

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

April 6, 2016

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-Chair., arr. @ 7:25 p.m

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Dennis Kleiner, Alt. #1, excused

Robert Levy, another engage.

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

Peter Miller, Township Administrator, recused

Committeewoman, Laura Pfrommer, present

Daniel Pittaro, Alt. #II, excused

Paul Rosenberg, 2nd V-Chairperson, present

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

CONTINUATION OF PUBLIC HEARING(S):

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

Attorney Doyle referring to Page 176 he stated Special Board Planner Wiser noted within his report "the principle duty of government at any level is to ensure public safety". He indicated with this in mind and agreed to would Special Board Planner Wiser agree that in New Jersey the municipality has the primary responsible to provide for its citizens the police, fire and ambulance, as well as, other emergency services if necessary. Special Board Planner Wiser stated within the bounds of their capabilities, yes.

Attorney Doyle asked within the State of New Jersey would he agree people should be able to vote for those persons responsible for those providing those basic municipal services. Special Board Planner wiser stated yes. Attorney Doyle asked if Special Board Planner Wiser would agree typically in New Jersey municipalities the public services those municipalities residents rely upon are provided by the municipality in which they live and for whom elected officials they can vote. Special Board Planner Wiser stated he does not necessarily believe that is correct because there are instances when municipalities share services and there are instances where mutual aid provides the services and that may be provided by a jurisdiction that is not residence in the municipality.

Attorney Doyle stated agreeing with Special Board Planner Wiser on that but typically, generally a municipality provides for its own doesn't it. Special Board Planner Wiser stated in this day and age with

shared services and consolidation of departments it is moving away from that direction. He stated he does not know what is typical anymore. Attorney Doyle stated with respect to the contiguous portion of Egg Harbor Township, the mainland, it provides for its own for the most part in so much as the testimony of the police chief, fire chief(s) and ambulance squad person, all of whom which he asked. Special Board Planner Wiser stated with the exceptions of assistance on mutual aid he would suppose this is the case.

Attorney Doyle asked who in Special Board Planner Wiser's knowledge provides mutual aid on a regular basis to the mainland of Egg Harbor Township, if anyone. Special Board Planner Wiser stated his recollection was that Pleasantville will provide some services to mainland, if necessary, and he believes he recalls the fire chiefs mentioning Hamilton providing fire services on the western side of the Township. Attorney Doyle stated in our specific situation in Seaview Harbor and given that the fire and ambulance people from Egg Harbor Township are as distant. It is difficult to have the historically typical servicing of the people who can vote for them and who use them. Special Board Planner Wiser stated he does not think the people vote for fire. Attorney Doyle stated they vote for the budget makers, don't they.

Special Board Planner Wiser indicated fire is more complicated as we have heard. Attorney Doyle stated not in Egg Harbor Township there is no fire districts. Special Board Planner Wiser stated correct but the fire companies raise their own funds in large part for their operations. He stated leaving that aside there is a recognition on the Townships part that the distance, because of the distance Seaview Harbor is more immediately served by Longport for fire and ambulance. Attorney Doyle stated if the petition were granted the residents and voters of Seaview Harbor would have the opportunity to have their emergency service provider fire, ambulance and to some degree police be in the town they live in and thus vote for them. Special Board Planner Wiser stated ok, yes.

Attorney Doyle referred back to Page 176 advising he was struck by the quote provided in Special Board Planner Wiser's report, from whom he believes was Mrs. McGlinchey. **May the record reflect:** Attorney Doyle read the first sentence of the quote noted. He then stated above this quote was Special Board Planner Wiser's introduction and also read this into the record. Attorney Doyle then asked Special Board Planner Wiser with this in mind he presented two (2) choices. You could have the unity of a service provider and the town and they vote for the officials of the town where the service provider is, in our case Longport or you could not have that unity but provide for the service by mutual aid.

Special Board Planner Wiser stated there seems to be a gap there. Under the scenario laid out by Attorney Doyle the Townships Fathers and Mothers of Egg Harbor Township have absolutely no control over what happens in Longport and he thinks we have heard there is a cooperative relationship and he is sure had the service not been adequate the representatives would go to Longport and have the issue addressed. He indicated it is not that Seaview Harbor is not represented. He indicated he is represented and the representation has an arrangement with the neighboring town. Attorney Doyle stated whatever the arrangement and however well it works the very distance, mentioned in the statement that Special Board Planner Wiser endorsed, but for mutual aid it would make it difficult for anyone else to serve them beyond Longport. Special Board Planner Wiser stated to the extent he does not know who else there is.

Attorney Doyle stated Special Board Planner Wiser points out on Page 148 of the report "any meaningful discussion of emergency services to Seaview Harbor must be predicated upon an understanding of the concept of mutual aid". He asked isn't in reality mutual aid a response to the central issue which is

distance and the response of time caused by that distance. Special Board Planner Wisner stated mutual aid, in this case, he believes is a function of distance. Attorney Doyle asked faced with issues such as distance presents here they can enter into a shared service agreement, correct. Special Board Planner Wisner asked a shared service agreement for what. Attorney Doyle stated for the services that are generally otherwise provided by the municipality where the people live. Special Board Planner Wisner stated yes. Attorney Doyle stated pursuant to the shared service agreement there is a state statute that governs that is there not. Special Board Planner Wisner stated he thinks there is for emergency services. He indicated he does know about any other services for example such as public works. Attorney Doyle stated he does not either, however, he was concentrating on emergency services as he had answered.

Attorney Doyle stated Egg Harbor Township has a share service agreement for 9-1-1 service and mentioned in Special Board Planner Wisner report with Linwood, Margate. Special Board Planner Wisner stated and Longport. Attorney Doyle and to Special Board Planner Wisner's knowledge they are paid \$900,000.00 and 1 million dollars for that agreement. Special Board Planner Wisner stated he does not recall. Attorney Doyle stated that is a number from the budget. Special Board Planner Wisner advised he believes Attorney Doyle noted Margate. He advised it is Linwood, Northfield and Longport. He stated he does not believe Margate is also involved. Attorney Doyle agreed.

Attorney Doyle stated to the degree those towns each pay give or take \$300,000.00 in the concept of mutual aid there is no payment is there. Special Board Planner Wisner stated he thinks under the law there can be no payment or there can be no mandatory payment. Attorney Doyle stated so the Township gets the services from Longport, the citizens saved the cost of providing those services and Longport provides, in effect for free. Special Board Planner Wisner stated mutual aid works both ways and we have heard testimony that the Township provides mutual aid to Longport on occasion, if and when necessary. So free in terms of monetary transaction maybe that is the case but he thinks there are in kind services and this is what the law provides for.

Attorney Doyle stated with respect to the number of times it was done and there was testimony on it where Special Board Planner Wisner commented on. The chief originally said 30 but on at least a half dozen of them there was a zip code issue and they were not provided so there were about 24 or 25 instances where the chief showed Egg Harbor Township provided mutual aid to Longport but there were many more times during that time that Longport came out to Seaview Harbor were there not. Special Board Planner Wisner stated to the extent those records did not end up confusing everybody. He would generally agree with Attorney Doyle.

Attorney Doyle indicated Special Board Planner Wisner noted in his report that mutual aid is a time honored method of providing service with approval at given mutual aid being a contractual relationship services cannot be denied to Seaview Harbor by those who signed the agreement, correct. Special Board Planner Wisner stated that is his understanding. Attorney Doyle asked where does this understanding come from. Special Board Planner Wisner indicated the State statute that Attorney Doyle cited, there was a mutual aid agreement with the County, a resolution for an ordinance or some type of legislation from the Township. He indicated this is his understanding.

Attorney Doyle presented Special Board Planner Wisner with a copy of the State statute for mutual aid (N.J.S.A. 40A:14-26) entitled: Emergency Assistance for Fire and Police Protection from other Municipalities Payment Rights in the Event Casualty or Death. Attorney Doyle stated some of the instances of mutual aid that has occurred are a property check, fire alarms, and something amiss when someone comes back from vacation. He stated these kinds of events are not emergencies are they.

Special Board Planner Wiser stated on their face no, but they could be depending upon what the police or fire find when they get there. Attorney Doyle stated the statute states in the event of an emergency. Event would be a word in a singular occurrence not a constant contractual, always circumstance he asked. Special Board Planner Wiser stated he would say the contractual relationship must be authorized at some level or the two (2) municipalities would not be able to enter into it. Attorney Doyle asked if he would agree towns cannot enter into an agreement unless it is authorized by statute. Special Board Planner Wiser stated right this is what he is saying.

Attorney Doyle stated the agreement and he does not know the evidential marking of it but the Atlantic County Mutual Aid and resolution of the Township that authorized them to enter into cites the statute. Attorney Doyle referred back to the copy of the statute he presented Special Board Planner Wiser on the second page. He then read the following from this document: the responding municipality shall provide such personnel and equipment as requested to the extent possible without endangering person or property within the municipality rendering such assistance. Attorney Doyle stated regardless of how regularly it is provided and in our situation it has been regularly there is, if you will, under mutual aid an out, is there not that the statute allows.

Special Board Planner Wiser stated he believes the police chief recognized that and addressed it. Special Board Planner Wiser indicated he recalls the police chief said give the police manpower in Longport or the lack thereof. The Longport police may not be able to respond quickly to Seaview Harbor all of the time if they are on another call or otherwise occupied. Attorney Doyle asked if the Chief provided any information about the size of town, number of residents, number of households, the area of Longport and make those comparisons with Egg Harbor Township to make those conclusions. Special Board Planner Wiser stated he does not believe he had in the words Attorney Doyle just stated but he did say, in his terms, there was one patrol on duty, at a time, and if that patrol is otherwise occupied be it on a call or transporting a prisoner and doing something else than they would not be able to respond.

May the record reflect: Special Board Solicitor Marcolongo announced Board Member Aponte is present and has joined the board @ 7:27 p.m.

