

TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT

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IN THE MATTER OF:

CASE NO. ZB-24-06

TRANSCRIPT

PUBLIC SERVICE ELECTRIC AND

OF

GAS COMPANY

PROCEEDINGS

35 Mount Pleasant Avenue

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Thursday, December 12, 2024
Zoom Remote Videoconference
Commencing at 8:06 p.m.

BOARD MEMBERS PRESENT:

PHILIP D. NEUER, Chairman
IRV SCHWARZBAUM, Vice Chairman
JEROME EBEN
BRENT DRAPER SCOTT
WILLIAM MICHAEL BARBEE
PETER T. RICCI
ALICE WEISS (ABSENT)
MICHAEL DANNEMILLER, ALTERNATE (ABSENT)
MARK SUSSMAN, ALTERNATE (ABSENT)

A P P E A R A N C E S

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1 A P P E A R A N C E S (Continued)

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20 A L S O P R E S E N T :

21 DIANA CHANDLER, Board Secretary

22 JOHN HESS, PE, PP, CME, Board Consulting Engineer

23 GEORGE WHEATLE WILLIAMS, ACIP, PP, Town Planner

24 MEGAN BRILL, Meeting Moderator
25

1	TABLE OF CONTENTS	
2	WITNESS	PAGE SWORN
3	JOHN HESS, PE, PP, CME	8
4	GEORGE WHEATLE WILLIAMS, ACIP, PP	9
5	JOHN D. LINSON, SR	18
6	By Mr. Turteltaub.....	19, 23, 95
7	By Ms. Porter.....	42, 104
8	By the Board.....	21
9	By the Public.....	88
10	ROBIN BLANTON, P.E.	
11	By Mr. Turteltaub.....	110, 117
12	By Ms. Porter.....	113
13	By the Board.....	115
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	EXHIBITS		
2	NUMBER	DESCRIPTION	PAGE
3	Exhibit		
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 CHAIRMAN NEUER: Good evening,
2 everyone. With the power vested in me as
3 Chairperson, I call this special meeting of the West
4 Orange Zoning Board of Adjustment to order. Today is
5 December 12, 2024. It is 8:00 p.m., and this meeting
6 is being conducted virtually using the Zoom platform.

7 Notice of this meeting was given to the
8 township clerk, the West Orange Chronicle, and the
9 Star Ledger, posted on the township bulletin board,
10 all in accordance with the Senator Byron M. Baer Open
11 Public Meetings Act.

12 I ask all to rise as we'll Pledge
13 Allegiance to the Flag.

14 (Whereupon, all rise for a recitation
15 of the Pledge of Allegiance.)

16 CHAIRMAN NEUER: Please be seated.

17 Legal counsel tonight is John DeLuca.

18 Mr. DeLuca, would you be so kind as to
19 read the opening statement?

20 MR. DELUCA: Absolutely.

21 Thank you for welcoming me.

22 The Zoning Board of Adjustment is a
23 quasi judicial body. It hears evidence from sworn
24 witnesses and makes decision as would a court of law.

25 The Applicants are here because the

1 projects they propose do not meet the requirements of
2 the West Orange zoning code, or they have been denied
3 permits by the building inspector.

4 We are their first avenue of appeal.
5 Board Members have a two-fold responsibility; first,
6 to see that the Applicant is treated as fairly as
7 possible, since no zoning code can foresee all
8 possible inequities; and second, to protect the
9 welfare of the community as a whole, which is the
10 basic purpose of the municipal zoning.

11 Our procedures are simple. The
12 Applicant presents his case. Objectors present their
13 case. Citizens in the audience are then given an
14 opportunity to speak, both for or against an
15 application. We expect the conduct of these
16 proceedings to be dignified and orderly so that all
17 parties may obtain a fair and impartial hearing.

18 As our proceedings are public, so is
19 our decisionmaking, which usually takes place the
20 same evening. Because appeals from the decisions of
21 the board can be made to the courts and in some cases
22 to the township council solely on the basis of the
23 record before this body and since the rules of
24 evidence and case law are technical, we would like to
25 advise all persons have a right to legal counsel in

1 these proceedings. And we, the Board, will consider
2 an adjournment to anyone who wishes additional time
3 to obtain counsel.

4 Thank you.

5 CHAIRMAN NEUER: Thank you, Mr. DeLuca.
6 Ms. Chandler, kindly call the roll.

7 MS. CHANDLER: Mr. Barbee?

8 MR. BARBEE: Here.

9 MS. CHANDLER: Mr. Dannemiller?

10 CHAIRMAN NEUER: Excused absence.

11 MS. CHANDLER: Mr. Eben?

12 MR. EBEN: Present.

13 MS. CHANDLER: Mr. Ricci?

14 (No Response.)

15 MS. CHANDLER: Mr. Ricci?

16 MR. RICCI: Here.

17 MS. CHANDLER: Mr. Sussman?

18 CHAIRMAN NEUER: Excused absence.

19 MS. CHANDLER: Mr. Schwarzbaum?

20 VICE CHAIRMAN SCHWARZBAUM: Here.

21 MS. CHANDLER: Mr. Scott?

22 MR. SCOTT: Present.

23 MS. CHANDLER: Mrs. Weiss?

24 CHAIRMAN NEUER: Excused absence.

25 MS. CHANDLER: Chairperson Neuer?

1 CHAIRMAN NEUER: I am here.

2 Thank you.

3 MS. CHANDLER: You're welcome.

4 CHAIRMAN NEUER: Announcements are,
5 with respect to future meetings, regular meeting will
6 be held on December 19th, 2024, which is one week
7 from this evening.

8 Our first meeting of calendar year 2025
9 will be January 16th, 2025. That will be our
10 reorganization meeting. I expect that we may have --
11 we may have a new member or members at that time.

12 Mr. DeLuca, we have two professionals
13 here this evening for the Board, George Williams and
14 John Hess.

15 Would you be so kind as to administer
16 the oath?

17 MR. DELUCA: Yes.

18 Please raise your right hands,
19 gentlemen.

20 Do you solemnly swear to tell the
21 truth, the whole truth and nothing but the truth?

22 MR. HESS: I do.

23 J O H N H E S S, PE, PP, CME

24 849 West Bay Avenue, Suite 16, Barnegat New
25 Jersey, having been duly sworn, testifies as

1 follows:

2 MR. WILLIAMS: I most certainly do.

3 G E O R G E W. W I L L I A M S, ACIP, PP

4 105 CR-623, Suite 1, Montclair, New Jersey,

5 having been duly sworn, testifies as follows:

6 MR. DeLUCA: Thank you.

7 CHAIRMAN NEUER: Thank you all.

8 We have one application on our agenda
9 this evening, that's application ZB-24-06, Public
10 Service Electric and Gas Company, for property
11 designated as Lot 26.01 in Block 155, also known as
12 325 Mount Pleasant Avenue.

13 Counsel, your appearance for the
14 record, please.

15 MS. PORTER: Good evening,
16 Mr. Chairman. Jen Porter from CSG Law on behalf of
17 the applicant, PSE&G.

18 And I also have with me my co-counsel,
19 Erica Parlavecchio.

20 CHAIRMAN NEUER: Yes, we saw
21 Ms. Parlavecchio at a prior meeting.

22 MS. PORTER: Yes.

23 CHAIRMAN NEUER: Welcome to both of
24 you.

25 MS. PARLAVECCHIO: Thank you.

1 CHAIRMAN NEUER: This application has
2 been heard on four prior occasions by the Board;
3 August 15th, September 12, September 19th and
4 October 17th.

5 Mr. DeLuca, we've already verified that
6 notice was in order and -- from each of those prior
7 four hearings, carried until today so the
8 jurisdiction has been obtained.

9 I will also note for the record that
10 based upon the roll call, a quorum is present so that
11 we may move forward to conduct business this evening.

12 Ms. Porter, the floor is yours.

13 MS. PORTER: Great. Thank you,
14 Mr. Chairman.

15 So, as I indicated before, good evening
16 everyone, as the Chairman indicated, we last appeared
17 in front of the Board back in October.

18 At that hearing we presented further
19 testimony from two of our experts, our civil engineer
20 and our landscape architect. The basis of that
21 testimony was to indicate that we had conducted
22 further due diligence in terms of the site design,
23 tree preservation and various other site design
24 considerations for the site.

25 We also met again with township

1 forester to discuss the tree removal, as well as the
2 tree replacement plans and their compliance with the
3 township's tree ordinances, both the prior ordinance
4 which we were subject to, as well as the new
5 ordinance which we were exempted from, but
6 voluntarily chose to comply.

7 After that testimony was given, we did
8 entertain questions from members of the public, and
9 at this point PSE&G is ready to rest with its direct
10 testimony regarding the application.

11 CHAIRMAN NEUER: Thank you very much,
12 Ms. Porter.

13 That brings us to the point in these
14 proceedings where we take testimony and evidence from
15 members of the public.

16 Are there any members of the public who
17 wish to be heard on this application or to present
18 evidence? Please raise your hand so that you can be
19 admitted.

20 MS. BRILL: Yes, we have
21 Mr. Turteltaub.

22 CHAIRMAN NEUER: Okay, Mr. Turteltaub,
23 please bring him into the --

24 MS. BRILL: Should I promote him to
25 panelist --

1 CHAIRMAN NEUER: Yes.

2 MS. BRILL: -- or is he okay in the
3 gallery.

4 CHAIRMAN NEUER: No, bring him into the
5 panel.

6 MS. BRILL: Okay. I'm doing that now.
7 You should see a prompt.

8 Here he comes.

9 There you go.

10 CHAIRMAN NEUER: Welcome back,
11 Mr. Turteltaub.

12 MR. TURTELTAUB: Good evening,
13 Mr. Neuer and Members of the Board, I thank you for
14 your time tonight.

15 CHAIRMAN NEUER: Mr. Turteltaub, my
16 recollection is that you're appearing on behalf of a
17 citizen of this community, Kevin Malanga.

18 Is that correct?

19 MR. TURTELTAUB: Yes, Mr. Neuer.

20 This is actually my first appearance
21 for Mr. Malanga in this application. And I do have a
22 case to put on tonight on his behalf, yes.

23 CHAIRMAN NEUER: Okay. What do you
24 intend to present?

25 MR. TURTELTAUB: We intend to present

1 three witnesses tonight, three expert witnesses. The
2 first witness we intend to -- we ask the board to
3 listen to is John Linson, who is a former forester
4 for West Orange. He is also a licensed tree expert
5 in New Jersey.

6 We intend to follow Mr. Linson's
7 testimony with a Robin Blanton, B-L-A-N-T-O-N. He is
8 a PE. Mr. Blanton has experience in the design of
9 stations like the PSE&G station which is the subject
10 of this application.

11 And, finally, we're going to have the
12 testimony of Mary Paist-Goldman, P-A-I-S-T, dash,
13 Goldman, G-O-L-D-M-A-N.

14 CHAIRMAN NEUER: Yes.

15 Did any of your experts prepare
16 reports?

17 MR. TURTELTaub: They have not prepared
18 any reports. Though Ms. Goldman does have some
19 diagrams and concepts that she would like to share
20 with the board at the end of her testimony, during
21 her testimony.

22 CHAIRMAN NEUER: For the record, we've
23 received a curriculum vitae for Ms. Paist-Goldman.

24 MR. TURTELTaub: Yes.

25 CHAIRMAN NEUER: We haven't received a

1 curriculum vitae for the other two gentlemen
2 mentioned, Mr. Linson -- although I can say he's
3 well-known to the board -- and Robin Blanton has not
4 submitted a curriculum vitae.

5 So you can go through that when you --
6 when you qualify them as experts.

7 MR. TURTELTaub: I intend to do so,
8 thank you. Thank you, sir. Yes, that's exactly what
9 I intend to do.

10 CHAIRMAN NEUER: Okay.

11 MR. TURTELTaub: So with that, if I
12 may, overall our testimony here tonight is going to
13 focus on the tree ordinance and the aspects of the
14 tree ordinance, it's really two steps, one is to
15 maximize the preservation of the trees that are on
16 the site, and then once you get past that, you have
17 the replacement issue.

18 Here we're really going to be focusing
19 on the first of the two steps, which is to maximize
20 the preservation of the trees.

21 This site -- and the plans that are
22 here look to destroy a number of trees that have been
23 part of this community for, in many cases, a hundred
24 years. And they provide a lot of natural resources
25 and value.

1 And we intend to have Mr. Linson talk
2 about those trees, about the ordinance in his view of
3 how compliance has -- has not occurred with this
4 plan.

5 We will then have Mr. Blanton, who will
6 then discuss design options for -- that would
7 potentially solve some of the problems that my client
8 has seen in this plan.

9 And we'll end it with Ms. Goldman, who
10 will then be able to talk about some of the
11 alternatives that we can -- we can hopefully work
12 with here and achieve the preservation of trees that
13 have -- like I say, have been part of this community
14 for at least a hundred years from what I understand.

15 So with that, I'd like to see if we
16 could elevate Mr. Linson as a speaker here so he can
17 provide his testimony in this matter.

18 CHAIRMAN NEUER: Please do so,
19 Ms. Brill.

20 MS. BRILL: Yes, if he could raise his
21 hand so I can find him.

22 I'm not seeing a hand yet.

23 CHAIRMAN NEUER: Mr. Linson, raise your
24 hand, please.

25 MS. BRILL: What's the first name?

1 CHAIRMAN NEUER: John.

2 MR. TURTELTAUB: John. John Linson.

3 MS. BRILL: Oh, okay.

4 Our old forester.

5 MR. TURTELTAUB: Yes.

6 MS. BRILL: Ah, okay, he didn't raise
7 his hand, but I'm promoting him now.

8 MR. TURTELTAUB: Okay. Thank you.

9 MS. BRILL: He has to accept it.

10 MR. TURTELTAUB: Mr. Linson, you should
11 see a request for you to accept, a blue button to
12 press to get up, to be elevated.

13 MS. BRILL: Right.

14 He hasn't accepted yet.

15 Maybe buzz him?

16 MR. TURTELTAUB: Yes, if you don't mind
17 I'll disappear for one second.

18 CHAIRMAN NEUER: As long as you promise
19 to come back.

20 I keep forgetting to record the
21 Jeopardy music for moments like this.

22 MS. BRILL: Oh, okay. I think he's
23 coming.

24 No, somebody else just joined.

25 CHAIRMAN NEUER: Mr. Turteltaub,

1 let's... I see him.

2 Okay. Mr. Linson is there.

3 Mr. Linson, turn on your video and your
4 microphone please?

5 MS. BRILL: He's coming in.

6 MR. LINSON: Okay. All right. I found
7 how to unmute this thing.

8 MR. TURTELTaub: Okay. We got him.

9 Okay, good.

10 MR. LINSON: Okay.

11 I can begin?

12 CHAIRMAN NEUER: Well, we need to --

13 MR. TURTELTaub: You need to put your
14 camera on.

15 We need to put your camera on,

16 Mr. Linson.

17 MR. LINSON: Okay.

18 CHAIRMAN NEUER: Lower left.

19 MR. LINSON: Oh, start video.

20 There it is.

21 Okay, how's that?

22 CHAIRMAN NEUER: Looks like John
23 Linson.

24 MR. LINSON: You have -- you have
25 visual and sound.

1 CHAIRMAN NEUER: Welcome back.

2 Mr. DeLuca, please be kind enough to
3 swear the witness.

4 MR. DeLUCA: Mr. Linson, if you could
5 please raise your right hand.

6 MR. LINSON: Yes.

7 MR. DeLUCA: Do you swear to tell the
8 truth, the whole truth and nothing but the truth?

9 MR. LINSON: I do.

10 J O H N D. L I N S O N, SR.

11 52 Ricker Road, Kinnelon, New Jersey, having been
12 duly sworn, testifies as follows:

13 MR. DeLUCA: Thank you.

14 CHAIRMAN NEUER: Before we begin,
15 Ms. Porter, were you alerted to this witness?

16 MS. PORTER: I was alerted to the fact
17 that there would be a tree expert.

18 I was not provided with any information
19 as to who it would be, nor any information regarding
20 their credentials.

21 CHAIRMAN NEUER: Any objection before
22 we get into credentials?

23 MS. PORTER: No.

24 CHAIRMAN NEUER: Okay, thank you.

25 Mr. Turteltaub, please continue.

1 MR. TURTELTaub: And I do thank the
2 board for its time in getting Mr. Linson on.

3 VOIR DIRE EXAMINATION

4 BY MR. TURTELTaub:

5 Q. Mr. Linson, if you could, could you
6 please provide the board with the benefit of your
7 background, experiences, especially as it pertains to
8 trees and the preservation of trees?

9 A. Okay.

10 I have a bachelor's degree in forestry
11 from Rutgers University, 1973.

12 I have been a New Jersey licensed tree
13 expert since 1976.

14 I served as Millburn Township forester
15 for 25 years and retired 21 years ago and have served
16 as a consultant to municipalities, primarily I've
17 served -- I've consulted with over 44 municipalities
18 in three counties over the last 21 years, and I
19 served as West Orange forester for 14 years.

20 That's pretty much it.

21 Q. And in those capacities, with respect
22 to tree preservation and enforcement of tree
23 ordinances, could you give the board a little bit of
24 the benefit of your background in that as well?

25 A. Well, serving as -- as a -- as a

1 municipal forester, you're subject to all kinds of
2 issues, street renovation and sidewalk renovation is
3 one of the most -- the hardest things on saving
4 trees, but -- and then the development of building
5 lots.

6 So I've developed a pretty good
7 experience in terms of how to save trees when -- and
8 knowing when they can and cannot be saved.

9 And I actually implemented a number of
10 methods in West Orange in the road reconstruction
11 projects and pretty much any tree that an adjacent
12 property wanted to save we were able to save it, so
13 -- but it's the ones that didn't want to save, that
14 didn't want to have a sidewalk that curved around a
15 tree or leaving the old curb in the --

16 CHAIRMAN NEUER: Mr. Linson, you've
17 answered the question.

18 THE WITNESS: Yeah. Okay.

19 CHAIRMAN NEUER: Any other questions,
20 Mr. Turteltaub?

21 MR. TURTELTAUB: I just have a couple
22 quick ones and then we'll move on to his testimony.

23 BY MR. TURTELTAUB:

24 Q. Mr. Linson, in your capacities working
25 for these municipalities, have you ever been asked to

1 review site plans and their compliance with tree
2 ordinances?

3 A. Yes, I do that quite frequently.

4 Q. Okay. And have you ever been qualified
5 as an expert before any boards to give testimony as
6 to your opinions regarding tree preservation and tree
7 ordinances?

8 A. Yes, I have.

9 Q. Okay.

10 MR. TURTELTaub: I would like to
11 introduce Mr. Linson as an expert in tree forestry,
12 as well as tree preservation.

13 CHAIRMAN NEUER: Trees and tree
14 preservation.

15 MR. TURTELTaub: Yes.

16 CHAIRMAN NEUER: Ms. Porter, any
17 questions with regard to credentials.

18 MS. PORTER: No.

19 CHAIRMAN NEUER: Any member of the
20 board have questions for Mr. Linson regarding his
21 credentials.

22 Mr. Schwarzbaum?

23 VICE CHAIRMAN SCHWARZBAUM: Mr. Linson,
24 just -- when did you -- you said that you were part
25 of the West -- you worked for West Orange as a

1 consultant for 14 years.

2 When did that end?

3 THE WITNESS: Three years ago.

4 VICE CHAIRMAN SCHWARZBAUM: Three years
5 ago. So that would be 2021.

6 THE WITNESS: I believe so.

7 VICE CHAIRMAN SCHWARZBAUM: And were
8 you part of the new ordinance.

9 THE WITNESS: Not -- not this -- this
10 new ordinance. The prior ordinance, I was.

11 VICE CHAIRMAN SCHWARZBAUM: Okay. So
12 I'm not -- I know there's a new ordinance.

13 I just want to understand when that
14 went into -- when it was contemplated to be put into
15 effect. It usually doesn't happen overnight, so
16 that's why I am asking.

17 THE WITNESS: It -- this new ordinance
18 was developed subsequent to my employment with West
19 Orange.

20 VICE CHAIRMAN SCHWARZBAUM: And when
21 you -- did you leave West Orange on your own?

22 THE WITNESS: No.

23 Quite frankly, no.

24 VICE CHAIRMAN SCHWARZBAUM: Can you
25 elaborate a little?

1 CHAIRMAN NEUER: Mr. --

2 Mr. Schwarzbaum --

3 VICE CHAIRMAN SCHWARZBAUM: That's not
4 relevant? Okay.

5 CHAIRMAN NEUER: Please.

6 VICE CHAIRMAN SCHWARZBAUM: Okay, I was
7 just -- wanted to understand.

8 CHAIRMAN NEUER: Mr. Linson answered
9 too quickly.

10 Any other member of the board with
11 questions for Mr. Linson, solely regarding
12 credentials?

13 (No Response.)

14 CHAIRMAN NEUER: Seeing none,
15 Mr. Linson, it's my pleasure to recognize you as a
16 licensed tree expert with a specialty in tree
17 preservation.

18 THE WITNESS: Thank you, Mr. Chairman.
19 Mr. Turteltaub, witness with you.

20 MR. TURTELTAUB: Thank you.

21 DIRECT EXAMINATION

22 BY MR. TURTELTAUB:

23 Q. Mr. Linson, first off, are you familiar
24 with the PSE&G site which is the subject of this
25 application?

1 A. Yes, I am.

2 Q. And how are you familiar with this
3 site?

4 A. When I was employed by West Orange,
5 there were a couple of projects that I was involved
6 with.

7 There was a replanting over on the -- I
8 guess it would be the southern -- southwest corner of
9 the property, a lot of the new plantings went in
10 about 12 to 15 years ago.

11 And about, I guess, maybe five or six
12 years ago, maybe a little more, the sidewalk was put
13 in on Prospect and I was involved in the routing of
14 the sidewalk and working its way around trees and
15 whatnot.

16 Q. And are you familiar with the plan
17 that's before the board tonight that's been prepared
18 by PSE&G?

19 A. Yes, I am.

20 I was given a copy of the TR-1, -2 and
21 -3 by Mr. Malanga.

22 Q. And were you able to review the tree
23 removal plan that was proposed by PSE&G as part of
24 this application?

25 A. Yes, I was.

1 Q. And with respect to the trees that are
2 the subject of that tree removal application, are you
3 familiar with generally those trees in that -- the
4 areas in which those trees are located?

5 A. Yes.

6 Q. Okay. So starting off with -- or going
7 into the ordinance itself, you were asked questions
8 about your -- the current zoning -- tree preservation
9 ordinance.

10 Can you please give the board the
11 benefit of your understanding of the ordinance and
12 how it impacts the decisions to remove trees on
13 properties in town?

14 A. Well, the West Orange Ordinance is
15 probably the strictest ordinance I have ever seen.
16 It has -- the opening statements in the findings and
17 purpose are quite extensive, and that is indicative
18 of the fact that the town council has a high
19 importance of preserving trees and recognizing that
20 the contributions they make to the West Orange
21 community.

22 And so the -- stronger than the prior
23 ordinances, there is now a requirement for the
24 replacement of trees by residents and property
25 owners, whereas before there was a diminishing tree

1 canopy coverage with development. With the loss of
2 trees there was no incentive to -- for property
3 owners to replace trees. So now the removal of
4 healthy trees requires replacement by the property
5 owners.

6 Q. With respect to the preservation of
7 trees, are you familiar with what the current
8 ordinance -- the requirements of the current
9 ordinance with regard to the protection of trees that
10 exist today -- for trees that exist today?

11 A. Yes, I am.

12 In the -- in the purpose statement it
13 indicates that this section is to protect and foster
14 the existence and health of trees growing within
15 township borders, to preserve the maximum possible
16 number of trees in the development of a site or lot,
17 and to protect specimen trees to encourage innovative
18 design and grading to promote the protection of
19 existing trees.

20 That's in the preamble to the
21 ordinance.

22 The West Orange Ordinance is unique
23 because it comes under land use. Most of the
24 municipalities have their tree preservation
25 ordinances under police powers, and that tends to

1 leave it up to the discretion of the enforcing
2 officer, who may be a forester or may be an engineer
3 or a public works official.

4 But West Orange, by putting it under
5 land use, they put it under the scrutiny of many
6 people.

7 Most of the tree removal in the
8 township is private land owners taking down dead
9 trees in their yards.

10 But when there's a larger project of
11 development or redevelopment and it has to appear
12 before a zoning board or at least if it's denied it
13 would be appealed before the zoning board, it brings
14 it into the scrutiny of many people, so that the
15 discretion of one person is cushioned and
16 strengthened by this -- by the oversight of many
17 people, as we're doing tonight.

18 Q. So given that it's part of the land use
19 ordinance and your understanding is then the
20 evaluation of the tree removal plan and the
21 achievement of the goals of the tree protection
22 ordinance to -- to maximally protect the trees, is
23 that within the purview of this Board then to
24 consider whether that is met?

25 A. Yes, yes, it definitely is.

1 If this application does not meet the
2 purpose of the ordinance, then it has to be revised
3 to accommodate the wishes of the council in passing
4 this ordinance.

5 Q. Okay. And with respect to the prior
6 ordinance and the current ordinance, it was brought
7 up earlier in counsel's introduction about saying
8 that they're adhering to the -- to the stricter new
9 ordinance, what are the differences mainly between
10 the two ordinances, if you know?

11 A. Well, one fault of the prior ordinance
12 was neighbor notification.

13 And the removal of trees, particularly
14 healthy trees, in the vicinity of a property line can
15 sometimes be disputed. And once the tree is removed,
16 you know, it's gone.

17 So now before you get a permit, there
18 is a requirement to notify your adjacent property
19 owners. That's probably the most important aspect of
20 it.

21 But also, if you're removing a tree
22 that is not completely dead, the procedure is a lot
23 more involved. You have to fill out a form, a
24 nationally recognized form, listing the potential
25 defects of the tree and its potential targets should

1 the tree fail. Is it -- is it the trunk that's the
2 problem or is it individual branches or encroaching
3 structure? Is there an insect or disease.

4 A tree that still has a green leaf on
5 it, you've got to go through a tremendous procedure
6 to get approval to remove it.

7 So it's -- there's no doubt, once Walt
8 Kipp receives the application and he has all the
9 background information, you know, only then is he
10 permitted to issue a tree removal permit.

11 And the -- you have two groups of tree
12 contractors. You have the tree removal contractors
13 and you have the full service tree companies. And
14 the tree removal companies, by the New Jersey Board
15 of Tree Experts, there's two categories. There is
16 licensed tree care operators. Now, they're only
17 qualified to remove trees or to prune trees. And
18 then you have licensed tree experts, such as myself.
19 They are the only ones who can actually put in print
20 whether a tree is alive or dead or write a report
21 about a condition of a tree.

22 And so these full service tree
23 companies, most of them have licensed tree experts.

24 So the new ordinance requires a
25 licensed tree expert to declare the tree as dead, or

1 to define what the defects of the tree may be that
2 would warrant its removal.

3 And again, if it's still alive or
4 partially alive, there is that requirement of
5 replacing the tree. And it's not a one-to-one
6 replacement, it's a scaled replacement based upon the
7 diameter of the tree.

8 So as I said before, West Orange has
9 probably the strictest tree removal ordinance
10 possibly in the State of New Jersey at this time.

11 Q. And under the prior ordinance or the
12 current ordinance, do they both look to the maximum
13 preservation of trees; before you get into the
14 replacement, to try to preserve as many trees as
15 possible?

16 A. Well, this one -- this one really puts
17 some teeth into it. The other one, the purpose was
18 to try to preserve trees to the greatest extent
19 possible, but there weren't as many hoops to jump
20 through.

21 And you're not going to be able to
22 remove a healthy tree without consequences of -- and
23 requirement to replace.

24 Q. Now, the current ordinance, was there
25 -- what was that based on, if you know?

1 A. I'm not sure where they got all of
2 this, but about a year ago, DEP came up with a model
3 ordinance that they were requiring -- well, initially
4 requiring municipalities to adopt.

5 And then we found out it was really
6 just a model which could be improvised.

7 But it did -- the emphasis was -- on
8 the DEP ordinance was water preservation, water
9 quality.

10 And it introduced a schedule for
11 replacement of living trees, trees being a source of
12 recharging water -- water reserve.

13 So the West Orange Ordinance far
14 exceeds the minimum requirements that the State had
15 proposed.

16 Q. Okay. And before you started to talk
17 about the different tree sizes. Could you -- is
18 there an impact on the loss of a tree of different
19 sizes? Do the impacts change?

