

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

**August 8, 2016**

**Planning Board Professional(s):**

**Solicitor:** Christopher Brown, Esq.: (Not in Attendance)

**Engineer:** James A. Mott, P.E., of Mott Associates: (Not in Attendance)

**Planner:** Vincent Polistina, P.P., of Polistina and Associates: (Not in Attendance)

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

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

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

A special meeting of the Planning Board of Egg Harbor Township was held on the above date, 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

Dennis Kleiner, Alt. #1, excused

Robert Levy, another engage.

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

Peter Miller, Township Administrator, recused

Committeewoman, Laura Pfrommer, present

Daniel Pittaro, Alt. #II, excused

Paul Rosenberg, 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, whom is present at 5:00 p.m.

**CONTINUATION OF PUBLIC HEARING(S):**

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

Chairman Garth advised Mr. DaBek would like to say a few words. Mr. DaBek thanked Chairman Garth and advised he would first like to thank the planning board for enduring these last 2 ½ years or almost 2 ½ years but thank you on behalf of the community. He indicated he knows it was a lot of time and an effort out of the member's schedule. Mr. DaBek stated the reason he wanted to ask for a few minutes is to talk to all of you. He indicated first off he is very proud of the participation. He indicated he went up to a meeting in Brick Township and they are going through the very same thing and the probably have ten times the population and nowhere near the amount of attendance. So this is just awesome that you are here.

Mr. DaBek stated one thing he would like to ask, is that the planning board members are going to speak tonight. They are going to provide their opinions not as much attendance. Would ask the board members are going to provide their opinions, the pro's, the con's, and they are going to come up with a determination. He indicated there may be things we hear tonight that we like and there will probably be some things that we do not agree with or that we do not like. He stated he is just asking everybody to be respectful. He indicated they have put in a lot of time and this is the least we can do. He indicated certainly by being here we get to hear it and by being here we show them your support for the community, which also sends a message to the Planning Board, so thank you.

Special Board Solicitor Marcolongo stated before the Board begins and as he advised at the last meeting he is going to ask each Board Member to certify on the record that you have attended every meeting or that you have listened to the tapes of every meeting and that you reviewed all of the exhibits just for the record. Special Board Solicitor Marcolongo asked if Board Secretary could call everyone on this issue.

Board Secretary Wilbert began by calling **Aponte – Yes, Eykyn – Yes, Garth – Yes, Kearns – Yes, Pfrommer – Yes, Rosenberg – Yes** and **Carman – Yes**, I have. Special Board Solicitor Marcolongo thanked everyone.

Special Board Solicitor Marcolongo stated at this point everyone is going to have their opportunity to set forth your findings of facts on the record. He indicated as you are doing the findings of facts he is assuming some of the Board Members are going to focus on certain issues. He indicated some might ignore one issue but focus other issues. But what is going to happen, at the end of your deliberation he will be attempting to weave together an impact report that

encapsulates what the Boards general opinion is and that will be submitted to Township Committee. So, hopefully by the board's next meeting he will have prepared this document and it will be ready to go. He noted in addition when you setting forth your findings of fact the Board may be inclined to make a recommendation to Township Committee. He indicated they do not have to make a recommendation but if you are so inclined you can or we can simple submit the impact report without a recommendation and tell Township Committee to do with it what they will, but you certainly have the right to make a recommendation if you are so inclined.

Chairman Garth asked before we go any further do we have any administrative matters. Board Secretary Wilbert stated no.

Chairman Garth began calling each member individually starting with Board Member Aponte.

**Board Member Aponte:**

Board Member Aponte stated we began our journey on March 31, 2014, which was the first Planning Board meeting to address this petition for the deannexation. He indicated we have heard testimony from the petitioners and from the Township. Board Member Aponte noted to date we have had 32 meetings and tonight being the 33<sup>rd</sup>. He further noted by his estimation we have had about a 120 hours of actual meeting time. However, he indicated he cannot calculate how much time has been spent preparing for these meetings by the Seaview Harbor Residents, professionals, Township Officials, Township Employees, its professionals and lastly us, the Planning Board Members. He indicated before he begins his remarks he would like to thank everyone involved in this petition. He indicated there have been many residents of Seaview Harbor present through this process and he believes they were given plenty of time to present their petition and their case.

Board Member Aponte stated the Planning Boards responsibility are delineated by New Jersey statute, specifically 40A:7-12 Annexation and 40A:7-12.1 along with any relevant case law. He indicated as a fact finding body we have task in determining whether the petitioner, Seaview Harbor, has sustained their burden of proof evidencing A. refusal to consent to the deannexation is detrimental to the economic and social wellbeing of the majority of the residents of the effected land (i.e. Seaview Harbor) and that the deannexation will not cause significant injury to the wellbeing of the municipality in which it is located (i.e. Egg Harbor Township). He indicated furthermore our duties are to report back to Egg Harbor Township with those facts. He indicated based on our findings of fact the Planning Board may give a positive, negative, or no recommendation to Township Committee.

Board Member Aponte stated he would like to begin his finding of facts, some which he found creditable and some which he did not find creditable. He stated specifically the confusion of Seaview Harbor being part of Longport. He stated confusion; the petitioners gave testimony that historically Seaview Harbor has been viewed as a part of Longport. The petitioners also believe that they do live in Longport as evidenced by the survey that was conducted in the community by the community. Board Member Aponte stated they have evidence by the fact that their zip code is 08403, which is Longport's zip code and not 08234, which is Egg Harbor Township's zip code. Board Member Aponte indicated they have also stated in the original marketing material for Seaview Harbor it was purported that Seaview Harbor was a part of Longport.

Board Member Aponte stated some of the claims were difficulty in obtaining membership to the municipality owned Golf Course were raised by the petitioners because of the 08403 zip code, as well as, difficulty in obtaining a fire arm permit. He indicated lastly evidence was introduced representing Web based real estate listings show Seaview Harbor being in Longport.

Board Member Aponte stated he finds the following: there can be confusion due to Longport's zip code. He does believe the post office could have better training to ameliorate any further issues with this. He does find it will be difficult and possibly not feasible to train carriers such as UPS and Fed Ex. He indicated he also finds it could be difficult for Seaview Harbor residents for applying and receiving a gun permit. However, applying and receiving a gun permit is not a trivial matter and law enforcement needs to do their due diligence in granting them. He stated this is clearly an inconvenience to the applicant, however, he finds it neutral in his findings.

Board Member Aponte stated Real Estate Transactions; it was asserted that one (1) specific resident, specifically Mr. DaBek that he did not realize he was buying in Egg Harbor Township until his actual settlement. Board Member Aponte stated Mr. DaBek gave testimony that he had purchased more than one (1) home and knew the process of home buying. He indicated he finds this particular testimony was not credible. Board Member Aponte stated the Golf Course; he indicated he finds with better training needed by the Golf Course employees there will be no confusion in the future. Board Member Aponte stated under the developer and marketing material, real estate agents; he does not find the exhibits and testimony given to be creditable because the marketing material was created to sell and/or give the impression that it was part of Longport, therefore, he did not give this evidence any weighting.

Board Member Aponte stated given all the testimony given he does not find the evidence rose to the level of long term structural and inherently irremediable detriment that the Legislature had in mind when it adopted the deannexation statute.

Board Member Aponte referenced Social Injury: he indicated the residents through their community survey and through testimony state they attend church in Longport, they use the Post Office in Longport, they use recreational facilities in Longport and that they do not participate Egg Harbor Township activities in general. He stated he finds these issues will not change if deannexation occurs, specifically, the distance will remain to the same places, where they food shop or shopping in general, where they worship either church or temples or where they dine. He indicated more over any and all these can or will change due to the current and or future demographics of Seaview Harbor. He indicated one of the residents, Mr. Seiverd, testified about his child going to Catholic School versus Egg Harbor Township schools and claimed it was a social injury. He indicated when a perspective home buyer looks for a piece of property regardless if they have school aged children or not. They will look into towns school system as a factor in their decision making process in purchasing a home. Board Member Aponte stated he empathize with his decision to send their child to a private school, however, it is a personal choice.

Board Member Aponte indicated he also gave neutral weight to the community survey because it was not impartial and/or objective in nature. He stated he does believe the residents of Seaview Harbor have made a positive impact in shaping Egg Harbor Township in the past and he believes they will continue to do so in the future through there civic and governmental involvement, however, in his findings he placed not weighting on the fact that the current Egg Harbor Township Mayor, Sonny McCullough, lives in Seaview Harbor.

