

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD  
SPECIAL MEETING**

**March 31, 2014**

**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, 7:00 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-Chairperson, present

Committeeman John Carman, present

Milas Cook, Alt. #I, present

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Robert Levy, present

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

Peter Miller, Township Administrator, present

Paul Rosenberg, 2<sup>nd</sup> V-Chairperson, present

MD Shamsuddin, Alt. #II, present arr. @ 7:05 p.m.

**\*May the record reflect:** Mayor James J. McCullough, had another engagement, therefore, he has sent Township Committeewoman, Laura Pfrommer, in his place.

**PUBLIC HEARING(S):**

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

Township Administrator Miller advised he has been requested by the petitioners attorney to recuse himself because of his position as the Township Administrator and Class II Member. He explained the attorney for the petitioners does not believe he can be objective in his deliberations, therefore, in order not to taint the Board process or decision he will recuse himself from hearing this matter.

Special Solicitor Marcolongo advised he would like to provide the Board a preliminary overview of what will be happening. He indicated as the Board knows an organization known as the Seaview Harbor Re-alignment Committee has submitted a petition to the Township Committee seeking to deannex from Egg Harbor Township and annex to Longport.

Special Solicitor Marcolongo stated pursuant to N.J.S.A. 40A:7-12 once the petition is submitted to the governing body and before they take any action it must be forwarded to the Planning Board. The Planning Board must then report to the governing body on the impact the deannexation will have upon the municipality.

Special Solicitor Marcolongo advised the Planning Board has 45 days to complete this report, however, with the consent of the Seaview Harbor Realignment Committee the time period has been extended. He then explained that once the report has been submitted to governing body they will then have 30 days to make their determination on the deannexation request.

Special Solicitor Marcolongo stated the Planning Board does not make the decision concerning deannexation. He indicated the governing body will make it. He explained it is the job of the Planning Board to gather information and to advise the governing body of their opinion based upon the information obtained during these meetings as to the impact of the deannexation to the Township and the Seaview Harbor Community.

Special Solicitor Marcolongo explained the Planning Board has hired Stuart Wiser, professional planner, with Remington, Vernick and Walberg to help them coordinate and assist with the information gathering process and the preparation of the report that will be forwarded to governing body. He further noted that Special Planner Wiser has already begun his investigation by reviewing documents within the Township.

Special Solicitor Marcolongo advised Special Planner Wiser will eventually make a presentation as to the findings and recommendations he has at the completion of these meetings, which the Board can either accept or reject. Special Solicitor Marcolongo advised testimony, evidence and information presented during the meetings will assist in the preparation of the report. He indicated these meetings may even provide issues and areas of concern that have not been considered to date.

Special Solicitor Marcolongo advised the Board may call upon witnesses to provide information to them. He also added that it is his hope the input received today and at future meetings help assist in fully examining this matter. Special Solicitor Marcolongo advised the Statute regulating deannexation requires the Planning Board to submit a report on the impact. It does not discuss what type of impact. He advised the Statute is vague in this area. There are many court decisions that discuss what relevant topics and factors may be considered.

Special Solicitor Marcolongo advised he has provided the Board Members with the Superior Court case in the Avalon matter, the Superior Court and the Appellate decisions in the Strathmere vs. Upper Township matter, and the Trial Court decision of Bay Beach Way vs. Toms River. He has asked the Board to review these cases to see what type of factors the Courts in these matters considered, however, he suggested it could be broken down into bigger items the Courts looked at.

Special Solicitor Marcolongo advised the Courts have suggested you look at any social or economic injury. He also advised social injury means social detriment where the community is being deprived as a result of the petitioners participation in religious, civic, cultural, charitable, and intellectual activities. He indicated the Board must look at the petitioner's meaningful interaction with other members of the community. Their contribution as to the Township's prestige or social standing and the part they play in the general scheme in social diversity.

Special Solicitor Marcolongo advised in terms of economic impact both long term and short term effects the Board may consider loss of retail, the impact on the local tax, fire tax, and State tax. He explained the Board can consider the impact on local tax for the deannexing area and the loss or savings for municipal services and what type of municipal services have been provided to this area to date.

Special Solicitor Marcolongo explained the Board may consider the impact upon emergency management services that are provided now and what were not to be provided if the deannexation occurs. The Board can analyze the effect upon recreational facilities and school facilities as a result of deannexation. The Board can analyze the tax assessments of the Township as a whole and the area that is requesting a deannexation and consider the total area of the area that wishes to deannex visa vie the remainder of the community.

Special Solicitor Marcolongo advised the Board may consider populations both year round and summer time. The Board may consider demographics, the number of households, and geographic issues if they are appropriate. He indicated this is a long list but it is not exhaustive. Special Solicitor Marcolongo advised every town and application is different. He also reminded everyone this is a fact finding mission and all ideas should be explored to find if they are relevant or not. He asked everyone to have an open mind and have a full airing of all opinions, views and ideas.

Special Solicitor Marcolongo explained that everyone will be heard, all opinions will be considered, all information accepted and analyzed. He again referenced it is not the job of the Planning Board to decide the issue of deannexation but to report to the governing body what the Board believes the impact the deannexation will be on the Township.

Special Solicitor Marcolongo advised nothing ever goes as planned and the first thing he anticipates is that there will be a presentation from the realignment committee. He advised Attorney Doyle, the petitioners legal counsel will be calling witnesses tonight and presenting certain evidence and exhibits. He advised after this presentation which may be more than one meeting. He believes the Board will then begin receiving testimony from Township Officials, other witnesses, or experts that they intend to produce to provide information that is needed and thereafter the Board will receive comments from the general public.

Special Solicitor Marcolongo stated after these three (3) stages have been completed he then anticipates Special Planner Wisner will make a presentation to the Board as to what he has found and his recommendations as a professional planner. He also noted the Board does not have to accept the findings of Special Planner Wisner, however, the Board has hired him to assist with this process.

Special Solicitor Marcolongo advised once this is completed the Board will then present their findings of facts and its recommendation that will be presented to Township Committee. He stated based upon the Board's finding of facts and eventually recommendation he and Special Planner Wisner will draft the report that will be submitted to Township Committee for their consideration.

Special Solicitor Marcolongo advised he has spoken with the petitioner's attorney and he has indicated there are a number of lay witnesses that will be speaking this evening. Special Solicitor Marcolongo advised to the lay witnesses present this evening that they will be sworn in when they come up to the microphone, he asked that they slowly spell their last name and provide their address both the address in Seaview Harbor and your permanent if Seaview Harbor is only used part time.

Special Solicitor Marcolongo advised the Board that they may ask any question of any witness that comes before the Board during these meetings. He suggested, however, that the Board not interrupt while they are trying to make their presentation and their statement unless it is necessary. Special Solicitor Marcolongo stated he asked the Board Secretary to provide tablets to the Board for these hearings.

Special Solicitor Marcolongo suggested the members write down any questions they may and when they are finished feel free to ask those questions. He indicated this matter will take a number of meetings and the members should take extensive notes to help them along.

Chairman Garth asked everyone to silence their cell phones and keep all unnecessary noise to a minimum due to the recordings. He advised the meeting will stop around 10:00 p.m. possibly a little later and there will be a break half way through.

John Paul Doyle, Esq., introduced himself, advising he is a partner in a Toms River Law Firm of Carluccio, Leone, Dimon, Doyle and Sacks. Attorney Doyle advised on behalf of his firm and himself he is pleased to represent the Seaview Harbor Realignment Committee.

Attorney Doyle indicated it is difficult to make an opening statement and he does not want to waive his right, however, there are two (2) points he would like to make by way of introduction. He stated first is gratitude and secondly is procedural matters. He advised he appreciates the Board and its staff including Special Solicitor Marcolongo, whom he just met this evening. Attorney Doyle advised he appreciates Special Solicitor Marcolongo's track record like his track record in these types of matters.

Attorney Doyle advised the opening Special Solicitor Marcolongo gave he was able to read in the Strathmere transcripts. So he is aware of his experience. Attorney Doyle advised Special Solicitor Marcolongo discussed the Bay Beach Way case in which Attorney Doyle had won the secession matter so he is familiar with Attorney Doyle.

Attorney Doyle stated he has read past Planning Board minutes and the members of this Board have done their homework involving land use applications. He also stated he was surprised with the split votes issued by this Board which happen a little more frequently here than where he is familiar with.

Attorney Doyle stated this is a unique matter the factual pattern for the procedure is even more unique. He indicated everyone knows Mayor McCullough lives in Seaview Harbor. Egg Harbor Township has some 15,000 ± homes and only 92 are in Seaview Harbor and the Mayor is one (1) of those homes.

Attorney Doyle indicated as the Mayor for 22 years he has appointed every member on this Board with the exception of Councilman Carman who participates as a member of Township Committee. He further noted if the petition is granted he would be disqualified because he would not live in the Town that he has well served as the Mayor for these many years.

Attorney Doyle stated Mr. Miller has recuse himself as he had requested. Attorney Doyle stated Mr. Miller is the Township Administrator and in June of this year (2014) he will mark 25 years in that position. Attorney Doyle stated he knows from the Township web page that as the Township Administrator, Mr. Miller is the principal manager of the day to day operations and his daily work is certainly going to be an issue since he will likely be a witness.

Attorney Doyle stated we know the Governing Body and Mr. Miller have made it clear on the public record that they are opposed to this petition before even hearing one word of testimony. He explained that on February 7, Mr. Miller on Township stationary wrote a letter to every resident in Seaview Harbor. **May the record reflect:** Attorney Doyle read into the record the complete February 7, 2014

letter. Special Solicitor Marcolongo asked this letter be marked as **Exhibit S-3: February 7, 2014 letter from Township Administrator Miller to Seaview Harbor Residents.**

Special Solicitor Marcolongo then added for the record that **Exhibit S-1:** is the submission of the petition to the Township Committee and **Exhibit S-2:** is the letter from the Township Committee accepting the petition as correct to begin the procedure currently being conducted.

Attorney Doyle stated in the context of the letter (2/7/14) Mr. Miller refers to the Attorney/Client meeting he had with residents of Seaview Harbor and Mr. Miller asking to be there so he could present the Township's point of view. Attorney Doyle stated February 15<sup>th</sup> he had this meeting at Seaview Harbor and the Atlantic City Press dutifully recorded on that meeting the next day and in seeking comment Mr. Miller was quoted as saying the "Township would oppose" before the hearing was heard, before a word is spoken at a planning Board meeting the Township has said through its chief administrator they are oppose to it.

Attorney Doyle stated on February 26, the initial agenda for the Township Committee meeting indicated a resolution for 144 would be considered and amongst the three (3) items specifically listed for resolution 144 were matters of litigation, which item #1 was Seaview Harbor. He indicated Township Committee went into close session to discuss this so called piece of litigation that had not begun. The sanitized version of the minutes only reflects resolution 144 and does not say what three (3) items were discussed, but if this petition had been accepted and signed allowing the resident's to go to Longport there would be no need for litigation or an attorney. The only reason for an attorney was clearly a decision was made.

Special Solicitor Marcolongo stated to Attorney Doyle that this is speculative. He indicated Attorney Doyle was not in the meeting and does not know what was discussed. Attorney Doyle stated he was not, however, they should have not been in executive session for the discussion of hiring or employing an attorney to be in an adversarial position. Attorney Doyle stated this is the same as Strathmere. Special Solicitor Marcolongo stated Attorney Doyle's point has been made.

Attorney Doyle stated with respect to the next circumstance on March 19, 2014 Mr. Miller attended the Longport Board of Commissioners meeting and as reported Mr. Miller stated during the public portion that the Township will oppose the secession. Attorney Doyle added that Deputy Mayor, Paul Hodson was also present but did not speak.

Attorney Doyle stated one can only assume since he has not seen a correction or change, after reviewing the Township Committee minutes of March 12<sup>th</sup> or March 26<sup>th</sup> that Mr. Miller's position on behalf of the Township was not placed in dispute or opposition stated. So he must accept the Township has already determined to deny the petition for which this Board is on a fact finding mission. Special Solicitor Marcolongo stated this argumentative and speculative.

Attorney Doyle indicated he would like to address why these facts are important and what the remedy is. He stated in the Strathmere Case it was preceded by motions because the Township Committee decided to hire an attorney for litigation related to the secession. They hired Mr. Corrado who was to sit at the Planning Board Meetings and cross examine witnesses. He indicated the Courts stated this would not be allowed. Attorney Doyle then quoted a section from a case concerning the co-mingling of the Governing Body and the Planning Board functions.

Attorney Doyle advised the cited case is that of Pariduski in which the Governing body opposed the application before the Planning Board. He stated the Township Committee in that case should not have advocated a position at that stage of the process. Attorney Doyle stated when you take the words of the court in context of what has happened here in Egg Harbor Township instead of the Governing Body weighing in before the Planning Board gets a chance. They have weighed in on the public record already.

Attorney Doyle stated with all the facts and the law stated the circumstances gives rise to the fact that the Mayor has rightfully recuse himself. It is as if he were within 200' of an application and he could not sit on the dais. Attorney Doyle also stated the statements given on the record in the 1980's and 1990's would have also precluded him having prejudged the matter.

Attorney Doyle advised Mr. Marcolongo did correspond with him and was responsive prior to tonight's meeting that Mr. Miller should recuse himself. He advised Special Solicitor Marcolongo wrote that Mr. Miller was confident of his ability to judge this matter impartially but in an effort to assure the procedural portion is not subject to debate he reluctantly agreed to step down from participation. Clearly he could not be a witness and member. Special Solicitor Marcolongo stated those were his words.

Attorney Doyle advised they are now faced with the fact that the Mayor will have the same preclusion from sitting on the Township Committee. He stated this leaves four (4) Township Committee persons of which two (2) are present this evening. He indicated that he had suggested previously when he only knew Committeeman Carman was sitting he should and not because of your position on the petition but because the governing body has seemingly taken a position prior to the facts being heard.

Special Solicitor Marcolongo stated again Attorney Doyle is speculating to this. Attorney Doyle stated he is not speculating. He indicated the Planning Board function is separate and independent and comes before the Township Committee. He indicated the Township Committee knew what Township Administrator Miller had said within the February 16, 2014 edition of the Atlantic City Press and when he went to the March 19<sup>th</sup> Longport Committee he said Township Committee is opposed to the petition. He stated none of this is speculation. He stated this is facts, timing and truth.

Attorney Doyle stated now he comes and finds Committee Carman and Committeewoman Pfrommer present. He indicated it is not personal, however, they are both members of Township Committee and the statute is clear as to whom sits on the Planning Board. The statute is specific by saying "a" committee member and they now have two (2) committee members. He stated he is aware of the statute as a legislature that the Mayor may send someone in his place, but he does not recall ever seeing the appointment being a governing body member. He stated in this particular case half the Township Committee that can vote on this matter is now sitting on Board that should come before the Governing Body makes a decision.

Special Solicitor Marcolongo stated no decision has been made as to whether Mayor McCullough can vote on this matter when it gets before Township Committee. Township Committeeman Carman stated had the Mayor not recuse himself for the Planning Board and that Attorney Doyle would still would have two (2) people from Township Committee present based upon Egg Harbor Township's form of government.

Attorney Doyle stated the Mayor is on the Planning Board based on the statute. When he reads the Statute for annexation the Governing Body and the Planning Board role is to be separate and distinct to be unbiased and not to have its functions co-mingled. He indicated there are now two (2) members of Township Committee and everyone else present has been appointed by the Mayor with the exception of Committeeman Carman. He indicated because of the appointments from the Mayor all could be potentially disqualified. However, the alternative would be members of the Zoning Board presiding and they were also appointed by Township Committee, therefore, the second issue is the rule of necessity. He stated when you have nothing else to do, you are stuck with the hand you are dealt.

Attorney Doyle stated he has spoken with Mr. Marcolongo and if we were to say to court the record is unfortunately biased the court would say what I am to do. Cannot appoint a standing master or a retired judge. The rule of necessity would have to make us go back to the Zoning Board. Attorney Doyle stated he would ask Committeeperson's Carman and Pfrommer to recuse themselves

Attorney Doyle stated he would like to start off on the right foot and have a non-adversarial, open, independent Planning Board only record. He indicated Special Solicitor Marcolongo may have comments and will ultimately guide you.

Chairman Garth stated there are eight (8) other individuals and there is not a single-string attached to each of us. He stated the members are not puppets or marshmallows. He stated we can figure out what we need to figure out. He stated everyone present can make an educated decision on this matter. Board Member Levy stated he came here and will listen to everything with an open mind. However, he stated there is an underlining comment that we cannot think for ourselves. I do not appreciate it. He stated he has been a member of the Planning Board for 20 years and he was not originally appointed by Mayor McCullough. He was appointed by a previous Mayor. Speaking for himself and probably for everyone else he stated they can think for themselves.

Committeeman Carman stated he came in with this tonight looking at things objectively and unbiasedly. He stated he will look at it for what it is and as part of this will recommend to the Committee, which he also sits on. He stated as far as his request he will defer to the Board's Special Solicitor for an opinion.

Special Solicitor Marcolongo advised that under the municipal land use law it is very clear as to how the Planning Board is constituted. He advised there is a mayor or mayor designee and one (1) other person on the planning board and this is what the legislature wanted when they created the municipal land use law. He stated in addition the legislature created the deannexation statute that says "thou shalt go to the Planning Board first and the Planning Board will report" he stated he believes they contemplated members of the governing body being on the Planning Board during the deannexation hearings. He does not believe there is any reason for the two (2) committee members to recuse themselves at this time and believe it is appropriate for the Board to proceed as it is currently constituted.

Special Solicitor Marcolongo stated in reference to Attorney Doyle's second request regarding not making a recommendation. He advised the Board may very well decide at the end of these meeting to simply report without making a recommendation but that is the Board's choice so the Board can decide this at the end of hearings it does not have to be decided tonight.

Board Member Aponte asked in every other municipality who appoints the members of Board. Special Solicitor Marcolongo stated the mayor. Board Member Aponte asked if this is in 80, 90 or 100% of the cases. Special Solicitor Marcolongo stated the Mayor appoints under the municipal land use law.

Chairman Garth stated he would like further guidance concerning Attorney Doyle's references with respect to co-mingling. Special Solicitor Marcolongo stated Attorney Doyle has raised the issue that the Planning Board will make certain determination and some members of the Township Committee who will receive the report are here currently. He indicated he does not see where this is a problem. Special Solicitor Marcolongo advised he believes the Legislatures intended this. He advised in Upper Township's during its most recent litigation they had the Mayor and a member of the Governing Body who participated in the entire Planning Board hearings and eventually voted on it.

Township Committeeman Carman stated this is similar to what is done with an ordinance. The Board will make a recommendation saying it is consistent or non-consistent and the Township Committee could follow the Board's recommendation or not. Township Committeewoman Pfrommer stated Attorney Doyle himself advised the Board has come up with many split decisions. So everyone on the Board thinks independently.

Attorney Doyle stated he believes the decision has been determined. He further noted that he means no insult to anyone. He indicated he said what he said based upon the record and the minutes because this is how he read this Board and split votes.

Attorney Doyle stated he appreciates Special Solicitor Marcolongo's answers and he believes they were all appropriate academically and as they were intended by the Legislature about a member of the committee voting, however did not address the issue where does the Municipal Land Use Law allow a second non-Mayor governing body member to vote but will take his comments that both Committee Members may sit.

Attorney Doyle stated his questions were not aimed at anyone's character or background. He indicated the word co-mingle especially when speaking of finances has an ethical tint that is harsh. He indicated all he did was cite the quote from the case that talked about co-mingling the functions of a Planning Board who is to report and a Governing Body that is to decide.

Board Member Aponte stated Attorney Doyle advised there were three (3) things that he needed to discuss. He advised one (1) was Committeeman Carman and Committeewoman Pfrommer recuse themselves, and the second (2) the Board hearing of facts, however you stated there was a third and he is not sure if he misunderstood or did not hear properly. Attorney Doyle advised he provided separate reasons for Township Committeeman Carman and Township Committeewoman Pfrommer by being Governing Body Members and Township Committeewoman Pfrommer being the second (2<sup>nd</sup>) non-Mayor Governing Body Member on the Planning Board and the third was having all the Zoning Board of Adjustment Members sit.

Special Solicitor Marcolongo advised Attorney Doyle had informed him that he was going to raise these certain issues and they are being presented for the purposes of the record. He indicated he believes the Board may now go past the procedural issues and go into the substance of issues.

Attorney Doyle advised the statute says land in one municipality maybe annexed to another municipality if said land is contiguous. He stated "may" is a permissive word in statutory terms. He stated it means that it can happen. He stated in the Board's open mind consider the fact it may happen. He stated Toms River is doing quite well minus those 60 or so homes. As well as Egg Harbor would do well minus the 92 homes.

Attorney Doyle stated secondly there will be discussion concerning social and economic injury. He advised Special Solicitor Marcolongo spoke about what the cases say about them. Economic is easy to figure does it cost you less staying in one place then opposed to leaving another. He advised economics is not the cause or why the petitioners are here it is a consequence. Attorney Dolye advised the average homeowner in Seaview Harbor if they were part of Longport would pay \$17,000.00 a year less in taxes. Attorney Doyle stated this is economic injury. He further noted court cases have ruled much lesser sums are economic injury.

Attorney Doyle advised with the economic aside the first issue is social injury. He asked how long does it take to serve, to get a fire engine out there, what is the postal office address. He indicated all of these things cannot be changed. He advised what cannot be changed is this building is 15 minutes at least and some eight (8) miles away from Seaview Harbor. Attorney Doyle explained the time, expense and aggravation coming here for whatever causes a citizen to come here is a concern, but more importantly how long it would have taken for the police, fire, ambulance or any first responder to get to Seaview Harbor. He stated but for the fact that Longport is less than a mile from Seaview Harbor they come quickly for those things. Attorney Doyle also noted Longport is the address of all of Seaview Harbor. He indicated no one else in Egg Harbor Township has a Longport address except for the people in Seaview. Attorney Doyle advised all of these are part of a larger package to social injury.

Attorney Doyle stated the petitioners must show leaving would not do significant injury to the municipality. He advised the Board must balance if the injury done to the Seaview residents balanced against what is injury to the Township. Attorney Doyle asked that the Board put themselves in the position of that person who lives eight (8) nine (9) miles away and has to depend upon Longport for their address on their picture Id, for their first response, etc..

Attorney Doyle then referenced to a map showing Egg Harbor Township in yellow advising that it is the non-contiguous portion of Egg Harbor Township, but which he admittedly indicated does not have anchorage point and West Atlantic City. Attorney Doyle advised the map is significant showing part of the Township's 60 sq. miles. He indicated then you have a blue pond and then Seaview Harbor. He stated it is several miles away from the yellow portion of the Township and if you made a right out of the community it is across the bridge less than a mile from Longport.

Attorney Doyle stated the sometimes maps speak for themselves. He explained we can cannot change that map. He stated that map happened from 1695 to 1905 as towns left Egg Harbor Township and created this gap we are now faced with. Attorney Doyle stated when he says "we" he means the people of Seaview Harbor.

Special Solicitor Marcolongo advised he would like to mark the map referenced as **Exhibit S4**. Attorney Doyle stated there will be a number of items that will be introduced into evidence from which testimony will occur. He advised his first witness is Kevin Kohler.

Kevin Kohler, 8 Sunset Boulevard, Longport, New Jersey, was duly sworn by Special Solicitor Marcolongo. Attorney Doyle asked Mr. Kohler when he first became a resident of Seaview Harbor. Mr. Kohler advised his parents moved into Seaview Harbor in 1962. Special Solicitor Marcolongo advised Mr. Kohler provided his Seaview Harbor address and asked if this is his permanent address. Mr. Kohler stated it is not. He indicated it is 1842 Howell Lane, Maple Glenn, Pa, 19002. Attorney Doyle asked how old Mr. Kohler was in 1962. Mr. Kohler advised he was ten (10) years old.

Attorney Doyle asked Mr. Kohler how he came about residing Seaview Harbor. Mr. Kohler advised his parents were in Ocean City and they fell in Love with Seaview Harbor and moved there in 1962. He stated he has loved it ever since and they are still in the same house. He indicated his children have grown up on Seaview Harbor and they absolutely Love it as well.

Attorney Doyle asked how much time within the year does Mr. Kohler believes he spends in Seaview Harbor. Mr. Kohler stated any bit of time he can in the summer and frequent winter weekends. Attorney Doyle asked when he grew up did he become active in Seaview. Mr. Kohler advised he was on the Seaview Harbor Board for a while.

Attorney Doyle asked if Mr. Kohler was familiar with whom the original developers were. Mr. Kohler stated yes, indicated the original developer was Carl Metz. Mr. Metz purchased the land off of a woman named Cora Milligan in 1957. Attorney Doyle asked if Mr. Metz obtain the subdivision. Mr. Kohler advised Mr. Metz did the subdivision within Seaview Harbor and he was a successful home builder from Pennsylvania whom developed many row homes throughout North East Philadelphia. He noted Mr. Metz was an avid boater so he established a first class community of Seaview Harbor that lent itself to boaters. Mr. Kohler advised Seaview would be one of the few places having docks and you would not have to go under a bridge to get to the Ocean.

Mr. Kohler advised Mr. Metz had proposed a marina within the "Harbor" behind the old gas station that use to be at the foot of the Longport Bridge. He indicated that later plans showed Mr. Metz had proposed the marina on the other side of the highway. Mr. Kohler advised Mr. Metz had a wonderful plan and he had restrictive covenants in all the deeds to control how Seaview Harbor would develop. Mr. Kohler advised Mr. Metz passed away at a young age and the plans were not completed. He explained his left Seaview Harbor vulnerable and he has some pictures showing this.

Special Solicitor Marcolongo advised he must mark this information into evidence. Attorney Doyle confirmed the following information and provided exhibit numbers. **Exhibit S5:** board showing two (2) maps. One (1) which will be identified as a copy of subdivision map and showing in yellow shading the houses that were built as of 1960 and the dock plan. **Exhibit S6:** sheet with four (4) photographs of Seaview Harbor at varying stages of development and from varying perspectives. **Exhibit S7:** board showing six (6) separate sheets which will be identified as related to the original developer of Seaview Harbor and the homes he was selling. **Exhibit S8:** a board showing roughly seven (7) sheets all related to the second developer. **Exhibit S9:** a board with six (6) sheets all in the marketing campaign of Seaview Harbor Marina.

Special Solicitor Marcolongo asked if all these exhibits will be discussed. Attorney Doyle stated yes.

Attorney Doyle stated it is amazing that Mr. Kohler has the information that was just marked for so many years. He had asked if Mr. Kohler was the self-described historian for Seaview Harbor. Mr. Kohler stated recently he may have achieved this title, however, he has been there for a long time and he always loved the place and held on to a lot of paperwork. Attorney Doyle asked Mr. Kohler if he has kept all these things from the 1960's, 70's and 80's. Mr. Kohler stated yes, he did advise Exhibit S7 was obtained by Dolores Judd.

Attorney Doyle stated he would like to start with the subdivision map which is Exhibit S5. He asked what the top map represented. Mr. Kohler advised Exhibit S5 is Carl Metz's original layout for Seaview

Harbor. Mr. Kohler explained on the east end of the map designated as commercial property there had been a gas station owned by Rich Fries. He indicated the gas station had closed up and then re-opened as Longport Stern Drive Outdrive Repair for boats for a number of years and has since been torn down.

Mr. Kohler advised at one time Mr. Metz's plan called for a marina to be constructed but that plan was abandoned and moved across Longport-Somers Point Boulevard unfortunately Mr. Metz passed away and none of that ever happened. He stated on Exhibit S6 the upper left picture shows a handful of houses and it also shows what is now known as Seaview Drive with no homes at all nor was it all the way completed. Mr. Kohler stated at one time there was a temporary bulkhead and the land was not all the way filled in and when Mr. Metz passed away no one picked up on it for a number of years. He advised then some storms came and a portion of land off Seaview Drive was totally washed away. Attorney Doyle asked when the property washed away. Mr. Kohler stated it was gone by 1970.

Attorney Doyle asked going back to exhibit S5 if by the mid 1960's if there were 26 houses. Mr. Kohler stated there were approximately 29 houses in Seaview Harbor. Attorney Doyle asked what the destruction of the bulkhead do with the development potential and the existing residences. Mr. Kohler advised it hurt the "Harbor" he advised the east end of the lagoon was not as bad, but the west end when the point of land washed away there was a large pool of stagnant water that was well documented. He advised there was in the entrance of the lagoon a sandbar that would shift back and forth.

Mr. Kohler stated one time there was a large a sailboat run aground at high tide and as the tide fell it just about flipped over. He indicated Longport Marine had to come over and prop it up so when the tide raised up they could get it back out of the area.

Attorney Doyle ask if these circumstances put the existing homes at risk. Mr. Kohler stated yes. Attorney Doyle asked if these circumstances caused possible damage to completing the subdivision as intended. Mr. Kohler stated yes. He indicated that no one in their right mind would have constructed a home (he pointed to area where temporary bulkhead was) stated the person who owned what was originally 76, Mr. Paul Smith tried everything he could to have something done including coming to the Township. It was a health hazard with the water. He further noted there was a threat to certain homes with the development because there bulkheads were designed for lagoon front property and but they were ocean front because the inlet was within this area.

