

**TOWNSHIP OF EGG HARBOR
PLANNING BOARD**

December 15, 2014

Planning Board Professional(s):

Solicitor: Christopher Brown, Esq.: (Teddy Strickland, Esq., present for Egg Harbor Associates only)

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

Charles Eykyn, present

James Garth, Sr., Chairperson, present

Frank Kearns, present

Robert Levy, another engage.

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

Peter Miller, Township Administrator, ****See Below**

Paul Rosenberg, 2nd V-Chairperson, present

John Welsh, Alt. II, excused

***May the record reflect:** Mayor James J. McCullough has recused himself from these hearings. He has sent Township Committeewoman, Laura Pfrommer in his place.

****May the record reflect:** Township Administrator, Peter Miller was present during the presentation of Egg Harbor Associates, LLC. After this matter ended (@ 5:12 p.m.), Mr. Miller, than recused himself from the Board for the remaining portion of the meeting, which was the Deannexation matter.

OTHER MATTER(S):

1. SPPF 07-09

**Egg Harbor Associates, LLC, an affiliate of
as authorized agent for Wal-Mart Real Estate Trust
for Wal-Mart Real Estate Business Trust
"Oak Tree Plaza"**

Zone: RCD, 34.46 acre site, sewer/water, applicant is requesting a one-year extension of time pursuant to the provisions of 40:55D-52(a). This extension will take effect until July 1, 2015, which is the first day following the end of the extension period as defined by the Permit Extension Act.

Extension of Time

2118/1 and 16-21

7801 Black Horse Pike

6820 Old Egg Harbor Road

Waiver of Time – Not Granted

Stephen Nehmad, Esq., introduced himself as attorney for the applicant Egg Harbor Associates, LLC. He indicated the applicant is seeking a one-year extension of the period of zoning protection time on the

approval granted for Oak Tree Plaza. He indicated if the Board will recall this is a 245,000 sq. ft. commercial center to be constructed on the site of the former Atlantic Electric facility located at the corner of Fire Road and the Black Horse Pike.

Attorney Nehmad advised the Planning Board approved this application on June 20, 2011. He advised the current period of zoning protection expires on June 30, 2015. He indicated the reason for the delay is because the applicant has been tied up in litigation filed by their competitor, Shop Rite. He advised the applicant, after a three (3) day trial, Judge Menedez, whom is the Assignment Judge for Atlantic and Cape May Counties prepared a 40 page opinion ruling favorably on the validity of the approvals granted.

Attorney Nehmad stated there is now an appeal pending on this decision. He indicated the applicant is hoping a decision will be made within the next 30 to 60 days, although there is no specific time period in which the Judges are required to make a decision. He indicated this is the fifth (5th) or sixth (6th) case that has been filed against a similar application where it is a Wal-Mart anchor center. Attorney Nehmad stated the applicant is unable to move forward in the face of litigation he stated the request is self-evident. He indicated this will be the first (1st) one-year extension that is being requested. He advised the zoning of the site has not changed.

Attorney Nehmad stated there is talk of the permit extension act being further extended. He indicated he has seen something as recent as this morning from the State concerning this matter, however, Mr. Dion, who is the executive vice president with the Wolfson organization felt it would be more prudent that they seek this extension without prejudice to it being their rights that applies as a matter of law if further extended.

Township Committeeman Carman asked if this is Village Super Market's last avenue of appeal or do they have another appeal they can do. Attorney Nehmad stated it is effectively the last avenue of appeal, however, they have the right to seek certification from the New Jersey Supreme Court. He indicated this does not mean it is a by-right ability to hear the case they have to grant permission for you to go there. He indicated of all of the petitions for certification that is filed the New Jersey Supreme Court they accept certification in about 5% of cases in which it is sought. Attorney Nehmad stated he is not sure there is any grounds. He advised Mr. Dion and Mr. Wolfson organization has been working to feverishly over the years to get everything else ready to have the site move forward when this litigation is finally concluded.

Attorney Nehmad stated he can advise that their advisory did the same thing in Hamilton Township (Atlantic County). He explained there were eight (8) to nine (9) all night hearings in Hamilton and they strung out the appeals and ultimately the Mays Landing facility was constructed.

Motion Carman/Aponte to grant first one-year extension of time pursuant to 40:55D-52(a) effective date of July 1, 2015 – July 1, 2016. Vote 8 Yes: Aponte, Carman, Eykyn, Kearns, Miller, Pfrommer, Rosenberg, Garth

May the record reflect: Board Solicitor Strickland left the meeting for the remainder of the evening (5:12 p.m.). Special Board Solicitor, Dean Marcolongo, is present during the remainder of the evening.

May the record reflect: Township Administrator Miller recused himself with respect to the Deannexation matter.

PUBLIC HEARING(S):

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

Special Board Solicitor Marcolongo advised the meeting this evening is for the continuation of the Deannexation matter. He advised Mr. Miller will conclude this evening and Al Simerson, the Egg Harbor Township Public Works Director will be coming before the Board to make a presentation and answer any questions the Board may have. He advised the next witness he will have is Bill Danz, who is the Egg Harbor Township Fire Chief. Special Board Solicitor Marcolongo advised Mr. Danz is not present this evening. He indicated based upon the fact Mr. Danz is a volunteer and there was another item on the agenda, as well as, testimony being presented by Mr. Miller and Mr. Simerson he does not want to bring Mr. Danz out unnecessarily.

Attorney Doyle stated based upon the testimony Mr. Miller has provided and will provide this evening and the questions that he will ask. Attorney Doyle indicated he does not believe Mr. Simerson will be called this evening. Attorney Doyle indicated a few meetings ago Solicitor Marcolongo stated to review anything else from the association. Attorney Doyle stated he did and he had it ready the next meeting but had gotten past him before the curfew. He asked if newsletter from the Seaview Harbor Community Association dated March 29, 1985, a resolution discussed by Seaview Harbor Community Association asking for Deannexation authored by Ralph LaPorte and his letter attached to that resolution and is undated. Attorney Doyle stated he would believe from the nature of testimony and other records it was in or about 1999 and the third item is a copy of the minutes from the Seaview Harbor Community Club of January 7, 2000.

Special Board Solicitor Marcolongo asked if Attorney Doyle will be asking Mr. Miller questions concerning these records or is he supplementing the record. Attorney Doyle stated he is supplementing the record. Special Board Solicitor Marcolongo stated the newsletter will be S80, the resolution will be S81 and the January 7, 2000 minutes will be S82.

Mr. Miller stated his next subject is Route 152. He explained for the construction of the Dolores Cooper Bridge in the 1980's upon its completion the geometry of the road for the Longport Bridge was of concern to residents of Seaview Harbor. He indicated the Township first address this issue for the Seaview Harbor residents in 1990. Mr. Miller presented Exhibit B69 a three (3) page document with Resolution 300 of 1990, adopt August 22, 1990 by Township Committee, a letter dated September 25, 1990 from the Department of Transportation to the Township Clerk acknowledging receipt of the resolution and a decision letter dated December 18, 1990 from the Department of Transportation to the Township of Egg Harbor.

Mr. Miller indicated what B69 represents is that the Township raised concerns with the Department of Transportation the speed limit, street lighting along the State Highway, warning signs road and a blinking light. He indicated the decision of the State D.O.,T. was that they investigated and they have no evidence to justify improvements at that time.

Mr. Miller stated in 1992 the Township again approached the Department of Transportation to improve the safety along the road. This would include a traffic signal. Mr. Miller then passed out B70 a three page document. Mr. Miller stated the first letter is dated June 17, 1992 to Commission Downs. Mr. Miller stated this letter advises the problem with executing left hand turns into Seaview Harbor for both residential and marina traffic and we are requesting a light there. Mr. Miller than referred to the next letter dated July, 6, 1992, from Mr. Downs acknowledging receipt of our letter. He indicated the third document is a letter dated October, 1992 from Mr. Deitch stating they concluded their investigation and find no evidence to justify a traffic signal at this time.

Mr. Miller stated in 1993 Committeewoman Landgraf sent a letter to Mr. Norman Deitch, who heads the Bureau of Traffic Engineering for the D.O.T., who was the author of the denial letters, requesting an improvement to the street lighting along Route 152. He indicated there is no response from the D.O.T with respect to this letter. This letter is dated January 15, 1993 and marked as B71.

Mr. Miller stated in 1994 the Township tried again. Mr. Miller presented exhibit B72 a seven (7) page package including a Resolution 269-94, adopted by Township Committee 269-1994 on July 15, 1994, the resolution was transmitted to the Frank Wilson the Commission for the Department of Transportation. Mr. Miller advised on July 18, 1994, Mayor Burns sent the letter to Dennis Levinson, Chairman of the Atlantic County Board of Freeholders asking they take a similar action and requesting their assistance. Mr. Miller stated on August 12, 1994 the Township received a letter from Department of Transportation to the Township Clerk advising they received submission and will take a look. Mr. Miller stated in December, 1994, Deputy Administrator, Thomas Shanahan, sent a letter to the Region IV Director requesting a meeting while the traffic signal was pending, and on December 5, 1994 there is a letter from the Department of Transportation advising in paragraph two (2) that discusses an investigation and not enough evidence to justify the installation of a traffic signal. Mr. Miller referenced he does not have the signature page for the December 5, 1994 letter from the Department of Transportation.

Mr. Miller stated from 2000 through 2003 the Township vigorously pursued the installation of a light. Mr. Miller submitted a nine (9) page document package addressing this timeframe. It was marked as Exhibit B73. Mr. Miller referred to the last page. He indicated there is a fax number on top of this document. He stated this is a sign in sheet from the August 22, 2000 meeting where he met with Assemblyman Ken LeFevre and New Jersey Department of Transportation Representative T. Lorencio. He indicated also present at this meeting was Ralph Henry the President of Seaview Harbor Homeowners Associate was there and so was Robert Kephart a member of the Seaview Harbor Association along with Lisa Bee, Joseph McKernan, Frank Washart, and Frank Sutton, Deputy Mayor of Egg Harbor Township were at the meeting.

Mr. Miller stated this meeting was the start of again trying to get a traffic signal for the residents of Seaview Harbor. He noted within this package is a letter dated February 23, 2001 to Robert Kephart, Secretary of the Seaview Harbor Community Club from Mayor McCullough, providing where we were on the signal. On October 31, 2001, a letter was sent to Senator Gromley and our district Assembly people from the Bureau of Traffic Engineering discussing looking at the design of the road and looking at traffic counts/inspections in the new future. The next document is a letter to Mr. Joseph Santarone, President of the Seaview Harbor Community Association from Mayor McCullough provding an update of where we

are with the intersection.

Mr. Miller stated on September 24, 2002 we received letter from the State Department of Transportation advising they completed investigation and are recommending a traffic control signal be installed at this location. Mr. Miller advised this was passed along to Mr. Santarone on September 26, 2002 to the Associations P.O. Box and Mr. Santarone's Law Office in Pennsylvania. Mr. Miller stated on January 9, 2003 the Township received a letter advising us that our Ordinance was approved and on January 8, 2003, the Township Committee passed a resolution agreeing they will be paying for the cost of the traffic control signal, which is the electric and the cost to operate the signal.

Mr. Miller advised these documents show the commitment of Egg Harbor Township to Seaview Harbor that it took over a dozen years from the time it was brought to the Township's attention to make the signal become a reality. Attorney Doyle stated after facility for 13 years it was finally successful. Mr. Miller stated he believes the State Department of Transportation did not assist for 13 years and the Township finally prevailed. Attorney Doyle asked in this effort was there any cost to the municipality. Mr. Miller stated yes, engineering studies and staff time of himself, the Engineer, and Solicitor having meetings with State Senator's, Assemble people and going to meetings with the Department of Transportation in Trenton. Attorney Doyle stated the State Department of Transportation has own engineer's. Mr. Miller stated we were helping them along, but the State Department of Transportation made their own decision concerning the signalization.

Attorney Doyle stated in Exhibit B69 the first resolution, item #2 request the Department of Transportation look at lighting in front of Seaview Harbor and Anchorage Poynte. He stated this was not purely a Seaview Harbor issue. Mr. Miller state in 1990 we were looking at entire road. Attorney Doyle asked if the efforts changed and left out Anchorage Poynte after this. Mr. Miller stated yes. Attorney Doyle asked if the traffic counts changed in 2003 on the third attempt from those in 1990. Mr. Miller stated he does not have those amounts available.

Attorney Doyle stated the sign in sheet references a Lisa Bee, 48 Sunset Boulevard, Longport New Jersey that is the mailing address and she is a resident of Sunset Boulevard in Seaview Harbor. Mr. Miller stated yes she is. Special Planner Wisner indicated it is important for the Board to know in order to get red lights, stop signs and traffic control devices at various locations. No town has the unilateral ability to do this. He stated especially in this case where it is a major highway. He indicated the town will gather information, submit to the Department of Transportation and the D.O.T. will either approve or deny the request. He indicated he does not want the Board to receive the impression that the Township failed during the times when it was not successful. He indicated it would have been because of the data required did not rise to the level the Department of Transportation requires. He indicated by 2003 there must have been sufficient data to justify the Department of Transportation. Attorney Doyle stated he agrees with Special Board Planner Wisner. He advised it was not a matter of effort it was the numbers. He advise the Township could not do this on their own, nor the citizens. The numbers are what mattered.

Township Committeeman Carman stated if he recalls they did not totally approve. He indicated that is why the Township had to pay for the electric, but there was enough pressure on them at the time to make a deal. Attorney Doyle stated he will be asking Mr. Miller about this.

Mr. Miller stated his next subject is the Longport Bridge. He indicated during Mr. DaBek's testimony on March 31, 2014 referenced within the minutes of the same date on page 26. Indicated I (Peter Miller) wanted the bridge to be closed without one (1) lane being open. **May the record reflect:** Mr. Miller continued to read into the record this section of the minutes as referenced previously. Mr. Miller stated he was not sure where Mr. DaBek received his information from. He indicated Mr. DaBek did not provide any witnesses, documents or exhibits concerning anything he said with respect to the Longport Bridge. Mr. Miller stated he never took a contrary position to the Borough of Longport and as a matter of fact he never spoke to Mayor Russo concerning the bridge situation, so how could he have a disagreement with him.

Mr. Miller stated Mr. DaBek had given the people of Longport credit for the proposed pipe under the bridge. He advised Mr. DaBek did not provide any documents or exhibits to support the statement. Mr. Miller provided Exhibit B74 dated February 11, 2013, from the Egg Harbor Township, Fire Chief Danz, to County Executive, Denny Levenson concerning the pipe on the bridge. Mr. Miller then read onto the record the second paragraph of this letter and thereafter advising this exhibit clearly shows the Egg Harbor Township fire department was fighting for the residents of Seaview Harbor to have this connection not Longport. He indicated the County denied the Township's request to have the pipe run under the bridge. Board Member Rosenberg asked if there was a reason given by the County. Mr. Miller stated money.

Mr. Miller asked for a copy of exhibit S40. He indicated during the June 30, 2014 meeting Mr. Hull, as referenced in the June 30, 2014 minutes, on page 18, submitted S40, which is a brochure downloaded from the Township's website. He called to the Boards attention page 4 of this brochure specifically the asterisk area concerning "Adult Resident" and "Child Resident", which Mr. Miller read into the record. Mr. Miller stated Mr. Hull felt this was discriminatory to Seaview Harbor residents. Mr. Miller stated Mr. Hull then submitted S41 from Margate pointing out they do not provide preference to residency for signing up for programs. He stated Mr. Hull then testified he spoke with people from Ocean City who stated their programs are open to all people in community not just residents. Mr. Miller advised Mr. Hull also indicated he spoke with Longport who indicated he could pay \$7.00 an hour to play tennis there even though he is not a Longport resident. Mr. Miller stated Egg Harbor Township has nine (9) tennis courts and do not charge anything to use.

Mr. Miller stated the residents of Seaview Harbor have described themselves as a seashore community they do not have same traits as Margate, Longport and Ocean City have. He indicated during the summer season the towns Mr. Hull discussed have a significant weekly turnover of vacationers staying in these communities. Mr. Miller indicated as far as he is aware Seaview Harbor does not have any weekly rentals taking place. He indicated all of the 92 homes are either primary or secondary homes. He indicated he is aware these other towns have a percentage of year round residents, however, the majority of people who vacation in these in these towns do so on a weekly or monthly basis. He advised there are some that are on a few people that will on a seasonal basis. Mr. Miller presented as an example Ocean City has a year round population of less than 10,000 people, however, in the summer on any given week there is over 100,000 people there. He stated Longport has less than 1,000 people in the town year round but in the summer and they have close to 10,000 people weekly in the summer time there. Mr. Miller stated he has never seen Seaview Harbor's population double or swell by tenfold

like the other towns mentioned.

Mr. Miller stated Mr. Hull did not present any names of residents in Seaview Harbor who was denied participation in programs sponsored by the Township Recreation Department. Mr. Miller stated he believes it was Board Member Aponte that asked Mr. Hull if he thought the language was poorly written and didn't mean what Mr. Hull concluded. Mr. Miller indicated Mr. Hull did not respond directly to this question. Mr. Miller stated he had asked the Township Recreation Director, Robert Lincoln, if Mr. Hull had ever spoken to him to confirm his theory concerning second home owners from being precluded from participating in the Township Recreation program. He indicated Mr. Lincoln advised he had not.

Mr. Miller stated he asked Mr. Lincoln to explain to him what the sentence with the asterisk met on page 4. Mr. Lincoln had told him many years ago business owners in Egg Harbor Township who were residents in neighboring communities were trying to register themselves and their children as residents to have a priority for programs. Mr. Miller stated Mr. Lincoln advised it was not intended or never been used to preclude second homeowners from being denied participation in our programs.

Mr. Miller stated after the explanation was given by Mr. Lincoln he asked Mr. Lincoln if he has any problem with in the last ten (10) to twelve (12) years with any businesses trying to do this. Mr. Lincoln stated no. Mr. Miller advised he directed Mr. Lincoln to remove the sentence from the program, which was done the same day. Mr. Miller than presented Exhibit B75 current program book that recreation has out. He asked the Board to review page 4 of the booklet advising the sentence no longer exist and it was as Board Member Aponte had suggested not properly written. He indicated if this questions was raised to either him or the recreation director prior to the hearing the same result would have occurred to clarify and clean up the language.

Mr. Miller stated during his phone conversation with Mr. Lincoln he had asked if any resident of Seaview Harbor, second or third homeowner ever been precluded from participating in any programs offered by the recreation department. Mr. Miller indicated Mr. Lincoln advised no resident of Seaview Harbor has ever been denied participation in any program that he has run for the past 31 years. Mr. Miller indicated Mr. Lincoln mentioned in passing several Seaview Harbor residents that he was aware of who have participated in programs over those 31 years.

Mr. Miller stated he then inquired to Mr. Lincoln on his knowledge of participation in youth sports programs for residents of Seaview Harbor. He indicated Mr. Lincoln advised all Seaview Harbor youth participate in Egg Harbor Township programs. Mr. Miller stated he asked Mr. Lincoln if whether or not a resident of Seaview Harbor would be able to participate in a football or baseball in a neighboring town because they lived in Seaview Harbor. He indicated the Township's youth program would have to grant a waiver in order to allow a Seaview Harbor resident to play on a non-Egg Harbor Township team.

Mr. Miller stated during Mr. McMenemy's testimony on June 2, 2014, starting on page 31 of the minutes, he indicated his son played sports in Atlantic City, Ventnor, Margate and Longport and Seaview Harbor is considered part of their program. Mr. Miller stated Mr. McMenemy indicated when his son played little league or football that the question was raised of his residency and there were rules that allowed him to participate in those leagues even though he was not a resident in those towns. Mr. Miller indicated Mr. McMenemy claimed certain investigations were done which exonerated his child

and determined that the children in Seaview Harbor were permitted to play in the community where he was playing. Mr. Miller stated Mr. McMEnamin did not provide any documentation or support for that position.

Mr. Miller stated during his conversation with Mr. Lincoln he requested. Attorney Doyle objected. He indicated what we have is Mr. Miller saying Mr. McMEnamin testified inaccurately or worse. He indicated the basis of this is what Mr. Miller was told by Mr. Lincoln. Attorney Doyle continued by indicated Mr. Miller, through the Board, had the ability to question Mr. McMEnamin and this did not happen. He indicated we have Mr. McMEnamin is wrong and Mr. Lincoln proves this. He indicated if this is the case Mr. Lincoln should be here. Special Board Solicitor Marcolongo stated the rules of evidence are very liberal before the Planning Board and there has been a lot of hearsay evidence that came before this Board including the testimony we just heard. He indicated it is the Board's job to hear this testimony and weigh it out and give it appropriate relevance as we go through the proceedings. Attorney Doyle stated he agrees the rules are not the rules of evidence they are liberal and hearsay is allowed. He indicated the hearsay being used in particular case is different. He indicated that was sharing information in the public and the ability to be challenged. He indicated what we are getting here is using hearsay in effect to cross examine without the benefit of Mr. Lincoln to disprove or worse of Mr. McMEnamin testimony.

Special Board Solicitor Marcolongo stated he does not believe it is an "at worse" as Mr. Doyle keeps suggesting. He indicated there have been a lot of facts brought before the Board during the course of these hearings and what he thinks Mr. Miller is suggesting there has not been a basis for a lot of that information and he would like to provide a contrary view of what has happened. Attorney Doyle stated Mr. Miller continually uses the phrase "he came here with no records, no evidence, and no documents" but Mr. Miller's testimony right now saying what Mr. Lincoln said comes without any records, any evidence or documents. Special Board Solicitor Marcolongo stated he agrees with this and he suggest the Board give this testimony the proper weight based upon the same. Special Board Solicitor Marcolongo stated the Board can decide if they would like to bring Mr. Lincoln in.

Board Member Aponte asked Mr. Miller how much longer is this line of testimony. Mr. Miller stated he is almost finished with the recreation. He stated he has one more recreation exhibit to present to the Board. Mr. Miller presented exhibit B76 a memorandum dated July 1, 2014 from Recreation Director Lincoln to Mr. Miller concerning residency issue. Mr. Miller referred to the second (2nd) paragraph of B76 beginning on the second line of this paragraph and then read its contents into the record. Mr. Miller stated the only way a player can play on another team is if our governing organization of football, baseball etc...would grant a waiver to go to the other town. Mr. Miller stated in his opening he referenced he coached sports for 15 years in the Township and there were several Seaview Harbor residents on various teams of the leagues he coached in and he is unaware in the sports he coached in, girls basketball, soccer, baseball of us ever granting any waiver for anybody in Seaview Harbor to play on a different team or a different town team.

Attorney Doyle stated discussion concerning Board Member Aponte referenced within the minutes speaks of the articulation. He asked Mr. Miller obviously the Township agreed "as" written was wrong and they changed it. Mr. Miller stated yes. Attorney Doyle indicated in exhibit B76 the letter from Mr. Lincoln references "our newly developed program booklet" so the unarticulated writing came about in a

newly developed program booklet. Mr. Miller stated it came in two (2) places. He stated through the instructions on line and the new booklet that Mr. Lincoln was working on, which Mr. Miller stated he just passed out. Attorney Doyle asked if any other changes were made other than the notation concerning "not only a taxpayer but resident". Mr. Miller yes, there were changes to the booklet other than the sentence.

Attorney Doyle asked Mr. Miller that he would agree the sentence may have given the impression to a second (2nd) or seasonal homeowner that they were disqualified. Mr. Miller stated based upon Mr. Hulls testimony it is obvious that he could seem to be confused by reading it. Attorney Doyle asked Mr. Miller if in his discussions with Mr. Lincoln to see what the wording was and was anyone from Seaview Harbor disqualified, did he also ask if there is any record for Seaview residents and their children participating in programs. Mr. Miller stated no he did not ask Mr. Lincoln for that.

Attorney Doyle indicated all the testimony reflected that the bulk of Egg Harbor is several miles away and its most important facilities are eight (8) to eleven (11) miles away. There is no discussion to show that testimony is wrong, that the Seaview people do come those miles to participate in the ball fields, tennis courts, recreation building, etc.. Mr. Miller stated his testimony was that they do participate in our programs. Attorney Doyle asked if Mr. Miller what records, documents or evidence does he have to show this.

Mr. Miller stated he only has two (2) people in the recreation department that have registered people and have handled the registrations for the last 30 years. He indicated they are Robert Lincoln and Wanda Schaffer. He indicated they know their people and their programs because they have been here for so long. Mr. Miller stated as reflected in his direct testimony Mr. Lincoln rattled off half-a-dozen names of Seaview Harbor residents over his tenure that have participated in programs. Mr. Miller stated he has coached sports and across the soccer or baseball field he has seen Seaview Harbor children on opposing teams. Mr. Miller stated they have participated in the township programs.

Attorney Doyle asked Mr. Miller when you go in to participate in an Egg Harbor Township recreational program do you have to sign-up. Mr. Miller stated the youth group for football and baseball handle their own registration for their programs. Attorney Doyle asked when you sign up do you have provide address. Mr. Miller stated yes, there is an application. Attorney Doyle asked if these records are kept. Mr. Miller stated he has no idea. He advised these are non-profit groups that run the programs and they have nothing to do with the Township from a records retention standpoint. Mr. Miller explained the Township has public recreation programs that the Township runs but all the sports programs with the exception of the basketball are run by non-profit outside agencies, who are responsible for their own registration and fees and they spend their own money.

Attorney Doyle referred to the recreation booklet. He asked if everything in this is run by outside people. Mr. Miller stated no. He advised everything in the booklet is run by the Township. Attorney Doyle asked if the recreation programs run by the Township ask for names and addresses. Mr. Miller stated yes. Attorney Doyle asked if these records, document or evidence as to whether Seaview Harbor residents actually participated ever been looked at. Mr. Miller stated he did not ask recreation to do this. He indicated it would have been a monumental task. Attorney Doyle asked if the task were done would it show little participation. Mr. Miller stated he does not know what the conclusion would show.

Attorney Doyle stated with respect to Mr. McMenamain he indicated the complaint and objection came from a losing team. Mr. Miller stated he was not sure if Mr. McMenamain advised who complained. Attorney Doyle stated he believes he said they were in the championship game and the opponent.

Mr. Miller stated his next heading is "at the shore". Mr. Miller advised testimony was given that we do not understand the needs of a shore community and therefore we do provide appropriate services to Seaview Harbor because we are not in touch with being at the shore. Mr. Miller stated two (2) residents advised the shore does not start until you get to the top of the Dolores Cooper Bridge. He indicated at the top of the bridge it does have a spectacular view of Egg Harbor Township, but he would disagree that the shore starts at the top of the bridge. He indicated Anchorage Poynte is three (3) miles down the causeway and the residents living there feel they are at the shore. Mr. Miller noted he believes Mr. Klein had testified their first home at the shore was Anchorage Poynte.

Mr. Miller stated in Anchorage Poynte they have 102 homes, of which 70 are second homes. He indicated 70% of the people do not live there year round. He indicated testimony previously given advised 46 or 47 homes out of 92 or 94 homes in Seaview Harbor are permanent year round homes so 50% of the people in Seaview Harbor are year round residents.

Mr. Miller referred to exhibit B3. He advised the Township has a community called Morris Beach. He advised it is a little peninsula off of the mainland. Mr. Miller then placed an "X" on the exhibit B3 marking the location of Morris Beach. Mr. Miller then provided a package he asked to be marked as Exhibit B77 which is a seven (7) page package taken from Blacktowns.org, which was an exhibit of small towns, black communities in Southern New Jersey. Mr. Miller referred to the top of the page package advising locations of historical black communities in Southern New Jersey and referencing where Morris Beach is identified.

Mr. Miller stated Morris Beach has been a historical African American community in Egg Harbor Township for some time. Mr. Miller stated the second sheet of the package is the history of Morris Beach. Mr. Miller began reading into the record the second (2nd) page. Mr. Miller then referenced into the record what was on the additional sheets provided within the package that created Exhibit B77. Mr. Miller stated Morris Beach is part of the mainland portion of the Township and it is a summer Seashore Community and has been this way since at least 1939, if not longer. He indicated when you talk about the shore starting on the causeway there are quite few people who invested in Egg Harbor Township for summer homes on the mainland portion.

Mr. Miller stated if the shore starts at the Dolores Cooper Bridge will have to advise our neighbors in Somers Point, who just started a new campaign and have on Route 152 a sign that says "Somers Point the Shore Starts Here" or Northfield, who has signs all over the community stating "Gateway to the Shore". Mr. Miller than provided examples stating Shore Road goes from Somers Point to Absecon, Shore Medical Center is located in Somers Point because the people at the seashore put the hospital on the mainland to protect it from tidal water, hurricanes and other types of natural disasters.

Mr. Miller stated the former Shore Mall was built in Egg Harbor Township and it was the place where people at the shore went to on rainy days in the 1960's, 70's and 80's. He advised Egg Harbor Township

also has Story Book Land where parents and grandparents took their children and your trip to the shore was not complete unless you went to Story Book Land. Mr. Miller stated many will remember Zaber's Restaurant, who advertised it was minutes away and when you are at the shore go to Zaber's. Mr. Miller stated Atlantic City Race Track is in Hamilton Township. Mr. Miller stated the Press of Atlantic City produces something called "At the Shore". He indicated it tells locals, visitors and vacationers at the shore what is going on. Mr. Miller than presented the July 17, 2014 edition of "At the Shore".

Board Member Aponte asked if Mr. Miller is trying say the word "shore" is a moving target and used different ways. Mr. Miller stated he is trying to demonstrate that everyone knows Egg Harbor Township is part of the seashore and though we may not have ocean front we are part of the shore. Mr. Miller asked for the July 17, 2014 edition of "At the Shore" be marked as Exhibit B78. He advised the pink tabs (19) pages identify Egg Harbor Township as at the shore and to come to Egg Harbor Township. This edition of "At the Shore" is 48 page sheets. He also presented, as a contrast, the October 2, 2014 edition of "At the Shore". He indicated since the summer season is winding down Egg Harbor Township was mentioned 16 times. Special Board Solicitor Marcolongo marked the October 2, 2014 edition of "At the Shore" as Exhibit B79 and referenced it was a 32 pages in totality.

Mr. Miller stated the next exhibit he is presenting is from the Diocese of Camden from the Catholic Star Herald. He indicated it is from the July 25, 2014 edition and is marked as Exhibit B80. Mr. Miller stated during the summer months the Catholic Star Herald provides a listing of churches at the shore. He indicated they do so in order for the Catholics down the shore can find what time services are and where to go. Mr. Miller stated St. Katharine Drexel is referenced on this page. Mr. Miller than stated one of the highlights of at the shore are the South Jersey Life Guard Races.

Mr. Miller presented the 2014 South Jersey Lifeguard Chiefs Association Race Schedule from the June 30, 2014, edition of The Press of Atlantic City, which was marked B81. Mr. Miller asked the Board to note on Exhibit B81 it list on July 12th the Brennan McCann Masters File-Mile Row, is taking place on Seaview Harbor beach in Egg Harbor Township. Mr. Miller advised this was a three (3) series race and on August 9th, 2014 another race was scheduled and on September 13th, 2014, another race was held.

Mr. Miller advised he had testified earlier that Egg Harbor Township has 7.6 square miles of rivers, waterways, lakes and bays as part of the community. He indicated Lakes Bay has three (3) miles of water, Patcong Creek runs through Egg Harbor Township and is 19.2 miles in length so the total amount of water frontage within Egg Harbor Township is in excess of 22 miles. He advised for Seaview Harbor to only look at their one-tenth of a square mile and conclude it is the only length portion of Egg Harbor Township as a shore community is a reach. Mr. Miller stated at the shore people enjoy boating just as the residents of Egg Harbor Township and the same as the residents of Seaview Harbor do. Mr. Miller asked to mark as Exhibit B82 a listing of private docks in Egg Harbor Township. He indicated this listing does not include Seaview Harbor or any other marina in Egg Harbor Township.

Mr. Miller stated there are 115 private docks in Egg Harbor Township for residents other than Seaview Harbor that enjoy boating and the waterways of Egg Harbor Township. Mr. Miller than presented Exhibit B83 a listing of licensed marinas in Egg Harbor Township (he advised Seaview Harbor Marina is not included). Mr. Miller stated there are 18 licensed marina's in Egg Harbor Township. Special Board Planner Wiser asked what is the difference between docks and marina's? Mr. Miller explained he

separate docks as those on private property and marinas are those licensed by the Township.

Mr. Miller indicated many people coming to the seashore do not own or rent a house. He advised many like to campout when they come to Egg Harbor Township. He advised Egg Harbor Township has three (3) seasonal campgrounds for those that enjoy that type of vacationing. Mr. Miller advised another thing people like to do on vacation at the shore is play golf. He indicated Egg Harbor Township has six (6) golf courses within its boundaries, of which five (5) are public and one (1) is private. He indicated a significant portion of play comes from seasonal residents. Mr. Miller asked the the listing of campgrounds and golf courses be marked as Exhibit B84.

Mr. Miller stated when he took this job 25 years ago and being familiar with the area he thought he took a job at the seashore. He indicated when he moved into his neighborhood he was the 17th home of 45 to be constructed. He advised within the first week he met three (3) of his neighbors whom two (2) were from Pennsylvania and one (1) from Connecticut. He indicated all these individuals retired to the shore. Mr. Miller stated he asked why they were living in Egg Harbor Township not a beach community. He stated their answer was they were not beach people but like the freedom to go to Ocean City, Margate, Longport, wherever and Egg Harbor Township, at the shore, gave them that ability to do those things.

Mr. Miller also advised his neighborhood was a subdivision of 45 homes and was built out 15 years ago, so it will also not contribute to future growth in Egg Harbor Township. He stated he mentions this because this was part of the testimony presented previously.

Attorney Doyle asked Mr. Miller to paraphrase this is all about what the shore is. Mr. Miller stated no this is about the testimony of Attorney Doyle's clients saying they are at the shore and we on the mainland are not at the shore. He indicated this is to demonstrate we are all at the shore. Mr. Miller stated they may have waterfront property but we still enjoy the benefits of living at the shore also in the mainland portion of Egg Harbor Township. Attorney Doyle asked if people living in Newark, Belleville, and Ewing they come to the shore. Mr. Miller stated if they vacation at the shore, yes. He stated some vacation in Egg Harbor Township. Attorney Doyle asked if there is any other community in Egg Harbor Township that is on the ocean side of the intercostal water way. Mr. Miller stated not knowing where the intercostal goes, since he is not a boater. He stated he knows it does go through a channel and Seaview Harbor would be on the west side of the intercostal, as well as, the Margate Causeway and West Atlantic City, therefore, he would say several neighborhoods are on the west side of the intercostal. Attorney Doyle stated since Mr. Miller is not a boater, perhaps his answer is inaccurate. Attorney Doyle asked Mr. Miller that he is not sure. Mr. Miller stated he is not a boater and he cannot advise exactly where the intercostal goes.

Attorney Doyle asked if there is any other community in Egg Harbor Township that is exposed to the inlet and the ocean as Seaview Harbor. Mr. Miller stated Morris Beach has a great exposure to water. Attorney Doyle asked they are exposed to water but what about ocean winds and how many miles are they from the ocean. Mr. Miller stated he cannot scale off the distance, but as a crow flies it maybe three (3) to four (4) miles. He is not sure. Mr. Miller stated The Great Egg Harbor River all the way past the boundary line with Hamilton Township is flowed by tidal water from the ocean. Attorney Doyle stated being flowed by tidal water means it goes up and down a foot or more. He indicated it does not

mean it has waves, wind action, and the kinds of things Sandy showed us. Mr. Miller stated there were people along the river such as Ships Drive that were more dramatically impacted by Sandy than the people in Seaview Harbor were.

Attorney Doyle asked how many homes are in Morris Beach. Mr. Miller stated there are around twelve (12) homes. Attorney Doyle stated Mr. Miller had suggested the testimony provided by Mr. DaBek was 50/50, concerning the very first question in the survey presented to the property owners in Seaview Harbor. Attorney Doyle then referred to the minutes of March 31, 2014, advising they indicated 32 were full time residents of the 72 that responded. He indicated that is not 50/50. Mr. Miller stated within the report presented by the Planner for Seaview Harbor, she indicated that 47% were year round residents. Attorney Doyle stated her report on page 18 also references the number of homes in Egg Harbor Township that are year round residents is 93% he asked Mr. Miller if he doubts this. Mr. Miller stated he has no idea what the number is.

Attorney Doyle asked how Mr. Miller compiled the dock report. Mr. Miller stated he had an individual went by Google Maps found the water ways and counted the docks. Attorney Doyle asked who the individual was. Mr. Miller indicated it was his clerk. Attorney Doyle asked that she came up with 115 docks. Mr. Miller stated whatever number is on the exhibit is what she counted. Attorney Doyle asked was there any area of the Township that has docks that was left out. Mr. Miller stated Seaview Harbor. Attorney Doyle asked how many docks in Seaview Harbor. Mr. Miller stated it is his understanding all 92 homes have docks. Attorney Doyle advised two (2) of the homes do not front on water he believes Mr. Miller's count is off by two (2). He stated there are 90. Mr. Miller stated there is a gentleman who has docks but there is no home on the property. Attorney Doyle stated he will then take the 92 as being correct. Attorney Doyle stated there are as many docks in Seaview Harbor than in all the rest of Egg Harbor Township. Mr. Miller stated yes. Attorney Doyle asked if does not suggest to Mr. Miller that it is a unique community having nearly half of the docks in the 66 sq. mile town. Mr. Miller stated it is a unique community it sold as a boating community. Attorney Doyle asked Mr. Miller if there is any other community in Egg Harbor Township that was built solely as a boating community, as was Seaview Harbor. Mr. Miller stated Anchorage Cove and Anchorage Poynte.

Attorney Doyle asked how the marina list was compiled. Mr. Miller stated the mercantile officer printed out the mercantile licenses issued to marinas. He indicated marinas are a classification of license and they entered a search for marinas and the list was produced. Attorney Doyle asked if Seaview Harbor has a mercantile license. Mr. Miller stated no because they are a condominium. Attorney Doyle asked if the list provide the number of slips for each marina. Mr. Miller reviewed the list advising that some do have the number of slips and some do not.

Attorney Doyle stated for the list of the churches does St. Katharine Drexel have additional masses in the summer. Mr. Miller stated he does not know. Attorney Doyle asked if Mr. Miller knows if the catholic churches in Brigantine and Margate have additional masses in the summer. Mr. Miller stated he does not know. Attorney Doyle asked if Mr. Miller knows if these churches have greater collection or attendance. Mr. Miller stated he would have no knowledge. Attorney Doyle stated this would be indicative of being seashore communities. Mr. Miller stated it would say there are a lot more vacationers going to church there that are generous.

Board Member Aponte stated he would like to make a point very quickly concerning his comment on the Shore. Board Member Aponte stated when he was a young man he lived in North Jersey. He stated his idea of the shore at the time was Asbury Park, Seaside Heights because this is where his parents would take him. He stated he then lived on the island so that was his idea of the shore. He indicated he lives in Egg Harbor Township and he is close to the shore. He stated it is a moving target and this is what he meant his point. He indicated everyone has their own idea of the shore and it does not mean the person next to them idea of the shore is the same. He indicated this was his point. Aponte: lived in North jersey my opinion was Asbury park and when I lived on island lived on shore and when I moved to egg harbor township I was close to the shore. Is a moving target.

Mr. Miller stated in closing his role as a fact witness was to review the testimony. He indicated all the testimony he provided was in response to the petitioners direct testimony except for the Route 152 traffic signal, which was never mentioned and he found these documents when he was looking for other documents. Mr. Miller stated as a fact witness he presented documents, exhibits to support the statements that he made.

Mr. Miller stated Seaview Harbor is a part of Egg Harbor Township. He advised it is 11 square miles, three (3) miles in diameter in that section of Egg Harbor Township. Mr. Miller stated in Egg Harbor Township they do get the public access TV Channel; Channel 97 if they have Comcast cable. He advised they do have the Egg Harbor Township Current delivered there because they are part of Egg Harbor Township. He indicated they do not receive the Down Beach Current delivered to their homes. He indicated they are a boating community not a beach community. Mr. Miller stated they do not have to go through Longport to go home. He indicated there was no testimony given to that fact except for Super Storm Sandy when the telephone poles were down that they had to go through Margate, Longport to get home and ironically if you lived in Longport you had to go through Margate to get home. He indicated Longport has to go through Egg Harbor Township to get to Longport but Seaview Harbor, Egg Harbor Township does not have to go through Longport to get home.

Mr. Miller stated as to the community rating system that was discussed. Seaview Harbor was treated no differently than any other part of Egg Harbor Township as it related to the National Flood Insurance Program. He indicated we have other areas of the community that were affected by it. He indicated his testimony dealt with why it took us so long to do it. Mr. Miller stated he reviewed the Township records and he found no records for lack of services. He indicated there were no copies of letters that they submitted saying the Township failed to do certain things. Mr. Miller stated based upon their testimony it would almost lead you to believe that they possibly accepted a lower level of services for many years and wait until now to say we do nothing for them. He indicated they would also like you to believe the Mayor who has lived there for 29 and has been in office for 29 years, not all as Mayor, allowed his community to receive services at a level lower than any other community receiving them and that he actually deprived himself and other residents of services.

Mr. Miller stated the residents of Seaview Harbor have always had a direct access point to residents, to the leadership in Egg Harbor Township. He indicated one of the Mayor's live there, Planning Board Chairman's have lived there. He indicated he has personally dealt with several presidents of the association from Mr. Rainone, Mr. Santarone, Dr. Marcasi, all the way up to Mr. McGlinchey and Vic Fiore, Ralph Henry, Brian Condella to name a few people who have served as the chairman of the

association over the years. He indicated they all know how to get in touch with him and talk to him if there was an issue with service and he can represent to the Board that those things did not take place.

Mr. Miller stated one of the issues had to deal with taxes. That this is not about taxes. He indicated he said in his opening comments that, yep, this is about taxes. He indicated he has been told that by several people. Mr. Miller stated one of the things when he was looking for records about complaints he did find a letter from Mr. McGlinchey dated April 10, 2009, addressed to the Mayor actually thanking the Township for putting up a street light. He stated so he could not find letters of complaints from residents of Seaview Harbor, he did find one complimenting the Township for responding to the association request. Mr. Miller stated he believes this exhibit does demonstrate that there is no hesitancy on the part of the Seaview Harbor residents to reach out to the Township to ask for something and they are one of the few communities that when we did something we got a letter or phone call thanking us for taking care of their issue. Special Board Solicitor Marcolongo marked McGlinchey Letter (4/10/09) as B85.

