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1	OLD FORGE BOROUGH COUNCIL				
2	OLD FORGE, PENNSYLVANIA				
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5	IN RE: COUNCIL WORK SESSION				
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9	JUNE 1, 2021				
10	7:00 P.M.				
11	EAGLE-MCCLURE HOSE COMPANY				
12	MILWAUKEE AVENUE				
13	OLD FORGE, PENNSYLVANIA				
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20	COUNCIL MEMBERS:				
21	DUCCELL DINALDI VICE DDECIDENT				
22	RUSSELL RINALDI, VICE-PRESIDENT LOUIS FEBBO				
23	JAMES HOOVER WILLIAM RINALDI, ESQUIRE, SOLICITOR				
24	MARYLYNN BARTOLETTI, BOROUGH MANAGER				
25	Mark Wozniak				
	Official Court Reporter				

MR. RUSSELL RINALDI: Good evening, ladies and gentlemen. We're going to start the work session with the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

MR. RUSSELL RINALDI: Roll call, Marylynn.

MS. BARTOLETTI: Councilwoman

Avvisato is absent. Councilman Lettieri is absent. Councilman Notari is absent.

Councilman Hoover?

MR. HOOVER: Here.

MS. BARTOLETTI: Councilman Febbo?

MR. FEBBO: Present.

MS. BARTOLETTI: Councilman Rinaldi?

MR. RUSSELL RINALDI: Here. Once again, ladies and gentlemen, welcome to the Tuesday, June 1st Old Forge Borough work session. The purpose of tonight's meeting is to set the agenda for our regular borough meeting, which will be Tuesday, June 15th. There's a public sign-in sheet, if anyone from the public would like to speak. We'll go to our department heads, we'll go to our

borough manager, our mayor. We'll go down the table, our solicitor and council members, if they have anything they would like to add.

With that said, we'll start of first with the code enforcement/zoning officer,
Chris Hart. Anything for the agenda in two weeks?

MR. HART: Nothing at this moment.

MR. RUSSELL RINALDI: Anything you want to add or ask us or anything? Do you need anything?

MR. HART: Nothing at the moment.

MR. RUSSELL RINALDI: Job going well?

MR. HART: Yeah. Busy. Playing catch up and just trying to work my own flow into it and move forward.

MR. HOOVER: I'm getting a text from Keith again. He sent me a picture of the ordinance. I guess there's a vehicle over there he thinks should be towed. I don't know what he's talking about.

CHIEF DUBERNAS: We were there for the ATVs and then for a car. Kimball was

going to tow it and the owner actually came and picked it up.

MR. HART: I was there right after that. I spoke with them and everything.

The cars that are wrecked, they're bringing them in to work on them. They're a garage.

I understand them being a nuisance with noise and everything, but how do we go ahead -- like he said, we went over there to a car and I went over to talk to them about everything going on, but every time I go over --

MR. HOOVER: That one car that was there was a shell, though.

MR. HART: Right. They bought the wrecked car and they're claiming they're fixing it. My thing is how do I go at them if they're a garage and they're fixing a car?

told us they do. So we'll use a Ford F-150 for an example. So they might get a wrecked Ford F-150. He'll buy another one from an auction for \$800. They take all the parts off the good one they bought for \$800 -- or

off the junk, fix the one that was smashed that's good and sell it and scrap the --

MR. FEBBO: Basically what Replica does.

MR. HART: Right, as a garage. They are running vehicles. They are bringing running vehicles in. They're just basically taking two bad cars and making one good car.

CHIEF DUBERNAS: They unbolt parts and bolt parts back on.

MR. HART: That's fine, but he's never in the detail shop in the back or anything, is he?

MR. HART: No, and I went throughout the whole building. That's my only problem. With Keith and Jurosky -- and I understand what their concern is, but every time I go over of Jay goes over, you go through the place and they're just a regular shop. I told them to come tonight. They obviously didn't show up.

CHIEF DUBERNAS: Their biggest

problem is Keith. Every time he drives

by -- I told this to Councilman Rinaldi -
like, yelling profanities out the window. I

25

witnessed when we were there for the ATV what Keith was saying to the kid. He was nonstop. They're to the point where they're going to get an attorney involved and go after Keith for the way they're being harassed.

 $\label{eq:MR.HOOVER: I'm sure he's doing} % \begin{center} \begi$

MAYOR LEGG: I stopped last week. There was a truck parked the wrong way facing up the hill. I stopped and I talked to Paul, and he said they were cleaning out the garage and they were taking the junk, I guess, over on Keyser Avenue. I'm standing there, leaning against the truck and who comes down the hill in a Lexus? Keith. He must go 15 times a day, and the kid said you know what, he goes by, throws us the finger, he's yelling obscenities. He said I'm going to get a lawyer and I'm going to file a harassment suit. I said come to the meeting tonight. Well, his wife is expecting a child at any time, so obviously he's not going to make it here.

But we're only getting one side of

the story, and every day on my way home from work I go out of my way, I come up Sibley

Avenue, down Main Street and I look and there's nothing wrong.

MR. HOOVER: Seems pretty clean to me.

MR. HART: It is. They're not even there half of the time.

CHIEF DUBERNAS: And the two cars we ticketed because they were blocking the sidewalk. Me and the mayor had a miscommunication and he told them to move over on the sidewalk, but we got that all straightened out. So the both cars he has there, one was his own and the other one was -- we ran both tags. Both of them are legal.

MR. HART: And they have titles for every vehicle there. I even checked them.

And go into the garage, the garage is spotless.

CHIEF DUBERNAS: Even the ATVs. We ran them and they came back legal.

MR. HOOVER: And there's got to be 15 houses there between the two streets.

These two people are the only two people that come to every meeting.

CHIEF DUBERNAS: And they said they get along with all the other neighbors.

MAYOR LEGG: I think council, myself included, and everybody here, we gave them a misconception. He thinks that they have card blanche just to call the police 15 times a day when a car -- you know what? What happens if a UPS truck stops in the middle of the road, runs a package in? Is he going to call the police? This is getting out of hand.

MR. HART: I'm getting messages all week from him.

CHIEF DUBERNAS: Any towed vehicle
he gets, he gets them dropped off at
Domino's so they're out of the way, then he
brings them across the street. He has
permission from Maria. She said for the
time being he can drop the car off there, or
when a car is finished he parks over there.

MR. RUSSELL RINALDI: She was letting Ron Coles do that as well.

MAYOR LEGG: We don't want the

reputation of not wanting businesses in town. That's going to happen. Somebody drops a car off or he runs in to go to the bathroom or something there goes the Lexus down the road, calling the police. This is getting out of hand. Our police have enough with the Keyser Avenue situation. It's just getting crazy.

MR. HART: I'm getting messages, at least one a day, the same thing over. I have pictures of this, give me a call. I see it every day, just like they do.

They're running a legitimate business. They don't even get there until noon. I get the quads, the noise, but that's a whole different situation.

CHIEF DUBERNAS: We told them about that and they understood that.

MR. HOOVER: All right.

MR. RUSSELL RINALDI: I think, like the mayor said and Chris said, it would be nice if they did come to a meeting and we could hear their side of the story. Last week, after our meeting, I asked you to contact them.

MR. HART: I did. I went over here personally. I went through the entire garage.

MR. RUSSELL RINALDI: Let them talk to us and we can talk to them as well, and we could hear from Keith and the other neighbors. But let's hear from that business owner as well. I would like to talk to them.

MAYOR LEGG: That's always been a bad street. We can't go towing cars and calling the police.

MR. RUSSELL RINALDI: Only if it was something happened over there, like the law was being broke, if the ordinances were being broken. There or anywhere in town.

MR. HART: They're willing to own up to anything they're doing wrong. You tell them. If there's a fine, they'll pay the fine. They're obviously outsiders. But they are doing everything legitimate and what they think is right. Obviously, with the cars being parked wrong, if they ticket them they pay the ticket and they don't do it again.

But they're telling me every single day taking pictures, and they do it in plain sight. So they feel like they're being harassed, too. You're not supposed to bring a business into our town where there was a business forever?

MR. RUSSELL RINALDI: As long as they're running the business legally and following the ordinances like every other business in town I'm okay with it.

MR. GOETZ: What's the zone?

MR. RUSSELL RINALDI: C-2.

MR. GOETZ: So that falls under the C-2.

MAYOR LEGG: He can do everything but paint.

MR. HART: And they're not. I was in there. There's not even any signs of paint. The wrecked cars, they have a wrecker come and take them out of there. They may have one or two there at a time, but only because they're making one car good.

MAYOR LEGG: And they do fix quads.

MR. HOOVER: C-2 says "automobile,

Chief, anything for the meeting or the agenda?

CHIEF DUBERNAS: The only thing is the new civil service rules if the civil service commission gets them done. They're doing some revisement on them. They haven't been updated since '89. That's it.

MR. RUSSELL RINALDI: Anybody have any questions for the chief? Thanks, Chief.

CHIEF DUBERNAS: Next Thursday is graduation. We'll be doing a parade through Main Street.

MR. RUSSELL RINALDI: What time?

CHIEF DUBERNAS: Around 9:30. It
has to be dark.

MR. RUSSELL RINALDI: Thanks, Chief. Bill, on the solicitor's end, anything for the agenda?

ATTY. RINALDI: You're going to have the awarding of bids for the garbage contract, you're going to have the zoning ordinance to vote on. The church closing, I was going to do it Wednesday, after the meeting, but I only need some signatures for that. That's it.

MR. FEBBO: Bill, Jim Wansacz, is he following up with you as far as leasing the place?

ATTY. RINALDI: He called me about trying to locate across from the Dollar Store, then he called me back about trying to locate in the church. I told him we'll probably close the first two weeks in June on the church.

MR. RUSSELL RINALDI: He said he was coming here tonight. He's going to try and get here about 7:30. Anything else, Bill?

ATTY. RINALDI: Just the orders I got today that were forwarded to everybody. That was it. Stocki applied for a motion to extend time beyond the 15th. That was denied today. He also filed an application for a stay pending his appeal, that was also denied today.

MR. FEBBO: Where does that leave him now?

ATTY. RINALDI: He's got to comply by the 15th unless a higher court issues a stay, but I don't see that happening.

MR. GOETZ: So the stay would have

just kind of stopped the order for now?

ATTY. RINALDI: That's what he asked for until the court heard his appeal. I still haven't been served with a copy of that appeal yet. I haven't seen it. That's it.

MR. HOOVER: What is on the 15th?

ATTY. RINALDI: Everything that's
left behind better run.

MR. FEBBO: And we'll own it.

MR. HOOVER: My thought is on the 16th, Monday morning, he's going up with a chain and locking it, but I don't see that happening.

MR. GOETZ: We've had the conversation. I don't want to put words in your mouth, Bill, but from what we've seen it's nearly impossible to say that the stuff that's going to be left behind runs. But we'll wait 14. Ironically, that's the next council meeting. So we'll have plenty to talk about.

MR. FEBBO: If you drive by there you will see that the Gilchrist property has grown.

MR. HOOVER: On the Gilchrist property, is he putting everything there that runs?

MR. GOETZ: It seems to be.

 $$\operatorname{MR}.$$ HART: It looks like it runs. They look complete.

MR. GOETZ: And again, this is my own opinion. The reasoning, maybe, for that is that they're unloading it there in plain sight and it drives off the trailer and the stuff that didn't goes down the back. You can't see it getting lifted off the trailer.

MR. HOOVER: Those torches are going every day.

MR. HART: I went back and spoke with him, there was --

ATTY. RINALDI: No more torches.

MR. HART: No. That was after I spoke with you after the conference you had with the judge. I stopped in the morning, we spoke, I went back. He obviously fired it back up. I went again and we spoke, he stopped, and then that was it by night.

MR. GOETZ: Whatever day it was that I sent the text, it may have been

Thursday --

MR. HART: I was up there three times that day and every time I stopped him.

MR. GOETZ: I sent a text around 8:30 or 9:00 in the morning. When I came home at around 3:00 the torches were going again.

MR. HART: I was outside your house throughout the day and I could hear them.

They stopped. I spoke with you and I was up there multiple times, and then at 3:00 when he said okay, with everything with the fire department, 3:30, it was, by 4:00 there was nothing.

MR. HOOVER: About 11:00 you could see white smoke over the trees. I walked in the back of his yard and you could hear them.

MR. HART: I was back there again at noon, I stopped him. They're Mexicans out back. All the sudden I don't speak English.

MR. GOETZ: They're not his regular employees, so he must have brought somebody in again.

MR. HART: I spoke with his guy who

runs the yard up there. He said Walter had guys brought in with torch trucks. They did have water tankers and everything. I have to say that. But by the time we spoke with having the fire department I went up there and there was nothing. It was 3:30, 4:00. There was no reason for me -- I was done for the day. Throughout the day they stopped. On, off, on, off. So if it comes down to it what do you want me to do, sit there eight hours a day, Monday through Friday?

ATTY. RINALDI: He can torch but he's got to do it safely. He's got the tanker truck.

MR. HART: The torch tucks, they do have fire extinguishers on them. The water truck, we said it was acceptable. Every time I went up there to stop them they stopped, and I get to the other end of town and somebody else calls and they're torching, so I'm back and forth constantly.

MR. FEBBO: You're doing what you can do. It's as much as we can do at this point. The 15th is the cutoff date. Let's not use up all our resources with you

running up there constantly. After the 15th we'll get some direction from Bill.

MR. HART: They were even going yesterday.

MR. GOETZ: They worked yesterday.

MR. HART: I was down back and everything. It's a muddy swamp. He has his magnet directly on the tree line behind your house. I know those woods. He's directly on that line. He's just doing it spitefully.

MR. GOETZ: My only concern is I don't really agree that he's allowed to torch. That's a junkyard business, and the order here says that that's supposed to cease.

ATTY. RINALDI: I can only tell you that the torch is there and they're going to stay there until the 15th as long as he's complying with the fire requirement.

MR. GOETZ: Number ten, he should take all reasonable steps to substantially mitigate all noise, odors and debris emanating from the property onto the neighboring properties.

I'm sure Chris can say and Jimmy can say the noise is one thing that's horrific, but the smell of that acetylene torch cutting that steel comes right in the windows of my house. Now, he's not compliant with number ten. If that's what we're going to allow to happen, then move it 500 feet towards the Diamond Club.

ATTY. RINALDI: Do you want it cut up and thrown away?

MR. GOETZ: No, I want it taken out whole. You're not on your patio having a hamburger, smelling that.

ATTY. RINALDI: He can't get it out whole.

MR. GOETZ: He brought it in whole.

MR. HART: I said that to them.

They said we just follow the orders from Walter.

MR. GOETZ: Scrap is at an all-time high.

MR. HART: He sends down torch trucks. I said then move them containers halfway up the field. He said Walter said no, they stay there because we're trying to

move good stuff up front. So he has an answer for everything.

MR. GOETZ: The bottom line is the tail is wagging the dog here and has been since 2013. I'll go halfway with you, Bill. If we want to leave the torches there, that's fine, but move them 500 feet or more up toward the Diamond Club. Number ten specifically says he should be making every effort to stop that and it's not happening.

So that's why I came tonight, because this poor guy stepped into a disaster area. He needs to be given some tool to go up there and say look, this is your final warning or he's going to come with the bracelets. He's in violation. I called the judge's office. It states in the order that that's what's supposed to be done. I want it done.

ATTY. RINALDI: And I talked to him.

MR. GOETZ: The torches need to stop. I'll live with the noise for 14 more days. After that I can't promise what I'm going to live with. He's only down there so you can't see him.

ATTY. RINALDI: We have no ordinances on torching. The only thing we have is open fire and you have to take precautions, which he's taking.

MR. GOETZ: Torches are being used in a junkyard operation for dismantling, which is in the ordinance you can't do. You don't need an ordinance on torches, you have it on junkyards, and the judge states it in the order. I wish I was a criminal because nothing happens to you.

MR. RUSSELL RINALDI: Bill, according to what Chris is saying, until the 15th could we have him move the cutting?

ATTY. RINALDI: You can go up and ask him.

MR. HART: I did that. That's my problem. I spoke with the guy that runs the yard all day, I spoke with his mechanics, the guys that are decent people. There's some of them, they told me everything that's going on. They know what's going on. According to the judge he could cut and clean up. I asked him to move it, he had an excuse. They tell me what he says, because

he's bringing good stuff up. He's cutting things out back because the judge ordered him to clean up the property, and that's the only way he can clean it up, is by torching. So pretty much like I said before, he's always got an answer for everything.

MR. GOETZ: He's in violation of number ten in the order.

MR. RUSSELL RINALDI: I still have e-mails in my -- Bill, so you're saying he's allowed right now to torch?

ATTY. RINALDI: He's cleaning it up.
They complained we were stopping him from
torching. The judge had a conference with
both attorneys, he said Bill, either you
want it cleaned up or you don't want it
cleaned up.

MR. HART: This is a judge's order. I can't go above that. And I tried. I was up there multiple times. I asked all his workers. They're puppets of his. They'll tell me anything I want to hear and anything I need to know, but at the end of the day they're still puppets and he's still -- what he says goes with them.

MR. FEBBO: Chris, could you live with that until the 15th?

MR. GOETZ: We'll deal with it.

We're going to need some kind of closure on the 16th. It's just going to keep going around and around and around. If he files for an appeal he's going to get it. Right?

Does the case have to be heard?

ATTY. RINALDI: It's up to the court.

MR. FEBBO: We get to the 16th -ATTY. RINALDI: We'll see what's

done. He has until the 15th to comply with
the order. We'll go down and inspect. We
have until the 15th.

MR. HART: The only working equipment back there are the ones that are running that are taking the cut up scrap.

ATTY. RINALDI: DEP is involved.

They put it to the top of their list. They don't have staff. They can't shut him down. He doesn't have any permits that they can shut him down. All they do is do what they did before, fine him and file it of record.

MR. GOETZ: And they've already

liened the property.

ATTY. RINALDI: He settled that.

MR. RUSSELL RINALDI: Tell him that you spoke with council and we asked him if he could move the cutting. If he refuses, he refuses. Until the 15th. At least ask him when you're there tomorrow or Thursday. See what you find out tomorrow or Thursday.

Bill, anything else?

ATTY. RINALDI: No.

MR. RUSSELL RINALDI: Anybody have anything for Bill? Thanks, Bill. Marylynn?

 $\mbox{MS. BARTOLETTI:} \quad \mbox{I don't have} \\ \mbox{anything at this time.} \\$

MR. RUSSELL RINALDI: Anybody have any questions for Marylynn?

MR. RUSSELL RINALDI: Public comment. Chris?

MR. GOETZ: We're good.

MR. RUSSELL RINALDI: John Jurosky?

MR. JUROSKY: On Saturday I was out walking, and the guy that has that mechanic, okay, he stops me on Main Street. His name is Paul. He claims he was going to be here tonight -- that's why I'm here -- to

straighten this all out. He said he's sick and tired of being harassed. I thank the chief. He had it with me. You're a young guy. Read the zoning laws. Read the laws. You can't do what you're doing.

He goes I can do anything I want to.

I'm a businessman. He goes, I will be there
at that council meeting to straighten you
guys all out. I'll have my Philadelphia
lawyer with me. I guess his Philadelphia
lawyer didn't show up.

But the point I'm making, I think the chief could -- probably this past month they called for noise at 11:00 at night.

This Paul says he has a right to run quads and engines until 11:00 at night, which the zoning says 8:00.

But people are scared. Something's going to happen, and, like, I'm begging you. Like, I thought this kid was going to be here tonight. I had to wait five minutes to get down the street. They had the street blocked. Three cars had to wait five minutes. That Paul told me that's our problem because there's only a one way in

and one way out.

I go Paul, that's not our problem.
You can't use the borough street for your business. He claims he can. I hope you keep up the harassment -- not harassment, just make sure they're doing it right. Now they got three junk cars parked in the Domino's lot. Three junk cars. Okay? Not only do you got to look at junk on one side of the street, you got to look at junk cars on the other side of the street. Keep this up, you'll have the Domino's filled with junk cars. I know he doesn't have permission to do that, but he doesn't care.

Chris, did we do anything this past week?

MR. HART: Yeah. I was there and so was the chief.

MR. JUROSKY: Good. He said he's sick and tired of this harassment and he's going to straighten this all out. I said bring it on.

CHIEF DUBERNAS: Not so much from you but from Keith. He told us that.

MR. JUROSKY: Bring it on. I'm sick

and tired of this. Somebody's going to get hurt, quads going up and down by Butler Street. Okay? And they're doing this 11:00 at night. The lady across the street has two small kids. Right next door, he can't keep his windows open. I told the guy at least 8:00. Keep that street a little clear. He's a cocky son of a gun. I can do anything I want. Well, that's all I have to say.

MR. RUSSELL RINALDI: Well, the zoning officer was up there, the chief was up there. We've been going up there.

They've been keeping an eye on him. Like I said at the last meeting, we're not just keeping an eye on him, we're keeping an eye on everybody in town. But they have been up there because you guys came down. We thought he was going to be here tonight. He told the zoning officer he was coming.

Obviously, he didn't show up.

We're going to continue to follow the laws and the ordinances, and whoever's breaking them or not following them, we're going to keep up on them. MR. JUROSKY: People on Butler

Street, they're afraid of these kids. You
got four or five kids, late twenties,
whatever, running quads up and down the
street. The cops should be -- that noise.
The quads shouldn't be going up and down the
street.

MR. RUSSELL RINALDI: If the cops get called to an address that something happened they'll show up. They can't just drive up there and hope they catch them on the quads.

MR. JUROSKY: Russ, they go to
Turkey Hill. So go to the next block, take
a right. That's all I'm asking.

MR. RUSSELL RINALDI: I'm not saying they can't patrol up there. They just can't hang up there and wait for the quads to go up the street. But if the kids are on the street and they're riding quads or popping wheelies or whatever you were saying at the last meeting, if you see them on the street call the police.

MR. JUROSKY: Something has to be done. One of these quads is going to hit a

CERTIFICATE

I hereby certify that I attended the foregoing proceeding, took stenographic notes of the same, that the foregoing, consisting of 30 pages, is a true and correct copy, done to the best of my ability, of same and the whole thereof.

Mark Wozniak
Official Court Reporter

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\$800 [2] - 4:24, 4:25	A [1] - 32:2 a [69] - 2:23, 3:19,	29:15, 30:25 all-time [1] - 20:20	anyone [3] - 2:23, 12:15, 30:1	away [1] - 20:10
1	3:20, 3:21, 3:25, 4:6, 4:7, 4:10, 4:14, 4:18,	Allegiance [2] - 2:4, 2:5	anything [21] - 3:3, 3:7, 3:10, 3:11, 3:12,	В
'89 [1] - 1 3:7	4:21, 4:10, 4:14, 4:16, 4:21, 4:22, 5:5, 5:19, 6:10, 6:16, 6:17,	allow [1] - 20:7 allowed [2] - 19:13,	5:13, 10:18, 12:13, 12:17, 13:1, 13:17,	back [15] - 5:10, 5:12, 7:23, 14:6, 16:11,
1	6:20, 6:10, 8:17, 6:20, 6:22, 7:11, 8:6, 8:9, 8:10, 8:11, 8:22,	23:11 along [1] - 8:4	14:12, 23:22, 25:9, 25:12, 25:14, 26:6,	16:15, 16:21, 16:22, 17:17, 17:19, 17:21,
1 [1] - 1:9 11:00 [4] - 17:15,	9:3, 9:10, 9:11, 9:13, 9:15, 9:22, 10:10,	along [1] - 6.4 already [1] - 24:25 also [2] - 14:17, 14:18	27:15, 28:9, 30:16 anywhere [1] - 10:16	18:21, 19:6, 23:2, 24:17
26:14, 26:16, 28:3 14 [2] - 15:20, 21:22	9:15, 9:22, 10:10, 10:19, 11:5, 11:19, 11:21, 12:10, 13:11,	always [2] - 14:17, 14:16 always [2] - 10:10, 23:6	appeal [4] - 14:18, 15:3, 15:5, 24:7	bad [2] - 5:8, 10:11 BARTOLETTI [5] -
15 [3] - 6:17, 7:25, 8:8 15th [12] - 2:22, 14:16,	14:21, 12:10, 13:11, 14:15, 14:18, 14:23, 15:4, 15:12, 17:4,	an [14] - 4:22, 4:23, 6:4, 14:17, 20:20,	application [1] - 14:17 applied [1] - 14:15	1:23, 2:9, 2:14, 2:16, 25:13
15th [12] - 2:22, 14:16, 14:23, 15:7, 18:24, 19:1, 19:19, 22:14,	15:4, 15:12, 17:4, 18:11, 19:7, 19:14, 20:12, 21:12, 22:6,	6:4, 14:17, 20:20, 21:1, 22:8, 22:24, 23:6, 24:7, 28:14,	applied [1] - 14.15 are [14] - 4:5, 5:6, 7:16, 8:1, 10:21,	basically [2] - 5:3, 5:7 bathroom [1] - 9:4
19:1, 19:19, 22:14, 24:2, 24:13, 24:15, 25:6	20:12, 21:12, 22:6, 22:10, 23:14, 23:18, 26:3, 26:7, 26:15,	23:6, 24:7, 28:14, 28:16, 29:9 and [121] - 2:2, 2:18,	7:16, 8:1, 10:21, 16:13, 22:5, 22:20, 24:17, 24:18, 26:18,	be [19] - 2:22, 3:22, 7:24, 9:21, 13:11,
25:6 16th [3] - 15:12, 24:5, 24:11	26:3, 26:7, 26:15, 26:25, 28:7, 28:8, 29:15, 29:25, 30:18,	and [121] - 2:2, 2:18, 3:2, 3:17, 3:18, 3:25, 4:1, 4:2, 4:4, 4:8,	29:19 area [1] - 21:13	13:15, 15:19, 16:4, 21:9, 21:13, 21:18,
24:11 1st [1] - 2:19	32:6 ability [1] - 32:7	4:10, 4:16, 4:18, 5:2, 5:8, 5:10, 5:14, 5:16,	area [1] - 21.13 around [6] - 13:14, 17:4, 17:6, 24:6	24:8, 25:24, 26:7, 26:20, 28:19, 29:5,
2	about [8] - 32.7 about [8] - 3:23, 4:10, 9:17, 14:4, 14:6,	5:19, 6:4, 6:11, 6:12, 6:13, 6:15, 6:17,	as [13] - 5:5, 8:24, 10:5, 10:8, 11:7,	29:6, 29:24 because [9] - 7:10,
2013 [1] - 21:5 2021 [1] - 1:9	14:12, 15:22, 17:15 above [1] - 23:19	6:20, 7:1, 7:3, 7:9, 7:11, 7:12, 7:15,	10:5, 10:6, 11:7, 12:4, 14:2, 18:23, 19:19	11:22, 20:25, 21:12, 22:10, 22:25, 23:2,
25 [1] - 30:7	above [1] - 23.19 absent [3] - 2:10, 2:11 absolutely [2] - 12:6,	7:18, 7:20, 7:23, 7:24, 8:3, 8:6, 9:18,	ask [3] - 3:11, 22:16, 25:6	26:25, 28:18 been [8] - 10:10, 13:7,
3	30:3 acceptable [1] - 18:17	9:21, 9:22, 10:5, 10:6, 10:11, 10:21,	asked [5] - 9:24, 15:2, 22:24, 23:20, 25:4	15:4, 16:25, 21:4, 28:13, 28:14, 28:17
30 [1] - 32:6 3:00 [2] - 17:6, 17:11	according [2] - 22:13, 22:23	10:24, 11:2, 11:8, 11:17, 11:20, 11:24,	asking [1] - 29:15 at [26] - 3:9, 3:13,	before [2] - 23:5, 24:24
3:30 [2] - 17:13, 18:6	acetylene [1] - 20:3 across [3] - 8:19,	12:4, 12:10, 14:11, 15:10, 15:13, 16:7,	4:17, 6:23, 8:17, 9:9, 11:21, 17:6, 17:11,	begging [1] - 26:19 behind [3] - 15:9,
4	14:5, 28:4 actually [2] - 4:1, 12:9	16:10, 16:15, 16:22, 16:23, 17:3, 17:9,	17:19, 18:23, 20:20, 23:23, 25:6, 25:14,	15:19, 19:8 being [9] - 4:7, 6:5,
4:00 [2] - 17:13, 18:6	add [2] - 3:4, 3:11 address [1] - 29:9	17:10, 17:11, 17:17, 18:3, 18:6, 18:19,	26:8, 26:14, 26:16, 27:9, 27:10, 28:4,	8:21, 10:15, 10:16, 10:23, 11:3, 22:5,
5	adjourn [2] - 30:16, 30:19	18:20, 18:21, 19:6, 19:14, 19:18, 19:23,	28:6, 28:15, 29:21, 30:17	26:2 best [1] - 32:7
500 [2] - 20:8, 21:7	adjourned [1] - 31:1 afraid [1] - 29:2	20:1, 20:10, 21:4, 21:10, 21:14, 21:20,	attended [1] - 32:4 attorney [1] - 6:4	better [1] - 15:9 between [1] - 7:25
7:00 (1) 1:10	after _[8] - 4:3, 6:5, 9:24, 13:23, 16:18,	22:3, 22:9, 22:15, 22:23, 23:3, 23:19,	attorneys [1] - 23:15 ATTY [20] - 13:19,	beyond [1] - 14:16 bids [1] - 13:20
7:00 [1] - 1:10 7:30 [1] - 14:12	16:19, 19:1, 21:23 again [8] - 2:18, 3:20,	23:22, 23:24, 24:6, 24:14, 24:24, 24:25,	14:4, 14:13, 14:22, 15:2, 15:8, 16:17,	biggest [1] - 5:22 bill [4] - 13:17, 14:1,
8	10:25, 16:7, 16:22, 17:7, 17:19, 17:24	25:4, 25:22, 26:2, 26:16, 26:19, 27:1,	18:12, 19:17, 20:9, 20:14, 21:20, 22:1,	22:12, 25:9 Bill [8] - 14:12, 15:17,
8:00 [2] - 26:17, 28:7 8:30 [1] - 17:5	against [1] - 6:15 agenda [6] - 2:21, 3:7,	27:17, 27:20, 28:1, 28:2, 28:3, 28:23, 29:4, 29:6, 29:11	22:15, 23:12, 24:9, 24:12, 24:19, 25:2,	19:2, 21:5, 23:10, 23:15, 25:12
8:30 [1] - 17:5	12:18, 12:20, 13:2, 13:18	29:4, 29:6, 29:11, 29:18, 29:20, 32:6, 32:8	25:10 ATV _[1] - 6:1	blanche [1] - 8:8 block [1] - 29:14
9:00 [1] - 17:5	agree [1] - 19:13 ahead [1] - 4:9	32:8 another [1] - 4:23 answer [2] - 21:2 23:6	ATVs [2] - 3:25, 7:22 auction [1] - 4:24	blocked [1] - 26:23 blocking [1] - 7:10
9:30 [1] - 13:14	all [20] - 4:24, 7:13, 8:4, 8:14, 9:19, 12:8,	answer [2] - 21:2, 23:6 any [8] - 6:23, 8:16, 11:18, 12:16, 12:22	automobile [1] - 11:25 AVENUE [1] - 1:12	bolt [1] - 5:10 BOROUGH [2] - 1:1,
	17:21, 18:25, 19:22, 19:23, 20:20, 22:19,	11:18, 12:16, 12:22, 13:9, 24:22, 25:16	Avenue [3] - 6:14, 7:3, 9:7	1:23 Borough [1] - 2:19
			<u></u>	

borough [3] - 2:21, 3:1, 27:3 both [4] - 7:14, 7:16, 23:15 bottom [1] - 21:3 bought [2] - 4:15, 4:25 bracelets [1] - 21:16 breaking [1] - 28:24 bring [3] - 11:4, 27:22, 27:25 bringing [3] - 4:5, 5:6, 23:1 brings [1] - 8:19 broke [1] - 10:15 broken [1] - 10:16 brought [3] - 17:23, 18:2, 20:16 building [1] - 5:15 business [8] - 9:13, 10:8, 11:5, 11:6, 11:8, 11:10, 19:14, 27:4 businesses [1] - 9:1 businessman [1] -26:7 busy [1] - 3:16 but [29] - 4:8, 4:11, 5:11, 5:17, 6:25, 7:13, 9:15, 10:7, 10:20, 11:1, 11:16, 11:22, 12:10, 13:24, 14:24, 15:13, 15:17, 15:19, 18:4, 18:12, 20:3, 21:7, 23:23, 26:12, 26:18, 27:14, 27:24, 28:17, 29:19 Butler [2] - 28:2, 29:1 buy [1] - 4:23 by [11] - 5:24, 6:18, 14:23, 15:23, 16:23, 17:13, 18:4, 23:4, 28:2, 30:21, 30:24

C

C [2] - 32:2
C-2 [3] - 11:12, 11:14, 11:25
call [5] - 2:7, 8:8, 8:12, 9:11, 29:23
called [5] - 14:4, 14:6, 21:17, 26:14, 29:9
calling [2] - 9:5, 10:12
calls [1] - 18:20
came [6] - 4:1, 7:23, 12:10, 17:5, 21:11, 28:18
can [15] - 8:21, 10:5, 11:15, 18:12, 18:23, 19:17, 20:1, 22:15,

27:4, 28:8 can't [14] - 10:11, 16:12, 20:14, 21:23, 21:25, 22:7, 23:19, 24:21, 26:5, 27:3, 28:5, 29:10, 29:17 car [12] - 3:25, 4:10, 4:13, 4:16, 4:19, 5:8, 8:9, 8:21, 8:22, 9:3, 11:22, 12:10 card [1] - 8:8 care [1] - 27:14 cars [13] - 4:5, 5:8, 7:9, 7:14, 10:11, 10:23, 11:19, 12:8, 26:23, 27:7, 27:8, 27:10, 27:13 case [1] - 24:8 catch [2] - 3:17, 29:11 cease [1] - 19:16 certify [1] - 32:4 chain [1] - 15:13 chair[1] - 30:18 checked [1] - 7:19 checking [1] - 12:8 Chief [3] - 13:1, 13:9, 13:16 chief [6] - 12:7, 13:9, 26:3, 26:13, 27:18, 28:12 CHIEF [14] - 3:24, 4:20, 5:9, 5:22, 7:9, 7:22, 8:3, 8:16, 9:17, 12:9, 13:3, 13:10, 13:14, 27:23 child [1] - 6:23 Chris [9] - 3:7, 9:21, 12:16, 20:1, 22:13, 24:1, 25:18, 27:15 church [3] - 13:22, 14:7, 14:9 civil [2] - 13:4 claiming [1] - 4:16 claims [2] - 25:24, 27:4 clean [4] - 7:5, 22:24, 23:3, 23:4 cleaned [2] - 23:16, 23:17 cleaning [2] - 6:12, 23:12 clear [1] - 28:8 close [1] - 14:8 closing [1] - 13:22 closure [1] - 24:4 Club [2] - 20:8, 21:8 cocky [1] - 28:8 code [2] - 3:6, 12:4 Coles [1] - 8:24

23:4, 24:22, 26:6,

come [8] - 5:20, 6:21, 7:2, 8:2, 9:22, 11:20, 21:15, 30:10 comes [3] - 6:16, 18:9, 20:4 coming [2] - 14:11, 28:20 comment [1] - 25:18 commission [1] - 13:5 COMPANY [1] - 1:11 complained [1] -23:13 complete [1] - 16:6 compliance [1] - 12:5 compliant [1] - 20:6 comply [2] - 14:22, 24:13 complying [1] - 19:20 concern [2] - 5:17, 19:12 conference [2] -16:19, 23:14 consisting [1] - 32:6 constantly [2] - 18:21, 19:1 contact [1] - 9:25 containers [1] - 20:23 continue [1] - 28:22 contract [1] - 13:21 conversation [1] -15:16 cops [2] - 29:5, 29:8 copy [2] - 15:4, 32:7 correct [1] - 32:7 could [10] - 9:23, 10:6, 17:9, 17:15, 17:17, 22:14, 22:23, 24:1, 25:5, 26:13 council [5] - 3:2, 8:5, 15:21, 25:4, 26:8 COUNCIL [3] - 1:1, 1:5, 1:20 Councilman [8] -2:10, 2:11, 2:12, 2:14, 2:16, 5:24, 30:21, 30:25 Councilwoman [1] -2:9 court [3] - 14:23, 15:3, 24:10 Court [2] - 1:25, 32:24 crazy [1] - 9:8 criminal [1] - 22:10 cut [3] - 20:9, 22:23, 24:18 cutoff [1] - 18:24 cutting [4] - 20:4,

22:14, 23:1, 25:5

D

date [2] - 12:23, 18:24

dark [1] - 13:15

Dave [3] - 12:17,

12:22, 12:25

day [15] - 6:17, 7:1,

8:9, 9:10, 9:12, 11:2, 16:14, 16:24, 17:3, 17:9, 18:8, 18:11, 22:19, 23:23 days [1] - 21:23 deal [1] - 24:3 debris [1] - 19:23 decent [1] - 22:20 denied [2] - 14:17, 14:19 DEP [1] - 24:19 department [3] - 2:25, 17:13, 18:5 detail [1] - 5:12 Diamond [2] - 20:8, 21:8 did [6] - 9:22, 10:1, 18:2, 22:17, 24:24, 27:15 didn't [4] - 5:21, 16:11, 26:11, 28:21 different [1] - 9:16 direction [1] - 19:2 directly [2] - 19:8, 19:9 disaster [1] - 21:13 dismantling [1] - 22:6 do [27] - 3:11, 4:8, 4:17, 4:21, 8:24, 9:12, 10:24, 11:2, 11:15, 11:24, 13:23, 18:10, 18:13, 18:15, 18:23, 20:9, 22:7, 24:23, 26:5, 26:6, 27:9, 27:14, 27:15, 28:8 does [3] - 5:4, 14:20, 24:8 doesn't [4] - 24:22, 27:13, 27:14, 30:8 dog [1] - 21:4 doing [10] - 6:7, 10:18, 10:21, 13:6, 13:11, 18:22, 19:10, 26:5, 27:6, 28:3 Dollar [1] - 14:5 Domino's [3] - 8:18, 27:8, 27:12 don't [15] - 3:22, 8:25, 9:14, 10:24, 14:24, 15:13, 15:16, 17:21, 19:13, 22:8, 23:16, 24:21, 25:13, 30:1,

30:15 done [7] - 13:5, 18:7, 21:19, 24:13, 29:25, 32:7 door[1] - 28:5 down [18] - 3:1, 6:16, 7:3, 9:5, 16:11, 18:9, 19:6, 20:22, 21:24, 24:14, 24:21, 24:23, 26:22, 28:2, 28:18, 29:4, 29:6, 30:11 drive [2] - 15:23, 29:11 drives [2] - 5:23, 16:10 drop [1] - 8:21 dropped [1] - 8:17 drops [1] - 9:3 DUBERNAS [14] -3:24, 4:20, 5:9, 5:22, 7:9, 7:22, 8:3, 8:16, 9:17, 12:9, 13:3, 13:10, 13:14, 27:23

Ε

E[2] - 32:2 e [1] - 23:10 e-mails [1] - 23:10 EAGLE [1] - 1:11 EAGLE-MCCLURE [1] - 1:11 effort [1] - 21:10 eight[1] - 18:10 either [2] - 23:15, 30:16 else [5] - 12:13, 14:12, 18:20, 25:9, 30:17 emanating [1] - 19:24 employees [1] - 17:23 end [3] - 13:17, 18:19, 23:23 enforcement [1] - 12:4 enforcement/zoning [1] - 3:6 engines [1] - 26:16 English [1] - 17:21 enough [1] - 9:6 entertain [1] - 30:18 entire [1] - 10:2 equipment [1] - 24:17 ESQUIRE [1] - 1:23 even [6] - 7:7, 7:19, 7:22, 9:14, 11:18, 19:3 evening [1] - 2:1 every [13] - 4:11, 5:17, 5:23, 7:1, 7:19, 8:2, 9:12, 11:1, 11:9, 16:14, 17:3, 18:17, 21:9

everybody [3] - 8:6,

14:14, 28:17
everything [14] - 4:4,
4:8, 4:11, 10:21,
11:15, 12:5, 15:8,
16:2, 17:12, 18:3,
19:7, 21:2, 22:21,
23:6
example [1] - 4:22
excuse [1] - 22:25
expecting [1] - 6:22
extend [1] - 14:16
extinguishers [1] 18:16
eye [3] - 28:14, 28:16

F

F-150 [2] - 4:21, 4:23

facing [1] - 6:11

F[1] - 32:2

falls [1] - 11:13 far [1] - 14:2 favor [1] - 30:25 FEBBO [15] - 1:22, 2:15, 5:3, 12:3, 12:7, 12:12, 14:1, 14:20, 15:10, 15:23, 18:22, 24:1, 24:11, 30:13, 30:20 Febbo [2] - 2:14, 30:22 feel [1] - 11:3 feet [2] - 20:8, 21:7 field [1] - 20:24 file [2] - 6:20, 24:24 filed [1] - 14:17 files [1] - 24:6 filled [1] - 27:12 final [1] - 21:15 find [2] - 12:5, 25:8 fine [5] - 5:11, 10:19, 10:20, 21:7, 24:24 finger [1] - 6:18 finished [1] - 8:22 fire [5] - 17:12, 18:5, 18:16, 19:20, 22:3 fired [1] - 16:21 first [2] - 3:5, 14:8 five [3] - 26:21, 26:23, 29:3 fix [2] - 5:1, 11:24 fixing [2] - 4:17, 4:18 flow [1] - 3:17 follow [2] - 20:18, 28:22 following [3] - 11:9, 14:2, 28:24 for [37] - 2:21, 3:7, 3:24, 3:25, 4:22, 4:24, 4:25, 6:1, 6:5,

7:18, 8:20, 12:16, 12:17, 12:19, 12:22, 13:1, 13:9, 13:17, 13:20, 13:24, 14:15, 14:18, 15:1, 15:3, 16:8, 18:7, 21:2, 21:22, 22:6, 23:6, 24:7, 25:12, 25:16, 26:14, 27:3, 29:18 Ford [2] - 4:21, 4:23 foregoing [2] - 32:4, 32:6 forever [1] - 11:6 Forge [1] - 2:19 FORGE [3] - 1:1, 1:2, 1:13 forth [1] - 18:21 forward [1] - 3:18 forwarded [1] - 14:14 four [1] - 29:3 Friday [1] - 18:11 from [16] - 2:24, 3:19, 4:23, 7:1, 8:15, 8:20, 10:6, 10:7, 14:5, 15:17, 19:2, 19:24, 20:18, 23:13, 27:23, 27:24 front [1] - 21:1

G

garage [8] - 4:6, 4:18,

5:5, 6:13, 7:20, 10:3, 12:4 garbage [1] - 13:20 gave [1] - 8:6 gentlemen [2] - 2:2, 2:18 get [15] - 4:22, 6:4, 6:20, 8:4, 9:14, 14:12, 18:19, 19:2, 20:14, 24:7, 24:11, 26:22, 28:1, 29:9 gets [3] - 8:17, 13:5 getting [8] - 3:19, 6:25, 8:13, 8:14, 9:6, 9:8, 9:9, 16:12 Gilchrist [2] - 15:24, 16:1 give [1] - 9:11 given [1] - 21:13 go [24] - 2:25, 3:1, 4:8, 4:11, 4:17, 5:17, 5:18, 6:4, 6:17, 7:2, 7:20, 9:3, 10:11, 21:5, 21:14, 22:15, 23:19, 24:14, 27:2, 29:13, 29:14, 29:18, 30:10 goes [7] - 5:18, 6:18,

9:4, 16:11, 23:25, 26:6, 26:7 GOETZ [22] - 11:11, 11:13, 14:25, 15:15, 16:4, 16:7, 16:24, 17:4, 17:22, 19:5, 19:12, 19:21, 20:11, 20:16, 20:20, 21:3, 21:21, 22:5, 23:7, 24:3, 24:25, 25:19 going [44] - 2:2, 3:14, 4:1, 4:11, 6:4, 6:19, 6:20, 6:24, 8:12, 9:2, 12:10, 13:19, 13:21, 13:23, 14:11, 15:12, 15:19, 16:13, 17:6, 19:3, 19:18, 20:7, 21:15, 21:24, 22:22, 24:4, 24:5, 24:7, 25:24, 26:19, 26:20, 27:21, 28:1, 28:2, 28:13, 28:19, 28:22, 28:25, 29:6, 29:25, 30:16, 30:18 good [12] - 2:1, 4:25, 5:2, 5:8, 11:23, 21:1, 23:1, 25:19, 27:19, 30:12, 30:13, 30:14 got [11] - 7:13, 7:24, 14:14, 14:22, 18:13, 23:6, 27:7, 27:9, 27:10, 29:3 graduation [1] - 13:11 grown [1] - 15:25 guess [3] - 3:21, 6:14, 26:10 gun [1] - 28:8 guy [7] - 12:10, 17:25, 21:12, 22:18, 25:22, 26:4, 28:6 guys [4] - 18:2, 22:20, 26:9, 28:18

Н

had [10] - 7:11, 15:15, 16:19, 18:1, 22:24, 23:14, 26:3, 26:21, 26:22, 26:23 half [1] - 7:8 halfway [2] - 20:24, 21:5 hamburger [1] - 20:13 hand [2] - 8:13, 9:6 hang [1] - 29:18 happen [3] - 9:2, 20:7, 26:19 happened [2] - 10:14, 29:10 happening [3] - 14:24,

15:14, 21:10 happens [2] - 8:10, 22:11 harassed [3] - 6:6, 11:4, 26:2 harassment [4] - 6:21, 27:5, 27:20 Hart [1] - 3:7 HART [33] - 3:9, 3:13, 3:16, 4:3, 4:15, 5:5, 5:11, 5:14, 7:7, 7:18, 8:14, 9:9, 10:1, 10:17, 11:17, 12:6, 12:14, 16:5, 16:15, 16:18, 17:2, 17:8, 17:19, 17:25, 18:15, 19:3, 19:6, 20:17, 20:22, 22:17, 23:18, 24:16, 27:17 has [12] - 7:14, 8:19, 13:15, 15:24, 19:7, 21:1, 21:4, 24:13, 25:22, 26:15, 28:4. 29:24 have [40] - 3:3, 7:18, 8:7, 9:6, 9:11, 11:19, 11:21, 12:15, 12:21, 13:8, 13:19, 13:21, 14:25, 15:21, 16:25, 17:23, 18:3, 18:16, 22:1, 22:3, 22:8, 22:14, 23:9, 24:8, 24:15, 24:21, 24:22, 25:11, 25:13, 25:15, 26:9, 27:12, 27:13, 28:9, 28:17, 30:5, 30:8, 30:15 haven't [3] - 13:6, 15:4, 15:5 having [2] - 18:5, 20:12 he [79] - 3:20, 3:22, 4:9, 5:13, 5:23, 6:2, 6:12, 6:16, 6:18, 6:19, 7:12, 7:14, 8:7, 8:12, 8:17, 8:18, 8:19, 8:21, 8:22, 9:3, 11:15, 14:1, 14:4, 14:6, 14:10, 14:17, 15:2, 16:2, 16:21, 16:22, 17:12, 17:23, 18:1, 18:12, 19:7, 19:21, 20:14, 20:16, 20:22, 20:24, 21:1, 21:9, 21:13, 22:23, 22:24, 22:25, 23:4, 23:15, 23:25, 24:6, 24:13, 24:22, 25:2,

25:5, 25:6, 25:23,

25:24, 26:1, 26:3,

26:6, 26:7, 26:15, 27:4, 27:13, 27:14, 27:19, 27:24, 28:5, 28:19, 28:20, 28:21, 30:7 he'll [2] - 4:23, 30:10 he's [31] - 3:23, 5:11, 6:7, 6:19, 6:23, 14:11, 14:22, 15:12, 18:13, 19:9, 19:10, 19:13, 19:19, 20:5, 21:15, 21:16, 21:24, 22:4, 23:1, 23:5, 23:7, 23:10, 23:12, 23:24, 24:7, 26:1, 27:19, 27:20, 28:8 heads [1] - 2:25 hear [6] - 9:23, 10:6, 10:7, 17:9, 17:17, 23:22 heard [2] - 15:3, 24:8 here [13] - 2:13, 2:17, 6:24, 8:6, 10:1, 14:11, 14:12, 19:15, 21:4, 25:24, 25:25, 26:21, 28:19 hereby [1] - 32:4 high [1] - 20:21 higher [1] - 14:23 hill [2] - 6:11, 6:16 Hill [1] - 29:14 him [22] - 8:15, 14:7, 14:21, 16:16, 17:3, 17:20, 21:20, 21:25, 22:14, 22:16, 22:24, 23:3, 23:13, 24:21, 24:23, 24:24, 25:3, 25:4, 25:7, 28:14, 28:16, 30:7 his [14] - 6:22, 7:15, 14:18, 15:3, 17:17, 17:22, 17:25, 19:7, 22:19, 23:20, 23:21, 25:23, 26:10, 28:6 hit [1] - 29:25 home [2] - 7:1, 17:6 Hoover [2] - 2:12, 30:25 HOOVER [16] - 1:22, 2:13, 3:19, 4:13, 6:7, 7:5, 7:24, 9:19, 11:25, 15:7, 15:11, 16:1, 16:13, 17:15, 30:14, 30:23 hope [2] - 27:4, 29:11 hopefully [1] - 30:9 horrific [1] - 20:2 HOSE [1] - 1:11 hours [1] - 18:11

house [3] - 17:8, 19:9,

20:5 houses [1] - 7:25 how [2] - 4:8, 4:17 hurt [1] - 28:2

I [119] - 3:21, 3:22, 4:3, 4:4, 4:7, 4:10, 4:11, 4:17, 5:14, 5:16, 5:17, 5:19, 5:24, 5:25, 6:9, 6:11, 6:13, 6:21, 7:2, 7:3, 7:19, 8:5, 9:10, 9:11, 9:14, 9:20, 9:24, 10:1, 10:2, 10:8, 11:17, 13:22, 13:24, 14:7, 14:13, 14:24, 15:3, 15:5, 15:13, 15:16, 16:15, 16:18, 16:20, 16:21, 16:22, 16:25, 17:2, 17:3, 17:4, 17:5, 17:8, 17:9, 17:10, 17:16, 17:19, 17:20, 17:21, 17:25, 18:3, 18:5, 18:7, 18:18, 18:19, 19:6, 19:9, 19:12, 19:17, 20:11, 20:17, 20:23, 21:11, 21:16, 21:19, 21:20, 21:23, 22:10, 22:17, 22:18, 22:19, 22:24, 23:5, 23:9, 23:19, 23:20, 23:22, 23:23, 25:13, 25:21, 26:2, 26:6, 26:7, 26:10, 26:12, 26:20, 26:21, 27:4, 27:13, 27:17, 27:21, 28:6, 28:8, 28:9, 28:14, 30:1, 30:6, 30:15, 32:2, 32:4 i [1] - 27:2 I'II [5] - 21:5, 21:22, 26:9, 30:10, 30:20 I'm [21] - 3:19, 6:7, 6:14, 6:19, 6:20, 8:14, 9:9, 11:10, 18:21, 20:1, 21:23, 25:25, 26:7, 26:12, 26:19, 27:25, 29:15, 29:16, 30:12, 30:13, 30:14 if [21] - 2:23, 3:3, 4:18, 8:10, 9:22, 10:13, 10:15, 10:19, 10:23, 13:4, 15:23, 18:9, 20:6, 21:6, 24:6, 25:4, 25:5, 29:8, 29:19, 29:22, 30:17

impossible [1] - 15:18 IN m - 1:5 in [39] - 2:23, 3:7, 4:6, 5:7, 5:12, 6:16, 8:10, 8:11, 9:1, 9:3, 10:16, 11:2, 11:10, 11:18, 12:5, 14:7, 14:8, 15:16, 16:9, 16:20, 17:5, 17:16, 17:24, 18:2, 20:4, 20:16, 21:16, 21:17, 22:6, 22:7, 22:9, 23:7, 23:8, 23:10, 26:25, 27:7, 28:17, 30:25 included [1] - 8:6 including [1] - 12:1 inspect [1] - 24:14 inspected [1] - 12:3 into [4] - 3:18, 7:20, 11:5, 21:12 involved [2] - 6:4, 24:19 ironically [1] - 15:20 is [44] - 2:10, 2:11, 2:21, 4:17, 4:20, 5:13, 5:17, 5:23, 6:22, 7:7, 7:20, 8:11, 8:12, 8:22, 9:5, 10:22, 13:3, 13:10, 14:1, 15:7, 15:11, 16:2, 16:7, 16:9, 18:24, 19:12, 19:18, 20:2, 20:20, 21:3, 21:4, 21:14, 22:3,

32:6 issues [1] - 14:23 it [64] - 3:18, 4:1, 4:2, 4:17, 5:2, 6:24, 7:7, 9:12, 9:21, 10:13, 10:25, 11:2, 11:10, 12:11, 13:7, 13:14, 13:23, 13:25, 14:15, 15:5, 15:6, 15:10, 15:13, 16:4, 16:5, 16:9, 16:10, 16:12, 16:22, 16:23, 16:24, 16:25, 17:13, 18:6, 18:9, 18:13, 18:17, 19:10, 20:7, 20:9, 20:11, 20:14, 20:16, 21:17, 21:19, 22:9, 22:24, 23:4, 23:12, 23:16, 24:3, 24:7,

24:20, 24:24, 26:3,

27:6, 27:22, 27:25,

it's [7] - 9:7, 15:18,

30:8, 30:20

22:7, 22:13, 23:4,

23:18, 24:19, 24:23,

25:24, 29:25, 30:18,

18:23, 19:7, 21:10, 24:5, 24:9

J

JAMES [1] - 1:22 Jay [1] - 5:18 Jim [1] - 14:1 Jimmy [1] - 20:1 job [1] - 3:14 John [1] - 25:20 judge [5] - 16:20, 22:9, 22:23, 23:2, 23:14 judge's [2] - 21:17, 23:18 July [1] - 12:24 JUNE [1] - 1:9 June [3] - 2:19, 2:22, 14:8 junk [7] - 5:1, 6:13, 27:7, 27:8, 27:9, 27:10, 27:13 junkyard [2] - 19:14, junkyards [1] - 22:9 JUROSKY [7] - 25:21, 27:19, 27:25, 29:1, 29:13, 29:24, 30:5 Jurosky [2] - 5:16, 25:20 just [15] - 3:17, 5:7, 5:19, 8:8, 9:7, 9:12, 14:13, 15:1, 19:10, 20:18, 24:5, 27:6, 28:15, 29:10, 29:17

K

keep [6] - 24:5, 27:5, 27:11, 28:6, 28:7, 28:25 keeping [3] - 28:14, 28:16 Keith [8] - 3:20, 5:16, 5:23, 6:2, 6:5, 6:16, 10:6, 27:24 Keyser [2] - 6:14, 9:7 kid [4] - 6:2, 6:17, 26:20, 30:1 kids [5] - 28:5, 29:2, 29:3, 29:19, 30:5 Kimball [1] - 3:25 kind [2] - 15:1, 24:4 know [7] - 3:23, 6:18, 8:9, 19:9, 22:22, 23:23, 27:13

L

ladies [2] - 2:2, 2:18 lady [1] - 28:4 last [4] - 6:9, 9:23, 28:15, 29:22 late [1] - 29:3 law [1] - 10:14 laws [3] - 26:4, 28:23 lawyer [3] - 6:20, 26:10, 26:11 leaning [1] - 6:15 leasing [1] - 14:2 least [3] - 9:10, 25:6, 28:7 leave [2] - 14:20, 21:6 left [2] - 15:9, 15:19 LEG [1] - 30:12 legal [2] - 7:17, 7:23 legally [1] - 11:8 **LEGG** [7] - 6:9, 8:5, 8:25, 10:10, 11:15, 11:24, 12:23 legitimate [2] - 9:13, 10:21 let [1] - 10:4 let's [3] - 10:7, 12:12, 18:24 Lettieri [1] - 2:10 letting [1] - 8:24 Lexus [2] - 6:16, 9:4 liened [1] - 25:1 lifted [1] - 16:12 like [15] - 2:24, 3:4, 4:9, 5:25, 9:12, 9:20, 10:8, 10:14, 11:3, 11:9, 16:5, 23:5, 26:19, 26:20, 28:14 line [3] - 19:8, 19:10, 21:3 list [1] - 24:20 little [2] - 28:7, 30:1 live [3] - 21:22, 21:24, 24:1 locate [2] - 14:5, 14:7 locking [1] - 15:13 long [2] - 11:7, 19:19 look [5] - 7:3, 16:6, 21:14, 27:9, 27:10 looks [1] - 16:5 Lopatka [1] - 12:17 LOPATKA [2] - 12:19, 12:24 lot [1] - 27:8

M

magnet [1] - 19:8 mails [1] - 23:10

LOUIS [1] - 1:22

Main [3] - 7:3, 13:12, 25:23 major [1] - 12:2 make [3] - 6:24, 27:6, 30:20 making [4] - 5:8, 11:22, 21:9, 26:12 MANAGER [1] - 1:23 manager [1] - 3:1 Maria [1] - 8:20 Mark [2] - 1:25, 32:23 MARYLYNN [1] - 1:23 Marylynn [3] - 2:8, 25:12, 25:16 may [2] - 11:21, 16:25 maybe [1] - 16:8 Mayor [1] - 30:11 MAYOR [8] - 6:9, 8:5, 8:25, 10:10, 11:15, 11:24, 12:23, 30:12 mayor [3] - 3:1, 7:11, 9:21 MCCLURE [1] - 1:11 me [16] - 3:20, 7:6, 7:11, 9:11, 11:1, 14:4, 14:6, 18:7, 18:10, 22:21, 22:25, 23:22, 25:23, 26:3, 26:10, 26:24 mechanic [1] - 25:22 mechanics [1] - 22:19 meeting [15] - 2:20, 2:22, 6:21, 8:2, 9:22, 9:24, 13:1, 13:24, 15:21, 26:8, 28:15, 29:22, 30:10, 30:17, 31:1 MEMBERS [1] - 1:20 members [1] - 3:3 messages [2] - 8:14, Mexicans [1] - 17:20 middle [2] - 8:11, 12:24 might [1] - 4:22 MILWAUKEE [1] -1:12

minutes [2] - 26:21, 26:24

miscommunication [1] - 7:12 misconception [1] -

mitigate [1] - 19:23 moment [2] - 3:9, 3:13 Monday [2] - 15:12,

18:11 month [1] - 26:13 more [3] - 16:17, 21:7, 21:22

morning [3] - 15:12, 16:20, 17:5 motion [2] - 14:15, 30:19 motorcycle [1] - 12:1 mouth [1] - 15:17 move [10] - 3:18, 7:12, 12:12, 20:7, 20:23, 21:1, 21:7, 22:14, 22:24, 25:5 MR [127] - 2:1, 2:7, 2:13, 2:15, 2:17, 3:9, 3:10, 3:13, 3:14, 3:16, 3:19, 4:3, 4:13, 4:15, 5:3, 5:5, 5:11, 5:14, 6:7, 7:5, 7:7, 7:18, 7:24, 8:14, 8:23, 9:9, 9:19, 9:20, 10:1, 10:4, 10:13, 10:17, 11:7, 11:11, 11:12, 11:13, 11:17, 11:25, 12:3, 12:6, 12:7, 12:12, 12:13, 12:14, 12:15, 12:19, 12:21, 12:24, 12:25, 13:8, 13:13, 13:16, 14:1, 14:10, 14:20, 14:25, 15:7, 15:10, 15:11, 15:15, 15:23, 16:1, 16:4, 16:5, 16:7, 16:13, 16:15, 16:18, 16:24, 17:2, 17:4, 17:8, 17:15, 17:19, 17:22, 17:25, 18:15, 18:22, 19:3, 19:5, 19:6, 19:12, 19:21, 20:11, 20:16, 20:17, 20:20, 20:22, 21:3, 21:21, 22:5, 22:12, 22:17, 23:7, 23:9, 23:18, 24:1, 24:3, 24:11, 24:16, 24:25, 25:3, 25:11, 25:15, 25:17, 25:19, 25:20, 25:21, 27:17, 27:19, 27:25, 28:11, 29:1, 29:8, 29:13, 29:16, 29:24, 30:3, 30:5, 30:9, 30:13, 30:14, 30:15, 30:20, 30:21, 30:23, 30:24 MS [4] - 2:9, 2:14, 2:16, 25:13 much [3] - 18:23, 23:5, 27:23 muddy [1] - 19:7 multiple [2] - 17:11, 23:20 must [2] - 6:17, 17:23 my [13] - 3:17, 4:17,

5:15, 7:1, 7:2, 15:11, 16:7, 19:12, 20:5, 22:17, 23:10, 26:9, 32:7 myself [1] - 8:5

N

name [1] - 25:23 nearly [1] - 15:18 need [6] - 3:12, 13:24, 21:21, 22:8, 23:23, 24:4 needs [1] - 21:13 neighborhood [1] -30:6 neighboring [1] -19:25 neighbors [2] - 8:4, 10:7 never[1] - 5:12 new [1] - 13:4 next [4] - 15:20, 28:5, 29:14, 30:10 Next[1] - 13:10 nice [1] - 9:22 night [4] - 16:23, 26:14, 26:16, 28:4 no [8] - 5:14, 16:17, 16:18, 18:7, 20:11, 20:25, 22:1, 30:5 No [2] - 12:14, 25:10 noise [7] - 4:8, 9:15, 19:23, 20:2, 21:22, 26:14, 29:5 nonstop [1] - 6:3 noon [2] - 9:14, 17:20 not [19] - 6:23, 7:7, 9:1, 11:4, 11:17, 11:18, 17:22, 18:25, 20:5, 20:12, 21:10, 27:2, 27:5, 27:8, 27:23, 28:15, 28:24, 29:16, 30:4 Notari [1] - 2:11 notes [1] - 32:5 nothing [8] - 3:9, 3:13, 7:4, 12:19, 17:14, 18:6, 22:11, 30:17 now [5] - 14:21, 15:1, 20:5, 23:11, 27:6 nuisance [1] - 4:7 number [4] - 19:21, 20:6, 21:8, 23:8

0

obscenities [1] - 6:19 obviously [6] - 5:20, 6:23, 10:20, 10:22,

16:21, 28:21 odors [1] - 19:23 of [46] - 2:3, 2:5, 2:20, 3:5, 3:20, 5:18, 6:25, 7:2, 7:8, 7:16, 8:11, 8:13, 8:18, 9:1, 9:6, 9:11, 9:23, 11:18, 11:20, 12:24, 13:20, 15:1, 15:4, 17:17, 18:19, 20:3, 20:5, 22:21, 23:7, 23:21, 23:23, 24:4, 24:20, 24:24, 26:2, 27:10, 27:11, 27:20, 28:1, 28:8, 29:2, 29:25, 32:5, 32:6, 32:7 off [9] - 4:25, 5:1, 8:17, 8:21, 9:3, 16:10, 16:12, 18:9 office [1] - 21:17 officer [4] - 3:6, 12:4, 28:12, 28:20 Official [2] - 1:25, 32:24 okay [5] - 11:10, 17:12, 25:23, 27:8, 28:3 OLD [3] - 1:1, 1:2, 1:13 Old [1] - 2:19 on [40] - 4:6, 4:11, 5:10, 6:14, 7:1, 7:13, 12:12, 13:6, 13:17, 13:22, 14:9, 15:7, 15:11, 16:1, 18:9, 18:16, 19:8, 19:10, 20:12, 22:2, 22:8, 22:9, 22:22, 24:4, 25:21, 25:23, 27:9, 27:11, 27:22, 27:25, 28:14, 28:16, 28:17, 28:25, 29:1, 29:11, 29:19, 29:22 once [1] - 2:17 one [16] - 4:13, 4:23, 4:25, 5:1, 5:8, 6:25, 7:15, 9:10, 11:21, 11:22, 20:2, 26:25, 27:1, 27:9, 29:25 ones [1] - 24:17 only [15] - 5:15, 6:25, 8:1, 10:13, 11:22, 13:3, 13:24, 19:12, 19:17, 21:24, 22:2, 23:4, 24:16, 26:25, 27:9

onto [1] - 19:24

open [2] - 22:3, 28:6

operation [1] - 22:6

opinion [1] - 16:8

or [20] - 3:11, 4:25. 5:12, 8:21, 9:3, 9:4, 10:16, 11:21, 13:1, 17:5, 21:7, 21:15, 23:16, 25:7, 25:8, 28:24, 29:3, 29:20, 29:21 order [7] - 15:1, 19:15, 21:18, 22:10, 23:8, 23:18, 24:14 ordered [1] - 23:2 orders [2] - 14:13, 20:18 ordinance [4] - 3:21, 13:22, 22:7, 22:8 ordinances [4] -10:15, 11:9, 22:2, 28:23 other [6] - 7:15, 8:4, 10:6, 11:9, 18:19, 27:11 our[11] - 2:21, 2:25, 3:1, 3:2, 9:6, 9:24, 11:5, 18:25, 26:24, 27:2 out [18] - 5:25, 6:12, 7:2, 7:14, 8:13, 8:18, 9:6, 11:20, 17:20, 20:11, 20:14, 23:2, 25:8, 25:21, 26:1, 26:9, 27:1, 27:21 outside [1] - 17:8 outsiders [1] - 10:20 over[13] - 3:21, 4:9, 4:10, 4:12, 5:18, 6:14, 7:13, 8:22, 9:10, 10:1, 10:14, 17:16 own [5] - 3:17, 7:15, 10:17, 15:10, 16:8 owner [2] - 4:1, 10:8

Р

P.M[1] - 1:10

pay [2] - 10:19, 10:24 pending [1] - 14:18 PENNSYLVANIA [2] -1:2, 1:13 people [5] - 8:1, 22:20, 26:18, 29:1 permission [2] - 8:20, 27:14 permits [1] - 24:22 personally [1] - 10:2 Philadelphia [2] -26:9, 26:10 picked [1] - 4:2 picture [1] - 3:20 pictures [2] - 9:11, 11:2 place [2] - 5:19, 14:3 plain [2] - 11:2, 16:9 playing [1] - 3:16 Pledge [2] - 2:3, 2:5 plenty [1] - 15:21 point [3] - 6:3, 18:24, 26:12 police [6] - 8:8, 8:12, 9:5, 9:6, 10:12, 29:23 poor [1] - 21:12 popping [1] - 29:20 precautions [1] - 22:4 present [1] - 2:15 PRESIDENT [1] - 1:21 pretty [2] - 7:5, 23:5 probably [3] - 14:8, 26:13, 30:7 problem [5] - 5:15, 5:23, 22:18, 26:25, 27:2 proceeding [1] - 32:5 profanities [1] - 5:25 promise [1] - 21:23 properties [1] - 19:25 property [5] - 15:24, 16:2, 19:24, 23:3, public [3] - 2:23, 2:24, 25:17 puppets [2] - 23:21, 23:24 purpose [1] - 2:20

Q

put [2] - 15:16, 24:20

putting [1] - 16:2

quads [10] - 9:15, 11:24, 26:15, 28:2, 29:4, 29:6, 29:12, 29:18, 29:20, 29:25 questions [4] - 12:16, 12:22, 13:9, 25:16

R

Rm-32:2 ran [2] - 7:16, 7:23 **RE**[1] - 1:5 read [2] - 26:4 really [1] - 19:13 reason [1] - 18:7 reasonable [1] - 19:22 reasoning [1] - 16:8 recited [1] - 2:6 record [1] - 24:24 refuses [2] - 25:5, 25:6 regular [3] - 2:21, 5:19, 17:22 repairs [2] - 12:1, 12:2 Replica [1] - 5:3 Reporter [2] - 1:25, 32:24 reputation [1] - 9:1 requirement[1] -19:20 resources [1] - 18:25 respect [2] - 30:6 revisement [1] - 13:6 riding [1] - 29:20 right [12] - 4:3, 4:15, 5:5, 9:19, 10:22, 20:4, 23:11, 24:7, 26:15, 27:6, 28:5, 29:15 Rinaldi [2] - 2:16, 5:24 RINALDI [56] - 1:21, 1:23, 2:1, 2:7, 2:17, 3:10, 3:14, 8:23, 9:20, 10:4, 10:13, 11:7, 11:12, 12:13, 12:15, 12:21, 12:25, 13:8, 13:13, 13:16, 13:19, 14:4, 14:10, 14:13, 14:22, 15:2, 15:8, 16:17, 18:12, 19:17, 20:9, 20:14, 21:20, 22:1, 22:12, 22:15, 23:9, 23:12, 24:9, 24:12, 24:19, 25:2, 25:3, 25:10, 25:11, 25:15, 25:17, 25:20, 28:11, 29:8, 29:16, 30:3, 30:9, 30:15, 30:21, 30:24 road [2] - 8:11, 9:5 roll [1] - 2:7 Ron [1] - 8:24 rules [1] - 13:4 run [2] - 15:9, 26:15 running [7] - 5:6, 5:7, 9:13, 11:8, 19:1, 24:18, 29:4

runs [7] - 8:11, 9:3, 15:19, 16:3, 16:5, 18:1, 22:18 Russ [1] - 29:13 RUSSELL [35] - 1:21, 2:1, 2:7, 2:17, 3:10, 3:14, 8:23, 9:20, 10:4, 10:13, 11:7, 11:12, 12:13, 12:15, 12:21, 12:25, 13:8, 13:13, 13:16, 14:10, 22:12, 23:9, 25:3, 25:11, 25:15, 25:17, 25:20, 28:11, 29:8, 29:16, 30:3, 30:9, 30:15, 30:21, 30:24

S

safely [1] - 18:13 said [26] - 3:5, 4:9, 6:12, 6:17, 6:19, 6:21, 8:3, 8:20, 9:21, 14:10, 17:12, 18:1, 18:17, 20:17, 20:18, 20:23, 20:24, 23:5, 23:15, 26:1, 27:19, 27:21, 28:15, 30:7 same [3] - 9:10, 32:5, 32:7 Saturday [1] - 25:21 say [6] - 15:18, 18:4, 20:1, 20:2, 21:14, 28:10 saying [5] - 6:2, 22:13, 23:10, 29:16, 29:21 says [7] - 11:25, 19:15, 21:9, 22:25, 23:25, 26:15, 26:17 scared [1] - 26:18 scrap [3] - 5:2, 20:20, 24:18 second [1] - 30:23 seconded [1] - 30:24 see [11] - 9:12, 14:24, 15:13, 15:24, 16:12, 17:16, 21:25, 24:12, 25:8, 29:22, 30:2 seems [2] - 7:5, 16:4 seen [2] - 15:5, 15:17 sell [1] - 5:2 sends [1] - 20:22 sent [3] - 3:20, 16:25, 17:4 served [1] - 15:4 service [2] - 13:4, 13:5 **SESSION** [1] - 1:5 session [2] - 2:3, 2:20 set [1] - 2:21 settled [1] - 25:2

she [2] - 8:20, 8:23 sheet [1] - 2:23 shell [1] - 4:14 shop [2] - 5:12, 5:19 should [4] - 3:22, 19:21, 21:9, 29:5 shouldn't [1] - 29:6 show [4] - 5:21, 26:11, 28:21, 29:10 shut [2] - 24:21, 24:23 Sibley [1] - 7:2 sick [3] - 26:1, 27:20, 27:25 side [4] - 6:25, 9:23, 27:9, 27:11 sidewalk [2] - 7:11, 7:13 sight [2] - 11:3, 16:10 sign [1] - 2:23 sign-in [1] - 2:23 signatures [1] - 13:24 signs [1] - 11:18 since [2] - 13:7, 21:5 single [1] - 11:1 sit [1] - 18:10 situation [2] - 9:7, 9:16 small [1] - 28:5 smashed [1] - 5:1 smell [1] - 20:3 smelling [1] - 20:13 smoke [1] - 17:16 so [22] - 4:21, 4:22, 6:23, 7:14, 8:18, 11:3, 11:13, 12:3, 12:12, 14:25, 15:21, 17:23, 18:9, 18:21, 21:1, 21:11, 21:24, 23:5, 23:10, 27:17, 27:23, 29:14 solicitor[1] - 3:2 **SOLICITOR** [1] - 1:23 solicitor's [1] - 13:17 some [6] - 13:6, 13:24, 19:2, 21:13, 22:21, 24:4 somebody [3] - 9:2, 17:23, 18:20 somebody's [1] - 28:1 something [4] - 9:4, 10:14, 29:9, 29:24 something's [1] -26:18 son [1] - 28:8 speak [2] - 2:24, 17:21 specifically [1] - 21:9

spitefully [1] - 19:11

16:15, 16:19, 16:21,

16:22, 17:10, 17:25,

spoke [11] - 4:4,

18:4, 22:18, 22:19, 25:4 spotless [1] - 7:21 staff [1] - 24:21 standing [1] - 6:14 start [2] - 2:2, 3:5 states [2] - 21:17, 22:9 stay [5] - 14:18, 14:24, 14:25, 19:19, 20:25 steel [1] - 20:4 stenographic [1] -32:5 stepped [1] - 21:12 steps [1] - 19:22 still [4] - 15:4, 23:9, 23:24 Stocki [1] - 14:15 stop [3] - 18:18, 21:10, 21:22 stopped [10] - 6:9, 6:11, 15:1, 16:20, 16:23, 17:3, 17:10, 17:20, 18:8, 18:19 stopping [1] - 23:13 stops [2] - 8:10, 25:23 Store [1] - 14:6 story [2] - 7:1, 9:23 straighten [3] - 26:1, 26:8, 27:21 straightened [1] -7:14 street [14] - 8:19, 10:11, 26:22, 27:3, 27:10, 27:11, 28:4, 28:7, 29:5, 29:7, 29:19, 29:20, 29:22 Street [5] - 7:3, 13:12, 25:23, 28:3, 29:2 streets [1] - 7:25 stuff [4] - 15:18, 16:11, 21:1, 23:1 substantially [1] -19:22 sudden [1] - 17:21 suit [1] - 6:21 supposed [3] - 11:4, 19:15, 21:18 sure [3] - 6:7, 20:1, 27:6 swamp [1] - 19:7

Т

T [2] - 32:2 table [2] - 3:2, 30:11 tags [1] - 7:16 tail [1] - 21:4 take [5] - 4:24, 11:20, 19:22, 22:3, 29:14 taken [1] - 20:11

taking [5] - 5:8, 6:13, 11:2, 22:4, 24:18 talk [5] - 4:10, 10:4, 10:5, 10:9, 15:22 talked [2] - 6:11, 21:20 talking [1] - 3:23 tanker[1] - 18:14 tankers [1] - 18:3 target [1] - 12:23 tell [5] - 10:18, 19:17, 22:25, 23:22, 25:3 telling [1] - 11:1 ten [4] - 19:21, 20:6, 21:8, 23:8 text [3] - 3:19, 16:25, 17:4 thank [1] - 26:2 thanks [5] - 12:16, 12:25, 13:9, 13:16, 25:12 that [68] - 3:5, 4:4, 4:5, 4:13, 5:1, 6:8, 7:13, 8:2, 8:7, 8:24, 9:18, 10:7, 11:13, 13:25, 14:14, 14:15, 14:16, 14:18, 14:20, 14:24, 15:5, 15:13, 15:18, 15:24, 16:3, 16:8, 16:9, 16:11, 16:18, 16:23, 16:24, 17:3, 18:4, 19:10, 19:13, 19:15, 19:18, 20:3, 20:4, 20:13, 20:17, 21:10, 21:18, 21:23, 22:17, 22:18, 22:20, 23:19, 24:2, 24:17, 24:18, 24:22, 25:2, 25:3, 25:22, 26:8, 26:24, 27:14, 27:24, 28:7, 29:5, 29:9, 30:2, 32:4, 32:5 that's [29] - 5:2, 5:11, 5:15, 9:2, 9:15, 10:10, 13:7, 13:25, 15:2, 15:5, 15:8, 15:19, 15:20, 19:14, 19:15, 20:2, 20:6, 21:7, 21:11, 21:18, 22:17, 22:21, 23:3, 25:25, 26:24, 27:2, 28:9, 29:15, 30:8 the [255] - 2:3, 2:5, 2:18, 2:20, 2:21, 2:24, 3:2, 3:6, 3:7, 3:13, 3:20, 3:25, 4:1, 4:5, 4:15, 4:24, 4:25, 5:1, 5:2, 5:12, 5:15, 5:18, 5:25, 6:1, 6:2, 6:3, 6:5, 6:10, 6:11,

6:13, 6:15, 6:16,

6:17, 6:18, 6:21, 7:1, 7:8, 7:9, 7:10, 7:11, 7:13, 7:14, 7:15, 7:20, 7:22, 7:25, 8:1, 8:4, 8:8, 8:10, 8:11, 8:12, 8:18, 8:19, 8:20, 8:21, 8:25, 9:3, 9:4, 9:5, 9:7, 9:10, 9:14, 9:15, 9:21, 9:23, 10:2, 10:6, 10:12, 10:14, 10:15, 10:19, 10:23, 10:24, 11:8, 11:9, 11:11, 11:13, 11:19, 12:3, 12:8, 12:10, 12:17, 12:19, 12:23, 13:1, 13:3, 13:4, 13:9, 13:17, 13:18, 13:20, 13:21, 13:22, 13:23, 14:2, 14:5, 14:7, 14:8, 14:9, 14:13, 14:16, 14:23, 14:25, 15:1, 15:3, 15:7, 15:11, 15:15, 15:18, 15:20, 15:24, 16:1, 16:8, 16:10, 16:11, 16:12, 16:19, 16:20, 16:25, 17:5, 17:6, 17:9, 17:12, 17:16, 17:17, 17:21, 18:1, 18:4, 18:5, 18:8, 18:13, 18:15, 18:16, 18:19, 18:24, 19:1, 19:8, 19:14, 19:18, 19:19, 19:20, 19:24, 20:2, 20:3, 20:4, 20:8, 20:18, 20:24, 21:3, 21:4, 21:6, 21:8, 21:16, 21:17, 21:21, 21:22, 22:2, 22:7, 22:9, 22:10, 22:13, 22:14, 22:18, 22:20, 22:23, 23:2, 23:3, 23:8, 23:14, 23:23, 24:2, 24:5, 24:8, 24:9, 24:11, 24:13, 24:14, 24:15, 24:16, 24:17, 24:18, 24:20, 25:1, 25:5, 25:6, 25:22, 26:2, 26:4, 26:12, 26:13, 26:16, 26:22, 27:3, 27:5, 27:7, 27:10, 27:11, 27:12, 27:18, 28:4, 28:6, 28:11, 28:12, 28:15, 28:20, 28:23, 29:4, 29:5, 29:6, 29:8, 29:12, 29:14, 29:18, 29:19, 29:21, 29:22, 29:23, 30:6, 30:10, 30:11,

30:16, 30:18, 32:4, 32:5, 32:6, 32:7, 32:8 their [4] - 5:17, 5:22, 9:23, 24:20 them [38] - 4:4, 4:6, 4:7, 4:10, 4:17, 5:20, 7:12, 7:16, 7:19, 7:23, 8:6, 8:17, 8:19, 9:17, 9:25, 10:4, 10:5, 10:9, 10:19, 10:24, 11:20, 13:5, 13:6, 17:9, 17:18, 18:16, 18:18, 20:17, 20:23, 21:7, 22:21, 23:25, 28:24, 28:25, 29:11, 29:22 then [7] - 3:25, 8:18, 14:6, 16:23, 17:11, 20:7, 20:23 there [56] - 3:22, 3:24, 4:3, 4:9, 4:14, 6:1, 6:10, 6:15, 7:8, 7:15, 7:19, 7:25, 8:21, 8:22, 9:4, 9:14, 10:14, 10:16, 11:5, 11:18, 11:20, 11:21, 12:7, 15:23, 16:2, 16:9, 16:16, 17:2, 17:11, 17:13, 17:19, 18:1, 18:5, 18:6, 18:7, 18:10, 18:18, 19:1, 19:18, 19:19, 20:25, 21:6, 21:14, 21:24, 23:20, 24:17, 25:7, 26:7, 27:17, 28:12, 28:13, 28:18, 29:11, 29:17, 29:18 there's [9] - 2:23, 3:21, 7:4, 7:24, 10:19, 11:18, 22:20, 26:25, 30:17 thereof [1] - 32:8 these [4] - 8:1, 29:2, 29:25, 30:5 they [64] - 3:3, 4:15, 4:20, 4:21, 4:22, 4:24, 4:25, 5:5, 5:6, 5:9, 5:20, 6:12, 6:13, 7:10, 7:18, 7:23, 8:3, 8:7, 9:12, 9:13, 9:18, 9:22, 10:21, 10:22, 10:23, 10:24, 11:2, 11:3, 11:19, 11:21, 11:24, 13:6, 16:6, 17:10, 18:2, 18:8, 18:15, 18:18, 19:3, 19:5, 20:18, 20:25, 22:21, 22:22, 22:25,

23:13, 24:20, 24:21,

24:22, 24:23, 26:14, 26:22, 27:7, 28:17, 29:10, 29:11, 29:13, 29:17 they'll [3] - 10:19, 23:21, 29:10 they're [35] - 4:5, 4:6, 4:16, 4:18, 5:7, 5:19, 6:3, 6:5, 7:7, 8:18, 9:13, 10:17, 10:18, 10:20, 11:1, 11:3, 11:8, 11:17, 11:22, 12:5, 13:5, 16:9, 17:20, 17:22, 18:20, 19:18, 23:21, 23:24, 27:6, 28:3, 29:2, 29:20 they've [2] - 24:25, 28:14 thing [5] - 4:17, 9:10, 13:3, 20:2, 22:2 things [1] - 23:2 think [5] - 8:5, 9:20, 10:22, 26:12, 30:1 thinks [2] - 3:22, 8:7 this [23] - 3:9, 4:20, 5:24, 8:12, 9:5, 9:11, 16:7, 18:23, 21:12, 21:14, 23:18, 25:14, 26:1, 26:13, 26:15, 26:20, 27:11, 27:15, 27:20, 27:21, 28:1, 28:3, 30:17 those [2] - 16:13, 19:9 though [1] - 4:14 thought [3] - 15:11, 26:20, 28:19 three [4] - 17:2, 26:23, 27:7, 27:8 through [4] - 5:18, 10:2, 13:11, 18:11 throughout [3] - 5:14, 17:9, 18:8 thrown [1] - 20:10 throws [1] - 6:18 Thursday [4] - 13:10, 17:1, 25:7, 25:8 ticket [2] - 10:23, 10:24 ticketed [1] - 7:10 time [15] - 4:11, 5:17, 5:23, 6:23, 7:8, 8:21, 11:21, 13:13, 14:16, 17:3, 18:4, 18:18, 20:20, 25:14, 30:18 times [6] - 6:17, 8:9, 17:3, 17:11, 23:20, 30:7 tired [3] - 26:2, 27:20, 28:1

titles [1] - 7:18 to [132] - 2:2, 2:18, 2:21, 2:24, 2:25, 3:4, 3:11, 3:17, 4:1, 4:6, 4:9, 4:10, 5:20, 5:24, 6:2, 6:3, 6:4, 6:12, 6:20, 6:21, 6:24, 7:5, 7:12, 7:24, 8:2, 8:8, 8:12, 9:2, 9:3, 9:22, 9:24, 10:5, 10:8, 10:9, 10:17, 10:18, 11:4, 12:10, 13:15, 13:19, 13:21, 13:22, 13:23, 14:5, 14:7, 14:11, 14:14, 14:15, 14:22, 15:16, 15:18, 15:19, 15:21, 16:4, 18:4, 18:9, 18:10, 18:13, 18:18, 18:19, 19:13, 19:15, 19:18, 19:22, 20:7, 20:17, 20:25, 21:6, 21:10, 21:13, 21:14, 21:15, 21:18, 21:20, 21:21, 21:24, 22:3, 22:11, 22:13, 22:23, 22:24, 23:3, 23:11, 23:22, 23:23, 24:4, 24:5, 24:7, 24:8, 24:9, 24:11, 24:13, 24:20, 25:24, 25:25, 26:6, 26:8, 26:15, 26:19, 26:20, 26:21, 26:23, 27:9, 27:10, 27:14, 27:21, 28:1, 28:9, 28:19, 28:22, 28:25, 29:9, 29:13, 29:14, 29:18, 29:24, 29:25, 30:1, 30:8, 30:10, 30:16, 30:18, 30:19, 32:7 today [3] - 14:14, 14:17, 14:19 told [12] - 4:21, 5:20, 5:24, 7:12, 9:17, 14:7, 22:21, 26:24, 27:24, 28:6, 28:20, 30:7

tomorrow [2] - 25:7,

6:22, 14:11, 21:11,

25:25, 26:21, 28:19

tonight [7] - 5:20,

tonight's [1] - 2:20

took [2] - 12:10, 32:5

torch [8] - 18:2, 18:12,

18:15, 19:14, 19:18,

too [1] - 11:4

tool [1] - 21:14

top[1] - 24:20

25:8

20:3, 20:22, 23:11 torches [7] - 16:13, 16:17, 17:6, 21:6, 21:21, 22:5, 22:8 torching [4] - 18:21, 22:2, 23:4, 23:14 tow [2] - 4:1, 12:10 toward [1] - 21:8 towards [1] - 20:8 towed [2] - 3:22, 8:16 towing [1] - 10:11 town [6] - 9:2, 10:16, 11:5, 11:10, 18:19, 28:17 trailer [3] - 12:1, 16:10, 16:12 tree [1] - 19:8 trees [1] - 17:16 tried [1] - 23:19 truck [6] - 6:10, 6:15, 8:10, 12:1, 18:14, 18:17 trucks [2] - 18:2, 20:23 true [1] - 32:6 try [1] - 14:11 trying [4] - 3:17, 14:5, 14:6, 20:25 tucks [1] - 18:15 Tuesday [2] - 2:19, 2:22 Turkey [1] - 29:14 twenties [1] - 29:3 two [9] - 3:7, 5:8, 7:9, 7:25, 8:1, 11:21, 14:8, 28:5

U

Unanimous [1] - 31:1 unbolt [1] - 5:9 under [1] - 11:13 understand [2] - 4:7, 5:16 understood [1] - 9:18 unless [1] - 14:23 unloading [1] - 16:9 until [9] - 9:14, 15:3, 19:19, 22:13, 24:2, 24:13, 24:15, 25:6, 26:16 up [50] - 3:17, 4:2, 5:21, 6:11, 7:2, 10:17, 12:7, 14:2, 15:12, 16:22, 17:2, 17:10, 18:1, 18:5, 18:18, 18:25, 19:1, 20:10, 20:24, 21:1, 21:8, 21:14, 22:15, 22:24, 23:1, 23:3,

23:4, 23:12, 23:16, 23:17, 23:20, 24:9, 24:18, 26:11, 27:5, 27:12, 28:2, 28:12, 28:13, 28:17, 28:21, 28:25, 29:4, 29:6, 29:10, 29:11, 29:17, 29:18, 29:19 updated [1] - 13:7 UPS [1] - 8:10 us [5] - 3:11, 4:21, 6:18, 10:5, 27:24 use [3] - 4:21, 18:25, 27:3 used [1] - 22:5

V

vehicle [3] - 3:21, 7:19, 8:16 vehicles [2] - 5:6, 5:7 VICE [1] - 1:21 VICE-PRESIDENT [1] - 1:21 violation [2] - 21:16, 23:7 vote [1] - 13:22

W

wagging [1] - 21:4 wait [4] - 15:20, 26:21, 26:23, 29:18 walked [1] - 17:16 walking [1] - 25:22 Walter [3] - 18:1, 20:19, 20:24 Wansacz [1] - 14:1 want [13] - 3:11, 8:25, 15:16, 18:10, 20:9, 20:11, 21:6, 21:19, 23:16, 23:22, 26:6, 28:9 wanting [1] - 9:1 wants [1] - 30:1 warning [1] - 21:15 was [48] - 2:5, 3:25, 4:3, 4:13, 4:14, 5:1, 6:2, 6:10, 7:15, 7:16, 8:23, 10:13, 10:15, 11:5, 11:17, 13:23, 14:10, 14:15, 14:16, 14:18, 16:16, 16:18, 16:23, 16:24, 17:2, 17:8, 17:10, 17:13, 17:19, 18:6, 18:7, 18:17, 19:6, 22:10, 23:19, 25:21, 25:24, 26:20, 27:17, 27:18, 28:12, 28:19, 28:20

water [2] - 18:3, 18:16 way [8] - 6:5, 6:10, 7:1, 7:2, 8:18, 23:4, 26:25, 27:1 we [32] - 3:24, 4:8, 4:9, 6:1, 7:9, 7:13, 7:16, 7:22, 8:6, 8:25, 9:17, 9:22, 10:5, 10:6, 10:11, 12:9, 16:21, 16:22, 18:4, 18:17, 18:23, 20:18, 21:6, 22:1, 22:2, 22:14, 23:13, 24:11, 24:14, 25:4, 27:15, 28:18 we'll [14] - 2:24, 2:25, 3:1, 3:5, 4:21, 13:11, 14:7, 15:10, 15:20, 15:21, 19:2, 24:3, 24:12, 24:14 we're [11] - 2:2, 6:25, 20:7, 20:25, 24:4, 25:19, 28:15, 28:16, 28:22, 28:24, 30:16 we've [3] - 15:15, 15:17, 28:13 Wednesday [1] -13:23 week [4] - 6:9, 8:15, 9:24, 27:16 weeks [2] - 3:8, 14:8 welcome [1] - 2:18 well [7] - 3:15, 6:22, 8:24, 10:5, 10:8, 28:9, 28:11 went [10] - 4:9, 4:10, 5:14, 10:1, 10:2, 16:15, 16:21, 16:22, 18:5, 18:18 were [13] - 3:24, 6:1, 6:12, 6:13, 7:10, 10:15, 12:7, 12:9, 14:14, 17:6, 19:3, 23:13, 29:21 what [23] - 3:23, 4:20, 5:3, 5:17, 6:2, 6:18, 8:9, 8:10, 10:22, 13:13, 15:2, 15:7, 15:17, 18:10, 18:22, 20:6, 21:23, 22:13, 22:25, 23:24, 24:23, 25:8, 26:5 what's [5] - 11:11, 12:23, 21:18, 22:22, 24:12 whatever [3] - 16:24, 29:4, 29:21 wheelies [1] - 29:21 when [6] - 6:1, 8:9,

8:22, 17:5, 17:11,

25:7

where [3] - 6:3, 11:5, 14:20 which [4] - 2:22, 22:4, 22:7, 26:16 white [1] - 17:16 who [2] - 6:15, 17:25 whoever's [1] - 28:23 whole [6] - 5:15, 9:15, 20:12, 20:15, 20:16, 32:8 why [2] - 21:11, 25:25 wife [1] - 6:22 will [3] - 2:22, 15:24, 26:7 WILLIAM [1] - 1:23 willing [1] - 10:17 window [1] - 5:25 windows [2] - 20:5, 28:6 wish (1) - 22:10 with [41] - 2:3, 3:5, 3:6, 4:4, 4:7, 5:16, 8:4, 9:7, 10:22, 11:10, 12:5, 14:2, 15:4, 15:12, 16:16, 16:19, 16:20, 17:10, 17:12, 17:25, 18:2, 18:4, 18:25, 19:20, 20:6, 21:5, 21:16, 21:22, 21:24, 22:18, 22:19, 23:14, 23:25, 24:2, 24:3, 24:13, 25:4, 26:3, 26:10, 27:12 witnessed [1] - 6:1 woods [1] - 19:9 words [1] - 15:16

Υ

WORK [1] - 1:5

3:17, 4:6, 7:2

worked [1] - 19:5

workers [1] - 23:21

working [1] - 24:16

would [5] - 2:24, 3:3,

9:21, 10:8, 14:25

Wozniak [2] - 1:25,

wrecked [4] - 4:5,

4:16, 4:22, 11:19

wrong [4] - 6:10, 7:4,

wrecker [1] - 11:20

10:18, 10:23

32:23

work [5] - 2:3, 2:19,

yard [3] - 17:17, 18:1, 22:19 yeah [2] - 3:16, 27:17 yelling [2] - 5:25, 6:19 yes [1] - 12:6 yesterday [2] - 19:4, 19:5 yet [1] - 15:5 you [49] - 3:10, 3:11, 5:18, 6:17, 8:9, 9:24, 10:18, 12:3, 12:4, 12:7, 14:2, 15:23, 15:24, 16:11, 16:19, 17:10, 17:15, 17:17, 18:10, 18:22, 18:25, 19:17, 20:9, 21:5, 21:25, 22:3, 22:7, 22:8, 22:11, 22:15, 23:15, 23:16, 24:1, 25:4, 25:8, 26:5, 26:8, 26:19, 27:3, 27:4, 27:9, 27:10, 27:24, 28:18, 29:2, 29:21, 29:22 you'll [1] - 27:12 you're [9] - 11:4, 13:19, 13:21, 18:22, 20:12, 23:10, 25:7, 26:3, 26:5 young [1] - 26:3 your[6] - 15:17, 17:8, 19:8, 20:12, 21:15, 27:3

Z

zone [1] - 11:11 zoning [5] - 13:21, 26:4, 26:17, 28:12, 28:20