Attorney Doyle stated the possible damage to the existing houses and the land that was to be developed obviously would represent a potential loss to the Township in ratables. Mr. Kohler stated yes. Attorney Doyle asked what efforts were made privately by the owners and or the associations to try and remedy the situation. Mr. Kohler advised several things were done. A few of the problems they had were from the sandbar. He explained that living in a water front community they had to rent docks away from Seaview Harbor for a while. Mr. Kohler stated for three (3) years they had a dock at Harbor Marina in Somers Point, for a couple years they were at the Margate Lagoon and they also rented a dock at Snug Harbor in Ocean City. He stated this was somewhat frustrating living on waterfront property.

Mr. Kohler advised the community, by itself, raised money time after time to dredge the entry out under the leadership of community, Hank Judd, we purchased our own dredge. He indicated the residents attempted to keep it this area clear by themselves, but they could not do it. The other problem happening was without the land protecting them from the inlet they would have a severe surge of water

even on nice days in high tides. He indicated at times his boat, which would have double lines on it, would appear to look like it was going to come up onto their porch.

Mr. Kohler advised the community approached the Township and asked for relief. He indicated they asked for help with dredging or providing a breakwater, which was not received. Mr. Kohler stated the community put a lot of money together and placed concrete bags in the area for breakwater to attempt having the surge and protecting the homes from damage. Attorney Doyle asked why Mr. Kohler would expect Egg Harbor Township to help out economically. Mr. Kohler stated the residents were being taxed as a waterfront community. He stated part of the value they are being assessed at is because they are a water front community and at that point in time before spoils were a big problem Ocean City had dredge its lagoons and Margate was keeping their lagoons clear. He stated they were looking for the same and not getting it. Special Solicitor Marcolongo asked around what year this help was asked for. Mr. Kohler stated it was not him personally asking for it. He stated he has been within Seaview Harbor as an adult for a while. A lot of this occurred while living at his parent's house. Special Solicitor Marcolongo stated he is trying to get a time frame. Mr. Kohler advised it would have been in the late 1960's from about 1968 on.

Attorney Doyle asked what exhibit S7 represents. Mr. Kohler advised they are Carl Metz's original sales brochures. It shows the different type houses and a letter from Carl Metz about what he had taken into account while planning this development. Attorney Doyle asked while looking at the middle brochure on the left hand side where does it identify these homes as being. Mr. Kohler stated everything says Longport. He advised that nowhere on any of the information will you see Egg Harbor Township mentioned.

Attorney Doyle asked if after the surge problems were solved was there a second building boom in Seaview Harbor. Mr. Kohler stated yes. Attorney Doyle asked if this is reflected in the brochures referenced is Exhibit S8. Mr. Kohler stated yes. Attorney Doyle asked if this represents the sales material for the second building. Mr. Kohler stated yes it does. He explained this was in the early 1970's by a company named Atlantic Residex. Attorney Doyle asked how they identify in their brochures where Seaview Harbor was. Mr. Kohler indicated it list their address as Longport, New Jersey.

Attorney Doyle asked what Exhibit S9 represents. Mr. Kohler advised exhibit S9 was the original sales brochure for the marina. He explained the marina came about because of the problems. A lot of the residents were not in favor when it was proposed. He stated they had a community that was suffering with stagnant pool water on one (1) end and exposure to the inlet for houses that were intended to be on a lagoon. Mr. Kohler advised the residents could not get their boats into the east side lagoon. He stated the best alternative was the marina. Mr. Kohler advised it reclaimed the west lagoon, placed a breakwater to protect the residents, and as part of the agreement with the residents they agreed to keep the water ways open. Attorney Doyle asked where in the marketing information, outlined on Exhibit S9, did Seaview Harbor Marina show their office(s) to be. Mr. Kohler advised Longport and indicated nowhere within the information does it say Egg Harbor Township.

Attorney Doyle asked during this history where did the mail come from. Mr. Kohler stated he was the unofficial mailman as a very young child. He indicated the Post Master in Longport was Joseph Boyle who was also the real estate agent for Carl Metz. He advised Mr. Boyle's wife Helen was the one who did most of foot work. He advised she would pick-up mail at the post office and if Mr. Kohler was not around, she would deliver the mail herself. He explained this occurred in the 1960's and there were only 29 houses at that time.

Attorney Doyle explained zip code's started in 1963. He asked Mr. Kohler if all the years he has known the address for Seaview Harbor as being Longport. Mr. Kohler stated yes. He indicated they always considered themselves Longport. He advised Mr. Metz had a truck that would do various work around the community and its decal stated Seaview Harbor, Inc., Longport, New Jersey.

Attorney Doyle asked how the trash was picked up from the community. Mr. Kohler advised Mr. Metz had an employee pick up the trash for a while within the truck that he previously described. He explained about a year after Mr. Metz passing the truck was transferred to an individual named Preston T. Milbourne. He indicated Mr. Milbourne would then pick up the trash with his sons and take it to the landfill. He indicated the resident's paid for this to occur. Attorney Doyle asked if Mr. Kohler either remembers or recalls Egg Harbor Township doing trash removal. Mr. Kohler stated he does not remember Egg Harbor Township picking up the trash at that time or any other services. There were times when the Township was approached about cutting the grass at the entrance which he believes is within the R-O-W.

Attorney Doyle asked Mr. Kohler about police service. Mr. Kohler stated there were never Egg Harbor Township police cars. He stated he can remember several occurrences including when his home was robbed in 1973 and the State Police came. Never at that point was there an Egg Harbor Township police car. He indicated this is one of the main sources of irritation for the residents of Seaview Harbor they don't feel they have ever had proper police protection.

Attorney Doyle asked if Egg Harbor Township became involved with numbering the houses. Mr. Kohler advised that Mr. Metz had lot numbers on his original plot plan. He indicated his parcel was originally numbered 38, now he is 8 and at one point he was 50.

Board Member Aponte stated Mr. Kohler is providing a great history, however, there seems to be many different dates. He asked if Mr. Kohler would please be a little more specific with times. Mr. Kohler advised he could roughly approximate. Board Member Aponte stated he would like to know if Mr. Kohler was 10 years old when something happened or 20 years old.

Mr. Kohler advised that shortly after the time he was 20 years of age when the Township started picking up the trash. Mr. Kohler indicated he was born in 1952 and advised it was not until the mid-1970's when the trash started to be picked-up. Attorney Doyle asked what about police service. Mr. Kohler advised to this day they do not have decent police service. He indicated they have Longport coming over when there is a problem. Mr. Kohler advised there have been instances when they have called the police and no one came. Mr. Kohler indicated a large concern is that even though Longport will come over most times if they do not have their own emergency. Mr. Kohler advised maybe once a month there will be an Egg Harbor Township police car. He indicated there are no regular patrols to stop crime before it happens.

Attorney Doyle advised he has a package of minutes from the Seaview Harbor Community Association and he would like them marked as **Exhibit S10**. He stated he has packages of this exhibit for the Board Members and passed them out.

Attorney Doyle stated via Exhibit S10 the first minutes are dated May 15, 1982. He asked if Mr. McKernan was the individual whom took the minutes. Mr. Kohler advised he was. Attorney Doyle asked if minutes were regularly stored in some fashion. Mr. Kohler advised they were distributed

among the community. He stated he is not sure of the continuity and whether a master set was kept but he added he has a lot of the old minutes.

Attorney Doyle asked Mr. Kohler why he brought the May, 1982 minutes. Mr. Kohler advised they were presented since there was discussion concerning annexing Seaview Harbor to the Borough of Longport. Mr. Kohler then read a section of these minutes and advised that the annexation was discussed within the Community Association prior to 1982. Mr. Kohler explained the earliest conversations he remembers concerning an annexation to Longport occurred when he was very young. He stated he remembers a discussion on the property currently known as lot 4. He stated at the time it was The Magnonie's backyard and there was a community association meeting where it was discussed due to lack of service. He advised this conversation would have been in the late 1960's.

Attorney Doyle advised exhibit package S10 is in chronological order. He indicated the last item dated August 30, 1999 is a letter sent from Mr. Kohler. Attorney Doyle asked Mr. Kohler what this letter represents. Mr. Kohler stated this letter represented a degree of frustration he had that the community was still part of Egg Harbor Township and they do not have services. He indicated what provoked it was a community breakfast where Mr. Miller (Township Administrator) gave a history of Egg Harbor Township. He advised Mr. Miller stated that once Egg Harbor Township was huge and Longport was eventually carved off. Mr. Kohler stated at the time there was a heated argument after the breakfast.

Mr. Kohler explained that shortly after this breakfast meeting he received a letter concerning one of the issues raised. He advised it was concerning a sign that was on a lot with a house that eventually fell into disrepair. He indicated he came across some old files prepared by Ralph Clayton and submitted to the Township. Mr. Kohler stated Mr. Clayton had proposed a mini-marina of six (6) dock spaces where the house and sign were. He advised the house was considered an unbuildable lot and he would develop the marina instead which would include curbs and parking area. He advised this plan never showed the sign being removed and it was a point of contention. Attorney Doyle asked if the issue was solved. Mr. Kohler advised it was not resolved. Mr. Kohler stated he eventually wrote a letter to Ralph Clayton on behalf of the community to push him to take down the sign and he did.

Attorney Doyle stated as part of Mr. Kohler letter of August, 1999 this issue was referenced. Attorney Doyle then read into the record outlines of the August 15, 1999 letter. He indicated the first issue was exploring successions from Egg Harbor Township to Longport, which he indicated the letter states would have five (5) benefits. These benefits, as listed, would be lower taxes, increased property values, improved services, building department issues, and Mr. Clayton.

Attorney Doyle stated Mr. Kohler indicated within his letter that Mr. Miller estimated the Community with the marina paid approximately 10% of the Township taxes. He asked Mr. Kohler when had he actually wrote this letter after the breakfast meeting. Mr. Kohler advised it was within a week of the breakfast meeting. He indicated he was very angry about how things were said at the meeting. He indicated at that time he truly believed the community was paying 10% of the taxes and with a 70 man police force he thought there should be a substation and one (1) full time policeman in Seaview Harbor.

