

1 So, this is not an aberration on the campus that --  
2 this actually has been designed to blend in with the  
3 MAC when viewed off the campus to the west.

4 Q. What is the difference between this and  
5 the one previously approved?

6 A. All right. To summarize a few things  
7 seems to be a few questions. The existing stadium,  
8 the one that is there today, physically, and not what  
9 was approved recently, but what's there physically,  
10 okay, the height of the top of the seating is  
11 approximately 32 feet, as defined by Ordinance. The  
12 height to the top of the press box is about 48 feet.  
13 The approved press box was 59.9 feet above average  
14 grade with that site plan.

15 All right. That seating right now is  
16 about 200 feet, the west end of that seating is set  
17 back about 200 feet from Larchwood Avenue property  
18 line. Right-of-way line, or whatever you want to  
19 call it, the press box that is there now is 251 feet  
20 from Larchwood Avenue. The approved press box was  
21 220.9 or 221 feet from Larchwood Avenue, proposed.  
22 The top of the seating, as proposed, is 38.1 feet  
23 high, approximately. Okay? Mr. Dissinger testified  
24 it had to go up about 5 feet to accommodate ADA and  
25 another foot or two to accommodate an extra level.

1 That takes care of the 6-foot difference. That is,  
2 if you consider that alone, that doesn't conform to  
3 the 35 feet required in the institutional zone, but  
4 it's not a D variance, if you look at it alone. It's  
5 less than 10 percent. That setback is 115 feet from  
6 Larchwood Avenue right-of-way line and the setback is  
7 allowed to be 70 feet in the I zone. The press box  
8 has a roof height of 50.8 feet. If you look at Sheet  
9 3 of my plan, I have a dimension from Larchwood  
10 Avenue to the northwest corner of the press box roof  
11 and I show it as 213.4, but in really scrutinizing  
12 the architectural plans more carefully, if I have  
13 only the outline of the foundation, the way the roof  
14 jogs, it turns out that the closest point of the roof  
15 is at the northwest corner of what I've depicted as  
16 stairs of the westerly stair tower and that distance  
17 is 212.2 feet. I don't want to mislead anybody. I  
18 didn't realize, at the time I did this, but we are  
19 about eight tenths of a foot difference. I am not  
20 sure that is discernible, but I didn't want to have  
21 any issues out there.

22           The video deck, as we said, has a height  
23 of 62.97 feet, arguably 63 feet. And that is shown  
24 on, again, that same sheet, as 235 feet from  
25 Larchwood Avenue. The elevator shaft, which is the

1 tallest appendage, and I believe it's 10-by-10 in  
2 dimension, plan view, okay, that is 336 feet to  
3 Larchwood Avenue and it's along the easterly wall of  
4 the building, so it's really not going to be terribly  
5 discernible from any places to the west, unless you  
6 are at an angle where you can see it, but if you are  
7 looking at it head on, you wouldn't see it, because  
8 it's only about 2'10" above the roof level of the  
9 observation deck. Okay, the video deck. Did that  
10 help?

11 MR. VENEZIA: According to Mr. Pagonis,  
12 he says he could see it.

13 A. Okay. I understand that. That is why I  
14 entered this exhibit, okay? I don't remember what  
15 number it is.

16 MS. SILVA: A-6.

17 A. I took these pictures myself, in March  
18 of 2013, in connection with the prior application for  
19 a video -- for a press box, in addition to the  
20 existing stadium. The reason I submitted them today,  
21 even though they are not quite timely, is that if I  
22 go take pictures today, I have a leaf canopy and  
23 everything in full bloom. These are taken  
24 specifically in at a time, in March, when all of the  
25 deciduous leaves are down. This gives you a pretty

1 good idea of what it looks like, in the worst case,  
2 under existing conditions and you need only  
3 superimposed proposed conditions.

4           The first photo in that seven cluster is  
5 taken on Palmer, about 150 feet west of Larchwood  
6 Avenue, okay? You know, if you remember Jonathan  
7 goes one end to the other, it kind of loops around.  
8 That, looking from Palmer Avenue straight on toward  
9 the existing, and I think if you look carefully, you  
10 can see part of the roof deck or the rooftop on the  
11 existing press box. If you look really carefully,  
12 there is a car parked facing west, on Palmer, and  
13 just if you go up that telephone pole behind the car,  
14 you will see a little blue roof, a little piece of a  
15 blue roof and I believe that is part of the press  
16 box.

17           It's not terribly obtrusive. These  
18 trees have grown a bit in two years, probably three  
19 feet or so, the new press box will be, I think we  
20 said, uh, this was 48 feet. The new top of the press  
21 box is going to be, well, the top of the video deck  
22 will be 63, so it's going to be about 15 feet taller.  
23 Now I have never gone on Mr. Pagones' property. I  
24 wouldn't do it without his permission and I am  
25 sure --

1 MR. PAGONES: You are welcome to come,  
2 too.

3 MR. FITZGERALD: I would be happy to, if  
4 that is what it takes. This is just a photo of  
5 what I saw when there were no leaves.

6 A. All right. The next one is taken from  
7 Palmer right at the intersection with Larchwood. Now  
8 I am a lot closer. Naturally, there is a very large  
9 evergreen screen. That screen was put on a plan  
10 approved by this Board in 1996. The screen was  
11 installed in '96, also. It was more than 110 large  
12 pine trees, at that point, and they've been there  
13 since 1996, so it's 20 years. It's a fairly  
14 substantial screen. The closer you get to Larchwood  
15 Avenue, the less you see, in terms of through the  
16 screen and in terms of the height.

17 Okay. The next photo was taken from the  
18 westerly edge of Larchwood in front of Block 43, Lot  
19 5. Block 43, Lot 5 is Mr. Pagones. Okay? This is  
20 taken from the curb standing in front of Mr. Pagones'  
21 property. I am allowed to go there without his  
22 permission, because it's public right-of-way. That  
23 is what you see. If you look really close, about two  
24 fence heights up from the grade level, you can see  
25 the top of the existing press box. I think it's

1 pretty clear from there that you will not see another  
2 15 feet of structure any more than you see this  
3 structure, which is not to say it's totally  
4 invisible, but it's not obtrusive, in my opinion.

5           The next photo was taken from the  
6 westerly edge of Larchwood in the front of Block 43  
7 Lot 6, which is the lot immediately to the south of  
8 Mr. Pagones. All I am trying to do here is what the  
9 residents will see, in essence, when they look out  
10 their front door and look in the direction of the  
11 stadium. Again, pretty well-screened at the time of  
12 the year when you see all of the deciduous trees have  
13 no leaves on them.

14           The sixth picture was taken from the  
15 westerly edge of Larchwood in front of Block 40, Lot  
16 1 and that is at the northerly intersection of  
17 Woodland and Larchwood, if you will, on the  
18 southwesterly corner. It's above the four-eighths,  
19 on Sheet 1, of my drawing. It's Block 40. You can  
20 look through there and you can see, but again, it's a  
21 screened version. It's not an obtrusive vision, but  
22 you can see the stadium, but it's not overwhelming,  
23 at least in my opinion. When the leaves are there,  
24 you can't see anything.

25           Finally, I have a photo of the existing

1 Kessler field and the stadium, from the adjacent  
2 practice field, which is directly to the south. You  
3 can get a reminder of what that stadium looks like.  
4 I have two more back there, photos taken from  
5 Woodland and Larchwood intersection and a photo taken  
6 from the westerly edge of Larchwood in front of Block  
7 40, Lot 2. And Block 40, Lot 2 is midway along  
8 Larchwood Avenue, on the west side, between Palmer  
9 and Woodland. Now, to be honest with you, it looks  
10 like it could use some supplementation.

11           When the deciduous trees don't have the  
12 leaves, you will not see the press box, but it looks  
13 like the lower vegetation is deteriorated, and if it  
14 has not been addressed since then, it should be.

15           Q.       Would you agree that that should be a  
16 condition of approval?

17           A.       Absolutely. I have no problem with  
18 that. I don't think the University does.

19           MR. SCHULTZ: Can you repeat that? I  
20 didn't follow it.

21           MR. FITZGERALD: If you look at the last  
22 photo in my packet, it looked like the lower  
23 portion of the screen, as I say, the upper  
24 portion of the screen is mostly deciduous there,  
25 but the lower portion, say, if you will, two

1 fence heights above grade, from that perspective  
2 needs to be filled in. It's just a little too  
3 open, at least in my opinion. As I say, it was  
4 taken two years ago. I can't say it was  
5 addressed since then. And if it hasn't been it  
6 should be. If the Board sees fit to grant the  
7 application, it would be acceptable. It's easy  
8 to locate this, because these trees are pretty  
9 easy to find out there and I know exactly where  
10 it's been depicted.

11 MR. SMITH: Before we go through  
12 Bonnie's letter, any questions for Bill?

13 MR. VENEZIA: Any questions from the  
14 audience?

15 MR. HURTA: Yeah, I don't see any  
16 pictures from the north facing from the  
17 properties that actually abut to your campus  
18 property, particularly mine. I abut right to  
19 your property, but I only see pictures from the  
20 west on Larchwood facing east. Again, from my  
21 property, which abuts right fence-to-fence, and  
22 I am still pretty much part of the campus  
23 property, I have a very clear view. That is my  
24 house right there. If you went up to my  
25 property line, and looked in, it's a very clear



1 shot. Now it's only going to get taller.

2 MR. FITZGERALD: Right. No question.

3 MR. HURTA: It's only going to get  
4 taller.

5 MR. FITZGERALD: I don't disagree with  
6 you. I think we can come up with a planting  
7 scheme of evergreens on the University side.

8 MR. HURTA: We've been through a few  
9 planting screens that haven't worked out.

10 MR. FITZGERALD: I have a difference of  
11 opinion. I think Larchwood came out pretty  
12 well.

13 MR. HURTA: Larchwood did. We are  
14 talking from the north standing south.

15 MR. FITZGERALD: I understand that.  
16 Have you and I ever talked about planting behind  
17 your property?

18 MR. HURTA: No.

19 MR. FITZGERALD: I think we can come up  
20 with a planting scheme that could work really  
21 well. The trade off is, you have to understand,  
22 if you do an evergreen screen there, and I can  
23 make it so you can't see through it, we would  
24 have to agree somehow for a mechanism where if  
25 you are not happy because the evergreens are too

1 tall, because they are blocking your sun, if I  
2 remember your property, you have a pretty nice  
3 backyard, you don't want it to be all shade,  
4 either.

5 MR. HURTA: No. If you know our  
6 property with that respect, you would see what's  
7 been done over the years from broken picket  
8 fences to damaged trees to wood piles, dirt  
9 piles, broken trucks, disabled farm equipment.  
10 So, again, my mistrust would be that my view is  
11 very clear of this from my property line, not  
12 from Larchwood.

13 MR. FITZGERALD: Right.

14 MR. HURTA: Property-to-property, this  
15 is a very clear structure. Now you are going up  
16 possibly 15 feet then with the HVAC.

17 MR. FITZGERALD: I'm not presuming the  
18 Board is going to approve anything. If the  
19 Board saw fit to approve the application, we  
20 have no problem designing the evergreen screen  
21 along the boundary of this gentleman's property  
22 and the University property that will make it  
23 impossible to see a new structure.

24 MR. HURTA: How could they possibly give  
25 me an evergreen screen when that is a

1 thoroughfare now for large trucks, tractor  
2 trailers, all kinds of equipment, cars of all  
3 sizes and shapes every time of the day, how can  
4 you possibly give me that density when that is a  
5 thoroughfare now going along our back property  
6 line now? I mean, I am talking about an  
7 18-wheeler. Any kind of structure, you could  
8 imagine, vehicle-wise has gone through and goes  
9 through there daily. How can you give me that  
10 type of --

11 MR. VENEZIA: Is that alongside your  
12 property?

13 MR. HURTA: Right up to us, except for  
14 the dirt pile that is there. Mulching dirt.  
15 That is an actual road that developed along the  
16 back. How is that possible? Not only that, but  
17 with our thoroughfare, I can agree to think it's  
18 going to get busier with people servicing this  
19 center now from that entry point off of  
20 Larchwood.

21 MR. VENEZIA: Hold on, now.

22 MR. FITZGERALD: Okay. No problem.

23 MR. VENEZIA: The entry point is off of  
24 Cedar Avenue.

25 MR. HURTA: No. It runs behind our

1 property lines. Lot 1, 2 and 3. It runs along  
2 them. It abuts up to our fence line.

3 MR. FITZGERALD: There is a gravel road,  
4 okay, and I am not disputing some of what --

5 MR. HURTA: Again, how can you get  
6 screening there when you have a road there?

7 MR. FITZGERALD: We would impact the  
8 road, probably. I don't think that is an issue.  
9 When these fields were approved, and this was in  
10 1995 -- summer of '95, the approval for the  
11 fields, in the R-22 zone, north of the track  
12 used to be the dairy farm. We got approval for  
13 the field hockey venue and the softball venue  
14 and there was a gravel road that was shown to  
15 come in what is called 98 Larchwood. It's the  
16 ranch house, on Larchwood Avenue, that is apart  
17 of that Marlin farm piece and there was a gravel  
18 road that came around and we were allowed to  
19 keep that as an access road for University  
20 maintenance.

21 Now, admittedly, I understand what the  
22 gentleman is saying, there is some material  
23 stored that shouldn't be stored against the  
24 common property line of the residents. I think  
25 the University will agree to move it. I think

1 we can develop a good screen there, because it  
2 doesn't have to be excessively tall, because  
3 once you get up around 20 to 24 feet in height,  
4 you are looking at such a perspective that you  
5 can't see a tall building 1,000 feet away.

6 MR. HURTA: If you're on the second  
7 entry of a floor, which is two stories up in our  
8 home, that is your view, a long tree top line  
9 and straight out, correct?

10 MR. FITZGERLAD: I could answer that, if  
11 I could go in your home.

12 MR. HURTA: Any time.

13 MR. FITZGERALD: They will grow as high  
14 as they want to grow.

15 MR. SMITH: You are not going to win  
16 this argument, tonight.

17 MR. PAGONES: I know it's getting late.  
18 One more minute to explain my position. I've  
19 lived in my house since 1974. I've never  
20 attended a zoning board meeting until the  
21 original Kessler field was built some 20 years  
22 ago. The big issue, the biggest issue with me  
23 at the time, again, the height of the press box.  
24 There was one of the issues, at that particular  
25 time, we discussed it and I objected to the

1 height and I thought maybe other designs could  
2 be, for example, to put stands on both sides of  
3 the stadium would allow for a lower height of  
4 the press box.

5 What happened, at that time and coming  
6 to a point was, all of a sudden, I was informed  
7 that the zoning board approved, you know, the  
8 proposal and I didn't understand what happened.  
9 I attended all of the meetings only to find out  
10 the late Mayor Sorentino approved the plan  
11 without having to pass through the zoning board.  
12 So here we are 20 years later and we are dealing  
13 again with another design for the football  
14 stadium, and again, talking about a press box at  
15 a 15-foot higher level than what we objected to  
16 back in the early 1990s, I guess, and I hope you  
17 understand the position of the neighbors, who  
18 are right next to that stadium and what we see  
19 from our backyard and why we object to have, in  
20 our view, something even higher than we did  
21 before.

22 MR. VENEZIA: The University, in trying  
23 to deal with that, put up this barrier for you,  
24 this screen over the years, which didn't exist  
25 prior.

1                   MR. PAGONES: No, it didn't. The  
2                   University has improved the Larchwood Avenue,  
3                   both the fence and all of the trees that they  
4                   put in that has absolutely helped. By the way,  
5                   I agree we need to do more because there are  
6                   many places which is wanting more trees and I  
7                   think that will help. I would ask the Board to  
8                   look very carefully as to the existing plan that  
9                   would allow this structure to be 15-foot higher  
10                  than it was before. Something that we objected  
11                  to 20 years ago. I still object to that, today.  
12                  I don't want to see it from my backyard. I  
13                  understand that it's going to be a co-existence  
14                  between the University and the neighbors. That  
15                  is a given. Nobody is going to argue about, you  
16                  know, football games and noise during a football  
17                  game. That would be very unreasonable.

18                  There are certain things that do happen  
19                  and which affect the quality of life and  
20                  actually affects the value of our property as  
21                  well. I am asking the zoning board to take into  
22                  consideration the point that I am trying to  
23                  make.

24                  MR. VENEZIA: You do know that we've  
25                  approved, in 2013, a higher level than it is

1 now.

2 MR. PAGONES: Yes. Unfortunately, I was  
3 away on a business trip and I didn't make that  
4 meeting. I would have made that same point as I  
5 did tonight.

6 Q. Everything that Mr. Fitzgerald discussed  
7 is admitted into evidence. He was referring to his  
8 pictures, his photos, which was, what, A-6?

9 MS. SILVA: Uh-huh.

10 Q. Moving onto the engineering review and  
11 comment, would you refer to the letter that you got  
12 from Bonnie dated October 21st and the point that she  
13 wanted to have clarified or testimony about?

14 A. Yes. I know there has been some waivers  
15 granted, but I would like to start on C-2, on Page 3,  
16 briefly, to show you.

17 MR. VENEZIA: Mr. Fitzgerald, hold on so  
18 the Members can get that piece of paper.

19 MR. MURPHY: What are we looking for?

20 MS. HEARD: It's right there and the  
21 fire marshal's letter.

22 MR. FITZGERALD: I have an extra copy.  
23 How many pages?

24 MS. HEARD: Twelve pages.

25 MR. VENEZIA: Do you have extra copies?



1           A.           I have one. Looking at Item C-2, on  
2 Page 3, and I am cognizant of the fact that the Board  
3 was kind enough to grant waivers. I wanted to know  
4 how we addressed it, because we want to come back to  
5 it, possibly in connection with other comments in the  
6 report, so on Sheet 1 of A-3, which is my set of  
7 plans, on the easel, as we speak, pretty much every  
8 parking place, aisle, curb, et cetera, I mean that  
9 scale is a little tough to label them, but pretty  
10 much every one is shown. I will tell you that I've  
11 been involved with pretty much every application, or  
12 almost every one, probably 90 percent of them since  
13 1985, and those drawings of pain of years and years  
14 of records, it's pretty accurate. It's a CAD model  
15 that I pull construction information from. It's  
16 pretty accurate stuff.

17                       So, graphically, showing what's on the  
18 campus is on Sheet 1 of A-3. We also submitted two  
19 tabulations, I forget their exact numbers, but one  
20 was the square footage for the different buildings,  
21 with the break down of floor spaces, and the required  
22 number of parking which were obtained when you apply  
23 the Ordinance definition for parking for fixed  
24 seating in the school buildings and the other one was  
25 the tabulation of parking stalls, on campus, which

1 depicts each of the lots, and the break down of the  
2 stalls and the total number of stalls on the campus.  
3 That way, should we need to come back to them, they  
4 are already part of the Board's records.

5           Moving onto Page 4, the first paragraph  
6 is engineering review, and the first section under  
7 that is section one, planning and zoning, and that is  
8 Items 1 through 1.6, and they all deal with variances  
9 and we've discussed the height variance. And, if  
10 you don't mind, I would rather do the planning  
11 testimony altogether and get to them and deal with  
12 the engineering details, at this point, to try to  
13 dispose of them and come back and address this with  
14 the planning testimony, unless there is some reason  
15 to go through them twice. I guess I was trying to  
16 avoid doing that.

17           MR. VENEZIA: That should be no problem.

18           MS. HEARD: That's fine. We will cover  
19 them later.

20           A. And we will. So now we are still on  
21 Page 4 and we are looking at Item 2.1. I'm not sure  
22 if that applies. It says, Cedar Avenue and Norwood  
23 Avenue are under NJDOT and Monmouth County  
24 jurisdiction respectively and we refer to NJDOT and  
25 Monmouth County with respect to off-site, off-tract

1 improvements. The particular lot, Lot 11, which  
2 fronts only on Larchwood Avenue, but we're not  
3 changing any driveways or -- I think the only part, I  
4 don't think any part of the County jurisdiction of  
5 Cedar, which is east of Norwood, is really affected  
6 by this much, but we can do whatever needs to be  
7 done.

8 MS. HEARD: Well, you will have to get  
9 Monmouth County Planning Board approval.

10 MR. FITZGERALD: I understand.

11 MS. HEARD: Page 4 was Paragraph 1.1  
12 through 1.6. They will defer those. We will  
13 move onto Page 5, the middle of it.

14 MR. MURPHY: I am with you. You said  
15 Page 4.

16 A. I am on Page 5. Traffic circulation and  
17 layout. We've discussed 2.1. What waivers? Or  
18 Letters of No Interest. Item 2.2, I think that is  
19 what we just talked about, what I entered on the  
20 record, in terms of number of parking stalls, layout  
21 of the campus, et cetera. Item 2.3, based on these  
22 parking requirements, the 4,000 seat stadium building  
23 would require 1,404 spaces and no additional parking  
24 is provided as part of this application. As part of  
25 a prior application, the variance was granted to

1 permit was 808 parking spaces for residents and 2,203  
2 parking spaces available for all non-resident uses.  
3 I think that meant students where 3,752 spaces are  
4 required by Ordinance.

5 MS. HEARD: Mr. Fitzgerald, I have a  
6 question. We are increasing the number of seats  
7 by 1,200?

8 MR. FITZGERALD: Right.

9 MS. HEARD: So we need one space for  
10 every three seats.

11 MR. FITZGERALD: Well, that depends on  
12 how you interpret the Ordinance. We need to  
13 talk about that. This particular variance came  
14 as a result of Pozycki Hall which was  
15 interpreted by the Planning Board and not the  
16 Zoning Board.

17 Having said that, we have a table that  
18 applies the Ordinance to the fixed seating, as  
19 defined in the Ordinance, and we determined  
20 1,259 stalls are required. Now, admittedly, I  
21 am not saying Ms. Heard is totally incorrect. I  
22 am saying we have a difference of opinion and  
23 something the Board needs to resolve.

24 When the MAC got approved, which is  
25 4,122 seats, which is fixed seats, okay, there

1 was a stipulation of condition of approval that  
2 no other event, of any magnitude, can take place  
3 on campus simultaneously. We can't have a  
4 capacity event in the concurrent stadium or the  
5 new stadium, should it be approved, while one is  
6 occurring in the MAC. We don't think that it's  
7 fair to count both of those as necessary for  
8 parking, since they both can't be utilized at  
9 the same time.

10 We are adding 1,200 more seats and there  
11 will be traffic testimony telling you at the  
12 time those are to be utilized there is plenty of  
13 parking available on the campus with the number  
14 there. If the Board sees that requires a  
15 variance, we can --

16 MS. HEARD: The Ordinance requires one  
17 space for every three seats.

18 Q. Are we talking about flexible parking;  
19 are you not?

20 A. Right. Shared parking.

21 Q. Shared parking. In other words, it  
22 would be like a retail center use during the day and  
23 then something used at night. Not here. It's not a  
24 foreign concept.

25 A. No. It's very commonly applied in large

1 developments, because if you took every single square  
2 foot or every single seat and applied the parking to  
3 it, you would end up with an enormous amount of  
4 parking that was unused. There is testimony based on  
5 counts and observations continually through peak  
6 events that show plenty of parking on the campus, if  
7 we considered it shared. If that is a variance, we  
8 understand that.

9 MS. HEARD: Well, I agree that many  
10 municipalities permit shared parking. Our  
11 Ordinance doesn't permit shared parking. It's  
12 real -- it says for every seat you need that  
13 number.

14 A. We need an interpretation.

15 Q. We like the shared parking  
16 interpretation.

17 A. As I say, if it's a variance, we --

18 Q. You can't use the MAC.

19 MR. VENEZIA: I think it's quite  
20 generous one space for every three seats.

21 MR. FITZGERALD: Generous and --

22 MR. VENEZIA: As far as figuring out  
23 parking spaces.

24 MR. FITZGERALD: You mean, it requires  
25 too many or too little?

1 MR. VENEZIA: No. I think that is a  
2 good figure for both the Town and for the  
3 University.

4 MR. FITZGERALD: Well, I didn't want to  
5 get into all of that until John presented his  
6 testimony. I'm not saying Bonnie is counting  
7 wrong. We are asking for an interpretation.

8 MS. HEARD: We are basically about a  
9 thousand spaces different. It's the 3,000 in  
10 the existing field.

11 MR. FITZGERALD: I understand. If we  
12 build those 3,000 and we don't need what we have  
13 for a game, that extra thousand, I mean, that is  
14 1,000 parking stalls full of impervious coverage  
15 and all of the benefits that go with that that  
16 are unused. That is our position.

17 MR. CIERI: Can those parking spaces be  
18 used when there isn't a game?

19 MR. FITZGERALD: No. We have testimony  
20 to all of that. It's not mine. Next witness.

21 A. 2.6, replacing any improvements that are  
22 damaged should the application be approved. There is  
23 a note, on Sheet 4, included as a separate condition.  
24 We are fine. We have no issue with that. We don't  
25 want to go out and damage stuff and replace.

1 Proposal for fire lanes, I am under the impression  
2 that fire marshal, Shirley, sent in another  
3 correspondence, of some kind, that we haven't  
4 received.

5 MS. SILVA: What I gave the Board is  
6 what he gave me. There is no change from the  
7 2013.

8 MR. VENEZIA: It hasn't changed.

9 MS. HEARD: He has some things with  
10 signage and striping.

11 MR. FITZGERALD: I think they are on the  
12 plan, already. What we will do, I think  
13 Martinha can tell you, I've been trying to get a  
14 report from Mr. Shirley and he has no problem  
15 with it, in his prior report, and we have no  
16 problem complying with it.

17 MS. HEARD: Just for the record, it says  
18 his report, which happens to be dated January  
19 2013, says, prior to occupancy, the existing  
20 putaminous pavement or pathway leading from  
21 Boylan gym to the parking lot shall be converted  
22 to an approved fire apparatus access road, all  
23 paved areas not approved or designated for  
24 parking, must be labeled no parking fire lane,  
25 drawing must be presented to his office for



1 review, showing appropriate signage and  
2 striping. And then the second one is prior to  
3 the construction of the proposed chain-link  
4 fence, on the south side of the structure, fire  
5 marshal has to select an area for the gate.  
6 That may --

7 MR. FITZGERALD: That is gone. There is  
8 no chain-link fence proposed. We will do  
9 whatever Mr. Shirley wants. We always do. We  
10 typically meet him on the site and we want a  
11 striper, should we get to that point, and he  
12 tells me what he wants and it's given to him.  
13 He presents a drawing, as part of the signature  
14 set. It's not something left up to somebody in  
15 the air.

16 A variance is required, since sidewalks  
17 are not provided, on both Cedar and Norwood.  
18 Sidewalks are provided on Cedar and Norwood.  
19 It's been determined that several different  
20 applications before this Board that sidewalks  
21 wouldn't be constructed along Larchwood Avenue.

22 Applicants should demonstrate all  
23 vehicles shouldn't turn on putaminous pavement.  
24 There are no vehicles intended to be out there,  
25 except for University maintenance or deliveries

1 at off times. I mean, during game times, there  
2 will be no vehicles up there. I'm not sure why  
3 they need the turn, but we will satisfy whatever  
4 the fire marshal wants, if that is an acceptable  
5 response.

6 The Applicant should clarify his  
7 proposal for delivery and loading. Again, I  
8 think I just did that. Deliveries would be for  
9 off times and for the concessions on the  
10 concourse level of the new stadium, should it be  
11 approved, and likely pull up to the entrance or  
12 service entrance, which is also on the  
13 mechanical room, on the east side of the  
14 building, load or unload and make whatever K  
15 turn is necessary and drive back out.