Board Member Aponte then referenced Economic Injury: the petitioners claim they will have economic injury if they are not able to secede. He indicated specifically it was claimed that after the revaluation their taxes were too high, Virginia McGlinchey, page 110. He indicated he does agree they do have an economic injury by being part of Egg Harbor Township versus Longport. However, this is only one of the mitigating factors in deannexation that he will discuss shortly. Board Member Aponte stated they claim that they need to use private schools, as addressed before, a choice for schools for your child is a private family decision and which does not rise to the level of secession.

Board Member Aponte then noted the CRS program; he stated he believes if they were part of Longport they may be able to get cheaper flood insurance and this does result in an economic injury to them, however, he does not believe it rises to the level of long term structural inherently irremediable detriment that the Legislature had in mind when they adopted the deannexation statute.

Board Member Aponte then discussed Public Works; He advised the residents are concerned with street maintenance, snow removal, trash pick-up and hurricane clean up. He indicated the street and maintenance issues are common within this and other communities whether it be pot holes, drainage, etc... he indicated he gave this neutral weighing.

Board Member Aponte stated snow removal is an issue where the residents feel they're not getting quick service or in a timely manner from the Township. He indicated from the testimony given the Township process is to make sure the high traffic roads are passable for police, fire, ambulance and other emergency service. He indicated given this process of having the primary roads cleared first then would stand the reason that residential neighborhoods will be secondary in their process. He believes that the town has the right process and public policy is set forth not only for Seaview Harbor but for the rest of Egg Harbor Township. He is not convinced by the testimony that being part of Longport would make the streets any cleaner or the snow cleared any faster. Board Member Aponte stated if Longport were to secede there would be a minor cost savings in fuel, tipping fees and equipment maintenance vis- a-vis a lost ratables.

Board Member Aponte then referenced dredging: Board Member Aponte stated since dredging lagoons are privately owned he is not giving this testimony any weight.

Board Member Aponte referred to trash and recycling. He stated in general the residents claimed lack of service for trash pick-up. He indicated they also claim Egg Harbor Township does not understand its needs. He indicated he finds the Township made accommodations at the request of Seaview Harbor. The change in collection of trash from Wednesday to Monday. He indicated he also finds if they wanted more recycling service they can opt for valet service through the ACUA (Atlantic County Utilities Authority).

Board Member Aponte noted Fire, Police and EMS; Board Member Aponte stated the petitioners claim they are not well served by Egg Harbor Township's Fire, Police and Ambulance EMT's. He indicated the general theme of their dissatisfaction is that they're either not responding or the response comes too late to be of any material assistance. Board Member Aponte stated the claim is that emergency responders don't know where Seaview Harbor is and their preference is to have Longport Fire, Police, and /or ambulance service, serve their community.

Board Member Aponte stated the State of New Jersey has adopted The Fire Service Resource Emergency Deployment Act to facilitate the quick and efficient response to any emergency, incident, or situation that requires the immediate deployment of those resources in order to protect life and liberty. Board Member Aponte stated the Director of the Division of Fire and Safety through the NJDCA (Department of Community Affairs) has enacted rules referred to as the Fire Service Resource Emergency Deployment Regulations. He indicated these rules require each municipality or fire district to adopt a local fire municipal aid plan. It was testified by Township Fire Chief, Robert Winkler and Township Fire Official Donald Stauffer, that there is a mutual aid agreement between Egg Harbor Township and Longport. He indicated the Longport Fire Department is the first responder for Seaview Harbor, who also testified there was cooperation between the two (2) fire departments to have training and appropriate protocols to respond to fires in Seaview Harbor. Board Member Aponte stated if Seaview Harbor were allowed to secede to Longport it would still be the first responder and their improvement in fire service would not improve.

Board Member Aponte then discussed ambulance and EMT. He indicated the petitioners claim there is significant service and safety issues. That Longport is the first responder for Seaview Harbor and that there has been an inadequate service in specific incidents. He noted they claim that there is confusion on Seaview Harbor's location and general lack of service to the community. Board Member Aponte stated as he stated earlier Egg Harbor Township and Longport are signatories of a mutual aid agreement. He indicated Longport and its ambulance service are the first responders for Seaview Harbor and time/distance will not change if Seaview Harbor is allowed to secede. Board Member Aponte advised Longport's ambulance service is part of the Borough's fire department and services and will not change if Seaview Harbor is allowed to secede.

Board Member Aponte stated he also believes Longport's emergency dispatch system has established a new inter-local agreement with Egg Harbor Township and therefore, there will be no improvement of dispatch service to Seaview Harbor should secession be allowed. He indicated he did not find it credible that medics, ambulance drivers and even police did not know how to get there or that they did not know where it was. Thought testimony given by Chief Raymond Davis who oversees the Townships 9-1-1 functions, it is clear to him and based on facts that it cannot be credible to believe that emergency services did not know where Seaview Harbor was. Therefore, he believes there will be no improvement to the community of Seaview Harbor for ambulance and EMT services should they be allowed to secede.

Board Member Aponte discussed police. He stated the petitioners in general feel there is a lack of regular Township patrol in Seaview Harbor. That they see Longport police in Seaview Harbor but not Egg Harbor Township police and due to the size of Egg Harbor Township they do not get the attention they deserve. He indicated it is clear Egg Harbor Township police have the legal jurisdiction for Seaview Harbor and the police also patrol New Jersey State Highway 152. He indicated it is also clear that mutual aid permits the Township to receive assistance from Longport police if the Township officers cannot respond in a timely manner. He stated he can see that Longport is geographically closer to Seaview Harbor than it is to the mainland of Egg Harbor Township. He stated he finds the Township has established a correct procedure/protocol for emergent calls versus non-emergent calls.

Board Member Aponte stated lastly he believes there will be no improvement of police in presence to Seaview Harbor if allowed to secede. With respect to fire, police and ambulance and EMT services of the petitioners he does not believe the long term structural and inherently irremediable detriment that the Legislature had in mind when enacting the deannexation statute. He further noted, sadly when Mr. Joseph Stewart testified regarding the communities feelings on the emergency service he intimated that they will never be satisfied with Egg Harbor Township being the first responder. Board Member Aponte stated when someone believes this to be true or their reality is "this is what it is" it is very hard to change their mind even in the face of evidence and facts to the contrary.

Board Member Aponte stated Fiscal Impact: He indicated the petitioners claim that refusal to allow the petition for deannexation would be detrimental for the economic wellbeing and it would not cause a significant injury to the wellbeing of the overall Egg Harbor Township. He indicated the petitioners gave a financial impact analysis created by Stephen Ryan, CPA and his opinion concurs with the petitioners. Board Member Aponte stated Mr. Ryan gave testimony the average assessed value of residents in Egg Harbor Township is \$208,100.00 in 2014. He indicated Mr. Ryan gave testimony that the average assessed value of the residents of Seaview Harbor was \$873,000.00 in 2014. He further noted testimony was also given about municipal revenue, school district revenues and the loss of revenue's to the Township if Seaview Harbor was allowed to secede.

Board Member Aponte stated Mr. Ryan also discussed the resulting local purpose tax increase and subsequent school tax increase if allowed to secede. He advised testimony was also given that Seaview Harbor represents 2.4 % of the Township's ratable base in 2015. He indicated Mr. Ryan discussed the facts that if allowed to secede Seaview Harbor residents would have an adjusted assessment of \$862,600.00 that would have a resulting positive difference to the residents of Seaview Harbor of \$17,412.00 should deannexation occur.

Board Member Aponte indicated Egg Harbor Township had three (3) people speak about financial impacts, Mr. Leon Costello, was retained to give a financial impact report. Ms. Katirina Bechtel, Business Administrator/Board Secretary of Egg Harbor Township's Board of Education gave testimony, as well as, Dr. Richard Peniciaro, Phd., Vice-President of Planning Research and Executive Support for Atlantic Cape Community College. Board Member Aponte stated he gave no weight to Dr. Peniciaro's testimony other than the diversification factor he addressed to have a well-rounded community. He indicated he also did not give any weight to the census information provided by Stuart Wiser and Dr. Perniciaro.

Board Member Aponte stated Mr. Costello used the same figures on the average assessed value of the residents in Egg Harbor Township of \$208,100.00 and the average assessed value of the residents in Seaview Harbor of \$862,600.00. He indicated Mr. Ryan generally used the data in 2014 while Mr. Costello used 2015 data. He advised Mr. Costello testified that the Egg Harbor Township operating budget noted school district tax levy will change should deannexation occur. Board Member Aponte stated Mr. Costello also testified about the subsequent loss of revenue to the Township and the school district if secession occurred. He indicated Mr. Costello discussed if allowed to secede Seaview Harbor residents would have an adjusted assessment \$862,600.00 and using the 2015 tax bill the positive difference to them would be \$17,850.00.

