

**D'AMATO LAW FIRM**

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Attorney for Plaintiff

**SANDRA SMITH, INDIVIDUALLY AND AS  
EXECUTRIX OF THE ESTATE OF GEORGE  
BRADLEY SMITH, AND AS GUARDIAN AD  
LITEM FOR HER CHILDREN KOLE SMITH  
AND BRANDY SMITH, NICOLE GAETA, KYLE  
SMITH;**

Plaintiffs,

**-vs-**

**CITY OF NORTH WILDWOOD, STATE OF  
NEW JERSEY;**

Defendants.

**THUMB DRIVE**  
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15. Exhibit "O": Certification of Michael C. Maslowski
16. Exhibit "P": North Wildwood New Jersey 2016 Information and Recreation Guide
17. Exhibit "Q": North Wildwood Police Department Investigation Report from July 13, 2009, regarding the Hart and Watkins drownings
18. Exhibit "R": The Deposition Transcript of Domonique McNeil.
19. Exhibit "S": USA Today article entitled "Things to do in North Wildwood, NJ."
20. Exhibit "T": The Certifications executed by Professor Weggel which include Report, Addendum Report, and Curriculum Vitae, as well as photographs which Professor Weggel will utilize if asked to testify at a hearing.



21. Exhibit “U”: A photograph of the Unprotected Inlet Beach taken on June 16, 2014, depicting people utilizing the beach for sunbathing, walking, and playing in the water.
22. Exhibit “V”: A photograph of people swimming in the water off of the Unprotected Inlet Beach
23. Exhibit “W”: A photograph dated June 16, 2014, of adults and young children standing at the water’s edge on the Unprotected Inlet Beach
24. Exhibit “X”: A photograph dated June 16, 2014, depicting people sunbathing, fishing, running, and walking on the Unprotected Inlet Beach.
25. Exhibit “Y”: A photograph of beachgoers on the Unprotected Inlet Beach
26. Exhibit “Z”: An Excerpt from The Press of Atlantic City dated September 27, 2016, entitled “A Great Day for a Seawall Stroll.” The picture is described as depicting, “Fishermen line the beach at Hereford Inlet adjacent to the seawall at New York Avenue.”
27. Exhibit “A-1-A-14”: Still photographs captured by drone of the Hereford Inlet on July 31, 2014
28. Exhibit “B-1”: Video captured by drone of the Hereford Inlet on July 31, 2014
29. Exhibit “C-1”: Photographs provided by the Cape May County Planning Department depicting the aerial views of the Hereford Inlet from 1920 to February 22, 2013.
30. Exhibit “D-1-D-243: Aerial Photographs taken from Helicopter over the Hereford Inlet on March 1, 2016

31. Exhibit "E-1": A photograph illustrating two City of North Wildwood Police Officers Patrolling the beach on June 20, 2014
32. Exhibit "F-1": A photograph illustrating City of North Wildwood Public Works employees working on the Inlet Beach on June 20, 2014.
33. Exhibit "G-1": rescue/drowning reports for the years 2010-2015 comprised of data compliments of North Wildwood Police Department, North Wildwood Beach Patrol., and North Wildwood Fire Department.
34. Exhibit "H-1": North Wildwood Resolutions designating the Lifeguard Protected Beaches from the years 2004 to 2011.

1

1 SUPERIOR COURT OF NEW JERSEY  
 2 LAW DIVISION - CAPE MAY COUNTY  
 3 DOCKET NO. CPM-L-331-14

4 SANDY SMITH,  
 5 Individually and as Executrix  
 6 of the Estate of her late husband,  
 7 George Bradley Smith,  
 8 Plaintiff

9 vs.

10 CITY OF NORTH WILDWOOD,  
 11 STATE OF NEW JERSEY,  
 12 JOHN DOE, MARY DOE,  
 13 ABC PARTNERSHIPS  
 14 and XYZ CORPORATIONS,  
 15 Defendants

16  
 17  
 18 Videotape Oral Sworn Deposition of  
 19 SCOTT SUNDERLAND, held at the D'Amato Law  
 20 Offices, 2900 Fire Road, Suite 200, Egg Harbor  
 21 Township, New Jersey, on Tuesday, March 22,  
 22 2016, commencing at 11:13 a.m., before Lisa  
 23 Reagan, CCR in the State of New Jersey, there  
 24 being present:

25  
 \* \* \*  
 WORD FOR WORD REPORTING, LLC  
 CERTIFIED COURT REPORTERS  
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3

I N D E X

\* \* \*

3 WITNESS: SCOTT SUNDERLAND

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\* \* \*

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

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 3 BY: PAUL R. D'AMATO, ESQUIRE  
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 and  
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8

9 STATE OF NEW JERSEY  
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 10 DIVISION OF LAW  
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 12 Trenton, New Jersey 08625  
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 13 State of New Jersey

14

15 BARKER, GELFAND & JAMES  
 BY: A. MICHAEL BARKER, ESQUIRE  
 16 210 New Road  
 Linwood, New Jersey 08221  
 17 Attorneys for the Defendant  
 City of North Wildwood

18

Also Present: Tom Zanaras, Videographer  
 Lou DiJoseph, Investigator

21  
 22  
 23  
 24  
 25

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4

1 (Photograph was marked for  
 2 purposes of identification as Exhibit  
 3 Sunderland-10.)

4 THE VIDEOGRAPHER: Today is  
 5 March 22nd, 2016. This is the videotape  
 6 deposition of Scott Sunderland. We're going  
 7 on the record and the time is 11:13 a.m. The  
 8 appearance of counsel will be noted in the  
 9 transcript. Will the court reporter, please,  
 10 swear in the witness?

11 SCOTT SUNDERLAND, after having  
 12 been first duly sworn, was examined and  
 13 testified as follows:

14 \* \* \*

15 THE VIDEOGRAPHER: Thank you. You  
 16 may proceed.

17 \* \* \*

18 EXAMINATION BY MR. HUNKINS:

19 Q. Mr. Sunderland, good morning.  
 20 A. Good morning.  
 21 Q. I introduced myself a little earlier.  
 22 My name is Brian Hunkins. I'm a Deputy  
 23 Attorney General, and I represent the State,  
 24 and we're here today for a deposition, as you  
 25 know. You heard some of the instructions

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1 already, but I'll just repeat them for you  
2 real quick.

3 **A. Sure.**

**Q.** You're sworn to tell the truth. Do  
you understand that?

6 **A. Yes, I do.**

7 **Q.** If I ask you a question that you don't  
8 understand, please do not answer it. Okay?

9 **A. Yes.**

10 **Q.** Instead, what you should do is tell me  
11 you don't understand it and I'll rephrase it.  
12 Okay?

13 **A. Okay.**

14 **Q.** All right. So if you answer any of  
15 the questions that you're asked today, we will  
16 all assume that you understood the question  
17 and gave us your best answer. Okay?

18 **A. Okay.**

19 **Q.** There will probably be things that we  
20 ask you about that you just don't know the  
21 answer to, and if that's the case, you should  
22 say "I don't know." Okay?

23 **A. Okay.**

24 **Q.** You are not to guess. Do you  
25 understand that?

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1 **A. Yes, I do.**

2 **Q.** There may be facts or details, though,  
3 in fact, the location of the incident itself,  
4 where you are not going to know the exact  
5 answer but you will be able to approximate for  
6 us, and estimate, and if you can give us  
7 estimates, we will want you to do that, but  
8 you should let us know that they are  
9 estimates. Okay?

10 **A. Yes.**

11 **Q.** You can take a break at any time. Are  
12 you okay to proceed now?

13 **A. Yes.**

14 **Q.** Okay. Do you have any questions for  
15 me before we start?

16 **A. No.**

17 **Q.** Okay. Just for the record and to let  
18 you know, we marked a few things before we got  
19 started. First we have a video that was taken  
20 of a site visit to the beach on February 5,  
21 2016, and we marked the DVD as Sunderland-1.

22 Then we marked as Sunderland-2 a  
23 color photograph, aerial photograph taken  
24 March 14th, 2012, of the beach area.

25 Then Sunderland-3 is a typed

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1 report, which is, as I understand it, a  
2 summary of Investigator DiJoseph's meeting and  
3 discussion with you about the incident.

4 **A. Correct.**

5 **Q.** Okay. And Sunderland-3 is five pages.

6 And the last page has an aerial photograph of  
7 the beach which we marked as Sunderland-4.

8 Then Sunderland-5 is the same statement as  
9 Sunderland-3 but it's got some markings on it.

10 From what I understand, are these your  
11 markings or edits to the statement?

12 **A. Yes, they are.**

13 **Q.** And I called it a statement but really  
14 we'll call it a report by the investigator.

15 **A. Right.**

16 **Q.** Does Sunderland-5 make corrections to  
17 what the report says?

18 **A. Yes.**

19 **Q.** And I'm sure we will go into those  
20 changes later, but if we turn to the last page  
21 of Sunderland-5, we, again, see that aerial  
22 photograph; is that correct?

23 **A. Yes.**

24 **Q.** But we marked this one as  
25 Sunderland-10 as a separate exhibit because it

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1 has an X mark on it; is that right?

2 **A. Yes.**

3 **Q.** And is that an X mark that you put  
4 there?

5 **A. I put that there, yes.**

6 **Q.** And it looks like you also put your  
7 initials?

8 **A. Initials, correct.**

9 **Q.** Maybe just to kind of cut to the  
10 chase, let me hand you Sunderland-10, or you  
11 can have the equivalent. It's the aerial  
12 photograph with your X and your initials SAS.  
13 And that's your X, correct?

14 **A. That is my X.**

15 **Q.** Was that your effort to mark the  
16 location of the incident as carefully and as  
17 accurately as you could?

18 **A. Yes.**

19 **Q.** When I say incident, I mean the  
20 location where you and the people with you  
21 suddenly went into the water. Do you  
22 understand that?

23 **A. Correct. Yes, I do.**

24 **Q.** What I would like to do, now that you  
25 have identified that, though, is see if we can

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1 find an approximate -- the approximate  
2 location on another exhibit. Let's look at  
3 Sunderland-2. Let me show you that. It's  
another aerial photograph. And I want to note  
for the record Sunderland-2 has a green dot  
6 off the beach at one point. Do you see that?

7 **A. Yes, here (indicating.)**

8 **Q.** For today's purposes or for right now  
9 at least, I want you to ignore that green dot  
10 because there's probably a story as to how  
11 that got on there, but you don't know how that  
12 green dot got on there, correct?

13 **A. No, I have no idea.**

14 **Q.** That has nothing to do with you and  
15 we're going to ignore that. Don't assume that  
16 means anything. Okay?

17 **A. Yes.**

18 **Q.** To orient ourselves, I just want to  
19 ask you whether it seems to you the beach at  
20 this location, generally speaking, kind of has  
21 a -- I'll use the term shoulder -- that juts  
22 out into the ocean a little bit. Do you know  
23 what I mean?

24 MR. D'AMATO: Can I have the  
25 question read back, please?

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1 Sunderland-10 that your X is approximately  
2 adjacent to a curve in the roadway?  
3 **A. Okay, yes.**  
4 **Q.** All right. And if you look at  
5 Sunderland-10, can you find that same curve in  
6 the roadway?

7 **A. I can.**

8 **Q.** And so then sort of comparing the two,  
9 if you were to put an X on Sunderland-2  
10 approximately where the incident occurred, do  
11 you think you would be able to do that?

12 **A. Not accurately, no.**

13 **Q.** Okay. Looking at Sunderland-10, which  
14 is where you put your X, use your own words,  
15 but is that sort of like on the top side of  
16 the shoulder?

17 MR. D'AMATO: What is?

18 MR. HUNKINS: The X. I'll  
19 rephrase the question.

20 BY MR. HUNKINS:

21 **Q.** Did you put your X, generally  
22 speaking, on the top of the shoulder?

23 **A. I'm not really quite understanding  
24 what you are asking. I mean you're saying --  
25 you're saying it looks like a shoulder. So**

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1 MR. HUNKINS: I'll rephrase it.

2 BY MR. HUNKINS:

3 **Q.** If you look at Sunderland-2, and if  
4 you look at -- yes, that's this photograph,  
5 Sunderland-2.

6 **A. Okay.**

7 **Q.** And if you look at where I'm pointing,  
8 do you see where the beach kind of protrudes  
9 out somewhat from the land?

10 **A. Okay.**

11 **Q.** I'm going to refer to that as a  
12 shoulder. Is that okay with you?

13 **A. Yeah, that's fine.**

14 **Q.** Does it seem to have somewhat the  
15 shape of somebody's shoulder?

16 **A. Okay.**

17 **Q.** Okay. Now, if you look back at  
18 Sunderland-10, which is the photograph where  
19 you marked the location of the incident, do  
20 you see what appears to you to be part of the  
21 shoulder on Sunderland-10?

22 **A. I mean it juts out.**

23 **Q.** And if you, again, compare  
24 Sunderland-10 with Sunderland-2, if you look  
25 at some landmarks, you notice that on

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1 **I'm trying to imagine what you are saying it  
2 looks like, if that makes any sense. So if  
3 you are asking me to put the X here onto this,  
4 it doesn't look...**

5 MR. D'AMATO: I have an objection.

6 MR. HUNKINS: I'm going to  
7 withdraw it. I'm going to let him finish and  
8 then withdraw it.

9 THE WITNESS: In order to put this  
10 area, I would have to go off of the curve and  
11 the angle, because it looks different to me.

12 MR. D'AMATO: I have an objection.

13 MR. HUNKINS: I'm going to  
14 withdraw that question.

15 MR. D'AMATO: Let me tell you what  
16 my objection is, and I'm not trying to  
17 interrupt. Somebody has to identify what  
18 exhibits he's looking at because we're going  
19 to have a transcript.

20 So, Mr. Sunderland, this here is  
21 Sunderland-2; this is Sunderland-10. A  
22 transcript is going to be made of this. So if  
23 you could, when you are pointing here, say  
24 Sunderland-2.

25 THE WITNESS: Okay.

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1 MR. HUNKINS: Thank you.  
 2 BY MR. HUNKINS:  
 3 Q. Just to get back on track, looking at  
 Sunderland-10, that is where you put your X  
 identifying the location?  
 6 A. **Correct.**  
 7 Q. All right. When you put your X on  
 8 Sunderland-10, what is it that you used to  
 9 look at your X there? Is it because you have  
 10 a memory of some certain landmarks?  
 11 A. **Yes.**  
 12 Q. Okay. What are they?  
 13 A. **It would be where the rock wall and**  
 14 **the parking lot are and where I believe the**  
 15 **oceanfront is.**  
 16 Q. Okay. So looking at Sunderland-10,  
 17 can you just point with your finger at the  
 18 rock wall that you just referred to?  
 19 A. **The rock wall would be here, in that**  
 20 **corner (indicating.)**  
 21 Q. And immediately next to it is the  
 22 parking lot?  
 23 A. **Yes, behind it.**  
 24 Q. All right. So with your permission,  
 25 I'm going to write the words "rock wall" and a

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1 "parking lot" with an arrow. Is that all  
 2 right with you?  
 3 A. **That's fine.**  
 4 Q. Okay. Rock wall and parking lot.  
 5 Point for me one more time at the  
 6 rock wall.  
 7 A. **Rock wall would be right there. I**  
 8 **believe it to be a rock wall (indicating.)**  
 9 Q. It looks like a line of rocks almost?  
 10 MR. D'AMATO: May I suggest  
 11 something? Here's a marker. Let's mark it.  
 12 BY MR. HUNKINS:  
 13 Q. Take the color marker and just draw a  
 14 circle around the rock wall and the parking  
 15 lot.  
 16 A. **(Complies.)**  
 17 Q. Thank you. I'm going to draw an arrow  
 18 in black pen to your colored circle. So if I  
 19 understand you correctly, looking at  
 20 Sunderland-10, when you drew your X, you used  
 the rock wall and parking lot as your landmark  
 to locate the incident?  
 23 A. **Well, the overall -- I use the whole**  
 24 **overall.**  
 25 Q. Okay.

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1 A. **But yes, that is one of the landmarks**  
 2 **I looked at it, yes.**  
 3 Q. Is there any other landmark you used  
 4 to draw your X?  
 5 A. **The relationship to where this is**  
 6 **where I believe the oceanfront would be on 10,**  
 7 **Sunderland-10, would be at about this**  
 8 **location. So between those two, that's kind**  
 9 **of how I would figure that's where we were at**  
 10 **that time (indicating.)**  
 11 Q. Thank you. And you've helped us by  
 12 drawing your X and identifying the location,  
 13 and I don't want to belabor the point or have  
 14 you do anything that you are not able to do,  
 15 but just for informational purposes, would you  
 16 be able to draw an X on Sunderland-2 using  
 17 those same landmarks or any other method where  
 18 you could be reasonably sure you are giving us  
 19 the location? And if you are not able to do  
 20 that, no problem.  
 21 A. **No.**  
 22 Q. Okay. So Sunderland-10 is the  
 23 location of the incident?  
 24 A. **Yes.**  
 25 Q. Okay. Now what I would like to do is

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1 direct your attention to Sunderland-1. That's  
 2 the video of the site visit from February 5,  
 3 2016, and you had a chance to look at that  
 4 before we started today?  
 5 A. **I did.**  
 6 Q. And we might not even have to play it.  
 7 Let me just ask you, approximately two minutes  
 8 into that video, is there some images of the  
 9 view of the beach and waves and then the  
 10 camera turns about 180 degrees and looks at  
 11 the land?  
 12 A. **Yes.**  
 13 Q. And at about that point in the footage  
 14 there's some words that come up that identify  
 15 three towers as being equidistant, roughly?  
 16 A. **Yeah, I saw that.**  
 17 Q. And then after that does the footage  
 18 show the camera panning to the left and to the  
 19 right?  
 20 A. **I believe so, yes.**  
 21 Q. And in panning, it shows landmarks  
 22 that exist to the left of that location and to  
 23 the right?  
 24 A. **Okay.**  
 25 Q. Okay. Having looked at that video,

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1 does that footage starting at about two  
2 minutes where it looks at the sand and the  
3 ocean and then it turns 180 degrees and looks  
at the three towers, is that approximately  
where the incident occurred?

6 **A. I wouldn't be able to tell because I  
7 don't recognize those landmarks.**

8 **Q.** Are there any landmarks that you  
9 recognized by looking at that footage on  
10 Sunderland-1?

11 **A. Not -- not really.**

12 **Q.** So in other words, when the camera  
13 panned to the left and there were some  
14 buildings off in the distance, I think they're  
15 condos, but I'm not sure, they're buildings,  
16 did you recognize any of those?

17 **A. Not really, no.**

18 **Q.** Okay. And similarly, when the camera  
19 panned to the right, it focused in on a rock  
20 wall. Do you remember that?

21 **A. Yes.**

22 **Q.** Is that a landmark that you recognize?

23 **A. I recognize the pathway on top of the  
24 rock wall, but as far as where I was when we  
25 went in and trying to compare that, I would**

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1 **have no idea.**

2 **Q.** Okay. So if I understand you  
3 correctly -- well, let me back up. On the day  
4 of the incident, you went in the water;  
5 thankfully you got out, right?

6 **A. Yes.**

7 **Q.** And I assume you were present at the  
8 scene when initial rescue efforts were under  
9 way?

10 **A. Yes.**

11 **Q.** I assume at some point that day you  
12 left the beach?

13 **A. Yes.**

14 **Q.** When is the next time you came back?

15 **A. The next day.**

16 **Q.** Okay. And did you come back to the  
17 location of the incident?

18 **A. To the location, yes.**

19 **Q.** And when you went back the next day to  
20 the location of the incident, how did you  
21 figure out where to go?

22 **A. You could kind of -- I just kind of,  
23 again, looking to where the oceanfront was and  
24 there was kind of almost an abrupt -- I don't  
25 want to say abrupt, but like -- kind of like**

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1 **how the roadway is on 2.**

2 **Q.** Sunderland-2?

3 **A. How the road turns around there, it  
4 kind of almost looked like that --**

5 **Q.** Okay.

6 **A. -- at the beach at that area. It  
7 wasn't, you know, walking down there I could  
8 kind of tell where the approximation was where  
9 I went in.**

10 **Q.** Correct me if I'm wrong. The  
11 appearance of the actual beach and the sand  
12 would change based on the height of the tide?

13 **A. Oh, absolutely, absolutely.**

14 **MR. BARKER:** On the what? I  
15 didn't hear you. Height of the?

16 **MR. HUNKINS:** Tide.

17 **BY MR. HUNKINS:**

18 **Q.** And I imagine over time sand is going  
19 to move somewhat so that would change the  
20 appearance?

21 **A. Yes.**

22 **Q.** So what you were doing, if I  
23 understand you correctly, is you noticed that  
24 the curve of the road which you pointed out on  
25 Sunderland -- actually, Sunderland-10 and

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1 Sunderland-2, was roughly adjacent to the  
2 location of the incident?

3 **A. No, that's not what I meant. I meant  
4 the curve of the road was kind of how the  
5 beach shape was.**

6 **Q.** Okay.

7 **A. So I didn't use that as a, you know, a  
8 landmark to get to that area. It was more  
9 where the oceanfront -- I call it where the  
10 oceanfront and the inlet basically meet.**

11 **Q.** Okay. And that's what you marked on  
12 Sunderland-10?

13 **A. Correct.**

14 **Q.** All right.

15 **A. Correct.**

16 **Q.** After -- so you told me about the day  
17 after the incident you went back to the  
18 location of the incident?

19 **A. Yes.**

20 **Q.** How many times since then have you  
21 gone back to the location of the incident?

22 **A. I went that -- actually, actually, I  
23 went the night of after it happened. I took  
24 Brad's older children down and his brother and  
25 we were calling for Brad.**

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- 1 Q. So the evening of the incident and  
2 then the day after?
- 3 A. **The day after I went down myself.**
- Q. After that, how many times did you go  
back?
- 6 A. **I probably went, I believe, the next  
7 day after that, and then it was -- it might  
8 have been two or three times during that week.  
9 I'm not a hundred percent sure. But then the  
10 next time it was when I -- when I met the  
11 investigator.**
- 12 Q. Okay. Mr. DiJoseph?
- 13 A. **Yes.**
- 14 Q. All right. And when you took Mr.  
15 DiJoseph down, you made your -- you located  
16 the scene of the incident?
- 17 A. **Yes.**
- 18 Q. And you did that how?
- 19 A. **Again, by the oceanfront and the rock  
20 wall and the distance between the two. I mean  
21 that's the generalization. That's where I,  
22 you know, I guesstimated where it would be.**
- 23 Q. And when you say the distance between  
24 the two, do you mean in your mind's eye, you  
25 know, in your memory the distance?

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- 1 **got pretty close to the rock wall. We didn't  
2 get all the way down towards it. So I would  
3 guess that I was --**
- 4 MR. D'AMATO: He doesn't want you  
5 to guess. You can approximate. You can  
6 estimate.
- 7 MR. HUNKINS: And let me stop you  
8 there. Your answer so far already suggests to  
9 me maybe there's some confusion.
- 10 BY MR. HUNKINS:
- 11 Q. I understand from the report that I  
12 read that you didn't walk all the way up to  
13 the rock wall?
- 14 A. **No, we did not.**
- 15 Q. Is that because the beach sort of ran  
16 out and it was just water and you couldn't get  
17 to the wall?
- 18 A. **I have no idea why.**
- 19 Q. Okay. For whatever reason, you didn't  
20 walk all the way to the rock wall, so I'll  
21 just ask you approximately how close did you  
22 get to the rock wall?
- 23 A. **I really don't know. I'd say maybe a  
24 hundred feet. I don't know. Maybe two  
25 hundred feet.**

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- 1 A. **Yes.**
- 2 Q. You don't mean that feet or yards?
- 3 A. **No, no, just in my mind, yes.**
- 4 Q. All right. On the day of the  
5 incident -- and by the way, I've read  
6 Sunderland-3 and also the version with your  
7 edits, but basically from what I understand,  
8 on the day of the incident you and the group  
9 you were with walked from the guarded beach  
10 almost up to a rock wall and turned around and  
11 came back?
- 12 A. **Yes.**
- 13 Q. And it was on the return trip that the  
14 incident occurred?
- 15 A. **Yes.**
- 16 Q. And can you tell us how far you got on  
17 the way back when the incident occurred? Were  
18 you, for example, halfway back to the starting  
19 point when the incident occurred, or are you  
20 able to estimate it in that way?
- 21 A. **I would say we were -- I mean a  
guesstimate, we were --**

23 Q. It can't be a guess, but if it's an  
24 estimate...

25 A. **An estimate, I would say we got -- we**

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- 1 Q. Okay. And it was at that point that  
2 you turned around and walked back?
- 3 A. **Yes.**
- 4 Q. All right. So my question was, from  
5 that point where you turned around and walked  
6 back, did you get halfway back to your  
7 starting point when this happened or some  
8 other estimate?
- 9 A. **Well, we started all the way out to  
10 where we were originally seated, where we went  
11 down to the beach. So I would say we got, I  
12 don't know, maybe three-eighths of the way,  
13 not quite half.**
- 14 Q. Okay. So when the incident occurred,  
15 you were an estimated three-eighths of the way  
16 back to your starting point on the beach from  
17 where you turned around?
- 18 A. **Possibly less than that. Possibly  
19 less than that.**
- 20 Q. In any event, putting aside that  
21 estimate, the X that you wrote on  
22 Sunderland-10 is your --
- 23 A. **Yes.**
- 24 Q. -- indication where this occurred?
- 25 A. **Yes.**

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1 MR. HUNKINS: Okay. That's all I  
2 have. The other attorney will have some  
3 questions for you. I might have some more  
later. Thank you.

THE WITNESS: Okay.

6 \* \* \*

7 EXAMINATION BY MR. BARKER:

8 Q. Mr. Sunderland, my name is Michael  
9 Barker. I will be asking you some questions  
10 and, again, if, at any time, I ask you a  
11 question which is not clear for any reason,  
12 please stop me and I'll be happy to go back  
13 and rephrase it, and please don't guess when  
14 responding to any questions.

15 A. **Okay, I understand.**

16 Q. What's your full name?

17 A. **Scott Alan Sunderland.**

18 Q. And how do you spell Alan?

19 A. **A-L-A-N.**

20 Q. And what's your date of birth?

21 A. **4/24/65.**

22 Q. And where do you presently live?

23 A. **1383 Lake Road. That's in  
24 Feasterville.**

25 Q. And how do you spell Feasterville?

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1 A. **F, as in Frank, E-A-S-T-E-R-V-I-L-L-E.**

2 Q. That's in Pennsylvania?

3 A. **Correct.**

4 Q. And you're married?

5 A. **Yes, I am.**

6 Q. And to whom are you married?

7 A. **Andrea Sunderland.**

8 Q. And you have how many children?

9 A. **Three.**

10 Q. And what are the names of the children  
11 who were with you on the walk on the beach  
12 that day?

13 A. **Ally. At the beach with me? Ally,  
14 Aidan and Jett.**

15 Q. When you started off walking on the  
16 beach, about what time of day was it?

17 A. **I would say it was 3, 4 o'clock.  
18 That's when we went down to the beach. I  
19 would say 3 o'clock we went down. So the  
20 walk, 4:00, 5:00.**

21 Q. Do you remember -- you were at a  
lifeguarded area when you started your walk,  
23 right?

24 A. **Yes.**

25 Q. Do you know the name of that

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1 lifeguarded area? Could you identify it  
2 otherwise?

3 A. **Not really, no.**

4 Q. And when you left the lifeguarded  
5 area, were the lifeguards still there?

6 A. **Yes.**

7 Q. And as you started to walk, you walked  
8 in a northerly direction?

9 A. **Yes, I would imagine it would be  
10 north, yes. Yes, it would be north.**

11 Q. I'm not so sure that it is north, but  
12 it's the top of the picture, right?

13 A. **Yes.**

14 Q. And I saw that you had referred to it  
15 in a statement as north, or at least towards  
16 the rock wall, right?

17 A. **Yes, I was going up the coast; let's  
18 put it that way.**

19 Q. Understood. And as you are going up  
20 the coast, do you recall that there was a  
21 point in time shortly after you left that Brad  
22 turned around and waved to his wife?

23 A. **Can you repeat that, please?**

24 Q. Yes. Do you recall that shortly after  
25 you left, commenced this walk, there was a

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1 point in time that Brad turned around and  
2 waved back to his wife?

3 A. **I don't -- I don't remember that, no.**

4 Q. Do you remember the lifeguards going  
5 off duty?

6 A. **I don't remember that, no.**

7 Q. Do you have any recollection that you  
8 looked at the time or noticed the time?

9 A. **I only know from about when we got  
10 there to when the incident approximately  
11 happened.**

12 Q. You mean when you first got to the  
13 beach?

14 A. **When we first got to the beach, yes.**

15 Q. Well, let me ask you this for an  
16 estimate. Do you know, from the time you  
17 commenced this walk to the time that you went  
18 in the water, how much time had elapsed?

19 A. **I would say a couple hours, two hours,  
20 maybe three, possibly.**

21 Q. You were walking for two or three  
22 hours?

23 A. **No, we didn't walk --**

24 Q. So my question might not have been  
25 clear or you may not have understood it. So

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- 1 here's the question again.
- 2 **A. Okay.**
- 3 **Q.** From the time you started the walk --
- 4 **A. Oh, okay.**
- 5 **Q.** -- until the time that you went in the
- 6 water --
- 7 **A. Okay.**
- 8 **Q.** -- meaning this unfortunate accident
- 9 took place, what's the elapsed time?
- 10 **A. I would say under an hour.**
- 11 **Q.** Okay. As you were walking north, when
- 12 you started walking north, do you remember the
- 13 position of the people, like who was where, if
- 14 you remember? So you're going towards the
- 15 rock wall or to the top of the photograph or,
- 16 north as we say --
- 17 **A. Right.**
- 18 **Q.** -- and you're at a certain place on
- 19 the surface of the earth there and there's
- 20 somebody to your right, somebody to your
- 21 left --
- 22 **A. Right.**
- 23 **Q.** -- and I'm trying to figure out who is
- 24 where.
- 25 **A. So if we were walking towards the rock**

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- 1 **wall, we weren't necessarily all together at**
- 2 **that point. We didn't go for a walk together.**
- 3 **It didn't start off as that.**
- 4 **Q.** I see.
- 5 **A. The girls, Ally and Brandi, were**
- 6 **playing in the tidal pools, and I believe that**
- 7 **my son, Jett, was there, and Cole, in that**
- 8 **general same area, but that was closer to**
- 9 **where we were sitting. Brad got up and he**
- 10 **kind of ran up to the girls to scare them, you**
- 11 **know, just like the monster, and I was still**
- 12 **sitting there and, you know, I told him he**
- 13 **looked ridiculous. So I just got up and**
- 14 **started going after him, walking, you know,**
- 15 **behind him, and then we were there for a**
- 16 **little while.**
- 17 **Q.** At the pools?
- 18 **A. At the -- at that pool area. And then**
- 19 **we just, you know, started walking. Who got**
- 20 **in front, it might have been the girls first;**
- 21 **it might have been Brad and I first. At that**
- 22 **point, I really don't know, but we did all end**
- 23 **up together and kind of walked together down**
- 24 **towards the rock wall.**
- 25 **Q.** Up towards the rock wall?

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- 1 **A. Well, yes, okay, up towards the rock**
- 2 **wall.**
- 3 **Q.** All right. So then you got to the
- 4 point where you're closer to the rock wall and
- 5 someone makes the decision to turn around and
- 6 go back?
- 7 **A. Correct.**
- 8 **Q.** Who made that decision to go back?
- 9 **A. I have no idea.**
- 10 **Q.** All right.
- 11 **A. We have two little girls. So who**
- 12 **knows.**
- 13 **Q.** So the group kind of now turns around
- 14 and is going back in a southerly direction?
- 15 **A. Yeah, it wasn't like a, you know,**
- 16 **purposeful walk. We were just kind of --**
- 17 **Q.** Meandering?
- 18 **A. Yeah, meandering, talking. I'm sure**
- 19 **Brad and I are talking and the girls are just,**
- 20 **you know, yammering on nonstop.**
- 21 **Q.** So did you notice anything unusual as
- 22 you walk up towards the rock wall, or
- 23 northbound?
- 24 **A. I remember seeing a -- I don't know if**
- 25 **it was before we got walking up towards the**

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- 1 **rock wall or if it was on the way back, but I**
- 2 **remember seeing a fisherman.**
- 3 **Q.** Anything else you noticed?
- 4 **A. No.**
- 5 **Q.** And the fisherman was standing off in
- 6 the water?
- 7 **A. He was standing off in the water.**
- 8 **Q.** Was he to your right when you observed
- 9 him?
- 10 **A. So I'm not sure where I saw him, if I**
- 11 **saw him, you know, so it would be depending if**
- 12 **I was going north or coming back from the**
- 13 **walk.**
- 14 **Q.** And you don't remember that?
- 15 **A. I do not remember that.**
- 16 **Q.** So as you are walking with your little
- 17 group back in a southerly direction, who is
- 18 closer to the ocean side and who is closer to
- 19 the land side?
- 20 **A. I'm closer to the ocean side.**
- 21 **Q.** And are you the closest to the ocean
- 22 side?
- 23 **A. Yes.**
- 24 **Q.** And then who would be to your right?
- 25 **A. To my right would be --**

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1 **Q.** Well, wait, wait, you are walking  
2 south, so --  
3 **A.** **Oh, are we talking towards the rock  
wall or walking away from the rock wall?**  
4 **Q.** You are walking away from the rock  
5 wall walking back to where you started, and  
6 you may refer to that photograph in front of  
7 you, if you like. You can hold it up, show it  
8 to the video camera.  
9  
10 **A.** **So if we're walking from here --**  
11 **MR. BARKER:** Wait, can you see it,  
12 there, Tom?  
13 **THE VIDEOGRAPHER:** Yes.  
14 **BY MR. BARKER:**  
15 **Q.** Now you can point.  
16 **A.** **If we are walking from here --**  
17 **Q.** Going south.  
18 **A.** **-- up to that point --**  
19 **Q.** Where is your position? Closer to the  
20 ocean?  
21 **A.** **I consider that east, to be honest,  
22 because this is the ocean. So the ocean is  
23 east. So we're going east and the ocean would  
24 be on -- so going in this direction  
25 (indicating.)**

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1 **Q.** Yes, sir. And where is your position  
2 and what's the position of the others?  
3 **A.** **I was closest to the water.**  
4 **Q.** Yes, sir.  
5 **A.** **And then it was, I believe, my  
6 daughter and then my son, Aidan.**  
7 **Q.** All right.  
8 **A.** **Brad was behind me.**  
9 **Q.** Oh.  
10 **A.** **So we were not all side by side.**  
11 **Q.** Okay. You're closest to the water?  
12 **A.** **Yes.**  
13 **Q.** Ally is now to your right or a little  
14 landward side?  
15 **A.** **Yes.**  
16 **Q.** And then Aidan is to the right of  
17 Ally, right?  
18 **A.** **Of Ally, yes.**  
19 **Q.** And as you are walking back in that  
20 direction east, as you say --  
21 **A.** **East, east, yes.**  
22 **Q.** -- do you notice anything unusual as  
23 you are stepping and walking, or is it just  
24 the same way as when you walked up?  
25 **A.** **Well, when we walked up, we were more**

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1 **inland. We were more inland.**  
2 **Q.** And this time, as you are walking east  
3 going back --  
4 **A.** **We were along the coast.**  
5 **Q.** Right. And you're in the water at  
6 that point?  
7 **A.** **Yes.**  
8 **Q.** And how deep is the water on you just  
9 before you go in the water?  
10 **A.** **Calf.**  
11 **Q.** And what about Ally, she's right next  
12 to you, right?  
13 **A.** **That I'm not a hundred percent sure.  
14 I'm not sure if she was next to me or if she  
15 was on my back. I don't know if I was giving  
16 her a piggy-back or not.**  
17 **Q.** I see. And what about, did you happen  
18 to observe your son Aidan and where he was in  
19 the water?  
20 **A.** **Yeah, he was next to me but, again,  
21 I'm not sure if Ally was next to me or if I  
22 was giving her a piggy-back.**  
23 **Q.** And Aidan was how old at the time?  
24 **A.** **He was nine.**  
25 **Q.** And did you happen to notice anything

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1 about the depth of the water on his lower  
2 extremity?  
3 **A.** **He wasn't in the water at all.**  
4 **Q.** He was more towards the sand?  
5 **A.** **Yeah, he was on the sand. He wasn't  
6 in the water.**  
7 **MR. D'AMATO:** At what point are  
8 these observations of his?  
9 **MR. BARKER:** These observations of  
10 his as he's described them is on his walk back  
11 down east.  
12 **THE WITNESS:** This is right before  
13 the incident. So this is just before the  
14 incident.  
15 **BY MR. BARKER:**  
16 **Q.** As you are walking in the fashion as  
17 well as you can describe it based on your  
18 memory, do you remember what happened, how you  
19 felt and what happened to you as you found  
20 yourself going in this water?  
21 **A.** **As I was walking, I took a step on my  
22 left leg and it just dropped.**  
23 **Q.** You mean your left leg went out and  
24 you went --  
25 **A.** **No, just like I was walking and then**

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1 **it's just like I just stepped right into,**  
 2 **like, nothing. It was like it almost slid,**  
 3 **like it slipped, and then with that I just**  
**went over. So it was like my leg just went**  
**out from underneath me.**

6 **Q.** I saw that you described to the  
 7 policeman it was like you walked into a gully;  
 8 is that correct?

9 **A. Yeah.**

10 **Q.** And with that, you just toppled in?

11 **A. Toppled and went right in.**

12 **Q.** If Ally was on your back, she went in  
 13 with you?

14 **A. She was on my back immediately. I**  
 15 **know that. Because I thought she fell on top**  
 16 **of me, and when we had spoken about it when I**  
 17 **asked her what she remembered, she said I was**  
 18 **giving her a piggy-back.**

19 **Q.** Is this the conversation that she  
 20 referred to earlier this morning as having  
 21 taken place back in January?

22 **A. Yes.**

23 **Q.** Of this year?

24 **A. Yes, yes.**

25 **Q.** And she told you at that time what you

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1 just said?

2 **A. Yes.**

3 **Q.** So she really refreshed your memory as  
 4 to where she was?

5 **A. She did. And that's not the first**  
 6 **time, right?**

7 **Q.** Right, okay. As you were now in the  
 8 water, you've described how you got there,  
 9 where was Aidan?

10 **A. Aidan was on land. He never went in.**

11 **Q.** Now, just before you went in, did you  
 12 have the opportunity to look back --

13 **A. No.**

14 **Q.** -- and see Brad or Brandi?

15 **A. No. I know Brad was right behind me**  
 16 **because I think we were talking, but I never**  
 17 **seen him -- I never saw where they were at**  
 18 **that time. I don't know how they went in. I**  
 19 **don't know.**

20 **Q.** For clarity of the record, you cannot  
 describe what happened to Brad and how he went  
 in the water?

23 **A. Correct, I cannot describe it, no.**

24 **Q.** And you cannot describe what happened  
 25 to Brandi and how she went in the water?

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1 **A. Right, I do not know.**

2 **Q.** Excuse me, I just lost the mike.

3 **A. I saw.**

4 **Q.** Okay. What happened to you now that  
 5 you're in the water? Ally is on your back?

6 **A. Correct.**

7 **Q.** Pick it up at that point and tell us  
 8 what you recall happening.

9 **A. As soon as I went in the water, I**  
 10 **immediately, you know, tried to -- I wasn't --**  
 11 **how do you say it? I wasn't, like, panicked.**  
 12 **I just thought, Oh, we just fell in the water.**  
 13 **So at first I was kind of, you know, laughing**  
 14 **like, Oh, wow, how did that happen, and went**  
 15 **to, you know, feel for the bottom and didn't**  
 16 **feel the bottom. So I just started to swim**  
 17 **and I wasn't really paying attention. I was**  
 18 **just swimming. And Ally was on my back, and**  
 19 **that was probably for the first -- under a**  
 20 **minute, maybe within the first 20 seconds,**  
 21 **maybe 30 seconds passed. That's when I looked**  
 22 **up from swimming with my head down that I**  
 23 **realized that I was further from shore than**  
 24 **when I started. And that's when it started to**  
 25 **get real. So I started swimming harder.**

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1 And I remembered at that point  
 2 that the fisherman and he -- Brad and I had  
 3 kind of joked when we initially saw him that  
 4 he was like Jesus. He was just standing in  
 5 the middle of the ocean in a way. And I knew  
 6 that he was there. That spot was there. So I  
 7 knew it was shallow at that point, but it was  
 8 not where I was at. So I'm in kind of  
 9 recovery mode now, and I'm thinking that's my  
 10 go-to. If I can't get back to the beach,  
 11 that's where I need to get to.

12 So I then just started swimming  
 13 really hard, and I wasn't necessarily looking  
 14 up. I just had my daughter on my back and I  
 15 knew I needed to get back to the beach where  
 16 we went in. And I just -- just started  
 17 plowing really hard. There was a point I was  
 18 -- I'm going to say I was swimming for maybe,  
 19 like, two minutes, and I just kept throwing my  
 20 arms out, because I wasn't looking. I was  
 21 just too concentrated on swimming, and I kept  
 22 throwing my arms up like where is the sand,  
 23 where is the sand, and I remember just before  
 24 I hit, You're going to have to float, because  
 25 I started thinking about, you know, when you

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1 are in -- they tell you to ride with currents,  
2 ride with currents, and I'm, obviously,  
3 fighting something, but it felt like I was  
almost swimming through air. I couldn't get  
any traction. I don't know how to describe it  
6 other than that. Or like even a rope was  
7 pulling on me, like on my feet, because it  
8 felt like I was in this one spot.

9 And about at that point, that's  
10 when I felt on my fingertips, just these two,  
11 just felt the sand and then I just started  
12 scrambling. Aidan ran down, and as I was  
13 grabbing at the sand, I believe at that point  
14 he took Ally. I remember saying, "Grab her,  
15 grab her," and I literally climbed up and kind  
16 of on my belly. And I just kind of laid there  
17 for a minute because I was exhausted, and then  
18 that's when I turned over and that's when I  
19 saw Brad and Brandi.

20 **Q.** And what did you see when you had that  
21 observation?

22 **A. They were separated. And I'm going to**  
23 **approximate they were off the beach about a**  
24 **hundred, 120 feet. Brandi was closer to**  
25 **inside the inlet, Brad was closer to the**

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1 **ocean, and they were getting further apart.**  
2 **Brandi was staring directly at me, and Brad**  
3 **was on his back facing Brandi, so looking back**  
4 **towards the inlet. And he was just kind of**  
5 **almost -- almost on his back like just going**  
6 **with the current. And it seemed like Brandi**  
7 **was stuck in this -- she wasn't getting turned**  
8 **around in like a whirlpool. She was on this**  
9 **outer side of it, and then it seemed like Brad**  
10 **was caught in this other -- almost like a**  
11 **river and he was getting pulled further away**  
12 **from her.**

13 He yelled for me. He said,  
14 "Scott, Brandi," and that's when I went back  
15 in the water to get her. When I got back in  
16 the water, same thing, kind of just -- kind of  
17 slide or almost kind of like -- not slide, but  
18 more of a kind of like dive, I guess, but not  
19 a dive, because there's definitely -- it goes  
20 from, I would approximate, a foot and a half  
21 to nothing or, you know, deep, over my head,  
because when I was out in the water, I never  
23 touched bottom not once.

24 I started to swim towards her and  
25 I realized at that level she was too far and I

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1 turned around.

2 At that point, I climbed back up  
3 and I got up, stood up, and I just -- I  
4 started waving. I remember trying to yell.  
5 My mouth was open, but I was not making any  
6 noise, any sounds.

7 I believe at that point that's  
8 when I saw the State trooper in his boat and I  
9 saw him and he was moving. He was -- I'd say  
10 he was probably going, you know, 20 miles an  
11 hour, 25 miles an hour. He was driving pretty  
12 fast and he was coming out of the inlet  
13 towards where Brad was. So I yelled to Brad.  
14 I said, "You're good, buddy, you're good, just  
15 stay up. He's coming." And I was waving like  
16 this, so I was waving to where Brandi was and  
17 I was doing this to where Brad was. And he  
18 saw me; the officer saw me. We locked eyes.  
19 And when I pointed like this, he turned his  
20 head and he looked in the other direction. So  
21 he didn't look down. He looked out into the  
22 ocean, and he just went literally right by  
23 Brad by, I would say, probably about 40,  
24 50 feet. And that's when Brandi really  
25 started to get panicked. She was swimming

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1 very hard. She wasn't making any sounds at  
2 that time. And she was treading water. So  
3 she wasn't trying to swim back to shore. She  
4 was just treading water. But I remember  
5 seeing her, like, she was so far out of the  
6 water because she was treading water so hard.  
7 And at that point, after the boat went by,  
8 that's when she started to scream and in my  
9 mind I kept thinking, "Don't scream, don't  
10 scream, you need your energy" type. And  
11 that's when I just started waving, and I  
12 turned back towards the sea wall, because  
13 there were people down there, and I started  
14 waving and, you know, just kind of jumping.  
15 Again, I was -- you're helpless. You don't  
16 know what to do. I didn't want to leave the  
17 area because I didn't want to lose contact  
18 with where they were. I kept telling myself,  
19 You have to stay in contact with Brad and  
20 Brandi, so I would know where they were at all  
21 points, at all times. I started waving. I  
22 saw people down there towards the rock wall  
23 and there were two jet skiers, two jet skis.

24 **Q.** Towards the rock wall?

25 **A. Down towards the rock wall. They were**

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1 in shallow water sitting. They weren't moving  
2 and they were kind of just laying back on  
3 their jet skis, and there were other people on  
4 shore that I believe that maybe they were  
5 talking to, and next thing I knew, I saw the  
6 jet skier, the first one, just -- I mean he  
7 was gunning it and he just came flying up. I  
8 would say he was probably about maybe 40 feet  
9 off the beach, and as he was coming up, I was,  
10 again, pointing to where Brandi was and Brad,  
11 and as he got closer, he kind of swerved in a  
12 little bit so he could hear me.

13 Q. In towards the sand?

14 A. In towards the sand to where I was,  
15 but still probably no more than 30 feet in.  
16 Probably not even more than 40 feet in. So he  
17 kind of swerved in but that far off the beach  
18 still.

19 So I yelled at him, "Little girl  
20 and my buddy," and he immediately turned and  
21 he saw Brandi, and as he was approaching her,  
22 I took my eyes off of her and I was then  
23 watching Brad, because he clearly saw her.

24 Q. Could you see Brad?

25 A. I did see Brad at that point, and he,

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1 again, was laying on his back, and at this  
2 point he was where -- now I could see, as I  
3 was watching him, I could see the wave  
4 formations and he was in them, short, though,  
5 very small waves, small waves, but it kind of  
6 outlined -- it was out towards where this hook  
7 was where the fisherman was. So you could see  
8 like a sand bar. You didn't see it, but you  
9 could kind of see it by the waves. So they  
10 kind of were going around it and he was in  
11 that.

12 And as I watched him, you know, I  
13 kept glancing back and I saw the jet skier get  
14 Brandi and then I just locked on Brad. And  
15 the jet skier, I believe, kept going towards  
16 Brad, but then eventually just came to shore  
17 to bring Brandi back. He had taken off his  
18 life vest and had given it to Brandi. And he  
19 brought Brandi to the beach, and they got off  
20 the jet ski. And at that point, before that,  
21 he actually got back, that's when the last I  
22 saw of Brad. I just saw, you know, he was on  
23 his back and basically almost lying, you know,  
24 flat on his back, and a little wave came up  
25 and then that was it. But the waves, very

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1 small, and that was it. That was the last I  
2 saw of him.

3 Q. When you saw the jet skier with Brandi  
4 as he's bringing her in, what do you say to  
5 him and what does he say to you?

6 A. Well, first I ran to Brandi and she  
7 was, you know, very stunned, very quiet, very  
8 stunned. She went up to where Aidan and Ally  
9 were (indicating.)

10 Q. Up to -- you're pointing in a certain  
11 direction.

12 A. Up on the beach. So from the water's  
13 edge to the beach but to where Aidan and Ally  
14 were. This whole time, even when I went back  
15 in the water after Brandi, they were up  
16 together playing on the beach. And I would  
17 say they were probably, from water's edge,  
18 maybe 40 feet, 50 feet up. And Aidan, I could  
19 see him drawing like trying to distract Ally  
20 from what was going on.

21 And I remember seeing them right  
22 before I went back in the water, because I  
23 thought I was -- I knew I was going to drown.  
24 When I went back in the water, I knew I was  
25 never going to make it to her, but I knew Brad

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1 would do that. He would have done that for  
2 me. He would have went after my kids.

3 MR. HUNKINS: Why don't we take a  
4 break?

5 MR. D'AMATO: Yes.

6 THE VIDEOGRAPHER: Going off the  
7 record, 12:03.

8 (A short recess was taken.)

9 THE VIDEOGRAPHER: This is the  
10 beginning of tape No. 2. Back on the record.  
11 The time is 12:11.

12 BY MR. BARKER:

13 Q. So we got a little side-tracked before  
14 the break, and the question that I was really  
15 putting before you at that time was I can see  
16 in my mind's eye the jet skier coming in with  
17 Brandi and I've got the scene of her as you've  
18 described it and she gets on the beach, and  
19 I'm asking you: At that point in time, what's  
20 the conversation, if any, between you and the  
21 person on the jet ski?

22 A. I ran up to him, I hugged him, and I  
23 said, "You just saved my niece's life," and he  
24 jumped back on the jet ski and he went looking  
25 for Brad.

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1 **Q.** Well, how did he know that Brad was  
 2 there?  
 3 **A.** **I told him.**  
**Q.** Right there in that conversation?  
**A.** **I pointed to both of them. So as soon**  
 6 **as he picked up Brandi, he knew Brad was out**  
 7 **there.**  
 8 **Q.** I see. So he went out looking?  
 9 **A.** **He went out looking.**  
 10 **Q.** And what happened then?  
 11 **A.** **He went out looking. I think that's**  
 12 **when all of the -- you could hear all the**  
 13 **sirens, a lot of sirens, and I think at that**  
 14 **point --**  
 15 **Q.** You could hear the sirens as he's  
 16 going out to get Brad?  
 17 **A.** **As he was going out and he was**  
 18 **searching for Brad, yeah, that's when you**  
 19 **could hear sirens, but I mean they weren't**  
 20 **close but you could hear them, and there was a**  
 21 **lot of them. So I already knew he went under**  
 22 **because I saw him go. So, you know, at that**  
 23 **point it kind of all blends together for me as**  
 24 **far as time. But, you know, I know I was**  
 25 **pretty exhausted. I was kind of sitting**

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1 **there.**  
 2 **Q.** Well, go back in your mind's eye now  
 3 and tell us what you can about what you recall  
 4 happening, what you did, where you went, who  
 5 you saw, what was said.  
 6 **A.** **Well, when Brandi got up, as I said,**  
 7 **with the jet skier, he went back out. At that**  
 8 **point, I know a woman came up to me and she**  
 9 **said, "Is it okay if we take your kids to find**  
 10 **their mother?" Because there was people**  
 11 **walking down now from the ocean side. So from**  
 12 **where the lifeguards would have been, they're**  
 13 **walking now north up the coast --**  
 14 **Q.** Towards you?  
 15 **A.** -- towards me. I remember seeing my  
 16 son, my older son, Jett, and that's when I  
 17 told him, "It was Brad, it was Brad." And I  
 18 saw my wife.  
 19 **Q.** She walked up?  
 20 **A.** **Yeah. And she was very stunned,**  
 21 **obviously. She didn't know what was going on.**  
 22 **I think there was probably emergency vehicles**  
 23 **now that were parked all over the beach. They**  
 24 **kept asking me to, you know, "Come with me,**  
 25 **come with me."**

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1 **Q.** This is the EMS people?  
 2 **A.** **EMS people, yeah, "Come with me." And**  
 3 **I said, "Well, he's out there. He's out**  
 4 **there." So I just kept kind of walking down**  
 5 **to the beach again.**  
 6 At that point, I saw the -- I  
 7 guess an EMS person got me again, brought me  
 8 up to where the ambulance was, and he was  
 9 asking me all these questions, who I was, and  
 10 I really couldn't even talk at that point. I  
 11 really thought I was almost having a heart  
 12 attack because I was so out of breath. So I  
 13 just told my son Jett, "Give him all my  
 14 information." So my son was telling him, you  
 15 know, my name and how we all got there, the  
 16 whole thing.  
 17 That's when I saw the State  
 18 trooper come back with the jet skier, not the  
 19 jet skier who saved Brandi, but the jet skier  
 20 that he went out to rescue that was out,  
 21 apparently, in the ocean, that his ski went  
 22 down, ran out of gas, whatever, but he's  
 23 pulling back, and that was more on the  
 24 oceanfront side. And no one was going to him,  
 25 which bothered me.

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1 **Q.** Going to who?  
 2 **A.** **None of the police officers. The**  
 3 **police officers -- it really annoyed me. I**  
 4 **was very agitated by the fact that no one was**  
 5 **looking for Brad except a boater and the jet**  
 6 **skiers.**  
 7 **Q.** Who is the boater?  
 8 **A.** **There was a boat out there. There**  
 9 **might have been several boats out there,**  
 10 **private boats, that were now just kind of**  
 11 **circling around the area. And they were kind**  
 12 **of like -- whether it be EMS, whether it be**  
 13 **police officers, whatever, they're kind of**  
 14 **talking amongst themselves, like little**  
 15 **chitchat, and I remember saying, "He's out**  
 16 **there, he is out there." And that's when I**  
 17 **saw, you know, the State trooper come up in**  
 18 **his boat with the jet ski, and he's trying to**  
 19 **get the jet ski onto the beach.**  
 20 About that same time, the jet  
 21 skier who saved Brandi is now on the front  
 22 side in the ocean, and he's trying to get his  
 23 jet ski back in the water to look for Brad  
 24 again, because for whatever reason, he must  
 25 have got -- the current must have pushed him

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1 up against -- you know, the waves must have  
 2 pushed him up against, and I saw him trying to  
 3 push out. So I ran down to help him to get  
 back out in the water to look, and then I  
 think in that same time frame that's when I  
 6 saw the State trooper. I ran down there to  
 7 where the State trooper was. He had a rope  
 8 tied to the front of the jet ski that he was  
 9 towing it with. The jet skier that he rescued  
 10 was on the boat, I believe. He might have  
 11 even been on the jet ski. But the State  
 12 trooper is yelling to me to grab the rope, to  
 13 pull the jet ski into the shore, and I said,  
 14 "I'm not going back in there," and he's like,  
 15 "Just grab the rope." But the rope wasn't on  
 16 the beach; the rope was in the water. So I go  
 17 back in and I start sliding down again. So I  
 18 yelled at him, "I'm not going back in there  
 19 again," and I said, "He's out there. What are  
 20 you doing?" Like I was kind of yelling at the  
 21 State cop. I don't think he had any clue that  
 22 Brad was out there. I don't think he knew  
 23 what was going on. I think he thought he was  
 24 just rescuing this jet skier.

25 So I kept yelling to him, "He's

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1 out there, he's out there, go get him, go get  
 2 him," and then I think that's when I ran back  
 3 up to the EMS and next thing, you know,  
 4 they're checking me out and they kept asking  
 5 me, "You need to go to the hospital. You  
 6 swallowed water. You need to go to the  
 7 hospital." I said, "We need to find Brad  
 8 first. We need to find him first."

9 And then eventually when we were  
 10 there with the EMS for maybe, I don't know, a  
 11 half hour, maybe, and then they said, "You  
 12 need to come to the hospital." And I said  
 13 okay. So my son and I went, Jett, went in the  
 14 back of the ambulance and we went to the  
 15 hospital.

16 **Q.** Do you recall speaking to a police  
 17 officer at the beach?

18 **A. I spoke to -- I mean specifically, no.**

19 **Q.** All right. There's a document called  
 20 North Wildwood-8. The date of report is  
 July 31, 2012, but it's recounting what  
 happened on July 27th, 2012, and I'm going to  
 23 read to you what he wrote about speaking to  
 24 you.

25 MR. D'AMATO: Do you want to make

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1 me copies of this?

2 MR. BARKER: Sure, we can do that.

3 MR. D'AMATO: Just go off for a  
 4 minute.

5 THE VIDEOGRAPHER: Going off the  
 6 record, 12:21.

7 (North Wildwood Police Department  
 8 Supplemental Report was marked for purposes of  
 9 identification as Exhibit Sunderland-11.)

10 THE VIDEOGRAPHER: We're back on  
 11 the record, 12:24.

12 BY MR. BARKER:

13 **Q.** So let's pick up the chronology a  
 14 little bit and put things in place. Here's a  
 15 report from a policeman who wrote on  
 16 Sunderland-11, "On July 27th, 2012 at  
 17 approximately 17:36, 5:36 p.m. --

18 MR. D'AMATO: You can read it.

19 BY MR. BARKER:

20 **Q.** Are you with me, sir?

21 **A. Yes.**

22 **Q.** "I was dispatched to the Hereford  
 23 Inlet regarding broken-down wave runners in  
 24 the water. Upon arrival, I immediately  
 25 noticed people shouting for help in the water,

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1 and upon further notice, I could see swimmers  
 2 in distress. I immediately called for water  
 3 rescue over the radio and rendered assistance  
 4 to parties involved." That's the background  
 5 of him being there.

6 **A. Okay.**

7 **Q.** He writes then, after he talks about  
 8 Sergeant Harkins arriving, "Sergeant Harkins  
 9 arrived on scene and I advised him there was  
 10 one male still unaccounted for in the water.  
 11 I tended aid to the seven-year-old female  
 12 until lifeguards arrived on scene. I then  
 13 turned her over to them."

14 So this policeman has already  
 15 spoken to someone and learned that there's a  
 16 gentleman still out in the water.

17 **A. Yeah, that would have been me. He  
 18 would have spoken to me.**

19 **Q.** Do you remember this policeman at all?

20 **A. No. It's all --**

21 **Q.** A blur?

22 **A. Well, there were so many people at  
 23 that point. A lot of vehicles, too. There  
 24 were a lot of vehicles.**

25 **Q.** But you do remember speaking to a

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1 policeman, or maybe not?

2 **A. I remember speaking to a policeman at**  
3 **the hospital.**

4 **Q.** Okay. But not at the beach?

5 **A. Not that I recall, no.**

6 **Q.** This scene that's being written about  
7 here is at the beach, so let me --

8 **A. No, I don't recall.**

9 **Q.** You don't recall. Let me ask you  
10 this: He then writes in his third paragraph.  
11 "I then spoke with a Scott Sunderland who  
12 advised me that Brad Smith was still in the  
13 water and he lost sight of him."

14 Do you remember that conversation?

15 **A. No.**

16 **Q.** He then writes in the next sentence,  
17 "Sunderland advised me that he and his  
18 daughter, along with Smith and his  
19 seven-year-old daughter, were walking along  
20 the shoreline when they slipped into the water  
21 and were pulled out to sea by the undertow."

22 Do you remember saying anything  
23 like that?

24 **A. No.**

25 **Q.** The next sentence says, "Sunderland

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1 **came up, but Daniel -- I believe it was**

2 **Daniel -- he came up first. He was before the**  
3 **other guy.**

4 **Q.** Daniel was the first to speak to you?

5 You think it was Daniel?

6 **A. Yeah, Daniel was the one who rescued**  
7 **Brandi.**

8 **Q.** Brandi?

9 **A. Yeah. I mean I'm pretty sure, yeah.**

10 **Q.** Is Daniel the one -- is Daniel in this  
11 photograph?

12 **A. I believe so, yes.**

13 **Q.** I'm holding up photograph No.

14 Sunderland-8. There's a subject with his  
15 hands on a wave runner or a jet ski. Can you  
16 identify that subject, that person?

17 **A. Yes, I believe that to be Dan. In**  
18 **other words, I'm not --**

19 **Q.** Positive?

20 **A. I know that's the person that saved**  
21 **her but, again, name to the person, I'm not**  
22 **exactly sure. It's not like I was hanging out**  
23 **with him and I know his name.**

24 **Q.** So you identify that person in this  
25 photograph as the person who saved Brandi?

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1 advised me that he and his daughter were able  
2 to make it back to shore but Smith and his  
3 daughter was unsuccessful."

4 Do you remember saying anything  
5 like that to a policeman?

6 **A. No, I don't remember.**

7 **Q.** He next writes, "Sunderland advised  
8 that two subjects on wave runners later  
9 identified as Daniel O'Connell and Thomas  
10 Meenan saved Brad Smith's seven-year-old  
11 daughter in the water."

12 Do you remember saying anything  
13 like that?

14 **A. Not to a police officer. I can't**  
15 **recall.**

16 **Q.** And do you even remember that there  
17 was a second person on a wave runner that  
18 helped save the girl?

19 **A. Yeah, I had said that.**

20 **Q.** You said that?

21 **A. I said that earlier in the deposition.**

22 **Q.** I don't recall that. I only remember  
23 you talking about one person on a wave runner.

24 **A. No, there were two jet skiers on two**  
25 **separate jet skis when I waded. They both**

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1 **A. Yes.**

2 **Q.** And this is a scene with you in it  
3 also, correct?

4 **A. Correct.**

5 **Q.** And is this a picture taken -- is this  
6 a picture taken to demonstrate where you were  
7 pointing out the event occurred?

8 **A. That's a picture that was taken when I**  
9 **was down with the investigator.**

10 **Q.** Lou?

11 **A. With Lou, and that is when I was**  
12 **pointing to the approximation, at that time,**  
13 **to where the jet skier was when -- how far out**  
14 **he was in the water.**

15 **Q.** When he saved Brandi or when?

16 **A. Yes, but it turned out that that was**  
17 **the person I was pointing to. So in other**  
18 **words, the same person that I was pointing to**  
19 **the investigator and as I was saying, he was**  
20 **out about that far, the jet skier was sitting**  
21 **still, it turned out to be the very jet skier**  
22 **that saved Brandi's life. So he throws his**  
23 **arms up and I'm looking at him like, "I cannot**  
24 **believe what's going on here."**

25 **Q.** All right. So let me see if I got it

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1 right. Here's a picture of you pointing?  
 2 **A. Correct.**  
 3 **Q.** That's called Sunderland-9, right?  
 4 **A. Yes.**  
 5 **Q.** And that's a photograph taken of you  
 6 pointing and you're trying to say to the  
 7 investigator, Lou DiJoseph at that point, the  
 8 guy on the jet ski was out there; is that  
 9 right?  
 10 **A. I believe what I'm pointing to there**  
 11 **is the approximate location of where Brad was,**  
 12 **about that far from me.**  
 13 **Q.** What were you pointing to?  
 14 **A. I was pointing to this boat.**  
 15 **Q.** Oh.  
 16 **A. There's a boat there. So I was using**  
 17 **the boat as distance and I was saying that he**  
 18 **was, you know, not that far off from me, from**  
 19 **my position.**  
 20 **Q.** At what point in time?  
 21 **A. At one point, yes. He was a little**  
 22 **bit closer to me.**  
 23 **Q.** That's what I'm asking you. Is that  
 24 when you first saw him in the water?  
 25 **A. No, that's the last I saw him. It**  
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1 **would have started here and then it would have**  
 2 **went out.**  
 3 **Q.** "Started here" meaning further north?  
 4 **A. Further west.**  
 5 **Q.** Further west and moved further east?  
 6 **A. Moved further east. We're getting it**  
 7 **now.**  
 8 **Q.** And here's another picture of you  
 9 pointing called Sunderland-6. Tell us what  
 10 you were demonstrating there.  
 11 **A. I don't know.**  
 12 **Q.** Well, does Sunderland-7, which I show  
 13 you, does that help you with Sunderland-6,  
 14 give you any frame of reference?  
 15 **A. I have no idea. I don't know what I'm**  
 16 **doing here.**  
 17 **Q.** Okay. And now I have Sunderland-8, a  
 18 photograph which was provided to us taken at  
 19 the same time. This is when you and Mr.  
 20 DiJoseph were out there, right?  
 21 **A. Yes.**  
 22 **Q.** And does that help you refresh your  
 23 recollection in any way about what you were  
 24 pointing to in the other two photographs?  
 25 **A. No, not really. I know what this**  
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1 **picture is about.**  
 2 **Q.** Tell us.  
 3 **A. Well, that's when we realized, both**  
 4 **myself and the jet skier that's in this**  
 5 **picture, that it's kind of crazy; we're both**  
 6 **on the beach at the same time and I said to**  
 7 **Lou, "That's the kid that saved my niece's**  
 8 **life," and I walked down and we hugged and I**  
 9 **said, "What are you doing here?" He says,**  
 10 **"This is the first time I've been back." He**  
 11 **said, "What are you doing here?" I said,**  
 12 **"First time really I have been back here since**  
 13 **that week."**  
 14 MR. BARKER: We're going to take a  
 15 break now.  
 16 THE VIDEOGRAPHER: We're going off  
 17 the record, 12:32.  
 18 (A lunch recess was taken.)  
 19 (Report prepared by North Wildwood  
 20 Investigator Richard Schmidt was marked for  
 21 purposes of identification as Exhibit  
 22 Sunderland-12.)  
 23 THE VIDEOGRAPHER: We're back on  
 24 the record and the time is 1:17.  
 25 BY MR. BARKER:  
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1 **Q.** Mr. Sunderland, we're going to  
 2 continue now, having had our lunch break, and  
 3 I'm going to be asking you some questions  
 4 based on a report that was prepared by an  
 5 Investigator Richard Schmidt, S-C-H-M-I-D-T,  
 6 badge No. 228. It's a supplemental report.  
 7 It's North Wildwood Exhibit 16 and 17 and in  
 8 particular, your part of it, appears on 17.  
 9 And it's been marked as Sunderland-12, and you  
 10 have had the opportunity to look at that,  
 11 right, sir?  
 12 **A. Yes, yes.**  
 13 **Q.** So I'm just going to, by way of  
 14 background, mention to you that on 16 it leads  
 15 in as follows, Schmidt writes, "I then advised  
 16 Mrs. Smith that I was going to talk to Scott  
 17 Sunderland who was being treated at the  
 18 hospital. He was the other adult that fell  
 19 into the water. I advised her that I would  
 20 stop back and speak with her."  
 21 So now on Sunderland-12, he  
 22 writes, "I then met with Scott Sunderland and  
 23 asked him what had happened on the beach."  
 24 So that's the investigator that  
 25 you -- remember before you said I spoke to  
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1 somebody at the hospital?

2 **A. Yeah, at the hospital, I remember.**

3 **Q.** So this must be the man that you spoke to, right?

**A. Yeah.**

6 **Q.** And he wrote, "He stated that he was walking along the beach with his son Aidan, daughter Ally, Brad Smith, and his daughter Brandi." All that's correct?

10 **A. Correct.**

11 **Q.** "He stated that they went for a walk on the beach along Hereford Inlet." That's correct?

14 **A. Correct.**

15 **Q.** "As they were walking back, they were all walking in knee-deep water along the surf." Is that correct, sir?

18 **A. Yeah, it was a little bit less than that, but yeah.**

20 **Q.** He then writes, "All of a sudden, Sunderland explained that the ground went out from under them and they fell into the water." Is that correct, sir?

24 **A. Yes.**

25 **Q.** He continued, "He did explain" --

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1 Brandi being swept out by the current." Is that correct?

3 **A. Yes.**

4 **Q.** "He said that at this point Brad was hugging and holding onto Brandi." Is that correct?

7 **A. Yeah, that I don't remember.**

8 **Q.** All right. "He stated" -- strike that. He wrote, "He then stated that while watching the two, they separated and Brandi was treading water and the current continued to carry Brad out further." Was that correct?

13 **A. All but the part -- I don't remember them being together. I don't know if I said that, to be honest.**

16 **Q.** In the next paragraph, the investigator continues -- and he's reporting things that you said to him. You understand that?

20 **A. I do understand that, yeah. I remember talking to him.**

21 **Q.** He then reports, "Sunderland stated that Brad was yelling to him and to Brandi and at this point he stated that he entered the water in an attempt to get out to Brandi." Is

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1 talking about you. "He did explain that his son Aidan didn't fall in the water." That's correct also?

4 **A. Correct.**

5 **Q.** He reports about you, "He stated that they walked into a deep gully in the water." Is that correct, sir?

8 **A. Yeah.**

9 **Q.** "He stated," talking about you, "He stated that when he fell in he was unsure if he was carrying his daughter at the time, but when they were in the water, she was hanging onto him around his neck." That's correct?

14 **A. Correct.**

15 **Q.** "He stated that while in the water he could feel a strong current pulling him." Is that correct?

18 **A. Yes.**

19 **Q.** "He stated that he doesn't know how but he was able to dig his hands into the sand and pull him and his daughter onto the beach." Is that correct?

23 **A. Correct.**

24 **Q.** "Once on the beach, he stated that he looked out into the water and saw Brad and

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1 that correct?

2 **A. Yes.**

3 **Q.** "He stated that when he entered the water, again the current was too strong and he exited the water." Was that correct?

6 **A. Yes.**

7 **Q.** "Sunderland stated that when he exited the water, he was trying to keep eye contact on both Brad and Brandi." Was that correct?

10 **A. Correct.**

11 **Q.** "As he was watching them, he stated that he was trying to yell and wave down boats that were in the inlet." Was that correct?

14 **A. Correct.**

15 **Q.** "None of these boats acknowledged him at this time." Was that correct?

17 **A. Correct.**

18 **Q.** "He then stated that he saw a police boat traveling in the inlet." Was that correct?

21 **A. Correct.**

22 **Q.** "At this time, he thought that the police boat was going to see Brad and Brandi in the water." Was that correct?

25 **A. Correct.**

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1 Q. "He said," talking about you, "He said  
2 that the police boat went passed them and  
3 continued out into the ocean." Was that  
correct?

A. Correct.

6 Q. "Sunderland stated that he found out  
7 that the police boat was heading out to assist  
8 some jet skiers and probably never saw Brad  
9 and Brandi in the water." Was that correct?

10 A. Correct.

11 Q. Next paragraph, "Sunderland stated  
12 that he then ran down to a couple of people  
13 that had jet skis on the beach and told them  
14 what was going on." Is that correct?

15 A. No.

16 Q. And the correct statement would be?

17 A. They saw me waving.

18 Q. And then they just left and went off  
19 to do the rescue?

20 A. They came towards me. I never left  
21 the area.

22 Q. He wrote next, "He," talking about  
23 you, "He pointed them out and these two  
24 individuals launched the jet skis into the  
25 water." Is that correct?

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1 A. They were already in the water and,  
2 yes, I did point them out and they went to  
3 assist them.

4 Q. "He stated that one of the jet skis  
5 approached Brandi." Was that correct?

6 A. Yes.

7 Q. "The driver of this jet ski jumped  
8 into the water, placed his life jacket on  
9 Brandi and put her onto the jet ski."  
10 Correct?

11 A. I believe so. I don't remember him  
12 jumping in the water, but yes, everything else  
13 is correct.

14 Q. "Sunderland stated that the jet skier,  
15 along with Brandi, searched the water for a  
16 few minutes. Then Brandi was brought back to  
17 shore to be checked by rescue personnel."  
18 Correct?

19 A. Yes.

20 Q. "I asked Sunderland if he was still  
able to see Brad at that time. He stated that  
he was watching as Brandi was being picked up  
and lost sight of Brad." Correct or not?

24 A. Yes, correct. I mean, yeah, I saw him  
25 after he picked up Brandi, and that's when I

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1 saw Brad go under. So right after he -- those  
2 two come together. I didn't see him actually  
3 pick her up out of the water because I was  
4 watching Brad at that point.

5 Q. Talking about you, "He stated that the  
6 last time he saw Brad in the water he was  
7 being carried out towards the breakers which  
8 he thought was a sand bar." Correct?

9 A. Yes.

10 Q. "After Brandi was brought to shore,  
11 Sunderland stated that they were checked by  
12 rescue personnel and then transported to the  
13 hospital."

14 A. Correct.

15 Q. And that was the end of his interview  
16 with you?

17 A. Yes.

18 Q. Did you ever get interviewed by that  
19 officer again?

20 A. I would have no idea. I don't think  
21 so.

22 Q. Were you ever interviewed by any other  
23 law enforcement officials?

24 A. Interviewed, no, I don't think so.

25 Q. Did you speak to any other law

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1 enforcement people?

2 A. They would come to the house and kind  
3 of say what was going on, what would happen,  
4 what their previous experience was for people  
5 who were lost, how they, you know, tried to  
6 find them.

7 Q. And do you know who you were speaking  
8 to?

9 A. I don't.

10 Q. Do you know what agency they were  
11 from?

12 A. Not a hundred percent sure, no.

13 Q. You were interviewed by Mr. DiJoseph  
14 at some point, right?

15 A. Yes.

16 Q. We have a report of interview by Mr.  
17 DiJoseph, a report of interview, August 16th,  
18 2012. Does that sound like the correct date  
19 to you?

20 A. I believe that was the day we were on  
21 the beach together.

22 Q. Same one that coincides with the  
23 photographs we went through before lunch?

24 A. Yes.

25 Q. And you had the opportunity before

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1 this deposition began to look over this report  
2 of interview, correct?

3 **A. Yes.**

4 **Q.** In going over the report of interview  
5 you marked it up and made corrections?

6 MR. D'AMATO: Is that  
7 Sunderland-5?

8 MR. BARKER: Yes, it is, and we  
9 can place that in front of the witness if you  
10 don't mind.

11 MR. D'AMATO: No.

12 BY MR. BARKER:

13 **Q.** On Sunderland-5, I want you to explain  
14 to us, if you will just look at every change  
15 you made and tell us "I made that change  
16 because" and tell us whatever the reason was.

17 **A. The first change was -- it says, "The  
18 Sunderland and Smith families established a  
19 position on the beach in the area of Surf  
20 Avenue which was protected beach in North  
21 Wildwood. Sunderland and Smith and their two  
22 daughters decided to take a walk on the beach  
23 in the north direction."**

24 The only reason I circled that is  
25 because our daughters were out playing and, as

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1 I said before, Brad ran after them to scare  
2 them and then I followed him. It's not like  
3 we all just decided, "Hey, let's go for a  
4 walk."

5 The next one, it says --  
6 correction says, "Sunderland stated that he  
7 and his daughter were walking behind Smith and  
8 his daughter," and we were -- I mean at the  
9 time of the actual accident when we went in  
10 the water, I was in front of Brad.

11 The next correction was, "Suddenly  
12 Smith and his daughter fell into the water  
13 simultaneously. Sunderland and his daughter  
14 also fell into the water."

15 **Q.** You struck through that?

16 **A. I just struck through it and said,  
17 "Ally and I fell into the water." I presume  
18 that they fell into the water because they  
19 were in the water, but I didn't see them fall  
20 into the water when I went in.**

The next one was "Sunderland's  
daughter immediately jumped onto his back."

23 She fell onto my back or else I was carrying  
24 her prior to falling into the water, but she  
25 was on my back when I was in the water. She

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1 didn't climb on my back.

2 **Q.** Down at the bottom of the page there's  
3 two or three points of change. Take us  
4 through them one at a time.

5 **A. Let's see, "Suddenly a jet ski was  
6 launched from the beach's north end and the  
7 operator came up to Brandi and pulled her from  
8 the water. While the jet ski was pulling  
9 Brandi from the water, Sunderland spotted a"  
10 -- yeah, the New Jersey -- the Marine Unit.**

11 Yeah, I don't -- that was -- it's  
12 just timeline as far as what happened. I saw  
13 -- the marine boat was before the jet skier  
14 came. So the officer was coming down the  
15 inlet before the jet skier saw me wave. So he  
16 came down and then he passed by them. And  
17 then that's when I started waving, kind of  
18 frantically. That's when the jet skier saw  
19 me. That's when they came up, and then that's  
20 when the rescue happened, took place.

21 **Q.** So in this case --

22 **A. It's just the timeline.**

23 **Q.** -- the interviewer has it reversed?

24 **A. Correct, correct.**

25 **Q.** And there's a change at the bottom,  
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1 "Sunderland then told the" --

2 **A. Yeah, I never told them. I just  
3 pointed. I mean it's not like I went down to  
4 the water's edge and had a conversation with  
5 them. You know, I yelled and he went there.  
6 That's why I was saying he was out, say,  
7 50 feet or 60 feet out in the water and then  
8 he kind of came in a little bit so he could  
9 kind of hear me, looking at me, but he never,  
10 like, came to the beach, stopped, talked and  
11 then went out and rescued Brandi. It was all  
12 one motion.**

13 **Q.** Okay. We're now on page 6 of this  
14 report, and at the top of the page you struck  
15 some words and you put in some words?

16 **A. Yeah, as far as the trooper was on the  
17 boat when he came back with the jet skier that  
18 he rescued. We didn't really have a  
19 conversation about Brad at all because he had  
20 no idea. And when I say that he had no idea,  
21 he wasn't talking about Brad at all. He was  
22 just talking about the jet skier right here,  
23 "Can you, please, take the rope and pull the  
24 jet ski up on the beach to help the jet skier  
25 right there?" I don't think he had any clue**

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1 of Brad whatsoever.

2 Q. I'm looking at page 7. There's a  
3 photograph there where the investigator wrote,  
"Photograph No. 6 illustrates jet ski rescuer,  
Rob O'Donnell, and Scott Sunderland standing  
6 at the approximate location of the Smith  
7 drowning."

8 So is that where you went in, or  
9 is that where you're saying that Brad was  
10 offshore and went under when you last saw him?

11 A. **Well, this picture, I think it's more  
12 of not -- I mean we were in the general area  
13 because I was telling him what happened. This  
14 is more of the surprise that the same jet  
15 skier is there now and I was kind of saying to  
16 Lou, "This is crazy. This is the same guy."  
17 So I think it was that surprise.**

18 Q. So this photograph doesn't help you  
19 demonstrate where you went in the water?

20 A. **No, not necessarily, no.**

21 Q. Let's turn to the next page. This is  
22 an aerial view. It looks like it's -- I don't  
23 know if this is an enlargement of another  
24 photograph that we have, but it's on page 8 of  
25 this report, and it's referred to as

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1 "Photograph No. 7 illustrates an aerial view  
2 of the North Wildwood beach area known as  
3 Hereford Inlet and the approximate location of  
4 the Smith drowning."

5 There's an X on there with an SAS  
6 on it, right?

7 A. **Yes.**

8 Q. And you put that there this morning?

9 A. **I did that.**

10 Q. And you did that when you were meeting  
11 with Mr. D'Amato?

12 A. **Yes.**

13 Q. Before the deposition?

14 A. **Before, yes.**

15 Q. Okay. What conversation did you have  
16 with Mr. D'Amato about where and how to put  
17 this X?

18 A. **He just asked me, "Do you think the  
19 arrow is, you know, pretty accurate?" And I  
20 said, "Fairly accurate, from what I remember."  
And he said, "Can you put an X where you think  
it happened?" So I put an X.**

23 Q. Did you ever go back to the scene and  
24 point out to any other investigator where you  
25 went in the water?

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1 A. **Just Lou. That was it.**

2 Q. Just on August 12, 2012, that one and  
3 only time?

4 A. **And I think that was the last time I  
5 have been there.**

6 Q. And when you went with Mr. Lou  
7 DiJoseph at the scene on August 12, 2012, did  
8 you see Mr. DiJoseph turn around and make  
9 observation of any landmarks to help mark the  
10 spot that you were telling him where you went  
11 in the water?

12 A. **Not that I recall.**

13 Q. Did you turn around and look at any  
14 landmarks up or down the coast or more inland  
15 to help you mark the spot where you say you  
16 went in the water?

17 A. **Not that I can recall.**

18 Q. Okay. So if I can get back to the  
19 photograph that you marked when Mr. Hunkins  
20 was talking to you, I have a follow-up  
21 question about that.

22 So just go off the record one  
23 minute while we get that exhibit.

24 THE VIDEOGRAPHER: Going off the  
25 record and the time is 1:38.

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1 (Discussion off the record.)

2 THE VIDEOGRAPHER: We're back on  
3 the record, 1:39.

4 BY MR. BARKER:

5 Q. Remember when you put the circle  
6 around on Exhibit 10 there?

7 A. **Right.**

8 Q. And that was to kind of show the area  
9 of the rock wall and --

10 A. **The parking lot.**

11 Q. -- and the parking lot, right?

12 A. **Um-hum.**

13 Q. And you referred to the X and you said  
14 the X was like halfway between where the ocean  
15 was and the inlet was; is that right?

16 A. **No. I think I was saying as far as  
17 our walk goes, I would say that the X -- it's  
18 closer to the ocean side, I would say, a  
19 little bit more than halfway.**

20 Q. Back towards where --

21 A. **Towards east, towards the front.**

22 Q. Where you had started on your walk?

23 A. **Yeah, we started more south. We  
24 started south, walked north, turned west and  
25 then came back along the coast towards the**

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1 **east, and then we would eventually head back**  
 2 **south again. So we were still traveling east.**

3 **Q.** All right. The only thing I was  
 trying to clarify in my mind is when you said  
 about where the ocean was. Does that  
 6 photograph No. 10 show you what you perceive  
 7 to be the ocean versus the inlet?

8 MR. D'AMATO: On the day of the  
 9 accident?

10 MR. BARKER: Well, even in that  
 11 photograph, because isn't that a photograph  
 12 taken -- well, let me just rephrase my  
 13 question.

14 BY MR. BARKER:

15 **Q.** I'm showing you this Exhibit 10,  
 16 because I thought the X was in some way put  
 17 there because you were estimating based on  
 18 where the inlet was, where the ocean was, and  
 19 I know that you got the red circle about where  
 20 the parking lot was and the rock wall, but  
 21 does that thing show you where the ocean is?

22 **A. Well, I guess this part, that's what I**  
 23 **remember being the ocean end. So if you**  
 24 **continued it this way, it would just keep**  
 25 **going straight down (indicating.)**

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1 **Q.** Can you point an arrow, put a Y, no,  
 2 some kind of mark on there as to what you are  
 3 demonstrating to us as the ocean, what you are  
 4 describing as the ocean?

5 **A. So I mean can I keep coming down?**

6 **Q.** Sure.

7 **A. So this part, that's --**

8 **Q.** With the red line straight down?

9 **A. When I look at this, when I look at**  
 10 **this picture, I see this being the inlet.**  
 11 **This -- correct? This is the parking lot. So**  
 12 **I know in reference to the bay is back here.**  
 13 **This is the inlet. The rock wall is all along**  
 14 **here. And then this is the stretch, and then**  
 15 **this is the ocean. So when we originally sat**  
 16 **down, we would be up here somewhere**  
 17 **(indicating.)**

18 **Q.** Down there somewhere?

19 **A. At or down there at the guarded beach.**

20 **Q.** Right. So the beginning of the red  
 21 line straight down is more or less where  
 you're saying --

22 **A. Oceanfront.**

23 **Q.** The oceanfront.

24 **A. Yeah, that's the oceanfront. So when**

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1 **I say the State trooper boat, it would have --**  
 2 **from what I can see in this picture, I would**  
 3 **guess it would be in that area where he came,**  
 4 **like along this area. So this is where the**  
 5 **emergency vehicles would have been, from my**  
 6 **recollection. That's what it looks like to me**  
 7 **(indicating.)**

8 **Q.** So the area of where the State trooper  
 9 came from or --

10 **A. Yeah, he would have been out here to**  
 11 **rescue the jet skier. Because the breakers**  
 12 **were way out here.**

13 **Q.** Okay.

14 **A. And then he would have come in, you**  
 15 **know -- I didn't see him come in. I see him**  
 16 **come up to the shore at approximately this**  
 17 **point, but, again, it's --**

18 **Q.** At the top of the red line?

19 **A. Yeah, in that approximate area, so**  
 20 **when you -- I guess looking at it, if there**  
 21 **was a big picture, I would say this whole area**  
 22 **out here would all be ocean. This would all**  
 23 **be ocean out here (indicating.)**

24 **Q.** Okay. Let's look at this other  
 25 photograph that's larger.

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1 MR. D'AMATO: Just for the record,  
 2 the photograph that you were just asking him  
 3 questions about was taken from Google Earth  
 4 and just incorporated in the report. So you  
 5 never really saw this photo before.

6 MR. BARKER: Who didn't?

7 MR. D'AMATO: You didn't.

8 MR. BARKER: Oh, it's different  
 9 than the March 14th, 2012 one?

10 MR. D'AMATO: Yes. And I don't  
 11 have a date on it, but I will get a date as to  
 12 that particular photograph.

13 MR. BARKER: Thank you.

14 BY MR. BARKER:

15 **Q.** What's that exhibit number, Mr.  
 16 Sunderland, the bigger photograph there?

17 **A. 2B.**

18 **Q.** On that one, does that demonstrate to  
 19 you where you set up on the beach? Can you  
 20 tell?

21 **A. No, no, it looks different. I mean I**  
 22 **can see the parking lot.**

23 **Q.** Right. So if you can't tell where you  
 24 set up on the beach and you can just see the  
 25 parking lot, any other landmark you can

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1 recognize there?

2 **A. I can see landmarks here, but the**

3 **beach looks -- it looks different to me.**

4 **Q.** Than in the --

5 **A. Than in this picture (indicating.)**

6 **Q.** The number of that is?

7 **A. Number Sunderland-10. Yeah, okay, I'm**

8 **looking up at the initials, yeah,**

9 **Sunderland-10.**

10 **Q.** In looking at this 2B photograph, does

11 it demonstrate to you -- can you see from that

12 where you think you went in the water?

13 **A. On this, 2B?**

14 MR. D'AMATO: In all fairness,

15 isn't 2B exactly the same as Sunderland-2?

16 MR. BARKER: Yes, 2B is

17 Sunderland-2 --

18 THE WITNESS: It's just blown up.

19 It's just bigger.

20 MR. BARKER: -- but it's just an

21 enlargement.

22 MR. D'AMATO: Okay.

23 THE WITNESS: Yeah, on 2B it just

24 looks like it's different -- it's kind of like

25 a different shape. It's similar, but I feel

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1 more comfortable with this picture, and I

2 don't know if it's because it's closer, but

3 when I look at this, it doesn't --

4 BY MR. BARKER:

5 **Q.** 2B?

6 **A. Yes, sorry. No, on Sunderland-10.**

7 **When I look at Sunderland-10, it looks to me**

8 **more where it was. I don't know if it's the**

9 **size of the picture. I don't know what it is,**

10 **the difference, but there I can kind of see**

11 **how, you know, in a --**

12 **Q.** "There" meaning on 10?

13 **A. Sunderland-10, you know, I can see the**

14 **distance, I guess, the scale of it, by the way**

15 **the buildings are, the size of the cars, about**

16 **where the accident happened. On 2B, it really**

17 **doesn't look the same at all, but it just**

18 **could be, you know, because it's further back,**

19 **it's showing more of the coast.**

20 **Q.** So for whatever reason, 2B does not

21 help demonstrate your testimony?

22 **A. No.**

23 **Q.** Correct?

24 **A. Right, correct.**

25 MR. BARKER: Let's go off the

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1 record a minute.

2 THE VIDEOGRAPHER: Going off the

3 record, 1:48.

4 (Discussion off the record.)

5 THE VIDEOGRAPHER: Back on the

6 record, 1:50.

7 BY MR. BARKER:

8 **Q.** Am I correct, Mr. Sunderland, that you

9 and your family had never been to this

10 particular beach before?

11 **A. Correct, no, we hadn't.**

12 **Q.** But you and the Smith family had

13 vacationed for years together?

14 **A. Oh, all the time.**

15 **Q.** Had you ever been to any North

16 Wildwood beaches before?

17 **A. No.**

18 **Q.** Do you recall the address of the house

19 that you rented or stayed at that year, 2012?

20 **A. No. I know where it is. I probably**

21 **would be able to point it out, but I don't**

22 **know the address.**

23 **Q.** Was it inland but near where you set

24 up on the --

25 **A. It was further down the inlet in the**

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1 **marina, in the marina.**

2 **Q.** Oh. Do you recall what the surf

3 conditions were at the time that you started

4 off on this little walk?

5 **A. Out in the ocean where we were, it was**

6 **really -- I don't know if it was rough, but**

7 **there was a real bad -- the bigger boys would**

8 **go out into the water and boogie board and**

9 **then they would come out, like, really far**

10 **down the beach because the current was going**

11 **sideways, I guess, and it was really strong.**

12 **Q.** From which direction?

13 **A. I think they would have been going**

14 **south. So they would drift south and they**

15 **would ride the waves in, because we --**

16 **Q.** Is south the same as east?

17 **A. No, east is east. South is down the**

18 **coast, right? That's how I look at it. So**

19 **south is down the coast. East is straight out**

20 **to the ocean.**

21 **Q.** Got you, okay, I'm following you. And

22 who are the bigger boys?

23 **A. Bigger boys would be my son, Jett, and**

24 **Cole, Sandy and Brad's son.**

25 **Q.** So you saw them go in the water to

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1 boogie board and then they would --

2 **A. Yeah, they would get, you know, pulled**

3 **down south along the beach, along the beach,**

4 **because they were riding waves in. That was**

5 **at, you know, whatever avenue it was where the**

6 **lifeguard stands were. But as far as where we**

7 **were, there was nothing. It was perfectly**

8 **flat.**

9 **Q. When you were walking up?**

10 **A. When we were walking. The sun was**

11 **kind of glistening on the water. It was**

12 **beautiful.**

13 **Q. So walking up towards the rock wall**

14 **and walking back were the conditions the same?**

15 **A. Walking back, walking back. Again, we**

16 **kind of walked inland, I would say. We**

17 **walked, you know, in the westerly direction**

18 **toward the rock wall and we walked along the**

19 **coast on the way back, so that's really --**

20 **Q. What I'm asking is when you are**

21 **walking on the way back, are you describing**

22 **those conditions as very slight?**

23 **A. Very flat, very slight, yeah.**

24 **Q. And did you observe any conditions of**

25 **current at that time?**

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1 **A. No, none.**

2 **Q. And on the walk back, none?**

3 **A. None.**

4 **Q. And on the walk up to the rock wall?**

5 **A. Again, not that I recall, because I**

6 **think we were inside, you know, or more on the**

7 **sand. I guess you would say the upper beach,**

8 **the upper part of the beach, more towards**

9 **where the tidal pools form, because the girls**

10 **were playing in the tidal pools.**

11 **Q. Do you remember what the street**

12 **location was where you set up and you said the**

13 **lifeguard was there and the boogie boarding**

14 **was going on?**

15 **A. I really -- I don't. I'm bad with**

16 **directions like that; my wife will be the**

17 **first one to tell you.**

18 **Q. As a result of going in the water, did**

19 **you suffer any injuries?**

20 **A. No.**

21 **Q. As a result of going in the water, did**

22 **your daughter suffer any injuries?**

23 **A. No.**

24 **Q. Do you recall who from the media you**

25 **spoke to about this event?**

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1 **A. I remember we spoke to -- what's the**

2 **name of the program? I'm not sure. I'm not**

3 **sure. If I had a picture, I could tell you.**

4 **Q. Somebody from the media you remember**

5 **speaking to?**

6 **A. Yes, yes.**

7 **Q. Did you speak to more than one person**

8 **from the media or just one person?**

9 **A. No, it was a few people.**

10 **Q. At different times, I take it, or not?**

11 **A. No, it was pretty much all at the same**

12 **time and we just recounted what happened.**

13 **Q. Was the person's name Sam Wood?**

14 **A. Doesn't ring a bell.**

15 **Q. Doesn't ring a bell?**

16 **A. No.**

17 **Q. Did you speak to any female reporter?**

18 **A. I remember a female reporter, yes.**

19 **Q. Do you know who the female reporter**

20 **was reporting for?**

21 **A. I don't.**

22 **Q. Do you know who the gentleman reporter**

23 **was reporting for?**

24 **A. Not off the top of my head, I don't,**

25 **no. Oh, it was Chasing New Jersey.**

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1 **Q. Pardon?**

2 **A. Chasing New Jersey. I think that was**

3 **the program.**

4 **Q. Is that a newspaper or --**

5 **A. I don't know. I'm not really sure.**

6 **Q. You don't know. Here's an article**

7 **that appeared, and on the second page of the**

8 **article it refers to you giving an account.**

9 **Let's see if this refreshes your recollection.**

10 **MR. D'AMATO: Off the record.**

11 **THE VIDEOGRAPHER: Off the record,**

12 **1:57.**

13 **(Newspaper Article was marked for**

14 **purposes of identification as Exhibit**

15 **Sunderland-13.)**

16 **THE VIDEOGRAPHER: We are back on**

17 **the record. The time is 2:02.**

18 **BY MR. BARKER:**

19 **Q. Mr. Sunderland, I put in front of you**

20 **an exhibit which we marked as Sunderland-13.**

21 **It's a media report on an interview with you,**

22 **and I'm only going to ask you about the things**

23 **that they recount which you said --**

24 **A. Okay.**

25 **Q. -- which appears on page 2, it starts.**

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1 You'll see in the bottom third of the page it  
2 starts, "Scott Sunderland, Smith's best  
3 friend, recounted the event. 'The signs said  
) no swimming and we weren't. We were just  
walking,' Sunderland said." Did you say that  
6 to a reporter?

7 **A. Yes.**

8 **Q.** "I took a step and dropped. All of a  
9 sudden there was nothing under my feet."  
10 That's in quote marks. Did you say that?

11 **A. Yes.**

12 **Q.** The next part is not in quotes. It  
13 says, "Sunderland's daughter landed on his  
14 back and wrapped her arms tightly around his  
15 neck." Did you say that?

16 **A. Like I recounted before, either,  
17 again, when we were walking, she was on my  
18 back, and when I was in the water, she was on  
19 my back. As soon as I was in the water, she  
20 was on my back.**

21 **Q.** Next the reporter gives this recount  
22 of you making this statement. "I just  
23 started swimming,' Sunderland said. 'It was  
24 30 seconds before I realized how far from the  
25 shore I was.'" Did you say that?

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1 MR. D'AMATO: But what?  
2 THE WITNESS: I mean that's  
3 basically what happened. Okay?

4 BY MR. BARKER:

5 **Q.** Okay. That's all I have on that.  
6 Just a second.

7 Did you have any conversations  
8 with any lifeguards of North Wildwood or,  
9 really, did you have any conversations with  
10 any lifeguards about this event?

11 **A. No.**

12 **Q.** Not from the date of the event until  
13 now?

14 **A. I don't think ever. I don't think I  
15 ever -- unless, you know -- no, not knowingly.**

16 **Q.** The only person that you have spoken  
17 to that you can remember, let's see, it would  
18 be the policeman that we talked about,  
19 Schmidt, right?

20 **A. In the hospital.**

21 **Q.** Right. And then the one policeman  
22 before that, you spoke to him, but you don't  
23 remember what you said?

24 **A. Right, correct.**

25 **Q.** And then after that you spoke to Lou

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1 **A. Yes. I don't remember this  
2 conversation, but I mean.**

3 **Q.** Oh, well, if you don't remember,  
4 then --

5 **A. Well, I mean I remember giving the  
6 interview, but it was a bunch of people. So I  
7 don't remember talking specifically to this  
8 person.**

9 **Q.** Oh, so there's more than one reporter  
10 there?

11 **A. Yes.**

12 **Q.** Oh, and you're just telling me now  
13 that what they have reported in this account  
14 is something that you would have said; you  
15 don't necessarily remember saying it?

16 **A. Exactly, yes, yes, yes.**

17 **Q.** Okay. The last thing I think we've  
18 got here from you, "With his daughter hanging  
19 on, Sunderland struggled against a vicious  
20 undertow. When he finally touched sand, he  
21 fought the rip current to gain his footing.

22 'It was almost like I was climbing to get onto  
23 the beach.'"

24 **A. Again, I don't remember saying those  
25 exact words to this exact person, but...**

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1 DiJoseph on August 12th?

2 **A. Right.**

3 **Q.** And then after that you spoke to Mr.  
4 D'Amato earlier today, correct?

5 **A. Correct.**

6 **Q.** Anybody else?

7 **A. Well, I've told a lot of people this  
8 story. Everybody I see and I meet I tell this  
9 story to. So if I spoke to anybody else, I  
10 did not know who they were, other than, you  
11 know, casual acquaintance or whatever. So  
12 just to be clear.**

13 **Q.** Apart from the one time that you spoke  
14 to the media and we see this article  
15 appearing, was there any other time when you  
16 spoke to the media like a press conference or  
17 people coming by to interview you?

18 **A. We did a press conference here, I  
19 guess, which is that time.**

20 **Q.** Meaning this article?

21 **A. Yes, I think that was all of it, here.**

22 **Q.** When you say "here," you mean in Mr.  
23 D'Amato's office?

24 **A. Yes, yes.**

25 **Q.** Right in this conference room?

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- 1 **A. I believe, yes.**  
 2 **Q.** Was that recorded?  
 3 **A. I'm sure it was.**  
**Q.** Why do you say that?  
**A. Well, because there was cameras here**  
 6 **and, you know, reporters here. That's why I**  
 7 **said when you say that reporter, I don't know**  
 8 **if it was that reporter, but chances are it**  
 9 **probably was because I think there were**  
 10 **probably five -- five, six reporters.**  
 11 **Q.** Was that press conference something  
 12 that you arranged?  
 13 **A. No, no.**  
 14 **Q.** Who arranged it?  
 15 **A. I don't know if it was Mr. D'Amato and**  
 16 **Sandy, I believe. Sandy asked me if I would**  
 17 **come, so I came with her daughter.**  
 18 **Q.** Sandy Smith?  
 19 **A. Sandy Smith. Sorry.**  
 20 **Q.** Other than the -- well, let me ask you  
 21 this: To your knowledge, have you spoken to  
 22 any North Wildwood personnel about the  
 23 happening of this event?  
 24 **A. Only right after when we were still**  
 25 **staying at the house.**

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- 1 **Q.** And who was that?  
 2 **A. Again, I'm not sure who it was, but it**  
 3 **was -- I believe it was an officer, police**  
 4 **officer, and there were two of them, and they**  
 5 **would come a couple of times. I don't know if**  
 6 **they were the same gentlemen. But they would**  
 7 **ask or, you know, we would ask -- would be**  
 8 **asking them, what can we expect -- it's mostly**  
 9 **on the recovery of Brad and the rescue of**  
 10 **Brad. We were asking, you know, what -- how**  
 11 **do you investigate it as far as how they find**  
 12 **him. You know, they put the strobe in the**  
 13 **water; they were explaining all of that. And**  
 14 **they had said that other people have been lost**  
 15 **here. And we were asking about that as far as**  
 16 **how -- were they lost, like, drowned lost,**  
 17 **were the bodies recovered, and they told us**  
 18 **about, you know, when somebody is lost at sea,**  
 19 **not just in this position, but when people**  
 20 **drown, how the bodies come up, sometimes they**  
 21 **do show up, sometimes they don't show up. It**  
 22 **all depends.**  
 23 **Q.** Anything else you can remember about  
 24 the conversations with those two?  
 25 **A. No, that was mostly it, you know.**

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- 1 **They just said that other people have -- it's**  
 2 **happened to other people here.**  
 3 **Q.** Here where?  
 4 **A. Here at that location where we went**  
 5 **in.**  
 6 **Q.** And these people that told you that,  
 7 you think they were from North Wildwood?  
 8 **A. Yeah, I'm pretty sure, because they**  
 9 **were in the investigation of finding him.**  
 10 **Q.** Was any one of them the same that  
 11 spoke to you on the beach that day?  
 12 **A. I don't think so. I don't know. I**  
 13 **can't say.**  
 14 **Q.** Was any one of them the same as the  
 15 person who spoke to you in the hospital?  
 16 **A. I can't say with any certainty. It's**  
 17 **possible, but I'm not sure.**  
 18 **Q.** Do you know what position either one  
 19 of them held?  
 20 **A. No, I don't.**  
 21 **Q.** That would mean like rank or  
 22 responsibility. No idea?  
 23 **A. No, I don't. I know they were in**  
 24 **charge of the investigation, so I would think**  
 25 **they would be, you know, in that capacity if**

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- 1 **they are doing the investigation of finding**  
 2 **him.**  
 3 **Q.** So they're on the recovery side?  
 4 **A. I believe so, yeah. But it was really**  
 5 **about the whole incident. You know what I**  
 6 **mean? So they were speaking to us more of**  
 7 **what to expect. They were sounding moreso we**  
 8 **could ask the questions and they were**  
 9 **responding with this is how we -- this is how**  
 10 **the -- whether it's that office that does the**  
 11 **recovery or not, but they were explaining how**  
 12 **the process works. This is how the rescue**  
 13 **effort goes or the recovery effort happens.**  
 14 **They put out a beacon. The beacon floats in**  
 15 **the water and they, you know, that determines**  
 16 **where the water is going to move. So chances**  
 17 **are if the water is moving that way, that's**  
 18 **where Brad will move. So -- and then we would**  
 19 **ask, like I said, "Well, what is the recovery**  
 20 **rate?" Because I mean he's out at sea. So is**  
 21 **it more likely that he will wash up, or is it**  
 22 **more likely that we'll never know and he'll**  
 23 **just -- because that was one of Sandy's**  
 24 **things. She wanted to know that he was at**  
 25 **least recovered.**

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1 **Q.** Had you ever spoken to any personnel  
2 from the Coast Guard?

3 **A.** **No.**

4 **Q.** And I'm asking about this incident.

5 **A.** **No, no, no. I've had them on the**  
6 **boat, but that's all good.**

7 **Q.** Not about this incident?

8 **A.** **No.**

9 **Q.** Okay. Have you spoken to any New  
10 Jersey State Police officials about this  
11 incident?

12 **A.** **No.**

13 **Q.** Have you spoken to any New Jersey  
14 officials about this incident?

15 **A.** **No.**

16 **Q.** Have you spoken with any witnesses to  
17 the incident?

18 **A.** **We -- I did speak -- where we were**  
19 **staying, there was a family who owned one of**  
20 **the townhomes, and Brad and I had become**  
21 **friendly with them while we were staying there**  
22 **because they were boaters and they had the jet**  
23 **skis, and we would go down there and talk to**  
24 **them, and after it happened, they, of course,**  
25 **came up and offered anything that they could**

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1 **do to help, and the woman had mentioned**  
2 **that -- she said to me just the other night or**  
3 **just the other late afternoon, a group of**  
4 **women were walking along the beach and they**  
5 **fell in.**

6 **Q.** And who was this person who told you  
7 this?

8 **A.** **This was the -- I don't know her name,**  
9 **but it was the owner of the townhome that was,**  
10 **you know, maybe four, five doors down from**  
11 **where our rental was.**

12 **Q.** And was that person interviewed by  
13 anyone, that you know of?

14 **A.** **I have no idea.**

15 **Q.** You don't think maybe Mr. DiJoseph  
16 interviewed her, do you?

17 **A.** **I have no idea. I haven't spoken to**  
18 **her since that time.**

19 **Q.** Okay. Have you ever spoken to anyone  
20 about closing the inlet beach?

21 **A.** **As far as an authority or -- the only**  
22 **person I spoke to was the Mayor right -- and**  
23 **it might have been the day after, or, you**  
24 **know, two, after the incident, and I asked him**  
25 **if he would --**

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1 **Q.** That's what I was going to ask you.

2 What did you say to him and what did he say to  
3 you?

4 **A.** **Well, when I spoke to him, he -- first**  
5 **thing he said was, "Well, you shouldn't have**  
6 **been swimming." And that got me -- my hair**  
7 **stood up a little bit, because I felt like I**  
8 **needed to defend ourselves a little bit, and**  
9 **that's when I said, "We weren't swimming, we**  
10 **were walking." And, you know, there was**  
11 **silence. And then he was just defensive and**  
12 **it got me defensive.**

13 So I said, "Well, you need to do  
14 something here. You need to put rocks down  
15 there. You need to do something to deter  
16 people from walking along here." Because it's  
17 probably the most beautiful place that I have  
18 seen since I have been here, and being down  
19 there the next day, there's little kids  
20 walking right where we were.

21 And he said, "We can't close the  
22 beach. We can't put rocks there because they  
23 will be gone the next year." And I said,  
24 "Well, isn't that better than somebody's  
25 husband, somebody's daughter, somebody's

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1 five-year-old?" I said, "Because if my son  
2 would have fell in that water, it would have  
3 been all of us." There was absolutely no  
4 question about that, because I never would  
5 have left my son. And I swam as soon as I hit  
6 the water knowing that my daughter was on my  
7 back. I didn't gather her. I didn't take  
8 time in doing that. I swam from the very  
9 second I hit the water.

10 MR. BARKER: I have nothing  
11 further. Thank you.

12 MR. HUNKINS: I have a few  
13 questions.

14 \* \* \*

15 FURTHER EXAMINATION BY MR. HUNKINS:

16 **Q.** You have been real patient. Do you  
17 need to take a break at all?

18 **A.** **No. I'm okay.**

19 **Q.** I don't think I'll be too long, and  
20 I'll try to be as efficient as I can.

21 **A.** **Okay.**

22 **Q.** I start with an apology. You  
23 mentioned that you are a boater, correct?

24 **A.** **Correct.**

25 **Q.** But I don't think we've asked you much

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1 about your boating experience; is that  
2 correct?  
3 **A. No.**  
4 **Q.** What kind of boat did you own back  
5 when this incident occurred?  
6 **A. The one I still have today. It's a**  
7 **25-foot center console. It's a Sea Hunt.**  
8 **Q.** Okay. And when you were down in North  
9 Wildwood for this vacation when this incident  
10 occurred, did you have your boat with you?  
11 **A. Correct.**  
12 **Q.** And I think you might have said this.  
13 It was at a marina at the time?  
14 **A. The marina right where we stayed, the**  
15 **boat was directly in the backyard, behind the**  
16 **house where we stayed.**  
17 **Q.** So looking at the overview picture,  
18 Sunderland-2, the marina would have been south  
19 of what's shown in that image?  
20 **A. Sunderland-2, the marina would have**  
21 **been up here (indicating.)**  
22 **Q.** Okay. It would have been northwest --  
23 MR. D'AMATO: Just twist the  
24 photograph.  
25 THE WITNESS: Sorry.

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1 BY MR. HUNKINS:  
2 **Q.** The marina would have been northwest  
3 of what's shown on Sunderland-2?  
4 **A. It would have been back here somewhere**  
5 **(indicating.)**  
6 **Q.** Okay. And I may not be using the  
7 right term, but to me the inlet is more or  
8 less in the northwest of that image, so would  
9 the marina have been -- was it located in the  
10 inlet?  
11 **A. Yes, adjacent to, you know -- I guess**  
12 **an offshoot of the inlet.**  
13 **Q.** Okay. And in the days that you were  
14 in North Wildwood before the incident  
15 occurred, had you had your boat out?  
16 **A. Oh, yes.**  
17 **Q.** Okay. And had you taken your boat  
18 through the inlet?  
19 **A. We did.**  
20 **Q.** Okay. As a -- how many years had you  
21 been boating prior to this?  
22 **A. At that time, me, probably -- with my**  
23 **boat, probably two years. Brad had, you know,**  
24 **boats, too, and I had boats a long time ago.**  
25 **Q.** All right. From your knowledge -- you

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1 had known Brad for how long?  
2 **A. Oh, since probably '84.**  
3 **Q.** And you were both boaters?  
4 **A. Yeah. I mean it was my boat. We were**  
5 **actually going to buy a boat together and then**  
6 **I just ended up buying mine.**  
7 **Q.** Would you say that your knowledge and  
8 experience with boating was roughly the same  
9 as Brad's?  
10 **A. I would say so. I probably had a**  
11 **little bit more because I was captain, I**  
12 **guess.**  
13 **Q.** I assume as a boater you were familiar  
14 basically with what an ocean is and what an  
15 inlet is?  
16 **A. A hundred percent.**  
17 **Q.** You were aware at the time of the  
18 incident that an inlet is a body of water  
19 where the water comes in and out with the  
20 tide?  
21 **A. Yes.**  
22 **Q.** Have you boated in any other inlets  
23 other than Hereford Inlet?  
24 **A. Yes.**  
25 **Q.** Just give me an example of where.

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1 **A. Point Pleasant, Belmar, Barnegat.**  
2 **Q.** Okay. Were you familiar from your  
3 experience with other inlets at the time of  
4 this incident that, generally speaking, inlets  
5 involve strong currents?  
6 **A. Yes, yeah.**  
7 **Q.** As a boater, are you familiar with the  
8 fact that at times it's even difficult to  
9 navigate your boat in and out through an inlet  
10 depending upon which way the current is going?  
11 **A. Well, as soon as we got to the house,**  
12 **we went to the marina and I bought a chart,**  
13 **and I asked the owner of the marina to show us**  
14 **the best way out of the inlet, and he actually**  
15 **drew a line on how to get out. And, you know,**  
16 **I said I just need to know how to get out,**  
17 **because on my boat it has a machine that shows**  
18 **like the bread crumb trail. So once I get**  
19 **out, then I can easily get in and it's just**  
20 **for being shallow, because he said it was**  
21 **shallow.**  
22 **Q.** This conversation you are having and  
23 the map that you got, was that before the  
24 incident in this case --  
25 **A. Yes.**

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- 1 **Q.** -- or after?  
 2 **A.** **That was before.**  
 3 **Q.** Okay. And do you have that map?  
 4 **A.** **Yes, I do.**  
 5 **Q.** Have you ever given it to anybody, for  
 6 example, Mr. D'Amato?  
 7 **A.** **No.**  
 8 **Q.** Okay. Is that something you could  
 9 provide to Mr. D'Amato so he could give us a  
 10 copy?  
 11 **A.** **Sure.**  
 12 **Q.** What kind of map do you call this?  
 13 **A.** **It's a chart -- it's a chart of the**  
 14 **Hereford Inlet.**  
 15 **Q.** And by the time you took your walk on  
 16 the beach and this incident occurred, you had  
 17 had this conversation with this person at the  
 18 marina?  
 19 **A.** **At the marina, yes.**  
 20 **Q.** And you were familiar generally with  
 21 the fact that the inlet was very shallow?  
 22 **A.** **Yeah. He basically just said, "You**  
 23 **want to go out" -- I mean the conversation**  
 24 **was, "You basically want to go out this side."**  
 25 **And it was the opposite side of where this is.**

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- 1 **This was on the north side.**  
 2 **Q.** Okay.  
 3 **A.** **North side.**  
 4 **Q.** Obviously, this is for purposes of  
 5 getting the boat through without grounding the  
 6 boat?  
 7 **A.** **We were going fishing in the ocean.**  
 8 **Q.** So if I follow you, the channel or  
 9 path that he showed you on the map was not  
 10 along the beach where you were walking?  
 11 **A.** **No, no, it was the opposite side.**  
 12 **Q.** Okay. From looking at that chart, if  
 13 you had chosen to do so, could you have found  
 14 the depth of the water along the beach where  
 15 you ended up walking on the day of the  
 16 incident?  
 17 **A.** **But at a certain time of day or a**  
 18 **certain -- you know, it will have numbers on**  
 19 **it that basically tells you depth or whatever.**  
 20 **Q.** And I'm not an ocean person at all,  
 21 but from what I gather, the depth of water  
 22 along the beach is going to vary depending on  
 23 whether the tide is in or out?  
 24 **A.** **Yes.**  
 25 **Q.** And that's the kind of information you

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- 1 could get from this chart?  
 2 **A.** **Somewhat, somewhat.**  
 3 **Q.** As a boater, by the time the incident  
 4 occurred, were you just generally already  
 5 familiar with the fact that the slope of the  
 6 bottom of an inlet or an ocean or the depth of  
 7 the water, either one, can vary?  
 8 **A.** **Yeah, yes, yes. I mean this is a**  
 9 **little different than what a normal inlet, I**  
 10 **would call it -- a normal inlet would be like**  
 11 **Belmar or Point Pleasant. It's -- it's a true**  
 12 **inlet; it's protected and it's dredged. It's**  
 13 **rocks on either side. So there's only one way**  
 14 **to get out. There's no swimming. There's no**  
 15 **bathing. There's no sand. It's rock.**  
 16 **Q.** But before the incident occurred in  
 17 this case, were you generally familiar with,  
 18 whether you're in an inlet or an ocean or a  
 19 bay, that the contour of the bottom can change  
 20 as you pass over?  
 21 **A.** **Sure.**  
 22 **Q.** And in other words, the depth of the  
 23 water can change?  
 24 **A.** **Sure, the depth of the water changes,**  
 25 **yes.**

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- 1 **Q.** And were you aware, as a boater, that  
 2 the depth of the water can be affected by the  
 3 action of current?  
 4 **A.** **Sure.**  
 5 **Q.** Based on your knowledge and experience  
 6 as a boater as of the time this happened  
 7 and/or conversations you may have had with  
 8 other people after this happened, is it your  
 9 understanding that this drop-off that you and  
 10 your group stepped into was created by current  
 11 running along the beach?  
 12 **A.** **I really don't have any idea how. It**  
 13 **just seemed to me it was more like an**  
 14 **instability or where it just dropped out.**  
 15 **Q.** You have no idea one way or the other?  
 16 **A.** **Oh, I have no -- I really don't have**  
 17 **any idea on how. I would imagine it --**  
 18 **Q.** No, I don't want you to guess.  
 19 **A.** **Okay, okay.**  
 20 **Q.** As you were walking along the beach  
 21 before the incident occurred, were you looking  
 22 where you were going?  
 23 **A.** **When we were walking down the beach?**  
 24 **Q.** Yes.  
 25 **A.** **Sure.**

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- 1 **Q.** Okay. Did you notice anything unusual  
2 about the sand or the water?  
3 **A. No.**  
4 **Q.** Is it fair to say that there was  
5 nothing unusual -- withdraw.  
6 I'm going to ask you a question  
7 about the sand that's visible above the water  
8 line. Do you follow me?  
9 **A. Okay.**  
10 **Q.** Did you see anything unusual about the  
11 sand above the water line before the incident  
12 occurred?  
13 **A. No.**  
14 **Q.** Did you see anything unusual about the  
15 sand above the water line after the incident  
16 occurred?  
17 **A. No.**  
18 **Q.** As you were walking along, I think you  
19 said roughly calf-deep water?  
20 **A. Um-hum.**  
21 **Q.** Is that a yes?  
22 **A. Yes, I would say top of my calf.**  
23 **Q.** This might be a silly question, but  
24 were there waves coming in and out at the  
25 time?

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- 1 **A. No, it was very calm.**  
2 **Q.** Was the tide coming in, going out, or  
3 something else?  
4 **A. I don't know if it was -- well, I**  
5 **would know if it was -- because it carried**  
6 **Brad out, so the tide was going out.**  
7 **Q.** But your answer to me a second ago was  
8 that as you were walking there were no waves?  
9 **A. No, no. Waves out further.**  
10 **Q.** Okay.  
11 **A. But not at the beach, you know, the**  
12 **water side, beach side.**  
13 **Q.** As you were walking along, I assume,  
14 correct me if I'm wrong, that you were not  
15 making an attempt to draw a direct beeline  
16 from point A to point B?  
17 **A. No, we were just kind of --**  
18 MR. D'AMATO: Objection. What's  
19 point A? What's point B?  
20 BY MR. HUNKINS:  
21 **Q.** Were you making any attempt to walk in  
22 an absolute straight path, or were you just  
23 ambling along and you fell?  
24 **A. We were just walking along the water.**  
25 **Q.** Because here's my question. Since you

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- 1 were not making an attempt to walk in an  
2 absolute straight line, is it possible that as  
3 you approached the location of the incident  
4 you were stepping a little bit to the right  
5 here and a little bit to the left there?  
6 **A. Yeah, I mean we could have, but we**  
7 **were never deeper than the top of calf.**  
8 **Q.** I understand that.  
9 **A. And that would have been me. Because,**  
10 **like I said, my daughter either -- I'm not**  
11 **sure, again, if she was on my back or next to**  
12 **me, but my son was not in the water at all.**  
13 **Q.** I understand that.  
14 **A. Right.**  
15 **Q.** And I think you've answered it.  
16 As you remember walking along, it  
17 was very likely that with each step you took  
18 you might have stepped a little bit to the  
19 right with one step and a little bit to the  
20 left with another step?  
21 **A. Sure, sure.**  
22 **Q.** Okay. When you went into the water  
23 when the incident occurred, I understand that,  
24 again, you started swimming and ultimately you  
25 got back onto dry land?

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- 1 **A. Right.**  
2 **Q.** When you got out, what was the  
3 distance, approximately, between where you got  
4 out on dry land and the point where you went  
5 into the water?  
6 **A. So I understand the question**  
7 **correctly, is it how far off the beach was I**  
8 **before I could get back?**  
9 **Q.** No. I'm trying to -- I would like to  
10 draw in my mind two points on the beach. One  
11 point would be where you went into the water  
12 and the other point would be where you crawled  
13 out.  
14 **A. I would say roughly in the same**  
15 **30-foot section.**  
16 **Q.** Okay, just so I can understand that.  
17 My impression is that the current -- and you  
18 might have said this, the current was running  
19 out of the inlet or generally southeast; is  
20 that fair to say?  
21 **A. There was two.**  
22 **Q.** Okay.  
23 **A. So in other words, what we fell into**  
24 **pulled us out -- pulled us north. So it**  
25 **pulled us into the inlet. So it pulled us**

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1 away from the beach, away from the inlet  
2 beach. What Brad got caught in took him out  
3 to the ocean. So it was like two different  
currents, I guess.

Q. Okay. So I'll get back to what I was  
6 starting to ask you, the point A and point B,  
7 when you went in and got out. I was just  
8 imagining that you went in and then the tide  
9 took you southeast and you got out at a point  
10 30 feet southeast. Is that not correct?

11 A. I would not have any idea if it was in  
12 either direction. I'm just saying I went in  
13 this area and I came back in this general same  
14 area I went into.

15 Q. Okay.

16 A. It just took me further -- it just  
17 took me off the beach and I had to swim back  
18 to the beach.

19 Q. Okay. In the process of being taken  
20 off the beach and swimming back to the beach,  
21 do you have any impression that you were being  
22 taken one way or the other along the beach?

23 A. I was being pulled out into the inlet.  
24 So 90 degrees off the beach. So 90 degrees  
25 off of where I went in the water, it was

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1 pulling us -- it kind of, you know -- it could  
2 have moved us either way, but in that same  
3 direction, that's where I got back.

4 Q. After the incident happened, for  
5 example, later that evening or the next day,  
6 when you went back to the location of the  
7 incident, did you go into the water?

8 A. No.

9 Q. In your boating experience or your  
10 experience as a beach-goer before this  
11 incident, had you ever seen any other  
12 locations anywhere where there was any type of  
13 drop-off in the bottom?

14 A. Nothing like this.

15 Q. Have you ever seen instances where  
16 there was a drop-off but not as drastic?

17 A. Not -- not like this.

18 Q. I know that, but have you ever seen a  
19 drop-off before?

20 A. I have seen drop-offs, yes.

Q. Can you describe the type of drop-offs  
you have experienced in the past?

23 A. I guess when you walk out into the  
24 water and it drops off, you know, as -- it  
25 gets deeper fast.

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1 Q. And where had you seen that before the  
2 incident in this case?

3 A. I'm not really sure where it was, to  
4 be honest.

5 Q. Is it fair to say that you had seen  
6 that more than once?

7 A. I probably have, yes.

8 Q. Okay. And I'm saying "seen that," but  
9 I guess what I'm asking you --

10 A. Feel that.

11 Q. Yes, you felt that?

12 A. Feel that.

13 Q. You have been in the water before and  
14 you had the experience of feeling and not as  
15 drastic as this incident was --

16 A. I'm getting deeper in water.

17 Q. -- but an incident where the bottom  
18 drops off suddenly?

19 A. It all depends on what you say  
20 "suddenly" is.

21 Q. I guess it could be steep or not so  
22 steep, but --

23 A. Well --

24 Q. Just wait for my question.

25 A. Okay.

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1 Q. Is it fair to say that before the  
2 incident in this case occurred you had  
3 experience yourself of walking along in the  
4 ocean or at the beach where the bottom dropped  
5 off?

6 A. Again, it depends on what you say  
7 "drop-off" means.

8 Q. Is that a yes but not as drastic?

9 A. Not as drastic. Yes, but not as  
10 drastic.

11 MR. HUNKINS: Okay. That's all I  
12 have. Thanks.

13 THE VIDEOGRAPHER: This is the end  
14 of tape No. 2. Off the record. The time is  
15 2:32.

16 (Discussion off the record.)

17 (Twelve Photographs were marked  
18 for purposes of identification as Exhibits  
19 Sunderland-14 through Sunderland 25.)

20 THE VIDEOGRAPHER: This is the  
21 beginning of tape No. 3. Back on the record.  
22 The time is 2:46.

23 \* \* \*

24 EXAMINATION BY MR. D'AMATO:

25 Q. Scott, I'm going to show you a series

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1 of photographs, and they have been marked for  
2 identification and I'm going to show them to  
3 my colleagues before I hand them to you.

The first one is Sunderland-14.

This photograph was taken on June 20, 2014 of  
6 what they call the Moore's Inlet or Moore's  
7 Beach. Have you heard that phrase?

8 **A. I've heard it, yes.**

9 **Q.** Okay. Now, let me hand it to you.

10 In looking at that photograph, can  
11 you identify generally the area where you and  
12 Brad turned around to walk back to your wives?

13 **A. I would say it was probably around  
14 that area, I would imagine (indicating.)**

15 **Q.** All right. Why don't you get a red  
16 marker and make a nice large circle to give us  
17 the general area of where that was?

18 **A. (Complies.)**

19 **Q.** Could you hold that up there? There  
20 we go, all right.

21 Now, you can put that down but  
22 keep the photograph in front of you.

23 **A. Okay.**

24 **Q.** As you walked towards Moore's Beach,  
25 did you see people in chairs sunbathing in

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1 that area?

2 **A. Yes.**

3 **Q.** Did you see children playing in the  
4 water of the inlet when you were approaching  
5 that area?

6 **A. Yes.**

7 **Q.** And you also said you saw people that  
8 were fishing?

9 **A. Yes.**

10 **Q.** And were they -- were they standing on  
11 the beach or standing in the water when you  
12 saw them fishing?

13 **A. A little bit in the water.**

14 **Q.** Now, I'm going to show you another  
15 photograph marked for identification as  
16 Sunderland-15. I'm going to hold it up for my  
17 colleagues here. Again, this was taken  
18 June 20, 2014. And let me hand it to you and  
19 can you see the rock wall there on the  
20 left-hand side of the photograph?

**A. Yes.**

**Q.** And right where your left hand is you  
23 can see the steps that people would take to  
24 get from the parking lot onto the beach?

25 **A. I don't see the steps.**

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1 **Q.** You know what, you're right, it's the  
2 next photograph. Sorry. I apologize.

3 But in any event, let me hand this  
4 to you. As you're about to turn around, you  
5 and Brad and the children, does that  
6 photograph accurately depict the number of  
7 people and bathers that you saw on the beach  
8 area?

9 **A. I would say it was probably a little  
10 bit less. It wasn't as crowded as this, but I  
11 mean I remember seeing a lot of umbrellas.**

12 **Q.** You can leave it there.

13 Now let me show you what's been  
14 marked for identification as Sunderland-16.

15 This was taken on July 2, 2013, almost a year  
16 after Brad's passing. When we have been  
17 referring to the rock wall all morning and  
18 this afternoon, is this the rock wall that you  
19 were referring to?

20 **A. Yes, it seems to be, yes. Part of it  
21 anyway.**

22 **Q.** All right. Now, as you -- you can put  
23 that down. As you and Brad are walking with  
24 your children, you're just about to turn  
25 around, did you see any jet skis like the one

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1 that we see in Sunderland-17?

2 **A. I mean I don't recall, like, when we  
3 turned around and all that, but that's kind of  
4 how it was when I flagged down the jet skier.  
5 It's kind of where they were. I mean as far  
6 as the distance from the ocean, it was right  
7 -- very shallow water. They were just kind of  
8 sitting on them. They were kind of hanging  
9 out talking to people on the beach, but as far  
10 as walking down, I don't remember seeing any  
11 jet skiers, no.**

12 **Q.** You can put that down.

13 This was the very first time that  
14 you and your family and Brad and his family  
15 had come to North Wildwood to vacation?

16 **A. For vacation, yes.**

17 **Q.** Do you remember what day of the week  
18 it is when Brad drowned?

19 **A. Friday.**

20 **Q.** It was a Friday?

21 **A. Friday, yes.**

22 **Q.** And you had arrived how many days  
23 before that?

24 **A. I think we got there the Saturday  
25 before, I believe.**

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1 Q. Now, how many times had you gone to  
2 the beach before the day that Brad drowned?  
3 The beach meaning, excuse me, to be precise,  
North Wildwood.

4 A. **Right. Maybe two times. I'm not  
5 really sure, to be honest.**

6 Q. And the two times that you went to the  
7 beach, that's you, your wife, your children,  
8 Brad, Sandy and their children --

9 A. **Um-hum.**

10 Q. -- did you always go to a protected  
11 beach, meaning there was a lifeguard there?

12 A. **Yes.**

13 Q. And on the day you went to the beach  
14 before you decided to take the walk, that was  
15 a protected beach, correct?

16 A. **Yes.**

17 Q. And there was a lifeguard there?

18 A. **Yes.**

19 Q. Now, you were shown an interview where  
20 it's referenced that you saw a "no swimming"  
21 sign. In fact, I put it in front of you.  
22 It's right there. It's Sunderland-13. Do you  
23 see that there? And if you look at the bottom  
24 of the second page, it says almost about a

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1 third down, "The sign said 'no swimming' and  
2 we weren't. We were just walking."

3 Now, here's my question to you:  
4 Your children are playing in the tidal water,  
5 the tidal pools, correct?

6 A. **Um-hum.**

7 Q. Before you decided to take a walk with  
8 your family towards the Moore's Inlet beach,  
9 had you seen any signs saying "no swimming"?

10 A. **No, not that I can recall, no.**

11 Q. Did you learn after Brad's drowning  
12 that there were some signs up closer to the  
13 area where you access the beach that said "no  
14 swimming"?

15 A. **Yes.**

16 Q. But before you took the walk and  
17 before you fell into the hole, you had not  
18 seen any signs that said "no swimming,"  
19 correct?

20 A. **Yeah, no, I did not see any.**

21 Q. Before Brad drowned, had you ever  
22 heard of there being a whirlpool or vortex in  
23 the Hereford Inlet at certain points in time  
24 during the daytime?

25 A. **No.**

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1 Q. When the two police officers came to  
2 the residence where you were staying, did they  
3 ever talk about any dangers associated with  
4 the beach area where you and Brad and your  
5 family had been walking?

6 A. **They had said people had fallen in  
7 there.**

8 Q. You referenced a telephone  
9 conversation with the Mayor of Wildwood,  
10 correct?

11 A. **Yes.**

12 Q. And that you said was the second or  
13 third day after Brad was missing?

14 A. **Yes.**

15 Q. Did he say anything else about the  
16 area where this event took place when you said  
17 to him, "We were not swimming, we were  
18 walking"?

19 A. **I think he made mention of another  
20 incident, I think, where there were two women  
21 and they were swimming and, again, that's when  
22 I said, "We weren't swimming, we were  
23 walking."**

24 Q. Now, you had mentioned when Mr. Barker  
25 was asking you questions about Sunderland-12,

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1 specifically, there's a reference in this  
2 report from Police Officer Richard Schmidt  
3 that says, "He then stated that he saw a  
4 police boat traveling in the inlet." I want  
5 to ask you about that.

6 Let me show you Sunderland-20,  
7 which is a photograph that was taken on  
8 June 20, 2014. Okay? Does this boat that you  
9 see in the photograph look like the boat that  
10 you are referring to?

11 A. **Yeah. He was actually -- I think that  
12 boat was kept in the marina.**

13 Q. Okay.

14 A. **The boat that I saw that day that came  
15 out, I had seen the boat previously in the  
16 marina before the incident.**

17 Q. You used the term "police boat  
18 travelling in the inlet" in Sunderland-12.  
19 Here's my question: When you said police  
20 boat, can you tell me if you knew it was a  
21 North Wildwood police boat or New Jersey State  
22 Police Marine police boat?

23 A. **No, I'm not a hundred percent sure.**

24 Q. Okay. Now, I'm going to show you  
25 what's been marked for identification as

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1 Sunderland-21. Now, I want to take you back  
2 in time on the date of this event. You now  
3 just turned around. And you told my  
colleagues that as you are walking back you're  
closer to the water this time.

6 **A. Um-hum.**

7 **Q.** Now, from the time you turned around  
8 until the time you fell into the hole, were  
9 there times that you were walking on just the  
10 beach and not in the water as shown in

11 Sunderland-21 --

12 **A. Yes.**

13 **Q.** -- where those people are?

14 **A. Yeah.**

15 **Q.** Okay. After you turned around and  
16 you're walking back to the point where you  
17 fell in, were there times that all of you were  
18 walking in ankle-deep water?

19 **A. Can you repeat that?**

20 **Q.** Yes. You've now turned around, you  
21 Brad and the kids.

22 **A. Heading back.**

23 **Q.** You are heading back. And were there  
24 times as you are walking back before you fell  
25 into the hole that all of you or some of you

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1 were walking in ankle-deep water as opposed to  
2 mid-calf water?

3 **A. Yes.**

4 **Q.** Okay. Now, from the time you started  
5 walking from the protected beach onto that  
6 area that was unprotected -- well, let's go  
7 back a little bit.

8 Going back to the day of the  
9 accident, before you decided to take the walk,  
10 as you have described many times today,  
11 towards Moore's Beach or Moore's Inlet, did  
12 you know that the area that you are walking --  
13 about to walk on was unprotected in the sense  
14 that there were no lifeguards down there?

15 **A. No, we didn't.**

16 **Q.** On the day of Brad's drowning, was  
17 that the first time that you and Brad had ever  
18 walked from the protected beach down towards  
19 Moore's Inlet or Moore's Beach?

20 **A. Yes, that was the first time we walked  
down there.**

21 **Q.** As you were walking from the protected  
22 beach towards Moore's Beach, did you see signs  
23 on poles like what is shown in Sunderland-22?

25 **A. No.**

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1 **Q.** Okay. As you are walking from the  
2 protected beach to Moore's Beach, did you see  
3 any signs like what is shown in Sunderland-23  
4 which says "High risk rip current area"?

5 **A. No.**

6 **Q.** As you are walking from the protected  
7 beach towards Moore's Beach, did you see any  
8 signs like Sunderland-24 that say "Danger,  
9 unprotected beach"?

10 **A. No.**

11 **Q.** As you are walking from the protected  
12 beach to Moore's Beach, are you seeing any  
13 signs like whatever this thing is in  
14 Sunderland-25 in the middle of the photograph?

15 **A. No.**

16 **Q.** As you're walking -- strike that.

17 Now, as you're walking from the  
18 protected beach towards Moore's Beach and  
19 after you turned around to walk back to your  
20 wives, did you ever see little children like  
21 the ones that are shown in Sunderland-18?

22 **A. I mean not that I can recall. I mean  
23 I saw people, families.**

24 **Q.** In the statement that was marked for  
25 identification as Sunderland-13, you were

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1 quoted as saying, "It was 30 seconds before I  
2 realized how far from the shore I was." Now,  
3 my colleagues touched on it a little bit, but  
4 I want to get more specific, if you can.

5 **A. Sure.**

6 **Q.** How far out in the inlet did you go  
7 after you had fallen into the hole? Can you  
8 estimate for us?

9 **A. Yeah, I would say probably about 30 --  
10 30 feet.**

11 **Q.** And that was involuntary, correct? It  
12 had pulled you out there?

13 **A. Oh, yes, it had pulled me out, yes.**

14 **Q.** And during that period of time, is  
15 your daughter still on your back?

16 **A. The whole time, yes.**

17 **Q.** And describe for us the forces in the  
18 water that you're experiencing as you're  
19 trying to get back on land. What was it like?

20 **A. Well, so the whole time as soon as I  
21 go in, I'm swimming, like I said. So it's  
22 taking me out as I'm swimming. So as I said  
23 at first, I'm just swimming. I'm, you know --  
24 I'm swimming right away, and then after about  
25 30 seconds I look up and I see that I'm**

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1 further from shore than I was when I first  
2 went in. So now I'm 30 feet from shore and  
3 I've been swimming the whole time. So that's  
when I really start, as I say, digging in.

I'm going to get to shore. So I started  
6 swimming the hardest I could at that point.

7 Q. On this day when you lost your friend  
8 Brad, how old were you?

9 A. I guess I was 47.

10 Q. How would you characterize your  
11 ability as a swimmer on that day?

12 A. I'm an excellent swimmer. I have a  
13 pool in my backyard.

14 Q. And had you ever experienced forces in  
15 the water, any body of water, as you did on  
16 this day as you are trying to get back to  
17 land?

18 A. No. Not just the current, but the way  
19 the water -- it felt like you were swimming  
20 through air.

21 Q. Listen, you have been very patient and  
22 we appreciate the amount of time. You are an  
23 eyewitness to what happened, so I have to ask  
24 you this. What do you mean it was like  
25 swimming in air?

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1 A. It just felt like I couldn't get  
2 traction. Like, there was nothing to swim  
3 against. It felt like it was a rope holding  
4 me back or pulling me out, and it just didn't  
5 feel like you're in a pool swimming. It felt  
6 like there was, like I said, air or something  
7 in there that you couldn't, you know, dig  
8 against.

9 Q. Okay. Now, I want to take some time  
10 and talk about your friend Brad. You said you  
11 met -- was it 1988?

12 A. I said probably '84, '85. I graduated  
13 high school in '84. So I would say about '85.

14 Q. How did the two of you meet?

15 A. I bought a car, a '70 GTO, and my dad  
16 was desperately trying to talk me out of  
17 buying it, so he had me take it to Brad, which  
18 he told Brad, "Look at this car that my son  
19 bought. Please tell him to take it back."  
20 That's how I met Brad.

21 Q. From the time you first met him, how  
22 many years went by before you considered him  
23 to be your best friend?

24 A. It was probably -- probably another  
25 six years or so, maybe seven years, and then

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1 he moved his shop and I ended up renting the  
2 space off of him. That's when we really  
3 became very close.

4 Q. Did you have any involvement, or your  
5 wife, in Brad meeting his wife Sandy?

6 A. Yes.

7 Q. Share that with us.

8 A. I had rented, like I said, space from  
9 him for my company, and we were growing and I  
10 wanted someone to answer the phones. And  
11 Sandy I knew, because it was one of my wife's  
12 best friends, and she had worked with her at  
13 another job. And Sandy was looking for work  
14 and Brad always answered the phones all the  
15 time. So I said, "Why don't we hire her? You  
16 pay her half, I'll pay her half." And he  
17 answered -- she answered the phones for them  
18 and answered the phones for me.

19 Q. Sadly, Brad is not here to tell us  
20 about his life before he passed. So let me  
21 ask you, what kind of guy was he?

22 MR. HUNKINS: Objection to form.

23 MR. D'AMATO: To what kind of guy  
24 was he?

25 MR. HUNKINS: Just the preface to

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1 the question. That's all.

2 MR. D'AMATO: Okay.

3 BY MR. D'AMATO:

4 Q. You can go ahead.

5 A. What kind of guy he was?

6 Q. Yes.

7 A. I mean a great guy, a guy, you know --  
8 I looked up to him. He was a friend of my  
9 brother's first. That's what kept him as a  
10 family friend. He was just a -- he was a  
11 great guy. Everybody looked up to him. He  
12 had a loyal customer base, and I think they  
13 went to get their cars fixed more because of  
14 him than his, you know, mechanical skills.  
15 But a great father, great father, with his  
16 older kids, great husband. And just a great  
17 friend. He was everyone's best friend. He  
18 really was. Everybody loved him.

19 Q. You were close enough to him and  
20 Sandy, his wife, to know what kind of  
21 relationship they had?

22 A. Oh, yeah, absolutely.

23 Q. So tell us about that relationship.

24 A. It was a great relationship. They  
25 were both kind of independent people that they

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1 **just -- they just kind of hit it off, and they**  
 2 **were very close. I mean we -- my wife and I**  
 3 **and them, we were all extremely close. They**  
 4 **just joked around with each other all the**  
 5 **time. Like you would never get the two on the**  
 6 **volleyball court at the same time because they**  
 7 **were just competitors to the end. But, no,**  
 8 **great couple, great couple.**

9 **Q.** You had told me about, just briefly,  
 10 his relationship with his older children.

11 What was Sandy's relationship to Brad's  
 12 children from the first marriage?

13 **A. Great. Very -- I mean being a step, I**  
 14 **can imagine that it can be very difficult,**  
 15 **but, no, they loved her then and they love her**  
 16 **now. Sandy is very hard to not like. They**  
 17 **both are. But Sandy definitely. She's very**  
 18 **outgoing and always would, you know, help Kyle**  
 19 **and Nicole in whatever they needed. Never**  
 20 **really -- it always amazed me that even when**  
 21 **she had Cole, Brad and Sandy's first son, that**  
 22 **there was never any, "Well, he's my son." She**  
 23 **always incorporated the family, meaning his**  
 24 **first -- from his first wife, his daughter**  
 25 **Nicole, and Kyle.**

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1 **Q.** And what was Brad's relationship with  
 2 his children that he had with Sandy?

3 **A. Oh, excellent, excellent.**

4 **Q.** What was Brad's health like on the day  
 5 of this horrible event?

6 **A. Great. I mean, you know, we were**  
 7 **getting older and a lot of softball, a lot of**  
 8 **golf, a lot of skiing. We had -- we would**  
 9 **have our aches and pains, but no, he was in**  
 10 **good health.**

11 **Q.** How would you characterize Brad's  
 12 ability to swim?

13 **A. Oh, good swimmer. Pool in his**  
 14 **backyard. We got pools together.**

15 **Q.** When you fell into the hole as you  
 16 described so many times before, did you ever  
 17 try to hit bottom so to push yourself up?

18 **A. Yeah.**

19 **Q.** And were you able to?

20 **A. No. I never felt bottom whatsoever,**  
 21 **never.**

22 **Q.** You were asked questions about the  
 23 chart that you had received. From the time  
 24 you arrived in North Wildwood until the day of  
 25 Brad's drowning, did you have any information,

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1 from whatever source, as to the type of  
 2 currents that were running through the inlet  
 3 itself along the beach where you were walking?

4 **A. No.**

5 **Q.** Now, early today you were asked -- no,  
 6 I shouldn't say you were asked questions. You  
 7 told us about this fisherman that you see  
 8 before you fall. Now, I want to go over that.

9 You and Brad and the children are  
 10 walking toward this hole, not knowing that  
 11 there's a hole there.

12 **A. Right.**

13 **Q.** And before you fall into the hole you  
 14 said you saw a fisherman where?

15 **A. I'm not sure when I saw him. When we**  
 16 **fell in, it wasn't then because he wasn't**  
 17 **there. So it was either on the way down or**  
 18 **when we were closer to the rock wall.**

19 **Q.** On the way back or on the way towards  
 20 Moore's Beach?

21 **A. I'm not really sure if I saw him on**  
 22 **the way towards the rock wall or the way away**  
 23 **from the rock wall. I'm not really sure when,**  
 24 **you know. I remember seeing him because I**  
 25 **mentioned to Brad, "Look at that guy, he looks**

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1 **like he's walking on water. He's Jesus."**

2 MR. HUNKINS: Just note my  
 3 objection real quick. Counsel has been using  
 4 the word "hole" which is really fine with me.

5 MR. D'AMATO: What would you like  
 6 me to call it? I'll use your word.

7 MR. HUNKINS: I just don't know  
 8 that the witness ever said that. I think the  
 9 witness has said gully, that kind of thing,  
 10 but having said that, just let that be a  
 11 continuing objection to the form.

12 MR. D'AMATO: No, no, let's see if  
 13 we can cure this objection.

14 THE WITNESS: Okay.

15 MR. D'AMATO: All right?

16 BY MR. D'AMATO:

17 **Q.** None of us were there. What do you  
 18 call what you fell into?

19 **A. Well, if I call it a gully, then it**  
 20 **means it's high on one side, low in the middle**  
 21 **and high on another side. Right? I'm a**  
 22 **contractor. I can't help it. I would just**  
 23 **call it a drop-off.**

24 **Q.** A drop-off, okay. So now let me try  
 25 this. Let's say within a couple of seconds

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1 before you fall into the drop-off, can you  
2 tell us where this fisherman was standing,  
3 whether you saw him before you turned around  
or on the way back?

**A. It was on the way back. I know  
6 exactly where he was standing when we went in  
7 because that's when I said, Well, that's where  
8 it is, out there where he was standing. He  
9 wasn't there then.**

10 **Q.** I understand.

11 **A. Right.**

12 **Q.** But how far was that -- let me  
13 withdraw that question.

14 Right before you fall into the  
15 drop-off, where you had seen the fisherman  
16 before, how far was that from that point?

17 **A. I would say it was probably maybe a  
18 hundred feet, maybe.**

19 **Q.** And if you're looking straight ahead,  
20 all right, and your eyes are looking at  
21 12 o'clock, 12:00 on a clock, where was he on  
22 the clock?

23 **A. If 12 o'clock, he would be out, say,  
24 10:00, 11:00, 10:00, 11:00. Probably 11:00, I  
25 would imagine. And I would say probably a**

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1 **hundred, a hundred and fifty feet ahead of me.**

2 MR. D'AMATO: I want to go off the  
3 record for a second.

4 THE VIDEOGRAPHER: Sure. Going  
5 off the record. The time is 3:14.

6 (Discussion off the record.)

7 THE VIDEOGRAPHER: We're back on  
8 the record, 3:17.

9 \* \* \*

10 FURTHER EXAMINATION BY MR. BARKER:

11 **Q.** Mr. D'Amato asked you the question  
12 after you went in the water whether you ever  
13 felt the bottom. Do you remember that?

14 **A. Yes, yes.**

15 **Q.** He might have asked you whether you  
16 tried to do something to feel the bottom. I  
17 don't remember. But that's really my  
18 question. Like while you're there and you're  
19 swimming, swimming, swimming and you got your  
20 daughter on your back, what did you do, if you  
did anything, to try to feel the bottom?

**A. Well, we have the pool and I brought  
23 my kids and taught them how to swim, and what  
24 we would always do is if you ever get in  
25 trouble you try to bounce yourself off the**

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1 **bottom. And during that time I didn't  
2 necessarily stop and try to bounce myself off  
3 the bottom but I was trying to kick off the  
4 bottom. So in other words, you're swimming  
5 and you're trying to push off the bottom, too.  
6 That's what I was trying to do, and there  
7 never was a bottom. I never felt any bottom.**

8 **Q.** With that motion you could not feel a  
9 bottom?

10 **A. No.**

11 **Q.** Other than that, did you do anything  
12 to test to see if there was a bottom that you  
13 could feel?

14 **A. No, never.**

15 MR. BARKER: Okay. Thank you.

16 THE VIDEOGRAPHER: This concludes  
17 the videotape deposition. Off the record,  
18 3:18.

19 \* \* \*

20 (The deposition concluded at  
21 3:18 p.m.)

22

23

24

25

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1 C E R T I F I C A T E

2

3 I, LISA REAGAN, a Certified Court Reporter  
4 of the State of New Jersey, do hereby certify  
5 that prior to the commencement of the  
6 examination,

7 SCOTT SUNDERLAND

8 was duly sworn by me to testify to the truth,  
9 the whole truth and nothing but the truth. I

10 do further certify that the foregoing is a

11 true and accurate transcript of the  
12 stenographic notes of testimony taken by me at  
13 the time, place and on the date hereinbefore

14 set forth. I do further certify that I am

15 neither a relative nor employee nor attorney  
16 nor counsel of any of the parties to this

17 action, and that I am neither a relative nor

18 employee of such attorney or counsel and that

19 I am not financially interested in this

20 action.

21

22 *Lisa Reagan, CCR*

23 LISA REAGAN, CCR

24 Certificate No. XI01671

25 Date: April 1, 2016

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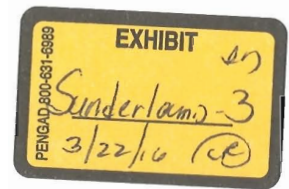


March 14, 2012

PENGAD-800-631-6683 EXHIBIT  
Sunderland  
3/22/14 (P)







### August 16, 2012

On this date Investigator DiJoseph traveled to the Smith drowning scene and met with witness, Scott Sunderland, (215-669-4391). Sunderland was walking along the surf with George Smith and their daughters at the time of the July 27, 2012 drowning. The meeting with Sunderland was coordinated with low tide at 1:50pm which represented a similar tidal condition that existed on the date of the date of the Smith drowning. Scott Sunderland provided the following information regarding his observations that occurred on the day of the Smith drowning:

- Sunderland stated that he and Smith have been friends for several years. Sunderland introduced Smith to his wife and every summer for the past ten years Sunderland and Smith along with their family's vacation together. The families usually vacation in Ocean City, NJ but this year they decided to rent a beach front condominium in North Wildwood, NJ.
- Earlier in the day of July 27, 2012 Sunderland and Smith had been out fishing in Sunderland's boat. Sunderland advised that he docked his boat at the condominium complex marina for the week. After the fishing trip, Sunderland and Smith returned to their condominium in the afternoon then decided to walk to the beach.
- The Sunderland and Smith families established a position on the beach in the area of Surf Avenue which is a protected beach in North Wildwood. Sunderland, Smith and their two daughters decided to take a walk on the beach in a north direction toward the condominiums while the rest of the family members remained at Surf Avenue beach.

- Sunderland stated the four walked almost to the end of the beach where a rock wall meets the Hereford Inlet and turned around proceeded back toward the Surf Avenue beach.
- Sunderland stated that he and his daughter were walking behind Smith and his daughter side by side in ankle deep water. Approximately 100 feet in front of them was a man fishing. The fisherman was standing in knee deep water approximately 25 feet from shore.
- Suddenly Smith and his daughter fell into the water. Simultaneously Sunderland and his daughter also fell into the water. Sunderland stated that the current was very strong and quickly pulled all four subjects out further into the ocean from the beach.
- Sunderland's daughter immediately jumped on his back and he was eventually able to swim to shore, but couldn't get back up on the beach due to an extreme drop off between the beach and the collapsed sand. Sunderland eventually reached the beach and began looking for Smith and his daughter.
- Sunderland stated that he observed Brandi ( Smith's daughter) swimming so hard in the current that he could see her entire bathing suit top was out of the water. Sunderland also observed Smith swimming approximately 50 yards in front of Brandi.
- Sunderland stated he was extremely tired from swimming for approximately five minutes with his daughter on his back. Sunderland began to yell and wave for help but there weren't many people in the immediate area. Suddenly a jet ski was launched from the beach's north end and the operator came up to Brandi and pulled her from the water. While the Jet Ski was pulling Brandi from the water, Sunderland spotted a NJSP Marine Unit boat headed in his direction. Sunderland began yelling and pointing in the area of George Smith to the Trooper. Sunderland thought that the Trooper saw Smith and was going to rescue him. Unbeknown to Sunderland, the NJSP Trooper allegedly received a Jet Ski rescue call in the same vicinity and passed by the area where Smith was swimming. Sunderland then told the Jet Ski operator to go rescue Smith. The Jet Ski operator raced out the area where Smith was last seen but was unable to locate Smith.

- Moments later rescue personnel arrived at the drowning scene and began administering first aid to the two girls and Sunderland. The NJSP Marine Unit boat came back to beach towing a jet ski that apparently was involved in an incident where the operator was separated from his ski in the breakers of Hereford Inlet. The NJSP Trooper told Sunderland he had no idea George Smith was still in the water when he passed by traveling to the Jet Ski rescue assignment.
- Sunderland and Smith's family members arrived on the scene and they began yelling into the water for George Smith. On July 30 at 1:13 AM the body of George Smith was observed in the surf at 21<sup>st</sup> Street in North Wildwood. George Smith was pronounced dead at the scene.

During the Sunderland interview Investigator DiJoseph noticed that since the City of North Wildwood O.P.R.A. request was filed on August 10, 2012 six (6) large concrete barriers were placed in the area of the Smith drowning. Each concrete barrier had a three foot round red floating mooring ball attached to it with the words "No Swimming or Wading" emblazoned on each side of the ball in bold black letters. The barriers were placed in the water's edge and on the beach.

***Photograph # 5 illustrates the concrete mooring ball with 'No Swimming or Wading' warning.***





While interviewing Sunderland at the proximate area of the Smith drowning, the jet skier that rescued Smith's daughter, Brandi Smith observed Sunderland standing on the beach and stopped to converse. The Jet Ski operator identified himself as Rob O'Donnell a student at Stockton College, Galloway, NJ.

***Photograph # 6 illustrates Jet Ski rescuer Rob O'Donnell and Scott Sunderland standing at the approximate location of the Smith drowning.***



*Photograph # 7 illustrates an Aerial View of the North Wildwood NJ beach area known as Hereford Inlet and the approximate location of the Smith drowning.*

Estimated area where Sunderland and Smith were walking in the surf moments before the Smith drowning.



Curve in the roadway of Central Avenue between E. Spruce Avenue and E. Walnut Avenue, North Wildwood, Cape May County NJ.

\_\_\_\_\_  
R. Kirvay

\_\_\_\_\_  
C. Atkinson

\_\_\_\_\_  
L. DiJoseph

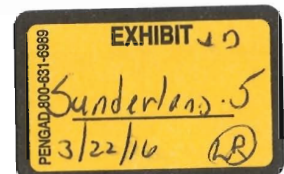
**A & K Investigations of New Jersey**



**August 16, 2012**

On this date Investigator DiJoseph traveled to the Smith drowning scene and met with witness, Scott Sunderland, (215-669-4391). Sunderland was walking along the surf with George Smith and their daughters at the time of the July 27, 2012 drowning. The meeting with Sunderland was coordinated with low tide at 1:50pm which represented a similar tidal condition that existed on the date of the date of the Smith drowning. Scott Sunderland provided the following information regarding his observations that occurred on the day of the Smith drowning:

- Sunderland stated that he and Smith have been friends for several years. Sunderland introduced Smith to his wife and every summer for the past ten years Sunderland and Smith along with their family's vacation together. The families usually vacation in Ocean City, NJ but this year they decided to rent a beach front condominium in North Wildwood, NJ.
- Earlier in the day of July 27, 2012 Sunderland and Smith had been out fishing in Sunderland's boat. Sunderland advised that he docked his boat at the condominium complex marina for the week. After the fishing trip, Sunderland and Smith returned to their condominium in the afternoon then decided to walk to the beach.
- The Sunderland and Smith families established a position on the beach in the area of Surf Avenue which is a protected beach in North Wildwood. Sunderland, Smith and their two daughters decided to take a walk on the beach in a north direction toward the condominiums while the rest of the family members remained at Surf Avenue beach.





- Sunderland stated the four walked almost to the end of the beach where a rock wall meets the Hereford Inlet and turned around proceeded back toward the Surf Avenue beach.

*In front of Brad*

- Sunderland stated that he and his daughter were walking behind Smith and his daughter side by side in ankle deep water. Approximately 100 feet in front of them was a man fishing. The fisherman was standing in knee deep water approximately 25 feet from shore.

- Suddenly ~~Smith and his daughter~~ <sup>wee all</sup> fell into the water. Simultaneously Sunderland and his daughter also fell into the water. Sunderland stated that the current was very strong and quickly pulled all four subjects out further into the ~~ocean~~ from the beach.

*Inlet*

- Sunderland's daughter ~~immediately jumped on his back~~ and he was eventually able to swim to shore, but couldn't get back up on the beach due to an extreme drop off between the beach and the collapsed sand. Sunderland eventually reached the beach and began looking for Smith and his daughter.

- Sunderland stated that he observed Brandi ( Smith's daughter) swimming so hard in the current that he could see her entire bathing suit top was out of the water. Sunderland also observed Smith swimming approximately 50 yards in front of Brandi.

- Sunderland stated he was extremely tired from swimming for approximately five minutes with his daughter on his back. Sunderland began to yell and wave for help but there weren't many people in the immediate area. Suddenly a jet ski was launched from the beach's north end and the operator came up to Brandi and pulled her from the water. While the Jet Ski was pulling Brandi from the water, Sunderland spotted a NJSP Marine Unit boat headed in his direction. Sunderland began yelling and pointing in the area of George Smith to the Trooper. Sunderland thought that the Trooper saw Smith and was going to rescue him. Unbeknown to Sunderland, the NJSP Trooper allegedly received a Jet Ski rescue call in the same vicinity and passed by the area where Smith was swimming. Sunderland then ~~told~~ the Jet Ski operator to go rescue Smith. The Jet Ski operator raced out the area where Smith was last seen but was unable to locate Smith.

*See*

*Pointed*

- Moments later rescue personnel arrived at the drowning scene and began administering first aid to the two girls and Sunderland. The NJSP Marine Unit boat came back to beach towing a jet ski that apparently was involved in an incident where the operator was separated from his ski in the breakers of Hereford Inlet. The NJSP Trooper told Sunderland ~~he had no idea George Smith was still in the water when he passed by traveling to the Jet Ski rescue assignment.~~ *To help him with the Jet Ski.*
- Sunderland and Smith's family members arrived on the scene and they began yelling into the water for George Smith. On July 30 at 1:13 AM the body of George Smith was observed in the surf at 21<sup>st</sup> Street in North Wildwood. George Smith was pronounced dead at the scene.

During the Sunderland interview Investigator DiJoseph noticed that since the City of North Wildwood O.P.R.A. request was filed on August 10, 2012 six (6) large concrete barriers were placed in the area of the Smith drowning. Each concrete barrier had a three foot round red floating mooring ball attached to it with the words "No Swimming or Wading" emblazoned on each side of the ball in bold black letters. The barriers were placed in the water's edge and on the beach.

***Photograph # 5 illustrates the concrete mooring ball with 'No Swimming or Wading' warning.***



While interviewing Sunderland at the proximate area of the Smith drowning, the jet skier that rescued Smith's daughter, Brandi Smith observed Sunderland standing on the beach and stopped to converse. The Jet Ski operator identified himself as Rob O'Donnell a student at Stockton College, Galloway, NJ.

***Photograph # 6 illustrates Jet Ski rescuer Rob O'Donnell and Scott Sunderland standing at the approximate location of the Smith drowning.***





**Photograph # 7 illustrates an Aerial View of the North Wildwood NJ beach area known as Hereford Inlet and the approximate location of the Smith drowning.**

**Estimated area where Sunderland and Smith were walking in the surf moments before the Smith drowning.**

Rock wall and parking lot



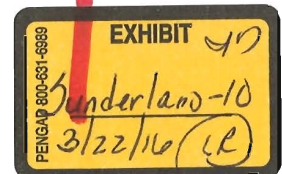
**Curve in the roadway of Central Avenue between E. Spruce Avenue and E. Walnut Avenue, North Wildwood, Cape May County NJ.**

R. Kirvay

C. Atkinson

L. DiJoseph

**A & K Investigations of New Jersey**



PENGAD 800-631-6990  
EXHIBIT JD  
Sunderland-6  
3/22/10 (LE)



08/16/2012 13:27



EXHIBIT JJ  
Sunderland-7  
3/22/10 (u)



08/16/2012 13:24

PENGAD 800-631-6889  
EXHIBIT  
Sunderland-8  
3/22/14 (LE)



08/16/2012 13:28



EXHIBIT #10  
Sunderland - 9  
3/22/10 (LE)  
PENICAP 800-831-8889



08/16/2012 13:30



**North Wildwood Police Department**  
 901 Atlantic Avenue, North Wildwood, NJ 08260  
 Phone: 609-522-2411 Fax: 609-522-0412 Mun. Code: 0507  
Supplemental Report



Incident Details:		Incident Location:	Incident Type:
Case Number	Date of Report	Call Location	Call FBI Code
12-0019472	07/31/12 04:13	1 Herefordav, North Wildwood, Nj	Assist Medical Res

**Narrative: Officer Breland, Scott**

\*\*\*Supplemental Investigative Report\*\*\*

On 7/27/2012 at approximately 1736 I was dispatched to the Hereford Inlet regarding broken down wave runners in the water. Upon arrival I immediately noticed people shouting for help in the water and upon further notice I could see swimmers in distress. I immediately called for water rescue over the radio and rendered assistance to parties involved.

Sergeant Harkins arrived on scene and I advised him there was one male still unaccounted for in the water. I tended aid to the seven-year old female until lifeguards arrived on scene. I then turned her over to them.

I then spoke with a Scott Sunderland who advised me that Brad Smith was still in the water and that he lost sight of him. Sunderland advised me that he and his daughter along with Smith and his seven-year old daughter were walking along the shoreline when they slipped into the water and were pulled out to sea by the undertow. Sunderland advised that he and his daughter were able to make it back to shore but Smith and his daughter were unsuccessful. Sunderland advised that two subjects on wave runners later identified as Daniel O'Connell and Thomas Meenan saved Brad Smith's seven-year old girl in the water.

I spoke with O'Connell and Meenan who advised me that when they recovered the seven-year old girl they turned back but were unable to locate Smith anymore. They continuously checked the area even after lifeguards and North Wildwood Fire boats were on scene searching the area.

I remained on scene for crowd control keeping persons not involved with the search out of the area. After search teams cleared the area I kept a close watch on the shore line searching for Smith until the end of my shift.

EXHIBIT  
 PENGAD 800-831-5988  
 Sunderland-11  
 3/22/16 (CC)



### NORTH WILDWOOD

901 Atlantic Ave.

NORTH WILDWOOD, NJ 08260

Phone: (609) 522-2411 Fax: (609) 522-2531

Case Mgmt# : CM-12-000090

Case #: 12-0019472

at the hospital. He was the other adult that fell into the water. I advised her that I would stop back and speak with her.

I then met with Scott Sunderland and I asked him what had happened on the beach. He stated that he was walking along the beach with his son (Aidan), daughter (Ally), Brad Smith and his daughter (Brandy). He stated that they went for a walk on the beach along Hereford Inlet. As they were walking back, they all were walking in knee deep water along the surf. All of the sudden, Sunderland explained that the ground went out from under them and they fell into the water. He did explain that his son, Aidan didn't fall into the water. He stated that they walked into a deep gully in the water. He stated that when he fell in, he was unsure if he was carrying his daughter at the time, but when they were in the water she was hanging onto him around his neck. He stated that while in the water, he could feel a strong current pulling him. He stated that he doesn't know how, but he was able to dig his hands into the sand and pull him and his daughter onto the beach. Once on the beach, he stated that he looked out into the water and saw Brad and Brandy being swept out by the current. He said that at this point, Brad was hugging and holding onto Brandy. He then stated that while watching the two, they separated and Brandy was treading water and the current continued to carry Brad out further.

Sunderland stated that Brad was yelling to him and to Brandy and at this point he stated he entered the water in an attempt to get out to Brandy. He stated that when he entered the water, again the current was too strong and he exited the water. Sunderland stated that when he exited the water, he was trying to keep eye contact on both Brad and Brandy. As he was watching them, he stated that he was trying to yell and wave down boats that were in the inlet. None of these boats acknowledge him at this time. He then stated that he saw a police boat traveling in the inlet. At this time he thought that the police boat was going to see Brad and Brandy in the water. He said that the police boat went past them and continued out into the ocean. Sunderland stated that he found out that the police boat was heading out to assist some jet skiers and probably never saw Brad and Brandy in the water.

Sunderland stated that he then ran down to a couple of people that had jet skis on the beach and told them what was going on. He pointed them out and these two individuals launched the jet skis into the water. He stated that one of the jet skis approached Brandy. The driver of this jet ski jumped into the water, placed his life jacket on Brandy and put her onto the jet ski. Sunderland stated that the jet skier, along with Brandy searched the water for a few minutes, then Brandy was brought back to shore to be checked by Rescue personnel. I asked Sunderland if he was still able to see Brad at that time. He stated that he was watching as Brandy was being picked up and lost sight of Brad. He stated that the last time he saw Brad in the water, he was being carried out towards the breakers, which he thought was a sand bar. After Brandy was brought to shore, Sunderland stated that they were checked by Rescue personnel and then transported to the hospital.

After speaking with Sunderland, I went back and spoke with Mrs. Smith. I advised her that at this time the search for her husband would continue and that I would keep her informed of any information that I received.

I then cleared the hospital and returned to North Wildwood to continue the investigation.



Investigator : SCHMIDT, RICHARD-228

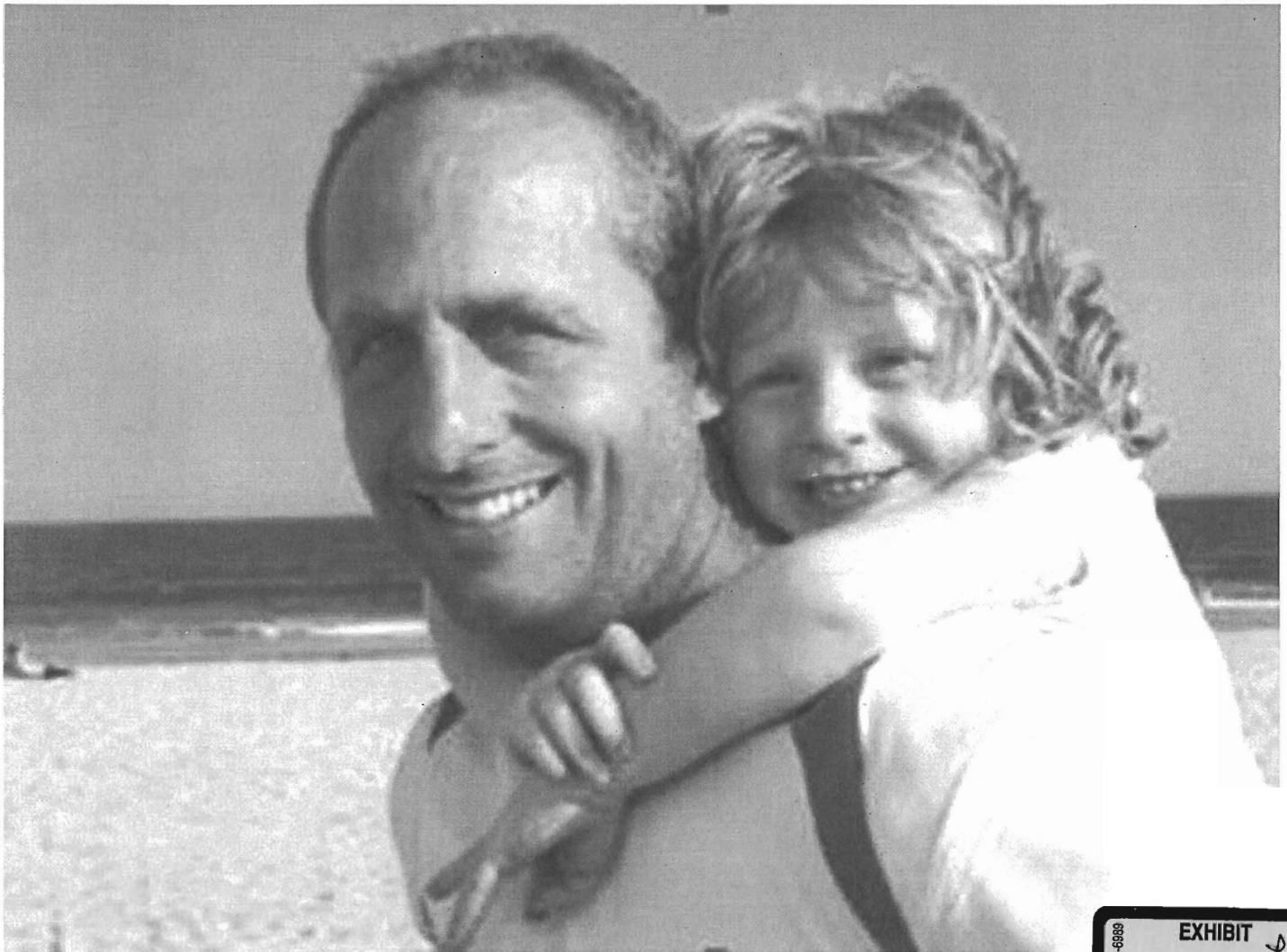
Case Report Date : 08/01/2012

**News ([Http://Www.Philly.Com/News](http://www.philly.com/news))**

— [New Jersey \(http://www.philly.com/philly/news/new\\_jersey\)](http://www.philly.com/philly/news/new_jersey)

# Family of drowned man wants Shore beach closed

Updated: JULY 24, 2014 — 3:26 PM EDT



Brad Smith, of Horsham, with his daughter.

EXHIBIT JV  
 Sunderland-13  
 3/22/16 (LR)  
 PENNSA 800-631-6889

by **Sam Wood**, Philly.com [@SamWoodiii](https://twitter.com/SamWoodiii) (<http://twitter.com/SamWoodiii>)

The drowning of a man who was swept out to sea from a beach at the Jersey Shore could have been prevented, his family said, if only the town had posted adequate warnings and prohibited access to the beach.

The family of George Bradley Smith filed suit today, alleging that negligence caused the Montgomery County man's death two years ago. The suit, filed in New Jersey Superior Court, names as defendants North Wildwood, Cape May County, and the state of New Jersey.

The suit, which claims the unprotected beach had a well-known "steep and unobservable drop-off at the area of the accident," asks the court to order the immediate closing of the beach and seeks unspecified damages.

Smith, 54, of Horsham, his young daughter, and another father-daughter pair were strolling along the shoreline in ankle-deep water near Hereford Inlet in North Wildwood about 5:30 p.m. on July 27, 2012. The beach was "unprotected," meaning it was not monitored by lifeguards.

As they walked in the surf near 2nd Street and Ocean Avenue, the sand gave way.

Scott Sunderland, Smith's best friend, recounted the event.

"The signs said 'No Swimming,' and we weren't, we were just walking," Sunderland said. "I took a step and dropped. All of a sudden, there was nothing under my feet."

Sunderland's daughter landed on his back and wrapped her arms tightly around his neck.

"I just started swimming," Sunderland said. "It was 30 seconds before I realized how far from the shore I was."

With his daughter hanging on, Sunderland struggled against a vicious undertow. When he finally touched sand, he fought the rip current to gain his footing. "It was almost like I was climbing to get onto the beach."



Meanwhile, Smith and his daughter had been swept by the current into the inlet. A strong swimmer, Smith reached his daughter and kept her head above water. A boy on a Jet Ski spotted them, pulled the girl onto his personal watercraft, and returned her to dry land.

Minutes later, Smith slipped under the surface and disappeared. His body would not be found for three days.

The unprotected inlet beach long had a reputation for being dangerous, according to the Smith family's attorney, Paul D'Amato of Egg Harbor.

Seven people had drowned there over a nine year period, according to D'Amato.

In a recorded interview, D'Amato said, a lieutenant on the North Wildwood Beach Patrol said the Hereford Inlet beach was "anything but safe to swim" and predicted drownings would happen again.

According to D'Amato, the lieutenant said that "closure, not simply posting warning signs, was necessary, but would not happen due to concerns about the economic impact on local commercial businesses, primarily oceanfront bars."

In a statement, North Wildwood Mayor Patrick T. Rosenello said he could not comment on the specifics of the lawsuit. "The City of North Wildwood takes its beach protection responsibilities quite seriously," Rosenello said. "In fact, there has never been a drowning incident at a protected beach in the City of North Wildwood in its 100+ years of existence."

D'Amato said his efforts to discover if there had been any drownings at the inlet beach since Smith's had been stonewalled by local authorities.

At a morning press conference in Egg Harbor Township, Smith's widow said she had been shocked to learn of the beach's dangerous reputation, which according to local law enforcement officials she spoke to, was well known by the local population.



“Why weren’t we - or others - warned before we went to North Wildwood on a family vacation for the first time?” she said. “Why did we have to read news accounts, quoting local authorities, talking about unsafe conditions all after Brad’s death.”

She said that while her husband was missing, police would come by the house on the marina where they were staying every day and tell them of others who had been saved from drowning in the same area.

“We don’t want this to happen to another family,” she said, “and we wish that someone that knew of this dangerous area would have done what was right so that we would have never lost Brad in the first place.”

Contact Sam Wood at 215-854-2796 or [samwood@phillynews.com](mailto:samwood@phillynews.com) (<mailto:samwood@phillynews.com>). Follow [@samwoodiii](https://twitter.com/samwoodiii)

(<http://twitter.com/samwoodiii>) on Twitter.

Contact the Breaking News Desk at 215-854-2443; [BreakingNewsDesk@philly.com](mailto:BreakingNewsDesk@philly.com) (<mailto:BreakingNewsDesk@philly.com>). Follow [@phillynews](https://twitter.com/phillynews)

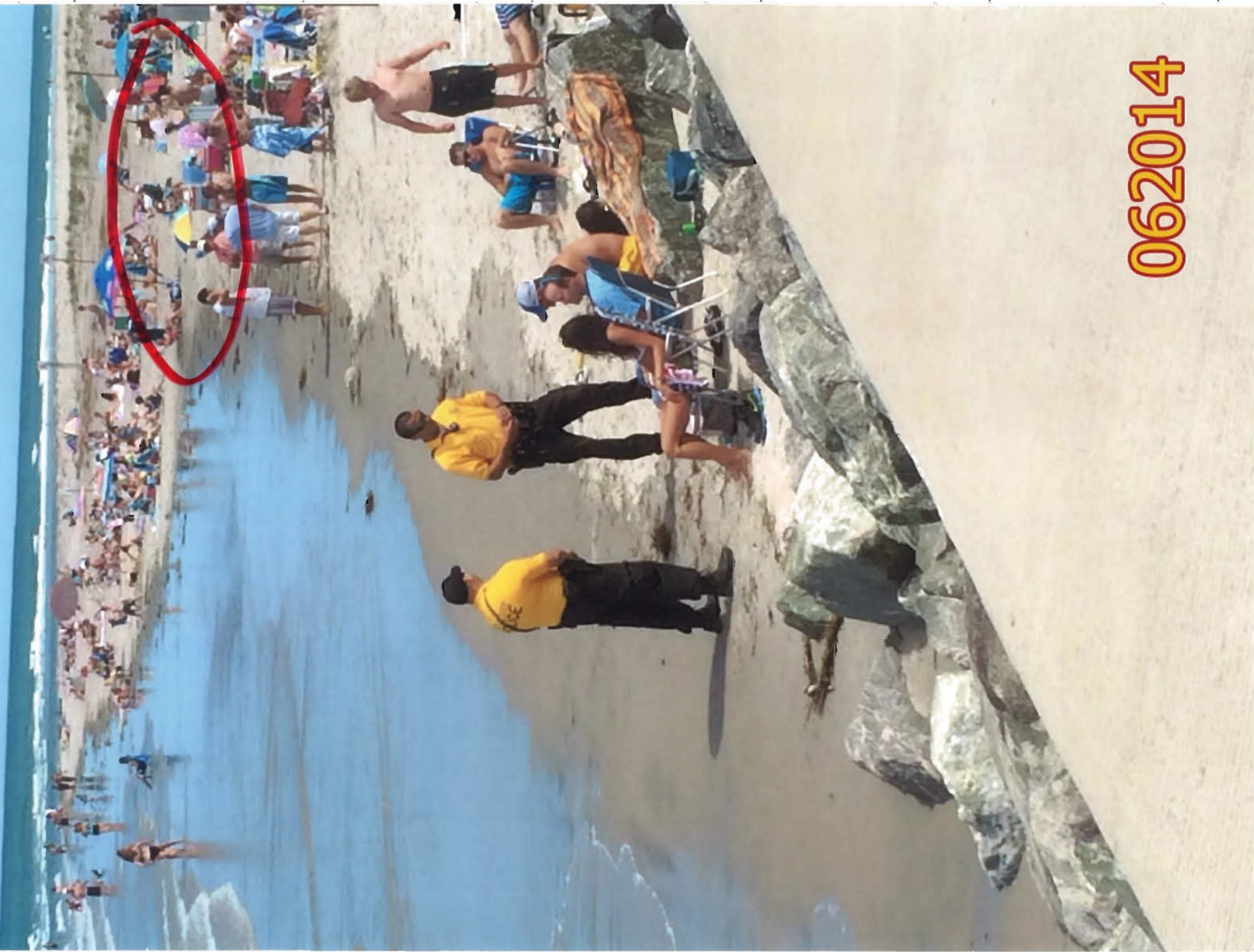
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**Published:** July 24, 2014 — 4:29 PM EDT

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PENGAM 800-631-9999  
EXHIBIT 30  
Sunderland-14  
3/22/16  
LR



062014



EXHIBIT 40  
Sunderland-15  
3/22/16 (LE)



062014





EXHIBIT 40  
Sunderland-16  
3/22/16 (L)

07/02/2013 15:15





EXHIBIT LD  
Sunderland-179  
3/22/16 (RD)  
PENGAD 800-831-6989

07/02/2013 15:15





PENGAD7600-631-6989  
EXHIBIT 20  
Sunderland-18  
3/22/16 ©

07/02/2013 15:14





EXHIBIT 40  
Synderland-19  
3/22/16 (LE)  
PEN040 000-601-6688

062014





PENGAD 800-631-6889  
EXHIBIT 01  
Sunderland-20  
3/22/16 (L)

062014



EXHIBIT 49  
Sunderland - 21  
3/22/16 (LE)



07/02/2013 15:14





PENGAD 007-001-0000 EXHIBIT 11  
Sunderlem-22  
3/22/16 (2)

081012

PENGAD-000-831-8888 EXHIBIT 20  
Sunderland-23  
3/22/16

HIGH-RISK  
RIP CURRENT  
AREA



01/28/2013 10:49



PENGAD 800-681-6888 EXHIBIT 40  
Sunderland at  
3/22/16 (LE)

**DANGER**  
**UNPROTECTED**  
**BEACH**

A circular sign with a red border and a diagonal red slash over a black silhouette of a person swimming. The sign is mounted on a metal post.

081012





PENGAD 800-831-6589  
EXHIBIT 20  
Sunderlang ds  
3/22/16 (ce)

081012



1

1 SUPERIOR COURT OF NEW JERSEY  
 2 LAW DIVISION - CAPE MAY COUNTY  
 3 DOCKET NO. CPM-L-331-14

4 SANDY SMITH, :  
 5 INDIVIDUALLY AND AS :  
 6 EXECUTRIX OF THE ESTATE : CIVIL ACTION  
 7 OF HER LATE HUSBAND :  
 8 GEORGE BRADLEY SMITH, : DEPOSITION  
 9 : TESTIMONY OF:  
 10 Plaintiff, : BRANDY SMITH  
 11 :  
 12 vs. :  
 13 :  
 14 CITY OF NORTH WILDWOOD, :  
 15 STATE OF NEW JERSEY, :  
 16 JOHN DOE, MARY DOE, ABC :  
 17 PARTNERSHIPS and XYZ :  
 18 CORPORATIONS, :  
 19 :  
 20 Defendants. :

21  
 22  
 23 TAKEN BEFORE: LYNN SMITH, a Certified Court  
 24 Reporter of the State of New Jersey, License No.  
 25 XI01520, at the D'Amato Law Firm, 2900 Fire Road,  
 Suite 200, Egg Harbor Township, New Jersey 08234, on  
 Tuesday, March 1, 2016, commencing at 10:05 a.m.

WORD FOR WORD REPORTING, LLC  
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 6 NORTH BROAD STREET, SUITE 202  
 WOODBURY, NEW JERSEY 08096  
 Ph. (856) 384-2770 Fax. (856) 384-2779

3

I N D E X

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9	<u>E X H I B I T S</u>	
10	<u>NUMBER</u>	<u>DESCRIPTION</u>
11		<u>ID.</u>
12	Brandy-1	Photograph 13
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16		(Exhibit attached)
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18		
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2

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

2 D'AMATO LAW FIRM  
 3 2900 Fire Road, Suite 200  
 4 Egg Harbor Township, New Jersey 08234  
 5 BY: PAUL R. D'AMATO, ESQUIRE  
 6 For the Plaintiffs

7 BARKER, GELFAND & JAMES  
 8 210 New Road  
 9 Linwood, New Jersey 08221  
 10 (609) 601-8677  
 11 BY: A. MICHAEL BARKER, ESQUIRE  
 12 For the Defendant, North Wildwood

13 STATE OF NEW JERSEY  
 14 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 15 DIVISION OF LAW  
 16 R.J. Hughes Justice Complex  
 17 25 Market Street  
 18 Trenton, New Jersey 08625  
 19 (609) 777-4872  
 20 BY: BRIAN HUNKINS, DAG  
 21 For the State of New Jersey

22 Also present: Sandra Smith

23 Videographer: Tom Zanaras

24  
 25

4

1 VIDEOGRAPHER: Today is March the 1st,  
 2 2016. This is the videotaped deposition of Brandy  
 3 Smith. We are going on the record, the time is 10:05  
 4 a.m. The appearance of counsel will be noted in the  
 5 transcript.

6 Would the court reporter please swear  
 7 in the witness.

8 B R A N D Y S M I T H,  
 9 having been first duly sworn, testified as follows:  
 10 EXAMINATION BY MR. BARKER:  
 11 Q. Hi, Brandy. I'm Mike Barker. I'm going to  
 12 be asking you some questions today. But before we  
 13 get started, I'm going to give you some guidelines  
 14 about how this proceeding will take place, this time  
 15 with you here, and me asking you questions.  
 16 One of the first things we keep in mind  
 17 is that when I ask you a question, and you're going  
 18 to answer it, we need you to do that verbally. We  
 19 need you, for instance, if it's a question that says,  
 20 Is it daylight today? You would answer yes or no.  
 21 You wouldn't just shake your head.

22 A. Okay.  
 23 Q. Understand?  
 24 A. Um-hum.  
 25 Q. The reason we do that is because this lady

1 sitting to your right is writing down everything  
2 that's being said, and, of course, if we just nod our  
3 head the way people do, that could be interpreted one  
4 of two ways. So, we don't want that to happen. So,  
we always ask for the answers to be verbal. That  
6 means spoken. All right?

7 **A. Um-hum. Okay.**

8 **Q.** Good. You're catching on right away.

9 **A. Yeah.**

10 **Q.** Now, you were given what's called an oath  
11 before we began today. That's where you raised your  
12 hand. Do you remember that just a moment ago?

13 **A. Yes.**

14 **Q.** Okay. That's very important. That means  
15 that everything you're going to say today must be the  
16 truth. You understand that?

17 **A. Yes.**

18 **Q.** Okay. So, I know you wouldn't intentionally  
19 tell me something that's not true. But here's the  
20 thing: Sometimes people, when the questions are  
21 being asked, they try to be helpful, and they search  
22 their memory, and they say things that maybe would  
23 just be a guess. Well, we can't do that. In this,  
24 that we do today, it's all about what you know. And  
25 when you don't know something, it's perfectly fine to

1 say, I don't know.

2 **A. Okay.**

3 **Q.** All right?

4 **A. Um-hum.**

5 **Q.** It's also perfectly fine to say, I don't  
6 remember. Those are perfectly good answers. We  
7 don't want you to guess, we don't want you to give us  
8 something out of a dream. We only want to know what  
9 you really know.

10 My objective here today is to get  
11 whatever facts you have about this event that  
12 occurred back in the year 2012.

13 Now, we're already up to 2016. So,  
14 that means it happened four years ago. So, that's a  
15 good long time ago. And you may not remember  
16 everything, and that's very understandable. And I  
17 may be asking some questions that call you on for  
18 areas of information that you -- that is, call on you  
19 to tell us about things that you never really even  
20 saw, or never really even heard. Because I don't  
21 know what you saw or what you heard, I'll be asking  
22 the question. And it's up to you to tell me, You  
23 know what, I don't know. I didn't see it, I don't  
24 know. I didn't see hear it, I don't know. So,  
25 that's okay. And then we just move on. Okay?

1 **A. Um-hum.**

2 **Q.** Now, Mr. D'Amato is here, and he represents  
3 your mom, family, and sometimes he might have an  
4 objection. If he does, or if any lawyer says the  
5 word objection, you just stop talking for a minute,  
6 and let the lawyers have a little discussion about  
7 whether you should or shouldn't answer the question.  
8 And then Mr. D'Amato will tell you, You can go ahead  
9 and answer it, I just wanted to put an objection on,  
10 or he may tell you, No, you can't answer it. All  
11 right?

12 **A. Okay.**

13 **Q.** But he'll be the one that speaks about that,  
14 if there's an objection, and you're looking to know,  
15 Well, what do I do now, he objected? Oh, my God.  
16 So, what do I do? Well, you wait. Just wait a  
17 minute, and then it will get straight. Okay?

18 **A. Okay.**

19 **Q.** Now, we may be a little while. So, if at any  
20 time you need to take a break for any reason,  
21 whatsoever, just say, I need to take a break, and we  
22 will. All right?

23 **A. Okay.**

24 **Q.** Okay. Now, since it happened four years ago,  
25 it was in July of 2012, that's the month and year

1 that we're going to be talking about today. And the  
2 day was July 27, 2012. That was the date on the  
3 calendar.

4 Do you understand that?

5 **A. Um-hum.**

6 **Q.** All right. Good. Now, at that time, you  
7 were how old?

8 **A. I -- wasn't I -- I think seven.**

9 **Q.** I think you were seven.

10 **A. Yeah.**

11 **Q.** Right? And what's your birthday, Brandy?

12 **A. September 20th, 2004.**

13 **Q.** And I'm going to ask you a question that  
14 might be hard. Do you know how tall you were on July  
15 27, 2012, four years ago?

16 **A. I'm not sure. I don't think I know.**

17 **Q.** Right. And do you know how much you might  
18 have weighed when you were seven years old?

19 **A. No, I don't know.**

20 **Q.** No. Okay. Do you see a doctor called a  
21 pediatrician, a doctor for children? Do you see that  
22 kind of doctor?

23 THE WITNESS: Do I?

24 **A. Yes.**

25 **Q.** Yes. Do you know that doctor's name?

1 **A. I don't know.**  
 2 **Q.** Do you know whether you go to that kind of  
 3 doctor once a year, or more?  
 4 **A. Yeah, I think so.**  
 5 **Q.** All right. And where is the doctor located;  
 6 do you know?  
 7 **A. Uht-uh. No.**  
 8 **Q.** You don't know. Okay.  
 9 Now, I'm going to try to ask you some  
 10 questions about that summer, first of all. I don't  
 11 know, so you tell me. Were you staying at the shore  
 12 that summer?  
 13 **A. Yes.**  
 14 **Q.** Okay. Had you done that in summers before  
 15 that summer?  
 16 **A. No.**  
 17 **Q.** That was the first summer that you were  
 18 spending the summer there?  
 19 **A. Yes.**  
 20 **Q.** Okay. And do you know where you stayed when  
 21 you stayed there at the shore that summer?  
 22 **A. Where I stayed?**  
 23 **Q.** Yes.  
 24 **A. Can --**  
 25 **Q.** The house, the street.

1 **A. No, I don't remember that.**  
 2 **Q.** Okay. And you came with your parents to the  
 3 shore for the summer?  
 4 **A. Yeah. And some other family friends.**  
 5 **Q.** Okay. That -- that July of 2012, were you  
 6 there for the whole month?  
 7 **A. I don't think so. I think -- I think we were**  
 8 **only there for a couple, like, days, or maybe a week.**  
 9 **Q.** Before this happened?  
 10 **A. Oh, before it happened? I think it was a**  
 11 **couple days into it. But I'm not sure.**  
 12 **Q.** Okay. Now, before this happened, on that  
 13 day, about what time did you get to the beach?  
 14 **A. I don't know.**  
 15 **Q.** Were you there in the morning?  
 16 **A. I -- I don't -- I don't really know what --**  
 17 **like, if it was in the morning or the afternoon.**  
 18 **Q.** Do you know if it was before lunch or after  
 19 lunch that you first came to the beach that day?  
 20 **A. I think after lunch. Maybe -- yeah, that's**  
 21 **what I'm guessing. But I'm not sure either.**  
 22 **Q.** Do you remember going down to the beach that  
 23 day, when you first got there that day, going to the  
 24 beach, do you remember who you went with?  
 25 **A. No.**

1 **Q.** Well, would I be correct in saying that you  
 2 went to the beach with your mom that day?  
 3 **A. Well, yeah. I went with my -- I think I went**  
 4 **with my mom and her friend. That's what I think.**  
 5 **Because my friend was there, too. So, that's all**  
 6 **that I remember much, like, who being there.**  
 7 **Q.** All right. Who was your mom's friend?  
 8 **A. Andrea Sunderland.**  
 9 **Q.** She's a grownup?  
 10 **A. Yes.**  
 11 **Q.** And she had some children with her that day?  
 12 **A. Yes.**  
 13 **Q.** And her husband, too?  
 14 **A. Um-hum. Yes.**  
 15 **Q.** And you were with your mom?  
 16 **A. Yes.**  
 17 **Q.** And your dad?  
 18 **A. Yes.**  
 19 **Q.** And your brother?  
 20 **A. Yes.**  
 21 **Q.** And anybody else?  
 22 **A. No.**  
 23 **Q.** All right. Did you all go to the beach  
 24 together when you first got to the beach on that day?  
 25 Were you all arriving at the same time and place?

1 **A. Yes.**  
 2 **Q.** Do you remember where you set up on the  
 3 beach? That is, was there a place where you put down  
 4 chairs and towels and that type of thing?  
 5 **A. Yeah, there was -- it was close to, like,**  
 6 **these little -- little, pool thing. Like, they were**  
 7 **-- there was sand, and, like, there was little water**  
 8 **in it. And then, like, not really big, but it was**  
 9 **just little. It was near that.**  
 10 **Q.** Well, I'm going to show you a picture. And  
 11 you tell me if this picture helps you tell me where  
 12 you and your family and friends went and set up on  
 13 the beach.  
 14 **A. Okay.**  
 15 **Q.** Can you do that?  
 16 **A. Yes.**  
 17 **Q.** All right. I'm going to ask that the court  
 18 reporter put a mark on this first. We're going to  
 19 call it Brandy-1. All right? With today's date.  
 20 **A. Okay.**  
 21 SANDRA SMITH: I don't know if she  
 22 understands what you're asking her, though. She's  
 23 talking about where they went.  
 24 MR. BARKER: Well, we'll find out.  
 25 SANDRA SMITH: Okay.

1 MR. BARKER: Thank you.  
 2 (Photograph, received and marked for  
 3 identification as Exhibit Brandy-1.)  
 4 Q. Now, Mr. D'Amato was good enough to give us  
 5 this picture. It's got a date on it that says March  
 6 14, 2012. And it's taken by a satellite, and it's  
 7 looking down. And that's the date that the satellite  
 8 took the picture. So, it doesn't begin to -- it  
 9 doesn't pretend to say that this is what it looked  
 10 like that day, when you went to the beach in the  
 11 summer. All right? But it's just generally  
 12 something that might help us get an idea as to where  
 13 you were when you're telling me about things that  
 14 happened.  
 15 A. Okay.  
 16 Q. Now, the first question I was asking you was  
 17 where did you go and put your things with your family  
 18 and friends. And if this helps you remember where  
 19 everything was put down, that's towels, or a cooler,  
 20 or a chair, whatever, then, you know, you can mark it  
 21 on there. And we have different colors, and you can  
 22 pick any color you want, put an X where it was. If  
 23 it helps you. I'm not trying to say it will help  
 24 you. I don't know. All right?  
 25 A. Okay.

1 Q. And here's one more thing. Because your mom  
 2 said something a minute ago that she didn't think you  
 3 understood the question that I was asking. And I  
 4 want to say to you, if you don't understand me, I --  
 5 I will ask it a different way. It's -- lawyers ask  
 6 questions sometimes, and they don't do a good job of  
 7 asking the question. So, don't feel like you should  
 8 be shy about telling me you don't understand the  
 9 question. Okay?  
 10 A. Okay.  
 11 Q. Okay. Why don't you take a minute and look  
 12 at this picture. And here's some colors, if we need  
 13 them. And I'm going to cut this off.  
 14 MR. D'AMATO: Did you ask her to mark  
 15 something?  
 16 MR. BARKER: Not yet.  
 17 MR. D'AMATO: Yeah.  
 18 Q. So, Brandy, that's okay. Do you think now  
 19 that you've looked at that picture, you would be able  
 20 to put a dot or a circle at the place where you and  
 21 the family had set up when you first got to the beach  
 22 that day?  
 23 A. Yes.  
 24 Q. Okay. Why don't you put a circle where that  
 25 is, then.

1 A. (Witness complies.)  
 2 Q. Okay. A little red circle. Right?  
 3 A. (Witness nods.)  
 4 Q. Okay. Now, we understand that, at some  
 5 point, you went with your dad for a walk along the  
 6 beach. Right?  
 7 A. Yes.  
 8 Q. Okay. Did that happen once, or more than  
 9 once that day?  
 10 A. Taking a walk?  
 11 Q. Yes.  
 12 A. No. Only once.  
 13 Q. One time?  
 14 A. (Witness nods.)  
 15 Q. And this day that you went to the beach with  
 16 your family and friends, had you ever been to that  
 17 beach before?  
 18 A. No.  
 19 Q. So, on this particular trip to the beach,  
 20 this summer, this was your first day at the beach?  
 21 A. Yes.  
 22 Q. And before this visit on this beach on the  
 23 date -- are you okay?  
 24 A. Yeah.  
 25 Q. Yeah. Before your visit to this beach on

1 this particular day, had you ever been to this beach  
 2 at any time before?  
 3 A. I don't think so.  
 4 Q. Okay. Now, before you went for your walk  
 5 with your dad that day, and whoever else you might  
 6 have been walking with, how long had you been at the  
 7 beach?  
 8 A. I don't remember.  
 9 Q. Okay. Were you playing with your friends  
 10 before?  
 11 A. Yes.  
 12 Q. What were you and your friends doing before?  
 13 A. We were in the little kind of tinier area,  
 14 with the, like, water in the sand, and we were in  
 15 that. And we were boogie boarding.  
 16 Q. Boogie boarding?  
 17 A. Like, on your stomach, and on the --  
 18 Q. Oh, we call that body surfing. Right?  
 19 A. Yeah.  
 20 Q. Okay. You were doing that. And you and your  
 21 friends had been doing that for awhile before the  
 22 time came to go for a walk?  
 23 A. Yes.  
 24 Q. Okay. And who were your friends?  
 25 A. Well, yeah, my friend Ally Sunderland, and

1 **Aidan Sunderland.**

2 **Q.** Now, you had a brother or sister with you  
3 that day. Who was that?

4 **A. Kole, Kole Smith, my brother.**

5 **Q.** He's your brother. Right?

6 **A. Yes.**

7 **Q.** Did he play in the water with you, Ally, and  
8 Aidan?

9 **A. No. He was playing with their older brother,**

10 **Jett Sunderland.**

11 **Q.** Jeff?

12 **A. Jett Sunderland.**

13 **Q.** Jett. Okay.

14 So, Kole and Jett were playing  
15 together?

16 **A. Yes.**

17 **Q.** And you, Ally, and Aidan were playing  
18 together. Right?

19 **A. Yes.**

20 **Q.** Okay. And you had been at the beach for some  
21 time, but you can't say how long?

22 **A. Yes.**

23 **Q.** And then who came up with the idea, let's  
24 take a walk?

25 **A. My dad and Scott Sunderland.**

1 **Q.** Okay. And who was going to go on the walk?

2 **A. Aidan Sunderland, Ally Sunderland, and my**  
3 **dad, Scott, and me.**

4 **Q.** Which way were you going to walk? Strike  
5 that. That means wait a minute, I want to ask it  
6 again.

7 Which way did you walk? Do you  
8 remember which direction you were going? Let me tell  
9 you, if you look at that picture, towards the top of  
10 the picture, we call that going north. And to the  
11 bottom of the picture, we call that going south.

12 **A. We were going north.**

13 **Q.** North. And did you walk to a place, and then  
14 start to turn around and come back?

15 **A. No. We were just -- we were still walking.**

16 **Q.** North?

17 **A. Yes.**

18 **Q.** When this happened?

19 **A. Yeah.**

20 **Q.** Okay. How far had you gone before it  
happened? And you might say that in terms of  
21 distance, or time. You might say, for instance, oh,  
22 a football field. Or you might say, five or ten  
23 minutes. Whatever number. So, I don't know if you  
24 can answer the question. But I was just asking.  
25

1 **A. Maybe five or ten minutes.**

2 **Q.** Okay. Was there anything along the way that  
3 you noticed as you walked north? Anything that you  
4 remember, like a landmark?

5 **A. No, I don't remember anything.**

6 **Q.** Okay. As you and the others in this little  
7 group were walking north, who was closest to the  
8 shore, who was more -- if I say inland, do you know  
9 what I mean?

10 **A. Like, closer to the sand, like, closer to the**  
11 **beach, or closer to the ocean?**

12 **Q.** Right. One would be closer to, like, if  
13 you're looking at the photograph, where the houses  
14 are, and one would be closer to the ocean.

15 **A. Um-hum.**

16 **Q.** So, who was closer to the part where the  
17 houses are?

18 **A. The kids. Like, me, Ally, and Aidan, were**  
19 **closer to the houses, over on this side. And then**  
20 **the -- my dad and Scott were closer to the water. We**  
21 **were all, like, near the water, but closer -- we were**  
22 **closer to the houses.**

23 **Q.** Um-hum.

24 **A. Well, not, like, close to the houses. Just,**  
25 **like, right here. And then -- on -- like, right**

1 **here, and then right here, on those two.**

2 **Q.** You're pointing to, like, where the sand  
3 meets the water?

4 **A. Yeah.**

5 **Q.** Okay. So, everybody's walking in an area  
6 where the sand meets the water; is that it?

7 **A. Yes.**

8 **Q.** Okay. And the children were closer to the  
9 part where the sand is, and the grown-ups were closer  
10 to the part where the water is?

11 **A. Yes.**

12 **Q.** Okay. And were you with your dad, like,  
13 right next to your dad, or --

14 **A. Yeah.**

15 **Q.** Or --

16 **A. Yes. I think I was -- yeah, I think I was**  
17 **close to him. And then they were in front of us,**  
18 **just a little bit, like, close to us, but just, like,**  
19 **in front of us.**

20 **Q.** Who's "they"?

21 **A. Aidan, Ally, and Scott.**

22 **Q.** So, they were a little bit in front of you?

23 **A. (Witness nods.)**

24 **Q.** And you were next to your dad, and you were  
25 on the side closest to the houses?

1 **A. Yes.**  
 2 **Q.** And your dad was on the side closest to the  
 3 ocean?  
 4 **A. Yes.**  
 5 **Q.** And were you and your dad at -- walking in  
 6 the water?  
 7 **A. Yes. Like, we -- it was only, like, to our**  
 8 **ankles, at first, yeah. It was, like, we were still,**  
 9 **like, right here, close to the sand, so you could --**  
 10 **you had your feet on sand for while you were walking.**  
 11 **Q.** Um-hum. And there came a time when you and  
 12 your dad somehow went into the water. Right?  
 13 **A. Yeah.**  
 14 **Q.** How did that happen?  
 15 **A. I can't remember much, but, like -- how it**  
 16 **happened, I -- my eyes were closed, and I didn't know**  
 17 **-- like, I couldn't see anything much. And -- and it**  
 18 **just happened. And then we ended up somewhere in the**  
 19 **ocean.**  
 20 **Q.** Do you need to take a break? We're going to  
 21 take a break. Okay?  
 22 **A. Okay.**  
 23 **MR. BARKER:** Why don't we go off the  
 24 record and take a little break.  
 25 **VIDEOGRAPHER:** Okay. Going off the

1 record. The time is 10:27.  
 2 (There was a brief recess.)  
 3 **VIDEOGRAPHER:** We're back on the  
 4 record. The time is 10:33.  
 5 **BY MR. BARKER:**  
 6 **Q.** Before, when we were talking about how you  
 7 fell into the water, you had told me that you were  
 8 near your dad, and you were walking along the beach.  
 9 Right?  
 10 **A. Yes.**  
 11 **Q.** I got all that right. Right?  
 12 And you recall walking where the water  
 13 was, like, around your ankles. Right?  
 14 **A. Right.**  
 15 **Q.** And the same for your dad. Right?  
 16 **A. Right.**  
 17 **Q.** But then when you fell into the water, you  
 18 fell into water that was deeper than ankle depth.  
 19 Right?  
 20 **A. Yes.**  
 21 **Q.** Okay. So, before you fell into the water,  
 22 had you and your dad walked more towards the ocean  
 23 side, like, where it got up to your knees, or --  
 24 **A. No.**  
 25 **Q.** -- higher than the ankles?

1 **A. No.**  
 2 **Q.** It was always just at your ankles, that's all  
 3 you remember?  
 4 **A. Yeah.**  
 5 **Q.** Did you, before you fell into the water, feel  
 6 like you had stepped into a hole, or a what -- like,  
 7 a dip, something lower? Did you ever feel that?  
 8 **A. I don't remember.**  
 9 **Q.** Okay. After you fell into the water, were  
 10 you near your dad?  
 11 **A. Yes.**  
 12 **Q.** All right. So, you and your dad were in the  
 13 water, and it was deep enough that you felt like you  
 14 were, like, in a pool of water?  
 15 **A. Yes.**  
 16 **Q.** Okay. Could you feel the bottom?  
 17 **A. No.**  
 18 **Q.** All right. And were you close enough to hang  
 19 on to your dad?  
 20 **A. No.**  
 21 **Q.** But then did there come a point in time when  
 22 you and your dad got closer together?  
 23 **A. Yes.**  
 24 **Q.** Okay. Did you ever talk to anybody else,  
 25 like Ally or Aidan, about whether they went into the

1 water, and what happened to them?  
 2 **A. No. But I did talk to my mom before about**  
 3 **it, and she said that Scott told her that he did fall**  
 4 **into the water, but he grabbed onto the -- like, he**  
 5 **held there, and Ally was on his back. Aidan got out.**  
 6 **And then they got out. But we were -- but we were**  
 7 **still in there.**  
 8 **Q.** You and your dad?  
 9 **A. Yes.**  
 10 **Q.** Okay. Did you ever talk to anybody else  
 11 about what happened?  
 12 **A. No.**  
 13 **Q.** Okay. Before coming here today and talking  
 14 to me, and the other people that are here today about  
 15 what happened, did you ever tell anybody else what  
 16 happened?  
 17 **A. Yes.**  
 18 **Q.** Who was that?  
 19 **A. Her name -- she -- like, her name was Dr.**  
 20 **Debbie, I think.**  
 21 **Q.** Dr. Debbie? Where is she from?  
 22 **A. She's -- she -- I don't remember -- I don't**  
 23 **know where she's from, but she's close to Horsham, in**  
 24 **Pennsylvania where I live. I'm not sure where it**  
 25 **was.**



- 1 Q. Do you remember what you told her?
- 2 A. **I told her, like, how I felt, like, what**
- 3 **happened, too. And what my dad was telling me when**
- 4 **we were in there.**
- 5 Q. What I was going to ask you, though, is did
- 6 you tell her how it happened?
- 7 A. **I don't remember how it happened, so I didn't**
- 8 **tell her, because I don't remember.**
- 9 Q. Okay. So, you're telling me now that you
- 10 don't remember how it happened?
- 11 A. **Yeah. It was all just a -- like, a blur when**
- 12 **it happened. But then, like, out of nowhere, I just**
- 13 **ended up in the ocean.**
- 14 Q. Okay. I understand. Now, this Dr. Debbie,
- 15 did you see her a long time ago, or just recently?
- 16 A. **Last year. But now we stopped going to her.**
- 17 Q. Okay. Do you go to anybody else like her?
- 18 A. **No. Not anymore.**
- 19 Q. Okay. Did you -- because you fell in the
- 20 water, I know that you -- I know, because I saw it
- 21 written down, that you swallowed some water. Right?
- 22 A. **Yes.**
- 23 Q. Yeah. Did that make you sick?
- 24 A. **No, not right away. But then -- yeah, not**
- 25 **right away.**

- 1 Q. Okay. Well, after you were in the water, do
- 2 you remember how you got out of the water?
- 3 A. **Yes. A Jet Ski guy, he came and he got me.**
- 4 **And then they were looking for my dad.**
- 5 Q. Two Jet Ski guys were looking?
- 6 A. **Yes.**
- 7 Q. Right. But one, in particular, got you out
- 8 of the water. Right?
- 9 A. **Yes.**
- 10 Q. Okay. And did you get hurt when you fell in
- 11 the water?
- 12 A. **No.**
- 13 Q. Okay. Other than the fact that you had
- 14 gotten some water in your mouth, and maybe swallowed
- 15 some water, did you have any other kind of injury
- 16 that happened?
- 17 A. **No, not that I remember.**
- 18 Q. Not that you what, sorry?
- 19 A. **Remember.**
- 20 Q. Okay. Did you go to the hospital and get
- checked out?
- 21 A. **Yes.**
- 22 Q. And did you just get checked out, and you
- 23 were okay, and then left?
- 24 A. **Yes.**
- 25

- 1 Q. Okay. Did you ever see any kind of doctor
- 2 after that, other than this Dr. Debbie?
- 3 A. **No.**
- 4 MR. BARKER: Okay. I'm going to take a
- 5 break for a minute, please.
- 6 VIDEOGRAPHER: Okay. Going off the
- 7 record, 10:40.
- 8 (There was a brief recess.)
- 9 VIDEOGRAPHER: We're back on the
- 10 record, 10:46.
- 11 BY MR. BARKER:
- 12 Q. So, as you were telling me about walking
- 13 north on the beach, with this little group, and you
- 14 were near your dad --
- 15 A. **(Witness nods.)**
- 16 Q. -- were you looking down at the ground at any
- 17 time? I call it ground, but it's the sand.
- 18 Did you look down at that at any point?
- 19 A. **I don't think so.**
- 20 Q. Okay. Now, just before you fell in the
- 21 water, you said something to me along the line of, we
- 22 were looking, and then I just -- we were in the
- 23 water. Something like that.
- 24 So, I wanted to ask you, when you
- 25 started to tell me, we were looking, where were you

- 1 looking before -- just before this happened, that you
- 2 fell in the water, where were you looking? What were
- 3 you seeing?
- 4 A. **I think we were -- we were mostly looking at**
- 5 **each other, mostly, and then the ocean sometimes, and**
- 6 **I think over near the houses.**
- 7 Q. Um-hum. And just before you fell in the
- 8 water, I'm going to test your memory on this one,
- 9 just before you fell in the water, do you remember
- 10 what you were looking at?
- 11 A. **No. I -- it was just all, like, ocean, the**
- 12 **whole time. Like, I think my -- my eyes were closed,**
- 13 **and I couldn't see anything.**
- 14 Q. When you were walking?
- 15 A. **Oh, when we were walking, what were we**
- 16 **looking at?**
- 17 Q. Yes.
- 18 A. **I don't remember.**
- 19 Q. All right. You just generally remember that
- 20 as you were walking, before this happened, you were
- 21 looking at each other, looking at the houses, looking
- 22 at the ocean?
- 23 A. **Yes.**
- 24 Q. Do I have it right?
- 25 A. **Yes.**

1 Q. Okay. And just before you fell in the water,  
2 was there any reason that you were looking down at  
3 where you were going?

4 A. No. I don't think so.

5 Q. And just before you fell in the water, did  
6 you hear anybody say anything?

7 A. No.

8 MR. BARKER: And that's all I have for  
9 right now. Someone else might have some questions.

10 THE WITNESS: Okay.

11 MR. HUNKINS: No questions. Thanks.

12 MR. D'AMATO: Brandy, I have some  
13 questions.

14 THE WITNESS: Okay.

15 EXAMINATION BY MR. D'AMATO:

16 Q. And I -- I spoke to mom, and she told me it  
17 was okay to ask you these questions. Okay?

18 A. Okay.

19 Q. All right. After you fell into the water,  
20 okay, do you remember seeing your dad at any time,  
21 after you fell into the water?

22 A. Yes.

23 Q. And do you -- and where was he? How far was  
24 he from you?

25 A. He was pretty close. Just, like, a little

1 bit far away from me, not that far.

2 Q. Okay. Was he saying anything to you?

3 A. Yes. He was saying my name a lot. And then  
4 I don't remember much about -- all I remember was him  
5 saying my name.

6 Q. Okay. And you remember the fellow on the Jet  
7 Ski picking you up?

8 A. Yes.

9 Q. All right. When the fellow on the Jet Ski  
10 picked you up, where was your daddy at that point in  
11 time?

12 A. I didn't see him anymore. I don't know -- I  
13 didn't know where he was.

14 Q. All right. When you last saw daddy, what was  
15 he doing?

16 A. Laying on his back.

17 Q. Okay. Do you see how long this conference  
18 room is here?

19 A. Yes.

20 Q. Was he as far away from you as the length of  
this room, or more, or closer?

21 A. Closer.

22 Q. Okay. And what's the very last words you  
23 remember hearing daddy say?

24 A. Brandy.

1 Q. Okay.

2 MR. D'AMATO: I have nothing else.

3 MR. BARKER: Can I talk to you for a  
4 minute before we --

5 MR. D'AMATO: Yeah.

6 VIDEOGRAPHER: Going off the record,  
7 10:51.

8 (There was a brief recess.)

9 VIDEOGRAPHER: We're back on the  
10 record. The time is 11:03.

11 EXAMINATION BY MR. BARKER:

12 Q. Brandy, during the break, Mr. D'Amato gave me  
13 a paper that was written by Dr. Debbie. And I'm  
14 going to ask you some questions to just make sure  
15 that I have it right about some things that happened,  
16 and when they happened.

17 Remember we said that the date of this  
18 event was July 27, 2012. Remember that?

19 A. Yes.

20 Q. Okay. And Dr. Debbie says that the first  
21 time she saw you was two years after that,  
22 approximately. Does that sound right to you?

23 A. Yes.

24 Q. And Dr. Debbie says that from the time of the  
25 accident up and time -- up until the time that you

1 first saw her, you had not spoken to anyone about  
2 what you saw and experienced on the date that you and  
3 your dad fell in the water. Is that true?

4 A. Yes.

5 Q. So, the first person you spoke to about your  
6 memories of this was when you spoke to Dr. Debbie  
7 about it two years after it happened. Is that true?

8 A. Yes.

9 Q. And after you had this experience on the date  
10 of July 27, 2012, which was in the summer, did you go  
11 back to school that year?

12 A. Yes.

13 Q. Okay. So, you would have been still seven,  
14 but almost eight when you went back to school.  
15 Right?

16 A. Yes.

17 Q. And what grade did you go into?

18 A. I think second. I think -- I was going in --  
19 I was either in third grade, and then I was turning  
20 eight -- oh, wait, no. I think I was in second.  
21 Yeah.

22 Q. But when you went to school after this event  
23 at the beach, what grade did you go to?

24 A. Second.

25 Q. Second grade. Okay. And when you went to

- 1 second grade, did you finish second grade okay?  
 2 **A. Yes.**  
 3 **Q.** Did you do okay with the school courses?  
 4 **A. Yes.**  
 5 **Q.** Did you play at recess?  
 6 **A. Yes.**  
 7 **Q.** Did you do the things that the other children  
 8 do in second grade?  
 9 **A. Yes.**  
 10 **Q.** Okay. And in third grade, did you do okay in  
 11 school in third grade?  
 12 **A. Yes.**  
 13 **Q.** Okay. And did you do the things that the  
 14 other children do in school?  
 15 **A. Yes.**  
 16 **Q.** And did you play at recess?  
 17 **A. Yes.**  
 18 **Q.** Okay. What grade are you in now?  
 19 **A. Fifth.**  
 20 **Q.** Okay. So, in fourth grade, did you go to  
 21 fourth grade without any problems, moved up okay?  
 22 **A. Yes.**  
 23 **Q.** And when you went into fourth grade, did you  
 24 do okay with your school subjects?  
 25 **A. Yes.**

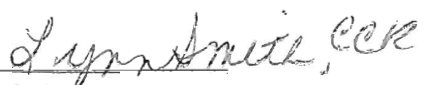
- 1 **Q.** And did you do okay with your friends?  
 2 **A. Yes.**  
 3 **Q.** And did you play at recess?  
 4 **A. Yes.**  
 5 **Q.** And you did all the things that the other  
 6 children do?  
 7 **A. Yes.**  
 8 **Q.** Okay. That was fourth grade.  
 9 Now, you're in fifth grade?  
 10 **A. Yes.**  
 11 **Q.** How are you doing in school?  
 12 **A. Good.**  
 13 **Q.** Okay. You have friends?  
 14 **A. Yes.**  
 15 **Q.** Okay. Do you do well in your school courses?  
 16 **A. Yes.**  
 17 **Q.** Okay. And did you do well in your school  
 18 courses in those other years, like, second, third,  
 19 and fourth grade?  
 20 **A. Yes.**  
 21 **Q.** So, are you a pretty good student?  
 22 **A. Yes.**  
 23 **Q.** Oh, that's nice. That's good.  
 24 Do you play any sports?  
 25 **A. Yes. Gymnastics, basketball, and dance.**

- 1 **Q.** That's a lot.  
 2 **A. Yeah.**  
 3 **Q.** Have you done that every year?  
 4 **A. Yes.**  
 5 **Q.** So, you did it in the second grade?  
 6 **A. Not gymnastics. But dance, and I think**  
 7 **basketball, too.**  
 8 **Q.** Um-hum. What about in third grade, what did  
 9 you do?  
 10 **A. I did dance and basketball.**  
 11 **Q.** And what did you do in the fourth grade?  
 12 **A. Dance and basketball.**  
 13 **Q.** And now, you're doing three things?  
 14 **A. Yes.**  
 15 **Q.** Dance, basketball, and what was --  
 16 **A. Gymnastics.**  
 17 **Q.** Gymnastics. That's kind of hard; isn't it?  
 18 **A. It's pretty easy now.**  
 19 **Q.** Is it?  
 20 **A. Yeah.**  
 21 **Q.** Is it scary?  
 22 **A. Sometimes.**  
 23 **Q.** I would think it's scary. Okay. How long  
 24 have you done that?  
 25 **A. I just started gymnastics in the beginning of**

- 1 -- well, yeah, the beginning of 2016, and, like, near  
 2 the end of 2015. And dance, I've been doing, like,  
 3 for a lot of years. And basketball, I've -- I did  
 4 that for, like, three years.  
 5 **Q.** I -- I don't know, but it seems to me you  
 6 might be on the tall side.  
 7 **A. Yes, I am.**  
 8 **Q.** Is that true?  
 9 **A. Yes.**  
 10 **Q.** Oh, that's an advantage.  
 11 What about this: Before this fall,  
 12 before this accident happened in July of 2012, you  
 13 would have been in the first grade. Right?  
 14 **A. Yes.**  
 15 **Q.** What did you do in the first grade?  
 16 **A. I don't think I did much activities at**  
 17 **school. But, like, at school, I did regular stuff.**  
 18 **But I don't think I did after school activities much.**  
 19 **I think I might have been doing dance at the**  
 20 **Y.M.C.A., and, like, going to there, and doing camps,**  
 21 **and just doing dance there.**  
 22 **Q.** How did you do in school in the first grade?  
 23 **A. I did good.**  
 24 **Q.** You did good?  
 25 **A. Yeah.**

1 Q. You've always done good in school?  
 2 A. Yes.  
 3 Q. And you still are doing good?  
 4 A. Yes.  
 5 Q. Very nice. Do you remember when you spoke to  
 6 Dr. Debbie, if she would write things down when you  
 7 spoke to her?  
 8 A. Yes. **She did write things down.**  
 9 Q. Did Dr. Debbie do anything for you, other  
 10 than talk to you, and listen to you?  
 11 A. No.  
 12 Q. Did Dr. Debbie help you in any way? Did she  
 13 do anything that helped you?  
 14 A. Yes. **She helped me get over, like, worrying,**  
 15 **like, of everything, and feel better about myself.**  
 16 Q. And is that why you stopped going to see her,  
 17 because she had made you feel better?  
 18 A. Yeah.  
 19 Q. All right. How far did you have to go to see  
 20 Dr. Debbie at --  
 21 A. **She's pretty -- she was pretty close to us.**  
 22 **We just had -- it was only, like, five minutes to get**  
 23 **there after school.**  
 24 Q. Okay. So, now that you don't see Dr. Debbie,  
 25 you have more time for your after school activities?

1 A. Yes.  
 2 Q. Okay. Do you think now that you have any  
 3 reason to go back and see Dr. Debbie again?  
 4 A. **No, not really. Because I'm -- I don't worry**  
 5 **anymore, and I'm way better than I was before.**  
 6 MR. BARKER: Thank you.  
 7 MR. D'AMATO: I have no follow-up  
 8 questions.  
 9 MR. HUNKINS: I have no questions.  
 10 Thanks.  
 11 MR. BARKER: That's all for today.  
 12 VIDEOGRAPHER: This concludes the  
 13 videotaped deposition. Off the record. The time is  
 14 11:12.  
 15 (Deposition concludes at 11:12 a.m.)  
 16  
 17  
 18  
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 25

1  
 2 CERTIFICATE  
 3  
 4 I, LYNN SMITH, a Certified Court Reporter of the  
 5 State of New Jersey, do hereby certify that prior to  
 6 the commencement of the examination, BRANDY SMITH was  
 7 duly sworn by me to testify the truth, the whole  
 8 truth and nothing but the truth.  
 9  
 10 I DO FURTHER CERTIFY that I am neither a relative nor  
 11 employee nor attorney nor counsel of any of the  
 12 parties to this action, and that I am neither a  
 13 relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
 16  
 17  
 18  
 19   
 20 \_\_\_\_\_  
 21 Certified Court Reporter  
 22 License No. XIO1520  
 23  
 24  
 25

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CAPE MAY COUNTY  
DOCKET NO. CPM-L-331-14

SANDY SMITH, :  
INDIVIDUALLY AND AS :  
EXECUTRIX OF THE ESTATE : CIVIL ACTION  
OF HER LATE HUSBAND :  
GEORGE BRADLEY SMITH, : DEPOSITION  
: TESTIMONY OF:  
Plaintiff, : JOSEPH ANTHONY  
: CAVALIER

vs. :

CITY OF NORTH WILDWOOD, :  
STATE OF NEW JERSEY, :  
JOHN DOE, MARY DOE, ABC :  
PARTNERSHIPS and XYZ :  
CORPORATIONS, :

Defendants. :

TAKEN BEFORE: LYNN SMITH, a Certified Court  
Reporter of the State of New Jersey, License No.  
XIO1520, at the North Wildwood Community Center, 900  
Central Avenue, North Wildwood, New Jersey 08260, on  
Tuesday, February 9, 2016, commencing at 1:10 p.m.

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WORD FOR WORD REPORTING, LLC

A P P E A R A N C E S

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DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
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(609) 777-4872  
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For the State of New Jersey  
(Via telephone)

Also present: Lou DiJoseph  
Patrick Rosenello

Videographer: Robert Wynn

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E X H I B I T S

2	<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>
3	18	Photograph	67
4	19	Photograph	69
5	20	Photograph	71
6	21	Photograph	73
7	22	Photograph	74
8	23	Photograph	76
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11	26	Photograph	77
12	27	Photograph	78
13	28 (Not used)		
14	29	Photograph	82
15	30	Photograph	84
16	31	Photograph	85
17	32	North Wildwood Beach Patrol 93 Daily Report	
18	33	NWBP Daily Report	94
19	34	NWBP Daily Report	94
20	35	NWBP Daily Report	95
21	36	NWBP Daily Report	95
22	37	NWBP Daily Report	96
23	38	NWBP Daily Report	97
24	39	NWBP Daily Report	98
25	40	NWBP Daily Report	99

WORD FOR WORD REPORTING, LLC



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EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>
41	NWBP Daily Report	100
42	NWBP Daily Report	101
43	NWBP Daily Report	102
44	NWBP Daily Report	103
45	NWBP Daily Report	103
46	Newspaper Article	107

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**A. Thirty years.**

**Q.** Okay. And before you became the chief of the North Wildwood Beach Patrol, did you hold any other rank within the beach patrol?

**A. Yes.**

**Q.** And what were those rank -- what was the rank or ranks?

**A. Lieutenant, and then captain, and then chief.**

**Q.** Okay. When did you start working for the North Wildwood Beach Patrol?

**A. 1966.**

**Q.** Okay. As I understand from Mr. Barker, this is the first time that you've ever had your deposition taken?

**A. Yes.**

**Q.** All right. I want to go over some basic recommendations, if you will, or rules, and I'm sure Mr. Barker has covered some or most of them with you. The first thing is, if I ask a question which is unclear, and there's a good chance that I may ask a question that's unclear to you, just say to me, I can't answer the question, and with Mr. Barker's permission, I'll ask you why not, and you'll tell me, and then I'll rephrase the question with the hope that you can then answer it.

WORD FOR WORD REPORTING, LLC

VIDEOGRAPHER: Today is February 9th, 2016. This is the video deposition of Joseph Anthony Cavalier. We are going on the record at 1:10 p.m.

Will counsel now please state their appearance for the record.

MR. D'AMATO: Paul D'Amato and Dominic Speziali for the plaintiffs.

MR. BARKER: Michael Barker for North Wildwood, defendants.

MR. ROZELL: William Rozell for North Wildwood, defendants.

MR. HUNKINS: Brian Hunkins representing State of New Jersey.

MR. GRASSI: Joseph Grassi for co-plaintiff.

VIDEOGRAPHER: Will the court reporter please swear in the witness.

JOSEPH A. CAVALIER,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. D'AMATO:

**Q.** Sir, you are presently employed by the City of North Wildwood in what capacity?

**A. Chief of the North Wildwood Beach Patrol.**

**Q.** Okay. How long have you held that position?

WORD FOR WORD REPORTING, LLC

All of your responses must be verbal or oral. Gestures of the hand and nods of the head cannot be taken down by the young lady to my left. She is preparing what we call a transcript. It's a booklet. It's going to have everything I say, everything you say, and everything all the other lawyers say in response to the questions that are going to be asked of you today.

If you don't know the answer to a question, I'm sure Mr. Barker would agree with me, simply say you don't know. It doesn't help any of the lawyers here, as we are trying to proceed through this litigation, for you to guess the answer to a particular question.

Frequently, in order to move this deposition along, you might say to the lawyer, including me, Paul, is this what you're asking me? And I'll probably say yes. But that's with Mr. Barker's permission that you can ask me the question. Because technically, I'm not here to answer any questions. But that's not practical.

So, with that in mind, do you need any time to speak to Mr. Barker before I begin my examination under oath of you?

**A. Yes.**

WORD FOR WORD REPORTING, LLC

1 Q. You need more time?  
2 MR. BARKER: He's asking you do you  
3 want to speak to me now?

4 A. Oh, I'm sorry. I thought you said did I  
5 speak to him.

6 Q. Okay.

7 A. No, I don't need any more time.

8 Q. Okay. All right.

9 Also, given the fact this is your first  
10 deposition, and naturally, I appreciate the fact that  
11 it's not the most pleasant experience, if you need to  
12 take a break, just tell us. You can take a break.

13 I really have prepared for your  
14 deposition, so I hope I can move through the subject  
15 matter quickly.

16 If you do want to take a break, if you  
17 want to go outside, get some fresh air, and Mr.  
18 Barker can go with you, but the two of you, as Mr.  
19 Barker well knows, cannot talk about the subject  
20 matter of the deposition. You can talk about  
21 anything else, but not the subject matter. But he  
22 knows that, and he'll tell you that.

23 So, let's get started.

24 In preparing for this deposition, I  
25 have come across the following phrases, if you will.

WORD FOR WORD REPORTING, LLC

1 Inlet Beach, The Inlet, Moore's Beach, Moore's Inlet  
2 Beach, The Point, and The Spit. So, I want to get an  
3 understanding here today of what those words mean to  
4 you, if anything. All right?

5 (Report is received and marked for  
6 identification as Exhibit 1.)

7 (Report is received and marked for  
8 identification as Exhibit 2.)

9 (Photograph is received and marked for  
10 identification as Exhibit 3.)

11 Q. Now, I have had marked for identification, as  
12 I said, I'm going to hand Mr. Barker every exhibit,  
13 most of all the exhibits, and you. This is -- we  
14 simply numbered them 1, 2, 3 with today's date.

15 (Report received and marked for  
16 identification as Exhibit 1.)

17 Now, let me hand you Exhibit 1.

18 And for the benefit of my colleagues,  
19 this is the front page of a report that was prepared  
20 for the City of North Wildwood by the Stockton  
21 University Coastal Research Center. And I would like  
22 you to look at that particular photograph. And when  
23 you look at that photograph, do you see what you call  
24 The Inlet Beach?

25 A. Yes.

WORD FOR WORD REPORTING, LLC

1 Q. All right. Could you take this orange pen  
2 and circle, as tightly as you can, what you call The  
3 Inlet Beach.

4 A. (Witness complies.)

5 Q. Okay. May I see that?

6 Okay. Got it.

7 MR. D'AMATO: Mike, did you see that?

8 MR. BARKER: No.

9 MR. D'AMATO: Okay. Here.

10 Q. All right. Now, on that same piece of paper,  
11 which is Exhibit 1, with this green pen, could you  
12 circle or give us some indication of what The Inlet  
13 means to you, when -- the phrase "The Inlet"?

14 A. The same thing.

15 Q. Okay. Just for my education, would The Inlet  
16 refer to the body of water that moves from the bay to  
17 the ocean, and vice-versa?

18 A. Yes.

19 Q. Okay. So, with that in mind -- well, no.  
20 So, I think I understand what you're saying. You're  
21 saying to me that, in using your words, you would  
22 refer to the area that you marked in orange also as  
23 The Inlet?

24 A. I guess you would refer to that as The Inlet.

25 Q. Okay. Let me see what you marked there.

WORD FOR WORD REPORTING, LLC

1 Let's see.

2 Okay. Here. All right.

3 So, okay, the green mark is The Inlet,  
4 and thus it's a body of water?

5 A. Yes.

6 Q. Okay, fine. Now, if I said -- maybe -- okay.  
7 I'm going to hand to you as Exhibit 2 another -- here  
8 we go.

9 MR. BARKER: Thank you.

10 MR. D'AMATO: All right.

11 Q. Another report that was prepared for the city  
12 of North Wildwood by the Richard Stockton Coastal  
13 Research Center, and you'll see it's the 2012 annual  
14 report. Let me hand that to you.

15 And could you mark on that particular  
16 exhibit with this blue marker where Moore's Beach is.

17 A. (Witness complies.)

18 Q. May I see it?

19 MR. D'AMATO: Here, Mike. Okay? Will?  
20 Okay.

21 Q. All right. Is Moore's Beach, in your mind,  
22 the same as Moore's Inlet Beach?

23 A. Yes.

24 Q. Okay. Now, with the two exhibits that you  
25 have in front of you, and don't mark it just yet, if

WORD FOR WORD REPORTING, LLC

1 I said to you could you mark on either of them, or  
2 both, what is known as The Point, could you do that?

3 **A. Not on this.**

4 **Q.** Okay. This is what exhibit in the right  
lower-hand corner?

6 MR. D'AMATO: If you looked right in  
7 the lower right-hand corner on the one exhibit, Mike,  
8 what is it?

9 MR. BARKER: I don't know what he was  
10 referring to. But I just want to point out to the  
11 witness, you see these labels here?

12 THE WITNESS: Um-hum.

13 MR. BARKER: This is saying Exhibit 1.  
14 And this is saying Exhibit 2. So, when Mr. D'Amato  
15 asks you about something, if you're referring to a  
16 particular exhibit, let him know which numbered  
17 exhibit it is that you're going to look at.

18 THE WITNESS: Okay.

19 MR. BARKER: And discuss with him.  
20 Okay, sir? Thank you.

21 **Q.** Chief, I saw you point to Exhibit 2, and said  
22 you could not, on that photograph, indicate what The  
23 Point is. Correct?

24 **A. Yes.**

25 **Q.** Okay. Can you do it on Exhibit 1?

WORD FOR WORD REPORTING, LLC

1 **A. Yes.**

2 **Q.** All right. Can I just see that for a second?  
3 Exhibit 1? Thank you.

4 Okay. What we're going to do, then --  
5 let's see. We're going to use blue. Okay.

6 If you could circle or just note,  
7 whatever way is best for you, with that blue marker  
8 what The Point is.

9 **A. (Witness complies.)**

10 MR. D'AMATO: Here. Just put this  
11 stuff over there.

12 **Q.** Could I see it?

13 Okay. You have circled on this Exhibit  
14 1 in blue what represents to you to be The Point.  
15 Correct?

16 **A. I don't call it The Point.**

17 **Q.** Okay. Who calls it The Point? Have you ever  
18 heard that expression before; The Point?

19 **A. One of the lieutenants that worked on the  
20 beach patrol called it The Point.**

21 **Q.** Who is that; Lindsay?

22 **A. Lindsay.**

23 **Q.** Okay. All right. Okay. Could I have those  
24 back. Just bear with me.

25 Lieutenant Lindsay is no longer

WORD FOR WORD REPORTING, LLC

1 employed by the North Wildwood Beach Patrol.

2 Correct?

3 **A. Yes.**

4 **Q.** When did he stop working for North Wildwood?

5 **A. October of 2014.**

6 **Q.** Was he fired?

7 **A. He retired. We have a pension plan.**

8 **Q.** Okay. I have a photograph that I'm going to  
9 mark for identification as Exhibit 3. And I'm going  
10 to show it to Mr. Barker, and Will, and I'm going to  
11 hand it to you.

12 On that particular photograph, do you  
13 see Moore's Beach, also known as Moore's Inlet Beach?

14 **A. Yes.**

15 **Q.** All right. Could you circle the area that  
16 you call Moore's Beach or Moore's Inlet Beach.

17 **A. (Witness complies.)**

18 **Q.** Okay. Here.

19 MR. D'AMATO: Here. You see?

20 MR. DIJOSEPH: Brian?

21 MR. HUNKINS: Okay, thanks.

22 BY MR. D'AMATO:

23 **Q.** The condominiums that you see in this Exhibit  
24 3, is that the location where Moore's Bar and  
25 Restaurant used to be?

WORD FOR WORD REPORTING, LLC

1 **A. Yes.**

2 **Q.** All right. And the parking lot that we see  
3 adjacent to the condominiums in Exhibit 3, who owns  
4 that parking lot?

5 **A. City of North Wildwood.**

6 **Q.** Okay. When was that parking lot built,  
7 approximately? And that's something I should have  
8 told you. You can always estimate, if you wish, you  
9 know.

10 **A. You mean blacktopped?**

11 **Q.** Yes.

12 **A. Over 20 years ago.**

13 **Q.** Okay. And when were those condominiums built  
14 that we see in Exhibit 3?

15 **A. How long ago?**

16 **Q.** Yeah.

17 **A. Seven, eight, nine years ago.**

18 **Q.** Okay. And before the parking lot was  
19 blacktopped, was there a parking lot there?

20 **A. Yes. It was gravel.**

21 **Q.** Okay. And how long had that gravel parking  
22 lot been there, given the number of years that you've  
23 been working for North Wildwood?

24 **A. As long as I can remember.**

25 **Q.** Okay, fine. Okay.

WORD FOR WORD REPORTING, LLC

1 MR. D'AMATO: Where are the exhibits  
 2 that have been marked?  
 3 MR. DiJOSEPH: Right here.  
 4 MR. D'AMATO: Okay. All right. Just  
 5 hold on. Okay.  
 6 Q. Now, given the number of years that you have  
 7 been working for the beach patrol, I want to go over  
 8 some aerial photographs that we obtained from the  
 9 county, and they were actually exhibits at the  
 10 deposition of the county engineer. And I'm going to  
 11 mark them collectively as Exhibit 4, because at the  
 12 top of each photograph is a date.  
 13 (Photographs are received and marked  
 14 for identification as Exhibit 4.)  
 15 Q. Now, The Inlet area that we had previously  
 16 referred to, that inlet represents how the water from  
 17 the back bay comes out to the ocean and vice-versa.  
 18 Correct?  
 19 A. Yes.  
 20 Q. All right. Would you agree, in the number of  
 21 years that you've been working for North Wildwood,  
 22 that the configuration of The Inlet, as relative to  
 23 its location, has moved?  
 24 A. Yes.  
 25 Q. All right. With that in mind, let's look at  
 WORD FOR WORD REPORTING, LLC

1 we see Moore's Beach?  
 2 A. Yes.  
 3 Q. Okay. Could you circle it with the red  
 4 marker, please.  
 5 A. (Witness complies.)  
 6 Q. Okay. All right. Could you go to the next  
 7 exhibit, which is -- excuse me, it's not an exhibit.  
 8 It's the next aerial photograph. It's 1970. Do you  
 9 see Moore's Beach in that aerial photograph?  
 10 A. No.  
 11 Q. Okay. Do you see water where Moore's Beach  
 12 was shown in the 1963 photograph?  
 13 A. Yes.  
 14 Q. Okay. Can you circle the area where Moore's  
 15 Beach is, acknowledging that water is covering it.  
 16 A. (Witness complies.)  
 17 Q. Okay.  
 18 Mr. D'AMATO: Is that large enough?  
 19 Could we see that, Mike?  
 20 MR. BARKER: I can't see. What did you  
 21 do?  
 22 A. (Witness complies.)  
 23 Q. Okay. Right there. Okay. We can see it  
 24 now.  
 25 All right. Now, if you could look to  
 WORD FOR WORD REPORTING, LLC

1 Exhibit 4. All right. Now, you and I are old, but  
 2 we weren't around in 1920. Right? Okay? So, if you  
 3 don't mind, when were you born; what year?  
 4 A. '46.  
 5 Q. Okay. Well, Mr. Barker was, like, 1930. I'm  
 6 1947.  
 7 So, take a look at 1956. All right?  
 8 Now, what we've done here is, as best as we lawyers  
 9 could, we tried to show where the -- got that, in  
 10 1956? Yeah.  
 11 A. Yeah.  
 12 Q. We tried to show where this event with Mr.  
 13 Smith occurred. And as you look at this aerial  
 14 photograph for the year 1956, would you agree, at  
 15 that point in time, we don't see the condominiums  
 16 that we referenced in the prior photograph. Correct?  
 17 A. Yes.  
 18 Q. All right. Now, do you see Moore's Bar in  
 19 that aerial photograph?  
 20 A. No.  
 21 Q. Okay. Do you have any idea when Moore's Bar  
 22 was built?  
 23 A. I believe in the '40s.  
 24 Q. Okay. Let's go to the next page, which is an  
 25 aerial photograph for 1963. In this photograph, do  
 WORD FOR WORD REPORTING, LLC

1 the next page, which is 1995. Could you circle the  
 2 area where Moore's Beach was noted in the prior  
 3 aerial photo?  
 4 A. (Witness complies.)  
 5 Q. Okay. And could you go to the next aerial  
 6 photograph, which is the year 2000. And could you  
 7 again circle Moore's Beach.  
 8 A. (Witness complies.)  
 9 Q. Okay. Now, I just want to just stop for a  
 10 second here, and I want to digress a little bit, but  
 11 I'll go back to these aerials, photographs in a  
 12 moment.  
 13 In all the years that you've been  
 14 working for the North Wildwood Beach Patrol, was  
 15 there ever a lifeguard stand or a lifeguard in  
 16 attendance on Moore's Beach?  
 17 A. Yes.  
 18 Q. What period of time?  
 19 A. In the '70s.  
 20 Q. For approximately how many years?  
 21 A. Four or five.  
 22 Q. Okay. Was it a lifeguard stand, or just a  
 23 lifeguard?  
 24 A. I can't remember.  
 25 Q. Okay. Why was the posting of a lifeguard  
 WORD FOR WORD REPORTING, LLC



1 stand or a lifeguard at Moore's Beach discontinued?  
2 **A. Because we couldn't -- the beach had eroded,**  
3 **and we couldn't get to it.**

4 **Q.** Okay. Would you agree that since the early  
5 1970s, that there have been summers where there's  
6 been a beach where people sit on the beach and  
7 sunbathe?

8 **A. At Moore's?**

9 **Q.** Yes, yeah.

10 **A. Yes.**

11 **Q.** Okay. Was there ever consideration by you to  
12 re-establish having a lifeguard or a lifeguard stand  
13 with a lifeguard at Moore's Beach?

14 **A. No.**

15 **Q.** Why not?

16 **A. It was too inaccessible to get to, if there**  
17 **was a problem. We couldn't drive to it. We can**  
18 **drive to our -- our chairs, and we couldn't get to**  
19 **that.**

20 **Q.** Okay. On the day of Mr. Smith's initial  
21 disappearance, which was July 27, 2012, could  
22 vehicles drive from the protected beaches to where  
23 the sand had collapsed when he and Mr. Sunderland and  
24 their children were walking?

25 MR. BARKER: Objection.  
WORD FOR WORD REPORTING, LLC

1 VIDEOGRAPHER: Off the record at 1:33.

2 MR. D'AMATO: Go ahead.

3 MR. BARKER: I'm objecting to the form  
4 of the question. And if you want me to be more  
5 specific, I could.

6 MR. D'AMATO: No, that's okay.

7 MR. BARKER: So --

8 MR. D'AMATO: That's good. I  
9 appreciate the way you just did that. You don't have  
10 to be more specific. I'm with you. Okay? Okay.

11 VIDEOGRAPHER: Please stand by.

12 Back on the record at 1:33.

13 BY MR. D'AMATO:

14 **Q.** Would you like the question read back, that I  
15 just asked?

16 **A. Yes.**

17 (Record read.)

18 **A. Yes.**

19 **Q.** Okay. All right. Now, if we could go to the  
20 aerial photograph for 2002. Would you agree that we  
21 see the parking lot that we've been referring to  
22 before?

23 **A. Yes.**

24 **Q.** Okay. Do you -- just put a little X over the  
25 parking lot.

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1 **A. (Witness complies.)**

2 **Q.** All right. And as I look at the parking lot  
3 in this aerial photograph from 2002, I don't see the  
4 condominiums adjacent to the parking lot; do you?

5 **A. No.**

6 **Q.** Okay. Now, if we could go to the aerial  
7 photograph for April 1, 2003. In looking at this  
8 aerial photograph, is the Moore's Beach shown here?

9 **A. No.**

10 **Q.** Is it covered with water?

11 **A. Well --**

12 **Q.** Or does it --

13 **A. It's cut off.**

14 **Q.** Yeah, thanks. All right. All right.

15 Now, could you go to the aerial  
16 photograph of April 6, 2005. Would you agree that we  
17 do see Moore's Beach?

18 **A. Yes.**

19 **Q.** All right. Could you just circle it?  
20 Because some day, some people are going to be looking  
21 at this.

22 Can I see what you did, please.

23 Okay. Fine. Now, let's stay with that  
24 aerial photograph.

25 You have on several of these aerial  
WORD FOR WORD REPORTING, LLC

1 photographs indicated where you believe Moore's Beach  
2 is. Could you, on this aerial photograph, dated  
3 April 6, 2005, tell me where Moore's Beach ends?

4 **A. I don't understand the question.**

5 **Q.** Okay. If you and I are standing on the sand  
6 back on April 6, 2005, and we begin to walk south --

7 **A. Okay.**

8 **Q.** -- and I on -- when would you say to me,  
9 Paul, we're no longer at Moore's Beach?

10 **A. You want me to circle it?**

11 **Q.** No. You know what I want you to do, I'd  
12 rather you draw a line with this blue marker, if you  
13 don't mind, sir.

14 There you go.

15 **A. (Witness complies.)**

16 **Q.** Okay. Now, on that photograph, which is  
17 dated April 6, 2005, below the blue line, do we see  
18 any portion of a protected beach?

19 **A. Yes.**

20 **Q.** Okay. The first protected beach that's shown  
21 on that photograph, dated April 6, 2005, would be  
22 located next to what street, if we could use a street  
23 reference?

24 **A. Surf Avenue.**

25 **Q.** Okay. All right. Take the green marker, if  
WORD FOR WORD REPORTING, LLC

1 you will, and just draw a line where the protected  
 2 beach at Surf Avenue begins.  
 3 **A. (Witness complies.)**  
 4 **Q.** Okay. Now, you have drawn a line where  
 Moore's Beach ended, and you have drawn a line where  
 6 the Surf Avenue Beach starts, which was a protected  
 7 beach. Correct?  
 8 **A. Yes.**  
 9 **Q.** What do you call the area between those two  
 10 lines, that beach area? What do you call it?  
 11 **A. Inlet Beach.**  
 12 **Q.** Okay. While we're there talking about The  
 13 Inlet Beach on this photograph of April 6, 2005.  
 14 Before July 27, 2012, did you personally ever  
 15 observe, during the summertime, especially, people  
 16 sitting on the beach area, what you call The Inlet  
 17 Beach?  
 18 **A. (Indicating.)**  
 19 **Q.** That's right, yeah. Between where Moore's  
 20 Beach ends and where Surf Beach begins.  
 21 **A. Yes.**  
 22 **Q.** All right. And were those individuals in  
 23 violation of any North Wildwood ordinance by sitting  
 24 on the beach between those lines that we're going to  
 25 call The Inlet Beach?

WORD FOR WORD REPORTING, LLC

1 **A. No.**  
 2 **Q.** Okay. If any of those individuals before  
 3 July 27, 2012 were walking in ankle deep water, on  
 4 what we're calling The Inlet Beach, between where  
 5 Moore's Beach ends and where Surf Beach begins, would  
 6 they be in violation of any ordinance of the City of  
 7 North Wildwood?  
 8 **A. No.**  
 9 **Q.** All right. If they were walking in the water  
 10 between this area that we're talking about, and the  
 11 water came up to their mid calf, would they be in  
 12 violation of any ordinance of the City of North  
 13 Wildwood?  
 14 **A. Can you repeat that again?**  
 15 **Q.** Yeah.  
 16 **A. I want to make sure --**  
 17 **Q.** Sure. If a person in the summertime, before  
 18 July 27, 2012, was walking in the ocean or the water  
 19 there and the water was up to their mid calf, and  
 20 they were in this area, what we're calling The Inlet  
 21 Beach, which starts at the end of Moore's Beach and  
 ends at the beginning of the Surf Avenue Beach, would  
 23 they be in violation of any ordinance?  
 24 **A. No.**  
 25 **Q.** All right. Following this along, if a person

WORD FOR WORD REPORTING, LLC

1 was out 20 feet swimming in that area that we've been  
 2 referring to, would they be in violation of any North  
 3 Wildwood ordinance?  
 4 **A. Yes.**  
 5 **Q.** Okay. Do you know why swimming in the ocean  
 6 off of The Inlet Beach, and I'm not going to repeat,  
 7 you know, the beginning and the end of it, I think we  
 8 know what we're talking about, do you know why  
 9 swimming 20 feet from The Inlet Beach was prohibited?  
 10 **A. Because it's unprotected.**  
 11 **Q.** Okay. And why was it unprotected for --  
 12 well, strike that.  
 13 Was there ever a lifeguard stand or a  
 14 lifeguard posted in what we're calling The Inlet  
 15 Beach before July 27, 2012?  
 16 **A. No.**  
 17 **Q.** Okay. Why not?  
 18 **A. I can't answer that.**  
 19 **Q.** Okay. All right. The Inlet Beach that we  
 20 have been referring to over and over again, did it  
 21 ever completely disappear, so that it wasn't  
 22 available for the summer season for people to sit on  
 23 and sunbathe?  
 24 **A. No.**  
 25 **Q.** Okay. I have read a series of resolutions

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1 that were passed by the City of North Wildwood  
 2 relative to what beaches would be protected for an  
 3 upcoming summer season. And you're probably familiar  
 4 with those resolutions; aren't you?  
 5 **A. Yes.**  
 6 **Q.** Right. And in all the resolutions, there's a  
 7 reference to the council and the mayor having  
 8 considered the recommendations of the North Wildwood  
 9 Beach Patrol?  
 10 **A. Yes.**  
 11 **Q.** All right. Were those recommendations given  
 12 to the mayor and the council of North Wildwood on an  
 13 annual basis, like every year?  
 14 **A. Yes.**  
 15 **Q.** And were they typically given a couple months  
 16 before the beginning of the summer season?  
 17 **A. A month.**  
 18 **Q.** Okay. And were your recommendations that are  
 19 referenced in the resolutions in writing from you to  
 20 the mayor and council?  
 21 **A. Yes.**  
 22 **Q.** All right. And where are those written  
 23 recommendations?  
 24 **A. I don't know how to answer that question.**  
 25 **Q.** I'm sorry. What?

WORD FOR WORD REPORTING, LLC

1 **A. I can't answer that question. Could you ask**  
2 **it again?**

3 **Q.** Yeah. The written recommendations that you  
4 give to the -- gave to the mayor and the council of  
5 North Wildwood for the years before July 27, 2012,  
6 you told me they were in writing?

7 **MR. BARKER:** Objection. Let me -- I  
8 have an objection to your question.

9 **VIDEOGRAPHER:** Off the record at 1:43.

10 **MR. D'AMATO:** Just -- say it. It's  
11 okay. Don't worry.

12 **MR. BARKER:** Okay.

13 **MR. D'AMATO:** What I mean, don't worry.

14 You don't have to -- I don't care if you say it in  
15 front of him. That's the point I'm trying to say.

16 **MR. BARKER:** My objection is that you  
17 asked the question assuming that he gave written  
18 recommendations to the mayor and the council. He  
19 hasn't testified to that.

20 **MR. D'AMATO:** Okay.

21 **MR. BARKER:** I think you stepped ahead  
22 of yourself a little.

23 **MR. D'AMATO:** I have -- okay. Back on  
24 the video record. You're right.

25 **VIDEOGRAPHER:** Back on the record,  
**WORD FOR WORD REPORTING, LLC**

1 1:44.

2 **BY MR. D'AMATO:**

3 **Q.** All right. The written recommendations that  
4 we have been referring to, were they given just to  
5 the council, or was it the council and the mayor that  
6 received them?

7 **A. I gave it to the city clerk.**

8 **Q.** Okay.

9 **A. The city clerk gives it to the mayor and**  
10 **council.**

11 **Q.** Okay. All right. With respect to those  
12 recommendations, you told me that they were always in  
13 writing?

14 **A. No.**

15 **Q.** Okay. How frequently would be -- would they  
16 be in writing, as opposed to something verbal?

17 **A. It was a city resolution. I would take last**  
18 **year's resolution into the city clerk, and we would**  
19 **just -- I would review the chairs, the locations, and**  
20 **the dates would be changed.**

21 **Q.** Okay.

22 **A. So, I miss --**

23 **Q.** No. I follow you. Because I read all these  
24 resolutions that we have.

25 **A. Okay.**

**WORD FOR WORD REPORTING, LLC**

1 **Q.** And it looks like they're the same. Correct?

2 **A. Yeah, right.**

3 **Q.** All right. So, I do understand your  
4 testimony.

5 Was there any discussion while you were  
6 the chief of the beach patrol of North Wildwood,  
7 before July 27, 2012, at a mayor and council meeting  
8 of the City of North Wildwood, about having a  
9 lifeguard or lifeguards with lifeguard stands in what  
10 we've been calling The Inlet Beach area?

11 **A. No.**

12 **Q.** Okay. Same question for Moore's Beach.  
13 Should I ask it -- yeah, let me ask it completely.

14 Before July 27, 2012, did you ever  
15 attend a meeting of the mayor and council where there  
16 was a discussion about having a lifeguard and a  
17 lifeguard, perhaps with a stand, at what we've been  
18 calling Moore's Beach?

19 **A. Yes.**

20 **Q.** Okay. Given the number of years you've been  
21 the chief of the beach patrol, can you give me your  
22 best estimate as to how many times you spoke to the  
23 mayor and council at one of their meetings?

24 **A. About Moore's Beach?**

25 **Q.** Yeah.

**WORD FOR WORD REPORTING, LLC**

1 **A. Once.**

2 **Q.** Okay. And when was that?

3 **A. Twelve years ago.**

4 **Q.** Okay. And can you tell me what you said?

5 **A. We had Mayor Palumbo, who was the mayor, a**  
6 **discussion was brought up about should we guard**  
7 **Moore's Beach again. And the mayor and I went to the**  
8 **beach, and he actually went around asking people how**  
9 **they felt about a lifeguard being put back there.**  
10 **And 90 percent of the people didn't want a lifeguard**  
11 **there.**

12 **Q.** Did they tell you why they didn't want a  
13 lifeguard there?

14 **A. They want to be able to do what they want to**  
15 **do.**

16 **Q.** And was one of the things they wanted to do  
17 was to drink alcoholic beverages?

18 **A. Yes.**

19 **Q.** All right. What else besides drinking  
20 alcoholic beverages did they want to do?

21 **A. Dogs, Jet Skis.**

22 **Q.** Okay. And since that time, have you, as the  
23 chief of the beach patrol, let the people do what  
24 they wanted to do when you were there with the then  
25 mayor?

**WORD FOR WORD REPORTING, LLC**

1 **A. If we got complaints from the public, the**  
2 **police department would respond, if people were out**  
3 **of control with the -- the alcohol, or the dogs.**

4 **Q.** Okay.

5 **A. And we finally got it under control.**

6 **Q.** Okay. When did you finally get it under  
7 control?

8 **A. Well, with the dogs, we eliminated that. But**  
9 **the alcohol, you never eliminate.**

10 **Q.** Okay.

11 **A. It's --**

12 **Q.** Since July 27, 2012, I have been to Moore's  
13 Beach and the area that you call The Inlet Beach  
14 several times, and I have witnessed police officers  
15 of the City of North Wildwood walking on the beach.  
16 Have you made that same observation?

17 **A. Yes.**

18 **Q.** All right. Did you ever talk to the chief of  
19 the North Wildwood Police Department about having  
20 North Wildwood police officers patrol Moore's Beach  
21 and The Inlet Beach?

22 **A. Yes.**

23 **Q.** All right. And going back as many years as  
24 you feel comfortable telling me, how long have you  
25 been having discussions with the chief of police of  
WORD FOR WORD REPORTING, LLC

1 the City of North Wildwood about patrolling Moore's  
2 Beach and The Inlet Beach?

3 **A. The last 10 years.**

4 **Q.** Okay. And is there a set pattern as to when  
5 the police officers patrol that beach? That is, the  
6 Moore's Beach and The Inlet Beach?

7 **A. I can't answer that question.**

8 **Q.** Okay. All right. Is part of your duties and  
9 responsibilities to ensure that the protected beaches  
10 of North Wildwood are clean?

11 **A. My --**

12 **Q.** Yeah. Is that one of your jobs?

13 **A. No.**

14 **Q.** To make sure the beach is clean.

15 Okay. Whose job is it?

16 **A. Public Works.**

17 **Q.** All right. And who's the present head of the  
18 Public Works Department of North Wildwood?

19 **A. Gary Sloan.**

20 **Q.** Okay. And how long has Gary been the head of  
21 the Public Works Department?

22 **A. One year.**

23 **Q.** And who was the head of the Public Works  
24 Department before Gary Sloan?

25 **A. Harry Wozunk.**

1 **Q.** Is he still with us, the gentleman?

2 **A. No. He re -- he left.**

3 **Q.** Oh, he left the employment? Is he still  
4 alive?

5 **A. Yes.**

6 **Q.** Okay. Where does he live?

7 **A. Cape May Court House, I believe.**

8 **Q.** Okay. And how do you spell his last name?

9 **A. W-O-Z-U-N-K.**

10 **Q.** And --

11 **A. Wozunk.**

12 **Q.** And how long -- I'm sorry. I cut you off.  
13 So far, I don't think I've cut you off.

14 **A. No.**

15 **Q.** But if I do, Mike will tell me, or you'll  
16 tell me. Right?

17 **A. Okay.**

18 **Q.** How long was he the head of the Public Works  
19 Department?

20 **A. Eight years.**

21 **Q.** All right. Before July 27, 2012, did  
22 employees of the Public Works Department clean  
23 Moore's Beach and The Inlet Beach?

24 **A. Just where the lifeguard protection was.**

25 **Q.** Okay. Well, now, remember -- I have been  
WORD FOR WORD REPORTING, LLC

1 using the phrase Inlet Beach.

2 **A. No.**

3 **Q.** Okay. They never closed it -- they never  
4 cleaned it?

5 **A. No.**

6 **Q.** All right. Now, did -- okay. Let me  
7 rephrase that.

8 The -- I've read all of these daily  
9 logs from the North Wildwood Beach Patrol. And I see  
10 references to First and Surf. All right?

11 Is First and Surf a protected beach?

12 **A. Yes.**

13 **Q.** Okay. Is that the first protected beach?

14 **A. That's the last.**

15 **Q.** Oh, you go the opposite way?

16 **A. Yes.**

17 **Q.** Okay. So, First and Surf would be the last  
18 protected beach?

19 **A. Yes.**

20 **Q.** And has that been the case for 10 years  
21 before July 27, 2012?

22 **A. Yes.**

23 **Q.** All right. Before July 27, 2012, what  
24 services did the North Wildwood Fire Department offer  
25 to the members of the North Wildwood Beach Patrol



1 relative to any situations occurring in the -- on the  
2 North Wildwood protected beaches and the water  
3 connected or adjacent to it? The fire department.

4 **A. Well, if we called for their services, they  
5 would respond.**

6 **Q.** Okay. Just give me an example, considering  
7 you've been the chief for so many years, of the type  
8 of services that you have observed them provide.

9 **A. A neck injury, spinal injury.**

10 **Q.** Right. So, the EMTs or the paramedics would  
11 come?

12 **A. Yes.**

13 **Q.** All right. Any other services?

14 **A. That's mostly medical.**

15 **Q.** Okay. Relative to the protected beaches of  
16 North Wildwood, before July 27, 2012, what services  
17 would the North Wildwood Police Department provide to  
18 the employees of the North Wildwood Beach Patrol?

19 **A. If we had problems with anybody on the beach,  
20 we would call the police.**

21 **Q.** All right. You're aware that there's a  
22 station located not too far from here, where the New  
23 Jersey Marine Police are located. Correct?

24 **A. Yes.**

25 **Q.** All right. For how many years before July  
WORD FOR WORD REPORTING, LLC

1 27, 2012 did the New Jersey Marine Police provide any  
2 services to the members of the North Wildwood Beach  
3 Patrol?

4 **A. How often?**

5 **Q.** How often, and what type of services?

6 **A. If we had problems in The Inlet waterway, we  
7 would call the marine police to respond to a boat  
8 that broke down, or a Jet Ski that broke down.**

9 **Q.** If -- if it was alleged that someone had  
10 drowned --

11 **A. Yes.**

12 **Q.** -- would the marine police be called?

13 **A. Yes.**

14 **Q.** All right. Before July 27, 2012, did the  
15 marine -- the New Jersey Marine Police have a set  
16 schedule when they would patrol the actual inlet, the  
17 body of water?

18 **A. No.**

19 **Q.** Okay. Here's the most important question,  
20 and I'm joking with you:

21 How do you pronounce this? Is it  
22 Hereford Inlet, or Hereford Inlet? I've heard both  
23 people say both things.

24 What do you call it?

25 **A. Hereford.**

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1 **Q.** Hereford. Okay.

2 Do you know why it's called that?

3 **A. No.**

4 **Q.** And if I was to take you to one of those  
5 aerial maps and said what is the Hereford -- Hereford  
6 Inlet, would that be the body of water that is  
7 adjacent to the Moore's Beach?

8 **A. Yes.**

9 **Q.** Okay.

10 All right. Let me put these away.

11 These are just extras. Okay.

12 MR. BARKER: Off the record a minute.

13 VIDEOGRAPHER: Off the record, 1:56.

14 MR. BARKER: For clarity of the record,

15 you indicated that Exhibit -- I thought you marked  
16 this as Exhibit 4, this compendium.

17 MR. ROZELL: That's what I thought,  
18 too.

19 MR. D'AMATO: The one that was actually  
20 marked -- no, no, we marked it --

21 MR. BARKER: The compendium.

22 MR. DiJOSEPH: He has the stuff.

23 MR. BARKER: Oh, okay. So, this is

24 Exhibit 4. It had previously been marked County

25 Designee-5.

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1 MR. DiJOSEPH: Yeah, that should be 4,  
2 previously marked 5 from the County.

3 MR. D'AMATO: Right.

4 MR. DiJOSEPH: They all should be the  
5 same.

6 MR. BARKER: Okay. Here's my point.

7 MR. D'AMATO: Yeah.

8 MR. BARKER: I think Mr. D'Amato

9 thought that the compendium, Exhibit 4, would be a  
10 series of photographs with dates on the top, like the

11 first one, 1920. But I just wanted to point out that

12 in the copy that I got, and maybe in the witness'

13 copy, I haven't looked, actually, it's composed of

14 more than just that.

15 MR. D'AMATO: It is.

16 MR. BARKER: Okay.

17 MR. D'AMATO: And you --

18 MR. BARKER: So, I didn't know if you

19 wanted to take the other things off or not.

20 MR. D'AMATO: No, I don't. I want to

21 leave it just --

22 MR. BARKER: Well, see?

23 MR. D'AMATO: Hold on. Can I have that

24 back?

25 MR. BARKER: Yeah, there's a couple

WORD FOR WORD REPORTING, LLC

1 there.

2 MR. D'AMATO: Yeah. All right. One  
3 second.

BY MR. D'AMATO:

4 **Q.** Did you have an opportunity to read the  
5 reports that were generated by the North Wildwood  
6 Beach Patrol relative to the --

7 **VIDEOGRAPHER:** We're not back on the  
8 video yet. Are we ready?

9 **MR. D'AMATO:** Let's go back on the  
10 video.

11 **VIDEOGRAPHER:** Back on the record at  
12 1:58.

BY MR. D'AMATO:

13 **Q.** Did you have the opportunity, in order to  
14 prepare for this deposition, to read the reports that  
15 were prepared by the North Wildwood Beach Patrol  
16 relative to the drowning of Mr. Smith?

17 **A. No.**

18 **Q.** Okay. If I said to you, what is your  
19 understanding of what happened to Mr. Smith, do you  
20 have one?

21 **A. How I think it happened?**

22 **Q.** Yes.

23 **A. Yes.**

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1 **A. Yes.**

2 **Q.** All right. In some of the reports that he's  
3 written, and I have them here, and if I have to get  
4 them, I'll get them for you, he talks about what is  
5 happening in The Inlet when the back bays are going  
6 out to the ocean, and vice-versa. Okay?

7 And he talks about the currents, and he  
8 talks about that there are vertical and longitudinal  
9 currents that are existing in that inlet.

10 Have you ever -- first, have you ever  
11 heard him mention that, or did you ever --

12 **A. No.**

13 **Q.** -- read anything?

14 **A. No.**

15 **Q.** Okay. He also says that when the back bay is  
16 going into the ocean, that there is a vortex or  
17 whirlpool in that body of water called The Inlet?

18 **A. Yes.**

19 **Q.** Are you aware of that?

20 **A. Yes.**

21 **Q.** All right. Given the number of years that  
22 you have been on the beach patrol, is that vortex or  
23 whirlpool created every time the back bay moves out  
24 to the ocean?

25 **A. Yes.**

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1 **Q.** Okay. And before you tell me how you think  
2 it happened, can you tell me the following: You  
3 didn't see it happen; did you?

4 **A. No.**

5 **Q.** All right. So, you're basing your  
6 forthcoming answer as to how it happened based on  
7 what?

8 **A. Being down there all the time.**

9 **Q.** Okay. So, why don't you tell me how you  
10 think it happened.

11 **A. At certain times of the day, when the tide is  
12 in or out, there's a drop off along that section of  
13 beach.**

14 **Q.** Okay. What do you mean by a drop off?

15 **A. It literally drops off.**

16 **Q.** Okay. And how long has that particular  
17 condition existed, as far as you know?

18 **A. The inlet's changing all the time. Every  
19 year, it changes.**

20 **Q.** Okay. For the summer season of 2012, did  
21 this drop off exist before July 27, 2012?

22 **A. I don't know.**

23 **Q.** Okay. All right. Do you know a Dr. Stewart  
24 Farrell of the resource -- the resource center that  
25 does the research and prepares a lot of these papers?

WORD FOR WORD REPORTING, LLC

1 **Q.** All right. And I know you're not a research  
2 scientist, but what is your understanding of what  
3 causes that whirlpool or vortex?

4 **A. I believe it's the bay hitting the ocean at  
5 that point.**

6 **Q.** Okay. If we were to go out on a boat this  
7 coming summer with Mr. Barker, and everybody here,  
8 would we, with your assistance, be able to see this  
9 whirlpool, or vortex?

10 **A. Like I said, every year, it changes. The  
11 beach is bigger, it's smaller.**

12 **Q.** Right.

13 **A. It's a lot smaller now than what it was.**

14 **Q.** The beach, or the whirlpool, or the vortex?

15 **A. The beach.**

16 **Q.** The beach. Okay.

17 But here's my question: You -- I  
18 thought you said to us that that vortex or whirlpool,  
19 he uses both of those words, Dr. Farrell, is there  
20 every time the back bay is going to the ocean.  
21 Correct?

22 **A. Correct.**

23 **Q.** All right. If we were to go out this summer  
24 on a boat, would you be able to say to us, at the  
25 appropriate time and the appropriate place, there's

WORD FOR WORD REPORTING, LLC

1 that whirlpool or vortex I was talking about in my  
 2 deposition?  
 3 **A. Yes.**  
 4 **Q.** All right. How large is this whirlpool or  
 vortex that you have seen in the past in The Inlet?  
 6 **A. Twenty-five yards.**  
 7 **Q.** Okay. And does it appear to be circular?  
 8 **A. Yes.**  
 9 **Q.** Okay. So, the diameter across would be about  
 10 25 yards?  
 11 **A. (Witness nods.)**  
 12 **Q.** All right. Now --  
 13 MR. BARKER: You have to answer  
 14 verbally, sir. When you answer a question, your  
 15 answer has to be verbal. I think you were shaking  
 16 your head.  
 17 **Q.** You meant yes. I know.  
 18 **A. Yes. I'm sorry.**  
 19 **Q.** That's okay.  
 20 Okay. I am what I call an ocean  
 21 swimmer. I'm not a pool swimmer. I was raised in  
 22 Atlantic City and Margate. I -- you know, I think I  
 23 know the ocean.  
 24 Could an average swimmer swim through  
 25 the vortex?

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1 MR. BARKER: Objection.  
 2 VIDEOGRAPHER: Off the record at 2:03.  
 3 MR. D'AMATO: I don't need to know the  
 4 basis of it. So, can we go back on the record.  
 5 VIDEOGRAPHER: Back on the record at  
 6 2:04.  
 7 BY MR. D'AMATO:  
 8 **Q.** Okay. You want her to read the question  
 9 back?  
 10 **A. I thought he objected to it.**  
 11 **Q.** No, but -- go ahead. You want to explain to  
 12 him?  
 13 MR. BARKER: I did object. And I  
 14 cannot direct you not to answer the question.  
 15 THE WITNESS: Okay.  
 16 MR. BARKER: And so, at this point, Mr.  
 17 D'Amato's going to tell you whether he's asking you  
 18 the same question, or he's asking you a different  
 19 question.  
 20 MR. D'AMATO: No, I'm asking the same  
 21 question.  
 22 **A. Ask me again.**  
 23 **Q.** Yes. She's going to ask you.  
 24 (Record read.)  
 25 **A. No.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Okay. Do you have any knowledge as to  
 2 whether Mr. Smith was caught in that vortex?  
 3 **A. No.**  
 4 **Q.** Okay. Other than Mr. Smith, do you know of  
 5 any other drownings where people left Moore's Beach  
 6 or that Inlet Beach we've been talking about, which  
 7 was between Moore's Beach and Surf Avenue? Do you  
 8 know of any other drownings?  
 9 **A. No.**  
 10 **Q.** Okay. Now, what I want to do at this point  
 11 is go through certain photographs.  
 12 Okay. Did -- before I go to the  
 13 photographs, did you ever read any statement by the  
 14 gentleman that was with Mr. Smith as to what  
 15 happened?  
 16 **A. No.**  
 17 **Q.** Okay. Did you ever read the reports that  
 18 were generated by the North Wildwood Beach Patrol  
 19 relative to Mr. Smith?  
 20 **A. Yes.**  
 21 **Q.** Okay. Did you have to approve them before  
 22 they were issued?  
 23 **A. Yes.**  
 24 **Q.** All right. And you approved them?  
 25 **A. Yes.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Okay. We have a statement here from the  
 2 gentleman that was with Mr. Smith. And I want to --  
 3 I'm going to hand this to you, but -- and I'm going  
 4 to mark it for identification as --  
 5 MR. D'AMATO: Hold on. Did you see  
 6 them?  
 7 MR. DIJOSEPH: Yes.  
 8 MR. D'AMATO: Where are they?  
 9 (Discussion off the record.)  
 10 (BassBarn Website Printout is received  
 11 and marked for identification as Exhibit 5.)  
 12 MR. D'AMATO: We found it.  
 13 **Q.** And I just, I want to read this for the  
 14 benefit of my colleagues here.  
 15 He says, "My best friend and I were  
 16 walking along Moore's Beach on The Inlet side, where  
 17 it meets the ocean, with our seven-year-old daughters  
 18 and my nine-year-old son. As we were coming up to  
 19 the ocean side, in less than knee deep water, my  
 20 friend, myself, and both our daughters fell in off a  
 21 ledge in the sand."  
 22 That's what he says, in part, here.  
 23 The words that I just read to you,  
 24 which are on this exhibit, and this was posted on  
 25 some website called BassBarn, as Exhibit -- and I

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1 marked it as Exhibit 5, did you ever hear that  
2 description by the gentleman that was with Mr. Smith?

3 **A. No.**

4 **Q.** Okay.

MR. DiJOSEPH: This is an exhibit --

6 MR. D'AMATO: Yeah, it's already been  
7 marked. All right.

8 (Photograph received and marked for  
9 identification as Exhibit 6.)

10 **Q.** Now, there is a website that you can go on  
11 for Moore's Beach. And here is a young lady, and Mr.  
12 DiJoseph, who's retired from the Intelligence Bureau  
13 of the New Jersey State Police, and he's now a  
14 licensed private investigator, he provided this for  
15 me. You're going to see a woman with a child in her  
16 hands standing in ankle deep water. And this water  
17 is located right off of Moore's Beach, I could make  
18 that representation to you.

19 If you saw her standing there, would  
20 you tell her that it's dangerous for her to stand  
21 there?

22 **A. No.**

23 **Q.** Okay. All right.

24 MR. BARKER: What was that number; 5?

25 MR. D'AMATO: 5. You want to give that  
WORD FOR WORD REPORTING, LLC

1 to him?

2 MR. HUNKINS: Exhibit 5?

3 MR. DiJOSEPH: No, I'm sorry. That's  
4 marked 6.

5 MR. BARKER: 6? Oh, that's right.

6 MR. DiJOSEPH: 5 is BassBarn.

7 BY MR. D'AMATO:

8 **Q.** Okay. Here we're going to have marked for  
9 identification as Exhibit 7 another photograph that  
10 was on this Moore's Beach website that shows that  
11 people are arranging for a wedding.

12 Did you ever see anybody getting  
13 married on Moore's Beach?

14 **A. No.**

15 **Q.** Okay.

16 (Photograph is received and marked for  
17 identification as Exhibit 7.)

18 MR. D'AMATO: Here's an extra one for  
19 him.

20 MR. BARKER: Do you have a copy of 5  
21 for us?

22 MR. D'AMATO: I'll get it for you in a  
23 second. Okay? Before we leave today. Here. Take  
24 this.

25 **Q.** I'm going to mark for identification an  
WORD FOR WORD REPORTING, LLC

1 aerial photograph showing the condominiums. Okay?  
2 All right. And the parking lot that we have  
3 previously referenced.

4 And I'm going to show my colleagues  
5 what I'm referring to right here. Okay?

6 MR. HUNKINS: Thank you, Paul.

7 MR. D'AMATO: All right.

8 MR. BARKER: 8?

9 MR. D'AMATO: Okay. This is Exhibit 8.

10 MR. BARKER: This side?

11 MR. D'AMATO: They're both the same.

12 (Photograph is received and marked for  
13 identification as Exhibit 8.)

14 BY MR. D'AMATO:

15 **Q.** Okay. Now, just get your orientation. You  
16 would agree that we're looking at a part of Moore's  
17 Beach?

18 **A. Yes.**

19 **Q.** Okay. The individuals that own the  
20 condominiums, the actual condominium units, I meant  
21 to say, in that condominium building, is there any  
22 prohibition from those individuals sunbathing at  
23 Moore's Beach?

24 **A. No.**

25 **Q.** Okay. In fact, there is -- there are stairs  
WORD FOR WORD REPORTING, LLC

1 that people can access from the parking lot to get to  
2 Moore's Beach. Correct?

3 **A. Yes.**

4 **Q.** All right. And the only stairs that -- no,  
5 let me rephrase that.

6 The closest stairs that exist in order  
7 for someone to get to Moore's Beach would be the  
8 stairs that are located from the parking lot that we  
9 see in this particular exhibit. Correct?

10 **A. No.**

11 **Q.** Where else?

12 **A. Down by the corner at Moore's Beach.**

13 **Q.** Let me see.

14 **A. All the way down. There's a set of steps  
15 that goes right onto the beach.**

16 **Q.** Oh, yeah. Okay. Got it. Thank you.

17 So, there are two sets of stairs there?

18 **A. Two sets.**

19 **Q.** All right. Now, in looking at Exhibit 8,  
20 you'll -- you'll see, and I'm going to hand this to  
21 you in a moment, that you see an area that looks  
22 light green, and then you see an area that is dark  
23 green. Okay?

24 **A. Yes.**

25 **Q.** Now, in reading about this inlet from the  
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1 time that the Iroquois Indians were having some  
2 difficulties with it, the actual depth of The Inlet  
3 at different points in time, for every season, can be  
4 as deep as 50, 60 feet. Correct?

MR. HUNKINS: Object to the form.

6 MR. BARKER: Join. You can answer.

7 **A. No.**

8 **Q.** Okay. How deep?

9 **A. The 50 or 60 foot is by Moore's Beach.**  
10 **That's where it's deep. This -- this is six, ten,**  
11 **along the beach.**

12 **Q.** Okay. So, at Moore's Beach, before July 27,  
13 2012, was that area consistently 50, 60 feet deep?

14 **A. Yes.**

15 **Q.** All right. For what length?

16 **A. Twenty yards, twenty-five yards.**

17 **Q.** Okay. Did you go to the location where Mr.  
18 Smith fell into the ocean, on the day it happened?

19 **A. Yes.**

20 **Q.** Okay. That particular area, where it  
21 happened, and --

22 MR. DiJOSEPH: Which one do you want?  
23 Do you want 4?

24 MR. D'AMATO: Yes, 4.

25 **Q.** Where that event took place, that you saw,  
WORD FOR WORD REPORTING, LLC

1 could you put an -- tell me if on the aerial  
2 photograph of April 6, 2005, as part of the  
3 compendium of aerial photographs marked as Exhibit 4,  
4 does this show where that event took place?

5 **A. Yes.**

6 **Q.** Okay. Could you make a half an inch X where  
7 it took place.

8 **A. (Witness complies.)**

9 **Q.** Okay.

10 MR. D'AMATO: Mike, could I see that  
11 for a second. Okay.

12 (Discussion off the record.)

13 MR. HUNKINS: Would it be okay for the  
14 record if we indicate for the record --

15 MR. D'AMATO: I'm sorry. What?

16 MR. HUNKINS: Would it be okay to  
17 indicate for the record that he put the X somewhere  
18 on Inlet Beach? Would that help? I mean, it would  
19 help me reading the transcript.

20 MR. D'AMATO: Yes.

21 MR. HUNKINS: Okay, thanks.

MR. D'AMATO: Yup. That's what he did.

23 MR. DiJOSEPH: That one.

24 MR. D'AMATO: Okay.

25 BY MR. D'AMATO:

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1 **Q.** And could you do the same thing on the aerial  
2 photograph dated March 14, 2012. And make it about a  
3 half an inch, so we see it -- be able to see it with  
4 our old eyes.

5 **A. Um-hum.**

6 MR. BARKER: March?

7 **A. (Witness complies.)**

8 **Q.** Okay. Okay. You've made two X's on these  
9 aerial photographs.

10 Give us your best estimate as to how  
11 far these X's on these two photographs would be from  
12 the parking lot that we've been referencing.

13 **A. Hundred yards.**

14 **Q.** Yeah. Okay. Here. Okay. Is there a phrase  
15 or a word that North Wildwood lifeguards use to  
16 describe, what did you call it, the cliff, was it?

17 Where you say it drops off? What was the word that  
18 you used?

19 Mike, could you help me? Remember, you  
20 were talking about --

21 **A. Yes.**

22 **Q.** Yeah. Does anybody remember the word he  
23 used?

24 MR. GRASSI: It was drop off.

25 **A. Drop off.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Drop off. Okay.

2 Is there any other word that lifeguards  
3 typically refer or use relative to that drop off?

4 **A. Not to my knowledge.**

5 **Q.** Okay. And again, that drop off runs how --  
6 how far, or how long is it?

7 **A. Twenty yards.**

8 **Q.** Okay. And is that drop off, and I know you  
9 said this, but I'm kind of having difficulty  
10 understanding it. Is every season that drop off  
11 someplace along that Inlet Beach?

12 **A. Yes.**

13 **Q.** Okay. Does the drop off, season to season,  
14 move?

15 **A. Yes.**

16 **Q.** Okay. And all the years that you've been  
17 part of the North Wildwood Beach Patrol, is this drop  
18 off, does it, like, move from, let's say, Point A,  
19 and then the next year, it's like a mile away, or is  
20 there a certain limitation that it stays within?

21 **A. Limitation.**

22 **Q.** And what would you say that is?

23 Like, is it, like, a quarter of a mile,  
24 a tenth of a mile that it moves?

25 **A. Tenth of a mile.**

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1 **Q.** Okay. Is the beach area where you put the X  
2 on the aerial photographs, where the event with Mr.  
3 Smith took place, is that considered a stable beach?

MR. BARKER: Objection.

VIDEOGRAPHER: Off the record at 2:18.

6 MR. D'AMATO: You know what, from now  
7 on, if you just could say to me, do we have to go off  
8 the record.

9 VIDEOGRAPHER: Okay.

10 MR. D'AMATO: It will save us some  
11 time. And it's not your fault.

12 VIDEOGRAPHER: Okay.

13 MR. D'AMATO: I just want to finish  
14 with the witness.

15 VIDEOGRAPHER: Okay. Ready to go back  
16 on?

17 MR. D'AMATO: Yeah, just one second. I  
18 appreciate your objection, but I don't need to know  
19 the basis of it.

20 Sometimes we just don't need to know  
21 the basis of it. Okay? That's what I just said.

22 Okay. So, we go back on the video  
23 record.

24 THE VIDEOGRAPHER: Back on the record,  
25 2:19.

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1 another photograph that Investigator DiJoseph pulled  
2 off the Moore's website for the Moore's Beach. And;  
3 let me hand it to you --

4 MR. DiJOSEPH: Paul, that is a public

5 --

6 MR. D'AMATO: It's a what?

7 MR. DiJOSEPH: It's a public Facebook  
8 page for the beach.

9 MR. D'AMATO: Oh, okay. All right.

10 MR. DiJOSEPH: It's a public open group  
11 on Facebook called Moore's Inlet Beach.

12 MR. D'AMATO: Got it. Thank you.

13 BY MR. D'AMATO:

14 **Q.** Okay. Looking at that photograph, you'll see  
15 people bathing, okay, and you can assume our  
16 representation that that is showing you Moore's  
17 Beach.

18 Did the lifeguards of the North  
19 Wildwood Beach Patrol, before July 27, 2012, go to  
20 Moore's Beach and tell any bathers, like the ones you  
21 see in that photograph, to get out of that water, and  
22 not swim there?

23 **A. No.**

24 **Q.** Before July 27, 2012, if you saw those  
25 bathers right off of Moore's Beach, that is shown in

WORD FOR WORD REPORTING, LLC

1 BY MR. D'AMATO:

2 **Q.** Okay. You want the last question read back?

3 **A. Yes.**

4 (Record read.)

5 **A. I don't know.**

6 **Q.** Okay. Why don't you know?

7 **A. I just don't know.**

8 **Q.** Okay. Were there any warning signs on July  
9 27, 2012 that would have alerted Brad Smith as to  
10 this drop off?

11 **A. No.**

12 **Q.** Why not?

13 **A. It's -- I can't answer that.**

14 **Q.** Is there somebody within the government of  
15 North Wildwood that you think could answer it?

16 **A. I don't know.**

17 **Q.** Okay.

18 MR. DiJOSEPH: Let me take that.

19 **Q.** Okay.

20 MR. D'AMATO: I did it again.

21 Oh, here we go, thanks.

22 (Photograph is received and marked for  
23 identification as Exhibit 9.)

24 **Q.** All right. Let me show you what's been  
25 marked for identification as Exhibit 9. This is

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1 that particular exhibit, would you think that it was  
2 dangerous for them to be swimming, or just standing  
3 in that area?

4 MR. BARKER: Objection.

5 VIDEOGRAPHER: Do we need to go off?

6 MR. D'AMATO: No.

7 **Q.** Yeah.

8 **A. Any unprotected beach is dangerous, as far as  
9 I'm concerned.**

10 **Q.** Okay. All right. Where you see those  
11 bathers, can you tell us, and again you can estimate,  
12 if the bay was going out to the ocean, and the vortex  
13 or whirlpool was created, how far are they from that  
14 vortex or whirlpool?

15 **A. 300 yards.**

16 **Q.** Okay. And Dr. Farrell, in one of his  
17 statements, and hopefully we can get to it today, he  
18 says that sometimes when the back bay is going to the  
19 ocean, that that water is moving at five miles per  
20 hour, the water that's going out to the ocean.

21 **A. Um-hum.**

22 **Q.** Would you agree with him?

23 **A. Yes.**

24 **Q.** Would you agree that it could be more than  
25 five miles per hour?

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- 1 **A. Yes.**  
 2 **Q.** Ten miles per hour?  
 3 **A. No, not -- not that --**  
**Q.** Somewhere between five and ten miles per  
 hour?  
 6 **A. Yeah.**  
 7 **Q.** Or nine miles per hour?  
 8 **A. Yes.**  
 9 **Q.** Okay. So, we'll say somewhere between five  
 10 to nine miles per hour?  
 11 **A. (Witness nods.)**  
 12 **Q.** Okay. Could I have that back?  
 13 (Photograph is received and marked for  
 14 identification as Exhibit 10.)  
 15 **Q.** Let me show you what's been marked for  
 16 identification as Exhibit 10. Now, you could see in  
 17 the lower right-hand corner, this photograph was  
 18 taken by Mr. DiJoseph on August 10, 2012.  
 19 I just want to show Mr. Barker and  
 20 Will. Okay?  
 21 All right. You see that sign that's  
 22 there?  
 23 **A. (Witness nods.)**  
 24 **Q.** Yeah. That sign is warning people of what?  
 25 **A. No swimming.**

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- 1 **Q.** Okay. Would you agree that on July 27, 2012,  
 2 there were no signs saying no walking in ankle deep  
 3 water? Would you agree?  
 4 **A. Yes.**  
 5 **Q.** Would you agree that on July 27, 2012, there  
 6 were no signs saying do not walk in water that goes  
 7 to your mid calf?  
 8 **A. Yes.**  
 9 **Q.** Okay. Now, I'll take it back.  
 10 (Photograph is received and marked for  
 11 identification as Exhibit 11.)  
 12 **Q.** Now, I'm going to show you what's been marked  
 13 for identification as Exhibit 11. Again, this  
 14 photograph was taken on August 10, 2012. All right?  
 15 You'll see a series of flags, red flags. All right?  
 16 Were those red flags posted there after July 27,  
 17 2012?  
 18 **A. Yes.**  
 19 **Q.** And was this a result of -- as a result of  
 20 Mr. Smith drowning?  
 21 **A. Yes.**  
**Q.** All right. Whose idea was it to put those  
 23 flags there?  
 24 **A. The city administrator.**  
 25 **Q.** And that was?

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- 1 **A. Lou Belasco.**  
 2 **Q.** Okay. All right. What do those red flags  
 3 signify? What are they warning about?  
 4 **A. It's -- that's the same signal -- it's an**  
 5 **international signal, no swimming.**  
 6 **Q.** Okay. How long were those red flags up for  
 7 the summer season of 2012?  
 8 **A. How long were they up?**  
 9 **Q.** Labor Day?  
 10 **A. Yes.**  
 11 **Q.** Okay. Were these flags that we're looking at  
 12 in that photograph, were they posted in that  
 13 location, or approximately next to those locations,  
 14 for the summer of 2013?  
 15 **A. I believe so.**  
 16 **Q.** How about the summer of 2014?  
 17 **A. No.**  
 18 **Q.** Why not?  
 19 **A. We just stopped putting them out.**  
 20 **Q.** Was there any discussion with the mayor and  
 21 council about not putting them out anymore?  
 22 **A. No.**  
 23 **Q.** You made that decision yourself?  
 24 **A. Yes.**  
 25 **Q.** Did you have a basis for that decision?

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- 1 **A. No.**  
 2 **Q.** Okay. I'll take that back.  
 3 (Photograph is received and marked for  
 4 identification as Exhibit 12.)  
 5 **Q.** I've had marked for identification as Exhibit  
 6 12 another photograph taken by this investigator on  
 7 August 10, 2012. And you'll see those flags again.  
 8 Here's my question: Does this area  
 9 show where the event took place involving Mr. Smith?  
 10 And if it does, could you just put like a circle the  
 11 size of a quarter.  
 12 **A. I'm not sure from this angle.**  
 13 **Q.** Okay. That -- let me show you what's going  
 14 to be marked for identification as Exhibit 13.  
 15 (Photograph is received and marked for  
 16 identification as Exhibit 13.)  
 17 **Q.** The gentleman that you see in that photograph  
 18 is Mr. Sunderland, who was with Brad Smith at the  
 19 time of the event.  
 20 The fellow that you see on the Jet Ski  
 21 there, standing next to the Jet Ski, is the young man  
 22 who's referenced in the reports that were written by  
 23 the North Wildwood Beach Patrol, and who was able to  
 24 assist in bringing Mr. Smith's daughter to shore.  
 25 And this photograph was, in fact, taken by Mr.

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1 DiJoseph.  
 2 The significance of this, and Mr.  
 3 DiJoseph some day will testify to this, is that Mr.  
 4 Sunderland is standing where he says the event took  
 5 place. And in one of Mr. DiJoseph's reports, he's  
 6 written that the gentleman that's next to the Jet Ski  
 7 said this is where the event took place.

8 Now, are you able to -- considering all  
 9 the years you've been on the beach patrol, do you  
 10 have a sense that where this location is is  
 11 approximately a hundred yards from, I think, the  
 12 parking lot? Can you tell?

13 **A. Yes.**

14 **Q.** And would you agree it is?

15 **A. Yes.**

16 **Q.** Okay.

17 MR. D'AMATO: You want to take that?  
 18 The ones I'm not using, just put in a separate pile.  
 19 Okay.

20 **Q.** Okay. Now, I'm going to have, to save some  
 21 time, as one collective exhibit, four photographs  
 22 that were taken by Mr. DiJoseph on August 16, 2013.  
 23 I'm just -- and I'm going to clip them. And you're  
 24 going to see, there's a con -- piece of concrete, and  
 25 an orange ball that says no swimming. And --

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1 MR. D'AMATO: Is it okay with you that  
 2 I just have these as one collective exhibit, or would  
 3 you prefer that I mark them individually?

4 MR. BARKER: I prefer you mark them  
 5 individually.

6 MR. D'AMATO: Okay.  
 7 (Photographs are received and marked  
 8 for identification as Exhibits 14 through 17.)

9 **Q.** So, what I'm going to do is, I'm going to  
 10 hand you Exhibit 14. And then I'll hand you -- hand  
 11 to you another exhibit as 15. You'll see an orange  
 12 ball. And I will hand to you Exhibit 16. And you'll  
 13 see another orange ball. And finally, as Exhibit 17,  
 14 another photograph that shows a piece of concrete and  
 15 an orange ball.

16 Were -- how many of these orange balls  
 17 connected to concrete were posted on the beach in  
 18 North Wildwood after Brad Smith's drowning?

19 **A. Four or five.**

20 **Q.** Okay. Were they posted in areas similar to  
 21 where the flags were, we saw in the other  
 22 photographs?

23 **A. Yes.**

24 **Q.** Okay. Whose idea was it to come up with that  
 25 configuration of a -- I'm going to call it like a

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1 balloon connected to a piece of concrete?

2 **A. The mayor, former mayor of North Wildwood.**

3 **Q.** Okay. Were those pieces of concrete, to  
 4 which was affixed a balloon, there for the entire  
 5 summer season of 2012?

6 **A. Yes.**

7 **Q.** Okay. Were they put back for the summer  
 8 season of 2013?

9 **A. They were never taken out.**

10 **Q.** Okay. Did they disappear in the ocean?

11 **A. Yes. Yes.**

12 **Q.** Okay. When did they disappear?

13 **A. I can't remember if they made it to 2013.**

14 **Q.** Okay. We have to take a break, because we  
 15 need a new tape. So, we'll go off the video record.

16 VIDEOGRAPHER: This ends videotape 1.

17 The time's 2:32. We're off the record.

18 (Recess.)

19 VIDEOGRAPHER: This marks the beginning

20 of videotape 2. The time is 2:41. We're back on the  
 21 record.

22 (Photograph is received and marked for  
 23 identification as Exhibit 18.)

24 BY MR. D'AMATO:

25 **Q.** All right. I've had marked for

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1 identification as Exhibit 18 a photograph that was  
 2 taken by Investigator DiJoseph on January 28, 2013.  
 3 Let me hand it to you.

4 MR. BARKER: Before we go on into that  
 5 one, I think you misspoke when you referred to  
 6 Exhibit 14 through -- when you first spoke about it,  
 7 you referred to the date as August 16, 2013. And  
 8 they are all marked as August 16, 2012.

9 MR. D'AMATO: Thank you.

10 MR. BARKER: So, the record should  
 11 stand corrected. Right?

12 MR. D'AMATO: Thank you.

13 MR. BARKER: Okay. Now, we're onto  
 14 another exhibit, No. 18.

15 BY MR. D'AMATO:

16 **Q.** Okay. Do you have your orientation? Do you  
 17 know what this photograph is showing?

18 **A. Yes.**

19 **Q.** Okay. Do you see the wooden steps that are  
 20 located in the photograph?

21 **A. Yes.**

22 **Q.** All right. Does the Public Works Department  
 23 of the City of North Wildwood maintain those steps,  
 24 if they need repair?

25 **A. Yes.**

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1 Q. Okay.

2 MR. BARKER: Do you want back your

3 Exhibits 14 through --

4 MR. D'AMATO: Yes. I'll provide you

5 with color copies of everything.

6 (Photograph is received and marked for

7 identification as Exhibit 19.)

8 BY MR. D'AMATO:

9 Q. I'm now going to show you what's been marked

10 for identification as exhibit 19. For the benefit of

11 my colleagues, all right, this photograph was taken

12 July 31, 2014. Let me hand it to you. And just get

13 your orientation as to what part of the beach that

14 that is showing. Okay?

15 Do you know what part of the beach it's

16 showing there?

17 A. I believe it's from Surf Avenue looking west.

18 Q. You're correct. All right. Can I have that

19 back just for one second here.

20 This particular -- is our audio okay?

21 VIDEOGRAPHER: Off the record at 2:43.

22 Let me see if I can quiet them down a

23 little bit in a nice way.

24 (Discussion off the record.)

25 VIDEOGRAPHER: Back on the record at

WORD FOR WORD REPORTING, LLC

1 2:44.

2 BY MR. D'AMATO:

3 Q. All right. I had handed to you Exhibit 19,

4 and then I took it back. And you identified the area

5 where this, what is shown in this particular

6 photograph, and you would agree that the sign on the

7 top means no swimming?

8 A. Yes.

9 Q. All right. And is it fair to say that when

10 you see that sign, it also means it's not a protected

11 beach?

12 A. Yes.

13 Q. Okay. And below, there's another sign that

14 says, "No dogs, cats, or any other domestic animals

15 on beach May 1 to October 1," and it references

16 Ordinance No. 1416.

17 Was it the responsibility, before Mr.

18 Smith's drowning, of the North Wildwood Beach Patrol

19 to enforce the no swimming sign and the no animal

20 sign?

21 MR. BARKER: Objection. You may answer

22 the question.

23 A. Can you repeat that again?

24 MR. D'AMATO: Please read it back for

25 the chief.

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1 (Record read.)

2 MR. BARKER: Objection.

3 A. I don't know how to answer that question.

4 Q. Well --

5 A. Not -- the second part. You mean, if people

6 are in the water, did we enforce that sign?

7 Q. Yes.

8 A. No.

9 Q. Why not?

10 A. It's too big an area to cover.

11 Q. Okay. How about the sign below, no dogs,

12 cats, or other domestic animals?

13 A. If we got a phone call complaint, we would

14 get the dogs off the beach.

15 Q. And "we" is the beach patrol?

16 A. Or the police.

17 Q. Okay. Both of you, the beach patrol --

18 A. Yes.

19 Q. -- and the police? All right.

20 (Photograph is received and marked for

21 identification as Exhibit 20.)

22 Now, let me show you another

23 photograph that's marked for identification as July

24 31, 2014, it was taken, it's Exhibit 20. And it

25 says, "Area closed, endangered birds nesting."

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1 I've learned about the endangered

2 birds.

3 Every summer, an area is cordoned off

4 where the birds are nesting?

5 A. Yes.

6 Q. All right. Who enforces that particular

7 sign, as to what it's saying? Is that the

8 responsibility of the beach patrol?

9 A. No. Wildlife.

10 Q. Okay.

11 MR. D'AMATO: You want to take these

12 back?

13 Q. Now, do you have an understanding that Mr.

14 Smith and his family and the Sunderland family had

15 been sitting on a protected beach on July 27, 2012,

16 and had -- and that Mr. Sunderland with his son, and

17 Mr. Smith and his daughter decided to take a walk on

18 the beach? Are you aware of that?

19 A. No.

20 Q. Okay. As they are walking from the protected

21 beach, you would call it the last one, First and

22 Surf. Right?

23 A. Yes.

24 Q. As they're walking, and they're going towards

25 Moore's Beach, would there be any sign warning them

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1 of any hazardous condition located near the water's  
 2 edge, as they're walking?  
 3 **A. No.**  
 4 MR. D'AMATO: We're going to save a lot  
 of time here. Okay. Hold on.  
 6 (Photograph is received and marked for  
 7 identification as Exhibit 21.)  
 8 **Q.** I'm going to show you what's been marked for  
 9 identification as Exhibit 21. This was a photograph  
 10 that was taken June 20, 2014, almost two years after  
 11 the Smith incident.  
 12 Would you agree that these signs did  
 13 not exist at that location or on the North Wildwood  
 14 beach on July 27, 2012?  
 15 MR. BARKER: Objection.  
 16 **A. This did exist.**  
 17 **Q.** It did exist?  
 18 **A. Yes.**  
 19 **Q.** Okay. Let me see it for a second.  
 20 **A. The top -- the top part. Not the bottom.**  
 21 **Q.** Okay. The top part, would be the -- it looks  
 22 like a beach ball?  
 23 **A. And the blue.**  
 24 **Q.** The blue existed?  
 25 **A. Yes.**

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1 **Q.** Okay. Okay. The sign at the bottom that  
 2 says "high risk rip current area," that was posted on  
 3 -- at this location after the Smith incident?  
 4 **A. Yes.**  
 5 **Q.** At whose suggestion or recommendation?  
 6 **A. Public Works. Mr. Wozunk.**  
 7 **Q.** Okay. The high risk rip current area that  
 8 this sign refers to, is that the area located off of  
 9 The Inlet Beach that we were talking about earlier in  
 10 your deposition?  
 11 **A. Yes.**  
 12 **Q.** Okay. Did anyone have to get your approval  
 13 in order to post this sign that says high risk rip  
 14 current area?  
 15 **A. No.**  
 16 **Q.** All right. Were you even asked if --  
 17 **A. No.**  
 18 **Q.** You weren't even asked. Okay.  
 19 (Photograph is received and marked for  
 20 identification as Exhibit 22.)  
 21 **Q.** Let me show you a photograph that's been  
 marked for identification as Exhibit 22. The good  
 23 looking gentleman there is a colleague of Mr.  
 24 DiJoseph. He's also a licensed private investigator,  
 25 Charles Atkinson. And you'll see two officers that

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1 are walking on the beach. And I could tell you, I  
 2 was there when that photograph was taken. We were  
 3 right on the beach off that what you call The Inlet  
 4 Beach.  
 5 Would you agree that that shows that  
 6 area?  
 7 **A. Yes.**  
 8 **Q.** All right. So, you, before July 27, 2012,  
 9 personally observed police officers walking on the  
 10 beach as we see in that particular photograph?  
 11 **A. No.**  
 12 **Q.** Why not?  
 13 **A. This was instituted by our present mayor, the**  
 14 **walking patrols.**  
 15 **Q.** Okay. And when was that instituted?  
 16 **A. '14.**  
 17 **Q.** Okay. Did police officers ever patrol the  
 18 beach before July 27, 2012?  
 19 **A. They occasionally would ride down in a**  
 20 **vehicle.**  
 21 **Q.** Okay. All right. Could I have that?  
 22 MR. D'AMATO: Can you make a note to  
 23 see if there was a resolution or an ordinance that  
 24 regards that? Okay.  
 25 Here. You can take that.

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1 (Photograph is received and marked for  
 2 identification as Exhibit 23.)  
 3 **Q.** Okay. I'm going to now show you what's been  
 4 marked for identification as Exhibit 23. And there's  
 5 a follow-up photograph. And again, I was there when  
 6 this photograph was taken. Take that. And I'm going  
 7 to mark for identification as Exhibit 24.  
 8 (Photograph is received and marked for  
 9 identification as Exhibit 24.)  
 10 **Q.** Would you agree that the persons that we're  
 11 looking at on that vehicle are Public Works employees  
 12 of the City of North Wildwood?  
 13 **A. Yes.**  
 14 **Q.** Okay. Do you know who that individual is?  
 15 And let me hand to you 24.  
 16 (Discussion off the record.)  
 17 **A. I have no idea.**  
 18 **Q.** Okay. How do you know that it's a Public  
 19 Works vehicle?  
 20 **A. Because that's the type of vehicle they use.**  
 21 **Q.** Okay.  
 22 **A. The little cart on the back.**  
 23 **Q.** Would you agree that they're on what you and  
 24 I have been calling The Inlet Beach?  
 25 **A. Yes.**

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1 Q. Okay. In the parking lot located near the  
2 condominiums, there was or -- there was, when I was  
3 there during the summertime, a porta potty. A blue  
4 porta potty.

Did you ever see it?

6 A. **On the beach, or on the parking lot?**

7 Q. In the parking lot.

8 A. **Yes.**

9 Q. Who puts that there?

10 A. **Public Works.**

11 Q. Okay. And there's also a small little house.

12 Is that where people can bathe in there?

13 A. **No. That's the restrooms.**

14 Q. Okay. And who maintains those?

15 A. **Public Works.**

16 Q. Okay. All right.

17 (Photograph is received and marked for  
18 identification as Exhibit 25.)

19 Q. Let me show you a photograph marked for  
20 identification as Exhibit 25. This was taken by Mr.  
21 DiJoseph on May 21, 2014. And I'm going to mark  
22 another photograph that shows you a close-up as  
23 Exhibit 26.

24 (Photograph is received and marked for  
25 identification as Exhibit 26.)

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1 Q. Mr. DiJoseph, he wrote a report that  
2 indicates that this was a Public Works tractor.

3 A. **Yes.**

4 Q. Front end loader.

5 Was that front end loader taking sand  
6 from the Moore's Beach area and putting it on a  
7 protected beach?

MR. BARKER: Objection.

9 A. **No.**

10 Q. No? Do you know what it was doing?

11 A. **There's an out fall pipe there, that they  
12 have to dig out to clear the -- so the water can  
13 flow.**

14 Q. Got it. And Public Works take care of that.  
15 Correct?

16 A. **Yes.**

17 Q. Yeah?

18 A. **Yes.**

19 (Photograph is received and marked for  
20 identification as Exhibit 27.)

21 Q. Okay. Let me show you what's been marked for  
22 identification as Exhibit 27. This photograph was  
23 taken by a Mrs. Patricia Possey, P-O-S-S-E-Y. These  
24 photographs have been supplied to counsel. And this  
25 was after the Brad Smith incident.

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1 Did you become aware of the beach in  
2 The Inlet Beach area collapsing as shown in this  
3 particular photograph?

4 MR. BARKER: Objection.

5 MR. HUNKINS: Can I -- sorry. Are you  
6 objecting?

7 MR. BARKER: I'm objecting.

8 MR. HUNKINS: I was wondering if you  
9 could represent the date the photo was taken.

10 MR. D'AMATO: It's in the interview  
11 here. Go ahead.

(Discussion off the record.)

12 MR. D'AMATO: My recollection is when  
13 we -- when Mr. DiJoseph interviewed her, it was --  
14 this event took place the summer of 2013. 2013.

15 MR. DIJOSEPH: August 3rd, 2014.

16 MR. D'AMATO: 2014. Okay. I was  
17 wrong. Okay, here.

18 MR. DIJOSEPH: Oh, no. See, provided  
19 to NBC 10 News in September 2012. And we interviewed  
20 her August 3rd, 2014.

21 MR. D'AMATO: Okay. Let me just put  
22 this on this record.

23 Q. And I've given this statement to your  
24 attorneys. But I'll just mark it as part of the

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1 record.

2 This is an interview of Patricia  
3 Possey, this report is dated August 4, 2014. And she  
4 said that she provided this video to NBC 10 News in  
5 September of 2012. Okay? So, here. I'm going to  
6 hand that to Mr. Barker. You really don't have to  
7 read that, because I want to ask you about this  
8 photograph. Where is it?

9 Can I have that, please?

10 MR. BARKER: Certainly.

11 MR. D'AMATO: Yeah. All right. All  
12 right.

13 MR. HUNKINS: And I hate to interrupt,  
14 but just for the follow-up, we know she gave it to  
15 them in September of 2012. Do we know the date she  
16 took it?

17 MR. DIJOSEPH: It's in the report.

18 MR. HUNKINS: Oh, it's in the report?

19 MR. D'AMATO: You have this report.

20 I'd just like to move on. Okay?

21 MR. HUNKINS: Yeah.

22 Q. I believe it was taken in September 2012.  
23 All right.

24 Here's my question: First, do you  
25 recall seeing the beach in this condition back in

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1 September 2012?  
 2 **A. No.**  
 3 MR. BARKER: Objection. But you can  
 4 answer.  
 5 **Q.** Okay. Have you ever seen conditions like  
 6 what is shown in Exhibit 27 along the North Wildwood  
 7 beaches, protected or unprotected, before September  
 8 27, 2012?  
 9 **A. Yes.**  
 10 **Q.** Okay. What locations, if you will, in the  
 11 City of North Wildwood?  
 12 **A. Moore's Beach.**  
 13 **Q.** Okay. Given the number of years that you  
 14 have been a member of the North Wildwood Beach  
 15 Patrol, can you explain why a condition like this  
 16 occurs?  
 17 **A. No.**  
 18 **Q.** Okay.  
 19 MR. D'AMATO: That's unused. This is  
 20 used.  
 21 MR. DiJOSEPH: I need the report.  
 22 MR. D'AMATO: That's all right.  
 23 (Discussion off the record.)  
 24 **Q.** Okay. Here. These are unused. Okay?  
 25 All right. Don't need those. Here.  
 WORD FOR WORD REPORTING, LLC

1 Take this. What am I up to now; 23?  
 2 MR. DiJOSEPH: 29.  
 3 (Photograph is received and marked for  
 4 identification as Exhibit 29.)  
 5 **Q.** Okay. Let me show you a photograph that's  
 6 been marked for identification as Exhibit 29.  
 7 MR. DiJOSEPH: It's from the public  
 8 Facebook profile.  
 9 MR. D'AMATO: Okay. Mr. DiJoseph  
 10 advises me that that is from the -- what?  
 11 MR. DiJOSEPH: Moore's Inlet Beach  
 12 public Facebook group.  
 13 **Q.** Okay.  
 14 MR. BARKER: Date?  
 15 MR. DiJOSEPH: I believe it's like  
 16 August 2015, it says. Somewhere in that area.  
 17 MR. HUNKINS: Meaning, that's the date  
 18 it was taken?  
 19 MR. DiJOSEPH: That's the date it was  
 20 posted on the Facebook page. I don't know when it  
 21 was taken.  
 22 BY MR. D'AMATO:  
 23 **Q.** Okay. When you referred to the drop off  
 24 earlier in your testimony, does this photograph show  
 25 what you call a drop off?  
 WORD FOR WORD REPORTING, LLC

1 **A. No.**  
 2 **Q.** Okay. How is a drop off different than the  
 3 photograph that you have in your hand?  
 4 **A. It's along the water's edge. It's in the**  
 5 **water.**  
 6 MR. HUNKINS: Meaning?  
 7 **Q.** So, that -- wait. Okay.  
 8 When you say it's in the water, so that  
 9 if I'm standing on land, I can't see the drop off.  
 10 Correct?  
 11 **A. Yes.**  
 12 **Q.** Okay. The area that's shown in that  
 13 photograph, is that Moore's Beach?  
 14 **A. No.**  
 15 **Q.** Is that Inlet Beach?  
 16 **A. Yes.**  
 17 **Q.** Okay.  
 18 MR. D'AMATO: For the record, he was  
 19 referring to Exhibit 29.  
 20 Here we go. Hold on. Okay. You can  
 21 take that. You can take that. Put that away. Thank  
 22 you. Here.  
 23 (Discussion off the record.)  
 24 MR. D'AMATO: Is that mine, Mike, or is  
 25 that yours?  
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1 MR. BARKER: That's what you gave me.  
 2 MR. D'AMATO: Okay.  
 3 (Discussion off the record.)  
 4 MR. D'AMATO: All right.  
 5 What exhibit number are we up to now?  
 6 MR. BARKER: 30.  
 7 (Discussion off the record.)  
 8 (Photograph is received and marked for  
 9 identification as Exhibit 30.)  
 10 BY MR. D'AMATO:  
 11 **Q.** Okay. Let me show you what's been marked for  
 12 identification as Exhibit 30. This was sent to me by  
 13 Mr. Barker. And I'll hand it to you. It is a memo  
 14 to Attorney William Kaufman, who I believe is your  
 15 city solicitor, from Ronald Simone, administrative  
 16 assistant, it's dated August 27, 2015.  
 17 Have you ever seen this document  
 18 before?  
 19 **A. Can I open it?**  
 20 **Q.** Sure, sure. You'll see on the next page, it  
 21 says North Wildwood Beach Patrol Rescue Report.  
 22 **A. This actual report?**  
 23 **Q.** Yes.  
 24 **A. I've never seen this.**  
 25 **Q.** Okay. The gentleman, Ronald Simone,  
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1 administrative assistant, do you know to whom he is  
2 an administrative assistant?

3 **A. To the mayor.**

4 **Q.** Mayor? Okay.

MR. D'AMATO: Spez, just we've got to  
6 send out a letter, so we can take Mr. Simone's  
7 deposition.

8 MR. SPEZIALI: Got it.

9 **Q.** All right.

10 MR. BARKER: I'll take the extra copy,  
11 if you want.

12 MR. DiJOSEPH: Mr. Barker.

13 MR. BARKER: Yeah. 30.

14 (Photograph is received and marked for  
15 identification as Exhibit 31.)

16 BY MR. D'AMATO:

17 **Q.** Okay. Let me show you what's been marked for  
18 identification as Exhibit 31. Give a copy to Mr.  
19 Barker, and an extra copy for the mayor, if he wants  
20 to look at it.

21 MR. ROSENELLO: Thanks.

22 **Q.** This is a transcription of a conversation  
23 that former Lieutenant Lindsay had with a Mrs.  
24 Simpson.

25 Have you ever seen this transcript  
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1 **A. Ten.**

2 **Q.** Okay. Let me continue with the quote.

3 "And the thing is, is when from mid  
4 tide to low tide, all the water in the back bay is  
5 rushing out, and it doesn't -- the only place -- all  
6 sand bars here, okay."

7 Then Mrs. Simpson says, "Oh." And  
8 Lieutenant Lindsay says, "Here to Stone Harbor, all  
9 that water comes out right through here."

10 Mrs. Simpson: "It's causing, like, a  
11 canal?"

12 Lieutenant Lindsay: "It's like a  
13 river. So, you -- they fell in here, and before they  
14 knew it, they were getting sucked out, and he, the  
15 one little girl, got on the dad's back, they managed  
16 to swim, he managed to make it to shore. The other  
17 little girl got picked up by a Jet Ski, bought in --  
18 brought in. The Jet Ski went back out to get the  
19 father. And by the time he got back out, the father  
20 must have panicked, and once you panic, you're --  
21 you're done."

22 My question to you is this: Did you  
23 ever become aware of the existence of this recorded  
24 conversation between Mrs. Simpson and Lieutenant  
25 Lindsay?

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1 before?

2 **A. No.**

3 **Q.** Okay. Can I take you to page 4. The numbers  
4 are in the upper right-hand corner. Okay?

5 I want to read into the record, because  
6 I don't have copies for all the rest of the  
7 attorneys, what Lieutenant Lindsay said, and we  
8 actually have the recording of this.

9 "Yeah. At low tide, between mid and  
10 low tide, the gentleman that drowned last year, when  
11 -- we called him out of the water here, so they said,  
12 'Okay, we can't go in the water, let's go for a  
13 walk.' They're walking, him and his friend and their  
14 two daughters, and they're in ankle deep water, and  
15 they're right there, and they fell into the 30-foot  
16 deep."

17 Now, I'm just going to stop there, and  
18 I'll continue in a second.

19 The area, according to Lieutenant  
20 Lindsay, where this event took place, it was 30-foot  
21 deep.

Do you agree or disagree?

22 **A. Disagree.**

23 **Q.** Okay. And again, how many feet do you think  
24 it is?  
25

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1 **A. No.**

2 **Q.** All right. There is the first time you ever  
3 heard of it?

4 **A. Yes.**

5 **Q.** Okay. Okay. If I could take you to page 7.  
6 Okay? And I'm getting to the part of his statements  
7 that I want to ask you a question about.

8 "We could get the state and have this  
9 whole -- from there to the Greek church, the rocks,  
10 shut down. But then you run --"

11 Mrs. Simpson says: "Because of the  
12 bars?"

13 Lieutenant Lindsay: "Then you run into  
14 the people with the, you know, the bars, and the  
15 condo owners, who want to walk over the bulkhead and  
16 be on the beach. And for the local people, they  
17 know, you know, they -- they know how dangerous it  
18 is, but a guy comes down from Philly with his family,  
19 and they're, like, because of a lot of -- a lot of  
20 people, when we go down and say, 'Hey, you can't be'  
21 -- they're, like, 'Oh, we didn't know, thanks for  
22 telling us.'"

23 I have a couple questions. Did you,  
24 personally, ever feel any pressure from any of the  
25 bar owners in the area of Moore's Beach to keep

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1 Moore's Beach an area that was not closed down?

2 **A. Repeat that.**

3 **Q.** Okay. Let me change it up a little bit.

4 All right. Did you, before July 27,  
5 2012, ever get any pressure from any of the bar  
6 owners not to close down what we've been calling  
7 Moore's Beach?

8 **A. No.**

9 MR. HUNKINS: Object to the form.

10 **Q.** How about from the condo owners?

11 **A. No.**

12 **Q.** Did anybody ever tell you, in city  
13 government, that they were getting pressure from the  
14 bar owners or the owners of the condos in that  
15 condominium next to Moore's Beach that those  
16 individuals didn't want Moore's Beach closed down, so  
17 no one could sit on it?

18 **A. No.**

19 **Q.** Okay. Okay. I'll take that back.

20 (Discussion off the record.)

21 **Q.** Now, I have a series of North Wildwood patrol  
22 daily reports.

23 MR. D'AMATO: Oh, here's an extra copy.  
24 Mike, is this yours you gave you, or did you take it?

25 MR. BARKER: You brought it here.

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1 MR. ROZELL: It's the Ron Simone

2 report.

3 MR. BARKER: Yeah. I have the report.

4 BY MR. D'AMATO:

5 **Q.** Okay. Did you read any North Wildwood Beach  
6 Patrol daily reports in order to prepare for this  
7 deposition?

8 **A. No.**

9 **Q.** All right. The -- let's see if we can do it  
10 this way: Were there any occasions before July 27,  
11 2012 where North Wildwood lifeguards had to  
12 effectuate a rescue of a person that was in the water  
13 off of Moore's Beach?

14 **A. Yes.**

15 **Q.** Okay. Now, let's go south to The Inlet  
16 Beach.

17 Were there occasions before July 27,  
18 2012 where lifeguards of the North Wildwood Beach  
19 Patrol had to effectuate a rescue of someone that was  
20 swimming off of what we've been calling The Inlet  
21 Beach?

22 **A. Yes.**

23 **Q.** Okay. From your experience, is it safe to  
24 say that in all the years that you have been a member  
25 of the North Wildwood Beach Patrol, that before July

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1 MR. D'AMATO: No, I know, but --

2 MR. BARKER: I don't think I brought  
3 that into the room.

4 MR. D'AMATO: No, but we gave you a  
5 copy. And I wonder if I took your copy. Is it --

6 MR. BARKER: Oh, you gave me a copy?

7 Then --

8 MR. D'AMATO: Yeah, okay.

9 MR. BARKER: No, I didn't know you did.

10 MR. D'AMATO: Here. All right. Sorry.

11 MR. BARKER: Did it have an exhibit

12 number, by the way, or --

13 MR. D'AMATO: Yes.

14 MR. DiJOSEPH: It did. It was the memo  
15 from Mike Barker to Attorney Kaufman was Exhibit No.  
16 30.

17 MR. BARKER: Yeah, but this is  
18 something different. This is to Paul from me, dated  
19 -- it's like a discovery.

20 MR. DiJOSEPH: That's not an exhibit.

21 MR. D'AMATO: No. Everybody, the  
22 attachment is an exhibit. I didn't attach the  
23 letter.

24 MR. BARKER: Oh, okay.

25 MR. D'AMATO: Okay? All right.

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1 27, 2012, there were occasions during the summer  
2 season when North Wildwood lifeguards had to  
3 effectuate rescues of individuals swimming both off  
4 the Moore's Beach and off of The Inlet Beach?

5 MR. BARKER: Objection.

6 **A. Yes.**

7 MR. BARKER: You may --

8 **Q.** Okay. Typically, how would your lifeguards  
9 be alerted to the fact that they had to effectuate a  
10 rescue off of Moore's head -- Moore's Beach and The  
11 Inlet Beach?

12 MR. BARKER: Objection. You may  
13 answer.

14 **A. Police department, we would monitor the  
15 police radio. The police would get a call,  
16 somebody's in distress, Moore's or The Inlet, and we  
17 would respond.**

18 **Q.** Okay. Let's do this: All right. Before  
19 July 27, 2012, do you know if any of your lifeguards  
20 had to effectuate a rescue of someone that fell into  
21 that drop off that you and I were talking about  
22 earlier?

23 MR. BARKER: Objection.

24 **A. No.**

25 **Q.** Okay.

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1 (Discussion off the record.)  
 2 (North Wildwood Beach Patrol Daily  
 3 Report is received and marked for identification as  
 4 Exhibit 32.)  
 BY MR. D'AMATO:  
 6 Q. Let me show you a daily report from the North  
 7 Wildwood Beach Department, or Beach Patrol, I meant  
 8 to say. It's dated June 19, 2010.  
 9 What I've done, to save some time, is  
 10 to highlight what I'm going to ask you a question  
 11 about, to save some time.  
 12 And on 32, it says -- may I have this?  
 13 "Two boogie boarding adults from The Inlet with Guard  
 14 Lydon, no other incidents on a busy day."  
 15 Now, when the author of that refers to  
 16 The Inlet, given the fact that you're the chief of  
 17 the beach patrol, is he referring to the body of  
 18 water that we earlier called The Inlet, or is he  
 19 referring to The Inlet Beach, if you can tell from  
 20 that document?  
 21 A. He's referring to the guarded beach.  
 22 Q. Okay. And what guarded beach would that be?  
 23 A. Surf Avenue, Ocean Avenue.  
 24 Q. I got you. Okay. Thank you.  
 25 (Discussion off the record.)  
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1 (North Wildwood Beach Patrol Daily  
 2 Report is received and marked for identification as  
 3 Exhibit 33.)  
 4 Q. All right. All right. I'm now going to hand  
 5 you what's been marked for identification as Exhibit  
 6 33, a daily report dated July 25, 2010. And you'll  
 7 see a reference to one inlet rescue. And my question  
 8 is, can you tell from that document where the rescue  
 9 -- no, more precisely, off of what beach the rescue  
 10 took place?  
 11 A. This would be in the unguarded area.  
 12 Q. Okay.  
 13 A. Because it's a kayak.  
 14 Q. Okay. That would be Moore's Beach?  
 15 A. Moore's Beach, or --  
 16 Q. Or The Inlet Beach?  
 17 A. The Inlet Beach.  
 18 Q. Okay. Thanks. All right.  
 19 (North Wildwood Beach Patrol Daily  
 20 Report is received and marked for identification as  
 21 Exhibit 34.)  
 Q. Now, I'm going to hand to you what's been  
 23 marked for identification as Exhibit 36. It's dated  
 24 July 28, 2010.  
 25 MR. DiJOSEPH: You're on 34.  
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1 MR. D'AMATO: I'm sorry. Yep, you're  
 2 right. That should be 34.  
 3 Okay. Do you have that?  
 4 Q. July 28, 2010. It says, "Kite surfer stuck  
 5 in channel for 15 minutes."  
 6 Can you tell where that event took  
 7 place, in looking at that report? I know the --  
 8 A. Out in Hereford Inlet.  
 9 Q. Okay. And -- okay. You can take that.  
 10 (North Wildwood Beach Patrol Daily  
 11 Report is received and marked for identification as  
 12 Exhibit 35.)  
 13 Q. All right. Now, I'm going to show you, yep,  
 14 one dated July 31, 2010, and this is Exhibit 35. And  
 15 the highlighted part says, "3:55, Guard Lydon saw a  
 16 group at The Point that was about 200 yards out.  
 17 They drifted down from Moore's, and two of the  
 18 victims were shaken up."  
 19 Where was that rescue effectuated?  
 20 A. About a hundred yards from Moore's Beach.  
 21 Q. Okay. And that was off of an unprotected  
 22 beach. Correct?  
 23 A. Yes.  
 24 (North Wildwood Beach Patrol Daily  
 25 Report is received and marked for identification as  
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1 Exhibit 36.)  
 2 Q. All right. Let me show you a report dated  
 3 August 23, 2010, marked for identification as Exhibit  
 4 36. The highlighted part says, "Second and Surf  
 5 rescue at The Point. People drifted down from  
 6 Moore's."  
 7 From your experience, was it unusual to  
 8 see that people who had come from Moore's Beach into  
 9 the water were drifting down towards The Inlet Beach?  
 10 MR. BARKER: Objection.  
 11 A. I'm confused the way they wrote this.  
 12 Okay. Second and -- they -- they went  
 13 in a hundred or so yards from Moore's, and drifted in  
 14 the current.  
 15 Q. Okay. All right.  
 16 A. It was probably an outgoing tide.  
 17 (North Wildwood Beach Patrol Daily  
 18 Report is received and marked for identification as  
 19 Exhibit 37.)  
 20 Q. Okay. Let me show you what has been marked  
 21 for identification as Exhibit 37. It's a report  
 22 dated August 25, 2010. And the highlighted part  
 23 says, "Major rescue off Moore's Beach. Fisherman  
 24 fell off sea wall."  
 25 It's back in 2010. Do you remember a  
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1 fisherman falling off a sea wall?

2 **A. Yes.**

3 **Q.** Is that something that happened more than  
 4 once, in your career?

5 **A. That's the first -- one time only, that I**  
 6 **know of.**

7 **Q.** Okay. Okay.  
 8 (North Wildwood Beach Patrol Daily  
 9 Report is received and marked for identification as  
 10 Exhibit 38.)

11 **Q.** Let me show you what's been marked for  
 12 identification as Exhibit 38. It's a daily report,  
 13 has a date of August 31, 2010. August 31, 2010. And  
 14 the highlighted part says, "Rescue at 'The Point.'"  
 15 Okay?

16 Can you tell from that document what  
 17 the author -- what specific area of the beach he is  
 18 referring to? That was Lieutenant Lindsay.

19 **A. He referred to that area as The Point. The**  
 20 **beach patrol did not refer to that. That was his**  
 21 **description.**

22 **Q.** Got it. Okay. So, we'll ask Lieutenant  
 23 Lindsay when we take his dep. All right.

24 Okay. Let's see here.  
 25 What I'm doing is, I'm -- because we're  
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1 going to take Mr. Lindsay's deposition, I'm not going  
 2 to ask you about these.

3 MR. D'AMATO: Here you go. Take these.  
 4 It will be easier to find this. Okay?

5 **Q.** Before July 27, 2012, did the members of your  
 6 beach patrol have to effectuate any rescues relative  
 7 to Jet Ski accidents that had taken place off of  
 8 Moore's Beach and/or The Inlet Beach?

9 **A. Yes.**

10 **Q.** Can you give us an estimation in the  
 11 summertime how many rescues occur relative to Jet Ski  
 12 accidents?

13 **A. Half a dozen.**

14 **Q.** And how were the members of your patrol  
 15 alerted to the fact that a Jet Ski accident takes  
 16 place?

17 **A. Police radio. Somebody called 911.**

18 **Q.** Okay. Okay. Okay. Here, take these.  
 19 (North Wildwood Beach Patrol Daily  
 20 Report is received and marked for identification as  
 21 Exhibit 39.)

22 The next exhibit is dated July 24,  
 23 2011. I'm marking it as Exhibit 39. And my question  
 24 of you is about the entry here under ocean rescues.  
 25 Again, it's dated July 24, 2012.  
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1 It says, "Guard Ryan Sanki - rescue  
 2 on woman 50 yards outside swim zone ignoring  
 3 whistles."  
 4 (Discussion off the record.)  
 5 MR. D'AMATO: July 24, 2011. Excuse  
 6 me. 2011.

7 **Q.** What swim zone is the author of this  
 8 referring to?

9 **A. The Surf Avenue chair, we put a flag west of**  
 10 **it, no swimming. This is referring to a woman that**  
 11 **was past the flag that went in the water.**  
 12 (North Wildwood Beach Patrol Daily  
 13 Report is received and marked for identification as  
 14 Exhibit 40.)

15 **Q.** Thank you. Okay. The next one is dated May  
 16 26, 2012, a couple months before the Smith event.  
 17 And the highlighted portion reads, "Two rescues,  
 18 guards, Goss and Muso did a good job on controlling  
 19 the crowd at First and Surf. There are heavy crowds  
 20 at First Street due to the parking lot."  
 21 Can you explain what he means that  
 22 there are heavy crowds due to the parking lot?  
 23 What's the connection?

24 **A. Well, there's a --**  
 25 MR. BARKER: Objection. You may  
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1 answer.

2 **A. The city made a parking lot, and people come**  
 3 **down to the beach and park there, so they go out on**  
 4 **the First and Surf.**

5 **Q.** Got it. And from that parking lot that we've  
 6 been referring to that's next to the condominiums,  
 7 individuals that park their cars there, can take one  
 8 set of steps to get right on Moore's Beach?

9 **A. Yes.**

10 **Q.** All right. Okay. Here you go. You don't  
 11 have to get this one.  
 12 (North Wildwood Beach Patrol Daily  
 13 Report is received and marked for identification as  
 14 Exhibit 41.)

15 **Q.** Exhibit 41 is a daily report dated July 4,  
 16 2012. Couple weeks before Brad Smith's drowning.  
 17 The author, under ocean rescue, says,  
 18 "Two Jet Ski prevents at Moore's Beach."  
 19 You'll see that phrase, preventions, or  
 20 prevents, used in all these reports.  
 21 Can you tell what the author means from  
 22 that, by prevents?

23 MR. BARKER: Objection. You may  
 24 answer.  
 25 **A. They took the WaveRunner Jet Ski down to**  
 WORD FOR WORD REPORTING, LLC

1 **Moore's Beach, people were swimming out, Champagne**  
2 **Island, and they prevented them from doing that.**

3 **Q.** Okay. I've been educated by locals as to  
this Champagne Island.

Is there any prohibition from a person  
6 who's on The Inlet Beach, not Moore's Beach, The  
7 Inlet Beach, from swimming to Champagne Island? A  
8 prohibition.

9 **A. No.**

10 **Q.** Okay. Is there any prohibition for someone  
11 swimming to Champagne Island from Moore's Beach?

12 **A. No.**

13 **Q.** Okay. How many rescues in a given summer  
14 before July 27, 2012 did your lifeguards have to  
15 effectuate relative to people who were trying to swim  
16 from Moore's Beach and/or The Inlet Beach to  
17 Champagne Island and vice-versa?

18 **MR. BARKER:** Objection. You may answer  
19 the question.

20 **Q.** Go ahead.

21 **A. About a dozen a summer.**

22 (North Wildwood Beach Patrol Daily  
23 Report is received and marked for identification as  
24 Exhibit 42.)

25 **Q.** All right. Let me show you what's been  
WORD FOR WORD REPORTING, LLC

1 **A. Inlet Beach.**

2 **Q.** Okay.

3 (North Wildwood Beach Patrol Daily  
4 Report is received and marked for identification as  
5 Exhibit 44.)

6 **Q.** Okay. Now, let me show you what's been  
7 marked for identification as Exhibit 44. It's a  
8 daily report dated August 19, 2012. And at the  
9 bottom, the same category, again, it says, "Eight  
10 preventions at The Point."

11 Okay. Now, when it says eight  
12 preventions, does that -- if you can tell, does that  
13 mean preventing eight people from going into the  
14 water? What -- I don't understand this term  
15 preventions.

16 **MR. BARKER:** Objection. You may answer  
17 the question, if you can.

18 **A. They were trying to stop people from going in**  
19 **the water there.**

20 **Q.** Got it. Thank you.

21 (North Wildwood Beach Patrol Daily  
22 Report is received and marked for identification as  
23 Exhibit 45.)

24 **Q.** Let me show you what's been marked for  
25 identification as Exhibit 45. It's a daily report  
WORD FOR WORD REPORTING, LLC

1 marked for identification as Exhibit 42. This is a  
2 report dated August 17th, 2012.

3 And I'm going to hand it to you, and I  
4 want to ask you, at the bottom, it says, "Lifeguard  
5 issues - concerns - comp time used." It says, "Five  
6 preventions at The Point."

7 Given your years as the chief of the  
8 beach patrol, and again, you'll see that the crew is  
9 Edwards and Lindsay, is The Point, The Inlet Beach,  
10 that we've been referring to?

11 **A. Yes.**

12 **Q.** Okay. All right.

13 (North Wildwood Beach Patrol Daily  
14 Report is received and marked for identification as  
15 Exhibit 43.)

16 **Q.** Now, let me hand to you what's been marked  
17 for identification as Exhibit 43. And this is dated  
18 August 18, 2012. And at the bottom, it says, "Seven  
19 preventions at Inlet. Notified" -- I don't know if  
20 that's PD or PB -- "since alcohol was involved."

21 I'm thinking it means police.

22 Again, can you tell from that, when it  
23 says at The Inlet, does that mean The Inlet Beach, or  
24 the body of water called The Inlet? Can you tell  
25 from that?

WORD FOR WORD REPORTING, LLC

1 dated August 20, 2012. At the bottom, it says, "Ten  
2 preventions at Point."

3 Would your answer be the same as it  
4 just was, that they're trying to prevent --

5 **A. Yes.**

6 **Q.** -- people from going -- that are on The  
7 Point, the beach, going into the water?

8 **A. (Witness nods.)**

9 **Q.** Okay.

10 **MR. BARKER:** You have to answer  
11 verbally.

12 **A. Yes.**

13 **Q.** All right. Here. Finished with these.  
14 These are unused. Or actually duplicates. Okay?

15 **MR. D'AMATO:** If we can go off the  
16 video and steno record. It --

17 **VIDEOGRAPHER:** Off --

18 **MR. D'AMATO:** Just one second. It will  
19 save some time, because I think I'm almost finished.

20 I just want to look at my notes here. Okay?

21 **MR. BARKER:** Certainly.

22 **MR. D'AMATO:** But nobody has to go far.  
23 Because I could do this real quick.

24 **VIDEOGRAPHER:** Off the record at 3:31.  
25 (Discussion off the record.)

WORD FOR WORD REPORTING, LLC

1 VIDEOGRAPHER: We're back on the record  
 2 at 3:36.  
 3 BY MR. D'AMATO:  
 4 **Q.** Chief, I feel I have four questions, maybe  
 5 not, some follow-up questions.  
 6 When I was on the beach the past couple  
 7 summers, I saw ice cream vendors.  
 8 Now, in order to sell ice cream on the  
 9 beaches of North Wildwood, do you need a mercantile  
 10 license?  
 11 **A. Yes.**  
 12 **Q.** All right. Is it the responsibility of the  
 13 lifeguards to determine if someone's on the beach and  
 14 whether they have a mercantile license or not?  
 15 **A. No.**  
 16 **Q.** Is that the police department's  
 17 responsibility?  
 18 **A. Yes.**  
 19 **Q.** Okay. From your experience, before July 27,  
 20 2012, were the ice cream vendors, if they were able  
 21 to, take their cart and sell ice cream to people who  
 22 were sitting on The Inlet Beach?  
 23 **A. Yes.**  
 24 **Q.** As well as Moore's Beach?  
 25 **A. Yes.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Now, what about getting a permit to operate a  
 2 vehicle on the beach, is that something that came  
 3 under the jurisdiction of the beach patrol, or the  
 4 police department?  
 5 **A. Police department.**  
 6 **Q.** Okay. Were there ever occasions before July  
 7 27, 2012 where your lifeguards had to alert the North  
 8 Wildwood Police Department that somebody was trying  
 9 to operate some sort of vehicle on the beach, that  
 10 you know of?  
 11 **A. Not that I know of.**  
 12 **Q.** No. Did you ever read the North Wildwood  
 13 ordinance that deals with the beaches of North  
 14 Wildwood? It's Ordinance -- it's Chapter 138, and  
 15 the subsection is Section 196-1.  
 16 Did you ever read that ordinance?  
 17 **A. Yes.**  
 18 **Q.** Okay. I could find you the definition here  
 19 in a second, but the -- you know what, I'm -- I might  
 20 have to -- let me do this. I'm going to have Joe ask  
 21 you his questions, and let me find it. I have a -- I  
 22 want to get a clean copy of what I have here.  
 23 So, I'm finished. I thank you for your  
 24 time. I hope you thought I was being fair with you.  
 25 I know it was your first deposition. Thank you.

WORD FOR WORD REPORTING, LLC

1 MR. D'AMATO: Off the video record.  
 2 (Discussion off the record.)  
 3 MR. GRASSI: Do you have questions?  
 4 MR. HUNKINS: Just a couple, yeah.  
 5 MR. GRASSI: You want to go now?  
 6 MR. HUNKINS: No, you can go.  
 7 MR. D'AMATO: Joe, you want to sit  
 8 here?  
 9 MR. GRASSI: I don't think I need to do  
 10 that. I might need your help with the exhibits. So,  
 11 I'm going to refer back to Exhibit 5 and Exhibit 4.  
 12 So, if you could give those to --  
 13 MR. DiJOSEPH: 4 and 5?  
 14 MR. GRASSI: Yeah, 4 and 5.  
 15 MR. HUNKINS: Off the record. I was  
 16 going to ask about Exhibit 13, also. So, if you pull  
 17 them out. Sorry.  
 18 MR. GRASSI: What number are we up to?  
 19 MR. DiJOSEPH: We are at 45.  
 20 MR. GRASSI: Okay. So, why don't we  
 21 have this marked as 46.  
 22 MR. D'AMATO: Okay.  
 23 (Newspaper Article is received and  
 24 marked for identification as Exhibit 46.)  
 25 (Discussion off the record.)

WORD FOR WORD REPORTING, LLC

1 MR. GRASSI: While Mr. Cavalier's  
 2 reviewing those exhibits, which one was 5?  
 3 MR. DiJOSEPH: 5 is the Bass --  
 4 (Discussion off the record.)  
 5 MR. GRASSI: Exhibit 6, could we see  
 6 Exhibit 6?  
 7 All right. So, I said I wasn't going  
 8 to move down there, but if it's going to help the  
 9 court reporter, maybe I should.  
 10 VIDEOGRAPHER: Let's go off the record  
 11 at 3:42.  
 12 (Discussion off the record.)  
 13 VIDEOGRAPHER: We're back on the record  
 14 at 3:43.  
 15 EXAMINATION  
 16 BY MR. GRASSI:  
 17 **Q.** All right. So, Chief, I want to show you  
 18 first an exhibit that Mr. D'Amato asked you a  
 19 question about. That's Exhibit 6. And he asked you,  
 20 I think, whether you would warn that woman that she  
 21 was in some danger, or whether you would order her  
 22 out of the water. And you said no?  
 23 **A. Correct.**  
 24 **Q.** Why is that?  
 25 **A. Because you can see past her, where the water**

WORD FOR WORD REPORTING, LLC

1 -- the color of the water changes, that's where it  
 2 gets deeper.  
 3 Q. Okay.  
 4 A. **She's standing in flat -- a flat area.**  
 5 Q. All right. Okay. So that where she's  
 6 standing, she's not at the drop off; is she?  
 7 A. **No.**  
 8 Q. Are you able to see the drop off in the  
 9 photograph that she's in?  
 10 A. **I would say where the water changes color.**  
 11 Q. Okay. So, it's hard from the perspective,  
 12 but it's not very far from where she's standing, that  
 13 the water seems to drop -- that the water changes  
 14 color. Is that right?  
 15 A. **Yes.**  
 16 Q. Maybe 10 feet?  
 17 A. **No. That's probably -- I'll bet that's 20**  
 18 **yards from where she's standing.**  
 19 Q. Okay. And again, I say it's difficult with  
 20 the drop off.  
 21 A. **Yes.**  
 22 Q. But, in fact, if you go to the Exhibit 46,  
 23 that I had placed in front of you.  
 24 MR. BARKER: That's the newspaper  
 25 article?

WORD FOR WORD REPORTING, LLC

1 Q. That's a newspaper article from the Shore  
 2 News, that's a local North Wildwood paper, or  
 3 Wildwood paper, that you're familiar with; aren't  
 4 you?  
 5 A. **This article? Yes.**  
 6 Q. Well, the newspaper, in general, and that  
 7 particular article.  
 8 A. **Yes.**  
 9 Q. All right. Can you tell me what date that  
 10 article was published?  
 11 If I could borrow a copy of it, I can  
 12 tell you. I think it's --  
 13 A. **It says 2011.**  
 14 Q. It's July 27th, 2011. Right? July 27th,  
 15 2011?  
 16 A. **Yes.**  
 17 MR. BARKER: That's what it says.  
 18 Q. Okay. Yeah. And at the bottom, I've  
 19 actually circled the paragraph that I want to draw  
 20 your attention to right now. You indicate that "The  
 21 Inlet can look like it has calm water, but it is  
 22 deceiving. The water starts off shallow, but then  
 23 about two feet out from the shore, it can drop off."  
 24 Is that accurate?  
 25 A. **Yes.**

WORD FOR WORD REPORTING, LLC

1 Q. All right. And I'm going to assume that  
 2 you're discussing here the drop off that you  
 3 discussed earlier in the deposition?  
 4 A. **Yes.**  
 5 MR. HUNKINS: Object to the form.  
 6 Q. All right. Virtually, all the questions I'm  
 7 going to ask you about are going to be about that  
 8 drop off. Because I want to try to understand where  
 9 that drop off is, how it occurs. And you've  
 10 indicated that it moves along with the shore line.  
 11 Is that right?  
 12 A. **Yes.**  
 13 Q. So that it's a dynamic process?  
 14 A. **Yes.**  
 15 Q. But that it is relatively constant, and  
 16 they're not your words, so that it's a feature that,  
 17 that while it moves, it doesn't really go away; does  
 18 it?  
 19 A. **No.**  
 20 MR. BARKER: Objection.  
 21 Q. Okay. You can answer. You did answer it.  
 22 No, I'll move on.  
 23 MR. BARKER: I objected. He answered.  
 24 MR. GRASSI: Right, okay. So, we'll  
 25 move on.

