

1 TOWNSHIP OF BERKELEY  
2 PLANNING BOARD  
3 -----  
4 IN THE MATTER OF:  
5 SOUTH SEASIDE PARK HOMEOWNERS  
6 AND VOTERS ASSOCIATION  
7 DE-ANNEXATION PETITION HEARING  
8 -----  
9 Pinewald Keswick Road  
10 Bayville, New Jersey  
11 Thursday, February 2, 2017  
12 8:05 p.m.  
13  
14  
15

## 10 B E F O R E:

11 Robert Winward, Chairman  
12 John Bacchione, Councilman  
13 Domenick Lorelli, Member  
14 Richard Callahan, Member  
15 Frederick Bell, Member  
16 Brian Gingrich, Member  
17 Nick Mackfres, Member  
18 Jack Wiegartner, Member  
19  
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21  
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24 -----  
25 LINDA SULLIVAN-HILL & ASSOCIATES  
CERTIFIED COURT REPORTERS  
46 SOUTH LAKEVIEW DRIVE  
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14 Attorneys for the Petitioners  
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## 11 ALSO PRESENT:

12 Ernie Peters, Engineer  
13 Kelly Hugg, Secretary  
14 Stuart B. Wiser, Planner  
15 James M. Oris, Planner  
16 Rodney Haines, CPA  
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1  
2 I N D E X  
3 NAME OF WITNESS PAGE  
4 LT. RYAN ROTH  
5 BY MR. MICHELINI 4  
6 DET. MIKE TIER  
7 BY MR. MICHELINI 56  
8  
9  
10

11 E X H I B I T S  
12 NUMBER DESCRIPTION PAGE  
13 A-70 e-mail, 12/21/2016 17  
14 T-25 Three-pages of e-mails 22  
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1 MR. WINWARD: Okay. How we left off  
2 last meeting was the South Seaside Park attorney,  
3 Mr. Michelini, was cross-examining Lieutenant Roth  
4 of the traffic safety department. He's going to  
5 conclude that. And then we'll be hearing from our  
6 board engineer, who has some cross-examination. So  
7 please proceed.

8 MR. MICHELINI: Thank you.

9 For the record, Joseph Michelini from  
10 O'Malley, Surman & Michelini on behalf of the  
11 petition signers.

12 LIEUTENANT RYAN ROTH, recalled.

13 EXAMINATION BY MR. MICHELINI:

14 Q Lieutenant Roth, you're still under  
15 oath.

16 A Yes.

17 Q Okay. So, you need not be sworn.

18 Just some follow-up matters. I believe you  
19 testified that the cost of a fully-equipped police  
20 car was \$41,900; is that correct?

21 A Correct.

22 Q But then there were some items that  
23 you testified would have to go into the police car,  
24 defibrillators, correct?

25 A Yes.

1 Q Did you determine the cost of those?  
 2 Do you happen to know that?  
 3 A No, I didn't.  
 4 Q Okay. Measuring devices for your  
 5 traffic safety guys who might have to measure skid  
 6 marks and various things on the road if there's an  
 7 accident or other issues, correct?  
 8 A Correct.  
 9 Q Do you know what the cost of those  
 10 are or no?  
 11 A Yes, I just picked them up today.  
 12 24.95.  
 13 Q Okay. I think you said a shovel cost  
 14 \$13?  
 15 A Yes.  
 16 Q Plate readers, which are in some  
 17 cars, that was not included in the 41,9, correct?  
 18 A Correct.  
 19 Q All right. And shotgun, was that --  
 20 A Not included. I didn't get a price.  
 21 Q And what about taxes, does the -- do  
 22 you get -- are you tax free or do you have to pay  
 23 taxes?  
 24 A We're tax free.  
 25 Q Tax free. Good for you. Okay.

1 Any other equipment that you're aware of?  
 2 A No.  
 3 Q What about the radio, is that  
 4 included?  
 5 A Yes.  
 6 Q And a laptop, is that included?  
 7 A Yes.  
 8 Q All right. Camera, is that included?  
 9 A Camera, meaning --  
 10 Q Is there any kind of a camera that is  
 11 used in the police vehicles?  
 12 A No.  
 13 Q There's no kind of a camera at all?  
 14 A No. We wear a body camera, then  
 15 traffic officers would be issued, and detectives  
 16 would be issued a camera for evidence collection.  
 17 Q Okay. That has nothing to do with  
 18 the vehicle, though, correct?  
 19 A Nothing to do with the vehicle.  
 20 Q All right. What about the light bar,  
 21 does that come with the light bar, the 41,9?  
 22 A Yes.  
 23 Q Is there an Opticom? Do you know  
 24 what that is?  
 25 A No. What do you mean by Opticom?

1 Q Okay. Well, I'm going by a list that  
 2 I got from Toms River Township, so I was hoping you  
 3 would know.  
 4 A Okay.  
 5 Q How about a CenCom control/siren, do  
 6 you know what that is?  
 7 A It's a siren, yes.  
 8 Q That's included?  
 9 A Yes.  
 10 Q What about the rear cage?  
 11 A Yes, that's included in the price.  
 12 Q All right. Gun rack, is that  
 13 included?  
 14 A Included in the price, yes.  
 15 Q And a push bumper?  
 16 A Push bumper, yes, included.  
 17 Q Central console?  
 18 A Yes.  
 19 Q Do you have like a Toughbook laptop?  
 20 A Yeah, Panasonic Toughbook.  
 21 Q And the mount and the dock is  
 22 included for that, too?  
 23 A Yes, charging station, yes.  
 24 Q Do you have -- use an e-ticket  
 25 printer?

1 A In some vehicles.  
 2 Q All right. Is that included in the  
 3 41,9?  
 4 A No, that was not included in the  
 5 41,9. That was not included in the 41,900. We just  
 6 purchased those.  
 7 Q What do they cost?  
 8 A I don't know.  
 9 Q Does four or five hundred dollars  
 10 sound about right or you don't have --  
 11 A You would have to ask Sergeant Dohn.  
 12 Q What about a GPS antenna, is that  
 13 included?  
 14 A No, we don't use GPS.  
 15 Q You don't use GPS antennas. Okay. I  
 16 think you talked about -- what about radar units, do  
 17 you use radar units?  
 18 A Yes, those are included.  
 19 Q Those are included. And what about  
 20 paint, lettering, things of that nature?  
 21 A All included in that price.  
 22 Q And do they do any special wiring  
 23 that needs to be done after you purchase them or no?  
 24 A No, not after. Not that wasn't  
 25 included in that price.

1 Q Okay. And are these SUVs or not?  
 2 A The 41,9 was a Ford Interceptor SUV,  
 3 yes.  
 4 Q Okay. Do they have any kind of up  
 5 vault? Do you know what an up vault is?  
 6 A No. Not that we had separately, no.  
 7 Q You don't add that?  
 8 A No.  
 9 Q And are there any mechanic charges to  
 10 install anything, such as an e-printer?  
 11 A No.  
 12 Q No?  
 13 A There would be a labor charge in the  
 14 e-printer but not anything that was included in the  
 15 41,900.  
 16 Q You talked a little bit about special  
 17 police officers, class ones and class twos, correct?  
 18 Do you remember that?  
 19 A Yes.  
 20 Q Do you know what the cost is to the  
 21 township on an annual basis for the class one  
 22 officers?  
 23 A No.  
 24 Q Do you know what it is for a single  
 25 class one officer?

1 A No.  
 2 Q Do you have any idea at all?  
 3 A No.  
 4 Q Class one officers get benefits?  
 5 A I don't believe so, but I'm not sure.  
 6 Q Who would know that?  
 7 A The chief or Captain Santucci.  
 8 Q Okay. What about class twos, do they  
 9 get benefits or don't you know?  
 10 A I don't know.  
 11 Q And do you know what the cost of a  
 12 class two officer is to the township?  
 13 A No, I don't.  
 14 Q And are the class twos employed  
 15 year-round or only on a part-time basis? In other  
 16 words, just the summer or some other portion of the  
 17 year?  
 18 A Class twos are year-round.  
 19 Q How many class twos do you have?  
 20 A Year round, not a hundred percent  
 21 sure, but I believe it's five.  
 22 Q How many class ones do you have?  
 23 A Not sure.  
 24 Q And they would be the specials that  
 25 basically would be used only over on the beach in

1 South Seaside Park to do traffic type matters,  
 2 right?  
 3 A Yes.  
 4 Q Okay. For class ones, correct?  
 5 A Correct.  
 6 Q When you -- now, you're in charge of  
 7 traffic safety. Do you have a reasonable estimate  
 8 of how many class ones are hired for the summer?  
 9 A No, I couldn't give you an  
 10 intelligent answer.  
 11 Q Can you say more -- is it more than  
 12 five?  
 13 A Yes.  
 14 Q Is it more than ten?  
 15 A It's around ten.  
 16 Q Okay.  
 17 A Probably a little bit more.  
 18 Q So, more than five?  
 19 A I don't know.  
 20 Q Around ten? Could be 11, could be  
 21 nine, or in that range?  
 22 A Or more.  
 23 Q Or more? Okay.  
 24 A Not sure.  
 25 Q And they're all utilized in South

1 Seaside Park, correct, class ones?  
 2 A Correct.  
 3 Q And the class twos, are they all  
 4 utilized in South Seaside Park or are they used  
 5 throughout the township?  
 6 A All in the beach sectors, Seaside  
 7 Park and Pelican Island.  
 8 Q Okay. Do you know if the class ones  
 9 and class twos are reflected separately in the  
 10 budget?  
 11 A I don't know.  
 12 Q You talked a little bit about four  
 13 mobile informational signs. Do you recall that?  
 14 A Yes.  
 15 Q Okay. And what is put on those  
 16 signs, what kinds of things?  
 17 A They're variable message boards, so  
 18 we can put anything on there. A typical example  
 19 would be slow down, 25 mile an hour, residential  
 20 zone. Use them to advertise if we have something  
 21 going on, if there's an event ahead.  
 22 Q Okay. Have you used them in South  
 23 Seaside Park?  
 24 A Yes.  
 25 Q When's the last time you used them in

1 South Seaside Park, if you know?  
 2 A I don't know the last time we used  
 3 them.  
 4 Q Do you know if they were used at all  
 5 in the last year?  
 6 A I'm sure they were used for the beach  
 7 party the recreation puts on. But I can't think of  
 8 a more recent example than that. But I'm not sure.  
 9 Q And I think you talked a little  
 10 about -- I don't know whether it was you or  
 11 Captain Santucci -- about the child safety seat  
 12 program?  
 13 A I think he mentioned it but I'm  
 14 familiar with it.  
 15 Q Where is that function?  
 16 A The child safety seat checkpoint is  
 17 at the Bayville Fire Department. But we maintain  
 18 specialists that help install, teach parents and  
 19 they'll go anywhere. You can schedule an  
 20 appointment anywhere.  
 21 Q Okay. But has the checkpoint ever  
 22 been over in South Seaside Park?  
 23 A No, only at the Bayville Fire  
 24 Department.  
 25 Q So, it's always on the mainland here,

1 correct?  
 2 A Yes.  
 3 Q Have you ever had an install over in  
 4 South Seaside Park for the child safety seat?  
 5 A Yes.  
 6 Q When?  
 7 A It was this year. I don't know the  
 8 name of the person, but we assigned the officer with  
 9 specialization to the beach sector so he could  
 10 handle that in advance.  
 11 Q And how many of those safety seats  
 12 were installed this past year, do you know?  
 13 A I don't know.  
 14 Q More than ten?  
 15 A No, less than ten. Just a handful.  
 16 Possibly, only that one.  
 17 Q Possibly only one. Okay.  
 18 Fatal accidents this past year, have you had  
 19 any in South Seaside Park?  
 20 A No.  
 21 Q I think you said it's basically a low  
 22 accident area, in part because of the speed limit  
 23 being 25 miles an hour, correct?  
 24 A Yes, and the efforts that we make.  
 25 Q Okay. What about crime, is it also a

1 low crime area? I believe one of the other  
 2 officers, I don't remember who, said it is a low  
 3 crime area. But would you agree with that, is my  
 4 question?  
 5 A Yes.  
 6 Q Accident reports, there was some  
 7 discussion about them being online. Are they  
 8 online?  
 9 A Yes.  
 10 Q Okay. So, if -- is that between last  
 11 meeting and this meeting that they're online? In  
 12 other words, I can request an accident report and  
 13 get it online?  
 14 A We've had that prior to the last  
 15 meeting.  
 16 Q Okay. How long have you had that?  
 17 Because somebody testified that they weren't online  
 18 yet.  
 19 A Accident reports? You're retrieving  
 20 a current accident report or an accident report that  
 21 was already completed?  
 22 Q For an individual, yes. So, if I'm a  
 23 citizen and I want to make a request and get an  
 24 accident report, can I do that --  
 25 A Yes.

1 Q -- through my computer?  
 2 A Yes.  
 3 Q And is it sent to me through my  
 4 computer or through e-mail?  
 5 A Yes.  
 6 Q Okay. And you don't know what the  
 7 capability has been for that? How long that's been?  
 8 A Oh, yeah, that's been since  
 9 September.  
 10 Q All right. So it doesn't matter  
 11 where you live in the township for that --  
 12 A Yes, that's correct.  
 13 Q -- correct? So, the -- there was  
 14 testimony last time, I had asked you about  
 15 communications between board professionals and  
 16 yourself. I'm sure you recall that testimony.  
 17 A I do.  
 18 Q Okay. And you had initially  
 19 indicated that you didn't have any board  
 20 communications. Then I showed you an e-mail. And  
 21 you acknowledged that you did have communications  
 22 and that your prior testimony was inaccurate. Do  
 23 you recall that?  
 24 A I do recall that.  
 25 Q All right. Do you know if

1 Captain Santucci had any board communications  
 2 with -- or, I'm sorry -- any communications with any  
 3 of the board professionals?  
 4 A Not to my knowledge.  
 5 Q Was he included on the e-mail stream  
 6 in which you were sent e-mails by Mr. Wiser?  
 7 A I don't recall him being on it. But  
 8 could I be wrong again?  
 9 MR. MICHELINI: Let's have this  
 10 marked.  
 11 (The e-mail, 12/21/2016 was marked as  
 12 A-70 for identification.)  
 13 Q I'm going to show you A-70. And tell  
 14 me if this is part of -- this contains part of that  
 15 e-mail stream that you talked about that you were  
 16 part of. You can take a minute to read it. If you  
 17 know.  
 18 A That is the same e-mail stream  
 19 thread.  
 20 Q Okay. And what was that thread  
 21 about?  
 22 A That was about a question that  
 23 Stuart Wiser had about which exhibit was missing a  
 24 page. It was a -- so, he wanted a copy of a  
 25 missing, I believe, Berkeley CAD page.

1 Q And that's related to testimony that  
 2 had been given in this matter, correct?  
 3 A Yes.  
 4 Q And that, at least part of that  
 5 e-mail stream was sent to you directly from  
 6 Mr. Wiser? We went through that last time, correct?  
 7 A Yes.  
 8 Q Is Captain Santucci, is he anywhere  
 9 referenced as either a direct recipient or a cc  
 10 recipient of any of the e-mails from Stuart Wiser?  
 11 A He is cc'd on these, yes.  
 12 Q What's the date of the e-mail in  
 13 which he is cc'd relating to the exhibit that was  
 14 testified about?  
 15 A Relating to this exhibit?  
 16 Q No, relating to the CAD. This is  
 17 relating to a CAD that was testified about missing a  
 18 page, you said, correct?  
 19 A Yes. So, you're asking --  
 20 Q Okay. So, what is the date of the  
 21 e-mail from Mr. Wiser that Mr. -- that Captain  
 22 Santucci is also copied on?  
 23 A He is copied on December 2nd and the  
 24 6th.  
 25 Q Okay. So, I believe that

1 Captain Santucci testified last time that he hadn't  
 2 had any communications with any board professionals.  
 3 Do you recall that testimony?  
 4 A I do.  
 5 Q That would not be correct, based on  
 6 this, correct?  
 7 A He's cc'd in the e-mail.  
 8 Q But you would say that he did have  
 9 communications with Mr. Wiser, the board  
 10 professional, correct?  
 11 A Sure, but he doesn't -- he's not a  
 12 part of the conversation.  
 13 Q As a cc?  
 14 A Exactly.  
 15 MR. MICHELINI: Okay. Thank you.  
 16 Lieutenant Roth, I have no further questions of you.  
 17 I'm sure that Mr. Wiser has questions of you. He  
 18 indicated that last time.  
 19 MR. WISER: Thank you. Given the --  
 20 if you bear with me a second -- given the last set  
 21 of questions, Lieutenant, I have to sort of just  
 22 reorient my thought process here.  
 23 Have we ever met prior to  
 24 September 1st, 2016?  
 25 THE WITNESS: No.

1 MR. WISER: Have we met other than  
 2 being in this building since that time?  
 3 THE WITNESS: No.  
 4 MR. WISER: Do we have any  
 5 relationship outside of this de-annexation process?  
 6 THE WITNESS: No.  
 7 MR. WISER: Last time, Mr. Michelini  
 8 made an issue that in the e-mails, you referenced me  
 9 by my first name. Why did you do that?  
 10 THE WITNESS: Because it was a  
 11 response to your e-mail, so I used your first name  
 12 because your name was already at the bottom of the  
 13 original e-mail.  
 14 MR. WISER: The Exhibit A-69 is --  
 15 I'm going to give this to you. This is how many  
 16 pages? I mean, I feel like I'm playing a little  
 17 Perry Mason here but --  
 18 THE WITNESS: This is one page that  
 19 you're handing me.  
 20 MR. WISER: Is that the complete  
 21 e-mail chain?  
 22 THE WITNESS: No.  
 23 MR. WISER: I have here four -- no,  
 24 wait. Pardon me. I have here one, two, three,  
 25 four -- I think it's five e-mails, one of which is

1 the original e-mail. Is this the --

2 MR. MICHELINI: For the record, I  
3 have no objection to the whole e-mail being marked.  
4 I was just trying to keep it simple. But if you  
5 want to mark the whole --

6 MR. WISER: Well, I think the way you  
7 have presented it sort of, at least in my mind, sets  
8 up somewhat of a negative connotation. And I think  
9 it's important for the board to know the play of  
10 events that this e-mail -- under which this e-mail  
11 transpired.

12 MR. MICHELINI: Well, clearly, I, I  
13 believe there is a negative connotation. I  
14 actually, that was my intention. But I have no  
15 objection to the entire e-mail being marked. I  
16 certainly have no objection to that --

17 MR. WISER: Well --

18 MR. MICHELINI: -- that's fine. If  
19 you want to mark it as a planning board exhibit or a  
20 township exhibit, either way, that's fine.

21 MR. WISER: And the difficulty here  
22 is the way it got -- and by the way, thank you for  
23 allowing me to do that. But the way it prints off  
24 of the e-mails or at least our e-mail system, it's  
25 rather difficult. I wanted to make sure that --

1 that the entire e-mail chain is in there. But let's  
2 see if we can sort of short circuit that process.

3 I apologize. Bear with me.

4 I seem to be missing one piece of  
5 this. Here it is. Okay. I'm going to give you the  
6 last in the e-mail chain. And can you go to the --

7 MR. MCGUCKIN: Let's mark it so we  
8 know what we're talking about.

9 MR. WISER: Oh, sure. Sure.

10 (Off the record.)

11 (The Three-pages of e-mails was  
12 marked as T-25 for identification.)

13 MR. MCGUCKIN: Let me ask you this.  
14 It's a four-page document with a number of e-mails  
15 on it?

16 MR. WISER: That's correct.

17 MR. MCGUCKIN: How many e-mails are  
18 on it?

19 MR. WISER: I do not know off the top  
20 of my head.

21 MR. MCGUCKIN: Just count them so we  
22 can identify them.

23 MR. WISER: Okay. Sure. So, maybe  
24 it's best to do it this way. It's a three-page  
25 document. The first page -- or page two -- let me

1 work it this way. Page two -- I'm sorry. Page  
2 three is just the leftover disclaimer standard  
3 e-mail stuff, language. Page two is the original  
4 e-mail that was sent from me to John Camera, dated  
5 December 2nd, 2016.

6 Page one, and I'll start from the  
7 bottom, is an e-mail from Mr. Camera dated the same  
8 date to Chief DiMichele, asking to -- well, I'll  
9 let -- asking to respond to the original e-mail.  
10 Above that is an e-mail from the chief to Lieutenant  
11 Roth and Captain Santucci, requesting Lieutenant  
12 Roth to answer that, that's dated December 2nd.  
13 There is also an e-mail above that, which lists --  
14 it says four of four. And I'll get to the reason it  
15 says four of four in a minute. That's dated  
16 December 6, from me to Lieutenant Roth, Mr. Camera,  
17 the chief and Captain Santucci.

18 So, I don't know how to do this  
19 legally. But is that a -- is that what that e-mail  
20 is, Lieutenant?

21 THE WITNESS: This looks like it's  
22 missing a page. It's missing the same page that  
23 Mr. Michelini gave me, A-69, I believe.

24 MR. WISER: That's not the middle  
25 page?

1 THE WITNESS: Oh, no, there it is.

2 You're right. That is --

3 MR. WISER: Okay.

4 THE WITNESS: -- that's the e-mail.

5 MR. WISER: So, in the original  
6 e-mail that I sent went to who, if you could ask?

7 MR. MICHELINI: Do we have a date on  
8 that?

9 MR. WISER: Oh, I'm sorry. Yes.

10 That would be the -- that would be  
11 what you, sir, put into evidence. And the date of  
12 that e-mail is December 2.