16 MR. SCHULTZ: Is there a time frame for  
17 deliveries, like 8 a.m. to 4 p.m. and also for  
18 dumpster removal?

19 MR. FITZGERALD: Dumpster removal is not  
20 an issue with the University, because the  
21 University takes care of his own refuse  
22 collection and pools it all, excuse me, in  
23 dumpsters that are located down behind the  
24 facilities building. So, they don't have refuse  
25 containers and recyclable stations all over the

1 campus. Pretty much the University staff goes  
2 around and picks up the stuff and consolidates  
3 it.

4 MR. SCHULTZ: Okay. For deliveries, is  
5 there time frame for that, like 8 a.m. to  
6 4 p.m.?

7 MR. FITZGERALD: I'm sure it can be. I  
8 don't know, you know, there is anything  
9 official. I've been on the campus quite a bit.  
10 I've seen trucks come in at 7:00, in the  
11 morning, and go to the student center. Most of  
12 the deliveries that I see, when I am there, is  
13 during the day. If that is a condition, I don't  
14 think it's anything objectionable. It's the  
15 football stadium. It's not the stationery  
16 store. It's not a cafeteria that is open all  
17 year, every day. It's really six big events a  
18 year when the football, you know, program has  
19 home games and other such events. It's not  
20 something that needs extensive loading. It  
21 could be a condition.

22 MS. SWANNACK: I can answer that. It  
23 will be stopped by our dining service and  
24 they've used a golf cart or a van. It's all  
25 internal. It's not a big truck coming in at

1 all.

2 MR. SCHULTZ: The neighbors aren't going  
3 to be hearing garbage trucks?

4 MS. SWANNACK: No. No.

5 MR. FITZGERALD: Certainly not at this  
6 venue.

7 MS. SWANNACK: We have a central  
8 facility.

9 A. If I can broad brush grading and  
10 drainage, because there are a lot of certainly valid  
11 comments in here. We have a storm water management  
12 system and it's kind of unique. If you look at, I  
13 think, Sheet 4 of my drawings, the system is almost  
14 entirely detailed. For purposes of this Board, I  
15 think it is. What's going to happen is the entire  
16 area of construction is going to be cleared and the  
17 new stadium will be constructed. Assuming it's  
18 approved. I don't mean to be presumptuous.

19 And we need to now meet state and  
20 municipal storm water management standards, because  
21 the area of disturbance is greater than an acre and  
22 the amount of added impervious coverage is greater  
23 than a quarter acre. We have storm water quality  
24 standards to meet and storm water quantity standards  
25 to meet. We must mitigate impacts as to quality and

1 increased runoff due to increased impervious  
2 coverage.

3           The way we designed this, we've done a  
4 couple of pilots on the campus as well that work  
5 really well as follows, all of the area beneath the  
6 stands, within the stadium building, if yo will, is  
7 either porous concrete, permeable concrete or  
8 permeable pavers and that has a variable thickness,  
9 clean, crushed stone bed under it that slopes to  
10 trench drains which are detailed beneath each section  
11 of the stadium. They generally run from west to east  
12 or from east to west to a collector line that runs  
13 right down the center of the stadium, goes into a  
14 subsurface storm water bed.

15           The architectural system itself, the  
16 seating, the roof canopies, et cetera, they have  
17 drainage systems associated with them, which they run  
18 the leaders down along structural elements and  
19 columns, if you will, or walls in the building and  
20 then we can tie in at any point along these  
21 subsurface conduits.

22           MR. VENEZIA: These storage beds already  
23 exist?

24           MR. FITZGERALD: No. They are all brand  
25 new. Everything on the outside of the stadium

1 building itself is either permeable concrete as  
2 to the area between -- the narrow area between  
3 the building and the track or permeable asphalt.  
4 All of those areas have storage, stone between  
5 them under drains and then to the big bed to the  
6 large storage bed.

7 Q. I would assume that all of these details  
8 are beyond the purview of the Board or the engineer's  
9 responsibility and the condition that they would even  
10 satisfy the engineer and the drainage system might  
11 cut through a lot of these.

12 MR. VENEZIA: They are also concerned  
13 there is not going to be a pool of water out  
14 there.

15 MR. SMITH: Yeah, I understand. Your  
16 engineer has to satisfy you. In any event, you  
17 are not going to make that determination  
18 independent. He can give more testimony.  
19 Ultimately, the engineer is going to have to  
20 approve his design.

21 MR. FITZGERALD: Ultimately, I have to  
22 meet state and municipal standards which it  
23 does. A lot of these comments happen because I  
24 got into a pinch between getting plans ordered  
25 and getting a report done and filing on time to

1 make this hearing, because we have been waiting  
2 three months for the hearing.

3 The plans have to be ordered earlier.  
4 As I finalized the report, I made a few minor  
5 changes. All I can tell you is that we totally  
6 comply with required standards as to mitigation  
7 and we will comply or agree with everything that  
8 Bonnie has set out. I have no issue with that.

9 MS. HEARD: Just for the Board, there is  
10 a lot of little corrections that need to be  
11 made. For the most part, if an application were  
12 to be approved, they wouldn't be allowed to  
13 proceed to construction until they corrected  
14 them.

15 The only one item, in Section 3, that  
16 probably has to be discussed is the design  
17 waiver because our Ordinance doesn't permit  
18 plastic or duct bill drainage pipe probably  
19 because mostly the HDPE pipe didn't exist when  
20 the Ordinance was drafted. That is a design  
21 waiver.

22 MR. FITZGERALD: Most people don't use  
23 duct build, because it's way too expensive.

24 MS. HEARD: Yeah.

25 MR. FITZGERALD: Most of us have found,

1 most of the engineers that I've talked to don't  
2 use corrugated metal anymore, because it doesn't  
3 work well in the coastal area with the salt.  
4 Plastic is the way to go with the recharge  
5 chamber.

6 A. Landscaping and lighting, we need a  
7 Section 18.73 requires any use to be screened no less  
8 than six foot in height. That has to be at least 10  
9 foot within the property line. It's a bit of a  
10 technical waiver, because the University consists of  
11 a lot of lots.

12 Now, dependent on how you interpret it,  
13 when you look at the Ordinance, and they talk about  
14 building setback, it's the lot line. For example,  
15 the Lot 11 line, as I am pointing to Sheet 1 of A-3,  
16 extends from the brook through the north end of the  
17 track, east end of the track, up to the zone boundary  
18 line, which is also the northerly limit of Lot 11.  
19 It goes right through part of Boylan gym. We're not  
20 going to be able to provide a buffer there and it's  
21 impractical to provide a buffer, given other  
22 improvements, driveways, feeds along that line.

23 The strict interpretation of the  
24 Ordinance says we need a variance for that and our  
25 position is that we request it because it's



1 impractical. We have fairly good buffering and  
2 planting along the perimeter of the campus.

3 MR. VENEZIA: That is 4.1.

4 A. 4.1. We need a variance to remove an  
5 existing tree and permission or site plan approval  
6 for tree removal for two others. There are three  
7 trees. The best I can tell, from photographs, they  
8 were planted some time in the '70s, late or mid to  
9 late '70s, three oak trees that are right off the  
10 southwesterly corner of Boylan gym and they need to  
11 come down to accommodate the development. We are  
12 proposing a landscape plan that more than doubles  
13 that number of trees to be added and I think if you  
14 are cognizant of what the University has done, in  
15 terms of planting, it's been pretty nice and we hope  
16 this will be pretty nice, but these trees have to  
17 come down.

18 4.3, we will get a permit. No problem.  
19 Irrigation. The practice field is not currently  
20 irrigated. It's not likely to be as a result of  
21 this. Whoever is assigned to this area will be  
22 responsible to make sure everything survives. As I  
23 understand it, the University crew has zones and you  
24 get assigned to a zone and they have to take care of  
25 that zone. The big parking lot is loaded with new

1 trees and plants. There is no irrigation in that.  
2 There are spigots in convenient places and the person  
3 in charge of that has to make sure it is watered. If  
4 irrigation goes in, we can get it on the plan.

5 MS. HEARD: Manual irrigation.

6 A. There is daily maintenance on the whole  
7 University. Somebody will have this on their  
8 maintenance responsibility and they will attend to it  
9 daily.

10 Our lighting is pretty much what you  
11 would need for security purposes when people are  
12 walking to and from the stadium. All of the lighting  
13 is LED. All of the lighting is full cut off. The  
14 lighting adds absolutely no impact at any reasonable  
15 distance around, certainly nothing on Larchwood  
16 Avenue. It's just to accommodate people walking to  
17 and from.

18 MR. VENEZIA: When you say, cut off.

19 Cut off times?

20 MR. FITZGERALD: No. Full cut off in  
21 distribution of lighting. It doesn't light the  
22 night sky. Full cut off is a strict definition  
23 of it in the lighting world.

24 Q. No evening events; is that right?

25 A. Right.

1 MS. HEARD: No field lighting?

2 MR. FITZGERALD: No field lighting. No  
3 night practice. No night events. That takes  
4 care of 4.6 and 4.7.

5 A. Phasing of improvements to be done for  
6 the 2017 season, as I understand it. It all gets  
7 done as everything gets done, in a flurry, if the  
8 Board approves it. I don't mean to be presumptuous.

9 MR. VENEZIA: If it is approved, no 2016  
10 season.

11 MR. FITZGERALD: The existing season  
12 would stay. Everything would be mobilized and  
13 about 10 minutes after the last home game it  
14 will start and be ready for the following  
15 season.

16 MR. VENEZIA: Next year.

17 MR. FITZGERALD: Next year you will have  
18 a stadium. It's not possible, at this point, to  
19 get this whole thing mobilized, all of the  
20 permits needed, and built by September. It's  
21 just not. Rather than lose the season of home  
22 games and fans, it will be mobilized behind the  
23 scenes and delivered to the site in a flurry.

24 A. No changes to any existing. I've  
25 testified as to how the trash is handled on campus.

1 No changes. Speakers and P.A., 5.3 has been  
2 testified to by Vice President Swannack. 5.4, we  
3 will get all approvals, obviously. Gas line  
4 connections to Larchwood Avenue. The gas line came  
5 through the campus and ran a four-inch gas main from  
6 somewhere by the science center, past the campus,  
7 past Pozycki Hall and across the parking lot, across  
8 the practice field and out to Larchwood Avenue.

9 MS. HEARD: You are not actually  
10 going -- okay. You will show all of that on  
11 your plans, I am sure.

12 MR. FITZGERALD: I have on it there,  
13 now. I have what I know. I have the existing  
14 gas coming across the field and I show a hookup  
15 to it. I have one note -- I have two different  
16 notes. The current survey is by Lutz. I think  
17 we gave you copies when we made the recent  
18 submission. We sent a couple to Bonnie and a  
19 couple to the Board. I will correct the note on  
20 the first sheet. List the variances and  
21 waivers. I think they are all on Bonnie's  
22 letter. If that's what it takes, we will put  
23 them on the plan. We have the variances on the  
24 plan and we don't normally do the waivers, but I  
25 will be happy to do it.

1                   Performance bonds, no issue. Once we  
2 get to the point where Bonnie's office can  
3 figure them, and they can be done. And we are  
4 cognizant of 5.9 being a Borough law.

5                   MR. VENEZIA: There is a question from a  
6 gentleman in the back.

7                   MR. HURTA: If this is approved, how are  
8 you accessing this construction site?

9                   MR. FITZGERALD: From the south side.

10                  MR. HURTA: Everything within the  
11 campus?

12                  MR. FITZGERALD: You come in off of  
13 Larchwood.

14                  MR. HURTA: Gravel driveway or the main  
15 driveway?

16                  MR. FITZGERALD: The main driveway.  
17 It's circuitous. You come from the gravel down  
18 along the back. It's much easier.

19                  MR. HURTA: How is the route? What is  
20 the route?

21                  MR. FITZGERALD: From Larchwood Avenue.  
22 Once you get to the greeter booth, you make a  
23 left, go west -- I'm sorry, north along the  
24 easterly baseball field to the site.  
25 Occasionally, trucks will come in from Norwood

1 Avenue, but they will come in along the brook,  
2 across the parking lot. There is no convenient  
3 access. I understand your concern. There is no  
4 convenient access on that gravel path to here.  
5 You would have to cross the football field and  
6 the track. It's all improved. You can't get  
7 there without going around the whole campus.

8 MR. HURTA: Thank you.

9 Q. Bill, the final part of your testimony  
10 is, as a professional planner, and the justification  
11 or the use variance, the height variance that we've  
12 asked for. Would you please address that?

13 A. Yeah. As I explained to you, we have  
14 been asking for a height variance which, under the  
15 Land Use Law, is classified as a B-6 variance,  
16 because pursuant to 45D -- 40-55-7.D-6, we exceed the  
17 permitted height, in the zone, by more than 10  
18 percent. Permitted height is 35 feet, 10 percent  
19 above that would be 38 and a half feet. We are at 63  
20 feet. Sixty-five feet, depending on how the  
21 interpretation is discussed with Bonnie. That is a  
22 B-6 variance.

23 As a result, the Land Use Law sets  
24 standards on what the Board needs in terms of  
25 approving it. We've already discussed how average

1 elevation determines height in this Borough by the  
2 zoning ordinance, and basically, what we want to  
3 point out is we need to satisfy to get the variance,  
4 both the positive and negative criteria, under the  
5 Land Use Law.

6           As to the University itself, it's an  
7 inherently beneficial use. It's been found that way  
8 in Court cases. It's also now, fairly recently, a  
9 definition of inherently beneficial uses added to the  
10 Municipal Land Use Law. It means, a use as a  
11 University is considered a value to the community  
12 because it fundamentally serves the public good and  
13 promotes the general welfare. Inherently beneficial  
14 use includes, but it not limited to, hospitals,  
15 school, child care center, group home, wind, solar or  
16 phototactic energy facility or structure. We are a  
17 school and an inherently beneficial use.

18           As an inherently beneficial use, by  
19 presumption satisfy the positive criteria, okay, the  
20 fact that it can be granted promotes the public good.  
21 In addition to that, I want to point out, however,  
22 that also under the positive criteria, there is a  
23 section on suitability of the site, while if you're  
24 inherently beneficial, you don't have to deal with  
25 that.

1 I think it merits pointing out, in this  
2 particular case, if the project site is within the  
3 institutional land use own of the Borough. The use  
4 is absolutely permitted in this zone. The variance  
5 is as to the height of the press box portion of the  
6 structure. This site has been zoned institutional  
7 and operated that way for many years. It's been  
8 developed for use in connection with University  
9 athletics since the mid '70s. This particular piece  
10 of property or where this particular proposal is. It  
11 contains a venue including track, fields and a  
12 stadium. Okay. The stadium, sometime around 1990 or  
13 '91 was constructed. The track, I know I ran on the  
14 track in 1975. It gives you an idea how long it's  
15 been operating in this fashion. The recent  
16 application for a stadium expansion with a press box,  
17 at this site, was approved. There is an existing  
18 tall evergreen buffer along Larchwood Avenue and that  
19 was installed in 1998. It contains more than 100  
20 large evergreens as well as ornamental fencing,  
21 supplementary and evergreen and deciduous trees and  
22 plants. Exhibits provided demonstrate that the  
23 proposed structure can be installed with virtually no  
24 visual impact upon the R-22 zone across Larchwood  
25 Avenue to the left and along Cedar Avenue.



1           The view of the above, it's my opinion  
2 that this specific site, upon the campus, is  
3 appropriate for the proposed stadium and is  
4 particularly, if not uniquely, suited for the  
5 proposed stadium.

6           As to the negative criteria, we will  
7 first talk about the public interest at stake.  
8 Monmouth University is an independent institution of  
9 higher learning and is committed to integrity,  
10 excellence and teaching scholarship and service. Our  
11 one goal is to determine an optimal portfolio of  
12 programs to offer and the stadium proposal is a  
13 building block in the process of upgrading and  
14 modernizing the campus infrastructure that is  
15 necessary to support that program.

16           The University is one of a large number  
17 of uses that could be considered inherently  
18 beneficial and they are because they are hospitals,  
19 day care center, elder care centers, group homes, uh,  
20 they said solar. Various things. It's difficult to  
21 absolutely scale the University on an absolute  
22 ranking scale of inherently beneficial uses for an  
23 interesting reason.

24           Most of the uses that we consider  
25 inherently beneficial require educated manpower,

1 hospitals requires educated doctors, nurses,  
2 attendants, elder care homes require the same nurses  
3 that are educated. The University's product is  
4 education of individuals. So while it's really hard  
5 to rank it, a lot of inherently beneficial's owe  
6 their existence to the fact that people are educated  
7 by Universities and couldn't exist without  
8 Universities. So, it's a pretty high ranking. And  
9 this is just part of the core function of the  
10 University, the Courts have found, particularly even  
11 in cases in West Long Branch involving the  
12 University, that functions of the University which  
13 are accessory to which inherently beneficial core  
14 usage fall under the inherently beneficial umbrella  
15 and so the football program and the athletic program,  
16 more generally, all are part of the education process  
17 for individuals at the University and also for  
18 community members who are able to use them, say if  
19 the Shore Conference comes in and has a tournament  
20 there or if a summer camp comes in and plays in the  
21 stadium that is a big thing for him. That is all  
22 part of his education and falls under the inherently  
23 beneficial umbrella of the University. Of course it  
24 also warned against reacting too strongly to the  
25 letter of the law versus the spirit of the law when

1 dealing with inherently beneficial uses stating  
2 explicitly that if it's applied to strictly  
3 inherently beneficial uses that should be approved  
4 aren't.

5                   With regard to potential impacts,  
6 basically, you are talking about visuals, okay?  
7 Traffic is going to happen in the institutional zone  
8 as permitted. I'm talking about the variances that  
9 we need right now and not the site plan issues. The  
10 variances for height. Traffic is not going to be  
11 generated by heighth. I mean, it's entirely  
12 impossible to put 5,000 lawn seats out there to watch  
13 an event. It's part of the institutional zone. It's  
14 the same number of people. In my opinion, traffic is  
15 not generated by heighth and neither is the noise.  
16 It's generated by the number of spectators.

17                   MR. VENEZIA: I don't want to break your  
18 thought. We are going to continue to another  
19 date.

20                   MR. SMITH: That's the Chairman asking  
21 how much longer.

22                   MR. FITZGERALD: I think I can be done.

23                   A.       Upon reflection, it's pretty obvious  
24 virtually any nonresidential use may be attended by  
25 certain effects which have an impairing quality or

1 character on residential character of neighborhoods  
2 nearby. Okay? Especially if they are located in or  
3 near a residential zone. In fact, in this part of  
4 Monmouth County, it's pretty hard to find sites for  
5 this these types of necessary uses that aren't near  
6 residences. For example, Long Branch High School  
7 athletic facilities and campus, Ocean Township High  
8 School athletic facilities and campus, Asbury, Shore  
9 Regional. This area is densely developed, mostly  
10 residentially. These are necessary things, but it's  
11 hard to distance them physically from residential  
12 neighborhoods.

13                   But Courts have found that  
14 student-orientated activities, particularly  
15 recreation facilities, should be in close proximity  
16 to the students and public they serve. They found  
17 that the effects of non-residential uses, when  
18 minimal or mitigated, need not outweigh the benefit  
19 of an inherently beneficial use that satisfy the  
20 positive criteria.

21                   So, what the Board has to do, based upon  
22 the evidence that we are giving you, is to weigh the  
23 positive and negative criteria and determine whether  
24 the variance can be granted without substantial  
25 detriment to the public good, okay? I think that

1 we've provided a lot of evidence as to the height  
2 variance that it can be an unwillingness to accept  
3 conditions for mitigation of the weaknesses that we  
4 saw in the screening, uh, and responding to testimony  
5 of interested parties. So, considering the  
6 mitigation and the frequency of utilization, and  
7 remember now, that the building is there all of the  
8 time, but is not used on a daily basis, like the  
9 classroom or like the cafeterias or like the parking  
10 lot. It's my opinion, that the effects it will  
11 obtain upon the R-22 zone, if the variance is  
12 granted, will be minimal and will not outweigh the  
13 benefits that it will obtain from the satisfaction of  
14 the positive criteria. As a result, it's my opinion  
15 that you can grant the variances, with no substantial  
16 detriment to the intent and purpose of the zone plan  
17 and no substantial detrimental to the public good.

18 MR. SMITH: Thank you. Any questions?

19 MR. VENEZIA: Any questions of Mr.  
20 Fitzgerald?

21 MR. SCHULTZ: Real quick, getting back  
22 to these pictures on A-6, these were taken in  
23 2013, correct?

24 MR. FITZGERALD: March of 2013.

25 MR. SCHULTZ: Make sure March 2013 is

1 indicated on these pictures.

2 MR. FITZGERALD: Sure.

3 MR. SMITH: I have nothing further. I  
4 have one more witness.

5 MR. VENEZIA: There is still a lot to go  
6 over. There are questions that I would like to  
7 ask Mr. Fitzgerald on stuff he hasn't testified  
8 on, yet. One will be on the core samples and  
9 that we will have to wait. How do we look for  
10 the next meeting?

11 MS. SILVA: I don't think we have any.  
12 We have just one.

13 MR. SMITH: We will carry this to the  
14 next one. What is the date?

15 MS. SILVA: The 19th. November 19th.

16 MR. VENEZIA: If you can notify there  
17 will be an extension.

18 MR. SMITH: In the meantime, that gives  
19 us an opportunity to clarify the engineering  
20 concerns between the report and what's on the  
21 plans and give the Board a chance to consider a  
22 lot of material that you had tonight. One more  
23 witness on the parking and that will be it next  
24 meeting.

25 MR. VENEZIA: And the recalls, probably.

1 There are a few questions for Mr. Fitzgerald.

2 MR. SMITH: Yes. All of the witnesses,  
3 except Mr. Dissinger will not be back.

4 MR. MURPHY: We have the surveys on the  
5 parking lot with homecoming coming up.

6 MR. VENEZIA: Are all of the Board  
7 Members going to be available next month?

8 MS. HEARD: It's a different week. It's  
9 the week before, the 19th.

10 MR. VENEZIA: November 19th. Mr.  
11 Pagones, are you available on November 19th?

12 MR. PAGONES: Yes.

13 MR. VENEZIA: We will start this 7:30,  
14 promptly. Carried without further Notice.  
15 Motion to adjourn? Question in the back?

16 MR. JOHNSON: 21 East Walnut Place. I  
17 came to this meeting with an open mind and I  
18 didn't even know this stadium was going to be  
19 talked about tonight. After hearing both sides,  
20 I believe that the greatness of the stadium  
21 outweighs the negative towards the community and  
22 I think it should be built.

23 MR. SMITH: Thank you for your opinion.

24 MR. VENEZIA: Motion to adjourn.

25 (Ayes have it.)

1                   (Whereupon, at 11:08 p.m., the hearing  
2 carries to November 19, 2015.)  
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CERTIFICATE

I, LISA NORMAN, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

  
\_\_\_\_\_  
Notary Public of the State of New Jersey  
License No. 30X100177700  
Dated: October 26, 2015

'70s [3] - 107:8, 107:9, 114:9  
'91 [1] - 114:13  
'95 [1] - 86:10  
'96 [1] - 79:11

**0**

07764 [1] - 1:24  
08830-2712 [1] - 2:3

**1**

1 [7] - 80:16, 80:19, 86:1, 91:6, 91:18, 92:8, 106:15  
1,000 [5] - 17:1, 18:12, 19:12, 87:5, 97:14  
1,200 [5] - 12:6, 16:20, 57:23, 94:7, 95:10  
1,259 [1] - 94:20  
1,404 [1] - 93:23  
1,800 [1] - 19:22  
1.1 [1] - 93:11  
1.6 [2] - 92:8, 93:12  
10 [12] - 4:9, 26:7, 26:11, 29:5, 33:24, 61:6, 65:24, 76:5, 106:8, 109:13, 112:17, 112:18  
10,000 [1] - 18:22  
10-by-10 [1] - 77:1  
10/7 [2] - 4:4, 24:20  
100 [5] - 37:19, 40:1, 45:8, 53:18, 114:19  
11 [7] - 1:6, 23:11, 27:18, 93:1, 106:15, 106:18  
110 [1] - 79:11  
115 [1] - 76:5  
117 [1] - 39:22  
11:00 [2] - 52:21, 70:24  
11:08 [1] - 122:1  
11:30 [1] - 52:4  
12 [5] - 3:5, 43:18, 48:11, 52:9, 52:19  
12:00 [2] - 48:14, 52:21  
15 [6] - 1:24, 33:24, 64:8, 78:22, 80:2, 84:16  
15-foot [2] - 88:15, 89:9  
150 [3] - 20:12, 20:13, 78:5  
16 [2] - 4:9, 26:12  
170 [1] - 20:13

18-6.3 [1] - 73:5  
18-wheeler [1] - 85:7  
18.73 [1] - 106:7  
19 [1] - 122:2  
19106 [1] - 53:19  
1974 [1] - 87:19  
1975 [1] - 114:14  
1981 [1] - 53:14  
1985 [2] - 22:18, 91:13  
1990 [1] - 114:12  
1990s [1] - 88:16  
1994 [1] - 24:2  
1995 [1] - 86:10  
1996 [3] - 53:24, 79:10, 79:13  
1998 [1] - 114:19  
19th [5] - 120:15, 121:9, 121:10, 121:11  
1:00 [3] - 48:14, 49:6, 52:4

**2**

2 [7] - 7:7, 46:1, 52:6, 67:8, 81:7, 86:1  
2'10 [1] - 77:8  
2,000 [1] - 19:23  
2,203 [1] - 94:1  
2.1 [2] - 92:21, 93:17  
2.2 [1] - 93:18  
2.3 [1] - 93:21  
2.6 [1] - 97:21  
20 [12] - 49:20, 52:25, 55:7, 56:6, 64:8, 66:20, 66:22, 79:13, 87:3, 87:21, 88:12, 89:11  
200 [9] - 6:5, 21:9, 22:25, 23:11, 23:16, 23:18, 23:25, 75:16, 75:17  
2002 [1] - 54:19  
2013 [12] - 4:20, 12:1, 12:3, 27:15, 27:21, 77:18, 89:25, 98:7, 98:19, 119:23, 119:24, 119:25  
2015 [10] - 1:5, 4:9, 4:10, 4:14, 26:12, 26:13, 28:11, 42:22, 122:2, 123:14  
2016 [1] - 109:9  
2017 [1] - 109:6  
21 [1] - 121:16  
212.2 [1] - 76:17  
213.4 [1] - 76:11  
21st [5] - 7:8, 42:22, 46:22, 47:14, 90:12  
22 [4] - 1:5, 3:8, 13:1,

13:5  
220.9 [1] - 75:21  
221 [1] - 75:21  
23 [1] - 4:4  
235 [1] - 76:24  
24 [1] - 87:3  
25 [2] - 4:8, 4:12  
251 [1] - 75:19  
26 [5] - 4:6, 4:16, 4:20, 4:23, 123:14  
27 [1] - 4:25  
28 [3] - 55:6, 56:5, 56:17  
29 [3] - 56:18, 56:19, 59:10