Attorney Doyle stated he recalls the testimony, however, he recalls the chief indicating he does not know how many people are out there. The other day one of Township dispatchers who happens to be married to a Longport police officer and the police officer mentioned to his wife the night before they only had one person on and that was all he had by way of evidence. Special Board Planner Wiser stated his recollection was that it was more frequent than one occurrence. He stated even if you doubled it. It is still a limited amount of officers to cover a municipality.

Attorney Doyle asked Special Board Planner Wiser if he had occasion, as part of his investigation, to analyze the size of Egg Harbor Township. Special Board Planner Wiser indicated he would not say analyze but he mapped it. He also noted he similarly had the occasion to look at Longport. Attorney Doyle asked what about the populations. Special Board Planner Wiser stated the populations fluctuates it is lower in the off-season and higher in the season. He stated he could not provide the numbers off the top of his head. Attorney Doyle asked if he was aware of the number of households or the number of road miles. Special Board Planner Wiser indicated not in terms of specific numbers but he will stipulate Longport is much smaller than Egg Harbor Township.

Attorney Doyle stated less than a mile square with less than a 1,000 people and a number of road miles that shows on the Atlantic County Highway Registry with the New Jersey Department of Transportation

(NJDOT) 200 plus miles. Attorney Doyle corrected himself. He stated not 200 miles that would be Egg Harbor Township. He asked Special Board Planner Wiser if it is not unthinkable that two (2) patrol cars would be sufficient. Special Board Planner Wiser stated it has been his observation not per say with Longport but with Ventnor, Margate, Egg Harbor Township that when there is a motor vehicle stop the officer will stop the car and there will be a backup that responds. So even if there are two (2) officers on patrol in Longport and there is a motor vehicle stop and that is the protocol than there is going to be no one left to respond. He further noted within his report a manpower allocation from the State Police that spoke to a number of officers in Longport and when you factor out the chief and somebody sitting at a desk and coverage for vacations and shifts they are limited in their on-street presence at a particular time.

Attorney Doyle stated but with respect to a four (4) year period that Chief Davis gave statics to and eliminating the half dozen or so that were not mutual aid for Longport you're down to about 18 where Egg Harbor Township provided mutual aid for Longport which is about once every three (3) months and would seem from those numbers Longport was able to take care of itself. Special Board Planner Wiser stated no. He indicated it would suggest Longport didn't ask for Egg Harbor Township to provide mutual aid. He stated he knows from growing up here that Margate police respond down in Longport and support Longport all the time. Attorney Doyle stated when you say all the time you did not look at numbers it is just a phrase. Special Board Planner Wiser stated it is just a phrase.

Attorney Doyle ask Special Board Wiser if he is aware that the statutory circumstances that allows a municipality to say no, we are up to our ears already, is contained in resolution and in the County Agreement. Special Board Planner Wiser stated he will accept Attorney Doyle's characterization he does not recall. Attorney Doyle stated the agreement that was placed in, which he believes is B103. Special Board Solicitor Marcolongo stated is not B103. He indicated he would like Special Board Planner Wiser to look at that document, even if it is Attorney Doyle's, while we locate the correct exhibit.

Attorney Doyle read into the record, from the third paragraph of this agreement, noting "Tactical Command". He indicated his question is unlike in a situation where the service provider, police, fire, ambulance, is in charge of the site as a given. You could have a situation pursuant to mutual aid where, in our case, Longport reports first, they are on the scene and have command of it and regardless of what might often happen the law provides the person in charge is the Egg Harbor Township official. Special Board Planner Wiser stated one of the fire chiefs did testify to that. That they arrive on scene and are updated to the situation and command is transferred.

Attorney Doyle stated this is different that if mutual aid were not in effect. If it were Egg Harbor Township providing service to Egg Harbor Township, Egg Harbor Township would always be straight line, in charge and reporting there and the same for Longport. Special Board Planner Wiser stated that may be the case but how that works with multiple fire stations and jurisdictions he could not speak to. Attorney Doyle but in any event that is what the mutual aid agreement that Egg Harbor Township and Longport are a part of says. Special Board Planner Wiser stated that apparently is the boiler plate that comes down from the State. Special Board Solicitor Marcolongo stated though we have not confirmed that document has been entered into evidence, he noted he is not suggesting it has not, but we do not know what number it is and Special Board Planner Wiser has not had a chance to review.

Attorney Doyle stated looking through the statute and the agreement he sees certain words such as emergency, civil unrest, major criminal events, natural and manmade disasters'. He asked Special Board Planner Wiser would he not agree generally speaking, those words and the idea of mutual aid, suggest

that when one town cannot take care of its regular needs exclusively. There are those occasions or circumstances when someone else can step in if the problem is just too big for me. Another jurisdiction can step in. Special Board Planner Wiser stated that is what we are talking about. Attorney Doyle stated what we are also talking about as mutual aid issues for the people of Seaview Harbor is for fire and ambulance certainly, it is not a matter of major unrest, catastrophe, it is everything whether it is the broken pinky, the false burglar alarm, the cat in the tree, whatever the case may be. Special Board Planner Wiser stated that is the arrangement the two (2) neighboring municipalities worked out. Attorney Doyle indicated which are different than what the perception at least, if not, the actual words and meaning of the mutual aid statute is. He asked Special Board Planner Wiser wouldn't he agree. Special Board Planner Wiser stated he thinks the statute contemplates serious; significant issues, large issues but he does not know it precludes neighbors from being neighborly and that seems to be what is happening here.

Attorney Doyle asked if Special Board Planner Wiser could point to any statute, rule, regulation that give legislative authority to neighbors acting neighborly. Special Board Planner Wiser stated no, but he can't point to one that says you can't either. Attorney Doyle indicated with respect to the nearest fire house. There is no question but the numbers have been put in. Longport's station is less than a mile away or 2 minutes and Scullville is 7 ½ miles and 13 minutes away. He asked if this is accurate. Special Board Planner Wiser stated he does not recall the numbers but that is about right. Attorney Doyle stated the ambulance is a little further away, but the numbers in the record that he is familiar with are they accurate. Special Board Planner Wiser stated close.

Attorney Doyle advised he is noting on Page 149 footnote 230. He then read into the record a portion of the item 1 (b). Attorney Doyle then asked Special Board Planner Wiser that in their case for fire and ambulance it is not supplemental it is primary is it not. The aid Longport gives is primary not supplemental. Special Board Planner Wiser stated yes, correct. Attorney Doyle stated if there is a current situation. He stated in fact it is a matter of a permanent situation. Special Board Planner Wiser stated if he is asking him the situation that has been agreed to or has been at least long standing between two (2) municipalities operate outside the strict language of the statute he is going to say yes.

Attorney Doyle stated when speaking about distance and proximity he asked Special Board Planner Wiser to put on the Board slide #22 (from power point presentation – B120) which shows the borders of mainland Egg Harbor Township, the municipality of Somers Point, then the non-contiguous portion of Egg Harbor Township that includes Seaview Harbor and then Longport. He indicated there is a violet line that goes from Egg Harbor Township through Somers Point, across a couple bridges and over the water and then makes its way to Seaview Harbor. He asked what this means. Special Board Planner Wiser stated for the record on his screen it is actually baby blue. He indicated it is the most direct route to get to from Seaview Harbor, along 152, through Somers Point, and then turning up Ocean Heights Avenue to get to Ocean Heights Avenue in Somers Point.

Attorney Doyle asked how long is that violet/blue line. Special Board Planner Wiser stated he does not remember the number, whatever his report says. Attorney Doyle stated the yellow line shown is meant to get you to Longport and then there is a line that gets you to the tip of Longport. He asked what this was meant to show. Special Board Planner Wiser stated it was meant to show the most direct route from the southernmost end of Longport up Ventnor Avenue, over the bridge, and to Seaview Harbor.

Attorney Doyle stated there was another representation in S121 that showed the five area(s) of Egg Harbor Township. He then handed Special Board Planner Wiser a document. Special Board Solicitor

Marcolongo stated that is not S121 is it. Attorney Doyle stated no it is not. He indicated S121 is an 8" x 11" and this document is something visible in a larger way. Special Board Solicitor Marcolongo stated he does not want to have a situation where we are supplementing the record. He indicated he would prefer to work of S121 to answer these questions. Special Board Planner Wisner advised he can project S121 on the screen via his slide projection. Attorney Doyle stated he would prefer it be placed into evidence. Special Board Planner Wisner projected S121 for the Board and members of the public.

Attorney Doyle stated it is clear that Area 5 is largest area. Special Board Planner Wisner stated in terms of land mass, yes. Attorney Doyle asked if it well over 20 square miles. Special Board Planner Wisner stated if that is what was testified to. He indicated he really does not know. Attorney Doyle stated knowing Egg Harbor Township is over 66 square miles of land, this would be at least a 1/3 of the town. Special Board Planner Wisner stated something like that.

Attorney Doyle stated Special Board Planner Wisner's slide #22 only shows the line coming from the nearest point in Egg Harbor Township nearest to Seaview Harbor, right. Special Board Planner Wisner stated yes. Attorney Doyle stated it does not show where the police cars are. It just shows how far they have to travel to get out of Egg Harbor Township mainland. Special Board Planner Wisner stated that was the intension.

Attorney Doyle stated there was testimony provided that occasional Longport police are close enough to hear an alarm go off. He asked if Special Board Planner Wisner recalls that testimony. Special Board Planner Wisner stated no he does not. Attorney Doyle stated the distance that we have is the same distance obviously for the police, fire and ambulance. Special Board Planner Wisner stated he guesses they take the same roads. Attorney Doyle stated the only difference, as pointed out in Special Board Planner Wisner's report, is that police cars are on the move. Special Board Planner Wisner stated correct.

