

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

**May 5, 2015**

**Planning Board Professional(s):**

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

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

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

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

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

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

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

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

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

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Robert Levy, another engage.

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

Peter Miller, Township Administrator, recused

Committeewoman, Laura Pfrommer, present

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

**\*May the record reflect:** Mayor James J. McCullough has recused himself from these hearings. He has sent Atlantic County Freeholder, John Carman, in his place who arrived @ 5:26 p.m., as announced.

**PUBLIC HEARING(S):**

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

Board Secretary Wilbert advised she had polled potential meeting dates with the professionals and board members, which included June 5, 15, 19, 26 and 29. She noted her concern with convening the board on the 5<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup>, which are all Friday nights. Board Secretary Wilbert advised based upon the number of members who confirmed their attendance, if there should be an emergency and someone was unable to attend there will not be a quorum. Therefore, she advised the June meetings will be Monday, June 15<sup>th</sup> and Monday, June 29<sup>th</sup>. Chairman Garth asked if both dates would be at 5:00 p.m. Board Secretary Wilbert indicated yes. Board Member Aponte asked if the meeting on the June 29<sup>th</sup> could begin at 6:00 p.m. He advised he will be in Philadelphia all day and he wants to make sure he is back in time.

Attorney Doyle stated he appreciates every; and the number of courtesies he has requested of the Board because of his own personal circumstances. He stated having said he received an email that advised we have five (5) nights and was mentioned to his clients and he is disappointed that more meetings will not occur. Attorney Doyle stated he appreciates Friday nights are family nights, social nights, and not board nights, but this board has met on a Friday night. He stated he is more concerned with us moving into the summer it will become even more difficult. He indicated he would hope that everyone look at it to facilitate and expedited this.

Attorney Doyle indicated one of the ways, based upon his conversations with Special Board Solicitor Marcolongo, and which has been brought up by Board Member Aponte is non-repetitive questioning and to get to the point. He indicated this would be more easily done if we had reports in advance. Attorney Doyle advised he has suggested this via an email to Special Board Solicitor Marcolongo that much of the police statistics will be commented on by the police chief. He advised he had received his own reports but he believes the questions asked by the Board such as, do these cars have GPS. Attorney Doyle stated if these things can be found out in advance, it means his examination will be prepared, more orderly, and would save time.

Attorney Doyle stated as we hear from the Director of Public Works, whom he was told twice has no report, yet he does, and he is appreciative of that. But he stated so far the police chief the fire chief are yet to come. He indicated the police chief can derive from statistical information, much of it computerized, how many times did they respond, how many times did Longport respond, who got there first, how many times did both of them get there, what was the response time, is it different for cell phones then home phones. He stated he believes this is critical to information gathering and the information that will be conclusions the board draws within their report.

Attorney Doyle stated this should not be treated as adversarial information. He stated it should be shared as soon as possible so Special Board Solicitor Marcolongo can review and so that he may also review it. Attorney Doyle stated it would make the process go a lot easier and the finished time a lot earlier. He stated he is appreciative of Friday nights, appreciative to Mr. Miller's eight (8) nights and he hopes they can shorten this in the method and ways he just suggested.

Board Member Aponte stated he would like to summarize some information. He advised the residents had five (5) meetings, the Planner had one (1) meeting and finance had one (1) meeting. He stated Mr. Miller had four (4) meetings and at the same time he was crossed, Attorney Doyle stated on occasion. Board Member Aponte advised then we had Mr. Miller crossed for three (3) evenings. He stated he figured out that we have had 14 meetings and 44.7 hours. He indicated the Board has been more than gracious and he will not be present on Friday's. He advised the Board can do this in one or two (2) meetings a month, but we have to be respectful of everyone's time. He stated the professionals are being paid, but the members are not and they are all citizens and they have a life.

Board Member Aponte stated with that being said if he does not believe that 45 hours is enough then he is not sure what to tell him because they will probably be spending a lot more. Attorney Doyle stated he purposely did not direct his comments to the past. He stated he cannot change the past. He advised this is addressing the future and things the Board can do, such as asking through Special Board Solicitor Marcolongo that the witness coming, particularly the police chief, provide a report in advance with the questions that he suggested he will ask and if he has to wait until he is in the chair for the answer, it will extend the time.

Attorney Doyle stated Board Member Aponte himself asked if there is GPS reports and if the information is available. He asked why he can he not have this before the meeting. Special Board Solicitor Marcolongo stated we have received numerous OPRA request from Mr. Doyle in the past and if he request that similar information we would know exactly what he wanted and we would get that to him within the statutory time frame set forth for a response to an OPRA. He stated this should not be a difficulty at all. He stated with respect to Mr. Simerson, who is present this evening. He spoke with him ahead of time. He does not have report. He may have notes. Special Board Solicitor Marcolongo stated he cannot provide them with something that does not exist.

Special Board Solicitor Marcolongo stated similarly he has spoken with Chief Morris and he does not have a report he has notes. He stated in terms of documentation anything that Attorney Doyle wants they can get it to him ahead of time. Attorney Doyle stated the box of information that he received (may the record reflect the box was produced for the board by Attorney Doyle) was after two (2) or three (3) OPRA request and some discussions with the OPRA person and an expenditure of somewhere around \$1,100.00 to get reports and we have those. He stated we could go through each one of those but he has a hard job believing that the police chief does not have the capacity to prepare a report to say how many times the Longport police showed or how many times the Egg Harbor Township police department showed. How many times which showed first, how many times both departments were there for a single occurrence? He stated if he is told that report is going to be several thousand dollars, or told we do not have that information or told it's irrelevant to our job then unfortunately, Board Member Aponte it will take a lot longer than what it would have.

Attorney Doyle stated he tries to give fair notice in the most respectful way about particular information that is very fact sensitive and the best keeper of the facts and the knowledge of it is the police department or when it turns out the fire companies and the ambulance people. He stated he appreciates early on he was told he would only get reports from the Auditor and from the Planner in advance. He indicated it is unfortunate, but it will string out the process and he thinks unnecessarily.

Special Board Solicitor Marcolongo stated now that Mr. Miller has completed his testimony we are ready to move on to the next witness. He stated he has Al Simerson to appear before the Board this evening. Special Board Solicitor Marcolongo advised Mr. Simerson is the Director of the Public Works Department. He stated he asked Mr. Simerson to make a presentation to the Board tonight and the Board has asked him to be here so feel free to interrupt with any questions you may have and at the end of his presentation and after all the questions have been asked Attorney Doyle will have an opportunity to ask questions of Mr. Simerson on any topic he chooses.

**May the record reflect:** Al Simerson, 7323 Belmont Avenue, Mays Landing, New Jersey, was duly sworn by Special Board Solicitor Marcolongo.

Director Simerson stated he would like to start off with a personal perspective of himself and the public works department Egg Harbor Township. Director Simerson stated he spent most of his youth in the industrial and farming town of Mannheim located in Northern Lancaster County, Pennsylvania. He stated his family lived and worked among the Amish and Mennonite community. He stated he began helping his uncle on a dairy farm at the age of ten (10). Director Simerson stated his school embraced and supported the farming community and offered training and vocational agricultural where he learned practical and mechanical skills, management, conservation and community service.

Director Simerson advised he was fortunate to be one of the few English who was invited to work with various Amish and Mennonite farmers since he had a reputation as a hard worker, willing to do what was needed. He stated he was taught a sense of responsibility, workmanship, craftsmanship, urgency and commitment, as well as, the importance of situational awareness, being prepared, and accountability. Director Simerson stated he believes his work history and perspective is important to this situation since he is the head of the department that provides practical services to our community.

Director Simerson stated he and his wife moved to New Jersey in the summer of 1982. He advised he took a job with a heavy rigging and trucking company in Mays Landing. He advised in 1983 he was

employed as a mechanic at a local auto parts operation in Egg Harbor Township and after two (2) years he served as an outside yard manager. He stated in 1986 he began as a mechanic at a heavy electrical construction company in Egg Harbor Township and within two (2) years he was promoted to the position of fleet manager. Director Simerson stated in 1992 he began employment with Egg Harbor Township as the division manager of vehicle maintenance. He indicated after a year and half of serving as the division manager the Director passed away suddenly. He was offered the director's position on an interim basis and after a year on a permanent basis. He stated he has been the director now for just over 20 years.

Director Simerson stated he completed the Rutgers Certified Public Works Manager's Program and became State certified as a Public Works Manager in November, 1996. He advised he is still a member and served as the president of the Region 7 Public Works Association. He indicated the group is active in identifying, sharing solutions, and meeting the challenges of public work departments throughout the region and stated. Director Simerson explained he was honored to be, asked to serve, as an adjunct professor at Rutgers and taught classes on public works management.

Director Simerson stated on his time and at his expense he attended welding school to enhance his skills and he is able to perform the welding services required on the Township equipment. He advised he maintains a Class A driver's license with all endorsements that enables him to drive all the Township's trucks. He indicated he regularly operate heavy equipment and trucks, especially during snow events to assist the crews, be on top of conditions, and increase production. Director Simerson stated during the last 33 years he and his wife have been fortunate to be able to volunteer in many different activities that serve the community and youth. He stated he has been an emergency medical technician for 20 plus years and served as a volunteer with Egg Harbor Township and Hamilton Township ambulance squad's.

Director Simerson stated he volunteered with Mid-Atlantic Regional Search and Rescue and was a member of an urban search and rescue team that called up to serve the people of New York after the 9-11 attack. He stated he was fortunate to coach youth baseball and softball for nearly eight (8) years and was privileged to be a mentor as part of the Big Brother/Big Sister of Atlantic County. Director Simerson stated he believes sharing this information in the context of this issue is important. He stated his goal is to demonstrate that his work ethic, training, community service life and professional experiences influence the services that he and the department he is responsible for provide.

Director Simerson stated he is a hands on working manager who is engaged in the day to day operations. He stated he takes pride in his work and does his best as a steward of the public trust. He indicated he expects the same level of care, commitment, and production from his staff. Director Simerson advised he is very proud of our group of dedicated individuals. He advised public works recently bid farewell to an individual who retired after dedicating 43 years of his life to the service of the Township. He advised many of his staff are current, active volunteers who provide additional services to the community on their own time.

Director Simerson stated he is grateful to work with staff members and volunteers from all departments who are willing to drop what they are doing, defer their plans and respond to any emergency that besets our community. He stated they answer the call any time of day, any day of the week, regardless of the weather conditions. Director Simerson stated the damage and remnants of storms are left unattended at their homes while they serve the community. Director Simerson stated with the guidance and support of the Administrator and Governing Body we have modernized, innovated, equipped, and streamlined our operation and have relized and met the challenges of one of the fasted

growing municipalities in the State. He advised with any business or agency there are times that unexpected, extraordinary events happen that tax our resources to the limits. He indicated we learn from those experiences and adjust as needed to be better equipped to handle the next event. He advised we are not ill prepared, ill equipped, complacent, apathetic or unaware of our importance of our duty to serve the community.

Director Simerson stated while he is accountable to the Administrator and Governing Body his employer are the residents of Egg Harbor Township and his job is to be accountable as a steward of the public trust and bring to bear the resources their that taxes provide in the most efficient manner possible. He indicated we stand prepared and ready to continue to provide the essential services that our residents deserve.