Mr. Miller stated during the testimony several residents testified to tax savings. He indicated as he mentioned in the beginning Egg Harbor Township touches about 16 different towns, geographically, somewhere across the river from us. But there are seven (7) towns that are contiguous to us that all have a higher tax rate than ours. So if we moved our boundary line by a street across Bargaintown Lake taking the residents of Linwood all of their taxes would go down. He stated so that situation is really no different than what Seaview Harbor is here about; moving across.

Mr. Miller stated in April of 2013 when he heard that the residents were considering filing a petition for succession. He indicated he called Ed McGlinchey. He stated he had his cell phone number, he called him directly to talk to him about why, how come, why now and he did remind me that this has been an ongoing discussion for some time among them and that the taxes are now too high and this was the time to do it now.

Mr. McGlinchey used an expletive. Special Board Solicitor Marcolongo stated this was on the record. Mr. McGlinchey stated he knows. Mr. McGlinchey apologized. Attorney Doyle stated the Board would appreciate if a comment was aimed at you and you feel it is necessary to verbalize. He indicated when statements are made that directly that during the course of the public testimony certainly the residents of Seaview irrespective of whether they testified before, they testified the facts more particularly those statements or allegations made by Mr. Miller and other witnesses which obviously Mr. McGlinchey disputes. Attorney Doyle stated he does not want to draw out but you cannot hear half the story.

Special Board Solicitor Marcolongo stated the petitioners have had their opportunity to present their case to the Board. He indicated it was stated in the very beginning there would be three (3) parts. He indicated the petitioners would make their presentation, the Planning Board would call certain Township Officials to make presentations to the Board and then we would hear from general members of the public. Attorney Doyle stated he would suggest general members of the public include people who live and/or pay taxes in Egg Harbor Township. Special Board Solicitor Marcolongo indicated he thinks those are the members of the petitioners that have already had the opportunity to make their presentation and present to the Board they feel the important facts. Attorney Doyle stated if Mr. Miller can get away and say Mr. McGlinchey said so and so. Mr. McGlinchey said I never said that, but he

cannot say that under oath, as Mr. Miller is now that is wrong and unfair. He indicated if that is the limit on that than that is another sign of arbitrariness, which the Board has said they will not do.

Mr. Miller stated in light of the discussion concerning Mr. McGlinchey he advised he would like to present an exhibit the memorandum from his file dated April 4, 2013, which is his file memorandum that he did on that day and two (2) weeks later confirmed his telephone conversation with Mr. McGlinchey. Special Board Solicitor Marcolongo advised this is Exhibit B86 and is two (2) sheets. Mr. Miller stated on April 4, 2013 he called Mr. McGlinchey on his cell phone number concerning the rumor he heard about succession and asked what was the motivation. Mr. Miller indicated that Mr. McGlinchey explained it was taxes as a result of the re-valuation. Mr. Miller advised he thought it was an odd reason and that they would have to show lack of service and how could they with the Mayor living in community. Mr. Miller stated Mr. McGlinchey advised their attorney thought they had a 50/50 chance of success. Mr. Miller advised he had asked Mr. McGlinchey for permission to speak with the residents concerning the level of services, since it was the reason for succession. Mr. Miller indicated Mr. McGlinchey thought it was a good idea but he would have to speak with the attorney and he would get back to him.

Mr. Miller stated 15 days later Mr. McGlinchey called him back and told him that the attorney said he could not speak with the residents to this matter. Mr. Miller stated page 2 of Exhibit B86 is his phone log showing on 4/4 at 2:54 p.m., in the afternoon he called Mr. McGlinchey on his cell phone number and it shows we spoke for 26 minutes. Mr. Miller stated since they had a long conversation about this that is why he prepared a memo to his file so that he would not mistake what the conversation was that day, sometime in the future.

Mr. Miller stated there was testimony given as to the great relationship and social connection of the residents of Seaview Harbor have with the residents of Longport. Mr. Miller stated in the November 13, 2014 edition of the Current of Egg Harbor Township, which he asked to mark as an exhibit. He advised it entitled "Clash Over Seaview Harbor Far From Over". Special Board Solicitor Marcolongo announced this is marked as B87. Mr. Miller asked the Board to refer to page 3 of this exhibit, more specifically paragraph 4 under "Longport Remains Neutral". Mr. Miller then referred to paragraph 3. Mr. Miller then read into the record this paragraph, along with paragraph 4. Mr. Miller stated these quotes along taken from the minutes of the Seaview Harbor Association minutes, according to the author of this article clearly shows that there is really no social connection between Seaview Harbor and Longport currently.

Mr. Miller stated he provided testimony and an exhibit concerning the civic involvement of the residents of Seaview Harbor for the last 30 years. Mr. Miller indicated one of the questions Attorney Doyle raised what that only two (2) people participated and that was not much participation. Mr. Miller stated he was curious of the outcome. He advised he used the ratio of 47 homes within Seaview Harbor, but if their survey says there are only 32 homes his percentages will be off. Mr. Miller indicated two (2) homeowners out of 47 indicate they have 4.3% civic involvement and governance of the Township. He indicated only three (3) other communities have a higher percentage and most of them have lesser homes. Mr. Miller indicated Christopher Landing had 7.7% but they have 26 homes and two (2) people participating. He advised Popular Woods have 6.5% with two (2) out of 31 homeowners participating. He indicated Bridle Path has four (4) people participating out of 84 for 4.8%.

Mr. Miller stated if he does the math for 2 out of 32 in Seaview Harbor then they would move up to third place on the list because Popular Woods has 2 out of 31. He asked if this could be marked as an Exhibit. He advised this is a listing of Egg Harbor Township subdivisions with less civic participation than Seaview Harbor. Special Board Solicitor Marcolongo marked as B88. Mr. Miller stated Egg Harbor Township is a large community with 45,000 people. He stated we have 143 recognized; identified subdivisions within the Township. He advised 139 of them have less participation than Seaview Harbor in civic involvement and the governance of the Township, as a percentage of the year round homeowners. Mr. Miller stated he does not believe it is fair to say or characterize that only the mayor and a member of the economic development commission reflects poor participation or lack of participation on their part.

Mr. Miller stated he would like to present a Press Editorial from March 3, 2014, entitled Seaview Harbor Secession/A Losing Cause. Attorney Doyle objected. He indicated the editorial is not facts or evidence of anyone. He indicated it is an opinion. Special Board Solicitor Marcolongo advised the Board received numerous articles from the residents. Attorney Doyle stated not editorials. Special Board Solicitor Marcolongo stated he believes this to be relevant and the Board should accept. This was marked Exhibit B89. Mr. Miller stated this concludes his presentation.

Attorney Doyle asked Mr. Miller if he spoke with anyone at the Atlantic City Press prior to the issuance of the Editorial about this subject. Mr. Miller stated no. He indicated he did not speak with anyone on editorial board. Attorney Doyle stated there was much discussion about "the Shore" he asked if Mr. Miller in his lexicon or down here that would be the opposite of shore. He suggested maybe mainland. Mr. Miller stated if Attorney Doyle suggest. He advised seashore does have a mainland component. He indicated you have a barrier island and then a mainland that faces back bays, rivers and creeks that feed into the ocean that is all part of the shore community.

Attorney Doyle stated exhibit B3 was brought in to show what originally. Mr. Miller stated to show what Egg Harbor Township looks like because the map from the petitioners only had a blue or yellow dot in the corner. He stated it did not show Egg Harbor Township in its context and how this section of Egg Harbor Township should be taken into consideration. Attorney Doyle stated when Mr. Miller pointed to "this section (Seaview Harbor), he referenced to it previously as being 11 square miles and 3 miles in diameter. Attorney Doyle asked Mr. Miller other than Seaview Harbor what else does it include. Mr. Miller stated it includes Seaview Harbor, Anchorage Poynte, Anchorage Cove and Sea Village Marina and the marina's on the cause way. He stated it includes the Margate Causeway and the channel below Seaview Harbor. Attorney Doyle asked if anyone lives at Sea Village Marina and how many homes. Mr. Miller stated he does not know how many people live at Sea Village Marina. He indicated they are the only house boat community within the State of New Jersey and there are five (5) to six (6) dozen that are approved for people to live on.

Attorney Doyle asked if it not true that most of the 11 square miles are owned by the State of New Jersey, the bridge commission, or the Township of Egg Harbor. Mr. Miller stated he has not done a calculation as to what percentage is publically or privately owned. Attorney Doyle asked Mr. Miller that he has not looked at tax map page 96 and reviewed the lot and blocks to determine acres and out of the 11 miles what is inhabited. Mr. Miller stated when he described as inhabited he did not look to

calculate what percentage of ownership was public or private.

Attorney Doyle stated during his testimony Mr. Miller described that Egg Harbor Township has significant responsibilities to that 11 square miles. Attorney Doyle asked what are the responsibilities of the Township beyond the limited areas where there isn't habitation. Mr. Miller stated the Scullville Fire Department has a hovercraft that responds when people become stranded on the islands or boaters that run aground and the State Police or Coast Guard is unavailable. He indicated we provide services there. He indicated the Police Department has done manhunts and searches through the marshes looking for people of interest. He indicated other than that most of the services the Township provides are on the roadway or the community. He indicated we do the law enforcement out there and we provide public services to the residential neighborhoods. Attorney Doyle stated when you link you Seaview Harbor to 11 square miles. Seaview Harbor is 60 acres. Mr. Miller stated it is a tenth of a square mile. He is not sure of the acres.

Attorney Doyle stated one of the first things Mr. Miller brought into evidence was exhibit B4. He asked Mr. Miller to place this exhibit up. Attorney Doyle stated as he recalled Mr. Miller presented this based upon the theory that the very name of Egg Harbor was linked to the Harbor that Seaview Harbor fronts on. Mr. Miller stated this is the story he was told by a former Mayor when he came to Egg Harbor Township. Attorney Doyle stated Mr. Miller did not suggest there was a second theory concerning the name until he stated he asked Mr. Miller a question. Mr. Miller stated yes. Attorney Doyle stated the second theory, the one he raised, does not sustain Mr. Miller's theory of the historical importance of Seaview Harbor. Mr. Miller stated he does not know if it does or does not. He indicated it discusses a sea of eggs. He indicated it could have been a sea of eggs where Seaview Harbor currently is because it was marshland 300 years ago.

Attorney Doyle asked if Mr. Miller has looked online as to the history of Egg Harbor Township at the web site for Egg Harbor Township. Mr. Miller stated not recently. Attorney Doyle asked Mr. Miller to read a document. Attorney Doyle asked if this document mentions Mr. Miller's theory of how Egg Harbor Township received its name. Mr. Miller stated no. Attorney Doyle asked if it mentions his theory or the alternative one. Mr. Miller stated it is the one adopted by the historical society, yes. Attorney Doyle asked this document to be marked as an exhibit S83 Historical Society Web Page introduction. Attorney Doyle then presented to Mr. Miller "The Origins by June Sheridan" this was marked as S84. Mr. Miller stated it does not mention the theory Mayor Heinz told him when he was hired here.

Attorney Doyle then provided Exhibit B85 Wikipedia Article as to how Egg Harbor received its name, which is contained in last paragraph. He asked if this mentions Mr. Miller's theory. Mr. Miller stated no it does not. Attorney Doyle stated he had googled "Egg Harbor name history shaped like egg", "Egg Harbor name origin shaped like egg", which he asked to be marked as B86 and suggest Mr. Miller's alternate theory did not come up. : Doyle what record or document do you have for the presentation of the theory. Attorney Doyle stated in the face the absence of any written finding for Mr. Miller's theory of the name what record, document or evidence does he have to support the theory he placed before the Board.

Mr. Miller stated his story of the Township's name comes from conversation with former Mayor Heinz in 1990. Mr. Miller explained Mayor Heinz was on the historical society and he told Mr. Miller the

alternate history of the town and he indicated the historical society liked one, but there was an alternate one, and the alternate one he has known for 25 years. Mr. Miller stated he has discussed off and on with Township Historian Sheridan, who indicated they like a different version better.

Attorney Doyle stated Mr. Miller presented testimony concerning the community rating system program. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he is aware of the National Flood Insurance Program administrated by FEMA. Mr. Miller stated yes. Attorney Doyle stated as the administrator of the Township is Mr. Miller familiar with the community rating system program. Mr. Miller stated he is not aware of the nuts and bolts details, but he is aware of its purpose. He indicated its purpose is to require communities to do more flood prevention, flood control and flood avoidance so it benefits the insurance rating for the property owners. Attorney Doyle stated it does not require towns to do it, but allows them to do it with the carrot being that it benefits their residents who have flood insurance. Mr. Miller stated you cannot get into the program unless you bring your compliance up to a certain level then you can get in. Mr. Miller stated where you go from that depends upon your category or number they assign to your rating.

Mr. Miller stated you cannot get into the program unless you do certain things. Attorney Doyle stated it was suggested that among the things that had to done to be in the CRS was you had to mandate requirements to individual home owners. Mr. Miller stated yes, there are certain requirements that all homeowners within the zone have to meet. Attorney Doyle asked where is this written. Mr. Miller stated in his report that he submitted advising the municipal engineer is the certified CRS person, the engineer laid out what has to be done to be certified. Mr. Miller stated the municipality has to adopted ordinance and regulations and do the enforcement to the residents to comply with the standards in order to meet the minimum level to get into the program.

Attorney Doyle asked when Mr. Miller became familiar with the flood program and the CRS. Mr. Miller stated the national flood program came around in the 1970's. It was revised in the 1980's. He stated in Egg Harbor Township sometime in the early 1990's he was aware of it. He stated the CRS program he became aware of probably in the late 1990's. Attorney Doyle asked Mr. Miller if he read exhibit S58, which is the National Flood Insurance Program Community Rating System. Mr. Miller asked for a copy.

**** May the record reflect:** Special Board Solicitor Marcolongo advised Public Works Director, Al Simerson that he may leave for the evening.

Mr. Miller stated not in its entirety. Attorney Doyle asked if he referred Mr. Miller to parts of this exhibit he would not be familiar. Mr. Miller stated this is correct. Attorney Doyle stated for the Board's edification he would like to point out some points. He indicated the National Flood Insurance Program offers reasonable priced flood insurance to communities that comply with minimum standards. He asked if Mr. Miller is familiar with this. Mr. Miller stated he testified to this a little while ago. Attorney Doyle stated in order to participate in the CRS your community can choice to undertake some or all of the 18 public information and flood plain management activities described in the CRS. Attorney Doyle stated there is nothing that has to be done by individual homeowners. He stated this is community undertaking flood plain management activities and public information. Mr. Miller stated the list the Township received from the State of New Jersey who administers the CRS program, the Department of Community Affairs provided gave the Township a list of the specific homes and the standards we have

to adopt before we can be accepted in the program. Attorney Doyle asked if Mr. Miller can show him any document that says that you have to require of individual home owners to do specific things. Mr. Miller stated he does not have with him, but he can get this for Attorney Doyle.

Attorney Doyle asked if Mr. Miller read exhibit S59 the FEMA fact sheet. Mr. Miller stated he does not recall seeing in this format, but he did receive a summary pamphlet from the people he met with. Attorney Doyle asked Mr. Miller who were these people. Mr. Miller indicated he had there were representatives from FEMA and the Department of Community Affairs, who he met with several months ago about what steps the Township had to do to get into the program. Attorney Doyle asked if any of the steps were for individual home owners to do things to their individual houses. Mr. Miller stated there were four (4) home owners that were required to make certain improvements to their property before the Township would be able to apply into the program. Attorney Doyle asked Mr. Miller that the Township could not get the benefits of CRS insurance reductions until four (4) particular homeowners had to do individual actions on their homes. Mr. Miller stated it is his understanding of what we are doing. Attorney Doyle asked who are the four (4) owners. Mr. Miller stated he will provide information to Attorney Doyle he does not know their names and addresses off the top of his head.

Attorney Doyle stated in order to apply for CRS participation the community must initially inform FEMA's regional offices of its interest to apply to CRS. He asked if Egg Harbor Township has done this. Mr. Miller asked if he could see B40. Mr. Miller stated on April 16, 2014, as referenced within B40 the Township sent a letter again to FEMA to being the process in program. Mr. Miller stated the Township sent them a letter on October 30, 2013, to start of the process and they misplaced or lost the letter so in April, 2014 we had to start process over again. Attorney Doyle asked if the Township ever followed up the October 30th letter. Mr. Miller stated his municipal engineer, Robert Watkins handled the matter. He indicated he is the certified flood plain manager. Mr. Miller stated he can ask Mr. Watkins to provide emails from himself and FEMA to show what he did. Peter: asked for B40: on April 16, 2014 we sent letter again to start process in program and they were informed in October, 2014 and they said they lost it. Peter: municipal engineer bob Watkins handled the matter and he has a time line and I can asked Mr. Watkins to produce emails showing what he did. Attorney Doyle stated yes, he would like to see.

Attorney Doyle asked Mr. Miller if a CRS application has been submitted. Mr. Miller stated according the exhibit B40, a meeting was held on May 15, 2014 with FEMA and DEP representatives and on July 1, 2014, Tom Royal sent the Township the alert of what non-compliance structures had to be in compliance and once those non-compliance structures were brought into conformance than we are allowed to apply to the CRS program. Attorney Doyle asked if it is Mr. Millers understanding these non-compliant structures are privately owned. Mr. Miller stated yes, they are privately owned.

Attorney Doyle stated in exhibit S59 the requirement is that communities must maintain flood insurance policies on the properties owned by the community. He asked Mr. Miller if Egg Harbor Township maintains flood insurance policies where appropriate. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller testified that he first examined the CRS program in 2000 or 2001. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller indicated it would not pay and the Township would end up subsidizing the benefit of the property owners. Mr. Miller stated he may not use those words but he said this. He indicated it was not cost effective to join the program at that time. Attorney Doyle asked how Mr. Miller determine how many homes were involved. Mr. Miller stated the Township was supplied a listing of

people involved in the National Flood Insurance Program so we knew how many homes participated. Mr. Doyle asked who supplied this list. Mr. Miller advised either the State of New Jersey or FEMA. He indicated he does not remember which agency, but the Township was provided the list. Attorney Doyle asked if the Township determined how much the owners would benefit. Mr. Miller stated the Township determined the cost to participate and what the Township would have to do to get into the program. He indicated based upon the information provided to the Township it was determined what the average savings was for a property owner and the Township concluded that it would cost 25% or 30% more to participate in the program than what the property owners would have realized in savings.

Attorney Doyle stated he believes Mr. Miller's testimony was it would cost \$15,000.00 to save \$10,000.00. Attorney Doyle asked what the \$15,000.00 was expended on. Mr. Miller stated in order to get into the CRS program the Engineer had to become a certified flood plain manager and they have to provide a report of their surveying work that they have to do and that was the estimate provided from the municipal engineer for them to do the work, prepare the report and plan and submit to the appropriate agency. Attorney Doyle asked Mr. Miller if he looks at every program on such a narrow cost effective benefit. Mr. Miller stated many of the programs the Township is involved in are evaluated on a cost basis analysis as to what the tax payer is paying for and what does the tax payer at large gain from it.

Mr. Miller stated in this analysis the Township Committee decision was that the other 10,000 plus homeowners were not going to subsidize the insurance for 400 when the cost was considered. Attorney Doyle asked what would have the cost been for the cost for the 10,000 homeowners. Mr. Miller stated based on his previous testimony, he indicated it would have been about a \$25.00 a year savings because the average price was about \$500.00 at that time and it was a 5% savings that would have been realized and that comes out to \$10,000 to \$12,000.00 and it would have cost the Township \$15,000.00 to get into the program.

Attorney Doyle asked if there is any documentation concerning the policy decision by the Governing Body or any research information. Mr. Miller stated he did not come across this when he was researching the CRS information. He indicated this was 14 years ago and we have a records retention of five (5) to seven (7) years. He indicated he did not find in the CRS or the National Flood Insurance files that we have. Attorney Doyle stated the policy was at Township Committee level not at Mr. Miller's level. Mr. Miller stated this is correct because it was an expenditure of public funds.

Attorney Doyle mentioned there was a second examination. He asked what caused this. Mr. Miller stated, as he can recollect, the Township was approached by another residents as to why we were not participating. Attorney Doyle asked if he recalled who it was and where did they live. Mr. Miller stated he was not sure. Attorney Doyle stated the CRS program would have felt perhaps on a disproportionate basis the people in Seaview Harbor versus the people, who he would call, on the mainland of Egg Harbor Township. Mr. Miller stated the people living in the flood area would have the direct beneficiaries than those who don't live on water.

Attorney Doyle stated obviously the Mayor living in a flood plain area that would have benefited by the CRS when the studies occurred did not change the fact that the policy was what it was. Mr. Miller stated that is correct. Attorney Doyle stated no steps were taken to go into the CRS program from its

inception in the 1990's until, as referenced in B40, October, 2013. Mr. Miller stated no this is not correct. Mr. Miller stated when Biggert Waters was passed in 2012 going into 2013 the Township knew the dramatic impacts of rates would be. He indicated at that time, and as he previously testified to, that the average flood insurance policy within Egg Harbor Township was \$690.00 a year. He indicated under Biggert Waters those rates would have quadrupled to \$3,000.00, \$4,000 .00 maybe \$5,000.00 a year for some people and knowing that was going to happen the Township started the process to get into the program.

Attorney Doyle asked if a cost analysis was done as to how much it will cost to get into the program. Mr. Miller stated not a formal one, but if you know rates are going up to thousands of dollars in some cases. Mr. Miller stated his estimate for compliance is \$20,000.00 now. Therefore, if there are 400 homeowners looking at savings he did not have to place paper to pencil to see there was a cost benefit to them. Mr. Miller stated the Township began moving forward on this and Super Storm Sandy interrupted us at that time.

Attorney Doyle stated time line on exhibit B40, Mr. Watkins was certified in October, 2013 and on October 30th the municipality sent the letter to FEMA to start the process. He stated these are the first actual activities that happened. Mr. Miller stated Biggert Waters in the Spring of 2013 implementation was delayed. He indicated it took Mr. Watkins until the Spring of 2013 to get into a class to become a certified flood plains manager and it is a six (6) month process from the time you get into the class, take the class, pass the test and then receive certificate. He indicated so yes, by October, 2013 the Township had someone certified and you need someone certified in order to get into the program.

Attorney Doyle stated time line corresponds with recent testimony that there was a secession effort in April, 2013. Mr. Miller stated the time line may be similar but the Township was talking about it before. He indicated the talk of secession did not prompt the Township to do this. Attorney Doyle asked how many homes would benefit. Mr. Miller stated we are at a number of 450 or 460. Attorney Doyle asked where this number comes from. Mr. Miller stated the State of New Jersey. He indicated after Super Storm Sandy they did a count and issued new maps for flood elevation. Attorney Doyle stated Mr. Miller indicated the Biggert Waters legislation gave impact to go into flood program and CRS. He asked if it was ever suggested before. Mr. Miller stated with rates less than \$700.00 a year for property owners there was no drive to do it. He indicated no one approached Township Committee or himself asking why we were not in the plan other than the two (2) inquiries.

Attorney Doyle stated he would like to place in evidence a document from FEMA Government Reports showing policy statistics. He indicated this shows how many policies are in force from town to town. Special Board Solicitor Marcolongo marked this Exhibit S87. Attorney Doyle stated this document dated August 31, 2014, there are 888 policy in force, which is more than twice what Mr. Miller testified to. Attorney Doyle asked if Mr. Miller can explain the difference. Mr. Miller stated no, he further noted that he has never seen this document before. Attorney Doyle stated as the administrator of this town there are twice as many homes that would have been effected, if started earlier. Mr. Miller stated this is a 2014 list and the Township began the process in 2012. He indicated the Township did start in advance of this and whether it is 450 or 850 the Township started the process two (2) years ago when it was realized a higher insurance rate was coming.

Board Member Aponte asked what the 968.45 represent on this document. Attorney Doyle stated it is a mathematical computation that he did not make. However, the \$859,890.00, which is the premium amount has been divided by 888 policies would produce an annual amount of \$968.45.

Attorney Doyle asked for exhibit B21. He then asked Mr. Miller how long had he been a member of the Egg Harbor Township Planning Board. Mr. Miller stated since 1998. Attorney Doyle stated in July, 2000 the Township prepared a Master Plan Re-examination. Mr. Miller familiar with it. Attorney Doyle stated in an effort to question some of the questions concerning Ms. Cuvello's testimony he placed into evidence B21. Attorney Doyle asked if the Township ever received a grant for the preparation for a flood mitigation plan. Mr. Miller stated he does no recall.

Attorney Doyle stated Mr. Miller mentioned at times the efforts to redevelopment of West Atlantic City, which has been going on for several years. He asked Mr. Miller to read the third paragraph on page 15 of exhibit B21. Mr. Miller then read into the record this paragraph. Attorney Doyle stated Mr. Miller testified to his recollection that it was only two (2) individuals who asked about the CRS program, however, how does this paragraph relate. Mr. Miller stated as he indicated only two (2) residents, one being from West Atlantic City, approached the Township about going into program. This discusses exploring all options. Attorney Doyle did not follow the recommendation. Mr. Miller stated no we did not. Attorney Doyle states the Township received a grant does this refresh his memory. Mr. Miller stated no.

Attorney Doyle if money was received to prepare a plan based on grant. He asked if Mr. Miller could provide a copy of the grant and the report that was received. Board Member Aponte stated in this re-examination were there other things that were recommended but were not done. Mr. Miller stated with the re-examination there are a series of recommendations and some are embraced, implemented and adopted and a few fall by the wayside. Mr. Miller stated just because the Planning Board recommends Township Committee must adopt the legislation to go forward. He stated the Livable Communities Plan had 39 recommendations and the Township implemented about seven (7) of them.

Board Member Aponte stated it is more like a wish list if the money is there. Mr. Miller stated it is a Planning tool to move forward and look at the things we should consider. He stated it is prepared and Planning Board signs off. He indicated then the Board will received ordinance to sign off on to see if it is consistent with the master plan. He advised it could be several years after the report is adopted before something comes to fruition and comes back to the Board. Board Member Aponte stated it is up to Township Committee to decide if we should spend the money to it as a policy. Mr. Miller stated yes.

Attorney Doyle read into the record page 26 of exhibit B21. He asked Mr. Miller if the Township ever did a flood mitigation plan. Mr. Miller stated standing here this evening he does not recall. Attorney Doyle then read into the record the continuation of page 26 exhibit B21. Attorney Doyle asked Mr. Miller if he does not know if something went forward to benefit West Atlantic City. Mr. Miller stated we have not joined the CRS program so conclusion is that this recommendation has not been implemented yet because we are not in the program. Special Board Solicitor Marcolongo stated he is confused. He stated it appears to be two (2) different things being discussed. Mr. Miller stated the plan that must be done is a component of what has to be done. Attorney Doyle stated you must have a flood mitigation plan as to qualify for CRS. Mr. Miller stated he is not sure, however, as part of application to get into

program a report or plan for flood mitigation. He indicated the biggest cost to get into the program is the report/plan.

Attorney Doyle asked who is in charge of getting grants. Mr. Miller stated the respective departments. He indicated in this case it would have either been the Planner or the Engineer and they report to Township Committee. Once an assignment is given he will monitor activities, completion dates, and review bills for payment. He stated the scope of the work is authorized by Township Committee. Attorney Doyle stated Mr. Miller testified that Longport went into the CRS program in 2008 has he re-examined to see if this is accurate. Mr. Miller stated whatever document he submitted that was date on that document.

Attorney Doyle presented exhibit S88 he stated this document is a listing of those municipalities eligible as of October 1, 2014 in the Community Ratings System. Attorney Doyle stated this listing would indicate that Longport entered the system on October 1, 1995 and October, 2014 it is in Class V, which allows a 25% discount. Attorney Doyle asked if Seaview Harbor had been in Longport would they have had the benefit of CRS. Mr. Miller stated he has no knowledge if they would or would not. Attorney Doyle asked if there is any question in Mr. Miller's mind that if Seaview Harbor was a part of Longport they would be entitled like any other Longport homeowner. Mr. Miller stated he is not familiar with Longport's program and CRS and he does not know how the applicable discounts are applied throughout their community. He stated it would be a speculation that everyone on the west side is treated the same as those on the east side. Mr. Miller stated he does not know how the program works in that community or any other community on list.

Board Member Aponte asked, as speculation, if Seaview Harbor was with Longport would not CRS have to take into consideration their ratings, their flood plain. Attorney Doyle stated the CRS program works so that the community by community action gains points and by gaining points you go through the classes. He stated it does not matter if you live on the left hand of the street or the right hand of the street. He indicated everyone in the town qualifies because the town receives an equivalent percentage. He indicated the flood insurance might be more or less depending upon the value being insured. He stated if the town such as Longport qualifies for 25%. Board Member Aponte asked since Seaview Harbor is not part of an island would there not be extra or new criteria. Attorney Doyle stated different neighborhoods within the municipality are not treated any differently. He stated by effort of the municipality gets a municipal rating that applies to every homeowner in that municipality.

Special Board Planner Wisner stated the thresholds to get into the system and thresholds to get up the ladder to the different classifications are based on the physical nature of that municipality and the specific flood requirements for that municipality based on their physical condition. He stated we could speculate but he does not think how we would know how Longport may have addressed the CRS over the course of time had Seaview Harbor actually been in Longport at that time. He stated he does not think that would be known. Board Member Aponte asked how can you make a judgement that it was to be 25% if the whole is not part of it. Attorney Doyle stated it is because Longport did the policies to get them to the 25%. He indicated these are municipal policies. Township Committeewoman Pfrommer stated based on Longport as it is now. Board Member Aponte stated he agreed. It is based on Longport as it is now without Seaview Harbor.

Attorney Doyle stated he will place into evidence the document that says how you get points and the Board will see the municipal efforts not the neighborhoods. He indicated he will present this at the next meeting. Special Board Solicitor Marcolongo asked Board Member Aponte if his question was if Seaview Harbor was in Longport could it affect the community rating system to the negative. Board Member Aponte stated yes, he indicated it could affect to the positive or the negative. He advised we do not know. Chairman Garth stated if the Deannexation goes through, using hypothetical, will Seaview Harbor receive that 25%? He indicated no one knows the answer to this, correct.

Attorney Doyle stated if we have not made it clear than he will come back with information that will make it clear. He stated the nature of the program is that it is a seashore program and that is why the unfamiliarity with it. Attorney Doyle stated when you look at S87 and S89 there is a number of policy in seashore communities and the greater number of them dropping down to the 8, 7, and 6's because they worked hard to get his. Board Member Aponte asked if this would have been a planning board issue on Ventnor, Margate, Longport and Atlantic City or would it have been a Township Committee issue. He stated if the answer is no, than how would they have known about it while sitting here. Attorney Doyle stated he is not suggesting they should have known. He advised going into the CRS as Mr. Miller has indicated is an administrative question and policy decision of whether it is worth going into the program. He stated Longport and Margate where the municipality are 60% to 70% waterfront whose large proportion of homeowners have flood insurance. He indicated it is a different imperative when you have 15,000 homes and 6% have flood policy.

Board Member Aponte stated at this point we would have to say, wait, if Seaview Harbor would have been a part of it they may have been a benefit they may not have been a benefit we really do not now know and we may never know. He stated you cannot go back to 1995. Special Board Solicitor Marcolongo stated he would not have the information that by adding Seaview Harbor to Longport would have had an effect on their CRS rating, positive or negative. Board Member Aponte stated no one can so this has to be taken into consideration not judging. Chairman Garth stated there is quite a bit of difference in the percentages between Atlantic City and Longport. He stated all across the barrier island. Attorney Doyle stated we are not trying to be annex by Atlantic City nor could we be. He stated we are trying to be annex by Longport who made an effort that we apply. Chairman Garth stated Longport is 25% and Atlantic City is 5%. Attorney Doyle stated the Atlantic City rating has nothing to do. Chairman Garth stated the whole island across has all different ratings. Attorney Doyle stated it is based on the community and their efforts.

Attorney Doyle stated Mr. Miller had indicated he mailed the Mayor two (2) sets of letters as referenced within B10. He asked how Mr. Miller knows the Mayor received them. Mr. Miller stated the Mayor walked into his office and handed him the envelope. Attorney Doyle asked if the Mayor asked why Mr. Miller sent it. Mr. Miller stated yes, he told him that the post office advised if he placed 08403 with Egg Harbor Township, Seaview Harbor, it would be delivered. He dropped off first one and Mr. Miller advised the Mayor he would be sending a second with a different address on it and he asked that the Mayor bring it to him when received. Attorney Doyle asked Mr. Miller that he told the Mayor it was part of this effort. Mr. Miller stated he think he surmised, but he did not tell him.

Attorney Doyle asked Mr. Miller if he had the opportunity to review exhibit B1. Mr. Miller stated no. Attorney Doyle stated within this article it was noted that that through the Casino Control Commission

you could track employment by individual hotels and zip code. He asked Mr. Miller when a study is done does he know what the residents of Seaview Harbor are shown to be. Are they residents of Longport or Egg Harbor Township. Mr. Miller stated he is not sure. He indicated the residents of West Atlantic City would be the same. Attorney Doyle asked if Mr. Miller reviewed B2: Mr. Miller stated no.

Board Member Aponte stated these are the two (2) documents that he submitted as evidence in order to document what he said. Special Board Solicitor Marcolongo stated this is why Mr. Miller is not familiar with the documents. Attorney Doyle stated Mr. Miller testified to Mrs. Burns' testimony being inaccurate. Mr. Miller stated he is not sure he used that term. Attorney Doyle asked what term did he use. Mr. Miller stated he testified the appropriate enforcement agency concerning her complaint for 32 Seaview Drive, was the DEP, who issued the permit. Mr. Miller stated he submitted as an exhibit that permit to show they had jurisdiction over that property during the period time that she said the Township did nothing for her.

Attorney Doyle stated he apologizes. He indicated he should have been a little clearer. He indicated he was speaking about the snow storm. She testified the day she closed on her house there was snow on the ground such that she was concerned the closing not happening and Mr. Miller placed into evidence weather reports. Mr. Miller stated he recalls Mrs. Burns' testimony was on the day she moved into her house it had snowed and the Township did not plow the snow for three (3) days. He indicated he submitted evidence two (2) days on both sides of the day she testified about and the two (2) days that she had talked about. Mr. Miller stated he submitted evidence that for four (4) days, two (2) or three (3) before and one (1) or two (2) days after that there was no snow that fell on any of those days.

Attorney Doyle asked if this kind of fact gathering says anything about whether or not the standard of deannexation would contribute to the majority of the wellbeing both social and economic wellbeing of the citizens of Seaview Harbor. Mr. Miller stated the exhibits he submitted were in direct response to Mrs. Burns' direct testimony, which was she remembered vividly that she moved that day and we did not plow snow on that day and for three (3) days we did not plow snow. Mr. Miller stated he checked the dates and on the day Mrs. Burns' said there was no snow going forward a couple days and afterwards when Mrs. Burns' stated we did not plow snow for three (3) days what he submitted was that for four (4) days there was no snow to plow. Attorney Doyle asked if this was four (4) days before and after. Mr. Miller stated he believes it was three (3) days before and one (1) day after.

Attorney Doyle stated she testified that she closed on her house on or about January 30th. Attorney Doyle placed into evidence a deed dated January 30, 1987, for Robert and Yvonne Burns bought property James and Georgene McCullough, Jr., 13 Seaview Drive, Longport, NJ. This exhibit was marked S89. Attorney Doyle asked when the snowstorm occurred. Mr. Miller stated he does not know. He advised he has an exhibit that shows he went back further to January 26th, 27th, and 28th of 1987 there was no snow that fell. This was marked as exhibit B90.

Attorney Doyle presented exhibit S90 which is an article from the Atlantic City Press dated Tuesday, January 27, 1987, says Winter Storm Buries South Jersey 18" inches of snow in Atlantic City ties record. Attorney Doyle asked if it is possible that only 18" inches fell in Atlantic City. Mr. Miller stated within paragraph three (3) of this article it states 14" inches fell at the airport so it could be that 18" only fell in Atlantic City. Attorney Doyle than read onto the record the section of testimony provided by Mrs.

Burns' concerning this matter. Attorney Doyle asked Mr. Miller given the timing can he, as he sought to prove by the weather report, that her testimony is inaccurate? Mr. Miller stated her testimony was their day of closing it was snowing and they were able to get into the house and how we didn't plow streets for three (3) days. He stated there is no proof whether we did or didn't plow.

Attorney Doyle stated other than what Mrs. Burns' said. Mr. Miller stated other than she said, yes. Attorney Doyle asked if Mr. Miller knows whether the Township plowed those streets on these days. Mr. Miller stated no. He indicated he submitted documents that said on the 27th, 28th, 29th, 30th, 31st and on the 1st of February there was no snow precipitation so if on January 31st Mrs. Burns' testified it was snowing and the Township did not plow snow for three (3) days you either go from the 31st to the 2nd or if it snowed three (3) days prior to that it would match up to the 28th. He indicated the news article appears it snowed on the 26th of January. Attorney Doyle stated the minutes reflect her testimony says she could not get into the house for four (4) days. She could not see the house for four (4) days until they finally got into the house and they closed on January the 30th. He indicated four (4) days back consistent with Mrs. Burns' testimony, the newspaper article and the weather reports given by Mr. Miller is that she was accurate.

Mr. Miller stated looking at the minutes he is not following Attorney Doyle's conclusion. He stated Mrs. Burns' closed on the 31st of January, 1987, he asked when did she move into the house. He stated four (4) days after that and she went to closing and she could not get into the house. Mr. Miller stated how you interpret her testimony is that there was snow at the time of closing, the streets were not plowed for three (3) days she could not get into the house. Mr. Miller stated he produced documents which showed five (5) days before the closing date there was not snow. He indicated Mr. Doyle produces a document that says six (6) days before there was a snow event. Attorney Doyle stated when you measure four (4) days or six (6) days what are you measuring from. Mr. Miller stated the 27th, 28th, 29th, 30th and she closed on the 31st. Attorney Doyle stated he produced a deed that says Mrs. Burns' closed on the 30th. Mr. Miller stated that it snowed five (5) days before so the story maybe highly accurate because it snowed on the 26th. Attorney Doyle asked how much snow is referenced in Egg Harbor Township on Mr. Miller's weather report for the 26th. Mr. Miller stated according to the weather reports on the 26th and 27th there was -0- recorded precipitation. He stated it could have stopped snowing at 11:59 p.m. on the 25th. Attorney Doyle stated the article in the Atlantic City Press is not correct when it says 14" inches in Egg Harbor Township. Mr. Miller stated he was not here. He does not know.

Attorney Doyle stated he is trying to square this testimony and not only Mrs. Burns' but citizens who said the snow did come out and Mr. Miller is saying it did not snow and the paper says it snowed. He stated Mr. Miller's testimony says he is not nitpicking on everything which may not be 100% accurate I am trying to focus on substantive matter. Attorney Doyle stated he is trying to focus on a substantive matter where people said the snow didn't get plowed and Mrs. Burns' testified she couldn't see the house prior to the closing, which he suggested is difficult, for four (4) days. He asked where Mrs. Burns' is wrong. Mr. Miller stated in the minutes at the bottom of page #2, he then read into the record this section of the minutes concerning Mrs. Burns'. Attorney Doyle stated this was interpreted that the snow must have happened on the day there, putting aside she could not get into the house because the streets were not plowed, which suggest it snowed earlier to cast less than accurate. Mr. Miller stated we do not have a transcript and he does not read the minutes to say that they could not get into the

house until the 31st.

Attorney Doyle stated they wanted to do a walk through. He asked when a walk through usually occur. Mr. Miller stated usually the morning of closing. Attorney Doyle stated they could not because the streets were never plowed and they had to stay away for four (4) days until they could finally get to the house.

Special Board Solicitor Marcolongo suggested this be an appropriate time to break for the evening. Attorney Doyle questioned why a meeting that is listed as being from 5:00 p.m. to 9:00 p.m., become an 8:30 p.m., meeting. Chairman Garth advised there is other business that must be conducted.

Special Board Solicitor Marcolongo asked if Board Secretary Wilbert has locked down possible dates for January concerning this matter. Board Secretary Wilbert stated it appears the 26th and 27th are available dates based upon the schedules of Attorney Doyle, Special Board Solicitor Marcolongo and Special Board Planner Wiser.

Board Secretary Wilbert asked the Board to vote via motion to reschedule their regular and reorganizational meeting of Monday, January 19, 2015 to Monday, January 12, 2015, 5:00 p.m. due to the observance of Martin Luther King's Birthday.

Motion Aponte/Kearns to reschedule regular and reorganization meeting from Monday, January 19, 2015 to Monday, January 12, 2015, 5:00 p.m., prevailing time. Vote 7 Yes: Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Garth

Board Secretary Wilbert asked for a second motion to set special meeting dates concerning the deannexation matter.

Motion Kearns/Eykyn to conduct a special meeting(s) concerning the deannexaton matter on Monday, January 26, 2015, 5:00 p.m., prevailing time and Tuesday, January 27, 2015, 6:00 p.m., prevailing time. Vote 7 Yes: Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Garth

Motion Aponte/Rosenberg to "table" deannexation matter (public hearing) until Monday, January 26, 2015, 5:00 p.m., prevailing time. Vote 7 Yes: Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Garth

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

May the record reflect: No discussion occurred.

SECTION II:

a. General public discussion: Motion Rosenberg/Kearns to open public portion. Vote 7 Yes.

May the record reflect no one came forward

Motion Rosenberg/Eykyn to close public portion. Vote 7 Yes.

Motion Aponte/Rosenberg to approve August 18, 2014 regular planning board minutes. Vote 7 yes:
Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Garth

Motion Aponte/Rosenberg to adjourn at 8:49 P.M. Vote 7 Yes: Aponte, Carman, Eykyn, Kearns,
Pfrommer, Rosenberg, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary