

ORIGINAL

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

STATE OF NEW JERSEY
BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

In the Matter of the :
Investigative Inquiry Re: :
JOSEPH SEDIVY :
- - - - -

TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, JUNE 28, 2006
124 Halsey Street
Newark, New Jersey
Commencing at 1:15 p.m.

CIPOLLONI & ASSOCIATES, INC.
1125 Atlantic Avenue, Suite 416
Atlantic City, New Jersey 08401
(609) 348-9190
www.cipolloni-associates.com

1 B E F O R E:

2 EDWARD VERNICK, Chairman

3 JAMES K. VALENTI, Member

4 JAMES PURCELL, Member

5 MICHAEL T. ANGELINE, Member

6 ARTHUR RUSSO, Executive Director

7

8

9

10

11

12

13

14 A P P E A R A N C E S:

15

16 B. MICHELLE ALBERTSON, ESQ.

17 Deputy Attorney General,

18 Attorney for the Board.

19

20

21 RICHARD A. BOWE, ESQ.

22

23 8421 Bergenline Avenue

24

25 North Bergen, NJ 07047

26

27 201-861-4795

28

29 Attorney for Mr. Sedivy.

30

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

I N D E X

WITNESS	PAGE
JOSEPH SEDIVY	6

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
R-1	Letter dated 6/8/06	8
R-2	Letter dated 5/5/03	8
R-3	Letter dated 1/21/04	9
R-4	Letter dated 6/9/06	9
R-5	Municipal Court log	10
R-6	Letter dated 8/8/03	11
R-7	Website page	11
R-8	Letter dated 9/13/02	20

(Exhibits retained.)

1 CHAIRMAN VERNICK: I want to make sure I
2 say this right, Mr. Sedivy?

3 MR. SEDIVY: Yes.

4 CHAIRMAN VERNICK: Welcome.

5 MR. SEDIVY: Thank you.

6 CHAIRMAN VERNICK: My name is Edward
7 Vernick, I'm President of the professional engineers
8 and surveyors board. Sitting to my left is Michelle
9 Albertson, our Deputy Attorney General. Seated to my
10 right is our Executive Director, Arthur Russo and
11 seated along the left side here is our board. This is
12 a committee meeting, it is not a board meeting. We
13 are handling this matter as a committee and then it
14 will be referred to the entire board.

15 MR. BOWE: Could I enter my appearance so I
16 have it on the record?

17 CHAIRMAN VERNICK: We will go through that.
18 I will turn over the matter to our Deputy Attorney
19 General, Michelle Albertson, now.

20 MS. ALBERTSON: Good afternoon to both of
21 you. This is an investigative inquiry that is being
22 conducted by the State Board of Professional Engineers
23 pursuant to N.J.S.A. 45:1-18. It is a fact-finding
24 procedure resulting from the board's review of a
25 complaint that's been filed against you, Mr. Sedivy,

1 and as a result the board is going to ask you some
2 questions regarding the matter. This is a voluntary
3 procedure. You have the right to have legal counsel
4 present. Counsel can place his appearance on the
5 record at this time, please.

6 MR. BOWE: Richard B-o-w-e, representing
7 Joseph Sedivy.

8 MS. ALBERTSON: Thank you. Mr. Sedivy, you
9 should know that your testimony will be taken under
10 oath so that the board can rely upon any subsequent
11 proceeding if necessary. There are three possible
12 outcomes of today's inquiry, one, the board could find
13 no cause for action and the matter would be closed;
14 two, the board could determine that further
15 investigation is required; or three, the board could
16 determine that there has been a violation of the
17 statutes and regulations which it administers and a
18 disciplinary action could be initiated. Do you have
19 any questions thus far?

20 THE WITNESS: No, I do not.

21 MS. ALBERTSON: Before we begin, is there
22 any committee member who wishes to be recused or
23 otherwise disclose any association which would make
24 the committee member unable to render an impartial
25 decision? Seeing no response, and there is no board

1 member at the current time who is recused, but does
 2 counsel or Mr. Sedivy, I'm handing you a list of all
 3 the board members at this time, have any information
 4 regarding any association or conflict of interest of
 5 any board member which should be brought to the
 6 board's attention?

7 MR. BOWE: I have none.

8 MR. SEDIVY: No, I have none.

9 MS. ALBERTSON: At this time the court
 10 reporter can now swear in the witness.

11
 12 JOSEPH SEDIVY,
 13 having been first duly sworn, was examined and
 14 testified as follows:

15 MS. ALBERTSON: Either counsel or Mr.
 16 Sedivy can make an opening statement at this time.

17 MR. BOWE: I will and I will make it brief.
 18 I have reviewed this matter with Mr. Sedivy, I also
 19 reviewed it not as their attorney but just as part of
 20 an investigation with some of the other people that
 21 have been subject of a complaint by Mr. Caggiano. I
 22 brought in some exhibits that I would like to enter on
 23 the record, either marked collectively or
 24 individually. What is your preference, counsel, do
 25 you want them individually?

1 MS. ALBERTSON: Are they separate letters,
2 documents?

3 MR. BOWE: They are.

4 MS. ALBERTSON: How many of them are there?

5 MR. BOWE: I'm not sure, probably half a
6 dozen.

7 MS. ALBERTSON: Why don't we mark them
8 individually. We will start off with R-1. As soon as
9 you are done with your opening statement, we will have
10 the reporter enter them in.

11 MR. BOWE: Okay. Yes, I think when you
12 review these exhibits, as well as hear my client's
13 testimony, it will become apparent that the
14 Complainant in this matter is suffering from some sort
15 of a psychological disorder, to put it politely. He
16 is the subject of a restraining order. He has been
17 sent to jail at least once that we know of and through
18 court proceedings by judges that had the opportunity
19 to review him. My understanding is that the Sussex
20 County Soil Conservation District offices, which used
21 to be free and open access to the public, now because
22 of his constant showing up and harassing them require
23 that you be admitted by buzzer and it's turned it into
24 a fortress type setup. Collectively, I think these
25 items will support that.

1 The first one, R-1, is a letter dated June
2 8, 2006, from the attorney for the Sussex County Soil
3 Conservation District, Brian D. Smith, that's
4 addressed to Mr. Caggiano.

5 (Whereupon the document was received and
6 marked R-1 for identification.)

7 MR. BOWE: R-2 will be a copy of a letter
8 dated May 5, 2003, from Teri Massoud, who is the
9 Administrator of the Borough of Stanhope, which is the
10 municipality on which the project was built, and this
11 is addressed to Mr. Caggiano and it references his
12 continued harassment of her office and orders him to
13 have no further contact. We will enter that as R-2,
14 please.

15 (Whereupon the document was received and
16 marked R-2 for identification.)

17 MR. BOWE: R-3 will be a letter dated
18 January 21, 2004, from the same Brian Smith, Brian D.
19 Smith, Esq., who is the attorney for the Sussex County
20 Soil Conservation District. This is addressed to
21 Winifred Straub, who is the manager of the district,
22 and it details and memorializes the findings of Judge
23 John Mulhern, who sentenced Mr. Caggiano for engaging
24 in a nonstop pattern of harassment and alarming
25 conduct and when you read the letter, it goes into

1 much more detail as to what his sentence was. He was
2 found guilty of criminal harassment and he was fined
3 and so forth and there was a no contact order entered
4 by Judge Mulhern. I guess that's R-3.

5 (Whereupon the document was received and
6 marked R-3 for identification.)

7 MR. BOWE: R-4 will be another letter from
8 the attorney for the Sussex County Soil Conservation
9 District, Brian Smith, addressed -- dated June 9,
10 2006, and addressed to Mr. Caggiano addressing the
11 issue that Mr. Caggiano raised with the district that
12 he wasn't being provided with the appropriate
13 documents under the Open Public Records Act. He
14 indicates to Mr. Caggiano that the district will not
15 hesitate to file harassment complaints for each of
16 these requests in the Hampton-Stillwater Municipal
17 Court and indicates I suspect the judge will be
18 inclined to incarcerate you than allow community
19 service under the CLAP program. It should be SLAP,
20 Sheriff's Local Assistance Program.