**3**

3 [11] - 4:14, 7:8, 15:2, 31:16, 31:19, 76:9, 86:1, 90:15, 91:2, 105:15  
3,000 [5] - 17:8, 56:5, 56:6, 97:9, 97:12  
3,072 [2] - 18:7, 55:7  
3,100 [3] - 17:4, 17:12, 19:22  
3,200 [1] - 58:20  
3,500 [2] - 63:11, 63:17  
3,752 [1] - 94:3  
30 [10] - 3:11, 5:3, 5:4, 53:22, 65:13, 66:21, 66:25, 67:3, 72:7  
30X100177700 [1] - 123:14  
31 [1] - 5:5  
32 [1] - 75:11  
33 [1] - 67:11  
33.2 [1] - 72:18  
33.20 [1] - 72:25  
336 [1] - 77:2  
35 [2] - 76:3, 112:18  
38 [1] - 112:19  
38.1 [1] - 75:22  
39 [1] - 1:6  
3rd [1] - 26:20

**4**

4 [10] - 31:16, 31:19, 92:5, 92:21, 93:11, 93:15, 97:23, 100:17, 101:6, 102:13  
4,000 [3] - 17:8, 18:11, 93:22  
4,100 [1] - 57:21  
4,122 [1] - 94:25  
4,200 [5] - 19:8, 19:9,

56:7, 58:10, 58:11  
4,600 [1] - 17:8  
4.1 [2] - 107:3, 107:4  
4.3 [1] - 107:18  
4.6 [1] - 109:4  
4.7 [1] - 109:4  
40 [5] - 65:12, 80:15, 80:19, 81:7  
40-55-7-D-6 [1] - 112:16  
400 [1] - 12:13  
41.8 [1] - 74:24  
43 [4] - 5:6, 79:18, 79:19, 80:6  
45D [1] - 112:16  
48 [5] - 74:19, 74:20, 74:21, 75:12, 78:20  
496 [1] - 46:19

**5**

5 [5] - 75:24, 79:19, 93:13, 93:16  
5,000 [1] - 117:12  
5.3 [1] - 110:1  
5.4 [1] - 110:2  
5.9 [1] - 111:4  
50 [2] - 28:12, 30:11  
50.8 [1] - 76:8  
500 [2] - 17:1, 23:13  
535 [1] - 13:6  
54 [1] - 3:14  
59.9 [1] - 75:13  
5:00 [1] - 50:1

**6**

6 [1] - 80:7  
6-foot [1] - 76:1  
6/4 [1] - 25:15  
600 [1] - 23:14  
62 [1] - 74:21  
62.97 [2] - 73:16, 76:23  
63 [3] - 76:23, 78:22, 112:19  
64 [1] - 74:17  
64.2 [1] - 71:16  
65 [9] - 35:1, 35:5, 35:24, 37:5, 37:6, 37:9, 37:11, 37:19, 74:9  
65.13 [1] - 72:25  
65.2 [2] - 72:25, 73:1  
6th [1] - 53:18

**7**

7 [1] - 28:11  
7-by-9 [1] - 63:17

70 [2] - 74:25, 76:7  
71 [1] - 3:8  
732-229-5897 [1] - 1:25  
7:00 [1] - 101:10  
7:30 [1] - 121:13  
7th [2] - 4:10, 26:13

**8**

8 [3] - 27:17, 100:17, 101:5  
80 [1] - 36:2  
800 [1] - 19:12  
808 [1] - 94:1  
890 [1] - 58:10  
896 [2] - 58:11, 62:4  
8:00 [2] - 48:24, 49:2  
8:30 [1] - 49:5

**9**

9 [3] - 48:12, 52:9, 52:19  
9/21/15 [1] - 5:7  
90 [5] - 35:9, 43:7, 48:13, 52:2, 91:12  
900 [1] - 58:20  
98 [1] - 86:15  
98'4 [1] - 72:21  
98.3 [1] - 72:22  
98.33 [1] - 72:24  
99 [1] - 2:3  
9:00 [6] - 41:19, 41:21, 42:2, 48:15, 49:5, 50:18  
9:30 [1] - 50:19  
9:53 [1] - 70:20

**A**

A-1 [2] - 4:4, 24:18  
A-10 [2] - 5:4, 29:3  
A-11 [2] - 5:5, 30:1  
A-12 [2] - 5:6, 42:24  
A-2 [5] - 4:6, 26:8, 26:9, 58:15, 70:17  
A-3 [8] - 4:8, 26:7, 26:9, 26:10, 71:12, 91:6, 91:18, 106:15  
A-4 [2] - 4:12, 26:21  
A-5 [9] - 4:16, 27:6, 27:11, 31:18, 31:19, 31:20, 65:2, 70:17  
A-6 [5] - 4:20, 27:14, 77:16, 90:8, 119:22  
A-7 [2] - 4:23, 27:21  
A-8 [3] - 4:25, 28:9, 30:12  
A-9 [2] - 5:3, 29:5

- a.m** [2] - 100:17, 101:5  
**aberration** [1] - 75:1  
**ability** [1] - 15:22  
**able** [10] - 15:3, 37:8, 56:9, 59:2, 59:3, 61:12, 61:13, 66:13, 106:20, 116:18  
**absolute** [1] - 115:21  
**absolutely** [17] - 15:20, 16:24, 27:8, 39:4, 39:6, 39:13, 46:6, 46:12, 46:17, 48:20, 48:23, 67:17, 81:17, 89:4, 108:14, 114:4, 115:21  
**abut** [2] - 82:17, 82:18  
**abuts** [2] - 82:21, 86:2  
**academics** [1] - 14:10  
**accept** [2] - 27:13, 119:2  
**acceptable** [4] - 48:2, 48:3, 82:7, 100:4  
**accepted** [1] - 10:24  
**access** [14] - 37:11, 39:1, 56:11, 56:12, 58:17, 58:18, 61:19, 61:25, 63:5, 72:6, 86:19, 98:22, 112:3, 112:4  
**accessed** [1] - 58:12  
**accessing** [1] - 111:8  
**accessory** [1] - 116:13  
**accommodate** [6] - 16:22, 56:7, 75:24, 75:25, 107:11, 108:16  
**accommodates** [1] - 72:10  
**accommodating** [2] - 56:2, 59:17  
**accommodation** [2] - 58:25, 63:2  
**accommodations** [1] - 55:13  
**according** [3] - 43:10, 61:3, 77:11  
**account** [1] - 72:11  
**accurate** [4] - 32:10, 91:14, 91:16, 123:6  
**acre** [2] - 102:21, 102:23  
**Act** [1] - 55:22  
**action** [2] - 123:10, 123:11  
**activities** [4] - 38:21, 52:17, 66:15, 118:14  
**activity** [2] - 13:8, 52:11  
**actual** [5] - 51:15, 66:2, 66:7, 67:1, 85:15  
**ADA** [11] - 32:21, 55:10, 55:18, 58:21, 58:25, 59:4, 62:19, 72:9, 74:2, 75:24  
**add** [2] - 23:23, 70:6  
**added** [8] - 16:19, 16:20, 16:21, 26:5, 57:22, 102:22, 107:13, 113:9  
**adding** [3] - 47:8, 47:9, 95:10  
**addition** [4] - 34:24, 35:6, 77:19, 113:21  
**additional** [4] - 8:9, 47:11, 57:23, 93:23  
**address** [11] - 10:1, 12:12, 21:25, 31:1, 39:20, 44:3, 48:18, 49:15, 70:5, 92:13, 112:12  
**addressed** [3] - 81:14, 82:5, 91:4  
**addresses** [4] - 22:2, 22:3, 22:4, 22:7  
**adds** [2] - 59:6, 108:14  
**adhered** [1] - 45:24  
**adjacent** [2] - 74:18, 81:1  
**adjourn** [3] - 70:19, 121:15, 121:24  
**administration** [1] - 29:19  
**Administrative** [2] - 29:9, 31:4  
**admission** [3] - 16:8, 58:19, 58:20  
**admitted** [2] - 70:13, 90:7  
**admittedly** [2] - 86:21, 94:20  
**advised** [1] - 26:25  
**advisors** [1] - 28:25  
**affect** [1] - 89:19  
**affected** [1] - 93:5  
**affects** [1] - 89:20  
**Affidavit** [3] - 7:2, 8:16, 9:4  
**affiliated** [1] - 53:16  
**affiliation** [1] - 12:8  
**agency** [1] - 46:2  
**aggressive** [1] - 21:16  
**ago** [4] - 69:12, 82:4, 87:22, 89:11  
**agree** [9] - 44:4, 45:15, 81:15, 83:24, 85:17, 86:25, 89:5, 96:9, 105:7  
**agreements** [2] - 7:23, 29:18  
**ahead** [1] - 21:8  
**AIA** [2] - 3:13, 53:9  
**aid** [2] - 12:8, 14:9  
**air** [4] - 33:3, 55:18, 59:8, 99:15  
**aisle** [1] - 91:8  
**alignment** [1] - 19:1  
**allow** [6] - 19:11, 38:5, 50:10, 55:18, 88:3, 89:9  
**allowed** [5] - 52:19, 76:7, 79:21, 86:18, 105:12  
**allows** [1] - 13:8  
**almost** [5] - 43:18, 51:1, 65:12, 91:12, 102:13  
**alone** [2] - 76:2, 76:4  
**alongside** [1] - 85:11  
**ALSO** [1] - 1:18  
**altogether** [1] - 92:11  
**Americas** [1] - 55:21  
**amount** [5] - 23:7, 48:1, 62:17, 96:3, 102:22  
**angle** [1] - 77:6  
**angled** [3] - 33:25, 57:18, 66:25  
**announce** [1] - 15:7  
**answer** [6] - 22:22, 51:16, 60:8, 69:8, 87:10, 101:22  
**answered** [1] - 22:23  
**apart** [1] - 86:16  
**apologize** [2] - 15:20, 18:9  
**apparatus** [1] - 98:22  
**appendage** [1] - 77:1  
**applicant** [1] - 9:8  
**Applicant** [3] - 2:4, 11:8, 100:6  
**applicants** [1] - 99:22  
**application** [30] - 4:13, 7:14, 8:1, 8:2, 8:11, 9:6, 9:12, 10:6, 10:10, 11:9, 11:11, 22:12, 22:16, 23:15, 23:21, 25:7, 26:17, 28:3, 31:6, 31:9, 34:16, 77:18, 82:7, 84:19, 91:11, 93:24, 93:25, 97:22, 105:11, 114:16  
**applications** [2] - 23:24, 99:20  
**applied** [3] - 95:25, 96:2, 117:2  
**applies** [2] - 92:22, 94:18  
**apply** [4] - 9:7, 73:8, 73:21, 91:22  
**approach** [2] - 23:25, 31:25  
**appropriate** [4] - 19:1, 40:18, 99:1, 115:3  
**approval** [9] - 7:22, 8:13, 12:2, 81:16, 86:10, 86:12, 93:9, 95:1, 107:5  
**approvals** [1] - 110:3  
**approve** [3] - 84:18, 84:19, 104:20  
**approved** [30] - 8:15, 12:1, 13:17, 34:4, 54:22, 59:13, 74:18, 74:20, 74:24, 75:5, 75:9, 75:13, 75:20, 79:10, 86:9, 88:7, 88:10, 89:25, 94:24, 95:5, 97:22, 98:22, 98:23, 100:11, 102:18, 105:12, 109:9, 111:7, 114:17, 117:3  
**approves** [1] - 109:8  
**approving** [1] - 112:25  
**appurtenances** [2] - 73:9, 73:25  
**arch** [1] - 64:9  
**architect** [12] - 4:17, 11:22, 19:14, 24:25, 25:20, 27:3, 27:11, 32:4, 40:22, 53:13, 54:18, 60:13  
**architect's** [1] - 72:19  
**architectural** [10] - 24:19, 25:4, 25:24, 32:6, 58:13, 63:22, 72:3, 74:23, 76:12, 103:15  
**Architectural** [1] - 4:4  
**area** [23] - 6:20, 21:17, 21:21, 27:23, 32:1, 37:6, 37:12, 55:9, 58:6, 58:10, 64:5, 68:16, 68:23, 72:5, 99:5, 102:16, 102:21, 103:5, 104:2, 106:3, 107:21, 118:9  
**areas** [3] - 68:6, 98:23, 104:4  
**arena** [1] - 58:8  
**arguably** [1] - 76:23  
**argue** [1] - 89:15  
**argument** [1] - 87:16  
**art** [2] - 12:5, 15:19  
**Asbury** [2] - 7:3, 118:8  
**asphalt** [1] - 104:3  
**assemble** [1] - 57:5  
**assigned** [2] - 107:21, 107:24  
**associated** [1] - 103:17  
**Associates** [1] - 28:15  
**assume** [2] - 41:24, 104:7  
**assuming** [1] - 102:17  
**athlete** [2] - 14:2, 14:5  
**athletes** [8] - 12:9, 13:6, 13:22, 14:4, 14:11, 41:20, 41:25, 49:11  
**Athletic** [1] - 13:24  
**athletic** [11] - 13:5, 13:19, 38:8, 43:7, 48:10, 52:11, 53:5, 61:16, 116:15, 118:7, 118:8  
**athletics** [2] - 35:11, 114:9  
**Athletics** [1] - 12:23  
**Atlantic** [1] - 13:24  
**atrocious** [1] - 46:23  
**Attachment** [1] - 7:11  
**attend** [1] - 108:8  
**attendance** [2] - 19:19, 56:10  
**attendants** [1] - 116:2  
**attended** [4] - 18:12, 87:20, 88:9, 117:24  
**Attorney** [1] - 1:19  
**attorney** [3] - 11:8, 123:9, 123:10  
**Attorneys** [1] - 2:4  
**audience** [5] - 9:17, 39:19, 51:25, 69:6, 82:14  
**audio** [4] - 57:8, 57:10, 57:13, 57:14  
**available** [4] - 94:2, 95:13, 121:7, 121:11  
**Avenue** [35] - 1:24, 2:3, 12:14, 23:2, 29:16, 39:22, 46:20, 53:7, 65:22, 75:17, 75:20, 75:21, 76:6, 76:10, 76:25, 77:3, 78:6, 78:8, 79:15, 81:8, 85:24, 86:16, 89:2, 92:22, 92:23, 93:2, 99:21, 108:16, 110:4, 110:8, 111:21, 112:1, 114:18, 114:25  
**average** [8] - 60:12, 60:15, 60:18, 71:23, 72:18, 73:2, 75:13, 112:25  
**averaged** [1] - 61:3

**avoid** [3] - 21:15,  
21:18, 92:16  
**aware** [2] - 35:13,  
42:10  
**awkward** [2] - 20:18,  
20:20  
**eyes** [2] - 11:3, 121:25

---

## B

---

**B-6** [2] - 112:15,  
112:22  
**backyard** [9] - 47:3,  
47:6, 69:18, 69:21,  
69:23, 70:3, 84:3,  
88:19, 89:12  
**band** [3] - 41:18,  
43:21, 52:17  
**bands** [1] - 52:7  
**barrier** [1] - 88:23  
**baseball** [3] - 44:10,  
49:9, 111:24  
**based** [4] - 38:20,  
93:21, 96:4, 118:21  
**basic** [3] - 58:24, 61:7,  
63:20  
**basis** [5] - 13:21, 15:4,  
29:12, 29:20, 119:8  
**basketball** [1] - 64:16  
**bathrooms** [1] - 61:22  
**beam** [1] - 63:15  
**became** [1] - 63:7  
**become** [1] - 63:24  
**becomes** [1] - 64:6  
**bed** [4] - 103:9,  
103:14, 104:5, 104:6  
**beds** [1] - 103:22  
**bedtime** [1] - 28:13  
**BEFORE** [1] - 1:9  
**begin** [2] - 48:10,  
55:24  
**begins** [2] - 49:5,  
49:11  
**behalf** [1] - 36:23  
**behind** [5] - 78:13,  
83:16, 85:25,  
100:23, 109:22  
**belfries** [1] - 73:21  
**below** [2] - 59:4, 59:6  
**beneath** [3] - 72:5,  
103:5, 103:10  
**beneficial** [15] - 113:7,  
113:9, 113:13,  
113:17, 113:18,  
113:24, 115:18,  
115:22, 115:25,  
116:13, 116:14,  
116:23, 117:1,  
117:3, 118:19  
**beneficial's** [1] - 116:5

**benefit** [1] - 118:18  
**benefits** [3] - 13:16,  
97:15, 119:13  
**best** [1] - 107:7  
**better** [3] - 7:19, 14:7,  
66:16  
**between** [22] - 17:8,  
29:18, 48:11, 52:8,  
55:7, 56:6, 59:25,  
60:16, 60:23, 66:20,  
66:21, 66:22, 66:24,  
73:2, 75:4, 81:8,  
89:14, 104:2, 104:4,  
104:24, 120:20  
**beyond** [2] - 44:14,  
104:8  
**big** [19] - 27:17, 37:18,  
40:10, 41:2, 41:9,  
44:10, 53:1, 56:10,  
57:10, 58:10, 69:24,  
87:22, 101:17,  
101:25, 104:5,  
107:25, 116:21  
**Big** [1] - 13:24  
**bigger** [5] - 14:4,  
43:19, 68:5, 68:19,  
68:20  
**biggest** [6] - 40:14,  
41:16, 41:25, 43:16,  
66:10, 87:22  
**bill** [2] - 105:18, 112:9  
**Bill** [3] - 60:2, 65:24,  
82:12  
**Bill's** [1] - 30:21  
**bit** [11] - 32:19, 49:20,  
50:17, 59:6, 59:15,  
65:3, 68:5, 68:9,  
78:18, 101:9, 106:9  
**blaring** [2] - 41:22,  
49:8  
**bleachers** [2] - 18:4,  
18:6  
**blend** [1] - 75:2  
**blends** [2] - 63:24,  
64:5  
**Block** [8] - 1:6, 79:18,  
79:19, 80:6, 80:15,  
80:19, 81:6, 81:7  
**block** [1] - 115:13  
**blocking** [1] - 84:1  
**blood** [1] - 58:4  
**bloom** [1] - 77:23  
**blown** [1] - 57:10  
**blue** [2] - 78:14, 78:15  
**BOARD** [1] - 1:1  
**board** [6] - 27:17,  
31:22, 87:20, 88:7,  
88:11, 89:21  
**Board** [45] - 1:19,  
1:19, 1:20, 6:11,

6:12, 6:13, 7:4, 11:7,  
12:2, 22:12, 22:17,  
25:9, 25:25, 27:12,  
31:13, 39:19, 43:1,  
51:19, 54:1, 54:5,  
71:7, 74:20, 74:24,  
79:10, 82:6, 84:18,  
84:19, 89:7, 91:2,  
93:9, 94:15, 94:16,  
94:23, 95:14, 98:5,  
99:20, 102:14,  
104:8, 105:9, 109:8,  
110:19, 112:24,  
118:21, 120:21,  
121:6  
**Board's** [3] - 8:18,  
30:6, 92:4  
**boards** [2] - 27:10,  
70:12  
**body** [3] - 13:9, 13:10,  
13:20  
**bonds** [1] - 111:1  
**BONNIE** [1] - 1:19  
**Bonnie** [8] - 6:25,  
27:7, 30:19, 90:12,  
97:6, 105:8, 110:18,  
112:21  
**bonnie** [2] - 9:3, 30:3  
**Bonnie's** [3] - 82:12,  
110:21, 111:2  
**boom** [2] - 38:16, 44:7  
**booster** [2] - 58:18,  
61:19  
**booth** [1] - 111:22  
**BOROUGH** [1] - 1:1  
**Borough** [9] - 25:13,  
26:19, 29:12, 29:14,  
29:18, 29:20, 111:4,  
113:1, 114:3  
**bottom** [2] - 9:1, 32:12  
**boundary** [2] - 84:21,  
106:17  
**bowl** [7] - 33:24,  
57:14, 58:11, 59:11,  
61:12, 67:1  
**box** [60] - 6:18, 6:20,  
8:13, 10:14, 11:12,  
11:25, 12:2, 13:12,  
15:10, 15:11, 31:21,  
32:17, 32:24, 34:3,  
34:19, 39:24, 40:19,  
41:12, 54:21, 54:24,  
55:4, 56:20, 56:24,  
59:7, 59:9, 59:12,  
59:15, 61:13, 61:19,  
64:15, 66:11, 66:13,  
66:19, 66:24, 67:2,  
67:6, 67:8, 67:22,  
68:20, 69:18, 69:21,  
72:20, 75:12, 75:13,

75:19, 75:20, 76:7,  
76:10, 77:19, 78:11,  
78:16, 78:19, 78:21,  
79:25, 81:12, 87:23,  
88:4, 88:14, 114:5,  
114:16  
**boxes** [3] - 38:16,  
44:7, 53:21  
**Boylan** [6] - 14:16,  
57:6, 63:18, 98:21,  
106:19, 107:10  
**Branch** [17] - 1:24,  
12:14, 15:23, 22:2,  
22:3, 23:1, 23:2,  
36:19, 36:20, 36:23,  
36:24, 40:7, 44:25,  
48:12, 73:4, 116:11,  
118:6  
**BRANCH** [1] - 1:1  
**brand** [1] - 103:24  
**break** [6] - 27:24,  
28:22, 70:18, 91:21,  
92:1, 117:17  
**brick** [1] - 63:25  
**brief** [1] - 73:5  
**briefly** [1] - 90:16  
**bring** [3] - 14:17, 53:5,  
64:3  
**bringing** [1] - 38:15  
**broad** [1] - 102:9  
**broadcast** [1] - 15:6  
**broken** [3] - 7:9, 84:7,  
84:9  
**brook** [2] - 106:16,  
112:1  
**brought** [2] - 51:5,  
59:14  
**brush** [1] - 102:9  
**buffer** [3] - 106:20,  
106:21, 114:18  
**buffering** [1] - 107:1  
**build** [6] - 16:16, 61:4,  
62:14, 64:7, 97:12,  
105:23  
**building** [76] - 32:2,  
32:3, 32:5, 32:24,  
32:25, 33:19, 34:4,  
34:7, 54:19, 54:22,  
54:24, 55:5, 55:8,  
55:17, 56:1, 56:2,  
56:23, 59:13, 59:17,  
59:23, 59:25, 60:23,  
61:7, 61:8, 62:16,  
62:18, 63:1, 64:11,  
64:18, 64:22, 65:11,  
65:13, 65:16, 65:18,  
65:20, 65:24, 66:5,  
66:8, 66:12, 66:14,  
66:16, 66:18, 66:22,  
66:23, 67:16, 67:23,

67:24, 68:2, 68:3,  
68:17, 68:24, 69:10,  
69:11, 69:25, 70:7,  
70:8, 71:10, 71:22,  
71:24, 72:2, 72:12,  
72:13, 72:16, 74:15,  
77:4, 87:5, 93:22,  
100:14, 100:24,  
103:6, 103:19,  
104:1, 104:3,  
106:14, 115:13,  
119:7  
**buildings** [11] - 4:23,  
8:7, 10:4, 27:23,  
55:14, 64:13, 71:9,  
74:14, 74:16, 91:20,  
91:24  
**built** [3] - 87:21,  
109:20, 121:22  
**bulk** [1] - 11:16  
**busier** [1] - 85:18  
**business** [1] - 90:3  
**butt** [1] - 19:5  
**BY** [6] - 2:4, 12:17,  
22:10, 30:25, 53:11,  
71:1

---

## C

---

**C-1** [1] - 10:1  
**C-2** [2] - 90:15, 91:1  
**C-5** [1] - 10:1  
**cab** [1] - 63:16  
**cabinet** [1] - 42:23  
**CAD** [1] - 91:14  
**cafeteria** [2] - 27:25,  
101:16  
**cafeterias** [1] - 119:9  
**calculated** [2] - 58:23,  
60:18  
**calibrated** [1] - 35:2  
**calibrating** [1] - 37:3  
**camera** [1] - 57:3  
**cameras** [3] - 15:7,  
57:1, 63:11  
**camp** [2] - 44:21,  
116:20  
**camps** [1] - 40:5  
**campus** [53] - 4:23,  
14:6, 21:14, 22:19,  
23:1, 24:1, 27:23,  
28:18, 29:2, 31:8,  
35:12, 35:15, 46:7,  
52:13, 52:20, 56:13,  
57:7, 59:18, 64:5,  
64:7, 64:20, 65:5,  
65:6, 65:8, 66:7,  
71:9, 74:14, 74:15,  
74:16, 75:1, 75:3,  
82:17, 82:22, 91:18,

- 91:25, 92:2, 93:21,  
95:3, 95:13, 96:6,  
101:1, 101:9, 103:4,  
107:2, 109:25,  
110:5, 110:6,  
111:11, 112:7,  
115:2, 115:14,  
118:7, 118:8
- Campus** [1] - 2:2
- canopies** [1] - 103:16
- canopy** [1] - 77:22
- capacity** [14] - 12:20,  
12:25, 14:24, 17:3,  
17:7, 17:10, 19:4,  
19:21, 49:19, 54:13,  
55:5, 56:9, 56:18,  
95:4
- car** [2] - 78:12, 78:13
- care** [8] - 76:1, 100:21,  
107:24, 109:4,  
113:15, 115:19,  
116:2
- carefully** [4] - 76:12,  
78:9, 78:11, 89:8
- carried** [2] - 73:9,  
121:14
- carries** [1] - 122:2
- carry** [1] - 120:13
- cars** [1] - 85:2
- cart** [1] - 101:24
- case** [2] - 78:1, 114:2
- cases** [4] - 64:14,  
65:13, 113:8, 116:11
- catch** [1] - 24:3
- CCR** [1] - 1:23
- Cedar** [13] - 12:13,  
23:2, 46:20, 53:7,  
65:22, 65:23, 66:2,  
85:24, 92:22, 93:5,  
99:17, 99:18, 114:25
- ceiling** [1] - 56:25
- center** [13] - 13:7,  
21:11, 34:22, 58:5,  
61:24, 74:18, 85:19,  
95:22, 101:11,  
103:13, 110:6,  
113:15, 115:19
- centers** [1] - 115:19
- central** [2] - 61:22,  
102:7
- certain** [4] - 48:1,  
73:6, 89:18, 117:25
- certainly** [4] - 66:14,  
102:5, 102:10,  
108:15
- CERTIFICATE** [1] -  
123:1
- Certified** [1] - 123:3
- certify** [1] - 123:3
- CERTIFY** [2] - 123:6,  
123:9
- cetera** [5] - 27:25,  
29:1, 91:8, 93:21,  
103:16
- chain** [2] - 99:3, 99:8
- chain-link** [2] - 99:3,  
99:8
- Chairman** [7] - 1:10,  
6:1, 9:21, 10:18,  
11:6, 30:7, 117:20
- chamber** [1] - 106:5
- chance** [1] - 120:21
- change** [2] - 13:23,  
98:6
- changed** [5] - 12:3,  
46:21, 54:25, 55:11,  
98:8
- changes** [4] - 17:24,  
105:5, 109:24, 110:1
- changing** [1] - 93:3
- chapter** [1] - 73:7
- character** [4] - 63:23,  
64:18, 118:1
- characterize** [1] -  
67:12
- charge** [3] - 39:5,  
53:25, 108:3
- Charlie** [1] - 10:8
- check** [3] - 8:22, 8:23,  
27:20
- checked** [1] - 35:21
- checks** [4] - 4:13,  
4:13, 26:18
- cheerleaders** [1] -  
16:12
- child** [1] - 113:15
- chimneys** [1] - 73:23
- chose** [2] - 56:14, 57:9
- church** [2] - 40:6,  
73:21
- Cieri** [2] - 6:11, 6:14
- CIERI** [9] - 1:19, 7:1,  
24:12, 24:15, 27:12,  
27:19, 51:20, 51:23,  
97:17
- circuitous** [1] - 111:17
- circulation** [1] - 93:16
- clarified** [2] - 7:25,  
90:13
- clarify** [3] - 74:5,  
100:6, 120:19
- class** [1] - 52:25
- classified** [1] - 112:15
- classroom** [1] - 119:9
- clean** [1] - 103:9
- clear** [6] - 26:15, 80:1,  
82:23, 82:25, 84:11,  
84:15
- clearance** [1] - 46:1
- cleared** [1] - 102:16
- clerk** [1] - 26:19
- close** [6] - 14:19,  
19:21, 56:16, 61:6,  
79:23, 118:15
- closed** [1] - 41:7
- closer** [5] - 19:22,  
40:11, 53:6, 79:8,  
79:14
- closest** [2] - 63:18,  
76:14
- club** [3] - 13:7, 58:18,  
61:19
- cluster** [1] - 78:4
- co** [1] - 89:13
- co-existence** [1] -  
89:13
- coaches** [1] - 61:15
- coaching** [1] - 14:9
- coastal** [1] - 106:3
- code** [2] - 57:6, 62:24
- cognizant** [3] - 91:2,  
107:14, 111:4
- Cole** [3] - 25:1, 53:18,  
53:24
- collated** [1] - 28:11
- collection** [1] - 100:22
- collector** [1] - 103:12
- color** [3] - 4:17, 27:3,  
27:9
- colored** [3] - 28:18,  
63:23, 64:15
- columns** [1] - 103:19
- coming** [14] - 41:1,  
41:21, 41:23, 43:24,  
44:6, 44:8, 47:7,  
47:10, 47:25, 88:5,  
101:25, 110:14,  
121:5
- commencement** [1] -  
123:3
- comment** [3] - 10:9,  
43:15, 90:11
- comments** [5] - 25:8,  
41:11, 91:5, 102:11,  
104:23
- committed** [1] - 115:9
- common** [1] - 86:24
- commonly** [1] - 95:25
- communications** [1] -  
15:3
- community** [3] -  
113:11, 116:18,  
121:21
- compare** [1] - 67:18
- comparison** [2] -  
60:22, 71:5
- compete** [2] - 14:2,  
14:13
- competitive** [1] -  
14:21
- complain** [2] - 40:2,  
43:20
- complaining** [1] -  
41:17
- complaint** [9] - 36:21,  
37:1, 40:15, 41:16,  
43:16, 45:4, 46:13,  
46:24, 49:7
- complaints** [3] -  
40:25, 41:25, 48:19
- completed** [1] - 54:10
- completely** [1] - 10:14
- completeness** [6] -  
6:23, 7:9, 7:12,  
10:11, 10:19, 10:24
- compliant** [3] - 32:22,  
36:20, 62:19
- complies** [1] - 62:23
- comply** [7] - 34:25,  
35:18, 35:19, 35:23,  
48:12, 105:6, 105:7
- complying** [2] - 35:11,  
98:16
- component** [1] - 62:24
- components** [4] -  
55:15, 57:22, 61:14,  
67:7
- computer** [1] - 59:20
- concept** [2] - 64:2,  
95:24
- concern** [1] - 112:3
- concerned** [2] - 61:1,  
104:12
- concerns** [1] - 120:20
- concession** [2] -  
32:12, 61:23
- concessions** [1] -  
100:9
- concourse** [3] - 58:7,  
58:17, 100:10
- concrete** [3] - 103:7,  
104:1
- concurrent** [1] - 95:4
- condition** [9] - 7:21,  
8:4, 56:1, 81:16,  
95:1, 97:23, 101:13,  
101:21, 104:9
- conditions** [3] - 78:2,  
78:3, 119:3
- conduits** [1] - 103:21
- conference** [3] -  
13:23, 55:1, 61:16
- Conference** [3] -  
13:24, 13:25, 116:19
- conferences** [3] -  
14:2, 14:3, 54:25
- configuration** [1] -  
33:24
- configured** [1] - 19:16
- confines** [1] - 62:3
- confirm** [3] - 8:5, 8:20,  
65:25
- conform** [2] - 70:12,  
76:2
- confused** [1] - 9:3
- confusing** [2] - 57:25,  
60:17
- connection** [6] -  
22:18, 28:9, 71:14,  
77:18, 91:5, 114:8
- connections** [1] -  
110:4
- consent** [1] - 8:17
- consents** [1] - 9:11
- conservative** [2] -  
23:25, 73:1
- conservatively** [1] -  
21:13
- conservativeness** [1] -  
74:6
- consider** [4] - 51:18,  
76:2, 115:24, 120:21
- consideration** [2] -  
64:21, 89:22
- considered** [3] - 96:7,  
113:11, 115:17
- considering** [1] -  
119:5
- consisted** [1] - 25:5
- consisting** [6] - 4:4,  
4:9, 4:17, 24:19,  
26:11, 27:3
- consists** [2] - 25:2,  
106:10
- consolidate** [1] -  
56:15
- consolidated** [1] -  
62:20
- consolidates** [1] -  
101:2
- constant** [1] - 72:1
- constraints** [2] - 57:8,  
57:9
- constructed** [3] -  
99:21, 102:17,  
114:13
- construction** [5] -  
91:15, 99:3, 102:16,  
105:13, 111:8
- consultant** [1] - 34:17
- contact** [1] - 46:16
- containers** [1] -  
100:25
- contains** [2] - 114:11,  
114:19
- content** [1] - 43:8
- continually** [1] - 96:5
- Continue** [1] - 70:20
- continue** [1] - 117:18
- continued** [1] - 55:11

- control** [2] - 57:15, 58:18  
**controlled** [4] - 43:8, 58:6, 61:25, 62:2  
**convenient** [4] - 66:15, 108:2, 112:2, 112:4  
**conversation** [1] - 54:12  
**converted** [1] - 98:21  
**copies** [6] - 9:19, 27:5, 27:7, 42:25, 90:25, 110:17  
**copy** [5] - 4:18, 27:6, 35:15, 43:3, 90:22  
**core** [3] - 116:9, 116:13, 120:8  
**corner** [7] - 21:11, 65:7, 65:10, 76:10, 76:15, 80:18, 107:10  
**Corporate** [1] - 2:2  
**correct** [10] - 22:23, 24:1, 25:14, 25:16, 37:16, 38:18, 51:12, 87:9, 110:19, 119:23  
**corrected** [1] - 105:13  
**corrections** [1] - 105:10  
**correspondence** [1] - 98:3  
**corrugated** [1] - 106:2  
**counsel** [2] - 123:9, 123:10  
**Counsel** [1] - 6:13  
**count** [6] - 18:17, 18:18, 29:5, 32:10, 67:6, 95:7  
**counting** [1] - 97:6  
**country** [1] - 20:1  
**counts** [1] - 96:5  
**County** [5] - 92:23, 92:25, 93:4, 93:9, 118:4  
**COUNTY** [1] - 1:1  
**couple** [5] - 6:5, 17:13, 103:4, 110:18, 110:19  
**course** [1] - 116:23  
**court** [1] - 64:17  
**Court** [3] - 29:16, 113:8, 123:3  
**Courts** [2] - 116:10, 118:13  
**cover** [4] - 6:12, 56:25, 57:11, 92:18  
**coverage** [3] - 97:14, 102:22, 103:2  
**covering** [1] - 74:2  
**create** [3] - 18:5, 56:9, 56:25  
**created** [2] - 58:5  
**creates** [1] - 58:17  
**crew** [1] - 107:23  
**criteria** [12] - 21:24, 54:5, 56:22, 59:10, 64:11, 113:4, 113:19, 113:22, 115:6, 118:20, 118:23, 119:14  
**cross** [1] - 112:5  
**crowd** [5] - 18:11, 18:14, 19:4, 35:4, 37:18  
**crushed** [1] - 103:9  
**cupola** [1] - 74:22  
**cupolas** [1] - 73:22  
**curb** [2] - 79:20, 91:8  
**current** [4] - 8:20, 28:10, 35:25, 110:16  
**curves** [1] - 36:14  
**customer** [1] - 58:1  
**cut** [7] - 70:23, 104:11, 108:13, 108:18, 108:19, 108:20, 108:22
- 
- D**
- 
- D.J** [1] - 52:7  
**daily** [4] - 85:9, 108:6, 108:9, 119:8  
**dairy** [1] - 86:12  
**damage** [1] - 97:25  
**damaged** [2] - 84:8, 97:22  
**dark** [1] - 47:4  
**data** [1] - 60:3  
**date** [3] - 117:19, 120:14, 123:7  
**dated** [8] - 4:9, 5:7, 25:15, 26:12, 28:11, 42:22, 90:12, 98:18  
**Dated** [1] - 123:14  
**DAVIS** [1] - 2:2  
**days** [2] - 26:7, 42:1  
**deal** [5] - 71:3, 88:23, 92:8, 92:11, 113:24  
**dealing** [3] - 22:20, 88:12, 117:1  
**decent** [1] - 15:24  
**decibel** [1] - 51:8  
**decibels** [3] - 35:1, 35:5, 35:24  
**deciduous** [5] - 77:25, 80:12, 81:11, 81:24, 114:21  
**deck** [12] - 56:24, 61:9, 61:10, 63:3, 73:11, 74:12, 76:22, 77:9, 78:10, 78:21  
**deep** [1] - 50:7  
**defer** [1] - 93:12  
**defined** [3] - 60:21, 75:11, 94:19  
**defines** [1] - 71:22  
**definitely** [3] - 14:11, 15:24, 48:7  
**definition** [4] - 60:11, 91:23, 108:22, 113:9  
**delivered** [3] - 4:14, 26:19, 109:23  
**deliveries** [5] - 99:25, 100:8, 100:17, 101:4, 101:12  
**delivery** [1] - 100:7  
**demolish** [2] - 11:24, 12:4  
**demonstrate** [2] - 99:22, 114:22  
**dense** [1] - 65:13  
**densely** [1] - 118:9  
**density** [1] - 85:4  
**DEP** [3] - 34:25, 35:22, 36:19  
**department** [5] - 29:13, 38:8, 44:24, 45:10  
**dependent** [1] - 106:12  
**depicted** [2] - 76:15, 82:10  
**depicting** [1] - 4:20  
**depicts** [1] - 92:1  
**describe** [2] - 31:13, 71:5  
**described** [1] - 27:16  
**DESCRIPTION** [2] - 4:3, 5:2  
**design** [11] - 31:8, 53:25, 54:5, 55:15, 59:16, 63:7, 64:3, 88:13, 104:20, 105:16, 105:20  
**designated** [1] - 98:23  
**designed** [5] - 35:2, 35:19, 64:19, 75:2, 103:3  
**designing** [3] - 53:21, 54:6, 84:20  
**designs** [1] - 88:1  
**detailed** [2] - 102:14, 103:10  
**details** [3] - 11:19, 92:12, 104:7  
**deteriorated** [1] - 81:13  
**determination** [2] - 28:3, 104:17  
**determine** [5] - 8:8, 10:5, 60:19, 115:11, 118:23  
**determined** [4] - 21:10, 28:1, 94:19, 99:19  
**determines** [1] - 113:1  
**detriment** [2] - 118:25, 119:16  
**detrimental** [1] - 119:17  
**develop** [2] - 54:20, 87:1  
**developed** [5] - 35:6, 35:10, 85:15, 114:8, 118:9  
**developing** [1] - 54:23  
**development** [3] - 7:23, 13:19, 107:11  
**developments** [1] - 96:1  
**difference** [12] - 25:23, 25:25, 26:4, 32:5, 59:24, 61:5, 71:7, 75:4, 76:1, 76:19, 83:10, 94:22  
**differences** [1] - 60:16  
**different** [10] - 7:10, 8:7, 11:21, 55:1, 70:6, 91:20, 97:9, 99:19, 110:15, 121:8  
**differential** [2] - 73:1, 73:2  
**difficult** [2] - 40:7, 115:20  
**dimension** [2] - 76:9, 77:2  
**dining** [1] - 101:23  
**Direct** [4] - 3:5, 3:8, 3:11, 3:14  
**direct** [2] - 46:16, 62:5  
**DIRECT** [4] - 12:17, 22:10, 30:25, 53:11  
**directed** [1] - 36:16  
**direction** [1] - 80:10  
**directly** [1] - 81:2  
**director** [1] - 53:17  
**Director** [1] - 12:22  
**dirt** [3] - 84:8, 85:14  
**Disability** [1] - 55:22  
**disabled** [1] - 84:9  
**disadvantaged** [1] - 56:3  
**disagree** [3] - 39:25, 44:1, 83:5  
**disappears** [1] - 19:17  
**disaster** [2] - 20:24, 21:1  
**disbursed** [1] - 34:18  
**discernible** [2] - 76:20, 77:5  
**Disclosure** [1] - 9:4  
**discuss** [2] - 30:17, 30:19  
**discussed** [10] - 10:10, 10:20, 28:4, 87:25, 90:6, 92:9, 93:17, 105:16, 112:21, 112:25  
**discussing** [2] - 68:15, 68:16  
**dispersed** [1] - 36:8  
**dispose** [1] - 92:13  
**disputing** [1] - 86:4  
**disqualified** [1] - 21:23  
**DISSINGER** [16] - 3:13, 17:14, 17:17, 60:22, 62:6, 63:10, 66:19, 67:14, 67:16, 67:22, 68:10, 68:13, 68:18, 68:23, 69:1, 69:22  
**Dissinger** [6] - 25:1, 25:10, 53:9, 73:10, 75:23, 121:3  
**distance** [4] - 71:23, 76:16, 108:15, 118:11  
**distances** [1] - 60:14  
**distributed** [2] - 57:13, 57:17  
**distribution** [1] - 108:21  
**disturbance** [1] - 102:21  
**division** [2] - 20:6, 53:23  
**DJ** [1] - 53:5  
**DO** [2] - 123:6, 123:9  
**doctors** [1] - 116:1  
**document** [3] - 28:6, 28:12, 30:15  
**documents** [2] - 29:7, 29:17  
**domes** [1] - 73:22  
**DONALD** [1] - 3:13  
**Donald** [2] - 24:25, 53:9  
**done** [17] - 8:4, 9:12, 21:13, 21:15, 24:12, 34:16, 65:4, 84:7, 93:7, 103:3, 104:25, 107:14, 109:5, 109:7, 111:3, 117:22  
**door** [1] - 80:10  
**doors** [2] - 41:6, 41:7  
**dorm** [1] - 8:11  
**doubles** [1] - 107:12  
**down** [24] - 27:24, 28:23, 33:20, 33:22, 37:2, 41:5, 45:13,

51:5, 51:9, 59:11,  
65:22, 67:19, 72:7,  
77:25, 91:21, 92:1,  
100:23, 103:13,  
103:18, 107:11,  
107:17, 111:17  
Dr [2] - 12:18, 50:4  
drafted [1] - 105:20  
drainage [4] - 102:10,  
103:17, 104:10,  
105:18  
drains [2] - 103:10,  
104:5  
Drawing [1] - 67:8  
drawing [4] - 58:14,  
80:19, 98:25, 99:13  
Drawings [1] - 4:16  
drawings [9] - 4:8,  
25:19, 26:11, 27:1,  
60:8, 60:13, 61:18,  
91:13, 102:13  
drew [1] - 59:19  
drive [1] - 100:15  
Drive [1] - 29:16  
driveway [3] - 111:14,  
111:15, 111:16  
driveways [2] - 93:3,  
106:22  
drove [1] - 59:8  
duct [2] - 105:18,  
105:23  
due [1] - 103:1  
duly [1] - 123:4  
dumpster [2] - 100:18,  
100:19  
dumpsters [1] -  
100:23  
during [15] - 7:25, 8:5,  
10:2, 10:10, 28:15,  
35:8, 40:4, 41:14,  
41:17, 43:20, 43:25,  
89:16, 95:22, 100:1,  
101:13  
dusk [1] - 42:3

---

## E

early [3] - 47:3, 48:10,  
88:16  
easel [1] - 91:7  
easier [1] - 111:18  
east [9] - 65:15, 72:1,  
72:17, 82:20, 93:5,  
100:13, 103:11,  
103:12, 106:17  
East [1] - 121:16  
easterly [2] - 77:3,  
111:24  
eastern [1] - 31:25  
easy [2] - 82:7, 82:9

edge [5] - 63:19,  
79:18, 80:6, 80:15,  
81:6  
edges [1] - 57:20  
Edison [1] - 74:23  
educated [4] - 115:25,  
116:1, 116:3, 116:6  
education [3] - 116:4,  
116:16, 116:22  
effect [3] - 10:17,  
43:11, 47:13  
effects [3] - 117:25,  
118:17, 119:10  
efficient [2] - 57:5,  
68:7  
eight [4] - 50:6, 55:18,  
56:18, 76:19  
eighths [1] - 80:18  
either [6] - 7:25,  
50:13, 74:4, 84:4,  
103:7, 104:1  
elder [2] - 115:19,  
116:2  
element [1] - 47:8  
elements [1] - 103:18  
elevation [10] - 26:1,  
26:5, 31:14, 31:23,  
72:1, 72:12, 72:20,  
72:21, 113:1  
Elevation [1] - 4:6  
elevations [1] - 72:3  
elevator [22] - 32:21,  
33:13, 33:15, 62:7,  
62:18, 62:20, 62:21,  
63:5, 63:6, 63:8,  
63:13, 63:14, 63:17,  
65:11, 71:20, 72:23,  
73:3, 73:11, 73:13,  
74:7, 74:8, 76:25  
elevators [3] - 62:16,  
73:18, 73:25  
eliminate [1] - 56:8  
eliminates [1] - 50:8  
elongate [1] - 61:12  
elongated [1] - 69:4  
elongating [1] - 61:11  
elsewhere [2] - 59:18,  
62:9  
embarrassing [1] -  
20:20  
employed [1] - 53:15  
employee [4] - 62:25,  
123:9, 123:10  
employees [2] - 29:1,  
55:14  
empty [1] - 20:24  
enclosed [2] - 32:16,  
68:6  
encountered [1] -  
40:23

encouraging [1] -  
44:5  
end [12] - 33:25,  
57:23, 61:22, 64:4,  
67:2, 75:16, 78:7,  
96:3, 106:16, 106:17  
end-to-end [1] - 33:25  
energy [1] - 113:16  
engaged [1] - 34:17  
Engineer [1] - 1:19  
engineer [7] - 11:22,  
22:13, 26:1, 32:4,  
104:10, 104:16,  
104:19  
engineer's [1] - 104:8  
engineering [6] -  
22:15, 30:18, 90:10,  
92:6, 92:12, 120:19  
engineers [2] - 25:10,  
106:1  
enhance [1] - 15:17  
enhanced [1] - 55:11  
enjoy [4] - 13:16, 47:3,  
47:6, 48:5  
enlargement [1] -  
11:10  
enormous [1] - 96:3  
entail [1] - 13:3  
enter [5] - 27:6, 28:9,  
32:8, 32:10, 32:14  
entered [2] - 77:14,  
93:19  
entertainment [1] -  
53:23  
entire [5] - 13:4,  
21:21, 42:2, 65:5,  
102:15  
entirely [2] - 102:14,  
117:11  
entrance [6] - 32:1,  
44:10, 62:5, 65:8,  
100:11, 100:12  
entry [3] - 85:19,  
85:23, 87:7  
envelope [2] - 51:6,  
62:3  
equal [1] - 14:8  
equipment [6] - 37:7,  
39:6, 57:4, 73:19,  
84:9, 85:2  
escrow [2] - 4:12,  
26:17  
especially [1] - 118:2  
ESPN [5] - 15:2, 15:5,  
15:18, 57:2, 63:3  
ESQ [2] - 1:19, 2:4  
essence [2] - 73:15,  
80:9  
essentially [3] - 55:8,  
57:22, 61:6

establish [1] - 7:1  
establishing [1] -  
56:23  
et [5] - 27:25, 29:1,  
91:8, 93:21, 103:16  
evening [2] - 26:16,  
108:24  
event [10] - 35:9, 39:1,  
43:8, 48:14, 52:11,  
52:12, 95:2, 95:4,  
104:16, 117:13  
events [12] - 28:16,  
37:22, 37:25, 43:7,  
48:10, 49:4, 56:10,  
96:6, 101:17,  
101:19, 108:24,  
109:3  
evergreen [6] - 79:9,  
83:22, 84:20, 84:25,  
114:18, 114:21  
evergreens [3] - 83:7,  
83:25, 114:20  
evidence [5] - 42:24,  
70:13, 90:7, 118:22,  
119:1  
Ewing [3] - 25:1,  
53:17, 53:24  
exact [1] - 91:19  
exactly [3] - 22:22,  
51:7, 82:9  
Examination [4] - 3:5,  
3:8, 3:11, 3:14  
examination [1] -  
123:4  
EXAMINATION [4] -  
12:17, 22:10, 30:25,  
53:11  
examined [1] - 7:2  
example [5] - 53:2,  
74:16, 88:2, 106:14,  
118:6  
exceed [2] - 35:24,  
112:16  
exceeds [1] - 11:19  
excellence [1] -  
115:10  
except [4] - 72:2,  
85:13, 99:25, 121:3  
excessively [1] - 87:2  
exclusive [1] - 58:17  
excuse [2] - 19:5,  
100:22  
exhibit [5] - 31:15,  
42:12, 65:9, 67:8,  
77:14  
EXHIBIT [2] - 4:3, 5:2  
Exhibit [1] - 42:24  
exhibits [5] - 24:7,  
54:4, 54:7, 66:8,  
114:22

exist [5] - 55:25,  
88:24, 103:23,  
105:19, 116:7  
existence [2] - 89:13,  
116:6  
existing [31] - 11:20,  
11:25, 34:19, 34:20,  
50:21, 51:3, 54:13,  
54:14, 55:8, 59:21,  
64:13, 65:7, 69:11,  
69:21, 69:25, 70:8,  
75:7, 77:20, 78:2,  
78:9, 78:11, 79:25,  
80:25, 89:8, 97:10,  
98:19, 107:5,  
109:11, 109:24,  
110:13, 114:17  
exists [2] - 10:12,  
34:22  
exit [1] - 62:15  
expand [2] - 12:5,  
56:7  
expanded [1] - 15:12  
expansion [3] - 16:15,  
16:18, 114:16  
expedite [1] - 24:7  
expensive [2] - 37:7,  
105:23  
experience [1] - 53:20  
explain [4] - 22:7,  
54:4, 71:17, 87:18  
explained [2] - 73:10,  
112:13  
explanation [1] -  
19:14  
explicitly [1] - 117:2  
extended [1] - 33:21  
extends [1] - 106:16  
extension [1] - 120:17  
extensive [1] - 101:20  
extent [1] - 53:20  
extra [8] - 20:14,  
20:15, 20:23, 62:14,  
75:25, 90:22, 90:25,  
97:13  
extremely [1] - 13:18  
eyesore [1] - 70:8

---

## F

face [2] - 58:21, 72:15  
facilities [8] - 31:7,  
45:17, 46:10, 56:11,  
100:24, 118:7,  
118:8, 118:15  
facility [30] - 11:13,  
12:5, 13:18, 14:13,  
14:20, 15:19, 15:25,  
16:1, 20:25, 31:9,  
31:15, 31:24, 32:8,