Board Member Aponte stated both professionals agreed the growth will be on the mainland and that Seaview Harbor's 2.4% of the Township's ratable base, will decrease in time as part of the overall budget. He indicated with respect to bond capacity both professionals concurred that Egg Harbor Township debt is "so far under bonding capacity" that if allowed to secede it will not be a significant issue. However, Mr. Costello testified that during a recent bond issue rating the Township was A+ stable, however, Standard and Poor's commented if available fund balance were to decrease below \$500,000.00 the Township's rating could be lowered. He indicated Standard and Poor's stated "we believe we considered Egg Harbor's very weak, local economy limits upward ratings pressure. In 2015 the adopted budgets fund balance was only \$291,028.00 " while Standard and Poor's called for \$500,000.00.

Board Member Aponte stated he finds Seaview Harbor is a small percentage of the Township's and School Districts revenue percentage and it could be lower if there were assumed growth on the Township's mainland. He indicated he finds the operational savings that Egg Harbor Township may enjoy if Seaview Harbor were to secede are de minimus. He indicated he finds \$17,412.00 in tax savings to Seaview Harbor residents should secession occur be a positive to them and to the economic wellbeing in the majority of the residents of Seaview Harbor. However, he noted he also finds the revenue loss to the Township and to the school district is also detrimental to the residents of Egg Harbor Township. He indicated the shortfalls to the budget will not be just a one time but in fact they are compounding in nature.

Board Member Aponte stated it will clearly be a detriment to Egg Harbor Township residents given the fact that State Law mandates municipalities and school districts to operate under a 2% cap. Board Member Aponte stated Ms. Bechtel testified that reductions from State Aid and State law mandating a 2% cap on tax increases have increased the pressure on the school district operations. He indicated on balance if deannexation would be allowed he finds it would be a significant injury to the well-being of the residents of Egg Harbor Township.

Board Member Aponte stated lastly it his recommendation that this Board issue a report to the Township Committee denying Seaview Harbor petition to deannex from Egg Harbor Township. He indicated he also thinks that since the Board not examine the jurisdictional issues raised by Stuart Wiser in the report of findings. He would suggest the Township Committee explore those issues.

**Board Member Kearns:**

Board Member Kearns stated deannexation is nothing new to Egg Harbor Township. He indicated as everyone here knows we were founded in 1710. He indicated when Somers Point deannexated from Egg Harbor Township in 1886 they chose not to take the marsh land that was between them and Longport. He indicated in 1898 Longport seceded and they decided not to take the marsh land between themselves and Somers Point. He indicated no one wanted the marsh land, leave it the way it is. He indicated if we look at West Atlantic City and the marina section on Margate Bridge Road you will find those areas are still Egg Harbor Township even though they are between Linwood and Margate and Atlantic City and Pleasantville. Therefore, the space between Longport and Somers Point is Egg Harbor Township also. Board Member Kearns stated he does not know if it is a great idea and he thinks it creates issues for the Township, however, we did not chose it and was done by our forefathers years ago and now people want to change it.

Board Member Kearns stated he understands their purpose and reason. He understands the economic stress that both Seaview Harbor and the Township are under. He indicated it is obvious that Seaview Harbor residents would save a lot of money if they belonged to Longport; tax money. Board Member Kearns stated he is not going to follow exactly how Board Member Aponte did. He stated he is going to cover the areas that concern him.

Board Member Kearns stated First Responder's: he indicated the first responders for the police are Longport, the first responders for fire are Longport. He indicated there are written agreements between Egg Harbor Township and Longport for that purpose. He indicated that does not mean Egg Harbor Township doesn't respond to any of them, they respond to all of them, but because Longport was closer they chose to add that procedure.

Board Member Kearns stated there was a great deal of time spent, almost two (2) days, discussing trash pick-up. He indicated Longport apparently has trash pick-up two (2) days a week and Egg Harbor Township has trash pickup one day a week. He indicated Longport apparently has a procedure where trash cans will be taken from the side of the house or the back of the house out to the front so the trash people can pick them up and when they are empty they are returned. He indicated it was discussed by the presenters that was a procedure that was allowed in Longport. He indicated that procedure is also allowed in Egg Harbor Township. He indicated we have had this for years, if in fact, the residents choose that service. He indicated it is not something that is special and just for Longport.

Board Member Kearns noted Water: He stated domestic water is provided by a private water company and not New Jersey American Water or the municipality. He indicated there has been a problem apparently from the discussion, by both sides, that water pressure was low and that water quantity was low. He further noted there was discussion about a pipe being installed from Longport to Seaview Harbor to provide water supply. Board Member Kearns stated if that were to take place it would cost a large amount of money, however, bonds could be written to pay for it, but if it was installed the residents of Seaview Harbor would have to pay for the bond. So it would be a tremendous cost to them.

Board Member Kearns stated if in fact Seaview Harbor wins their deannexation. The bonds would then become an obligation of Longport and not Egg Harbor Township. He indicated that would pose a problem for Longport, he thinks. He stated it was brought up and was mentioned but he did not hear much about it.

Board Member Kearns stated one of subjects that was discussed, he thinks for three (3) meetings, was the post office. He indicated Egg Harbor Township is not in that business. It is nothing to do with Egg Harbor Township. He indicated it is a federal project provided by the United States government who delivers mail and what the zip code is up to the federal government not Egg Harbor Township. He stated while it could be confusing for some, who stated they did not know where they lived or they did not realize they lived in Egg Harbor Township, they thought they lived in Longport. He thinks that is a communications issue between a sales person and purchaser and more the purchaser not researching where they actually will be living. Stated he does not know, but the zip code is not the responsibility of Egg Harbor Township and therefore he does not think it carries any weight in the deannexation.

Board Member Kearns stated snow removal, we heard a lot about that. He indicated as we know the main highways are the first thing to be done. He stated he knows where he lives the first thing that is plowed is Zion Road and the last place to be plowed is in front of his home. He stated he has waited as many as five (5) days, after a snow storm, to have the snow removed from the front his house. He indicated he does not know that snow removal is an issue. The emergency equipment that is used for ambulances and fire have snow plows available and they can precede an ambulance and/or fire engine without slowing them down. So he does not know that snow removal is a critical issue for emergency response.

Board Member Kearns stated dredging was discussed for two (2) meetings. He indicated articles from newspapers were brought in where various municipalities dredged the back bay areas and docks for individuals. He stated the only one that was brought up in here was a municipality which collectively surveyed the residents, went out to bid, found a person to dredge and divided the cost up between all the people who were dredged and the company who did the work. He indicated it was more convenient for the residents to have it done that way. He stated Egg Harbor Township was never asked to do that; that he knows of, and it was not discussed in here that he knows of.

Board Member Kearns stated the fact that Seaview Harbor has requested to be deannex from Egg Harbor Township two (2) or three (3) times in the past is commendable on their part. However, looking at the cost to the residents of the entire community Egg Harbor Township and Seaview Harbor. He stated he served on the Board of Education for nine (9) years and he knows what an impact of a million dollar loss will be to the tax payers of Egg Harbor Township it would be hellacious. He indicated in order to make up that money it would cost, he thinks Ms. Bechtel, spoke about it specifically how many instructors it would cost, maintenance people, buses, bus drivers right on down the line. Because that money would have to be made up and with the 2% cap the State has placed on schools it would be unbelievable difficult to make that money up.

Board Member Kearns stated he does not feel that making these changes to the tax structure of Egg Harbor Township would be beneficial to all the residents of the Township. He indicated he feels the only ones who would benefit from this would in fact be those members living in Seaview Harbor. Therefore, he would state after reviewing all the materials, hearing all the emotional discussions and looking at all the facts he has read, it would not be advantageous to

the community of Egg Harbor Township permit the deannexation.

**Board Member Rosenberg:**

Board Member Rosenberg stated good evening ladies and gentleman. He stated first and foremost he thanked Mr. DaBek for his comments earlier. He stated Mr. DaBek has obviously been a driving and calming force within this procedure. He stated to be quite frank we have never met before 2 ½ years ago and now we run into each other in public and have had conversations. He stated he is glad to have gotten to know Mr. DaBek a little bit. Board Member Rosenberg stated to Attorney Doyle that he has a very interesting sense of humor and he has impeccable timing as to when to introduce it to diffuse situations and he would like to thank Attorney Doyle for that also.

Board Member Rosenberg stated he did prepare his own thoughts here and if he read them into the public record it would probably sound like a lot like an IKEA set of directions so he is not going to do that. He stated he wants to tell his thoughts as though we were sitting down individually and quite frankly he has always been able to communicate a little easier and maybe more effectively when he does speak his mind. So he will get the bad news out of the way first and then he will explain himself.