21 (Whereupon the document was received and
22 marked R-4 for identification.)

23 MR. BOWE: And then R-5 is a copy of the
24 recording log from the Municipal Court of Hampton and
25 Stillwater. For your information, that's a joint

1 municipal court presided over by the Honorable John
2 Mulhern, and this is the recording log of what he had
3 sentenced Mr. Caggiano to referencing the earlier
4 letter that I provided for Mr. Smith indicating that
5 he had been found guilty of harassment. You can mark
6 that R-5.

7 (Whereupon the document was received and
8 marked R-5 for identification.)

9 MR. BOWE: And finally, there is an August
10 8th letter, August 8, 2003, from Frank Minch of the
11 Department of Agriculture, this state, to Jim Sadley.
12 It's a three page letter. I won't go into it in all
13 detail, but the final paragraph I think sums it up,
14 "in view of any lack of further substance to his
15 assertions about SSCC or Sussex SCD jurisdictional
16 concerns, Mr. Caggiano's repeated statements that it's
17 his purpose to stop construction and cause complete
18 restoration of the two properties to their prior
19 undeveloped condition and his apparent intent to
20 disrupt the activities of the various offices, further
21 communication with Mr. Caggiano by the Sussex County
22 SCD, Soil Conservation District, that is, and this
23 office is recommended to be discontinued. He has
24 caused the expenditure of excessive amounts of staff
25 time and that any further staff time would be

1 frivolous."

2 (Whereupon the document was received and
3 marked R-6 for identification.)

4 MR. BOWE: As a further substantiation of
5 the criminal charges, this is a copy of a page from
6 Mr. Caggiano's own website, which you can reach at
7 Thomas J. Caggiano, I gather, it says
8 members.AOL.com/thomasjcaggiano and I think the third
9 paragraph says everything. This is him talking, "I
10 was convicted five times in kangaroo courts at the
11 hands of Mr. Clifford London and Miss Winifred Staub
12 in Hopatcong and Stillwater. Both judges refused me
13 to call Ms. Mary Pawar as a witness." I don't know
14 who she was but I think it's clear that the judges are
15 against him, as well as everybody else.

16 (Whereupon the document was received and
17 marked R-7 for identification.)

18 MR. BOWE: That's it. I am finished for
19 right now.

20 BY CHAIRMAN VERNICK:

21 Q. Mr. Sedivy, tell us about your education
22 first before we get to background work. Your
23 education?

24 A. Academy of Aeronautics of Long Island,
25 Newark College of Engineering, Rutgers University,

1 Seton Hall University. I became a licensed engineer
2 in 1969.

3 Q. What is your degrees in?

4 A. Mechanical engineering, civil, and
5 aeronautical at the beginning.

6 Q. All Bachelor's?

7 A. Yes.

8 Q. Were those different from those different
9 universities?

10 A. Yes.

11 MR. BOWE: Just so we are clear, did you
12 get a Bachelor's degree from each of those
13 universities?

14 THE WITNESS: No.

15 A. Only one bachelor degree I got was from
16 Newark College of Engineering as a mechanical.

17 Q. As a mechanical engineer?

18 A. Yes, and right after that, that was '68,
19 '69 I became a licensed professional engineer.

20 Q. Okay. Are you licensed -- do you have any
21 other licenses in the State of New Jersey?

22 A. No, I do not.

23 Q. Are you licensed in any other states?

24 A. No, I'm not.

25 Q. Can you tell us about your work experience,

1 summarize it from when you got out of school to today?

2 A. A long time since I had that question
3 asked.

4 Q. You can summarize it.

5 A. Okay. Curtiss-Wright Corporation as an
6 engineer, Ford Motor Company as an engineer,
7 Continental Copper and Steel as an engineer, either
8 industrial engineer or mechanical, one or the other.

9 MR. BOWE: Do you recall at what point you
10 entered private practice?

11 THE WITNESS: Private practice, since --
12 at -- in the year 1969, they started plan filing in
13 the State of New Jersey, which Ford Motor Company at
14 that time, I was the only licensed professional
15 engineer for the State of New Jersey so at that time,
16 then I was the engineer for Ford Motor Company for
17 wherever they had a plan filed with the state. But I
18 was also an employee at that time. Then I left their
19 employment in '76, I think it was, and then after
20 that, I started my own practice.

21 Q. What year would that be?

22 A. 1976.

23 Q. And what is the name of your company?

24 A. I work as an independent. I don't have
25 a -- I have other businesses but I do my engineering

1 under my name, Joseph Sedivy.

2 Q. Okay.

3 A. And I have been with the county Soil
4 Conservation District for 16 years.

5 Q. So roughly 1990, you started working for
6 the Soil Conservation --

7 A. For the Soil Conservation District as their
8 consulting engineer for reviewing the plans.

9 Q. For Sussex County?

10 A. Sussex County, yes.

11 Q. Okay. What is your -- explain the
12 relationship of how Sussex County retained you and
13 what your functions are with Sussex County.

14 A. By state code, any development that comes
15 into the county that has to be -- that is more than
16 5,000 square feet, has detention facilities and
17 whatever the county administrators will feel should be
18 reviewed by a licensed engineer, I review those. So
19 calculations for soil control and water and
20 sedimentation and needless to say, over the years the
21 regulations have changed maybe three times and the
22 current one is the one that I tried to keep this
23 project to.

24 Q. So a project comes in to Sussex County.
25 They then hire you to review the plan?

1 A. Yes.

2 Q. Beyond the review, do you do inspections on
3 sites?

4 A. No, I don't do inspections as such unless
5 there is a problem and there is no solution that's
6 right then and there or the county doesn't know what
7 the problem is, what direction they should go, then I
8 will go on the site inspection, usually with some
9 member of the county, although sometimes I go out by
10 myself if there is a problem to try and find something
11 someplace.

12 Q. In the review process, quickly take me
13 through, when they send you a plan, they say we want
14 you to review this, you go out to the site?

15 A. No, usually they will send me a complete
16 set of plans with the calculations and if everything
17 looks in order, I will say yes, it meets the
18 standards; if it doesn't, I will write my review
19 letter of what I feel is missing or does not meet the
20 state standards. It goes back, they send it back to
21 whoever the client is, they take care of it or
22 sometimes the client will call and say why don't you
23 accept this and then I will just reference you don't
24 meet this standard or you don't meet that standard.

25 Q. Just so we are clear, you are not a paid

1 employee for Sussex?

2 A. That is correct.

3 Q. Let's get to the specific plan, Block
4 10902, originally Lots 10, 11 and 12 which became Lots
5 10 and 12 in the Borough of Stanhope.

6 A. Right.

7 Q. Are you familiar with that plan as you see
8 it?

9 A. Yes.

10 Q. That plan is marked as S-1. Tell me about
11 your initial involvement with this plan.

12 A. To the best of my knowledge, the first
13 house was already built. I looked at the plans for
14 the second house, which is the one that's in question,
15 I believe it's on Lot 10. I looked at the plans, said
16 it looked okay. Then the engineer was making --
17 wanted to make some changes and there was also a
18 problem from Mr. Caggiano.

19 Q. Let me stop you there. When you say the
20 engineer, the developer's engineer or the --

21 A. Yes, the developer's beer.

22 Q. Mr. Inhoffer?

23 A. Yes. If they start digging and they find
24 rock someplace, they couldn't put a pipe or whatever,
25 then there is an ongoing change, they then have to

1 refile for that.

2 Q. So let me get you up to where you are now.
3 This was a minor subdivision in the Borough of
4 Stanhope. As such, they really had no involvement
5 with Sussex County initially?

6 A. Initially, they could have but I did not
7 get involved.

8 Q. So you personally didn't get involved until
9 the house on Lot 12 was built?

10 A. Yes.

11 Q. And you were brought out to look at Lot 10
12 or both lots?

13 A. Lot 10.

14 Q. Just Lot 10?

15 A. Yes.

16 Q. Do you have any recollection of why you
17 were brought out to look at Lot 10 when you weren't
18 there for Lot 12?

19 A. I wasn't satisfied with the drawing
20 revision that Mr. Inhoffer was putting in so because
21 it's a small lot, he couldn't understand on the phone
22 what I would want to change, I met with him.

23 Q. Let me back up, we are now getting ahead.
24 So at some point, the county, Sussex County Soil
25 Conservation District, sent you a plan for just Lot

1 10?

2 A. Yes.

3 Q. Did you have any idea that this was part of
4 a minor subdivision that also included Lot 12?

5 A. No.

6 Q. That wasn't part of your purview?

7 A. No. There was a lot with a house on it and
8 there was a problem. Go out and see if you could
9 rectify it.

10 Q. Is that a normal process, where one house
11 gets built and it comes to you for review?

12 A. The normal standard is 5,000 square feet or
13 less, I don't get involved. If there is a detention
14 facility on a large subdivision, yes, then I would get
15 involved. This was small. They never called me. I
16 had no involvement with it. There was no need for me
17 to get involved.

18 Q. So suddenly they send you a plan for Lot
19 10. It's not the normal standard that you would
20 normally get involved. Did you ask why is this coming
21 to me?

22 A. They said there was a problem with a
23 neighbor and they were concerned about the water
24 runoff because it was going to the town and the town
25 was saying everything is okay so they wanted me to

1 look at it.

2 Q. But you really had no history?

3 A. No.

4 Q. You just suddenly got thrown this plan
5 and --

6 A. Here, we have a problem and this happens,
7 it happened a number of times where a project has gone
8 in and then there becomes a problem on a small lot.
9 Who do they call? So I go out and look at it, see if
10 it matches the plan that was put in. If not, what is
11 the recommendation to get it up to snuff.

12 Q. So Mr. Inhoffer submits a plan, you are not
13 happy with -- you are concerned with what he submits.

14 A. Yes.

15 Q. What was your concern?

16 A. My concern was controlling the water runoff
17 from the property and we met at the site and I have my
18 report of that day, if I can read it to you.

19 Q. Yes. Do we have that as evidence?

20 MR. BOWE: Not yet.

21 CHAIRMAN VERNICK: Can we put that in as
22 evidence.

23 MR. BOWE: Unless it's just to refresh his
24 recollection.

25 CHAIRMAN VERNICK: I'd like to have it in

1 as evidence, if you could.

2 THE WITNESS: I think you have to make a
3 copy of it. I think this is my original.

4 A. But anyway, I visited the site with Mr.
5 Inhoffer on 9/13/02 and come up with the following
6 review.

7 CHAIRMAN VERNICK: Hold on for one second.
8 Should we mark it now?

9 MS. ALBERTSON: Is that the only copy?

10 THE WITNESS: Yes.

11 CHAIRMAN VERNICK: We need to make a copy
12 of it.

13 MR. BOWE: We need to start by way of
14 clarification, this letter we are referring to is on
15 Mr. Sedivy's professional engineering letterhead, it's
16 dated September 13, 2002. It is addressed to Miss
17 Wini Straub, S-t-r-a-u-b, district manager of the
18 Sussex County Soil Conservation District. It's only
19 three sentences.

20 CHAIRMAN VERNICK: But I still would like
21 to have it. Can we make a quick copy.

22 (Whereupon a brief recess was taken and the
23 letter was received and marked R-8 for
24 identification.)

25 Q. Mr. Sedivy, could you comment on it.

1 MR. BOWE: Exhibit R-8.

2 THE WITNESS: I have my original. She made
3 me a copy.

4 A. I went to the site for an inspection with
5 Mr. Inhoffer and the house was already built. By the
6 state guidelines, you are supposed to control the two
7 year storm and the 10 year storm. At this time, you
8 are supposed to reduce the two year storm by 50
9 percent and the 10 year storm by 25 percent. And we
10 are allowed to do recharge now, which years ago we
11 weren't granted any benefit of that. But my
12 recommendation was to install a recharge system from
13 the roof area downspouts to contain 100 percent of the
14 two year storm. That was my recommendation; the
15 second one was they had installed an inlet in the
16 backyard of this house to catch the water coming down
17 the hill. I recommended --

18 CHAIRMAN VERNICK: Is that on -- talking
19 about Lot 10.

20 A. Lot 10, yes.

21 CHAIRMAN VERNICK: If you could do me a
22 favor --

23 A. That's the one closest to the corner.

24 Q. I know Michelle hates this because you have
25 to describe it.

1 A. The one furthest over.

2 Q. Point to it and describe it so it gets on
3 the record. You can point to where it is.

4 A. This lot here.

5 MR. BOWE: Referencing an exhibit --

6 THE WITNESS: This lot, Lot 10, there is a
7 home here and the water coming from the roof of this
8 house and the downspouts, I recommend you go into a
9 recharge system.

10 MR. BOWE: Can we note for the record that
11 he is dealing with a previous exhibit marked --

12 MS. ALBERTSON: S-1.

13 CHAIRMAN VERNICK: S-1.

14 BY CHAIRMAN VERNICK:

15 Q. Looking at S-1, looking at Lot 10, the
16 initial drainage system, as I understand the proposal
17 drawn here earlier today was what is in blue here. My
18 understanding was from the early testimony that it was
19 designed so the downspouts were supposed to go into
20 the drainage system that was being proposed.

21 A. Right.

22 Q. That's also your understanding?

23 A. Right, but what happens is when you put it
24 into an existing system, that doesn't mean it's
25 controlled, it's just putting more into the system.

1 So rather than do that, my recommendation was let's
2 follow the guideline and reduce what is supposed to be
3 for the two year storm and the biggest area of water
4 coming off would be from the roof. Let's recharge.

5 Q. Okay. And where were you proposing, did
6 you propose an area for recharge?

7 A. No, I did not.

8 Q. You just --

9 A. I just said this is what I recommend, let's
10 control this water coming off rather than putting into
11 an existing system.

12 Q. All right. What else does it say in the
13 letter?

14 A. From the --

15 MR. BOWE: In the letter.

16 A. In the letter, I also asked him to install
17 a berm at the downhill side of inlet A which has a
18 grate at elevation 127.75.

19 Q. Where would that be on the plan?

20 A. Someplace in this area here, where that
21 pipe -- I guess that's a pipe there.

22 Q. You are describing on Lot 10 --

23 A. Wherever the catch basin is toward the back
24 here.

25 Q. The inlet next to the wetlands, which is

1 what you proposed?

2 A. When you say wetlands --

3 Q. This is what is being described as wetlands
4 here.

5 MS. ALBERTSON: What would that be?

6 A. I was there when the house was built. I
7 don't know if there were wetlands before then or not.

8 Q. We are just trying to describe where the
9 inlet was. Point the inlet out. Our problem is we
10 have to describe --

11 A. Inlet A, right here, the proposed inlet A,
12 127, where the arrow is going to, I believe, it looks
13 like it's going over to that point there. And I
14 wasn't satisfied with the downhill side of this inlet
15 because if you had a flow of water coming down the
16 hill, it's going to jump the inlet and keep on going
17 so I asked for a berm to be on the downhill side so it
18 acts as a bowl for the grate, to keep the water from
19 jumping over.

20 Q. Anything else in the letter?

21 A. That's it. That was my involvement.

22 Q. That letter was dated when, sir?

23 A. September 13, 2002.

24 Q. To your knowledge, did Mr. Inhoffer take
25 your recommendations and --

1 A. Yes. October of 2002, he revised his
2 plans, sent them to the county. I looked at them so
3 it showed what I had recommended and I approved it
4 then via this letter.

5 Q. Because he installed some kind of recharge?

6 A. He installed a catch -- a recharge system
7 for the runoff from the roof for the downspouts.

8 Q. And he proposed a berm for the inlet?

9 A. Yes.

10 Q. Okay. Now, this subdivision has an
11 interesting history in that the Borough Engineer, Mr.
12 Cilo, his initial responsibilities appeared to be soil
13 conservation, sediment control. And he was doing that
14 for Lot 12, which was the first house that was built.
15 Were you aware that someone else was doing that work?

16 A. No. The first I got involved, the first
17 house, which is the second one in, it was done, they
18 were doing this one and the things I recommended
19 because I can see the excavation, I could see the soil
20 move, I could see the house and it wasn't
21 satisfactory.

22 Q. Did you get involved at all on Lot 12?

23 A. No.

24 Q. Did you have any discussions with the
25 Borough Engineer, Mr. Cilo, about your

1 recommendations?

2 A. No.

3 Q. Were you even aware there was a Borough
4 Engineer out there?

5 A. No.

6 Q. So these recommendations, the recharge, the
7 berm for the inlet, were your recommendations, were
8 implemented by Mr. Inhoffer?

9 A. Yes.

10 Q. And you were satisfied and you wrote a
11 letter dated --

12 A. A letter dated October 2 of 2002. I didn't
13 go out there to look at it again. That's the
14 jurisdiction of the county inspector to go out and do
15 it. I looked at the plan and the plan, yes, showed
16 what I would like to see and done.

17 Q. To your knowledge, I know you weren't out
18 there, to your knowledge, were they implemented in the
19 field, those two recommendations?

20 A. I don't know.

21 Q. You don't know. Okay.

22 MR. BOWE: If we may for the record, the
23 letter dated October 2nd of 2002 is attached to Mr.
24 Sedivy's reply certification as Exhibit B. So it's
25 already in the record.

1 CHAIRMAN VERNICK: Okay.

2 Q. So your involvement, you go out there, you
3 make these two recommendations, they get put on a
4 plan, you look at it, you approve it, you are fine.
5 What is next? What happens to you next here?

6 A. Nothing.

7 Q. You have no involvement other than that?

8 A. No.

9 Q. In this site?

10 A. Once the plan is approved, the Soil
11 Conservation District has their inspectors go out and
12 look at it. Whatever the field installation is
13 matches those drawings, that's it, I don't see it
14 again.

15 Q. Okay. If, in fact, sir, sediment went onto
16 the roads or boulders went into houses, would that be
17 your responsibility or would that be the inspector's?

18 A. The inspectors would write up a stop work
19 order or whatever. If the county felt that hey, we
20 need our engineer to go out and look at it and see
21 what failed, then I would. I was never involved
22 anything more on this project than what I told you.

23 Q. So after this, after those letters you
24 wrote, to your knowledge, this project is over, as far
25 as you are concerned?

1 A. Yes. I have no follow-up, there is no need
2 for me to do follow-up. I have done my job looking at
3 drawings and saying this will work. I went out there
4 to meet with Mr. Inhoffer to make sure he knew exactly
5 what I was talking about because it was a small lot.

6 Q. So the only way you would get involved, if
7 I understand this correctly, is if -- because you are
8 a consultant?

9 A. Yes.

10 Q. You couldn't go out there on your own, you
11 are not --

12 A. I could but nobody is paying me. I mean I
13 can do whatever I want, I can drive around. I have
14 never gone back to the site. It's the only time I
15 have been there.

16 Q. You do what you are authorized to do by the
17 county?

18 A. Right.

19 Q. Is that fair to say?

20 A. Yes.

21 Q. And there is inspectors for the county that
22 would insure that the plans are implemented per your
23 recommendations, per -- if there were a complaint out
24 there, it wouldn't go to you, would it?

25 A. No.

1 Q. It would go to --

2 A. Everything goes through the county, Soil
3 Conservation. I only get called by them on an on need
4 basis, if they feel I should get involved.

5 CHAIRMAN VERNICK: I don't have any other
6 questions.

7 BY MR. VALENTI:

8 Q. Mr. Sedivy, when you go to visit the site
9 and look at Lot 10 with Mr. Inhoffer, you observe Lot
10 12 and the activity on Lot 12?

11 A. It was there, a house. Color, size,
12 whatever, it didn't matter to me. I wasn't involved
13 with it.

14 Q. In your assignment with Sussex County Soil
15 Conservation, would you have any responsibility for
16 noting the activity on that adjacent lot if there were
17 something out there that looked like it was not
18 properly addressing soil erosion, sediment control?

19 A. As a professional and as a resident of the
20 county, if I see something wrong anyplace and I don't
21 think it's right, I will tell the county. I don't
22 have authority to go in and stop it. I can look at it
23 and call up and say hey, something doesn't look right
24 here. You should have an inspector look at it. I
25 didn't see anything, I didn't call, I did no

1 follow-up.

2 Q. You saw Lot 12, at least you were adjacent
3 to Lot 12?

4 A. I was adjacent to it.

5 Q. And there was nothing in your opinion that
6 required any further follow-up by you based upon the
7 obligation that you just described?

8 A. I was parked physically in front of Lot 10
9 with my vehicle. That's what I looked at. I didn't
10 walk around to Lot 12 or around it or behind it, no.

11 MR. VALENTI: Thank you. Nothing else.

12 CHAIRMAN VERNICK: When you entered Lot 10,
13 was the site completely graded at that point?

14 THE WITNESS: There was a home on it and
15 yes, there was a gravel driveway in it off of the side
16 road.

17 CHAIRMAN VERNICK: The side road being East
18 Avenue?

19 THE WITNESS: Yes.

20 CHAIRMAN VERNICK: Okay.

21 THE WITNESS: East Drive. It was very
22 steep here in the front. This wasn't finished so they
23 were coming in around the side there.

24 CHAIRMAN VERNICK: Okay. Was there an
25 access point from Oak?

1 THE WITNESS: I don't remember. I was
2 looking at the water from the hillside going past the
3 house and down the hill. That was my control.

4 CHAIRMAN VERNICK: At any point, did Mr.
5 Caggiano contact you about some drainage issue that he
6 had?

7 THE WITNESS: I have never talked to the
8 man, seen the man, know what he looks like, no
9 communication at all other than seeing my name in his
10 Internet thing.

11 CHAIRMAN VERNICK: Any other questions from
12 the board?

13 BY MR. VALENTI:

14 Q. What was your relationship with Mr.
15 Inhoffer?

16 A. What is my relationship? He is another
17 engineer just as I am.

18 Q. Do you work with him or for him?

19 A. No.

20 Q. Mr. Dawalt, are you familiar with the
21 developer of the project, Mr. Dawalt?

22 A. No, never met the man, don't know who he
23 is.

24 Q. Have you ever worked for him?

25 A. No, not to my knowledge. He may have put

1 plans into the county that I reviewed over 16 years.
2 I don't know.

3 Q. Understood. Mr. Cilo, who was the Borough
4 of Stanhope Municipal Engineer --

5 A. No.

6 Q. -- do you work with him or for him?

7 A. No.

8 MR. VALENTI: Thank you.

9 CHAIRMAN VERNICK: Any other questions?

10 MS. ALBERTSON: Counsel, you can make a
11 closing statement if you would like.

12 MR. BOWE: Okay. I'd like one or two
13 questions on cross to clarify things that were raised
14 on direct.

15 BY MR. BOWE:

16 Q. With regard to Lot 12, is it accurate to
17 say that you were not charged with any responsibility
18 for that lot?

19 A. That is correct.

20 Q. You said that if you see something being
21 done wrong or finished and wrong, you feel a
22 professional responsibility to report that with the
23 county?

24 A. Yes.

25 Q. So is it fair to say, then, when you went

1 out to Lot 10, you didn't really study Lot 12 and the
2 property, it was like a passing glance, you were there
3 to focus on 10?

4 A. It's a house, I went to focus on 10. The
5 other homes in the area --

6 Q. And as a result of just casually seeing
7 there was a house there, nothing jumped out at you
8 that you needed to report?

9 A. No.

10 MR. BOWE: Okay, thank you.

11 CHAIRMAN VERNICK: Thank you. That
12 completes our hearing for today. Thank you for coming
13 in. We will deliberate and we will get back to you.

14 MR. SEDIVY: I just have one question,
15 please. You said there are three outcomes, no cause,
16 further action or violation.

17 MS. ALBERTSON: Our investigation.

18 THE WITNESS: I understand violation, I
19 understand further action. No cause means I did
20 nothing wrong?

21 MR. BOWE: No basis.

22 THE WITNESS: No basis, right?

23 MS. ALBERTSON: Yes.

24 MR. BOWE: You can ask me those questions.

25 THE WITNESS: I ask the bosses, they are

1 the ones that said it.

2 CHAIRMAN VERNICK: Thank you for coming in.

3 MR. BOWE: Thank you very much.

4 (Whereupon the proceedings

5 concluded at 1:50 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23


24

25

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

C E R T I F I C A T E

I, GARY M. TALPINS, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the within proceedings, to the best of my ability.



Gary M. Talpins

C.S.R. No. XI-00561

Notary Public Number 63891

My Commission Expires 2/19/10

A	11:15	23:16 24:17	21:24 24:15
ability 35:10	ago 21:10	assertions	25:5,19 28:5
about 10:15	Agriculture	10:15	28:7
11:21 12:25	10:11	assignment	become 7:13
16:10 18:23	ahead 17:23	29:14	becomes 19:8
21:19 25:25	alarming 8:24	Assistance	beer 16:21
28:5 31:5	Albertson 2:16	9:20	before 5:21
Academy 11:24	4:9,19,20	ASSOCIATES	11:22 24:7
accept 15:23	5:8,21 6:9	1:21	begin 5:21
access 7:21	6:15 7:1,4,7	association	beginning 12:5
30:25	20:9 22:12	5:23 6:4	behind 30:10
accurate 32:16	24:5 32:10	Atlantic 1:22	being 4:21
35:9	33:17,23	1:23	9:12 22:20
Act 9:13	allow 9:18	attached 26:23	24:3 30:17
action 5:13,18	allowed 21:10	attention 6:6	32:20
33:16,19	along 4:11	attorney 2:17	believe 16:15
activities	already 16:13	2:18,24 4:9	24:12
10:20	21:5 26:25	4:18 6:19	benefit 21:11
activity 29:10	although 15:9	8:2,19 9:8	Bergen 2:22
29:16	amounts 10:24	August 10:9,10	Bergenline
acts 24:18	ANGELINE 2:5	authority	2:21
addressed 8:4	another 9:7	29:22	berm 23:17
8:11,20 9:9	31:16	authorized	24:17 25:8
9:10 20:16	anyplace 29:20	28:16	26:7
addressing	anything 24:20	Avenue 1:22	best 16:12
9:10 29:18	27:22 29:25	2:21 30:18	35:10
adjacent 29:16	anyway 20:4	aware 25:15	Beyond 15:2
30:2,4	apparent 7:13	26:3	biggest 23:3
administers	10:19		Block 16:3
5:17	appearance	B	blue 22:17
Administrator	4:15 5:4	bachelor 12:15	board 1:2 2:18
8:9	appeared 25:12	Bachelor's	4:8,11,12,14
administra...	appropriate	12:6,12	4:22 5:1,10
14:17	9:12	back 15:20,20	5:12,14,15
admitted 7:23	approve 27:4	17:23 23:23	5:25 6:3,5
aeronautical	approved 25:3	28:14 33:13	31:12
12:5	27:10	background	board's 4:24
Aeronautics	area 21:13	11:22	6:6
11:24	23:3,6,20	backyard 21:16	Borough 8:9
after 12:18	33:5	based 30:6	16:5 17:3
13:19 27:23	around 28:13	basin 23:23	25:11,25
27:23	30:10,10,23	basis 29:4	26:3 32:3
afternoon 4:20	arrow 24:12	33:21,22	bosses 33:25
again 26:13	Arthur 2:6	became 12:1,19	both 4:20
27:14	4:10	16:4	11:12 17:12
against 4:25	asked 13:3	because 7:21	boulders 27:16
		17:20 18:24	

BOWE 2:20 4:15 5:6 6:7,17 7:3,5,11 8:7 8:17 9:7,23 10:9 11:4,18 12:11 13:9 19:20,23 20:13 21:1 22:5,10 23:15 26:22 32:12,15 33:10,21,24 34:3 bowl 24:18 Brian 8:3,18 8:18 9:9 brief 6:17 20:22 brought 6:5,22 17:11,17 built 8:10 16:13 17:9 18:11 21:5 24:6 25:14 businesses 13:25 buzzer 7:23 B-o-w-e 5:6	23:23 25:6 cause 5:13 10:17 33:15 33:19 caused 10:24 certification 26:24 Certified 35:6 certify 35:8 Chairman 2:2 4:1,4,6,17 11:20 19:21 19:25 20:7 20:11,20 21:18,21 22:13,14 27:1 29:5 30:12,17,20 30:24 31:4 31:11 32:9 33:11 34:2 change 16:25 17:22 changed 14:21 changes 16:17 charged 32:17 charges 11:5 Cilo 25:12,25 32:3 CIPOLLONI 1:21 City 1:23 civil 12:4 CLAP 9:19 clarification 20:14 clarify 32:13 clear 11:14 12:11 15:25 client 15:21 15:22 client's 7:12 Clifford 11:11 closed 5:13 closest 21:23 closing 32:11 code 14:14	collectively 6:23 7:24 College 11:25 12:16 Color 29:11 come 20:5 comes 14:14,24 18:11 coming 18:20 21:16 22:7 23:4,10 24:15 30:23 33:12 34:2 Commencing 1:15 comment 20:25 Commission 35:18 committee 4:12 4:13 5:22,24 communication 10:21 31:9 community 9:18 company 13:6 13:13,16,23 Complainant 7:14 complaint 4:25 6:21 28:23 complaints 9:15 complete 10:17 15:15 completely 30:13 completes 33:12 concern 19:15 19:16 concerned 18:23 19:13 27:25 concerns 10:16 concluded 34:5 condition 10:19	conduct 8:25 conducted 4:22 conflict 6:4 conservation 7:20 8:3,20 9:8 10:22 14:4,6,7 17:25 20:18 25:13 27:11 29:3,15 constant 7:22 construction 10:17 consultant 28:8 consulting 14:8 contact 8:13 9:3 31:5 contain 21:13 Continental 13:7 continued 8:12 control 14:19 21:6 23:10 25:13 29:18 31:3 controlled 22:25 controlling 19:16 convicted 11:10 Copper 13:7 copy 8:7 9:23 11:5 20:3,9 20:11,21 21:3 corner 21:23 Corporation 13:5 correct 16:2 32:19 correctly 28:7 could 4:15 5:12,14,15
C			
Caggiano 6:21 8:4,11,23 9:10,11,14 10:3,21 11:7 16:18 31:5 Caggiano's 10:16 11:6 calculations 14:19 15:16 call 11:13 15:22 19:9 29:23,25 called 18:15 29:3 care 15:21 casually 33:6 catch 21:16			

5:18 17:6 18:8 20:1,25 21:21 25:19 25:20 28:12 couldn't 16:24 17:21 28:10 counsel 5:3,4 6:2,15,24 32:10 county 7:20 8:2,19 9:8 10:21 14:3,9 14:10,12,13 14:15,17,24 15:6,9 17:5 17:24,24 20:18 25:2 26:14 27:19 28:17,21 29:2,14,20 29:21 32:1 32:23 court 3:17 6:9 7:18 9:17,24 10:1 courts 11:10 criminal 9:2 11:5 cross 32:13 current 6:1 14:22 Curtiss-Wr... 13:5 C.S.R 35:16	degree 12:12 12:15 degrees 12:3 deliberate 33:13 Department 10:11 Deputy 2:17 4:9,18 describe 21:25 22:2 24:8,10 described 24:3 30:7 describing 23:22 DESCRIPTION 3:12 designed 22:19 detail 9:1 10:13 details 8:22 detention 14:16 18:13 determine 5:14 5:16 developer 31:21 developer's 16:20,21 development 14:14 didn't 17:8 26:12 29:12 29:25,25 30:9 33:1 different 12:8 12:8 digging 16:23 direct 32:14 direction 15:7 Director 2:6 4:10 disciplinary 5:18 disclose 5:23 discontinued	10:23 discussions 25:24 disorder 7:15 disrupt 10:20 district 7:20 8:3,20,21 9:9,11,14 10:22 14:4,7 17:25 20:17 20:18 27:11 document 8:5 8:15 9:5,21 10:7 11:2,16 documents 7:2 9:13 doesn't 15:6 15:18 22:24 29:23 doing 25:13,15 25:18 done 7:9 25:17 26:16 28:2 32:21 don't 7:7 11:13 13:24 15:4,22,23 15:24 18:13 24:7 26:20 26:21 27:13 29:5,20,21 31:1,22 32:2 down 21:16 24:15 31:3 downhill 23:17 24:14,17 downspouts 21:13 22:8 22:19 25:7 dozen 7:6 drainage 22:16 22:20 31:5 drawing 17:19 drawings 27:13 28:3 drawn 22:17	drive 28:13 30:21 driveway 30:15 duly 6:13 <hr/> E each 9:15 12:12 earlier 10:3 22:17 early 22:18 East 30:17,21 education 11:21,23 Edward 2:2 4:6 either 6:15,23 13:7 elevation 23:18 else 11:15 23:12 24:20 25:15 30:11 employee 13:18 16:1 employment 13:19 engaging 8:23 engineer 12:1 12:17,19 13:6,6,7,8 13:15,16 14:8,18 16:16,20,20 25:11,25 26:4 27:20 31:17 32:4 engineering 11:25 12:4 12:16 13:25 20:15 engineers 1:2 4:7,22 enter 4:15 6:22 7:10 8:13 entered 9:3 13:10 30:12
<hr/> D dated 3:13,14 3:15,16,18 3:20 8:1,8 8:17 9:9 20:16 24:22 26:11,12,23 Dawalt 31:20 31:21 day 19:18 dealing 22:11 decision 5:25			

entire 4:14	feel 14:17	16:18 19:17	guideline 23:2
erosion 29:18	15:19 29:4	21:12 22:7	guidelines
Esq 2:16, 20	32:21	22:18 23:4	21:6
8:19	feet 14:16	23:14 24:18	guilty 9:2
everybody	18:12	25:7 30:25	10:5
11:15	felt 27:19	31:2, 11	
everything	field 26:19	front 30:8, 22	H
11:9 15:16	27:12	functions	half 7:5
18:25 29:2	file 9:15	14:13	Hall 12:1
evidence 19:19	filed 4:25	further 5:14	Halsey 1:13
19:22 20:1	13:17	8:13 10:14	Hampton 9:24
exactly 28:4	filing 13:12	10:20, 25	Hampton-St...
examined 6:13	final 10:13	11:4 30:6	9:16
excavation	finally 10:9	33:16, 19	handing 6:2
25:19	find 5:12	furthest 22:1	handling 4:13
excessive	15:10 16:23		hands 11:11
10:24	findings 8:22	G	happened 19:7
Executive 2:6	fine 27:4	Gary 35:6, 15	happens 19:6
4:10	fined 9:2	gather 11:7	22:23 27:5
exhibit 21:1	finished 11:18	General 2:17	happy 19:13
22:5, 11	30:22 32:21	4:9, 19	harassing 7:22
26:24	first 6:13 8:1	getting 17:23	harassment
exhibits 6:22	11:22 16:12	glance 33:2	8:12, 24 9:2
7:12	25:14, 16, 16	go 4:17 10:12	9:15 10:5
existing 22:24	five 11:10	15:7, 8, 9, 14	hates 21:24
23:11	flow 24:15	18:8 19:9	hear 7:12
expenditure	focus 33:3, 4	22:8, 19	hearing 33:12
10:24	follow 23:2	26:13, 14	here 4:11 19:6
experience	following 20:5	27:2, 11, 20	22:4, 7, 17, 17
12:25	follows 6:14	28:10, 24	23:20, 24
Expires 35:18	follow-up 28:1	29:1, 8, 22	24:4, 11 27:5
explain 14:11	28:2 30:1, 6	goes 8:25	29:24 30:22
	Ford 13:6, 13	15:20 29:2	hereby 35:8
F	13:16	going 5:1	hesitate 9:15
facilities	foregoing 35:8	18:24 24:12	hey 27:19
14:16	forth 9:3	24:13, 16, 16	29:23
facility 18:14	fortress 7:24	31:2	hill 21:17
fact 27:15	found 9:2 10:5	gone 19:7	24:16 31:3
fact-finding	Frank 10:10	28:14	hillside 31:2
4:23	free 7:21	Good 4:20	hire 14:25
failed 27:21	frivolous 11:1	graded 30:13	history 19:2
fair 28:19	from 4:24 7:14	granted 21:11	25:11
32:25	8:2, 8, 18 9:7	grate 23:18	Hold 20:7
familiar 16:7	9:24 10:10	24:18	home 22:7
31:20	11:5 12:8, 12	gravel 30:15	30:14
far 5:19 27:24	12:15 13:1	guess 9:4	homes 33:5
favor 21:22		23:21	Honorable 10:1

Hopatcong 11:12 house 16:13, 14 17:9 18:7, 10 21:5, 16 22:8 24:6 25:14 25:17, 20 29:11 31:3 33:4, 7 houses 27:16	17:6 initiated 5:18 inlet 21:15 23:17, 25 24:9, 9, 11, 11 24:14, 16 25:8 26:7 inquiry 1:6 4:21 5:12 inspection 15:8 21:4 inspections 15:2, 4 inspector 26:14 29:24 inspectors 27:11, 18 28:21 inspector's 27:17 install 21:12 23:16 installation 27:12 installed 21:15 25:5, 6 insure 28:22 intent 10:19 interest 6:4 interesting 25:11 Internet 31:10 investigation 5:15 6:20 33:17 investigative 1:6 4:21 involved 17:7 17:8 18:13 18:15, 17, 20 25:16, 22 27:21 28:6 29:4, 12 involvement 16:11 17:4 18:16 24:21	27:2, 7 Island 11:24 issue 9:11 31:5 items 7:25 it's 7:23 10:12, 16 11:14 16:15 17:21 18:19 19:23 20:15 20:18 22:24 22:25 24:13 24:16 26:24 28:14 29:21 33:4 I'd 19:25 32:12 I'm 4:7 6:2 7:5 12:24	10:15 just 6:19 12:11 15:23 15:25 17:14 17:25 19:4 19:23 22:25 23:8, 9 24:8 30:7 31:17 33:6, 14	
I			K	
idea 18:3 identifica... 8:6, 16 9:6 9:22 10:8 11:3, 17 20:24 impartial 5:24 implemented 26:8, 18 28:22 incarcerate 9:18 inclined 9:18 included 18:4 independent 13:24 indicates 9:14 9:17 indicating 10:4 individually 6:24, 25 7:8 industrial 13:8 information 6:3 9:25 Inhoffer 16:22 17:20 19:12 20:5 21:5 24:24 26:8 28:4 29:9 31:15 initial 16:11 22:16 25:12 initially 17:5			kangaroo 11:10 keep 14:22 24:16, 18 kind 25:5 knew 28:4 know 5:9 7:17 11:13 15:6 21:24 24:7 26:17, 20, 21 31:8, 22 32:2 knowledge 16:12 24:24 26:17, 18 27:24 31:25	
		J	L	
		jail 7:17 JAMES 2:3, 4 January 8:18 Jersey 1:1, 14 1:23 12:21 13:13, 15 35:7 Jim 10:11 job 28:2 John 8:23 10:1 joint 9:25 Joseph 1:7 3:4 5:7 6:12 14:1 judge 8:22 9:4 9:17 judges 7:18 11:12, 14 jump 24:16 jumped 33:7 jumping 24:19 June 1:12 8:1 9:9 jurisdiction 26:14 jurisdicti...		lack 10:14 LAND 1:3 large 18:14 least 7:17 30:2 left 4:8, 11 13:18 legal 5:3 less 18:13 letter 3:13, 14 3:15, 16, 18 3:20 8:1, 7 8:17, 25 9:7 10:4, 10, 12 15:19 20:14 20:23 23:13 23:15, 16 24:20, 22 25:4 26:11 26:12, 23

letterhead 20:15	M	members 6:3	next 23:25
letters 7:1 27:23	made 21:2	members.AO... 11:8	27:5,5
let's 16:3 23:1,4,9	make 4:1 5:23 6:16,17	memorializes 8:22	NJ 2:22
licensed 12:1 12:19,20,23	20:11,21	met 17:22 19:17 31:22	nobody 28:12
13:14 14:18	27:3 28:4	MICHAEL 2:5	none 6:7,8
licenses 12:21	32:10	Michelle 2:16 4:8,19 21:24	nonstop 8:24
list 6:2	making 16:16	Minch 10:10	normal 18:10 18:12,19
Local 9:20	man 31:8,8,22	minor 17:3 18:4	normally 18:20
log 3:17 9:24 10:2	manager 8:21 20:17	Miss 11:11 20:16	North 2:22
London 11:11	many 7:4	missing 15:19	Notary 35:7,17
long 11:24 13:2	mark 7:7 10:5 20:8	Motor 13:6,13 13:16	note 22:10
look 17:11,17 19:1,9 26:13	marked 6:23 8:6,16 9:6	move 25:20	notes 35:9
27:4,12,20	9:22 10:8	much 9:1 34:3	nothing 27:6 30:5,11 33:7 33:20
29:9,22,23	11:3,17	Mulhern 8:23 9:4 10:2	noting 29:16
29:24	16:10 20:23	municipal 3:17 9:16,24 10:1 32:4	now 4:19 6:10 7:21 11:19 17:2,23 20:8 21:10 25:10
looked 16:13 16:15,16	22:11	municipality 8:10	number 3:12 19:7 35:17
25:2 26:15	Mary 11:13		N.J.S.A 4:23
29:17 30:9	Massoud 8:8		
looking 22:15 22:15 28:2	matches 19:10 27:13		O
31:2	matter 1:5 4:13,18 5:2		Oak 30:25
looks 15:17 24:12 31:8	5:13 6:18		oath 5:10
lot 16:15 17:9 17:11,13,14	7:14 29:12		obligation 30:7
17:17,18,21	may 8:8 26:22 31:25	name 4:6 13:23 14:1 31:9	observe 29:9
17:25 18:4,7	maybe 14:21	necessary 5:11	October 25:1 26:12,23
18:18 19:8	mean 22:24 28:12	need 18:16 20:11,13	office 8:12 10:23
21:19,20	means 33:19	27:20 28:1 29:3	offices 7:20 10:20
22:4,6,6,15	mechanical 12:4,16,17	needed 33:8	okay 7:11 12:20 13:5 14:2,11
23:22 25:14	13:8	needless 14:20	16:16 18:25
25:22 28:5	meet 15:19,24 15:24 28:4	neighbor 18:23	23:5 25:10
29:9,9,10,16	meeting 4:12 4:12	never 18:15 27:21 28:14	26:21 27:1
30:2,3,8,10	meets 15:17	31:7,22	27:15 30:20
30:12 32:16	member 2:3,4,5 5:22,24 6:1	New 1:1,14,23 12:21 13:13	30:24 32:12
32:18 33:1,1	6:5 15:9	13:15 35:7	33:10
lots 16:4,4 17:12		Newark 1:14 11:25 12:16	once 7:17

27:10	passing 33:2	prior 10:18	pursuant 4:23
one 5:12 8:1	past 31:2	private 13:10	purview 18:6
12:15 13:8	pattern 8:24	13:11	put 7:15 16:24
14:22, 22	Pawar 11:13	probably 7:5	19:10, 21
16:14 18:10	paying 28:12	problem 15:5, 7	22:23 27:3
20:7 21:15	people 6:20	15:10 16:18	31:25
21:23 22:1	per 28:22, 23	18:8, 22 19:6	putting 17:20
25:17, 18	percent 21:9, 9	19:8 24:9	22:25 23:10
32:12 33:14	21:13	procedure 4:24	p.m. 1:15 34:5
ones 34:1	personally	5:3	-----
ongoing 16:25	17:8	proceeding	Q
only 12:15	phone 17:21	5:11	question 13:2
13:14 20:9	physically	proceedings	16:14 33:14
20:18 28:6	30:8	1:11 7:18	questions 5:2
28:14 29:3	pipe 16:24	34:4 35:10	5:19 29:6
onto 27:15	23:21, 21	process 15:12	31:11 32:9
open 7:21 9:13	place 5:4	18:10	32:13 33:24
opening 6:16	plan 13:12, 17	professional	quick 20:21
7:9	14:25 15:13	1:2 4:7, 22	quickly 15:12
opinion 30:5	16:3, 7, 10, 11	12:19 13:14	-----
opportunity	17:25 18:18	20:15 29:19	R
7:18	19:4, 10, 12	32:22	raised 9:11
order 7:16 9:3	23:19 26:15	program 9:19	32:13
15:17 27:19	26:15 27:4	9:20	rather 23:1, 10
orders 8:12	27:10	project 8:10	reach 11:6
original 20:3	plans 14:8	14:23, 24	read 8:25
21:2	15:16 16:13	19:7 27:22	19:18
originally	16:15 25:2	27:24 31:21	really 17:4
16:4	28:22 32:1	properly 29:18	19:2 33:1
other 6:20	please 5:5	properties	recall 13:9
12:21, 23	8:14 33:15	10:18	received 8:5
13:8, 25 27:7	point 13:9	property 19:17	8:15 9:5, 21
29:5 31:9, 11	17:24 22:2, 3	33:2	10:7 11:2, 16
32:9 33:5	24:9, 13	proposal 22:16	20:23
otherwise 5:23	30:13, 25	propose 23:6	recess 20:22
outcomes 5:12	31:4	proposed 22:20	recharge 21:10
33:15	politely 7:15	24:1, 11 25:8	21:12 22:9
-----	possible 5:11	proposing 23:5	23:4, 6 25:5
P	practice 13:10	provided 9:12	25:6 26:6
page 3:3, 12, 19	13:11, 20	10:4	recollection
10:12 11:5	preference	psychological	17:16 19:24
paid 15:25	6:24	7:15	recommend 22:8
paragraph	present 5:4	public 7:21	23:9
10:13 11:9	presided 10:1	9:13 35:7, 17	recommenda...
parked 30:8	President 4:7	PURCELL 2:4	19:11 21:12
part 6:19 18:3	previous 22:11	purpose 10:17	21:14 23:1
18:6			recommenda...

24:25 26:1,6 26:7,19 27:3 28:23 recommended 10:23 21:17 25:3,18 record 4:16 5:5 6:23 22:3,10 26:22,25 recording 9:24 10:2 Records 9:13 rectify 18:9 recused 5:22 6:1 reduce 21:8 23:2 reference 15:23 references 8:11 referencing 10:3 22:5 referred 4:14 referring 20:14 refile 17:1 refresh 19:23 refused 11:12 regard 32:16 regarding 5:2 6:4 regulations 5:17 14:21 relationship 14:12 31:14 31:16 rely 5:10 remember 31:1 render 5:24 repeated 10:16 reply 26:24 report 19:18 32:22 33:8 reporter 6:10	7:10 35:7 representing 5:6 requests 9:16 require 7:22 required 5:15 30:6 resident 29:19 response 5:25 responsibi... 25:12 responsibi... 27:17 29:15 32:17,22 restoration 10:18 restraining 7:16 result 5:1 33:6 resulting 4:24 retained 14:12 review 4:24 7:12,19 14:18,25 15:2,12,14 15:18 18:11 20:6 reviewed 6:18 6:19 14:18 32:1 reviewing 14:8 revised 25:1 revision 17:20 Richard 2:20 5:6 right 4:2,10 5:3 11:19 12:18 15:6 16:6 22:21 22:23 23:12 24:11 28:18 29:21,23 33:22 road 30:16,17 roads 27:16	rock 16:24 roof 21:13 22:7 23:4 25:7 roughly 14:5 runoff 18:24 19:16 25:7 Russo 2:6 4:10 Rutgers 11:25 R-13 13 7:8 8:1,6 R-23 14 8:7 8:13,16 R-33 15 8:17 9:4,6 R-43 16 9:7 9:22 R-53 17 9:23 10:6,8 R-63 18 11:3 R-73 19 11:17 R-83 20 20:23 21:1 <hr/> S <hr/> Sadley 10:11 said 16:15 18:22 23:9 32:20 33:15 34:1 same 8:18 satisfactory 25:21 satisfied 17:19 24:14 26:10 saw 30:2 saying 18:25 28:3 says 11:7,9 SCD 10:15,22 school 13:1 seated 4:9,11 second 16:14 20:7 21:15 25:17 sediment 25:13	27:15 29:18 sedimentation 14:20 Sedivy 1:7 2:24 3:4 4:2 4:3,5,25 5:7 5:8 6:2,8,12 6:16,18 11:21 14:1 20:25 29:8 33:14 Sedivy's 20:15 26:24 see 16:7 18:8 19:9 25:19 25:19,20 26:16 27:13 27:20 29:20 29:25 32:20 seeing 5:25 31:9 33:6 seen 31:8 send 15:13,15 15:20 18:18 sent 7:17 17:25 25:2 sentence 9:1 sentenced 8:23 10:3 sentences 20:19 separate 7:1 September 20:16 24:23 service 9:19 set 15:16 Seton 12:1 setup 7:24 Sheriff's 9:20 Shorthand 35:6 should 5:9 6:5 9:19 14:17 15:7 20:8 29:4,24 showed 25:3 26:15
--	---	--	--

side 4:11 23:17 24:14 24:17 30:15 30:17,23	15:18,20 Stanhope 8:9 16:5 17:4 32:4	10:14 substantia... 11:4	35:15 tell 11:21 12:25 16:10 29:21
since 13:2,11	start 7:8 16:23 20:13	such 15:4 17:4	Teri 8:8
sir 24:22 27:15	started 13:12 13:20 14:5	suddenly 18:18 19:4	testified 6:14
site 15:8,14 19:17 20:4 21:4 27:9 28:14 29:8 30:13	state 1:1 4:22 10:11 12:21 13:13,15,17 14:14 15:20 21:6 35:7	suffering 7:14 Suite 1:22	testimony 5:9 7:13 22:18
sites 15:3	statement 6:16 7:9 32:11	summarize 13:1 13:4	thank 4:5 5:8 30:11 32:8 33:10,11,12 34:2,3
Sitting 4:8	statements 10:16	sums 10:13	that 's 4:25 8:3 9:4,25 11:18 15:5 16:14 21:23 22:22 23:21 24:21 26:13 27:13 30:9
size 29:11	states 12:23	support 7:25	think 7:11,24 10:13 11:8 11:14 13:19 20:2,3 29:21
SLAP 9:19	statutes 5:17	supposed 21:6 21:8 22:19 23:2	things 25:18 32:13
small 17:21 18:15 19:8 28:5	Staub 11:11	sure 4:1 7:5 28:4	thing 31:10
Smith 8:3,18 8:19 9:9 10:4	Steel 13:7	surveyors 1:3 4:8	things 25:18 32:13
snuff 19:11	steep 30:22	suspect 9:17	think 7:11,24 10:13 11:8 11:14 13:19 20:2,3 29:21
soil 7:20 8:2 8:20 9:8 10:22 14:3,6 14:7,19 17:24 20:18 25:12,19 27:10 29:2 29:14,18	stenographic 35:9	Sussex 7:19 8:2,19 9:8 10:15,21 14:9,10,12 14:13,24 16:1 17:5,24 20:18 29:14	third 11:8 Thomas 11:7 three 5:11,15 10:12 14:21 20:19 33:15
solution 15:5	still 20:20	swear 6:10	thrown 19:4
someplace 15:11 16:24 23:20	Stillwater 9:25 11:12	sworn 6:13	time 5:5 6:1,3 6:9,16 10:25 10:25 13:2 13:14,15,18 21:7 28:14
soon 7:8	stop 10:17 16:19 27:18 29:22	system 21:12 22:9,16,20 22:24,25 23:11 25:6	times 11:10 14:21 19:7
sort 7:14	storm 21:7,7,8 21:9,14 23:3	S-t-r-a-u-b 20:17	today 13:1 22:17 33:12
specific 16:3	Straub 8:21 20:17	S-1 16:10 22:12,13,15	today's 5:12
square 14:16 18:12	Street 1:13		told 27:22
SSCC 10:15	study 33:1	T	toward 23:23
staff 10:24,25	subdivision 17:3 18:4,14 25:10	take 15:12,21 24:24	town 18:24,24
standard 15:24 15:24 18:12 18:19	subject 6:21 7:16	taken 5:9 20:22	transcript
standards	submits 19:12 19:13	talked 31:7	
	subsequent 5:10	talking 11:9 21:18 28:5	
	substance	Talpins 35:6	

1:11 35:9 tried 14:22 true 35:8 try 15:10 trying 24:8 turn 4:18 turned 7:23 two 5:14 10:18 21:6,8,14 23:3 26:19 27:3 32:12 type 7:24	19:25 20:7 20:11,20 21:18,21 22:13,14 27:1 29:5 30:12,17,20 30:24 31:4 31:11 32:9 33:11 34:2 view 10:14 violation 5:16 33:16,18 visit 29:8 visited 20:4 voluntary 5:2	Winifred 8:21 11:11 wishes 5:22 witness 3:3 5:20 6:10 11:13 12:14 13:11 20:2 20:10 21:2 22:6 30:14 30:19,21 31:1,7 33:18 33:22,25 work 11:22 12:25 13:24 25:15 27:18 28:3 31:18 32:6 worked 31:24 working 14:5 wouldn't 28:24 write 15:18 27:18 wrong 29:20 32:21,21 33:20 wrote 26:10 27:24 www.cipoll... 1:25	1:50 34:5 10 3:17 16:4,5 16:15 17:11 17:13,14,17 18:1,19 21:7 21:9,19,20 22:6,15 23:22 29:9 30:8,12 33:1 33:3,4 100 21:13 10902 16:4 11 3:18,19 16:4 1125 1:22 12 16:4,5 17:9 17:18 18:4 25:14,22 29:10,10 30:2,3,10 32:16 33:1 124 1:13 127 24:12 127.75 23:18 13 20:16 24:23 16 14:4 32:1 1969 12:2 13:12 1976 13:22 1990 14:5
U unable 5:24 under 5:9 9:13 9:19 14:1 understand 17:21 22:16 28:7 33:18 33:19 understanding 7:19 22:18 22:22 Understood 32:3 undeveloped 10:19 universities 12:9,13 University 11:25 12:1 unless 15:4 19:23 until 17:8 usually 15:8 15:15	W walk 30:10 want 4:1 6:25 15:13 17:22 28:13 wanted 16:17 18:25 wasn't 9:12 17:19 18:6 24:14 25:20 29:12 30:22 water 14:19 18:23 19:16 21:16 22:7 23:3,10 24:15,18 31:2 way 20:13 28:6 website 3:19 11:6 WEDNESDAY 1:12 Welcome 4:4 went 21:4 27:15,16 28:3 32:25 33:4 weren't 17:17 21:11 26:17 wetlands 23:25 24:2,3,7 Wini 20:17	X XI-00561 35:16	2 2 26:12 2nd 26:23 2/19/10 35:18 20 3:20 2002 20:16 24:23 25:1 26:12,23 2003 8:8 10:10 2004 8:18 2006 1:12 8:2 9:10 201-861-4795 2:23 21 8:18 25 21:9
V VALENTI 2:3 29:7 30:11 31:13 32:8 various 10:20 vehicle 30:9 Vernick 2:2 4:1,4,6,7,17 11:20 19:21	Y year 13:12,21 21:7,7,8,9 21:14 23:3 years 14:4,20 21:10 32:1	0 07047 2:22 08401 1:23	1 1/21/04 3:15 1:15 1:15

281:12			
3			
348-9190 1:24			
4			
416 1:22			
45:1-184:23			
5			
58:8			
5,000 14:16			
18:12			
5/5/03 3:14			
50 21:8			
6			
63:4			
6/8/06 3:13			
6/9/06 3:16			
609 1:24			
63891 35:17			
68 12:18			
69 12:19			
7			
76 13:19			
8			
8 3:13, 14 8:2			
10:10			
8th 10:10			
8/8/03 3:18			
8421 2:21			
9			
9 3:15, 16 9:9			
9/13/02 3:20			
20:5			