WORD FOR WORD REPORTING, LLC

1 Q. It doesn't move from day to day; does it?  
 2 A. **Yes. The Inlet changes every day.**  
 3 Q. Okay.  
 4 A. **The currents.**  
 5 Q. Okay. Does the drop off change during the  
 6 tide?  
 7 A. **Yes. Certain tides, there is no drop off.**  
 8 Q. Okay. What kind of tides is there no drop  
 9 off, and what kind of tides is there a drop off?  
 10 A. **High tide. High tide, it's a regular beach.**  
 11 Q. Okay. And that's because the drop off --  
 12 A. **Would be further out.**  
 13 Q. -- is so far out that you couldn't walk to  
 14 it?  
 15 A. **Correct.**  
 16 Q. Is that right? Okay. Because by the time  
 17 you got out there, you'd be swimming, you wouldn't be  
 18 walking?  
 19 A. **(Witness nods.)**  
 20 Q. Is that correct?  
 21 A. **No. Not exactly, no.**  
 22 Q. Okay.  
 23 A. **Say that again.**  
 24 Q. Okay. The -- when you're saying that it  
 25 changes on different tides, I -- do you mean that it

WORD FOR WORD REPORTING, LLC

1 becomes inaccessible by walking when the tide is  
2 high?

3 **A. Well, it's -- it's basically like this**  
4 **picture is showing you.**

5 **Q.** Okay.

6 **A. When the tide's up, it will be deep water.**

7 MR. BARKER: He's holding Exhibit 6.

8 MR. GRASSI: Okay.

9 **A. When the water is out is when there is a drop**  
10 **off.**

11 **Q.** Okay. When it's low tide, there's a drop  
12 off?

13 **A. Not basically low tide. But mid tide.**

14 **Q.** Okay. And, in fact, at low tide, it may be  
15 that the drop off looks -- would it look more like  
16 those pictures where the beach was actually falling  
17 away?

18 **A. No.**

19 MR. BARKER: Objection.

20 MR. HUNKINS: Objection to form.

21 **A. No.**

22 **Q.** Okay. You had indicated, and I'm going to  
23 ask you to take a look at 4 -- do I have 4?

24 MR. BARKER: That's the compendium of  
25 exhibits?

WORD FOR WORD REPORTING, LLC

1 MR. GRASSI: That's the compendium. I  
2 probably buried it somewhere. Yeah.

3 MR. BARKER: There you go.

4 **Q.** Here's 4. And I turned it to the March 2012  
5 photograph.

6 MR. BARKER: March 14th, 2012.

7 **Q.** Since that's the -- the photograph that's the  
8 most approximate in time to the events.

9 You had indicated that there was an  
10 area that was about a tenth of a mile wide where the  
11 drop off occurred?

12 **A. Yes.**

13 **Q.** Did I understand that right?

14 Could you indicate on that photograph  
15 where that area is?

16 **A. Approximately.**

17 **Q.** Okay. Would you do that? And I don't know  
18 if we've had the green ink yet. Why don't you use  
19 the green ink to draw lines on the beach that show  
20 the area where that would occur.

21 MR. BARKER: Okay. Hold on. Is the  
22 packet that you gave him the same one that Paul was  
23 using? Because --

24 MR. GRASSI: There's only one way --

25 MR. DiJOSEPH: Should be marked on the

WORD FOR WORD REPORTING, LLC

1 front. That's the exhibit.

2 MR. GRASSI: Yeah. That's the exhibit.

3 MR. BARKER: It's not. This is a copy.

4 MR. D'AMATO: Okay. There it is.

5 MR. GRASSI: Switch with me.

6 MR. BARKER: Okay. Let me get --

7 MR. GRASSI: Are you going to get to  
8 the right page? Thanks.

9 MR. BARKER: Yeah. He'll ask you the  
10 question again. Just a minute.

11 BY MR. GRASSI:

12 **Q.** Okay. Perfect. All right.

13 MR. BARKER: No, he's going to ask you  
14 a question.

15 **Q.** Yeah. So, do you understand what I want you  
16 to -- what I want you to do is, is to give us the  
17 outlines of the area where the drop off appears.

18 MR. HUNKINS: Object to the form.

19 MR. BARKER: Objection. You mean like  
20 appears in the photograph? Or --

21 MR. GRASSI: No, no, no. Here's my  
22 understanding. And I'll run through the foundation  
23 again.

24 **Q.** Your testimony was that the drop off moves  
25 from time to time. Correct?

WORD FOR WORD REPORTING, LLC

1 **A. Yes.**

2 **Q.** And that it -- and that it does that along a  
3 particular section of Inlet Beach, or Moore's Beach?

4 **A. Yes.**

5 **Q.** Okay. So, what I want you to do is give us  
6 the south and north or east and west limits of where  
7 it appears.

8 **A. (Witness complies.)**

9 **Q.** Okay. And if you would take those lines back  
10 into the beach a little bit, just so that we can see  
11 them on -- because of the contrast.

12 **A. (Witness complies.)**

13 **Q.** Okay. Now, I was up at the other end. So, I  
14 didn't really see where you were indicating that  
15 Lieutenant Lindsay called an area The Point. Is that  
16 The Point?

17 **A. Yes.**

18 **Q.** Okay. And that area on the aerial photos,  
19 that changes from time to time, moves -- moves  
20 around. But there's almost always some area on The  
21 Inlet throat where the sand falls away, as you start  
22 to go south?

23 MR. BARKER: Objection.

24 **Q.** Is that right?

25 MR. BARKER: I object. You may answer

WORD FOR WORD REPORTING, LLC



1 the question.

2 **Q.** Do you understand what I'm saying?

3 **A. Yeah. I don't -- I don't see sand falling**

4 **away. I don't --**

5 **Q.** I didn't mean it -- okay. I have -- that's

6 probably the wrong way to put it. Because there are

7 -- there's an element here of sand falling away.

8 What I meant by that is, there's an area where you're

9 going in one direction, and then the beach sort of

10 takes another direction?

11 **A. Yes.**

12 **Q.** Okay. That's sort of The Point. Correct?

13 **A. Yes.**

14 **Q.** All right. And the drop off occurs on The

15 Inlet side of that Point when it occurs; doesn't it?

16 **MR. BARKER:** Objection.

17 **Q.** The drop off is occurring, like, on this

18 photograph, where The Point is here, the drop off is

19 occurring on The Inlet side of that?

20 **A. Yes.**

21 **MR. HUNKINS:** Object to the form. I

22 just don't know what you mean by The Inlet side.

23 **MR. BARKER:** You mean where the water

24 is?

25 **Q.** Well, the water -- it's in the water. But

WORD FOR WORD REPORTING, LLC

1 when I say The Inlet side, as opposed to the ocean

2 side.

3 **MR. HUNKINS:** So, you mean northwest as

4 opposed to southeast?

5 **MR. GRASSI:** Yeah, more or less

6 northwest of that Point, as opposed to southeast.

7 **Q.** But The Point where the current's actually

8 going in and out of The Inlet. Correct?

9 **A. Yes.**

10 **MR. BARKER:** Objection.

11 **MR. HUNKINS:** Objection to form.

12 **Q.** Have you ever studied any of or read any of

13 these studies of how The Inlet migrates?

14 **A. No.**

15 **Q.** Okay. Do you know whether the currents are

16 scouring that Point, that Lindsay calls a Point?

17 **MR. BARKER:** Objection. I'm objecting

18 to the form of the question. You may answer it, if

19 you understand it.

20 **A. I believe it scours the whole Inlet Beach,**

21 **the way the currents run, not just there.**

22 **Q.** Okay. All right. The area that you refer to

23 as a drop off, does it parallel Inlet Beach, or does

24 it run perpendicular to Inlet Beach?

25 **A. You got me confused on that one.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Okay. Well, when the drop off appears, how

2 big an area is it?

3 **A. Ten, fifteen yards.**

4 **Q.** Okay. And how -- how -- what's the drop? In

5 other words, if someone is walking, and they

6 encounter this drop off, how far will they step down?

7 **A. Over their head.**

8 **Q.** Okay. All right. So, it's sort of a cliff?

9 **MR. BARKER:** Objection. You may answer

10 the question.

11 **Q.** You can answer it.

12 **A. I don't consider it that.**

13 **Q.** Okay.

14 **A. It's when the tide's out, it's just the water**

15 **drops off.**

16 **Q.** All right. It's a sudden drop off?

17 **A. Yes.**

18 **Q.** All right. So that, do you have any idea

19 what the slope of the sand at that drop off is?

20 **A. No, I don't.**

21 **Q.** Okay.

22 **A. No.**

23 **Q.** Have you ever lost your footing on the drop

24 off?

25 **A. No.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Have you seen anyone do that?

2 **A. No.**

3 **Q.** Mr. D'Amato asked you whether you knew of

4 anyone who was rescued after stepping off the drop

5 off?

6 **A. I don't remember that.**

7 **Q.** Okay. Well, I'm going to ask you that.

8 **Do you know of anyone who was rescued**

9 **after stepping off the drop off?**

10 **A. No.**

11 **Q.** Do you know if the drop off is circular?

12 **MR. HUNKINS:** Object to the form.

13 **A. I don't know what you mean by that question.**

14 **Q.** Okay. Well, it's going back -- I guess what

15 I -- what I should probably ask you to do is, can you

16 -- can you draw the area, in other words, you're

17 saying it's 10 or 20 yards, can you show us where the

18 10 or 20 yards would be on the drop off?

19 **A. It's right here.**

20 **Q.** Would I encounter the drop off -- in this

21 case, the Sunderland version is that Smith,

22 Sunderland and the children were walking in ankle

23 deep water, parallel to the beach.

24 **A. Yes.**

25 **Q.** Okay. And two of them just fell away, the

WORD FOR WORD REPORTING, LLC

1 beach fell away.  
2 And you indicate, you theorized they  
3 fell in the drop off?

MR. BARKER: Objection.

MR. HUNKINS: Objection.

6 MR. BARKER: I'm objecting to that  
7 question. I object to the form. But -- you're  
8 pressing the question.

9 Q. You can answer. Is what I said accurate?

MR. HUNKINS: Object to the form.

MR. BARKER: Join.

12 Q. That you think they fell into the drop off,  
13 based on the description of Sunderland?

14 A. Yes.

15 Q. Okay. What I'm trying to understand is,  
16 would the drop off have been running along the beach,  
17 and they got too close to it and slid in from the  
18 side, or would they have encountered a drop off that  
19 ran perpendicular to the direction they were walking?

Do you understand what I'm asking you?

21 A. Do you want me to explain how I think?

22 Q. Yeah, I do. Yeah, very much.

23 A. They were walking along, and they came to the  
24 spot where it's -- I call a drop off, and it was over  
25 their head, and they stepped into it.

WORD FOR WORD REPORTING, LLC

1 Q. Okay.

2 A. I don't call that a cliff.

3 Q. Okay. Well, that's fine. I just -- it's  
4 fine. You've called it a drop off, and I'm -- I want  
5 to call it what you call it. I just am trying to  
6 understand where it is, what shape it is.

7 And do you discuss where the drop off  
8 is with any of your personnel during the course of a  
9 summer?

10 A. No.

11 Q. Do they discuss it with you?

12 A. Yes.

13 Q. Okay. So, the drop off is a phenomenon that  
14 the guards will discuss --

15 A. Yes.

16 Q. -- amongst themselves?

And you recognize it as a risk?

18 A. Yes.

19 Q. Regardless of knowing that it's a cliff, or  
20 -- or calling it a cliff?

21 A. Yes.

22 Q. You understand that that drop off is a risk  
23 to people who are using the beach.

24 A. (Witness nods.)

25 Q. Is that right?

WORD FOR WORD REPORTING, LLC

1 A. Yes.

2 Q. And you recognize that it's a risk that comes  
3 up to someone who is simply walking, not swimming?

4 A. Yes.

5 Q. Is that correct?

6 And how long have you recognized that  
7 risk?

8 A. Ten years.

9 Q. What caused you to recognize that risk 10  
10 years ago?

11 A. Some of the rescues we had down there.

12 Q. Okay. Can you tell me which -- what rescues  
13 you had, and where they would be documented, that led  
14 you to recognize that risk?

15 A. No. I -- it's my own personal experience of  
16 going down there, and looking at it.

17 Q. Okay. Have you ever discussed that risk with  
18 the police chief? Have you discussed that risk with  
19 the police chief?

20 A. No.

21 Q. Have you discussed it with -- and I'm -- I'm  
22 asking you a pretty broad area of time. So, I'm  
23 going to ask you if you ever discussed that risk with  
24 a business administrator, mayor, council president?

25 A. No.

WORD FOR WORD REPORTING, LLC

1 Q. Okay. Have you discussed it with anyone,  
2 other than other lifeguards?

3 A. No.

4 Q. Okay. At the time that the borough  
5 administrator was devising warnings for that area  
6 that Lindsay calls The Point, did you have any  
7 discussions with him about the risk that was  
8 presented by the drop off?

9 A. No.

10 Q. All right. The December -- strike that.

11 The July 27th, 2011 article, that --  
12 that article discusses the disappearance of a woman  
13 named Christina Tsiotsias, I might be butchering  
14 that, from Baltimore, Maryland.

15 That indicates that woman came to the  
16 beach at about three o'clock in the afternoon, and  
17 that people came looking for her at six to pick her  
18 up, and that she was gone. They then reported her  
19 missing to the police at about eight p.m. that night.

20 A. Yes.

21 Q. Okay. When did you learn that a woman had  
22 been missing from the beach?

23 A. The next day.

24 Q. Okay. And at that point, did you attempt any  
25 rescue?

WORD FOR WORD REPORTING, LLC

1 **A. No.**

2 **Q.** Did you learn that her -- when the people  
3 came to find her, that although they couldn't find  
4 her, they did find her beach blanket, and belongings?

**A. Yes.**

6 **Q.** Do you know if there was ever any type of  
7 analysis of what happened to her?

8 **A. Not to my knowledge.**

9 **Q.** And you would agree with me that, for most of  
10 that time, between three p.m. and six p.m.,  
11 lifeguards were on duty?

12 **A. No.**

13 **Q.** All right. And that's because she appears to  
14 have been at an unprotected beach?

15 **A. I don't even know where Spruce Avenue is in  
16 The Inlet.**

17 **Q.** Okay.

18 **A. It's saying Spruce Avenue. I -- that's --  
19 that's pretty far down.**

20 **Q.** Moore's Inlet Bar was on Spruce Avenue.  
21 Right?

22 **A. Yeah. I -- that's Moore's Beach.**

23 **Q.** So, that's Moore's Beach. Right?

24 So, and you're saying that because the  
25 article says that the people who said they dropped

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1 her off dropped her off at Spruce Avenue, so that --

2 **A. Yeah, I'm not familiar with somebody saying  
3 Spruce Avenue, I'm just --**

4 **Q.** I understand. You'd agree with me that's  
5 likely the parking lot at Moore's Beach that you  
6 talked about earlier. Correct?

7 **A. Yes. It runs into Central Avenue.**

8 **Q.** Okay. But my question is, is, is about the  
9 time of day. That time of day is the time of day  
10 when guards are on duty; isn't it?

11 **A. Three p.m., yes.**

12 **Q.** Okay. And what time do the guards go off?

13 **A. 5:30.**

14 **Q.** Okay. All right.

15 MR. GRASSI: Would it be best to take a  
16 break now, so you can take care of that?

17 VIDEOGRAPHER: You've got five minutes.

18 MR. GRASSI: Oh, I could take longer  
19 than five minutes. All right. So, I'll -- just give  
20 me another warning.

21 BY MR. GRASSI:

22 **Q.** There was a -- there've been a number of  
23 drownings at Inlet Beach and Moore's Beach in the  
24 last 10 years; haven't there?

25 MR. BARKER: Objection.

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1 **Q.** You can answer.

2 MR. BARKER: You can answer.

3 **A. A number?**

4 **Q.** Yes.

5 **A. In the last 10 years?**

6 **Q.** Yes.

7 **A. I don't think more than three.**

8 **Q.** Okay. Well, we know about Mr. Smith.

9 **A. Right.**

10 **Q.** All right. And then there was a drowning  
11 last year; wasn't there?

12 MR. HUNKINS: Are we talking about  
13 Inlet Beach, or any of the beaches?

14 MR. GRASSI: Only in The Inlet. I'm  
15 just talking about The Inlet.

16 MR. HUNKINS: Yeah. And I know, but  
17 Inlet Beach, or --

18 MR. BARKER: Moore's Beach?

19 MR. GRASSI: Moore's Beach, Inlet  
20 Beach.

21 MR. HUNKINS: Oh, any of the beaches?

22 **A. To my knowledge, that was a suicide.**

23 **Q.** The one from this past summer?

24 **A. Yes.**

25 **Q.** Okay. And how about Jamilah Watkins and  
WORD FOR WORD REPORTING, LLC

1 Shayne Hart?

2 **A. Yes.**

3 **Q.** All right. They were two women who died?

4 **A. Yes.**

5 **Q.** In 2000 --

6 **A. Nine.**

7 **Q.** 2009. Did you participate -- and when I say  
8 you, I mean the --

9 **A. Yes.**

10 **Q.** -- Wildwood Crest Beach Patrol?

11 **A. We recovered the bodies.**

12 **Q.** Okay. And when was that?

13 **A. After hours.**

14 **Q.** Okay. So, they were recovered that evening?

15 **A. Yes.**

16 **Q.** Okay. Do you know whether there was any  
17 analysis of what occurred there?

18 **A. When we knock off at 5:25, we clear the  
19 water. They were -- the lifeguards remember those  
20 two women, and they got them out of the -- young  
21 ladies, got them out of the water. That's our  
22 policy. We drove away. They went back in the water.**

23 **Q.** Would you have the name of the third woman  
24 who survived?

25 **A. The police would.**

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1 **Q.** Okay. Because I don't know that that  
2 incident didn't -- I don't know that it occurred --  
3 that it appeared in the reports that we were  
4 reviewing earlier.

MR. DiJOSEPH: It does not.

6 **Q.** All right. So, the police would have that.  
7 And are you aware that the Coast Guard assisted in  
8 that --

9 **A. Yes.**

10 **Q.** -- recovery?

11 And did you read an article where Petty  
12 Officer Kennedy indicated that it appeared that those  
13 women had been wading in the water, and then were  
14 swept away?

15 **A. No.**

16 **Q.** Is that the first time you're hearing that?

17 **A. Yes.**

18 **Q.** Okay. Because you've indicated in your  
19 discussions of this that they were swimming.

20 **A. They were swimming off where we were  
21 protecting the beach.**

22 **Q.** That was earlier in the evening?

23 **A. Yes.**

24 **Q.** Okay. You don't know if they were swimming  
25 or wading at the time that they were carried away; do

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1 you?

2 **A. No.**

3 **Q.** Do you know of someone drowning in 2008?

4 **A. I can't remember.**

5 **Q.** Where -- where would I best locate records of  
6 people who drowned off Inlet Beach?

7 **A. Well, it's in those records that Mr. -- Paul  
8 had.**

9 MR. BARKER: We've provided records in  
10 discovery.

11 MR. GRASSI: Of --

12 MR. BARKER: From different sources.  
13 Police, fire, and beach patrol. You have them all.

14 MR. GRASSI: Okay. So, you think I  
15 have this one for this lady from Baltimore, who  
16 floated away and was found a day or two later in  
17 Avalon?

18 MR. BARKER: I can't remember what  
19 records, you know, whether one would correspond  
20 directly to that.

21 MR. GRASSI: I'll just look later.

MR. BARKER: You could look.

23 VIDEOGRAPHER: Two minutes. Two  
24 minutes.

25 MR. GRASSI: Two minutes? Okay.

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1 BY MR. GRASSI:

2 **Q.** The vortex that you talked about before, how  
3 far is the vortex from the drop off?

4 MR. HUNKINS: Object to the form.

5 MR. BARKER: Objection. Joined.

6 **Q.** You can answer.

7 MR. BARKER: You may answer, if you  
8 can.

9 **A. That's -- that's where it is.**

10 **Q.** Oh, okay. All right. So, the vortex is, is  
11 related to --

12 **A. Yes.**

13 **Q.** -- the drop off? Okay.

14 MR. GRASSI: All right. Why don't you  
15 change. I'll take a look and see if I've got  
16 anything else.

17 VIDEOGRAPHER: This ends video 2. The  
18 time is 4:09. We're off the record.

19 (There was a brief recess.)

20 VIDEOGRAPHER: This marks the beginning  
21 of videotape 3. The time is 4:14. We're back on the  
22 record.

23 BY MR. GRASSI:

24 **Q.** The drop off is, is present every year; isn't  
25 it, someplace or other?

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1 **A. Yes.**

2 **Q.** Okay.

3 MR. GRASSI: I don't have any other  
4 questions. Thank you.

5 MR. D'AMATO: Are you going to sit over  
6 here, or are you going to sit there?

7 MR. HUNKINS: I'm good here.

8 MR. BARKER: You have a clear line of  
9 sight?

10 MR. HUNKINS: I do. I'm good.

11 EXAMINATION

12 BY MR. HUNKINS:

13 **Q.** Sir, you've been very patient. We won't be  
14 too much longer. Maybe I have 10 minutes of  
15 questions for you, tops.

16 I'm the attorney for the State of New  
17 Jersey. Do you need a break at all?

18 MR. BARKER: Can you hear him?

19 **A. No. I really have bad hearing, too.**

20 **Q.** Oh, okay. I'll move --

21 MR. BARKER: Would you change with  
22 Will, then?

23 MR. HUNKINS: Yes.

24 VIDEOGRAPHER: Off the record at 4:14.  
25 (Discussion off the record.)

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1 VIDEOGRAPHER: Back on the record at  
 2 4:15.  
 3 BY MR. HUNKINS:  
 4 Q. Sir, I'm sitting a little closer now, I'm  
 5 speaking a little louder. Can you hear me now okay?  
 6 A. Yes.  
 7 Q. Okay. I'm the attorney for the State. And I  
 8 have a few questions for you, maybe 10 minutes, tops.  
 9 Do you feel okay?  
 10 A. Yes.  
 11 Q. All right. We've been using the term drop  
 12 off many times. You've been asked many questions  
 13 about it. And I just want to verify in my own mind  
 14 what we've got here.  
 15 When we were talking about the drop  
 16 off, did you say that that drop off, in your  
 17 estimate, is 50 or 60 feet deep, or am I confusing  
 18 things?  
 19 A. No, I never -- I didn't say that.  
 20 Q. Okay. Okay. The drop off that we've been  
 21 talking about is typically how deep?  
 22 A. Ten.  
 23 Q. Okay. And are there other areas along any of  
 24 these beaches where there are other drop offs?  
 25 A. Yes.

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1 Q. Okay. Are those other drop offs, can they be  
 2 as deep as 10 feet, also?  
 3 A. 50 feet. 50 to 60 feet.  
 4 Q. Okay.  
 5 A. That's the drop off at Moore's Beach, where  
 6 they fish.  
 7 Q. All right. So, I just want to nail down  
 8 where these drop offs can happen, and how deep they  
 9 typically are.  
 10 So, maybe if we start at the northwest,  
 11 that would be Moore's Beach. Right?  
 12 A. Yes.  
 13 Q. And do drop offs occur there?  
 14 A. That's where it's deep, yes.  
 15 Q. Okay. That's where you'd get a 50 or 60-foot  
 16 deep?  
 17 A. Yes.  
 18 Q. And is that also where you testified the  
 19 vortex would be?  
 20 A. No.  
 21 Q. Okay. So, as we move southeast along the  
 22 beaches, after Moore's Beach, then you get to what?  
 23 A. Inlet Beach.  
 24 Q. Okay. And do drop offs occur at Inlet Beach?  
 25 A. Yes.

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1 Q. And how deep are they, typically?  
 2 A. Ten.  
 3 Q. Okay. And as you move southeast from Inlet  
 4 Beach, at some point, you get to the protected beach.  
 5 Is that right?  
 6 A. Yes.  
 7 Q. Is there a drop off ever on the protected  
 8 beach?  
 9 A. No.  
 10 Q. Okay. Now, what's your understanding of  
 11 where the drowning occurred? Do you understand that  
 12 it occurred off of The Inlet Beach?  
 13 A. Yes.  
 14 Q. Okay. Do you have an understanding of how  
 15 far south it was from The Point?  
 16 A. It was at The Point.  
 17 Q. Okay. So, that was my other question. Is  
 18 The Point located on The Inlet Beach?  
 19 A. Yes.  
 20 Q. Okay. So, if I follow you correctly, the  
 21 drop off, when the drowning occurred, was at The  
 22 Point, and it was about 10 or 15 feet deep?  
 23 A. Yes.  
 24 Q. But I also understand that at different times  
 25 of the year, or different years, that drop off can be

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1 at a different location. Correct?  
 2 A. Yes.  
 3 Q. By that, do you mean that it can be located  
 4 at places other than The Point?  
 5 A. No.  
 6 Q. Okay. At mid tide or low tide, is the drop  
 7 off visible by looking at the color of the water?  
 8 A. Yes.  
 9 Q. So, anybody walking along could look and see  
 10 that the color -- the water is a different color, and  
 11 that there is a deeper water there?  
 12 A. People that would know. Some people don't  
 13 recognize that.  
 14 Q. Okay. When coming to the drop off at mid or  
 15 low tide, can you observe the vortex happening in the  
 16 water?  
 17 A. Yes.  
 18 Q. So, somebody walking along could see the  
 19 vortex?  
 20 A. Yes.  
 21 Q. I'm confused as to where there were any no  
 22 swimming signs posted, if there were any. So, was --  
 23 at the time of this incident, was Moore's Beach  
 24 posted as no swimming?  
 25 A. Yes.

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1 Q. Was Inlet Beach posted as no swimming?  
 2 A. Yes.  
 3 Q. Okay. And then I think my last question has  
 4 to do with Exhibit 13, if we have it. It's the photo  
 5 where Mr. Sunderland was showing where the incident  
 6 occurred, and there's a jet skier in the background.  
 7 Thank you. Let me show you Exhibit 13.  
 8 Do you see that?  
 9 A. (Witness nods.)  
 10 Q. Earlier, you were questioned about it, and I  
 11 think the indication was that the man standing in the  
 12 foreground is Mr. Sunderland?  
 13 MR. DiJOSEPH: Correct.  
 14 Q. Okay. And he's standing -- maybe I can get  
 15 some help from counsel. He's standing near where the  
 16 drowning occurred, or at the spot where --  
 17 MR. D'AMATO: Okay. May I suggest, you  
 18 got to be careful. Because there's going to be  
 19 testimony in this case that he didn't drown  
 20 instantly. You kept saying the drowning. He was  
 21 dragged out, according to some witnesses. So, the  
 22 drowning doesn't take place where --  
 23 MR. HUNKINS: Understood. Thank you.  
 24 Q. I guess what I'm -- here's what I'm really  
 25 trying to ask you: I think you've indicated that the  
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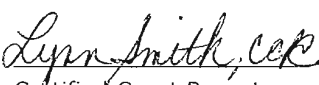
1 shore line or the beach changes along The Inlet,  
 2 because of the normal action of the tides --  
 3 A. Yes.  
 4 Q. -- and the fact that it's an inlet. Is that  
 5 right?  
 6 A. Yes.  
 7 Q. And I think the photo we're looking at,  
 8 Exhibit 13, was taken in August of 2012, and  
 9 counsel's indicating that's correct, so --  
 10 MR. DiJOSEPH: Yes, that's correct.  
 11 Q. -- I would assume at least a couple of weeks  
 12 went by between the drowning and the time this  
 13 photograph was taken.  
 14 MR. DiJOSEPH: What's the date on the  
 15 photo?  
 16 MR. BARKER: August 16, 2012, 1:20 p.m.  
 17 MR. DiJOSEPH: So, you're looking at  
 18 almost 15, 16 days.  
 19 Q. Okay. So, a couple of weeks went by. So, my  
 20 question is, and I'm not an expert on the shore, so  
 21 here's why I'm asking. In the course of those two  
 22 weeks, could the normal action of tides have moved  
 23 sand around in that area?  
 24 A. Yes.  
 25 Q. So, although Mr. Sunderland is standing on a  
 WORD FOR WORD REPORTING, LLC

1 certain piece of sand in Exhibit 13, from your  
 2 experience, is it possible that a couple of weeks  
 3 earlier, that piece of sand wasn't even there?  
 4 A. It depends on the tide, when the tide was.  
 5 Q. Because things change all the time?  
 6 A. Yes.  
 7 Q. All right. Because here's what I'm getting  
 8 at: If we look at Exhibit 13, and Mr. Sunderland's  
 9 standing on that piece of, I'll say, sand, it could  
 10 have been -- it could have looked differently on the  
 11 day of the accident?  
 12 A. Yes.  
 13 Q. Okay.  
 14 MR. HUNKINS: I think that's all I  
 15 have.  
 16 MR. D'AMATO: Okay. I have three quick  
 17 questions.  
 18 EXAMINATION  
 19 BY MR. D'AMATO:  
 20 Q. I found the clean copy of the North Wildwood  
 21 Ordinance. I marked it for identification as 47,  
 22 Exhibit 47.  
 23 It says Article 1, government  
 24 supervision, use, and policing. Then it gives  
 25 definitions. I just want to hand this to you. It's  
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1 pretty evident that these are regulations regarding  
 2 what can be done on the beaches of North Wildwood,  
 3 and what can't be done. Correct?  
 4 A. Yes.  
 5 Q. Now, I read the definition of beach that --  
 6 you see at the top there, where it says "definition  
 7 of beach"?  
 8 A. Yes.  
 9 Q. Yeah. Now, when I read that, and I checked  
 10 with the people to my right, when it talks about  
 11 Spruce Avenue -- well, let me rephrase that.  
 12 Would you not agree that that  
 13 definition includes, A, Moore's Beach; B, what we've  
 14 been calling here today The Inlet Beach?  
 15 A. Let me read it.  
 16 Q. Yeah.  
 17 (Discussion off the record.)  
 18 A. Yes.  
 19 Q. Okay. Thanks. Now, two final questions.  
 20 When you spoke to the chief of the  
 21 North Wildwood Police Department, as you had shared  
 22 with us a couple hours ago, what were the two of you  
 23 talking about?  
 24 A. Who was I talking to?  
 25 Q. The chief of police of North Wildwood,  
 WORD FOR WORD REPORTING, LLC

1 regarding patrols on the beach. I asked, did you  
 2 ever speak to the chief of police of North Wildwood  
 3 about patrolling the beach, you said yes. I didn't  
 follow up on it.  
 4 **A. Right.**  
 5 **Q.** Do you remember generally what the  
 6 conversation was?  
 7 **A. That was instituted by the mayor to control**  
 8 **the rowdiness on the beach at Moore's Beach.**  
 9 **Q.** Okay.  
 10 **A. That's why the police were down there.**  
 11 **Q.** Okay, I see.  
 12 **A. He's been proactive of trying to clean it up.**  
 13 MR. BARKER: Who's he?  
 14 **A. Mayor Rosenello. Sorry.**  
 15 **Q.** Mayor.  
 16 Now, final question: If it was up to  
 17 you, would you have a manned lifeguard stand on what  
 18 we have called Moore's Beach and on The Inlet Beach?  
 19 MR. BARKER: Objection.  
 20 **A. No.**  
 21 **Q.** Okay. And can you tell us why not?  
 22 **A. Wouldn't have enough lifeguards to guard it.**  
 23 **It's too big an area.**  
 24 MR. D'AMATO: Okay. Thank you.  
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1 Nothing else.  
 2 VIDEOGRAPHER: Anyone else?  
 3 MR. D'AMATO: Nope.  
 4 VIDEOGRAPHER: This concludes this  
 5 deposition of Joseph A. Cavalier. The time is 4:25.  
 6 We're off the record.  
 7 (Deposition concludes at 4:25 p.m.)  
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1  
 2 CERTIFICATE  
 3  
 4 I, LYNN SMITH, a Certified Court Reporter of the  
 5 State of New Jersey, do hereby certify that prior to  
 6 the commencement of the examination, Joseph Anthony  
 7 Cavalier was duly sworn by me to testify the truth,  
 8 the whole truth and nothing but the truth.  
 9  
 10 I DO FURTHER CERTIFY that I am neither a relative nor  
 11 employee nor attorney nor counsel of any of the  
 12 parties to this action, and that I am neither a  
 13 relative nor employee of such attorney or counsel,  
 14 and that I am not financially interested in the  
 15 action.  
 16  
 17  
 18  
 19   
 20 Certified Court Reporter  
 21 License No. XIO1520  
 22  
 23  
 24  
 25



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**2014 ANNUAL REPORT - TO THE CITY OF NORTH WILDWOOD  
ON THE  
CONDITION OF THE CITY BEACHES**



*View on September 25, 2014 looking northwest into Hereford Inlet. Considerable southerly expansion of the tip of Stone Harbor's beaches is shown in the distance extending only a few hundred feet from the North Wildwood rock revetment wall. The main channel can be seen as the linear darker-colored water running along the north end inlet beaches. The western portion of Champagne Island is exposed at the higher tide cycle and the distinct outline of the remainder of the island is visible just below the surface. (Aerial photo taken by Ted Kingston)*

**PREPARED FOR: THE CITY OF NORTH WILDWOOD  
901 ATLANTIC AVENUE  
NORTH WILDWOOD, NJ 08260**

**PREPARED BY: THE STOCKTON UNIVERSITY COASTAL RESEARCH CENTER  
30 WILSON AVENUE  
PORT REPUBLIC, NJ 08241  
APRIL 30, 2015**





**2012 ANNUAL REPORT - TO THE CITY OF NORTH WILDWOOD  
ON THE  
CONDITION OF THE CITY BEACHES**



View taken June 15, 2012 showing North Wildwood, Hereford Inlet and Seven-Mile Beach. The back pass operation was complete and the beach stands in bold relief against the dune system backing it up. Note that the shoreline tapers to a minimal width at the Hereford Inlet jetty with sand deposited along the No. Wildwood inlet shoreline. Large ebb-tidal shoals surround Hereford Inlet and are the repository for both island's beach nourishment sand.

**PREPARED FOR: THE CITY OF NORTH WILDWOOD  
901 ATLANTIC AVENUE  
NORTH WILDWOOD, NJ 08260**

**PREPARED BY: THE RICHARD STOCKTON COASTAL RESEARCH CENTER  
30 WILSON AVENUE  
PORT REPUBLIC, NJ 08241  
APRIL 2013**

**2012 ANNUAL REPORT - TO THE CITY OF NORTH WILDWOOD  
ON THE  
CONDITION OF THE CITY BEACHES**



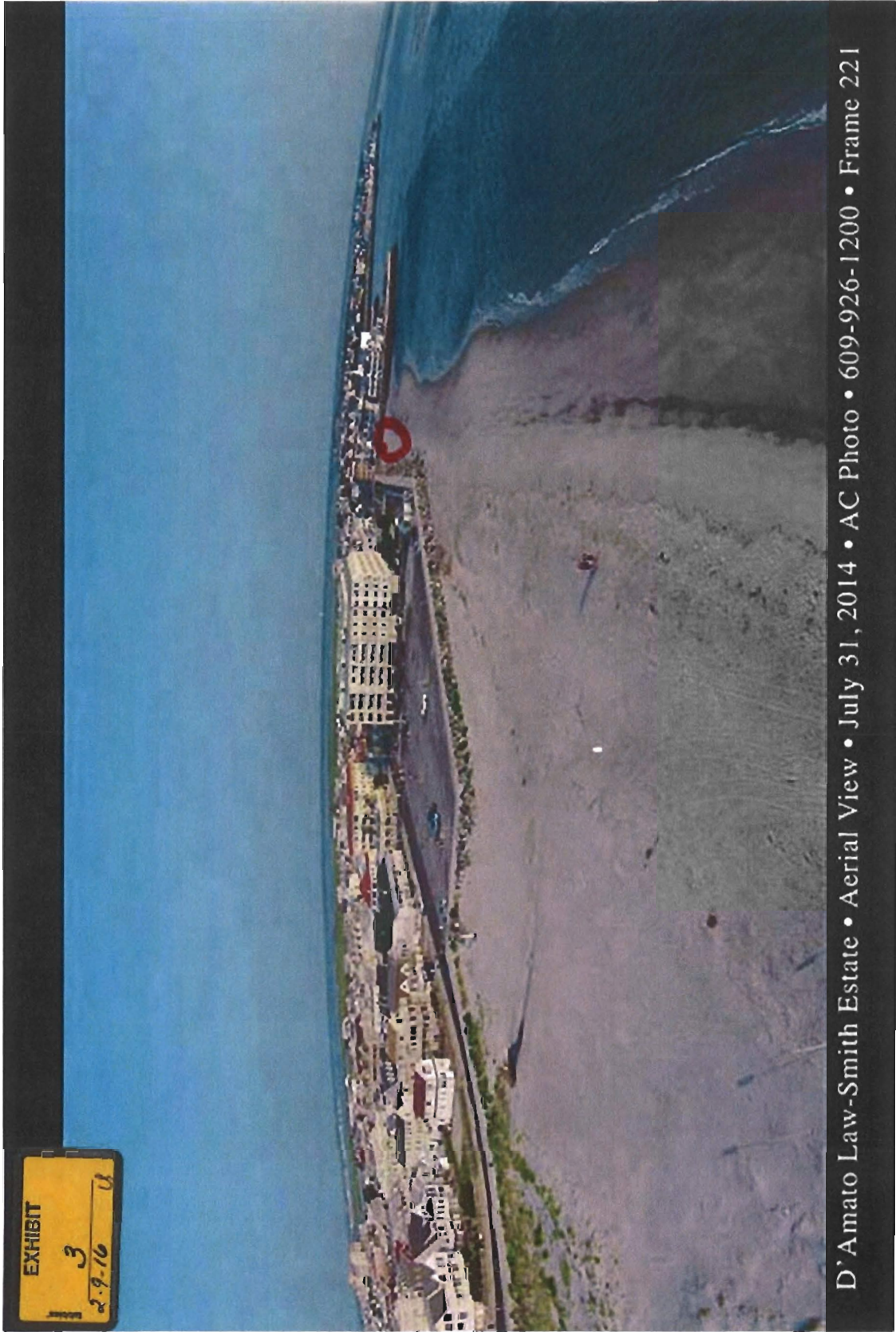
View taken June 15, 2012 showing North Wildwood, Hereford Inlet and Seven-Mile Beach. The back pass operation was complete and the beach stands in bold relief against the dune system backing it up. Note that the shoreline tapers to a minimal width at the Hereford Inlet jetty with sand deposited along the No. Wildwood inlet shoreline. Large ebb-tidal shoals surround Hereford Inlet and are the repository for both island's beach nourishment sand.

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PORT REPUBLIC, NJ 08241  
APRIL 2013**







D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 221



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4  
2-9-16 4

1920

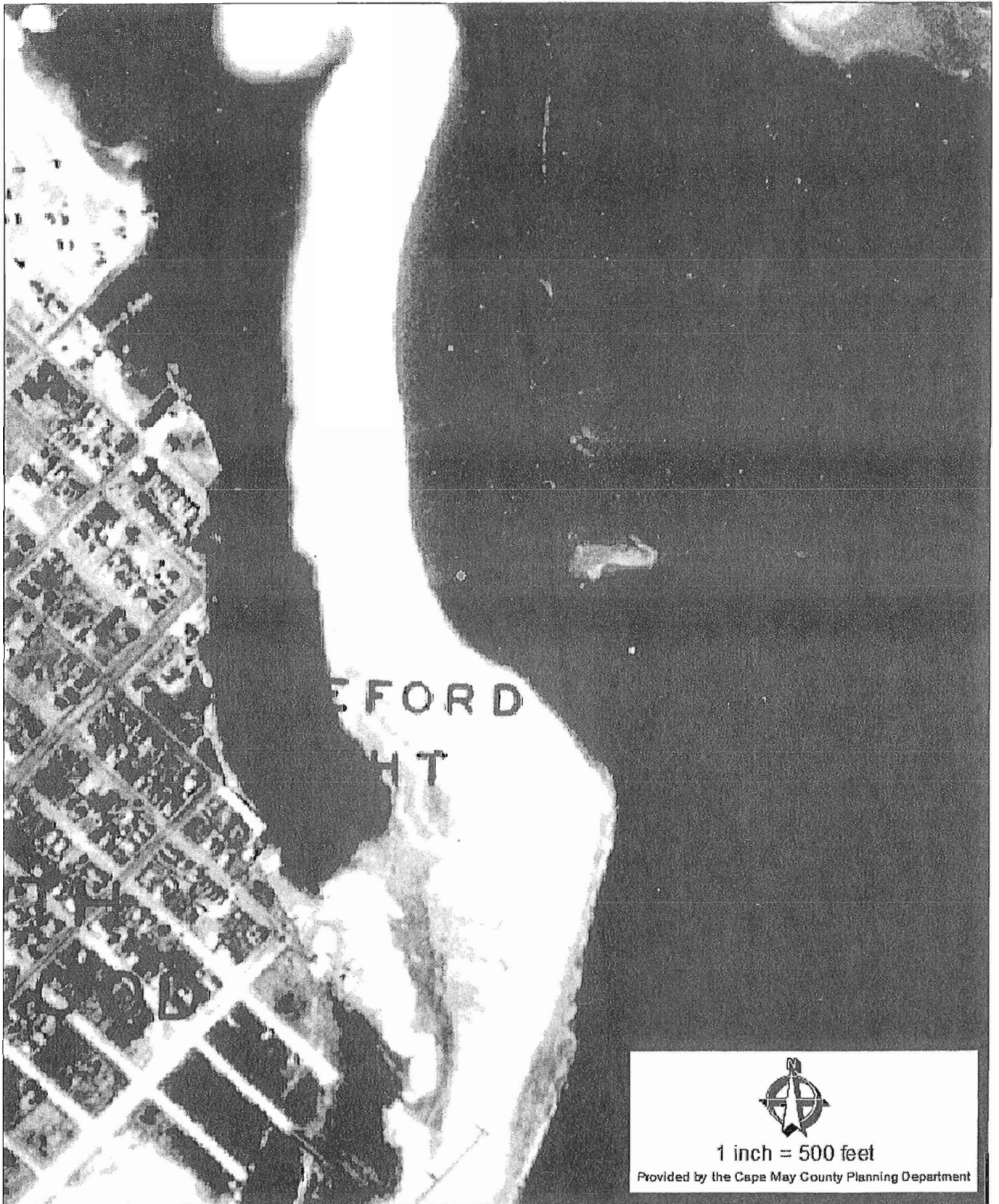
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County Designee  
5  
7-23-15

2



  
1 inch = 500 feet  
Provided by the Cape May County Planning Department

1930





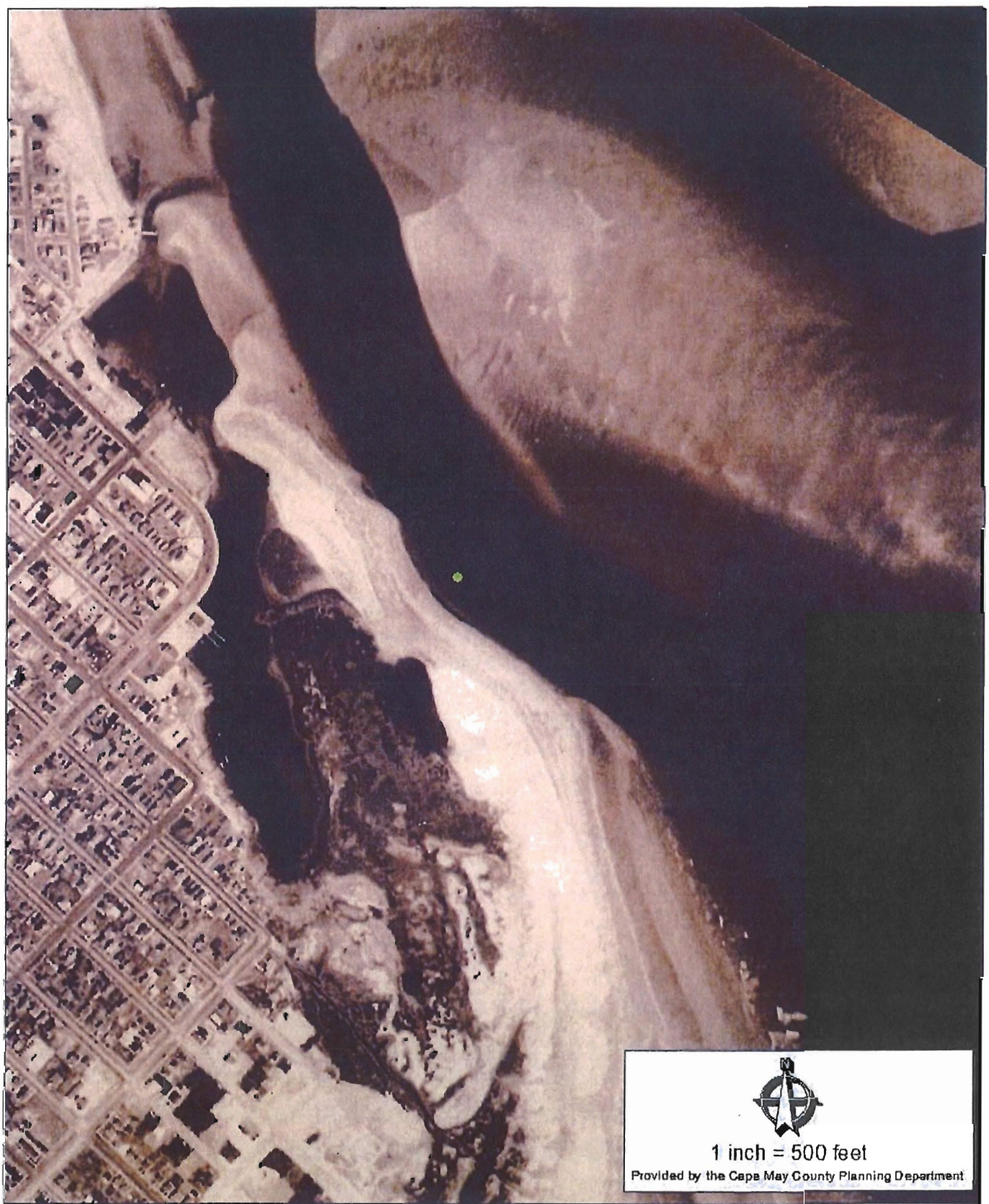
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1 inch = 500 feet  
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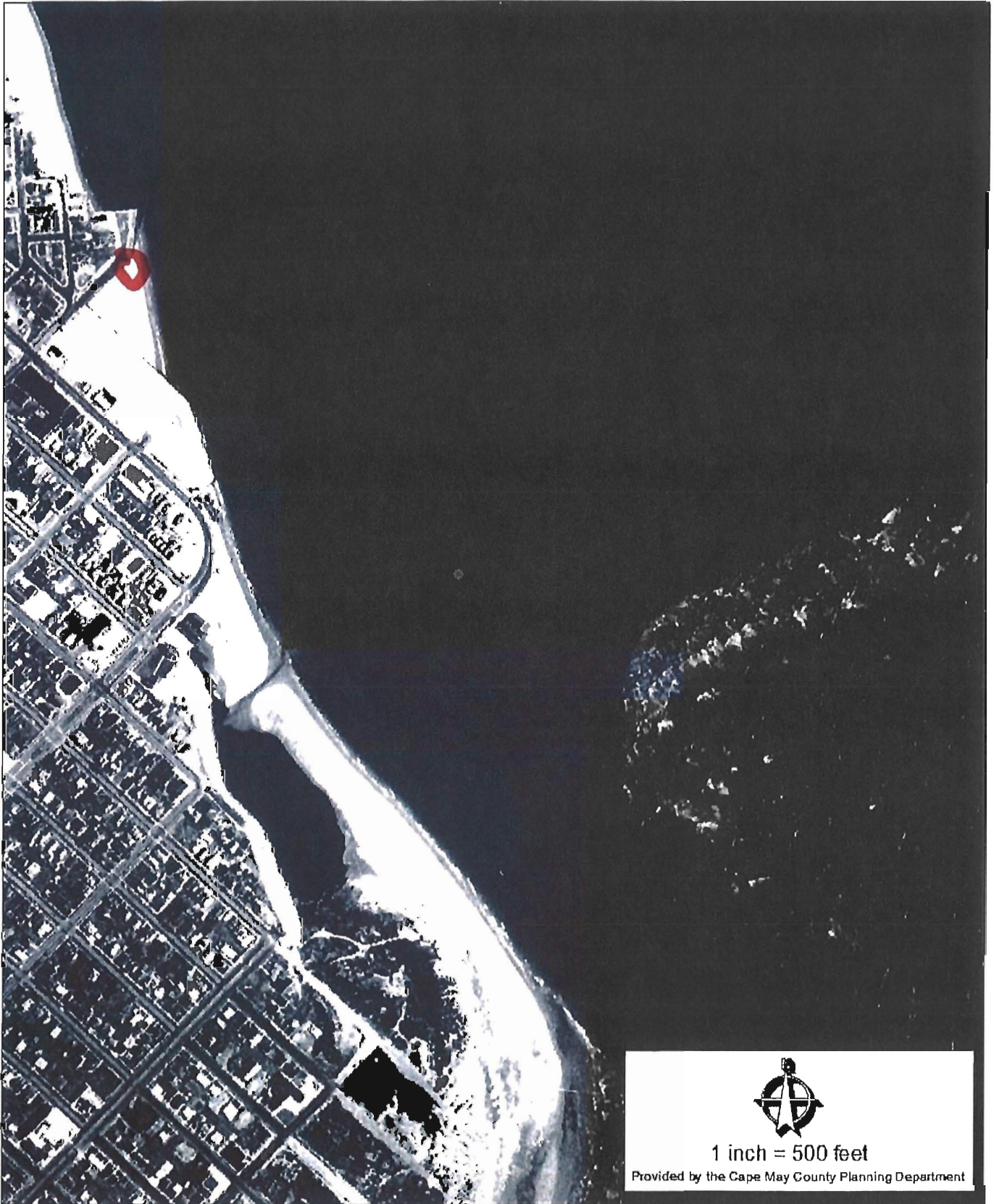


1956





1963



1 inch = 500 feet

Provided by the Cape May County Planning Department

1970



1 inch = 500 feet

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Aerial - NJDEP 1970 Wetlands Basemap



1995





2000



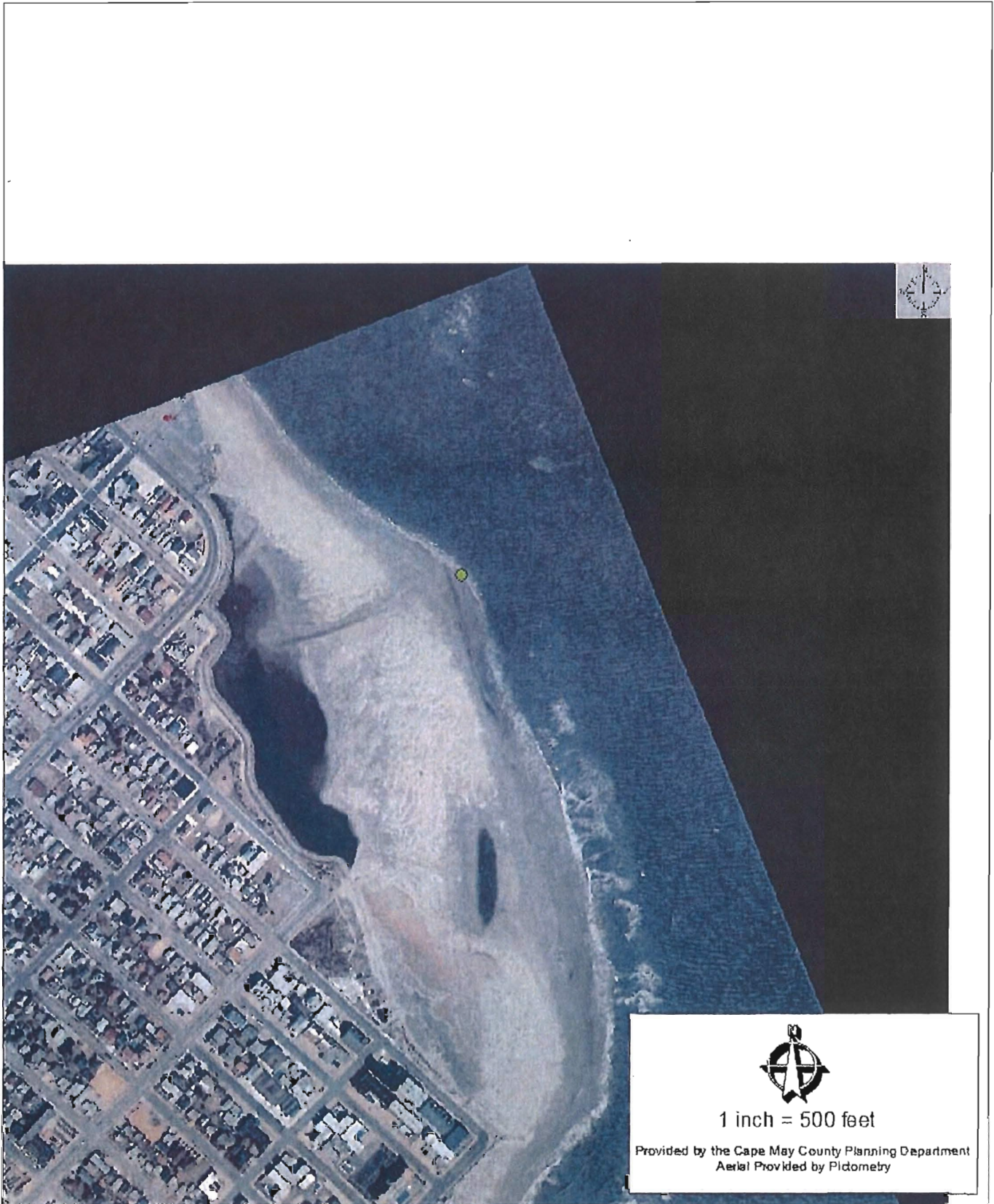


2002





**April 1, 2003**





April 6, 2005





March 19, 2007



  
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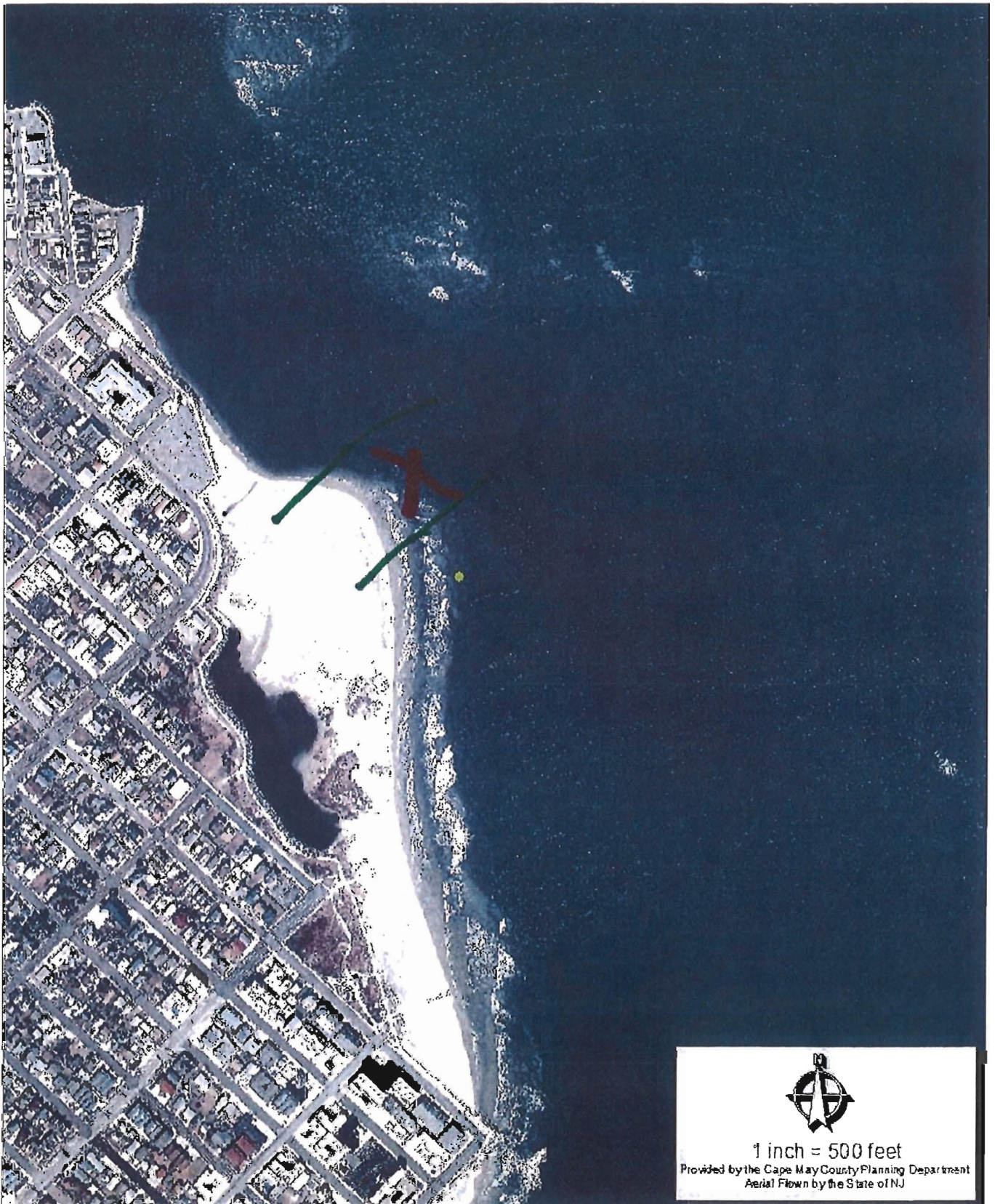


**November 17, 2009**





March 14, 2012





February 22, 2013





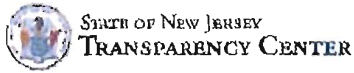


EXHIBIT C









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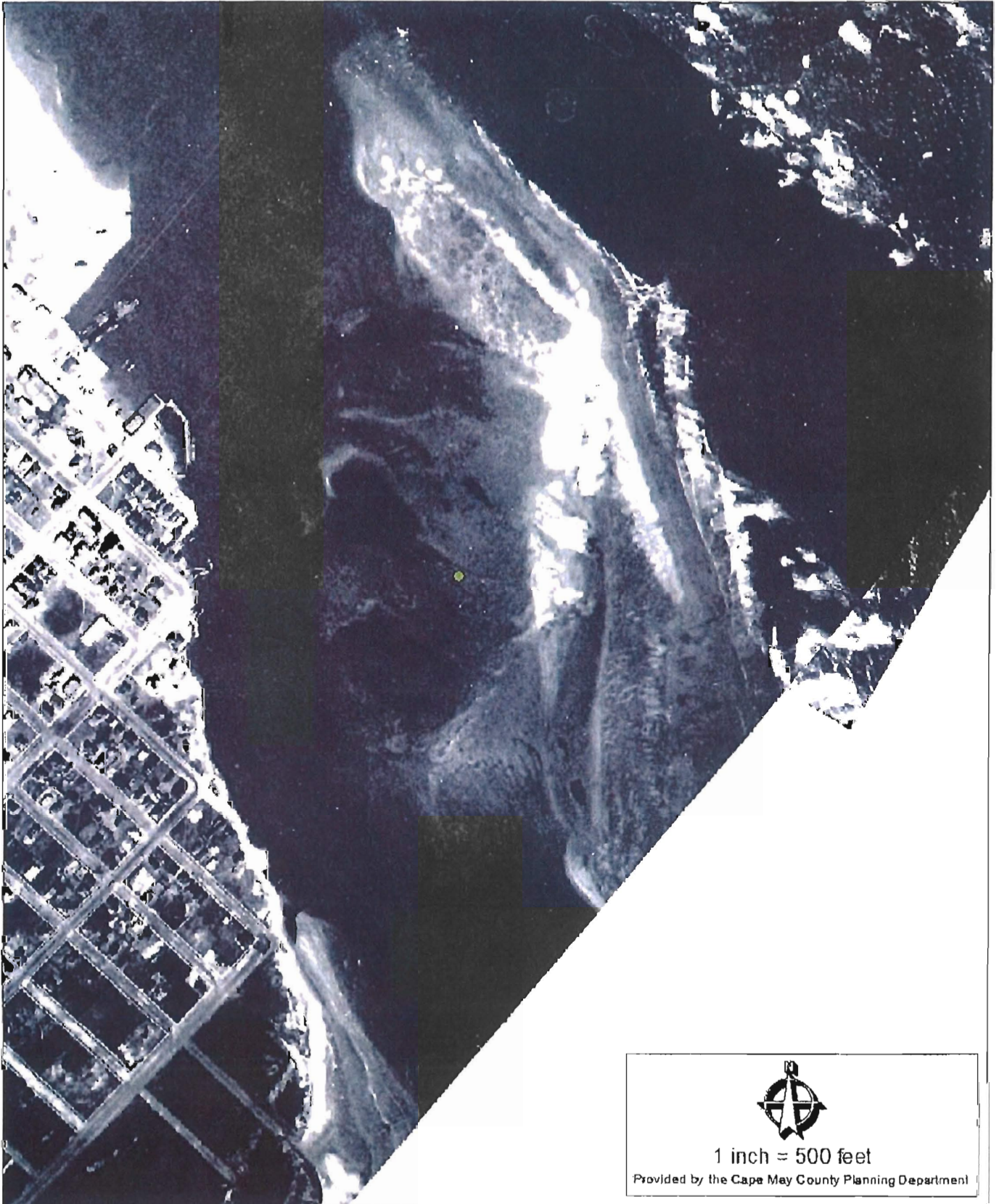
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### Property Tax Information As of January 10, 2014

Tax List Details	Property Map
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Tax Year: <b>2014</b>	
<p><b>OWNER INFORMATION</b></p> <p>Owner Name: <b>CITY OF NORTH WILDWOOD</b>            Owner Address: <b>901 ATLANTIC AVE            NORTH WILDWOOD, N J 08260</b></p> <p><b>PROPERTY INFORMATION</b></p> <p>Street Address: <b>ATLANTIC &amp; PINE AVES</b>            County: <b>CAPE MAY</b>  <b>NORTH WILDWOOD CITY</b></p> <p>Block Number: <b>286</b>            Lot Number: <b>1</b>            Qualifier: <b>EXEMPT PUBLIC PROPERTY</b></p> <p>Property Class: <b>EXEMPT PUBLIC PROPERTY</b></p> <p>Land Description: <b>2.5AC</b></p> <p>Building Description: <b>2.5</b></p> <p>Acreage: <b>2.5</b></p> <p>Land Value: <b>\$800.00</b></p> <p>Building Value: <b>\$0.00</b></p> <p>Net Value: <b>\$800.00</b></p> <p>Prior Year Tax Amount: <b>\$0.00</b></p>	

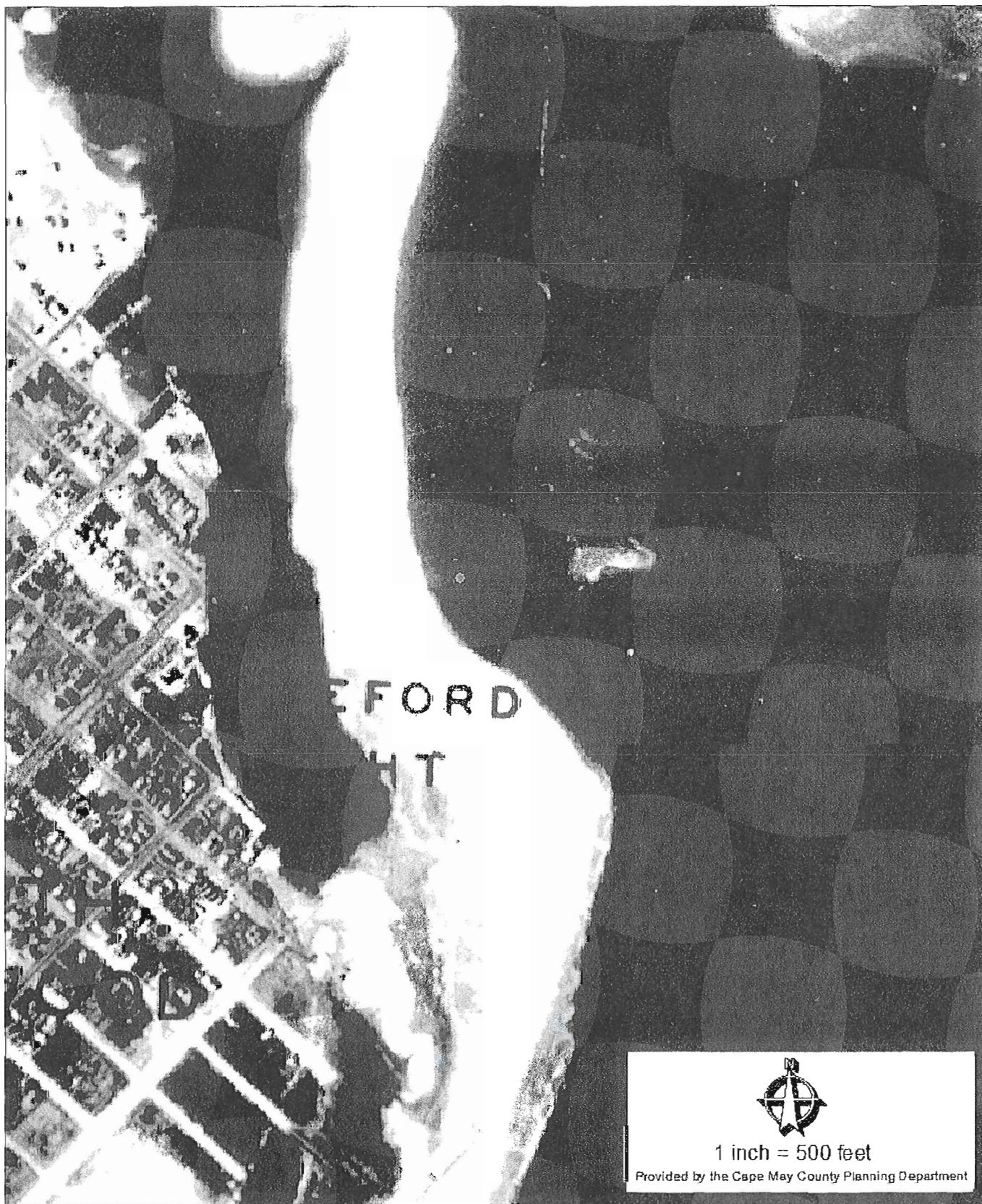
1920

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EXHIBIT  
County Designee  
5  
7-23-15



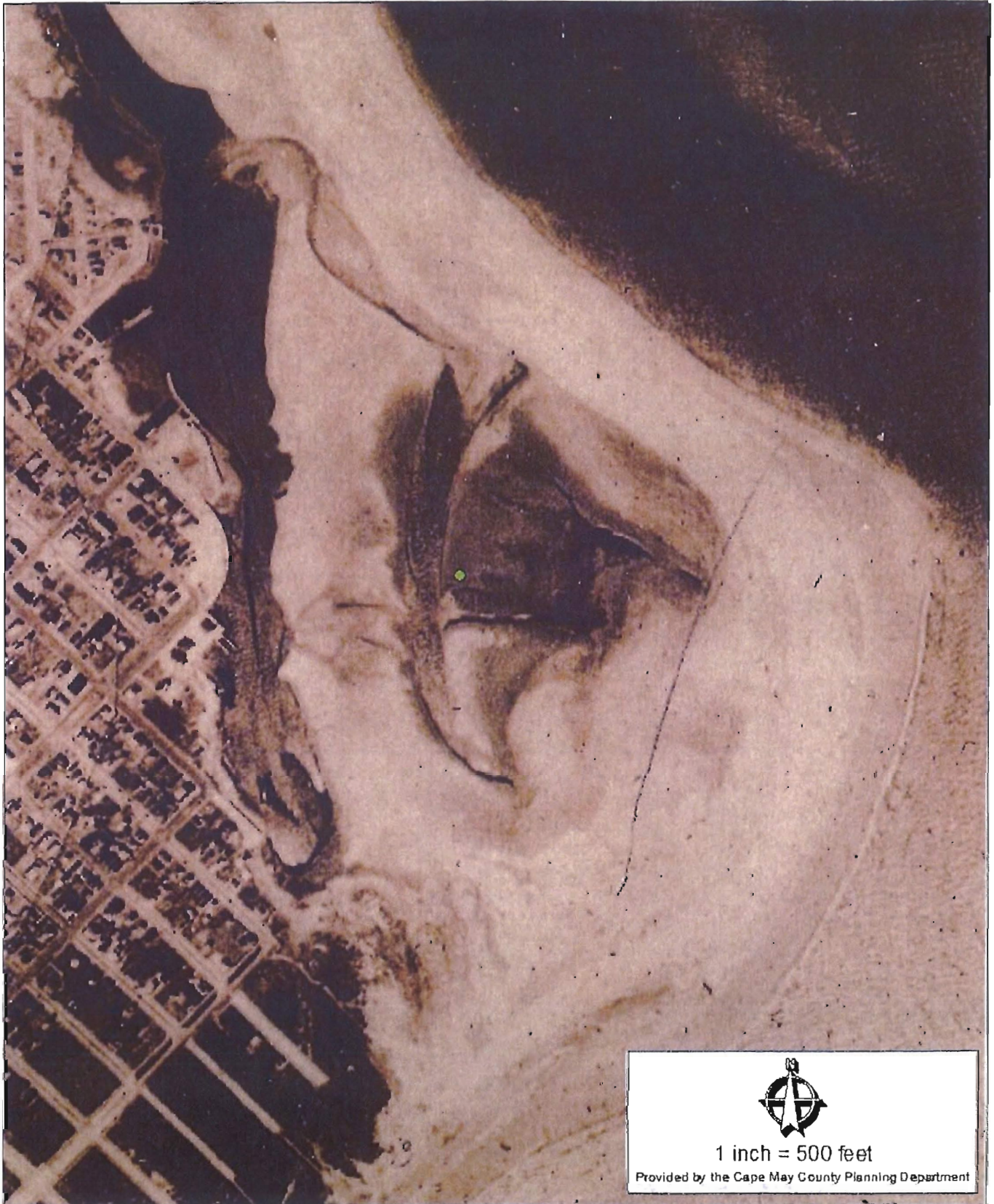


1930



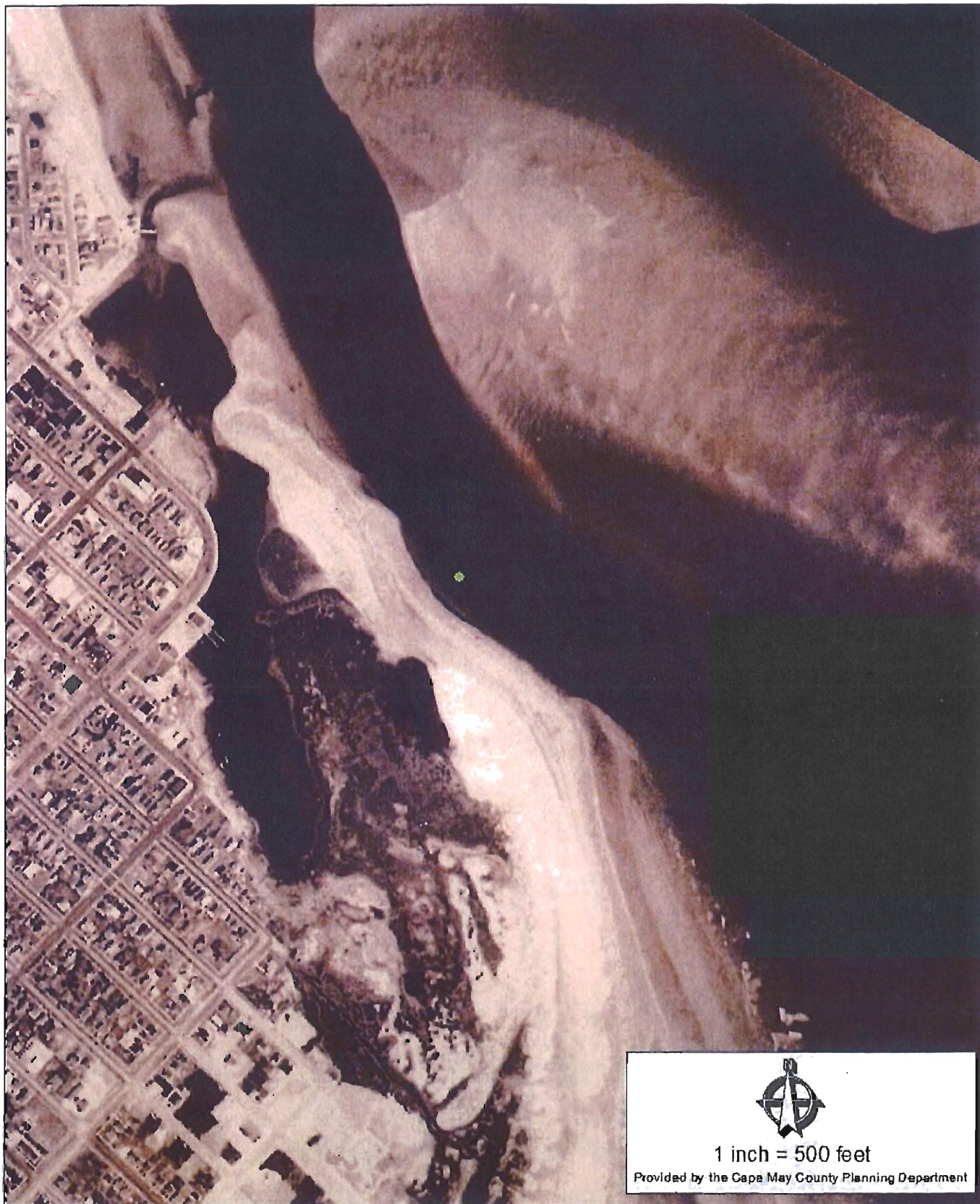


1941





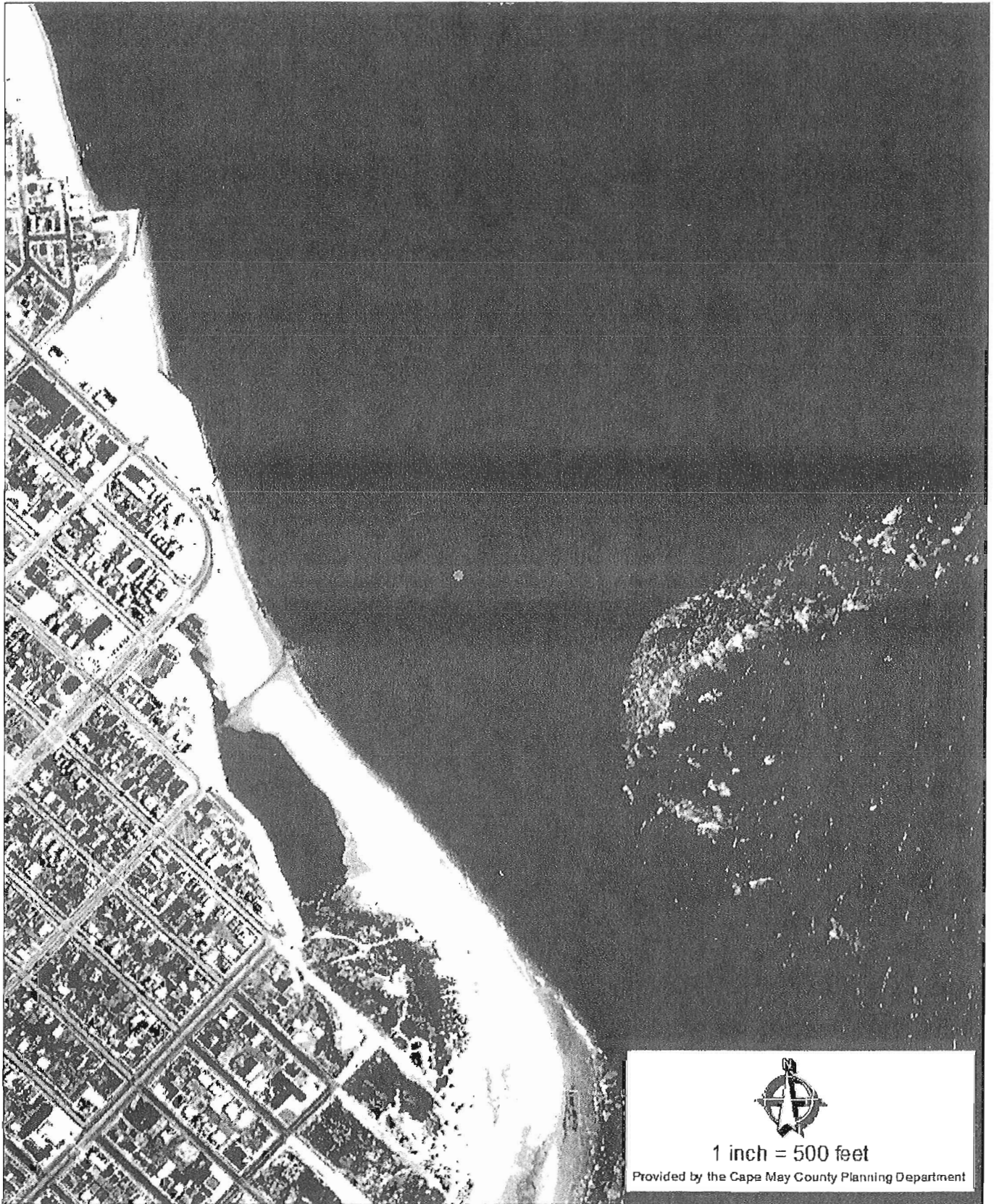
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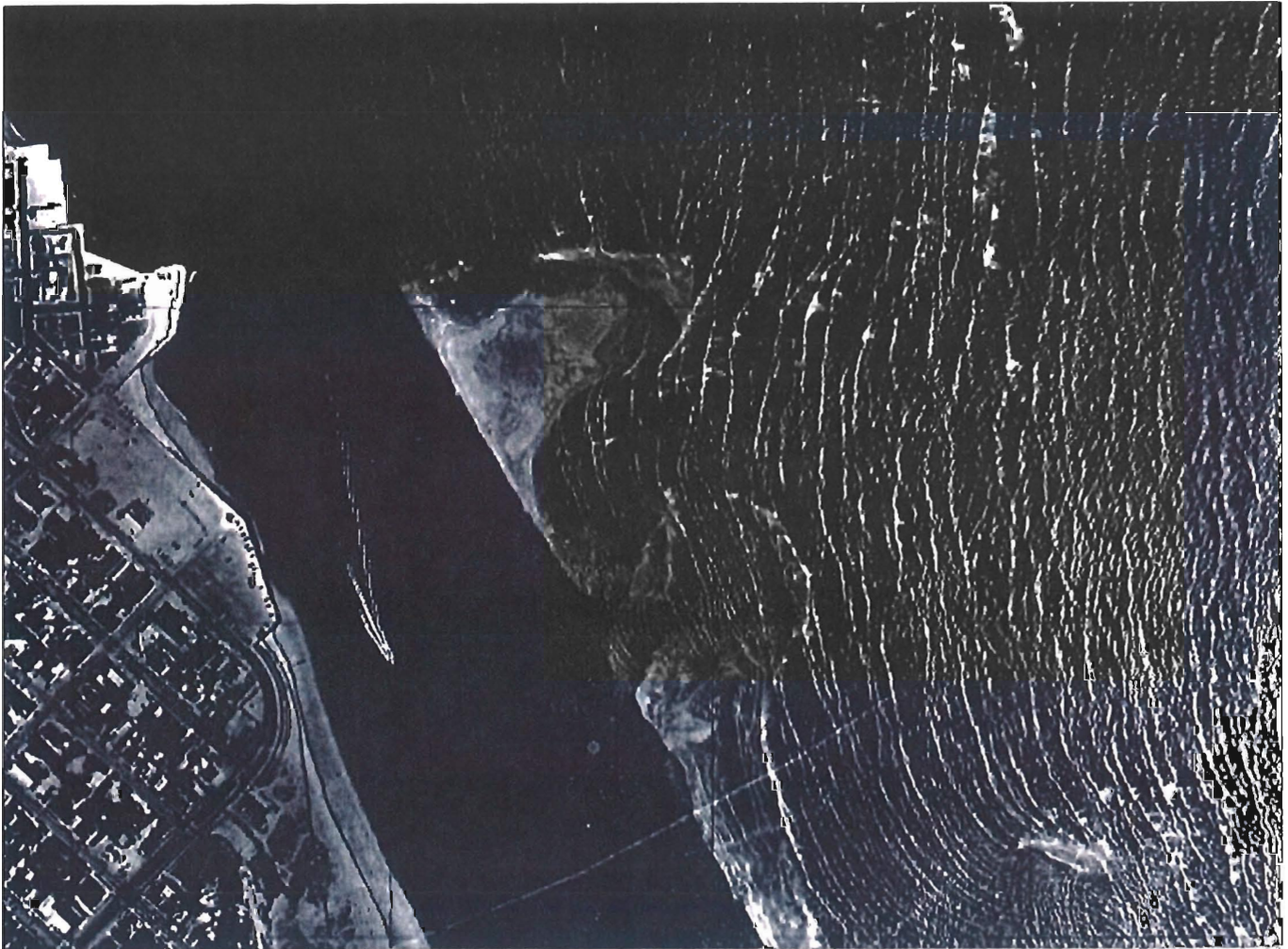
  
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1963



1970



1 inch = 500 feet

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Aerial - NJDEP 1970 Wetlands Basemap

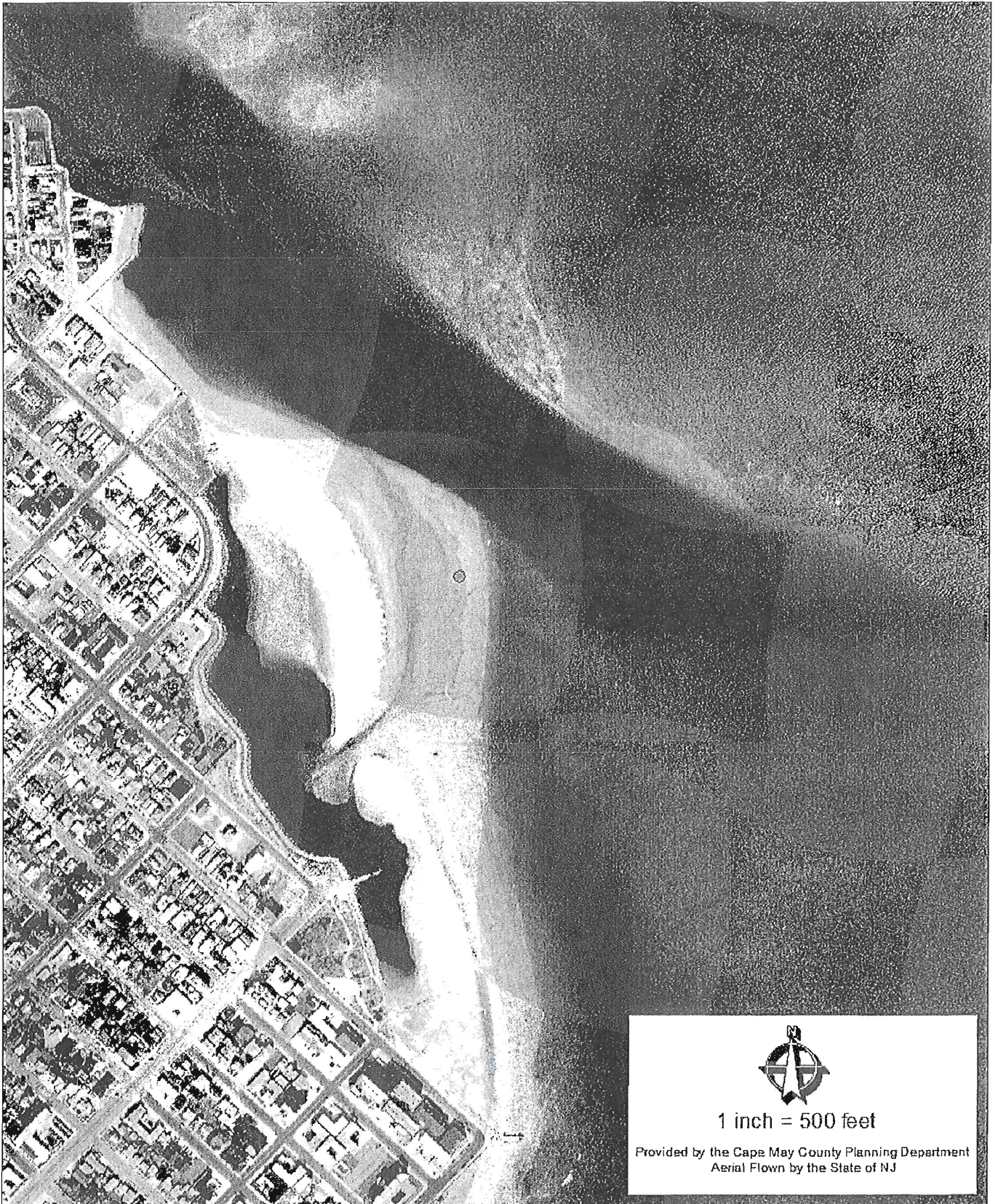


1995





2000



1 inch = 500 feet

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Aerial Flown by the State of NJ



2002

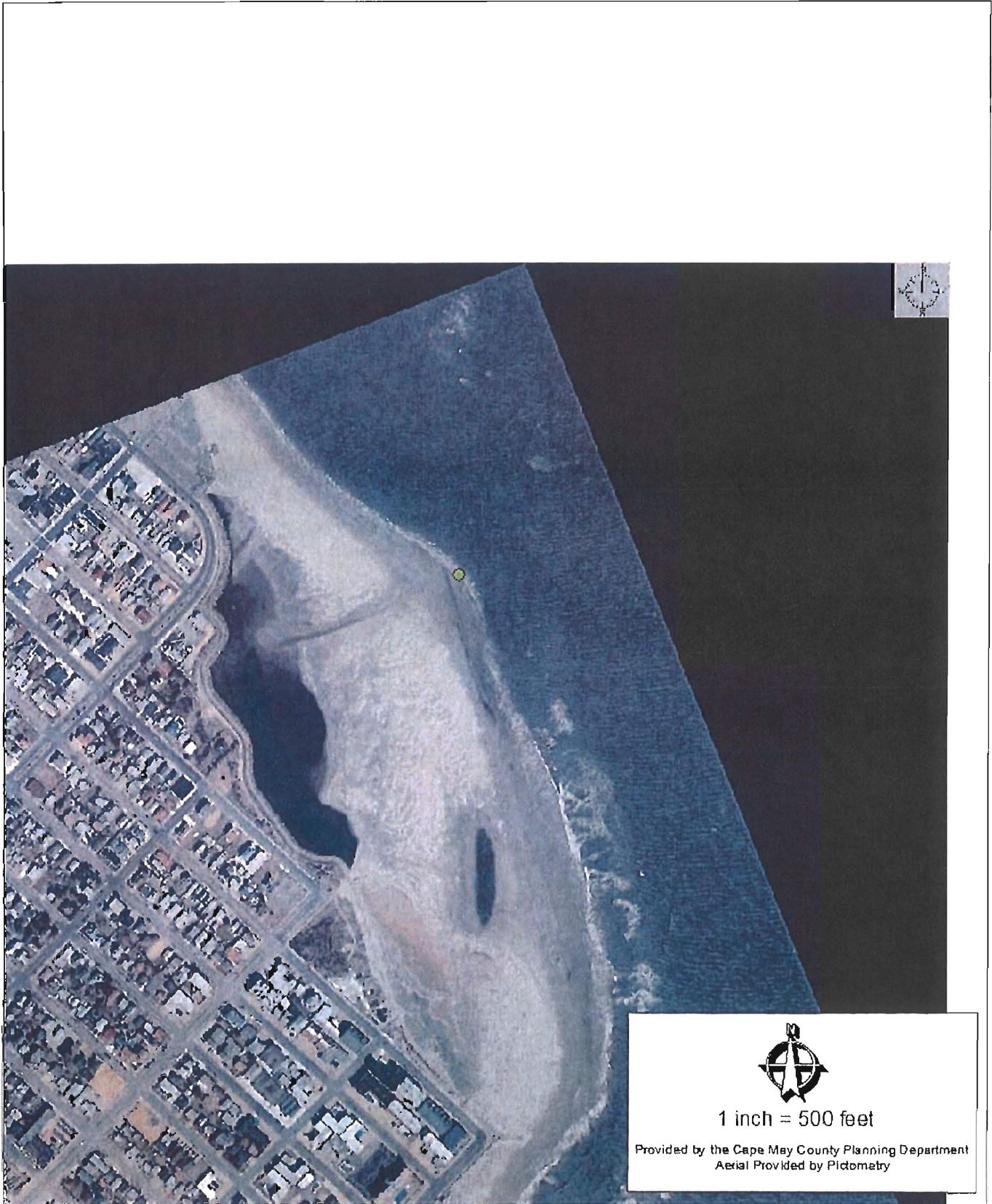


1 inch = 500 feet

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Aerial Flown by the State of NJ



**April 1, 2003**

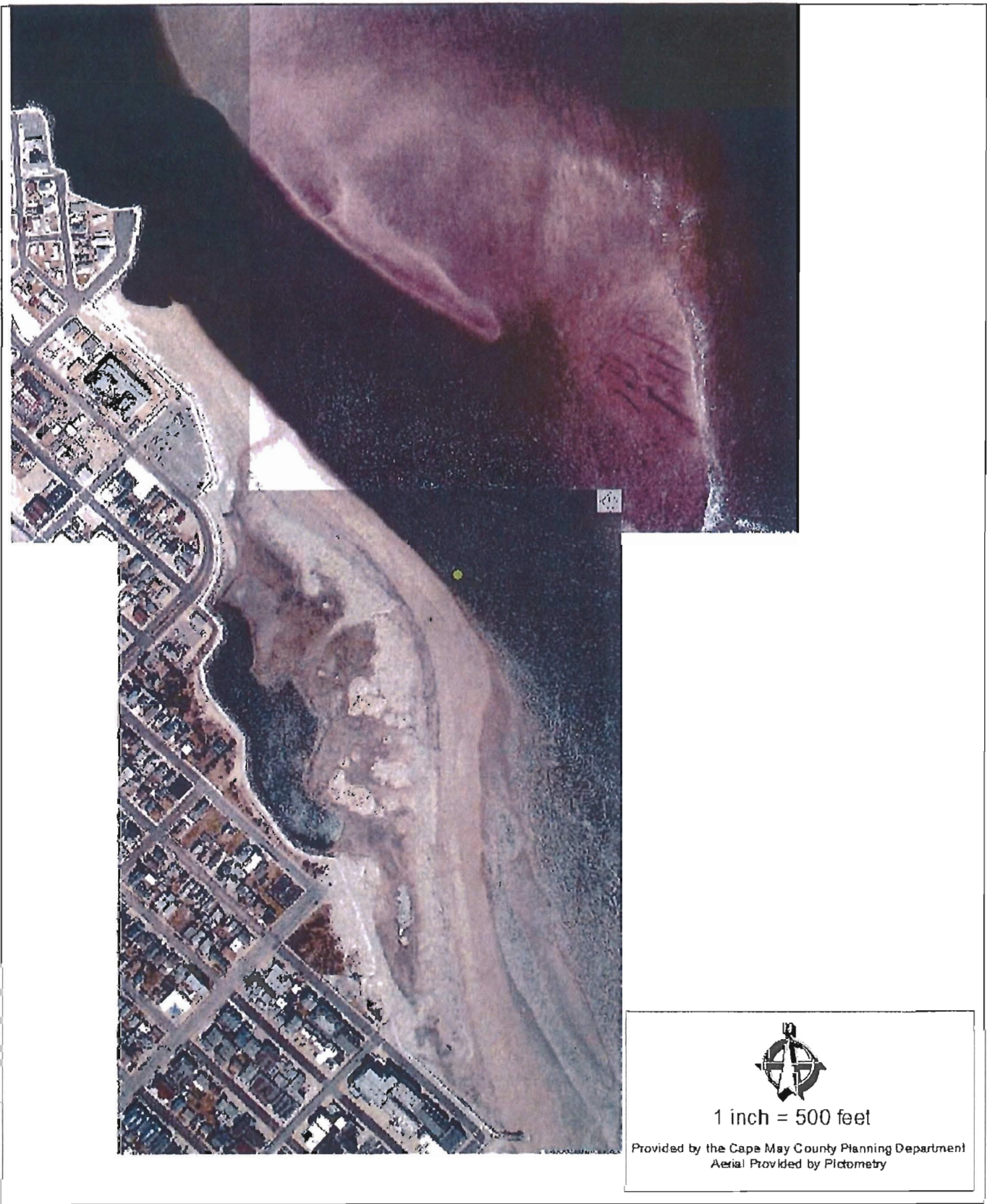


April 6, 2005



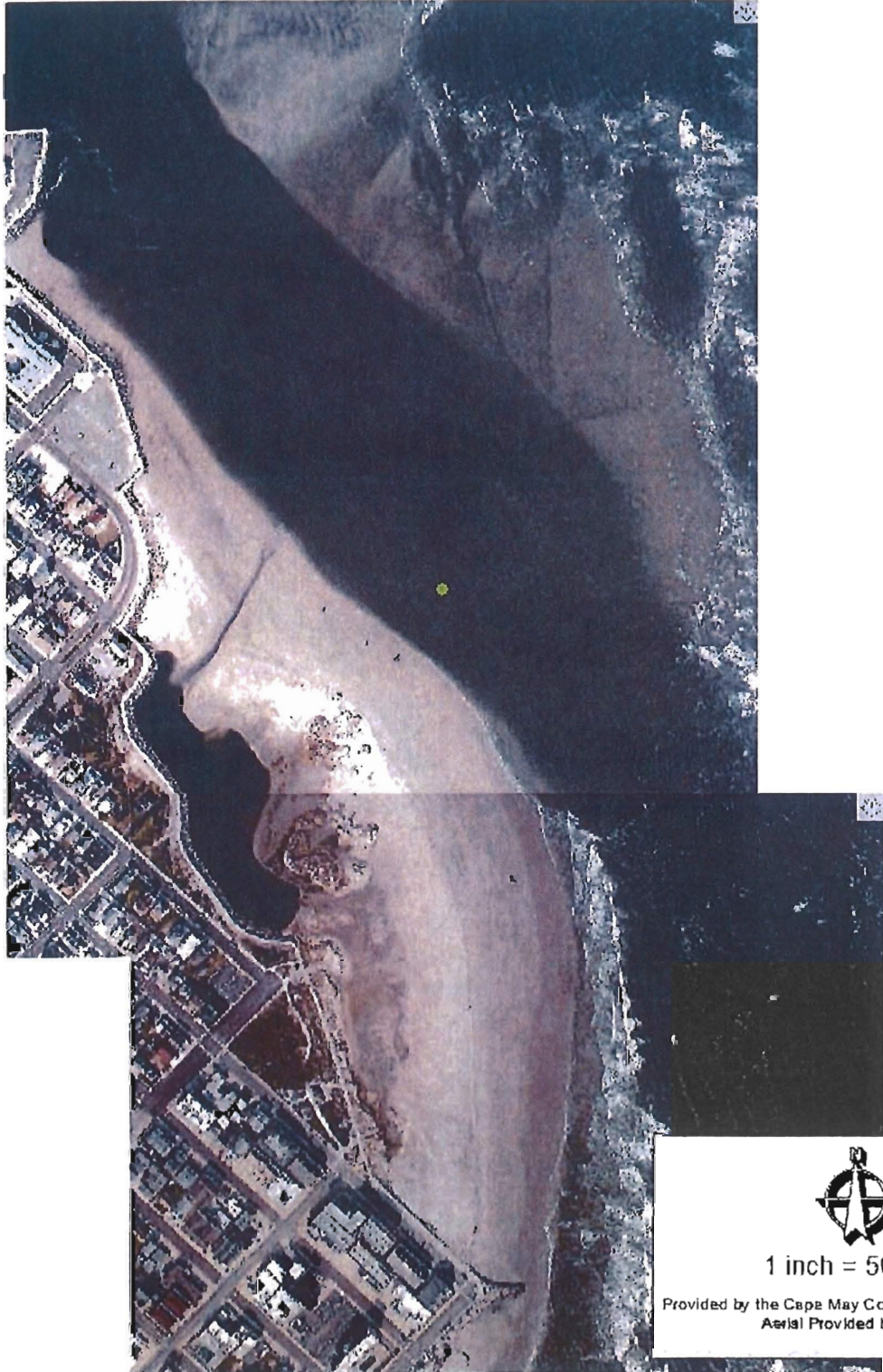


March 19, 2007





November 17, 2009

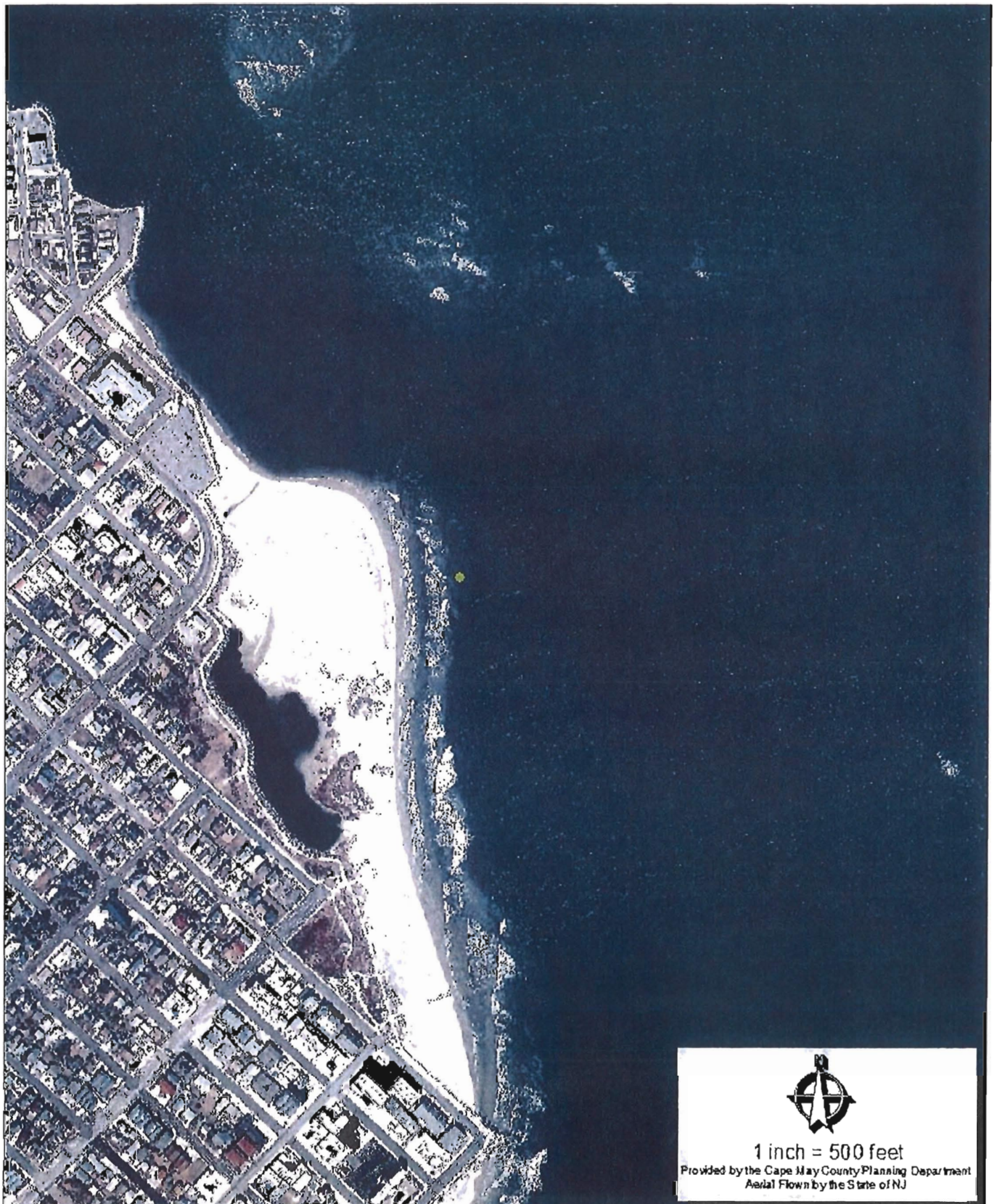


1 inch = 500 feet

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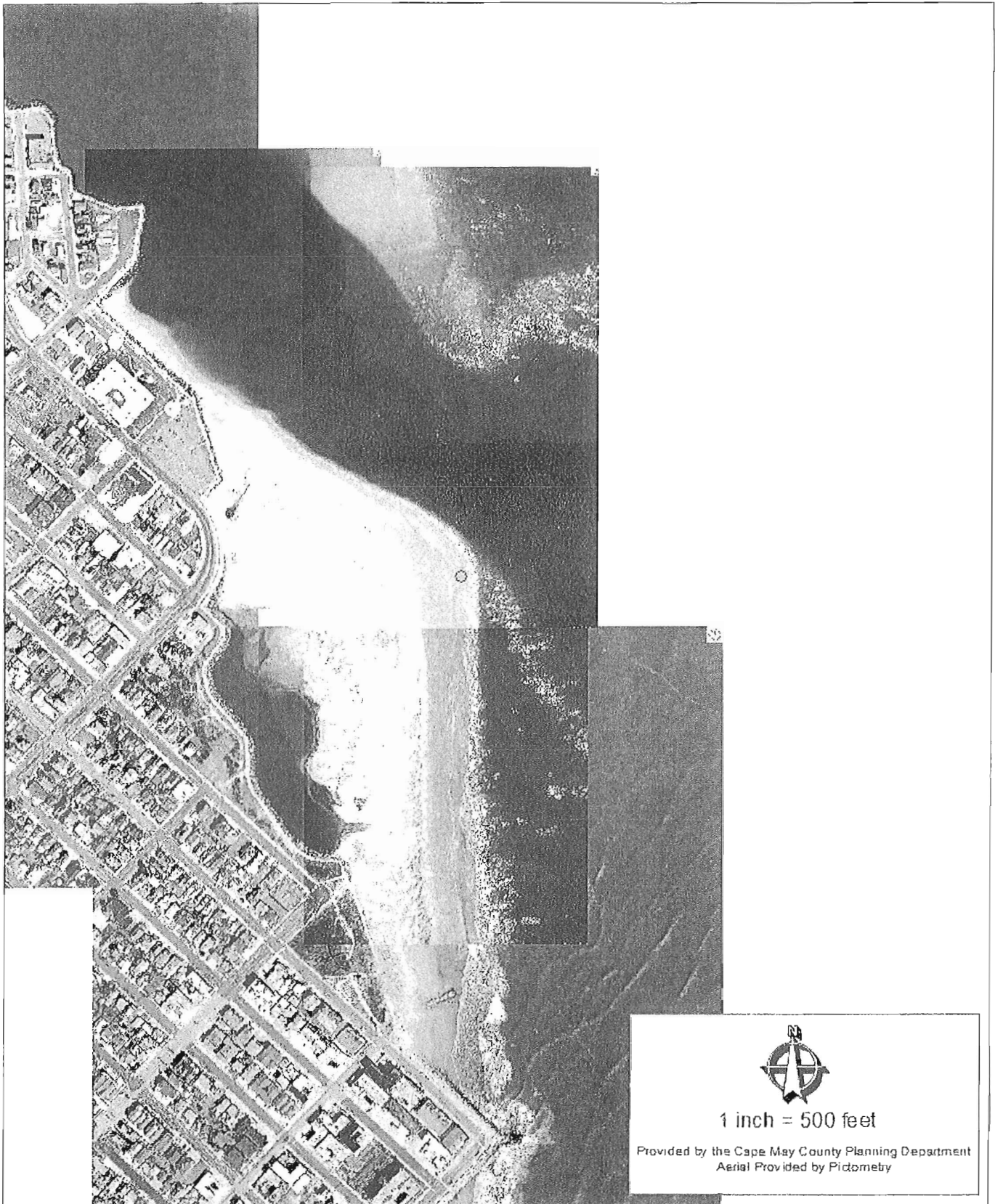


March 14, 2012





February 22, 2013







Google earth

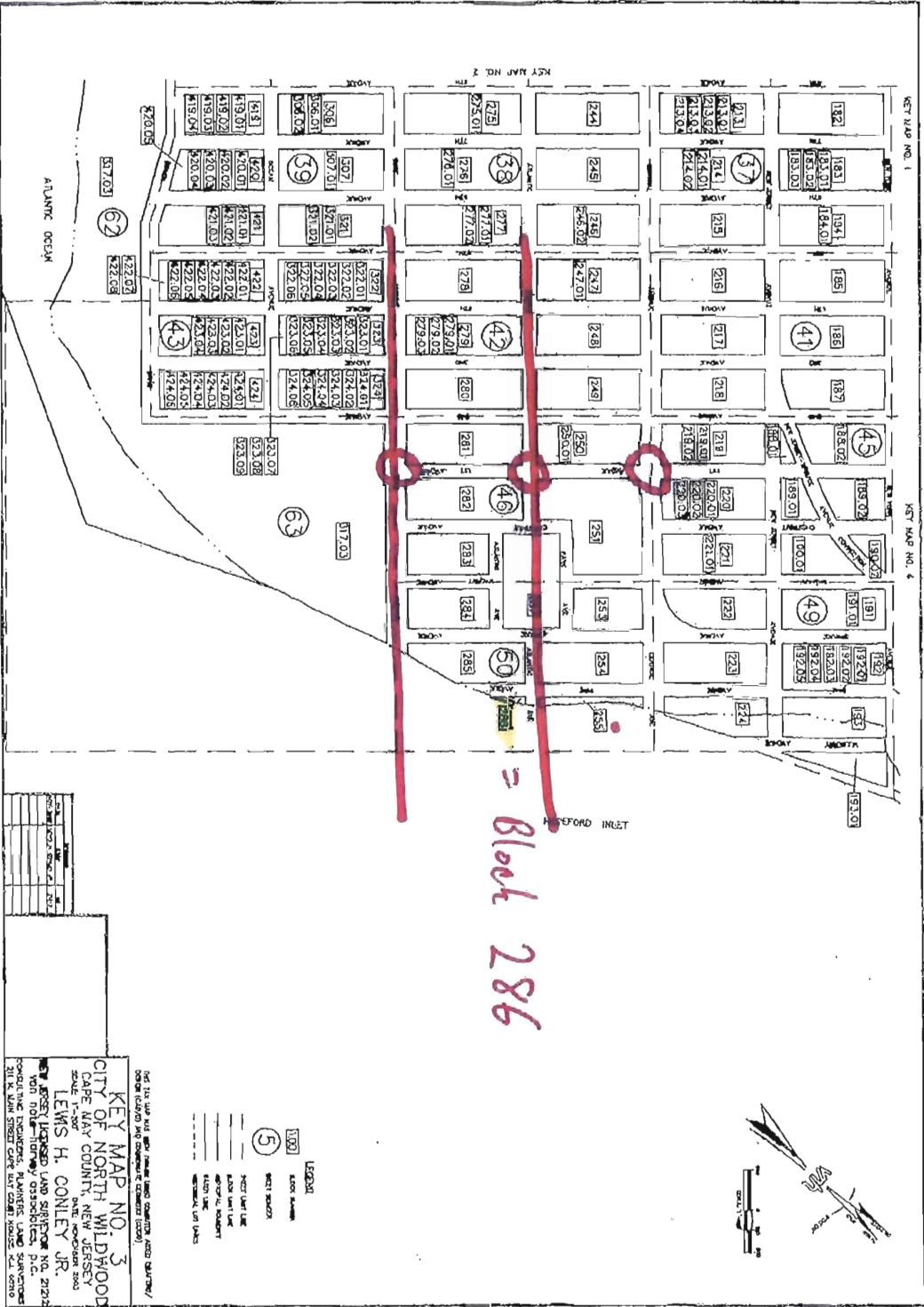
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EXHIBIT  
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DESIGNEE  
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Accident1

EXHIBIT C



Item 04 Rec 5-21-14



KEY MAP 3

KEY MAP 3



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### Property Tax Information As of January 10, 2014

Tax List Details	Property Map
<a href="#">Return To Previous Screen</a> <a href="#">Return To Search Page</a>	
Tax Year: <b>2014</b>	
<b>OWNER INFORMATION</b>	
Owner Name: <b>CITY OF NORTH WILDWOOD</b>	
Owner Address: <b>901 ATLANTIC AVE</b>	
<b>NORTH WILDWOOD, N J 08260</b>	
<b>PROPERTY INFORMATION</b>	
Street Address: <b>ATLANTIC &amp; PINE AVES</b>	
County: <b>CAPE MAY</b>	
<b>NORTH WILDWOOD CITY</b>	
Block Number: <b>286</b>	
Lot Number: <b>1</b>	
Qualifier:	
Property Class: <b>EXEMPT PUBLIC PROPERTY</b>	
Land Description: <b>2.5AC</b>	
Building Description:	
Acreage: <b>2.5</b>	
Land Value: <b>\$800.00</b>	
Building Value: <b>\$0.00</b>	
Net Value: <b>\$800.00</b>	
Prior Year Tax Amount: <b>\$0.00</b>	

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**Thread: My best friend drowned in Hereford Inlet**

LinkBack Thread Tools Display

08-01-2012, 05:53 PM

#1

**She gave in**

Senior Member  
 Join Date: Oct 2011  
 Location: SRI  
 Posts: 174

**My best friend drowned in Hereford Inlet**

I will try to make this as short as I can , this is the true story that happened last friday at 6:30 pm.  
 My best friend an I were walking along Moores beach on the inlet side where it meets the ocean with our seven year old daughters and my nine year old son. As we were coming up to the ocean side in less than knee-deep water, my friend , myself, and both our daughters fell in off of a ledge in the sand. My daughter grabbed me around my neck as the current pulled us from shore. I struggled to get to the beach, in which I barely did before being overtaken by the undertow. Once I got to shore, my friend and daughter ( Brandy) had separated and were about 100 feet from shore. He yelled to me to get Brandy in which I went back into the water, quickly realizing that she was way to far out.  
 I tried to signal someone to help but they were either to far or out of site. As I frantically signaled I saw a state trooper in a boat approaching me. I yelled at my friend " your good, your good stay up " What I didn't realize was that there was a call made of a disabled jet skier in the ocean. He must have thought I was pointing to him. He passed them both by less than 50 feet.  
 I again signaled and managed to get the attention of two jet skiers about a 100 yards away. They raced to me where I signaled Brandys location, and I yelled Brads. They reached Brandy in time but Brad went under.  
 I can't even express how lucky we were to all get out. I have been





over this so many times in my mind and even that I lost him that I was able to get my daughter to shore, and get Brandy rescuers I am thankful.

Where ever you are Bud , I love you. I have never laughed so much in all those years than with you. Im sorry, I did everything I can possibly think of in those short moments to save you, but I wish I could hear you say we are good.

Brad was found on monday morning around 1:30 am on 21st street. I got to spend the last week of his life with him doing what we would always do, laugh.

I am asking for the authorities to finally do something about this spot. The detectives said if you are not from around here, you don't know the history at that point. This is a public beach, no swimming, we weren't we were walking.

Please pass this info on so no others have to feel the loss that we are.

 Reply

 Reply With Quote

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**TheBassBarn.com**  
Advertisements

 08-01-2012, 05:58 PM

#2

**missingtwo** 

Senior Member

Join Date: Mar 2008

Location: Williamstown NJ

Posts: 9,923



I'm so sorry for the loss of your friend. I will pray for him and your familys.

That was very hard for me to read and I'm glad all of the children are safe.

 Reply

 Reply With Quote

 08-01-2012, 06:09 PM

#3

**Rageboat** 

Senior Member

Join Date: Oct 2000

Location: Pottstown, Pa. and  
Stone Harbor, NJ

Posts: 10,028



I can't even imagine how you must feel right now. I am very sorry.

Rageboat (Kevin Hoffman)  
boat name: "Outrage-Us"  
docked in Stone Harbor, NJ  
proud member of the Ancient Mariners

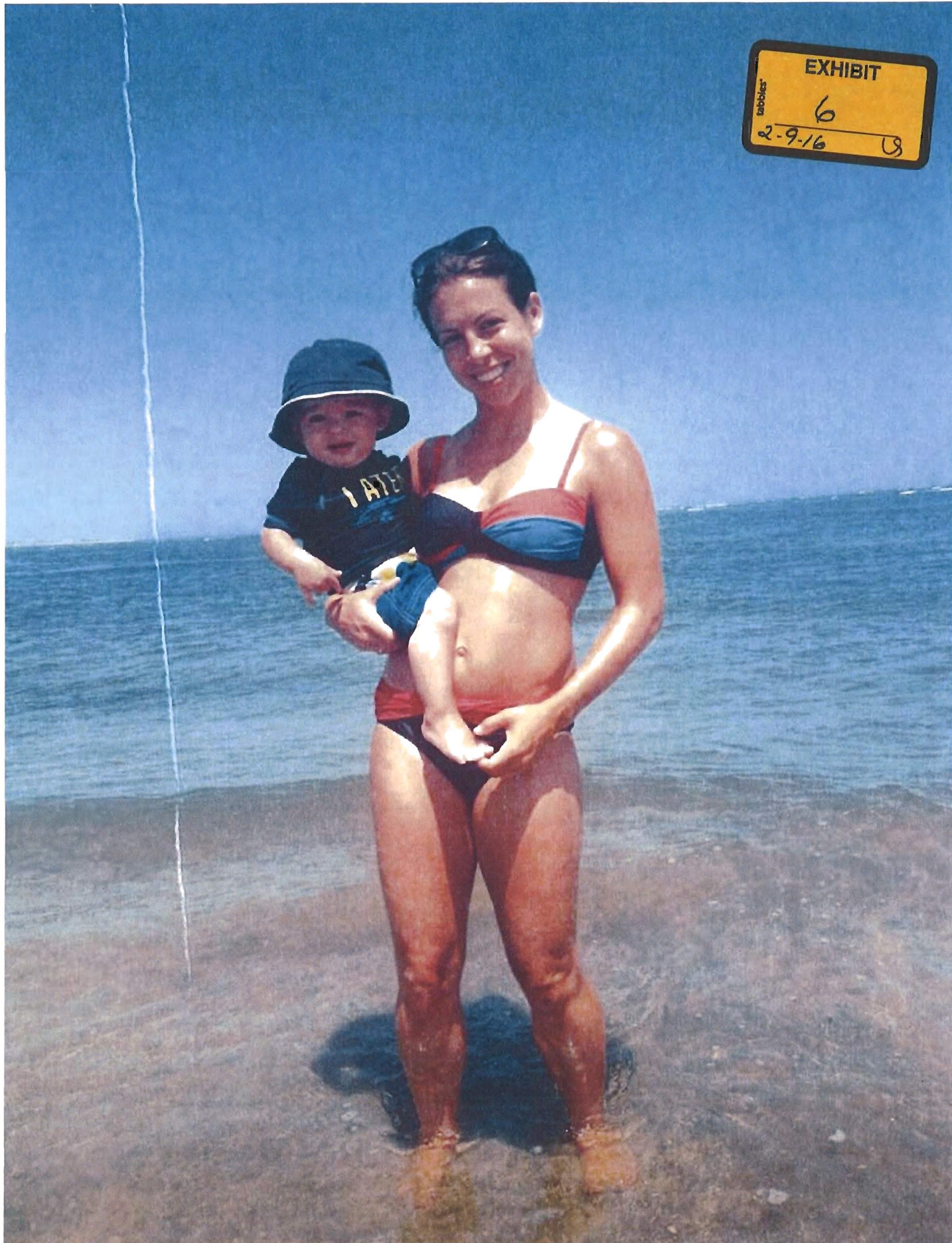


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EXHIBIT C





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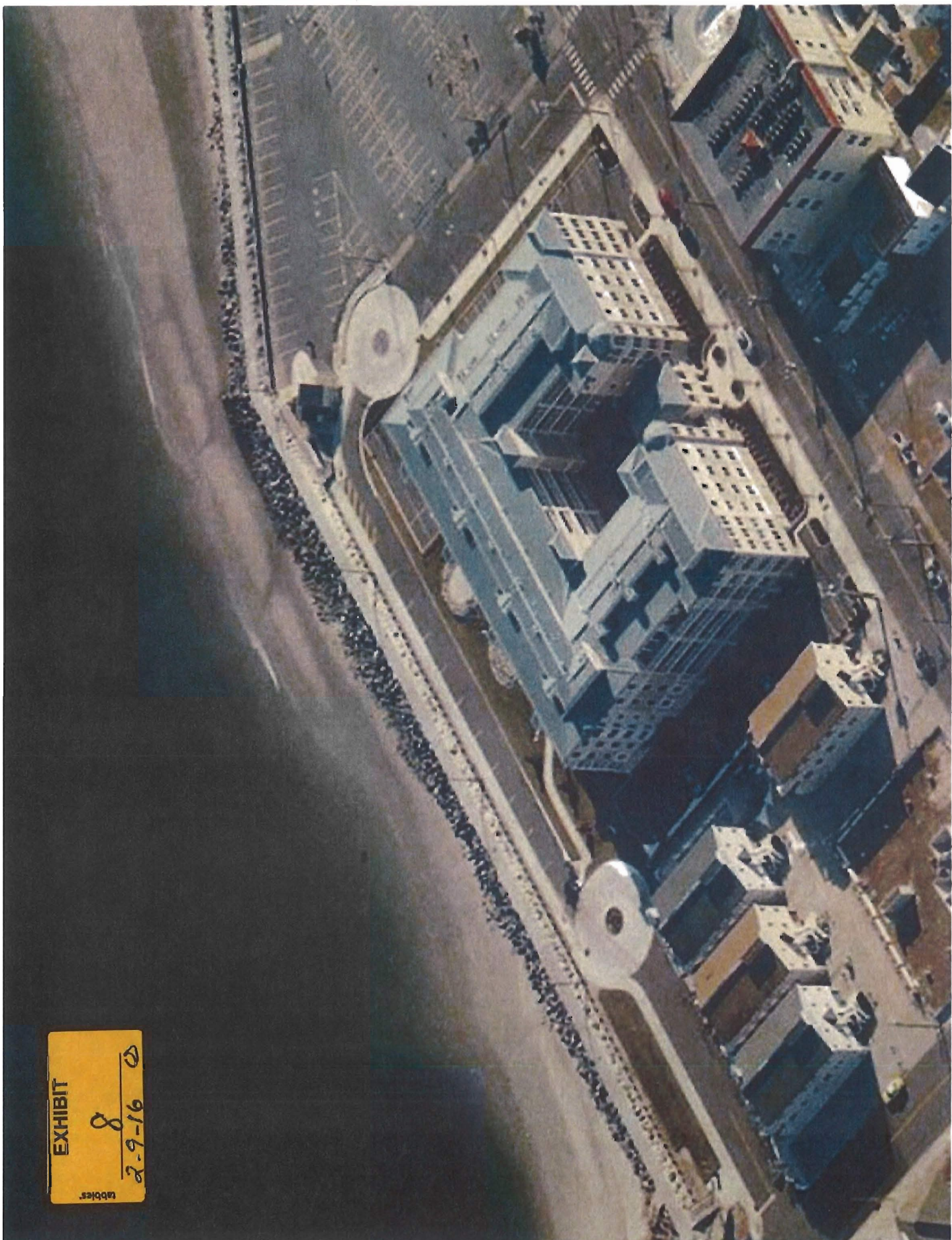


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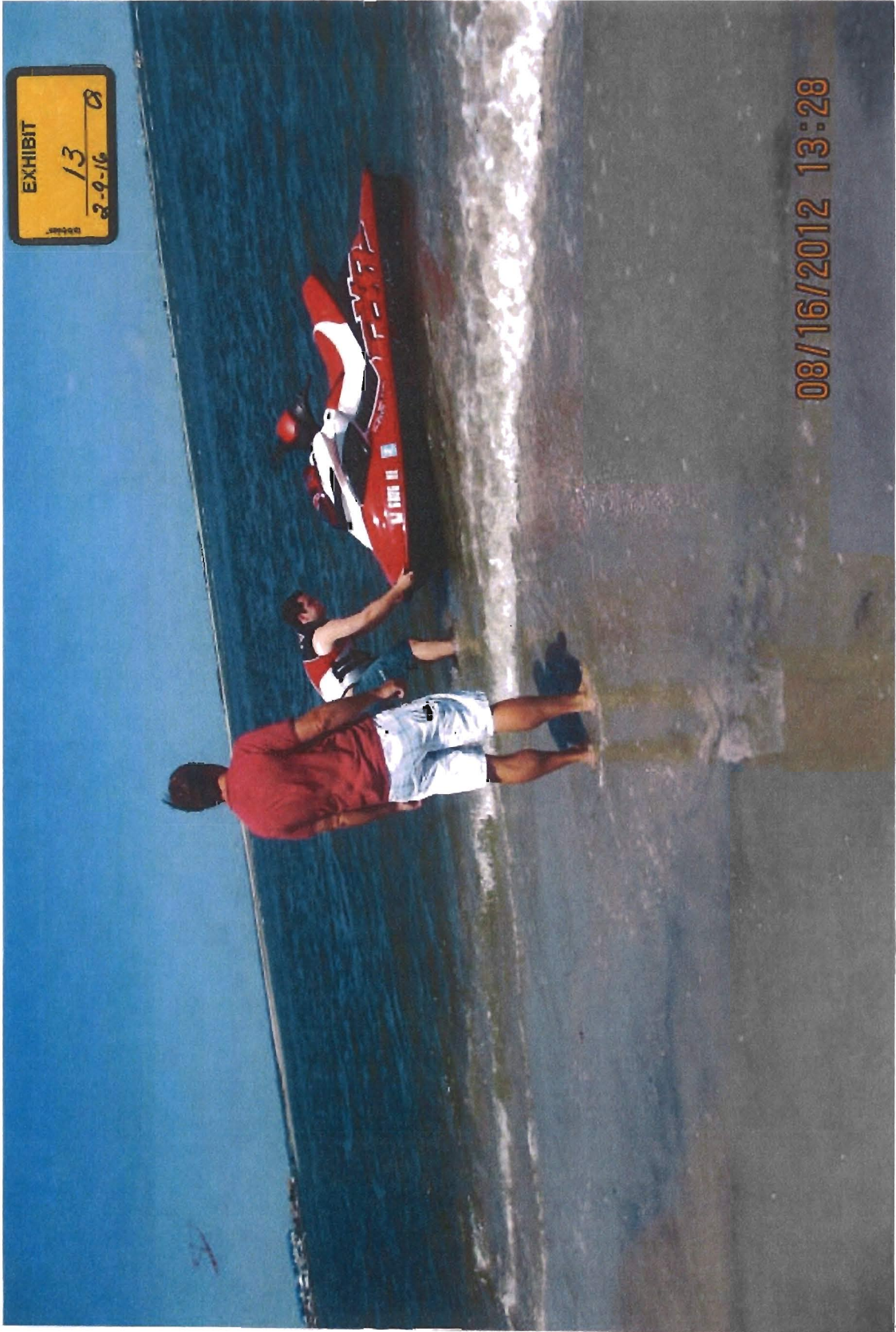
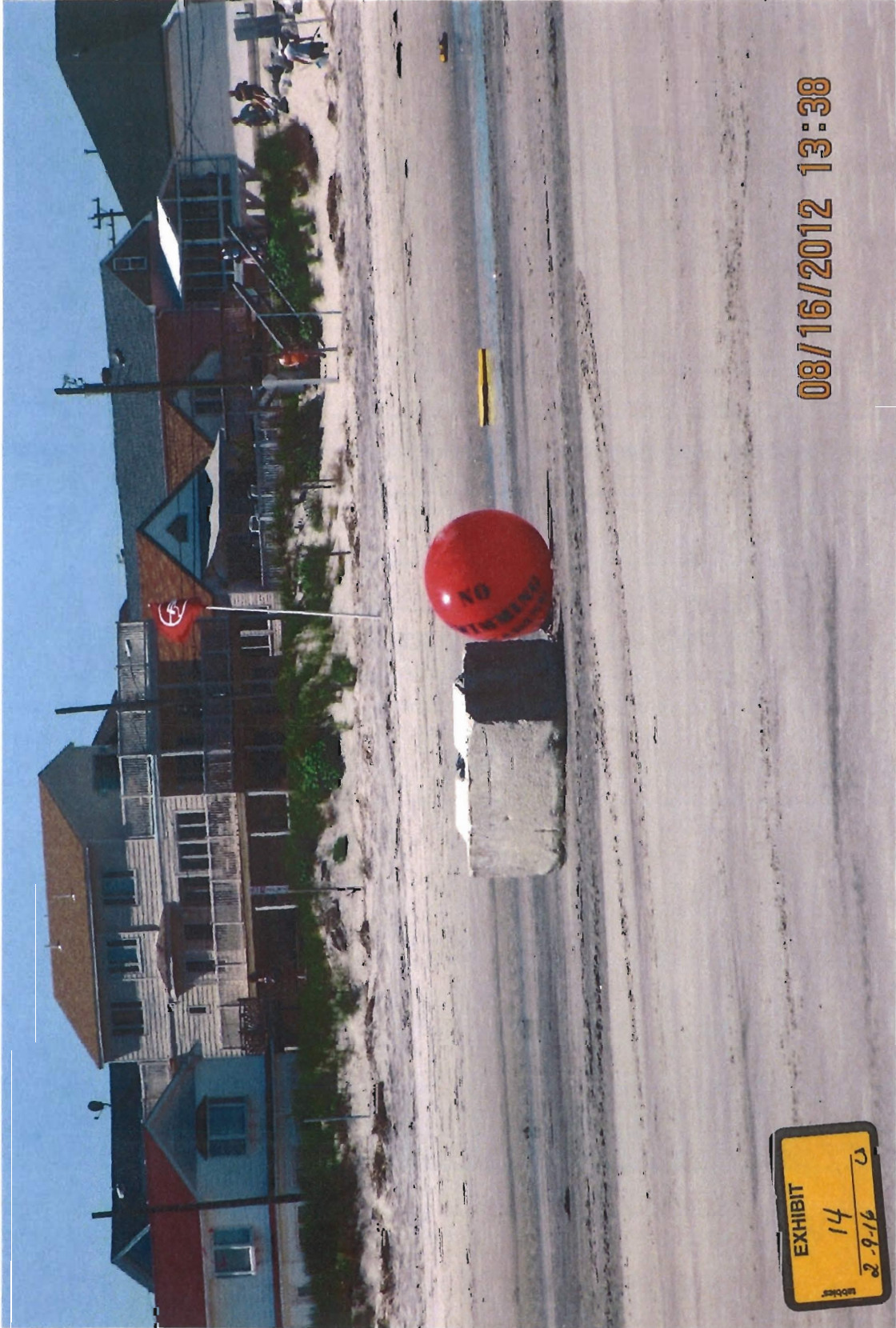


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08/16/2012 13:38

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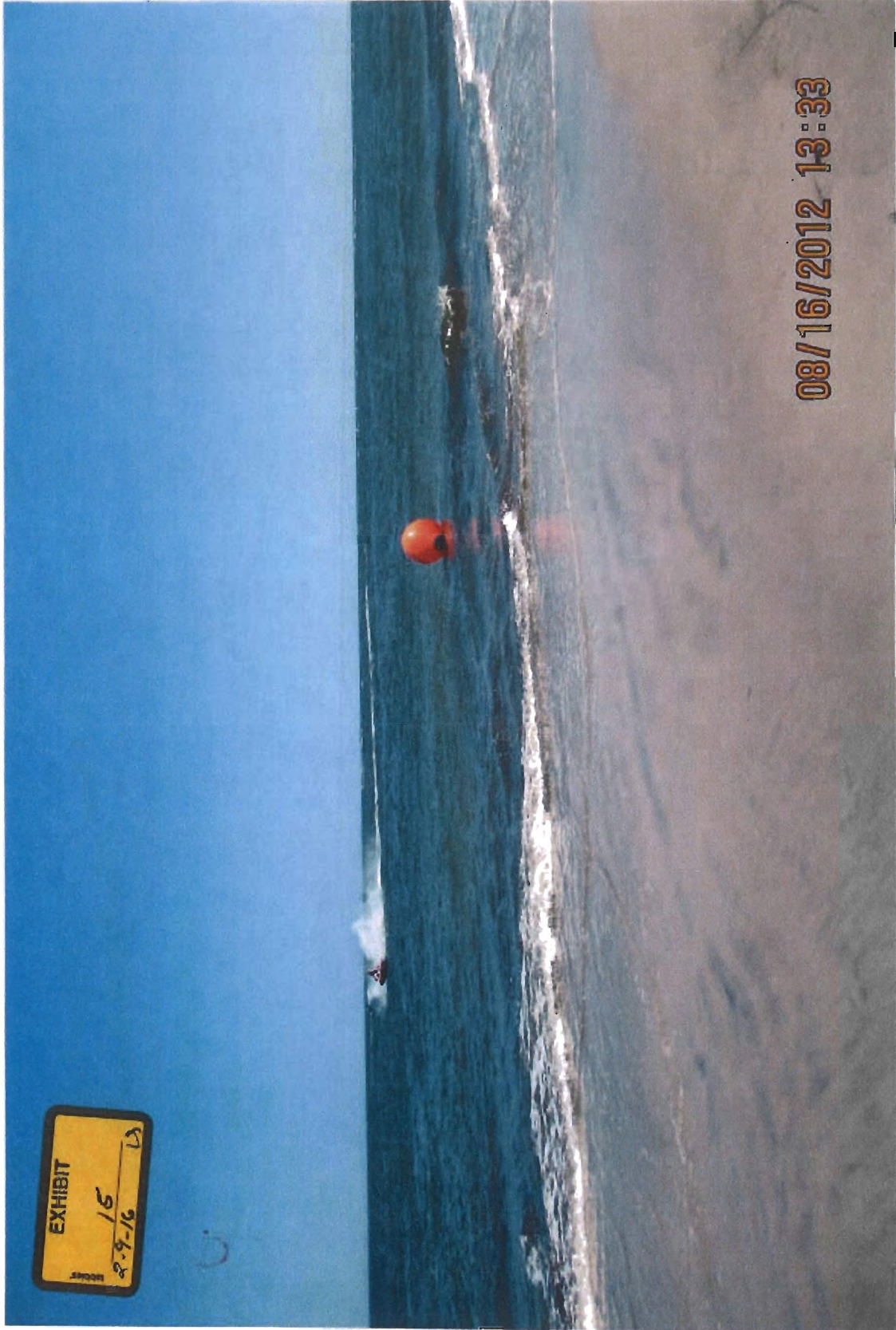


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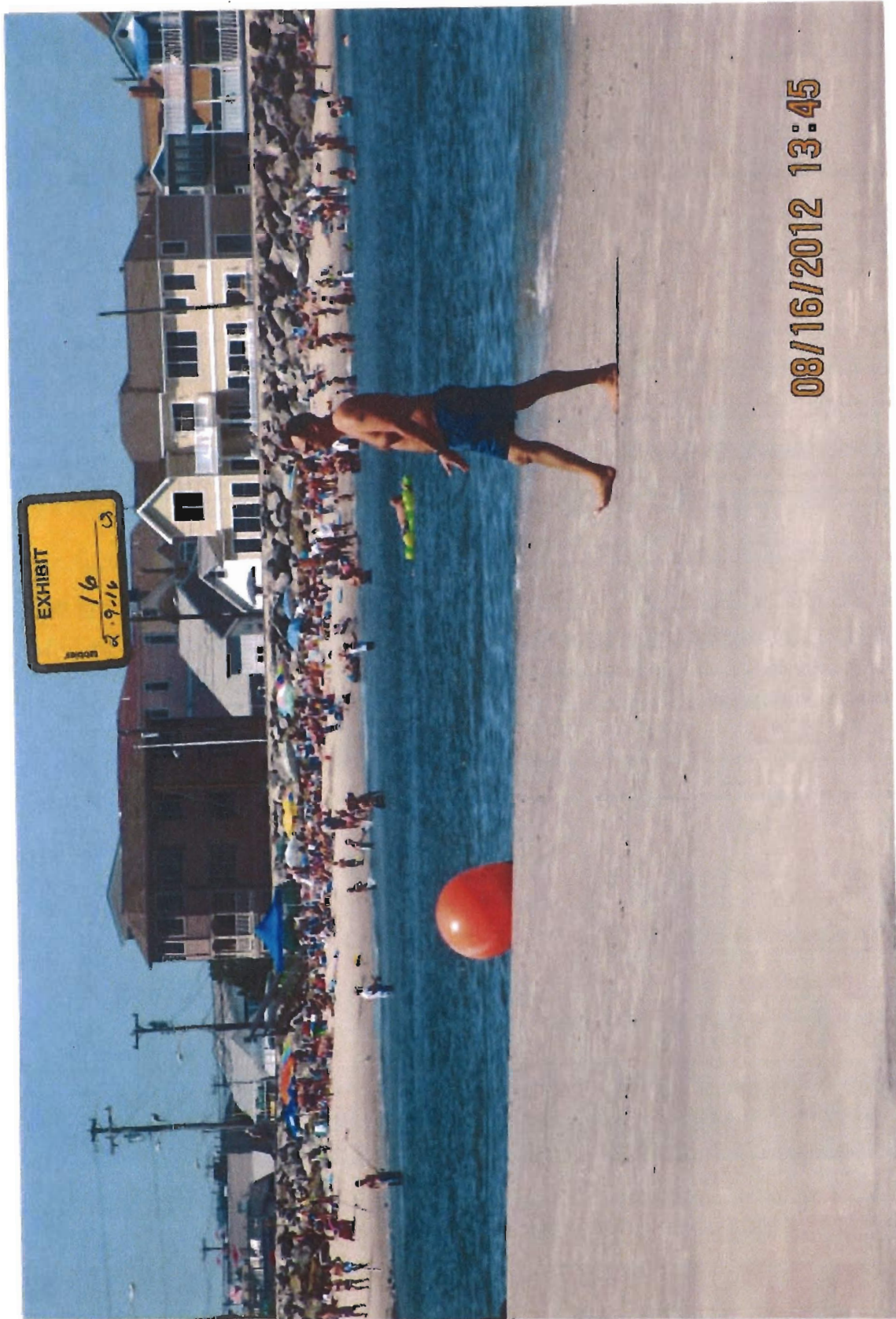


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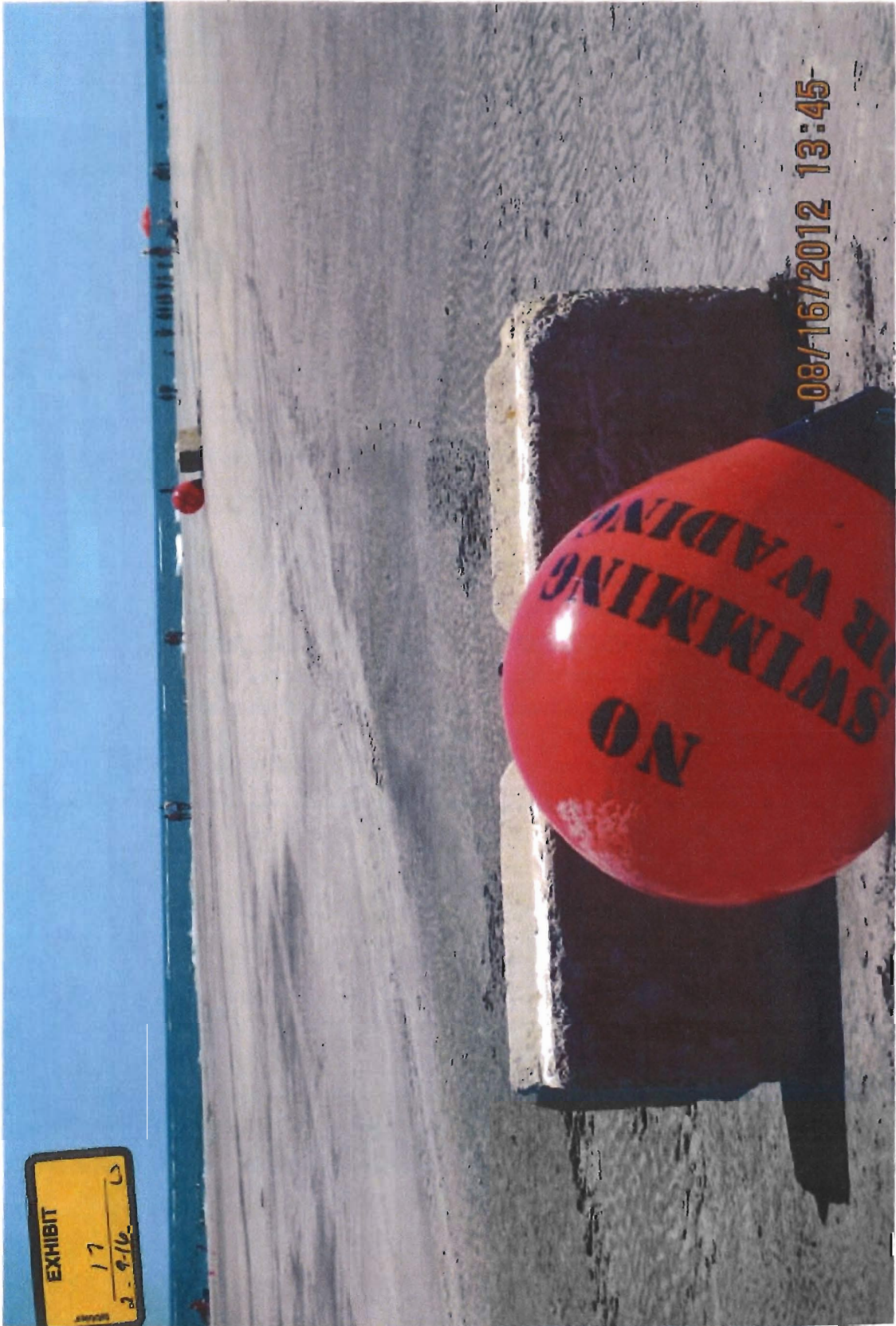


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08/16/2012 13:45

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EXHIBIT C



073114

NO DOGS, CATS  
OR ANY OTHER  
DOMESTIC ANIMALS  
ON BEACH  
MAY 1 1970 OCT 1 1980 ORD. # 1416  
NO ANIMALS  
ON BOARDWALK



EXHIBIT  
19  
8-9-16  
65

EXHIBIT C





# AREA CLOSED

## ENDANGERED BIRDS NESTING

BLACK SKIMMER



LEAST TERN



PIPING PLOVER



IF BIRDS ARE DISTURBED, PARENTS MAY LEAVE THE NEST, SUBJECTING EGGS AND YOUNG TO EXPOSURE AND POSSIBLE DEATH.

ENTERING AREA VIOLATION OF STATE AND FEDERAL LAW.



NO DOGS



NO VEHICLES



NO ENTRY

FINES UP TO \$5,000.00  
N.J.S.A. 22:5A-4

State of New Jersey

Department of Environmental Protection

Division of Fish and Wildlife

Wildlife and Fisheries Services Program

100 North 2nd Street, Trenton, NJ 08646-3000



EXHIBIT  
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073114





EXHIBIT  
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EXHIBIT C



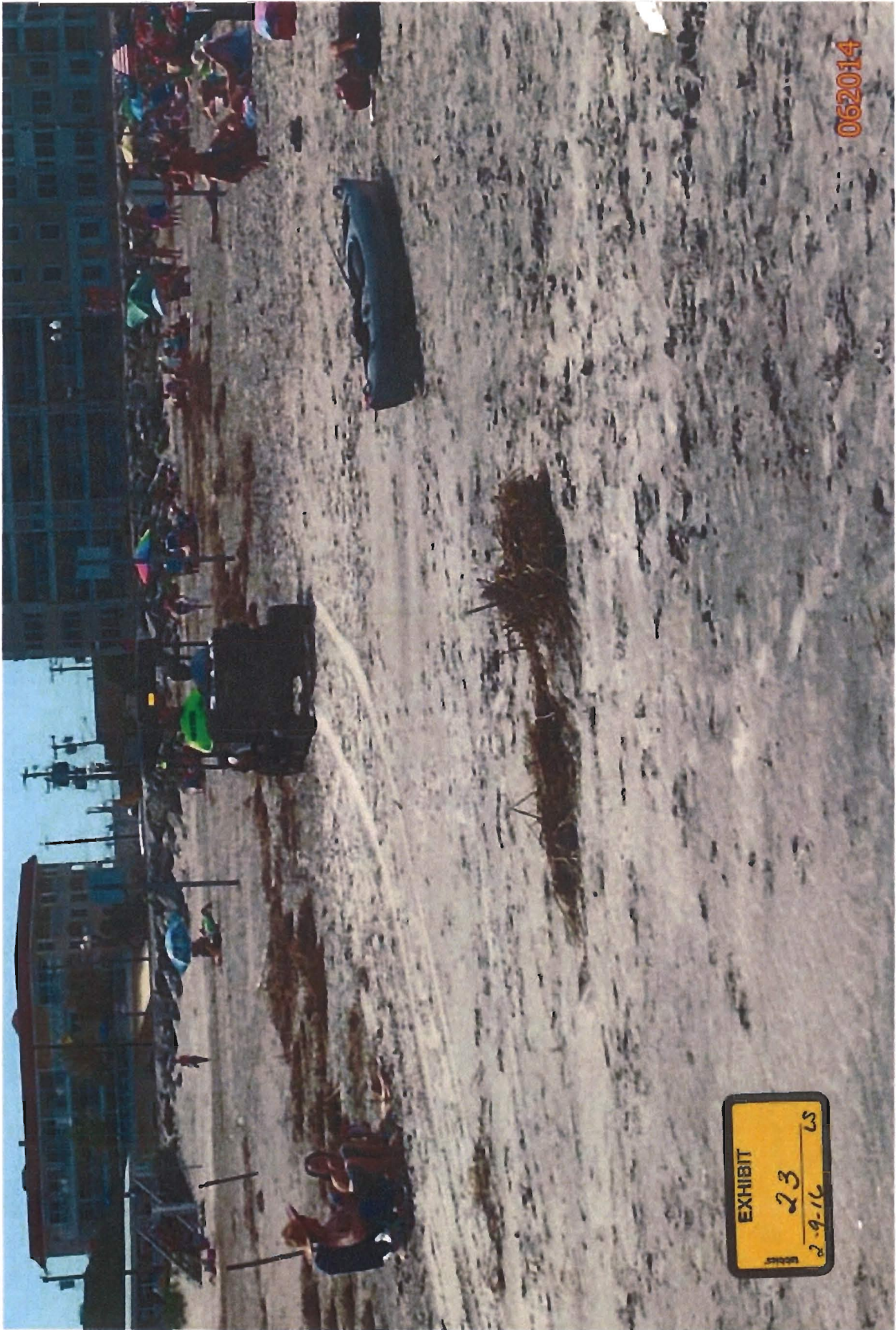


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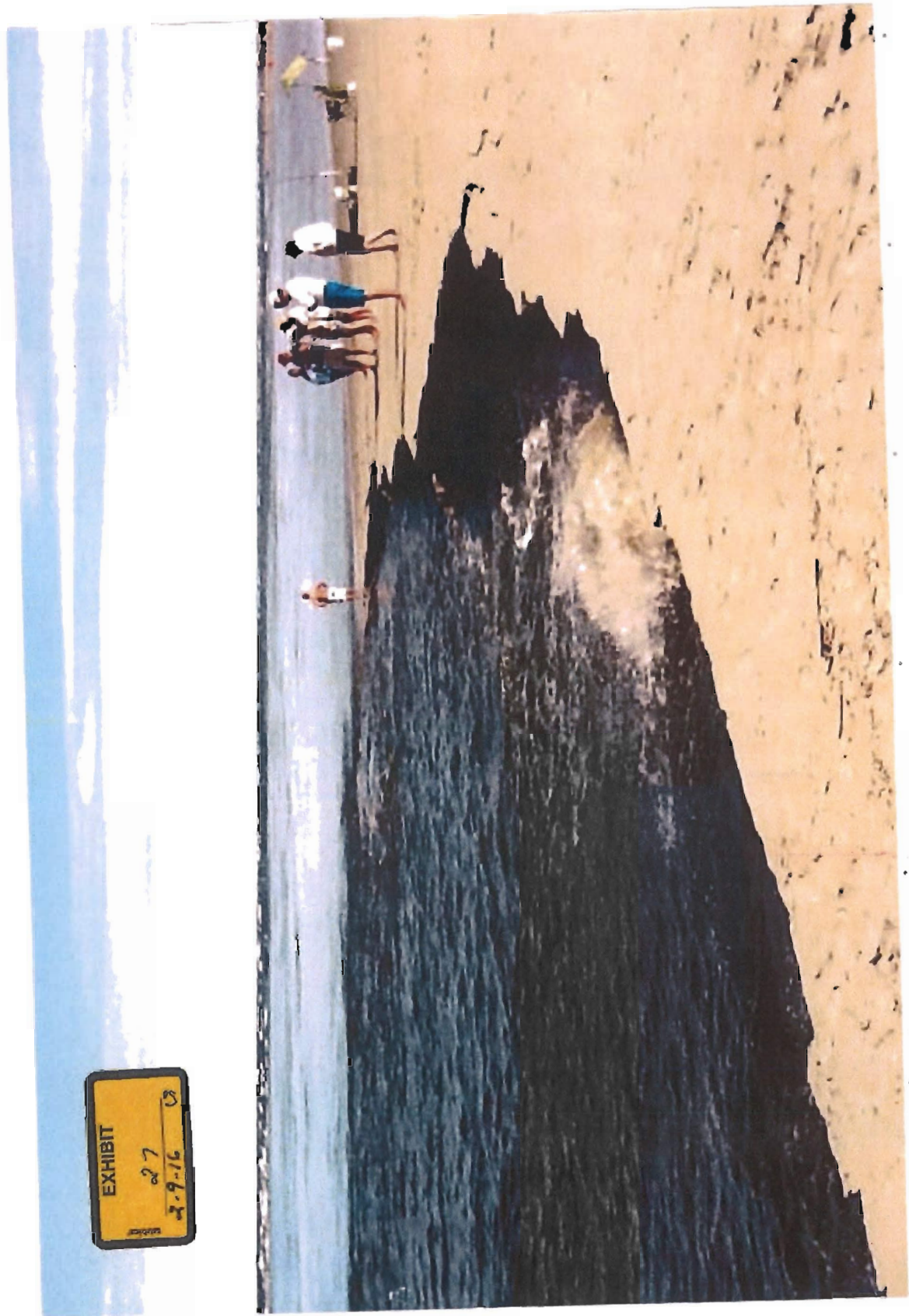
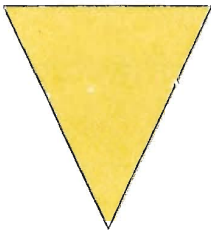


EXHIBIT C





# A & K Investigations of New Jersey

Charles Atkinson  
609-636-0213

NJ State Private Investigators  
License 8890

Robert Kirvay  
609-412-6190

---

**To** : Paul D’Amato, Esq.  
D’Amato Law Firm, Egg Harbor Twp., NJ

**Subject** : Estate of Brad Smith File # 3900-P

**Re** : Interview - Patricia Posey

**Date** : August 4, 2014

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## August 3, 2014

Investigators were tasked with identifying and interviewing Pat Posey, who provided a video to NBC 10 News in September 2012 illustrating Wildwood Beach erosion. On August 3, 2014 Investigators identified Ms. Posey and conducted a telephonic interview with her. Ms. Posey advised the following:

- Pat Posey resides in Barrington, NJ and spends most of the summer months in North Wildwood. Posey has been renting an upstairs apartment located at the intersection of Wayne and New Jersey Avenues in North Wildwood from the same person for the past twenty years.
- On the date that Posey recorded the beach video footage, Posey was sitting on the beach when she observed the beach erosion that is depicted in the video. Posey identified the beach area as being “Moore’s Beach.” Note: Moore’s Beach is located a few hundred yards north of the Smith Drowning Site.
- Moore’s Beach is within a short walking distance of Posey’s summer residence. Posey visits Moore’s Beach on a regular basis and is familiar with Moore’s Beach and Ocean conditions. Posey advised that the Moore’s Beach area has always been heavily utilized by beachgoers since Posey has been spending her summers in North Wildwood.
- Posey explained that she enters the NWW Beach utilizing the stairs nearest the “condos” which can be seen in the background of Photograph #1, which was posted on the internet on May 27, 2012. Posey explained that on the day she recorded the beach video footage, the beach was “breaking apart and falling into the ocean.” “I said this is newsworthy and I sent it to Channel 10 news.”





**Photograph #1** illustrates Moore's Beach in NWW. The condominiums located in the left center of the picture is where Posey gain access to the NWW Beach via a beach stairway.



- Posey considers the NWW Beach area as being dangerous, and estimated that someone drowns in the area almost every summer. Posey could not provide any specifics about the drowning incidents and stated, “Usually some teenagers think they can swim to the island (Champagne Island) and the current gets them and they don’t make it.” She stated that the area is not protected by life guards.
- Posey advised that she has been in the water in that area many times and that you have to be careful because there is a sharp drop off to the ocean floor. Posey estimated that the seawall and steps were built sometime in the last ten years.

- Posey stated that there are “a lot of jet skis in the area” and that the NJ State Police Marine Bureau are often interacting with the people utilizing the jet skis. Posey stated, “There are always people fishing, swimming, and jet skiing in the area. There is no surf to speak of, so there are no surfers in the area.”
- Posey advised that the North Wildwood Police Department are active in the beach area and enforce the “no drinking alcoholic beverages” on the beach laws.
- Posey video recorded additional beach video footage on the date of the video utilized by Channel 10 News and forwarded same to Investigator Atkinson on August 4, 2014.

**Witness**

Patricia J. Posey  
73 Beaver Drive  
Barrington, NJ 08007-1407  
Date of Birth: June 23, 1947  
Telephone: (856) 546-6076  
Email: poseypat2@verizon.net

*Charles Atkinson*

*Robert Kirvay*

**A & K Investigations of New Jersey**





EXHIBIT C





## CITY OF NORTH WILDWOOD

901 Atlantic Avenue  
North Wildwood, NJ 08260-5778  
(609) 522-2030

*Patrick T. Rosenello*  
Mayor

*Kevin Yecco*  
City Administrator

RECEIVED  
SEP 11 2015

# MEMO

**TO:** William Kaufmann, Esq.  
**FROM:** Ronald Simone, Admin. Assistant  
**DATE:** Thursday, August 27, 2015  
**RE:** Smith Lawsuit

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### Message:

Per your request and by request from North Wildwood Administration, please find enclosed hereto rescue/drowning reports for the years 2010 – 2015, comprised of data compliments of North Wildwood Police Department, North Wildwood Beach Patrol and North Wildwood Fire Department.

Should you need any further assistance in this regard, please do not hesitate to call me at City Hall (609) 522-2030 EXT 1260.

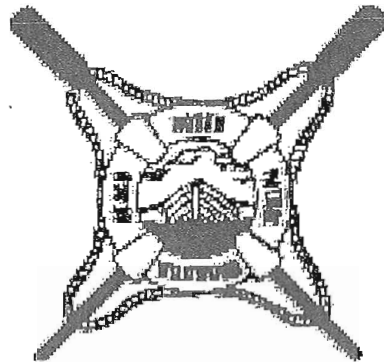
CC: Patrick T. Rosenello, Mayor  
Kevin M. Yecco, Administrator  
Barker, Gelfand & James, Esq.



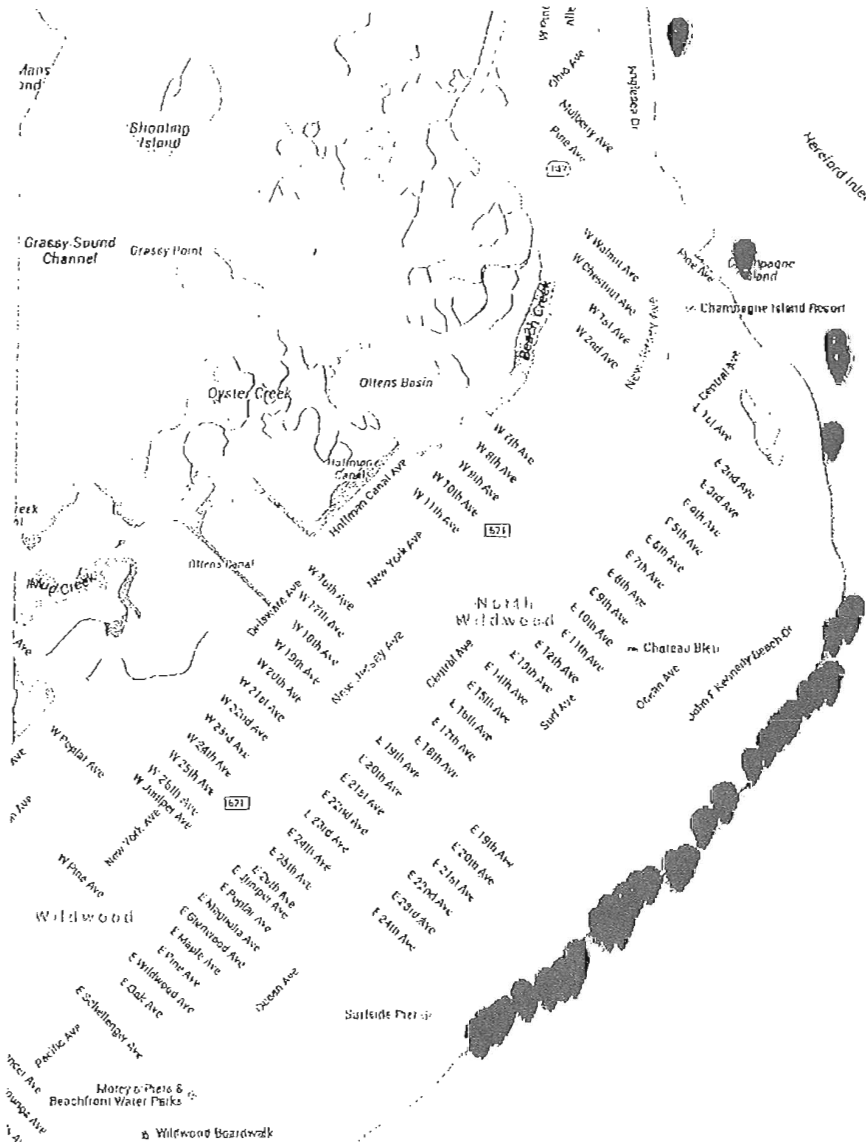
*Emotion 125 AD*  
⑤

EXHIBIT C

# NORTH WILDWOOD BEACH PATROL RESCUE REPORT





2010 – 2014



2010 - 2015 Rescues and Drownings  
As Reported  
By:  
North Wildwood Beach Patrol

Rescue Plots

-  : No Fatality
-  : Fatality

*See attached for more details on  
2010-2014 drownings.*



## 2010 Rescues

5/30/10 – Assist in the water at 3<sup>rd</sup> Avenue

- Location: 3<sup>rd</sup> Avenue
- Assisting an elderly woman in the water
- No fatalities, victims were secured.

5/30/10 – 21<sup>st</sup> Avenue Pipe Rescue

- Location: 21<sup>st</sup> Avenue
- There were two rescues at the same location that day. (12:35 p.m. and 12:40 p.m.)
- No fatalities, victims were secured.

6/5/10 – Four single victim rescues at 15<sup>th</sup> and one at 18<sup>th</sup> Avenues

- Location: 15<sup>th</sup> and 18<sup>th</sup> Avenues
- No fatalities, victims were secured.

6/6/10 – 4 victim rescue

- Location: 15<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/17/10 – 2 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/24/10 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/26/10 – 3 separate rescues

- Location: 19<sup>th</sup>, 18<sup>th</sup>, and 18<sup>th</sup> Avenues.
- No fatalities, victims were secured.

7/4/10 – 1 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/6/10 – 2 victim rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

7/6/10 – 2 victim rescue

- Location: 17<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/7/10 – 3 (1 victim) rescues at the same location

- Location: 6<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/8/10 – 4 victim rescue

- Location: Surf Avenue
- No fatalities, victims were secured.

7/8/10 – 1 victim rescue

- Location: 5<sup>th</sup>/6<sup>th</sup> Street
- No fatalities, victims were secured.

7/9/10 – 1 victim rescue

- Location: 12<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/9/10 – 2 victim rescue

- Location: 17<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/9/10 – 1 victim rescue

- Location: 10<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/10/10 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/11/10 – 10 victim rescue

- Location: 20<sup>th</sup> Avenue
- No fatalities, victims were secured – guards did excellent job.
- *4 more rescues at 25<sup>th</sup> Avenue and 2 rescues at 24<sup>th</sup> Avenue.*

- No fatalities, victims were secured, horrendous water.

7/12/10 – 1 victim rescue

- Location: 20<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/11/10 – Rescues at various streets

- Locations: 12<sup>th</sup>, 18<sup>th</sup> (3 at 18<sup>th</sup>) and 15<sup>th</sup> Avenues.

7/12/10 – Rescues at various streets

- Location: 15<sup>th</sup> Avenue, 17<sup>th</sup> Avenue (Two rescues at this location).
- No fatalities, victims were secured.

#### NO OTHER RESCUES WERE REPORTED FOR 2010

#### 2011 Rescues

5/11/11 – 1 victim rescue

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

- No fatalities, victims were secured.

6/22/11 – Various 1-2 victim rescues

- Location: 14<sup>th</sup> (2), 16<sup>th</sup>, 25<sup>th</sup> Avenues
- No fatalities, victims were secured.

5/29/11 – 2 victim rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

6/25/11 – Various 2-3 victim rescues

- Location: 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

5/30/11 – 2 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/26/11 – two 1 victim rescues

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/11/11 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

6/27/11 – 1 victim rescue

- Location: 14<sup>th</sup>-15<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/14/11 – 1 victim rescue

- Location: 18<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/30/11 – 2 victim rescue

- Location: 14<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/18/11 – 2-3 victim rescues at various streets

- Locations: 14<sup>th</sup> (2), 16<sup>th</sup>, 21<sup>st</sup> Avenue (2), 24<sup>th</sup> and 25<sup>th</sup> Avenue

7/1/11 – Several rescues at various locations

- Locations: 24<sup>th</sup> Avenue (2), 21<sup>st</sup> Avenue and 19<sup>th</sup> Avenue (2).
- No fatalities, victims were secured.

7/3/11 – 1 victim rescue

- Location: 3<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/4/11 – Several rescues at various street locations

- Locations: 3<sup>rd</sup> Avenue, 14<sup>th</sup> (2), 15<sup>th</sup>, 16<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup> Avenues.
- No fatalities, victims were secured.

7/9/11 – 1 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/12/11 – 1 victim rescue

- Location: 3<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/15/11 – 2 victim rescue and 1 victim rescue at 3<sup>rd</sup> Ave Pipe

- Location: 24<sup>th</sup> Avenue and 3<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/16/11 – 3 rescues at same location

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/17/11 – 2 victims rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

7/21/11 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/23/11 – Rescues at various locations

- Location: 21<sup>st</sup> Avenue (2), 22<sup>nd</sup> Avenue (2)
- No fatalities, victims were secured.

7/24/11 – Multi-victim rescue

- Location: 14<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/25/11 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/26/11 – 2 victim rescue

- Location: 5<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/27/11 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/27/11 – 1 major rescue and 1 smaller rescue

- Location: 4<sup>th</sup> Avenue (smaller), 15<sup>th</sup> Avenue (major)
- No fatalities, victims were secured.

8/5/11 – Several rescues at different locations

- Location: 3<sup>rd</sup> Avenue, 25<sup>th</sup> Avenue (2)
- No fatalities, victims were secured.

8/6/11 – 1 major rescue and 2 small rescues at same location

- Location: 15<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/7/11 – 1 victim rescue

- Location: 8<sup>th</sup> Avenue
- No fatalities, victims were secured.



8/10/11 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/11/11 – Two 1 victim rescues

- Locations: 4<sup>th</sup> and 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

8/20/11 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

8/21/11 – 1 victim rescue

- Location: 22<sup>nd</sup> – 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

8/22/11 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

8/24/11 – 1 victim pipe rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

9/3/11 – 2 rescues at same location

- Location: 21<sup>st</sup> Avenue Pipe
- No fatalities, victims were secured.

9/5/11 – 2 victim rescue

- Location: 15<sup>th</sup> Avenue
- No fatalities, victims were secured.

#### NO OTHER RESCUES WERE REPORTED FOR 2011

#### 2012 Rescues

6/3/12 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/20/12 -- 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/21/12 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/22/12 – 1 victim rescue

- Location: 3<sup>rd</sup> Avenue
- No fatalities, victims were secured.

6/29/12 – 1 victim rescue

- Location: 24<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/1/12 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/2/12 – 1 victim rescue

- Location: 8<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/4/12 – 2 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/6/12 – 1 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/9/12 – 1 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/10/12 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/11/12 – 3 victim rescue

- Location: 4<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/12/12 – 3 victim rescue and 1 victim rescue

- Location: 25<sup>th</sup> Avenue (3 victims), and 7<sup>th</sup> Avenue (1 victim)
- No fatalities, victims were secured.

7/14/12 – 1 victim rescue

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/15/12 – 3 victim rescue and 1 victim rescue

- Location: 21<sup>st</sup> Avenue (3), 7<sup>th</sup> Avenue (1)
- No fatalities, victims were secured.

7/16/12 – 2 and 4 victim rescues

- Location: 23<sup>rd</sup> (2) and 24<sup>th</sup> (4) Avenues
- No fatalities, victims were secured.

7/17/12 – Two 1 victim rescues at the same location

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/21/12 – 2 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/24/12 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/25/12 – 2 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/26/12 – 1 victim pipe rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

7/27/12 – 1 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/28/12 – Rescues at various locations

- Locations: 19<sup>th</sup>, 21<sup>st</sup>, 24/25<sup>th</sup> Avenues (3 in total)
- No fatalities, victims were secured.

7/29/12 – Two rescues at the same location

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/30/12 – One rescue at 6<sup>th</sup> Avenue

- Location: 6<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/2/12 – Two 1 victim rescues

- Locations: 7<sup>th</sup> and 19<sup>th</sup> Avenues
- No fatalities, victims were secured.

8/3/12 – 1 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

8/4/12 – Jetski rescue

- Location: Sandbar at 2<sup>nd</sup> Avenue
- No fatalities, victims were secured.

8/5/12 – 1 victim rescue and 3 victim rescue

- Location: 24<sup>th</sup> Avenue (1 victim), 6<sup>th</sup> Avenue (3 victim)
- No fatalities, victims were secured.

8/12/12 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/21/12 – 1 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

8/23/12 – Rescues at various locations

- Locations: 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup> Avenues (4 in total)
- No fatalities, victims were secured.

8/24/12 – Rescues at various locations

- Locations: 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 24<sup>th</sup> Avenues (4 in total)

- No fatalities, victims were secured.

8/28/12 – 2 victim rescue

- Locations: 24<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/30/12 – 1 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/31/12 – Rescues at various locations

- Locations: 19<sup>th</sup> (2), 25<sup>th</sup>/26<sup>th</sup> (2) Avenues
- No fatalities, victims were secured.

9/1/12 – Rescues at various locations

- Locations: 21<sup>st</sup> (2), and 25<sup>th</sup> Avenues
- No fatalities, victims were secured.

9/2/12 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

#### NO OTHER RESCUES WERE REPORTED FOR 2012

#### 2013 Rescues

6/9/13 – Three 1 victim rescues

- Locations: 22<sup>nd</sup> and 23<sup>rd</sup> (2) Avenues
- No fatalities, victims were secured.

6/15/13 – 1 victim rescue

- Location: 20<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/19/13 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

6/24/13 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/4/13 – 4 separate rescues

- Locations: 21<sup>st</sup> Avenue (1), 22<sup>nd</sup> Avenue (3)
- No fatalities, victims were secured.

7/5/13 – 2 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.



7/6/13 – Two 2 victim rescues

- Location: 5<sup>th</sup> Avenue and 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

7/7/13 – 2 victim rescue

- Location: 9<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/13/13 – Two rescues at the same location

- Location: 9<sup>th</sup>-10<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/17/13 – Two 1 victim rescues

- Location: 7<sup>th</sup> and 15<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/20/13 – 1 victim rescue

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/21/13 – 1 victim rescue

- Location: 25<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/22/13 – Multi-victim rescue

- Location: 16<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/24/13 – 1 victim rescue

- Location: 10<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/26/13 – 1 victim rescue

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/27/13 – Several rescues at multiple locations

- Locations: 7<sup>th</sup>, 8<sup>th</sup>, 22<sup>nd</sup>, 25<sup>th</sup> Avenues
- No fatalities, victims were secured.

7/28/13 – Multi-victim rescues

- Locations: 16<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> Avenues
- No fatalities, victims were secured.

7/29/13 – 1 victim rescue

- Location: 3<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/31/13 – 1 victim rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

8/2/13 – Two 2 victim rescues

- Locations: 25<sup>th</sup> and 16<sup>th</sup> Avenues
- No fatalities, victims were secured.

8/4/13 – Two rescues at same location, one at different location

- Location: 20<sup>th</sup> Avenue and 22<sup>nd</sup> Avenue (Two rescues here)
- No fatalities, victims were secured.

8/9/13 – 2 victim rescue

- Location: 16<sup>th</sup>/17<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/12/13 – 1 victim rescue

- Location: 18<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/14/13 – 2 victim rescue

- Location: 14<sup>th</sup>/15<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/25/13 – Jetski (PWC – Personal Watercraft) rescue

- Location: 2<sup>nd</sup> Avenue sandbar
- No fatalities, victims were secured.

NO OTHER RESCUES WERE REPORTED FOR 2013

2014 Rescues

5/25/14 – Two 1 victim rescues

- Locations: 22<sup>nd</sup> & 25<sup>th</sup> Avenues
- No fatalities, victims were secured.

6/14/14 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

6/20/14 – 2 victim rescue and 1 victim rescue

- Locations: 19<sup>th</sup> Avenue (2) and 17<sup>th</sup> avenue (1)
- No fatalities, victims were secured.

6/25/14 – 1 victim rescue

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

6/27/14 – 1 victim rescue

- Location: 19<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/3/14 – 3 victim rescue

- Location: 23<sup>rd</sup> Avenue
- No fatalities, victims were secured.

7/9/14 – 1 victim and 2 victim rescues

- Locations: 15<sup>th</sup> Avenue (1 victim) and 18<sup>th</sup> Avenue (2 victim)
- No fatalities, victims were secured.

7/14/14 – 1 victim rescue

- Location: 16<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/15/14 – 2 multi-victim rescues

- Locations: 24<sup>th</sup> and 25<sup>th</sup> Avenues
- No fatalities, victims were secured.

7/17/14 – Three 1 victim rescues

- Location: 24<sup>th</sup> (2), and 21<sup>st</sup> Avenues
- No fatalities, victims were secured.

7/18/14 – Three 1 victim rescues

- Location: 22<sup>nd</sup> Avenue and 24<sup>th</sup> Avenue (2)
- No fatalities, victims were secured.

7/19/14 – 1 victim rescue

- Location: 16<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/22/14 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

7/25/14 – 1 victim rescue

- Location: 7<sup>th</sup> Avenue
- No fatalities, victims were secured.

7/28/14 – 1 victim rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

8/4/14 – 1 victim rescue

- Location: 21<sup>st</sup> Avenue
- No fatalities, victims were secured.

8/5/14 – Multiple 1 victim rescues

- Locations: 4<sup>th</sup>, 8<sup>th</sup>, 20<sup>th</sup> and 24<sup>th</sup> Avenues
- No fatalities, victims were secured.

8/6/14 – Multiple (3) rescues at various locations

- Location: 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> Avenues
- No fatalities, victims were secured.

8/9/14 – Two rescues at same location

- Location: 24<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/10/14 – 1 victim rescue

- Location: 16<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/11/14 – Multiple 1 victim rescues

- Locations: 9<sup>th</sup>, 10<sup>th</sup> and 18<sup>th</sup>/19<sup>th</sup> Avenues
- No fatalities, victims were secured.

8/13/14 – 1 victim rescue

- Location: 10<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/14/14 – 2 multi-victim rescues

- Locations: 19<sup>th</sup> and 21<sup>st</sup> Avenues
- No fatalities, victims were secured.

8/15/14 – 3 victim rescue

- Location: 17<sup>th</sup> Avenue
- No fatalities, victims were secured.

8/20/14 – 2 victim rescue and 1 victim rescue

- Locations: 19<sup>th</sup> Avenue (2) and 10<sup>th</sup> Avenue (1)
- No fatalities, victims were secured.

8/29/14 – Three multi-victim rescues

- Locations: 17<sup>th</sup>, 18<sup>th</sup>, and 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.

8/31/14 – Two 1 victim rescues

- Locations: 23<sup>rd</sup> and 25<sup>th</sup> Avenues
- No fatalities, victims were secured.

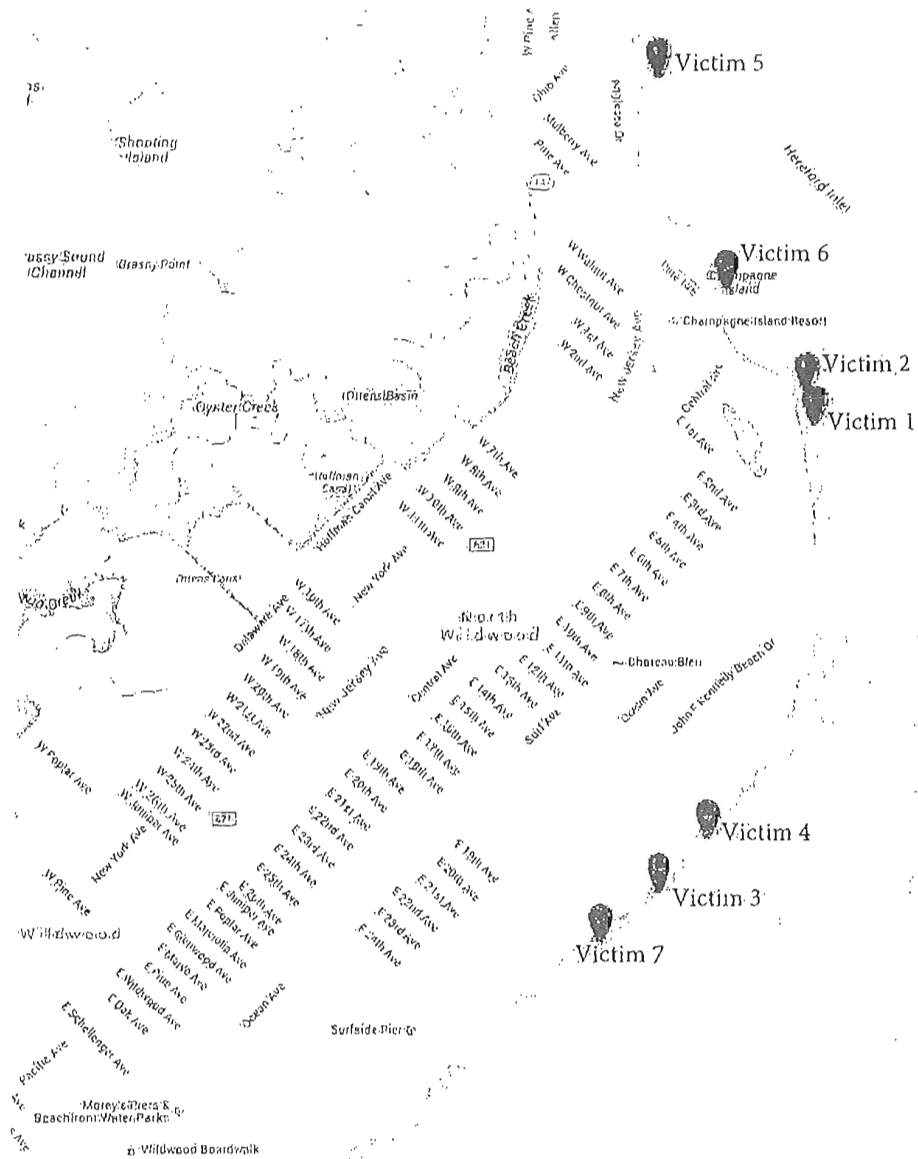
9/1/14 – 1 victim rescue

- Location: 22<sup>nd</sup> Avenue
- No fatalities, victims were secured.


NO OTHER RESCUES WERE REPORTED FOR 2014


2015 Rescues and Record are Still Ongoing





Rescue Plots

 : Fatality

 : No Fatality

2010 - 2015 Drownings and Rescues - As reported by NWPD

See attached for details.



## AS REPORTED BY NRPD

### Drowning Fatalities

Christina Tsotsias – Victim 1

- **Location:** North Beach
- **Incident:** Reported missing by her friends after she did not arrive to a meeting. Victim was found 2-3 miles offshore by State Police.
- **Date/Time:** 7-22-2011, 2100 hrs. (9:00 p.m.)

Bradley Smith – Victim 2

- **Location:** 1 Hereford Ave. -Hereford Inlet (Initial Report); (Supp. Report) 1<sup>st</sup> Avenue @ Central
- **Incident:** It was reported that Brad Smith including several other victims were walking along the shoreline when they (the victims) tripped and fell into the water. All other victims were rescued, but Brad Smith was unaccounted for.
- **Date/Time:** 7/27/2012, 1736 hrs. (5:36 p.m.)

JUVENILE – Victim 5

- **Location:** 51 Anglesea Dr. At the Jetty
- **Incident:** Drowning victim was reported at the location addressed above. Dispatcher received information that a victim was screaming for help in the inlet/Anglesea section of North Wildwood.
- **Date/Time:** 06/30/2015, 0652 hrs. (6:52 a.m.)

### Drowning Rescues – No Fatalities

Lila Brown – Victim 3

- **Location:** 15<sup>th</sup> Avenue & The Beach
- **Incident:** Neck injury from boogie boarding, had to be rescued. Transported to Cape Regional with full feeling of extremities.
- **Date/Time:** 8/5/2014, 1325 hrs. (1:25 p.m.)

Keith Woodbury – Victim 4

- **Location:** 12<sup>th</sup> Avenue & The Beach
- **Incident:** Victim 1-Kevin Henderson and Victim 2-Keith Woodbury were swimming at the location of 12<sup>th</sup> Avenue and the beach when Victim 1 lost sight of Victim 2. Victim 2 later never came out of the water. Victim 2 was later rescued by 2 officers, signed a

refusal for treatment and both Victim 1 and 2 were released after receiving summonses for Beach Curfew. A strong odor of alcohol was reported on scene.

- **Date/Time:** 06/28/15, 0128 hrs. (1:28 a.m.)

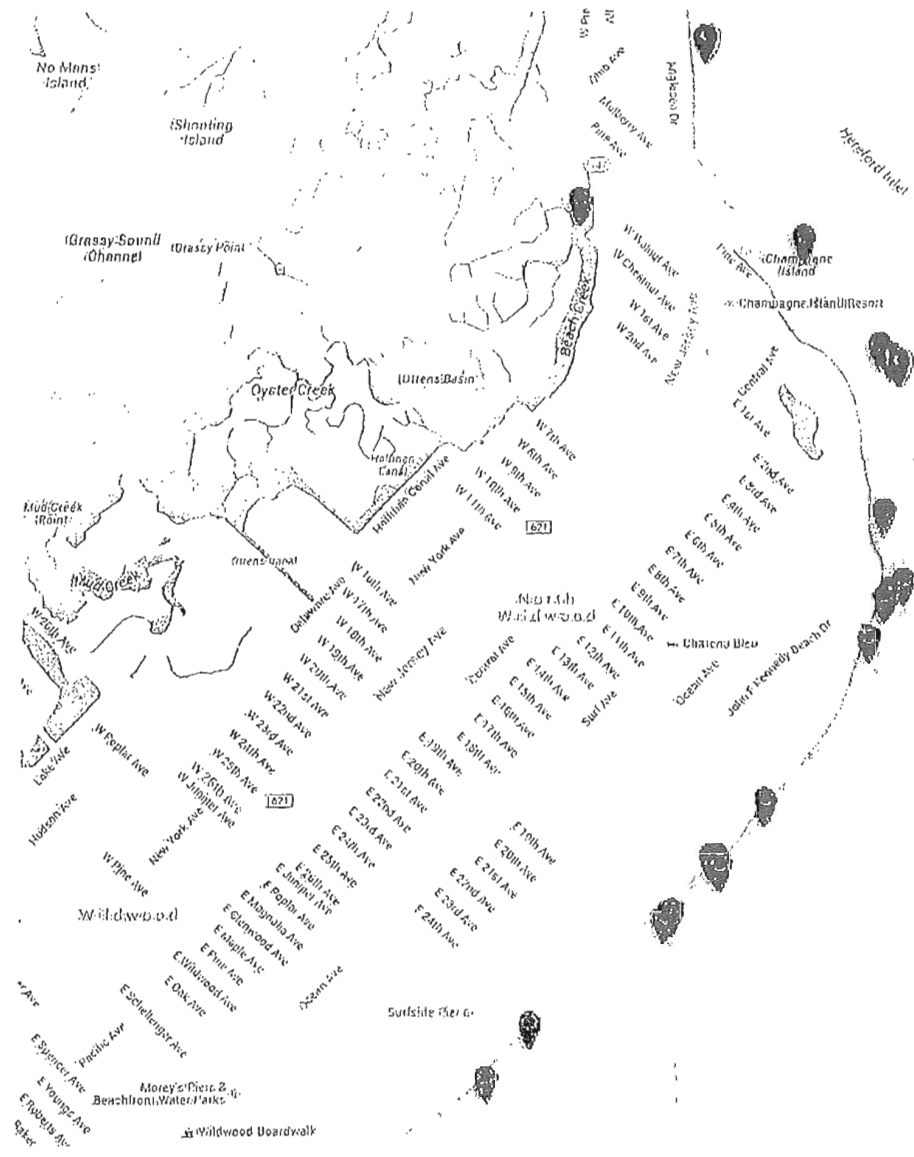
Regina and Timothy Foley – Victim 6

- **Location:** Middle of the Channel (Started from Moores Inlet Beach)
- **Incident:** Victims 1 and 2 were attempting to swim to Champagne Island. Victims were dropped off back at the beach and advised not to attempt again.
- **Date/Time:** 08/16/15, 14:32 hrs. (2:32 p.m.)

Sayed Abdalla – Victim 7



- **Location:** 18<sup>th</sup> Avenue & The Beach
- **Incident:**
- **Date/Time:** 08/15/15, 1934 hrs. (7:34 p.m.)





2010 - 2015 Rescues/Drownings As Reported By:  
North Wildwood Fire Department

See attached for more details on 2010-2015 drownings.

-  : Fatality
-  : No Fatality

## North Wildwood Fire Department Water Rescue Reports 2010 – 2015

2010

January – April: NO INCIDENTS

May:

#351 and #353 – Were the only incidents, non-water related: 351 was a cracked rib and 353 was a sprained ankle, both occurred back beach.

June:

6/25/10, 18:38 – 18<sup>th</sup> Avenue

- Crew dispatched to 18<sup>th</sup> Avenue, victims were already ashore but acknowledged they had trouble fighting a rip current.

July:

7/6/10, 14:00 – 2<sup>nd</sup> Avenue

- C-Spine and needed to be assisted out of the water. Victim was secured and released after medical assistance.

7/08/10, 20:57 – 18<sup>th</sup> Avenue

- Drowning victim was rescued and secured. Transported by ambulance to hospital.

7/08/10, 21:45 – 15<sup>th</sup> Avenue

- Drowning victim was rescued and secured. Patient denied medical assistance.

7/11/10, 16:37 – 15<sup>th</sup> Avenue

- Received oxygen after water rescue and was transported to ER at Cape Regional Medical Center.

August:

08/07/10, 17:59 – 25<sup>th</sup> Avenue

- Drowning occurred. Victims were rescued by NWBP, conditions reported, "Fine, just a little worked up."

08/07/10, 18:20 – 15<sup>th</sup> Avenue

- 24 y.o. male assisted out of the water by NWBP. Was caught in rip tide and had to be rescued by NWBP.

2011

January – May: NO INCIDENTS

June:

6/19/11, 2:20 – Maryland & Chestnut Avenues

- Rescue was requested for a man swimming in the bay. Man had already gotten out of the water and left the scene before dispatch arrived.

ALL OTHER INCIDENTS REPORTED BY NWFD WERE NON-WATER RELATED  
MEDICAL EMERGENCY

2012

January – April: NO INCIDENTS

May:

5/04/12, 9:31 – 3<sup>rd</sup> Avenue

- Prepared for water rescue, victim was able to get ashore without any assistance.

June: NO INCIDENTS

July:

7/16/12, 16:25 – 5<sup>th</sup> Avenue

- Boogie boarder rescued after swallowing a lot of water. Due to difficulty breathing the patient was transported to CRMC ER.

7/27/12, 18:19 – 100 Block of E Spruce Avenue

- Juvenile and adult rescued, ambulance on scene. 1 fatality: Bradley Smith

August:

8/12/12, 19:15 – 1<sup>st</sup> Avenue

- Woman rescued from the water after swimming incident. Transported to CRMC to be monitored by ER staff.



8/19/12, 19:22 – 15<sup>th</sup> Avenue

- Highly intoxicated man rescued from the waters. He stated that he believed he was in Atlantic City.

September:

9/16/12, 14:30 – 26<sup>th</sup> Avenue

- 10 year old was rescued along with two other siblings. The youngest (10 y.o.) was transported to Cape Regional and later transported to CHOP. Made full recovery.

NO OTHER INCIDENTS WERE REPORTED FOR 2012

2013

January – April: NO INCIDENTS

May – July: Only non-water related emergencies were responded to.

August:

8/25/13, 14:22 – Moore Inlet

- Rescued a man at Moore's inlet beach. Refused further evaluation.

2014

Start of EMS Charts for records. EMS Charts only show 4 additions to the date. No water related emergencies reported for 2014.

2015

January – April: NO INCIDENTS

June:

6/28/15, 1:36 – 12<sup>th</sup> Avenue

- Victim was rescued by 2 police officers. Alcohol was involved. Both refused treatment.

August:

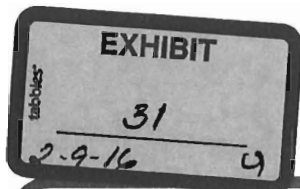
8/3/15, 18:16 – 2<sup>nd</sup> Avenue

- Victim was rescued from the water. Denied ever being in distress and refused treatment.

8/5/15, 18:16 – 2<sup>nd</sup> Avenue

- Victim was rescued by NWBP. Refused treatment and stated that he was touching the bottom the whole time.

NO OTHER WATER RESCUES REPORTED FOR 2015



**RECORDED CONVERSATIONS**

**NORTH WILDWOOD BEACH  
NORTH WILDWOOD, NJ**

**(JULY 1, 2013)**

*In The Matter Of:*

**Smith v. City of North Wildwood**

*Transcript Prepared For:*

**D'AMATO LAW FIRM, P.C.  
2900 FIRE ROAD, SUITE 200  
EGG HARBOR TOWNSHIP, NJ 08234  
609-926-3300**

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1 (In-person recorded conversation occurring on  
2 July 1, 2013 at the North Wildwood Beach as  
3 follows:)

4 \* \* \* \* \*

5 LIEUTENANT LINDSAY: - and the boating,  
6 boating, and the, the jet skis, it's anything but safe  
7 to swim. So that's why I put my car there.

8 MRS. SIMPSON: But yet there's still people  
9 there.

10 LIEUTENANT LINDSAY: Well, yeah. Yeah.

11 MRS. SIMPSON: That's the crazy part.

12 LIEUTENANT LINDSAY: And the thing is if  
13 you close it down, the bars are going to complain. The  
14 condos, the people - The condos at Moores, they're  
15 going to complain because they lost beach access.  
16 So, -

17 MRS. SIMPSON: Oh.

18 LIEUTENANT LINDSAY: - you know, it's -

19 MRS. SIMPSON: Give or take.

20 LIEUTENANT LINDSAY: - a fine line. Hey,  
21 buddy. Hi there.

22 MRS. SIMPSON: Now is it safe for him to be  
23 swimming?

24 LIEUTENANT LINDSAY: Well, these dogs are  
25 great swimmers. Hi, there. Hello, there. Yeah.

1 Yeah.

2 MRS. SIMPSON: All right. Yeah. You want to  
3 show off now. Go ahead.

4 LIEUTENANT LINDSAY: What do you got? What  
5 do you got?

6 MRS. SIMPSON: Because I know a couple times  
7 we went there, and then the police would come down on  
8 their quads.

9 LIEUTENANT LINDSAY: Yeah. But like I said,  
10 there's - This Surf Avenue, there's things and those -  
11 We all got emails that no vehicles are allowed to  
12 patrol. If there's an emergency -

13 MRS. SIMPSON: They'll come down.

14 LIEUTENANT LINDSAY: - of course we're  
15 allowed to go down. So -

16 MRS. SIMPSON: But there's no patrolling?

17 LIEUTENANT LINDSAY: But they're not - Yeah.

18 MRS. SIMPSON: Is that all because of, from  
19 Sandy? Or is it just naturally changing or ...

20 LIEUTENANT LINDSAY: What? The bad - I got a  
21 great thing for you. See, let me (inaudible, moving  
22 away) ... We got this at the marina. You know, there's  
23 been seven drownings in nine years.

24 MRS. SIMPSON: Really?

25 LIEUTENANT LINDSAY: Right out there. This

1 is a great reason to show you why. We're right here.

2 MRS. SIMPSON: Okay.

3 LIEUTENANT LINDSAY: Okay? Now the - You go  
4 down here, the beach goes here.

5 MRS. SIMPSON: Right.

6 LIEUTENANT LINDSAY: That's the Point.

7 MRS. SIMPSON: Right.

8 LIEUTENANT LINDSAY: That's Moore's parking  
9 lot.

10 MRS. SIMPSON: Okay.

11 LIEUTENANT LINDSAY: Well, if you look at the  
12 chart, this tells you the depth of the water.

13 MRS. SIMPSON: Holy crap.

14 LIEUTENANT LINDSAY: The blue is 30 foot.

15 MRS. SIMPSON: Look how close that is.

16 LIEUTENANT LINDSAY: Yeah. At low tide -  
17 Between mid- and low tide the gentleman that drowned  
18 last year, when - We called him out of the water here.  
19 So they said, "Okay. We can't go in the water. Let's  
20 go for a walk." They're walking, him and his friend  
21 and their two daughters, and they're in ankle deep  
22 water, and they're right there, and they fell into the  
23 30-foot deep. And the thing is, is when from mid-tide  
24 to low-tide all that water in the back bay is rushing  
25 out, and it doesn't, the only place - All sandbars



1 here. From -

2 MRS. SIMPSON: Oh.

3 LIEUTENANT LINDSAY: - here to Stone Harbor,  
4 all that water comes right through here.

5 MRS. SIMPSON: It's causing like a canal.

6 LIEUTENANT LINDSAY: It's like a river. So  
7 you - They fell in here, and before they knew it they  
8 were getting sucked out, and he - The one little girl  
9 got on the dad's back. They managed to swim - He  
10 managed to make it to shore. The other little girl got  
11 picked up by a jet ski, brought in. The jet ski went  
12 back out to get the father, and by the time he got back  
13 out the father must have panicked, and once you panic  
14 you're, you're done.

15 MRS. SIMPSON: Right.

16 LIEUTENANT LINDSAY: And he - Yeah. He  
17 drowned. It was so sad.

18 MRS. SIMPSON: Oh, my God. I've got goose  
19 bumps. That's scarey.

20 LIEUTENANT LINDSAY: Yeah. I know. It was  
21 sad - because I was on, I was on scene. I had two jet  
22 skis. I had a jet ski and two -

23 MRS. SIMPSON: Jake.

24 LIEUTENANT LINDSAY: I had a jet ski and two  
25 surfboards in the water, and the guy said, "The last

1 time I saw him he was right out there," and he points  
2 like a 100 yards out, and I was like, oh, that's not  
3 good because my guys were not doing anything, -

4 MRS. SIMPSON: Right.

5 LIEUTENANT LINDSAY: - and just then, -

6 MRS. SIMPSON: Come here, Jake.

7 LIEUTENANT LINDSAY: - just then the guys  
8 ten-year-old son comes up, and says, "What's going on?"  
9 And they're like, "They're looking for your dad." And  
10 he just - It was horrible, man.

11 MRS. SIMPSON: Oh, my God.

12 LIEUTENANT LINDSAY: And the worse thing  
13 about is as the beach patrol we know it's going to  
14 happen again, this summer maybe, so - just because it's  
15 such a dangerous -

16 MRS. SIMPSON: Well, what can they do to  
17 prevent people - I mean there's -

18 LIEUTENANT LINDSAY: Well, -

19 MRS. SIMPSON: - some signs, but, -

20 LIEUTENANT LINDSAY: No. That's - There's -

21 MRS. SIMPSON: - people, that's people's  
22 human nature.

23 LIEUTENANT LINDSAY: There's more than some  
24 signs. There's signs everywhere, but you could put up  
25 a neon billboard with the pictures of the people, and

1 they would just say, "Hey, look at the pretty lights,"  
2 and go in. I mean it's just, it's just the way people  
3 are. But the, the thing to do would be to tell -  
4 because I talked to those people at the state that do  
5 the piping plover and said, "How - The day after this  
6 drowning," I'm like, "how hard would it be just to shut  
7 this," - "I know. No problem." We could get the State  
8 and have this whole - from there to the Greek church,  
9 the rocks, shut down, but then you run, -

10 MRS. SIMPSON: Because of the bars.

11 LIEUTENANT LINDSAY: - then you run into the  
12 people with the, you know, the bars and the condo  
13 owners who want to walk over the bulkhead and be on the  
14 beach, and for the local people they know, you know,  
15 they, they know how dangerous it is, but a guy comes  
16 down from Philly with his family, and they're like -  
17 because a lot of people, when we go down, and say,  
18 "Hey, you can't be - They're like, "Oh, we didn't know.  
19 Thanks for telling us," -

20 MRS. SIMPSON: Right.

21 LIEUTENANT LINDSAY: - but this picture is  
22 just incredible. I mean it, that right there tells you  
23 it's just so - I mean - And as the tide goes lower it  
24 gets closer to that channel.

25 MRS. SIMPSON: Right.



1           LIEUTENANT LINDSAY: So you're really -

2           MRS. SIMPSON: Because I know a couple times  
3 I walked, and you can, you can -

4           LIEUTENANT LINDSAY: You can see.

5           MRS. SIMPSON: - see the drop.

6           LIEUTENANT LINDSAY: Yeah. And when you're  
7 walking you can see the water rushing out. It's - And  
8 like I said, for us it's frustrating because like we  
9 know it's going to happen, but there's no - we don't  
10 know what the answer is. We put those big orange balls  
11 out there, but that doesn't -

12           MRS. SIMPSON: They think it's to swim to.

13           LIEUTENANT LINDSAY: They do. They say,  
14 "Oh," and they'll say -

15           MRS. SIMPSON: Or they bet each other.

16           LIEUTENANT LINDSAY: - "Oh, we thought it," -  
17 Yeah.

18           MRS. SIMPSON: "Bet you can swim to that."

19           LIEUTENANT LINDSAY: Right. So it's just  
20 crazy.

21           MRS. SIMPSON: That's right. But he'll be -  
22 he would be fine swimming in there? I thought - Now  
23 I'm like, "Oh."

24           LIEUTENANT LINDSAY: Yeah. But, here's the  
25 thing. I wouldn't, I wouldn't take him -

1 MRS. SIMPSON: Like we've been back here.  
2 Here it's green.

3 LIEUTENANT LINDSAY: See here - You see that  
4 right here?

5 MRS. SIMPSON: Yeah.

6 LIEUTENANT LINDSAY: That you don't really  
7 have to worry. The current's not real bad because the  
8 rock part, the rock pile is kind of cutting that so,  
9 and it's not that deep.

10 MRS. SIMPSON: Right.

11 LIEUTENANT LINDSAY: So there right where the  
12 municipal lot is, there is not a problem.

13 MRS. SIMPSON: Oh.

14 LIEUTENANT LINDSAY: It's that point right  
15 there and especially from mid- to low-tide because,  
16 like I said, all the water is rushing out.

17 MRS. SIMPSON: Right.

18 LIEUTENANT LINDSAY: So ...

19 MRS. SIMPSON: All right. Well, thank you.

20 LIEUTENANT LINDSAY: Yeah. No problem.

21 MRS. SIMPSON: Say thanks, Jake.

22 LIEUTENANT LINDSAY: See you later.

23 MRS. SIMPSON: All right. Have a good day.

24 (Off the record)

25 \* \* \* \* \*

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(Recording concludes at Time Index 00:06:11:28)

\* \* \* \* \*

(Beach Conversation No. 2 on July 1, 2013 at the  
North Wildwood Beach as follows:)

\* \* \* \* \*

MRS. SIMPSON: Hi, how are you? I wanted to  
give this to you. It's called Rescue Me. It's for  
golden retrievers in Jersey, and -

LIEUTENANT LINDSAY: Oh, okay.

MRS. SIMPSON: - I know you were looking for  
a rescue dog.

LIEUTENANT LINDSAY: Yeah. I'm doing it  
right now.

MRS. SIMPSON: I called my friend and asked  
her, but - Well, what's your name so I can let her  
know?

LIEUTENANT LINDSAY: Dave Lindsay.

MRS. SIMPSON: Dave Lindsay?

LIEUTENANT LINDSAY: Yeah.

MRS. SIMPSON: My name is GG -

LIEUTENANT LINDSAY: GG?

MRS. SIMPSON: -- Simpson. So -

LIEUTENANT LINDSAY: Great.

MRS. SIMPSON: - hopefully you can find  
somebody there you can take home.





A	3:19 channel (1) 7:24	drowned (2) 4:17;5:17	7:8 green (1) 9:2	L
access (1) 2:15 ahead (1) 3:3 allowed (2) 3:11,15 ankle (1) 4:21 Avenue (1) 3:10 away (1) 3:22	chart (1) 4:12 church (1) 7:8 close (2) 2:13;4:15 closer (1) 7:24 complain (2) 2:13,15 concludes (2) 10:1;11:13 condo (1) 7:12 condos (2) 2:14,14 conversation (2) 2:1;10:3 couple (2) 3:6;8:2 course (1) 3:14 crap (1) 4:13 crazy (2) 2:11;8:20 current's (1) 9:7 cutting (1) 9:8	drowning <sup>l</sup> m (1) 7:6 drownings (1) 3:23 E emails (1) 3:11 emergency (1) 3:12 especially (1) 9:15 everywhere (1) 6:24	guy (2) 5:25;7:15 guys (2) 6:3,7 H happen (2) 6:14;8:9 Harbor (1) 5:3 hard (1) 7:6 Hello (1) 2:25 here's (1) 8:24 Hey (3) 2:20;7:1,18 Hi (3) 2:21,25;10:6 Holy (1) 4:13 home (1) 10:25 hopefully (1) 10:24 horrible (1) 6:10 human (1) 6:22	last (2) 4:18;5:25 later (1) 9:22 LIEUTENANT (56) 2:5,10,12,18,20,24; 3:4,9,14,17,20,25;4:3, 6,8,11,14,16;5:3,6,16, 20,24;6:5,7,12,18,20, 23;7:11,21;8:1,4,6,13, 16,19,24;9:3,6,11,14, 18,20,22;10:9,12,17, 19,21,23;11:1,4,6,8,10 lights (1) 7:1 LINDSAY (58) 2:5,10,12,18,20,24; 3:4,9,14,17,20,25;4:3, 6,8,11,14,16;5:3,6,16, 20,24;6:5,7,12,18,20, 23;7:11,21;8:1,4,6,13, 16,19,24;9:3,6,11,14, 18,20,22;10:9,12,17, 17,18,19,21,23;11:1,4, 6,8,10 line (1) 2:20 little (2) 5:8,10 local (1) 7:14 look (3) 4:11,15;7:1 looking (2) 6:9;10:10 lost (1) 2:15 lot (3) 4:9;7:17;9:12 low (2) 4:16,17 lower (1) 7:23 low-tide (2) 4:24;9:15 luck (1) 11:7
B back (5) 4:24;5:9,12,12;9:1 bad (2) 3:20;9:7 balls (1) 8:10 bars (3) 2:13;7:10,12 bay (1) 4:24 Beach (7) 2:2,15;4:4;6:13; 7:14;10:3,4 bet (2) 8:15,18 big (1) 8:10 billboard (1) 6:25 blue (1) 4:14 boating (2) 2:5,6 brought (1) 5:11 buddy (1) 2:21 bulkhead (1) 7:13 bumps (1) 5:19 Bye-bye (1) 11:11	D dad (1) 6:9 dad's (1) 5:9 dangerous (2) 6:15;7:15 daughters (1) 4:21 Dave (2) 10:17,18 day (2) 7:5;9:23 deep (3) 4:21,23;9:9 depth (1) 4:12 dog (1) 10:11 dogs (1) 2:24 done (1) 5:14 down (8) 2:13;3:7,13,15;4:4; 7:9,16,17 drop (1) 8:5	F family (1) 7:16 father (2) 5:12,13 fell (2) 4:22;5:7 find (1) 10:24 fine (2) 2:20;8:22 follows (2) 2:3;10:4 foot (1) 4:14 friend (2) 4:20;10:14 frustrating (1) 8:8	I incredible (1) 7:22 Index (2) 10:1;11:13 In-person (1) 2:1 into (2) 4:22;7:11	M man (1) 6:10 managed (2) 5:9,10 marina (1) 3:22 maybe (1) 6:14 mean (4) 6:17;7:2,22,23
C called (3) 4:18;10:7,14 canal (1) 5:5 car (1) 2:7 causing (1) 5:5 changing (1)	dog (1) 10:11 dogs (1) 2:24 done (1) 5:14 down (8) 2:13;3:7,13,15;4:4; 7:9,16,17 drop (1) 8:5	G gentleman (1) 4:17 gets (1) 7:24 GG (3) 10:20,21;11:10 girl (2) 5:8,10 God (2) 5:18;6:11 goes (2) 4:4;7:23 golden (1) 10:8 good (3) 6:3;9:23;11:7 goose (1) 5:18 great (5) 2:25;3:21;4:1;10:23; 11:6 Greek (1)	J Jake (3) 5:23;6:6;9:21 Jersey (1) 10:8 jet (6) 2:6;5:11,11,21,22,24 July (2) 2:2;10:3 K kind (1) 9:8 knew (1) 5:7	M man (1) 6:10 managed (2) 5:9,10 marina (1) 3:22 maybe (1) 6:14 mean (4) 6:17;7:2,22,23

meeting (1) 11:10	3:25;4:18,25;5:8,12, 13;6:1,2;8:7,11;9:16	9:7	7:10,20,25;8:2,5,12,15, 18,21;9:1,5,10,13,17, 19,21,23;10:6,10,14, 18,20,22,22,24;11:3,5, 7,9,11		
mid- (2) 4:17;9:15	over (1) 7:13	Really (3) 3:24;8:1;9:6			
mid-tide (1) 4:23	owners (1) 7:13	reason (1) 4:1			
Moore's (1) 4:8		record (2) 9:24;11:12	ski (4) 5:11,11,22,24		walk (2) 4:20;7:13
Moore's (1) 2:14	P	recorded (1) 2:1	skis (2) 2:6;5:22		walked (1) 8:3
more (1) 6:23	panic (1) 5:13	Recording (2) 10:1;11:13	son (1) 6:8		walking (2) 4:20;8:7
moving (1) 3:21	panicked (1) 5:13	Rescue (2) 10:7,11	state (2) 7:4,7		water (9) 4:12,18,19,22,24;5:4, 25;8:7;9:16
MRS (57) 2:8,11,17,19,22;3:2, 6,13,16,18,24;4:2,5,7, 10,13,15;5:2,5,15,18, 23;6:4,6,11,16,19,21; 7:10,20,25;8:2,5,12,15, 18,21;9:1,5,10,13,17, 19,21,23;10:6,10,14, 18,20,22,24;11:3,5,7,9, 11	parking (1) 4:8	retrievers (1) 10:8	still (1) 2:8		way (1) 7:2
	part (2) 2:11;9:8	right (27) 3:2,25;4:1,5,7,22; 5:4,15;6:1,4;7:20,22, 25;8:19,21;9:4,10,11, 14,17,19,23;10:13; 11:2,5,7,11	Stone (1) 5:3		website (1) 11:2
	patrol (2) 3:12;6:13	river (1) 5:6	sucked (1) 5:8		What's (2) 6:8;10:15
	patrolling (1) 3:16	rock (2) 9:8,8	summer (1) 6:14		whole (1) 7:8
	people (10) 2:8,14;6:17,21,25; 7:2,4,12,14,17	rocks (1) 7:9	Surf (1) 3:10		Wildwood (2) 2:2;10:4
	people's (1) 6:21	run (2) 7:9,11	surfboards (1) 5:25		worry (1) 9:7
	Philly (1) 7:16	rushing (3) 4:24;8:7;9:16	swim (4) 2:7;5:9;8:12,18		worse (1) 6:12
	picked (1) 5:11		swimmers (1) 2:25		
	picture (1) 7:21		swimming (2) 2:23;8:22		Y
N		S	T		
	pictures (1) 6:25	sad (2) 5:17,21	talked (1) 7:4		yards (1) 6:2
	pile (1) 9:8	safe (2) 2:6,22	telling (1) 7:19		year (1) 4:18
	piping (1) 7:5	sandbars (1) 4:25	tells (2) 4:12;7:22		years (1) 3:23
	place (1) 4:25	Sandy (1) 3:19	ten-year-old (1) 6:8		
	plover (1) 7:5	saw (1) 6:1	Thanks (3) 7:19;9:21;11:9		
	Point (2) 4:6;9:14	scarey (1) 5:19	thought (2) 8:16,22		00:01:08 (1) 11:13
	points (1) 6:1	scene (1) 5:21	tide (3) 4:16,17;7:23		00:06:11:28 (1) 10:1
	police (1) 3:7	seven (1) 3:23	times (2) 3:6;8:2		
	pretty (1) 7:1	shore (1) 5:10	two (4) 4:21;5:21,22,24		1 (2) 2:2;10:3
	prevent (1) 6:17	show (2) 3:3;4:1			100 (1) 6:2
	problem (3) 7:7;9:12,20	shut (2) 7:6,9	U		
		signs (3) 6:19,24,24	up (3) 5:11;6:8,24		2
	Q	SIMPSON (58) 2:8,11,17,19,22;3:2, 6,13,16,18,24;4:2,5,7, 10,13,15;5:2,5,15,18, 23;6:4,6,11,16,19,21;	V		2 (1) 10:3
	quads (1) 3:8		vehicles (1) 3:11		2013 (2) 2:2;10:3
	R				
	real (1)				3
					30 (1) 4:14
					30-foot (1) 4:23



### NORTH WILDWOOD BEACH PATROL DAILY REPORT

DATE: 6/19/10 DAY: SUN. MON. TUES. WED. THURS. FRI. SAT.

JEEP: Lt. Taylor Lindsey Dr. \_\_\_\_\_

WEATHER <u>88</u> TEMP.	WATER _____ TEMP.
<input checked="" type="checkbox"/> SUNNY	<input type="checkbox"/> CALM
<input type="checkbox"/> CLOUDY	<input checked="" type="checkbox"/> CHOPPY
<input type="checkbox"/> RAIN	<input type="checkbox"/> ROUGH

#### SUGGESTIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

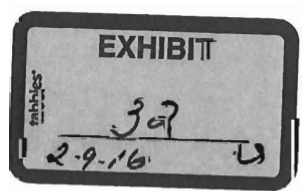
#### LOST CHILDREN

NAME	M	F	AGE	TIME LOST	TIME FOUND

MEDICALS HANDLED AT TRUCK 2  
INCIDENTS:

Escort drunk woman off of Surf Ave.  
Beach w/ lifeguard Tydena Rescue  
Two people boarding adults from the inlet  
w/ Guard Tydena. No other incidents on  
a busy day.

SIGNATURE J. V. [Signature]



**NORTH WILDWOOD BEACH PATROL  
DAILY REPORT**

DATE: 7/25/10 DAY: SUN. MON. TUES. WED. THURS. FRI. SAT.

JEEP: Lt. Taylor Dr. Auty

WEATHER 75 TEMP.

SUNNY  FOG  
 CLOUDY  WINDY (Late)  
 RAIN (Late)  LIGHTING

WATER 65 TEMP.

CALM  
 CHOPPY  
 ROUGH

**SUGGESTIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LOST CHILDREN**

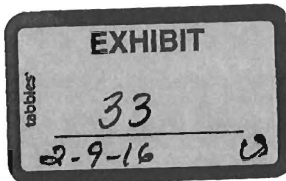
NAME	M	F	AGE	TIME LOST	TIME FOUND

**MEDICALS HANDLED AT TRUCK** 1

**INCIDENTS:**

- 1 Medical Refusal  
- 1 Inlet Rescue. Kayak in distress  
was swam back to the beach.

**SIGNATURE** [Signature]



**NORTH WILDWOOD BEACH PATROL  
DAILY REPORT**

DATE: 7/28/10 DAY: SUN. MON. TUES. WED. THURS. FRI. SAT.

JEEP: Lt. LINDSAY Dr. \_\_\_\_\_

WEATHER _____	TEMP. _____	WATER _____	TEMP. _____
<input checked="" type="checkbox"/> SUNNY	_____ FOG	_____ CALM	
_____ CLOUDY	<input checked="" type="checkbox"/> WINDY	<input checked="" type="checkbox"/> CHOPPY	
_____ RAIN	_____ LIGHTING	_____ ROUGH	

**SUGGESTIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

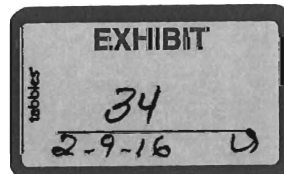
**LOST CHILDREN**

NAME	M	F	AGE	TIME LOST	TIME FOUND
<u>Bobby</u>	<input checked="" type="checkbox"/>		<u>5</u>	<u>1:17 p.m.</u>	<u>1:34 p.m.</u>

**MEDICALS HANDLED AT TRUCK 2  
INCIDENTS:**

kite-surfer stuck in channel for 15 min  
Para-sail boat picked him up and drop off at 10<sup>th</sup> St + Beach

SIGNATURE [Signature]





**NORTH WILDWOODBEACH PATROL  
DAILY REPORT**

DATE: 7-31-10 DAY: SUN. MON. TUES. WED. THURS. FRI. SAT.

JEEP: Lt. LINDSAY Dr. Auty

WEATHER 86 TEMP. WATER 68 TEMP.  
 SUNNY  FOG  CALM  
 CLOUDY  WINDY  CHOPPY  
 RAIN  LIGHTING  ROUGH

**SUGGESTIONS**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**LOST CHILDREN**

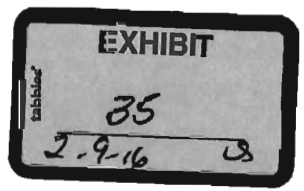
NAME	M	F	AGE	TIME LOST	TIME FOUND
<u>N/A</u>					

**MEDICALS HANDLED AT TRUCK** 2

**INCIDENTS:**

3:55 Guard Lydon saw a group at the point that was about 200yds out. They drifted down from Moors and two of the victims were shaken up. all four guards were in the water and Supervisor Auty North backed us up. Lt. Taylor checked the two victims and released them. Excellent Job to all that were involved

**SIGNATURE** [Signature]



**NORTH WILDWOOD BEACH PATROL**

**DAILY REPORT**

DATE: 8-23-10 DAY: SUN. (MON.) TUES. WED. THURS. FRI. SAT.

JEEP: Lt. LINDSAY Dr. \_\_\_\_\_

WEATHER <u>82</u> TEMP.	WATER <u>69</u> TEMP.
<input checked="" type="checkbox"/> SUNNY	_____ FOG
<input checked="" type="checkbox"/> CLOUDY	<input checked="" type="checkbox"/> WINDY
<input checked="" type="checkbox"/> RAIN	_____ LIGHTING
	_____ CALM
	_____ CHOPPY
	<input checked="" type="checkbox"/> ROUGH

**SUGGESTIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LOST CHILDREN**

NAME	M	F	AGE	TIME LOST	TIME FOUND
<u>N/A</u>					

**MEDICALS HANDLED AT TRUCK** 1

**INCIDENTS:**

2nd + Ocean Rescue at 12:30  
2nd + Surf Rescue at the Point people  
drifted down from Moors

SIGNATURE [Signature]



**NORTH WILDWOOD BEACH PATROL  
DAILY REPORT**

DATE: 8-25-10 DAY: SUN. MON. TUES. WED. THURS. FRI. SAT.

JEEP: Lt. LINDSAY Dr. \_\_\_\_\_

WEATHER _____	TEMP. _____	WATER _____	TEMP. _____
<input checked="" type="checkbox"/> SUNNY	_____ FOG	_____ CALM	
<input checked="" type="checkbox"/> CLOUDY	<input checked="" type="checkbox"/> WINDY	<input checked="" type="checkbox"/> CHOPPY	
_____ RAIN	_____ LIGHTING	_____ ROUGH	

**SUGGESTIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LOST CHILDREN**

NAME	M	F	AGE	TIME LOST	TIME FOUND

MEDICALS HANDLED AT TRUCK 0

INCIDENTS:  
Main rescue off Moor's Beach. Fisherman  
falls off seawall

SIGNATURE [Signature]





**NORTH WILDWOOD BEACH PATROL**

**DAILY REPORT**

DATE: 8-31-10 DAY: SUN. MON. TUES WED. THURS. FRI. SAT.

JEEP: Lt. LINDSAY Dr. \_\_\_\_\_

WEATHER 91 TEMP. \_\_\_\_\_ WATER 71 TEMP. \_\_\_\_\_

SUNNY       FOG  
 CLOUDY     WINDY  
 RAIN         LIGHTING

CALM  
 CHOPPY  
 ROUGH

**SUGGESTIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LOST CHILDREN**

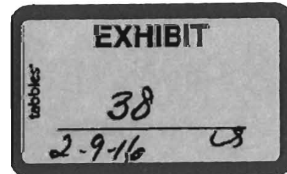
NAME	M	F	AGE	TIME LOST	TIME FOUND
<u>Kevin</u>	<u>X</u>		<u>9</u>	<u>12:43 pm</u>	<u>12:57 pm</u>

**MEDICALS HANDLED AT TRUCK 2**

**INCIDENTS:**

Rescue at 2:07 2nd + Ocean  
Rescue at "The Point" 3:10  
C-Spine 4:20 treated + transported  
C-Spine 5:05 treated + transported

SIGNATURE [Signature]



NORTH WILDWOOD BEACH PATROL  
DAILY REPORT

DATE: 7/24/11 ~~SUN~~ MON. TUES. WED. THUR. FRI. SAT.  
TRUCK 06 SECTION Inlet CREW Taylor Lindsey  
WEATHER CONDITIONS:

WATER CONDITIONS good  
good

LOST CHILDREN-ADULTS

NAME	M-F	AGE	TIME LOST	TIME FOUND	STREET LOST	FOUND	SPECIAL NOTES
Hanna	F	4	1:25	1:30	Ocean	Surf	—

TRANSPORTS 3 SURF CHAIRS 3 BOAT LAYOUT —  
WORKOUTS   
RED NO SWIM FLAGS 4 —  
SIGNS-STREETS CLOSED 2nd JFK  
NOTES-COMPLAINTS OF PUBLIC

OCEAN RESCUES

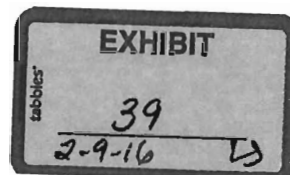
Guard Ryan Sanki - rescue on women 50 yds  
outside swim zone, ignoring whistles

MEDICALS@TRUCK 3 MEDICALS HANDLED BY MEDIC —

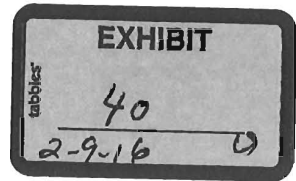
EQUIPMENT ISSUES

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED

GAS FILL-UP  Jet ski



NORTH WILDWOOD BEACH PATROL  
DAILY REPORT



DATE: 5/26/12 SUN. MON. TUES, WED. THUR. FRI. SAT.

TRUCK \_\_\_\_\_ CREW Aoty / Lins

WEATHER CONDITIONS:

80° Sunny

WATER CONDITIONS

65° Rips @ outgoing tide

BOAT LAYOUT \_\_\_\_\_ AFTERNOON WORKOUT \_\_\_\_\_

LOST CHILDREN-ADULTS

NAME	M-F	AGE	TIME LOST	TIME FOUND	STREET LOST	FOUND	GUARD

TRANSPORTS IN SECTION \_\_\_\_\_ SURF CHAIRS 1  
NOTES-COMPLAINTS OF PUBLIC

\_\_\_\_\_

OCEAN RESCUES

2 Rescues, Guards Gosed Musso did a good job on controlling the crowd at 1st and surf. There are heavy crowds at 1st street due to the parking lot.

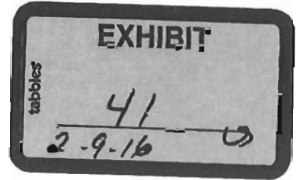
MEDICALS@ TRUCK 2 MEDICALS HANDLED BY MEDIC 2

EQUIPMENT ISSUES \_\_\_\_\_

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED

\_\_\_\_\_

NORTH WILDWOOD BEACH PATROL  
DAILY REPORT



DATE: 7/4/12 SUN. MON. TUES, WED. THUR. FRI. SAT.

TRUCK 06 CREW Taylor Edwards

WEATHER CONDITIONS: Calm nice

WATER CONDITIONS Calm

BOAT LAYOUT AFTERNOON WORKOUT

LOST CHILDREN-ADULTS

NAME	M-F	AGE	TIME LOST	TIME FOUND	STREET LOST	FOUND	GUARD
Devon	M	4	1:05	1:10			Goose
Avery	F	5	1:30	1:35			Goose

TRANSPORTS IN SECTION 2 SURF CHAIRS 2

NOTES-COMPLAINTS OF PUBLIC  
Hummer on beach

OCEAN RESCUES  
Two jet ski prevents at Moores beach

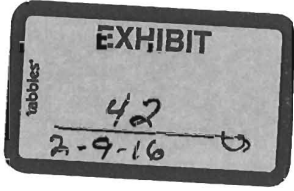
MEDICALS@ TRUCK 2 MEDICALS HANDLED BY MEDIC

EQUIPMENT ISSUES

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED

No incidents.





NORTH WILDWOOD BEACH PATROL DAILY REPORT

DATE: 8/17/12 SUN. MON. TUES, WED. THUR. FRI. SAT.

TRUCK 06 CREW Edwards / Lindsay

WEATHER CONDITIONS: Windy (South @ 15 knots) sunny

WATER CONDITIONS: Choppy 2ft @ 4sec

BOAT LAYOUT 0 AFTERNOON WORKOUT

LOST CHILDREN-ADULTS

Table with columns: NAME, M-F, AGE, TIME LOST, TIME FOUND, STREET LOST, FOUND, GUARD

TRANSPORTS IN SECTION 5 SURF CHAIRS 3

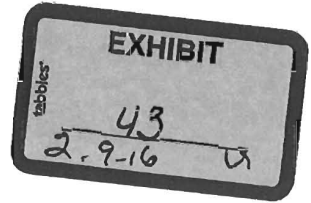
NOTES-COMPLAINTS OF PUBLIC

OCEAN RESCUES 5 gully swatches

MEDICALS @ TRUCK 2 MEDICALS HANDLED BY MEDIC 0

EQUIPMENT ISSUES

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED 5 Preventing at the point



NORTH WILDWOOD BEACH PATROL  
DAILY REPORT

DATE: 8/19/12 SUN. MON. TUES, WED. THUR. FRI. SAT.

TRUCK 06 CREW TE / DAVID

WEATHER CONDITIONS: East W. wind 5 knots Surf

WATER CONDITIONS 1 ft @ 6:00

BOAT LAYOUT \_\_\_\_\_ AFTERNOON WORKOUT \_\_\_\_\_

LOST CHILDREN-ADULTS

NAME	M-F	AGE	TIME LOST	TIME FOUND	STREET LOST	FOUND	GUARD

TRANSPORTS IN SECTION 5 SURF CHAIRS 3

NOTES-COMPLAINTS OF PUBLIC

\_\_\_\_\_

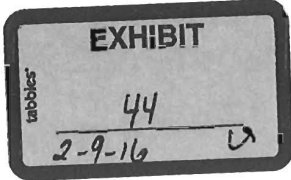
OCEAN RESCUES gully surf chair

MEDICALS @ TRUCK / \_\_\_\_\_ MEDICALS HANDLED BY MEDIC \_\_\_\_\_

EQUIPMENT ISSUES surf one lifeguard chair needs repair

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED  
7 preventions @ inlet, retrieved  
pb since A/C had less work

NORTH WILDWOOD BEACH PATROL  
DAILY REPORT



DATE: 8/19/12 SUN. MON. TUES, WED. THUR. FRI. SAT.

TRUCK 06 CREW TE / A. ALI

WEATHER CONDITIONS: SUNNY

WATER CONDITIONS SEA @ 2000 CALM

BOAT LAYOUT AFTERNOON WORKOUT

LOST CHILDREN-ADULTS

NAME	M-F	AGE	TIME LOST	TIME FOUND	STREET LOST	FOUND	GUARD

TRANSPORTS IN SECTION 5 SURF CHAIRS 3

NOTES-COMPLAINTS OF PUBLIC

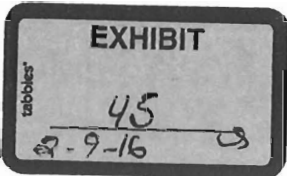
OCEAN RESCUES NA

MEDICALS @ TRUCK \_\_\_\_\_ MEDICALS HANDLED BY MEDIC \_\_\_\_\_

EQUIPMENT ISSUES 5 out of 16 lifeguard chairs need reports

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED  
8 Preventions @ the point

NORTH WILDWOOD BEACH PATROL  
DAILY REPORT



DATE: 8/20/16 SUN. MON. TUES. WED. THUR. FRI. SAT.

TRUCK 06 CREW 10

WEATHER CONDITIONS N/E @ 10 Sunny / some clouds

WATER CONDITIONS 20 C

BOAT LAYOUT AFTERNOON WORKOUT

LOST CHILDREN-ADULTS

NAME	M-F	AGE	TIME LOST	TIME FOUND	STREET LOST	FOUND	GUARD

TRANSPORTS IN SECTION 3 SURF CHAIRS 3

NOTES-COMPLAINTS OF PUBLIC

OCEAN RESCUES N/A

MEDICALS @ TRUCK 1 MEDICALS HANDLED BY MEDIC

EQUIPMENT ISSUES switched surf life chair

LIFEGUARD ISSUES-CONCERNS-COMP TIME USED  
10 interventions @ Point



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# Guard chief warns about swimming in inlet

Story Comments

Print Font Size:

Posted: Wednesday, July 27, 2011 12:00 am



Signs warn beachgoers not to swim in unprotected waters by the Hereford Inlet in North Wildwood. The city's beach patrol has lifeguards stationed up until Surf Avenue, but no further north.

Click main image for a full-size version

## Missing woman's body found off Avalon

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North Wildwood Police announced on July 25 that they were informed at 8 p.m. Thursday, July 21 that a woman was missing.

Christina Tsiotsias, 49, of Echodate Avenue in Baltimore, Md., had been dropped off at the beach at Spruce Avenue at the Hereford Inlet at 3 p.m., and was going to be picked up around 6 p.m.

However, when her family members returned at 6 p.m., they couldn't find her and were unable to contact her by cell phone, according to police.

Police found her beach blanket and began a search of the area and of nearby businesses.

The following morning, the State Police Marine Bureau contacted North Wildwood police to inform them they had recovered a body that matched Tsiotsias' description.

According to North Wildwood Police, an investigation is pending the results of an autopsy. Officials with the North Wildwood Police said they would have no comment beyond what was included in a press release on Monday.

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"The inlet can look like it has calm water, but it is deceiving," Cavalier said. "The water starts off shallow but then about two feet out from shore it can drop off."



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The inlet also has strong outgoing or incoming tides, which can be strong enough to pull even accomplished swimmers far out in the water.

"There's a certain point off the shore, you can see it from the sea wall, the water looks like a washing machine out there," he said.

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Cavalier said the city has signs posted on all the unguarded beaches warning people not swim. He urged swimmers not to go into the water unless lifeguards are on duty.

Lauren Suit can be e-mailed at [lauren.suit@catamaranmedia.com](mailto:lauren.suit@catamaranmedia.com) or you can comment on this story by calling 624-8900, ext 250

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Tue, Feb 09, 5:00 pm EST  
Pleasantville Recreation Center

**Tuckahoe United Methodist Church schedule**

Tue, Feb 09, 6:00 pm EST  
Tuckahoe United Methodist Church, Tuckahoe

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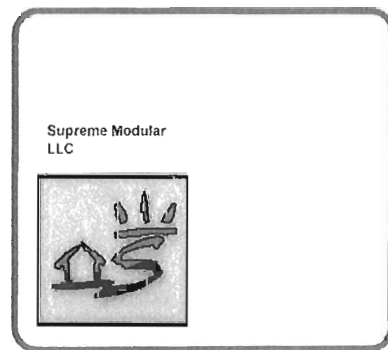
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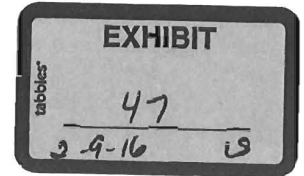
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## Article I: Government, Supervision, Use and Policing

[Adopted 5-19-1950 by Ord. No. 334]

### § 138-1 Definitions.

[Amended 5-5-1987 by Ord. No. 957; 6-21-1988 by Ord. No. 1008]



As used in this article, the following terms shall have the meanings indicated:

#### BEACH

Beginning at 26th Street and continuing in a northwestwardly direction, the beach shall consist of all of the area that is located in a generally seawardly and southeasterly direction from the westerly edge of the Boardwalk, the easterly edge of Blocks 411, 412 and 413, the easterly edge of John F. Kennedy Beach Drive and the easterly edge of the seawall that is located along Hereford Inlet from John F. Kennedy Beach Drive to an existing stone groin in the vicinity of Ocean Avenue. Beginning at the existing stone groin in the vicinity of Ocean Avenue and continuing in a generally northwestwardly direction, the beach also shall consist of all of the area that is located in a general seawardly and easterly direction of the easterly edge of the seawall and then the bulkhead that runs along Hereford Inlet from the aforementioned stone groin to the easterly lot line of the municipal parking lot at Old New Jersey Avenue and Spruce Avenue and which then continues running in a general northwestwardly direction along the northwesterly edge of the municipal parking lot at Pine Avenue and New York Avenue.

[Amended 4-17-2001 by Ord. No. 1386]

#### BOARDWALK AND APPROACHES THERETO

The elevated pedestrian walk extending along the beach northeastward from 26th Avenue to 13th Avenue, the ramp, inclines, steps and approaches connected or appurtenant thereto both on the easterly and westerly sides thereof, together with the pavilions, platforms, rest rooms, lavatories, comfort stations and public facilities.

#### PICNICKING

The carrying of a box, basket, tub or other receptacle in which is contained food and beverages and the consumption of such food and beverages.

### § 138-2 Hours of use.

[Added 5-16-1961 by Ord. No. 417]

It shall be unlawful during the months of May, June, July, August and September of each year for any person to walk, drive, ride, bathe, swim or otherwise be on the beach, as defined in said ordinance, from 10:00 p.m. to 6:00 a.m. the following day, excepting City employees who clean the beach, during their performance of such duty, and the municipal police and other members in the Department of Public Affairs and Public Safety.

### § 138-3 Rules and regulations. <sup>11</sup>

[Amended 6-21-1988 by Ord. No. 1008; 6-7-1990 by Ord. No. 1064; 4-5-1994 by Ord. No. 1167; 5-7-1996 by Ord. No. 1232; 4-6-1999 by Ord. No. 1321]

The actions and activities set forth below shall be unlawful conduct when taken place during the months of May through September, inclusive, each year:

- A. To throw, bat or catch a baseball, football, basketball, softball or engage in the playing of any game endangering the health and safety of others on the beach except in areas specifically designated for said activities. This subsection shall not apply to the playing of games in other areas which would not be likely to endanger the health and safety of others.



- B. To swim or bathe beyond a safe depth in the ocean as from time to time indicated, determined or regulated by the lifeguards of the City of North Wildwood.
- C. To use a life belt, surfboard, canoe, boat, raft, water wings, inner tube or any floating or inflated object or device of any kind or description in the bathing area adjacent to the beach except in such areas which may be designated by the Beach Supervisor of the City of North Wildwood for the use of such devices. Said Beach Supervisor may, in his sole discretion, designate a certain area or areas, on a daily basis, for the use of certain floating or inflated objects or devices of any kind or description.
- D. To throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed article or thing, paper, refuse or debris of any kind in any area except in proper receptacles provided for on the Boardwalk and beach.
- E. To use said beach, Boardwalk and approaches thereto as areas for picnicking except in areas specifically designated therefor.
- F. To fail to immediately obey all orders, directions, whistles or other signals used by the City lifeguards and police.
- G. To consume alcoholic beverages within the areas defined as the beach, Boardwalk and approaches thereto.
- H. To climb upon or stand on the railings, fences or benches so as to cause or be likely to cause damage to the same on the beach, Boardwalk or approaches thereto or tamper with or handle the lifeguards' boats or other equipment used by them on the beach.
- I. To revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others or otherwise disrupt and disturb the public peace and dignity within the areas defined as the beach, Boardwalk and approaches thereto.
- J. To loiter, assemble, band or crowd together so as to interfere or be likely to interfere with the ingress and egress of others at the street ends approaching the beach or Boardwalk or within the areas defined as the beach, Boardwalk and approaches thereto.
- K. To act in a loud, indecent, obscene, offensive or lascivious manner within said defined areas.
- L. To hawk, peddle or sell any article, goods, wares, merchandise or services on the beaches of the City of North Wildwood, except when permitted with a license issued pursuant to Chapter 330, Peddling and Soliciting, of the North Wildwood Code, and except where permitted by contract or lease with the City of North Wildwood.
- M. To dress, undress or change clothing for bathing or other purpose in any passenger automobile, bus, truck or vehicle of any kind, regardless of whether the doing thereof is in public view or can be seen by any other person or persons.
- N. To engage at any time, either day or night, in the practice commonly known as "sleeping in cars."
- O. To allow dogs, cats or any other domestic animal upon the beaches of the City of North Wildwood. This prohibition shall be in effect from May 1 to October 1, inclusive, of each year.  
[Amended 6-5-2002 by Ord. No. 1416]
- P. To operate any personal watercraft, defined herein to include any boat, jet ski, wave runner or any other floating device propelled by a motor or some other method other than solely by musculature activity, wind or wave action, within 100 feet of the shoreline and within 100 feet of any person in the water (except in connection with rescue efforts of a person or persons). Additionally, it shall be unlawful to launch or bring to shore any such floating device on any of the beaches in the City of North Wildwood, between Surf Avenue and 26th Street, inclusive, with the exception of the area between 8th and 10th Streets, inclusive, and then only in connection with the operation of a business permitted by a contract with the City of North Wildwood.  
[Amended 8-4-2015 by Ord. No. 1683]

[1] Editor's Note See also Ch. 326, Peace and Good Order.

**§ 138-4**

**Violations and penalties.**

[Amended 6-21-1988 by Ord. No. 1008; 3-20-1991 by Ord. No. 1054; 4-5-1994 by Ord. No. 1167; 5-27-2002 by Ord. No. 1411]

Any person or association of persons violating any provision of this article shall, upon conviction thereof, be punishable by a fine not to exceed \$1,250 or imprisonment in the county jail for a term not to exceed 90 days, or both.

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Dinty Moore advertisement for 'Satisfy Hunger with Meat & Potatoes' featuring a bowl of potatoes and meat, with a 'SAVE \$1.00\*' offer.

Shore News Today advertisement for 'Shore News Today E-Newsletter' with a 'CLICK TO REGISTER' button.

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Calendar for February 2016 showing days of the week: Su, Mo, Tu, We, Th, Fr, Sa.







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LAW DIVISION - CAPE MAY COUNTY  
DOCKET NO. CPM-L-331-14

SANDY SMITH, :  
INDIVIDUALLY AND AS :  
EXECUTRIX OF THE ESTATE : CIVIL ACTION  
OF HER LATE HUSBAND :  
GEORGE BRADLEY SMITH, : DEPOSITION  
 : TESTIMONY OF:  
Plaintiff, : DAVID LINDSAY  
vs. :  
CITY OF NORTH WILDWOOD, :  
STATE OF NEW JERSEY, :  
JOHN DOE, MARY DOE, ABC :  
PARTNERSHIPS and XYZ :  
CORPORATIONS, :  
Defendants. :

TAKEN BEFORE: LYNN SMITH, a Certified Court  
Reporter of the State of New Jersey, License No.  
XIO1520, at the Cape May County Administration  
Building, 4 Moore Road, Cape May Court House, New  
Jersey, on Thursday, February 18, 2016, commencing at  
2:51 p.m.

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

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2900 Fire Road, Suite 200  
Egg Harbor Township, New Jersey 08234  
BY: PAUL R. D'AMATO, ESQUIRE  
For the Plaintiffs

BARKER, GELFAND & JAMES  
210 New Road  
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(609) 601-8677  
BY: WILL ROZELL, ESQUIRE  
For the Defendant, North Wildwood

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
R.J. Hughes Justice Complex  
25 Market Street  
Trenton, New Jersey 08625  
(609) 777-4872  
BY: BRIAN HUNKINS, DAG  
For the State of New Jersey

Also present: Lou DiJoseph

Videographer: Tom Zanaras

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(Map, received and marked for  
identification as Exhibit P-55.)

VIDEOGRAPHER: Today is February the  
18th, 2016. This is the videotaped deposition of  
David Lindsay. Going on the record, the time is 2:51  
p.m. The appearance of counsel will be noted in the  
transcript.

Would the court reporter please swear  
in the witness.

D A V I D L I N D S A Y,  
having been first duly sworn, testified as follows:

EXAMINATION BY MR. D'AMATO:

Q. Lieutenant, before we began, you told me  
that, once before, you had your deposition taken.  
Did it relate to your employment with North Wildwood?

A. No, sir.

Q. All right. How long ago was that?

A. 1993.

Q. All right. Because that was some time ago,  
let me go over some basic pointers. And with the  
cooperation of all the attorneys here, we really have  
been trying to expedite these depositions, and  
getting to what is really important. And  
incidentally, the young man to my left, Lou DiJoseph,  
I don't know when he served the subpoena, if he told

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1 you, he's retired from the intelligence bureau of the  
2 New Jersey State Police, and now he's a licensed  
3 private investigator. Okay?

4 **A. Um-hum.**

5 **Q.** And that's why he's sitting here.

6 The most important recommendation I can  
7 give you, that all of us would tell you, is if I  
8 should ask you a question that is not clear, just say  
9 to me, Paul, it's not clear.

10 I've been doing this for over 40 years,  
11 and it just amazes me how people will answer  
12 questions that are totally incomprehensible, because  
13 they think they understand it. All right? I've been  
14 known to do that. But fortunately, we have lawyers  
15 here that, if I do it, they're going to say, Paul, I  
16 object to the form of the question. That means,  
17 Paul, it wasn't clear. Did you mean this? Did you  
18 mean that? And I want them to do that, because I  
19 don't want anybody to think that I was asking tricky  
20 questions. I hope you'll leave here today going, he  
21 asked me important questions, but not tricky  
22 questions.

23 So, how we eliminate any confusion on  
24 your part is to give you the opportunity to say I  
25 don't understand the question. I won't think less of

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1 you. In fact, we'll all think more of you if you say  
2 that to us, because that means there was something  
3 structurally wrong with the question.

4 You are not a party to this litigation.  
5 The reason you're here is a couple things. One was  
6 an interview that was done, unbeknownst to you, and  
7 the other one is all these reports that had your name  
8 on it.

9 So, let me get started, and we'll try  
10 to get you out of here as quickly as possible.

11 So far, we've taken the deposition of  
12 the chief of the beach patrol, Anthony Cavalier,  
13 former city administrator, Mr. Belasco, was here, and  
14 administrative assistant Ronald Simone.

15 MR. ROZELL: Um-hum.

16 **Q.** All right? And what I've done with everybody  
17 is -- terminology is important. And I did this with  
18 the chief. And here's what I told the chief, and  
19 these gentlemen were there. I said, there's a  
20 certain area of beach in North Wildwood that people  
21 call The Point, Moore's Beach, Moore's Inlet --  
22 inlets beach, the inlet, and the spit. And what I'm  
23 going to do is, I'm going to go over this aerial  
24 photograph, and I'm going to show you how we're going  
25 to do this in a second, but so far, the spit doesn't

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1 seem to -- people don't know about that. Do you know  
2 what the spit is?

3 **A. No.**

4 **Q.** Okay. It was in one of the documents that we  
5 read, it was called the spit. But that's okay.

6 So now, here's -- get your orientation  
7 on that aerial photograph. And do you see where the  
8 condos are right there, up -- right? Isn't that the  
9 condos in -- where's the parking lot?

10 **A. This is the parking lot here.**

11 **Q.** That's the parking lot right there. Okay.  
12 And you see where the condos are?

13 **A. Moore's?**

14 **Q.** Moore's Beach.

15 **A. Yes, um-hum.**

16 **Q.** Okay, fine. Now, here's what I'm going to  
17 do: I'm going to give you this red marker, and I'm  
18 going to ask you to draw lines as to where Moore's  
19 Beach begins and where it ends, and where the inlet  
20 beach begins and ends.

21 Now, to be fair to you, Mr. Belasco  
22 said, I don't differentiate between the two. I call  
23 that whole area the inlet beach. And then he used  
24 the phrase inlet zone. The chief kind of broke it  
25 up, he said, Moore's Beach kind of ends here, and the

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1 inlet starts here. And we got -- and as I expected,  
2 everybody's, you know, geographical orientation is a  
3 little bit different. So, if you could draw a -- let  
4 me withdraw that.

5 Where -- for our purposes today, do you  
6 differentiate between Moore's Beach and the inlet  
7 beach?

8 **A. Yes, sir.**

9 **Q.** Okay. So, why don't you use the red marker,  
10 and draw, like, about an inch, a line, saying where  
11 does Moore's Beach begin and end?

12 **A. At --**

13 **Q.** Okay. That's all right. I see what you're  
14 doing. You're doing it that way. Go ahead.

15 **A. Yeah.**

16 **Q.** Okay. And so it's complete, why don't you  
17 just kind of take it all the way around, if you know  
18 what I mean. Just show the entire Moore's Beach.  
19 That's it.

20 **A. (Witness complies.)**

21 **Q.** Okay. Now, if I give you the blue -- the  
22 blue marker, why don't you do for us what is the  
23 inlet beach.

24 **A. (Witness complies.)**

25 **Q.** Okay. Now, what do you call the beach that

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1 we see in this aerial photograph between Moore's  
 2 Beach and the inlet beach?  
 3 **A. Well, this is the bird sanctuary.**  
 4 **Q.** Here. I'll give you green for the bird  
 sanctuary.  
 6 **A. (Witness complies.)**  
 7 **Q.** Is that working?  
 8 **A. Not too well.**  
 9 **Q.** Wait. Hold on.  
 10 Tom, could you see if there's another  
 11 green one in there, please.  
 12 We also had an orange one. Where did  
 13 that go?  
 14 Okay. And could you see if there's an  
 15 orange one in there?  
 16 Here. Let me hand to you a green  
 17 marker that hopefully will work. You were -- you  
 18 were talking about the bird sanctuary?  
 19 **A. Um-hum.**  
 20 **Q.** Okay. Now, you -- yeah, go ahead.  
 21 **A. Just making that one line --**  
 22 **Q.** Now, the area to the right of the bird  
 23 sanctuary is what? What do you call that?  
 24 **A. This area?**  
 25 **Q.** Yeah.

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1 **A. To my right?**  
 2 **Q.** No, no. Let me -- I want all counsel to look  
 3 at what I'm doing here. Okay.  
 4 You bracketed off for us, and we  
 5 appreciate it, what Moore's Beach is?  
 6 **A. Um-hum.**  
 7 **Q.** You did that for the inlet beach. And then  
 8 you said, here is the bird sanctuary, which you  
 9 covered, like, in green.  
 10 **A. Um-hum.**  
 11 **Q.** There's other beach here.  
 12 **A. Um-hum.**  
 13 **Q.** What do we call the other beach?  
 14 **A. Well, there was no name for this section of**  
 15 **the beach. And -- or this section. This is The**  
 16 **Point. We call that The Point.**  
 17 **Q.** Okay. Let's do this: The -- I have an  
 18 orange marker now. The area that is The Point, could  
 19 you mark it on there?  
 20 **A. (Witness complies.)**  
 21 **Q.** Okay. And that's in orange. All right?  
 MR. D'AMATO: Can all counsel see that?  
 23 MR. ROZELL: Yes.  
 24 MR. HUNKINS: Okay, thanks.  
 25 MR. D'AMATO: Do you see that?

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1 MR. DiJOSEPH: Yes.  
 2 **Q.** Yeah, okay. All right.  
 3 Now, the areas of beach that did not  
 4 have a name, they don't have a name; is that it?  
 5 **A. Yeah. This area of the beach, when the tide**  
 6 **comes up, the tide was right in -- came right up to**  
 7 **the bird sanctuary fence.**  
 8 **Q.** Okay.  
 9 **A. So, this looks like a low tide picture.**  
 10 **Q.** I see.  
 11 **A. So, at high -- you know, that's why that**  
 12 **wouldn't have a name.**  
 13 **Q.** Okay.  
 14 **A. And this -- this part of the beach was --**  
 15 **didn't really have a name for it, either.**  
 16 **Q.** Okay. Now, so now we -- we have a good idea  
 17 of the terminology that you'll be using.  
 18 When we took the deposition of Mr.  
 19 Simone, the administrative assistant, he said that  
 20 when he was on the beach patrol, there was an inlet  
 21 zone, a north zone, a central zone, and a south zone.  
 22 Is that correct?  
 23 **A. Yes, sir.**  
 24 **Q.** All right. Now, and he told -- he told us,  
 25 according to his experience, where a certain -- you

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1 know, where the zone would begin and end according to  
 2 streets.  
 3 I may get another copy of this exhibit.  
 4 In fact, let me do that, and we'll mark it as Exhibit  
 5 56.  
 6 (Copy of photograph received and marked  
 7 for identification as Exhibit P-56.)  
 8 **Q.** This is, again, it's a copy of that April 6,  
 9 2005 --  
 10 **A. Were the condos built then?**  
 11 **Q.** I don't know.  
 12 **A. I don't think so. I think that's still**  
 13 **Moore's Inlet Bar.**  
 14 **Q.** Okay.  
 15 **A. But that's not important.**  
 16 **Q.** All right.  
 17 MR. ROZELL: He can instruct you this,  
 18 but, technically, you're really not supposed to be  
 19 asking him questions, so.  
 20 THE WITNESS: Oh. Well, he asked if --  
 21 he referred to the condos.  
 22 MR. ROZELL: Okay.  
 23 THE WITNESS: And I don't think the  
 24 condos are there. I think it's still Moore's Bar.  
 25 **Q.** You're right. I think you're right. And

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1 I'll tell you why. The only reason I did that, is  
2 people have been using the condos as a reference  
3 point. Okay?

4 **A. All right.**

5 **Q.** Now, here is Exhibit 56. And if I said to  
6 you, given the fact that you were a lieutenant --  
7 that was your rank, lieutenant, right?

8 **A. Yes, sir.**

9 **Q.** In the North Wildwood Beach Patrol, could you  
10 draw with a red marker where the inlet zone was?

11 **A. Sure.**

12 **Q.** All right. Now, you know the city better  
13 than I do. I was raised in Atlantic City and  
14 Margate.

15 Can you give us street names?

16 **A. Yes, sir.**

17 **Q.** Okay. Go ahead.

18 **A. Inlet zone went from Surf Avenue down to the**  
19 **ocean, along the waterfront to the rock pile at**  
20 **Second and JFK, and then back along the bulkhead or**  
21 **walkway up to, I believe it's First and JFK.**

22 **Q.** First?

23 **A. First and Surf.**

24 **Q.** Okay.

25 **A. Sorry about that. That's me.**

WORD FOR WORD REPORTING, LLC

1 lifeguard in 2015, or '14?

2 **A. 2014.**

3 **Q.** '14. Okay. And are you a resident of North  
4 Wildwood?

5 **A. Yes, sir.**

6 **Q.** And were you a resident of North Wildwood  
7 while you were a lifeguard?

8 **A. Yes, sir.**

9 **Q.** During --

10 **A. We bought a home here, my wife and I, in**  
11 **1999.**

12 **Q.** Okay. The body of water that is adjacent to  
13 the Moore's Beach, the inlet beach, the inlet zone,  
14 that's Hereford Inlet. Correct?

15 **A. Yes, sir.**

16 **Q.** Okay. Before you were a lifeguard, did you  
17 ever go on the beach that's located near Hereford  
18 Inlet, Inlet?

19 **A. Before '84?**

20 **Q.** Yeah.

21 **A. No. I grew up in Cape May Point, so.**

22 **Q.** All right. Would you agree that from 1984  
23 until Brad Smith drowned on July 27, 2012, that the  
24 actual configuration of the inlet over the years has  
25 changed?

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1 VIDEOGRAPHER: Going off the record,  
2 3:04.

3 (Discussion off the record.)

4 VIDEOGRAPHER: Back on the record,  
5 3:04.

6 BY MR. D'AMATO:

7 **Q.** Okay. The inlet zone, the city gave us, us  
8 attorneys, all of these daily reports from the North  
9 Wildwood Beach Patrol, and this is one of the reasons  
10 you're here, because your name appeared on a lot of  
11 these reports, along with other lifeguards, like Mr.  
12 Taylor -- is that Mr. Taylor?

13 **A. Yes, sir.**

14 **Q.** Yeah. And you refer to the geographical area  
15 where the report refers to as the inlet.

16 When you put down inlet, typically, in  
17 these daily reports, that would be the inlet zone?

18 **A. Yes, sir.**

19 **Q.** Okay, fine. Now, let's go over your  
20 background really quick. You became a lifeguard in  
21 what year?

22 **A. 1984.**

23 **Q.** Okay. And what's your date of birth?

24 **A. 4/27/1967.**

25 **Q.** Okay. And you finished your career here as a

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1 **A. Monthly.**

2 **Q.** Okay. All right. We've spoken to this  
3 expert, Dr. Stewart Farrell, at Stockton?

4 **A. Um-hum.**

5 **Q.** He's at the Coastal Research Center. Does  
6 that name mean anything to you?

7 **A. (Witness nods.)**

8 **Q.** Okay, all right. Given your personal  
9 experience with this inlet, why is the -- the inlet  
10 water, the path of it, changing monthly?

11 **A. That, I don't know. I mean, the currents,**  
12 **the tides.**

13 **Q.** Okay.

14 **A. I -- you know, I really -- that's beyond my**  
15 **--**

16 **Q.** Your grade pay, as they say?

17 **A. Yeah.**

18 **Q.** That's all right. No, that's okay.

19 And that's a good thing you just did.

20 If you don't know the answer, just say you don't know  
21 the answer.

22 **A. Yeah.**

23 **Q.** We'll accept that as being truthful, and  
24 we'll move on.

25 We took the deposition of the chief.

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1 And he told us, you know, in all the years that he  
2 was the chief, up until July 27, 2012, that when the  
3 back bays were going into the ocean, and vice-versa,  
4 that the currents would really move quite quickly  
through the inlet. And he estimated that sometimes  
the currents were five to nine miles an hour.

7 Based upon your own personal  
8 experience, would you agree with him or disagree?

9 **A. Yes. Yeah. I mean, that I -- I know the**  
10 **answer to that. That's because, if you have a bigger**  
11 **picture of this area --**

12 **Q.** I do. How about this here, would that work?

13 **A. Yeah. Yes.**

14 **Q.** Okay. Let's mark it as Exhibit 57.

15 (Front page of Dr. Farrell's report,  
16 received and marked for identification as Exhibit  
17 P-57.)

18 MR. D'AMATO: And for the record, this  
19 is the front page of a report that was written by the  
20 -- Dr. Farrell's group.

21 **Q.** Okay?

22 **A. Um-hum. Yeah. So, you can see a little bit**  
23 **in this picture. There are these sand bars here.**

24 **Q.** Okay. Now, what you're going to have to do  
25 is, do me a favor, when you said here, on exhibit?

WORD FOR WORD REPORTING, LLC

**A. 56.**

2 **Q.** 56. Put a circle. I mean, we all see it  
3 here, but for later reference, just put a circle  
4 there?

5 **A. In, what, blue?**

6 **Q.** Yeah. Go ahead.

7 **A. (Witness complies.)**

8 **Q.** Okay.

9 **A. There.**

10 **Q.** Go ahead.

11 **A. Now, if you look at this picture --**

12 **Q.** This is Exhibit 57.

13 **A. You'll see the white caps, which show shallow**  
14 **water.**

15 **Q.** Okay.

16 **A. From Stone Harbor all the way over to the**  
17 **channel.**

18 **Q.** Why don't you put a big red circle about  
19 those white caps.

20 **A. (Witness complies.)**

21 **Q.** Thank you.

**A. So, that indicates shallow water. So, at**  
**high tide, you have this back bay filled with water.**  
24 **In six hours, that water is going to empty back into**  
25 **the ocean. And it doesn't go over this shallow**

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1 **water, it goes through this channel, boating channel**  
2 **right there.**

3 **Q.** Got it. Okay.

4 **A. So, you're going to get a heavy flow of**  
5 **water.**

6 **Q.** Yeah. And fast currents?

7 **A. Yes.**

8 **Q.** Right. You know, we lawyers try to do our  
9 homework on this thing. And I was reading in  
10 something about the history of Hereford Inlet, that  
11 when the Iroquois Indians were here then, that this  
12 was always known for the currents, and how they were  
13 moving.

14 Did you know that?

15 **A. I didn't know that.**

16 **Q.** Yeah.

17 **A. No.**

18 **Q.** So, anyhow, let me tell you something the  
19 chief said, which is really interesting to all us  
20 lawyers. He said that when the tides are changing,  
21 back bay to ocean, but vice-versa, that in a certain  
22 area, there's an actual whirlpool or, as Dr. Farrell  
23 calls it, a vortex that moves around and around. He  
24 said -- the chief said you can actually see it at --  
25 when it's mid tide and low tide, you can see the

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1 vortex or whirlpool.

2 Did you ever see that before?

3 **A. No.**

4 **Q.** No. Okay.

5 Now, let's go back to your experience  
6 as a lifeguard when you were in the inlet zone.

7 **A. Um-hum.**

8 **Q.** For how many years before July 27, 2012 were  
9 you assigned for the summer to, we'll call it, the  
10 inlet zone?

11 **A. I believed in '98, I was moved to the inlet.**

12 **Q.** Okay. Now, I'm surmising this. And -- and  
13 later, when we're finished, I'm going to tell you a  
14 story when I tried out for the Margate lifeguards.  
15 You'll leave here laughing.

16 (Discussion off the record.)

17 **Q.** Okay? True story.

18 But anyhow, I'm surmising that because  
19 of your experience and your professionalism, you were  
20 assigned to the inlet zone, as opposed to other  
21 zones. Would that be a fair statement?

22 **A. Well, I was assigned to the inlet zone in '90**  
23 **-- the dates aren't exactly clear, but around '96, I**  
24 **was put in charge of the Jet Ski.**

25 **Q.** Right.

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1 **A. And then the Jet Ski was more or less put in**  
2 **charge -- it was assigned to the inlet. So, I went**  
3 **with the Jet Ski.**

4 **Q. Right.**

5 **A. So, that's kind of how it happened.**

6 **Q. In doing our research about the -- all of the**  
7 **beaches, the ones that are protected and not**  
8 **protected, am I correct in saying that the area where**  
9 **is, say, Moore's Beach and the inlet beach is some of**  
10 **the more dangerous beach area in North Wildwood,**  
11 **because of these currents that we've been talking**  
12 **about?**

13 **A. That's true.**

14 **Q. All right.**

15 **A. Yes.**

16 **Q. And that's why I -- I don't know who told me,**  
17 **somebody told me that that's why you were assigned**  
18 **there, because you were a veteran, and -- and because**  
19 **of the condition of the inlet there.**

20 **Now, the chief said that in the early**  
21 **'70s, I think it was 1977, 1975, that they actually**  
22 **used to have lifeguard stands in the area that you**  
23 **call Moore's Beach and The Point area.**

24 **Do you remember that?**

25 **A. No.**

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1 **Q. Okay. In looking at Exhibit 55, which you**  
2 **call the inlet zone or beach, or the inlet beach, how**  
3 **many lifeguard stands would typically be located in**  
4 **that area before July 27, 2012 for the summer season?**

5 **A. It would vary between two and three.**

6 **Q. Okay. And the lifeguard stand that would be**  
7 **closest to the -- what do you call it, the bird**  
8 **sanctuary?**

9 **A. Yes.**

10 **Q. Would be how far from the bird sanctuary?**

11 **A. Right on the bird sanctuary line.**

12 **Q. Okay. Now, while we're talking about this**  
13 **bird sanctuary, in the past summers I've been there,**  
14 **and I see where they put up the fence all around that**  
15 **area, and the bird in question, is it the plover?**

16 **A. Piping plover.**

17 **Q. Piping plover. Okay. How was that bird**  
18 **sanctuary created?**

19 **A. Well, I mean, I don't know much about it.**  
20 **It's -- I believe it's a -- on the verge of**  
21 **extinction, and --**

22 **Q. Okay.**

23 **A. -- so, it's protected by the state. And --**

24 **Q. Was it the wildlife department?**

25 **A. I think so.**

WORD FOR WORD REPORTING, LLC

1 **Q. Okay.**

2 **A. Yeah. And they did a very good job of**  
3 **sometimes there would be a guy there, in the peak**  
4 **season, you know, we tried to keep people out of**  
5 **there, it wasn't our job, but we would try to, if we**  
6 **saw someone go in there, we would get them out. But**  
7 **sometimes they would have someone in that area, you**  
8 **know, keeping people out.**

9 **Q. Okay.**

10 **A. Yeah.**

11 **Q. And who put up the fence that I saw there --**

12 **A. The state.**

13 **Q. -- when we were there?**

14 **A. Wildlife.**

15 **Q. Okay. And how long ago did the state start**  
16 **putting up a fence to protect the birds?**

17 **A. My -- it's -- I'd say --**

18 **Q. You can estimate.**

19 **A. Yeah. I'd say 2003 or '4.**

20 **Q. Okay. And every summer, they come and they**  
21 **put up the fence?**

22 **A. Um-hum. And it was a certain -- it only**  
23 **lasted a certain amount of time. So, towards the end**  
24 **of the season, the fence would come down.**

25 **Q. Are the birds still there, or they go away?**

WORD FOR WORD REPORTING, LLC

1 **A. No, it's a -- it was a mate -- you know, a**  
2 **mating type of --**

3 **Q. Area.**

4 **A. -- area, yeah. And then it only lasted, you**  
5 **know, I couldn't tell you -- I know by the end of**  
6 **August, the fences were down, and we didn't have to**  
7 **worry about people walking back there.**

8 **Q. Okay. Now, Mr. DiJoseph and I and a couple**  
9 **other investigators, and for the past summers, after**  
10 **the drowning, we would go to the beach, and we**  
11 **observed employees of the North Wildwood Public Works**  
12 **Department cleaning the beach. Okay?**

13 **And near -- in the Moore's Beach area,**  
14 **we saw an employee of the Public Works Department,**  
15 **because he had something on that said public works,**  
16 **picking up trash. Given your experience on the beach**  
17 **patrol, what work would the Public Works Department**  
18 **do cleaning the beaches north of the inlet zone?**

19 **A. I would -- they would clean them. Yeah.**

20 **Q. Yeah. I -- as I said, I was raised in**  
21 **Margate, and they used to have a large tractor, and**  
22 **it had this device in the back that would collect**  
23 **shells.**

24 **A. A rake.**

25 **Q. A rake?**

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1 **A. Yeah, the beach rake, yeah.**  
 2 **Q.** Yeah, and --  
 3 **A. That, I don't think they raked it. I don't**  
 4 **believe they raked it.**  
 5 **Q.** Okay.  
 6 **A. But I mean, you know, you being down there,**  
 7 **this section of the beach is --**  
 8 **Q.** Moore's.  
 9 **A. Moore's is -- is crowded. So, if they didn't**  
 10 **clean up down there, you know, the -- the trash and**  
 11 **whatnot, you know, would be --**  
 12 **Q.** Okay. I see.  
 13 **A. Out of control.**  
 14 **Q.** Now, we also interviewed ice cream vendors.  
 15 **A. Um-hum.**  
 16 **Q.** And -- and we -- we were talking to one  
 17 gentleman that was -- had taken his cart almost --  
 18 well, I would say what you call The Point. Isn't  
 19 that where we met him; at The Point, we were talking  
 20 to him.  
 21 Now, would the beach patrol have the  
 22 responsibility of determining if a vendor of ice  
 23 cream and popsicles had a mercantile license? Who  
 24 would do that?  
 25 **A. Police department.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Police department. All right. And speaking  
 2 of the police department -- well, no, let's go back a  
 3 little bit.  
 4 According to these records, which we'll  
 5 get into in a moment, it appears to us that there  
 6 were occasions where lifeguards, and not just saying  
 7 you necessarily just yet.  
 8 **A. Um-hum.**  
 9 **Q.** Where lifeguards that were posted in the  
 10 inlet zone had to effectuate rescues up north, the  
 11 Moore's Beach, and at The Point area. Is that  
 12 correct?  
 13 **A. Yes, sir.**  
 14 **Q.** All right. And how would you, if you were  
 15 posted in the inlet zone, know that somebody was in  
 16 trouble at the beaches, which is Moore's Beach, The  
 17 Point area? How would you know that?  
 18 **A. Well, I actually was, you know, a lot of guys**  
 19 **made jokes, because I would always listen to scan.**  
 20 **But because of the section of the beach I was in**  
 21 **charge of, I would have my radio on scan all the**  
 22 **time, so I'm listening directly to dispatch.**  
 23 **Q.** Okay.  
 24 **A. So, if a 911 call comes in, I'm, you know,**  
 25 **instead of a 911 call coming in, going through our**

WORD FOR WORD REPORTING, LLC

1 **beach tent, filtering down to me, I'm -- I'm reacting**  
 2 **right away.**  
 3 **Q.** All right. Would you take the Jet Ski down  
 4 there?  
 5 **A. A lot depended on the call. If it was,**  
 6 **there's somebody on a raft, you know, if there's -- a**  
 7 **lot depended on the 911 call, itself. Always, we'd**  
 8 **go with the -- I would go in the Jeep first, because**  
 9 **you're going to get your quickest response time with**  
 10 **the Jeep in the truck. And you'll get an eyes on the**  
 11 **situation.**  
 12 **A lot of times, you know, the group I**  
 13 **work -- the guys I worked with were all really good,**  
 14 **and we all knew what we were dealing with. So, if I**  
 15 **started down -- if they saw the truck going towards**  
 16 **The Point, or at Moore's Beach, you know, not in its**  
 17 **normal 10 mile an hour pace, they would start to**  
 18 **gravitate towards the Jet Ski to get that piece of**  
 19 **equipment in motion.**  
 20 **So, you know, a 911 call comes in,**  
 21 **there's a situation in the Moore's inlet, The Point,**  
 22 **and it doesn't just affect here, we would go to the**  
 23 **island. I can't --**  
 24 **Q.** Champagne Island?  
 25 **A. Champagne Island.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Yeah.  
 2 **A. Yeah. Any kind of water emergency, you know,**  
 3 **we're going to respond to.**  
 4 **Q.** Now, what we've learned from doing research  
 5 is, it seems like every summer, you're affected or  
 6 infested with super stars that want to try to go from  
 7 Moore's Beach over to Champagne Island and back. Is  
 8 that correct?  
 9 **A. Well, this actually isn't Champagne Island.**  
 10 **Q.** Oh, okay.  
 11 **A. That's just a sand bar that appears at low**  
 12 **tide. Champagne Island is more over here. Off the**  
 13 **-- off the map.**  
 14 **Q.** Okay. So, it would be above Exhibit 55?  
 15 **A. Yes.**  
 16 **Q.** Okay. I see.  
 17 **A. And, yeah, it's -- you know, visually, it**  
 18 **looks like a 75 to a hundred meter swim. But --**  
 19 **Q.** What is it?  
 20 **A. Probably 75 to a hundred meters. But it**  
 21 **looks like it's a -- you know, something you can get**  
 22 **to.**  
 23 **Q.** I would agree.  
 24 **A. But --**  
 25 **Q.** Because, you know --

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1 **A. Right.**  
 2 **Q.** That's what I would have thought it was.  
 3 **A. Yeah. But at high tide, you can't see this.**  
 4 **Q.** You can't see Champagne Island?  
 5 **A. No. You can't see this sand bar right there.**  
 6 **Q.** Oh.  
 7 **A. So, that's only visible at mid to low tide.**  
 8 **Q.** Okay. If you had to give me an estimate of  
 9 the number of times when you were assigned to the  
 10 inlet zone before July 27, 2012 that you had to  
 11 assist in rescues of people who were trying to swim  
 12 from Moore's Beach to Champagne Island, or back, give  
 13 me your best estimate. How many times a summer?  
 14 **A. Twice a week.**  
 15 **Q.** Okay. And I have a buddy that was raised  
 16 down here in Cape May County. And he told -- he's a  
 17 tremendous swimmer, but he was explaining to me how  
 18 difficult that swim is, because of the currents.  
 19 Correct?  
 20 **A. Yeah. It's treacherous.**  
 21 **Q.** Okay. Now, in what situations, again going  
 22 back to your experience as a lifeguard, would members  
 23 of the North Wildwood Fire Department have to assist  
 24 you in effectuating rescues from Moore's Beach to the  
 25 beginning of the inlet zone?

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1 **A. Assist us, or show up?**  
 2 **Q.** Or show up.  
 3 **A. Well, never during a -- our working hours.**  
 4 **We've never had the fire department show up during --**  
 5 **Q.** Okay.  
 6 **A. -- guarded hours of operation.**  
 7 **Q.** Got it. Go ahead.  
 8 **A. And then whenever there was an after water --**  
 9 **an after hours call that came through 911, because**  
 10 **the fire -- I work with the fire department, also.**  
 11 **They're listening to the dispatch, also. So, they're**  
 12 **-- they're responding, more than likely, whenever it**  
 13 **comes through dispatch.**  
 14 **Q.** What was your position on the fire  
 15 department?  
 16 **A. Part-time. And a volunteer.**  
 17 **Q.** Okay. Got you. All right.  
 18 On what -- in what type of situation  
 19 would you have to request the assistance of North  
 20 Wildwood police officers relative to any issues that  
 21 were happening from Moore's Beach to the beginning of  
 the inlet zone?  
 22 **A. Only when we were dealing with intoxicated**  
 23 **people on -- on the beach. Never called the police**  
 24 **department for a water issue.**

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1 **Q.** Okay.  
 2 **A. Not -- you know, it just --**  
 3 **Q.** All right. In your experience as a lifeguard  
 4 with the North Wildwood Beach Patrol, was there ever  
 5 a discussion about closing the beaches? But before  
 6 you answer that, because I want you to walk out of  
 7 here saying that I was fair to you.  
 8 **A. Um-hum.**  
 9 **Q.** I want you to read what's been marked for  
 10 identification as Exhibit 31, where you were -- an  
 11 investigator, by the way, named Mrs. Simpson had a  
 12 conversation with you. And to be candid with you,  
 13 you weren't aware of the fact that she was wired.  
 14 And I've highlighted in yellow certain questions.  
 15 And I'm just going to focus in on, as you're reading  
 16 this, it's about three or four pages, I've given  
 17 copies to all counsel, I'm just going to ask you  
 18 questions about the bars and the condominium owners,  
 19 and then we'll get into these reports, and then we  
 20 should be finished.  
 21 **A. I'm just reading the yellow highlight.**  
 22 **Right?**  
 23 **Q.** Yeah, yeah. I just want you to do that,  
 24 because I'm going to ask you questions about pressure  
 25 from bar owners, and pressure from the owners of the

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1 condominiums.  
 2 Okay. That's it?  
 3 **A. Yeah.**  
 4 **Q.** All right. The bars, Flip Flopz -- you can  
 5 leave it right there, yeah.  
 6 The bars, Flip Flopz, what's the one  
 7 across the street from Flip Flopz?  
 8 **A. Westy's.**  
 9 **Q.** Yeah, Westy's. We've been to both of them  
 10 during the investigation of this case.  
 11 What was the pressure that whomever  
 12 that was associated with the bars was putting on to  
 13 keep Moore's Beach open, as opposed to closing it?  
 14 **MR. ROZELL:** Object to the form. You  
 15 can answer.  
 16 **A. Well, to be honest with you, I -- I don't**  
 17 **know any pressure. When I was in that conversation,**  
 18 **I was really just talking about my own personal**  
 19 **opinion. And what I did a lot with -- and, you know,**  
 20 **I still to that day feel the same way, it has nothing**  
 21 **to do with how the city or the bartenders -- the bar**  
 22 **owners, but it's just my personal opinion would be**  
 23 **that if you were to -- if you were to shut that**  
 24 **section of the beach down, which is really the -- the**  
 25 **only way you're going to prevent another drowning,**

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1 and everything I say in there, you know, I'll stand  
 2 by. I would have told Mrs. Simpson --  
 3 Q. Right.  
 4 A. -- the same thing if she told me she was with  
 you guys.  
 6 Q. Right.  
 7 A. So, it's not a matter of any of the bar  
 8 owners, or anyone. It's just my personal opinion  
 9 that if you were to shut down this section of the  
 10 beach --  
 11 Q. Right.  
 12 A. -- which, and you said you were there in the  
 13 -- you know, the peak of the summer, I don't think  
 14 the bar owners that are right over the bulkhead would  
 15 be too happy. And I know for a fact that the -- the  
 16 local people, who go to that beach, just to get away  
 17 from the lifeguards, you -- you know, you wouldn't  
 18 have a happy bunch of people.  
 19 Q. Right. Well, the locals, like, let's be  
 20 candid.  
 21 A. Um-hum.  
 22 Q. And I think everybody here has done it one  
 23 time in their life. They like taking down some  
 24 alcoholic beverages, and to sit there, and relax.  
 25 And because it's not a protected beach, they can do  
 WORD FOR WORD REPORTING, LLC

1 it.  
 2 A. And not be told what to do by jerk off  
 3 lifeguards.  
 4 Q. I get it. And also, too, I understand they  
 5 can take dogs there, too. Right?  
 6 A. Well, no.  
 7 Q. No?  
 8 A. Legally, you couldn't take dogs there. But  
 9 it was unguarded, unprotected, you know, it wasn't --  
 10 there was no -- there was no one there to tell you  
 11 not to take dogs there.  
 12 Q. Okay.  
 13 A. So, I would hear a lot of times dispatch send  
 14 down some Class II officers to -- because locals  
 15 might call and say there's a dog on the beach. But,  
 16 you know, for the most part, it's an area where  
 17 people would take their dogs and not be hassled as  
 18 much.  
 19 Q. Okay. I got it.  
 20 Now, let me ask you this: You told  
 21 Mrs. Simpson on the bottom of page 3, "You know,  
 there's been seven drownings in nine years."  
 23 A. Um-hum.  
 24 Q. When you say drownings, are they fatalities?  
 25 A. Well, to be honest with you, there were four  
 WORD FOR WORD REPORTING, LLC

1 in nine years. What I would do is, I would sit here  
 2 in my truck, and I would see people down there.  
 3 Q. At The Point, you mean?  
 4 A. At The Point.  
 5 Q. Yeah.  
 6 A. And what I would do is, I would go down  
 7 there, and try to express to the people, you know,  
 8 how dangerous it is down there. So, when I said  
 9 that, it was just trying to get people -- because I  
 10 could go down there, tell them what's going on, and  
 11 on my way back, look in the rearview mirror, and  
 12 they're going right back in the same spot.  
 13 So, I was trying to -- to convey to her  
 14 that it's not a place to be swimming.  
 15 Q. You know, I think it was last summer, we came  
 16 down here early in the morning, and we had a drone.  
 17 And in the area -- you see that X on Exhibit 48  
 18 there?  
 19 A. Yes.  
 20 Q. Okay. That is where Chief Cavalier said  
 21 that, based upon his investigation, which he headed,  
 22 is where the incident with Brad Smith took place.  
 23 Would you concur with that?  
 24 A. Between -- between here and there.  
 25 Q. Okay. Let's do this.  
 WORD FOR WORD REPORTING, LLC

1 MR. DiJOSEPH: That's a prior exhibit.  
 2 MR. D'AMATO: Yeah, I know. Okay.  
 3 Hold on.  
 4 Q. Why don't you do this. This is a clear copy.  
 5 On Exhibit 56, why don't you bracket where the Brad  
 6 Smith incident took place.  
 7 A. You can see right here that it gets shallow  
 8 right there. So, starting right here --  
 9 Q. Make a nice long line, so we can see it later  
 10 on.  
 11 A. Um-hum.  
 12 Q. Right.  
 13 A. Starting right there, to right here.  
 14 Q. Okay. And just put your initials, your two  
 15 initials -- oh, no, in the -- in the -- on the sand,  
 16 so we know we can see it better.  
 17 A. Um-hum.  
 18 Q. And that area is about how long, estimated?  
 19 A. Twenty yards.  
 20 Q. Okay. Now -- all right. You told me earlier  
 21 that you never heard about the whirlpool or vortex,  
 22 but --  
 23 A. Not -- not in this area.  
 24 Q. Okay.  
 25 A. I have seen it happen at the rock pile back  
 WORD FOR WORD REPORTING, LLC

1 **here.**

2 **Q.** Okay. Now, you better put a -- a green X  
3 where you're saying rock pile.

4 **A. For the whirlpool. Right?**

5 **Q.** The whirlpool, yeah.

6 **A. Yeah. That's going to be right -- there's a  
7 hole right here.**

8 **Q.** Okay. For the record, he put a dot that --  
9 he put an X over it. Okay.

10 And when does that whirlpool occur?

11 **A. The change of tides. Yep.**

12 **Q.** Okay. Now, let me finish with what the chief  
13 said, and everybody here in this room was there,  
14 including the stenographer. He said that when the  
15 whirlpool is going like this, he estimated that it's  
16 about 25 yards long. And that what it does is it  
17 eats up a part of the beach. So that he theorized  
18 that when Scott Sunderland and Brad Smith are walking  
19 with their children, that they just walk -- they were  
20 walking literally in ankle deep water, and they just  
21 fell into this 10-foot hole, which had been cut out  
22 because of the whirlpool.

23 Now, did you ever hear what I just said  
24 before my saying it?

25 MR. HUNKINS: Object to the form.  
WORD FOR WORD REPORTING, LLC

1 MR. D'AMATO: Okay. That's okay.

2 MR. HUNKINS: I mean, at least, part  
3 it's mischaracterized.

4 MR. ROZELL: I'll join.

5 MR. D'AMATO: Okay.

6 MR. ROZELL: You can answer.

7 **A. I don't know what he's talking about, to be  
8 honest with you.**

9 **Q.** Okay.

10 **A. I don't know. A whirl -- I've never seen a  
11 whirlpool, or -- yeah, none of that makes sense to  
12 me.**

13 **Q.** Okay. All right. Now, let me hand to you  
14 Exhibit 32. I want to take these all back.

15 We're not going to go through all of  
16 them.

17 **A. Um-hum.**

18 **Q.** Did I give you all copies? Here.

19 MR. ROZELL: Thanks.

20 **Q.** That's your copy. That's your -- we all have  
21 copies, yeah.

Okay. All right. Now, in looking at  
23 Exhibit 32, you see at the bottom there?

24 **A. Yes.**

25 **Q.** Is this your handwriting?

WORD FOR WORD REPORTING, LLC

1 **A. No.**

2 **Q.** That's Mr. Taylor. Correct?

3 **A. Yes, sir. Um-hum.**

4 **Q.** Now, I have highlighted in yellow what I'd  
5 like you to look at. It says, "Rescued two boogie  
6 boarding adults from the inlet with guard" is that  
7 Lydon?

8 **A. Yes, sir.**

9 **Q.** All right. Now, I -- listen, if you say you  
10 don't remember, I can appreciate it.

11 **A. Um-hum.**

12 **Q.** Do you remember this incident?

13 **A. No.**

14 **Q.** Okay. All right.

Now, go to the next exhibit, 33.

15 **A. Um-hum.**

16 **Q.** Is that your handwriting?

17 **A. No, sir.**

18 **Q.** All right. That's Lieutenant Taylor again?

19 **A. No. That's Bill Whitey.**

20 **Q.** Is he still a member of the beach patrol?

21 **A. No.**

22 **Q.** Is he retired?

23 **A. No. He's in Wildwood.**

24 **Q.** Okay. He works for the beach patrol there?  
WORD FOR WORD REPORTING, LLC

1 **A. Yes, sir.**

2 **Q.** All right. Do you remember this incident,  
3 "One inlet rescue, kayak in distress"?

4 **A. No. I'm not on that day. Up top, it has the  
5 -- the Taylor and --**

6 **Q.** Yeah. You wouldn't be it?

7 **A. That would be probably my day off.**

8 **Q.** Okay. Go to 34.

9 **A. Yes.**

10 **Q.** That's your handwriting?

11 **A. Yes, sir.**

12 **Q.** All right. And we've highlighted it, it  
13 says, "Kite surfer stuck in channel for 15 minutes,  
14 para sailboat picked him up and dropped him off at  
15 Tenth Street."

Do you remember this?

16 **A. No, I don't.**

17 **Q.** All right. Can you tell, in looking at this  
18 form, where in the inlet this took place?

19 **A. I could guess.**

20 **Q.** Give me your best estimate.

21 **A. I mean -- yeah. I would say, more than  
22 likely, in this area here.**

23 **Q.** Okay. Let's get the green marker, and make a  
24 big circle at -- on Exhibit 56.

WORD FOR WORD REPORTING, LLC



1 **A. (Witness complies.)**  
 2 **Q.** And --  
 3 **A. Initial it?**  
 4 **Q.** Yes, please.  
 Is that because of past experience with  
 6 other kite surfers?  
 7 **A. I would -- I don't remember exactly, but I**  
 8 **would -- I would say, more than likely, it was due to**  
 9 **the kite surfer's experience.**  
 10 **Q.** And what do you mean by that?  
 11 **A. He wasn't very good.**  
 12 **Q.** Ah. So, he wound up in a place that he  
 13 probably never intended?  
 14 **A. Right.**  
 15 **Q.** I see what you mean. Okay.  
 16 Now, go to Exhibit 35.  
 17 **A. Okay.**  
 18 **Q.** And we see your name at the top.  
 19 **A. Yes.**  
 20 **Q.** And it says 3:55 p.m.  
 21 **A. Um-hum.**  
 22 **Q.** "Guard Lydon saw a group at The Point that  
 23 was about 200 yards out. They drifted down from  
 24 Moore's and two of the victims were shaken up."  
 25 Now, here's what I want to ask you:  
 WORD FOR WORD REPORTING, LLC

1 **A. Um-hum.**  
 2 **Q.** Here we have people that were at Moore's  
 3 Beach, and they apparently go out into the water, and  
 4 they drifted down from Moore's Beach.  
 5 **A. Yes, sir.**  
 6 **Q.** Okay? Was this a common phenomenon where  
 7 people would enter the water at Moore's Beach, and  
 8 then, because of the currents, would be drifting down  
 9 toward the inlet zone?  
 10 **A. Yes. Yes. You know, once again, it depends**  
 11 **on the tide. If the tide's dropping, they're going**  
 12 **to go in here and drift -- and drift this way. If**  
 13 **the tide's coming in, it works just the opposite.**  
 14 **The water's coming this way, and they'll -- you know,**  
 15 **there's -- it's unguarded down here at Moore's Beach.**  
 16 **So, they go out, and they get in that current, and**  
 17 **we've rescued people this way.**  
 18 **Q.** Above Moore's Beach, north of Moore's Beach?  
 19 **A. Yes, sir.**  
 20 **Q.** Okay. Now, if you go to Exhibit 36, the next  
 21 one, here's another reference to people drifting down  
 from Moore's Beach.  
 22 **A. Yes, sir.**  
 23 **Q.** So, in a given month, how many times would  
 24 you see people that were at Moore's Beach, then --  
 25 WORD FOR WORD REPORTING, LLC

1 and they just can't get back to the beach, and  
 2 they're coming down toward the inlet zone?  
 3 **A. Well, that's a difficult question to ask,**  
 4 **because the ocean could be like a lake for three**  
 5 **weeks at a time. And you have nothing. And then you**  
 6 **could have the ocean, you know, get angry, and we**  
 7 **could be in there twice a day for five days at a**  
 8 **time.**  
 9 **Q.** Got it.  
 10 **A. So, a lot of that depends on the conditions**  
 11 **of the ocean.**  
 12 **Q.** All right. The next one, Exhibit 37, has  
 13 your name, August 25, 2010. This is where the  
 14 fisherman fell off the sea wall.  
 15 **A. Okay.**  
 16 **Q.** Do you remember this one?  
 17 **A. I do remember that, yes, sir.**  
 18 **Q.** Okay. It says here, "Major rescue off  
 19 Moore's Beach."  
 20 You've been very candid and truthful  
 21 today, and I respect that. And I'm almost finished.  
 22 I just want to ask you a question. I've been through  
 23 all of these reports, okay, yours and others. With  
 24 all the rescues that are documented, I keep asking  
 25 myself, why wasn't there a lifeguard stand with  
 WORD FOR WORD REPORTING, LLC

1 lifeguards close to Moore's Beach, as opposed to  
 2 being at, what, First and Surf?  
 3 **A. First and Surf, yeah.**  
 4 **Well, the answer I would give to that**  
 5 **is, when you put a lifeguard stand on the beach,**  
 6 **you're telling the public that's a safe place to**  
 7 **swim. And that area of the beach is anything but**  
 8 **safe. Forget about the currents. It's a boating**  
 9 **channel. I explained to my -- Will the other day, we**  
 10 **joked about, we thought we were going to see Rodney**  
 11 **Dangerfield come in on Caddyshack with the horn**  
 12 **going, Jet Skis, you know, kite surfers, speed boats.**  
 13 **You name it. I mean, you've been down there.**  
 14 **Q.** Yeah.  
 15 **A. On a -- on July 4th, it's -- we would drive**  
 16 **down there, and we'd be, like, let's get out of here.**  
 17 **It's -- as a lifeguard, it was -- we didn't want to**  
 18 **be anywhere near it.**  
 19 **Q.** I don't know if you know this, but no one's  
 20 going to disagree here with what I say, when Brad and  
 21 his wife and the Sunderlands came to the beach, they  
 22 were at the first -- the protected beach.  
 23 **A. Yes, sir.**  
 24 **Q.** They decided to take a walk down to Moore's  
 25 Beach, and on their way back, this horrible,  
 WORD FOR WORD REPORTING, LLC

1 catastrophic thing happens.

2 Now, I -- I asked the chief, is walking  
3 in ankle deep water, or water up to your mid calf, is  
4 that a violation of any ordinance in those  
5 unprotected beaches, and he said no. Would you agree  
6 with him?

7 **A. Yeah.**

8 **Q.** Okay.

9 **A. Yeah.**

10 **Q.** Well, what warnings are there to people like  
11 Brad Smith, who's walking with his daughter down the  
12 beach, to say that there could come a time where  
13 you're going to walk into 10 foot deep water when  
14 you're only walking in ankle deep to mid calf water?

15 There's no warning?

16 **A. No. The signs we put up, dangerous currents.**

17 **But --**

18 **Q.** But you wouldn't see them if you're walking  
19 from a protected beach to where this event took  
20 place?

21 **A. No. Nope.**

22 **Q.** All right. Here's another thing I asked  
23 myself. And it's easy for me to ask questions, and  
24 it's tough for people to provide answers. I realize  
25 that.

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1 What do you think, given all your  
2 experience on the beach patrol, and especially with  
3 this area that we've been talking about, how do we  
4 prevent another Brad Smith from drowning?

5 MR. HUNKINS: Object to the form.

6 MR. ROZELL: Join in the objection.

7 **Q.** Go ahead. You can go ahead.

8 **A. Yeah. You know, being a lieutenant down  
9 there for so long, and being on a lot of these  
10 drownings, you know, I asked myself the same thing.  
11 And I think the only way to prevent it is to shut the  
12 beach down completely. I mean, fences, you know,  
13 guard dogs, 24/7. Not even -- not even walking down  
14 there. Because there's -- you know --**

15 **Q.** In a perfect world, if -- if you were king,  
16 where would you shut the beach off; from what point  
17 to what point?

18 **A. Well, I mean, you know, we can control this  
19 area. Is it all right with the green?**

20 **Q.** Yeah, that's all right. You just put a green  
21 line above the inlet zone. Correct?

**A. Yeah, yeah.**

23 **Q.** On Exhibit 56. Right?

24 **A. Yeah.**

25 **Q.** Okay.

WORD FOR WORD REPORTING, LLC

1 **A. And that way. You want me to go all the way  
2 around?**

3 **Q.** Yeah, do it.

4 You know what, I'll tell you what you  
5 better do. Let's do this, because you had that  
6 marking there.

7 **A. Yeah.**

8 **Q.** What you're saying is you'd have to close the  
9 beach from Moore's Beach to the inlet zone, where it  
10 starts?

11 **A. Yes.**

12 **Q.** Okay.

13 **A. And no one step a foot on -- onto the sand.**

14 **Q.** All right. I have to tell you, I started to  
15 tell you about the drone. I'm trying to get you out  
16 of here, because I told my legal assistant to tell  
17 the lawyers that I would get you out of here by four.

18 **A. I'm in no hurry.**

19 **Q.** Oh, okay. We were down here with a drone,  
20 and we were at water's edge, and they all have these  
21 photographs. And you see the drone, and if we had  
22 walked out five, six, seven feet, we would have gone  
23 right into very deep water. Okay?

24 **A. Um-hum.**

25 **Q.** You've seen that, yourself, in this area that

WORD FOR WORD REPORTING, LLC

1 we're talking about here. Correct?

2 MR. HUNKINS: Object to the form.

3 **Q.** Have you, personally, seen what I'm talking  
4 about?

5 **A. Yes, sir.**

6 **Q.** The -- from the end of the inlet zone all the  
7 way up to Moore's Beach, what are the variations in  
8 the depth once you go off land and you're, you know,  
9 you're in the water?

10 **A. Of course, it's going to depend on the tide.  
11 Because you got, you know, a low tide, opposed to  
12 high tide, sometimes can be 40 feet difference. So  
13 that --**

14 **Q.** Okay.

15 **A. -- that has a big -- that plays a big factor  
16 in it. I can tell you out front here.**

17 **Q.** Okay. Here -- you're --

18 **A. Inlet beach.**

19 **Q.** Right.

20 **A. Down to The Point.**

21 **Q.** Right.

22 **A. It's gradual. You know, you walk 10 feet,  
23 you're in knee deep water, you walk 10 more feet,  
24 you're in thigh deep water, and then, you know --  
25 similar --**

WORD FOR WORD REPORTING, LLC

1 Q. How -- go ahead.

2 A. **Similarly, down here at Moore's Beach, it's**

3 **gradual. Until you get to the -- until you get to**

4 **the channel. And then it's a boating channel. It's**

5 **-- it drops off.**

6 Q. I see. Okay.

7 MR. D'AMATO: I am -- I'm finished.

8 But let me just talk to Mr. DiJoseph.

9 Do you have any questions?

10 MR. HUNKINS: No questions.

11 MR. D'AMATO: Okay. Just two seconds.

12 VIDEOGRAPHER: Going off the record,

13 the time is 3:50.

14 (Discussion off the record.)

15 VIDEOGRAPHER: We're back on the

16 record, 3:51.

17 BY MR. D'AMATO:

18 Q. Two questions.

19 The Jeep that you were referring to,

20 where was that kept on the beach?

21 A. **How do you want me to mark -- you want me to**

22 **mark it, or --**

23 Q. Well, okay. Was it in the inlet zone?

24 A. **Yes, sir.**

25 Q. Okay. And, typically, was it at First and

WORD FOR WORD REPORTING, LLC

1 Surf?

2 A. **No. We would bring it down, we'd bring the**

3 **Jet Ski on the trailer, we'd set the -- there would**

4 **be a stand that we would call Second and Ocean.**

5 Q. Right.

6 A. **And we'd have Second and JFK. They were the**

7 **-- the handles on the radio. And we would keep a**

8 **ramp at Second and Ocean with the Jet Ski in the**

9 **ramp, you know, cones, and the truck and the Jet Ski**

10 **would be at Second and Ocean. So, it would be --**

11 Q. Okay.

12 A. **In orange, it would be right there.**

13 Q. Okay. Why don't you finish it off, and so,

14 we'll call it a rectangle.

15 A. **(Witness complies.)**

16 Q. There you go. The lieutenant put a rectangle

17 there to represent the location of the Jeep. Right?

18 A. **Yes, sir.**

19 Q. Okay. Now, here's the final thing: I think

20 you've answered this, but you were telling me, if you

21 would ride down on the Jeep to The Point area, and

22 tell people how dangerous it was, as you're driving

23 back, you could see in the rearview mirror that they

24 totally disregarded what you're saying, and they went

25 back into the water. What would you tell them when

WORD FOR WORD REPORTING, LLC

1 you went down there, when they're at The Point, as to

2 why they shouldn't be swimming there?

3 A. **We would tell them that they're in**

4 **unprotected part of the beach, unguarded part, and**

5 **that it's not a safe place to swim.**

6 Q. Okay. If somebody was walking at water's

7 edge, would you tell them not to walk there?

8 A. **I couldn't. We just didn't have the --**

9 **because it was -- it's a pretty -- you know being**

10 **down there yourself, it's a pretty popular area to**

11 **walk. A lot of people -- a lot of people that are at**

12 **Moore's Beach will walk this way to get a hot dog, a**

13 **lot of people that are at the inlet beach will walk**

14 **that way to see the boats and Jet Skis, and -- so, it**

15 **-- you know, it just wasn't -- it wasn't --**

16 Q. Yeah. The chief touched on that. Not enough

17 manpower, or woman power.

18 A. **Right.**

19 Q. To be politically correct.

20 The -- when people would walk from

21 Moore's Beach south, where would they go to get a hot

22 dog?

23 A. **There was a stand -- there's a stand at First**

24 **and Surf, and also one at Second and JFK.**

25 Q. Okay. In a perfect world, if North Wildwood

WORD FOR WORD REPORTING, LLC

1 had an unlimited budget, would you, if you were the

2 chief, have lifeguards walking on foot between

3 Moore's Beach and the beginning of the inlet zone to

4 warn people about that even walking in ankle deep

5 water could be dangerous?

6 A. **Not lifeguards. Police.**

7 Q. Who would you --

8 A. **If you would -- you would have to have police**

9 **department. Because you'd have too much of a**

10 **confrontation with -- with the beach patrol.**

11 Q. What do they call them, the Class II

12 officers?

13 A. **Um-hum.**

14 Q. Something like that?

15 A. **Yeah. I mean, you'd have to really, it would**

16 **be like a military state. You'd have to -- you would**

17 **get such a -- have such a problem with locals.**

18 **That's their beach. They -- you know, they think,**

19 **you know.**

20 Q. Um-hum. You know, I'm going to leave this up

21 to you if you want to answer it or not.

22 Mrs. Smith, her sole motive by this

23 litigation is never to let this happen to another

24 family, to lose, you know, a husband, two young --

25 you know, a father to, you know -- to two young kids.

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1 You don't have to answer if you don't want to.

2 **A. Um-hum.**

3 **Q.** And nobody's blaming you, please, think --  
4 about this whole thing.

**A. Oh, I know.**

6 **Q.** What would you say to her about the future  
7 for -- to prevent this from happening again?

8 MR. HUNKINS: Objection.

9 MR. ROZELL: Same objection. Join in  
10 the objection.

11 **A. Yeah. You know, it definitely wasn't an easy**  
12 **thing for me. I would tell her I don't know what the**  
13 **answer is. And I sat -- I sit on the beach eight**  
14 **hours a day, six days a week. And knowing how**  
15 **dangerous it is down there, trying to do my best.**  
16 **And, you know, I know, our response team couldn't**  
17 **have done a better job. There was a Jet Ski on**  
18 **scene.**

19 **Q.** Yeah.

20 **A. That was right there.**

21 **Q.** Right, yeah, we know.

22 **A. I don't know if Mr. Smith panicked. I don't**  
23 **know if he had a heart attack. I know if he went on**  
24 **his back and just treaded water, we would have been**  
25 **-- we wouldn't have had any problems. It breaks my**

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1 **heart, what happened. But I thought about it, and**  
2 **thought about it, and I don't know what -- I don't**  
3 **know what --**

4 **Q.** Yeah.

5 **A. What it is is, you put big fences, electrical**  
6 **fences with guard dogs, and police, and you don't let**  
7 **people in there. That's -- that's what it comes down**  
8 **to.**

9 **Q.** Right. I respect you for answering that  
10 question. And I'll tell you, she'll appreciate it.

11 **A. Yeah. Well, like I said, I -- it breaks me**  
12 **up thinking about it.**

13 **Q.** Yeah.

14 **A. I was -- I'm usually in the water on all the**  
15 **rescues. This particular rescue, I was on the beach.**  
16 **And I had to see the son come up and ask the friend**  
17 **what's happening, and he said, they're looking for**  
18 **your dad. And at that point, I had the Jet Ski in**  
19 **the water, and two paddle boards, and I knew what**  
20 **happened. So, yeah, it's not -- not easy.**

21 MR. D'AMATO: All right. Thank you.  
We're finished.

22 MR. HUNKINS: Just a couple.

23 THE WITNESS: Yes.

24 EXAMINATION BY MR. HUNKINS:

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1 **Q.** Is North Wildwood a busy place in the summer?

2 **A. Yes, sir.**

3 **Q.** Are the beaches we're talking about, Moore's  
4 Beach and down to the protected beach, a very busy  
5 beach in the summer?

6 **A. Yes, sir.**

7 **Q.** Are there thousands of people on that beach  
8 during the course of the summer?

9 **A. Yes. More than --**

10 **Q.** Is it a common thing for people to walk up  
11 and down between Moore's Beach and the protected  
12 beach in ankle or knee deep water?

13 **A. Yes, sir.**

14 **Q.** Would you say, over the course of a summer,  
15 thousands of people do that?

16 **A. You know, yeah. I can't -- it's tough to get**  
17 **a number, I mean, but, it's -- all you'd have to be**  
18 **down there is on a busy July day, and you can -- it's**  
19 **a very common thing for people to do.**

20 MR. HUNKINS: Thank you. That's all I  
21 have.

22 VIDEOGRAPHER: This concludes the  
23 videotaped deposition. Off the record, 3:59.

24 (Deposition concludes at 3:59 p.m.)

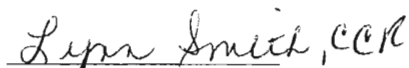
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C E R T I F I C A T E

1 I, LYNN SMITH, a Certified Court Reporter of the  
2 State of New Jersey, do hereby certify that prior to  
3 the commencement of the examination, DAVID LINDSAY  
4 was duly sworn by me to testify the truth, the whole  
5 truth and nothing but the truth.

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

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April 6, 2005



1 inch = 500 feet

Provided by the Cape May County Planning Department  
Aerial Provided by Pictometry



The Coastal Research Center  
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30 Wilson Avenue  
Port Republic NJ 08241  
www.stockton.edu/crc

THE RICHARD STOCKTON COLLEGE OF NEW JERSEY

Mr. Louis Belasco, Administrator  
City of North Wildwood  
901 Atlantic Avenue  
North Wildwood, NJ 08260

December 1, 2011

Dear Mr. Belasco,

The Coastal Research Center (CRC) has completed a composite review of the 2009 beach project using a sub-set of the 54 profile lines used for project construction. This set of 6 lines is done in one day and covers the major elements of the project. The two northern sites document changes in the erosional zone, the middle two show what has been deposited in the mid-section, and the southern two sides cross the eroding dune system that surrounds the ends of the four piers south of 21<sup>st</sup> Avenue.

The review period extends from June 17, 2011, the date of the prior survey, a post-Hurricane Irene survey completed September 22, 2011, and the most recent 6-site study completed October 26, 2011. This survey occurred just 3 days prior to the first northeast storm of the season (October 29, 2011, which is likely to be declared as a Federal Disaster for Cape May County, FEMA representative, personal communication).

**Hurricane Irene Impact on the Beach Nourishment Project:**

A complete 54-site survey was conducted following Hurricane Irene (August 28, 2011), that is represented in the September 22, 2011 data. That analysis was submitted to the City and FEMA under DR-NJ 4021 and represented a gross loss of **82,252 cubic yards of sand**. This loss was divided unequally between the dune system protecting the piers (**1,508 cubic yards**) and the northern segment between 2<sup>nd</sup> Avenue and 6<sup>th</sup> Avenue (**80,809 cubic yards**). These losses were communicated to the FEMA disaster team and are being incorporated into a claim for ultimate reimbursement.

The means to restore this loss is currently the focus of multiple agencies and the Borough of Wildwood Crest in cooperation with the City to move sand from Wildwood Crest's municipal beach where there is a chronic excess. The means would be large-capacity trucks driven on the beach between Wildwood Crest and the depositional zone between 2<sup>nd</sup> and 6<sup>th</sup> Avenues in North Wildwood. Some of the material would be dropped along the toe of the dunes protecting the four piers to be graded into a replacement structure for the coming season. At present the work is focused on the issues raised by permitting agencies (the NJ DEP and the Federal ACOE). Meetings between the two municipalities have resulted in general accord that this is a promising plan that should be pursued. Permission to transport the material through the City of Wildwood along its municipal beach is also in the works.

The chosen methodology solves both municipal problems simultaneously at a far cheaper price to North Wildwood than either pumping sand from the existing (and permitted) borrow zone using an ocean dredging



company or contracting with a mainland quarry to have suitable beach material trucked to North Wildwood and added to the eroded beach. The key element is approaching with a meeting scheduled for December 14, 2011 with all the affected agencies involved with permitting this activity.

Shoreline retreat is evident on the northern half of engineered beach as a band of darker red, representing a 2 – 4 ft loss in elevation over the past 6 months, extends from the northwest corner of the study area curving along the shoreline to the ocean facing beaches continuing through to the southern half of the study area. It appears some of the sand lost from the shoreline has been moved by longshore currents to the south. A very thin band of dark red is located in front of the piers representing the continuing erosion of the dune.

#### **Beach and Shoreline Changes from 6/2011 to Current 12/2011:**

Site 4+00; In the north section of the beach, Hurricane Irene took a toll on the Hereford Inlet shoreline as revealed by photography. The area around the 2<sup>nd</sup> Avenue jetty was impacted with sand deposited during the summer stripped away along with more of the dunes. Site 4+00, located 400 feet south of the 2<sup>nd</sup> Ave. jetty lost more dune and had the berm reduced to an intertidal beach all the way to the toe of the dune. In the month following the hurricane, sand was deposited offshore, but not back onto the beach. This is the middle of the zone selected for restoration by the project outlined above.

Site 20+00; This site represents the transition from erosion to deposition in the mid-section of the beach. Hurricane Irene moved sand onto the berm crest as it pushed the beachface landward. No dune damage occurred. The site lost just 3.27 yds<sup>3</sup>/ft. as the shoreline retreated 8 feet.

Site 40+00; Positioned 4,000 feet south of the 2<sup>nd</sup> Ave. jetty, this site gained sand on the beach and on the dry berm. The net change was a gain of 4.59 yds<sup>3</sup>/ft. to a depth of 3 feet of water, followed by a near-equal loss offshore as sand moved landward. The net change was just 0.22 yds<sup>3</sup>/ft. and a 10-foot shoreline advance. No dune damage occurred here.

Site 52+00; At this location, the beach width is declining as the dune shifts seaward to pass in front of the four piers located on the municipal beach. Sand was washed onto the dry beach by the hurricane, but little damage was done to the shoreline position. The net change was a gain in sand volume of 10.21 yds<sup>3</sup>/ft. and a 23-foot shoreline advance. This is the southern limit of sand accumulation.

Site 58+00; This site is positioned at the northern end of the seaward-most position of the dune system. Here the dune was further cut back by the Hurricane. In the months since, the beach has gained a small sand volume, but no significant recovery has occurred. Here is where the dune needs additional material for the coming winter storms. The entire site lost 1.38 yds<sup>3</sup>/ft. with a 28-foot shoreline advance produced post-hurricane. The loss was due to sand moving landward. The sand volume was plus 4.84 yds<sup>3</sup>/ft. up to a point 315 feet from the reference position behind the dunes.

Site 64+00; This is the southern-most cross section of the sub-set. The survey lines extend another 800 feet south, crossing into the City of Wildwood to cover the taper in the fill back to the original beach configuration. Here the dune is in pretty bad shape having lost over half its design volume in spite of modest additions of sand to the seaward dune toe over the summer. The net change was a loss of 3.08 yds<sup>3</sup>/ft. and a 18-foot shoreline advance. The post-hurricane deposition produced sand transport landward that probably was taken away on the 29<sup>th</sup> of October with the first northeaster of the season.



**Summary:**

The big losses were experienced at the northeast corner of the island at the 2<sup>nd</sup> and Kennedy Boulevard intersection at the oceanfront and inlet shoreline confluence. The mid-section gained several thousand cubic yards of sand and the south saw loss to the dune system, but without significant loss seaward of the eastern toe of the dune. The beach slope has remained constant and the position of the shoreline actually migrated seaward somewhat (15 to 25 feet). Separate surveys conducted on behalf of the Morey's Organization focused on two sets of piers, one in North Wildwood, and the second in Wildwood City. The Wildwood pier group saw a shoreline advance of up to 95 feet, while the northern pair of piers suffered dune loss, but no shoreline retreat.



Photo of the beach seaward of the dunes protecting the piers at site 52+00, Oct 26, 2011. The erosion has cut into the dunes, but the beach itself remains relatively wide. Unfortunately it is not very high to block wave attack on the dune toe even during spring tides. Some sand needs to be placed here either with the proposed project or using the General Permit.

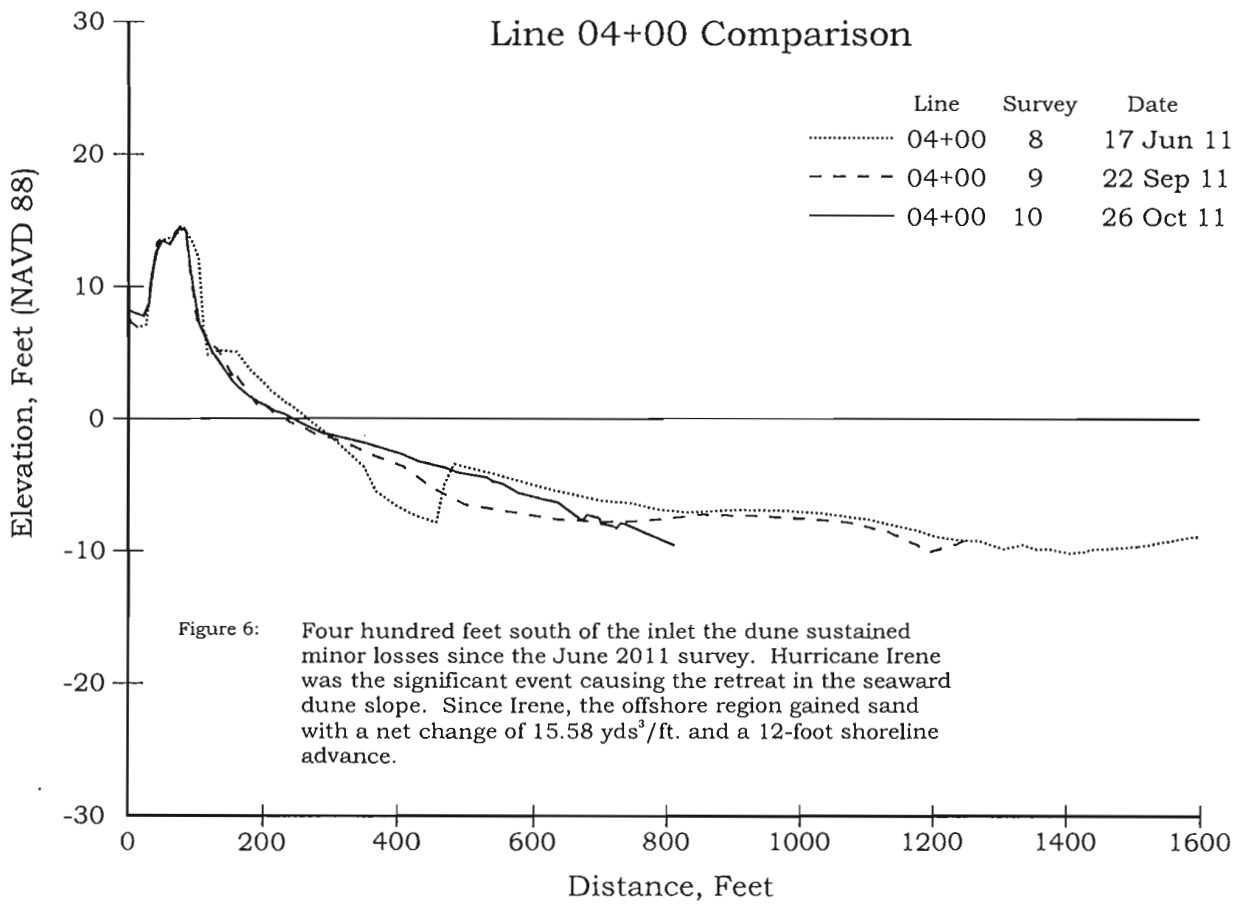
If the regulatory agencies approve the proposed sand transfer plan between Wildwood Crest and North Wildwood, the 82,000 cy lost to Irene will be replaced using this method with the hope of continuing this process to extend the time between successive needs to go back to Hereford Inlet with the ocean dredge.

Sincerely yours,

Stewart Farrell  
Executive Director  
Coastal Research Center

## City of North Wildwood - Quarterly Comparison

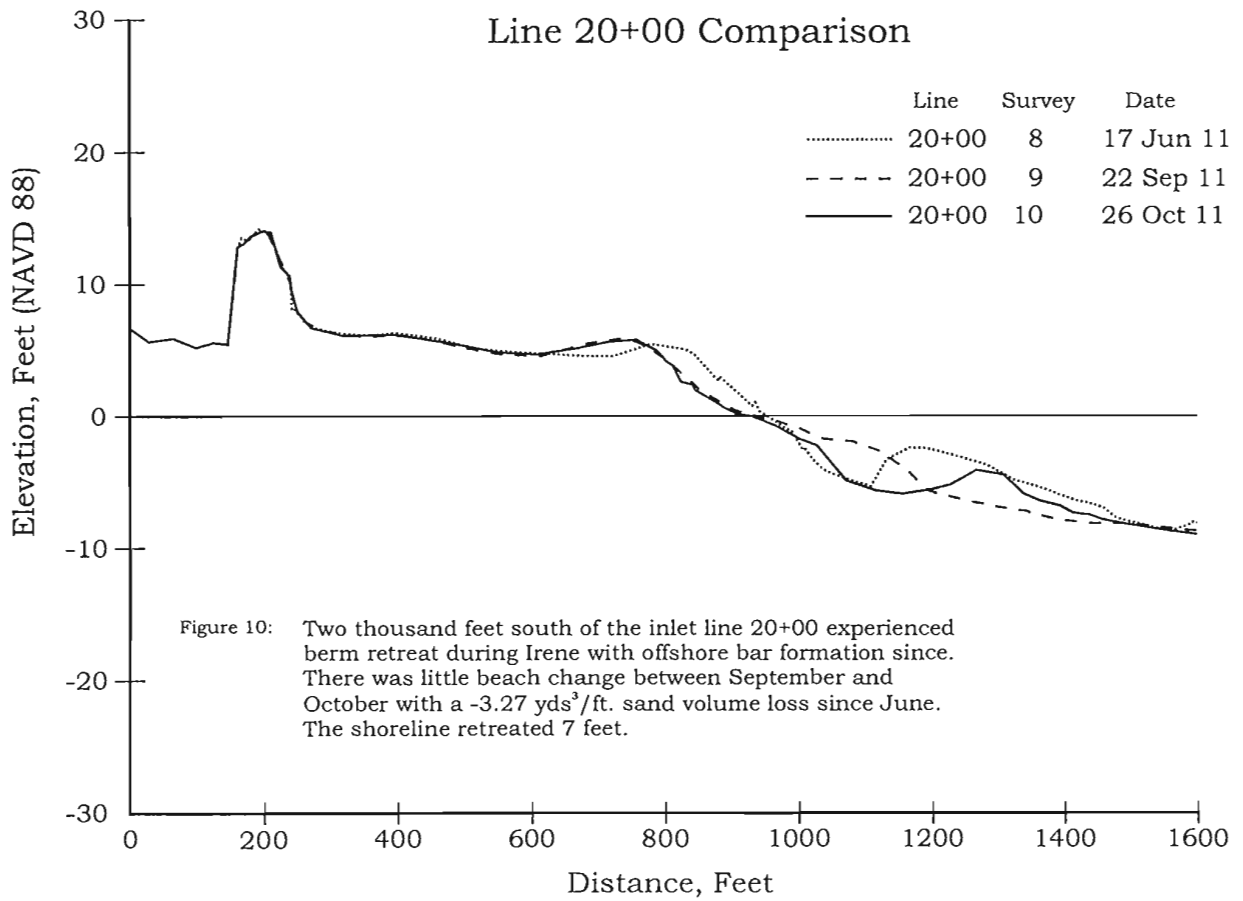
### Line 04+00 Comparison

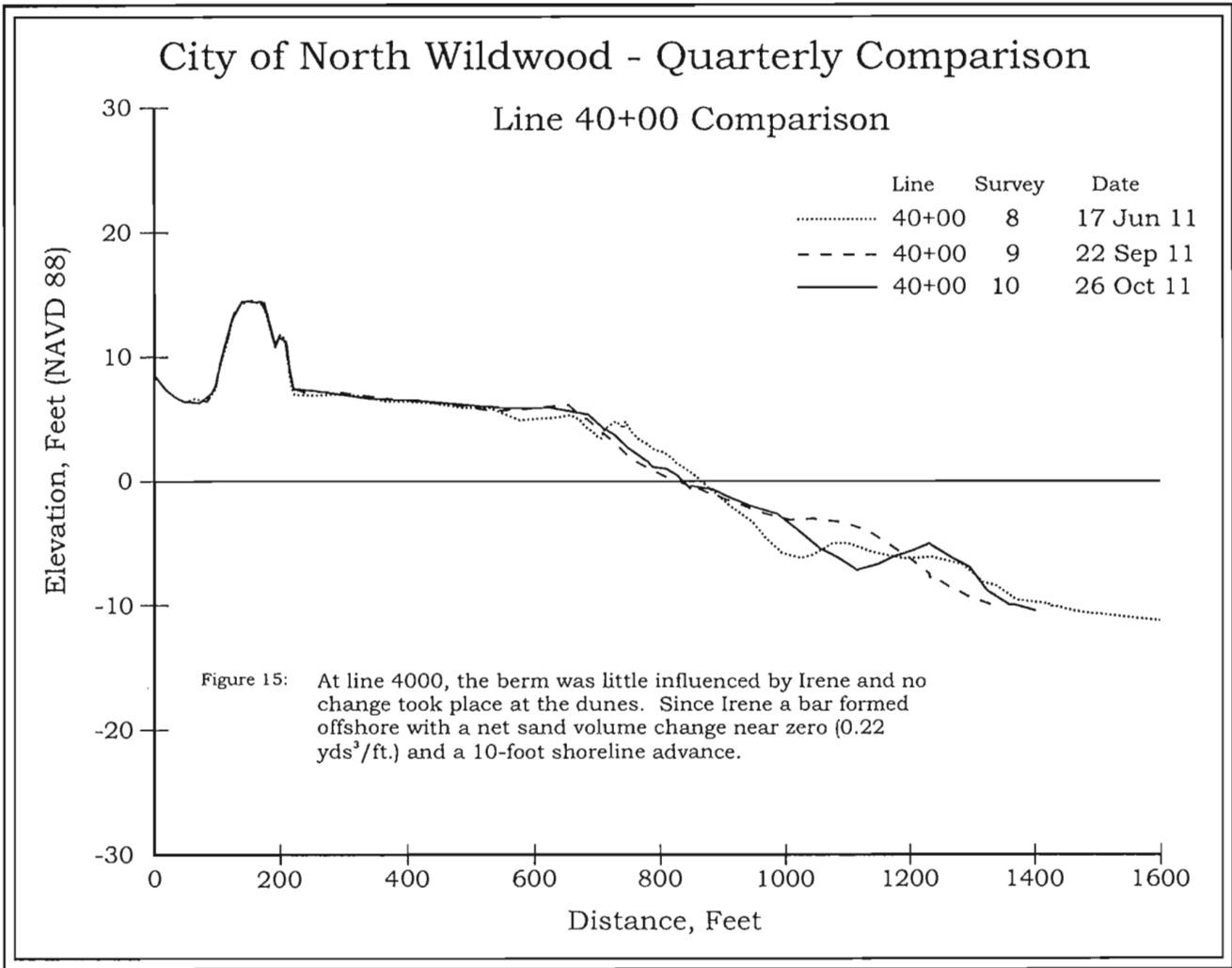




# City of North Wildwood - Quarterly Comparison

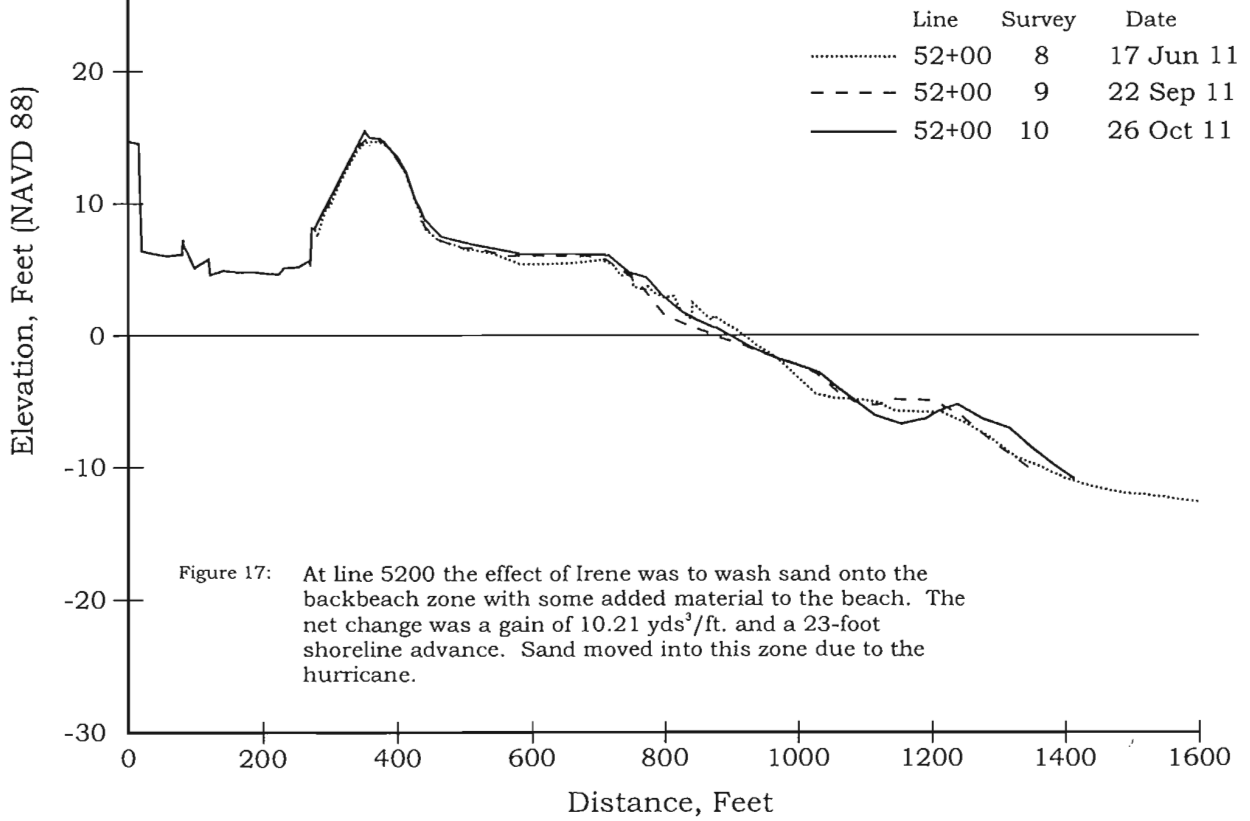
## Line 20+00 Comparison

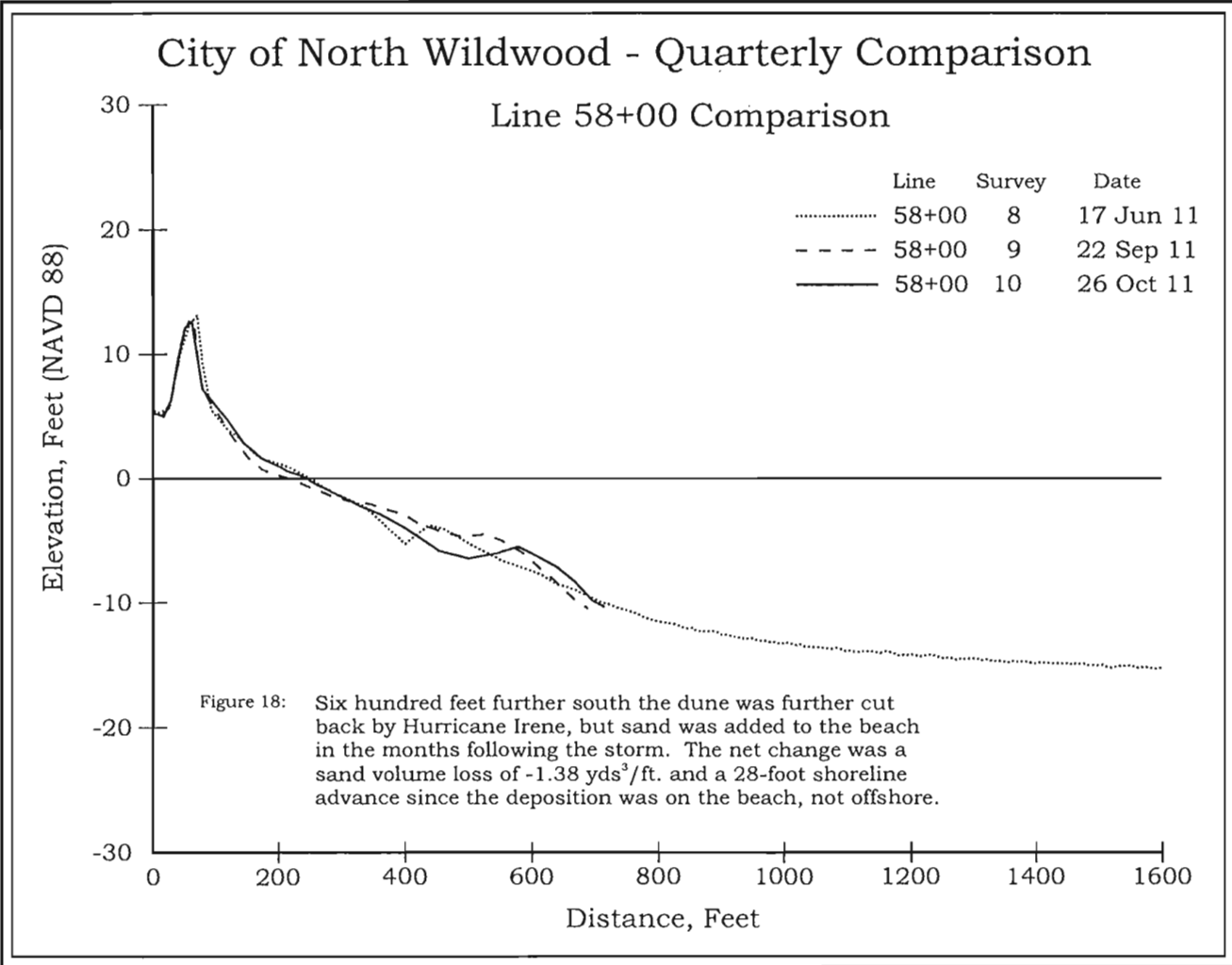




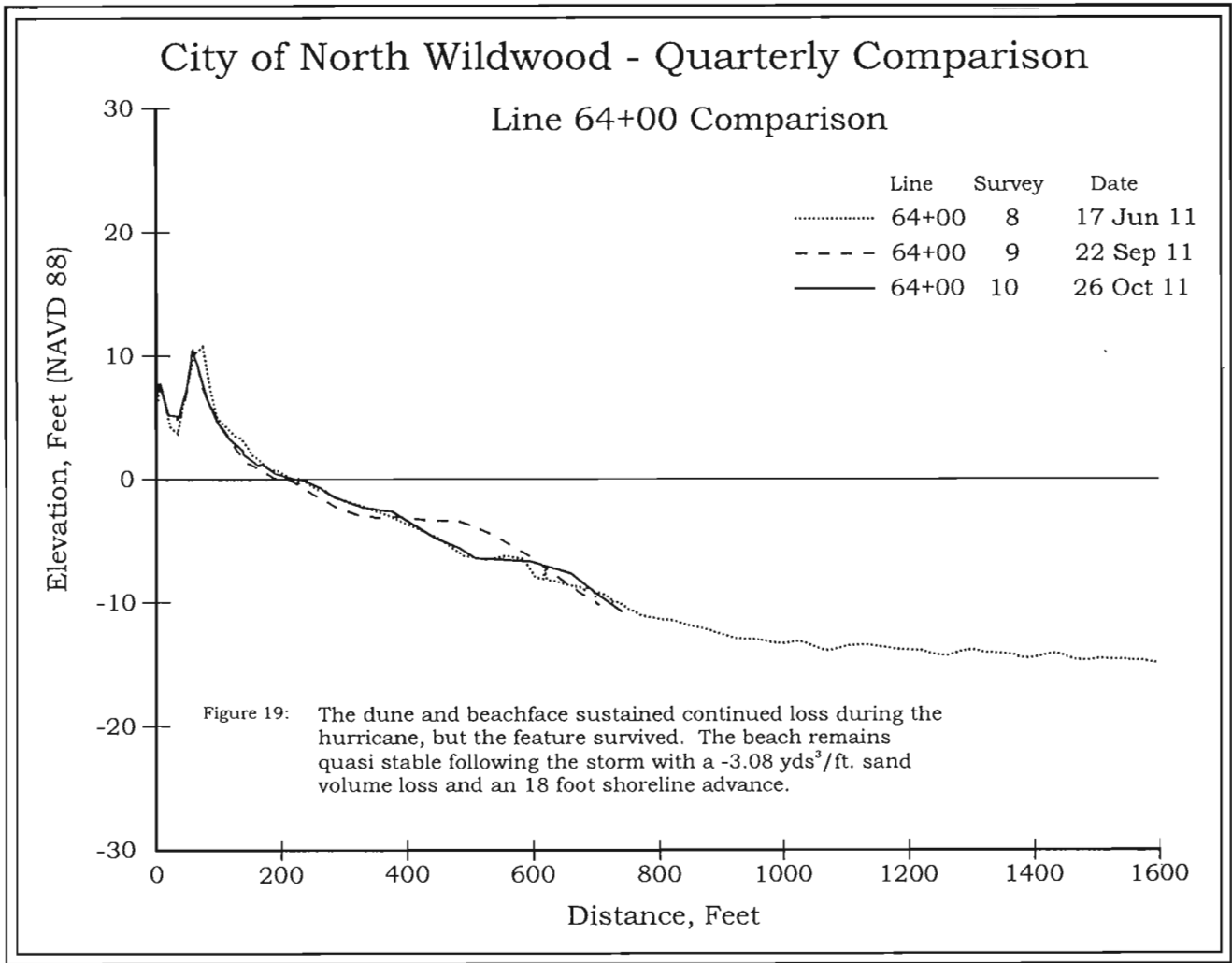
# City of North Wildwood - Quarterly Comparison

## Line 52+00 Comparison











**NORTH WILDWOOD  
BEACH PATROL**  
15TH AVENUE & BEACH  
NORTH WILDWOOD, N.J. 08260  
(609) 522-7500  
(609) 522-6531 FAX  
nwbp@northwildwood.com

Tony Cavalier  
Chief

07A

09/01/12

TO WHOM IT MAY CONCERN:

The day after the drowning, I was instructed to put up red "no swimming flags" by the City Administrator. The Beach Patrol put six (6) flags in a 100 yard area that is known as the Point. This area has several no swimming signs posted at the high tide mark. This area is approximately 1/2 mile from the protected beaches in the inlet. Also, all entrances have signs stating that the beach is unprotected.

Tony Cavalier -- Chief  
North Wildwood Beach Patrol

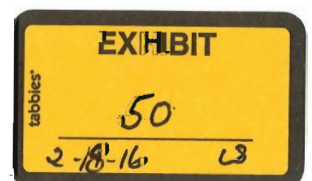


EXHIBIT E



**RECORDED CONVERSATIONS**

**NORTH WILDWOOD BEACH  
NORTH WILDWOOD, NJ**

**(JULY 1, 2013)**

*In The Matter Of:*

**Smith v. City of North Wildwood**

*Transcript Prepared For:*

**D'AMATO LAW FIRM, P.C.  
2900 FIRE ROAD, SUITE 200  
EGG HARBOR TOWNSHIP, NJ 08234  
609-926-3300**

---

*Certified Transcript By:*

**CHERYL A. BRYSON, C.E.T #00129., NJ AOC #202**

**AGENT FOR**

*CB TRIALSCRIPT SERVICE*

**1606 ADAMS AVENUE**

**LINWOOD, NJ 08221**

**PHONE/FAX: 609-653-1971**

**CABRYSON1427@AOL.COM**

---

1 (In-person recorded conversation occurring on  
2 July 1, 2013 at the North Wildwood Beach as  
3 follows:)

4 \* \* \* \* \*

5 LIEUTENANT LINDSAY: - and the boating,  
6 boating, and the, the jet skis, it's anything but safe  
7 to swim. So that's why I put my car there.

8 MRS. SIMPSON: But yet there's still people  
9 there.

10 LIEUTENANT LINDSAY: Well, yeah. Yeah.

11 MRS. SIMPSON: That's the crazy part.

12 LIEUTENANT LINDSAY: And the thing is if  
13 you close it down, the bars are going to complain. The  
14 condos, the people - The condos at Moores, they're  
15 going to complain because they lost beach access.  
16 So, -

17 MRS. SIMPSON: Oh.

18 LIEUTENANT LINDSAY: - you know, it's -

19 MRS. SIMPSON: Give or take.

20 LIEUTENANT LINDSAY: - a fine line. Hey,  
21 buddy. Hi there.

22 MRS. SIMPSON: Now is it safe for him to be  
23 swimming?

24 LIEUTENANT LINDSAY: Well, these dogs are  
25 great swimmers. Hi, there. Hello, there. Yeah.



1       Yeah.

2                   MRS. SIMPSON: All right. Yeah. You want to  
3 show off now. Go ahead.

4                   LIEUTENANT LINDSAY: What do you got? What  
5 do you got?

6                   MRS. SIMPSON: Because I know a couple times  
7 we went there, and then the police would come down on  
8 their quads.

9                   LIEUTENANT LINDSAY: Yeah. But like I said,  
10 there's - This Surf Avenue, there's things and those -  
11 We all got emails that no vehicles are allowed to  
12 patrol. If there's an emergency -

13                   MRS. SIMPSON: They'll come down.

14                   LIEUTENANT LINDSAY: - of course we're  
15 allowed to go down. So -

16                   MRS. SIMPSON: But there's no patrolling?

17                   LIEUTENANT LINDSAY: But they're not - Yeah.

18                   MRS. SIMPSON: Is that all because of, from  
19 Sandy? Or is it just naturally changing or ...

20                   LIEUTENANT LINDSAY: What? The bad - I got a  
21 great thing for you. See, let me (inaudible, moving  
22 away) ... We got this at the marina. You know, there's  
23 been seven drownings in nine years.

24                   MRS. SIMPSON: Really?

25                   LIEUTENANT LINDSAY: Right out there. This

1 is a great reason to show you why. We're right here.

2 MRS. SIMPSON: Okay.

3 LIEUTENANT LINDSAY: Okay? Now the - You go  
4 down here, the beach goes here.

5 MRS. SIMPSON: Right.

6 LIEUTENANT LINDSAY: That's the Point.

7 MRS. SIMPSON: Right.

8 LIEUTENANT LINDSAY: That's Moore's parking  
9 lot.

10 MRS. SIMPSON: Okay.

11 LIEUTENANT LINDSAY: Well, if you look at the  
12 chart, this tells you the depth of the water.

13 MRS. SIMPSON: Holy crap.

14 LIEUTENANT LINDSAY: The blue is 30 foot.

15 MRS. SIMPSON: Look how close that is.

16 LIEUTENANT LINDSAY: Yeah. At low tide -  
17 Between mid- and low tide the gentleman that drowned  
18 last year, when - We called him out of the water here.  
19 So they said, "Okay. We can't go in the water." Let's  
20 go for a walk." They're walking, him and his friend  
21 and their two daughters, and they're in ankle deep  
22 water, and they're right there, and they fell into the  
23 30-foot deep. And the thing is, is when from mid-tide  
24 to low-tide all that water in the back bay is rushing  
25 out, and it doesn't, the only place - All sandbars

1 here. From -

2 MRS. SIMPSON: Oh.

3 LIEUTENANT LINDSAY: - here to Stone Harbor,  
4 all that water comes right through here.

5 MRS. SIMPSON: It's causing like a canal.

6 LIEUTENANT LINDSAY: It's like a river. So  
7 you - They fell in here, and before they knew it they  
8 were getting sucked out, and he - The one little girl  
9 got on the dad's back. They managed to swim - He  
10 managed to make it to shore. The other little girl got  
11 picked up by a jet ski, brought in. The jet ski went  
12 back out to get the father, and by the time he got back  
13 out the father must have panicked, and once you panic  
14 you're, you're done.

15 MRS. SIMPSON: Right.

16 LIEUTENANT LINDSAY: And he - Yeah. He  
17 drowned. It was so sad.

18 MRS. SIMPSON: Oh, my God. I've got goose  
19 bumps. That's scary.

20 LIEUTENANT LINDSAY: Yeah. I know. It was  
21 sad - because I was on, I was on scene. I had two jet  
22 skis. I had a jet ski and two -

23 MRS. SIMPSON: Jake.

24 LIEUTENANT LINDSAY: I had a jet ski and two  
25 surfboards in the water, and the guy said, "The last

1 time I saw him he was right out there," and he points  
2 like a 100 yards out, and I was like, oh, that's not  
3 good because my guys were not doing anything, -

4 MRS. SIMPSON: Right.

5 LIEUTENANT LINDSAY: - and just then, -

6 MRS. SIMPSON: Come here, Jake.

7 LIEUTENANT LINDSAY: - just then the guys  
8 ten-year-old son comes up, and says, "What's going on?"  
9 And they're like, "They're looking for your dad." And  
10 he just - It was horrible, man.

11 MRS. SIMPSON: Oh, my God.

12 LIEUTENANT LINDSAY: And the worse thing  
13 about is as the beach patrol we know it's going to  
14 happen again, this summer maybe, so - just because it's  
15 such a dangerous -

16 MRS. SIMPSON: Well, what can they do to  
17 prevent people - I mean there's -

18 LIEUTENANT LINDSAY: Well, -

19 MRS. SIMPSON: - some signs, but, -

20 LIEUTENANT LINDSAY: No. That's - There's -

21 MRS. SIMPSON: - people, that's people's  
22 human nature.

23 LIEUTENANT LINDSAY: There's more than some  
24 signs. There's signs everywhere, but you could put up  
25 a neon billboard with the pictures of the people, and



1 they would just say, "Hey, look at the pretty lights,"  
2 and go in. I mean it's just, it's just the way people  
3 are. But the, the thing to do would be to tell -  
4 because I talked to those people at the state that do  
5 the piping plover and said, "How - The day after this  
6 drowning," I'm like, "how hard would it be just to shut  
7 this," - "I know. No problem." We could get the State  
8 and have this whole - from there to the Greek church,  
9 the rocks, shut down, but then you run, -

10 MRS. SIMPSON: Because of the bars.

11 LIEUTENANT LINDSAY: - then you run into the  
12 people with the, you know, the bars and the condo  
13 owners who want to walk over the bulkhead and be on the  
14 beach, and for the local people they know, you know,  
15 they, they know how dangerous it is, but a guy comes  
16 down from Philly with his family, and they're like -  
17 because a lot of people, when we go down, and say,  
18 "Hey, you can't be - They're like, "Oh, we didn't know.  
19 Thanks for telling us," -

20 MRS. SIMPSON: Right.

21 LIEUTENANT LINDSAY: - but this picture is  
22 just incredible. I mean it, that right there tells you  
23 it's just so - I mean - And as the tide goes lower it  
24 gets closer to that channel.

25 MRS. SIMPSON: Right.

1 LIEUTENANT LINDSAY: So you're really -

2 MRS. SIMPSON: Because I know a couple times  
3 I walked, and you can, you can -

4 LIEUTENANT LINDSAY: You can see.

5 MRS. SIMPSON: - see the drop.

6 LIEUTENANT LINDSAY: Yeah. And when you're  
7 walking you can see the water rushing out. It's - And  
8 like I said, for us it's frustrating because like we  
9 know it's going to happen, but there's no - we don't  
10 know what the answer is. We put those big orange balls  
11 out there, but that doesn't -

12 MRS. SIMPSON: They think it's to swim to.

13 LIEUTENANT LINDSAY: They do. They say,  
14 "Oh," and they'll say -

15 MRS. SIMPSON: Or they bet each other.

16 LIEUTENANT LINDSAY: - "Oh, we thought it," -  
17 Yeah.

18 MRS. SIMPSON: "Bet you can swim to that."

19 LIEUTENANT LINDSAY: Right. So it's just  
20 crazy.

21 MRS. SIMPSON: That's right. But he'll be -  
22 he would be fine swimming in there? I thought - Now  
23 I'm like, "Oh."

24 LIEUTENANT LINDSAY: Yeah. But, here's the  
25 thing. I wouldn't, I wouldn't take him -

1 MRS. SIMPSON: Like we've been back here.  
2 Here it's green.

3 LIEUTENANT LINDSAY: See here - You see that  
4 right here?

5 MRS. SIMPSON: Yeah.

6 LIEUTENANT LINDSAY: That you don't really  
7 have to worry. The current's not real bad because the  
8 rock part, the rock pile is kind of cutting that so,  
9 and it's not that deep.

10 MRS. SIMPSON: Right.

11 LIEUTENANT LINDSAY: So there right where the  
12 municipal lot is, there is not a problem.

13 MRS. SIMPSON: Oh.

14 LIEUTENANT LINDSAY: It's that point right  
15 there and especially from mid- to low-tide because,  
16 like I said, all the water is rushing out.

17 MRS. SIMPSON: Right.

18 LIEUTENANT LINDSAY: So ...

19 MRS. SIMPSON: All right. Well, thank you.

20 LIEUTENANT LINDSAY: Yeah. No problem.

21 ~~MRS. SIMPSON: Say thanks, Jake.~~

22 LIEUTENANT LINDSAY: See you later.

23 MRS. SIMPSON: All right. Have a good day.

24 (Off the record)

25 \* \* \* \* \*

1 (Recording concludes at Time Index 00:06:11:28)

2 \* \* \* \* \*

3 (Beach Conversation No. 2 on July 1, 2013 at the  
4 North Wildwood Beach as follows:)

5 \* \* \* \* \*

6 MRS. SIMPSON: Hi, how are you? I wanted to  
7 give this to you. It's called Rescue Me. It's for  
8 golden retrievers in Jersey, and -

9 LIEUTENANT LINDSAY: Oh, okay.

10 MRS. SIMPSON: - I know you were looking for  
11 a rescue dog.

12 LIEUTENANT LINDSAY: Yeah. I'm doing it  
13 right now.

14 MRS. SIMPSON: I called my friend and asked  
15 her, but - Well, what's your name so I can let her  
16 know?

17 LIEUTENANT LINDSAY: Dave Lindsay.

18 MRS. SIMPSON: Dave Lindsay?

19 LIEUTENANT LINDSAY: Yeah.

20 MRS. SIMPSON: My name is GG -

21 LIEUTENANT LINDSAY: GG?

22 MRS. SIMPSON: - Simpson. So -

23 LIEUTENANT LINDSAY: Great.

24 MRS. SIMPSON: - hopefully you can find  
25 somebody there you can take home.



1 LIEUTENANT LINDSAY: I'm going to go on the  
2 website right now.

3 MRS. SIMPSON: Oh, okay.

4 LIEUTENANT LINDSAY: Yeah.

5 MRS. SIMPSON: All right.

6 LIEUTENANT LINDSAY: Great.

7 MRS. SIMPSON: All right. Well, good luck.

8 LIEUTENANT LINDSAY: Thank you so much.

9 MRS. SIMPSON: Thanks again.

10 LIEUTENANT LINDSAY: Nice meeting you, GG.

11 MRS. SIMPSON: All right. You too. Bye-bye.

12 (Off the record)

13 (Recording concludes at Time Index 00:01:08)

14 \* \* \* \* \*

15 I, Cheryl A. Bryson, agent for CB Trialscript  
16 Service, do certify that the foregoing is a true and  
17 correct transcript of the recorded conversation in the  
18 above-captioned matter for D'Amato Law Firm of Egg  
19 Harbor Township, New Jersey.

Cheryl A. Bryson May 28, 2014  
Cheryl A. Bryson, C.E.T., AD/T (Date)  
AAERT No. 00129; NJ AOC No. 202  
Agent For: CB Trialscript Service  
1606 Adams Avenue - Linwood, NJ 08221  
Phone/Fax: 609-653-1971  
Email cabryson1427@aol.com

A	3:19 channel (1) 7:24	drowned (2) 4:17;5:17 drowningI'm (1) 7:6	7:8 green (1) 9:2	L
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1 SUPERIOR COURT OF NEW JERSEY  
 2 LAW DIVISION - CAPE MAY COUNTY  
 3 DOCKET NO. CPM-L-331-14

4 SANDY SMITH, :  
 5 INDIVIDUALLY AND AS :  
 6 EXECUTRIX OF THE ESTATE : CIVIL ACTION  
 7 OF HER LATE HUSBAND :  
 8 GEORGE BRADLEY SMITH, : DEPOSITION  
 9 : TESTIMONY OF:  
 10 Plaintiff, : LOUIS BELASCO  
 11 :  
 12 vs. :  
 13 :  
 14 CITY OF NORTH WILDWOOD, :  
 15 STATE OF NEW JERSEY, :  
 16 JOHN DOE, MARY DOE, ABC :  
 17 PARTNERSHIPS and XYZ :  
 18 CORPORATIONS, :  
 19 Defendants. :  
 20 :  
 21 :  
 22 :  
 23 :  
 24 :  
 25 :

TAKEN BEFORE: LYNN SMITH, a Certified Court  
 Reporter of the State of New Jersey, License No.  
 XIO1520, at the Cape May County Administration  
 Building, 4 Moore Road, Cape May Court House, New  
 Jersey, on Thursday, February 18, 2016, commencing at  
 12:13 p.m.

WORD FOR WORD REPORTING, LLC  
 CERTIFIED COURT REPORTERS & VIDEOGRAPHERS  
 6 NORTH BROAD STREET, SUITE 202  
 WOODBURY, NEW JERSEY 08096  
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9	<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>
10	P-48	Copy of Photograph	4
11	P-49	December 1, 2011 Letter	21
12	P-50	Document	29

(Exhibits retained)

WORD FOR WORD REPORTING, LLC

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

2 D'AMATO LAW FIRM  
 3 2900 Fire Road, Suite 200  
 4 Egg Harbor Township, New Jersey 08234  
 5 BY: PAUL R. D'AMATO, ESQUIRE  
 6 For the Plaintiffs

7 BARKER, GELFAND & JAMES  
 8 210 New Road  
 9 Linwood, New Jersey 08221  
 10 (609) 601-8677  
 11 BY: WILL ROZELL, ESQUIRE  
 12 For the Defendant, North Wildwood

13 STATE OF NEW JERSEY  
 14 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 15 DIVISION OF LAW  
 16 R.J. Hughes Justice Complex  
 17 25 Market Street  
 18 Trenton, New Jersey 08625  
 19 (609) 777-4872  
 20 BY: BRIAN HUNKINS, DAG  
 21 For the State of New Jersey

22 Also present: Lou DiJoseph  
 23 Videographer: Tom Zanaras

WORD FOR WORD REPORTING, LLC

1 (Copy of Photograph, received and  
 2 marked for identification as Exhibit P-48.)  
 3 VIDEOGRAPHER: Today is February the  
 4 18th, 2016. This is the videotaped deposition of  
 5 Louis Belasco. We're going on the record, and the  
 6 time is 12:13 p.m. The appearance of counsel will be  
 7 noted in the transcript.  
 8 Will the court reporter please swear  
 9 in the witness.  
 10 L O U I S B E L A S C O ,  
 11 having been first duly sworn, testified as follows:  
 12 EXAMINATION BY MR. D'AMATO:  
 13 Q. Mr. Belasco, with your permission, I will  
 14 call you Lou.  
 15 A. U m - h u m .  
 16 Q. And please call me Paul. I said to you off  
 17 the record, I'm not really sure what you know, and  
 18 what you don't know. And to save a lot of time  
 19 today, if you know the answer, I'm sure you'll give  
 20 me a truthful answer. But to save your time, if I  
 21 ask you a question, and you feel that there's  
 22 somebody else, other than yourself, that, within the  
 23 government of North Wildwood, that it would be more  
 24 appropriate to ask that question, I would appreciate  
 25 it if you would tell me. Okay? This way, we can --

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48?

2 **A. Oh, man. That would be really tough. That**  
3 **would -- it probably when I was away at college, late**  
4 **'90s, early 2000s.**

5 **Q.** Okay. When you were in high school, during  
6 the spring or summertime, or September -- and wait.  
7 Let's define those years.

8 From the time you started at Wildwood  
9 Catholic, until the time you graduated, would have  
10 been?

11 **A. '93 to '97. I graduated in '97. I might be**  
12 **doing the math backwards wrong.**

13 **Q.** Okay. All right.

14 Was there any type of a beach in that  
15 blue circle on Exhibit 48?

16 **A. Not that I remember.**

17 **Q.** Okay. So, it's your recollection that when  
18 you were in college, this beach that is --

19 **A. Yeah. I -- I mean, like, I couldn't nail**  
20 **down a year for you.**

21 **Q.** That's all right. But some time when you're  
22 in college at Drexel, a beach begins to develop in  
23 the area of that blue -- I keep calling it a circle.

24 **A. Um-hum.**

25 **Q.** It's a configuration. Okay?

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1 **A. Um-hum.**

2 **Q.** On Exhibit 48.

3 All right. Now, when you were in  
4 college, where were you living in North Wildwood; on  
5 what street?

6 **A. 21st.**

7 **Q.** All right. When you went to the beach, where  
8 would you typically go to the beach?

9 **A. 10th.**

10 **Q.** All right.

11 **A. Or 21st.**

12 **Q.** Just taking you during your college years,  
13 what frequency would you ever have to go to the beach  
14 area that was beginning to develop in the blue circle  
15 on Exhibit 48?

16 **A. None.**

17 **Q.** All right. In your entire adult life, did  
18 you, before July 27, 2012, ever have occasion to walk  
19 on the, what we're going to call the inlet beach,  
20 which includes Moore's Beach; just walk?

21 **A. In this circle here?**

22 **Q.** Yes.

23 **A. Yeah, I'm sure I have.**

24 **Q.** Okay. I was raised in Atlantic City and  
25 Margate. And I could -- if you took my deposition

WORD FOR WORD REPORTING, LLC

1 about beaches in Margate, I could tell you. There  
2 was actually a boardwalk that used to run down for  
3 about a good part of Margate, that was long gone  
4 because of a hurricane when I was a kid.

5 **Being a resident of North Wildwood, and**  
6 **as you're maturing through grammar school and high**  
7 **school and college, were there any dangers to the**  
8 **inlet beach area, and including the inlet that runs**  
9 **adjacent to it, that you became aware of, as someone**  
10 **living here?**

11 MR. HUNKINS: Object to the form.

12 MR. ROZELL: Join in the objection.

13 **Q.** Go ahead.

14 **A. Well, all inlets are inherently dangerous,**  
15 **mostly due to the currents that run through them.**

16 **Q.** Right.

17 **A. That would be -- that would be the main**  
18 **danger that I would see in an inlet. Any inlet. And**  
19 **Hereford, included in that.**

20 **Q.** Were you one of the guys that would try to  
21 swim from the inlet beach, including Moore's Beach,  
22 over to Champagne Island?

23 **A. No.**

24 **Q.** And why not?

25 **A. Because of the currents that run through**

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1 **Hereford Inlet.**

2 **Q.** Okay. When we took the deposition of Chief  
3 Cavalier of the North Wildwood Beach Patrol, I had  
4 asked him questions dealing with a Dr. Stewart  
5 Farrell --

6 **A. Um-hum.**

7 **Q.** -- of Stockton. And you know who he is;  
8 don't you?

9 **A. Yes.**

10 **Q.** All right. I'm going to get to certain  
11 documents that were authored for the City of North  
12 Wildwood by the Stockton University Coastal Research  
13 Center in a second. But Mr. Lou DiJoseph -- I don't  
14 know. Did you meet him?

15 **A. Just briefly before we started.**

16 **Q.** Okay. He's retired from the intelligence  
17 bureau of the New Jersey State Police, and now is a  
18 licensed private investigator. He interviewed Dr.  
19 Farrell, and we provided a copy of that interview to  
20 everyone.

21 And Dr. Farrell was talking about a  
22 whirlpool or a vortex that is created when the back  
23 bays are coming out and going into the ocean. All  
24 right?

25 Is this the first time you ever heard

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03.01.2016 15:39

EXHIBIT G



03 01 2016 15 32  
EXHIBIT G



EXHIBIT  
tabbles  
DeHorsey-4  
5-17-16



06/16/2014 14:24





EXHIBIT  
tabbies  
Deltorsey-S  
5-17-16

10/28/2013 14:35



EXHIBIT  
tabbles®  
Deltorsey-6  
5-17-16 18



07/02/2013 15:11



EXHIBIT  
tabbies  
Deltorsey-7  
5-17-16



WELCOME TO NORTH WILDWOOD INLET  
**SWIMMING PROHIBITED**  
THE BEACH IS UNPROTECTED AT ALL TIMES  
WHEN UNPROTECTED SWIMMING IS PROHIBITED  
CITY ORDINANCE 139-1 et seq PROHIBITS  
ALCOHOLIC BEVERAGES;  
OBSCENE LANGUAGE;  
VEHICLES;  
LITTERING;  
ANIMALS;  
FIRES OR FEEDING SEAGULLS  
**BEACH CLOSED DUSK TO DAWN**  
MORE INFORMATION AT [WWW.NORTHWILDWOOD](http://WWW.NORTHWILDWOODNJ.COM)

10/28/2013 14:38

HIGH RISK

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION - CAPE MAY COUNTY  
3 DOCKET NO. CPM-L-331-14

4 SANDY SMITH, :  
5 INDIVIDUALLY AND AS :  
6 EXECUTRIX OF THE ESTATE : CIVIL ACTION  
7 OF HER LATE HUSBAND : VIDEOTAPED  
8 GEORGE BRADLEY SMITH, : DEPOSITION  
9 : TESTIMONY OF:  
10 Plaintiff, : CARL DELINSKI, JR.  
11 :  
12 vs. :  
13 :  
14 CITY OF NORTH WILDWOOD, :  
15 STATE OF NEW JERSEY, :  
16 JOHN DOE, MARY DOE, ABC :  
17 PARTNERSHIPS and XYZ :  
18 CORPORATIONS, :  
19 :  
20 Defendants. :

21 TAKEN BEFORE: LYNN SMITH, a Certified Court  
22 Reporter of the State of New Jersey, License No.  
23 XI01520, at the North Wildwood City Hall, 901  
24 Atlantic Avenue, North Wildwood, New Jersey, on  
25 Tuesday, May 17, 2016, commencing at 10:26 a.m.

WORD FOR WORD REPORTING, LLC  
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WOODBURY, NEW JERSEY 08096  
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3

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11	Delinski-1	Printout of North Wildwood Public Works website 6
12	Delinski-2	Photographs 19
13	through Delinski-4	
14	Delinski-5	Photographs 20
15	through Delinski-18	
16	Delinski-19	Photograph 30
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WORD FOR WORD REPORTING, LLC

2

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

3 D'AMATO LAW FIRM  
4 2900 Fire Road, Suite 200  
5 Egg Harbor Township, New Jersey 08234  
6 609-926-3300  
7 BY: PAUL R. D'AMATO, ESQUIRE  
8 For the Plaintiffs

9 BARKER, GELFAND & JAMES  
10 210 New Road  
11 Linwood, New Jersey 08221  
12 (609) 601-8677  
13 BY: WILL ROZELL, ESQUIRE  
14 For the Defendant, North Wildwood

15 STATE OF NEW JERSEY  
16 DEPARTMENT OF LAW AND PUBLIC SAFETY  
17 DIVISION OF LAW  
18 R.J. Hughes Justice Complex  
19 25 Market Street  
20 Trenton, New Jersey 08625  
21 (609) 777-4872  
22 BY: BRIAN HUNKINS, DAG  
23 For the State of New Jersey

24 Also present: Lou DiJoseph  
25 Videographer: Tom Zanaras

WORD FOR WORD REPORTING, LLC

4

1 VIDEOGRAPHER: Today is May 17th, 2016.  
2 This is the videotaped deposition of Carl Delinski.  
3 Going on the record, and the time is 10:26 a.m.  
4 The appearance of counsel will be  
5 noted in the transcript.  
6 Would the court reporter please swear  
7 in the witness.  
8 C A R L D E L I N S K I , J R . ,  
9 having been first duly sworn, testified as follows:  
10 EXAMINATION  
11 BY MR. D'AMATO:  
12 Q. Carl, before we began today, I told you my  
13 name is Paul D'Amato. And we're here today for a  
14 deposition. That's a fancy legal term for the fact  
15 that I'm going to be asking you questions, and  
16 perhaps my colleagues will ask you some questions.  
17 It looks like it's a lot more formal, because you  
18 have a videographer, you have a stenographer.  
19 A. Right.  
20 Q. The stenographer, she makes a booklet of all  
21 the questions and all your answers. The videographer  
22 does what a videographer does. Actually, it's -- we  
23 don't even use video, it's DVD, but we call it a  
24 videographer. We also call him a lot of other  
25 things, but we're not going to get into it right now.

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good detail.

Have you ever seen this vortex?

3 MR. HUNKINS: Object to the form.

7 A. Sure.

8 Q. Okay. And does it typically occur when the back bays are going into the ocean?

9 A. I would think, yeah, on the outgoing tides.

10 Q. Yeah. Outgoing from the bay to the ocean?

11 A. From the bay into the ocean, yeah.

12 Q. And is it there every day when the back bays are going into the ocean?

13 A. I would think in spots, yes.

14 Q. And what does it look like?

15 A. Whirlpool. Just a big vortex, like you said.

16 You could actually see the water spinning.

17 Q. And if you -- you know, I watched a lot of football. If you had to tell me how many yards wide this vortex is that you have seen?

18 A. Oh, I couldn't even guess. I mean, not even a little. Couple -- couldn't even tell you. It would be a guess. I never really paid too much attention. Sorry.

19 Q. Okay, okay. Before July 27, 2012, did you ever hear of where this vortex would eat out some of the beach when it was spinning around?

WORD FOR WORD REPORTING, LLC

1 MR. HUNKINS: Object to the form.

2 A. Sure. I mean, yeah, it would.

3 Q. Have you ever seen that happening?

4 MR. HUNKINS: Object to the form.

5 MR. ROZELL: Same objection. You can answer.

6 A. Not really. I mean, I've been up on the rock pile fishing, down the -- all the way down at the end here, and you can just see it if you're there. I've never seen it -- don't spend too much time that -- down that part of the beach, so.

7 Q. Okay. I want to show you DeHorsey-6, which is some people doing some surf fishing.

8 You mentioned that you do fishing.

9 Have you ever done surf fishing at the Moore's Inlet Beach?

10 A. No. Never -- no. Always out front, or off the rock pile, down around the --

11 Q. Okay. I'm going to show you DeHorsey-7, where there's some signs there. Does the Public Works Department -- is it that department's responsibility to put signs up like that which you see in DeHorsey-7?

12 A. Beach patrol, as far as I can remember, would put all the signs up.

WORD FOR WORD REPORTING, LLC

1 Q. Okay.

2 A. On the beach.

3 (Discussion off the record.)

4 (Photographs, received and marked for identification as Exhibits Delinski-2 through Delinski-4.)

5 Q. We've had certain photographs marked for identification with your last name. They are Exhibits 2, 3, and 4. Okay?

6 A. Um-hum.

7 Q. And these were taken on August 16, 2012. All right?

8 Now, you'll see in the first one,

9 there's that red balloon?

10 A. Right.

11 Q. Okay? If you look at all the photographs, you'll see that red balloon in there?

12 A. Right.

13 Q. Okay. Were you involved in any way in positioning those pieces of concrete with the chain next to the ball after July 27, 2012?

14 A. No, I wasn't.

15 Q. Do you remember seeing them?

16 A. After they were placed, yeah. I possibly could have been off the day that --

WORD FOR WORD REPORTING, LLC

1 Q. Okay.

2 A. Yeah. I mean, I remember seeing them there, but I didn't have anything to do with them.

3 Q. Why were they placed there?

4 A. That, I couldn't tell you. I was never told.

5 Q. No?

6 A. I mean, they -- like I said, I came to work, and I went down the beach to check, and they were there.

7 Q. Okay. Are they there every summer?

8 A. No.

9 Q. What happened to them?

10 A. Good question. I don't know if the tide took them away. Pretty sure that -- that it swept them away.

11 Q. Okay.

12 (Photographs, received and marked for identification as Exhibits Delinski-5 through Delinski-18.)

13 (Discussion off the record.)

14 BY MR. D'AMATO:

15 Q. Okay. Thank you for your patience.

16 A. Um-hum.

17 Q. I'm now going to hand you --

18 A. That's my phone.

WORD FOR WORD REPORTING, LLC



**511 West Oak Avenue**

**North Wildwood, NJ 08260 Phone: 609-522-4646 Fax: 609-522-1141**

**Department Hours: Monday – Friday 7 a.m. to 2:30 p.m.**

**Gary Sloan, DPW Director** gsloan@northwildwood.com

Timothy Chester, Supervisor, Oversees Parking and Street Maintenance  
tchester@northwildwood.com

Carl Delinski, Supervisor, Oversees Beaches and Fleet Maintenance  
cdelinski@northwildwood.com

*"Our mission is to safely, efficiently and professionally enhance the quality of life in North Wildwood, regardless of time, weather and situation"*

**Office Staff:** Bonnie O’Kane, Executive Assistant  
bokane@northwildwood.com

Maureen Chambers, Front Desk and contact for Service Requests and Work Orders

## Department Functions

The North Wildwood Department of Public Works strives to satisfy its residents, businesses, tourists, and other City organizations and departments. We welcome the opportunity to serve them. We value their opinions and concerns. Each division works hard to help build and maintain North Wildwood’s reputation as a clean, attractive, safe and well-respected place for people to live, work and visit. The department will answer any question and respond to any complaint in a timely manner. These are the responsibilities we handle daily:

- Maintain Streets
- Maintain City Properties



[Forms, Permits & Applications](#)   [Council Schedule Agenda & Minutes](#)   [RFP's](#)

[North Wildwood Tax Map](#)   [Recreation Department](#)   [History](#)   [Weather Emergency Information](#)



# CITY OF NORTH WILDWOOD

NEW JERSEY

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- North Wildwood

## North Wildwood Municipal Court

North Wildwood Municipal Court, 10th & Atlantic Avenues, North Wildwood, NJ 00001  
Cape May County

### FREE PUBLIC RECORDS SEARCH



→

Court System Type:

DWI / DUI., Traffic infractions., Exclusive Parking., Ordinance violations.

Division:

Contact Information:

Phone Number: 609-729-3818

Website: <http://www.judiciary.state.nj.us/directory/munctadr.pdf>

County Clerk and Other Info:

**Judge or Clerk:** Louis J. Belasco, Jr.

[+] **General Jury Duty Information**

[+] **Court Records, Ticket Payment, and other Info**

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Metuchen Municipal Court

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1.3 miles away

Penns Grove Municipal Court

Penns Grove Municipal Court, West Main & State Street

2.3 miles away

Edison Township Municipal Court

Edison Township Municipal Court, 100 Municipal Boulevard

2.3 miles away


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EXHIBIT  
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EXHIBIT  
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Delinski-3  
5-17-16 08

08/16/2012 13:44





EXHIBIT  
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5-17-14 3

08/16/2012 13:35



EXHIBIT  
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Delinski-5  
5-17-16



06/16/2014 14:23



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**EXHIBIT**  
Delinski-6  
5-17-06  
18



062014





EXHIBIT  
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Delinski-7  
5-17-16 8

062014





EXHIBIT  
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EXHIBIT  
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Delinski-9  
5-17-16

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EXHIBIT  
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Delinski-11  
5-17-16 US







EXHIBIT H





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EXHIBIT  
Delinski-15  
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EXHIBIT  
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5-17-16 U

05/21/2014 12:20



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**EXHIBIT**  
Delmski-17  
5-17-16



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EXHIBIT  
Delinski-18  
547-10



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EXHIBIT  
Dehnski-19  
5-17-16 9

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07/02/2013 15:14



I N D E X

WITNESS PAGE

MATTHEW GALLAGHER  
Examination By Mr. D'Amato 4

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>Id.</u>
P-58	Aerial Photograph	8
P-59	Photograph	24
P-60	Photograph	25

(Exhibits retained)

1 SUPERIOR COURT OF NEW JERSEY  
 2 LAW DIVISION - CAPE MAY COUNTY  
 3 DOCKET NO. CPM-L-331-14

4 SANDY SMITH, :  
 5 INDIVIDUALLY AND AS :  
 6 EXECUTRIX OF THE ESTATE : CIVIL ACTION  
 7 OF HER LATE HUSBAND :  
 8 GEORGE BRADLEY SMITH, : DEPOSITION  
 9 : TESTIMONY OF:  
 10 Plaintiff, : MATTHEW GALLAGHER

11 vs. :  
 12 :  
 13 CITY OF NORTH WILDWOOD, :  
 14 STATE OF NEW JERSEY, :  
 15 JOHN DOE, MARY DOE, ABC :  
 16 PARTNERSHIPS and XYZ :  
 17 CORPORATIONS, :  
 18 Defendants. :

19 TAKEN BEFORE: LYNN SMITH, a Certified Court  
 20 Reporter of the State of New Jersey, License No.  
 21 XI01520, at the North Wildwood City Hall, 901  
 22 Atlantic Avenue, North Wildwood, New Jersey, on  
 23 Thursday, February 25, 2016, commencing at 11:12 a.m.

24 WORD FOR WORD REPORTING, LLC  
 25 CERTIFIED COURT REPORTERS & VIDEOGRAPHERS  
 6 NORTH BROAD STREET, SUITE 202  
 WOODBURY, NEW JERSEY 08096  
 Ph. (856) 384-2770 Fax. (856) 384-2779

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

2 D'AMATO LAW FIRM  
 3 2900 Fire Road, Suite 200  
 4 Egg Harbor Township, New Jersey 08234  
 5 BY: PAUL R. D'AMATO, ESQUIRE  
 6 For the Plaintiffs

7 BARKER, GELFAND & JAMES  
 8 210 New Road  
 9 Linwood, New Jersey 08221  
 10 (609) 601-8677  
 11 BY: A. MICHAEL BARKER, ESQUIRE  
 12 For the Defendant, North Wildwood

13 STATE OF NEW JERSEY  
 14 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 15 DIVISION OF LAW  
 16 R.J. Hughes Justice Complex  
 17 25 Market Street  
 18 Trenton, New Jersey 08625  
 19 (609) 777-4872  
 20 BY: BRIAN HUNKINS, DAG  
 21 For the State of New Jersey

22 Also present: Lou DiJoseph  
 23 Videographer: Tom Zanaras

1 VIDEOGRAPHER: Today is February 25th,  
 2 2016. This is the videotaped deposition of Chief  
 3 Matthew Gallagher. We're going on the record, and  
 4 the time is 11:12. The appearance of counsel will be  
 5 noted in the transcript.

6 Will the court reporter please swear  
 7 in the witness.

8 M A T T H E W G A L L A G H E R,  
 9 having been first duly sworn, testified as follows:  
 10 EXAMINATION BY MR. D'AMATO:

11 Q. Good morning, sir.

12 A. Good morning.

13 Q. Have you gone through this process of a  
 14 deposition before?

15 A. Yes.

16 Q. Give me your best estimate as to how many  
 17 times you've done that.

18 A. Two.

19 Q. And did any of those depositions relate to  
 20 your present position as being chief of the North  
 21 Wildwood Police Department?

22 A. No.

23 Q. Okay. When is the last time you had a  
 24 deposition taken?

25 A. It was a couple years ago.

1 discussion of closing what people call Moore's Beach  
 2 or Moore's Inlet Beach?  
 3 **A. No.**  
 4 **Q.** All right. Have you, from the time you  
 5 became a police officer, until today, saw anything in  
 6 writing which addressed the concept of closing  
 7 Moore's Beach?  
 8 **A. No.**  
 9 **Q.** Okay. Do you have an opinion as to whether  
 10 an ordinance should be entered closing Moore's Beach  
 11 or what you call The Inlet Beach on Exhibit 58?  
 12 **A. Do I have an opinion?**  
 13 **Q.** Yeah.  
 14 **A. Yes.**  
 15 **Q.** And what's that opinion?  
 16 **A. It shouldn't be closed.**  
 17 **Q.** And why not?  
 18 **A. I don't think it's dangerous.**  
 19 **Q.** Okay. And you're saying this by virtue of  
 20 being the chief of police of the North Wildwood  
 21 Police Department?  
 22 **A. For being a police officer employed in the**  
 23 **City of North Wildwood for the last 29 years.**  
 24 **Q.** Okay. Are you familiar with any dangerous  
 25 conditions associated with the ebb tide running along

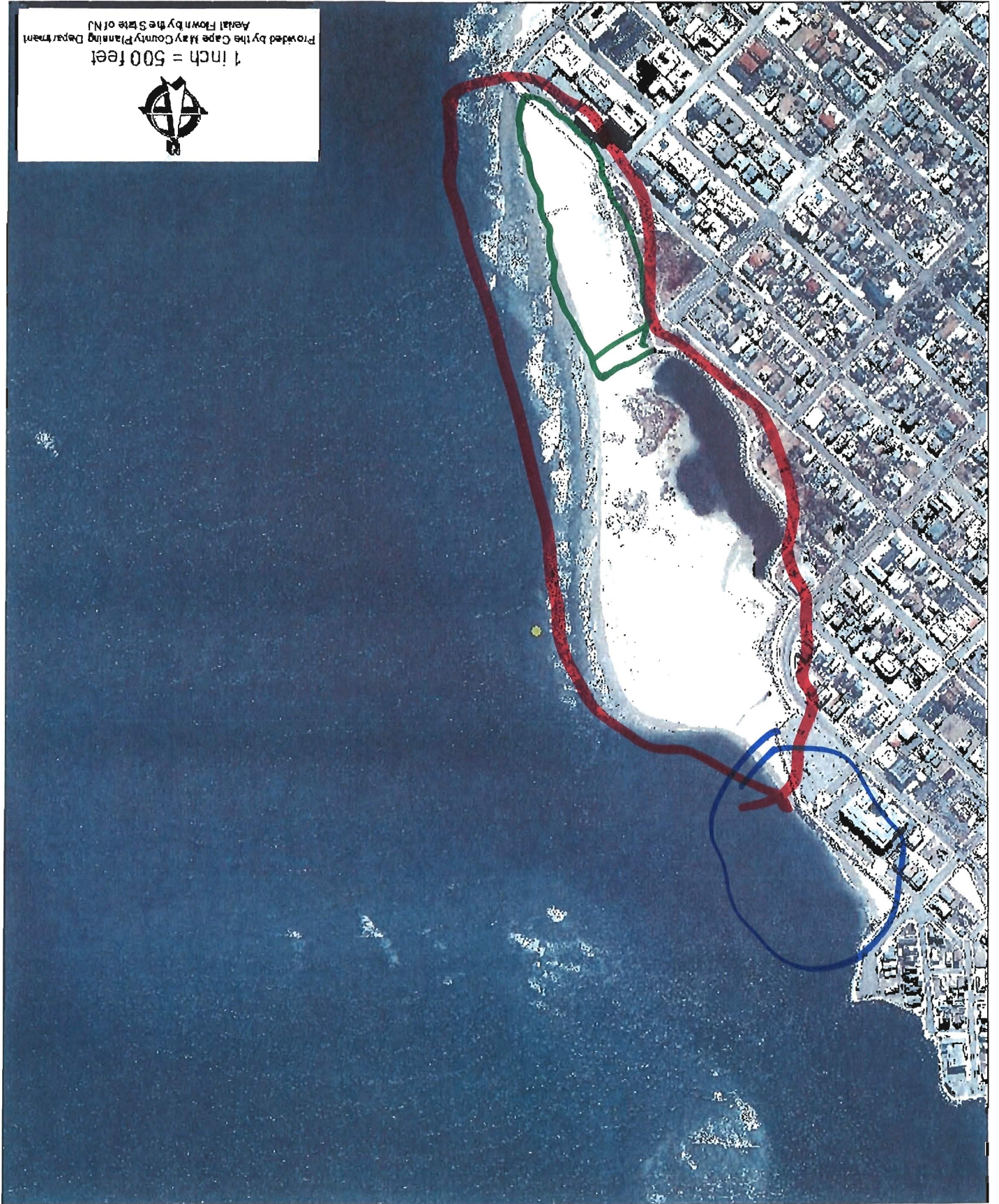
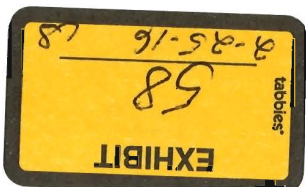
1 the beach as shown in Exhibit 58?  
 2 **A. No.**  
 3 **Q.** Okay. Are you aware of any dangerous  
 4 conditions relative to the beach that we circled in  
 5 red on Exhibit 58 regarding the collapsing of the  
 6 beach?  
 7 **A. No.**  
 8 MR. HUNKINS: Object to the form.  
 9 MR. BARKER: Which one was the one  
 10 circled in red?  
 11 MR. D'AMATO: Which I circled in red.  
 12 It's the entire area.  
 13 **Q.** Your answer is no. Right?  
 14 **A. Could you re --**  
 15 **Q.** Yeah.  
 16 **A. Say the question again, please.**  
 17 MR. D'AMATO: You want to ask him  
 18 again?  
 19 (Record read.)  
 20 **A. No.**  
 21 **Q.** Okay. Are you aware of any dangers of what  
 22 -- of the beach that you circled in blue, which was  
 23 Moore's Beach, on Exhibit 58, of the beach  
 24 collapsing?  
 25 MR. HUNKINS: Object to the form.

1 **A. I was called down to Moore's Beach, I don't**  
 2 **remember the year, where they actually did close off**  
 3 **that beach for a little while, because there was --**  
 4 **sand was collapsing into the ocean.**  
 5 **Q.** Okay. And what year or years was that?  
 6 **A. I don't recall.**  
 7 **Q.** Best estimate?  
 8 **A. Within the last five years.**  
 9 **Q.** Okay. And when the beach was closed, why  
 10 would you be notified, by virtue of your being a  
 11 member of the North Wildwood Police Department?  
 12 **A. I believe public works called us for caution**  
 13 **tape.**  
 14 **Q.** Okay. Do you remember what time of the year  
 15 that was?  
 16 **A. No.**  
 17 MR. D'AMATO: Okay. I think I'm  
 18 finished. Let's go off the record. I just need to  
 19 talk to Mr. DiJoseph.  
 20 VIDEOGRAPHER: Going off the record,  
 21 and the time is 11:37.  
 22 (Discussion off the record.)  
 23 VIDEOGRAPHER: We're back on the  
 24 record, 11:39.  
 25 MR. D'AMATO: All right. You know

1 what, here. Let's have this marked for  
 2 identification.  
 3 I'm sorry. I have a couple more  
 4 questions.  
 5 THE WITNESS: That's okay. That's  
 6 fine.  
 7 MR. D'AMATO: I just found something.  
 8 Okay. Thank you.  
 9 (Photograph, received and marked for  
 10 identification as Exhibit P-59.)  
 11 **Q.** I'm going to show you what's been marked for  
 12 identification as Exhibit 59. Okay? This is the  
 13 photograph I was telling you about where there's two  
 14 police officers.  
 15 Now, as you look at that photograph,  
 16 would you say, keeping in mind what you marked on  
 17 Exhibit 58, is that The Inlet Beach, Second Beach, or  
 18 Moore's Beach?  
 19 **A. It's tough from the angle. I can't see where**  
 20 **the parking lot is.**  
 21 **Q.** Okay.  
 22 (Discussion off the record.)  
 23 **A. If it was over top, I could see.**  
 24 MR. D'AMATO: That's not going to help.  
 25 **A. If it's directly down from the parking lot, I**



March 14, 2012



1 inch = 500 feet

Provided by the Cape May County Planning Department  
Aerial flown by the State of NJ





EXHIBIT  
tabbles  
59  
2-25-16 CB



EXHIBIT  
60  
2-25-16



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- OBSCENE LANGUAGE;
- VEHICLES;
- LITTERING;
- ANIMALS;
- FIRES OR FEEDING SEAGULLS

**BEACH CLOSED DUSK TO DAWN**

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**HIGH RISK  
RIP CURRENT  
AREA**

1

1 SUPERIOR COURT OF NEW JERSEY  
 2 LAW DIVISION - CAPE MAY COUNTY  
 DOCKET NO. CPM-L-331-14

3

4 SANDY SMITH, :  
 INDIVIDUALLY AND AS :  
 EXECUTRIX OF THE ESTATE : CIVIL ACTION  
 5 OF HER LATE HUSBAND :  
 GEORGE BRADLEY SMITH, : DEPOSITION  
 6 : TESTIMONY OF:  
 Plaintiff, : PATRICK ROSENELLO

7 vs. :  
 8 CITY OF NORTH WILDWOOD, :  
 STATE OF NEW JERSEY, :  
 9 JOHN DOE, MARY DOE, ABC :  
 PARTNERSHIPS and XYZ :  
 10 CORPORATIONS, :  
 11 Defendants. :

12

13

14

15 TAKEN BEFORE: LYNN SMITH, a Certified Court  
 16 Reporter of the State of New Jersey, License No.  
 17 XIO1520, at the D'Amato Law Firm, 2900 Fire Road,  
 18 Suite 200, Egg Harbor Township, New Jersey 08234, on  
 19 Tuesday, March 1, 2016, commencing at 2:28 p.m.  
 20

21

22

23 WORD FOR WORD REPORTING, LLC  
 CERTIFIED COURT REPORTERS & VIDEOGRAPHERS  
 24 6 NORTH BROAD STREET, SUITE 202  
 WOODBURY, NEW JERSEY 08096  
 25 Ph. (856) 384-2770 Fax. (856) 384-2779

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2

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

2

3 D'AMATO LAW FIRM  
 2900 Fire Road, Suite 200  
 Egg Harbor Township, New Jersey 08234  
 4 BY: PAUL R. D'AMATO, ESQUIRE  
 For the Plaintiffs

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6 BARKER, GELFAND & JAMES  
 210 New Road  
 7 Linwood, New Jersey 08221  
 (609) 601-8677  
 8 BY: A. MICHAEL BARKER, ESQUIRE  
 For the Defendant, North Wildwood

9

10 STATE OF NEW JERSEY  
 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 11 DIVISION OF LAW  
 R.J. Hughes Justice Complex  
 12 25 Market Street  
 Trenton, New Jersey 08625  
 (609) 777-4872  
 13 BY: BRIAN HUNKINS, DAG  
 For the State of New Jersey

14

15 Videographer: Tom Zanaras

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3

I N D E X

2	<u>WITNESS</u>	<u>PAGE</u>
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4	Examination By Mr. D'Amato	4
5	Examination By Mr. Hunkins	92

6	<u>E X H I B I T S</u>		
7	<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>
8	P-63	Aerial Photograph	10
9	P-64	Photograph	33
10	P-65	2016 Tourism Brochure	43
11	P-66	Photograph	59
12	P-67	Photograph	61
13	P-68	Photograph	64
14	P-69	Photographs	66
15	through P-71		
16	P-72	Photograph	67
17	P-73	Photograph	77
18	P-74	Cape May County Herald Article	79
19	P-75	Press of Atlantic City Article	80
20	P-76	E-mail (Exhibits attached)	86
21			
22			
23	<u>R E Q U E S T S</u>		
24	Page 37, Line 12 - Photographs from Stewart Farrell		
25	WORD FOR WORD REPORTING, LLC		

4

1 VIDEOGRAPHER: Today's March the 1st,  
 2 2016. This is the videotaped deposition of Patrick  
 3 Rosenello. Going on the record. The time is 2:28  
 4 p.m. The appearance of counsel will be noted in the  
 5 transcript.

6 Would the court reporter please swear  
 7 in the witness.

8 P A T R I C K R O S E N E L L O ,  
 9 having been first duly sworn, testified as follows:  
 10 EXAMINATION BY MR. D'AMATO:

11 Q. Mayor, have you gone through this process  
 12 before of a deposition?

13 A. One -- one other time, yes.

14 Q. Did it relate to the City of North Wildwood?

15 A. No.

16 Q. Oh, okay. You have sitting next to you one  
 17 of the most competent attorneys I know. He has a  
 18 right, after I ask you a question, to say that he  
 19 objects to the form of the question. I doubt he's  
 20 ever going to say to you, do not answer the question.

21 A. Okay.

22 Q. It could happen, it could happen. The reason  
 23 I'm telling you that is, you have to pause for a  
 24 second after I finish the question to give Mike the  
 25 opportunity, or Brian, who represents the State of

WORD FOR WORD REPORTING, LLC

1 New Jersey, to say they object to the form of the  
2 question.

3 **A. Okay.**

4 **Q.** I'm not going to ask them what their  
5 objection is. And unless they instruct you  
6 otherwise, you just go ahead and answer the question.

7 **A. Okay.**

8 **Q.** I know you're the mayor, and I know about  
9 your background, because I went to the website. And  
10 as I told you, I've spoken to others about you. Just  
11 because you're the mayor doesn't mean that you're  
12 necessarily going to know the answer to each and  
13 every question.

14 For the benefit of all of us, if you  
15 don't know the answer, just say you don't know.

16 **A. Okay.**

17 **Q.** Okay? And what I'll probably do is ask you  
18 who, in your judgement, would know the answer to a  
19 question.

20 **A. Right.**

21 **Q.** Okay? So, let's get started.

22 As I understand it, you grew up in  
23 North Wildwood?

24 **A. That's correct.**

25 **Q.** Right. And you moved there in 1977?

WORD FOR WORD REPORTING, LLC

1 **A. Correct.**

2 **Q.** Right. And how old were you?

3 **A. Four.**

4 **Q.** Okay. Okay. And have you resided in North  
5 Wildwood from the time, say, 1977, up until the  
6 present, other than going to college or living in  
7 Washington or something?

8 **A. Right. So, I went to school in Washington,  
9 and I lived there for two years after graduation.**

10 **Q.** Right. Okay.

11 **A. Other than that, I've lived in North  
12 Wildwood.**

13 **Q.** Fine. The -- you went to what I call Bob  
14 Sandman School, Wildwood Catholic. Right?

15 **A. Correct.**

16 **Q.** I say that, because he acts as if he's the  
17 only guy that ever went there, you know? I think I  
18 told you that.

19 And then you graduated from Catholic  
20 University in 1995 with a degree in what?

21 **A. American government and philosophy.**

22 **Q.** Okay. And then you decided to stay in  
23 Washington to do good, and you were a legislative  
24 aide to Congresswoman Sue Kelly?

25 **A. Correct.**

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1 **Q.** From what district was she from?

2 **A. The 19th district of New York.**

3 **Q.** Okay. All right. And for how long did you  
4 serve as a communications director for Senator Nick  
5 Asselta?

6 **A. Approximately two years. And then I went  
7 part-time for his campaign.**

8 **Q.** Okay. You were elected to North Wildwood  
9 City Council in 2004?

10 **A. That's -- I believe I was elected in '3 and  
11 sworn in in '4, if I'm not mistaken.**

12 **Q.** Got it. And you -- you were there for 10  
13 years on council?

14 **A. Correct.**

15 **Q.** All right. Let's stop right there.

16 The -- I understand that the form of  
17 government for North Wildwood is what I call a weak  
18 mayor, nothing personal, strong council. Correct?

19 **A. That's incorrect.**

20 **Q.** Incorrect. Go ahead.

21 **A. City of North Wildwood has the city form of  
22 government.**

23 **Q.** What does that mean in terms of the powers of  
24 the mayor?

25 **A. I don't know in detail. It's a pre-Faulkner**

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1 **Act form of government.**

2 **Q.** Okay.

3 **A. I don't know -- as far as the exact powers, I  
4 don't know that I could enumerate them all right now.**

5 **Q.** Do you vote on resolutions?

6 **A. No.**

7 **Q.** And I gather you don't vote on the passing of  
8 an ordinance?

9 **A. No.**

10 **Q.** Okay.

11 **A. The mayor only votes in the event of a tie.**

12 **Q.** All right. When you were on council, for 10  
13 years, were there certain departments that you were  
14 assigned to that you were your responsibility?

15 **A. They had liaisons, but they're not your  
16 direct responsibility.**

17 **Q.** Okay. Can you explain that?

18 **A. Sure. So, in our form of government, the  
19 council is, I think the easiest description for me  
20 is, it's the legislative body. So, the mayor is the  
21 executor or administrative body, the council is the  
22 legislative body. And so, the council has no direct  
23 authority over any city employees. And so, what they  
24 had previously were liaisons, where, because there's  
25 seven members of council, they would make each member**

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1 a liaison to different departments in the city. And  
2 that was simply, really, a means of communication, so  
3 that a department had had one person that they could  
4 go to, and speak with, if they wanted to, and that  
5 person could carry information back to council.

6 Q. Okay. So, I understand -- I want to be  
7 really clear on this. A particular councilperson did  
8 not have the responsibility of running the particular  
9 department?

10 A. They did not.

11 Q. Did not. Okay.  
12 During the time that you were city  
13 administrator, was there a city -- excuse me. Let me  
14 rephrase that.

15 I'm trying to get you out of here --

16 A. That's fine.

17 Q. -- quickly, and I'm going too quick, so I got  
18 to slow down.

19 During the time that you were on  
20 council, was there a city administrator?

21 A. There was, yes.

22 Q. And who was that?

23 A. When I was first elected, it was Ray  
24 Townsend. And then, after he left, it was a  
25 gentleman by the name of Lou Belasco. And then

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1 during my last year on council, prior to becoming  
2 mayor, it was Kevin Yecco.

3 Q. Okay. Okay. And you became mayor, it says  
4 here, on January 7, 2014, you were sworn in?

5 A. That's correct.

6 Q. All right. Now, since becoming mayor, are  
7 there particular departments that you're responsible  
8 for?

9 A. Technically, the only department that reports  
10 directly to the mayor is the police department.

11 Q. Okay.

12 A. The other departments report to the city  
13 administrator.

14 Q. Got it. Okay.

15 Now, I don't know if you were there for  
16 that part of the deposition of Chief Cavalier of the  
17 beach patrol, but I started off by telling him that,  
18 when you do your homework to try to understand how  
19 this event took place involving Mr. Smith, you see  
20 various names, such as Moore's Beach, Moore's Inlet  
21 Beach, the inlet. All right. I am going to hand to  
22 you an exhibit marked as 63.

23 (Aerial Photograph, received and marked  
24 for identification as Exhibit P-63.)

25 Q. It's an aerial photograph that was taken by

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1 the Engineer's Office of Cape May County on March 14,  
2 2012. And do you -- before coming here today, have  
3 you used the phrase Moore's Beach?

4 A. Yes.

5 Q. All right. If you were to get that red  
6 marker, could you, on that aerial, delineate what you  
7 refer to as Moore's Beach.

8 A. (Witness complies.)

9 Q. All right. Now, I think practically every  
10 city employee whose deposition we've taken, we've had  
11 them mark this aerial photograph. Now, could you  
12 mark for us what is the inlet beach, if you use that  
13 phrase? And why don't you use the orange marker.

14 A. I'm going to do a starting point and an  
15 ending point.

16 Q. May I see that?

17 A. Sure.

18 Q. Okay. So, in other words, Moore's Beach is  
19 part of the inlet beach, as far as you're concerned?

20 A. Yes.

21 Q. Okay. Here.

22 MR. HUNKINS: Thank you.

23 MR. D'AMATO: He went like that.

24 MR. HUNKINS: Yeah.

25 MR. D'AMATO: Mike, are these yours?

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1 MR. BARKER: Thank you.

2 BY MR. D'AMATO:

3 Q. Is there any other phrase that you,  
4 personally, have used to describe any of the beaches,  
5 or the beach area that you bracketed off as the inlet  
6 beach? In other words, you have Moore's Beach, you  
7 have inlet beach. Any other phrases?

8 A. Some -- some people may refer to it as Second  
9 Street. Which it's kind of a strange geographic  
10 designation. Because Second Street runs parallel to  
11 the southern end of it. So, some people will refer  
12 to that as Second Street.

13 Q. Okay. So then, here, why don't you get the  
14 green marker, and -- yeah, use blue, and delineate  
15 what some people refer to as the Second Street beach.  
16 (Dominic Speziali enters the room.)

17 A. I just have to get my --  
18 And then it wraps out of this picture,  
19 as well.

20 Q. All right.

21 A. So.

22 Q. Now, given your personal experience with this  
23 inlet beach area, and then your experience as a city  
24 official, my question to you is, any of the beach  
25 area that you have delineated as the inlet beach, or

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1 the Second Avenue Beach --

2 **A. Second Street Beach.**

3 **Q.** -- were any beach replenishment projects ever  
4 done for those beaches?

**A. No.**

6 **Q.** Okay. And is the reason that there was no  
7 beach replenishment is that the understructure of the  
8 actual inlet, the water inlet, is such that it is  
9 always changing, because of the currents?

10 **A. I think -- no. My understanding of why we've**  
11 **never done beach replenishment there is because when**  
12 **we first went for a beach replenishment -- I**  
13 **shouldn't say first, the most recent one when I was**  
14 **involved was in 2006. And as part of the permitting**  
15 **for the 2006 beach replenishment, which was really**  
16 **the first complete engineered beach in North**  
17 **Wildwood, we were prohibited from doing any**  
18 **replenishment on that area, because of piping**  
19 **plovers, and other endangered species.**

20 **Q.** Okay. When you talk about the piping plover.  
21 Right? I read an article about your predecessor,  
22 Mayor Henfey. Right?

23 **A. Yes, correct.**

24 **Q.** How closely did you work with Mayor Henfey  
25 when you were on city council?

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1 **A. Fairly closely.**

2 **Q.** Okay. I could be wrong with this, but  
3 someone said that he was like a mentor to you --

4 **A. Yeah.**

5 **Q.** -- in terms -- is that correct?

6 **A. That is correct.**

7 **Q.** All right. Did you ever have any  
8 conversations with Mayor Henfey about any hazardous  
9 conditions that existed on what you have referred to  
10 as the inlet beach on Exhibit 63?

11 **A. Only one that I recall was after the Smith**  
12 **drowning. Discussions about -- about the Smith**  
13 **drowning.**

14 **Q.** Okay. And this was you and the -- Mayor  
15 Henfey?

16 **A. I don't know that it was exclusively us. But**  
17 **I do recall being in his presence during**  
18 **conversations after that drowning regarding what had**  
19 **occurred, and if -- if -- what, if anything, the city**  
20 **could do moving forward.**

21 **Q.** Okay. I believe that you were sitting in for  
22 part of Chief Cavalier's deposition when he was  
23 talking about the vortex or the whirlpool. Were you  
24 sitting in on that?

25 **A. I don't recall that.**

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1 **Q.** Okay. Do you recall -- were you sitting in  
2 on the part of his deposition where he was describing  
3 how the vortex located in the inlet, that is, the  
4 body of water, eats away at the beach?

5 MR. HUNKINS: Object to the form.

6 **A. I don't recall being there for that part.**

7 **Q.** Okay. I had asked the chief, and I'm  
8 referring to page 41 of his deposition, and I said,  
9 "If I said to you what is your understanding of what  
10 happened to Mr. Smith, do you have one?"

11 And he said -- actually, I said to  
12 him -- he said, yes, he has an opinion. I'm trying  
13 to do this quickly. He said, yes, he has an opinion.  
14 And I said, What -- What do you base that opinion on?  
15 And he said, Being down there all the time.

16 And here's what he said. "At certain  
17 times of the day, when the tide is in or out, there's  
18 a drop off along that section of the beach.

19 "What do you mean by a drop off?"

20 "It literally drops off.

21 "And how long has that particular  
22 condition existed, as far as you know?"

23 "The inlet's changing all the time.

24 Every year, it changes."

25 Then I said to him, "Given the number

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1 of years that you have been on the beach patrol, is  
2 that vortex or whirlpool created every time the back  
3 bay moves out to the ocean?

4 "Answer: Yes."

5 And here's the last thing I asked him.

6 "And I know you're not a research  
7 scientist, but what is your understanding what causes  
8 the whirlpool or vortex?"

9 "Answer: I believe it's the bay  
10 hitting the ocean at that point."

11 Then here's one more.

12 "How large is this whirlpool or vortex  
13 that you have seen in the past in the inlet?"

14 "Twenty-five yards.

15 "And does it appear circular?"

16 "Yes."

17 Were you there for that part of it?

18 **A. I --**

19 **Q.** Okay.

20 **A. I don't --**

21 **Q.** You don't remember. Okay?

22 **A. I don't remember that.**

23 **Q.** All right. Putting that aside. Before  
24 coming here today, had you ever heard of a whirlpool  
25 or a vortex existing at certain points in time in the

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1 body of water that is called the inlet?  
2 MR. HUNKINS: Object to the form.  
3 MR. BARKER: Objection.

4 **A. I -- a whirlpool or a vortex, no.**  
5 **Q.** Okay. What have you heard as to what this  
6 condition of water is referred to?

7 **A. A current.**  
8 MR. HUNKINS: Object to the form.

9 **A. I'm sorry. A current.**  
10 **Q.** Okay. And could you be more descriptive as  
11 to what type of current?

12 **A. When the tide is coming in, there's a current**  
13 **coming from the ocean, pulling -- pushing you into**  
14 **the back bay. And when the tide is -- and**  
15 **interestingly, at high tide, for a period, there is**  
16 **-- the current's very little, because it's called a**  
17 **slack tide. And then on the outgoing current, the**  
18 **current's running from the bay out towards the ocean,**  
19 **and again, at dead low tide, there's another period**  
20 **of what's called slack tide where there's very little**  
21 **current.**

22 **Q.** Okay. Were you involved in any way relative  
23 to the rescue of Mr. Smith?

24 **A. No.**

25 **Q.** Okay. Did you go to the beach when you  
WORD FOR WORD REPORTING, LLC

1 became aware that he was missing?  
2 **A. Yes.**

3 **Q.** Was it on the day that he was --

4 **A. Yes.**

5 **Q.** -- that it was known that he was missing?

6 **A. Yes, yes.**

7 **Q.** Okay. And what role, if any, did you have,  
8 or to say, better yet, why were you there?

9 **A. I knew that they were conducting a -- a**  
10 **search, and I just went down to check -- I'm not sure**  
11 **if the mayor was there or not. I don't recall. But**  
12 **I just went down to check in with the mayor, to see**  
13 **if, you know, what was happening.**

14 **Q.** Okay. Since the drowning of Mr. Smith, do  
15 you have a better understanding of what he and his  
16 daughter and Mr. Smith's friend, Scott Sunderland and  
17 his daughter, were doing at the time that Mr. Smith  
18 went into the water?

19 **A. I've heard various things. Some from -- in**  
20 **the media, and the little bit, I think, during your**  
21 **deposition of Chief Tony Cavalier. So, I've heard**  
22 **various explanations of what they were doing**  
23 **immediately prior to that occurring.**

24 **Q.** Okay. And what are those explanations?

25 **A. One explanation I had heard was that the sand**  
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1 **had -- they were walking on dry sand, the sand had**  
2 **actually given way underneath them. Another**  
3 **explanation I believe I had heard was that they --**  
4 **some -- some number of them were walking in the**  
5 **water, ankle deep. I've also heard something along**  
6 **the lines of, they were walking at knee deep. And**  
7 **again, I'm not exactly sure how big or small the**  
8 **group was. I'm not sure of any of those things. But**  
9 **those were the different scenarios that I've heard.**

10 **Q.** Okay. Did anyone tell you that Brad Smith  
11 and his daughter were actually swimming in the inlet  
12 at the time that he -- he was not able to return to  
13 land?

14 **A. When you say swimming, do -- could you --**

15 **Q.** That is, you know, in water that is up to  
16 your neck, and you're moving your arms, and --

17 **A. No, I did not hear that.**

18 **Q.** Okay. Would you agree that walking -- well,  
19 first of all, do you have an understanding of where  
20 this event took place?

21 **A. I believe -- I'm not sure if the dot on the**  
22 **map is representative of that or not.**

23 **Q.** Well --

24 MR. HUNKINS: Let me just object.  
25 Yeah, the basis of what he's about to say is my  
WORD FOR WORD REPORTING, LLC

1 objection.  
2 MR. D'AMATO: Yes.

3 **Q.** Just looking at that aerial photograph that  
4 you marked up, do you have just a general idea of  
5 where it took place?

6 **A. I do. I believe it was somewhere between**  
7 **Moore's Beach and Second Street, where the guarded**  
8 **area down here. So, somewhere in front of the lagoon**  
9 **and the wilderness area.**

10 **Q.** Got it. Okay. Good.

11 And on the date of this incident, July  
12 27, 2012, that beach, which you just described as the  
13 area where, I'll call it, the Smith event took place,  
14 that was an unguarded area?

15 **A. That is correct.**

16 **Q.** Okay. Was it a violation of any ordinance  
17 for a person to be walking in ankle deep water in the  
18 area that you have indicated was where -- is where  
19 you think the Smith event took place?

20 MR. BARKER: Objection. You may answer  
21 the question, however.

22 **A. I don't know the answer to that question.**

23 **Q.** Okay. All right. Now, let's talk about the  
24 particular activities that take place on that beach.

25 We supplied Mr. Barker with certain  
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1 photographs showing police officers walking on what  
2 you would call Moore's Beach, okay, in the  
3 summertime. And there's some testimony that you  
4 instituted -- was it you or Mayor Henfey that  
5 instituted that procedure?

6 **A. The walking beats?**

7 **Q.** Yeah.

8 **A. That was something that I instituted.**

9 **Q.** Okay. And that would have been the summer of  
10 what season; '14, '13?

11 **A. '14.**

12 **Q.** Okay. And why did you institute these  
13 patrols, if you will?

14 **A. We instituted walking patrols on our entire  
15 beach, primarily to address the issue of the open  
16 display of alcoholic beverages.**

17 **Q.** Okay.

18 **A. And --**

19 **Q.** Okay. Before July 27, 2012, did you,  
20 personally, ever observe police officers of the North  
21 Wildwood Police Department patrolling the beaches of  
22 North Wildwood? Just walking?

23 **A. Not walking.**

24 **Q.** Okay.

25 **A. No.**

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1 **Q.** Were they on quads?

2 **A. They were usually in some type of a vehicle,  
3 yes.**

4 **Q.** Okay. And was it customarily one officer, or  
5 two officers?

6 **A. Customarily -- I would say it would be two.**

7 **Q.** Okay. And would they patrol on quads to what  
8 you have called the inlet beach area on that exhibit?

9 **A. I witnessed police officers on quads in this  
10 guarded area. I can't definitively say that I saw  
11 them anywhere else prior to that.**

12 **Q.** Okay. And when you're saying the guarded  
13 area, you're referring to the Second Avenue --

14 **A. Correct. Between --**

15 **Q.** Right. All right. Now, you're aware that  
16 North Wildwood issues mercantile licenses to ice  
17 cream vendors. Correct?

18 **A. Yes.**

19 **Q.** All right. And what person or persons within  
20 city government are responsible for administering the  
21 issuance of those mercantile license for the ice  
22 cream vendors?

23 **A. The city clerk.**

24 **Q.** Okay. Have you had any involvement with  
25 these licenses as councilman, as mayor?

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1 **A. We changed the policy -- previously, when a  
2 license became vacant, if a person moved out of the  
3 area, or passed away, they maintained a list in the  
4 city clerk's office, and they would automatically  
5 offer the license to the next person on the list. We  
6 stopped that after I became mayor, with the intent  
7 long term of looking at possibly bidding these  
8 licenses out.**

9 **Q.** Has that been done yet?

10 **A. It has not.**

11 **Q.** Okay. The persons to whom mercantile  
12 licenses are issued, as ice cream vendors, they're  
13 allowed to sell ice cream on all of the beaches of  
14 North Wildwood?

15 **A. That is correct.**

16 **Q.** Okay. Now, if I want to go fishing on the  
17 beaches of North Wildwood, do I have to get a permit?

18 **A. You don't have to get a local permit. But I  
19 believe the state may require a salt water fishing  
20 permit now. I -- but I --**

21 **Q.** Okay.

22 **A. I'm pretty sure they do, actually. But North  
23 Wildwood does not.**

24 **Q.** Okay. As a councilman and as a mayor, have  
25 you had any interaction with the Public Works

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1 Department?

2 **A. Yes.**

3 **Q.** Okay. Would you agree that the Public Works  
4 Department, before July 27, 2012, cleaned what you  
5 have referred to as the Moore's Beach and the inlet  
6 beach?

7 **A. They -- so, our public works rakes the beach  
8 every morning with large mechanical rakes. We are  
9 prohibited from going -- I'm just going to use north  
10 and west, so, even though it's not technically.**

11 **The mechanical equipment is not allowed  
12 west of the guarded area, again, due to the  
13 permitting and restrictions in the permit that we  
14 have.**

15 **Q.** All right.

16 **A. So. And we also, to my knowledge, do not  
17 place any -- to put it in context. So on the guarded  
18 areas of the beach, we have trash containers,  
19 recycling containers, things of that nature. So, the  
20 Public Works Department will come down, rake the  
21 beach. They also have a machine that goes down and  
22 empties the trash cans. Those are mechanicals. We  
23 don't have any mechan -- we don't have any trash cans  
24 on this beach. We're not allowed to rake it. But  
25 occasionally, guys will go down and clean up, and**

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1 **it's primarily sea grass and stuff like that, that**  
2 **accumulates in large -- and starts to -- starts to**  
3 **smell.**

4 **Q.** Right. Did you see any of the photographs  
5 that I provided Mr. Barker with as part of what we  
6 lawyers call discovery?

7 **A.** **I think I saw them during Chief Cavalier's,**  
8 **yes.**

9 **Q.** Okay. Okay. I'll show you some of these  
10 before we finish. There are public works people  
11 working down there at Moore's Beach.

12 What involvement as a councilman did  
13 you have, if any, with the North Wildwood Beach  
14 Patrol?

15 **A.** **I was, as we spoke about earlier, I was the**  
16 **counsel liaison to the beach patrol during most of**  
17 **the time I was on city council.**

18 **Q.** Okay. Now, did you ever have any discussion  
19 with Chief Cavalier when you were the liaison person  
20 about any hazardous conditions existing along what we  
21 have called, or what you have called the inlet beach  
22 because of the body of water referred to as the  
23 inlet?

24 **A.** **Not that I recall.**

25 **Q.** Okay. Did you have any discussion with Chief  
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1 Cavalier, before July 27, 2012, about the posting of  
2 lifeguards in the area which you have referred to as  
3 Moore's Beach and the inlet beach, before Second  
4 Avenue?

5 **A.** **No. Any -- any of that discussion would have**  
6 **been precluded in 2006 by the permit. We were not**  
7 **allowed to place any lifeguards in that area.**

8 **Q.** Okay. Now, when you say that area, does that  
9 include Moore's Beach?

10 **A.** **I don't know the answer to that question. I**  
11 **always took it as any area what I'm calling west of**  
12 **where Surf Avenue comes in to the inlet. We were not**  
13 **-- that was my understanding was, we were not allowed**  
14 **-- we're not allowed to do any guarding or raking or**  
15 **anything mechanical west of that area.**

16 **Q.** You had your pen over a blue line there.

17 **A.** **Um-hum.**

18 **Q.** So, your pen was over -- you were trying to  
19 --

20 **A.** **I believe -- yeah, so that's -- this street**  
21 **coming in here is Surf Avenue. So, if you -- and**  
22 **there's a beach entrance at Surf Avenue. If you go**  
23 **straight out that beach entrance, immediately to your**  
24 **left, the -- it's either the state or the federal**  
25 **fish and wildlife, fairly shortly, usually it's from**

1 **about early March until about late August, will erect**  
2 **either a snow fence or rope fencing immediately to**  
3 **your left. And they'll take that out almost to the**  
4 **high tide line. And so, we don't do anything with**  
5 **mechanical cleaning or guarding when you -- when you**  
6 **enter on Surf Avenue, to the left. So, the last**  
7 **lifeguard stand is straight ahead a little bit to the**  
8 **right. And that's where the guarded and clean --**  
9 **protected beaches end.**

10 **Q.** Okay. I've seen the area that has been  
11 cordoned off for the birds. Can you take the black  
12 marker, and could you define for us where that  
13 designated area is for the birds?

14 **A.** **Sorry.**

15 **Q.** That's okay. That's all right.

16 **A.** **This. Roughly.**

17 **Q.** Okay. Now, is there a diagram, a piece of  
18 paper in city hall that we could look at that would  
19 support your opinion as to where this designated area  
20 is?

21 **A.** **I believe there is a document called Beach --**  
22 **Beach Management, perhaps. It was a document that**  
23 **was, as I understand it, agreed to -- signed by North**  
24 **Wildwood, the state, and the federal government, as a**  
25 **condition of our 2006 beach replenishment permit.**

1 **And I believe that document spells out this area,**  
2 **what can and can't be done there. Among many other**  
3 **things.**

4 **Q.** Okay. Who's the person Mr. Barker could ask  
5 in city hall to get that document for us, the  
6 complete document?

7 **A.** **Mr. Jett, the city clerk.**

8 MR. BARKER: We did send it to you. If  
9 I'm not mistaken, I'm almost sure, within the last  
10 month, I think we sent it to you.

11 MR. D'AMATO: Yeah, I think you did. I  
12 think you did. So, I stand corrected. I'm not sure,  
13 though. Let's see. I'll be honest with you, I read  
14 it, and I didn't see anything about what could or  
15 could not be done in that area, but I could have  
16 missed it. That's okay.

17 **Q.** Were you involved in the installation of any  
18 safety measures, such as the installation of warning  
19 signs, after the Smith incident?

20 **A.** **Me, personally?**

21 **Q.** Yeah.

22 **A.** **I was not, no.**

23 **Q.** Okay. Was that handled by Mayor Henfey?

24 **A.** **Pri -- I would assume it would have been,**  
25 **yes. Or the Public Works Department.**

1 Q. Okay. Let me show you an exhibit that was  
2 marked for identification on February 9, 2016, as  
3 Exhibit 1. And this was actually marked up by the  
4 chief. And this is an aerial photograph which shows  
5 the body of water that I'm going to call the inlet.  
6 All right?

7 Now, I've said that -- I've used that  
8 phrase several times today. I said the body of water  
9 referred to as the inlet.

10 Is that what you call it, too?

11 A. Yes.

12 Q. All right. This is kind of a follow-up  
13 question to something I asked you about 15 minutes  
14 ago: Looking at that body of water called the inlet,  
15 and given the fact that you started living in North  
16 Wildwood at age four. Right? Up until July 27,  
17 2012, the drowning of Mr. Smith, what have you,  
18 personally, observed about the inlet, itself, the  
19 body of water, relative to the -- I'll be a little  
20 bit more specific -- relative to how the actual  
21 channel moves?

22 A. Right. It changes on an almost daily basis.  
23 There are what I call shoals or sand bars that come  
24 and go. This large piece of sand you see up here  
25 coming off the bottom of Stone Harbor didn't exist

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1 five years ago, and it might not exist tomorrow. The  
2 inlet beach that we're talking of didn't exist until  
3 probably the late '80s, maybe, mid to late '80s.  
4 There was no sand accumulated there. So, it -- it --  
5 the whole -- the whole area changes on a -- I say on  
6 a daily basis. I still live in an area where I can  
7 see the inlet. And literally on a daily basis.

8 Q. Yeah. We all know the sea wall that was  
9 built.

10 A. Um-hum.

11 Q. I have the date someplace here. What year  
12 was that?

13 A. I think it was around 2006.

14 Q. Yeah. 2006. Right. Why was that sea wall  
15 built?

16 A. There was a sea wall in some way, shape, or  
17 form almost the entire area where the current sea  
18 wall is. But it was built in pieces. Some in  
19 different stages, over -- over many, many years. I  
20 don't know how -- when the first piece was built.  
21 So, that sea wall was part of a U.S. Army Corps of  
22 Engineer project to basically protect the northeast  
23 side of the island from storms.

24 Q. Okay. Did the building of that sea wall have  
25 any effect on changing the channel in the inlet?

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1 MR. HUNKINS: Objection.

2 A. Not to my --

3 MR. BARKER: Join.

4 A. Not to my knowledge.

5 Q. Okay. You know what, can I have that back?

6 A. Sure. Both of them, Paul?

7 Q. Yeah.

8 A. Okay.

9 Q. Okay. Now, let me show you what's been  
10 marked for identification as Exhibit 3 on February 9,  
11 2016. That's a photograph that was made by a drone.  
12 As you're getting your orientation in  
13 that photograph --

14 MR. BARKER: When did you say it was,  
15 Paul?

16 A. "Indicating."

17 MR. BARKER: That's when it's marked.  
18 But did you say when it was taken? I'm sorry, if you  
19 didn't. I'm just -- oh, yes, it's -- no, I don't  
20 know. There's a date at the bottom, says July 31,  
21 2000 -- 2014.

22 MR. D'AMATO: That's when it was taken.

23 MR. BARKER: Okay.

24 BY MR. D'AMATO:

25 Q. You see the beach there?

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1 A. Yes.

2 Q. All right. Is any of that beach, in your  
3 judgement, the protected beach relative to what was  
4 established by the -- is it New Jersey Department of  
5 Wildlife?

6 A. The agreement that I've referenced?

7 Q. Yeah.

8 A. I believe it was between the city and the  
9 state DEP. I -- but I don't want to --

10 Q. All right. But does -- does that --

11 A. No. This isn't -- this is not a protected  
12 area.

13 Q. Okay. When we say protected, we're not  
14 talking about lifeguards, we're talking about --

15 A. I'm sorry. Sorry. I thought you meant  
16 lifeguards.

17 Q. No.

18 A. So, yes, a piece of this, I believe, would be  
19 in the restricted environmental area.

20 Q. Okay. With the black marker, could you  
21 delineate that.

22 MR. BARKER: Okay. Wait one second.  
23 If he writes on this now, this is already Exhibit 3  
24 from 2/9/2016.

25 MR. D'AMATO: Okay. We'll go off the  
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1 record, we'll get a clean copy.  
2 VIDEOGRAPHER: Going off the record,  
3 3:05.

(Discussion off the record.)

VIDEOGRAPHER: We're back on the  
6 record, 3:07.

7 BY MR. D'AMATO:

8 Q. Okay. As was noted on the record, this is  
9 Exhibit 3, marked for identification on February 9,  
10 2016. And as Michael has suggested, I'm going to  
11 remark it as Exhibit 64 with today's date, and ask  
12 you, with the black marker, if you could delineate  
13 the area that's supposed to be protected relative to  
14 the birds.

(Photograph, received and marked for  
15 identification as Exhibit P-64.)

16 A. I don't want to digress too much.

17 Q. Okay. Go ahead.

18 A. But --

19 Q. No. Go ahead.

20 A. There is a physical fenced off area, where  
21 they don't want pedestrians, or anybody to access.  
22 However, my understanding is that the nature of the  
23 piping plover is that it goes down to the ocean. And  
24 so, I believe the entire area is protected. But what

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1 I depicted on that was my recollection of the fenced  
2 area. Is that what you want me to --

3 Q. Okay.

4 A. Because I believe that the area mentioned in  
5 the agreement, I don't know if there's a map, or if  
6 it's just verbally stated.

7 Q. Okay. It's helpful what you just said. Let  
8 me tell you what I'm struggling with.

In all the times I went down there, and  
9 I saw that fenced off area, it wasn't, candidly, as  
10 large as you have made it on Exhibit 63. The fenced  
11 off portion, I'm talking about, for the birds. And  
12 that's why I'm -- I'm trying to explore with you --

13 A. Yeah.

14 Q. -- the basis of how you arrived at this --

15 A. Can I -- may I see that again? I want to  
16 make sure I got the landmarks proper. My -- my --

17 Q. Yeah. Would it help if I showed you some  
18 photographs that were taken that show the fence?  
19 Would that help you?

20 A. You can, if you'd like. My recollection is  
21 that when you come down the stairs from this Moore's  
22 Inlet parking lot --

23 Q. All right.

24 A. -- there's a fence almost 10 or 15 feet in

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1 front of you, and that fence line kind of goes out  
2 towards the ocean, and then turns, which is what I  
3 believe I depicted on this photograph here.

4 MR. BARKER: 63?

5 THE WITNESS: Yeah.

6 A. And the only -- the only reason I'm second  
7 guessing myself on that, is because I'm looking at  
8 where the outfall pipe is now, and I can't recollect  
9 what side of the -- so I may have went a little bit  
10 too far over here.

11 MR. BARKER: On 63.

12 THE WITNESS: On 63. I'm sorry.

13 MR. D'AMATO: Hold on.

14 Dominic --

15 A. And I believe -- I believe that 64 is  
16 actually showing, if I'm not mistaken, the -- in the  
17 bottom left-hand corner there, I believe they may be  
18 the posts that I was trying to -- so, I may have gone  
19 a little bit too far on this one here --

20 MR. BARKER: 63.

21 A. -- 63. Maybe I should have come in a little  
22 closer.

23 MR. D'AMATO: There are two or three  
24 more of these, numbered one, two, three. Okay?

25 Q. I'm going to get you the photographs that we  
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1 have that show the wooden fence. So, let's -- I'll  
2 move on from this point.

3 A. Sure.

4 Q. Okay. Before Mr. Smith's drowning, were you  
5 aware that people would get married on what is  
6 referred to as Moore's Beach?

7 A. I don't know that I have any specific  
8 recollection of that, or knowledge of -- or witness,  
9 or seeing that. I have -- and so, no, I do not  
10 recall that.

11 Q. Okay. We obtained a series of aerial  
12 photographs of Hereford's Inlet that goes from 1920  
13 up to February 22, 2013. Did you ever see these?

14 A. I believe I have. Well, I don't -- I don't  
15 know that I've seen your pictures. I have seen  
16 aerial photographs going back quite awhile, though,  
17 on Hereford Inlet.

18 Q. And those photographs would be located in  
19 city hall?

20 A. I believe that we -- I saw them courtesy of  
21 Dr. Stewart Farrell, from the Stockton coastal  
22 research --

23 Q. Okay.

24 A. -- I believe.

25 Q. All right. And when did Dr. Farrell show you

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1 these photographs?  
 2 MR. D'AMATO: Just leave them right  
 3 there. You can leave them right there. Yeah.  
 4 Q. When -- when did he show you these  
 5 photographs?  
 6 A. **I believe that he provided me with those**  
 7 **photographs since I have been mayor, is my best**  
 8 **recollection.**  
 9 Q. Okay. And did he give those photographs to  
 10 you?  
 11 A. **I believe it was an e-mail.**  
 12 Q. Okay. Could you e-mail those photographs to  
 13 Mr. Barker, so he can e-mail them to us?  
 14 A. **I'll probably ask Dr. Farrell to send them.**  
 15 Q. Okay.  
 16 MR. HUNKINS: Before you do that,  
 17 please consult with your attorney. Reason is, he's  
 18 account acting as an expert in the case, so.  
 19 THE WITNESS: Okay.  
 20 MR. HUNKINS: And just so I'm clear,  
 21 these are photos he'll be looking for are what?  
 22 MR. D'AMATO: Photos that Dr. Farrell  
 23 e-mailed him of the Hereford Inlet.  
 24 MR. HUNKINS: And specifically what of  
 25 the inlet do they show?

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1 MR. D'AMATO: They're just aerial  
 2 photographs like the ones we obtained from the  
 3 county.  
 4 MR. HUNKINS: Okay.  
 5 BY MR. D'AMATO:  
 6 Q. Take a look at the ones that we obtained from  
 7 the county. And you'll see at the top, it gives the  
 8 date.  
 9 A. **I think this is the same -- these are the**  
 10 **same ones I've seen in the past.**  
 11 Q. Okay.  
 12 A. **Yeah.**  
 13 Q. All right.  
 14 A. **I think this is the same set of pictures that**  
 15 **Dr. Farrell provided me.**  
 16 Q. Okay. As you're going through those  
 17 photographs that have the different years at the top  
 18 of them --  
 19 A. **Um-hum.**  
 20 Q. -- is the changing of the actual Hereford  
 21 Inlet consistent with what you observed over the  
 22 years, as you see in those aerial photographs?  
 23 A. **My perspective, obviously, starts about 10**  
 24 **pages in.**  
 25 Q. Okay.

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1 A. **So, there's a big -- so, again, there's a big**  
 2 **gap here from 1970 to 1995, which is what I would**  
 3 **have observed most of Hereford Inlet, because we**  
 4 **moved here in 1977. So, from a personal standpoint,**  
 5 **I would be familiar with, basically, the pictures**  
 6 **from 1995 on.**  
 7 Q. Yeah. Did you ever operate a boat through  
 8 the Hereford Inlet?  
 9 A. **Yes.**  
 10 Q. Do you own a boat?  
 11 A. **Yes.**  
 12 Q. All right. And before July of 2012, what  
 13 type of boat or boats have you owned?  
 14 A. **I -- same one. I have a 20-foot outboard.**  
 15 Q. Okay. Is the Hereford Inlet -- strike that.  
 16 You know that strike that means I'm  
 17 going to start over again.  
 18 A. **Okay.**  
 19 Q. Has the Hereford Inlet ever been marked by  
 20 the United States Coast Guard, the New Jersey State  
 21 Marine Police, to delineate those areas where boats  
 22 should, in fact, operate?  
 23 A. **It was, many years ago, when I was younger,**  
 24 **it -- there were buoys that would take you in -- you**  
 25 **would follow those buoys to get in and out of the**

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1 **inlet, yes.**  
 2 Q. And when you say -- because you're still  
 3 young, when did that practice stop?  
 4 A. **Oh, I would have to say it was at least 25**  
 5 **years ago.**  
 6 Q. Why did it stop?  
 7 A. **I don't know. I don't know the answer to**  
 8 **that question.**  
 9 Q. Okay. Okay. I'll take those back from you.  
 10 A. **Sure.**  
 11 Q. And for the record, I just -- I showed the  
 12 mayor Exhibit 4, marked at a deposition on February  
 13 9, 2016. And it was also marked as Exhibit 5 at the  
 14 deposition of the county engineer on July 23, 2015.  
 15 Okay. Let me show you Exhibit 7,  
 16 marked for identification on February 9, 2016. This  
 17 photograph came from a -- I'll call it blog, or  
 18 blog/website of -- that you can go on line, and it's  
 19 Moore's Beach. And you'll see chairs that are set up  
 20 there for a wedding.  
 21 Have you ever seen chairs like that  
 22 before July 2012?  
 23 A. **The only reason I'm hesitating is because I**  
 24 **have seen a wedding set up. I'm not sure what this**  
 25 **location is. It's hard for me to tell by the view.**

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1 **I have seen chairs set up in the -- in the guarded**  
 2 **area of the inlet beach. But I believe it was after**  
 3 **2012. I want to say it was probably -- it wasn't**  
 4 **last summer. Maybe '13 or '14, as I recall.**  
 5 **Q.** Okay. Before July 27, 2012, do you know of  
 6 any law that prevented a person from standing in  
 7 ankle deep water in the area that you have called  
 8 Moore's Beach?  
 9 **A. I don't know the answer --**  
 10 MR. BARKER: Objection.  
 11 **A. Oh, I'm sorry. I don't know the answer to**  
 12 **that. I'm not aware of -- of such a law.**  
 13 **Q.** Okay. Before July 27, 2012, did you have any  
 14 understanding as to the depth of the channel, which  
 15 we call Hereford Inlet, as shown in Exhibit 2?  
 16 **A. Yes.**  
 17 **Q.** Okay. So, why don't you share with me what  
 18 that understanding was.  
 19 **A. Well, from being in the channel on my boat, I**  
 20 **have a depth finder, so it varies from one or two**  
 21 **feet to maybe 28 feet, I believe, I want to say is --**  
 22 **28 to 35, perhaps, in certain spots.**  
 23 **Q.** Okay. I can show you an article where Dr.  
 24 Farrell says that there are certain parts of that  
 25 Hereford Inlet that are 50, 60 feet deep.  
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1 **A. I don't think my depth finder goes that deep.**  
 2 **Q.** Oh.  
 3 **A. I don't doubt that. I don't doubt that. But**  
 4 **from my personal experience, that's what I've**  
 5 **witnessed.**  
 6 **Q.** Oh, all right. Now, let me show you a  
 7 photograph that's been marked for identification as  
 8 Exhibit 9 that was taken the -- by Lou DiJoseph, who  
 9 was that licensed private investigator --  
 10 **A. Yes.**  
 11 **Q.** -- I think you met at the deposition, of  
 12 people in the water adjacent to Moore's Beach. This  
 13 is Exhibit 9.  
 14 And my question is, before July 2012,  
 15 did you ever see people wading in the water off of  
 16 Moore's Beach?  
 17 **A. Yes.**  
 18 **Q.** Okay. Now, were those individuals that you  
 19 saw in violation of any city ordinance?  
 20 MR. BARKER: Objection. You may answer  
 21 the question.  
 22 **A. I don't know.**  
 23 **Q.** Okay. When you saw those people wading off  
 24 the Moore's Beach, before July 2012, did you call the  
 25 North Wildwood Police Department, or the North  
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1 Wildwood Beach Patrol?  
 2 **A. No.**  
 3 **Q.** Okay. When you saw those people wading in  
 4 the water off of Moore's Beach before July 2012, did  
 5 you think that they were exposing themselves to any  
 6 hazardous conditions existing in the water that  
 7 constitutes Hereford Inlet?  
 8 MR. HUNKINS: Object to the form.  
 9 **A. I believe that if you're not swimming in**  
 10 **front of a lifeguard, you are subjecting yourself to**  
 11 **a hazardous condition in the ocean.**  
 12 **Q.** Okay.  
 13 **A. So, the answer is yes.**  
 14 **Q.** I'll take that back.  
 15 Okay. All right. I'm going to have  
 16 marked for identification as Exhibit 65 what I'm  
 17 going to call a tourism brochure for 2016 for North  
 18 Wildwood that comes off of the city's website. And I  
 19 want to direct you to page 8.  
 20 (2016 Tourism Brochure is received and  
 21 marked for identification as Exhibit P-65.)  
 22 **Q.** Okay. And for the benefit of my colleagues,  
 23 you will -- I just want to tell them what we're  
 24 looking at. It says at the top, on page 8, Beach and  
 25 Fishing Information.  
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1 MR. BARKER: Yes.  
 2 **Q.** Then it talks about handicap surf chairs.  
 3 You see that part? And --  
 4 **A. Yes.**  
 5 **Q.** -- before you get to accessible restrooms, it  
 6 says "three are located on the inlet beach." Do you  
 7 see that?  
 8 **A. Yes.**  
 9 **Q.** Now, were you aware of this entry in this  
 10 document before I showed it to you?  
 11 **A. I -- I did review this document. I can't**  
 12 **guarantee that I saw that particular line item.**  
 13 **Q.** Okay. So, when did the city, North Wildwood,  
 14 that is, offer handicap surf chairs to persons using  
 15 the North Wildwood beach?  
 16 **A. Many years. I can't tell you exactly how**  
 17 **many years, but for many years.**  
 18 **Q.** Okay. Now, given your definition of the  
 19 inlet beach, it says "three are located on the inlet  
 20 beach." What beach?  
 21 **A. The guard -- that -- the guarded beach.**  
 22 **Q.** The guarded beach?  
 23 **A. Yes.**  
 24 **Q.** Okay.  
 25 **A. They are provided by the lifeguards at**  
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1 **guarded beaches.**

2 **Q.** Okay. All right. I'll take that back.

3 Thank you.

**A. Sure.**

**Q.** Now, let me show you what's been marked for  
6 identification as Exhibit 29. All right? I'm going  
7 to hand this to you.

8 As you look at it, the beach that we're  
9 looking at, and you can use the buildings as  
10 landmarks, is covering what area?

11 **A. I would refer to this to the Moore's Inlet  
12 Beach, because it's directly adjacent to the Moore's  
13 Inlet parking lot.**

14 **MR. HUNKINS:** And can we get a date  
15 that that was taken?

16 **MR. BARKER:** 2/9 --

17 **THE WITNESS:** No.

18 **MR. BARKER:** I don't know the date it's  
19 taken. It's Exhibit 29 marked 2/9/16. That's all we  
20 know.

21 **MR. D'AMATO:** I could tell you, it was  
22 taken the September after the -- September 2012, I'm  
23 pretty sure.

24 **MR. HUNKINS:** Thank you.

25 **MR. D'AMATO:** Okay.

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1 **Q.** All right. I have some other photographs I  
2 want to show you in a moment.

3 With respect to the area that you call  
4 the inlet beach, excluding the Second Avenue beach,  
5 all right, have you witnessed, growing up, and after  
6 you came back here, after, you know, working in  
7 Washington, D.C., parts of that inlet beach,  
8 including Moore's Beach, just falling away?

9 **MR. HUNKINS:** Object to the form.

10 **A. I have not -- I have seen what this picture  
11 describes. I have seen what this picture depicts,  
12 which is, in my belief, the result of a storm event  
13 that scarped -- we call it scarping, when you have  
14 those types of -- like, a drop off like that. We had  
15 a lot of them after Jonas, we have this scarping,  
16 where this -- where a violent storm takes away a lot  
17 of sand at one time; as opposed to a gentle slope,  
18 you'll have something like this.**

19 **Q.** Okay. I'll take that back.

20 **A. Sure.**

21 **Q.** Okay. We established earlier in your  
22 deposition that no one had told you that Mr. Smith  
23 and his daughter were actually swimming at an  
24 unprotected beach. Right?

25 **A. I don't --**

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1 **Q.** Or maybe -- I'm sorry, I didn't mean to  
2 misstate your testimony. I --

3 **A. No.**

4 **Q.** Go ahead.

5 **A. What -- my -- my -- the three different  
6 scenarios that I had heard about Mr. Smith and the  
7 other folks involved were that they were in ankle  
8 deep water, that they were in knee deep water, or  
9 that they were walking on dry land.**

10 **Q.** Okay.

11 **A. I don't know -- again, we had discussed a  
12 little bit -- I had asked you the definition of --  
13 your definition of swimming, and my definition of  
14 swimming are not the same.**

15 **Q.** Okay.

16 **A. So, I want to be clear on that.**

17 **Q.** Okay. Well, what's your definition of  
18 swimming?

19 **A. As it relates to my children, if I tell my  
20 kids don't go swimming in the ocean, and they're knee  
21 deep in water, they're in trouble.**

22 **Q.** Okay.

23 **A. So, I mean, very rarely do you see people  
24 doing what you described as swimming in the ocean.  
25 People rarely -- first of all, the lifeguards don't**

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1 **let you go out neck deep. And rarely do people go  
2 out there and do free style and breast stroke. I  
3 mean, to me, once you're calf, knee deep, you know,  
4 you're swimming in the ocean.**

5 **Q.** Okay. Now, using your definition, do you  
6 have any personal evidence that Mr. Smith and his  
7 daughter were swimming as the mayor uses the term?

8 **A. I've -- I have no personal knowledge of what  
9 they were doing prior to the incident. Only what  
10 I've heard in the media, or heard through some of  
11 these depositions.**

12 **Q.** Okay. Good.

13 Was it at any time before July 2012  
14 part of your responsibilities as a councilperson to  
15 ensure that any signs warning of dangers associated  
16 with the beach and the water were in good order, so  
17 that persons could understand what the warning was?

18 **A. As a council member?**

19 **Q.** Yeah.

20 **A. No.**

21 **Q.** Okay. When you were the liaison to the beach  
22 patrol, was that part of your responsibility?

23 **A. No, no.**

24 **Q.** This would have been strictly the  
25 responsibility of the beach patrol and the chief?

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1 **A. Signs are typically made by the Public Works**  
2 **Department. And different departments can request**  
3 **signs be made.**

4 **Q. Okay.**

5 **A. And they would typically be installed by the**  
6 **Public Works Department.**

7 **Q. Let me show you what's been marked for**  
8 **identification as Exhibit 12. You're going to see**  
9 **some white poles with signs.**

10 Okay? Before Mr. Smith's drowning, did  
11 you ever see white poles with signs like that?

12 **A. Yes.**

13 **Q. Okay. And they were posted at what beaches?**

14 **A. These are very -- these are standard -- the**  
15 **lifeguards use these at a variety of locations on the**  
16 **beach to demark the end of a guarded section of**  
17 **beach.**

18 **So, for instance, at that Surf Avenue,**  
19 **where the last chair is, you'll see some of these**  
20 **right at the wet line, so people know -- the red sign**  
21 **is a person swimming with an arrow through it.**

22 **Q. All right.**

23 **A. So, these are used pretty frequently around**  
24 **outfall pipes, or any other area where it's not**  
25 **designated for swimming.**

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1 **Q. Okay. Brian and Mike heard the testimony of**  
2 **Mrs. Smith, that they had gone to the first protected**  
3 **beach, where I'm going to say Surf.**

4 **A. Yes, that would be Surf Avenue.**

5 **Q. And that -- and that her husband and daughter**  
6 **and Scott Sunderland, who is Mr. Smith's best friend,**  
7 **and his daughter, decided to take a walk towards**  
8 **Moore's Beach.**

9 **A. Okay.**

10 **Q. Do you know if, on the date of this incident,**  
11 **there were any signs that Mr. Smith and Mr.**  
12 **Sunderland would have had the opportunity to observe**  
13 **relative to any dangers associated with walking on**  
14 **the beach?**

15 **A. If they were there during the guarded hours,**  
16 **which I'm not sure if they were or not, they would**  
17 **have encountered those signs that you just showed me**  
18 **in that last exhibit at the water's edge, during**  
19 **guarded hours. However, lifeguards would usually**  
20 **remove them at the end of the guarded hours, because**  
21 **they wouldn't make it through a tide cycle.**

22 **Q. Okay. Given your history as a resident, as a**  
23 **councilman, and a mayor, have you ever seen any signs**  
24 **on the area that you delineated as the inlet beach,**  
25 **warning anyone about the dangers of walking on -- in**

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1 ankle deep water?

2 **A. Not specifically referencing ankle deep**  
3 **water, no.**

4 **Q. Okay. Now, let me show you Exhibit 14. We**  
5 **took testimony about that.**

6 Was the establishment of these concrete  
7 boulders and the balls with the warning the idea of  
8 Mayor Henfey?

9 **A. I don't know.**

10 **Q. Okay. Do you know how many seasons these**  
11 **boulders and no swimming balls were used?**

12 **A. To my knowledge, they were placed there after**  
13 **the Smith drowning, and they didn't -- I don't think**  
14 **they made it until the end of that summer. I think**  
15 **just natural forces removed them.**

16 **Q. Okay. Now, let me show you Exhibit 16. And**  
17 **I want you to get your orientation. And you could**  
18 **see the date's in the right-hand lower corner there.**  
19 **Do you see that?**

20 **A. (Witness nods.)**

21 **Q. And what's the date for the record?**

22 **A. August 16th, 2012.**

23 **Q. Now, looking at the homes and the landmarks**  
24 **there, can you describe for us the beach that we're**  
25 **looking at?**

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1 **A. You would be heading, again, what I call west**  
2 **from -- and again, I don't know what -- I don't know**  
3 **how far away this was taken. But you'd be heading**  
4 **west towards the Moore's Beach from this picture.**

5 **Q. Okay. Would you agree that the people that**  
6 **we see on the beach and those people in the water,**  
7 **that that is -- that they are at what you call**  
8 **Moore's Beach?**

9 **A. Yes.**

10 **Q. Okay. Prior to July 2012, were you involved**  
11 **in any conversation, or any discussion, or any**  
12 **communication about closing Moore's Beach?**

13 **A. No.**

14 **Q. Okay. Now, let me show you what's been**  
15 **marked for identification as Exhibit 19. And for the**  
16 **benefit of my colleagues, there -- one of the signs**  
17 **is no dogs, cats, or any other domestic animals on**  
18 **beach. No animals on boardwalk.**

19 Okay. Now, given your involvement with  
20 city government, you were aware of that ordinance,  
21 generally. Correct?

22 **A. The animals on the beach?**

23 **Q. Yes.**

24 **A. Yes.**

25 **Q. All right. Now, again, going back to your**

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1 definition of the inlet beach, which includes Moore's  
2 Beach, but stops at the Second Avenue Beach, were  
3 animals allowed on the inlet beach, as defined by  
4 you?

5 **A. I would think that they were allowed --**  
6 **they're not allowed on the guarded sections. I mean,**  
7 **I've never thought about the question before. But as**  
8 **I think of it now, I would connect that with the**  
9 **guarded beach. So, in other words, when the**  
10 **lifeguards are there, and the area that's raked,**  
11 **those are the areas that the animals -- that we would**  
12 **not allow animals to be.**

13 **Q.** Okay. So --

14 **A. Or for lack of a -- again, just for**  
15 **definitions, a managed beach, which is an area that**  
16 **we clean, provide trash receptacles, lifeguards,**  
17 **things of that nature. So, I never thought about the**  
18 **question before. But if you're asking me now, I**  
19 **would think that an unguarded, unprotected area, we**  
20 **probably wouldn't necessarily prohibit animals.**

21 **Q.** Okay. You can leave that there. Okay.  
22 Now, let me show you Exhibit 23. And  
23 as you look at that particular photograph, do you  
24 have your orientation?

25 **A. Yes.**

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1 **Q.** Okay. So, what would you call the beach that  
2 is shown in that photograph?

3 **A. You are standing more out on the inlet beach,**  
4 **looking towards Moore's -- Moore's Beach over here.**

5 **Q.** Okay. But this is an unguarded, unprotected  
6 beach. Correct?

7 **A. Correct.**

8 **Q.** And would you agree that we see a -- we see  
9 public works employees on a quad?

10 **A. Yes.**

11 **Q.** In that area?

12 **A. Yes.**

13 **Q.** Okay. Have you ever seen, before July 2012,  
14 public works employees on that type of vehicle in  
15 that area?

16 **A. Yes.**

17 **Q.** Okay. And what were they doing when you saw  
18 them?

19 **A. I have seen, as recently as last summer,**  
20 **public works employees -- if you see, there's a set**  
21 **of stairs over here, and sometimes what will happen**  
22 **is a tide will come in and all this grass type of**  
23 **material would gather at the bottom of the stairs,**  
24 **making the stairs impassable. And so, they'll go in**  
25 **and move that material off the stairs.**

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1 **Q.** Okay. Now, let me show you, I'll call it an  
2 adjunct photograph to the one you just saw, Exhibit  
3 24. And would you agree that that is one of the  
4 unguarded beaches that is part of what you call the  
5 inlet beach, which includes Moore's Beach?

6 **A. I would, yes.**

7 **Q.** All right. And do you know the gentleman  
8 that's operating that machine?

9 **A. I do not.**

10 **Q.** Okay. Do you -- can you tell by looking at  
11 that photograph what activity he and the coemployee  
12 are involved in?

13 **A. If I were to take a guess, it looks like**  
14 **there is a high trash bag in the cart. So, my guess**  
15 **is that they emptied a full trash can down on the**  
16 **guarded beach, and were heading down towards the**  
17 **Moore's Inlet Beach.**

18 **Q.** Okay. And why would they be heading to the  
19 Moore's Inlet Beach?

20 **A. Again, I don't know. To -- I don't know.**  
21 **Other than to maybe get some debris off the stairs.**  
22 **That would be a reason.**

23 **Q.** Okay. All right. Now, let me show you  
24 what's been marked for identification as Exhibit 25  
25 and 26. These photographs were taken on May 21,

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1 2014. You'll see a front end loader. I think the  
2 next one's bigger. You can see it better.

3 **A. Yes.**

4 **Q.** Okay. Now, would you agree that that's what  
5 we call the unguarded, unprotected beach --

6 **A. I would.**

7 **Q.** -- of the inlet beach?

8 **A. Yes.**

9 **Q.** Okay. Have you ever seen that before July  
10 2012?

11 **A. Yes.**

12 **Q.** Okay. And were you able to determine, before  
13 July 2012, why the -- why was the front end loader  
14 down there?

15 **A. Yes. He would have been -- he would have**  
16 **just dug out the outfall line that's located adjacent**  
17 **to the Moore's Inlet parking lot, and taken the**  
18 **material to move it somewhere else, probably put it**  
19 **up against a dune somewhere.**

20 **Q.** Okay. You can put those down. Thank you.  
21 I'm going to show you an exhibit marked  
22 for identification as 28 on February 9, 2016. This  
23 is an interview of Patricia Posey, which my  
24 colleagues have. And I want -- I want you to tell me  
25 if you've ever seen that interview before.

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1 **A. I don't believe I've ever seen this document.**

2 **Q.** Okay. Can you -- would you please read the  
3 interview, and tell me when you're finished.

4 **A. Sure.**

5 MR. BARKER: Can I take a five-minute  
6 break? Okay.

7 MR. D'AMATO: Okay, sure. Can he read  
8 that while he's doing that?

9 MR. BARKER: Sure, he can.

10 MR. D'AMATO: Okay.

11 VIDEOGRAPHER: This is the end of tape  
12 number 1. Off the record. 3:37.

13 (There was a brief recess.)

14 VIDEOGRAPHER: This is the beginning  
15 tape of number 2. Back on the record, 3:46.

16 BY MR. D'AMATO:

17 **Q.** Mayor, did you read Exhibit 28, which is the  
18 interview of Patricia Posey, P-O-S-E-Y?

19 **A. I did, yes.**

20 **Q.** All right. Let me show you a photograph that  
21 was made from the video that she references, which  
22 was posted on the Internet on May 27, 2012, a couple  
23 months before the Smith drowning. And when you look  
24 at that particular photograph, have you ever seen the  
25 condition of the beach and water as shown in that

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1 particular photograph at what you have defined as the  
2 inlet beach, including Moore's Beach, and excluding  
3 the Second Avenue Beach?

4 MR. HUNKINS: Object to the form.

5 **A. I --**

6 MR. BARKER: No, I -- you may answer.

7 **A. I saw this after this aired, in whatever year  
8 that was, on -- on the news. I went down and looked  
9 and saw this.**

10 **Q.** Okay. Did you ever have occasion, when you  
11 saw it on the Internet, to go to the beach and see if  
12 the condition still existed?

13 **A. I did. I -- I went down there the day -- I  
14 believe the day it aired.**

15 **Q.** Okay. And did you see the condition that's  
16 shown in that particular exhibit?

17 **A. I don't -- it looked very similar, yes.**

18 **Q.** Okay.

19 MR. HUNKINS: What's that exhibit  
20 number? I'm sorry.

21 THE WITNESS: I'm sorry. 27.

22 MR. BARKER: Just -- 27. And the  
23 statement itself was 28, I think.

24 MR. HUNKINS: Oh, okay.

25 MR. BARKER: Is that right, Paul?

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1 MR. D'AMATO: Yes.

2 (Photograph is received and marked for  
3 identification as Exhibit P-66.)

4 **Q.** Okay. Now, let me show you what I've had  
5 marked for identification as Exhibit 66, which is a  
6 photograph that was taken of the beach in North  
7 Wildwood on July 2, 2013. It would be the summer  
8 after the drowning of Mr. Smith. And I want to hand  
9 that to you, and ask you to get your orientation.  
10 Okay.

11 Do you see those signs that are --

12 **A. Yes.**

13 **Q.** -- posted in the ground?

14 It's my understanding that those signs  
15 are -- in fact, here, better yet, I can show you a  
16 close-up of the sign. Exhibit 30.

17 That the signs that you see in the  
18 photograph that you're holding in your left hand,  
19 which is exhibit?

20 **A. 66.**

21 **Q.** 66.

22 MR. BARKER: And Exhibit --

23 **A. 20.**

24 MR. BARKER: -- 20 is in his right  
25 hand, not 30.

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1 MR. D'AMATO: Oh, wait. Yes. I'm  
2 sorry. You're right. Okay.

3 **Q.** Here's my point: What's in your right hand  
4 is Exhibit 20. The sign that you see there is the  
5 sign that's on those posts delineating the endangered  
6 bird area. Correct?

7 **A. I believe that to be the case, yes.**

8 **Q.** Okay. Now, have you seen where this delin --  
9 this area that is delineated, you know, relative to  
10 endangered birds, doesn't have the snow fence around  
11 it?

12 **A. Not at this location, it does not, no.**

13 **Q.** Okay. And the location that you're looking  
14 at in the exhibit in your left hand is -- what would  
15 you describe that as?

16 **A. It's -- I don't know. I think -- I don't  
17 know. I think -- I don't know. I think it could  
18 possibly be coming down the stairs from the Moore's  
19 Inlet parking lot.**

20 **Q.** Okay.

21 **A. Looking in a northerly, northeasterly  
22 direction.**

23 **Q.** The people that you see in the photograph  
24 there, okay, you would agree that they're not sitting  
25 or standing in the endangered bird area. Correct?

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1 **A. I agree.**

2 **Q.** All right. But where they're standing is an  
3 unguarded beach.

4 **A. I agree.**

(Photograph is received and marked for  
6 identification as Exhibit P-67.)

7 **Q.** Okay. Now, let me hand you what I'm going to  
8 have marked for identification as Exhibit 67. Okay.

9 And this is a photograph where the photographer is  
10 standing back more, and the photograph that you now  
11 have in your hand includes the photograph that was in  
12 Exhibit 66. Correct?

13 **A. I'm sorry. Can you repeat that question?**

14 **Q.** Yeah. Exhibit --

15 **A. 67.**

16 **Q.** -- 67 shows the area that is in Exhibit 66,  
17 in part?

18 **A. I can't be sure. It looks like, perhaps, 66**  
19 **was taken further down here and out. But I can't say**  
20 **for sure. But that's my assumption.**

21 **Q.** Okay. All right. Hand me those two for a  
22 second.

23 **A. Sure.**

24 **Q.** Because I don't want to confuse this. Okay.

25 In looking at Exhibit 67, do you see  
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1 the area for the endangered birds?

2 **A. Yes, I believe I do.**

3 **Q.** You see the signs there sticking up.  
4 Correct?

5 **A. Yes, um-hum.**

6 **Q.** And nobody's standing or sitting behind those  
7 signs?

8 **A. That is correct.**

9 **Q.** Okay. So, that would lead you to believe  
10 that's the endangered bird area. Correct?

11 **A. That's the roped off area, yes.**

12 **Q.** Okay. Is it -- before we leave today, I need  
13 to nail this thing down. Are you absolutely sure  
14 that you have a clear understanding of the dimensions  
15 of that endangered bird area?

16 **A. I -- I think that is a good point of**  
17 **clarification. So, the -- as I understand it,**  
18 **according to our agreement with the state and the**  
19 **federal environmental folks, the entire area west of**  
20 **Surf Avenue, down to the water's edge, is an area --**  
21 **well, piping plover area.**

**My further understanding is a piping**  
23 **plover -- and I'm not a wildlife expert. Piping**  
24 **plovers nest up beach, and they spend the day running**  
25 **from their nest down to the water's edge to feed.**

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1 **So, the area that's roped off is the nesting area.**

2 **They don't want people stepping on the nests.**

3 **The entire area, though, is -- that's**  
4 **why we're not allowed to rake that beach front,**  
5 **that's why they don't want heavy vehicles down there,**  
6 **because they don't want vehicular traffic to hit a**  
7 **piping plover as it goes down to the ocean.**

8 **So, I -- I believe the entire area down**  
9 **to the water's edge is a -- is an environmentally**  
10 **sensitive area.**

11 **Again, I'm not the expert on that. And**  
12 **I can't quote directly from that agreement -- from**  
13 **that permit.**

14 **Q.** We asked you to delineate with a marker where  
15 this endangered bird area was, but let's do this by  
16 words now. At what street does the endangered bird  
17 area begin, and where does it end? And if you want,  
18 you could go north to south, or south to north,  
19 whatever's easier.

20 **A. So, let me go east to west.**

21 **Q.** Okay.

22 **A. So, to the east --**

23 MR. BARKER: You know what, Mayor,  
24 rather than point to this aerial photograph of March  
25 14, 2012 to describe your testimony, it's going to be

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1 helpful if you mark that document up, which you may.

2 That's a photocopy. You can create a document to  
3 help you in your --

4 MR. D'AMATO: So, we'll mark it for  
5 identification.

6 (Photograph is received and marked for  
7 identification as Exhibit P-68.)

8 MR. BARKER: He'll mark on it whatever  
9 he's going to say, I think.

10 MR. D'AMATO: Yeah.

11 MR. BARKER: He can put east, west,  
12 north, south.

13 MR. D'AMATO: Yeah.

14 MR. BARKER: Anything else he wants on  
15 it.

16 MR. D'AMATO: That's fine.

17 BY MR. D'AMATO:

18 **Q.** I just wanted you to verbalize --

19 **A. Yeah.**

20 **Q.** -- in terms of street addresses, and not a  
21 configuration.

22 **A. So --**

23 **Q.** And that exhibit that you're going to be  
24 using is exhibit number?

25 **A. 68.**

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1 Q. Right.

2 A. **So, my understanding, there are two**

3 **components of the endangered bird area. One**

4 **component is a physically fenced off area that has,**

5 **sometimes there's a snow fence, and then it turns**

6 **into posts with strings. There is a physically**

7 **fenced off area, where I believe they feel that the**

8 **piping plovers may nest.**

9 Q. All right.

10 A. **My understanding, however, from the city's**

11 **standpoint, as far as an area where we are restricted**

12 **from conducting any activities with heavy machinery,**

13 **raking, guarding, things of that nature, is the area**

14 **west of Surf Avenue.**

15 Q. Okay.

16 A. **So, would you like me to --**

17 Q. Ending where?

18 A. **I'm not sure about that.**

19 Q. Okay.

20 A. **I -- from a practical standpoint, there is no**

21 **other access, as you go west. The only vehicular**

22 **access is at Surf Avenue. So, from a practical**

23 **standpoint, my understanding is that we are**

24 **restricted from heavy equipment, raking, any of those**

25 **activities west of Surf -- Surf Avenue entrance to**

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1 **the beach.**

2 Q. Okay.

3 A. **During -- let me further clarify that. There**

4 **is a certain window of time in that agreement, as**

5 **well. And again, I would -- I can't give you the**

6 **exact dates off the top of my head.**

7 MR. BARKER: If there's no objection,

8 may I have the mayor mark on this exhibit what he is

9 pointing to as west?

10 THE WITNESS: That's a good point.

11 Q. Sure.

12 A. **So -- well, it's --**

13 MR. BARKER: That arrow designates

14 west.

15 THE WITNESS: Yes, for the purposes of

16 this picture.

17 Q. Okay. Let me see. There we go. Now, I'm

18 going to have three photographs marked for

19 identification. The first one will be Exhibit 69.

20 It was taken on May 21, 2014. Just get your

21 orientation on that one. Then the next one will be

22 Exhibit 70. And the next one will be 71.

23 (Photographs are received and marked

24 for identification as Exhibits P-69, P-70 and P-71.)

25 A. **Okay.**

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1 Q. And here, I represent to you, and I'm sure

2 you would agree, that all three photographs are

3 showing the same activity.

4 A. **I would --**

5 Q. Now, given -- given your personal and

6 governmental experience with this -- the beaches that

7 we've been talking about, do you know what those men

8 are doing?

9 A. **Looks like they are constructing a small**

10 **protective dune in front of the vehicle access at**

11 **either Ocean Avenue or Surf Avenue.**

12 Q. Okay.

13 A. **There are two entrances -- there are two**

14 **vehicular accesses to the inlet beach, one's at Ocean**

15 **Avenue, one's at Surf, and it's hard -- I believe,**

16 **because of where the picture is taken from, it's most**

17 **likely the Ocean Avenue access to the inlet beach is**

18 **what that is a picture being taken of.**

19 (Photograph is received and marked for

20 identification as Exhibit P-72.)

21 Q. Let me show you what's been marked for

22 identification as Exhibit 72. And you would agree

23 that this is the parking lot that's located near the

24 sea wall near Moore's Beach?

25 A. **Yes.**

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1 Q. Okay. When was that parking lot built?

2 A. **It was there my whole life. So, from at**

3 **least 1977. I don't -- before that, I don't know.**

4 Q. Okay. Given your governmental experience,

5 why was a parking lot built there?

6 A. **Primarily, it was to service what is known as**

7 **the entertainment district, which is a couple blocks**

8 **of bars and restaurants in that area.**

9 Q. Okay. Let me show you what's been marked for

10 identification as Exhibit 72, a photograph taken on

11 June 16, 2014.

12 Would you agree that the beach shown in

13 there, that photograph, is all of it is Moore's

14 Beach?

15 A. **Yes.**

16 Q. We took the deposition of Lieutenant --

17 Lieutenant Lindsay, who's retired from the North

18 Wildwood Beach Patrol. Michael and Brian and Dominic

19 were there, Tom was there, Lynn was there. And he

20 recited to us, in his opinion, the dangers with

21 Hereford Inlet with the currents and the tides.

22 If I had gone up to you before Brad

23 Smith's drowning on July 27, 2012, and asked you if

24 you think Moore's Beach, for whatever reason, should

25 be closed, in the sense that nobody should be

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1 permitted to go on the beach, winter and summer, what  
2 would you have said to me?

3 MR. BARKER: Objection. But you may  
4 answer the question.

5 A. I wouldn't have agreed with you.

6 Q. Okay. And why not?

7 A. Exhibit 72 is probably the best depiction. I  
8 mean, people fish, they sit, they relax on the beach,  
9 they play games on the beach. You know, and I -- I  
10 think keeping the beaches open to the public is  
11 important for --

12 Q. Okay. If that's being the -- if that's the  
13 case, just in light of what you testified, why wasn't  
14 there a lifeguard on Moore's Beach before July 27,  
15 2012?

16 MR. BARKER: Objection.

17 A. There's still not a -- I'm sorry.

18 MR. BARKER: I just want to enter an  
19 objection. But you can answer the question.

20 A. We have a -- North Wildwood's an island,  
21 literally, and we have many areas of tidal areas that  
22 aren't guarded by lifeguards. As a matter of fact,  
23 if you go further west, there's areas where small  
24 beaches develop along the sea wall frequently. And  
25 we don't guard them all. We have a certain number of

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1 designated guarded lifeguard beaches that we guard,  
2 and we -- it would simply be impossible to place a  
3 lifeguard at every place where the public has access  
4 to the ocean or bay.

5 Q. Okay. When we took the deposition of Chief  
6 Cavalier of the North Wildwood Beach Patrol, I asked  
7 him why he hadn't posted lifeguards, with lifeguard  
8 stands, on what you call the inlet beach, excluding  
9 the Second Avenue Beach, Moore's and the other area.

10 A. Right.

11 Q. And he said -- he simply said that we don't  
12 -- we didn't have the manpower.

13 Would you be adverse now, in light of  
14 anything that you learned as a result of the Smith  
15 drowning, about posting lifeguards in what you call  
16 the inlet beach, minus Second Avenue, because it does  
17 -- at Second Avenue, there is a guard?

18 MR. BARKER: Objection. But you may  
19 answer the question.

20 A. I believe that we are prohibited from doing  
21 that, under our permit with the state and federal  
22 government.

23 Q. Okay. Now, what's that belief based on?

24 A. My understanding is that we are not allowed  
25 to add any recreational beach or swimming beach past

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1 Surf Avenue. Again, I don't -- I can't testify to  
2 the exact language of that agreement. But my  
3 understanding is that agreement says, you cannot  
4 place any more lifeguards west, for lack of a better  
5 direction, of the Surf Avenue lifeguard stand.

6 Q. And what you read is in that agreement with  
7 the state?

8 A. I believe it is. And again, that agreement,  
9 to my recollection, was signed in 2006. So, it's a  
10 significant number of years ago, since I've had the  
11 opportunity to --

12 Q. Okay.

13 A. But that was my -- that's been my  
14 understanding since then, which is why we don't guard  
15 it, we can't rake it, we don't have trash cans down  
16 there, or anything of that nature.

17 Q. Before you leave, I'm going to show you what  
18 Mr. Barker says he sent to me, and I didn't see any  
19 reference --

20 A. All right.

21 Q. -- in that document. It may be an exhibit  
22 that wasn't attached --

23 A. All right.

24 Q. -- for what that's worth. All right?

25 But given what you know, as you sit  
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1 here today, if that document that you're referring to  
2 does not say that you can't post a lifeguard past  
3 Surf Avenue, would you post a lifeguard or lifeguards  
4 in that inlet beach area that we've been talking  
5 about?

6 MR. BARKER: Objection. You may answer  
7 the question.

8 A. I would have to ask the -- the beach patrol  
9 chief makes recommendations on that. However, it's a  
10 -- depending on the year, it's a very, very large  
11 area. It's probably, from our last lifeguard stand,  
12 to the sea wall at Moore's Beach, might be another  
13 half a mile or more.

14 Q. Right.

15 A. And then again, there's areas further west  
16 down the sea wall where small in front of some of the  
17 Anglesea beach colonies, where beaches develop, and I  
18 don't think I would. I think that we have a pretty  
19 well established guarded beach inventory. And I  
20 think that it suits the needs of -- of our  
21 vacationers and residents. So, I wouldn't  
22 necessarily advocate trying to guard any additional  
23 waterways in the city.

24 Q. Okay. Let me see if I understand the answer.  
25 Because you have enough beaches that are guarded, is

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1 that what you're saying?  
2 **A. Because we have enough beaches that are**  
3 **guarded.**

4 **Q.** Yeah.

5 **A. And I think it's simply impossible to guard**  
6 **every public access to tidal waters in the city. And**  
7 **that's --**

8 **Q.** Okay. I thought you said that. I'm not  
9 talking about all of the tidal waters in North  
10 Wildwood. I'm talking about what you, as the mayor,  
11 have defined as the inlet beach, which includes  
12 Moore's Beach and stops at Surf and First Avenue  
13 there.

14 **A. Right, um-hum.**

15 **Q.** I'm just talking about that area.

16 **A. Right.**

17 **Q.** So, can you just tell me what your reason or  
18 reasons are, in your mind, as the mayor of the city,  
19 why lifeguards should be posted in that specific  
20 area?

21 **A. Why they should not?**

22 MR. BARKER: Objection, objection.

23 **Q.** Should not -- why they should not.

24 MR. BARKER: Yeah. That, okay. I'm  
25 glad you clarified that. Because I didn't hear it

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1 either.

2 **A. Right.**

3 MR. BARKER: Also, I object to the  
4 question, and you may answer it, if you're able.

5 **A. That area is a large expanse, and it would**  
6 **probably require upwards of 10 additional lifeguard**  
7 **stands, which during the summer would be at least 20**  
8 **additional lifeguards, plus supervision, which would**  
9 **be a very large increase to the size of our beach**  
10 **patrol. So, it would be from -- from a resource**  
11 **standpoint, and a recruitment standpoint of getting**  
12 **qualified guards, that would be a very large increase**  
13 **in our -- in our -- in our enforce -- in our beach**  
14 **patrol.**

15 **Q.** Okay. Before July 27, 2012, is it your  
16 position, based upon your experience as a  
17 governmental official, that North Wildwood simply  
18 didn't have the money to put those additional  
19 lifeguards posted in the area that you have defined  
20 as the inlet beach, which includes Moore's Beach?

21 MR. BARKER: Objection. But you may  
answer the question.

23 **A. No. I think the city, if we chose to**  
24 **allocate resources there, we could have -- we could**  
25 **certainly afford to put lifeguard stands there. But**

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1 **another -- another reason, and I only think of it,**  
2 **because I looked at this, we also want to provide**  
3 **people with areas where they can fish, and engage in**  
4 **other things that do not involve lifeguarding. And**  
5 **you can't have guarded -- you can't allow people to**  
6 **fish at guarded areas. That's a very popular fishing**  
7 **area, as well. And so, that would be another reason**  
8 **why I would not support that. Because, again, we try**  
9 **to accommodate swimmers, surfers, fishermen, a lot of**  
10 **different activities that happen on the beach.**

11 **Q.** Well --

12 **A. Or the ocean.**

13 **Q.** Okay. Let's define those activities. Again,  
14 I'm just using your definition of the inlet beach.  
15 Moore's to First and Surf.

16 **A. Um-hum.**

17 **Q.** Right?

18 So, people are permitted to fish in  
19 that area?

20 **A. Yes.**

21 **Q.** All right.

22 **A. They're -- I'm sorry. People are pretty much**  
23 **permitted to fish anywhere in the city where it's an**  
24 **unguarded beach, including -- we have a couple spots**  
25 **down around Second and Kennedy, where we don't guard**

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1 **because of a groin there, and again, people are**  
2 **allowed to fish in that area.**

3 **Q.** Okay. People use Jet Skis to depart from  
4 that -- that beach area, and that's permissible;  
5 isn't it?

6 **A. I don't know that it's permissible or not.**  
7 **We're not quite sure. A lot of times, those Jet Skis**  
8 **don't act -- sometimes they do come up onto the dry**  
9 **land. The majority of them stay in the water, or**  
10 **they anchor up in shallow water, and so that is --**  
11 **and also on Champagne Island across the way. So, I**  
12 **am not sure whether that would be for us, on an**  
13 **unguarded beach, to permit or not permit.**

14 **But since it is an unguarded beach, we**  
15 **don't interfere with that activity.**

16 **Q.** I see. Okay. Let me get rid of this one  
17 here. Just give me a second.

18 Who would be the most knowledgeable  
19 person that works in city hall to be able to provide  
20 us with the area that has been designated as the  
21 endangered bird area?

22 **A. I believe it would be in the -- in that**  
23 **permit document that I've referenced. I don't know**  
24 **that there would be an individual at city hall who**  
25 **would have that knowledge.**

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1 Q. Okay. Got you. Okay.  
2 Were you -- do you remember if when you  
3 were sitting in on Chief Cavalier's deposition, when  
4 I was asking him about a recorded statement of  
Lieutenant Lindsay, which we had marked for  
6 identification as Exhibit 31 on February 9, 2016.  
7 Does that ring a bell?

8 A. It does not.

9 Q. Okay. Let me -- I'm going to hand this to  
10 you. And I've highlighted the portions that I would  
11 like you to look at. It's -- it goes from pages 4 --  
12 you can read the entire page. I don't care. But the  
13 ones I'm going to ask you about go from 4 to 7.

14 A. Sure.

15 VIDEOGRAPHER: Going off the record,  
16 4:12.

17 MR. D'AMATO: Let me just put this on  
18 the steno record. When I showed the mayor the  
19 photograph of the parking lot, I did not put a  
20 sticker on it. So, I'm going to put a sticker on it  
21 now as Exhibit 73.

22 (Photograph is received and marked for  
23 identification as Exhibit P-73.)

24 (Discussion off the record.)

25 VIDEOGRAPHER: We're back on the  
WORD FOR WORD REPORTING, LLC

1 record, 4:15.  
2 BY MR. D'AMATO:

3 Q. You read portions of this interview of  
4 Lieutenant Lindsay. Correct?

5 A. I did.

6 Q. Did you ever meet with Lieutenant Lindsay, or  
7 were you ever in a room where someone was discussing  
8 with him what he had said in this interview?

9 A. No.

10 Q. Okay. Before coming here today, had you been  
11 apprised of what was said by Lieutenant Lindsay in  
12 this interview?

13 A. I -- I don't -- I don't remember that.

14 Q. Okay. How well did you know Lieutenant  
15 Lindsay before he retired from the North Wildwood  
16 Beach Patrol?

17 A. I knew him to say hello to, talk to casually.  
18 We didn't spend any, you know -- I wouldn't have met  
19 with him in my elected capacity, or we didn't really  
20 spend any time together socially. But we have -- my  
21 oldest son and his son are about the same age, so  
we've, you know, seen quite a bit of each other.

23 Q. Your oldest son?

24 A. My oldest son is twelve. My youngest is  
25 eight.

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1 Q. Okay. And his son --

2 A. His son is around 12 or 13.

3 Q. Oh, okay. I got it.

4 A. They're about the same age.

5 Q. Okay. Let's get this out of the way here.

6 Okay. Good. Thank you. Thanks.

7 Here we go, thanks, Lynn. I was

8 looking for this.

9 (Cape May County Herald Article, is

10 received and marked for identification as Exhibit  
11 P-74.)

12 Let me show you what's been marked

13 for identification as Exhibit 74. And this is an

14 article that appeared in the Cape May County Herald

15 on September 26, 2012. And I've highlighted certain

16 portions of that in yellow. And just tell me when

17 you're finished reading that article, which was

18 written by Deborah McGuire.

19 A. I've finished the highlighted pieces. Is  
20 that what you had asked me to read?

21 Q. Well, you know, you can read the entire  
22 article. Just, you know --

23 MR. BARKER: May I see?

24 THE WITNESS: Sure.

25 BY MR. D'AMATO:

WORD FOR WORD REPORTING, LLC

1 Q. Okay. Do you recall reading this particular  
2 article that came out on September 26, 2012?

3 A. I do not.

4 Q. Okay. I want to reference a quote of Mayor  
5 William Henfey. "There's a vortex that's created in  
6 our inlet. We have competing inlets coming out of  
7 Hereford Inlet, and it's causing a whirlpool effect  
8 there."

9 Did you ever hear the mayor say that?

10 A. I did not.

11 Q. Okay. You can leave it there. That's good.

12 (Press of Atlantic City Article, is

13 received and marked for identification as Exhibit

14 P-75.)

15 Q. Okay. Now, let me show you what's been

16 marked for identification as Exhibit 75. One for

17 you, and one for Mr. Barker. And this is an article

18 that we obtained off the Internet.

19 Are you familiar with Staff Writer

20 Michael Miller?

21 A. I am.

22 Q. And what paper or papers does he work for?

23 A. The Press of Atlantic City.

24 Q. Correct. Do you remember reading this

25 particular article?

WORD FOR WORD REPORTING, LLC



1 **A. Could you tell me when this article was from?**

2 **I don't see a date on it.**

3 **Q.** My recollection is it was with -- at the time  
4 that the lawsuit was filed.

5 **A. Last summer --**

6 MR. BARKER: When was that?

7 Oh, hold on. I'll tell you.

8 MR. D'AMATO: No, in 2014.

9 (Discussion off the record.)

10 **A. Paul, I believe this was from the summer of**  
11 **2015. Because it talks about the police officers who**  
12 **were hurt, which was at an incident that occurred**  
13 **last year.**

14 **Q.** Okay. I stand corrected. Sorry.  
15 Now, having had the opportunity to scan  
16 it, do you remember this article?

17 **A. I remember the incident. I -- so, yes, I**  
18 **will say -- I mean, I certainly remember the**  
19 **incident. I don't specifically remember this**  
20 **article, but.**

21 **Q.** Okay. You can see on page 2 it refers to  
22 Sandra Smith?

23 **A. Yes.**

24 **Q.** Okay. The first sentence I've highlighted  
25 says, "North Wildwood Mayor Patrick Rosenello said

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1 closing the inlet beach to beachgoers would send the  
2 wrong message to the public when all unguarded  
3 beaches can be dangerous."

4 Do you stand by that?

5 **A. Yes.**

6 **Q.** Okay. Okay. The second sentence I've  
7 highlighted says, "'There's no gray area. If there's  
8 not a lifeguard on duty, you should not be in the  
9 ocean,' he said. 'It's such a dynamic environment,  
10 to say you were only so deep, that's not the issue.  
11 There's no room for equivocation.'"

12 Do you stand by that?

13 **A. Yes.**

14 **Q.** All right. As it relates to the activity of  
15 Mr. Smith and his daughter, and Scott Sunderland and  
16 his daughter, in walking in ankle deep water, would  
17 you say -- would you agree with me that this quote  
18 that I just referenced does not apply to that  
19 activity?

20 **A. I would say that the ocean is a wilderness,**  
21 **and if I were not familiar with the area I'm in, and**  
22 **there was no lifeguards there, I would not advise**  
23 **someone to be -- to go into that water.**

24 **Q.** Even in ankle deep water?

25 **A. Even in ankle deep water.**

WORD FOR WORD REPORTING, LLC

1 **Q.** Okay. And were you aware -- no, no. Excuse  
2 me. You've established earlier that you were not  
3 aware of the vortex that Chief Cavalier talked about.  
4 Correct?

5 MR. HUNKINS: Object to the form.

6 MR. BARKER: Objection. Objection. I  
7 think -- were you talking about Cavalier, or that  
8 quote from Henfey?

9 MR. D'AMATO: No, no. Cavalier.

10 MR. BARKER: Okay. Well, anyway, I  
11 object.

12 MR. D'AMATO: Go ahead.

13 MR. BARKER: You can answer, though.

14 **A. I mean, I had never heard the terminology**  
15 **vortex or whirlpool.**

16 **Q.** Okay.

17 **A. What I had -- in my mind, it's a current.**  
18 **Tide or current.**

19 **Q.** Okay.

20 **A. Now, it could -- it could merely be a play or**  
21 **-- you know, a difference of wording. I'm not sure**  
22 **exactly what they're referring -- whirlpool seems to**  
23 **denote something entirely different to me.**

24 **Q.** All right. The next quote, "'If you choose  
25 to enter the water on an unguarded beach, you do so

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1 at great risk to yourself,' he said, 'no swimming,  
2 swimming, if there's no lifeguards, you should not be  
3 wet. It's very simple.'"

4 So, is it your position, again, in  
5 light of this particular statement, that Mr. Smith  
6 and his daughter were exposing themselves to  
7 hazardous conditions by walking in ankle deep water  
8 at a beach that there was no lifeguard?

9 MR. BARKER: Objection. You may answer  
10 the question, if you're able.

11 **A. Again, I think it's incredibly unfortunate**  
12 **what happened to Mr. Smith. I think that people have**  
13 **the mistaken impression that the ocean is similar to**  
14 **their neighborhood pool, and they're not familiar**  
15 **with currents and tides and things of that nature.**  
16 **And I think, in this context, now, at this time, I'm**  
17 **the mayor of North Wildwood, I'm the Director of**  
18 **Public Safety, I think it's very important for me to**  
19 **very, very clearly take the public position that if**  
20 **there is not a lifeguard, you should not be wet. And**  
21 **I stand by that answer.**

22 **Q.** Okay. I'd just like the stenographer to read  
23 back the question. I'd like you to listen carefully.

24 **A. Sure.**

25 (Record read.)

WORD FOR WORD REPORTING, LLC

1 Q. Can you answer that yes or no?  
 2 MR. BARKER: And I object.  
 3 A. Is it my position they were exposing  
 4 themselves to hazardous conditions? I think -- I  
 5 think the best answer I can give you is that, being  
 6 interviewed for this newspaper article, as the  
 7 spokesperson for the City of North Wildwood, an  
 8 article that's coming out in the middle of the  
 9 summer, I believe it was my obligation to make a  
 10 statement that, do not go in the water at an  
 11 unguarded beach. That's what -- that's the message I  
 12 was trying to send with that quote. So that there --  
 13 and again, I stand by that, that I don't think that  
 14 there is room for, well, I was ankle deep, I was knee  
 15 deep, I was thigh deep. You should not enter the  
 16 ocean unless there is a lifeguard on duty on that  
 17 beach.  
 18 Q. Okay. I'm going to ask you this: And I'll  
 19 only read back the question, if you want me to.  
 20 The question that I'm asking you, I've  
 21 asked you twice, is, can you, and you could say no,  
 22 if you want, that's perfectly fine. Can you answer  
 23 yes or no to the question that I posed to you? You  
 24 want it read back one more time?  
 25 A. I don't think it's a yes or no question.  
 WORD FOR WORD REPORTING, LLC

1 Q. Okay. So, you can't answer yes or no?  
 2 A. Correct.  
 3 Q. That's what you're saying?  
 4 A. Yes.  
 5 Q. Okay. All right. One second.  
 6 (E-mail, is received and marked for  
 7 identification as Exhibit P-76.)  
 8 Q. Now, the next exhibit will be 76. I'm going  
 9 to hand you a copy. Here, for Mr. Barker, and one  
 10 for Brian.  
 11 MR. HUNKINS: Thank you. Off the  
 12 record real quick.  
 13 MR. D'AMATO: Yeah.  
 14 MR. HUNKINS: Do you have a guesstimate  
 15 of how long you might be?  
 16 MR. D'AMATO: I would say five minutes,  
 17 ten minutes, I'll be finished.  
 18 BY MR. D'AMATO:  
 19 Q. This is an e-mail that was sent to me on  
 20 February 29, 2016. Candidly, I didn't see it until  
 21 this morning.  
 22 And this is from Lou DiJoseph, formerly  
 23 of the intelligence bureau of the New Jersey State  
 24 Police, and now a licensed private investigator. And  
 25 I'd like you to read along with me as to what he  
 WORD FOR WORD REPORTING, LLC

1 says.  
 2 "Counsel, I interviewed Harry Wozunk,  
 3 III today. He is the former North Wildwood Director  
 4 of Public Works. He was asked to leave North  
 5 Wildwood, or be terminated in December 2015, and did  
 6 not provide a reason. He currently holds the same  
 7 position in the Borough of Runnemede, Camden County,  
 8 New Jersey. Wozunk has not spoken to anyone  
 9 regarding the Smith drowning, and is not represented  
 10 by counsel. Wozunk was a good interview, and he  
 11 doesn't come off as a bitter and former employee.  
 12 Wozunk recalled the Smith drowning and the remedial  
 13 actions that followed. He also knew of Dr. Farrell,  
 14 and the vortex. And said that the outgoing tides  
 15 that come off the rock jetty near Moore's Beach once  
 16 caused a 12-foot deep shelf collapse at the beach  
 17 near the rock wall steps. He was required to have  
 18 his men with machinery repair and knock down the  
 19 cliff, so it wouldn't be dangerous to patrons. This  
 20 occurred in early summer 2010, a few years prior to  
 21 the Brad Smith drowning. He also said an older white  
 22 male, who lives directly across from the rock wall  
 23 steps, told him he saw the vortex prior to the beach  
 24 collapse, and usually described it as boiling water."  
 25 MR. HUNKINS: "Visually described it."  
 WORD FOR WORD REPORTING, LLC

1 MR. D'AMATO: "Visually described it,"  
 2 thank you very much, "as boiling water."  
 3 Q. Wozunk believes the area of the inlet beach  
 4 is dangerous, and recalls discussions with now  
 5 deceased Mayor Henfey, who called the area of inlet  
 6 Moore's Beach an attractive nuisance. Henfey told  
 7 Wozunk that the Moore's Beach and inlet beach was New  
 8 Jersey state property.  
 9 "Wozunk also recalls conversations  
 10 between himself, the State of New Jersey Fish and  
 11 Game agents, Mayor Henfey, and the former City  
 12 Administrator Lasco regarding closing the inlet beach  
 13 area. Wozunk claims that the State of New Jersey  
 14 wanted the beach closed when the piping plovers were  
 15 mating during the summer, and they didn't want beach  
 16 patrons walking near the nesting area or consuming  
 17 alcoholic beverages. Mayor Henfey told the State of  
 18 New Jersey representatives that if they wanted to  
 19 patrol the beach, then they can send their own police  
 20 to do it.  
 21 "Mayor Henfey had everyone convinced  
 22 that the inlet beach and Moore's Beach were owned by  
 23 the State of New Jersey. Wozunk puts the city line  
 24 of jurisdiction at the rock wall. This doesn't make  
 25 sense, because the police officers wouldn't be able  
 WORD FOR WORD REPORTING, LLC

1 to write summonses on state land. They all have to  
2 be deputized as county sheriffs or state wildlife  
3 agents.

4 "I will compile a work product report  
5 as soon as possible."

6 And that's the end of that. Now, I  
7 gave you what he sent me, which I found this morning.

8 Why was Harry Wozunk terminated?

9 **A. He had met -- well, let me rephrase that. He  
10 was not terminated. He chose to resign -- to resign.**

11 **Q.** Okay. Do you know why he resigned?

12 **A. When I took over as mayor, his management  
13 style did not match what I thought the management  
14 style of that position should be as it related to his  
15 interpersonal skills with employees and contractors.**

16 **Q.** Okay.

17 **A. And I think he realized that it wasn't a good  
18 fit anymore for him.**

19 **Q.** Do you recall this incident about the 12-foot  
20 deep shelf collapse?

21 **A. The only one I recall is the one that we  
22 referenced earlier from the NBC story.**

23 **Q.** Okay. Do you remember having any  
24 conversations with merry -- Mayor Henfey about the  
25 beach that is referred to in this statement as being

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1 an attractive nuisance?

2 **A. I don't.**

3 **Q.** Okay. Is there anything in this interview  
4 with Harry Wozunk by licensed Private Investigator  
5 DiJoseph that you have heard before; anything?

6 **A. No. I never -- never heard a discussion of  
7 this -- about that being state property, or any of  
8 those other issues.**

9 **Q.** Okay.

10 **A. I believe there's a -- not a typo. But that  
11 City Administrator Lasco, I'm sure, is Belasco.**

12 **Q.** All right. Were you aware, before July 27,  
13 2012, of the time that no one was permitted to be on  
14 the beaches of North Wildwood at night?

15 **A. I believe it's ten p.m. until six a.m.**

16 **Q.** Okay.

17 **A. That's my best recollection.**

18 **Q.** I'm sorry. I didn't mean to speak over you.

19 **A. That's all right.**

20 **Q.** Were you aware, before July 27, 2012, that  
21 North Wildwood police officers in the summertime  
22 would patrol the beach to make sure that no one was  
23 violating the curfew of ten p.m. until six a.m.?

24 **A. Yes.**

25 **Q.** Okay. Were you aware that it's been

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1 testified that they also patrolled what you call the  
2 inlet beach, including Moore's Beach?

3 **A. That, I cannot specifically say I was aware  
4 of.**

5 **Q.** Okay. Let me just check my notes. I'm  
6 almost done.

7 **A. Can I make a -- just a -- it may be  
8 important, it may not be.**

9 **Q.** Go ahead.

10 **A. In the guarded area of the inlet beach,  
11 because of the way it sets up, there's actually  
12 street lights that cast lights onto the beach there.  
13 A lot of times, people from motels will be playing  
14 volleyball and things of that nature at that location  
15 in the evening. And I don't know that the police  
16 would kick them off the beach at 10 o'clock. Because  
17 that area's up by the sea wall.**

18 **That's -- the only reason I mention  
19 that is because that's the only recollection I have  
20 of people being on that beach later in the evening.**

21 MR. D'AMATO: Let me just check one  
22 thing. I think I'm finished.

23 (Discussion off the record.)

24 MR. D'AMATO: I have nothing further.

25 MR. HUNKINS: I think I just have one.

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1 EXAMINATION BY MR. HUNKINS:

2 **Q.** And you probably already said this, and I  
3 apologize if I'm re-asking it.

4 But before this lawsuit was filed, what  
5 was your best understanding of where the Smiths were  
6 walking when the incident occurred?

7 **A. I -- I was never quite sure of that. I --  
8 for some reason, I had initially thought that they  
9 had been at the Moore's Beach, and were heading  
10 through the inlet beach toward the guarded beach.  
11 And then I believe it was during the Cavalier  
12 deposition. And then, today, Mr. D'Amato mentioned  
13 that they were actually heading in the opposite  
14 direction.**

15 **So, my -- I -- I never really had a  
16 clear understanding of exactly where they were.**

17 **Q.** And regardless of which direction they were  
18 heading, in terms of the location where they were  
19 when it happened, you're unclear on that, as well?

20 **A. The -- yes, I'm not exactly sure where that  
21 occurred.**

22 **Q.** Okay.

23 MR. HUNKINS: Thanks. That's all I  
24 have.

25 THE WITNESS: Sure.

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1 VIDEOGRAPHER: That's it.  
 2 MR. D'AMATO: That's it.  
 3 VIDEOGRAPHER: This concludes the  
 4 videotaped deposition. Off the record, 4:35.  
 (Deposition concludes at 4:35 p.m.)

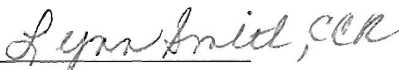
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March 14, 2012

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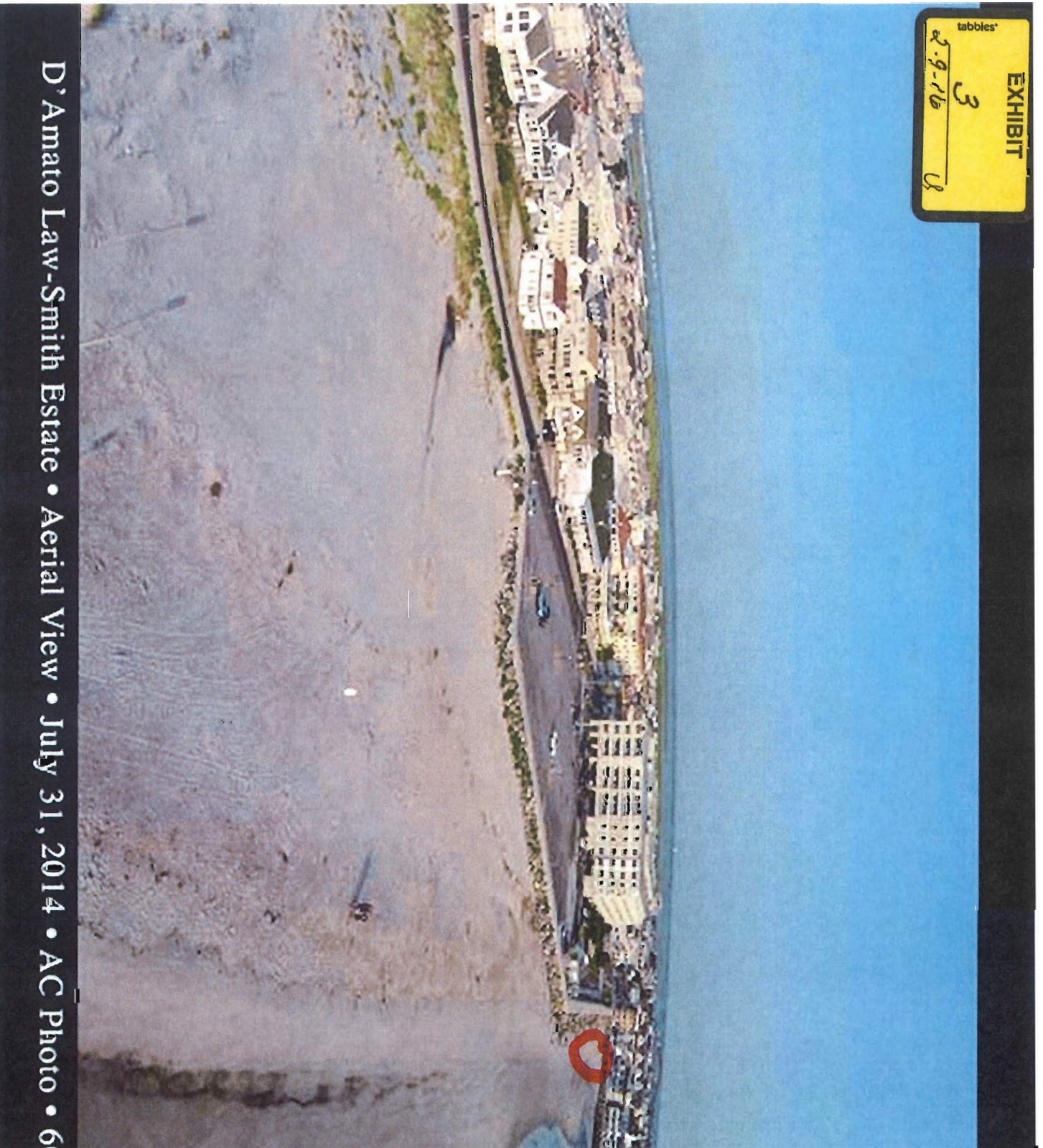


1 inch = 500 feet

Provided by the Cape May County Planning Department  
Aerial Flown by the State of NJ

EXHIBIT J





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 60

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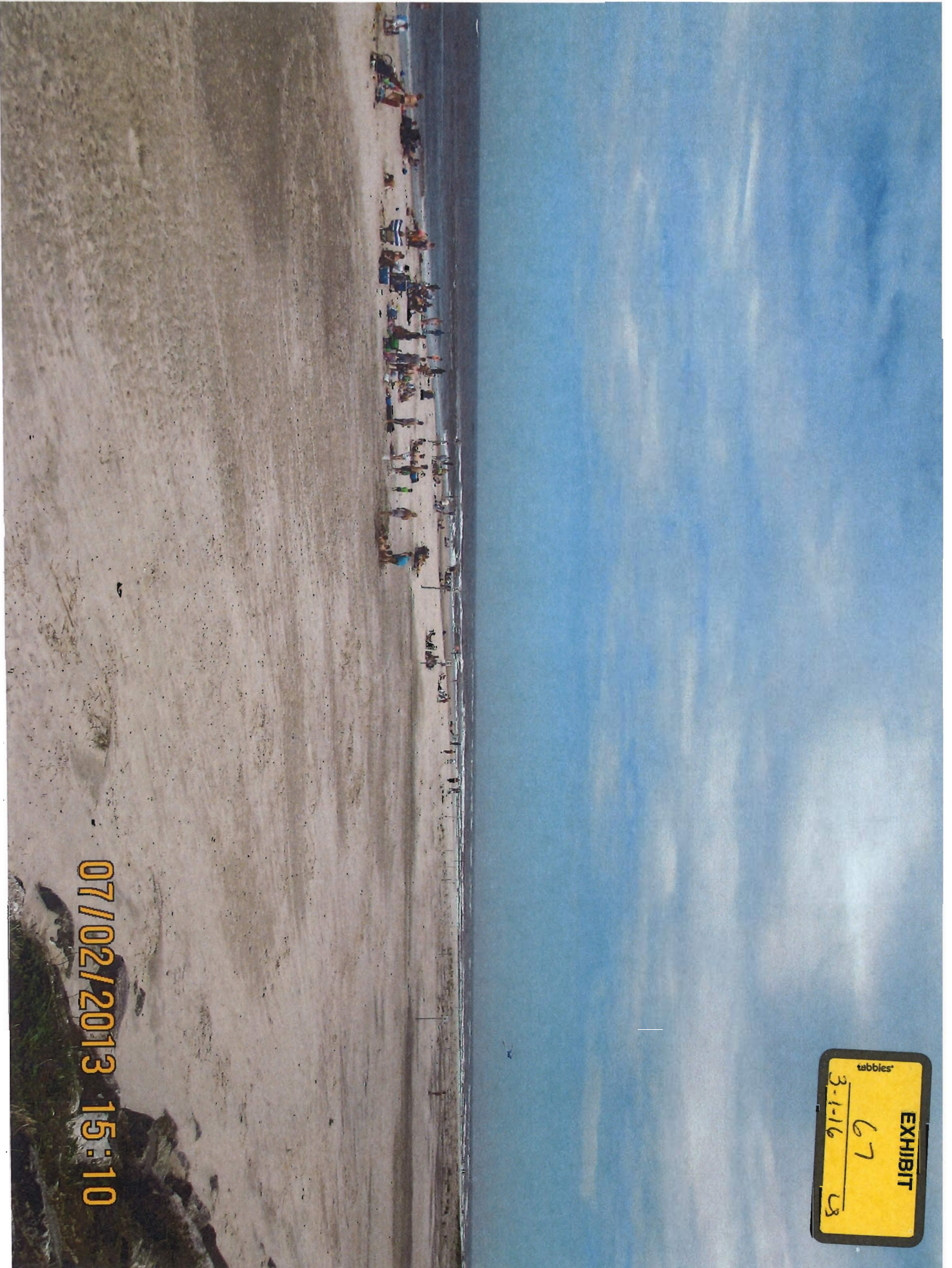




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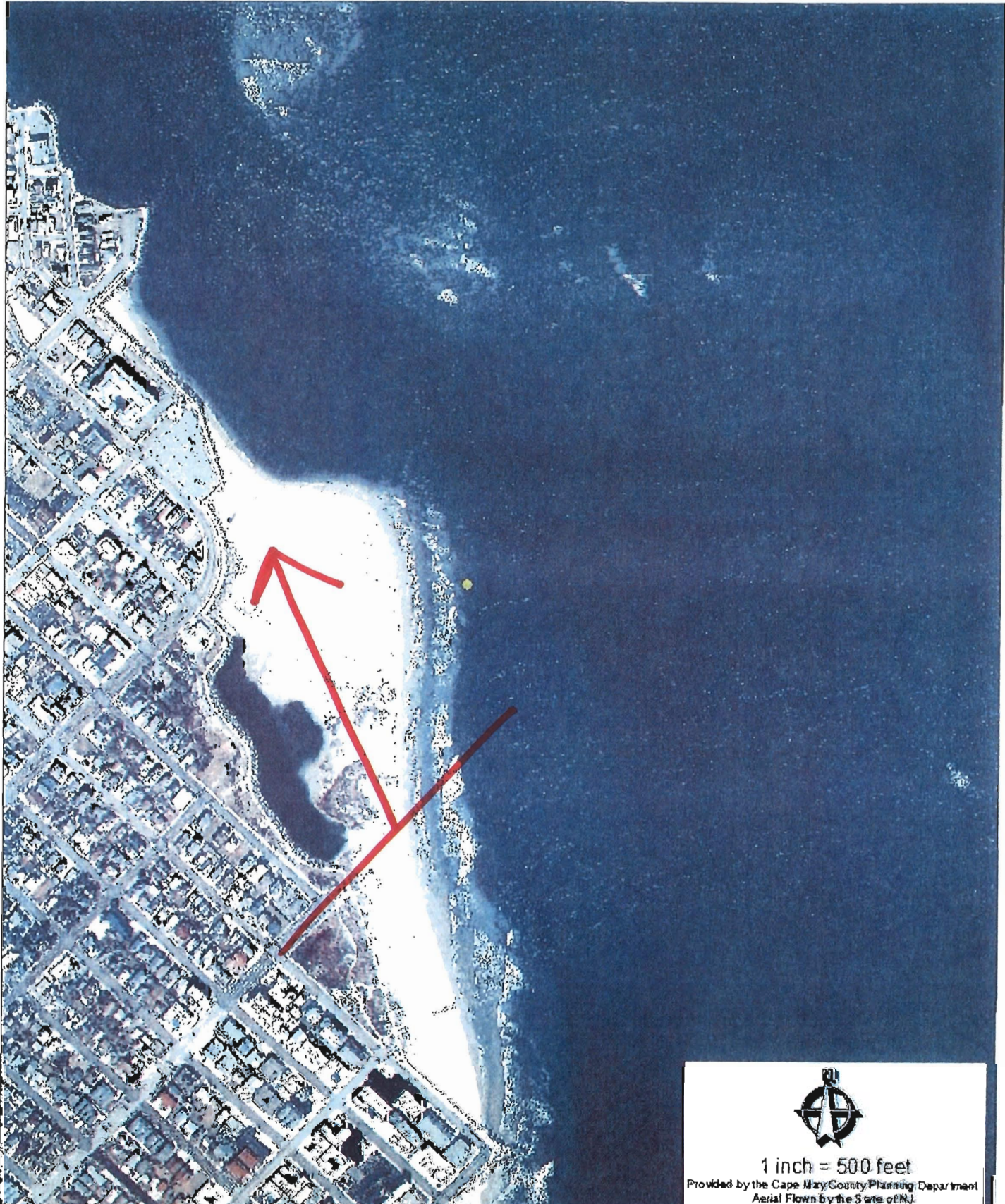
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March 14, 2012

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1 inch = 500 feet  
Provided by the Cape May County Planning Department  
Aerial Flown by the State of NJ



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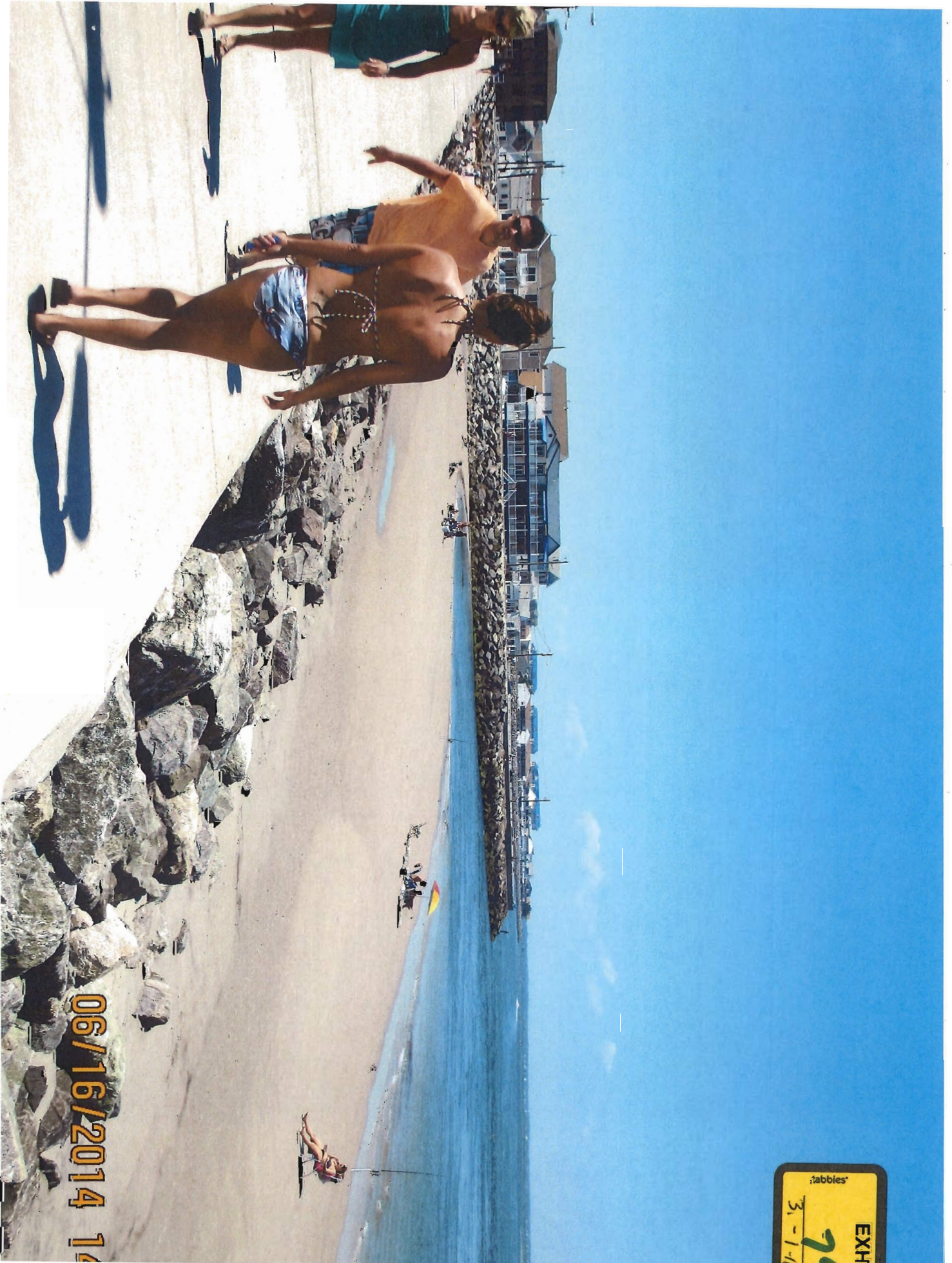


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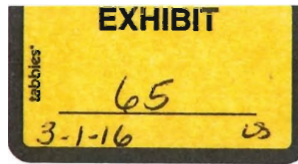


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# FREE Summer

CONCERTS UNDER THE STARS

DAY	DATE	GROUP
Saturday	July 2nd	Stan Wades "TRAMMPS"
Thursday	July 7th	No Show visit the BBQ Festival
Saturday	July 9th	No Show visit the BBQ Festival
Thursday	July 14th	Elvis Tribute (Jesse Garron)
Saturday	July 16th	Chicago 9 Tribute Band
Thursday	July 21st	Jimmy & the Parrots (Jimmy Buffet Tribute)
Saturday	July 23rd	Real Diamond (Neil Diamond Tribute)
Thursday	July 28th	The Diamonds
Saturday	July 30th	The Cameo's
Thursday	Aug. 4th	Lights Out (Frankie Valli Tribute)
Saturday	Aug. 6th	Wallstreet (Salute to Motown)
Thursday	Aug. 11th	George Young & Friends in Concert
Saturday	Aug. 13th	Robert Eric's (Billy Joel Tribute)
Thursday	Aug. 18th	The "B" Street Band (Bruce Springsteen Tribute)
Saturday	Aug. 20th	The Dovells
Thursday	Aug. 25th	The Bronx Wanderers
Saturday	Aug. 27th	Ladies of "Country" (Sara Spicer, Audra McLaughlin)
Saturday	Sept. 3rd	Beatlemania

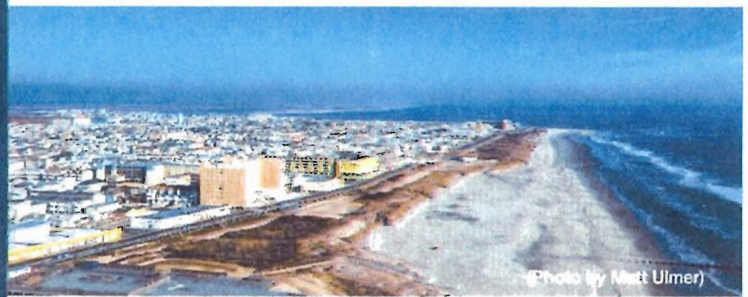
ALL CONCERTS WILL BE HELD AT LOU BOOTH AMPHITHEATER (2ND & OCEAN AVE) AND WILL BEGIN AT 8:00 PM. FOR MORE INFORMATION PLEASE CALL 609.522.7722 OR TOLL FREE 1.800.882.7787.  
**ALL CONCERTS ARE FREE.**

# North Wildwood New Jersey



2016  
 INFORMATION & RECREATION GUIDE

[northwildwood.com](http://northwildwood.com)



A Place in the Sun  
 for Family Fun!







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# EMERGENCY PHONE NUMBERS POLICE, FIRE & EMS

**9-1-1**

## **NON-EMERGENCY PHONE NUMBERS**

**POLICE NON-EMERGENCY** & Administrative Number

**(609) 522-2411**

**FIRE NON-EMERGENCY** & Administrative Number

**(609) 522-5743**

## **FOR UPDATED CITY INFORMATION**

Website: [northwildwood.com](http://northwildwood.com)

Office of Emergency Management (OEM)

[ready.northwildwood.com](http://ready.northwildwood.com)

Radio 1640 AM



## **FREQUENTLY CALLED NUMBERS**

City Hall (General Info & Departments) 609 522-2030

Public Works Department 609 522-4646

Office of Emergency Management (OEM) 609 522-0191

Beach Patrol 609 522-7500

Recreation Department 609 522-2955

Senior Center 609 729-2090

Tourism & Special Events 609 522-7722

NJSP Marine Bureau 609 522-0393

## **MEDICAL**

Cape Regional Medical Center 609 463-2000

Cape Regional Urgent Care 609 465-6364

Cape Urgent Care 609 884-4357

## **ANIMAL**

Shore Animal Control 800 351-1822

(Call police non-emergency number) 609 522-2411

CMC Animal Shelter 609 465-8923

Marine Mammal Stranding Center 609 266-0538

## **UTILITY NUMBERS TO BE CALLED FOR OUTAGES**

Atlantic City Electric 800-833-7476

Comcast 800-266-2278

Wildwood Water Company 609-889-6735

South Jersey 24-Gas Leak Hotline 888-766-9900

Verizon 800-837-4966







Dear Friend:

North Wildwood City Council and I are pleased to offer you this "Information Guide" containing our city directory of departments and services, calendar of events, history of the town, and a list of various City attractions and facilities.

From our beautiful beaches, to the lively boardwalk and historic Hereford Inlet Lighthouse, we cherish the uniqueness our City has to offer and the quality of life it supports. As Mayor of the City of North Wildwood, I am committed to preserving the hometown charm of our community, and I will continue to make decisions to enhance the quality of life for our residents, property owners and visitors.

Your government, which is always accessible to you, provides forward-thinking and proactive leadership day in and day out. All of our City employees work hard to protect and safeguard our homes, streets, beaches, parks, and recreational facilities in North Wildwood, and this guide will help you to learn more about those employees and municipal departments.

For more information on government meetings, news, schedule of recreational programs, and public announcements, please visit the City of North Wildwood website at [northwildwood.com](http://northwildwood.com). Our website also offers forms for download such as applications for various licenses, passes; and even provides an option to pay your taxes online. Always remember, if the internet is not for you, we are only just a phone call away at (609)522-2030.

Very Sincerely,  
Mayor  
Patrick T. Rosenello

A handwritten signature in cursive script that reads "Patrick T. Rosenello".



## NORTH WILDWOOD CITY COUNCIL



**Salvatore Zampirri**

Email: [szampiri@northwildwood.com](mailto:szampiri@northwildwood.com)  
Council President, Second Ward



**Edwin Koehler**

Email: [edkoehler@northwildwood.com](mailto:edkoehler@northwildwood.com)  
Council -At -Large



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First Ward



**Kelly Ann Tolomeo**

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Second Ward



**Joseph Rullo**

Email: [jrullo@northwildwood.com](mailto:jrullo@northwildwood.com)  
Second Ward





# History of North Wildwood



Located at the north end of Five Mile Beach in Cape May County, the City of North Wildwood was originally formed as the Borough of Anglesea on June 2, 1885. The Hereford Inlet Lighthouse, built in 1874, was the first structure built on the island and soon afterwards fishermen's cottages dotted the vicinity. The name of the municipality was changed to North Wildwood in 1906. In 1917 voters approved a change in the form of government, and the Borough became the City of North Wildwood.

A link to the mainland had come in 1883 in the form of the Anglesea Railroad, which later came into possession of the West Jersey Railroad in 1888. With the Pennsylvania-Reading Seashore Lines merger in 1933, the tracks through North Wildwood were abandoned and New Jersey Avenue right-of-way was sold to the City in 1950. Population of the community increased from 161 in 1900 to a peak of 5,017 in 1990. Although the trains brought many tourists for day trips on the beach and on fishing vessels in Hereford Inlet, a bridge built over Beach Creek was completed in 1924 that allowed families to come in automobiles and enjoy extended stays at any of the increasing number of hotels in the City. The modern, four-lane highway with a new bridge was completed in the 1990s.

The first Boardwalk was built in the 1880s, with boards being laid on both the ocean front (Surf Avenue) and inlet sections of the Beach. The ocean front Boardwalk was moved out further towards the high water mark, and for a number years extended from the border with Wildwood all the way to 2nd Avenue. The current Boardwalk has ended at 16th Avenue since the late 1930s.





## History of North Wildwood



Area children attended class in a house on 1st Avenue until a school was built at Chestnut and Central in 1887. In 1908 a new school was built on Central Avenue between 9th and 10th which was closed in 1940 and later became the North Wildwood Recreation Center. The Margaret Mace School on Atlantic Avenue, between 12th and 13th, was built in 1925 as a Junior High School and took in all grades after 1940. This school was named for Dr. Margaret Mace, whose hospital at 25th & Atlantic opened in 1915 and closed in 1950. The Mace Hospital was located in the building formerly owned by Mr. Frederick Sutton, who had perished on the Titanic in 1912. Expansion of residential areas continued towards the ever-widening beach and culminated with the completion of the John F. Kennedy Beach Drive in 1964.

The area which in many of the original hotels stood in the northern part of the City has evolved into a vibrant entertainment district on Olde New Jersey Avenue. This district is the home of a number of special festivals held throughout the year. The beaches and Boardwalk continue to attract thousands of visitors each year, providing fun and activities for all to enjoy. The Hereford Inlet Lighthouse and its award-winning Gardens will be a highlight of anyone's visit to North Wildwood. From fishing on the seawall in the north end to strolling on the beach or Boardwalk at the south end, North Wildwood continues to be a great place to live and that makes it a great place to visit, as it has been since 1885.



## BEACH AND FISHING INFORMATION



### BEACH INFORMATION

Lifeguards are on duty from 10 am - 5:30 pm weather permitting. Always swim near a lifeguard.

### ACCESS TO THE BEACH

• **BEACH:** ADA compliant ramp access at: Inlet Beach (Off the seawall), 7th, 10th, 15th and 20th Avenues.



### HANDICAP SURF CHAIRS

Please contact the North Wildwood Beach Patrol at (609) 522-7500 to check availability, as it is a first come, first served basis. *Note that there is no charge for use of chairs.*

- There are a total of 22 chairs available.
- 15 are located at Beach Patrol Headquarters at 15th Avenue
- 4 are located at 5th Avenue & the beach
- 3 are located on Inlet Beach

### ACCESSIBLE RESTROOMS

Public restrooms are located at 7th & 15th Avenues at the beach. During the summer months there are also portable restrooms stationed every other block along the beach.

### SURFING BEACH

Our surfing beach will be designated annually by the city, please contact the beach patrol for more information. (609) 522-7500

### PARKING

- Available parking along JFK, Surf, Ocean, Atlantic, Central, New Jersey and New York Avenues
- Municipal Parking Lots are available at 15th Avenue & the beach and 1st & Surf Avenues



## BEACH AND FISHING INFORMATION

### SURF FISHING SUMMER SCHEDULE

**(May 21st, 2016 – September 18th, 2016)**

Surf Fishing is permitted North of the 2nd Avenue Jetty while lifeguards are on duty (between the hours of 10am– 5:30 pm). Surf fishing is permitted from Hereford Inlet – 26th Avenues any time before 10am or after 5:30pm, **when lifeguards are no longer on-duty.**

### SURF FISHING WINTER SCHEDULE

**(September 19th, 2016 – May 20th, 2017)**

Surf fishing permitted 1st – 26th Avenues, curfew hours varie according to season. For hours and restrictions, please visit [northwildwood.com](http://northwildwood.com) for forms and registration information.

### BEACH VEHICLE PERMITS

**Permit:** Police inspection required; Please visit the link referenced above for more information.

**Fee \$20**

**Access available the Day after Labor Day to Monday before Memorial Day.**

### NORTH WILDWOOD FISHING

North Wildwood is a great location for Back Bay saltwater fishing because of its close proximity to the Atlantic Ocean. Anglers can have their try at catching Flounder, Bluefish, Striped Bass, Sea Bass, Drum, Weakfish, and other species throughout designated fishing seasons. North Wildwood's Back Bay allows beginners as well as experienced anglers to navigate through beautiful scenic intracoastal waterways in search of that perfect catch. In the State of New Jersey, fishermen over the age of 16 are required to register with the Saltwater Recreational Registry Program. Fish caught must meet Recreational Minimum Size, Possession Limits & Season Standards. For further registration information and regulation requirements visit [state.nj.us/dep/fgw/fishing.htm](http://state.nj.us/dep/fgw/fishing.htm).





## Wildwoods Boardwalk



**The Wildwoods' award-winning Boardwalk** features 38 blocks packed end to end with stores, shops, water parks, eateries, live entertainment and amusement piers with over 100 rides and attractions. The sights, sounds and smells of the Wildwoods Boardwalk are pure sensory overload! North Wildwood specifically offers 3 piers: Sportland Pier, Seaport Pier and Morey's Pier – located at 26th Ave. & the boardwalk, various shops, arcades, restaurants and several ocean view hotel/motel accommodations adjacent to the boardwalk. Are your legs getting tired from walking the boards? Don't worry! Wildwoods' boardwalk offers tram car services the entire length of the boardwalk, and can be boarded at any location. Whether you're out on a morning bike ride, taking in the carnival-like atmosphere or simply out for a stroll enjoying the refreshing salt air, there's always something happening on the boardwalk.

**Ramp Access:** Accessible ADA compliant ramps from street at: 15th Avenue, 16th Avenue, 17th Avenue, 18th Avenue, 19th Avenue, 24th Avenue, and 26th Avenue.

**Parking:** Is available along JFK, Surf, Ocean, Central, Atlantic, New Jersey and New York Avenues. A parking lot is also available at 15th Avenue & the beach, right next to the boardwalk archway at 16th & the boardwalk.

**Bicycles:** Bicycles are allowed on the Boardwalk from 5 am to 12 pm daily. The Boardwalk stretches 1.85 miles north to a connecting ramp between 16th and 15th Avenues in North Wildwood. From there, cyclists can continue along a path on the beach along JFK Beach in North Wildwood. (See Map pg. 18) A special "**bikes only**" lane is also dedicated throughout the length of North Wildwood, from 1st to 26th Avenues along Surf Avenue.



**Accessible Restrooms:** 2 Public restrooms at 22nd Avenue and the boardwalk & 25th Avenue and the boardwalk

## Historic Hereford Inlet Lighthouse "Victorian Lighthouse"



Hereford Inlet Lighthouse, built in 1874, is the most important historic structure in the Wildwoods. It is still an active navigational aid as well as a museum, open to the public for guided and self guided tours. Visitors learn about the buildings history and get a glimpse of the life of a lighthouse keeper in the late 19th and early 20th century.

The park surrounding the lighthouse was designed with many different garden areas containing over 200 plant varieties. The Gardens are planted in the Victorian cottage style and extend right up to the ocean seawall. They have won several impressive awards and have been featured in many gardening books and magazines. The gardens and grounds are wheelchair accessible. A DVD tour is available upon request to those unable to climb the Lighthouse.

We welcome and can accommodate school trips, senior citizen groups and all other tour buses. Special rates are available for groups of 30 or more.

The Lighthouse also has a gift shop featuring lighthouse and nautical theme art work, books, miniatures, shirts, hats, mugs and much more. See separate listing for special events held here throughout the year.

### LIGHTHOUSE ADMISSION FEES

Adults 12 yrs & up - \$5.00 • 11 and under - \$2.00

No charge for active military personnel

No charge to visit the gardens or to browse the gift shop

### DAYS AND HOURS OF OPERATION

May 9th - Oct. 21st seven days per week, 9am to 5pm - last tour 4pm

Oct. 22nd to May 8th - call for days and hours

111 North Central Avenue, North Wildwood NJ 08260

609-522-4520 • [HEREFORDLIGHTHOUSE.ORG](http://HEREFORDLIGHTHOUSE.ORG)



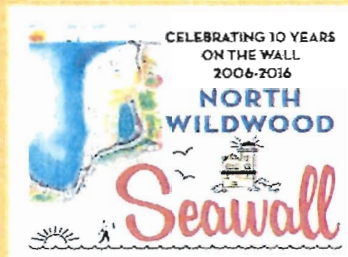


## North Wildwood City Attractions



### Veterans Monument

North Wildwood Veterans Monument is located at the corner of Spruce and New York Avenues in North Wildwood. There, visitors can honor those who have fallen in the line of duty and pray for those currently fighting overseas.



### North Wildwood Seawall

The seawall was completed in 2006 and has not only protected the North end of the City during hurricanes and Nor'easters, but also functions as a walking and jogging facility, a popular fishing spot, and a place where residents and visitors can enjoy the wonderful views of Hereford Inlet. Since its completion, the City has added more access ramps and widened one section to make it safer. Due to safety concerns, no self-propelled devices, such as bicycles, skateboards, rollerskates, and the like, are permitted on the seawall. Beginning at 2nd & John F. Kennedy Beach Drive, the seawall runs in a northwesterly direction for 1.1 miles to the Anglesea Beach Colony. The seawall is known far and wide as a great place to exercise, fish or just relax, all year-round.





## NORTH WILDWOOD RECREATION & TOURISM FACILITIES

Recreation Department Phone: 609-522-2955



### NORTH WILDWOOD COMMUNITY CENTER

**Location:** 900 Central Avenue

**Amenities:**

- Gymnasium
- Fitness Room
- Locker Rooms
- Meeting Rooms
- Game Room
- Kitchen
- Multipurpose Room
- Weight Room
- Offices

### TOURISM INFORMATION OFFICE

**Phone:** 609-522-7722 or **Toll Free:** 800-882-7787

**Location:** 22nd & Boardwalk - Open May Thru September

Call for Specific Hours (609-522-7722)

**Location:** 900 Central Avenue - Open Year Round

### PARK LOCATIONS & AMENITIES



### ALBERT I. ALLEN MEMORIAL PARK

*\*Renovated in 2015 & 2016*

**Location:** 2200 Delaware Avenue

**Amenities:**

- Playground Equipment
- Shuffleboard Courts
- 6 Lighted Basketball Courts
- Lighted Street/Roller Hockey Rink
- Multipurpose Athletic Field
- Observation Pier
- 3 Tennis Courts
- 2 Private Practice Tennis Wall Areas
- Skate Park
- Restrooms
- Gazebo
- Picnic Areas



## NORTH WILDWOOD RECREATION & TOURISM FACILITIES

### BAYFRONT PARK

**Location:** 5th Avenue and the Bay

Personal Watercraft Seasonal Launch Fees

\$10.00 Per Launch at Kiosk

\$100.00 Yearly Permit Purchased Up To June 1st

\$150.00 Yearly Permit Purchased After June 1st

### KAYAK STORAGE PERMITS

Seasonal Permit (April 1st - October 1st) Cost: \$75

Monthly Permit Cost: \$35

**Personal Watercraft and Kayak Storage Permits are sold at  
the North Wildwood Recreation Center**

**Location:** 900 Central Avenue

**Phone:** 609-522-2955 for more info.

### Amenities:

- 2 Launch Ramps
- Viewing Areas
- Picnic Areas
- Vending Machines
- Restrooms
- Fish Cleaning Station



### BILL HENFEY PARK

**Location:** 8th and Central Avenues

### Amenities:

- Softball Field
- Playground Equipment
- Basketball Court
- Restrooms
- Multipurpose Athletic Field
- Gazebo

### OAK AVENUE PARK

**Location:** Oak Avenue (Anglesea Section in N. Wildwood)



### PLAYGROUND ON THE BEACH

**Location:** 16th and the Beach in North Wildwood

## RECREATION PROGRAMS

### OPEN RECREATION

#### Children in grades 1st-6th, 7th-12th, and Adults

All participants must be registered and receive a membership card before attending the program.

Please check [northwildwood.com](http://northwildwood.com) Recreation Department monthly calendars for schedule times.

### TOT TIME

**Tuesdays & Thursdays 10:00am – 12:00pm**

**October through April.**

Parent supervised playgroup for children up to 5 yrs.

Held at North Wildwood Recreation Center.

### EXERCISE CLASSES

A variety of fitness classes are offered throughout the year. Please call Recreation Center for class schedule.

**Fall/Winter/Spring classes** are held at Recreation Center.

**Location:** 900 Central Avenue.

**Summer Classes** are held at the Lou Booth Amphitheater.

**Location:** 2nd & Ocean Avenue.

**Visit** [northwildwood.com](http://northwildwood.com) or call **609-522-2955**

for class schedule.

### SCRABBLE

**Mondays 6:30-9:00pm**

Play the world's best loved word game Open to **Adults only.**

**No Fee**



### FALL MEN'S FLAG FOOTBALL LEAGUE

**League begins in October and plays on Sunday mornings.**

**Location:** Bill Henfey Park.

**Mandatory Captain's Meeting**

**Date:** August 17th @ 6pm Team Registration Only

**Cost Per Team \$1,200**





## RECREATION PROGRAMS & CAMPS

### SUMMER BASKETBALL LEAGUES

**Kindergarten - 2nd Grade League** Plays Thurs. Evenings

Scheduled to begin 7/14

**3rd-5th Grade League** - Plays Mon. & Fri. Evenings

Scheduled to begin 7/1

**6th-8th Grade League** - Plays Mon. & Fri. Evenings

Scheduled to begin 7/1

**High School Boys League** - Plays Tues. & Thurs. Evenings

Scheduled to begin 7/5

Player Skill Evaluations will be held June 27th & 28th

**Cost Per Player is \$30**

**Adult Men's League** - Plays Sun. & Wed. Evenings

**Mandatory Captains Meeting Date:** June 8th @ 6pm

**Team Registration Only, Must provide own sponsor**

**Cost Per Team \$800**

### FALL STREET AND ROLLER HOCKEY LEAGUES

**North Wildwood Whalers Hockey Divisions**

2nd-4th Grades • 5th-8th Grades • High School

**Location:** George D'Amico Hockey Rink • **Cost Per Player is \$60**

*Registration opens in August*

### BUCKETS BASKETBALL CLINIC

**Begins Saturday, January 7th, 2017**

Boys and Girls Grades Kindergarten-2nd

**Saturday Mornings** 9am-10am; 6 sessions

**Cost \$10.00** for all 6 sessions

**Location:** 900 Central Avenue, North Wildwood



2016 CAMPS



For Camp Information

Contact the Recreation Department

**Phone:** 609-522-2955 • **NORTHWILDWOOD.COM**

### PLAY-WELL TECHNOLOGIES

**\*NEW 2016 - 2 Sessions Being Offered!**

Lego Inspired Engineering Camp for Children

**June 27th - July 1st & August 8th - 12th**

**Cost \$145** per person /Ages 5-6 /9am -12pm

**Cost \$145** per person /Ages 7-11 /1pm-4pm



## 2016 CAMP INFORMATION

### BUCKETS BASKETBALL CAMP



**July 4th-8th**

9am-2pm

Ages 9-15

**July 18th-22nd**

9am-1pm

Ages 6-9

**August 1st-5th**

9am-2pm

Ages 9-15

**Weeks 1 & 3: \$155 • Week 2: \$145**

### NORTH WILDWOOD SOCCER CAMP

**July 11th-15th • July 25th-29th**

Ages 5-16

**Full Day \$190 / Ages 8-16 / 9am-3pm**

**Half Day \$150 / Ages 5-8 / 9am-12pm**

### DEAN RANDAZZO SURF SCHOOL

**2nd Avenue Beach**

**Monday through Friday (Begins June 20th)**

10am-1pm / Ages 5-16

**5 Day Camp \$350 3 Day Camp \$250 1 Day Camp \$100**

**Group Lessons: \$60, 75 minutes**

**Private Lessons: \$75, 75 minutes**

### KITCHEN WIZARDS COOKING CAMP

**July 11th- 14th**

Eat Like the Olympians

**July 25th - 28th**

Cupcake, Cookies, Candy Oh My

**August 8th - 11th**

Eat Like the Presidents

**Cost \$155 / Boys & Girls Ages 6 & Up / 5:30pm-7:30pm**

### SCIENCE EXPLORERS

**August 15th - August 19th**

**Junior Explorers / Ages 4-6 / 9am-12pm**

**Take a Dive / Ages 7-11 / 12:30pm-3:30pm**

**Cost \$245 per session**







- |  |                           |  |               |
|--|---------------------------|--|---------------|
|  | INFORMATION CENTER        |  | BEACH PATROL  |
|  | VETERANS MONUMENT         |  | SURF BEACHES  |
|  | SCENIC OVERLOOKS          |  | BOAT RAMP     |
|  | CONCERT VENUES            |  | FIRE HOUSE    |
|  | PUBLIC RESTROOMS          |  | MARINE POLICE |
|  | PUBLIC PARKING            |  | PUBLIC WORKS  |
|  | POLICE STATIONS           |  | DOG PARK      |
|  | HEREFORD INLET LIGHTHOUSE |  | SEA WALL      |
|  | HANDICAPPED BEACH ACCESS  |  | BIKE PATH     |
|  | TRASH & RECYCLING CENTER  |  |               |
|  | RECREATIONAL FACILITIES   |  |               |
|  | ENTERTAINMENT DISTRICT    |  |               |

EXHIBIT J



## 2016 SCHEDULE of EVENTS

### FEBRUARY

#### **25th** Fallen Hero Polar Plunge *\*2017 Upcoming Event*

**Location:** 15th & Beach, North Wildwood; 11am

fallenheroplunge.com | 215-990-8689

### MARCH

#### **12th** St. Patrick's Day Celebration & Parade

**Location:** 10th & Atlantic Avenues (City Hall steps),  
North Wildwood, Ceremony 11:30am; Parade 12noon

northwildwood.com | 609-522-2955



(Photo by George Capua)

#### **19th** Greek Independence Day Celebration

**Location:** 9th & Central Avenues, North Wildwood; 12noon  
609-602-0056

#### **20th** Ocean Drive Marathon and 10 Mile Race

**Location:** Cape May to Sea Isle City;

**10-Miler:** Cape May to North Wildwood; 9am Start

odmarathon.org | 609-523-0880

#### **26th** Elks Easter Egg Hunt

**Location:** 19th Ave & Beach, North Wildwood;

Kids 11 & Under; 12noon

elks1896.org | 609-729-5776

#### **27th** Easter "Son" Rise Services

**Location:** Lighthouse Gazebo, 1st & Central Avenue,  
North Wildwood; 6:45am

fbcanglesea.com | 609-522-2951

#### **27th** Ed's Funcade Easter Sunday Egg Hunt

**Location:** 23rd Avenue on the Boardwalk, North Wildwood;

12noon-1:30pm | edsfuncade.com | 609-729-3223



## 2016 SCHEDULE of EVENTS Cont'd.

### APRIL

#### **9th - 10th** Special Olympics NJ Spring Sports Festival

##### **Basketball Competition**

**Location:** 9th & Central Avenues, North Wildwood and various locations in the Wildwoods, Sat. 10am-6pm; Sun. 9am-4pm | [sonj.org](http://sonj.org) | 609-896-8000

#### **23rd** Chrissy Tolomeo Memorial Walk

**Location:** Start at 15th & Beach, North Wildwood; Sign-In 9am, Start 10am | 609-602-3456

### MAY

#### **5th - 8th** Spring Boardwalk Classic Car Show

**Location:** various locations, Thurs. 12-9pm, Fri. & Sat 8:30am-3pm, Sun. 9-11am  
[wildwoodmotorevents.com](http://wildwoodmotorevents.com) | 609-522-3644

#### **6th - 8th** Coast Guard Community Festival

**Location:** Saturday Festival at Training Center Cape May; other events listed on website  
[coastguardcommunity.org](http://coastguardcommunity.org) | 609-429-0667

#### **14th-15th** The Wild Half Race Series 1/2 Marathon 8K & 5K

**Location:** Wildwoods Convention Center,  
[wildhalf.com](http://wildhalf.com) | 609-846-1621

**14th** Captain Kidd Pirate Day Costume Parade check-in & judging 10am - 10:45 am at 26th & Boardwalk; Parade 11am Treasure Hunt following parade at 19th & Beach, North Wildwood | [northwildwood.com](http://northwildwood.com) | 609-522-2955



(Photo by Nicole Dever)



## 2016 SCHEDULE of EVENTS Cont'd.

### MAY

#### **20th - 22nd Spring Beach Jam Scouting Adventure**

**Location:** Beach camping between 18th & 22nd Aves., North Wildwood plus amusements on Morey's Piers;

Friday 10am - Sunday - 5pm

moreyspiers.com | 609-729-3700 ext.1195

#### **21st- 22nd National MS Society "Coast to Coast" Bike Tour**

**Location:** Bike tour throughout the Wildwoods | 732-660-1005  
main.nationalmssociety.org

#### **30th VFW Memorial Day Ceremony**

**Location:** North Wildwood Veterans Memorial,  
Spruce & New York Avenues, North Wildwood 10am  
northwildwood.com | 609-729-5832

### JUNE

#### **4th New Jersey State Elks Parade**

**Location:** 25th & Atlantic Avenues, North Wildwood, proceeds  
South on Atlantic Avenue to Andrews Avenue in Wildwood;  
12noon; Reviewing Stand - Memory Lane, Atlantic & Montgomery  
Avenues in Wildwood | njelks.org | 609-585-3215

NEW EVENT

#### **10th-11th New Years In North Wildwood** *(Rain date - June 12th)*

Top Philly Mummers Brigades and String Bands recreate New Years  
Day with a Parade and festivities

**Location:** Olde New Jersey Avenue, North Wildwood,  
northwildwood.com | 609-522-2955

#### **11th American Legion Parade**

**Location:** 18th & Atlantic Avenues, North Wildwood, proceeds  
South on Atlantic Avenue to Bennett Avenue in Wildwood; 2:00pm;  
Reviewing Stand - American Legion Post 184, Atlantic & Baker  
Avenues, Wildwood njamericanlegion.org | 609-695-5418

#### **14th American Flag Day Ceremony**

**Location:** North Wildwood Veterans Monument, Spruce & New  
York Avenues, North Wildwood, 10am | 609-729-5832

#### **18th ALS Express Bike Ride**

**Location:** 4 start points, 7am-3pm | als-express.org | 215-643-5434





## 2016 SCHEDULE of EVENTS Cont'd.

### JUNE

#### **18th - 19th Hereford Inlet Lighthouse Maritime Festival**

**Location:** Hereford Inlet Lighthouse, 1st & Central Avenues, North Wildwood, Sat. 10am - 5pm; Sun. 10am - 4pm  
herefordlighthousefestivals.org | 609-522-4520

#### **18th NJ Veterans of Foreign Wars Parade**

**Location:** 21st & Atlantic Avenues, North Wildwood, proceeds south on Atlantic Avenue to Andrews Avenue in Wildwood; 1:30pm; Reviewing Stand - American Legion Post 184, Atlantic & Baker Avenues, Wildwood | njvfw.com | 609-393-1929

#### **24th - 26th North Wildwood Italian American Festival**

**Location:** Olde New Jersey Avenue, North Wildwood, Fri. 4pm - 11pm; Sat. 10am - 11pm, Sun. 10am - 6pm  
kofc2572.org. | 609-408-5793



(Photo by Ann Devlin)

### JULY

#### **4th Independence Day Family Parade**

**Location:** 9th & Atlantic Avenues, North Wildwood  
Registration 8:15am, 9am start | northwildwood.com | 609-522-2955

#### **4th Pooch Parade**

**Location:** 8th & Atlantic Avenues, North Wildwood  
Registration 8:15am, 9am start | northwildwood.com | 609-374-0562



## 2016 SCHEDULE of EVENTS Cont'd.

### JULY

#### **8th -10th NJ State BBQ Championship & Anglesea Blues Festival**

**Location:** Olde New Jersey Avenue, North Wildwood,  
Fri. 4pm -11pm; Sat. 10 am-11pm; Sun.10am - 6pm  
angleseablues.com | njbbq.com | 609-523-6565

#### **9th Sidewalk Chalk Competition**

**Location:** 8th & Central Avenues, North Wildwood, Competition  
begins at 9am; Judging begins at 10:45am; Awards 11am  
northwildwood.com | 609-522-2955



(Photo by Ann Devlin)

#### **9th Alexander's Little Run That Could 5k Run/Walk**

**Location:** 15th Avenue Beach , North Wildwood,  
Pre Registration: 8am; 5k Beach Run/Walk: 8:30am  
littlerunthatcould.org

#### **13th -14th Miss North Wildwood Competition**

Interviews Wed 10am - North End American Grill;  
Crowning Thurs. 6:30pm - Lou Booth Amphitheater  
**Location:** 2nd & Ocean Avenues, North Wildwood  
northwildwood.com | 609-522-2955

#### **15th Beschen-Callahan Memorial Lifeguard Races**

**Location:** 15th Avenue Beach, North Wildwood, 6pm  
northwildwood.com | 609-522-7500

#### **16th Boogie Board Races**

**Location:** 15th Avenue Beach, North Wildwood  
Registration 9am; Contest 10am  
northwildwood.com | 609-522-2955



## 2016 SCHEDULE of EVENTS Cont'd.

### JULY

#### **16th** Mid Atlantic Police/Fire Survivors 5k Race & 1 Mile Walk

**Location:** 1st & Olde New Jersey Avenue, North Wildwood,

Registration 7:45am; Race 9am

[facebook.com/NorthWildwoodPD](https://www.facebook.com/NorthWildwoodPD) | 609-522-2030 X 1503



(Photo by John Harkins)

#### **21st** Anglesea Nightmarket and Mobile Food Night

**Location:** Olde New Jersey Avenue, North Wildwood 4pm - 9pm

[angleseanightmarket.com](http://angleseanightmarket.com) | 609-318-4504

#### **23rd** Christmas in July

**Location:** Along the beach in North Wildwood, 1pm

[northwildwood.com](http://northwildwood.com) | 609-522-7500

#### **23rd** Antique Car Show

**Location:** between 16th - 26th Avenues on the boardwalk,

North Wildwood, 10:30am-3pm | 609-522-6442

### AUGUST

#### **2nd** National Night Out

**Location:** Bill Henfey Park, 8th & Central Avenues,

North Wildwood, 5:30pm -10pm

[nwpd.org](http://nwpd.org) | 609-522-2030 X 1503



(Photo by Ann Devlin)





## 2016 SCHEDULE of EVENTS Cont'd.

### AUGUST

#### **3rd Wildwoods Baby Parade** *(Rain Date – August 4th)*

**Location:** WW Convention Center to 16th Ave. on Boardwalk,  
5pm Registration; 6pm Parade Step-off  
wildwoodsny.com | 609-729-4000

#### **7th National Lighthouse Day**

**Location:** Hereford Inlet Lighthouse, 1st & Central Avenues,  
North Wildwood, 9am-5pm  
herefordlighthouse.org | 609-522-4520

#### **14th 42nd Annual North Wildwood Flea Market**

**Location:** JFK Blvd. from 2nd-13th Avenues, North Wildwood,  
8am-4pm | 609-408-6819

#### **16th Around the Island Row**

**Location:** 15th Avenue Beach, North Wildwood, 7:30am  
northwildwood.com | 609-522-7500

NEW EVENT

#### **18th Anglesea Nightmarket and Mobile Food Night**

**Location:** Olde New Jersey Avenue, North Wildwood 4pm - 9pm  
angleseanightmarket.com | 609-318-4504

#### **26th 13th Annual Tri the Wildwoods Triathlon Health & Wellness Expo**

**Location:** North Wildwood Recreation Center, 900 Central  
Avenue, North Wildwood, 10am-6pm  
delmosports.com/wildwood-jersey-shore-triathlon  
609-849-8908

#### **27th 13th Annual Tri the Wildwoods Triathlon, 5K & Kids Race**

**Location:** 15th Avenue Beach, North Wildwood, 6:30am  
delmosports.com/wildwood-jersey-shore-triathlon | 609-849-8908

### SEPTEMBER

NEW EVENT

#### **9th - 10th Waves and Wheels Festival**

**Location:** Olde New Jersey Avenue, North Wildwood  
Fri. 3pm - 10pm; Sat. 10am - 10pm  
wavesandwheelsfest.com | 609-770-8839



## 2016 SCHEDULE of EVENTS Cont'd.

### SEPTEMBER

#### **9th -11th North Wildwood Rec. Dept. Surf Fishing Tournament**

**Location:** 3rd and JFK Blvd., North Wildwood,  
Fri. & Sat. 7am - 5pm, Sun. 7am-11am  
northwildwood.com | 609-522-2955

#### **11th September 11th Commemoration**

**Location:** 15th & Central Avenues, North Wildwood, 8:40am  
northwildwood.com | 609-522-2955



(Photo by Ann Devlin)

#### **16th -18th Fall Beach Jam Scouting Adventure**

**Location:** Beach camping between 18th & 22nd Aves., North Wildwood plus amusements on Morey's Piers;  
Friday 10 am - Sunday 5pm  
moreyspiers.com | 609-729-3700 ext. 1195

#### **16th -17th Boots at the Beach Country Festival**

**Location:** Olde New Jersey & Chestnut Avenues,  
North Wildwood, Fri. 3pm -10pm, Sat.10am-10pm  
bootsatthebeach.com | 609-770-8839



(Photo by Jen Marra courtesy of the Wildwood Leader)



## 2016 SCHEDULE of EVENTS Cont'd.

### SEPTEMBER

#### **17th NJ State Firemen's Parade**

**Location:** Cresse & New Jersey Avenues in Wildwood Crest, proceeds north to 20th Avenue in North Wildwood; 2pm  
njfireexpo.com | 856-433-0386

#### **22th - 25th Irish Fall Festival**

**Location:** Olde New Jersey Avenue & surrounding pubs, North Wildwood, Friday 8am-8:30pm, Saturday 8am -10:30 pm, Sunday 8am-7pm  
cmcaoh.com | 609-729-0075

#### **22nd - 25th Fall Boardwalk Classic Car Show**

**Location:** Various locations, Thurs.12-9pm, Fri. & Sat. 8:30am-3pm, Sun. 9-11am  
wildwoodmotorevents.com | 609-522-3644

#### **30th-1st Mid-Atlantic Police & Fire Survivors Weekend**

**Location:** Various locations throughout North Wildwood; for event listings go to facebook.com/NorthWildwoodPD  
609-522-2030 X 1503

### OCTOBER

#### **1st Ed's Funcade Boardwalk Treasure Hunt**

**Location:** 23rd Avenue on the Boardwalk, North Wildwood, 12 noon-2pm | edsfuncade.com | 609-729-3223

#### **8th 62nd Annual Pennsauken Surf Fishing Tournament**

**Registration** – Anglesea Firehouse, 6am  
**Location:** 2nd & New Jersey Avenues, North Wildwood  
Surf Fishing 7:30-1pm | asaonline.org | 856-231-9110

#### **15th Great Fall Classic Fishing Tournament**

**Registration** – Anglesea Firehouse, 5am  
**Location:** 2nd & New Jersey Avenues, North Wildwood  
Surf Fishing 6am-2pm | njbba.org | 856-228-2642

#### **15th - 16th Lighthouse Challenge of New Jersey**

**Location:** Hereford Inlet Lighthouse, 1st & Central Avenues, North Wildwood, 8am-6pm  
lighthousechallengenj.org | 609-522-4520





## 2016 SCHEDULE of EVENTS Cont'd.

### OCTOBER

#### **22nd 9th Annual Pumpkin Run**

**Registration** – 8am, | Race 10am

**Location:** Wildwoods Convention Center on Boardwalk to 21st Avenue and return to Wildwoods Convention Center, Wildwood  
boardwalkpumpkinrun.com | 609-849-8887

#### **31st 8th Annual Halloween Trunk or Treat Block Party**

**Location:** Olde New Jersey Avenue, North Wildwood,  
Vehicle check-in 5pm, Event 5:30-7pm  
northwildwood.com | 609-522-2955



(Photo by Ann Devlin)

#### **31st Greater Wildwood Elks Halloween Haunted House**

Greater Wildwood Elks Lodge

**Location:** 1st & New Jersey Avenues, North Wildwood,  
5pm - 8pm | 609-729-2170

### NOVEMBER

#### **5th Elk's Hoop Shoot**

**Location:** North Wildwood Rec Center, 900 Central Avenue,  
North Wildwood,  
Registration 12pm -1pm; Contest begins at 1pm  
609-729-2170

#### **11th Veteran's Day Services**

**Location:** North Wildwood Veterans Memorial, Spruce &  
New York Avenues, North Wildwood 10am | 609-729-5832



## 2016 SCHEDULE of EVENTS Cont'd.

### DECEMBER

#### **2th** Hereford Inlet Lighthouse Christmas Tree Lighting

**Location:** Hereford Inlet Lighthouse Courtyard 1st & Central Avenues, North Wildwood, 5:30pm  
herefordlighthouse.org | 609-522-4520

#### **7th** Pearl Harbor Remembrance Day

**Location:** St. Demetrios Church, 321 St. Demetrios Avenue, North Wildwood, 12 noon | northwildwood.com | 609-729-5832

#### **9th** Greater Wildwood Jaycees Christmas Parade

*(Rain Date – December 11th)*

**Location:** Begins at 15th & Central Avenues, North Wildwood proceeds south through Wildwood and Wildwood Crest,

**Participant Registration** 5pm-5:30pm; Parade begins 6pm  
wildwoodholiday.com | 609-729-5501



(Photo by Jen Marra courtesy of The Wildwood Leader)



## FIRE DEPARTMENT FIRE PREVENTION BUREAU

**Fire Chief:** Chief Jeffrey B. Cole, Sr.

**Email:** [firechief@northwildwood.com](mailto:firechief@northwildwood.com)

**Deputy Fire Chief:** Dominick McClain

**Phone:** (609) 522-5743 • **Fax:** (609) 729-0722

**Location:** 400 New Jersey Avenue

**Administration Hours:** 9am – 4pm Monday thru Friday

**Fire and Housing Official:** Lewis Ostrander

**Email:** [lostrander@northwildwood.com](mailto:lostrander@northwildwood.com)

**Location:** 400B New Jersey Avenue

**Phone:** (609) 522-2160 • **Fax:** (609) 522-1952

**Hours:** Monday thru Friday, 8:30am – 4:00pm

**Administrative Staff:** Kathy Mandell ext. 6100

## POLICE DEPARTMENT

**Police Chief:** Chief Matthew T. Gallagher, CPM

**Email:** [mgallagher@nwpd.org](mailto:mgallagher@nwpd.org) • **Website:** [nwpd.org](http://nwpd.org)  

**Phone:** (609) 522-2030 ext.1503 • **Fax:** (609) 522-2531

**Location:** 901 Atlantic Avenue (*behind City Hall*)

**Administrative Staff:** Captain Tolan, CPM,

Captain Stevenson, CPM & Lieutenant Etsell

**Dispatch Center:** (609) 522-2411

### NORTH WILDWOOD COMMUNITY MEETING



Meets on the second Tuesday of each month, from September to June, at 7:00pm at the North Wildwood Community Center, 900 Central Avenue. The Public is invited

## OFFICE OF EMERGENCY MANAGEMENT (OEM)

**Emergency Management Coordinator:**

Chief Robert Matteucci (Ret.)

**Deputy Emergency Management Coordinators:**

Michael Dowling, Thomas Fox, Gary Sloan

and Dominick McClain

**Location:** 400C New Jersey Ave.

**Phone:** (609) 522-0191 • **Fax:** (609) 522-0120

**Website:** [ready.northwildwood.com](http://ready.northwildwood.com)

Tide schedules and other useful information is available via links on the OEM Website at [ready.northwildwood.com](http://ready.northwildwood.com)





## DEPARTMENT OF PUBLIC WORKS

**Director of Public Works: Gary Sloan**

**Email:** gsloan@northwildwood.com

**Phone:** (609) 522-4646 • **Fax:** (609) 522-1141

**Location:** 511 West Oak Avenue

**Office Hours:** Mon thru Friday 7am to 2:30pm

**After Hour Emergencies:** Contact the North Wildwood  
Police Department at **(609) 522-2411**

## RECREATION & TOURISM DEPT.

**Superintendent of Recreation: Rick Haas, R.S.**   

**Email:** rhaas@northwildwood.com

**Assistant Superintendent of Rec. & Director of Tourism:**

**Steve DeHorsey, Jr, C.P.M., R.A.**

**Email:** sdehorsey@northwildwood.com

**Phone:** (609) 522-2955 • **Fax:** (609) 522-0402

**Location:** 900 Central Avenue

**Recreation Program Coordinator: Liz Golden**

**Email:** lgolden@northwildwood.com

**Office Manager: Ann Devlin**

**Email:** adevlin@northwildwood.com

## OFFICE OF CITY CLERK

**City Clerk & Registrar of Vital Statistics:**

**W. Scott Jett, RMC, CMR ext.1400**

**Email:** sjett@northwildwood.com

**Phone:** (609) 522-2030

**Location:** City Hall 1st floor

**Deputy City Clerk & Deputy Registrar:**

**Jennifer VanSant, RMC, CMR ext.1410**

**Email:** jvansant@northwildwood.com

**Senior Clerk & Alternate Deputy Registrar:**

**Diane McCullion ext.1460**

## CITY ADMINISTRATOR

**City Administrator: Kevin Yecco**

**Email:** kyecco@northwildwood.com

**Phone:** (609) 522-6464 • **Fax:** (609) 523-8502

**Location:** City Hall 2nd floor



## BUILDINGS, PARKS & GROUNDS DEPT.

**Superintendent: Doug Ford**

**Email:** [dford@northwildwood.com](mailto:dford@northwildwood.com)

**Phone:** (609) 522-1638 • **Fax:** (609) 522-1141

**Office Location:** 513 W. Oak Avenue

**Department Hours:** Monday thru Friday 7:00am – 3:00pm

## TREASURER'S & TAX COLLECTOR OFFICE

**Treasurer & Tax Collector: Todd N. Burkey, CFO, CTC**

**Email:** [tburkey@northwildwood.com](mailto:tburkey@northwildwood.com)

**Phone:** (609) 522-2030 • **Fax:** (609) 523-8502

**Location:** City Hall 1st Floor

**Business Hours:** Monday thru Friday, 8:30am – 4:30pm

**Assistant to the Treasurer: Nic Long ext.1240**

**Email:** [nlong@northwildwood.com](mailto:nlong@northwildwood.com)

**Assistant to the Collector: Cheryl Guarinello ext.1330**

**Email:** [cguarinello@northwildwood.com](mailto:cguarinello@northwildwood.com)

**Finance Clerk: Jeanette Axelsson ext. 1245**

**Email:** [jaxelsson@northwildwood.com](mailto:jaxelsson@northwildwood.com)

**Principal Payroll Supervisor, HR: Barbara Boyle ext.1230**

**Email:** [bboyle@northwildwood.com](mailto:bboyle@northwildwood.com)

## NORTH WILDWOOD MUNICIPAL COURT

**Municipal Judge: Louis J. Belasco, Jr., PJMC**

**Court Administrator: Angela Flynn, C.M.C.A.**

**Deputy Court Administrator: Theresa Viall, C.D.M.C.A.**

**Phone:** (609) 729-3818 • **Fax:** (609) 729-6392

**Location:** 901 Atlantic Avenue, ( Behind City Hall )

**Business Hours:** Monday – Friday 9:00AM to 4:00PM

*(Excluding Holidays)*

**Court Sessions:** Summer – Tuesdays at 10:00AM, 1:00PM, 2:00PM, 3:00PM

Winter – Tuesdays at 1:00PM, 2:00PM and 3:00PM

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## OFFICE OF THE TAX ASSESSOR

**Tax Assessor: Jason Hesley**

**Email:** [jhesley@northwildwood.com](mailto:jhesley@northwildwood.com)

**Tax Assessor Clerk: Patricia Bowman** ext. 1340

**Email:** [pbowman@northwildwood.com](mailto:pbowman@northwildwood.com)

**Phone:** (609) 522-2030 • **Fax:** (609) 846-9995

**Location:** City Hall 2nd Floor

**Business Hours:** 8:30am – 4:30pm, Monday thru Friday

## CONSTRUCTION, LAND USE BOARD

**Construction Official: Patrick Malia**

**Email:** [pmalia@northwildwood.com](mailto:pmalia@northwildwood.com)

**Asst. to the Construction Official: Maureen Olney** ext.1560

**Phone:** (609) 522-2030 • **Fax:** (609) 846-9995

**Location:** City Hall 2nd Floor

### LAND USE BOARD

**Board Secretary/Admin. Officer: Eric Gundrum** ext.1280

**Zoning Officer: Larry Booy** ext.1270

**Meeting:** 2nd Wednesday of every Month, 6:30pm  
(Council Chambers, Courts, Public Meeting Room)

## BEACH PATROL

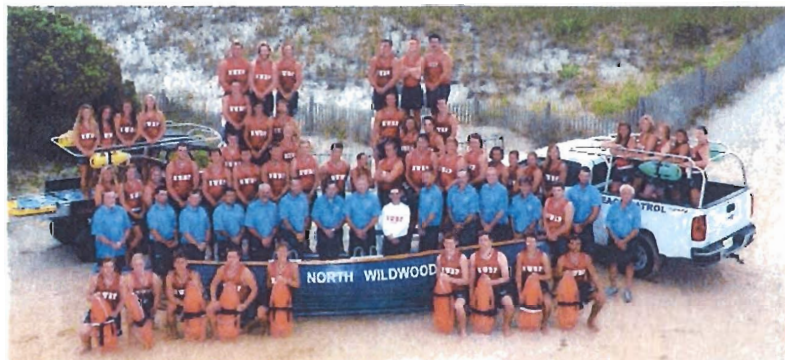
**Beach Patrol Chief: Tony Cavalier**



**Email:** [tcavalier@northwildwood.com](mailto:tcavalier@northwildwood.com)

**Phone:** (609) 522-7500 • **Fax:** (609) 522-6531

**Location:** 15th Avenue and the Beach



(Photo by Yary Photography)





## TRASH & RECYCLING SCHEDULE

### WINTER SCHEDULE

10/01/16 THROUGH 5/29/17

#### WINTER TRASH SCHEDULE

Anglesea – 8th Ave (Monday)

9th Ave – 17th Ave (Tuesday)

18th Ave – 26th Ave (Wednesday)

#### WINTER RECYCLING SCHEDULE



Anglesea – 10th Ave (Thursday)

11th Avenue – 26th Ave (Friday)



### SUMMER SCHEDULE

5/30/16 THROUGH 9/30/16

**TRASH AND RECYCLING  
WILL BE COLLECTED 2 DAYS A WEEK**

Anglesea – 8th Ave (Monday and Thursday)

9th Ave – 17th Ave (Tuesday and Friday)

18th Ave – 26th Ave (Wednesday and Saturday)

### CONVENIENCE CENTER

512 WEST OAK AVENUE

Open Tuesday through Friday 10 a.m. to 2 p.m.

Saturday, Sunday, and Monday 8 a.m. to 4 p.m.

**\*\*ONLY HOUSEHOLD TRASH & RECYCLABLES  
WILL BE ACCEPTED**

**\*\*DO NOT LEAVE TRASH AFTER CLOSING  
Violators will be prosecuted!**

### BULK TRASH

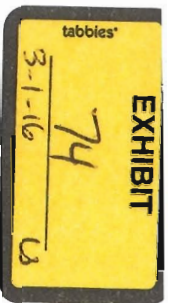
One (1) bulk item may be put out for collection on  
each scheduled trash day.

1 piece of furniture, or 1 room's worth of carpet, rolled  
and bound not more than 4' long,  
or 1 set of box spring and mattress

QUESTIONS? Call the Department of Public Works at  
609-522-4646 or visit [northwildwood.com](http://northwildwood.com)







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## Vortex Takes Sand Out to Sea

By DEBORAH MCGUIRE

**NORTH WILDWOOD** — A small section of beach at the city's furthestmost northern end collapsed after weather conditions created the perfect storm to allow sand to be washed out to sea the evening of Sept. 19.

"There's a vortex that's created in our inlet," said Mayor William Henley. "We have competing inlets coming out of Herford Inlet and it's causing a whirlpool effect there."



Robert Newkirk

## Mid-Atlantic Police, Fire Survivors Weekend Set

**NORTH WILDWOOD** — The Mid-Atlantic Law Enforcement Survivor Weekend will join with The Cape May County Police & Fire Emerald Society to welcome the Survivor Groups of the Mid-Atlantic Region to North Wildwood.

In support of the survivors of those police and fire personnel who lost their life in service of others. The Mid-Atlantic Police & Fire Survivor's Weekend is unique in that it is currently the only event that focuses on the survivor. For the most part the weekend is a serious, somber event highlighted by the survivors support for one another, friendship and camaraderie by those in attendance.

It is also a place that the public can show their support for current emer-

Due to the recent northeast winds and new moon, the whirlpool started to spin and eroded the beach. "It's going to level off," said Henley who had been in close communication with Dr. Stewart Farrell, Director of Coastal Studies at the Coastal Research Center at Stockton College. The mayor said the year after year in support of newer survivors. All are welcome.

Fri., Sept. 28, 5 p.m. Delivery of the Ceremonial Wreath by members of the Philadelphia Police Boat Teams arriving at the Municipal Boat Ramp at Fifth and New York avenues. 6 - 9 p.m. Police and Fire Public Mingle. Keenan's Tiki Bar, Chestnut and Olde New Jersey avenues, \$10 door charge. Sat., Sept. 29, 4:30 - 6:30 p.m. - Display and Demonstration, New Jersey State Police Helicopter, K-9, TEAMS Unit, Fire & Rescue Equipment At Second & Surf. 7 p.m. Candlelight Vigil at the Municipal Oceanfront Amphitheater at Second and Ocean avenues, including a Solemn Procession and Wreath Laying

Henley said the area is one that can be considered as alive. "The sand grows, the sand goes away. It's all part of Mother Nature back in the area back there." There were no injuries or damage to property.

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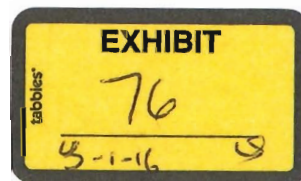
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On Feb 29, 2016, at 5:06 PM, Lou DiJoseph <[hilltop55@comcast.net](mailto:hilltop55@comcast.net)> wrote:

Counsel, I interviewed **Harry Wozunk III** today. He is the former North Wildwood Director of Public Works. He was asked to leave North Wildwood or be terminated in December 2015 and did not provide a reason. He currently holds the same position in the Borough of Runnemede, Camden County NJ. Wozunk has not spoken to anyone regarding the Smith drowning and is not represented by counsel. Wozunk was a good interview and he doesn't come off as a bitter former employee. Wozunk recalled the Smith drowning and the remedial actions that followed. He also knew of Dr. Farrell and the "Vortex" and said the outgoing tides coming off the rock jetty near Moores Beach once caused a 12' deep "shelf" collapse at the beach near the rock wall steps. He was required to have his men with machinery repair and knock down the cliff so it wouldn't be dangerous to patrons. This occurred in early summer 2010 a few years prior to Brad Smith drowning. He also said a older white male who lives directly across from the rock wall steps told him that he saw the "vortex" prior to the beach collapse and visually described it as "boiling water". Wozunk believes the area of Inlet Beach is dangerous and recalls discussions with now deceased Mayor Henfey who called the area of Inlet/Moore's Beach an "Attractive Nuisance". Henfey told Wozunk that the Moore's Beach and Inlet Beach was NJ State Property. Wozunk also recalls conversations between himself, the State of NJ Fish & Game Agents, Mayor Henfey and former City Administrator Lasko regarding closing the Inlet Beach area. Wozunk claims the State of NJ wanted the beach closed when the piping plovers were mating during the summer and they didn't want beach patrons walking near the nesting area or consuming alcoholic beverages. Mayor Henfey told the State of NJ representatives that if they wanted to patrol the beach, then they can send their own Police to do it. Mayor Henfey had everyone convinced that Inlet Beach and Moore's Beach was owned by the State of New Jersey. Wozunk puts the city line of jurisdiction at the rock wall. This doesn't make sense because the Police Officers wouldn't be able to write summonses on state land. They would all have to be deputized as County Sheriff's or State Wildlife agents. I will compile a work product report ASAP. Wozunk said if he is subpoenaed, he will provide a deposition.







FREE PUBLIC RECORDS SEARCH

→

# North Wildwood swimmer still missing in Hereford Inlet

1 image



Staff photo by Michael Miller

Boaters and recreational fishermen returned to Hereford Inlet on Wednesday, a day after a swimmer in distress went missing.

MICHAEL MILLER, Staff Writer | Posted 7 days ago

**NORTH WILDWOOD** — The search resumed Wednesday for a swimmer who was seen in distress in Hereford Inlet near Seaview Court early Tuesday morning.

State Marine Police patrolled a wide area around the inlet as recreational fishermen and boaters resumed summer activities.

Police still have not identified the missing man, described as a white man around 40 years old. No family, friends or co-workers have reported him missing, police said.

Police do not know where the man entered the water, but he was last seen in a deep channel off Seaview Court, which has no beach but a rock seawall.

Meanwhile, the widow of a man who drowned off Hereford Inlet in 2012 said North Wildwood should close the inlet beach to the public altogether.

Brad Smith was walking in shallow water on an unguarded beach with his daughter and his friend's family when they slipped into deep water on the sharply sloped beach.

Smith was able to save his daughter, but drowned in the vicinity of Tuesday's presumed victim.

His wife, Sandra Smith, of Horsham, Pennsylvania, is suing North Wildwood for negligence in the accident.

"It is too late for Brad," she said. "But it is not too late for North Wildwood officials to do the right thing and close that beach and close it now."

As with today, the beach was posted with "no swimming" warnings. But the signs were not near the water's edge where her family was taking an evening stroll, she said. And her family never imagined walking at the water's edge could pose any danger, she said.

"They all decided to go for a walk. Then we'd pack up and go to dinner," she said.

A short time later, she reunited with her children in the back of an ambulance. Her late husband was recovered days later.

"They were not even in knee-high water. They were up to their ankles," she said.

The sharply sloped beach took her family by surprise with tragic consequences. She said she wants the beach closed to other beachgoers prevent a similar tragedy.

"I can't have this happen to anyone else, to another family, knowing what I know," she said.

North Wildwood Mayor Patrick Rosenello said closing the inlet beach to beachgoers would send the wrong message to the public when all unguarded beaches can be dangerous.

"There's no gray area. If there is not a lifeguard on duty, you should not be in the ocean," he said. "It's such a dynamic environment. To say you were only so deep — that's not the issue. There is no room for equivocation."

"If you choose to enter the water on an unguarded location, you do so at a grave risk to yourself," he said. "No swimming is no swimming. If there is no lifeguard, you should not be wet. It's very simple."

Rosenello said the common denominator in these tragedies, including perhaps Tuesday's, was that people were in the water without lifeguards to save them.

"In the 100-year history of the North Wildwood Beach Patrol, nobody has died on a guarded beach," he said.

Despite multiple warning signs posted on the inlet beach, some people still swam there.



without lifeguards this we. . .

Rosenello said two North Wildwood officers sustained cuts and bruises on the rocks when they dove into the inlet Tuesday to try to save the swimmer.

“We had police officers diving into the inlet to rescue this swimmer, putting themselves at serious, serious risk,” he said. “Any attempt to qualify that policy ... does a disservice to public safety.”

Contact: 609-463-6712

[MMiller@pressofac.com](mailto:MMiller@pressofac.com)

Twitter @ACPressMiller

Search continues for a missing swimmer in Here  
inlet, North Wildwood  
Press of Atlantic City



2



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 LAW DIVISION - CAPE MAY COUNTY  
 DOCKET NO. CPM-L-331-14

SANDY SMITH, :  
 INDIVIDUALLY AND AS :  
 EXECUTRIX OF THE ESTATE : CIVIL ACTION  
 OF HER LATE HUSBAND : VIDEOTAPED  
 GEORGE BRADLEY SMITH, : DEPOSITION  
 : TESTIMONY OF:  
 Plaintiff, : STEPHEN DeHORSEY, JR.

vs. :

CITY OF NORTH WILDWOOD, :  
 STATE OF NEW JERSEY, :  
 JOHN DOE, MARY DOE, ABC :  
 PARTNERSHIPS and XYZ :  
 CORPORATIONS, :  
 Defendants. :

TAKEN BEFORE: LYNN SMITH, a Certified Court  
 Reporter of the State of New Jersey, License No.  
 X101520, at the North Wildwood City Hall, 901  
 Atlantic Avenue, North Wildwood, New Jersey, on  
 Tuesday, May 17, 2016, commencing at 9:46 a.m.

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I N D E X

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E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>ID.</u>
DeHorsey-1	Information and recreation guide	4
DeHorsey-2	Photographs through DeHorsey-7	11

BOB

WORD FOR WORD REPORTING, LLC

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

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 Egg Harbor Township, New Jersey 08234  
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 BY: PAUL R. D'AMATO, ESQUIRE  
 For the Plaintiffs

BARKER, GELFAND & JAMES  
 210 New Road  
 Linwood, New Jersey 08221  
 (609) 601-8677  
 BY: WILL ROZELL, ESQUIRE  
 For the Defendant, North Wildwood

STATE OF NEW JERSEY  
 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 DIVISION OF LAW  
 R.J. Hughes Justice Complex  
 25 Market Street  
 Trenton, New Jersey 08625  
 (609) 777-4872  
 BY: BRIAN HUNKINS, DAG  
 For the State of New Jersey

Also present: Lou DiJoseph  
 Videographer: Tom Zanaras

WORD FOR WORD REPORTING, LLC

(Information and recreation guide,  
 received and marked for identification as Exhibit  
 DeHorsey-1.)

VIDEOGRAPHER: Today is May 17, 2016.  
 This is the videotaped deposition of Stephen  
 DeHorsey, Jr. Going on the record, and the time is  
 9:46 a.m. The appearance of counsel will be noted in  
 the transcript.

Would the court reporter please swear  
 in the witness.

STEPHEN DeHORSEY, JR.,  
 having been first duly sworn, testified as follows:  
 EXAMINATION  
 BY MR. D'AMATO:  
 Q. Steve, my name is Paul D'Amato, and you're  
 here today for a deposition.  
 Have you ever gone through this process  
 before?  
 A. Yes.  
 Q. All right. How many times?  
 A. Once or twice.  
 Q. And did it relate to your employment with  
 North Wildwood?  
 A. Just once.  
 Q. And that one time, what was the subject

WORD FOR WORD REPORTING, LLC

1 to call that beach that you see in that exhibit.  
 2 **A. I've never been there. I would guess it's**  
 3 **getting close to the Greek church. I don't know if I**  
 4 **would call that a beach.**

Q. Okay. Let me hand you Exhibit 5. All right?  
 Do you see the beach there?

**A. Yes. Isn't that the same picture?**

Q. It's a different angle.

**A. Right. Different tide.**

Q. Yes. All right. What do you call the beach  
 that's there?

**A. I guess the beach changes, depending on the**  
**tide, if there is a beach, or if there's not a beach.**

Q. No, no. What do you call it? Do you call it  
 Moore's Inlet Beach, do you call it The Inlet Beach,  
 something else?

**A. Honestly, I've never been there, and never**  
**had a reason to call it --**

Q. Oh, really?

**A. -- call it anything. Yeah. I've never --**  
**the only time I've ever been in this area is walking**  
**along the seawall.**

Q. Okay. Fine. What we can do now is, you can  
 turn those photographs over, because I'm finished  
 asking you questions about them. And I want to take

you back to the very first exhibit.

**A. These, too, or this?**

Q. Yeah. I'm going to ask you about the one you  
 said this. Okay?

**A. Okay.**

Q. We're not going to do the photographs  
 anymore.

**A. Okay.**

Q. Okay? The activities on the beaches of North  
 Wildwood that you have had involvement with during  
 the summer season, before July of 2012, would have  
 been what type of activities?

**A. What do you mean by an activity? An event,**  
**or --**

Q. An event, an event.

**A. Before 2012?**

Q. Before July of 2012.

**A. Before July of 2012? I've been part of our**  
**boogie board races, the city centennial, our surf**  
**fishing tournaments that occur on the beach. And**  
**that's all I can think of at the moment.**

Q. Okay. All right. Now, the boogie board  
 tournaments?

**A. Races, yes.**

Q. Races, okay. For how many years have they

been going on?

**A. Oh, I'm unsure. Awhile.**

Q. Just give me your best estimate.

**A. 10 -- 10 to 15 years.**

Q. This is -- okay. And are those boogie board  
 races typically held at a particular location?

**A. Yes.**

Q. And what is that location?

**A. 15th Street and the beach.**

Q. Okay. Now, let's talk about the city  
 centennial.

**A. Okay.**

Q. All right? That was the, what, hundred --

**A. Hundred year anniversary of the city, yes.**

Q. Okay. Fine. When was that held?

**A. Sometime in 2006.**

Q. All right. And what events or activities  
 occurred on the beaches of North Wildwood relative to  
 the celebration of the city's centennial?

**A. I think we had, like, a city picnic, and then**  
**we did fun games and activities for the employees on**  
**the beach.**

Q. Okay. Were those activities located  
 anyplace?

**A. 15th Street and the beach.**

Q. Okay. Now, the surf fishing?

**A. Um-hum.**

Q. Okay. Could you give me kind of an overview  
 of what the city's involvement was with surf fishing  
 before July of 2012?

**A. The recreation department runs a surf fishing**  
**tournament, and then there's actually two surf**  
**fishing tournaments that are held in North Wildwood**  
**through two other organizations.**

Q. Okay. So, let's do the surf fishing  
 tournament that is conducted by the city.

**A. By the rec. Okay?**

Q. By the recreation?

**A. Department, yes.**

Q. Of the City of North Wildwood?

**A. Yes.**

Q. All right. For how long has that been going  
 on?

**A. Over 40 years.**

Q. All right. And at what beaches does this  
 surf fishing tournament take place?

**A. Our boundaries are 26th Street and the beach,**  
**all the way down to --**

Q. Moore's Inlet Beach?

**A. Past that. There's apartments on the**



EXHIBIT  
74  
3-1-16  
C

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# Vortex Takes Sand Out to Sea

By DEBORAH MCGUIRE

**NORTH WILDWOOD** — A small section of beach at the city's furthestmost northern end collapsed after weather conditions created the perfect storm to allow sand to be washed out to sea the evening of Sept. 19.

"There's a vortex that's created in our inlet," said Mayor William Henfrey. "We have competing inlets coming out of Herford Inlet and it's causing a whirlpool effect there."



Robert Newkirk

Due to the recent north-east winds and new moon, the whirlpool started to spin and eroded the beach.

"It's going to level off," said Henfrey who had been in close communication with Dr. Stewart Farrell, Director of Coastal Studies at the Coastal Research Center at Stockton College. The mayor said the

beach, which measured approximately 150 feet long and 200 feet wide, will not be replaced or replenished.

"It's not part of the bathing beach," said Henfrey. "It goes from being water for several years and it will grow a little beach and go back to being water again. It's right at the seawall so there's no danger if the beach goes away."

Henfrey said the area is one that can be considered as alive. "The sand grows, the sand goes away, the sand grows, the sand goes away. It's all part of Mother Nature back in the area back there."

There were no injuries or damage to property, said the mayor.

year after year in support of newer survivors. All are Welcome.

## Mid-Atlantic Police, Fire Survivors Weekend Set

Fri., Sept. 28, 5 p.m. Delivery of the Ceremonial Wreath by members of the Philadelphia Police Boat Teams arriving at the Municipal Boat Ramp at Fifth and New York avenues

6-9 p.m. Police and Fire Public Mingle. Keenan's Tiki Bar, Chestnut and Old New Jersey avenues, \$10 door charge

Sat., Sept. 29, 4:30 - 6:30 p.m. Display and Demonstration, New Jersey State Police Helicopter, K-9, TEAMS Unit, Fire Second & Surf 7 p.m., Candlelight Vigil at the Municipal Oceanfront Amphitheater at Second and Ocean avenues, including a Solemn Procession and March Past

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**DIRECTIONS**  
to Hereford Inlet Lighthouse  
from  
Garden State Parkway South

- Parkway North
- Take Exit 4 (Wildwoods/Rio Grande)
- Turn right at end of exit ramp onto Rio Grande Avenue, following signs to the Wildwoods
- Continue on Rio Grande Avenue over the drawbridge and into Wildwood
- Turn Left onto Atlantic Avenue through Wildwood until it ends at 1st Avenue in North Wildwood
- Turn left on 1st Avenue
- Turn right onto Central Avenue
- Lighthouse is on Central Avenue near 1st Avenue
- Lighthouse parking on Central Avenue

*From Parkway North*

- Parkway South
- Take Exit 6 (North Wildwood)
- Turn right at end of exit ramp onto Route 147
- Follow this road until you are in North Wildwood where it becomes New Jersey Avenue
- Stay on New Jersey Avenue until Chestnut Avenue.
- Make a left on Chestnut and proceed two blocks to Central Ave.
- Cross Central and enter Lighthouse Parking Area

Front Cover Artwork by: Donna Elias

Photos by: B – Betty Mägner J – John Kirchner K – Kate Moser



609-522-4520 • [www.herefordlighthouse.org](http://www.herefordlighthouse.org)

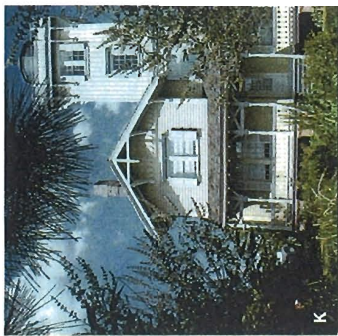
**Hereford Inlet Lighthouse**  
- 1874 -



*"The Victorian Lighthouse"*

111 N. Central Ave.  
North Wildwood, NJ 08260  
609-522-4520

[www.herefordlighthouse.org](http://www.herefordlighthouse.org)



**H**ereford Inlet Lighthouse is a working lighthouse as well as a museum. Open to the public for guided and self guided tours, visitors will learn about the history of Hereford and get a glimpse into the life of a lighthouse keeper in the late 19th and early 20th century.

A park surrounding the Lighthouse is designed with many different garden areas containing over 200 plant varieties. The gardens are planted in the Victorian cottage style and extend right up to the ocean seawall. They have won several awards, including the Pennsylvania Horticultural Society Suburban Greening Award.

The Lighthouse also has a gift shop featuring lighthouse and nautical theme art work, books, miniatures, shirts, hats, mugs and much more.

The gardens and grounds around the Lighthouse are wheelchair accessible. A photo album "tour" is available, upon request, to those unable to climb the lighthouse.

We welcome and can accommodate school trips, senior citizen groups and other organized tours. Special rates are available for groups of 30 or more.

Hereford Inlet Lighthouse is open year round. For days and hours of operation, special events, admission fees and other questions, please call 609-522-4520 or visit our official website at [herefordlighthouse.org](http://herefordlighthouse.org)

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**H**istoric and picturesque Herford Inlet Lighthouse, a beacon of safety and assurance to the 19th century mariners, has become a cherished landmark for residents and visitors of this seashore resort community.

The Lighthouse is situated on the south side of the Herford Inlet, which leads from the Atlantic Ocean to the famed Intra-Coastal Waterway linking Maine to Florida. First used by the 17th century whalers to land in and bunker their catches, the Inlet's use as a haven to mariners greatly increased as travel and shipping along the coast became more prevalent.

Strong currents and shifting sandbars near the entrance to the inlet caused frequent groundings and shipwrecks. Because of this, in 1849, a Life-Saving Station was constructed along the south bank of the Herford Inlet. A second, larger station replaced this in 1871, the time of the creation of the United States Life-Saving Service. As the use of the Inlet and coastal shipping continued to increase, so did the number of shipwrecks. It became obvious that a Lighthouse was needed to mark the mouth of the Inlet.

On June 10, 1872 Congress enacted legislation to finance the purchase of land and the construction of a fourth order Lighthouse. The site chosen held a prominent position on the dense area overlooking the approach to the Inlet.

Construction began on the uninhabited barrier island on Nov. 8, 1873 and was completed on March 30, 1874. This wood frame, residential style Lighthouse was designed by the Lighthouse Board's Chief Draftsman, Paul J. Pelz. His Victorian era design is referred to as "Swiss Carpenter Gothic," and also "Stick Style."

Herford is the only Lighthouse of its type on the East Coast although it had five "sister" lights on the West. Pelz designed Point Fermin, East Brother, Mare Island and Point Huene in California and Point Adams in Washington State. All of these were almost identical to Herford and were built about the same time. Only Point Fermin and East Brother still exist.

Paul Pelz would later garner world wide fame as the designer of the Library of Congress in Washington D. C.

On May 11, 1874 a "Notice to Mariners" formally announced the start of operation of the Light. The fixed white light was located at latitude 39 degrees and longitude 74 degrees, 47 minutes. The tower height is 49 1/2 feet with the light elevation rising to 57 feet above sea level. The light is visible at a distance of 13 nautical miles.

John Murche was the first Lighthouse Keeper. He was in the post less than three months when his boat capsized and he drowned while returning from the mainland. He was replaced by a young man from Cape May Court House, Freeling Hyson Hewitt.

Freeling was a civil war veteran and a former merchant seaman. He would stay on as the keeper of the Light for the next 45 years. Freeling was considered a "Pioneer" of the island and among his many contributions, held the first formal religious services to occur in the Wildwoods, in the Lighthouse parlor.

In 1888, a third larger Bibb#2 style Life-Saving Station was constructed three hundred feet North of the Lighthouse. The Lighthouse Service and the Life-Saving Service were both run by the Department of the Treasury but were separate organizations. They were, however, both in the business of saving lives. The Lighthouse by warning and the Life-Saving Service by rescue.

Herford stood firm against the onslaught of the winds, rains, and tides for 40 years at its original location. A severe storm in August of 1913 significantly damaged the foundation, requiring it to be moved westward 130 feet to where it sits today.

In 1915 the Coast Guard absorbed the duties of the U.S. Life-Saving Service. A larger building was needed and in 1938 the modern "Roosevelt Style" Coast Guard Station was constructed. This Station also had a boathouse and a maintenance garage. These are the white buildings just north of the Lighthouse. In 1939, the Coast Guard took over control of the Lighthouse Service.

For the next 25 years the Herford Lighthouse continued to operate. By the early 1960's the Coast Guard began to automate many of its lighthouses. In 1964 this was the fate of Herford when an automatic rotating modern optic was placed on an iron skeletal tower behind the Lighthouse. The Lighthouse was closed as was the Coast Guard Station next door. The entire property was transferred to the control of the New Jersey State Marine Police. The Police made use of the Coast Guard Buildings, but the Lighthouse was boarded up and left to deteriorate for the next 18 years.

In 1982 through the long and painstaking efforts of Mayor Anthony Catanzano and his wife Phyllis, a lease was signed "Whereby the New Jersey Department of Environmental Protection turns over the stewardship of the Lighthouse to the City of North Wildwood."

Restoration of the neglected building was immediately begun. After only ten months of intense work, on July 1, 1983, a portion of the restored building was opened to the public. Hundreds of public spirited citizens who helped raise funds for the restoration and contributed time, talent, energy and materials were on hand to celebrate the official reopening of the historic landmark for public use.

In 1986 the modern automated light was removed from the iron tower and placed in the Lighthouse lantern room making it a fully functional aid to navigation once again.

Efforts were then begun to create a museum in the Lighthouse. The interior of the building was furnished with period antiques, educational displays and lighthouse memorabilia. The 4th order Fresnel Lens was restored and placed on display on the first floor of the Lighthouse.

A project to improve the sandy, barren grounds into a park was undertaken by Superintendent of Parks Steve Murray, who designed the Park along with its many garden areas.

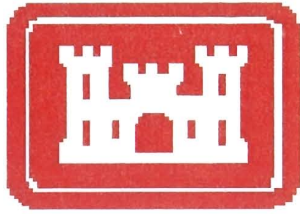
Finally an authentic restoration of the entire Lighthouse was begun in 1998 and as with many old, historic structures is always a work in progress. Grants awarded by the New Jersey Historic Trust and the N.J. Department of Transportation have helped finance this work.

The Herford Lighthouse is listed on both the National and State Registers of Historic Places. It is also part of the New Jersey Coastal Heritage Trail, and the Delaware Bayshore Birding and Wildlife Trail. It is operated and maintained by the "Friends of the Herford Inlet Lighthouse Inc." with monies generated by Lighthouse tours, the gift shop and various fund raising projects.

Our mission is to preserve our city's landmark and to impress upon and educate the public of its important heritage.

# Herford Inlet Lighthouse

20M44-201



NEW JERSEY  
SHORE PROTECTION STUDY



US Army Corps  
of Engineers  
Philadelphia District

New Jersey Department  
of Environmental  
Protection

# Hereford Inlet to Cape May Inlet

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## Draft Feasibility Report and Integrated Environmental Assessment

Volume 1 Draft Feasibility Report and Integrated Environmental Assessment

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#### 1.4 Study Area

The study area is a barrier island bordered to the north by Hereford Inlet and to the south by Cape May Inlet (*formerly Cold Spring Inlet*). Municipalities on the island include; North Wildwood, Wildwood, Wildwood Crest and Lower Township. A natural area managed by the US Fish and Wildlife Service and a US Coast Guard Electronics Center is located at the southern boundary of the study area within Lower Township. The study area is shown in **Figure 1** through **Figure 11**.

The island is separated from the mainland by three back-bay areas; Grassy Sound, Richardson Sound and Jarvis Sound. These are wide, shallow bays surrounded by marsh islands and thoroughfares connected to Hereford Inlet and Cape May Inlet.

Three roads connect the study area to the mainland and one road connects it to an adjacent barrier island. Route 147 connects the northern portion of the island to the mainland of Cape May County in the Anglesea section of North Wildwood, Route 47 connects Wildwood with the mainland at Rio Grande Avenue, and Ocean Drive connects the southern portion of the Island to the mainland near Cape May City. The island is also connected to Stone Harbor via the Grassy Sound Bridge which connects with Route 147 before entering North Wildwood.

The study area is located between two existing Federal shore protection projects. The Townsend's Inlet to Cape May Inlet shore protection project borders the study area to the north, and the Cape May Inlet to Lower Township project borders it to the south. Both projects are in partnership with the State of New Jersey Department of Environmental Protection and arose from investigations conducted by the New Jersey Shore Protection Authority. Initial construction has been completed on both projects, and they are currently in their periodic nourishment phase.

The Wildwood Boardwalk is located within the study area and receives hundreds of thousands of visitors per year. The first of the 70,000 planks that make up the Boardwalk were laid in 1900 along a 150 yard span between Oak and Maple Avenue in Wildwood City. Expansion of the boardwalk was soon to follow and by the first decade of the 20th century the boardwalk stretched from Cresse Avenue in Wildwood to 2nd Avenue in North Wildwood. The current boardwalk stretches from 15th street in North Wildwood to the border of Wildwood Crest and Wildwood at Cresse Avenue, a distance of approximately 1<sup>3/4</sup> miles.

1 **Figure 1 Study Area**  
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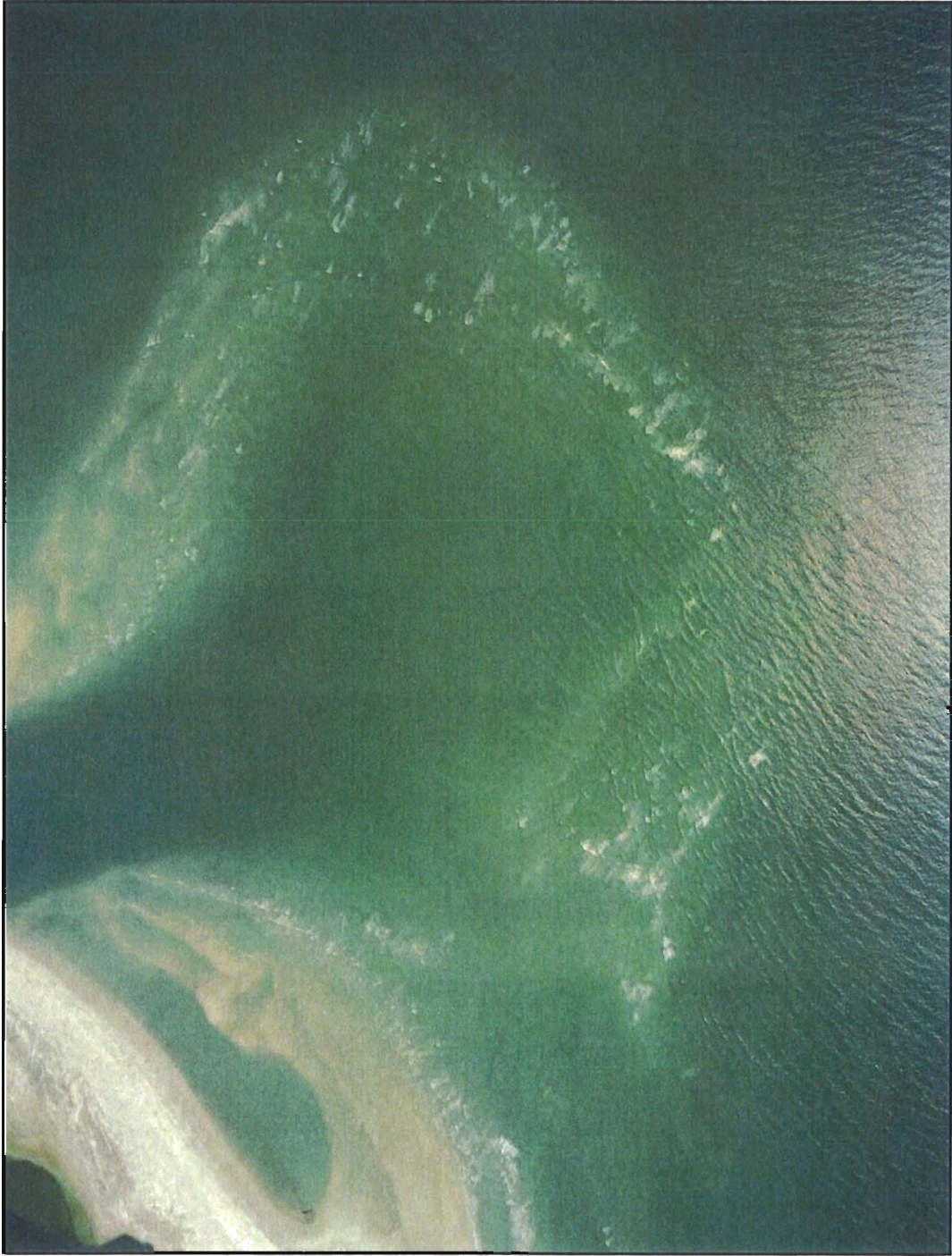


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**Figure 2 Hereford Inlet**





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**Figure 3 North Wildwood**





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**Figure 4 North Wildwood**





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**Figure 5 North Wildwood and Wildwood**





1        **1.9 Project Area Photos**

2        **Figure 12 North Wildwood, Hereford Inlet and Stone Harbor Point**

3        *Figure 12 shows the large sand spit that extends into Hereford Inlet from Stone Harbor Point in*  
4        *the background and the Anglesea section of North Wildwood in the foreground.*



30        **Figure 13 North Wildwood, 1970s**





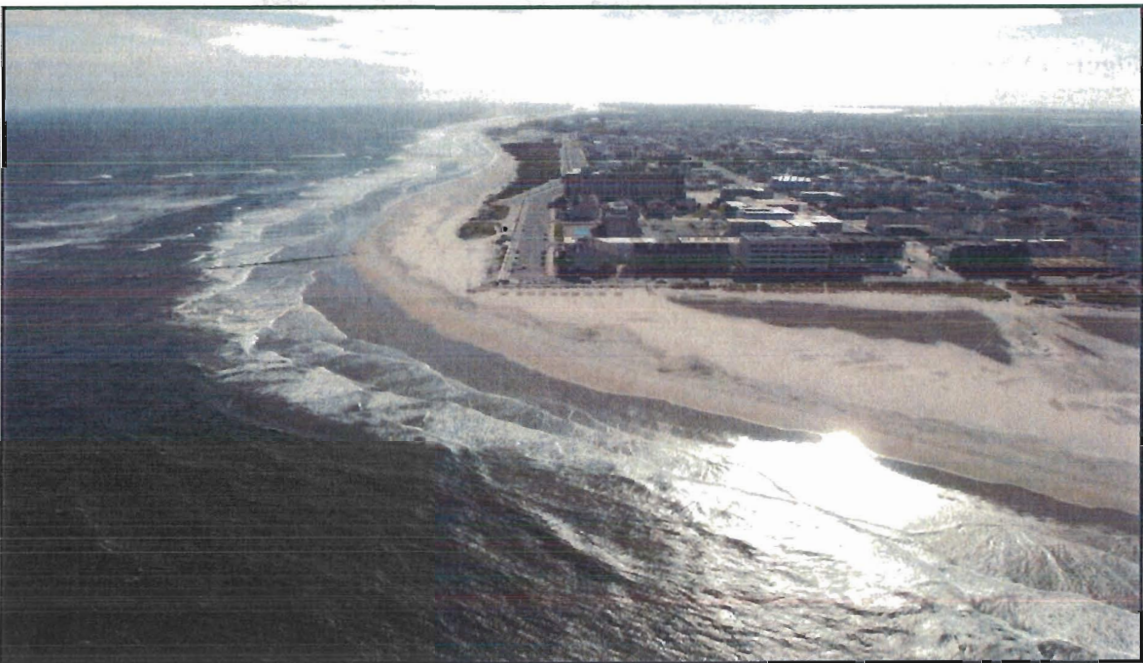
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**Figure 14 North Wildwood 1991**

*Figure 14 and 15 show the erosion of the wide beaches in North Wildwood from 1991 to 2004.*



**Figure 15 North Wildwood 2004**





1           **2.2.3 Natural Forces**

2 Coastal barrier island shorelines experience a number of natural forces, which affect erosion  
3 rates and transportation of pollutants to bay areas. These forces may include, but are not limited  
4 to: waves, currents (wave-induced and tidal), swells (wind-generated waves), winds, tides and  
5 storms.

6  
7 Circulation patterns originate from physical transfers of water and energy to form currents,  
8 resulting in a mixture of several different water sources in the Bay. Bay currents are generated  
9 by winds, tidal forces, fluvial flow, and salinity gradients resulting from inputs of sea water, river  
10 and ground water.

11  
12 Waves approach the study area from a northward orientation relative to the shoreline, generating  
13 a prevailing southward longshore current that carries with it littoral drift, sedimentation and  
14 deposition. Indicators of wave climate are generally height, period and direction. Wave energy  
15 can be determined knowing the spectral distribution of these parameters. The average wave  
16 height in the study area from the 1980 to 2000 Wave Information Station (WIS) data source are  
17 those derived for Station 147 offshore of the Wildwoods and range from 2.3' in July to 3.9' in  
18 January. The maximum monthly average wave height (Hmo) at Station 147 for the 1980 - 2000  
19 hind cast in the month of January is reported as 19.0', with an associated peak period of 11  
20 seconds and a peak direction of 71 degrees.

21  
22 Tidal currents may cause tangible effects on shore stability and water quality. These are  
23 generated by tidal driven water level differences between the ocean and back bay areas. The  
24 periodic rise and fall of the ocean water elevation adjacent to barrier islands, creates the ebb and  
25 flood cycle of tidal currents. The tidal currents at the inlets can facilitate the movement of  
26 sediments and pollutants in the coastal zone, particularly as they interact with longshore currents  
27 to form the typical morphological features associated with barrier island-tidal inlet zones.

28  
29 The second class of currents important to coastal shoreline stability is longshore currents. These  
30 currents are set up near the breaker zone adjacent to beaches, and are caused by the longshore  
31 component of momentum in the waves breaking at an angle relative to the shore alignment. The  
32 turbulent force associated with breaking waves cause the suspension of sediments, which can  
33 then be transported in a direction parallel to the shore by longshore currents. Along the central  
34 portion of the barrier beach, longshore currents are instrumental in the movement of sand to  
35 adjacent areas. However, at the ends of the barrier beach where inlets are carved by the tides,  
36 sand transport particularly at the shoulder of the inlet is influenced more by tidal currents.

37  
38 Recently, the importance of large scale currents has been recognized. A near shore current off  
39 the coast of New Jersey is being investigated by the University of Delaware, and it is believed  
40 that this may be caused by a density gradient. In addition, the ever-changing Gulf Stream, with  
41 its far reaching global effects on climate, may also impact local water quality to some extent.

42  
43 Tides on the New Jersey coast are semi-diurnal. The average tidal period is 12 hours and 25  
44 minutes. The mean tide range for the Atlantic Ocean at Wildwood Crest is reported as 4.31' in  
45 the Tide Tables published annually by the National Oceanic and Atmospheric Administration  
46 (NOAA). The spring tide range is reported as approximately 4.93'.

1  
2 Recent climate research by the Intergovernmental Panel on Climate Change (IPCC) predicts  
3 continued or accelerated global warming for the 21<sup>st</sup> Century, and possibly beyond, which will  
4 cause a continued or accelerated rise in global mean sea-level. For all USACE Civil Works  
5 activities, analysts shall consider what effect changing relative sea-level rates could have on  
6 design measures, economic and environmental evaluation, and risk (EC-1165-2-185, dated  
7 October 2011). Sea-level rise is considered by many within the scientific and engineering  
8 community to be a contributing factor to long-term coastal erosion and the increased potential for  
9 coastal inundation. Because of the wide variability of factors that affect sea level rise, predicting  
10 trends with any certainty is difficult.

11  
12 There are a number of scenarios of future sea level rise. Some considerations of the peer  
13 reviewed articles presenting current eustatic sea-level rise reflect data based upon tide stations,  
14 satellite observation, and historical duration data. Army Corps of Engineers Circular (EC-1165-  
15 2-185, dated October 2011) states that, “several peer reviewed publications have proposed  
16 maximum estimates of GMSL (global mean sea-level) rise by year 2100. Although the authors  
17 use different physical bases to arrive at the estimates, none of them propose a 21<sup>st</sup> Century  
18 GMSL rise greater than 2 meters.” Consequently, if the rate of sea level rise increases in  
19 response to global warming, beaches could lose sand even more quickly than currently  
20 forecasted. Major (destructive) storms could also increase in frequency over the next 50 years,  
21 and this may also alter erosion rates.

#### 22 **2.2.4 Temperature and Salinity**

23 Mixing occurs in near shore waters due to the turbulence created from wave energy contacting  
24 shallower depths. This mixing becomes less prominent in greater depths where stratification can  
25 develop during warm periods. Water temperatures generally fluctuate between seasonal  
26 changes. The average temperature range is from 3.7°C (January) to 21.4°C (October). The most  
27 pronounced temperature differences are found in the winter and summer months. Warming of  
28 coastal waters first becomes apparent near the coast in early spring, and by the end of April  
29 thermal stratification may develop. Under conditions of high solar radiation and light winds, the  
30 water column becomes more strongly stratified during the months of July to September. The  
31 mixed layer may extend to a depth of 12 to 13'. As warming continues, however, the  
32 thermocline may be depressed so that the upper layer of warm, mixed water extends to a depth of  
33 approximately 40'.

34  
35 Salinity concentration is chiefly affected by freshwater dilution. Salinity cycles result from the  
36 cyclic flow of streams and intrusions of continental slope water from far offshore onto the shelf.  
37 Continental shelf waters are the least affected by freshwater dilution, and have salinity  
38 concentrations varying between 30 parts per thousand (ppt) and 35 ppt. Coastal waters are more  
39 impacted by freshwater dilution, and may have salinities as low as 27 ppt. Salinity is generally  
40 at its maximum at the end of winter. The voluminous discharge of fresh water from the land in  
41 spring reduces salinity to its minimum by early summer. Surface salinity increases in autumn  
42 when intrusions from offshore more than counterbalance the inflow of river water, and when  
43 horizontal mixing becomes more active as horizontal stability is reduced.



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Figure 48 Beach Profile Locations

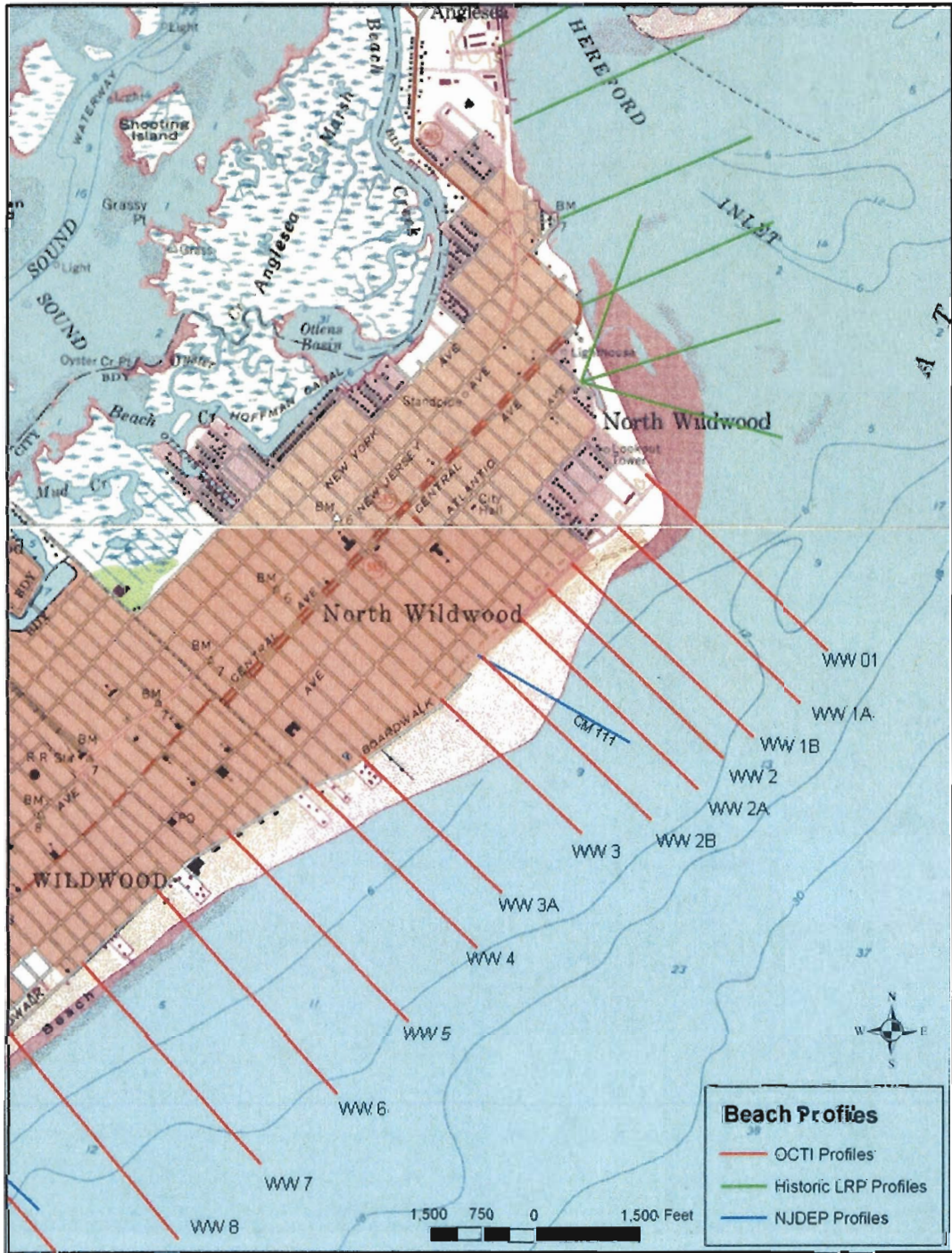
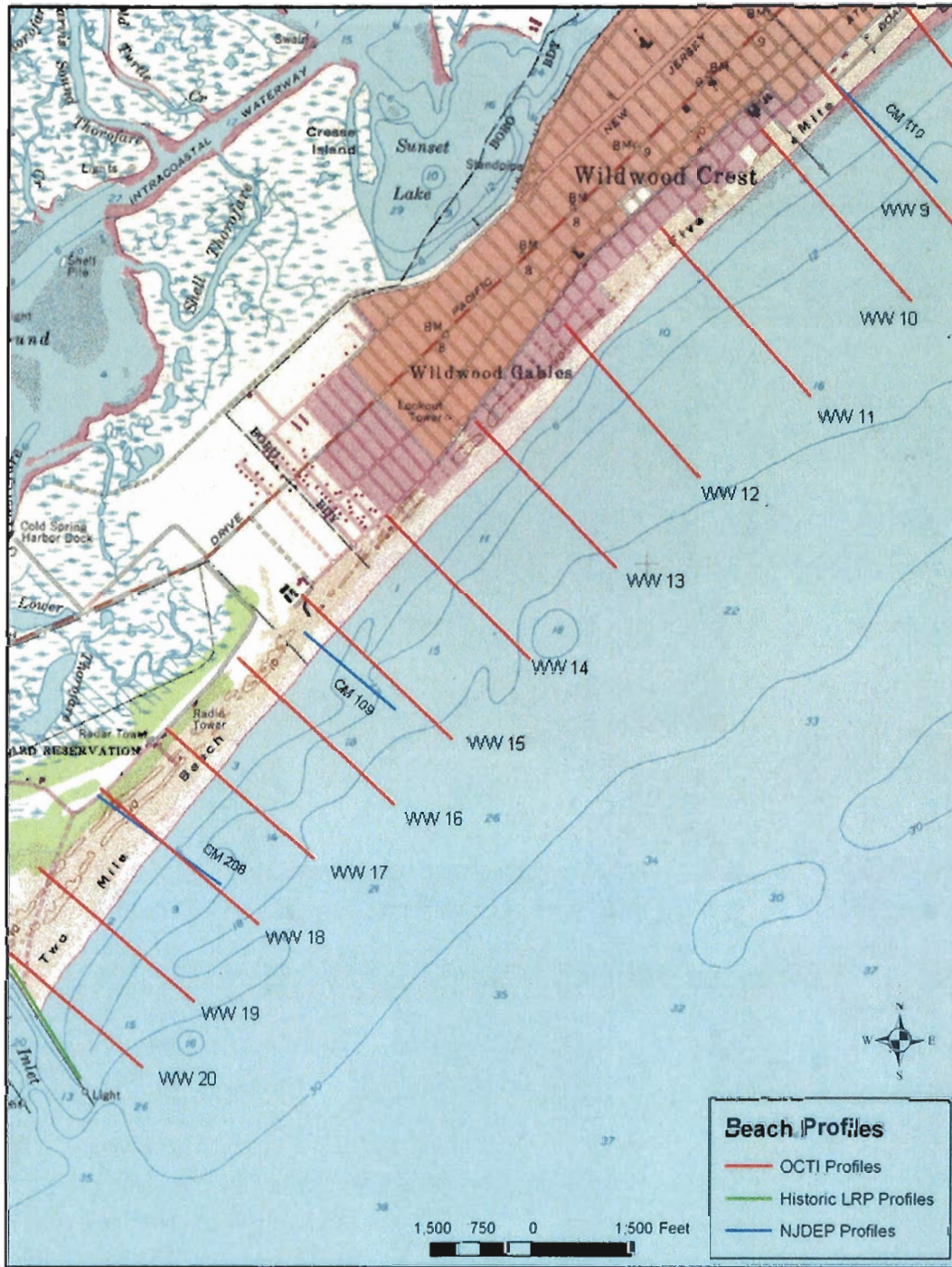




Figure 49 continued

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## 2.6.9 Bathymetry

An analysis of offshore and Hereford Inlet bathymetric data was conducted to identify important geomorphic features which may impact near shore wave transformation and resulting sediment transport patterns.

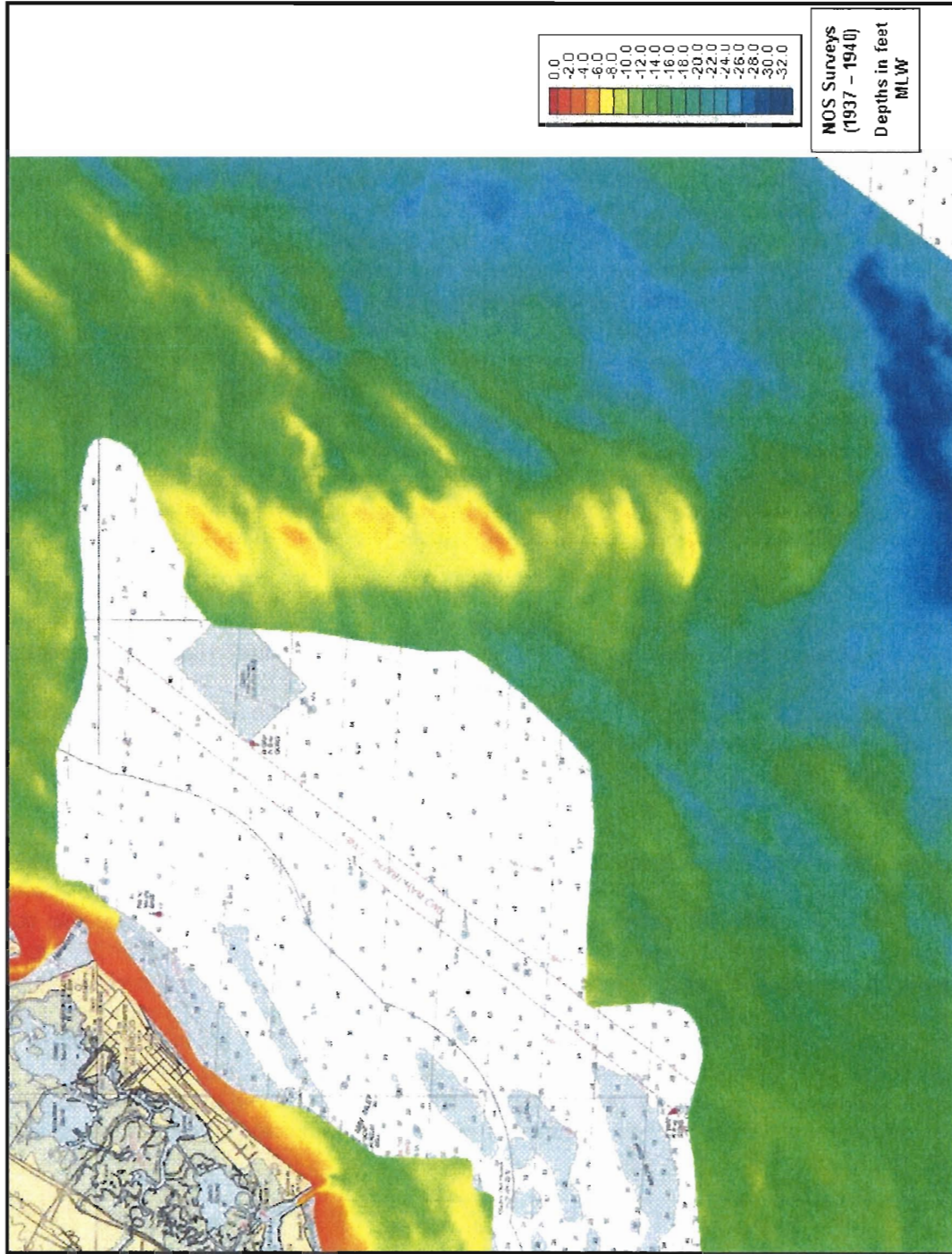
A search of the National Oceanographic Service (NOS) bathymetric database for the study area resulted in limited data available offshore of the study area, with the most recent surveys being performed from 1999-2004. Older NOS surveys were found from 1937-1940 and from 1970-1977, as well. Contours were generated for each of the survey datasets using the computer program SMS. A plot of the 1937-1940 NOS surveys is shown in **Figure 49**. The 1937-1940 surveys were primarily offshore in deep water with only minimal amount of data in the near shore. The best picture of the near shore bathymetry for the study area was surveyed 1970-1977 by the NOS **Figure 50**. As the figure shows, the near shore bathymetry was steeper on the southern half of the barrier island as compared to the northern half of the island. For example, the location of the -5.0 ft. MLW contour varied from 3,700' offshore of Wildwood to 1,000' offshore of the Coast Guard Base. Further offshore the steepness of the southern half of the barrier island is not as apparent. The -10.0 ft. MLW contour parallels the shoreline approximately 5,000' offshore. The 1999-2004 NOS surveys were located in deep water offshore as shown in **Figure 51**. The same offshore features at approximately -20 ft. MLW (areas shaded in blue) do not appear to change significantly from 1970 to 2004.

An analysis of available hydrographic surveys to quantify changes at Hereford Inlet was conducted using the computer program SMS. The program was used to contour, compare, and quantify any changes between the surveys for Hereford Inlet. Available hydrographic data that surveyed the entire inlet and not just navigation channels existed for the years of 1994, 1998, and 2002. These surveys were done by Contractors for the District and the results from this analysis were used later during the development of the sediment budget for the study area. The contour plots from Hereford Inlet for the 1994, 1998, and 2002 surveys respectively are shown in **Figure 52** through **Figure 54**.

Comparing these three figures it can be seen that shoaling has taken place on the inlet frontage of North Wildwood from 1994 to 2002. Aerial photography taken during these times also confirms the additional sand at the inlet frontage of North Wildwood. Examining these figures also shows an apparent slug of material at the seaward end of the natural deep-water channel in 2002 that did not exist in 1998. This slug of material most likely broke off from the shoal and was in the process of transporting south towards North Wildwood. Another notable difference between the figures is the evolution of the deep-water channel in the northern part of the inlet near Stone Harbor Point. In 1994 this channel was not well defined at all, but by 2002, the channel deepened and became longer. It is reasonable to assume that all of these bathymetric changes in Hereford Inlet from 1994 to 2002 in conjunction with the complex wave dynamics in the inlet impacts the beaches of North Wildwood.



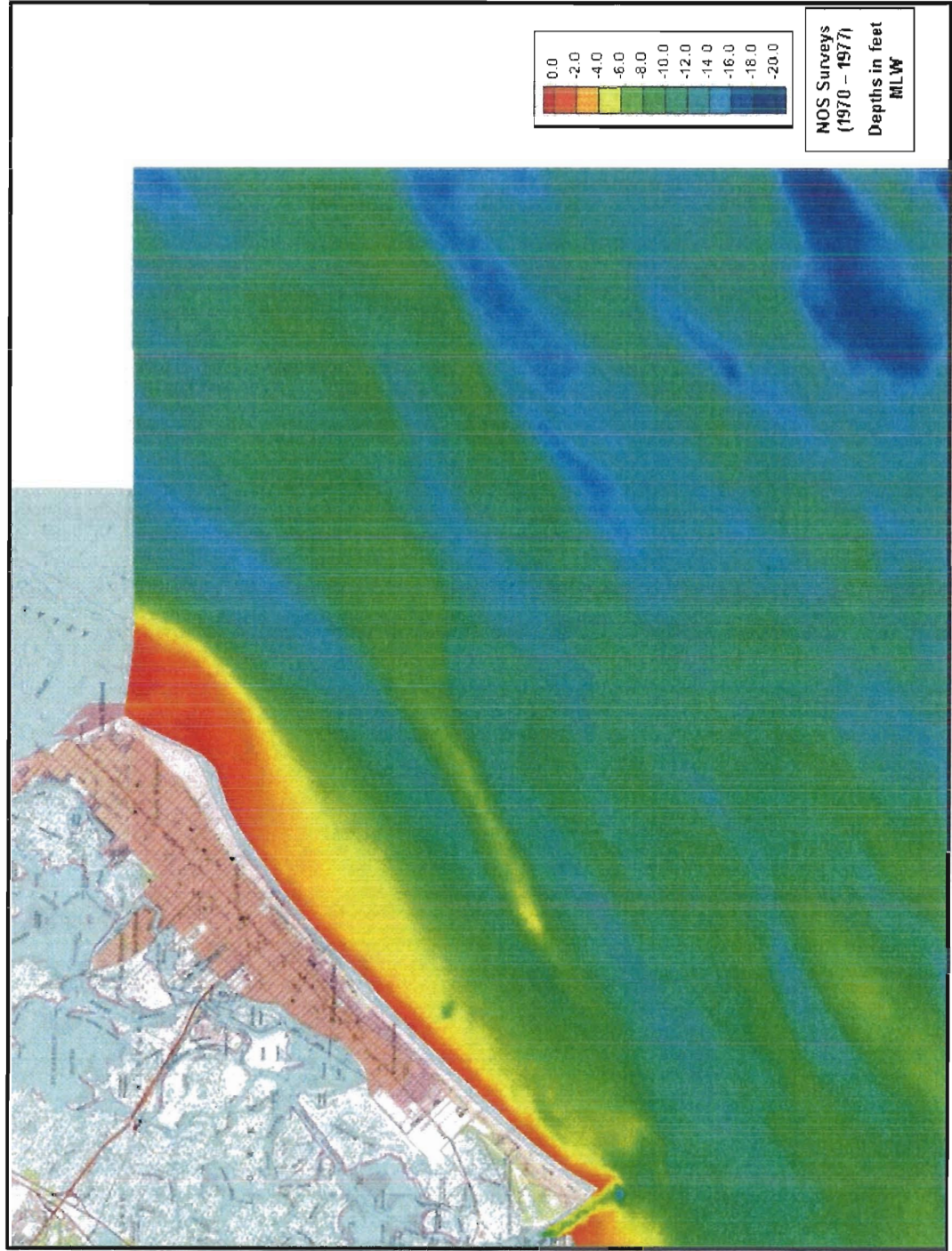
1 **Figure 49 Wildwoods Bathymetry 1937-1940**



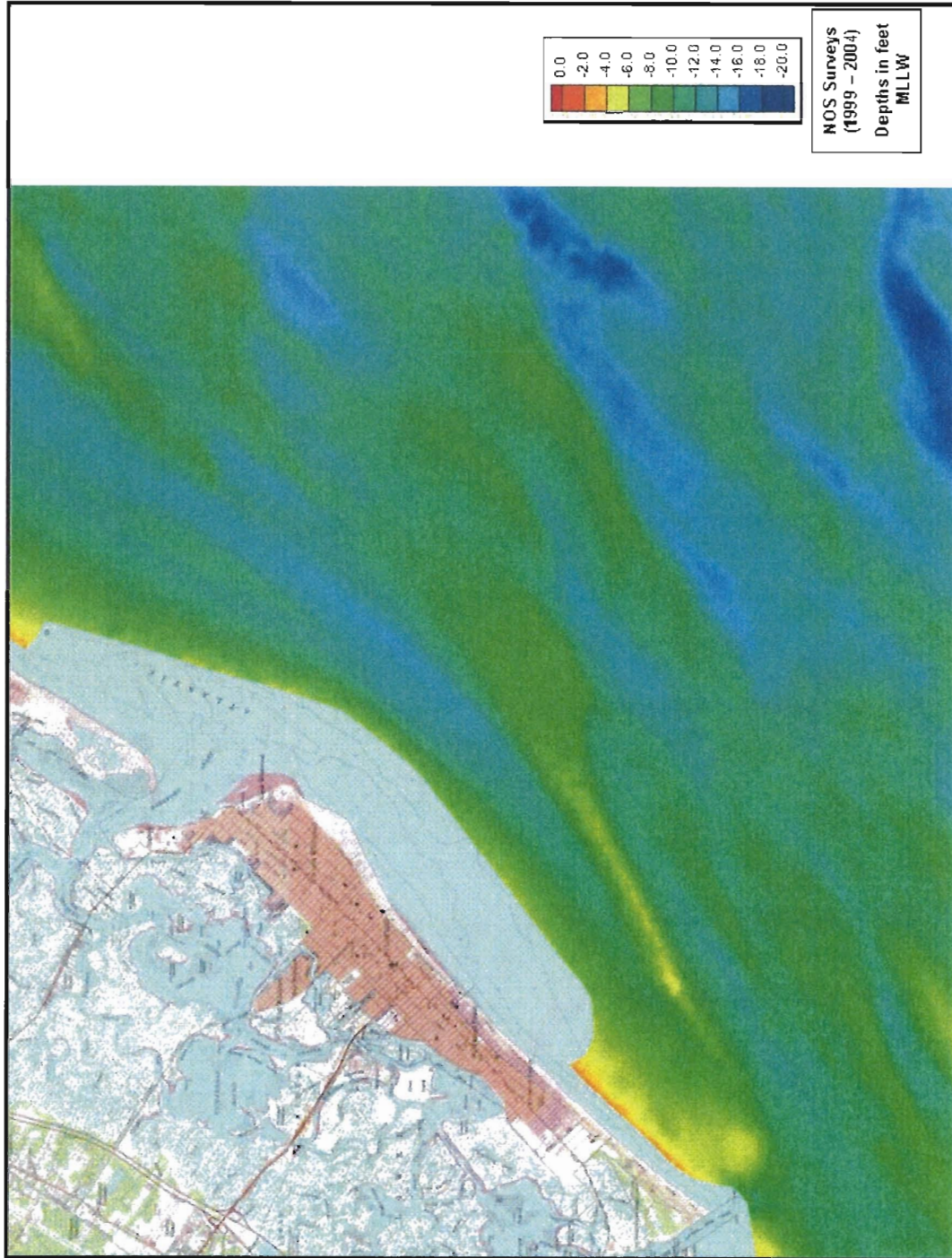


1 **Figure 50 Wildwoods Bathymetry 1970-1977**

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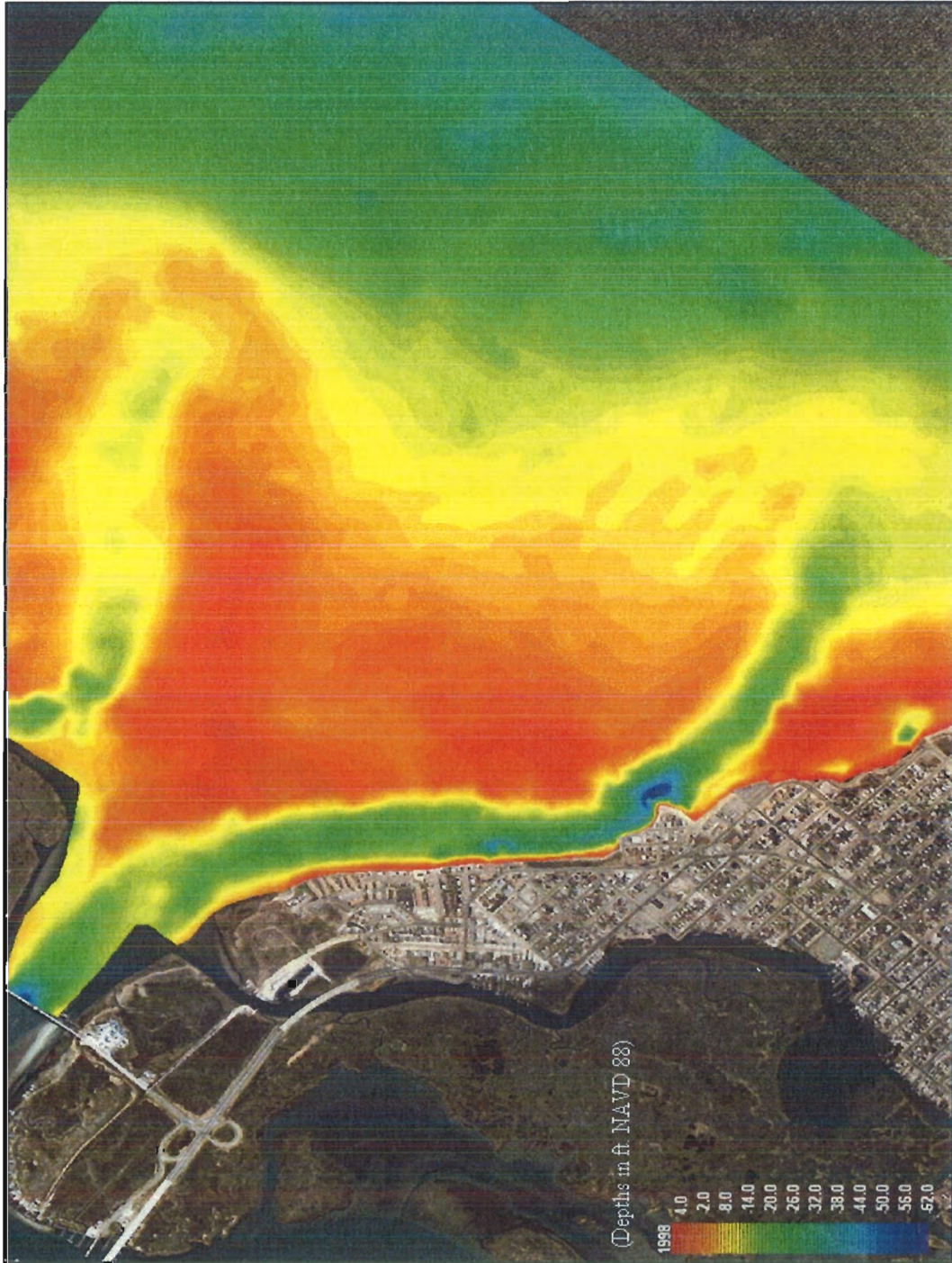


1 **Figure 51 Wildwoods Bathymetry 1999-2004**





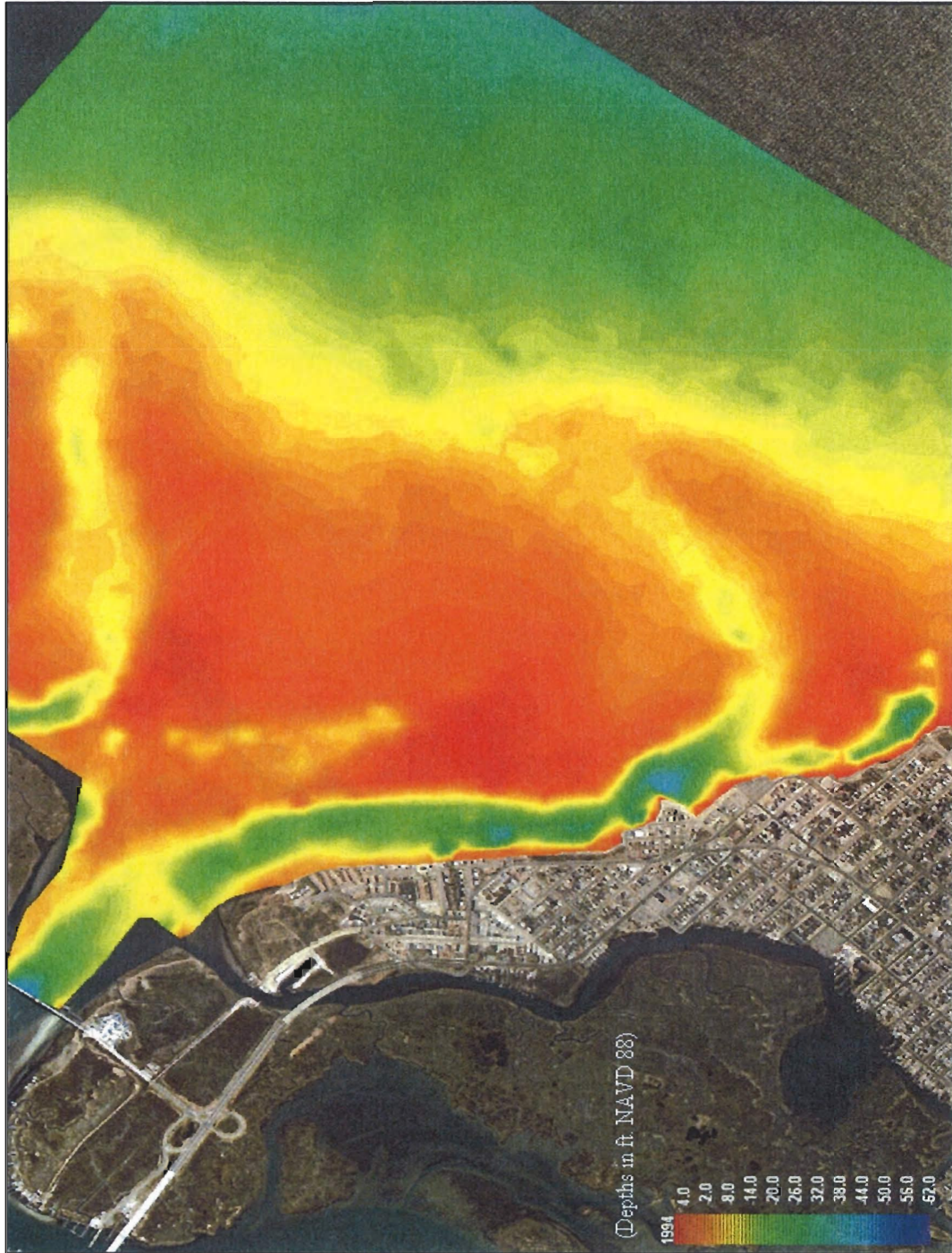
1 **Figure 52 Hereford Inlet Bathymetry 1994**  
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1 **Figure 53 Hereford Inlet Bathymetry 1999**

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45 the Tide Tables published annually by the National Oceanic and Atmospheric Administration  
46 (NOAA). The spring tide range is reported as approximately 4.93'.

**D'AMATO LAW FIRM**

2900 Fire Road, Suite 200  
Egg Harbor Township, New Jersey 08234  
609-926-3300

Attorneys for Plaintiff

**SANDRA SMITH, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF GEORGE BRADLEY SMITH, AND AS GUARDIAN AD LITEM FOR HER CHILDREN KOLE SMITH AND BRANDY SMITH, NICOLE GAETA, KYLE SMITH;**

Plaintiffs,

-vs-

**CITY OF NORTH WILDWOOD, STATE OF NEW JERSEY;**

Defendants.

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-CAPE MAY COUNTY  
DOCKET NUMBER: L-**

Civil Action

**CERTIFICATION OF  
MICHAEL C. MASLOWSKI**

**I, Michael C. Maslowski,** of full age, hereby certified the following:

1. I am a retired New Jersey State Police Trooper 1.
2. I was a member of the New Jersey State Police for 25 years,
3. I was trained in Marine Law Enforcement by the New Jersey State Police.
4. I was previously assigned to the North Wildwood New Jersey State Police Marine Station.
5. I have received various advanced Marine Law Enforcement training.
6. I navigated and patrolled the area of Hereford Inlet for Approximately 10 years while I was a New Jersey State Trooper.
7. I have assisted the North Wildwood Police and the United States Coast Guard with several water rescues and drowning incidents in the area of the Inlet Beach.



8. There were approximately 2-3 rescues that I was personally involved in from the area of Hereford Inlet Beach each summer.

9. Beach Patrons swim and wade at the Inlet Beach during the summer months.

10. A short step off the inlet beach in the wrong direction could cause a person to fall into 30 feet of water.

11. There are several other beach rescues that go unreported each summer at the Inlet Beach.

12. The unreported rescues are performed by civilians utilizing Jet Skis and/or pleasure or fishing boats.

13. I and fellow State Troopers would hear about the rescues after the fact from beach patrons and other emergency rescue personnel.

14. I consider the Inlet Beach very dangerous to beach patrons due to extreme currents and beach erosion.

15. I have seen a vortex type whirlpool that forms near the rock wall at the Inlet Beach when the tides change.

16. I have personally been involved in several water rescues where individuals were caught in the vortex/whirlpool near the Inlet Beach rock wall.

17. I recall fishermen and tourists falling from the rock wall at Inlet Beach and getting sucked into the vortex/whirlpool.

18. I have observed the North Wildwood Police patrolling the Inlet Beach, Moore's Beach, Moore's Inlet Beach, and the Point on foot and ATVs.

19. I have been called by the North Wildwood Police to patrol in the Inlet Beach regarding jet skiers into the Inlet Beach.

20. I would not allow my children to wade or swim at the Inlet Beach.

21. There is a drop off right off of the Inlet Beach and it is very dangerous to wade or swim.

22. Hereford Inlet is not charted for navigation by the Army Corp of Engineers because it is constantly changing and is dangerous.

23. I believe that the violent incoming/outgoing current from Hereford Inlet undermined the beach creating a pocket under Brad Smith's feet which collapsed.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Michael C. Maslowski

Dated: 9/28, 2016



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 5-17-16

# FREE Summer

## CONCERTS UNDER THE STARS

DAY	DATE	GROUP
Saturday	July 2nd	Stan Wades "TRAMMPS"
Thursday	July 7th	No Show visit the BBQ Festival
Saturday	July 9th	No Show visit the BBQ Festival
Thursday	July 14th	Elvis Tribute (Jesse Garron)
Saturday	July 16th	Chicago 9 Tribute Band
Thursday	July 21st	Jimmy & the Parrots (Jimmy Buffet Tribute)
Saturday	July 23rd	Real Diamond (Neil Diamond Tribute)
Thursday	July 28th	The Diamonds
Saturday	July 30th	The Cameo's
Thursday	Aug. 4th	Lights Out (Frankie Valli Tribute)
Saturday	Aug. 6th	Wallstreet (Salute to Motown)
Thursday	Aug. 11th	George Young & Friends in Concert
Saturday	Aug. 13th	Robert Eric's (Billy Joel Tribute)
Thursday	Aug. 18th	The "B" Street Band (Bruce Springsteen Tribute)
Saturday	Aug. 20th	The Dovells
Thursday	Aug. 25th	The Bronx Wanderers
Saturday	Aug. 27th	Ladies of "Country" (Sara Spicer, Audra McLaughlin)
Saturday	Sept. 3rd	Beatlemania

ALL CONCERTS WILL BE HELD AT LOU BOOTH AMPHITHEATER (2ND & OCEAN AVE) AND WILL BEGIN AT 8:00 PM. FOR MORE INFORMATION PLEASE CALL 609.522.7722 OR TOLL FREE 1.800.882.7787.  
**ALL CONCERTS ARE FREE**

# North Wildwood New Jersey



## 2016

### INFORMATION & RECREATION GUIDE

[northwildwood.com](http://northwildwood.com)



## A Place in the Sun for Family Fun!







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**5** ..... North Wildwood City Council

**6 & 7** ..... History of North Wildwood

**8 & 9** ..... Beach & Fishing Information

**10** ..... Wildwoods Boardwalk

**11** ..... Hereford Inlet Lighthouse

**12** ..... North Wildwood City Attractions

**13 & 14** ..... Recreation & Tourism Facilities

**15 & 16** ..... Recreation Programs & Camp Info

**17** ..... 2016 Camp Info

**18 & 19** ..... Directions / Map

**20 - 30** ..... Schedule of Events

**31** ..... Fire, Police & Office of  
Emergency Management (OEM)

**32** ..... Public Works, Recreation & Tourism Dept.,  
City Clerk & City Administrator

**33** ..... Buildings, Parks & Grounds,  
Treasurer's & Tax Collector, Municipal Courts

**34** ..... Tax Assessor, Construction,  
Land Use Board & Beach Patrol

**35** ..... Trash and Recycling Schedule

**36** ..... Concerts Under the Stars



# EMERGENCY PHONE NUMBERS POLICE, FIRE & EMS

## 9-1-1

### NON-EMERGENCY PHONE NUMBERS

**POLICE NON-EMERGENCY** & Administrative Number  
(609) 522-2411

**FIRE NON-EMERGENCY** & Administrative Number  
(609) 522-5743

### FOR UPDATED CITY INFORMATION

Website: [northwildwood.com](http://northwildwood.com)

Office of Emergency Management (OEM)

[ready.northwildwood.com](http://ready.northwildwood.com)

Radio 1640 AM



### FREQUENTLY CALLED NUMBERS

City Hall (General Info & Departments) 609 522-2030

Public Works Department 609 522-4646

Office of Emergency Management (OEM) 609 522-0191

Beach Patrol 609 522-7500

Recreation Department 609 522-2955

Senior Center 609 729-2090

Tourism & Special Events 609 522-7722

NJSP Marine Bureau 609 522-0393

### MEDICAL

Cape Regional Medical Center 609 463-2000

Cape Regional Urgent Care 609 465-6364

Cape Urgent Care 609 884-4357

### ANIMAL

Shore Animal Control 800 351-1822

(Call police non-emergency number) 609 522-2411

CMC Animal Shelter 609 465-8923

Marine Mammal Stranding Center 609 266-0538

### UTILITY NUMBERS TO BE CALLED FOR OUTAGES

Atlantic City Electric 800-833-7476

Comcast 800-266-2278

Wildwood Water Company 609-889-6735

South Jersey 24-Gas Leak Hotline 888-766-9900

Verizon 800-837-4966





Dear Friend:

North Wildwood City Council and I are pleased to offer you this "Information Guide" containing our city directory of departments and services, calendar of events, history of the town, and a list of various City attractions and facilities.

From our beautiful beaches, to the lively boardwalk and historic Hereford Inlet Lighthouse, we cherish the uniqueness our City has to offer and the quality of life it supports. As Mayor of the City of North Wildwood, I am committed to preserving the hometown charm of our community, and I will continue to make decisions to enhance the quality of life for our residents, property owners and visitors.

Your government, which is always accessible to you, provides forward-thinking and proactive leadership day in and day out. All of our City employees work hard to protect and safeguard our homes, streets, beaches, parks, and recreational facilities in North Wildwood, and this guide will help you to learn more about those employees and municipal departments.

For more information on government meetings, news, schedule of recreational programs, and public announcements, please visit the City of North Wildwood website at [northwildwood.com](http://northwildwood.com). Our website also offers forms for download such as applications for various licenses, passes; and even provides an option to pay your taxes online. Always remember, if the internet is not for you, we are only just a phone call away at (609)522-2030.

Very Sincerely,  
Mayor  
Patrick T. Rosenello

A handwritten signature in cursive script that reads "Patrick T. Rosenello".





## NORTH WILDWOOD CITY COUNCIL



**Salvatore Zampirri**

**Email:** [szampirri@northwildwood.com](mailto:szampirri@northwildwood.com)  
**Council President, Second Ward**



**Edwin Koehler**

**Email:** [edkoehler@northwildwood.com](mailto:edkoehler@northwildwood.com)  
**Council - At - Large**



**Margaret "Peggy" A. Bishop**

**Email:** [pbishop@northwildwood.com](mailto:pbishop@northwildwood.com)  
**First Ward**



**David DelConte**

**Email:** [ddelconte@northwildwood.com](mailto:ddelconte@northwildwood.com)  
**First Ward**



**James Kane**

**Email:** [jkane@northwildwood.com](mailto:jkane@northwildwood.com)  
**First Ward**



**Kelly Ann Tolomeo**

**Email:** [ktolomeo@northwildwood.com](mailto:ktolomeo@northwildwood.com)  
**Second Ward**



**Joseph Rullo**

**Email:** [jrullo@northwildwood.com](mailto:jrullo@northwildwood.com)  
**Second Ward**



## History of North Wildwood



Located at the north end of Five Mile Beach in Cape May County, the City of North Wildwood was originally formed as the Borough of Anglesea on June 2, 1885. The Hereford Inlet Lighthouse, built in 1874, was the first structure built on the island and soon afterwards fishermen's cottages dotted the vicinity. The name of the municipality was changed to North Wildwood in 1906. In 1917 voters approved a change in the form of government, and the Borough became the City of North Wildwood.

A link to the mainland had come in 1883 in the form of the Anglesea Railroad, which later came into possession of the West Jersey Railroad in 1888. With the Pennsylvania-Reading Seashore Lines merger in 1933, the tracks through North Wildwood were abandoned and New Jersey Avenue right-of-way was sold to the City in 1950. Population of the community increased from 161 in 1900 to a peak of 5,017 in 1990. Although the trains brought many tourists for day trips on the beach and on fishing vessels in Hereford Inlet, a bridge built over Beach Creek was completed in 1924 that allowed families to come in automobiles and enjoy extended stays at any of the increasing number of hotels in the City. The modern, four-lane highway with a new bridge was completed in the 1990s.

The first Boardwalk was built in the 1880s, with boards being laid on both the ocean front (Surf Avenue) and inlet sections of the Beach. The ocean front Boardwalk was moved out further towards the high water mark, and for a number of years extended from the border with Wildwood all the way to 2nd Avenue. The current Boardwalk has ended at 16th Avenue since the late 1930s.





## History of North Wildwood



Area children attended class in a house on 1st Avenue until a school was built at Chestnut and Central in 1887. In 1908 a new school was built on Central Avenue between 9th and 10th which was closed in 1940 and later became the North Wildwood Recreation Center. The Margaret Mace School on Atlantic Avenue, between 12th and 13th, was built in 1925 as a Junior High School and took in all grades after 1940. This school was named for Dr. Margaret Mace, whose hospital at 25th & Atlantic opened in 1915 and closed in 1950. The Mace Hospital was located in the building formerly owned by Mr. Frederick Sutton, who had perished on the Titanic in 1912. Expansion of residential areas continued towards the ever-widening beach and culminated with the completion of the John F. Kennedy Beach Drive in 1964.

The area which in many of the original hotels stood in the northern part of the City has evolved into a vibrant entertainment district on Olde New Jersey Avenue. This district is the home of a number of special festivals held throughout the year. The beaches and Boardwalk continue to attract thousands of visitors each year, providing fun and activities for all to enjoy. The Hereford Inlet Lighthouse and its award-winning Gardens will be a highlight of anyone's visit to North Wildwood. From fishing on the seawall in the north end to strolling on the beach or Boardwalk at the south end, North Wildwood continues to be a great place to live and that makes it a great place to visit, as it has been since 1885.





## BEACH AND FISHING INFORMATION



### BEACH INFORMATION

Lifeguards are on duty from 10am - 5:30pm weather permitting. Always swim near a lifeguard.

### ACCESS TO THE BEACH

• **BEACH:** ADA compliant ramp access at: Inlet Beach (Off the seawall), 7th, 10th, 15th and 20th Avenues.



### HANDICAP SURF CHAIRS

Please contact the North Wildwood Beach Patrol at (609) 522-7500 to check availability, as it is a first come, first served basis. *Note that there is no charge for use of chairs.*

- There are a total of 22 chairs available.
- 15 are located at Beach Patrol Headquarters at 15th Avenue
- 4 are located at 5th Avenue & the beach
- 3 are located on Inlet Beach

### ACCESSIBLE RESTROOMS

Public restrooms are located at 7th & 15th Avenues at the beach. During the summer months there are also portable restrooms stationed every other block along the beach.

### SURFING BEACH

Our surfing beach will be designated annually by the city, please contact the beach patrol for more information. (609) 522-7500

### PARKING

- Available parking along JFK, Surf, Ocean, Atlantic, Central, New Jersey and New York Avenues
- Municipal Parking Lots are available at 15th Avenue & the beach and 1st & Surf Avenues



## BEACH AND FISHING INFORMATION

### **SURF FISHING SUMMER SCHEDULE**

**(May 21st, 2016 – September 18th, 2016)**

Surf Fishing is permitted North of the 2nd Avenue Jetty while lifeguards are on duty (between the hours of 10am– 5:30 pm). Surf fishing is permitted from Hereford Inlet – 26th Avenues any time before 10am or after 5:30pm, **when lifeguards are no longer on-duty.**

### **SURF FISHING WINTER SCHEDULE**

**(September 19th, 2016 – May 20th, 2017)**

Surf fishing permitted 1st – 26th Avenues, curfew hours varie according to season. For hours and restrictions, please visit [northwildwood.com](http://northwildwood.com) for forms and registration information.

### **BEACH VEHICLE PERMITS**

**Permit:** Police inspection required; Please visit the link referenced above for more information.

**Fee \$20**

**Access available the Day after Labor Day to Monday before Memorial Day.**

### **NORTH WILDWOOD FISHING**

North Wildwood is a great location for Back Bay saltwater fishing because of its close proximity to the Atlantic Ocean. Anglers can have their try at catching Flounder, Bluefish, Striped Bass, Sea Bass, Drum, Weakfish, and other species throughout designated fishing seasons. North Wildwood's Back Bay allows beginners as well as experienced anglers to navigate through beautiful scenic intracoastal waterways in search of that perfect catch. In the State of New Jersey, fishermen over the age of 16 are required to register with the Saltwater Recreational Registry Program. Fish caught must meet Recreational Minimum Size, Possession Limits & Season Standards. For further registration information and regulation requirements visit [state.nj.us/dep/fgw/fishing.htm](http://state.nj.us/dep/fgw/fishing.htm).



## Wildwoods Boardwalk



**The Wildwoods' award-winning Boardwalk** features 38 blocks packed end to end with stores, shops, water parks, eateries, live entertainment and amusement piers with over 100 rides and attractions. The sights, sounds and smells of the Wildwoods Boardwalk are pure sensory overload! North Wildwood specifically offers 3 piers: Sportland Pier, Seaport Pier and Morey's Pier – located at 26th Ave. & the boardwalk, various shops, arcades, restaurants and several ocean view hotel/motel accommodations adjacent to the boardwalk. Are your legs getting tired from walking the boards? Don't worry! Wildwoods' boardwalk offers tram car services the entire length of the boardwalk, and can be boarded at any location. Whether you're out on a morning bike ride, taking in the carnival-like atmosphere or simply out for a stroll enjoying the refreshing salt air, there's always something happening on the boardwalk.

**Ramp Access:** Accessible ADA compliant ramps from street at: 15th Avenue, 16th Avenue, 17th Avenue, 18th Avenue, 19th Avenue, 24th Avenue, and 26th Avenue.

**Parking:** Is available along JFK, Surf, Ocean, Central, Atlantic, New Jersey and New York Avenues. A parking lot is also available at 15th Avenue & the beach, right next to the boardwalk archway at 16th & the boardwalk.

**Bicycles:** Bicycles are allowed on the Boardwalk from 5 am to 12 pm daily. The Boardwalk stretches 1.85 miles north to a connecting ramp between 16th and 15th Avenues in North Wildwood. From there, cyclists can continue along a path on the beach along JFK Beach in North Wildwood. (See Map pg.18) A special "bikes only" lane is also dedicated throughout the length of North Wildwood, from 1st to 26th Avenues along Surf Avenue.



**Accessible Restrooms:** 2 Public restrooms at 22nd Avenue and the boardwalk & 25th Avenue and the boardwalk



## Historic Hereford Inlet Lighthouse "Victorian Lighthouse"



Hereford Inlet Lighthouse, built in 1874, is the most important historic structure in the Wildwoods. It is still an active navigational aid as well as a museum, open to the public for guided and self guided tours. Visitors learn about the buildings history and get a glimpse of the life of a lighthouse keeper in the late 19th and early 20th century.

The park surrounding the lighthouse was designed with many different garden areas containing over 200 plant varieties. The Gardens are planted in the Victorian cottage style and extend right up to the ocean seawall. They have won several impressive awards and have been featured in many gardening books and magazines. The gardens and grounds are wheelchair accessible. A DVD tour is available upon request to those unable to climb the Lighthouse.

We welcome and can accommodate school trips, senior citizen groups and all other tour buses. Special rates are available for groups of 30 or more.

The Lighthouse also has a gift shop featuring lighthouse and nautical theme art work, books, miniatures, shirts, hats, mugs and much more. See separate listing for special events held here throughout the year.

### LIGHTHOUSE ADMISSION FEES

Adults 12 yrs & up - \$5.00 • 11 and under - \$2.00

No charge for active military personnel

No charge to visit the gardens or to browse the gift shop

### DAYS AND HOURS OF OPERATION

May 9th - Oct. 21st seven days per week, 9am to 5pm - last tour 4pm

Oct. 22nd to May 8th - call for days and hours

111 North Central Avenue, North Wildwood NJ 08260

609-522-4520 • [HEREFORDLIGHTHOUSE.ORG](http://HEREFORDLIGHTHOUSE.ORG)

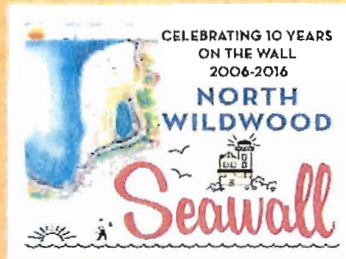


## North Wildwood City Attractions



### Veterans Monument

North Wildwood Veterans Monument is located at the corner of Spruce and New York Avenues in North Wildwood. There, visitors can honor those who have fallen in the line of duty and pray for those currently fighting overseas.



### North Wildwood Seawall

The seawall was completed in 2006 and has not only protected the North end of the City during hurricanes and Nor'easters, but also functions as a walking and jogging facility, a popular fishing spot, and a place where residents and visitors can enjoy the wonderful views of Hereford Inlet. Since its completion, the City has added more access ramps and widened one section to make it safer.

Due to safety concerns, no self-propelled devices, such as bicycles, skateboards, rollerskates, and the like, are permitted on the seawall. Beginning at 2nd & John F. Kennedy Beach Drive, the seawall runs in a northwesterly direction for 1.1 miles to the Anglesea Beach Colony. The seawall is known far and wide as a great place to exercise, fish or just relax, all year-round.





## NORTH WILDWOOD RECREATION & TOURISM FACILITIES

Recreation Department Phone: 609-522-2955



### NORTH WILDWOOD COMMUNITY CENTER

**Location:** 900 Central Avenue

**Amenities:**

- Gymnasium
- Fitness Room
- Locker Rooms
- Meeting Rooms
- Game Room
- Kitchen
- Multipurpose Room
- Weight Room
- Offices

### TOURISM INFORMATION OFFICE

**Phone:** 609-522-7722 or **Toll Free:** 800-882-7787

**Location:** 22nd & Boardwalk - Open May Thru September  
Call for Specific Hours (609-522-7722)

**Location:** 900 Central Avenue - Open Year Round

### PARK LOCATIONS & AMENITIES



### ALBERT I. ALLEN MEMORIAL PARK

*\*Renovated in 2015 & 2016*

**Location:** 2200 Delaware Avenue

**Amenities:**

- Playground Equipment
- Shuffleboard Courts
- 6 Lighted Basketball Courts
- Lighted Street/Roller Hockey Rink
- Multipurpose Athletic Field
- Observation Pier
- 3 Tennis Courts
- 2 Private Practice Tennis Wall Areas
- Skate Park
- Restrooms
- Gazebo
- Picnic Areas





## NORTH WILDWOOD RECREATION & TOURISM FACILITIES

### BAYFRONT PARK

**Location:** 5th Avenue and the Bay

Personal Watercraft Seasonal Launch Fees

\$10.00 Per Launch at Kiosk

\$100.00 Yearly Permit Purchased Up To June 1st

\$150.00 Yearly Permit Purchased After June 1st

### KAYAK STORAGE PERMITS

Seasonal Permit (April 1st - October 1st) Cost: \$75

Monthly Permit Cost: \$35

**Personal Watercraft and Kayak Storage Permits are sold at the North Wildwood Recreation Center**

**Location:** 900 Central Avenue

**Phone:** 609-522-2955 for more info.

### Amenities:

- 2 Launch Ramps
- Viewing Areas
- Picnic Areas
- Vending Machines
- Restrooms
- Fish Cleaning Station



### BILL HENFEY PARK

**Location:** 8th and Central Avenues

### Amenities:

- Softball Field
- Playground Equipment
- Basketball Court
- Restrooms
- Multipurpose Athletic Field
- Gazebo

### OAK AVENUE PARK

**Location:** Oak Avenue (Anglesea Section in N. Wildwood)



### PLAYGROUND ON THE BEACH

**Location:** 16th and the Beach in North Wildwood

## RECREATION PROGRAMS

### OPEN RECREATION

#### Children in grades 1st-6th, 7th-12th, and Adults

All participants must be registered and receive a membership card before attending the program.

Please check [northwildwood.com](http://northwildwood.com) Recreation Department monthly calendars for schedule times.

### TOT TIME

**Tuesdays & Thursdays 10:00am – 12:00pm**  
**October through April.**

Parent supervised playgroup for children up to 5 yrs.  
Held at North Wildwood Recreation Center.

### EXERCISE CLASSES

A variety of fitness classes are offered throughout the year.  
Please call Recreation Center for class schedule.

**Fall/Winter/Spring classes** are held at Recreation Center.

**Location:** 900 Central Avenue.

**Summer Classes** are held at the Lou Booth Amphitheater.

**Location:** 2nd & Ocean Avenue.

**Visit [northwildwood.com](http://northwildwood.com) or call 609-522-2955**  
for class schedule.

### SCRABBLE

**Mondays 6:30-9:00pm**

Play the world's best loved word game Open to **Adults only.**

No Fee



### FALL MEN'S FLAG FOOTBALL LEAGUE

**League begins in October and plays on**  
**Sunday mornings.**

**Location:** Bill Henfey Park.

**Mandatory Captain's Meeting**

**Date:** August 17th @ 6pm Team Registration Only

**Cost Per Team \$1,200**



## RECREATION PROGRAMS & CAMPS

### SUMMER BASKETBALL LEAGUES

**Kindergarten - 2nd Grade League** Plays Thurs. Evenings

Scheduled to begin 7/14

**3rd-5th Grade League** - Plays Mon. & Fri. Evenings

Scheduled to begin 7/1

**6th-8th Grade League** - Plays Mon. & Fri. Evenings

Scheduled to begin 7/1

**High School Boys League** - Plays Tues. & Thurs. Evenings

Scheduled to begin 7/5

Player Skill Evaluations will be held June 27th & 28th

**Cost Per Player is \$30**

**Adult Men's League** - Plays Sun. & Wed. Evenings

**Mandatory Captains Meeting Date:** June 8th @ 6pm

**Team Registration Only, Must provide own sponsor**

**Cost Per Team \$800**

### FALL STREET AND ROLLER HOCKEY LEAGUES

**North Wildwood Whalers Hockey Divisions**

2nd-4th Grades • 5th-8th Grades • High School

**Location:** George D'Amico Hockey Rink • **Cost Per Player is \$60**

*Registration opens in August*

### BUCKETS BASKETBALL CLINIC

**Begins Saturday, January 7th, 2017**

Boys and Girls Grades Kindergarten-2nd

**Saturday Mornings** 9am-10am; 6 sessions

**Cost \$10.00** for all 6 sessions

**Location:** 900 Central Avenue, North Wildwood



2016 CAMPS



**For Camp Information**

**Contact the Recreation Department**

**Phone:** 609-522-2955 • **NORTHWILDWOOD.COM**

### PLAY-WELL TECHNOLOGIES

**\*NEW 2016 - 2 Sessions Being Offered!**

**Lego Inspired Engineering Camp for Children**

**June 27th - July 1st & August 8th - 12th**

**Cost \$145** per person /Ages 5-6 / 9am -12pm

**Cost \$145** per person /Ages 7-11 /1pm -4pm





## 2016 CAMP INFORMATION

### BUCKETS BASKETBALL CAMP



**July 4th-8th**  
9am-2pm  
Ages 9-15

**July 18th-22nd**  
9am-1pm  
Ages 6-9

**August 1st-5th**  
9am-2pm  
Ages 9-15

**Weeks 1 & 3: \$155 - Week 2: \$145**

### NORTH WILDWOOD SOCCER CAMP

**July 11th-15th - July 25th-29th**  
Ages 5-16

**Full Day \$190** / Ages 8-16 / 9am-3pm

**Half Day \$150** / Ages 5-8 / 9am-12pm

### DEAN RANDAZZO SURF SCHOOL

**2nd Avenue Beach**

**Monday through Friday** (*Begins June 20th*)

10am-1pm / Ages 5-16

**5 Day Camp \$350 3 Day Camp \$250 1 Day Camp \$100**

**Group Lessons: \$60**, 75 minutes

**Private Lessons: \$75**, 75 minutes

### KITCHEN WIZARDS COOKING CAMP

**July 11th- 14th**

Eat Like the Olympians

**July 25th - 28th**

Cupcake, Cookies, Candy Oh My

**August 8th - 11th**

Eat Like the Presidents

**Cost \$155** / Boys & Girls Ages 6 & Up / 5:30pm-7:30pm

### SCIENCE EXPLORERS

**August 15th - August 19th**

Junior Explorers / Ages 4-6 / 9am-12pm

Take a Dive / Ages 7-11 / 12:30pm-3:30pm

**Cost \$245 per session**





- |  |                           |  |               |
|--|---------------------------|--|---------------|
|  | INFORMATION CENTER        |  | BEACH PATROL  |
|  | VETERANS MONUMENT         |  | SURF BEACHES  |
|  | SCENIC OVERLOOKS          |  | BOAT RAMP     |
|  | CONCERT VENUES            |  | FIRE HOUSE    |
|  | PUBLIC RESTROOMS          |  | MARINE POLICE |
|  | PUBLIC PARKING            |  | PUBLIC WORKS  |
|  | POLICE STATIONS           |  | DOG PARK      |
|  | HEREFORD INLET LIGHTHOUSE |  | SEA WALL      |
|  | HANDICAPPED BEACH ACCESS  |  | BIKE PATH     |
|  | TRASH & RECYCLING CENTER  |  |               |
|  | RECREATIONAL FACILITIES   |  |               |
|  | ENTERTAINMENT DISTRICT    |  |               |



## 2016 SCHEDULE of EVENTS

### FEBRUARY

#### **25th** **Fallen Hero Polar Plunge** *\*2017 Upcoming Event*

**Location:** 15th & Beach, North Wildwood; 11am

[fallenheroplunge.com](http://fallenheroplunge.com) | 215-990-8689

### MARCH

#### **12th** **St. Patrick's Day Celebration & Parade**

**Location:** 10th & Atlantic Avenues (City Hall steps),  
North Wildwood, Ceremony 11:30am; Parade 12noon

[northwildwood.com](http://northwildwood.com) | 609-522-2955



(Photo by George Capua)

#### **19th** **Greek Independence Day Celebration**

**Location:** 9th & Central Avenues, North Wildwood; 12noon

609-602-0056

#### **20th** **Ocean Drive Marathon and 10 Mile Race**

**Location:** Cape May to Sea Isle City;

**10-Miler:** Cape May to North Wildwood; 9am Start

[odmarathon.org](http://odmarathon.org) | 609-523-0880

#### **26th** **Elks Easter Egg Hunt**

**Location:** 19th Ave & Beach, North Wildwood;

Kids 11& Under; 12noon

[elks1896.org](http://elks1896.org) | 609-729-5776

#### **27th** **Easter "Son" Rise Services**

**Location:** Lighthouse Gazebo, 1st & Central Avenue,  
North Wildwood; 6:45am

[fbcanglesea.com](http://fbcanglesea.com) | 609-522-2951

#### **27th** **Ed's Funcade Easter Sunday Egg Hunt**

**Location:** 23rd Avenue on the Boardwalk, North Wildwood;

12noon-1:30pm | [edsfuncade.com](http://edsfuncade.com) | 609-729-3223





## 2016 SCHEDULE of EVENTS Cont'd.

### APRIL

#### **9th - 10th Special Olympics NJ Spring Sports Festival Basketball Competition**

**Location:** 9th & Central Avenues, North Wildwood and various locations in the Wildwoods, Sat. 10am-6pm; Sun. 9am-4pm | sonj.org | 609-896-8000

#### **23rd Chrissy Tolomeo Memorial Walk**

**Location:** Start at 15th & Beach, North Wildwood; Sign-In 9am, Start 10am | 609-602-3456

### MAY

#### **5th - 8th Spring Boardwalk Classic Car Show**

**Location:** various locations, Thurs. 12-9pm, Fri. & Sat 8:30am-3pm, Sun. 9-11am  
wildwoodmotorevents.com | 609-522-3644

#### **6th - 8th Coast Guard Community Festival**

**Location:** Saturday Festival at Training Center Cape May; other events listed on website  
coastguardcommunity.org | 609-429-0667

#### **14th-15th The Wild Half Race Series 1/2 Marathon 8K & 5K**

**Location:** Wildwoods Convention Center,  
wildhalf.com | 609-846-1621

**14th Captain Kidd Pirate Day** Costume Parade check-in & judging 10am - 10:45 am at 26th & Boardwalk; Parade 11am  
Treasure Hunt following parade at 19th & Beach, North Wildwood | northwildwood.com | 609-522-2955



(Photo by Nicole Dever)



## 2016 SCHEDULE of EVENTS Cont'd.

### MAY

#### **20th - 22nd Spring Beach Jam Scouting Adventure**

**Location:** Beach camping between 18th & 22nd Aves., North Wildwood plus amusements on Morey's Piers;  
Friday 10am - Sunday - 5pm  
moreyspiers.com | 609-729-3700 ext.1195

#### **21st- 22nd National MS Society "Coast to Coast" Bike Tour**

**Location:** Bike tour throughout the Wildwoods | 732-660-1005  
main.nationalmssociety.org

#### **30th VFW Memorial Day Ceremony**

**Location:** North Wildwood Veterans Memorial,  
Spruce & New York Avenues, North Wildwood 10am  
northwildwood.com | 609-729-5832

### JUNE

#### **4th New Jersey State Elks Parade**

**Location:** 25th & Atlantic Avenues, North Wildwood, proceeds  
South on Atlantic Avenue to Andrews Avenue in Wildwood;  
12 noon; Reviewing Stand - Memory Lane, Atlantic & Montgomery  
Avenues in Wildwood | njelks.org | 609-585-3215

**NEW EVENT**

#### **10th-11th New Years In North Wildwood** *(Rain date - June 12th)*

Top Philly Mummers Brigades and String Bands recreate New Years  
Day with a Parade and festivities

**Location:** Olde New Jersey Avenue, North Wildwood,  
northwildwood.com | 609-522-2955

#### **11th American Legion Parade**

**Location:** 18th & Atlantic Avenues, North Wildwood, proceeds  
South on Atlantic Avenue to Bennett Avenue in Wildwood; 2:00pm;  
Reviewing Stand - American Legion Post 184, Atlantic & Baker  
Avenues, Wildwood njamericanlegion.org | 609-695-5418

#### **14th American Flag Day Ceremony**

**Location:** North Wildwood Veterans Monument, Spruce & New  
York Avenues, North Wildwood, 10am | 609-729-5832

#### **18th ALS Express Bike Ride**

**Location:** 4 start points, 7am-3pm | als-express.org | 215-643-5434



## 2016 SCHEDULE of EVENTS Cont'd.

### JUNE

#### **18th-19th Hereford Inlet Lighthouse Maritime Festival**

**Location:** Hereford Inlet Lighthouse, 1st & Central Avenues, North Wildwood, Sat. 10am-5pm; Sun. 10am-4pm  
herefordlighthousefestivals.org | 609-522-4520

#### **18th NJ Veterans of Foreign Wars Parade**

**Location:** 21st & Atlantic Avenues, North Wildwood, proceeds south on Atlantic Avenue to Andrews Avenue in Wildwood; 1:30pm; Reviewing Stand - American Legion Post 184, Atlantic & Baker Avenues, Wildwood | njvfw.com | 609-393-1929

#### **24th - 26th North Wildwood Italian American Festival**

**Location:** Olde New Jersey Avenue, North Wildwood, Fri. 4pm-11pm; Sat.10am-11pm, Sun.10am - 6pm  
kofc2572.org. | 609-408-5793



(Photo by Ann Devlin)

### JULY

#### **4th Independence Day Family Parade**

**Location:** 9th & Atlantic Avenues, North Wildwood  
Registration 8:15am, 9am start | northwildwood.com | 609-522-2955

#### **4th Pooch Parade**

**Location:** 8th & Atlantic Avenues, North Wildwood  
Registration 8:15am, 9am start | northwildwood.com | 609-374-0562





## 2016 SCHEDULE of EVENTS Cont'd.

### JULY

#### **8th -10th NJ State BBQ Championship & Anglesea Blues Festival**

**Location:** Olde New Jersey Avenue, North Wildwood,  
Fri. 4pm -11pm; Sat. 10 am -11pm; Sun.10am -6pm  
angleseablues.com | njbbq.com | 609-523-6565

#### **9th Sidewalk Chalk Competition**

**Location:** 8th & Central Avenues, North Wildwood, Competition  
begins at 9am; Judging begins at 10:45am; Awards 11am  
northwildwood.com | 609-522-2955



(Photo by Ann Devlin)

#### **9th Alexander's Little Run That Could 5k Run/Walk**

**Location:** 15th Avenue Beach , North Wildwood,  
Pre Registration: 8am; 5k Beach Run/Walk: 8:30am  
littlerunthatcould.org

#### **13th -14th Miss North Wildwood Competition**

Interviews Wed 10am - North End American Grill;  
Crowning Thurs. 6:30pm - Lou Booth Amphitheater

**Location:** 2nd & Ocean Avenues, North Wildwood  
northwildwood.com | 609-522-2955

#### **15th Beschen-Callahan Memorial Lifeguard Races**

**Location:** 15th Avenue Beach, North Wildwood, 6pm  
northwildwood.com | 609-522-7500

#### **16th Boogie Board Races**

**Location:** 15th Avenue Beach, North Wildwood  
Registration 9am; Contest 10am  
northwildwood.com | 609-522-2955



## 2016 SCHEDULE of EVENTS Cont'd.

### JULY

#### **16th Mid Atlantic Police/Fire Survivors 5k Race & 1 Mile Walk**

**Location:** 1st & Olde New Jersey Avenue, North Wildwood,  
Registration 7:45am; Race 9am  
facebook.com/NorthWildwoodPD | 609-522-2030 X 1503



(Photo by John Harkins)

#### **21st Anglesea Nightmarket and Mobile Food Night**

**Location:** Olde New Jersey Avenue, North Wildwood 4pm - 9pm  
angleseanightmarket.com | 609-318-4504

#### **23rd Christmas in July**

**Location:** Along the beach in North Wildwood, 1pm  
northwildwood.com | 609-522-7500

#### **23rd Antique Car Show**

**Location:** between 16th - 26th Avenues on the boardwalk,  
North Wildwood, 10:30am-3pm | 609-522-6442

### AUGUST

#### **2nd National Night Out**

**Location:** Bill Henfey Park, 8th & Central Avenues,  
North Wildwood, 5:30pm-10pm  
nwpcd.org | 609-522-2030 X 1503



(Photo by Ann Devlin)



## 2016 SCHEDULE of EVENTS Cont'd.

### AUGUST

#### **3rd Wildwoods Baby Parade** *(Rain Date – August 4th)*

**Location:** WW Convention Center to 16th Ave. on Boardwalk,  
5pm Registration; 6pm Parade Step-off  
wildwoodsny.com | 609-729-4000

#### **7th National Lighthouse Day**

**Location:** Hereford Inlet Lighthouse, 1st & Central Avenues,  
North Wildwood, 9am-5pm  
herefordlighthouse.org | 609-522-4520

#### **14th 42nd Annual North Wildwood Flea Market**

**Location:** JFK Blvd. from 2nd-13th Avenues, North Wildwood,  
8am-4pm | 609-408-6819

#### **16th Around the Island Row**

**Location:** 15th Avenue Beach, North Wildwood, 7:30am  
northwildwood.com | 609-522-7500

NEW EVENT

#### **18th Anglesea Nightmarket and Mobile Food Night**

**Location:** Olde New Jersey Avenue, North Wildwood 4pm - 9pm  
angleseanightmarket.com | 609-318-4504

#### **26th 13th Annual Tri the Wildwoods Triathlon Health & Wellness Expo**

**Location:** North Wildwood Recreation Center, 900 Central  
Avenue, North Wildwood, 10am-6pm  
delmosports.com/wildwood-jersey-shore-triathlon  
609-849-8908

#### **27th 13th Annual Tri the Wildwoods Triathlon, 5K & Kids Race**

**Location:** 15th Avenue Beach, North Wildwood, 6:30am  
delmosports.com/wildwood-jersey-shore-triathlon | 609-849-8908

### SEPTEMBER

NEW EVENT

#### **9th - 10th Waves and Wheels Festival**

**Location:** Olde New Jersey Avenue, North Wildwood  
Fri. 3pm - 10pm; Sat. 10am - 10pm  
wavesandwheelsfest.com | 609-770-8839





## 2016 SCHEDULE of EVENTS Cont'd.

### SEPTEMBER

#### **9th - 11th North Wildwood Rec. Dept. Surf Fishing Tournament**

**Location:** 3rd and JFK Blvd., North Wildwood,  
Fri. & Sat. 7am - 5pm, Sun. 7am-11am  
northwildwood.com | 609-522-2955

#### **11th September 11th Commemoration**

**Location:** 15th & Central Avenues, North Wildwood, 8:40am  
northwildwood.com | 609-522-2955



(Photo by Ann Devlin)

#### **16th - 18th Fall Beach Jam Scouting Adventure**

**Location:** Beach camping between 18th & 22nd Aves., North Wildwood plus amusements on Morey's Piers;  
Friday 10 am - Sunday 5pm  
moreyspiers.com | 609-729-3700 ext. 1195

#### **16th - 17th Boots at the Beach Country Festival**

**Location:** Olde New Jersey & Chestnut Avenues,  
North Wildwood, Fri. 3pm-10pm, Sat. 10am-10pm  
bootsatthebeach.com | 609-770-8839



(Photo by Jen Marra courtesy of the Wildwood Leader)



## 2016 SCHEDULE of EVENTS Cont'd.

### SEPTEMBER

#### **17th NJ State Firemen's Parade**

**Location:** Cresse & New Jersey Avenues in Wildwood Crest, proceeds north to 20th Avenue in North Wildwood; 2pm  
njfireexpo.com | 856-433-0386

#### **22th - 25th Irish Fall Festival**

**Location:** Olde New Jersey Avenue & surrounding pubs, North Wildwood, Friday 8am-8:30pm, Saturday 8am -10:30 pm, Sunday 8am-7pm  
cmcaoh.com | 609-729-0075

#### **22nd - 25th Fall Boardwalk Classic Car Show**

**Location:** Various locations, Thurs.12-9pm, Fri. & Sat. 8:30am-3pm, Sun. 9-11am  
wildwoodmotorevents.com | 609-522-3644

#### **30th-1st Mid-Atlantic Police & Fire Survivors Weekend**

**Location:** Various locations throughout North Wildwood; for event listings go to facebook.com/NorthWildwoodPD  
609-522-2030 X 1503

### OCTOBER

#### **1st Ed's Funcade Boardwalk Treasure Hunt**

**Location:** 23rd Avenue on the Boardwalk, North Wildwood, 12 noon-2pm | edsfuncade.com | 609-729-3223

#### **8th 62nd Annual Pennsauken Surf Fishing Tournament**

**Registration** – Anglesea Firehouse, 6am  
**Location:** 2nd & New Jersey Avenues, North Wildwood  
Surf Fishing 7:30-1pm | asaonline.org | 856-231-9110

#### **15th Great Fall Classic Fishing Tournament**

**Registration** – Anglesea Firehouse, 5am  
**Location:** 2nd & New Jersey Avenues, North Wildwood  
Surf Fishing 6am-2pm | njbba.org | 856-228-2642

#### **15th - 16th Lighthouse Challenge of New Jersey**

**Location:** Hereford Inlet Lighthouse, 1st & Central Avenues, North Wildwood, 8am-6pm  
lighthousechallengenj.org | 609-522-4520



## 2016 SCHEDULE of EVENTS Cont'd.

### OCTOBER

#### **22nd 9th Annual Pumpkin Run**

**Registration** – 8am, | Race 10am

**Location:** Wildwoods Convention Center on Boardwalk to 21st Avenue and return to Wildwoods Convention Center, Wildwood  
boardwalkpumpkinrun.com | 609-849-8887

#### **31st 8th Annual Halloween Trunk or Treat Block Party**

**Location:** Olde New Jersey Avenue, North Wildwood,  
Vehicle check-in 5pm, Event 5:30-7pm  
northwildwood.com | 609-522-2955



(Photo by Ann Devlin)

#### **31st Greater Wildwood Elks Halloween Haunted House**

Greater Wildwood Elks Lodge

**Location:** 1st & New Jersey Avenues, North Wildwood,  
5pm-8pm | 609-729-2170

### NOVEMBER

#### **5th Elk's Hoop Shoot**

**Location:** North Wildwood Rec Center, 900 Central Avenue,  
North Wildwood,

Registration 12pm-1pm; Contest begins at 1pm  
609-729-2170

#### **11th Veteran's Day Services**

**Location:** North Wildwood Veterans Memorial, Spruce &  
New York Avenues, North Wildwood 10am | 609-729-5832





## 2016 SCHEDULE of EVENTS Cont'd.

### DECEMBER

#### **2th Hereford Inlet Lighthouse Christmas Tree Lighting**

**Location:** Hereford Inlet Lighthouse Courtyard 1st & Central Avenues, North Wildwood, 5:30pm  
herefordlighthouse.org | 609-522-4520

#### **7th Pearl Harbor Remembrance Day**

**Location:** St. Demetrios Church, 321 St. Demetrios Avenue, North Wildwood, 12 noon | northwildwood.com | 609-729-5832

#### **9th Greater Wildwood Jaycees Christmas Parade**

*(Rain Date – December 11th)*

**Location:** Begins at 15th & Central Avenues, North Wildwood proceeds south through Wildwood and Wildwood Crest,  
**Participant Registration** 5pm-5:30pm; Parade begins 6pm  
wildwoodholiday.com | 609-729-5501



(Photo by Jen Marra courtesy of The Wildwood Leader)



## FIRE DEPARTMENT FIRE PREVENTION BUREAU

**Fire Chief: Chief Jeffrey B. Cole, Sr.**

**Email:** [firechief@northwildwood.com](mailto:firechief@northwildwood.com)

**Deputy Fire Chief: Dominick McClain**

**Phone:** (609) 522-5743 • **Fax:** (609) 729-0722

**Location:** 400 New Jersey Avenue

**Administration Hours:** 9am – 4pm Monday thru Friday

**Fire and Housing Official: Lewis Ostrander**

**Email:** [lostrander@northwildwood.com](mailto:lostrander@northwildwood.com)

**Location:** 400B New Jersey Avenue

**Phone:** (609) 522-2160 • **Fax:** (609) 522-1952

**Hours:** Monday thru Friday, 8:30am – 4:00pm

**Administrative Staff: Kathy Mandell** ext. 6100

## POLICE DEPARTMENT

**Police Chief: Chief Matthew T. Gallagher, CPM**

**Email:** [mgallagher@nwpd.org](mailto:mgallagher@nwpd.org) • **Website:** [nwpd.org](http://nwpd.org)  

**Phone:** (609) 522-2030 ext.1503 • **Fax:** (609) 522-2531


**Location:** 901 Atlantic Avenue (*behind City Hall*)

**Administrative Staff: Captain Tolan, CPM,**

**Captain Stevenson, CPM & Lieutenant Etsell**

**Dispatch Center:** (609) 522-2411

### NORTH WILDWOOD COMMUNITY MEETING

 Meets on the second Tuesday of each month, from September to June, at 7:00pm at the North Wildwood Community Center, 900 Central Avenue. The Public is invited

## OFFICE OF EMERGENCY MANAGEMENT (OEM)

**Emergency Management Coordinator:**

**Chief Robert Matteucci (Ret.)**

**Deputy Emergency Management Coordinators:**

**Michael Dowling, Thomas Fox, Gary Sloan  
and Dominick McClain**

**Location:** 400C New Jersey Ave.

**Phone:** (609) 522-0191 • **Fax:** (609) 522-0120

**Website:** [ready.northwildwood.com](http://ready.northwildwood.com)

Tide schedules and other useful information is available via links on the OEM Website at [ready.northwildwood.com](http://ready.northwildwood.com)



## DEPARTMENT OF PUBLIC WORKS

**Director of Public Works: Gary Sloan**

**Email:** gsloan@northwildwood.com

**Phone:** (609) 522-4646 • **Fax:** (609) 522-1141

**Location:** 511 West Oak Avenue

**Office Hours:** Mon thru Friday 7am to 2:30pm

**After Hour Emergencies:** Contact the North Wildwood  
Police Department at **(609) 522-2411**

## RECREATION & TOURISM DEPT.

**Superintendent of Recreation: Rick Haas, R.S.**   

**Email:** rhaas@northwildwood.com

**Assistant Superintendent of Rec. & Director of Tourism:  
Steve DeHorsey, Jr, C.P.M., R.A.**

**Email:** sdehorsey@northwildwood.com

**Phone:** (609) 522-2955 • **Fax:** (609) 522-0402

**Location:** 900 Central Avenue

**Recreation Program Coordinator: Liz Golden**

**Email:** lgolden@northwildwood.com

**Office Manager: Ann Devlin**

**Email:** adevlin@northwildwood.com

## OFFICE OF CITY CLERK

**City Clerk & Registrar of Vital Statistics:**

**W. Scott Jett, RMC, CMR ext.1400**

**Email:** sjett@northwildwood.com

**Phone:** (609) 522-2030

**Location:** City Hall 1st floor

**Deputy City Clerk & Deputy Registrar:**

**Jennifer VanSant, RMC, CMR ext.1410**

**Email:** jvansant@northwildwood.com

**Senior Clerk & Alternate Deputy Registrar:**

**Diane McCullion ext.1460**

## CITY ADMINISTRATOR

**City Administrator: Kevin Yecco**

**Email:** kyecco@northwildwood.com

**Phone:** (609) 522-6464 • **Fax:** (609) 523-8502



**Location:** City Hall 2nd floor



## BUILDINGS, PARKS & GROUNDS DEPT.

**Superintendent: Doug Ford**

**Email:** [dford@northwildwood.com](mailto:dford@northwildwood.com)

**Phone:** (609) 522-1638 • **Fax:** (609) 522-1141

**Office Location:** 513 W. Oak Avenue

**Department Hours:** Monday thru Friday 7:00am – 3:00pm

## TREASURER'S & TAX COLLECTOR OFFICE

**Treasurer & Tax Collector: Todd N. Burkey, CFO, CTC**

**Email:** [tburkey@northwildwood.com](mailto:tburkey@northwildwood.com)

**Phone:** (609) 522-2030 • **Fax:** (609) 523-8502

**Location:** City Hall 1st Floor

**Business Hours:** Monday thru Friday, 8:30am – 4:30pm

**Assistant to the Treasurer: Nic Long ext.1240**

**Email:** [nlong@northwildwood.com](mailto:nlong@northwildwood.com)

**Assistant to the Collector: Cheryl Guarinello ext.1330**

**Email:** [cguarinello@northwildwood.com](mailto:cguarinello@northwildwood.com)

**Finance Clerk: Jeanette Axelsson ext. 1245**

**Email:** [jaxelsson@northwildwood.com](mailto:jaxelsson@northwildwood.com)

**Principal Payroll Supervisor, HR: Barbara Boyle ext.1230**

**Email:** [bboyle@northwildwood.com](mailto:bboyle@northwildwood.com)

## NORTH WILDWOOD MUNICIPAL COURT

**Municipal Judge: Louis J. Belasco, Jr., PJMC**

**Court Administrator: Angela Flynn, C.M.C.A.**

**Deputy Court Administrator: Theresa Viall, C.D.M.C.A.**

**Phone:** (609) 729-3818 • **Fax:** (609) 729-6392

**Location:** 901 Atlantic Avenue, (Behind City Hall)

**Business Hours:** Monday – Friday 9:00AM to 4:00PM

*(Excluding Holidays)*

**Court Sessions:** Summer – Tuesdays at 10:00AM, 1:00PM, 2:00PM, 3:00PM

Winter – Tuesdays at 1:00PM, 2:00PM and 3:00PM

**For ONLINE payments go to: [NJMCDIRECT.COM](http://NJMCDIRECT.COM)**



## OFFICE OF THE TAX ASSESSOR

**Tax Assessor: Jason Hesley**

**Email:** [jhesley@northwildwood.com](mailto:jhesley@northwildwood.com)

**Tax Assessor Clerk: Patricia Bowman** ext. 1340

**Email:** [pbowman@northwildwood.com](mailto:pbowman@northwildwood.com)

**Phone:** (609) 522-2030 • **Fax:** (609) 846-9995

**Location:** City Hall 2nd Floor

**Business Hours:** 8:30am – 4:30pm, Monday thru Friday

## CONSTRUCTION, LAND USE BOARD

**Construction Official: Patrick Malia**

**Email:** [pmalia@northwildwood.com](mailto:pmalia@northwildwood.com)

**Asst. to the Construction Official: Maureen Olney** ext.1560

**Phone:** (609) 522-2030 • **Fax:** (609) 846-9995

**Location:** City Hall 2nd Floor

### LAND USE BOARD

**Board Secretary/Admin. Officer: Eric Gundrum** ext.1280

**Zoning Officer: Larry Booy** ext.1270

**Meeting:** 2nd Wednesday of every Month, 6:30pm

(Council Chambers, Courts, Public Meeting Room)

## BEACH PATROL

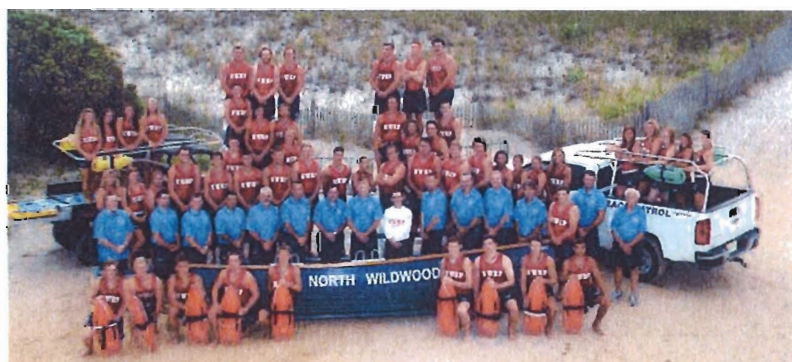
**Beach Patrol Chief: Tony Cavalier**



**Email:** [tcavalier@northwildwood.com](mailto:tcavalier@northwildwood.com)

**Phone:** (609) 522-7500 • **Fax:** (609) 522-6531

**Location:** 15th Avenue and the Beach



(Photo by Yary Photography)



## TRASH & RECYCLING SCHEDULE

### WINTER SCHEDULE

10/01/16 THROUGH 5/29/17

#### WINTER TRASH SCHEDULE

Anglesea – 8th Ave (Monday)

9th Ave – 17th Ave (Tuesday)

18th Ave – 26th Ave (Wednesday)

#### WINTER RECYCLING SCHEDULE



Anglesea – 10th Ave (Thursday)

11th Avenue – 26th Ave (Friday)



### SUMMER SCHEDULE

5/30/16 THROUGH 9/30/16

**TRASH AND RECYCLING  
WILL BE COLLECTED 2 DAYS A WEEK**

Anglesea – 8th Ave (Monday and Thursday)

9th Ave – 17th Ave (Tuesday and Friday)

18th Ave – 26th Ave (Wednesday and Saturday)

### CONVENIENCE CENTER

512 WEST OAK AVENUE

Open Tuesday through Friday 10 a.m. to 2 p.m.

Saturday, Sunday, and Monday 8 a.m. to 4 p.m.

**\*\*ONLY HOUSEHOLD TRASH & RECYCLABLES  
WILL BE ACCEPTED**

**\*\*DO NOT LEAVE TRASH AFTER CLOSING  
Violators will be prosecuted!**

### BULK TRASH

One (1) bulk item may be put out for collection on  
each scheduled trash day.

1 piece of furniture, or 1 room's worth of carpet, rolled  
and bound not more than 4' long,  
or 1 set of box spring and mattress

QUESTIONS? Call the Department of Public Works at  
609-522-4646 or visit [northwildwood.com](http://northwildwood.com)





Smith v. North Wildwood

SMITH V. NORTH WILDWOOD  
7-14-

CONFIDENTIAL - JUV

09-372  
Henry

North Wildwood Police Department

INVESTIGATION REPORT

1. Complain No. 09-17604		2. Mun Code 0507		3. Phone No. (609)522-2411		4. UCR		21. Prosecutor's Case # 4502		22. Department Case Number 09-17604			
5. Crime/Incident Drowning			6. NJS			23. Victim(s) Shayne Hart Jamillah Watkins			S.S.#		24. Age 15 28	25. Sex F F	26. Race B B
Date And Time	7. Between	8. Hour	9. Day	10. Mo.	11. Date	12. Yr	27. Victim(s) Home Address 16 Wayne Ln Cape May Court House, NJ 08210 (local address)			Telephone			
At X	1758 hrs	3	6	30	2009								
13. Crime/Incident Location E 2nd Av & the beach						28. Employer Telephone							
14. Municipality North Wildwood			15. County Cape May			16. Code 0507		29. Person Reporting Crime/Incident Joe Befumo			30. Date and Time 6/30/09 1758hrs		
17. Type of Premise Open Country		18. Code 20	19. Weapons-Tools Other Action		20. Code 56	31. Address 2 Mockingbird Ln Hacketstown, NJ 07846			Telephone 973-534-9970				
32. Modus Operandi: Subjects were swimming in ocean without lifeguard presence, became distressed resulting in their drowning.													
33. Vehicle N/A		34. Year	35. Make	36. Body Type		37. Color	38. Registration No. & State			39. Serial Number/V.I.N.			
Value Stolen Property		40. Currency	41. Jewelry	42. Furs		43. Clothing	44. Auto		45. Miso.				
46. Tot Value Stolen		47. Tot Value Recov.		48. Teletype Alarm		49. Tech Services		50. Technician-Agency					
51. Weather Clear		52.	53.	54.		55.	56.						
57.		58.	59.	60.		61.	62.						
List Accused-List and Identify Additional Victims-Describe Perpetrators or Suspects-Action Taken Include Findings and Observation of Investigator-Physical Evidence Found-Where By Whom-Disposition and Technical Services Performed-Interview of Victims-Witness-Persons Contacted-Accused Suspects-List-Describe Stolen Property-Value-Court Action-Attach Statement.													
63. No. of Accused		64. Adult	65. Juvenile	66. Status Crime Active		67. Status Case Investigation		68. UCR Status Month Year		69. Date Cleared			
70. Name		Address					71. Age	72. Sex	73. Race	74. D.O.B.			
<p>At 1755hrs on June 30th 2009 I, Ofc. Barry Strube, was transporting Ofc. Rehrig from the boardwalk to Police Headquarters. During transport at 1758hrs we received a report of three distressed swimmers in the ocean in the area of E. 2nd Ave and the beach. We immediately responded with emergency lights and sirens to the area. We parked the patrol vehicle at the end of Surf &amp; 2nd Aves and ran onto the beach. As we approached the beach area we were waved down by a white male @ 50 years of age to an area near the edge of the water. As we approached the male, (later identified as Joe Befumo), two North Wildwood Beach Patrol (NWBP) vehicles passed in front of us to the area of Mr. Befumo and were told by him that there were three swimmers in the water having difficulty swimming but he has since lost sight of them. Four members of the NWBP immediately entered the water with "floatation cans" to begin a search. Neither myself nor Ofc. Rehrig could see any persons in the water at this time with a naked-eye scan. As the lifeguards entered the water, I noticed a female, (later identified as Dominique McNeil), walking toward us from a northeasterly direction approx. 100ft up the beach. As she approached she said that her cousin, (later identified as Shayne Hart), and her aunt, (later identified as Jamillah Watkins), were still in the water. She confirmed that she was the third individual in the water as was initially reported. I immediately requested EMS and additional police personnel with binoculars and vehicles that were able to travel on the beach</p>													
75. Name B. Strube				76. Badge # 2527		77. Page # 1 of 2		78. Date Report 7-13-09		79. Reviewed By <i>[Signature]</i>			

EXHIBIT  
McNeil-3  
8-31-16 mrm

FO

N. Wildwood/000053

EXHIBIT Q

# Smith v. North Wildwood

**North Wildwood Police Department**

Continuation Page

1. Complaint Number <b>09-17604</b>	21. Prosecutor's Case Number	22. Department Case Number		
<p>itself. As the lifeguards continued the search of the water, I continued with the visual search while Ofc. Rehrig interviewed Ms. McNeil and other witnesses.</p> <p>At approximately 1810hrs a NWBP waverunner arrived on scene as well as Ofc. R. Champion of the North Wildwood Police Department (NYPD) with binoculars and 4-wheel drive vehicle to aid in the search. This was almost immediately followed by North Wildwood Fire Department Emergency Medical Service (NWFDEMS) and several other members of the NWBP and NYPD.</p> <p>At approximately 1815hrs a black female, (later identified as Shayne Hart), was found approx. a hundreds yards out in the water by the waverunner patrol members of the NWBP and immediately brought her out of the water onto the beach. Myself and members of the NWFDEMS carried the female from the waters edge and laid her on a surfboard for back support. She was unconscious and not breathing. I immediately began chest compressions while the EMS attempted to gain an airway. Due to the amount of water in her lungs, it was difficult to establish an airway as there were large amounts of water being expelled from the victims' nose and mouth with every chest compression. After three series of compressions I stopped to check the victims carotid pulse with none being detected. I resumed compressions as an Automated External Defibrillator (AED) was attached to the victims' chest. After taking a reading from the victim, the AED concluded that, "no shock was advisable, continue with compressions". The victim was placed in the bed of an NWBP pick-up truck and transported to an ambulance that was located at the end of Surf Ave at 2nd Ave. We continued CPR in the back of the vehicle until we reached the ambulance; a distance of about 300 yards from the waters edge. The victim was then transferred into the ambulance and immediately transported to Cape Regional Medical center.</p> <p>While aid was being given to Ms. Hart, the search for the 2nd victim continued. The search was joined by members of the NJ State Police Marine Unit and helicopter as well as U.S. Coast Guard vessels and helicopter, Wildwood Fire/Rescue, Stone Harbor Fire/Rescue, and Wildwood Beach Patrol and Police Officers.</p> <p>At approx. 1940hrs, the 2nd victim, (later identified as Jamilah Watkins), was found by a Coast Guard vessel. Due to the currents and water depth, she was brought to an area near 8th Ave and the beach so the boat would be able to navigate close enough to where she could be transferred to shore. Members of the NWBP transferred Ms. Watkins from the Coast Guard vessel to shore and into a NWFDEMS ambulance. She was then transported to Cape Regional Medical Center.</p> <p>*This IR will be forwarded to detectives</p>				
75. Name B. Strube	76. Badge Number 2527	77. Page # 2 of 2	78. Date of Report 7-13-09	79. Reviewed By 

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CAPE MAY COUNTY

\* \* \*

SANDRA SMITH, :  
INDIVIDUALLY AND AS :  
EXECUTRIX OF THE ESTATE :  
OF HER LATE HUSBAND, :  
GEORGE BRADLEY SMITH, :

Plaintiff

: DOCKET NO.  
: CPM-L-331-14

vs. :

CITY OF NORTH WILDWOOD, :  
COUNTY OF CAPE MAY, :  
STATE OF NEW JERSEY, :  
JOHN DOE, MARY DOES, :  
ABC PARTNERSHIPS, and :  
XYZ CORPORATIONS, :

Defendants :

----- :  
BRANDY SMITH, by her :  
guardian ad litem, :  
SANDRA SMITH, :

Plaintiff

: DOCKET NO.  
: CPM-L-324-16

vs. :

CITY OF NORTH WILDWOOD, :  
COUNTY OF CAPE MAY, :  
STATE OF NEW JERSEY, :  
JOHN DOE (1-5) :  
fictitious names, MARY :  
DOE (1-5) fictitious :  
names, ABC :  
PARTNERSHIPS (1-5) :  
fictitious names, and :  
XYZ CORPORATION (1-5) :  
fictitious names, :

Defendants

DOMONIQUE McNEIL



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Oral deposition of DOMONIQUE McNEIL, taken at the D'AMATO LAW FIRM, 2900 Fire Road, Suite 200, Egg Harbor Township, NJ, 08234, on Wednesday, August 31, 2016, beginning at approximately 2:25 p.m., before Michele Matteo, RPR, CCR, License Number 30X100171200.

\*\*\*

PRECISION REPORTING, INC.  
230 South Broad Street - Suite 302  
Philadelphia, PA 19102  
(215) 731-9847  
1134 Parliament Way  
West Deptford, NJ 08086  
(856) 848-4978

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APPEARANCES:

PAUL R. D'AMATO, ESQUIRE  
D'AMATO LAW FIRM  
2900 Fire Road, Suite 200  
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Paul@damatolawfirm.com  
-- Representing the Plaintiff,  
Sandra Smith

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OLIVER T. BARRY, ESQUIRE  
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2700 Pacific Avenue  
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Jgrassi@capelegal.com  
-- Representing the Plaintiff,  
Brandy Smith

A. MICHAEL BARKER, ESQUIRE  
BARKER, GELFAND & JAMES, P.C.  
Linwood Greene - Suite 12  
210 New Road  
Linwood, New Jersey 08221  
Ambarker@barkerlawfirm.net  
-- Representing the Defendant,  
City of North Wildwood

BRJAN HUNKINS, ESQUIRE  
STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
R.J. Hughes Justice Complex  
25 Market Street  
Trenton, NJ 08625  
-- Representing the Defendant,  
State of New Jersey

ALSO PRESENT:  
Lou DiJoseph

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\*\*\*

(It is hereby stipulated by and among counsel for the respective parties that signing, sealing, certification and filing are waived, and that all objections, except as to the form of the question, are reserved until the time of trial.)

DOMONIQUE McNEIL, after having been first duly sworn or affirmed, was examined and testified as follows:

\*\*\*

MR. D'AMATO: Mark this as McNeil 1.

\*\*\*

(Whereupon, Exhibit McNeil-1 was marked for identification.)

\*\*\*

BY MR. BARKER:

Q. Miss McNeil, my name is Mike Barker. I'm an attorney. I represent North Wildwood in litigation brought on behalf of the Smith estate against North Wildwood.

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I will be asking you some questions, and if at any time I ask you a question which is not clear for any reason, please stop me. I will be happy to go back and rephrase it.

A. Okay.

Q. Please don't answer a question unless and until you completely understand it. No guessing.

A. Okay.

Q. No assumptions. If I ask something and you don't know the answer, you can tell us "I don't know." If you're asked and you can't remember, you can say "I can't remember." That's all fine. If you don't have the information yourself but you think it's available somewhere else, like Mr. D'Amato might have it, you could say, Mr. D'Amato has that, and it's locked in his safe. Whatever is the other source, that's fine. Just -- just an example.

And we'll go through things this way, question and answer. When I ask you something, we need you to verbally answer. If it calls for a yes or no answer, you should say

1 yes or no, rather than the uh-huh, uh-uh  
2 thing --

3 A. Okay.

4 Q. -- that court reporters could get  
5 confused about. We try to avoid that. I don't  
6 think we're going to be that long in this  
7 deposition, but if at any time you need to take  
8 a break for any reason, just let us know, and  
9 we'll take a break.

10 A. Okay.

11 Q. Do you understand all those things?

12 A. Yes.

13 Q. Now, do you have any questions of me  
14 before we get started?

15 A. No.

16 Q. One more thing. If one of the  
17 attorneys objects, stop what you're saying and  
18 wait until you get an instruction that it's  
19 okay to answer the question or it's not okay.  
20 We'll work that out. But that's just a little  
21 clue for you, if you hear the word "objection",  
22 pause and let the lawyers have their  
23 discussion.

24 A. Okay.

1 Q. All right?

2 A. Great.

3 Q. Now, I need to ask you, what is your  
4 date of birth?

5 A. May 10th, 1996.

6 Q. And you are Domonique R. McNeil?

7 A. Yes.

8 Q. And what does the R stand for?

9 A. Renee.

10 Q. And how do you spell Renee?

11 A. R-E-N-E-E.

12 Q. And where do you presently reside?

13 A. 5 Tally Ho Road in Cape May Court  
14 House.

15 Q. And -- is your -- is this the  
16 correct cell phone number for you, 972-9072?

17 A. Yes.

18 Q. Do you remember being interviewed by  
19 Lou DiJoseph?

20 A. Yes.

21 Q. When was that? Was it on May 23rd,  
22 2016?

23 A. Can I stop?

24 Q. Sure.

1 A. I'm not exactly sure what date, but  
2 it was a few months ago.

3 Q. The reason I ask is if you turn to  
4 the back you'll see a diagram with a date  
5 written above the diagram.

6 A. Yes.

7 Q. Is that your handwriting? Is that  
8 your handwriting?

9 A. I don't think so.

10 Mr. DiJOSEPH: That's me.

11 MR. BARKER: That's Lou

12 DiJoseph's handwriting.

13 BY MR. BARKER:

14 Q. That gives us a big hint as to the  
15 day you were interviewed.

16 What about where it says Domonique  
17 McNeil, is that your signature?

18 A. No.

19 Q. This portion of the report, the  
20 pages that begin -- look at the bottom here, it  
21 says page 5, are you with me?

22 A. Yes.

23 Q. And that says Domonique R. McNeil as  
24 a subheading on that page, do you see that?

1 A. Yes.

2 Q. And then what follows is purported  
3 to be a report of interview with you, so I'm  
4 asking you, this typewritten document which  
5 consists of approximately two pages and a page  
6 for a photograph, is that something that you've  
7 seen before?

8 A. The photograph, yes.

9 Q. And the typewritten portion, had you  
10 ever seen it?

11 MR. D'AMATO: We didn't give  
12 her a copy.

13 THE WITNESS: I don't think  
14 so.

15 BY MR. BARKER:

16 Q. You never saw this before?

17 A. No.

18 Q. I'm not trying to trick you in any  
19 way. I'm just asking you straight up, if  
20 you've seen something let me know. If you  
21 haven't seen it, you can say so.

22 A. Okay.

23 Q. And if you don't know, you can say  
24 that, too.

1 A. All right.  
 2 Q. So as far as you know, you've never  
 3 seen this typewritten document before; is that  
 4 correct?  
 5 A. Correct.  
 6 Q. Okay, then. Now, the typewritten  
 7 document addresses your discussion with Mr. Lou  
 8 DiJoseph about an event that occurred some  
 9 years ago now.  
 10 Were you involved in an incident on  
 11 June 30, 2009 in North Wildwood? And that's an  
 12 incident involving you, your aunt, and your  
 13 cousin.  
 14 A. Yes.  
 15 Q. Okay. So you were asked by  
 16 Mr. DiJoseph questions about that?  
 17 A. Yes.  
 18 Q. Okay. And where were you when you  
 19 were asked the questions?  
 20 A. Here.  
 21 Q. Oh, here?  
 22 A. Yes.  
 23 Q. Did you ever go to the beach to  
 24 point anything out?

1 A. No.  
 2 Q. Okay. And when you were interviewed  
 3 here about what happened in 2009, that was the  
 4 interview that took place on May 23rd, 2016?  
 5 A. Yes.  
 6 Q. All right. And had you been  
 7 interviewed before May 23rd, 2016 about the  
 8 events that took place on June 30th, 2009?  
 9 A. Can I stop?  
 10 Q. Sure.  
 11 A. Okay.  
 12 THE WITNESS: When you came  
 13 to find me, would that be considered  
 14 an interview?  
 15 MR. DiJOSEPH: It could be,  
 16 yeah.  
 17 THE WITNESS: So, yes.  
 18 MR. DiJOSEPH: We weren't  
 19 sure where she was at, so when I  
 20 found her, I found her and then made  
 21 arrangements for her to come in and  
 22 be interviewed.  
 23 MR. BARKER: So that counts.  
 24 But when I was --

1 MR. DiJOSEPH: We didn't  
 2 discuss the case.  
 3 MR. BARKER: That's what I  
 4 was really asking.  
 5 BY MR. BARKER:  
 6 Q. Did anyone before Mr. Lou  
 7 DiJoseph -- anyone other than Lou -- let's set  
 8 him aside for a moment -- anyone other than Lou  
 9 DiJoseph ever come to you and ask you what  
 10 happened in 2009?  
 11 A. No.  
 12 MR. D'AMATO: Does that  
 13 include the police that -- the North  
 14 Wildwood police?  
 15 MR. BARKER: Yes, it would,  
 16 because that falls under the  
 17 definition of anyone.  
 18 THE WITNESS: I don't  
 19 remember being interviewed by them  
 20 ever.  
 21 BY MR. BARKER:  
 22 Q. All right. And in 2009, how old  
 23 were you?  
 24 A. 12, and then I turned 13, I believe,

1 yes.  
 2 Q. So is there any statement that you  
 3 know of that you ever gave about the event of  
 4 June 30, 2009?  
 5 A. No.  
 6 Q. And the only report of interview  
 7 that you know of with your version is what we  
 8 have here in front of us now?  
 9 A. Yes.  
 10 Q. Was there anything that you wrote  
 11 down between 2009 and May 23rd, 2016, such as a  
 12 journal entry, a diary entry, a chapter in a  
 13 book, anything about the event of June 30,  
 14 2009?  
 15 A. My college essay.  
 16 Q. When did you write that?  
 17 A. Can I look at my phone?  
 18 Q. Yes, ma'am.  
 19 A. Okay.  
 20 MR. D'AMATO: Lou says we  
 21 have the North Wildwood Police  
 22 Department report for this. I  
 23 didn't print it out.  
 24 THE WITNESS: Yeah.



1 MR. BARKER: Yeah, you did.  
 2 You gave it to me. I have it.  
 3 MR. D'AMATO: Can I see it?  
 4 MR. BARKER: Maybe I gave it  
 5 to you.  
 6 MR. D'AMATO: Yes, make six  
 7 copies.  
 8 Off the record.  
 9 \* \* \*  
 10 (Whereupon, a discussion was  
 11 held off the record.)  
 12 \* \* \*  
 13 MR. D'AMATO: Mark this one  
 14 for identification.  
 15 \* \* \*  
 16 (Whereupon, Exhibit McNeil-2 was marked for  
 17 identification.)  
 18 \* \* \*  
 19 MR. D'AMATO: Can you mark  
 20 this as 3.  
 21 \* \* \*  
 22 (Whereupon, Exhibit McNeil-3 was marked for  
 23 identification.)  
 24 \* \* \*

1 I read that correctly?  
 2 A. Yes.  
 3 Q. And that's your memory of what  
 4 happened before this event of drowning,  
 5 correct?  
 6 A. Yes.  
 7 Q. So you were accompanied on that day,  
 8 which was June 30, 2009; is that correct?  
 9 A. Yes.  
 10 Q. Accompanied by -- I apologize if I  
 11 have this wrong -- your aunt?  
 12 A. Yes.  
 13 Q. And your cousin, correct?  
 14 A. Yes.  
 15 Q. Okay. And your aunt's name is --  
 16 was?  
 17 A. Jamilah Watkins.  
 18 Q. And she was how old at the time?  
 19 A. I believe 26 or 27.  
 20 Q. And your cousin was Shayne?  
 21 A. Shayne.  
 22 Q. Shayne Hart?  
 23 A. Yes.  
 24 Q. And how old was she at the time?

1 BY MR. BARKER:  
 2 Q. So we've been provided with a copy  
 3 of the entry essay that you wrote, but it  
 4 doesn't say when you wrote it.  
 5 A. I think it was March. Let me see.  
 6 I wrote it March 8th, and I sent it to Cabrini  
 7 on the 16th.  
 8 Q. Of what year?  
 9 A. This year.  
 10 Q. 2016?  
 11 A. Yes.  
 12 Q. This was written on March 8, 2016?  
 13 A. Yes.  
 14 Q. And you have McNeil-2 in front of  
 15 you, correct, ma'am?  
 16 A. Yes.  
 17 Q. And that's the essay that you wrote  
 18 as an entrance essay to go to a college called  
 19 Cabrini, correct?  
 20 A. Yes.  
 21 Q. And it starts off by saying that,  
 22 the whistles blew just before 5:30 p.m. as  
 23 lifeguards motioned swimmers to come to shore  
 24 at Surf Avenue beach along Hereford Inlet. Did

1 A. 15.  
 2 Q. All right. And you at the time, 12  
 3 years old?  
 4 A. Yes.  
 5 Q. So I presume that the three of you  
 6 knew that if the lifeguards are whistling  
 7 everybody to come to shore at 5:30 p.m., that  
 8 means to get out of the water?  
 9 A. Correct.  
 10 Q. But you, and your aunt, and your  
 11 cousin leave that location and walk up the  
 12 beach in a northerly direction; is that right?  
 13 A. Yes.  
 14 Q. And there, having walked some  
 15 distance up the beach, decide to go back in the  
 16 water?  
 17 A. Can I stop?  
 18 Q. Is that true?  
 19 A. It's partially correct.  
 20 Q. I say that because I take it that  
 21 Watkins walked out into the water, true?  
 22 A. Yes.  
 23 Q. And then Shayne Hart, she walked out  
 24 into the water, true?

1 A. Close to the water.  
 2 Q. Was Shayne Hart in the water in shin  
 3 deep water?  
 4 A. Yes.  
 5 Q. And was Jamilah Watkins in waist  
 6 deep water?  
 7 A. A little bit less.  
 8 Q. And how far into the water did you  
 9 walk?  
 10 A. Shayne and I were like right next to  
 11 each other.  
 12 Q. So I take it you walked from where  
 13 there's dry sand into the water and there's  
 14 sand under your feet?  
 15 A. Yes.  
 16 Q. And that would be the same for your  
 17 cousin?  
 18 A. Yes.  
 19 Q. Now, when you and your cousin are  
 20 standing, are you side by side on the  
 21 water's --  
 22 A. Yes.  
 23 Q. Okay. You're side by side, and  
 24 Watkins is in front of you further out in the

1 front of you and further out in the water?  
 2 A. About three feet.  
 3 Q. From you to me?  
 4 A. Yes.  
 5 Q. We're across the table from one  
 6 another. You're not too good on estimating  
 7 distances, are you?  
 8 MR. D'AMATO: I object to  
 9 that characterization, okay.  
 10 MR. BARKER: Well, all right.  
 11 BY MR. BARKER:  
 12 Q. What I'm looking at now, is this the  
 13 distance that she was in front of you,  
 14 approximately?  
 15 A. Yes.  
 16 MR. DiJOSEPH: This is a five  
 17 foot round table.  
 18 MR. D'AMATO: Hold on. Yeah,  
 19 five feet. Let the record reflect  
 20 that we just measured the distance  
 21 between Mr. Barker and the witness  
 22 and it's five feet.  
 23 BY MR. BARKER:  
 24 Q. You have -- I'm trying to see if

1 water?  
 2 A. Yes.  
 3 Q. And is Watkins the first one to get  
 4 in trouble?  
 5 A. No.  
 6 Q. Okay. What do you recall happening  
 7 to Watkins?  
 8 A. She was a bit farther than I was,  
 9 like this was -- like you and me, and like  
 10 Shayne is right here, but I moved more towards  
 11 where Lou is, but not as close to you, and it  
 12 dropped (indicating).  
 13 Q. Okay. I'm sorry, but see, that  
 14 won't come across in the transcript.  
 15 A. All right.  
 16 Q. So you were standing facing the  
 17 water, correct?  
 18 A. Yes.  
 19 Q. Jamilah Watkins is in front of you a  
 20 certain distance?  
 21 A. Yes.  
 22 Q. Further out in the water, correct?  
 23 A. Yes.  
 24 Q. And Jamilah Watkins is how far in

1 your photograph and what you marked on your  
 2 photograph with this statement --  
 3 MR. GRASSI: Did you want to  
 4 finish orienting the description  
 5 that she made before that before you  
 6 move on to that, or do you think  
 7 this is going to do that?  
 8 MR. BARKER: I could do that.  
 9 BY MR. BARKER:  
 10 Q. So Jamilah Watkins is in front of  
 11 you the distance that Mr. D'Amato just  
 12 measured, about five feet.  
 13 A. Yes.  
 14 Q. And you said Shayne was to your left  
 15 or right?  
 16 A. To my right.  
 17 Q. To your right. And she was very  
 18 close to you, like Mr. Grassi is close to you  
 19 now, correct?  
 20 A. Yes.  
 21 Q. So the two of you are standing arm's  
 22 length from one another?  
 23 A. Yes.  
 24 Q. All right. And what happened at

1 that point?

2 A. I -- Shayne stayed where she was,  
3 and I moved probably like two feet away from  
4 her.

5 Q. To the left?

6 A. Yes. And just dropped.

7 Q. You went into the water then?

8 A. Yeah, just all the way -- and I  
9 couldn't feel anything on the bottom. And I  
10 sprung back up, and I said to them, I'm  
11 drowning, and they thought I was joking.

12 Q. They could hear you?

13 A. Yeah.

14 Q. You were loud?

15 A. Yes. And they still laughing and  
16 thought everything was funny until Shayne moved  
17 towards where I was and she dropped off, too.  
18 So I guess Jamilah tried to help us.

19 Q. Don't guess. Tell us what happened.

20 A. So Jamilah tried to help us.

21 Q. How did she do that?

22 A. By moving towards where we were.

23 And --

24 Q. Excuse me, but could she walk over,

1 A. Yes. And the water seemed like it  
2 was so much further out from where our stuff  
3 was. And that's when I went to go over towards  
4 where my brothers and sister were. And we saw  
5 the guy, I got his phone and had him call the  
6 cops.

7 Q. Who is we saw the guy?

8 A. My two brothers and my sister.

9 After that --

10 Q. Are these the young children that  
11 were on the shore?

12 A. Yes.

13 Q. How old were they?

14 A. 2, 3 and 5.

15 Q. And you three, that is Watkins,  
16 yourself, and Hart, went in the water and left  
17 the little ones on the sand there behind you,  
18 correct?

19 A. Correct.

20 Q. And then when you finally did get  
21 out and you're a hundred feet from where you  
22 started, where are the children at that point?

23 A. They were where we sat our stuff,  
24 which was so much farther from where I got out

1 or was she skimming over? Do you know how she  
2 got over to you?

3 A. I assume she was walking. She  
4 couldn't go under the water as fast as I did,  
5 but after --

6 Q. This is Watkins you're talking  
7 about, right?

8 A. Yes. After trying to help me, then  
9 now we're all drowning. And Shayne couldn't  
10 swim, so I was trying to help her more so than  
11 helping Jamilah, and I somehow was further away  
12 from them now. And Jamilah was trying to help  
13 Shayne. Five minutes after that, I didn't see  
14 Shayne, because I was in -- I'm in and out of  
15 the water and up and down and flipping around.  
16 And after like 15 minutes, I would say, I got  
17 out. I could still see Jamilah, and I was  
18 trying to -- to tell her I was going to go get  
19 help. After that I saw that guy --

20 Q. Wait, where did you see Jamilah?

21 A. By the time I got out, it seemed  
22 like I was a hundred feet away from where the  
23 water was.

24 Q. From where you started, you mean?

1 of the water. So I kind of had to run -- I ran  
2 a bit of distance to get to where they were.  
3 So when I was in the water, I was screaming at  
4 them. And my sister thought that I was calling  
5 her, and I wasn't. I'm trying to tell her to  
6 go get help.

7 Q. How old was she?

8 A. Five. And she's, I'm coming. I'm  
9 like, no, don't come, go that way. So then I  
10 was really trying to hurry up then, because  
11 they started coming towards the water.

12 So I drifted pretty far away from  
13 where we stopped, because it was -- I can't  
14 think how far it was.

15 Q. All right. Let me now ask you to go  
16 over a couple things with us to make sure I can  
17 see what you've marked on this diagram.  
18 There's a photograph at the back. Do you see  
19 that?

20 A. Yes.

21 Q. It's page 7, correct?

22 A. Correct.

23 Q. And the first item is item number 1.  
24 I see a number 1. And next to that there's a 2



1 and a 3. Do I read that correctly?  
 2 A. Yes.  
 3 Q. Did you write those on there?  
 4 A. Yes.  
 5 Q. And there's a black circle there,  
 6 correct?  
 7 A. Yes.  
 8 Q. And just to the left of the black  
 9 circle as I'm looking down at it, there's  
 10 something that looks like a cross?  
 11 A. Yes.  
 12 Q. What is that?  
 13 A. I believe the cross is where I went  
 14 into the water, and the dot after that was the  
 15 drop off.  
 16 Q. What does the drop off mean?  
 17 A. Where the sand collapsed.  
 18 Q. So after you walked into the water,  
 19 you walked down to the right a while?  
 20 A. Yeah.  
 21 Q. So that little dash mark there  
 22 underneath the 3 and off to the right of the  
 23 cross, that's where you think that you went  
 24 down into that --

1 A. Yes.  
 2 Q. Where you couldn't feel any bottom,  
 3 right?  
 4 A. Yes.  
 5 Q. Okay. So let's go back here.  
 6 Number 1 -- number 1 says, at the bottom of  
 7 page 5, draw a black circle on the aerial  
 8 photograph of the area in which your group set  
 9 up on the beach at 6/30 -- that's the date --  
 10 of 2009 after 5:00 p.m.  
 11 A. Yes.  
 12 Q. Does that fairly and accurately --  
 13 that circle fairly and accurately mark the  
 14 place where you all set up just before you went  
 15 back into the water?  
 16 A. Can you repeat.  
 17 Q. Yes. Does the circle that you have  
 18 on this photograph represent approximately  
 19 where you all put your stuff down before you  
 20 walked out in the water?  
 21 A. Yes.  
 22 Q. Now, before you were there, you had  
 23 been somewhere else on this beach line when the  
 24 guards whistled everyone out, right?

1 A. Yes.  
 2 Q. Where were you when you -- when you  
 3 were whistled out?  
 4 A. We were close -- like not too far  
 5 away from the lifeguard stand.  
 6 Q. Can you mark it on here, or is it  
 7 not even on the photograph, or you don't know?  
 8 A. Honestly, I don't -- I don't know.  
 9 Q. Okay. So you were near a lifeguard  
 10 stand. Was it the lifeguard stand -- the last  
 11 lifeguard stand?  
 12 A. When you first walk down on the  
 13 beach, and then there's a -- I think there's  
 14 one right here, and then there's one more. So  
 15 the second one in from the beach exit I believe  
 16 where we were (indicating).  
 17 Q. In meaning which direction?  
 18 A. Towards the right.  
 19 Q. Towards the south, then?  
 20 A. Yes.  
 21 Q. And so when you were whistled out,  
 22 you walked out of the water and then walked  
 23 from south to north?  
 24 A. Yes.

1 Q. Leaving behind the area where the  
 2 lifeguard stands are?  
 3 A. Yes.  
 4 Q. Marching or walking north to areas  
 5 that have no lifeguard protection?  
 6 A. Yes.  
 7 Q. And it's there that you and your  
 8 aunt and cousin walked into the water?  
 9 A. Correct.  
 10 Q. And that's where the event occurred?  
 11 A. Yes.  
 12 Q. And that's marked by the little dash  
 13 mark underneath the 3 and above the circle?  
 14 A. Yes.  
 15 Q. If you look at item number 2, item  
 16 number 2 says, mark with an X the area in which  
 17 you, Jamilah Watkins, and Shayne Hart first  
 18 walked in the water where you set up on the  
 19 beach of North Wildwood. Okay. So the X might  
 20 mean the same thing as I'm calling the cross?  
 21 A. Yes.  
 22 Q. Okay. And that's -- that's item  
 23 number 2. And that's where the three of you  
 24 first walked into the water, correct?

1 A. Yes.

2 Q. And then you must have walked over  
3 to where that little dash mark is, and that's  
4 where the mishap occurred?

5 A. Yes.

6 Q. Okay. Item number 3, mark with an X  
7 the area in which you, Jamilah Watkins and  
8 Shayne Hart fell into the water on the beach of  
9 North Wildwood. That's item number 3. Do you  
10 see that?

11 A. Yes.

12 Q. Okay. So it's just below item  
13 number 3 that you put the dash mark; is that  
14 right?

15 A. Just below item number 2.

16 Q. Just above 2, just below 3, right?

17 A. Yes.

18 MR. D'AMATO: Is that the  
19 dash mark you're talking about  
20 (indicating)?

21 THE WITNESS: No, this  
22 (indicating).

23 BY MR. BARKER:

24 Q. The small dash mark is the answer to

1 A. Yes.

2 Q. At the beach?

3 A. Yes.

4 Q. What happened to you? Where did you  
5 go?

6 A. I was standing -- I called my  
7 parents at some point, and I was just near  
8 where my brothers and sisters were, but we were  
9 not too far away when they pulled Shayne out of  
10 the water. I was right there. And I remember  
11 the ambulance people were right there. I was  
12 there the whole time until they told me to go  
13 home before they pulled Jamilah out of the  
14 water.

15 Q. They told you to what?

16 A. To go home, because I didn't -- I  
17 didn't want to go to the hospital without  
18 Jamilah.

19 Q. So you were asked whether you want  
20 to go to the hospital, and you said no?

21 A. Yes.

22 Q. And had your parents arrived by the  
23 time you went to go home?

24 A. Yeah, my dad was there.

1 question 3?

2 A. Yes.

3 Q. Got you. You said, if I got it  
4 right, you were standing looking out at the  
5 water, Watkins is in front of you, Shayne is to  
6 the right of you -- am I correct so far?

7 A. Yes.

8 Q. You then moved a couple feet to the  
9 left, and that's when you went down, correct?

10 A. Yes.

11 Q. When you went down, did you feel  
12 anything? Could you sense anything at all, or  
13 was it -- what did it feel like?

14 A. I was there, and then I wasn't. It  
15 was solid. I was fine. And we were having  
16 normal conversation, and when I moved, it just  
17 dropped.

18 Q. And did you drop into a hole, or do  
19 you know what it was, just water?

20 A. I don't know.

21 Q. Okay. After this event had occurred  
22 and you got the help of a bystander to call for  
23 help, the police and other rescue type people  
24 arrived?

1 Q. And you went home with your dad?

2 A. No, my dad stayed there until they  
3 found Jamilah.

4 Q. So who did you go home with?

5 A. My brothers and sisters, but I don't  
6 remember who took us there.

7 Q. All right. And they're the little  
8 ones, right?

9 A. Yeah.

10 Q. It was a long time from the time of  
11 the event until you put these marks on this  
12 photograph, true?

13 A. Yes.

14 Q. It was years in between, true?

15 A. Yes.

16 Q. So how could you orientate yourself  
17 on this photograph to know this is where what  
18 you say happened? How did you get the bearings  
19 to figure out this is where you were with your  
20 aunt and your cousin?

21 A. That giant circle in the middle, I  
22 guess that water spot, we weren't too far away  
23 from that on the beach. So we had to walk  
24 around that water patch to get to where we

1 were.  
 2 Q. Okay. I do need you to mark that  
 3 exhibit, because when you tell me that giant  
 4 water spot, I don't know what you're talking  
 5 about.  
 6 A. (Witness complies with request.)  
 7 MR. BARKER: It's marked with  
 8 a green outline.  
 9 BY MR. BARKER:  
 10 Q. And you say you had to walk around  
 11 that to get to where you ended up to go into  
 12 the water?  
 13 A. Yes.  
 14 Q. So as you're marching up the beach  
 15 from south to north, somehow you encountered  
 16 this thing and had to go around it?  
 17 A. Yes.  
 18 Q. And that is your bearing to get you  
 19 to the point that you could accurately put on  
 20 this photograph where things happened as you  
 21 described?  
 22 A. Can you rephrase that?  
 23 Q. Sure. Was there anything else that  
 24 gave you bearing, that gave you a point to work

1 from to help you decide where you were at the  
 2 time of the subject event?  
 3 A. No.  
 4 Q. Just that thing marked in green now?  
 5 A. Yes.  
 6 Q. Before doing these markings for  
 7 Mr. DiJoseph on May 23rd, 2016, did you ever  
 8 mark on any other photograph, map or diagram  
 9 information about where the event occurred?  
 10 A. No.  
 11 Q. Do you know if anybody else did?  
 12 A. No.  
 13 Q. Were you ever called upon to give a  
 14 statement before Mr. DiJoseph asked you  
 15 questions?  
 16 A. Before him, no.  
 17 Q. Did you read about this event in the  
 18 newspaper?  
 19 A. Yes.  
 20 MR. D'AMATO: What event?  
 21 MR. BARKER: This event that  
 22 she's just described and put on the  
 23 Exhibit that I have.  
 24 MR. D'AMATO: I was asking --

1 MR. BARKER: I'm sorry if I  
 2 wasn't clear.  
 3 MR. D'AMATO: I thought you  
 4 were referring to the Smith event.  
 5 MR. BARKER: No, this event.  
 6 MR. D'AMATO: I understand.  
 7 MR. BARKER: Her event, 2009.  
 8 MR. D'AMATO: Got it.  
 9 BY MR. BARKER:  
 10 Q. You read about it in the newspaper,  
 11 correct?  
 12 A. Yes.  
 13 Q. So was there anything in the  
 14 newspaper that was not accurate?  
 15 A. Well, they -- I believe that the  
 16 newspaper said that we were in the water  
 17 swimming and we just drowned, and that wasn't  
 18 accurate.  
 19 Q. Anything else that you read in the  
 20 newspaper that you thought was not accurate?  
 21 A. Not that I can remember.  
 22 Q. When you say you read something in  
 23 the newspaper, do you even remember which  
 24 newspaper it was?

1 A. I think it was the Press of Atlantic  
 2 City.  
 3 Q. And when was the article?  
 4 A. A few days after the incident. And  
 5 it was on the news I believe the same day when  
 6 they were out looking for her.  
 7 Q. And would the news mean the local  
 8 television station? Is that what you meant by  
 9 the news?  
 10 A. I'm not sure.  
 11 Q. Did you call any newspaper reporter  
 12 or anyone like that and make any statements to  
 13 say there was something said that was not  
 14 accurate?  
 15 A. No.  
 16 Q. Do you know if anyone else did?  
 17 A. No.  
 18 Q. Do you know if anyone investigated  
 19 the incident at all?  
 20 A. No.  
 21 MR. BARKER: I don't have  
 22 anything further.  
 23 MR. D'AMATO: I have some  
 24 questions.



\*\*\*  
EXAMINATION  
\*\*\*

BY MR. D'AMATO:

Q. Before today you had never read the North Wildwood Police Department report dated July 13th, 2009 relative to the incident that you were involved with, correct?

A. Correct.

Q. Okay. You will notice that at the top for category number 23 it says victims, and it has Shayne Hart and Jamilah Watkins, but it gives an address of 16 Wayne Lane, Cape May Court House. Is that where you lived at the time of this incident?

A. That's where we got dropped off at the -- when they took us home. I don't believe I was still living there. No, I was living at home.

Q. Whose residence is the address 16 Wayne Lane?

A. My mom's adoptive mom.

Q. Okay. They mention in the police -- when I say "they", the author of this report is

rescue people until after they were called.

Q. Okay. I realize that this took place some time ago, and we all realize what a traumatic event it was for you. Do you have any recollection whatsoever from the time you first, I'm going to say, fell into the water until the beach patrol came to assist in rescue efforts, any sense of time?

A. I think the whole thing, probably 25 minutes, 30 minutes. And it took them -- after we called, four -- maybe four minutes to get there, five minutes.

Q. Okay. That's your best estimate, correct?

A. Yes.

Q. All right. Now, you were at the beach in North Wildwood, correct?

A. Yes.

Q. Was this the first time you had gone to any of the beaches in North Wildwood?

A. Yeah, because I usually go down by the boardwalk.

Q. Okay. In the police report marked for identification as McNeil-3, the second

a Police Officer B. Strube, S-T-R-U-B-E. They refer to a gentleman by the name of Joe Befumo who apparently contacted the police. Did you know this gentleman before this incident?

A. No.

Q. Have you ever seen him since this incident?

A. Not that I know of.

Q. Okay. In the report, which has been marked for identification as McNeil-3, I want to read a sentence here, quote, as we approached the male, parenthesis, later identified as Joe Befumo, parenthesis, two North Wildwood beach patrol vehicles passed in front of us to the area of Mr. Befumo and were told by him that there were three swimmers in the water having difficulty swimming, but he has since lost sight of them, end quote.

Here's my question, do you remember seeing North Wildwood beach patrol vehicles while you were in the water or after you got out of the water, as you sit here today?

A. While I was in the water, no. When I got out, no, I didn't see any type of like

sentence says, and I quote, during transport at 17:58 hours -- that would be 5:58 p.m. -- we received a report of three distressed swimmers in the ocean in the area of East 2nd Avenue and the beach, end of quote. Does the reference to East 2nd Avenue and the beach mean anything to you as you sit here today?

A. (Witness shakes head.)

MR. BARKER: You have to answer verbally, ma'am.

THE WITNESS: Sorry, no.

BY MR. D'AMATO:

Q. So when you tell people of this story, if you ever have since it took place, you don't say I was at East 2nd Avenue and the beach, correct? Is that what you're saying?

A. Correct.

Q. All right. Now, you have described for all of us the events that happened, but I just want to stand up, and I want to ask you something. You have had occasion to be in swimming pools, correct?

A. Yes.

Q. All right. And when you're, let's

1 say, near the deep end of the pool, you know  
2 that if you walk off the pool, you're going to  
3 drop down into the water, correct?

4 A. Yes.

5 Q. All right. Now, have you ever been  
6 on any of these amusement rides where it's like  
7 a -- it's a gravity type of thing where they  
8 spin around, and the floor that you're standing  
9 on, because you're going so fast drops, but you  
10 don't drop, because of the force of the -- the  
11 circular force? Do you know what I'm talking  
12 about?

13 A. Yes.

14 Q. Here's what I'm trying to  
15 understand. When all of the sudden you're in  
16 the water, is it because the beach that you  
17 were standing on collapsed, or is it because  
18 you just walked off into a deep hole?

19 MR. HUNKINS: Objection to  
20 the form.

21 MR. BARKER: Objection.

22 The fact that we object  
23 doesn't mean that we can instruct  
24 you not to answer, so we're

1 BY MR. D'AMATO:

2 Q. Now, I want to talk about your aunt.  
3 When you are in the water, okay, you see her,  
4 correct?

5 A. Yes.

6 Q. And when you see her she's still  
7 standing?

8 MR. BARKER: Objection. You  
9 can answer.

10 THE WITNESS: Yes.

11 BY MR. D'AMATO:

12 Q. When you're in the water, that's the  
13 point I'm saying, she's still standing?

14 A. Yes.

15 Q. Now, describe for me from the moment  
16 you see her standing when you're in the water  
17 until she enters the water, what is she doing?

18 MR. BARKER: Objection, but  
19 you can answer the question.

20 THE WITNESS: She as in

21 Jamilah or Shayne?

22 BY MR. D'AMATO:

23 Q. Jamilah.

24 A. When I dropped, she was still --

1 preserving our objection to the  
2 question.

3 THE WITNESS: So I answer  
4 now?

5 BY MR. D'AMATO:

6 Q. Yes.

7 A. Yes, I was standing still, and then  
8 when I moved, I was solid and then it wasn't.  
9 It almost felt like a false bottom, if that  
10 makes sense.

11 Q. Okay. I understand. The Exhibit  
12 McNeil-2, this was a writing sample for Cabrini  
13 College, correct?

14 A. Yes.

15 Q. Your purpose in submitting this  
16 writing sample was to show them the level of  
17 your ability to write, correct?

18 A. Correct.

19 Q. In looking at this, did you take any  
20 artistic liberties and make entries in this  
21 writing sample that are not factually correct?

22 A. No.

23 MR. HUNKINS: Object to the  
24 form.

1 they were still talking to each other, and then  
2 once I dropped, it was probably like 30 seconds  
3 before I came back up. And then it was just  
4 repeatedly up and down. And like I said, they  
5 thought I was joking at first, so she didn't  
6 suddenly go for me, but when she did, then we  
7 were all in the same situation.

8 Q. All right. You described in  
9 response to my question what happened to you as  
10 to how you were in the water.

11 A. Yes.

12 Q. Here's what I want to ask you. What  
13 did you see as it related first to your aunt as  
14 to how she entered the water, and then I want  
15 to know what you saw as to how your cousin  
16 entered the water.

17 A. I didn't see how they both began  
18 drowning. I saw what happened to Shayne, which  
19 was similar to me, like she's trying to get off  
20 me, and I'm trying to get off her, but Jamilah  
21 wasn't really in the same mix. So when I kind  
22 of got off of them, Jamilah was more trying to  
23 help her solely, because I was at that point  
24 much further away from them. And -- and I only

1 saw one of them.  
 2 Q. Okay.  
 3 A. It didn't take that long to only see  
 4 one of them.  
 5 Q. You described for all the lawyers  
 6 before when Mr. Barker was asking you questions  
 7 how you -- while you're in the water, you  
 8 become separated from your aunt and your  
 9 cousin, correct?  
 10 A. Yes.  
 11 Q. What caused you to be separated?  
 12 A. It was like a rush of, I would say,  
 13 water, like a -- like a twister, an underwater  
 14 twister, but at the same time it was like  
 15 pushing and pulling.  
 16 Q. Okay.  
 17 A. Okay.  
 18 Q. Did you know how to swim to some  
 19 degree at the time of this tragic event?  
 20 A. Yes.  
 21 Q. How did you get out of the water  
 22 back on solid sand?  
 23 A. I floated like with my face in the  
 24 water and then backwards, because at first I

1 was trying to swim, but it wasn't working.  
 2 Q. Why wasn't it working?  
 3 A. It was just -- like if I tried to  
 4 move, I wasn't going anywhere. Like I was kind  
 5 of trapped where I was at, and then it was more  
 6 just waves. Like I don't know, the water went  
 7 from zero feet to like bottomless.  
 8 Q. But I want to know how did you get  
 9 up on sand that you could stand on. Do you  
 10 remember?  
 11 A. I was floating for a while, and then  
 12 once I finally could reach I kind of walked  
 13 back up.  
 14 Q. Okay. You graduated from high  
 15 school. And what high school was that?  
 16 A. Middle Township.  
 17 Q. And you graduated what year?  
 18 A. '14.  
 19 Q. All right. And what have you been  
 20 doing since 2014 up until now?  
 21 A. I took three classes at ACCC, and I  
 22 worked at a vet office. Then I worked at  
 23 Atkinsons, and then tomorrow I start at another  
 24 vet office.

1 Q. Atkinsons is what?  
 2 A. Atkinsons Tavern in Cape May Court  
 3 House.  
 4 Q. Is it your intent to go to college?  
 5 Because you said you applied to Cabrini.  
 6 A. Yeah.  
 7 Q. Any luck there yet?  
 8 A. Not yet.  
 9 Q. Okay. And where are you working  
 10 now?  
 11 A. Nowhere. Tomorrow. I start  
 12 tomorrow.  
 13 Q. All right.  
 14 MR. D'AMATO: Do you have any  
 15 questions?  
 16 MR. GRASSI: It might have  
 17 been covered.  
 18 MR. D'AMATO: Let's make this  
 19 McNeil-1A.  
 20 \* \* \*  
 21 (Whereupon, Exhibit McNeil-1A was marked for  
 22 identification.)  
 23 \* \* \*  
 24 EXAMINATION

1 \* \* \*  
 2 BY MR. GRASSI:  
 3 Q. So, Miss McNeil, I introduced myself  
 4 to you earlier. I'm Joseph Grassi. I have a  
 5 couple of follow-up questions.  
 6 So I want to show you what's now  
 7 marked as McNeil-1A. And that's the photograph  
 8 that you had been shown when Lou DiJoseph  
 9 interviewed you and made some markings on it.  
 10 After you went into the water that  
 11 second time and the bottom dropped out under  
 12 you and you felt the false bottom --  
 13 MR. BARKER: Objection. You  
 14 can answer.  
 15 BY MR. GRASSI:  
 16 Q. -- and you began to float, where is  
 17 the point -- you said that you floated, and you  
 18 got to a point where you felt the bottom under  
 19 your feet again?  
 20 MR. HUNKINS: Objection to  
 21 form.  
 22 MR. BARKER: Object. You can  
 23 answer.  
 24 BY MR. GRASSI:



1 Q. Is that accurate? Is that what you  
2 said?

3 MR. HUNKINS: Objection to  
4 form.

5 MR. BARKER: Object there,  
6 too, sorry.

7 THE WITNESS: Yes.

8 BY MR. GRASSI:

9 Q. While you're thinking about that, my  
10 recollection -- I understood you to say that  
11 you were out there, you couldn't feel the  
12 bottom and you began to float. Were you  
13 floating on your stomach or on your back?

14 A. It was a combination, like back and  
15 forth.

16 Q. Okay. And that at some point you  
17 got to a point where you could feel the bottom?

18 A. Yes.

19 Q. Okay. And how far from the beach,  
20 from the dry land were you when you got to that  
21 point where you could feel the bottom?

22 MR. BARKER: Objection.

23 THE WITNESS: Can you  
24 rephrase it?

1 point -- if you can point to an area in this  
2 building somewhere where you can estimate it's  
3 the same distance, and we'll see if we can't  
4 agree how many feet it is.

5 A. From where I am now probably a  
6 little bit past that filing cabinet, the other  
7 side of it (indicating).

8 Q. When you say "that filing cabinet,"  
9 you're talking about through that doorway  
10 that's marked private, the shelves there next  
11 to that desk, is that what you're talking about  
12 (indicating)?

13 A. Past the one that has the --

14 Q. Copier on it?

15 A. Yes.

16 MR. BARKER: Which one, Joe?

17 MR. GRASSI: If you turn

18 around --

19 THE WITNESS: Right to where  
20 the copier is.

21 MR. BARKER: Out here  
22 (indicating)?

23 MR. D'AMATO: Hold on.

24 \* \* \*

1 BY MR. GRASSI:

2 Q. Okay. When you got to that -- when  
3 you felt the bottom, you were still in the  
4 water, correct?

5 A. Yes.

6 Q. What part of your body hit the  
7 bottom?

8 A. My feet.

9 Q. Okay. And did you try to stand up  
10 then?

11 A. Yes.

12 Q. Did you stand up?

13 A. Yeah.

14 Q. How deep were you when you stood up?

15 A. About maybe like mid thigh.

16 Q. Okay. And were you able to see the  
17 shoreline, the point where the waves were  
18 breaking and where there was dry land?

19 A. Yeah.

20 Q. Okay. How far from that were you?

21 A. Maybe --

22 Q. You know what, I'm going to ask you  
23 not to tell me in feet, because we had that  
24 three feet five feet thing going on. Can you

1 (Whereupon, a discussion was  
2 held off the record.)

3 \* \* \*

4 MR. DiJOSEPH: 30 feet,  
5 approximately.

6 MR. GRASSI: We're all in  
7 agreement that it's about 30 feet,  
8 because we measured it, we took a  
9 break and we used a tape measure.

10 BY MR. GRASSI:

11 Q. What I'm going to ask you to do --  
12 -- and once you saw the beach, did you then  
13 walk directly towards the beach?

14 A. Are we --

15 Q. The point you floated, your feet hit  
16 the sand at some point, and you stood up.

17 A. Okay.

18 Q. So I asked you if you were then able  
19 to see the beach and how far it was, and you  
20 showed us that. Once you stood up, exactly  
21 what did you do?

22 A. I started going towards where the  
23 guy was.

24 Q. And was he on the beach?

1 A. Yes.  
 2 Q. Okay. Here's what I'd like you to  
 3 do. I'd like you to do -- let's get a pen --  
 4 we've got a red marker. I want you to show me  
 5 first of all in the water where you believe  
 6 your -- your feet were, where you floated to,  
 7 and then I want you to show me on the beach  
 8 where the guy was when you got up to walk.  
 9 MR. BARKER: Is she going to  
 10 use the same color?  
 11 MR. GRASSI: One is going to  
 12 be in the water and one is going to  
 13 be on the beach.  
 14 MR. D'AMATO: We'll use red  
 15 and blue.  
 16 MR. GRASSI: We'll use red  
 17 for the water. If you could just  
 18 make the mark a little --  
 19 THE WITNESS: Like an X or  
 20 something.  
 21 MR. D'AMATO: Let me suggest  
 22 something. If -- an X.  
 23 MR. GRASSI: An X will work,  
 24 because there's no X's on there.

1 MR. D'AMATO: Go ahead.  
 2 THE WITNESS: (Witness  
 3 complies with request.)  
 4 BY MR. GRASSI:  
 5 Q. And then give us a blue -- what was  
 6 the fellow's name?  
 7 MR. DiJOSEPH: Joe Befumo.  
 8 BY MR. GRASSI:  
 9 Q. Put a little JB where you recall he  
 10 was standing on the beach.  
 11 A. I don't remember. It wasn't too far  
 12 away from where the kids were, because I know I  
 13 didn't have to get too far away from where they  
 14 were.  
 15 Q. Well, where were the kids?  
 16 A. Like over here (indicating).  
 17 Q. In the center of that circle that  
 18 you drew with the black pen the first time?  
 19 A. Yes. I'll say he was outside of the  
 20 circle.  
 21 Q. Okay. And you were able to walk  
 22 from where you floated to where the man was?  
 23 A. Yeah.  
 24 MR. BARKER: Pause right

1 there. Can I see what she's put  
 2 down so far, because I haven't seen  
 3 anything yet.  
 4 MR. GRASSI: Sure.  
 5 MR. BARKER: I think she  
 6 added a little red X there?  
 7 MR. GRASSI: Right.  
 8 MR. BARKER: What did you say  
 9 that was?  
 10 MR. GRASSI: What I asked her  
 11 was to put an X where she floated  
 12 to, where she first felt land.  
 13 MR. BARKER: And then did she  
 14 put any other mark on there?  
 15 MR. GRASSI: She just  
 16 indicated that the kids were in the  
 17 circle and the man was somewhere  
 18 outside the circle. She's not sure.  
 19 MR. BARKER: Thanks.  
 20 THE WITNESS: Do you still  
 21 want me to mark --  
 22 BY MR. GRASSI:  
 23 Q. If you don't remember where it was,  
 24 I don't want you to put a mark if you don't

1 remember where it was. And where -- where --  
 2 of these three marks, where were you standing  
 3 when you felt the drop off?  
 4 MR. D'AMATO: For the record,  
 5 can we establish what three marks  
 6 you're talking about?  
 7 MR. GRASSI: You're right.  
 8 BY MR. GRASSI:  
 9 Q. There are three marks in the water,  
 10 they look like a 1, 2, and 3. What do they  
 11 represent?  
 12 A. The X is where we -- number 2, the X  
 13 is where we stepped in, and the 3 is where the  
 14 drop off was.  
 15 Q. Okay. So the 3 is where the drop  
 16 off was. And what was the 1?  
 17 A. I think that represents the circle,  
 18 and if not, this is where I got like out to get  
 19 back onto the beach (indicating).  
 20 Q. And you just -- so you just did that  
 21 with your finger, nobody else saw it, but that  
 22 was the red X that you made earlier?  
 23 A. Yes.  
 24 Q. So in order to walk back to the man

1 or to the beach, you did not walk in the  
2 vicinity of the drop off?

3 A. No.

4 Q. When you got to that point where you  
5 stood up and you saw the man and you started to  
6 walk that way, were you able to see Shayne?

7 A. No.

8 Q. Were you able to see your Aunt  
9 Jamilah?

10 A. I thought so.

11 Q. Where -- where did you think you saw  
12 her?

13 A. I was -- way -- she was way, way  
14 out, like way past the drop off, way past -- I  
15 thought she was out by the -- the metal things  
16 that are in the water with the red lights on  
17 top of it, like way out where the boats would  
18 be.

19 Q. Okay.

20 MR. DiJOSEPH: A buoy?

21 THE WITNESS: Yeah.

22 MR. BARKER: You have to  
23 answer verbally.

24 THE WITNESS: Yes.

1 Q. What do you mean by body surf?

2 A. Like before the waves come, you turn  
3 around, and you go back towards the beach, like  
4 you just let it take you out.

5 Q. And had you been body surfing that  
6 day?

7 A. No.

8 Q. Had any -- had either Shayne or  
9 Jamilah been body surfing that day earlier?

10 A. No.

11 Q. And were you going to body surf at  
12 this point, or is that something that you wrote  
13 in here for --

14 A. We were going to, but we didn't get  
15 there.

16 Q. Okay. Had you body surfed before?

17 A. Yeah.

18 Q. When you body surf, what's the  
19 deepest that you go in?

20 A. Waist.

21 Q. And so did you have any intention to  
22 go in the water that day over your waist,  
23 deeper than your waist?

24 A. No, because Shayne couldn't swim.

1 BY MR. GRASSI:

2 Q. I want to ask you a couple questions  
3 about the essay that you wrote. So if you have  
4 that in front of you. That's marked as  
5 McNeil-2.

6 So I'm just going to read it. It  
7 says, the whistles blew just before 5:30 p.m.  
8 as lifeguards motioned swimmers to come to  
9 shore at Surf Avenue beach along Hereford  
10 Inlet. After the lifeguards left for the day,  
11 a few swimmers wanted to go back in for just  
12 one last dip. And you're referring there to  
13 yourself, and your aunt, and your cousin?

14 A. Uh-huh.

15 MR. BARKER: You have to  
16 answer verbally.

17 THE WITNESS: Yes.

18 BY MR. GRASSI:

19 Q. It says, before moving their beach  
20 equipment, the swimmers ran off into the water  
21 to body surf. Was that a discussion that you  
22 had with your aunt and Shayne, that that's what  
23 you were going to do, was body surf?

24 A. Yes.

1 Q. And it says that you told the kids  
2 that were with them to stay put for two  
3 minutes. That's your --

4 A. Siblings.

5 Q. Your siblings?

6 A. Yes.

7 Q. The oldest of whom was five years  
8 old. That was your little sister?

9 A. Yes.

10 Q. And how long did you expect to be in  
11 the water?

12 A. Five minutes. We were only going to  
13 do it once. She had to go back to Connecticut,  
14 so we were on our way home.

15 Q. Okay.

16 A. And --

17 Q. "She" being Shayne?

18 A. Jamilah.

19 Q. Jamilah lived in Connecticut?

20 A. Yes.

21 Q. And you're saying as you were  
22 walking toward the water, somebody said how  
23 well can you all swim?

24 A. Yes.



1 Q. Who was that?  
 2 A. Jamilah said that to me.  
 3 Q. And it said one responds "enough to  
 4 save myself."  
 5 A. That was me.  
 6 Q. So that it was Shayne that said not  
 7 at all.  
 8 A. Yes.  
 9 Q. And it says, soon after they treaded  
 10 into the water one of the swimmers began to  
 11 drown. While the water was seeping into every  
 12 orifice of their body -- who are you referring  
 13 to there?  
 14 A. Me.  
 15 Q. All right. Now, you said this  
 16 earlier, too, you said that you called out and  
 17 said help me, I'm drowning, right?  
 18 A. Yes.  
 19 Q. Okay. At that point you couldn't  
 20 feel any bottom at all?  
 21 A. Nope.  
 22 Q. And were you able to actually see  
 23 Jamilah and Shayne at that time?  
 24 A. Yes.

1 Q. Because you're saying they didn't  
 2 believe you?  
 3 A. No, they thought -- they thought I  
 4 was joking, like really thought I was joking.  
 5 Q. How do you know that? What makes  
 6 you say that?  
 7 A. Because they didn't move. They're  
 8 come on, stop playing or whatever. And she  
 9 came over towards where I was --  
 10 Q. When you say "she" --  
 11 A. Shayne.  
 12 Q. So Shayne moved closer to you?  
 13 A. Yes. And I was trying to like pull  
 14 myself towards her. So honestly I pulled her  
 15 towards me, and --  
 16 Q. Did you actually have ahold of her?  
 17 A. Yes.  
 18 Q. Okay. And -- so you pulled -- you  
 19 were trying to pull yourself towards her, but  
 20 you pulled her towards you?  
 21 A. Yeah.  
 22 Q. And did you see her or feel her come  
 23 under with you or lose the bottom?  
 24 A. No, I was so focused on trying to

1 get myself where they were or where she was,  
 2 and it didn't work out that way.  
 3 Q. What happened?  
 4 A. Then we were both -- basically like  
 5 I pushed her down, and then she pushed me down,  
 6 and then she's up and I'm down. It was like an  
 7 up and down situation.  
 8 Q. You couldn't feel any ground at that  
 9 point?  
 10 A. Uh-uh.  
 11 MR. BARKER: You have to  
 12 answer verbally.  
 13 THE WITNESS: No.  
 14 BY MR. GRASSI:  
 15 Q. Were you over your head at that  
 16 point?  
 17 MR. BARKER: Objection.  
 18 BY MR. GRASSI:  
 19 Q. In other words, did your entire head  
 20 go underwater?  
 21 A. Yes.  
 22 Q. Do you have any sense at all about  
 23 how deep it might have been?  
 24 A. No.

1 Q. And was there any current at that  
 2 point?  
 3 MR. BARKER: I'm sorry, any  
 4 what, sir?  
 5 MR. GRASSI: Current.  
 6 BY MR. GRASSI:  
 7 Q. In other words, you spoke earlier  
 8 about a -- did you say whirlpool? I don't want  
 9 to put words in your mouth.  
 10 A. I said underwater twister.  
 11 Q. Underwater twister, okay. Is that  
 12 where you felt the underwater twister?  
 13 A. Not at -- not immediately. It was  
 14 more so like in the fight after me and Shayne  
 15 were already separated.  
 16 Q. Okay. It was not there at that  
 17 point when you were with Shayne, you didn't  
 18 feel it then?  
 19 A. No.  
 20 Q. How long did you have ahold of  
 21 Shayne?  
 22 A. Maybe a minute or two, two minutes.  
 23 Q. Okay. Did you ever see Shayne again  
 24 after you lost physical contact with her?

1 A. When Jamilah had ahold on her, like  
2 they were together and after -- not after that.  
3 I only saw Jamilah's bathing suit, really, not  
4 -- I didn't see Shayne.

5 Q. So you lost physical contact with  
6 Shayne, and then you lost sight of Shayne?

7 A. Yes.

8 Q. While you had physical contact with  
9 Shayne, Jamilah was also holding her?

10 A. No.

11 Q. No, okay.

12 A. No.

13 Q. Did you see Jamilah lose contact  
14 with the ground?

15 MR. BARKER: Objection.

16 THE WITNESS: No, no.

17 BY MR. GRASSI:

18 Q. When is the first time that you  
19 realized that Jamilah was also not standing up  
20 anymore but in the water?

21 A. I guess -- I assumed, because she  
22 started more swimming that she's not standing  
23 when she was trying to get towards Shayne.

24 Q. You saw her trying to get towards

1 beginning, but I was saying to my sister like  
2 go get help or try to get help, and she's like,  
3 what are you saying? You want us? And I was  
4 like, no, I don't want you. Like go. And  
5 she's still coming towards me.

6 Q. So you were still struggling at that  
7 point?

8 A. Yes.

9 Q. You hadn't floated and hit the beach  
10 yet?

11 A. Uh-uh.

12 MR. BARKER: Answer verbally,  
13 please.

14 THE WITNESS: No.

15 MR. GRASSI: I don't have any  
16 other questions. Any follow-up to  
17 that?

18 MR. D'AMATO: Brian, do you  
19 have any?

20 MR. HUNKINS: Thanks, no  
21 questions.

22 MR. BARKER: I just wanted to  
23 clarify one thing.

24 \* \* \*

1 Shayne?

2 A. Yes.

3 Q. And were you floating at that point,  
4 or you were --

5 A. No, I was still attempting to get  
6 above water or stay above water.

7 Q. So you were struggling?

8 A. Yes.

9 Q. Were you -- were you swallowing  
10 water? I mean, what was -- what was that  
11 struggle like?

12 A. It was swallowing water, and water  
13 up my nose, and it was dark. I mean, I could  
14 kind of see underwater, but not really.

15 Q. Were you able to see your siblings  
16 at that point?

17 MR. BARKER: What point?

18 MR. GRASSI: At the point

19 that she was struggling.

20 BY MR. GRASSI:

21 Q. At the point that you were  
22 struggling.

23 A. After about eight minutes of  
24 struggling I was closer than I was in the

1 EXAMINATION

2 \* \* \*

3 BY MR. BARKER:

4 Q. Going back to when it all started  
5 and you were facing the water and Shayne was to  
6 your right and the two of you were standing in  
7 the water -- did you say about shin deep?

8 A. Yes.

9 Q. All right. And then you moved a  
10 couple feet to the left, and that's when you  
11 went down?

12 A. Yes.

13 Q. And when you moved a couple feet to  
14 the left, you were still shin deep in the water  
15 until you went down?

16 A. Yes.

17 Q. Okay.

18 MR. BARKER: That's it.

19 \* \* \*

20 EXAMINATION

21 \* \* \*

22 BY MR. D'AMATO:

23 Q. In light of that, let me show you a  
24 report that was written by Mr. DiJoseph. He's

1 the licensed private investigator that's  
2 sitting in this room that initially contacted  
3 you.

4 MR. HUNKINS: Sorry to  
5 interrupt, before you do that, I  
6 have a question, slash, comment, and  
7 it probably should be one with the  
8 witness out of the room. Is that  
9 okay?

10 MR. D'AMATO: Sure.

11 MR. HUNKINS: I don't want to  
12 prolong this, but the part you were  
13 going to question her about, does it  
14 involve DiJoseph using the word  
15 collapse? I'm not sure where you  
16 were going, but if that's where you  
17 were going, I was going to object,  
18 because we're getting -- we're  
19 getting a problem with that so --

20 MR. D'AMATO: I was going to  
21 ask her about what I bracketed here  
22 (indicating).

23 MR. HUNKINS: This does not  
24 look like a problem to me. I'm not

1 most accomplished swimmer of the three.

2 Suddenly the sand beneath McNeil's  
3 feet gave way and she was in deep water over  
4 her head. McNeil tried to touch bottom but  
5 could not. McNeil likened the event to  
6 standing on a trap door when the door opens and  
7 you fall into the dark. Once in the water,  
8 McNeil encountered a strange but strong  
9 current. She described the strange current as  
10 one that was pulling her downward but at the  
11 same time causing her to flip over like a  
12 reverse back flip. Okay. McNeil was able to  
13 resurface and yelled for help to Watkins and  
14 Hart who were nearby. Hart was approximately  
15 three to five feet away from her and Watkins  
16 was a little further. Suddenly Hart dropped  
17 and disappeared into the ocean just like what  
18 occurred to McNeil. McNeil knew that Hart  
19 couldn't swim and she feared for Hart's life.  
20 Seconds later, Watkins also dropped and  
21 disappeared into the ocean just like what  
22 occurred to Hart and McNeil.

23 Once all three were in the water,  
24 McNeil and Watkins were attempting to call out

1 sure what you're going to ask her.

2 MR. BARKER: You're on page  
3 6, sir?

4 MR. D'AMATO: Yes, I wanted  
5 to ask her questions about that  
6 right there (indicating).

7 \* \* \*

8 (Whereupon, a discussion was  
9 held off the record.)

10 \* \* \*

11 BY MR. D'AMATO:

12 Q. This is -- I bracketed a part of  
13 Mr. DiJoseph's report regarding his interview,  
14 and I'd like you to start here where it says,  
15 quotes, McNeil and Hart were in shin deep  
16 water. I want you to read each and every  
17 sentence. If there's anything in any of the  
18 sentences that's incorrect, I want you to  
19 correct it for us. Okay?

20 A. Okay.

21 Q. So just read it out loud.

22 A. McNeil and Hart were in shin deep  
23 water and Jamilah Watkins was in waist deep  
24 water. Hart cannot swim, and Watkins was the

1 and swim to each other. Hold on. This is  
2 awkward.

3 Q. For the record, you put markings  
4 over the sentences you just read.

5 A. Yes.

6 Q. So tell us what's incorrect about  
7 that sentence.

8 MR. HUNKINS: Before we  
9 proceed, let me just object to the  
10 pending question, and I'll put the  
11 reason on the record later. It  
12 actually is the problem that I  
13 thought might happen, and I -- it  
14 has happened, but go ahead, you can  
15 proceed.

16 MR. D'AMATO: Okay.

17 MR. HUNKINS: Just note my  
18 objection.

19 THE WITNESS: This would be  
20 Shayne.

21 BY MR. D'AMATO:

22 Q. How should the sentence read?

23 A. Once all three were in distress,  
24 Hart and Watkins were attempting to swim to



1 each other.  
 2 Q. Okay. Thank you for the correction.  
 3 Now, please continue to the next sentence, and  
 4 we'll finish it.  
 5 A. Hart was not seen again until later  
 6 on when rescue personnel pulled her lifeless  
 7 body from the water. True. The strong current  
 8 swept Watkins away from land and McNeil was  
 9 left to fend for yourself. McNeil estimates  
 10 she was in the water for over 15 minutes  
 11 fighting to get back to shore. At one point,  
 12 McNeil remembers being very close to a red and  
 13 white -- at one point McNeil remembers being  
 14 very close -- this was -- remembers Jamilah.  
 15 MR. BARKER: This was what?  
 16 THE WITNESS: It should read  
 17 at one point McNeil remembers  
 18 Watkins being very close to a red  
 19 and white navigational buoy.  
 20 BY MR. D'AMATO:  
 21 Q. All right. Please continue.  
 22 A. McNeil was eventually able to get  
 23 back to land. Once on land, McNeil ran to the  
 24 first person she saw and asked him to call 911.

1 That person turned out to be Joe Befumo, who  
 2 was interviewed on 4/27/2016 and corroborated  
 3 McNeil's statement.  
 4 Q. So for the record, you've read what  
 5 I've asked you to read. The reason I asked you  
 6 to do that is what we lawyers need to know, is,  
 7 these are the words that you shared with  
 8 Mr. DiJoseph?  
 9 MR. HUNKINS: Object to the  
 10 form.  
 11 MR. BARKER: Objection.  
 12 MR. D'AMATO: Excuse me, you  
 13 said your objection. If you want  
 14 her to leave the room, you can put  
 15 it on the record.  
 16 MR. HUNKINS: I will after  
 17 you finish.  
 18 MR. D'AMATO: Fine.  
 19 MR. HUNKINS: Object to the  
 20 form.  
 21 BY MR. D'AMATO:  
 22 Q. I want to know, are these your words  
 23 that you shared with Mr. DiJoseph?  
 24 MR. HUNKINS: Object to the

1 form.  
 2 MR. D'AMATO: Okay.  
 3 I'm going to put my response  
 4 to your objection when we do it  
 5 afterwards.  
 6 THE WITNESS: Yes?  
 7 MR. HUNKINS: Said with a  
 8 question mark in the voice.  
 9 MR. D'AMATO: I agree.  
 10 BY MR. D'AMATO:  
 11 Q. There's like a question mark in your  
 12 voice. So what -- where do you feel -- do you  
 13 feel that he improperly recorded what you said  
 14 here to him?  
 15 MR. HUNKINS: Object to the  
 16 form.  
 17 THE WITNESS: I believe --  
 18 MR. HUNKINS: Which sentence?  
 19 She just read 14 sentences.  
 20 MR. GRASSI: Let her finish  
 21 her answer.  
 22 THE WITNESS: I just feel he  
 23 left out Watkins' name in that  
 24 sentence.

1 BY MR. D'AMATO:  
 2 Q. Is there anything else?  
 3 MR. HUNKINS: Object to the  
 4 form.  
 5 THE WITNESS: No.  
 6 MR. D'AMATO: Okay. I have  
 7 nothing else.  
 8 MR. HUNKINS: I have a  
 9 question.  
 10 \* \* \*  
 11 EXAMINATION  
 12 \* \* \*  
 13 BY MR. HUNKINS:  
 14 Q. If you can hand me that for one  
 15 second.  
 16 This is the investigator doing his  
 17 best to summarize what you told him back when  
 18 you met with him?  
 19 MR. D'AMATO: Objection to  
 20 the form of the question.  
 21 THE WITNESS: Yes.  
 22 BY MR. HUNKINS:  
 23 Q. And it happens to be hearsay.  
 24 MR. D'AMATO: Objection to

1 the form of the question.  
 2 BY MR. HUNKINS:  
 3 Q. And you just read at least 14  
 4 sentences, right, to us?  
 5 A. All right.  
 6 Q. It's kind of long. I want to just  
 7 direct your attention to the part -- the words  
 8 that Mr. DiJoseph used in his report --  
 9 MR. HUNKINS: Off the record.  
 10 \* \* \*  
 11 (Whereupon, a discussion was  
 12 held off the record.)  
 13 \* \* \*  
 14 BY MR. HUNKINS:  
 15 Q. The -- some of the words that  
 16 Mr. DiJoseph used, it's the beginning of the  
 17 second sentence and it says, suddenly the sand  
 18 beneath McNeil's feet gave way. Do you see  
 19 that word "gave way"?  
 20 A. Yes.  
 21 Q. Now, today in the deposition the  
 22 words you used were that when you moved in a  
 23 certain direction suddenly there was no bottom;  
 24 is that right?

1 A. Yes.  
 2 Q. Okay. Today in the deposition I did  
 3 not hear you use words suggesting that there  
 4 was a giving way or a collapse.  
 5 MR. BARRY: Objection.  
 6 That's a mischaracterization of her  
 7 testimony. She said a false bottom.  
 8 MR. HUNKINS: By the way, we  
 9 didn't make our introduction,  
 10 because I came in late.  
 11 MR. GRASSI: Oliver Barry.  
 12 He's my associate.  
 13 MR. HUNKINS: I object to him  
 14 speaking up. You can make the  
 15 objections.  
 16 MR. GRASSI: I'll make the  
 17 same objection, because it  
 18 mischaracterizes what she said.  
 19 MR. D'AMATO: I concur.  
 20 BY MR. HUNKINS:  
 21 Q. Simple question, today in your  
 22 deposition did you use the words "give way"?  
 23 A. No.  
 24 MR. HUNKINS: I'll let the

1 record speak for itself, and I  
 2 object to the procedure used by  
 3 counsel to try to get this witness  
 4 to back fill using this statement.  
 5 MR. D'AMATO: You don't have  
 6 to --  
 7 MR. HUNKINS: Totally  
 8 improper procedure to use that --  
 9 MR. D'AMATO: Show me in the  
 10 rules of court where it's an  
 11 improper procedure.  
 12 MR. HUNKINS: It will never  
 13 see the light of day.  
 14 MR. D'AMATO: Give me case  
 15 law. Give me something.  
 16 MR. HUNKINS: I will at  
 17 trial. It will never see the light  
 18 of day. I'm finished. Thank you.  
 19 MR. GRASSI: I'm going to  
 20 follow up a little bit.  
 21 \* \* \*  
 22 EXAMINATION  
 23 \* \* \*  
 24 BY MR. GRASSI:

1 Q. You see that there's this question  
 2 about what -- what actually happened when you  
 3 stepped over to the portion where there was no  
 4 bottom. So you used the word in your  
 5 deposition, your word was like a false bottom.  
 6 What do you mean by that?  
 7 MR. BARKER: Objection.  
 8 THE WITNESS: As if -- like I  
 9 said here, if you were standing on a  
 10 door like at a magic show, and I was  
 11 there one second and then I wasn't  
 12 there, because there wasn't anything  
 13 under me. Like a trap door or a  
 14 false bottom.  
 15 BY MR. HUNKINS:  
 16 Q. Okay.  
 17 MR. GRASSI: That's --  
 18 MR. HUNKINS: Are you  
 19 finished?  
 20 MR. GRASSI: I am, yes.  
 21 \* \* \*  
 22 EXAMINATION  
 23 \* \* \*  
 24 BY MR. HUNKINS:

1 Q. And that happened when you moved,  
 2 correct?  
 3 A. Correct.  
 4 MR. HUNKINS: All right.  
 5 That's all I have.  
 6 MR. BARKER: Are we done?  
 7 MR. GRASSI: We're done.  
 8 \* \* \*  
 9 (Witness excused.)  
 10 \* \* \*  
 11 (Whereupon, the deposition was  
 12 concluded at approximately 4:13  
 13 p.m.)  
 14 \* \* \*

1 DEPOSITION SUPPORT INDEX  
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 11  
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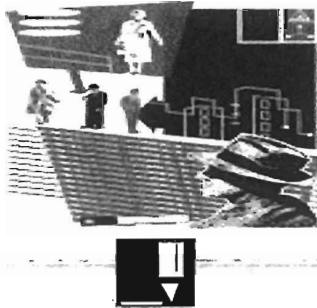
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# DiJoseph Investigations LLC



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To: Paul D'Amato Esq.  
From: Lou DiJoseph / DiJoseph Investigations LLC  
Re: Smith v. North Wildwood NJ  
Date: May 23, 2016  
Case# I082012-016

## \*\*\*Supplemental Report\*\*\*

### Moore's Beach / Inlet Beach drownings from 2009-2012

During a three year period from June 30, 2009 to July 27, 2012, 4 persons drowned during three separate incidents in the small concentrated area of unprotected Inlet/Moore's Beach in the City of North Wildwood NJ. The deaths all occurred in the afternoon hours and within a thirty day period during the summer months of June and July. Also similar in all three cases were the tidal currents. In all three cases, the tide was outgoing within the one to four hour period after the high tide flows to low tide as the majority of the Back Bay tributary water flows out to the Atlantic Ocean through Hereford Inlet.

This report is the result of an independent reinvestigation of the Christina Tsiotsias drowning on 7-22-2011 and the Jamillah Watkins / Shayne Hart drowning on 6-20-2009. The reinvestigation includes the review of associated police reports, medical autopsy supplemental reports, coroner supplemental reports, and witness statements.





**June 30, 2009**

Jamiliah Watkins, Shayne Hart, and Dominique McNeal were on the North Wildwood Beach in the area of 2nd and Surf. At approximately 5:50pm, Watkins, Hart, and McNeal ended up distressed in the waters of Hereford Inlet. McNeal managed to swim ashore, but Hart and Watkins did not and drowned.

A review of North Wildwood Police report 09-17604 authored by Officer B. Strube revealed that Strube received a report of three distressed swimmers in the ocean area of east 2nd Avenue and the beach. A witness, Joe Befurno told police that three girls in the water were having difficulty swimming. Police located Dominique McNeal 100 feet north from the protected beach walking toward the police. McNeal identified her family members in the water as Jamiliah Watkins and Shayne Hart. Later that day the bodies of Hart and Watkins were recovered. The report makes no mention of how the three ended up in the water. There is no documented interview of McNeal.

On March 9, 2016, I interviewed McCormick Kennedy of Daytona Beach Florida. Kennedy was one of the responding members of the United States Coast Guard during the search and rescue of Watkins & Hart. Kennedy is no longer a member of the United States Coast Guard as is attending college near Daytona Beach Florida. Kennedy was identified from an article of the drowning on [www.philly.com](http://www.philly.com) on July 2, 2009. Below is a snippet from the article.

[http://articles.philly.com/2009-07-02/news/25290270\\_1\\_currents-three-swimmers-lifeguards](http://articles.philly.com/2009-07-02/news/25290270_1_currents-three-swimmers-lifeguards)

***It's our job to save lives," said Coast Guard Boatswain Mate Third Class McCormick Kennedy, who recovered the body about a mile offshore.***

***"When you get the scene and pull someone out of the water who is unresponsive, that's difficult. Fortunately, it doesn't happen too often. But it has happened before."***

***Kennedy said the victims apparently had been wading not far from the beach when the current - either a rip current or an unusually strong tidal current - dragged them into deep water.***

***"The beach there is a popular place," he said, "but you have to be careful. The current rushes out."***

Kennedy remembers the Watkins & Hart drowning. Kennedy recalls that Watkins and Hart were "swept off the beach" and drowned. Kennedy did not know if the three were swimming. I read Kennedy his quote from the article and he recalled making the statement to a reporter.

I conducted searches for Dominique McNeil and discovered that her aunt, Wanda Watkins is residing in Jacksonville Florida. I contacted Wanda and spoke with her telephonically. Wanda confirmed that she is the aunt and or close relative of Jamiliah Watkins, Shayne Hart, and Dominique McNeil.

Wanda recalled that after the drowning she personally spoke with Dominique at the Watkins funeral. Dominique told Wanda that Jamiliah, Shayne, and she were NOT swimming prior to the drowning. Dominique said they were walking in water when they were suddenly swept away by what they thought was a rip tide. Dominique told Wanda they didn't swim because there were two other toddlers with them on the beach and they didn't want to stray too far from them. Dominique told Wanda that as soon she was swept into the water, she fought very hard to get back to shore because she was worried that the two other toddlers would follow them into the water and also be swept away. Dominique said the current was very strong and Jamiliah and Shayne could not make it back to shore and died. The police report (09-17604) makes no mention of the toddlers and identifies the location of the incident as east 2nd Avenue and the beach.

According to Wanda, the Watkins family has wondered why news reports of the drowning stated they were all swimming because according to Dominique, they were not. Wanda also said that Jamiliah Watkins was a very good swimmer. Wanda had no idea of the drowning location other than they were at the beach in North Wildwood NJ.

### **Interview of Joe Befurno, Watkins drowning witness.**

On April 27, 2016, I traveled to 201 Surf Avenue, Apt 103 North Wildwood NJ and interviewed Joe Befurno. Joe was indentified in the North Wildwood Police Department report # 09-17604 as a witness to the Watkins drowning.

On June 30, 2009, Befurno was on the North Wildwood Beach with his two grandsons. He was watching his grandchildren while they played on the beach. Befurno was close to the lifeguard stand at 2nd & Surf and within the area which is normally protected by lifeguards. On this date, the lifeguards had left for the day. While on the beach, Befurno noticed a group of small children and a few female adults/teenagers on the beach. The adults or teenagers eventually went into the water. Befurno estimates they were in water between knee and waist deep. Befurno did not see the group of people in the water swimming.

Befurno estimates the group was approximately 100 yards north from the protected beach toward Moore's Beach. At some point, a young girl (13-15 years old) approached him and said she needed help. The girl said her two relatives are out in the water and can't get back in (paraphrased). At this point Befurno looked out into the Hereford Inlet in the direction the girl was pointing and did not see anyone. Befurno then called 911 to report what the girl had told her. Befurno took his grandchildren and walked down to the area where three other toddlers were playing. Befurno's grandchildren played with the three other toddlers until a family member later came and picked them up. Befurno found out from the North Wildwood Police that the two other girls drowned.

Befurno offered to walk down onto the beach with me and point out the approximate location where he noticed the victims in the water. I, along with Joe Befurno and his wife Joan Befurno walked down onto the beach using the access at 2nd and Surf Ave. It should be noted that the tide was close to high tide on this date. Befurno pointed to a location that is in the unprotected area of Inlet beach as where he observed the group that was on the beach that day with the two victims that drowned. The area in which Befurno pointed to appeared to be approximately 200 yards north from the end of the protected beach at 2nd & Surf Avenue.

According to historical tide charts, High tide in North Wildwood would have been approximately 2:30pm on 6-30-2009. (Tide chart is for Atlantic City NJ) The drowning occurred at approximately 5:50pm which puts the victims in this case very close to the same tide that Brad Smith and Christina Tsiotsias encountered. The 2-5 hrs after the change from high tide to low tide and when the back bays empty out into the ocean.



**May 23, 2016**

On this date I interviewed the surviving member of the Watkins / Hart drowning at the Law Office of Paul D'Amato Esq. located at 2900 Fire Road, Egg Harbor Township NJ. The survivor, Domonique McNeil consented to this interview. McNeil's information is as follows:

**Domonique R. McNeil**  
9 Williams Street  
Rio Grande NJ 08242  
05-10-1996  
609-972-9072

On June 30, 2009, Domonique McNeil was 12 years old. At approximately 3:00pm, she along with her aunt Jamiliah Watkins, Cousin Shayne Hart, and siblings aged 2, 3, & 5 traveled to the City of North Wildwood to spend some time on the beach. The group brought with them boogie boards and beach chairs. Jamiliah had parked her car on the street near 2nd & Surf and they walked onto the beach and set up a short distance north of the last lifeguard stand. The area in which they set up on the beach was protected by North Wildwood Lifeguards. The group was in and out of the water until the lifeguards blew a whistle and signaled everyone out of the water for the day. McNeil believes this was around 5:00pm.

The group decided to move further north after walking on the beach. They settled on a spot which is marked by McNeil as exhibit **DM#1** which is attached to this report. McNeil was provided with an aerial photograph of Moore's/ Inlet Beach and asked to provide the following information.

1. Draw a black circle on the aerial photograph of the area in which your group set up on the beach on 6-30-09 after 5:00pm.
2. Mark with an X the area in which you, Jamiliah Watkins, and Shayne Hart first walked in the water where you set up on the beach of North Wildwood on 6-30-09 after 5:00pm.
3. Mark with an X the area in which you, Jamiliah Watkins, and Shayne Hart fell into the water on the beach of North Wildwood when the sand beneath you collapsed on 6-30-09 after 5:00pm.

McNeil said that once the group set up in the area where she marked a large black circle, she, Jamiliah Watkins, and Shayne Hart walked into the water as depicted and marked on DM#1. McNeil and Hart were in shin deep water and Jamiliah Watkins was in waist deep water. Hart could not swim and Watkins was the most accomplished swimmer of the three.

Suddenly the sand beneath McNeil's feet gave way and she was in deep water over her head. McNeil tried to touch bottom but could not. McNeil likened the event to standing on a trap door when the door opens and you fall into the dark. Once in the water, McNeil encountered a strange but strong current. She described the strange strong current as one that was pulling her downward but at the same time causing her to flip over like a reverse back flip. McNeil was able to resurface and yelled for help to Watkins and Hart who were nearby. Hart was approximately 3-5 feet away from her and Watkins was a little further. Suddenly Hart dropped and disappeared into the ocean just like what occurred to McNeil. McNeil knew that Hart couldn't swim and she feared for Hart's life. Seconds later, Watkins also dropped and disappeared into the ocean just like what occurred to Hart and McNeil.

Once all three were in the water, McNeil and Watkins were attempting to call out and swim to each other. Hart was not seen again until later on when rescue personnel pulled her lifeless body from the water. The strong currents swept Watkins away from land and McNeil was left to fend for herself. McNeil estimates she was in the water for over 15 minutes fighting to get back to shore. At one point, McNeil remembers being very close to a red and white navigational buoy. McNeil was eventually able to make it back to land. Once on land, McNeil ran to the first person she saw and asked him to call 911. That person turned out to be Joe Befurno who was interviewed on 04-27-2016 and corroborated McNeil's statement.

As rescue personnel arrived at the scene, McNeil called her father and told him that Jamiliah and Shayne had drowned. McNeil's father drove to the North Wildwood beach and transported Domonique and the three toddlers' home. Domonique refused medical treatment and was not interviewed by anyone regarding the drowning.

I provided Domonique McNeil a copy of a North Wildwood Police Report #09-17604 for her review. Domonique agreed with the details of the report with the exception of the notion that all three were swimming. According to Domonique, she, Jamiliah, and Shayne were walking in shin to waist deep water when they dropped into the Ocean. Domonique also disputes that



she was interviewed by North Wildwood Police Officer Rehrig. Domonique does not recall being interviewed by anyone after the drowning accident.

Domonique McNeil 5-23-16  
Original

~~X~~  
EXH DM # 1



Lou DiJoseph

DiJoseph Investigations LLC



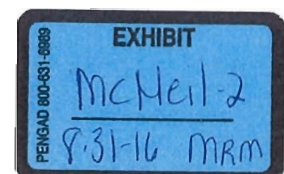


## Paul R. D'Amato

---

**From:** Dom Mcneil <dommy.mcneil@gmail.com>  
**Sent:** Wednesday, August 31, 2016 2:40 PM  
**To:** Paul R. D'Amato  
**Subject:** Entry essay 63009

The whistles blew just before 5:30pm as lifeguards motioned swimmers to come to shore at Surf Avenue beach along Hereford Inlet. After the life the guards left for the day, a few swimmers wanted to go back in for just one last dip. Little did they know for two of them it would be their last; literally. Before moving their beach equipment the swimmers ran off into the water to "body surf". They told the kids that were with them to stay put for two minutes. They were going to leave right after they were finished, but plans don't always turn out as scheduled. Approaching the water, one asks, "How well can ya'll swim?" One responds, "Enough to save myself" and the other responds "not at all", followed by laughter. The laughter ended abruptly. Soon after, they treaded into the water; one of the swimmers began to drown; flailing their arms while the water is seeping into every orifice in their body. Gasping for breath and still trying to save their life they call out "help me I am drowning". Meanwhile, the other two swimmers thought she was just kidding and continued to swim and to ignore it... until they began to drown too. Nothing was funny anymore they were all going to die if they didn't come up with a plan. Quickly! The swimmer who was drowning first remembered what her mother told her, FLOAT! She tried everything in her will to get out of that water. Once the currents stopped ripping her apart she freed herself from the pit of water and got to shore. Once on the land she called out to her fellow swimmers, they were still responsive. Shortly after she screams "I'm going for help and I love you" Sadly she only got one "I love you" in return. She drops to her knees once reaching the kids who we left ashore. They almost drowned as well since they didn't stay put as told. About two minutes goes by and she calls the police. They arrive within 1 minute and began the search for the bodies. The first one pulled from the water was fifteen year old Shayne Hart from Connecticut who died on vacation while visiting family. An hour goes by and stills no sign of twenty-seven year old Jamilah Watkins. Thirty minutes after she was found. Water logged and limped. No sign of life in her body. Wondering who the survivor is? Thirteen year old Domonique McNeil saved her five, three, and two year old siblings. Imagine being thirteen and losing your best friends. Imagine almost dying doing something so harmless such as swimming. Imagine thinking you're the reason why they died. For me, its reality! For me, it gives me strength to go on and complete the things they didn't get to do. For me, this experience changed my entire outlook on life. How? Life is short. Life is precious. Life needs to be lived to the fullest. You need to live life like it's the last day and no matter what be successful. You never know what day will be your day to leave this earth; you have to leave behind a legacy, just as they did for me. This experience led me to want to pursue a career as a Funeral Director and Mortician. Almost dying opens your eyes to something that words cannot explain ...





Smith v. North Wildwood

SMITH v. NORTH WILDWOOD  
7-14-  
CONFIDENTIAL - JUVENILE

09-372  
Hencey

North Wildwood Police Department

INVESTIGATION REPORT

1. Complain No. 09-17604		2. Mun Code 0507		3. Phone No. (609)522-2411		4. UCR		21. Prosecutor's Case # 4502		22. Department Case Number 09-17604						
5. Crime/Incident Drowning			6. NJS			23. Victim(s) Shayne Hart Jamilah Watkins			S.S.#		24. Age 15 28		25. Sex F F		26. Race B B	
Date And Time	7. Between	8. Hour	9. Day	10. Mo.	11. Date	12. Yr	27. Victim(s) Home Address 16 Wayne Ln Cape May Court House, NJ 08210 (local address)					Telephone				
At X	1758 hrs	3	6	30	2009											
13. Crime/Incident Location E 2nd Av & the beach							28. Employer					Telephone				
14. Municipality North Wildwood			15. County Cape May			16. Code 0507		29. Person Reporting Crime/Incident Joe Befumo			30. Date and Time 6/30/09 1758hrs					
17. Type of Premise Open Country		18. Code 20	19. Weapons-Tools Other Action		20. Code 56	31. Address 2 Mockingbird Ln Hackensack, NJ 07846			Telephone 973-534-9970							
32. Modus Operandi: Subjects were swimming in ocean without lifeguard presence, became distressed resulting in their drowning.																
33. Vehicle N/A		34. Year	35. Make	36. Body Type	37. Color	38. Registration No. & State		39. Serial Number/V.I.N.								
Value Stolen Property		40. Currency	41. Jewelry	42. Furs	43. Clothing	44. Auto	45. Misc.									
46. Tot Value Stolen		47. Tot Value Recov.		48. Teletype Alarm		49. Tech Services		50. Technician-Agency								
51. Weather Clear		52.	53.	54.	55.	56.										
57.	58.	59.	60.	61.	62.											
List Accused-List and Identify Additional Victims-Describe Perpetrators or Suspects-Action Taken Include Findings and Observation of Investigator-Physical Evidence Found-Where By Whom-Disposition and Technical Services Performed-Interview of Victims-Witness-Persons Contacted-Accused Suspects-List-Describe Stolen Property-Value-Court Action-Attach Statement.																
63. No. of Accused		64. Adult	65. Juvenile	66. Status Crime Active		67. Status Case Investigation		68. UCR Status Month Year		69. Date Cleared						
70. Name		Address					71. Age	72. Sex	73. Race	74. D.O.B.						
<p>At 1755hrs on June 30th 2009 I, Ofc. Barry Strube, was transporting Ofc. Rehrig from the boardwalk to Police Headquarters. During transport at 1758hrs we received a report of three distressed swimmers in the ocean in the area of E. 2nd Ave and the beach. We immediately responded with emergency lights and sirens to the area. We parked the patrol vehicle at the end of Surf &amp; 2nd Aves and ran onto the beach. As we approached the beach area we were waved down by a white male @ 50 years of age to an area near the edge of the water. As we approached the male, (later identified as Joe Befumo), two North Wildwood Beach Patrol (NWBP) vehicles passed in front of us to the area of Mr. Befumo and were told by him that there were three swimmers in the water having difficulty swimming but he has since lost sight of them. Four members of the NWBP immediately entered the water with "floatation cans" to begin a search. Neither myself nor Ofc. Rehrig could see any persons in the water at this time with a naked-eye scan. As the lifeguards entered the water, I noticed a female, (later identified as Dominique McNeil), walking toward us from a northeasterly direction approx. 100ft up the beach. As she approached she said that her cousin, (later identified as Shayne Hart), and her aunt, (later identified as Jamilah Watkins), were still in the water. She confirmed that she was the third individual in the water as was initially reported. I immediately requested EMS and additional police personnel with binoculars and vehicles that were able to travel on the beach</p>																
75. Name B. Strube				76. Badge # 2527		77. Page # 1 of 2		78. Date Report 7-13-09		79. Reviewed By <i>[Signature]</i>						

EXHIBIT  
McNeil-3  
8-31-16 MRM

PO



Smith v. North Wildwood

North Wildwood Police Department

Continuation Page

1. Complaint Number 09-17604	21. Prosecutor's Case Number	22. Department Case Number
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itself. As the lifeguards continued the search of the water, I continued with the visual search while Ofc. Rehrig interviewed Ms. McNeil and other witnesses.

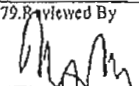
At approximately 1810hrs a NWBP waverunner arrived on scene as well as Ofc. R. Champion of the North Wildwood Police Department (NWPD) with binoculars and 4-wheel drive vehicle to aid in the search. This was almost immediately followed by North Wildwood Fire Department Emergency Medical Service (NWFD-EMS) and several other members of the NWBP and NWPD.

At approximately 1815hrs a black female, (later identified as Shayne Hart), was found approx. a hundreds yards out in the water by the waverunner patrol members of the NWBP and immediately brought her out of the water onto the beach. Myself and members of the NWFD-EMS carried the female from the waters edge and laid her on a surfboard for back support. She was unconscious and not breathing. I immediately began chest compressions while the EMS attempted to gain an airway. Due to the amount of water in her lungs, it was difficult to establish an airway as there were large amounts of water being expelled from the victims' nose and mouth with every chest compression. After three series of compressions I stopped to check the victims carotid pulse with none being detected. I resumed compressions as an Automated External Defibrillator (AED) was attached to the victims' chest. After taking a reading from the victim, the AED concluded that, "no shock was advisable, continue with compressions". The victim was placed in the bed of an NWBP pick-up truck and transported to an ambulance that was located at the end of Surf Ave at 2nd Ave. We continued CPR in the back of the vehicle until we reached the ambulance; a distance of about 300 yards from the waters edge. The victim was then transferred into the ambulance and immediately transported to Cape Regional Medical center.

While aid was being given to Ms. Hart, the search for the 2nd victim continued. The search was joined by members of the NJ State Police Marine Unit and helicopter as well as U.S. Coast Guard vessels and helicopter, Wildwood Fire/Rescue, Stone Harbor Fire/Rescue, and Wildwood Beach Patrol and Police Officers.

At approx. 1940hrs, the 2nd victim, (later identified as Jamilah Watkins), was found by a Coast Guard vessel. Due to the currents and water depth, she was brought to an area near 8th Ave and the beach so the boat would be able to navigate close enough to where she could be transferred to shore. Members of the NWBP transferred Ms. Watkins from the Coast Guard vessel to shore and into a NWFD ambulance. She was then transported to Cape Regional Medical Center.

\*This IR will be forwarded to detectives

75. Name B. Strube	76. Badge Number 2527	77. Page # 2 of 2	78. Date of Report 7-13-09	79. Reviewed By 
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## Things to Do in North Wildwood, NJ

**TRAVEL TIPS** (I) Powered by **studioD**

Susan DeFeo, studioD

(<https://plus.google.com/117985059912817611723/posts?rel=author>)



*Unlike Wildwood, North Wildwood beaches still retain some protective and picturesque dunes.*

Five Mile Beach in New Jersey has three towns -- Wildwood Crest, Wildwood and North Wildwood -- each offering sand, sun and the kitsch and neon of the nostalgic doo-wop architecture of the 1950s. Some say that North Wildwood lies in glitzy Wildwood's shadow, but every summer, thousands of families flock to North Wildwood for its clean beaches, tame boardwalk and family-oriented events.

### Boardwalk and Beaches

It's said that the best things in life are free, and North Wildwood's white-sand beaches are no exception. Although not as expansive as Wildwood beaches, North Wildwood provides a quieter, more relaxing experience.

**Moore's Inlet is the only beach in the Wildwoods that allows dogs and barbecues.** It's also a good spot for fishing and renting personal watercraft. Surfers can ride the waves at the surf beach between 8th and 10th avenues, and children can swing and slide at the playground on the 16th Avenue beach, which is where the boardwalk begins. It's not the riotous smorgasbord of amusement parks, T-shirt stands and gyro shacks that typifies Wildwood's boardwalk, but rather a place to view the ocean while taking a morning bike ride or an afternoon stroll.

### Hereford Inlet Lighthouse

Located at 1st and Central avenues, the Hereford Inlet Lighthouse ([herefordlighthouse.org](http://herefordlighthouse.org)) is an active Swiss Gothic-style lighthouse built in 1874. Forget your cares by browsing the admission-free, English cottage gardens that include 200 varieties of flowers and attract hundreds of butterflies annually. For a moderate charge, you can tour the nautical museum, the lightkeeper's house with its five oak mantelpieces and the lighthouse that houses the light's original whale-oil lamp. After viewing the period antiques, educational exhibits and lighthouse memorabilia, leave some time for a breezy stroll along the cement seawall jogging path.

### Fishing, Boating and Watersports

During the summer season, party boats make daily and nightly trips to the ocean fishing grounds off Five Mile Beach. Fishing trips are available out of most docks and include bait. You can book custom fishing charters from Tuna Teaser Charters ([tunateaser.com](http://tunateaser.com)) out of Otton's Harbor or launch your own boat from the harbor's ramp. Tucked away in a protected creek, South Dock Marina ([southdocknj.com](http://southdocknj.com)),

located at 10th Avenue on the bay, not only offers family fishing charters but also features parasailing lessons and rents pontoon boats and kayaks. Just bring your sense of adventure -- the marina provides all the equipment -- for wakeboard, waterski and tubing tours.

## Events

Called the Parade Capital of New Jersey, North Wildwood streets often are jammed with parades featuring Mummer's String Bands, New Jersey Firefighters, the American Legion and the New Jersey Elks. Other highlights include the Baby Parade, Pooch Parade and Independence Day Parade. The city also has a lengthy list of annual events, including car shows, fishing tournaments, boogie board races and lifeguard competitions. The annual Italian-American Festival takes place each June, and the Irish Fall Festival occurs every September. You can grab some bargains at the annual flea market in August, or boogie to great live music held most Saturday evenings at the beach.

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Facilities(<http://www.northwildwood.com/departments/recreation/facilities.html>)

Hereford Lighthouse: Hereford Inlet Lighthouse Gardens(<http://herefordlighthouse.org/gardens.html>)

"New Jersey Day Trips"; Patrick Sarver; 2007

South Dock Marina: Watersports(<http://southdocknj.com/watersports>)

Tuna Teaser(<http://www.tunateaser.com/>)

City of North Wildwood:

Events(<http://www.northwildwood.com/departments/recreation/specialeventsbro.html>)

## **RESOURCES**

Hereford Lighthouse: Home(<http://herefordlighthouse.org/index.html>)

South Dock Marina(<http://southdocknj.com/>)

Cape May County Party and Charter Boat Association(<http://www.fishingnj.com/>)

## **ABOUT THE AUTHOR**

Susan DeFeo has been a professional writer since 1997. She served as a community events columnist for New Jersey's "Cape May County Herald" for more than a decade and currently covers the family and pet beat for CBS Philadelphia. Her health, fitness, beauty and travel articles have appeared in various online publications. DeFeo studied visual communications at SUNY Farmingdale.

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AD LITEM FOR HER CHILDREN KOLE  
SMITH AND BRANDY SMITH, NICOLE  
GAETA, KYLE SMITH;**

Plaintiffs,

-vs-

**CITY OF NORTH WILDWOOD, STATE OF  
NEW JERSEY;**

Defendants.

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-CAPE MAY COUNTY  
DOCKET NUMBER: L-**

Civil Action

**CERTIFICATION OF  
J. RICHARD WEGGEL, Ph.D., P.E., D.CE**

**I, J. Richard Weggel, Ph. D., P.E., D.CE**, of full age, hereby certify the following:

1. Attached hereto and made a part hereof is a true and accurate copy of my report dated April 19, 2016, titled, "Conditions in Hereford Inlet, North Wildwood, NJ, Leading to the Drowning Death of Mr. Brad Smith, 27 July 2012."

2. Attached hereto and made a part hereof is a true and accurate copy of my supplemental report, dated July 18, 2016, titled, "Addendum To: Conditions in Hereford Inlet, North Wildwood, NJ, Leading to the Drowning Death of Mr. Brad Smith, 27 July 2012."

3. Attached hereto and made a part hereof is a true and accurate copy of my curriculum vitae.

4. I am prepared to come to Court in order to provide testimony in support of this Order to Show Cause, to explain to the Court why more people will drown if the Unprotected Inlet Beach is not permanently closed.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Richard Weggel

Dated: 28 Sept., 2016



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BRADLEY SMITH, AND AS GUARDIAN  
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**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-CAPE MAY COUNTY  
DOCKET NUMBER: L-**


Civil Action

**CERTIFICATION OF  
J. RICHARD WEGGEL, Ph.D., P.E., D.CE**

**I, J. Richard Weggel, Ph. D., P.E., D.CE**, of full age, hereby certify the following:

1. In the event that a hearing is scheduled and I am asked to appear in Court to provide testimony in support of this Order to Show Cause, I shall utilize the attached aerial photographs in support of my testimony.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

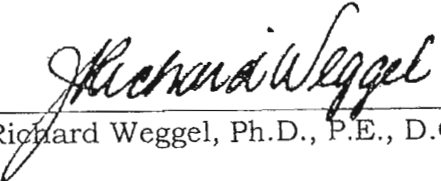
  
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J. Richard Weggel

Dated: 30 Sept., 2016

**CONDITIONS IN HEREFORD INLET, NORTH WILDWOOD, NJ, LEADING TO  
THE DROWNING DEATH OF MR. BRAD SMITH, 27 JULY 2012.**

prepared for  
D'Amato Law Firm  
2900 Fire Road, Suite 200  
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19 April 2016

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## **INTRODUCTION**

On 27 July 2012 Mr. Brad Smith and his daughter Brandi were walking along the Hereford Inlet shoreline in North Wildwood, NJ, along with Mr. Scott Sunderland and his daughter Ally. While walking in ankle-deep water, the beach beneath their feet gave way and they were swept into the inlet. Mr. Sunderland and his daughter were able to make their way back to shore. A jet-skier was able to rescue Brandi Smith; however, Mr. Smith was carried offshore. His body was recovered three days later; the cause of death was accidental drowning. The location where they were walking when the incident occurred was on the inlet beach at approximately Central Street extended. This report presents an analysis of conditions in Hereford Inlet which led to the drowning of Mr. Smith and the likelihood that similar conditions could reoccur.

## **TIDAL INLET PROCESSES**

### **Tidal Inlet Hydraulics**

Tidal inlets are waterways that connect the ocean with inland bays. The flow of water through inlets is driven by both astronomical tides and storm tides. Astronomical tides are the result of the gravitational attraction of both the moon and sun. The rotation of the earth-moon-sun system about the center of mass of the three bodies results in two tidal bulges, one on each side of the earth. Twice each month when the moon and sun are nearly aligned, the high tides produced by them are superimposed leading to higher than average high tides. These are termed "spring tides." During other times of the month lunar and solar high tides occur at different times during the day. When they oppose each other the lower than average tides are termed "neap tides."

During high tide in the ocean water flows from the ocean to the back bay and the bay's water level rises. However, by the time the water level in the bay has reached its maximum, the water level in the ocean has begun to go down and the direction of flow reverses flowing from the bay back to the ocean. Thus the water level in the bay is always trying to "catch up" with the water level in the ocean.

The direction of flow in the inlet reverses over a tidal cycle. When the water level in the ocean is above that in the bay, the flow (termed flood flow) is from the ocean into the bay. When the water level in the bay is higher than the water level in the ocean the flow (termed ebb flow) is from the bay to the ocean. Figure 1 is a schematic diagram of the ocean water level, the bay water level and the flow velocity in the inlet (Escoffier, 1977). (Also, see the blue bidirectional arrow on Figure 2.) The maximum ebb current velocity occurs when the ocean tide level is below the bay tide level. Maximum ebb velocity generally occurs on a falling ocean tide when the ocean tide is below mean sea level.



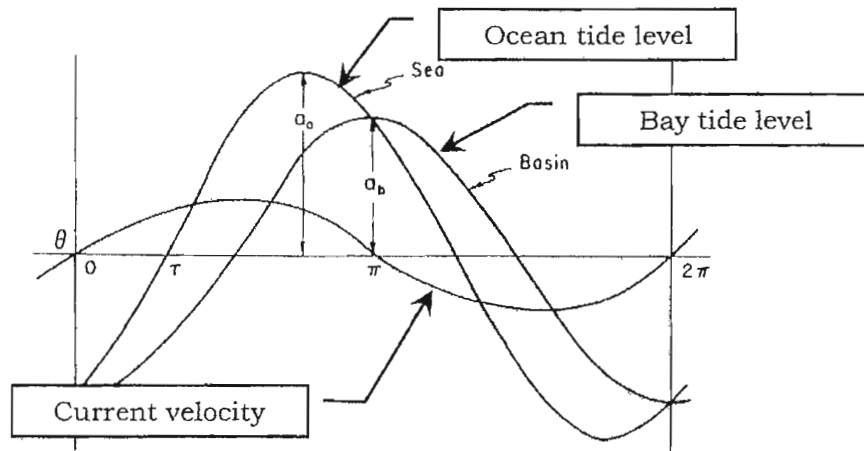


Figure 1 Schematic of Ocean Water Level, Bay Water Level and Tidal Current Velocity (Escoffier, 1977).

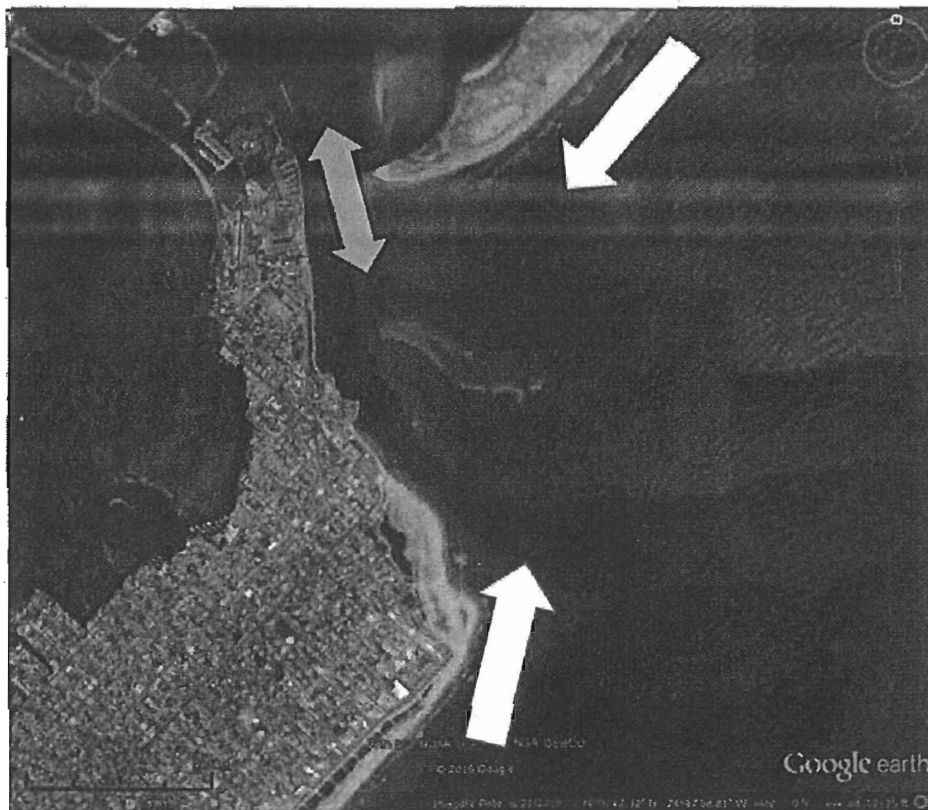


Figure 2 Hereford Inlet Showing Longshore Sediment Contributions from North Wildwood and Stone Harbor Beaches (White Arrows) and Flood and Ebb Currents (Bidirectional Blue Arrow) (Google Earth, 21 June 2015).

### **Inlet Sediment Processes**

Tidal inlets are sediment traps. Much of the erosion that occurs along ocean coastlines is due to sand being carried into and retained by inlets. Sand is carried along ocean beaches by a process termed longshore transport which is the result of waves breaking at an angle with the shoreline. Breaking waves lift sediment into the water column by agitating the sand on the bottom. If the waves approach the shoreline at an angle, they also exert a stress on the water which carries the suspended sand along the shoreline. Thus, waves approaching the shoreline from the southeast will drive the current and sand northward. Waves approaching from the northeast will carry sand southward. See the white arrows on Figure 2.

### **NORTH WILDWOOD AND HEREFORD INLET PROCESSES**

When waves approach North Wildwood from the southeast, they carry sand into Hereford Inlet. Thus the ocean beach in North Wildwood is the source of sand for North Wildwood's Hereford Inlet beach. However, when waves approach from the northeast they carry sand from Stone Harbor's beaches into the inlet. Generally, more sand enters the inlet from Stone Harbor than enters from North Wildwood. Along southern New Jersey beaches sand transport is predominantly southward because storm waves during the winter months most often approach shore from the northeast. During the summer months, waves most often approach from the southeast to carry sand northward, however, at a lesser rate because the waves are generally smaller. Thus, at Hereford Inlet more sand enters the inlet from the Stone Harbor side. The sand entering from Stone Harbor pushes the inlet navigation channel southward against the North Wildwood side. Thus the deep channel hugs the southerly side of the inlet. This navigation channel alignment is apparent from inlet surveys and aerial photos. Deep water almost always exists adjacent to the southerly inlet shoreline due to the influx of sand from Stone Harbor.

The Hereford Inlet beaches are reworked by ebb and flood currents exiting and entering the inlet. During flood flow, sand is carried into the inlet; during ebb flow sand is carried out. Some of the sand carried out is deposited on an ebb shoal when the ebbing current is slowed as it disperses in the ocean. The ebbing flow reworks the sand adjacent to the North Wildwood inlet shoreline and results in steep underwater slopes as evidenced by the deep water close to shore.

### **TIDES**

Tides at Hereford Inlet are semi-diurnal with two highs two lows per day. The period of the primary tidal constituent is approximately 12 hours and 25 minutes. Astronomical tides (lunar and solar constituents excluding storm tides) are predicted for the ocean pier in Wildwood Crest, NJ, by the National Oceanographic and Atmospheric Agency's, National Ocean Service (NOAA, 2016). Tidal datums at Wildwood Crest are shown in Figure 3. The nearest location where tides are measured is Atlantic City, Tides at Hereford Inlet are

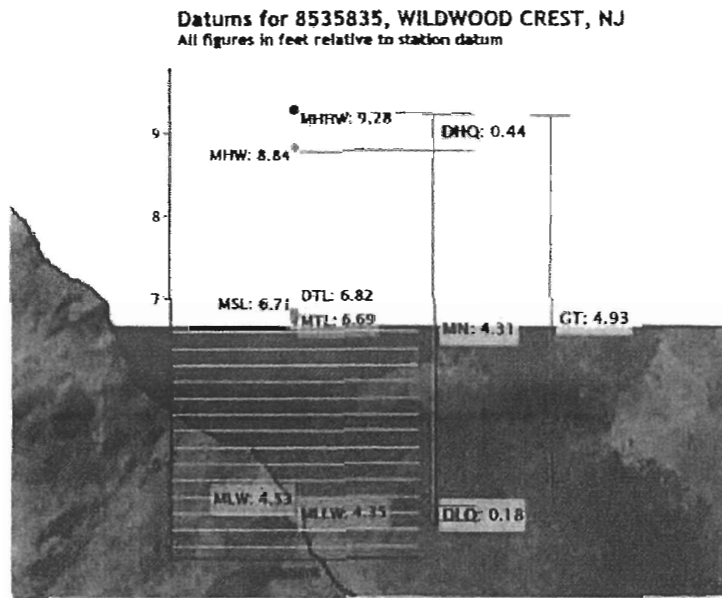


Figure 3 Tidal Datums at Wildwood Crest, NJ.

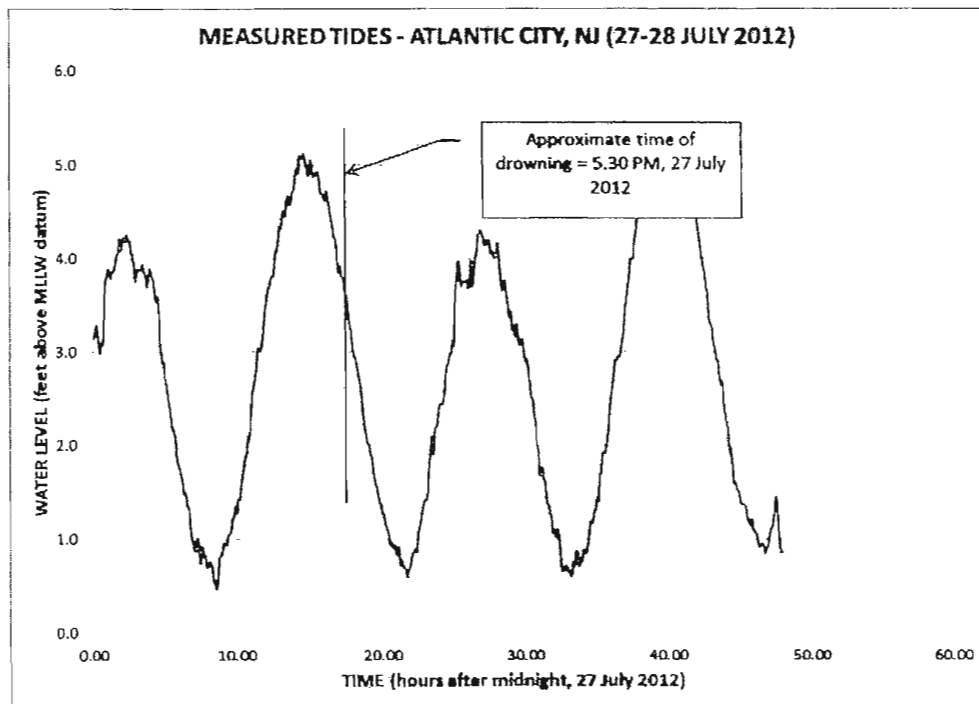


Figure 4 Tides Measured at Atlantic City, NJ, Showing Approximate Time of Drowning.



nearly synchronous with tides at Atlantic City differing by only about 3 to 5 minutes. Based on the description of events surrounding the drowning of Mr. Smith, the inlet current was flowing seaward and carried him into the ocean. Figure 4 shows the tide measured at Atlantic City at about the time of the drowning. The estimated time of the event, based on the deposition of Mr. Scott Sunderland and the tidal curve, is 5:30 PM on 27 July 2012 – during a falling tide when the water level was a little above mean sea level (MSL). This is approximately the time just preceding maximum ebb flow.

#### **NORTH WILDWOOD INLET BEACH CONDITIONS AT THE TIME OF DROWNING**

It is the writer's opinion that Brad Smith and his companions were swept into the inlet due to the failure of the underwater slope near the inlet beach. A deep hole adjacent to the North Wildwood inlet shoreline is a persistent feature along this beach. Mr. Smith and his companions walking in shallow water on the beach next to the deep channel exerted a surcharge (downward force) on the top of the slope which resulted in the beach sloughing into the channel carrying Mr. Smith and his companions into the ebbing current.

The Stockton Coastal Research Center (CRC) takes periodic surveys of Hereford Inlet for the New Jersey Department of Environmental Protection, Bureau of Coastal Engineering . Figure 5 is a CRC survey made around the time of Mr. Smith's drowning. Data were taken on 25, 26, 30 and 31 July 2012 to produce this survey. Shown on the figure is an area of closely spaced bathymetric contours indicating a steep slope at the approximate location where Mr. Smith was swept into the inlet. Figure 6 is a detail of that area. (Additional CRC surveys that show deep holes and steep slopes adjacent to the shoreline are presented in Appendix A.) In addition to the CRC surveys, the U.S. Army Corps of Engineers (COE) conducted Hereford Inlet bathymetric surveys in 2010, 2012 and 2014. Figure 7 shows the 2012 COE survey and Figure 8 is a detail from that survey. Four cross-sections from the 2012 survey are shown in Figure 9. (The three COE surveys along with profiles through the inlet for each survey are presented in Appendix B.)

The stable angle of an undisturbed, submerged, quartz sand slope ranges within a few degrees of 33° (Evans, 1995). The factor of safety for an undisturbed underwater slope is given by (Eckert & Callender, 1987),

$$F = \frac{\tan(\varphi)}{\tan(\theta)}$$

where  $F$  = the factor of safety,  $\varphi$  = the submerged angle of repose of the slope (approximately 33°) and  $\theta$  = the angle the slope makes with a horizontal. A factor of safety greater than 1.0 indicates a stable slope. A factor of safety less than 1.0 indicates an unstable slope. The factor of safety against a slope failure during a falling tide when seepage from the beach into the inlet is occurring is given by (Eckert & Callender, 1987),

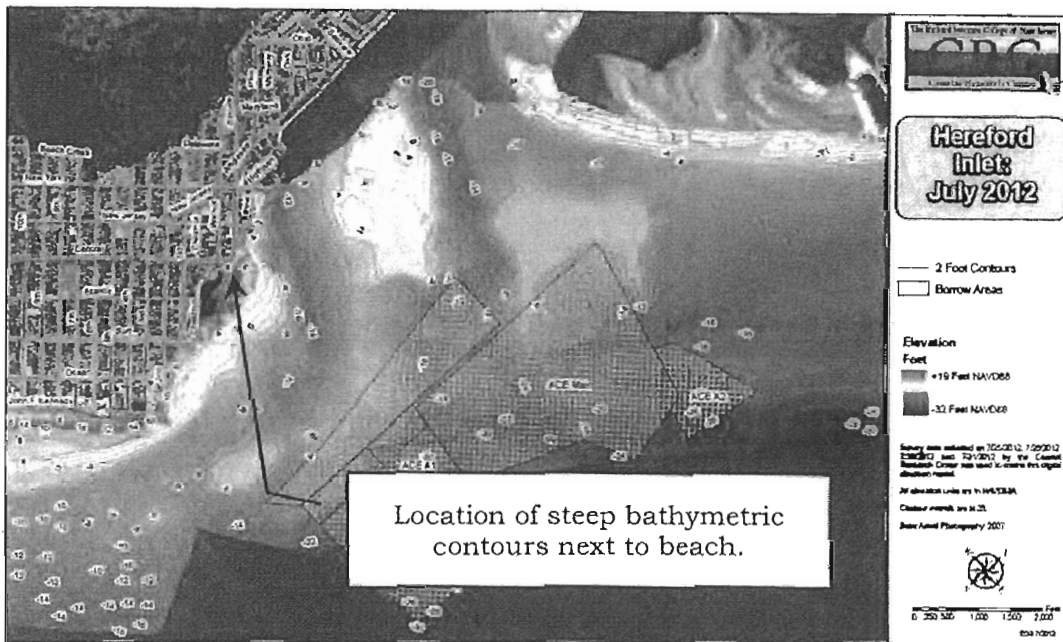


Figure 5 Hereford Inlet Survey, July 2012 (Stockton Coastal Research Center, 2012a)

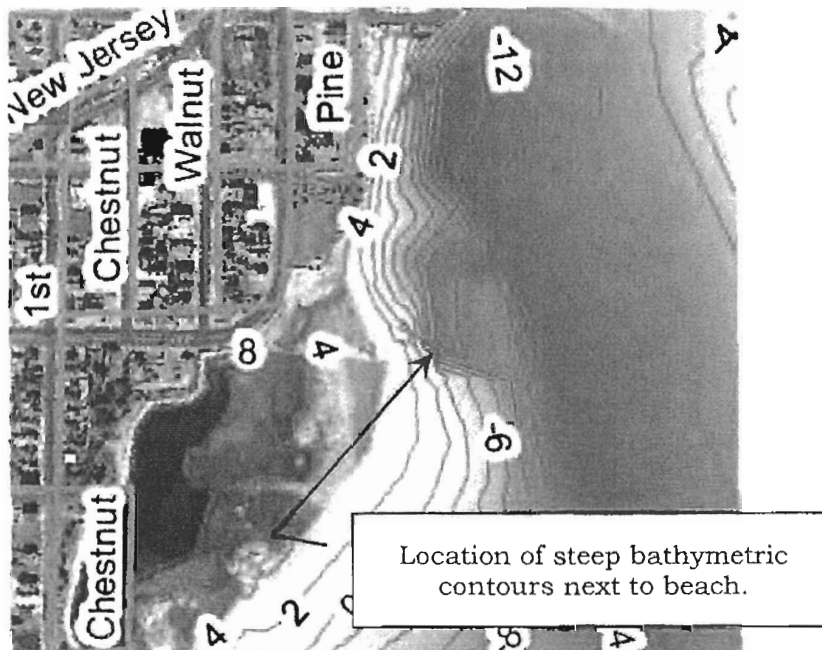


Figure 6 Detail of July 2012 Stockton Coastal Research Center Survey (Stockton Coastal Research Center, 2012a).

$$F = \frac{\gamma_b \tan(\varphi)}{\gamma \tan(\theta)}$$

where  $\gamma$  = the unit weight of the saturated sand (approximately 124.6 lb/ft<sup>3</sup>) and  $\gamma_b$  = the weight of the submerged sand (approximately 60.6 lb/ft<sup>3</sup>).

Table 1 presents slope angles obtained from the CRC and COE surveys along with the factors of safety given by the above two equations. The slopes for the CRC surveys were scaled from the contour lines on the figures in Appendix A. The slopes for the COE surveys were taken directly from cross-sections through the inlet as surveyed by the Corps. Example cross-sections from the 2012 COE survey are shown in Figure 9. The locations of the COE cross-sections of Figure 9 are shown in Figures 7 and 8. Table 1 shows three cases with seepage-induced by ebb flow where the factor of safety was below or close to 1.0 (values highlighted in last column). In one case the slope was unstable even in the absence of seepage (value highlighted in fourth column). Note that the factors of safety in Table 1 do not account for any surcharge on top of the slope. Figure 10 shows a detail of Profile C from the 2012 COE survey where the slope angle is 48.6° - the condition highlighted on Table 1.

Table 1 Slope Angles and Factors of Safety for Unloaded Slopes from CRC and COE Surveys.

Survey *	$\Delta z/\Delta x$ **	$\theta$	$F = \tan\varphi/\tan\theta$	$F = \gamma_b \tan\varphi/\gamma \tan\theta$
CRC Mar 2011	0.200	11.3°	3.25	1.58
CRC Jul 2012	0.184	10.4°	3.53	1.71
CRC Dec 2012	0.161	9.1°	4.05	1.96
COE 2008 - B	0.230	12.9°	2.83	1.38
COE 2008 - C	0.205	11.6°	3.16	1.54
COE 2008 - D	0.148	8.4°	4.39	2.14
COE 2012 - B	0.070	4.0°	9.28	4.51
COE 2012 - C	1.134	48.6°	0.57	0.28
COE 2012 - D	0.108	6.2°	5.98	2.91
COE 2014 - B	0.138	7.9°	4.68	2.28
COE 2014 - C	0.291	16.2°	2.23	1.08
COE 2014 - D	0.314	17.4°	2.07	1.01

\* COE survey indicates profile line from which slope angle was obtained.

\*\* Tangent( $\theta$ )



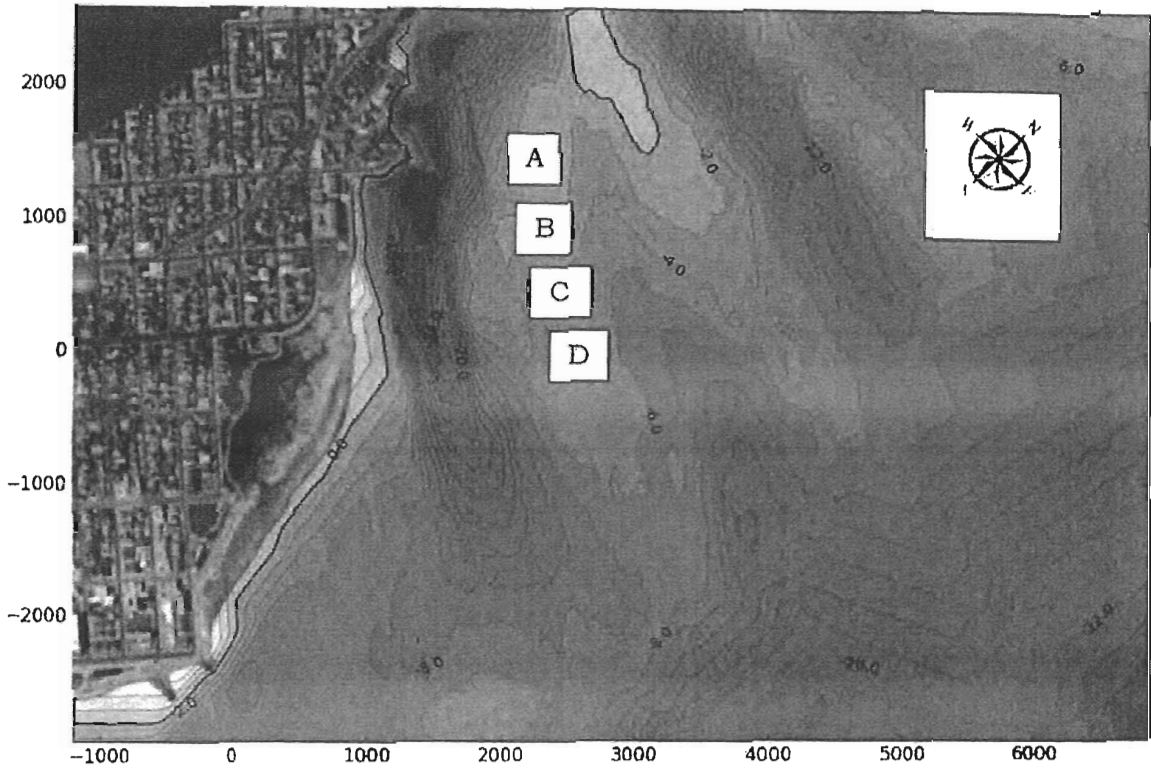


Figure 7 US Army Corps of Engineers Survey, December 2012.

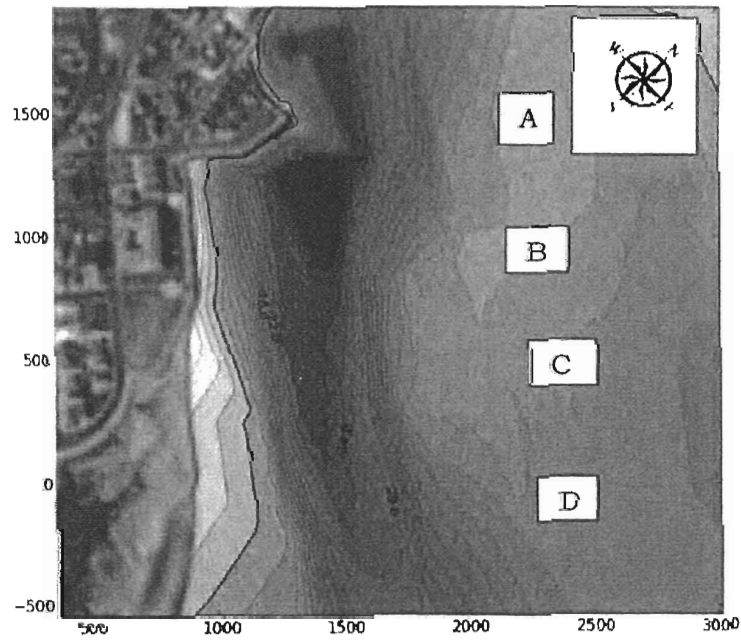


Figure 8 Detail from US Army Corps of Engineers Survey, December 2012.

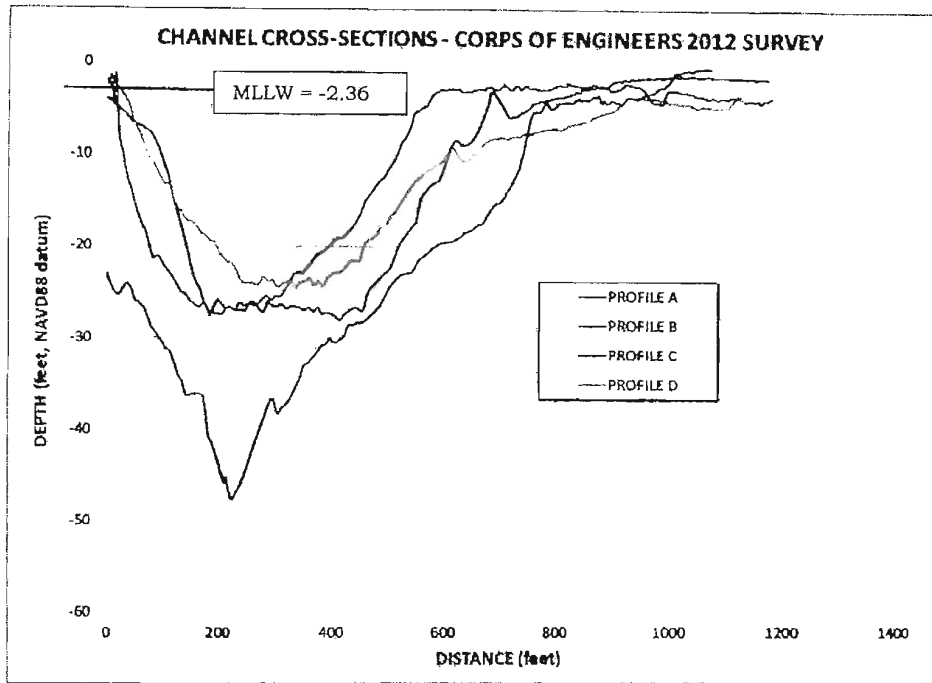


Figure 9 Corps of Engineers 2012 Survey Cross-Sections.

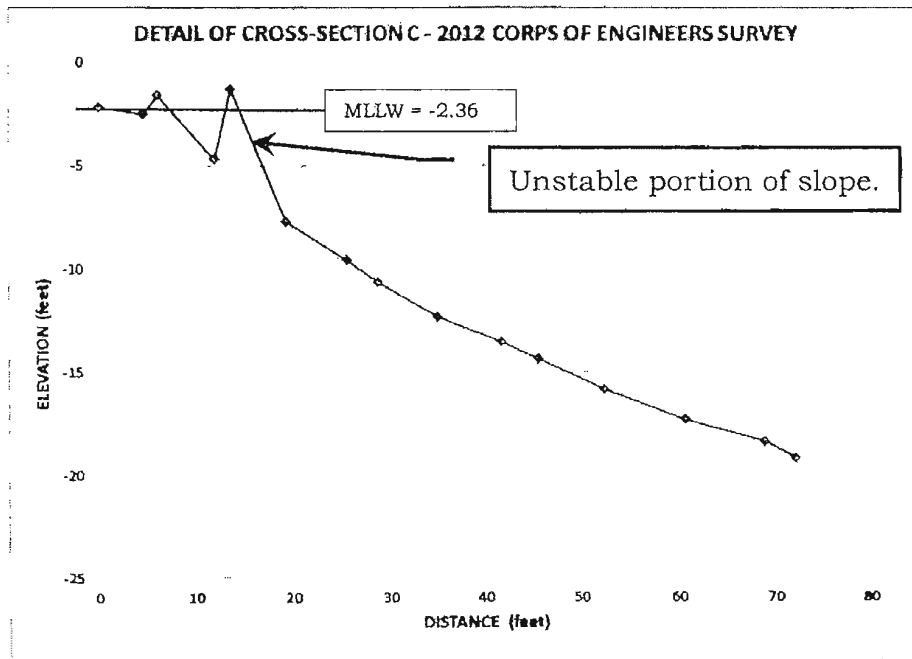


Figure 10 Detail from Cross-Section C, Corps of Engineers 2012 Survey.

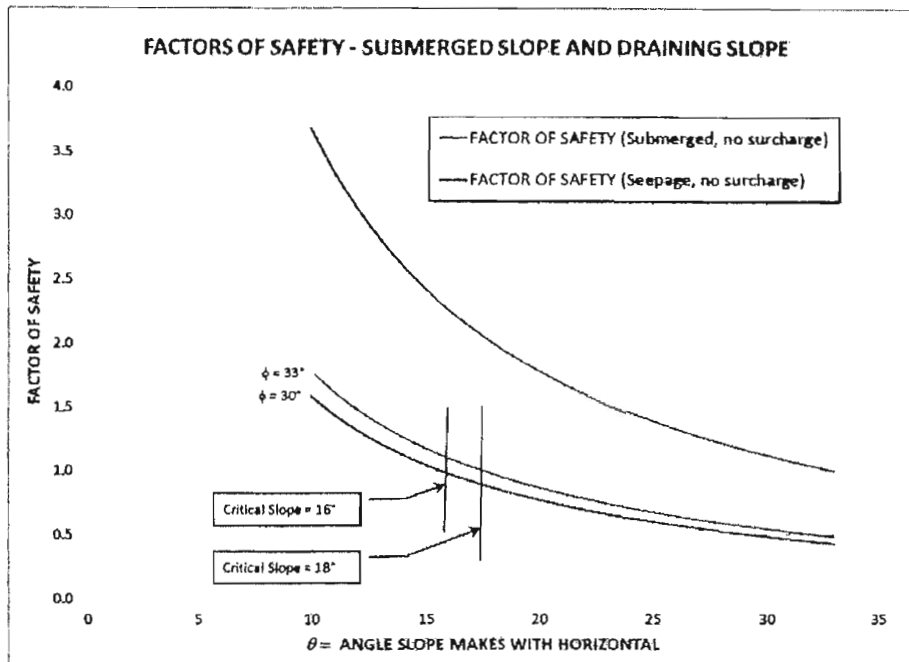


Figure 11 Factors of Safety for Various Submerged Slopes with and without Seepage (no surcharge).

Figure 11 shows the relationship between the factor of safety and the slope angle for both the submerged and seepage equations given above. The curved red lines are for the case where seepage from the slope into the channel occurs. The critical slope for a submerged angle of repose is  $33^\circ$  is  $18^\circ$ . Thus any slope steeper than  $18^\circ$  will be unstable. If the angle of repose is only  $30^\circ$  the critical slope is  $16^\circ$ . The critical angle for the submerged case without seepage is  $33^\circ$  - the submerged slope's angle of repose.

The surveys on which the preceding analyses are based probably did not measure the steepest underwater slopes because of the limited spatial distribution of the soundings. In addition, the surveys do not account for steepening of nearshore, underwater slopes during high ebb flow velocities. Neither does the analysis account for any load applied to the top of the slope. A person walking along the top of the slope will exert a downward force (surcharge) which reduces the factor of safety. If the factor of safety is reduced to less than 1.0, the slope will fail and slide into the inlet carrying with it anyone walking on top of it

Farrell (2013), in an interview, mentions a circular current at the inlet beach as well as "horizontal and vertical" currents that act to undercut the underwater slope and make it unstable.

A slope stability analysis which included a surcharge was made using Bishop's Simplified method of slices - a widely used geotechnical engineering procedure. A schematic of the procedure is shown in Figure 10. A circular



failure plane is assumed and the soil above the failure plane subdivided into vertical slices. The moments of the forces acting on the slices about the center of the failure plane are summed and the factor of safety is the ratio of the sum of the overturning moments divided by the sum of the restoring moments. A uniform surcharge was assumed over 4-foot wide top of the slope, shown as  $p$  on Figure 12. The equation for the factor of safety for a non-cohesive sediment such as beach sand is (Cernica, 1982),

$$F = \frac{\sum_{i=1}^{i=n} [(W_i - u_i b_i) \tan \phi] \left[ 1 / \cos \alpha_i \left( 1 + \frac{\tan \alpha_i \tan \phi}{F} \right) \right]}{\sum_{i=0}^{i=n} W_i \sin \alpha_i}$$

where the subscript  $i$  indicates the slice,  $W_i$  = the weight of slice  $i$ ,  $u_i$  = the pore water pressure,  $b_i$  = the width of the slice and  $\alpha_i$  = the angle with a vertical of a line drawn from the center of rotation to the bottom of the slice. See Figure 12. An iterative procedure is required since  $F$  appears on both sides of the equation. The location of the center of rotation to find the minimum factor of safety is a trial and error procedure.

The surcharge used in the analysis assumed two adults, each weighing 180 lbs with their weight distributed over 4 feet at the top of the slope. A distributed force of  $(2)(180)/4 = 90$  lbs/ft results. (Note that the force will likely be more concentrated than a uniformly distributed one.) Figure 13 summarizes the results of the slope stability analysis for three values of the slope's submerged angle of repose,  $\phi = 30^\circ, 31^\circ$  and  $33^\circ$ . The lower envelope of the points indicates the stable slope. The three lines generally cross the factor of safety line of 1.0 at between  $17^\circ$  and  $19^\circ$ . Consequently, if the slope is steeper than about  $17^\circ$  the slope is likely to fail if a surcharge is imposed.

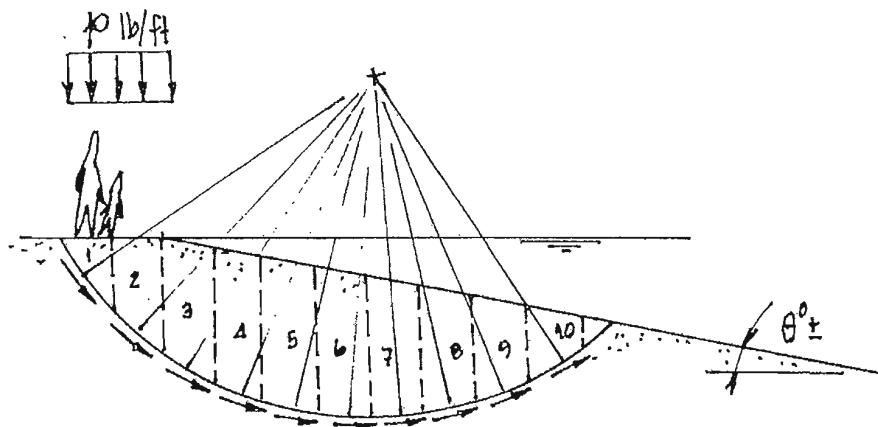


Figure 12 Schematic of Bishop's Simplified Method of Slices for Slope Stability Analyses.

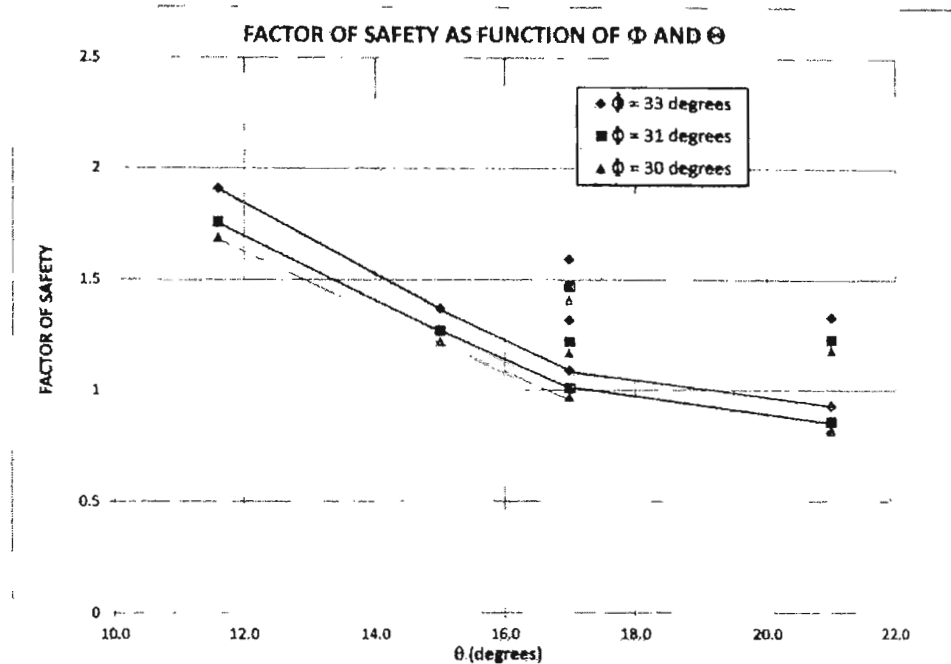


Figure 13 Factors of Safety as a Function of  $\theta$  and  $\phi$  for Slopes with Surcharge.

### SUMMARY AND CONCLUSIONS

On 27 July 2012 Mr. Brad Smith and his daughter Brandi and Mr. Scott Sunderland and his daughter Ally were walking in ankle deep water along the shoreline adjacent to the navigation channel in Hereford Inlet, North Wildwood, NJ. The submerged slope along the top of which they were walking was likely not visible. The slope failed and slid into the inlet carrying Mr. Smith and his companions into the ebb flowing current. The Hereford Inlet shoreline is subject to strong ebb currents which scour the edge of the navigation channel steepening it to the point of instability. The imposition of any surcharge such as pedestrians walking on top of the slope will lead to its failure. A slope stability analysis indicates that if the submerged slope is steeper than about  $17^\circ$  it is subject to failure by the imposition of a surcharge. The steep navigation channel hugs the North Wildwood side of the inlet due to the sand transported into the inlet from the Stone Harbor side. This is a persistent condition observable in the several bathymetric surveys of the inlet conducted by the Stockton Coastal Research Center and the U.S. Army Corps of Engineers. (See Appendixes A and B.) The slope stability conditions and their location on the inlet shoreline that led to the drowning are likely to occur again because of the persistence of the navigation channel's location along the North Wildwood inlet shoreline and the high ebb tide currents. The location of the unstable slope is generally unpredictable and will vary from time to time. Figure 14 is a photograph of the inlet shoreline taken on 1 March 2016 that shows the

presence of the deep channel adjacent to the inlet beach. The area indicated on the photograph is where an ebbing current can undermine the slope causing a failure of the kind leading to Mr. Smith's drowning.

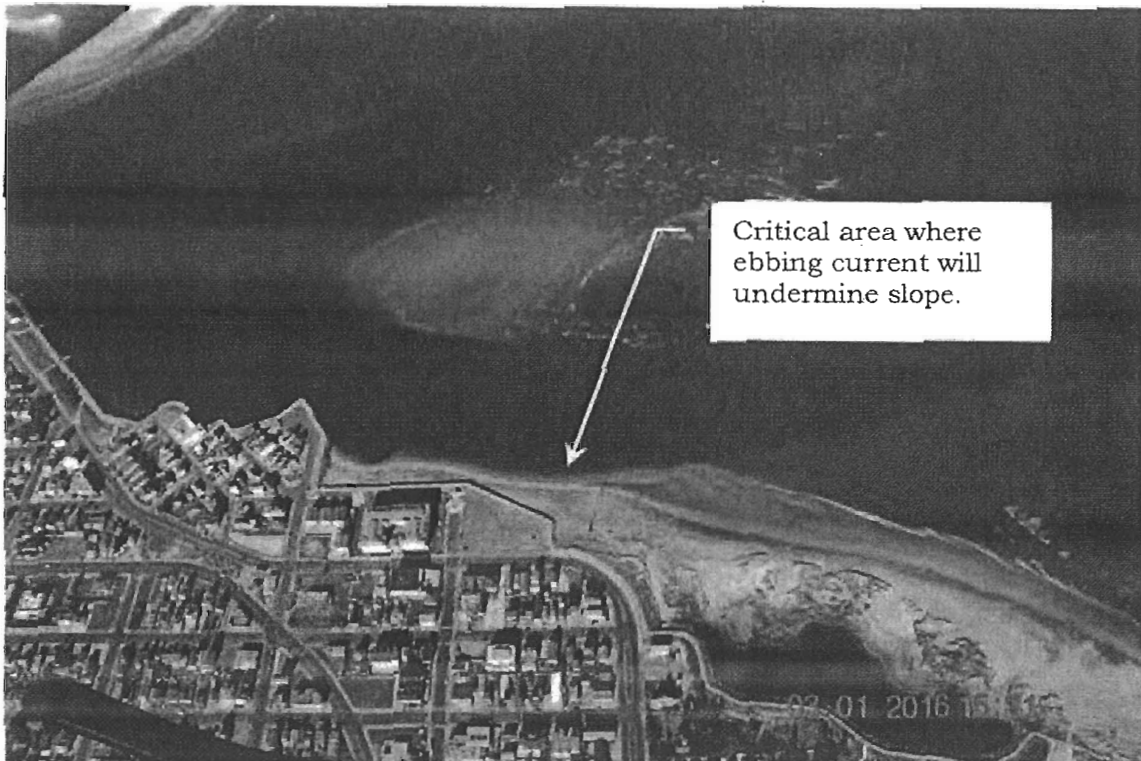


Figure 14 Aerial Photograph of Hereford Inlet Shoreline Showing Location of Area Susceptible to Undermining, 1 March 2016.

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Eckert, J & G. Callender (1987) "Geotechnical Engineering in the Coastal Zone," Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, MS, 39180-0631, February 1987.

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Evans, N.C. (1995) "Stability of Submarine Slopes," GEO Report No. 47. Geotechnical Engineering Office, Civil Engineering Department, 101 Princess Margaret Road, Homantin, Kowloon, Hong Kong, June 1995.

Farrell (2013), Interview of Stewart Farrell by A & K Investigations of New Jersey, 1 February 2013.

NOAA (2016) Tide predictions for Wildwood Crest, NJ.  
<https://tidesandcurrents.noaa.gov/noaatidepredictions/NOAATidesFacade.jsp?Stationid=8535835>

Stockton Coastal Research Center (2011) "Hereford Inlet, March 2011," The Richard Stockton College of New Jersey, Coastal Research Center, March 2011.

Stockton Coastal Research Center (2012a) "Hereford Inlet, July 2012," The Richard Stockton College of New Jersey, Coastal Research Center, July 2012.

Stockton Coastal Research Center (2012b) "Hereford Inlet, March 2011, Digital Elevation Model" The Richard Stockton College of New Jersey, Coastal Research Center, December 2012.

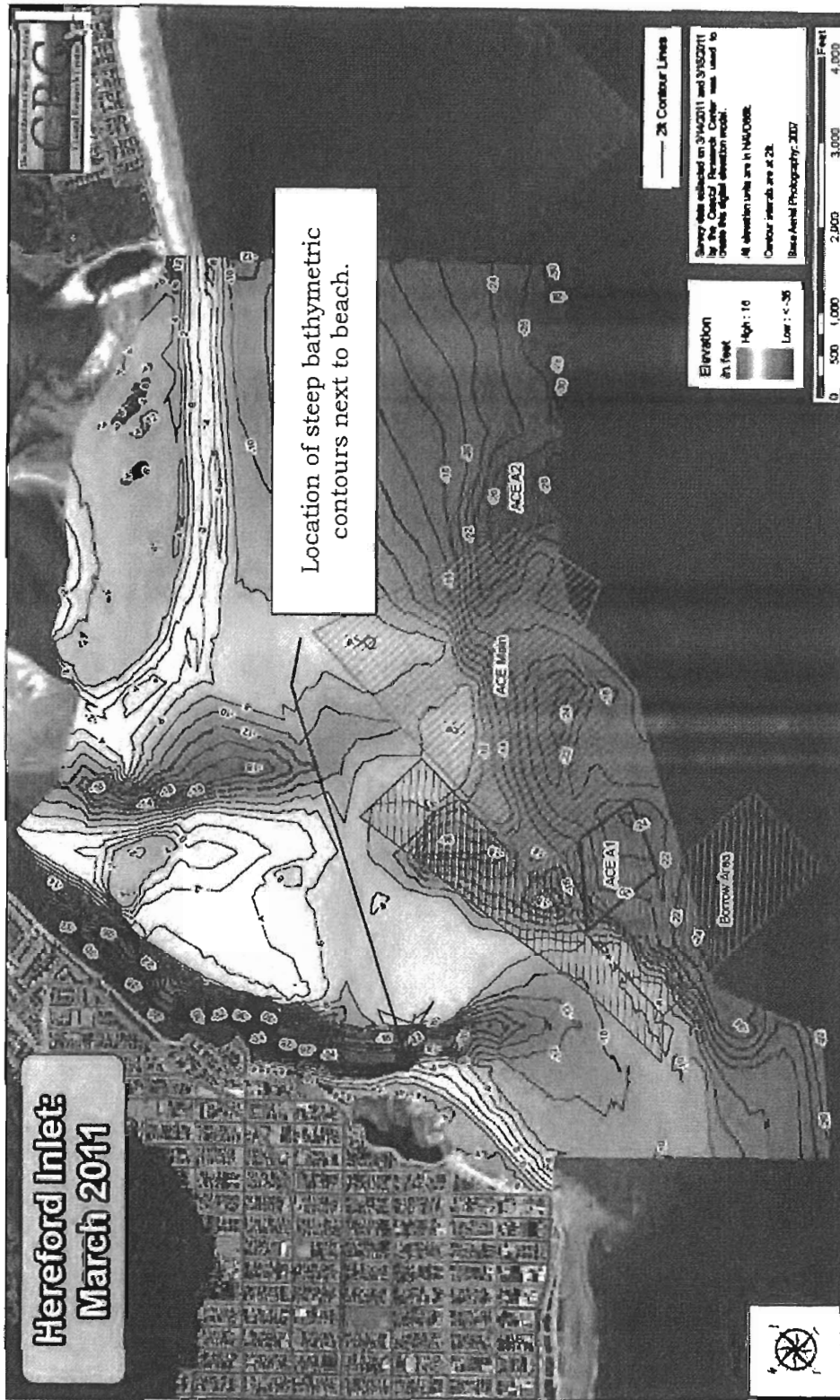


Figure A-1 Hereford Inlet Survey, March 2011 (Stockton Coastal Research Center, 2011a).

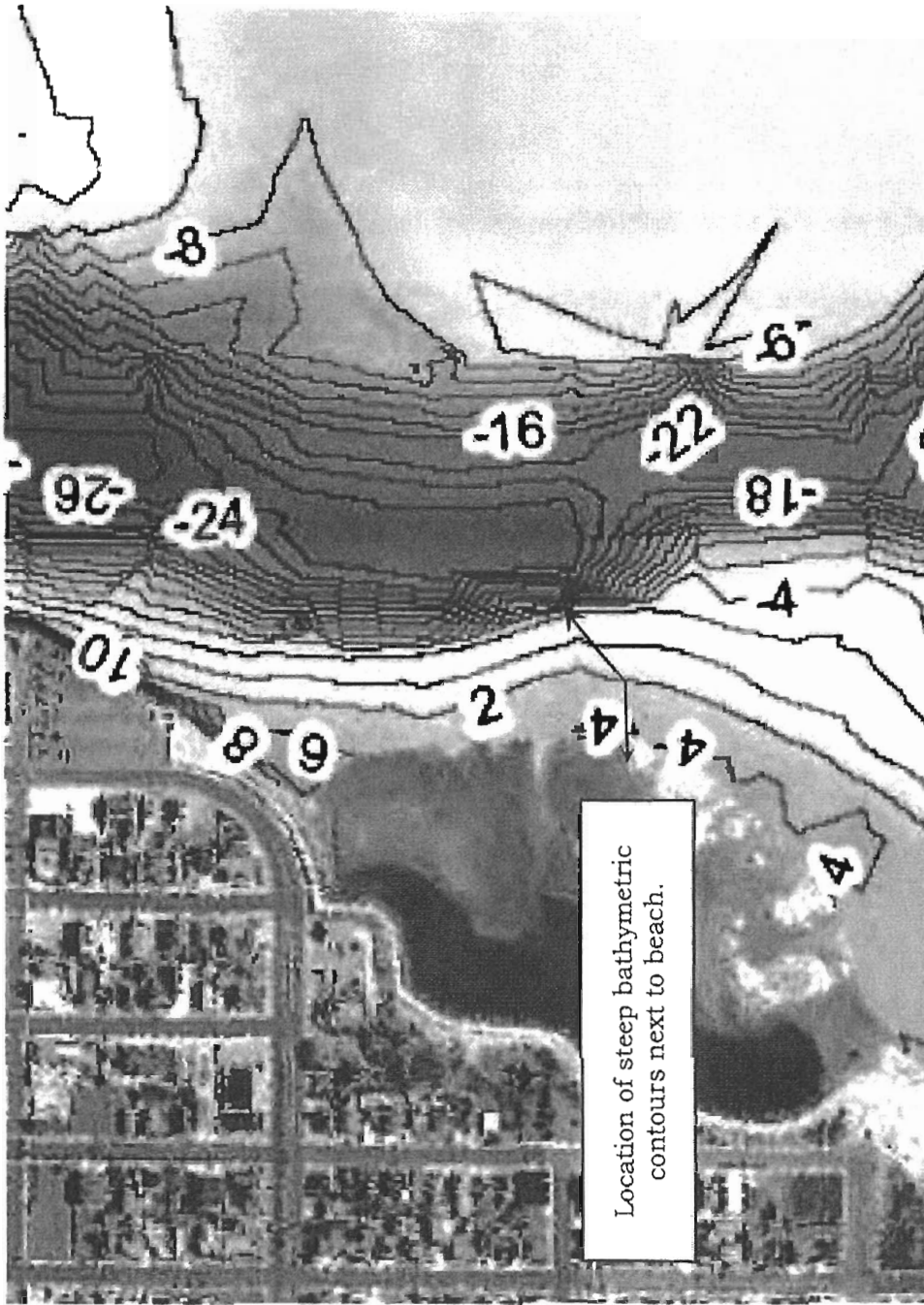


Figure A-2 Detail of March 2011 Stockton Coastal Research Center Survey (Stockton Coastal Research Center, 2011).



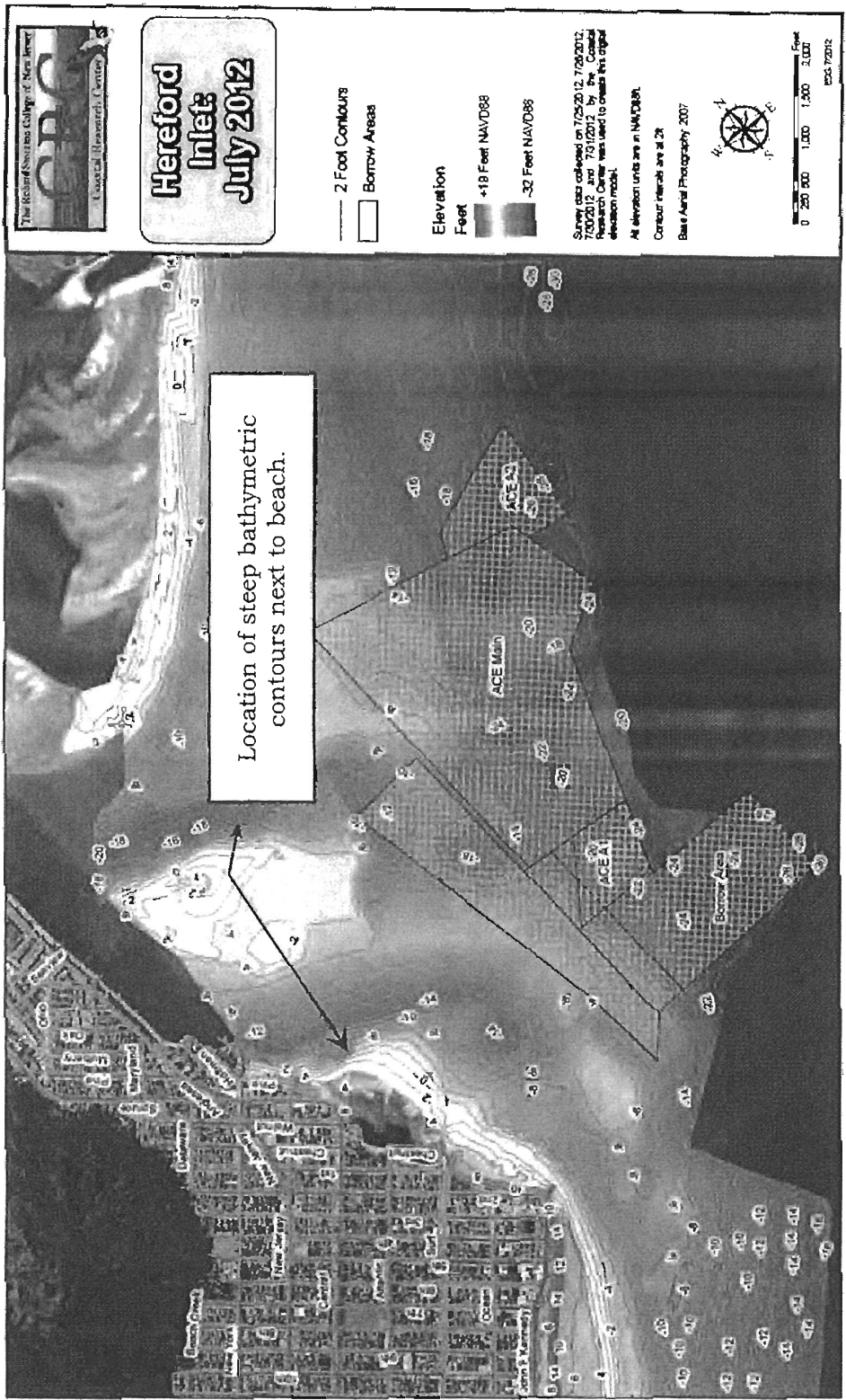


Figure A-3 Hereford Inlet Survey, July 2012 (Stockton Coastal Research Center, 2012a).

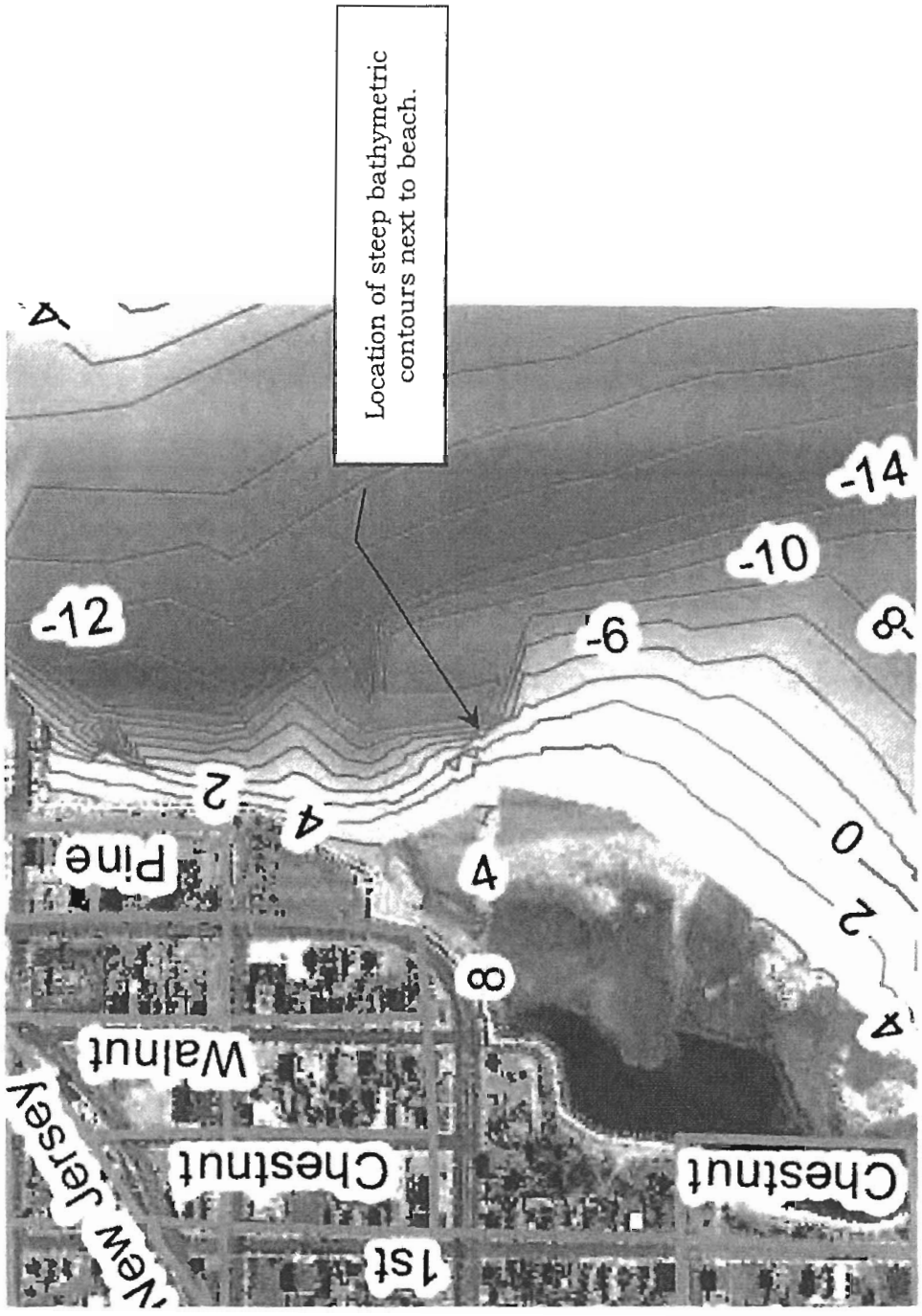


Figure A-4 Detail of July 2012 Stockton Coastal Research Center Survey (Stockton Coastal Research Center, 2012a).



Figure A-5 Hereford Inlet Survey, December 2012 (Stockton Coastal Research Center, 2012b).



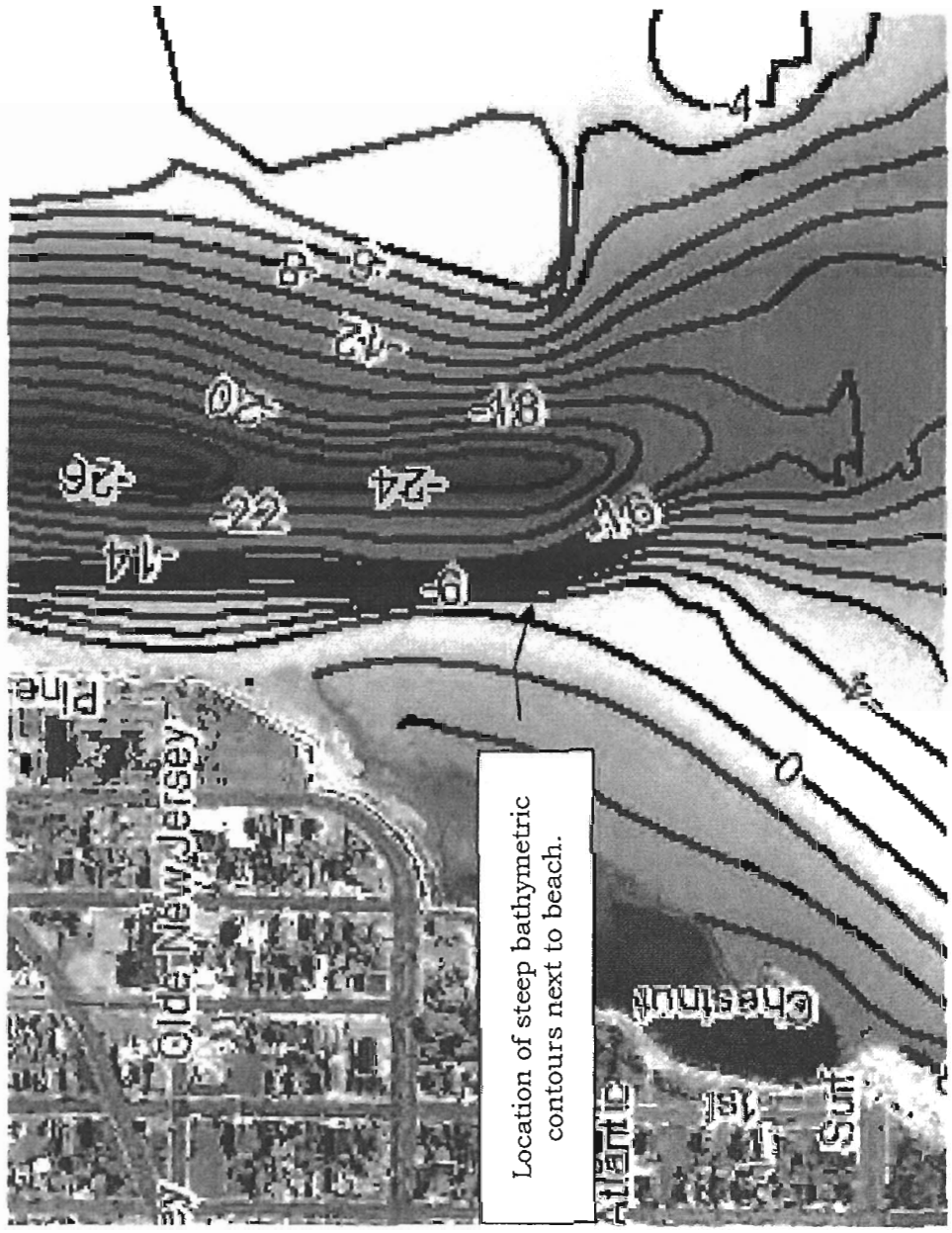


Figure A-6 Detail of December 2012 Stockton Coastal Research Center Survey (Stockton Coastal Research Center, 2012b)

**APPENDIX B**

**U.S. Army Corps of Engineers Surveys and Cross-Sections.**



Figure B-1 Corps of Engineers' Survey, August 2010.



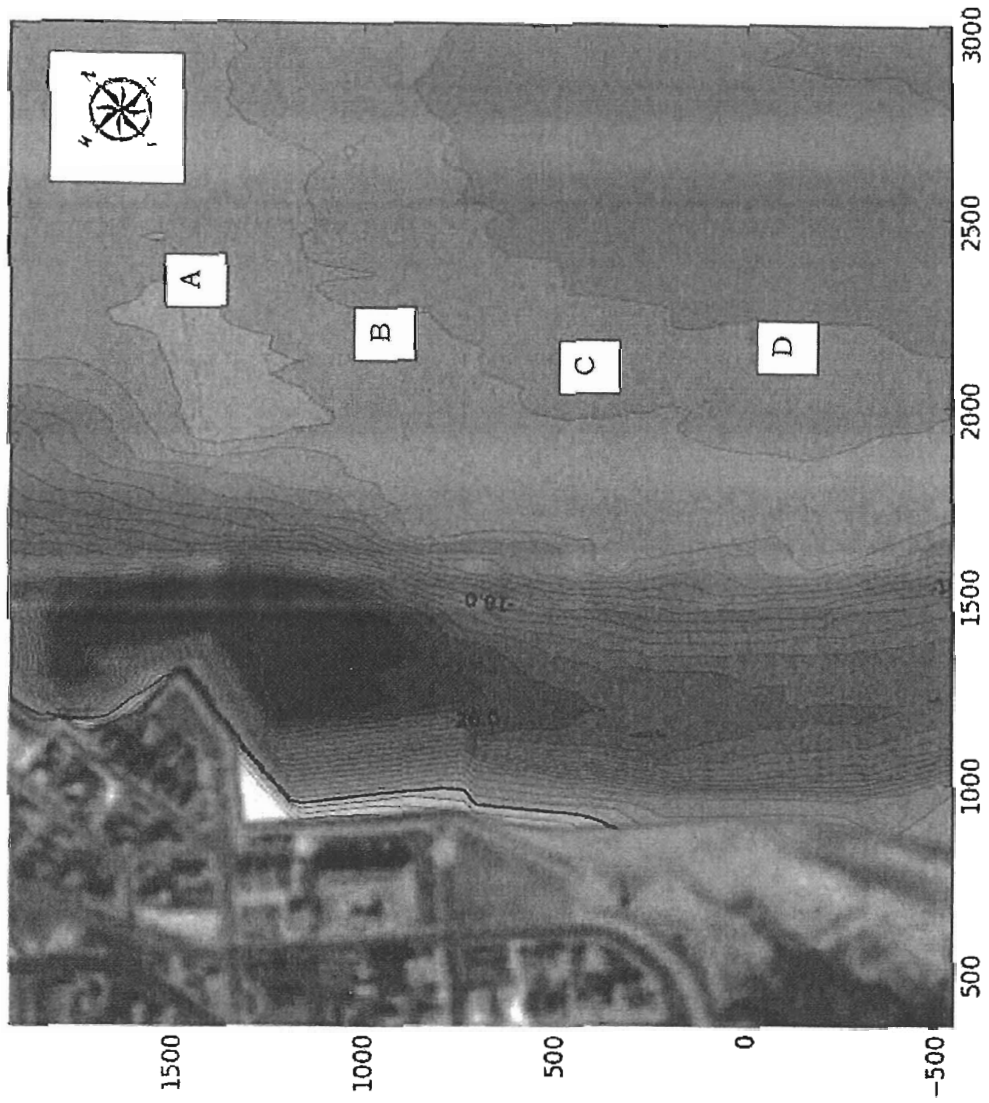


Figure B-2 Detail of Corps of Engineers' Survey, August 2010.

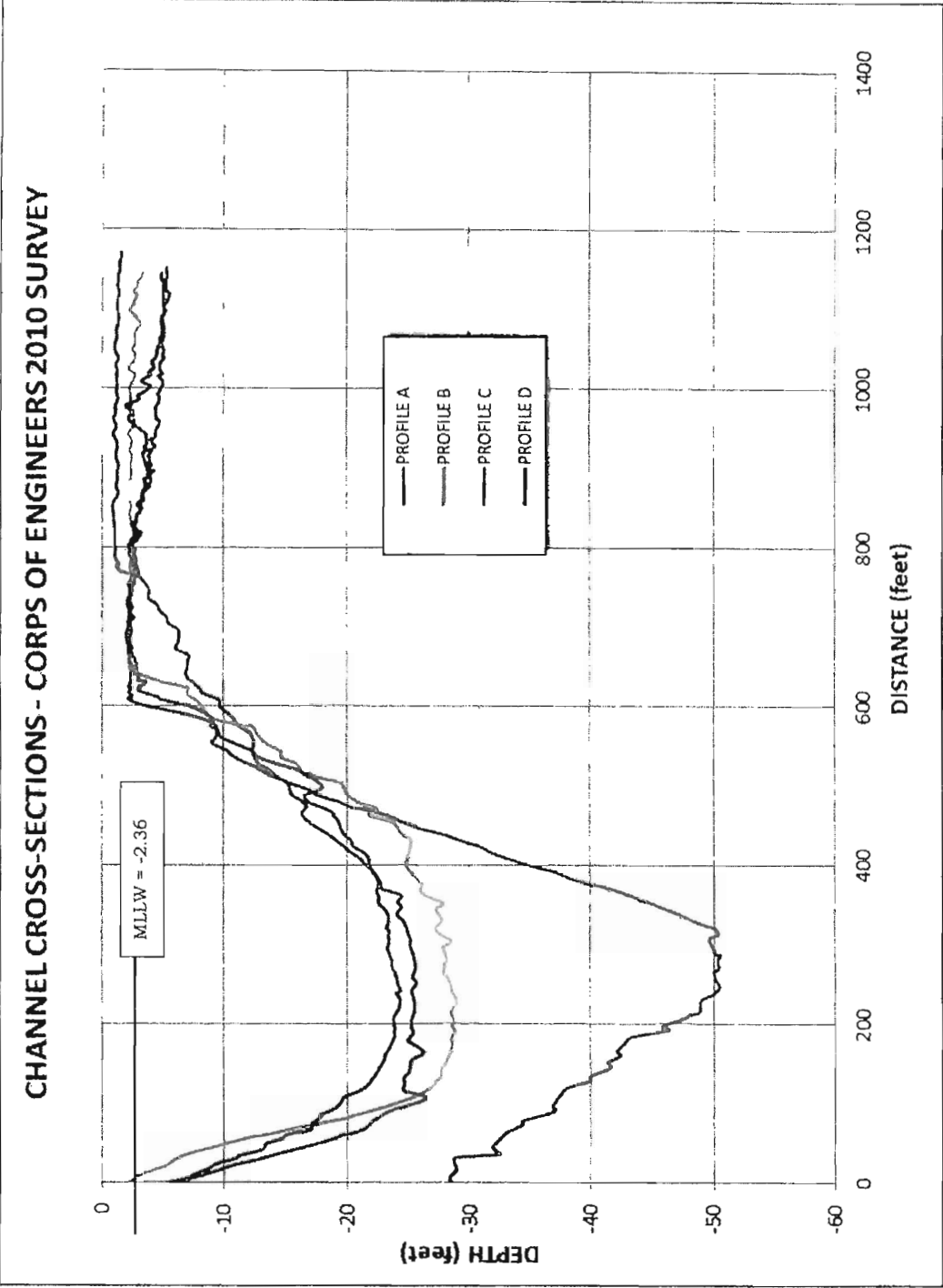


Figure B-3 Corps of Engineers' Profiles, 2010 Survey.

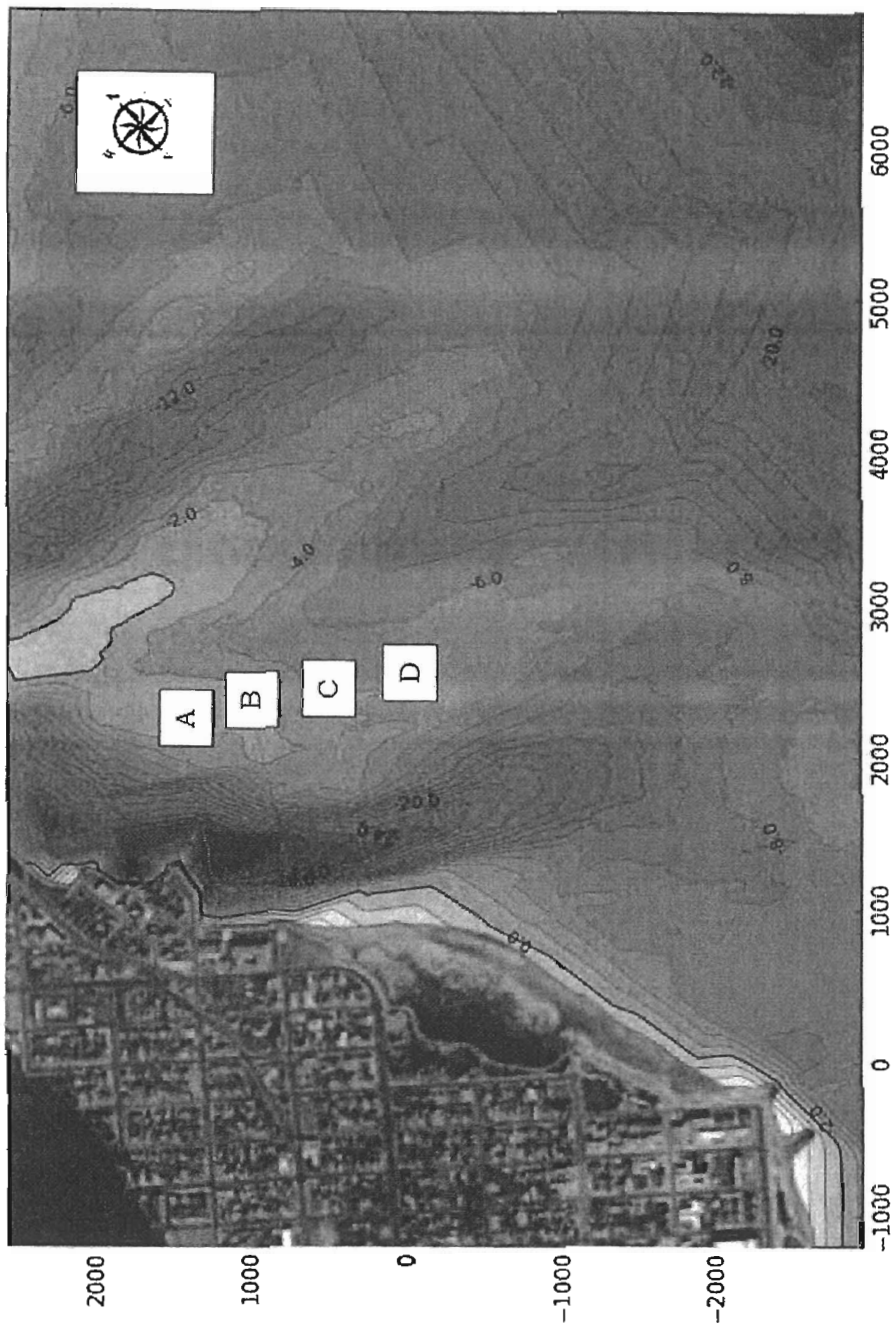


Figure B-4 Corps of Engineers' Survey, December 2012.



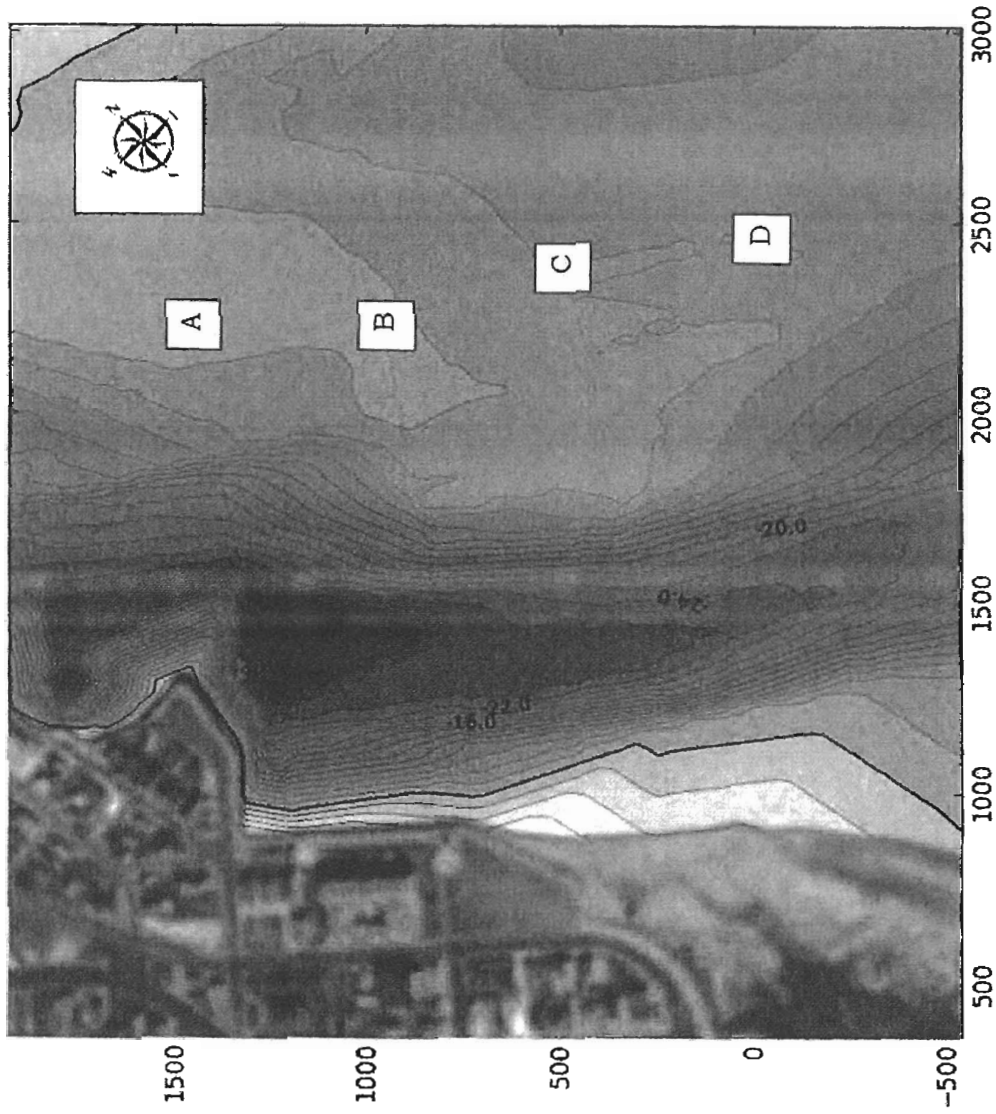


Figure B-5 Detail of Corps of Engineers' Survey, December 2012.

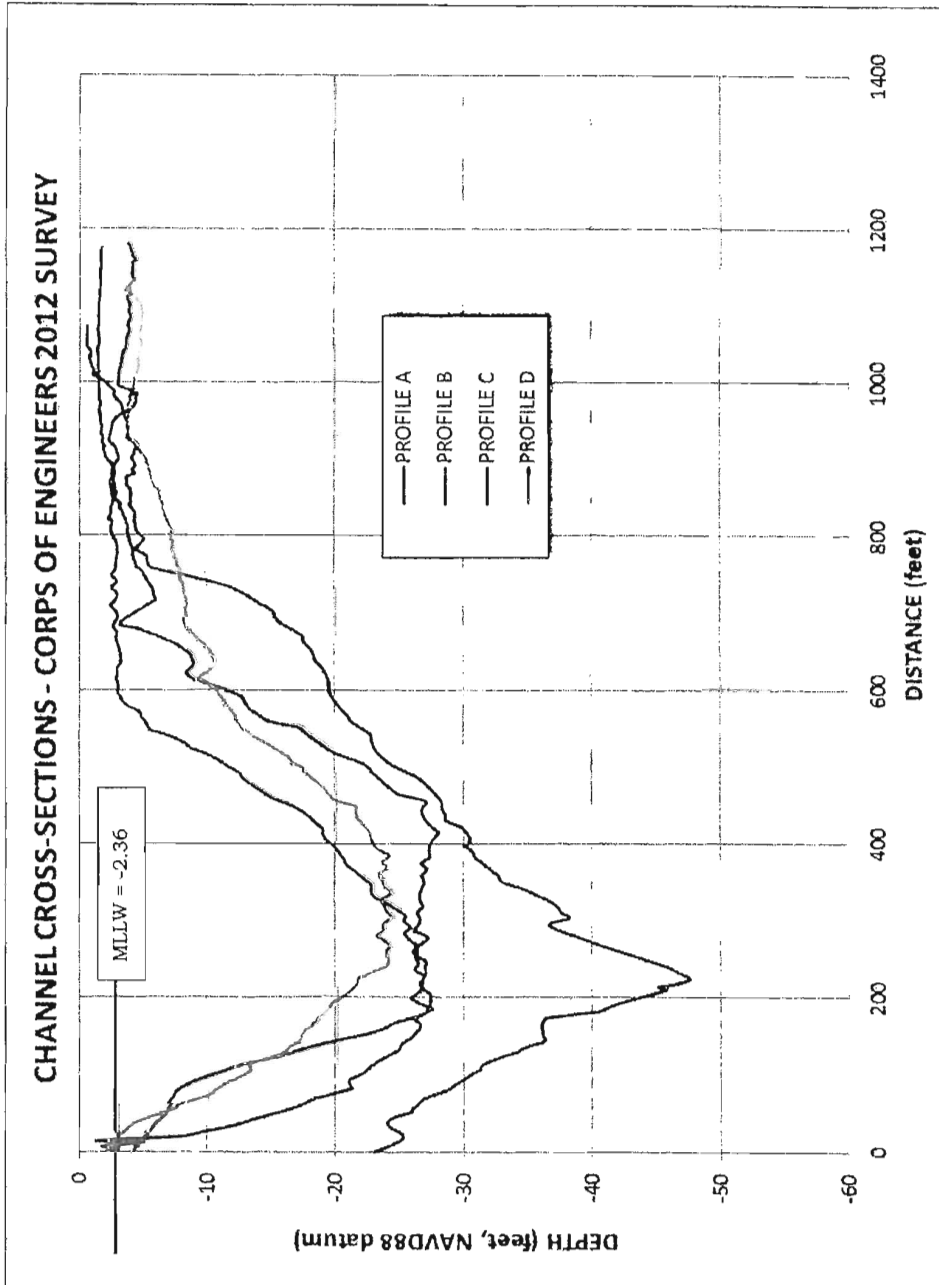


Figure B-6 Corps of Engineers' Profiles, 2012 Survey.



Figure B-7 Corps of Engineers' Survey, August 2014.



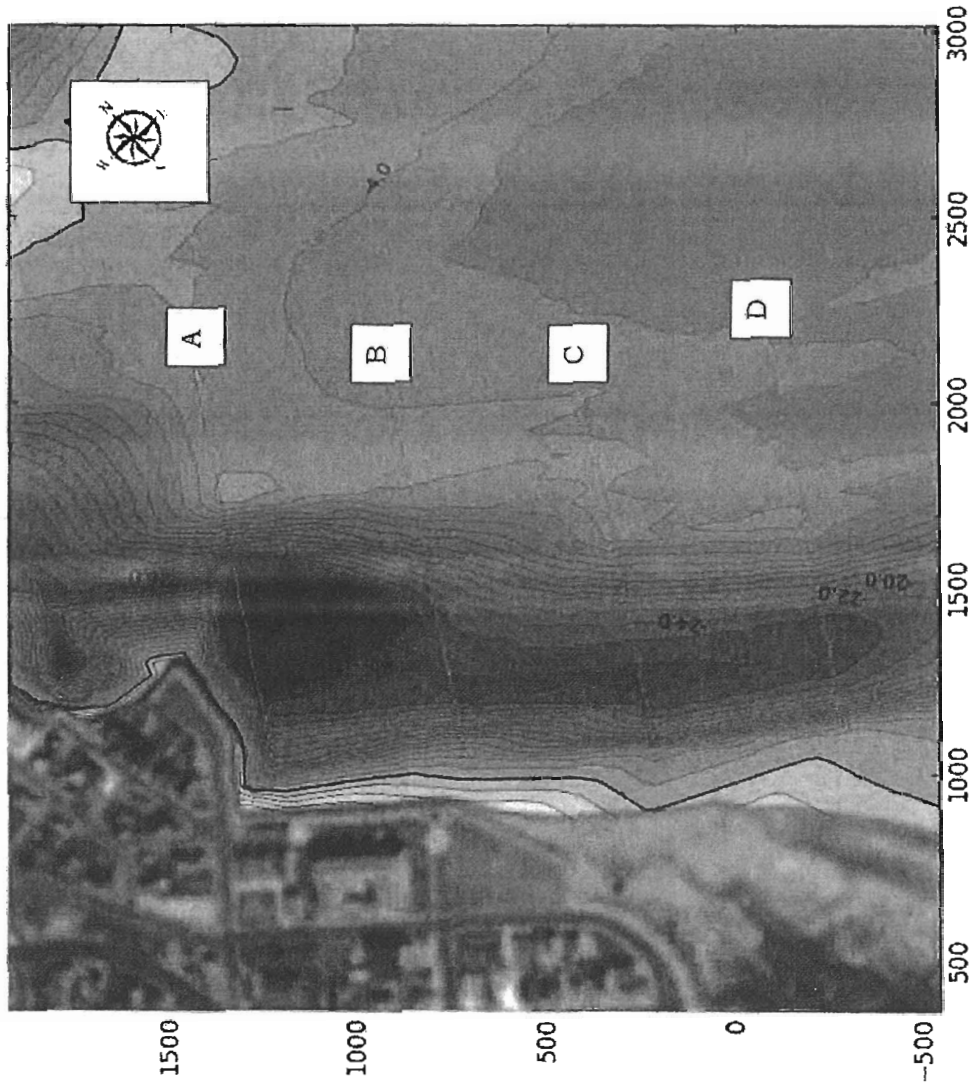


Figure B-8 Detail of Corps of Engineers' Survey, August 2014.

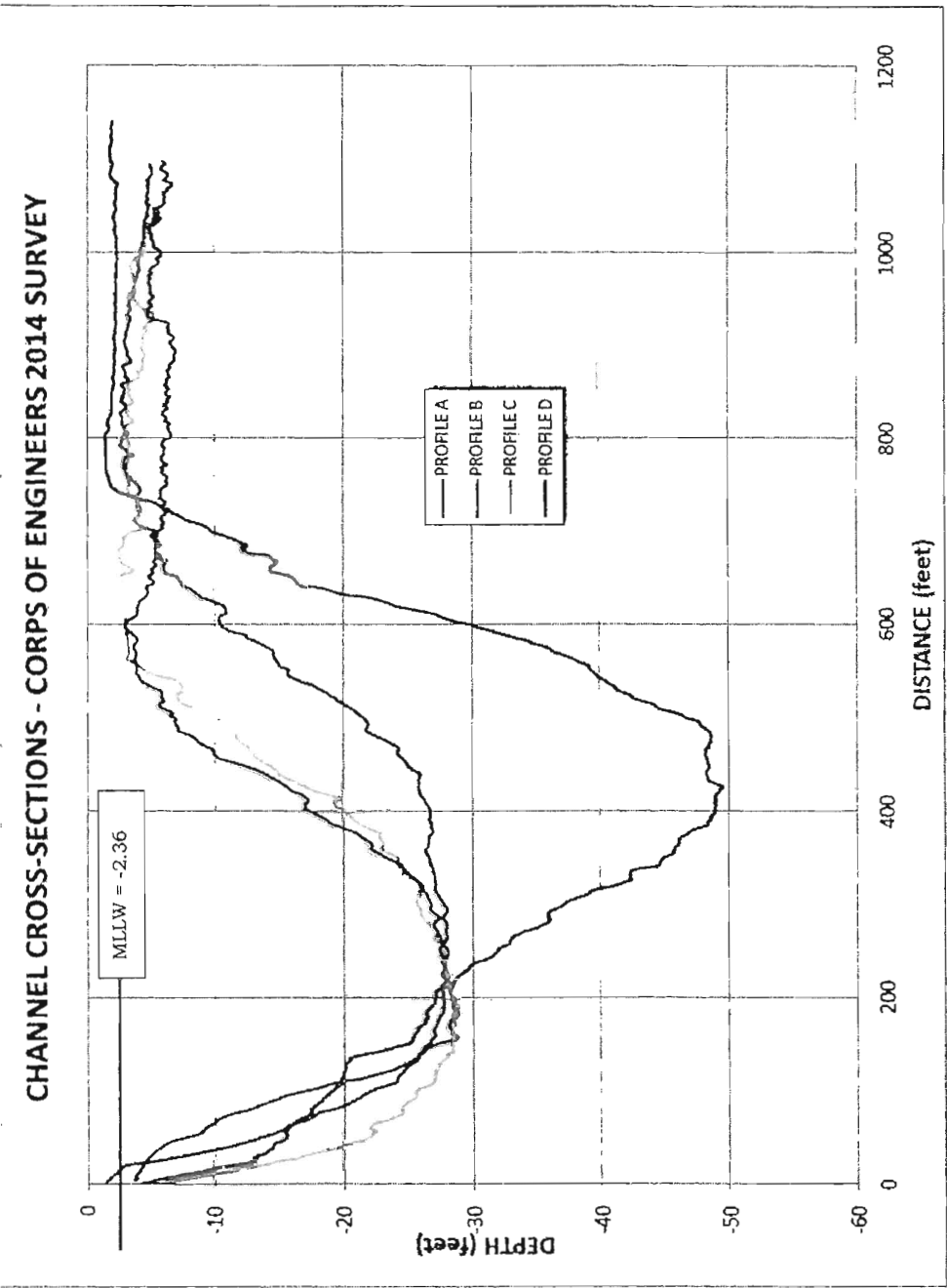


Figure B-9 Corps of Engineers' Profiles, 2014 Survey.

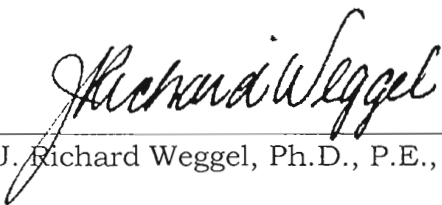
**ADDENDUM TO:  
CONDITIONS IN HEREFORD INLET, NORTH WILDWOOD, NJ, LEADING TO  
THE DROWNING DEATH OF MR. BRAD SMITH, 27 JULY 2012**

Prepared for  
D'Amato Law Firm  
2900 Fire Road, Suite 200  
Egg Harbor Township, New Jersey, 08234  
(Dated 19 April 2016)

18 July 2016

Based on my findings in the above referenced report to which this is an addendum, I most strongly recommend that the unprotected Inlet Beach at Hereford Inlet, North Wildwood, NJ, be closed. At the very least, beach users must be kept from getting within 10 feet of the inlet shoreline. The subject beach is that northeast of 2<sup>nd</sup> Avenue within the confines of the Hereford Inlet. My findings indicate that the inlet beach is occasionally undermined by ebbing tidal currents to produce an unstable slope which can collapse and cause pedestrians walking in shallow water to be swept into the inlet. I believe these conditions led to the drowning death of Mr. Brad Smith on 27 July 2012. These conditions are apparent on bathymetric surveys that show very steep underwater slopes close to the shoreline. Steep underwater slopes can be seen on six bathymetric surveys presented in the above referenced report. Three of the surveys were conducted by the Stockton Coastal Research Center in March 2011, July 2012 and December 2012. Three of the surveys were conducted by the U.S. Army Corps of Engineers in August 2010, December 2012 and August 2014. The fact that steep slopes appear on all six surveys indicates that the conditions are persistent. The dangerous slope conditions are below the water line and are not visible to pedestrians walking on the beach. Furthermore, they are not generally predictable although they probably occur most frequently during ebb current flows in the inlet.

I personally would not walk near the water line on the beach and I advise my friends and loved-ones to stay away from this area. Furthermore, I am bound by the Code of Ethics of the American Society of Civil Engineers to hold paramount the safety, health and welfare of the public. I believe that the cited inlet conditions are a threat to public safety.

  
\_\_\_\_\_  
J. Richard Weggel, Ph.D., P.E., D.CE



**RESUME**

**JOHN RICHARD WEGGEL, Ph.D., P.E., D.CE**

**627 Rodman Avenue  
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Residence: (215) 576-8439**

**Present Position: Samuel S. Baxter Professor Emeritus  
Department of Civil, Architectural & Environmental Engineering  
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3142 Chestnut Street  
Philadelphia, Pennsylvania 19104  
(215) 895-2355**

**9 January 2014**

**WEGGEL, John Richard**

**Samuel S. Baxter Professor Emeritus  
Department of Civil, Architectural & Environmental Engineering  
Drexel University  
3142 Chestnut Street  
Philadelphia, Pennsylvania 19104**

J. Richard Weggel was born in Philadelphia, Pennsylvania. He attended the Philadelphia Public Schools, graduating from Frankford High School in June 1959. In June 1964, he graduated from the Drexel Institute of Technology with a Bachelor of Science degree in civil engineering. While a student at Drexel, he conducted research sponsored by the National Science Foundation on epoxy resins for structural connections and taught an undergraduate laboratory course in strength of materials. Between June 1964 and September 1964, he taught static mechanics at Drexel. In September 1964, he enrolled as a graduate student in civil engineering (hydraulics) at the University of Illinois at Urbana-Champaign. While a research assistant at Illinois, he conducted research on long wave propagation in open channels, the effect of surface tension on the results of hydraulic model studies and served as Technical Assistant to the Director of the Illinois Water Resources Center. He received a Master of Science degree in September 1966; in 1968, he was awarded the Boris A. Bakhmeteff Research Fellowship in the Mechanics of Fluids to conduct his dissertation research on the impact pressures of breaking water waves. After obtaining a Doctor of Philosophy degree in civil engineering (hydraulics) in October, 1968, he remained at Illinois as an Assistant Professor of Civil Engineering teaching undergraduate courses in hydraulics and hydrology, and graduate courses in hydrology, ground water hydraulics, water resources engineering and ocean engineering. During the summer of 1969, he was a Research Assistant Professor of Soil Physics in Agronomy conducting research on the uptake of water by plant root systems. During the summer of 1970 he was a hydraulic engineer at the Coastal Engineering Research Center primarily involved in developing design criteria for coastal structures. In February 1971, he joined the permanent staff of the Coastal Engineering Research Center as a hydraulic engineer in the Design Branch preparing the internationally recognized "Shore Protection Manual." In March, 1973 he was promoted to Special Assistant to the Commander and Director, CERC, in which capacity he served as a consultant to various Corps of Engineers District and Division offices on complex coastal engineering problems. He served as a member of the Steering Committee of the North Atlantic Division's Deep Port Study Group and as the US Representative to the Second Intentional Waves Commission of the Permanent International Association of Navigation

Congresses (PIANC). In January, 1977, he became Technical Assistant to the Chief, Engineering Development Division, CERC, and developed a research program to investigate the functional performance of weir-jetty sand bypassing systems. Other research included development of a method for generating finite amplitude, shallow water waves that propagate without change in form in a laboratory wave tank.

In July, 1977, he became Chief, Evaluation Branch, Engineering Development Division, CERC, responsible for the \$600,000 research program of that Branch. Research areas included: weir-jetty research; field investigations of an experimental coastal groin at Point Mugu, California; a study of sand accumulation behind an offshore breakwater at Channel Islands Harbor, California; mathematical simulation of shoreline changes induced by man-made structures; evaluation of the functional and structural performance of coastal works; littoral environment data collection and analysis techniques; and the monitoring of existing coastal projects to determine their performance characteristics. He continued his service as consultant to various Corps of Engineer Districts and Divisions on coastal engineering problems.

During his tenure at the Coastal Engineering Research Center, he also held the rank of Professorial Lecturer at the George Washington University teaching courses in coastal and harbor engineering, sediment transport, coastal processes, and coastal structures.

In his present position as Professor of Civil Engineering in the Department of Civil and Architectural Engineering at Drexel University, Dr. Weggel teaches and conducts research in the areas of hydraulics, hydrology, water resources engineering and coastal and port engineering.

**EDUCATION:**

1. Bachelor of Science in Civil Engineering, June 1964, Drexel Institute of Technology.
2. Master of Science (civil engineering, hydraulics), June 1966, University of Illinois at Urbana-Champaign.
3. Doctor of Philosophy (civil engineering, hydraulics, water resources), October 1968, University of Illinois at Urbana-Champaign.

**LICENSES & OTHER TRAINING:**

1. Registered Professional Engineer



Illinois (by examination, inactive)  
New Jersey  
Pennsylvania

2. Academy of Coastal, Ocean, Port and Navigation Engineers (ACOPNE), Diplomat, Coastal Engineering
3. "Tidal Inlet Hydraulics", Short Course, US Army Coastal Engineering Research Center, May 10-20, 1971, Washington, DC
4. "Streamfunction Wave Theory", Short Course, University of Florida, June 18-July 2, 1971, Gainesville, Florida.
5. "Hurricane Storm Surge Prediction and Frequency Analysis", Short Course, US Army Coastal Engineering Research Center, June 25-30, 1972, Washington, DC
6. "Planning for Offshore Ports", Marine Technology Society, September 10-14, 1973, Washington, DC
7. "Executive Leadership Seminar", US Civil Service Commission, May 11-14, 1975, Fredericksburg, Virginia
8. "Managing Management Time", US Department of Agriculture Graduate School, September 11-12, 1975, Washington, DC
9. "Management of Research and Development", The George Washington University, Spring, 1976.
10. "Project Health, Practical Guide to Executive Fitness and Well Being", Civilian Personnel Office, November 1977, Fort Belvoir, Virginia.
11. "Supervisor Development, Phase I", Civilian Personnel Office, September, 1977, Fort Belvoir, Virginia.
12. "Supervisor Development, Phase II", Civilian Personnel Office, June, 1978, Fort Belvoir, Virginia.
13. "Theory Z (Management Science)", Institute for Professional Development, December 10-13, 1978, Arlington, Virginia.
14. "HP 9845 Operation and Programming", Hewlett-Packard Computer Systems, January, 1981, Rockville, Maryland.

15. "Effective Engineering Management"; University of California at Los Angeles, June 22-27, 1981, Washington, DC

16. "Numerical Calculation of Fluid Flow and Heat Transfer", Drexel University, Continuing Professional Education, February - April, 1984, Philadelphia, PA.

17. "Introduction to Geophysics," G228, Department of Civil & Architectural Engineering, Drexel University - spring 1988

18. "Finite Element Method in Groundwater Flow Modeling" Drexel University – spring 1991

**HONORS & AWARDS:**

1. William Penn Troth Award, Drexel Institute of Technology, 1964

2. Class of 1916 Award, Drexel Institute of Technology, 1964

3. Institute Day Award, Drexel Institute of Technology, 1963

4. Boris A. Bakhmeteff Fellowship in the Mechanics of Fluids, Humanities Fund, Inc., 1967

5. Outstanding Performance Rating, US Army Corps of Engineers, 1973, 1974, 1975, 1976, 1981, 1982

6. Commanders Award for Engineering Excellence ("Engineer of the Year Award"), US Army Coastal Engineering Research Center, 1982

7. American Society of Civil Engineers, Moffatt & Nichol Harbor and Coastal Engineering Award, 1993

8. Robert G. Quinn Medal for Outstanding Leadership, Drexel University, 20 February 2002

9. Lifetime Achievement Award, College of Engineering, Drexel University, 22 February 2008

10. Induction into Drexel University's College of Engineering Alumni Circle of Distinction, 24 February 2012.

11. Drexel University, Department of Civil, Architectural & Environmental Engineering's Alumni Lecture, May 2012.

12. The Order of the Engineer (inducted 2003)

**MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS & HONORARY SOCIETIES:**

1. American Society of Civil Engineers, Fellow, Life Member

\* Research Committee, Waterway, Port, Coastal & Ocean Division, ASCE.

- Member, 1975-1978
- Chairman, 1978

\* Executive Committee, Waterway, Port, Coastal & Ocean Division, ASCE.

- Member, 1979-1983
- Chairman, 1981-82

\* Management Group D,

- Member, 1983-1988
- Chairman, 1986-1987

\* Chairman, Organizing Committee, Coastal Structures '79, Specialty Conference.

\* Program Chairman, Coastal Structures '83, Specialty Conference.

\* Co-chairman, Organizing Committee, Coastal Engineering Practice '97 Specialty Conference

\* National Offshore Policy Committee

- Member, 1981-1988

\* Committee on TAC Interface with Sections and Branches

- Member, 1988-1992

\* Rubble-Mound Structures Committee

- Member, 1990 - present

\* Philadelphia Section, ASCE

- Member 1983-present
- Member, Board of Directors, 1984-1993
- Vice President, 1987-88
- President elect, 1988-89



- President, 1989-1990
  - \* Water and Environmental Group, Philadelphia Section
    - Member, 1983-present
    - Chairman, 1984-85
  - \* Member, Infrastructure Committee, Philadelphia Section, 1984.
2. American Geophysical Union, Member
  3. Permanent International Association of Navigation Congresses,
    - Member.
    - \* Second International Waves Commission, PIANC, US Representative
    - \* US Representative - Working Group on Sand Bypassing at Inlets on Sandy Coasts (1992 - 1995)
  4. American Shore and Beach Preservation Association, Member
    - \* Past Member of Board of Directors, ASBPA
  5. Northeast Shore & Beach Preservation Association, Vice President
    - \* Treasurer (2009-present)
    - \* Co-chair, Technical Program Committee, Annual Meeting
    - \* Program Chairman, Northeast Beaches Conference, 2008
    - \* Program Chairman, Northeast Beaches Conference, 2010
    - \* Program Chairman, Northeast Beaches Conference, 2013
  6. International Association for Hydraulic Research (IAHR)
    - \* Faculty Advisor, Drexel University Student Chapter
  7. Accreditation Board for Engineering & Technology
    - \* Accreditation visitor for civil engineering programs (1988 - 1998)
  8. Marine Board, National Research Council, Committee on Beach Nourishment and Protection (1992 - 1995)
  9. Educational Testing Service, Committee to Investigate the Development of a Graduate Record Examination in Engineering (1992 - 1994)
  10. Chi Epsilon
    - Faculty Advisor, Drexel University Chapter (2007-present)

11. Tau Beta Pi

12. Phi Kappa Phi

\* Vice President, Drexel Chapter (1992 - 1997)

13. Sigma Xi

14. Abington Township Planning Commission

\* Member (June 2013 – present)

15 Member, President John Fry's Visiting Board, Drexel University

## **EMPLOYMENT RECORD:**

- \* **Samuel S. Baxter Professor Emeritus**, Drexel University, September 2008 to present
- \* **Samuel S. Baxter Professor of Civil Engineering**, Drexel University, June 1998 – September 2008
- \* **Professor** – Department of Civil, Architectural & Environmental Engineering, Drexel University, 32<sup>nd</sup> & Chestnut Streets, Philadelphia, PA 19104 – September 1988 to September 2008
- \* **Associate Dean for Undergraduate Affairs** – College of Engineering, Drexel University - August 2000 to December 2003
- \* **Interim Head, Department of Civil, Architectural & Environmental Engineering**, Drexel University – October 2002 to October 2003
- \* **Head, Department of Civil & Architectural Engineering** – July 1988 to July 1991
- \* **Associate Professor** – Department of Civil Engineering, Drexel University, 32<sup>nd</sup> & Chestnut Streets, Philadelphia, PA 19104 – July 1983 to September 1988
- \* **Chief, Coastal Structures and Evaluation Branch** - US Army Coastal Engineering Research Center - July 1977 to July 1983.

As Chief of the Coastal Structures and Evaluation Branch, managed the manpower and financial resources to conduct the research and technology transfer program of the branch. Research efforts included studies of weir jetty performance and design, numerical modeling of shore response to coastal structures, coastal data collection methods and interpretation, and evaluation of the performance of existing coastal projects to establish improved design techniques. In addition, the Corps' Monitoring Completed Coastal Projects (MCCP) Program was managed and carried out in the Evaluation Branch. During tenure as Branch Chief, the Evaluation Branch developed into one of the most productive groups in CERC. The branch produced more than 13 Technical Reports, Coastal Engineering Technical Aids, and other publications during 1981. Most reports prepared in the branch were aimed directly at assisting practicing coastal engineers perform their work. In addition, served as a high level consultant to Corps Districts and Divisions; the office of the Chief of Engineers (OCE), the Board of Engineers for Rivers and Harbors



(BERH), and other agencies on complex coastal engineering problems. Consulting efforts included project reviews for OCE and BERH; assistance to the Corps' Savannah District on the design of a weir groin; review of an appeal to the Federal Insurance Administration (FIA) by the State of Alabama; proposed boat basin modifications for the Coast Guard at their Shark River Station, New Jersey; consultation on an erosion problem for the Corps' Middle East Division at the King Abdulaziz Naval Base, Jubail, Saudi Arabia, and preparation of a sediment budget for the Oceanside, California area.

\* **Professorial Lecturer** - Department of Civil, Mechanical and Environmental Engineering. The George Washington University - September 1974 to June 1983.

As an adjunct faculty member, taught graduate courses in coastal and harbor engineering, sediment transport, coastal structures, and coastal processes.

\* **Technical Assistant to Chief, Engineering Development Division** - US Army Coastal Engineering Research Center - January 1977 to July 1977.

As Technical Assistant to the Chief of the Engineering Development Division, developed a research program for weir jetty research in the Division and initiated its execution; served as a consultant to Corps Districts and Divisions, Office of the Chief of Engineers, the Board of Engineers for Rivers and Harbors, and other agencies. Consulting efforts included work on determining the coastal processes at Ocean Beach, San Francisco, California for the National Park Service and evaluating the potential of using excavation material from the Upper Great Highway as beach nourishment.

\* **Special Assistant to the Commander and Director** - US Army Coastal Engineering Research Center - March 1973 to January 1977.

As a staff member of CERC's Executive Office, reviewed reports submitted to CERC by OCE, BERH and Corps Districts and Divisions for technical adequacy and for compliance with Corps policies; served as a consultant to Corps Districts and Divisions including a study resulting in development of computer simulations of wave action on the Savannah River Tide Gates, served as the US Representative to the Second International Waves Commission of the Permanent International Association of Navigation Congresses (PIANC) and was a contributor to the final report of that Commission.

In addition to technical activities, provided staff support to the Commander and Director on the management of CERC including advising him on the Chief of Engineers' Coastal Engineering Research Board's (CERB) activities; arranged meetings, prepared the minutes of CERB meetings, and prepared staff studies for submission to the Director of Civil Works and the Chief of Engineers recommending membership of the CERB; insured that the CERB complied with the newly instituted Federal Advisory Committee Act's provisions; prepared the first 5 year plan for CERC under the newly established Research and Development Office. This plan resulted in restructuring CERC's research program into new technical categories; arranged and conducted the early meetings of the Chief of Engineers' Shoreline Erosion Advisory Panel (SEAP) initiating work under Section 54, the Shoreline Erosion Control Demonstration Act.

**\* Hydraulic Engineer - US Army Coastal Engineering Research Center** - February 1971 to March 1973.

As an engineer in the Design Branch, reviewed recent research developments to determine their applicability to the solution of Corps of Engineers problems related to coastal engineering design; performed work leading to the development of design criteria for coastal and marine structures to be included in the Shore Protection Manual (SPM) and served as a technical editor for this internationally recognized coastal design manual; developed design criteria for determining the maximum breaking wave that a given coastal structure can experience. These criteria have been adopted by the Nuclear Regulatory Commission for the design of coastal nuclear power plant facilities; reviewed research proposals for possible funding by the Corps and served as a consultant to Corps Districts and Divisions on coastal engineering problems and as a member of the Steering Committee of the Corps' North Atlantic Division Deep Draft Port Study.

**\* Assistant Professor - Department of Civil Engineering, University of Illinois** - September 1968 to February 1971.

Taught undergraduate courses in hydrology and hydraulic engineering, and graduate courses in hydrology, groundwater hydraulics, water waves and ocean engineering; research activities included studies of wave forces on coastal structures, hydraulic modeling techniques and water waves. Other activities included various faculty committees.

**\* Assistant Professor of Soil Physics in Agronomy - Department of Agronomy, University of Illinois - June 1969 to September 1969.**

Conducted research on the uptake of water by plant root systems including the development of gamma radiation techniques for measuring soil water content.

**\* Research Assistant - Department of Civil Engineering, University of Illinois - September 1964 to September 1968.**

Conducted research on computer solutions of the one dimensional equations for flow in river channels (long waves in shallow water); effect of viscosity and surface tension on the results of hydraulic model studies, and the study of wave impact pressures on coastal structures.

**\* Instructor - Department of Civil Engineering, Drexel Institute of Technology - June 1964 to September 1964.**

Taught undergraduate static mechanics and strength of materials laboratory courses; conducted research on the use of epoxy resin adhesives for structural connections.

**COURSES TAUGHT:**

Undergraduate:

- E224 Nearshore Oceanography & Coastal Engineering
- E254 Introduction to Hydrology
- E255 Groundwater Hydrology
- E256 Water Resources Engineering
- CAEE201 Introduction to Infrastructure Engineering
- CAEE210 Engineering Measurements I
- CIVE320 Introduction to Fluid Flow
- CIVE330 Hydraulics I
- CIVE430 Introduction to Hydrology
- CIVE431 Groundwater Hydrology
- ENGR100 University Seminar (Freshmen)
- UNIV101 The Drexel Experience (Freshmen)
- UNIV241 Great Works Symposium – The Mississippi River
- E<sup>4</sup> (Enhanced Engineering Education Experience Program)
  - Mathematical & Scientific Fundamentals of
  - Engineering I (Statics & Dynamics)
  - ENGR131 Freshman Design
- CIVE240 Engineering Economic Analysis/Decision Making

Graduate:

- CIVE561 Introduction to Hydrology

CIVE660 Hydrology - Streamflow  
CIVE661 Hydrology - Groundwater  
CIVE560 Introduction to Coastal & Port Engineering  
CIVE790 Coastal Processes & Shoreline Erosion  
CIVE790 Coastal & Port Structures  
CIVE664 Open Channel Flow  
CIVE662 Hydromechanics I  
CIVE663 Hydromechanics II

**STUDENTS SUPERVISED:**

**Doctoral Students:**

Scott L. Douglass, Ph.D., "The Influence of Wind on Nearshore Breaking Waves," March 1989  
Rifat N. Rustom, Ph.D., "Evaluation of Geosynthetic Erosion Control Systems on Steep Slopes," June 1993  
Karen Ann Riley, Ph.D. – "A Model for Nitrate Mass in Runoff during Single Storm Events," June 2002  
Muhammad Khan, Ph.D. – "Scaling Relations from Scale Model Experiments on Equilibrium Accretionary Beach Profiles," December 2002  
Mehmet Hinis, Ph.D – "Cnoidal and Sinusoidal Wave Reflection from a Laboratory Sand Beach," March 2003

**Masters Students**

Sherrerd L. Steele, M.S., "A Sediment Budget for Ocean City, New Jersey"  
Edward Doheny, M.S., "Application to Townsend's Inlet of a Numerical Model Using the Characteristic Equations of Open Channel Flow"  
Rhomios Ram, M.S., "Evaluation of a Model Breakwater's Stability Using Acoustic Emissions"  
Juan Carlos Escajadillo, "The Performance of Three Types of Groins in New Jersey"  
Robert Webb, "New Jersey's Coastal Groins - Dimensional Considerations"  
Matthew Moreale (University of Pennsylvania), "A Sediment Budget Analysis for the Beachfront at Ocean City, New Jersey"  
Mohamed Dabees, "Shoreline Change Modeling and Application to Sea Isle City, New Jersey"  
Maria Laura Beninati, "Modeling Chlorine Residuals in Water Distribution Systems"  
Mehmet Hinis, "Procedure for Calculating Beach Dune Growth Rates"



Gwyneth Krimmel, "Laboratory Experiments on First Flush Pollution  
Runoff"

Brian Marengo – "Numerical modeling of Schuylkill River near its  
Confluence with the Wissahickon Creek"

Jacob Dortch – "Hanging Bag Test for Geotextile Bags"

## **PUBLICATIONS:**

1. Weggel, J. Richard, "Epoxy Resins for Structural Connections", *Drexel Technical Journal*, Drexel Institute of Technology, October, 1964.
2. Maxwell, W.H.C. & J. R. Weggel, "Surface Tension in Froude Models", *Journal of the Hydraulics Division*, ASCE, #6482, March, 1969.
3. Weggel, J. Richard, "The Impact Pressures of Breaking Water Waves", Ph.D. Dissertation, Department of Civil Engineering, University of Illinois at Urbana-Champaign, October, 1968.
4. Weggel, J. Richard & W.H.C. Maxwell, "A Numerical Model for Wave Pressure Distributions", *Journal of the Waterways, Harbors & Coastal Engineering Division*, ASCE, #7467, August, 1970.
5. Weggel, J. Richard & W.H.C. Maxwell, "Experimental Study of Wave Impact Pressures", Proceedings of the Second Annual Offshore Technology Conference, OTC 1244, April 23-24, 1970, Houston, Texas.
6. Weggel, J. Richard, Discussion of "Shock Pressure on Coastal Structures", by Adel M. Kamel, *Journal of the Waterways, Harbors & Coastal Engineering Division*, ASCE, WW3, pp. 584-588.
7. Teleki, P.G. & J.R. Weggel, Discussion of "Skewness as an Environmental Indicator in the Solani River System, Roorkee, India", by A.K. Awasthi, *Sedimentary Geology*.
8. Weggel, J. Richard, "Maximum Breaker Height", *Journal of the Waterways, Harbors & Coastal Engineering Division*, ASCE, #9384, November, 1972.
9. Weggel, J. Richard, "Maximum Breaker Height for Design", Proceedings, 13th International Conference on Coastal Engineering, Vancouver, B.C., 1972.
10. Weggel, J. Richard, "An Introduction to Oceanic Water Motions and their Relation to Sediment Transport", in *Processes and Patterns of Sediment Dispersal on the Continental Shelf*, Dowd, Hutchinson and Ross, Publishers, Stroudsburg, PA.
11. Weggel, J. Richard, "A Wave Overtopping Equation", Proceedings 15th International Conference on Coastal Engineering, Honolulu, Hawaii, July, 1976.

12. Weggel, J.R., Roberts, & J. Hagar, "Wave Action on the Savannah Tide Gates", Proceedings, Coastal Structures '79 Conference, Alexandria, VA. March 14-16, 1979.
13. Weggel, J. Richard, "A Method for Estimating Long Term Erosion Rates from a Long Term Rise in Water Level", CETA 79-2, Coastal Engineering Research Center, Fort Belvoir, VA., 1979.
14. Weggel, J.R. & R.M. Sorensen, "Surging in the Shark River Boat Basin", Proceedings, Ports '80 Conference, Norfolk, VA. May 19-20, 1980.
15. Schneider, C. & J.R. Weggel, "Visually Observed Wave Data at Point, Mugu California", Proceedings, 17th International Conference on Coastal Engineering, Sydney, Australia, 1980.
16. Weggel, J. Richard, "Wave Loading on Vertical Sheet-pile Groins and Jetties", CETA 81-1, Coastal Engineering Research Center, Fort Belvoir, VA. 1981.
17. Weggel, J. Richard, "Weir Sand Bypassing Systems", Special Report, SR-8, Coastal Engineering Research Center, Fort Belvoir, VA. 1981.
18. Weggel, J. Richard, "Some Observations on the Economics of Over-designing Rubble-Mound Structures with Concrete Armor", CETA 81-7, Coastal Engineering Research Center, Fort Belvoir, VA. 1981.
19. Watts, G.M, C.H. Fisher, N.E. Parker & J.R. Weggel (1981) "Coastal Erosion Caused by Harbor Works and Corrective Measures," Section II, Subject 5, XXVth International Congress, PIANC, Edinburgh, Scotland, 1981.
20. Walton, T.L., W. Birkemeier, & J.R. Weggel, "Hand-held Calculator Algorithms for Coastal Engineering", CETA 82-1, Coastal Engineering Research Center, Fort Belvoir, VA. 1982.
21. Walton, T.L., & J.R. Weggel, "Stability of Rubble-Mound Breakwaters", *Journal of the Waterway, Port, Coastal & Ocean Division*, ASCE, WW3, August, 1981, pp. 195.
22. Weggel, J.R. & T.L. Walton, "Coastal Structures as Sediment Traps", unpublished CERC report, Coastal Engineering Research Center, Fort Belvoir, VA, 1981.

23. Schneider, C. & J.R. Weggel, "Littoral Environment Observation (LEO) Data Summaries, Northern California, 1968-1978," Miscellaneous Paper 82-6, Coastal Engineering Research Center, Fort Belvoir, VA, August 1982.
24. Weggel, J.R. & P. Vitale, "Sand Transport Over Weir Jetties and Low Groins", in *Physical Modeling in Coastal Engineering*, R.A. Dalrymple, editor, International Conference on Physical Modeling, University of Delaware, Newark, Delaware, August, 1981, A.A. Balkema, Rotterdam/Boston, 1985.
25. Weggel, J. Richard, "Analysis Method for Studying Sedimentation Patterns", *Journal of the Waterway, Port, Coastal & Ocean Division*, ASCE, WW2, May 1983.
26. Walton, T.L. and J.R. Weggel, "Computational Algorithm for Longshore Energy Flux Incorporating Friction", Proceedings of the 18th International Conference on Coastal Engineering, Cape Town, South Africa, November, 1982.
27. Weggel, J. Richard, "The Design of Weir Sand By-Passing Systems", Proceedings of the Coastal Structures '83 Conference, Arlington, Virginia, 9-11 March 1983.
28. Weggel, J. Richard, "Sediment Budget Calculations, Oceanside, California", Miscellaneous Paper CERC-83-7, Coastal Engineering Research Center, Vicksburg, Mississippi, December, 1983.
29. Sorensen, R.M. and J.R. Weggel, "Development of Ship Wave Design Information," Proceedings of the 18th International Conference on Coastal Engineering, Houston, Texas, September, 1984.
30. Sorensen, R.M. and J.R. Weggel, "Evaluation of Functional Behavior of Shore Structures and Related Shoreline Processes in Support of Planned 1985 Beach Nourishment at Atlantic City," Proceedings, Ninth Annual Conference of the Coastal Society, *Gambling with the Shore*, Atlantic City, NJ, October 14-17, 1984.
31. Weggel, J.R. and N. Rajendran, "Optimization of a Shore Protection Scheme for the West Coast of India," Proceedings of the International Conference on Ocean Space Utilization, Ocean Space '85, Tokyo, Japan, June 1985, pp. 237-248.



32. Weggel, J. Richard, in *The Design and Construction of Mounds for Breakwaters and Coastal Protection*, P. Bruun, editor, Elsevier/North Holland Publishing Co., New York, NY, 1985.
33. Sorensen, R.M. and J.R. Weggel, "Evaluation of Beach Behavior and Coastal Structure Effect at Atlantic City, NJ," Fritz Engineering Lab Report No. 200.85.811.1, Lehigh University, Bethlehem, PA, April 1985.
34. Weggel, J.R. and S.L. Douglass, "An Interactive BASIC Program to Calculate Shallow Water, Limited Fetch Wave Conditions," Hydraulics and Hydrology Laboratory Report 85-1, Drexel University, Philadelphia, PA, September 1985.
35. Weggel, J. Richard, "Economics of Beach Nourishment Under a Scenario of Rising Sea Level," *Journal of Waterway, Port, Coastal and Ocean Engineering*, ASCE Vol. 112, No. 3, May 1986.
36. Weggel, J.R. and R.M. Sorensen, "Ship Wave Prediction for Port and Channel Design," Proceedings, ASCE Specialty Conference, Ports '85, Oakland, CA, May, 1986.
37. Weggel, J.R. and S.L. Douglass, "Synthetic Generation of Longshore Sand Transport Data and Simulation of Sand Bypassing at Indian River Inlet, Delaware," Hydraulics and Hydrology Laboratory Report 86-1, Drexel University, Philadelphia, PA, May 1986.
38. Douglass, S.L. and J.R. Weggel, "Estimation and Synthetic Generation of Longshore Sand Transport Data and Simulation of Sand Bypassing at Manasquan Inlet, New Jersey," Hydraulics and Hydrology Laboratory Report 86-2, Drexel University, Philadelphia, PA, September 1986.
39. Douglass, S.L. and J.R. Weggel, "Performance of a Perched Beach at Slaughter Beach, Delaware," Hydraulics and Hydrology Laboratory Report 87-1, Drexel University, Philadelphia, PA, January 1987.
40. Sorensen, R.M. and J.R. Weggel, "Beach Behavior and Effect of Coastal Structures, Bradley Beach, New Jersey," Report IHL-122-87, Imbt Hydraulics Laboratory, Lehigh University, Bethlehem, PA, February 1987.
41. Weggel, J.R., J.C. Escajadillo and T. Ting, "A Comparison of the Performance of Three Types of Groins," Proceedings, Second

International Conference on Coastal and Port Engineering in Developing Countries, Beijing, PRC, September 1987.

42. Weggel, J.R., M. Perlin, "Statistical Description of Longshore Transport Environment," *Journal of Waterway, Port, Coastal and Ocean Engineering*, ASCE, Vol. 114, No. 2, March 1988.

43. Weggel, J.R., S.L. Douglass & J. Tunnell, "Sand-Bypassing Simulation Using Synthetic Longshore Transport Data," *Journal of Waterway, Port, Coastal and Ocean Engineering*, ASCE, Vol. 114, No. 2, March 1988.

44. Weggel, J.R., S. Brown, J.C. Escajadillo, P. Breen & E.L. Doheny, "The Cost of Defending Developed Shorelines along Sheltered Waters of the United States from a Two Meter Rise in Mean Sea Level," prepared for the U.S. Environmental Protection Agency, Drexel University Coastal Engineering and Geology Program Report, June 1988.

45. Weggel, J.R., S.L. Douglass & R.M. Sorensen, "An Engineering Study of Ocean City's Beaches, New Jersey, USA", Chapter 213, Proceedings, 21st International Conference on Coastal Engineering, Costa del Sol-Malaga, Spain, 20-25 June 1988, pp. 2867-2881.

46. Sorensen, R.M., S.L. Douglass & J.R. Weggel, "Results from the Atlantic City, NJ Beach Nourishment Monitoring Program," Chapter 2806, Proceedings, 21st International Conference on Coastal Engineering, Costa del Sol-Malaga, Spain, 20-25 June 1988, pp. 2806-2817.

47. Douglass, S.L. & J.R. Weggel, "Laboratory Experiments on the Influence of Wind on Nearshore Wave Breaking," Chapter 46, Proceedings, 21st International Conference on Coastal Engineering, Costa del Sol-Malaga, Spain, 20-25 June 1988, pp. 632-643.

48. Weggel, J.R. "Seawalls: The Need for Research, Dimensional Considerations and a Suggested Classification," *Journal of Coastal Research*, Special Issue #4, The Effect of Seawalls on the Beach, N. Kraus & O. Pilkey, editors, September 1988

49. Weggel, J.R. & E.L. Doheny "The Cost of Protecting Sheltered Shorelines of the United States from a 2-Meter Rise in Mean Sea Level," Proceedings, Clean Energy Conference, Miami, FL, December 1989.

50. Weggel, J.R. & S.L. Farrell "The Effect of a Shore-Parallel Offshore Breakwater on the Beaches at Ocean City, NJ," Proceedings of the 22nd International Conference on Coastal Engineering, Delft, the Netherlands, July, 1990.
51. Doheny, E.J. & J.R. Weggel "Application to Townsends Inlet of a Numerical Model Using the Characteristic Equations of Open Channel Flow," Final Report, New Jersey Sea Grant Project R/S-9, Department of Civil and Architectural Engineering, Hydraulics and Hydrology Laboratory Report 90-1, September 1990.
52. Titus, J.G., R.A. Park, S.P. Leatherman, J.R. Weggel, M.S. Greene, P.W. Mausel, S. Brown, C. Gaunt, M. Trehan, and G. Yohe "Greenhouse Effect and Sea Level Rise: Potential Loss of Land and the Cost of Holding Back the Sea," *Coastal Management*, 1991.
53. Martin, J.P., J.R. Weggel, M. Bruno and S. Halsey "The Use of High Fly Ash Concrete for Marine Structures," Proceedings, 9th International Coal Ash Utilization Symposium, January 22-25, 1991, Orlando, FL
54. Weggel, J.R. & R.M. Sorensen "Performance of the 1986 Atlantic City, New Jersey, Beach Nourishment Project," *Shore & Beach*, Journal of the American Shore and Beach Preservation Association, Vol. 59, No. 3, July 1991
55. Weggel, J.R. & R.N. Rustom, "Soil Erosion by Rainfall and Runoff - State of the Art," Proceedings, 5th Geosynthetic Research Institute Seminar, Drexel University, Philadelphia, PA, December 12-13, 1991.
56. Weggel, J.R. & A. Gontar, "A Thickness Equation for Nonwoven, Needle-punched Geotextiles Under Normal Loading," *Geotechnical Testing Journal*, ASTM, December 1992, pp. 404-408.
57. Sorensen, R.M. & J.R. Weggel "Field Monitoring of a Modular Detached Breakwater System," Proceedings, Coastal Engineering Practice '92, ASCE, Long Beach, CA, 9-11 March 1992, pp. 189-204.
58. Weggel, J.R. & R. Rustom, "Soil Erosion by and Rainfall and Runoff - State of the Art," *Geotextiles Geomembranes*, Vol. 11, No. 4, 1992, pp. 645-666.
59. Rustom, R.N. & J.R. Weggel, "A Study of Erosion Control Systems: Experimental Apparatus," Proceedings, International Erosion Control Association Conference, Indianapolis, IN, February 1993.

60. Rustom, R.N. & J.R. Weggel, "A Study of Erosion Control Systems: Experimental Results," Proceedings, International Erosion Control Association Conference, Indianapolis, IN, February 1993.
61. Weggel, J.R. & A. Gontar, "In-Plane Air Flow Through Needle-punched, Nonwoven Geotextiles Under Normal Loading," *Geotechnical Testing Journal*, ASTM, June 1993, pp. 207-215.
62. Doheny, E.L. & J.R. Weggel, "The Cost of Defending Long Beach Island, NJ, from a Two Meter Rise in Mean Sea Level," Proceedings, The Hilton Head Island, South Carolina, USA, International Coastal Symposium, June 6-9, 1993, Vol. II, pp. 374-383.
63. Rustom, R.N. & J.R. Weggel, "A Laboratory Investigation of the Role of Geosynthetics in Interill Soil Erosion and Sediment Control," *Geotechnical Fabric Reports*, April, 1993
64. Weggel, J.R., W.F. Baird, B. Edge, O.T. Magoon, E. Mansard, D.D. Treadwell & R.W. Whalin, "Sines Breakwater Revisited - Repair and Reconstruction," Proceedings, ASCE Specialty Conference, Case Histories for the Design, Construction, and Maintenance of Rubble-Mound Structures, Eureka CA, May, 1994.
65. Weggel, J.R. et al. (ASCE Rubble Mound Structures Committee) "Rehabilitation of the West Breakwater - Port of Sines," Proceedings, 24th International Conference on Coastal Engineering, Kobe, Japan, October 1994.
66. Weggel, J.R. "A Primer on Monitoring Beach Nourishment Projects." *Shore & Beach*, Journal of the American Shore and Beach Preservation Association, Vol. 63, No. 3, July 1995.
67. Weggel, J.R., M. Morreale & R. Giegengack, "The Ocean City, New Jersey, Beach Nourishment Project: Monitoring its Early Performance," *Shore & Beach*, Journal of the American Shore and Beach Preservation Association, Vol. 63, No. 3, July 1995.
68. Webb, R. & J.R. Weggel, "Design of Groin Fields - Dimensional Considerations," Proceedings, Conference on Coastal and Port Engineering in Developing Countries (COPEDEC) , Rio de Janeiro, September 1995.



69. Seymour, R.J., N.E. Bockstael, T.J. Campbell, R.G. Dean, P.D. Komar, O.H. Pilkey, Jr., A.P. Pratt, M.R. Snow, R.F. VanDolah, J.R. Weggel & R.L. Wiegel, *Beach Nourishment and Protection*, National Research Council, Marine Board, National Academy Press, 2101 Constitution Avenue NW, Washington, DC, December 1995.
70. Weggel, J.R. discussion of "Breaking Wave Loads on Vertical Walls Suspended above Mean Sea Level" by Chan, Cheong & Gin, *Journal of Waterway, Port, Coastal and Ocean Engineering*, ASCE, May 1997.
71. Weggel, J.R. "Maximum Daily Wind Gusts Related to Mean Daily Wind Speed," *Journal of Structural Engineering*, ASCE, Vol. 125, No. 4, April 1999.
72. Weggel, J.R. "Geosynthetic Erosion Control Systems for the 21<sup>st</sup> Century: New Solutions to Old Problems," *Geosynthetics in the Future: Year 2000 and Beyond*, Proceedings of the 13<sup>th</sup> GRI Conference, edited by R.M. Koerner, G.R. Koerner, Y.G. Hsuan & M.V. Ashley, December 1999.
73. Weggel, J.R. & B. Marengo (1999) "A Schuylkill River Model for the Vicinity of the Queen Lane Water Intake and the Wissahickon Creek, Philadelphia, PA" prepared for the City of Philadelphia Water Department by Drexel University, Department of Civil & Architectural Engineering, 30 June 1999.
74. Valentine, A., V.M. Arms & J.R. Weggel, "Assessing Innovative, Project-Based Learning in Drexel's Freshman Core Curriculum," Proceedings of the 2001 ASEE Annual Conference & Exposition, Albuquerque, NM, 24-27 June 2001.
75. Weggel, J. Richard (2004) "Visibility over Shorefront Sand Dunes: Maintaining an 'Ocean View,'" *Shore & Beach*, Journal of the American Shore and Beach Preservation Association, Vol. 72, No. 4, Fall 2004, pp 3-4.
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77. Weggel, J. Richard & Joseph Lomax (2005) "Predicting Coastal Sand Dune Growth Rates at the Wildwood Convention an Civic Center, Wildwood, NJ," Proceedings, ASCE Solutions to Coastal Disasters Conference, Charleston, SC, 8-11 May 2005.

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79. Weggel, J.R. & D.C Weggel (2006) "Development of a Coastal Sand Dune Management Program," 7<sup>th</sup> International Conference HydroScience and Engineering, Drexel University, Philadelphia, PA, 10-14 September 2006.
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83. Weggel, J. Richard, "Wave and Current Loading on Geosynthetic Fish Pens and Cages," (2008) GRI-21 Conference Proceedings, Agriculture & Aquaculture, GeoAmericas 2008, Cancun, Mexico, 2-5 March 2008.
84. Weggel, J.R., J. Mitchell & C. Haas, (2008) "Two Introductory Civil, Architectural and Environmental Engineering Courses," ASEE Conference, Pittsburgh, PA, June 2008.
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93. Weggel, J.R. & N.D. Ward (2013) "The Mechanics of Filter Cake Formation on a Geotextile," Proceedings of the Geosynthetics 2013 Conference, Long Beach, CA, 1-4 April 2013.
94. Weggel, J.R. & R.N. Rustom (2014) "An Analogy for the Overland Flow Hydrograph: Filling and Draining a Permeable Bag," *Journal of Hydrological Engineering*, ASCE, Vol. 19, No. 1, January 2014.
95. Weggel, J.R., P. Gallagher & Y. Lin (201x) "Transport of a Dilute Aqueous Suspension of Colloidal Silica through a Porous Medium," in preparation.

## **CONSULTING ACTIVITIES:**

1. US Army Engineer District, Los Angeles - Oceanside, California - preparation of sediment budget for a shoreline erosion control study and sand-bypassing study.
2. National Park Service & US Army Engineer District, San Francisco - Ocean Beach, San Francisco, California - shoreline erosion control project, determination of local coastal processes and evaluation of the suitability of excavation materials for use as beach fill.
3. US Army Engineer District, Savannah - Savannah River Tide Gates - evaluation of the dynamics of tide gates under the action of wind generated waves and establishment of gate operating procedures for periods of predicted high waves.
4. US Coast Guard - Shark River Boat Basin, Shark River, New Jersey - hydraulic model study of wave induced agitation in Coast Guard boat basin and recommendations for basin modifications.
5. US Army Engineer District, Savannah - Tybee Island, Georgia - design of modifications to a terminal groin at the northern terminus of the Tybee Island beach fill project, functional design of a weir/groin system and determination of wave loading on a concrete sheet-pile groin at the southern terminus of the project.
6. US Army Engineer District, Los Angeles - Ventura Harbor, California - evaluation of visual wave observation data to determine coastal processes at Ventura Harbor.
7. Board of Engineers for Rivers and Harbors, Corps of Engineers - Mill Cove, Jacksonville Harbor, Florida - develop methodology for data analysis to study shoaling patterns in Mill Cove.
8. Organization of American States - Argentina - present lectures on coastal structure design at Argentine Naval Hydrographic Office and consult on coastal problems at Mar del Plata, Argentina.
9. US Army Engineer District, Buffalo - Vermilion Harbor, Ohio - consultation on effect of harbor entrance breakwater on sand distribution along adjacent beaches and possible remedial measures.



10. US Army Engineer District, Buffalo - Lakeview Park, Lorain, Ohio - consultation on the development of a monitoring program to evaluate the performance of three offshore breakwaters as shore protection.
11. US Army Engineer District, Philadelphia, and State of New Jersey - consultation on plans to nourish beach at north end of Ocean City, New Jersey and review of plans by the State of New Jersey to construct groins to stabilize fill.
12. US Army Engineer District, Chicago - Racine Harbor, Wisconsin - consultation on a sedimentation problem at municipal small boat launching facility.
13. US Army Engineer District, New York - Lentz Marina, Keansburg, New Jersey - determination of causes of shoaling in marina vis-à-vis operation of a tidal flood gates.
14. Chief of Engineers, US Army Corps of Engineers - Loe's Highpoint Resort, Lake Texoma, Dennison, Texas - evaluate the feasibility of using a floating breakwater to alleviate wave problems in a marina.
15. US Army Engineer District, Charleston - Murrells and Little River Inlets, South Carolina - development of project monitoring programs to evaluate project effects on adjacent shorelines and performance of rubble-mound jetties.
16. US Army Engineer Division, New England - Popham Beach, Maine - evaluation of permit application for local shore protection.
17. Federal Emergency Management Agency - review of the methodology for adding wave elevations to coastal storm flood elevations.
18. Federal Emergency Management Agency - review of an appeal by the State of Alabama to the FIA of wave elevations for coastal flood hazard maps.
19. Department of Energy - consultation on the scope of work and model test program for shelf-mounted tower and heat exchangers for the Offshore Thermal Energy Conversion (OTEC) project.
20. Department of Justice - US vs. State of California - expert witness testimony before a Special Master of the US Supreme Court on the effect of coastal structures on the shoreline.

21. State of New Jersey - coastal processes study of Atlantic City, New Jersey, in preparation for a beach nourishment project which included an evaluation of the suitability of sand from various alternative sources.
22. Hydro Research Science, Inc. - consultation on model test results of protective structures proposed to encircle piers of the Sunshine Skyway Bridge, Tampa, Florida.
23. Hydro Research Science, Inc. - consultation on model testing program to study possible breaking wave impact forces on the Offshore Thermal Energy Conversion (OTEC) Land Based Containment Structure, Kahe, Hawaii. Tests also considered the effect of the LBCS on local surfing conditions and on the littoral processes along nearby beaches.
24. City of Ocean City, NJ - consultation on the effects of a proposed shore protection structure on flooding and erosion of adjacent property.
25. Hidroservice S.A. (Brazil) - study of sedimentation processes at the entrance to the Rio Sergipe at Aracaju, Sergipe State, Brazil, for navigation channel maintenance and sand bypassing and to preclude erosion damage to updrift and downdrift recreation beaches.
26. Township of Egg Harbor, NJ - consultation on the wave environment and the wave forces on a timber bulkhead breakwater at the site of a proposed marina inside of Great Egg Harbor Inlet.
27. University of Texas at Austin - State of Texas - review proposal to reconstruct and modify Rollover Fish Pass, Gilchrist, TX, and determine the inlet's role in causing local beach erosion and sedimentation within the Gulf Intracoastal Waterway. Evaluate the feasibility of reopening and maintaining the Corpus Christi Fish Pass.
28. City of Aracaju, Sergipe State, Brazil (EMURB) - investigate critical erosion problem and resulting seawall failure at Coreo do Meio beaches along the entrance to the Rio Sergipe estuary and recommend solution for mitigating problem.
29. Connelly Containers, Inc. - investigation of the feasibility of withdrawing water from the Manayunk Canal for generating hydropower at the Connelly Containers, Inc. plant on Venice Island, Manayunk, Philadelphia.
30. Betz, Converse & Murdoch, Inc. - consultation on plans for a dispersion study along the Delaware River at Bristol, PA.

31. US Army Engineer District, Philadelphia - synthetic generation of longshore sand transport data and simulation of the operation of a sand bypassing system for Indian River Inlet, DE.
32. Hudson GEOTECH International - flood damage study at Valhoma Creek, Tulsa, OK.
33. Public Storage, Inc. - study of flood potential and design of remedial measures for Southampton Creek, Warminster, PA.
34. US Army Coastal Engineering Research Center - preparation of an Engineer Manual on the design of shoreline erosion control structures.
35. US Coast Guard - evaluation of wind- and ship-generated waves at a proposed Marine Safety Office site on the Delaware River, Philadelphia, PA.
36. International Playtex, Inc. - coastal processes of tampon applicators in the marine environment.
37. Rogers, Golden & Halpern, Inc. - consultation on sand bypassing system design for Indian River Inlet, DE.
38. Pennoni Associates, Inc. - develop wind- and ship-wave environment for a proposed marina in Margate, NJ.
39. US Army Engineer District, Philadelphia - synthetic generation of longshore sand transport data and simulation of the operation of a sand bypassing system for Manasquan Inlet, NJ.
40. State of New Jersey - evaluation of coastal processes at Bradley Beach, NJ, and recommendations regarding modifications to shore protection structures.
41. State of New Jersey - recommendations on the location of the navigation channel within Townsends Inlet and the use of sand dredged from the inlet as a source of beach nourishment for Avalon, NJ.
42. Hudson GEOTECH International - flood damage and retaining wall failure, New Hope Playhouse, New Hope, PA.
43. Hudson GEOTECH International - determination of cause of washout and landslide at Point Pleasant pumping station, Point Pleasant, PA.

44. City of Ocean City, NJ - evaluation of proposed dune modifications at two ocean-front residential sites.
45. Dr. Lawrence Pape - evaluation of beach conditions and bulkhead stability for a property on Shelter Island, Long Island, NY.
46. Mr. Robert Gerard - evaluation of a proposed solution to a flooding problem at 9236 Bryn Mawr Avenue, Pennsauken, NJ.
47. City of Ocean City, NJ - preliminary design of a nearshore breakwater to stabilize and protect Ocean City's beach in the vicinity of 9th Street.
48. City of Ocean City, NJ - evaluation of the suitability of sand from Drag Island, NJ as a source of beach nourishment for Ocean City.
49. Hudson GEOTECH International - hydrologic investigation of area upstream of B & O Railroad embankment failure.
50. City of Ocean City, NJ - preparation of a coastal sand dune development and maintenance program for the City of Ocean City.
51. State of New Jersey - evaluation of the performance of a beach nourishment project at Atlantic City, NJ.
52. New Jersey Marine Sciences Consortium - consultation on the development of a nearshore current/circulation measurement program in support of ocean pollution study by NJMSC.
53. Andropogon Associates, Inc. - hydrologic study of creek through Trexler Park, Allentown, PA
54. Hudson GEOTECH International, Inc. - evaluation of seismic analysis of site for solar energy conversion plant in California.
55. Friends of the Wissahickon - hydrologic and hydraulic analysis of the Gorgas Lane tributary of the Wissahickon Creek, Fairmount Park, Philadelphia, PA to determine how improvements can be made to reduce flooding and erosion.
56. Mid West Construction, Inc. - consultation on construction of marina breakwater in Lake Michigan.



57. Dravo-Van Houten, Inc. - consultation on potential for sedimentation problems in Port Reitz harbor expansion navigation channel, Mombassa, Kenya.
58. Dravo-Van Houten, Inc. - evaluation of longshore sediment transport conditions along south coast of Long Island in the vicinity of Fire Island Inlet, Suffolk County, NY to determine effect of structures proposed to protect Suffolk County sewer outfall where it crosses beach.
59. Offshore & Coastal Technologies, Inc. - review of the rubble toe protection design for a revetment at Ocean City, MD
60. M.V. Engineering & Lomax Associates, Inc. - water circulation analysis for a proposed lagoon in a marina planned for Cape May Harbor, NJ.
61. Lynch, Martin & Philibosian, Attorneys - determination of the cause of flooding at Moor's Landing, NJ along the Manasquan River.
62. New Jersey Shore Foundation and Lehigh University - monitoring the effects of a shore-parallel, precast concrete breakwater system on the beaches of Sea Isle City, NJ.
63. City of Ocean City, New Jersey - testimony before Zoning Board on the results of a dune study prepared for the City of Ocean City.
64. Woodward-Clyde Consultants - flood level determination for industrial site along the Delaware Bay in southern New Jersey.
65. MV Engineering - determination of flushing characteristics of a lagoon proposed for marina development in Cape May, NJ.
66. US Army Corps of Engineers, Philadelphia District - consultant on construction claims at Barnegat Inlet, NJ, New South Jetty construction.
67. Lisa Hardy, Esq. - consultation on State of New Jersey constraints on coastal sand dunes and beach front development.
68. White Horse Village - determination of seepage rates through a gabion dam and evaluation of flood attenuation performance of dam and detention basin.

69. International Environmental Services, Inc. - evaluation of flooding experienced in the vicinity of Granite Run Mall, Media, PA, due to rainstorm of 13 July 1991.
70. Clark, Ladner, Fortenbaugh & Young - evaluation of cause of flooding at Brooks Armored Car building on Governor Printz Boulevard due to storm of 5 July 1989 at Shellpot Creek, New Castle County, Delaware.
71. Walker, Previti, Holmes & Associates - consultation on design of timber and stone groins for Sea Isle City, New Jersey, and evaluation of the groins' impact on downdrift beaches.
72. Associated Construction Technologies, Inc. - evaluation of the hydraulic performance of three screw pumps at Salem Wastewater Treatment Plant, New Jersey.
73. U.S. Army Corps of Engineers, Coastal Engineering Research Center - participation in workshop to define contents of coastal structure planning and design chapters of Coastal Engineering Manual.
74. U.S. Army Corps of Engineers, Coastal Engineering Research Center - preparation of Coastal Engineering Manual Chapter entitled "Wind Blown Sand Transport."
75. West End Boat Club & Sullivan Floatation Systems, Inc. - wind and ship wave analysis for a marina site, Delaware River, Essington, PA.
76. City of Ocean City, NJ - preliminary evaluation of proposed dredging of backbay lagoons and marinas.
77. Pennoni Associates, Inc. - evaluation of the hydraulics of the Manayunk Canal and the design of hydraulic structures to control flow as part of a project to rehabilitate the canal in Philadelphia, PA
78. City of Sea Isle City/Walker Previti, Holmes & Associates, Inc. - design of groin field for north end of Sea Isle City, New Jersey
79. Greater Wildwoods Development and Tourism Authority - study of beach processes in the vicinity of the proposed Wildwood Convention Center.
80. Poverty Beach Joint Venture - study of coastal processes at the site of a proposed development in Cape May, New Jersey.

81. Seneca Pointe Marina, Havre de Grace, MD - wind and ship wave study for proposed marina.
82. Walker, Previti, Holmes & Associates and the City of Sea Isle City, NJ - design of groin field for the northerly beaches of Sea Isle City.
83. Walker, Previti, Holmes & Associates and the City of Sea Isle City, NJ - design of a terminal groin for the Townsend's Inlet shoreline of Sea Isle City.
84. Walker, Previti, Holmes & Associates and the City of Sea Isle City, NJ - sediment budget for beaches south of 88th Street in Sea Isle City and evaluation of alternative shoreline stabilization measures.
85. White & Williams, Attorneys at Law - evaluation of flooding at Cabrini School, Fairless Hills, Bucks County, PA
86. Law Offices of Robert A. Stutman - investigation of reservoir regulations and cause of flooding at Perryville Yacht Club, Perryville, MD on 20 January 1996.
87. Boles, Smyth & Associates – regulatory flood study for proposed residential development on Venice Island, Manayunk, Philadelphia, PA.
88. Archdiocese of Philadelphia, Catholic Cemeteries Office – analysis of proposed grave vault spacing on groundwater infiltration rates.
89. Pennoni Associates, Inc. – evaluation of scour and deposition potential resulting from new supplementary piling to support pier.
90. Walker, Previti, Holmes & Associates – evaluation of potential impacts on Sea Isle City of extending 8<sup>th</sup> Street jetty in Avalon, New Jersey.
91. T. Sharp, Inc. - redesign of vinyl bulkhead for Harbor View Park, Cape May, New Jersey.
92. Geosystems Consultants, Inc. – determination of wave environment and wave and current loads on a sheet pile jetty at Motiva refinery facilities, Delaware City, DE.
93. S.T. Hudson Engineers, Inc. – design of a nearshore breakwater system for wetlands development at Holt's Landing State Park, Delaware.

94. State of Washington, Washington Fast Ferries – service on an expert review panel to evaluate the impact of high speed ferry operations on beaches and shoreline structures in Rich Passage.
95. Golden, Rothschild, Spagnola, Lundell & Levitt, PC – expert report on coastal processes relative to drowning incident at Jenkinson’s Beach, Point Pleasant, NJ.
96. New Jersey Sports and Exposition Authority – prediction of dune growth rates and monitoring of dunes at site of proposed Wildwood Civic Center, Wildwood, NJ.
97. New Jersey Visitor and Convention Bureau, Wildwood Convention and Civic Center - review of FEMA requirements for the construction of a hotel in the V-zone and the requirements to reclassify the site.
98. NSF Cyber Security Workshop - editorial review of workshop proceedings
99. Paragon at Seaside Heights – review of dune conditions at site of proposed development
100. FHWA/University of South Alabama – Advisory Panel, preparation of a technical report addressing the design and construction of highways in coastal area.
101. Gannett-Fleming, Inc. – preliminary design of shore protection for AMTRAK’s Niantic River Bridge
102. Gannett-Fleming, Inc. – preliminary design of shore protection for Deep Creek Lake, MD
103. Gannett-Fleming, Inc. – preliminary design of shore protection for Little Deal Island, MD
104. Gannett-Fleming, Hardesty & Hanover, AMTRAK – design of beach nourishment and jetty project at Niantic River crossing, Town of East Lyme, CT.
105. Vincent Sansone – analysis of level of shore protection provided if Strathmere dune line is moved seaward.
106. Gannett-Fleming, Inc. – analysis of tidal datum information at Hackensack, NJ.



107. Joseph, Greenwald & Laake – expert witness for wrongful death lawsuit, Turks & Caicos Islands
108. John Kornick Associates – evaluation of bulkhead and its impact on the establishment of wetlands at a property in North Wildwood, NJ.
109. White & Williams – forensic investigation of the cause of flooding in Building 500 at the Atrium Corporate Park, Somerset, NJ.
110. Michael Lorenz – evaluation of the condition of a bulkhead at 40 Waterway Road, Ocean City, NJ.
111. Matthiesen, Wakert & Lehrer – evaluation of the cause of flooding at the Condor Automotive facility, Dresher, PA
112. The Morey Organization – testimony to Wildwood Planning Commission on the impact of constructing an amusement facility on the beach at Adventure Pier, Wildwood, NJ and its relation to the FEMA V-Zone.
113. Matthiesen, Wakert & Lehrer – evaluation of the cause of flooding at the Fort Washington Volvo dealership, Fort Washington, PA.
114. Ocean & Coastal Consultants – review of groin design for the Revel Casino, Atlantic City, NJ.
115. Lawrence Smith – review of proposed seawall modifications at 325 Atlantic Avenue, Ocean City, NJ.
116. Thomas McGowan – review of proposed seawall modifications and its terminus at 237 Beach Road, Ocean City, NJ
117. URS Group, Oakland, CA – work for NASA to develop system to produce bio-fuel from algae in geomembrane bags to be deployed in the ocean.
118. Hatch Mott MacDonald – consultation on the selection of a consulting firm to design shore protection for Avalon, NJ.
119. Dr. Kathleen Arena – preparation of a report for obtaining a permit to construct a single family dwelling behind the dune at 5 Beach Road, Villas, NJ.

120. West End Boat Club – evaluation of proposed plan to dredge marina and the necessity of a sheet pile barrier to reduce sedimentation.

121. Lomax Consulting – forensic analysis of the cause of flooding in the Gifford Marina, NJ.

122. Seaboard Marina, Pennsgrove, NJ – development of marina layout and estimate of expected shoaling rates and dredging requirements.

123. Seabreeze Homeowners Association - design of shore protection for Seabreeze, Delaware Bay, NJ

124. John Kornick Associates - Determination of wave environment for marina development at Snug Harbor, Cape May, NJ

125. White & Williams, LLC – evaluation of the cause of flooding at the King of Prussia Mall due to the 1 October 2010 rainfall. Performed an analysis of precipitation data to determine the frequency of occurrence of rainfall.

126. The Woods Hole Group, MA – subcontractor on Corps of Engineers' Philadelphia District Regional Sediment Management Study report preliminary to the preparation of a Feasibility Report on the management of coastal sediments for beach nourishment and navigation maintenance.

127. West End Boat Club, Essington, PA – evaluation of proposed sheet pile cutoff barrier on the rate of sedimentation in the Delaware River marina.

128. Battelle Memorial Institute - participated in the independent external peer review panel to review the Jamaica Bay, Marine Park & Plumb Beach, New York Environmental Restoration Project Draft Interim Feasibility Report, Kings and Queens Counties, New York as a subcontractor to Battelle.

129. ASCE – served as a co-instructor with Mr. Charles Calhoun in an ethics course given at the Coastal, Ocean, Port & River Institute's (COPRI) Congress, Memphis, TN, November 2010.

130. Piers Marina – developed wind and ship wave environment for the design of a floating breakwater, December 2011.

131. Gannett-Fleming – developed water level and wind wave conditions for reservoir modifications for the Tampa Bay Water Authority, computed wave forces on intake tower, intake screens, bridge piles,

132. The Woods Hole Group, MA – participated in the development of a feasibility report for the US Army Corps of Engineers’ Philadelphia District for their Regional Sediment Management Study. Analyses included inlet dredging analyses, shoreline change mass curve analysis, spatial analysis of offshore borrow areas and their proximity to beach nourishment areas, opportunities for backpassing and Corps sand transport equipment, March 2010 – February 2012.

133. Hyland, Levin, LLC Attorneys – evaluation of dune conditions at the Greenberg property on Long Beach Island, Barnegat Light, NJ, January 2012.

134. Hatch Mott MacDonald – consultation on the evaluation of engineering firm proposals to study the need for coastal structures to mitigate erosion of Avalon, NJ’s beaches, January 2012.

135. Langsam, Stevens, Silver and Hollander – consultation on case involving the flooding of a residence.

136. eDesign Dynamics – consultation on a study of the sedimentation at Goldsmith Inlet, Long Island, NJ.

137. Neuberger, Quinn, Gielen, Rubin & Gibber – determination of the cause of flooding during Tropical Storm “Irene” at three nursing homes on the Cape May peninsula.

138. White & Williams – determination of the cause of flooding at Ocean County College TV studio during the storm of 3-4 September 2012.

**CONSULTING REPORTS:**

1. Weggel, J.R., "Breakwater Design Lectures", Lecture notes published for Advanced Course on Port Planning and Design, University of Buenos Aires, Argentina, September 1983.

2. Weggel, J.R., "Sunshine Skyway Bridge, Tampa, Florida - Review of Model Tests of Proposed Protective Islands", prepared for Hydro Research Service, Inc., Santa Clara, CA, February 1984.

3. Weggel, J.R., "TRW/Offshore Thermal Energy Conversion - Hydraulic Model Tests of Proposed Kahe, Hawaii, Installation", prepared for Hydro Research Science, Inc., Santa Clara, CA. March 1984.
4. Weggel, J.R., "Navigation Channel Maintenance and Sedimentation Control at the Mouth of the Rio Sergipe, Aracaju, Sergipe State, Brazil", prepared for Hidroservice: Engenharia de Projectos, Ltda, Sao Paulo, Brazil, June 1984.
5. Weggel, J.R., "Review of Site Development Plan, Lots 6K, 102K and 103K, Block 200, Ocean City, Cape May County, New Jersey (Berman Property)", prepared for the City of Ocean City, New Jersey, May 1984.
6. Sorensen, R.M. & J.R. Weggel, "Beach Processes and Coastal Structures at Atlantic City, New Jersey", Fritz Engineering Lab Report, Lehigh University, Bethlehem, PA, May 1984.
7. Weggel, J.R. "Review of Wave Environment and Wave Loading on a Breakwater for the Proposed Seaview Marina, Egg Harbor Township, NJ", prepared for the Township of Egg Harbor, November 1984.
8. Weggel, J.R. and R.M. Sorensen, "Review of Plans for the Rehabilitation of Rollover Fish Pass, Gilcrist, Texas", prepared for the University of Texan at Austin, April 1985.
9. Weggel, J.R. "Wind and Ship Waves at the US Coast Guard's Delaware River Marine Safety Office Site and Recommendations for a Wave Attenuating Breakwater," prepared for Commander, Third Coast Guard District, Governors Island, NY, August 1986.
10. Weggel, J.R. "Hydrologic and Hydraulic Analysis - Evaluation of a Proposed Development Plan for Lot 16, Block 24, Warminster, Bucks County, PA," prepared for Public Storage, Inc., Mount Laurel, NJ, March, 1986.
11. Weggel, J.R. "Evaluation of Wave and Current Forces on Proposed Marina Structures at Margate, NJ," prepared for Pennoni Associates, Inc., November 1986.
12. Weggel, J.R. "Preliminary Design of a Nearshore Breakwater to Protect Ocean City's Beach in the Vicinity of 9th Street," prepared for the City of Ocean City, NJ, January 1987.



13. Weggel, J.R. "Suitability of Sand from Drag Island as Beach Nourishment for Ocean City, New Jersey," prepared for the City of Ocean City, NJ, August 1987.
14. Douglass, S.L. & J.R. Weggel "Hydrologic Investigation of the B & O Railway Failure," prepared for Hudson GEOTECH International, File No. G 5307, May 1987.
15. Sorensen, R.M. & J.R. Weggel "Improvement of Beach Conditions and Bulkhead Stability for Property Located at 68 Gardiners Bay Drive, Shelter Island, NY," prepared for Dr. Lawrence Pape, June 1987.
16. Weggel, J.R. "A Dune Establishment and Maintenance Program for the City of Ocean City, New Jersey," prepared for the City of Ocean City, New Jersey, Coastal & Marina Engineering Consultants, Inc., June 1988.
17. Weggel, J.R. "Report on Flooding, Jervis Collision Center & Philmont Associates Properties, Philmont Road, Bucks County, PA" prepared for Berlinger & Small, Attorneys at Law, Abington, PA, November 1988.
18. Weggel, J.R. "Longshore Sand Transport Analysis, Suffolk County Sewer Outfall Site, Cedar Island Beach, Long Island, New York, prepared for Dravo-VanHouten, 11 Penn Plaza, New York, NY, 16 January 1989.
19. Sorensen, R.M., J.R. Weggel & S.L. Douglass, "Monitoring and Evaluation of 1986 Beach Nourishment, Atlantic City, New Jersey," Marina & Coastal Engineering Consultants, Inc., prepared for the State of New Jersey, Division of Coastal Resources, February 1989.
20. Weggel, J.R. & T.Z. Wilson, "A Hydrologic Investigation of the Gorgas Lane Tributary of the Wissahickon Creek, Philadelphia, PA," prepared for Friends of the Wissahickon, 24 June 1989.
21. Weggel, J.R. "Evaluation of the Flushing Characteristics of a Proposed Marina Lagoon at Cape May, NJ," prepared for M.V. Engineering, Cape May Court House, NJ, March 1990.
22. Weggel, J.R. "Interim Report - Barnegat Inlet New South Jetty Construction Claim," prepared for Philadelphia District, US Army Corps of Engineers under contract DACW-90-M-1140, March 1991.
23. Weggel, J.R. "Barnegat Inlet - Review of a Consulting Report by R.G. Dean Prepared for Morrison-Knudsen Company, Inc." prepared for

Philadelphia District, US Army Corps of Engineers under contract DACW-90-M-1140, August 1991.

24. Weggel, J.R. "An Investigation of Flooding Caused by the 13 July 1991 Storm at Granite Run Mall, Media, PA," prepared for International Environmental Services, Inc. 595 East Swedesford Road, Suite 2000, Wayne PA, February 1992.

25. Weggel, J.R. "Computation of Potential Seepage through a Gabion Dam at White Horse Village, Newtown Square, PA and a Determination of its Effect on Flood Discharge Attenuation," prepared for White Horse Village, Newtown Square, PA and Bower Lewis Thrower/Architects, Philadelphia, PA, February 1992.

26. Weggel, J.R. "Beach Profile and Groin Behavior Analyses, Sea Isle City, New Jersey," prepared for Walker, Previti, Holmes & Associates and the City of Sea Isle City, NJ, August 1992.

27. Weggel, J.R. "Evaluation of the Cause of Flooding at the Brooks Armored Car Facility, New Castle County, Delaware," prepared for Clark, Ladner, Fortenbaugh & Young, September 1992.

28. Weggel, J.R. "An Assessment of the Effects of the Proposed 83rd and 89th Street Groins on Downtdrift Beaches, Sea Isle City, New Jersey," prepared for Walker, Previti, Holmes & Associates and the City of Sea Isle City, NJ, November 1992.

29. Weggel, J.R. "Wind and Ship Wave Analysis, West End Boat Club, Delaware River, Essington, PA," prepared for West End Boat Club, Essington, PA, July 1994.

30. Weggel, J.R. "Wind Blown Sand Transport," prepared for the U.S. Army Corps of Engineers Coastal Engineering Research Center under contract DACW-39-93-M-6868, 15 April 1994.

31. Weggel, J.R. "The Cause of Flooding at the Quakertown High School Gymnasium and Recommended Remedial Actions," prepared for CFP Environmental Services, Norwood, PA, 15 March 1995.

32. Weggel, J.R. "Wind-Wave, Ship-Wave and River Current Analysis, Proposed Seneca Pointe Marina, Chesapeake Bay, Havre de Grace, MD, prepared for Headwater Construction Company, Suite 103, Barksdale Professional Center, Barksdale Road, Newark, DE, 25 March 1995.

33. Weggel, J.R. "An Evaluation of the Shoaling of Inside Thorofare at the Bay-Port Condominium, Atlantic City, New Jersey," prepared for Robert Matthews, Linwood, NJ, 14 April 1995
34. Lomax, J.L. & J.R. Weggel, "A Preliminary Assessment of Lagoon Dredging and Dredged Material Management, City of Ocean City, New Jersey," prepared for the City of Ocean City, New Jersey, July 1995
35. Weggel, J.R. "Investigation of Damage to Under-Media Drain Tiles at the North Jersey District Water Supply Commission's Water Treatment Plant, Wanaque, NJ" prepared for International Environmental Services, Wayne, PA, 29 May 1995.
36. Weggel, J.R. "Hydrologic and Hydraulic Analysis of the Manayunk-Schuylkill Canal, Philadelphia, PA," prepared for Pennoni Associates, Inc., Philadelphia, PA, August 1995.
37. Weggel, J.R. "Design of a Groin Field for the Beaches North of Thirty-first Street in Sea Isle City, New Jersey, prepared for the City of Sea Isle City and Walker, Previti, Holmes and Associates, December 1995.
38. Weggel, J.R. "Coastal Processes Relevant to the Proposed Wildwood Convention Center Site, Wildwood, NJ, prepared for the Greater Wildwoods Tourism Improvement and Development Authority, Wildwood, NJ, 27 December 1995.
39. Weggel, J.R. "Sand Budget for Proposed Dune, Greater Wildwoods Civic Center Site, Wildwood, NJ," prepared for the Greater Wildwoods Tourism Improvement and Development Authority, Wildwood, NJ. 27 19 July 1996.
40. Weggel, J.R. "Analysis of Flooding at the Red Cross Building at 7th & Spring Garden Streets, Philadelphia, PA, During the 14 July 1994 Rainstorm," prepared for Law Offices, White & Williams, 1800 Liberty Place, Philadelphia, PA 19103-7395, 3 January 1997.
41. Weggel, J.R. "Design of a Terminal Groin at Townsends Inlet, Sea Isle City, New Jersey," prepared for the City of Sea Isle City and Walker, Previti, Holmes & Associates, 156 Stagecoach Road, Marmora, NJ, 20 June 1996.
42. Weggel, J.R. "Sediment Budget Analysis and Evaluation of Beach Stabilization Alternatives, Townsends Inlet Shoreline, Sea Isle City, New

Jersey,” prepared for the City of Sea Isle City and Walker, Previti, Holmes & Associates, 156 Stagecoach Road, Marmora, NJ, March 1997.

43. Weggel, J.R. “The Impact on Adjacent Beaches of Cutting a Tidal Inlet near Norbury’s Landing, Middle Township, Cape May County, New Jersey,” prepared for Mr. Richard Adelizzi and Levin & Hluchan, Attorneys at Law, Voorhees, NJ, 27 November 1996.

44. Weggel, J.R. & B. Marengo “A Schuylkill River Model for the Vicinity of the Queen Lane Water Intake and the Wissahickon Creek, Philadelphia, PA” prepared for the City of Philadelphia, Water Department by Department of Civil & Architectural Engineering, Drexel University, 30 June 1999.

45. Weggel, J.R. (1999) “Design of Nearshore Breakwaters for Shore Protection and Salt Marsh Development: Holt’s Landing State Park, Indian River Bay, Delaware,” prepared for S.T. Hudson Engineers, Camden, NJ, 7 September 1999.

46. Weggel, J.R. (1999) “Application of ‘DYNLET1’ Inlet Model to Wetlands Design, Northern Mitigation Area, Bayonne, NJ,” prepared for Princeton Hydro LLC, Lambertville, NJ, 2 January 1999.

47. Weggel, J.R. (1998) “Breakwater Designs for Wetlands Mitigation, Bayonne, NJ,” prepared for Princeton Hydro LLC, Lambertville, NJ, 29 November 1998.

48. Weggel, J.R. (1998) “The Effect on Coastal Processes of a Proposed Dwelling, Block 37, Lots 4 & 5, Bay Head, Ocean Count, New Jersey,” prepared for Bennett & Yoskin, Attorneys at Law, Princeton, NJ, 17 April 1999.

49. Weggel, J.R. (1999) “The Impact on Fronting Dunes of Constructing a Home at 5299 Dune Drive, Avalon, NJ,” prepared for Engineering Design Associates, P.A. Ocean View, NJ, 26 January 1999.

50. Weggel, J.R. & R. M. Sorensen (1999) Analysis of Water Levels and Wave Conditions on 17 August 1995 at Jenkinson’s Pavilion Beach, Point Pleasant, New Jersey, Akram Abdul-Majeed v. Jenkinson’s Pavilion,” prepared for Ronald S. Levitt, Esq. Attorney at Law, Golden, Rothschild, Spagnola, Lundell & Levitt, P.C., Bridgewater, NJ, 26 July 1999



51. Weggel, J.R. (1999) "First Dune Monitoring Report, Wildwoods Convention and Civic Center, Wildwood, NJ," prepared for New Jersey Sports and Exposition Authority, East Rutherford, NJ, 20 August 1999.
52. Weggel, J.R. (2000) "Bulkhead Design for Harborview Park, Cape May County, Cape May, New Jersey," prepared for T.J. Sharp, Inc. 303 Washington Lane, Fort Washington, PA 19034.
53. Weggel, J.R. (2000) "The Impact of Proposed Grave Spacing on Groundwater Recharge at All Soul's Cemetery, Brandywine Township, Chester County, PA," prepared for Catholic Cemeteries Office, Archdiocese of Philadelphia, 14 April 2000.
54. Weggel, J.R. (2000) "Flood Hazard Analysis for Proposed Development on Venice Island, Manayunk, Philadelphia, PA," prepared for Boles, Smyth Associates, Inc., 17 January 2000.
55. Weggel, J.R. (2000) "Wave and Wave Force Analysis, Motiva Jetty, Delaware City, Delaware," prepared for GeoSystems Consultants, Inc. Fort Washington, PA, 31 January 2000.
56. Weggel, J.R. (2000) "Wake Impacts of Chinook Class Passenger-Only Ferries in Rich Passage on the Seattle to Bremerton Route, Washington State Ferries," prepared for Washington State Ferries, 20 April 2000.
57. Weggel, J.R. "Coastal Processes in the Vicinity of 39<sup>th</sup> Street and their Effect on Proposed Development of Lot 16, Block 3901, Ocean City, New Jersey," prepared for Clement F. Lisitski, Esq., Attorney at Law, Ocean City, NJ, 26 February 2001.
58. Weggel, J.R. "Design of Protective Breakwaters for the U.S. Coast Guard Station, Cape May, NJ," prepared for Duffield Associates, Inc. and the US Army Corps of Engineers, Philadelphia, District, 12 January 2001, revised 6 June 2001.
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63. Weggel, J.R., "Coastal Processes in the Vicinity of the Tropicana Casino, Atlantic City, NJ," prepared for Ian Jerome, Planner, Absecon, NJ, 28 November 2000.
64. Weggel, J.R., & J.J Mulhern, "Burlington County Farmland Program: Independent Overview: Interim Report," prepared for the Burlington County Board of Chosen Freeholders, Burlington County, New Jersey, 26 October 2000.
65. Weggel, J.R., "Effect of Avalon Jetty Extension on Longshore Transport Rates at Sea Isle City, NJ," letter report to Andrew Previti, Walker, Previti, Holmes & Associates, Marmora, NJ, 19 November 2000.
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74. Weggel, J. Richard (2004) Coastal Processes at the Stuart Property, Block 855, Lots 1 & 1.01 Township of Upper, Cape May County, Strathmere, NJ, prepared for Mr. Jeffrey Stuart, Strathmere, NJ, 5 January 2004
75. Weggel, J. Richard (2004) Evaluation of Dune Designation at the Osborn Property, Lot 30, Block 36, Brick Township, Ocean County, NJ, prepared for Jack and Carol Osborn, 443 Route 35 South, Brick Township, NJ 08738, 4 May 2004
76. Weggel, J. Richard (2004) Wind Waves and Ship Waves at the Proposed Thames Landing Marina, Quaker Hill, Connecticut, prepared for Forest Homes of New England, LLC, Thames Landing Marina, 64 Scotch Cap Road Quaker Hill, CT 06375, 24 July 2004
77. Weggel, J.R. (2005) "Wind and Ship Waves at the Proposed Seaboard Marina, Absecon Inlet, Atlantic City, NJ." prepared for Nassau Marina Holdings, LLC, 1800 Bay Avenue, Bay Head, NJ 08742, 17 January 2005
78. Weggel, J. Richard (2005) Review of Conditions Causing Flooding Downstream of the Warrington Retail Center and Creekview Phase II Developments, Warrington Township, Bucks County, Pennsylvania prepared for Langsam Stevens & Silver LLP, 1616 Walnut Street, Suite 1700, Philadelphia, PA 19103-5319, 24 March 2005
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107. Weggel, J.R. (2007) "The Impact of M & M Quarry Operations on Telford Borough Authority's Water Supply Well #4 and Nearby Private Water Supply Wells," prepared for Post & Schell, Attorneys at Law, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103, 28 March 2007.

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112. Weggel, J.R. (2009) "The Cause of Flooding on Sunday, 2 August 2009 at the Condor Automotive Site in Dresher, PA." Prepared for Matthiesen, Wickert & Lehrer, S.C., Harford WI, 14 October, 2009.

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113. Weggel, J.R. (2010) "Review of Proposed New Revetment and Augmented "Revetment" Design at 325 Atlantic Boulevard, Ocean City, NJ," and "Second Review of Proposed New Revetment and Augmented 'Revetment' Design at 325 Atlantic Boulevard, Ocean City, NJ," letter reports prepared for Hyland Design Group, Ocean City, NJ, 5 May 2010.

123. Weggel, J.R. (2010) "Evaluation of Dune Conditions at 5 Beach Avenue, Villas, New Jersey, (Block 319, Lot 1.02 -Arena Property," prepared for Dr. Kathleen Arena, 5 Beach Avenue, Villas, NJ, 18 August 2010.

124. Weggel, J.R. (2008) "Conceptual Design of Two Alternative Shore Protection Schemes for Seabreeze, Fairfield Township, Cumberland County, New Jersey," prepared for Seabreeze Homeowners Association, Seabreeze, NJ, 14 September 2008

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127 Weggel, J.R (2008) "Sedimentation the Vicinity of Pier 25 North, City of Philadelphia" letter report prepared for Marathon Engineering & Environmental Services, Inc., Swedesboro, New Jersey 08085, 25 January 2008

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129. Weggel, J.R. (2009) "Bulkhead on Property at 40 Waterway Road, Ocean City, NJ," letter report prepared for Mr. Michael Lorenz, Cherry Hill, NJ 08002, 14 August 2009

130. Weggel, J.R. (2009) "Fort Washington Volvo, Claim #CMINT1036028" letter report prepared for Matthiesen, Wickert & Lehrer, S.C., Hartford, WI 53027-0670, 20 October 2009.

131. Weggel, J.R (2013) "Shore Protection Evaluation and Recommendation at 47 Bay Breeze Drive, Toms River, NJ, Block 295, Lot 1, Calderon Property," report prepared for Dr. Dawn Calderon, Toms River, NJ, 30 September 2013.

132. Weggel, J.R (2013) "Structural Modification of the 11<sup>th</sup> Avenue Groin at Longport, NJ, report prepared for the Borough of Longport, NJ, 23 October 2013.



**INVITED LECTURES:**

- Lehigh University
- University of Illinois
- University of Florida
- University of Maryland
- University of Delaware
- Old Dominion University
- Rowan University
- Marine Board, National Academy of Sciences
- US Army, Coastal Engineering Research Board
- Widener University
- University of Pennsylvania
- Temple University
- ASCE Geo Institute: Coastal Processes – March 2006.
- Drexel University, CAEE Seminar Series – “Sand Transport by Wind and Predicting Rates of Dune Growth”
- Nicholas Kraus Symposium, Melbourne, FL
- Polytechnic University of Madrid, Spain – five lectures on various aspects of sea level rise, June 2010
- Alumni Lecture, Department of Civil, Architectural & Environmental Engineering, Drexel University – 3 May 2012

**SHORT COURSES PRESENTED:**

- Coastal Structures - American Society of Civil Engineers
- Coastal Engineering Workshop - Drexel University
- An Introduction to Coastal Engineering for Non-Engineers - Coastal Zone '89
- Coastal and Dredging Applications of Geotextile Tubes – Geosynthetics 2007 Conference, Washington, DC, 15 January 2007.
- Coastal and Dredging Applications of Geotextile Tubes – GeoAmericas 2008 Conference, Cancun, Mexico, 2 March 2008.
- Ethics – ASCE Coastal, Oceans, Ports & Rivers Institute Congress, Memphis, TN, November 2010
- Ethics Workshop – The Philadelphia Engineers Club, 23 April 2013.

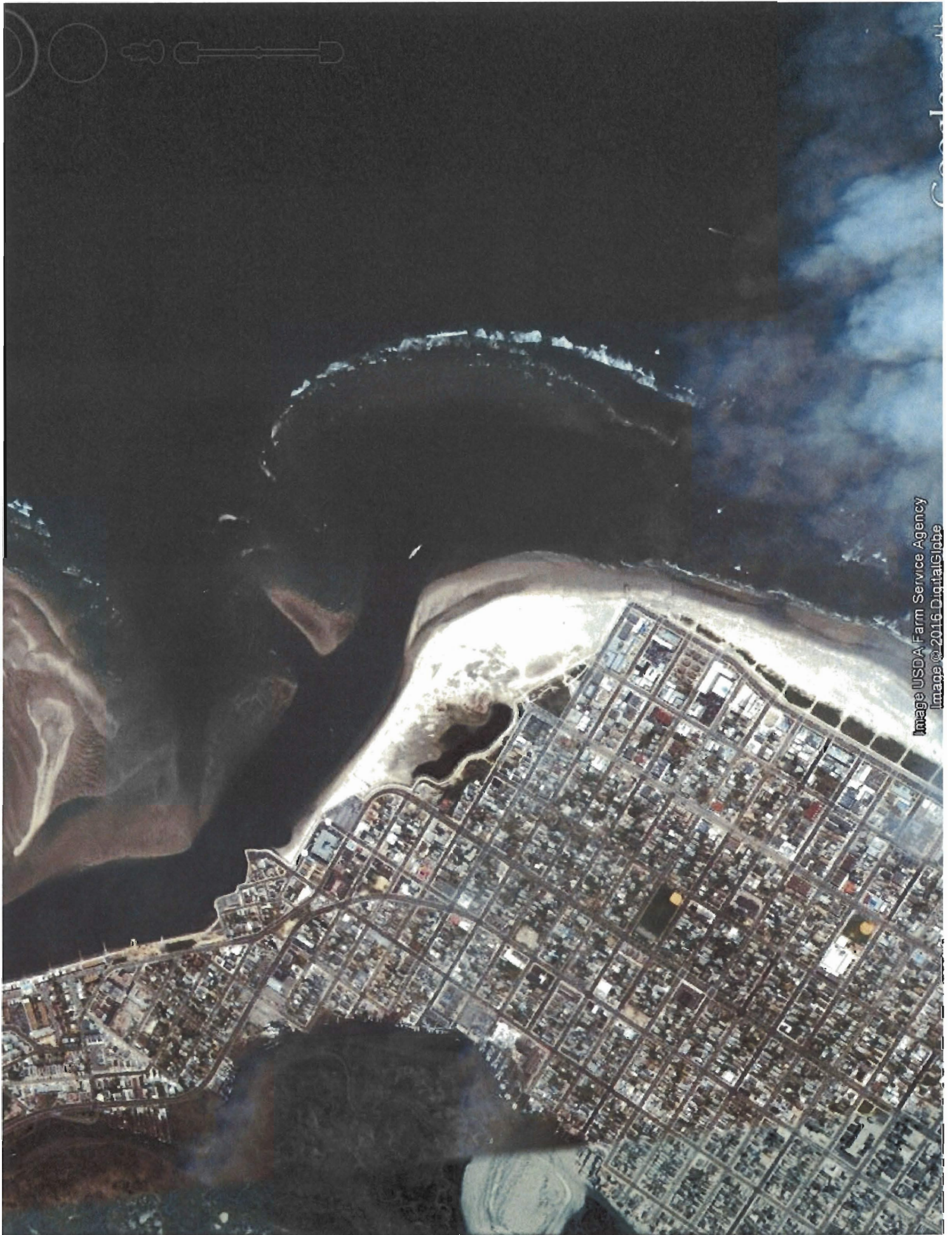


Image USDA Farm Service Agency  
Image © 2016 DigitalGlobe



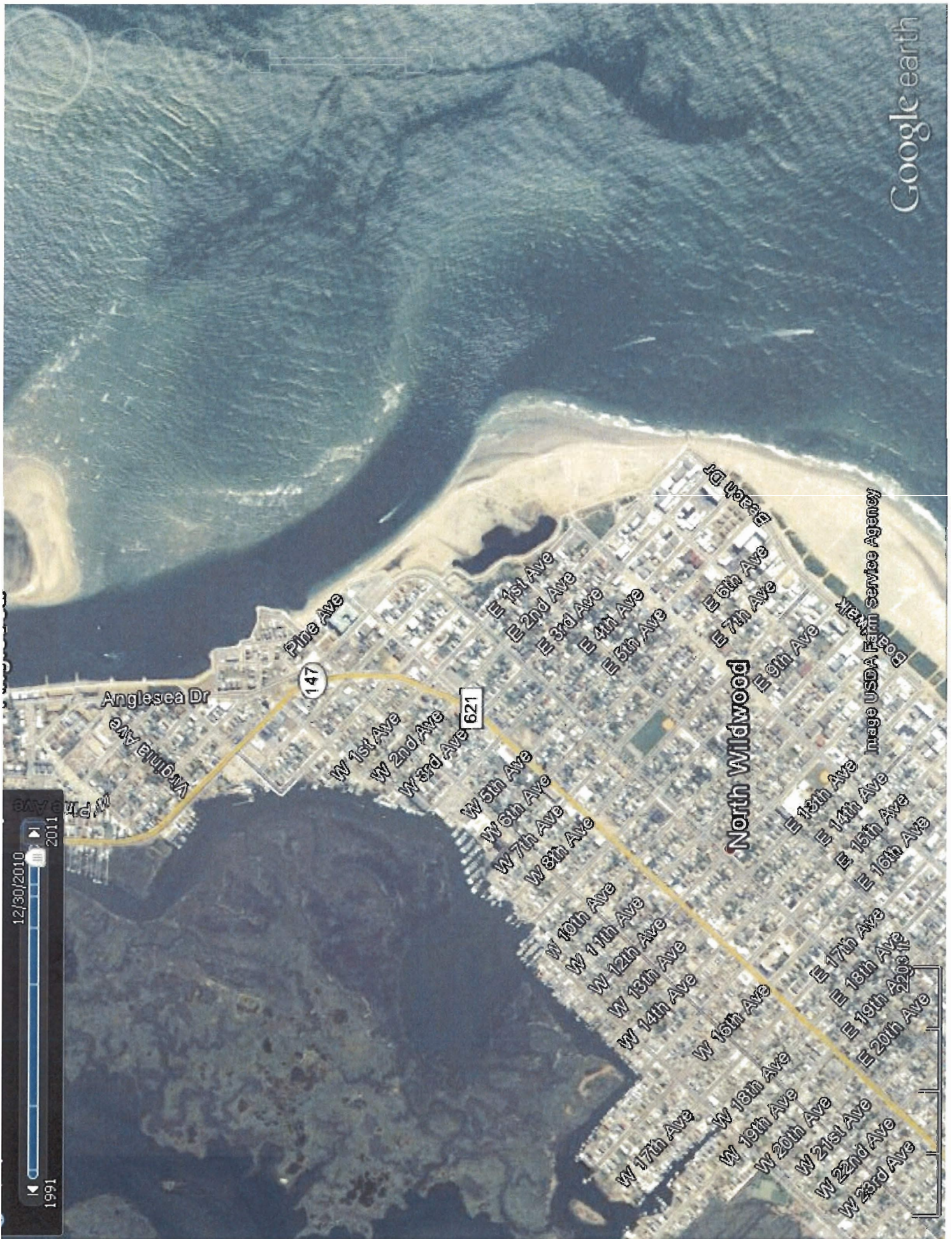


EXHIBIT T









EXHIBIT V





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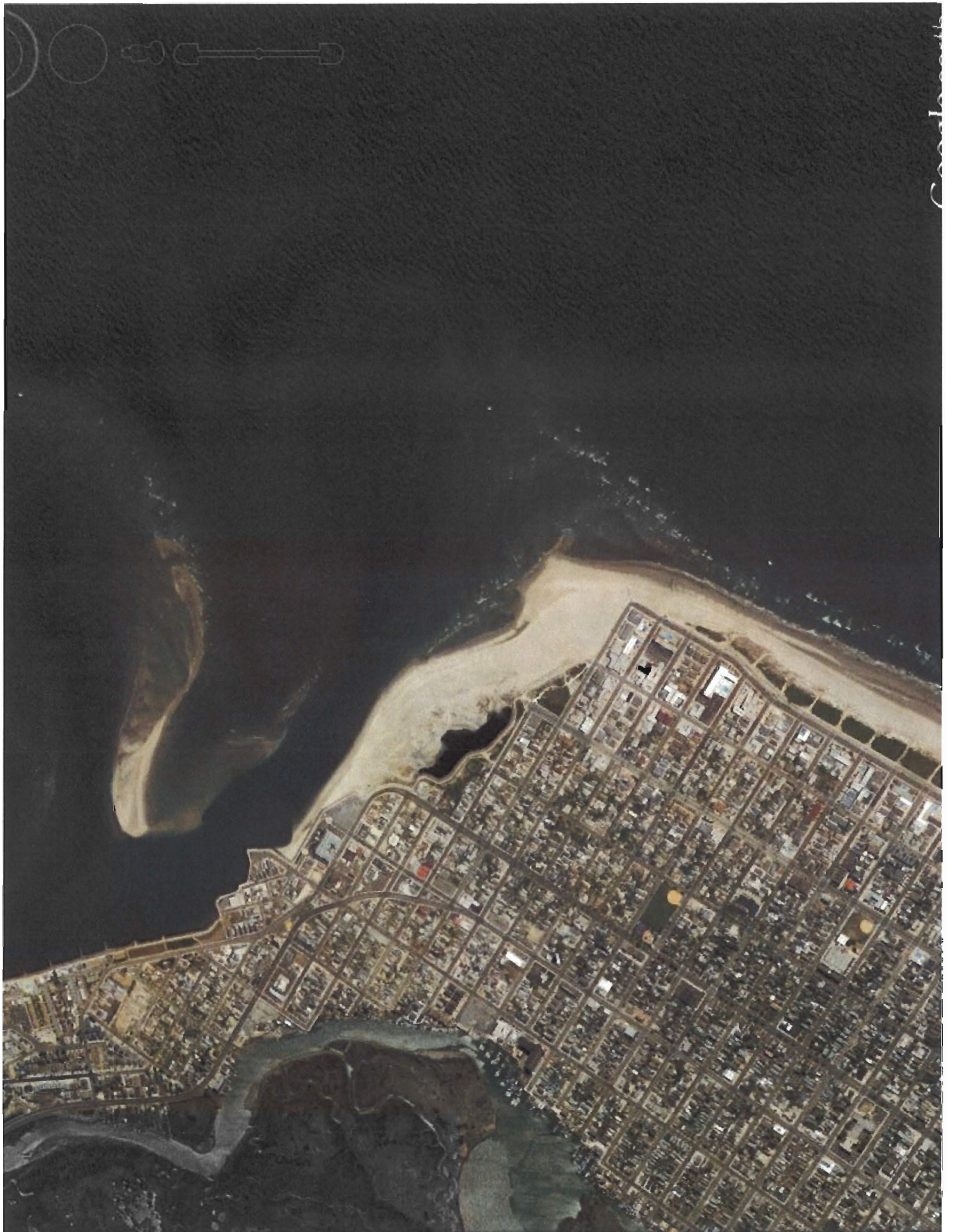






EXHIBIT X







A8 • TUESDAY, SEPTEMBER 27, 2016

LOCAL

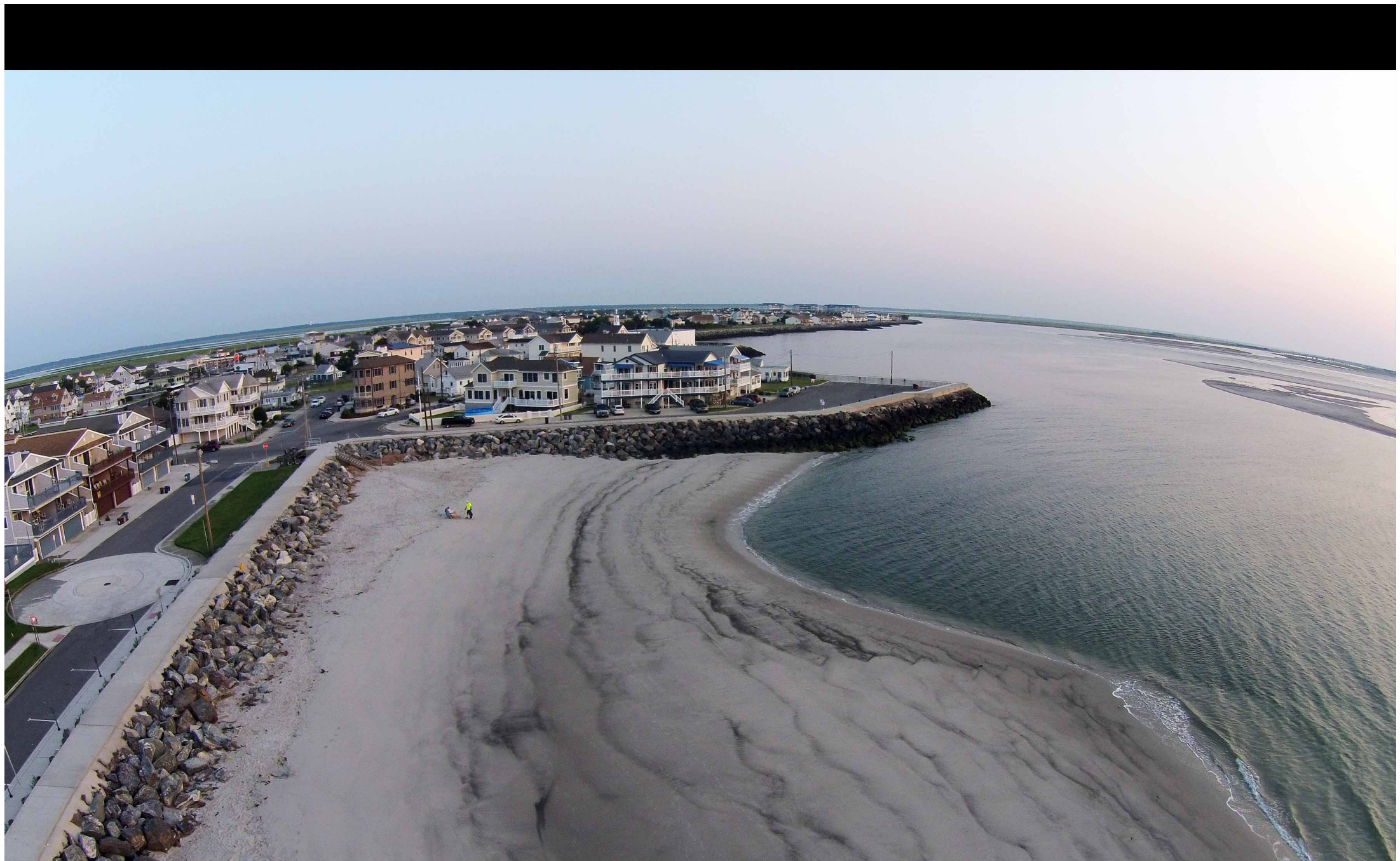
THE PRESS OF ATLANTIC CITY

# + Great day for a seawall stroll



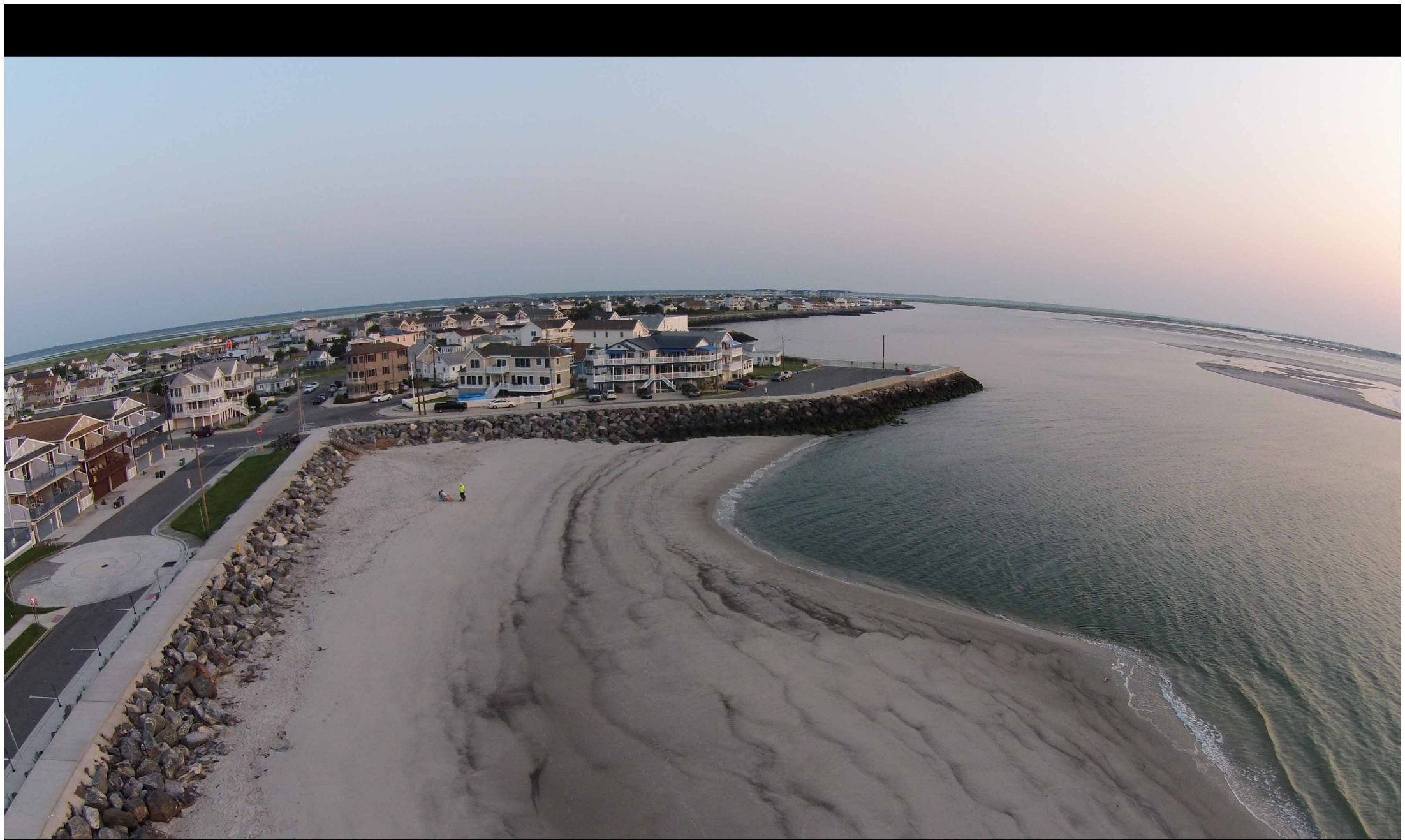
Fishermen line the beach at Hereford Inlet adjacent to the seawall at New York Avenue.





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 209





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 210





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 213





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 215





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 220





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 221





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 223





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 224





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 227





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 228





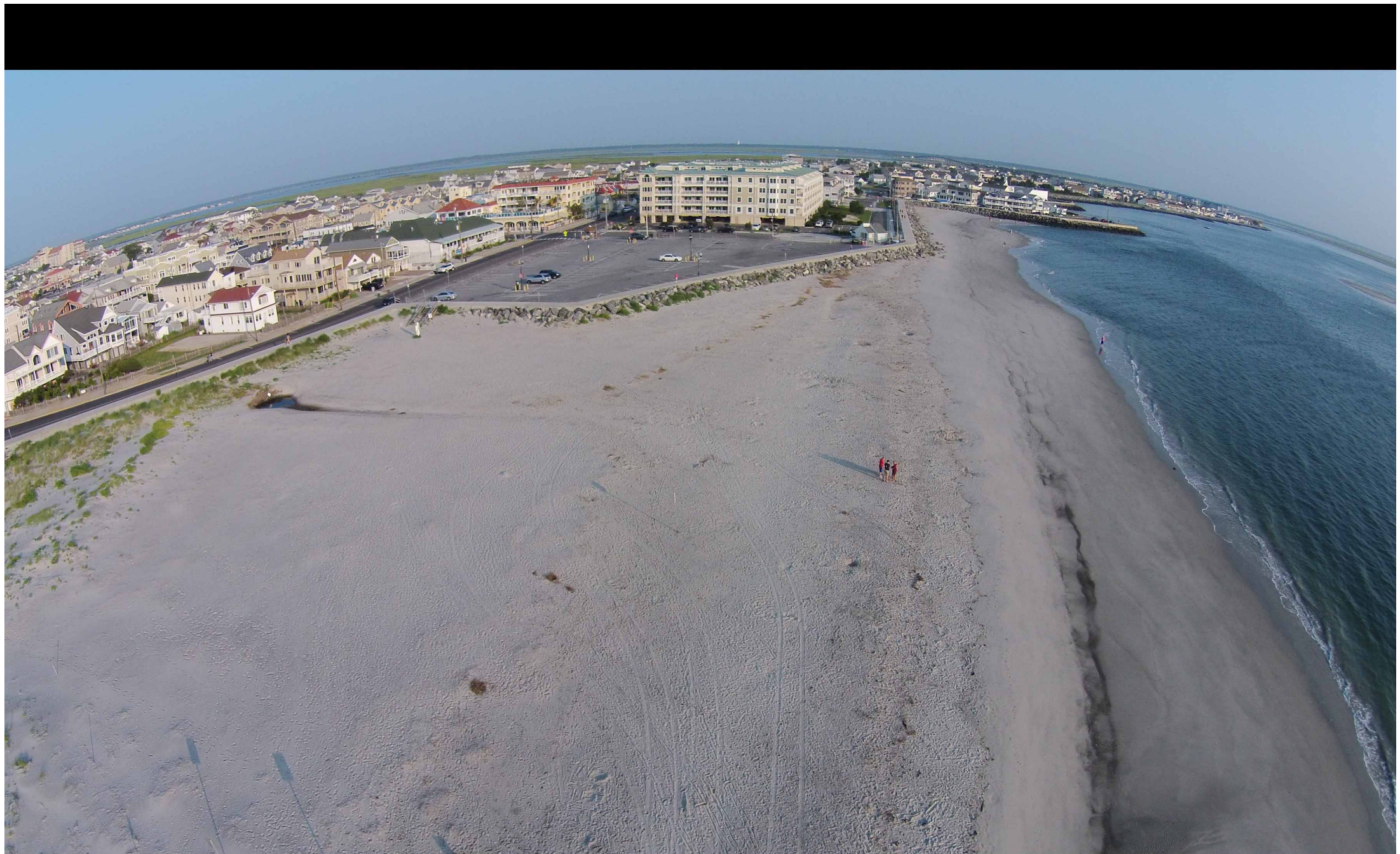
D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 229





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 230





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 231





D'Amato Law-Smith Estate • Aerial View • July 31, 2014 • AC Photo • 609-926-1200 • Frame 237



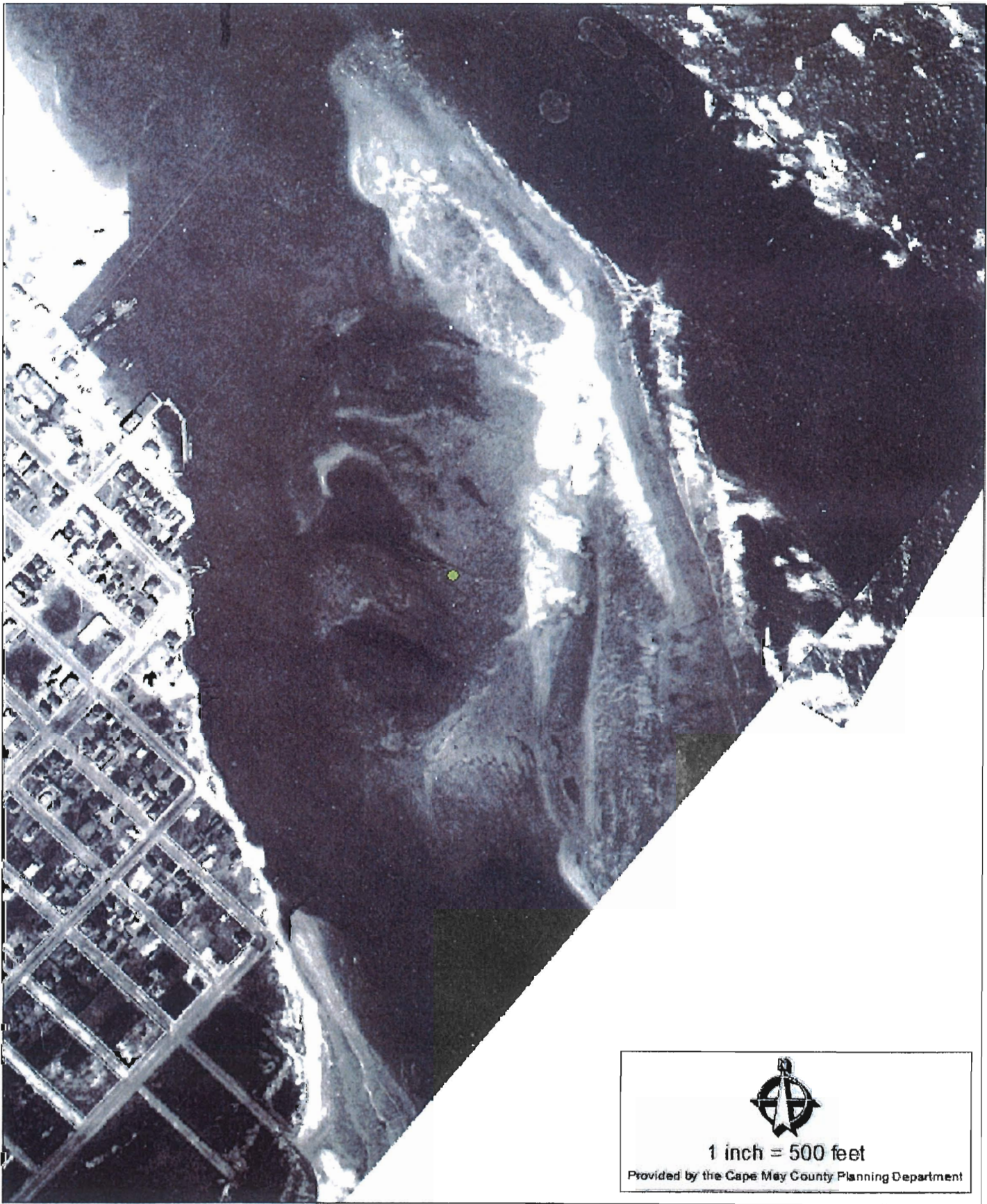
# EXHIBIT B1

VIDEO -

SEPARATE DVD ATTACHED

ALL-STATE LEGAL®  
EXHIBIT  
County Designee  
5  
7-23-16

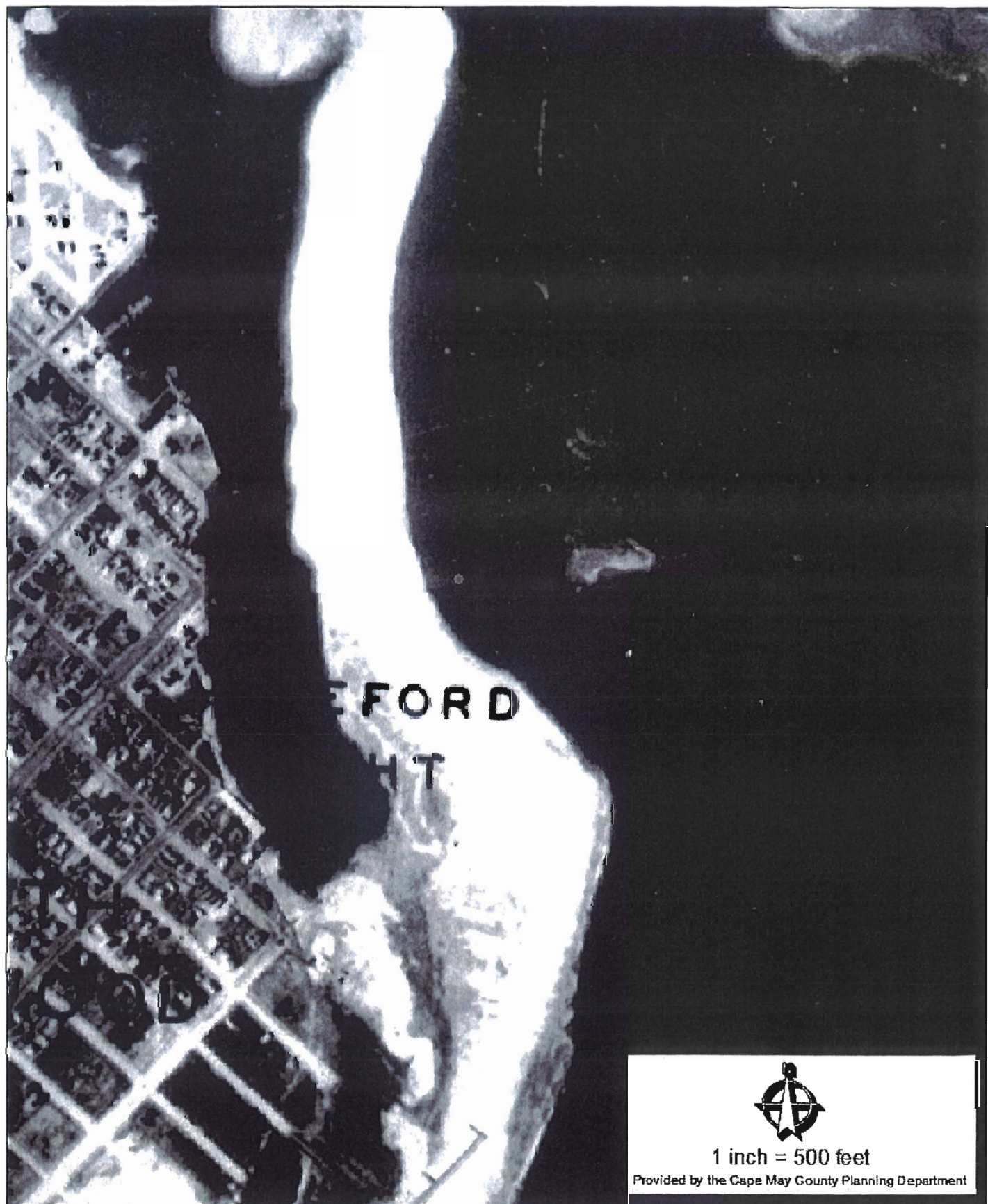
1920



  
1 inch = 500 feet  
Provided by the Cape May County Planning Department

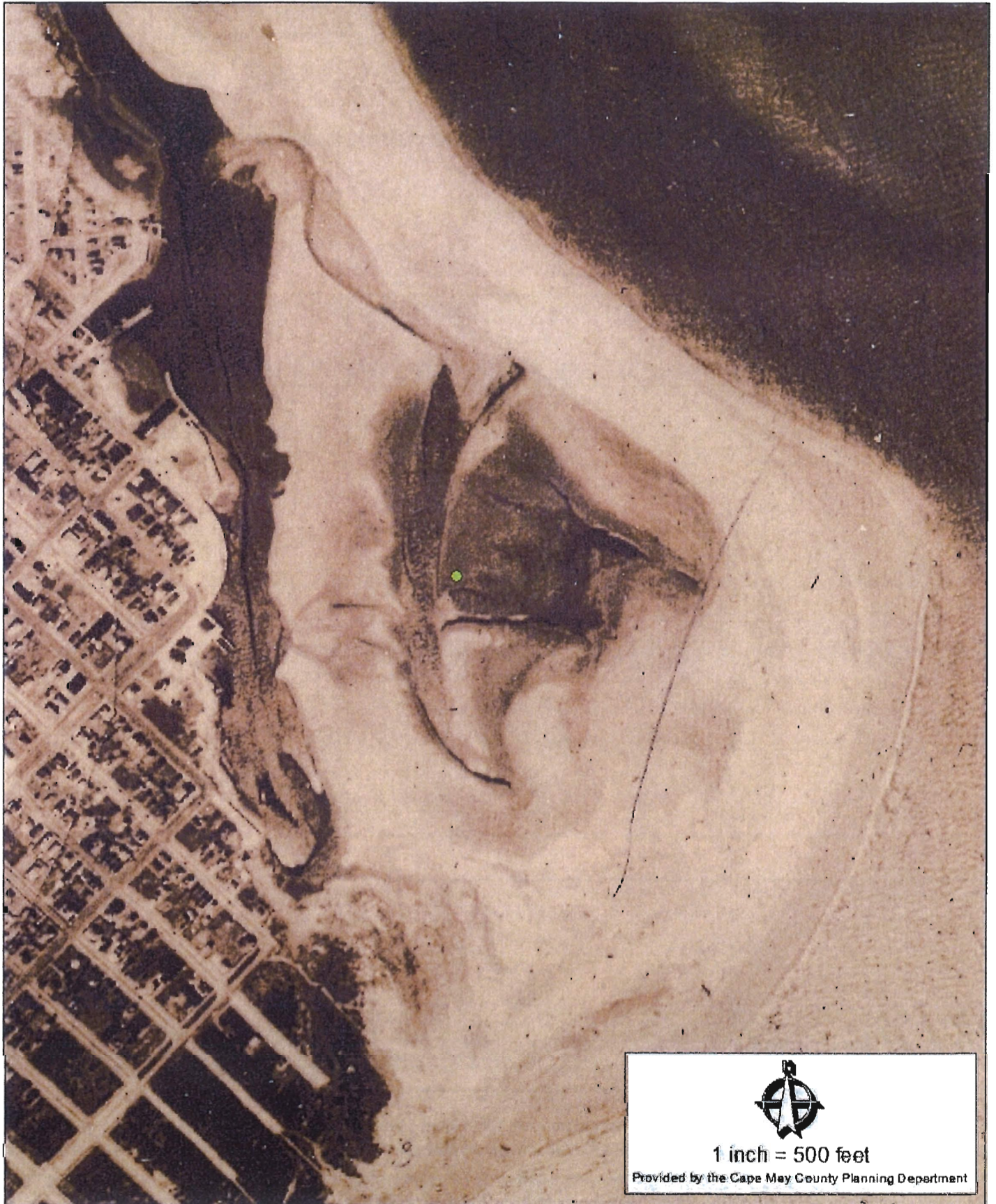


1930



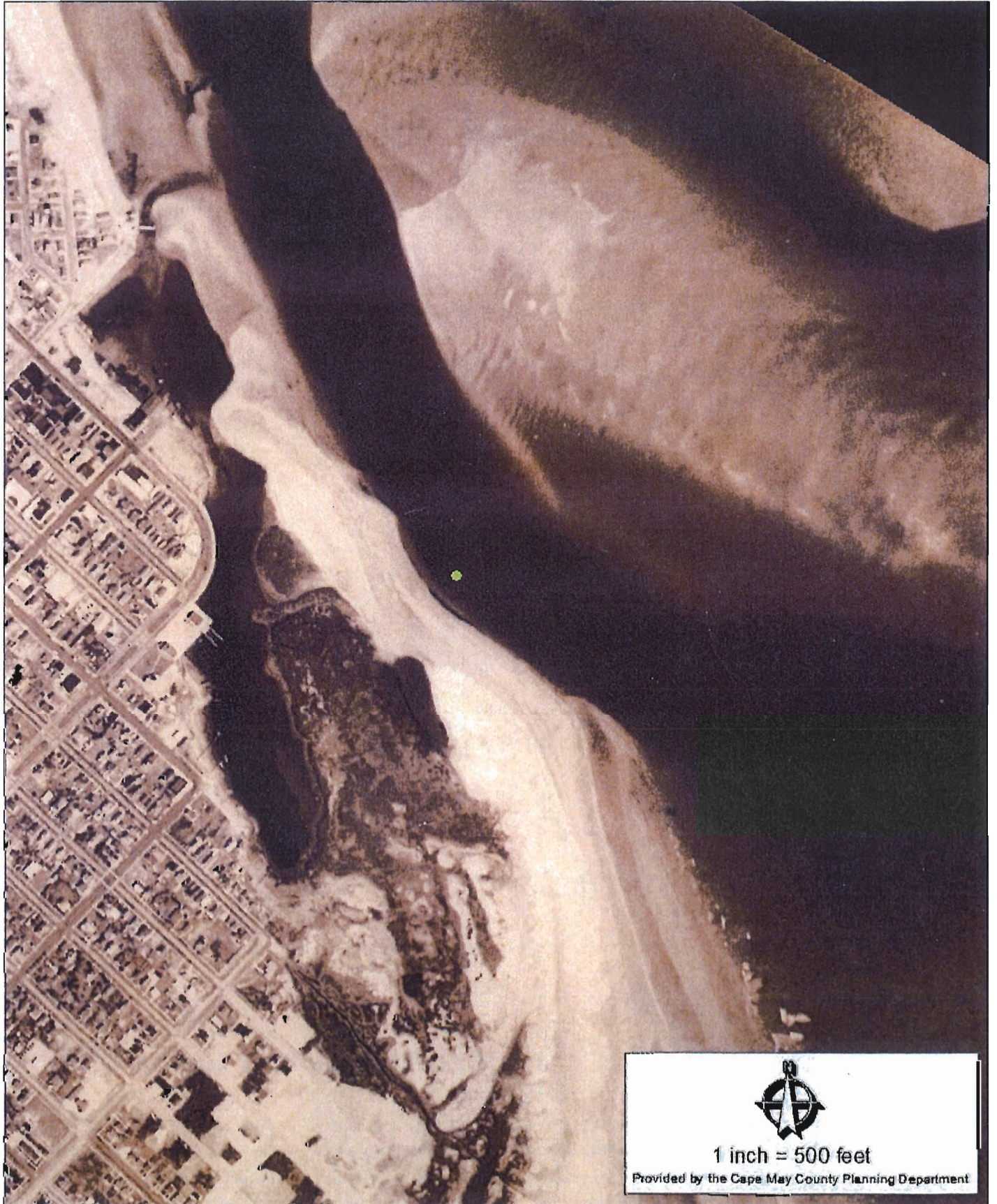


1941



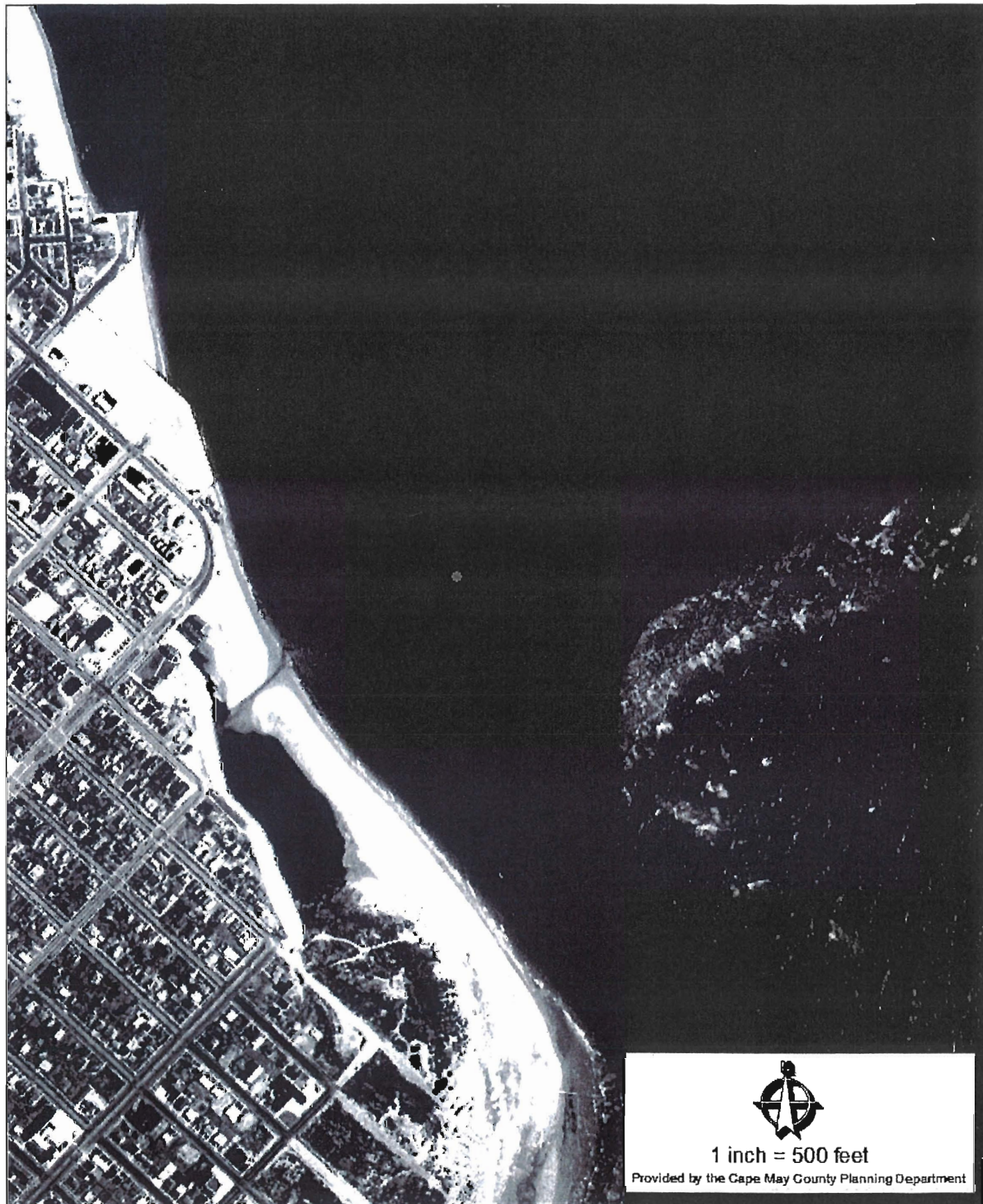


1956



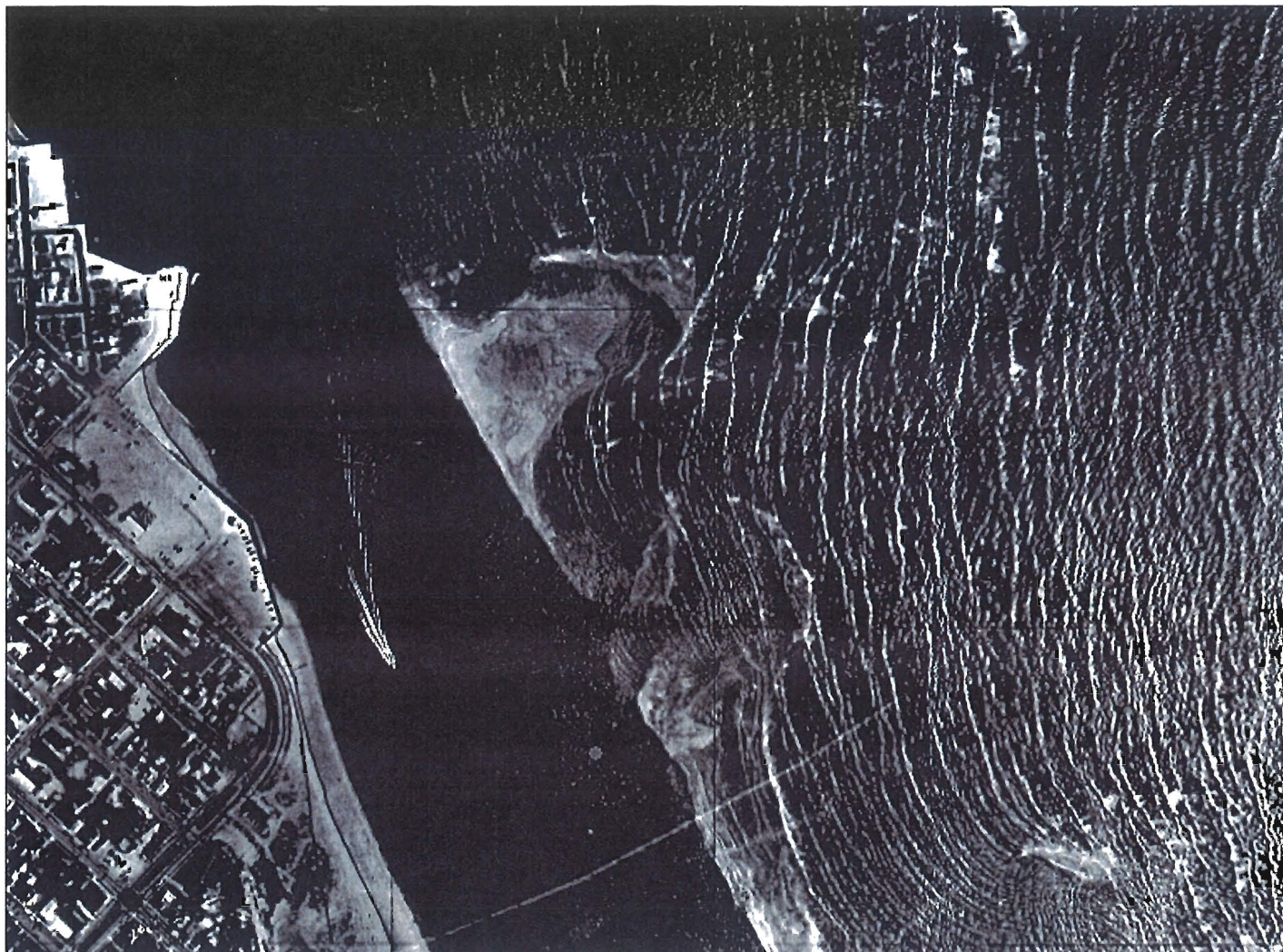


1963





1970



1 inch = 500 feet

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Aerial - NJDEP 1970 Wetlands Basemap

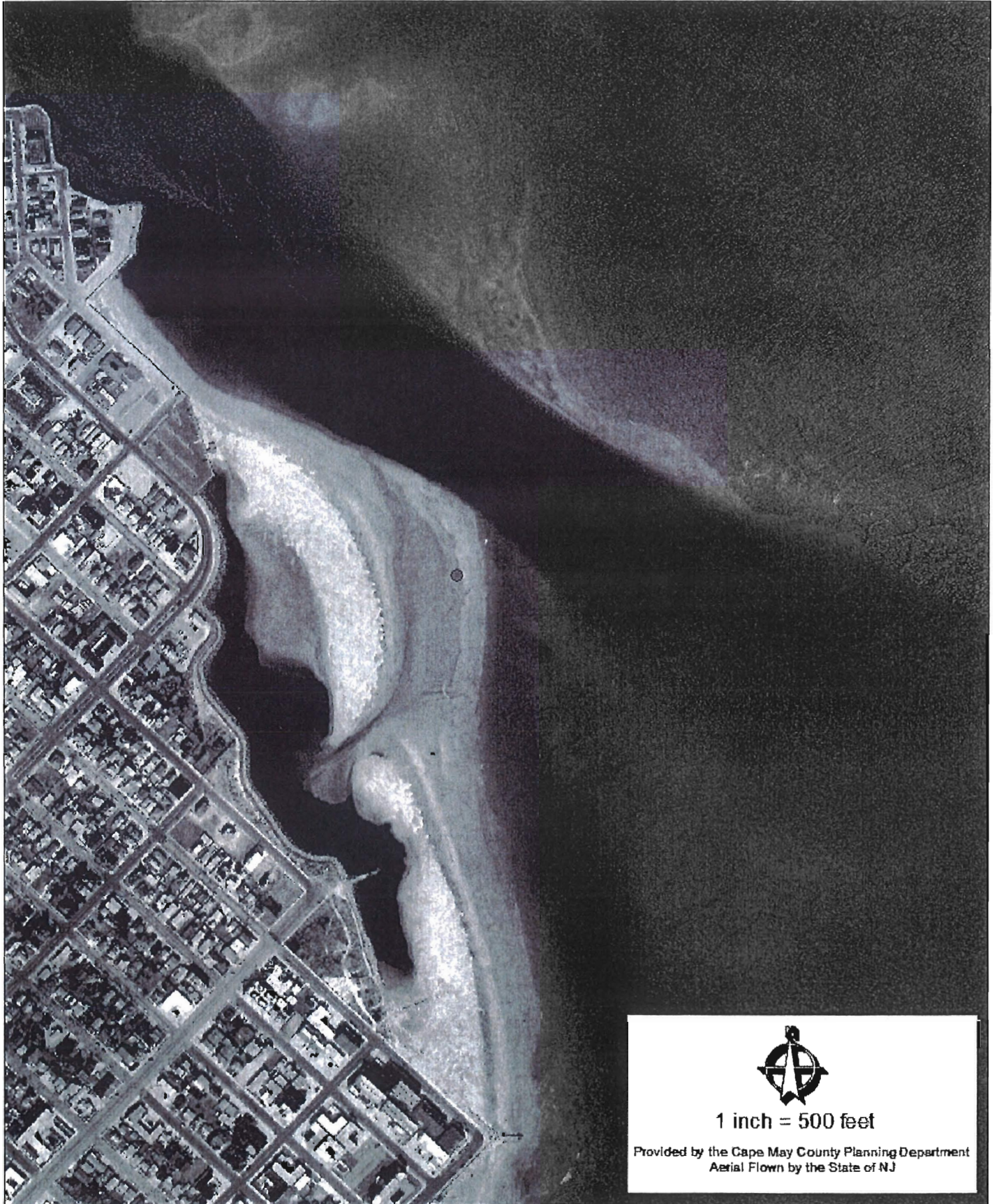


1995





2000



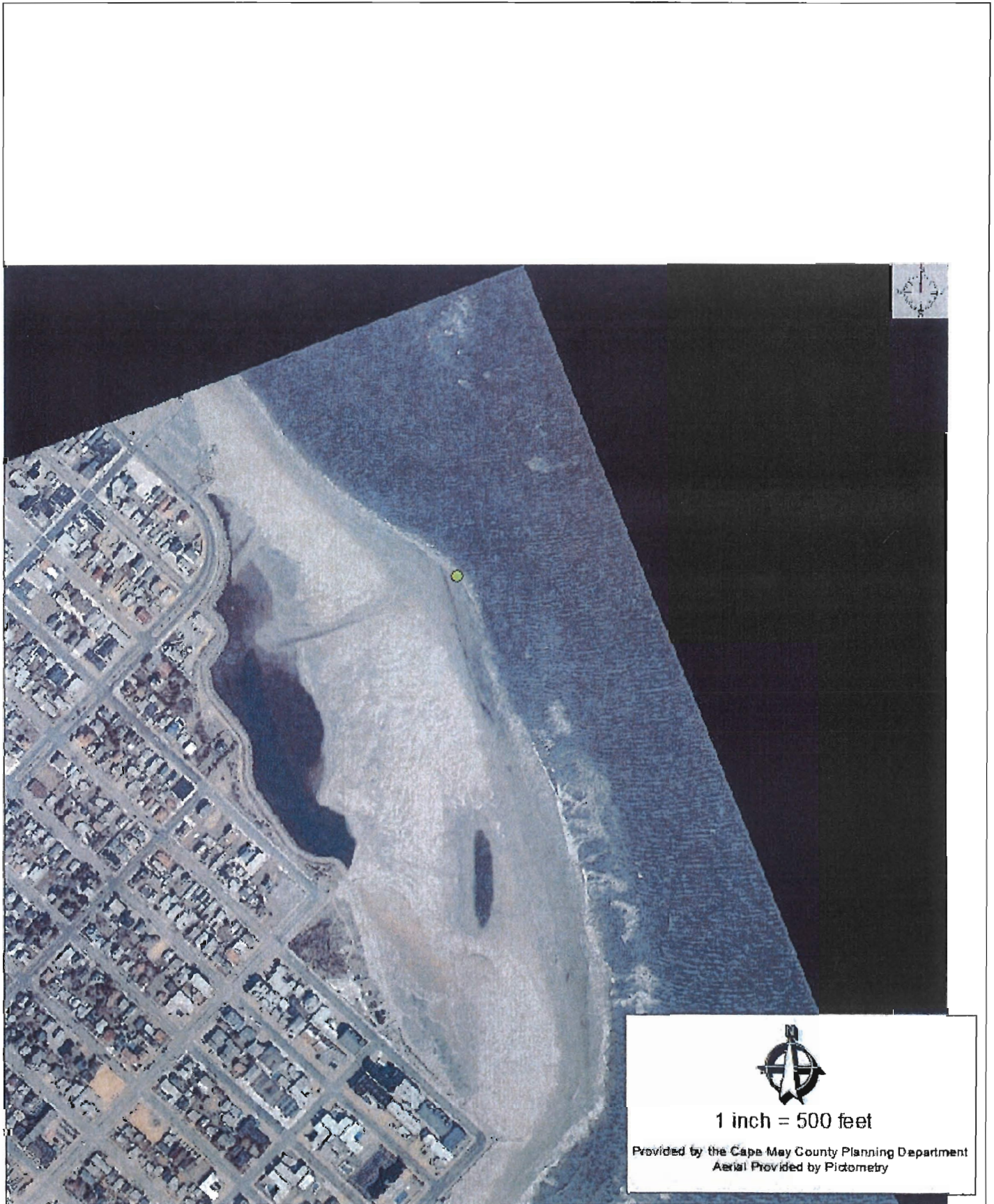


2002





April 1, 2003





**April 6, 2005**





March 19, 2007



1 inch = 500 feet

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Aerial Provided by Pictometry

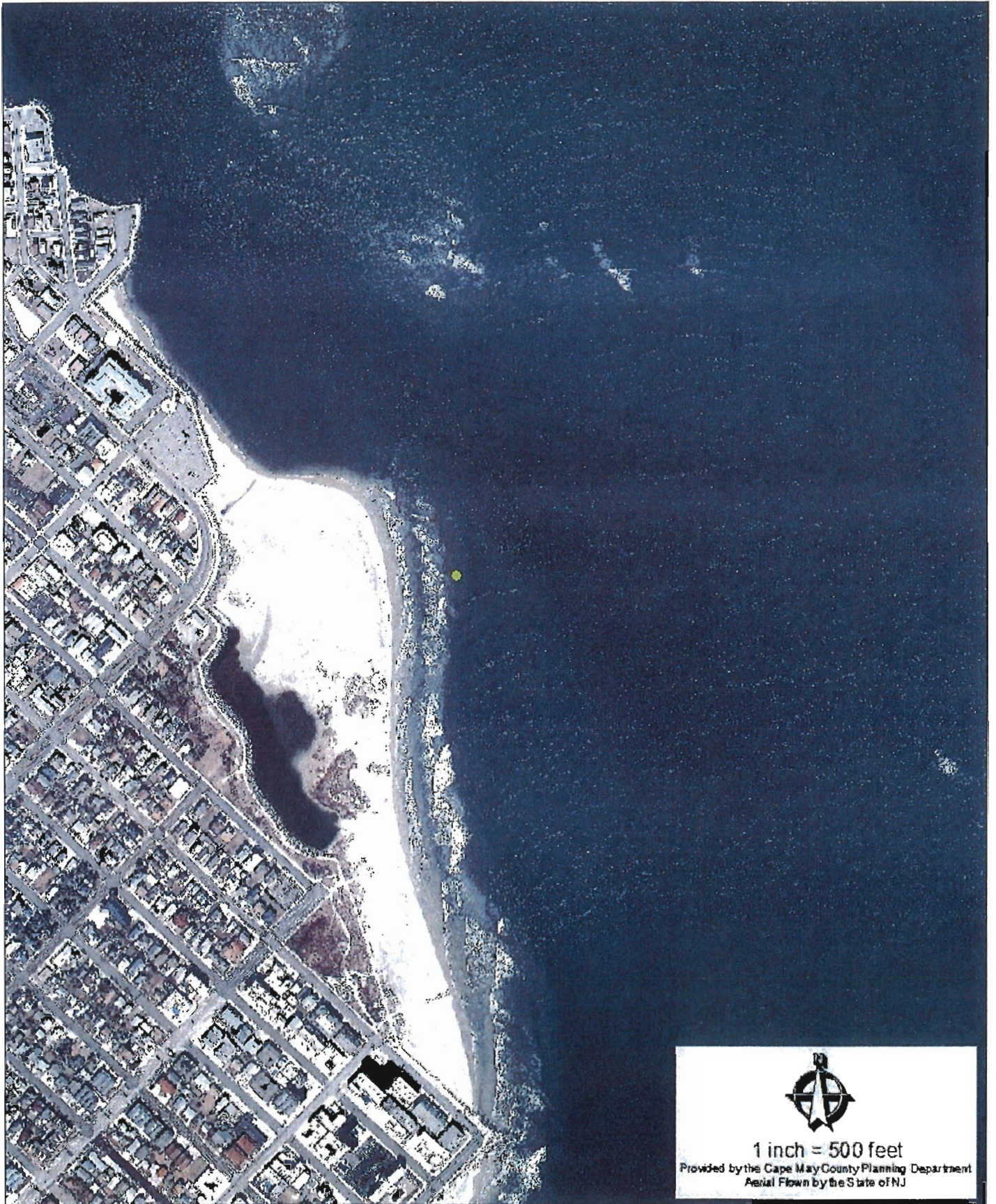


November 17, 2009





March 14, 2012





# February 22, 2013



1 inch = 500 feet

Provided by the Cape May County Planning Department  
Aerial Provided by Pictometry