

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

April 20, 2015

Planning Board Professional(s):

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

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

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

Planning Board Deannexation Professional(s):

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

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

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

Chairman Garth asked all members of the public to rise for the flag salute. He asked that everyone remain standing for a moment of silence in remembrance of Board Member John Welsh.

Roll Call Taken as Follow(s):

Manuel E. Aponte, V-Chair., present.

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Robert Levy, another engage.

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

Peter Miller, Township Administrator, recused

Committeewoman, Laura Pfrommer, present

Paul Rosenberg, 2nd V-Chairperson, present

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

County Freeholder Carman advised he would like to place on the record that he did listen to the C.D. from the last meeting (March 24 2015) during the time frame that he was not present.

Board Secretary Wilbert advised there are two (2) motion(s) on tonight's agenda for Special Meetings in May. She indicted the first is for May 5th and the second is for May 22nd. She indicated it appears the Board will be unable to have the May 22nd meeting. She asked if the Board can make a motion.

Motion Kearns/Eykyn to set Tuesday, May 5, 2015, 5:00 p.m., prevailing time as a special meeting for the continuation of the Seaview Harbor Deannexation Matter. Vote 7 Yes: Aponte, Carman Eykyn, Garth, Kearns, Pfrommer, Rosenberg.

Chairman Garth stated the Township Fire Chief has resigned his position. He asked if this is the same person the Board will need. Special Board Solicitor Marcolongo stated he learned of this today and will be reaching out to Mr. Danz to see if he would still be willing to come before the Board and testify.

Special Board Solicitor Marcolongo advised tonight we will hopefully complete the cross examination of Mr. Miller. He stated he anticipates it will at least take a full evening with Chief Morris. He indicated since he did not know how much time would be taken with Mr. Miller he decided to hold off Chief Morris until a later date. He further noted he has spoken with the Al Simerson, Director of Public Works

and he asked that he be present tonight. He advised as soon as Attorney Doyle finishes up with Mr. Miller this evening Mr. Simerson will be ready to make his presentation.

Board Member Aponte stated he reviewed his notes from the last meeting and there seemed to be a lot of redundancy in the questioning and he hopes this does not continue on to tonight. Special Board Solicitor Marcolongo stated we will move this along. Attorney Doyle stated if Board Member Aponte feels that his questions are out of line or repetitious to please tell him. He indicated, however, he will not be frustrated from asking questions that he feels he needs to ask on behalf of the petitioner.

Board Member Aponte advised he agrees with Attorney Doyle. He stated he needs to do his job and place the information on the record. However, if the Board has heard particular testimony three or four times over and he looks at his notes and that question has been asked he will ask him to move on.

PUBLIC HEARING(S):

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

Attorney Doyle stated Mr. Miller testified that FEMA did not respond to Mr. Watkins letter of October, 2013 letter because it was not from a high enough official. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller testified they responded to a second letter which was identical and he signed some seven (7) months later in April 16, 2014. Mr. Miller stated yes. Attorney Doyle stated during the intervening six (6) months Mr. Watkins was told this during one (1) of his follow-ups, as Mr. Miller testified. He asked if there is anything in writing that substantiates this lag time. Mr. Miller stated not that he has copies of.

Attorney Doyle stated he had asked Mr. Miller during the last meeting about an email that was introduced as B40, but did not look like the email nearly identical and submitted as B92. He asked Mr. Miller if he was able to reconcile why there were two (2) similar documents or why the change. Mr. Miller stated yes. He indicated he spoke with Mr. Watkins after the last meeting and asked why they were different. He indicated Mr. Watkins noted that in July he provided an up-to-date as to where we were and in October Mr. Miller had asked Mr. Watkins to give him an up-to-date status report and Mr. Watkins looked at his prior email to Mr. Miller and realized it was the same and he copy and pasted into a word document deleted "this is all we have done by now" or whatever that sentence was and Mr. Watkins gave it to Mr. Miller so he could submit as an exhibit.

Attorney Doyle stated the first email in that chain was to Mr. Miller from Mr. Mott. Attorney Doyle then read onto to the record Mr. Mott's email. He asked Mr. Miller, based upon what was referenced in email, what was the nature of the discussion he had with Mr. Mott and where did it occur. Special Board Solicitor Marcolongo asked what exhibit number is the information from. Attorney Doyle stated it is from the exhibits that were marked B92, B93, and B94. Mr. Miller stated it is B92 he stated he is not sure if the discussion occurred at a Planning Board Meeting or Township Committee Meeting. He indicated we spoke about CRS after Hurricane Sandy and becoming compliant. He stated the emails discussed their office taking classes and becoming flood plain managers.

Attorney Doyle asked Mr. Miller if he recalls testifying about Anchorage Poynte. He indicated it was February 23rd and the ownership of the lagoons. Mr. Doyle then read onto the record part a transcript from February 23 concerning Anchorage Poynte. Attorney Doyle stated on this portion of the transcript Mr. Miller's testimony was that the Township not own lagoons. He asked Mr. Miller if this is wrong. Mr. Miller stated the Township does not own the water which is the lagoon we own the sandy bottom on

the tax map. Attorney Doyle asked if Mr. Miller was aware of the ordinance to sell that. Mr. Miller stated it was either last year or the year before. Attorney Doyle stated it was in 2010. Attorney Doyle asked Mr. Miller so when he said ownership of the lagoon does not serve any purpose to Township he meant the bottoms. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller did not qualify this.

Attorney Doyle stated during Mr. Miller's testimony he suggested the residents petitioners would have a hard job proving the Township had neglected them because there were Township Officials from the Planning and Zoning Boards, as referenced in B6 and B7. Mr. Miller stated B6 is the listing of Planning Board Membership and B7 was the civic involvement of Seaview Harbor residents. Attorney Doyle stated also through Mr. Miller's testimony there was a concern, as referenced in his letter exhibit S3, about the people in Seaview spending money and not getting what they hoped for, secession. Mr. Miller asked Attorney Doyle if he could repeat the question. Attorney Doyle asked if he remembers the testimony with the exhibits just mentioned. Mr. Miller stated he recalls the exhibits.

Attorney Doyle referred the Board to an article headline "Seaview Harbor files Petition to Secede from Egg Harbor Township" by Derrick Harper, appearing in the Atlantic City Press. He indicated this is dated 3/23/14 so it would have appeared a month earlier so it would have been around February 23, 2014, this when than marked exhibit S104 (two (2) pages front and back). Attorney Doyle stated having read the article Mayor McCullough makes the same argument in the last two (2) paragraphs, as Mr. Miller has, concerning Township Officials that were from Seaview Harbor included former Planning and Zoning Board Members. Attorney Doyle stated this was Mr. Miller's argument in B7. Mr. Miller stated yes, he provided proof that there were members of the Seaview Harbor Community that served on these Boards.

Attorney Doyle stated Mr. Miller makes the same argument in his letter that the Mayor makes in the last paragraph of the article. Mr. Miller stated he does not believe there is an argument it is a statement. Attorney Doyle stated Mr. Miller testified that he had not spoken to Mayor about the petition, so the fact that two (2) similar arguments are being made at the same time is coincidental. Mr. Miller stated he cannot speak for his mind but he realized the same conclusion.

Attorney Doyle then read from the February 23, 2015 transcript (page 97 line 4) Mr. Miller's testimony. He indicated this section of the transcript came about from Mr. Kohler's testimony advising that in the 1980's they asked Egg Harbor Township to do dredging and they did not. Attorney Doyle stated Mr. Miller had indicated, as the record reflects, he was unfamiliar with any such dredging. Attorney Doyle stated he would like to place into evidence and ask Mr. Miller if he is familiar with Ocean City Council agreeing to spend 5 million dollars on lagoon dredging.

Special Board Solicitor Marcolongo noted this is exhibit S105 an article from Shore New Today, posted February 16, 2015. Attorney Doyle asked if Mr. Miller is unfamiliar with this. Mr. Miller stated he is not familiar with Ocean City dredging. Attorney Doyle stated there is a similar article that he will asked to be marked S106 about Avalon. He indicated this goes back to 2014. He asked Mr. Miller if he is familiar with Avalon doing dredging at all. Special Board Planner Wiser asked if the entire article included on the page that passed along. Attorney Doyle stated it is a printout from the Avalon website and it is a portion and shows Avalon is dredging their lagoons, which was a fact prior to Mr. Miller's testimony.

Attorney Doyle asked Mr. Miller if he was aware of this. Mr. Miller stated it says there are 3rd party dredging but it does not say what they are dredging, where they're dredging or whether they are

dredging a private lagoons. He stated it does not really tell him anything other than Avalon billed State of New Jersey for a dredging project in their Township.

Attorney Doyle stated this causes him to enter another exhibit. He presented exhibit S107 which shows the areas to be dredged. Board Member Kearns stated he read the first page and then the second page indicates it is on hold because the State will not permit them to do the job. Attorney Doyle stated the question in its full context is that Mr. Kohler had indicated they had asked Egg Harbor Township back in the 1980's to do dredging of the lagoons. He indicated this was at a time that the effort to secede had already been discussed. He indicated this was one of the lack of service reasons for the secession back then and continues through the present time. He indicated Mr. Kohler had indicated that Margate had done dredging and Mr. Miller put into evidence a letter from Margate saying they went back as far as 1987 and they did not do any dredging.

Attorney Doyle stated the record had shown that Mr. Kohler was speaking of a time before 1987 and when he questioned Mr. Miller about this he had in effect said he had never heard of a municipality, anybody but the DEP dredging. Attorney Doyle stated to the degree dredging was a problem and conceivable be so in the future but perhaps with the marina not it is just meant to reflect on the Township's position over the years, in terms of the water community that Seaview Harbor is and that other municipalities such as Avalon and Ocean Township that are not mainland communities like they suggest Egg Harbor Township primarily is has a different attitude and one that is keeping with the nature of what they suggest Seaview Harbor is.

Mr. Miller stated he has had an opportunity to read the Ocean City article and there is a private property owner, Bay Club, asked permission to piggyback the project and contribute \$15,000.00 to dredge their lagoon area. He stated it implies to him that private lagoons are not being dredged in Ocean City with this money but the main channel are. He indicated while looking at the map, though he is not familiar with Avalon, most of it looks like a main channel because there are lagoons where it appears to be residential properties where there is no dredging taking place. Attorney Doyle stated this is Mr. Miller's view of it. He asked when Mr. Miller states the \$15,000.00 is a piggyback it is a piggyback of municipal funding. Mr. Miller stated he does not know. He advised his search was Atlantic County Municipalities. Attorney Doyle asked Mr. Miller if he wants to add Atlantic County. Mr. Miller stated this is where he has been working for 26 years. He stated he asked Longport, Ventnor, Margate, Atlantic City and Brigantine what they did and he received a letter from Margate because Mr. Kohler's direct testimony specifically say they did dredging in Margate.

Board Member Aponte stated before we move along he was looking at the article on line and went to the BoroughofAvalon.Net to see where the rest of the article was. He then read additional information from the online version of the article. He asked if this could be provided to the Board.

Attorney Doyle asked Mr. Miller if he remembers testifying to Mr. DaBek's earlier testimony about the bridge. Mr. Miller asked if it was about the conversation he supposedly had with Mayor Russo or about that Egg Harbor Township did not ask the water line to be run across the bridge. Attorney Doyle stated he does not believe it was either. He indicated this was the comment about the possible closing of the bridge, the John F. Kennedy Bridge. Attorney Doyle asked if there was not a need for repair of this bridge. Mr. Miller stated yes. Attorney Doyle stated there was a proposal for the bridge to be closed. Mr. Miller stated there was discussion about this being an option. Attorney Doyle asked if the Township ever accepted this option. Mr. Miller stated no.

Attorney Doyle advised he would ask the following information be submitted as a single exhibit the following documents: minutes from the Egg Harbor Township January 23, 2013 meeting, two (2) articles that appeared based on the meeting of January 23, 2013, as well as, other facts concerning the bridge, a resolution from the City of Longport concerning the bridge and minutes from the Atlantic County Board of Chosen Freeholders of February 5, 2013, this was marked Exhibit S108. Special Board Solicitor Marcolongo went over each document making up this exhibit making sure all members have the correct copies and the limited pages of the minutes of the Board of Chosen Freeholders which were noted as pages 1 of 4 and 4 of 5.