Director Simerson stated he has completed his information concerning his history.

Director Simerson stated he would now like to discuss the schedule of services for Seaview Harbor and Anchorage Poynte. He advised everything he is sharing with the Board is available and updated at EHTgov.org. Director Simerson advised sanitary waste is collected by automated trucks on Mondays. He advised it was previously is collected on Tuesday's. He advised in May of 2000 the scheduled was changed to Monday's to accommodate residents request to mitigate scavengers getting into the trash and leaving a mess. He advised Seaview Harbor and Anchorage Poynte are the only single-family home communities that received Monday trash collection.

Director Simerson stated recyclables are collected by the ACUA every two (2) weeks on Monday's. He indicated bulky materials such as wood, furniture, brush, etc... are collected curbside are collected the first week of every month. Director Simerson stated electronics, metal, and tires are collected, via a list, as called in by residents. He advised bagged vegetative materials are collected each week on Monday's except for holiday's it is than collected on Tuesday. He indicated loose vegetation and leaves are collected twice per year, Spring and Fall, with vacuum equipment. He indicated tree trimming is performed as needed to maintain the R-O-W and pothole patching is done as needed.

Director Simerson stated the public works staff, the residents and police department inform public works if they notice unsafe holes in the pavement. He advised as complaints are received by the public work clerk's they are entered into a program for a work order and minor potholes are addressed the next time the pothole patching crew is mobilized. He advised if there is a pothole or pavement defect that is dangerous it is addressed immediately. Director Simerson explained Egg Harbor Township now has one line reporting that allows anyone from the public to report road way issues. He indicated occasionally public works receive reports concerning State and County roadways and the clerk's pass this information on to the proper agencies.

Director Simerson stated street sweeping is performed a minimum of twice a year or more depending upon storm debris. He advised storm water inlets and pipes are inspected twice per year and cleaned and repaired as needed. Director Simerson stated R-O-W areas are mowed a minimum of nine (9) times per season by contractor. He advised in Seaview Harbor the R-O-W's are mowed twice a month from April through November. Director Simerson stated as with all Township residents Seaview Harbor Residents have access to the municipal convenience center from 7:00 a.m. – 3:00 p.m. on weekdays and 7:00 a.m. – 11:00 a.m. on Saturday's for the free drop off of brush, tires, metal, bag vegetative material, electronics, batteries and wood. Director Simerson stated free screened compost is also available and can be picked-up any day public works is open from 7:00 a.m. to 3:00 p.m. and 7:00 a.m. to 11:00 a.m.,

on Saturday's. He advised it can be loaded by hand for free or loaded by Township machines for a minimum loading fee on Monday's and Friday's.

Special Board Solicitor Marcolongo noted for the record that Freeholder Carman has arrived.

Director Simerson stated his next subject is Clean Shores and Clean Communities. He advised for the past 15 years during the Fall public works partners with the New Jersey Clean Shores programs and the New Jersey Clean Communities program to remove litter and debris collected along the accessible shore lines in the Township including the 152 Causeway, Anchorage Poynte and Seaview Harbor. He stated this program provides manpower, equipment and logistics for the clean-up of the areas. He noted the State provides staffing in the form of inmates and guards from the Bayside State and other regional correctional facilities to canvas the shorelines and remove the material. Director Simerson stated Egg Harbor Township participates in the program and provides the receptacles, trucking and disposal of the debris.

Director Simerson stated that public works supports the cost of tipping fees, fuel and support for the inmates which includes food twice each day. He stated Egg Harbor Township also conducts a bi-annual community pride day. He stated the last one was last Saturday. He indicated it is where volunteers are encouraged to support their community by contributing their time to remove litter throughout our neighborhoods and shorelines. He advised groups and individuals are able to request where they want the clean-up. He explained the volunteers are provided all the equipment and support to safely conduct roadside and shoreline projects. Director Simerson stated they are also provided a lunch and some tokens of appreciation, along with a sense of pride and accomplishment for making a difference in their community.

Director Simerson went onto to his next subjected called "other services provided". He stated after recently completing the monumental task of cleaning up after the devastation left behind from the derecho that occurred on June 30, 2012, where the public works department loaded and hauled the equivalent of 2,500 tractor trailers loads of down trees and brush in three (3) months and then on October 29<sup>th</sup> the community was hit with Super Storm Sandy.

Director Simerson stated following Super Storm Sandy continuance collection operations were performed to assist residents whom where recovering and cleaning up after the storm. He advised public works crews worked 16 hours a day and 7 days a week for the first two (2) weeks after the storm and then they were permitted to take Sunday's off. Director Simerson stated the street clean-up and cleaning occurred on the Causeway and the island the day after the storm subsided. He advised this was primarily in Anchorage Poynte in the very beginning because we could not get into Seaview Harbor. He advised on November 2<sup>nd</sup>, the day after the residents were allowed to return, curbside collection began.

Director Simerson stated during the initial response a front end loader, four (4) roll off trucks, a tri-axel dump truck, two (2) rear loading trash trucks and a large grapple crane was dispatched to Seaview Harbor. He advised substantial sand and debris was removed from the road way. He advised the rear loading trash trucks and their crews would canvas each street, load the materials manageable by hand. He stated the grapple crane loaded the roll off containers that were stationed near the large piles. He advised the roll-off's would take the containers to dump at a staging area to facilitate a quick return since the A.C.U.A facility was overwhelmed.

Director Simerson stated being a large community it provides the flexibility and space to have a staging area and enhanced public works ability to remove storm debris. He indicated the crews collected everything at the curb without limitation. He stated it was no surprise the volume of debris caused by the storm, that shortly after the materials were collected, it was replaced with more materials and the crews would collect to make room. Director Simerson stated this occurred at least twice a day at the height of the clean-up. He stated in one instance the public works crew assistance the resident at 1 Seaview Drive to completely fill an empty 32 yard high compaction trash truck with approximately 14 tons with the ruined contents of their home in one (1) hour. He indicated it normally takes one (1) day and nearly 300 homes regular trash to fill that size truck.

Director Simerson stated a 40 yard debris dumpster was placed at the bend in Seaview Harbor to allow residents to dispose material at their discretion. He stated when filled the dumpster was taken to the staging area emptied and returned multiple times until the residents needs subsided. He stated in total the public works department collected 850 tons of storm related debris at a cost of just under \$70,000.00, which did not include the cost of labor and transportation. Director Simerson advised was very proud of my staff who work hand and hand with the residents for the debris during a very difficult time during a catastrophic and historic storm such as Sandy. He advised he is equally proud public works was equipped and staffed to handle the task within a time manner without the need to hire private contractors.

Special Board Planner Wiser asked Director Simerson to repeat the last statistics he provided. He asked if these numbers were based just on Seaview Harbor or Township wide. Director Simerson stated they were Township wide. He indicated it was primarily Seaview Harbor and West Atlantic City. He indicated the mainland did not receive that much damage. He indicated it was about 60% West Atlantic City and 40% Seaview Harbor.

Director Simerson stated the next issue is "Drainage improvement and repairs": He advised the following is a list of capital and maintenance projects that have been done in Seaview Harbor since 2004. He advised in 2004 in response to a drainage issue at the end of Seaview Drive that required replacing the pipe the Township Engineer took the necessary steps to develop plans and specifications for the replacement of the collection structure and drain pipe at the cost of \$10,000.00.

Director Simerson stated in 2006 some islands were removed and replaced on Sunset Drive at a cost just under \$17,000.00 for the concrete work. He indicated public works saw cut the area around the curb and Hackney Concrete removed the old curb and installed replacement. He indicated public works back filled and repaved around the new curbing at a cost of \$2,000.00. He explained at the request of the home owners association the residents provided ground cover and plantings to their satisfaction.

Director Simerson stated in 2007 a drainage replacement project was completed as a result of a failed pipe at the end of Sunset (east). He advised public works expended extensive time and resources in attempting to clear the existing pipe, which included multiple times jet cleaning and videotaping without success. He advised the Township Engineer took steps to design and plan the installation of a new pipe in a location that would cause the least disruption to the existing landscaping structures. He advised bids were accepted and a contractor performed the new installation and restoration of the disrupted areas at a cost of \$62,536.00.

Director Simerson stated in June, 2012 public work personnel placed 25 tons of 4" trap rock in the area of 23 Seaview Drive where erosion was encroaching on the road way. He advised the rock was covered

with matting and top soil and planted with grass to mitigate additional erosion and a new post and rail fence was installed and the labor and materials was approximately \$1,500.00. Director Simerson stated in 2013 the Township Engineer took steps to develop plans and specifications to bid a repair of the extensive erosion as a result of Super Storm Sandy on Seaview Drive at a cost of \$33,465.00.

Director Simerson stated one of the things that Mr. Miller had asked him to look into was the copies of Exhibit(s) S50-S57. He indicated these were pictures of street and pavement defects. He explained he reviewed the copies of exhibits S50 – S57. Director Simerson stated locations were not provided with the pictures, however, he and the Road's division manager inspected the road ways in Seaview Harbor to locate these areas and they were not definitively able to locate the areas referenced within the pictures with the exception of the pump station pictured in S57, which is located on the Route 152 Causeway and is a State R-O-W. Director Simerson stated he did reach out to the State and made them aware of the problem concerning the ponding. He advised exhibits S50 & S56 appear to be depressions that are a result of worked done by the water utility. He further noted exhibit S53 appears to be the result of an over excavation of a new driveway apron that was filled with concrete. Director Simerson stated S51, S52 and S54 are pictures of moderate alligator cracks and small depressions that should not pose a safety issue for motorist or pedestrians.

Director Simerson stated though he is comfortable that the pictures are from Seaview Harbor they could easily be from many of the roads or streets in any municipality in our region. Township Committeewoman Pfrommer asked what is an alligator crack. Director Simerson stated it is where it has lines going through the cracks and does not necessarily become a hole, it resembles an alligator's back.

Director Simerson stated his next subject is snow. He advised Egg Harbor Township public works has 17 trucks and ten (10) pieces of heavy equipment capable of plowing snow. He indicated the department is responsible for approximately 200 miles of municipal roads. He indicated since the Fall of 2012 public works also has the ability to pre-treat the roads by applying brine to the primary roads. He indicated during a major snow event public works priorities are main access for police, fire and E.M.S. first on primary streets and then as conditions permits moving onto secondary streets.

Director Simerson stated it is very common for trips to be diverted from the routes to allow first responders to gain access through multiple emergency situations. He indicated is also common for the trucks to service the primary streets multiple times before branching out to the other streets. He indicated snow events are not an exact science especially with Egg Harbor Township's proximity to the ocean. He stated sometimes the western part of the Township is hit harder than the eastern side and sometimes it is vice versa. He indicated no two (2) snow storms are the same. He advised the process of starting, stopping and maintaining the operations is dependent of many factors such as the day of the week the storm occurs, the time of day it begins, and the duration. He indicated the day of the week The day of the week the time of day and the duration and intensity of the storm and the weather conditions after the storm passes.

Director Simerson stated these and other factors affect the preparation, man power, and equipment allocation for snow events. He advised also it has been his experience that the forecast bares little similarity than the reality of the actual event. He advised it has been his experience that when the forecast calls for an extensive snow event and steps are taken to prepare for such only to find little or no accumulation. He stated it has also been his experience of the complete opposite. He indicated our approach is to have sufficient amount of trucks allocated; prepared for a timely response and to allow the rapid deployment of the first round of trucks to address primary streets and then depending upon



conditions additional trucks, equipment and personnel are called into service and deployed as required to ramp up the operation. He advised during severe snow events it is a waste of resources and nearly impossible to attempt to plow all the streets in a middle of a storm. He advised public works deploys to keep the main roads passable and responds to emergencies until such time when the storm begins to wear.

Director Simerson stated trash service is a high priority and must be considered when planning, staffing and executing snow operations. He indicated during major snow events trash collection is sometimes suspended to allow the trash truck drivers to be utilized for plowing. He indicated, however, the recovery and catch-up effort multiplies with delayed collection since the receptacles become overwhelmed with extended collection periods and many residents still place their cans out to the curb which inhibits efficient snow plow.

Director Simerson stated trash collection also effects the initial focus of plowing especially during or after a major event. The area that is scheduled next will receive more attention in the beginning to open the streets for the next collection day. He advised this helps to explain why public works sometimes does not start and finish in the same places. He stated in the age of communication and boundless information found on the internet and 24-hour news and weather channels the awareness of an approaching storm and preparation to ride it out should assist residents in being prepared and mitigate the need to travel the roadways while the plowing operations are in progress. However, that is often not the reality that is encountered. He advised the goal of travel bans during is to facilitate the response of various service providers without the hindrance of abandoned vehicles or ill-equipped motorists.

Director Simerson stated also in Egg Harbor Township there is an ordinance that prohibits the parking of vehicles on any snow covered road. He advised unfortunately, many drivers do not seem to be aware despite of awareness efforts or chose not to comply with the ordinance and their parked or abandoned vehicles adversely affect the snow plowing operation by slowing it down, adding extra hours to the process and result in the need of keep returning after the vehicle has been removed.

Director Simerson stated Egg Harbor Township is fortunately in a location where blizzard and snow events in excess of 10" inches are the exception and not the norm. He advised from 2011-2013 Egg Harbor Township received very little snow. During the 6" inch to 8" inch snow fall, which is the most common to our area, we are equipped to have all the streets plowed in a high traffic area treated within 24 to 36 hours at the end of the precipitation. He indicated the capital cost to purchase and maintain the equipment and resources to finish in the same time during a 16" inch snow storm would be a multi-million dollar undertaking. He stated as past-president of region seven of public works association he is not aware of any municipality in our region that is prepared and equipped to handle a 16" inch plus snow event in the same time frame as a 6" to 8" inch event.

Director Simerson stated all these conditions and variables have a substantial effect on public works snow plowing operations. He stated it is his hope to partner together with the public to exercise prudence and patience during occasional major events.

Special Board Planner Wiser asked Mr. Simerson for clarification. He stated he has heard different numbers concerning municipal roadways. Special Board Planner Wiser stated Mr. Simerson advised 200 miles. He asked in terms of other public works people talking about how they plow, when you go up and down a street does it translate to 400 miles of roadway. He asked how this works. Director Simerson stated in our situation it would. He indicated there is no streets that can be plowed in just one

pass. So that 200 miles effectively turns into 400 miles. Board Member Aponte asked if any of the R-O-W's discussed County or are they just Egg Harbor Township. Director Simerson stated just the municipal responsibility of Egg Harbor Township is about 200 miles.

Director Simerson stated he has a spread sheet he would like to present to the Board. Special Board Solicitor Marcolongo marked as exhibit B98. Board Member Aponte asked why the data presented starts in 2009. Director Simerson stated yes, he advised that is the time period that was part of resident testimony. Director Simerson stated the blizzard of December 19 – December 22, 2009 was one of the greatest blizzard in 30 years to blanket the Southern New Jersey area with snow totals as great as 25" inches in Egg Harbor Township. He advised a State of Emergency was declared by the Governor and travel ban was in effect. He indicated public works commenced snow operations at 5:30 on Saturday, December 19<sup>th</sup> and maintained 24 hour operations until 5:30 p.m., Tuesday, December 22<sup>nd</sup>. He indicated a snow plow driver reported from Seaview Harbor community at approximately 8:00 p.m., on Saturday, December 19<sup>th</sup> the driver reported two (2) passes throughout the neighborhood to enable residents to dig out to the travel lane. He stated the driver reported being in the area for one (1) hour.

Director Simerson stated due to the duration and severity of the storm and to provide access to the road network for residents and emergency vehicles in other areas he moved on. He indicated a second truck reported from Seaview Harbor approximately at 11:00 a.m. on Sunday and after an additional hour and half of plowing was able to create a wider opening throughout the neighborhood with the exception of the west end of Sunset Boulevard due to abandoned vehicles in the street. He indicated a third truck was in the area during daylight hours on Monday, December 21<sup>st</sup>, to complete push back and clean-up in the area. He stated it is common for public works to receive phone calls of where we are in the operation and when do we think we will get to a certain area. He indicated those calls are not logged. Director Simerson further noted the office will receive calls from physicians and people in need of getting to a medical facility to assist them with opening a path to travel. Public works has no record of emergency request for service during the event from residents or businesses in Seaview Harbor.

Director Simerson stated the snow event on January 30<sup>th</sup> 2010, dropped between 5" to 8" inches in the Township and snow operations began at 1:00 p.m. on Saturday and continued through 3:30 p.m., on Monday, February 1<sup>st</sup>. He advised Seaview Harbor snow plowing was completed at 10:00 p.m., Saturday night. Director Simerson stated the blizzard of February 5<sup>th</sup> - February 11<sup>th</sup>, 2010, was another substantial storm, the third within six (6) weeks with totals ranging between 16" inches to 25" inches within Egg Harbor Township. Again, a State of Emergency was declared by the Governor throughout the State and a travel ban was in effect. He advised snow operations commenced at approximately 1:00 p.m. on Friday, February 5<sup>th</sup> and maintained 24-hour operation until mid-night Tuesday, February 9<sup>th</sup>.

Director Simerson stated snow operations pushed back drain clearing continued until work hours on Wednesday and were terminated on Thursday, February 11<sup>th</sup>. He indicated Seaview Harbor was serviced three (3) times during the event. He stated at 5:00 p.m. on Friday the 5<sup>th</sup>, 3:30 a.m., on Saturday, February 6<sup>th</sup>, and 4:00 p.m. on Monday, February 8<sup>th</sup>. Director Simerson stated this event took longer than the blizzard of December 19 2009 since a substantial portion of the snow from that event and the 5" to 8" inches fell on January 30<sup>th</sup> was still piled on the sides of the street made it very difficult to open the travel lane. He indicated trucks and heavy equipment had to be fitted with traction chains to be able to effectively push snow.

Director Simerson advised the majority of the streets were opened up by the use of heavy equipment equipped with snow plows there by extended the time to make the roads passable. He indicated public

works has no record of emergency request for service from any resident or business during the even from Seaview Harbor. He indicated between 2009 and 2015 Seaview Harbor received snow plowing service on 25 occasions over the course of 19 events. He indicated public works response to Seaview Harbor during every snow event. He indicated he has worked for the Township since 1992 and have served as the director since 1994. He advised there has been no snow event exceeding two (2) inches where Seaview Harbor has not been serviced. Director Simerson stated as everyone is aware the mayor lives in Seaview Harbor. He advised if Seaview Harbor was not serviced properly the mayor would have seen it and heard about it and then Director Simerson stated he would have heard about it. He advised the mayor signs his paychecks and if the neighborhood were neglected someone else in a different job would be signing them. He indicated this is pretty much his presentation.

Special Board Solicitor Marcolongo asked if there is any questions from the board. Board Member Aponte asked Director Simerson if public works gives adequate time to every neighborhood in our Township. Director Simerson stated yes he does. Board Member Aponte asked if this is based upon the facts, quantifiable data, stating when trucks were in and out. Under his professional opinion as Director of Public Works he does feel every part of our Township both contiguous and non-contiguous is treated the same. Director Simerson stated absolutely. He stated we do our best to service everybody as equally and as good as they can.

Board Member Rosenberg asked Director Simerson if he has ever received written or verbal or digital complaint from any resident of Seaview Harbor. Director Simerson asked for anything. Board Member Rosenberg stated for anything. Director Simerson stated yes. Board Member Rosenberg asked if it is a large number. Director Simerson stated no. Board Member Rosenberg asked if has responded to them personally. Director Simerson stated usually not, but he has. Board Member Rosenberg asked if Director Simerson could describe the nature of the majority of the complaints. Director Simerson stated over the years there have been concerns the mowing of the r-o-w, erosion issues, pothole issues, and drainage issues. He advised the normal day to day stuff.

Board Member Rosenberg asked Director Simerson if he ever recalls any of these conversations with the residents resulting in a situation where he could not resolve the concern. Director Simerson stated yes and he will quantify this. He advised it concerned drains at the end of the streets. He indicated while they were able to identify those and attempt to repair them they did have the means to do pipe replacement. He indicated this was referred to the Township Engineer and then subsequently to contractors. So there have been things he has not been able to resolve.

Board Member Rosenberg asked in Director Simerson opinion were there ever situations where you received the complaint or concern and went to see it and disagreed it was a problem. Director Simerson stated for the most part no. He stated the only thing would be pavement defects. The request would be to have the street repaved and in his opinion it was not ready for that. Board Member Rosenberg asked if Director Simerson could adequately communicate with the person making the complaint to their satisfaction. Director Simerson stated yes.

Board Member Eykyn asked Director Simerson if he said we contract out grass cutting. Director Simerson stated yes. Board Member Eykyn advised one of the complaints was grass cutting. How does Director Simerson track that the contractor is doing what they are supposed to in that area. Director Simerson stated that was a work in progress for a while. He stated it is now refined down. He stated they provide him a daily report. He stated they have a schedule and we quantify our priorities as to what we want done first and what we want done the most and the contractor now is required to give us

a daily report of where they've been and they have to provide a daily report of where they are going. So when a resident calls in and wants to know when it is going to be done he can provide a reasonable answer because there are times when the weather can really hold them up. He stated there were times last spring when two (2) or three (3) weeks they didn't mow anything because of the rain. He stated this year has not been so bad.

Special Board Planner Wisner stated there have been complaints, as mentioned, from the residents of Seaview Harbor concern streets to be repaved and you did not believe it was time. He did communicate this back to the resident. Director Simerson stated they do the best they can to call everyone back. He stated when it comes to making decisions as to when a street needs to be repaved we refer that to the Township Engineer and he shares this with the residents. He indicated the Engineer makes the decision on that. He indicated if it is a hazardous situation we will get on to it right away. He stated if it is something that can wait until we have a crew out we will wait.

Board Member Aponte asked if Director Simerson speaks to his counterparts in other towns. Director Simerson stated yes. Board Member Aponte asked if there are any standards or time frames, each individual snow event is different, but is there any standards that they try to uphold. Director Simerson stated everyone is different. He stated our goal is to be sufficiently prepared and equipped to have the roads cleaned and treated within 24 to 36 hours after the end of the precipitation. He indicated this however, depends upon the weather. He indicated many times when we receive storms that come up from the gulf and the cold air comes in from the west as soon as the snow stops it is replaced by a cold high pressure and whatever has not gotten done turns to concrete. He indicated this does not mean we do not go back and do it, it slows us down. He stated while our goal is 24 – 36 hours sometimes it is less. He indicated we have had storms this year that took us 20 hours and there were others that took longer. He indicated for the standards no two (2) towns are the same and no two (2) storms are the same.