13 So, can you just go through the title  
14 block on that e-mail.

15 THE WITNESS: Friday, December 2nd.  
16 It's from Stuart Wiser to John Camera, cc'd Greg  
17 McGuckin. De-annexation questions. Do you want me  
18 to read the --

19 MR. WISER: No, I mean, I'll -- it's  
20 in evidence. I'll just say that there were four --  
21 one, two, three, four exhibits that you submitted  
22 into evidence. They were the CAD records that had  
23 some notations or some entries in them that I didn't  
24 understand. I didn't know what they were. So, I  
25 asked you to clarify them. Is that sort of --

1 substantially what that says?  
 2 THE WITNESS: Yes.  
 3 MR. WISER: And then there was one  
 4 where there was a page missing, correct?  
 5 THE WITNESS: Correct.  
 6 MR. WISER: And I will submit to the  
 7 board that the reason that I submitted this in the  
 8 e-mail form that I did is that I could have taken up  
 9 the board's time sitting here asking what could  
 10 have, and I readily admit, might have been stupid  
 11 questions, and I didn't want to take up the board's  
 12 time doing that for my own ignorance. So, I simply  
 13 asked, through Mr. Camera, whether he could get that  
 14 information for me. And if it was important, I  
 15 would have shared it with the board. If it was,  
 16 ended up being not important and marginalia notes as  
 17 part of the report, which had no bearing on the  
 18 subject, that would have been the answer and you  
 19 would have never heard from me. But did I e-mail  
 20 Captain Santucci?  
 21 THE WITNESS: Like I said, he was  
 22 cc'd.  
 23 MR. WISER: Well, on my e-mail --  
 24 THE WITNESS: No.  
 25 MR. WISER: -- on page two, it went

1 from me to who?  
 2 THE WITNESS: Oh, you're right.  
 3 Yours went to John Camera, Greg McGuckin only.  
 4 MR. WISER: So, not to the chief, not  
 5 to anybody else in the police department, not to you  
 6 directly, not to Captain Santucci?  
 7 MR. MICHELINI: For what date?  
 8 MR. WISER: December 2nd.  
 9 MR. MICHELINI: Just December the 2nd  
 10 one?  
 11 THE WITNESS: Correct.  
 12 MR. WISER: Okay. Then, we go to the  
 13 first page. And there was an e-mail also  
 14 December 2nd, from Mr. Camera, to the chief and  
 15 Captain Santucci; is that correct?  
 16 THE WITNESS: First page at the  
 17 bottom?  
 18 MR. WISER: At the very bottom, yes.  
 19 That would be the next one in the time sequence?  
 20 THE WITNESS: Yes.  
 21 MR. WISER: And basically says, can  
 22 you get the answers?  
 23 THE WITNESS: Correct.  
 24 MR. WISER: Then moving up, there's  
 25 an e-mail from the chief, also that same date, to

1 you and Captain Santucci, basically saying, answer  
 2 me, answer the guy?  
 3 THE WITNESS: Correct.  
 4 MR. WISER: So, nowhere in the e-mail  
 5 that I generated, so far, has there been any  
 6 communication to anyone other than Mr. Camera?  
 7 THE WITNESS: Correct.  
 8 MR. WISER: And then, moving up,  
 9 there's a December 6 e-mail from you to Mr. Camera  
 10 and myself, copying the chief and Captain Santucci  
 11 with, basically, a clarification of what I was  
 12 looking for? Basically, you saying you need more  
 13 information to be able to answer the question?  
 14 THE WITNESS: Oh, this one, yes.  
 15 MR. WISER: So, nowhere was there any  
 16 communication -- oh, and then, I'm sorry, and then  
 17 going up, there is a communication from me to you to  
 18 Mr. Camera with the chief and Captain Santucci cc'd,  
 19 which basically -- and it says to -- it says -- I  
 20 guess it says four of four?  
 21 THE WITNESS: Yes, that's correct.  
 22 MR. WISER: So, really, those are  
 23 following an e-mail chain of reply all?  
 24 THE WITNESS: Yes, correct.  
 25 MR. WISER: Okay. And the reason,

1 for the board's edification, that there is a one of  
 2 four, two of four, three of four and what the  
 3 lieutenant has in front of him is a four of four, is  
 4 that, I was trying to send back the document that  
 5 was the exhibit to him so he knew, to the  
 6 lieutenant, he knew specifically what we were  
 7 talking about, what my request was. And the  
 8 documents were just too big. So, instead of trying  
 9 to send them one -- four at a time, I sent one, two  
 10 three and four. So, all of that, I think, is to  
 11 say, there was no communication, affirmative  
 12 communication between our office and the police  
 13 department, other than what may have been generated  
 14 by Mr. Camera and/or the chief, in terms of adding  
 15 cc's to an e-mail that I sent.  
 16 MR. MICHELINI: Just, with all due  
 17 respect, I believe Mr. Wiser will probably testify  
 18 at some time. He has been essentially giving his  
 19 reasons and I haven't objected. But he's been  
 20 providing more testimony than Lieutenant Roth in  
 21 this little colloquy in the last ten minutes.  
 22 I think it's appropriate to ask  
 23 questions of Lieutenant Roth, not to provide  
 24 statements or provide testimony as to why he did  
 25 something. If he's going to testify, and I believe

1 he is, because he's preparing a multi-hundred page  
2 report, he advised me, you know, maybe at that time  
3 he can testify. But right now, I suspect that the  
4 board doesn't want me to cross-examine Mr. Wiser on  
5 all the statements he just made right now. So,  
6 we'll hold that until he testifies. But I think at  
7 this time, there should be questions of  
8 Lieutenant Roth.

9 MR. MCGUCKIN: Let me see if I can  
10 pick it up. Did Mr. Wiser ever contact you directly  
11 himself to you by e-mail for this information or is  
12 this information you received through the chief, the  
13 administrator and Captain Santucci?

14 THE WITNESS: He didn't contact me  
15 directly. I did answer him directly.

16 MR. MCGUCKIN: That's what I thought.  
17 So, you answered him because he sent the request and  
18 you sent the reply all and sent it and he was  
19 copied? You sent the -- you answered him -- you  
20 answered his question, although he had not asked you  
21 the question?

22 THE WITNESS: Yeah. And to clarify  
23 on what is the first page or the end of the e-mail,  
24 he does send me a message, please let me know if you  
25 don't get them all. At that point, he did send me a

1 direct e-mail.

2 MR. MCGUCKIN: Was there any other  
3 communication that you had from Mr. Wiser?

4 THE WITNESS: No.

5 MR. MCGUCKIN: Or to Mr. Wiser?

6 THE WITNESS: No.

7 MR. MCGUCKIN: Any phone calls about  
8 it?

9 THE WITNESS: No.

10 MR. MCGUCKIN: Thank you.

11 MR. WISER: Okay. Well, I'm quite  
12 sure Mr. Michelini will cross-examine me at length  
13 at the end of the process. And I apologize to the  
14 board, but I did feel it was necessary, given the  
15 recent nature of this conversation and the questions  
16 of the lieutenant, that he'd get on the record as  
17 quickly as possible so there's no confusion and  
18 there's no sentiment on anybody's behalf that there  
19 was an inappropriate communication between our  
20 office and the police department or any witness for  
21 that --

22 MR. MICHELINI: I'm just going to  
23 object to the statements. I already put my  
24 objection on the record. I think it's inappropriate  
25 for Mr. Wiser to make statements defending his

1 actions. He will be subject to cross-examination.  
2 This is the time for cross-examination.

3 MR. MCGUCKIN: Let's be clear for the  
4 record. Lieutenant, has either Mr. Wiser or any  
5 other board professional, including myself, told you  
6 what you should be testifying to in these  
7 proceedings?

8 THE WITNESS: No.

9 MR. MCGUCKIN: Have we had any  
10 communication telling you what you should be talking  
11 about or anything like that?

12 THE WITNESS: No.

13 MR. MCGUCKIN: Any professional from  
14 the board whatsoever?

15 THE WITNESS: No.

16 MR. MCGUCKIN: Thank you.

17 MR. WISER: Okay. Thank you. Moving  
18 on to actual testimony based questions.

19 Based on what your job  
20 responsibilities are in the police department, is  
21 providing services to South Seaside Park any more or  
22 less expensive, inefficient or burdensome than  
23 servicing other portions of the township?

24 THE WITNESS: I don't know about the  
25 expense. But the other answer would be no. I'm not

1 familiar with the expense.

2 MR. WISER: The expenses are not  
3 under your responsibility?

4 THE WITNESS: Not under my  
5 responsibility.

6 MR. WISER: So, you're responsible  
7 for, the patrolmen on the street, on the streets,  
8 report to you; is that correct?

9 THE WITNESS: Yes, and the sergeants,  
10 yes.

11 MR. WISER: And the sergeants. So,  
12 the officers that are out there driving through the  
13 weather conditions, if they encountered any  
14 difficulties on the roads or issues of that nature,  
15 would report to you?

16 THE WITNESS: Yes.

17 MR. WISER: So, you'd be aware of  
18 them?

19 THE WITNESS: Yes, I would think so.

20 MR. WISER: Is there any appreciable  
21 difference during snowstorms, that you know of, from  
22 your officers functioning in South Seaside Park as  
23 opposed to other sections of the township? Is it  
24 harder to drive? Is the plowing not as done as well  
25 or as quickly or as efficiently for South Seaside



1 Park as it is in other sections of the township?  
 2 THE WITNESS: I have never noticed a  
 3 difference and none has been reported to me.  
 4 MR. WISER: There was one petitioner  
 5 who testified that after nor'easters and weather  
 6 events, with the exception of Sandy, which was a  
 7 notable event, where sand blows into the streets and  
 8 causes a problem for motorists, is that something  
 9 that your officers have ever reported back to you?  
 10 THE WITNESS: Not that I can recall,  
 11 but it's plausible.  
 12 MR. WISER: Okay. I went through  
 13 with Captain Santucci last time a number of  
 14 functions that the Berkeley department takes care of  
 15 and asked him if he knew whether Seaside Park has a  
 16 similar function. There were a lot he answered. A  
 17 lot he couldn't. They weren't within his knowledge.  
 18 I'm going to go through some of the ones that may be  
 19 within your knowledge. If you can answer them,  
 20 fine. If not, understood.  
 21 Berkeley has a full-time D.A.R.E.  
 22 officer. Do we know -- do you know, pardon me,  
 23 whether Seaside Park has a full-time, part-time  
 24 D.A.R.E. officer?  
 25 THE WITNESS: I don't know.

1 MR. WISER: Okay. Specialized  
 2 training with respect to arson?  
 3 THE WITNESS: I don't know.  
 4 MR. WISER: Narcotics?  
 5 THE WITNESS: I don't know.  
 6 MR. WISER: Financial crimes?  
 7 THE WITNESS: I don't know.  
 8 MR. WISER: Desig -- designated,  
 9 pardon me, juvenile detectives?  
 10 THE WITNESS: I don't know.  
 11 MR. WISER: Do they do their own  
 12 crime scene processing?  
 13 THE WITNESS: I don't know.  
 14 MR. WISER: Electronic, do they have  
 15 electronic surveillance capabilities?  
 16 THE WITNESS: I don't know.  
 17 MR. WISER: Do they have their own  
 18 traffic safety unit?  
 19 THE WITNESS: Not that I'm aware of.  
 20 MR. WISER: Is that more of an I  
 21 don't know, or can you specify that a little bit  
 22 more?  
 23 THE WITNESS: I've never met or  
 24 worked with them in a working group or anything.  
 25 But I don't really know.

1 MR. WISER: Okay.  
 2 THE WITNESS: Never looked into it.  
 3 MR. WISER: Accident  
 4 reconstructionist?  
 5 THE WITNESS: I've never met one at  
 6 any of the same working groups.  
 7 MR. WISER: Members of the Ocean  
 8 County fatal accident support team?  
 9 THE WITNESS: I don't know.  
 10 MR. WISER: Speed study trailers?  
 11 THE WITNESS: I don't know.  
 12 MR. WISER: ALPR cars?  
 13 THE WITNESS: I believe they have  
 14 one.  
 15 MR. WISER: Do you have anything to  
 16 do with the firearms range?  
 17 THE WITNESS: No.  
 18 MR. WISER: Designated police  
 19 mechanics?  
 20 THE WITNESS: I don't know.  
 21 MR. WISER: Do you know whether they  
 22 handle their own?  
 23 THE WITNESS: I have no idea.  
 24 MR. WISER: You don't know. Okay.  
 25 Body worn cameras?

1 THE WITNESS: I don't know.  
 2 MR. WISER: Underwater search and  
 3 rescue team?  
 4 THE WITNESS: I don't know.  
 5 MR. WISER: Not your thing. Are  
 6 there any other specialized teams or services that  
 7 Berkeley has that Seaside Park does not? Well, let  
 8 me ask that question. That you're aware of?  
 9 THE WITNESS: No, none that weren't  
 10 already mentioned.  
 11 MR. WISER: Okay. Do you extend,  
 12 under the services that you're in command of, any  
 13 specialized services to Seaside Park, if and when  
 14 needed, if requested?  
 15 THE WITNESS: If requested, of  
 16 course, yeah.  
 17 MR. WISER: What would they be?  
 18 THE WITNESS: I can't think of any  
 19 that they asked for from traffic. But other  
 20 agencies and neighboring agencies, if they want us  
 21 to handle a crash due to their officer being  
 22 involved, we always do that, always willing to.  
 23 MR. WISER: Do you have anything to  
 24 do with training?  
 25 THE WITNESS: Just domestic violence

1 and elder abuse.  
 2 MR. WISER: That falls within your  
 3 job responsibility --  
 4 THE WITNESS: Yes.  
 5 MR. WISER: -- or your command  
 6 structure?  
 7 Is the level of services in those  
 8 regards, do you know if Seaside Park has that same  
 9 service and if they have the same level of service,  
 10 level of specialty?  
 11 THE WITNESS: They have a domestic  
 12 violence liaison. That's my responsibility. But  
 13 they don't have elder abuse training.  
 14 MR. WISER: Is that different than  
 15 domestic violence?  
 16 THE WITNESS: Yes, it's separate.  
 17 MR. WISER: Okay. There was  
 18 discussion of police vehicles, where they're  
 19 located, accessibility to South Seaside Park from  
 20 the police headquarters. And then there was some  
 21 debate as to -- well, not debate -- there was  
 22 discussion as to, okay, it's 16 miles away. It's X  
 23 amount of minutes away. And there was even some  
 24 testimony put on the record that if you drive from  
 25 South Seaside Park to the police department or city

1 hall -- or township hall, it would take X amount of  
 2 time. Do you know -- obviously, if you're  
 3 responding to an emergency from the mainland, I'm  
 4 going to assume you're going to be going with sirens  
 5 and lights and not necessarily obeying the speed  
 6 limit. Would that be a correct assumption?  
 7 THE WITNESS: It would depend on the  
 8 case, of course.  
 9 MR. WISER: As a practical matter, if  
 10 you needed to respond to an emergency situation from  
 11 township hall here or police department, how long  
 12 would it take you, under whatever your emergency  
 13 protocols are, to get from here to there?  
 14 THE WITNESS: Probably ten minutes.  
 15 MR. WISER: Would that change  
 16 substantially, winter, summer? In the seasons we've  
 17 heard that traffic is really bad. We all know  
 18 traffic is really bad in the summer. In the  
 19 summertime, how -- would that be the number or would  
 20 it be a different number?  
 21 THE WITNESS: It would definitely be  
 22 higher, you know, a few minutes higher, thirteen, 14  
 23 minutes. Just estimating.  
 24 MR. WISER: The chief testified that  
 25 one of the quads is stationed by the lifeguard

1 stand. Can you tell us -- I asked this of  
 2 Captain Santucci. He didn't know exactly. Can you  
 3 tell us where that is specifically?  
 4 THE WITNESS: It's the ocean end of  
 5 23rd Ave.  
 6 MR. WISER: In December of 2016,  
 7 Captain Santucci was questioned as to a number of  
 8 items to which he indicated you were a better person  
 9 to respond. I'm going to go through, I think I  
 10 have, really, three questions. Were there any --  
 11 were any, pardon me, of the four informational signs  
 12 that the township has, put in South Seaside Park in  
 13 the last year?  
 14 THE WITNESS: Yes. As I mentioned,  
 15 for the concert. I can't remember one more recent.  
 16 But they have a summer beach concert.  
 17 MR. WISER: Sure. Were there any  
 18 DUI, DWI checkpoints in South Seaside Park this  
 19 year?  
 20 THE WITNESS: Not checkpoints. But  
 21 we do what we call roving patrol. So, if we get a  
 22 grant or we use the drunk driving enforcement fund  
 23 money, we'll place officers over there.  
 24 MR. WISER: How is that different  
 25 from what you would do under a normal patrol?

1 THE WITNESS: They're dedicated just  
 2 to traffic enforcement. They only respond to calls  
 3 after all available officers are already used up.  
 4 MR. WISER: So, with respect to DUI  
 5 and DWI how, pardon my ignorance, but how is that  
 6 different?  
 7 THE WITNESS: So, if an officer is  
 8 hired under the DWI grant, then I would place him or  
 9 I would request that he go to locations where he's  
 10 most likely to get a DWI or we have other traffic  
 11 issues. And then he's just dedicated to traffic  
 12 enforcement.  
 13 MR. WISER: Fair enough. Has the  
 14 fatal accident unit responded in South Seaside Park  
 15 over the last year?  
 16 THE WITNESS: No.  
 17 MR. WISER: Last five?  
 18 THE WITNESS: No.  
 19 MR. WISER: There was some  
 20 conversation about -- there was extensive  
 21 conversation about the parking permits. And you  
 22 indicated that parking permit by mail is a  
 23 relatively recent occurrence?  
 24 THE WITNESS: No, I said it wasn't a  
 25 recent occurrence. That 50 percent are done by

1 mail.  
 2 MR. WISER: Do you know when -- I'm  
 3 asking this question because nobody who testified on  
 4 behalf of the petitioners had indicated that this  
 5 was something that was available, a service that was  
 6 available to them. Do you know when the parking  
 7 permit by mail commenced?  
 8 THE WITNESS: I don't know the exact  
 9 year or date. I've been in the office for two and a  
 10 half years, it was available that entire time. I  
 11 asked my clerk, who's been there much longer, and  
 12 she said definitely within the last ten years.  
 13 MR. WISER: Okay.  
 14 THE WITNESS: But she couldn't give  
 15 me even a year.  
 16 MR. WISER: What is the cost for a  
 17 parking permit, do you know?  
 18 THE WITNESS: Per permit?  
 19 MR. WISER: Per?  
 20 THE WITNESS: Less than a dollar for  
 21 the -- oh, you mean for us or for the residents?  
 22 MR. WISER: No, no. If I'm a  
 23 resident and I want to get a permit.  
 24 THE WITNESS: It's free.  
 25 MR. WISER: It's free?

1 THE WITNESS: Yes.  
 2 MR. WISER: Is there any differential  
 3 in cost doing it by mail versus doing it in person?  
 4 THE WITNESS: No, just --  
 5 MR. WISER: Applying for it?  
 6 THE WITNESS: Just the cost of  
 7 postage.  
 8 MR. WISER: And lastly, and this is a  
 9 standard question, how would your job change if  
 10 de-annexation were to occur?  
 11 THE WITNESS: I don't think it would  
 12 change much or at all.  
 13 MR. WISER: That's all I have. Thank  
 14 you.  
 15 MR. MICHELINI: I have follow-up. I  
 16 don't know if anybody else has.  
 17 MR. MCGUCKIN: Very briefly.  
 18 Lieutenant, there's been talk about backups and, you  
 19 know, how many calls were backup and how many, you  
 20 know, from Seaside Park to help Berkeley in South  
 21 Seaside Park and from Berkeley to help backup in  
 22 Seaside Park. Do you recall some of that testimony?  
 23 THE WITNESS: Yes.  
 24 MR. MCGUCKIN: And there are times  
 25 when it's an obvious recording in the CAD system.

1 And there's times when it's not necessarily  
 2 recorded; is that correct?  
 3 THE WITNESS: That's correct.  
 4 MR. MCGUCKIN: And would that be the  
 5 same with other surrounding communities in the area?  
 6 THE WITNESS: Yes.  
 7 MR. MCGUCKIN: So, if Toms River had  
 8 an issue, Berkeley backs up Toms River?  
 9 THE WITNESS: Correct.  
 10 MR. MCGUCKIN: And vice versa?  
 11 THE WITNESS: Yes.  
 12 MR. MCGUCKIN: And same for Lacey or  
 13 Manchester, Beachwood, whatever towns adjoin you?  
 14 THE WITNESS: Correct.  
 15 MR. MCGUCKIN: And there are some  
 16 records for that, but it wouldn't reflect all of  
 17 them because not every incident is recorded in the  
 18 CAD; is that correct?  
 19 THE WITNESS: Correct.  
 20 MR. MCGUCKIN: All right. That's all  
 21 I have.  
 22 FURTHER EXAMINATION BY MR. MICHELINI:  
 23 Q Okay if I? Just following up on  
 24 that.  
 25 So, in that particular case, in the CADs that

1 you compared between Berkeley Township and  
 2 Seaside Park, they didn't agree, right?  
 3 A Correct.  
 4 Q And, in addition, I think in your  
 5 testimony, you indicated that there were some  
 6 mistakes in the CAD?  
 7 A Correct.  
 8 Q So, they're not reliable entirely,  
 9 correct?  
 10 A Correct.  
 11 Q Now, let's just go talk about a  
 12 couple of things. If you were to travel in an  
 13 emergent situation and you had to -- and let's say a  
 14 police car was on Route Nine in Berkeley Township  
 15 and it had to go through Pine Beach, Beachwood,  
 16 South Toms River, Toms River, Island Heights,  
 17 Seaside Heights, et cetera, to get to Seaside Park,  
 18 to get to South Seaside Park, that's possible,  
 19 right? That, from a sector on Route Nine --  
 20 A Sure, yes.  
 21 Q -- a backup could be called? And it  
 22 would have to go through all those towns. And let's  
 23 say it wasn't near the Parkway, so it had to go  
 24 through all the towns. Do you anticipate that that,  
 25 in an emergency, that that police car would be able

1 to go 60 miles an hour?  
 2 A No.  
 3 Q Okay. How fast do you think it would  
 4 be able to go?  
 5 A Average speed over the course of the  
 6 whole trip?  
 7 Q Sure.  
 8 A Average in the highway miles, I'd say  
 9 45, 50.  
 10 Q Okay. So, that would be -- if  
 11 16 miles at 60 miles an hour, mile a minute, that  
 12 would take 16 minutes, right?  
 13 A Correct.  
 14 Q So, if that police car had to come  
 15 from Route Nine somewhere, it was going 45 or 50, it  
 16 would probably take 20 minutes?  
 17 A Correct.  
 18 Q And if it was going in the summer, it  
 19 might even take longer because of traffic both on  
 20 Route Nine and 166 and Route 37?  
 21 A Possibly, yes.  
 22 Q And if the bridge was up, it wouldn't  
 23 even be able to get over there, correct?  
 24 A That's a good point. Correct.  
 25 Q And the D.A.R.E. program, that

1 operates in the schools, correct?  
 2 A Correct.  
 3 Q All right. So, if de-annexation  
 4 occurs, that's not going to change the D.A.R.E.  
 5 program in any way, right?  
 6 A It won't change the Berkeley D.A.R.E.  
 7 program, if that's what you're asking.  
 8 Q Okay. And it won't change -- do you  
 9 know if Seaside Park participates in the D.A.R.E.  
 10 program?  
 11 A I don't know.  
 12 Q And if they do, it's not going to  
 13 change it either, correct?  
 14 A Correct.  
 15 Q As far as you know?  
 16 A As far as I know.  
 17 Q Are there any schools over in South  
 18 Seaside Park?  
 19 A I don't believe so.  
 20 Q Now, you talked a little bit about  
 21 getting calls for cars getting stuck or -- I'm  
 22 probably misphrasing Mr. Wiser's question, but  
 23 after -- are you aware of a problem at the end of  
 24 20th Street right now, after this last nor'easter  
 25 that we had, that there's sand there and cars have

1 gotten stuck?  
 2 A Yes.  
 3 Q So, that does happen. Have you done  
 4 anything about that?  
 5 A Not that the -- I thought it was a  
 6 parking issue. Not cars getting stuck.  
 7 Q Okay. What is your understanding of  
 8 the issue?  
 9 A My understanding is that there was  
 10 a -- over by the dunes, it had gone into the  
 11 20th Ave. and had become an issue for parking.  
 12 Q How high is the sand there, do you  
 13 know?  
 14 A No, I don't know.  
 15 Q Do you know if it's been cleared?  
 16 A You know what, I don't know.  
 17 Q And that quad that you talked about,  
 18 at the end of 23rd Avenue, that's a quad that's only  
 19 kept there what, eight, ten weeks a year? How long?  
 20 A Yeah, probably 12 weeks.  
 21 Q Twelve weeks. And the other 40 weeks  
 22 a year, it's kept here?  
 23 A Yes.  
 24 Q On the mainland --  
 25 A Yes.

1 Q -- correct? In the parking lot right  
 2 outside, I would assume, or somewhere around here?  
 3 A Yes.  
 4 Q And the e-mails, let's talk about the  
 5 e-mail for a minute. You have -- I just want to  
 6 clarify. Mr. Wiser made -- I'm sorry. I thought it  
 7 was the email. That's not the e-mail. Why don't  
 8 you put that over there so that it's out of the way.  
 9 Okay.  
 10 So, Mr. Wiser -- where is the A-70? T-25, is  
 11 that what it is?  
 12 A T-25.  
 13 Q T-25. Okay. T-25, is this the  
 14 complete e-mail stream relating to Mr. Wiser's  
 15 questions, do you know, or are there more e-mails  
 16 than this?  
 17 A Those are all the questions, yes. I  
 18 think --  
 19 Q Is there any more to the stream of  
 20 e-mails? You said that you were part of the stream  
 21 of e-mails, correct?  
 22 A Yes, this is the e-mail thread. But  
 23 you're asking, are these the questions? These are  
 24 the questions.  
 25 Q No, I'm asking, are all the e-mails

1 there relative to that thread or are there more  
 2 e-mails outside of that thread on T-25?  
 3 A I don't remember there being a  
 4 continuation of this conversation. I believe this  
 5 is it.  
 6 Q Okay. That's what I'm asking, if  
 7 that's it.  
 8 A I didn't want to get caught in  
 9 another gotcha moment.  
 10 Q I appreciate that. So, just to be  
 11 clear, there's at least one e-mail directly from  
 12 Mr. Wiser to you, Stuart Wiser to Ryan Roth, dated  
 13 December 6, 2016, correct?  
 14 A Correct.  
 15 Q And there is least one e-mail from  
 16 you directly to Mr. Wiser on December 6, 2016,  
 17 wherein it's also addressed to Mr. Camera and it  
 18 says, John and Stuart, correct?  
 19 A Correct.  
 20 Q Okay. Any other e-mails directly  
 21 between you and Mr. Wiser?  
 22 A I don't -- no, no.  
 23 Q Okay. And Mr. Wiser's questions  
 24 about the initial -- the initial question went to  
 25 Mr. Camera for the township, correct, as you

1 understand --  
 2 A Yes.  
 3 Q -- the initial e-mail, I should say?  
 4 A Yes.  
 5 Q And that contained four questions.  
 6 And those questions related to exhibits that were  
 7 marked in this proceeding, correct, to the best of  
 8 your knowledge?  
 9 A Correct.  
 10 Q Okay. So, the first question from  
 11 Mr. Wiser, this is December 2nd, 2016, correct? And  
 12 it says, John, didn't get a chance to speak with you  
 13 last night. That's Mr. Camera, correct? Yes?  
 14 A That's my understanding, yes.  
 15 Q Okay. Hope you had a good  
 16 Thanksgiving. There are certain entries on the  
 17 exhibits entered by the police department that I  
 18 need help in understanding. These are rather minor  
 19 issues. I don't want to waste the board's time  
 20 during a meeting. Can you coordinate with the chief  
 21 for the following. And then it has four questions,  
 22 correct?  
 23 A Correct.  
 24 Q First question, Exhibit T-10,  
 25 right-hand column. Employee list has numbers. What

1 do these signify? Correct? So, he's asking a  
 2 specific question about the content of an exhibit,  
 3 T-10, correct?  
 4 A Correct.  
 5 Q That's how you understand it. And  
 6 then T-21, the page one of many, if not most, of the  
 7 incident reports lists times on the right-hand side  
 8 of the page under narrative, with no indication of  
 9 what the times indicate. Can someone explain? So,  
 10 in that one, he's asking for an explanation of an  
 11 exhibit, correct?  
 12 A Correct.  
 13 Q And then he goes on to comment, my  
 14 version of the incident report for 132760014, has no  
 15 page one, can that be supplied? Correct?  
 16 A Correct.  
 17 Q Now, is that an exhibit, that  
 18 incident report, or is that something that's not  
 19 been marked as an exhibit, if you know?  
 20 A That has -- that is one missing page  
 21 from Exhibit T-21.  
 22 Q Okay. All right. And then he goes  
 23 on, number three, Exhibit T-22. Many of the  
 24 response times appear to be one second or less. Is  
 25 that due to calls being officer initiated from the

1 scene? Again, asking a content question about the  
 2 exhibit, correct?  
 3 A Correct.  
 4 Q He's asking for an explanation?  
 5 A Yes.  
 6 Q All right. And then question number  
 7 four, T-23, a number of the dispatched time and  
 8 arrival time entries are either the same or very  
 9 close. Again, could that be due to the calls being  
 10 officer initiated from the scene? Do you see that?  
 11 A I do see that.  
 12 Q So, again, asking for an explanation.  
 13 So, it's not simply missing pages that he's asking  
 14 for, correct?  
 15 A Correct.  
 16 Q And these were exhibits that were  
 17 introduced in this proceeding and testimony was  
 18 given by you or others about these exhibits,  
 19 correct?  
 20 A Correct.  
 21 Q And now he's asking for information  
 22 from Mr. Camera about those exhibits. And then,  
 23 eventually, that gets sent -- Mr. McGuckin was cc'd  
 24 on this e-mail, correct? And, eventually, that gets  
 25 sent to you to respond to and you have a direct

1 dialogue with Mr. Wiser, short though it may be,  
 2 correct?  
 3 A Correct. Asking him what the  
 4 exhibits refer to.  
 5 Q So, there was a discussion in writing  
 6 of testimony or about exhibits that were entered in  
 7 testimony outside of this hearing and, certainly, I  
 8 wasn't included in that, correct?  
 9 A Correct.  
 10 Q And none of my clients were included  
 11 in that, correct?  
 12 A Correct.  
 13 MR. MICHELINI: Thank you. No  
 14 further questions.  
 15 MR. WISER: I just, I do have one  
 16 follow-up question. I apologize. Has to do with  
 17 your comment about if the bridge is up and the  
 18 ability to get to the island. Is that a rather  
 19 frequent occurrence?  
 20 THE WITNESS: No, that's a rare  
 21 occurrence.  
 22 MR. WISER: Any idea, like when you  
 23 say rare, what are you --  
 24 THE WITNESS: I'm just speaking from  
 25 personal experience. I can only think of one time

1 it happened to me. But I wouldn't know the rate in  
 2 which they open and close it.  
 3 MR. WISER: And how do you --  
 4 apologies if this is a stupid question -- how do you  
 5 get to the island if the bridge is up? You got to  
 6 wait for it to come down or is there some --  
 7 THE WITNESS: You wait or you go  
 8 further north. But you would have to ask Seaside  
 9 Park for assistance.  
 10 MR. WISER: Okay.  
 11 THE WITNESS: Or State Park Police.  
 12 MR. WISER: Okay. Thank you.  
 13 FURTHER EXAMINATION BY MR. MICHELINI:  
 14 Q Just a couple follow-ups on that. I  
 15 understand, and I'll make a representation that at  
 16 least in the summertime, that bridge is open every  
 17 hour on the half hour, okay? Does that sound  
 18 correct to you, or you don't know?  
 19 A I don't know.  
 20 Q So, you don't really know, but that  
 21 would be -- that would be pretty often, wouldn't it,  
 22 in the summer, if it's open every hour on the half  
 23 hour?  
 24 A Yes.  
 25 Q And if you had to go further north to

1 get over to the barrier peninsula, you'd have to go  
 2 all the way up to Mantoloking Road, wouldn't you?  
 3 A Yes.  
 4 Q How long would that take you from  
 5 this location or, actually, from my Route Nine  
 6 example, to go up to Mantoloking Road? You'd have  
 7 to go up Hooper Avenue and then eventually get to  
 8 Mantoloking Road and make a right and go several  
 9 miles and over the bridge and then down. Probably  
 10 take you an hour, wouldn't it, at least, even going  
 11 40 or 50 miles an hour?  
 12 A I'm not sure. What you're asking  
 13 sounds pretty accurate, but I can't speak on that  
 14 one.  
 15 MR. MICHELINI: Thank you.  
 16 MR. MCGUCKIN: Lieutenant, or you  
 17 could just wait for the bridge to go down?  
 18 THE WITNESS: Yes.  
 19 MR. WINWARD: I also had a question,  
 20 quick question, clarification. But wouldn't  
 21 there -- there is already at any given time in the  
 22 summer already officers over there on the island?  
 23 THE WITNESS: Yes.  
 24 MR. WINWARD: So, this would be just  
 25 additional personnel coming?

1 THE WITNESS: Correct.  
 2 MR. WINWARD: Thank you.  
 3 MR. MCGUCKIN: Are you done?  
 4 MR. MICHELINI: Yes. Thank you.  
 5 (Witness excused.)  
 6 (Off the record.)  
 7 MR. MICHELINI: Who do they have  
 8 next? I don't know who's available.  
 9 DETECTIVE MICHAEL TIER, recalled.  
 10 EXAMINATION BY MR. MICHELINI:  
 11 Q Okay. Detective, right, you are a  
 12 detective?  
 13 A Yes.  
 14 Q You're in a suit?  
 15 A Yes.  
 16 Q Okay. Detective Tier, couple of  
 17 questions. I believe you testified that after --  
 18 you testified mainly about Superstorm Sandy and the  
 19 response that the police had after Superstorm Sandy,  
 20 correct?  
 21 A Yes.  
 22 Q And you were -- you were intimately  
 23 involved in that, correct?  
 24 A Yes.  
 25 Q I believe you testified that there

1 were three officers over in South Seaside Park 24/7.  
 2 Do you recall that testimony?  
 3 A I do.  
 4 Q And there were two at a checkpoint  
 5 and one roving, correct?  
 6 A Correct.  
 7 Q That's what your testimony indicated.  
 8 In addition, you said there was a daytime officer at  
 9 a command post --  
 10 A That's correct.  
 11 Q -- right after Superstorm Sandy? Is  
 12 that in addition to the three -- the three officers  
 13 or is that including the three officers?  
 14 A The three officers were during the  
 15 evening hours. So, there was always at least three,  
 16 twenty-four hour period.  
 17 Q Right.  
 18 A One at a checkpoint at the very  
 19 northernmost end of South Seaside Park. The one  
 20 roving guy. And then there was someone at a  
 21 checkpoint in the entrance to Pelican Island. So,  
 22 three total in the beach sector. And then the one  
 23 guy at the command post, which was usually me, no,  
 24 that was not part of the three.  
 25 Q That was at the mobile command post?

1 A Correct, which was down on 24th and  
 2 Central.  
 3 Q And then you said, I believe it was  
 4 you who said there were up to seven officers there  
 5 at any given time during the day at times; is that  
 6 correct?  
 7 A Correct. During the main, like  
 8 daylight hours, eight to four, yes, that was  
 9 augmented by New Jersey State Police. State Police  
 10 from other states and additional Berkeley officers.  
 11 Q So, the seven included those other  
 12 officers or was it Berkeley officers or both?  
 13 A It was a combination of the two.  
 14 Q Okay. So, there was a lot of money  
 15 being put out and spent in police protection from  
 16 Berkeley's standpoint, certainly. You had three  
 17 officers there 24/7. Plus, you had somebody in the  
 18 command post, that's four. And then you had  
 19 anywhere from two to three -- or one to three  
 20 additional officers from Berkeley to make your  
 21 seven, correct?  
 22 A That's correct.  
 23 Q And how long did that go on? Couple  
 24 weeks? A month? Two months?  
 25 A I can't give you an exact amount of

1 time. But I know that somewhere in and around  
 2 first -- last week of November, first week of  
 3 December, I believe that's when we stopped manning  
 4 the command post for registrations.  
 5 Q All right. So, it was at least a  
 6 month?  
 7 A Yeah, at least a month.  
 8 Q And did you apply for the  
 9 reimbursements to FEMA? Is that your job?  
 10 A No, I did not handle the  
 11 reimbursements for Sandy.  
 12 Q Did you assist in the application for  
 13 reimbursements?  
 14 A I did not.  
 15 Q Who did that?  
 16 A I can't give you a definite answer  
 17 who did that.  
 18 Q Okay. You don't know?  
 19 A I don't know.  
 20 Q Do you know how much police overtime  
 21 was spent after Sandy, dealing with Sandy issues,  
 22 let's say, in the several months after Sandy?  
 23 A I do not.  
 24 Q Would it be accurate to say that it  
 25 was very significant, given the problems that

1 occurred as a result of Superstorm Sandy?  
 2 A Yes.  
 3 Q And with regard to -- with regard to  
 4 specials, did you also have the specials over there  
 5 then or no?  
 6 A Berkeley Township police didn't have  
 7 specials at that time.  
 8 Q Okay. So, this is 2012, you didn't  
 9 have any?  
 10 A No.  
 11 Q When did the specials start going  
 12 over there?  
 13 A I'm going to say 2015, I believe. I  
 14 don't think that we had them on the road when I was  
 15 still working in patrol. So, I'm going to say 2015.  
 16 Q How long have you been out of patrol  
 17 and as a detective now?  
 18 A I went to detective bureau February  
 19 of 2015.  
 20 Q And do you know how many specials  
 21 work over in Seaside -- South Seaside Park?  
 22 A My understanding is that there's, in  
 23 the summertime, there's one class two, 24 hours a  
 24 days. And there's multiple shifts. Then there's a  
 25 series of class ones that provide crosswalk support.

1 I really don't know what their schedules look like.  
 2 Q Without telling me the hours of the  
 3 shifts, is it safe to assume there's three shifts?  
 4 A I'll be honest, I really don't know.  
 5 You could put all the class twos in front of me and  
 6 I don't know if I could tell you all their names, to  
 7 be honest with you.  
 8 Q I'm just asking shifts. How many  
 9 shifts?  
 10 A I don't know. I don't know what they  
 11 work.  
 12 Q But there's a class two there 24/7 in  
 13 the summer, correct?  
 14 A Yes.  
 15 Q So, it would have to be more than one  
 16 class two officer unless you have one guy working 24  
 17 hours?  
 18 A I don't think OSHA would allow that  
 19 but --  
 20 Q Yes. All right. We understand each  
 21 other?  
 22 A Yep.  
 23 Q And the class ones would  
 24 Lieutenant Roth's estimate of approximately nine to  
 25 11, in that range, be accurate, or you don't know?

1 A I don't know.  
 2 Q Okay. Do you have any idea what it  
 3 costs to have a class one or class two officer?  
 4 A I don't.  
 5 Q And all the class ones work over in  
 6 South Seaside Park, to your knowledge, correct?  
 7 A To my knowledge, yes, that's correct.  
 8 Q And the class twos also work in  
 9 Pelican Island --  
 10 A Yes.  
 11 Q -- right? You talked about there  
 12 being a hundred tons of sand put on the beach. Do  
 13 you remember that? I don't know if you recall that.  
 14 You talked in the aftermath of the storm, a  
 15 hundred tons of sand was brought onto the beach.  
 16 That was your testimony.  
 17 A I don't remember saying that. Any  
 18 testimony I gave in reference to the beach were --  
 19 is information I received from James Sperber, who's  
 20 the head of parks and beaches.  
 21 Q Okay. So, you didn't have personal  
 22 knowledge --  
 23 A No.  
 24 Q -- how much sand was put on the  
 25 beach, correct?

1 A No, but I would take it from a guy  
 2 who runs the dune and beach.  
 3 Q And do you know if that was put on  
 4 all the beach, including the private portions of  
 5 midway?  
 6 A I don't know that.  
 7 Q Okay. And do you know what kind  
 8 of -- was it put on with an 80-ton truck?  
 9 A I don't know.  
 10 Q You don't know how many truckloads it  
 11 was? It could have been ten or three, depending on  
 12 how much the truck took?  
 13 A No, sir, I don't know.  
 14 Q Now, Don Whiteman provided a list of  
 15 contractors. I believe you mentioned that. Was  
 16 that helpful? Maybe you didn't mention that.  
 17 A I believe that was the chief that  
 18 gave that testimony. But I do know of the list.  
 19 Q And that was used by the police  
 20 department, correct?  
 21 A Well, it was kind of from us given to  
 22 the rest of the residents of South Seaside Park,  
 23 because we can't recommend --  
 24 Q Right. But it was something that you  
 25 thought it trustworthy enough to utilize, correct?

1 A Sure, yes.  
 2 Q You don't have any problems with  
 3 Mr. Whiteman, correct?  
 4 A No.  
 5 Q Do you have any idea who would know  
 6 in the police department how much Superstorm Sandy  
 7 cost the police department?  
 8 A What part of the police department?  
 9 Man hours? Vehicles?  
 10 Q Any of it.  
 11 A I would assume you'd have to speak to  
 12 people who were in charge of the time and attendance  
 13 type, you know, taking care of payroll. Then you  
 14 have to talk to whoever takes care of vehicles. I  
 15 don't know.  
 16 Q You don't know?  
 17 A I don't know.  
 18 Q And if you could, do you know who did  
 19 the FEMA reimbursement request?  
 20 A I don't know.  
 21 Q I assume there were some for the  
 22 police department, correct?  
 23 A Yes, but I didn't do them.  
 24 Q Do you know if they were -- if the  
 25 police department was reimbursed?



1 A I don't know the answer to that.  
 2 Q And the cost of the class one and  
 3 class two officers, do you know where that money  
 4 comes from? Is that just -- is there any special  
 5 fund that pays for that?  
 6 A I don't know the answer to that.  
 7 MR. MICHELINI: I have no further  
 8 questions of Detective Tier. Thank you very much.  
 9 I don't know if anyone else has questions.  
 10 MR. WINWARD: Stu, do you have any  
 11 anything for --  
 12 MR. WISER: Just a few.  
 13 What are -- can you refresh our  
 14 memory as to what your job responsibilities are?  
 15 What portion of the police department falls under  
 16 your command?  
 17 THE WITNESS: I don't command  
 18 anything. Just start that. All right. I'm  
 19 currently assigned to the Detective Bureau. My  
 20 primary function is white collar crimes. And I also  
 21 do narcotics investigations. I'm also assigned as a  
 22 deputy coordinator in the Office of Emergency  
 23 Management. And as part of that, I'm the LESO  
 24 coordinator for the town.  
 25 MR. WISER: I'm sorry. The what

1 coordinator?  
 2 THE WITNESS: LESO coordinator.  
 3 MR. WISER: For the town?  
 4 THE WITNESS: Law enforcement support  
 5 offices, the 1033 program where you get all the  
 6 surplus equipment from the federal government.  
 7 MR. WISER: Okay. There was  
 8 testimony about a generator. I'm assuming that this  
 9 falls within your area of knowledge or  
 10 responsibility, if not command?  
 11 THE WITNESS: I don't command  
 12 anything. Let's get that straight.  
 13 MR. WISER: There was a contention or  
 14 an assertion there was a generator purchased,  
 15 standalone generator, for the emergency evacuation  
 16 system in order to be self-sustaining in case of an  
 17 emergency, that the township wouldn't have to rely  
 18 on other entities. The contention being -- and I  
 19 apologize, I'm just going from my notes -- that this  
 20 generator and the evacuation center is not going --  
 21 and this is a, quote -- is not going to do any good  
 22 for anyone in South Seaside Park and they are still  
 23 going to be at the mercy of other entities,  
 24 Toms River High School, Seaside Park Fire  
 25 Department, Tri-Borough First Aid.

1 I take it that this generator is part  
 2 of a township evacuation center; is that correct?  
 3 THE WITNESS: Okay. So, yes, a  
 4 generator was procured. It's up in Holiday City at  
 5 one of the clubhouses. All right. It's not in any  
 6 way, shape or form meant to be a long-term facility  
 7 for people to stay at. I think the idea behind it  
 8 was for more of like a warming or cooling center if  
 9 people needed to be evacuated in the event of a --  
 10 if it's on the west side -- on the east side of the  
 11 town flooding, so, or not long-term power outages,  
 12 you know, for people to go get warm, charge their  
 13 cell phones, or if it was the summertime, go get  
 14 some air conditioning. It's not a -- it's not meant  
 15 to be a long-term facility for people to live in.  
 16 MR. WISER: In terms of how you  
 17 operate -- is that the only facility in the  
 18 township, similar facility?  
 19 THE WITNESS: There are other  
 20 facilities that are available throughout the  
 21 township to be utilized.  
 22 MR. WISER: Would that be a facility  
 23 where the folks from South Seaside Park, if they  
 24 needed to avail themselves --  
 25 THE WITNESS: Absolutely.

1 Absolutely.  
 2 MR. WISER: Is that the closest  
 3 facility to South Seaside Park?  
 4 THE WITNESS: It's the, probably the  
 5 easiest drive. It's a straight line down 37, then a  
 6 turn into Holiday City off of 37.  
 7 MR. WISER: Okay. Thank you. I'm  
 8 going to go through some of the same -- you were  
 9 here and you heard me go through the litany of  
 10 services, trying to whittle them down as to whether  
 11 you know whether Seaside Park has those same  
 12 services.  
 13 Specialized training in the area of  
 14 arsons?  
 15 THE WITNESS: I don't know.  
 16 MR. WISER: Narcotics?  
 17 THE WITNESS: I don't know.  
 18 MR. WISER: Financial crimes?  
 19 THE WITNESS: I don't know.  
 20 MR. WISER: Designated juvenile  
 21 detectives?  
 22 THE WITNESS: I don't know.  
 23 MR. WISER: Do they do their own  
 24 crime scene processing?  
 25 THE WITNESS: I don't know.

1 MR. WISER: Electronic surveillance  
2 capabilities?  
3 THE WITNESS: I don't know.  
4 MR. WISER: Evidence processing  
5 areas?  
6 THE WITNESS: I don't know.  
7 MR. WISER: Digitally encrypted radio  
8 system?  
9 THE WITNESS: I don't know.  
10 MR. WISER: Firearms range or  
11 firearms issues?  
12 THE WITNESS: Pretty sure every  
13 police department is required to have firearms  
14 training, so, but I don't know what their structure  
15 is.  
16 MR. WISER: Okay. Police boats?  
17 THE WITNESS: I don't know.  
18 MR. WISER: Underwater search and  
19 rescue?  
20 THE WITNESS: I don't know.  
21 MR. WISER: Are they part of the  
22 Ocean County Regional Urban Strike Team?  
23 THE WITNESS: I don't know.  
24 MR. WISER: Hazmat team?  
25 THE WITNESS: I don't know.

1 MR. WISER: Not sure whether this is  
2 an item for you or not. Has the Detective Bureau  
3 responded to anything over in South Seaside Park in  
4 the last year?  
5 THE WITNESS: Okay. So, in the last  
6 year, yes, I think I went over the beach maybe once  
7 or twice. Not for any major incidents. But I know  
8 that I've had Sandy related fraud, people raising  
9 their houses and contractor issues, things like  
10 that.  
11 MR. WISER: Would that be under the  
12 financial crimes --  
13 THE WITNESS: Yes.  
14 MR. WISER: -- heading? Okay. So,  
15 with my next question, do you have any financial  
16 crimes in the last year over at South Seaside Park.  
17 So, is there anything beyond what we read in the  
18 paper about Sandy? Sandy -- I'm sorry. Poorly  
19 worded question.  
20 Have you responded to South Seaside  
21 Park for financial crimes, other than those that  
22 might be Sandy related?  
23 THE WITNESS: I don't think so. I  
24 don't believe so. It's probably the majority, if  
25 not all, Sandy related.

1 MR. WISER: Okay. Other than that,  
2 standard question I have, how would your job change  
3 if de-annexation were to occur?  
4 THE WITNESS: I don't think it would  
5 change a whole lot. I mean, for my day-to-day  
6 responsibilities as a detective, I don't think it  
7 would really be -- really change at all. But as far  
8 as the OEM goes, just planning, when there's an  
9 incoming storm, that could affect the beach sector.  
10 That's really -- it's just planning, that's all.  
11 MR. WISER: That planning would  
12 include the mainland bayfront neighborhoods as well,  
13 right?  
14 THE WITNESS: Correct. Correct.  
15 MR. WISER: So, would there -- would  
16 you envision a large dropoff in responsibilities?  
17 THE WITNESS: No. No. Berkeley  
18 Township -- Berkeley Township could experience, you  
19 know, wildfires, flooding. You know, there's a lot  
20 of hazards that we could experience. So, no, I'm  
21 not going to have a huge dropoff in  
22 responsibilities. Just 1,100 homes that, you know,  
23 wouldn't have to worry about evacuation for, nor to  
24 flood.  
25 MR. WISER: Just out of curiosity, I

1 just want to take a step back. This is my last  
2 question. In terms of the financial crimes and the  
3 Sandy related issues that you deal with over in  
4 South Seaside Park, is it a correct assumption to  
5 say that you deal with similar issues on the  
6 mainland?  
7 THE WITNESS: Yes. Yes.  
8 MR. WISER: Is it --  
9 THE WITNESS: Quite a few.  
10 MR. WISER: Is there any correlate --  
11 more or less on the island versus, or in South  
12 Seaside Park versus the mainland, is there is any  
13 correlation?  
14 THE WITNESS: I would say that  
15 there's way more here on the mainland because our  
16 bayfront here on the mainland suffered worse  
17 flooding than what the beach sector did. Well, with  
18 the exception of Pelican Island. But South Seaside  
19 Park didn't experience the flooding that the  
20 bayfront and mainland did.  
21 MR. WISER: Okay. Thank you. I  
22 don't think I have anything else.  
23 MR. MICHELINI: Couple follow-ups.  
24 MR. WINWARD: Sure. Go ahead.  
25

1 FURTHER EXAMINATION BY MR. MICHELINI:  
 2 Q Detective Tier, just to follow up on  
 3 that. Your testimony was that in the past year,  
 4 you've had one or two Sandy related white collar  
 5 issues over in South Seaside Park. How many have  
 6 you had on the mainland? More than ten?  
 7 A Sandy related only?  
 8 Q Well, start Sandy related, yeah.  
 9 A I don't know. Five, six. Five or  
 10 six.  
 11 Q What about other white collar crimes?  
 12 You said there were none over on the main -- over on  
 13 South Seaside Park, that you could recall.  
 14 A No.  
 15 Q How about on the mainland, what's  
 16 your -- are there a lot of white collar crimes?  
 17 A Yeah, come over and look at my desk.  
 18 Q I bet you it's piled high.  
 19 A Yeah.  
 20 Q So, there's a significant amount of  
 21 white collar crime on the mainland, unfortunately?  
 22 A Yes.  
 23 Q Okay. And would it be accurate to  
 24 say that South Seaside Park is a low crime area?  
 25 A Yes.

1 Q But for Superstorm Sandy, you might  
 2 not have any white collar crime that you could talk  
 3 about, correct, in the last year or two?  
 4 A Superstorm Sandy related?  
 5 Q I said except for Superstorm Sandy.  
 6 A None that's been reported, no.  
 7 Q Okay. And what about narcotics, you  
 8 also do narcotics, right?  
 9 A Yes.  
 10 Q That's a big problem on the mainland,  
 11 correct?  
 12 A That's a big problem everywhere.  
 13 Q Well, that's right. I agree with  
 14 that. But as compared with South Seaside Park,  
 15 comparing that with the mainland, it's a bigger  
 16 problem on the mainland, is it not?  
 17 A Yes.  
 18 Q In fact, in Holiday City, there's  
 19 certain pockets in the town that have even bigger  
 20 problems than other areas on the mainland itself?  
 21 A I'm not going to identify certain  
 22 sections. But, yeah.  
 23 Q But, generally, the answer is yes,  
 24 correct?  
 25 A Yes.

1 Q And as far as narcotics go, that's  
 2 still -- in terms of narcotics in South Seaside Park  
 3 and your involvement, would it be accurate to say  
 4 that it's not a very significant involvement as  
 5 compared with the mainland?  
 6 A I would say yes. It might be there  
 7 and it doesn't get reported, but --  
 8 Q But it's --  
 9 A Yes.  
 10 Q In terms of reportable crime, there's  
 11 not much --  
 12 A Yes.  
 13 Q -- over there, correct?  
 14 A Correct.  
 15 Q If de-annexation were to occur, would  
 16 you expect that the officers in Seaside Park would  
 17 do an adequate job in terms of policing this low  
 18 crime area of South Seaside Park?  
 19 A I'm not going to give an opinion on  
 20 anybody's ability. I don't know a whole lot of  
 21 other Seaside Park officers. I would assume they  
 22 would do a adequate job.  
 23 Q You would assume it because they're  
 24 officers like you, correct?  
 25 A Yeah.

1 Q I mean, there is a certain sense of  
 2 responsibility when you're a police officer. You do  
 3 your job regardless of what town you're in, right?  
 4 A Yeah, I would assume they would do an  
 5 adequate job.  
 6 Q And the distance from the -- that --  
 7 where is that generator in Holiday City, is that  
 8 like a hall or something?  
 9 A Yes, it's a large like meeting hall.  
 10 Q Is it one of the association's  
 11 buildings?  
 12 A It's one of the clubhouses.  
 13 Q Okay. Clubhouse. And that distance  
 14 from Holiday City to South Seaside Park is probably  
 15 14 or 15 miles. But it's a straight shot, as you  
 16 said, more or less?  
 17 A Yeah, I'd say somewhere between 12 to  
 18 15 miles, yeah.  
 19 Q Are there other areas closer in other  
 20 towns? Because there are a number of other towns  
 21 that are closer. Seaside Heights, Toms River,  
 22 Island Heights. Do you know if there are other  
 23 facilities, such as, high schools or other buildings  
 24 where they can get the same services in another  
 25 town?

1 A I would say that there's similar  
 2 structures that they will pass. But I don't know  
 3 how those towns designate their use, so --  
 4 Q So, you don't know?  
 5 A So, I don't know the answer to that.  
 6 MR. MICHELINI: Thank you very much.  
 7 MR. WINWARD: Thank you so much.  
 8 THE WITNESS: All right.  
 9 (Witness excused.)  
 10 MR. MICHELINI: I think unless  
 11 Mr. Wiser really has questions, in which case I  
 12 would ask questions, I think we've asked enough  
 13 questions of the police. And it's going to end up  
 14 mainly being repetitive. So, I would really waive  
 15 any opportunity to ask further questions of the  
 16 remaining police officers, because I think we're  
 17 just going to go over ground that we've already gone  
 18 over.  
 19 MR. WINWARD: So, after this evening,  
 20 you wouldn't require their presence here?  
 21 MR. MICHELINI: Of the police, that's  
 22 correct.  
 23 MR. WINWARD: Okay.  
 24 MR. MICHELINI: Now, there was -- I  
 25 believe Mr. Geoghegan testified. He was not a police

1 officer. You know, I would reserve to ask him  
 2 questions. I don't know if he's here. Is he here?  
 3 MR. MCGUCKIN: I don't see him.  
 4 MR. MICHELINI: And there was  
 5 significant testimony by Officer Bondulich. But I  
 6 believe he is in Florida; is that correct? He  
 7 retired. I was not given any notice of that. And I  
 8 just register a formal objection as to that, because  
 9 he did -- he had some significant testimony that I  
 10 am prepared to cross-examine him on. But as to the  
 11 other officers, I don't see any need, so --  
 12 MR. WINWARD: Mr. Wiser, do you have  
 13 any questions for anybody else at the Berkeley  
 14 Police Department?  
 15 MR. WISER: Probably, but I would  
 16 agree with Mr. Michelini that any questions I have  
 17 would be far outweighed by letting these gentlemen  
 18 go home and get back to their families, and lady.  
 19 MR. MICHELINI: It was my idea.  
 20 MR. WISER: No questions.  
 21 MR. WINWARD: We thank the Berkeley  
 22 Township Police Department for all your cooperation  
 23 in this matter.  
 24 Do you have anything else?  
 25 MR. MICHELINI: Well, I'm not

1 presenting witnesses at this point. So, unless  
 2 there's somebody else to be cross-examined, then the  
 3 only other person that isn't here to be  
 4 cross-examined that would have testified, other than  
 5 police, is Kevin Geoghegan.  
 6 MR. WINWARD: What was his position?  
 7 Who is he?  
 8 MR. MICHELINI: He was an EMS guy.  
 9 MR. MCGUCKIN: EMS.  
 10 MR. WINWARD: Oh, yes. Yes.  
 11 MR. MCGUCKIN: Do you want him for  
 12 the next meeting?  
 13 MR. MICHELINI: I'll let you know.  
 14 Let me look over my notes. I saw that he wasn't  
 15 here. I do have cross for him. But I'll let --  
 16 I'll revisit that. Because I don't want to waste  
 17 anybody's time.  
 18 MR. WISER: I can tell you that there  
 19 were just -- there was some things that he testified  
 20 to that I didn't particularly understand. And so as  
 21 not to get into another e-mail situation, if we can  
 22 bring him in, so I could have just some  
 23 clarification on his --  
 24 MR. MCGUCKIN: Let's see if we can  
 25 bring him in for the next meeting.

1 MR. WINWARD: Okay.  
 2 MR. MICHELINI: Just, for the record,  
 3 Mr. Camera was kind enough to let me know tonight  
 4 that the DPW people will be here next time. And I  
 5 would certainly anticipate trying to get through  
 6 them next time, so that --  
 7 MR. WINWARD: Department of Public  
 8 Works?  
 9 MR. MICHELINI: Yes.  
 10 MR. WINWARD: For the next meeting?  
 11 MR. MICHELINI: Yes, that's my  
 12 understanding. If that changes, Mr. McGuckin will  
 13 let me know, I'm sure. And I would say --  
 14 MR. MCGUCKIN: Also bring Mr.  
 15 Geoghegan in.  
 16 MR. MICHELINI: Okay. And I would  
 17 request that if we -- that I would just make a  
 18 request that the board consider that if we are  
 19 reached, let's say, at seven o'clock, that we can  
 20 maybe extend and go to ten o'clock so that we can  
 21 get these hearings done. They've been inordinately  
 22 long. I'm sure everybody's tired and wants to get  
 23 them over with. So, if that's possible, I throw  
 24 that out there. That would be our request, to keep  
 25 them moving.

1 Many times we don't get reached until  
 2 eight, so we just end up ending at ten anyway. But  
 3 if we get reached at seven, perhaps we can go till  
 4 ten to keep it moving and to get through it faster.

5 MR. WINWARD: We'll take that under  
 6 consideration.

7 MR. MICHELINI: Thank you.

8 MR. WINWARD: Sort of varies from  
 9 month to month depending on the scope of the  
 10 applications.

11 MR. MICHELINI: Sure.

12 MR. WINWARD: We had a very thorough  
 13 one this evening.

14 MR. MICHELINI: I understand.

15 MR. WINWARD: Last month, we had  
 16 nothing.

17 MR. MICHELINI: Right. Thank you  
 18 very much. Have a good evening.

19 MR. WINWARD: Thank you so much for  
 20 the testimony and questions.

21 (Matter adjourned.)  
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I, LINDA SULLIVAN-HILL, a Notary

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

*Linda Sullivan-Hill*  
~~Notary Public of the State of New Jersey~~  
 My Commission expires January 26, 2021

Dated: February 23, 2017

\$	7	43/20 43/20 44/22 44/24 46/3 48/17 48/25 51/22 52/6 55/2 59/5 61/5 61/6 61/20 62/5 63/4 65/18 66/5 67/5 70/25 71/7 71/10 77/8 78/22 allow [1] 61/18 allowing [1] 21/23 ALPR [1] 35/12 already [8] 15/21 20/12 30/23 36/10 40/3 55/21 55/22 77/17 also [14] 2/11 14/25 18/22 23/13 26/13 26/25 49/17 55/19 60/4 62/8 65/20 65/21 74/8 80/14 although [1] 29/20 always [4] 13/25 36/22 36/22 57/15 am [1] 78/10 amount [4] 37/23 38/1 58/25 73/20 and/or [1] 28/14 annexation [7] 1/5 20/5 24/17 42/10 46/3 71/3 75/15 annual [1] 9/21 another [3] 49/9 76/24 79/21 answer [14] 11/10 23/12 25/18 27/1 27/2 27/13 29/15 31/25 33/19 59/16 65/1 65/6 74/23 77/5 answered [4] 29/17 29/19 29/20 33/16 answers [1] 26/22 antenna [1] 8/12 antennas [1] 8/15 anticipate [2] 44/24 80/5 any [61] 6/1 6/10 8/22 9/4 9/9 10/2 14/19 16/19 17/1 17/2 17/2 18/10 19/2 19/2 20/4 27/5 27/15 30/2 30/7 30/20 31/4 31/9 31/13 31/21 32/13 32/20 35/6 36/6 36/12 36/18 39/10 39/11 39/17 42/2 46/5 46/17 48/19 49/20 53/22 55/21 58/5 60/9 62/2 62/17 64/2 64/5 64/10 65/4 65/10 66/21 67/5 70/7 70/15 72/10 72/12 74/2 77/15 78/7 78/11 78/13 78/16 anybody [3] 26/5 42/16 78/13 anybody's [3] 30/18 75/20 79/17 anyone [3] 27/6 65/9 66/22 anything [15] 9/10 9/14 12/18 31/11 34/24 35/15 36/23 47/4 65/11 65/18 66/12 70/3 70/17 72/22 78/24 anyway [1] 81/2 anywhere [4] 13/19 13/20 18/8 58/19 apologies [1] 54/4 apologize [4] 22/3 30/13 53/16 66/19 appear [1] 51/24 APPEARANCES [1] 2/2 application [1] 59/12 applications [1] 81/10 apply [1] 59/8 Applying [1] 42/5 appointment [1] 13/20 appreciable [1] 32/20 appreciate [1] 49/10 appropriate [1] 28/22 approximately [1] 61/24 are [51] 5/10 5/16 5/22 8/18
\$13 [1] 5/14 \$41,900 [1] 4/20	70 [3] 17/12 17/13 48/10 732 [1] 1/25	
0	8	
0001 [1] 1/25 08527 [1] 1/25 08723 [1] 2/7 08731 [1] 2/4	80-ton [1] 63/8 833-0001 [1] 1/25 8:05 [1] 1/8	
1	A	
1,100 [1] 71/22 10 [2] 50/24 51/3 1033 [1] 66/5 11 [2] 11/20 61/25 12 [2] 47/20 76/17 12/21/2016 [2] 3/13 17/11 132760014 [1] 51/14 14 [2] 38/22 76/15 15 miles [2] 76/15 76/18 16 [1] 45/12 16 miles [2] 37/22 45/11 166 [1] 45/20 17 [1] 2/7 1st [1] 19/24	A-69 [2] 20/14 23/23 A-70 [3] 17/12 17/13 48/10 ability [2] 53/18 75/20 able [4] 27/13 44/25 45/4 45/23 about [53] 5/21 6/3 6/20 7/5 7/10 8/10 8/12 8/16 8/16 8/19 9/16 10/8 12/12 13/10 13/11 14/25 15/7 16/14 17/15 17/21 17/22 17/23 18/14 18/17 22/8 28/7 30/7 31/11 31/24 40/20 40/21 42/18 44/11 46/20 47/4 47/17 48/4 49/24 51/2 52/1 52/18 52/22 53/6 53/17 56/18 62/11 66/8 70/18 71/23 73/11 73/15 74/3 74/7 above [2] 23/10 23/13 Absolutely [2] 67/25 68/1 abuse [2] 37/1 37/13 accessibility [1] 37/19 accident [11] 5/7 14/22 15/6 15/12 15/19 15/20 15/20 15/24 35/3 35/8 40/14 accidents [1] 14/18 accurate [6] 55/13 59/24 61/25 73/23 75/3 82/7 acknowledged [1] 16/21 actions [1] 31/1 actual [1] 31/18 actually [2] 21/14 55/5 add [1] 9/7 adding [1] 28/14 addition [3] 44/4 57/8 57/12 additional [3] 55/25 58/10 58/20 addressed [1] 49/17 adequate [3] 75/17 75/22 76/5 adjoin [1] 43/13 adjourned [1] 81/21 administrator [1] 29/13 admit [1] 25/10 advance [1] 14/10 advertise [1] 12/20 advised [1] 29/2 affect [1] 71/9 affirmative [1] 28/11 after [12] 8/23 8/24 33/5 40/3 46/23 46/24 56/17 56/19 57/11 59/21 59/22 77/19 aftermath [1] 62/14 again [4] 17/8 52/1 52/9 52/12 agencies [2] 36/20 36/20 agree [4] 15/3 44/2 74/13 78/16 ahead [2] 12/21 72/24 Aid [1] 66/25 air [1] 67/14 all [49] 5/19 6/8 6/13 6/20 7/12 8/2 8/21 10/2 11/25 12/3 12/6 13/4 16/10 16/25 27/23 28/10 28/16 29/5 29/18 29/25 38/17 40/3 42/12 42/13 43/16	
2		
20 [1] 45/16 2012 [1] 60/8 2015 [3] 60/13 60/15 60/19 2016 [8] 3/13 17/11 19/24 23/5 39/6 49/13 49/16 50/11 2017 [2] 1/7 82/16 2021 [1] 82/14 20th Ave [1] 47/11 20th Street [1] 46/24 21 [2] 51/6 51/21 22 [1] 51/23 23 [2] 52/7 82/16 23rd [1] 39/5 23rd Avenue [1] 47/18 24 [2] 60/23 61/16 24.95 [1] 5/12 24/7 [3] 57/1 58/17 61/12 24th [1] 58/1 25 [7] 14/23 22/12 48/10 48/12 48/13 48/13 49/2 25 mile [1] 12/19 26 [1] 82/14 2nd [8] 18/23 23/5 23/12 24/15 26/8 26/9 26/14 50/11		
3		
37 [3] 45/20 68/5 68/6		
4		
40 [2] 47/21 55/11 41,9 [5] 5/17 6/21 8/3 8/5 9/2 41,900 [2] 8/5 9/15 45 [2] 45/9 45/15 46 [1] 1/24		
5		
50 [2] 45/9 45/15 50 miles [1] 55/11 50 percent [1] 40/25 56 [1] 3/7		
6		
60 miles [2] 45/1 45/11 620 [1] 2/4 69 [2] 20/14 23/23 6th [1] 18/24		

<b>A</b> are... [47] 8/19 9/1 9/9 10/14 10/18 11/8 12/3 12/4 12/9 15/7 22/17 27/22 31/20 32/2 32/12 36/5 38/13 40/3 40/25 42/24 43/15 46/17 46/23 48/15 48/17 48/23 48/23 48/25 49/1 50/16 50/18 52/8 53/23 56/3 56/11 65/13 65/14 66/22 67/19 67/20 69/21 73/16 76/19 76/20 76/21 76/22 80/18 area [8] 14/22 15/1 15/3 43/5 66/9 68/13 73/24 75/18 areas [3] 69/5 74/20 76/19 around [4] 11/15 11/20 48/2 59/1 arrival [1] 52/8 arson [1] 34/2 arsons [1] 68/14 as [47] 9/10 17/11 18/9 19/13 21/19 22/12 25/16 28/24 30/16 30/17 32/22 32/24 32/24 32/25 32/25 33/1 37/21 37/22 38/9 39/7 39/14 46/15 46/15 46/16 46/16 49/25 51/19 60/1 60/17 65/14 65/21 65/23 68/10 71/6 71/7 71/8 71/12 74/14 75/1 75/1 75/4 76/15 76/23 78/8 78/10 79/20 82/7 ask [9] 8/11 22/13 24/6 28/22 36/8 54/8 77/12 77/15 78/1 asked [9] 16/14 24/25 25/13 29/20 33/15 36/19 39/1 41/11 77/12 asking [19] 18/19 23/8 23/9 25/9 41/3 46/7 48/23 48/25 49/6 51/1 51/10 52/1 52/4 52/12 52/13 52/21 53/3 55/12 61/8 assertion [1] 66/14 assigned [3] 14/8 65/19 65/21 assist [1] 59/12 assistance [1] 54/9 ASSOCIATES [1] 1/23 ASSOCIATION [1] 1/4 association's [1] 76/10 assume [8] 38/4 48/2 61/3 64/11 64/21 75/21 75/23 76/4 assuming [1] 66/8 assumption [2] 38/6 72/4 attendance [1] 64/12 attorney [1] 4/2 Attorneys [2] 2/5 2/8 augmented [1] 58/9 avail [1] 67/24 available [6] 40/3 41/5 41/6 41/10 56/8 67/20 Ave [2] 39/5 47/11 Avenue [2] 47/18 55/7 Average [2] 45/5 45/8 aware [5] 6/1 32/17 34/19 36/8 46/23 away [2] 37/22 37/23	barrier [1] 55/1 based [3] 19/5 31/18 31/19 basically [7] 10/25 14/21 26/21 27/1 27/11 27/12 27/19 basis [2] 9/21 10/15 bayfront [3] 71/12 72/16 72/20 Bayville [3] 1/7 13/17 13/23 be [69] 4/5 4/17 6/15 6/16 8/23 9/13 10/24 10/25 11/20 11/20 12/19 17/8 19/5 22/4 24/10 24/10 26/19 27/13 29/7 31/1 31/3 31/6 31/10 31/25 32/17 33/18 36/17 38/4 38/6 38/19 38/20 38/21 43/4 44/21 44/25 45/4 45/10 45/23 49/10 51/15 51/24 52/9 53/1 54/21 54/21 55/24 59/24 61/4 61/7 61/15 61/25 66/16 66/23 67/6 67/9 67/15 67/21 67/22 70/11 70/22 71/7 73/23 75/3 75/6 78/17 79/2 79/3 80/4 80/24 beach [16] 10/25 12/6 13/6 14/9 39/16 44/15 57/22 62/12 62/15 62/18 62/25 63/2 63/4 70/6 71/9 72/17 beaches [1] 62/20 Beachwood [2] 43/13 44/15 bear [2] 19/20 22/3 bearing [1] 25/17 Beaverson [1] 2/7 because [16] 14/22 15/17 20/10 20/12 29/1 29/17 41/3 43/17 45/19 63/23 72/15 75/23 76/20 77/16 78/8 79/16 become [1] 47/11 been [21] 13/22 16/7 16/7 16/8 18/2 25/10 25/18 27/5 28/13 28/18 28/19 33/3 41/9 41/11 42/18 47/15 51/19 60/16 63/11 74/6 80/21 before [1] 82/8 behalf [3] 4/10 30/18 41/4 behind [1] 67/7 being [15] 14/23 15/7 17/7 20/2 21/3 21/15 25/16 36/21 49/3 51/25 52/9 58/15 62/12 66/18 77/14 believe [23] 4/18 10/5 10/21 15/1 17/25 18/25 21/13 23/23 28/17 28/25 35/13 46/19 49/4 56/17 56/25 58/3 59/3 60/13 63/15 63/17 70/24 77/25 78/6 Bell [1] 1/13 benefits [2] 10/4 10/9 BERKELEY [19] 1/1 17/25 33/14 33/21 36/7 42/20 42/21 43/8 44/1 44/14 46/6 58/10 58/12 58/20 60/6 71/17 71/18 78/13 78/21 Berkeley's [1] 58/16 best [2] 22/24 50/7 bet [1] 73/18 better [1] 39/8 between [7] 15/10 16/15 28/12 30/19 44/1 49/21 76/17 beyond [1] 70/17 big [3] 28/8 74/10 74/12 bigger [2] 74/15 74/19 bit [5] 9/16 11/17 12/12 34/21 46/20 block [1] 24/14 blows [1] 33/7 Blvd [1] 2/7	board [18] 1/1 2/5 4/6 16/15 16/19 17/1 17/3 19/2 19/9 21/9 21/19 25/7 25/15 29/4 30/14 31/5 31/14 80/18 board's [4] 25/9 25/11 28/1 50/19 boards [1] 12/17 boats [1] 69/16 body [2] 6/14 35/25 Bondulich [1] 78/5 Borough [1] 66/25 both [2] 45/19 58/12 bottom [4] 20/12 23/7 26/17 26/18 Brian [1] 1/13 Brick [1] 2/7 bridge [6] 45/22 53/17 54/5 54/16 55/9 55/17 briefly [1] 42/17 bring [3] 79/22 79/25 80/14 brought [1] 62/15 budget [1] 12/10 building [1] 20/2 buildings [2] 76/11 76/23 bumper [2] 7/15 7/16 burdensome [1] 31/22 bureau [3] 60/18 65/19 70/2
<b>B</b> Bacchione [1] 1/11 back [4] 28/4 33/9 72/1 78/18 backs [1] 43/8 backup [3] 42/19 42/21 44/21 backups [1] 42/18 bad [2] 38/17 38/18 bar [2] 6/20 6/21		<b>C</b> CAD [7] 17/25 18/16 18/17 24/22 42/25 43/18 44/6 CADS [1] 43/25 cage [1] 7/10 call [1] 39/21 Callahan [1] 1/12 called [1] 44/21 calls [6] 30/7 40/2 42/19 46/21 51/25 52/9 camera [22] 6/8 6/9 6/10 6/13 6/14 6/16 23/4 23/7 23/16 24/16 25/13 26/3 26/14 27/6 27/9 27/18 28/14 49/17 49/25 50/13 52/22 80/3 cameras [1] 35/25 can [30] 11/11 12/18 13/19 15/12 15/24 17/16 22/2 22/6 22/22 24/13 26/21 29/3 29/9 33/10 33/19 34/21 39/1 39/2 50/20 51/9 51/15 53/25 65/13 76/24 79/18 79/21 79/24 80/19 80/20 81/3 can't [7] 13/7 36/18 39/15 55/13 58/25 59/16 63/23 capabilities [2] 34/15 69/2 capability [1] 16/7 Captain [18] 10/7 13/11 17/1 18/8 18/21 19/1 23/11 23/17 25/20 26/6 26/15 27/1 27/10 27/18 29/13 33/13 39/2 39/7 Captain Santucci [16] 13/11 17/1 18/8 19/1 23/11 23/17 25/20 26/6 26/15 27/1 27/10 27/18 29/13 33/13 39/2 39/7 car [5] 4/20 4/23 44/14 44/25 45/14 care [3] 33/14 64/13 64/14 cars [5] 5/17 35/12 46/21 46/25 47/6 case [4] 38/8 43/25 66/16 77/11 caught [1] 49/8 causes [1] 33/8 cc [2] 18/9 19/13

C		
cc'd [7] 18/11 18/13 19/7 24/16 25/22 27/18 52/23	commenced [1] 41/7 comment [2] 51/13 53/17	31/1 31/2 78/10 79/2 79/4 79/15
cc's [1] 28/15	Commission [1] 82/14	cross-examination [3] 4/6 31/1 31/2
cell [1] 67/13	communication [8] 27/6 27/16 27/17 28/11 28/12 30/3 30/19 31/10	cross-examine [3] 29/4 30/12 78/10
CenCom [1] 7/5	communications [7] 16/15 16/20 16/21 17/1 17/2 19/2 19/9	cross-examined [2] 79/2 79/4 cross-examining [1] 4/3
center [3] 66/20 67/2 67/8	communities [1] 43/5	crosswalk [1] 60/25
Central [2] 7/17 58/2	compared [3] 44/1 74/14 75/5	curiosity [1] 71/25
certain [4] 50/16 74/19 74/21 76/1	comparing [1] 74/15	current [1] 15/20
certainly [4] 21/16 53/7 58/16 80/5	complete [2] 20/20 48/14	currently [1] 65/19
CERTIFIED [2] 1/24 82/5	completed [1] 15/21	
certify [1] 82/6	computer [2] 16/1 16/4	D
cetera [1] 44/17	concert [2] 39/15 39/16	D.A.R.E [5] 33/21 45/25 46/4 46/6 46/9
chain [4] 20/21 22/1 22/6 27/23	conclude [1] 4/5	D.A.R.E. [1] 33/24
Chairman [1] 1/11	conditioning [1] 67/14	D.A.R.E. officer [1] 33/24
chance [1] 50/12	conditions [1] 32/13	DASTI [1] 2/3
change [10] 38/15 42/9 42/12 46/4 46/6 46/8 46/13 71/2 71/5 71/7	confusion [1] 30/17	date [9] 18/12 18/20 23/8 24/7 24/11 26/7 26/25 41/9 82/9
changes [1] 80/12	CONNORS [1] 2/3	dated [6] 23/4 23/7 23/12 23/15 49/12 82/16
charge [4] 9/13 11/6 64/12 67/12	connotation [2] 21/8 21/13	day [3] 58/5 71/5 71/5
charges [1] 9/9	consider [1] 80/18	day-to-day [1] 71/5
charging [1] 7/23	consideration [1] 81/6	daylight [1] 58/8
checkpoint [5] 13/16 13/21 57/4 57/18 57/21	console [1] 7/17	days [1] 60/24
checkpoints [2] 39/18 39/20	contact [2] 29/10 29/14	daytime [1] 57/8
CHERKOS [1] 2/3	contained [1] 50/5	de [7] 1/5 20/5 24/17 42/10 46/3 71/3 75/15
chief [14] 10/7 23/8 23/10 23/17 26/4 26/14 26/25 27/10 27/18 28/14 29/12 38/24 50/20 63/17	contains [1] 17/14	de-annexation [7] 1/5 20/5 24/17 42/10 46/3 71/3 75/15
Chief DiMichele [1] 23/8	content [2] 51/2 52/1	deal [2] 72/3 72/5
child [3] 13/11 13/16 14/4	contention [2] 66/13 66/18	dealing [1] 59/21
circuit [1] 22/2	continuation [1] 49/4	debate [2] 37/21 37/21
citizen [1] 15/23	contractor [1] 70/9	December [15] 18/23 23/5 23/12 23/16 24/12 24/15 26/8 26/9 26/14 27/9 39/6 49/13 49/16 50/11 59/3
city [6] 37/25 67/4 68/6 74/18 76/7 76/14	contractors [1] 63/15	December 2nd [7] 18/23 23/5 23/12 24/15 26/8 26/14 50/11
clarification [3] 27/11 55/20 79/23	control [1] 7/5	December 6 [4] 23/16 27/9 49/13 49/16
clarify [3] 24/25 29/22 48/6	control/siren [1] 7/5	December the [1] 26/9
class [29] 9/17 9/17 9/21 9/25 10/4 10/8 10/12 10/14 10/18 10/19 10/22 11/4 11/8 12/1 12/3 12/8 12/9 60/23 60/25 61/5 61/12 61/16 61/23 62/3 62/3 62/5 62/8 65/2 65/3	conversation [5] 19/12 30/15 40/20 40/21 49/4	dedicated [2] 40/1 40/11
clear [2] 31/3 49/11	cooling [1] 67/8	defending [1] 30/25
cleared [1] 47/15	cooperation [1] 78/22	defibrillators [1] 4/24
clearly [1] 21/12	coordinate [1] 50/20	definite [1] 59/16
clerk [1] 41/11	coordinator [4] 65/22 65/24 66/1 66/2	definitely [2] 38/21 41/12
clients [1] 53/10	copied [3] 18/22 18/23 29/19	department [23] 4/4 13/17 13/24 26/5 28/13 30/20 31/20 33/14 37/25 38/11 50/17 63/20 64/6 64/7 64/8 64/22 64/25 65/15 66/25 69/13 78/14 78/22 80/7
close [2] 52/9 54/2	copy [1] 17/24	depend [1] 38/7
closer [2] 76/19 76/21	copying [1] 27/10	depending [2] 63/11 81/9
closest [1] 68/2	correct [118]	deputy [1] 65/22
Clubhouse [1] 76/13	correlate [1] 72/10	DESCRIPTION [1] 3/12
clubhouses [2] 67/5 76/12	correlation [1] 72/13	Desig [1] 34/8
collar [6] 65/20 73/4 73/11 73/16 73/21 74/2	cost [12] 4/19 5/1 5/9 5/13 8/7 9/20 10/11 41/16 42/3 42/6 64/7 65/2	designate [1] 77/3
collection [1] 6/16	costs [1] 62/3	designated [3] 34/8 35/18 68/20
colloquy [1] 28/21	could [21] 11/20 11/20 14/9 17/8 24/6 25/8 25/9 25/13 44/21 52/9 55/17 61/5 61/6 63/11 64/18 71/9 71/18 71/20 73/13 74/2 79/22	desk [1] 73/17
column [1] 50/25	couldn't [3] 11/9 33/17 41/14	DET [1] 3/6
combination [1] 58/13	Councilman [1] 1/11	detective [11] 56/9 56/11 56/12 56/16 60/17 60/18 65/8 65/19 70/2 71/6 73/2
come [4] 6/21 45/14 54/6 73/17	count [1] 22/21	Detective Tier [2] 56/16 73/2
comes [1] 65/4	County [2] 35/8 69/22	detectives [3] 6/15 34/9 68/21
coming [1] 55/25	couple [5] 44/12 54/14 56/16 58/23 72/23	determine [1] 5/1
command [11] 36/12 37/5 57/9 57/23 57/25 58/18 59/4 65/16 65/17 66/10 66/11	course [3] 36/16 38/8 45/5	devices [1] 5/4
	COURT [2] 1/24 82/5	dialogue [1] 53/1
	CPA [1] 2/14	
	crash [1] 36/21	
	crime [10] 14/25 15/1 15/3 34/12 68/24 73/21 73/24 74/2 75/10 75/18	
	crimes [9] 34/6 65/20 68/18 70/12 70/16 70/21 72/2 73/11 73/16	
	cross [10] 4/3 4/6 29/4 30/12	



<p><b>D</b></p> <p>did [24] 5/1 16/21 19/8 20/9 25/8 25/19 28/24 29/10 29/15 29/25 30/14 58/23 59/8 59/10 59/12 59/14 59/15 59/17 60/4 60/11 64/18 72/17 72/20 78/9</p> <p>didn't [18] 5/3 5/20 16/19 24/23 24/24 25/11 29/14 39/2 44/2 49/8 50/12 60/6 60/8 62/21 63/16 64/23 72/19 79/20</p> <p>difference [2] 32/21 33/3</p> <p>different [4] 37/14 38/20 39/24 40/6</p> <p>differential [1] 42/2</p> <p>difficult [1] 21/25</p> <p>difficulties [1] 32/14</p> <p>difficulty [1] 21/21</p> <p>Digitally [1] 69/7</p> <p>DiMichele [1] 23/8</p> <p>direct [3] 18/9 30/1 52/25</p> <p>directly [8] 18/5 26/6 29/10 29/15 29/15 49/11 49/16 49/20</p> <p>disclaimer [1] 23/2</p> <p>discussion [4] 15/7 37/18 37/22 53/5</p> <p>dispatched [1] 52/7</p> <p>distance [2] 76/6 76/13</p> <p>do [114]</p> <p>dock [1] 7/21</p> <p>document [3] 22/14 22/25 28/4</p> <p>documents [1] 28/8</p> <p>does [7] 5/21 6/21 8/9 29/24 36/7 47/3 54/17</p> <p>doesn't [4] 16/10 19/11 29/4 75/7</p> <p>Dohn [1] 8/11</p> <p>doing [3] 25/12 42/3 42/3</p> <p>dollar [1] 41/20</p> <p>dollars [1] 8/9</p> <p>Domenick [1] 1/12</p> <p>domestic [3] 36/25 37/11 37/15</p> <p>Don [1] 63/14</p> <p>Don Whiteman [1] 63/14</p> <p>don't [108]</p> <p>don't have [1] 8/10</p> <p>done [6] 8/23 32/24 40/25 47/3 56/3 80/21</p> <p>down [7] 12/19 54/6 55/9 55/17 58/1 68/5 68/10</p> <p>DPW [1] 80/4</p> <p>drive [4] 1/24 32/24 37/24 68/5</p> <p>driving [2] 32/12 39/22</p> <p>dropoff [2] 71/16 71/21</p> <p>drunk [1] 39/22</p> <p>due [4] 28/16 36/21 51/25 52/9</p> <p>DUI [2] 39/18 40/4</p> <p>dune [1] 63/2</p> <p>dunes [1] 47/10</p> <p>during [5] 32/21 50/20 57/14 58/5 58/7</p> <p>DWI [4] 39/18 40/5 40/8 40/10</p>	<p>27/4 27/9 27/23 28/15 29/11 29/23 30/1 48/5 48/7 48/14 48/22 49/11 49/15 50/3 52/24 79/21</p> <p>e-mails [16] 3/14 17/6 18/10 20/8 20/25 21/24 22/11 22/14 22/17 48/4 48/15 48/20 48/21 48/25 49/2 49/20</p> <p>e-printer [2] 9/10 9/14</p> <p>e-ticket [1] 7/24</p> <p>each [1] 61/20</p> <p>easiest [1] 68/5</p> <p>east [1] 67/10</p> <p>edification [1] 28/1</p> <p>efficiently [1] 32/25</p> <p>efforts [1] 14/24</p> <p>eight [3] 47/19 58/8 81/2</p> <p>either [5] 18/9 21/20 31/4 46/13 52/8</p> <p>elder [2] 37/1 37/13</p> <p>electronic [3] 34/14 34/15 69/1</p> <p>else [7] 26/5 42/16 65/9 72/22 78/13 78/24 79/2</p> <p>email [1] 48/7</p> <p>emergency [7] 38/3 38/10 38/12 44/25 65/22 66/15 66/17</p> <p>emergent [1] 44/13</p> <p>employed [1] 10/14</p> <p>Employee [1] 50/25</p> <p>EMS [2] 79/8 79/9</p> <p>encountered [1] 32/13</p> <p>encrypted [1] 69/7</p> <p>end [8] 29/23 30/13 39/4 46/23 47/18 57/19 77/13 81/2</p> <p>ended [1] 25/16</p> <p>ending [1] 81/2</p> <p>enforcement [4] 39/22 40/2 40/12 66/4</p> <p>engineer [2] 2/12 4/6</p> <p>enough [4] 40/13 63/25 77/12 80/3</p> <p>entered [2] 50/17 53/6</p> <p>entire [3] 21/15 22/1 41/10</p> <p>entirely [1] 44/8</p> <p>entities [2] 66/18 66/23</p> <p>entrance [1] 57/21</p> <p>entries [3] 24/23 50/16 52/8</p> <p>envision [1] 71/16</p> <p>equipment [2] 6/1 66/6</p> <p>equipped [1] 4/19</p> <p>Ernie [1] 2/12</p> <p>ESQ [2] 2/5 2/8</p> <p>ESQS [2] 2/3 2/6</p> <p>essentially [1] 28/18</p> <p>estimate [2] 11/7 61/24</p> <p>estimating [1] 38/23</p> <p>et [1] 44/17</p> <p>evacuated [1] 67/9</p> <p>evacuation [4] 66/15 66/20 67/2 71/23</p> <p>even [6] 37/23 41/15 45/19 45/23 55/10 74/19</p> <p>evening [4] 57/15 77/19 81/13 81/18</p> <p>event [3] 12/21 33/7 67/9</p> <p>events [2] 21/10 33/6</p> <p>eventually [3] 52/23 52/24 55/7</p> <p>ever [5] 13/21 14/3 19/23 29/10 33/9</p> <p>every [4] 43/17 54/16 54/22 69/12</p>	<p>everybody's [1] 80/22</p> <p>everywhere [1] 74/12</p> <p>evidence [5] 6/16 24/11 24/20 24/22 69/4</p> <p>exact [2] 41/8 58/25</p> <p>exactly [2] 19/14 39/2</p> <p>examination [8] 4/6 4/13 31/1 31/2 43/22 54/13 56/10 73/1</p> <p>examine [3] 29/4 30/12 78/10</p> <p>examined [2] 79/2 79/4</p> <p>examining [1] 4/3</p> <p>example [3] 12/18 13/8 55/6</p> <p>except [1] 74/5</p> <p>exception [2] 33/6 72/18</p> <p>excused [2] 56/5 77/9</p> <p>exhibit [15] 17/23 18/13 18/15 20/14 21/19 21/20 28/5 50/24 51/2 51/11 51/17 51/19 51/21 51/23 52/2</p> <p>Exhibit T-22 [1] 51/23</p> <p>exhibits [8] 24/21 50/6 50/17 52/16 52/18 52/22 53/4 53/6</p> <p>expect [1] 75/16</p> <p>expense [2] 31/25 32/1</p> <p>expenses [1] 32/2</p> <p>expensive [1] 31/22</p> <p>experience [4] 53/25 71/18 71/20 72/19</p> <p>expires [1] 82/14</p> <p>explain [1] 51/9</p> <p>explanation [3] 51/10 52/4 52/12</p> <p>extend [2] 36/11 80/20</p> <p>extensive [1] 40/20</p>
<p><b>E</b></p> <p>e-mail [54] 3/13 16/4 16/20 17/5 17/11 17/15 17/18 18/5 18/12 18/21 19/7 20/11 20/13 20/21 21/1 21/3 21/10 21/10 21/15 21/24 22/1 22/6 23/3 23/4 23/7 23/9 23/10 23/13 23/19 24/4 24/6 24/12 24/14 25/8 25/19 25/23 26/13 26/25</p>		<p><b>F</b></p> <p>facilities [2] 67/20 76/23</p> <p>facility [6] 67/6 67/15 67/17 67/18 67/22 68/3</p> <p>fact [1] 74/18</p> <p>Fair [1] 40/13</p> <p>falls [3] 37/2 65/15 66/9</p> <p>familiar [2] 13/14 32/1</p> <p>families [1] 78/18</p> <p>far [6] 27/5 46/15 46/16 71/7 75/1 78/17</p> <p>fast [1] 45/3</p> <p>faster [1] 81/4</p> <p>fatal [3] 14/18 35/8 40/14</p> <p>February [3] 1/7 60/18 82/16</p> <p>federal [1] 66/6</p> <p>feel [2] 20/16 30/14</p> <p>FEMA [2] 59/9 64/19</p> <p>few [3] 38/22 65/12 72/9</p> <p>financial [6] 34/6 68/18 70/12 70/15 70/21 72/2</p> <p>fine [3] 21/18 21/20 33/20</p> <p>Fire [3] 13/17 13/23 66/24</p> <p>firearms [4] 35/16 69/10 69/11 69/13</p> <p>first [11] 20/9 20/11 22/25 26/13 26/16 29/23 50/10 50/24 59/2 59/2 66/25</p> <p>five [8] 8/9 10/21 11/12 11/18 20/25 40/17 73/9 73/9</p> <p>flood [1] 71/24</p> <p>flooding [4] 67/11 71/19 72/17 72/19</p> <p>Florida [1] 78/6</p> <p>folks [1] 67/23</p> <p>follow [6] 4/18 42/15 53/16 54/14 72/23 73/2</p> <p>follow-up [3] 4/18 42/15 53/16</p>

<p><b>F</b></p> <p>follow-ups [2] 54/14 72/23  following [3] 27/23 43/23 50/21  Ford [1] 9/2  Ford Interceptor [1] 9/2  foregoing [1] 82/6  Forked [1] 2/4  form [2] 25/8 67/6  formal [1] 78/8  forth [1] 82/9  four [27] 8/9 12/12 20/23 20/25 22/14 23/14 23/14 23/15 23/15 24/20 24/21 27/20 27/20 28/2 28/2 28/2 28/3 28/3 28/9 28/10 39/11 50/5 50/21 52/7 57/16 58/8 58/18  four-page [1] 22/14  fraud [1] 70/8  Frederick [1] 1/13  free [5] 5/22 5/24 5/25 41/24 41/25  frequent [1] 53/19  Friday [1] 24/15  front [2] 28/3 61/5  full [2] 33/21 33/23  full-time [2] 33/21 33/23  fully [1] 4/19  fully-equipped [1] 4/19  function [3] 13/15 33/16 65/20  functioning [1] 32/22  functions [1] 33/14  fund [2] 39/22 65/5  further [9] 19/16 43/22 53/14 54/8 54/13 54/25 65/7 73/1 77/15</p>	<p>20/15 22/5 27/17 28/25 30/22 33/18 38/4 38/4 38/4 39/9 45/15 45/18 46/4 46/12 55/10 60/11 60/13 60/15 66/19 66/20 66/21 66/23 68/8 71/21 74/21 75/19 77/13 77/17  gone [2] 47/10 77/17  good [5] 5/25 45/24 50/15 66/21 81/18  got [3] 7/2 21/22 54/5  gotcha [1] 49/9  gotten [1] 47/1  government [1] 66/6  GPS [3] 8/12 8/14 8/15  grant [2] 39/22 40/8  Greg [2] 24/16 26/3  GREGORY [1] 2/5  ground [1] 77/17  group [1] 34/24  groups [1] 35/6  guess [1] 27/20  Gun [1] 7/12  guy [6] 27/2 57/20 57/23 61/16 63/1 79/8  guys [1] 5/5</p>	<p>heading [1] 70/14  headquarters [1] 37/20  heard [3] 25/19 38/17 68/9  hearing [3] 1/5 4/5 53/7  hearings [1] 80/21  Heights [4] 44/16 44/17 76/21 76/22  help [4] 13/18 42/20 42/21 50/18  helpful [1] 63/16  here [21] 13/25 19/22 20/17 20/23 20/24 21/21 22/5 25/9 38/11 38/13 47/22 48/2 68/9 72/15 72/16 77/20 78/2 78/2 79/3 79/15 80/4  hereby [1] 82/6  hereinbefore [1] 82/9  high [4] 47/12 66/24 73/18 76/23  higher [2] 38/22 38/22  highway [1] 45/8  HILL [2] 1/23 82/4  him [16] 17/7 28/3 28/5 29/15 29/17 29/19 33/15 40/8 53/3 78/1 78/3 78/10 79/11 79/15 79/22 79/25  himself [1] 29/11  hired [2] 11/8 40/8  his [6] 28/18 29/20 30/25 33/17 79/6 79/23  hold [1] 29/6  Holiday [5] 67/4 68/6 74/18 76/7 76/14  Holiday City [1] 76/14  home [1] 78/18  HOMEOWNERS [1] 1/4  homes [1] 71/22  honest [2] 61/4 61/7  Hooper [1] 55/7  Hope [1] 50/15  hoping [1] 7/2  hour [11] 12/19 14/23 45/1 45/11 54/17 54/17 54/22 54/23 55/10 55/11 57/16  hours [6] 57/15 58/8 60/23 61/2 61/17 64/9  houses [1] 70/9  how [40] 4/1 7/5 10/19 10/22 11/8 14/11 15/16 16/7 20/15 22/17 23/18 38/11 38/19 39/24 40/5 40/5 42/9 42/19 42/19 45/3 47/12 47/19 51/5 54/3 54/4 55/4 58/23 59/20 60/16 60/20 61/8 62/24 63/10 63/12 64/6 67/16 71/2 73/5 73/15 77/3  huge [1] 71/21  Hugg [1] 2/12  hundred [5] 8/9 10/20 29/1 62/12 62/15  hundred tons [2] 62/12 62/15</p>
<p><b>G</b></p> <p>gave [3] 23/23 62/18 63/18  generally [1] 74/23  generated [2] 27/5 28/13  generator [7] 66/8 66/14 66/15 66/20 67/1 67/4 76/7  gentlemen [1] 78/17  Geoghegan [2] 79/5 80/15  Geohegan [1] 77/25  get [38] 5/20 5/22 10/4 10/9 15/13 15/23 23/14 25/13 26/22 29/25 30/16 38/13 39/21 40/10 41/23 44/17 44/18 45/23 49/8 50/12 53/18 54/5 55/1 55/7 66/5 66/12 67/12 67/13 75/7 76/24 78/18 79/21 80/5 80/21 80/22 81/1 81/3 81/4  gets [2] 52/23 52/24  getting [3] 46/21 46/21 47/6  Gingrich [1] 1/13  give [7] 11/9 20/15 22/5 41/14 58/25 59/16 75/19  given [10] 18/2 19/19 19/20 30/14 52/18 55/21 58/5 59/25 63/21 78/7  giving [1] 28/18  go [32] 4/23 13/19 22/6 24/13 26/12 33/18 39/9 40/9 44/11 44/15 44/22 44/23 45/1 45/4 54/7 54/25 55/1 55/6 55/7 55/8 55/17 58/23 67/12 67/13 68/8 68/9 72/24 75/1 77/17 78/18 80/20 81/3  goes [3] 51/13 51/22 71/8  going [32] 4/4 7/1 12/21 17/13</p>	<p><b>H</b></p> <p>had [39] 9/6 14/3 14/18 15/14 15/16 16/14 16/18 17/1 17/23 18/2 19/2 24/22 25/17 29/20 30/3 31/9 41/4 43/7 44/13 44/15 44/23 45/14 46/25 47/10 47/11 50/15 54/25 55/19 56/19 58/16 58/17 58/18 60/14 70/8 73/4 73/6 78/9 81/12 81/15  hadn't [1] 19/1  Haines [1] 2/14  half [3] 41/10 54/17 54/22  hall [5] 38/1 38/1 38/11 76/8 76/9  hand [2] 50/25 51/7  handful [1] 14/15  handing [1] 20/19  handle [4] 14/10 35/22 36/21 59/10  happen [2] 5/2 47/3  happened [1] 54/1  harder [1] 32/24  has [27] 4/6 6/17 13/21 16/7 19/17 27/5 28/3 28/18 31/4 33/3 33/15 33/21 33/23 36/7 37/8 39/12 40/13 42/16 50/21 50/25 51/14 51/20 53/16 65/9 68/11 70/2 77/11  have [102]  haven't [1] 28/19  hazards [1] 71/20  Hazmat [1] 69/24  he [48] 13/13 14/9 17/5 17/24 18/8 18/11 18/13 18/23 19/1 19/8 19/11 19/17 25/13 25/21 28/5 28/6 28/18 28/24 29/1 29/2 29/3 29/5 29/6 29/14 29/17 29/18 29/20 29/24 29/25 31/1 33/15 33/16 33/17 39/2 39/8 40/9 51/13 51/22 77/25 78/2 78/6 78/6 78/9 78/9 79/7 79/8 79/14 79/19  he'd [1] 30/16  he's [14] 4/4 19/7 19/11 28/19 28/25 29/1 40/9 40/11 51/1 51/10 52/4 52/13 52/21 78/2  head [2] 22/20 62/20</p>	<p><b>I</b></p> <p>I'd [2] 45/8 76/17  I'll [10] 23/6 23/8 23/14 24/19 24/20 54/15 61/4 79/13 79/15 79/16  I'm [48] 7/1 10/5 13/6 13/8 13/13 15/22 16/16 17/2 17/13 19/17 20/15 20/16 22/5 23/1 24/9 27/16 30/11 30/22 31/25 33/18 34/19 38/3 39/9 41/2 41/22 46/21 48/6 48/25 49/6</p>

<p><b>I</b></p> <p>I'm... [19] 53/24 55/12 60/13 60/15 61/8 65/18 65/21 65/23 65/25 66/8 66/19 68/7 70/18 71/20 74/21 75/19 78/25 80/13 80/22</p> <p>I've [4] 34/23 35/5 41/9 70/8</p> <p>idea [7] 10/2 35/23 53/22 62/2 64/5 67/7 78/19</p> <p>identification [2] 17/12 22/12</p> <p>identify [2] 22/22 74/21</p> <p>ignorance [2] 25/12 40/5</p> <p>important [3] 21/9 25/14 25/16</p> <p>inaccurate [1] 16/22</p> <p>inappropriate [2] 30/19 30/24</p> <p>incident [4] 43/17 51/7 51/14 51/18</p> <p>incidents [1] 70/7</p> <p>include [1] 71/12</p> <p>included [24] 5/17 5/20 6/4 6/6 6/8 7/8 7/11 7/13 7/14 7/16 7/22 8/2 8/4 8/5 8/13 8/18 8/19 8/21 8/25 9/14 17/5 53/8 53/10 58/11</p> <p>including [3] 31/5 57/13 63/4</p> <p>incoming [1] 71/9</p> <p>indicate [1] 51/9</p> <p>indicated [7] 16/19 19/18 39/8 40/22 41/4 44/5 57/7</p> <p>indication [1] 51/8</p> <p>individual [1] 15/22</p> <p>inefficient [1] 31/22</p> <p>information [6] 25/14 27/13 29/11 29/12 52/21 62/19</p> <p>informational [2] 12/13 39/11</p> <p>initial [3] 49/24 49/24 50/3</p> <p>initially [1] 16/18</p> <p>initiated [2] 51/25 52/10</p> <p>inordinately [1] 80/21</p> <p>install [3] 9/10 13/18 14/3</p> <p>installed [1] 14/12</p> <p>instead [1] 28/8</p> <p>intelligent [1] 11/10</p> <p>intention [1] 21/14</p> <p>Interceptor [1] 9/2</p> <p>intimately [1] 56/22</p> <p>introduced [1] 52/17</p> <p>investigations [1] 65/21</p> <p>involved [2] 36/22 56/23</p> <p>involvement [2] 75/3 75/4</p> <p>is [159]</p> <p>island [10] 12/7 44/16 53/18 54/5 55/22 57/21 62/9 72/11 72/18 76/22</p> <p>Island Heights [2] 44/16 76/22</p> <p>isn't [1] 79/3</p> <p>issue [5] 20/8 43/8 47/6 47/8 47/11</p> <p>issued [2] 6/15 6/16</p> <p>issues [10] 5/7 32/14 40/11 50/19 59/21 69/11 70/9 72/3 72/5 73/5</p> <p>it [119]</p> <p>it's [50] 7/7 10/21 11/15 13/25 14/21 20/25 21/9 21/24 22/14 22/24 22/24 23/21 23/22 24/16 24/19 28/22 30/24 33/11 37/16 37/22 37/22 39/4 41/24 41/25 42/25 43/1 46/12 47/15 47/22 48/8 49/17 52/13 54/22 67/4 67/5 67/10 67/14 67/14 68/4 68/5 70/24 71/10 73/18</p>	<p>74/15 75/4 75/8 76/9 76/12 76/15 77/13</p> <p>item [1] 70/2</p> <p>items [2] 4/22 39/8</p> <p>itself [1] 74/20</p> <p><b>J</b></p> <p>Jack [1] 1/14</p> <p>JACKSON [1] 1/25</p> <p>James [2] 2/13 62/19</p> <p>James Sperber [1] 62/19</p> <p>January [1] 82/14</p> <p>Jersey [7] 1/7 1/25 2/4 2/7 58/9 82/6 82/13</p> <p>job [10] 31/19 37/3 42/9 59/9 65/14 71/2 75/17 75/22 76/3 76/5</p> <p>John [6] 1/11 23/4 24/16 26/3 49/18 50/12</p> <p>JOSEPH [2] 2/8 4/9</p> <p>Joseph Micheline [1] 4/9</p> <p>just [49] 4/18 5/11 8/5 10/16 14/15 19/21 21/4 22/21 23/2 24/13 24/20 26/9 28/8 28/16 29/5 30/22 36/25 38/23 40/1 40/11 42/4 42/6 43/23 44/11 48/5 49/10 53/15 53/24 54/14 55/17 55/24 61/8 65/4 65/12 65/18 66/19 71/8 71/10 71/22 71/25 72/1 73/2 77/17 78/8 79/19 79/22 80/2 80/17 81/2</p> <p>juvenile [2] 34/9 68/20</p> <p><b>K</b></p> <p>keep [3] 21/4 80/24 81/4</p> <p>Kelly [1] 2/12</p> <p>kept [2] 47/19 47/22</p> <p>Keswick [1] 1/6</p> <p>Kevin [1] 79/5</p> <p>kind [6] 6/10 6/13 9/4 63/7 63/21 80/3</p> <p>kinds [1] 12/16</p> <p>knew [3] 28/5 28/6 33/15</p> <p>know [143]</p> <p>knowledge [8] 17/4 33/17 33/19 50/8 62/6 62/7 62/22 66/9</p> <p><b>L</b></p> <p>labor [1] 9/13</p> <p>Lacey [2] 2/4 43/12</p> <p>lady [1] 78/18</p> <p>LAKEVIEW [1] 1/24</p> <p>language [1] 23/3</p> <p>laptop [2] 6/6 7/19</p> <p>large [2] 71/16 76/9</p> <p>last [28] 4/2 12/25 13/2 13/5 15/10 15/14 16/14 18/6 19/1 19/18 19/20 20/7 22/6 28/21 33/13 39/13 40/15 40/17 41/12 46/24 50/13 59/2 70/4 70/5 70/16 72/1 74/3 81/15</p> <p>lastly [1] 42/8</p> <p>Law [1] 66/4</p> <p>least [10] 18/4 21/7 21/24 49/11 49/15 54/16 55/10 57/15 59/5 59/7</p> <p>left [1] 4/1</p> <p>leftover [1] 23/2</p> <p>legally [1] 23/19</p> <p>length [1] 30/12</p> <p>LESO [2] 65/23 66/2</p> <p>less [6] 14/15 31/22 41/20 51/24 72/11 76/16</p>	<p>let [11] 22/13 22/25 23/9 29/9 29/24 36/7 79/13 79/14 79/15 80/3 80/13</p> <p>let's [12] 17/9 22/1 22/7 31/3 44/11 44/13 44/22 48/4 59/22 66/12 79/24 80/19</p> <p>lettering [1] 8/20</p> <p>letting [1] 78/17</p> <p>level [3] 37/7 37/9 37/10</p> <p>liaison [1] 37/12</p> <p>lieutenant [19] 4/3 4/12 4/14 19/16 19/21 23/10 23/11 23/16 23/20 28/3 28/6 28/20 28/23 29/8 30/16 31/4 42/18 55/16 61/24</p> <p>Lieutenant Roth [1] 29/8</p> <p>Lieutenant Roth's [1] 61/24</p> <p>lifeguard [1] 38/25</p> <p>light [2] 6/20 6/21</p> <p>lights [1] 38/5</p> <p>like [13] 7/19 20/16 23/21 25/21 31/11 53/22 58/7 61/1 67/8 70/9 75/24 76/8 76/9</p> <p>likely [1] 40/10</p> <p>limit [2] 14/22 38/6</p> <p>LINDA [2] 1/23 82/4</p> <p>line [1] 68/5</p> <p>list [4] 7/1 50/25 63/14 63/18</p> <p>lists [2] 23/13 51/7</p> <p>litany [1] 68/9</p> <p>little [8] 9/16 11/17 12/12 13/9 20/16 28/21 34/21 46/20</p> <p>live [2] 16/11 67/15</p> <p>located [1] 37/19</p> <p>location [1] 55/5</p> <p>locations [1] 40/9</p> <p>long [11] 15/16 16/7 38/11 47/19 55/4 58/23 60/16 67/6 67/11 67/15 80/22</p> <p>long-term [3] 67/6 67/11 67/15</p> <p>longer [2] 41/11 45/19</p> <p>look [3] 61/1 73/17 79/14</p> <p>looked [1] 35/2</p> <p>looking [1] 27/12</p> <p>looks [1] 23/21</p> <p>Lorelli [1] 1/12</p> <p>lot [8] 33/16 33/17 48/1 58/14 71/5 71/19 73/16 75/20</p> <p>low [5] 14/21 15/1 15/2 73/24 75/17</p> <p>LT [1] 3/4</p> <p><b>M</b></p> <p>Mackres [1] 1/14</p> <p>made [3] 20/8 29/5 48/6</p> <p>mail [58] 3/13 16/4 16/20 17/5 17/11 17/15 17/18 18/5 18/12 18/21 19/7 20/11 20/13 20/21 21/1 21/3 21/10 21/10 21/15 21/24 22/1 22/6 23/3 23/4 23/7 23/9 23/10 23/13 23/19 24/4 24/6 24/12 24/14 25/8 25/19 25/23 26/13 26/25 27/4 27/9 27/23 28/15 29/11 29/23 30/1 40/22 41/1 41/7 42/3 48/5 48/7 48/14 48/22 49/11 49/15 50/3 52/24 79/21</p> <p>mails [16] 3/14 17/6 18/10 20/8 20/25 21/24 22/11 22/14 22/17 48/4 48/15 48/20 48/21 48/25 49/2 49/20</p> <p>main [2] 58/7 73/12</p> <p>mainland [17] 13/25 38/3 47/24</p>
--	---	--

<b>M</b>		
mainland... [14] 71/12 72/6 72/12 72/15 72/16 72/20 73/6 73/15 73/21 74/10 74/15 74/16 74/20 75/5	might [6] 5/5 25/10 45/19 70/22 74/1 75/6 MIKE [1] 3/6 mile [2] 12/19 45/11 miles [10] 14/23 37/22 45/1 45/8 45/11 45/11 55/9 55/11 76/15 76/18	37/12 40/5 41/11 47/9 50/14 51/13 53/10 55/5 60/22 62/7 65/19 66/19 70/15 71/5 72/1 73/17 78/19 79/14 80/11 82/14
mainly [2] 56/18 77/14	mind [1] 21/7	myself [2] 27/10 31/5
maintain [1] 13/17	minor [1] 50/18	<b>N</b>
major [1] 70/7	minute [4] 17/16 23/15 45/11 48/5	name [5] 3/3 14/8 20/9 20/11 20/12
majority [1] 70/24	minutes [7] 28/21 37/23 38/14 38/22 38/23 45/12 45/16	names [1] 61/6
make [8] 14/24 15/23 21/25 30/25 54/15 55/8 58/20 80/17	misphrasing [1] 46/22	narcotics [7] 34/4 65/21 68/16 74/7 74/8 75/1 75/2
Man [1] 64/9	missing [9] 17/23 17/25 18/17 22/4 23/22 23/22 25/4 51/20 52/13	narrative [1] 51/8
Management [1] 65/23	mistakes [1] 44/6	nature [3] 8/20 30/15 32/14
Manchester [1] 43/13	mobile [2] 12/13 57/25	near [1] 44/23
manning [1] 59/3	moment [1] 49/9	necessarily [2] 38/5 43/1
Mantoloking [3] 55/2 55/6 55/8	money [3] 39/23 58/14 65/3	necessary [1] 30/14
Mantoloking Road [1] 55/2	month [6] 58/24 59/6 59/7 81/9 81/9 81/15	need [4] 4/17 27/12 50/18 78/11
many [15] 10/19 10/22 11/8 14/11 20/15 22/17 42/19 42/19 51/6 51/23 60/20 61/8 63/10 73/5 81/1	months [2] 58/24 59/22	needed [4] 36/14 38/10 67/9 67/24
marginalia [1] 25/16	more [24] 11/11 11/11 11/14 11/17 11/18 11/22 11/23 13/8 14/14 27/12 28/20 31/21 34/20 34/22 39/15 48/15 48/19 49/1 61/15 67/8 72/11 72/15 73/6 76/16	needs [1] 8/23
mark [3] 21/5 21/19 22/7	most [2] 40/10 51/6	negative [2] 21/8 21/13
marked [7] 17/10 17/11 21/3 21/15 22/12 50/7 51/19	motorists [1] 33/8	neighborhoods [1] 71/12
marks [1] 5/6	mount [1] 7/21	neighboring [1] 36/20
Mason [1] 20/17	moving [5] 26/24 27/8 31/17 80/25 81/4	never [5] 25/19 33/2 34/23 35/2 35/5
matter [6] 1/3 16/10 18/2 38/9 78/23 81/21	MR [11] 3/5 3/7 4/3 4/13 18/21 30/3 43/22 54/13 56/10 73/1 80/14	New [7] 1/7 1/25 2/4 2/7 58/9 82/6 82/13
matters [2] 4/18 11/1	Mr. [44] 17/6 18/6 18/21 19/9 19/17 20/7 23/7 23/16 23/23 25/13 26/14 27/6 27/9 27/18 28/14 28/17 29/4 29/10 30/5 30/12 30/25 31/4 46/22 48/6 48/10 48/14 49/12 49/16 49/17 49/21 49/23 49/25 50/11 50/13 52/22 52/23 53/1 64/3 77/11 77/25 78/12 78/16 80/3 80/12	next [8] 26/19 56/8 70/15 79/12 79/25 80/4 80/6 80/10
may [3] 28/13 33/18 53/1	Mr. Camera [13] 23/7 23/16 25/13 26/14 27/6 27/9 27/18 28/14 49/17 49/25 50/13 52/22 80/3	Nick [1] 1/14
maybe [5] 22/23 29/2 63/16 70/6 80/20	Mr. Geohegan [1] 77/25	night [1] 50/13
McGUCKIN [6] 2/3 2/5 24/17 26/3 52/23 80/12	Mr. McGuckin [2] 52/23 80/12	nine [7] 11/21 44/14 44/19 45/15 45/20 55/5 61/24
me [42] 16/3 17/14 19/20 20/8 20/19 20/24 21/23 22/3 22/13 22/25 23/4 23/16 23/23 24/17 25/14 25/19 26/1 27/2 27/17 29/2 29/4 29/9 29/14 29/24 29/24 29/25 30/12 33/3 33/22 34/9 36/8 39/11 41/15 54/1 57/23 61/2 61/5 68/9 79/14 80/3 80/13 82/8	Mr. Michelini [4] 20/7 23/23 30/12 78/16	no [81] 5/3 5/10 6/2 6/12 6/13 6/14 6/25 8/4 8/14 8/23 8/24 9/6 9/6 9/8 9/11 9/12 9/23 10/1 10/3 10/13 11/9 13/23 14/15 14/20 18/16 19/16 19/25 20/3 20/6 20/22 20/23 21/3 21/14 21/16 24/1 24/19 25/17 25/24 28/11 30/4 30/6 30/9 30/17 30/18 31/8 31/12 31/15 31/25 35/17 35/23 36/9 40/16 40/18 40/24 41/22 41/22 42/4 45/2 47/14 48/25 49/22 49/22 51/8 51/14 53/13 53/20 57/23 59/10 60/5 60/10 62/23 63/1 63/13 64/4 65/7 71/17 71/17 71/20 73/14 74/6 78/20
mean [6] 6/25 20/16 24/19 41/21 71/5 76/1	Mr. Whiteman [1] 64/3	nobody [1] 41/3
meaning [1] 6/9	Mr. Wiser [20] 17/6 18/6 18/21 19/9 19/17 28/17 29/4 29/10 30/5 30/25 31/4 48/6 48/10 49/12 49/16 49/21 50/11 53/1 77/11 78/12	none [5] 33/3 36/9 53/10 73/12 74/6
meant [2] 67/6 67/14	Mr. Wiser's [3] 46/22 48/14 49/23	nor'easter [1] 46/24
measure [1] 5/5	much [12] 41/11 42/12 59/20 62/24 63/12 64/6 65/8 75/11 77/6 77/7 81/18 81/19	nor'easters [1] 33/5
Measuring [1] 5/4	multi [1] 29/1	normal [1] 39/25
mechanic [1] 9/9	multi-hundred [1] 29/1	north [2] 54/8 54/25
mechanics [1] 35/19	multiple [1] 60/24	northernmost [1] 57/19
meeting [9] 4/2 15/11 15/11 15/15 50/20 76/9 79/12 79/25 80/10	MURPHY [1] 2/3	not [77] 4/17 5/17 5/20 8/4 8/5 8/24 8/24 9/1 9/6 9/14 10/5 10/20 10/23 11/24 13/8 17/4 19/5 19/11 22/19 23/24 25/16 26/4 26/4 26/5 26/6 28/23 29/20 31/25 32/2 32/4 32/24 33/10 33/20 34/19 36/5 36/7 37/21 38/5 39/20 43/1 43/17 44/8 46/4 46/12 47/5 47/6 48/7 51/6 51/18 52/13 55/12 57/24 59/10 59/14 59/23 66/10 66/20 66/21 67/5 67/11 67/14 67/14 70/1 70/2 70/7 70/25 71/21 74/2 74/16 74/21
Member [6] 1/12 1/12 1/13 1/13 1/14 1/14	my [34] 15/3 16/1 16/3 17/4 19/22 20/9 21/7 21/14 22/20 25/12 25/23 28/7 30/23 32/4	
Members [1] 35/7		
memory [1] 65/14		
mention [1] 63/16		
mentioned [4] 13/13 36/10 39/14 63/15		
mercy [1] 66/23		
message [2] 12/17 29/24		
met [4] 19/23 20/1 34/23 35/5		
MICHAEL [1] 56/9		
MICHELINI [16] 2/6 2/8 3/5 3/7 4/3 4/9 4/10 4/13 20/7 23/23 30/12 43/22 54/13 56/10 73/1 78/16		
middle [1] 23/24		
midway [1] 63/5		

<p><b>N</b></p> <p>not... [7] 75/4 75/11 75/19 77/25 78/7 78/25 79/21</p> <p>notable [1] 33/7</p> <p>Notary [2] 82/4 82/13</p> <p>notations [1] 24/23</p> <p>notes [3] 25/16 66/19 79/14</p> <p>nothing [3] 6/17 6/19 81/16</p> <p>notice [1] 78/7</p> <p>noticed [1] 33/2</p> <p>November [1] 59/2</p> <p>now [11] 11/6 29/3 29/5 44/11 46/20 46/24 51/17 52/21 60/17 63/14 77/24</p> <p>nowhere [2] 27/4 27/15</p> <p>number [10] 3/12 22/14 33/13 38/19 38/20 39/7 51/23 52/6 52/7 76/20</p> <p>numbers [1] 50/25</p>	<p>80/16</p> <p>once [1] 70/6</p> <p>one [49] 9/21 9/25 10/4 14/16 14/17 15/1 20/18 20/24 20/25 22/4 23/6 24/21 25/3 26/10 26/19 27/14 28/1 28/9 28/9 33/4 35/5 35/14 38/25 39/15 49/11 49/15 51/6 51/10 51/15 51/20 51/24 53/15 53/25 55/14 57/5 57/18 57/19 57/22 58/19 60/23 61/15 61/16 62/3 65/2 67/5 73/4 76/10 76/12 81/13</p> <p>ones [10] 9/17 10/22 11/4 11/8 12/1 12/8 33/18 60/25 61/23 62/5</p> <p>online [5] 15/7 15/8 15/11 15/13 15/17</p> <p>only [12] 10/15 10/25 13/23 14/16 14/17 26/3 40/2 47/18 53/25 67/17 73/7 79/3</p> <p>open [3] 54/2 54/16 54/22</p> <p>operate [1] 67/17</p> <p>operates [1] 46/1</p> <p>opinion [1] 75/19</p> <p>opportunity [1] 77/15</p> <p>opposed [1] 32/23</p> <p>Opticom [2] 6/23 6/25</p> <p>order [1] 66/16</p> <p>original [5] 20/13 21/1 23/3 23/9 24/5</p> <p>Oris [1] 2/13</p> <p>OSHA [1] 61/18</p> <p>other [40] 5/7 6/1 10/15 10/16 15/1 15/12 20/1 27/6 28/13 30/2 31/5 31/23 31/25 32/23 33/1 36/6 36/19 40/10 43/5 47/21 49/20 58/10 58/11 61/21 66/18 66/23 67/19 70/21 71/1 73/11 74/20 75/21 76/19 76/19 76/20 76/22 76/23 78/11 79/3 79/4</p> <p>others [1] 52/18</p> <p>our [7] 4/5 21/24 28/12 30/19 65/13 72/15 80/24</p> <p>out [6] 32/12 48/8 58/15 60/16 71/25 80/24</p> <p>outages [1] 67/11</p> <p>outside [4] 20/5 48/2 49/2 53/7</p> <p>outweighed [1] 78/17</p> <p>over [31] 10/25 13/22 14/3 39/23 40/15 45/5 45/23 46/17 47/10 48/8 55/1 55/9 55/22 57/1 60/4 60/12 60/21 62/5 70/3 70/6 70/16 72/3 73/5 73/12 73/12 73/17 75/13 77/17 77/18 79/14 80/23</p> <p>overtime [1] 59/20</p> <p>own [5] 25/12 34/11 34/17 35/22 68/23</p>	<p>paint [1] 8/20</p> <p>Panasonic [1] 7/20</p> <p>paper [1] 70/18</p> <p>pardon [5] 20/24 33/22 34/9 39/11 40/5</p> <p>parents [1] 13/18</p> <p>PARK [59] 1/4 4/2 11/1 12/1 12/4 12/7 12/23 13/1 13/22 14/4 14/19 31/21 32/22 33/1 33/15 33/23 36/7 36/13 37/8 37/19 37/25 39/12 39/18 40/14 42/20 42/21 42/22 44/2 44/17 44/18 46/9 46/18 54/9 54/11 57/1 57/19 60/21 62/6 63/22 66/22 66/24 67/23 68/3 68/11 70/3 70/16 70/21 72/4 72/12 72/19 73/5 73/13 73/24 74/14 75/2 75/16 75/18 75/21 76/14</p> <p>parking [7] 40/21 40/22 41/6 41/17 47/6 47/11 48/1</p> <p>parks [1] 62/20</p> <p>Parkway [1] 44/23</p> <p>part [15] 10/15 14/22 17/14 17/14 17/16 18/4 19/12 25/17 33/23 48/20 57/24 64/8 65/23 67/1 69/21</p> <p>part-time [2] 10/15 33/23</p> <p>participates [1] 46/9</p> <p>particular [1] 43/25</p> <p>particularly [1] 79/20</p> <p>party [1] 13/7</p> <p>pass [1] 77/2</p> <p>past [3] 14/12 14/18 73/3</p> <p>patrol [4] 39/21 39/25 60/15 60/16</p> <p>patrolmen [1] 32/7</p> <p>pay [1] 5/22</p> <p>payroll [1] 64/13</p> <p>pays [1] 65/5</p> <p>Pelican [4] 12/7 57/21 62/9 72/18</p> <p>Pelican Island [2] 62/9 72/18</p> <p>peninsula [1] 55/1</p> <p>people [7] 64/12 67/7 67/9 67/12 67/15 70/8 80/4</p> <p>Per [2] 41/18 41/19</p> <p>percent [2] 10/20 40/25</p> <p>perhaps [1] 81/3</p> <p>period [1] 57/16</p> <p>permit [5] 40/22 41/7 41/17 41/18 41/23</p> <p>permits [1] 40/21</p> <p>Perry [1] 20/17</p> <p>person [4] 14/8 39/8 42/3 79/3</p> <p>personal [2] 53/25 62/21</p> <p>personnel [1] 55/25</p> <p>Peters [1] 2/12</p> <p>petition [2] 1/5 4/11</p> <p>petitioner [1] 33/4</p> <p>petitioners [2] 2/8 41/4</p> <p>phone [1] 30/7</p> <p>phones [1] 67/13</p> <p>pick [1] 29/10</p> <p>picked [1] 5/11</p> <p>piece [1] 22/4</p> <p>piled [1] 73/18</p> <p>Pine [1] 44/15</p> <p>Pinewald [1] 1/6</p> <p>place [3] 39/23 40/8 82/9</p> <p>Planner [2] 2/13 2/13</p> <p>planning [5] 1/1 21/19 71/8 71/10 71/11</p> <p>Plate [1] 5/16</p>
<p><b>O</b></p> <p>o'clock [2] 80/19 80/20</p> <p>O'MALLEY [2] 2/6 4/10</p> <p>oath [1] 4/15</p> <p>obeying [1] 38/5</p> <p>object [1] 30/23</p> <p>objected [1] 28/19</p> <p>objection [5] 21/3 21/15 21/16 30/24 78/8</p> <p>obvious [1] 42/25</p> <p>obviously [1] 38/2</p> <p>occur [3] 42/10 71/3 75/15</p> <p>occurred [1] 60/1</p> <p>occurrence [4] 40/23 40/25 53/19 53/21</p> <p>occurs [1] 46/4</p> <p>ocean [3] 35/7 39/4 69/22</p> <p>OEM [1] 71/8</p> <p>off [6] 4/1 21/23 22/10 22/19 56/6 68/6</p> <p>office [4] 28/12 30/20 41/9 65/22</p> <p>officer [15] 9/25 10/12 14/8 33/22 33/24 36/21 40/7 51/25 52/10 57/8 61/16 62/3 76/2 78/1 78/5</p> <p>officers [27] 6/15 9/17 9/22 10/4 15/2 32/12 32/22 33/9 39/23 40/3 55/22 57/1 57/12 57/13 57/14 58/4 58/10 58/12 58/12 58/17 58/20 65/3 75/16 75/21 75/24 77/16 78/11</p> <p>offices [1] 66/5</p> <p>often [1] 54/21</p> <p>oh [9] 16/8 22/9 24/1 24/9 26/2 27/14 27/16 41/21 79/10</p> <p>okay [82] 4/1 4/17 5/4 5/13 5/25 6/17 7/1 7/4 8/15 9/1 9/4 10/8 11/4 11/16 11/23 12/8 12/15 12/22 13/21 14/17 14/25 15/10 15/16 16/6 16/18 17/20 18/20 18/25 19/15 22/5 22/23 24/3 26/12 27/25 30/11 31/17 33/12 34/1 35/1 35/24 36/11 37/17 37/22 41/13 43/23 45/3 45/10 46/8 47/7 48/9 48/13 49/6 49/20 49/23 50/10 50/15 51/22 54/10 54/12 54/17 56/11 56/16 58/14 59/18 60/8 62/2 62/21 63/7 66/7 67/3 68/7 69/16 70/5 70/14 71/1 72/21 73/23 74/7 76/13 77/23 80/1</p>	<p><b>P</b></p> <p>p.m [1] 1/8</p> <p>page [27] 3/3 3/12 17/24 17/25 18/18 20/18 22/14 22/24 22/25 22/25 23/1 23/1 23/3 23/6 23/22 23/22 23/25 25/4 25/25 26/13 26/16 29/1 29/23 51/6 51/8 51/15 51/20</p> <p>page two [4] 22/25 23/1 23/3 25/25</p> <p>pages [4] 3/14 20/16 22/11 52/13</p>	

<b>P</b>	push [2] 7/15 7/16 put [13] 12/15 12/18 24/11 30/23 37/24 39/12 48/8 58/15 61/5 62/12 62/24 63/3 63/8 puts [1] 13/7	regards [1] 37/8 Regional [1] 69/22 register [1] 78/8 registrations [1] 59/4 reimbursed [1] 64/25 reimbursement [1] 64/19 reimbursements [3] 59/9 59/11 59/13 related [10] 18/1 50/6 70/8 70/22 70/25 72/3 73/4 73/7 73/8 74/4 relating [5] 18/13 18/15 18/16 18/17 48/14 relationship [1] 20/5 relative [1] 49/1 relatively [1] 40/23 reliable [1] 44/8 rely [1] 66/17 remaining [1] 77/16 remember [6] 9/18 15/2 39/15 49/3 62/13 62/17 reorient [1] 19/22 repetitive [1] 77/14 reply [2] 27/23 29/18 report [10] 15/12 15/20 15/20 15/24 25/17 29/2 32/8 32/15 51/14 51/18 reportable [1] 75/10 reported [4] 33/3 33/9 74/6 75/7 Reporter [1] 82/5 REPORTERS [1] 1/24 reports [3] 15/6 15/19 51/7 representation [1] 54/15 request [9] 15/12 15/23 28/7 29/17 40/9 64/19 80/17 80/18 80/24 requested [2] 36/14 36/15 requesting [1] 23/11 require [1] 77/20 required [1] 69/13 rescue [2] 36/3 69/19 reserve [1] 78/1 resident [1] 41/23 residential [1] 12/19 residents [2] 41/21 63/22 respect [3] 28/17 34/2 40/4 respond [5] 23/9 38/10 39/9 40/2 52/25 responded [3] 40/14 70/3 70/20 responding [1] 38/3 response [3] 20/11 51/24 56/19 responsibilities [5] 31/20 65/14 71/6 71/16 71/22 responsibility [6] 32/3 32/5 37/3 37/12 66/10 76/2 responsible [1] 32/6 rest [1] 63/22 result [1] 60/1 retired [1] 78/7 retrieving [1] 15/19 revisit [1] 79/16 Richard [1] 1/12 right [41] 5/19 6/8 6/20 7/12 8/2 8/10 11/2 16/10 16/25 24/2 26/2 29/3 29/5 43/20 44/2 44/19 45/12 46/3 46/5 46/24 48/1 50/25 51/7 51/22 52/6 55/8 56/11 57/11 57/17 59/5 61/20 62/11 63/24 65/18 67/5 71/13 74/8 74/13 76/3 77/8 81/17 right-hand [2] 50/25 51/7
plausible [1] 33/11 play [1] 21/9 playing [1] 20/16 please [2] 4/7 29/24 plowing [1] 32/24 Plus [1] 58/17 pockets [1] 74/19 point [3] 29/25 45/24 79/1 police [41] 4/19 4/23 6/11 9/17 26/5 28/12 30/20 31/20 35/18 37/18 37/20 37/25 38/11 44/14 44/25 45/14 50/17 54/11 56/19 58/9 58/9 58/15 59/20 60/6 63/19 64/6 64/7 64/8 64/22 64/25 65/15 69/13 69/16 76/2 77/13 77/16 77/21 77/25 78/14 78/22 79/5 policing [1] 75/17 Poorly [1] 70/18 portion [2] 10/16 65/15 portions [2] 31/23 63/4 position [1] 79/6 possible [3] 30/17 44/18 80/23 Possibly [3] 14/16 14/17 45/21 post [5] 57/9 57/23 57/25 58/18 59/4 postage [1] 42/7 power [1] 67/11 practical [1] 38/9 prepared [1] 78/10 preparing [1] 29/1 presence [1] 77/20 PRESENT [1] 2/11 presented [1] 21/7 presenting [1] 79/1 pretty [3] 54/21 55/13 69/12 price [5] 5/20 7/11 7/14 8/21 8/25 primary [1] 65/20 printer [3] 7/25 9/10 9/14 prints [1] 21/23 prior [3] 15/14 16/22 19/23 private [1] 63/4 probably [11] 11/17 28/17 38/14 45/16 46/22 47/20 55/9 68/4 70/24 76/14 78/15 problem [5] 33/8 46/23 74/10 74/12 74/16 problems [3] 59/25 64/2 74/20 proceed [1] 4/7 proceeding [2] 50/7 52/17 proceedings [2] 31/7 82/7 process [4] 19/22 20/5 22/2 30/13 processing [3] 34/12 68/24 69/4 procured [1] 67/4 professional [3] 19/10 31/5 31/13 professionals [3] 16/15 17/3 19/2 program [6] 13/12 45/25 46/5 46/7 46/10 66/5 protection [1] 58/15 protocols [1] 38/13 provide [3] 28/23 28/24 60/25 provided [1] 63/14 providing [2] 28/20 31/21 Public [3] 80/7 82/5 82/13 purchase [1] 8/23 purchased [2] 8/6 66/14	<b>Q</b> quad [2] 47/17 47/18 quads [1] 38/25 question [23] 15/4 17/22 27/13 29/20 29/21 36/8 41/3 42/9 46/22 49/24 50/10 50/24 51/2 52/1 52/6 53/16 54/4 55/19 55/20 70/15 70/19 71/2 72/2 questioned [1] 39/7 questions [31] 19/16 19/17 19/21 24/17 25/11 28/23 29/7 30/15 31/18 39/10 48/15 48/17 48/23 48/24 49/23 50/5 50/6 50/21 53/14 56/17 65/8 65/9 77/11 77/12 77/13 77/15 78/2 78/13 78/16 78/20 81/20 quick [1] 55/20 quickly [2] 30/17 32/25 quite [2] 30/11 72/9 quote [1] 66/21	
	<b>R</b> rack [1] 7/12 radar [2] 8/16 8/17 radio [2] 6/3 69/7 raising [1] 70/8 range [4] 11/21 35/16 61/25 69/10 rare [2] 53/20 53/23 rate [1] 54/1 rather [3] 21/25 50/18 53/18 reached [3] 80/19 81/1 81/3 read [3] 17/16 24/18 70/17 readers [1] 5/16 readily [1] 25/10 really [13] 27/22 34/25 38/17 38/18 39/10 54/20 61/1 61/4 71/7 71/7 71/10 77/11 77/14 rear [1] 7/10 reason [3] 23/14 25/7 27/25 reasonable [1] 11/7 reasons [1] 28/19 recall [11] 12/13 16/16 16/23 16/24 17/7 19/3 33/10 42/22 57/2 62/13 73/13 recalled [2] 4/12 56/9 received [2] 29/12 62/19 recent [5] 13/8 30/15 39/15 40/23 40/25 recipient [2] 18/9 18/10 recommend [1] 63/23 reconstructionist [1] 35/4 record [9] 4/9 21/2 22/10 30/16 30/24 31/4 37/24 56/6 80/2 recorded [2] 43/2 43/17 recording [1] 42/25 records [2] 24/22 43/16 recreation [1] 13/7 refer [1] 53/4 reference [1] 62/18 referenced [2] 18/9 20/8 reflect [1] 43/16 reflected [1] 12/9 refresh [1] 65/13 regard [2] 60/3 60/3 regardless [1] 76/3	