Attorney Doyle asked Mr. Kohler if he was told how many policeman he had. Mr. Kohler advised when he was spoken to that day he was told Egg Harbor Township has a force of 70 policeman. Attorney Doyle asked if he received any response concerning a secession to Longport. Mr. Kohler advised his response was "it will never happen".

Attorney Doyle asked Mr. Kohler to review the October 31, 1999 minutes (via Exhibit S10). He indicated item number one (1) discusses secession from Egg Harbor Township to Longport. Attorney Doyle asked Mr. Kohler if he had taken these minutes. Mr. Kohler advised he had not. He explained he was a trustee at that point in time. Attorney Doyle asked if an exploratory committee was formed. Mr. Kohler stated yes it was. Attorney Doyle asked if they produced a report and a preliminary resolution at the November 12, 1999 meeting. Mr. Kohler stated within the minutes of November 12, 1999 it states Mr. Ralph LaPorta read a resolution onto the record and that Mayor McCullough stated it would be difficult without going to the Supreme Court especially since he said Longport and Egg Harbor Township were against it. Mr. Kohler stated he believes he had done his homework. One thing that stopped us from secession was the lack of sewers, however, once they were obtained we felt we could move on.

Attorney Doyle asked if secession continued to be discussed. Mr. Kohler stated it has been continually discussed in Seaview Harbor he indicated not always at the Board of Director Meetings but among the residents themselves. He stated it has never stopped being discussed

Attorney Doyle indicated Mr. Kohler has brought the Board through the 1960's, 1970's, 1980's and 1990's. He has spoken about services, level of services, frequency, response time and how good it is. Attorney Doyle asked Mr. Kohler with it now being 2014 has any changes happened. Mr. Kohler indicated the only accommodation, with the exception of trash removal, is that the residents asked for the trash pick-up be moved from Wednesday to Monday. He stated since Seaview Harbor is a weekend community in the summer it is better. He indicated other than this there has been no change in police protection whatsoever.

Board Member Eykyn stated Mr. Kohler advised the police only come once a month. Mr. Kohler stated this may not be totally accurate, however, it is rare to see an Egg Harbor Township police car. He stated if the Board were to go on what he has seen he would say once a year. He stated he is sure it is more than that, but it is a rare thing. He stated you do not see Longport patrolling either. He indicated every now and then you will see Longport using the community as a turnaround if they have followed a car over the bridge.

Board Member Aponte asked if the Township police cars have GPS that could provide where they are dispatched. Special Solicitor Marcolongo stated he would assume. Board Member Aponte advised he would like to verify some of these facts. Chairman Garth asked when you dial 911 whom are the residents in contact with. Mr. Kohler stated this is a topic with residents. There have been many cases, one which is referenced within his letter of August, 1999.

Board Member Kearns asked what about today. Mr. Kohler advised it may be a little worse. When people have called no one comes. Mr. Kohler stated normally Longport will come. Chairman Garth advised that is not the question, who do you get when you dial 911. Mr. Kohler stated he has never made a 911 call. Chairman Garth asked if Mr. Kohler knows where the call goes. Mr. Kohler stated he believe it goes to a central dispatch and they will dispatch Longport and Egg Harbor Township will follow up. The residents are concerned with where the cell phones are going. Chairman Garth advised he has the same concern at his home

Board Member Rosenberg asked if the Township has anyone who was serving as a Township Official 30 or 35 years ago that could give the Board an idea of what Governing Body was thinking when request were made by the residents in Seaview Harbor as to why services may have been denied, considered or approved. Otherwise we are hearing the interpretation of residents. He stated it does not take into

consideration the population numbers, tax basis, any other number of circumstances and contributing factors of the Governing Body of this Township. If we are going to weigh evidence fairly all we are hearing is one perspective. Not saying it is good or bad but would like to know what was the thinking 35 or 40 years ago. He asked if this is possible.

Special Solicitor Marcolongo stated Mr. Miller has been here for a number of years. Board Member Rosenberg stated Mr. Miller does not give us the time period in question. He stated neither does Mayor McCullough even though he has been the longest mayor he has been precluded. He advised Mr. Kohler has provided the 1960's through 1970's. Special Solicitor Marcolongo advised he and the Special Planner will do some investigation. Chairman Garth stated there are previous mayors that are still around.

Board Member Cook stated Mr. Kohler is concerned with safety and so is the Board. He asked if a neighborhood watch was ever considered. Mr. Kohler stated they have had neighborhood watches but it was disbanded after about a year. He indicated there are so many cases that we can say is a problem. Board Member Cook asked what about electronic equipment.

Board Member Cook stated you discussed mail pick-up. He asked what about now. Mr. Kohler advised they have no problem with mail being delivered. The Longport post office sends a truck every day. Our address on everything is Longport our mail, our driver licenses, and boater's license. Board Member Cook stated Egg Harbor Township does not have a post office. He stated he does not understand the problem. Mr. Kohler stated he likes electronic surveillance, however, concerned with immediate help when service is required.

Board Member Aponte asked if the Mayor was on the Community Board. Mr. Kohler advised the mayor had been the President of the Board at one point and was on the Board for a while and attended the meetings even when he was not on the Board. He indicated many residents hoped they would get more services when he became Mayor and they did not.

Board Member Aponte asked why the letter was written as a resident and not a community Board member. Mr. Kohler stated he felt he did not have right to write a letter with a strong position in it. Thought he did have the ability as an individual. Board Member Aponte asked that after the breakfast meeting and the subsequent meetings was there a vote to secede. Mr. Kohler stated much discussion back and forth, however, the cost was a factor and how effective it would be. He stated there was not a lot of optimism. Board Member Aponte stated he would like to be clear there was never a vote just discussion on business or old business. Mr. Kohler stated this is correct.

Board Member Levy stated he does not have question just a comment. He indicated he went through S10 and every other document discusses having a stop light, which they do have now. He indicated there are often many things that are beyond the Township's control such as County Road. There are things that are bigger not because the Township did not want to do something.

Mr. Kohler advised there was a lot of emotion about the light and the safety of that road. Seaview Harbor lost a good friend down by the dunes and two (2) other young people who grew up there almost did not make it. Board Member Levy stated we have fought for traffic lights all over the Township and find out it is a County Road.

Special Planner Wiser stated Mr. Kohler spoke about the mid to late 1960's where stagnant water and silt had come in. He asked when this situation improved and what the deciding factor was. Mr. Kohler

stated it was the marina being built up. He stated he has old minutes where the stagnant water was discussed. He stated he is not sure when the marina was constructed it was sometime in the 1980's.

Special Planner Wisner asked Mr. Kohler if he knows how marina came to be. Mr. Kohler advised Mr. Metz had always planned a marina. He indicated not where it is presently located because that was to be houses. Special Planner Wisner asked where the marina originally was to be. Mr. Kohler advised down the far end of the site behind where the gas station was. He indicated closer to where the Longport Bridge is. He stated in later plans Mr. Metz had proposed it across the street, which would have been toward the north.

Special Planner Wisner asked what the factor was that caused the marina to be constructed. He asked if a private person came in. Mr. Kohler explained a group of people led by Al Ciardi an attorney from Philadelphia and Ralph Clayton approached the community because they needed our backing. He indicated there were people within the community that fought it hard and delayed it for a while but the marina still went ahead. Special Planner Wisner stated it was the private sector coming in. Mr. Kohler stated yes. Special Planner Wisner asked if it went through the Boards to receive approval. Mr. Kohler stated yes. He also advised the person who fought the hardest was lot 61 a gentleman by the name of Morris Spector. He advised Mr. Spector filed suit against the Township, but did not prevail.

Special Planner Wisner indicated Mr. Kohler advised there was a lack of sewer. He asked when it was installed. Mr. Kohler stated 1980's and it placed in before the marina. He indicated the Township did provide the sewer. Special Planner Wisner stated Mr. Kohler discussed no mail, no police, and no trash. Mr. Kohler advised trash is picked up by the Township on Mondays. Special Planner Wisner asked over time has the services improved. Mr. Kohler stated other than trash no. He further noted the community knows the US mail is not controlled by Egg Harbor Township.

Special Planner Wisner stated Mr. Kohler has discussed mail, trash and police. He asked what other service's does the community feel are inadequate. Mr. Kohler indicated the landscaping of the R-O-W areas. He advised there is an island in the middle of Sunset Boulevard that has not been taken care of by Egg Harbor Township. He stated the community has been taking care of it. Special Planner Wisner asked if the community owns the roads or if the Township does. Mr. Kohler stated he is not an expert, however, he believes the Township owns the Road.

Mr. Kohler advised the community felt help should have happened with the sandbar and protection from storm damage. Police and fire are the biggest concerns. Special Planner Wisner stated he believed Mr. Kohler had indicated there was a sea wall there now where the sandbar was. Mr. Kohler indicated there is but was going back prior.

Chairman Garth stated he cannot speak for police, however, if you have a call for a fire it goes to Longport and then Somers Point and Egg Harbor Township fills in. He indicated that over the years Township Fire Chiefs Tony Canale and William Danz keep working on this to keep it up to date. Chairman Garth stated the fire service is good in this area. He indicated during the day people work and they are all volunteer fire companies. Board Member Aponte asked if the community has the new green trash cans. Mr. Kohler stated yes. Board Member Aponte asked if this has helped. Mr. Kohler advised dramatically. He indicated the worst is when people use to place trash bags out and the seagulls tore them up. Board Member Aponte stated he is familiar with seagulls. So this has been an improvement. Mr. Kohler stated yes.

Board Member Aponte asked if Mr. Kohler is speaking on his behalf or as one (1) of the Board Members of the community. Mr. Kohler stated he is speaking on his behalf as a resident. He is not currently a Board Member. He was a Board Member in the past. He indicated, however, he was appointed the historian of the re-alignment committee.