Attorney Doyle stated there was also the question asked does the dispatcher know at any given moment where the police cars are and the answer is they don't. Special Board Planner Wisner stated until they call, radio and ask, as part of the conversation, can you respond. Attorney Doyle stated that response has to be processed at the dispatch center. Special Board Planner Wisner stated yes. Attorney Doyle stated and a decision has to be made to call Longport or not doesn't there. Special Board Planner Wisner stated yes. Attorney Doyle stated they would also have to find out where Longport is to make the judgement as to who is closer. Special Board Planner Wisner stated yes.

Attorney Doyle stated as the Chief said it is our jurisdiction and we'll go but the supervisor can determine what should be done. He there noted there is the question concerning the level of what is reported as to who should be sent. He stated in other words if it is an emergency, as the Chief testified, and time is of the essence Longport would be called. Special Board Planner Wisner stated yes. Attorney Doyle stated all those decisions take time. Special Board Planner Wisner stated some measure of time. He indicated he does not know how long. Attorney Doyle stated as we have heard when a call comes in to Egg Harbor Township because of shared service agreement from Northfield or Linwood those discussion do not have to happen because they call the Northfield or Linwood police department and they respond. Special Board Planner Wisner stated if they can. He stated there is also a situation if they cannot respond they will indicate this and ask for assistance. Attorney Doyle stated the same would be for Longport. He stated if Seaview Harbor went with Longport; Longport would go automatically without all those levels of decision making. Special Board Planner Wisner stated assuming Longport could respond.

Attorney Doyle then referred to Page 167 advising Special Board Planner Wiser had sample distances and the times placed within his report (footnotes 265 & 266). Attorney Doyle asked why he picked the comparisons that he did. Attorney Doyle stated Special Board Planner Wiser gave a Longport destination or starting point. The mile or part of the mile it was from Seaview Harbor and how long it would take according to map quest and did the same for an Egg Harbor Township destination other than Seaview Harbor. Special Board Planner Wiser advised because he picked two (2) arbitrary points to simply to show the testimony that Longport police is right over the bridge and Egg Harbor Township police have to come from somewhere else on the mainland isn't necessarily an accurate statement. So he picked several locations to show comparisons.

Special Board Planner Wiser stated the reason he picked Seaview Condominiums is because that is where the Chief Davis indicated there was some confusion on police calls. That Longport calls on the police records showed as Seaview Harbor when they were Seaview Condominiums. Attorney Doyle stated there were three (3) Longport points and three (3) Egg Harbor Township points. He indicated all the Egg Harbor Township points listed in the report are not on the mainland or is one (1) or two (2) on the mainland. He stated clearly Anchorage Poynte is not on the mainland. Special Board Planner Wiser stated the first one is not on the mainland, the second one is the traffic light where the old Dunes use to be. Special Board Solicitor Marcolongo stated for clarification purposes footnote 265 is attached to paragraph 2 at the top of page. He asked if this is why Special Board Planner Wiser may have chosen these locations because he was discussing Anchorage Poynte specifically. Special Board Planner Wiser stated that is exactly why.

Attorney Doyle stated the fact of the matter or what Special Board Planner Wiser was trying to show it isn't as bad as the petitioners suggest it is. Special Board Planner Wiser stated what he was trying to show was that the testimony would leave one to believe that there were police officer sitting at the base of the bridge in Longport waiting for a call and that is not an accurate depiction of Longport. He stated Longport, as the prior map shows, extends down and it takes a distance to get from any particular point in Longport to the base of that bridge. Attorney Doyle stated is not the real question here in the time of an emergency when a police car has to get there, as one of the items put into evidence, seconds save time who can get there first, fastest and the most good for the victim or the suffering. Special Board Planner Wiser stated yes.

Attorney Doyle indicated with that in mind and looking at the comparisons Special Board Planner Wiser just went into map quest put in a point to see how long it will take to get there. Special Board Planner Wiser stated yes. Attorney Doyle asked if Special Board Planner Wiser took into consideration on the first one which is 3 minutes going 2.5 miles from Stern Drive the speed the car was traveling at. Special Board Planner Wiser began to speak. Attorney Doyle stated it is a yes or a no. Special Board Planner Wiser stated he did calculate miles per hour. He stated understanding a police car does not necessary travel at the speed limit, but a police car coming down Route 152 does not have to worry about pedestrians and they can move pretty quickly if they need to. Oppose to a police car driving a Longport Street especially in the summer time where there is people crossing the street east and west at their own pace with their beach buddy or children's stroller they may have and the police car cannot go as quickly.

Attorney Doyle stated we could each pick a situation which best serves the purpose we are trying to serve. He stated Special Board Planner Wiser could have easily picked a burglary at 1:00 a.m., a breaking and entry at 1:00 a.m., or a domestic abuse at 1:00 a.m. and all that was just said would not apply. Special Board Planner Wiser stated it actually could in the summertime within Longport.

Attorney Doyle stated he troubles himself and asked Special Board Planner Wiser to bear with him to figure out the speed limits that map quest use and clearly you cannot place into map quest that you are questioning a police car going to an emergency. Special Board Planner Wiser stated not to his knowledge. Attorney Doyle stated in the first instance the car coming from Anchorage Poynte was traveling 50 mph. The car traveling from Longport was going 21 mph. He stated in the second instance the car coming from Route 152 and Ocean Drive was traveling at 48 mph and from the Longport point 36 mph and in the last analysis 34 ½ mph versus 19.2 mph. Attorney Doyle stated this is not an apples to apples comparison. He stated this is not a fair comparison is it. Special Board Planner Wiser stated this is why he placed the miles, as well as, the times for the Board to look at the relative distances and make their own judgement.

Attorney Doyle stated in each case the miles traveled for the Longport car was less than the car traveling from Egg Harbor Township but in each case it somehow took them more. Special Board Planner Wiser stated some the distance differentials are relatively de minis. He indicated he is looking at the Longport second bullet item (within his footnote) and it is 0.8 miles versus 0.6 miles which is de minis to him. Attorney Doyle stated he agrees. Special Board Planner Wiser stated this is a comparison he put together for the Board. He indicated the Board knows the area and they know what speeds are likely in the event of an emergency and they can make a decision as to how to view it.

Attorney Doyle asked Special Board Planner Wiser as a citizen who knows the area to some degree does it make sense that a police car reporting from Point Drive in Longport to Seaview Harbor would be traveling 19.2 mph to go to an emergency. Special Board Planner Wiser stated he did not make adjustments. Attorney Doyle asked what is the value of this, if anything. Special Board Planner Wiser stated than let's move on. Attorney Doyle advised no. He indicated Special Board Solicitor Wiser just made a statement that the car waiting at the bridge and it is not always that way. Special Board Planner Wiser stated exactly, it is not always that way. He advised Attorney Doyle's clients made those types of inferences and he is pointing out it is not always that way.

Attorney Doyle indicated no. He advised the Chief said you discount anything that is less than two (2) minutes because clearly they are waiting at the bridge to get there that quickly. Special Board Planner Wiser stated to Attorney Doyle no his clients have also said outside of this concept, outside the Chief's testimony the police are right over the bridge. He indicated they said this over and over again and he is simply pointing that is not always the case. Attorney Doyle stated let us quantify right over the bridge. He asked if South 16th Avenue right over the bridge. Special Board Planner Wiser stated no. Attorney Doyle asked if Ventnor and 28th right over the bridge. Special Board Planner Wiser stated he believes it is. Attorney Doyle asked if Point Drive is right over the bridge. Special Board Planner Wiser advised he frankly does not know where Point Drive is, but he does not think it is. Attorney Doyle asked if provided a map could Special Board Planner Wiser point to their locations. Special Board Planner Wiser stated yes. He indicated this was done a while ago and his recollection is not 100%.

Attorney Doyle stated given emergent conditions is it not unlikely a police car would seek to go 60 mph and could in Longport. Special Board Planner Wiser stated they could just the same way a police car could go 90 mph on Route 152. Attorney Doyle stated in the three (3) places Special Board Planner Wiser referenced in Longport, none of which or only one of which might have been right near the bridge. But if you are going 60 mph in Special Board Planner Wiser's first instance they would get there in a one (1) minute 24 second, in the second instance they would get there in 36 seconds and in the third they would get there in just under a minute.

Special Board Planner Wiser asked how Attorney Doyle calculated this. He stated map quest does not have the miles per hour base. Attorney Doyle stated without being disrespectful he used either 4th or 5th grade mathematics. He stated he divided the square miles. Attorney Doyle then proceeded with his explanation of mythology concerning the calculation. Attorney Doyle advised with respect to the three (3) places Special Board Planner Wiser picked, none of which were right at the bridge, a police car, responding at appropriate police emergent speed, could get there in less than two (2) minutes. Attorney Doyle asked Special Board Planner Wiser what is the legitimacy of throwing out everything that is under two (2) minutes? Special Board Planner Wiser stated he did not throw out everything under two (2) minutes the Chief did. Attorney Doyle stated yes, the Chief did, but he suggested Special Board Planner Wiser accepted that testimony within his report. Attorney Doyle than asked Special Board Planner Wiser if thought it was legitimate to throw out everything under two (2) minutes.

Special Board Planner Wiser stated he doesn't know he accepted that in his report. He advised he gave times and distances from specific points to simply show that there are instances were a police officer somewhere on Route 152, and he picked out a couple of spots, could respond as quickly or not quicker than a police officer in a particular area in Longport. He further noted, Attorney Doyle did the calculation saying a police officer in Longport could drive at 60 mph but he would be interested in the calculation of a police officer on Route 152 driving 90 mph, 100 mph or 120 mph to get to a situation. Attorney Doyle stated we do not have the chief saying that. He indicated all we have is Special Board Planner Wiser's map and that is what we are talking about. Special Board Planner Wiser interjected advising, and Attorney Doyle's map. Attorney Doyle stated Special Board Planner Wiser likes his better and Attorney Doyle noted he likes his better but be that as it may. Special Board Planner Wiser stated he would suggest Attorney Doyle's map is incomplete because he only provided for one and Special Board Planner Wiser indicated he did both.