Board Member Rosenberg stated at this time he is not inclined to recommend to the Township Committee to post a resolution in favor of deannexation. He stated now, he is a very simple person, some people would argue incredibly simple, but he lives his life by simple rules. He indicated he knows he is not the smartest one in the room and he knows enough to find the smartest people in the room. He stated he is not a lawyer or an engineer, but when people come to him with certifications and present themselves as experts he puts a lot of weight behind their words and he does the same thing to individuals who have a lot invested and at this point he is referring to the folks in the audience. He stated you have pay a lot of money, you have a lot of time invested and you are very emotionally attached and he has no reason to doubt any sincerity of anything that was said here in the past 2 ½ years.

Board Member Rosenberg stated he also has no reason to doubt any of the experts that were presented by the Township nor any of their testimony. So without going through every topic that we have discussed over the months he broke it down in his mind into public safety, amenities, tax loss/revenue things like and the future impact of this Township and the neighborhood we are talking about, Seaview Harbor.

Board Member Rosenberg stated his background is in public service and in business. He indicated for him everything gets reduced to customer service, profit and loss, and how do we find a way forward. He indicated by having just stated that he does not have any doubt of any words that were said. How does he weigh one side versus the other. He indicated to him the truth lies somewhere in-between. He stated to give an example he will touch on the Post Office again. He stated he has no doubt that the folks in the audience and the residents of Seaview Harbor have encountered disappointments, frustration and difficulty with different aspects with living in Egg Harbor Township. He stated he also has no doubt that the representatives and officials of the Township think that there services are absolutely impeccable and as he said somewhere in-between lies the fact of the matter.

Board Member Rosenberg stated on every chapter that he touch in the reviews and the other testimony and going through the different pages and the recordings he keeps coming up neutral. He stated can services be improved, absolutely. Are the problems overstated, possibly. He stated he has no way of knowing, he was not there, he did not experience it. So he keeps coming back to neutral.

Board Member Rosenberg stated his task as part of this Board has been to determine whether or not the residents of Seaview Harbor are injured socially or economically if the request, if the petition is denied. He stated his conclusion is yes, they will be injured, however, they will not be injured any more than any other resident of any other part of Egg Harbor Township and therefore, he comes back to neutral, again. Board Member Rosenberg stated to keep his comments brief he will move forward a little bit. He indicated he looked at the numbers presented and there were a lot of them. He indicated he would not even pretend to try and repeat them to you here tonight. But he has no way to quantify.

Board Member Rosenberg stated one term that keeps repeating itself in the subject and that is whether or not the injury is substantial. He indicated to some people a \$100.00 is substantial and to other people a million dollars is substantial. Again, until a court or the legislator comes back or someone presents to him something certified that defines what substantial is he is not in the position to make that judgement. He stated he has to go back to the default and what he usually does is details an increase is an increase, a decrease is a decrease, and neutral is neutral, no change. Board Member Rosenberg stated any increase to the tax burden of Egg Harbor Township through the loss of the ratables in Seaview Harbor is an injury whether it is substantial, again, he cannot tell you.

Board Member Rosenberg stated he looks to the future. He stated Board Member Kearns mentioned the West Atlantic

City section of Egg Harbor Township and the Margate Causeway and reading through the materials there were a couple of bullet points that stuck in his head. He stated we are all familiar in layman's terms with what is going on in Atlantic City. He does not think anyone would argue that the city is in economic turmoil, however, long term perspective dictates that Atlantic City is going to be there no matter what the focus of its financial and economic engine is going to be. Is it going to be casino's probably not they're everywhere. Are we going to have financial investment from Trenton, yes. Are we going to have private investment, yes. Is it going to take a while to come to fruition, yes. But that city is going to be reinvented. He indicated there are three (2) terrestrial routes into Atlantic City. The White Horse Pike, the Atlantic City Expressway, and the Black Horse Pike.

Board Member Rosenberg indicated if precedence is set by the successful deannexation of Seaview Harbor it worries him that two (2) other sections of the Township may also be embolden to separate. He stated if we lose West Atlantic City to Pleasantville for example, he stated he has no inside knowledge and this is simple speculation on his part, the Township of Egg Harbor, may indeed lose control of commercial and residential real estate that is the subject of reinvestment, redevelopment and the resurgence of Atlantic City as the city is re-invigorated.

Board Member Rosenberg stated likewise the social impact is the Margate Causeway. He advised there is a community there, the names escapes him, but it is a floating community and he is familiar with it because in Township Committee meetings it is frustrating to provide civil services without receiving any property tax because the house boats are not on property. He indicated the laws that dictate this, the maritime laws, were passed after that development was created and it cannot be recreated in any other part of the State. He indicated it is grandfathered and it will not reoccur anywhere.

Board Member Rosenberg stated there may not be an economic benefit to having that community but it is certainly unique to the make-up of Egg Harbor Township. He stated if that were to be lost through precedence of deannexation again Egg Harbor Township suffers injury.

Board Member Rosenberg stated some of you know he is running for the for the County Clerk here in Atlantic County and putting politics to the aside, we are not getting into that, the County Clerk is responsible for details and he said he was not a lawyer but he has to pay attention to details. The only other issue he had with deannexation that pushed him from neutral to recommending against it was the form of the petition. He indicated from the very beginning it has been repeated that the Longport-Somers Point Boulevard is not included in the deannexation and he does not see any way to physically establish the contiguous nature of Longport with Seaview Harbor. He stated again he is not a lawyer, perhaps he is barking up the wrong tree here, but unless the causeway and unless the territory that is now called Beach Thoroughfare is included in the deannexation he does not see how the petition meets the technical qualifications to seceded. So again, he has been proven wrong several times and he certainly appreciates everyone's patience with him and his occasional nonsense and he hopes they understand he has the greatest respect for what you are doing here and he has the deepest regard for his responsibility here and he hopes he has achieved at least some semblance of responsibility in performing that duty and thank you very much.

**Board Member Eykyn:**

Board Member Eykyn stated he will start with a statement made about the discussion we were to have about social and economic injury back in March of 2014. It said economics was easy to figure. Does it cost you less staying in one place then opposed leaving to another.

Board Member Eykyn stated we were advised economics is not the cause or why the petitioners are here but it is a consequence. He stated a survey was conducted for the residents of Seaview Harbor by a participant of the petition. He indicated one purpose of the survey was to show social patterns of the homeowners. He indicated the only question that showed Longport was the highest percentage was attending church which would make sense for an area with a high percentage of homeowners that are not full time residents.

Board Member Eykyn stated for social activities Margate was the highest with Longport second and Ocean City third. He indicated beaches and boardwalks would probably account for this and they are available for all residents of Egg Harbor Township. He stated Longport was not offered as a choice on the survey for food shopping, restaurants, and and medical services which leads him to believe they are not available in Longport. He indicated based on those answers to the survey he does not see where being a resident of Egg Harbor Township has injured anyone's ability to live the lifestyle they choose in Seaview Harbor.

Board Member Eykyn stated zip code was one of the social issues that seemed to be a common theme amongst residents in the Seaview Harbor section of Egg Harbor Township. They go to the post office in Longport. He stated all residents of Egg Harbor Township have to go outside of the Township to go to the post office since all they have is the zip code with no post office. Board Member Eykyn stated Seaview Harbor residents use the Longport name in their



address which causes some confusion with deliveries. He indicated according to a letter marked Exhibit B9 from the officer in charge of the post office, as long as they use zip code 08403 they can use Egg Harbor Township or possibly Seaview Harbor and still receive their mail. Board Member Eykyn stated he changed his address from Pleasantville to McKee City when we had the Pleasantville zip code prior to the addition of that zip code and never had a problem with his deliveries. He stated his mail still comes from the Pleasantville post office. He indicated tax payers in the West Atlantic City section of Egg Harbor Township still use the Pleasantville zip code. He indicated by using 08403 with Egg Harbor Township or Seaview Harbor yearlong residents could change their addresses on their driver license and avoid confusion as to where they live.

Board Member Eykyn stated there was testimony about how far Township Hall is from the Seaview Harbor section of Egg Harbor Township. He stated it looks like they drive 6.6 and 7.1 miles depending upon the route they drive. He indicated he drives 6.4 miles to attend these meetings and residents north and south of him have an even longer drive to pay their taxes, get their dog licenses and get permits. He indicated we all have advantages and disadvantages to where we live. He indicated some live near Town Hall, some near the mall, some near restaurants, some near auto repair shops and some near the beaches. He indicated based on where residents live they all have to drive a distance to get some place.

Board Member Eykyn stated police, fire and EMT services in Seaview Harbor, after hearing the testimony of the residents, seemed lacking until it was explained how the mutual aid system worked between communities. He indicated the Township had in place Longport as first responder to emergencies in Seaview Harbor which explained why the Longport police or fire department would show up first. He indicated there was also discussion about who to call. Now that Egg Harbor Township is the central dispatcher for both Egg Harbor Township and Longport all calls go to the same place. Board Member Eykyn stated there were comments about Egg Harbor Township police hardly ever patrolling Seaview Harbor. Board Member Eykyn advised testimony by Police Chief Davis was there was at least one (1) patrol per shift in Seaview Harbor. So that would be twice a day as in other neighborhoods in Egg Harbor Township unless crime or other needs required more patrols.

Board Member Eykyn stated the volunteer fire department in Egg Harbor Township testified about the mutual aid agreement they have with Longport to ensure the coverage for Seaview Harbor. He indicated they also explained they have in place to supply pumpers to Longport to supply water to the south end of their city if needed in an emergency. He further noted there was also discussion concerning the lack of water volume in the fire hydrants in Seaview Harbor for firefighting purposes. He indicated there was testimony about the fire hydrants not being paid by Egg Harbor Township to the private owners of the water company for supply issues. He indicated he did not hear any testimony what the water company was doing to improve the flow to these hydrants while they owned it. He indicated pulling negative water pressure to a water system would not be a very good situation. He indicated the new owners have since removed the hydrants and replaced them with flush hydrants which are not for fire protection.

Board Member Eykyn stated the Scullville volunteer fire department is accustomed to fighting fires under these conditions since a sizable portion of their area and other areas in Egg Harbor Township do not have water mains or fire hydrants. He stated according to testimony they carry more water to their trucks and have tanker trucks to haul water. He noted they recently purchased a boat that will allow them to supply 1,500 gallons, per minute of water to water front properties during a fire including Seaview Harbor.

Board Member Eykyn stated there were several reports that he would caution Township Committee to look at closely any information that was census based information in these reports. He stated there seemed to be some confusion with what information was given based on census tracts. Things in particular, the number of households, median income, and population growth. Board Member Eykyn stated there were also several complaints dealing with grass cutting, pot holes, permits, and snow plowing. He stated these complaints seem typical for any community. He stated some of the complaints dated back to the late 1980's and 1990's. He indicated over that long of period time there were not that many.

Board Member Eykyn stated the time that children would spend on the bus if they attended Egg Harbor Township schools was also an issue. He stated he heard "how would you like your first grader to spend 2 ½ hours a day on a bus. He indicated Ms. Cuvillo's report said 20 minutes each way or longer. He stated since no children have attended Egg Harbor Township schools for at least 13 years there was no testimony to verify the actual time a student would spend on a bus.

Board Member Eykyn stated testimony about secession went back to at least the 1980's. He indicated there was testimony that lack of sewer stopped them from secession, waiting for Strathmere and Bay Beach secession results, and the final key piece being the sale of the water company. He indicated Mr. Costello's testimony was that in 2012 the valuation of Seaview Harbor was 28 million dollars and in 2013 after the Township wide revaluation the value was 80 million dollars and the petition was filed in February, 2014.

Board Member Eykyn stated still a question is if Seaview Harbor is even contiguous with Longport. He indicated Township Committee needs to determine if the water ways between Longport and Seaview Harbor does or does not make them contiguous. He asked will this mean we are also contiguous with Margate, Ventnor, Ocean City, Upper Township, Corbin City. Board Member Eykyn stated Seaview Harbor, Anchorage Poynte, and the Margate Causeway are part of second largest section of Egg Harbor Township, 7081 acres. He stated because it is mostly marsh land and the State could not mandate any kind of growth they have been able to remain a small beautiful section of Egg Harbor Township.

Board Member Eykyn stated there would be an economic benefit to the residents of Seaview Harbor in the form of lower property taxes. He indicated it would be an economic hardship for the remainder of the tax payers in Egg Harbor Township. He indicated there was a discussion there would be an increase of about \$120.00 in taxes to us in the loss taxes for Seaview Harbor for the rest of Egg Harbor Township tax payers. He stated this was based on a median house value of \$208,000.00 he stated that would mean half of the tax payers in Egg Harbor Township would pay even more than the \$120.00 each year going forward. He stated those ratables would be lost forever and would have to be paid each year by the rest of the tax payers.

Board Member Eykyn He stated municipal taxes in Egg Harbor Township are not the reason property taxes are as high as they are it is the school tax. He noted we have to ask ourselves if it would be fair for some to leave the Township and pay the lower school tax rate, Longport of \$.05, while others have to stay and pay the higher school tax rate of \$1.90 in Egg Harbor Township. He stated especially for those living in the higher value homes in Egg Harbor Township. He stated higher school taxes were caused by a forced growth area in the Pinelands and education underfunding from the State. He indicated any talk that new ratables coming into the Township would offset the loss of Seaview Harbor is also unfair to the tax payers of Egg Harbor Township. He indicated those ratables are to keep future rate increases lower. He stated over the municipal side a savings for tax payers with the loss of Seaview Harbor was minimal but Egg Harbor Township still has to service the remainder of the area.

Board Member Eykyn stated Seaview Harbor is just a piece 7,081 acres in this section of Egg Harbor Township. Board Member Eykyn stated the residents of Egg Harbor Township would suffer the loss of a restaurant, marina and beautiful homes, as well as, a waterfront community. He indicated they would also suffer the loss of a popular Mayor who has been re-elected for 24 years. He indicated the petitioners might not suffer this loss since if the Mayor wished to could run for office in Longport.

Board Member Eykyn stated one place he does feel they did drop the ball but he thinks they have picked-it-up and getting back on track was flood insurance. However, he would recommend Township Committee deny the petition.

Board Member Aponte stated in his first sentence that he said he indicated our journey began on March 31 and it needs to be corrected to March 3<sup>rd</sup>.

**Freeholder Carman:**

Freeholder Carman stated over the last couple of months we have gone over a hundred and some hours of testimony, two (2) boxes of exhibits and a whole book of minutes, plus the last sets of minutes being emailed. He stated this was daunting. He indicated he started taking notes, started getting into it, trying to prepare for the board and then he thought about it. He stated all the facts and figures are already on the record. So he is just going to give his opinion and he jotted down some notes of what we are supposed to look at.

Freeholder Carman stated the first one was to look at was the social aspect of it which is the churches, the dining, the entertainment, which the Seaview Harbor residents rightfully said they don't go into Egg Harbor Township and he understands that. He indicated his own family and himself go to the beach in Longport because it is closest beach. He stated it is a matter of location and generally this type of activity doesn't follow geographic or municipal boundaries. So it is not uncommon, you know, we shop, we dine, we have entertainment in all the surrounding communities. So he does not really see any detriment or benefit of deannexation on this either way. He stated it is basically neutral.

Freeholder Carman stated on the civic end of it. He stated well for Seaview Harbor being a small community that hasn't been in existence for relatively that long. It has been an integral part of this community. I mean we have had two (2) Township Committee members from there and one (1) of them has been a long term Mayor. We have multiple planning and zoning board members a couple which he sees in the room right now, including one (1) time chair and there was another long time chair that was there. He stated he means that they really contributed greatly to the shaping of this Township as we see it today and if history tends to repeat itself, even though it is small, he kind of suspects that. He stated it would be a loss for this town to lose the people that are in there that have contributed so greatly to the shaping of this town.

Freeholder Carman stated fire and EMS he is lumping them together because both of these services are first responded to by Longport. He indicated as far as deannexation is concerned you would see no change. He stated Longport is first responder now and that wouldn't change. He stated in all likelihood if there were a major incident Scullville fire department would be called as a back-up because of being on the water they have the only fire boat in the County. He indicated you really wouldn't change. He stated the only thing that would probably change is operationally is the turnover of command during the scene, which the residents really wouldn't know that unless they were part of the service. So he really does not see anything there.

Freeholder Carman stated on the police, he would say for the Seaview Harbor residents, you probably would gain a little more service on the nuisance calls and all that just by proximity. They are right there, you call, they are probably going to be there first. Unless there is a car stationed there, etc... He stated he thinks the average guy really would, really would see that. He indicated the only caveat to that is Longport being such a small department, from what was testified to, one traffic stop could tie up their whole patrol for the night. So, would they be there faster we don't know and the benefits of a larger department and them being a smaller department they don't have the benefits. They don't have the resources that a larger department does. He indicated that really doesn't come into play here either because with mutual aid they would be called in any way with the resources. So he sees a slight advantage to you on this for the nuisance calls but as far as any emergency he really doesn't see any benefit beside that and he doesn't see any benefit to the Township. He indicated the Township would not save any money on the patrols because we still have to patrol Route 152. We are still covering out there for Anchorage Poynte and the surrounding areas. Again, he stated he does not see any benefit either way.

