

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD (SPECIAL)**

July 21, 2014

Planning Board Professional(s):

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

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

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

Planning Board Deannexation Professional(s):

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

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

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

Roll Call Taken as Follow(s):

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

Robert Levy, left @ 5:10 p.m.
Mayor James J. McCullough, Jr., * See Below
Peter Miller, Township Administrator, recused
Paul Rosenberg, 2nd V-Chairperson, on vaca.
MD Shamsuddin, Alt. #II, unexcused

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

PUBLIC HEARING(S):

1. SD 01-14

Dustin Widas

Zone: RG-1, sewer/water,

Applicant is proposing to subdivide

lot 6 block 5953 along With lots 16-20. The five (5) lot subdivision will have frontage on Cottage Road and Wilson and the applicant is requesting Wilson Avenue to be vacated. The proposed is an expansion to existing of lots and will add additional area to Lot(s) 16, 17, 18, 19 and 20, which all contain an existing single-family detached dwelling. No further develop at this time is proposed. Pinelands c/f #: 2001-0297.004 dated: 04/14/14

Preliminary/Final Major Subdivision

5953/6, 16-20

Cottage Road & Wilson Avenue

Waiver of Time – Granted

Chairman Garth advised this application will not be going forward this evening due to deficiencies within the required noticing. He advised applicant must re-notice for new hearing date.

2. SPPF 18-13

Primax Properties – “Advance Auto”

Zone: HB, 4.92 acres, sewer/water, applicant proposing to construct a 9,909 sq. ft.

Preliminary/Final Major Site Plan

1611/16

6011 Black Horse Pike

Waiver of Time – Not Granted

auto supply facility Other improvements will include 34 parking spaces, storm water management and landscaping. Pinelands c/f (Inconsistent): #1983-6261.003, dated 06-03-2014.

Chairman Garth advised applicant has requested this matter not go forward this evening and to be rescheduled for the August 18, 2014 Planning Board Meeting. Chairman Garth announced this rescheduling to the public and advised no new noticing will be required.

Motion Kearns/Eykyn to table application until Monday, August 18, 2014, 5:00 p.m. prevailing time.

Vote 7 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Pfrommer, Garth

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| 3. <u>SPPF 11-13</u>
 S & S Gasoline
 Zone: RCD, 0.882 acre site, sewer/water,
 site is the location of an existing Sunoco | Preliminary/Final Major Site Plan
2202/5
6801 Tilton Road
Waiver of Time – Not Granted |
|--|---|
- gasoline station. The site contains an existing one story building, asphalt paving and gasoline pumps. Applicant proposes to demolish the existing building and construct a new 3,184 sq. ft. building on site, the existing asphalt will be repaved with 19 new parking spaces. Applicant proposes to add additional fuel pumps and a canopy expansion with new stormwater management basin. CAFRA

Applicant asked application be tabled during the regular Planning Board meeting of Monday, May 19, 2014 until Monday, July 21, 2014 meeting in order to revise plans. Applicant has not submitted revised plans, therefore, application needs to be continued until unspecified date requiring new noticing to be provided.

Motion Carman/Eykyn to continue application to non-specific date: Vote 7 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Pfrommer, Garth

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

Attorney Doyle advised he knew earlier in the day that this matter may begin around 5:10 p.m., however, he was unable to pass the word along to some of the witnesses he anticipates. Attorney Doyle advised many will be arriving momentarily.

Attorney Doyle advised he has spoken with the Board Secretary who advised between the Board, the Board Professional's, the meeting room, himself, their professional's that there were –O- nights in August available. He indicated it is summer time and people vacation. He indicated it appears the first date available that made the test was September 15th, 2014 the regular Planning Board Meeting night then September 22nd and September 29th.

Board Secretary Wilbert advised there are other dates available in September, however, she has not addressed these dates with the Board yet. Board Secretary Wilbert noted the Board must start have multiple meeting dates within the months available. Township Committeeman Carman stated this is correct. He advised that after Attorney Doyle is done he would like to bring in certain Township Officials to address the allegations that were made and hear their answers.

Board Secretary Wilbert stated she can place this matter on the August 18, 2014, however, the matter will not consume the whole evening. She indicated it may be only a few hours, which is the same scenario as tonight. Chairman Garth stated he will not be available on September 22nd, he will be in Maine and he will not be available on the 29th, he will be in England. Board Secretary Wilbert advised she is not sure if September 15, 2014 will be a viable date due to pending applications.

Board Secretary Wilbert stated she would have rather discussed this with the Board tomorrow, however, she is looking at September 22nd, September 23rd, September 29th, and September 30th. Board Secretary Wilbert then went over other dates within the month of September that were not available due various reasons.

May the record reflect: Chairman Garth took a brief recesses until such time Attorney Doyle's witnesses were ready.

John Stroebele, 107 South 26th Avenue, Longport, New Jersey, 08403, duly sworn, Attorney Doyle asked Mr. Stroebele to provide to the board a resume of education, occupation and current circumstance. Mr. Stroebele advised he is currently employed at Atlantic – Cape Community College as a Profession of Economics Marketing. He indicated he is an Adjunct Professor there. Mr. Stroebele advised he has a bachelor's degree in economics from Fordham University, a Masters in Business Administration from Wharton School from the University of Pennsylvania and a Masters in Military Science from the National Defense University.