- 32:21, 34:19, 34:20,  
34:24, 36:15, 37:5,  
45:22, 50:7, 54:1,  
54:6, 54:15, 65:5,  
65:6, 102:8, 113:16
- facing** [3] - 78:12,  
82:16, 82:20
- fact** [5] - 42:5, 91:2,  
113:20, 116:6, 118:3
- fair** [2] - 39:17, 95:7
- fairly** [3] - 79:13,  
107:1, 113:8
- fairs** [1] - 52:14
- fall** [2] - 52:18, 116:14
- falls** [1] - 116:22
- familiar** [1] - 22:19
- fan** [1] - 41:20
- fans** [1] - 109:22
- far** [5] - 41:13, 46:20,  
46:23, 63:19, 96:22
- FAR** [1] - 69:1
- farm** [3] - 84:9, 86:12,  
86:17
- fashion** [1] - 114:15
- faster** [1] - 14:4
- feature** [1] - 74:23
- features** [1] - 73:24
- fee** [2] - 4:13, 26:18
- feeds** [1] - 106:22
- fees** [2] - 8:20, 8:21
- feet** [61] - 6:5, 11:20,  
22:25, 23:11, 23:14,  
23:16, 23:18, 23:25,  
33:18, 55:6, 55:17,  
55:18, 56:19, 59:7,  
61:6, 65:12, 65:13,  
65:25, 71:16, 72:7,  
72:18, 73:17, 74:9,  
74:17, 74:19, 74:21,  
74:22, 74:25, 75:11,  
75:12, 75:13, 75:16,  
75:17, 75:19, 75:21,  
75:22, 75:24, 76:3,  
76:5, 76:7, 76:8,  
76:17, 76:23, 76:24,  
77:2, 78:5, 78:19,  
78:20, 78:22, 80:2,  
84:16, 87:3, 87:5,  
112:18, 112:19,  
112:20
- fell** [1] - 30:15
- felt** [1] - 60:17
- fence** [11] - 16:5,  
16:11, 17:1, 79:24,  
82:1, 82:21, 86:2,  
89:3, 99:4, 99:8
- fence-to-fence** [1] -  
82:21
- fences** [1] - 84:8
- fencing** [1] - 114:20
- fest** [1] - 53:3
- few** [6] - 27:7, 75:6,  
75:7, 83:8, 105:4,  
121:1
- field** [39] - 6:19, 11:14,  
11:25, 13:21, 14:18,  
21:11, 34:2, 34:6,  
34:8, 37:23, 37:25,  
38:12, 44:10, 44:11,  
47:25, 53:6, 54:16,  
55:16, 55:20, 57:20,  
58:23, 58:24, 67:5,  
72:4, 81:1, 81:2,  
86:13, 87:21, 97:10,  
107:19, 109:1,  
109:2, 110:8,  
110:14, 111:24,  
112:5
- fields** [12] - 41:3,  
42:14, 43:25, 44:9,  
47:7, 47:11, 53:6,  
57:20, 62:1, 86:9,  
86:11, 114:11
- figure** [3] - 19:19,  
97:2, 111:3
- figuring** [1] - 96:22
- file** [3] - 8:18, 26:13,  
30:6
- filed** [2] - 25:6, 25:7
- filing** [1] - 104:25
- fill** [2] - 9:14, 57:17
- filled** [2] - 18:25, 82:2
- final** [5] - 17:9, 25:21,  
45:19, 60:8, 112:9
- finalized** [1] - 105:4
- finally** [1] - 80:25
- financial** [1] - 14:9
- financially** [1] - 123:11
- fine** [4] - 74:10, 74:13,  
92:18, 97:24
- finish** [1] - 70:25
- fire** [7] - 90:21, 98:1,  
98:2, 98:22, 98:24,  
99:4, 100:4
- firm** [1] - 53:17
- first** [20] - 7:6, 7:10,  
12:10, 18:13, 19:20,  
20:3, 23:5, 23:16,  
25:7, 25:20, 55:24,  
56:3, 71:3, 71:11,  
71:12, 78:4, 92:5,  
92:6, 110:20, 115:7
- fit** [4] - 55:8, 61:14,  
82:6, 84:19
- fitness** [1] - 13:7
- FITZGERALD** [1] -  
66:1
- Fitzgerald** [18] - 4:8,  
22:6, 22:8, 22:11,  
24:4, 24:8, 33:23,  
69:14, 70:5, 70:11,  
70:16, 71:6, 90:6,  
90:17, 94:5, 119:20,  
120:7, 121:1
- FITZGERALD** [54] -  
3:7, 24:18, 24:24,  
25:16, 26:22, 30:3,  
30:10, 30:13, 60:9,  
73:20, 74:11, 79:3,  
81:21, 83:2, 83:5,  
83:10, 83:15, 83:19,  
84:13, 84:17, 85:22,  
86:3, 86:7, 87:13,  
90:22, 93:10, 94:8,  
94:11, 96:21, 96:24,  
97:4, 97:11, 97:19,  
98:11, 99:7, 100:19,  
101:7, 102:5,  
103:24, 104:21,  
105:22, 105:25,  
108:20, 109:2,  
109:11, 109:17,  
110:12, 111:9,  
111:12, 111:16,  
111:21, 117:22,  
119:24, 120:2
- Fitzgerald's** [1] - 71:2
- FITZGERLAD** [1] -  
87:10
- five** [5] - 6:16, 9:18,  
49:21, 70:18, 112:20
- five-minute** [1] - 70:18
- fixed** [3] - 91:23,  
94:18, 94:25
- flagging** [1] - 42:21
- flexible** [1] - 95:18
- floor** [14] - 27:23,  
31:13, 31:14, 32:16,  
58:16, 59:8, 59:9,  
63:6, 67:6, 68:5,  
68:16, 73:14, 87:7,  
91:21
- flow** [1] - 61:24
- flurry** [2] - 109:7,  
109:23
- focused** [1] - 57:19
- follow** [1] - 81:20
- following** [1] - 109:14
- follows** [6] - 12:16,  
22:9, 30:24, 53:10,  
71:21, 103:5
- foot** [6] - 21:9, 75:25,  
76:19, 96:2, 106:8,  
106:9
- footage** [7] - 67:13,  
67:17, 67:20, 67:23,  
67:25, 68:9, 91:20
- football** [25] - 11:14,  
15:8, 15:14, 20:8,  
21:11, 37:15, 37:23,  
37:25, 38:1, 38:12,  
43:20, 48:14, 49:6,  
49:9, 49:22, 54:16,  
64:3, 88:13, 89:16,  
101:15, 101:18,  
112:5, 116:15
- Football** [1] - 13:25
- footprint** [7] - 56:15,  
68:1, 68:4, 68:10,  
68:17, 68:19
- FOR** [1] - 1:4
- forced** [1] - 13:25
- foregoing** [1] - 123:6
- foreign** [1] - 95:24
- forget** [1] - 91:19
- form** [7] - 8:2, 9:6, 9:9,  
9:15, 27:17, 27:18,  
35:10
- forms** [1] - 10:6
- forth** [7] - 24:11,  
32:18, 35:4, 44:20,  
64:11, 123:7
- forward** [1] - 15:2
- foundation** [3] -  
71:23, 72:13, 76:13
- four** [18] - 4:4, 4:17,  
24:19, 25:2, 25:21,  
26:3, 27:3, 27:9,  
27:10, 49:10, 49:21,  
59:7, 59:13, 61:8,  
61:10, 74:25, 80:18,  
110:5
- four-eighths** [1] -  
80:18
- four-inch** [1] - 110:5
- four-story** [2] - 61:8,  
61:10
- fourth** [1] - 63:6
- frame** [3] - 52:18,  
100:16, 101:5
- frankly** [1] - 36:3
- French** [1] - 30:9
- frequency** [1] - 119:6
- front** [13] - 16:10,  
18:15, 25:5, 26:14,  
50:9, 55:19, 72:3,  
79:18, 79:20, 80:6,  
80:10, 80:15, 81:6
- fronts** [1] - 93:2
- full** [5] - 77:23, 97:14,  
108:13, 108:20,  
108:22
- function** [1] - 116:9
- functions** [1] - 116:12
- fundamentally** [1] -  
113:12
- fundraisers** [1] - 58:3
- furnished** [3] - 29:11,  
29:17, 29:20
- FURTHER** [2] - 123:6,  
123:9
- future** [1] - 39:14
- 
- G**
- 
- gain** [2] - 55:15, 56:1
- game** [25] - 11:15,  
15:7, 15:15, 16:14,  
18:13, 19:21, 20:8,  
34:11, 41:17, 43:21,  
49:6, 49:10, 49:20,  
49:22, 49:24, 50:1,  
50:14, 50:16, 52:3,  
89:17, 97:13, 97:18,  
100:1, 109:13
- games** [12] - 15:9,  
16:3, 16:4, 37:15,  
39:3, 39:11, 41:14,  
48:14, 49:22, 89:16,  
101:19, 109:22
- garbage** [1] - 102:3
- gas** [4] - 110:3, 110:4,  
110:5, 110:14
- gate** [1] - 99:5
- gated** [2] - 61:23, 62:2
- geared** [1] - 63:13
- general** [3] - 16:8,  
58:19, 113:13
- generally** [6] - 31:12,  
37:17, 38:5, 49:19,  
103:11, 116:16
- generated** [3] -  
117:11, 117:15,  
117:16
- generous** [2] - 96:20,  
96:21
- gentleman** [4] - 43:3,  
46:18, 86:22, 111:6
- gentleman's** [1] -  
84:21
- GEORGE** [1] - 1:19
- George** [1] - 51:18
- germane** [1] - 7:13
- GIGLIO** [8] - 1:11,  
50:21, 51:3, 51:8,  
51:11, 51:13, 68:25,  
69:3
- Girard** [1] - 1:24
- given** [3] - 89:15,  
99:12, 106:21
- glad** [1] - 41:4
- goal** [4] - 54:16, 66:25,  
115:11
- goals** [1] - 61:10
- golf** [1] - 101:24
- governing** [1] - 56:22
- Government** [1] -  
29:18
- Governmental** [1] -  
35:20



**gracious** [2] - 6:10, 6:12  
**grade** [11] - 60:12, 60:15, 60:18, 71:23, 72:8, 72:16, 72:18, 73:2, 75:14, 79:24, 82:1  
**grading** [1] - 102:9  
**grant** [4] - 10:19, 82:6, 91:3, 119:15  
**granted** [6] - 8:10, 90:15, 93:25, 113:20, 118:24, 119:12  
**graphically** [1] - 91:17  
**gravel** [6] - 86:3, 86:14, 86:17, 111:14, 111:17, 112:4  
**great** [2] - 12:19, 14:10  
**greater** [2] - 102:21, 102:22  
**greatness** [1] - 121:20  
**GREENBAUM** [1] - 2:2  
**greater** [1] - 111:22  
**gross** [2] - 27:23, 68:15  
**ground** [5] - 55:6, 55:17, 56:19, 61:21  
**group** [2] - 113:15, 115:19  
**groups** [2] - 38:8, 52:7  
**grow** [2] - 87:13, 87:14  
**grown** [1] - 78:18  
**guarantees** [1] - 7:23  
**guess** [4] - 7:6, 28:6, 88:16, 92:15  
**guessing** [1] - 8:21  
**guy** [1] - 59:5  
**gym** [4] - 14:16, 98:21, 106:19, 107:10  
**Gym** [1] - 57:6

---

## H

---

**H-U-R-T-A** [1] - 46:20  
**HABECK** [1] - 6:8  
**half** [5] - 27:17, 40:2, 49:25, 74:21, 112:19  
**Hall** [5] - 74:20, 74:23, 74:25, 94:14, 110:7  
**hand** [1] - 22:1  
**handed** [1] - 6:24  
**handicap** [1] - 28:25  
**handled** [1] - 109:25  
**hang** [1] - 47:20  
**hanging** [1] - 17:1  
**happy** [3] - 79:3,

83:25, 110:25  
**hard** [4] - 18:4, 116:4, 118:4, 118:11  
**HDPE** [1] - 105:19  
**head** [3] - 18:16, 50:25, 77:7  
**hear** [8] - 10:16, 19:13, 20:2, 36:15, 41:8, 45:2, 46:8, 47:21  
**HEARD** [39] - 1:19, 6:23, 7:6, 8:14, 8:16, 8:25, 9:5, 9:9, 9:14, 10:2, 10:9, 10:18, 25:14, 26:24, 27:8, 30:5, 65:2, 68:11, 68:14, 73:18, 74:5, 90:20, 90:24, 92:18, 93:8, 93:11, 94:5, 94:9, 95:16, 96:9, 97:8, 98:9, 98:17, 105:9, 105:24, 108:5, 109:1, 110:9, 121:8  
**Heard** [2] - 6:25, 10:25  
**heard** [4] - 48:25, 49:1, 55:3, 94:21  
**hearing** [9] - 6:12, 7:20, 7:25, 8:6, 102:3, 105:1, 105:2, 121:19, 122:1  
**hedgerow** [4] - 59:21, 65:12, 65:17  
**height** [35] - 11:11, 11:18, 39:24, 50:23, 56:23, 59:6, 59:9, 59:25, 62:21, 69:9, 71:6, 71:7, 71:16, 71:19, 71:20, 71:22, 73:7, 75:10, 75:12, 76:8, 76:22, 79:16, 87:3, 87:23, 88:1, 88:3, 106:8, 112:11, 112:14, 112:17, 112:18, 113:1, 114:5, 117:10, 119:1  
**heighth** [8] - 60:10, 60:11, 64:13, 71:4, 74:19, 92:9, 117:11, 117:15  
**heights** [1] - 60:19  
**heights** [3] - 60:16, 79:24, 82:1  
**held** [1] - 55:7  
**help** [2] - 77:10, 89:7  
**helped** [1] - 89:4  
**helpful** [1] - 40:25  
**hence** [1] - 72:25  
**hereby** [1] - 123:3  
**hereinbefore** [1] -

123:7  
**high** [9] - 32:3, 50:22, 50:24, 55:23, 65:12, 73:13, 75:23, 87:13, 116:8  
**High** [2] - 118:6, 118:7  
**higher** [13] - 14:2, 33:14, 37:9, 40:20, 58:1, 65:23, 69:10, 70:1, 88:15, 88:20, 89:9, 89:25, 115:9  
**higher-level** [1] - 14:2  
**higher-paying** [1] - 58:1  
**highest** [2] - 63:7, 71:24  
**hockey** [2] - 44:11, 86:13  
**hoist** [1] - 63:15  
**hold** [3] - 24:22, 85:21, 90:17  
**holds** [1] - 50:7  
**home** [9] - 16:16, 18:13, 49:22, 87:8, 87:11, 101:19, 109:13, 109:21, 113:15  
**homecoming** [4] - 19:24, 20:2, 20:3, 121:5  
**homes** [2] - 115:19, 116:2  
**honest** [2] - 67:10, 81:9  
**hookup** [1] - 110:14  
**hope** [3] - 39:15, 88:16, 107:15  
**hopefully** [2] - 44:2, 45:23  
**hospitals** [3] - 113:14, 115:18, 116:1  
**host** [2] - 56:9, 61:17  
**hosting** [1] - 40:4  
**hours** [7] - 43:18, 45:14, 48:7, 48:8, 49:4, 49:10, 52:8  
**house** [8] - 15:6, 15:25, 41:6, 69:17, 69:18, 82:24, 86:16, 87:19  
**huge** [1] - 23:12  
**human** [1] - 73:22  
**hundred** [2] - 23:13, 57:21  
**HURTA** [23] - 46:19, 47:18, 47:24, 48:3, 70:2, 82:15, 83:3, 83:8, 83:13, 83:18, 84:5, 84:14, 84:24, 85:13, 85:25, 86:5,

87:6, 87:12, 111:7, 111:10, 111:14, 111:19, 112:8  
**Hurta** [1] - 46:19  
**HVAC** [2] - 74:1, 84:16  
**hybrid** [1] - 62:12

---

## I

---

**idea** [3] - 56:15, 78:1, 114:14  
**identical** [1] - 27:10  
**identification** [4] - 24:9, 24:17, 25:18, 28:19  
**identified** [1] - 70:13  
**identify** [1] - 27:11  
**identity** [2] - 16:6, 64:6  
**illustrating** [2] - 4:18, 27:4  
**illustrations** [2] - 4:16, 27:2  
**image** [1] - 65:1  
**imagine** [3] - 10:16, 57:24, 85:8  
**immediately** [1] - 80:7  
**impact** [5] - 64:22, 65:19, 86:7, 108:14, 114:24  
**impacts** [3] - 29:23, 102:25, 117:5  
**impairing** [1] - 117:25  
**impervious** [3] - 97:14, 102:22, 103:1  
**important** [4] - 13:18, 15:1, 26:16, 71:15  
**impossible** [2] - 84:23, 117:12  
**impractical** [2] - 106:21, 107:1  
**impression** [1] - 98:1  
**improve** [1] - 55:25  
**improved** [3] - 15:24, 89:2, 112:6  
**improvement** [1] - 6:21  
**improvements** [4] - 93:1, 97:21, 106:22, 109:5  
**inch** [1] - 110:5  
**include** [1] - 74:3  
**included** [4] - 7:11, 23:1, 60:24, 97:23  
**includes** [2] - 22:25, 113:14  
**including** [2] - 15:13, 114:11  
**incorrect** [1] - 94:21  
**increase** [1] - 49:18

**increased** [2] - 103:1  
**increasing** [1] - 94:6  
**independent** [2] - 104:18, 115:8  
**indicated** [1] - 120:1  
**indicating** [2] - 4:23, 27:22  
**individual** [1] - 56:3  
**individually** [1] - 28:7  
**individuals** [2] - 116:4, 116:17  
**indoor** [1] - 32:13  
**information** [4] - 10:3, 17:22, 26:6, 91:15  
**informed** [1] - 88:6  
**infrastructure** [1] - 115:14  
**inherently** [15] - 113:7, 113:9, 113:17, 113:18, 113:24, 115:17, 115:22, 115:25, 116:5, 116:13, 116:14, 116:22, 117:1, 117:3, 118:19  
**Inherently** [1] - 113:13  
**inserted** [1] - 66:4  
**inside** [1] - 57:14  
**installed** [4] - 35:2, 79:11, 114:19, 114:23  
**instead** [1] - 57:16  
**institution** [1] - 115:8  
**institutional** [5] - 76:3, 114:3, 114:6, 117:7, 117:13  
**instruct** [1] - 46:7  
**integrity** [1] - 115:9  
**intend** [2] - 30:2, 37:4  
**intended** [2] - 41:24, 99:24  
**intent** [1] - 119:16  
**intention** [1] - 39:10  
**intercollegiate** [2] - 13:5, 13:19  
**interest** [1] - 115:7  
**Interest** [1] - 93:18  
**interested** [3] - 29:21, 119:5, 123:11  
**interesting** [1] - 115:23  
**interior** [1] - 36:14  
**internal** [1] - 101:25  
**internally** [1] - 36:12  
**interpret** [2] - 94:12, 106:12  
**interpretation** [6] - 19:6, 96:14, 96:16, 97:7, 106:23, 112:21  
**interpreted** [1] - 94:15

**intersection** [3] - 79:7, 80:16, 81:5  
**intimately** [1] - 13:14  
**intramural** [1] - 13:7  
**introduce** [1] - 31:12  
**introduced** [1] - 42:24  
**intrusion** [2] - 34:10, 34:14  
**invisible** [1] - 80:4  
**involved** [5] - 13:11, 22:6, 31:8, 54:21, 91:11  
**involvement** [1] - 31:5  
**involving** [1] - 116:11  
**IRENE** [2] - 6:1, 6:9  
**Irene** [1] - 21:22  
**irrigated** [1] - 107:20  
**irrigation** [4] - 107:19, 108:1, 108:4, 108:5  
**Iselin** [1] - 2:3  
**issue** [17] - 40:10, 41:2, 41:9, 41:15, 43:19, 43:22, 43:23, 49:3, 62:1, 70:1, 86:8, 87:22, 97:24, 100:20, 105:8, 111:1  
**issued** [1] - 42:22  
**issues** [6] - 11:17, 56:8, 71:4, 76:21, 87:24, 117:9  
**Item** [4] - 91:1, 92:21, 93:18, 93:21  
**item** [2] - 7:12, 105:15  
**itemized** [1] - 67:6  
**Items** [1] - 92:8  
**items** [3] - 7:9, 7:17, 7:24  
**itself** [10] - 23:11, 23:21, 34:8, 45:21, 57:17, 57:20, 66:3, 103:15, 104:1, 113:6

## J

**jacked** [1] - 35:4  
**JAMES** [1] - 1:12  
**James** [1] - 46:19  
**janitor** [1] - 63:1  
**January** [1] - 98:18  
**JARED** [1] - 1:10  
**Jersey** [7] - 1:24, 2:3, 22:14, 35:21, 53:14, 123:3, 123:13  
**JERSEY** [1] - 1:1  
**jogs** [1] - 76:14  
**John** [2] - 28:14, 97:5  
**JOHNSON** [1] - 121:16  
**Jonathan** [2] - 29:15, 78:6

**JR** [1] - 1:12  
**July** [3] - 12:1, 12:2, 25:6  
**June** [2] - 4:9, 26:12  
**jurisdiction** [3] - 7:4, 92:24, 93:4  
**justification** [1] - 112:10

## K

**keep** [2] - 59:11, 86:19  
**KENNETH** [1] - 1:11  
**Kessler** [9] - 6:19, 11:14, 11:25, 14:18, 34:2, 34:6, 34:8, 81:1, 87:21  
**key** [1] - 55:14  
**kind** [6] - 15:22, 78:7, 85:7, 91:3, 98:3, 102:12  
**kinds** [1] - 85:2  
**knowledge** [1] - 37:24  
**known** [1] - 11:14  
**knows** [1] - 57:12

## L

**label** [2] - 30:1, 91:9  
**labeled** [1] - 98:24  
**labeling** [1] - 29:25  
**lack** [1] - 7:19  
**lacrosse** [3] - 37:17, 38:2, 38:21  
**LAMARCA** [1] - 6:7  
**Land** [4] - 112:15, 112:23, 113:5, 113:10  
**land** [1] - 114:3  
**landscape** [1] - 107:12  
**landscaping** [1] - 106:6  
**lane** [1] - 98:24  
**lanes** [1] - 98:1  
**Larchwood** [36] - 39:22, 65:7, 75:17, 75:20, 75:21, 76:6, 76:9, 76:25, 77:3, 78:5, 79:7, 79:14, 79:18, 80:6, 80:15, 80:17, 81:5, 81:6, 81:8, 82:20, 83:11, 83:13, 84:12, 85:20, 86:15, 86:16, 89:2, 93:2, 99:21, 108:15, 110:4, 110:8, 111:13, 111:21, 114:18, 114:24  
**large** [12] - 18:13,

34:20, 51:2, 63:8, 63:25, 79:8, 79:11, 85:1, 95:25, 104:6, 114:20, 115:16  
**last** [12] - 7:24, 8:19, 30:14, 40:2, 40:12, 59:9, 60:23, 64:8, 68:20, 68:21, 81:21, 109:13  
**late** [4] - 87:17, 88:10, 107:8, 107:9  
**law** [3] - 111:4, 116:25  
**Law** [4] - 112:15, 112:23, 113:5, 113:10  
**lawn** [1] - 117:12  
**layout** [2] - 93:17, 93:20  
**leaders** [1] - 103:18  
**leading** [1] - 98:20  
**leaf** [1] - 77:22  
**league** [2] - 12:7, 61:17  
**learning** [1] - 115:9  
**least** [6] - 25:18, 40:1, 45:8, 80:23, 82:3, 106:8  
**leave** [2] - 50:3, 50:13  
**leaves** [5] - 77:25, 79:5, 80:13, 80:23, 81:12  
**LED** [1] - 108:13  
**left** [4] - 22:1, 99:14, 111:23, 114:25  
**left-hand** [1] - 22:1  
**length** [2] - 68:1, 68:4  
**lengthening** [1] - 59:15  
**less** [11] - 33:17, 67:15, 67:23, 68:5, 68:24, 69:2, 70:7, 72:25, 76:5, 79:15, 106:7  
**lesser** [1] - 36:6  
**letter** [10] - 4:12, 7:8, 26:17, 28:13, 30:4, 82:12, 90:11, 90:21, 110:22, 116:25  
**Letters** [1] - 93:18  
**level** [30] - 14:2, 15:6, 15:22, 32:13, 32:19, 48:2, 48:4, 51:8, 58:7, 58:8, 58:22, 59:2, 60:3, 61:20, 61:21, 62:12, 66:15, 67:7, 72:5, 72:19, 72:22, 73:9, 73:14, 75:25, 77:8, 79:24, 88:15, 89:25, 100:10  
**levels** [4] - 57:15,

62:19, 62:22, 64:16  
**License** [1] - 123:14  
**licensed** [1] - 22:13  
**life** [2] - 58:4, 89:19  
**lifted** [1] - 56:18  
**light** [5] - 41:1, 63:23, 64:15, 66:6, 108:21  
**light-colored** [1] - 64:15  
**lighting** [9] - 106:6, 108:10, 108:12, 108:13, 108:14, 108:21, 108:23, 109:1, 109:2  
**lights** [2] - 39:7, 39:11  
**likely** [2] - 100:11, 107:20  
**limit** [1] - 106:18  
**limitations** [2] - 51:19, 73:7  
**limited** [1] - 113:14  
**line** [33] - 16:5, 16:10, 33:24, 54:16, 55:8, 55:15, 58:23, 66:2, 66:20, 66:21, 66:23, 66:25, 67:3, 67:11, 75:18, 76:6, 82:25, 84:11, 85:6, 86:2, 86:24, 87:8, 103:12, 106:9, 106:14, 106:15, 106:18, 106:22, 110:3, 110:4  
**lines** [3] - 56:6, 59:22, 86:1  
**link** [2] - 99:3, 99:8  
**LISA** [2] - 1:23, 123:2  
**list** [8] - 7:11, 22:1, 22:24, 23:8, 23:9, 23:17, 23:22, 110:20  
**listed** [1] - 23:14  
**listen** [1] - 40:25  
**live** [5] - 23:19, 39:21, 40:15, 41:2, 46:19  
**lived** [1] - 87:19  
**LLP** [1] - 2:2  
**load** [1] - 100:14  
**loaded** [1] - 107:25  
**loading** [2] - 100:7, 101:20  
**locate** [1] - 82:8  
**located** [4] - 63:18, 67:9, 100:23, 118:2  
**lock** [1] - 37:6  
**locked** [4] - 35:3, 38:20, 38:23, 38:24  
**log** [1] - 25:13  
**log-in** [1] - 25:13  
**LONG** [1] - 1:1  
**look** [18] - 14:13, 31:15, 36:13, 67:5,

72:19, 76:4, 76:8, 78:9, 78:11, 79:23, 80:9, 80:10, 80:20, 81:21, 89:8, 102:12, 106:13, 120:9  
**looked** [4] - 48:6, 57:7, 81:22, 82:25  
**looking** [16] - 14:7, 17:20, 25:22, 31:23, 65:20, 65:21, 65:22, 70:7, 73:15, 73:16, 77:7, 78:8, 87:4, 90:19, 91:1, 92:21  
**looks** [6] - 30:16, 51:5, 78:1, 81:3, 81:9, 81:12  
**loops** [1] - 78:7  
**lose** [1] - 109:21  
**losing** [1] - 29:4  
**loud** [4] - 34:11, 38:9, 40:2, 49:13  
**louder** [1] - 41:8  
**loudness** [1] - 47:7  
**loudspeakers** [5] - 37:14, 37:20, 38:4, 38:14, 50:21  
**love** [2] - 19:10, 51:14  
**low** [1] - 65:15  
**lower** [13] - 33:19, 38:22, 51:9, 58:22, 65:24, 65:25, 66:13, 72:5, 72:16, 81:13, 81:22, 81:25, 88:3  
**lower-level** [1] - 72:5  
**lowers** [2] - 72:10, 72:11  
**lowest** [1] - 56:25  
**Lutz** [1] - 110:16

## M

**MAC** [19] - 13:23, 14:14, 14:18, 19:3, 32:14, 39:5, 39:8, 54:19, 54:20, 63:23, 64:2, 64:4, 74:16, 75:3, 94:24, 95:6, 96:18  
**machiner** [1] - 63:14  
**machinist** [1] - 63:13  
**mad** [1] - 20:21  
**madness** [1] - 52:23  
**magnitude** [1] - 95:2  
**main** [7] - 21:14, 24:1, 26:4, 61:20, 110:5, 111:14, 111:16  
**maintenance** [4] - 86:20, 99:25, 108:6, 108:8  
**major** [1] - 58:8

