

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD**

**April 21, 2014**

**Planning Board Professional(s):**

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

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

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

**Planning Board Deannexation Professional(s):**

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

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

A 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.

**Roll Call Taken as Follow(s):**

Manuel E. Aponte, V-Chairperson, present  
Committeeman John Carman, present  
Milas Cook, Alt. #I, present  
Charles Eykyn, present  
James Garth, Sr., Chairperson, on vacation  
Frank Kearns, present

Robert Levy, present  
Mayor James J. McCullough, Jr., \* **See Below**  
Peter Miller, Township Administrator, recused  
Paul Rosenberg, 2<sup>nd</sup> V-Chairperson, present  
MD Shamsuddin, Alt. #II, another engagement

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

**\*May the record reflect:** Chairman Garth is not present this evening. He is on vacation. Vice-Chairman Aponte will preside over meeting.

**PUBLIC HEARING(S):**

**1. SPPF 11-13  
S & S Gasoline**

Zone: RCD, 0.882 acre site, sewer/water site is the location of an existing Sunoco gasoline station. The site contains an existing one story building, asphalt paving and gasoline pumps. Applicant proposes to demolish the existing building and construct a new 3,184 sq. ft. building on site, the existing asphalt will be repaved with 19 new parking spaces. Applicant proposes to add additional fuel pumps and a canopy expansion with new stormwater management basin.

**Preliminary/Final Major Site Plan  
2202/5  
6801 Tilton Road  
Waiver of Time – **Not Granted****

Vice-Chairman Aponte advised this application will not be moving forward this evening. He indicated the application will be re-scheduled to an unspecified date.

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

Attorney Doyle called Mr. Dabek. Special Solicitor Marcolongo advised he would like to have Mr. Dabek duly sworn again. Mr. John Dabek, 310 Tamwood Lane, Sewel, New Jersey and 36 Sunset Boulevard, Longport, New Jersey was duly sworn.

Attorney Doyle advised there was discussion concerning a survey that was conducted by Mr. Dabek. He indicated the Board was concerned with the edited version of the survey that was presented to them. Therefore, they asked for the actual email answers, however, leaving out the names so the anonymity was still protected because this is the basis for which the individuals answered. Attorney Doyle asked Mr. Dabek if he has since the last meeting re-ordered the way the questions appeared and have it person for person and the entire email answer that was sent. Mr. Dabek stated he has.

Attorney Doyle stated he is looking at a chart and on the left hand column it has a response number. He asked Mr. Dabek what this is for. Mr. Dabek stated it is to identify the unique number for an individual but it does not designate who responded. Attorney Doyle advised the chart then has their answer in a box for responder one to the four question(s) #18-#21 of the survey presented. Mr. Dabek stated yes. Vice-Chairman Aponte asked if what is being discussed is in conjunction with exhibit S-11. Mr. Dabek stated yes. He indicated they had taken each of the questions and lined them up so the Board can see the same respondent and how they answered questions #18-21 again keeping the identity anonymous. Attorney Doyle advised what Mr. Dabek discussed is being marked as **exhibit S14**.

Mr. Dabek advised the information provided via exhibit S14 is a raw data format. Attorney Doyle asked if these answers sustain the conclusions that were made in the abridge version. Mr. Dabek stated yes. Attorney Doyle asked Mr. Dabek if they are consistent with his own belief and answers. Mr. Dabek stated yes.

Attorney Doyle stated at the last meeting there was a question concerning the percentage of voters that actually signed and who was eligible to sign. He asked if there is a breakdown. Mr. Dabek stated they obtained a list in January, 2014 of the registered votes in the community. Mr. Dabek stated there were 97 individuals listed as registered votes. He stated nine (9) of the 97 were listed as inactive, which left 88 active voters of which six (6) of those people no longer live in the community. He indicated that would leave a net of 82 voters. Mr. Dabek advised there are 67 valid signatures on the petition so that would mean 82% of the valid voters signed which is a lot more than the 60% required.

Attorney Doyle asked Mr. Dabek to describe how trash is picked-up. Mr. Dabek stated they have a weekly trash pick-up on Monday and every other Monday recycling is picked-up. Mr. Doyle asked if the community was part of Longport would the recycling be any different. Mr. Dabek stated yes. He advised he printed out from Longport's web site a copy showing from May 19<sup>th</sup> through to September 8<sup>th</sup> there is a weekly pick-up of recyclables on Monday's. Mr. Dabek stated he was able to determine they have a valet service also. You can pay the ACUA extra money and they will place trash can back for you. He indicated this is another service offered by Longport.

Special Planner Wisner asked if this is offered by Longport or do you pay the ACUA? Mr. Dabek advised it is arranged through Longport. Vice-Chairman Aponte asked who takes care of the trash. Mr. Dabek stated he assumes the ACUA. He further noted this is a service specifically for Longport, Brigantine, Ventnor, and Margate because these towns arrange this with the ACUA. Special Solicitor Marcolongo asked if the individual property owners pay extra. Mr. Dabek stated yes it cost \$231.00. Attorney Doyle asked if this is an opportunity that one has by being a resident of Longport rather than an Egg Harbor Township. Mr. Dabek stated this is correct.

Attorney Doyle asked Mr. Dabek if he has calculated what his personal difference would be paid in taxes if he was a Longport resident with the same assessment he has now rather than Egg Harbor Township. Mr. Dabek stated yes and it would be a savings of approximately \$13,000.00. Attorney Doyle asked if this is an economic injury by not having this savings. Mr. Dabek stated absolutely.

Attorney Doyle asked as an active member of the community currently if there is any social injury if this petition was denied and remained part of Egg Harbor Township. Mr. Dabek stated absolutely. He indicated the community suffers from protection, identity confusion just a misalignment of our needs with that of a mainland community. There are no patrols of our police but they do receive protection. He indicated the community is at the mercy of Longport for first responders and he scared that responders are not obligated as part of a town that he pays no taxes to.

Mr. Dabek stated the identity of not being part of a mainland community does not align with our needs. He stated their mail states Longport, Longport provides police and fire response and they go to Longport beaches and churches, but paying taxes to Egg Harbor Township and they have to pass through other towns to get to Egg Harbor Township.

Mr. Dabek stated the community is a seashore community and located on the east side of intercostal which is different than any other community within Egg Harbor Township. He indicated they are exposed directly to the water. Attorney Doyle asked if there are any school children within the Township schools that would cause his neighbors to be members of the PTA. Mr. Dabek stated there are no school children within the Township schools based upon the survey.

Special Planner Wisner asked what Mr. Dabek's background in survey preparation. Mr. Dabek stated he directs IT staff who assist business in providing these services to our customers. Mr. Dabek stated if the question is whether he is a survey professional the answer would be no, however, he is skilled on the technologies. Special Planner Wisner asked if Mr. Dabek is skilled on knowing how to prepare the questions. Mr. Dabek stated he is not but used his common sense. The questions were vetted with help from counsel and other leaders in the community. It was not solely himself who structured the question.

Special Planner Wisner asked when he described leaders of the community are these individuals who are part of the committee. Mr. Dabek stated yes. Special Planner Wisner stated he recalls his education and surveys were done to develop questions that would have an unbiased and unfiltered answer. He was wondering in Mr. Dabek's experience to have survey questions edited by a group with a known specific position prior to the distribution of the survey. Attorney Doyle stated he appreciates the cross examination by the Planner of the citizen about his testimony. Do not know if typically would be done by the Attorney or some suggestion or proffer as to why it is not proper. He stated when discussing the survey there were only 90 people that could answer and 75 answered it.

Attorney Doyle explained this was not a national survey. He advised this is a survey about getting information. He indicated he may have a further objection. Vice-Chairman Aponte stated that one of his questions was similar to the Planners, however, it was not specific as to how he put it. He stated he wanted to discuss the credibility and how it was time stamped. He advised if the Planner does not ask he will. Special Solicitor Marcolongo advised the Planner is here to assist the Board. He indicated with the planning Board they do relax the evidence and when you have hearsay it is important for the Board to have a good foundation as how that evidence was created.

Special Planner Wisner stated he is reviewing the handout just provided by the applicant and questions 18-21. He asked if these are the sum and substance of all the questions. Mr. Dabek stated this handout is in response to the Special Solicitor's request having the detail responses of the freeform questions. Special Planner Wisner stated he is looking at them and question 21 seems to be a pro-deannexation question and he sees nothing that would ask the question to the opposite which is there anything that you are happy with concerning Egg Harbor Township.

Mr. Dabek stated the questions must be read through. He indicated the questions were structured with the assistance of our counsel and the leaders of their committee. Vice-Chairman Aponte asked if Mr. Dabek tried to receive input from the people he oversees in order to determine these questions would be considered biased. Mr. Dabek stated no. He advised his employees are IT professionals with respect to the IT segments not the structuring of the questions.

Special Planner Wisner stated Mr. Dabek indicated that Longport's first responders are not obligated to respond. He asked what foundation is to this statement. Mr. Dabek advised he does not believe there is an agreement between Egg Harbor Township and Longport. He also advised it was explained to the residents of Seaview that best efforts would be made to respond if there was an emergency in their town. Mr. Dabek stated Longport would take their emergency first and Seaview Harbor would be second. Special Planner Wisner asked who explained this to Mr. Dabek.

Mr. Dabek explained he has not had any direct conversations, however, he is sure there are others in the community that have spoken with police officials in town. Special Planner Wisner asked within Egg Harbor Township. Mr. Dabek stated he has not spoken with anyone within Egg Harbor Township and he is not sure if anyone else has but this will come out with future testimony from others. Special Planner Wisner stated Mr. Dabek indicated people, which he assumes are the people from the committee have spoken with Town Officials. He stated he is trying to get an answer as to whether Mr. Dabek knows if these were Egg Harbor Township's officials or Longport's officials. Mr. Dabek stated he believes they were Longport.

Special Planner Wisner explained he has spoken with Special Solicitor Marcolongo who has agreed to bringing in a number of people to receive first hand responses to questions such as these. He indicated they will be bringing in the Fire Chief, EMS dispatchers so at some point these individuals will be present so everyone knows what their responsibilities are with respect to first responding.

Mr. Dabek advised this does not include protection. He stated there is no regular patrolling by either Longport or Egg Harbor Township. Vice-Chairman Aponte advised police are regimented so everyone will be aware of times and dates. He indicated no one can be home all the time in order to know about patrols. Attorney Doyle stated he does agree with the Chairman. He indicated by obtaining incident reports it will provide the time, who responded, and when that response came. He indicated these reports would be more specific, objective and creditable.

Vice-Chairman Aponte stated Mr. Dabek mentioned he did not find out he was not in Longport until settlement table. He asked if Mr. Dabek could expound upon this. Mr. Dabek explained the property was listed as Longport. He indicated he stated "settlement table" but it was when he actually received the HUD 1 form. He stated he was surprised to see Egg Harbor Township and he advised it is not uncommon. He explained there were three (3) other sales last year and all commented on the same situation.

Vice-Chairman Aponte stated Mr. Dabek had indicated his aunt lives in the community. Mr. Dabek stated yes. Vice-Chairman Aponte asked Mr. Dabek that he and the aunt never had a conversation as whether or not she lived in Longport or Egg Harbor Township. Mr. Dabek stated this is correct. He indicated his aunt lived in Longport. That's where they would go to her house in Longport and they would have conversations about her house in Longport.

Vice-Chairman Aponte asked how many closings has Mr. Dabek attended or how many houses has he purchased. Mr. Dabek stated ten (10). Vice-Chairman Aponte stated when you first look at a property you have to say where the property is located and then you speak with real estate agent. Thereafter, you sign a contract of sale does it say Longport or Egg Harbor Township, then you have to contact your insurance do they provide insurance in Longport or Egg Harbor Township and when you're sitting at the closing table is it Longport or Egg Harbor Township. Vice-Chairman Aponte stated there were many instances where Mr. Dabek would have known, as a buyer, whether he was buying in Egg Harbor Township or Longport.

Vice-Chairman Aponte stated he feels it is incredulous that Mr. Dabek can provide the testimony that he did not know he was buying in Egg Harbor Township. Mr. Dabek stated he will say the insurance came up with a lot of confusion at the settlement table. The address conflicts were another. He stated he thought he was buying in Longport and it was Egg Harbor Township. Mr. Dabek advised it is a true statement from his transaction. He indicated if it was mentioned he may have missed it but he does not believe anyone ever told him.

Board Member Rosenberg stated expanded on what Vice-Chairman Aponte just discussed and assuming confusion does happen. He indicated Mr. Dabek did go through with the sale. Board Member Rosenberg asked Mr. Dabek's if the taxes he expected to pay change between the time he first saw the property knowing he wanted it until the time he moved in. Mr. Dabek stated twice and further explained that he purchased the home which was knocked down and constructed with new one and then after that there was a reassessment.

Board Member Rosenberg stated the taxes were by Mr. Dabek's own choice. He indicated Mr. Dabek did not expect one tax rate the day before settlement and a different one the day after settlement. Mr. Dabek stated the taxes were reasonable when he purchased they were not an alarming factor. Board Member Rosenberg asked if they are alarming now. Mr. Dabek stated very much so.

Board Member Rosenberg stated Mr. Dabek has a valid opinion and he believes his taxes are also high. He stated he receives the services that he believes he pays for in his section of town. Board Member Rosenberg indicated he does not have patrol sitting on his porch either and because Mr. Dabek does not have valet service for the trash cans it is not a reason to rip apart a 300 year old town. Board Member Rosenberg advised he would like to move to the middle of Bargaintown and have Pleasantville's tax rates. He indicated he does not see the line of logic.

Mr. Dabek explained this goes beyond taxes. He asked Mr. Rosenberg to look at the map. He indicated you have the Egg Harbor Township mainland and then where Seaview Harbor is located. One of the things he would like each of the members to do is take a ride from the Municipal Building and go to Seaview Harbor and drive around to see what it is like to leave Egg Harbor Township and drive through another community to get back to Egg Harbor Township over a bridge on a barrier island separated from

everything. Mr. Dabek asked the Board to think of the safety issues of having responders going through Somers Point.

