

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

March 24, 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., present.

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, whom arrived at the meeting at 6:25 p.m., as announced.

PUBLIC HEARING(S):

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

Chairman Garth advised Attorney Doyle indicated he cannot make the Monday, March 30th due to a personal matter, therefore, that meeting will not be going forward.

Special Board Solicitor Marcolongo asked if there were specific meeting dates yet for the month of April. Board Secretary Wilbert advised there are no other additional meeting dates for the month of March. She indicated the next available meeting would be for Tuesday, April 7, 2015, at 5:00 p.m., as well as, the Board's regular meeting date of Monday, April 20, 2015, at 5:00 p.m. Chairman Garth advised he will not be present for the April 7th meeting. Board Secretary Wilbert advised the April 20th meeting this would be the only item on the agenda.

Motion Rosenberg/Kearns to schedule special meeting for Tuesday, April 7, 2015, 5:00 p.m., prevailing time. Vote 6 Yes.

Attorney Doyle stated during the last meeting Mr. Miller produced several documents marked as exhibits B91-94. He indicated these documents related to FEMA, CRS and other subjects. He indicated having reviewed them in the context of other documents it causes him to revisit some things. Attorney Doyle stated he would like to start off with B21 the Egg Harbor Township Re-examination report. He

stated this document in part spoke of the community rating system. He then asked Mr. Miller to refer to pages 15 & 26 of this document where there was a recommendation of the community to seek entry into the CRS system. Mr. Miller reviewed Exhibit B21. He stated he does not see any recommendation on these pages. Attorney Doyle then read onto the record a paragraph entitled: Redevelopment of West Atlantic City (page 15). He asked Mr. Miller does he not believe what he just read is not a recommendation. Mr. Miller stated no it is not. Attorney Doyle stated where it positively speaks of a flood mitigation plan and its benefits on page 26 is not a recommendation. Mr. Miller stated nowhere on page 26 does it reference the CRS program.

Attorney Doyle asked Mr. Miller why was the subject of CRS even to have come up, albeit rejected. Mr. Miller indicated a resident of West Atlantic City raised the question as to whether or not the Township would consider participating in the CRS system. Attorney Doyle asked Mr. Miller as he knows it the CRS system is not a particular section but Township wide if entered into. Mr. Miller stated yes. He indicated the entire Township would be covered if joined in. Attorney Doyle stated this came up because of one (1) person in West Atlantic City suggesting it. Mr. Miller stated yes. Attorney Doyle asked not because of Mr. Mott mentioning it within his report. Mr. Miller stated no.

Attorney Doyle then directed Mr. Miller's attention to exhibit B94, specifically the introduction within the first paragraph. Attorney Doyle asked this is the preparation of the Flood Mitigation Plan that was envisioned by the earlier report. Mr. Miller stated yes. Attorney Doyle then read portions of this introduction to Mr. Miller. He asked Mr. Miller if it identifies the Township is currently a Class 10 community under the NFIP Community Rating System, which means no discount. Mr. Miller stated he does not know. Attorney Doyle asked Mr. Miller that he does not know what a CRS 10 rating means. Mr. Miller stated no.

Attorney Doyle asked Mr. Miller if he knows what the term of repetitive loss means. Mr. Miller stated yes, an area that suffers repeated losses of similar nature. Attorney Doyle then referred Mr. Miller to the second paragraph of this document (introduction) asking that it reflects where those areas are in the Township as West Atlantic City, Seaview Harbor, Anchorage Poynte and Morris Beach. Mr. Miller stated it identifies several areas that have repeated flood damage.

Attorney Doyle stated again page 5 of this document Seaview Harbor is mentioned as an area with known flood hazards. He stated more specifically Roman Numeral V, first paragraph. Mr. Miller stated he sees the comments referenced on this page. Attorney Doyle then referred to page 6. He read onto the record the first sentence of the second paragraph. He asked Mr. Miller that given what has been mentioned in this report and the earlier report in 2000 did the Township at that time jump on any programs that are offered by the Federal Government for assisting these challenged areas including Seaview Harbor. Mr. Miller stated yes. He advised the Township received a grant from FEMA and the State of New Jersey to build a dune gabion system in West Atlantic City and the Township appropriated funds to improve the storm water in West Atlantic City. Attorney Doyle asked when this was done. Mr. Miller stated it was between 2005 and 2010.

Attorney Doyle asked if the Township has done any other program for individual homeowners. Mr. Miller stated not that he can recall sitting here tonight. Attorney Doyle stated the program that was recommended had goals that have goes mentioned on page 8 of this document including "to qualify the Township and its residents for additional FEMA funding. He asked Mr. Miller if the Township entered into any programs to achieve that goal recommended by Mr. Mott. Mr. Miller stated yes. He indicated the funding the Township received for West Atlantic City was from FEMA funding earned based upon

this study and the storm water improvements that were made they gave the Township several hundred thousand dollars to build a dune to keep the tidal water from Lakes Bay from impacting the residents of West Atlantic City.

Attorney Doyle asked amongst the other flood prone areas in Egg Harbor Township, including Seaview Harbor, has anything else been done. Mr. Miller stated we have done storm water improvements in various areas where there is flooding in low lying areas over time. He indicated we do not have repetitive losses in Seaview Harbor generally in most rain events. Attorney Doyle asked if Mr. Miller knows this as a fact that there has not been repetitive losses in Seaview Harbor. Mr. Miller stated he knows Seaview Harbor is not an area that had flooding on a regular basis as a fact.

Attorney Doyle stated on page 7 of this document it mentions the Township does not have public warning sirens but uses law enforcement and other sirens. He indicated it was mentioned during the testimony of the petitioners that they receive calls regularly from Longport identifying emergencies or upcoming programs. He asked if Egg Harbor Township has such a system for individual notice. Mr. Miller stated yes. He advised it is Township wide and neighborhood wide when needed. Attorney Doyle asked if this includes Seaview Harbor. Mr. Miller stated when necessary. Attorney Doyle asked when was this implemented. Mr. Miller stated it was about ten (10) years ago when the Township obtained the Global Connect System. Attorney Doyle asked that Seaview Harbor residents would have received individual calls over the last ten (10) years to something such as Sandy. Mr. Miller advised information was hand delivered notices for Sandy. He advised they did not call them.

Attorney Doyle stated there is an action plan within this report called for by Mr. Mott that is referenced on page(s) 9 & 10, which could be adopted at minimal cost. He asked Mr. Miller if the #1 on this action has been done. Mr. Miller stated he cannot answer those questions sitting here today without researching. Attorney Doyle asked if he went through the other eight (8) actions suggested it would be the same answer. Mr. Miller stated no, he stated he can advise #5 was done. He indicated this is the project previously discussed. He indicated #6 was done, #7 was done and #4 was done. He indicated he cannot answer the others sitting here tonight.

Attorney Doyle asked Mr. Miller to go to the pages of this document that are unnumbered. He asked Mr. Miller if the first is a map which shows Seaview Harbor as a documented flood prone area does it not. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller discussed Seaview Harbor not having repetitive losses. He directed Mr. Miller's attention to "Appendix A" Photographs of Repetitive Loss Areas. He asked does not A-2 show in the appendix show Seaview Harbor. Mr. Miller indicated his answer was to homes having losses not a vacant piece of property as shown.

Attorney Doyle asked if anything was done between 2000 and 2010 in the National Insurance Program or the Community Ratings System. Mr. Miller stated the Township has been in the National Insurance Program since the 1970's and in 1983 they changed it. He indicated we had not done anything until after Super Storm Sandy Hit and Biggert Waters to join the CRS System. Attorney Doyle asked did Seaview Harbor take significant damage and the homes therein during Sandy. He indicated structural damage to houses or a portion thereof. Mr. Miller stated compared to other neighborhoods it was not significant.

Attorney Doyle asked if there were damage assessments taken by the Egg Harbor Township personnel of the damage. Mr. Miller stated there were damage assessments done by Township personnel or State personnel he does not know. He indicated State personnel came down to Atlantic County to provide

assistance and there were two (2) or three (3) State inspections working in Egg Harbor Township immediately following the storm. Attorney Doyle asked who is J. Conti. Mr. Miller stated he is the Township's Building Subcode Official. Attorney Doyle asked Mr. Miller if he could identify the document he provided. Mr. Miller stated it is the Seaview Harbor Damage Assessment dated November 5, 2012, which was done by Mr. Conti for five (5) of the properties the last two (2) having no identification as to who did them. He then read onto the record the last sentence of this document "Most homes located on bayside have structural damage to decks, docks, ramps lifts, hardscaping (pavers, concrete), which have been undermine by water. Attorney Doyle asked this document be marked as Exhibit S-96.

Special Board Planner Wisner asked if this is a FEMA document. Mr. Miller stated no, following the event the Township had to prepare a damage assessment report of all properties impacted by the storm and he identified a half dozen properties in Seaview Harbor out of the 92 homes that had been impacted by the storm. Special Board Solicitor Marcolongo asked if this is the totality of the report or a portion of it. Mr. Miller stated it is a portion of the report. He indicated he is assuming since Attorney Doyle provided it to him it is the totality of Seaview Harbor, but it is a portion of the overall report.

Attorney Doyle stated thereafter the Township organized a meeting on January 24, 2013. Mr. Miller stated possibly. He advised they had a meeting in January, 2013. He indicated he is not sure what meeting he is speaking of. Attorney Doyle stated it was a community meeting where you had a questionnaire answered for the officials that were to be present. Mr. Miller stated yes, there was a community meeting for all residents of the Township impacted by the storm. Attorney Doyle stated notice of the meeting was made during the Township Meeting of January 23, 2013. Attorney Doyle then read from the minutes of the January 23, 2013 Township Committee Meeting. Thereafter, he stated he does not notice any attention being paid to what kind of notice Seaview Harbor residents got. Mr. Miller stated Seaview Harbor did receive notice. He indicated the person who prepared minutes did not include everything he said within them.

Attorney Doyle then read onto the record a section of the minutes (previously noted) concerning comments made by Mayor McCullough. Attorney Doyle asked Mr. Miller what the Mayor met by these comments. Mr. Miller stated he does not know. Attorney Doyle presented an article that appeared in the Atlantic City Press on January 24, 2013, concerning the meeting. This article was marked exhibit S-97. Attorney Doyle stated the article advised Mayor McCullough urged residents to attend. Attorney Doyle than read onto the record a section of this article and asked Mr. Miller what the reference made to changes to flood insurance. Mr. Miller stated the Biggert Waters Act requirements.

Board Member Rosenberg advised he has a question concerning S96. He stated he does not know what he is looking at. He asked if S96 is a suggestion that this is major damage. Attorney Doyle stated it speaks for itself as to what the damage is. Board Member Rosenberg stated he will be candid since exhibit S-97 refers to Little Egg Harbor Township there were homes that were uninhabitable for two (2) years. He indicated he had 4 ½ ' ft. of water come through his office in Atlantic City. He indicated that is what he envisions as major damage. He indicated if the house was uninhabitable because the deck was damaged he would not consider it. Attorney Doyle stated he places evidence in so that it can be considered in totality. Board Member Rosenberg asked Mr. Miller if there were any homes in Seaview Harbor that were uninhabitable within Seaview Harbor for than a week after the storm. Mr. Miller stated there were three (3) to four (4). He indicated when he was asked the question about substantial damage he indicated we had communities in West Atlantic City, Harbor Drive, and certain areas of the Scullville section that had 6' ft. to 8' ft. of water standing in the homes for all hours during that event. He indicated as far as he knows there were no homes in Seaview Harbor that had that type of impact.

Board Member Rosenberg asked Mr. Miller there were several that were uninhabitable. Mr. Miller stated the picture that Attorney Doyle showed earlier this evening in the flood mitigation map, the open area, water was forced in and impacted the three (3) homes that were directly across the street. Board Member Aponte asked if the gabions within West Atlantic City help. Mr. Miller stated it held the water back for several hours until the water crest built on top of them.

Attorney Doyle stated B-35 is a letter with some enclosures or attachments signed by Mr. Watkins, of Mott Associates who is the Township Engineer. He indicated this is a letter of intent that had to be submitted in the aftermath of Sandy. Mr. Miller stated yes. Attorney Doyle stated this letter of intent were for 48 single family homes, according to the Township Engineer, that were substantially damaged. Mr. Miller Doyle: submitted letters of intent after Sandy from the Township Engineer were substantially damaged. Mr. Miller stated or were to be raised based on new requirements. He indicated some were not damaged but they were too low. Attorney Doyle ask Mr. Miller if he certified the document with his signature. Mr. Miller stated he signed on behalf of the Township to submit the application. Attorney Doyle asked Mr. Miller to read project summary attached to B-35 specifically paragraph 9. Mr. Miller read onto the record what was requested.

Attorney Doyle asked Mr. Miller what NFIP stands for. Mr. Miller stated it is the National Flood Insurance Program. Attorney Doyle stated he cannot understand why Mr. Miller advised the Township has been in NFIP since 1983 and the Township Engineer in 2013 stated the Township is not participating. Mr. Miler stated it is wrong, a typographical error. Mr. Miller stated he missed it when he signed it. He stated the Township was in the program in the 1970's and in 1983 the Township was recertified and have been in the National Flood Insurance Program ever since.

Attorney Doyle asked on the 4th page there is a list of 14 homes in Seaview Harbor, according to the cover letter, either had substantial damage or had to be raised, correct. Mr. Miller stated yes. Attorney Doyle asked of the 14 homes, which fit in which category. Mr. Miller stated without looking at the letters they wrote to the Township advising which category they fell, no he does not. Attorney Doyle stated this was addressed before that people submitted letters to the Township and then Township sought to get them money because the Township had to make the applicant. Mr. Miller stated at the January community meeting the FEMA representatives said that there was money available for house raising and restoration but the municipality must make the application on behalf of its residents. Attorney Doyle stated there were several people who said they had asked the Township what was happening and they never heard back. Mr. Miller stated he remembers one (1) woman saying this. Attorney Doyle asked had she heard. Mr. Miller stated she spoke with someone in his office and was upset that he did not personally speak with her.

Attorney Doyle stated he would like to bring to Mr. Miller's attention exhibit B40. He stated Mr. Miller referred to this during his testimony at the last meeting. Attorney Doyle asked if B40 was in fact an email. Mr. Miller stated yes. Special Board Solicitor Marcolongo asked what is he reading from and what is the date on it. Mr. Miller stated he has an email from Bob Watkins dated Tuesday, July 22, 2014, sent at 1:27 p.m. and the subject is EHT – CRS information and it is marked as exhibit B40 on November 7, 2014.

Attorney Doyle stated it does not seem to be, to him at least, in the standard email nature of from/sent. He indicated it is was all typed in. Again, he asked if this was an email. Mr. Miller stated yes. Attorney Doyle than asked Mr. Miller to review exhibit B92. He asked Mr. Miller if B92 is an email. Mr. Miller stated B92 is a package of information that he requested Mr. Watkins to supply to him at Attorney

Doyle's request to provide back-up documentation to exhibit B40. Attorney Doyle asked a part of B92 is there an email from Mr. Watkins to you dated July 22. Mr. Miller stated yes there is. Attorney Doyle asked if Mr. Watkins sent two (2) emails at the same time or are they identical copies. Mr. Miller stated they look slightly different. He indicated in the first sentence of B40 it says "This is the timeline for preparing and moving forward with having the Township join the CRS". He indicated in B92 it says "As discussed this is the timeline I came up with in regards to preparing and moving forward with having the Township join the CRS". Attorney Doyle asked if he knows why it was edited or changed. Mr. Miller stated he does not know if it was or if there are two (2) emails, he has no idea. He indicated he asked for these documents and this is what he gave him.

Attorney Doyle stated B92 has a sentence in it that is not in B40. He indicated between paragraph #6 and the reference to the construction official. He stated that sentence reads "I believe this is all we have done so far" and in B40 the sentence is not in it. He asked why. Mr. Miller stated he has no idea. Attorney Doyle stated it would look to him that what was originally given as B40 was a typed editing of the actually email which eliminated the sentence "I believe this is all we have done so far". Mr. Miller stated he does not know. Attorney Doyle in any event the time schedule he gave Mr. Miller to the best of his knowledge accurate. Mr. Miller stated items #1-#6 to the best of his knowledge is accurate.

Attorney Doyle stated in exhibit B92 there were other emails sent back and forth in various threads. He stated for the Board's edification with these various threads there was repetition, which was difficult to follow. He stated taking this in context. The six (6) items shown on Mr. Watkins July 22 email, by October, 2013, Mr. Watkins became a certified floodplain manager by passing the test. Mr. Miller stated that is what he wrote. Attorney Doyle stated then writes to Mr. Miller on October 14th "as we discussed the other night, EHT is not part of the Community Rating System for the FEMA rating. The attached letter needs to be submitted to be entered into the system. The highest rank they will give is a 10. We must then fill out a form for a lesser number. It is our opinion that we will presently meet at least a 9 rating by completing the form. Nothing else required". Attorney Doyle stated and it goes on..."I don't see any down side by trying". If you want to discuss it, please let me know.

Attorney Doyle asked what the benefit a 9 rating is as opposed to a 10 was. Mr. Miller stated he knows it is better but what percentage or math, no he does not know. Attorney Doyle stated the next email discusses Pat Naticchione, who is this. Mr. Miller stated the Construction Official. Attorney Doyle asked Mr. Miller to review Mr. Naticchione's email dated October 15, 8:30 a.m., advising it appears Mr. Naticchione suggested there would be problems with trying to do this. He that referred to Mr. Mott's email responding to Mr. Naticchione pointing out in Ocean City they did not have to make every old house elevate and they received a 15% discount ultimately. Mr. Miller stated yes, this is what he wrote.

Attorney Doyle stated as you go through the emails both Mr. Miller and the Mayor were part of the loop. He asked Mr. Miller if he knows why the other members of Township Committee were not included. Mr. Miller stated no, sir. Attorney Doyle stated as Mr. Watkins had noted within the emails that there had to be a plan and a public outreach. Mr. Miller stated yes, he does. Attorney Doyle asked what was Mr. Miller's response to Mr. Watkins email. Mr. Miller stated cost to do report. Attorney Doyle asked Mr. Miller did Mr. Watkins answer. Mr. Miller stated he did.

Attorney Doyle asked Mr. Miller if he has seen the manual for the CRS program before. Mr. Miller advised he saw it for the first time in ten (10) years that day. Attorney Doyle asked once this was done did Mr. Miller give the go ahead to make the application noted in exhibit B92. Mr. Miller stated the letter was actually a separate exhibit submitted last month. He advised exhibit B92 are a grouping of

emails, however, Mr. Miller advised he did authorize the letter. Attorney Doyle stated during Mr. Miller's testimony it was indicated that the letter sent was not from a high enough official within the Township for FEMA to act upon it. Mr. Miller stated he believes he said this. Attorney Doyle stated it took from October 30th to April 16th that the letter was nowhere. Mr. Miller stated yes, for FEMA to respond to us yes. It took it that long. Attorney Doyle asked who followed up to move this along. Mr. Miller stated Mr. Watkin's touched base with someone on a regular basis and finally in April they told him we need a letter from someone who is higher than him. Mr. Miller stated it was brought to his attention that day and they printed out the same letter and he signed it sending it the same day.

Attorney Doyle asked if Mr. Miller has any substantiation or documentation to indicate that is the reason for the delay. Mr. Miller advised they were overwhelmed at that time dealing with application's and the storm and they were taking this long as they told us.

Attorney Doyle stated there was a meeting on May 15, 2014, to being the CRS process. He stated it is now nearly a year later. He asked if Egg Harbor Township is in the CRS program. Mr. Miller stated no sir. Attorney Doyle stated the April 16th letter, sent to FEMA, was the day before the Long Term Recovery Group, mentioned in exhibit S60, met. Attorney Doyle asked if exhibit S60 be provided to Mr. Miller. Attorney Doyle advised with the letter finally going out on April 16th the Township was able to say on April 17th the Township is working on the Flood Plain Management Process. Mr. Miller stated the Township believed the process started back in October. He indicated whether or not the letter was written the same day. He would have provided same answer that we have begun the process to participate.

Attorney Doyle stated he recalls with the traffic light there were a number of resolutions and Mr. Miller placed it forward to show how hard he had worked. Attorney Doyle stated why if it was recommended 14 years earlier was there not a bigger push. Mr. Miller stated no one in community was pushing for it. Attorney Doyle asked as an administrator does the CRS Program not make sense based upon the comments within Mr. Mott's reports about repetitive damage, flood prone areas, and reduction in flood insurance. Mr. Miller stated it makes sense today sitting here, yes. Attorney Doyle asked when it started to make sense to him. Mr. Miller advised when he heard about Biggert Waters in 2012. Attorney Doyle asked that the mention of it from Mr. Mott's in 2000 to go into CRS was not a consideration. Mr. Miller stated he cannot sit here today and tell Attorney Doyle what was going through his mind in 2002 relative to CRS other than the Township chose not to participate.

Mr. Miller indicated not one resident from Anchorage Poynte, Seaview Harbor, Harbor Drive or Morris Beach ever asked the Township to pursue it. He indicated the Mayor lived in Seaview Harbor he indicated there was no demand from the community to say "why are you not doing it". He indicated the evaluations were done because a resident of West Atlantic City approached him asking if the Township ever considered going into CRS.

Attorney Doyle asked for exhibits B92, 93, and 94. He then asked for exhibit B91. Attorney Doyle stated B91 discusses a meeting that is to be had. A Community Assistance Visit "CAV" on July 9th with Mr. Natichhione and Mr. Watikins' to discuss the communities participation in the NFIP. He asked what occurred at that meeting. Mr. Miller they reviewed with them what the Township had to do and they gave them of list of structures where we had to contact property owners to make certain repairs such as flood proofing. He indicated they told us once we had those residents to meet a certain level of performance that they would then be able to finalize our application.

Attorney Doyle stated is it not true that the improvements did not have to take place but the Township had to make its best effort to get this. Mr. Miller stated when he was sitting there that day he was under the impression we were required to have those home owners make those improvements. Attorney Doyle asked Mr. Miller if he has asked Mr. Watkins if this is accurate. Mr. Miller stated he has asked Mr. Naticchione and his answer was we have to demonstrate best faith effort on the Township's part to compel them to do it. Attorney Doyle asked if best faith means accomplishing the change. Mr. Miller stated depending upon the effort we made they could give us consideration if one (1) or two (2) of the people failed to comply that they would not hold this against us by enrolling in the program.

Attorney Doyle stated in the thread of emails in B92 he stated he does see where Mr. Naticchione raises questions where there is this problem and then Mr. Watkins answers them. He asked again did Mr. Miller ask Mr. Watkins as the Engineer. Mr. Miller stated Mr. Naticchione has been the point person since the summer of 2014 to present working with the DCA and Mr. Moyle to get us into compliance. He indicated Mr. Watkins has not been involved in that process over the last six (6) or seven (7) months on the list. He indicated he believes that is one (1) of the exhibits he supplied based on Mr. Doyle's request, which are the properties that are still outstanding.

Attorney Doyle stated Mr. Watkins advised in his emails that he is familiar with getting into the CRS since he had just done it in Somers Point. Mr. Miller stated he believes the email stated he was working on getting them back into the program. Attorney Doyle stated as part of exhibit B91 there is a document entitled "CRS What If". Attorney Doyle advised this document indicates there are 918 homes in Egg Harbor and if they were to move to just one class, to "09", Mr. Watkins in his email, states based upon his knowledge, you could already qualify for it, it would be a collective savings of \$40,900.00. Mr. Miller stated based on the review of Mr. Watkins email if this is what it means that is what it says then.

Attorney Doyle asked if almost every town down the shore just about has it. Why does has Egg Harbor Township not done the program. Mr. Miller stated not every single town along the shore has it. He indicated only 5.9% of the municipalities nationwide participate in the National Flood Insurance Program belong to CRS. He indicated we are in the 94% of municipalities that do not participate. Attorney Doyle stated that includes places in Kansas and Nebraska that do not have much flooding. Mr. Miller stated you cannot be in the National Flood Insurance Program unless you are prone to flooding so comments concerning Kansas and Nebraska is not appropriate. He indicated there are rivers that flood.

Attorney Doyle asked if all the bay front and ocean front municipalities in Atlantic County all a part of the CRS except Egg Harbor Township. Mr. Miller he indicated without looking at the exhibit he submitted he cannot provide an answer. Attorney Doyle asked if Mr. Miller can review this at break and he will be ask the question again, thereafter. Attorney Doyle asked what efforts are being done currently to have the Township in the CRS program. Mr. Miler stated he has spoken with Mr. Naticchione who expects the Township to be in the CRS program by May 1, 2015.

Attorney Doyle advised Mr. Miller placed in exhibit B3, map of Atlantic County. He asked what was the purpose of doing so? Mr. Miller stated to show where Egg Harbor Township was and Seaview Harbor in relation to the rest of the Atlantic County. Attorney Doyle asked what this petition has to the rest of Atlantic County. Mr. Miller stated the map Attorney Doyle presented as an exhibit did not show the entire mainland conditions of the communities between. He indicated it was a yellow blob. Attorney Doyle then referred to exhibit S43 (previously submitted) asking if this was placed in prior to exhibit B3. He asked if it was representative of the contiguous of Egg Harbor Township, Seaview Harbor and the communities' in-between. Mr. Miller stated no. He advised it does not clearly show all the back bays,

rivers, and water ways that Egg Harbor Township possess that is part of our community. Attorney Doyle asked what about the aerial put into evidence. Mr. Miller stated no. He indicated it is not as clear as the map that he obtained from Atlantic County GIS. He indicated the water ways are not shown and they are the backbone of the community since Egg Harbor Township is a water base community.

Attorney Doyle than referred to exhibit B5, which were described as the four (4) corners of the Township is this correct. Mr. Miller stated yes. He advised the four corners were Seaview Harbor, West Atlantic City, Green Tree Golf Course, the CHOP Facility and Atlantic City International Airport for good measure. Attorney Doyle asked if Green Tree Golf Course or CHOP or Atlantic City International Airport have 92 families living in it. Mr. Miller stated it is a geographical area and he did not count how many people live in the area of the Golf Course, across the street from CHOP there are a couple hundred people that live there. He stated there are a couple mobile home parks across the street.

Attorney Doyle asked if there is any part of Egg Harbor Township that Longport is a first responder for besides Seaview Harbor. Mr. Miller stated not that he is aware. Attorney Doyle stated on November 5th Mr. Miller testified the distance of Township is irrelevant because most municipal services come to you. He indicated there are some services that you can only get at Township Hall such as marriage certificates. Mr. Miller stated yes. Attorney Doyle stated Court. Mr. Miller advised you have to come to court no matter where the court is you have to go. Attorney Doyle coming to a planning board or zoning board hearing. Mr. Miller stated yes, this is where it is heard. Attorney Doyle asked what about a gun permit. Mr. Miller stated for the police department, yes.

Attorney Doyle with respect to Mr. Miller's comments concerning municipal services coming to you concerning police and fire. He asked Mr. Miller generally speaking is it not fair to say the Police and Fire personnel come from Longport. Mr. Miller stated it does not matter where they come from we have a mutual aid agreement with all municipalities within the County and we provide a response at no additional charge to any of our residents. He stated if the fire truck comes from Pleasantville, Somers Point or Longport they have a response. He indicated the same is for police officers you get a response. We dispatch whoever is the most appropriate person to get there the fastest to protect the person's property and lives.

Attorney Doyle asked who would be the most appropriate police person to get there first if you live in Seaview Harbor. Mr. Miller stated it depends upon the call for service. He indicated if it is a burglary in process they will dispatch someone from Longport. He indicated if you were burglarized the day before, came home and found it the Township's police would handle the matter. He indicated if you have some running through your neighborhood with a weapon we would dispatch Somers Point, Longport and Margate to get there, as well as ourselves to get someone there as quickly as possible. Attorney Doyle asked what about fire. Mr. Miller stated if it is a working fire Longport reports first and if they are unavailable either Somers Point or Margate are called and the Scullville Volunteer Fire Company and Bargaintown Fire Company are dispatched at the same time.

Attorney Doyle asked what about ambulance. Mr. Miller stated it is whatever Longport were to provide first and if they are unavailable it could be Somers Point or Northfield or us. He indicated if it is a transport call or non-emergent we will provide. He indicated if someone calls and says spouse is having a heart attack whichever ambulance we can get there first will be the one to get them. Attorney Doyle stated in the 2014 budget revenue there was over 1 million dollars in ambulance fees. He asked if there is any documented evidence that shows how often which ambulance went to a call particularly in Seaview Harbor. Board Member Aponte stated the Board has someone coming from police, fire and

ambulance to answer these questions. He indicated he has heard this testimony two (2) or three (3) times.

Attorney Doyle stated he does not recall Mr. Miller testifying specifically nor does he recall asking Mr. Miller any questions about ambulance. He stated he has said things regarding police and fire but in the context of his quote about the important services that people come to you. Board Member Aponte stated he does not mind Attorney Doyle asking question but going to get into a situation where there will be more answers from Police, Fire or Ambulance he would like to hear it from them.

Attorney Doyle stated Mr. Miller is the administrator and he knows the budget the question asked if there were ambulance records that would reflect it. He indicated it is either a yes or no. Attorney Doyle stated if there are then he would ask for them. He indicated though discussion has suggested the police person will be here, as well as, the fire person it has not been mentioned that the ambulance person will come here. Chairman Garth asked if Special Board Solicitor Marcolongo had planned to call the chief from the ambulance squad. Special Board Solicitor Marcolongo stated he has not to date.

Special Board Planner Wisner stated the dispatch information will be provided under the Police Chief, which does relate. Attorney Doyle asked Mr. Miller if there is documents that can be looked at. Mr. Miller stated the only documents would be for the Township and not for the neighboring towns. Attorney Doyle asked if someone called for service they would get Egg Harbor Township dispatch who make the decision to send Longport unit. Mr. Miller stated or whomever is available. He stated there have been times when Longport has not been available. He indicated it depends upon the call for service. Attorney Doyle stated we don't know the times Egg Harbor were called and someone else went to it. We will only know the times Egg Harbor Township went. Mr. Miller stated dispatch, though the police department, maybe able to give you a record of every ambulance or EMT dispatch during a known time period. Attorney Doyle stated he has heard this through the testimony in any event regardless of who gets there, somebody gets there whether it is from Egg Harbor Township or Longport. Mr. Miller stated we are serving our residents of Seaview Harbor by make sure someone responds to them in a timely fashion.

Attorney Doyle asked if Mr. Miller feels as the administrator that there is no difference who serves a community whether it is their own Police, Fire, or Ambulance or a neighboring municipality. Mr. Miller stated his job is to ensure the residents receive the best service and anyway he has to provide that service he will. He indicated mutual aid is the backbone of most municipalities. He indicated we do have an unlimited resource of police, fire and EMT's and even public works that we all have to share and to provide service. He indicated for the handful of times a year an ambulance or a fire truck may have to respond to there the amount of services we give back to Longport is either equal to or greater then through the mutual aid program. He stated Longport has never complained that the balance of these shared services for mutual aid has weighted very heavily in their favor and we have not balanced the scale when it comes to mutual aid services.

Attorney Doyle stated he recalls during Mr. Miller's testimony that when asked if Egg Harbor Township provides mutual aid to other towns Mr. Miller stated certainly we would unless we were distracted by our own. He asked if Mr. Miller recalls this. Mr. Miller stated he does not recall using those words but he does recall saying if we were unable to respond we can't respond but if we had people available we would go. He indicated the Township goes to Pleasantville often to assist their police department to investigate crime events because they do not have enough people on the streets sometimes.

Attorney Doyle stated one other municipal service beyond police, fire, and ambulance is snow removal. He indicated both Mr. Stewart and Mr. McGlinchey testified that on three (3) occasions there were significant storms during late 2009 during Christmas Time, in 2010 and again in 2011 and they a path prior to any snow removal by Egg Harbor Township's public works. He asked if this is consistent with Mr. Miller's own knowledge. Mr. Miller stated he has no knowledge that they did this. Attorney Doyle asked if he has any contrary knowledge that the town was there first on those occasions. Mr. Miller stated he will leave this to the Public Works Director for his testimony. He indicated whether they did something in advance of us getting there he has no knowledge of whether they did or did not.

Attorney Doyle stated exhibit B7 was the information concerning civic involvement and were the various people who served on various Board's. Attorney Doyle asked if it is not true that no one has been elected to Township Committee since 1984 from Seaview Harbor except for Mayor McCullough. Mr. Miller stated Mr. Garshman was elected in 1984. Attorney Doyle stated if he started serving in 1984 that means he was elected in 1983. Mr. Miller stated he stands corrected. Attorney Doyle stated no one from Seaview Harbor has sat on the Planning Board since 2005 except for the Mayor who sits as the Class I Member. Mr. Miller stated the Mayor is a member of the Board and has been so for a number of years. Attorney Doyle asked but no one else from Seaview Harbor since 2005. Mr. Miller stated this is correct.

Attorney Doyle stated the last person to sit on the MUA from Seaview Harbor was Mayor McCullough and this was in 2007 according to Mr. Miller's chart. Mr. Miller stated yes. Attorney Doyle stated with the exception of Ken Steinberg who serves on the Economic Development Commission no one has sat on any Township Board, Commission or Agency since 2008 with the exception of Mayor McCullough. Mr. Miller stated Mayor McCullough and Mr. Steinberg are the two (2) residents of Seaview Harbor that currently serve.

Attorney Doyle stated it is his understanding that many people contained on the list have either since moved or passed away. He indicated it appears the only one's still residing in Seaview Harbor that are on the list are Mr. Condella, Mr. Henry, Mr. Hull, Mr. Steinberg, and the Mayor. He asked Mr. Miller if this is accurate or if there is anyone from the list that still lives in Seaview Harbor. Mr. Miller stated he has no reason to dispute Attorney Doyle's accounting of who is and who is not alive. Attorney Doyle asked Mr. Miller if he took a look at the petition as to who signed it. Mr. Miller stated he looked at it one (1) time. Attorney Doyle asked Mr. Miller if he is aware that all the people that he cites in his report, who are still alive and living in Seaview Harbor, with the exception of Mayor McCullough have signed the petition. Mr. Miller stated he does not recall if they did or didn't.

Attorney Doyle stated the statute regarding the Planning Board's role in this process is to report on the impact deannexation would have. He indicated the Avalon Case says that impact is not to be looked at as a snapshot of the present but the foreseeable future. He stated with that in mind what does it matter in 2015, 2016, or the 2020's and beyond who served on the Board in the 1980's and 1990's. Mr. Miller stated he is not sure if he is supposed to be rendering any type of legal opinion as to their determination what value they assign to the exhibits. Attorney Doyle stated Mr. Miller thought it was valuable because Egg Harbor Township is what those people did. He stated he is asking Mr. Miller. He stated that is history. He indicated the future is not all of those people is it. Mr. Miller advised the current state of affairs we have in Egg Harbor Township is a result of those people civic involvement becoming what we are today. They were the decision makers in the 1980's, 1990's and the early part of this century and shaped Egg Harbor Township to be who we are.

Attorney Doyle asked Mr. Miller when he speaks of civic involvement. He means governmental involvement. Mr. Miller stated he did not focus on Kiwanias, the Lion's Clubs, or Veteran's groups. He stated he has no knowledge of that level of civic involvement. He indicated he focused on the governance side of civic involvement.

Attorney Doyle stated at the beginning of this process in March, 2014 Mr. Marcolongo had established some guidelines. He indicated social injury means social detriment where the community is being deprived as a result of the petitioner's participation in religious, civic, cultural, charitable, and intellectual activities. Attorney Doyle asked Mr. Miller if he has any evidence that Egg Harbor Township would be denied because the petitioner's actively participate. Mr. Miller stated he did not respond to this because it is his understanding his role as a witness called by the Planning Board was to address the testimony provided by the petitioner's testimony that they had no civic involvement in Egg Harbor Township so he prepared a document to show the civic involvement that they have.

Attorney Doyle asked what would be deprived of the Egg Harbor Township if deannexation were granted in the governmental sense other than the loss of Mayor McCullough. Mr. Miller stated with only having two (2) individuals participating in the governance of Egg Harbor Township Seaview Harbor still has the 4th highest participation out of well over 150 neighborhoods in the Township. Attorney Doyle stated that is a repetitive answer and he will ask the question again. Attorney Doyle stated other than the loss of Mayor McCullough what would the Township lose if deannexation were granted. Mr. Miller stated Mr. Steinberg and any other person who may live in that community in the future going forward participation in our community.

Attorney Doyle asked Mr. Miller that he has no evidence that these citizens have been active in all of those areas of participation mentioned by Mr. Marcolongo such as cultural, intellectual, social, or religious in Egg Harbor Township that is any different than what they themselves have said and what the survey reflects. Mr. Miller stated he looked at no information concerning religious or social engagement in the community.

Attorney Doyle stated Mr. Miller had indicated he had not seen any real estate listing that reflect that Seaview Harbor was not anywhere but Egg Harbor Township. Mr. Miller stated at the time of his search every listing he looked at identified municipality as Egg Harbor Township. Attorney Doyle stated at the time of the search he asked if any additional research was done. Mr. Miller stated he did his research on the testimony he gave. He indicated he does not have ongoing research occurring. Attorney Doyle asked if it was not suggested there were significant real estate advertisements that Seaview Harbor was in Longport and there was confusion. Mr. Miller stated he remembers hearing Attorney Doyle's client's testimony that they were confused. Attorney Doyle asked how in depth was Mr. Miller's research. Mr. Miller stated he drove through the community and wrote down every realtor's sign in their front yards and went to their websites and everyone he looked at identified us. He stated he picked-up a couple glossy magazines from the realtor in Longport, Somers Point, Egg Harbor Township and went through those and did not find any place where someone identified a Seaview Harbor home being in the Borough of Longport.

Attorney Doyle submitted as evidence a series of Real Estate Advertisements. Special Board Solicitor Marcolongo stated this is a packet containing about 20 pages and is being marked S-98 Real Estate Advertisements. Board Member Kearns asked if there are dates on these so the Board knows when they were published. Attorney Doyle stated there are dates on them, but he has not dated them himself. Special Board Solicitor Marcolongo asked if these are all Seaview Harbor properties. Attorney

Doyle indicated they might make reference to comparable or similar properties elsewhere but that is part of the overall ad. He indicated the ad is for a house in Seaview Harbor. Special Board Solicitor Marcolongo stated so each of the ad's were contain erroneous information since they are in Egg Harbor Township. Attorney Doyle stated correct.

Attorney Doyle asked Mr. Miller if one of the documents in his exhibit was for 9 Sunset Boulevard. Mr. Miller stated yes it was. Attorney Doyle stated so 9 Sunset has been listed by more than one (1) broker with one having it in Egg Harbor Township and another who had it in Longport Borough. Mr. Miller stated it appears something is missing from the listing. He stated the listing is supposed to list the municipality in which the property is located and the list you have in this listing does not indicate a municipality. Attorney Doyle stated it says 9 Sunset Boulevard, Longport, New Jersey. Mr. Miller stated in a real estate listing it is his understanding the MLS listing is supposed to identify which municipality the property is located not what the mailing address is.

Mr. Miller asked for exhibit B44. Board Member Rosenberg asked if any of the listing indicate when they were put on the market. Attorney Doyle stated the board must go through the information. Board Member Rosenberg stated he questions the validity. He indicated this has been a publicized case for a year. Attorney Doyle asked if Board Member Rosenberg is suggesting people purposely listed their homes in Longport. Board Member Rosenberg stated it could have been changed from Egg Harbor Township to Longport to capitalize.

Board Member Aponte stated he is not suggesting he agrees with Board Member Rosenberg's opinion, however, his opinion is that he does not place too much credence on what people use in their marketing material. He indicated if someone says it is Longport they can say it is whatever as far as a town. He indicated with no disrespect to any realtor in the room, within Atlantic County or anywhere else. He does not put credence in marketing material, if they think they are going to sell a property, because it is more attractive to say Longport rather than Egg Harbor Township. He indicated he has seen it before.

Attorney Doyle stated he appreciates a broker may want to sell a house and whatever the commission it is good bye them. Except there is more to this evidence then that. He indicated Mr. Miller advised he did research and in such he did not see one (1) listing that showed property in Seaview Harbor in Longport. He indicated it is a question if whether the research was appropriate. He indicated the second point is that we have raised there is a total confusion of who, where and what we are and this lends support for the belief of social injury the statutory requirement of the residents of Seaview Harbor.

Board Member Aponte stated again he does not provide credence. He indicated he would like to move this along. He indicated this has been discussed numerous times over the last year. Attorney Doyle stated Mr. Miller spoke of it very little, as well as, himself. Attorney Doyle stated they are placing the information in for the reasons he said. He advised here is one (1) particular house that he will place in separately. Mr. Miller stated in exhibit B44 he submitted a flyer for 9 Sunset Boulevard, Egg Harbor Township, New Jersey 08403 on November 7, 2014, which he took out of the persons yard in the real estate box where the realtor identifies it as Egg Harbor Township. He indicated Attorney Doyle's exhibit identifies it, printed out on November 16th, 2014, nine (9) days after he submitted the exhibit where now from a marketing standpoint they changed Egg Harbor Township to Longport. He stated the document he took for the same property for exhibit B44 came of the property not off the website and the same realtor had it listed as Egg Harbor Township at that time.

Attorney Doyle provided additional documentation as marked by Special Planning Board Solicitor Marcolongo as exhibit S-99 a packet containing four (4) sheets. Attorney Doyle stated this listing, which is for the Mayor's house, provides a proper address. Board Member Eykyn stated when you look at other information it is a problem. He stated it really is a realtor's problem. He indicated it says area Egg Harbor Township, city Longport. He asked if we are just going through the one's that say Longport. Attorney Doyle stated Mr. Miller advised all the one's he saw said Egg Harbor Township and we are suggesting some say Egg Harbor Township some say Longport some have said both. Board Member Eykyn stated the Board understands people are confused about where it is. We are receiving all this realtor information is ridiculous. Board Member Aponte stated with some of the names of the realtors they are pretty busy high end people and it could be a typo on their staff.

Attorney Doyle asked whose house is exhibit S-99. Mr. Miller stated he does not recognize it from the picture but 36 Seaview Drive is the Mayor James J. McCullough's home. Attorney Doyle asked if he knows how long it has been on the market. Mr. Miller stated a while. Attorney Doyle stated he appreciates what the Board has said concerning the descriptions of the homes. He indicated it is real estate language and it will speak for itself.

Attorney Doyle stated Mr. Miller has mentioned Seaview Water Company. He asked if the water company does have a franchise granted to it by the Township. Mr. Miller stated yes. Attorney Doyle asked if it is contracted to be sold to Aqua Water. Mr. Miller stated yes. Attorney Doyle stated and the Township adopted an ordinance for this sale take place. Mr. Miller stated yes. Attorney Doyle pursuant to ordinance Seaview Water Company will be sold to Aqua Water. Mr. Miller stated the Township consented to the transfer of the franchise from Seaview Water Company to Aqua Water.

Attorney Doyle stated Mr. Miller used the word useless to describe the hydrants in Seaview Harbor. He asked who gave Mr. Miller the opinion that the hydrants were useless. Mr. Miller stated Mr. Henry. Attorney Doyle asked if anyone else. Mr. Miller stated fire fighters have told him that there is insufficient water flow from the hydrants to put out a structure fire. Attorney Doyle asked if useless the same as insufficient water to put out a structure fire. Chairman Garth stated Mr. Miller is not a fire fighter. Board Member Aponte stated this is repetitive again. Attorney Doyle stated Mr. Miller rendered an opinion that the hydrants were useless. Chairman Garth stated on someone else's opinion.

Mr. Miller stated Mr. Henry told him it was useless and he is one (1) of the three (3) owners of Seaview Water Company. Attorney Doyle stated through his testimony he has denied he ever said this. Mr. Miller advised he has wrote Mr. Henry three (3) letters and he has never responded to the contrary. Mr. Miller stated until he testified here he did not know that Mr. Henry disagreed with what he told him. Attorney Doyle asked as Mr. Miller sits here today does he believe they are still useless. Mr. Miller stated yes. Attorney Doyle asked that they serve no purpose. Mr. Miller stated he sat at a Board of Public Utilities hearing in Trenton, New Jersey and purchasers said they are removing the hydrants because they serve no purpose and the BPU concurred with them.

Attorney Doyle asked if Mr. Miller read the letter from Fire Chief Clayton of Longport that in the event of a fire in Seaview Harbor the Longport Volunteer Fire Department will be utilizing the existing fire hydrants as the initial water supply to fight the fire. Mr. Miller stated he does not recall exactly what he says but he did say he would hook up to a hydrant until they ran out of water. Attorney Doyle stated he did not say if we ran out of water. He stated the initial water supply to fight the fire.

Board Member Aponte stated again this is repetition. He stated he remembers the whole conversation and we can pull up the minutes. He indicated for the last hour it has been a rehash of the last six (6) or eight (8) months. He stated unless there is a specific question that is focusing on something new he would respectfully ask Attorney Doyle to move on. Attorney Doyle stated he will move on, however, Attorney Doyle stated he has not taken nearly as long as Mr. Miller has to put in a direct case, which he indicated a good portion was not in response to what was said.

Special Board Solicitor Marcolongo stated he had an opportunity to speak with Board Secretary Wilbert during the break. He advised there are several members who will be unable to attend the April 7th meeting at 5:00 p.m. He indicated she has a serious concern that on April 7th at 5:00 p.m., there will not be a quorum.

Motion Rosenberg/Pfrommer to move April 7, 2015 Special Planning Board Meeting from 5:00 P.M. to 7:00 p.m. Vote 7 Yes: Aponte, Eykyn, Carman, Garth, Kearns, Pfrommer, Rosenberg.

Attorney Doyle with respect to the alleged uselessness of the hydrants that are in Seaview is there any written documentation. Mr. Miller stated he has the testimony of a representative from Aqua Water in front of the Board of Public Utilities saying the system was useless and they were removing it. Attorney Doyle stated Mr. Stroble testified in this matter. Attorney Doyle then read from the minutes of July 26, 2014, page #6 in this matter. He asked Mr. Miller if Mr. Stroble's testimony alters his opinion. Mr. Miller stated he does not disagree that there is ten (10) minutes worth of water to knock the fire down. Attorney Doyle asked how Mr. Miller knows there is ten (10) minutes worth. Mr. Miller stated he has been told they have a tank that holds 10,000 gallons of water and we pump 1,250 gallons of water per minute. Once we attach a hose and pump 1,250 gallons a minute after 10 minutes there will be no water left in tank.

Attorney Doyle asked Mr. Miller if he testified at Board of Public Utilities. Mr. Miller stated he did. Attorney Doyle then read onto the record transcript of Board of Public Utilities hearing where Mr. Miller spoke, December 9, 2014. Attorney Doyle asked Mr. Miller if Township Committee asked him to go to the Board of Public Utilities Meeting. Mr. Miller stated they directed him to go to raise the two (2) issues he testified to.

Attorney Doyle again, read this transcript. He asked Mr. Miller the section that he read was different then saying useless. Mr. Miller stated his term for useless is for putting out a house fire. He stated he acknowledges ten (10) minutes worth of water is better than no water. Attorney Doyle stated the second issue within this hearing was asset distribution. Mr. Miller stated yes. Attorney Doyle asked if any citizens of Seaview Harbor say they wanted to the Township Committee or Mr. Miller to go hearing to discuss asset distribution. Mr. Miller stated he is not sure. Attorney Doyle asked if Township Committee wanted Mr. Miller to go to the hearing and discuss asset distribution. Mr. Miller stated yes. Attorney Doyle asked who. Mr. Miller stated Township Committee collectively as a group.

Attorney Doyle asked Mr. Miller if anyone went to Committee and them to do it. Mr. Miller stated the Township Committee received a notice from the BPU that the hearing was being held on that date and they asked that I go to represent both the Township and the residents. He indicated he sent a letter to the residents advising them he was going on their behalf to discuss the switch over the asset management issue was the water company was not planning on distribute the sale of asset back to the rate payers, which was money that should be going back to them as individual home owners as consumers that was not in the petition submitted to the Board of Public Utilities.

Attorney Doyle asked if Mr. Miller can direct him to the date of the minutes where Township Committee requested he go to the BPU hearing. Mr. Miller stated he can provide but sitting here tonight he cannot recall date, but was before the date of the BPU hearing. Attorney Doyle asked if the question concerning asset distribution would get in the way of the sale. Mr. Miller stated no. Attorney Doyle asked Mr. Miller to explain the term asset distribution. Mr. Miller stated if a utility has an asset, such as vacant land they are not utilizing, but has been part of their base operation if they choose to sell off and not be part of the utility operation that is an asset distribution. He indicated they are selling off and pocketing that amount of money. He indicated when you do this there is a PBU regulation that requires any sale of an asset unrelated to the function of the utility must be shared 50/50 with the rate payer. He indicated the petition filed by the two (2) parties involved made no mention of it. He stated he contacted the BPU and asked if this is being covered. Are the residents who live in Seaview Harbor going to see their 50% share of the sale of the property. He indicated you are looking at a number that could be as much as \$400,000.00 so there is \$200,000.00 to be shared among 90 home owners. He advised the answer he got from the Board of Public Utilities was it is not in their petition, if you want to raise the issue you have to come to the hearing and place it on the record so that it is part of the record and it can be considered by the Board of Public Utilities.

Attorney Doyle asked when Mr. Miller uses the number \$400,000.00 how does he derive that. Mr. Miller stated this is the assessed value the Township has on the vacant lots. He indicated there were two (2) buildable lots that were subdivided off in 2013.

Attorney Doyle stated there was a question concerning mutual aid. He referred Mr. Miller to exhibit B65 and B66. He asked Mr. Miller if B65 is the ordinance for mutual police aid in emergencies pursuant to statute. Mr. Miller stated yes, in 1990 it was formalized by this ordinance. Attorney Doyle asked if there were any subsequent ordinance or resolutions so that it was renewed. Mr. Miller stated there is no expiration date to the 1990 ordinance so it continues until it is amended or rescinded. He indicated there were no subsequent ordinances. Attorney Doyle asked if every municipality in Atlantic County is signed on to this. Mr. Miller stated Egg Harbor Township's neighboring municipalities signed adopted similar ordinances at the same time. He indicated whether or not the western part of the county did he has no knowledge.

Attorney Doyle asked Mr. Miller if he is familiar with the two (2) statutes that are cited as the authority for mutual aid. Mr. Miller stated he knows they exist and we have entered into agreement but as for the legal ease part of it specifically he cannot give book and chapter verse. Attorney Doyle stated he is reading from the two (2) statutes, NJSA 40A:14-26 and NJSA 40A:14-156.1., he then read a provision of the statute. Attorney Doyle then asked Mr. Miller if you are part of the agreement you send. Mr. Miller stated yes.

Attorney Doyle stated the statute goes on to say to the extent possible without endangering person or property within the municipality rendering such assistance. Attorney Doyle stated so a municipality that has its own troubles has the right under a municipal aid agreement to say we cannot do it this time, don't they. Mr. Miller stated this is correct. Attorney Doyle asked if this is what Mr. Miller meant when he testified that certainly you would help your fellow municipalities, as long as you were not distracted by your own needs. Mr. Miller stated all municipalities if they are busy elsewhere responding to matters in their communities because of mutual aid we'd go down the list to the next municipality and ask for assistance.

Attorney Doyle advised, as was mentioned the sadness of the loss of a young police officer, Longport was down for a day and Egg Harbor Township stepped in. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller similarly Longport responds on a relatively regular basis for emergencies of a police and fire nature that are emergent needing a response quickly. Mr. Miller stated we have a very good work relationship with Longport under mutual aid. Attorney Doyle asked who runs the show when both police departments respond. Mr. Miller stated whoever arrives first, if it is not Egg Harbor Township, takes control of the scene. He indicated once Egg Harbor Township shows up they'd yield control of the scene to Egg Harbor Township. Mr. Miller indicated, as he understands, since it is our jurisdiction by law we would take control of the situation and direct the operation. He further noted depending upon where it is in the process the Fire Chief and the Police Chief would have the discretion to allow whomever was the first responder to continue with the lead to fight the fire or police emergency.

Attorney Doyle stated to the degree we heard testimony for instance in a different situation in a different municipality, you have to take care of your own first and only go when you can. Attorney Doyle advised he believes Mr. McGlinchey noted this concerning snow removal in Chesilhurst which has a relationship with Winslow Township. He indicated this is the way it works. He indicated it seems to be the same. We will step in whenever we can pursuant to agreement unless we have our own troubles. Mr. Miller stated yes. He indicated he believes he answered it the same way the last three (3) times he has been asked. He stated yes, we respond if we are able to, if we are unable to respond this is the purpose of mutual aid. He indicated conversely if Longport or Somers Point cannot respond we will go to whoever is next while we are still responding because we need to get someone there as quickly as possible to respond to the emergency.

Attorney Doyle stated with respect to police matters there are certain limitations. He stated only Egg Harbor Township Police are empowered to sign complaints arising from a criminal action within their Township. Mr. Miller stated yes. Attorney Doyle stated if emergent comes and Longport comes and a few minutes later Egg Harbor Township arrives you have two (2) police forces responding to the same thing. He asked if there is not some duplication or inefficient cost involved. Mr. Miller stated most police responses have a backup vehicle that is always sent. He indicated if Longport sends the primary car our car would be the secondary car since it is in our Township depending upon at what point in time transfer of responsibility takes place it will take place.

Attorney Doyle asked Mr. Miller if he has ever analyzed what cost are expended for being a second to get there but needing to be there as opposed to if Seaview Harbor was a part of Longport and you never had to go there. Mr. Miller asked Attorney Doyle if he is asking him if he personally did an analysis of what our cost to provide police service there as compared to if we did not have police service there. Attorney Doyle stated correct. Mr. Miller stated no. Attorney Doyle asked if this petition has caused him to do this. Mr. Miller stated no. Attorney Doyle asked if Township Committee has requested him to do so. Mr. Miller stated this petition is the jurisdiction of the Planning Board so Township Committee would not be asking him to do anything on it.

Attorney Doyle stated the fire service is generally provided to Seaview Harbor from Longport. He indicated the other fire districts Scullville, Cardiff, he indicated he knows he is missing others. He stated there was some testimony that did the Township not do something for the Longport Fire Department. He indicated he believes it was maybe \$12,000.00 of equipment several years ago. Mr. Miller stated several years ago the Township purchased for the police department diving equipment and we donated it to them. Attorney Doyle stated he believes Board Member Kearns mentioned during the June 2, 2015, meeting that Egg Harbor Township budgets money on an annual basis and trucks on a rotation

basis. He indicated he obtain this information from minutes. He asked if this is done. Mr. Miller stated yes. Attorney Doyle asked in a typical year how much is appropriated. Mr. Miller stated they are appropriated an operating budget of \$190,000.00 a year. He advised with these monies they maintain their vehicles, certify ladders and trucks, and purchase equipment. He stated the Township also appropriates capital money every other year the township purchases a new fire truck. He further noted the Township purchases air packs, communication equipment such as radio's, and computers from the Capital Budget.

Attorney Doyle stated the distance charts that were put in reflected 7.22 miles and 13 minutes to get to Egg Harbor Township. He indicated the distance from Longport is .95 miles and 2 minutes. Attorney Doyle asked if he agrees with the numbers from Longport. Mr. Miller stated he agrees with the numbers, however, he is not sure how long it takes. He stated it may take less than 5 minutes, but he is not sure if this is applicable in the summertime. Attorney Doyle asked if it matters in the summer time trying to get to the Egg Harbor Township Police department to Seaview Harbor and how would he go. Mr. Miller stated he would take Ocean Heights Avenue to Bethel Road and take Bethel to Maryland Avenue to the Causeway. Attorney Doyle asked if the traffic through Somers Point and down the Causeway slows him in the summer. Mr. Miller stated no.

Attorney Doyle stated he has submitted information on handling emergency services. He stated he would like to discuss these and ask whether he agrees or disagrees. He began by saying "if there is a serious incident in Seaview Harbor Longport would be called first. If there is a 9-1-1- call they would be closer than we would". He asked if this is true or not true. Mr. Miller stated if it is a 9-1-1- call it depends what the call is for us to determine who responds. He indicated the dispatcher it comes into makes the decision as to the seriousness of the call.

Attorney Doyle commented "as far as West Atlantic City goes we have a car out there all the time". Mr. Miller stated most of the time. Attorney Doyle stated the two (2) quotes he noted were from the Mayor. Attorney Doyle stated "Longport are the first responders for Egg Harbor Township. Egg Harbor Township is secondary responders for the police, fire and not that often for the E.M.T.'s". Attorney Doyle asked if this is accurate or not. Mr. Miller stated in a general statement exactly. Attorney Doyle stated that is Mr. Miller's testimony before the Longport Commissioner's.

Attorney Doyle stated Chairman Garth has commented if there is a fire it first goes to Longport then Somers Point, and Egg Harbor Township fills in. He asked Mr. Miller if this is accurate. Mr. Miller stated he will yield to Chief Garth recollection on how these things are done.

Attorney Doyle asked Mr. Miller if he recalls his testimony concerning previous testimony provided by Mr. Klein. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller placed into evidence B51 and B52. Attorney Doyle stated he recalls Mr. Miller's testimony that the emergency recited in B51 must not have been an emergency because the 9-1-1 call stated Mr. Klein was going to take his mother to the hospital at 16:48 and by his testimony he did not get to the hospital until around 7:00 p.m. with Mr. Miller's contention being that if it took him more than 2 hours from 4:48 p.m. to 7:00 pm. It was not much of an emergency after all. Attorney Doyle asked if he mischaracterized Mr. Miller's testimony.

Mr. Miller stated it was probably taken out of context. Mr. Miller stated Attorney Doyle has already cross examined him on these two (2) exhibits a copy months ago. He indicated at that time he told him that when you look at the first page the call received from Irving Klein it says no chest pain or trouble breathing at this time so it was classified as a non-emergent call. He stated there is also a series of

contacting our ambulance to make the run since it was not emergent. Mr. Miller stated he testified we had two (2) calls backing up at that time so we went to Somers Point who was unavailable to go. He indicated we then went to Northfield. He indicated Northfield was on their way responding to the call when Mr. Klein called back and cancelled the call and said they go by personal vehicle. He stated his comment was that happened at 16:48 and Mr. Klein, actual Steven Klein, his brothers direct testimony was they took their mother to the hospital at 7:00 p.m. Mr. Miller stated yes, he made his comment in that context that it was two (2) hours later before they took her to the hospital.

Attorney Doyle asked when the call came in. Mr. Miller stated 16:17 or 4:17 p.m. Attorney Doyle asked when did he said he was going to take his mother to the hospital. Mr. Miller advised 16:48 he cancelled the call and said patient will go by personal vehicle. Attorney Doyle stated he waited 31 minutes for an ambulance from 16:17 to 16:48 and one did not come. Mr. Miller stated yes, for 30 minutes for a non-emergent call the ambulance did not show up. Attorney Doyle asked Mr. Miller he says non-emergent. He asked who drew the conclusion it was non-emergent. Mr. Miller stated the dispatcher. He indicated if it were an emergent call the comment section would have identified it as an emergent call. He indicated it was not logged as one. He indicated the description given by Mr. Klein, which was entered into the document, no chest pain or trouble breathing at this time.

Attorney Doyle asked if there was not a comment that she suffers from CHF. Mr. Miller stated it says CHF patient stomach pain. Mr. Miller stated Attorney Doyle asked him previously if he knew what CHF was and he told Attorney Doyle he did not know what that meant. Attorney Doyle stated there is a dictionary of medical terms and abbreviations. He stated having found out himself he will tell everyone CHF means Congestive Heart Failure. Attorney Doyle asked Mr. Miller if he would suggest Congestive Heart Failure is non-emergent. Mr. Miller stated according to the dispatcher the information they received is that it was a non-emergent call and they needed a transport. He indicated that is why the comments say no chest pain or trouble breathing at this time.

Attorney Doyle asked Mr. Miller where it says non-emergent on exhibit B51. Board Member Rosenberg stated he would rather hear from the dispatcher as to what he was thinking to classify the call than what Mr. Miller might speculate what the dispatcher was thinking. Township Committeewoman Pfrommer stated we went over this before. She stated this whole night has been a repeat.

Attorney Doyle stated he has heard this previously, however, he is talking about emergent services and the quality and distance from where they come. Township Committeewoman Pfrommer stated there will be expert testimony from the people in charge of these departments coming in. She stated that he is asking Mr. Miller to speculate or to give his opinion on something. Attorney Doyle disagreed he stated Mr. Miller made a judgement that said it was evidently wasn't that important and they waited for over two (2) hours. Attorney Doyle stated he is wrong on both counts. Township Committeewoman Pfrommer stated when the experts come in from the emergency department they can clarify the language and terms.

Attorney Doyle asked Mr. Miller that his testimony is based on the fact that he waited for over two (2) hours it could not be emergent using 7:00 p.m. as the time, correct. Mr. Miller state the testimony of Mr. Klein on direct examination from him was that he took his mother to the hospital about 7:00 p.m. Attorney Doyle stated reading from the minutes "we took her down steps and laid her in the back of one of their cars and flew to Shore Memorial Hospital. He indicated this was maybe 6:00 p.m. or 7:00 p.m.". Attorney Doyle stated Mr. Miller chooses to use 7:00 p.m. because it better made his case. Mr. Miller stated it says 6:00 p.m. or 7:00 p.m. Mr. Miller stated without reading a transcript he is not sure if he

said 6:00 p.m. or 7:00 p.m. Mr. Miller stated during Mr. Klein's direct testimony that sometime between 6:00 p.m. and 7:00 p.m. he took her there. He cancelled the call prior to 5:00 p.m. Attorney Doyle stated in response to exhibit B51 and B52 with something that he has not placed in before, as a piece of evidence, an admission document (Mrs. Klein). He directed the Board to the upper right hand corner. Special Board Solicitor Marcolongo marked as exhibit S-100 admission document. Attorney Doyle stated after 31 minutes he gave up and drove her there himself arriving at 5:03 p.m. having giving up at 4:48 p.m., which he indicated was a 15 minute difference. Special Board Solicitor Marcolongo stated the documents indicated 17:03 on the second line.

Chairman Garth asked did this person testify that it was 7:00 p.m. when they got there. Attorney Doyle stated he testified, as the minutes reflect, that he could not remember it was about 6:00 p.m. or 7:00 p.m. when they go there. He indicated what we did not have and is not repetitious is now looking at the record that they waited 31 minutes for the ambulance and they wound up taking his mother to the hospital in 17 minutes.

Attorney Doyle referred to exhibit B86 a document which is his memo concerning a call he had with Mr. Ed McGlinchey. Mr. Miller reviewed B86. Attorney Doyle stated this document is a memorandum that Mr. Miller did as a follow-up to a call he had with Mr. McGlinchey. Attorney Doyle stated this memorandum says "to Seaview Harbor file". He asked if this is a public file kept as the Administrator. Mr. Miller stated it is the file he has in his office and it existed when he came to the Township. He advised not unlike any of the neighborhoods in Egg Harbor Township that were subdivisions documentation is kept in these files when we write letters to people with inquires.

Attorney Doyle asked this file is still maintained. Mr. Miller stated they do get purged from time to time. He indicated if there is an issue ongoing it remains, however, if there was an issue that was resolved ten (10) fifteen years ago his secretary will go through it and goes through destruction of records for general correspondence. He indicated there is no normal purge time for this files. It is just if they get rather large his secretary will review and then ask him if it is needed anymore.

Attorney Doyle asked when was the last time Mr. Miller had an occasion to look at the Seaview Harbor file. Mr. Miller stated in preparation of his testimony. Attorney Doyle asked how far back did it go at that time. Mr. Miller stated the early 1990's. He indicated he found the traffic signal information in the file. He indicated it has the last 25 years or so. Attorney Doyle asked if it has been purge since when Mr. Miller first testified on November 5th. Mr. Miller indicated he has not purged any Seaview Harbor files since this matter first started. Attorney Doyle asked Mr. Miller if he would make this file available for review. Mr. Miller stated certainly.

Attorney Doyle asked if Mr. Miller called Mr. McGlinchey. Mr. Miller stated yes. Attorney Doyle stated the record of this call has at the top EHT PD. He asked if this stands for Police Department. Mr. Miller stated yes. He advised they maintain our phone log. He indicated the second page is a report ran by the Township IT personnel showing his phone calls from that day. Attorney Doyle stated this was a 26 minute call and was summarized in twelve lines and took about a minute and a half to read. He indicated there is a lot in the phone call that is not within the memorandum. Mr. Miller stated he generalized the subject that was discussed.

Attorney Doyle so this memorandum sums up 26 minute phone conversation. Mr. Miller stated he prepared the memorandum to the file so he could refresh his memory sometime in the future concerning what was generally discussed within the phone conversation. Attorney Doyle asked Mr.

Miller why he thought he would need it sometime in the future. Mr. Miller stated he started out that there was rumors about secession and Mr. McGlinchey confirmed those rumors were true and in all likelihood would be proceeding with it sometime in the future. Attorney Doyle asked Mr. Miller why he felt he had to make this record permanent. Mr. Miller stated Mr. McGlinchey did not provide him any explanation that the reason for secession had anything to do with the level of service being provided by the municipality to the neighborhood. Attorney Doyle asked Mr. Miller had he not indicated to Mr. McGlinchey during this call that services have been a concern for a while right or wrong. Mr. Miller advised he does not recall expressing that to him. Attorney Doyle stated Mr. Miller mentioned lack of services. He asked if Mr. Miller defended the lack of services within the call. Mr. Miller stated no. He stated he had asked Mr. McGlinchey how he intended to demonstrate the lack of services because he did not perceive there was a lack of services because he had not heard from any residents in Seaview Harbor that there was a lack of services.

Attorney Doyle asked what was mentioned in Mr. Miller's memorandum he asked how they intended to demonstrate it with the Mayor living in the community. He asked with the fact the Mayor living there is a guarantee of good services. Mr. Miller stated yes there are two (2) ways to explain why the Mayor living in the community has something to do with the level of services. He stated the first is as an elected official he is not going to allow his Police, Fire or Public Works people to provide a lesser level of service where he lives. Mr. Miller stated he is the Mayor, he's an elected official and he expects to get equal to other sections of the Township. He indicated the second reason is that the man signs his paycheck and he is going to make sure the man get a diminishment of service. Mr. Miller indicated he is his supervisor, his boss and if he has concerns over the level of service in his community Mr. Miller will hear about it very quickly.

Attorney Doyle stated all the people who gave their testimony about landscaping not being kept on public property, snow not being removed, and complaints about the guy building next door not exist. Mr. Miller stated the man building next door was a D.E.P. enforcement action and the D.E.P. did act upon it and he produced this as an exhibit. Mr. Miller stated the landscaped island(s) are not a service the Township provides anywhere in the Township. He stated he provided a document identifying all the other landscaped islands that we do not provide landscape in. He stated for snow removal he stated there were two (2) or three (3) blizzards that were addressed where they said they didn't think it was done in a timely fashion. Mr. Miller stated he can advise he inspects for his community every time it snows. He indicated he may not be there within the first six (6) hours. He may be there 24 hours later but he has never seen Seaview Harbor not plowed, as well as, other sections of the community.

Attorney Doyle stated so the testimony from the people saying the snow was not removed for two (2) days is not accurate. Mr. Miller stated the 1987 event he was not here for, so he does not know what occurred. However, the 2009, 2010 and 2011 events snow was plowed within 24 hours of the snow falling. Attorney Doyle asked if this was throughout the town. Mr. Miller stated literally in Seaview Harbor. He stated he is not sure about the rest of the community sitting here today. He indicated it may have been within 36 hours in other sections. Attorney Doyle asked was it not the 2009 snow storm that there were some comments and complaints at the next Township Committee meeting. Mr. Miller stated one (1) person who lived on a Cul-de-Sac came to the meeting complaining they were not plowed in a timely fashion. He indicated it was explained to the person that they live on a Cul-de-Sac and they are a third tier roads that get plowed and yes we had a blizzard and it took a while to plow the snow. Attorney Doyle asked what was a while. Mr. Miller stated sitting here whether it was 30, 36, or 42 hours by the time they were done.

Attorney Doyle stated looking at the minutes and Mr. Miller's just given testimony. Mayor McCullough stated the Township does not have the capability to clean up a storm of this magnitude for at least two (2) days. He indicated that is 48 hours. Mr. Miller stated generally speaking within two (2) days we are done. He indicated we do go back and clean-up intersections and things along this line. He stated for us to make the first pass through each subdivision and neighborhood we usually get that done within one (1) to two (2) days. He indicated it could have been two (2) days on that snow day. Mr. Miller stated the December 20, 2009 storm event was the largest in the history of Atlantic County.

Attorney Doyle stated when Mr. Miller testified about the McGlinchey phone call it was not until his closing on the fourth day of testimony. Mr. Miller stated he produced the document in response to question Attorney Doyle asked him about his knowledge of the purpose of the secession. He indicated he believes it was exhibit B86. Attorney Doyle advised when Mr. Miller opened he stated this was all about revaluation, nothing else, the other reasons don't exist. Attorney Doyle indicated Mr. Miller had stated this because people had told him. He advised Mr. Miller cited one (1) person particularly Mrs. Gordon. Attorney Doyle asked why did he not mentioned Mr. McGlinchey if he had the phone call and memorandum. Mr. Miller stated he did not know that he had to list every single person that had spoken to him. He stated he used Mrs. Gordon because she was the person who spoke with him most recently and this was the motivation. He indicated he was at a South Jersey Transportation Meeting and she approached him to discuss general things and she volunteered to him the information as to why the petition was filed due to the revaluation.

Attorney Doyle stated so that we are clear concerning Mr. Miller's testimony looking at the transcript from December 15, 2014 meeting. Attorney Doyle noted Mr. Miller discussed Mr. McGlinchey's memorandum within his closing. He asked why Mr. Miller waited until that time to do so. Mr. Miller stated it was part of the presentation he chose to make. Attorney Doyle asked if Mr. Miller believed in effect this document would be useful in litigation. Mr. Miller stated he felt the document would be useful in the future, whether in be in the context of litigation or something else. He stated the context of the conversation he had was odd that there was no lack of services and that it was all about taxes.

Attorney Doyle stated previously Mr. Miller had indicated the preponderance of the testimony was about taxes. He indicated there were 28 people who testified based on the minutes. He indicated of the eight (8) spoke of direct tax burdens to them. He asked if Mr. Miller knows how many pages consumed by complaints about service versus taxes within the minutes. Mr. Miller stated every one of Attorney Doyle's witnesses complained about services. He indicated if Attorney Doyle had 28 witnesses all 28 complained about services. Attorney Doyle stated if all complained about services and few about taxes then is not the portion of Mr. Miller's testimony saying this is about taxes incorrect.

Mr. Miller stated their burden is to complain about services not taxes. He indicated their focus is on services because that is what it is supposed to be. Mr. Miller stated Mr. Doyle had asked enough individuals about how much their taxes were and whether they were excessive. Mr. Miller stated within Attorney Doyle's opening statement raised the issue about taxes. Attorney Doyle stated he is talking about Mr. Miller's testimony concerning what the witnesses said not his opening statement. Mr. Miller stated his recollection on reviewing the minutes were that a significant number of people mentioned taxes were an impact on them.

Attorney Doyle stated Mr. Miller knows having read the cases that it is his burden to try to suggest this is nothing more than tax shopping. Special Board Solicitor Marcolongo stated this is an incorrect statement that is not the only burden that exist here. Attorney Doyle stated when Mr. Miller said it was

nothing but revaluation he would like to ask questions about the revaluation process. Attorney Doyle stated the revaluation took place in 2013 but was ordered a couple years before and it was put off for a couple of years so by Mr. Miller's count it was 2009. Mr. Miller stated the Township received an order from the County Board of taxation about four (4) or five (5) years before the revaluation was actually started. Attorney Doyle asked Mr. Miller if he could bring forward, on another night, the order from the Board of Taxation.

Attorney Doyle stated an individual tax payer would not know what that burden would be until the revaluation hit because the assessment was not be determine until the books went in January, 2013. He asked Mr. Miller if this is correct. Mr. Miller stated yes. Attorney Doyle stated the exact tax burden would not be known until later in the year when the tax rate was struck. Mr. Miller stated when the revaluation was completed a conversion of the existing tax rate to the new net valuation was done and the new rate was ball parked and we said the rate is going to go from here to here. Mr. Doyle stated the assessment part of, which really structures what your tax bill is going to be for the most part was not known until January, 2013. Mr. Miller stated yes. He indicated in January, 2013 or by February 1, 2013, they received their official notification that this is your rate. He indicated they received a letter in October or November, 2012, giving them an opportunity to go to a hearing to discuss what the proposed value of their property was going to change to.

Attorney Doyle stated the first idea anyone would have had in Seaview Harbor with their resulting tax burden would have been in a general way in October, 2012. Mr. Miller stated yes, but prior to the revaluation several residents of Seaview Harbor knew their houses were selling at a significantly higher value than what they were assessed at. Attorney Doyle stated what the assessor saw and whether or not they were usable sales and what were the comparable and where it would be struck was all up in the air until the number comes down. Mr. Miller stated his explanation was there was not a shock their values were going up to what extent and what the number was, yes, this was an unknown until such time as the received their letter in the Fall of 2012 saying this is your new number.

Attorney Doyle stated he would like to place into evidence a significant document. Attorney Doyle stated previously Mrs. Lowery testified she was the Secretary, shortly after Mr. McGlinchey became President and she kept the minutes. He indicated this is a voluminous amount of minutes that run from August, 2008 to the winter of 2013. He indicated the Board will find within these minutes no mention of revaluation and you find on a regular basis a discussion about the possibility of secession and where the Strathmere case stood and where the Bay Beach case stood. He indicated he submits these because the opening and closing points in Mr. Miller's testimony was this is all about the revaluation and nothing else. It is all about the money. Special Board Solicitor Marcolongo asked are these every month's minutes. Attorney Doyle stated every quarter they had a Spring, Summer and a Winter meeting. He indicated these are everyone from August, 2008 to the winter meeting of December, 2013. Special Board Solicitor Marcolongo so it is comprehensive and it is everyone during that time frame. Attorney Doyle stated yes. Special Board Solicitor Marcolongo marked as exhibit S-101.

Attorney Doyle asked Mr. Miller if he thought the revaluation had a serious effect on the average homeowner in Egg Harbor Township. Mr. Miller stated historically and with this one a third of the values went up, a third stayed the same and a third went down. Mr. Miller stated their neighborhood was in the third that went up. Attorney Doyle asked Mr. Miller for the third in the middle did it have a serious effect. Mr. Miller stated the third in the middle did not have a significant impact he indicated their taxes swayed by they saw taxes go up \$400.00 to \$500.00 one way or the other. Attorney Doyle asked that \$400.00 to \$500.00 is not a serious impact. Mr. Miller stated the Township had some people

who had a \$1,500.00 decrease and we had people who had \$3,000.00 to \$4,000.00 increases in their tax bill. He stated the \$400.00 to \$500.00 is in the middle of the range.

Freeholder Carman stated while passing out the information to the members with respect to S101 there was other documentation included. Township Committeewoman Pfrommer stated the Seaview Harbor Community Club minutes, who was there. She asked how do they know who was there. She indicated Attorney Doyle stated there were discussion but it could have been between two (2) people or 25 people. Township Committeewoman Pfrommer stated they do not have any information other than some names being mentioned like Mr. McGlinchey but the Board has no idea who was there. Attorney Doyle stated they are not a governing body and do not have the same structures, but he was advised attendance sheets were kept and are available and he will add those. He further noted Mrs. Lowrey is in attendance if any of the members have any questions and she can respond.

Special Board Solicitor Marcolongo stated Attorney Doyle advised these were the minutes from Spring, 2008 – December, 2013, however, his packet stops in August, 2012 and he has a Winter Newsletter, 2013, but there is a full year he does not have minutes from August, 2012 through December, 2013. Attorney Doyle stated he has provided all he has. Special Board Solicitor Marcolongo stated if the Board is being told they are quarterly then it would suggest all the minutes are not here. Attorney Doyle stated he will reflect if these minutes are actually all the minutes were deannexation was discussed or if these are all the minutes during the four (4) year period. He indicated he believed it was all the minutes.

Special Board Solicitor Marcolongo stated he is concerned with what the Board now possesses and what was marked into evidence. Special Board Solicitor Marcolongo stated he would like to go through the minutes (exhibit S-101) he then announced on the record the minutes he had. Thereafter, some members had questions concerning what they had. Special Board Solicitor Marcolongo stated he would like to take a moment and place the information provided in chronological order.

Board Member Aponte asked if the Board could obtain a copy of the by-laws for the association. Attorney Doyle stated they have not placed them in because they have not been asked. He indicated he does not want to place anything in that was worthless. Board Member Aponte stated it is important to know if there was or was not a quorum. Attorney Doyle stated he submitted this information to put forward showing secession has been discussed by the residents as long ago as the 1960's. He indicated it was mentioned by Mayor McCullough the news article in 1982. He indicated it was discussed through the 1980's in the 1990's and into the 2000's.

Attorney Doyle stated the real count is not the by-laws, the people at meeting, or membership it is the petition and the number of voters including the testimony provided from a number of the residents who had signed it. However, he will provide the by-laws. He indicated of course if it is not Seaview Harbor's Community club that is at issue. Township Committeewoman Pfrommer stated not at all.

Special Board Solicitor Marcolongo stated he has now placed all the minutes of S-101 in chronological order. He then advised the following minutes are: August 2, 2008, October 4, 2008, letter saying Seaview Harbor Community Up-date stating "Please note our March 14, 2009 meeting has been re-scheduled to Saturday, April 4, 2009", April 4, 2009, May 23, 2009, August 22, 2009, Winter 2009 Newsletter, March 13, 2010, May 22, 2010, August 20, 2010, October 30, 2010, Winter Newsletter 2010, March 11, 2011, May 21, 2011, Winter Newsletter 2011, August 24, 2012, Winter Newsletter 2013. He stated he has no other for 2013.

Attorney Doyle stated he would like to go back to Mr. Miller. He asked Mr. Miller with respect to Mr. McGlinchey's call when did he write the memorandum. Mr. Miller stated the same day. Attorney Doyle asked if it was from his office or a cell phone call. Mr. Miller stated it was from his office phone that is why he provided a phone log. Attorney Doyle stated he noticed when that call finished he immediately went into another call, then when that finished another, etc... He stated so this memorandum was written several hours after the call. Mr. Miller stated the last call was at 4:23 p.m. and he is usually here until 5:30 p.m. to 6:00 p.m. and he took his hand written notes he had taken when speaking with Mr. McGlinchey and he wrote them up. Attorney Doyle asked if he kept his hand written notes. Mr. Miller stated no.

Attorney Doyle stated going back to the revaluation. He stated the average homeowner would be in the middle at \$500.00 to \$600.00 a year and was not a significant injury to the average Egg Harbor Township homeowner. Special Board Solicitor Marcolongo stated he does know that Mr. Miller can testify as to what is significant or not to any individual property owner. Attorney Doyle state Mr. Miller has given opinions before. Special Board Solicitor Marcolongo stated again, Mr. Miller cannot say what is or is not significant to any individual person. Attorney Doyle stated he believes he can give an answer. He stated he answered the question when in wanted to in terms to someone who owned a million dollar house to someone who owns a \$100,000.00 home. Special Board Solicitor Marcolongo stated a court may decide what is significant or not in terms of a tax increase. He stated he does not believe Mr. Miller is capable of making statement and he instructed Mr. Miller not to make a statement or testify on this issue.

Attorney Doyle stated he cannot ask the question and if he should ask the question Special Board Solicitor Marcolongo is instructed him not to answer. Special Board Solicitor Marcolongo stated this is correct. Attorney Doyle stated he will ask the question so it will be clear when we get to court because this is a ridiculous rule, with all due respect. County Freeholder Carman stated he does not like the assumption we are going to court. Attorney Doyle stated he would not like to make that assumption.

Attorney Doyle asked Mr. Miller if the \$500.00 to \$600.00 he talked about as the average constitutes a serious injury to the average homeowner, someone who owns a \$202,000.00 which is the average after this revaluation, in this Township which he has administered for 26 years and lived in for the same amount of time and know the people here. Special Board Solicitor Marcolongo stated he would ask Mr. Miller not to answer this question and the question is on the record.

Attorney Doyle asked Mr. Miller if he compiled any information on the affect in dollars on the average homeowner. Mr. Miller stated he provided an analysis for the average home prior to the revaluation for estimated home value. Attorney Doyle asked on other priced homes are there assessed values of homes. Mr. Miller stated he did three (3) or four (4) different values to show what the impact was. Attorney Doyle stated he is showing Mr. Miller two (2) pages taken from budget information supplied in response to an OPRA request from him and his statement. He asked if these reflect the documents just mentioned. Mr. Miller stated yes. He indicated this is the chart he prepared in comparison of the ratables prior to the revaluation for homes between \$150,000.00 and \$350,000.00.

Special Board Solicitor Marcolongo marked exhibit S102: two (2) page document of municipal wide revaluations showing values. Attorney Doyle asked Mr. Miller in 2012 the average assessment was in Egg Harbor Township was \$137,286.00. Mr. Miller stated yes. Attorney Doyle asked after the revaluation it grew to \$208,002.00. Mr. Miller stated yes. Attorney Doyle stated the average tax bill changed by, as Mr. Miller points out the increase in taxes on the average home is \$84.09 annually or

\$7.00 per month. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if the \$84.09 increase per year is a serious injury to that average homeowner of the \$208,000.00 home. Special Board Solicitor Marcolongo stated this question is similar to the one previously asked concerning substantial change. Attorney Doyle stated ok.

Attorney Doyle then referred to the second sheet (S102) showing the impact and as commented that reflects there was a shift to commercial ratables, correct. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller than used single family home assessed values to make comparisons. He asked Mr. Miller why he stopped at \$350,000.00. Mr. Miller he indicated he assumed it was a fair number to stop at because the average value was \$208,000.00 and he went an extra \$100,000.00. Attorney Doyle stated when he asked the impact of \$17,000.00, a question which was un-objected to by Mr. Marcolongo, he said it would be different for a house assessed at a million dollars. He indicated there are 92 houses in Seaview Harbor and he believes the reference was to Seaview Harbor homeowners was it not. Mr. Miller stated he does not think he had a particular neighborhood in mind. When he made the comment.

Attorney Doyle asked how many of the 92 homes are assessed at over a million dollars. Mr. Miller stated no. Special Board Planner Wisner asked that the work that was put together that is reflect in the exhibit (S102) is just these two (2) sheets or is there anything else that may have been continued on different sheets the Board does not have. Mr. Miller stated without reviewing his 2013 budget book, which is ¾ of an inch thick there may have been other references in portions of that budget message. Special Board Planner Wisner asked that these spread sheet looking sheet (S102) did not go to a different page to his recollection that the Board does not have. Mr. Miller stated Attorney Doyle could better answer than him. He stated he assumes he had an appendix or exhibit where these two (2) documents were taken from the book.

Attorney Doyle stated yes there was one (1) other sheet. Attorney Doyle stated in looking at the budgets from over the years. Mr. Miller has placed a tax rate history for Egg Harbor Township for each component part since 1989. Mr. Miller stated yes he does. Attorney Doyle stated this is exhibit S103: tax rate history for 2014. Attorney Doyle stated he has one (1) copy but others were not made he will present in the future.

Attorney Doyle asked Mr. Miller if he compiled exhibit B82 a list of all docks within Egg Harbor Township or was it under his direction. Mr. Miller stated he prepared exhibit B82. Attorney Doyle asked how many docks are on the mainland portion of Egg harbor Township. Mr. Miller stated all but the first two and the last one. Mr. Miller stated 3-12 are all on the mainland portion of Egg Harbor Township. Attorney Doyle stated there are 63 docks in mainland Egg Harbor Township. Mr. Miller indicated he will trust Attorney Doyle's math. Attorney Doyle stated there are 92 in Seaview Harbor. Mr. Miller stated yes.

Attorney Doyle stated on that same subject and as reflected in the documents marked B91, B92, and B93 reflected there are approximately 900 flood insurance policies within Egg Harbor Township. He indicated when Mr. Miller testified earlier the judgement not to go into CRS was based upon the fact that there were 400 homeowners who were in the flood insurance program. He stated he is trying to figure out with so few docks, and he knows, you don't need a dock to have a flood insurance policy. Attorney Doyle asked how accurate was Mr. Miller recollection as to 400 flood insurance policies in 2000 and in 2014 they have grown to 900. Mr. Miller stated if Attorney Doyle is asking him if he would stake his life on 400 and maybe being not 500 or something, some other number.

Attorney Doyle stated he is trying to appreciate what he said about when people testify what is the substantiation, what is the documentation and the CRS is important to the petitioners and the lack of it is more important. So he is trying to determine without substantiation that number is when the only number we have to work with is what the Fed's say the number of insurance policies now. He indicated it is hard for him to believe 500 homes needing flood insurance were built in Egg Harbor Township from 2000 to 2014.

Mr. Miller stated the map on who was eligible or who joined the National Flood Insurance Program may have changed. He indicated the number he saw in 2000 or 2001 range was some number greater than 400 but not 500 so he used the 400 number because he felt comfortable with that. He indicated that number was based upon those participating in the National Flood Insurance Program at that time. He indicated he knows there were residents in West Atlantic City that were not participating in the flood insurance program 15 years ago. He stated could he had been off by 100 in his recollection 14 years later that 400 and some was really 100 or 120 more, yes. Attorney Doyle state if it were 120 more that it would a dead even match getting no subsidy. Mr. Miller stated the data he received from the National Flood Insurance Program we did an analysis and had a number of 400 and some.

Attorney Doyle stated he would be going into a new area that he has not touched at all. Attorney Doyle stated he does have further examination for Mr. Miller stated he does not believe he will take all night. He indicated this can be done at next meeting. Township Committeewoman Pfrommer advised the next meeting is on April 7th and will be from 7:00 p.m. to 10:00 p.m.

Motion Kearns/Eykyn to carry public hearing to April 7, 2015, 7:00 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:

a. **General public discussion: Motion Kearns/Eykyn to open public portion**

May the record reflect no one came forward.

Motion Kearns/Pfrommer to close public portion

Motion Kearns/Eykyn to approve regular planning board minutes of November 5, 2014. VOTE 7 Yes
Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

Motion Eykyn/Carman to adjourn at 9:00 P.M. Vote 7 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

Respectfully submitted by,

Theresa Wilbert, Secretary