Board Member Aponte asked if the new trash cans have helped. Director Simerson stated absolutely. The infiltration, which he means others not from our town bringing trash in, has been pretty much eliminated. He indicated the efficiency of the operator's picking up the trash has been amazing. He stated it use to take three (3) good guys, a driver and two (2) on the back to get between 500 to 700 stops a day. He stated now it is one person, in the automated truck, who is averaging 700 to 900, and they have done as many as, 1,100 in one day. The efficiency and the standardization throughout the Township has been a benefit. Board Member Aponte asked how about specifically to Seaview Harbor. He asked how it has helped them. Director Simerson stated it has helped mitigate the problem with the scavengers from getting into the trash and it got better when we switch over to Monday's. He stated having the cans with the lids is a big help preventing the seagulls to get into the trash. He also noted we are not paying to dump water anymore. He stated many people did not have lids on their cans and when it rained water got into the can and with it being 8 lbs. to the gallon we were spending thousands of dollars a month dumping water and this has now really slowed down.

Board Member Rosenberg stated he cannot ask Director Simerson that with the services provided to Seaview Harbor would it now be cheaper if they were now part of Longport. So in the beginning of his presentation Director Simerson provided the Board his background boiling down to a heavy reliance of customer service. He stated Director Simerson's job would not exist if people did not need the services he provides and the mayor was a good example. So from the other side of the coin and Director Simerson were a resident of Seaview Harbor and using your knowledge since 1994, as an expert in your field and as president of your association, would services be improved, to a resident of Seaview Harbor, if deannexation were granted.

Director Simerson stated he does not see how. He stated he does not see where there would be a difference. He stated it may even go the other way. Director Simerson stated the residents in Longport get the trash collected by A.C.U.A. He indicated the A.C.U.A. does not provide and do not have storm debris clean up. He advised when hurricane Sandy went through and devastated Longport they had to hire a private contractor, jump through the hoops for the emergency appropriation and emergency bids. He indicated our residents did not have to do any of this. He stated he remembered a conversation with former Committeeman Frank Sutton, who is our O.E.M. Coordinator and the police chief and a couple others in the car, after surveying damage they said to me you have to get busy, we have to hire contractors, we have to get trucks and heavy equipment and I was very proud to say I do not have to hire anybody and that is exactly what happen and when he was able to get in he did. He stated when another storms comes around and it will and if they were to hire a private contractor he does not believe the personal service will there.

Board Member Aponte stated Director Simerson made a comment about the mayor living here. He asked regardless of the mayor living here would he be providing the same level of services as he provides now if he lived there or did not. Director Simerson stated yes. He indicated they do their best to take care of everyone. He indicated everyone has challenges. He stated he has had some challenges with some of the folks in the youth organization. He stated there was a lack of communication. They felt they were being left out. He stated the biggest problem is usually the lack of communication. So he advised he would go to their group or board meetings to tell him what their expectations are and we will do our best to meet those expectations. He stated things have been running much smother since. We take everything seriously and our goal is try to keep people happy the best we can.

Special Board Planner Wisner stated the Board has a two (2) part test that the Board will have to evaluate. He stated the first is should deannexation occur and Seaview Harbor be part of Longport will Seaview Harbor be better off or will Seaview Harbor be injured if they stay. He indicated the other test is what will be the impact on the Township. He asked will the Township be injured or better off if Seaview Harbor were permitted to leave. He asked Director Simerson from his perspective how would his world change if deannexation were to occur.

Director Simerson stated it would have an effect on our operations financially. He state the revenue they contribute to the Township is important and he would probably end up losing people out of it. Board Member Aponte asked Director Simerson if he would not have to go down the non-contiguous road to Anchorage Poynte. Director Simerson stated the travel time to public works is really not that big of a deal. He stated the guys like going over, especially in the summer time because it is cooler. He stated there are other parts of the Township that are just as far away and harder to get to because he has to cross more county and state roads. He stated the travel time they are used to and it is no big deal.

Attorney Doyle stated Director Simerson made a reference just now to a finance matter, but you are not an expert in municipal finance. Director Simerson stated no sir he is not. Attorney Doyle stated however, Director Simerson has a role to play in the budget as referenced in Chapter 6-11, which requires the Director to make their annual request. Director Simerson stated this is correct and he does. Attorney Doyle asked Director Simerson if he remembers how much he asked for in the budget this year. Director Simerson stated no, he does not. He stated he recalls the capital was around \$550,000.00 and the O/E budget does not change too much from year to year, but he cannot remember the number. Attorney Doyle asked if it was cut by the Administrator. Director Simerson stated the Administrator did ask if there were some areas that we thought we could economize.

Attorney Doyle asked if the number of \$550,000.00 cut to something less. Director Simerson stated there was some things that were re-arranged a little bit and open space is paying for some things that he did not realize Open Space could pay for, such as the maintenance of recreation fields, but for the most part our capital budget has remained. Director Simerson stated the operating budget was the part he had asked for us to find some areas where we could trim a little bit. He advised his clerk shared with him where she believed he could economize and it was worked out.

Attorney Doyle stated Director Simerson has been the director for 20 years and the Administrator has been longer than that. He asked on an annual basis does Director Simerson submit a number. Director Simerson stated some years he does, some he has not because of the downturn of the economy and the effects of the non-funding of the State. He stated Mr. Miller has worked the numbers to provide for us what we need and has economized where he can. Attorney Doyle asked in the different years has Director Simerson's numbers been cut by either the Administrator or thereafter by Township Committee. Director Simerson stated no, he advised in those years where he did not submit a number Mr. Miller obviously looked at what we used in previous years and determined with what he thought we could do with in the upcoming year.

Attorney Doyle stated the code previously referenced states the Administrator shall obtain a number from each of the department heads. So this was not always followed. Director Simerson stated he would send and talk about what we felt what we could get through with. He indicated there were different variables and Mr. Miller did ask for his input. He advised fuel was a big deal, at one point every time you turned around it was going up and then it started going down. Director Simerson stated there were divisional budgets that needed additional funding and they talked about it. He indicated it is difficult for him to sit down and provide a hard and fast number because of the variables.

Attorney Doyle stated when you just said fuel was a problem just a few moments ago you indicated a few extra miles does not matter. He asked Director Simerson that those few miles eat up fuel. Director Simerson stated yes, but the extra three (3) or four (4) miles that it takes for us to get there and back does not have a negative impact on our operations. Attorney Doyle where Director Simerson calculate the miles from. Director Simerson stated from Anchorage Poynte. Attorney Doyle stated Anchorage Poynte is right over the Somers Point/Egg Harbor Township. Director Simerson stated yes, he advised the Township does go through a portion of Somers Point in order to get to Anchorage Poynte and then Seaview Harbor.

Attorney Doyle asked Director Simerson in terms of what his department does remove snow, clean streets, and pick up garbage is there any inhabited properties between Anchorage Poynte and Seaview Harbor. Director Simerson stated none that we service, however, there is a motel complex but we do not service them. Attorney Doyle stated if you take that extra three (3) to four (4) miles and it becomes six (6) to eight (8) for a round trip. He asked how many variety of trucks spend that extra mileage in any given year to get to Seaview Harbor. Director Simerson stated he would not be able to quantify. He stated any given week a trash truck is sent, a bulk truck goes over at the beginning of the month, street sweeper goes, and there is not much brush but there is some so a truck goes over to collect whatever sticks are there. He indicated on average it would be four (4) trucks a week and during a snow, as referenced in his presentation, they have been there 25 times over 19 events in seven (7) years.

Attorney Doyle asked Director Simerson if he was asked to prepare a study of what would be the gains economically or the losses if it happen. Director Simerson stated no. Attorney Doyle stated if Seaview Harbor were not a part of Egg Harbor Township there would be some savings though they may be nominal, such as fuel savings. Director Simerson stated sure. Attorney Doyle tipping fees. Director Simerson stated that is correct. Attorney Doyle asked if there would be any other savings. Director Simerson stated incidental maintenance.

Attorney Doyle stated Director Simerson's presentation was well structured. Attorney Doyle asked if Director Simerson had prepared it and when. Director Simerson stated yes, he prepared and it was done over the last several months. Attorney Doyle asked Director Simerson if he had spoken with Special Board Solicitor Marcolongo about providing a report to him. Director Simerson stated yes, it was discussed months ago. Attorney Doyle advised he is reading from an email sent by Special Board Solicitor Marcolongo dated November 4, 2014, at 9:41 a.m.: "next up is the DPW Director and Fire Department Head no reports by any of them although they may have exhibits to present". Attorney Doyle asked if his report was done by that time. Director Simerson stated by that date he had his notes put together.

Special Board Solicitor Marcolongo stated what Director Simerson has is not a report but his notes, which have constantly changed. Attorney Doyle stated what Director Simerson has read, word for word, is a well-structured report that he prepared. He advised parts of it, the capital report, were given to him as part of an OPRA request but the balance was not. Attorney Doyle stated on April 21 he submitted an OPRA request to the Township for two (2) things. One was all capital projects undertaken by the Township in Seaview Harbor neighborhood giving date and cost of improvement, which he did receive. He indicated the second was all documents Mr. Al Simerson, Director of Public Works intends to use, rely upon concerning the testimony he was to give for this matter.

Attorney Doyle stated what Director Simerson read was a document that he intended to use and rely upon to introduced into evidence for the testimony he gave. He indicated he again goes back to the beginning of the meeting, why, if Director Simerson had it, did he not get it in response the OPRA request. He advised this is not fair, it is arbitrary and it is not right. Special Board Solicitor Marcolongo stated this is not a report akin to the reports seen by the petitioner's planner or the financial expert. He indicated they are simply his notes. Attorney Doyle he advised it is not notes it is a written report. Special Board Solicitor Marcolongo stated it is now on the record.

Attorney Doyle stated that is not the question. He stated it was a deliberate effort not to provide. Special Board Solicitor Marcolongo stated he disagrees with Attorney Doyle including that Director Simerson prepared a snow report and he made sure Attorney Doyle received this because he was going to present. Attorney Doyle stated he received two (2) pieces of paper. He asked Director Simerson how many pages was his testimony. Director Simerson stated he believes six (6) to eight (8) pages. Director Simerson continued, however, Attorney Doyle indicated he did not have a question. Chairman Garth advised Director Simerson that he could continue. Director Simerson stated they are his personal notes and there are things in there that he has written but did not say and there are things that he said that he does not have written. So it would not reflect everything that he intended to say.

Attorney Doyle stated reading along on the capital section it was word for word, which leads to the question why he did not receive it. Special Board Solicitor Marcolongo stated he would like to note for the record he did not seen the capital report attached to the OPRA request until he returned from his vacation on Monday and was the first time he saw it. Attorney Doyle stated he made his point and he

believes this will continue time after time and that it is purposeful and will unfortunately cost unnecessary time.