Board Member Rosenberg stated the converse argument would be that we have to annex Somers Point. He indicated that would be a valid argument also. He stated someone could say we are tired of our government, tired of our municipal services we would like to join Egg Harbor Township. He stated that there would be a continuous piece of property. He stated it is ridiculous but trying to illustrate absurdity with absurdity.

Mr. Dabek stated the members should look at the map. Board Member Rosenberg stated he is familiar with the area. He stated he frequents the restaurant at the Seaview Harbor Marina and he lives in Egg Harbor Township and uses the Somers Point Hospital, which was one of the questions. Board Member Rosenberg stated it goes back to a previous point. He indicated this piece of property was not developed by accident. He indicated one of the quotes last month was "we are in Egg Harbor Township and we just happen to have a waterfront back yard". Board Member Rosenberg stated this is not an accident Mr. Metz the original developer did not choose this property because it fell in his lap. He stated you chose to live on the water side and conversely the damage to the fabric of Egg Harbor Township would be losing the character of Seaview Harbor. We need balance and trying to achieve it. He stated if he sounds if he is taking an objective point of view do not misinterpret he is trying to play devil's advocate and again illustrating with absurdity.

Board Member Kearns stated he received notification from the ACUA that if he wanted his recycling can carried from the side of his house to the street and carried it back it was available in the entire ACUA area. It is not specifically for one community. He stated it may have started out this way but according to the booklet the ACUA put out last week it is available to their entire area. Mr. Dabek stated that is good information to know and maybe some individuals within the community will take advantage. He stated Longport is very pro-active in notifying their citizens about services that are available to them. Mr. Dabek stated they are an island and they feel disconnected. Board Member Kearns stated he received this information directly from the ACUA.

Vice-Chairman Aponte asked Special Planner Wiser if he could look into whether Longport or the Township have a contract or does the ACUA offer valet service themselves.

Special Solicitor Marcolongo asked if Mr. Dabek answered the survey. Mr. Dabek stated yes. Special Solicitor Marcolongo asked if Mr. Dabek was a registered voter in Egg Harbor Township. Mr. Dabek stated he is not. Special Solicitor Marcolongo asked if other individual's whom answered the survey may have also been non-registered voters. Mr. Dabek stated yes.

Attorney Doyle stated he would like to interject. He indicated the Statute requires on the petition voters. He indicated in order to vote you have to be domicile in the community. Attorney Doyle stated the Statute speaks of social injury it is a majority of the residents. He indicated a resident non-voter who lives in a different local but feels injured should not use voters and residents synonymously. Special Solicitor Marcolongo stated he agrees with Attorney Doyle with the analysis of his question, however, he is trying to obtain information on who has answered this survey.

Special Solicitor Marcolongo indicated that Mr. Dabek advised he is from Sewel, New Jersey. Mr. Dabek advised this is correct. Special Solicitor Marcolongo asked if Sewel is an incorporated City. Mr. Dabek stated it is Washington Township. Special Solicitor Marcolongo asked when the survey was prepared

had the decision already been made to proceed with the deannexation. Mr. Dabek stated yes. Special Solicitor Marcolongo asked if the survey was prepared after a majority of the signatures had been received. Mr. Dabek stated no. Special Solicitor Marcolongo asked what percentage had been received. Mr. Dabek indicated he was sorry. He advised going back to the time period he put the survey together at the end of August, 2013 and they had majority of signatures by the end of August.

Special Solicitor Marcolongo stated based upon the last question within the survey it was created in support of a deannexation. He stated the survey was created in order to intend this evidence. Mr. Dabek stated they were trying to gather information to understand the social habits and injuries to the residents, therefore, he believes the question to this would be yes.

Special Solicitor Marcolongo asked if the committee had retained counsel at this time and if counsel assisted in creating the questions. Mr. Dabek stated yes. Special Solicitor Marcolongo asked if the emailed survey was accompanied by a letter and if it has been presented. Mr. Dabek advised a letter was attached to the email survey but it has not been submitted. Special Solicitor Marcolongo asked if a copy of this letter could be submitted. Attorney Doyle stated he has not seen the letter. He would have to see it first. Special Solicitor Marcolongo asked how Mr. Dabek received everyone's email address. Mr. Dabek indicated they have a community association and the secretary of the association collects email address for regular communications in the community. Special Solicitor Marcolongo asked how Mr. Dabek knows that someone did not answer more than once. Mr. Dabek advised through his review of the questions and because they only sent one survey per household. Special Solicitor Marcolongo asked if there is any chance a husband and wife answered separately. Mr. Dabek stated it could have happened it is not 100%, however, he did the best he could by the review to make sure one household represented.

Board Member Cook stated percentages do not present the whole story. He asked if there were numbers assigned to each. Mr. Dabek stated the deck that was handed out last month had both numbers and percentages to the amount of responders. He asked Board Member Cook to review Exhibit S11. He indicated the open ended questions do not have numbers associated with free form questions. Vice-Chairman Aponte stated he understands Board Member Cook's question but the answers are on S11 and the free form questions do not have numbers. Vice-Chairman Aponte stated 75 people responded. Mr. Dabek stated this is correct as an example he indicated 58 people responded to question 18.

Attorney Doyle indicated he would like to present examples to the numbers. He asked Mr. Dabek with question 9 it asked where do you food shop, what was the answer. Mr. Dabek indicated two (2) people said Egg Harbor Township in conjunction with 75 respondents. Attorney Doyle than went over the other questions concerning the survey with Mr. Dabek whom provided the numbers.

Special Planner Wiser asked if there was any guidance to the phraseology of the questions to help the respondent define what you were looking for concerning social activity. Mr. Dabek stated no. Special Planner Wiser asked if someone could than interpret someone going to the beach, the bar as social activity. Mr. Dabek stated this is correct.

Township Committeewoman Pfrommer asked if there was a reason why the Mayor was not provided to take survey. Mr. Dabek stated by advice of counsel he was not included within the survey. Township Committeewoman Pfrommer stated his answer might have helped. Vice-Chairman Aponte asked Mr. Dabek if the survey is pro-secession or anti-secession. Mr. Dabek stated it was pro. He indicated the

questions were worded in a way that they were black and white answer. He stated the free form questions were seeking information, however, the objective questions were check the box.

Board Member Levy stated he took the survey. He indicated he has lived in the Township for 40 years and all of his objective answers were the same as the Seaview Harbor Community. He indicated he shops in Somers Point and the medical facilities he uses are in Somers Point. Vice-Chairman Aponte asked if Board Member Levy went through this survey on his own. Board Member Aponte stated yes and his answers were similar but not all of them. Mr. Dabek asked if there is confusion about his address. Board Member Levy stated yes. He indicated he lived in Mays Landing and he never moved. Stated as far as social, eating out, shopping they are the same answers. Mr. Dabek asked Board Member Levy to look at the map which should be expanded to include Absecon Island and Ocean City. He indicated these are the areas where people within his community socialize. Board Member Levy stated he does also. He indicated once again the answers are similar.

Board Member Rosenberg asked if these questions were randomly asked to Longport Resident's. Mr. Dabek stated no. Board Member Rosenberg asked if Mr. Dabek intends to. Attorney Doyle stated he does not know what they intend to do, however, Longport does not come into play until the Community is either allowed or Egg Harbor Township is ordered to sign petition, at that point it becomes relevant. Will be relevant when the Community places their facts of the natural association of the two (2) communities (Longport/Seaview Harbor), however, as far as how the individual Longport residents feel this is for the Longport Board of Commissioners and this has not come into play. Special Solicitor Marcolongo stated he would believe Attorney Doyle's answer is no.

Board Member Rosenberg stated he actually heard a yes. Attorney Doyle stated post the decision to realign the boundary out of Egg Harbor Township. Board Member Rosenberg asked if tomorrow there were no expenditure or effort and he could have the answers to those questions from the residents in Longport would he find information valuable. Attorney Doyle stated he is not on the witness stand, but he will answer. He stated he appreciated that the administrator suggested going to the Longport Board of Commissioners in Longport. He stated he does not see a merit in this and he feels comfortable with the answer that Longport people get. Attorney Doyle stated this is not the time, place nor the reason to do the expenses. He indicated it has to come here first so this is where we are supposed to be.

Board Member Rosenberg stated he would asked the question a little differently. He stated hypothetically you could have the answers to the questions without any expenditure of time, effort or money would the resident's leading this particular movement find the information valuable if they were able to join Longport. He stated the possibility may arise that they may not like what they find. Would they find the information valuable ahead of time.

Mr. Dabek asked if the information Board Member Rosenberg is referring to is the survey they gave the residents of Seaview Harbor. Board Member Rosenberg stated if you ask residents in Longport where they go for medical treatment, where they socialize, where they send their children to school or where they shop for food would they find this valuable. Mr. Dabek stated he does not see where this would be applicable. Attorney Doyle stated in an article that appeared in Atlantic City Press on Sunday February 16, 2014, which followed an informational meeting by the citizens of Seaview Harbor there is a quote from the Mayor. He then read the quote onto the record. Attorney Doyle stated these quotes are to address the question of Township Committeewoman Pfrommer's earlier question.

Board Member Cook stated he saw a letter to the editor of the newspaper that indicated there are children going to Egg Harbor Township Schools. He asked how many. Mr. Dabek stated there are zero children going to the Township Schools. Vice-Chairman Aponte asked Special Planner Wisner if he could verify with the school board exactly how many children go to the Egg Harbor Township Schools. Board Member Cook stated he wants an answer from Mr. Dabek. Mr. Dabek stated from the community there are zero students go to Township Schools. Vice-Chairman Aponte advised Board Member Cook that the Board will be obtaining the facts concerning school children.

Ed McGlinchey, 421 East Central Avenue, Blue Anchor, in Winslow Township, New Jersey and maintains a resident at 7 Sunset Boulevard, Longport, New Jersey, duly sworn, by Special Solicitor Marcolongo.

Attorney Doyle asked Mr. McGlinchey if he is the president of Seaview Harbor Association. Mr. McGlinchey stated he is the president and it is an association for Seaview Harbor residents and has been active for decades. Attorney Doyle asked Mr. McGlinchey if he could give a little background information about himself. Mr. McGlinchey advised he is 64 years old and was born in South Philadelphia. When he was four (4) his family moved to Lidenwald, New Jersey and he went to Camden Catholic High School. He advised that after he graduated high school he joined the Navy and spent four (4) years in the military. When he came out of the Navy he met his wife and purchased a home in Blue Anchor and have been there since.

Mr. McGlinchey indicated they also purchased a home in Seaview Harbor. Attorney Doyle asked what Mr. McGlinchey does for a living. Mr. McGlinchey stated he is the public works director and zoning officer for Winslow Township. Attorney Doyle asked how large Winslow Township is. Mr. McGlinchey stated Winslow is about 60 square miles with both rural and urban communities. He indicated they are a regional growth community with 40,000 residents. Mr. McGlinchey advised Winslow is similar to Egg Harbor Township.

Attorney Doyle asked how long Mr. McGlinchey has been employed with Winslow Township. Mr. McGlinchey stated for 41 years. He indicated he became the manager of public works in January, 1979 and became certified through the State in 1990. He explained as the manager he deals with roads, highways, trash collection, and recycling. Attorney Doyle asked if he has to deal with storm damage or the aftermath. Mr. McGlinchey stated yes along with snow removal. He indicated he has worked every storm since becoming the public works manager for Winslow.

Attorney Doyle asked if Mr. McGlinchey is also the Zoning Officer for Winslow. Mr. McGlinchey stated yes. Attorney Doyle asked if Winslow provides public services on a help out basis to any other municipalities. Mr. McGlinchey stated yes. He advised Chesilhurst Borough is a small community that is inset with Winslow Township. He indicated it is right off the White Horse Pike near the Atco/Waterford section. Mr. McGlinchey advised he was asked to be their Public Works Manager. They did not have anyone certified and he agreed to do this for them. He indicated there is a small stipend.

Attorney Doyle asked if there was an emergency situation in Winslow and Chesilhurst, where the department of public works were to be a first responder, what would town would be his first response. Mr. McGlinchey stated his first response would be for the public health, safety and welfare for Winslow. He indicated he would find time for Chesilhurst.

Attorney Doyle asked Mr. McGlinchey if he is the Mayor's representative on the Pinelands Council for Municipalities. Mr. McGlinchey stated he is involved with the Pinelands Municipal Council through

Winslow. He indicated he was the secretary for a number of years and he is currently the Camden County representative on the Pinelands Commission and has been for the last four (4) years.

Attorney Doyle asked if Winslow is like Egg Harbor Township due to it being a growth area. Mr. McGlinchey stated Winslow has a large regional growth area. He indicated not as large as Egg Harbor Township because 20% of their 60 square miles is outside of the Pinelands National Reserve. Attorney Doyle asked if Mr. McGlinchey during his history with the Pinelands familiarized himself as to why Egg Harbor Township was designated a growth area. Mr. McGlinchey stated you can look at a lot of documents over the years and the Planning Board Members are aware it was designated a growth area because there was a lot of developable ground.

Mr. McGlinchey advised he also sees the density being placed here because Egg Harbor Township had a communal between Philadelphia and Atlantic City, employment opportunities with Atlantic City, and developers were coming to Egg Harbor Township to build because they saw opportunity. Attorney Doyle asked Mr. McGlinchey if he agrees Egg Harbor Township has grown in population from roughly 15,000 in 1990 to 43,000 today. Attorney Doyle further noted it states in the minutes of the Planning Board that Mr. Miller requested to add to a report that Egg Harbor Township was the fastest growing municipality in New Jersey during that period of 1990 to 2010. He asked if this is attributed to being made a regional growth area. Mr. McGlinchey stated he does not believe there is any question about that. Attorney Doyle asked how much Seaview Harbor grew within those 20 years. Mr. McGlinchey stated zero.