- manage** [1] - 61:23  
**management** [3] - 31:7, 102:11, 102:20  
**Management** [3] - 4:25, 28:8, 30:17  
**manager** [3] - 39:1, 43:8, 46:10  
**managing** [1] - 53:17  
**mandate** [1] - 55:21  
**mandatory** [1] - 61:15  
**manipulate** [1] - 37:7  
**manpower** [1] - 115:25  
**manual** [1] - 108:5  
**map** [3] - 23:4  
**March** [8] - 4:20, 27:15, 27:21, 65:14, 77:17, 77:24, 119:24, 119:25  
**march** [1] - 52:20  
**Marilyn** [4] - 12:11, 12:13, 12:19, 21:4  
**MARILYN** [1] - 3:4  
**mark** [2] - 24:9, 24:16  
**marked** [1] - 30:4  
**market** [1] - 37:5  
**marking** [1] - 24:12  
**Marlin** [1] - 86:17  
**marshal** [3] - 98:2, 99:5, 100:4  
**marshal's** [1] - 90:21  
**MARTINHA** [1] - 1:20  
**Martinha** [4] - 6:9, 8:3, 8:19, 98:13  
**mass** [5] - 59:17, 61:7, 63:25, 66:7, 66:13  
**material** [3] - 64:18, 86:22, 120:22  
**matter** [5] - 6:2, 26:16, 49:10, 71:15  
**matters** [1] - 22:18  
**Mayor** [1] - 88:10  
**McDonough** [1] - 28:14  
**MCNEIL** [15] - 3:4, 12:13, 17:24, 18:2, 18:18, 18:24, 19:10, 19:13, 19:20, 19:25, 20:5, 20:12, 20:15, 20:18, 21:5  
**McNeil** [6] - 12:11, 12:13, 12:15, 12:18, 17:4, 50:4  
**mean** [16] - 38:23, 44:18, 47:5, 47:8, 47:13, 57:13, 62:8, 67:24, 85:6, 91:8, 96:24, 97:13, 100:1, 102:18, 109:8, 117:11  
**means** [2] - 74:1, 113:10  
**meant** [1] - 94:3  
**meantime** [1] - 120:18  
**mechanical** [6] - 73:8, 73:19, 73:24, 73:25, 74:1, 100:13  
**mechanism** [1] - 83:24  
**meet** [6] - 12:7, 99:10, 102:19, 102:24, 102:25, 104:22  
**MEETING** [1] - 1:4  
**meeting** [5] - 87:20, 90:4, 120:10, 120:24, 121:17  
**meetings** [1] - 88:9  
**meets** [1] - 21:23  
**Members** [6] - 6:6, 6:10, 9:22, 11:6, 90:18, 121:7  
**members** [1] - 116:18  
**memorialized** [1] - 35:14  
**men** [1] - 40:24  
**men's** [3] - 37:16, 38:1, 38:21  
**mentioned** [5] - 38:7, 38:19, 43:15, 44:22, 46:22  
**merits** [2] - 10:10, 114:1  
**mess** [1] - 37:13  
**metal** [2] - 64:15, 106:2  
**Metro** [1] - 2:2  
**MICHAEL** [1] - 1:13  
**mid** [2] - 107:8, 114:9  
**middle** [3] - 7:7, 42:17, 93:13  
**midnight** [1] - 52:23  
**midway** [1] - 81:7  
**might** [8] - 23:23, 52:12, 52:13, 54:7, 56:13, 58:7, 59:18, 104:10  
**Mike** [1] - 39:21  
**MILLER** [1] - 1:12  
**mind** [2] - 92:10, 121:17  
**mine** [2] - 82:18, 97:20  
**minimal** [3] - 62:21, 118:18, 119:12  
**minimize** [1] - 62:17  
**minimum** [1] - 63:15  
**minor** [1] - 105:4  
**minute** [2] - 70:18, 87:18  
**minutes** [7] - 6:17, 35:9, 43:7, 48:13, 52:3, 52:25, 109:13  
**mislead** [1] - 76:17  
**mistake** [1] - 18:9  
**mistaken** [1] - 33:13  
**mistrust** [1] - 84:10  
**mitigate** [2] - 34:13, 102:25  
**mitigated** [1] - 118:18  
**mitigation** [3] - 105:6, 119:3, 119:6  
**mobilized** [3] - 109:12, 109:19, 109:22  
**model** [8] - 59:19, 59:20, 65:4, 65:6, 65:10, 65:21, 66:4, 91:14  
**modeled** [1] - 59:21  
**models** [2] - 4:16, 27:2  
**modernizing** [1] - 115:14  
**money** [1] - 20:23  
**monitor** [1] - 36:21  
**monitored** [1] - 44:19  
**monitors** [2] - 29:13, 29:23  
**MONMOUTH** [1] - 1:1  
**Monmouth** [26] - 1:5, 5:6, 6:2, 6:17, 11:8, 12:20, 13:9, 13:22, 15:23, 17:21, 17:23, 17:25, 21:12, 29:9, 31:4, 40:8, 42:20, 43:25, 45:4, 52:16, 64:1, 92:23, 92:25, 93:9, 115:8, 118:4  
**month** [1] - 121:7  
**monthly** [2] - 29:12, 29:20  
**months** [2] - 8:11, 105:2  
**morning** [11] - 41:19, 42:3, 47:4, 48:11, 48:15, 48:24, 49:2, 49:5, 65:14, 101:11  
**most** [13] - 24:20, 25:3, 26:15, 49:11, 57:5, 64:14, 65:5, 71:25, 105:11, 105:22, 105:25, 106:1, 115:24  
**Most** [1] - 101:11  
**mostly** [4] - 15:20, 81:24, 105:19, 118:9  
**motion** [5] - 10:19, 10:22, 10:23, 121:15, 121:24  
**motorcycles** [1] - 28:25  
**move** [3] - 59:7, 86:25, 93:13  
**moving** [4] - 15:2, 56:12, 90:10, 92:5  
**MR** [339] - 6:1, 6:7, 6:8, 6:9, 6:16, 6:24, 7:1, 8:12, 8:15, 8:24, 9:1, 9:3, 9:7, 9:11, 9:16, 9:17, 9:21, 9:24, 9:25, 10:7, 10:12, 10:15, 10:16, 10:21, 10:23, 11:1, 11:2, 11:4, 11:6, 12:17, 17:2, 17:3, 17:6, 17:14, 17:17, 17:21, 17:25, 18:10, 18:16, 18:21, 19:7, 19:11, 19:18, 19:24, 20:4, 20:7, 20:14, 20:17, 21:2, 21:3, 21:7, 21:13, 21:20, 21:22, 21:25, 22:5, 22:10, 24:4, 24:12, 24:14, 24:15, 24:16, 24:18, 24:22, 24:24, 25:11, 25:15, 25:16, 26:8, 26:21, 26:22, 27:12, 27:19, 29:3, 29:25, 30:3, 30:7, 30:10, 30:11, 30:13, 30:20, 30:25, 31:10, 31:17, 31:18, 31:20, 32:23, 33:1, 33:6, 33:10, 33:14, 33:20, 34:1, 34:5, 35:25, 36:4, 36:5, 36:9, 36:17, 36:24, 37:8, 37:14, 37:20, 37:22, 38:3, 38:7, 38:13, 38:17, 38:19, 39:2, 39:7, 39:10, 39:14, 39:17, 39:18, 39:21, 40:21, 40:23, 41:13, 41:15, 42:4, 42:13, 42:16, 42:25, 43:2, 43:5, 43:13, 43:14, 44:2, 44:4, 44:6, 44:8, 44:14, 44:17, 45:2, 45:7, 45:9, 45:23, 46:5, 46:10, 46:13, 46:16, 46:18, 46:19, 47:16, 47:18, 47:22, 47:24, 48:1, 48:3, 48:7, 48:16, 48:21, 48:24, 49:3, 49:14, 50:15, 50:21, 51:3, 51:8, 51:11, 51:13, 51:18, 51:20, 51:21, 51:23, 51:24, 52:1, 52:6, 52:16, 52:23, 53:8, 53:11, 54:9, 54:11, 59:24, 60:4, 60:9, 60:22, 60:25, 62:4, 62:6, 63:8, 63:10, 66:1, 66:17, 66:19, 67:12, 67:14, 67:15, 67:16, 67:21, 67:22, 68:8, 68:10, 68:13, 68:18, 68:21, 68:23, 68:25, 69:1, 69:3, 69:5, 69:7, 69:13, 69:16, 69:22, 69:24, 70:2, 70:4, 70:10, 70:15, 70:17, 70:19, 70:23, 70:25, 71:1, 73:20, 74:10, 74:11, 74:13, 77:11, 79:1, 79:3, 81:19, 81:21, 82:11, 82:13, 82:15, 83:2, 83:3, 83:5, 83:8, 83:10, 83:13, 83:15, 83:18, 83:19, 84:5, 84:13, 84:14, 84:17, 84:24, 85:11, 85:13, 85:21, 85:22, 85:23, 85:25, 86:3, 86:5, 86:7, 87:6, 87:10, 87:12, 87:13, 87:15, 87:17, 88:22, 89:1, 89:24, 90:2, 90:17, 90:19, 90:22, 90:25, 92:17, 93:10, 93:14, 94:8, 94:11, 96:19, 96:21, 96:22, 96:24, 97:1, 97:4, 97:11, 97:17, 97:19, 98:8, 98:11, 99:7, 100:16, 100:19, 101:4, 101:7, 102:2, 102:5, 103:22, 103:24, 104:12, 104:15, 104:21, 105:22, 105:25, 107:3, 108:18, 108:20, 109:2, 109:9, 109:11, 109:16, 109:17, 110:12, 111:5, 111:7, 111:9, 111:10, 111:12, 111:14, 111:16, 111:19, 111:21, 112:8, 117:17, 117:20, 117:22, 119:18, 119:19, 119:21, 119:24, 119:25, 120:2, 120:3, 120:5, 120:13, 120:16, 120:18, 120:25, 121:2, 121:4, 121:6, 121:10, 121:12,

121:13, 121:16,  
121:23, 121:24  
**MS** [11] - 6:23, 7:6,  
8:14, 8:16, 8:22,  
8:25, 9:5, 9:9, 9:23,  
10:2, 10:9, 10:18,  
12:13, 17:4, 17:24,  
18:2, 18:18, 18:24,  
19:10, 19:13, 19:20,  
19:25, 20:5, 20:12,  
20:15, 20:18, 21:5,  
25:14, 26:24, 27:8,  
30:5, 31:11, 33:4,  
33:8, 33:12, 33:17,  
33:22, 34:3, 34:7,  
36:2, 36:7, 36:11,  
36:22, 36:25, 37:10,  
37:16, 37:21, 37:24,  
38:5, 38:11, 38:15,  
38:18, 38:25, 39:4,  
39:9, 39:12, 39:15,  
42:6, 44:16, 44:18,  
45:3, 45:25, 46:6,  
46:12, 46:15, 46:17,  
48:8, 48:20, 48:23,  
49:1, 49:17, 50:17,  
50:24, 51:7, 51:10,  
51:12, 51:16, 52:5,  
52:10, 52:20, 52:24,  
65:2, 68:11, 68:14,  
73:18, 74:5, 77:16,  
90:9, 90:20, 90:24,  
92:18, 93:8, 93:11,  
94:5, 94:9, 95:16,  
96:9, 97:8, 98:5,  
98:9, 98:17, 101:22,  
102:4, 102:7, 105:9,  
105:24, 108:5,  
109:1, 110:9,  
120:11, 121:8  
**mulching** [1] - 85:14  
**municipal** [2] -  
102:20, 104:22  
**Municipal** [1] - 113:10  
**municipalities** [1] -  
96:10  
**MURPHY** [21] - 1:10,  
11:1, 29:25, 31:18,  
33:1, 33:6, 35:25,  
38:19, 39:2, 39:7,  
41:13, 42:4, 46:10,  
46:13, 46:16, 48:16,  
48:21, 48:24, 90:19,  
93:14, 121:4  
**music** [29] - 35:8,  
35:9, 40:1, 40:3,  
40:11, 41:1, 41:8,  
41:13, 41:22, 41:24,  
42:2, 42:21, 43:7,  
43:17, 43:23, 43:24,

44:6, 44:12, 45:12,  
45:20, 46:2, 46:8,  
47:6, 47:16, 49:8,  
49:13, 52:2, 52:4  
**must** [4] - 63:2, 98:24,  
98:25, 102:25

---

## N

---

**NAME** [1] - 3:2  
**name** [4] - 11:7, 12:11,  
31:1, 39:20  
**names** [1] - 22:21  
**narrow** [1] - 104:2  
**National** [1] - 13:24  
**naturally** [1] - 79:8  
**NCAA** [1] - 43:9  
**near** [4] - 44:10, 53:5,  
118:3, 118:5  
**nearby** [2] - 23:19,  
118:2  
**necessary** [11] - 12:7,  
49:12, 54:4, 61:17,  
73:8, 73:24, 95:7,  
100:15, 115:15,  
118:5, 118:10  
**need** [32] - 7:15, 8:5,  
8:8, 10:18, 11:17,  
14:1, 14:21, 34:15,  
49:8, 56:13, 63:16,  
71:6, 71:17, 78:2,  
89:5, 92:3, 94:9,  
94:12, 96:12, 96:14,  
97:12, 100:3,  
102:19, 105:10,  
106:6, 106:24,  
107:4, 107:10,  
108:11, 113:3,  
117:9, 118:18  
**needed** [4] - 54:25,  
62:14, 67:4, 109:20  
**needs** [8] - 15:11,  
48:6, 62:20, 82:2,  
93:6, 94:23, 101:20,  
112:24  
**negative** [4] - 113:4,  
115:6, 118:23,  
121:21  
**neighborhood** [1] -  
34:12  
**neighborhoods** [3] -  
29:24, 118:1, 118:12  
**neighbors** [8] - 40:10,  
40:15, 41:9, 43:16,  
49:8, 88:17, 89:14,  
102:2  
**never** [7] - 16:9, 44:23,  
45:3, 48:25, 49:2,  
78:23, 87:19  
**NEW** [1] - 1:1

**New** [7] - 1:24, 2:3,  
22:14, 35:21, 53:14,  
123:3, 123:13  
**new** [22] - 7:15, 7:16,  
9:5, 9:7, 10:14,  
13:12, 20:25, 31:14,  
35:19, 44:2, 49:14,  
50:7, 51:3, 67:19,  
78:19, 78:20, 84:23,  
95:5, 100:10,  
102:17, 103:25,  
107:25  
**next** [18] - 6:1, 16:14,  
21:5, 29:10, 40:15,  
40:16, 41:3, 79:6,  
79:17, 80:5, 88:18,  
97:20, 109:16,  
109:17, 120:10,  
120:14, 120:23,  
121:7  
**nice** [4] - 16:25, 84:2,  
107:15, 107:16  
**night** [5] - 39:11,  
95:23, 108:22, 109:3  
**NJDOT** [2] - 92:23,  
92:24  
**NO** [5] - 3:2, 4:3, 5:2  
**nobody** [5] - 16:14,  
18:2, 40:10, 57:11,  
89:15  
**noise** [14] - 35:22,  
36:21, 37:1, 43:21,  
44:8, 45:5, 46:20,  
46:21, 46:22, 47:10,  
47:22, 52:1, 89:16,  
117:15  
**non** [3] - 28:24, 94:2,  
118:17  
**non-resident** [2] -  
28:24, 94:2  
**non-residential** [1] -  
118:17  
**nonresidential** [1] -  
117:24  
**noon** [1] - 52:9  
**normally** [1] - 110:24  
**NORMAN** [2] - 1:23,  
123:2  
**North** [1] - 53:18  
**north** [10] - 23:2,  
23:13, 52:13, 65:22,  
72:15, 82:16, 83:14,  
86:11, 106:16,  
111:23  
**northerly** [2] - 80:16,  
106:18  
**northwest** [2] - 76:10,  
76:15  
**Norwood** [5] - 92:22,  
93:5, 99:17, 99:18,

111:25  
**Notary** [2] - 123:2,  
123:13  
**note** [3] - 97:23,  
110:15, 110:19  
**noted** [1] - 70:10  
**notes** [2] - 71:13,  
110:16  
**nothing** [5] - 45:12,  
48:13, 108:15,  
120:3, 123:4  
**Notice** [3] - 6:4, 22:24,  
121:14  
**notice** [2] - 71:11,  
72:2  
**notification** [3] - 21:9,  
21:10, 21:20  
**notified** [2] - 23:9,  
23:10  
**notify** [1] - 120:16  
**November** [4] -  
120:15, 121:10,  
121:11, 122:2  
**number** [20] - 8:6,  
17:9, 18:7, 20:1,  
27:24, 27:25, 28:19,  
29:2, 67:4, 77:15,  
91:22, 92:2, 93:20,  
94:6, 95:13, 96:13,  
107:13, 115:16,  
117:14, 117:16  
**Number** [1] - 67:8  
**numbered** [1] - 28:21  
**numbers** [2] - 28:22,  
91:19  
**numerous** [2] - 11:16,  
22:17  
**nurses** [2] - 116:1,  
116:2

---

## O

---

**oak** [1] - 107:9  
**oath** [1] - 24:8  
**object** [2] - 88:19,  
89:11  
**objected** [3] - 87:25,  
88:15, 89:10  
**objection** [1] - 43:3  
**objectionable** [1] -  
101:14  
**obscured** [1] - 66:8  
**observation** [2] -  
74:12, 77:9  
**observations** [1] -  
96:5  
**obtain** [3] - 6:10,  
119:11, 119:13  
**obtained** [2] - 46:2,  
91:22  
**obtrusive** [3] - 78:17,  
80:4, 80:21  
**obvious** [1] - 117:23  
**obviously** [2] - 14:9,  
110:3  
**occasionally** [1] -  
111:25  
**occupancy** [2] -  
73:22, 98:19  
**occur** [1] - 49:4  
**occurring** [1] - 95:6  
**Ocean** [3] - 23:3,  
36:24, 118:7  
**october** [1] - 123:14  
**October** [5] - 4:9, 7:8,  
26:13, 28:11, 90:12  
**OCTOBER** [1] - 1:5  
**OF** [4] - 1:1, 1:1, 1:4  
**off-site** [3] - 4:18,  
27:5, 92:25  
**off-tract** [1] - 92:25  
**offer** [4] - 14:8, 14:9,  
115:12  
**office** [6] - 22:24,  
23:22, 29:8, 53:18,  
98:25, 111:2  
**offices** [1] - 61:15  
**official** [3] - 18:7,  
23:15, 101:9  
**official's** [1] - 61:14  
**officials** [3] - 15:8,  
15:14, 57:2  
**often** [1] - 52:22  
**old** [9] - 6:19, 8:2,  
14:15, 14:19, 59:25,  
66:18, 66:19, 67:18,  
67:21  
**older** [1] - 55:25  
**Olympics** [1] - 40:6  
**on-campus** [1] - 29:2  
**on-street** [1] - 29:14  
**once** [5] - 15:15, 35:2,  
87:3, 111:1, 111:22  
**One** [2] - 2:2, 120:8  
**one** [63] - 6:19, 11:17,  
12:1, 15:1, 20:1,  
21:23, 24:3, 24:5,  
25:15, 28:4, 28:7,  
30:7, 31:10, 40:9,  
40:10, 40:17, 41:13,  
41:25, 43:19, 43:24,  
47:20, 49:18, 53:3,  
59:5, 59:13, 59:16,  
60:1, 61:10, 62:20,  
63:9, 64:25, 66:12,  
67:19, 67:20, 68:5,  
68:21, 69:7, 72:2,  
75:5, 75:8, 78:7,  
79:6, 87:18, 87:24,  
91:1, 91:10, 91:12,

- 91:19, 91:24, 92:7,  
94:9, 95:5, 95:16,  
96:20, 99:2, 105:15,  
110:15, 115:11,  
115:16, 120:4,  
120:12, 120:14,  
120:22
- one-story** [1] - 66:12
- ones** [2] - 38:9, 70:15
- ongoing** [1] - 43:17
- online** [1] - 17:7
- open** [9] - 11:5, 32:14,  
33:2, 33:4, 33:6,  
50:18, 82:3, 101:16,  
121:17
- operated** [1] - 114:7
- operating** [1] - 114:15
- operation** [1] - 63:1
- opinion** [11] - 13:15,  
80:4, 80:23, 82:3,  
83:11, 94:22, 115:1,  
117:14, 119:10,  
119:14, 121:23
- opportunities** [1] -  
15:17
- opportunity** [2] -  
15:21, 120:19
- opposed** [2] - 45:18,  
51:21
- opposition** [1] - 16:9
- optimal** [1] - 115:11
- order** [3] - 34:21,  
55:15, 70:21
- ordered** [2] - 104:24,  
105:3
- ordinance** [1] - 113:2
- Ordinance** [19] -  
36:19, 60:10, 60:19,  
60:21, 71:22, 73:4,  
73:6, 75:11, 91:23,  
94:4, 94:12, 94:18,  
94:19, 95:16, 96:11,  
105:17, 105:20,  
106:13, 106:24
- ordinances** [1] - 35:22
- organization** [4] -  
35:15, 42:10, 45:21,  
63:21
- organizations** [1] -  
35:12
- organized** [1] - 64:19
- orientated** [1] - 118:14
- original** [9] - 25:20,  
55:5, 56:5, 57:24,  
59:12, 66:22, 66:23,  
66:24, 87:21
- originally** [1] - 25:6
- ornamental** [1] -  
114:20
- outdoor** [2] - 5:7,  
42:21
- outline** [1] - 76:13
- outside** [11] - 15:10,  
35:14, 42:9, 44:21,  
46:2, 52:18, 52:19,  
57:18, 72:14, 103:25
- outweigh** [2] - 118:18,  
119:12
- outweighs** [1] -  
121:21
- overall** [3] - 33:18,  
56:23, 64:6
- overdue** [1] - 14:20
- overflow** [1] - 16:23
- overhang** [1] - 33:2
- overrun** [1] - 73:12
- oversee** [2] - 13:6,  
31:7
- oversight** [1] - 13:4
- overview** [1] - 54:14
- overwhelming** [1] -  
80:22
- owe** [1] - 116:5
- own** [5] - 16:10, 23:10,  
29:23, 100:21, 114:3
- owner** [3] - 9:10, 9:11,  
9:12
- owner's** [1] - 8:17
- owners** [1] - 23:18
- 
- P**
- 
- P.A** [2] - 37:21, 110:1
- P.E** [4] - 1:19, 3:7, 4:8,  
22:8
- p.m** [7] - 48:12, 52:9,  
70:20, 100:17,  
101:6, 122:1
- P.P** [1] - 3:7
- package** [1] - 8:1
- packed** [1] - 18:14
- packet** [4] - 6:22, 9:6,  
28:6, 81:22
- page** [3] - 29:7, 30:12,  
35:16
- Page** [14] - 7:7, 7:8,  
31:16, 46:1, 52:6,  
90:15, 91:2, 92:5,  
92:21, 93:11, 93:13,  
93:15, 93:16
- PAGE** [3] - 3:2, 4:3,  
5:2
- pages** [7] - 28:12,  
30:8, 30:14, 31:19,  
42:19, 90:23, 90:24
- Pages** [1] - 31:15
- PAGONES** [17] -  
39:21, 40:23, 41:15,  
42:13, 43:14, 44:4,  
44:8, 45:9, 49:3,  
69:7, 69:16, 69:24,  
79:1, 87:17, 89:1,  
90:2, 121:12
- Pagones** [7] - 39:21,  
44:22, 45:6, 77:11,  
79:19, 80:8, 121:11
- Pagones'** [2] - 78:23,  
79:20
- paid** [1] - 20:23
- pain** [1] - 91:13
- Palmer** [6] - 29:16,  
78:5, 78:8, 78:12,  
79:7, 81:8
- paper** [1] - 90:18
- paperwork** [2] - 10:6,  
10:7
- parades** [1] - 53:1
- paragraph** [1] - 92:5
- Paragraph** [1] - 93:11
- parameters** [1] - 54:5
- Park** [1] - 7:3
- parked** [1] - 78:12
- Parking** [1] - 5:3
- parking** [49] - 8:6, 8:9,  
8:10, 10:4, 10:5,  
28:1, 28:3, 28:15,  
28:18, 28:23, 29:2,  
29:13, 29:14, 31:25,  
44:10, 50:13, 50:18,  
91:8, 91:22, 91:23,  
91:25, 93:20, 93:22,  
93:23, 94:1, 94:2,  
95:8, 95:13, 95:18,  
95:20, 95:21, 96:2,  
96:4, 96:6, 96:10,  
96:11, 96:15, 96:23,  
97:14, 97:17, 98:21,  
98:24, 107:25,  
110:7, 112:2, 119:9,  
120:23, 121:5
- Parrello** [1] - 30:9
- part** [37] - 7:6, 9:5,  
16:15, 17:18, 22:20,  
22:23, 25:12, 29:22,  
30:5, 30:11, 30:16,  
58:25, 61:24, 63:7,  
64:6, 64:10, 65:10,  
68:12, 71:3, 71:25,  
78:10, 78:15, 82:22,  
92:4, 93:3, 93:4,  
93:24, 99:13,  
105:11, 106:19,  
112:9, 116:9,  
116:16, 116:22,  
117:13, 118:3
- particular** [9] - 25:2,  
29:15, 34:16, 87:24,  
93:1, 94:13, 114:2,  
114:9, 114:10
- particularly** [4] -  
82:18, 115:4,  
116:10, 118:14
- parties** [2] - 119:5,  
123:10
- parts** [2] - 9:15, 71:3
- pass** [3] - 27:7, 42:25,  
88:11
- past** [3] - 34:9, 110:6,  
110:7
- Pat** [1] - 58:15
- path** [1] - 112:4
- pathway** [1] - 98:20
- PATRICIA** [1] - 3:10
- patricia** [1] - 31:3
- Patricia** [2] - 21:6,  
30:23
- patrons** [1] - 55:13
- Patty** [1] - 64:11
- PAUL** [2] - 1:11, 1:12
- paved** [1] - 98:23
- pavement** [2] - 98:20,  
99:23
- pavers** [1] - 103:8
- pay** [3] - 20:14, 20:15,  
20:16
- paying** [1] - 58:1
- peak** [2] - 28:15, 96:5
- people** [39] - 15:7,  
17:13, 18:6, 18:12,  
18:15, 18:22, 20:10,  
20:21, 20:23, 23:9,  
23:10, 23:19, 32:9,  
32:10, 32:14, 32:18,  
33:15, 35:17, 36:15,  
37:19, 42:15, 45:16,  
48:4, 49:21, 49:23,  
50:5, 50:7, 50:9,  
50:19, 51:16, 57:15,  
61:24, 85:18,  
105:22, 108:11,  
108:16, 116:6,  
117:14
- pep** [1] - 52:16
- percent** [4] - 76:5,  
91:12, 112:18
- perfect** [2] - 18:22,  
19:7
- perform** [1] - 52:8
- performance** [3] -  
7:22, 52:18, 111:1
- perhaps** [3] - 18:10,  
45:18, 69:7
- perimeter** [1] - 107:2
- period** [1] - 45:14
- periods** [1] - 43:23
- permeable** [4] - 103:7,  
103:8, 104:1, 104:3
- permissible** [2] -  
35:22, 35:23
- permission** [3] -  
78:24, 79:22, 107:5
- permit** [6] - 56:1, 94:1,  
96:10, 96:11,  
105:17, 107:18
- permits** [1] - 109:20
- permitted** [6] - 49:23,  
52:8, 112:17,  
112:18, 114:4, 117:8
- person** [6] - 37:11,  
38:25, 39:2, 41:23,  
59:3, 108:2
- personally** [1] - 27:15
- perspective** [2] - 82:1,  
87:4
- phasing** [1] - 109:5
- Philadelphia** [2] -  
53:18, 53:19
- photo** [12] - 4:16,  
4:16, 27:1, 27:2,  
73:11, 78:4, 79:4,  
79:17, 80:5, 80:25,  
81:5, 81:22
- photocopies** [2] -  
4:13, 26:18
- photocopy** [1] - 26:16
- Photocopy** [1] - 4:12
- photograph** [1] - 66:4
- photographs** [7] -  
4:20, 27:14, 31:16,  
31:17, 59:19, 64:25,  
107:7
- photos** [5] - 27:10,  
65:20, 70:12, 81:4,  
90:8
- phototactic** [1] -  
113:16
- physically** [4] - 73:13,  
75:8, 75:9, 118:11
- picket** [1] - 84:7
- picks** [1] - 101:2
- picture** [1] - 80:14
- pictures** [7] - 77:17,  
77:22, 82:16, 82:19,  
90:8, 119:22, 120:1
- piece** [7] - 23:12, 55:4,  
57:25, 78:14, 86:17,  
90:18, 114:9
- pile** [1] - 85:14
- piles** [2] - 84:8, 84:9
- pilots** [1] - 103:4
- pinch** [1] - 104:24
- pine** [1] - 79:12
- pipe** [2] - 105:18,  
105:19
- Place** [1] - 121:16
- place** [11] - 15:25,  
16:5, 16:10, 29:22,  
42:19, 47:19, 57:14,  
91:8, 95:2, 123:7
- placed** [3] - 26:2,