Special Board Planner Wiser advised he provided information on both Egg Harbor Township and Longport police at a specific time. He noted Attorney Doyle provided Longport police information, at a speed of 60 mph but he did not do Egg Harbor Township at a higher number. Attorney Doyle then provided calculations (which he noted he was doing in his head) on the record with respect to Egg Harbor Township. He then noted with the Egg Harbor Township information provided by Special Board Planner Wiser, calculating 60 mph, in the first instance they would do it in two (2) minutes 48 seconds and the next instance it would be 48 seconds. Special Board Planner Wiser asked what if they were going faster, he continued by explain his point is we could pick any number, at any location, and have an algebra equation, as to who would get their quicker, but the fact of the matter, the point was that it does not necessarily follow that Longport's police will all the time respond quicker than Egg Harbor Township police.

Attorney Doyle stated not all the time. He advised did not the chief testify that the only occasions a person would be on the east side of the Dolores Cooper Bridge was either they happened to be there during a shift visit, once a shift to that area or they were already reporting to something that was happening east of the Dolores Cooper Bridge. He asked what else would cause an Egg Harbor Township police officer to be there. Special Board Planner Wiser stated a patrol. Attorney Doyle stated a patrol, which he said was once a shift or they reported to something. Special Board Planner Wiser stated he believes it was a minimum of once a shift.

Board Member Rosenberg stated he would like to interject. He stated he is being to believe like Pluto the earth may be round and Longport may be closer to Seaview Harbor. He asked if we can get to the next point. Attorney Doyle stated he appreciates this. But the report is based on numbers that in his

judgement are irrelevant and the relevant numbers are what they travel on. He also stated he knows it is closer and he would like to make that point. Board Member Rosenberg stated the points Attorney Doyle just made he gets. He stated he does not know about the rest of the Board but we are beating a dead horse. Attorney Doyle stated if the two (2) police cars that are in that 20 plus square mile area of Area 5 that is on the mainland. There is no question that they cannot get to Seaview Harbor quicker than car anywhere in Longport. Is there. Special Board Planner Wiser stated unless the Longport police are otherwise occupied.

Attorney Doyle stated just conclude this last part. There have been statements put into the record in terms of what the Mayor said in 1982, I call Longport, I call 9-1-1 I get Longport and he said it again in 2011. Attorney Doyle continued by saying March 23, 2014, my big concern is I would hate to see my neighbors spending all that money on an attorney and not getting the results they are hoping for McCullough said, adding later "we pick up their trash, we plow their snow, we provide the sewer system. The only difference is when there is a 9-1-1 call Longport comes". Attorney Doyle stated Mayor Russo said the same thing. He indicated Mr. Miller at that meeting that is recounted in S91 agreed and acknowledged when Mayor Russo said "we report first for police, fire and ambulance". Attorney Doyle stated he would guess he agrees with Board Member Rosenberg as to why the question of distance and these time charts even being challenges. He indicated both Mayor's, the other emergency services say it. Longport shows up first. He asked Special Board Planner Wiser what is left to be of an issue. He asked if Special Board Planner Wiser believes they are all wrong. Special Board Planner Wiser stated he did not say they were wrong.

Attorney Doyle stated Board Planner Wiser said in his said in conclusion that if deannexation were to be approved "it could potentially result in a reduction of police funding leading to a reduction in manpower and services". Attorney Doyle asked Special Board Planner Wiser if he knows how much that reduction will be. Special Board Planner Wiser stated we have talked about this there is no way to know. Attorney Doyle asked so there may be no reduction. Special Board Planner Wiser advised as he indicated in his report for each of the services that would be a decision the governing body would makes at the appropriate time.

Attorney Doyle asked if they wanted to raise the 1.3 cents that both financial experts said deannexation would in a sense cost and acknowledged that cost would be \$27.00 a year. This would cover the whole municipal budget loss of the ratables wouldn't. Special Board Planner Wiser stated he does recall that was the numbers. He indicated this is just the municipality not the school Board. Special Board Planner Wiser advised as he said they could partially fund it, they could fully fund police, they could decide to take all of the gap and apply it to police and not public works or vice versa. He indicated nobody has any way to know.

Attorney Doyle stated the 2016 budget, which has been introduced, shows that of the money appropriated for police salary and wages and other expenses in 2015 had \$189,000.00 left over. He asked would that suggest the potential possible, could be loss, is even more potential and less certain. Special Board Planner Wiser stated he does not know the numbers Attorney Doyle is talking about and he has no idea. Attorney Doyle referred to Page 177 of Special Board Planner Wiser's report. He then which he then read onto the record a portion of the third paragraph. Thereafter, asking Special Board Planner Wiser why he placed into quotes "significant social injury", which was not footnoted. He asked Special Board Planner Wiser what is this a quote from. Special Board Planner Wiser stated he does not remember. He advised it could be from one of the cases or the statute. Again, stating he does not remember.

Attorney Doyle then read onto the record the statute that Special Board Planner Wiser just cited, concerning social injury. Attorney Doyle stated Special Board Planner Wiser's use of "significant" is in fact missed placed. Attorney Doyle stated Special Board Planner Wiser placed a stronger burden on them with the word "significant" that is not in the statute. He advised when you use the word 'significant' it has to apply to the municipality. Special Board Planner Wiser stated he may have pulled that particular quote from one of the cases. He stated he does not remember but if it helps Attorney Doyle to eliminate the quotes that is ok too. Attorney Doyle stated but then Special Board Planner Wiser would be using a standard that is not found in the statute.

Special Board Planner Wiser stated the Courts have interpreted the standards and he is pretty sure this comes from either Avalon Manor or Strathmere. He stated he does not recall. Attorney Doyle stated Special Board Planner Wiser used a standard before that he questioned from the Avalon case and it turned out it was from the trial level not the appellate level, correct. Special Board Planner Wiser indicated that is what he said. Attorney Doyle stated the appellate level quoted a significant portion of the trial Judge Perskie's opinion did it not. Special Board Planner Wiser stated yes, it did. Attorney Doyle but it chose not to quote that particular standard Special Board Planner Wiser read did it. Special Board Planner Wiser indicated nor did they refute it. He indicated as he said before and he will leave to the attorney's in the room to tell him he is wrong. But if the Court had a problem with that section of Judge Perskie's analysis and decision they would have overruled it and they did not.

Attorney Doyle stated Chairman and Members of the Board he would ask before the next meeting and he will get whatever law that is necessary, but he would like to think Special Board Solicitor Marcolongo knows and will correct the non-lawyer witness who chose to use a trial court opinion as a standard when the law is the control case is the upper level court and in this particular case the appellate court used a lot of Judge Perskie, the last three (3) pages, and the conclusion that Judge Perskie said that they did not use. That is a deliberate act. So for Special Board Planner Wiser as a non-lawyer to say, well they didn't say anything about it, it's the standard. Is clearly not legally appropriate and the standard that he has literally, a half a dozen times in that report, is the wrongful use of the lower level case.

Attorney Doyle stated if Special Board Solicitor Marcolongo wants law, he will give it to him, but he believes it is self-apparent to any lawyer, but not challenging Special Board Planner Wiser for what he did, but he is not lawyer and the opinion he gave is a non-lawyer opinion and for which he would say as a lawyer is wrong. Special Board Solicitor Marcolongo stated the use of the trial court has been used significantly by the appellate division in all these cases. He stated whether it is the Ryan Case, the Avalon Manor or Strathmere Case.

Special Board Solicitor Marcolongo stated unless it is specifically overturned he believes all of it can be used by this board and other courts in their determination. Attorney Doyle stated that is absolutely wrong and he hopes the guidance the Board gets is based upon the law and not a blind assumption Special Board Solicitor Marcolongo stated he will disagree with that. Attorney Doyle stated it is incumbent upon the Board, since he cannot ask Special Board Solicitor Marcolongo for the law, but the Board can. He noted if Special Board Planner Wiser uses that standard and the standard in the statute, which is the one that should be used, the courts cannot amend the law. They can interpret. They cannot amend only the legislator can and when you use that standard, as he did, and he can give the page citations and holds us to a stronger standard. It's just, it would be a mistake for the Board.

Special Board Solicitor Marcolongo stated during the first meeting he believes he handed out Judge Perskie's decision to all Board Members. He asked the Board Members to take the opportunity to re-review it and they can resolve these issues themselves. Attorney Doyle stated this is wrong. He advised if the members could resolve this themselves they might as well take a walk. He indicated you have lawyers to help you with the law.

Attorney Doyle asked Special Board Planner Wiser if he would agree, having heard all the witnesses at all the hearings that there have been a number of allegations from the petitioners that the Township has not responded to the needs of Seaview Harbor citizens or otherwise neglected them. Special Board Planner Wiser stated he thinks that was the contention that was made. Attorney Doyle stated in fact on Page 267 (report) Special Board Planner Wiser rejected all of those contentions did he not. Special Board Planner Wiser then read onto the record the second paragraph contained on Page 267.

Attorney Doyle asked Special Board Planner Wiser if he recalls at the first hearing Mr. DaBek raised issues with neglect concerning the reconstruction of the J.F.K. Bridge. Special Board Planner Wiser asked for him to be more specific. Attorney Doyle stated the issues centered around two (2) points. He indicated one the Township originally said the bridge would be entirely closed for the renovation work or whether there would be one lane left open, which was ultimately the decision. He indicated the second was whether a water pipeline would be installed to provide water to Seaview Harbor and why was it not.

Special Board Planner Wiser stated that is his assertion. Attorney Doyle stated he understands this advising he would like to examine this. He stated now looking back we know the bridge was never totally closed, correct. Special Board Planner Wiser stated this is correct. Attorney Doyle stated we do know from the minutes of the January 23, 2013 meeting that Township Committee did agree to close the bridge for a three (3) month period. He indicated he can show Special Board Planner Wiser the minutes. Special Board Planner Wiser stated no he does remember this. Attorney Doyle stated the question is the Township did vote to close the bridge didn't they. Special Board Planner Wiser stated he doesn't know he would put it in those terms but they voted to support a plan to close the bridge.

Attorney Doyle stated he does not know why Special Board Planner Wiser is mincing words. He stated the minutes show the committee agreed to close the bridge for a three (3) month period. He indicated the petitioners testified they were never brought into the discussion that lead, thankfully, to that revised opinion. He asked Special Board Planner Wiser if it was not neglectful not to consider the people who would be most affected in the Township. Special Board Planner Wiser stated somewhere in his report he spoke to that. He advised the issue was what would have happened if the bridge closure had actually occurred and would have the Township have made or Longport, whomever, have made appropriate consideration to provide needed services for Seaview Harbor.

Board Member Rosenberg asked Attorney Doyle if he could review the minutes. Attorney Doyle stated yes. Special Board Solicitor Marcolongo asked if these minutes are in the record at this point, were they marked. Attorney Doyle stated his copy is not but he does not know if they were. Special Board Solicitor Marcolongo stated this would supplementing the record by adding minutes. Attorney Doyle stated he has no problem supplementing the record. Special Board Solicitor Marcolongo stated he does. He advised if it is in the record lets provide. He advised he does not have a problem with that at all.

Board Member Rosenberg stated he recalls the discussion he does not remember the verbiage. Attorney Doyle asked not even at a Board Member's request. Special Board Solicitor Marcolongo stated

no, not at this point. Special Board Solicitor Marcolongo stated he should not be reviewing documentation that is not in the record at this point. Attorney Doyle then read into the record a section of the minutes from March 31, 2014, Planning Board Meeting where Special Board Solicitor Marcolongo discussed with the Board their responsibilities. Attorney Doyle stated when the petitioners testified they did not have in front of the Planner's report that said there was not neglect. He stated as much as the petitioners were cross examined or their testimony responded to by Mr. Miller and others in ways he could not respond to. Attorney Doyle stated he is challenging the fact as to whether or not there was neglect or not. He stated if this is going to be so one sided that he cannot cross examine the concluding witness than this if frankly a sham and unfortunate and he does not think that the Board has worked that hard and been as fair as they have been to not allow him to ask very relevant questions to the most relevant witness. The one that is on the stand now.

Special Board Solicitor Marcolongo stated why do they not go to the minutes to see what the minutes might reflect as to what testimony we may have received from say Mr. Miller or other members of the petitioners. Attorney Doyle stated he cannot imagine why the Board cannot consider what the Township Committee did in public action. Special Board Solicitor Marcolongo stated we have had an opportunity to hear that evidence when Mr. Miller was testifying and could have been presented at that point. He added he believes Mr. Miller was cross examined on this issue and he thinks he stated there was an initial position of the Township Committee to close the bridge but they recanted and decided to go with another option. Attorney Doyle stated if Special Board Solicitor Marcolongo wants to summarize the testimony that is fine but he rather have the testimony come from witnesses.

Special Board Solicitor Marcolongo stated this is the testimony that has already come out before the board on prior meetings. Attorney Doyle stated he does not recall Mr. Miller acknowledging the initial decision and he did not respond to the allegation of neglect with the specificity and he was a fact witness not the expert witness that Special Board Planner Wiser is presented as. So he thinks it is a whole different ball game and not allowing cross examination he has to think twice if the next step is on April 26th or before that.

Special Board Solicitor Marcolongo stated he will have to make that decision with his clients. Attorney Doyle stated if you want to abort these hearings by not allowing public documents into the record to complete the kind of record Special Board Solicitor Marcolongo said at the beginning we would be allowed to have. He stated is disappointing to say the least. Special Board Solicitor Marcolongo advised we have given Attorney Doyle an opportunity to present his case over multiple hearings and have been very liberal on what evidence has been presented whether it has been a survey proposed/created by your clients the submission of newspaper reports all of which are hearsay but we have been very liberal on that. Special Board Solicitor Marcolongo stated we have given ample opportunity for Attorney Doyle to make presentation. Attorney Doyle stated just as liberal when an editorial was allowed in that was not based upon fact but just someone else's opinion and he could not cross examine. He stated while he appreciates Special Board Solicitor Marcolongo's so called generosity it was even handed because he allowed four (4) boxes of items to go in.

Special Board Solicitor Marcolongo stated the question is, would it be neglect to have taken that position. He asked if that is correct Special Board Planner Wiser, he asked if he can answer this question. Attorney Doyle stated that is not the question. He advised the question was; was it neglectful to make a decision that impacted specifically the people of Seaview Harbor and would add to the question. Whose first aid and fire services are provided by Longport because they were immediately across the bridge. To close that bridge and require them by, what Mr. Miller subsequently referred to,

as a 20 mile journey. Was that all neglectful in the sense they never got input from the citizens of Seaview Harbor. Special Board Planner Wiser stated he does not know that they never got input from the citizens of Seaview Harbor because the Mayor lives in Seaview Harbor and he was part of that decision making process. Attorney Doyle asked if the Mayor says it was ok the 91 people and their families that live there and would have had that bridge closed would just have to suffer that decision. Special Board Planner Wiser stated if Attorney Doyle is asking if there were community meetings he does not know. He stated if there was a council discussion at the committee level than obviously that is a public meeting where anyone can come and voice their concerns. Attorney Doyle stated if you do not know it was on the agenda, it is not an ordinance published, it was just a decision. Special Board Planner Wiser stated he does not know if it was on the agenda or not.

Attorney Doyle stated from the same minutes there was a FEMA community meeting mentioned that was to be held and that residents of Morris Beach, Anchorage Poynte, would be notified by the police department and the residents of West Atlantic City had phone notices two (2) times. He advised conspicuously absent is Seaview Harbor getting special notice by either way of the police department or by phone notices. Attorney Doyle asked Special Board Planner Wiser isn't that neglectful. Special Board Planner Wiser stated to the extent that is a true representation of what happen. Attorney Doyle asked Special Board Planner Wiser if he wanted to read the minutes. Special Board Planner Wiser stated he does not want to read the minutes.

Board Member Rosenberg stated he would like to ask a question. He asked who sent out the notices for the Morris Beach FEMA. Attorney Doyle stated he only knows what he read in the minutes and then read onto the record the information concerning this item from the January 23, 2013 (Township Committee) minutes. Attorney Doyle asked Special Board Planner Wiser again should Seaview Harbor not been as equally treated. Special Board Planner Wiser indicated as he said to the extent that; that reflects an accurate depiction of what happen, if Seaview Harbor was not noticed they should have been. He noted he does not recall this information on the record so he did not react to it within his report.

Attorney Doyle stated within Special Board Planner Wiser's report he indicated there was a lot of talk about the pipe line and it did not get built and cannot say why. He then asked for Exhibit B106, which was provided, and he in turn presented to Special Board Planner Wiser. Attorney Doyle asked Special Board Planner Wiser if Mr. Levinson answered this letter. Special Board Planner Wiser stated yes, he did. Attorney Doyle asked as a part of that letter did he not, by the way copies of that letter went to Mayor and Township Committee of Egg Harbor Township, as well as, Administrator Miller did they not. Special Board Planner Wiser stated whatever it said. He indicated he is looking at it and it says Mayor and Committee, Board of Freeholders, and Fire Chief's. He doesn't know if it went to Mr. Miller. Attorney Doyle stated ok.

Attorney Doyle stated toward the end of his letter that internal conversations will ensue between you (Mr. Danz) and the Administration in Egg Harbor Township. He asked Special Board Planner Wiser if that would not suggest to him that the ball was put solely in Egg Harbor Township's court by that language. Special Board Planner Wiser stated he does not know if it was solely because whatever plan the Township would have come up with would have had to go back to be approved by the County. So he does not know if solely is an appropriate term, but there was supposedly to be discussion between Chief Danz and the Township as to how to proceed.

Attorney Doyle stated in term of the County approval and discussions between Mr. Danz and the Township Committee Mr. Levinson goes on to say “the County will proceed with our work which will not negate anything the Township would like to do as the County moves through the construction process”. Attorney Doyle asked Special Board Planner Wiser again would that not seem to but the ball squarely in the Township hands. Special Board Planner Wiser stated he thinks that is a curt phrase from the County Executive to an Officer of one of the Towns in the County and he thinks it would have to depend on what the Township came back to the County with. Attorney Doyle stated that is all supposed by you, hypothetical, speculation. Special Board Planner Wiser stated he has been working around Atlantic County long enough to know that if the Township would have come back with a plan that was not workable for the County they would not have approved it, despite what the letter says.

Attorney Doyle stated notwithstanding Special Board Planner Wiser’s political savvy. Special Board Planner Wiser stated it is not political savvy. He stated he deals with the County, as a part of his job, his career. Attorney Doyle stated in his day he would have probably acted the same way governmental. He stated he always likes to think of himself as a governmental official and that he was not a politician. Attorney Doyle then referred to the minutes of the February 13, 2013 meeting, previously admitted into evidence as S133. He then read onto the record a section of these minutes with respect to comments initiated by Chief Danz and his concern with fire issues in Seaview Harbor. After reading this onto the record he then asked Special Board Planner Wiser that what was just read does not speak of County does it. Special Board Planner Wiser stated it does not speak of the County but does that plan contemplate running the line as part of the bridge. Attorney Doyle asked was this not Chief Danz desire. Special Board Planner Wiser stated well he had two (2) different desires. He indicated one desire that he thought we were talking about in the beginning was to run a dry pipe that would hook up and he thought, and he may be wrong, but what Attorney Doyle was talking about just now was running a water pipe. Attorney Doyle stated a water line under the bridge. He indicated same difference is it not. Special Board Planner Wiser stated he doesn’t know that it is. He indicated it may be.