Attorney Doyle asked Mr. McGlinchey to outline his knowledge of the neighborhood and his participation in this association. Mr. McGlinchey stated he rented a slip at Seaview Harbor Marina for a couple years and fell in love with the area. He stated it does not take too much once you get over the Dolores Cooper Bridge and see the vistas of the ocean. He advised a few years later they purchased a boat slip and they stayed on the boat during the summer season. Mr. McGlinchey explained during this time his wife would walk the dog in the neighborhood and she fell in love with it. He stated thereafter they found the opportunity to purchase a home and they did.

Attorney Doyle asked if in the beginning did he become involved with the Home Owners Association. Mr. McGlinchey stated he would go to Home Owners Association meetings. Attorney Doyle asked if Mr. McGlinchey still maintains his slip. Mr. McGlinchey stated yes. Attorney Doyle asked how it interlocks between the Home Owners Association, the Seaview Harbor neighborhood and the marina. Mr. McGlinchey stated it is a close working relationship and the community itself was instrumental in getting the marina built. He advised there are by-laws in both organizations. Mr. McGlinchey stated it is not a coincidence that the marina was located there.

Attorney Doyle asked Mr. McGlinchey when he became president of the association. Mr. McGlinchey stated he believes it was in 2007. He advised Brian Condella a resident of the community was the president at the time and he had an interest in stepping down. He indicated when he went to an annual meeting of the association he believes Mr. Condella nominated him to take over the presidency and he accepted. He indicated he felt strange because he was not a full time resident at the time, however, Mayor McCullough advised him not worry about it because some past presidents were not full time residents either.

Attorney Doyle asked if at that time was there discussion concerning a boundary re-alignment or had there been. Mr. McGlinchey stated there had been. He advised when he became president and he

looked over the minutes and documents going back to 1982. He indicated there was talk of boundary re-alignment with Longport and a list of things as to the reason why. He indicated he was not the writer of these so he does not want to provide hearsay. He stated there are some documents of minutes that can show what the concerns were from 1982.

Attorney Doyle asked Mr. McGlinchey if there was anything done at the beginning of his presidency with the association concerning boundary re-alignment. Mr. McGlinchey indicated not long after he became president the question came up again. He indicated this discussion was from people that were there a lot longer than himself. He advised he was aware of the Strathmere case and in 2008 there were more and more conversation at the board meetings. Mr. McGlinchey explained Joanne Lowry and her son provided documents concerning Attorney Doyle's success on Bay Beach Way. He indicated the document was interesting and it seemed as we're similar to that situation. Mr. McGlinchey advised Mrs. Lowry sent a survey out to all the residents asking if they were interested in pursuing this and the majority of the residents wrote back stating yes. Attorney Doyle asked if this was a one question survey. Mr. McGlinchey advised the survey was one (1) question with a yes or no.

Attorney Doyle asked if they went forward with it at that time. Mr. McGlinchey stated shortly after the survey he met with Mayor McCullough at his home on a Sunday afternoon not long after the survey was sent out. He indicated the Mayor explained what had happened back in 1982 and 1984 when he was involved with the community association. He indicated this attempt to deannex or the annex was tried before and was not successful. Mr. McGlinchey indicated the Mayor had added that in the end Egg Harbor Township would never let them go. He indicated the Mayor just wanted to let them know going into this. Mr. McGlinchey advised the Mayor was being up front with him and he appreciated his candor.

Mr. McGlinchey stated when he went back and reviewed the minutes of the community association he could not find where the attempt had been made. He stated all he found was evidence that it was discussed on a number of occasions but that there was never an attempt like there are doing here with a formal petition. Attorney Doyle asked there was not any question to his opposition in the past and as he told you then that it was never going to happen. Mr. McGlinchey yes, he indicated he does not know the exact words, but he thinks his exact words were that Egg Harbor Township is not going to let you go. Attorney Doyle asked if at some later point had the Seaview Harbor Home Owners Association determine to go further. Mr. McGlinchey stated when they received the survey results, the community, as well as, himself agreed that they should wait until the outcome of the Strathmere case before they move forward. He indicated it was so complex and so much effort was put into that and the community thought it was a good idea to wait for the outcome of the Strathmere case, which happened in August, 2012 when the final verdict came down and the hammer was dropped that it was done and over and there is no appeal.

Mr. McGlinchey advised shortly after that maybe within 30 days Mr. Dabek approached him and resurrected the Bay Beach Way thing. He indicated this was to the point where Mr. Dabek had even reached out to Mr. Doyle to see if he had an interest in taking on this case, which was so similar to Bay Beach Way. Mr. McGlinchey advised they brought this information back to the association and everybody was very much interested in listening because Mr. Doyle offered to come down and pay them visit to go over the pro's and con's. He was very up front. He indicated Mr. Doyle did not say you can do this, he was very up front advising this is not a slam dunk.

Vice-Chairman Aponte asked Attorney Doyle if he is representing the Home Owners Association or is he representing the resident's individually. Attorney Doyle advised he represents the Home Owners Association and the Seaview Harbor Boundary Realignment, LLC. Board Special Solicitor stated Seaview Harbor Boundary Realignment, LLC is the petitioner. Mr. McGlinchey stated the reason why this was to make sure everything was up front for all the citizens who are making a contribution. Mr. McGlinchey stated he Home Owners Association collects dues. He stated this was because of them having to take care of the neighborhood. He advised ever since he moved there they have been collecting \$50.00 a year which is being used for the beautification of the community. He indicated they have hired people to come in and do the islands, weeding, just beautifying the neighborhood.

Mr. McGlinchey advised they increased to the dues to \$100.00 because it was not enough and when he became president they began spending some of the money. He indicated previous administrations were holding on to this money and he was not sure why. He indicated when they started to spend some of the money it was for worthwhile projects such as block parties to get the community together, the planting of bushes, doing landscaping, and artscape at the entrance ways, taking care of the signs. He indicated he believes they have spent about \$20,000.00 to date since he had taken over maybe a little bit more.

Attorney Doyle asked if the monies spent for the improvements are to areas owned by individual home owners. Mr. McGlinchey stated no they are public R-O-W's. He indicated if anyone is familiar with Seaview Harbor there is an entrance way going into the main portion which is called Sunset Boulevard. He indicated it is a one way in and a one way out and there is an island that separates the two (2). Mr. McGlinchey explained they have been maintaining this area forever. He indicated the island belongs to Egg Harbor Township and they took it over because it enhances the community and he does not believe the Township could do what they are doing. He advised he does not believe the Township could supply those type of services.

Attorney Doyle asked Mr. McGlinchey as president of the association and as a home owner what motivates him in terms of this effort. Mr. McGlinchey advised the love of the shore and the community. Attorney Doyle asked Mr. McGlinchey what his definition of "the community". Mr. McGlinchey indicated it is the 92 houses that make up Seaview Harbor. Attorney Doyle asked if he had any sense of community with Egg Harbor Township. Mr. McGlinchey stated no, not since he has been there. He indicated even when he was at the marina there had been no connection with Egg Harbor Township. He indicated again, when you cross that bridge you are at the shore.

Attorney Doyle indicated there was mention of the Intercostal and Mr. McGlinchey has a boat he asked how this figures into the separation between the mainland. Mr. McGlinchey stated he is an avid boater and if you look at the history of the Intercostal it goes from Manasquan to Florida following the barrier islands. He advised Seaview Harbor is on the barrier island of the Intercostal. He advised when you get past Margate it wraps behind Seaview Harbor and there is a reason for this. He stated it is for navigational purposes so not to bringing harm to mariners that are traveling the Intercostal. Mr. McGlinchey stated he believes this is the reason why it was designed to go around Seaview, which puts them on the Absecon Island side of the Intercostal using the Outerbanks as an example.

Attorney Doyle stated to the extent that Mr. McGlinchey considers Seaview Harbor a seashore community does he believe Egg Harbor Township is a seashore community. Mr. McGlinchey stated not in his way of thinking. Attorney Doyle asked what about Anchorage Poynte. Mr. McGlinchey stated it is not the same. He indicated it is not on the ocean it is on the other side of the Intercostal. Mr.

McGlinchey stated there are a lot of differences between Anchorage Poynte and Seaview Harbor. He advised you are abutting Somers Point, another community, which you travel another five (5) miles and you are going back into Egg Harbor Township. Mr. McGlinchey stated he sees Anchorage Poynte being different.

Attorney Doyle asked what about West Atlantic City, which is also a part of Egg Harbor Township. Mr. McGlinchey explained that if anyone looks into the history of the Black Horse Pike this was one of the main entrances into Atlantic City years ago. He advised if you read some of the history coming from the east it is like a gateway to Egg Harbor Township and is a predominately a commercial corridor. He advised he does realize there are residential units there but the commercial attraction to Atlantic City West is the big key and he thinks this is probably one of the reasons why the Mayor and Committee proposed the re-development area and are trying to buy out some of the hotels to make a bad situation better so they would attract more ratables for the community.

Attorney Doyle asked if anything about any of those communities that liken you to them or do you feel like you are just within the boundary of Egg Harbor Township. Mr. McGlinchey stated he would invite everyone over to Seaview Harbor. He indicated they have 50' ft. lots and all have water access except for maybe three (3) which are corner lots. He stated it is a seashore community. He indicated Anchorage Poynte does have some dock space but you cannot use it. He indicated the bulkhead that is owned by the Township is falling down. Mr. McGlinchey stated the one lagoon in Anchorage Poynte is owned by the Township and the other one cannot be navigated. He stated every rain storm the streets are under water.

Attorney Doyle asked Mr. McGlinchey if he is satisfied that Seaview Harbor is a unique and the only seashore community that you can find within the boundaries of Egg Harbor Township. Mr. McGlinchey stated this is his opinion. Again, he indicated if you are looking for lots in Seaview Harbor they are almost identical to the lots in the community of Longport. He stated it is a residential community predominately. He advised they do have a couple of condo's and one (1) or two (2) businesses but it is predominately a residential community of single-family dwellings on small lots. Attorney Doyle asked if the physical location as shown in exhibit S4. Mr. McGlinchey stated the map speaks for itself. He indicated he is not going to tell everyone to look at a map. Attorney Doyle stated given that you are the only seashore community as you see it within the town that is several miles away, a mainland town, does Mr. McGlinchey feel his unique interest as a seashore community with those 92 houses are properly considered by the Township.

Mr. McGlinchey stated no. He advised he does not believe it is considered. He indicated he does not know if they really know the uniqueness of Seaview Harbor and he does not want to be redundant about the services. He indicated he believes the Board has heard their fair share of the services. He indicated the community takes one step further by taking care of the common areas and does not think Egg Harbor Township has the man power or the monies to do this. He advised this is by no means bad mouthing Egg Harbor Township. He indicated it is a beautiful community, they have beautiful parks and a beautiful community center but they are so far removed from the mainland of Egg Harbor Township and we think this is our uniqueness.

Attorney Doyle stated there are often times when things happen, like a snow storm. He asked Mr. McGlinchey what happened during the most recent snow storms since he has had a house in Seaview Harbor. He also asked Mr. McGlinchey that as one who has taken care and been the prime responsible person in a similar municipality as his life work. If Egg Harbor Township, given whatever issues were

manpower, budget, or distance, able to clear the streets of Seaview Harbor in a timely way as you believe in your capacity as a manager of the department of public works in a similar town they should have done.

Mr. McGlinchey stated no he does not think they got the service that we should expect and receive. He stated again this is not taking any shots at the public works department. He indicated he knows Allen and Herb and by no means is it taking shots at the public works department. He advised he read the minutes where Mayor McCullough had stated in one of the previous storms in 2010 that you have 400 miles local roadway that have to be maintained and there are ten (10) trucks. He indicated it is difficult at best to try to get those roads cleared in a timely fashion with ten (10) trucks and 400 miles of road. He indicated keep in mind you do not just make one (1) pass down the highway and you're done it takes four (4) passes of a truck to clear the street back to the curbs. He stated if you do not clear the street back to the curbs and another week later you get another storm where are you going to put the snow.

Mr. McGlinchey stated it is imperative to get the snow cleared back to the curbs. He indicated you do not want to go back later because the people will shoot you because you pushed the snow in their driveway. He stated you have to strike while the iron is hot or you will get beat up pretty bad. He indicated there is a misconception about snow removal. He indicated it is really not for the public health, safety, and welfare. Mr. McGlinchey stated snow removal accomplishes one thing and the primary goal is economy. He indicated it is to keep the economy going. He stated you have to get your people to work you got to get the people out to spend money because when you're holed up in community for two (2) days like what has happened to us on a few occasions that hurts. He stated it hurts the community and the surrounding community. Even in the major cities snow removal is the key to keeping the economy going. He indicated public health, safety, and welfare is secondary.

Special Solicitor Marcolongo asked Mr. McGlinchey what storms is he speaking about where he was holed up for two (2) days. Mr. McGlinchey advised they were not holed up for two (2) days because he and Joe Stewart had performed the snow removal operations. He indicated there was a storm in December, 2009 where there was 20" inches. He advised it was a coastal storm. He indicated there was another in February, which was only a month and a half later, where another 18" inch barrage hit us and that was a coastal storm as well. He indicated there was another big event that was 7" inches.

Special Solicitor Marcolongo asked for the specific dates of the storms that Mr. McGlinchey is discussing. Mr. McGlinchey advised the 20" inch coastal storm was December 19<sup>th</sup> and 20<sup>th</sup>, 2009, the other coastal storm was February 6<sup>th</sup>, 2010, he indicated that was about 18" inches reported by Egg Harbor Township. He indicated a lot of municipalities submit when you have an 8" inch snow fall that happens pretty quickly but that is a significant event. He indicated 2" inch; 3" inch snow storms to him are non-events they are nuisance storms. Special Solicitor Marcolongo asked Mr. McGlinchey what was the date of the 3<sup>rd</sup> storm he discussed. Mr. McGlinchey stated it was January 8, 2011.