Attorney Doyle stated Mr. Miller previously testified the Egg Harbor Township Committee was never in favor of closing the bridge. He directed Mr. Miller to the minutes of January 23, 2013. He asked Mr. Miller to read the section of the minutes titled Atlantic County JFK Bridge Closure. Mr. Miller then read this paragraph onto the record. Attorney Doyle asked Mr. Miller if the last sentence in the paragraph different from what Mr. Miller testified to. Mr. Miller stated in that context yes, but he advised he had told Attorney Doyle it was an option that was discussed, it was proposed, and if you read the page before, which is the newspaper article, at that meeting, it is not in the minutes it says that "Egg Harbor Township approved the plan at its Wednesday meeting, leaving final approval to Longport". He indicated the situation was whatever Longport decides it is good by us.

Mr. Miller stated he was at a meeting. Attorney Doyle stated he asked if the final sentence was different from what was testified to previously. He indicated it is either a yes or a no. Special Board Solicitor Marcolongo stated this is not cross examination in a court of law. He indicated Planning Board rules are much more liberal and Mr. Miller is trying to answer Attorney Doyle's question. Mr. Miller stated his testimony was the lane closure was an option that was presented. He indicated he attended a meeting with Longport and the County representing Egg Harbor Township. He indicated Longport proposed to close the bridge and the County endorsed. He advised he brought this back to Governing Body and said the County wants to close the bridge. Mr. Miller indicated the Township said if you close the bridge we support that but at the meeting, according to the newspaper article, the Township Committee is quoted as saying "we approve the plan leaving final approval to Longport" he indicated what was said at the meeting, which is not in the minutes which is in the newspaper article is whatever Longport wants we support.

Attorney Doyle asked Mr. Miller than the minutes are not full. Mr. Miller stated it is a summary of what is discussed. Attorney Doyle asked if there is any interpretation to be given to the sentence "the Committee agreed to the closure of the bridge for a 3 month period" other than that they agreed to have it closed. Mr. Miller stated based upon the discussions between Longport, Atlantic County and Egg Harbor Township that it was Longport's proposal to close the bridge for three (3) months and he brought back to Township Committee and they agreed to close for three (3) months if this is what Longport wanted to do.

Attorney Doyle stated if this is what Longport wanted to do it is not within the minutes. Mr. Miller stated not but is in the newspaper story that they wrote with the reporter sitting there listening to the discussion. Attorney Doyle stated regardless Egg Harbor Township was asked for its vote and by this they voted to say close it. Mr. Miller stated not if you read the two (2) newspaper stories. Attorney Doyle stated he is reading the minutes. He asked if there was a vote taken. Mr. Miller stated direction was given to him to concur with Longport that they want the bridge closed for three (3) months we are on board with them.

Mr. Miller stated this is the proposal he presented when he went to a meeting a few days earlier where Longport, Mr. Carter, their engineer and Sergeant Adams were at the meeting and they said when the summer is over lets close the bridge and get it done once and for all. He indicated he brought it back to Township Committee that they wanted to close the bridge once summer is over and Township Committee stated they will support this.

Attorney Doyle asked Mr. Miller at any point did he talk to any Seaview Harbor resident about what their thoughts were other than the Mayor. Mr. Miller stated no sir. Attorney Doyle asked if he solicited their opinions. Mr. Miller stated no. Attorney Doyle asked Mr. Miller if he suggested they go to the County meeting being held on that very issue. Mr. Miller stated personally no. Attorney Doyle stated Mr. Miller indicated a newspaper article gives the minutes a different color or context which article is he referring to.

Mr. Miller stated both articles. He advised in the first article entitled "Longport Bridge may be closed for 3 months for repairs" by Laura Stetser, January 23, 2013, 8:51 p.m., which is the same date as the meeting. He indicated page #2 midway down it says – the committee approved to consent to the County plan, and now the matter rests with Longport. He indicated the next paragraph says "if Longport Vetoes it, then there isn't much more for us to do," Miller said. "They are impacted dramatically more". Mr. Miller stated they were the discussions that took place at the meeting in that Longport has final say as to whether the bridge is opened or closed. Mr. Miller stated we were signing off on the plan that earlier Longport proposed to close the bridge.

Mr. Miller stated in the second article which is by Derek Harper of The Press of Atlantic City, entitled "Egg Harbor Township-Longport Bridge may be closed for work" states two (2) paragraphs down after the proposed schedule "Egg Harbor Township approved the plan at its Wednesday meeting, leaving final approval to Longport". He indicated he believes the news articles of what took place supplement the minutes of what position they took and the minutes are correct. Township Committee approved the closure and that is what was presented to them. However, it was discussion that it is up to Longport, their impacted, whatever Longport wants to do is fine with Egg Harbor Township. Attorney Doyle asked if the recording from the January 23, 2013 committee meeting still available. Mr. Miller stated he would have to check with the Township Clerk, she is the custodian of the records.

Attorney Doyle stated he would like to take each article separately. Also, he stated this was submitted to both municipalities, but Egg Harbor Township actually meet before Longport had its next meeting. Mr. Miller stated yes. Attorney Doyle stated by going first Egg Harbor Township could make the decision that it could be closed. Mr. Miller stated no. He advised there was a meeting with the County, Longport and Egg Harbor Township to discuss the bridge being down and what impact it would have on the two (2) communities. He indicated in this meeting Longport proposed closing the bridge for three (3) months after the summer was over. He indicated the County endorsed that plan.

Mr. Miller advised he brought this back to Township Committee to do it. He then referred to paragraph #2 of Laura Stetser's article and read this onto the record. Attorney Doyle asked Mr. Miller that on the January 23rd meeting the Longport Officials were for closing the bridge. Mr. Miller stated their engineer said they proposed closing the bridge to speed up the process to get it done. Attorney Doyle asked if any of the Board of Commission for Longport at the meeting on the January 23rd morning meeting. Mr. Miller stated no. He indicated their municipal engineer and traffic safety officer were in the people in attendance. Attorney Doyle stated the Governing Official's did not take a position on whether the

bridge should be closed. Mr. Miller stated when Mr. Carter went back and told the Longport Commissioners what his recommendation was the rejected it.

Attorney Doyle stated without hearing from the Commissioners of Longport, Egg Harbor Township Committee voted to close the bridge. Mr. Miller stated the Township Committee advised whatever Longport chooses to do they will support. Attorney Doyle then referred to paragraph #5 of the Laura Stetser article and began reading this onto the record. He stated there is no caveat in this article stating provided Longport agrees. Mr. Miller stated that information is a few paragraph's later in the same story. Attorney Doyle that is your statement as to what would happen next, meaning after you have already voted to close the bridge, if Longport veto's it in the future.

Mr. Miller stated Egg Harbor Township's position on the bridge was whatever Longport wanted to do with the Bridge we will support it. He stated Longport proposed the option to close the bridge. He indicated as an alternative the County proposed a single lane for two (2) years. He indicated he brought this option back to the Governing Body and presented to them. Mr. Miller indicated Governing Body said we will sign off on it if this is what they want to do. Attorney Doyle stated in this article it indicates Mayor Russo asking the operators of the Down Beach Express, which is the Margate Causeway, to eliminate the financial hardship. He asked if Egg Harbor Township took a similar action. Mr. Miller stated that plan never got approved so there was no need to do that.

Attorney Doyle stated the second article, which is the Derek Harper, article reports Egg Harbor Township approved the plan at its Wednesday meeting, leaving final approval to Longport. He indicated this is because the Longport Commissioners had not met yet other than there engineer being at the early Monday meeting. Mr. Miller stated no, because Egg Harbor Township said when they approved the plan was that we'll support this plan but whatever Longport chooses to do is fine with us. Attorney Doyle asked Mr. Miller if he was quoted accurately concerning his comments concerning Mr. Hanson, the owner of the Down Beach Bridge. Mr. Miller stated he probably said something like that.

Attorney Doyle stated "the mutual aid of first responders in Longport and Egg Harbor Township would be altered to accommodate closures". Attorney Doyle stated he is reading this from the Laura Stetser article. He indicated the article goes on to say "Miller has indicated an agreement could be made between the Township and Ocean City to assist with calls for police and fire service". Attorney Doyle stated this suggest he was already looking to facilitate the delivery of those services given the bridge was to be closed. Mr. Miller stated yes. He indicated he has an obligation to provide services to the residents of Seaview Harbor. So if Longport wants to close the bridge he has to find a way to service them because Longport, Ventnor, Margate cannot service them. We have to get service to them in a timely fashion.

Attorney Doyle asked why not Somers Point. Mr. Miller stated Somers Point is already on as a responder and he needs more than one to respond. He indicated right now he has Longport, Margate, and Somers Point that respond to Seaview Harbor, as needed. He indicated he just cannot rely upon Somers Point. Attorney Doyle asked Ocean City was to be an add-on to Somers Point. Attorney Doyle stated it does not state this in the article. He advised he took it as Ocean City would be primary. Mr. Miller stated no.

Attorney Doyle asked Mr. Miller if he attended the February 5, 2013 meeting of the Board of Chosen Freeholders. Mr. Miller stated he has no recollection of being there. Attorney Doyle stated when discussion when this subject first came up there were municipal officials that were there. He there

referred to the Board to review the newspaper article that appeared on February 6th (part of exhibit S108) it mentions “the near-standing-room-only crowd, including several mayors and police and fire chiefs, was solidly behind keeping access to the mainland open”. He indicated it quotes the Somers Point Mayor, the Margate Mayor. Attorney Doyle asked to Mr. Miller’s knowledge was there any Egg Harbor Township officials at that meeting. Mr. Miller stated he has no knowledge. Attorney Doyle asked if the Township Committee ever retracted its vote to close the bridge. Board Member Rosenberg asked for a moment, he stated it is unclear from the minutes whether or not the Governing Body in the Township approved the plan or consented to what would be the final plan.

Attorney Doyle stated obviously the only people that who are here, or who were at the meeting, other than Mr. Miller cannot speak to it. He indicated this means the two (2) Township Committee persons. Board Member Rosenberg stated he was here also. Attorney Doyle advised that unfortunately, this is the third time he has asked Mr. Miller about something in the minutes or a public record and was told it does not seem to be what it appears because the minutes are not complete. He stated it makes it very difficult when you are told by Mr. Miller to substantiate the record as he has and when you substantiate the record to show something he says, well that does not mean that because there is something else and you have to read in-between the lines. Board Member Rosenberg stated he happens to agree with him, but if he made a presumption about inaccurate minutes Attorney Doyle would say something to him also. Board Member Rosenberg stated to forgive him if he points this out.

Attorney Doyle asked Mr. Miller to his knowledge did Egg Harbor Township set up any meetings with Seaview Harbor residents about this topic. Mr. Miller stated he did not. Attorney Doyle asked when Mr. Miller first know this topic was going to be an issue one way or another. Close the bridge for several months or keep a lane open. Mr. Miller stated on January 23, 2013. Attorney Doyle asked if there was any lead up to it. Mr. Miller advised he received a request to attend a meeting ten (10) days before the January 23rd meeting at the County Engineer’s office to say we hope to have all our money in place and later this year we are going out to bid to fix the bridge.

Attorney Doyle asked Mr. Miller if he believes the complete closure of the bridge would have caused the residents of Seaview Harbor any particular damage. Mr. Miller stated yes sir. Attorney Doyle asked why would the Township Committee, therefore not say regardless of what Longport says, we don’t want that bridge closed because the first responders to Seaview Harbor are from Longport. Mr. Miller stated the bridge was going to be closed during the winter and 50% of the people of Seaview Harbor are not there in the winter time. He indicated the people in Seaview Harbor do not have to drive through Longport to get to their home. So their inconvenience was if they were going they were going to dinner in Margate or Atlantic City they would have to take a longer route. He indicated the impact on the Township residents was far less than the residents of Longport who had to go out to the hospital or the mainland and get off the island in the event of a storm or a nor’easter or something that happens in the winter time.

Mr. Miller stated the Township yielded to Longport Borough Commissioners to say whatever works best for the residents of Longport we will support 100%. Attorney Doyle asked why the residents of Seaview Harbor did not come before Longport. Mr. Miller stated because the Mayor, who has been a resident of Seaview Harbor for 30 years, was one of the five (5) people on the Governing Body talking about and who has a sensitivity to the impact on Seaview Harbor and he weighed this in his consideration when Township Committee made their decision to support Longport in whatever they chose to do.