Attorney Doyle stated Special Board Planner Wiser did not mention Mr. Danz’ letter as going to the Township just to the County. He indicated Special Board Planner Wiser did not mention S133, which are the minutes or S134 minutes from April 24, 2013. Attorney Doyle then read onto the record a section of these minutes where Chief Danz discussed the Township remain open with running a pipe line across the bridge. He then asked Special Board Planner Wiser why the letters not figure into his report since the subject went on for some paragraphs/pages. Special Board Planner Wiser asked Attorney Doyle if he could reference the specific page(s) within his report.

Attorney Doyle asked Special Board Planner Wiser if he has any idea where it is himself. Special Board Planner Wiser indicated he is looking trying to look for it, but he cannot find it specifically and he does not want to get anything wrong so he was hoping Attorney Doyle could assist. Attorney Doyle asked Special Board Planner Wiser and the Board to refer to Page 171, Paragraph 5. Attorney Doyle stated Special Board Planner Wiser noted “the fact remains that the Chief did make this recommendation to the County”. Special Board Planner Wiser stated yes. Attorney Doyle indicated he in fact made it to the municipality by his letter and two (2) personal appearances before the Township Committee did he not. Special Board Planner Wiser stated he supposes he did that as well. Attorney Doyle asked why was not this mentioned in his report. Special Board Planner Wiser stated he does not know.

Special Board Planner Wiser stated we have the testimony and the exhibits. Attorney Doyle asked what testimony. Special Board Planner Wiser indicated we had extensive testimony about this pipe, not from Chief Danz. Attorney Doyle asked from whom. Special Board Planner Wiser stated from Attorney

Doyle's clients who raised the issue and from Mr. Miller who responded to pieces of what your clients raised. He indicated that is how it all got in here (report) in the first place. Special Board Planner Wiser stated the fact of the matter is he made the recommendation to the County and he supposes he also made the recommendation to the Township, but we don't know, he means we know that part. But why it didn't get done we do not know.

Attorney Doyle then referred to page 162 and read onto the record item "a". He then asked Special Board Planner Wiser what Township Representatives, in the plural, does he mean by this since it was not footnoted. Special Board Planner Wiser indicated there was Mr. Miller and one or more of the Fire Chief's. Attorney Doyle asked what did they say that failed to clarify why it happened. Special Board Planner Wiser stated didn't happen. He indicated the Fire Chief's said they didn't know and Mr. Miller, he indicated he forgets exactly what he said, but his recollection is Mr. Miller didn't know why it didn't happen either, but he doesn't 100% recall.

Attorney Doyle stated let's be clear the only citizens of Egg Harbor Township that pipe would have helped were the residents of Seaview Harbor, correct. Special Board Planner Wiser stated right. Attorney Doyle stated part of S132, in evidence, is his OPRA request to County Executive, Dennis Levinson, he then read onto the record this request noting what information he was seeking. Attorney Doyle stated all he received back, as reflected in S132, was newspaper article that appeared on February 27, 2013, which was not incorporated in Special Board Planner Wiser's report either about the urgency of it in Chief Danz' mind.

Attorney Doyle stated he followed up with an OPRA request to Egg Harbor Township, he then read onto the record the request noting the information he was seeking. Special Board Solicitor Marcolongo stated this OPRA was not marked into evidence. Attorney Doyle stated it was not because it was done after their case was concluded and before anything that would have given rise to thinking it was necessary. He indicated it seems clear at the end of the petitioner's case, that the Township, with all due respect, dropped the ball. But then we get the Township's case through the Administrator saying, well we don't know, it was not our fault and whatever we just heard from Special Board Planner Wiser.

Attorney Doyle stated then we get Special Board Planner Wiser's report that says we can't know. So we are trying to figure out why so he sends out an OPRA and receives a response. Special Board Solicitor Marcolongo interrupted Attorney Doyle advising we will be supplementing the record by him reading into it even though he is not marking it into evidence. Attorney Doyle stated he does not have anything to read because the only thing she tells me that came was the letter that is already in evidence.

Attorney Doyle asked Special Board Planner Wiser if he recalls Mr. Miller taking sometime testifying about the traffic light and he mentions it several times showing how influential the people of Seaview Harbor are and how hard the Township worked for them and after years of making efforts that light go in. He asked Special Board Planner Wiser if he recalls this. Special Board Planner Wiser stated yes. Attorney Doyle stated by comparison is there anything in the record that the Township did anything whatsoever to respond to Chief Danz and to meet the unique needs of the Seaview Harbor residents to put in this much needed water pipe.

Special Board Planner Wiser stated the record is inconclusive. Attorney Doyle stated it is amazing when the traffic light gets put in the record is conclusive and everyone cheers. Special Board Planner Wiser stated there were a number of documents there. Attorney Doyle where are the documents. Special Board Planner interjected stating we have no documents here and we have no idea as to why the pipe

never can to fruition. Attorney Doyle stated despite Chief Danz' pleas on three (3) occasions. In the letter and two (2) in front of them we know from the record no letter, no memo, no anything that anybody tried to put in that line. Special Board Planner Wiser stated that appears to be correct. We do not know. Attorney Doyle stated Special Board Planner Wiser met for several hours on more than one occasion with Chief Danz. He asked if he knows anything more what he just suggested. There is nothing. Special Board Planner Wiser stated the only thing he knows cannot be substantiated so he would not offer it. Attorney Doyle asked that you knew before Chief Danz chose not attend the meeting. Special Board Planner Wiser stated he does not remember when this thought. Attorney Doyle asked what purpose Special Board Planner Wiser would have to speak with Mr. Danz after that night. Must have been before it, no. Special Board Planner Wiser stated the issue has nothing to do with Mr. Danz. Attorney Doyle stated alright. Special Board Planner Wiser stated he cannot substantiate what he thinks he recalls so he is not going to offer it.

Attorney Doyle stated though there is no proof there is one thing for certain the fire chief wanted it, the Mayor said it was a good idea and advised in the minutes he would check with Engineer and Attorney Doyle added in response to his OPRA he received no communication from the Mayor and Township Committee to the engineer or back. We have no correspondence from anybody. He stated given that everyone was supposedly for it and these people that he represents would be uniquely benefitted by it does the thing speak for itself. That they were neglected on this issue. Special Board Planner Wiser stated it speaks someone neglected them. He stated it does not speak to whether it happened to be the Township. He indicated we do not know.

Attorney Doyle stated we could have known if Chief Danz was subpoena. Attorney Doyle noted he did not testify or voluntarily testified. Special Board Planner Wiser stated he does not know what Chief Danz knew; knows. Attorney Doyle stated Special Board Planner Wiser drew some comment in his report, and he asked Special Board Planner Wiser, not to ask him what page. That Scullville comes in third (3rd) in fire response and Special Board Planner Wiser thought that was erroneously stated. Special Board Planner Wiser stated unless Attorney Doyle can show him the page he does not remember the context. Attorney Doyle stated just to complement Special Board Planner Wiser's comment he is referring him to the June 2nd minutes of the Planning Board, Page 27. He then read onto the record a comment made from Chairman Garth concerning Longport being first, Somers Point being 2nd and in the meantime Scullville is on route. He stated that would suggest that in fact they are third. Special Board Planner Wiser stated ok.

Attorney Doyle stated he would like to something marked for Identification only. He indicated it is a compilation of statistics that Special Board Planner Wiser earlier referred to in terms of square miles, population in which he asked him and Special Board Planner Wiser drew the conclusion that Longport was not necessarily sufficiently policed so as the people of Seaview Harbor could expect better results if they were part of Longport. Special Board Planner Wiser placed this in his report and he thinks he has the right to summarize, if you will, all of the known testimony in one sheet so we are not all going around saying what page is that, what exhibit is that so for the benefit of the record, the board, and the determination of this case he has a chart in front of him. This chart has the square miles of each town, the population, households, the number of sworn officers, the officers per square mile, the people per officer and the households per officer. Attorney Doyle stated he would draw this against the testimony of Chief Davis that the police ratio in Egg Harbor Township of one (1) per 500 approximately was about at the standard.

Special Board Solicitor Marcolongo asked why did we not ask Chief Davis that. Attorney Doyle stated because there was no need to ask Chief Davis because he had yet to see Special Board Planner Wiser's report. That said there was no evidence that we would be better served if we went to Longport. Attorney Doyle stated while he does not think that is the standard that is his testimony and he does not understand and he would like to put it into evidence and he understands Special Board Solicitor Marcolongo is not going to let him put anything no matter how relevant and appropriate it is into evidence probably. Special Board Solicitor Marcolongo stated he is looking forward to any questions that he has on this issue to him. Based upon the evidence that is in the record and also based upon his report.

Attorney Doyle stated he would like to show Special Board Planner Wiser something that he can ask the questions from because than he is going say I can't answer that unless I can look at the numbers. He indicated he is only asking it because he knows from what Special Board Solicitor Marcolongo said he is not going to let things into evidence but if he has to go to court he needs to say he offered so he wants to mark in for identification. Special Board Solicitor Marcolongo stated mark it for identification. He then noted S153 is being marked for Identification purposes only. He indicated it is compilation of information of police comparisons of Egg Harbor Township versus Longport. Board Member Aponte stated this is information we already have, correct. Special Board Solicitor Marcolongo stated allegedly.

Attorney Doyle stated with Special Board Planner Wiser's testimony earlier this evening with respect to the ability of Longport police to respond. He indicated given the fact it is less than 2/5th of a square mile with a population of only 895, albeit larger in the summer, it's police ratio per square mile per people, per household is significantly greater or better than Egg Harbor Township's and it is less than a mile away no more than at its furthest 2.2 miles when everything in Egg Harbor Township, other than Anchorage Poynte is six (6) miles away would these numbers, objective statistics suggest they can do the job. Special Board Planner Wiser stated he does not think they can or cannot do the job. He indicated regardless of what the ratios or statistics are if there are one (1) or two (2) police officers on the street at any one time and they are occupied. Than Longport is not going to be able to respond. Attorney Doyle asked if the two (2) police cars in area 5, the 20 ± square mile area, are on the mainland that is the same or not greater difficulty is it not. Special Board Planner Wiser stated absolutely.