Mr. McGlinchey stated these were just the significant storms. He indicated there were other storms but these to him were the significant storms. Attorney Doyle stated snow removal also serves the purpose of helping the County get people to work. Mr. McGlinchey stated yes. Attorney Doyle stated it makes it easier for first responders to get there. Mr. McGlinchey stated yes. He indicated all these things play a part. Attorney Doyle asked Mr. McGlinchey if given the distance, as well as, the other factors Egg Harbor Township could every do it the way you would want it done or expect it done. Mr. McGlinchey stated he believes distance plays a part and man power and equipment play just as an important role.

Attorney Doyle asked in those three (3) snow storms was the Road in front of Seaview Harbor is a State Road. Mr. McGlinchey indicated he would like to explain. He advised the main highway that goes into Longport is a State Highway but years ago it was a County Road. He indicated the municipal road which is Hospitality Drive and in some cases they call it Longport-Somers Point Boulevard but to his knowledge speaking with the County Engineer and some other folks it appears Egg Harbor Township inherited that. Mr. McGlinchey stated he is not sure if it was ever formally dedicated by ordinance, which probably should have happened, but I think Egg Harbor Township just assumed it. He indicated he knows it is not a County Road and it is not a State Highway.

Attorney Doyle asked if the one that is the State Highway now, 152, Longport-Somers Point Boulevard. In the three (3) events was the State Highway in front of Seaview Harbor cleared in a timely fashion. Mr. McGlinchey stated yes, down to the blacktop. Attorney Doyle asked what happened in Seaview Harbor. Mr. McGlinchey stated in the one storm, the 20" inch storm, which was pretty significant, he noted he was living at Seaview Harbor, but maintains an address in Blue Anchor because of work and Planning Board and Zoning Board Meeting's, but he is predominately here at Seaview Harbor most of the time. Mr. McGlinchey stated after performing snow removal in his Township he came down to the shore and had seen one (1) pass was made down the center of the streets which was performed by Joe Stewart from the marina.

Attorney Doyle asked if Joe Stewart is the manager of the Seaview Harbor condominium association, meaning the slip owners. Mr. McGlinchey stated yes, because he talked to Joe before he came down and when he got there he utilized his truck to push the snow back to the curb. He indicated that on at least three (3) to four (4) occasions that happened. Where he performed and Joe Stewart performed the snow removal services. Mr. McGlinchey advised this is not hearsay. Attorney Doyle asked that but for what you and or Joe did individually or accumulatively on those three (3) occasions would have you been locked in for several days. Mr. McGlinchey stated he does not want to say several days but probably two (2) more days because it was obvious that Egg Harbor Township had a problem, especially in the big event and a lot of people did.

Mr. McGlinchey stated he will not fault public works and he never would. He indicated he believes it is more a lack of manpower and equipment. He indicated when the Mayor admits he has ten (10) vehicles and 400 miles of road. Even though you have men rotating 24/7 it is just not enough equipment to keep up.

Attorney Doyle indicated the storms Mr. McGlinchey discussed were big. He asked if Mr. Glinchey knows what happened in Longport. Mr. McGlinchey stated after working in Winslow for about 18 hours and coming down there and working another three (3) hours pushing, I received a phone call from my wife to go pick up a gallon of milk at WaWa. He indicated the closest WaWa to them is in Margate so he slid over to Margate and the streets over there were in really good shape. Attorney Doyle ask if this is Margate or Longport. Mr. McGlinchey stated both. He indicated he did not go through all of Margate but he went through a portion up to the WaWa and all of Longport. He indicated he was looking down the streets and they were in good shape. He indicated he saw just a little blacktop but they were all pushed back. He indicated they were all in good shape. Attorney Doyle stated that is the type of snow clearance that you did not receive from the Township in which you live in. Mr. McGlinchey stated yes, this is correct.

Attorney Doyle advised there are some individuals in the audience with raised hand. He asked if direction could be given. Vice-Chairman Aponte indicated Attorney Doyle is questioning Mr.

McGlinchey. He indicated the public portion has not been opened. When the public portion is opened then that will be the time when if you have any questions you will be able to ask them.

Attorney Doyle asked if Mr. McGlinchey has had any other issues with municipal services other than snow removal as a resident and president of the association. Mr. McGlinchey stated without being redundant the first responders are Longport. He indicated they do receive trash removal and the recycling is performed by the A.C.U.A. He further noted that Longport did take the initiative to have once a week collection of recyclables for all their resident's. He indicated when he called A.C.U.A. they had advised the A.C.U.A. would perform this service for them but that the community would have to pay additional monies.

Mr. McGlinchey advised he did not get into the rates and such but they would do it for us with the 92 homes if we paid for it. Mr. McGlinchey advised Longport did not do it this way. He indicated they took it upon themselves to take it out of their budget. Vice-Chairman Aponte questioned whether it was ever asked of Egg Harbor Township to do this. Mr. McGlinchey advised he did speak with Peter Miller about it and it was not doable for them. He indicated he believes one of the reasons is that you do not want to show favoritism if you're going to do it. He stated they would be hard pressed not to do it for the rest of the community if they were going to do it for us.

Vice-Chairman Aponte stated he would like to rephrase his question. He asked if Mr. McGlinchey ever had a conversation as president of the organization that this is what the residents wanted or was this a casual conversation. Mr. McGlinchey stated no, he had a conversation with Peter Miller and it was not in the stars. This was not going to happen. Vice-Chairman Aponte asked Mr. McGlinchey if he asked as the president of the organization that you wanted this service for your community. Mr. McGlinchey stated he did not call as the president. He stated he called as Ed McGlinchey he stated if you interpret that as being the president or a homeowner he does not know how you would interpret it. He stated he called as Ed McGlinchey. He further noted he does not go out stating he is president of Seaview Harbor.

Special Planner Wisner stated he would like to clarify. Did he understand correctly that Mr. McGlinchey believes Longport pays for the trash valet service out of their budget. Mr. McGlinchey advised not the valet service he indicated that is something different. He is speaking of the additional collection. He indicated the additional one (1) day a week versus one (1) day every two (2) weeks. He indicated the valet service is something over and above that. Special Solicitor Marcolongo advised that extra time is just for recycling. Mr. McGlinchey stated the extra stop is just for recycling. He indicated to the best of his knowledge this is what Longport does out of their budget.

Mr. McGlinchey stated they are not going to spend municipal tax dollars for someone's private trash being moved from the back of their steps. He stated he can advise the Board his town would not do that and he doubts any town would. Special Solicitor Marcolongo stated the only difference is the recycling every week during the summer season. Mr. McGlinchey stated yes, he believes this is correct.

Attorney Doyle stated snow storms were discussed. He asked about post Sandy. He asked when Sandy struck what effect did it have on mobility out of Seaview Harbor. Mr. McGlinchey stated it wreaked havoc and it is not a big secret of what happen to the shore communities. He indicated there was damage on the inland; mainland too but not as significant as to what happened along the coast. Mr. McGlinchey stated their streets were under water and the entire community was under salt water to the depth of about 2' ft.

Mr. McGlinchey stated it stayed this way because of the Nor-Easter. He advised it kept the tide from going out appropriately. Mr. McGlinchey stated he would defer to Joe Stewart since he was there for the entire event. Mr. McGlinchey explained it was actual Mr. Stewart's military truck that helped with their community, as well as, Longport residents getting them the help they needed in transporting them.

Attorney Doyle asked if Mr. McGlinchey could physically, a few days after this storm, gone left on Hospitality Drive onto 152 to get into Egg Harbor Township. Mr. McGlinchey stated no. He indicated he does not remember the exact number of days, however, he can advise 152 was shut down. He indicate there was problems with power lines all across the Longport Boulevard. Mr. McGlinchey indicated once you crossed over the bridge into Longport it was shut down on that side as well. He stated for obvious reasons looting and all that stuff was an issue with a lot of communities. Attorney Doyle asked who would have protected Seaview Harbor at that time when we talk about looting. Mr. McGlinchey stated he would have to say it would have been Longport. Mr. McGlinchey explained there were 15 telephones that were across 152 and he knows Atlantic City Electric called in every electric company probably south of the Paco's River to come up and help and they did, but it took a lot of time to get the storm straighten out. He indicated eventually the homeowner's of Seaview were able come in through Longport across the bridge in Longport. He indicated this is how he obtained access to his home to start clean-up procedures.

Attorney Doyle stated as discussed last hearing and this one there was a survey done. He asked if Mr. McGlinchey saw the results. Mr. McGlinchey stated yes. Attorney Doyle asked if the responses to the questions with respect to where you shop, go to church, the short form questions surprise you or where they consistently put. Mr. McGlinchey stated they did not surprise him and were pretty consistent with the way the community operates there. He stated he is a practicing catholic and he goes to church on Saturday or Sunday and most of the community members that are catholic go to church at Epiphany. He indicated sometimes they go to Blessed Sacrament. Attorney Doyle asked where Epiphany is located. Mr. McGlinchey stated Epiphany is located across the bridge in Longport and Blessed Sacrament is in Margate.

Attorney Doyle asked if there is a St. Joe's in Somers Point. Mr. McGlinchey stated yes. Attorney Doyle stated this is not the parish you go to. Mr. McGlinchey stated Epiphany is right across the bridge and Margate's Blessed Sacrament is even closer than St. Joe's.

Attorney Doyle asked if the answers on the long form questions that he read represent to Mr. McGlinchey's belief the feeling of the majority of residents in Seaview Harbor. Mr. McGlinchey stated he would say that they do but again he does not want to make it sound like hearsay. He indicated he is sure that every resident of Seaview Harbor would be willing to come up here and testify to that fact. He indicated he knows for a fact they would because we know people that want to come up and testify not sure you want to hear things over and over.

Attorney Doyle stated they have mentioned Longport a number of times. He asked Mr. McGlinchey does he play any part and he mentioned his public service and you wear a lot of hats, and did he ever wear a hat in Longport. Mr. McGlinchey stated yes, however, they would not let him join. Attorney Doyle asked Mr. McGlinchey what was it that he wanted to join. Mr. McGlinchey stated he learned from a former Mayor there John Stroble knew I had been at some of their committee meetings just to take on what commissioners do. He stated they have a different form of government and he had interest. He indicated he went over there to their meetings and saw how things operate. He had advised former Mayor Stroble had interest in Mr. McGlinchey since he took an active role in Seaview Harbor and that he

is president and that he got things rolling in the community and since Longport takes such role in first responders why did Mr. McGlinchey not try to join the Longport Citizens Group.

Mr. McGlinchey stated he never heard of the citizens group before but it was an adhoc committee in Longport that was formulated. He indicated they look at things in the community and report to the governing body on suggestions. They are an advisory committee. Mr. McGlinchey advised he knew there was a vacancy on the Longport Citizens Committee and he was informed that they would love to have him but since he was not a resident of Longport he could not join. Attorney Doyle asked short of residency does Mr. McGlinchey feel as a member of the Longport Community more than the Egg Harbor Township Community. Mr. McGlinchey stated yes.

Attorney Doyle indicated the statute says what has to be considered is whether denial of the petition to realign the boundary would cause social injury to the rest of the residents. Mr. McGlinchey advised this is hard question. He stated he is not a psychologist when it comes to that socio economics. He advised you can tell from their own experience their connection is with Longport. Mr. McGlinchey stated not to be offensive but there is no connection with Egg Harbor Township. He stated their connection is Longport is a seashore community and it does not cause confusion for him. He stated he knows where he lives and knows where he is at. He indicated they do not feel like they are part of the mainland of Egg Harbor Township. He indicated they feel more affiliated with Longport. He indicated Longport has services on Memorial Day, Labor Day and they have bike runs and they have runs down the boardwalk. He indicated this is what they go to this is what his community does and they go to the beaches over there. He stated most of you may also go to their beaches but our community does it 100% of the time.

Mr. McGlinchey also explained that there are maybe all of two (2) people in Seaview Harbor that do not have a boat. He indicated they fish, kayak, and jetski. He indicated he is sure there are a lot of people in Egg Harbor Township that also do but not to the percentages of Seaview Harbor. He indicated they are a seashore community as opposed to a Pinelands Community. He indicated they fall under CAFRA which applies to bulkhead and piers not single-family dwellings.

Attorney Doyle asked Mr. McGlinchey if most of or not all of the contiguous part of Egg Harbor Township on the mainland in the Pinelands. Mr. McGlinchey indicated he believes the property west of the Garden State Parkway is in Pinelands. Board Member Levy stated he resides in CAFRA. Not everything west of the Parkway is within the Pinelands. Attorney Doyle asked if the lack of snow response or service request play into his answers. Mr. McGlinchey stated everything plays into his answer. He indicated everything that he has testified to and what will be testified to in the future play's a part in their position that they are a part of Longport and not Egg Harbor Township.

Attorney Doyle asked Mr. McGlinchey if being the president of the association does he feel comfortable in your community in an emergency situation being part of Egg Harbor Township. Mr. McGlinchey stated it is not a warm and fuzzy feeling when you have to rely on another town. He further stated not to make any mistake about it their first obligation is their own residents. Attorney Doyle noted meaning Longport. Mr. McGlinchey meaning Longport. He indicated it is their first duty he would assume. Their people come first and were going to be second. In cases of emergency of that nature it is not a warm and fuzzy feeling that Egg Harbor Township is further away and Longport is our first responder.

Mr. McGlinchey stated no matter what we do for Chiselhurst; Winslow comes first and Chiselhurst comes second. Attorney Doyle asked if boundary realignment would solve this. Mr. McGlinchey stated yes. Board Member Kearns asked if Chiselhurst fire protection volunteer or paid. Mr. McGlinchey stated

they are volunteer. Board Member Kearns asked what about his community. Mr. McGlinchey stated they just went into a fire district not long ago. He indicated it is in its infant stages. There are not many that are paid. Mr. McGlinchey stated there are probably more volunteer members than paid. He indicated he is a charter member of the Cedar Brook Volunteer Fire Company therefore just by his affiliation he can answer the question. He stated yes it is different in Winslow because it is a fire commission it is a district and they tax just like a library tax.