Attorney Doyle stated as far as Director Simerson's work history and he again compliments Director Simerson noting he is a stayer and a keeper. He asked Director Simerson if it is fair to say he is a good company man. Director Simerson stated he tries to. Attorney Doyle stated part of that team Director Simerson works with is the Mayor, Township Committee and the Administrator, which have pretty much been all in place for the past two (2) decades that he has been here. Director Simerson stated that is correct. Attorney Doyle stated Director Simerson mentioned among his goals was to work with and under the guidance of the Administrator and Township Committee and that is part of the team approach. Director Simerson stated this is correct.

Attorney Doyle stated Director Simerson mentioned along the way particularly dealing with what he deals with including weather; things that are unexpected and extraordinary, which are the conditions he has to deal with. Attorney Doyle stated along the way there are some things that Director Simerson deals with that are not expected, are there not. Director Simerson stated yes. Attorney Doyle stated such as distance and roads. Director Simerson stated yes. Attorney Doyle asked is there any separation between two (2) neighborhoods in Egg Harbor Township greater than the three (3) to four (4) miles that separate Anchorage Poynte from Seaview Harbor. Director Simerson stated he did measure it but the distance between West Atlantic City and the mainland. Attorney Doyle stated in terms of size West Atlantic City is larger than Seaview Harbor. Director Simerson stated this is correct.

Attorney Doyle asked Director Simerson who asked him to testify on this matter. Director Simerson stated the Administrator. Attorney Doyle asked what Director Simerson did to prepare for the hearing. Director Simerson stated he read through the testimony as it pertained to public works and tried to prepare it accordingly to some of the issues that were brought up. Attorney Doyle asked other than when Director Simerson thought he might testify at the last hearing, has he been present at these meetings. Director Simerson stated yes, he has been present at least four (4) times. Attorney Doyle asked if there was any specific testimony that you thought was erroneous. Director Simerson stated no.

Attorney Doyle asked Director Simerson if he was present on April 21, 2014 when Mr. McGlinchey and Mr. Stewart testified. Director Simerson stated no. Attorney Doyle asked if Director Simerson read the minutes of that meeting. Director Simerson stated he did. Attorney Doyle asked if he found anything erroneous in the minutes of what they testified to. Director Simerson stated he would not characterize as erroneous. He stated they may have had a different perspective than he did but he is confident that they are honest men. Attorney Doyle asked that there was nothing in the minutes that dissuaded him from the belief in their honesty. Director Simerson stated no.

Attorney Doyle asked who Director Simerson speak to, prior to tonight, about the testimony he was going to give. Director Simerson stated he spoke with Mr. Miller and Special Board Solicitor Marcolongo. Attorney Doyle asked Director Simerson if the two (2) exhibits were prepared by him. Director Simerson stated yes. Attorney Doyle asked with respect to the snow plowing is there such a report for the other 125 plus neighborhoods in the community. Director Simerson stated there could be but there was not. Attorney Doyle asked that it was purposely done for this meeting and testimony. Director Simerson stated yes. Attorney Doyle asked if anyone assisted him in preparing that report and has been marked as B98. Director Simerson stated his clerk and his road supervisor.



Attorney Doyle stated he had the same question as a Board Member had asked. He indicated while some people say there is 400 miles. There is actually 200 miles. He stated he missed how this number was cut in half. He asked Director Simerson could explain. He asked how many miles of road that snow is shoveled from in Egg Harbor Township. Director Simerson stated approximately 200 miles. Board Member Rosenberg stated he believes this was backwards. He indicated it is 200 miles but you cannot do it in one (1) trip. He indicated you have to go down the same road twice and it is 400 miles. He stated it took him a while to figure it out. He stated 200 miles of linear roadway have to be passed through twice so it is 400. Attorney Doyle does this mean when they come back to home base. Director Simerson stated no. He indicated any street cannot be plowed in one pass. He indicated you pass up, turn around, and pass back. So if you are doing 200 miles of road it is actually 400 miles of travel by the time you cover each street in at least two (2) passes.

Attorney Doyle then read a section of the minutes, which he believes have been placed into evidence, of the December 22, 2009 Township Committee Meeting "he explained that there are over 400 miles of roadway in Egg Harbor Township". He asked Director Simerson if this is an inaccurate comment. Director Simerson stated there are 200 miles of Township roads in Egg Harbor Township. Attorney Doyle states so the quote he mentioned is inaccurate. There is not 400 miles of roadway in Egg Harbor Township. Director Simerson stated that is correct. Chairman Garth stated that are Township owned, is that correct. Director Simerson that the Township is responsible for. Attorney Doyle stated that quote comes from the Mayor in response to complaints given by, at that meeting, by a Mr. McGinnis.

Attorney Doyle asked Director Simerson if he is familiar with the term Lane Miles. Director Simerson advised he guesses, based upon the context. Attorney Doyle stated in terms of snow removal on public streets. He asked what Lane Miles mean in that context. Director Simerson stated he does not believe he has used that term when he is talking about plowing snow. Attorney Doyle asked if Director Simerson could identify who Dale Goodreau is. Director Simerson stated he is the former Deputy Township Administrator. Attorney Doyle asked if not after significant snow storms municipalities apply for municipal aid under the "Stafford Act". Director Simerson stated not after everyone. He indicated after ones were declarations have been issued by the Governor in a major snow event. Attorney Doyle stated the 2009 snow storm was such a circumstance. Director Simerson stated yes.

Attorney Doyle asked if Director Simerson participated in the filing of the application to get the 75% reimbursement that is allowed. Director Simerson stated he did not fill out any of the forms. Attorney Doyle directed the Director Simerson to a project worksheet by which Egg Harbor Township was the applicant and signed showing Dale Goodreau. Attorney Doyle then read into the record parts of this worksheet concerning work completed as of December 22, 2009. Attorney Doyle asked Mr. Simerson if not only Mayor McCullough wrong but former Deputy Administrator Goodreau misstated. Director Simerson stated he has not seen the document. He stated he can tell him again there are 200 miles of municipal streets in Egg Harbor Township.

Attorney Doyle asked Director Simerson if he measured them. Director Simerson stated no. He indicated the Township Engineer does measure and we have bantered about the 200. He indicated it is probably a little bit more eight (8) or ten (10). He indicated it is not 180 or 230 it is about 200 miles. He advised up-to a few years ago we were adding ten (10) houses a week along with a lot of streets to support those houses. Attorney Doyle stated he looks at the application again that includes the State of New Jersey that said the Township was going to get \$61,000.00 and he sees the amount of salt that had to be used over the 800 Lane Miles in Egg Harbor Township. He asked than that all this documentation

is wrong. Special Board Solicitor Marcolongo asked Director Simerson that he has not seen this documentation. Director Simerson stated he did not prepare it and he has not seen it. Attorney Doyle stated for the record he is reading from the project worksheet, damage description, and dimensions. He stated these are the three (3) paragraphs. Special Board Solicitor Marcolongo asked Director Simerson to take a moment to review the document before answering any questions. Township Committee Pfrommer asked what a Lane Mile is. Attorney Doyle stated he is not the expert Director Simerson is. Township Committee Pfrommer stated he must have an idea. Attorney Doyle stated he has a very good assumption, based upon what he has heard and seen concerning the 400 and 800, that a Lane Mile is in effect every mile of road is two (2) lane miles.

Freeholder Carman asked Attorney Doyle why he is asking Director Simerson about a document that he had not part in doing that he stated. He asked Attorney Doyle where he is leading to. Attorney Doyle stated he is leading to whether we know what the facts are. Director Simerson presented a well-structured report and gave a lot of facts, but when he says there are 200 miles it plays into the difficulty, the comparison, the size, and a lot of other things. Freeholder Carman stated with Director Simerson reading someone's report and testifying to it. Attorney Doyle stated he is not asking him to testify to it. He stated he is asking Director Simerson if the Mayor is wrong, is the Deputy Administrator wrong is the document the Township relied upon wrong and is he right or is he wrong and everyone else is right. He indicated it is a matter of accuracy not creditability.

Attorney Doyle indicated all he asked was that Director Simerson read the three (3) paragraph's in the document. He indicated Special Board Solicitor Marcolongo asked a question. Director Simerson stated the 800 Lane Miles, which he does not clearly know what that means, he advised he thinks roads are roads and we have 200 miles of road by the time we plow up and down we have 400 miles of roads. He indicated he is not sure where this number came from. He stated it did not come from him. Is it erroneous, it is, but he will leave at that. Special Board Solicitor Marcolongo marked this as Exhibit S117 (Application for reimbursement made by Deputy Administrator, Dale Goodreau).

Attorney Doyle asked if Director Simerson knows the tons of salt that is used per mile after a snow storm, such as the one being discussed (2009). Director Simerson stated he does not. Attorney Doyle stated then read for the record from another document concerning the 2009 storm concerning the amount of salt used. Attorney Doyle stated 400.37 tons of salt was used during a 48 hour period of December 19 and December 20, 2009 for use on the 800 Lane Miles they are responsible for at the cost of \$26,718.02, is this number wrong also. Director Simerson stated he doubts the number was the basis of the award. He indicated if we did indeed have 800 miles, 400 tons would not even do a small fraction of it. He indicated he believes the reimbursement is based on the actual cost.

Attorney Doyle stated this is based on the invoices for salt. He stated he asked originally if Director Simerson could advise how much salt is used per mile and was told no, but later advised the numbers do not jive. Director Simerson stated he does not know because there are very few roads that we salt the entire length of. He indicated most of what we do are the intersections and approaches to them and it is difficult to quantify how many miles you get when you are doing a 100' ft. at a time. So how many miles we actually salt, he does not know.

Attorney Doyle asked how many trucks were out plowing in 2009. Director Simerson stated all of them. He indicated ten (10) are heavy equipment and can be used for snow plowing and the other 17 are the larger trucks F450's and above. He indicated it is a ton and half two (2) ton truck and they are up to a Class VIII. Attorney Dolye asked if they are capable to be used in a pinch for snow plowing. Director

Simerston stated all 17 referenced are fitted with snow plows. Attorney Doyle asked if they were all used during the (2009) snow storm. Director Simerson stated at one time or another they were used. Attorney Doyle asked when the Mayor stated our public works personnel operated 10 plow trucks operating 12 hour shifts 24/7 is erroneous and it should have been 27 trucks or was he right and omitted the 17. Director Simerson stated there was no time when all 27 pieces of equipment were on the road at the same time. He indicated trucks break down, have flat tires and with the manpower makeup that he has the average, during the meat of storm such as that, keep 15 trucks out. Director Simerson stated we got into the 2010 storm it was at the point where he had very few trucks out. He advised he did have some of the larger trucks out and placed chains on them but much that was out was the heavy equipment. He stated it was just so heavy and so deep that the trucks were having a problem getting going so what they did was sent the heavy equipment out and blast through it to give room for the smaller trucks to work and then came back out with the smaller trucks.

Attorney Doyle asked if Director Simerson used the heavier trucks as the first big boom on all of the, however, miles in town or just the primary. Director Simerson stated it was a mix. He indicated if some of the neighborhoods have a large entry way we will come in and blast out with a big truck and then let the smaller trucks come in and mop it up. Try to do in teams and send out large trucks and then smaller truck at same time. He stated the larger truck will blast out the long runs and the smaller trucks take mop up the corners and clean up.

