

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

February 23, 2015

Planning Board Professional(s):

Solicitor: Christopher Brown, Esq.: (not in attendance)

Engineer: James A. Mott, P.E., of Mott Associates: (not in attendance)

Planner: Vincent Polistina, P.P., of Polistina and Associates: (not in attendance)

Planning Board Deannexation Professional(s):

Special Counsel: Dean R. Marcolongo, Esq. (present)

Special Planner: Stuart B. Wiser, P.P., A.I.C.P., Remington, Vernick & Walberg Engineers (present)

A special meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

Roll Call Taken as Follow(s):

Manuel E. Aponte, V-Chair., arr. @6:35 P.M.

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Robert Levy, another engage.

Mayor James J. McCullough, Jr., ***See Below**

Peter Miller, Township Administrator, recused

Committeewoman, Laura Pfrommer, present

Paul Rosenberg, 2nd V-Chairperson, present

John Welsh, Alt. II, excused

***May the record reflect:** Mayor James J. McCullough has recused himself from these hearings. He has sent Atlantic County Freeholder, John Carman, in his place.

PUBLIC HEARING(S):

- Public Hearing:** Deannexation petition submitted by the Seaview Harbor section of Egg Harbor Township seeking annexation with Longport Borough.

Special Board Solicitor Marcolongo advised this evening will be the continuation of cross examination by Attorney Doyle of Township Administrator, Peter Miller. He indicated based upon his conversation with Attorney Doyle Mr. Miller is the only individual anticipated this evening. He has not requested any other witnesses to be present. Special Board Solicitor Marcolongo advised new meeting dates will discussed tonight and at the next meeting he anticipates calling Chief Morris and to be followed-up by the Public Works Director, Al Simerson.

Special Board Solicitor Marcolongo advised both he and Attorney Doyle took a very cautious approach last month and cancelled both special meetings at the end of January, 2015. He indicated we probably could have had held both the meetings given the lack of any event that occurred here. He indicated we will not be finishing up before the end of this month but there is anticipation of at least two (2) meetings in March, 2015.

Attorney Doyle advised he concurs with everything that Special Board Solicitor Marcolongo has said in terms of the cautious approach. He stated safety is always first and his client's felt the same way. He indicated he is aware the Board is looking at March 24th and March 30th but he thought these were confirmed meetings. He advised this matter needs to be concluded. He indicated he has not scheduled any other meeting(s) for the month of April, 2015 other than this. He indicated he would

hope everyone can make April. He stated he has suggested Friday night meetings which the Board has done and he has also suggested a Saturday meeting, as was done in Strathmere, but he was almost booted out of place that time too. He indicated whatever it takes he would hope the Board can establish and lock in nights for all of us.

Attorney Doyle stated with respect to Mr. Miller's cross examination he expects it would take all evening and he is not sure if it will be finished. He stated he would point out that when Mr. Miller spoke about this matter at the March, 2014 meeting he anticipated this matter would be completed in six (6) or seven (7) meetings. He stated he will acknowledge the following: calling 23 witnesses, at least five (5) witnesses were called a second time, one (1) to two (2) were called a third time, and they had two (2) expert witnesses. Attorney Doyle noted they completed the equal of about 35 witnesses in eight (8) nights, however, Mr. Miller has been here for four (4) nights by himself.

Attorney Doyle stated he did participate in the last half of the last meeting with cross examination, but he will try to get as far as he can tonight. Special Board Solicitor Marcolongo stated that he anticipated Attorney Doyle would finish tonight, however, he told Attorney Doyle to take his time at whatever he needs. Attorney Doyle stated he did appreciate.

Board Member Rosenberg asked what the dates were for March. Attorney Doyle stated the 24th and the 30th, both beginning at 5:00 p.m. Board Secretary Wilbert stated these dates will be for the Seaview Harbor matter exclusively. She also advised the Board will still conduct their regular meeting on Monday, March 16th, but this matter will not be heard.

Motion Rosenberg/Eykyn to schedule special meeting dates of Tuesday, March 24, 2015, 5:00 p.m. and Monday, March 30, 2015, 5:00 p.m. for the Seaview Harbor Deannexation Matter. Vote 6 Yes:
Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

Special Board Solicitor Marcolongo advised Mr. Miller that he is still under oath. He further noted at the last meeting Attorney Doyle had requested Mr. Miller provide additional documentation. He asked if it was brought this evening. Mr. Miller stated yes. Special Board Solicitor Marcolongo suggested it be presented at this point. Mr. Miller stated there are three (3) documents for three (3) areas that Attorney Doyle made a request for on December 15, 2014. He indicated he will be passing out one (1) at a time.

Mr. Miller stated the first is the DCA report for CRS requirements. He indicated it is a letter dated July 1, 2014, addressed to Mayor McCullough captioned "National Flood Insurance Program. Special Board Solicitor Marcolongo marked this as exhibit B91. Mr. Miller stated the second item he was asked to produce were the emails of Mr. Watkins from the Township Engineer's office in reference to the CRS and for which had to do with the email previously marked as exhibit B40. He stated he did not count how many emails there are or how many trail emails. He indicated this document has exhibit B40 as the cover of it which was sent July 22, 2014 email to him where he had listed what he had done from October, 2013 to July 1, 2014 concerning the CRS. Special Board Solicitor Marcolongo marked this packet as Exhibit B92.

Mr. Miller advised that Mr. Doyle had requested Mr. Watkin's emails concerning CRS, however, Mr. Miller advised he has also produced a letter Mr. Watkin's sent to FEMA, as well as, a matching letter he found that went with it. He indicated the package contains a cover letter dated April 16, 2014 from him (Mr. Miller) to Crystal Tramunti, in the Region II, New York City, concerning the CRS program. He

indicated there is also a letter dated October 30, 2013, from Mr. Watkins to the same person concerning the same matter. Mr. Miller stated the letters are verbatim. He indicated in October, 2013 Mr. Watkins sent his letter. He indicated Mr. Watkin's followed-up asking why we did not hear back from them. Mr. Miller explained they (CRS Program) advised the letter sent by Mr. Watkins was not written by an official high enough within the Township organization. So Mr. Miller stated he took Mr. Watkins letter (October, 2013) and applied his letter head and emailed it to her (Crystal Tramunti). He advised by doing so it prompted the July 1, 2014, letter from the State of New Jersey to Mayor McCullough. The two (2) letters were marked as Exhibit B93.

Mr. Miller stated the next item requested by Attorney Doyle was a flood mitigation plan which was prepared by Township Engineer, James Mott dated November 14, 2000. Special Board Solicitor Marcolongo marked this item as Exhibit B94. Mr. Miller stated no other documents were requested to be produced from the December 15, 2014 meeting. Attorney Doyle asked Mr. Miller if he has anything else that he intends to place in. Mr. Miller stated he is not planning on entering any exhibits. He indicated the only exhibits that may be produced will be based upon Mr. Doyle's questions and the answer to those questions.

Attorney Doyle read onto the record a section of transcript from the December 15, 2014, Planning Board meeting, advising it was the beginning of Mr. Miller's closing statement. He asked Mr. Miller in reflection if his statement is it completely accurate with regard to his total testimony. Mr. Miller asked for a copy of the transcript were this was actually said what Attorney Doyle had referenced. Attorney Doyle stated he used as an ellipsis and then continued to read another section of the transcript.

Attorney Doyle provided Mr. Miller the transcript section that he read onto to the record. Mr. Miller stated he does recall saying what was outlined on transcript. Attorney Doyle asked if this is accurate. Mr. Miller stated yes. Attorney Doyle advised when he says accurate it is not in the sense of that is what was said. But that did he live up to the statement that everything, except the Route 152 traffic light, was in response to what the petitioners said. Mr. Miller stated yes.

Attorney Doyle stated one of the first things testified too was Mr. Miller's version of how the Township got its name. He asked if this was correct. Mr. Miller stated no. He indicated it was actually within his opening statement. Attorney Doyle referenced exhibit B4 a map which had an egg shape penciled in Mr. Miller. Mr. Miller stated within his notes he did discuss and present exhibit B4 during his opening statement. Attorney Doyle asked Mr. Miller if the petitioners bring anything up with respect to the origin of the Township name. Mr. Miller stated no.

Attorney Doyle asked Mr. Miller that the only evidence he produced concerning the name, other than the circled map, was the recollection of some now deceased Mayor's version of what he told Mr. Miller. Mr. Miller stated yes this was the basis of his testimony. Attorney Doyle advised it was acknowledged only after he began questioning Mr. Miller that there is another version on the Township's website, placed by the Township Historian, as well as, within Wikipedia. Mr. Miller stated yes. Attorney Doyle stated none of these mentioned the version Mr. Miller had, correct. Mr. Miller stated yes.

Attorney Doyle advised the very first statement Mr. Miller gave when he testified in this matter, after he gave the benefit of his lengthy C.V. and past employment was "this is about our revaluation in my opinion. This is the only reason they are here before the Board the other issues do not exist". Attorney Doyle stated Mr. Miller was quoted in The Current's November 13, 2014 edition, which was placed into evidence by Mr. Miller as exhibit B87. Attorney Doyle asked if they got him right. Mr. Miller stated he

does not know. Mr. Miller asked to see exhibit B87, may the record reflect B87 was present for review. Mr. Miller answered that it is pretty close to what he recalls saying.

Attorney Doyle asked if that statement is Mr. Miller's opinion. Mr. Miller indicated he believes he said that before. Attorney Doyle asked Mr. Miller that beyond being a fact witness he has also given opinions in this matter. Mr. Miller stated in his opening statement he did offer a few opinions, yes. Attorney Doyle asked Mr. Miller, though he said it was during the opening statement, it was after he was sworn in and was made part of his testimony. Mr. Miller stated yes, it is part of the testimony. Attorney Doyle stated Mr. Miller meant the Board to rely upon the statements of his opinion, as well as, any other agency that may be called upon to hear this matter including the Township Committee or a Court of Law. Mr. Miller stated he realizes whatever he said they will be weighed.

Attorney Doyle stated with respect to Mr. Miller's opinion it is a different one that what was heard from the citizens of Seaview Harbor. Mr. Miller advised he heard from several residents that their taxes were too high after the revaluation was done. Attorney Doyle asked if Mr. Miller equates taxes are too high. With this is the only reason to sign the petition to leave Egg Harbor Township and join Longport. Mr. Miller stated a preponderance of the testimony was reflecting the cost of taxes in Egg Harbor Township and taxes in Longport were cheaper. He added that Attorney Doyle indicated this within his own opening statement before he started with any of his witnesses.

Attorney Doyle asked if Mr. Miller was suggesting this Board that heard eight (8) nights of testimony from the citizens the preponderance of what they said was their taxes were too high. Mr. Miller stated a significant portion of their testimony talked about taxes. He stated Attorney Doyle asked several of the witnesses what their taxes were and would their taxes be lower in Longport. Attorney Doyle stated it was mentioned that the average assessment in Seaview Harbor, if it were in Longport, would be approximately \$17,000.00 less. Attorney Doyle asked Mr. Miller if this was said. Mr. Miller stated that was one of the numbers that was mentioned.

Attorney Doyle asked Mr. Miller as a citizen, to forget everything else, if an additional \$17,000.00 is a financial injury. Mr. Miller stated he does not know. He stated Attorney Doyle is asking him if a person who lives in a million dollar house if \$17,000.00 is a financial injury compared to someone who has a \$100,000.00 house. He indicated he believes the person with the \$100,000.00 house would have financial impact by \$17,000.00. Attorney Doyle asked if Mr. Miller is suggesting the average house in Seaview Harbor is a million dollars. Mr. Miller stated no, sir. Attorney Doyle asked if Mr. Miller knows what it is. Mr. Miller stated it is closer to \$800,000.00. Attorney Doyle asked if there are also homes in Seaview Harbor assessed for \$500,000.00 and \$600,000.00. Mr. Miller stated yes.

Attorney Doyle stated with respect to the revaluation process. He indicated it finalizes when it goes onto the books. He asked for what year did it go onto the books. Mr. Miller stated 2013. Attorney Doyle stated there is a process that leads up to this. He asked when this process begin. Mr. Miller advised about two (2) years earlier. Attorney Doyle asked if that was 2011. Mr. Miller stated yes, sometime in 2011. Attorney Doyle asked if there was any revaluation on the screen, released to the public before 2011. Mr. Miller stated yes there was. He indicated the Township was under order some two (2) to three (3) years before that by the County Tax Board to do a revaluation. He indicated the Township spoke with the Tax Board and delayed it because we did not want to do a revaluation in 2009, 2010, or 2011 when the market was volatile. He indicated it was stretch out until they finally told the Township they could not wait any longer.