Board Member Levy asked how they made out in the derecho. Mr. McGlinchey stated it was not too good. He stated boats came dislodge and untied. He indicated when you are on the water you have water problems, when you are on the beach you have coastal problems. He indicated when he comes from Winslow and goes over the Dolores Cooper Bridge the temperature drops 15 degrees. He stated even the climate is different. Board Member Levy stated on the mainland the derecho was a natural disaster and we were destroyed. He indicated trees were through houses, so natural disasters happen. Mr. McGlinchey stated fortunately for them they have no trees even though signs were placed up for leaf collection.

Vice-Chairman Aponte asked Mr. McGlinchey if he is a full time resident of Egg Harbor Township. Mr. McGlinchey stated his wife is a full time resident of Egg Harbor Township and is registered voter. He indicated he still maintains his address in Winslow Township, Blue Anchor even though he is here predominately all the time but he still maintains an address, which is also his daughter's home. He indicated it is in his name and his daughter's in Blue Anchor. He indicated he still maintains an address there. He indicated it his domicile, where he votes and where my driver's license is; is Blue Anchor, New Jersey.

Vice-Chairman Aponte stated Mr. McGlinchey mentioned Mr. McCullough said Egg Harbor Township is never going to let you go and tried before to secede. He asked the Special Board Solicitor Marcolongo if they can have Mr. McCullough either refute or say whether that conversation happened. He stated he does not want to have to bring Mr. McCullough as testimony but whether or not that actually happened because when you hear from one person it is hearsay. Special Board Solicitor Marcolongo stated the Board may very well want to hear from Mayor McCullough on that issue, so yes, and it would be appropriate.

Vice-Chairman Aponte asked what the Home Owners Association take care of or what does your organization take care of as the president. Mr. McGlinchey stated along the former County Road which is Hospitality Drive there is a concrete barrier between them and the State Highway. He indicated they keep that whole stretch of highway weed and debris free. He indicated they actually sweep the street. He indicated there is a guy that comes in and helps them do so. Mr. McGlinchey stated they also maintain the main entrances coming in and the islands by keeping them up. He stated Egg Harbor Township does cut the grass once a month at the intersection to not impede sight distance.

Vice-Chairman Aponte asked if the Home Owners Association own that area or is it public right of way. Mr. McGlinchey stated it is public right of way. Vice-Chairman Aponte stated so it is a public right of way that the Home Owners Association takes upon themselves to look nicer. Mr. McGlinchey stated it is the same as the 10' ft. wide island that separates the in and out of Sunset Boulevard. He indicated that is also Egg Harbor Township's right of way and they just take care of it. He advised they planted pear trees, we done some stone work. Mr. McGlinchey stated there is probably about six or seven tons of jersey bog iron that he brought from Blue Anchor to place around the trees for aesthetic. Mr. McGlinchey stated they try to keep the main entrance clean as far as even sweeping the streets. He

indicated Egg Harbor Township comes in and sweeps the street once a year. Vice-Chairman Aponte stated this is something you do as a community even though that is not part of your property such as other developments in Egg Harbor Township that have islands. Mr. McGlinchey stated sometimes the residents get stuck with it or sometimes the home owners associations kick in.

Vice-Chairman Aponte asked what is used for snow removal. He asked if they have a plow truck. Mr. McGlinchey advised yes, he indicated Joe Stewart has a back hoe. Vice-Chairman Aponte asked if this is owned by the association. Mr. McGlinchey stated no Mr. Stewart has access to his own back hoe through his own company. Vice-Chairman Aponte stated Mr. McGlinchey advised Mayor McCullough made a comment concerning 400 miles and ten (10) trucks. Mr. McGlinchey stated that was a comment of the Mayor's referenced within the 2009 minutes. He indicated there were people coming in 2009 and 2010 at committee meetings. Mr. McGlinchey stated when they started coming to the meetings and voiced their objections to the snow removal services that was what the meeting was really about. He stated that was when Mayor McCullough tried his best to inform the people what they are capable of doing.

Vice-Chairman Aponte asked if the Board could have Mr. Simmerson come in to testify. Special Board Solicitor Marcolongo advised he is on the list. Mr. McGlinchey stated he has the minutes where this was discussed. He stated they are dated Tuesday, December 22, 2009, (Township Committee).

Vice-Chairman Aponte stated your Solicitor asked if denial of the petition would it cause social injury. He advised Mr. McGlinchey stated this was a hard question because you are not on socio economic. He asked if this question was answered as Mr. McGlinchey or president of the organization. Mr. McGlinchey stated it was probably on behalf of both. He indicated he is friendly with his neighbors and they talk a lot and we have block parties. He stated it comes from the heart of the community and his own personal feelings.

Board Member Eykyn stated he has one question about the WaWa. He stated when you go over the bridge he assumes you are going on Ventnor Avenue and Washington. Is that where the WaWa is. Mr. McGlinchey stated yes. He indicated he normally travels Ventnor to get access to the rest of the Community. Board Member Eykyn asked if Ventnor Avenue is a County road or State. Mr. McGlinchey advised he believes the State highway stops at the bridge and it is County there out.

Attorney Doyle stated since there has been reference made to it and the Board has not read from the minutes as referenced by Mr. McGlinchey he would read the section of minutes into the record. Attorney Doyle then read from the Township Committee, December 22, 2009 minutes concerning snow removal.

Joseph Stewart, 107 Hospitality Drive, Longport, New Jersey was duly sworn by Special Board Solicitor Marcolongo whom asked if by Mr. Stewart saying Longport he means Seaview Harbor, Mr. Stewart stated yes. Attorney Doyle stated you mean your address on your driver's license. Mr. Stewart stated yes.

Attorney Doyle asked if Mr. Stewart is a licensed driver in the State of New Jersey. Mr. Stewart stated yes. Attorney Doyle asked what does his license says. Mr. Stewart advised it says Longport, New Jersey. Attorney Doyle asked if Mr. Stewart has a gun permit. Mr. Stewart stated yes. Attorney Doyle asked what that shows. Mr. Stewart stated the gun permit says Egg Harbor Township. Attorney Doyle asked if there was any difficulty in getting it. Mr. Stewart stated there was some confusion about the

address. He advised the driver's license is supposed to match the application for the gun permit. Attorney Doyle asked if there is some other type of license that causes confusion. Mr. Stewart advised all his vehicles and licenses are all to his address of Longport, New Jersey including the mail. Mr. Doyle asked with all this said you are a resident of Seaview Harbor. Mr. Stewart stated yes.

Attorney Doyle asked Mr. Stewart what is his relationship to the Seaview Harbor Marina. Mr. Stewart advised he is a resident there and has been the executive director of Seaview Harbor Marina since 1987. Attorney Doyle asked if Mr. Stewart was present before it started. Mr. Stewart stated no. He advised he came shortly after the start of the development. He indicated the developer was beginning construction of the marina. Attorney Doyle asked what the vision was. Mr. Stewart advised it was to build the boat slips with the amenities such as the club house, pool, parking and beach.

Attorney Doyle advised Mr. Stewart was present during Mr. Kohler's testimony concerning the marketing of Seaview Harbor Marina. He indicated the documents mentioned the marina is in Longport and omitting Egg Harbor Township. Attorney Doyle asked Mr. Stewart if by his knowledge was this deliberate marketing. Mr. Stewart stated yes, he indicated he worked with the realtor that had the exclusive listing for the development and everything was marketed for Longport. Attorney Doyle asked why. Mr. Stewart stated he does not think a lot of people referenced a shore community or marina being in Egg Harbor Township. He indicated a lot more people associate with Longport being on the ocean and the bay as opposed to Egg Harbor Township.

Attorney Doyle stated the marina as we see it now was fully developed by when. Mr. Stewart stated by about 1992 we pretty much finished most of the development. Attorney Doyle stated when he first heard about the marina he thought someone or some company owned it and that it was a profit making venture, however, he indicated he is wrong. Mr. Stewart indicated Seaview Harbor is pretty unique because it is a dockminium. He advised people actually purchase the boat slips and they also own a percentage of the upland community and the amenities.

Attorney Doyle stated Mr. Stewart just said Seaview Harbor and the community. He asked if he means Seaview Harbor Marina as the uplands. Mr. Stewart stated yes. Attorney Doyle asked how many slips are at the marina. Mr. Stewart stated there are 300 slips. Attorney Doyle asked how many people own them. Mr. Stewart stated there are approximately 250 slips owners. Attorney Doyle stated since there are 250 slip owners then several have multiple slips that they own. Mr. Stewart advised this is correct. Attorney Doyle asked when you buy a slip you purchase that particular slip, at that particular location at the length that it is and a certain stated proportion of the common elements. Mr. Stewart stated this is correct. Attorney Doyle stated so like a condominium association the dwelling unit in a condominium is in effect in your case the dock slip. Mr. Stewart stated yes.

Attorney Doyle stated the common elements in a condominium community might be swimming pool, tennis court, meeting hall or society room whatever it might be is that is the swimming pool and all the other upland things within Seaview Harbor Marina. Mr. Stewart stated this is correct. Attorney Doyle stated as an individual owner and tax payer of Egg Harbor Township each dock owner receives their own tax bill. Mr. Stewart stated this is correct. Attorney Doyle stated there are 300 tax bills. Mr. Stewart stated yes. Attorney Doyle stated it is like a little town. Mr. Stewart stated yes.

Attorney Doyle indicated the town survives because it gets revenues. Mr. Stewart advised there is a condominium fee charge and a maintenance fee that maintains the facilities. Attorney Doyle asked if the restaurant that is there is not on a separate lot and is part of the common element. Mr. Stewart

stated it is considered a commercial unit that the association owns. Attorney Doyle asked if the restaurant renter pays rent or a lease. Mr. Stewart stated yes. Attorney Doyle asked if there was any other arrangement like that. Mr. Stewart stated no. Attorney Doyle asked what about the fuel station. Mr. Stewart stated the fuel dock owns the actual slips per say and the do lease the bait shop.

Attorney Doyle stated according to the most recent records the total condominium assessments subject to appeals are between 20 and 21 million dollars. Mr. Stewart stated this is correct. Attorney Doyle stated with a tax rate of \$2.81 that would be there are some \$580,000.00 in taxes paid by Seaview Harbor Marina owners. Mr. Stewart stated yes.

Attorney Doyle asked Mr. Stewart to explain life in the marina and how it relates to Seaview Harbor, Longport, or Egg Harbor Township. Mr. Stewart stated most of the persons who buy slips there are owner occupied and they use as a second home. Mr. Stewart stated most of them come down and stay on the boat for part of the weekend or summer. He indicated they utilize the pool and the private beach. Mr. Stewart also explained the frequent the areas of Atlantic City, Longport, Margate, and Ventnor.

Attorney Doyle stated when Mr. Stewart indicated people live at the marina are there houseboats. Mr. Stewart stated no. He explained that there is a restriction on house boats. Attorney Doyle asked if someone can live on their boat all 12 months of the year. Mr. Stewart stated it is unlimited from April 1<sup>st</sup> – October 31<sup>st</sup>. Attorney Doyle asked what happens during the off months. Mr. Stewart advised the water is shut down to the docks and the pump out service for the sanitary waste is shut off. He indicated some people do leave their boat in the water but a good percentage do take them out.

Attorney Doyle asked Mr. Stewart if he is at the marina every day. Mr. Stewart stated pretty much, yes. Attorney Doyle asked if Mr. Stewart lives in Seaview Harbor and since when. Mr. Stewart stated he does live in Seaview Harbor and it has been since 1998. Attorney Doyle stated there was talk concerning a survey and individual feelings. He asked Mr. Stewart if the people that own these slips and use as a second resort home mention relate in any way that you see or decipher to Egg Harbor Township. Mr. Stewart stated no. He stated the only way they recognize they are part of Egg Harbor Township is when they get their tax bill. He indicated everything else comes from Longport. Attorney Doyle asked what would come from Longport. Mr. Stewart stated they receive notices from Longport a copy of their water quality report even though we are not serviced by them. He indicated they receive 911 information for emergency services.

Attorney Doyle asked if they receive anything from Egg Harbor Township. Mr. Stewart stated no. Attorney Doyle stated Mr. Stewart mentioned the beach. He asked if there is any public facilities in Seaview Harbor that is publically owned or opened to the public. Mr. Stewart stated no, other than the restaurant or sometimes the slip owners rent to the public but there is no public recreation facilities there.

Attorney Doyle stated you cannot get a day badge to the beach or you cannot get a day badge to hook up your boat. Mr. Stewart stated you can rent a slip on a transient basis for a daily rate. Attorney Doyle asked if there was anything specifically available to Egg Harbor Township or the public in general. Mr. Stewart stated no.

Attorney Doyle asked what services are provided to the people in the marina from Egg Harbor Township. Mr. Stewart he indicated they receive their emergency services from Longport for fire, police

and ambulance. Attorney Doyle asked if there are any roads served by the Township. Mr. Stewart stated Hospitality Drive actually comes in and then it is the entrance way into the marina. He indicated Hospitality is a public road to a point, but the marina parking lot is private property. Attorney Doyle if I go down Hospitality Drive pass the last house I have to make a U-Turn or come back by using your private parking lot. Mr. Stewart stated this is correct. He indicated this is correct. He advised there is no Cul-de-Sac.

Attorney Doyle asked if he gets snow removal. Mr. Stewart stated no. Special Solicitor Marcolongo asked if Mr. Stewart stated there was no snow removal. He asked that there was never snow removal along Hospitality Drive. Mr. Stewart stated not into the marina. Attorney Doyle asked Mr. Stewart if he has had snow removal along Hospitality Drive. Mr. Stewart indicated he has seen them once or twice over the last 15 years. He indicated it is very, very seldom. Attorney Doyle asked if he has removed the snow himself or with Mr. McGlinchey. Mr. Stewart stated yes he has. Mr. Stewart advised he has a private company named "Trident Marine" and he has a loader and back hoes along with other equipment that we can use in the assistance of snow removal. Attorney Doyle asked if Mr. Stewart removes the snow just from the marina or from the whole Seaview Harbor Residential Community.

Mr. Stewart stated he removes snow from Hospitality, Seaview and Sunset. Attorney Doyle asked if this is not all there is. Mr. Stewart indicated yes. Attorney Doyle stated the citizens in Seaview Harbor of Egg Harbor Township when it comes to snow removal depend upon you and/or Mr. McGlinchey. Mr. Stewart stated he does this as a voluntary basis and he does not clear curb to curb. He indicated he makes a pass so people can get out.

Attorney Doyle asked is there any service other than sending a tax bill that totals \$580,000.00 that you get from Egg Harbor Township. Mr. Stewart stated not that he is aware of. Attorney Doyle asked if a crime were committed would the police come. Mr. Stewart stated Longport would come initially and then Egg Harbor Township would actually have to come and follow up and do the report. Attorney Doyle asked as a citizen of Seaview Harbor and having heard testimony with respect to the survey and the factual questions to your knowledge accurate and reflective of what you know about the Community. Mr. Stewart stated yes they are.

Attorney Doyle asked Mr. Stewart if he knows of any school kids going to public school from Seaview Harbor presently. Mr. Stewart stated no he does not. Attorney Doyle asked Mr. Stewart if he has school aged children. Mr. Stewart stated no. Attorney Doyle asked if Mr. Stewart if he has known any school aged children who were out there that went to the public schools. Mr. Stewart stated no, he does not.

Attorney Doyle stated as Mr. McGlinchey had advised he wears and few hats. He indicated Mr. Stewart also wears an additional hat. He advised Mr. Stewart is one (1) of three (3) owners of the Seaview Water Company. Mr. Stewart stated this is correct. Attorney Doyle asked what this was. Mr. Stewart explained it is a small water company that is limited to the franchised area of Seaview Harbor. Attorney Doyle asked if it is in the process of being sold. Mr. Stewart advised yes, he indicated it is pending review by the Board of Public Utilities. Attorney Doyle asked that as a private water company they are under the B.P.U's review. Mr. Stewart indicated yes. Attorney Doyle asked what elements or assets do they have. He indicated he does not mean dollar wise. He stated what type of pipes, hydrants all located within Seaview Harbor. Mr. Stewart explained they have two (2) wells located on property within Egg Harbor Township where the company is located. Attorney Doyle asked if the property was the subject of a recent application for a subdivision. Mr. Stewart stated yes. Attorney Doyle the application was to subdivide the portion that is specifically used and has a water infrastructure

improvement to what is a vacant area that will become two (2) vacant residential lots. Mr. Stewart stated this is correct. Attorney Doyle asked if that subdivision you had to apply to Egg Harbor Township for. Mr. Stewart stated yes they did.

Attorney Doyle asked how far the Egg Harbor Township Municipal Building is from Mr. Stewart. Mr. Stewart advised he believes it is seven (7) to nine (9) miles. Attorney Doyle asked how far is Longport. Mr. Stewart indicated is less than a half mile. Attorney Doyle stated he is having marked the July, 2013 Planning Board Meeting Minutes at which the hearing was conducted on the application discussed. **May the record reflect:** the July, 2013 Planning Board Minutes were identified as Exhibit S-15.

Attorney Doyle asked if there was a fire at the marina in February, 2013. Mr. Stewart stated yes there was. Attorney Doyle asked what happened. Mr. Stewart stated a boat on one of the far docks, "H" dock was engulfed in flames. He indicated he believes they called a five-alarm fire. He indicated Longport responded first, Somers Point, Margate, Egg Harbor Township and Ocean City came in. He indicated most of Atlantic County. Attorney Doyle asked who was there first. Mr. Stewart stated Longport. Attorney Doyle asked how quickly. Mr. Stewart advised they were on scene before he arrived. Attorney Doyle asked Mr. Stewart if he is down the block from marina. Mr. Stewart advised he lives five (5) houses away.

Attorney Doyle asked if Egg Harbor Township was present some time thereafter. Mr. Stewart stated he was involved in the fire so he is not sure of the exact time they had arrived, but Longport was on scene first. Attorney Doyle stated this 20 million dollar ratable, Mr. Stewart is the principal who is effect the responsible person. He asked if Mr. Stewart is comfortable in his judiciary duty to those boat owners/slip owners/taxpayers of Egg Harbor Township with the emergency services that are provided by Egg Harbor Township. Mr. Stewart stated no. Attorney Doyle asked why not. Mr. Stewart stated he is friends with or acquaintances with members of the police and fire department from Longport. He advised they have conducted drills and they have donated monies to buy portable pumps for Longport in case of a fire at the marina. Mr. Stewart advised they have done training exercises with them and they keep an emergency boat at the marina for a portion of the season that has firefighting apparatus on it.

Mr. Stewart stated they depend upon Longport for their initial response. Attorney Doyle asked if Mr. Stewart sees that situation, given the distance, ever changing. Mr. Stewart stated no. Attorney Doyle stated this 20 million dollar ratable that is dependent upon for the most part the value of the slips. Mr. Stewart indicated this is correct. Attorney Doyle asked if they are sold like any other piece of real property. Mr. Stewart stated yes. He indicated he has a real estate license with Farley and Ferry and he handles most of the sales for the slip owners. Attorney Doyle asked looking into the crystal ball do you see the value of these slips ascending this day forward. Mr. Stewart indicated the current trend is still depreciated. He explained the economy effects boating industry dramatically because it is a luxury item that people do not necessarily need to have. Mr. Stewart stated fuel prices has accelerated substantially. He indicated many boat builders have went out of business in this last recession who have been around for 50 or 60 years but no longer produce boats. Mr. Stewart stated fishing is not what it used to be so the demand for boating has been reduced. Not only because of the economic cost but the recreational sport of fishing has been reduced.

Attorney Doyle asked if all of this Mr. Stewart believes has resulted in the depreciating value of the slips. Mr. Stewart stated yes. He indicated they have seen the slips depreciate year after year. Attorney Doyle asked if there has been appeals taken last year and more this year. Mr. Stewart stated yes.

Attorney Doyle asked if Mr. Stewart had the occasion to look at the most recent sales. Mr. Stewart indicated yes. Attorney Doyle asked if the sales are happening at less than the assessed value. Mr. Stewart advised yes they are. Attorney Doyle stated this is proof in the pudding. Mr. Stewart advised there was a 30% reduction in the appeal last year. He indicated this year they are going for another appeal and the attorney is looking for another reduction. He indicated he is not sure what the percentage is that the attorney is looking for. Attorney Doyle stated he is not the attorney. Mr. Stewart stated this is correct.

Attorney Doyle asked Mr. Stewart that by taking this as whole as a longtime resident and his executive role at the marina does he believe denying the petition would work to the social and economic detriment of the residents of Seaview Harbor and the taxpayers thereof. Mr. Stewart stated yes. Attorney Doyle asked Mr. Stewart for such reasons as emergency services. Mr. Stewart stated they assimilate with Longport. He indicated they have a Longport address, they utilize Longport's emergency services for initial response. Mr. Stewart indicated they also utilize Longport's beaches, their churches, and they are just shore community.

Mr. Stewart advised currently Longport is going through different stages applying for different funding through State and Federal Grants to secure the shore line. He indicated Longport's shore line actually protects Seaview Harbor because they are located right behind them. He stated in the event of a big storm Longport takes the brunt of the storm surge protecting Seaview Harbor. Attorney Doyle stated so again you have more in common with them. Mr. Stewart stated yes. Attorney Doyle stated all that we have heard about FEMA and Flood insurance how does that play into that continuity between Longport and Seaview Harbor. Mr. Stewart stated primarily very similar or about the same with Longport when dealing with the elevation requirements. He indicated they are almost identical.

Attorney Doyle with the concerns Mr. Stewart has noted elevation, flood concerns, seashore community, ocean surge, and storm surge protection do you have any of these factors in common with Egg Harbor Township. Mr. Stewart stated none that he is aware of.

Board Member Rosenberg stated in the case of the five-alarm fire, which he did not witness. He asked if circumstances would have changed, if they were part of Longport. He indicated the point he is getting at and what he would like Mr. Stewart to respond to is that it is his understanding there may or may not be official responding agreements. He is not sure, however, services would still be rendered in the same way. He asked if he is correct or incorrect. Mr. Stewart stated Longport would have been the fire department that covers them first and foremost as residents. He indicated they would have had a different plan of action that would have been probably better results than what they did have.

Special Planner Wiser advised he would like to follow up on this. He asked Mr. Stewart if he is saying because Longport is a mutual aid responder they fought the fire differently than they would have. Mr. Stewart indicated no he did not say that. Attorney Doyle advised the question assumes a status that we have not proved yet as being a mutual aid responder. Special Planner Wiser stated what he got from Mr. Stewart's testimony that if you were part of Longport the response would be different, would have been different and the result would have been different than the current status which is where they came over and responded first. Mr. Stewart stated Longport is first response, he indicated he did not say mutual aid. Special Planner Wiser stated he stands corrected. Mr. Stewart he indicated he stated first response so in the event Longport let say had their own emergency, whatever it may be, their resources would be dedicated solely to the Longport residents as opposed to Seaview Harbor. He indicated protocol would dictate the next in line which he is not sure is Somers Point, Ventnor, Ocean

City, whomever is next on call would come in to than start to fight the fire while Egg Harbor Township gets on the scene.

Mr. Stewart stated if Longport would have been solely responsible for our community they might have had different policies in place that would have been able to fight the fire better as being responsible for our community as opposed to being initial first responder. Special Planner Wiser asked if Mr. Stewart if he has any idea as to what those would have been. Mr. Stewart indicated he does not know. He indicated being at the fire there was a couple different things they may have done. He stated he is not a fireman he was just on scene. He indicated after that fire they had a meeting with Egg Harbor Township Chief Danz and a few other fire chiefs from different communities and he thinks there probably is a little bit different scenario what would have been done today then opposed to what was done. Special Planner Wiser the meeting you had with the fire chief was with the Township's fire chief or Longport's. Mr. Stewart stated they were all there.

Special Solicitor Marcolongo stated it has been suggested that Seaview Harbor is a seashore community and then you have the mainland the dry portion. He asked Mr. Stewart if this is a fair representation of what he has heard here today. Mr. Stewart stated yes it is. Special Solicitor Marcolongo asked Mr. Stewart if operates the only marina in Egg Harbor Township. Mr. Stewart stated no. He indicated he thinks there is one (1), he believes it is Gifford's Marina and then he indicated there was Hackney's Marina. He stated he is trying to think what other marinas are in the Township. Mr. Stewart stated there is a couple back on the Egg Harbor River one he believes is called Hidden Memory, he not sure what it was called and Thompson Marina. Solicitor Marcolongo indicated so Egg Harbor Township does have to deal with water related issues. He asked Mr. Stewart if this was a fair statement. Mr. Stewart indicated yes.

Special Solicitor Marcolongo asked Mr. Stewart if he were in fact Egg Harbor Township's representative to the Great Egg Harbor Wild and Scenic River Commission. Mr. Stewart advised the Mayor had appointed him but he never attended any meetings. Special Solicitor Marcolongo asked why not. Mr. Stewart stated he wasn't that interested in serving at the time because he had other obligations. He indicated it was ironic I have Seaview Harbor Marina, a marine construction company, and water company and some land development so my time was pretty much occupied. Special Solicitor Marcolongo stated Mr. Stewart was a representative for a period of time although you did not serve. He asked Mr. Stewart if this is a fair statement. Mr. Stewart indicated it has been a while but he thinks he was recommended by a former member and then the Mayor sent him some notification. He stated he does not know if he was an alternate. He indicated he never went to a meeting so he has to apologize.

Special Solicitor Marcolongo asked if Mr. Stewart knows where the actual physical boundaries are of Egg Harbor Township visa vie the rivers and the bay. Mr. Stewart asked through the whole Township or just Seaview Harbor. Special Solicitor Marcolongo advised he would like to discuss the whole Township. He indicated if we look at the map and you come down the river.

**May the record reflect:** Special Solicitor Marcolongo left his chair and went to the exhibit board where the map was affixed and began pointing to the area he questioned. He asked Mr. Stewart from the area he was pointing to into the Great Egg Harbor how far the boundaries of Egg Harbor Township extend out. Mr. Stewart advised he does not know. Special Solicitor Marcolongo asked Mr. Stewart whether the boundary of Egg Harbor Township would come up the channel (again, pointing to area on

map). Mr. Stewart asked into Seaview Harbor. Special Solicitor Marcolongo stated around Seaview Harbor to the south east and around. Mr. Stewart stated he does not know for sure.

Attorney Doyle asked that the record reflect that the map that was in front of Mr. Stewart has no roads, no water, it just shows land. We were able to produce a map that would show the water maybe it would be clearer. Attorney Doyle stated particularly an Egg Harbor Township map that delineates the boundary. Special Solicitor Marcolongo stated he just wanted to know if Mr. Stewart knew. Attorney Doyle stated if he knew from that map that has no water boundaries which is exactly what you asked. Special Solicitor Marcolongo asked Mr. Stewart if he knows where the boundaries are of Egg Harbor Township in relationship to the land area that is shown on the map in front of him. Mr. Stewart advised he believes if he had a map he could point it out. He indicated he has seen the map before. He just does not recall.

Board Member Eykyn asked what is the body of water in front of Seaview Harbor. He stated it is not the Atlantic Ocean, so what is it. Mr. Stewart stated it is the Great Egg Harbor Bay. Attorney Doyle asked if it is a wild and scenic river. Mr. Stewart stated no. Attorney Doyle stated when Attorney Marcolongo asked you a question Egg Harbor Township has water. He asked if water is synonymous in terms of boating. Mr. Stewart stated it is brackish water it is much more calm water and less effective by tidal surge that they have and the solidity. Attorney Doyle stated so you are not a river, pond, lake, channel, canal you're the bay. Mr. Stewart stated as close to being ocean front as possible but they are a bay. Attorney Doyle stated then there is homes itself with lagoon fronts but the marina is all bay front. Mr. Stewart stated yes.

Special Solicitor Marcolongo stated as you head out of your marina and head toward the Parkway Bridge and the old Route 9 Bridge. He asked if Mr. Stewart has ever done that. Mr. Stewart stated yes. Special Solicitor Marcolongo asked as you're going along that area if he is still in Egg Harbor Township as you head toward the bridges. Mr. Stewart stated if he had a map in front of him. Special Solicitor Marcolongo stated then Mr. Stewart does not know. Attorney Doyle indicated that is not what Mr. Stewart said. He stated if he had a map he could point it out to you. Special Solicitor Marcolongo asked if he knows or does he not know. Attorney Doyle indicated Special Solicitor Marcolongo has asked three times. He asked if they could take two (2) minutes out and give him the map so that his question can be answered.

Board Member Cook asked if exhibit S12 helps. Vice-Chairman Aponte indicated it does not go all the way to Somers Point. Mr. Stewart stated if you go out of Seaview Harbor going into Longport the bridge going into Longport the second light fixture to the end is still Egg Harbor Township. So within 50' ft. you are within Longport. Attorney Doyle stated he is show a map that has not been marked into evidence. He stated it has Egg Harbor Township's boundary lines and it is evidently the grid or street map from which the relief map shown as S4 is taken, but it does not show the water ways. Attorney Doyle asked if there are any markers in the water way that say entering Egg Harbor Township. Mr. Stewart stated most of the GPS and the plot charters do have different references to different bodies of water so when you look on a chart plotter they usually have locations where you are mostly for navigational purposes.

Attorney Doyle asked Mr. Stewart if he knew exactly and he could show Special Solicitor Marcolongo with the map that he has not produced nor one that Mr. Doyle has not produced where it was. Would it have changed any answer you would have provided. Mr. Stewart stated no.

Board Member Eykyn stated on the Exhibit marked S-12 do the dotted lines, he added he knows nothing about the water here, mean Egg Harbor Township has water out to the dotted lines and then it goes Atlantic and Cape May that you are going into Ocean City. He asked if this is a boundary line for Egg Harbor Township (the dotted lines) on S-12. Attorney Doyle stated S-12 is a portion of a county map that was taken to show the zip code boundaries. Board Member Eykyn asked if the red dotted line that goes up along the back of Longport up to Margate is that where the Township ends and Longport starts. He asked what this dotted line means. He indicated he knows on the bottom of the map it says Atlantic and Cape May so there is a boundary for the Counties, but is the dotted line that goes toward Margate the line for Egg Harbor Township. Attorney Doyle stated this map was intended to show the zip code boundaries but he believes it may well be that the dotted lines pointed out by Board Member Eykyn are in fact municipal boundaries. He stated if in fact one dotted line that runs between 35<sup>th</sup> and Coolidge is the boundary between Longport and Margate it would seem to suggest that is what it is. Attorney Doyle asked Special Solicitor Marcolongo if he would like to rephrase his question to Mr. Stewart. Special Solicitor Marcolongo stated he will recall Mr. Stewart and have him answer the question when he has the municipal map. He indicated he will reserve the right to call him.

Vice-Chairman Aponte stated he would like to move on to other questions. Vice-Chairman Aponte asked when Attorney Doyle discussed Mr. Stewart's fiduciary duty visa vie being the executive director. Attorney Doyle stated yes. Vice-Chairman Aponte stated as executive director you have a fiduciary duty and he had indicated he was not satisfied with the police and fire. He asked after this meeting that occurred with Chief Danz and a couple others was some type of plan done after the fact to satisfy your fiduciary duty. Mr. Stewart advised he thinks there is a much better plan in place at this time that involves Longport as an initial response or first responders then Somers Point, Margate and then he believes Egg Harbor Township. He stated he is sure you will have the experts to testify the actual protocol for emergency response. Mr. Stewart stated he is not sure of the chain of which Township or Borough is called into action other than Longport having the initial response.

Vice-Chairman Aponte stated the fire was the cause of getting everyone together but as executive director do you think you maybe should have tried coordinated that beforehand knowing it was a wood structure in the water and in a fire what would happen. Mr. Stewart stated it was not a wood fire but a fiberglass boat and it was electrical fire but they never determined the actual cause of the fire. He indicated the way the fire was fought and tanker trucks were brought in took a considerable amount of time. He advised they had a pond in the parking lot to draft the water out of. He indicated they had laid a 5" line over the Longport Bridge to get water. Mr. Stewart stated he believes they brought in portable pumps to utilize.

Board Member Kearns advised the Bargaintown Fire Company had pumped water from the second Bridge to Longport. Mr. Stewart stated he was down on the scene so he does not know everything that happened on the upland portion of the property. He indicated the initial response for him was to get into the work boat that they have and try to pull the boat that was on fire out of the slip but was told not to do so until they had water on the scene. He indicated he then tried to move the boats that were on either side of the boat that was on fire moved. He again was told to wait until they had sufficient water on scene. Brought in portable pumps. Was down but the boat. Much better position then what I was.

Vice-Chairman Aponte stated Mr. Stewart indicated he was not satisfied with police or fire but he asked if he is now surely satisfied with fire. Mr. Stewart indicated this has yet to be determined but believes they are in a much better position then what they were.

Special Solicitor Marcolongo asked if there is a liquor license associated with the restaurant. Mr. Stewart stated yes. Special Solicitor Marcolongo asked who owns the liquor license. Mr. Stewart stated he is not sure what title it is taken in but the restaurant is Café Luciano. Special Solicitor Marcolongo asked if it is issued by Egg Harbor Township. Mr. Stewart stated this is correct. Attorney Doyle stated he has an Atlantic County map if Special Solicitor Marcolongo would like to question Mr. Stewart. Special Solicitor Marcolongo advised it will be taken care of at another meeting. Attorney Doyle stated he is not sure what meeting Mr. Stewart will be presented at but he is currently here. Special Solicitor Marcolongo advised he is fine. Attorney Doyle stated if Mr. Stewart does not come back that will be fine. Special Solicitor Marcolongo stated this is correct.

Attorney Doyle asked Mr. Stewart once the best protocols are in place and all of the planning is done from your knowledge and experience in terms of response time for all emergency services including fire, ambulance and police and given the distances reflected on Exhibit: S-4 and the time to take those distances that he has mentioned and know of. He asked if Mr. Stewart would ever be completely satisfied with Egg Harbor Township being the first responder. Mr. Stewart stated no. Attorney Doyle asked why no. Mr. Stewart stated because of the distance. Attorney Doyle stated as compared to Longport. Mr. Stewart stated correct.

Attorney Doyle stated as Mr. McGlinchey's comments about we protect our own first and then do what we can figure into this. Mr. Stewart stated yes. He advised during Hurricane Sandy Longport had their own emergencies to attend to. He indicated they were somewhat left out by themselves and he has an emergency vehicle a military truck and he was able to go throughout the community and brought some of the residents back and forth. He indicated he was trying to make do with what they had. Attorney Doyle asked if Egg Harbor Township could not get to them. Mr. Stewart stated this is correct. Attorney Doyle stated Longport was taking care of their own. Mr. Stewart stated right. Attorney Doyle stated Mr. Stewart was the last resort. Mr. Stewart indicated yes. Attorney Doyle asked Mr. Stewart that he is not forever. Mr. Stewart indicated he does not think so.

Joanne Lowry, 23 Sunset Boulevard, Longport, New Jersey, Seaview Harbor was duly sworn. Attorney Doyle asked how long has Mrs. Lowry has resided in Seaview Harbor. Mrs. Lowry stated twelve (12) years. Attorney Doyle stated they had previously admitted into evidence an oversized driver's license showing an address for Mr. Lowry. He asked whom this is. Mrs. Lowry indicated it is her husband. Attorney Doyle asked if Mrs. Lowry has some type of capacity with the homeowners association. Mrs. Lowry stated she is presently secretary/treasurer. Attorney Doyle asked if she has been called upon to intercede with or be the liaison between the association and the residents of the Township. Mrs. Lowry stated yes.

Attorney Doyle stated as a result of that Mrs. Lowry had some experiences she would like to share. He indicated she has a prepared statement. Mrs. Lowry stated she put together the statement and it is sort of redundant but it would be quicker for her to read. **May the record reflect** - Mrs. Lowry's statement: in the year 2000 we started looking for property on the water one of the areas was Seaview Harbor. As soon as we enter the community I said to my husband take me out of this dump. The common areas were disgusting, overgrown, trash, just unkempt. Needless to say one (1) year later my husband won and I lost. We purchased property in Seaview Harbor and in July, 2002 became full time residents.

When the opportunity presented itself I was determined to find a way to make this community more pleasing to the eye. This came in 2006 when I was elected Vice-President of the Seaview Harbor

Community Club which gave me some authority. We formed a beautification committee our first task was to determine who was responsible for what. Although the Township ladies in the maintenance department were always very gracious minimal was afforded to us because of "the Township covers a vast area and we simply do not have the manpower" with that response and with no disrespect it was obvious we were not going to get the help we needed. I stopped being a pest and realized it would be a waste of time to pursue our request.

So the committee and residents got together and started to clean all common areas. It took us two (2) full days even with the help of heavy equipment supplied by a resident. At that time the Township only cut grass in those areas when a resident complained. There needed to be a schedule. Again, I became a pest and after numerous telephone calls the following year 2007 we were put on a bi-monthly grass cutting schedule. We took on all other maintenance. In 2008 new club officers were elected. Those who were as passionate in making Seaview Harbor a more attractive place to live.

I then became secretary/treasurer. In my role as treasurer we started collecting dues again to be used primarily for beautification and upkeep. The Township continued with bi-monthly grass cuttings in the development from May through October and because of budget and lack of manpower once a year street cleaning. We continued with beautification and maintenance but what has made our community so desirable today comes from the joint effort of our residents. We take pride that our hard work and dedication has created what we consider a unique community.

In my role as secretary I can produce my copies of minutes since 2008 documenting our desire to deannex from Egg Harbor Township. Our Mayor can tell you how he interceded at one time with negative feedback. This has always been an ongoing issue. Not because of taxes but rather services, the distance our children must travel to school, and most importantly emergency concerns.

Unfortunately the cost to commence this action was always a definite concern and we always took the position to wait and see the outcome of other attempts because of the favorable decision in the matter of Bay Beach Way vs. Toms River Township we decided this was our time. This was not an overnight decision. Meetings, collection of data, etc.. took years to get to this place and time. As a resident he always felt who do we really belong to. Longport has always come to our aid in times of emergency. We do understand they are first responders, however, if we belong to EHT and Longport has their own crisis we become orphans until EHT can deliver.

The fact that we are so far removed from the Township per say narrows down to time factor in emergency situations. A recent situation in our development. One of the neighbors spotted two people trying to break into vehicles in the early morning hours. Because Longport was able to respond so quickly these criminals were apprehended. This comes down to time factor. Longport and Margate are seashore communities and summer time is very busy over there. We too become very active during the summer months if Longport or Margate cannot afford us service because of their own needs we now become by default a time factor. We are not a community where we need constant control, however, when the need presents itself the need is necessary at that moment and unfortunately no matter what our complaints maybe with the Township whether they are large or small we are part of EHT who and are so far removed become the godchildren to whoever we can respond to.

We were able to change the appearance of our community and become self-sufficient but in no way can we change our emergency concerns. Those who do not walk in our shoes want to make this about the

rich and powerful who don't want to pay their fair share of taxes. I don't think too many of us feel rich and powerful if they lived in our community they would understand.

Attorney Doyle stated there was a point mentioned earlier in the evening concerning school children. He asked Mrs. Lowry if there are children traveling to the schools. Mrs. Lowry advised they do not have any children attending Egg Harbor Township schools at this time. Attorney Doyle asked in the ten (10) years you have lived in the community do you know of any children attending the schools. Mrs. Lowry stated she does believe there was one (1) student and she believes he had graduated from high school five (5) to six (6) years ago.

Attorney Doyle stated considering the distance it is longer than if part of Longport. Mrs. Lowry advised if part of the Longport they would go to grammar school in Margate which is about a distance of three (3) miles. Attorney Doyle asked what this versus. Mrs. Lowry indicated maybe ten (10) to fifteen (15) miles. Attorney Doyle asked if Mrs. Lowry would align herself with the testimony that had been given earlier. Mrs. Lowry stated yes. Attorney Doyle asked if Mrs. Lowry answered the survey. Mrs. Lowry stated her husband did.

Board Member Eykyn asked if you are part of Margate where would your children go to high school. Mrs. Lowry stated Atlantic City High School most likely. Board Member Eykyn asked Mrs. Lowry if this is about the same distance as Egg Harbor Township High School. Mrs. Lowry stated she guess it would be. Attorney Doyle stated we are not trying to become part of Margate. Vice-Chairman Aponte stated it is the sending district. Board Member Eykyn stated he meant Longport.

Special Planner Wisner asked Mrs. Lowry where she moved from. Mrs. Lowry stated from Linwood. Board Member Rosenberg stated just bouncing off the example Mrs. Lowry provided if there was an emergency in Longport proper effectively it would be the same situation you would be "orphaned" until Egg Harbor Township got there. He asked Mrs. Lowry what changes.

Attorney Doyle stated he does not understand the question. Board Member Rosenberg stated the Longport Police Department is finite just like any other municipal police department. He stated if there was an emergency on the island of Longport, as it sits now, and then there was another emergency in Seaview Harbor there are not additional units to be able to respond. He indicated you would be in the same "orphaned" situation as you were before. He asked if he is incorrect in thinking this.

Mrs. Lowry stated Longport would respond to it first and if Longport had their emergency our concern is basically in the summer time months. She indicated in the winter time months they have no problem. She indicated in the summer time months because each area becomes very busy. She advised Longport has always responded. She indicated Egg Harbor Township are wonderful but it just takes too long for them to respond if we have a sudden emergency.

Board Member Rosenberg stated his point was to clarify for himself the Longport Police Department is occupied in Longport you would still not have emergency response from Longport if they are already utilized. He indicated it would still be the same distance for Egg Harbor Township to respond. Mrs. Lowry stated it is time for Egg Harbor Township to get to us. As I said a resident was out and spotted the criminals and Longport being around the corner were able to apprehend them because they were so close. She stated if Longport was not available how long would it would take Egg Harbor Township to get there. They would have been off and into another area.