Attorney Doyle asked if Mr. Stroebele had previously served in an elected public office. Mr. Stroebele stated yes. He indicated from May, 2004 through May, 2008 as the director of public safety in Longport during which 14 months of this time he served as the Mayor. Mr. Stroebele stated Longport is one (1) of the seven (7) municipalities within the State of New Jersey organized under the Welsh Act, so himself and fellow commissioners rotated the Mayor's gavel between themselves during their four (4) year term.

Attorney Doyle asked Mr. Stroebele if he owned taxable property within Egg Harbor Township. Mr. Stroebele stated he owns four (4) slips within the Marina. Mr. Stroebele advised he first came to Longport in the summer of 1942 and came back most every summer. He stated in 2002 he changed his address to Longport, New Jersey.

Mr. Stroebele stated on April 6, 1999, his home burnt to the ground in Longport. He indicated this situation began his interest in fire science and in 2001 he went to the fire academy. He indicated for a while he was the oldest graduate of the fire academy, however, since then other people, older than himself have graduated, however, he is still the oldest graduate of rope rescue.

Attorney Doyle asked by way of background as an elected official, public safety director and volunteer fire fighter he is aware of protocol when 911 calls go out. Mr. Stroebele stated he is familiar he stated during his term in public safety the police force, fire chief, and the chief of the beach patrol reported to him. Attorney Doyle asked if a call came from a house phone in Seaview Harbor how was it transmitted and what would happen. Mr. Stroebele indicated as he understands a landline within Seaview Harbor

would have an 822 or 823 exchange and would be routed to dispatchers within Longport. Attorney Doyle asked what about the call being made from a cell phone. Mr. Stroebele advised in the case of a cell phone depends on which cell tower picks up the signal. He stated sometimes it comes directly to Longport and then others times it goes to Egg Harbor Township dispatchers and they work together via hot wires or automatic lines. He indicated they are in constant communication. Attorney Doyle asked as a Commissioner and the Mayor if a call came from Seaview Harbor who got their first. Mr. Stroebele stated Longport. Attorney Doyle asked within what amount of time. Mr. Stroebele stated he does not have the statistics to provide the Board.

Mr. Stroebele stated within the fire service and the ambulance service a fair amount of the calls are to render on the spot aid. He indicated many of the fire calls are contractor dust, alarms, and other things. He indicated he believes the ratio is 60% no smoke no flame. He indicated it may even be higher number. Mr. Stroebele stated he himself has driven the engine, ladder truck and ambulance into Seaview Harbor and into the marina many times over the years.

Mr. Stroebele stated in 2003, 2005 and 2006 he was the top responder for EMS and other years he was a top responder for fire. Attorney Doyle asked Mr. Stroebele if they were always there first. Mr. Stroebele stated yes. Attorney Doyle asked who would also come to the scene. Mr. Stroebele stated that section of the highway is assigned to Scullville and they would come. Attorney Doyle asked where Scullville is located and how far away. Mr. Stroebele advised they are located on Mays Landing – Somers Point Road and are about a mile and a half out of Somers Point. He indicated Scullville has to transverse Somers Point, come out either on New or Shore Road and then come out the causeway to the island.

Mr. Stroebele stated the chief's work together and meet frequently and have protocols. He stated if any type of major situation Longport's Chief will let dispatch know and the team will proceed. He indicated in the fire service it is called mutual support so we have mutual support agreements with Margate and Somers Point. He stated in Somers Point if both stations are engaged Longport will sit in their quarters pending another call. He indicated with respect to the high rises in Margate if they receive a call Longport is dispatched automatically. Mr. Stroebele stated Longport has two (2) seven (7) floor structures he stated when they are dispatch Longport goes to the source and Margate actually hooks up Longport to the fire plug.

Attorney Doyle advised for the record is Scullville is within Egg Harbor Township. Mr. Stroebele stated yes, he indicated it is one of the four (4) to five (5) fire departments Egg Harbor Township supports. Attorney Doyle asked how close is the Scullville fire station from Seaview Harbor versus Longport fire station. Mr. Stroebele stated the Longport fire station is less than a mile. He indicated it is located at 2301 Atlantic Avenue. He stated he believes Scullville is close to five (5) miles away.

Attorney Doyle asked Mr. Stroebele as having paid taxes in the community and being involved for many years he asked what the nature of the community and how it associates with Egg Harbor Township or Longport. Mr. Stroebele stated his believe if carefully studied this would be a win/win for both sides. He indicated there are savings in the present way of operating or savings that could be enjoyed and diseconomies that could be avoided if the boundaries were changed. He stated frequently there are offenders on Ventnor Avenue. He indicated it is too dangerous to pull them over on the bend or on the

bridge. He indicated the police department is trained to let them transverse the bridge and then pull them over.