Freeholder Carman stated with public works the Township would see a small savings. Tipping fees, trash, sending a road crew out but like he said it's a small savings and almost negligible because we still have to cross Somers Point, still have to take care the other areas over there. We still have to go over to dog beach to clean up. We still have to go to Anchorage Poynte. So he thinks the savings would be negligible in that respect.

Freeholder Carman state economics and now on the taxes. He stated on this was Seaview Harbor residents, you would definitely benefit. He indicated being part of Longport, no question about it. The only problem is you are about ½ a percent of the population of this town from what he sees that other 99 ½ % suffer greatly for this. He stated you guys, he stated right now, the way the Township is with the foreclosures and job losses we are in bad shape now and to lose this would be devastating. He stated he thinks it was testified the schools lose approximately 1.8 million in that first year by today's dollars. He indicated that would hit them hard, real hard, loss of programs, effecting the teachers, raising the taxes and most likely both and that would hit us bad.

Freeholder Carman stated with all that said his conclusion is he thinks we should recommend against deannexation because it would only be beneficial for the residents of Seaview Harbor and he agrees it would be, but it would be a detriment for the rest of the residents in this town.

**Township Committeewoman Pfrommer:**

Township Committeewoman Pfrommer stated on February 27, 2014, a petition was filed with the egg Harbor Township Clerk for the purpose of deannexation of Seaview Harbor from Egg Harbor Township with the intent to join our neighboring town of Longport. She indicated this petition was filed and contained at least 60% of the residents of Seaview Harbor's signatures. She noted this matter was turned over to the Planning Board and the first hearing date was scheduled for March 31, 2014, advising the Planning Board's job is that of fact finder and to render an opinion as to whether or not the deannexation petition should proceed.

Township Committeewoman Pfrommer stated we are to consider the economic and social affects that the petition would have on the citizens of Egg Harbor Township and on the petitioners from Seaview Harbor. Per statute the burden of proof is on the petitioners to show that there is a detriment to the economic and social wellbeing of the residents of Seaview Harbor and that there petition would not cause any significant injury to the wellbeing of the remainder of Egg Harbor Township. She noted in the past 2 ½ years we have had over thirty meetings and have heard from the petitioners, from Egg Harbor Township professionals and the public.

Township Committeewoman Pfrommer indicates she would like to state that with regards to information regarding the census tract from Planner(s) Cuiello and Wisner, and Economist Peniciaro were not included in her findings as errors were made in testimony and she felt that there was little relevance to the overall petition. She noted newspaper articles were not given much weight as they in her mind were hearsay with no ability whatsoever to question the writer. She stated while many issues were brought up at these hearings, some were matters of family choices and others were more significant. She stated she has broken down the more significant matters to the following points.

Township Committeewoman Pfrommer referenced public safety: noting in which she is including fire, ambulance and

police and this is the one that she considers the most important as it is the responsibility to do what it can to keep its public safe, provide fire, ambulance and police service.

Township Committeewoman Pfrommer indicated Fire Service: She indicated the residents of Seaview Harbor stated on the record that they do not feel safe as a result of the time and distance that Egg Harbor Township Fire Company must travel to reach them. They stated that Longport is the first responder and the main company they see for any fire event in Seaview Harbor.

Township Committeewoman Pfrommer stated the Township Fire Chief Rob Winkler and the Fire Inspector Don Stauffer testified that they and all communities in Atlantic County operate within a mutual aid system. They made sure that if a fire occurs in this area that the quickest response time will be the first responder. She noted they testified that yes, Longport is the first responder to a fire in Seaview Harbor and that Egg Harbor Township usually arrives second. She stated at such time Egg Harbor Township takes over command of the scene and do all the follow up.

Township Committeewoman Pfrommer stated Egg Harbor Township has responded many times to mutual aid calls from Longport. They are a larger fire company and have more equipment than Longport does. She stated this was backed up through numerous exhibits. Township Committeewoman Pfrommer stated it is difficult to see where any injury to the residents of Seaview Harbor with regards to fire service as it has been stated by Chief Winkler that there would be no change to the service provided to Seaview Harbor no matter what happens with the deannexation.

Township Committeewoman Pfrommer stated in addition to traditional truck service. The Scullville fire company has purchased a large fire boat that can draft from the bay and provide 1500 gallons of water a minute. She stated this was purchased for \$210,000.00 by the Egg Harbor Township Scullville fire company just two (2) years ago specifically for situations like Seaview Harbor. She stated Longport does not have a boat of this nature so if deannexation would occur the Egg Harbor Township fire boat would most likely be called in for service for any major fire at the marina and/or any of the water front properties.

Township Committeewoman Pfrommer than discussed Ambulance Service. She stated residents of Seaview Harbor testified that they have received inadequate ambulance service, that the drivers do not know where they are located and that it takes too long to respond. That time and distance, again, is a major factor and Longport is closer and faster. She stated personal examples were give.

Township Committeewoman Pfrommer stated Egg Harbor Township Ambulance Director William Higbee stated that as with fire the town operates under mutual aid. She noted he explained under a life threatening situation Longport is dispatched first because they are closer to this part of Egg Harbor Township. He also stated that Egg Harbor Township has a paid 24/7 ambulance service as opposed of Longport being all volunteer.

Township Committeewoman Pfrommer stated dispatching plays a role in the time and distance factor, but now with Egg Harbor Township handling all dispatching for Egg Harbor and Longport, the dispatchers will know immediately where the emergency is and will dispatch the appropriate responder. She stated this will not change no matter what the outcome of these hearings. She stated drivers not knowing their locations was proven unfounded by testimony.

Township Committeewoman Pfrommer stated with regards to any social or economic injury with regards to ambulance service provided it is difficult to see any. She stated as with the fire service, it has been stated numerous times that ambulance service will not change if Seaview Harbor is deannexed and joins Longport. She stated any issues will be handled by Longport first and mutual aid second. She noted calls for help will now be expedited as only one dispatch all needs to be made.

Township Committeewoman Pfrommer discussed police service. She stated testimony was given as to the lack of police presence in Seaview Harbor and that when an officer is needed Longport responds first. The same points of time and distance were brought up.

Township Committeewoman Pfrommer stated Police Chief Ray Davis testified over three (3) nights and stated with all public safety concerns that Egg Harbor Township operates under municipal aid when necessary. She stated if there is any emergency and Longport can respond faster than they are dispatched first. She indicated Egg Harbor Township backs up and follows through the calls and handles all of the investigations.

Township Committeewoman Pfrommer stated Chief Davis presented documents indicating that over several years that the Egg Harbor Township Police Department conducted over 1,600 property checks and over 1,400 calls for service on the Boulevard, Seaview Harbor, and Anchorage Poynte. He testified that the police department has a daily presence in Seaview Harbor. She stated since September, 2015 Egg Harbor Township Police Department dispatches all public safety services in Egg Harbor Township and Longport. She stated these dispatchers are trained and are able to determine what

kind of response is needed. Township Committeewoman Pfrommer stated Egg Harbor Township due to their size offers a department with more investigative tools than their neighbor Longport. She stated again, no evidence of social or economic injury to residents of Seaview Harbor as their services will not change.

Township Committeewoman Pfrommer stated with all three (3) fire, ambulance, and police there are not mutual aid fees passed on to anyone from Seaview Harbor. The actual number of dispatched calls, and she thinks that's a point to make, that these calls have to be dispatched to be official, that Longport has responded to over the past few years is a minimal.

Township Committeewoman Pfrommer stated where there is an issue, however, is on the impact to the Township. The deannexation was filed for the area of Seaview Harbor only and does not take into consideration that the Township would still be responsible for all of Route 152, the Boulevard, and events on the surrounding waters. She stated anyone leaving Seaview Harbor at the traffic light on Hospitality Drive must re-enter Egg Harbor Township, not Longport to get anywhere. She stated if deannexation was approved the residents of Seaview Harbor would have to drive through Egg Harbor Townships, cross a body of water on the Kennedy Bridge to get to Longport. She stated they are not contiguous to Longport.

Township Committeewoman Pfrommer stated Township police, fire and ambulance will be the primary responders in front of Seaview Harbor on the Boulevard unless mutual aid is called. The economic hardship falls to the Township residents. She stated the loss of revenue from taxes does not even offset a little to the savings that may be generated by not having to provide public safety services to Seaview Harbor.

Township Committeewoman Pfrommer then discussed trash and recycling. She stated testimony from residents claim that they would have a better trash and recycling service from Longport.

Township Committeewoman Pfrommer stated Director Simerson testified that trash pick-up is weekly, on Monday, from the Seaview Harbor area. She stated director Simerson stated the residents of Seaview Harbor requested a change of trash collection date from Wednesday to Monday due to the large quantity of trash after weekends and seagulls getting into trash weekend residents left on Sunday. She noted the Township changed their pick-up date to accommodate the residents and purchased large wheeled cans so that totally eliminated the problem with seagulls.

Township Committeewoman Pfrommer stated Director Simerson testified that recycling is done every two (2) weeks on trash collection day and that the ACUA runs this program in Egg Harbor Township. She stated with regards to trash pick-up there is no social or economic injury to the petitioners, in fact, it's almost the opposite. She stated the trash service with the new cans makes the Township trash pick-up superior to Longport and when requested to change their pick-up date, it was done. Township Committeewoman Pfrommer stated the Township does not offer valet serve, but no testimony was ever given showing that any resident of Seaview Harbor have ever written a request to provide such a service.

Township Committeewoman Pfrommer stated with regards to weekly pick-up of recycling in the summer, per testimony, no one in Seaview Harbor has ever approached the Township Administrator or the Committee requesting such a change to their recycling service.

Township Committeewoman Pfrommer discussed plowing. She stated residents claim that they receive inadequate plowing during snow storms and many times had to do it themselves. Township Committeewoman Pfrommer stated Director Simerson testified that all roads in the Township are plowed but there is an order to the plowing and that emergency routes are plowed first and Seaview Harbor is not considered an emergency route. She noted he indicated that every storm is different by the goal is to have the Township plowed within 24 to 36 hours. She advised he produced logs of each blizzard identified by the residents showing that Seaview Harbor was plowed in every storm; multiple times.

Township Committeewoman Pfrommer stated social and economic injury during a snow storm varies per person. She indicated while the downtime is appreciated by some, it is of concern to others. She stated Seaview Harbor is not on the first wave of plowing but neither is the bulk of the Township. She indicated Seaview Harbor is plowed multiple times during every major storm, the same as every other neighborhood in the Township. Township Committeewoman Pfrommer explained that Mayor McCullough lives in the Seaview Harbor neighborhood and as she noted Director Simerson indicated if there was a lack of service from public works, he would be getting a call.

Township Committeewoman Pfrommer noted zoning and planning: She indicated the petitioners stated that the Township does not have the proper zoning for unique neighborhood and that it results in additional cost and time. She stated they assert that Longport has the appropriate zoning for a seaside community.

Township Committeewoman Pfrommer stated the testimony of Administrator Miller and analysis done by Planner Wiser indicated that Seaview Harbor was originally planned as a boating community with restrictive setbacks put in place by the developer. She stated the Township originally accepted these setbacks but as the neighborhood developed from a neighborhood of bungalows with private docks to a neighborhood with grander homes the change of the home size often required the need for variance relief.

Township Committeewoman Pfrommer stated the Township, as a result of the increase in relief applications, adjusted the master plan for this area and by ordinance, changed the required zoning to give the residents relief from costly zoning applications. She stated per documents submitted by Planner Wiser it is clear that Longport and Seaview Harbor are not the same type of community.

Township Committeewoman Pfrommer stated they are both water communities, but Longport is a beach community laid out like a typical city established in the standard grid pattern with a very small percent of private docks. Seaview Harbor is a boating community, laid out like a typical suburban subdivision with streets designed to offer docks behind each home resulting in curbed streets and cul-de-sacs and lot sizes that vary greatly throughout the area. She further noted documents submitted show that Seaview Harbor residents have played a large role in the development of the Township during its time of expansion.

Township Committeewoman Pfrommer stated social and economic injury to the residents of Seaview Harbor with regards to zoning has been proven unfounded. She stated the Township adjusted to the changes that occurred in Seaview Harbor as time passed. She stated this is backed up by testimony given by Administrator Miller that since the Township changed the zoning in 200, not one (1) resident has submitted an application for zoning relief.

Township Committeewoman Pfrommer stated that in addition, the residents of Seaview Harbor has sat in the most powerful positions of leadership in any municipality. Township Committee, Mayor, and Chairman of the Planning Board. She stated these positions provide guidance, direction, and leadership for how a community grows and develops. She stated two (2) residents of Seaview Harbor had served on Township Committee, Sonny McCullough as Mayor for 27 of his 31 years on Committee and Dan Garshman for three (3) years in the 1980's.

Township Committeewoman Pfrommer stated with regards to the planning board, Victor Fiore served on the planning board for 11 years and was Chairman for five (5) of those years. Ralph Henry severed over six (6) years on the planning board and was Chairman for five and half (5 ½) years and as Mayor, Sonny McCullough has sat on the planning for the last 27 years. She stated since 1983 a resident of Seaview Harbor has been in one of these powerful positions continuously with the exception of 1994.

Township Committeewoman Pfrommer discussed zip codes: She stated the petitioners have testified of confusion of their having to use a Longport zip code and how it has resulted in lost mail and address conflicts. Township Committeewoman Pfrommer stated Administrator Miller testified that the United States postal service designates the zip code and that they may cross municipal boundaries. She stated testimony was given that many of the petitioner's primary residence are in towns that also have a different zip code than the town in which they reside, the same issue they have in Seaview Harbor. She stated examples were given that when mail is addressed properly it gets to the residents.

Township Committeewoman Pfrommer stated using the correct zip code will result in property delivery. She noted, as pointed out, errors do occur in this system that results in delayed mail to the residents, but this occurs in every town that has delivered mail service in this Country and not just in Seaview Harbor.

Township Committeewoman Pfrommer stated social and economic injury can occur with the current zip code system with delayed delivery of materials, but hopefully, with the proper zip code us this can be overcome. She stated Seaview Harbor is not unique with this issue. She stated the areas of West Atlantic City and Anchorage Poynte are other areas in the Township with different zip codes. She stated additionally, zip codes are not under the Township's control they are issued and under the control of the United States postal service.

Township Committeewoman Pfrommer discussed FEMA and CRS. She stated petitioners claim that Egg Harbor Township not being a part of the CRS system is costing them money and if they were in Longport, who is a member in the CRS System, they would have savings in their flood insurance.

Township Committeewoman Pfrommer stated per testimony the township has long been a participant in the FEMA flood insurance program and with the upcoming effects of the Biggert Waters Legislation to increase costs dramatically to affected areas started the process for the Township to join CRS. She stated this was done prior to any filings for deannexation. She indicated Seaview Harbor is just one of many areas of the Township that are affected by this change. She stated per testimony and comments made over 800 residents of Egg Harbor would be eligible to participate in CRS.

Township Committeewoman Pfrommer states social and economic injury may exist to the residents of Seaview Harbor, as well as, the other affected areas in Egg Harbor Township as a result of the Township joining CRS today, rather than a few years ago. But the dollar amount is unknown and the testimony during these hears was speculative.

Township Committeewoman Pfrommer discussed taxes: She stated the petitioners stated repeatedly that their property taxes are too high and if they were residents of Longport they would see substantial savings.

Township Committeewoman Pfrommer stated testimony from Administrator Miller, CPA's Costello and Ryan all alluded to the same point. The Township local purpose tax rate is one of the lowest for all full service municipalities in Atlantic County. The difference in the tax rated compared with Longport is the school tax. The current tax system is imposed by the State of New Jersey and is based on the property value of your residence. She stated for residents in Egg Harbor Township the tax situation was made even sorer by the designation of Egg Harbor Township as a high growth zone by the Pinelands Commission. She noted this resulted in rapid growth and a large influx of families with children and a need for many new schools.

Township Committeewoman Pfrommer stated failure of the New Jersey Legislature to enact any meaningful property tax relief programs have only made the problem worse. She stated the failure of the State to fully fund school mandates and to property return our energy receipts tax to us have resulted in the higher property taxes.

Township Committeewoman Pfrommer stated economic injury exist for all residents of Egg Harbor Township not just Seaview Harbor. She stated specific economic damage to the newer developments of the Township was real until the revaluation of the Township. She stated these areas were significantly over assessed while residents in Seaview Harbor were under assessed for many years. She stated the revaluation of 2013 adjusted the property values to reflect close to their true value and in doing so redistributed the tax burden and according to testimony this was one of the reasons for the deannexation filing.

Township Committeewoman Pfrommer stated we all have empathy for the residents who bought their piece of paradise only to be impacted by New Jersey real estate taxes. She stated this situation is not unique to Egg Harbor Township but to all areas of New Jersey. She stated Trenton for decades has refused to address this issue and the current real estate taxes are the result. She stated this by no means should allow anyone to tax shop for the best real estate taxes and then claim they don't get services from their township.

Township Committeewoman Pfrommer stated the loss of 92 million in ratables to the Township will result in cuts in all services and education to the residents of Egg Harbor Township. She stated the increased tax bill passed on to the residents of Egg Harbor Township will cause economic injury to the remaining residents. She stated this will be compounded each year.