Board Member Rosenberg stated his reasoning it would be the same amount of time that it takes from Egg Harbor Township proper to Seaview Harbor as it does not. Mrs. Lowry stated yes. Board Member Rosenberg asked what changes. Mrs. Lowry stated nothing changes it is just a time factor for Egg Harbor Township police to get to Seaview Harbor as opposed to how long it takes Longport.

Special Planner Wiser asked if Mrs. Lowry has every called 9-1-1 or has had a need to call 9-1-1. Mrs. Lowry stated no, but her neighbors have. Special Planner Wiser asked if she knows where that call is physically directed to. He asked if it is directed to Longport or Egg Harbor Township or the County. Mrs. Lowry stated this had come up before and there was supposed to be an answer to this, however, she does not know.

Steven Kline, 49 East Sunset Boulevard, Longport, New Jersey, Seaview Harbor and 1202 Meeting House Road, Bridle, PA, 19046, duly sworn. Attorney Doyle asked how long Mr. Kline has lived in Seaview Harbor. Mr. Kline advised he parents bought there in about 1964. Attorney Doyle stated they were one of the originals. He stated Mr. Kohler testified to a limited amount of originals. Mr. Kline indicated he and Mr. Kohler have been fishing buddies since they were about ten (10) years old. Attorney Doyle stated both have grown up in Seaview Harbor part time. Mr. Kline stated yes, part time in the summer time.

Attorney Doyle asked if Mr. Kline currently has the residence that his parents had. Mr. Kline stated yes. Attorney Doyle asked Mr. Kline if he had lived anywhere else in Egg Harbor Township before. Mr. Kline stated they lived in Anchorage Poynte, which he believed was Somers Point. He indicated he is not sure what it was at that time, but it was in 1961 or 1962 and then there was a storm. He believes it was Hurricane Hazel and then their house burnt down. Attorney Doyle advised Anchorage Poynte was and is Egg Harbor Township since 1837 at least if not longer what is now Seaview Harbor or land that it sits on is Egg Harbor Township.

Attorney Doyle asked Mr. Kline if he had any particular and personal experiences involving emergency services. Mr. Kline stated yes. Attorney Doyle asked if he could describe. Mr. Kline explained that on Saturday, May 24, 2003, his mother whom had congestive heart failure, was lying in bed most of the day. He indicated they have a two (2) story house there and she did not come down. He indicated he believes it is his wife Randy, his brother Ray, and his fiancé at the time, Charlene, kept on going up stairs to see how his mother was and asking why she was not coming down. He indicated she was in pain most of the day.

Mr. Kline advised they did not like the way it was going and all of a sudden more and more was coming to the point where it was so excruciating she was yelling. He indicated his mother was from the old school she did not yell, she was in pain. He indicated they called 9-1-1 and at the time we had two (2) phone numbers, he suggested someone check this but he believes it was from the phone number 609-823-3785, which was one of the original numbers from the 1960's.

Mr. Kline stated there was another phone number 609-822-2780, which they still have today as a land line. He indicated they no longer have the one previously referenced. He indicated they also had cell phones and they are from the Philadelphia area so their area codes are 215 up there. He indicated they called 9-1-1 and originally said we have an emergency we have to get my mother she is in abdominal pain. He indicated they asked where they were at and he said 49 East Sunset Boulevard, Longport. He stated he waited a few minutes and they advised there was no such address.

Mr. Kline advised he again indicated they were at 49 East Sunset Boulevard, Longport, New Jersey in Seaview Harbor and we are right across the bridge. He indicated he does not know where it was within their system. Mr. Kline stated they advised they would get to them right away. He explained when someone is in pain and has congestive heart failure at any given time something can happen. He indicated this is based upon experience with being in the hospitals with both his parents.

Mr. Kline advised after 15 minutes there was nothing, which he advised they didn't expect 2 minutes but 15 minutes we thought someone would come. He indicated they called 9-1-1 again and they started to become frantic and this went on for 30 minutes. Mr. Kline advised they were told they could not find our address. He stated it is now 40 to 50 minutes, close to an hour when he and his brother and wife looked at each other because their mother was double over in pain. He stated his mother was born on April 16, 1930 and this occurred in 2003 so she was 73 at the time. He indicated the family decided not to wait anymore so they physically picked her up and she was in life and death and pain and white as a sheet. We took her down steps and laid her in the back of one of their cars and flew to Shore Memorial Hospital. He indicated this was maybe 6 or 7 o'clock. He not sure of the time.

Mr. Kline stated they took her right back and Dr. Papastamelos performed test and indicated she was in critical condition, life and death. He indicated she possibly needed an operation and he asked the Doctor if he should bring her to Philadelphia or have her stay for the surgery. He advised the Doctor indicated he would not perform the surgery because of her congestive heart failure. He indicated the next day, which was a Sunday, they medically transported his Mother to Abbingdon Township to the Abbingdon Hospital.

Mr. Kline advised on March 31<sup>st</sup> around 11:00 a.m. he called Bethany at the Abbingdon Medical Records Department and she verified my Mother was in Abbingdon Hospital from Sunday, May 25, 2003 through June 4, 2003. Mr. Kline stated he asked Bethany if he could obtain a copy of the medical records. He indicated she advised there were over five hundred pages and he would have to pay for them. Mr. Kline advised he had told Bethany to not make copies at this time.

Attorney Doyle asked Mr. Kline if his mother was discharged on June 4th. Mr. Kline advised he does believe so. Attorney Doyle asked Mr. Kline if it is his understanding that the doctor had indicated the delay in getting her the initial treatment made her circumstances. Special Solicitor Marcolongo raised objection and that this would be hearsay. He indicated very significant hearsay. Attorney Doyle stated he appreciates this. called the He indicated on March 31<sup>st</sup> he called around Philadelphia id test and critical condition.

Attorney Doyle asked if Mr. Kline knows despite the specifics such as the street where you live, the community within where you live, Seaview Harbor and specifically locating in terms of the bridge why it was more than an hour and you still had not gotten service. Mr. Kline stated he does not know why. He indicated they have lived there since 1964. Mr. Kline stated we have paid Egg Harbor Township taxes but going back to what Mr. Kohler state we had to always dredge ourselves, collect money to do things, the trash was always private, we had septic tanks there was not sewer. All he knows when it is an emergency as he described it is a scary just like the fire. Mr. Kline stated for all the taxes that they pay he would like to be first on the line in emergencies not second, third or fourth.

Vice-Chairman Aponte stated in 2003 his cell phone was rather large and now it is smaller and has more memory than his computer at home. He asked if the Township systems have been upgraded since 2003 where they would perform a better job. Maybe testimony can be provided to this at some point.

Special Planner Wisner stated he is already working on this. He indicated he does have a question. When Mr. Kline called 9-1-1 does he know where that 9-1-1 was at that time. Mr. Kline stated he would have no knowledge. Special Planner Wisner stated he believes he heard Mr. Kline give his address as Longport the first time he called. Mr. Kline stated after the confusion several time we gave as much information that we could.

Special Planner Wisner asked if the first time he indicated Longport. Mr. Kline stated if this is what he said. He indicated to his knowledge. He advised this happened ten (10) or eleven (11) years ago trying to recollect the exact moment in an emergency crisis this is what he thinks he said. Special Planner Wisner asked Mr. Kline if he would have known where the ambulances came from because they never showed up. Mr. Kline advised no one showed up not even a police car. He indicated that shocked him. He stated usually police or fire truck shows up. Special Planner Wisner asked if Mr. Kline's mother is still with us. Mr. Kline stated no. Board Member Levy stated he does not believe Mr. Kline has to go through obtaining the medical records. Mr. Kline I am going back to Philadelphia and this is my second time being here and I will keep coming. He indicated it means enough to him. He stated he has been a fabric of the community. He indicated all these new people that come in, he has lived through the storms. He has been there. He indicated he cares enough about the community that he is here. I care enough about the community and I do not care about the politics of it. Attorney Doyle asked when you say community. Mr. Kline stated his community to him is Seaview Harbor.

Mr. Kline advised his father use to say when they went over the rickety rackety bridge (before the Longport bridge) that when he opened up the window coming through and smelling the salt air coming over that bridge that was our community. He indicated the peninsula and the jetty in this area also resembles Monte Carlo. He indicated Longport and Margate are his memories where he fished. He indicated when his brother was at summer school he took the Boston Whaler and took him inland to do so.

Mr. Kline stated he does know the water ways a little. He indicated ski beach is a memory, low tide was king fishing, and high tide was flounder fishing. Mr. Kline stated they water skied. He advised this was their lifestyle. Vice-Chairman Aponte stated the community is where you lived. Mr. Kline stated yes.

Attorney Doyle asked if any part of Mr. Kline's lifestyle or memories the emotion that Mr. Kline just showed for the area and the community you live in has anything to do with Egg Harbor Township. Mr. Kline stated the green trash can that they have now. He stated it is not even Egg Harbor Township. He indicated he knows Sonny McCullough since he was a kid, he indicated he is nice man and he use to fish with him. He indicated it is just a reality he does not frequent Egg Harbor. He stated he probably has passed Egg Harbor from Philadelphia. He stated when you are down the shore you go to the beach, you go fishing, he stated you have a boat. Mr. Kline indicated they have always had a boat since he was at least four (4) or five (5) years old.

Attorney Doyle advised he has no more witnesses for tonight.

Special Solicitor Marcolongo advised as the Planning Board is aware they are given 45 days upon receipt the receipt of the request for deannexation to issue its report. He indicated this time frame has actually past, however, he received correspondence from Attorney Doyle extending that period time to June 4, 2014.

Special Solicitor Marcolongo advised he believes Attorney Doyle will have at least one more evening where he will call lay witnesses and another where he will call expert witnesses. He indicated it is impossible to have these hearings before June 4<sup>th</sup> to give Attorney Doyle the full opportunity to make his presentation and calling certain Township Official's for additional testimony. Special Solicitor Marcolongo spoke with Attorney Doyle today and he is going to further extend the Planning Board's period of time in order to render a decision and report.

Attorney Doyle stated yes. He advised the time period he extends depends upon the Board and what they are able to schedule. He suggested doing at least two (2) meetings a month would be helpful. Attorney Doyle stated he sees at least two (2) more meetings where it would be predominately them. He indicated he is not sure what the Township may have but would suspect at least two (2), therefore, he would suspect at least four (4) more meetings total, which brings this issue to at least August, 2014. Special Solicitor Marcolongo advised the report must be prepared and then the Board must memorialize and forward it to the Governing Body.

Attorney Doyle stated he would like to discuss with the Board about having more than one (1) meeting a month. He indicated when the statute was written it was not practical was realistic concerning the 45 days. Special Solicitor Marcolongo stated he does agree with Attorney Doyle. Attorney Doyle stated he does not have a problem with extension. He indicated he would note in the Strathmere Case the Board for the benefit of resident's held a Saturday meeting. **May the record reflect:** several members simultaneous stated no concerning the scheduling of a Saturday meeting.

Special Solicitor Marcolongo stated we are not only dealing with the Planning Board but working around the schedule with the Municipal Court, Township Committee, Zoning Board, Attorney Doyle's schedule, Special Planner Wiser's schedule and his own. He indicated it is not all that easy to put together. He indicated it was suggested to have a meeting on April 30<sup>th</sup>, but Attorney Doyle cannot make it. Special Solicitor Marcolongo stated he appreciates this. He indicated it will be difficult for us to find a date each month. Attorney Doyle stated Monday's are typical but could not free up in May.

Attorney Doyle stated they could be available for May 19, 2014, but it is his understanding that there are other items on agenda. Special Planner Wiser stated he is not available on the 20<sup>th</sup> of May. Attorney Doyle stated he is not available on the 6 and 7 of May. Vice-Chairman Aponte asked who is available for May 2<sup>nd</sup>. Special Solicitor Marcolongo stated he is not available on the 2<sup>nd</sup> of May.

Township Committeewoman Pfrommer asked what about May 9<sup>th</sup> **May the record reflect:** several members and professional's spoke but were not committed to the 9<sup>th</sup>. Special Solicitor Marcolongo stated June 2<sup>nd</sup> was an option **May the record reflect:** the Board Members committed to holding a special meeting on Monday, June 2<sup>nd</sup>, also committed to Monday, June 16, and Monday, June 30<sup>th</sup>, 2014 all beginning at 5:00 p.m.

Special Solicitor Marcolongo stated Attorney Doyle has referenced on the record that he is extending the period of time in which the board will render their report to the Township Committee to September 30, 2014, which is subject to extraordinary circumstances to another extension.

Vice-Chairman Aponte asked for a copy of the transcript before the meeting. Attorney Doyle stated he would like to see the minutes before the meeting. He indicated he appreciates they are not word for word but the difference is an economic one. He indicated regular service is \$2.50 a page and expedited

is \$6.00 a page. He indicated he will discuss with his clients. Vice-Chairman Aponte stated he would like to work with everyone. Attorney Doyle advised he will discuss with Mr. Marcolongo

**Motion Rosenberg/Cook to carry public hearing to Monday, June 2, 2014, 5:00 p.m., prevailing time.**

**Vote 8 Yes:** Aponte, Carman, Cook, Eykyn, Kearns, Levy, Rosenberg, Pfrommer.

**SUMMARY MATTER(S):**

**SECTION I:**

**Discussions of matters pertaining to the Board:**

**SECTION II:**

a. **General public discussion: Motion Rosenberg/Pfrommer to open public portion**

**May the record reflect no one came forward**

**Motion Carman/Rosenberg to close public portion**

**Motion Carman/Rosenberg to approve March 30, 2014 planning board minutes. Vote:** Aponte, Carman, Cook, Eykyn, Kearns, Levy, Rosenberg, Pfrommer

**Motion Carman/Pfrommer to adjourn at 8:50 P.M. Vote:** Aponte, Carman, Cook, Eykyn, Kearns, Levy, Rosenberg, Pfrommer

Respectfully submitted by,

Theresa Wilbert  
Secretary