Attorney Doyle stated he is amazed a few times he has asked questions concerning the Mayor and Mr. Mr. Miller stated he cannot read the Mayor's mind, however, he is now questions at what he may have thought. Mr. Miller stated he has a resident that lives in the neighborhood and most elected officials, when something impacts their neighborhood, will usually speak up one way or another. He indicated the Mayor did not oppose supporting Longport's decision on whatever they wanted to do with the bridge. Attorney Doyle stated regardless of the Mayor's position the people who are in Seaview Harbor would be distressed by reason of the fact, he assumes, that the Longport first responders are their usual responders and as such are the most familiar with Seaview Harbor, as well as, getting their quicker than Somers Point or Ocean City. He asked if this is not true.

Mr. Miller stated if Longport is available they can get their faster than Somers Point or Ocean City. He indicated that is true. Attorney Doyle stated regardless if there should have been a coma or a clause in the minutes the fact is that Egg Harbor Township by its Committee vote favored the concerns of Longport residents and not their own residents. Mr. Miller stated the Township supported Longport's position to close down the bridge to get the project done in three (3) months instead of 2 ½ years. He stated the Township felt the bridge being closed for three (3) months was a benefit to the Township residents, as well as, everyone else. Since 2 ½ years with one (1) lane open for travel on the bridge would have caused a great inconvenience with two (2) summer seasons and the people in Seaview Harbor trying to get to the beach and Parrot Island and Longport proposed it. He indicated the faster the bridge gets done the better it is for everyone that uses that bridge.

Attorney Doyle stated by the time the meeting occurred with the Freeholders was there any question as to what Longport's position was. Mr. Miller stated no. He indicated in the two (2) weeks from the time the Township had their meeting and the Freeholders voted a decision was made that the bridge was not going to be closed. Attorney Doyle asked how this change came about. Mr. Miller stated when the representatives of Longport went back and made their recommendation to their commissioners they rejected that and said we need to maintain a lane open. He indicated he was contacted and the Township stated we support your decision. He stated we attended a meeting, a help information meeting, at Longport Borough Hall prior to the February 6th meeting of the Freeholders to express the Township's support of one (1) lane.

Attorney Doyle asked if it is accurate to say but for Longport Commissioners, not their appointed officials, coming out against the bridge closure the bridge would have closed. Mr. Miller stated if Longport Commissioners had supported the bridge being closed it would have been closed. Attorney Doyle stated irrespective of what was best for Seaview Harbor residents. Mr. Miller stated he had indicated having one (1) lane for 2 ½ years that closing for three (3) months when half the residents are not there was a good option. Attorney Doyle asked if this closure was an issue to the mainlanders of Egg Harbor Township. Mr. Miller stated yes. Attorney Doyle asked if anyone had spoken to him about it from the mainland. Mr. Miller stated no not personally.

Special Board Planner Wisner asked if the Board is satisfied that the ultimate decision was changed from keeping it closed to an alternate lane or whether the Board wanted any more information. County Freeholder Carman stated it is an unfair question to himself and Committeewoman Pfrommer because they were part of the conversation. Chairman Garth stated he cannot believe it would take two (2) years if they did not close one (1) lane at a time as opposed to three (3) months if they closed the bridge completely. Special Board Planner Wisner stated that was a debate at the engineering level at the time. He stated he just wanted to make sure the Board had sufficient information in their minds as to how in point time "a" changed to point in time "c".

Attorney Doyle stated Mr. Miller has indicated he comes as a fact witness and he wants to examine the testimony of the petitioners and see if there is substantiation for their position and only put forth substantiation for his position if it were different and could be substantiated. He stated, therefore, Mr. DaBek was inaccurate and wrong. Attorney Doyle stated based upon the minutes he was not wrong. Mr. Miller advised what he responded to is Mr. DaBek referred to a conversation that he was aware of that Mr. Miller had with Mayor Russo. Mr. Miller indicated, as per his testimony, he never had a conversation with Mayor Russo.

Mr. Miller stated his notes say Mr. DaBek stated the disagreement with Mr. Russo and Mr. Miller was of particular issue because there was a cost issue with doing it and keeping a lane open. Mr. Miller stated his testimony was there was no discussion, there was no debate, we were not paying any bills, he never had a conversation with Mr. Russo concerning the bridge. He indicated this was his response to Mr. DaBek. He indicated that was his response to Mr. DaBek.

Attorney Doyle asked if anyone from Egg Harbor Township, including Mr. Miller as the administrator, reach out to Longport and ask them what they want to happen. Mr. Miller stated after the January 23rd meeting the two (2) Mayor's had conversations, as he understands.

Attorney Doyle asked Mr. Miller if he remembers testifying concerning the hearing before the Board of Public Utilities regarding the transfer of the water franchise from Seaview Harbor Water to Aqua. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller testified here that the Township Committee commissioned you to go to the meeting and speak about two (2) subjects the hydrants and the distribution of assets. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he did in fact go to that meeting. Mr. Miller stated yes.

Attorney Doyle stated at that meeting Mr. Miller testified "there are two (2) issues that on behalf of the Township I was to raise" and then he went on to mention the hydrants and continued "the Township's position is that any distribution of an asset should be shared with the rate payer". Special Board Solicitor Marcolongo asked where Attorney Doyle was quoting from. Attorney Doyle stated he is quoting from a transcript for the Board of Public Utilities of Mr. Miller's testimony. Attorney Doyle advised this is a transcript from the Board of Public Utilities meeting of December 9, 2014, consisting of the first page and then pages 18-20, which are the only pages in which Mr. Miller testified. This information was marked as Exhibit S109. Special Board Solicitor Marcolongo asked Mr. Miller to review this exhibit to make sure his testimony did not go beyond the couple pages presented.

Attorney Doyle asked Mr. Miller who on Township Committee expressed their concern about the hydrant issue. Mr. Miller advised Attorney Doyle had asked him to bring the minutes of the meeting that authorized him to go and the Township Committee as a group authorized him to attend the meeting. He asked Attorney Doyle if he wanted him to pass out a copy of the November 14, 2014 minutes. Attorney Doyle stated he has the minutes and it does not take the Board to have the minutes for him to answer the questions. Attorney Doyle asked who on Township Committee charged Mr. Miller about the hydrants. Mr. Miller stated all five (5) of them.

Attorney Doyle asked who on Township Committee said to make sure you asked about the asset distribution. Mr. Miller stated all five (5) of them. Attorney Doyle asked if this is reflected in the minutes. Mr. Miller stated the minutes reflect those two (2) issues came up and that I was to going to the meeting to raise those issues and that he needed to send a letter to the residents of Seaview Harbor

advising them that we were going to the meeting and objecting to the fire hydrants. Attorney Doyle stated this is not what he asked. He stated he asked who raised the hydrant and asset issue and it was responded that all five (5) had. However, he stated do the minutes not say that Mr. Miller has two (2) concerns permitting the water company to abandon public fire protection and to allow the asset sale of the company. Mr. Miller stated there were informal discussions in advance of the November 14th session after Governing Body member received a copy of the notice. He stated a couple of them advised him to place on the agenda indicated they have an issue with the money and the hydrants. Mr. Miller stated he brought up the discussion and yes, "Mr. Miller said these are the two (2) issues.

Mr. Miller stated the minutes do not reflect any of the five (5) of them objecting to those being two (2) issues or those not being issues they were concerned about. Special Board Solicitor Marcolongo stated he would like the November 14, 2014 minutes marked as Exhibit B95. He asked Mr. Miller if there is anything on pages 3 through 5 of these minutes that are specific to Seaview Harbor. Mr. Miller stated there is a general comment from the Fire Chief concerning smoke detectors and the Mayor discusses parking on the streets with respect to snow plowing, which again are general and do relate to Seaview Harbor, as well as, the rest of the Township. However, nothing specific to Seaview Harbor concerning this matter.

Special Board Solicitor Marcolongo advised the minutes of November 14, 2014 marked as Exhibit B95 will be limited to only pages 1 and 2 of those minutes. Attorney Doyle stated there was an informal discussion with Township Committee prior to this in which these two (2) items were raised. He asked if this was not at a public meeting. Mr. Miller stated no. He advised he has five (5) bosses and when they review correspondence he will often receive phone calls or they stop in his office asking for him to fill them in it or brief them because they have a concern.

Mr. Miller noted if you look at the November 14th minutes each subject seems to concur with this. He stated then asked the Board to refer to the heading entitled Electronic Tax Sale: it says Administrator Miller recorded, the next one is Ambulance: Administrator Miller said one bid was received, Fire Company Generators: Township Administrator Miller reported one bid, CRDA: Township Administrator Miller and Mayor McCullough reported a meeting, Franchise Transfer from Seaview Harbor Water to Aqua Water: Township Administrator Miller advised he received a notice, Other Business: Township Administrator advised he received a memo from Police Chief Morris.

Mr. Miller stated during a Work Session discussion it is his job to provide Township Committee with an update and briefing. He stated as individuals they do speak with him between meetings and get information from him so they are informed as to what is going on. Attorney Doyle asked who among the six (6) of you initially raised the idea of asset distribution. Mr. Miller stated there was more than one. Attorney Doyle asked which one's did and how did they raise it from. Mr. Miller stated the Mayor living there said something to him about asset distribution and what are they doing about the hydrants and at least one (2) or two (2) other people on the Governing Body asked about the fire hydrants. Mr. Miller indicated he may have been the only one who specifically asked him about what are we, the rate payers, entitled to on the sale of property.

Attorney Doyle asked if there are any further issue with the water company, the Seaview Harbor Water Company and Egg Harbor Township. Mr. Miller stated it does not exist anymore. It sold last Thursday. Attorney Doyle asked Mr. Miller if he paid the bills. Mr. Miller stated yes.

Special Board Solicitor Marcolongo asked Mr. Miller after reviewing the transcript evidencing that he had spoken between pages 18-20. He asked if he had testified beyond this or did this cover his testimony before them. Mr. Miller advised it covers the entirety of his testimony (Board of Public Utilities Hearing).

Attorney Doyle stated the minutes of the meeting (November 14) stated "they" meaning Township Committee directed Administrator Miller to forward a letter to the residents of Seaview Harbor advising the Township will be objecting to the removal of fire hydrants from Seaview Harbor. He stated he sees nothing that they directed Mr. Miller to go to the meeting or to report about the asset distribution. He asked if this is an omission from the minutes. Mr. Miller presented a letter that he indicated was sent to the residents dated November 20, 2014, which had an attached notice and it tells them the Township will be in attendance at the hearing in reference to Aqua's request to abandon the public fire service at the meeting.

Mr. Miller stated when the Township goes to the meeting that is usually himself, as the full time employee. He indicated the elected officials are part time people that have full time jobs elsewhere and he usually gets found representing the Township at these hearings. Special Board Solicitor Marcolongo advised he is marking the letter dated November 20, 2014, from Mr. Miller to the Seaview Harbor residents as Exhibit B96.

Attorney Doyle stated exhibit B96 says the Township will be in attendance at the hearing in reference to Aqua's request to abandon the public fire protection service, but not protecting the asset distribution. Mr. Miller stated no. Special Board Solicitor Marcolongo asked Attorney Doyle if he has a copy of the full transcript marked S109. Attorney Doyle stated he does not know if he bought it but he had excerpted from a full copy. Special Board Solicitor Marcolongo stated he will send a letter to Attorney Doyle requesting a full copy.

Board Member Aponte asked if asset distribution really happen. Mr. Miller stated no. He indicated he has the Board of Public Utilities decision, which says it did not happen, if he would like to place this on the record. He indicated the Board of Public Utilities decided that Seaview Harbor Water Company was selling for underprice and Seaview Harbor Water Company demonstrated that the lots were not as valued as high as what Mr. Miller had valued them so the Board of Public Utilities ignored making a decision on the asset distribution. He indicated they glossed over and said they were going to allow those lots to transfer to Seaview Water Company and not Aqua and they made no ruling that the residents should get several thousand dollars as an asset allocation.

Special Board Solicitor Marcolongo stated since the decision was discussed he would like it entered onto the record. He marked as Exhibit B97 Board of Public Utilities Decision. Special Board Planner Wisner asked if the decision on the asset allocation affirmative in the document or is it something the Board of Public Utilities did not address and it stopped there. Mr. Miller stated in B97, which is the order of approval in this matter, the Board of Public Utilities mention in passing that the issue was raised and they mention in passing that Seaview Harbor Water Company was selling for a \$200,000.00 loss and the sale of assets would make them whole. He indicated when they get to their findings they do not say anything about it.

Attorney Doyle stated Mr. Miller said something to the effect that the owner under the Board of Public Utilities decision would not get the few thousand dollars apiece that they might have. Attorney Doyle asked Mr. Miller if he knows what these two (2) lots, which were the product of the subdivision that this

Board approved, and Mr. Miller was the sole dissenting vote, correct. Mr. Miller stated he does not know if he was the sole dissenting vote, but yes. Attorney Doyle stated Mr. Miller was. However, when Mr. Miller speaks of asset distribution it is a 50/50 distribution, correct. Mr. Miller stated yes. Attorney Doyle asked how much are these lots assessed for. Mr. Miller stated \$400,000.00 each. Attorney Doyle asked Mr. Miller how much he believed they were worth. Mr. Miller stated \$400,000.00 each. Attorney Doyle read onto the record a section of the transcript from the Board of Public Utilities hearing where Mr. Miller described the value of the lots in question. Attorney Doyle asked Mr. Miller to his knowledge was there an appraisal presented by the Seaview Water Company. Mr. Miller stated not that he saw.

Attorney Doyle asked Mr. Miller that pursuant to Chapter 6-11 of the Township Code he is the head of Administration and Finance. Mr. Miller stated yes. Attorney Doyle in that capacity he asked Mr. Miller if he supervises the budgetary process. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller that he supervises the administration of each annual budget and has done so for the last 26 years. Mr. Miller stated yes.

Attorney Doyle stated Mr. Miller had testified earlier "I have reviewed all the exhibits that you submitted as part of your presentation". Attorney Doyle stated given that he did review S72, which was Mr. Ryan's pictorial and numerical exhibit and S74 which was a summary of the effect of tax appeals in 2013 Township wide and within Seaview Harbor, both the marina and slips, as well as, the residences. Mr. Miller stated in October he looked at them. Attorney Doyle asked when Mr. Miller reviewed the exhibits in October had he discuss these exhibits with Mr. Costello. Mr. Miller stated not that he recalls. Attorney Doyle asked Mr. Miller if Mr. Costello had not sat next to him during Mr. Ryan's testimony. Mr. Miller stated for a portion of it, yes.

Attorney Doyle asked Mr. Miller that he expects Mr. Costello to testify in this matter. Mr. Miller stated he is the expert the Board has called. He indicated he is the municipal auditor. Special Board Solicitor Marcolongo stated he is on the witness list. Attorney Doyle asked if the Members could pull out their copies of S72. Attorney Doyle asked Mr. Miller if the numbers and adjustments made in paragraph 3 correct. Mr. Miller stated he does not know. He stated since he did not provide any testimony in response to Mr. Ryan's report he did not do an analysis of his report.

Attorney Doyle stated Mr. Costello nor his firm prepare the budget do they. Mr. Miller advised they provide assistance, but he prepares the majority of it, yes. Attorney Doyle asked if Mr. Miller just glanced at it. Mr. Miller stated he looked at it and said Mr. Costello will deal with the numbers within his financial report, he is the financial expert. Mr. Miller stated he provided no testimony concerning Mr. Ryan's report. Attorney Doyle asked Mr. Miller based on Mr. Ryan's report what would be the effect of the loss of the Seaview Harbor ratable were secession to be granted. Mr. Miller stated not in any formal manner of any documents or reports.

Attorney Doyle asked Mr. Miller that there is not anything in here that he would have an opinion or state if it is correct or not. Mr. Miller stated that is correct. Attorney Doyle stated Mr. Miller does know by looking at paragraph 8 that generally what the municipal tax levy has been over the years, but do not have those figures on hand to compare his numbers as to what your numbers would be. Mr. Miller stated he cannot confirm his numbers are 100% accurate. He stated they are in the ballpark if you are asking what the levy has been for the last ten (10) years. He stated the numbers of very close plus or minus.

Attorney Doyle asked if this is similar to paragraph 11 growth and ratables. Mr. Miller stated yes. Attorney Doyle asked about the bonding capacity. He stated the bonding capacity is based upon an average of the last three (3) of equalized valuation and then to that is applied a 3 ½ % factor, which is statutory. Mr. Miller stated it is 3 ½ % of our equalized value, however, it is determined, yes. Attorney Doyle stated in the ballpark is 156 million dollars correct and he will define the ballpark which is a few million dollars either way. Mr. Miller stated 7 to 10 million dollar ballpark, yes. Attorney Doyle the effect of those ratables not being part of Egg Harbor Township's base would change whatever the original number is by approximately 3 ½ million dollars, which is 3 ½ % of 100 million dollars. Mr. Miller stated yes. He indicated 3 ½ % of whatever the total value is of the petitioner's property, yes. Attorney Doyle stated he believes it is down in the 90's now.

Attorney Doyle asked would the reduction of Township's borrowing power from give or take 150 million by 3 ½ million effect the capital program for Egg Harbor Township for the foreseeable future. Mr. Miller stated he is not sure how Moody's would look at it. He stated the Township has a good bond rating because we are at some number less than 1% of what we are allowed to borrow. He indicated if this number grows it may impact our interest rate that we get when we borrow by taking out 100 million dollar ratable it reduces the ratable base which they look at. Attorney Doyle asked if this is an area where Mr. Costello would be more comfortable or Mr. Miller will feel more comfortable with him testifying. Mr. Miller stated he would feel more comfortable with Mr. Costello. He indicated he knows the higher your percent of borrowing is against the 3 ½ % it bases the bases point of where you can borrow money at. He stated if it climbed higher because our top shrinks and our percentage stays the same and the amount of tax stays the same he would assume the standard for Moody's may rate us slightly differently than they do today.

Attorney Doyle asked what is in the 2015 budget that is up for approval, Wednesday night, he believes what is the six (6) year program for bonding capital projects projected. Mr. Miller stated it is some number between 15-18 million dollars. Attorney Doyle stated Mr. Ryan's bonding capacity would show you still have a 116 million dollars and you are only looking at bonding even rounded 20 million dollars it would not stop from borrowing or going forward with capital projects. Mr. Miller stated the impact is on the rate that we would pay to borrow the money.

Attorney Doyle asked Mr. Miller from his initial review in October is there anything in this report that jumped out as being inaccurate. Mr. Miller stated he did not look at it close enough to make the determination of the accuracy of the report. Attorney Doyle asked Mr. Miller if he can point to any capital projects that have been undertaken, particularly and solely in the Seaview Harbor neighborhood other than the MUA sewer project from 20 years ago. Mr. Miller stated he knows the Public Works Director has the list of capital projects and he will let him testify.

Attorney Doyle stated beyond the municipal budget and the capital budget is the open space budget and there was some discussion we talked about who couldn't get onto the golf course and Mr. Miller talked about who tried to get onto the golf course and then there was questions about the golf course funding. He asked how many Township residents are members or play there. Mr. Miller stated last year there was about 29,000 people who played golf there. He stated he does not know if 50% or 75% were Township residents. He does not know what that number is.

Attorney Doyle stated there was discussion concerning money had been taken from the Open Space Fund to help pay bonded indebtedness. Attorney Doyle asked Mr. Miller when the golf course property acquired.

Mr. Miller stated there is three (3) components to what is the golf course property. He indicated the first is a surface easement that the Township has with Brown and Ferris Industries, which is now the Atlantic County Utilities Authority who is the owner of the property, the Township purchased a 22 acre site from the small business administration, and we purchased 5 acres of land from the City of Northfield. He indicated the entire track of land is a little over 200 acres. He indicated all this land and the easement were assembled sometime in the mid to late 1990's.

Attorney Doyle asked what the other two (2) component parts were. Mr. Miller stated the Township owns the other two (2) component parts. He indicated we own 27 acres of land and the 175 acres is a surface easement with the owner of the landfill. Attorney Doyle asked when the ownership of the three (3) separate components completed. Mr. Miller stated the surface easement on the property is not owned by the Township it is owned by the Atlantic County Utilities Authority. Attorney Doyle asked that there is nothing in the easement that prevents it from being used for the purpose that it is being used. Mr. Miller stated no. He indicated we have a 90 year lease to use it for a golf course and the other two (2) properties were acquired sometime in the late 1990's.

Attorney Doyle asked when the golf course was completed. Mr. Miller stated it opened for play in June, 2002. Attorney Doyle asked how than does monies come out of the Open Space Trust Fund to pay for land that is already purchased, already improved, and complete as it is. Mr. Miller stated according the Municipal Solicitor Open Space Funding can be spent on capital improvements and financing. So we use the open space money to pay debt on recreational improvements that the Township has made in the past. So we can spend money to purchase outright in the beginning or we can spend the money to make annual payments on the debt and not spend all the money upfront it spreads the money out for a longer term. He indicated the Solicitor wrote an opinion several years ago saying that money under the statute can be used to make debt service payments on recreational capital improvements.

Attorney Doyle asked over the years how much in debt service payments have been made out of the Open Space Fund for the golf course. Mr. Miller stated he would ballpark the number between 2.5 or 3 million dollars. Attorney Doyle asked when was the last year that payment was made out of the Open Space Trust Fund for the golf course. Mr. Miller stated 2014. Attorney Doyle asked how much. Mr. Miller stated he believes it was \$550,000.00. Attorney Doyle asked anything in the 2015 budget. Mr. Miller stated yes. Attorney Doyle asked how much. Mr. Miller stated it is either \$250,000.00 or \$300,000.00.

Attorney Doyle stated in the 2015 Budget on sheet 10 a line item, open space trust fund, as a general revenue of \$400,000.00 he asked if this is something separate and distinct. Mr. Miller stated yes. Attorney Doyle asked what it is for. Mr. Miller stated it is an appropriation to pay capital on other recreation debts including in the budget. Mr. Miller explained in the budget there is a line item for debt service for bond principal and payments. He indicated that money is to go towards paying the recreation portion within the bond payment. He indicated it is in there as a revenue not an expenditure.

Attorney Doyle stated Mr. Ryan also put in tax appeal history, which he believes was given to Mr. Miller. Special Board Solicitor Marcolongo asked if this is exhibit S74. Attorney Doyle stated yes. He indicated as of then the latest figures they had was 2013. Attorney Doyle asked if Mr. Miller is familiar as to what happen to appeals in the whole of Egg Harbor Township in 2014. Mr. Miller stated generally speaking, yes. Attorney Doyle asked if he is aware of any appeals that were taken of properties within the area for which the boundary realignment is sought, that is Seaview Harbor. Mr. Miller stated he knows there are a few properties that received a reduction but not a significant number. He advised less that what was

received in 2013. Attorney Doyle asked who would be best, within the municipality, to obtain the same chart that is shown in S74 but for 2014. Mr. Miller stated either Mr. Costello can do it when he writes his report or the Tax Assessor through an OPRA request. Attorney Doyle stated 2015 is still in question, but the filing deadline just passed.

Board Member Aponte stated he would like to ask Special Board Planner Wisner to get the Board a copy of the Moody's Report. He indicated we are speaking about the Moody's Report about the health of the Township and he is sure it is something we receive. Mr. Miller stated correct. Board Member Aponte stated he wants Mr. Costello to please bring this information.

Special Board Solicitor Marcolongo advised he has spoken with Attorney Doyle during the break concerning the length of Mr. Miller's testimony and he has spoken with Mr. Simerson concerning the time frame of his presentation, which Special Board Solicitor Marcolongo indicated he does not want broken up between two (2) meetings. He stated given the fact that it is 7:20 p.m., he stated it is appropriate to release Mr. Simerson from attendance. Attorney Doyle stated he understands. Special Board Solicitor Marcolongo advised Mr. Simerson will be present for the next meeting on May 5, 2015.

Attorney Doyle stated he appreciates the next area of discussion will be sleep inducing. He stated he understands the zip code issue has been brought up. He stated it originated with them suggesting there was confusion and to use Mr. Miller's words he felt the confusion was exaggerated. He stated they believe it is real and Mr. Miller's proofs were based upon the letter of the person in charge of the local mail. Attorney Doyle noted the information they are providing is new and well organized and is based upon USPS regulations and what would happen under those.

Special Board Solicitor Marcolongo asked Attorney Doyle if he will be asking Mr. Miller about United States Post Office Regulations. Attorney Doyle stated whether they were encompassed in his testimony and whether the basic tenant that Mr. Miller testified to, as long as you got the zip code right nothing else matter and the mail would be delivered in accordance with whatever town you place on it. He stated this is his recollection and he will ask Mr. Miller. Attorney Doyle asked Mr. Miller did he mischaracterize, misidentify or misquote him on this issue. Mr. Miller stated he believes his testimony was as long as the zip code is accurate that whatever name of a town you put in the address the mail usually goes there.

Attorney Doyle stated he does not know if he had asked this questions originally to Mr. Miller, but he said the mail would be delivered. He asked if it would be delivered as promptly. Mr. Miller stated the information he was given advised it would be delivered in the same fashion. Attorney Doyle stated the only evidence he remembers Mr. Miller gave other than his testimony was a letter from a local employee of the US postal service and two (2) letters Mr. Miller had sent to Mayor McCullough. Mr. Miller stated he also had a letter to Dr. Seltzer. Attorney Doyle stated Mr. Miller had a 25 to 30 year old letter that went from the D.E.P. to a Seaview Harbor resident that was received. Mr. Miller indicated he does not believe it was that old. He indicated the zip code did not take effect until 1995 when we started using Egg Harbor Township. Mr. Miller stated exhibit B12 is the letter to Samuel Seltzer. He indicated the yes the only two (2) letters he has are the ones to the Mayor sent with the proper zip code one saying Seaview Harbor the other saying Egg Harbor Township and the letter from D.E.P. sent to Dr. Seltzer 20 years ago.

Attorney Doyle stated is he correct that the conclusion of Mr. Miller's testimony, he's opinion was the testimony of the petitioners regarding the zip code and the resulting confusion was exaggerated. Mr. Miller stated one can draw this from his testimony.

Attorney Doyle advised there are packages he will be questioning Mr. Miller on. He indicated the pages are all numbered and the questions will be based upon the numbering. Attorney Doyle then presented Exhibit S110. Attorney Doyle stated the first page is a letter that was mailed to Mr. DaBek at Egg Harbor Township, 08234. He asked the Board to note the letter was return to sender and was not delivered. He asked Mr. Miller why would this happen, as he would understand. Mr. Miller stated he does not know. Attorney Doyle asked if Mr. Miller thinks it should have been delivered. Mr. Miller stated based upon exhibit B9 it should have been delivered. Mr. Miller than apologized. He stated it shouldn't be delivered because they have the wrong zip code on it. He stated it should be 08403.

Attorney Doyle then referred Mr. Miller to the next page of exhibit S110 (page 2) advising this is a screen shot of the USPS zip code look-up. He indicated if someone went to the source, the USPS and they entered that address from the previous letter it would not direct you to what would fix it would it. Mr. Miller stated he does not know how this page works. He indicated if he entered the wrong zip code it would not find the address, you are right. Special Board Planner Wisner asked Attorney Doyle to walk everyone through what they are looking at on this page. Attorney Doyle stated you can place certain information into USPS.com site, as was done, with an address and they will tell you whether it works or not. He indicated as the letter reflects and as Mr. Miller testified it didn't work and they tell you this address was not found. He indicated the word address will become important in terms of the merger of the town and its number.

Attorney Doyle stated earlier Mr. Miller advised in this testimony that Seaview Harbor residents could use Egg Harbor Township along with the correct zip code for Seaview Harbor 08403 and they would get their mail. He stated this was his testimony. Mr. Miller stated yes, based upon the letter he received from the postal service and the two (2) exhibits that he entered demonstrating it works. Attorney Doyle stated if you use the same USPS tool was used in the last exhibit, referring to page 3, he advised without a zip code they are not going to direct you to what the right zip code is are they. Mr. Miller stated he has no idea. Attorney Doyle stated he believes the question would be if you knew somebody lived at 36 Seaview Drive and they were a resident of the municipality of Egg Harbor Township and you placed in the street address where they lived and the town where you knew they were a part of the letter still does not get delivered without a zip code.

Mr. Miller stated you need to know the zip code of where you're mailing the letter to have the letter delivered, yes. Attorney Doyle stated, referring to page 4, using Mr. Miller's address it was able to recognize his address, although it says Bargaintown, and Bargaintown is a usable name in lieu of Egg Harbor Township is it not. He asked Mr. Miller if he receives mail at this address using Bargaintown correct. Mr. Miller stated with the 08234 zip code his does.

Attorney Doyle stated pages 5 and 6 are what is new to the discussion. He indicated this is not a letter but is the elements of addressing taken from the domestic mail manual of United States Postal Service. He then directed the Board to paragraph 1.3 (d), which he then read into the record. Attorney Doyle stated the information just provided is then amplified on page 6 referring to paragraph 1.4.2 (F), again reading this section onto the record. Attorney Doyle than asked Mr. Miller if he is aware of what are the zip codes that conform with the city name Egg Harbor Township. Mr. Miller stated he never looked at this. He advised people in West Atlantic City use Egg Harbor Township using 08232, people

throughout the mainland uses 08234, and people use the Somers Point 08225 using Egg Harbor Township get their mail delivered. He stated most people he know using the proper zip code they use whatever name they want, but he stated he does not know what the USPS standard is or what the directions say it is. Attorney Doyle asked Mr. Miller if he knows what the proper city name is for 08403. Mr. Miller stated he would only be guessing it is Longport. He stated he really is not sure.

Attorney Doyle referred to page 7. He stated we will find what the USPS, instead of guessing, the preferred city for 08234 is Egg Harbor Township and other acceptable cities for 08234 are by giving the addresses and other place names as acceptable city names or preferred Bargaintown, McKee City and Steelmanville. He stated to note that nowhere Seaview Village or Longport an acceptable place name or city for 08234 or replacement for Egg Harbor Township. Mr. Miller stated he believes Attorney Doyle means Seaview Harbor not Seaview Village. Attorney Doyle thanked Mr. Miller for corrected him. Attorney Doyle asked does he not think the fact that Seaview Harbor or Longport are not acceptable for Egg Harbor not result in some confusion. Mr. Miller stated no, he stated his exhibits for the Mayor went through. He also noted he will be calling the USPS and get Seaview Harbor and Egg Harbor Township listed to correct this problem.

Attorney Doyle then referred to page 8 he stated it recognizes Pleasantville as preferred and McKee City as acceptable. He asked Mr. Miller if he knows in mail delivery between preferred and acceptable. Mr. Miller stated no sir. Attorney Doyle stated on page 9 looking at the preferred city in 08403 is Longport. He stated if you do not send to the preferred address or the efficient delivery address does it not suggest that some of the complaints were not over stated or exaggerated, but things could happen incorrectly. Mr. Miller stated the only examples submitted were people using 08234 with Egg Harbor Township for their Longport zip code address and those people did not get their mail properly delivered to them. He indicated those exhibits that were submitted.

Attorney Doyle stated as pages 7 and 8 suggest if you know you are in Egg Harbor Township and you do not know the zip and you look it up nothing is going to direct you 08403, is it. Mr. Miller stated no the property owner would have to tell them their zip code is 08403 and they live in Egg Harbor Township. Attorney Doyle stated it really takes a little special knowledge as opposed going to the USPS site to find it out. Mr. Miller stated he has no idea how many people use this site to send out letters. He indicated if you are dealing with a business you provide them your zip code, such as your credit card company, you bank is not looking for your zip code on the USPS. He indicated normally when you're filling out your bank forms and registration forms you place in your street address, your city and your zip code and they mail you whatever they mail you.

Attorney Doyle presented Exhibit S111 Special Board Solicitor Marcolongo advised this exhibit consist of two (2) pages from Wikipedia, one (1) page from Qpzm, and one (1) page from the United States Post Office. Attorney Doyle referred to page 2 of exhibit S111 concerning zip codes, on what is to be all inclusive they do not list 08403 zip code do they. Mr. Miller stated whomever wrote this put notes 14 and 15 but they do not show who put them in there. He indicated Wikipedia is not authored by Egg Harbor Township. Township Committeewoman Pfrommer stated Wikipedia is not normally allowed in schools. She stated when her children were younger they could not use Wikipedia. She indicated anyone can write anything for Wikipedia.

Attorney Doyle stated the fact is as you look through each of these standards sites there is nothing that gives you an opportunity to match 08403 in Egg Harbor Township. Mr. Miller stated he could go to Wikipedia tomorrow and edit. Special Board Solicitor Marcolongo stated he would not this does not

seem to be the complete Wikipedia page as to Egg Harbor Township and certainly the footnotes are not attached. Board Member Aponte stated he does not consider Wikipedia as creditable as a source. Attorney Doyle stated he understands this. He indicated he thinks the question is more about what is sufficient delivery and the USPS regulations that were put before the Board and Mr. Miller may be correct that the mail may get through not certainly but more in the words of the efficient and deliverable if you match the town with the zip code.

Attorney Doyle stated finally on this subject and subject to a review and discussion first by Special Board Solicitor Marcolongo before he suggest anything about this inch and half (1 ½) to two (2) inch pike in front of him that is copies of just a sampling of deeds, mortgages, and other recorded instruments that were miss recorded based upon the combination of a name and zip code, town name and zip code including a couple of the Mayor's recorded instruments that either had to be re-recorded or on the typical indexes that list everything that is in Egg Harbor Township it either didn't show or it had a Longport and didn't show in Egg Harbor Township so it presented title issues. He indicated rather than put this before the Board he would like to share one with Special Board Solicitor Marcolongo that he does not have to read when he goes on vacation tomorrow but for some future meeting to determine how best address it because we sincerely believe as resident have testified to bills that did not come, checks that did not come, insurance policies that did not come, recorded instruments that did not come that there is a confusion factor and how simple it is or how fixable it is these problems have existed.

Special Board Solicitor Marcolongo stated Attorney Doyle is not dealing with this tonight, but he will supply him with a copy after he gets back and they will discuss before the next meeting on May 5, 2015. Attorney Doyle stated yes.

Attorney Doyle stated by lead into the next subject we have spent time on the rendering of Police, Fire and Ambulance services. He did this in part individually because this is how the petitioners presented with their individual incidents such as someone could not find them, Longport came first on their particular problem. He stated a better process to take a more global approached and to look at how it works generically. Attorney Doyle stated he appreciates that Mr. Miller has indicated the Fire and Police Chief's will be coming and Attorney Doyle expressed his wonder if the Ambulance Chief will be coming and they may have a better idea about response times but in terms of overall approach. Board Member Aponte stated was not the global approached looked at when Mr. Miller was asked if there were intergovernmental agreements. Attorney Doyle stated he is not so sure, because when reviewing it there was the use of the word first responder and use of the word mutual aid is different and inter-local service agreements do not figure the provision of police, fire and ambulance services.

Board Member Aponte stated he meant mutual aid and he uses it interchangeably. Board Member Aponte stated he feels they have previously discussed mutual aid, who was first, who responded first at many meetings. Special Board Solicitor Marcolongo stated the questioning of Mr. Miller as to what he knows or what he does not know and we will have the police chief here, the fire chief and if the Board wants the chief of the ambulance squad we can have them come in also.

Attorney Doyle presented Exhibit S112 page 26 (only) of February 23, 2015 transcript of Planning Board Meeting. He stated this was Mayor Russo speaking: we are a good neighbor because we do supply first response for police, first response for fire and first response for ambulance for those individuals, meaning the residents of Seaview Harbor, there is no doubt that we can answer those types of emergency calls faster than Egg Harbor Township, faster than Somers Point. Attorney Doyle then stated

Mr. Miller answer in lines 22 and 23 of exhibit S112 saying, Yeah. We have a very good mutual aid program with Longport, and that's what they describe there.

Attorney Doyle stated Mayor Russo spoke in terms of first response and Mr. Miler spoke in terms of mutual aid. He indicated neither used the term inter local agreement. He asked if they have an inter-local service agreement. Mr. Miller stated no they do not. Attorney Doyle asked if there is a difference between mutual aid and first responder. Mr. Miller stated in mutual aid, depending upon where the services are taken place, people are designated as 1st, 2nd, or 3rd in order of response in different sections of a community. He indicated generally for the last several years for police, fire and ambulance Longport has been the first responder to Seaview Harbor while Somers Point has been Anchorage Poynte and Margate or Somers Point is second to Seaview Harbor depending upon what is going on.

Attorney Doyle asked if this first responder policy written anywhere. Mr. Miller stated he supplied an exhibit for mutual aid that shows the order in which we call people out. Attorney Doyle stated what Mr. Miller provide, which was marked B65 and B66. He indicated B65 was an ordinance passed in 1990 and B66 was a resolution in 2013 to enter into an agreement with Atlantic County. Mr. Miller stated he was referring to B67 is the overflow chart for dispatching services for police, fire and E.M.T.'s. Attorney Doyle asked if there is anything for police, fire and ambulance that has not been put into evidence. Mr. Miller stated he does not know.

Chairman Garth stated he believed the fire chief was to discuss mutual aid agreements. Attorney Doyle stated mutual aid speaks for itself and first responder is different. He asked if he was wrong. Mr. Miller stated he believes Attorney Doyle is wrong. He stated all the municipalities within Atlantic County participate in a mutual aid for Fire, Police and E.M.T.'s. He advised within those areas the neighboring towns enter into an agreement with each other to say that if I need assistance will you respond first, will you go second and you go third. He stated the Township Fire Department knows which section who goes first, second.

Mr. Miller stated we respond to Hamilton Township first, along McKee Avenue, before Hamilton Township because our fire station is closer than Hamilton Township's fire station is. He indicated there is situations where we may respond first to another town. He indicated in this instance our fire department worked out with Somers Point and Longport and Longport said we'll go first if we are available. He stated if they are not available then we go to the next town which is generally Somers Point and if they are not available we will go to Margate.

Attorney Doyle stated the mutual aid had to be authorized by resolution of the Township. He asked if there is a resolution of the Township that authorized the priorities that were just discussed. Mr. Miller stated no. He indicated the Township entered into the County wide mutual aid agreement to say that we will work in those three (3) areas with all the other municipalities within Atlantic County. He indicated there was no secondary document adopted by municipalities to say in these instances this is who is first, second or third. Mr. Miller noted that years ago Somers Point use to be first to Seaview Harbor because Longport did not have enough people to turn out. He indicated in the last several years Longport has enough people during the day that they have been designated as the first responder because they are closest. He stated the whole purpose of mutual aid is to provide service as quickly as possible.

Attorney Doyle when he reads B66 the resolution to join Atlantic County mutual aid it speaks in the 5th whereas clause "to provide additional protection against loss, damage or destruction by Fire,

catastrophe, civil unrest, major emergency or other extraordinary devastation. He stated with respect to what Longport does for Seaview Harbor they do not provide additional protection they provide primary protection. Mr. Miller stated yes. Attorney Doyle stated it would be the same to fire. Mr. Miller stated yes. Attorney Doyle stated the same with ambulance services. Mr. Miller stated currently yes. Attorney Doyle stated this is true in situations that are not outlined in the resolution as major emergency such as regular police activities. Mr. Miller stated yes and it works both ways. He indicated if Longport needs the Township to patrol its streets or do dispatching for them we do it and it does not have to be an extraordinary event that triggers it.

Attorney Doyle stated what was not put into evidence is that B66 allowed you to go into the Atlantic County mutual aid and they have an agreement that he assumes Mr. Miller is familiar with. Special Board Solicitor Marcolongo marked Exhibit S113 Atlantic County Mutual Aid and Assistance Agreement between participating units. Attorney Doyle referred to the 4th Whereas on the front page of this document, he then read onto the record what it stated. Attorney Doyle then asked Mr. Miller that Egg Harbor Township has made a judgement that immediate deployment would generally be done by Longport for Police, Fire and emergent situations. Mr. Miller stated we made decision that a neighboring community such as Longport, Margate, Somers Point can get to Seaview Harbor slightly faster than we can get there and our mutual aid agreement with them is for them to respond, if available. Attorney Doyle asked when Mr. Miller states slightly can he define this in minutes. Mr. Miller stated no. Attorney Doyle asked if the Police Chief can. Mr. Miller stated he has no idea what he can do.

Attorney Doyle then referred to the 5th Whereas clause (exhibit S113) and again read this section onto the record. Attorney Doyle then asked Mr. Miller if the Township has adopted a local Fire Mutual Aid Plan. Mr. Miller stated he believes the Township Fire Department has adopted one. Attorney Doyle stated their not a fire district, in this municipality, did you have to ratify it or resolve it or anything. Mr. Miller stated he does not recall anything before the Governing Body. He stated he knows the Fire Department has a County wide mutual aid program. He stated they have a binder that outlines all the different scenarios for mutual aid. Attorney Doyle asked if this is about which town would go to cover where. Mr. Miller stated yes, he indicated different situations which may come up as to where the five (5) hydrant hose task force would come from, where the aerial trucks come from. He indicated the Township has had to go to Longport several times with aerial truck because their truck is not high enough.

Attorney Doyle stated he had made an OPRA request for these documents. He indicated he does not believe it was broad enough to cover some of the information that Mr. Miller has spoke of. He stated if Mr. Miller would provide him the language he will OPRA whatever he has not received. Mr. Miller stated Attorney Doyle should submit an OPRA request to the Fire Department for the County wide mutual aid plan. He stated Attorney Doyle's request was agreements that the Township had for mutual aid and the Township Clerk provided whatever she had which were executed by the Governing Body.

Attorney Doyle stated (exhibit S113) also provides in paragraph 2A that each local jurisdiction shall develop a municipal mutual aid plan and this would have been within Mr. Miller's jurisdiction and discoverable under his OPRA but he did not receive. He asked Mr. Miller if he has a municipal mutual aid plan. Mr. Miller stated he does not know. He indicated it appears it should be in the Office of Emergency Management Plan. Attorney Doyle asked if that is a Township agency that should respond to an OPRA request. Mr. Miller stated the short answer is yes. Chairman Garth asked if Attorney Doyle knows how old of a document this is (exhibit S113). Special Board Solicitor Marcolongo stated it

appears to be from 2013. He advised it is indicated on the second to last page. Chairman Garth advised the last page states it's updated to January 15, 2014.

Attorney Doyle referred to page 3, paragraph 4C (exhibit S113) again reading this section onto the record. He then asked Mr. Miller if there is any formal or informal agreements between jurisdictions or responding units, other than the mutual aid documents we have which is the ordinance, resolution and the County information. Mr. Miller stated the Fire Department has an informal mutual aid agreement, for probably since their creation, with all the neighboring municipalities. Attorney Doyle stated he will be making a request for this. Mr. Miller stated he does not know how to make available an informal agreement from 50 years ago. Special Board Solicitor Marcolongo stated the Township will make available the formal agreements informal ones are obviously not written. Mr. Miller stated the Fire Chief can testify to the extent of the informal agreements.

Attorney Doyle stated a study done by the New Jersey State Commission on County and Municipal Governments says police protection is one of the most important municipal services. He asked Mr. Miller he is sure he would agree with this statement. Mr. Miller stated yes. Attorney Doyle advised he has reviewed the 2015 budget that is to be approved on April 22. He indicated it shows the budget is 38 ½ million dollars and appropriated to police/dispatching is 9.8 million dollars which means about 25% of the budget goes to police. He asked in terms of cost is there any other department that requires more money than police services. Mr. Miller stated police service makes up the largest component of the Township budget.

Attorney Doyle asked if there is other on mainland Egg Harbor Township that has its police service provided primarily by a police department other than Egg Harbor Township police department. Mr. Miller indicated on the Margate Causeway Northfield probably responds before we do. He stated in West Atlantic City we are usually there before Pleasantville or Atlantic City gets there. He indicated in Anchorage Poynte, Somers Point probably gets there before we do. He indicated so yes, we have other sections of the Township that we are not always the first on scene.

Attorney Doyle stated all the areas just mentioned are not the mainland or contiguous portion of Egg Harbor Township are they. Mr. Miller stated no they are not contiguous portions. Attorney Doyle asked Mr. Miller again is there any part of the mainland or contiguous part of Egg Harbor Township for who some other municipality's police force provides primary services or is the first responder. Mr. Miller stated he would have to yield to the police chief on this. Attorney Doyle asked if there is any part of the mainland or contiguous part of Egg Harbor Township that has its fire service provided by primarily by a fire department other than one of the Egg Harbor Township fire companies. Mr. Miller stated not that he is aware of but he will yield to the fire chief.

Attorney Doyle stated we have talked a lot about police and fire but not that much about ambulance. He asked if there is a call for an ambulance from Seaview Harbor what municipality responds. Mr. Miller explained it depends upon the nature of the call. He indicated if it is a non-emergent call or a transport call Egg Harbor Township responds. He stated if a calls comes in and the dispatcher determines that it is an emergent situation then we will reach out to Longport first and if they are not available we have an order that we proceed through until we get an ambulance there. He indicated the Township ambulance will be contacted at the same time in the event one (1) of the neighboring towns cannot get there fast because they are unavailable because they are on their own runs.

Attorney Doyle asked if there is a regional dispatching system or does Egg Harbor Township do their own dispatching. Mr. Miller advised Egg Harbor Township does their own dispatching but we also dispatch for Linwood and Northfield. He indicated we have access to dispatch Linwood and Northfield E.M.T.'s and Fire if necessary. Attorney Doyle asked if this is based on inter-local service agreements with them in which they pay the Township. Mr. Miller indicated yes.

Attorney Doyle asked Mr. Miller who would be the best person to ask about ambulances. Mr. Miller stated the police chief will answer most questions about dispatching because the dispatching department is covered under the police department. He stated we have a director of ambulance services. He indicated we don't have an ambulance squad we have ambulance services. He indicated they are not a volunteer squad they are all paid. Attorney Doyle asked if the ambulance squad was disbanded. Mr. Miller stated the disbanded themselves and in 2004 there have been no volunteers.

Attorney Doyle stated in the 2015 Egg Harbor Township Budget there is a miscellaneous revenue item ambulance fees in the amount of \$1,140,500.00, which he assumes is the amount realized in ambulance fees in the year 2014. Mr. Miller stated the number sound right and he will take Attorney Doyle's word that he quoted it right. He stated it was over a million dollars, he knows. Attorney Doyle stated it says total appropriations of \$590,000.00. He asked if there was an excess of revenue over expenditures of over a half million dollars. Mr. Miller stated out of this money the Township purchases a new ambulance every other year for \$160,000.00, we pay pension cost, we pay health care cost, FICA taxes and other taxes out of it and at the end of the day we may have, in some years we may \$100,000.00 left.

Attorney Doyle asked if there is any part of the mainland Egg Harbor Township for which the primary ambulance responder is other than the Egg Harbor Township ambulance squad. Mr. Miller stated we have neighboring towns that do respond into Egg Harbor Township, sometimes ahead of us. He indicated we do not have them designated. He indicated a lot of the response had to do with the availability of our ambulances. He indicated we only have two (2) ambulances on duty at any time. He indicated if both of them are tied up than Galloway responds to a portion of the Township and Hamilton responds to another portion of the Township and they are in the Township on a weekly basis responding in the mainland portion through mutual aid.

Attorney Doyle asked Mr. Miller if it was his intention in providing Mr. McGlinchey's work record as shown by his employer, the Township of Winslow, to question whether or not he in fact did appear to help Joe Stewart clear snow before the Township people did in 2009, at Christmas time. Mr. Miller stated he does not believe his testimony was that he had assisted Joe Stewart. He stated his testimony was that he borrowed Mr. Stewart's piece of equipment and he had done it. Attorney Doyle asked if he knows this to be inaccurate. Mr. Miller stated no. Attorney Doyle asked what was the point of putting in his work records. Mr. Miller stated Mr. McGlinchey testified that on all snow events in Winslow Township he is there from the beginning of the event until the end of the even. Mr. Miller stated the documents show that what hours he worked in Winslow and that were somewhat inconsistent with his testimony that he could have been here at the same time.

Attorney Doyle asked if they were inconsistent or did Mr. Miller feel he did not leave enough time for sleeping. Mr. Miller stated he had no time to sleep and whether or not he could have made it back and forth in a blizzard with a travel band in the amount of time that he would be able to work Mr. Miller stated he felt it rather difficult to believe. Attorney Doyle stated Mr. Miller will appreciate that he can only put in for the actual hours of plowed snowing under the grant that Egg Harbor Township also applied for in the same storm. Mr. Miller stated right and he assumes that he was there more hours

than the amounts, since he is a supervisor there, than the amount he spent plowing there. Attorney Doyle asked how Mr. Miller get the Township of Winslow records. Mr. Miller stated an OPRA request was filed by Mr. Marcolongo. Special Board Solicitor Marcolongo stated this is correct. Attorney Doyle asked Mr. Miller if this was at this request and direction. Mr. Miller advised he asked him if he could get them for him he would like to see them.

Special Board Solicitor Marcolongo marked Exhibit S114 OPRA request from Special Board Solicitor Marcolongo that he forwarded to Winslow Township. Special Board Solicitor Marcolongo asked if Attorney Doyle has and questions concerning this document. Attorney Doyle he has asked questions already. Attorney Doyle stated he will asked one more. He asked Mr. Miller if there was any difficulty given by Winslow Township in providing what was asked. Mr. Miller stated yes. He indicated this is why he reached out to Mr. Marcolongo because when his clerk submitted it to their clerk and after a few weeks they refused to respond to it. So then he asked Mr. Marcolongo to file the OPRA request because they would not supply the records.

Attorney Doyle stated he similarly made a request to the Township Clerk's office and was told it would take two (2) to three (3) weeks. Attorney Doyle stated when Mr. DaBek produced the request because he was absent and then he made a phone call to Mrs. Tedesco and he was able to get within four (4) to five (5) days. He asked if this is the same kind of first impression lag and then a lawyer gets involved and it came quicker. Special Board Solicitor Marcolongo stated actually he believes the response was that they could provide that documentation to him, however, the ten (10) day period ended up being the morning of one of our meetings and Attorney Doyle contacted him to facilitate getting that documentation quicker and we were able to do so with Mr. Miller co-operation.

Attorney Doyle stated this was the first one not the second one. Special Board Solicitor Marcolongo asked which one had Attorney Doyle been speaking about. Attorney Doyle stated the Seaview Harbor file that Mr. Miller acknowledged that he kept. Special Board Solicitor Marcolongo stated he believes this was the one they were talking about. Attorney Doyle stated he believed it was different. Mr. Miller advised he provided information the very next day. Attorney Doyle stated this is his point. Special Board Solicitor Marcolongo stated there have not been difficulties with that and he does not know if the time frame is relevant to the Board. Attorney Doyle stated he did not believe it was relevant until he heard the answer.

Attorney Doyle asked Mr. Miller he had questioned him somewhat about Resolution 144-2014, which authorized Township Committee to convene into a closed executive session to discuss matters that involved litigation and/or personnel. He stated though he may have questioned Mr. Miller he does not believe he placed the information into evidence. Attorney Doyle presented the minutes of this meeting as the next exhibit and the resolution to convene into close session. Special Board Solicitor Marcolongo asked Mr. Miller he recalls being questioned about this information. Mr. Miller stated yes. This documentation was marked as Exhibit S115 (2 pages) one containing the minutes of Township Committee meeting from February 26, 2014 and resolution of the same date.

Special Board Solicitor Marcolongo asked Mr. Miller not to answer questions concerning the substance of the discussions that took place in the close session. Attorney Doyle asked Mr. Miller on February 26, 2014 there was no litigation involving Seaview Harbor. Mr. Miller stated not that he is aware of. Attorney Doyle he stated the resolution provides that it is anticipated disclosure is one (1) year. He stated there is still no litigation of between or relating to the Seaview Harbor secession is there. Mr. Miller stated no, sir. Attorney Doyle stated one (1) year has elapsed. Mr. Miller stated yes. Attorney

Doyle asked if he could obtain the minutes of that meeting no. Mr. Miller stated that is up to the municipal solicitor to determine whether or not it is right for release, whom is Mr. Friedman.

Attorney Doyle asked if there was any action taken by Mr. Miller prior to the filing of the petition in anticipation of litigation. Mr. Miller asked when. Attorney Doyle stated prior to the petition being filed which he believes was February 18 2014. Attorney Doyle stated he did ask for monies to be set aside in the Department of Law Account with the anticipation of the petition being filed. Mr. Miller stated he should have and probably did. He advised he would have to pay for the Planning Board consultants in some way. Attorney Doyle asked when money is placed in the Department of Law does this cover the Planning Board Attorney. Mr. Miller stated yes. Attorney Doyle what about the Zoning Board Attorney. Mr. Miller stated yes. Attorney Doyle asked that this is all inclusive within the department of law. Mr. Miller stated yes. He indicated all lawyers get paid out of the department law, such as tax appeal attorney, labor counsel, bond counsel. Attorney Doyle stated special counsel. Mr. Miller indicated yes and special experts related to the specific issue.

Attorney Doyle stated without belaboring the record there is a municipal budget, but to facilitate the questioning, the February 12, 2014 memorandum predated the filing of the petition and shows an increase in legal spending over the prior year of \$50,000.00. He stated if you look at the next page subsequent thereto on February 21, Mr. Miller explained the increases in the budget from the preceding year and noted legal had went up \$50,000.00. Special Board Solicitor Marcolongo asked Mr. Doyle that he is questioning the witness on a document that he assumes will be marked.

May the record reflect: the document being discussed in the about paragraph and the others thereafter was not formally announced onto the record, however, it was marked at the meeting as Exhibit 116 (memo. dated 2/12/14, 2014 municipal budget one (1) page. memo. dated 2/21/14 2014 municipal budget four (4) pages 1, 2, 3, 4 of 13, and memo. dated 3/5/14 2014 municipal budget).

Special Board Solicitor Marcolongo asked for a proffer as how this document is relevant to the Board's determination regarding the deannexation; the funding of it. Attorney Doyle stated it goes to the statements Mr. Miller has made in in terms of wanting to make sure the Seaview Harbor people knew how much it would cost and more particularly the comments he made at the Longport meeting in March of 2014, that it would cost a lot of money and through around figures of \$300,000.00, \$400,000.00 to \$500,000.00 and the numbers that the Board will see is different than those.

Special Board Solicitor Marcolongo stated he will leave it up to the Board as to whether they want to hear anything on this particular line of questioning. Attorney Doyle asked Mr. Miller if he had provided in February 21, 2014 for an amount within the municipal budget for Seaview Harbor. Mr. Miller stated yes. Attorney Doyle asked what this amount was. Mr. Miller stated in his memorandum of February 21, 2014 it was \$25,000.00. Attorney Doyle asked Mr. Miller if, on March 5, had he made an adjustment to this number. Mr. Miller stated yes. Mr. Miller stated he reduced from \$25,000.00 down to \$15,000.00, which is a reduction of \$10,000.00.

Attorney Doyle asked Mr. Miller if he requested the Public Works Director, the Police Chief, the Fire Chief and the Auditor to testify. Special Board Solicitor Marcolongo stated he asked them. Attorney Doyle asked Mr. Miller if he asked anyone to testify. Mr. Miller stated no. Attorney Doyle asked if Mr. Miller is aware of any Egg Harbor Township citizens that are non-officials of the Township that intend to testify. Mr. Miller stated he has no knowledge. Attorney Doyle asked if there is any intentions of calling Mr. Miller or Mr. Watkins regarding some of the questions regarding whether the FEMA map is the

same as the map for CRS, what the cost and ease, which it could have been done back in 2001, would have been. Special Board Solicitor Marcolongo stated at this point he has not discussed it with them, however, based upon all the testimony that comes out before this Board he receives the right to call either one of these parties.

Attorney Doyle asked Mr. Miller if the boundary were to be realigned by January 1, 2016, what in Mr. Miller's job, as the administrator would be different, in how he operates and administrates this Town. Mr. Miller stated he would have that many less residents looking for services, but in his day to day it would not be much different. Attorney Doyle asked Mr. Miller how would the Township, other than the loss of that piece of geography, be different. Mr. Miller stated it would be no different. He indicated we still have to patrol the causeway, we still have to respond to calls on the causeway, which means driving past their front door. He indicated there would be no savings to us for Law Enforcement. Attorney Doyle asked what emergency, would the Township, have to respond to beyond their front door, which he takes as Hospitality Drive. Mr. Miller stated if there were a traffic accident at Route 152 and Hospitality Drive it is Egg Harbor Township and we would have to respond.

Attorney Doyle asked Mr. Miller, having been the administrator for 26 years how would the Township be different. Mr. Miller stated we will lose a very intricate part of our leadership. He stated Seaview Harbor has provided significant involvement in the community. He stated the town was shaped by residents of Seaview Harbor. He indicated we have had the Planning Board Chairman for many years being Mr. Fiore and Mr. Henry. He indicated we have had a sitting Mayor for 26 of the last 30 years. He indicated these persons have the most powerful positions in shaping the community. He indicated we would lose these resources. Mr. Miller advised we have had Mr. Steinberg on our Economic Development Commission for the last twenty (20) years. He stated based upon the exhibit he provided we have had many residents of Seaview Harbor shape the future of Egg Harbor Township and our resources. Attorney Doyle stated this answer is repetitious.

Attorney Doyle asked how would Mr. Miller's job in 2016 be different. How would the Township in 2016 be different. He indicated all these contributions are by people now deceased, moved out of town or have signed the petition to secede. Special Board Solicitor Marcolongo stated Mayor McCullough has not passed away or moved out of town. Attorney Doyle stated Mr. Steinberg is also well. Mr. Miller stated our cultural and economic diversity would be significantly changed. He advised they are the most affluent community that we have and we would lose that. He indicated the difference between poor and rich and middle class change. Board Member Rosenberg stated this testimony is literally what he has been listening to from the first day.

Mr. Miller stated a town has many components economically, socially. He stated many sections of the town brings different things to the community. He indicated Seaview Harbor is a very unique part of our community and it is probably one of the wealthiest communities we have. He stated they have 300 slip dockominium, it is a water front community that is larger than any other part of the Township. He stated it gives a diversity and quality of life that we do not have in other parts of the town.

Attorney Doyle asked if Mr. Miller knows how many of the dockominium owners are Township residents. Mr. Miller stated no. Attorney Doyle stated throughout this process and looking back it was Mr. Miller that called Mr. McGlinchey to attend a Seaview Harbor Association meeting in 2013 to give the Township's position. Mr. Miller stated yes. Attorney Doyle stated it was Mr. Miller who in Apri, 2013 wanted to check on rumors and had the 26 minute conversation summarized with Mr. McGlinchey in 12 lines in a note that he provided to the Board. Mr. Miller stated yes. He indicated as the

administrator there is rumors they want to secede and it usually relates to services and he is responsible for delivering services and since he is president of the association Mr. Miller reached out to him both years to find out what we were doing wrong, what would could better and what other services could we provide.

Attorney Doyle stated recently you drew the resolution to go into private session and to put money in the budget for Seaview. Mr. Miller stated yes. He indicated after the petition was filed he realized the Township had to hire professionals so we put money in the budget for them. Attorney Doyle stated it was Mr. Miller that went to the Longport Board of Commissioners meeting after telling the full Township Committee that he intended to do so in order to find out what they were all about on this issue. Mr. Miller stated to find out what their position of the issue was, yes. Attorney Doyle asked Mr. Miller that during this meeting he had said Egg Harbor Township is not prepared to let any part of the Township go. Mr. Miller stated he does not remember his exact testimony but he probably said something similar to that.

Attorney Doyle asked Mr. Miller if it was him who reached out reached out to the professional's Mr. Wisner and Mr. Marcolongo. Mr. Miller stated yes, as a member of the Planning Board, he recommended them to the entire Planning Board. Attorney Doyle asked Mr. Miller if it was him who dispatched various municipal officials to find out Mr. Seiverd was wrong about his tax bill, Mr. Klein mother's timing was a little different and a number of other facts. Mr. Miller stated he would not use the terminology that he dispatched anyone to do anything. I asked. He stated he went and asked if he could have a file for Mr. Seiverd and asked the police chief if he could print out the run for Mr. Klein's mother. He indicated this work probably took these people less than five (5) minutes to produce and send over to him. He did not engage anyone to dig up records.

Attorney Doyle asked Mr. Miller if it was him who had Mr. DaBek's building file looked at, who asked Special Board Solicitor Marcolongo to send an OPRA request to Mr. McGlinchey's work. Mr. Miller stated yes. He indicated based upon Mr. DaBek's testimony he looked at his file because he made comments about how inappropriate our zoning was so he took a look at his file. Attorney Doyle asked Mr. Miller that he requested to be the lead witness and spoke for four (4) evenings with three (3) banker boxes of information to give opinions, as well as, what he believed was facts. Mr. Miller stated he does not recall asking to be the lead witness. He indicated of the three (3) banker boxes one has sewer assessment information incase Mr. Doyle requested, plus its backup information. He stated he only has one (1) box of information.