Attorney Doyle stated the whole issue that was raised about the fire hydrants. Is that relevant to this discussion whether the statutory standards of significant injury to the municipality or on the other hand detriment to the social and economic wellbeing of the residents of Seaview Harbor. Special Board Planner Wiser stated yeah. Attorney Doyle stated it is with Aqua and Aqua owned it when Special Board Planner Wiser wrote his report. He indicated it is a fixed situation that is not going to change. Attorney Doyle asked what relevance does it have any longer that it was in Special Board Planner Wiser's report to the extent of pages 162, 163, half of page 164, 172, 173 and a part of 174.

Special Board Planner Wiser stated to the extent that Aqua is placing in hydrants that are not intended for firefighting purposes. He indicated that is absolutely relevant. Attorney Doyle stated and they are with the approval from the Board of Public Utilities right. Special Board Planner Wiser stated yes. Attorney Doyle stated neither the petitioner's nor the Township have any say over that. He indicated they both in different ways appeared at the hearing but that is the BPU's decision and that was long before Special Board Planner Wiser's report was put out. Special Board Planner Wiser stated he does not know when it was put out but it was clearly before the report. Attorney Doyle asked Special Board Planner Wiser why does it take up five (5) pages of the report. Special Board Planner Wiser stated because we had a lot of testimony on it.

Attorney Doyle stated this has gone on over two (2) years. That cease to be relevant. Attorney Doyle stated he has asked Special Board Planner Wiser two (2) times now a third. What was its relevance as of the date he wrote the report. Special Board Planner Wiser stated there was a lot of discussions about various levels of firefighting. He indicated there was a lot of discussion about Longport and their fire department and Egg Harbor Township fire department. He indicated his sense of it is our fire department does not particularly like these hydrants, the flush mounted hydrants. Attorney Doyle asked when you say "our". Special Board Planner Wiser stated Egg Harbor Township. He also noted there were questions from Attorney Doyle's clients over and over again about the sufficiency of the ability to fight a fire. As evidence about the conversation concerning the dry pipe and he thought it was significant to put it in.

Special Board Planner Wiser stated he did not view it at the time that the issue fell off the table when he wrote the report. Attorney Doyle asked what was on the table. What was still in dispute. He indicate the hydrants were changed. They will serve as they serve. Aqua owns it. Seaview Water company, including its partner, Joseph Stewart who had run in's as well as Ralph Henry with Mr. Miller. He indicated that is all the past so why is it worthy of five (5) pages of our time. Special Board Solicitor Marcolongo stated he thinks Special Board Planner Wiser's answer has been we had a lot of testimony on it and a good portion of his report is a summary of what evidence was presented to the Board.

Attorney Doyle stated it is kind of hard when we are two (2) lawyers arguing on what would seem to be a motion, waiting for a Judge to make a decision on our competing arguments, when you not only make the other argument but then you get to decide who is right and he has not won too many of those. Special Board Solicitor Marcolongo stated he is trying to facilitate the conversation. Special Board Planner Wiser stated the Board will decide who is right. He indicated the fact of the matter is, as he said, fire suppression or whatever you want to call it. Firefighting in Seaview Harbor had been an extensive discussion brought up by Attorney Doyle's clients, by Mr. Miller and through the various fire chiefs and he summarized it in his report. He stated if he did not summarize it quickly enough for him he apologizes.

Attorney Doyle stated no, that is disingenuous. He indicated Special Board Planner Wiser wrote his report when he did. He indicated this issue was over, sometime, at least six (6) months ago, at the July meeting with the BPU. Attorney Doyle stated he does know on Page 173, advising maybe this is the purpose of the five (5) pages. Attorney Doyle then read the second paragraph onto the record. Attorney Doyle then asked which of his clients, or the petitioners, or people who have testified is Special Board Planner Wiser is anonymously taking a shot at. He indicated Special Board Planner Wiser is not being anonymous the motives of certain petitioners. Special Board Planner Wiser stated if you look at the record of the various minutes of representations from the Seaview Harbor Community Association, as he has within his report, there are a number of references of concerns that the water supply is not appropriate.

Special Board Planner Wiser stated he found it interesting when it came time to have the sale of the water company and Mr. Stewart was going to benefit from it. All of a sudden the water level was not an issue. He indicated he found that interesting. Attorney Doyle stated the water level was not an issue. He indicated everyone has said that the water was of sufficiency to beat back the initial fire and was good for some 20 to 30 minutes, which included Chief Clayton, witnesses to the fires, included the report put into evidence by Sergeant Adams, but yet to him, and he will close with the only thought that was differentiated was Mr. Miller's comment in Exhibit S38 that the fire hydrants were useless and

knowing this we put a lot in to show that it wasn't and somehow that was a war between Mr. Miller and the water company that unfortunately affected the petitioners and these five (5) pages is a rehashing of war that was unnecessary. He indicated this total issue with the hydrants and the pipe line is sufficient water period. Not just for the first fire. He indicated the one thing that would have guaranteed that was the pipe line but it did not happen did it. Special Board Planner Wiser stated actually he does not know that would have guaranteed it because there is testimony from the Longport City Engineer that says they do not have the pressure to supply it. Special Board Planner Wiser noted for the record there was not testimony but a report (from the Longport City Engineer).

Attorney Doyle stated no. They do not have the water pressure to provide water not sufficient suppression fire water, which is a lesser amount. He indicated the 2011 report Special Board Planner Wiser refers to is talking about providing, in effect, drinking water, potable water. He suggested Special Board Planner Wiser check his notes, as well as, he will check his.

Board Member Aponte stated it is interesting that we have taken eight (8) to ten (10) minutes discussing this. Maybe the five (5) pages were appropriate. He indicated as he read the report he did not see them out of line with the amount of time we did spend talking about fire, fire suppression, and water pressure. Attorney Doyle stated he sees the report as appropriate to tell you what the pluses and minuses what the affect are both to the Township and petitioners going forward. He stated this was not a going forward issue, however, it was settled in the past it was not needed and he didn't think the shot at unnamed petitioners was needed either. Board Member Aponte stated he did not look at unnamed people and he could care less, honestly what unnamed people it was. He indicated until this moment he did not know they were talking about Mr. Stewart. He indicated he does not want to get to a point that we redress possible shots that this report is going back, he asked if Attorney Doyle gets his point. Attorney Doyle stated yes, he does. Board Member Aponte stated he understands they are his clients but he does not think this is personal. He stated he will leave it at that. Attorney Doyle stated o.k.

Attorney Doyle stated he would like to switch to the subject of finance. He asked Special Board Planner Wiser if he would agree that the only two (2) municipal financial experts presented in this case were Mr. Ryan for the petitioners and Mr. Costello for the Planning Board. Special Board Planner Wiser stated there was Ms. Bechtel was a witness as it relates to the finances for the schools. He indicated that would be the three (3).

Attorney Doyle stated he did forget something about the police that he would like to go back to. He indicated in looking at the Chief's testimony he said when he testified on July 28th. He asked Special Board Planner Wiser if he recalls the Chief's power point presentation on the 28th. Special Board Planner Wiser stated yes. Attorney Doyle stated Special Board Planner Wiser's vouchers show on July 27th review Chief Davis PPT. Attorney Doyle asked what PPT stands for. Special Board Planner Wiser stated it is the file extension for a power point. Attorney Doyle asked where Special Board Planner Wiser received the power point from the day before the hearing. Special Board Planner Wiser stated he may have gotten it from Special Board Solicitor Marcolongo. He may have gotten it directly from the Chief he does not recall.

Attorney Doyle stated he only asked this because the Chief has said he gave it to no one but Dean and his secretary. Special Board Solicitor Marcolongo stated he does not recall that testimony. Special Board Planner Wiser stated he would have either gotten it from the Chief or through Special Board Solicitor Marcolongo. Attorney Doyle stated Special Board Planner Wiser's voucher also indicates he spent several hours with Chief Davis earlier in July and you met with him before he testified. Special

Board Planner Wiser stated yes, with Special Board Solicitor Marcolongo. Board Member Rosenberg asked Attorney Doyle what he means by vouchers. Attorney Doyle stated he made an OPRA request for public documents after he saw Special Board Planner Wiser's report. He indicated he wanted to ascertain what he thought was the nature of the ruling by Judge Armstrong about the Township's participation in the Planning Board review and she said the Township decides, the Planning Board was meant to do an open, independent, unbiased report. Attorney Doyle stated to him that would have meant the Planner hired by the Board was not of the Township and he like we would hear testimony from witnesses. As opposed to working with the witnesses prior to their testimony. He indicated to be clear there is testimony and you will hear on the record and Special Board Planner Wiser said or general said, he does not want to place quote marks on it, he wanted to make sure the witnesses understood what had been said at meetings, that they themselves, were not. The public works director, the police chief the two (2) fire chief's that stood in for Mr. Danz and given a sense of it and not to, Special Board Planner Wiser, put it he was not there to coach them.

Special Board Planner Wiser stated let him be very clear on this issue. He stated it was not him saying he is meeting with the various officials. Special Board Solicitor Marcolongo arranged meetings and Special Board Solicitor Marcolongo suggested that he may be of assistance to be there. To help with what Attorney Doyle just said. He indicated for the record, he did not call up and say hey, chief I want to meet with you. Board Member Rosenberg stated he appreciates the clarification.

Special Board Solicitor Marcolongo stated for the record. The preliminary decision of Judge Armstrong dealt with the fact that in the Strathemere case Upper Township wanted to hire special council to participate during the hearings and represent the Township during those hearings. He indicated Judge Armstrong said no that is not appropriate. That the Township should not be that intimately involved. Not that representatives of Township could not come in and testify. Attorney Doyle stated he absolutely agrees with the two (2) points that were made. He indicated it was about the Township Attorney questioning and there is nothing to say witnesses from the Township should not come in, in fact she said they should. But the Judge also said as to the role of the Planning Board and the hearing they conducted should be open, independent and unbiased. Special Board Solicitor Marcolongo stated he certainly hopes and believes that has happened here. Attorney Doyle stated we too. But he thinks in terms of what Special Board Solicitor Marcolongo said in the beginning, all idea's should be explored, and this is one that goes to the heart of the matter. But he wants to go back to finance.

Attorney Doyle stated Mr. Ryan testified in 2014 and Mr. Costello in 2015. So there are some differences in the numbers but not borne of disagreements or methodology, as much as, they were the actual numbers changed, correct. Special Board Planner Wiser stated he agrees. Attorney Doyle stated that Mr. Costello had the benefit of the newer numbers so his numbers were a little different. Special Board Planner Wiser stated yes. Attorney Doyle stated they did, both experts looked at the same areas, assessments, assessments for the whole town, assessments for just Seaview Harbor, tax rates, budgets, etc.. the same base of information. Special Board Planner Wiser stated yes. Attorney Doyle stated they both agreed the only portions of the tax rate that were relevant to this discussion were the municipal tax rate and the school rate. Not the County rate, not the open space rate, all of that. Special Board Planner Wiser stated correct.

Attorney Doyle stated unlike Strathmere were there was some arguing about that Mr. Ryan and Mr. Costello were on a level playing field. Special Board Planner Wiser stated they agreed. Attorney Doyle indicated both of them acknowledge that the budget was funded by both tax revenues and other sources and the general mix is the taxes were about 55% to 60% and other revenues were 40% to 45%

both for schools and the town. Special Board Planner Wiser stated he does not recall the percentages but there were tax money and other money.

Attorney Doyle asked Special Board Planner Wiser he was aware that Mr. Costello was in audience for the single meeting at which Mr. Ryan testified. Special Board Planner Wiser stated he is not sure if he is aware of that or not. Attorney Doyle asked if it is accurate to say when Mr. Costello testified he did not point out any error, inaccuracy or different conclusion he had then what Mr. Ryan had expressed other than the change in numbers. Special Board Planner Wiser stated he does not recall that he did. He indicated he knows the numbers are different. He may have made some different assumptions, but he did not take issue. Attorney Doyle asked if Special Board Planner Wiser can give him examples of the different assumptions. Special Board Planner Wiser stated no he can't, but on the face of it he did not take issue with Mr. Ryan's report.

Attorney Doyle stated Mr. Ryan's methodology, as to what he called the most conservative approach, was to assume the Township would want to continue the revenue levels that they had before deannexation, after deannexation and the way to do that without cutting the budget would be to raise taxes and to look at the effect it would have. Special Board Planner Wiser stated o.k. Attorney Doyle stated though the number changed by 1 million, ultimately in accepting Mr. Costello's number he said if you took that conservative approach it would be 1.3 cents for the municipality and a 4.6 cent raise for the school board. Special Board Planner Wiser stated it sounds about right. He indicated he would assume his numbers are correct. Attorney Doyle stated that both experts acknowledged that gap might be otherwise resolved by pure budget reductions or a combination of budget reductions and tax increases. Special Board Planner Wiser stated logically yes. Attorney Doyle asked Special Board Planner Wiser that both men agreed it would not be both loss of services and a tax increase to the fullest amount. Special Board Planner Wiser stated he does not recall they made that agreement.

Attorney Doyle stated either the taxes pay for the lost services or the services are lost. He indicated it cannot be both lost services and higher taxes can it. Special Board Planner Wiser stated yes. You can decide to cut some services, decide not to cut other services and because of the fiscal situation because of a lack of revenue you have to raise taxes. Attorney Doyle stated under that circumstance than the tax increase would be less than the maximum using the conservative approach of 1.3 cents and 4.6 cents. Special Board Planner Wiser stated he would suppose. Attorney Doyle stated on the flip side they not only talked about the municipal budget but on the personal budgets, if you will, if it were a total tax increase to make up lost services what would be its effect on the average Seaview Harbor property owner and the average Egg Harbor Township property owner, right. Special Board Planner Wiser stated yes.

Attorney Doyle stated they both agreed what those average numbers were \$208,000.00 and some dollars in one case and \$800,000.00 some dollars in the other. Special Board Planner Wiser stated yes. Attorney Doyle stated and not to get mistaken by Mr. Ryan's numbers but to put them to bed and used most recent numbers. He indicated Mr. Ryan used added assessments in a given year and got the tax increase under the conservative approach down to \$87.00 and without that it would have been \$120.70. Special Board Planner Wiser stated that sounds about right. Attorney Doyle stated Mr. Costello said in the following year, 2015, that the \$120.70 would become \$122.78. Special Board Planner Wiser stated yes. Attorney Doyle indicated and as there was a jump of \$2.08 similarly there was a jump on the Seaview side from 2014 to 2015 of the average effect went from \$17,412.00 to \$17,850.00. Special Board Planner Wiser stated yes.

Attorney Doyle stated by his calculations the loss of \$122.78 versus the loss of \$17,850.00 is a multiplier of 145 (X) times. That is the effect on the Seaview Harbor homeowner is 145 times that on the Egg Harbor Township homeowner. Special Board Planner Wiser stated o.k. Attorney Doyle stated put different is 2/3rd of 1%. He indicated with those numbers in hand he stated he would draw Special Board Planner Wiser's attention to Page 239.

Attorney Doyle read into the record the only paragraph on this page. He then asked Special Board Planner Wiser what he meant by burden as noted in this paragraph. He indicated they certainly have the same tax rate that is uniform throughout the municipality. He asked Special Board Planner Wiser what he means by the same burden when the difference between deannexation and annexation is a multiple of 145 (x) times. Special Board Planner Wiser stated the average points out they do not have an \$800,000.00 property. He indicated the burden is it is relative and perhaps looking back on it he could have written "face the same relative burden" but the fact of the matter is that the people in the Township feel their taxes are high too.

Attorney Doyle stated the average homeowner in Egg Harbor Township at a \$208,000.00 assessment at a tax rate of 2.964 pays a tax that is roughly \$6,200.00. He indicated the average homeowner in Seaview Harbor pays an average tax bill of \$25,000.00. Special Board Planner Wiser stated on a home that is assessed at \$800,000.00. Attorney Doyle asked if that means he is any wealthier than the average homeowner for sure. Special Board Planner Wiser stated Attorney Doyle would have to bring an accounted in for that one. He indicated they have a property that has a value. The value is reflected in the assessment and the value is reflected in the market price. He indicated you have people on the mainland don't have, on average, that same value and the numbers speak for themselves.

Attorney Doyle stated Special Board Planner Wiser says throughout the report, in fairness, say that is an economic loss and it is an impact on the Seaview Harbor resident and does constitute economic damage. Special Board Planner Wiser stated absolutely. Attorney Doyle stated however in Special Board Planner Wiser's conclusion he withdraws this as a final finding does he not. Special Board Planner Wiser asked he withdrew that. Attorney Doyle asked Special Board Planner Wiser that he is satisfied that the board should find that they have had suffered a financial loss if the petitioner were denied.

Special Board Planner Wiser stated if the petitioner were to be denied and they had to continue to pay the \$17,850.00, yes they are financial harmed. Attorney Doyle asked if that financial harm meet the statutory standard of injury to their economic wellbeing for the majority of the residents of Seaview Harbor. Special Board Planner Wiser indicated for that side of the test he believes it does. Attorney Doyle asked that side of the test meaning not social and not the Township standard just that part of it or is there some other test. Special Board Planner Wiser stated there is an "and" and that is the impact on the residents of the Township. Attorney Doyle stated he does accept this. Special Board Planner Wiser stated this part deals with Seaview Harbor.

Attorney Doyle asked Special Board Planner Wiser if he belies the \$122.78 represents a significant injury to the municipality. Special Board Planner Wiser stated he believes it represents an injury to the residents of the municipality. He indicated whether it is a significant injury and whether it rises to the level of what is needed for deannexation is up to the governing body. Attorney Doyle stated the Avalon Case and the Bay Beach Case both talked about considering the future for both the petitioners and Township. The Bay Beach Case using the Avalon Case since that calls for a certain balancing. He asked Special Board Planner Wiser in balance does he have a recommendation as to whether those statutory test are met either way. Special Board Planner Wiser asked Attorney Doyle what he means by those

statutory test. Attorney Doyle indicated when he spoke to the economic wellbeing the detriment to the citizens and said yes that exist as does the Township does with an increase of \$122.00 represent significant economic injury, the statutory words to the municipality. Special Board Planner Wisner stated he thinks it would for some people.

May the record reflect: Special Board Planner Wisner asked if he may be excused for a few moments. Special Board Solicitor Marcolongo stated it appears Attorney Doyle will not be completed this evening and since it is almost 10:00 p.m., it would be up to the Chairman as to whether he would like to continue with this or if he would like to adjourn. Chairman Garth asked for a motion to carry the hearing.

Motion Kearns/Eykyn to carry public hearing to Tuesday, April 26 2016, 5:00 p.m., prevailing time.

VOTE 7 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

SUMMARY MATTER(S):

SECTION I: Discussions of matters pertaining to the Board:

A: General public discussion: Motion Eykyn/Pfrommer to open public portion

May the record reflect no one came forward

Motion Rosenberg/Eykyn to close public portion

Motion Eykyn/Aponte to adjourn at 9:55 p.m. VOTE 7 Yes: Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

Respectfully submitted by,

Theresa Wilbert
Secretary