Mr. Stroebele also noted that many times there are accidents coming off the Dolores Cooper Bridge. He indicated sometimes the sun catches people's eyes and they cannot tell what color the light is on Ocean Drive. Mr. Stroebele stated Longport will respond with an engine and ambulance, as well as, the police to direct traffic. He indicated however if a citation has to be issued the Egg Harbor Township police must come. Mr. Stroebele also presented the analogy that when the Egg Harbor Township police have an issue and must call for assistance the Egg Harbor Township police department must go through Somers Point because in this area it is not contiguous to the rest of Egg Harbor Township.

Mr. Stroebele stated as a citizen and a tax payer of both sides of the bay he thinks it is a good thing to evaluate the economics transferring this little piece of Egg Harbor Township to Longport for economy and management. Mr. Stroebele stated when he goes to church on Sunday, which is at 29th and Ventnor he sees a number of residents from Seaview Harbor. He indicated some of the residents also go to the Church of the Redeemer, which is at 20th and Atlantic. He stated he thinks there is a natural community of interest for the 90 or so homes. He stated these folks have orientation and friendships in Longport. He indicated many of the residents go to Dino's. He indicated much of the takeout comes out from over the bridge.

Mr. Stroebele stated he believes both sides should take an objective look at this. He indicated this is not a tax issue from his prospective. He indicated it is a community interest perspective. He stated he believes there will some efficiencies for Egg Harbor Township and its administration of public safety and other matters and it will produce some efficiencies for Longport also. He indicated they do not receive the stipends from Egg Harbor Township that Scullville, Cardiff and the other volunteer fire companies do. He stated once or twice the Mayor of Egg Harbor Township has given Longport a little bit of equipment. He indicated he believes there were some dry suits that were given in case they have to go into the water after someone. Mr. Stroebele stated some people think there are too many entities within New Jersey. He indicated he feels there are some small entities that can afford to absorb more critical mass and some entities that are big and have complex missions if they shrink a little it will not hurt them either. He stated he hopes he has not alienated anybody with his comments.

Board Member Eykyn stated Mr. Stroebele had noted Longport has a mutual aid agreement with Margate and Somers Point but not Egg Harbor Township. Mr. Stroebele advised Longport has formal mutual aid agreements with Somers Point and Margate. He stated he not sure if it has ever been documented with Scullville. Mr. Stroebele stated Longports Chief Lefty Clayton is frequently in the company of Chief Danz and the marina has made itself available for training exercises. He stated people do train and cooperate together. Chairman Garth stated there is a mutual aid agreement between Egg Harbor Township and Longport for Seaview Harbor. Special Board Planner Wiser asked if there is or is not a mutual aid agreement. Mr. Stroebele stated he has not seen it. He stated whether it is a documented formal agreement or a thorough understanding between men that know their profession. He cannot speak. Chairman Garth stated he does not know if it is a documented agreement or a handshake between Chief Clayton and Chief Danz.

Special Board Solicitor Marcolongo stated he knows Mr. Stroebele is not a police officer, however, he asked if Mr. Stroebele is suggesting that if someone in Ventnor is speeding and they cross over the bridge a Ventnor Police officer cannot write a ticket. Mr. Stroebele stated no. He advised if a Longport police officer observes a speeder on Ventnor Avenue and waits until they are on causeway to pull over they can write a ticket, but anything additional would have to wait until Egg Harbor Township Police respond. He indicated it is the same if there is an accident on causeway it will be Longport's ambulance, fire and police that will respond but it would be transferred to Egg Harbor Township when they arrive. He indicated Egg Harbor Township has a larger investigative team than Longport.

Special Board Planner Wisner asked if the play of events suggested by Mr. Stroebele concerning police could happen in any municipality. Mr. Stroebele stated yes. Special Board Planner Wisner asked if the response of Longport would be any different if the deannexation goes through. He asked if Longport would respond if something happened in front of what would be considered the old "Dunes". Mr. Stroebele advised they would respond. May the record reflect: Special Board Planner Wisner referred to a map of Egg Harbor Township that marked Exhibit S42 advising Seaview Harbor is shown in a blue coloring.

Board Member Eykyn asked if Longport is both paid and volunteer. Mr. Stroebele advised Longport fire department has both paid officers and volunteers. Board Member Eykyn asked if Longport has a manned fire department like Margate and Ventnor. Mr. Stroebele advised no, however, when there is a bad storm or similar event the chief will put out a call and allow members to stay at fire house.

Special Board Planner Wisner stated Wildwood has both a paid staff and supplements with volunteer. He asked if this is similar. Mr. Stroebele stated Longport is comprised by two (2) entities. He stated there is the volunteer fire company and the Corp of Officers that are paid employees of Longport. Mr. Stroebele also advised that it has been alleged that the hydrants in Seaview Harbor are useless. He indicated this is not true. He stated there was a fire within the last month where a boat burst into flames and Longport responded and used the fire hydrants. He stated it is true Seaview Water has a finite amount of water but he indicated it is enough for a first response and to knock the fire down.

Special Board Solicitor Marcolongo asked Mr. Stroebele over the last decade how many fires had he responded to in Seaview Harbor. Mr. Stroebele stated maybe five (5) to six (6) fires, however, Mr. Stroebele added that 60% to 70% of the fire calls responded to are no flames but alarms and the fire department must still respond to investigate.

Malcolm Brown, 102 Hospitality Drive, advised he has been a resident at this address since 2002, duly sworn. Mr. Brown advised he had a 26 Regulator, which is a boat. He advised he had an electrical fire on his boat and he tried to put it out with a fire extinguisher but was not feasible. Mr. Brown stated he tried to call 911 on his phone but could not get through. He stated his other half tried to call and she could not get through on her phone. He stated a young kid driving past and he called 911.

Mr. Brown advised he told this young man to advise he had 100 to 200 gallons of fuel aboard and that it was very serious. He indicated the first responders were Longport and they started to put the fire out. He indicated it does not matter how many fires we have had. He indicated all there has to be is one and he was. He stated if fuel had went up Mr. Brown would have lost his home and the neighbor would

have lost his. He stated it could have been a terrible accident.

Mr. Brown advised he cannot say enough about the fire personnel that showed up. They were professional in what they were doing. He stated ten (10) to fifteen (15) minutes later Egg Harbor Township showed up. He indicated Longport slowed the fire down and just about stopped it. He stated he does not want to go through again and thank goodness Longport was there. He stated Longport was there not Egg Harbor Township. He stated it was the most important day in his life. He stated Longport was there first and Egg Harbor Township is far away and had a chance to get into an accident responding. He stated Longport goes over one (1) bridge. Mr. Brown stated the fire department advised him the fire got over 900 degrees. Chairman Garth advised Mr. Brown that he is sorry for his loss. Special Board Solicitor Marcolongo marked exhibits S42-S46 pictures presented by Mr. Brown concerning his fire.

Mr. Brown stated one of the Detectives Mike Hughes from Egg Harbor Township called him back that night to see how he was doing. Mr. Brown stated he thought that was nice. Mr. Brown stated they have more police from Longport in their area and this is because of speeders. Once stopped on the boulevard they use Hospitality Drive to turn around and go back out. Mr. stated there was one other incident on Tuesday or Thursday after the 4th of July he was working on a CO2 unit in his house and set the alarm off. He stated once he received the call from the alarm company to get out of his house because of the alarm he could hear the alarm going off in Longport. Mr. Brown indicated within minutes there were Longport police in front of his home. He stated he was able to stop the fire department from coming out, which would have been Longport's and in turn then Egg Harbor Township's from coming out. He indicated this is the response time. He indicated the reason why is because when he set up his alarm system he used Longport numbers because he wants the fastest response time he can get for himself and his family.

Attorney Doyle advised Mr. Brown is also submitting incident report and the Egg Harbor Township Fire Department Report. Special Board Solicitor Marcolongo marked Exhibit S47 Egg Harbor Township incident report dated July 3, 2014, 5:27 p.m., 2 pages and Exhibit S48: 2 page report from the Egg Harbor Township Fire Department dated July 3, 2014.

Edward McGlinchey, 421 East Central Avenue, Blue Anchor, New Jersey, duly sworn, Mr. McGlinchey stated he was present during the fire described by Mr. Brown. He indicated the Longport fire department tied into the hydrant in front of Mr. DeAngelas house. Attorney Doyle asked if that was the initial source of water. Mr. McGlinchey stated yes. Attorney Doyle asked if this got the fire under control. Mr. McGlinchey stated yes.

Joseph Stewart, 107 Hospitality Drive, Longport, New Jersey, duly sworn: Attorney Doyle stated the Board knows but to refresh their memory Mr. Stewart is a resident of Seaview Harbor, Manager of the Seaview Marina, one of the members of boundary re-alignment committee and one of three (3) owners of Seaview Water Company.

Mr. Stewart stated he was one of the first individuals present when Mr. Brown's incident occurred. He advised Longport was first to respond and they tied into fire hydrant and he spoke with the fire chief of Margate and he indicated there was more than adequate water and pressure to fight the initial fire. Mr.

Stewart then stated after the incident they had a public works employee from Longport come out and flush the hydrants for us and do a pressure test and place a flow meter on each of the eight (8) hydrants. He indicated each of them exceeded the statute that was required. He stated there was a complaint issued by Egg Harbor Township that our fire hydrants did not meet some necessary quota. Attorney Doyle asked when the complaint was filed. Mr. Stewart stated it was done within the last two (2) weeks by Peter Miller, Egg Harbor Township. He stated the BPU contacted him and stated there was a complaint filed by Peter Miller, Egg Harbor Township that they are being billed for fire service for the hydrants and there was not sufficient water capacity.

Mr. Stewart stated he is not sure of the exact complaint. He indicated he did not receive a copy of it. Mr. Stewart stated he had spoken with the representative of the BPU and she had sent him an email. He then read into the record the email from Board of Public Utilities Representative, Nina Lapore, dated 7-11-14 to Joseph Stewart and was marked as Exhibit S49.

Chairman Garth asked the results of hydrant testing. Mr. Stewart indicated they exceeded the 20 PSI and the flow rate varied from as high as 1,000 counts per minute to 840 counts per minute. Chairman Garth asked what is water storage capacity for Seaview Water Company. Mr. Stewart stated there is a 10,000 gallon storage tank and there are two (2) pumps. He indicated one 350 gallons per minute and the other is 200 gallons per minute

Attorney Doyle advised when Mr. Brown has his fire the hydrants were used, useful and not useless. Mr. Stewart stated yes. Special Board Solicitor Marcolongo asked Mr. Stewart if he has a report from Longport concerning the test on the hydrants. Mr. Stewart stated he has the information written down. No report was given just verbal. He stated the information was actually provided to his secretary. Mr. Stewart advised the individual whom performed the test is Jim Eickner, who is an employee of the Public Work's Department for Longport but in his off time provides services to Seaview Water Company. Special Board Solicitor Marcolongo stated so Mr. Eickner was not working for the City of Longport. Mr. Stewart stated no.

Attorney Doyle asked if Mr. Stewart has any objection from anyone obtaining a written report to determine what he was told. Mr. Stewart stated no. Special Board Solicitor Marcolongo asked when Mr. Eickner did the testing. Mr. Stewart advised it was last week. He stated he was not sure what day. He stated they did the flushing and the testing over two (2) days. Mr. Stewart stated the only other thing the representative of the Board of Public Utilities had mentioned was even if we wanted to discontinue charging the Township for the use of the water we would have to petition the Board of Public Utilities to be able to stop charging the Township for the fire hydrants. Special Board Solicitor Marcolongo stated this is a billing issue. Mr. Stewart stated this is correct.

Donald Berger, 140 Inverness Drive, Blue Bell, PA 19422 and 26 Sunset Boulevard West, Longport, NJ 08403, duly sworn, Attorney Doyle stated that Mr. Berger testified previously concerning issues with bulk head(s) to both the right and left of his property and code enforcement complaints that resulted in no action and that Mr. Berger had to take his own personal action. Mr. Berger stated this is correct. He stated he had to take his own legal action with an engineer.

Attorney Doyle asked after Mr. Berger testified if he had a chance to reexamine what occurred then and

how the Township has or has not employed code enforcement on bulk heads or roadways. Mr. Berger stated yes. Special Board Solicitor Marcolongo asked when Mr. Berger took legal action. Mr. Berger stated in January, 2010 he sued both neighbors in order to have the bulk heads fixed.

Mr. Berger stated he decided to speak again because one of the commissioners had suggested they build a firehouse. He indicated he looked up and found they have a neighborhood of 26 acres and occupies a small portion of the Township. He stated while he was obtaining this information he found that during his battle with his neighbor's and after contacting the Township and being told they do not get involved with bulk head. However, in Anchorage Poynte a gentlemen had a dilapidated bulk head and he would not restore it because it was on Egg Harbor Township property. He indicated the Township had fined him \$47,000.00. He stated it went to municipal court and then went to the appellate court. He stated the Township had won and it was cancelled out of the appellate court.

Mr. Berger asked how people working for Township not know that there was an ordinance in place. He stated he had to incur almost \$20,000.00 in legal fees. He asked who is going replace those legal fees. He stated they are a little outlier and the Township does not care what happens to them.

Attorney Doyle stated Mr. Berger asked for the Township's intercession because of bulk head problems in 2009 and 2010 and they said they have nothing to do with bulk heads. Mr. Berger stated this is correct. He stated they advised to contact the Department of Environmental Protection. Mr. Berger stated he had and they advised him they only become involved with permits for restoration or new bulk heads.

Attorney Doyle stated that since Mr. Berger's previous testimony was given based upon research he had found the Township went after a property owner for a failing bulk head during the same time period. Mr. Berger stated this is correct. He advised the gentleman's name was Bruce Gittleman and it began in 2009. Mr. Berger explained this litigation was based on the Township owning property 1' ft. from the bulk head. Mr. Berger stated after doing more research he found the Township was concerned about bulk heads in West Atlantic City and received money for it also, however, the residents of Seaview Harbor have received nothing. Attorney Doyle cited docket A4352-11T4 decided June 10, 2013, concerning Mr. Gittleman litigation and referenced aspects of the court's decision on the record including the section of the Township Code applied 173-19D. Special Board Solicitor Marcolongo stated he will obtain a copy of this decision for the Board to review.

Attorney Doyle stated the Township Code referenced in the Gittleman case is the same code Mr. Berger brought to the Township's attention. Mr. Berger stated this is correct. Attorney Doyle stated the difference is that the failing bulk heads concerning Mr. Berger were on private property. Mr. Berger stated this is correct. He advised the Township stated they do not get involved with bulk heads. Mr. Berger further noted on August 10, 2010, Seaview Harbor had a community meeting and the Mayor discussed the code. He advised the following Monday he called the municipal offices and was again told the Township does not get involved. Mr. Berger stated he has a neighbor that has a similar situation and the Township is again not doing anything even though the Township has an ordinance. Chairman Garth asked if the Board could obtain a copy of the ordinance 173-19D.

Mr. Berger advised the road conditions in Seaview Harbor are in a horrible situation where someone is

going to fall and hurt themselves because they never get fixed. Mr. Berger stated it has been this way since they have lived within Seaview Harbor for the last 18 years. Mr. Berger stated there are potholes, cracked black top, dip's two (2) to five (5) inches in the street. Mr. Berger presented seven (7) pictures of the road conditions. He indicated there is one (1) picture he is presenting for which he does not know who owns the property, however, when there is rain about five (5) or seven (7) days later in the area where the Egg Harbor Township sewer/pump there is always ponding. He asked if someone is not concerned because of West Nile Virus. He asked can they not place dirt or stone in the area so it does not happen.

Special Board Solicitor Marcolongo asked if the Mr. Berger has contacted Township Committee concerning this situation. Mr. Berger stated no, however, he sees people working on it every so often and stated don't they see it. He also advised every now and then he sees a Township truck driving around. He again asked why don't they see it.

Mr. Berger added then when the McCullough Golf course opened he wanted to join, however, he was told he could not because his address on his license said Longport. Mr. Berger stated he then came back to the course with a tax bill and was told he could not enjoy the same benefits of the Township Resident's because he did not vote in the Township. Attorney Doyle asked if this is the same situation. Mr. Berger stated he was told it has changed, but he does not know. He indicated he has never been notified. Mr. Berger then asked how would people be notified.

Mr. Berger stated he has one last thing to add. He stated that on February 6, 2013, a letter of intent was sent to Mr. Miller the purpose of the letter was to apply for a federal grant from FEMA for financial assistance to homeowners for the elevation of homes in flood zones. He stated he was told that the Township would apply to the State of New Jersey and then the State applies for the grant from FEMA. Mr. Berger stated he has never received a response from Mr. Miller or the Township, therefore, the assumption is that nothing was done for the residents of Seaview Harbor while Longport, Ventnor, Margate, Ocean City, Strathmere, etc.. had all applied to FEMA.

Mr. Berger stated the only correspondence he has received from Township or Mr. Miller is letter dated February 7, 2014, to discuss secession. Mr. Berger stated he also received a letter from the Mayor of Egg Harbor Township on April 7, 2014, concerning recovery issues dealing with the LTRG. He indicated both these letters had nothing to do with the letter he had sent, which was never responded to.

Special Board Solicitor Marcolongo stated six (6) pictures of alleged road conditions are marked exhibit S50-S56 and one (1) picture marked exhibit S57 showing ponding of water.

Amy Frick, 1011 Madison Lane, Newtown Square, PA 19073 and 27 Seaview Drive, Longport, NJ, 08403, duly sworn. Attorney Doyle stated Ms. Frick lives on the water and this is a concern. Ms. Frick stated yes it is. Ms. Frick explained that she experienced storm damage due to Sandy. Ms. Frick advised last July she had noticed an article in the Press of Atlantic City titled Avalon to build foot higher to save on insurance. She stated the article had detailed how Avalon has been involved in a FEMA program called the Community Rating System for 15 years.

Ms. Frick stated this program is voluntary and awards points to communities involved for exceeding

national flood insurance requirements. She stated by a community being involved in flood management under this program the flood insurance will be discounted for all the residents of that community. She indicated at the time the article was written last July 52 municipalities within New Jersey were participating in this program.

Ms. Frick stated as an example with Avalon being part of this program and being proactive in controlling flooding has resulted in a Class V Community Rating last October and decreases residents of Avalon's flood insurance by 25%. She stated at the end of the Press article there was a community ratings ranking for Southern New Jersey. Ms. Frick indicated Atlantic City has a Class VIII ranking with a 5% discount, Stone Harbor, Ventnor and Ocean City had a Class VII ranking with a 15% discount, Avalon, Margate, Sea Isle, and Longport were a Class VI with a 20% discount. She stated the list went on and on. Ms. Frick stated at the time she did not see Egg Harbor Township on the list within the article so she went to the FEMA website and saw Egg Harbor Township does not participate in the CRS program. Ms. Frick did advise that she had discussed and had shown Mr. DaBek this article.

Ms. Frick stated her and her husband purchased their home in Seaview Harbor in May, 1996 and they have always carried a flood insurance policy. She stated over the years their premiums have always went up, however, as a result of Sandy they will go up dramatically. She stated since Seaview Harbor is not her primary residence her premiums will rise faster than her full time neighbors because FEMA is reducing the subsidies to non-primary residents. She indicated her premium for this past May was \$4,567.00. She stated she is disappointed that Egg Harbor Township has not be actively part of CRS program. She stated it's not just about reducing the premium, but also reducing the flood risk to all homeowners.

Attorney Doyle asked if the Township were to be part of the program the percentage reduction would begin a 5% and then change in 5% increments. Ms. Frick stated this is correct. She stated it applies to all residents not just those who have done something to their homes or secondary homeowners. Attorney Doyle stated because the Township is not involved she does not have this benefit.