Township Committeewoman Pfrommer stated a person's choice of where to shop, attend church, visit doctors, socialize is an individual choice. She stated while the residents wanted to show they relate to Longport with their choices and not Egg Harbor Township was not proven. She stated while Longport is a wonderful town, it does not have shopping, doctors, or a large variety of bars and restaurants resulting in Seaview Harbor residents not going to Longport for many of these activities. She stated they are just like the residents of the remainder of E.H.T. and do these activities where they prefer to go. She stated Longport beaches are the desired beach for a large majority of Egg Harbor Township beachgoers, not just those in Seaview Harbor. She stated today, this is an older, seasonal neighborhood, yesterday it was not and tomorrow it could be completely the same or totally different.

Township Committeewoman Pfrommer stated now let's get to the elephant in the room. She stated one factor that has existed in Seaview Harbor for the past thirty years is that the Mayor lives there. She stated every professional that has testified for the Township has stated if they were not doing their job with regards to Seaview Harbor, Mayor McCullough would not stand for it. She stated he has been proactive in making sure all neighborhoods get their proper services and has pushed for services specific to Seaview Harbor. She stated it is impossible to believe that he would ignore any fixable shortcoming brought to his attention by neighbors or by seeing it daily himself. She stated the fact that the petitioners chose to leave him out of any discussions shows to her that they knew his answers and did not want to hear them.

Township Committeewoman Pfrommer stated over and over again time and distance was used as the reason for deannexation, but proven over and over again that many areas of the Township are the same distance from police, city hall, etc. She added members of this planning board live further from town hall than Seaview Harbor residents. She stated the Township boards 15 communities as testified by Chief Davis and public safety services in Egg Harbor Township are closer to many parts of these communities than they are of their own. She stated our tax rate is less than these communities. She asked should that be a reason for this part of their town to deannex and join Egg Harbor

Township.

Township Committeewoman Pfrommer stated in summary Seaview Harbor is a unique boating community with water access to the bays and ocean. She stated it adds value to Egg Harbor Township not just in the economic sense but in the over sense of pride in our community. She stated Egg Harbor Township is made up of many different communities; Senior, rural, undeveloped, suburban and waterfront. She stated this is what makes us unique, we are a microcosm of the United States, not just a single demographic. Township Committeewoman Pfrommer stated for that and the reasons stated above, she will vote no on the petitioner's request.

**Chairman Garth:**

Chairman Garth stated it is hard to address this meeting and he would like to thank Mr. DaBeck and all the residents that have come out faithfully to listen to every piece of the meetings that we had to listen to and he thanks them for the courtesy that they have given us.

Chairman Garth stated a lot of people got upset with him when he stated that Egg Harbor Township was organized in 1710 and everything broke off from Egg Harbor Township except for what they didn't want and that is the truth. He stated you have to realize that factor. He stated people got upset with him when he stood up for his fire department. He stated he is in his 46<sup>th</sup> year in the fire company, the Farmington Fire Company, which we have been to Longport on fires several times. He stated we are the ones that go over into Longport and lay the 5" hose across the bridge.

Chairman Garth stated none of that has any factor to it. The residents want to leave Egg Harbor Township because they want a lower tax rate. He stated they feel they are getting better services through Longport with the Fire, EMS and the Police. He stated within the past five (5) years everything that has been complained about been rectified by either a mutual aid agreement or by Egg Harbor Township taking over the dispatch center for Longport for calls in response for everybody in Seaview Harbor.

Chairman Garth stated he really does not know what to say because everything has been said and he agrees with everything that has been said. He indicated for that little bit of information that he gave he just feels there is no need for deannexation because it is going to cost the rest of the Township money and he knows people are not going to like because he said that but he is sorry it is just the way he feels. He stated the people coming from Seaview Harbor, he has met some very nice people here and they have purpose and they have an idea and they want to run with it, But that is his little statement.

Board Member Aponte stated he is looking at the March 10, 2014 meeting so he would like to stand corrected. Township Committeewoman Pfrommer stated she would also like to stand corrected.

Special Board Solicitor Marcolongo stated he normally frames his motions in the affirmative. He stated this is a case where the petitioners are making an application requesting deannexation, however, he thinks if he tried to frame the motion in the affirmative it would be confusing to the Board. He stated particularly given what he has heard here tonight. So at this point he is prepared to frame the motion for the Board and he would request a motion directing him to prepare an impact report integrating the Boards findings and their analysis into that report and recommending the Township Committee deny the petition for deannexation.

Special Board Solicitor Marcolongo asked if there were any notes.

Freeholder Carman stated he will make that motion as framed; Board Member Kearns second the motion. Chairman Garth noted on the record the motion was made and seconded and then asked for roll call:

**Motion Carman/Kearns to direct Special Board Solicitor Marcolongo to prepare an impact report integrating the Boards findings and their analysis into that report and recommending the Township Committee deny the petition for deannexation.**

Board Member Rosenberg asked if the member(s) who made the motion and seconded it be willing to amend the motion to direct counsel to create the report without the recommendation at this time. He stated the purpose is that he would like to adjourn to close session for at least a short period of time to discuss this before we actually make the recommendation.

Freeholder Carman stated he would not be willing to do that but as far as discussion, why close session, he asked Board Member Rosenberg to given him a reason. Special Board Solicitor Marcolongo stated he would not suggest a close session, at this point, to discuss anything that has to do with the deliberations of the board. He indicated it should occur



in session. Board Member Rosenberg stated the response to the motion was a no anyway. Freeholder Carman stated if Board Member Rosenberg has concerns he can bring them up.

**May the record reflect:** Board Secretary Wilbert took roll call as follow(s):

**Vote 7 Yes:** Aponte, Eykyn, Carman, Kearns, Pfrommer, Rosenberg, Garth

**May the record reflect:** referenced below is the motion and vote in its totality:

**Motion** Carman/Kearns **to direct Special Board Solicitor Marcolongo to prepare an impact report integrating the Boards findings and their analysis into that report and recommending the Township Committee deny the petition for deannexation. Vote 7 Yes:** Aponte, Eykyn, Carman, Kearns, Pfrommer, Rosenberg, Garth

Special Board Solicitor Marcolongo stated it is his intention to have impact report prepared. He stated it will take a couple of weeks to do this. He stated he has advised Attorney Doyle it was his intention to have the report prepared and ready for a vote before the end of September. He stated Board Secretary Wilbert would like to discuss meeting dates.

Freeholder Carman stated he assumes when the report is completed it will be sent electronically. Special Board Solicitor Marcolongo stated correct and also to Attorney Doyle directly. So there will be a period of time prior to the meeting in order to digest it and be prepared to make any comments, additions, corrections, substitutions, deletions, etc..

Special Board Solicitor Marcolongo stated it is his goal to try and weed this all together to create a document that sets forth the boards opinion. So it is your document and this is what he is going to try and do for you. He stated Board Secretary Wilbert and himself discuss this matter and he is looking for was much time as possible. He stated we discussed Tuesday, September 27<sup>th</sup>, 2016.

Board Secretary Wilbert stated she had originally wanted to try and have this intermingle within the Boards regular meeting, but Special Board Solicitor Marcolongo needed more time, so the only availability we have before the end of September would be the 27<sup>th</sup>, which is a Tuesday and it would be at 5:00 p.m.

Attorney Doyle stated in an earlier discussion, and he appreciates the calendar is very fluid for all of us. He thought the likelihood it would be at the regular meeting on the 19<sup>th</sup> (September). He indicated based upon that he has made certain travel plans that take him to California between the 22<sup>nd</sup> through the 28<sup>th</sup>.

Board Member Aponte stated in the past we have went around and around with coming up with different dates. He suggested Board Secretary Wilbert speak with Special Board Solicitor Marcolongo, Attorney Doyle and then the Board. Special Board Solicitor Marcolongo stated he and Board Secretary Wilbert did discuss the 29<sup>th</sup>, which is a Thursday and there is court that day. He stated Board Secretary Wilbert suggested if we start at 4:00 p.m. court normally starts at 5:00 p.m. He stated he does not anticipate this would be a long meeting. He stated particularly if the Board Members send him the corrections they want.

**Motion** Pfrommer/Carman **to carry public hearing to Thursday, September 29, 2016, 4:00 p.m., prevailing time. Vote 7 Yes:** Aponte, Eykyn, Carman, Kearns, Pfrommer, Rosenberg, Garth

**SUMMARY MATTER(S):**

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

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

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

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

**Motion Aponte/Pfrommer to adjourn at 6:40 P.M. Vote 7 Yes:** Aponte, Eykyn, Carman, Kearns, Pfrommer, Rosenberg, Garth.

Respectfully submitted by,

Theresa Wilbert, Secretary