Board Member Rosenberg stated in the late 1960's you were speaking of the seawall, the loss of land, and dredging. There was a major storm in the 1960's maybe 1968. Mr. Kohler stated it was the storm of 1962. He indicated in the storm of 1962 Seaview Harbor was still ok. The area that was bulkheaded did uphold. He indicated it was smaller subsequent storms that hammered away at it. He indicated at one point the community wanted to improve bulk head but an Environmental movement had gotten steam and they could not get approval to do anything with it.

Board Member Kearns asked the land that was landlocked that became polluted, who owned that land. Mr. Kohler advised it was the water way that became blocked. He indicated he believes the community may have owned based upon riparian rights. He indicated he is not an expert on this. He stated the lots that were washed away he believes would have been owned by Mr. Metz's family at that time but this is speculation.

**Motion Aponte/Rosenberg to take break. Vote 9 Yes**

Special Solicitor Marcolongo announced to the audience the Board is back on the record again:

Attorney Doyle introduced Mr. John Dabek, Special Solicitor Marcolongo has duly sworn Mr. Dabek asking him to place his name and full address on the record. John Dabek, introduced himself and advised his primary address is 3 Tamwood Lane, Sewel, New Jersey and he has a property at 36 Sunset Boulevard, Longport, 08403. Mr. Dabek advised he and his wife are trying to sell their home in Sewel and will become full time residents of Seaview Harbor as soon as it sells. He indicated they both spend a lot of time within the community.

Attorney Doyle asked Mr. Dabek to explain his education and employment history since it will affect his testimony. Mr. Dabek advised he has a degree from Rutgers University in finance with a minor in computer science. He has worked for 38 years in the finance and computer field. He indicated he currently works for Tower Watsons which is a global H.R. Professional Services Company. He indicated they have 150 offices in 37 countries and he responsible for all the technology on a global basis. Mr. Dabek advised as part of this they do H.R. survey's and Employment survey's and his team are the administrators.

Attorney Doyle asked for Mr. Dabek's Seaview Harbor history. Mr. Dabek advised he and his wife had a home in Ocean City since 1993 and they sold it 2010. He indicated they purchased their Seaview Harbor property in October, 2010. He indicated they are new residents in the community. However, his wife's mother's cousin, whom is called Aunt Phyllis has lived in the community since 1996 with her husband, John DeRose.

Mr. Dabek advised he was surprised his property was actually Egg Harbor Township and not Longport, since they always visited Aunt Phyllis in Longport, Seaview Harbor. Attorney Doyle asked when Mr. Dabek had found out the home he purchased was in Egg Harbor Township and not Longport. Mr. Dabek advised when he was at the settlement table. He indicated this is not unusual since he has spoken with five (5) people with recent transaction and they learned the same thing at the settlement

table. He stated if you happen to live in Seaview Harbor the paperwork comes through as 08234. He indicated it is very confusing since the mail goes to 08234 and it never gets to us. He indicated it must say Longport, 08403. He advised the insurance companies have a difficult time.

Attorney Doyle asked that regardless of this Mr. Dabek moved in and became active in the organization within Seaview Harbor. Mr. Dabek advised he attended his first community meeting after he signed an offer and about a week before he settled. Attorney Doyle asked when he became aware of boundary re-alignment. Mr. Dabek advised it was discussed at about the second community meeting that he attended. He advised they were following the Strathmere case very closely. They wanted to see what would happen with before deciding the next step.

Attorney Dolye asked without regard that the community wanted to secede were you aware from your Aunt that there were issues of services. Mr. Dabek stated yes. He indicated it became more apparent as he became involved in the community that there were significant service issues and safety issues. Mr. Dabek stated the stories of people calling and waiting for an ambulance that does not arrive or police cars that do not arrive. Mr. Dabek advised he was responsible for putting together the survey for the community and he has a ton of comments from people in the community that history that goes back. Some of it recent some of it ten to fifteen years back. Some very tragic as well.

Attorney Doyle asked Mr. Dabek as part of his in education is accounting and your employment background with surveys was it determined by the group a survey would be needed. Mr. Dabek stated yes. He indicated he is part of the leadership of the effort. He indicated he was one (1) of three (3) founding members of the re-alignment committee. He stated they wanted to objectively obtained information concerning the social issues in the community to compel the community to move forward with this issue.

Attorney Doyle asked how they went about doing a survey. Mr. Dabek stated he took the liberty of drafting a survey with questions and captured demographic information. He then provided the Board with **Exhibit S11**: Seaview Harbor Boundary Re-alignment Survey. Mr. Dabek stated if the Board were to go to page II the main purposes was basic demographic information looking for social patterns of the community concerning the address and location. We also asked three (3) freeform questions concerning services, confusion, emergency services and others.

Mr. Dabek advised as for the technology he used a survey monkey, which is a cloud based survey tool. He indicated he drafted a survey which was reviewed with members of the re-alignment committee and Mr. Doyle in order to obtain their comments. Modifications were made and it was electronically sent to residents. He advised the committee wanted them to go to every household so emails for every household were obtained.

Chairman Garth advised it appears not every household received the survey. Mr. Dabek stated he had referenced every household but he corrected by stating except for the Mayor. Chairman Garth asked if the mayor is a resident of their community also. Mr. Dabek stated in their efforts whether it is right or wrong whatever was done it was done without the mayor's involvement at the advice of counsel. Mr. Dabek advised the Board can look at the survey results and everything is factual.

Mr. Dabek asked the Board to turn to the next page advising there were 75 responses out of the 92 homes which represents over 80% of the homeowners and he believes everyone present this evening participated in the survey. Attorney Doyle stated there are 92 single-family residences in Seaview

Harbor, there is a marina with a restaurant. He asked if there is any other property. Mr. Dabek stated he is not aware of any additional. Attorney Doyle asked if there is a water company with a subdivision. Mr. Dabek stated the water company did recently subdivide and two (2) lots were approved. He indicated there will be a total of 94 lots when this is completed. Attorney Doyle asked if there is anything publically owned. Mr. Dabek advised there is State land on the other side of highway. Attorney Doyle asked if there is any on the Seaview Harbor side such as park or recreation facilities. Mr. Dabek stated no.

Mr. Dabek stated the survey was not anonymous. He indicated they captured name, email address, and phone number. He indicated they wanted to make sure it was referenced in case the data needed to be checked. Special Solicitor Marcolongo asked if this information could be provided. Would help to have the foundation of the report. Attorney Doyle advised he will think about this question.

Mr. Dabek stated the very first question asked on this survey was whether you are a full time resident. He indicated 32 are full time residents of the 72 that responded. Attorney Doyle asked if this is consistent with community. Mr. Dabek stated yes.

Mr. Dabek referred to question #6 within the survey, which was only for full time residents. He indicated it pertained to school aged children. He indicated only 32 people could answer. There were a total of five (5) households that had school aged children. He then asked Board to refer to question #7 which asked how many children they actually have. He indicated there are nine (9) children. He indicated there are four (4) families that have two (2) school aged children and one (1) family with one (1) school aged child. He indicated this is representative of the community.

Mr. Dabek advised they do have the names of the families. He indicated question 8 asked what school they attend. He indicated 40% attend catholic schools and 60% are listed as other. He advised "other" means the families are paying other school districts to send their children to. He indicated such as Ocean City or Margate. He indicated they were not private schools. Board Member Cook stated none of the residents are sending their children to Egg Harbor Township. Mr. Dabek stated zero are being sent to Egg Harbor Township. Mr. Dabek advised he had spoken to the Savard's, a family whose children attend Catholic School in Margate and their response was "how would you like your first grader to spend 2 ½ hours a day on the bus". He indicated the bus has to come all the way over to Seaview Harbor and the estimated time was 1 hour and 15 minutes a day every day. He advised this information is provided from a family who explored this and they are present this evening.

Mr. Dabek stated question #9 asked where you primarily food shop. The respondent's answered Somers Point, Margate, and there were two (2) responses for Egg Harbor Township. Mr. Dabek stated question #10 asked where do you attend church. He indicated 65% of the people attend church in Longport. He stated one (1) person advised they attend church in Egg Harbor Township. There were others for Somers Point and Margate.

Mr. Dabek stated question #11 was where you go to restaurants. He indicated this question is not 100% because the survey asked check all that is applicable. More responses were in Egg Harbor Township, you see Somers Point, Margate. He indicated Longport does not apply because there is only one (1) small restaurant. Board Member Levy stated there is a restaurant at the marina. Mr. Dabek stated that is correct, good point. It is called Café Luciano. Mr. Dabek stated question 12 asked about social activities. He indicated they did not define social activities and left up to individuals. The impact is very

little with social interaction with residents of our community and Egg Harbor Township. He indicated three (3) individuals out of the 75 stated this.

Special Planner Wiser stated on question 12 there are a large number who go to social activities in Longport but you do not have the data as to what they may be. Mr. Dabek stated no he does not. Based on his answers would believe the beaches and the summer offerings such as biking and races. He advised it could even cover night clubs but it did not specify. Mr. Dabek stated question #13 asked where do you go for medical services. He indicated Somers Point was a big draw. He indicated Margate had a few and Longport does not have any. He indicated one (1) individual stated Egg Harbor Township.

Board Member Aponte stated when you say medical services that is general. Hospital, Doctors. Mr. Dabek stated this is correct. He stated if he lived in the continuous part of Egg Harbor Township than would think most of my medical services would be there. Mr. Dabek stated question #14 asked if you use park and recreation facilities out of Egg Harbor Township. He indicated only one (1) person answered yes out of the 75.

Mr. Dabek stated question #15 asked if you use library services within Egg Harbor Township. He indicated one (1) person answered yes. He stated there is a reason for it. He indicated it is proximity because of the geographic distances and you have travel through towns to get here. Board Member Aponte stated most people receive their information through the internet. He indicated if you go into any library not many people are there. Special Planner Wiser asked Mr. Dabek asked how many people go to the Longport library. Mr. Dabek stated he does not know. Attorney Doyle asked what is the difference between Longport library and the Egg Harbor Township library from Seaview Harbor. Mr. Dabek stated about six (6) miles.

Mr. Dabek stated question #16 asked where do you tell people your Seaview Harbor home is located. He indicated one (1) person stated Egg Harbor Township and everyone else stated Longport and three (3) people said other. Mr. Dabek stated question #17 asked if there is ever confusion in explaining which town you live in where your home is located. He advised 71 of 75 people stated yes. Attorney Doyle asked given the answers would Egg Harbor Township be deprived in petitioner's participation in religious, civic, cultural, charitable, or intellectual activities of Egg Harbor Township. Mr. Dabek stated based upon the information collected cannot imagine what would affect them. Attorney Doyle because they are residents now and they are not doing it. Mr. Dabek stated correct.

Attorney Doyle asked Mr. Dabek as to why he does not believe they do it now. Mr. Dabek stated it is proximity. He indicated Seaview Harbor is a coastal community and they connect with the same demographics. He indicated he is not talking about wealth but the fact you share a home at the seashore and they associate with Longport, Ocean City and Margate with the similar challenges of seasonal residents and challenges in protecting homes in storms.

Attorney Doyle stated there were objective questions on this survey. Mr. Dabek stated there were open ended questions. He indicated question #18 asked if there were anyone who had issues with Egg Harbor Township services. He indicated not all of the 75 people responded to this freeform question. He indicated about 54 people responded. He indicated he took common issues out from the responses that were received. He indicated trash pick-up in the summer. He indicated in the summer they have guest and visitor and it is not fair when their recycling bucket overflows and we have to wait every other week. He indicated Longport, Ocean City, Margate have regular trash pick-up's twice a week and we

have it once a week. He indicated they are treated like the rest of the Township not like a seashore community, which is an issue for them.

Board Member Aponte has a family with two (2) children and there is a lot of recycling. He indicated he does not see the inconvenience with placing a few buckets. Township Committeewoman Pfrommer stated this is a County issue. Mr. Dabek stated Longport has twice a week pickup. Township Committeewoman Pfrommer indicated Mr. Dabek must discuss recycling pick-up with Atlantic County. Attorney Doyle asked if the trash is picked-up once a week. Mr. Dabek advised this is correct. He further noted that in Longport, starting Memorial Day they pick-up trash twice a week. He indicated in the other shore towns such as Margate and Ocean City it is the same thing. He stated Seaview Harbor is not looked at as a shore town.

Mr. Dabek stated inadequate police, fire and ambulance services was also referenced. He advised there are inadequate services for snow plowing, street cleaning does not exist, nor does street repairs. Mr. Dabek advised they have requested fixing of pot holes and there has also been denials of services like the golf course. Attorney Doyle asked how resident's be denied service at the golf course since they live in the Township. Mr. Dabek stated this was because their drive licenses did not say Egg Harbor Township it said Longport. Board Member Kearns stated he was under the impression the golf course is aware of Seaview Harbor. Mr. Dabek stated he was not one of the individuals denied service but is sure we can have testimony from several people who were denied services.

Board Member Aponte stated this is a lot of hearsay. Special Solicitor Marcolongo stated this is the ultimate hearsay. He indicated people are given information through computer and no way to verify. In these type of matters we bend the rules for hearsay. We are more liberal. Board Member Aponte stated it is a lose forum. There are a lot of back yard conversations discussed. Special Solicitor Marcolongo stated yes. He indicated the problem with hearsay is that the Board has asked Mr. Dabek a question and he cannot answer because he does not know. He does not have personal knowledge.

Attorney Doyle stated a question was asked from Special Solicitor Marcolongo as to whether we would disclose the names. The names who gave the responses. They were given by email we can give the specific answers to the open ended questions so you have full responses of the 72 to cross examine if you desire. Attorney Doyle asked Mr. Dabek if can redact the name and email addresses of the individuals and provide the answers to the Board. Mr. Dabek stated yes.

Chairman Garth asked of the 72 people are they in favor of the annexation of Seaview Harbor. Mr. Dabek stated they have very few people, the mayor being one, and some other individuals who are struggling with their financial situation who are against this. Attorney Doyle asked are these individuals shown on the voter registration books. Mr. Dabek stated he does not have the exact number but believe it came out to 99 voters. There was two (2) times when the committee collected information. He advised this occurred once in the summer time and again in January, 2014. He indicated this listed included some new voters and some voters who sold their homes and left the community are also shown.

Mr. Dabek explained that if you look at the total count of people where we had signatures of registered voters it was 69%. He indicated you took that percentage of what is the active and inactive voters in the registers we were given it was 76% and we knew people that were listed as active that had died or some people moved from the community and we remove them we had 82% between the active and the people not part of the community. Attorney Doyle asked if the 82% that were active minus Mayor

McCullough. Mr. Dabek stated yes. He indicated there are actually five (5) listed within his household and then there was another large family that rents that did not feel comfortable that they could sign. Attorney Doyle stated the overwhelming number of residents signed the petition. Mr. Dabek stated 82% want the annexation.

Attorney Doyle asked how many participated in the survey. Mr. Dabek stated 73 homeowners plus the marina. Special Planner Wisner touched upon renters. He asked of the 92 homes in Seaview Harbor how many are rented. Mr. Dabek stated he believes there are two (2) families that rent.

Board Member Aponte asked if we have a shared service agreement with Longport for Police, Fire, and Ambulance. Special Planner Wisner believe there is a shared services agreement on 9-1-1 dispatch. He indicated he will have to check. He stated the other EMS responses are under the heading of mutual aid more than a contractual agreement. Board Member Aponte asked if this is State Law. Chairman Garth stated it is a mandate. Special Planner Wisner advised it is a practice that towns all over will respond to other towns in need because they maybe in need someday also.

Mr. Dabek stated question #19 on the survey concerned problems with real estate settlements. He indicated he had this problem himself. He indicated deeds needed to be corrected and HUD one forms. Everyone has same problem based on the 08234 zip code. Board Member Kearns stated he had the same problem. He indicated when he first moved to Egg Harbor Township he lived in Linwood. He advised at the corner of Ocean Heights and Zion Road there were four (4) different post office address. Township Committeewoman Pfrommer stated you should speak with the realtors. Mr. Dabek stated insurance companies also do not understand. He indicated bills get redirected. There have been cases because people's credit was a problem because of this. He also stated Fire Arm Permits are an issue because of this.

Mr. Dabek stated children playing sports is a problem. He stated parents try to go other places because of the proximity. He indicated there are issues with deliveries and explaining to people where you live and phone directory issues since they do not properly list the community correctly in the phonebook.

Mr. Dabek stated question #20 deals with issues concerning emergency services. He indicated Longport is the first response. He explained there was a burglary up the street and Longport responded. He indicated they had to wait 45 minutes for Egg Harbor Township to arrive and fill out the report. He advised he had witnessed this for himself. He indicated it is inefficiency. He indicated last year there was a traffic death in front of development and they had wait for Egg Harbor Township to arrive and fill out the paperwork. Mr. Dabek advised fire protection Egg Harbor Township is the last. Chairman Garth stated there a reason for this. Longport and Somers Point are the first to come in. The Fire Company for Egg Harbor Township is called at the same time. Does take time. Do understand this and this is why Longport is first in and Somers Point is second.

Mr. Dabek stated he spoke with a resident concerning this and this is a true safety issue. Not only for community but think about the police and the fire speeding through Somers Point in the heat of the summer and the safety issues as such. He indicated 9-1-1 operators do not know where they live.

Mr. Dabek stated question #21 discusses the payment of taxes and having to send your children to other schools because Egg Harbor Township Schools are too far away. Mr. Dabek stated flood insurance premiums are also an issue because Egg Harbor Township is not a shore community. Whether it be Longport, Margate, Ocean City, Ventnor, or Atlantic City they all have programs that provide plans.

These plans are submitted to FEMA and there is discounts provided for Flood Insurance Premiums. Egg Harbor Township does not have such an advantage in our community.

Mr. Dabek advised Egg Harbor Township has not adjusted building codes for the community. He stated he and his wife decided to either renovate or knock down and build. He stated they decided to knock down the existing home and construct new. He stated because of this he needed a side car garage on a lot that was 60' X 90' Lot because his setback would have to be 35' ft. for a front facing garage. Not sure if anyone has tried to get into a side car garage on a 60' ft. lot it does not work.

Mr. Dabek stated his brand new home is useless to park in a garage. He indicated exceptions should be made. He stated the community has an R-6 zoning and this goes throughout the Township. Board Member Aponte asked if Mr. Dabek could have applied to the zoning board. Mr. Dabek stated he spoke with an architect who advised it would take months to get through the process and that Egg Harbor Township was sticklers on this because of cars extending across sidewalks. He stated he chose not to. Board Member Aponte stated there was an avenue. Mr. Dabek stated the avenue would take a lot of money and a long period time. Special Solicitor Marcolongo stated the answer to the question is yes. Mr. Doyle asked if you went that avenue would you have to pay an application fee and escrow fee. Mr. Dabek indicated yes plus have an attorney to represent him.

Attorney Doyle advised it is up to the Board to decide if they will grant request. He indicated they do not have to. He indicated an applicant has to also pay an attorney and the engineer to testify. Attorney Dolyle asked Mr. Dabek if he had knowledge of what Longport's zone is. Mr. Dabek stated their setback is not 35' f for a front facing garage. Special Planner Wiser asked if asked Longport has a land mass like Seaview Harbor which would be zoned differently than a standard average city block. Mr. Dabek stated they have lots that are 60' ft. x 90' ft. 50' ft. x 90' ft., and 50' ft. x 100' ft. the lot size is similar to Seaview Harbor. He indicated it is a small plot with exception of the homes on the bayside of Seaview Drive. Chairman Garth stated the Master Plan in Egg Harbor Township is different than Longport or any other community.