- 56:20, 56:24  
**places** [3] - 77:5, 89:6, 108:2  
**plain** [2] - 60:14  
**plan** [27] - 4:8, 10:13, 10:14, 23:5, 23:18, 26:3, 26:10, 28:10, 31:13, 31:14, 54:18, 67:6, 69:11, 75:14, 76:9, 77:2, 79:9, 88:10, 89:8, 98:12, 107:5, 107:12, 108:4, 110:23, 110:24, 117:9, 119:16  
**planner** [2] - 22:14, 112:10  
**Planning** [3] - 6:11, 93:9, 94:15  
**planning** [5] - 22:16, 31:8, 92:7, 92:10, 92:14  
**plans** [14] - 4:4, 12:3, 24:19, 24:24, 25:24, 26:2, 70:13, 71:11, 76:12, 91:7, 104:24, 105:3, 110:11, 120:21  
**planted** [1] - 107:8  
**planting** [6] - 83:6, 83:9, 83:16, 83:20, 107:2, 107:15  
**plants** [2] - 108:1, 114:22  
**plastic** [2] - 105:18, 106:4  
**play** [4] - 19:25, 35:9, 42:2, 52:24  
**played** [3] - 35:5, 49:23, 50:2  
**players** [2] - 16:12, 55:20  
**playing** [6] - 35:8, 38:9, 38:12, 41:18, 42:21, 44:12  
**plays** [2] - 43:21, 116:20  
**plenty** [2] - 95:12, 96:6  
**plus** [3] - 14:11, 61:9, 62:22  
**point** [19] - 37:4, 39:16, 45:25, 71:24, 76:14, 79:12, 85:19, 85:23, 88:6, 89:22, 90:4, 90:12, 92:12, 99:11, 103:20, 109:18, 111:2, 113:3, 113:21  
**pointed** [3] - 36:9, 36:12, 36:14  
**pointing** [2] - 106:15, 114:1  
**points** [1] - 58:19  
**poie** [1] - 78:13  
**police** [15] - 29:13, 36:20, 37:1, 40:7, 40:8, 42:14, 44:24, 45:4, 45:9, 45:10, 46:8, 46:24, 47:1, 50:11  
**Policies** [2] - 5:6, 42:20  
**policy** [24] - 5:7, 35:7, 35:10, 35:13, 35:14, 35:16, 42:7, 42:11, 42:18, 42:22, 43:9, 44:2, 44:19, 44:20, 45:1, 45:23, 47:17, 47:18, 47:19, 48:9, 49:15, 50:3, 51:22, 52:1  
**pool** [1] - 104:13  
**pools** [1] - 100:22  
**porous** [1] - 103:7  
**portfolio** [1] - 115:11  
**portion** [6] - 22:15, 23:2, 81:23, 81:24, 81:25, 114:5  
**portions** [1] - 23:3  
**position** [5] - 21:17, 87:18, 88:17, 97:16, 106:25  
**positioned** [1] - 55:19  
**positive** [6] - 113:4, 113:19, 113:22, 118:20, 118:23, 119:14  
**possible** [7] - 47:5, 56:25, 63:20, 65:15, 85:16, 109:18  
**possibly** [5] - 30:15, 84:16, 84:24, 85:4, 91:5  
**posted** [1] - 22:4  
**potential** [1] - 117:5  
**pound** [1] - 63:17  
**pounds** [1] - 63:11  
**Pozycki** [3] - 74:20, 94:14, 110:7  
**practice** [6] - 35:7, 35:8, 81:2, 107:19, 109:3, 110:8  
**precisely** [1] - 49:7  
**premium** [3] - 58:8, 58:11, 58:20  
**prepared** [10] - 4:8, 4:16, 22:15, 23:5, 24:21, 24:25, 26:11, 27:2, 27:22, 28:10  
**prepares** [1] - 60:13  
**present** [4] - 17:7, 39:3, 39:5, 39:24  
**PRESENT** [1] - 1:18  
**presented** [4] - 22:16, 54:17, 97:5, 98:25  
**presently** [1] - 33:21  
**presents** [1] - 99:13  
**preserved** [1] - 57:7  
**President** [4] - 12:22, 29:8, 31:3, 110:2  
**president's** [1] - 42:23  
**press** [65] - 6:18, 6:20, 8:13, 11:12, 11:25, 12:2, 13:12, 15:9, 15:11, 15:13, 31:21, 32:17, 32:24, 34:3, 34:19, 39:24, 40:19, 41:12, 53:21, 54:21, 54:23, 55:4, 56:20, 56:24, 59:2, 59:7, 59:9, 59:12, 59:15, 61:12, 61:19, 64:14, 66:11, 66:13, 66:15, 66:19, 66:24, 67:2, 67:5, 67:7, 67:22, 68:20, 69:18, 69:21, 72:20, 75:12, 75:13, 75:19, 75:20, 76:7, 76:10, 77:19, 78:11, 78:15, 78:19, 78:20, 79:25, 81:12, 87:23, 88:4, 88:14, 114:5, 114:16  
**Press** [1] - 7:3  
**presuming** [1] - 84:17  
**presumption** [1] - 113:19  
**presumptuous** [2] - 102:18, 109:8  
**pretty** [23] - 22:19, 55:23, 65:13, 66:3, 77:25, 80:1, 80:11, 82:8, 82:22, 83:11, 84:2, 91:7, 91:9, 91:11, 91:14, 91:16, 101:1, 107:15, 107:16, 108:10, 116:8, 117:23, 118:4  
**previous** [4] - 31:9, 31:21, 32:2, 33:19  
**previously** [4] - 29:5, 54:22, 60:24, 75:5  
**previously-approved** [1] - 54:22  
**primarily** [2] - 26:10, 64:14  
**primary** [2] - 4:23, 27:22  
**problem** [10] - 17:19, 26:25, 74:4, 81:17, 84:20, 85:22, 92:17, 98:14, 98:16, 107:18  
**problems** [1] - 14:22  
**Procedures** [2] - 5:6, 42:20  
**proceed** [1] - 105:13  
**PROCEEDINGS** [1] - 1:4  
**process** [5] - 25:13, 29:22, 54:23, 115:13, 116:16  
**prodded** [1] - 14:1  
**produce** [1] - 15:5  
**product** [1] - 116:3  
**profession** [1] - 53:12  
**professional** [3] - 22:13, 22:14, 112:10  
**profiles** [1] - 7:16  
**program** [11] - 13:5, 13:8, 13:20, 15:25, 54:24, 61:8, 66:11, 101:18, 115:15, 116:15  
**programs** [2] - 38:3, 115:12  
**project** [4] - 13:12, 15:1, 57:5, 114:2  
**projected** [1] - 57:10  
**promotes** [2] - 113:13, 113:20  
**promptly** [1] - 121:14  
**properly** [1] - 26:13  
**properties** [3] - 23:11, 64:23, 82:17  
**property** [29] - 6:4, 21:12, 21:14, 23:12, 23:17, 23:20, 75:17, 78:23, 79:21, 82:18, 82:19, 82:21, 82:23, 82:25, 83:17, 84:2, 84:6, 84:11, 84:14, 84:21, 84:22, 85:5, 85:12, 86:1, 86:24, 89:20, 106:9, 114:10  
**property-to-property** [1] - 84:14  
**proposal** [7] - 13:17, 39:25, 88:8, 98:1, 100:7, 114:10, 115:12  
**proposed** [18] - 4:18, 11:13, 13:12, 27:4, 31:6, 54:1, 54:15, 59:25, 68:22, 71:8, 75:21, 75:22, 78:3, 99:3, 99:8, 114:23, 115:3, 115:5  
**proposing** [1] - 107:12  
**protect** [3] - 20:22, 33:4, 57:3  
**protected** [1] - 57:2  
**proudly** [1] - 14:17  
**provide** [6] - 8:5, 55:12, 58:2, 63:2, 106:20, 106:21  
**provided** [9] - 7:21, 7:25, 8:18, 61:21, 93:24, 99:17, 99:18, 114:22, 119:1  
**providing** [1] - 29:1  
**proximate** [1] - 29:15  
**proximity** [1] - 118:15  
**public** [10] - 20:25, 37:12, 62:25, 79:22, 113:12, 113:20, 115:7, 118:16, 118:25, 119:17  
**Public** [2] - 123:2, 123:13  
**Publication** [1] - 7:3  
**pull** [2] - 91:15, 100:11  
**pulls** [1] - 50:8  
**purpose** [4] - 4:17, 10:11, 27:4, 119:16  
**purposes** [4] - 7:20, 25:18, 102:14, 108:11  
**pursuant** [3] - 25:8, 29:18, 112:16  
**purview** [1] - 104:8  
**pushed** [1] - 63:5  
**put** [14] - 15:10, 42:11, 44:22, 51:4, 51:19, 59:20, 62:18, 70:16, 79:9, 88:2, 88:23, 89:4, 110:22, 117:12  
**putaminous** [2] - 98:20, 99:23  
**putting** [1] - 22:6
- 
- Q**
- 
- quad** [1] - 52:13  
**quadrant** [1] - 57:16  
**qualification** [1] - 31:2  
**qualifies** [1] - 73:4  
**quality** [5] - 64:18, 89:19, 102:23, 102:25, 117:25  
**quantity** [1] - 102:24  
**quarter** [1] - 102:23  
**questions** [16] - 17:2, 21:3, 34:9, 36:4, 39:18, 39:19, 51:17, 51:24, 69:5, 75:7, 82:12, 82:13, 119:18, 119:19, 120:6, 121:1  
**quick** [1] - 119:21

quite [3] - 77:21,  
96:19, 101:9

---

## R

---

**R-22** [3] - 86:11,  
114:24, 119:11  
**rain** [2] - 20:2, 57:3  
**rains** [1] - 15:10  
**raise** [1] - 15:22  
**raised** [1] - 34:10  
**ramp** [4] - 72:6, 72:9,  
72:10  
**ramps** [1] - 62:13  
**ran** [2] - 110:5, 114:13  
**ranch** [1] - 86:16  
**range** [1] - 19:18  
**ranges** [1] - 17:7  
**rank** [1] - 116:5  
**ranking** [2] - 115:22,  
116:8  
**rather** [2] - 92:10,  
109:21  
**re** [1] - 70:19  
**re-adjourn** [1] - 70:19  
**Rea** [2] - 28:14  
**reach** [2] - 65:16,  
73:14  
**reacting** [1] - 116:24  
**read** [3] - 10:24, 43:6,  
73:6  
**reading** [2] - 28:13,  
52:7  
**ready** [1] - 109:14  
**real** [2] - 96:12, 119:21  
**realize** [1] - 76:18  
**really** [2] - 13:25,  
14:20, 14:21, 15:1,  
15:2, 15:21, 16:15,  
19:2, 19:14, 55:21,  
56:19, 65:18, 76:11,  
77:4, 78:11, 79:23,  
83:20, 93:5, 101:17,  
103:5, 116:4  
**reason** [8] - 9:14,  
60:9, 61:2, 62:22,  
71:21, 77:20, 92:14,  
115:23  
**reasonable** [4] -  
55:12, 63:2, 72:8,  
108:14  
**reasonably** [2] - 56:2,  
56:16  
**reasons** [1] - 49:18  
**recalling** [1] - 64:9  
**received** [4] - 6:4,  
44:23, 45:3, 98:4  
**recent** [2] - 110:17,  
114:15  
**recently** [5] - 24:20,

25:3, 74:23, 75:9,  
113:8  
**recess** [1] - 30:21  
**recharge** [1] - 106:4  
**recommend** [2] - 7:13,  
7:18  
**recommendations** [1]  
- 25:9  
**record** [6] - 7:2, 25:1,  
26:6, 44:23, 93:20,  
98:17  
**recorders** [1] - 32:17  
**records** [2] - 91:14,  
92:4  
**recreation** [2] - 13:7,  
118:15  
**recruit** [1] - 14:1  
**recruiting** [1] - 14:6  
**recruitment** [2] - 12:8,  
13:21  
**recruits** [2] - 14:15,  
14:18  
**rectify** [1] - 25:17  
**recuse** [1] - 6:3  
**recusing** [1] - 6:6  
**recyclable** [1] - 100:25  
**red** [1] - 42:20  
**reduce** [1] - 66:11  
**reduced** [3] - 4:18,  
27:5, 27:6  
**reducing** [1] - 66:11  
**refer** [2] - 90:11, 92:24  
**reference** [1] - 6:17  
**referring** [5] - 31:15,  
34:5, 54:3, 58:15,  
90:7  
**reflect** [1] - 61:18  
**reflection** [1] - 117:23  
**refuse** [2] - 100:21,  
100:24  
**refused** [1] - 20:19  
**regard** [2] - 6:3, 117:5  
**regarding** [2] - 28:15,  
71:13  
**Regional** [1] - 118:9  
**registered** [3] - 24:25,  
53:13  
**regular** [4] - 13:21,  
15:4, 15:5, 47:6  
**REGULAR** [1] - 1:4  
**regulations** [2] - 35:1,  
43:9  
**related** [1] - 7:9  
**relations** [1] - 21:1  
**relationship** [2] -  
22:12, 60:23  
**relative** [6] - 23:20,  
54:13, 59:17, 60:7,  
123:9, 123:10  
**rely** [1] - 60:2

**remember** [5] - 8:10,  
77:14, 78:6, 84:2,  
119:7  
**reminder** [1] - 81:3  
**removal** [3] - 100:18,  
100:19, 107:6  
**remove** [1] - 107:4  
**renting** [3] - 40:5,  
45:17, 45:22  
**repeat** [1] - 81:19  
**replace** [2] - 12:4,  
97:25  
**replacing** [1] - 97:21  
**replay** [2] - 15:8, 15:13  
**replays** [1] - 61:14  
**Report** [3] - 4:25,  
28:9, 30:17  
**report** [1] - 28:14,  
44:24, 45:4, 46:9,  
91:6, 98:14, 98:15,  
98:18, 104:25,  
105:4, 120:20  
**Reporter** [1] - 123:3  
**reports** [2] - 18:3,  
29:11  
**Reports** [2] - 5:4, 5:5  
**request** [1] - 106:25  
**requested** [2] - 26:1,  
71:14  
**require** [3] - 93:23,  
115:25, 116:2  
**required** [10] - 15:16,  
55:16, 57:1, 72:8,  
76:3, 91:21, 94:4,  
94:20, 99:16, 105:6  
**requirement** [2] -  
11:20, 57:6  
**requirements** [7] -  
35:20, 55:1, 55:3,  
55:11, 57:4, 61:16,  
93:22  
**requires** [6] - 73:13,  
95:14, 95:16, 96:24,  
106:7, 116:1  
**reserved** [4] - 16:7,  
20:8, 20:9, 20:11  
**residence** [1] - 53:1  
**residences** [1] - 118:6  
**resident** [6] - 28:24,  
28:25, 46:14, 47:2,  
94:2  
**residential** [4] - 118:1,  
118:3, 118:11,  
118:17  
**residentially** [1] -  
118:10  
**residents** [3] - 80:9,  
86:24, 94:1  
**resolve** [1] - 94:23  
**respect** [3] - 34:16,

84:6, 92:25  
**respectful** [1] - 64:12  
**respectfully** [2] -  
39:25, 47:20  
**respectively** [1] -  
92:24  
**responding** [1] -  
119:4  
**responds** [1] - 37:1  
**response** [1] - 100:5  
**responsibilities** [1] -  
15:13  
**responsibility** [5] -  
13:2, 22:20, 45:19,  
104:9, 108:8  
**responsible** [3] -  
42:14, 45:16, 107:22  
**rest** [4] - 10:5, 16:8,  
32:13, 58:21  
**result** [8] - 13:16,  
55:1, 55:14, 72:17,  
94:14, 107:20,  
112:23, 119:14  
**retail** [1] - 95:22  
**retire** [1] - 39:15  
**review** [5] - 25:8,  
30:18, 90:10, 92:6,  
99:1  
**revised** [6] - 4:9, 25:3,  
25:10, 25:21, 26:3,  
26:12  
**rid** [1] - 20:25  
**ridge** [1] - 74:21  
**right-of-way** [3] -  
75:18, 76:6, 79:22  
**road** [8] - 85:15, 86:3,  
86:6, 86:8, 86:14,  
86:18, 86:19, 98:22  
**roads** [2] - 7:15, 7:16  
**ROBERT** [1] - 1:10  
**roll** [1] - 11:2  
**roof** [2] - 32:16, 33:7,  
33:8, 33:11, 33:15,  
56:24, 62:22, 62:23,  
71:24, 73:9, 74:11,  
74:21, 76:8, 76:10,  
76:13, 76:14, 77:8,  
78:10, 78:14, 78:15,  
103:16  
**rooftop** [2] - 33:1,  
78:10  
**room** [7] - 18:6, 18:10,  
18:12, 19:12, 19:15,  
19:16, 100:13  
**rooms** [1] - 32:13  
**route** [2] - 111:19,  
111:20  
**row** [3] - 56:17, 59:5,  
59:9  
**ROWE** [1] - 2:2

**rows** [6] - 55:6, 55:24,  
56:5, 56:18, 56:19,  
59:5  
**rule** [1] - 59:2  
**run** [5] - 14:15, 15:25,  
53:23, 103:11,  
103:17  
**runoff** [1] - 103:1  
**runs** [3] - 85:25, 86:1,  
103:12  
**Rutgers** [1] - 20:4

---

## S

---

**salt** [1] - 106:3  
**samples** [1] - 120:8  
**SANTORELLI** [1] -  
1:12  
**satisfaction** [1] -  
119:13  
**satisfied** [2] - 7:4,  
26:22  
**satisfy** [6] - 100:3,  
104:10, 104:16,  
113:3, 113:19,  
118:19  
**Saturday** [5] - 19:22,  
19:25, 48:22, 50:12,  
53:4  
**Saturdays** [2] - 42:1,  
50:12  
**saw** [6] - 18:13, 21:25,  
23:4, 79:5, 84:19,  
119:4  
**scale** [3] - 91:9,  
115:21, 115:22  
**scenes** [1] - 109:23  
**scheme** [4] - 56:17,  
62:12, 83:7, 83:20  
**scholarship** [1] -  
115:10  
**school** [3] - 91:24,  
113:15, 113:17  
**School** [3] - 51:22,  
118:6, 118:8  
**Schultz** [1] - 9:18  
**SCHULTZ** [4] - 1:13,  
9:25, 10:23, 17:6,  
17:21, 17:25, 18:16,  
18:21, 19:7, 20:7,  
20:14, 20:17, 21:2,  
21:25, 29:3, 33:10,  
33:14, 36:5, 36:9,  
36:17, 36:24, 37:8,  
37:14, 37:20, 37:22,  
38:3, 39:10, 39:14,  
39:17, 45:2, 45:7,  
52:1, 52:6, 52:16,  
52:23, 81:19,  
100:16, 101:4,

- 102:2, 119:21,  
119:25  
**science** [1] - 110:6  
**Science** [1] - 74:23  
**screen** [13] - 64:15,  
79:9, 79:10, 79:14,  
79:16, 81:23, 81:24,  
83:22, 84:20, 84:25,  
87:1, 88:24  
**screened** [3] - 80:11,  
80:21, 106:7  
**screening** [2] - 86:6,  
119:4  
**screens** [1] - 83:9  
**scrutinizing** [1] -  
76:11  
**scuffle** [1] - 24:11  
**sea** [2] - 72:19, 72:22  
**sealed** [1] - 25:19  
**season** [7] - 15:15,  
20:16, 109:6,  
109:10, 109:11,  
109:15, 109:21  
**seat** [10] - 16:7, 19:1,  
19:5, 50:10, 56:11,  
59:1, 60:3, 93:22,  
96:2, 96:12  
**seating** [16] - 16:2,  
16:15, 34:22, 36:13,  
58:11, 61:12, 67:1,  
72:4, 75:10, 75:15,  
75:16, 75:22, 91:24,  
94:18, 103:16  
**seats** [42] - 12:6,  
16:18, 16:21, 17:17,  
18:25, 19:8, 19:16,  
20:9, 27:24, 32:15,  
32:20, 33:21, 55:5,  
55:6, 55:7, 55:19,  
56:5, 56:6, 56:7,  
56:21, 57:18, 57:21,  
58:10, 58:11, 58:20,  
58:21, 59:4, 59:10,  
62:4, 67:4, 67:9,  
94:6, 94:10, 94:25,  
95:10, 95:17, 96:20,  
117:12  
**second** [10] - 11:1,  
24:22, 26:7, 32:13,  
58:7, 58:16, 61:20,  
71:18, 87:6, 99:2  
**Secretary** [1] - 1:20  
**secretary** [1] - 12:12  
**Section** [3] - 73:5,  
105:15, 106:7  
**section** [8] - 7:17,  
16:8, 59:4, 73:4,  
92:6, 92:7, 103:10,  
113:23  
**sections** [3] - 7:10,  
60:20, 61:4  
**security** [1] - 108:11  
**see** [54] - 16:2, 16:11,  
22:2, 22:3, 23:20,  
28:20, 32:11, 32:19,  
47:21, 50:12, 51:4,  
54:21, 55:20, 55:22,  
56:21, 58:7, 59:2,  
59:3, 59:5, 59:22,  
65:8, 65:10, 66:5,  
66:6, 67:9, 69:17,  
69:20, 70:3, 77:6,  
77:7, 77:12, 78:10,  
78:14, 79:15, 79:23,  
79:24, 80:1, 80:2,  
80:9, 80:12, 80:20,  
80:22, 80:24, 81:12,  
82:15, 82:19, 83:23,  
84:6, 84:23, 87:5,  
88:18, 89:12, 101:12  
**seeing** [2] - 29:21,  
59:3  
**sees** [3] - 16:14, 82:6,  
95:14  
**select** [1] - 99:5  
**self** [1] - 44:17  
**self-supplied** [1] -  
44:17  
**send** [1] - 40:9  
**sense** [2] - 54:17,  
62:12  
**sent** [3] - 22:24, 98:2,  
110:18  
**sentence** [1] - 9:2  
**separate** [3] - 58:18,  
62:5, 97:23  
**September** [6] - 4:14,  
26:20, 42:22, 46:22,  
47:13, 109:20  
**series** [1] - 64:25  
**serve** [3] - 62:18,  
62:23, 118:16  
**served** [1] - 12:24  
**serves** [1] - 113:12  
**service** [7] - 62:16,  
62:21, 63:12, 63:16,  
100:12, 101:23,  
115:10  
**Services** [2] - 29:9,  
31:4  
**services** [2] - 58:2,  
59:14  
**servicing** [1] - 85:18  
**Set** [1] - 4:20  
**set** [22] - 19:9, 23:6,  
25:2, 25:18, 26:10,  
27:14, 37:5, 37:10,  
37:18, 50:16, 50:19,  
56:3, 56:20, 59:8,  
64:11, 67:4, 71:13,  
75:16, 91:6, 99:14,  
105:8, 123:7  
**setback** [3] - 76:5,  
76:6, 106:14  
**sets** [5] - 25:11, 44:20,  
65:19, 112:23  
**setting** [1] - 45:19  
**seven** [8] - 9:19, 9:23,  
9:24, 25:5, 25:19,  
27:20, 50:6, 78:4  
**seventy** [2] - 17:15,  
17:18  
**seventy-two** [2] -  
17:15, 17:18  
**several** [8] - 11:20,  
23:13, 34:15, 40:13,  
41:7, 45:6, 59:19,  
99:19  
**shade** [1] - 84:3  
**shades** [1] - 32:2  
**shadows** [1] - 65:16  
**shaft** [4] - 72:23, 73:3,  
73:11, 76:25  
**shall** [4] - 52:2, 52:8,  
73:7, 98:21  
**shapes** [1] - 85:3  
**shared** [6] - 95:20,  
95:21, 96:7, 96:10,  
96:11, 96:15  
**sharing** [2] - 9:18,  
9:20  
**sheet** [7] - 23:5, 23:16,  
71:11, 71:12, 71:13,  
76:24, 110:20  
**Sheet** [7] - 76:8,  
80:19, 91:6, 91:18,  
97:23, 102:13,  
106:15  
**sheeted** [1] - 25:12  
**sheets** [14] - 4:4, 4:9,  
4:17, 23:8, 24:19,  
25:2, 25:4, 25:5,  
26:3, 26:6, 26:11,  
27:3, 27:9  
**Shirley** [4] - 10:8,  
98:2, 98:14, 99:9  
**Shore** [2] - 116:19,  
118:8  
**short** [1] - 32:7  
**shorter** [7] - 32:5,  
32:24, 34:2, 61:5,  
61:6, 67:24, 69:10  
**shot** [1] - 83:1  
**show** [7] - 23:16,  
27:15, 76:11, 90:16,  
96:6, 110:10, 110:14  
**showing** [2] - 91:17,  
99:1  
**shown** [4] - 23:3,  
76:23, 86:14, 91:10  
**shrubs** [1] - 69:20  
**shut** [3] - 18:21,  
18:23, 18:24  
**side** [10] - 22:1, 23:13,  
31:24, 63:18, 72:4,  
81:8, 83:7, 99:4,  
100:13, 111:9  
**sides** [3] - 71:25, 88:2,  
121:19  
**sidewalks** [3] - 99:16,  
99:18, 99:20  
**sight** [4] - 55:15,  
58:23, 59:22, 66:2  
**signage** [2] - 98:10,  
99:1  
**signature** [1] - 99:13  
**signed** [3] - 8:16,  
25:19, 26:20  
**significant** [2] - 25:23,  
25:25  
**SILVA** [8] - 1:20, 8:22,  
9:23, 77:16, 90:9,  
98:5, 120:11, 120:15  
**Silva** [2] - 6:9, 8:19  
**similar** [2] - 64:16,  
73:24  
**similarities** [1] - 64:17  
**simple** [1] - 69:9  
**simply** [2] - 26:4,  
58:16  
**simultaneously** [2] -  
44:13, 95:3  
**single** [5] - 41:20,  
41:23, 61:19, 96:1,  
96:2  
**single-story** [1] -  
61:19  
**sit** [3] - 16:6, 18:5,  
20:10  
**Site** [1] - 4:8  
**site** [21] - 4:18, 4:21,  
23:5, 26:10, 27:5,  
27:16, 28:10, 65:23,  
75:14, 92:25, 99:10,  
107:5, 109:23,  
111:8, 111:24,  
113:23, 114:2,  
114:6, 114:17,  
115:2, 117:9  
**sites** [1] - 118:4  
**situation** [3] - 20:19,  
25:17, 58:5  
**six** [4] - 9:22, 50:6,  
101:17, 106:8  
**sixth** [1] - 80:14  
**sixty** [1] - 112:20  
**sixty-five** [1] - 112:20  
**size** [5] - 27:13, 47:9,  
54:13, 63:12, 63:16  
**sizes** [1] - 85:3  
**skipping** [1] - 73:8  
**sky** [3] - 63:24, 65:15,  
108:22  
**skylights** [1] - 73:23  
**sleep** [1] - 48:5  
**slightly** [1] - 72:16  
**slip** [1] - 25:12  
**slopes** [2] - 72:7,  
103:9  
**small** [6] - 16:7, 47:9,  
62:13, 62:24, 63:9,  
72:6  
**smaller** [8] - 34:18,  
34:25, 58:9, 68:3,  
68:4, 68:6, 68:24  
**SMITH** [45] - 2:2, 2:4,  
8:24, 9:3, 9:7, 9:11,  
9:16, 9:21, 9:24,  
10:15, 11:6, 12:17,  
17:2, 21:3, 21:13,  
21:22, 22:5, 22:10,  
24:14, 24:16, 30:20,  
30:25, 36:4, 42:25,  
43:5, 47:16, 47:22,  
53:8, 53:11, 54:11,  
70:17, 70:25, 71:1,  
74:10, 74:13, 82:11,  
87:15, 104:15,  
117:20, 119:18,  
120:3, 120:13,  
120:18, 121:2,  
121:23  
**Smith** [11] - 3:5, 3:8,  
3:11, 3:14, 6:16,  
11:4, 11:7, 22:23,  
42:16, 54:9, 70:20  
**soccer** [2] - 49:20,  
53:6  
**softball** [1] - 86:13  
**solar** [3] - 32:2,  
113:15, 115:20  
**solve** [1] - 14:23  
**someplace** [1] - 58:8  
**sometime** [1] - 114:12  
**sometimes** [6] -  
44:12, 45:12, 45:13,  
45:15, 47:2, 53:4  
**somewhere** [1] -  
110:6  
**Sorentino** [1] - 88:10  
**sorry** [5] - 23:10, 28:5,  
67:10, 71:12, 111:23  
**sort** [5] - 14:16, 18:2,  
40:9, 52:15, 53:2  
**sound** [7] - 34:13,  
34:17, 35:25, 51:8,  
57:8, 57:11, 57:15  
**sounds** [2] - 34:10,  
57:19  
**South** [1] - 13:25