20 A. Well, the intent is to maintain the
21 tree canopy coverage in the town.

22 And, you know, basically when you're
23 losing the canopy coverage of a large, say an oak
24 tree that's 30 inches in diameter and having to
25 replace it with four or five or more trees, those

1 trees are only going to be, you know, 10, 12-foot
2 tall.

3 And so you don't have the intense shade
4 and cooling effect that a large tree will have.

5 And, you know, a 30-year -- 30-inch
6 diameter tree could be a hundred, 150, 175 years old.
7 So you're losing screening and wind break even by --
8 the goal of replacing trees is great, but the actual
9 fulfillment and restoration takes years for these
10 replacement trees to grow to the size of the tree
11 that was removed.

12 Q. And the replacement schedule, does it
13 alter based upon the size of the tree at all or is it
14 static schedule?

15 A. Yes.

16 In fact, I have it right in front of me
17 right now. If you're removing trees from
18 2-and-a-half to 6-inches in diameter --

19 CHAIRMAN NEUER: Excuse me, sir.

20 From what are you reading? From what
21 are you reading?

22 THE WITNESS: I am reading from the
23 West Orange Tree Replacement Table, Table A.

24 CHAIRMAN NEUER: From the ordinance?
25 In the ordinance?

1 THE WITNESS: That's on page 17 of the
2 ordinance. So...

3 CHAIRMAN NEUER: Thank you.

4 THE WITNESS: So a tree that's
5 2-and-a-half to 6-inches in diameter, it's a
6 one-to-one replacement.

7 As you go to 6 to 13, it's a
8 four-to-one replacement; 13 to 22, it's a six-tree
9 replacement; 23 to 32, it's an eight-tree
10 replacement. Over 33 inches, it's a ten-tree
11 replacement.

12 So it's -- it's very aggressive in
13 terms of the replacement. It's much, much more
14 stringent than the State had proposed.

15 BY MR. TURTELTaub:

16 Q. And by going to the larger number of
17 trees to replace, does that signify anything to you
18 with respect to the value placed on larger trees
19 versus smaller trees?

20 A. Well, it's supposed to be an incentive
21 not to remove large, healthy trees. You know, so
22 that's -- because in this situation, they're removing
23 -- they're proposing to remove trees that are perhaps
24 70- to 100-foot tall, that presently shield the
25 structure from view from Mount Pleasant and Prospect

1 Avenues.

2 Any other replacement trees are only
3 going to be 10-foot tall. And the transmission
4 station is, I don't know, maybe that -- the structure
5 is 100-foot tall. But you're -- right now the trees
6 shield the structure pretty well.

7 Q. And the loss of trees, does it have any
8 impact on the health and safety of the community and
9 the welfare of the community?

10 A. Well, certainly the trees have value
11 for wildlife purposes. And, you know, a large tree
12 is going to be filtering a lot of -- lot of air. And
13 at this intersection, you've got -- you've got
14 traffic stopped and cars idling and the trees provide
15 a filtering affect of the carbon monoxide emitted
16 from the cars.

17 Q. Now, in your review of the -- you said
18 you did review the plan that PSE&G has before the
19 board tonight. Is that correct?

20 A. Yes, I did.

21 Q. Did you come up with any thoughts or
22 comments about the -- what you reviewed?

23 A. Well, the trees on the site, and
24 looking in particular at the tables on TR-2 and -3,
25 the trees are identified by species and diameter.

1 And as you look at the -- the species,
2 it's quite obvious that when the substation was
3 constructed, there were certain species of trees
4 which were actually planted. And that would be white
5 cedar, white pine, Colorado blue spruce, Norway
6 spruce, Rocky Mountain juniper, Willow Oak, Little
7 Leaf Linden, London plane, Douglas fir, horse
8 chestnut and serviceberry.

9 So these were trees that were
10 specifically planted, they were purchased from a
11 nursery and installed.

12 And then as time went on and the
13 maintenance of the site was not up to par, we got
14 invasive species coming in. We got box elder, black
15 cherry, black walnut, white ash, Norway maple, red
16 oak, red maple, eastern red cedar crab apple, black
17 locust, Tree of Heaven, oh boy, yellow birch,
18 American elm, white mulberry, and bitter nut hickory.

19 Those trees all were self-planted by
20 nature. And many of them are really undesirable
21 trees to have on a property, but it's indicative that
22 the maintenance of the property was really not up to
23 par.

24 Of the original trees that were
25 planted, what I did was I tried to look at trees that

1 had significant diameters to them.

2 And I identified them on my map,
3 circling them, and also in respect to what their
4 proposed disposition was, whether they were going to
5 be preserved or they were going to be removed.

6 And what struck me was that a lot of
7 the development seems to be targeted for the largest
8 trees on the site. And as you enter the driveway off
9 Mount Pleasant, there is tree number 4078, it's a
10 42-inch diameter Little Leaf Linden scheduled for
11 removal.

12 There's a 29-inch diameter London
13 plane, tree number 4087.

14 There is a 46-inch diameter London
15 plane, tree number 4135.

16 And tree number 4102 is a 36-inch
17 diameter Linden.

18 These are significant trees. And it
19 appears to me that wouldn't that be great if we
20 reconfigured the driveway access to go around these
21 trees rather than through these trees.

22 And the same -- the same argument as
23 you -- as you're going from the south end of the site
24 up to the north end of the site along Prospect
25 Avenue, and I believe those are water detention

1 facilities. There's like one, two, three or four of
2 them. There's a linear fashion.

3 The largest tree on the property is a
4 58-inch diameter London plane, perfect shape. You
5 can see it from Prospect Avenue. You look down there
6 and it's a majestic tree, tree number 4203. It's a
7 crime to take that tree down, in my mind.

8 So we have 4203, the largest tree on
9 the site, 58-inch diameter London plane. We have a
10 44-inch diameter London plane. These are, you know,
11 the width of a sheet of plywood. These are that
12 wide. The trees are that wide, tree 4204.

13 Tree 4210, a 36-inch diameter London
14 plane.

15 And then tree 4226, 36-inch diameter
16 horse chestnut. Beautiful tree.

17 Tree 4230, 35-inch diameter horse
18 chestnut.

19 Tree 4235, a 32-inch horse chestnut.

20 Tree 4243, 29-inch London plane. I
21 don't know the --

22 I'm not an engineer. All I know is if
23 you move that, I believe it's water detention basins
24 or water retention facility, if you move that closer
25 to Prospect Avenue you could avoid all these trees.

1 So, you know, in my mind it's like what
2 were you thinking? You like targeted the biggest
3 trees on the site to be removed.

4 So to me, this really -- there has to
5 be another way than to remove these 100-year old
6 trees.

7 And, I mean, other towns, you know,
8 they have landmark trees that are smaller than this.
9 These are really significant trees. So I'm a little
10 excited about it.

11 Q. Would the mere replacement of these
12 trees once they're removed, in your opinion, satisfy
13 the goals of the ordinance of tree preservation?

14 A. That's the thing, that the -- the
15 ordinance, you know, and rightfully so, it tries to
16 compensate for the loss of healthy trees.

17 But, you know, the best deterrent is
18 well don't -- if it's a healthy -- a large, healthy
19 tree, nothing wrong with it, don't take it down in
20 the first place.

21 Because you're not going to have the
22 screening, the height screening of the facility that
23 you presently have.

24 And, you know, it's going to take years
25 for these replacement trees to begin to fulfill the

1 ground saturation of water and air, the air
2 filtration through photosynthesis.

3 So that's pretty much where I am coming
4 from.

5 Q. And to preserve trees, you know, one of
6 the -- sometimes the issue of tree roots and the
7 destruction of tree roots therefore could destroy a
8 tree.

9 How far do you have to go, if you know,
10 to protect a tree root if you're going to be doing
11 construction, and where would usually the delineation
12 be here?

13 A. Well, the most accepted standard is to
14 protect the trees within the drip line of the tree.

15 So in other words, the furthest
16 reach -- outreach of the branches covers the majority
17 of a tree's root system.

18 And it's the fibrous roots at the very
19 end that -- that are soaking up the water and the
20 nutrients from the soil.

21 It's, you know, close to the trunks of
22 the trees, within 12 to 15 feet, those are buttress
23 roots that are primarily for the support of the tree
24 under storm conditions.

25 But it's the fibrous routes that go out

1 to the tips of the branches -- and, you know, the
2 roots do exceed that.

3 But that -- the drip line of the tree
4 pretty much defines the protected root zone. We
5 really don't want to be removing roots within that
6 area.

7 If you have to remove some of them, you
8 sort of monitor what percentage of roots are -- if
9 it's a -- if it's, let's say, 10 percent of the roots
10 on the tree, the tree will recover from that.

11 But as you get -- doing the trenching
12 or anything closer to the trunk of the tree, then
13 you're affecting the stability of the tree and then
14 the safety of the public or the surrounding
15 structures.

16 Q. And the drip line being the edge of --
17 the maximum edges of the tree branches. Is that
18 correct?

19 A. Right.

20 It's, you know, it's a radius around
21 the entire tree.

22 Q. Okay. And in looking at the plan
23 itself, did you see opportunities to possibly -- and
24 we'll get into engineering testimony, but just from
25 your perspective and your experiences, ways to

1 possibly move some of the -- some of the impacts to
2 save some of these trees?

3 A. Well, one of the ways is by -- when we
4 know the lesser desirable trees, the invasive trees
5 that are on this site.

6 And if you target your development in
7 those areas and avoid the larger specimen trees,
8 that's the best way.

9 And maybe, maybe you have to sacrifice
10 one or two of them, but not all of them, you know.

11 So that's basically, you know, you try
12 to make decisions based upon saving the maximum
13 number of trees to the greatest extent possible.

14 Q. So when you look under ordinance
15 section 25-27.7(c), subsection 1C -- 1B, it says:

16 "To the greatest extent possible,
17 specimen trees and other large trees that
18 would be," with a paren, "ten-inch DBH and
19 greater, shall be preserved."

20 Do you believe that the plan achieves
21 that requirement?

22 A. Not to the greatest extent possible. I
23 mean, they are saving some -- some large trees, but
24 they're not -- the largest and most desirable trees
25 on the site are proposed for removal.

1 Q. Okay.

2 MR. TURTEлтаUB: At this time I have
3 nothing further for Mr. Linson.

4 CHAIRMAN NEUER: Let me turn to
5 Ms. Porter for cross-examination.

6 MS. PORTER: Yes.

7 Thank you, Mr. Chairman.

8 CROSS-EXAMINATION

9 BY MS. PORTER:

10 Q. Now, Mr. Linson, you indicated that you
11 were the former forester for West Orange, and that
12 concluded in 2021?

13 A. Yes. That's -- to the best of my
14 recollection, that's about it, yeah.

15 Q. And you also had indicated that you
16 were not involved in the drafting of or the
17 implementation of anything relating to the new tree
18 ordinance that is currently in effect?

19 A. That's true.

20 Q. Have you walked the site in connection
21 with your analysis and testimony this evening?

22 A. I have not walked the site.

23 Q. Okay. Have you ever --

24 A. I'd be happy to do so.

25 Q. Have you ever been inside the station

1 yard?

2 A. I have not.

3 Q. Okay. In connection with your review
4 this evening, you mentioned that you reviewed, I
5 believe, TR-01, 02 and 03?

6 A. Could you repeat that?

7 Q. Sure.

8 In connection with your testimony this
9 evening, what plans did you review? I believe you
10 mentioned TR-1, -2, and -3.

11 A. Okay. That's -- those are the only
12 ones I've seen, TR-01, 02 and 03.

13 Q. Did you review -- so you did not review
14 the site plans that were submitted in connection with
15 the project?

16 A. I did not have an opportunity to see
17 them. They were not provided for me.

18 Q. Okay. And did you review any existing
19 condition plans showing the existing and current
20 layout of the site?

21 A. Only from my own personal observations
22 from driving past the facility on a weekly basis.

23 Q. Are you aware of any existing site
24 constraints in terms of underground electrical
25 equipment that may limit the placement of electrical

1 equipment on the site?

2 A. I have no knowledge of that at all.

3 Q. Okay. And you had previously mentioned
4 before that in your expertise, you believe that the
5 current tree ordinance is one of the strictest that
6 you've seen. Is that correct?

7 A. That's correct.

8 Q. And are you aware of the reports that
9 were issued by the Township forester, Mr. Kipp, in
10 connection with PSE&G's application?

11 A. I am only aware of his report to the
12 extent that he reported that it fulfills the
13 requirement of the ordinance, which is bean counting.
14 You know, if you take down a 30-inch diameter tree,
15 you're replacing it with seven or eight trees,
16 whatever.

17 So from an -- adding up the total, I'm
18 aware that it fulfills the ordinance from that
19 extent, but not from the intent of protecting
20 existing specimen trees.

21 Q. Are you aware that Mr. Kipp indicated
22 that he reviewed and found everything consistent with
23 the tree ordinance?

24 A. I haven't seen his -- seen his report,
25 so I can't really comment on it.

1 Q. Okay.

2 A. I -- I do acknowledge him as an expert
3 in the field and we have spoken on other matters, but
4 not this one.

5 Q. Thank you.

6 That was actually my next question,
7 whether you had had any conversations with him about
8 this application or about his findings in connection
9 with it?

10 A. No. We've -- we've discussed the
11 ordinance as it pertains to some other situations,
12 because the -- I have assisted some of these licensed
13 tree care operators in fulfilling the requirement of
14 an application because it -- they need a licensed
15 tree expert to sign off that the tree is actually
16 dead or that it's not dead and, you know, what are
17 the implications of removing it, if we're removing a
18 tree that's not dead.

19 So that's why I am familiar with the
20 ordinance. I guess I have been -- I have assisted
21 several local tree companies in filling out the --
22 the land fee application, the tree removal
23 application.

24 Q. Thank you.

25 And are you aware of or have you worked

1 with Mr. Farr, who is the prior tree forester to the
2 current tree forester?

3 A. His tenure with the town did overlap
4 with my -- with my tenure with the town.

5 He was -- he was retained after me,
6 but, yeah, I've -- I've known Ron for many years.

7 Q. Are you familiar with Mr. Farr's prior
8 determination requiring the removal of multiple trees
9 on site due to their deteriorating condition, as well
10 as due to branches falling that may cause a hazard?

11 A. I haven't seen anything from Mr. Farr
12 on that site -- in regard to the site, but, you know,
13 I -- I know for a fact the trees have not been
14 maintained as -- as they should -- the industry
15 standards of --of pruning trees once every ten years.

16 I know that there's been dead ash trees
17 on the site across from the gas station that have
18 been removed, but I don't have any knowledge of
19 Mr. Farr's presence on the -- on this site at all.

20 Q. Do you have any specific experience
21 with utility arboriculture?

22 A. Do I have experience with arbor
23 horticulture?

24 Q. Utility arboriculture, correct.

25 A. That's -- that's pretty much what I

1 practice every day.

2 Q. Specific to --

3 A. I'm an arborist --

4 Q. -- utilities?

5 A. I'm an arborist. I'm a forester. I'm
6 a certified tree expert.

7 Q. No, I understand that.

8 And you have specific experience in
9 that capacity in dealing with substations?

10 A. I can't say that.

11 I -- I -- around electricity, yes. I
12 work with trees around electricity all the time.

13 But substations, you know, I -- I --

14 I've -- I've worked with Jersey Central Power &
15 Light. I've used -- worked with Public Service.

16 I've worked with Butler Electric. I've worked with
17 -- what's the one way up there in, like, West
18 Milford? It's -- it's, like, a New York one.

19 But I've worked with a lot of different
20 utilities over the years.

21 Q. Are you aware of how many existing
22 trees there are on-site that are being preserved?

23 A. Yeah, I have -- they're listed on TR-2
24 and -3, yes.

25 And I'm wondering why you're preserving

1 any of the Tree of Heaven. You're preserving eight
2 Tree of Heaven, which, you know, I'm sure the town
3 would be delighted if you removed them.

4 And for some reason, you're -- you're
5 -- you're preserving a couple of ash trees. And I am
6 wondering, the ash trees that you're preserving, are
7 you treating them to prevent emerald ash borer from
8 -- from their demise? Or why aren't you removing
9 them now?

10 Q. In terms of the ordinance, with respect
11 to the new ordinance, how many specific trees are
12 required?

13 A. Well, that would --

14 MR. TURTELTaub: Can you just clarify,
15 when you say "required," required to be removed or
16 required to be --

17 MS. PORTER: Required to be replaced.

18 MR. TURTELTaub: Okay. Thank you.

19 THE WITNESS: I haven't -- I haven't
20 done that analysis, but I'm sure that -- that
21 Mr. Kipp has. And I would trust his -- his judgment
22 in making that determination.

23 BY MS. PORTER:

24 Q. Okay. Are you aware or have you been
25 made aware that the Applicant is not legally subject

1 to the new tree ordinance by virtue of the Time of
2 Application Rule?

3 A. It's actually -- it's one of the few
4 exemptions in the ordinance that -- that exempts
5 utilities.

6 I would -- I would presume that you
7 fall under that. It's my understanding that you've
8 voluntarily -- Public Service has voluntary --
9 voluntarily subjected itself to the ordinance.

10 Q. Right.

11 So you're actually getting into my next
12 question. There are actually two important
13 provisions within the tree ordinance, one is the one
14 that you just alluded to that I'll get into in a
15 minute, but the other one is a legal measure which
16 protects applicants who are applying who are deemed
17 complete from changes in zoning.

18 And that was specifically recognized in
19 the context of this application; however, PSE&G
20 voluntarily agreed to comply with the new tree
21 ordinance in an effort to further preserve trees.

22 So you do not have any knowledge of
23 that particular applicability of the Time of
24 Application Rule?

25 A. I was -- I was aware that -- that PSE&G

1 has voluntarily subjected themselves to the scrutiny
2 of the ordinance.

3 Q. Okay.

4 A. And that's why you're here before the
5 board.

6 Q. Right.

7 And then I guess that second provision
8 that you alluded to, which is actually what I was
9 going to next, is that there are certain exemptions
10 under the tree ordinance, and, importantly, one of
11 them being for utility companies specifically in
12 terms of their replanting, tree preservation, tree
13 removal requirements?

14 A. I'm aware that there is that -- that
15 exemption.

16 Q. And why would you think that that
17 exemption would exist for utility companies versus
18 other developers or other individuals within the
19 Township?

20 A. Well, in terms of Public Service and
21 their ability to provide electric services to our --
22 our property owners and residents, your -- your --
23 your methods are subject to the scrutiny of the New
24 Jersey Board of Public Utilities.

25 So you have pruning standards that are

1 mandated, you have clearance standards that are
2 mandated.

3 And, you know, it's really not up to a
4 municipality to tell the utility how to run their
5 business when they're directed by the New Jersey
6 Board of Public Utilities to begin with.

7 So all we can do is suggest. Over the
8 years, as the Board of Public Utilities has changed
9 their pruning standards, we went from having large
10 trees under wires that were -- that were
11 directionally pruned around wires to the fact that,
12 you know, we have to plant compact trees under wires
13 now at -- because the standards are just so strict
14 that it's impossible to have matching tree species
15 going down a street where there's overhead wires.

16 So we've had -- you know,
17 municipalities have had to change their methods of
18 providing street trees, you know, all because of the
19 different standards over the years.

20 So in terms of a large transmission
21 station such as this, where security is a problem and
22 everything else, there's so many factors that are
23 involved.

24 But all I can say is there's some very
25 nice trees on this site which I would hope that you

1 could alter your plans to preserve as many as
2 possible.

3 Because right now, the way it looks to
4 me, in my -- my view of the site, it looks like you
5 targeted the largest, oldest trees on the site to be
6 removed.

7 And so it -- you know, it just -- it's
8 a disconnect for me. But I don't have all of the
9 information that you do.

10 Q. Thank you.

11 And are you aware of, in connection
12 with this application, the need for the new equipment
13 to locate -- to be located on the site in close
14 proximity to the existing equipment?

15 A. I'm not aware of that, you know, the
16 methods that are -- that are necessary.

17 My understanding of electric
18 transmission is pretty much confined to plugging into
19 an outlet.

20 So I don't begin to, you know,
21 understand or even -- my ability to comment on what
22 your equipment needs are on the site and where they
23 should be placed.

24 It's not a large site. You probably
25 don't have a lot of opportunities. But if you do

1 have any opportunities that could save trees, we'd
2 like to see -- see you do that.

3 Q. Thank you.

4 Are you aware of or familiar with
5 provisions governing distances from trees to
6 electrical equipment, with the tree fall area, so to
7 speak?

8 A. Well, it's usually 10 feet to energize
9 conductors, that's the close proximity act.

10 But, you know, we have -- in terms of
11 distribution, we have, you know, single phase
12 electric primary, you have open wire primary on a tee
13 on top of a pole. That requires, you know, greater
14 -- greater clearance, but -- and it, you know,
15 there's all different kinds of configurations.

16 But all I know is 10 feet is about as
17 close as you want to get to anything other than house
18 service. You know, which most tree companies are --
19 and many public works departments are capable of
20 clearing a house service, but not an electric
21 primary.

22 Q. And have you ever personally
23 experienced or experienced in connection with one of
24 the jobs that you worked on an outage, an electrical
25 outage associated with a tree that fell on a power

1 line or power equipment?

2 A. Oh, yes.

3 All the time.

4 Q. And is it your understanding that it is
5 for that reason why there are tree clearance
6 requirements in place?

7 A. Yes.

8 You know, one of the pet peeves that
9 most municipalities have is when a utility attaches a
10 span guide from a utility pole to a tree.

11 And we had a humerus situation in West
12 Orange a few years ago where the tree -- there was a
13 span guide attached to a town tree, and the tree fell
14 over and it pulled the utility pole down.

15 It is -- so, so there's always -- there
16 is always interaction with the utility companies and,
17 you know, there is always an issue when a tree dies
18 and the cooperation is requested and needed from a
19 utility company in providing assistance to a
20 municipality in removing trees.

21 And, you know, for the most part, you
22 know, West Orange has maintained a good relationship
23 with Public Service over the years.

24 And, you know, it's -- it's, you know,
25 one hand washes the other.

1 Q. Thank you.

2 Do you have any familiarity with
3 IEEE 979, which recommends trees located 30 -- be
4 located 30 feet beyond the fall potential to
5 structures?

6 A. Yeah, that's beyond my knowledge.

7 Q. Okay, thank you.

8 A. I'm not a utility arborist.

9 Q. Are you aware of any trees on PSE&G's
10 site which are, either by statute or by regulation,
11 specifically preserved?

12 A. I'm not aware of any on the site. I
13 just -- I just know you got some pretty large trees
14 over there.

15 Q. Thank you.

16 And, lastly, are you familiar with the
17 topography of this site?

18 A. Visually, yes.

19 You know, just from the outside looking
20 in.

21 Q. So you are familiar with it, how it
22 slopes downward?

23 A. Absolutely.

24 Q. Okay, thank you.

25 MS. PORTER: Okay.

1 I have no further questions.

2 CHAIRMAN NEUER: Members of the board?

3 Let's start with Mr. Schwarzbaum and
4 work our way through.

5 VICE CHAIRMAN SCHWARZBAUM: So,
6 Mr. Linson, I think you testified that your -- you
7 are opining that certain trees should be removed --
8 should not be removed, sorry.

9 Is that correct?

10 THE WITNESS: That's correct.

11 VICE CHAIRMAN SCHWARZBAUM: And you
12 also testified that you -- that your opinion -- that
13 you didn't look at what the actual construction needs
14 of the utility are.

15 Is that correct?

16 THE WITNESS: That's correct.

17 VICE CHAIRMAN SCHWARZBAUM: So in your
18 professional opinion, have you ever removed trees
19 because of construction needs?

20 THE WITNESS: Oh, all the time. If you
21 can't make a tree safe, if the root system is
22 compromised, if there is a structural deficiency in
23 the tree, they need to be removed.

24 VICE CHAIRMAN SCHWARZBAUM: So the --

25 THE WITNESS: Safety first.

1 VICE CHAIRMAN SCHWARZBAUM: Okay. So
2 is there a reason why you didn't look at the
3 construction plans of where the substation is?

4 THE WITNESS: Well, basically I was --
5 my -- I was engaged only to interact about the trees
6 themselves. I was not shown the replacement
7 landscape plan or any of the -- the soils or -- or
8 even the -- topography map. I didn't see any of
9 that, I just saw TR-01, 02, 03.

10 VICE CHAIRMAN SCHWARZBAUM: Okay. So I
11 guess where -- what I am asking is, you're opining
12 based upon just one item as opposed to looking at the
13 overall project.

14 Is that correct?

15 THE WITNESS: That's exactly right.

16 So, you know, I'm looking at these as
17 specimen trees, and I'm looking at the purpose of the
18 ordinance is to preserve them to the greatest extent
19 possible. And I'm introducing the possibility that
20 maybe -- maybe not all of these trees have been
21 looked at individually as possible candidates for
22 preservation with altering the facility.

23 I would only -- only, you know, an
24 engineer designing the facility can say what the
25 possibilities may be. I just say that there is room

1 closer to Prospect Avenue to run these -- it looks
2 like -- I am speculating that it's -- that it's a
3 water detention facilities, but it seems to me that
4 if they remove closer to Prospect Avenue, should be
5 able to save a number of these trees.

6 VICE CHAIRMAN SCHWARZBAUM: Is that
7 what -- I don't know since I haven't read a report,
8 is that what that -- this -- the -- who's the
9 engineer? Mr. Blanton is going to -- Ms. Blanton is
10 going to testify?

11 MR. TURTELTAUB: Yes, we'll get into
12 some of that testimony.

13 VICE CHAIRMAN SCHWARZBAUM: I guess
14 I'm -- I'm just asking that, while I respect you as
15 an expert, I'm having a difficult time looking at
16 accepting expert testimony without looking at the
17 overall project.

18 And, you know, as you testified, there
19 are circumstances when you can remove trees.

20 Is that correct?

21 THE WITNESS: That's correct.

22 VICE CHAIRMAN SCHWARZBAUM: And there
23 -- you also testified that we have one of the
24 strictest tree replacement ordinances in the state.

25 THE WITNESS: That's true.

1 VICE CHAIRMAN SCHWARZBAUM: Okay.

2 That's it.

3 I just have -- I am a having a hard
4 time connecting the dots.

5 That's all I have to say.

6 CHAIRMAN NEUER: Thank you,
7 Mr. Schwarzbaum.

8 Mr. Barbee, you're up next.

9 MR. BARBEE: Initially I did have a
10 question, but Irv did touch on it because of the lack
11 of -- well, no.

12 I have no question. I'll leave it
13 there.

14 CHAIRMAN NEUER: Thank you, Mr. Barbee.

15 Mr. Eben, questions for this witness
16 based on his testimony?

17 MR. EBEN: Thank you, Mr. Chairman.

18 Mr. Linson, in accordance with this
19 last testimony that you were doing answering
20 questioning from --

21 THE WITNESS: Could you repeat that
22 because I'm a little hard of hearing and if somebody
23 could express that a little louder.

24 Was that a question?

25 MR. EBEN: Hold on, I'm just trying to

1 get my thoughts together.

2 You testified -- you testified that
3 tree maintenance is basically every ten years.

4 THE WITNESS: Yes.

5 MR. EBEN: That means whoever owns the
6 property has to come in on the property and direct a
7 contractor what to do.

8 And we -- we don't know or maybe you do
9 know, did PSE&G do that through the course of
10 100 years of owning the property.

11 THE WITNESS: It's -- it's generally
12 accepted that most trees need some form of
13 maintenance at least once every ten years and some
14 trees more frequently than that, particularly some of
15 these older pin oak trees, when a branch dies it's
16 eight inches in diameter and 40-feet long and it's
17 hanging over the street. You know, you can't wait
18 ten years to prune it, you got to get it before it
19 falls and causes damage.

20 So, but, you know, these trees, they're
21 -- there's been a low level of maintenance on this
22 site, and that's why there's been so many invasive
23 species, involuntary species that have popped up over
24 -- over the years, simply because they -- they
25 weren't -- you know, they didn't mow the areas or

1 whatever and they allowed these trees to grow up in
2 their -- in place of grass.

3 MR. EBEN: These trees need a certain
4 amount of area to breathe for them to be -- maybe
5 that's the wrong term, but you can't have a tree next
6 to another tree, it's like six inches away.

7 How does one tree -- it needs room to
8 grow, correct?

9 THE WITNESS: Yeah.

10 Well, the trees that are in a park or
11 along a street, the exposure to the public
12 necessitates that they be maintained at a higher
13 level.

14 This is an isolated location where
15 access is limited for security reasons and
16 consequently, the safety factor to the public is nil.
17 I mean, trees still pose a threat. I believe there
18 was reference to Walter Kipp and citing some trees
19 that needed to be removed on the site.

20 And that's the one thing about TR-2 and
21 -3. It didn't indicate the condition of the trees,
22 it just gave the diameter and the species and was it
23 going to be preserved or removed. Many of those
24 trees could have -- the reason for the removal could
25 be because they were in poor condition and they were

1 -- removal was warranted.

2 So it's -- more information could have
3 been a little helpful.

4 MR. EBEN: What about the fact that
5 development, West Orange has had development over the
6 years that I have lived in town, and that development
7 is commercial development, because commercial
8 development brings in better tax revenue than just a
9 house here and a house three.

10 CHAIRMAN NEUER: Is there a question,
11 Mr. Eben, please?

12 MR. EBEN: Yes.

13 I'm asking what his experience is with
14 the clearing of trees in a property because you need
15 to have room for an existing tree to breathe and to
16 grow.

17 THE WITNESS: Well, one of the first
18 things they teach you when you go to forestry school
19 is trees are a renewable natural resource.

20 So it's necessary to remove trees. But
21 when you remove trees, it's -- you should be
22 replacing them.

23 And this ordinance does provide for
24 that. You know, if it's determined that a tree has
25 to be removed, there's no other way to work around

1 it, then it -- we resort to the required replacement
2 per the table in the ordinance and we have to reduce
3 it to a bean counting situation as opposed to an
4 emotional, aesthetic desire to preserve a healthy
5 specimen tree.

6 MR. EBEN: In your history as a tree
7 expert, have you come across where a developer has to
8 -- looks at the site, and if he's a halfway decent
9 developer or contractor, he has a schedule that he
10 has to meet and sometimes the tree work is in the way
11 of his schedule.

12 THE WITNESS: Yeah.

13 I mean, when you look at a site, you --
14 your goal is to try to preserve trees around the
15 perimeter of a property that provide a benefit to the
16 public, to adjacent property owners.

17 Every site has setback requirements,
18 and within that, that area that's defined by -- by
19 ordinance, by zoning requirements, activity is
20 permitted, and occasionally you have to go over the
21 line and get a variance to perform the needed
22 improvement on the site.

23 But it's rare, and most developers
24 choose to develop a site conforming with the local
25 ordinances.

1 CHAIRMAN NEUER: Anything else,
2 Mr. Eben?

3 MR. EBEN: If you don't -- if you don't
4 conform, what's the -- what's the --

5 THE WITNESS: Well, there's only --
6 there's only -- the -- the -- the purpose of a zoning
7 board is to review whether there's a hardship
8 involved or not, and whether -- whether a variance
9 can be granted or not.

10 If there's another way of doing
11 something, then the board would, you know, it most
12 likely would deny an application if -- if it caused
13 diminishing value in the neighborhood or it was -- it
14 was so contrary to all of the other development in
15 the area.

16 If it's too close to the road or too,
17 you know, just too high. It's -- it's too large.
18 You've occupied too much space, so you have a bulk
19 variance need.

20 So, you know, just all of these things
21 have to be weighed and, you know, collectively the
22 members of the board make a decision and
23 recommendation and you -- you vote and, you know, the
24 majority wins.

25 MR. EBEN: Thank you very much.

1 CHAIRMAN NEUER: Thank you, Mr. Eben.

2 Mr. Ricci?

3 MR. RICCI: Yes.

4 Mr. Linson, you said you did not look
5 at the rest of the plans other than the tree removal
6 plan.

7 Am I correct?

8 THE WITNESS: That's correct.

9 MR. RICCI: Okay. You said that West
10 Orange has one of the strictest or the strictest tree
11 ordinance that you know of.

12 Is that correct?

13 THE WITNESS: That's correct.

14 MR. RICCI: Okay. You said that if you
15 take down a tree, a large tree, and there was
16 difference sizes, different, you know, 36 to 40, 40
17 to 45, whatever those numbers were, there was a
18 replacement ratio that you had to replace that with,
19 correct?

20 THE WITNESS: That's correct.

21 MR. RICCI: And you said that the
22 current plan meets or exceeds all the requirements of
23 that replacement number.

24 Is that correct?

25 THE WITNESS: That's my understanding

1 of Walt Kipp's appraisal of the application, that it
2 complies with the replacement requirements.

3 MR. RICCI: Okay. Then my next
4 question is, twice, when you were talking, you
5 referred to that -- that the meeting the ordinance,
6 but it is a bean counting method.

7 What did you mean by that?

8 THE WITNESS: It's -- it's -- it's what
9 the Township committee, in passing this ordinance,
10 deemed to be justification for removing a healthy
11 tree and compensation for the removal of a healthy
12 tree.

13 And it's stronger than most towns.

14 So, you know, it -- they tried to make
15 the decision, the process as black and white as
16 possible. If this is what you want to do, this is
17 what you're going to have to pay in compensation for
18 the right to remove a healthy tree. And they've --
19 West Orange has a very, very strict replacement
20 schedule, and it's designed as a deterrent for you
21 not to take a healthy tree down, you know.

22 But, you know, if you really want to do
23 that, I mean, bring it down on a smaller scale.

24 If somebody wants to put a pool in
25 their backyard but they have to remove four big oak

1 trees, those oak trees are providing tree canopy
2 coverage. They're for air filtration, heat -- heat
3 island, you know, so they're -- what we're trying to
4 do is balance it. All right, you want to remove a
5 healthy tree?

6 Well, we're going to plant other trees
7 somewhere else in town if you don't do it on your own
8 property.

9 One of the -- one of the most
10 aggressive things I've ever seen in an ordinance is
11 in this ordinance, and it requires existing parking
12 lots to plant trees within the next, I don't know,
13 couple of years.

14 MR. RICCI: That's not part of this
15 application.

16 THE WITNESS: No, but -- but it is --
17 it is -- I am just, I am just telling you --

18 CHAIRMAN NEUER: No, Mr. Linson, you're
19 going far afield. You've answered Mr. Ricci's
20 question.

21 Mr. Ricci, do you have any further
22 questions?

23 MR. RICCI: Yes, I'm worried that if
24 the -- the impression I'm getting from you, and you
25 could say I'm right, I'm wrong, is that you --

1 despite West Orange having the strictest tree
2 ordinance in the State of New Jersey, despite the
3 fact this Applicant is exceeding all the requirements
4 of all of that, and despite the fact that you said
5 the forester approved all of this, do you feel that
6 the forester who is working presently -- I don't know
7 how to say this nicely -- does not know what he's
8 doing.

9 THE WITNESS: Well, the forester -- the
10 forester's job is to enforce the ordinance.

11 And people may not like the outcome of
12 that, but the ordinance is the ordinance.

13 And the -- but the preamble to this
14 ordinance, before we get to the compensation for
15 removing healthy trees, the purpose is to protect and
16 foster the existence and health of trees growing
17 within the town borders and to preserve the maximum
18 possible trees in the development of this site or
19 lot; to protect specimen trees. Encourage innovative
20 design and grading to promote the protection of the
21 existing trees and to prevent indiscriminate,
22 uncontrolled excessive removal of cutting of trees,
23 et cetera, et cetera.

24 That's right from -- from section C in
25 findings and purpose of this ordinance.

1 MR. RICCI: Okay.

2 THE WITNESS: So the question is have
3 we -- has the Applicant preserved the maximum number
4 of trees or not. And you that have seen the rest of
5 the site plans and you've -- you're weighing all of
6 the options of, you know, all I can say is has -- has
7 the Applicant considered altering their plans to
8 preserve more trees. And so that's--

9 MR. RICCI: Okay, that's all right.

10 THE WITNESS: -- that's basically all
11 --

12 MR. RICCI: I appreciate your answer.
13 Thank you.

14 THE WITNESS: Okay, all right.

15 CHAIRMAN NEUER: Thank you, Mr. Ricci.
16 Mr. Scott, you're up.

17 MR. SCOTT: Thank you.
18 Can you hear me?

19 CHAIRMAN NEUER: Loud and clear.

20 MR. SCOTT: Tremendous.

21 Mr. Linson, thank you very much for
22 being here.

23 So the term "strictest" has been thrown
24 around tonight and perhaps I'm going to ask you if
25 you meant that West Orange had the strongest tree

1 ordinance in the State of New Jersey, not the
2 strictest.

3 THE WITNESS: Could you rephrase that
4 question just --

5 MR. SCOTT: Would you say that West
6 Orange has the strongest tree ordinance in New Jersey
7 as opposed to the strictest?

8 THE WITNESS: Okay. Now I see what
9 you're saying.

10 Yeah, I would say it is the strongest.
11 I mean, I only have knowledge of municipalities, you
12 know, north of the Raritan pretty much.

13 But I am the contract forester for
14 several towns and I -- I review tree removal
15 applications for several towns. No municipality that
16 I've worked with has an ordinance that is as
17 encompassing as this one is.

18 MR. SCOTT: Thank you.

19 I think it's a very encompassing and
20 strong ordinance also.

21 Would you say that it is perhaps a role
22 model for the rest of the state?

23 THE WITNESS: Well, I have a little bit
24 of a problem with going down to two-inch diameter
25 trees to be removed. You know, if somebody moves

1 into a house that's been neglected, the maintenance
2 has been neglected, you've got a -- you've got a
3 bunch of invasive trees growing up between the
4 garages and you want to take them down, they didn't
5 belong there to begin with.

6 So I think going down to that
7 two-and-a-half inch diameter tree removal, most of
8 the municipalities I know are at -- are at six
9 inches.

10 So I think -- I think it's a stretch
11 personally, but, you know, the governing body of West
12 Orange are tree preservationists, and they want a
13 protected two-and-a-half inch diameter tree, God
14 bless them, you know.

15 And somebody is going to have to
16 replace a tree in a park or a parking lot or
17 somewhere where it's going to do some good, if they
18 can't replace it in their own -- on their own
19 property.

20 MR. SCOTT: Thank you.

21 And you mentioned that the West Orange
22 zoning law, whereas in many other towns the authority
23 lies with the police or is within the police law, but
24 ours is within the land use law.

25 And in your professional opinion, is

1 that a better place to have it?

2 THE WITNESS: I think -- I think it
3 works well in a community like this. It's -- and,
4 you know, there's so many different forms of
5 government, you know.

6 But basically I like the fact that if
7 the -- if your forester reviews an application and he
8 finds it's excessive and, you know, you know, like, I
9 would love to save that 58-inch diameter London
10 plane, if he should say, you know, I'm agreeing with
11 everything on this plan except you've got to save
12 this one tree and he denies it, the best part about
13 having it in land use is it goes before a board like
14 this where people like yourself question it and you
15 weigh the alternatives and you -- and you see, you
16 know, has the Applicant attempted to preserve this
17 tree?

18 Are there any alternatives to
19 preserving the tree? And if you've exhausted those
20 alternatives, then you're going to vote to approve
21 the application and let the Applicant remove the
22 trees.

23 But, you know, you -- you, as a member
24 of this board, you know, your voice is important.
25 And, you know, by leaving the entire responsibility

1 up to your forester, you know, Walt Kipp is --
2 whatever decision he makes, it's scrutinized. And he
3 could be blamed, you know, because not everybody in
4 West Orange is going to agree with his decisions and
5 there's always going to be someone who disapproves of
6 the granting of that ordinance for whatever reason.

7 And it's -- it's usually somebody, you
8 know, somebody from the other side of town that is
9 going to object about a tree that is removed on, you
10 know, over in South Orange end of town, you know.
11 You know, they drove past and they see a solid stump
12 and they say, oh, that was a healthy tree.

13 Well, not -- not all dead trees are
14 hollow in the -- you know, so basically, you know,
15 having expertise and having support of other people
16 -- in fact, and the way this ordinance is structured,
17 a lot of the heavy lifting is done for Walt Kipp by
18 requiring a licensed tree expert to certify the
19 tree's dead. The tree's not dead but it has this
20 defect.

21 You know, I mean, it's -- it's -- it's
22 a lot. It's a lot of hoops to jump through. But --
23 but it's for the good.

24 And, you know, I mean I --

25 CHAIRMAN NEUER: Mr. Linson, I think

1 you've answered the question.

2 Thank you.

3 THE WITNESS: Okay, good.

4 I could talk forever.

5 (Simultaneous Speaking.)

6 MR. SCOTT: And would you agree,
7 Mr. Linson, that I believe it's your testimony here
8 that the purpose of the ordinance is to maintain the
9 tree canopy overall? Can you hear me? I want to
10 make sure you can hear me.

11 CHAIRMAN NEUER: He can hear you.

12 THE WITNESS: Yeah.

13 Replacing trees is something that we --
14 we all can do to slow the process of climate change
15 and it just makes good sense, if you're removing a
16 tree, even if it is dead, to replace it with another
17 tree and not -- not just replace it if it's a healthy
18 tree.

19 But, you know, basically the quality of
20 life, we -- we appreciate our trees.

21 We -- you know, we don't always --
22 always think about it, but, you know, the shade they
23 provide, the wind break they provide, the aesthetics,
24 the quality of life that -- that you enjoy in West
25 Orange, a lot of it has to do with the trees and the

1 open space that you've preserved.

2 MR. SCOTT: Absolutely.

3 You've mentioned that the large
4 specimen trees, the ones that are 100 to maybe even
5 150 years old, and you've mentioned their diameter
6 and their height; would you say they are as important
7 as champion trees, which are on the State of New
8 Jersey's big tree list?

9 THE WITNESS: They may not be on as
10 large -- you know, in order to be on the big tree
11 list, you know, it's got to be the biggest tree of
12 that species.

13 Now, West Orange, I know they have at
14 least one tree because I found it in Llewellyn Park,
15 it's an American Hornbeam.

16 So, but they could be candidates, they
17 could be potential candidates to be the champion tree
18 of New Jersey.

19 There's certainly, you know, a 58-inch
20 diameter London plane is -- is enormous.

21 MR. SCOTT: Okay.

22 And would you please go over again how
23 long it takes for new trees to grow to the size of
24 the large specimen trees that you've talked about
25 tonight?

1 THE WITNESS: Well, these -- these
2 largest trees are, you know, approximately a
3 hundred years old, maybe a little more.

4 But, you know, for a new tree to, you
5 know, they may never -- they may never grow to that
6 size.

7 But, you know, to -- to the extent
8 that, let's say you're planting a tree and it's
9 10-feet tall, how long will it take to be 50-feet
10 tall? Probably 25, 30 years.

11 How long will it take to be 70 or
12 80-feet tall? Well, maybe 75 years.

13 So it's just -- it's -- it's a
14 tradeoff. It's a tradeoff.

15 MR. SCOTT: Right. Right and --

16 THE WITNESS: I mean it is --

17 MR. SCOTT: I'm sorry.

18 Go ahead.

19 THE WITNESS: We're -- we're -- we're
20 fooling with Mother Nature. And she has a mind of
21 her own.

22 MR. SCOTT: Yes, absolutely.

23 You also testified, I don't know that
24 you've listened to other testimony from previous
25 hearings, but it was testified here by the presenters

1 of PSE&G that many of the trees on the property are
2 not in fact facing the substation itself.

3 How important is that environmentally
4 in your professional opinion?

5 THE WITNESS: It's easiest to preserve
6 trees that are around the perimeter of the property
7 and like right at the perimeter of the property.

8 One of the -- the problems with these
9 -- these large trees is that they're in the interior;
10 in the interior, whereas the needs of the public
11 expands and their -- their need for greater
12 quantities of electricity expand, you know, and they
13 want to increase the size of the facility and its
14 productivity.

15 These -- these trees, I wish they were
16 at the perimeter of the property, but they're on the
17 interior of the property.

18 And -- but they do presently screen the
19 height of -- of the facility.

20 I mean, you can see them as you're on
21 the sidewalk on Prospect looking down in there, you
22 can see the size of these London plane trees and
23 these horse chestnut, you know, they're just --
24 they're at the prime of their life, you know.

25 So when they're gone and there's new

1 trees to replant them, well, you're going to be
2 looking at that facility for a long time. You know,
3 till they -- they even begin to screen the facility
4 from public view.

5 MR. SCOTT: Beyond the -- the visual of
6 the screening, that the trees may not be covering the
7 substation, itself, environmentally they provide a
8 very important service to this township, do they not?

9 THE WITNESS: Yeah, I -- I think, as I
10 said, those traffic lights, I'm sure everybody sat at
11 a traffic light on that intersection on Mount
12 Pleasant and Prospect, and there's four separate
13 lights.

14 And there's a lot of carbon monoxide
15 from the cars that are backed up at the lights. And,
16 you know, you only got the golf course and we've got
17 -- got, you know, we've got Eagle Rock reservation.
18 We've -- we're got a lot -- a lot of trees going for
19 us but -- but you can never can have too many trees.

20 MR. SCOTT: Okay. And I think that
21 that should be all of my questions for now.

22 Just that I agree it's not the job of
23 this appointed board to question the council, the
24 elected council, on whether it's the strongest,
25 safety, strictest law for replacing trees or not.

1 That's the job of elected officials,
2 just as we are -- we can't question the statute.

3 CHAIRMAN NEUER: Do you have a
4 question?

5 MR. SCOTT: Thank you.

6 No, I'm making a statement, Mr. Neuer.
7 Thank you.

8 CHAIRMAN NEUER: But this is not the
9 time for making statements.

10 MR. SCOTT: No, the -- actually it is.

11 CHAIRMAN NEUER: This is not the time
12 --

13 MR. SCOTT: The witness -- excuse me --
14 I'm going to answer you now.

15 CHAIRMAN NEUER: Gee whiz.

16 MR. SCOTT: The witness mentioned that
17 the town council passed this law.

18 CHAIRMAN NEUER: Yes. And we're going
19 to --

20 (Simultaneous Speaking.)

21 MR. SCOTT: And I agree --

22 CHAIRMAN NEUER: -- enforce it.

23 That's our job.

24 MR. SCOTT: Yes. And -- and what I'm
25 saying -- excuse me.

1 CHAIRMAN NEUER: We are --

2 MR. SCOTT: Excuse me, sir.

3 CHAIRMAN NEUER: There is no excuse for
4 that.

5 You're out of order.

6 MR. SCOTT: And what I am saying --
7 there's no excuse for your interrupting.

8 CHAIRMAN NEUER: You're out of order.

9 MR. SCOTT: You're out of order.

10 No, you're out of order.

11 CHAIRMAN NEUER: I don't interrupt, I
12 rule.

13 MR. SCOTT: You're interrupting, and
14 you don't rule me.

15 CHAIRMAN NEUER: You are out of order,
16 sir.

17 MR. SCOTT: We are out of order.

18 CHAIRMAN NEUER: You finished asking
19 your --

20 MR. SCOTT: You are out of order,
21 Mr. Neuer.

22 CHAIRMAN NEUER: This is the time to
23 ask questions, Mr. Scott.

24 MR. SCOTT: We can sit here and
25 continue this forever.

1 CHAIRMAN NEUER: You can go ahead.

2 Go ahead, Mr. Scott.

3 MR. SCOTT: I'm going to go ahead.

4 I agree with the witness's statement,
5 it is not the job of this appointed board to
6 undermine the elected council.

7 Thank you.

8 CHAIRMAN NEUER: Anything else,
9 Mr. Scott?

10 (No Response.)

11 CHAIRMAN NEUER: I take that as a no.

12 Mr. Linson, it's so good to see you
13 again. We've worked together in the past.

14 I respect your expertise.

15 Have you been to any of the prior
16 hearings on this application?

17 THE WITNESS: A little louder, if you
18 could.

19 CHAIRMAN NEUER: Have you been to any
20 of the prior hearings on this application?

21 THE WITNESS: Oh no.

22 For this application, no.

23 CHAIRMAN NEUER: Do you know why it is
24 that the development is such that those trees are
25 being removed?

1 THE WITNESS: I haven't -- I haven't
2 any knowledge of what's gone on before with this
3 board and what they've heard.

4 I was asked to give testimony simply on
5 the -- on the quality of the existing trees and the
6 possibility that, you know, perhaps there hadn't been
7 thought in preserving them to the maximum possible
8 ability of the Applicant.

9 CHAIRMAN NEUER: But you didn't review
10 the transcripts or the videos of the prior testimony
11 as to why the development was such that those trees
12 are scheduled to be removed as a result of the
13 construction.

14 THE WITNESS: No, I have not seen a
15 video or was even told there was a video.

16 CHAIRMAN NEUER: Mr. Linson, you
17 mentioned the BPU regulations.

18 THE WITNESS: A little louder?

19 CHAIRMAN NEUER: The board of public
20 utilities, you mentioned that there --

21 THE WITNESS: Yes.

22 CHAIRMAN NEUER: -- they have
23 guidelines and regulations.

24 THE WITNESS: Yeah.

25 They, you know, I know there's -- it's

1 affected the -- our maintenance of street trees, and
2 I'm sure it's affected -- since 9/11 and some -- some
3 expansive utility outages, I know that they have got
4 more involved in providing distribution and oversight
5 and security of facilities like this.

6 CHAIRMAN NEUER: Let's talk about this
7 facility. Do you know of anything at this facility
8 that violates the BPU guidelines with respect to
9 maintenance of trees?

10 THE WITNESS: Yeah, I'm not -- I'm not
11 aware of anything.

12 CHAIRMAN NEUER: Okay. I know you have
13 a lot of expertise, sir.

14 Do you have an expertise in land use
15 law.

16 THE WITNESS: Do I have expertise --

17 CHAIRMAN NEUER: Expertise. Expertise
18 in land use law.

19 THE WITNESS: Expertise?

20 Only as it -- as it -- my -- my
21 knowledge is minimal. I do review a lot of
22 applications for other municipalities in terms of
23 landscaping and, you know, coming up with solutions
24 to abate concern that the residents may have.

25 But I know there's different kinds of

1 variances and I know we work a lot with steep slope
2 situations and interacting with soil conservation and
3 wetlands stuff, so -- Highlands Act.

4 So it's all related, but -- and I
5 actually was on a zoning board at one time for about
6 five years and --

7 CHAIRMAN NEUER: Are you bragging or
8 complaining?

9 THE WITNESS: Yeah, yeah, so...

10 CHAIRMAN NEUER: So are there any
11 variances from the Tree Removal Ordinance required by
12 this application?

13 THE WITNESS: I'm not -- I'm not aware
14 of any actual variances necessary. There -- if --
15 if, for example, there was a champion tree on site.
16 I mean, I haven't checked the records, but if there
17 were, if any of these trees were a contender for the
18 -- to be the state champion, then there would be a
19 specific need for a variance to have these trees
20 removed.

21 CHAIRMAN NEUER: But as we sit here
22 tonight, you're not aware of any variances from the
23 Tree Removal Ordinance that are required.

24 Is that correct?

25 THE WITNESS: Yeah, I think you have

1 the facts in front of you and you -- having seen the
2 testimony of engineers and everything, only you can
3 determine whether the intent of the ordinance has
4 been met and that the applicant has exhausted all
5 other alternatives in possibly saving -- saving these
6 large trees that have been existing on the site since
7 it was first developed.

8 CHAIRMAN NEUER: However, the township
9 forester has stated that the application complies in
10 all respects with the law.

11 Is that correct?

12 THE WITNESS: He's not losing sleep
13 over it. There are others in the community that are,
14 but --

15 CHAIRMAN NEUER: I'm well aware of
16 that, but we're talking about somebody who has been
17 employed by the township to provide --

18 THE WITNESS: He has -- you know,
19 Mr. Kipp has done his due diligence.

20 And, again, I -- I apologize for using
21 the term bean counter, but that's -- that's what it's
22 come down to.

23 CHAIRMAN NEUER: I understand the term
24 very well, thank you.

25 It's now time to move to the public;

1 however, we're well past our 9:30 break time.

2 It's 9:46. We're going to take a
3 recess until 9:55.

4 We are now in recess. And members of
5 the public, please don't go away. It's your turn to
6 ask questions. We are now in recess until 9:55.

7 (Whereupon, a short recess is taken
8 from 9:46 p.m. to 9:55 p.m.)

9 CHAIRMAN NEUER: It appears to me that
10 the board has fully reassembled.

11 Recess is over.

12 Members of the public, this is the
13 opportunity for you to ask questions of the witness
14 based upon his testimony.

15 Somebody has got to turn off their --

16 MS. CHANDLER: I think that's
17 Mr. Linson.

18 THE WITNESS: I'm here.

19 CHAIRMAN NEUER: Okay.

20 MS. CHANDLER: Some feedback.

21 CHAIRMAN NEUER: John, turn off your
22 microphone for a minute, please.

23 As I was saying, members of the public
24 -- there's noise in the background. Somebody --

25 MS. CHANDLER: Yes, it's coming from

1 you, John.

2 CHAIRMAN NEUER: Mr. Linson, there is
3 something in your background.

4 MR. BARBEE: He may have two different
5 devices listening, so one is picking up the echo.

6 MS. CHANDLER: Okay, he's muted now.

7 CHAIRMAN NEUER: Okay.

8 Thank you, Mr. Barbee.

9 In any event, members of the public,
10 this is your opportunity to ask questions of the
11 witness based upon the testimony he has presented
12 tonight.

13 This is not the time for making
14 statements or presenting your own evidence. That
15 comes at other portions of the meeting.

16 This portion is limited only to
17 questions based upon his testimony.

18 Kindly raise your hand so that you may
19 be recognized and admitted into the meeting.

20 MS. CHANDLER: Yes, we have Mosha
21 Rudin.

22 Please state your name and address for
23 the record.

24 CHAIRMAN NEUER: Mr. Rudin?

25 THE WITNESS: I'm here.

1 MS. CHANDLER: State your name and
2 address, please.

3 CHAIRMAN NEUER: We're not getting a
4 response. Mosha Rudin.

5 MS. CHANDLER: You're good to go.

6 THE WITNESS: I'm here.

7 MS. CHANDLER: Okay. State your name
8 and address for the record.

9 THE WITNESS: Oh, again? John Linson.

10 CHAIRMAN NEUER: No. No, John. Not
11 you.

12 This is for Mr. Mosha Rudin. Do you
13 have any questions for the witness?

14 (No Response.)

15 CHAIRMAN NEUER: Can you hear me.

16 MS. RUDIN: Can you hear me?

17 CHAIRMAN NEUER: Yes. Who's this.

18 MS. RUDIN: Hi. This is Joyce Rudin.
19 I'm not sure why it's saying Mosha Rudin. It's Joyce
20 Rudin.

21 CHAIRMAN NEUER: That's what it says.

22 MS. RUDIN: Okay. Mr. Linson, nice to
23 see you again.

24 THE WITNESS: Yes, Joyce.

25 MS. RUDIN: How are you? And I want --

1 THE WITNESS: I'm good.

2 MS. RUDIN: -- to let you know that the
3 tree is doing beautifully. The tree that you planted
4 on my lawn.

5 THE WITNESS: I drive past it
6 regularly.

7 MS. RUDIN: Good.

8 So I just wanted to ask you, do you
9 believe -- is it your impression that the applicant
10 is following, to the greatest of their ability, the
11 intent of the law, which is to save as many trees as
12 possible?

13 THE WITNESS: I -- to the best of my
14 knowledge. I have not seen any of the other
15 testimony or listened to a video or any of the
16 professional -- professionals from Public Service
17 that testified -- that are testifying that the
18 facility has to go where these specimen trees are.

19 So I -- I personally am not convinced
20 that they have attempted to save these trees to the
21 greatest extent possible, particularly when it's the
22 largest trees on the site that are being removed or
23 proposed for removal. I just -- it just doesn't add
24 up in my mind.

25 MS. RUDIN: Thank you.

1 And I know that you've read our
2 prohibitions in the tree ordinance, so you're aware
3 that this tree -- the trees in this property are on a
4 slope. Is that correct?

5 THE WITNESS: What's the question
6 again, Joyce.

7 MS. RUDIN: That these trees -- that
8 this property is on a slope. Is that correct.

9 THE WITNESS: Yes, it is, yes.

10 MS. RUDIN: Okay. And do you -- in
11 your professional opinion, do you believe that
12 removing the trees would increase the amount of
13 stormwater runoff and/or negatively affect stormwater
14 runoff patterns?

15 THE WITNESS: Well, they're very
16 comfortable there and they are soaking up water in
17 their present location, which is at the bottom of the
18 hill. So they're in a strategic location to have
19 nature naturally treat wastewater runoff.

20 So it's just -- the water is going to
21 have to go somewhere and whether it's -- it's able to
22 be soaked into the ground or not, to the extent that
23 it is right now, I don't know.

24 In all my years of driving by there
25 I've never seen a ponding situation down there, so I

1 have to assume that everything is working
2 appropriately at this time.

3 MS. RUDIN: With the trees on the
4 property, they're just --

5 THE WITNESS: With the trees on the
6 property.

7 MS. RUDIN: Correct.

8 You mentioned just driving by and the
9 screening that these trees provide from -- for the
10 residents driving by in a suburban neighborhood to
11 not see the metal construction behind it.

12 In your opinion, would this be a
13 significant change in the screening between the --
14 the street and -- just a change -- a significant
15 change in the screening for our community?

16 THE WITNESS: I -- I think it's a
17 reduction in the quality of life as it is at present.

18 MS. RUDIN: Thank you.

19 Do you think that it's possible
20 removing these trees could impair the habitats of all
21 of the small animals, birds, et cetera, that are
22 living in these trees?

23 THE WITNESS: Well, they're -- they're
24 going to have to go somewhere.

25 And I know, I have seen deer on the

1 site.

2 They hop the fence and they'll find a
3 way in there. Some of -- not all the trees are
4 native, but they been there a hundred years.

5 So the wildlife has adjusted to what is
6 available to it in terms of pollen and nectar and the
7 nuts and seeds that are produced by these trees, so
8 there will be an adjustment to the wildlife by the
9 removal of these trees.

10 MS. RUDIN: In other words, a loss.

11 One final question: Do you believe
12 that removing these trees will result in soil
13 erosion?

14 THE WITNESS: Most likely it will be
15 addressed somewhere along the line, but it will be
16 artificial -- artificially induced by diverting it
17 through a collection system.

18 MS. RUDIN: Okay, thank you so much.
19 Nice to see you.

20 THE WITNESS: Okay.

21 CHAIRMAN NEUER: Thank you, Ms. Rudin.
22 Megan, do we have any other hands up?

23 MS. BRILL: Yes, I have -- I am not
24 seeing any other hands.

25 CHAIRMAN NEUER: Going once.

1 Going twice.

2 Any other members of the public for
3 questions for Mr. Linson, please raise your hand now.

4 Seeing none.

5 MS. BRILL: Wait.

6 We got a late one.

7 CHAIRMAN NEUER: I'm sorry, ma'am?

8 MS. BRILL: Yes. We do have Dawn
9 White.

10 Please state your name and address for
11 the record.

12 MS. WHITE: Hi. My name is Dawn White.
13 121 Walker Road, West Orange.

14 MS. BRILL: Okay. State your question.

15 MS. WHITE: Mr. Linson, what bad
16 happens if this is denied and PSE&G is not able to
17 cut down those trees.

18 I know you said you hadn't seen every
19 report that they did, but you do have an opinion on
20 whether or not they can do what they want to do
21 without removing those trees.

22 Can you elaborate a little bit?

23 THE WITNESS: Well, the -- they are, by
24 ordinance, exempt from the requirements of this tree
25 ordinance, and -- but they have volunteered to submit

1 to it.

2 And I -- by doing so, I would hope that
3 they would have explored every possible avenue to
4 preserve these trees and by altering their
5 installation to accommodate these specimen trees that
6 have been there for a hundred years.

7 MS. WHITE: Thank you.

8 CHAIRMAN NEUER: Anything else,
9 Ms. White?

10 MS. WHITE: No, I think that's it.
11 Thank you.

12 CHAIRMAN NEUER: Thank you.

13 Ms. Brill, any other hands going up?

14 MS. BRILL: I'm not seeing any yet.

15 CHAIRMAN NEUER: Members of the public,
16 any further questioning?

17 MS. BRILL: I think that's it.

18 CHAIRMAN NEUER: Going once, going
19 twice.

20 Public questioning is concluded. Let's
21 go back to full screen, please.

22 Mr. Turteltaub.

23 MR. TURTELTAUB: Yes.

24 CHAIRMAN NEUER: Right before I go to
25 you, let me go to my experts.

1 Mr. Williams, any questions for
2 Mr. Linson?

3 MR. WILLIAMS: I have none at this
4 time, Mr. Chairman.

5 Thank you.

6 CHAIRMAN NEUER: Thank you.

7 Mr. Hess, questions for Mr. Linson?

8 MR. HESS: Thank you, Mr. Chairman.

9 I have no questions at this time.

10 CHAIRMAN NEUER: Thank you.

11 Mr. Turteltaub, I turn to you if you
12 have any redirect.

13 MR. TURTELTAUB: I do, if I may,
14 please.

15 REDIRECT EXAMINATION

16 BY MR. TURTELTAUB:

17 Q. Mr. Linson, when you were asked before
18 by counsel as to your -- you walked the property,
19 have you -- do you have a knowledge of what the
20 property conditions are, especially in the area where
21 the tree removal is going to occur?

22 A. My observation of the trees is -- is
23 purely from as an outsider looking in. I have not
24 examined the trunk of any of the trees or observed
25 any cavities or defects in the trees, so I am kind of

1 going by face value for -- on what the tables on
2 TR-02 and -03 say.

3 They did not have a fourth column that
4 related to the condition of the trees, which would
5 usually be, you know, good, fair, poor, you know.

6 So without actually walking the site
7 and confirming up close, you know, the condition of
8 the trees, I am presuming that they're all in good
9 condition.

10 I think if the applicant felt that they
11 were -- they were dead, they would -- they would have
12 included that in the tables, in the narrative.

13 But I can't say that for sure.

14 Q. And in your testimony and on
15 examination, you talked about the fact that if
16 somebody chooses to take down a tree they have to pay
17 the price. And when you get to the point of choosing
18 to take down the tree, could you elaborate further on
19 that with respect to, do you have the option of just
20 saying I'm going to bypass the first part, which is
21 to minimize the destruction of trees, I can just
22 bypass that and choose to pay, or do you have to go
23 through the first step?

24 A. You know, basically when someone is
25 considering to remove a tree, there's two conditions.

1 It's either dead, diseased or dying, and then
2 actually considered a dead tree, or it's alive and
3 healthy or semi healthy tree.

4 So there's very little controversy when
5 someone wants to remove a dead or diseased tree. The
6 -- the test comes in when the tree still has life to
7 it, it still has some greenery to it.

8 Can it be treated? Can it be brought
9 back to health? Is there a defect, even though it's
10 alive, that makes it a hazard to the public.

11 So there's -- the -- going through the
12 application process in West Orange, it makes everyone
13 thoroughly consider whether removing the tree is a
14 good idea or not, and if it's a healthy tree that you
15 want to remove to change your landscaping, put in a
16 pool or a tennis court or a sauna or whatever, if
17 you're removing a healthy tree, there are
18 consequences. You're going to have to replace it.

19 And if you can't replace it on your
20 property, you're going to be contributing to a fund
21 which the town will use at its discretion to plant
22 trees elsewhere on public property or public
23 right-of-way.

24 Q. In terms of getting to the point in
25 achieving the minimal destruction of trees, in your

1 experience, you look at design alternatives to
2 achieve that goal before you go to the point and say,
3 well, now the tree has to come down or you're allowed
4 to take the tree to come down?

5 A. Well --

6 CHAIRMAN NEUER: Mr. Turteltaub, he's
7 already testified that he didn't look at the plans.

8 MR. TURTELTAUB: No, I am just saying
9 is the general proposition with the ordinance.

10 I understand what you're saying. We do
11 have two other witnesses who will be testifying, but
12 I'm just getting the generalities out. He was asked
13 some of these questions and I just want to be clear
14 about whether -- whether there should be considered
15 alternatives to a plan as part of the site plan
16 review and/or the site plan development.

17 And that's what I am looking to elicit
18 from him, from his testimony, is his opinion as to
19 whether you should look at alternative plans before
20 you settle on taking down a tree.

21 CHAIRMAN NEUER: He's answered it
22 already, but I'll let it go ahead.

23 Please answer the question, Mr. Linson.

24 THE WITNESS: The thought process
25 should be if -- if I can do this instead of that, I

1 could save this tree or more than one tree. If there
2 are options.

3 If there are no options, then it's
4 necessary to remove the healthy tree.

5 But I am not -- as a tree expert, I am
6 not in a position to say what -- what the options and
7 the configuration of this substation should be.
8 That's for the electrical engineers. And if -- if
9 they have considered as many options as possible and
10 they still come to the same conclusions, then there
11 are no other options.

12 But all I can say is you've got some
13 very nice healthy specimen trees that are there that,
14 wouldn't it be great if we could find a way to work
15 around them.

16 BY MR. TURTELTaub:

17 Q. You talk about, in the testimony and
18 the ordinance it has, quote, replacement trees.

19 When you plant trees to replace -- as
20 set forth in the ordinance, to replace a large tree
21 that's now being taken down and plant replacement
22 trees, do those trees actually replace what is there
23 today or do those trees do something else?

24 A. That's the -- the intent is that they
25 will replace it.

1 But, you know, even these -- these
2 large trees, they all started out as a sapling, and
3 -- but over time they -- they got to be the size
4 where, you know, they -- they have a huge canopy
5 coverage and contribution.

6 And the -- the idea of planting
7 multiple replacements is to try to get back to what
8 we were before we -- we removed this tree and when we
9 lost that canopy coverage.

10 But, you know, eventually you have to
11 think that if you take down one tree and you replace
12 it with eight trees, at some point in time those
13 eight trees are going to be too close together, we
14 might have to remove a couple of them so that the
15 other trees can thrive.

16 So it's a -- there's always some
17 maintenance. You know, we're trying to manipulate
18 Mother Nature. We have some pretty nice trees now.
19 We don't want to lose our canopy coverage. We don't
20 want to lose the benefits that these tree are
21 providing.

22 But there is a lapse in recovery. And
23 no matter how many small trees we plant, they're not
24 going to immediately provide the same benefit that
25 one large tree is providing at the present time.

1 Q. And with respect to Mr. Kipp's report,
2 just to be clear on this, you believe his report only
3 addresses the replacement aspect of the ordinance and
4 not the minimalization of the removal.

5 Is that correct?

6 CHAIRMAN NEUER: Mr. Turteltaub, he
7 said he didn't read Mr. Kipp's report.

8 MR. TURTELTAUB: He was asked -- he was
9 asked questions about it and crossed on the --
10 Mr. Kipp having found that this report -- Mr. Kipp
11 having said it complies with the ordinance.

12 There was a discussion about bean
13 counting, and I just want to be clear, the board
14 understands what Mr. Linson was saying with respect
15 to Mr. Kipp's -- at least what he was informed about.

16 But there was questioning of him on
17 cross-examination and I just want to be clear because
18 -- to make sure that his -- there's an understanding
19 of what he was trying to convey in his answer.

20 CHAIRMAN NEUER: His answer was clear,
21 and he did not read the report. That doesn't mean he
22 couldn't testify about the conclusion, which he did.

23 But he didn't -- he didn't go through
24 the elements of the report or what Mr. Kipp
25 specifically said and found, other than the

1 conclusion that it complies with the ordinance.

2 MR. TURTELTaub: If it's -- if that's
3 what he's being told that that's what the answer is,
4 that's one thing.

5 But if he's being asked if his opinion
6 whether -- whether he believes Mr. Kipp analyzed all
7 aspects of the ordinance, that's a different story.
8 Because there had been questioning to him about what
9 he meant in his answer.

10 And I just want to make sure it's clear
11 to this board and in the record as to what his answer
12 was.

13 CHAIRMAN NEUER: Well, I respectfully
14 disagree with you. I'll allow you to go forward.

15 MS. PORTER: And I also note my
16 objection for the record, because how can he opine on
17 a report that he did not read in any capacity or
18 dispute findings of a report that he has no idea what
19 it contained, what was looked at and had no
20 conversation with the individual who prepared it?

21 MR. TURTELTaub: The report is a
22 one-page letter which you read the one line and you
23 asked him a question about it, and that was the sum
24 and substance of the report --

25 CHAIRMAN NEUER: Mr. Turteltaub, I

1 allowed -- I did not overrule the objection.

2 I am allowing the question to go
3 forward, subject to the objection.

4 MR. TURTELTAUB: Thank you.

5 BY MR. TURTELTAUB:

6 Q. And, Mr. Kipp -- excuse me, Mr. Linson,
7 your understanding of what -- what the compliance was
8 that Mr. Kipp was referring to in his report?

9 A. Yes. You know, I believe it's very
10 unusual for a New Jersey licensed tree expert to have
11 a vastly different opinion from another New Jersey
12 licensed tree expert.

13 I trust Mr. Kipp's judgment in
14 enforcing the ordinance. I don't know whether he
15 considered the fact that a tree application could be
16 denied from the standpoint that it's not preserving
17 the maximum possible number of trees and the
18 development of a site.

19 I know that and I trust that Mr. Kipp's
20 analysis on the replacement requirement is accurate.
21 I just don't know that he had the -- had the thought
22 that it could be denied from the fact that not -- not
23 all possible trees could be saved by changing -- I
24 don't know whether he -- he saw the video or was
25 privy to the engineering reports on why the

1 warrants removal, I trust his judgment a
2 hundred percent.

3 I seriously doubt we would have any
4 professional differences in the assessment of a tree.

5 Q. Thank you.

6 Are you aware that the plans that you
7 reviewed, the TR-01, -2 and -3, do you distinguish
8 between viable and non-viable trees being removed,
9 specifically on TR-02?

10 A. You know, basically the unfortunate
11 thing about that report is it doesn't have a column
12 indicating the condition of the tree.

13 So, you know, in looking at it, I have
14 to presume that they were healthy trees if they're
15 not being removed.

16 And, you know, I did -- my emphasis in
17 reviewing, you know, TR-1, -2, and -3 was to look for
18 the largest trees that were existent since the -- the
19 initial planting and development of the site and to
20 try to preserve those. And, you know, I -- I
21 acknowledged a lot of the other trees that were
22 volunteers that were self-planted on the site.

23 But my emphasis was to try to preserve
24 as many trees as possible, but certainly the original
25 planted trees, the -- the Colorado blue spruce, the

1 Norway spruce, the willow oaks, the Little Leaf
2 Lindens, the London planes, the Doug fir, the horse
3 chestnut.

4 Those were the ones that I specifically
5 noted on my plan and highlighted them and
6 cross-referenced whether they were being preserved or
7 proposed for removal.

8 So, again, I was -- you know, the
9 smaller trees can be replaced, but the larger trees,
10 you know, they provide a benefit, a visual screening
11 of the site that cannot be replaced any time soon.

12 Q. Thank you.

13 Are you aware of any language in the
14 ordinance that mandates that alternatives be
15 considered when -- with respect to designing a site?

16 A. It's kind of subjective in terms of,
17 you know, the purpose and intent of it is to try to
18 preserve trees. So you would hope that all of the --
19 all of the options to preserve a tree would be
20 exhausted before it becomes evident that the tree has
21 to be removed.

22 So I'm just not aware that all of the
23 options have been considered.

24 And, again, I just -- if the driveway
25 was slightly configured, if the improvements on the

1 -- on the east side of the property were moved closer
2 to the -- to the Prospect Avenue property line, if it
3 were possible to do that, it appears to me we could
4 preserve some trees.

5 So all -- I am asking the question, but
6 I don't have the answer whether all of those possible
7 options, you know, in altering the plans are possible
8 or not.

9 But that's something for the board to
10 consider after hearing the testimony of the other
11 experts.

12 Q. Thank you.

13 Are you aware that additional review of
14 the potential for tree preservation was done after
15 the initial report was received from the township
16 forester and that 17 trees were identified that
17 allowed for them to also be saved, based on the
18 voluntary consideration?

19 A. Well, I'm -- that's news to me and I'm
20 glad to hear it.

21 But the only -- the only reference that
22 I had was TR-01, -02 and -03, and what I could see
23 from the street.

24 Q. And than lastly, you did speak of how
25 the ordinance works in terms of the replacement trees

1 and the intent that, you know, should a tree be
2 removed, that it will be replaced, and that there is
3 the ability for multiple replacements replace one
4 existing tree, depending upon the nature, size, type,
5 et cetera.

6 Are you aware of the fact that PSE&G is
7 proposing an additional 317 trees to the 338 trees
8 on-site for a total of over 700 trees that will exist
9 on the property as part of this proposed development?

10 A. That's news to me.

11 I haven't seen a replacement plan or
12 anything like that.

13 As I say, the only thing I have seen is
14 TR-01, -02 and -03.

15 MS. PORTER: Thank you.

16 I have no further questions.

17 THE WITNESS: Okay.

18 CHAIRMAN NEUER: Thank you, Mr. Linson.

19 THE WITNESS: Okay.

20 CHAIRMAN NEUER: It was good seeing you
21 again.

22 Mr. Turteltaub, who's your next
23 witness?

24 You know we stop at 11.

25 MR. TURTELTAUB: Yes, we'll hopefully

1 get this started, maybe throughout the direct
2 testimony.

3 This would be Robin Blanton.

4 CHAIRMAN NEUER: Ms. Brill, will you
5 try to find Robin Blanton.

6 MS. BRILL: Sure, he's raising his
7 hand.

8 I'm moving him over right now.

9 There he is.

10 CHAIRMAN NEUER: There he is, is right.

11 Welcome, Mr. Blanton. Your microphone
12 is off, sir, you have to turn it on.

13 Now it's on.

14 Mr. DeLuca, would you be so kind as to
15 swear the witness?

16 MR. DeLUCA: Certainly.

17 Mr. Blanton, if you could please raise
18 your right hand.

19 Do you solemnly swear to tell the
20 truth, the whole truth and nothing but the truth?

21 MR. BLANTON: I do.

22 R O B I N B L A N T O N, P E

23 P.O. Box 1351, Raleigh, NC, having been duly
24 sworn, testifies as follows:

25 MR. DeLUCA: Thank you.

1 CHAIRMAN NEUER: Mr. Turteltaub?

2

3 VOIR DIRE EXAMINATION

4 BY MR. TURTELTAUB:

5 Q. Mr. Blanton, if you could, could you
6 please give the board the benefit of your background
7 and experiences, please.

8 A. I have a bachelor of science degree in
9 electrical engineering and have worked for utilities
10 since I graduated from Clemson University in 1982.

11 I have experience doing substation
12 design, maintenance and responsibility for substation
13 sighting, and worked for mainly municipal and
14 electric co-ops over the course of my career.

15 And then starting in 2017, started
16 working for a consulting engineering firm and a
17 working -- continue to work for a consulting firm and
18 -- to this day.

19 Q. And when you say a consulting
20 engineering firm, what firm is that and what is your
21 position with that firm?

22 A. At the present time, I have my own
23 consulting engineering firm, R.W. Blanton PLLC.

24 I work with a couple utilities and do
25 consulting and assist other consultants with work

1 they have, and I'm also a professional engineer in 11
2 states.

3 And I am also -- and one of those
4 states happens to be New Jersey.

5 Q. And do you provide your expertise in
6 any matters?

7 A. Would you ask that question again,
8 please?

9 Q. Do you provide your expertise in any
10 matters and if so, what would those matters be?

11 A. I have testified before the Rhode
12 Island Public Utilities Commission on some matters
13 relating to Rhode Island energy on plans they're
14 wanting to do. That occurred, I want to say, about
15 six to eight months ago on what they're doing in
16 Rhode Island.

17 And I have also, in the course of my
18 work with utilities as manager of engineering,
19 appeared before zoning boards and city and county
20 commissioners to get approval for not only
21 substations but also upgrades, transmission lines and
22 other facilities that were needed to run the utility.

23 Q. Do you have any experience in the
24 design of substations such as that which is before
25 the board tonight, and if so, could you just

1 elaborate on that, please?

2 A. I have been responsible for the design
3 of substations that -- the upper voltage is 230kV,
4 which I believe is what this site is, and have, over
5 the course of probably the last 25 years, have been
6 involved in 12 to 15 substation designs.

7 MR. TURTELTaub: And what I'd like to
8 do, Mr. Chairman, if I could is have Mr. Blanton be
9 qualified as a civil engineer in this matter, as well
10 as with his understanding of electrical facilities,
11 substation facilities such as that's before the board
12 tonight.

13 THE WITNESS: I would like to qualify
14 that be as an electrical engineer, not a civil
15 engineer.

16 MR. TURTELTaub: I'm sorry, an
17 electrical engineer.

18 My apologies.

19 CHAIRMAN NEUER: My silence is due to
20 taking notes. I am not ignoring either one of you.

21 So that, let's be more specific -- try
22 to be specific. The area of expertise, you're
23 seeking to qualify him as an electrical engineer with
24 experience in substation design.

25 MR. TURTELTaub: Yes.

1 CHAIRMAN NEUER: Is that correct?

2 MR. TURTELTaub: Yes.

3 CHAIRMAN NEUER: Board have questions
4 on qualifications?

5 MS. PORTER: Yes.

6 VOIR DIRE EXAMINATION

7 BY MS. PORTER:

8 Q. My question is what specific experience
9 does he have regarding switching stations?

10 A. This is a combination of switching
11 station and a step-down station to go from 230kV down
12 to the distribution voltage as shown on the plans of
13 26kV, and that has been the primary focus of my work,
14 but I've also been involved in designing ring bus
15 switching stations similar to what is existing on
16 this site that is not being -- nothing's being
17 changed as far as the transmission switching.

18 Q. And my only other question would be,
19 what specific experience do you have in New Jersey?

20 A. My experience in New Jersey is limited
21 to working with Sussex Electric co-op, where we were
22 assisting them on getting some transmission -- sub
23 transmission out of a couple of their existing
24 substations for some maintenance work they needed to
25 do.

1 So my experience in New Jersey is
2 limited.

3 Q. Okay. So was that with respect to
4 transmission, not -- not specifically with respect to
5 replacement of equipment?

6 A. I have also been involved in numerous
7 substation upgrades or retrofits where you're
8 replacing existing equipment, and one large municipal
9 that we're working with now is upgrading their
10 substations, and we're doing two to three substation
11 upgrades a year where we're replacing old existing
12 equipment with newer equipment.

13 You know, and part of that work
14 involved having to maintain power during the entire
15 process to all the members and minimizing the impact
16 that we have with trees and having to stay lots of
17 times inside the existing perimeter of the substation
18 fence.

19 Q. Thank you.

20 But that experience was limited to
21 situations outside New Jersey, correct?

22 A. That is correct.

23 MS. PORTER: Thank you.

24 CHAIRMAN NEUER: Members of the Board,
25 any questions with respect to qualifications as an

1 expert?

2 (No Response.)

3 CHAIRMAN NEUER: Seeing no hands.

4 Mr. Blanton, you said you have a New
5 Jersey license?

6 THE WITNESS: Yes, sir.

7 I'm a professional engineer in New
8 Jersey.

9 CHAIRMAN NEUER: Did you say
10 registered?

11 THE WITNESS: Yes, sir.

12 CHAIRMAN NEUER: You're not a
13 licensed --

14 THE WITNESS: I am a professional
15 engineer -- I'm a professional engineer licensed to
16 do work in the State of New Jersey.

17 CHAIRMAN NEUER: Are you a licensed
18 professional engineer in the State of New Jersey?

19 THE WITNESS: That is correct, sir.

20 CHAIRMAN NEUER: For how long have you
21 been licensed in New Jersey?

22 THE WITNESS: I want to say it's only
23 been for about five years.

24 CHAIRMAN NEUER: During that period of
25 time -- during that period of time, has your license

1 ever been suspended?

2 THE WITNESS: My license has never been
3 suspended.

4 I got my -- I am originally licensed as
5 a professional engineer in the state of North
6 Carolina, and I got that license in 19 --

7 CHAIRMAN NEUER: That's okay.

8 THE WITNESS: -- 1989.

9 I had to look at the plaque on the wall
10 to see the exact date.

11 CHAIRMAN NEUER: And is your New Jersey
12 license currently in good standing?

13 THE WITNESS: Yes, it is.

14 CHAIRMAN NEUER: Then, Mr. Turteltaub,
15 I will recognize Mr. Blanton as an expert in the
16 field of professional -- as a licensed professional
17 engineer with experience in -- oh, I have one more
18 question. I wrote down that you said you've been a
19 consultant since 2017.

20 THE WITNESS: Yes, sir.

21 CHAIRMAN NEUER: Since 2017, have you
22 designed substation replacement or upgrade projects?

23 THE WITNESS: Since 2017, yes, sir.

24 We are working with, like I said, a
25 large municipality in the state of Virginia where

1 they're replacing existing older equipment, and we're
2 doing two to three substations a year for them, and
3 we've been doing that for about five years.

4 CHAIRMAN NEUER: Okay. You answered my
5 question.

6 Thank you.

7 And as I was saying, you are accepted
8 as an expert, as a licensed professional engineer in
9 the State of New Jersey with experience in substation
10 design.

11 And I thank you.

12 DIRECT EXAMINATION

13 BY MR. TURTELTAUB:

14 Q. But just to qualify, one quick
15 question, Mr. Blanton, if you could.

16 When you talk about the design of a
17 substation in New Jersey versus North Carolina or
18 anywhere else you might design it, do -- does the
19 state matter in how you design it or is it the -- is
20 it the facility itself that tells you what you have
21 to do?

22 A. There are the National Electric Safety
23 Code and OSHA regulations how it has to be designed,
24 and they are the -- NESC and OSHA are -- have been
25 adopted by just about every state, and we design to

1 those specs whether the state has adopted those
2 standards or not. Or if they've adopted something
3 more stringent, comply with that.

4 Q. And New Jersey, has it adopted those
5 standards or is it more stringent than that?

6 A. They have adopted those standards and
7 are not more stringent.

8 Q. And, in fact, have you done work
9 outside of the U.S. as well?

10 A. I have also worked in Pakistan for
11 about six months working with the distribution
12 utilities there to improve the reliability of their
13 substations and distribution lines.

14 Q. And your skills go there as well?

15 A. Yes, sir.

16 Q. So tonight we're here talking about a
17 substation facility upgrade that is going to happen,
18 PSE&G in West Orange, New Jersey.

19 If you could, for the benefit of the
20 board, to understand what your background is at least
21 in this project, can you describe for them what your
22 assignment was and what you've done to prepare for
23 that.

24 A. What I looked at, my assignment was to
25 look at how the new equipment is being installed in

1 the substation, and if there was any way that the new
2 equipment could be moved or relocated or slid in some
3 manner that would possibly preserve trees on the
4 site.

5 You know, and again, there is no --
6 there is nothing in the reports that I've seen that
7 describe the health of any of the trees that are
8 being removed, so I don't know if they need to be
9 removed because they are -- they have issues.

10 But I'll also go one step further and
11 go, I also understand the idea that sometimes the
12 utility needs to remove trees to maintain a high
13 degree of reliability.

14 We want to keep the power on because
15 that keeps everybody happy.

16 You know, I spent the majority of my
17 career being the one that was getting the call when
18 something major went out, and I had to go out there
19 and fix it. And we never wanted it to be due to a
20 tree falling in the line.

21 Q. So in terms of this site and the plan
22 that's before us, did you have a chance to review the
23 plans that are being presented by PSE&G?

24 A. Yes, I have.

25 I've looked at the site plan

1 development for the substation -- the site plan for
2 the substation being -- equipment being added and
3 realizing that, you know, it is obvious that Public
4 Service is removing a lot of the old structures
5 coming off of the three transformers on this site.

6 Q. This type of work and this type of
7 project, in the description of the work that you were
8 giving before when we were getting you qualified as
9 an expert, is this the type of plans that you've
10 looked at before and something you're familiar with
11 this type of a plan in general.

12 I am not talking about this specific
13 plan, right now, but just generally, have you worked
14 with this type of a project?

15 A. Yes, with -- I've worked with this type
16 of project where we're -- again, we're replacing
17 older existing equipment with newer, more modern
18 equipment that will provide a higher degree of
19 reliability for everyone.

20 Q. Okay. And in your review of these
21 plans, did you note anything with respect to the
22 design of it and in particular, what are the issues
23 you had mentioned in your -- in your preamble, which
24 is the protection or minimization of the elimination
25 of existing trees; did you come up with anything on

1 that?

2 A. One of the things I would like to see
3 done or addressed in the report is if the new indoor
4 switching structure can be shifted further north and
5 further west on the site plan, so it would get it
6 further away from the existing trees.

7 You know, and that would move it
8 further away from Prospect Avenue and Mount Pleasant
9 Avenue.

10 And I can show that -- what I'm talking
11 about on the PSE&G site plan if you want me to share
12 my screen.

13 MR. TURTELTAUB: If he may share his
14 screen, I will ask, Mr. Chairman, if he can share his
15 screen, will you let him set up for that.

16 CHAIRMAN NEUER: Yes.

17 Diana or Megan, whoever, please allow
18 Mr. Blanton to share his screen.

19 MS. BRILL: Yes, he should have that
20 capability already.

21 CHAIRMAN NEUER: Do you see it,
22 Mr. Blanton?

23 THE WITNESS: Yes, I do.

24 Okay. I hope you can see my screen
25 now.

1 MS. BRILL: Yes.

2 CHAIRMAN NEUER: It's up on mine.

3 MR. TURTELTaub: We can.

4 CHAIRMAN NEUER: I don't know about
5 everybody else, but I can see it.

6 MR. SCOTT: Yes.

7 BY MR. TURTELTaub:

8 Q. Mr. Blanton, everybody can see your
9 screen, so --

10 A. Okay, very good.

11 Okay. Here is the new switch gear that
12 Public Service is putting in. What --

13 MR. TURTELTaub: And just for -- so
14 everybody can see, and just to make sure everybody
15 can see it, there's an X that's down to the bottom
16 right-hand part of the screen.

17 If anybody is having a problem seeing
18 it, please let me know, but that's where his cursor
19 is.

20 THE WITNESS: And I made the cursor
21 oversized so it's easier for me to see it also.

22 Here's the new equipment that PSE&G is
23 putting in. If this equipment could be slid further
24 north this way and further west this way to put it
25 more in this area (indicating), it would get it

1 further away from all the trees on the east side of
2 the site and the south side of the site, which we've
3 also heard testimony that these are some of the
4 larger trees that are being slated to be removed.

5 And again, I don't know the condition
6 of the trees, but this would possibly save some of
7 those trees if they are healthy trees.

8 You know another thing that, as I've
9 looked at this in the last several days, you know,
10 okay, what PSE&G is doing is they're coming out of
11 this transformer and running bus work out there
12 showing here to the switch gear. They also come out
13 this transformer with bus work down here
14 (indicating).

15 And then out of this transformer at the
16 top with bus work that comes all the way down in
17 here. And that --

18 BY MR. TURTELTaub:

19 Q. Now, you're using a term -- you're
20 using a term "bus work."

21 Can you just explain to the Board what
22 bus work is so everybody understands in the public as
23 well?

24 A. Okay. Bus work is just aluminum bus or
25 pipe bus that's installed on a type of structure.

1 And what their bus work looks like is -- this is
2 their bus work running through here (indicating) that
3 they're proposing to install. And they've got
4 supports on a regular basis to maintain that bus work
5 so it doesn't sag and doesn't fall down.

6 Q. Okay.

7 A. Okay?

8 Q. Now, you -- you were along the right
9 side of the drawing there and I'm sorry to interrupt
10 you.

11 A. Okay. Okay. You all understand? You
12 follow?

13 And then they got bus work coming down
14 to here that comes into here (indicating).

15 The other thing that, I don't know if
16 they considered because it's not in the report that I
17 -- any of the reports that I have seen, is could this
18 switch gear be moved up into this area?

19 Because they have already got slated to
20 remove some trees up in here (indicating).

21 And again, that would preserve these
22 larger trees down in here (indicating), you know, in
23 the south and east side of the property if those are
24 healthy.

25 Not knowing the condition of the trees,

1 not knowing what all PSE&G has looked at, I can't
2 tell you if that can be done, but I would hope that
3 that was something that had been considered by them.

4 Q. What are the impacts -- you know,
5 you're saying, well, we could move potentially the
6 new equipment that is on what I believe would be the
7 southeastern part of the property. You said they
8 could move it north.

9 What would be entailed in moving it
10 north and are there any restrictions either with
11 respect to the way they operate or physically that
12 they could not be moved, in your knowledge?

13 A. In my knowledge, again, if I -- if we
14 move this switch gear up here to this northerly side,
15 instead of running bus work from this transformer
16 down and this transformer down, we come from this
17 transformer here on the south side and go up to it
18 and this goes up and this goes over, it may be
19 shorter routes for their bus work to be installed,
20 which would then entail less cost to PSE&G.

21 Q. Now, in terms of moving it to that
22 location with other uses that may be there, does it
23 have any potential impact on that portion of the
24 property or the things near that as opposed to where
25 it is being planned for today?

1 A. There is nothing that I have seen in
2 the report that has any details on what is up in that
3 area besides the trees, or if they have any future
4 use for that property.

5 So I have not seen anything to say what
6 that's going to be used for, or if it's just going to
7 remain as trees for the long term.

8 Q. With respect to the elevations of the
9 site in the northeastern part of the property where
10 you're looking at or even just moving it north, does
11 the elevation of where that equipment would be have
12 any impact on the ability to locate it there?

13 A. As long as we can obtain a flat site to
14 put the switch gear on, elevation doesn't matter.
15 And then the bus work, you know, the elevation of the
16 bus work is based upon how short or how tall the
17 supporting structures are.

18 Q. And the fact that there's equipment in
19 there today is the likelihood that that's already
20 graded to -- at this point in time to support such
21 equipment?

22 A. It should be a fairly flat site here
23 where this existing equipment will be removed.
24 Because, at the same time, you can just see the top
25 edge of the existing equipment for this south

1 transformer. That's got to be removed for all this
2 to be installed on the south side.

3 Q. Now, with respect to maintaining power
4 and being -- service during a move to any such area,
5 would that plan that you were just discussing be able
6 to support -- be able to support the continuation of
7 service during the time that you move it in that
8 area?

9 A. They should be -- you should be able to
10 continue supporting service as this is being
11 installed, whether it is installed in the present
12 location or if you shift it, you know, just slightly
13 north and west or whether it gets --

14 (Connection lost.)

15 MR. TURTELTAUB: I think we have a
16 freeze here.

17 CHAIRMAN NEUER: We lost him.

18 MR. TURTELTAUB: I think we lost him.

19 Mr. Blanton, can you hear us?

20 CHAIRMAN NEUER: The screen is blank.

21 MR. TURTELTAUB: I'm seeing his
22 picture, but it's frozen right now.

23 CHAIRMAN NEUER: I'm seeing a blank
24 screen with his name on it.

25 MS. PORTER: Yes, I see him frozen.

1 MR. TURTELTaub: I will reach out to
2 him and see if I can let him know that.

3 Hold on one second.

4 MR. SCOTT: Time for the Jeopardy
5 music.

6 CHAIRMAN NEUER: I really do have to
7 put that in my phone.

8 BOARD SECRETARY: I guess he got kicked
9 off now.

10 CHAIRMAN NEUER: Tell him to log back
11 in, Jim.

12 MR. TURTELTaub: That is what I am
13 trying to do, yes. I am trying to get that done.

14 CHAIRMAN NEUER: Tell him to warm up
15 first so he's not frozen.

16 MR. SCOTT: Mr. Chair, it is 10:52,
17 so...

18 CHAIRMAN NEUER: I am there with you.
19 I am going to try to get through his direct and,
20 hopefully, Mr. Turteltaub can get him through
21 quickly; otherwise, we will adjourn.

22 You may want to start looking at your
23 calendar.

24 Diana, you as well.

25 While we're waiting, Diana, what's -- I

1 know we've got a pretty full agenda in January,
2 right?

3 MR. TURTELTaub: Mr. Blanton is trying
4 to log back in, so hopefully we'll have him.

5 MS. CHANDLER: I see him. I'll move
6 him over.

7 MR. TURTELTaub: Okay, thank you.
8 My apologies to everybody.

9 CHAIRMAN NEUER: See if you can give us
10 a sense of how much longer you're going to be on
11 direct.

12 MR. TURTELTaub: I think we should only
13 be about 15 more minutes or so.

14 We do have his cross-examination. I
15 have no problem if you want to come back at the next
16 meeting and just pick up from here.

17 THE WITNESS: I apologize for that.
18 For some reason I got knocked off.

19 MR. TURTELTaub: So we were just
20 discussing whether -- as we were approaching the
21 11:00 hour, whether we will continue with you now or
22 not, and I would put it back to Mr. Chairman.

23 CHAIRMAN NEUER: Listen, this is not my
24 decision.

25 Members of the Board, just raise your

1 hands if you can stick around for another 20 minutes;
2 otherwise, we'll adjourn now and resume at the next
3 meeting.

4 I'm not getting any hands up now,
5 Mr. Turteltaub and Ms. Porter. Not that I'm
6 surprised, not that I'm being critical.

7 VICE CHAIRMAN SCHWARZBAUM: How much
8 longer is his testimony?

9 MR. TURTELTAUB: I think it should be
10 about 10 or 15 minutes. It always takes a little bit
11 different, but I'm happy to return.

12 He's going to have to go through
13 cross-examination next time, and I fully appreciate
14 the fact that you all are volunteers, it's a late
15 hour, and I would be welcoming the opportunity to
16 come back and --

17 CHAIRMAN NEUER: Yes, Mr. Scott was the
18 only one who raised his hand, but --

19 VICE CHAIRMAN SCHWARZBAUM: We won't
20 really have time to cross, so --

21 CHAIRMAN NEUER: No, we won't have time
22 to cross and --

23 VICE CHAIRMAN SCHWARZBAUM: We'll lose
24 continuity. That's --

25 CHAIRMAN NEUER: So, Ms. Chandler,

1 what's our next slot?

2 MS. CHANDLER: We could do either
3 January 16th or February 20th.

4 CHAIRMAN NEUER: What do we have on for
5 January 16th?

6 MS. CHANDLER: As of right now, we only
7 have the carryover from Canterbury, 33 Mount
8 Pleasant.

9 CHAIRMAN NEUER: That's not going to be
10 short.

11 And we also have coming up this week a
12 couple of applications that are going to carry over.

13 What's the February date,
14 February 20th?

15 MS. CHANDLER: February 20th.

16 CHAIRMAN NEUER: Ms. Porter, how does
17 February 20th look for you?

18 And I know it's subject to your
19 experts, Mr. Turteltaub.

20 MR. TURTELTAUB: I will make myself
21 available. I don't know my experts' schedules at
22 that point in time.

23 Mr. Blanton, are you available?

24 THE WITNESS: I will make myself
25 available.

1 MR. TURTELTaub: Okay. And I can go
2 offline for one second and check with our third
3 expert.

4 Just hold on one second.

5 MS. PORTER: I am checking with our
6 experts as well.

7 (Brief Pause.)

8 MS. PORTER: Mr. Chairman, is there any
9 possibility for another special hearing in January
10 aside from the regular hearings?

11 CHAIRMAN NEUER: Are you willing to do
12 notice, because --

13 MS. PORTER: We would be willing to
14 re-notice if we could get one in January.

15 CHAIRMAN NEUER: I'm going to leave it
16 to you and Mr. Turteltaub, two civilized human
17 beings, to communicate with each other and see if you
18 both have -- let me just see. I'll have to poll the
19 board.

20 Our regular meeting is on the 16th.
21 See what you can do for the 9th or the 23rd. See if
22 we can get a quorum.

23 MR. TURTELTaub: Mr. Blanton, are
24 January 9th or January 23rd, are you available on
25 either of those or both dates.

1 THE WITNESS: I can make both those
2 dates work.

3 MR. TURTELTaub: Okay.

4 CHAIRMAN NEUER: Just show of hands if
5 you have your calendars with you, members of the
6 board and professionals, January 9th, if you're
7 available raise your hand, please.

8 I see Mr. Schwarzbaum, Mr. Eben.

9 MR. WILLIAMS: Mr. Chairman, I have a
10 potential conflict on January 9th and the 23rd
11 currently looks okay.

12 CHAIRMAN NEUER: So let's go back to
13 the 23rd. Members of the board and professionals,
14 raise your hand if the 23rd would be an acceptable
15 date for a special meeting.

16 Mr. Barbee, your hand is up. Mr. Eben,
17 Mr. Scott? That's a no?

18 MR. SCOTT: I'm a no on the 23rd.

19 CHAIRMAN NEUER: What I'm going to do
20 is I'm going to adjourn this until the 16th. And a
21 special on the 23rd, we'll announce it at that time
22 so that we don't have to do special notices.

23 If not, then we'll move it to the 20th
24 of February.

25 I didn't hear you, Mr. Scott.

1 MR. SCOTT: Apologies.

2 CHAIRMAN NEUER: Okay.

3 MR. TURTELTaub: Mr. Chairman, my
4 second witness I understand has a hearing on the 23rd
5 scheduled. I will do -- I will work with her to see
6 if we can arrange her time since it would be the
7 second testimony we'd have that night.

8 I will report back to you if I can get
9 that cleared for her.

10 But she has informed me she has the
11 23rd. She's open on the 9th, but not the 23rd.

12 CHAIRMAN NEUER: Okay. We are going to
13 try to schedule a special meeting on January 23rd.

14 MR. TURTELTaub: Okay.

15 CHAIRMAN NEUER: This meeting -- this
16 hearing is adjourned until January 16th, at which
17 time we will decide whether or not there will be a
18 special meeting and make the announcement to avoid
19 having to send out additional notices.

20 If we can't continue this hearing on
21 the 23rd of January, on the 16th or January we will
22 announce that it will go forward on the 20th of
23 February. You will be first on the agenda.

24 Is there anything on the agenda yet,
25 Diana, for February?

1 MS. CHANDLER: No.

2 CHAIRMAN NEUER: I can't hear you.

3 MS. CHANDLER: No.

4 CHAIRMAN NEUER: Okay. Is that clear?

5 Does anybody have any questions about scheduling?

6 MR. SCOTT: To confirm, February 20th.

7 CHAIRMAN NEUER: I understand, but
8 we're trying to get as many people as we can.

9 So that without further ado, this
10 hearing is adjourned to January 16th.

11 If you have an interest in the hearing,
12 please come as early as possible so that you will
13 find out when the actual next testimony will be
14 given.

15 That's all we have for tonight. Thank
16 you all very much for your cooperation. This meeting
17 is adjourned.

18 MR. TURTELTaub: Mr. Chairman, Members
19 of the Board, thank you.

20 CHAIRMAN NEUER: See you next week.

21 (Whereupon, this matter is continuing
22 at a future date. Time noted: 11:01 p.m.)

23

24

25

C E R T I F I C A T E

I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote Online Notary Public, Notary ID. #1810618, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
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Expiration Date May 27, 2028

Dated:

A				
abate 83:24	add 89:23	78:22 79:21	133:21 134:22	24:24 25:2
ability 50:21	added 120:2	81:4	announcement	28:1 29:8
52:21 82:8	adding 44:17	agreed 49:20	134:18	44:10 45:8,14
89:10 108:3	additional 7:2	agreeing 72:10	Announcements	45:22,23 49:2
126:12	107:13 108:7	Ah 16:6	8:4	49:19,24 52:12
able 15:10 20:12	134:19	ahead 76:18	answer 69:12	64:12 66:1
24:22 30:21	address 87:22	81:1,2,3 98:22	79:14 98:23	67:15 72:7,21
58:5 90:21	88:2,8 93:10	air 34:12 39:1,1	101:19,20	81:16,20,22
93:16 127:5,6	addressed 92:15	67:2	102:3,9,11	84:12 85:9
127:9	121:3	alerted 18:15,16	107:6	97:12 103:15
absence 7:10,18	addresses 101:3	ALICE 1:16	answered 20:17	applications
7:24	adhering 28:8	alive 29:20 30:3	23:8 67:19	70:15 83:22
ABSENT 1:16	adjacent 20:11	30:4 97:2,10	74:1 98:21	131:12
1:16,17	28:18 63:16	Allegiance 5:13	117:4	applying 49:16
absolutely 5:20	adjourn 128:21	5:15	answering 59:19	appointed 78:23
55:23 75:2	130:2 133:20	allow 102:14	ANTONYA 2:3	81:5
76:22	adjourned	121:17	anybody 122:17	appraisal 66:1
accept 16:9,11	134:16 135:10	allowed 61:1	135:5	appreciate
acceptable	135:17	98:3 103:1	apologies 112:18	69:12 74:20
133:14	adjournment	107:17	129:8 134:1	130:13
accepted 16:14	7:2	allowing 103:2	apologize 85:20	approaching
39:13 60:12	adjusted 92:5	alluded 49:14	129:17	129:20
117:7	adjustment 1:2	50:8	appeal 6:4	appropriately
accepting 58:16	5:4,22 92:8	alter 32:13 52:1	appealed 27:13	91:2
access 36:20	administer 8:15	altering 57:22	appeals 6:20	approval 29:6
61:15 104:21	Administrative	69:7 94:4	appear 27:11	111:20
accommodate	136:10	107:7	appearance 9:13	approve 72:20
28:3 94:5	admitted 11:19	ALTERNATE	12:20	approved 68:5
accurate 103:20	87:19	1:16,17	appeared 10:16	approximately
achieve 15:12	ado 135:9	alternative	111:19	76:2
98:2	adopt 31:4	98:19	appearing 12:16	arbor 46:22
achievement	adopted 117:25	alternatives	appears 36:19	arboriculture
27:21	118:1,2,4,6	15:11 72:15,18	86:9 107:3	46:21,24
achieves 41:20	advise 6:25	72:20 85:5	apple 35:16	arborist 47:3,5
achieving 97:25	aesthetic 63:4	98:1,15 106:14	applicability	55:8
ACIP 2:15 3:4	aesthetics 74:23	aluminum	49:23	architect 10:20
9:3	affect 34:15	123:24	applicant 2:6	area 40:6 53:6
acknowledge	90:13	American 35:18	6:6,12 9:17	61:4 63:18
45:2	afield 67:19	75:15	48:25 68:3	64:15 95:20
acknowledged	agenda 9:8	amount 61:4	69:3,7 72:16	112:22 122:25
105:21	129:1 134:23	90:12	72:21 82:8	124:18 126:3
act 5:11 53:9	134:24	analysis 42:21	85:4 89:9	127:4,8
84:3	agent 136:8	48:20 103:20	96:10	areas 25:4 41:7
action 136:8,9	aggressive 33:12	analyzed 102:6	applicants 5:25	60:25
activity 63:19	67:10	AND- 2:3	49:16	argument 36:22
actual 32:8	ago 19:15 22:3,5	and/or 90:13	application 6:15	arrange 134:6
56:13 84:14	24:10,12 31:2	98:16	9:8,9 10:1	artificial 92:16
135:13	54:12 111:15	animals 91:21	11:10,17 12:21	artificially 92:16
	agree 73:4 74:6	announce	13:10 23:25	ash 35:15 46:16

48:5,6,7	45:25 47:21	105:10	58:9,9 109:3,5	BPU 82:17 83:8
aside 132:10	48:24,25 49:25	basins 37:23	109:11,17,21	bragging 84:7
asked 20:25	50:14 52:11,15	basis 6:22 10:20	110:5,23 112:8	branch 60:15
25:7 82:4	53:4 55:9,12	43:22 124:4	115:4 116:15	branches 29:2
95:17 98:12	83:11 84:13,22	Bay 8:24	117:15 121:18	39:16 40:1,17
101:8,9 102:5	85:15 90:2	bean 44:13 63:3	121:22 122:8	46:10
102:23	104:15 105:6	66:6 85:21	127:19 129:3	break 32:7
asking 22:16	106:13,22	101:12	131:23 132:23	74:23 86:1
57:11 58:14	107:13 108:6	Beautiful 37:16	bless 71:14	breathe 61:4
62:13 80:18		beautifully 89:3	Block 9:11	62:15
107:5	B	behalf 9:16	blue 16:11 35:5	BRENT 1:14
aspect 28:19	B 109:22,22	12:16,22	105:25	Brief 132:7
101:3	B-L-A-N-T-O...	beings 132:17	board 1:2,12,22	Brill 2:16 11:20
aspects 14:13	13:7	believe 22:6	2:13,14 3:6,9	11:24 12:2,6
102:7	bachelor 110:8	36:25 37:23	5:4,9,22 6:5,21	15:19,20,25
assessment	bachelor's 19:10	41:20 43:5,9	7:1 8:13 10:2	16:3,6,9,13,22
105:4	back 10:17	44:4 61:17	10:17 12:13	17:5 92:23
assignment	12:10 16:19	74:7 89:9	13:2,20 14:3	93:5,8,14
118:22,24	18:1 94:21	90:11 92:11	19:2,6,23	94:13,14,17
assist 110:25	97:9 100:7	101:2 103:9	21:20 23:10	109:4,6 121:19
assistance 54:19	128:10 129:4	112:4 125:6	24:17 25:10	122:1
assisted 45:12	129:15,22	believes 102:6	27:12,13,23	bring 11:23 12:4
45:20	130:16 133:12	belong 71:5	29:14 34:19	66:23
assisting 113:22	134:8	benefit 19:6,24	50:5,24 51:6,8	brings 11:13
associated 53:25	backed 78:15	25:11 63:15	56:2 64:7,11	27:13 62:8
assume 91:1	background	100:24 106:10	64:22 72:13,24	brought 28:6
attached 54:13	19:7,24 29:9	110:6 118:19	78:23 81:5	97:8
attaches 54:9	86:24 87:3	benefits 100:20	82:3,19 84:5	building 6:3
attempted 72:16	110:6 118:20	best 38:17 41:8	86:10 101:13	20:4
89:20	backyard 66:25	42:13 72:12	102:11 107:9	bulk 64:18
Attorney 2:10	bad 93:15	89:13	110:6 111:25	bulletin 5:9
Attorneys 1:22	Baer 5:10	better 62:8 72:1	112:11 113:3	bunch 71:3
2:6	balance 67:4	beyond 55:4,6	114:24 118:20	bus 113:14
audience 6:13	Barbee 1:15 7:7	78:5	123:21 128:8	123:11,13,16
August 10:3	7:8 59:8,9,14	big 66:25 75:8	129:25 132:19	123:20,22,24
authority 71:22	87:4,8 133:16	75:10	133:6,13	123:24,25
available 92:6	Barnegat 8:24	biggest 38:2	135:19 136:6	124:1,2,4,13
131:21,23,25	based 10:10	75:11	boards 21:5	125:15,19
132:24 133:7	30:6,25 32:13	birch 35:17	111:19	126:15,16
avenue 1:8 6:4	41:12 57:12	birds 91:21	body 5:23 6:23	business 10:11
8:24 9:12	59:16 86:14	bit 19:23 70:23	71:11 136:6	51:5
36:25 37:5,25	87:11,17	93:22 130:10	borders 26:15	Butler 47:16
58:1,4 94:3	107:17 126:16	bitter 35:18	68:17	button 16:11
107:2 121:8,9	basic 6:10	black 35:14,15	borer 48:7	buttness 39:22
Avenues 34:1	basically 31:22	35:16 66:15	bottom 90:17	buzz 16:15
avoid 37:25 41:7	41:11 57:4	blamed 73:3	122:15	bypass 96:20,22
134:18	60:3 69:10	blank 127:20,23	box 2:8 35:14	Byron 5:10
aware 43:23	72:6 73:14	Blanton 3:8 13:7	109:23	
44:8,11,18,21	74:19 96:24	13:8 14:3 15:5	boy 35:17	C

C 1:18 2:1 68:24 136:1,1	50:9 56:7 61:3	88:10,15,17,21	changes 49:17	co-counsel 9:18
C.C.R 136:3,14	certainly 9:2	92:21,25 93:7	changing 103:23	co-op 113:21
calendar 8:8	34:10 75:19	94:8,12,15,18	check 132:2	co-ops 110:14
128:23	105:24 109:16	94:24 95:4,6,8	checked 84:16	code 6:2,7
calendars 133:5	certified 1:24	95:10 98:6,21	checking 132:5	117:23 136:11
call 5:3 7:6	47:6 136:4	101:6,20	cherry 35:15	collection 92:17
10:10 119:17	certify 73:18	102:13,25	chestnut 35:8	collectively
camera 17:14,15	136:5	104:10,12	37:16,18,19	64:21
candidates	cetera 68:23,23	108:18,20	77:23 106:3	Colorado 35:5
57:21 75:16,17	91:21 108:5	109:4,10 110:1	CHIESA 2:2	105:25
canopy 26:1	Chair 128:16	112:8,19 113:1	choose 63:24	column 96:3
31:21,23 67:1	Chairman 1:13	113:3 114:24	96:22	105:11
74:9 100:4,9	1:13 5:1,16 7:5	115:3,9,12,17	chooses 96:16	combination
100:19	7:10,18,20,24	115:20,24	choosing 96:17	113:10
Canterbury	8:1,4 9:7,16,20	116:7,11,14,21	chose 11:6	come 16:19
131:7	9:23 10:1,14	117:4 121:14	Chronicle 5:8	34:21 60:6
capability	10:16 11:11,22	121:16,21	circling 36:3	63:7 85:22
121:20	12:1,4,10,15	122:2,4 127:17	circumstances	98:3,4 99:10
capable 53:19	12:23 13:14,22	127:20,23	58:19	120:25 123:12
capacities 19:21	13:25 14:10	128:6,10,14,18	citing 61:18	125:16 129:15
20:24	15:18,23 16:1	129:9,22,23	citizen 12:17	130:16 135:12
capacity 47:9	16:18,25 17:12	130:7,17,19,21	Citizens 6:13	comes 12:8
102:17	17:18,22 18:1	130:23,25	city 111:19	26:23 87:15
carbon 34:15	18:14,21,24	131:4,9,16	civil 10:19 112:9	97:6 123:16
78:14	20:16,19 21:13	132:8,11,15	112:14	124:14
care 29:16 45:13	21:16,19,23	133:4,9,12,19	civilized 132:16	comfortable
career 110:14	22:4,7,11,20	134:2,3,12,15	clarify 48:14	90:16
119:17	22:24 23:1,3,5	135:2,4,7,18	clear 69:19	coming 16:23
Carolina 116:6	23:6,8,14,18	135:20	98:13 101:2,13	17:5 35:14
117:17	32:19,24 33:3	Chairperson 5:3	101:17,20	39:3 83:23
carried 10:7	42:4,7 56:2,5	7:25	102:10 135:4	86:25 120:5
carry 131:12	56:11,17,24	champion 75:7	clearance 51:1	123:10 124:13
carryover 131:7	57:1,10 58:6	75:17 84:15,18	53:14 54:5	131:11
cars 34:14,16	58:13,22 59:1	chance 119:22	cleared 134:9	Commencing
78:15	59:6,14,17	Chandler 2:13	clearing 53:20	1:11
CARUCCI	62:10 64:1	7:6,7,9,11,13	62:14	comment 44:25
136:3,14	65:1 67:18	7:15,17,19,21	Clemson 110:10	52:21
case 1:5 6:12,13	69:15,19 73:25	7:23,25 8:3	clerk 5:8	comments 34:22
6:24 12:22	74:11 79:3,8	86:16,20,25	client 15:7	commercial
cases 6:21 14:23	79:11,15,18,22	87:6,20 88:1,5	climate 74:14	62:7,7
categories 29:15	80:1,3,8,11,15	88:7 129:5	close 39:21	commission
cause 46:10	80:18,22 81:1	130:25 131:2,6	52:13 53:9,17	111:12 136:6
caused 64:12	81:8,11,19,23	131:15 135:1,3	64:16 96:7	commissioners
causes 60:19	82:9,16,19,22	change 31:19	100:13	111:20
cavities 95:25	83:6,12,17	51:17 74:14	closer 37:24	committee 66:9
cedar 35:5,16	84:7,10,21	91:13,14,15	40:12 58:1,4	communicate
Central 47:14	85:8,15,23	97:15	107:1	132:17
certain 35:3	86:9,19,21	changed 51:8	CME 2:14 3:3	community 6:9
	87:2,7,24 88:3	113:17	8:23	12:17 14:23

15:13 25:21 34:8,9 72:3 85:13 91:15 compact 51:12 companies 29:13,14,23 45:21 50:11,17 53:18 54:16 company 1:7 9:10 54:19 compensate 38:16 compensated 104:5 compensation 66:11,17 68:14 complaining 84:8 complete 49:17 completely 28:22 compliance 11:2 15:3 21:1 103:7 complies 66:2 85:9 101:11 102:1 136:10 comply 11:6 49:20 118:3 compromised 56:22 concepts 13:19 concern 83:24 concluded 42:12 94:20 conclusion 101:22 102:1 conclusions 99:10 condition 29:21 43:19 46:9 61:21,25 96:4 96:7,9 104:24 105:12 123:5 124:25 conditions 39:24 95:20 96:25 conduct 6:15 10:11	conducted 5:6 10:21 conductors 53:9 configuration 99:7 configurations 53:15 configured 106:25 confined 52:18 confirm 135:6 confirming 96:7 conflict 133:10 conform 64:4 conforming 63:24 connecting 59:4 connection 42:20 43:3,8 43:14 44:10 45:8 52:11 53:23 127:14 consequences 30:22 97:18 consequently 61:16 conservation 84:2 consider 7:1 27:24 97:13 107:10 consideration 107:18 considerations 10:24 considered 69:7 97:2 98:14 99:9 103:15 106:15,23 124:16 125:3 considering 96:25 consistent 44:22 constraints 43:24 constructed 35:3 construction 39:11 56:13,19	57:3 82:13 91:11 consultant 19:16 22:1 116:19 consultants 110:25 consulted 19:17 consulting 2:14 110:16,17,19 110:23,25 contained 102:19 contemplated 22:14 contender 84:17 CONTENTS 3:1 context 49:19 continuation 127:6 continue 18:25 80:25 110:17 127:10 129:21 134:20 Continued 2:1 continuing 135:21 continuity 130:24 contract 70:13 contractor 60:7 63:9 contractors 29:12,12 contrary 64:14 contributing 97:20 contribution 100:5 contributions 25:20 controversy 97:4 conversation 102:20 conversations 45:7 convey 101:19 convinced 89:19	cooling 32:4 cooperation 54:18 135:16 copy 24:20 corner 24:8 correct 12:18 34:19 40:18 44:6,7 46:24 56:9,10,15,16 57:14 58:20,21 61:8 65:7,8,12 65:13,19,20,24 84:24 85:11 90:4,8 91:7 101:5 113:1 114:21,22 115:19 CORSINI 1:19 cost 125:20 council 6:22 25:18 28:3 78:23,24 79:17 81:6 counsel 5:17 6:25 7:3 9:13 95:18 counsel's 28:7 counter 85:21 counties 19:18 counting 44:13 63:3 66:6 101:13 county 111:19 couple 20:21 24:5 48:5 67:13 100:14 110:24 113:23 131:12 course 60:9 78:16 110:14 111:17 112:5 court 5:24 97:16 136:4,6 courts 6:21 coverage 26:1 31:21,23 67:2 100:5,9,19 covering 78:6 covers 39:16	CR-623 9:4 crab 35:16 created 136:6 credentials 18:20,22 21:17 21:21 23:12 crime 37:7 critical 130:6 cross 130:20,22 cross-examina... 42:5,8 101:17 129:14 130:13 cross-referenc... 106:6 crossed 101:9 CSG 9:16 curb 20:15 current 25:8 26:7,8 28:6 30:12,24 43:19 44:5 46:2 65:22 104:16 currently 42:18 116:12 133:11 curriculum 13:23 14:1,4 cursor 122:18 122:20 curved 20:14 cushioned 27:15 cut 93:17 cutting 68:22
D				
D 1:13 3:5 18:10 damage 60:19 Dannemiller 1:16 7:9 dash 13:12 date 116:10 131:13 133:15 135:22 136:16 Dated 136:17 dates 132:25 133:2 Dawn 93:8,12 day 47:1 110:18 days 123:9 DBH 41:18				

dead 27:8 28:22 29:20,25 45:16 45:16,18 46:16 73:13,19,19 74:16 96:11 97:1,2,5 dealing 47:9 December 1:10 5:5 8:6 decent 63:8 decide 134:17 decision 5:24 64:22 66:15 73:2 129:24 decisionmaking 6:19 decisions 6:20 25:12 41:12 73:4 declare 29:25 deemed 49:16 66:10 deer 91:25 defect 73:20 97:9 defective 104:25 defects 28:25 30:1 95:25 deficiency 56:22 define 30:1 defined 63:18 defines 40:4 definitely 27:25 degree 19:10 110:8 119:13 120:18 delighted 48:3 delineation 39:11 DeLuca 1:20 5:17,18,20 7:5 8:12,17 9:6 10:5 18:2,4,7 18:13 109:14 109:16,25 Deluca@centr... 1:22 demise 48:8 denied 6:2 27:12	93:16 103:16 103:22 denies 72:12 deny 64:12 DEP 31:2,8 departments 53:19 depending 108:4 describe 118:21 119:7 description 4:1 120:7 design 10:22,23 13:8 15:6 26:18 68:20 98:1 110:12 111:24 112:2 112:24 117:10 117:16,18,19 117:25 120:22 designated 9:11 designed 66:20 116:22 117:23 designing 57:24 106:15 113:14 designs 112:6 desirable 41:4 41:24 desire 63:4 despite 68:1,2,4 destroy 14:22 39:7 destruction 39:7 96:21 97:25 details 126:2 detention 36:25 37:23 58:3 deteriorating 46:9 determination 46:8 48:22 determine 85:3 determined 62:24 deterrent 38:17 66:20 develop 63:24 developed 20:6	22:18 85:7 developer 63:7,9 developers 50:18 63:23 development 20:4 26:1,16 27:11 36:7 41:6 62:5,5,6,7 62:8 64:14 68:18 81:24 82:11 98:16 103:18 105:19 108:9 120:1 devices 87:5 diagrams 13:19 diameter 30:7 31:24 32:6,18 33:5 34:25 36:10,12,14,17 37:4,9,10,13 37:15,17 44:14 60:16 61:22 70:24 71:7,13 72:9 75:5,20 diameters 36:1 Diana 2:13 121:17 128:24 128:25 134:25 dies 54:17 60:15 difference 65:16 104:23 differences 28:9 105:4 different 31:17 31:18 47:19 51:19 53:15 65:16 72:4 83:25 87:4 102:7 103:11 130:11 difficult 58:15 dignified 6:16 diligence 10:22 85:19 diminishing 25:25 64:13 DIRE 19:3 110:3 113:6 direct 11:9	23:21 60:6 109:1 117:12 128:19 129:11 directed 51:5 directionally 51:11 disagree 102:14 disappear 16:17 disapproves 73:5 disconnect 52:8 discretion 27:1 27:15 97:21 discuss 11:1 15:6 discussed 45:10 discussing 127:5 129:20 discussion 101:12 disease 29:3 diseased 97:1,5 disposition 36:4 dispute 102:18 disputed 28:15 distances 53:5 distinguish 105:7 distribution 53:11 83:4 113:12 118:11 118:13 diverting 92:16 doing 12:6 27:17 39:10 40:11 59:19 64:10 68:8 89:3 94:2 110:11 111:15 114:10 117:2,3 123:10 dots 59:4 doubt 29:7 104:22,22 105:3 Doug 106:2 Douglas 35:7 downward 55:22 drafting 42:16	DRAPER 1:14 drawing 124:9 drip 39:14 40:3 40:16 drive 89:5 driveway 36:8 36:20 106:24 driving 43:22 90:24 91:8,10 drove 73:11 due 10:22 46:9 46:10 85:19 112:19 119:19 duly 8:25 9:5 18:12 109:23 dying 97:1
E				
E 1:18,18 2:1,1 2:12,12 8:23 9:3,3 136:1,1 Eagle 78:17 earlier 28:7 early 135:12 easier 122:21 easiest 77:5 east 1:20 107:1 123:1 124:23 eastern 35:16 Eben 1:14 7:11 7:12 59:15,17 59:25 60:5 61:3 62:4,11 62:12 63:6 64:2,3,25 65:1 133:8,16 echo 87:5 edge 40:16 126:25 edges 40:17 effect 22:15 32:4 42:18 effort 49:21 eight 44:15 48:1 60:16 100:12 100:13 111:15 eight-tree 33:9 Eisenhower 2:4 either 55:10				

97:1 112:20 125:10 131:2 132:25 elaborate 22:25 93:22 96:18 112:1 elder 35:14 elected 78:24 79:1 81:6 electric 1:6 9:10 47:16 50:21 52:17 53:12,20 110:14 113:21 117:22 electrical 43:24 43:25 53:6,24 99:8 110:9 112:10,14,17 112:23 electricity 47:11 47:12 77:12 elements 101:24 elevate 15:16 elevated 16:12 elevation 126:11 126:14,15 elevations 126:8 elicit 98:17 elimination 120:24 elm 35:18 emerald 48:7 emitted 34:15 emotional 63:4 emphasis 31:7 105:16,23 employed 24:4 85:17 136:8 employment 22:18 encompassing 70:17,19 encourage 26:17 68:19 encroaching 29:2 energize 53:8 energy 111:13 enforce 68:10	79:22 enforcement 19:22 enforcing 27:1 103:14 engaged 57:5 engineer 2:14 10:19 27:2 37:22 57:24 58:9 111:1 112:9,14,15,17 112:23 115:7 115:15,15,18 116:5,17 117:8 engineering 40:24 103:25 110:9,16,20,23 111:18 engineers 85:2 99:8 enjoy 74:24 enormous 75:20 entail 125:20 entailed 125:9 enter 36:8 entertain 11:8 entire 40:21 72:25 114:14 environmenta... 77:3 78:7 equipment 43:25 44:1 52:12,14,22 53:6 54:1 114:5,8,12,12 117:1 118:25 119:2 120:2,17 120:18 122:22 122:23 125:6 126:11,18,21 126:23,25 Erica 2:3 9:19 erosion 92:13 especially 19:7 95:20 ESQUIRE 1:20 2:2,3,7 et 68:23,23 91:21 108:5	evaluation 27:20 evening 5:1 6:20 8:7,13 9:9,15 10:11,15 12:12 42:21 43:4,9 event 87:9 eventually 100:10 everybody 73:3 78:10 119:15 122:5,8,14,14 123:22 129:8 evidence 5:23 6:24 11:14,18 87:14 evident 106:20 exact 116:10 exactly 14:8 57:15 examination 19:3 23:21 95:15 96:15 110:3 113:6 117:12 examined 95:24 example 84:15 exceed 40:2 exceeding 68:3 exceeds 31:14 65:22 excessive 68:22 72:8 excited 38:10 excuse 32:19 79:13,25 80:2 80:3,7 103:6 Excused 7:10,18 7:24 exempt 93:24 exempted 11:5 exemption 50:15 50:17 exemptions 49:4 50:9 exempts 49:4 exhausted 72:19 85:4 106:20 Exhibit 4:2 EXHIBITS 4:1	exist 26:10,10 50:17 108:8 existence 26:14 68:16 existent 105:18 existing 26:19 43:18,19,23 44:20 47:21 52:14 62:15 67:11 68:21 82:5 85:6 104:24 108:4 113:15,23 114:8,11,17 117:1 120:17 120:25 121:6 126:23,25 expand 77:12 expands 77:11 expansive 83:3 expect 6:15 8:10 experience 13:8 20:7 46:20,22 47:8 62:13 98:1 110:11 111:23 112:24 113:8,19,20 114:1,20 116:17 117:9 experienced 53:23,23 experiences 19:7 40:25 110:7 expert 13:1,4 18:17 19:13 21:5,11 23:16 29:25 45:2,15 47:6 58:15,16 63:7 73:18 99:5 103:10,12 115:1 116:15 117:8 120:9 132:3 expertise 44:4 73:15 81:14 83:13,14,16,17 83:17,19 111:5 111:9 112:22 experts 10:19	13:15 14:6 29:15,18,23 94:25 107:11 131:19 132:6 experts' 131:21 Expiration 136:16 explain 123:21 explored 94:3 exposure 61:11 express 59:23 extensive 25:17 extent 30:18 41:13,16,22 44:12,19 57:18 76:7 89:21 90:22 externally 104:16
F				
F 136:1				
face 96:1				
facilities 37:1				
58:3 83:5				
111:22 112:10				
112:11				
facility 37:24				
38:22 43:22				
57:22,24 77:13				
77:19 78:2,3				
83:7,7 89:18				
117:20 118:17				
facing 77:2				
fact 18:16 25:18				
32:16 46:13				
51:11 62:4				
68:3,4 72:6				
73:16 77:2				
96:15 103:15				
103:22 108:6				
118:8 126:18				
130:14				
factor 61:16				
factors 51:22				
facts 85:1				
fail 29:1				
fair 6:17 96:5				
fairly 6:6 126:22				

fall 49:7 53:6 55:4 124:5 falling 46:10 119:20 falls 60:19 familiar 23:23 24:2,16 25:3 26:7 45:19 46:7 53:4 55:16,21 120:10 familiarity 55:2 far 31:13 39:9 67:19 113:17 Farr 46:1,11 Farr's 46:7,19 fashion 37:2 fault 28:11 February 131:3 131:13,14,15 131:17 133:24 134:23,25 135:6 fee 45:22 feedback 86:20 feel 68:5 feet 39:22 53:8 53:16 55:4 fell 53:25 54:13 felt 96:10 fence 92:2 114:18 fibrous 39:18,25 field 45:3 116:16 fill 28:23 filling 45:21 filtering 34:12 34:15 filtration 39:2 67:2 final 92:11 finally 13:11 financial 136:8 136:9 find 15:21 92:2 99:14 109:5 135:13 findings 25:16 45:8 68:25	102:18 finds 72:8 finished 80:18 fir 35:7 106:2 firm 2:7 110:16 110:17,20,20 110:21,23 first 6:4,5 8:8 12:20 13:2 14:19 15:25 23:23 38:20 56:25 62:17 85:7 96:20,23 128:15 134:23 FISHER 1:19 five 24:11 31:25 84:6 115:23 117:3 fix 119:19 Flag 5:13 flat 126:13,22 floor 2:8 10:12 focus 14:13 113:13 focusing 14:18 follow 13:6 124:12 following 89:10 follows 9:1,5 18:12 109:24 fooling 76:20 foregoing 136:5 foresee 6:7 forester 11:1 13:3 16:4 19:14,19 20:1 27:2 42:11 44:9 46:1,2 47:5 68:5,6,9 70:13 72:7 73:1 85:9 104:16,20 107:16 forester's 68:10 forestry 19:10 21:11 62:18 forever 74:4 80:25 forgetting 16:20	form 28:23,24 60:12 former 13:3 42:11 forms 72:4 forth 99:20 forward 10:11 102:14 103:3 134:22 foster 26:13 68:16 found 17:6 31:5 44:22 75:14 101:10,25 four 10:2,7 31:25 37:1 66:25 78:12 four-to-one 33:8 fourth 96:3 frankly 22:23 freeze 127:16 frequently 21:3 60:14 front 10:17 32:16 85:1 frozen 127:22 127:25 128:15 fulfill 38:25 fulfilling 45:13 fulfillment 32:9 fulfills 44:12,18 full 29:13,22 94:21 129:1 fully 86:10 130:13 fund 97:20 further 10:18,22 42:3 49:21 56:1 67:21 94:16 96:18 104:8 108:16 119:10 121:4,5 121:6,8 122:23 122:24 123:1 135:9 furthest 39:15 future 8:5 126:3 135:22	G G 9:3,3 G-O-L-D-M-... 13:13 gallery 12:3 garages 71:4 gas 1:7 9:10 46:17 gear 122:11 123:12 124:18 125:14 126:14 Gee 79:15 general 98:9 120:11 generalities 98:12 generally 25:3 60:11 120:13 gentlemen 8:19 14:1 George 2:15 3:4 8:13 getting 19:2 49:11 67:24 88:3 97:24 98:12 113:22 119:17 120:8 130:4 GIANTOMASI 2:2 GILLISPIE 1:19 give 19:23 21:5 25:10 82:4 110:6 129:9 given 5:7 6:13 11:7 24:20 27:18 135:14 giving 120:8 glad 107:20 go 12:9 14:5 29:5 33:7 36:20 39:9,25 62:18 63:20 75:22 76:18 81:1,2,3 86:5 88:5 89:18 90:21 91:24 94:21,24,25	96:22 98:2,22 101:23 102:14 103:2 113:11 118:14 119:10 119:11,18 125:17 130:12 132:1 133:12 134:22 goal 32:8 63:14 98:2 goals 27:21 38:13 God 71:13 goes 72:13 125:18,18 going 13:11 14:12,18 25:6 30:21 32:1 33:16 34:3,12 36:4,5,23 38:21,24 39:10 50:9 51:15 58:9,10 61:23 66:17 67:6,19 69:24 70:24 71:6,15,17 72:20 73:4,5,9 78:1,18 79:14 79:18 81:3 86:2 90:20 91:24 92:25 93:1 94:13,18 94:18 95:21 96:1,20 97:11 97:18,20 100:13,24 118:17 126:6,6 128:19 129:10 130:12 131:9 131:12 132:15 133:19,20 134:12 Goldman 13:13 13:18 15:9 golf 78:16 good 5:1 9:15 10:15 12:12 17:9 20:6 54:22 71:17
--	---	--	--	---

73:23 74:3,15 81:12 88:5 89:1,7 96:5,8 97:14 108:20 116:12 122:10 governing 53:5 71:11 government 72:5 graded 126:20 grading 26:18 68:20 graduated 110:10 granted 64:9 granting 73:6 grass 61:2 great 10:13 32:8 36:19 99:14 greater 41:19 53:13,14 77:11 greatest 30:18 41:13,16,22 57:18 89:10,21 green 29:4 greenery 97:7 ground 39:1 90:22 groups 29:11 grow 32:10 61:1 61:8 62:16 75:23 76:5 growing 26:14 68:16 71:3 guess 24:8,11 45:20 50:7 57:11 58:13 128:8 guide 54:10,13 guidelines 82:23 83:8	54:25 87:18 93:3 109:7,18 130:18 133:7 133:14,16 hands 8:18 92:22,24 94:13 115:3 130:1,4 133:4 hanging 60:17 happen 22:15 118:17 happens 93:16 111:4 happy 42:24 119:15 130:11 hard 59:3,22 hardest 20:3 hardship 64:7 hazard 46:10 97:10 health 26:14 34:8 68:16 97:9 119:7 healthy 26:4 28:14 30:22 33:21 38:16,18 38:18 63:4 66:10,11,18,21 67:5 68:15 73:12 74:17 97:3,3,14,17 99:4,13 105:14 123:7 124:24 hear 69:18 74:9 74:10,11 88:15 88:16 107:20 127:19 133:25 135:2 heard 10:2 11:17 82:3 123:3 hearing 6:17 10:18 59:22 107:10 132:9 134:4,16,20 135:10,11 hearings 10:7 76:25 81:16,20 132:10	hears 5:23 heat 67:2,2 Heaven 35:17 48:1,2 heavy 73:17 height 38:22 75:6 77:19 held 8:6 helpful 62:3 Hess 2:14 3:3 8:14,22 95:7,8 Hi 88:18 93:12 hickory 35:18 high 25:18 64:17 119:12 higher 61:12 120:18 Highlands 84:3 highlighted 106:5 hill 90:18 history 63:6 hold 59:25 128:3 132:4 hollow 73:14 hoops 30:19 73:22 hop 92:2 hope 51:25 94:2 104:18 106:18 121:24 125:2 hopefully 15:11 108:25 128:20 129:4 Hornbeam 75:15 horse 35:7 37:16 37:17,19 77:23 106:2 horticulture 46:23 hour 129:21 130:15 house 53:17,20 62:9,9 71:1 how's 17:21 huge 100:4 human 132:16 humerus 54:11	hundred 14:23 15:14 32:6 76:3 92:4 94:6 105:2 I ID 136:4,15 idea 97:14 100:6 102:18 119:11 identified 34:25 36:2 107:16 idling 34:14 IEEE 55:3 ignoring 112:20 immediately 100:24 impact 31:18 34:8 114:15 125:23 126:12 impacts 25:12 31:19 41:1 125:4 impair 91:20 impartial 6:17 implementation 42:17 implemented 20:9 implications 45:17 importance 25:19 important 28:19 49:12 72:24 75:6 77:3 78:8 importantly 50:10 impossible 51:14 impression 67:24 89:9 improve 118:12 improvement 63:22 improvements 106:25 improvised 31:6 incentive 26:2 33:20	inch 71:7,13 inches 31:24 33:10 60:16 61:6 71:9 included 96:12 increase 77:13 90:12 indicate 10:21 61:21 indicated 10:15 10:16 42:10,15 44:21 indicates 26:13 indicating 105:12 122:25 123:14 124:2 124:14,20,22 indicative 25:17 35:21 indiscriminate 68:21 individual 29:2 102:20 individually 57:21 individuals 50:18 indoor 121:3 induced 92:16 industry 46:14 inequities 6:8 information 18:18,19 29:9 52:9 62:2 informed 101:15 134:10 initial 105:19 107:15 initially 31:3 59:9 innovative 26:17 68:19 insect 29:3 inside 42:25 114:17 inspector 6:3 install 124:3 installation 94:5 104:1
--	---	--	---	--

installed 35:11 118:25 123:25 125:19 127:2 127:11,11 intend 12:24,25 13:2,6 14:7,9 15:1 intense 32:3 intent 31:20 44:19 85:3 89:11 99:24 106:17 108:1 interact 57:5 interacting 84:2 interaction 54:16 interest 135:11 136:8,9 interior 77:9,10 77:17 internally 104:17 interrupt 80:11 124:9 interrupting 80:7,13 intersection 34:13 78:11 introduce 21:11 introduced 31:10 introducing 57:19 introduction 28:7 invasive 35:14 41:4 60:22 71:3 invited 104:21 involuntary 60:23 involved 24:5,13 28:23 42:16 51:23 64:8 83:4 112:6 113:14 114:6 114:14 136:8 Irv 1:13 59:10 island 67:3	111:12,13,16 isolated 61:14 issue 14:17 29:10 39:6 54:17 issued 44:9 issues 20:2 119:9 120:22 item 57:12 J J 1:20 8:23 18:10 JAMES 2:7 James.Turtelt... 2:10 January 8:9 129:1 131:3,5 132:9,14,24,24 133:6,10 134:13,16,21 134:21 135:10 Jen 9:16 JENNIFER 2:2 Jeopardy 16:21 128:4 JEROME 1:14 Jersey 1:21 2:4 2:9 8:25 9:4 13:5 18:11 19:12 29:14 30:10 47:14 50:24 51:5 68:2 70:1,6 75:18 103:10 103:11 111:4 113:19,20 114:1,21 115:5 115:8,16,18,21 116:11 117:9 117:17 118:4 118:18 136:4,7 136:10 Jersey's 75:8 Jim 128:11 job 68:10 78:22 79:1,23 81:5 jobs 53:24 John 1:20 2:14	3:3,5 5:17 8:14 13:3 16:1,2,2 17:22 86:21 87:1 88:9,10 joined 16:24 Joyce 88:18,19 88:24 90:6 Jporter@csgl... 2:5 judgment 48:21 103:13 105:1 judicial 5:23 jump 30:19 73:22 JUNIOR 1:20 juniper 35:6 jurisdiction 10:8 justification 66:10 K keep 16:20 119:14 keeps 119:15 Kevin 2:10 12:17 kicked 128:8 kind 5:18 8:15 18:2 95:25 106:16 109:14 kindly 7:6 87:18 kinds 20:1 53:15 83:25 Kinnelon 18:11 Kipp 29:8 44:9 44:21 48:21 61:18 73:1,17 85:19 101:10 101:10,24 102:6 103:6,8 104:23 Kipp's 66:1 101:1,7,15 103:13,19 104:3 knocked 129:18 know 22:12 28:10,16 29:9 30:25 31:22	32:1,5 33:21 34:4,11 37:10 37:21,22 38:1 38:7,15,17,24 39:5,9,21 40:1 40:20 41:4,10 41:11 44:14 45:16 46:12,13 46:16 47:13 48:2 51:3,12 51:16,18 52:7 52:15,20 53:10 53:11,13,14,16 53:18 54:8,17 54:21,22,24,24 55:13,19 57:16 57:23 58:7,18 60:8,9,17,20 60:25 62:24 64:11,17,20,21 64:23 65:11,16 66:14,21,22 67:3,12 68:6,7 69:6 70:12,25 71:8,11,14 72:4,5,8,8,10 72:16,23,24,25 73:1,3,8,10,10 73:11,14,14,21 73:24 74:19,21 74:22 75:10,11 75:13,19 76:2 76:4,5,7,23 77:12,23,24 78:2,16,17 81:23 82:6,25 82:25 83:3,7 83:12,23,25 84:1 85:18 89:2 90:1,23 91:25 93:18 96:5,5,7,24 100:1,4,10,17 103:9,14,19,21 103:24 104:3 105:10,13,16 105:17,20 106:8,10,17 107:7 108:1,24	114:13 119:5,8 119:16 120:3 121:7 122:4,18 123:5,8,9 124:15,22 125:4 126:15 127:12 128:2 129:1 131:18 131:21 knowing 20:8 124:25 125:1 knowledge 44:2 46:18 49:22 55:6 70:11 82:2 83:21 89:14 95:19 125:12,13 known 9:11 46:6 L L 2:12 9:3,3 18:10 109:22 lack 59:10 land 26:23 27:5 27:8,18 45:22 71:24 72:13 83:14,18 landmark 38:8 landscape 10:20 57:7 landscaping 83:23 97:15 language 106:13 lapse 100:22 large 31:23 32:4 33:21 34:11 38:18 41:17,23 51:9,20 52:24 55:13 64:17 65:15 75:3,10 75:24 77:9 85:6 99:20 100:2,25 114:8 116:25 larger 27:10 33:16,18 41:7 106:9 123:4 124:22 largest 36:7 37:3
---	--	---	---	---

37:8 41:24 52:5 76:2 89:22 105:18 lastly 55:16 107:24 late 93:6 130:14 LAURA 136:3 136:14 law 2:7 5:24 6:24 9:16 71:22,23,24 78:25 79:17 83:15,18 85:10 89:11 lawn 89:4 layout 43:20 leaf 29:4 35:7 36:10 106:1 leave 22:21 27:1 59:12 132:15 leaving 20:15 72:25 Ledger 5:9 left 17:18 legal 5:17 6:25 49:15 legally 48:25 lesser 41:4 let's 17:1 40:9 56:3 76:8 83:6 94:20 112:21 133:12 letter 102:22 level 60:21 61:13 license 115:5,25 116:2,6,12 136:15 licensed 13:4 19:12 23:16 29:16,18,23,25 45:12,14 73:18 103:10,12 115:13,15,17 115:21 116:4 116:16 117:8 lies 71:23 life 74:20,24 77:24 91:17	97:6 lifting 73:17 light 47:15 78:11 lights 78:10,13 78:15 likelihood 126:19 limit 43:25 limited 61:15 87:16 113:20 114:2,20 Linden 35:7 36:10,17 Lindens 106:2 line 28:14 39:14 40:3,16 54:1 63:21 92:15 102:22 107:2 119:20 linear 37:2 lines 111:21 118:13 Linson 3:5 13:3 14:2 15:1,16 15:23 16:2,10 17:2,3,6,10,16 17:17,19,23,24 18:4,6,9 19:2,5 20:16,24 21:11 21:20,23 23:8 23:11,15,23 42:3,10 56:6 59:18 65:4 67:18 69:21 73:25 74:7 81:12 82:16 86:17 87:2 88:9,22 93:3 93:15 95:2,7 95:17 98:23 101:14 103:6 104:15 108:18 Linson's 13:6 list 75:8,11 listed 47:23 listen 13:3 129:23 listened 76:24	89:15 listening 87:5 listing 28:24 little 19:23 22:25 24:12 35:6 36:10 38:9 59:22,23 62:3 70:23 76:3 81:17 82:18 93:22 97:4 106:1 130:10 lived 62:6 living 31:11 91:22 LLC 2:7 Llewellyn 75:14 local 45:21 63:24 locate 52:13 126:12 located 25:4 52:13 55:3,4 location 61:14 90:17,18 125:22 127:12 locust 35:17 log 128:10 129:4 London 35:7 36:12,14 37:4 37:9,10,13,20 72:9 75:20 77:22 106:2 long 16:18 60:16 75:23 76:9,11 78:2 115:20 126:7,13 longer 129:10 130:8 look 14:22 30:12 35:1,25 37:5 41:14 56:13 57:2 63:13 65:4 98:1,7,19 105:17 116:9 118:25 131:17 looked 57:21 102:19 118:24 119:25 120:10	123:9 125:1 looking 34:24 40:22 55:19 57:12,16,17 58:15,16 77:21 78:2 95:23 98:17 105:13 126:10 128:22 looks 17:22 52:3 52:4 58:1 63:8 124:1 133:11 lose 100:19,20 130:23 losing 31:23 32:7 85:12 loss 26:1 31:18 34:7 38:16 92:10 104:4 lost 100:9 127:14,17,18 lot 9:11 14:24 24:9 26:16 28:22 34:12,12 36:6 47:19 52:25 68:19 71:16 73:17,22 73:22 74:25 78:14,18,18 83:13,21 84:1 105:21 120:4 lots 20:5 67:12 114:16 Loud 69:19 louder 59:23 81:17 82:18 love 72:9 low 60:21 Lower 17:18	61:12 maintaining 127:3 maintenance 35:13,22 60:3 60:13,21 71:1 83:1,9 100:17 110:12 113:24 majestic 37:6 major 119:18 majority 39:16 64:24 119:16 making 48:22 79:6,9 87:13 Malanga 2:10 12:17,21 24:21 manager 111:18 mandated 51:1 51:2 mandates 106:14 manipulate 100:17 manner 119:3 map 36:2 57:8 maple 35:15,16 MARK 1:17 Mary 13:12 matching 51:14 matter 1:4 15:17 100:23 112:9 117:19 126:14 135:21 matters 45:3 111:6,10,10,12 maximally 27:22 maximize 14:15 14:19 maximum 26:15 30:12 40:17 41:12 68:17 69:3 82:7 103:17 mean 38:7 41:23 61:17 63:13 66:7,23 70:11 73:21,24 76:16 77:20 84:16
--	---	---	---	---

101:21 means 60:5 meant 69:25 102:9 measure 49:15 meet 6:1 28:1 63:10 85:4 meeting 2:16 5:3 5:5,7 8:5,8,10 9:21 66:5 87:15,19 129:16 130:3 132:20 133:15 134:13,15,18 135:16 meetings 5:11 8:5 meets 65:22 Megan 2:16 92:22 121:17 member 8:11 21:19 23:10 72:23 members 1:12 6:5 8:11 11:8 11:15,16 12:13 56:2 64:22 86:4,12,23 87:9 93:2 94:15 114:15 114:24 129:25 133:5,13 135:18 mentioned 14:2 43:4,10 44:3 71:21 75:3,5 79:16 82:17,20 91:8 120:23 mere 38:11 met 10:25 27:24 metal 91:11 method 66:6 methods 20:10 50:23 51:17 52:16 MICHAEL 1:15 1:16 microphone 17:4 86:22	109:11 Milford 47:18 Millburn 19:14 mind 16:16 37:7 38:1 76:20 89:24 104:3 mine 122:2 minimal 83:21 97:25 minimalization 101:4 minimization 120:24 minimize 96:21 minimizing 114:15 minimum 31:14 minute 49:15 86:22 minutes 129:13 130:1,10 model 31:2,6 70:22 Moderator 2:16 modern 120:17 moments 16:21 monitor 40:8 monoxide 34:15 78:14 Montclair 9:4 months 111:15 118:11 Mosha 87:20 88:4,12,19 Mother 76:20 100:18 Mount 1:8 9:12 33:25 36:9 78:11 121:8 131:7 Mountain 35:6 move 10:11 20:22 37:23,24 41:1 85:25 121:7 125:5,8 125:14 127:4,7 129:5 133:23 moved 107:1 119:2 124:18	125:12 moves 70:25 moving 109:8 125:9,21 126:10 mow 60:25 mulberry 35:18 multiple 46:8 100:7 108:3 municipal 6:10 20:1 110:13 114:8 municipalities 19:16,17 20:25 26:24 31:4 51:17 54:9 70:11 71:8 83:22 municipality 51:4 54:20 70:15 116:25 music 16:21 128:5 muted 87:6 N N 1:18 2:1,12 8:23 18:10,10 18:10 109:22 109:22,22 name 15:25 87:22 88:1,7 93:10,12 127:24 narrative 96:12 National 117:22 nationally 28:24 native 92:4 natural 14:24 62:19 naturally 90:19 nature 35:20 76:20 90:19 100:18 108:4 NC 109:23 near 125:24 necessary 52:16 62:20 84:14 99:4	necessitates 61:12 nectar 92:6 need 17:12,13 17:15 45:14 52:12 56:23 60:12 61:3 62:14 64:19 77:11 84:19 119:8 needed 54:18 61:19 63:21 111:22 113:24 needs 52:22 56:13,19 61:7 77:10 119:12 negatively 90:13 neglected 71:1,2 neighbor 28:12 neighborhood 64:13 91:10 NESC 117:24 Neuer 1:13 5:1 5:16 7:5,10,18 7:24,25 8:1,4 9:7,20,23 10:1 11:11,22 12:1 12:4,10,13,15 12:19,23 13:14 13:22,25 14:10 15:18,23 16:1 16:18,25 17:12 17:18,22 18:1 18:14,21,24 20:16,19 21:13 21:16,19 23:1 23:5,8,14 32:19,24 33:3 42:4 56:2 59:6 59:14 62:10 64:1 65:1 67:18 69:15,19 73:25 74:11 79:3,6,8,11,15 79:18,22 80:1 80:3,8,11,15 80:18,21,22 81:1,8,11,19 81:23 82:9,16	82:19,22 83:6 83:12,17 84:7 84:10,21 85:8 85:15,23 86:9 86:19,21 87:2 87:7,24 88:3 88:10,15,17,21 92:21,25 93:7 94:8,12,15,18 94:24 95:6,10 98:6,21 101:6 101:20 102:13 102:25 104:8 104:10 108:18 108:20 109:4 109:10 110:1 112:19 113:1,3 114:24 115:3,9 115:12,17,20 115:24 116:7 116:11,14,21 117:4 121:16 121:21 122:2,4 127:17,20,23 128:6,10,14,18 129:9,23 130:17,21,25 131:4,9,16 132:11,15 133:4,12,19 134:2,12,15 135:2,4,7,20 never 76:5,5 78:19 90:25 116:2 119:19 new 1:21 2:4,9 8:11,24 9:4 11:4 13:5 18:11 19:12 22:8,10,12,17 24:9 28:8 29:14,24 30:10 42:17 47:18 48:11 49:1,20 50:23 51:5 52:12 68:2 70:1,6 75:7,18 75:23 76:4 77:25 103:10
--	--	--	--	--

103:11 111:4 113:19,20 114:1,21 115:4 115:7,16,18,21 116:11 117:9 117:17 118:4 118:18,25 119:1 121:3 122:11,22 125:6 136:4,7 136:10 newer 114:12 120:17 news 107:19 108:10 nice 51:25 88:22 92:19 99:13 100:18 nicely 68:7 night 134:7 nil 61:16 noise 86:24 non-viable 105:8 north 36:24 70:12 116:5 117:17 121:4 122:24 125:8 125:10 126:10 127:13 northeastern 126:9 northerly 125:14 Norway 35:5,15 106:1 Notary 136:4,4 136:15,15,15 note 10:9 102:15 120:21 noted 106:5 135:22 notes 112:20 nothing's 113:16 notice 5:7 10:6 132:12 notices 133:22 134:19	notification 28:12 notify 28:18 number 4:1 14:22 20:9 26:16 33:16 36:9,13,15,16 37:6 41:13 58:5 65:23 69:3 103:17 numbers 65:17 numerous 114:6 nursery 35:11 nut 35:18 nutrients 39:20 nuts 92:7 O O 2:12 8:23 9:3 18:10,10 109:22,22 O'GRODNICK 1:19 oak 31:23 35:6 35:16 60:15 66:25 67:1 oaks 106:1 oath 8:16 136:6 object 73:9 objection 18:21 102:16 103:1,3 Objectors 6:12 observation 95:22 observations 43:21 observed 95:24 obtain 6:17 7:3 126:13 obtained 10:8 obvious 35:2 120:3 occasionally 63:20 occasions 10:2 occupied 64:18 occur 95:21 occurred 15:3 111:14	October 10:4,17 officer 27:2 official 27:3 officials 79:1 offline 132:2 oh 16:3,22 17:19 35:17 54:2 56:20 73:12 81:21 88:9 116:17 okay 11:22 12:2 12:6,23 14:10 16:3,6,8,22 17:2,6,8,9,10 17:17,21 18:24 19:9 20:18 21:4,9 22:11 23:4,6 25:6 28:5 31:16 40:22 42:1,23 43:3,11,18 44:3 45:1 48:18,24 50:3 55:7,24,25 57:1,10 59:1 65:9,14 66:3 69:1,9,14 70:8 74:3 75:21 78:20 83:12 86:19 87:6,7 88:7,22 90:10 92:18,20 93:14 108:17,19 114:3 116:7 117:4 120:20 121:24 122:10 122:11 123:10 123:24 124:6,7 124:11,11 129:7 132:1 133:3,11 134:2 134:12,14 135:4 old 16:4 20:15 32:6 38:5 75:5 76:3 114:11 120:4 older 60:15 117:1 120:17	oldest 52:5 on-site 47:22 108:8 once 14:16 28:15 29:7 38:12 46:15 60:13 92:25 94:18 one-page 102:22 one-to-one 30:5 33:6 ones 20:13,22 29:19 43:12 75:4 106:4 Online 136:4 open 5:10 53:12 75:1 134:11 opening 5:19 25:16 operate 125:11 operators 29:16 45:13 opine 102:16 opining 56:7 57:11 opinion 38:12 56:12,18 71:25 77:4 90:11 91:12 93:19 98:18 102:5 103:11 opinions 21:6 opportunities 40:23 52:25 53:1 opportunity 6:14 43:16 86:13 87:10 130:15 opposed 57:12 63:3 70:7 125:24 option 96:19 options 15:6 69:6 99:2,3,6,9 99:11 106:19 106:23 107:7 Orange 1:1 5:4 5:8 6:2 13:4	19:19 20:10 21:25 22:19,21 24:4 25:14,20 26:22 27:4 30:8 31:13 32:23 42:11 54:12,22 62:5 65:10 66:19 68:1 69:25 70:6 71:12,21 73:4,10 74:25 75:13 93:13 97:12 118:18 order 5:4 10:6 75:10 80:5,8,9 80:10,15,17,20 orderly 6:16 ordinance 11:3 11:5 14:13,14 15:2 22:8,10 22:10,12,17 25:7,9,11,14 25:15 26:8,9 26:21,22 27:19 27:22 28:2,4,6 28:6,9,11 29:24 30:9,11 30:12,24 31:3 31:8,13 32:24 32:25 33:2 38:13,15 41:14 42:18 44:5,13 44:18,23 45:11 45:20 48:10,11 49:1,4,9,13,21 50:2,10 57:18 62:23 63:2,19 65:11 66:5,9 67:10,11 68:2 68:10,12,12,14 68:25 70:1,6 70:16,20 73:6 73:16 74:8 84:11,23 85:3 90:2 93:24,25 98:9 99:18,20 101:3,11 102:1 102:7 103:14 104:4 106:14
--	--	--	--	---

107:25	Paist-Goldman	perform 63:21	121:5,11 127:5	pleasure 23:15
ordinances 11:3	13:12,23	perimeter 63:15	plane 35:7 36:13	Pledge 5:12,15
19:23 21:2,7	Pakistan 118:10	77:6,7,16	36:15 37:4,9	PLLC 110:23
25:23 26:25	panel 12:5	114:17	37:10,14,20	plugging 52:18
28:10 58:24	panelist 11:25	period 115:24	72:10 75:20	plywood 37:11
63:25	par 35:13,23	115:25	77:22	point 11:9,13
original 35:24	paren 41:18	permit 28:17	planes 106:2	96:17 97:24
105:24	park 61:10	29:10	planned 125:25	98:2 100:12
originally 116:4	71:16 75:14	permits 6:3	Planner 2:15	126:20 131:22
OSHA 117:23	parking 67:11	permitted 29:10	plans 11:2 14:21	pole 53:13 54:10
117:24	71:16	63:20	21:1 43:9,14	54:14
outage 53:24,25	Parkway 2:4	person 27:15	43:19 52:1	police 26:25
outages 83:3	Parlavecchio	personal 43:21	57:3 65:5 69:5	71:23,23
outcome 68:11	2:3 9:19,21,25	personally 53:22	69:7 98:7,19	poll 132:18
136:9	part 14:23 15:13	71:11 89:19	105:6 107:7	pollen 92:6
outlet 52:19	21:24 22:8	persons 6:25	111:13 113:12	ponding 90:25
outreach 39:16	24:23 27:18	perspective	119:23 120:9	pool 66:24 97:16
outside 55:19	54:21 67:14	40:25	120:21	poor 61:25 96:5
114:21 118:9	72:12 96:20	pertains 19:7	plant 51:12 67:6	popped 60:23
outsider 95:23	98:15 108:9	45:11	67:12 97:21	Porter 2:2 3:6,9
overall 14:12	114:13 122:16	pet 54:8	99:19,21	9:15,16,22
57:13 58:17	125:7 126:9	PETER 1:15	100:23	10:12,13 11:12
74:9	partially 30:4	phase 53:11	planted 35:4,10	18:15,16,23
overhead 51:15	particular 34:24	PHILIP 1:13	35:25 89:3	21:16,18 42:5
overlap 46:3	49:23 120:22	phone 128:7	105:25	42:6,9 48:17
overnight 22:15	particularly	photosynthesis	planting 76:8	48:23 55:25
overrule 103:1	28:13 60:14	39:2	100:6 104:5	102:15 104:11
oversight 27:16	89:21	physically	105:19	104:12,14
83:4	parties 6:17	125:11	plantings 24:9	108:15 113:5,7
oversized	136:7	pick 129:16	plaque 116:9	114:23 127:25
122:21	passed 79:17	picking 87:5	platform 5:6	130:5 131:16
owners 25:25	passing 28:3	picture 127:22	Pleasant 1:8	132:5,8,13
26:3,5 27:8	66:9	pin 60:15	9:12 33:25	portion 87:16
28:19 50:22	patterns 90:14	pine 35:5	36:9 78:12	125:23
63:16	Pause 132:7	pipe 123:25	121:8 131:8	portions 87:15
owning 60:10	pay 66:17 96:16	place 6:19 38:20	please 5:16 8:18	pose 61:17
owns 60:5	96:22	54:6 61:2 72:1	9:14 11:18,23	position 99:6
	PC 2:2	placed 33:18	15:18,24 17:4	110:21
	PE 2:14 3:3 8:23	52:23	18:2,5,25 19:6	possibilities
	13:8 109:22	placement 43:25	23:5 25:10	57:25
P	peeves 54:8	plan 15:4,8	62:11 75:22	possibility 57:19
P 1:18,18 2:1,1	people 27:6,14	24:16,23 27:20	86:5,22 87:22	82:6 132:9
2:12	27:17 68:11	34:18 40:22	88:2 93:3,10	possible 6:7,8
P-A-I-S-T 13:12	72:14 73:15	41:20 57:7	94:21 95:14	26:15 30:15,19
P.A 1:19	135:8	65:6,22 72:11	98:23 109:17	41:13,16,22
P.E 3:8	percent 40:9	98:15,15,16	110:6,7 111:8	52:2 57:19,21
p.m 1:11 5:5	105:2	106:5 108:11	112:1 121:17	66:16 68:18
86:8,8 135:22	percentage 40:8	119:21,25	122:18 133:7	82:7 89:12,21
P.O 2:8 109:23	perfect 37:4	120:1,11,13	135:12	91:19 94:3
page 3:2 4:1				
33:1				

99:9 103:17,23 105:24 107:3,6 107:7 135:12 possibly 30:10 40:23 41:1 85:5 119:3 123:6 posted 5:9 potential 28:24 28:25 55:4 75:17 107:14 125:23 133:10 potentially 15:7 125:5 power 5:2 47:14 53:25 54:1 114:14 119:14 127:3 powers 26:25 PP 2:14,15 3:3,4 8:23 9:3 practice 47:1 preamble 26:20 68:13 120:23 PRECISION 1:24 prepare 13:15 118:22 prepared 13:17 24:17 102:20 presence 46:19 present 1:12 6:12 7:12,22 10:10 11:17 12:24,25 90:17 91:17 100:25 110:22 127:11 presented 10:18 87:11 119:23 presenters 76:25 presenting 87:14 presently 33:24 38:23 68:6 77:18 presents 6:12 preservation 10:23 14:15,20 15:12 19:8,22	21:6,12,14 23:17 25:8 26:6,24 30:13 31:8 38:13 50:12 57:22 107:14 preservationists 71:12 preserve 26:15 30:14,18 39:5 49:21 52:1 57:18 63:4,14 68:17 69:8 72:16 77:5 94:4 105:20,23 106:18,19 107:4 119:3 124:21 preserved 36:5 41:19 47:22 55:11 61:23 69:3 75:1 106:6 preserving 25:19 47:25 48:1,5,6 72:19 82:7 103:16 press 16:12 presume 49:6 105:14 presuming 96:8 pretty 19:20 20:6,11 34:6 39:3 40:4 46:25 52:18 55:13 70:12 100:18 129:1 prevent 48:7 68:21 previous 76:24 previously 44:3 price 96:17 primarily 19:16 39:23 primary 53:12 53:12,21 113:13 prime 77:24 print 29:19	prior 9:21 10:2 10:6 11:3 22:10 25:22 28:5,11 30:11 46:1,7 81:15 81:20 82:10 private 27:8 privy 103:25 probably 25:15 28:19 30:9 52:24 76:10 112:5 problem 29:2 51:21 70:24 122:17 129:15 problems 15:7 77:8 procedure 28:22 29:5 procedures 6:11 proceedings 1:7 6:16,18 7:1 11:14 process 66:15 74:14 97:12 98:24 114:15 produced 92:7 productivity 77:14 professional 56:18 71:25 77:4 89:16 90:11 105:4 111:1 115:7,14 115:15,18 116:5,16,16 117:8 136:5 professionals 8:12 89:16 133:6,13 prohibitions 90:2 project 27:10 43:15 57:13 58:17 118:21 120:7,14,16 projects 6:1 20:11 24:5 116:22	promise 16:18 promote 11:24 26:18 68:20 promoting 16:7 prompt 12:7 properties 25:13 property 9:10 20:12 24:9 25:24 26:2,4 28:14,18 35:21 35:22 37:3 50:22 60:6,6 60:10 62:14 63:15,16 67:8 71:19 77:1,6,7 77:16,17 90:3 90:8 91:4,6 95:18,20 97:20 97:22 107:1,2 108:9 124:23 125:7,24 126:4 126:9 propose 6:1 proposed 24:23 31:15 33:14 36:4 41:25 89:23 104:2 106:7 108:9 proposing 33:23 108:7 124:3 proposition 98:9 Prospect 24:13 33:25 36:24 37:5,25 58:1,4 77:21 78:12 107:2 121:8 protect 6:8 26:13,17 27:22 39:10,14 68:15 68:19 protected 40:4 71:13 protecting 44:19 protection 26:9 26:18 27:21 68:20 120:24 protects 49:16 provide 14:24 15:17 19:6	34:14 50:21 62:23 63:15 74:23,23 78:7 85:17 91:9 100:24 106:10 111:5,9 120:18 provided 18:18 43:17 136:6 providing 51:18 54:19 67:1 83:4 100:21,25 provision 50:7 provisions 49:13 53:5 proximity 52:14 53:9 prune 29:17 60:18 pruned 51:11 pruning 46:15 50:25 51:9 PSE&G 9:17 11:9 13:9 23:24 24:18,23 34:18 49:19,25 60:9 77:1 93:16 108:6 118:18 119:23 121:11 122:22 123:10 125:1 125:20 PSE&G's 44:10 55:9 public 1:6 3:7 5:11 6:18 9:9 11:8,15,16 27:3 40:14 47:15 49:8 50:20,24 51:6 51:8 53:19 54:23 61:11,16 63:16 77:10 78:4 82:19 85:25 86:5,12 86:23 87:9 89:16 93:2 94:15,20 97:10 97:22,22 111:12 120:3
--	---	---	---	---

122:12 123:22 136:4,15 pulled 54:14 purchased 35:10 purely 95:23 purpose 6:10 25:17 26:12 28:2 30:17 57:17 64:6 68:15,25 74:8 106:17 purposes 34:11 pursuant 104:4 purview 27:23 put 12:22 17:13 17:15 22:14 24:12 27:5 29:19 66:24 97:15 122:24 126:14 128:7 129:22 puts 30:16 putting 27:4 122:12,23	103:2 107:5 111:7 113:8,18 116:18 117:5 117:15 questioning 59:20 94:16,20 101:16 102:8 questions 11:8 20:19 21:17,20 23:11 25:7 56:1 59:15 67:22 78:21 80:23 86:6,13 87:10,17 88:13 93:3 95:1,7,9 98:13 101:9 108:16 113:3 114:25 135:5 quick 20:22 117:14 quickly 23:9 128:21 quite 21:3 22:23 25:17 35:2 quorum 10:10 132:22 quote 99:18	128:1 read 5:19 58:7 90:1 101:7,21 102:17,22 reading 32:20 32:21,22 ready 11:9 realizing 120:3 really 14:14,18 30:16 31:5 35:20,22 38:4 38:9 40:5 44:25 51:3 66:22 128:6 130:20 reason 48:4 54:5 57:2 61:24 73:6 129:18 reasons 61:15 reassembled 86:10 received 13:23 13:25 107:15 receives 29:8 recess 86:3,4,6,7 86:11 recharging 31:12 recitation 5:14 recognize 23:15 116:15 recognized 28:24 49:18 87:19 recognizing 25:19 recollection 12:16 42:14 recommendati... 64:23 recommends 55:3 reconfigured 36:20 reconstruction 20:10 record 6:23 9:14 10:9 13:22 16:20 87:23	88:8 93:11 102:11,16 136:5 records 84:16 recover 40:10 recovery 100:22 Recross 104:11 RECROSS-E... 104:13 red 35:15,16,16 redevelopment 27:11 redirect 95:12 95:15 reduce 63:2 reduction 91:17 referee 136:6 reference 61:18 107:21 referred 66:5 referring 103:8 regard 21:17 26:9 46:12 regarding 11:10 18:19 21:6,20 23:11 113:9 registered 115:10 136:5 regular 8:5 124:4 132:10 132:20 regularly 89:6 regulation 55:10 136:10 regulations 82:17,23 117:23 related 84:4 96:4 136:7,8 relating 42:17 111:13 relationship 54:22 relevant 23:4 reliability 118:12 119:13 120:19 relocated 119:2 remain 126:7	Remote 1:10 136:3 removal 11:1 24:23 25:2 26:3 27:7,20 28:13 29:10,12 29:14 30:2,9 36:11 41:25 45:22 46:8 50:13 61:24 62:1 65:5 66:11 68:22 70:14 71:7 84:11,23 89:23 92:9 95:21 101:4 105:1 106:7 remove 25:12 29:6,17 30:22 33:21,23 38:5 40:7 58:4,19 62:20,21 66:18 66:25 67:4 72:21 96:25 97:5,15 99:4 100:14 119:12 124:20 removed 28:15 32:11 36:5 38:3,12 46:18 48:3,15 52:6 56:7,8,18,23 61:19,23 62:25 70:25 73:9 81:25 82:12 84:20 89:22 100:8 105:8,15 106:21 108:2 119:8,9 123:4 126:23 127:1 removing 28:21 32:17 33:22 40:5 45:17,17 48:8 54:20 66:10 68:15 74:15 90:12 91:20 92:12 93:21 97:13,17 120:4
Q	R			
qualifications 113:4 114:25 qualified 21:4 29:17 112:9 120:8 qualify 14:6 112:13,23 117:14 quality 31:9 74:19,24 82:5 91:17 quantities 77:12 quasi 5:23 question 20:17 45:6 49:12 59:10,12,24 62:10 66:4 67:20 69:2 70:4 72:14 74:1 78:23 79:2,4 90:5 92:11 93:14 98:23 102:23	R 1:18 2:1,12 9:3 109:22 136:1 R.P.R 136:3,14 R.W 110:23 radius 40:20 raise 8:18 11:18 15:20,23 16:6 18:5 87:18 93:3 109:17 129:25 133:7 133:14 raised 130:18 raising 109:6 Raleigh 109:23 rare 63:23 Raritan 70:12 ratio 65:18 re-notice 132:14 reach 39:16			

renewable 62:19	121:3 124:16	114:25 120:21	66:3 67:14,21	88:18,19,20,22
renovation 20:2	126:2 134:8	125:11 126:8	67:23 69:1,9	88:25 89:2,7
20:2	reported 44:12	127:3	69:12,15	89:25 90:7,10
reorganization	Reporter 136:4	respectfully	Ricci's 67:19	91:3,7,18
8:10	136:5	102:13	Ricker 18:11	92:10,18,21
repeat 43:6	Reporters 1:24	respects 85:10	right 6:25 8:18	rule 49:2,24
59:21	REPORTING	response 7:14	16:13 17:6	80:12,14
rephrase 70:3	1:24	23:13 81:10	18:5 32:16,17	rules 6:23
replace 26:3	reports 13:16,18	88:4,14 115:2	34:5 40:19	run 51:4 58:1
30:23 31:25	44:8 103:25	responsibility	49:10 50:6	111:22
33:17 65:18	119:6 124:17	6:5 72:25	52:3 57:15	running 123:11
71:16,18 74:16	request 16:11	110:12	66:18 67:4,25	124:2 125:15
74:17 97:18,19	requested 54:18	responsible	68:24 69:9,14	runoff 90:13,14
99:19,20,22,25	required 48:12	112:2	76:15,15 77:7	90:19
100:11 108:3	48:15,15,16,17	rest 11:9 65:5	90:23 94:24	Rutgers 19:11
replaced 48:17	63:1 84:11,23	69:4 70:22	109:8,10,18	
106:9,11 108:2	requirement	restoration 32:9	120:13 124:8	S
replacement	25:23 28:18	104:5	127:22 129:2	S 1:18 2:1,12,12
11:2 14:17	30:4,23 41:21	restrictions	131:6	8:23,23 9:3
25:24 26:4	44:13 45:13	125:10	right-hand	18:10
30:6,6,14	103:20	result 82:12	122:16	sacrifice 41:9
31:11 32:10,12	requirements	92:12	right-of-way	safe 56:21
32:23 33:6,8,9	6:1 26:8 31:14	resume 130:2	97:23	safety 34:8
33:10,11,13	50:13 54:6	retained 46:5	rightfully 38:15	40:14 56:25
34:2 38:11,25	63:17,19 65:22	retention 37:24	ring 113:14	61:16 78:25
57:6 58:24	66:2 68:3	retired 19:15	rise 5:12,14	117:22
63:1 65:18,23	93:24	retrofits 114:7	road 18:11	sag 124:5
66:2,19 99:18	requires 26:4	return 130:11	20:10 64:16	sapling 100:2
99:21 101:3	29:24 53:13	revenue 62:8	93:13	sat 78:10
103:20 104:6	67:11	review 21:1	Robin 3:8 13:7	satisfy 38:12
107:25 108:11	requiring 31:3,4	24:22 34:17,18	14:3 109:3,5	saturation 39:1
114:5 116:22	46:8 73:18	43:3,9,13,13	Rock 78:17	sauna 97:16
replacements	reservation	43:18 64:7	Rocky 35:6	save 20:7,12,12
100:7 108:3	78:17	70:14 82:9	role 70:21	20:13 41:2
replacing 30:5	reserve 31:12	83:21 98:16	roll 7:6 10:10	53:1 58:5 72:9
32:8 44:15	residents 25:24	107:13 119:22	Ron 46:6 136:15	72:11 89:11,20
62:22 74:13	50:22 83:24	120:20	room 57:25 61:7	99:1 123:6
78:25 114:8,11	91:10	reviewed 34:22	62:15	saved 20:8
117:1 120:16	resort 63:1	43:4 44:22	root 39:10,17	103:23 107:17
replant 78:1	resource 62:19	105:7	40:4 56:21	saving 20:3
replanting 24:7	resources 14:24	reviewing	roots 39:6,7,18	41:12,23 85:5
50:12	respect 8:5	105:17	39:23 40:2,5,8	85:5
report 29:20	19:21 25:1	reviews 72:7	40:9	SAVO 1:19
44:11,24 58:7	26:6 28:5	revised 28:2	Roseland 2:4	saw 9:20 57:9
93:19 101:1,2	33:18 36:3	Rhode 111:11	routes 39:25	103:24
101:7,10,21,24	48:10 58:14	111:13,16	125:19	saying 28:7 70:9
102:17,18,21	81:14 83:8	Ricci 1:15 7:13	routing 24:13	79:25 80:6
102:24 103:8	96:19 101:1,14	7:15,16 65:2,3	Rudin 87:21,24	86:23 88:19
105:11 107:15	106:15 114:3,4	65:9,14,21	88:4,12,16,18	96:20 98:8,10

101:14 117:7 125:5 says 41:15 88:21 scale 66:23 scaled 30:6 SCHALK 1:19 schedule 31:10 32:12,14 63:9 63:11 66:20 134:13 scheduled 36:10 82:12 134:5 schedules 131:21 scheduling 135:5 school 62:18 Schwarzbaum 1:13 7:19,20 21:22,23 22:4 22:7,11,20,24 23:2,3,6 56:3,5 56:11,17,24 57:1,10 58:6 58:13,22 59:1 59:7 130:7,19 130:23 133:8 science 110:8 Scott 1:14 7:21 7:22 69:16,17 69:20 70:5,18 71:20 74:6 75:2,21 76:15 76:17,22 78:5 78:20 79:5,10 79:13,16,21,24 80:2,6,9,13,17 80:20,23,24 81:2,3,9 122:6 128:4,16 130:17 133:17 133:18,25 134:1 135:6 screen 77:18 78:3 94:21 121:12,14,15 121:18,24 122:9,16 127:20,24	screening 32:7 38:22,22 78:6 91:9,13,15 106:10 scrutinized 73:2 scrutiny 27:5,14 50:1,23 seated 5:16 second 6:8 16:17 50:7 128:3 132:2,4 134:4 134:7 Secretary 2:13 128:8 section 26:13 41:15 68:24 security 51:21 61:15 83:5 see 6:6 12:7 15:15 16:11 17:1 37:5 40:23 43:16 53:2,2 57:8 70:8 72:15 73:11 77:20,22 81:12 88:23 91:11 92:19 107:22 116:10 121:2,21,24 122:5,8,14,15 122:21 126:24 127:25 128:2 129:5,9 132:17 132:18,21,21 133:8 134:5 135:20 seeds 92:7 seeing 15:22 23:14 92:24 93:4 94:14 108:20 115:3 122:17 127:21 127:23 seeking 112:23 seen 15:8 25:15 43:12 44:6,24 44:24 46:11 67:10 69:4 82:14 85:1	89:14 90:25 91:25 93:18 108:11,13 119:6 124:17 126:1,5 self-planted 35:19 105:22 semi 97:3 Senator 5:10 send 134:19 sense 74:15 129:10 separate 78:12 September 10:3 10:3 seriously 104:22 105:3 served 19:14,15 19:17,19 service 1:6,24 9:10 29:13,22 47:15 49:8 50:20 53:18,20 54:23 78:8 89:16 120:4 122:12 127:4,7 127:10 serviceberry 35:8 services 50:21 serving 19:25 set 99:20 121:15 setback 63:17 settle 98:20 seven 44:15 shade 32:3 74:22 SHAHINIAN 2:2 shape 37:4 share 13:19 121:11,13,14 121:18 sheet 37:11 shield 33:24 34:6 shift 127:12 shifted 121:4 short 86:7	126:16 131:10 shorter 125:19 Shorthand 1:24 show 121:10 133:4 showing 43:19 123:12 shown 57:6 113:12 side 73:8 107:1 123:1,2 124:9 124:23 125:14 125:17 127:2 sidewalk 20:2 20:14 24:12,14 77:21 sighting 110:13 sign 45:15 significant 36:1 36:18 38:9 91:13,14 signify 33:17 silence 112:19 similar 113:15 simple 6:11 simply 60:24 82:4 Simultaneous 74:5 79:20 single 53:11 sir 14:8 32:19 80:2,16 83:13 109:12 115:6 115:11,19 116:20,23 118:15 sit 80:24 84:21 site 10:22,23,24 14:16,21 21:1 23:24 24:3 26:16 34:23 35:13 36:8,23 36:24 37:9 38:3 41:5,25 42:20,22 43:14 43:20,23 44:1 46:9,12,12,17 46:19 51:25 52:4,5,13,22	52:24 55:10,12 55:17 60:22 61:19 63:8,13 63:17,22,24 68:18 69:5 84:15 85:6 89:22 92:1 96:6 98:15,16 103:18 104:16 104:21 105:19 105:22 106:11 106:15 112:4 113:16 119:4 119:21,25 120:1,5 121:5 121:11 123:2,2 126:9,13,22 situation 33:22 54:11 63:3 90:25 situations 45:11 84:2 114:21 six 24:11 61:6 71:8 111:15 118:11 six-tree 33:8 size 32:10,13 75:23 76:6 77:13,22 100:3 108:4 sizes 31:17,19 65:16 skills 118:14 slated 123:4 124:19 sleep 85:12 slid 119:2 122:23 slightly 106:25 127:12 slope 84:1 90:4,8 slopes 55:22 slot 131:1 slow 74:14 small 91:21 100:23 smaller 33:19 38:8 66:23 106:9
---	---	--	--	--

soaked 90:22	47:2,8 48:11	118:1 136:4,7	stringent 33:14	117:2 118:13
soaking 39:19	84:19 112:21	stated 85:9	118:3,5,7	suburban 91:10
90:16	112:22 113:8	statement 5:19	strong 70:20	suggest 51:7
soil 39:20 84:2	113:19 120:12	26:12 79:6	stronger 25:22	Suite 1:20 8:24
92:12	specifically	81:4	66:13	9:4
soils 57:7	35:10 49:18	statements	strongest 69:25	sum 102:23
solely 6:22 23:11	50:11 55:11	25:16 79:9	70:6,10 78:24	support 39:23
solemnly 8:20	101:25 105:9	87:14	struck 36:6	73:15 126:20
109:19	106:4 114:4	states 111:2,4	structural 56:22	127:6,6
solid 73:11	specimen 26:17	static 32:14	structure 29:3	supporting
solutions 83:23	41:7,17 44:20	station 13:9 34:4	33:25 34:4,6	126:17 127:10
solve 15:7	57:17 63:5	42:25 46:17	121:4 123:25	supports 124:4
somebody 16:24	68:19 75:4,24	51:21 113:11	structured	supposed 33:20
59:22 66:24	89:18 94:5	113:11	73:16	sure 31:1 43:7
70:25 71:15	99:13	stations 13:9	structures 40:15	48:2,20 74:10
73:7,8 85:16	specs 118:1	113:9,15	55:5 120:4	78:10 83:2
86:15,24 96:16	speculating 58:2	statute 55:10	126:17	88:19 96:13
Somerville 1:21	spent 119:16	79:2 136:6	stuff 84:3	101:18 102:10
soon 106:11	spoken 45:3	stay 114:16	stump 73:11	109:6 122:14
sorry 56:8 76:17	spruce 35:5,6	steep 84:1	sub 113:22	surprised 130:6
93:7 112:16	105:25 106:1	step 96:23	subject 11:4	surrounding
124:9	SR 3:5 18:10	119:10	13:9 20:1	40:14
sort 40:8	stability 40:13	step-down	23:24 25:2	suspended
sound 17:25	standard 39:13	113:11	48:25 50:23	116:1,3
source 31:11	standards 46:15	steps 14:14,19	103:3 131:18	Sussex 113:21
south 36:23	50:25 51:1,9	stick 130:1	subjected 49:9	Sussman 1:17
73:10 123:2	51:13,19 118:2	stop 108:24	50:1	7:17
124:23 125:17	118:5,6	stopped 34:14	subjective	swear 8:20 18:3
126:25 127:2	standing 116:12	storm 39:24	106:16	18:7 109:15,19
southeastern	standpoint	stormwater	submit 93:25	switch 122:11
125:7	103:16	90:13,13	submitted 14:4	123:12 124:18
southern 24:8	Star 5:9	story 102:7	43:14	125:14 126:14
southwest 24:8	start 17:19 56:3	strategic 90:18	subsection 41:15	switching 113:9
space 64:18 75:1	128:22	street 1:20 2:8	subsequent	113:10,15,17
span 54:10,13	started 31:16	20:2 51:15,18	22:18	121:4
speak 6:14 53:7	100:2 109:1	60:17 61:11	substance	sworn 3:2 5:23
107:24	110:15	83:1 91:14	102:24	8:25 9:5 18:12
speaker 15:16	starting 25:6	107:23	substation 35:2	109:24
Speaking 74:5	110:15	strengthened	57:3 77:2 78:7	system 39:17
79:20	state 30:10	27:16	99:7 110:11,12	56:21 92:17
special 5:3 132:9	31:14 33:14	stretch 71:10	112:6,11,24	
133:15,21,22	58:24 68:2	strict 51:13	114:7,10,17	T
134:13,18	70:1,22 75:7	66:19	116:22 117:9	T 1:15 2:12
specialty 23:16	84:18 87:22	stricter 28:8	117:17 118:17	109:22 136:1,1
species 34:25	88:1,7 93:10	strictest 25:15	119:1 120:1,2	table 3:1 32:23
35:1,3,14	93:14 115:16	30:9 44:5	substations 47:9	32:23 63:2
51:14 60:23,23	115:18 116:5	58:24 65:10,10	47:13 111:21	tables 34:24
61:22 75:12	116:25 117:9	68:1 69:23	111:24 112:3	96:1,12
specific 46:20	117:19,25	70:2,7 78:25	113:24 114:10	take 11:14 37:7

38:19,24 44:14 65:15 66:21 71:4 76:9,11 81:11 86:2 96:16,18 98:4 100:11 taken 86:7 99:21 takes 6:19 32:9 75:23 130:10 talk 15:1,10 31:16 74:4 83:6 99:17 117:16 talked 75:24 96:15 talking 66:4 85:16 118:16 120:12 121:10 tall 32:2 33:24 34:3,5 76:9,10 76:12 126:16 target 41:6 targeted 36:7 38:2 52:5 targets 28:25 tax 62:8 teach 62:18 technical 6:24 tee 53:12 teeth 30:17 tell 8:20 18:7 51:4 109:19 125:2 128:10 128:14 telling 67:17 tells 117:20 ten 46:15 60:3 60:13,18 ten-inch 41:18 ten-tree 33:10 tends 26:25 tennis 97:16 tenure 46:3,4 term 61:5 69:23 85:21,23 123:19,20 126:7 terms 10:22 20:7 33:13 43:24	48:10 50:12,20 51:20 53:10 83:22 92:6 97:24 106:16 107:25 119:21 125:21 test 97:6 testified 56:6,12 58:18,23 60:2 60:2 76:23,25 89:17 98:7 111:11 testifies 8:25 9:5 18:12 109:24 testify 58:10 101:22 testifying 89:17 98:11 testimony 10:19 10:21 11:7,10 11:14 13:7,12 13:20,21 14:12 15:17 20:22 21:5 40:24 42:21 43:8 58:12,16 59:16 59:19 74:7 76:24 82:4,10 85:2 86:14 87:11,17 89:15 96:14 98:18 99:17 107:10 109:2 123:3 130:8 134:7 135:13 136:5 thank 5:21 7:4,5 8:2 9:6,7,25 10:13 11:11 12:13 14:8,8 16:8 18:13,24 19:1 23:18,20 33:3 42:7 45:5 45:24 48:18 52:10 53:3 55:1,7,15,24 59:6,14,17 64:25 65:1 69:13,15,17,21 70:18 71:20	74:2 79:5,7 81:7 85:24 87:8 89:25 91:18 92:18,21 94:7,11,12 95:5,6,8,10 103:4 104:9,10 105:5 106:12 107:12 108:15 108:18 109:25 114:19,23 117:6,11 129:7 135:15,19 that's-- 69:8 thing 17:7 38:14 61:20 102:4 105:11 108:13 123:8 124:15 things 20:3 62:18 64:20 67:10 121:2 125:24 think 16:22 50:16 56:6 70:19 71:6,10 71:10 72:2,2 73:25 74:22 78:9,20 84:25 86:16 91:16,19 94:10,17 96:10 100:11 127:15 127:18 129:12 130:9 thinking 38:2 thinks 104:25 third 132:2 thoroughly 97:13 thought 82:7 98:24 103:21 thoughts 34:21 60:1 threat 61:17 three 13:1,1 19:18 22:3,4 37:1 62:9 114:10 117:2 120:5 thrive 100:15	thrown 69:23 Thursday 1:10 till 78:3 time 7:2 8:11 12:14 19:2 30:10 35:12 42:2 47:12 49:1,23 54:3 56:20 58:15 59:4 78:2 79:9 79:11 80:22 84:5 85:25 86:1 87:13 91:2 95:4,9 100:3,12,25 106:11 110:22 115:25,25 126:20,24 127:7 128:4 130:13,20,21 131:22 133:21 134:6,17 135:22 times 114:17 tips 40:1 today 5:4 10:7 26:10,10 99:23 125:25 126:19 told 82:15 102:3 tonight 5:17 12:14,22 13:1 14:12 24:17 27:17 34:19 69:24 75:25 84:22 87:12 111:25 112:12 118:16 135:15 top 53:13 123:16 126:24 topography 55:17 57:8 total 44:17 108:8 touch 59:10 town 2:15 25:13 25:18 31:21 46:3,4 48:2 54:13 62:6 67:7 68:17	73:8,10 79:17 97:21 towns 38:7 66:13 70:14,15 71:22 township 1:1 5:8 5:9 6:22 10:25 19:14 26:15 27:8 44:9 50:19 66:9 78:8 85:8,17 107:15 township's 11:3 TR-01 43:5,12 57:9 105:7 107:22 108:14 TR-02 96:2 105:9 TR-1 24:20 43:10 105:17 TR-2 34:24 47:23 61:20 tradeoff 76:14 76:14 traffic 34:14 78:10,11 transcript 1:5 136:10 transcripts 82:10 transformer 123:11,13,15 125:15,16,17 127:1 transformers 120:5 transmission 34:3 51:20 52:18 111:21 113:17,22,23 114:4 treat 90:19 treated 6:6 97:8 treating 48:7 tree 10:23 11:1,2 11:3 13:4 14:13,14 18:17 19:12,22,22 20:11,15 21:1
--	--	---	--	--

21:6,6,11,12	93:24 95:21	60:14,15,20	trunk 29:1	128:1,12,20
21:13 23:16,16	96:16,18,25	61:1,3,10,17	40:12 95:24	129:3,7,12,19
24:22 25:2,8	97:2,3,5,6,13	61:18,21,24	trunks 39:21	130:5,9 131:19
25:25 26:24	97:14,17 98:3	62:14,19,20,21	trust 48:21	131:20 132:1
27:7,20,21	98:4,20 99:1,1	63:14 67:1,1,6	103:13,19	132:16,23
28:15,21,25	99:4,5,20	67:12 68:15,16	105:1	133:3 134:3,14
29:1,4,10,11	100:8,11,20,25	68:18,19,21,22	truth 8:21,21,21	135:18
29:12,13,14,15	103:10,12,15	69:4,8 70:25	18:8,8,8	twice 66:4 93:1
29:16,18,20,21	105:4,12	71:3 72:22	109:20,20,20	94:19
29:22,23,25,25	106:19,20	73:13 74:13,20	try 30:14,18	two 8:12 10:19
30:1,5,7,9,22	107:14 108:1,4	74:25 75:4,7	41:11 63:14	14:1,14,19
31:17,18,21,24	119:20	75:23,24 76:2	100:7 105:20	28:10 29:11,15
32:4,6,10,13	tree's 39:17	77:1,6,9,15,22	105:23 106:17	37:1 41:10
32:23 33:4	73:19,19	78:1,6,18,19	109:5 112:21	49:12 87:4
34:11 35:17	trees 14:15,20	78:25 81:24	128:19 134:13	96:25 98:11
36:9,13,15,16	14:22 15:2,12	82:5,11 83:1,9	trying 59:25	114:10 117:2
37:3,6,6,7,8,12	19:8,8 20:4,7	84:17,19 85:6	67:3 100:17	132:16
37:13,15,16,17	21:13 24:14	89:11,18,20,22	101:19 128:13	two-and-a-half
37:19,20 38:13	25:1,3,4,12,19	90:3,7,12 91:3	128:13 129:3	71:7,13
38:19 39:6,7,8	25:24 26:2,3,4	91:5,9,20,22	135:8	two-fold 6:5
39:10,14,23	26:7,9,10,14	92:3,7,9,12	turn 17:3 42:4	two-inch 70:24
40:3,10,10,12	26:16,17,19	93:17,21 94:4	86:5,15,21	type 108:4 120:6
40:13,17,21	27:9,22 28:13	94:5 95:22,24	95:11 109:12	120:6,9,11,14
42:17 44:5,14	28:14 29:17,17	95:25 96:4,8	Turteltaub 2:7,7	120:15 123:25
44:23 45:13,15	30:13,14,18	96:21 97:22,25	3:5,8 11:21,22	
45:15,18,21,22	31:11,11,25	99:13,18,19,22	12:11,12,15,19	U
46:1,2 47:6	32:1,8,10,17	99:22,23 100:2	12:25 13:17,24	U.S 118:9
48:1,2 49:1,13	33:17,18,19,21	100:12,13,15	14:7,11 16:2,5	uncontrolled
49:20 50:10,12	33:23 34:2,5,7	100:18,23	16:8,10,16,25	68:22
50:12 51:14	34:10,14,23,25	103:17,23	17:8,13 18:25	underground
53:6,18,25	35:3,9,19,21	104:4,6,24	19:1,4 20:20	43:24
54:5,10,12,13	35:24,25 36:8	105:8,14,18,21	20:21,23 21:10	undermine 81:6
54:13,17 56:21	36:18,21,21	105:24,25	21:15 23:19,20	understand
56:23 58:24	37:12,25 38:3	106:9,9,18	23:22 33:15	15:14 22:13
60:3 61:5,6,7	38:6,8,9,12,16	107:4,16,25	42:2 48:14,18	23:7 47:7
62:15,24 63:5	38:25 39:5,14	108:7,7,8	58:11 94:22,23	52:21 85:23
63:6,10 65:5	39:22 41:2,4,4	114:16 119:3,7	95:11,13,16	98:10 118:20
65:10,15,15	41:7,13,17,17	119:12 120:25	98:6,8 99:16	119:11 124:11
66:11,12,18,21	41:23,24 44:15	121:6 123:1,4	101:6,8 102:2	134:4 135:7
67:1,5 68:1	44:20 46:8,13	123:6,7,7	102:21,25	understanding
69:25 70:6,14	46:15,16 47:12	124:20,22,25	103:4,5 104:7	25:11 27:19
71:7,12,13,16	47:22 48:5,6	126:3,7	108:22,25	49:7 52:17
72:12,17,19	48:11 49:21	tremendous	110:1,4 112:7	54:4 65:25
73:9,12,18	51:10,12,18,25	29:5 69:20	112:16,25	101:18 103:7
74:9,16,17,18	52:5 53:1,5	trenching 40:11	113:2 116:14	112:10
75:8,10,11,14	54:20 55:3,9	tried 35:25	117:13 121:13	understands
75:17 76:4,8	55:13 56:7,18	66:14	122:3,7,13	101:14 123:22
84:11,15,23	57:5,17,20	tries 38:15	123:18 127:15	undesirable
89:3,3 90:2,3	58:5,19 60:12	true 42:19 58:25	127:18,21	35:20

unfortunate 105:10	vested 5:2	95:18	ways 40:25 41:3	31:13 32:23
unique 26:22	viable 105:8	Walker 93:13	we'll 5:12 15:9	42:11 47:17
University 19:11	Vice 1:13 7:20	walking 96:6	20:22 40:24	54:11,22 62:5
110:10	21:23 22:4,7	wall 116:9	58:11 108:25	65:9 66:19
unmute 17:7	22:11,20,24	walnut 35:15	129:4 130:2,23	68:1 69:25
unusual 103:10	23:3,6 56:5,11	Walt 29:7 66:1	133:21,23	70:5 71:11,21
upgrade 116:22	56:17,24 57:1	73:1,17	we're 13:11	73:4 74:24
118:17	57:10 58:6,13	Walter 61:18	14:18 27:17	75:13 93:13
upgrades 111:21	58:22 59:1	want 20:13,14	45:17 67:3,6	97:12 118:18
114:7,11	130:7,19,23	22:13 40:5	76:19,19,19	121:5 122:24
upgrading	vicinity 28:14	53:17 66:16,22	78:18 79:18	127:13
114:9	video 17:3,19	67:4 71:4,12	85:16 86:1,2	wetlands 84:3
upper 112:3	82:15,15 89:15	74:9 77:13	88:3 100:17	whatnot 24:15
use 26:23 27:5	103:24	88:25 93:20	114:9,10,11	WHEATLE
27:18 71:24	Videoconfere...	97:15 98:13	117:1 118:16	2:15 3:4
72:13 83:14,18	1:10	100:19,20	120:16,16	white 35:4,5,15
97:21 126:4	videos 82:10	101:13,17	128:25 135:8	35:18 66:15
uses 125:22	view 15:2 33:25	102:10 111:14	we've 10:5 13:22	93:9,12,12,15
usually 6:19	52:4 78:4	115:22 119:14	45:10,10 51:16	94:7,9,10
22:15 39:11	violates 83:8	121:11 128:22	78:16,17,18	whiz 79:15
53:8 73:7 96:5	Virginia 116:25	129:15	81:13 117:3	wide 37:12,12
utilities 47:4,20	virtually 5:6	wanted 20:12	123:2 129:1	width 37:11
49:5 50:24	virtue 49:1	23:7 89:8	week 8:6 131:11	wildlife 34:11
51:6,8 82:20	visual 17:25	119:19	135:20	92:5,8
110:9,24	78:5 106:10	wanting 111:14	weekly 43:22	WILLIAM 1:15
111:12,18	Visually 55:18	wants 66:24	weigh 72:15	Williams 2:15
118:12	vitae 13:23 14:1	97:5	weighed 64:21	3:4 8:13 9:2
utility 46:21,24	14:4	warm 128:14	weighing 69:5	95:1,3 133:9
50:11,17 51:4	voice 72:24	WARNER 1:19	Weiss 1:16 7:23	willing 132:11
54:9,10,14,16	VOIR 19:3	warrant 30:2	welcome 8:3	132:13
54:19 55:8	110:3 113:6	warranted 62:1	9:23 12:10	willow 35:6
56:14 83:3	voltage 112:3	warrants 105:1	18:1 109:11	106:1
111:22 119:12	113:12	washes 54:25	welcoming 5:21	wind 32:7 74:23
	voluntarily 11:6	wastewater	130:15	wins 64:24
	49:8,9,20 50:1	90:19	welfare 6:9 34:9	wire 53:12
	voluntary 49:8	water 31:8,8,12	well-known	wires 51:10,11
	107:18	31:12 36:25	14:3	51:12,15
V	volunteered	37:23,24 39:1	went 22:14 24:9	wish 11:17
value 14:25	93:25	39:19 58:3	35:12 51:9	77:15
33:18 34:10	volunteers	90:16,20	119:18	wishes 7:2 28:3
64:13 96:1	105:22 130:14	way 24:14 38:5	weren't 30:19	witness 3:2 13:2
variance 63:21	vote 64:23 72:20	41:8 47:17	60:25	18:3,15 20:18
64:8,19 84:19		52:3 56:4	west 1:1 5:3,8	22:3,6,9,17,22
variances 84:1	W	62:25 63:10	6:2 8:24 13:4	23:18,19 32:22
84:11,14,22	W 9:3,3	64:10 73:16	19:19 20:10	33:1,4 48:19
various 10:23	wait 60:17 93:5	92:3 99:14	21:25,25 22:18	56:10,16,20,25
vastly 103:11	waiting 128:25	119:1 122:24	22:21 24:4	57:4,15 58:21
verbatim 136:5	walk 104:16	122:24 123:16	25:14,20 26:22	58:25 59:15,21
verified 10:5	walked 42:20,22	125:11	27:4 30:8	60:4,11 61:9
versus 33:19				
50:17 117:17				

62:17 63:12	125:15,19	54:12,23 60:3	115 3:9	2028 136:16
64:5 65:8,13	126:15,16	60:10,13,18,24	12 1:10 5:5 10:3	20th 131:3,14,15
65:20,25 66:8	133:2 134:5	62:6 67:13	24:10 39:22	131:17 133:23
67:16 68:9	worked 21:25	75:5 76:3,10	112:6	134:22 135:6
69:2,10,14	45:25 47:14,15	76:12 84:6	12-foot 32:1	21 3:6 19:15,18
70:3,8,23 72:2	47:16,16,19	90:24 92:4	121 93:13	22 33:8
74:3,12 75:9	53:24 70:16	94:6 112:5	13 33:7,8	23 33:9
76:1,16,19	81:13 110:9,13	115:23 117:3	13:43-5.9 136:10	230kV 112:3
77:5 78:9	118:10 120:13	yellow 35:17	1351 109:23	113:11
79:13,16 81:17	120:15	York 47:18	14 19:19 22:1	23rd 132:21,24
81:21 82:1,14	working 20:24		15 24:10 39:22	133:10,13,14
82:18,21,24	24:14 68:6	Z	112:6 129:13	133:18,21
83:10,16,19	91:1 110:16,17	ZB-24-06 1:5	130:10	134:4,11,11,13
84:9,13,25	113:21 114:9	9:9	150 32:6 75:5	134:21
85:12,18 86:13	116:24 118:11	zone 40:4	155 9:11	25 19:15 76:10
86:18 87:11,25	works 27:3	zoning 1:2 5:4	15th 10:3	112:5
88:6,9,13,24	53:19 72:3	5:22 6:2,7,10	16 8:24	25-27.7(c) 41:15
89:1,5,13 90:5	107:25	25:8 27:12,13	16th 8:9 131:3,5	26.01 9:11
90:9,15 91:5	worried 67:23	49:17 63:19	132:20 133:20	26kV 113:13
91:16,23 92:14	wouldn't 36:19	64:6 71:22	134:16,21	27 136:16
92:20 93:23	99:14	84:5 111:19	135:10	29-inch 36:12
98:24 108:17	write 29:20	Zoom 1:10 5:6	17 33:1 107:16	37:20
108:19,23	wrong 38:19		175 32:6	2nd 2:8
109:15 112:13	61:5 67:25	0	17th 10:4	
115:6,11,14,19	wrote 116:18	02 43:5,12 57:9	18 3:5	3
115:22 116:2,8		107:22 108:14	1810618 136:4	3 24:21 34:24
116:13,20,23	X	03 43:5,12 57:9	136:15	43:10 47:24
121:23 122:20	x 1:3,9 122:15	96:2 107:22	19 116:6	61:21 105:7,17
129:17 131:24	XI02050 136:15	108:14	19,23,95 3:5	30 31:24 55:3,4
133:1 134:4	Y	07068 2:4	1973 19:11	76:10
witness's 81:4	yard 43:1	07940 2:9	1976 19:13	30-inch 32:5
witnesses 5:24	yards 27:9	08876 1:21	1982 110:10	44:14
13:1,1 98:11	yeah 20:18		1989 116:8	30-year 32:5
wondering	42:14 46:6	1	19th 8:6 10:3	301 1:20
47:25 48:6	47:23 55:6	1 9:4	1B 41:15	317 108:7
words 39:15	61:9 63:12	10 32:1 40:9	1C 41:15	32 33:9
92:10	70:10 74:12	53:8,16 130:10		32-inch 37:19
work 15:11	78:9 82:24	10-feet 76:9	2	325 9:12
47:12 56:4	83:10 84:9,9	10-foot 34:3	2 24:20 43:10	33 33:10 131:7
62:25 63:10	84:25	10:52 128:16	105:7,17	338 108:7
84:1 99:14	year 8:8 31:2	100 60:10 75:4	2-and-a-half	35 1:8
110:17,24,25	114:11 117:2	100-foot 33:24	32:18 33:5	35-inch 37:17
111:18 113:13	years 14:24	34:5	20 130:1	36 65:16
113:24 114:13	15:14 19:15,15	100-year 38:5	2017 110:15	36-inch 36:16
115:16 118:8	19:18,19 22:1	105 2:4 9:4	116:19,21,23	37:13,15
120:6,7 123:11	22:3,4 24:10	11 108:24 111:1	2021 22:5 42:12	
123:13,16,20	24:12 32:6,9	11:00 129:21	2024 1:10 5:5	4
123:22,24	38:24 46:6,15	11:01 135:22	8:6	40 65:16,16
124:1,2,4,13	47:20 51:8,19	110,117 3:8	2025 8:8,9	40-feet 60:16
		113 3:9		4078 36:9

4087 36:13	9:30 86:1			
4102 36:16	9:46 86:2,8			
4135 36:15	9:55 86:3,6,8			
42-inch 36:10	908 1:25			
42,104 3:6	908-526-0707			
4203 37:6,8	1:21			
4204 37:12	973-530-2071			
4210 37:13	2:5			
4226 37:15	979 55:3			
4230 37:17	98 2:8			
4235 37:19	9th 132:21,24			
4243 37:20	133:6,10			
44 19:17	134:11			
44-inch 37:10				
45 65:17				
458 2:8				
46-inch 36:14				
5				
50-feet 76:9				
52 18:11				
56 1:20				
58-inch 37:4,9				
72:9 75:19				
6				
6 33:7				
6-inches 32:18				
33:5				
642-4299 1:25				
7				
70 76:11				
70- 33:24				
700 108:8				
75 76:12				
8				
8 3:3				
8:00 5:5				
8:06 1:11				
80-feet 76:12				
849 8:24				
862-276-2593				
2:9				
88 3:7				
9				
9 3:4				
9/11 83:2				