Attorney Doyle stated within the article that was marked as exhibit B87 Mr. Miller made a second point. Attorney Doyle then read onto the record a section of this article concerning the minutes from the Seaview Harbor Homeowner's Association meeting of October 18. Attorney Doyle stated based on this Mr. Miller concluded within this testimony that there really is no social connection between Seaview Harbor and Longport. Attorney Doyle asked Mr. Miller if he recalls this testimony. Mr. Miller stated he does not see that within exhibit B87. Attorney Doyle stated it was within his testimony not the exhibit. Attorney Doyle then provided Mr. Miller with a copy of the transcript (December, 2015) advising it is at the end of page 5 and beginning of page 6. Mr. Miller reviewed the transcript portion requested. Mr. Miller stated yes, this is what I said.

Attorney Doyle asked if this was an opinion. Mr. Miller stated yes, he advised it was based upon reading the minutes of the Seaview Harbor Association and their interaction with Mayor Russo. Attorney Doyle asked if Mr. Miller heard any other information that would lead to a contrary belief that there is a social connection. Mr. Miller stated no. Attorney Doyle asked Mr. Miller if he feels, as it now stands, there is no social connection between Longport and the people of Seaview Harbor. Mr. Miller advised not that he is aware of. He indicated this includes nothing specifically testified to as to what the social interaction is.

Attorney Doyle asked Mr. Miller if he looked at the questionnaire and the answers that were given. Mr. Miller stated yes. Attorney Doyle asked if it did not say 64% of the people surveyed from Seaview Harbor went to church in Longport. Mr. Miller indicated just because you go to church in a community does not mean you are socially engaged with that community. Attorney Doyle asked if it is not a form social connection. Mr. Miller stated he goes to church in Linwood and he does not feel he is socially engaged to the residents of Linwood. He indicated he interacts with the members of the church while he is there but he does not do anything outside of the church with them or engaged in the community other than meeting in the same church for worship.

Attorney Doyle advised in the same survey 56% of the people said the town they most often socialize in is Longport. Mr. Miller stated no specifics were given. They did not say where they went in Longport to socialize. He indicated there is one (1) restaurant in Longport and the testimony was that they go to Margate and Somers Point for dinner and other places. Mr. Miller advised from their testimony he was not left with a sense that there was a great social interconnection with Seaview Harbor and Longport residents. Attorney Doyle stated people going to the beach was testified to. Mr. Miller stated he goes to the beach in Longport but he does not socialize. He indicated he goes with people he knows, his friends, and they use the ocean and sit on the beach.

Attorney Doyle read into the record a quote concerning Longport and Seaview Harbor. He asked Mr. Miller if he ever heard this statement before. Mr. Miller stated yes, it was from Mr. Stroble. Attorney Doyle asked Mr. Miller if whoever gave this statement was accurate. Mr. Miller stated we have a very good mutual aid program with Longport and that is what is being described within the quote. Attorney Doyle advised Mr. Miller the statement was from Mayor Russo during the March 19, 2014, that Mr. Miller attended. He asked Mr. Miller if he recalls this meeting. Mr. Miller stated no.

Attorney Doyle stated he would like a transcript marked as exhibit. Board Member Rosenberg stated he would like a point of clarity. He indicated several of the witnesses or residents of Seaview Harbor introduced themselves as residents of Longport. He asked how does he distinguish their social connection with this location? Attorney Doyle stated by asking them when they testified he would assume. Board Member Rosenberg asked why Mr. Doyle is asking Mr. Miller to clarify his opinion of

what he heard as far as his client's response to where they socialize. Attorney Doyle stated Mr. Miller made the statement that he feels there is no connection between Seaview Harbor citizens and Longport. Attorney Doyle stated he gave him a series of things that would suggest that perhaps that opinion was incorrect.

Board Member Rosenberg stated he is confused. He stated if the residents reside in Egg Harbor Township but they consider it Longport when you ask them where they socialize they are saying Longport. How does he know if they are referring to their actual residence in Egg Harbor Township or are they referring to Seaview Harbor as Longport? Attorney Doyle stated they know. He indicated as adults you know where the boundary line is half way up the bridge. Board Member Rosenberg stated correct and the point of this is to rearrange the boundary. Attorney Doyle stated that is why the petition was filed and will be part of Board Member Rosenberg's consideration at the end.

Attorney Doyle asked if the transcript was marked. Special Board Solicitor Marcolongo marked as exhibit S91. Special Board Planner Wisner asked Attorney Doyle if he could be more specific as to what this is a transcript of. Attorney Doyle stated Mr. Miller advised he did not recall the meeting of March 19th. Attorney Doyle asked Mr. Miller after reviewing the first page of the transcript does he now recall and what was his purpose of going to Longport on March 19th. Mr. Miller stated it was to ask the Commissioners if they would accept Seaview Harbor if Egg Harbor Township let them go. He indicated his purpose there was to find out whether the majority of the Borough Commission would accept Seaview Harbor from Egg Harbor Township. He indicated it is noted on line four (4) of page (1) (transcript).

Attorney Doyle asked Mr. Miller if he had read to the bottom of the page of the transcript. Special Board Solicitor Marcolongo noted for the record Mr. Miller is reviewing a five (5) page document. Special Board Solicitor Marcolongo asked who transcribed this document. Attorney Doyle advised he did not have the document transcribed by a shorthand reporter but by a private citizen and he is satisfied it is accurate. Special Board Solicitor Marcolongo asked if he was totally satisfied that there were no omissions. Attorney Doyle stated there is no intentional omissions.

Mr. Miller advised he has read to the bottom of the page. Attorney Doyle asked if this includes the statement "Egg Harbor Township's answer is no at this time of losing a portion of our community". Mr. Miller stated that is what it says, yes. Attorney Doyle asked if he said this. Mr. Miller stated he said something like this. He indicated he assumes he said it the way they have it typed up.

Attorney Doyle indicated Mr. Miller has given other opinions such as the claims concerning the confusion the zip code were exaggerated. Mr. Miller asked if he may have a transcript where he said this. Mr. Doyle stated that meeting does not have a transcript, but this is what his notes reflected. Mr. Miller stated he provided documents from the postal service concerning the delivery of mail and he did state to some effect the representations made by the residents were not accurate based upon the information that the postal service gave him. Noting they will deliver the mail to 08403 whether it has Longport, Egg Harbor Township, or Seaview Harbor on it. He indicated he provided two (2) exhibits demonstrating that the post office was correct.

Attorney Doyle asked what about the statements made concerning MUA bills that did not get to the person in Seaview Harbor, mortgage documents, insurance issues, and bills that were not received and people were put on notice. He asked Mr. Miller if he did not accept any of those as being accurate. Mr. Miller stated several documents submitted as evidence all had the Egg Harbor Township 08234 zip code,

which is the wrong zip code for their neighborhood. Mr. Miller stated he accepts as fact that they will not get mail delivered to their home if the zip code is 08234 because that is not their assigned zip code.

Attorney Doyle asked if Mr. Miller knows how you obtain the zip code for the municipality that you want to send a letter to. Mr. Miller stated he would contact the person he was sending the letter to. Attorney Doyle asked what if you did not know the person, you were sending a general mailer, or a bill. Mr. Miller stated Attorney Doyle is asking him to present hypothetical answers as to what he would do.

Attorney Doyle stated Mr. Miller testified that Seaview Harbor contributes to the unique diversity of Egg Harbor Township. He asked if this is Mr. Miller's opinion. Mr. Miller stated it is one shared by many. He is not the only person in Egg Harbor Township. Attorney Doyle stated he was not suggesting he was, however, he is the only one testifying. Mr. Miller stated yes.

Attorney Doyle advised Mr. Miller testified that Seaview Harbor has been one of the most powerful neighborhoods in the Township's for the past 31 years. Again, this is Mr. Miller's opinion not factual testimony. He indicated Mr. Miller provided a list of people who served in office but concluded from that, it is the most powerful. Mr. Miller stated factually the record shows that they are. Attorney Doyle asked Mr. Miller so this is not an opinion this is a fact. Mr. Miller stated it is a fact. Attorney Doyle asked if others were opinions were they not. Mr. Miller asked, that Seaview Harbor is a very diverse part of our community? Attorney Doyle stated no. That the claims of confusion in zip code were not as strongly an issue as the people testified. Mr. Miller stated no, this is fact. He stated it is based upon the postal service response to the delivery of mail, as referenced within the exhibit, showing if you use the proper zip code mail will be delivered to you.

Attorney Doyle asked throughout his four (4) nights of testimony Mr. Miller has, besides fact evidence given his opinion, as to what he heard before and what he believed was accurate. Attorney Doyle stated for example no social connection. That they are only here because of the revaluation. He indicated those were opinions, correct. Mr. Miller stated the fact was several people testified that because of the revaluation their taxes increased \$17,000.00 and it was too expensive to live there. He indicated as he answered before no one gave any specifics concerning the social connection with them so none was established. He indicated based upon what the Mayor (Russo) told Mr. McGlinchey, which was reported in their minutes and what the newspaper picked-up on. He told them that they needed to go socialize and get to know the people. He stated it sounds like a fact from the Mayor saying the people in Longport do not know the people in Seaview Harbor and to hold a mixer; get to know us.

Attorney Doyle asked if not what the Mayor told Mr. Miller at the meeting telling enough as to whether there is a connection or not. He asked when the Mayor said we're good neighbors with Seaview Harbor and they have done services for us and we have done services for them not suggest a connection. Mr. Miller stated no. He indicated there is a connection with the Seaview Harbor section of Egg Harbor Township with Longport. He indicated there is mutual aid and provided services for the Township in that capacity. Mr. Miller stated he does not talk about any social interaction between the two (2) communities. He talks about municipal services. Attorney Doyle asked if the provision of the fire boat or a home for it in Seaview Harbor a function of Egg Harbor Township or the people in Seaview Harbor. Mr. Miller stated he is not privy to what that relationship is. Attorney Doyle stated Mr. Miller is making an opinion and judgement about a connection without having all the facts. Mr. Miller stated based upon the testimony he heard and what he read are the facts that he is aware of.

Attorney Doyle stated Mr. Miller placed into evidence exhibits B91 – B94 in response to things he had asked for but he recalls that there were some other items. Attorney Doyle stated Mr. Miller placed into evidence B60. Mr. Smith was fined after numerous complaints from Mrs. Burns in the amount of \$2,428.57 and he asked if the Township ever collected this. Mr. Miller stated he did not know. Attorney Doyle asked if Mr. Miller has since found this information out. Mr. Miller stated the records from ten (10) to twelve (12) years ago for deposits do not exist anymore.

Attorney Doyle advised with respect to exhibit B21 the Master Plan Re-examination report from July, 2000. Attorney Doyle directed Mr. Miller's attention to page 15 where it mentioned the Township had obtained a grant to assist in the preparation of a Flood Mitigation Plan. Attorney Doyle stated he asked Mr. Miller about what that grant was. He asked if the documents submitted as B91-B94 tell him what that grant was that had been mentioned within the Re-examination report of 2000. Mr. Miller stated only the flood mitigation exhibit, which he believes is Exhibit B94. He indicated he does not know if the author of the report identified that the report was funded by a grant or not. Attorney Doyle stated the author of B94 is James A. Mott who is the same James A. Mott who authored the Re-examination report of July, 2000, which is a few months earlier. Mr. Miller stated it was either himself or a member of his staff. He indicated he is not sure if Mr. Mott signed it or if Mr. Polistina had. Mr. Miller indicated on page 4 of report he mentions various agencies helping in the preparation of the plan and he listed the State of New Jersey both the Office of Emergency Management and the Department of Environmental Protection who was the one that gave the Township the grant. He indicated he does not see, at least in the first few pages of the report it does not mention it was funded by a grant.

Attorney Doyle stated based on the evidence Mr. Miller provided (exhibit B21) on pages 15 and 26 it did mention there was a grant. Attorney Doyle stated he believes he questioned Mr. Miller about this grant such as what was done with it, did the Township tell the person or entity that granted the money that it did or did not go forward. Mr. Miller stated at that time Attorney Doyle questioned him he had no recollection of the grant from 14 years earlier. He stated Attorney Doyle asked that he produce it and he has submitted it tonight. Mr. Miller advised B92 speaks for itself. He indicated the Township received the money and the Township studied certain areas of Township for flooding and as a result of the Township completing the report the Township received money from the State to do flood control in the West Atlantic City section of the Township.

Attorney Doyle asked if the Township did a flood mitigation plan. Township Administrator Miller stated B92 is the flood mitigation plan. Special Board Solicitor Marcolongo corrected Mr. Miller advising it is exhibit B94. He then asked Mr. Miller to review page/appendix C1 to this document to see if this refreshes Mr. Miller's memory. Mr. Miller stated exhibit "C" in the plan are the minutes of the Township Committee meeting of July 26, 2000. He then read into the record a section of the minutes from C1 entitled: Flood Mitigation Grant Public Hearing. Attorney Doyle asked Mr. Miller if what is referenced within this document the Flood Mitigation Plan. Mr. Miller stated yes. Special Board Solicitor Marcolongo asked Attorney Doyle to wait one moment while exhibit B21 is pulled for review.

Special Board Solicitor Marcolongo asked Mr. Doyle what specific pages where they. Attorney Doyle referenced pages 15 and 26. Attorney Doyle asked Mr. Miller if it is the same grant. Mr. Miller stated yes it is. Attorney Doyle stated the purpose of the grant in part by Mr. Mott's statement in July "is this program has the potential to reduce the frequency of flooding and improve the community rating system". He asked Mr. Miller if he recalls saying that they did not go further with the program because it would cost \$15,000.00 and it would only benefit 400 homeowners to the tune of \$25.00 per person, therefore, the rest of the town would be subsidizing the 400 home owners on their flood insurance

program and a policy decision was made by the Township Committee in 2000 or 2001 to not go forward with it. He asked if he is stating Mr. Miller accurately. Mr. Miller stated yes.

Attorney Doyle asked if a part of the \$15,000.00 not the flood mitigation plan. Mr. Miller stated yes. Attorney Doyle stated it was already paid for. Mr. Miller stated money was allocated for it to be done. He indicated B21 was prepared in July, 2000 and the mitigation report was prepared five (5) months later. Attorney Doyle stated most of the \$15,000.00 did not come out of the tax payers pockets it came from the grant. Mr. Miller advised he believes Attorney Doyle is confusing apples and oranges. He stated this \$15,000.00 for the flood mitigation plan has nothing to do for the cost to apply to the CRS program. He stated they are two (2) separate, distinct tracks.

Attorney Doyle stated you cannot get CRS without having a flood mitigation plan, correct. Mr. Miller stated it is his understanding a flood mitigation plan is a component of receiving a CRS approval at some point of time. Attorney Doyle asked what was the \$15,000.00 to be expended for. Mr. Miller stated according to exhibit B21, of which he read page 36, 3rd paragraph onto the record. Attorney Doyle asked what Mr. Miller's point was to reading this onto the record. He advised the CRS program would have benefited anyone in the Township, correct. Mr. Miller advised the flood mitigation plan was prepared to address the repetitive flood losses primarily in West Atlantic City but looked at other neighborhoods to. Attorney Doyle asked if this included Seaview Harbor. Mr. Miller stated yes.

Attorney Doyle stated he again goes back to what the \$15,000.00 was to be spent on. Mr. Miller stated for the preparation of exhibit B94. Attorney Doyle asked if this would be a one (1) time expenditure. Mr. Miller stated yes. Attorney Doyle asked how much of the \$15,000.00 was the one (1) time expenditure. Mr. Miller stated we prepared one (1) study and spent the money one (1) time to prepare the plan. Attorney Doyle stated his point is, if most of the \$15,000.00 was initial expenses and it did not happen every year and the benefit derived from the CRS program would have happened every year when that person renewed their insurance, it is not comparing apples and oranges when Mr. Miller said the Township Committee decided not to subsidize to the tune of \$5,000.00.

Mr. Miller stated it was \$15,000.00. He advised this plan has nothing to do with the CRS program. He explained it had to do with repetitive losses for flood mitigation specifically in West Atlantic City and other neighborhoods in Egg Harbor Township. Attorney Doyle stated so what was the \$15,000.00 for. Mr. Miller stated to prepare this plan. Attorney Doyle stated to Mr. Miller if the plan has nothing to do with CRS and he had earlier testified that the Township Committee did not go into the CRS program because they were going to spend \$15,000.00 and only benefit 400 owners a total of \$10,000.00 what was the \$15,000.00 for that would have gotten Egg Harbor Township into the CRS program. Mr. Miller stated it would have to be an entirely other plan/product that would have to be prepared separate and distinct from what was prepared in November, 2000 as shown in B94.

Attorney Doyle asked again if this would again be a one (1) time expenditure for a single plan. Mr. Miller stated yes. He indicated 75% of this was paid by the State through a grant to prepare this plan to address repetitive flood losses in our community for the prior 20 years. Attorney Doyle asked Mr. Miller if the separate flood mitigation plan that would have been necessary for CRS, distinct from that (B94), cost \$15,000.00 and would it have been a one (1) time only expenditure. Mr. Miller stated the original study would have been a one (1) time expenditure, yes. Attorney Doyle asked the \$10,000.00 that would have benefitted homeowners be an annual benefit? Mr. Miller stated this is correct.

Attorney Doyle asked Mr. Miller if he has any minutes or any documents that substantiate his understanding of what happened 15 years ago. Mr. Miller stated he did not look for any. Attorney Doyle stated he recently filed an OPRA request for budgets and they went back to 1995, with Mr. Miller's reports on each of them. Mr. Miller stated someone could review the minutes for the last "X" amount of years and see if they could find what meeting it happened at.

Attorney Doyle asked Mr. Miller if he has not went to look for records further back than this question to answer petitioners. Mr. Miller stated without going through the exhibit list he would not know what the oldest document is. Attorney Doyle asked how long did it take to go back to find the 1997 DEP Permit for Dr. Stetser that was copied to the Township. Mr. Miller stated it did not take long. He advised he called up the DEP asked if they had a copy and they did. Attorney Doyle asked what is the point of an 18 year old document for a single property on a DEP Permit. Mr. Miller stated he stands corrected. He did not receive Dr. Stetser's letter from the DEP. He indicated he retrieved it from the permit file from one of the individuals who testified. He indicated he went to look into his building permit file and the letter was here. He indicated it was in response to Mr. DaBek who testified he bought the property Mr. Stetser once owned. He indicated this letter from 1997 was in the building file.

Mr. Miller explained Dr. Stetser lived at 36 Sunset Boulevard and he believes that is Mr. DaBek's address also. He indicated when Mr. DaBek testified to zoning issues for building his house he looked at his file and in the file he found Dr. Stetser's letter from the DEP and he produced it under his testimony for Zip Codes. Attorney Doyle asked what it had to do with Zip Codes. Mr. Miller stated it showed over 17 years ago Dr. Stetser used Egg Harbor Township, NJ 08401 and the DEP mailed him a permit for 36 Sunset Boulevard in Egg Harbor Township using the 08401 Zip Code and he received it. Attorney Doyle asked Mr. Miller how he knows he received it. Mr. Miller stated we had a copy of it and the State issued his permit because he brought the permit into us which also has the same address.

Attorney Doyle asked why Mr. Miller looked into Mr. DaBek's file. He asked if it was because he testified. Mr. Miller stated he testified that the zoning was onerous and it was difficult to comply with the Township zoning because we did not know how to zone for a shore community. Attorney Doyle asked if he looked through his entire file with the Township. Mr. Miller stated he looked through the house folder which the construction official has by block and lot. Attorney Doyle asked if he looked through every one of the 23 citizens he called to testify into their records with the Township. Mr. Miller stated no sir. Attorney Doyle asked if there was anyone else. Mr. Miller stated he looked into the next door neighbor who is 32 Seaview Drive. He advised he looked at that file because she made allegations that the Township did not do anything in response to complaints.

Attorney Doyle asked Mr. Miller if he commissioned a variety of municipal officials to find out information for him concerning people that testified. Mr. Miller stated no sir. He stated he asked them to hand him the file and he went through it. Attorney Doyle asked Mr. Miller to review exhibit B6 which is the annual appointment of planning board members. He stated someone had to pull this out for him. Mr. Miller stated he had previously pulled them out for some other reason and he had them in his office. He indicated he pulled out the information from 1986 forward.

Attorney Doyle asked Mr. Miller if he requested Mr. Watkins to compile the documents that became B40. Mr. Miller stated yes, he asked Mr. Watkins to provide a summary of the actions he has taken regarding CRS. Attorney Doyle asked Mr. Miller if he contacted Mr. Sullivan at the Golf Course concerning Mr. Smith and Dr. Berger's history of play, which was exhibit B49. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he had spoken with the dispatcher to find evidence about Mr. Klein's

mother's illness and placed her records into evidence as exhibit B51 and B52. Mr. Miller stated he asked them to print out the call dates. Attorney Doyle asked Mr. Miller if he also asked them to go into the file and find out what else were the calls from that address. Mr. Miller advised his request was to print out all calls to that address. Mr. Miller advised the testimony did not seem right so he requested the documents to verify the accuracy of the testimony. He indicated he believed there were some grey areas in the testimony so he provided the exhibits so the Board can balance the exhibits with the testimony given by Mr. Klein.

Attorney Doyle asked what was it in the testimony presented that suggested a grey area of credibility. Mr. Miller stated based on the amount of time he said transpired and the fact that he claimed the dispatcher had no knowledge were Seaview Harbor was. Attorney Doyle asked what time was the call made that Mr. Miller found. Mr. Miller asked for the exhibit in order to advise the time. Attorney Doyle stated he will save the Klein matter for another time to address it separately. Attorney Doyle stated Mr. Miller asked the Tax Collector to go back and find the 2001 tax bill for Mr. Seiverd because he testified his tax bill was \$4,800.00 and it was found from a 14 year old record it was only \$3,800.00. Mr. Miller stated yes.

Attorney Doyle asked Mr. Miller if he has been the Township Administrator for Egg Harbor Township since June, 1989. Mr. Miller stated yes. Attorney Doyle asked when his present contract ends. Mr. Miller advised June, 2015. Attorney Doyle stated Mr. Miller will be concluding his 26th year of service in June. He asked if Mr. Miller is appointed by Township Committee. Mr. Miller stated yes. Attorney Doyle asked if Mr. Miller is responsible directly and only to the Township Committee. Mr. Miller stated yes.

Attorney Doyle asked Mr. Miller in addition to being the Township Administrator if he is also the Class II Member of this Planning Board. Mr. Miller stated yes. Attorney Doyle asked how long had Mr. Miller been a Class II Member. Mr. Miller stated since at least 1999. Attorney Doyle asked if Mr. Miller is also the representative for Egg Harbor Township for the Atlantic County Joint Insurance Fund (JIF). Mr. Miller stated yes. Attorney Doyle asked for how long has he been this. Mr. Miller stated he has been a Fund Commission for 14 years and prior to that he was an Alternate Joint Commission Member. Attorney Doyle asked who appoints him to JIF? Mr. Miller stated Governing Body.

Attorney Doyle asked what is the purpose of the JIF? Mr. Miller stated a number of municipalities pull together to insure their liabilities and exposure at a lesser price than a commercial insurance company provides for the same coverage. Attorney Doyle asked Mr. Miller if he is a member of the Egg Harbor Golf Corporation that is a component unit of Egg Harbor Township. Mr. Miller stated yes. Attorney Doyle asked how he became a member. Mr. Miller stated by default. He explained when the Governing Body agreed to lease the land to the Golf Corporation they said either the Township Administrator or the Municipal Auditor has to be an ex-officio member. He indicated the Municipal Auditor declined. Attorney Doyle asked how long ago did this happen. Mr. Miller advised it was 1998. Attorney Doyle asked if Mr. Miller has been the treasurer of the Golf Corporation ever since. Mr. Miller stated yes.

Attorney Doyle asked Mr. Miller besides being the Township Administrator, a Planning Board Member, the JIF Representative, and the Golf Corporation Treasurer does Mr. Miller hold any other positions in or affiliated with Egg Harbor Township? Mr. Miller stated currently there are no others. Attorney Doyle asked Mr. Miller if there were any others in the past. Mr. Miller stated he was the Emergency Management Coordinator for a three (3) year term about 15 years ago. He stated he was the Representative to the Atlantic City Urban Transportation Council for the Township. Mr. Miller indicated

he also served on the Egg Harbor Township – Ocean City Joint Bridge Commission for a study committee as designated by the Township to represent them on that. Mr. Miller stated he has been appointed to various adhoc committees during his tenure with the Township.

Attorney Doyle asked if Mr. Miller's role as an Administrator as provided for by Law in the Statute. Mr. Miller stated there is a State Statute which allows you to create an Ordinance for an Administrator with basic duties and the municipality adopts a local ordinance. Attorney Doyle asked if this is State Statute 40A:9-136. Mr. Miller stated he would accept what Attorney Doyle referenced. Attorney Doyle then read into the record section of 40A:9-136 concerning delegation of power. Attorney Doyle asked if the Township Committee has designated what powers they have pursuant to ordinance. Mr. Miller stated yes. Attorney Doyle asked if this is considered Chapter 6-11. Mr. Miller stated he does know it is within Chapter 6 but cannot verify what subsection it is.

May the record reflect: a brief discussion between Attorney Doyle and Special Board Solicitor Marcolongo occurred concerning the introduction of Chapter 6. Special Board Solicitor Marcolongo suggested it be placed into evidence, for which Attorney Doyle did. Special Board Solicitor Marcolongo marked exhibit S92: Chapter 6 Administration of Government (Section 6-11). Attorney Doyle stated the head note on this Chapter advises it was added in March, 1991 by Ordinance 6-91. He advised Mr. Miller became the administrator less than two (2) years before this. Attorney Doyle asked if Mr. Miller wrote or participated in the writing of the job describing what he does. Mr. Miler advised there were amendments made after he came.

Attorney Doyle stated Mr. Miller's role as the Township Administrator is referenced on the Township Website. He presented exhibit S93: Township Website (Department of Administration) describing Municipal Administrator Responsibilities. Attorney Doyle asked if Mr. Miller authored this statement. Mr. Miller stated he is not sure if he was solely responsible for it or not. Attorney Doyle then read onto the record a section of this description. Attorney Doyle asked Mr. Miller if he implements policy, he does not create it, correct. Mr. Miller stated this is correct. Attorney Doyle asked that policies are created by the Governing Body and would be done by either ordinance or resolution. Mr. Miller stated yes. Mr. Miller further noted he cannot deviate from the laws of Egg Harbor Township and do things beyond the scope of the law. He stated if there is no authorization for it to be done he cannot do it.

Attorney Doyle asked if authorization comes from an ordinance, resolution or motion of the Governing Body. Mr. Miller stated yes. Attorney Doyle advised within Chapter 6-11 it discusses implementation throughout. He then referred to Chapter 6-11 (k). Atlantic County Freeholder Carman asked what this line of questioning has to do with Deannexation. Attorney Doyle stated it has to do with Mr. Miller's function, activities and testimony in this matter. He stated he believes it is relevant. Special Board Solicitor Marcolongo stated what he believes Freeholder Carman is asking is that this Board is concerned about how the Deannexation will affect the citizens and residents of Seaview Harbor and how will it affect the residents of Egg Harbor Township. He indicated how and when Mr. Miller was appointed and his action do not really go to the core issue that this Board needs to decide and Freeholder Carman may be looking for a proffer as to where this is going and why.

Attorney Doyle advised on page 3 of the minutes from March 31, 2013, Special Board Solicitor Marcolongo stated "this is a fact finding mission and all idea's should be explored to find out if they are relevant or not". Attorney Doyle thanked the Board for their patience and the Board will make a determination as to whether it is relevant or not. He indicated he would like the opportunity to go forward. Special Board Solicitor Marcolongo stated the Board respects this and wants to give a level of

flexibility in terms of allowing exploration, but at some point the Board may say enough on this particular topic. Attorney Doyle stated if it comes to this point he may want to be heard as to the nature of the proceedings and their non-arbitrariness.

Attorney Doyle stated the policy mentioned by Mr. Miller that the Township Committee determined on CRS may not have been done by ordinance or resolution, but was their policy. He stated this was reflected upon when testifying three or four years later and it still could not meet the non-subsidy test laid out. Mr. Miller stated it was more than four (4) to five (5) years, but yes.

Attorney Doyle asked Mr. Miller if he has authority over all of the employees of the Township so he is able to ask whomever to produce whatever records it was for the response given to the testimony that he heard. Mr. Miller stated yes. Attorney Doyle stated also under 6-11 (l)2, Mr. Miller is the person responsible for the dissemination of public information. Mr. Miller stated as approved by the Township Committee, which is different than Open Public Records Act (OPRA) dissemination. Mr. Miller stated this was written in 1991 before the OPRA. He indicated at one time he had to receive guidance from Township Committee before releasing internal documents.

Attorney Doyle asked Mr. Miller pursuant to his job he attends all regular, special and executive meeting so the Township Committee. Mr. Miller stated yes. Attorney Doyle asked if he has ever been excluded from a meeting other than discussion concerning his employment contract. Mr. Miller stated no. Attorney Doyle asked Mr. Miller how often does he interact with Township Committee. Mr. Miller advised there is at least twenty some meetings a year and during the course of the week with the five (5) of them he will have to answer an email request or have a phone conversation with every one of them at least once a week maybe more depending upon any projects or something else they may be interested in. Attorney Doyle stated he is not personalizing it to the present Mayor, since Mr. Miller has served under other Mayors during his tenure, but the Mayor more frequently than other Committee Members. Mr. Miller stated since he has retired, yes.

Attorney Doyle asked in the Township Committee form of Government the Committee selects the Mayor from among their membership. Mr. Miller stated yes. Attorney Doyle stated in the towns he is familiar with the Mayor is treated ceremoniously and is rotated among members, most often the person up for election that year gets to be the Mayor. He asked Mr. Miller if he is familiar with these rotations. Mr. Miller stated he is familiar that many towns do it differently, yes.

Attorney Doyle advised his OPRA request were mentioned. He stated these included budgets with explanatory statements, FEMA information and Mr. Miller's annual written report, which is part of the budget, which he did receive. Attorney Doyle stated he also asked for any written report or the substance of any oral report concerning the succession of Seaview Harbor to Township Committee. He indicated he had spoken with the Township Clerk, Eileen Tedesco who advised Mr. Miller would be submitting a letter advising there were no reports written or oral. He indicated he did not receive this letter. Mr. Miller stated she asked if there were any. Mr. Miller advised he told her there were none and that was the extent of his conversation with her. He stated he was not under the impression she had expected him to place that in writing to her.

May the record reflect: Special Board Solicitor Marcolongo advised for the record Board Member Aponte had arrived.

Attorney Doyle then read section 6-11 (l)11, of the code onto the record. He asked Mr. Miller based upon this section of the code was the information provided to Ms. Tedesco accurate. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he had been requested by Township Committee to prepare a report. Mr. Miller stated no. Attorney Doyle asked once the petition was filed has anyone asked a question about the petition. Mr. Miller stated no. Attorney Doyle asked Mr. Miller when he became aware of Seaview Harbor. Mr. Miller stated before he worked here he was aware of Seaview Harbor, but this was probably through the interview process. He indicated the five (5) Committee Members conducting the interview advised him of the diversity of the community and each one identified which section of the community they lived in. Attorney Doyle asked if Mayor McCullough at the time was either the Mayor or a Committee Member living in Seaview Harbor. Mr. Miller stated yes. Attorney Doyle asked if he was the only one of the five (5) at that time. Mr. Miller stated yes.

Attorney Doyle asked once becoming the Administrator what did Township Committee say about Seaview Harbor during the 1990's. Mr. Miller stated nothing specific. Mr. Miller stated they had him go to early breakfast meetings on a Sunday, which is something he similarly did with other community groups if asked. He advised the Township Committee had a meeting at Seaview Harbor in the 1990's when they use to take their meetings on the road. He advised this happened during the time period of 1994 or 1995. He stated he does not recall anything specific about Seaview Harbor compared to Anchorage Poynte, Bargaintown or some other section of the Township that he had to be aware of. Attorney Doyle asked when he first heard that Seaview Harbor residents were thinking about secession. Mr. Miller stated in the early 1990's. He indicated the Mayor mentioned in passing that there was discussion years earlier about secession. Mr. Miller stated the Mayor knew he had some experience with secession from his prior position and he asked me what I thought.

Attorney Doyle asked what was Mr. Miller's response. Mr. Miller stated the chance of succession was slim based upon case law at that point in time. Attorney Doyle asked what cases? Mr. Miller stated when he was manager of Phillipsburg they owned twenty (20) acres of land which was vacant in an adjacent municipality. He indicated when we were in court it was transferred out of Warren County down to Somerset County. He indicated at the first meeting/conference the Judge from the bench said to all parties there has been no secession in New Jersey and there will not be any secession because there is a three (3) prong test. He indicated the case went nowhere. Mr. Miller advised this was the mid 1980's in Phillipsburg. He indicated the discussion with Mayor McCullough was three (3) or four (4) years later and he knew nothing had changed and before that day secession was very difficult. He indicated this was before Attorney Doyle's case. Attorney Doyle asked what the Mayor said about secession. Mr. Miller stated he just stated there was a strong interest and it was related to taxes even at that time.

Attorney Doyle asked for the following exhibits S10, S80, S81 and S82. He stated to Mr. Miller that he may question him on these exhibits, but they will not be in consecutive order.

May the record reflect: the Board took a recess.

Attorney Doyle stated before he continues questioning Mr. Miller. He advised there was an article placed into evidence. It was B16, it was a one page article that was continued to page 2 and entitled "The Tale of Two (2) Orphan's". He indicated there was a picture of the Mayor at the dock, but he was not the Mayor than because it was 1982. Attorney Doyle advised Mr. Miller stated it was given to him as a souvenir and page 2 was not available. Attorney Doyle indicated they have found Page 2. Special

Board Solicitor Marcolongo marked as exhibit S94, which is the second (2nd) page of B16. Attorney Doyle advised his office made copies of this article with mark up's and he apologized.

Attorney Doyle stated he would like to take Mr. Miller through S94. May the record reflect: Attorney Doyle read onto the record the first two (2) sentences of this article. He asked Mr. Miller if the concerns referenced within this article not also noted by witness in this matter. Mr. Miller stated yes. Attorney Doyle then read onto the record a section of paragraph 2 discussing the location of Seaview Harbor. He asked Mr. Miller if this was also not mentioned by his witnesses. Mr. Miller stated yes. Attorney Doyle read onto the record additional sections of this article including the Mayor advising at the time (1982) that if he needed fire or police he would call Longport. Attorney Doyle asked if this is still true. Mr. Miller advised no. He would call 9-1-1.

Attorney Doyle asked who does 9-1-1 call. Mr. Miller stated depending upon the type of call they will make a decision if it will be Egg Harbor Township, Longport, Somers Point or somewhere else. Attorney Doyle stated Mayor Russo's comment in the transcript that they are first responder for fire, police, and emergency services because they can get there first is accurate. Mr. Miller stated not 100% of the time. He indicated the Police Chief will be testifying later and he can answer those questions. Attorney Doyle stated the petitioners would prefer to have Longport come all the time because they are quicker. Mr. Miller stated some of the petitioners have used that terminology.

Attorney Doyle advised a resident indicated they tell people they live in Longport and of the 75 people who took the survey 71 people say the same thing. He asked if this is the same today as it was in 1982. Mr. Miller indicated in 1982 it was consistent with all sections of Egg Harbor Township. He stated no one said they lived in Egg Harbor Township because there was no unified zip code or 9-1-1, so you lived in Farmington, Cardiff, Bargaintown, Scullville, McKee City and all the other sections of Egg Harbor Township including Seaview Harbor.

Attorney Doyle asked Mr. Miller to take out exhibit B21. Attorney Doyle asked Mr. Miller to turn to page 17. He indicated Mr. Mott described exactly what Mr. Miller referenced within the Re-examination report. He then read onto the record excerpts from this page. Attorney Doyle stated this section of the Re-examination notes that West Atlantic City is the only section of the Township that continues to use the zip code from another municipality, Pleasantville. He asked Mr. Miller if this is not an accurate statement. Mr. Miller stated it is not. Attorney Doyle stated there is another that uses a zip code from a different municipality and it is Seaview Harbor. Mr. Miller stated there are others. He advised Anchorage Poynte uses Somers Point and the Margate Causeway uses a Northfield zip code.

Attorney Doyle stated that even though Mr. Mott was wrong about the objective he concludes with two (2) statements that census data and statistical information can easily and clearly be documented for Egg Harbor Township. Attorney Doyle stated as to that statement if Egg Harbor Township were to more easily get statistical and census data it would omit the areas Mr. Miller just mentioned including Seaview Harbor. Mr. Miller stated this is not correct. He advised census information is not based upon zip codes it is based on census tracts that are assigned to each municipality. Attorney Doyle stated the final statement concerning this subject states "this has helped to make every resident feel counted and as they are a part of the Township at a very fundamental level. Attorney Doyle asked if you are not part of the unified zip code you don't feel counted and part of the Township at a fundamental level. Mr. Miller stated Mr. Mott did write this. He indicated he is not sure what Mr. Mott's intent was when he wrote it. Mr. Miller stated all the residents were told if they used Egg Harbor Township in their address they could use the 08401 or 08225, whatever, the numbers are. Attorney Doyle asked who told them this.

Mr. Miller advised the Township during public meetings when they were promoting the 9-1-1 conversion. He indicated the post office told the Township back in the mid 1990's because of the way it set up the zip code control. It did not matter what was in the mailing address as long as you have the correct zip code. Attorney Doyle asked if this is consistent with the US Postal Service Regulations. Mr. Miller advised he submitted an exhibit concerning this, as well as, the exhibit with respect to Dr. Stetser demonstrates it.

Attorney Doyle referred back to exhibit S94. He indicated Board Member Rosenberg had questioned what officials said back 30 or 35 years ago. He advised this article quoted Mayor Heinz. He then read onto the record Mayor' Heinz quote within the article. Attorney Doyle then read onto the record from page 2 of this article information from the Police Chief concerning a working agreement for response. He asked Mr. Miller if this is not the same today. Mr. Miller stated it is the same through the Mutual Aid Agreement with all of Atlantic County Municipalities. Attorney Doyle went on to read onto the record another part of page 2 concerning the donation of monies to the Longport fire and ambulance squad. Attorney Doyle noted he believes there was testimony that this is still done. Mr. Miller advised he does not recall this testimony.

Attorney Doyle stated the article then quotes the DCA Commissioner as to what it would take and he attributes to Mr. McCullough that he is confident he could generate support in his area. He then further read onto the record about the benefit to Longport. Attorney Doyle asked if the petitioners have agreed with this comment given the petition itself. Mr. Miller asked if Attorney Doyle is asking him if the current petitioners feel the same way as what was just discussed. Attorney Doyle stated yes. Mr. Miller advised the petition speaks for itself.

Attorney Doyle stated the article further notes "The only thing they would have to provide is trash pickup", "Their police and fire departments already serve the area and don't get a dime for it". Attorney Doyle stated Longport Fire Department still serves Seaview Harbor as first responders. Mr. Miller stated on structure fires yes, but on others he will leave this up to the fire chief to discuss. Attorney Doyle asked what about the police. Mr. Miller stated depending upon the type of call Longport may be dispatched first or Egg Harbor Township will respond first. Attorney Doyle asked if it is an emergency call does it go to Longport first. Mr. Miller advised he will leave these questions to the fire chief and the police chief to answer. He stated if it is a working fire Longport will be dispatched, if they are unavailable Somers Point will be dispatched and then Margate if Somers Point cannot. He indicated at the same time the Township is called to respond.

Mr. Miller advised the last fire that was in Seaview Harbor was a boat and Somers Point and Margate had to be called because Longport could not respond because it was the day of the funeral for Sergeant Adams whom was with the Longport Police Department. He indicated the Egg Harbor Township Police Department was covering this day because the whole Police Department for Longport was not available. Attorney Doyle asked if this is the house that was on fire next to the Mayor's home. Mr. Miller stated he stands corrected if he has the wrong fire. Attorney Doyle stated he added in quote "and they don't get a dime for it". He asked if presently Egg Harbor Township has five (5) inter-local services agreements where they get money from various municipalities for providing service. Mr. Miller stated he knows there are several but without looking he does not know. He stated we have Linwood, Northfield, Upper Township, the Township Board of Education and the ACUA. Attorney Doyle stated with these five (5) the Township receives money. He asked in any does Egg Harbor Township pay money. Mr. Miller stated he stands corrected. He advised the one in Upper Township, Egg Harbor Township does pay money

because they do our truck washes. Attorney Doyle asked if the Township pays money to Longport for the services they provide. Mr. Miller stated no.

Special Board Planner Wisner asked does not the Township provide a stipend to Longport for the purchase of equipment. He stated he believes this was testified to. Mr. Miller stated yes, we had. Attorney Doyle asked in the last budget year what was it. Mr. Miller stated we made a purchase for them, which was more than six (6) or seven (7) years ago. He indicated we purchased dive equipment and to his recollection it was a \$10,000.00 to \$12,000.00 purchase.

Attorney Doyle stated in reviewing S94 Mr. McCullough mentions driver licenses, mailing address, fire and police in Longport servicing them. He indicated these are all answers from petitioners referenced in the questioner and is consistent with what they believe today. He asked Mr. Miller if this is correct. Mr. Miller stated they are similar. He indicated nothing happened 32 years ago after this article appeared. He indicated no petition was filed.

Attorney Doyle stated the article did not mention there was a tax differential. Mr. Miller stated in skimming the article he did not say he or his neighbors would save money if they were in Longport. Attorney Doyle advised it was referenced the tax differential would be \$17,000.00 today. He asked Mr. Miller if he knew what it was in 1990 when he came into this job. Mr. Miller stated no. Attorney Doyle stated he would assume Mr. Miller would not know the difference in 1982, which was the date of S10 (May 15, 1982). Mr. Miller stated no.

Attorney Doyle then referred to S10, which are Seaview Harbor Community Association minutes. He indicated among the people present were Vic Fiore, Mike Fiore and Joe McKernan who were appointed to Egg Harbor Township Boards. Mr. Miller stated they may not have been on the Board's at that time, but yes they did serve on Egg Harbor Township Boards at some point of time. Attorney Doyle stated the answer as to whether they were serving would be referenced in B7. Mr. Miller stated yes. Mr. Miller also advised that Mr. Lankin also served at one time on the Board. Attorney Doyle then read a section of exhibit S10 (minutes) onto the record. He asked Mr. Miller, thereafter, if he was aware before this was introduced into evidence that secession was discussed as long ago as 1982. Mr. Miller stated he answered the question a little while ago when the Mayor had mentioned to him that there was discussion in the community. Mr. Miller stated the Mayor did not say to him what year discussions took place or that he may have been one of the people who initiated that conversation.

Attorney Doyle asked Mr. Miller other than the Mayor mentioning it when Mr. Miller first started his job. Did Mr. Miller see any evidence of it before 2005, evidence of a desire wanting to secede? Mr. Miller stated from time to time he heard rumors that the residents were talking about it again. Attorney Doyle asked Mr. Miller if he had the occasion to read August, 1999, which was part of S10. Mr. Miller stated yes. Attorney Doyle stated while Mr. Miller faulted in his testimony concerning Mr. Kohler's recollection of dates and times, particularly given that he was the historian, Mr. Miller did not single out anything in that letter that he has read in the past as inaccurate. Attorney Doyle asked Mr. Miller that he did not comment on this letter during his testimony. Mr. Miller stated he did not comment on S10 (exhibit). Mr. Miller stated he must correct his statement. He advised he did comment on item #4 of the letter concerning the building department. He stated he testified that all municipalities within New Jersey operating the uniform construction code the application for building code is the same. Attorney Doyle stated he does recall this.

Attorney Doyle read from a statement within exhibit S10 (Mr. Kohler's letter). He asked Mr. Miller if he recalls receiving this letter. Mr. Miller stated no, indicating further it is not addressed to him nor is he copied on it. Attorney Doyle then referred to a part of exhibit S80 (March 29, 1985), specifically paragraph 2. Attorney Doyle proceeded to read onto the record this paragraph concerning dredging. Attorney Doyle noted that Mr. Kohler testified other municipalities were doing this and Egg Harbor Township was asked and they were turned down. He asked Mr. Miller if he remembers this testimony. Mr. Miller stated he does. Attorney Doyle stated Mr. Miller responded in part by supplying a letter from the Margate Administrator and questioning why would the Township dredge a lagoon that is private property and that he never heard of it. Mr. Miller stated not sure if he said it as Attorney Doyle explained, but he did question the municipality's dredging private lagoons.

Attorney Doyle stated the letter received from the Margate Clerk was marked exhibit B15. Attorney Doyle then referred to Mr. Hiltner, the Margate Clerk's letter of April 9, 2014, reading onto the record a portion of this letter concerning dredging within Margate. He then asked Mr. Miller that based upon Mr. Hiltner's comments he could only research back to 1987 is this correct. Mr. Miller stated yes. Attorney Doyle stated Mr. Kohler's testimony as shown by the document referenced as S80 indicated the request was made in 1985 and he referenced it was being done in other towns and possibly Margate, hence, Mr. Miller's letter. Attorney Doyle stated this letter does not disprove Mr. Kohler's testimony since he was talking about 1985. He stated this letter only goes back to 1987.

Mr. Miller stated his understanding of Mr. Kohler's testimony was that Margate continues to dredge private lagoons and in Egg Harbor Township has never dredge a private lagoon. Attorney Doyle stated he has a different recollection and the record will be what it will be. Attorney Doyle asked if Mr. Miller has any knowledge or record of any other municipalities dredging. Mr. Miller stated that was the only municipality that he mentioned in Atlantic County that he was aware of that dredges lagoons. Attorney Doyle stated he is asking Mr. Miller as the Township Administrator. Mr. Miller stated the only dredging of lagoons that have taken place in New Jersey is when the Department of Engineers had paid for the dredging of lagoons.

Attorney Doyle asked Mr. Miller from his knowledge of Township Committee would the dredging of private lagoons be considered or be done. Mr. Miller stated during his tenor they have never considered dredging any private lagoons. Attorney Doyle asked if they have ever been asked. Mr. Miller stated he believes Anchorage Poynte has asked in the last 20 years. Attorney Doyle introduced into evidence S95 an article entitled "New Jersey Water Ways Need Dredging but Where to Put the Silt", which talks about municipalities including in this particular article Ocean City, as well as, another article that appeared on October 29, 2014 "Silted Channels Hinders Boaters Middle (meaning the Township of Middle), Avalon Partner on Back Bay Project".

Attorney Doyle stated rather than having Mr. Miller take the time to read all of this. He stated he would like to leave this with Mr. Miller and ask, which will be the next meeting, whether he wants to reexamine the testimony of municipalities who do dredging of private lagoons. Special Board Solicitor Marcolongo asked if it is the suggestion that these articles state other municipalities do. Attorney Doyle advised the articles speak for themselves and he is not questioning Mr. Miller on things that he has not read. Special Board Solicitor Marcolongo stated he would rather have him read the articles and comment on them know. Attorney Doyle stated he does not have a question pending for him then. Special Board Solicitor Marcolongo stated then do not introduce the documents. Attorney Doyle stated he is not going to wait for him to read the documents. Special Board Solicitor Marcolongo stated he is not going to be presented with documents, have them entered into evidence, have no questions about

them before the Board, have no foundation for the documents at all and let them roll into the record. He stated it is not how it should be done.

Attorney Doyle stated Mr. Miller placed an editorial into the record and he objected to it. He indicated it just rolled in over his objection because Special Board Solicitor Marcolongo advised it was relevant. He stated he believes these articles are relevant for seashore communities and what happens in them given Mr. Miller's past testimony. He stated he believes they can go in and he does not have a question pending. He stated if Special Board Solicitor Marcolongo wants to recall of them, recall them. He stated he will leave Mr. Miller with his and will ask questions next month. Special Board Solicitor Marcolongo advised this is what he would like to be done. He announced for the record this information is not marked as S95, at this point. They may be introduced at a later time. Township Committeewoman Pfrommer asked if Attorney Doyle would like them back. Attorney Doyle stated no. He advised he would like everyone to read them.

Attorney Doyle asked Mr. Miller who owns the lagoons in Anchorage Poynte. Mr. Miller stated the residents do. He stated the residents have received riparian rights so they may place their docks there. He indicated the water there is tidal flow so in effect the State owns the lagoons. Attorney Doyle asked how Mr. Miller knows this. Mr. Miller stated it is based upon what people have told him. Attorney Doyle asked if Egg Harbor Township owned the lagoons then he would know. Mr. Miller stated he would hope so.

Attorney Doyle asked if Mr. Miller had ever seen the October 1, 1999 minutes before they were introduced. Mr. Miller asked what exhibit number they were. Attorney Doyle advised S80 or S81. Mr. Miller stated they were S81 and no he had never seen this before. Attorney Doyle stated comments within this document advise the taxes are too high and the services are inadequate and this is 1999. Mr. Miller stated the document he has does not have a date. Attorney Doyle advised at the top it says October 1, 1999. Mr. Miller stated his does not. Special Board Solicitor Marcolongo asked what Mr. Miller was reading from. Mr. Miller stated he was reading from an undated resolution that is part of S81.

Mr. Miller stated the October 1, 1999 minutes were actually part of exhibit S10. Attorney Doyle asked Mr. Miller if they mentioned taxes to high and services inadequate and if they formed a committee to look into it. Mr. Miller stated yes. Attorney Doyle asked if among the committee members was there an R. LaPorte. Mr. Miller stated yes. Attorney Doyle than asked Mr. Miller to review the November 12, 1999 minutes. Mr. Miller stated these minutes are also part of S10. Attorney Doyle stated these minutes say Mr. LaPorte read a preliminary resolution is this correct. Mr. Miller stated yes. Attorney Doyle stated from other portions of those combined four (4) exhibits the resolution is contained there. Mr. Miller stated exhibit S10 does not have a resolution. Attorney Doyle stated exhibit S81 does. Mr. Miller stated yes exhibit S81 has an undated unsigned resolution. Attorney Doyle stated he is aware Mr. Miller would have read it before since Mr. Miller has mentioned he read all the exhibits that went in and this too mentions again both taxes and services does it not. Mr. Miller advised taxes is the first item on the list.

Attorney Doyle asked if it is any different than any of the other "whereas" because of its placement. Mr. Miller stated usually you start out with your strongest "whereas" when you write a resolution, you do not end with it, you do so to get attention. Attorney Doyle stated among the people at meeting was the Mayor. Mr. Miller stated exhibit S81 cannot be from 1999 it has to be before that date. Attorney Doyle

asked was he not the Mayor in that year. Mr. Miller stated the eight (8th) whereas talks about Monday garbage collection being switched and he was pretty certain that was completed before 1999.

Attorney Doyle stated it may be that he was mistaken since the minutes say Mr. LaPorte presented a resolution. Mr. Miller stated he does not know if exhibit S81 is the resolution presented in 1999. Attorney Doyle stated Mr. Kohler testified it was and this is why it was given, but the Mayor responded, did he not. Mr. Miller asked to the resolution? He stated he does not see a response to the resolution. Attorney Doyle asked if he responded to the idea of secession. Attorney Doyle stated he is not sure if it is within exhibit S81 or exhibit S82. Attorney Doyle then read a portion of the minutes into the record advising that Mayor McCullough advised secession would be difficult without going to Supreme Court. Attorney Doyle asked Mr. Miller if Mayor McCullough discussed the draft resolution or about his statement to the membership. Mr. Miller stated not that he can recall.

Attorney Doyle asked Mr. Miller if he shared with Township Committee what transpired at the meeting that he went to in August, 1999 that Mr. Kohler's letter came out of the next day. Mr. Miller stated after meeting with community groups he reports back to Governing Body what was talked about so they are aware what took place. Attorney Doyle asked if he remembers discussion of secession at this meeting of the Seaview Harbor citizens group where he was a speaker. Mr. Miller stated not specifically. He remembers discussion over cost of service, police response time, taxes. He stated if secession was discussed he does not recall it as of today.

Attorney Doyle then referred to the minutes of January 7, 2000. Mr. Miller asked if this is exhibit S82. Attorney Doyle stated he is not sure. He asked Mr. Miller to read paragraph 5 of these minutes. Mr. Miller proceeded to read this paragraph onto the record. Attorney Doyle asked Mr. Miller based upon this paragraph this was downgraded from November, 1999 meeting when resolution was prepared and at which Mayor McCullough said Egg Harbor Township was against. Mr. Miller stated he is not sure he can draw that conclusion that is what those minutes mean. Attorney Doyle asked considering it was in the air in the 1990's, did Mr. Miller ever speak with Township Committee members other than Mayor McCullough about secession. Mr. Miller stated the only conversation he remembers having about secession was the one with the Mayor when he quizzed him about his knowledge of secession within New Jersey after he was here for a couple of years. Attorney Doyle asked if Mr. Miller had a conversation with the Mayor concerning secession from then until the present time. Mr. Miller stated he may have mentioned ever now and then that the residents were talking about it again. Attorney Doyle asked Mr. Miller if he ever had a conversation with him about it from a governmental standpoint or the Township response. Mr. Miller stated no. Attorney Doyle asked if it was discussed with any of Township Committee persons as they serve through and up to the present time. Mr. Miller stated he may have. Attorney Doyle asked Mr. Miller that he had no specific recollection discussing with a majority of the Township Committee, at any one time. Mr. Miller stated no.

Attorney Doyle directed Mr. Miller's attention to exhibit S3. Attorney Doyle stated before he begins questioning on exhibit S3 he would like to ask another question. He asked with Seaview Harbor has the Egg Harbor Township Committee ever passed a resolution rejecting the idea of secession. Mr. Miller stated he has no recollection. Attorney Doyle stated since Mr. Miller has been the Administrator he sets the agenda and he goes to every meeting, he sees the minutes, if a resolution had been adopted on the subject of secession. He would assume Mr. Miller would have known about it. Mr. Miller stated he would to, but sitting here today he has no recollection of ever passing such a resolution. Attorney Doyle stated Mr. Miller acted in his fulfillment of being the administrator as if no resolution had ever been so adopted. He asked Mr. Miller if this is correct. Mr. Miller asked in what capacity. Attorney Doyle stated

as administrator. Mr. Miller asked doing what. Attorney Doyle stated administering, speaking on behalf of Egg Harbor Township. He stated fulfilling Mr. Miller's obligations under 6-11. Mr. Miller stated he does not understand the context in which Attorney Doyle is asking the questions. He stated if Township Committee did not act upon a resolution opposing secession or something to that effect, is what Attorney Doyle's question was, he does not understand the subsequent question.

Attorney Doyle asked the Court Reporter to read back his question: May the record reflect the Court Report read as follows: "you acted in your fulfillment of being the administrator as if no resolution had ever been so adopted, correct". Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he has reviewed exhibit S3. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he authored this letter, sent it out on Township stationery and signed it as the Township Administrator. Mr. Miller stated yes. Attorney Doyle stated it was given to his assistant JLR. Mr. Miller stated to type it up, yes.

Attorney Doyle asked whom did Mr. Miller receive a copy of the letter from. He indicated Mr. Miller starts off his letter stating "I was provided with a copy". Mr. Miller stated he does not recall; a resident. Attorney Doyle stated in the second paragraph of his letter he mentions "in the Spring of 2013, when this matter came up I asked for President McGlinchey (Seaview Homeowners Association) for permission to attend one of your secession meetings to provide you with the Township's point of view". Attorney Doyle asked Mr. Miller if secession petitions can only be acted on by resolution and if a resolution is a matter of policy and he only implements pre-stated policies how could he know what the Township's point of view was.

Mr. Miller stated because the Township takes pride in West Atlantic City, Anchorage Poynte and Seaview Harbor and there were discussions over the years from a generic standpoint, he advised Rutgers's University came down in the early 1990's to talk about disconnecting municipalities and the fact that they somehow should be merged together and the Township has always opposed losing any intricate parts of their community. Attorney Doyle asked when has anyone other than Seaview Harbor talked about seceding from Egg Harbor Township. Mr. Miller stated the residents in Anchorage Poynte in the early 1990's talked about it. He indicated he attended a meeting with them where they talked about it because they needed water and sewer and they felt they could be better served if they joined Somers Point because they could get their water and sewer faster.

Attorney Doyle stated Mr. Miller indicated he knew this was the Township's point of view based on a Rutgers study in 1992. Attorney Doyle asked Mr. Miller how he knew other than the 1992 Rutgers Study response, in 2013 what the Township's point of view was. Mr. Miller stated he believes he said early 1990's not 1992. He stated the Township went through its 300th anniversary in 2010 and part of the 300th anniversary expressed a great pride in the diversity of the community with all the water front we have and that we are a unique community and very proud of all the components that make up Egg Harbor Township. He stated it re-enforced to him that all four corners of Egg Harbor Township is important to the Township Committee and his inference was that they would not want to see any of it leave.

Attorney Doyle asked Mr. Miller that he in effect read their minds from what their actions were in statements of a generic nature saying they love the town the whole town. Special Board Solicitor Marcolongo stated he knows Attorney Doyle was not suggesting Mr. Miller read anyone's mind. He asked if Attorney Doyle could rephrase the question. Attorney Doyle stated no. He indicated if they did not say it to him and he believes that is what they would have thought, then how would he know it, other than reading their minds. Mr. Miller advised by statements that they have made, discussions that

have took place during the 300th anniversary celebration, the diversity of the community, their pride in the community, how they want to keep it together and that there was discussions about secession in other quadrants to the Township over the past whatever number of years ago. He stated he does not believe it was mind reading. He indicated it may have been inference on his part from what they were saying during the 300th anniversary of our unique history, our waterfront history, our shipping history, all those components rolled into one.

Attorney Doyle stated the action that is required by the Township Committee is by resolution according to the law, concerning the petition. Mr. Miller stated at that time there was no petition pending for them to act upon. Attorney Doyle stated it meant the actions of the Township Committee were to be done by resolution, which Mr. Miller indicated a resolution is a matter of policy, and Mr. Miller cannot create policy. Mr. Miller stated this is correct. Attorney Doyle then began reading additional excerpts of this letter (exhibit S3). He asked Mr. Miller if he wanted to tell the Seaview Harbor residents what the Township's point of view was. Mr. Miller stated yes, as to our level of providing services to them. Attorney Doyle asked what is the economic decision noted in this exhibit. Mr. Miller stated there was a couple components. He stated the first was whether or not they knew in Strathmere Case the parties spent close to \$500,000.00 each on the secession issue and that they as tax payers would be paying portions of both sides. He indicated there would be financial implications to Longport if they were successful and them picking up proportionate shares of the debt. He indicated those economic issues would help them make an informed decision. He indicated not that they would make a different decision but they would have all the facts in their decision making process.

Attorney Doyle again read another section of exhibit S3 stating the letter says Township Committee does not believe it is fair for the residents to expend funds without fully understanding the ramifications of a secession action, its process and cost. Attorney Doyle stated this is not Mr. Miller speaking, it is the Township Committee. He asked Mr. Miller how he could say this without speaking to them about secession. Mr. Miller stated he took literary license. He stated he has worked with Township Committee for 25 years at that time. He indicated one or two of them have had conversations with him over the years about secession and when the Strathmere Case was going on a few of them talked about how expensive and long it was taking. Attorney Doyle stated for whatever the reason he asked Mr. Miller if he wanted to talk the Seaview Harbor residents out of trying. Mr. Miller stated he wanted to make sure they understood the full ramifications of their decision financially. Attorney Doyle asked other than the money that they are willing to pay what other economic decisions. What are the other economic decisions? Mr. Miller stated the cost that the receiving municipality would have to expend to accept them.

Attorney Doyle asked if Mr. Miller shared with the Township Committee any of the discussions he had had with Mr. McGlinchey. Mr. Miller stated not in a group setting. He stated he may have spoken to one or two of them that he reached out to Mr. McGlinchey and that they were not interested in meeting (2013). Attorney Doyle stated Mr. Miller also reached out to go to a 2014 meeting. He asked if this action was done on his own. Mr. Miller stated he may have advised them he was doing it. He stated sitting here today he does not recall whether he spoke with all of them as a group. As he said before he may have took literary license concerning Township Committee and he may have only spoken to one or two of them. Attorney Doyle asked what would have been Mr. Miller's purpose of going to the 2014 meeting when Seaview Harbor was going to speak with anyone from Longport that wanted to come to discuss the petition that had not yet been filed. Mr. Miller he stated he was having a meeting to discuss the issue and was not concerned with the audience. A resident who lives there gave him a copy of the notice, not the Mayor, and he wanted to try again to discuss the financial implications of the decision.

Attorney Doyle asked Mr. Miller if he saw the article from the Atlantic City Press from February 15, 2014, advising Seaview Harbor wants to secede. Mr. Miller stated he has seen the article. Attorney Doyle referred to exhibit S70 (article). He asked Mr. Miller that a reporter was able to find him on a Saturday afternoon to make a comment. Mr. Miller stated it was in the morning and must have been right after the meeting was over. Attorney Doyle stated with respect with what was said the author indicated the stakes are high just as high for Egg Harbor Township with 100 million dollars leaving the Township. He asked if it is still 100 million. Mr. Miller advised it is 79 to 80 million at this point. Attorney Doyle asked when Mr. Miller sent the letter out to Seaview residents did he receive any responses. Mr. Miller stated one woman called him back and she lived in Haddonfield. He indicated she advised her father was one of the first owners of the house. Mr. Miller noted he does not recall her last name.

Attorney Doyle stated Mr. Miller advised that the Township did not perform a formal study of the potential effect(s), but they would be large. Attorney Doyle asked what would be the affects to the Township. Mr. Miller stated losing a 100 million in ratable to start with. Attorney Doyle stated Mr. Miller goes on to say the Township would oppose this. He asked how Mr. Miller would know to say this. Mr. Miller stated he has a tendency to use the "Township" when he is answers questions talking to reporters. He indicated it was his opinion at the time that the Township would probably oppose it. He indicated he did not have any direction from Township Committee that they would oppose it. Attorney Doyle asked if after this did he suggest a study be done. Mr. Miller stated as part of this process a study is being done. Attorney Doyle asked how. Mr. Miller stated a financial report will be done, the planner will provide a report and the police chief will probably discuss the impact of us not being there and providing the services for that area of the Township. He stated he did not author, commission, or preform a study himself. Attorney Doyle asked nor has the Township Committee? Mr. Miller stated this is correct.

Attorney Doyle asked would any study include what benefits would come to the Township. Mr. Miller stated without performing one this would be conjecture of what a study would conclude. Attorney Doyle asked if there is any economic benefits that would come. Mr. Miller stated not off the top of his head. Attorney Doyle stated though they would be nominal there was testimony there are transportation fees paid to Seaview Harbor residents whose children go to private school and the tipping fees for garbage. Mr. Miller stated with the ratable loss he does not know where the scale would even out on this analysis.

Attorney Doyle stated with police responding to issues in Longport, at some distance, and taking away from the municipality and the contiguous part there is both some cost and efficiency. Mr. Miller stated the police would still have to respond to accidents on the causeway. Attorney Doyle asked opposed to what may come out of 90 houses. Mr. Miller stated there are more accidents on Route 152 than what is coming out of the neighborhoods. Attorney Doyle asked Mr. Miller if his comments in the article "The Township would oppose it" cause any comment from any of the Township Committee members to him. Mr. Miller stated he does not recall. Attorney Doyle stated this article was on the 3rd Sunday of the month. He asked when Township Committee meets? Mr. Miller stated at the time the Township Committee was meeting on the 2nd and the 4th Wednesday if the month. Attorney Doyle asked if this article was discussed at the next Township Committee meeting. Mr. Miller stated not that he recalls and he believes the petition was filed by then and once it was filed conversation was ceased. Attorney Doyle stated ceased totally in executive or public session. Mr. Miller stated there was one executive session where the attorney briefed them on not having discussions or not getting involved in anything because

it is a Planning Board matter and it will eventually get to them. He indicated because this was a close session the minutes have not been released yet.

Attorney Doyle read onto the record "Miller said he believes the State would kill the secession effort". Attorney Doyle asked how does the State kill a secession effort? Mr. Miller indicated he was not quoted on this so he does not know where he came up with paraphrasing the comment attributed to him. Mr. Miller advised he had a discussion with him (author) concerning tax shopping and they had a conversation about people seceding for the purpose of paying lesser taxes. He indicated his quote concerning this is correct but not sure about the paragraph before concerning the paraphrasing of what he said. He is not sure how accurate it is.

Attorney Doyle stated in the last column of this article Mr. Miller is quoted "Miller said he believes Longport could be liable for 4 million to 5 million worth of municipal bonds". Attorney Doyle asked where he got these numbers from. Mr. Miller stated he did a quick calculation of the bond indebtedness that the Township had and what a 100 million dollar percentage was to that and came up with a number in that range. He indicated the 100 million dollars is their ratable base and at the time he calculated their value of the Township which was some number between 2 ½ and 3%. Mr. Miller indicated he took the total amount of debt that he was aware of between what the School District and the Township had and multiplied that and took the number he understands from the MUA had and did some math on that number and came up with a number that was in excess of 4 million dollars.

Attorney Doyle asked why Mr. Miller though it was figured this way. Mr. Miller stated that is what the Statute said. Attorney Doyle asked if this is from Mr. Miller's reading of the Statute or some lawyers reading of the Statute as it was told to him. Mr. Miller stated at the time it was his reading of the Statute. Attorney Doyle asked if MUA's bond indebtedness presently includes any improvements that were placed in Seaview Harbor. Mr. Miller stated there may be some cost. He stated their sewer system was built through the assessment of benefit ordinance where the residents pay for construction cost. He indicated he does not know what percentage that is as to upgrading, maintaining pump stations, cleaning lines or other capital improvements they have made over the last 20 years.

Attorney Doyle stated the system provided by Statute is not an automatic one. Mr. Miller stated the Township must commission three individuals from this municipality and the other municipality. He indicated they all get together and review the documents to determine what the proportionate amount is. He stated this is his reading of it. Attorney Doyle asked if they cannot provide a majority they must go to court. Mr. Miller stated yes. Attorney Doyle stated it would seem to suggest it is not just a simple formula anybody could add 2 and 2 together and get 4. Mr. Miller stated he does not know. He indicated it seemed straight forward to him about the area leaving and the receiving municipality had to assume their proportionate share of the outstanding debt. Attorney Doyle asked that Mr. Miller is not suggesting this has to be a lump sum payment. Mr. Miller stated no.

Attorney Doyle asked Mr. Miller that over time the bonds must be paid off maybe in the teens, 2020's or 2030's. Mr. Miller stated the Township has a bond for 2026. He is not sure what the School Board's dates are. Attorney Doyle stated this could amount to a few hundred thousand dollars a year. Mr. Miller stated he did not take the math this far out.

Attorney Doyle stated at the February 26th meeting Resolution 144 was adopted to allowing to go into private session to discuss Seaview Harbor Litigation. He stated this was a 2014 meeting of the Township Committee. Special Board Solicitor Marcolongo advised Mr. Miller that anything discussed during that

meeting is privileged and should not be testified to considering he went into this meeting. Mr. Miller stated there are two (2) categories for close session it stated it is for litigation or personnel. He indicated the attorney felt what was filed was a legal action that was to be played out for a longer period of time and he thought it was appropriate to provide information to the Governing Body in Close Session.

Attorney Doyle stated with the petition filed and assuming that it was a valid petition procedurally, meaning it has 60% of the signatures, the map and list of assessments. Ultimately there would be a decision of yes or no, correct. Mr. Miller stated at the end of the process yes. Attorney Doyle stated at the end of the process and Township Committee adopted a resolution granting the petition then there would not be any litigation. Mr. Miller stated there may be by some interested citizens; 3rd parties who thought they were affected by it. He indicated not between the petitioners and the Township but a third party would not be precluded from challenging a decision of the Governing Body. He indicated they are allowed to challenge any decision of the Governing Body. Attorney Doyle asked if this has ever happened, to accept a secession petition and allow the area to go. Mr. Miller stated he is not a historian.

Attorney Doyle stated his suggestion, other than a never before happening event, the reason for litigation would be the denial of the petition and litigation started by the petitioners correct. Mr. Miller stated as he said before without divulging what was said. The Attorney wanted to tell them basically to not speak to anyone concerning this matter because they are the ultimate deciders on this. Attorney Doyle stated at the March 10, 2014 (Planning Board) meeting Mr. Miller recommended to the Board they hire Mr. Marcolongo and Mr. Wiser. Mr. Miller stated in his capacity as a planning board member he made this recommendation. Attorney Doyle asked Mr. Miller that he must have been familiar with their well understood participation in the Strathmere Case, which was mentioned before. Mr. Miller stated yes.

Attorney Doyle stated he showed Mr. Miller the minutes from the Longport Board of Commissioners Meeting. He asked if Mr. Miller has had a chance to read them. Special Board Solicitor asked if this was Exhibit S91. Attorney Doyle stated yes, he also corrected the record advising he indicated minutes and he should have noted it was the transcript. Mr. Miller stated he did not read but did skim a few paragraphs. Attorney Doyle stated Mr. Miller had mentioned that the Township is having its Auditor report. He indicated it is the firm of Ford and Scott, but more particularly Leon Costella of that firm, correct. Mr. Miller stated yes.

Attorney Doyle asked if he could take Mr. Miller through parts of this transcript. He stated Mr. Miller did not go to the meeting alone. Mr. Miller stated a member of Township Committee had met him there. He advised it was Paul Hodson. Attorney Doyle asked why he was there. Mr. Miller stated he told the Governing Body that he was going and told them what time it was and Mr. Hodson showed up. Attorney Doyle stated Mr. Miller advised that they were instructed by the Township Attorney that nobody should say anything about this why did Mr. Miller have a discussion with the Township Committee that he was going to do something that involved the secession petition. Mr. Miller stated he did not have a discussion with them. He stated he told them he was going to go over and speak with them. Attorney Doyle asked when Mr. Miller stated "them" whom did he mean. Mr. Miller stated Township Committee.

Attorney Doyle asked if Mr. Miller told them what he was going to say. Mr. Miller stated he told them he was going over to ask what their opinion was. Did they want Seaview Harbor or didn't they want

Seaview Harbor. Attorney Doyle asked Mr. Miller if he was asked to do this or did he do this on his own, having a feeling of what they generally think. Mr. Miller stated he did it from a budgetary standpoint and if they said yes he knew he would have to budget money for the next two (2) years to fund it. Attorney Doyle stated this was an assumption even before a single hearing on the petition that it was going to be denied. Mr. Miller stated no sir. Attorney Doyle stated Mr. Miller just said if you knew that Longport was going to accept them you would have to budget money because there would be a long legal fight. He stated how would there be a long legal fight if Longport was going to accept the petitioners other than Egg Harbor Township's denial of the petition. Mr. Miller stated he did not say legal fight. He stated he would have to budget money for the proceedings. Mr. Miller stated his thought was, if they say no, the petition may be withdrawn and no money would be expended. He indicated if they said yes or they didn't know than he needed to know so that he would have to budget money to fund this whole process.

Attorney Doyle stated the numbers Mr. Miller had given for Strathmere concerning funding the process included the litigation, didn't it. He stated when Mr. Miller advised people \$250,000.00, \$500,000.00, or \$600,000.00 that included the litigation did it not. Mr. Miller stated probably. Attorney Doyle asked if that cost would be avoided if both Longport and Egg Harbor Township said yes. Mr. Miller indicated a portion of the cost would be eliminated. He stated the second part of it. He advised the first process, which is going on now before the Planning Board and eventually Township Committee has to take place. Attorney Doyle asked when Mr. Miller stated "however, the cost of the residents of Seaview Harbor and the tax payers of Egg Harbor Township could be well in excess of \$500,000.00 before a final decision is reached". That included litigation. Mr. Miller sated yes.

Attorney Doyle asked Mr. Miller the litigation would only happen with the denial of the petition by the Township Committee of Egg Harbor Township. Mr. Miller advised or the denial by Longport after Egg Harbor Township acted favorably. Attorney Doyle stated that would not be your cost. Mr. Miler stated he would assume we would be a party to it, if we approved it, that we would be a third party litigant or something. He would assume we would be involved in that litigation to some extent. Attorney Doyle asked Mr. Miller if this is his non-lawyer assumption. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller to drop down and read the exhibit where is says "we request that Longport does that as soon as possible" meaning making a decision. Attorney Doyle asked who is the "we". Mr. Miller stated when he publically speaks he usually refers to the Township in a plural form and not that Peter Miller request or I request. He stated he is a representative of the Township so he uses the term "we", "they" when he speaks in public.

Attorney Doyle than asked Mr. Miller to drop down a few more lines "for the process to work to conclusion it will probably take three (3) to four (4) years before there is a final decision". He indicated that again anticipates litigation. He indicated this process before the Board and resulting before Township Committee will not take three (3) to four (4) years. Mr. Miller stated we are coming up on our first anniversary. Attorney Doyle stated the Strathmere Case took 16 months, but three (3) to four (4) years assume litigation. Mr. Miller stated someone provided him from either Toms River or Upper Township that time table. Attorney Doyle stated he believes it was done in Toms River a little less.

Attorney Doyle continued to read onto the record "since World War II there has not been a single municipality that has consented to allow a section of their municipality to leave. There has only been one (1) successful deannexation in that period of time". Attorney Doyle asked Mr. Miller who furnished him with the information that there was only one (1) successful deannexation. Mr. Miller stated the Department of Community Affairs and the New Jersey League of Municipalities. He indicated they told

him there was only one (1) in Ocean County. Attorney Doyle stated that by this time Mr. Miller has been reading the case law has he not. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he is familiar with West Point Island vs. Dover, which is now Toms River. In which a separate part across the bay was allowed to leave Toms River (Dover) to become part of Lavalette. Mr. Miller stated he does not recall that. Special Board Solicitor Marcolongo asked which case is this. Attorney Doyle stated it is a reported Supreme Court Decision in West Point Island Civic Association vs. Township of Dover. He indicated this was under the old statute. Attorney Doyle then asked Mr. Miller if they told him about the Westmont Shores Case when another area on the barrier island was able to leave and join Lavalette. Mr. Miller stated no. Attorney Doyle asked Mr. Miller if they did not tell him about another case concerning a couple of uninhabitable islands that were able to leave Toms River and join the Borough of Seaside Heights. Mr. Miller stated no sir.

Attorney Doyle stated "again Egg Harbor Township's answer is no at this time of losing a portion of our community". Attorney Doyle asked if Committee Member Hodson, who was Deputy Mayor, present at this time. Mr. Miller stated yes. Attorney Doyle stated during this meeting Mr. Miller stated "Egg Harbor Township's answer is no at this time of losing a portion of the community". Attorney Doyle asked what gave him the authority to say this. Mr. Miller stated his longevity and his tenure he believes. Attorney Doyle asked what happened with Township Committee when Mr. Miller told them he was going to Longport to say all the things that were said. He asked, they didn't stop you or didn't say you should not go or they didn't say we don't know our position. Attorney Doyle stated none of that happen did it. Special Board Solicitor Marcolongo advised Mr. Miller not to say anything that may have happened in a closed session. Mr. Miller stated he did not ask them for permission to attend. He advised them he was going on his own initiative.

Attorney Doyle stated on Page II of the transcript Mr. Miller stated "Longport would be getting a bill for about 3.5 million dollars". He indicated that Mr. Miller stated a few weeks earlier it was 4 to 5 million dollars. He asked what happen. Mr. Miller stated he went back and refined his numbers. Attorney Doyle asked if Mr. Miller had mentioned to Longport's Commissioners that it would be paid over a 12 to 14 year time period that was just mentioned. Mr. Miller stated they did not get into that yet with the conversation.

Attorney Doyle advised Mr. Costella appeared at these proceedings once. Sitting next to Mr. Miller in the back row when Mr. Ryan testified. He asked if this was correct. Mr. Miller stated yes, for a portion of the testimony. Attorney Doyle asked during this time was Mr. Miller familiar, speaking of Mr. Costella, and from his knowledge of the Strathmere Case, that there was a likelihood that a financial expert would be hired. Special Board Solicitor Marcolongo asked if he could have this question again. Attorney Doyle asked did Mr. Miller expect the petitioners to hire a financial expert. Mr. Miller stated Attorney Doyle advised the Board one was retained and submitted a name. Attorney Doyle asked when had he submit the name. Mr. Miller stated earlier on because he had told Special Board Solicitor Marcolongo and that person worked for the Township so they could not be used. Mr. Miller indicated that Attorney Doyle replaced that person with a different financial expert.

Attorney Doyle stated he does not recall ever telling Special Board Solicitor Marcolongo before Mr. Welding had to leave the assignment. He stated the first hearing this matter was conducted was on March 31st. Attorney Doyle advised he had prior to this discussed items with Special Board Solicitor Marcolongo. He asked if Mr. Miller is suggesting during those discussions that he mentioned to Special Board Solicitor Marcolongo that they had intended to hire Mr. Welding. Mr. Miller stated Special Board Solicitor Marcolongo had advised that Attorney Doyle was engaging the firm of Bowman and Company.

Mr. Miller stated Special Board Solicitor Marcolongo did not state who from Bowman it was going to be. Mr. Miller indicated he had advised Special Board Solicitor Marcolongo that Bowman had a conflict because they work for Township so they could not represent you and to please let you know so they could be replaced.

Attorney Doyle asked what singular Egg Harbor Township entity did Bowman work for. Mr. Miller indicated they work for the Atlantic County Municipal Joint Insurance Fund and therefore are engaged by the group collectively and the funds from that group pay for their services. Attorney Doyle stated that firm is paid by the Atlantic County Joint Insurance Fund, which is a separate entity from the Township is it not. Mr. Miller stated their professionals are paid from fees paid by Egg Harbor Township and the Fund Solicitor determined that Bowman had a conflict and notified them that they had a conflict. Attorney Doyle stated he only determined there was a conflict after Mr. Miller raised the matter at the meeting on February 19th.

Special Board Solicitor Marclongo asked Attorney Doyle to proffer as to the relevance of this particular line of questions to this Board's determination of the impact of Seaview Harbor and Egg Harbor Township. Attorney Doyle stated it reflects, in his judgement and why he thinks it is appropriate for the record, that every effort has been made by the Township's Administrator acting with a knowledge that could not be other than imputed to the Township Committee because it is so public to try to stop not through the normal, reasonable process of hearings, but stop this petition from being successful before it can even be started. To wit, he goes to Longport and says tell them no now. Save us the money. He goes to the JIF. Special Board Solicitor Marcolongo stated he does not think, at all, that is what he was intending to do. Special Board Solicitor Marcolongo stated "tell them no now" is not what he is reading in the transcript at all. Attorney Doyle stated he said it, if you are going to do it, do it now. Attorney Doyle asked if would like him to read the language that was not seen.

Special Board Solicitor Marcolongo stated it does not say tell them no now, it says let us know now. Attorney Doyle stated Mr. Miller advised if you (Longport) tell them yes then we are in for a few years of the legal process. Special Board Solicitor Marcolongo stated this is not what it says. Special Board Solicitor Marcolongo asked Mr. Doyle to go back to Bowman Company. Special Board Solicitor Marcolongo asked the relevance of the conflict which was raised very early, as to the fact, that Bowman may have a conflict. He stated of which had helped us to move forward a little faster than being brought up at a later date. He indicated they had a conflict and Attorney Doyle took care of it.

Attorney Doyle stated once Mr. Miller, as the minutes reflect, commented he would like to address the potential conflict of interest, which frankly Attorney Doyle stated he does not see what it was, but he appreciates JIF had one of their delegates; commissioners say I think it is a conflict, though what Bowman and Company would have done on this matter has nothing to do with an insurance claim.

Attorney Doyle stated the petitioners are not a plaintiff in an auto accident that was caused by a police or garbage vehicle. He indicated that might be inappropriate if the accountant was going to give forensic accounting evidence on Smith vs. the Egg Harbor Township Public Works, but it was not an insurance claim. The only reason the joint insurance fund was started.

Attorney Doyle stated it was a creation, in his judgement, of a conflict that did not exist and the attorney said if you want it to be a conflict it is a conflict. Gave a good opinion, good in the sense that it was reasoned, but forced the petitioners, having hired somebody, have a tougher burden. Attorney Doyle stated to him that has been the effort of the Township through Mr. Miller. He stated the same kind of

effort that in the Strathmere Case were it was said the Township Committee could not hire a lawyer to come to the Planning Board Meeting and cross examine. He indicated so what we have instead is the kind of efforts in four (4) nights of testimony and he believes it is all part of something that needs to be put on the record. Special Board Solicitor Marcolongo stated it is now put on the record.

Special Board Solicitor Marcolongo asked if there were any more questions regarding the Bowman conflict is not really relevant to this Board's determination. Attorney Doyle stated he would like to proffer into evidence without further comment the minutes of the February 19, 2014, Atlantic County Municipal Joint Insurance Fund Executive Committee minutes as approved on March the 19th. Special Board Solicitor Marcolongo marked these as exhibit S95.

Attorney Doyle asked Mr. Miller if he believed at that time if Mr. Welding was force to withdraw from representing the petitioners it would cripple or at least impair or slow the efforts of the petitioners. Mr. Miller stated no. Attorney Doyle asked if the petition were granted does it change the relationship between Egg Harbor Township and the joint insurance fund. Mr. Miller stated no. Attorney Doyle asked how it was a conflict. Mr. Miller stated the fund has a policy which says any professional which they engage cannot take and adverse action against any member of the fund or be in an adversarial position against any member of the fund. Attorney Doyle stated so if Mr. Welding or someone from Bowman had the auto injury caused by the Egg Harbor Township truck and wanted to sue they would have to give up the job. Mr. Miller stated the professional service contract says they cannot represent another party in adversarial position against any member town. Attorney Doyle stated the only way we get to be adversarial party to the Township of Egg Harbor is the petitioner's petition is denied. Mr. Miller stated no.

Attorney Doyle asked Mr. Miller how do we become an adversary. Mr. Miller stated any application or petition submitted before the Planning Board, even a by-right application, inherently have different positions that are espoused. He stated you cannot be representing an applicant before the Board when you are retained by that municipality to do something else. He indicated we had issues where the Zoning Board Solicitor wanted to file resident tax appeals against Egg Harbor Township on behalf of the residential properties and the Township said that was a conflict of interest. He indicated we pay you, you represent us, and now you take an adverse position against us. He indicated that is why he went to the fund solicitor and asked him to take a look at this. He asked if this is or is not a conflict of the policy. He indicated he wrote his letter and Mr. Miller advised he did not influence him which way to write it. Mr. Miller stated he thought by getting this out of the way and raising as soon as possible would not impede the case rather than waiting for the night he wrote his report and raise the issue at that time. Attorney Doyle stated Mr. Miller will appreciate he is not going to thank him but he hears what he said.

Attorney Doyle asked all of the time that Mr. Miller was engaged in commenting in the newspaper, going to the Longport meeting he sat on this Board. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller had indicated he wanted to continue to serve, but for my request to have you recused. Mr. Miller stated Attorney Doyle was persuasive. Attorney Doyle stated he was advised by Special Board Solicitor Marcolongo (reading from a document) that Mr. Miller "was confident of his ability to judge this matter impartially as a Class II Member of the Planning Board. In an effort to ensure that the procedural portion of this matter is not subject to debate he has reluctantly agreed to step down from participation in the deliberation and recommendation portion of the process". Attorney Doyle asked Mr. Miller if Special Board Solicitor Marcolongo accurately reflected how he felt. Mr. Miller stated yes. He indicated he felt he could be fair, impartial and objective in hearing the evidence.

Attorney Doyle stated the letter (document he was reading from) was dated March 25, 2014. He indicated by that time Mr. Miller had been to Longport and said Egg Harbor Township will never let you go. Attorney Doyle asked Mr. Miller how he could be impartial, in this process, when he had said it is not going to happen. Than come here and objectively decide well maybe it can happen. Mr. Miller stated he has believes he has the ability to set those things aside and do his duty as a Planning Board Member objectively and fairly. Special Board Solicitor Marcolongo stated the bottom line is that he stepped down. He stated this line of questioning is not beneficial to the Board's decision.

Attorney Doyle stated he has not concluded with Mr. Miller. Township Committeewoman Pfrommer asked if he is close. Special Board Solicitor Marcolongo stated the question is important in order for him to schedule other witnesses. Attorney Doyle stated he cannot estimate he will be a full night. He advised there have been collectively 180 items placed into evidence. He indicated approximately 90 to 95 after tonight that he has placed in and 90 to 95 that Mr. Miller has placed in commenting on what we have said in terms of what he had said previously and he has only placed in things to respond to the petitioners. Attorney Doyle stated he will not say that he will question him on all 180 but there is significant questioning that still has to be done.

Special Board Solicitor Marcolongo stated he looks forward to speaking with Attorney Doyle during the month. He advised he does not want the Chief here next month if he is going to sit for four (4) hours. Attorney Doyle stated nor would he and it is not fair to the Chief or anyone else.

Board Secretary Wilbert announced the next hearing dates for Seaview Harbor are Tuesday, March 24, 2015, 5:00 p.m. and Monday, March 30, 2015, 5:00 p.m. Attorney Doyle stated looking past March 30 2015, he does realize April 5th is Easter and the 3rd is Good Friday, with Holy Thursday prior to and he is not sure when Passover falls. Special Board Planner Wiser stated Passover is on Good Friday. Attorney Doyle stated other than April Fool's day there are no other dates available in the first week of April, however, he would like to see if more than two (2) meetings can be done in April. He indicated however and whenever the Board can put together the most number of hours the coast will be clear with him and he hopes everyone else. Attorney Doyle stated he will extend the time in which the Board has to make a decision until April 30, 2015. He indicated hopefully he will not be called upon to extend it further.

Board Secretary Wilbert there are vacations that she is aware of occurring in April between the professionals and members. She stated tomorrow she will speak with the professionals and present to the members the available dates for their feedback.

Motion Kearns/Eykyn to carry public hearing to Tuesday, March 24, 2015, 5:00 p.m., prevailing time.
Vote 7 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

SECTION II:

a. General public discussion:

Motion Rosenberg/Aponte to open public portion

May the record reflect no one came forward

Motion Rosenberg/Kearns to close public portion

Motion Kearns/Aponte to approve regular planning board minutes of October 20, 2014 and special planning board minutes of October 24, 2014. VOTE: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg, Pfrommer.

Motion Kearns/Aponte to adjourn at 9:00 P.M. Vote: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg.

Respectfully submitted by,

Theresa Wilbert, Secretary