Board Member Aponte asked if the R6 zone has an issue can be addressed. Special Planner Wiser stated if the R6 zone makes it impossible to design the home to use it sounds as if it is a hardship. Attorney Doyle stated this is opinions not testimony. There is a difference between a matter of right or discretion to the Board. Attorney Doyle stated there is community that appreciates, recognizes and acknowledges it is a small lot community as is Longport as oppose to a non-seashore town with generally larger lots that are not custom fit to smaller lots. He stated the Seaview Community is unlike any other.

Attorney Doyle advised Mr. Dabek has spoken concerning post office. Mr. Dabek stated he is looking at a map showing 08403 zip code and it shows Longport in the bottom right and then a short trek across the bridge Seaview Harbor is 08403 as well. Attorney Doyle stated there are only two (2) places in America that has 08403 number and that is Longport and Seaview Harbor. Mr. Dabek stated considering the mailing address they do not call themselves Seaview Harbor. Attorney Doyle asked if someone were to mail him something using Egg Harbor Township and zip code what happens to it. Mr. Dabek stated it will not be received. He indicated it has happened to him and he received complaints concerning this within the survey report.

Board Member Kearns stated he hears about the zip code issue. Attorney Doyle advised the post office designates. He stated with Seaview Harbor having a Longport zip code it makes it easy because there is a physical post office a mile away. However, because the community are residents of Egg Harbor

Township municipal boundaries certain documents such as deeds, insurance policy and closing statements were you have to place information problems have come about. He indicated with closing especially because the community has a physical residence in Egg Harbor Township and a mailing address in Longport.

Attorney Marcolongo asked that the zip code map be marked as **Exhibit S12**. He then stated the large driver's license will be marked as **Exhibit S13**. Board Member Aponte asked Mr. Lowry if he would like his driver's license number redacted. Attorney Doyle called up Mr. Lowry. Mr. Lowry stated it does not have to be redacted. Attorney Doyle stated Mr. Lowry's driver's license states he lives at 23 Sunset Boulevard, Longport, however, he lives in Egg Harbor Township.

Attorney Doyle asked why the address is important. Mr. Dabek stated it is part of an identity. He indicated when you live in our community, which he indicated he has lived in since 2010 and has been visiting family in the community since 1996 and thinking he was going to Longport. Mr. Dabek further noted when someone is trying to find you from a location perspective or mail to you it won't get to you.

Board Member Rosenberg asked Mr. Dabek if he believed in his opinion that Longport is a nicer town than Egg Harbor Township. Mr. Dabek stated he does not know enough about Egg Harbor Township. The Board seems nice and third time seeing them working in action. He stated Longport is who we are part of. We have full time people and seasonal people. He indicated the Press has painted us to be affluent community. He indicated if you look around there are many people here on fixed incomes and live in modest houses that just so happen to have a water back yard. He indicated there are some multi-million dollar homes within the community but if you go through the community there are modest homes similar to the demographic with Longport.

Mr. Dabek stated in Longport there are retired people living in cottages that had their ground valued high and have a high seasonal influx of people and is similar to their demographic, which is different than Egg Harbor Township which has full time residents in a contiguous area. Board Member Rosenberg asked if Mr. Metz design his development accidentally on this piece of property. Mr. Dabek stated he cannot speak to this. Board Member Cook stated you have the same type of population in Egg Harbor Township as in Longport. Mr. Dabek stated he has studied the population.

Board Member Aponte indicated that Mr. Dabek stated the identity of Seaview Harbor is more with Longport because you have the 08403. He questioned does he believe West Atlantic City having 08232 and not having 08234 zip code the same. He asked Mr. Dabek if they have an affinity toward Egg Harbor Township. Board Member Aponte stated he knows Mr. Dabek cannot speak for them. He stated they are also non-contiguous and they also have a different zip code. Therefore, it is a fair question to ask if they feel closer to Atlantic City or Pleasantville or the cities next to them. Mr. Dabek stated they have their own fire station, police car, and they have 24/7 police patrol, which are things they do not enjoy. Board Member Aponte stated we are talking about zip codes. Mr. Dabek stated he cannot speak to that. He advised he does not know anyone in West Atlantic City.

Board Member Aponte indicated a statement was made by the Attorney that 08403 is for Longport and 08232 is for Pleasantville so I am just trying to make a comparison and there are two (2) places that are non-contiguous and have the same type of zip code issue. Mr. Dabek stated Seaview Harbor is a shore community and are not part of the demographic, the core part of the contiguous Egg Harbor Township. He advised he does not believe there is any question with this. Board Member Aponte stated he understands what Mr. Dabek is saying. He is just going down the line with what he talked about with zip

codes and that it is a social issue. Board Member Aponte advised what he is saying is that other people are experiencing that same issue. He indicated they may not live within the Seaview Harbor community but other people are experiencing same issue because of the way things were deannexed over time.

Chairman Garth asked Attorney Doyle how much more time is needed for this witness. Attorney Doyle stated he is not sure he would conclude him this evening. Attorney Doyle asked that he reserve the opportunity to recall Mr. Dabek. He stated if he finishes with him he will start with a third witness at next meeting.

Mr. Dabek stated last fall there was a situation where the road to the bridge to Longport proper was going to be closed for construction. He indicated the Township, more specifically Mr. Miller wanted the Bridge to be closed without one (1) lane being opened. He indicated Mayor Russo fought for it to be open. Mr. Dabek stated he had to step back and think that here is a case where the Mayor of Longport is fighting because of the safety issues. Chairman Garth stated that is a State Road and Mr. Miller would not have any say. Mr. Dabek stated he is only going by what was presented to him and what Mr. Russo fought for. Mr. Dabek stated there was a disagreement between Mr. Russo and Mr. Miller over that particular issue because there was a cost issue with doing it and keeping a lane open. It is a safety issue.

Mr. Dabek stated this is a great example as to why Egg Harbor Township does not care and then you have people in Longport fighting for a fire pipe, during the construction, to have a back-up in the event that there is a fire and we run out of water even though we have our own water company. He stated these are the type of things that really build an affinity to Longport.

Township Committeeman Carman stated as far as the fire pipe it was the Township Fire Chief who has been pushing for it in order to help Seaview Harbor. He indicated it would run across the bridge to the driveway. He indicated he is to this day still pushing for it. Township Committeeman Carman also advised that on the other issue Mr. Dabek had said there was a disagreement between Peter Miller and Mayor Russo. He advised he had actually attended that meeting and we agreed with Longport on keeping open. He stated no matter what had been stated the Township Committee agreed with Mayor Russo. Mr. Dabek asked Township Committeeman Carman if he was correct on what he said about the first position. Township Committeeman Carman stated he does not recall the first position. He stated it was one (1) of the options brought before the Township. However, as a Committee Member, which Committeewoman Pfrommer can verify we agreed with Mayor Russo.

Mr. Dabek thanked Township Committeeman Carman on behalf of the Seaview Harbor community for the agreement. Township Committeewoman Pfrommer stated she attended the meeting too. She explained one of the reasons they talked about closing it was for a time factor not for money it was time. It was a very shortened schedule if it was closed. She stated leaving one (1) lane open double or tripled the time. Township Committeeman Carman stated he just wanted to correct Mr. Dabek of these two (2) factual factors.

Special Solicitor Marcolongo asked if Mr. Dabek would be available on the Planning Board's April 21<sup>st</sup> meeting. Mr. Dabek stated he will be there. Special Solicitor Marcolongo stated he believes the Board Member's will review the survey and will have a few questions about it.

Board Member Kearns stated he saw something on page #20 and Chairman Garth might be more able to answer this. He stated it says the fire equipment does not have pumps. Mr. Dabek stated no, the comment is that when we had the marina fire, the Community's expert witness, Mr. Stewart will testify,

that Egg Harbor Township did not want to place their hoses in the salt water to fight the fire. He indicated this is what is meant by not having the right equipment for the community.

Chairman Garth indicated he was on this fire and he does not think so. Mr. Dabek stated he cannot comment he indicated he is just passing along a comment. Chairman Garth stated in fact one (1) of Bargaintown's Engine was drafting from the water Board Member Kearns stated yes. He advised he was also there and he was drafting water with one of the Township's pumpers in order to pump water down. Mr. Dabek stated he is sure there will be experts to testify. He indicated he was not there so he cannot testify.

Attorney Doyle stated before the adjournment there are two (2) procedural points. One in speaking with Mrs. Wilbert she advised we are on for the April 21 meeting, but that there was one (1) small matter and he asked if this is still the case. Board Secretary Wilbert indicated yes. Attorney Doyle also asked what time will that meeting begin. Chairman Garth advised it will begin at 5:00 p.m.

Attorney Doyle advised the second point there have been discussion about "oh, I am sure we will talk about that and talk about that" I would assume Mr. Marcolongo would give the Board the normal that the matters of discussion should only be in this room and not be shared between each other, Mr. Miller or other's. Board Solicitor Marcolongo advised the Board that he would agree with Attorney Doyle. He explained to the Board not to speak with one another about this matter as we proceed from now to April 21<sup>st</sup>. He further advised the members should not do any individual research on your own. He indicated their decisions will be made based upon the information the Board gathers here during the meetings.

Special Solicitor Marcolongo advised the Board is going to close the meeting tonight and the Board will reconvene on April 21, 2014, at 5:00 p.m.

**Motion Rosenberg/Aponte to carry public hearing to the next regular meeting of the Egg Harbor Township Planning Board scheduled for Monday, April 21, 2014, 5:00 p.m., prevailing time. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, Pfrommer, Rosenberg, Garth**

**Motion Carman/Aponte to adjourn at 10:22 P.M. Vote 9 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Levy, Pfrommer, Rosenberg, Garth**

Respectfully submitted by,

Theresa Wilbert  
Secretary