Board Member Kearns asked what date did the article appear. Ms. Frick stated it was July 26, 2013. Special Board Solicitor Marcolongo asked if the \$4,500.00 discussed is the flood insurance portion. Ms. Frick stated yes. It is her National Flood Insurance Policy. Ms. Frick stated she does not know what the maximum of her future premiums will be. She stated her home was constructed in 1974 and is based on the old flood mapping from 1929 and she believes she is a foot and half below and now they may be changing the mapping to 1988 and when she checked the FEMA website it will bring her down another foot from the base elevation. She indicated if the Township were to participate in this program she would obtain some relief. She indicated that she has done the math and without participating in 2014 her premium was \$4567.00, in 2015 it will be \$5,481.00, in 2016 it will be \$6,577.00, in 2017 \$7,893.00 and by 2019 she will be \$11,365.00 in flood insurance without discount.

Chairman Garth asked what happens if Ms. Frick lifts the home. Ms. Frick stated it will make a difference but you have to follow guidelines when you raise the home and it is a huge financial endeavor. Attorney Doyle stated Ms. Frick could make this as her primary home, she could raise the home, but she cannot make the municipality be part of the CRS. Ms. Frick stated correct. She stated when her home flooded during the hurricane it did not just flood from the back lagoon. She stated it

flooded from open water in the front. She stated it was the first time the water came through the open channel and hit the front and back. Ms. Frick stated the Township could mitigate the open waters like Longport has done on the other side.

Special Board Planner Wiser asked what has Longport done. Ms. Frick stated Atlantic Avenue fronts on Risley's Channel and they have a 2 ½ to 3 ½ rock wall that extends the whole length of the road and it is bulk headed. Chairman Garth asked if Longport constructed this or if Atlantic County had. Ms. Frick stated she is not sure. All she knows that it exist. Chairman Garth stated Atlantic Avenue is a County Road so they could have done this.

John DaBek, 36 Sunset Boulevard, Longport, New Jersey, duly sworn. Mr. DaBek advised as of June 1, 2014, he has become a full time resident. Attorney Doyle asked Mr. DaBek if Ms. Frick had brought to his attention the article she had discussed. Mr. DaBek stated she did. He indicated Egg Harbor Township does not participate in the CRS program which is not a new program. He stated it actually stated in 1991. He advised there are three (3) goals of the CRS program. He added he obtained this information from all the materials they supply. He indicated he is not an expert in flood.

Mr. DaBek stated the primary goal is to reduce flood damage to insurable property, strengthen and support the insurance aspects of the Nation Flood Insurance program and encourage a comprehensive approach to flood plain management. He stated on the cover of the local officials guide it states it's about savings lives, preventing property damage and reducing flood insurance cost.

Mr. DaBek stated the CRS has a class rating system and all communities enter as a VIII or VIII and they receive a 5% or 10% discount. He indicated thereafter there will be a 5% discount for every Class that you reduce. He indicated the CRS provides a table of activities, which he indicated he had counted 18 and these are points for each activity.

Mr. DaBek stated he has a few documents he would like to provide. He stated one is the local officials guide to the community rating system and a fact sheet that would be interesting. Township Committeewoman Pfrommer asked if all this documentation is from the FEMA website. Mr. DaBek stated yes. Special Board Solicitor Marcolongo marked into the record exhibit S58: an 11 page document regarding the Community Rating System and exhibit S59 is a two (2) page fact sheet FEMA dated March, 2014.

Mr. DaBek stated as of May 14, 2014 the Township does not participate in the CRS program. He indicated they have after the fact. Mr. DaBek advised he has an article from the Shore News Today from April 17, 2014 and Mr. Miller is quoted saying "Although Egg Harbor Township has not previously participated in the flood insurance community rating system because of the cost of to the municipality the Township is now working to start a flood plain management process. Getting a lower community rating would reduce the cost of flood insurance premiums by 5% each class reduction. Currently egg Harbor Township residents get no reductions because the Township is rated at ten (x). Special Board Solicitor Marcolongo marked exhibit S60: Article from Shore News Today dated April 17, 2014. Mr. DaBek stated it is encouraging that this may begin, however, he noted this is not a new program and many shore communities have this system in place for years. He indicated this goes back to Egg Harbor Township being a mainland community. a new program : again, this is something that may be occurring

and he stated in his opinion this goes back to Egg Harbor Township being a mainland community.

Mr. DaBek advised Ms. Frick had discussed Longport and their rating. He indicated that Longport's ranking just changed and it is now a Class V. He indicated they now have a 25% reduction in premium. Mr. DaBek stated in Ms. Frick's case this would be a savings of \$1,100.00 in premiums if Seaview Harbor were part of Longport.

Mr. DaBek advised the government states this is about reducing flood risk that in turn will reduce flood insurance premiums. Though this is not about the financial aspects many residents would look at it as an advantage. He stated this is just more than saving money. He stated it is about saving properties and potentially saving lives. He stated the top of the document speaks of savings lives.

Mr. DaBek stated he blew up a map. Special Board Solicitor Marcolongo marked the map as S61: Mr. DaBek stated the map was printed off the FEMA website and he had blown up. Mr. DaBek stated the map is actually the State of New Jersey. He indicated if you looked at Brigantine south every community with the exception of Wildwood do not participate. The map says and he believes it is a misprint because they do not reference Sea Isle but he has documentation that Sea Isle is now a Class V. So there is a correction that needs to be made. Special Board Solicitor Marcolongo stated that is the only correction you know of. Board Member Aponte asked if the Board could have the map that he blew S61 off of. Mr. DaBek stated he could provide in a PDF. He stated he did not touch the map. Mr. DaBek stated there is a gap missing and that is Egg Harbor Township.

Special Board Solicitor Marcolongo stated he is marking exhibit S62 article dated December 25, 2013 in News Bank New Jersey Publishing. He stated it may have been printed in the Atlantic City Press. Mr. DaBek stated it was.

Mr. DaBek stated there is a cost to be part of the CRS program and there is a cost to the Township. They must designate a CRS coordinator, implement activities, flood plain management, maintain records, recertify each year and participate in verification visits. He stated he did some research and in Longport they have designated a CRS coordinator who is a full time employee of Longport and holds three (3) or four (4) other roles not just designated a CRS coordinator.

Mr. DaBek stated Egg Harbor Township is not listed in the top 50 in the State of New Jersey from FEMA and this is based upon the number of flood insurance policies. He stated there is probably not a lot of them in comparison to the homes in Egg Harbor Township. Attorney Doyle stated there are over 14,000 homes in Egg Harbor Township. Mr. DaBek stated but many are without flood policies. He stated this is again not a priority for Egg Harbor Township. Attorney Doyle asked Mr. DaBek how many residents within Seaview Harbor have flood insurance policies. Mr. DaBek stated he does not know.

Mr. DaBek stated on July 11, 2014 he found a letter in his mail box addressed to Sonny McCullough, 36 Seaview Drive, Egg Harbor Township, New Jersey 08234 and what is interesting is the big sticker from the post office saying return to sender no such street unable to forward. Mr. DaBek made a copy of this letter and he whited out the senders address for confidentiality purposes. He indicated it came from Margate and went out to 08234 and returned to Margate and because someone realized this it was forward to the Mayor without being sent back to sender. He advised if this was not a Margate sender he would not have gotten it. Mr. DaBek stated after he made copy of the letter he had promptly

provided the Mayor with this correspondence. Special Board Solicitor Marcolongo marked exhibit S63 oversized letter for Sonny McCullough.

Mr. DaBek thanked everyone on the planning board for listening. Mr. DaBek then read into the record a statement he provided as the final lay witness. This statement has been attached to these minutes for review.

Chairman Garth asked if the CRS program for new construction or how does it deal with homes that have been existence from the 1970's and 1980's. Mr. DaBek stated from what he read the building code can place height requirements higher in these areas, he stated there is also funding and awareness for the community. He stated this program does cost money and it is invested. Chairman Garth stated after Sandy Ocean City corrected there height ordinance.

Attorney Doyle stated when Mr. Stewart testified there were comments made to the regulations. He stated these regulations are noted under N.J.S.A. 14:9-3 subchapter 3 Quality of Service and 14:9 -8 Supplying Domestic Water for Fire Suppression System and subchapter 10 Distribution System Improvement Charge 14:9-10.1. Attorney Doyle stated copies of these sections can be provided, however, he would like them reflected on the record.

Motion Eykyn/Pfrommer to carry public hearing to Monday, September 22, 2014, 5:00 p.m., prevailing time. Vote 7 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Pfrommer, Garth

Special Board Solicitor Marcolongo stated he would like to confirm other dates available after September 22, 2014. Township Committeewoman Pfrommer asked Board Secretary Wilbert to review the September Calendar and advise what other meeting dates could occur for the deannexation meeting.

Attorney Doyle stated there will be individuals whom will be brought into to discuss testimony that have been proved. He asked who are these individuals will be so he may properly prepare. Special Board Solicitor Marcolongo stated he will provide a letter to Mr. Doyle advising who they will call. He also stated Mr. Doyle has provided the Board an extension of time until September 30, 2014. He asked Mr. Doyle if the time can be extended since Mr. Doyle will not be finished with his presentation by September 30, 2014. Attorney Doyle indicated he will extend the time until the Friday before Thanksgiving. Township Committeeman Carman suggested Mr. Marcolongo and Mr. Doyle discuss this situation and discuss this with the Board during the meeting of September 22, 2014.

Special Board Solicitor Marcolongo stated just so everyone is aware there was discussion concerning a Special Meeting for July 30, 2014, however, due to Mr. Doyle having a conflict this will not occur. Attorney Doyle stated this was tentative, but yes there is no meeting.

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

SECTION II:

- a. General public discussion: **Motion Aponte/Eykyn to open public portion**

May the record reflect no one came forward

Motion Aponte/Pfrommer to close public portion

Motion Aponte/Pfrommer to adjourn at 8:00 p.m. Vote 7 Yes: Aponte, Carman, Cook, Eykyn, Kearns, Pfrommer, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary