Berkeley Township as a result of de-annexation,
 7 because they still have this wonderful park within
 8 it's boundaries, and that is not going to change.
 9 COUNCILMAN BACCHIONE: Just like every
 10 other residents of New Jersey has the same benefits
 11 to Island Beach State Park.
 12 MR. MICHELINI: Absolutely.
 13 COUNCILMAN BACCHIONE: So does South
 14 Seaside Park. So does Seaside Park, Seaside
 15 Heights,
 16 et cetera.
 17 MR. MICHELINI: Anybody who wants to
 18 go into south -- into the state park can use it and
 19 enter there by free if they want to walk in or bike
 20 in. And if they want to buy a State Park Pass for
 21 50 bucks, they can take their family there, you
 22 know, every day of the year.
 23 COUNCILMAN BACCHIONE: So what is the
 24 specific benefit, then --
 25 MR. MICHELINI: Well, the benefit --

1 COUNCILMAN BACCHIONE: -- to Berkeley
 2 Township --
 3 MR. MICHELINI: Well, the benefit --
 4 COUNCILMAN BACCHIONE: I'm not
 5 finished. Excuse me.
 6 MR. MICHELINI: Yeah, I'm sorry.
 7 COUNCILMAN BACCHIONE: I apologize,
 8 too.
 9 So what is the specific benefit, if
 10 the de-annexation does occur, to Berkeley Township
 11 residents that Island Beach State Park is there for
 12 Berkeley Township residents, as well as every other
 13 resident? In fact, not just the State of New
 14 Jersey, but the whole country. It's a state park.
 15 MR. MICHELINI: Correct.
 16 COUNCILMAN BACCHIONE: So it's not
 17 something that Berkeley Township is going to
 18 maintain. We get no revenue from it. We don't
 19 maintain it. We police it only if they ask us to
 20 come in. But they have their own police department.
 21 MR. MICHELINI: True.
 22 COUNCILMAN BACCHIONE: They have their
 23 own people there. So I'm not following the
 24 testimony as a benefit to South Seaside Park or to
 25 Berkeley Township should South Seaside Park

1 de-annex, and Island Beach State Park remains the
 2 same. I'm not following the testimony as a benefit.
 3 MR. MICHELINI: The testimony is not
 4 that it's a benefit. I'm not trying to put on
 5 testimony that it's a benefit. The testimony that's
 6 being put on is that there is no significant
 7 detriment to the Township of Berkeley because they
 8 still have within their borders a very significant,
 9 long, ocean beach, approximately ten miles long,
 10 that has all kinds of amenities on it so that the
 11 loss of three blocks of beach that has very limited
 12 amenities is not going to be significant, because
 13 their residents, just like everybody else, can still
 14 go to this beach. That's the point of the
 15 testimony.
 16 COUNCILMAN BACCHIONE: Well, here's
 17 the detriment, in my opinion. Assuming that South
 18 Seaside Park de-annexes, and assuming that Seaside
 19 Park winds up with White Sands Beach, Berkeley
 20 Township loses the revenue from White Sand.
 21 MR. MICHELINI: The revenue -- well,
 22 and, quite frankly, my understanding, and I can talk
 23 to your attorney about this afterwards, is that
 24 towns are not supposed to be making money off of
 25 beaches that are public. They're not supposed to --

1 that's supposed to be an even exchange. It's not a
 2 money-making area. It's not supposed to be because
 3 it's for the public benefit. So, yes, obviously --
 4 COUNCILMAN BACCHIONE: If it was for
 5 the public benefit, it would be for free. Right?
 6 So I don't know if that's the case,
 7 So --
 8 MR. MICHELINI: Well, I believe that
 9 is the law.
 10 COUNCILMAN BACCHIONE: I'm just not
 11 getting the testimony here as a benefit or -- and
 12 I'm just one person up here.
 13 MR. MICHELINI: No. I understand.
 14 But the testimony -- I would like to make the
 15 record, and I understand where you're coming from.
 16 But we're coming from different places. I'm not
 17 looking at it as a benefit to the people of South
 18 Seaside Park in terms of Island Beach State Park.
 19 I'm looking at it as not being any substantial
 20 detriment to the people of Berkeley Township.
 21 That's one of the things that we're
 22 called to do is to say, is there any substantial
 23 detriment by the loss of three blocks of White Sands
 24 Beach? And one of the ways that we answer that
 25 question is to say, no, because you still have ten

1 miles of Island Beach State Park. I realize you're
2 not getting money, the town isn't getting revenue
3 from it, nor do they have to really have a burden of
4 taking care of it. But, you know, they have so many
5 more amenities on Island Beach State Park, you
6 probably would stipulate to them is my guess. But
7 you can --

8 They have kayak launches there. They
9 have trails. They have birding areas. They have
10 daily towers. They have all kinds of festivals.
11 They have the fisherman's walkway. They have the
12 bay. They have clamming. They have crabbing. They
13 have the sedge islands. I mean, you can drive on
14 the beach.

15 There's all kinds of things, and I
16 would imagine the Board would stipulate to those
17 things. They're not going to be lost when three
18 blocks of public beach is lost through
19 de-annexation. And that's part of our proof.
20 That's part of what we're obligated to show is that
21 there's not going to be a substantial detriment if
22 you take away three blocks of beach, because there's
23 all this other beach that still exists nearby in the
24 Township and, yes, other people can do it or use it.

25 MR. KOUTSOURIS: If I may.

1 COUNCILMAN BACCHIONE: Yes.

2 MR. KOUTSOURIS: With the
3 understanding that this beach exists, Island Beach
4 State Park, this state park exists within the tax
5 map of Berkeley Township, but it's State-owned
6 property, then the theory that just like if
7 de-annexation occurs, Berkeley Township and the rest
8 of the State of New Jersey is not going to lose any
9 other state park in the entire state.

10 I mean, I guess you could
11 theoretically continue testifying about how they
12 won't lose this state park or any other state park
13 access.

14 CHAIRMAN WINWARD: Still go to
15 Barnegat Light.

16 MR. KOUTSOURIS: Or the trout hatchery
17 in Morristown or anywhere else.

18 MR. MICHELINI: Okay. I can continue.
19 Thank you.

20 Mr. Bauman, with regard to the cost of
21 Island Beach State Park, there was questioning by
22 you -- of you by Mr. McGuckin to the effect that it
23 cost \$10 to go into Island Beach State Park, and it
24 was only \$30 to get a yearly pass over at White
25 Sands Beach. Do you recall that testimony? He

1 asked you but that?

2 MR. BAUMAN: Yes.

3 MR. MICHELINI: But if you look at the
4 cost, you can buy, on page three, you can buy or a
5 family of four -- let's say there's a family of four
6 in Berkeley Township in the mainland and they want
7 to go to the beach. Is it going to cost them -- and
8 they buy the \$50 pass that's good for the whole
9 year. Correct?

10 MR. BAUMAN: And that's \$50 for all
11 state parks throughout New Jersey, including Island
12 Beach State Park.

13 MR. MICHELINI: So they could buy a
14 \$50 pass, a family of four that lives on the
15 mainland in Berkeley, and they could go to Island
16 Beach State Park, and they could go there literally
17 every day of the year if they wanted to. Correct?

18 MR. BAUMAN: Yes.

19 MR. MICHELINI: And they wouldn't have
20 to pay any more than that until the following year.

21 MR. BAUMAN: Correct.

22 MR. MICHELINI: Okay. But if they
23 wanted to go to White Sands Beach, they would have
24 to buy a pass for each person in the family.
25 Correct?

1 MR. BAUMAN: Right.

2 MR. MICHELINI: And how much would
3 that be?

4 MR. BAUMAN: \$30 per person.

5 MR. MICHELINI: And that would be how
6 much, then, \$120?

7 MR. BAUMAN: \$120 for a family of
8 four.

9 MR. MICHELINI: So there is some
10 benefit then, we'll talk about benefits. I wasn't
11 really going to go there. But there is some benefit
12 to having Island Beach State Park to the residents
13 of Berkeley, as well as to other areas of the state,
14 because it's essentially -- for a family who buys
15 that pass it's less expensive. Correct?

16 MR. BAUMAN: Yes.

17 MR. MICHELINI: And the amenities, are
18 they as I described and as they are described in
19 this booklet in terms of the number of things that
20 can be done there?

21 MR. BAUMAN: Much more amenities at
22 the Island Beach State Park than White Sands Beach.

23 MR. MICHELINI: Okay. And that would
24 clue the kayaking. Correct?

25 MR. BAUMAN: Of course.

1 MR. MICHELINI: And there's two kayak
2 launches at Island Beach State Park. Correct?
3 MR. BAUMAN: Yes.
4 MR. MICHELINI: Are there any at White
5 Sands Beach?
6 MR. BAUMAN: No.
7 MR. MICHELINI: Bicycling, is there
8 anywhere to bicycle at White Sands Beach?
9 MR. BAUMAN: No, there's not.
10 MR. MICHELINI: Is there anywhere to
11 horseback ride at White Sands Beach?
12 MR. BAUMAN: None that I'm aware of.
13 MR. MICHELINI: Is there an
14 interpretive center at White Sands Beach?
15 MR. BAUMAN: No.
16 MR. MICHELINI: Is there a nature
17 center at White Sands Beach?
18 MR. BAUMAN: No, there's not.
19 MR. MICHELINI: And, obviously,
20 there's beach vehicle access along a ten-mile area
21 in -- or essentially a ten-mile area, I think some
22 of it you can't ride on because of the Governor's
23 Mansion, in Island Beach State Park. Correct?
24 MR. BAUMAN: Yes.
25 MR. MICHELINI: And that far exceeds

1 the three blocks that are given at White Sands
2 Beach.
3 MR. BAUMAN: Yes.
4 MR. MICHELINI: And then there's a
5 beach plum festival. Correct? That's indicated in
6 here.
7 MR. KOUTSOURIS: Mr. Michelini,
8 there's a guide that's an exhibit, it's in the
9 record, and it speaks to amenities at Island Beach
10 State Park.
11 MR. MICHELINI: Right.
12 MR. KOUTSOURIS: And I don't think any
13 member of this board disputes that the amenities in
14 this guide are actually offered at Island Beach
15 State Park, of course assuming weather permits those
16 festivals to be held.
17 MR. MICHELINI: Right.
18 And is there a festival at White Sands
19 Beach that is similar to the beach plum festival?
20 MR. BAUMAN: No, there's not.
21 MR. MICHELINI: Okay.
22 MR. BAUMAN: They have one event.
23 That's the picnic at the beach, held annually.
24 MR. MICHELINI: And there's fishing
25 tournaments, several fishing tournaments at Island

1 Beach State Park. Correct?
2 MR. BAUMAN: Yes.
3 MR. MICHELINI: Are you aware of any
4 fishing tournaments at White Sands Beach?
5 MR. BAUMAN: No.
6 MR. MICHELINI: And there are
7 programs, it looks like there are daily programs for
8 kids in kayak tours at Island Beach State Park. Are
9 you aware of any such kayak tours on a daily basis
10 at White Sands Beach?
11 MR. BAUMAN: No, there's not.
12 MR. MICHELINI: And guided hikes. Are
13 there any guided hikes at White Sands Beach?
14 MR. BAUMAN: No.
15 MR. MICHELINI: So, is it fair to say
16 that the amenities that exist at Island Beach State
17 Park far exceed those of White Sands Beach?
18 MR. BAUMAN: Yes.
19 MR. MICHELINI: And how does that
20 impact your opinion, if any, with regard to the loss
21 of White Sands Beach should de-annexation occur?
22 MR. BAUMAN: That loss would not be
23 significant to Berkeley Township.
24 MR. KOUTSOURIS: Is that question,
25 Mr. Michelini, if the de-annexation of White Sands

1 Beach occurs?
2 MR. MICHELINI: No, if de-annexation
3 occurs, period. The question is if de-annexation
4 occurs.
5 MR. KOUTSOURIS: That's your question.
6 MR. MICHELINI: That was my question.
7 MR. KOUTSOURIS: Okay.
8 MR. MICHELINI: Okay. Mr. Bauman --
9 COUNCILMAN BACCHIONE: One second,
10 Mr. Michelini, if you don't mind. I don't think
11 it's been establish that if de-annexation does
12 occur, that Seaside Park would wind up with White
13 Sands Beach. I think the argument between you and
14 Greg McGuckin, there wasn't a conclusion to that
15 argument.
16 MR. MICHELINI: Well --
17 COUNCILMAN BACCHIONE: You assumed
18 that that de-annexation will take White Sands Beach
19 with it.
20 MR. MICHELINI: Our request -- we can
21 only make a request.
22 COUNCILMAN BACCHIONE: Okay.
23 MR. MICHELINI: We're requesting --
24 COUNCILMAN BACCHIONE: But you have --
25 (Various people speaking

1 simultaneously.)

2 MR. MICHELINI: Let me finish, please.

3 COUNCILMAN BACCHIONE: Well, I was

4 talking, too, but go ahead go ahead. You speak.

5 MR. MICHELINI: We're requesting that

6 White Sands Beach go with it. We think it makes

7 sense. This board has the discretion to make a

8 recommendation of de-annexation that does not

9 include it.

10 COUNCILMAN BACCHIONE: Well, so why --

11 MR. MICHELINI: And you can do that, if

12 you want to.

13 COUNCILMAN BACCHIONE: Just a quick

14 follow-up question and I'm done.

15 Why would you want to take White Sands

16 Beach with you when you have all these amenities at

17 Island Beach State Park for the residents of Seaside

18 Park?

19 MR. MICHELINI: Because it makes

20 sense. It's entirely surrounded by South Seaside

21 Park.

22 COUNCILMAN BACCHIONE: But you have to

23 maintain it and make no revenue on it.

24 MR. MICHELINI: That's correct.

25 COUNCILMAN BACCHIONE: Wouldn't make

1 any economic sense.

2 MR. MICHELINI: I think tat the

3 residents there would like to have it, and they

4 would improve it in a way -- see, there's been so

5 much substantial testimony about how Seaside Park

6 takes care of its beaches, and how -- what a good

7 job they do. In fact, there are several exhibits

8 that have been placed in evidence showing the

9 excellent manner in which Seaside Park takes care of

10 their beaches, both the ocean beaches and the bay

11 side beaches.

12 Unfortunately, that's not the case

13 with South Seaside Park. The bay beach is virtually

14 a wasteland, with all kind of debris on it. And the

15 ocean beach gets cleaned far less than Seaside Park.

16 That was the testimony.

17 There was testimony that the beach is

18 really taken well care of in Seaside Park. So if it

19 goes and becomes part of the Seaside Park, then we

20 would hope that that beach would receive the same

21 treatment as the other beaches do in Seaside Park,

22 and it would be much nicer than it is now. That was

23 Mr. Whiteman's testimony.

24 Okay. Mr. Bauman, with regard to the

25 questions about empirical evidence, there was a lot

1 of questioning about your report in terms of whether

2 or not it was anecdotal only, or if it relied on

3 empirical evidence. Do you recall those lines of

4 questions?

5 MR. BAUMAN: Yes, I do.

6 MR. MICHELINI: And can you address

7 that, without interruption, as to whether or not

8 your report relied upon empirical evidence and what

9 it relied upon?

10 MR. BAUMAN: Well, the information --

11 empirical evidence is information acquired by

12 observation or experimentation. Empirical research

13 is research using empirical evidence. It's a way of

14 gaining knowledge by means of direct and indirect

15 observation or experience.

16 For my report, I used empirical

17 evidence, and the information I acquired was

18 information from the U.S. Census Bureau and the

19 Township Master Plan and the examination reports,

20 the Township Plan Endorsement, transfer development

21 rights, real estate market analysis, the Township

22 TDR transfer element, and the Township Environmental

23 Resource Inventory, the Township Housing Element and

24 Fair Share Plan, and the Township Strategic Recovery

25 Planning Report, the Township Land Use Ordinance,

1 and the Township's 20/20 Vision Statement. All

2 those studies and plans and documents contain

3 empirical evidence, and the Township documents have

4 been endorsed and are used by municipal officials.

5 I also spoke to many south Seaside

6 Park residents and made numerous site visits to both

7 South Seaside Park and to the mainland. I took that

8 information I gathered, and I analyzed it and I

9 included it in my report and in my testimony.

10 Empirical evidence is acquired by

11 observation, as I said, and I collected the evidence

12 from the sources I just cited. I absorbed that

13 knowledge and used my abilities as a professional

14 planner and created my opinion that the

15 de-annexation will not negatively impact Berkeley

16 Township. If de-annexation is not granted, that

17 action will negatively impact South Seaside Park

18 residents.

19 MR. MICHELINI: I'm not going to go

20 through each page of your report. But I would

21 assume that your report, in various places, is

22 backed by those statistics. Correct?

23 MR. BAUMAN: Right, and I cited --

24 MR. MICHELINI: From the census and so

25 forth?

1 MR. BAUMAN: Every empirical evidence
2 I used I cited in footnotes or in the resources.

3 MR. MICHELINI: Okay. Just briefly
4 about economics. There was a lot of testimony and
5 cross-examination about economics, and recognizing
6 that you are not a municipal accountant, would you
7 restate succinctly what the economic impact is to
8 the people of South Seaside Park, and whether or not
9 that is a negative impact and how you reached that
10 conclusion, without getting into numbers. Because I
11 realize you did not get into numbers.

12 MR. BAUMAN: Sure.
13 From a planner's perspective, the
14 economic benefit to South Seaside Park residents
15 that walkability reduces auto trips, thus making
16 more sustainable communities. Shopping, socializing
17 and civic activities would be made walkable should
18 South Seaside Park de-annex from Berkeley Township
19 and become part of Seaside Park, less time in cars
20 and the healthier the residents will be. And better
21 health is a significant benefit that can be
22 translated to economic benefits as well.

23 As far as economic loss to South
24 Seaside Park residents, as I cited in previous
25 testimony, the cost of travel of South Seaside Park

1 residents from their homes to the mainland should
2 not be underestimated. It involves operating cost
3 of the vehicle, as well as the opportunity costs
4 lost by South Seaside Park residents when they
5 engage in time consuming activities of traveling
6 back and forth to the mainland.

7 Opportunity cost is defined as a
8 benefit or value of something that must be given up
9 to acquire or achieve something else.

10 South Seaside Park is isolated from
11 the remainder of Berkeley Township. The geography
12 and logistics concludes that the area in question
13 more naturally belongs to the municipality to which
14 it's adjacent to. Withdraw of South Seaside Park
15 will not disrupt the social or economic fabric of
16 Berkeley Township and the economic or social
17 consequences of de-annexation are de minimis.

18 I'm not an accountant, but it's not
19 rocket science to know that the economic impact of
20 gas, time and opportunity costs are part of this
21 equation. No one can argue about those economics.
22 It's up to the municipal accountant to actually
23 quantify and realize the dollar impact of
24 de-annexation.

25 Furthermore, it doesn't require an

1 economics degree to know that if the Township no
2 longer has to maintain roads and bay fronts and
3 provide services to South Seaside Park, the
4 reduction of those services or the elimination of
5 those services will result in savings. And if not,
6 there's something wrong with the way the Township is
7 managing it's resources.

8 MR. MICHELINI: Now, you indicated
9 that there were questions about your being from
10 north Jersey, and being a planner in Plainfield and
11 the Chairman of the land use board in your hometown
12 in Hunterdon County.

13 As a professional planner, are you any
14 less qualified to give an opinion on de-annexation
15 in a shore area because of where you come from or
16 the type of practice that you have? Would you
17 please address that.

18 MR. BAUMAN: Sure. As a state
19 licensed and nationally certified planner, I am
20 knowledgeable of the New Jersey Municipal Land Use
21 Law, county planning, state planning, fair housing
22 zoning and land use administration, subdivision and
23 site planning review, master planning and zoning
24 ordinances. Planners like myself work throughout
25 the state and tackle all those land use issues that

1 challenge us as a profession, and de-annexation,
2 while unique, is not heard of.

3 How many de-annexation petitions have
4 a township's consulting planners dealt with?
5 Probably not too many. But that doesn't mean
6 they're not qualified to give the Board their
7 professional opinion, like what I'm doing for my
8 client now.

9 MR. MICHELINI: Is there anything else
10 that you would like to say? I'm not going to repeat
11 your testimony to a dead horse, unfortunately. So
12 I'm going to stop my redirect, with the exception of
13 asking you if there's anything else that you would
14 like to highlight from your testimony or clarify
15 from direct?

16 MR. BAUMAN: No, there's not.
17 I would like to thank the board and
18 the professionals for the time and for hosting me
19 these last three months.

20 CHAIRMAN WINWARD: Thank you very
21 much.

22 MR. KOUTSOURIS: Mr. Michelini, if I
23 can, you just provided some redirect, but there were
24 some brand new exhibits which were introduced this
25 evening.

1 MR. MICHELINI: Yes. They were
 2 follow-ups from last month's testimony.
 3 MR. KOUTSOURIS: I don't think it
 4 would be terribly inappropriate for me to take five
 5 minutes and just ask some general questions about
 6 those exhibits.
 7 MR. MICHELINI: Sure.
 8 RE-CROSS-EXAMINATION BY MR. KOUTSOURIS:
 9 MR. KOUTSOURIS: Okay. Mr. Bauman,
 10 A-43.
 11 MR. BAUMAN: Okay.
 12 MR. KOUTSOURIS: Which is the tables
 13 you prepared, some graphs, et cetera. You indicate
 14 that was taken from the 2010 census data.
 15 MR. BAUMAN: Yes. And now that I'm
 16 looking at it, I neglected to put 2010 on any of
 17 that.
 18 MR. KOUTSOURIS: That's okay.
 19 Question about this exhibit, if I may.
 20 MR. BAUMAN: Sure.
 21 MR. KOUTSOURIS: When was this data
 22 collected from 2010, do you know? What month?
 23 MR. BAUMAN: Well it's from the 2010
 24 census, and I believe they start about six months to
 25 a year prior to. So this is probably data from

1 2000 -- mid 2008 through mid 2009.
 2 MR. KOUTSOURIS: Okay.
 3 MR. BAUMAN: Or 2010, and then it's
 4 released in 2011, and takes a little while for them
 5 to crunch the numbers and present them.
 6 MR. KOUTSOURIS: As I look at A-43,
 7 the median value of owner-occupied units for south
 8 Seaside Park is listed as 479,900. Correct?
 9 MR. BAUMAN: Yes.
 10 MR. KOUTSOURIS: Based on 234
 11 owner-occupied units.
 12 MR. BAUMAN: Yes.
 13 MR. KOUTSOURIS: So, did you perform
 14 any analysis of these same numbers as they would
 15 result if you were to include the renter-occupied
 16 units, the vacant housing units, all of the units
 17 together, et cetera.
 18 MR. BAUMAN: No. That's the data that
 19 the census provided.
 20 MR. KOUTSOURIS: And did you perform
 21 any analysis -- when you look at this, the only
 22 conclusionary number that's on this table three on
 23 A-43 is the median value of owner-occupied units.
 24 Correct?
 25 MR. BAUMAN: The only what value?

1 MR. KOUTSOURIS: Median value,
 2 conclusionary -- the only conclusion on this chart
 3 is the median value of owner-occupied units.
 4 Correct?
 5 MR. BAUMAN: No. The chart has total
 6 housing units, renter-occupied, vacant housing
 7 units, the year the structure is built, the number
 8 of owner-occupied units. There's a number of
 9 columns.
 10 MR. KOUTSOURIS: Okay. Well, then,
 11 look at some of those columns. You would agree that
 12 234 owner-occupied units resulted in a median value
 13 of \$479,900 in South Seaside Park --
 14 MR. BAUMAN: Um-hum.
 15 MR. KOUTSOURIS: -- in the 2010 census
 16 data.
 17 MR. BAUMAN: Yes.
 18 MR. KOUTSOURIS: And then 633 units on
 19 the mainland Bayside North resulted in a median
 20 value of 338,800 as it relates to owner-occupied
 21 units. Correct?
 22 MR. BAUMAN: Yes.
 23 MR. KOUTSOURIS: And 810 units on
 24 mainland Bayside South.
 25 MR. BAUMAN: 439.

1 MR. KOUTSOURIS: 439 units on mainland
 2 Bayside South are \$423,000. Correct?
 3 MR. BAUMAN: Yes.
 4 MR. KOUTSOURIS: Those figures don't
 5 take into accounts the 1,135 vacant housing units,
 6 for example, in South Seaside Park or the only
 7 211 units in mainland Bayside North or --
 8 MR. BAUMAN: Correct.
 9 MR. KOUTSOURIS: And south.
 10 MR. BAUMAN: Correct. That's a table
 11 that says it's a median value of owner-occupied
 12 units. That's the information the census provides.
 13 MR. KOUTSOURIS: All right.
 14 The photographs, who took those
 15 pictures?
 16 MR. MICHELINI: Kathy Fulcomer did.
 17 She's here.
 18 MR. KOUTSOURIS: Who's here, right?
 19 MR. MICHELINI: Yes.
 20 MR. KOUTSOURIS: How many pictures are
 21 on the three exhibits?
 22 MR. MICHELINI: Approximately 45. I
 23 think there's 15 on each -- 47.
 24 MR. KOUTSOURIS: Which picture is of
 25 Ms. Fulcomer's house?

1 MS. FULCOMER: None.
 2 MR. MICHELINI: Yeah.
 3 MR. KOUTSOURIS: So all of those 45
 4 pictures don't include Ms. Fulcomer's house, they're
 5 just other pictures.
 6 MR. MICHELINI: No. They're pictures
 7 of a particular type of housing in South Seaside
 8 Park. I think I indicated that, that this was
 9 housing in South Seaside Park of Midway Beach homes,
 10 homes on rental land and trailers in South Seaside
 11 Park. And I acknowledged that there are other types
 12 of housing, but this was a substantial portion of
 13 housing in South Seaside Park.
 14 CHAIRMAN WINWARD: I have a question.
 15 What he just said here, that a median
 16 value is 479,900. Are any of those houses anywhere
 17 near that value?
 18 MR. MICHELINI: Are the houses in the
 19 pictures?
 20 CHAIRMAN WINWARD: Yeah. I was
 21 wondering is that the lower end?
 22 MR. MICHELINI: I'm not --
 23 (Various people speaking
 24 simultaneously.)
 25 CHAIRMAN WINWARD: There might be some

1 million dollar houses.
 2 MR. KOUTSOURIS: Ms. Fulcomer, I
 3 understand you were sworn previously, but you're
 4 behind the court reporter --
 5 MS. FULCOMER: Yeah. Talk to me.
 6 MR. KOUTSOURIS: -- but she can't hear
 7 you. The court reporter has to take down your words
 8 if you're going to talk.
 9 MS. FULCOMER: Yeah.
 10 MR. KOUTSOURIS: Okay.
 11 MS. FULCOMER: Sure.
 12 K-A-T-H-E-R-I-N-E, E-L-E-A-N-O-R
 13 middle name, F-U-L-C-O-M-E-R.
 14 KATHERINE ELEANOR FULCOMER, having been previously
 15 sworn, testified as follows:
 16 MS. HUGG: Excuse me. I just want to
 17 make an announcement that Nick Mackres has joined
 18 the podium.
 19 MR. KOUTSOURIS: Thank you.
 20 So you had a question about the
 21 houses?
 22 CHAIRMAN WINWARD: Yeah, I was just
 23 saying, because to get the 480,000 median, some
 24 houses must be worth more than 480. Do any of them
 25 approach that status?

1 MS. FULCOMER: No. No. Because at
 2 the last meeting, which was the October meeting,
 3 I -- I'm not exactly sure who said it, I believe it
 4 was Mr. McGuckin said something about mini mansions.
 5 So I thought I would take -- now, I just wrote it
 6 down because I was thinking of it in my head, of the
 7 amount of blocks in South Seaside Park.
 8 This represents, not counting
 9 pictures, but counting blocks, about half of the
 10 blocks. Maybe more, because I didn't count the
 11 trailer blocks, roughly.
 12 MR. KOUTSOURIS: Thank you,
 13 Ms. Fulcomer.
 14 MS. FULCOMER: So the point is that
 15 these particular homes represent over half of my
 16 community.
 17 MR. KOUTSOURIS: We are involved,
 18 though, in the --
 19 MS. FULCOMER: And --
 20 MR. KOUTSOURIS: Ma'am, we're involved
 21 in the recross-examination of Mr. Bauman at this
 22 time.
 23 MS. FULCOMER: Oh, but I thought you
 24 wanted to hear from me?
 25 MR. KOUTSOURIS: I did. I asked one

1 question, and now Mr. Bauman is on the record. So
 2 let's continue. Okay?
 3 MS. FULCOMER: Oh, sorry.
 4 MR. KOUTSOURIS: I have a question.
 5 Is your house on those pictures?
 6 MS. FULCOMER: No, it isn't.
 7 MR. KOUTSOURIS: Okay.
 8 MS. FULCOMER: Do you -- oh, for the
 9 next meeting I would be happy to take a picture of
 10 mine.
 11 MR. KOUTSOURIS: Please do. I asked
 12 one question.
 13 MS. FULCOMER: I might even have it in
 14 my camera if I went out to the car and looked.
 15 MR. KOUTSOURIS: If you would like to
 16 do that.
 17 MS. FULCOMER: Yeah, okay. Thank you.
 18 CONTINUED RECROSS-EXAMINATION BY MR. KOUTSOURIS:
 19 MR. KOUTSOURIS: Mr. Bauman.
 20 MS. FULCOMER: Thank you.
 21 MR. BAUMAN: Yes.
 22 MR. KOUTSOURIS: Question. There was
 23 a lot of testimony concerning the amenities provided
 24 in Island Beach State Park. Correct?
 25 MR. BAUMAN: Yes.

1 MR. MICHELINI: Would not it also be a
2 benefit to South Seaside Park residents and to the
3 residents of Berkeley Township to maintain both
4 White Sands Beach and Island Beach State Park?

5 MR. BAUMAN: Would it be a benefit to
6 South Seaside Park residents if they maintained
7 Island Beach State Park?

8 MR. KOUTSOURIS: I'm asking you, does
9 Berkeley Township benefit from having both Island
10 Beach State Park and White Sands Beach?

11 MR. BAUMAN: The state benefits as a
12 whole for the state park.

13 MR. KOUTSOURIS: Does that include
14 Berkeley Township?

15 MR. BAUMAN: That's the whole state.

16 MR. KOUTSOURIS: Okay. So there was
17 this comparison between White Sands Beach and Island
18 Beach State Park.

19 MR. BAUMAN: What we're saying is, if
20 you lose -- you're not losing three.

21 MR. KOUTSOURIS: Who is "you"?

22 MR. BAUMAN: All right. Let me
23 rephrase. Should the annexation be granted, the
24 Township, depending on if it's included or not, if
25 White Sands Beach is included, the Township would

1 lose three blocks of beach and still retain the nine
2 miles of beach of Island Beach State Park.

3 MR. KOUTSOURIS: Is it more beneficial
4 to the Township to maintain Island Beach State
5 Park's nine miles and the three blocks of White
6 Sands Beach?

7 MR. MICHELINI: I'm going to object to
8 the question, because beneficial, more beneficial is
9 not the standard. The standard is, is there a
10 significant injury or loss. That's the standard,
11 not is it more beneficial.

12 MR. KOUTSOURIS: Well --

13 MR. MICHELINI: So the question should
14 be, is there a significant injury or loss to
15 Berkeley Township as a result of losing three
16 blocks. That's what the Statute says.

17 MR. BAUMAN: And it's not significant.
18 I said that in my testimony. The loss of White
19 Sands Beach is -- while it's a loss, it's not a
20 significant loss to the Township should
21 de-annexation be granted.

22 MR. KOUTSOURIS: Anything else?

23 MR. SLACHETKA: Actually, just two
24 questions.

25 FURTHER RECROSS-EXAMINATION BY MR. SLACHETKA:

1 MR. SLACHETKA: First of which, and
2 this is directly related to your redirect. Do you
3 know how many, or what proportion, of the
4 residential properties in South Seaside Park are
5 seasonal rented properties?

6 MR. BAUMAN: I think if you could --
7 rental? No. No, the census doesn't provide a
8 rental. They have a vacant housing unit category.
9 They have owner-occupied units. And renter-occupied
10 units. So if you're talking seasonal rental?

11 MR. SLACHETKA: Yes.

12 MR. BAUMAN: Seasonal rental I don't
13 know.

14 MR. SLACHETKA: Okay. And then on the
15 cover of your report there's a picture.

16 MR. BAUMAN: Right.

17 MR. SLACHETKA: It says "Photo credit
18 BerkeleyNJpatch.com".

19 MR. BAUMAN: Yes.

20 MR. SLACHETKA: What's that a
21 photograph of?

22 MR. BAUMAN: Photograph of a beach.

23 MR. SLACHETKA: Which beach?

24 MR. BAUMAN: It's a photograph of a
25 beach. It came from that website. It's from

1 BerkeleyNJ. It's a photograph of a beach. I don't
2 know the exact location. I wasn't there. I didn't
3 take the picture.

4 MR. SLACHETKA: But you don't know
5 whether that's White Sands Beach or --

6 MR. BAUMAN: No, I don't.

7 MR. SLACHETKA: Or any other beach?

8 MR. BAUMAN: No, I don't.

9 MR. SLACHETKA: Okay. Thank you.

10 FURTHER RECROSS-EXAMINATION BY MR. WISER:

11 MR. WISER: Just one other question,
12 very quickly.

13 I noticed that in your report in terms
14 of the census information, you used the ACS,
15 American Community Survey?

16 MR. BAUMAN: When it was available,
17 yes.

18 MR. WISER: Yeah. And I know
19 Mr. McGuckin asked you a lot of questions about
20 that. But when you're speaking, I believe, and
21 correct me if I am wrong, the handout that you gave
22 tonight, the exhibit you gave tonight used the 2010
23 census data.

24 MR. BAUMAN: Yes.

25 MR. WISER: Is there a reason you

1 switched the data source?
 2 MR. BAUMAN: Yes. The 2012 studies
 3 don't have as much detail as the 2010 census,
 4 including some of these values, of home values.
 5 MR. WISER: So the 2010 is a more
 6 complete picture?
 7 MR. BAUMAN: Is the most recent
 8 reflecting that data, yes.
 9 MR. WISER: Okay. Thank you.
 10 MR. BAUMAN: You're welcome.
 11 MR. MICHELINI: Anything else?
 12 Because we're over two hours.
 13 CHAIRMAN WINWARD: Anybody on the
 14 Board have any questions for Mr. Bauman at this
 15 time? Or any time? Speak now.
 16 MR. BAUMAN: Got my phone number.
 17 CHAIRMAN WINWARD: I don't see any
 18 further questions from the board.
 19 MR. KOUTSOURIS: And we took more
 20 testimony, so as far as does any member of the
 21 public have a question for Mr. Bauman?
 22 MR. MICHELINI: Any member of the
 23 public have a question for Mr. Bauman?
 24 I don't see any.
 25 CHAIRMAN WINWARD: I see there is

1 none.
 2 MR. KOUTSOURIS: Thank you, Mr.
 3 Bauman, very much.
 4 MR. BAUMAN: Thank you.
 5 MR. WISER: Feel better.
 6 MR. BAUMAN: Thank you.
 7 MR. MICHELINI: I'll be in touch with
 8 Mr. McGuckin about next month's meeting and who
 9 would be appearing, so I'll make sure -- now is
 10 he -- I guess he'll be here next time, I assume?
 11 MR. KOUTSOURIS: Yes.
 12 MR. MICHELINI: You haven't supplanted
 13 him and usurped his role?
 14 MR. KOUTSOURIS: No.
 15 MR. MICHELINI: Just checking.
 16 Okay. Thank you. Thank you members
 17 of the board.
 18 CHAIRMAN WINWARD: Okay I don't see
 19 anything else on the agenda. So we need a motion
 20 for adjournment.
 21 MR. BELL: So moved.
 22 MR. CALLAHAN: Second.
 23 CHAIRMAN WINWARD: All in favor.
 24 (Board members responded
 25 affirmatively.)

CHAIRMAN WINWARD: Carried.
 (Meeting adjourned.)

CERTIFICATE

I, JACQUELINE M. WAHLER, (License No. XI01510)
 a Certified Court Reporter of the State of New
 Jersey, do hereby certify the foregoing to be a true
 and accurate transcript of the proceedings as held
 at the date, time and place hereinbefore set forth.

JACQUELINE M. WAHLER, CCR

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