Attorney Doyle asked when and whose direction did Mr. Miller become the quarterback of the anti-secession; anti-petition effort. Special Board Solicitor Marcolongo asked Mr. Miller not to answer the question. He stated that was completely unnecessary as to, how and why, or if in fact he is the quarterback. Special Board Solicitor Marcolongo stated Mr. Miller reached out to him and asked him to handle this matter and he, if anybody, has been quarterbacking the proceedings at this time. He has been the one organizing and bringing the witnesses in and working with Attorney Doyle in scheduling the matters and to get the witnesses lined up to address the real issues in this matter, which is the effect this deannexation will occur upon Seaview Harbor residents and the remainder of the Township. Attorney Doyle stated if it is priceless, little testimony than we have spent five (5) nights addressing it.

Attorney Doyle stated Special Board Solicitor Marcolongo did not go to Mr. McGlinchey, speak with the newspapers, go to Longport Borough Commissioners. Special Board Solicitor Marcolongo stated that is how the Township has organized itself to address the deannexation issue. He indicated that is what this

Board is concerned about how it effects Seaview Harbor and the remainder of Egg Harbor Township not what Mr. Miller may or may not have done. Attorney Doyle stated it does effect objectivity. He indicated that includes his opinions. Special Board Solicitor Marcolongo stated he believes the Board has agreed with Attorney Doyle and these items have been brought up on numerous occasions.

Attorney Doyle stated what he presented to Mr. Miller, is part of a transcript, from these meetings concerning questions that he has already asked. May the record reflect that after discussing this with Special Board Solicitor Marcolongo he will allow this based on the response that Attorney Doyle indicated he will only be asking new questions.

Attorney Doyle stated Mr. Miller said on page 110 and 111 (transcript) that he had not discussed with Township Committee about going to Longport but in fact he had. Mr. Miller stated yes, but that does not mean that he had discussed secession. Attorney Doyle stated when Mr. Miller went to Longport he told the Commissioner's the Township's position on secession. Mr. Miller stated Attorney Doyle looks at the transcript I advised it was my opinion. Mr. Miller advised it says Attorney Doyle asked why he had it and he stated because of this longevity and his tenure and he was not speaking on behalf of Township Committee. He was speaking on his behalf.

Attorney Doyle asked Mr. Miller once again that he did speak to Township Committee about going to Longport. Mr. Miller stated he told the Township Committee he was going to Longport. He stated the does not know if there was a conversation about going. He stated he told them he was going to Longport to get their opinion about accepting Seaview Harbor. Attorney Doyle stated but as seen more was said than that. He indicated Mr. Miller stated Egg Harbor Township would not allow any part of the Township to go. Mr. Miller explained based upon what Attorney Doyle gave Mr. Miller (transcript) his answer was, when he speaks publically he usually refer to the Township in plural form and not that Peter Miller request or I requested. I am the representative of the Township and I use the term we, they when I speak in public. Mr. Miller stated he answered Mr. Doyle' question as to what he meant when he said it.

Attorney Doyle stated if Mr. Miller uses Mr. Miller, I, the Township, Township Committee, Egg Harbor Township interchangeably it makes it that much more difficult to figure out who and what role everyone is playing. Attorney Doyle when Mr. Miller spoke to the entire Township Committee that he was going to Longport when was this. Mr. Miller stated it was in advance of Longport's meeting. Attorney Doyle stated he would have assumed this. He asked when and under what circumstances. Mr. Miller stated he cannot recall when or the circumstances. He stated he assumes it was at a meeting. He stated he does not know if it was one, two or three weeks in advance. Attorney Doyle asked if it were at a Township Committee meeting are there minutes. Mr. Miller stated there are minutes of all Township Committee meetings. He stated if it was discussed at a public meeting it would be referenced.

Attorney Doyle stated if it was not and public meeting and he spoke to all of them then it would be a violation. Mr. Miller stated there was not more than three (3) at one time. He indicated he had told two (2) and then the others at a later time. Attorney Doyle stated he knows enough about municipal government that at times people want to know where the governing body is and they will deliberately speak to one or two or less than a majority to gather a consensus. He asked if this is what happen. Mr. Miller stated if there is no record of a public section of where this was discussed than, as he had indicated a few hours ago on this record, members of Township Committee speak to him on different issues in that context he may have said to them all, I am going to Longport to find out what the opinion is on this matter.

Attorney Doyle stated in the transcript around page 61 it was discussed that Mr. Miller could not deviate from the laws of Egg Harbor Township and had a distinct discussion in the transcript about policy which can only be done by Township Committee and that it would take a policy decision to say no for secession versus administrating, which is not making policy. He asked if this is correct, did he misstate it. Mr. Miller stated he general remembers, however, he would have to at the transcript, it was a few months ago. Attorney Doyle stated but forgetting the transcript there is a different between policy and administration. Mr. Miller stated Township Committee sets policy and he carries it out.

Attorney Doyle stated in Mr. Miller's action and statement in newspaper that Egg Harbor Township says no, by going to the Longport Commissioners and seeking to convince the Seaview Harbor residents in 2013 and 2014 that it was a bad idea was he not doing policy and not merely administration. Mr. Miller state no, sir. Attorney Doyle asked going to the Longport Board of Commissioners and trying to scare them out of saying yes and urging a rapid decision because of the cost of fees and telling them Egg Harbor Township will never let them go was not a policy statement. Mr. Miller advised he went there to gather information on what their position was on accepting them if they were successful.

Attorney Doyle stated Mr. Miller has read the transcript and he will not bring it to his attention again but he said more than what his view. He told what Egg Harbor Township view is and said what Egg Harbor Township's position is to not let any part of the Township go. Mr. Miller stated the reason he went there was the reason he told him. He indicated the dialogue was such to the Commissioners and he said these things. Attorney Doyle stated the reason why he went may have been different than the words you used, but the words are there. Attorney Doyle asked Mr. Miller by looking at all of this it was either two (2) things or possibly a third option in Mr. Miller actions over the last year he exceeded his authority and set and declared policy, which is beyond his role, that he has acknowledged or he acted consistent with what you understood from his longevity and tenure was the policy. Attorney Doyle asked Mr. Miller which is it.

Special Board Solicitor Marcolongo stated before there is a suggestion that there is a third option. Mr. Miller stated there could be fourth. He stated his contact with Mr. McGlinchey concerning the secession is his responsibilities to deliver services to all the residents of Egg Harbor Township. He stated when he hears certain residents are unsatisfied with the services they have been receiving because they're considering secession he had a responsibility, as his job as the administrator, to reach out and find out why. He indicated that is not setting policy that is gathering information so that he can deliver services to them. Mr. Miller stated also his job is to answer questions that the newspaper may ask on behalf of the Township as a spokesman for them. He stated so when he is asked he answers them to the best of his ability. Mr. Miller stated there is no one, two or three he indicated it is a hybrid of multiple things that may have come together on this issue.

Attorney Doyle stated he does not understand Mr. Miller's last comment. Attorney Doyle stated he is talking of when Mr. Miller makes statements as the Township Committee's spokesperson, which he just declared to be, the day after that meeting and prior to the filing of the petition. Egg Harbor Township's answer to Seaview Harbor is no. He stated when Mr. Miller goes to Seaview Harbor after the petition is filed and before the first hearing and say Egg Harbor Township's answer is no. He stated when Mr. Miller testified that he does not make a difference between I, we, the Township Committee and Egg Harbor Township then the question of what his role is and how that is consistent with the role portrayed here as an objective purveyor of fact. He asked did Mr. Miller set policy and exceed his authority or did he speak as to what he understood the Township Committee's policy to be. Special Board Solicitor Marcolongo stated he believes Mr. Miller has answered this and there could be a third option. Attorney

Doyle stated he was given that opportunity and Mr. Miller did not take it. He asked which one it is or is there a third one volunteer that. Mr. Miller stated as he said it could be a third, fourth or fifth option or a combination of three, four or five things that he did. He stated with his discussions with Mr. McGlinchey that was fact gathering for him to provide services appropriately to satisfy their needs. He stated his initial intention when he went to Longport was to find out their position on the issue. He stated did he cross over and misspeak and possibly exceed his authority when he said the Township's answer would probably be no, possibly. He stated when he talks to the newspapers they ask specific questions. He indicated if someone asks a generic questions about Anchorage Poynte, Seaview Harbor, West Atlantic City seceding, as the administrator he does not want to lose any portion of municipality that he manages, so his reaction could be no, we can provide services to them so they are not leaving.

Mr. Miller stated so in the context in which he had those conversations with the newspaper people and what they write in their stories are not always the same. Attorney Doyle stated Mr. Miller has not discounted any of the words that they quoted him on about Egg Harbor Township's answer is no. Has he. Mr. Miller stated he did get a negative response as to how the Township over react at their meeting, yes. Attorney Doyle stated and the Attorney for the Township told the Township Committee, in Mr. Miller's words, keep your mouths shut you are the ultimate deciders on this issue. He stated so while they kept their mouths shut Mr. Miller was their spokesperson saying Egg Harbor Township will say no. Mr. Miller stated he never said that. He indicated he never said that he spoke on behalf of Township Committee that their answer was no that he was talking on their behalf. Attorney Doyle asked Mr. Miller when he says Egg Harbor Township says no that is not on behalf of Egg Harbor Township. Mr. Miller stated as he has said here. He sometimes interchange those words and it could have been Peter Miller saying that. Attorney Doyle stated you finally concluded my longevity and tenure allow me speak and to say Egg Harbor Township's answer is no. He stated whether you have 26 years or 2 years you cannot set policy can you. Mr. Miller stated no, sir. Attorney Doyle asked if these statements are policy statements are they not. Mr. Miller stated ultimately, yes.

Attorney Doyle stated he rest. Special Board Solicitor Marcolongo stated unless there are any questions from the Board he will excuse Mr. Miller. Chairman Garth asked the Board if they had any questions for Mr. Miller, since there were no questions from the Board, Chairman Garth thanked Mr. Miller.

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

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

A: Discussion concerning May, 2015 Special Meeting Dates:

May the record reflect: This matter was discussed at the beginning of the meeting, please see Page 1 of these minutes.

B: MEMORIALIZATION OF RESOLUTION(S):

May the record reflect: Freeholder Carman stepped down from this portion, since he was unable to vote, and left for the night (8:55 p.m.) Township Administrator Miller joined the Board to vote on the memorialization of resolutions.

1. SPPF 05-14
Iglesia Buenas Nuevas, Inc.

Preliminary and Final Major Site Plan
1048/50
9 Stafford Avenue

Motion Kearns/Rosenberg to memorialize resolution granting requested checklist waiver(s) #2 & #3, conditional preliminary and final major site plan approval Phase I and conditional preliminary major site plan approval Phase II subject to landscaping, parking lot curbing, and parking lot surfacing. Vote 6 yes: Eykyn, Garth, Kearns, Miller, Rosenberg, Pfrommer. **1 Abstention:** Aponte

2. SPPF 11-13
S & S Gasoline

Preliminary/Final Major Site Plan
2202/5
6801 Tilton Road

Motion Kearns/Rosenberg to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief, and conditional preliminary/final major site plan approval. Vote: 6 Yes Eykyn, Garth, Kearns, Miller, Rosenberg, Pfrommer. **1 abstention:** Aponte

3. SPPF14-14
Long's Own Five, LLC

Preliminary and Final Major Site Plan
1902/6-9, 11-15
Black Horse Pike, Riddle & Franklin Avenue's

Motion Kearns/Rosenberg to memorialize resolution granting requested checklist waivers, design waivers, variance relief, conditional preliminary and final major site plan approval Phase I and preliminary and final major site plan Phase II. Vote 6 Yes: Eykyn, Garth, Kearns, Miller, Rosenberg, Pfrommer. **1 Abstention:** Aponte

C: **General public discussion:**

Motion Eykyn/Kearns to open public portion

May the record reflect no one came forward

Motion Aponte/Kearns to close public portion

Board Secretary Wilbert advised she needs to hear back from the members concerning dates that they are not available for in order to schedule special meetings.

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

Respectfully submitted by,

Theresa Wilbert, Secretary