- south** [8] - 31:25, 72:1, 72:17, 80:7, 81:2, 83:14, 99:4, 111:9  
**southern** [1] - 31:24  
**southwesterly** [2] - 80:18, 107:10  
**space** [5] - 23:8, 27:25, 94:9, 95:17, 96:20  
**spaces** [12] - 8:6, 28:1, 28:18, 28:25, 91:21, 93:23, 94:1, 94:2, 94:3, 96:23, 97:9, 97:17  
**speaker** [1] - 47:23  
**speakers** [14] - 34:11, 34:18, 34:20, 34:21, 34:25, 36:5, 44:14, 44:17, 47:9, 50:16, 51:2, 57:10, 110:1  
**specific** [2] - 60:11, 115:2  
**specifically** [4] - 48:9, 49:7, 55:2, 77:24  
**specifics** [1] - 11:23  
**spectators** [1] - 117:16  
**spectrum** [1] - 47:10  
**spend** [1] - 48:18  
**spigots** [1] - 108:2  
**spires** [1] - 73:21  
**spirit** [1] - 116:25  
**sport** [1] - 13:8  
**sporting** [1] - 49:4  
**sports** [4] - 13:6, 41:3, 53:23, 54:18  
**spread** [1] - 18:6  
**spring** [2] - 53:3, 53:4  
**square** [8] - 67:13, 67:17, 67:20, 67:23, 67:25, 68:9, 91:20, 96:1  
**squashed** [1] - 69:3  
**stacked** [1] - 33:10  
**Stadium** [2] - 1:6, 4:6  
**stadium** [80] - 4:18, 6:18, 6:20, 13:13, 14:19, 16:4, 16:7, 18:14, 26:2, 26:5, 27:4, 28:16, 34:7, 34:22, 38:17, 39:23, 40:3, 40:5, 40:11, 40:12, 40:16, 41:1, 41:12, 41:21, 41:22, 44:7, 44:9, 49:9, 50:2, 50:8, 51:1, 55:22, 55:24, 55:25, 57:17, 57:19, 58:9, 60:18, 60:20, 61:11, 61:22, 61:25, 62:10, 62:13, 64:3, 65:9, 66:3, 67:18, 67:19, 75:7, 77:20, 80:11, 80:22, 81:1, 81:3, 88:3, 88:14, 88:18, 93:22, 95:4, 95:5, 100:10, 101:15, 102:17, 103:6, 103:11, 103:13, 103:25, 108:12, 109:18, 114:12, 114:16, 115:3, 115:5, 115:12, 116:21, 121:18, 121:20  
**stadiums** [3] - 44:15, 53:21, 67:18  
**staff** [1] - 101:1  
**stair** [1] - 76:16  
**stairs** [2] - 62:15, 76:16  
**stake** [1] - 115:7  
**stall** [1] - 28:23  
**stalls** [7] - 29:2, 91:25, 92:2, 93:20, 94:20, 97:14  
**stand** [11] - 16:13, 32:12, 50:9, 55:19, 57:16, 57:21, 57:24, 58:6, 58:22, 65:19  
**standards** [7] - 12:7, 102:20, 102:24, 104:22, 105:6, 112:24  
**standee** [1] - 62:1  
**standees** [1] - 56:8  
**standing** [11] - 18:10, 18:11, 19:12, 19:15, 19:16, 50:6, 59:3, 59:5, 65:7, 79:20, 83:14  
**stands** [6] - 11:12, 41:20, 41:23, 72:5, 88:2, 103:6  
**staple** [1] - 30:16  
**stapled** [1] - 28:11  
**Stapleton** [1] - 61:13  
**start** [7] - 6:21, 16:16, 52:4, 54:14, 90:15, 109:14, 121:13  
**started** [1] - 52:2  
**starting** [2] - 13:1, 14:23  
**starts** [1] - 52:3  
**state** [6] - 12:5, 15:19, 31:1, 42:17, 102:19, 104:22  
**State** [4] - 22:14, 53:14, 123:3, 123:13  
**STATE** [1] - 1:1  
**state-of-the-art** [2] - 12:5, 15:19  
**stating** [1] - 117:1  
**station** [1] - 47:1  
**stationery** [1] - 101:15  
**stations** [1] - 100:25  
**stay** [1] - 109:12  
**stenographically** [1] - 123:7  
**step** [1] - 6:13  
**steps** [1] - 34:13  
**still** [6] - 38:13, 47:12, 82:22, 89:11, 92:20, 120:5  
**stipulation** [1] - 95:1  
**stone** [2] - 103:9, 104:4  
**stopped** [1] - 101:23  
**storage** [5] - 27:24, 72:5, 103:22, 104:4, 104:6  
**store** [1] - 101:16  
**stored** [2] - 86:23  
**stories** [8] - 32:3, 59:15, 61:9, 74:17, 74:19, 74:24, 74:25, 87:7  
**storm** [5] - 102:11, 102:20, 102:23, 102:24, 103:14  
**Storm** [4] - 4:25, 28:8, 30:14, 30:17  
**story** [10] - 32:23, 59:13, 61:5, 61:8, 61:10, 61:19, 64:14, 66:12  
**straight** [3] - 65:22, 78:8, 87:9  
**strategy** [1] - 66:10  
**streaming** [1] - 15:4  
**street** [4] - 29:14, 39:22, 59:20, 59:22  
**Street** [1] - 53:19  
**streets** [2] - 29:14, 47:21  
**strict** [2] - 106:23, 108:22  
**strictly** [1] - 117:2  
**striper** [1] - 99:11  
**striping** [2] - 98:10, 99:2  
**stronger** [2] - 14:3, 14:4  
**strongly** [1] - 116:24  
**structural** [1] - 103:18  
**structure** [12] - 71:8, 80:2, 80:3, 84:15, 84:23, 85:7, 89:9, 99:4, 113:16, 114:6, 114:23  
**student** [14] - 12:9, 13:9, 13:10, 13:20, 13:22, 14:3, 14:5, 14:11, 16:22, 52:11, 74:18, 101:11, 118:14  
**student-orientated** [1] - 118:14  
**students** [15] - 15:5, 16:2, 16:6, 16:9, 16:16, 16:17, 17:1, 28:24, 29:24, 52:14, 53:3, 94:3, 118:16  
**studied** [1] - 59:19  
**stuff** [5] - 63:12, 91:16, 97:25, 101:2, 120:7  
**style** [1] - 19:9  
**styles** [2] - 18:19, 32:9  
**subjective** [1] - 70:9  
**submission** [1] - 110:18  
**submitted** [16] - 4:4, 8:2, 8:3, 8:23, 8:24, 24:20, 28:2, 28:5, 28:6, 28:8, 28:13, 28:17, 29:6, 77:20, 91:18  
**subsequent** [1] - 8:19  
**substantial** [4] - 79:14, 118:24, 119:15, 119:17  
**substitute** [1] - 6:13  
**subsurface** [2] - 103:14, 103:21  
**subtract** [1] - 73:16  
**subtraction** [1] - 72:24  
**sudden** [1] - 88:6  
**suitability** [1] - 113:23  
**suite** [1] - 58:8  
**suited** [1] - 115:4  
**summarize** [1] - 75:6  
**Summary** [2] - 5:4, 5:5  
**summary** [1] - 29:11  
**summer** [6] - 38:3, 40:4, 40:5, 43:25, 86:10, 116:20  
**sun** [2] - 65:15, 84:1  
**Sundays** [1] - 42:1  
**superb** [1] - 14:9  
**superimposed** [1] - 78:3  
**supplementary** [1] - 114:21  
**supplementation** [1] - 81:10  
**supplied** [1] - 44:17  
**support** [1] - 115:15  
**surprised** [1] - 46:3  
**surrounding** [3] - 34:12, 64:22, 65:17  
**survey** [1] - 110:16  
**surveys** [1] - 121:4  
**survives** [1] - 107:22  
**SWANNACK** [54] - 3:10, 31:11, 33:4, 33:8, 33:12, 33:17, 33:22, 34:3, 34:7, 36:2, 36:7, 36:11, 36:22, 36:25, 37:10, 37:16, 37:21, 37:24, 38:5, 38:11, 38:15, 38:18, 38:25, 39:4, 39:9, 39:12, 39:15, 42:6, 44:16, 44:18, 45:3, 45:25, 46:6, 46:12, 46:15, 46:17, 48:8, 48:20, 48:23, 49:1, 49:17, 50:17, 50:24, 51:7, 51:10, 51:12, 51:16, 52:5, 52:10, 52:20, 52:24, 101:22, 102:4, 102:7  
**Swannack** [9] - 21:6, 30:22, 30:23, 31:3, 38:19, 42:4, 48:17, 49:15, 110:2  
**Swannack's** [1] - 43:10  
**swear** [1] - 22:5  
**swearing** [1] - 54:10  
**sworn** [5] - 12:15, 22:8, 30:23, 53:9, 123:4  
**system** [16] - 35:19, 36:1, 37:21, 38:20, 51:4, 51:13, 51:14, 51:15, 51:17, 57:10, 57:13, 57:14, 102:12, 102:13, 103:15, 104:10  
**systems** [1] - 103:17
- 
- T**
- 
- T.V** [1] - 57:1  
**table** [1] - 94:17  
**Tabulation** [2] - 4:23, 5:3  
**tabulation** [4] - 27:21, 28:17, 28:18, 91:25  
**tabulations** [1] - 91:19  
**tailgate** [5] - 49:24, 49:25, 50:15  
**tailgaters** [2] - 49:16, 49:19  
**tailgating** [4] - 49:17, 50:11, 50:20, 56:8

- tall** [7] - 62:17, 68:25, 74:17, 84:1, 87:2, 87:5, 114:18  
**taller** [3] - 78:22, 83:1, 83:4  
**tallest** [2] - 74:15, 77:1  
**tanks** [1] - 73:24  
**teaching** [1] - 115:10  
**team** [3] - 20:1, 38:1, 64:12  
**tearing** [1] - 67:19  
**technical** [4] - 11:16, 22:23, 55:2, 106:10  
**telecast** [1] - 15:22  
**telephone** [1] - 78:13  
**televised** [1] - 15:18  
**television** [4] - 15:3, 15:12, 15:24, 41:8  
**temporary** [1] - 7:18  
**ten** [2] - 33:18, 65:25  
**tenths** [1] - 76:19  
**term** [2] - 7:19, 32:6  
**terms** [10] - 16:1, 61:4, 67:17, 68:2, 69:1, 79:15, 79:16, 93:20, 107:15, 112:24  
**terribly** [2] - 77:4, 78:17  
**tested** [1] - 36:2  
**testified** [6] - 42:18, 50:4, 75:23, 109:25, 110:2, 120:7  
**testifies** [4] - 12:15, 22:9, 30:24, 53:10  
**testify** [4] - 24:10, 33:23, 42:5, 123:4  
**testimony** [20] - 10:2, 10:17, 22:16, 30:21, 32:4, 40:22, 42:8, 43:10, 71:2, 90:13, 92:11, 92:14, 95:11, 96:4, 97:6, 97:19, 104:18, 112:9, 119:4, 123:6  
**testing** [1] - 37:3  
**text** [2] - 16:13, 16:14  
**themselves** [2] - 6:6, 48:5  
**they've** [4] - 52:14, 58:14, 79:12, 101:24  
**thickness** [1] - 103:8  
**third** [2] - 32:15, 71:12  
**thoroughfare** [3] - 85:1, 85:5, 85:17  
**thousand** [4] - 17:14, 17:18, 97:9, 97:13  
**three** [32] - 7:10, 17:14, 17:18, 25:20, 29:7, 30:8, 30:14, 32:3, 32:23, 33:17, 33:18, 44:9, 44:12, 50:4, 55:6, 55:17, 59:14, 61:9, 62:22, 66:12, 71:3, 71:25, 74:17, 74:19, 74:24, 78:18, 94:10, 95:17, 96:20, 105:2, 107:6, 107:9  
**three-story** [2] - 32:23, 66:12  
**threw** [1] - 68:8  
**throughout** [1] - 34:18  
**THURSDAY** [1] - 1:5  
**ticket** [5] - 20:16, 32:11, 62:8, 62:9, 62:11  
**ticketed** [2] - 62:2, 62:7  
**ticketing** [1] - 61:20  
**tie** [1] - 103:20  
**timely** [1] - 77:21  
**timing** [1] - 43:6  
**today** [7] - 19:19, 34:22, 54:21, 75:8, 77:20, 77:22, 89:11  
**today's** [2] - 14:4, 14:5  
**toilets** [1] - 56:14  
**tonight** [5] - 26:10, 87:16, 90:5, 120:22, 121:19  
**tonight's** [1] - 11:9  
**took** [7] - 27:14, 47:13, 58:10, 64:24, 66:4, 77:17, 96:1  
**top** [21] - 50:25, 51:1, 59:22, 63:14, 63:23, 69:17, 69:20, 72:21, 72:22, 73:3, 73:11, 74:8, 74:11, 74:22, 75:10, 75:12, 75:22, 78:20, 78:21, 79:25, 87:8  
**total** [6] - 29:2, 68:2, 68:3, 68:10, 68:23, 92:2  
**totally** [3] - 80:3, 94:21, 105:5  
**tough** [1] - 91:9  
**tournament** [1] - 116:19  
**toward** [3] - 72:3, 72:4, 78:8  
**towards** [2] - 65:23, 121:21  
**tower** [4] - 65:11, 71:21, 74:8, 76:16  
**towers** [1] - 74:7  
**Town** [1] - 97:2  
**Township** [3] - 23:3, 25:9, 118:7  
**track** [12] - 23:13, 50:9, 55:16, 72:15, 86:11, 104:3, 106:17, 112:6, 114:11, 114:13, 114:14  
**tract** [1] - 92:25  
**tractor** [1] - 85:1  
**trade** [1] - 83:21  
**tradition** [1] - 16:17  
**traditionally** [1] - 64:1  
**traffic** [3] - 14:23, 28:15, 29:23, 93:16, 95:11, 117:7, 117:10, 117:14  
**trailers** [1] - 85:2  
**transcript** [1] - 123:6  
**TRANSCRIPT** [1] - 1:4  
**Transmittal** [1] - 4:12  
**transmittal** [1] - 26:17  
**trash** [1] - 109:25  
**travel** [1] - 51:11  
**tree** [3] - 87:8, 107:5, 107:6  
**trees** [17] - 66:5, 66:8, 69:20, 78:18, 79:12, 80:12, 81:11, 82:8, 84:8, 89:3, 89:6, 107:7, 107:9, 107:13, 107:16, 108:1, 114:21  
**trench** [1] - 103:10  
**tried** [3] - 62:15, 64:7, 64:12  
**trip** [1] - 90:3  
**truck** [1] - 101:25  
**trucks** [5] - 84:9, 85:1, 101:10, 102:3, 111:25  
**true** [2] - 18:16, 123:6  
**truth** [3] - 123:4, 123:5  
**try** [7] - 25:17, 56:16, 59:10, 61:11, 70:21, 70:25, 92:12  
**trying** [11] - 14:7, 20:22, 35:7, 48:4, 57:16, 68:11, 80:8, 88:22, 89:22, 92:15, 98:13  
**turn** [8] - 18:19, 19:9, 32:9, 37:2, 99:23, 100:3, 100:15  
**turned** [1] - 34:23  
**turning** [1] - 14:12  
**turns** [1] - 76:14  
**twelve** [1] - 90:24  
**twice** [1] - 92:15  
**two** [27] - 9:15, 14:25, 17:15, 17:18, 23:8, 34:20, 42:19, 45:14, 46:2, 50:3, 57:22, 59:4, 59:5, 64:14, 67:18, 68:12, 69:11, 75:25, 78:18, 79:23, 81:4, 81:25, 82:4, 87:7, 91:18, 107:6, 110:15  
**two-part** [1] - 68:12  
**two-story** [1] - 64:14  
**type** [1] - 85:10  
**types** [1] - 118:5  
**typical** [1] - 56:10  
**typically** [2] - 40:6, 99:10  


---

## U

---

**ultimately** [3] - 56:20, 104:19, 104:21  
**umbrella** [2] - 116:14, 116:23  
**under** [12] - 24:8, 78:2, 92:6, 92:23, 98:1, 103:9, 104:5, 112:14, 113:4, 113:22, 116:14, 116:22  
**undergraduate** [1] - 13:10  
**understood** [1] - 69:8  
**understory** [1] - 66:6  
**unfortunately** [2] - 56:17, 90:2  
**unique** [2] - 58:5, 102:12  
**uniquely** [1] - 115:4  
**Universities** [2] - 116:7, 116:8  
**University** [72] - 1:5, 5:6, 6:2, 6:18, 11:9, 12:9, 12:21, 13:9, 13:16, 13:22, 14:10, 14:23, 17:21, 17:23, 18:1, 21:12, 22:18, 23:1, 29:9, 29:13, 29:15, 29:19, 29:22, 31:2, 31:4, 35:6, 40:8, 40:16, 40:24, 41:4, 41:18, 42:13, 42:20, 43:25, 45:5, 45:10, 45:18, 45:20, 52:16, 54:19, 58:4, 64:7, 81:18, 83:7, 84:22, 86:19, 86:25, 88:22, 89:2, 89:14, 97:3, 99:25, 100:20, 100:21, 101:1, 106:10, 107:14, 107:23, 108:7, 113:6, 113:11, 114:8, 115:8, 115:16, 115:21, 116:10, 116:12, 116:17, 116:23  
**University's** [2] - 28:21, 116:3  
**unless** [2] - 77:5, 92:14  
**unlike** [3] - 31:21, 31:24, 32:2  
**unload** [1] - 100:14  
**unreasonable** [3] - 41:16, 43:20, 89:17  
**unused** [2] - 96:4, 97:16  
**unwillingness** [1] - 119:2  
**up** [47] - 7:9, 16:5, 16:10, 22:7, 26:15, 32:14, 32:15, 34:23, 35:4, 36:2, 37:6, 41:21, 49:12, 50:8, 50:16, 50:19, 50:25, 59:7, 62:5, 62:7, 62:11, 63:3, 63:4, 67:4, 73:12, 73:13, 75:24, 78:13, 79:24, 82:24, 83:6, 83:19, 84:15, 85:13, 86:2, 87:3, 87:7, 88:23, 96:3, 99:14, 100:2, 100:11, 101:2, 106:17, 121:5  
**upgrade** [1] - 12:6  
**upgrading** [1] - 115:13  
**upper** [4] - 22:1, 62:12, 64:16, 81:23  
**usage** [1] - 116:14  
**users** [1] - 42:14  
**uses** [10] - 13:20, 94:2, 113:9, 115:17, 115:22, 115:24, 117:1, 117:3, 118:5, 118:17  
**utilization** [1] - 119:6  
**utilized** [2] - 95:8, 95:12  


---

## V

---

**valid** [1] - 102:10  
**value** [2] - 89:20, 113:11  
**van** [1] - 101:24  
**variable** [1] - 103:8  
**variance** [30] - 8:9, 10:5, 11:11, 11:12, 11:18, 71:6, 71:16, 71:19, 73:16, 76:4,

92:9, 93:25, 94:13,  
95:15, 96:7, 96:17,  
99:16, 106:24,  
107:4, 112:11,  
112:14, 112:15,  
112:22, 113:3,  
114:4, 118:24,  
119:2, 119:11  
**variances** [9] - 8:10,  
4:23, 24:10, 27:16,  
11:16, 71:14, 92:8,  
110:20, 110:23,  
117:8, 117:10,  
119:15  
**various** [7] - 4:20,  
4:23, 24:10, 27:16,  
27:22, 60:20, 115:20  
**vegetation** [2] - 69:19,  
81:13  
**vehicle** [1] - 85:8  
**vehicle-wise** [1] - 85:8  
**vehicles** [3] - 99:23,  
99:24, 100:2  
**VENEZIA** [97] - 1:10,  
6:16, 6:24, 8:12,  
8:15, 9:1, 9:17, 10:7,  
10:12, 10:16, 10:21,  
11:2, 11:4, 17:3,  
18:10, 19:11, 19:24,  
20:4, 21:7, 21:20,  
24:4, 24:22, 25:11,  
25:15, 26:8, 26:21,  
30:7, 30:11, 31:10,  
31:17, 31:20, 32:23,  
33:20, 34:5, 39:18,  
40:21, 42:16, 43:2,  
43:13, 44:2, 44:17,  
45:23, 46:5, 46:18,  
48:1, 48:7, 49:14,  
51:24, 54:9, 59:24,  
60:4, 60:25, 62:4,  
63:8, 66:17, 67:12,  
67:15, 67:21, 68:8,  
68:21, 69:5, 69:13,  
70:4, 70:10, 70:15,  
70:19, 70:23, 77:11,  
82:13, 85:11, 85:21,  
85:23, 88:22, 89:24,  
90:17, 90:25, 92:17,  
96:19, 96:22, 97:1,  
98:8, 103:22,  
104:12, 107:3,  
108:18, 109:9,  
109:16, 111:5,  
117:17, 119:19,  
120:5, 120:16,  
120:25, 121:6,  
121:10, 121:13,  
121:24  
**Venezia** [1] - 60:10  
**ventilators** [1] - 73:23

**venue** [4] - 86:13,  
102:6, 114:11  
**venues** [2] - 5:7, 42:21  
**version** [1] - 80:21  
**versus** [1] - 116:25  
**Vice** [4] - 12:22, 29:8,  
31:3, 110:2  
**video** [10] - 32:18,  
56:24, 61:9, 61:10,  
63:3, 63:11, 76:22,  
77:9, 77:19, 78:21  
**videographers** [1] -  
33:5  
**view** [11] - 58:24,  
63:20, 65:7, 65:9,  
65:21, 77:2, 82:23,  
84:10, 87:8, 88:20,  
115:1  
**viewed** [1] - 75:3  
**views** [5] - 4:18, 4:21,  
27:4, 27:16, 59:18  
**violation** [1] - 44:25  
**virtual** [1] - 65:4  
**virtually** [2] - 114:23,  
117:24  
**visibility** [1] - 69:17  
**vision** [1] - 80:21  
**visitors** [2] - 29:1,  
29:24  
**visual** [2] - 64:22,  
114:24  
**visuals** [1] - 117:6  
**vocabulary** [1] - 64:10  
**voice** [1] - 36:18  
**volume** [5] - 36:5,  
41:4, 43:8, 68:2,  
68:3  
**voluminous** [1] -  
23:22

---

## W

---

**wait** [4] - 40:21, 69:14,  
70:4, 120:9  
**waiting** [2] - 69:15,  
105:1  
**waiver** [3] - 105:17,  
105:21, 106:10  
**waivers** [9] - 7:12,  
7:18, 10:19, 10:24,  
90:14, 91:3, 93:17,  
110:21, 110:24  
**waiving** [1] - 7:20  
**walk** [1] - 63:4  
**walking** [2] - 108:12,  
108:16  
**walkway** [1] - 72:14  
**wall** [3] - 55:23, 72:14,  
77:3  
**walls** [1] - 103:19

**Walnut** [1] - 121:16  
**WALTERS** [11] - 1:11,  
19:18, 34:1, 38:7,  
38:13, 38:17, 44:6,  
44:14, 50:15, 51:18,  
51:21  
**wants** [3] - 99:9,  
99:12, 100:4  
**warm** [2] - 41:21,  
49:12  
**warming** [1] - 49:12  
**warned** [1] - 116:24  
**watch** [1] - 117:12  
**Water** [4] - 4:25, 28:8,  
30:15, 30:17  
**water** [7] - 73:23,  
102:11, 102:20,  
102:23, 102:24,  
103:14, 104:13  
**watered** [1] - 108:3  
**weaknesses** [1] -  
119:3  
**weather** [2] - 15:11,  
16:25  
**web** [2] - 15:4, 17:19  
**website** [3] - 17:23,  
18:8, 28:21  
**week** [2] - 121:8,  
121:9  
**weekend** [4] - 47:14,  
47:15, 47:20, 48:17  
**weekends** [1] - 46:23  
**weeks** [1] - 46:3  
**weigh** [1] - 118:22  
**welcome** [1] - 79:1  
**welfare** [1] - 113:13  
**well-screened** [1] -  
80:11  
**Wendel** [1] - 64:24  
**Wendell** [1] - 11:7  
**WENDELL** [1] - 2:4  
**Wendell's** [1] - 23:22  
**WEST** [1] - 1:1  
**west** [13] - 65:8, 71:25,  
72:17, 75:3, 75:16,  
77:5, 78:5, 78:12,  
81:8, 82:20, 103:11,  
103:12, 111:23  
**West** [13] - 1:24,  
12:14, 15:23, 22:1,  
23:2, 36:19, 36:20,  
36:23, 40:7, 44:25,  
48:12, 73:3, 116:11  
**westerly** [5] - 76:16,  
79:18, 80:6, 80:15,  
81:6  
**wet** [3] - 32:17, 33:9,  
33:16  
**wheelchair** [1] - 59:1  
**wherein** [2] - 28:19,

29:12  
**whichever** [1] - 45:21  
**whole** [14] - 6:20,  
21:12, 21:14, 47:10,  
49:3, 62:16, 64:2,  
108:6, 109:19,  
112:7, 123:4  
**wide** [1] - 23:14  
**WILLIAM** [1] - 3:7  
**William** [2] - 4:8, 22:8  
**willing** [1] - 27:7  
**Wilson** [1] - 74:25  
**win** [1] - 87:15  
**wind** [1] - 113:15  
**window** [1] - 32:11  
**windows** [2] - 41:6,  
41:7  
**Winnebago** [1] - 50:19  
**winning** [1] - 16:25  
**wise** [1] - 85:8  
**witness** [6] - 12:10,  
29:10, 97:20, 120:4,  
120:23, 123:4  
**WITNESS** [1] - 3:2  
**witnesses** [2] - 24:10,  
121:2  
**women's** [3] - 37:17,  
38:2, 38:21  
**wood** [1] - 84:8  
**Wood** [1] - 2:3  
**Woodland** [4] - 29:16,  
80:17, 81:5, 81:9  
**words** [2] - 73:6,  
95:21  
**world** [3] - 18:22,  
19:7, 108:23  
**worst** [1] - 78:1  
**wrapped** [1] - 64:15  
**writing** [3] - 35:17,  
42:11, 43:11  
**written** [1] - 35:10

---

## Y

---

**yard** [9] - 33:24, 55:8,  
56:6, 66:20, 66:21,  
66:23, 67:3, 67:11  
**year** [8] - 13:1, 18:13,  
40:2, 80:12, 101:17,  
101:18, 109:16,  
109:17  
**years** [17] - 23:24,  
40:13, 50:4, 53:22,  
64:8, 69:11, 78:18,  
79:13, 82:4, 84:7,  
87:21, 88:12, 88:24,  
89:11, 91:13, 114:7  
**yo** [1] - 103:6

## Z

**zone** [19] - 56:12,  
64:4, 67:2, 67:10,  
76:3, 76:7, 86:11,  
106:17, 107:24,  
107:25, 112:17,  
114:4, 114:24,  
117:7, 117:13,  
118:3, 119:11,  
119:16  
**zoned** [1] - 114:6  
**zones** [1] - 107:23  
**zoning** [7] - 20:21,  
87:20, 88:7, 88:11,  
89:21, 92:7, 113:2  
**ZONING** [1] - 1:1  
**Zoning** [1] - 94:16