<p><b>R</b></p> <p>River [8] 2/4 7/2 43/7 43/8 44/16 44/16 66/24 76/21 road [7] 1/6 2/4 5/6 55/2 55/6 55/8 60/14 roads [1] 32/14 Robert [1] 1/11 Rodney [1] 2/14 ROTH [12] 3/4 4/3 4/12 4/14 19/16 23/11 23/12 23/16 28/20 28/23 29/8 49/12 Roth's [1] 61/24 round [3] 10/15 10/18 10/20 Route [6] 44/14 44/19 45/15 45/20 45/20 55/5 Route 37 [1] 45/20 Route Nine [5] 44/14 44/19 45/15 45/20 55/5 roving [3] 39/21 57/5 57/20 runs [1] 63/2 RYAN [3] 3/4 4/12 49/12</p>	<p>68/11 70/3 70/16 70/20 72/4 72/12 72/18 73/5 73/13 73/24 74/14 75/2 75/16 75/18 75/21 76/14 76/21 Seaside Heights [2] 44/17 76/21 Seaside Park [8] 33/15 33/23 36/7 36/13 44/2 44/17 75/16 75/21 seasons [1] 38/16 seat [3] 13/11 13/16 14/4 seats [1] 14/11 second [2] 19/20 51/24 Secretary [1] 2/12 sections [3] 32/23 33/1 74/22 sector [5] 14/9 44/19 57/22 71/9 72/17 sectors [1] 12/6 see [7] 22/2 29/9 52/10 52/11 78/3 78/11 79/24 seem [1] 22/4 self [1] 66/16</p>	<p>siren [2] 7/5 7/7 sirens [1] 38/4 sitting [1] 25/9 situation [3] 38/10 44/13 79/21 six [2] 73/9 73/10 skid [1] 5/5 slow [1] 12/19 snowstorms [1] 32/21 so [98] some [24] 4/6 4/18 4/22 5/16 8/1 10/16 15/6 24/23 24/23 28/18 33/18 37/20 37/23 40/19 42/22 43/15 44/5 54/6 64/21 67/14 68/8 78/9 79/19 79/22 somebody [3] 15/17 58/17 79/2 someone [2] 51/9 57/20 something [7] 12/20 28/25 33/8 41/5 51/18 63/24 76/8 somewhat [1] 21/8 somewhere [4] 45/15 48/2 59/1 76/17 sorry [7] 17/2 23/1 24/9 27/16 48/6 65/25 70/18 sort [5] 19/21 21/7 22/2 24/25 81/8 sound [2] 8/10 54/17 sounds [1] 55/13 SOUTH [44] 1/4 1/24 4/2 11/1 11/25 12/4 12/22 13/1 13/22 14/4 14/19 31/21 32/22 32/25 37/19 37/25 39/12 39/18 40/14 42/20 44/16 44/18 46/17 57/1 57/19 60/21 62/6 63/22 66/22 67/23 68/3 70/3 70/16 70/20 72/4 72/11 72/18 73/5 73/13 73/24 74/14 75/2 75/18 76/14 South Seaside [6] 13/1 39/18 66/22 70/16 75/2 75/18 speak [3] 50/12 55/13 64/11 speaking [1] 53/24 special [3] 8/22 9/16 65/4 specialists [1] 13/18 specialization [1] 14/9 specialized [4] 34/1 36/6 36/13 68/13 specials [6] 10/24 60/4 60/4 60/7 60/11 60/20 specialty [1] 37/10 specific [1] 51/2 specifically [2] 28/6 39/3 specify [1] 34/21 speed [4] 14/22 35/10 38/5 45/5 spent [2] 58/15 59/21 Sperber [1] 62/19 stand [1] 39/1 standalone [1] 66/15 standard [3] 23/2 42/9 71/2 standpoint [1] 58/16 start [4] 23/6 60/11 65/18 73/8 State [5] 54/11 58/9 58/9 82/5 82/13 statements [4] 28/24 29/5 30/23 30/25 states [1] 58/10 station [1] 7/23 stationed [1] 38/25 stay [1] 67/7 stenographically [1] 82/8 step [1] 72/1 still [4] 4/14 60/15 66/22</p>
<p><b>S</b></p> <p>safe [1] 61/3 safety [8] 4/4 5/5 11/7 13/11 13/16 14/4 14/11 34/18 said [14] 5/13 14/21 15/2 18/18 25/21 40/24 41/12 48/20 57/8 58/3 58/4 73/12 74/5 76/16 same [13] 17/18 23/7 23/22 26/25 35/6 37/8 37/9 43/5 43/12 52/8 68/8 68/11 76/24 sand [6] 33/7 46/25 47/12 62/12 62/15 62/24 Sandy [22] 33/6 56/18 56/19 57/11 59/11 59/21 59/21 59/22 60/1 64/6 70/8 70/18 70/18 70/22 70/25 72/3 73/4 73/7 73/8 74/1 74/4 74/5 Santucci [18] 10/7 13/11 17/1 18/8 18/22 19/1 23/11 23/17 25/20 26/6 26/15 27/1 27/10 27/18 29/13 33/13 39/2 39/7 saw [1] 79/14 say [22] 11/11 19/8 24/20 28/11 44/13 44/23 45/8 50/3 53/23 59/22 59/24 60/13 60/15 72/5 72/14 73/24 75/3 75/6 76/17 77/1 80/13 80/19 say more [1] 11/11 saying [3] 27/1 27/12 62/17 says [9] 23/14 23/15 25/1 26/21 27/19 27/19 27/20 49/18 50/12 scene [4] 34/12 52/1 52/10 68/24 schedule [1] 13/19 schedules [1] 61/1 School [1] 66/24 schools [3] 46/1 46/17 76/23 scope [1] 81/9 search [2] 36/2 69/18 SEASIDE [61] 1/4 4/2 11/1 12/1 12/4 12/6 12/23 13/1 13/22 14/4 14/19 31/21 32/22 32/25 33/15 33/23 36/7 36/13 37/8 37/19 37/25 39/12 39/18 40/14 42/20 42/21 42/22 44/2 44/17 44/17 44/18 46/9 46/18 54/8 57/1 57/19 60/21 60/21 62/6 63/22 66/22 66/24 67/23 68/3</p>	<p>self-sustaining [1] 66/16 send [4] 28/4 28/9 29/24 29/25 sense [1] 76/1 sent [13] 16/3 17/6 18/5 23/4 24/6 28/9 28/15 29/17 29/18 29/18 29/19 52/23 52/25 sentiment [1] 30/18 separate [1] 37/16 separately [2] 9/6 12/9 September [2] 16/9 19/24 September 1st [1] 19/24 sequence [1] 26/19 Sergeant [1] 8/11 Sergeant Dohn [1] 8/11 sergeants [2] 32/9 32/11 series [1] 60/25 service [3] 37/9 37/9 41/5 services [8] 31/21 36/6 36/12 36/13 37/7 68/10 68/12 76/24 servicing [1] 31/23 set [2] 19/20 82/9 sets [1] 21/7 seven [5] 58/4 58/11 58/21 80/19 81/3 several [2] 55/8 59/22 shape [1] 67/6 shared [1] 25/15 she [2] 41/12 41/14 shifts [5] 60/24 61/3 61/3 61/8 61/9 short [2] 22/2 53/1 shot [1] 76/15 shotgun [1] 5/19 should [4] 29/7 31/6 31/10 50/3 shovel [1] 5/13 show [1] 17/13 showed [1] 16/20 side [3] 51/7 67/10 67/10 signers [1] 4/11 significant [5] 59/25 73/20 75/4 78/5 78/9 signify [1] 51/1 signs [3] 12/13 12/16 39/11 similar [4] 33/16 67/18 72/5 77/1 simple [1] 21/4 simply [2] 25/12 52/13 since [2] 16/8 20/2 single [1] 9/24 sir [2] 24/11 63/13</p>	<p>siren [2] 7/5 7/7 sirens [1] 38/4 sitting [1] 25/9 situation [3] 38/10 44/13 79/21 six [2] 73/9 73/10 skid [1] 5/5 slow [1] 12/19 snowstorms [1] 32/21 so [98] some [24] 4/6 4/18 4/22 5/16 8/1 10/16 15/6 24/23 24/23 28/18 33/18 37/20 37/23 40/19 42/22 43/15 44/5 54/6 64/21 67/14 68/8 78/9 79/19 79/22 somebody [3] 15/17 58/17 79/2 someone [2] 51/9 57/20 something [7] 12/20 28/25 33/8 41/5 51/18 63/24 76/8 somewhat [1] 21/8 somewhere [4] 45/15 48/2 59/1 76/17 sorry [7] 17/2 23/1 24/9 27/16 48/6 65/25 70/18 sort [5] 19/21 21/7 22/2 24/25 81/8 sound [2] 8/10 54/17 sounds [1] 55/13 SOUTH [44] 1/4 1/24 4/2 11/1 11/25 12/4 12/22 13/1 13/22 14/4 14/19 31/21 32/22 32/25 37/19 37/25 39/12 39/18 40/14 42/20 44/16 44/18 46/17 57/1 57/19 60/21 62/6 63/22 66/22 67/23 68/3 70/3 70/16 70/20 72/4 72/11 72/18 73/5 73/13 73/24 74/14 75/2 75/18 76/14 South Seaside [6] 13/1 39/18 66/22 70/16 75/2 75/18 speak [3] 50/12 55/13 64/11 speaking [1] 53/24 special [3] 8/22 9/16 65/4 specialists [1] 13/18 specialization [1] 14/9 specialized [4] 34/1 36/6 36/13 68/13 specials [6] 10/24 60/4 60/4 60/7 60/11 60/20 specialty [1] 37/10 specific [1] 51/2 specifically [2] 28/6 39/3 specify [1] 34/21 speed [4] 14/22 35/10 38/5 45/5 spent [2] 58/15 59/21 Sperber [1] 62/19 stand [1] 39/1 standalone [1] 66/15 standard [3] 23/2 42/9 71/2 standpoint [1] 58/16 start [4] 23/6 60/11 65/18 73/8 State [5] 54/11 58/9 58/9 82/5 82/13 statements [4] 28/24 29/5 30/23 30/25 states [1] 58/10 station [1] 7/23 stationed [1] 38/25 stay [1] 67/7 stenographically [1] 82/8 step [1] 72/1 still [4] 4/14 60/15 66/22</p>

<b>S</b>	64/14 74/2 talked [9] 8/16 9/16 12/12 13/9 17/15 46/20 47/17 62/11 62/14 talking [3] 22/8 28/7 31/10 tax [3] 5/22 5/24 5/25 taxes [2] 5/21 5/23 teach [1] 13/18 team [4] 35/8 36/3 69/22 69/24 teams [1] 36/6 tell [5] 17/13 39/1 39/3 61/6 79/18 telling [2] 31/10 61/2 ten [14] 11/14 11/15 11/20 14/14 14/15 28/21 38/14 41/12 47/19 63/11 73/6 80/20 81/2 81/4 term [3] 67/6 67/11 67/15 terms [6] 28/14 67/16 72/2 75/2 75/10 75/17 testified [15] 4/19 4/23 15/17 18/14 18/17 19/1 33/5 38/24 41/3 56/17 56/18 56/25 77/25 79/4 79/19 testifies [1] 29/6 testify [3] 28/17 28/25 29/3 testifying [1] 31/6 testimony [24] 16/14 16/16 16/22 18/1 19/3 28/20 28/24 31/18 37/24 42/22 44/5 52/17 53/6 53/7 57/2 57/7 62/16 62/18 63/18 66/8 73/3 78/5 78/9 81/20 than [21] 11/11 11/14 11/18 13/8 14/14 14/15 20/1 27/6 28/13 28/20 31/22 37/14 41/20 48/16 61/15 70/21 71/1 72/17 73/6 74/20 79/4 thank [22] 4/8 19/15 19/19 21/22 30/10 31/16 31/17 42/13 53/13 54/12 55/15 56/2 56/4 65/8 68/7 72/21 77/6 77/7 78/21 81/7 81/17 81/19 Thanksgiving [1] 50/16 that [355] that the [1] 47/5 that's [49] 7/8 7/11 16/7 16/8 16/12 18/1 21/18 21/20 22/16 23/12 23/15 23/24 24/4 27/21 29/16 37/12 42/13 43/3 43/20 44/18 45/24 46/4 46/7 47/18 47/18 48/7 49/6 49/7 50/13 50/14 51/5 51/18 53/20 57/7 57/10 58/18 58/22 59/3 62/7 71/10 71/10 74/6 74/10 74/12 74/13 75/1 77/21 80/11 80/23 their [13] 34/11 34/17 35/22 36/21 61/1 61/6 67/12 68/23 69/14 70/9 77/3 77/20 78/18 them [24] 5/11 8/23 12/20 12/22 12/25 13/3 15/7 22/21 22/22 24/23 24/25 28/9 29/25 32/18 33/19 34/24 41/6 43/17 60/14 64/23 68/10 80/6 80/23 80/25 themselves [1] 67/24 then [30] 4/5 4/22 6/14 16/20 25/3 26/12 26/24 27/8 27/16 27/16 37/20 40/8 40/11 50/21 51/6 51/13 51/22 52/6 52/22 55/7 55/9 57/20 57/22 58/3 58/18 60/5 60/24 64/13 68/5 79/2	there [99] there's [25] 5/6 6/13 12/21 26/24 27/9 30/17 30/18 42/18 43/1 46/25 49/11 60/22 60/23 60/24 60/24 61/3 61/12 71/8 71/19 72/15 73/20 74/18 75/10 77/1 79/2 these [11] 9/1 18/11 31/6 48/23 48/23 50/18 51/1 52/16 52/18 78/17 80/21 they [42] 8/7 8/22 9/4 10/8 10/24 12/3 12/4 13/4 13/6 15/7 15/17 24/22 24/24 32/13 33/17 34/11 34/14 34/17 35/13 35/21 36/17 36/19 36/20 37/9 37/11 37/13 39/16 40/2 44/2 46/12 54/2 56/7 61/10 64/24 66/22 67/23 68/23 69/21 75/21 76/4 76/24 77/2 they'll [1] 13/19 they're [7] 11/25 12/17 15/11 37/18 40/1 44/8 75/23 They've [1] 80/21 thing [1] 36/5 things [6] 5/6 8/20 12/16 44/12 70/9 79/19 think [32] 5/13 8/16 13/7 13/9 13/13 14/21 20/25 21/6 21/8 28/10 28/22 29/6 30/24 32/19 36/18 39/9 42/11 44/4 45/3 48/18 53/25 60/14 61/18 67/7 70/6 70/23 71/4 71/6 72/22 77/10 77/12 77/16 thirteen [1] 38/22 this [64] 14/7 14/12 14/18 15/11 17/9 17/14 17/14 18/2 18/15 18/16 19/6 20/2 20/5 20/15 20/15 20/18 21/1 21/10 21/10 22/5 22/13 22/24 23/1 23/18 23/21 25/7 27/14 28/21 29/7 29/11 29/12 30/15 31/2 39/1 39/18 41/3 41/4 42/8 46/24 48/13 48/16 48/22 49/4 49/4 50/7 50/11 52/17 52/24 53/7 54/4 55/5 55/24 60/8 66/8 66/19 66/21 67/1 70/1 72/1 75/17 77/19 78/23 79/1 81/13 thorough [1] 81/12 those [17] 5/1 5/9 8/6 8/18 8/19 12/15 14/11 27/22 37/7 44/22 48/17 50/6 52/22 58/11 68/11 70/21 77/3 though [2] 6/18 53/1 thought [5] 19/22 29/16 47/5 48/6 63/25 thread [5] 17/19 17/20 48/22 49/1 49/2 three [23] 3/14 20/24 22/11 22/24 23/2 24/21 28/2 28/10 39/10 51/23 57/1 57/12 57/12 57/13 57/14 57/15 57/22 57/24 58/16 58/19 58/19 61/3 63/11 three-page [1] 22/24 Three-pages [2] 3/14 22/11 through [18] 16/1 16/3 16/4 18/6 24/13 25/13 29/12 32/12 33/12 33/18 39/9 44/15 44/22 44/24 68/8 68/9 80/5 81/4 throughout [2] 12/5 67/20 throw [1] 80/23 Thursday [1] 1/7 ticket [1] 7/24 TIER [5] 3/6 56/9 56/16 65/8
<b>T</b>		
T-10 [2] 50/24 51/3 T-21 [2] 51/6 51/21 T-23 [1] 52/7 T-25 [6] 22/12 48/10 48/12 48/13 48/13 49/2 take [13] 17/16 25/11 38/1 38/12 45/12 45/16 45/19 55/4 55/10 63/1 67/1 72/1 81/5 taken [2] 25/8 82/8 takes [2] 33/14 64/14 taking [1] 64/13 talk [5] 42/18 44/11 48/4		



T	U	
TIER... [1] 73/2	ULAKY [1] 2/3	12/18 12/20 13/2 13/17 14/8
till [1] 81/3	under [12] 4/14 21/10 32/3	14/24 18/6 19/23 20/1 20/4
time [36] 10/15 12/25 13/2	32/4 36/12 38/12 39/25 40/8	22/2 22/7 22/21 24/7 26/12
16/14 18/6 19/1 19/18 20/2	51/8 65/15 70/11 81/5	28/6 31/9 33/22 36/22 38/17
20/7 25/9 25/12 26/19 28/9	understand [7] 24/24 50/1 51/5	39/21 39/21 39/21 39/22 40/10
28/18 29/2 29/7 31/2 33/13	54/15 61/20 79/20 81/14	46/25 59/3 60/14 61/20 63/23
33/21 33/23 33/23 38/2 41/10	understanding [6] 47/7 47/9	70/17 71/20 78/21 79/21 79/24
50/19 52/7 52/8 53/25 55/21	50/14 50/18 60/22 80/12	80/17 80/18 80/19 80/20 81/1
58/5 59/1 60/7 64/12 79/17	understood [1] 33/20	81/2 81/3 81/3 81/12 81/15
80/4 80/6 82/8	Underwater [2] 36/2 69/18	we'll [4] 4/5 29/6 39/23 81/5
times [7] 42/24 43/1 51/7 51/9	unfortunately [1] 73/21	we're [3] 5/24 22/8 77/16
51/24 58/5 81/1	unit [2] 34/18 40/14	we've [4] 15/14 38/16 77/12
tired [1] 80/22	units [2] 8/16 8/17	77/17
title [1] 24/13	unless [3] 61/16 77/10 79/1	wear [1] 6/14
today [1] 5/11	until [2] 29/6 81/1	weather [2] 32/13 33/5
told [1] 31/5	up [28] 4/18 5/11 9/4 9/5 21/8	week [2] 59/2 59/2
Toms [7] 7/2 43/7 43/8 44/16	25/8 25/11 25/16 26/24 27/8	weeks [5] 47/19 47/20 47/21
44/16 66/24 76/21	27/17 29/10 40/3 42/15 43/8	47/21 58/24
Toms River [6] 7/2 43/7 43/8	43/23 45/22 53/16 53/17 54/5	well [16] 7/1 21/6 21/12 21/17
44/16 66/24 76/21	55/2 55/6 55/7 58/4 67/4 73/2	23/8 25/23 30/11 32/24 36/7
ton [1] 63/8	77/13 81/2	37/21 63/21 71/12 72/17 73/8
tonight [1] 80/3	ups [2] 54/14 72/23	74/13 78/25
tons [2] 62/12 62/15	Urban [1] 69/22	went [8] 18/6 24/6 25/25 26/3
too [2] 7/22 28/8	us [5] 36/20 39/1 39/3 41/21	33/12 49/24 60/18 70/6
took [1] 63/12	63/21	were [41] 4/22 13/4 13/6 14/12
top [1] 22/19	use [7] 7/24 8/14 8/15 8/17	17/6 17/15 24/20 24/22 24/24
total [1] 57/22	12/20 39/22 77/3	28/6 28/8 33/16 39/8 39/10
Toughbook [2] 7/19 7/20	used [11] 6/11 10/25 12/4	39/11 39/17 42/10 42/19 44/5
town [6] 65/24 66/3 67/11	12/22 12/25 13/2 13/4 13/6	44/12 48/20 50/6 52/16 52/16
74/19 76/3 76/25	20/11 40/3 63/19	53/6 53/10 56/22 56/22 57/1
towns [6] 43/13 44/22 44/24	usually [1] 57/23	57/4 57/14 58/4 62/18 64/12
76/20 76/20 77/3	utilize [1] 63/25	64/21 64/24 68/8 71/3 73/12
township [24] 1/1 7/2 9/21	utilized [3] 11/25 12/4 67/21	75/15 79/19
10/12 12/5 16/11 21/20 31/23	V	weren't [3] 15/17 33/17 36/9
32/23 33/1 38/1 38/11 39/12	variable [1] 12/17	west [1] 67/10
44/1 44/14 49/25 60/6 66/17	varies [1] 81/8	what [72] 5/9 5/21 6/3 6/20
67/2 67/18 67/21 71/18 71/18	various [1] 5/6	6/24 6/25 7/6 7/10 8/7 8/12
78/22	vault [2] 9/5 9/5	8/16 8/19 9/5 9/20 9/24 10/8
traffic [13] 4/4 5/5 6/15 11/1	vehicle [2] 6/18 6/19	10/11 12/15 12/16 14/25 16/6
11/7 34/18 36/19 38/17 38/18	vehicles [5] 6/11 8/1 37/18	17/20 18/20 22/8 23/19 24/11
40/2 40/10 40/11 45/19	64/9 64/14	24/24 25/1 25/9 26/7 27/11
trailers [1] 35/10	versa [1] 43/10	28/2 28/6 28/7 28/13 29/16
training [5] 34/2 36/24 37/13	version [1] 51/14	29/23 31/6 31/10 31/19 36/17
68/13 69/14	versus [3] 42/3 72/11 72/12	39/21 39/25 41/16 46/7 47/7
transcript [1] 82/7	very [10] 26/18 42/17 52/8	47/16 47/19 48/11 49/6 50/25
transpired [1] 21/11	57/18 59/25 65/8 75/4 77/6	51/9 53/3 53/23 55/12 57/7
travel [1] 44/12	81/12 81/18	61/1 61/10 62/2 63/7 64/8
Tri [1] 66/25	vice [1] 43/10	65/13 65/14 65/15 65/25 69/14
Tri-Borough [1] 66/25	violence [3] 36/25 37/12 37/15	70/17 72/17 73/11 74/7 76/3
trip [1] 45/6	VOTERS [1] 1/4	79/6
truck [2] 63/8 63/12	W	what's [2] 18/12 73/15
truckloads [1] 63/10	wait [4] 20/24 54/6 54/7 55/17	whatever [2] 38/12 43/13
true [1] 82/7	waive [1] 77/14	whatsoever [1] 31/14
trustworthy [1] 63/25	want [14] 15/23 21/5 21/19	when [13] 11/6 14/6 36/13 41/2
trying [5] 21/4 28/4 28/8	24/17 25/11 29/4 36/20 41/23	41/6 42/25 43/1 53/22 59/3
68/10 80/5	48/5 49/8 50/19 72/1 79/11	60/11 60/14 71/8 76/2
turn [1] 68/6	79/16	When's [1] 12/25
Twelve [1] 47/21	wanted [2] 17/24 21/25	where [13] 13/15 16/11 25/4
twenty [1] 57/16	wants [1] 80/22	33/7 37/18 39/3 40/9 48/10
twenty-four [1] 57/16	warm [1] 67/12	65/3 66/5 67/23 76/7 76/24
twice [1] 70/7	warming [1] 67/8	wherein [1] 49/17
two [21] 10/12 20/24 22/25	was [114]	whether [8] 13/10 25/13 33/15
23/1 23/3 24/21 25/25 28/2	wasn't [5] 8/24 40/24 44/23	33/23 35/21 68/10 68/11 70/1
28/9 41/9 57/4 58/13 58/19	53/8 79/14	which [15] 5/16 17/6 17/23
58/24 60/23 61/12 61/16 62/3	waste [2] 50/19 79/16	18/13 20/25 21/10 23/13 25/17
65/3 73/4 74/3	way [12] 21/6 21/20 21/22	27/19 33/6 39/8 54/2 57/23
twos [9] 9/17 10/8 10/14 10/18	21/22 21/23 22/24 23/1 46/5	58/1 77/11
10/19 12/3 12/9 61/5 62/8	48/8 55/2 67/6 72/15	white [6] 65/20 73/4 73/11
type [2] 11/1 64/13	we [50] 4/1 6/14 8/5 8/14 9/6	73/16 73/21 74/2
typical [1] 12/18		Whiteman [2] 63/14 64/3
		whittle [1] 68/10
		who [17] 4/6 5/5 10/6 15/2
		24/6 26/1 33/5 41/3 56/7 58/4

**W**

who... [7] 59/15 59/17 63/2  
 64/5 64/12 64/18 79/7  
 who's [3] 41/11 56/8 62/19  
 whoever [1] 64/14  
 whole [5] 21/3 21/5 45/6 71/5  
 75/20  
 why [3] 20/9 28/24 48/7  
 Wiegartner [1] 1/14  
 wildfires [1] 71/19  
 will [7] 25/6 28/17 30/12 31/1  
 77/2 80/4 80/12  
 willing [1] 36/22  
 winter [1] 38/16  
 Winward [1] 1/11  
 wiring [1] 8/22  
 Wiser [26] 2/13 17/6 17/23  
 18/6 18/10 18/21 19/9 19/17  
 24/16 28/17 29/4 29/10 30/3  
 30/5 30/25 31/4 48/6 48/10  
 49/12 49/12 49/16 49/21 50/11  
 53/1 77/11 78/12  
 Wiser's [3] 46/22 48/14 49/23  
 within [5] 33/17 33/19 37/2  
 41/12 66/9  
 Without [1] 61/2  
 witness [4] 3/3 30/20 56/5  
 77/9  
 witnesses [1] 79/1  
 won't [2] 46/6 46/8  
 worded [1] 70/19  
 words [2] 10/16 15/12  
 work [5] 23/1 60/21 61/11 62/5  
 62/8  
 worked [1] 34/24  
 working [4] 34/24 35/6 60/15  
 61/16  
 Works [1] 80/8  
 worn [1] 35/25  
 worry [1] 71/23  
 worse [1] 72/16  
 would [87]  
 would say [1] 80/13  
 wouldn't [10] 43/16 45/22 54/1  
 54/21 55/2 55/10 55/20 66/17  
 71/23 77/20  
 writing [1] 53/5  
 wrong [1] 17/8

**Y**

yeah [14] 7/20 16/8 29/22  
 36/16 47/20 59/7 73/8 73/17  
 73/19 74/22 75/25 76/4 76/17  
 76/18  
 year [20] 10/15 10/17 10/18  
 10/20 13/5 14/7 14/12 14/18  
 39/13 39/19 40/15 41/9 41/15  
 47/19 47/22 70/4 70/6 70/16  
 73/3 74/3  
 year-round [2] 10/15 10/18  
 years [2] 41/10 41/12  
 Yep [1] 61/22  
 yes [103]  
 yet [1] 15/18  
 you [306]  
 you'd [4] 32/17 55/1 55/6  
 64/11  
 you're [19] 4/14 6/1 11/6  
 15/19 18/19 20/19 24/2 26/2  
 32/6 36/8 36/12 38/2 38/4 46/7  
 48/23 55/12 56/14 76/2 76/3  
 you've [1] 73/4

your [33] 5/4 16/22 20/11  
 20/11 20/12 31/19 32/3 32/22  
 33/9 33/19 36/5 37/2 37/5  
 38/12 42/9 44/4 47/7 50/8  
 53/17 57/7 58/20 59/9 62/6  
 62/16 65/14 65/16 66/9 71/2  
 73/3 73/16 75/3 76/3 78/22  
 Yours [1] 26/3  
 yourself [1] 16/16

**Z**

zone [1] 12/20