Attorney Doyle asked if each truck has a designated route. Director Simerson stated it tends to but it is not a hard and fixed route. It is something that we are working on and have planned. Attorney Doyle asked if there is any type of map for the Township showing where each truck will go. Director Simerson he stated we have a map, but it is not pre-made saying this truck will go here and this one will go there. He indicated the supervisors will dispatch a truck to an area and will place the truck number and drivers name on the map in the area they are in. He indicated as they complete the area they will call in and will highlight the area's that they have completed.

Attorney Doyle asked where are the trucks kept. Director Simerson stated at the public works yard on Mill Road. Attorney Doyle asked how far is it from Seaview Harbor. Director Simerson stated 7 or 8 miles, maybe a little more. Attorney Doyle stated he believes the evidence submitted references it is 11 to 13 miles. Attorney Doyle asked all the trucks come out of this central facility. Director Simerson stated yes. Attorney Doyle stated when they leave they must know where they are going. He asked if this is written down. Director Simerson stated no they are not. He advised it is a judgement call the supervisor makes depending upon time of day, day of week, forecast, and the severity of the storm. He advised there are places we often start with the long roads, high traffic areas they are where we start first. He indicated some of the drivers over the years refer to it as Steve's route or Bill's route and they know where they are going.

Attorney Doyle asked where else would the truck going to Seaview Harbor and Anchorage Poynte go. Director Simerson stated that one often starts on the outer perimeter and works its way around. He indicated he knows this because he often drives it. He indicated we will go to West Atlantic City, finish there, they will run up Shore Road and hit Anchorage Poynte and Seaview Harbor. Attorney Doyle asked any other way, he then asked when public works goes down shore Road they are going through Linwood, Somers Point, and Northfield and there is no Egg Harbor Township subdivisions there. Director Simerson stated no. Attorney Doyle stated then you go down 152 to Anchorage Poynte and then Seaview Harbor. Director Simerson stated sometimes we will do this the other way around and we will go to Seaview Harbor first and then go to West Atlantic City.

Attorney Doyle asked if there are any qualified communities in Egg Harbor Township that do their own snow plowing such as apartment complexes, age restricted, and gated communities. Director Simerson stated yes. Attorney Doyle stated by being qualified communities they receive a compensation from the municipality. Director Simerson stated he cannot answer this question. He does not know. Attorney Doyle stated statutorily this happens. He asked if he has ever been asked by the administrator or anyone else as to what that community should get. Director Simerson stated no. Attorney Doyle asked if Director Simerson could identify these communities that do not receive snow removal by name or location. Director Simerson stated some communities do this voluntarily because they want them done faster than we are able to provide. He indicated we have the responsibility to do most all of those neighborhoods with the exception of the apartment complexes, but the over 55 communities they hire a contractor, but if the contractor does not get into the development the Township will go in and do it. He indicated he knows this is not a clear answer, but as far as he knows there is no one that has exempted themselves from the process.

Attorney Doyle stated with the general subject of snow removal he has found on the Township Web Site "snow storm questions and answers". He asked if Mr. Simerson is familiar with this. Director Simerson stated yes, he indicated he has not seen it in a while. Attorney Doyle had marked into evidence Exhibit S118 two (sided) "snow removal and questions and answers from Township Web Site" and chart entitled "Egg Harbor Township Snow Plowing – Seaview Harbor".

Special Board Solicitor Marcolongo stated he will be marking the capital improvement report, which was discussed, and presented to Attorney Doyle in an OPRA request as Exhibit B99.

Attorney Doyle thanked Director Simerson for reading Exhibit S118. He indicated the primary high traffic areas are done first and this exhibit identifies seven (7) roads that are priority areas. He asked if these are the roads spoke of as being high priority. Director Simerson stated they are an example of high traffic roads. He indicated it is not all of them. He indicated yes they are some that we do. Attorney Doyle asked if he were to identify these roads on the map are any near Seaview Harbor. Director Simerson stated Blackman Road is on that side of town. Attorney Doyle asked if he could estimate in miles how far from Seaview Harbor. Director Simerson stated it is about half way there. He does not know how many miles, but it is on the eastern edge and would be a couple of miles.

Attorney Doyle stated the next is main streets going into a development. He asked if Hospitality Drive a main street. Director Simerson stated yes it would be. Attorney Doyle asked that Seaview Harbor does not fall into the smaller streets and cul-de-sac area. Director Simerson stated usually no. He stated he tries to get Seaview Harbor done before they get to that point. Attorney Doyle stated while he reads these as definitive terms they are flexible. Director Simerson stated absolutely. He indicated the information taken from the web site is to give individuals a general idea. He indicated it is not the exact routes that are followed. He noted it gives people an idea of what a primary street is. Attorney Doyle asked many of 125 neighborhoods and subdivision are attached or have a through street pattern with other subdivisions. Director Simerson stated a lot of them. Attorney Doyle stated Seaview Harbor does not. Director Simerson stated this is correct.

Attorney Doyle asked Director Simerson with respect to the chart within exhibit S118, how had he determine the amounts of snow. Director Simerson stated to the Rutgers web site. Attorney Doyle stated when he looks at the first event and Director Simerson has 25", but he put into evidence the document that said 400 miles it said 18" to 20" of snow. He asked Director Simerson if he knows why

the variation. Director Simerson stated while looking at the maps that was the average that he remembers seeing. Attorney Doyle asked what commence operations means. Director Simerson stated when we turn lights, get things going and call the guys in unless we pre-determine they need to be in at a certain time. Attorney Doyle asked what completed operations mean. Director Simerson stated in major snow storms curb to curb clearing is hard to come by, but it is sufficiently clear that school can open when it wants to. Attorney Doyle asked what records he reviewed to determine Seaview Harbor was plowed. Director Simerson stated he looked at the drivers reports. He indicated each driver has a sheet when they go out and they write down what he did and when, which is backed up with a log that his clerks keep advising when the truck called in, reporting what streets they did and we have a large map and we color in with the truck that did it to give a visual of what is done.

Attorney Doyle asked Director Simerson when he reviewed the driver's notes, log and map to prepare the report for his testimony. Director Simerson stated several times over the last several months. Attorney Doyle asked if these records still exist, if he prepared an OPRA request, they would be available. Director Simerson stated yes. Attorney Doyle stated when he looks at the times in order for Seaview Harbor to first get any clearing he subtracts the 5:30 hours from 20:00 hours, which is military time, and they did not get there for 14 ½ hours. Director Simerson stated this is correct. Attorney Doyle stated the second pass didn't happen for some 30 hours later.

Director Simerson stated on December 19<sup>th</sup> it was 10:00 p.m. and on December 20<sup>th</sup> it was 11:00 a.m. Attorney Doyle stated operations were not completed until some four (4) days later. Director Simerson stated yes, sir. Attorney Doyle stated on event two (2) if he subtracts the commencement time of 13:00 hours from 22:00 hours and they were in Seaview Harbor in nine (9) hours. Attorney Doyle stated in the lesser snow storms there are only one (1) or two (2) times. He asked if this is because they do not need three (3) passes. Director Simerson stated no. He advised it means they are completely done before they leave. Director Simerson advised it was called in at 22:04 hours on January 30<sup>th</sup>, 2010 and Seaview Harbor was completed. He indicated this means curb to curb and corners pushed up. Attorney Doyle asked how long would this take. Director Simerson stated with 5" to 8" inches it would be two (2) hours on the outside and it would depend upon the guy. . e Al: no they have it completed done in one event. He stated at 1/30 Seaview harbor was complete curb to curb. 5 to 8 " inches would be 2 hours and depends upon the guy, but Director Simerson stated he can do it in 2 hours.

Attorney Doyle referred Director Simerson to event three (III) where the third pass was not done until three (3) days later. Director Simerson stated this is correct. Attorney Doyle than referred to event four (IV) noting 16" to 20" inches only received one (1) pass and from what Director Simerson had indicated it was done curb to curb in one shot. Director Simerson stated yes. Attorney Doyle stated the smaller snow storms in events VI, VII and VIII were also done in one (1) shot. Director Simerson stated yes. He indicated his preference is to go over, knock it out, and be done. Attorney Doyle stated event six (VI) happened at 1:30 hours and you were in Seaview Harbor at 5:00 p.m., in the afternoon and the Township was finished two (2) hours later so they were among the last. Director Simerson stated yes. Attorney Doyle stated event VII was the same thing. He advised Director Simerson got to them six (6) hours after it started and the whole Township was done 27 minutes later so they were among the last to get done. Director Simerson stated yes. Attorney Doyle stated event VIII, if he reads the same way it started at 2:00 a.m. and you got to them 10:00 a.m. the next morning and they were among the last to be served. Director Simerson stated yes.

Special Board Planner Wisner asked Director Simerson that the source of the snow amounts was from a Rutger's Web Site. He asked if Director Simerson knows where these measurements are taken. Director

Simerson stated there is a map that shows different recording stations throughout the County and State and there is an average they put down. Special Board Planner Wisner stated so the actual numbers on the ground could be more or less numbers than what is shown.

Attorney Doyle stated back to the economies of deannexation when you say that it took a few more miles, it also takes the time of the driver on the truck, which is one person. Director Simerson stated correct. Attorney Doyle stated that time is money and FEMA compensates the Township on the big storms. He stated three quarters of the allowable expenditures. Director Simerson stated he does not know but he would say this sounds correct. Attorney Doyle stated as shown in one of the documents he presented to Director Simerson showed the Township received \$61,000.00 out of \$82,000.00, which includes a letter from Mr. Goodreau, that he may place in evidence as to why the amounts should be reimbursement because it was at the overtime rate during the holiday season. Attorney Doyle asked in order to get the reimbursement the workers had to be paid and there are charts that show the hours that each put in. Director Simerson stated yes. Attorney Doyle asked so the workers were paid the overtime. Director Simerson stated yes. He indicated some receive compensatory time, but they were compensated for their work.

Attorney Doyle he asked if compensatory time the same as getting paid money. Director Simerson stated it is but it is deferred. He indicated later in the year they may take the compensatory time they earned off as they schedule it. Attorney Doyle stated he read that the public works personnel agreed to earn comp time in lieu of the overtime payment, which is a substantial savings to the tax payer. Director Simerson stated correct. Attorney Doyle asked that the savings is that comp time dollars is less than overtime dollars. Director Simerson stated the comp time is an incentive for them to take time off. He indicated they are paid their weekly salary and the comp time allows them to take time off. He indicated comp time is not paid to them as traditional overtime would be. He indicated it does save the Township money.

Attorney Doyle presented Exhibit S119 letter from Dale Goodreau dated April 10, 2010. Attorney Doyle than proceeded to read the last paragraph of this letter onto the record. He indicated based upon this and what the Mayor said and what Director Simerson just confirmed concerning the comp time in lieu of overtime. He asked which was correct. Special Board Solicitor Marcolongo asked Director Simerson if he has the ability to answer the question. Director Simerson stated not everyone took comp time. He indicated to what degree he cannot advise. Attorney Doyle asked who could answer the question. Director Simerson stated the CFO could answer the question, as to who was paid what during that time period. Freeholder Carman stated he may be able to clear this question up. He asked Director Simerson if comp time is paid at the time and half rate. Director Simerson stated yes. Freeholder Carman stated it would be equivalent to over time. Attorney Doyle asked than what are the savings. Freeholder Carman stated it is not paid on top of their salary for the year.

Board Member Aponte going back, he stated if you have a snow event in West Atlantic City, or trash pick-up or anything else. Would the cost structure still be same driving across Shore Road to get to Anchorage Poynte less than the couple miles. Director Simerson stated this is correct. Board Member Aponte asked that there is no way to quantify the savings. He indicated he is trying to settle in his mind if you have to do it anyway and you have to go from one place to another and going another three (3) miles using the same people it may just be a mile per gallon savings. Director Simerson stated this is correct. Attorney Doyle added you may get back to the shop earlier and get less overtime and you do save wages.

Board Member Aponte stated during the break he had the opportunity to review center lane miles versus lane miles. He indicated center miles is multiplied by two (2) to get a lane mile, but this is used by officials as an administrative term to get reimbursed. He asked Director Simerson if this is something that he needs to know. Director Simerson stated as he explained to Attorney Doyle he cannot remember that he has ever used that term. He indicated he does not really need to know this. He indicated he knows we have 200 miles and at least two (2) passes equal 400. He indicated if this is lane miles or center lane miles he does not know.

Board Member Aponte asked how this would be relevant to the deannexation. Director Simerson stated he does not know. Attorney Doyle stated it goes to the cost and to the accuracy of the facts presented and having found out during the break that lane miles is a term in common usage. He stated it is difficult to understand a person who deals with the questions that are dealt with by the Department of Public Works Director's in general would not be familiar with that term. Attorney Doyle stated it is also relevant in terms of the size and nature of the two (2) communities and which one (1) is Seaview Harbor more like. The difference between a five (5) to ten (10) mile town, which is Longport, versus a 200 mile or 400 mile town. He indicated it is a difference of proportion.

Board Member Rosenberg stated his understanding of the Stafford Act was for reimbursement for events that are declared an emergency. He stated if there is enough volume of snow it takes more than one (1) pass. He indicated the documents presented stated it took 14 hours to get to Seaview Harbor and the second pass was the day after so if you have 200 center lane miles it takes 400 lane miles to plow the first time and if you plow again the next day you would have 800 miles. Attorney Doyle asked Director Simerson if this is how the passes are figured out. Director Simerson stated he did not fill out the application. Attorney Doyle suggested maybe the engineer should advise the miles in Egg Harbor Township. Special Board Solicitor Marcolongo indicated it may come to this point.

Attorney Doyle stated with garbage they come once a week. He indicated it was Tuesday's and now it is Monday's. He asked if it is once a week throughout the Township. Director Simerson stated this is correct. Attorney Doyle asked if Anchorage Poynte and Seaview Harbor are done in tandem on Monday's. Director Simerson stated yes. Attorney Doyle asked if other parts of the Township are also done on Monday's. Director Simerson stated there are some condominiums where they do dumpsters with the rear loaded trash trucks. Attorney Doyle asked if there are any neighborhoods done. Director Simerson stated no. Attorney Doyle asked why are Anchorage Poynte and Seaview Harbor treated differently than the other 125 or 132 neighborhoods, if they have it removed on Monday. Director Simerson stated because they requested it. Attorney Doyle asked why he seceded to that request other than he believed they were different. Director Simerson stated it made sense. He advised they contacted him advising the seagulls are ripping their trash apart and this needs to get fixed. He indicated the Mayor advised this is a problem and we changed it. Attorney Doyle asked if mainland Egg Harbor Township does not have a problem with seagulls. Director Simerson stated no one has the problem anymore because we have the cans with lids on them and yes mainland Egg Harbor Township does have areas that have that problem but there are many people who live in Seaview Harbor that go home on Sunday night or Monday morning and the trash sits there overnight and being that close to the shore there are more seagulls than in other places. Attorney Doyle stated they are different than the community in both respects because they have and they have seasonal occupants.

Attorney Doyle asked Director Simerson if he is familiar with any beach towns that have more than one collection a week in the summer. Director Simerson stated he is not. Attorney Doyle advised Director Simerson indicated he has spoken with other Department of Public Works Directors. He asked if he has

spoken to those at Margate, Absecon, Longport. Director Simerson stated he has talked to them but not about that subject. Attorney Doyle asked how often does recycling happen. Director Simerson stated once every two (2) weeks. Attorney Dole stated this is dictated by the ACUA. Director Simerson stated yes. Attorney Doyle stated Director Simerson indicated there are places where people can dump their recyclables. Director Simerson advised not bottles or cans, but vegetative waste, wood, metal. Attorney Doyle asked if there is a limit placed on that and you have to show driver's license. Director Simerson stated yes.

Attorney Doyle asked Director Simerson if he is aware the address of the residents from Seaview Harbor have as to what town they live. Director Simerson stated yes. Attorney Doyle asked if this has caused issues. Director Simerson stated not to his knowledge. Attorney Doyle asked if they have been refused. Director Simerson stated not to his knowledge. Attorney Doyle asked where is the recycling facility. Director Simerson advised it is at the public works facility on Mill Road. Attorney Doyle asked if Director Simerson is familiar with the program through the ACUA of accepting recyclables on a more frequent basis in the Summer from shore towns. Director Simerson stated he has heard about it but is not aware of the details.

Attorney Doyle asked if there has been any consideration of Egg Harbor Township doing this to his knowledge. Director Simerson advised he has not received any request for it. Attorney Doyle asked if it would be cost adverse for the whole of Egg Harbor Township to do this. Director Simerson stated sure they will not be doing it for free. Attorney Doyle asked to the degree that Longport does it, does it represent a benefit for those people who would like to have more frequent recycling such as Summer residents in Seaview Harbor. Director Simerson stated it depends upon their level of participation.

Attorney Doyle stated on the capital list Doyle: on the capital list where any of these done proactively or after a complaint, concern or an objection was raised. He used as an example that in 2004 it says in response to a drainage issue. He asked who was being responded to. Director Simerson stated it was a response from the residents there was a problem with it not flowing correct. He stated he does not know when the response was made or how long it took to respond to. Attorney Doyle asked the drainage project mentioned in 2007 of the \$62,000.00 was funded other than tax dollars. Director Simerson stated he does not know. Attorney Doyle asked if this was part of public works and road improvement project. Director Simerson stated it is his understanding it was added to the road improvement budget.

Attorney Doyle stated while looking at the 2007 municipal budget there was mentioned made that there was to be a road improvement project as an annual appropriation. He then read from the 2007 budget the justification for the road improvement appropriation including providing information that there is approximately 360 miles of road. Attorney Doyle stated seeing this in Mr. Miller's budget report of 2007 and realizing there has been subdivision growth since then and he does not believe the Township lost 160 miles does Director Simerson want to rethink that there is only 200 miles of roads in the Township. Director Simerson stated it is his story and he is sticking to it. He advised if the Engineer wants to dispute this he will come up with a new story.

Attorney Doyle stated looking at the projections of the six (6) year capital budget submitted by Mr. Miller there is 1.5 million dollars in the road improvement program and the following six (6) years that is part of a twelve year program and if he multiplies twelve years by 1.5 million there was 18 million dollars spent and Seaview Harbor got \$62,000.0 out of 18 million. He asked Director Simerson if he is familiar besides this .002% spent on capital projects in Seaview Harbor. Director Simerson stated he does not



understand the question. Attorney Doyle stated Director Simerson has identified capital projects by what has been submitted into evidence and he sees the projects as \$10,000.00, \$16,000.00, etc... post Sandy are there any others that he knows of. Director Simerson stated no sir. Attorney Doyle stated there was a \$33,000.00 project, post Sandy, he asked if this came out of tax dollars or Federal/State Aid. Director Simerson stated he does not know.

Attorney Doyle asked if Director Simerson knows where the recycling center is within Longport. Director Simerson stated he does not. Attorney Doyle stated it is obviously closer that Egg Harbor Township's is to Seaview Harbor. Special Board Solicitor Marcolongo stated to Director Simerson if you do not know than you do not know. Attorney Doyle asked Director Simerson if there is any part of Longport that is 11 miles away from Seaview Harbor. Director Simerson stated he does not think so.

Attorney Doyle asked if he is familiar with any of the citizens within Seaview Harbor other than Mayor McCullough. Director Simerson stated not really other than talking to them on the phone. Attorney Doyle asked whom has he spoken with on the phone. Director Simerson stated Mr. McGlinchey, Mrs. Lowery, another gentleman whom we knocked down his mail box a few weeks ago. Attorney Doyle stated with respect to Sandy Director Simerson mentioned he could not get over there because access was blocked. He asked what blocked the access to Seaview Harbor from the public works department. Director Simerson advised power lines between the Dolores Cooper Bridge and Seaview harbor. Attorney Doyle asked if this allowed him to get to Anchorage Poynte but not Seaview Harbor.

Attorney Doyle stated if Seaview Harbor were in Longport, Longport could have gotten to them because the blockage was on the Egg Harbor Township side of Seaview Harbor not the Longport side. Director Simerson stated yes, they could have gotten across the bridge to get to them but the A.C.U.A does not do storm remediation. Attorney Doyle asked if Director Simerson is aware of what trucks Longport has. Director Simerson stated he does not know all of them. He does know a couple of them. He indicated he knows they hired contractors for the storm removal. Attorney Doyle stated and however they did it, it would have been done more quickly because they are a part of Longport. Director Simerson stated he doubts this and it is based on facts. He indicated Longport nor their contractors had a staging area to take their debris and the A.C.U.A was paralyzed. It took hours to get into the facility. He advised the Township's staging area was in West Atlantic City. Attorney Doyle advised Director Simerson stated there were tipping fees that had to be paid. He asked if this was \$70,000.00. Director Simerson stated to his knowledge. He indicated there was probably reimbursement but he is not sure.

Attorney Doyle stated Director Simerson testified concerning exhibits S50 – S57 and they were placed into evidence during the July 21, 2014 meeting. He asked if this was a meeting Director Simerson was at. Director Simerson stated no sir. Attorney Doyle stated the pictures were placed in by a particular witness to testify to them, Mr. Berger. Attorney Doyle stated the minutes on page 10 will reflect his testimony regarding them. He asked if Director Simerson read this testimony. Director Simerson stated he did not. Attorney Doyle stated he testified there were potholes, cracked blacktop, dips two (2") to five (5") inches in the street and presented pictures of the road conditions.

Attorney Doyle stated he knows Mr. Miller was present that night. He asked Director Simerson if Mr. Miller, as the administrator, having heard a citizen complaint in with this matter tell Director Simerson he has someone in Seaview Harbor that is not happy. Director Simerson stated he is not sure when he advised him and forwarded the pictures to him and said you need to go take a look at this. Attorney Doyle asked if he can find out when this occurred. Director Simerson stated he does not have it documented. Attorney Doyle asked if Director Simerson can document when it was repaired. Director

Simerson stated there were no repairs made to anything that was in the pictures. Attorney Doyle stated he knows Director Simerson suggested they could have been taken anywhere. He asked that Director Simerson is not suggesting that they were not in fact in Seaview Harbor. Director Simerson stated what he was trying to infer was that there are lots of towns and places that have defects like this. Attorney Doyle asked if he meant unattended or unrepaired. Director Simerson stated yes, including Longport. Attorney Doyle asked if Director Simerson has seen any. Director Simerson stated yes, he advised he had the occasion to go over there and looked around a little bit. Attorney Doyle asked if anyone suggested he do this. Director Simerson stated no, sir.

Attorney Doyle advised as far as property maintenance complaints there is a form that the Township has that allows a citizen to file. Director Simerson stated this is correct. Attorney Doyle asked if Director Simerson looked in his records to see if there were any property maintenance complaints for Seaview Harbor in preparation of this hearing. Director Simerson stated no. Attorney Doyle asked if Director Simerson recalls if there were any. Director Simerson stated usually property maintenance does not make it to his office. He indicated it goes to Inspections and unless there is a place that is not getting maintained they do not generally forward them to him. Attorney Doyle asked who would fix them before they got to him. Director Simerson stated most of the time property maintenance is someone not maintaining their property and a neighbor complains and wants them to mow the grass or whatever they want them to do.

Attorney Doyle looking back to the records of one of the June meetings Dr. Berger also testified about a storm drain with a sinkhole developing sometime in 2011. He asked if Director Simerson was made aware of this testimony. Director Simerson advised yes he was. Attorney Doyle asked who made him aware of it. Director Simerson stated there have been calls made to his office. He indicated that particular drain has been an ongoing thing. So he had knowledge of it. Attorney Doyle asked Director Simerson what he meant by ongoing thing. Director Simerson stated we made full attempts to repair it and it kept sinking around the grate and then there was some construction that was done out there and the sinking got worse and we went back and completed the repair.

Attorney Doyle asked if it has finally been satisfactorily resolved. Director Simerson he indicated it is not sinking around the grate anymore. Attorney Doyle asked how long did it take from the first complaint to that. Director Simerson stated he knows there were several attempts. He indicated he cannot provide the exact time frame. He indicated he did not research this. Attorney Doyle stated Dr. Berger testified that he advised on June 9, 2011, the Township and was told a foreman would be coming out in a couple days. Attorney Doyle indicated he also has a receipt showing a letter was sent enclosing a property maintenance complaint on October 2, 2014, more than three (3) years later. He asked if this indicates accurately what the time frame was to get this problem resolved. Director Simerson stated he could not dispute this. He indicated he is aware sometime was spent there. He advised the final resolution was to pull storm grate and rebuild a portion of the wall inside, which finally was squared away. Attorney Doyle presented Exhibit S120 copy of property maintenance complaint, letter dated October 2, 2014, and four (4) photographs concerning storm grate from Donald Berger.

Attorney Doyle advised Director Simerson indicated the first event referenced was 2009 and when asked by the Board you were told this is the earliest snow event testified to by Seaview Harbor residents. He asked who told him this. Director Simerson stated yes and that the Administrator told him. Attorney Doyle asked if the administrator had not discussed with Director Simerson that the first snow storm was discussed by Mrs. Burns in 1987 and that he produced evidence suggesting she was wrong and that he produced evidence showing that there was a front page Atlantic City headline about

a 26" inch snow storm. Director Simerson stated the Administrator did not mention this to him. He added that he did not work here in 1987. Attorney Doyle stated Director Simerson stated there is no record of emergency calls made during these snowstorms from Seaview Harbor residents. He asked if there is a written record of who complained and where they lived. Director Simerson stated not of complaints. He indicated when he says emergency request it is "I have to get to the Dr. or I have to get to the hospital" or dispatch calls advising they have an ambulance going in than he would have a record of that. Attorney Doyle asked where those records would be. Director Simerson advised the records from 2009 and 2010 would be his clerk's notes. He indicated they had a pad as to when the calls came in. Director Simerson stated at that time he did not have the computer program that they do now.

Attorney Doyle asked if these records are kept. Director Simerson stated yes. He indicated we have no record of receiving any calls but they do have the record books (phone pads). Attorney Doyle asked Director Simerson if he was at the hearing when Mr. Miller, almost word for word, the same language he just used earlier testifying that it would be his job if the Mayor's neighborhood properly taken care of equal to any other neighborhood. Director Simerson stated no, he did not hear the administrator say this, but Director Simerson advised that he himself had.

Attorney Doyle stated however the snowstorms have been handled in the past and however Seaview Harbor has been done in the past, he noticed, and as acknowledge by Director Simerson events #6, #7 and #8 were gotten to just before the completed operations times. He advised events #16-#19, which were four (4) smaller snowstorms in the past couple of months. Attorney Doyle asked if there has been any suggestion to Director Simerson to get to Seaview Harbor more quickly than in the past. Director Simerson stated sure. He indicated he did not receive a directive from his boss but he got the idea folks are not happy and he needs to get with it and get there sooner if he can. Attorney Doyle asked that he did not have the message before this hearing and petition. Director Simerson stated that is a standing message to get it done as soon as you can. Attorney Doyle stated this is true town wide. Director Simerson stated sure. He indicated if folks are not happy it is his job to try and make them.

Chairman Garth referred to exhibit S120, he asked if this is a drain culvert in front of someone's drive way, correct. Special Board Solicitor Marcolongo asked if Director Simerson knows where it is located. Director Simerson stated he believes it is the drain in front of Dr. Berger's home (may the record reflect Director Simerson did review exhibit S120). He added that this job is probably not done because the driveway apron was put in and the curb is supposed to go down 60" inches but it does not. He indicated you can see the water is running under the driveway apron, which appears to be two (2") or three (3") inches so it will crack again because widening the drain is not going to fix what is not there. Freeholder Carman asked if the Township installed the curb. Director Simerson stated no.

Attorney Doyle asked if there some type of wholesale removal of trees in the area of the water company property. Director Simerson stated yes, he advised it was brought to our attention that they were dead and Mr. DiLeo called and asked if he had permission to take them out. Director Simerson stated he went to look at the trees, which were dead. He indicated they were in the R-O-W and hanging over and he called Mr. DiLeo back advising he would get them out of there for him. He indicated Mr. DiLeo advised fine. Director Simerson stated the only thing he did ask was that Mr. DiLeo advise the Home Owner's Association that the trees were to be removed so they did not get upset with him. He indicated Mr. DiLeo assured him this would be so, therefore, they were removed.

Attorney Doyle stated the testimony previously introduced indicated the Public Works is roughly 11 miles from Seaview Harbor and that the municipal facilities in Longport is 9/10ths of a mile. Attorney

Doyle asked if there is any reason to doubt these numbers. Director Simerson stated no. Attorney Doyle stated census numbers indicated there are about 900 people in Longport and 43,000 in Egg Harbor Township. He asked if this is correct. Director Simerson stated he does not know. Attorney Doyle advised there are about 15,000 homes in Egg Harbor Township and Longport they may not break 1,000. Director Simerson stated he does not know how many homes they have in Longport.

Attorney Doyle asked if Longport clears snow on their streets. Director Simerson stated he is confident that they do. Attorney Doyle stated given the distance of less than a mile, given the size of the respected municipality, given the fact that Director Simerson has hundreds of miles of road, and you can look at a map and see they have a fraction of that and looking at Director Simerson's exhibit. When he looks at the major snow falls, which are events 1, 3, and 4 and see the size and and hundreds of miles of road and look at a map and look at the exhibit and the events 1, 3, and 4 and first pass was made 14 hours later, 9 hours later, 17 hours later and the final pass was made anywhere from two ((2) to three (3) days later. He asked if there is any question that if he were a resident of Seaview Harbor and it was part of Longport it would be likely that given those difference in size, distance, and time that my snow would have been cleared off my streets quicker by the people in Longport than in Egg Harbor Township. Director Simerson stated he would say it would be reasonable.

Attorney Doyle stated to the degree that someone called in about an emergency or not they do have the capacity to be injured socially in terms of not being able to get out of their house to go to an emergency, to go to their jobs to do whatever they would have done had the snow been cleared. He asked if this is not appropriate to say. Director Simerson noted he guesses, hypothetically, he would have to acknowledge it.

Attorney Doyle advised he has nothing further.

Special Board Planner Wisner stated Director Simerson advised snow would get removed sooner in Seaview Harbor if they were part of Longport, hypothetically. He advised Director Simerson also said previously that they do not have the same type of equipment in Longport that Egg Harbor Township has because they do not have equipment. He asked Director Simerson if there is some level of snow event that Longport is not capable of responding to because they do not have the equipment. Director Simerson advised he does not know what they have.

Board Member Aponte indicated himself personally living in the Township there are plenty of times when he left in the morning that he has had to use the S.U.V. and he returns home and it is still not plowed but sometime in the middle of the night it is plowed. He asked Director Simerson if there is any area of the Township that is easier whether that is mainland Egg Harbor Township, Seaview Harbor, Anchorage Poynte because sometimes it is 13 or 14 hours depending upon the event, is this the norm. Director Simerson stated he is not sure he understands the question is the 13 or 14 hours the norm. Board Member Aponte stated is the 13 or 14 hours before the first time that you pass there. He indicated he does not find this odd because where he lives 13 or 14 hours go by and it doesn't get plowed depending upon the size of the snow. He indicated he is not rehabilitating the witness but in his experience it has been 13 or 14 hours in these snow storms.

Attorney Doyle he indicated he does not believe the question is your neighborhood versus Seaview Harbor neighborhood rather the question is; is Seaview Harbor better served as a part of Longport than as a part of Egg Harbor Township not the inter-comparisons within Egg Harbor Township neighborhoods. He indicated it does not mean the question is not relevant because Special Board

Solicitor Marcolongo put it all on the record and we will see what sticks. Special Board Solicitor Marcolongo stated in such case could Director Simerson answer Board Member Aponte's question. Director Simerson indicated no two (2) storms are the same. He indicated there is no norm. He advised it depends upon what happens leading up to it, what happens while it is going on, and it tends to repeat itself depending upon where you are. He indicated even though he does not have a hard and fast procedure he is going to try and get there someday. He advised things tend to work out that way. Board Member Aponte stated the bigger we grow the longer it will take, the more equipment we will need in the future.

Special Board Solicitor Marcolongo advised we have not met the statutory requirements and requested an extension. Attorney Doyle advised he would certainly like to do this at a better pace than two (2) meetings a month. With respect to the 6:00 p.m., hope additional time is considered on the back end of this meeting. He indicated he will grant the extension until August 31, 2015.

**\* Motion Aponte/Kearns to set Monday, June 15, 2015, 5:00 p.m., prevailing time and Monday, June 29, 2015, 6:00 p.m., prevailing time as meeting(s) for the continuation of the Seaview Harbor Deannexation Matter. Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

**Motion Aponte/Kearns to carry public hearing to Monday, June 15, 2015, 5:00 p.m., prevailing time. Vote 7 Yes:** Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

**SUMMARY MATTER(S):**

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

**A: Discussion concerning June, 2015 Special Meeting Dates:**

**\* Please see motion above**

**B: General public discussion: Motion Aponte/Kearns to open public portion**

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

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

**Motion Aponte/Carman to adjourn at 8:35 P.M. Vote:** Aponte, Carman, Eykyn, Garth, Kearns, Pfrommer, Rosenberg

Respectfully submitted by,

Theresa Wilbert, Secretary