

Egg Harbor Township Committee
SPECIAL MEETING
Municipal Building, 3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Wednesday, November 9, 2016 – 5:00 p.m.
MINUTES

Deputy Mayor Hodson called the meeting to Order at 5:03 p.m.

Township Clerk Tedesco read the Opening Statement Pursuant to the Open Public Meetings Act.

Roll Call:	Joe Cafero	present
	Frank Finnerty	present
	Paul Hodson	present
	Laura Pfrommer	present
	James J. McCullough	(recused)

Deputy Mayor Hodson announced Mayor McCullough has recused himself from this matter due to a conflict.

Township Solicitor Friedman announced the purpose of this Special Meeting was to review the Planning Board's Impact Report on the Petition for De-annexation by Seaview Harbor Realignment Committee and to hear presentations, accept public comment on the Impact Report and any other business which may become necessary.

Also in attendance were Township Solicitor Friedman, Court Reporter Darlene Sillitoe and Township Clerk Tedesco.

Deputy Mayor Hodson led the Pledge of Allegiance

Impact Report on the Petition for De-annexation by Seaview Harbor Realignment Committee

Township Solicitor Friedman stated he felt there was a need to make preliminary comments to address this issue regarding the components which consist of the law, procedural facts and procedural issues to be discussed. Solicitor Friedman read from a prepared statement, a copy of which is attached to these minutes together with referenced documentation.

Following Mr. Friedman's statement about the Rule of Necessity which Attorney Doyle agreed to in his letter of March 8, 2016, Committeeman Finnerty stated he concurred with the positions and recommendations of both Solicitor Friedman and Attorney Doyle.

Deputy Mayor Hodson announced public comments would now be accepted beginning with Attorney Doyle.

Attorney John Doyle complimented Solicitor Friedman on his presentation. He also acknowledged those involved in this lengthy process including the citizens of Seaview Harbor and members of the Planning Board who responded above and beyond their call of duty. He commented the Planning Board is required

to do the fact finding and the Governing Body is required to objectively review and make a conclusion of their findings.

Mr. Doyle announced he would begin his presentation by reviewing the Planning Boards findings and conclusions starting with page 130 of the Impact Report. He provided statistics about Seaview Harbor in relation to the township as a whole which he stated was omitted from the report. Mr. Doyle stated Seaview Harbor constitutes 1/700th of the township, one-quarter of 1 percent of the population, one-half of one percent of its homes and parcels, one-tenth of one percent of vacant property and that there are no children in the public school system. He said the report does not acknowledge how Seaview Harbor differs from the mainland areas of the township in that, less than half of its residents are year round compared to 93 percent on the mainland, the median age is 55.5 versus 39 years of age and it is a coastal area. Mr. Doyle stated concern over the seven mile distance between Seaview Harbor and the Egg Harbor Township Town Hall/Police Department came up before the board in 1982. He noted if Seaview Harbor was part of Longport, its residents would be less than a mile from borough hall and the police department.

Mr. Doyle said the tax ratable information provided in the report does not take into account successful tax appeals. The impact of the loss of Seaview Harbor rounded to the nearest percentage would be one percent. Further, only a small percentage of Seaview Harbor residents utilize township churches, library and organizations so he said it does not appear that de-annexation would cause harm to the township in this regard. Another issue is the length of time it takes the township's Public Work's Department to perform snow removal opposed to being done by the Borough of Longport.

In totality, Mr. Doyle said it makes sense for Seaview Harbor to become part of the Borough of Longport as the most important issue for any citizen is their public safety. Fire, police and EMS services for the citizens of Seaview Harbor are provided by the Borough of Longport under Mutual Aid. He feels it is a social detriment for the Seaview Harbor citizens to not be able to vote for those that provide their emergency services. Mr. Doyle said the mayor correctly recused himself from these proceedings and referred to exhibits B16/S94, an article from the April 29, 1982 edition of The Press of Atlantic City entitled a "Tale of 2 Orphans" (attached). In this article Mayor McCullough was interviewed about the proximity of Seaview Harbor and Anchorage Point from the mainland section of Egg Harbor Township.

Mr. Doyle said that although the township anticipates participation in the Community Rating System (CRS) in October 2017, it has been a social injury to residents to not be able to receive the discount on flood insurance offered under this program. The only other municipality that does not participate locally is Wildwood. Another area of concern is having an adequate water supply on hand in the case of a fire in Seaview Harbor. Mr. Doyle said former Fire Chief Danz supported running a pipeline to provide water when the bridge connecting the township to Longport was being repaired. However, that was not accomplished.

Mr. Doyle stated some of the legal findings contained in the Planning Board report were incorrect and conclusions wrongfully referenced a trial court opinion Mr. Wisner had cited. Tax ratable's in Seaview Harbor are going down and that should have been reflected in the report as well. There are also some small personal issues that affect the residents of Seaview Harbor who align themselves with Longport, such as not being able to be appointed to committee's in Longport where they are actively involved.

Mr. Doyle said that ultimately this matter comes down to two issues. First, will there be a social and economic detriment to the majority of the residents of Seaview Harbor if the petition is denied. Secondly,

would granting of the petition do significant injury to Egg Harbor Township. Approval of the de-annexation would enable Seaview Harbor residents to be a part of the municipality closest to their homes, end zip code confusion and be closer to schools. The statute does not say significant social injury to the residents of Seaview Harbor, but does for Egg Harbor Township. Granting of the de-annexation would result in a \$1.8 million loss of revenue to the township board of education's \$135 million budget. There would be a loss of \$505,000 to the township. Mr. Doyle did not feel these amounts would significantly affect either the township or the board of education operations.

Mr. Doyle said this matter is ultimately the Township Committee's decision and concluded his comments stating the following three things tie Seaview Harbor to Egg Harbor Township; established 1710, Mayor McCullough and taxes. Mr. Doyle said the residents of Seaview Harbor deserve the ability to be in one town with first responders who are obligated to serve them and whom they can vote for. He said it cannot be the township's policy to not allow citizens to succeed. Mr. Doyle asked the Township Committee members to be objective in their decision making and vote for common sense.

Deputy Mayor Hodson asked Solicitor Friedman if it would be proper to take a break at this time. Mr. Friedman replied, yes. Deputy Mayor Hodson announced proceedings would resume at 7:05 p.m.

The meeting resumed at 7:09 p.m., all members of the Township Committee were present except for Mayor McCullough.

Attorney Doyle thanked the Township Committee for the opportunity to speak and called upon Seaview Harbor resident John Dabek to address the Township Committee.

John Dabek, 36 Sunset Drive thanked the Township Committee for the opportunity to address them tonight. He also thanked the Planning Board members and Seaview Harbor residents for their efforts regarding this matter. He asked the Township Committee members to be fair and objective and to not draw conclusions until all facts have been weighed. Mr. Dabek said he experienced frustration through this process particularly when the mayor and administrator made comments prior to the first Planning Board meeting. Mr. Dabek said that he has a lot of respect for Mr. Miller as the Township Administrator, but was upset that he tried on multiple occasions to stop these efforts and discredit resident's testimony. Secession of Seaview Harbor is not a new idea and he feels it would provide benefits to its residents.

Mr. Hull asked if he could address the committee, they did not object even though comments were to be limited to one resident spokesperson.

Michael Hull, 13 Seaview Drive said the committee needs to take into account how the proximity to Longport affects the residents of Seaview Harbor on a personal level. Mr. Hull stated he became ill in May 2015 and called 911. Longport EMS responded within 4 minutes and the Longport Police secured his home while he was in the hospital. Mr. Hull said both agencies provided professional care and believes without their service he would have died.

Solicitor Friedman asked Township Committee if they wished to hear from any of the professionals. Deputy Mayor Hodson called upon Planning Board professional, Attorney Dean Marcolongo.

Committeewoman Pfrommer asked for an interpretation from Attorney Marcolongo and Solicitor Friedman about the point of law which Attorney Doyle referenced in his testimony stating the Planning Board was incorrect.

Dean Marcolongo said some quotes from the Avalon matter where Judge Perskie presided were used by one of the Planning Board members and that is reflected in their report. Attorney Marcolongo said he still believes it is good law and the Planning Board has the right to use the decision at the trial court level. However, he agrees with Attorney Doyle that the Appellate Division case is the binding law, but that does not mean what happened at the Trial Court level is irrelevant.

Solicitor Friedman asked if the issue that went up to appeal and decided by the Appellate Court dealing with the standard of proof was applied.

Attorney Marcolongo replied that he believes that to be the case as they affirmed Judge Perskie's ruling. He discussed this with Attorney Doyle during previous meetings.

Deputy Mayor Hodson asked if any other committee members wished to address the professionals. Committeemen Cafero and Finnerty replied, no.

Solicitor Friedman advised this was the time for any deliberations or discussions prior to making a motion.

Committeeman Cafero complimented both Attorney Doyle and the Planning Board for their presentations and understands the personal issues involved. Mr. Cafero stated he attends church outside of the township and his children attended private school. Committeeman Cafero said he listened carefully to the presentations and believes the Planning Board has made the right decision.

Committeewoman Pfrommer said she has a different perspective than her fellow committee members as she sits on the Planning Board, the fact finding board. Mrs. Pfrommer said she understands that time and distance are issues. However, she did not hear anything new tonight that was different from the Planning Board meetings or to change her mind.

Deputy Hodson stated he read the Impact Statement, acknowledged Seaview Harbor is physically away from the mainland area of the township. However, he feels the township provides good services. He asked Solicitor Friedman if a motion is needed at this time.

Solicitor Friedman advised the memorialization of whatever the Township Committee decides tonight will be drafted by his office and presented at the November 30, 2016 Township Committee meeting. If the committee members have concluded their discussion, the law dictates someone either make a motion to consent to the petition for annexation or a resolution to deny the petition. The motion should be as simple as stating your reasons and that generally referencing the reasons stated in the Impact Report would be sufficient.

Motion	Motion Pfrommer, second Cafero to accept the findings of the Impact Report and deny the petition for de-annexation
Roll Call Vote:	Cafero/yes Finnerty/yes Hodson/yes Pfrommer/yes McCullough/recused

Committeewoman Pfrommer said there was a second issue brought up in Stuart Wiser's report that was put off to Township Committee. Also, the Planning Board turned over jurisdictional issues raised in Section Two of Planner Wiser's report which they are leaving up to the Township Committee to decide. Finally, some members of the Planning Board commented on the non-conformance of the petition with regards to the statute. Mrs. Pfrommer asked Solicitor Friedman if these issues should be discussed now.

Solicitor Friedman referenced the Planning Board resolution and their recommendation to the Governing Body to carefully review the jurisdictional issues for determination on those issues. It is the Governing Body's prerogative to do so if this committee is inclined to address the second part of the resolution. Mr. Friedman cautioned that such a resolution should be considered independently, separately and exclusive from the determination just made as to the de-annexation. Mr. Friedman said the committee can now proceed if they want further discussion or a motion.

Committeeman Finnerty referred to page 141 from the Planning Board's Special Planner's report stating the affected area of Seaview Harbor is not contiguous, stating he assumes that needs to be clarified.

Committeewoman Pfrommer advised that is the topic she is going to address.

Attorney Doyle stated he wanted to speak before and after the committee's discussion.

Solicitor Friedman replied Mr. Doyle is entitled to his opinion as to what the issue is, but his presentation is over.

Mr. Doyle said he has not spoken on this issue and does not feel this issue is being properly raised.

Mr. Friedman advised Mr. Doyle that he had the opportunity to speak and this is not the time for legal argument. In his preliminary comments he read verbatim the Planning Board's resolution in giving the assignment to this Governing Body to make determination. Mr. Friedman explained the portion of the meeting where Mr. Doyle could have addressed this issued has been closed. He added, at this point the Governing Body is making deliberations and determination.

Mr. Doyle replied the Township Committee has found the petition was complete. He referenced the Strathmere case and said the Township Committee had the right to deny the petition. Mr. Doyle said if there is going to be any kind of action, there needs to be a complete record and if he cannot be a part of this, then that will be the record and it will be arbitrary. He commented the topic of Seaview Harbor was listed under litigation at a February 24, 2014 meeting which in his judgement was done improperly. He has asked for those minutes and has not received them. Mr. Doyle said if the Township Committee felt the petition was incomplete it should not have been sent to the Planning Board.

Solicitor Friedman stated he has already expressed his opinion on these proceedings and legal arguments should be left for the courts.

Mr. Doyle said he has a factual problem that there will be a report put into the record which he will not be able to question.

Solicitor Friedman and Attorney Doyle continued their discussion about the validity of the petition and these proceedings. Mr. Friedman stated if this matter goes to court and the judge agrees with Mr. Doyle's position and feels it is incumbent upon the court to have allowed additional facts to be gathered, they will remand this matter to address those factual issues. Mr. Doyle said this issue should not have been discussed at the Planning Board level and the Township Committee accepted the petition. He feels the argument Mr. Wiser makes about Seaview Harbor being non-contiguous is factually wrong. Solicitor Friedman advised Committeewoman Pfrommer to proceed.

Committeewoman Pfrommer said N.J.S.A.40A:7-12 clearly states the land must specifically, be setting forth the boundaries and must be contiguous to the municipality in which they wish to join. This petition submitted does not meet that requirement. The petition's map does not include any demarcation lines for Route 152 or Beach Thoroughfare. Also, the residents of Seaview Harbor would have to re-enter Egg Harbor Township after leaving Hospitality Drive in order to get into Longport or anywhere else. She finds that Section Two of Planner Stuart Wiser's Report of the petition is not conforming to the statute requirements possibly making this entire petition invalid. The second issue that was brought up is Block 9501, Lot 1. This parcel is 100 percent commercial and is a separate piece. Mrs. Pfrommer added that fifty percent of the registered voters must sign the valid petition, but a corporation or a commercial activity cannot. So that is a concern and that part cannot be part of the petition.

Mr. Doyle said that it is laughable that commercial property cannot be included. Mrs. Pfrommer said she is simply reading from statute, they were told to look at jurisdictional issues and issue of the road came up several times during the Planning Board meetings. Mr. Doyle said the record would dispute that.

Solicitor Friedman asked if there were any other comments.

Deputy Mayor Hodson also asked if there were any other comments and if it was proper for a motion at this point.

Solicitor Friedman advised, yes and reiterated that the Planning Board had requested the Township Committee to review the jurisdictional issues to determine whether or not Seaview Harbor is contiguous with the Borough of Longport and whether or not the petitioners are statutorily authorized to present a de-annexation petition to Egg Harbor Township.

Committeeman Cafero asked Committeewoman Pfrommer to re-read her statement.

Committeewoman Pfrommer said the statute NJSA 40A:7-12 clearly states the land must specifically be setting forth the boundaries and must be contiguous to the municipality in which they wish to join. This petition does not meet that requirement. It does not include any demarcation lines for Route 152 or Beach Thorofare. Also, the residents of Seaview Harbor will have to re-enter Egg Harbor Township after leaving Hospitality Drive in order to get into Longport or anywhere else. So, she finds that pursuant to Section Two of Planner Stuart Wiser's Report of Findings, the petition is not conforming to the statute requirements, possibly making this entire petition invalid. And the second point was that a commercial property cannot join into an action on de-annexation. And Block 9501, Lot 1 is 100% commercial and it is separate. It is not included in the residential section, so it is a separate section. Those were the issues that we had.

Committeeman Cafero asked to confirm that the issues raised by Committeewoman Pfrommer are in the end of the report. Deputy Mayor Hodson replied, yes it is in the recommendation.

Committeeman Cafero said he would make that a motion.

Solicitor Friedman advised the motion could be as simple as we find the petition has not satisfied all of the jurisdictional issues raised in Section Two of the Planning Board's Special Planner's report. Mr. Freidman said there is a motion based upon what he is hearing.

Committeeman Cafero replied, yes he will make the motion that it hasn't satisfied the jurisdictional issues.

Motion that the petition has not satisfied all of the jurisdictional issues raised in Section Two of the Planning Board Special Planner's report.	
Motion	Motion Cafero, second Pfrommer to close the public comment/statement
Vote:	All present voted, yes
Roll call vote:	Cafero/yes Finnerty/yes Hodson/yes Pfrommer/yes McCullough, recused

Public Comment/Statement

Comments were previously made by Attorney John Doyle and Seaview Harbor Residents John Dabek and Michael Hull.	
Motion	Motion Pfrommer, second Cafero to close the public comment/statement
Vote:	All present voted, yes

General Public Discussion

No one came forward.	
Motion	Motion Pfrommer, second Cafero to close the public portion of meeting
Vote:	All present voted, yes

Adjournment

Motion	Motion Pfrommer, second Cafero to adjourn the meeting
Vote	All present voted, yes

Paul Hodson, Deputy Mayor

Eileen M. Tedesco, RMC, Township Clerk

These minutes approved at
 the December 21, 2016
 Township Committee
 Meeting

LAW

Paraphrase N.J.S.A. 40A:7- 12, which provides that:

Land in one municipality may be annexed to another municipality to which said land is contiguous. To effect such annexation, a petition in writing shall be presented to the governing body of the municipality to which such annexation is sought to be made, specifically setting forth the boundaries of such land, signed by at least 60% of the legal voters residing thereon. The petition shall also have attached thereto a certified copy of a resolution adopted by two-thirds of the full membership of the governing body of the municipality in which said land is located, consenting to said annexation.

Prior to action on a resolution to consent to or to deny the petition for annexation, the governing body of the municipality in which the land is located shall, within 14 days of the receipt of the petition, refer the petition to its planning board, which shall, within 45 days of its receipt, report to the governing body on the impact of the annexation upon the municipality. Action on a resolution to consent to or deny the annexation shall be taken within 30 days of receipt of the planning board's report.

PROCEDURAL FACTS

2/18/2014 A petition for deannexation was presented by Seaview Harbor Realignment Committee, requesting annexation of Seaview Harbor section of the Township to the Borough of Longport.

3/3/14 prior to taking action, the governing body referred the Petition to the EHT Planning Board.

2014 Thereafter the 45 day reporting period was extended by consent of the petitioners and the planning board.

Between March 31, 2014 and May 24, 2016,

The EHT Planning Board conducted 32 meetings on the impact of deannexation upon both the residents of Seaview Harbor and Egg Harbor Township.

10/7/16 The Planning Board, by unanimous vote, adopted Resolution No. 01-16 stating:

- “the Egg Harbor Township Planning Board does hereby adopt the Impact Report dated October 7, 2016, which is hereby attached as Exhibit A, as representing a full and complete summary of its hearings, investigations, conclusions and recommendations and does hereby direct that the Planning Board secretary forward a copy of this Resolution and Impact Report to the Township Committee of the Township of Egg Harbor for its consideration with the specific finding that the Board does not recommend that the Egg Harbor Township governing body consent to the

petitioners' request for the deannexation of the area commonly known as Seaview Harbor from Egg Harbor Township for the reasons set forth therein; it is

- FURTHER RESOLVED, that the Planning Board of Egg Harbor Township does hereby recommend that the governing body of Egg Harbor Township carefully and completely review the jurisdictional issues raised by the Board's Special Planner in Section 2 of his report for a determination of whether Seaview Harbor is contiguous with the Borough of Longport and, as such, whether or not petitioners are statutorily authorized to present a deannexation petition to Egg Harbor Township requesting annexation to the Borough of Longport.

10/11/16 The governing body received the Planning Board Resolution, Impact Report and all its exhibits on the impact of the annexation upon the residents of Seaview Harbor and Egg Harbor Township.

10/18/16 The 15 day time period for the governing body to take action on the petition for deannexation has been extended by consent of the petitioners and the governing body. A copy of that letter will be made part of the record.

The governing body is now charged with the task of reviewing of the record of the Planning Board which consists of the October 7, 2016 Resolution #01-16, Exhibit A (Impact Report) and all of its attachments. However, before we could proceed, there are a number of procedural housekeeping issues that need to be addressed.

PROCEDURAL ISSUES

I. Timing of hearing- resolution by governing body

As mentioned, the 15 day time period for the governing body to take action to adopt a resolution to accept or deny the petition for deannexation has been extended by consent of the parties to November 30, 2016.

II. Vote on adoption of resolution

As previously stated, N.J.S.A. 40A:7- 12 requires “two-thirds of the full membership of the governing body, consenting to said annexation.

Now Committeeman James McCullough, a resident of Seaview Harbor and a member of the planning board had previously rescued himself from all PB hearings and these proceedings. I find that recusal justified and appropriate.

I also note that at the Township Committee meeting which took place on October 19, 2016 committeemen Finnerty announced his intention to recuse himself from these proceedings citing what he perceived to be a conflict of interest. Specifically, in October 2015 while campaigning for a seat on the governing body, in response to a question Mr. Finnerty indicated he did not support the petition filed by the residents of Seaview harbor which at the time was engaged in hearings before the planning board. A copy of the local newspaper article on the subject matter was provided to me by Mr. Doyle and we

will make that part of the record. I note Mr. Finnerty is not a resident of Seaview Harbor and did not participate in any of the planning board hearings.

While I find that although three of the five Township committee persons do represent a quorum and 3 committee persons is not sufficient for the passage of " a resolution adopted by two-thirds of the full membership of the governing body". Accordingly, this procedural issue needs to be addressed before tonight's proceedings may commence.

The **Rule of Necessity**, a rule is long recognized principal used to avoid the quandary that arises when a governing body cannot convene a meeting containing a sufficient number of people required for validating government action.

*Similar circumstances were discussed in Mt. Hill, LLC v. Middletown Twp., 353 N.J. Super. 57, 61, 801 A.2d 412 (App. Div. 2002), The **rule of necessity** "allow[s] a **governing body member** who has a conflict participate in a **vote**, where a quorum would otherwise not be available."*

"All the members of the **governing body**" does not mean "all members of the **governing body** who have no conflict and are qualified to **vote**." Accordingly, two-thirds of the membership is to be computed in light of a five-member committee. In order to satisfy the statutory mandate, four **votes** are required. The statute is intended to protect property owners who would be most affected by changes, in this case deannexation.

Accordingly under the facts presented, despite his prior pronouncement, I find the governing body is compelled to invoke the Rule of Necessity to require Mr.

Finnerty to participate in these proceedings. In light of the arguably limited, isolated and inconsequential reasons cited for the perceived conflict of interest, I find the committeemen's prior announcement need not pose an insurmountable obstacle to the governing body to act in this matter. Moreover, I have conferred with Mr. Doyle who represents the petitioners Seaview Harbor Realignment Committee on this topic and he has provided me with a letter yesterday agreeing with this position, which I will also make part of the record. I express my appreciation for not raising an objection to the invocation of the doctrine of necessity as it would not serve the interests of either of our clients.

Therefore committee person Frank Finnerty must and will take part in the decision of this case in order to permit this matter to be heard and determined in accordance with the law.

III. Finally, Conduct of these proceedings

In accordance with the law and after speaking with Petitioner's counsel, Mr. Doyle will make summation regarding the Impact Report and findings of the board followed by a brief statement by one of his clients. Thereafter representatives in attendance from the Planning Board may choose to make a presentation or respond to questions from the governing body on various aspects of the Impact Report and the de-annexation request.

Previously the Planning Board was assigned the task to act in the role of fact finder and created a record in this matter that is to now be considered by

the governing body. Since the planning board has already conducted over two years of hearings on the factual issues concerning the social and economic impact of deannexation upon the Township and the affected property owners, Mr. Doyle and I have agreed that the governing body should not consider any additional factual testimony regarding this matter. Accordingly, we would ask that anyone who chooses to speak in this regard should refrain from introducing new facts.

After that, the governing body can proceed to deliberate and render its determination on the Petition for the reasons the present on the record. If so, a resolution will be prepared and presented for adoption at the next Township meeting, scheduled for November 30, 2016 at 5 PM.

Thereafter, since this is a public session, the meeting will be opened up to the public for any matters they wish to bring before the board.

Let's proceed.

Ally's Makes In Profit

DANIEL HENEGHAN
Press Staff Writer

ATLANTIC CITY — Bally's Place Inc reported a profit of 247,000 for the first three months of this year on revenues of 7.1 million.

The title that means that out of every dollar in revenue, only one cent became profit.

It is a significant improvement from the first quarter of 1981 when the company lost \$1.9 million on revenues of \$45.6 million.

"We are pleased to report net income during a quarter which previously been a financially weak time period," said Richard Lam, chairman of Bally's Place. "We anticipate that earnings will continue to increase in the upcoming quarters as we move into the summer months," he added.

Revenues for the first quarter of 1982 increased \$1.5 million from the 1981 period, which is significant in that the Atlantic City market has expanded to include casinos from six a year to 12. Gillman said in a prepared statement.

One of the primary reasons why the company was able to report a profit was a drop in interest rates on loans from the city hotel's parent company, Ally Manufacturing Corp. Gillman said interest charges decreased by \$5.9 million which increased the bottom line by \$2.8 million.

Operating margins, which continue to reflect improvements, along with the reduction of the interest expense and ability of Bally's Park Place to successfully meet new competitive challenges caused me to be confident of a continued improvement in the company's operating results," Gillman said.

The first quarter of 1981 also included a pre-tax gain of \$2 million from the sale of property, which increased the bottom line by \$1 million. Gillman said in comparison, he said the profits from the sale of property during the first three months of this year were insignificant.



Sonny McCullough's waterfront home seems marooned in a 'No Man's Land'

Staff Photo by Mike Bizzard

Tale of 2 Orphans

Isolation Irks Egg Harbor Twp. Towns

By LARRY McDONNELL
Press Staff Writer

EGG HARBOR TOWNSHIP — His driver's license and mailing address say Longport and when the wind and his throwing arm are right, he can just about hit Longport with a rock.

But James "Sonny" McCullough's waterfront home in the Seaview Harbor development sits on an island within the boundaries of Egg Harbor Township — miles away from the township proper.

No one seems to know why the vast, barren marsh land between Somers Point and Longport belongs to Egg Harbor Township, which sits west of Somers Point, and McCullough doesn't really care.

He just wants a town to call his own.

"If I had a fire or needed the police I'd call Longport," he said. "I tell visiting friends I live in Longport."

"It would be nice if I actually lived in Longport."

Someday, he may get his wish.

No one is talking secession yet, but Egg Harbor Township Mayor John Heinz said he understands the plight of residents in the orphaned section.

"I'm interested in hearing from the residents to see how they feel about it," he said.

"It is not our intention to divorce ourselves from that section," he said. "If the residents say absolutely not, we wouldn't force the matter."

"But I think the time (for discussion), if not here now, is very close."

Heinz said a secession effort

could also be launched in the Anchorage Pointe development, a 41-home waterfront community that sits on an island east of Somers Point.

Seaview Harbor, made up of large, expensive homes, lies at the base of the John F. Kennedy bridge, at the tip of Longport.

The Anchorage development, featuring smaller houses worth an estimated \$100,000 to \$125,000, sits a short distance from Somers Point, across the narrow Bass Harbor waterway.

Allen Sturtis, a director on the

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Del Webb Explains Changes

By DANIEL HENEGHAN
Press Staff Writer

ATLANTIC CITY — While recent management changes and restructuring of the Del E. Webb Corp. may ease licensing problems here, the company's new management says it would have made the changes anyway.

Board Chairman Robert K. Swanson said Wednesday that the elimination of licensing problems was a factor, "but in most cases if not all, the actions would have been taken even without the Division of Gaming Enforcement report."

As a result, he said, he hopes company officials will be able to convince the Casino Control Commission that "this is a new Del Webb."

The state gaming division has objected to the company's license application. In a report issued last year, it said the company provided prostitutes for preferred casino customers in Nevada, falsified corporate records to receive illegal kickbacks from a beer distributor, and sought to circumvent Nevada political campaign disclosure laws.

In addition, the company was indicted but acquitted last year on criminal conspiracy charges in Nevada.

The company owns a 50 percent interest in the casino hotel. The other half is owned by a group of Connecticut businessmen headed by Bridgeport industrialist F. Francis D'Addario.

Swanson, who has been president since January 1981 and chairman just less than one year, has presided over the company during a complete change of course. For example, the head of the company's Nevada gaming operations — a key figure in the gaming operations while much of the questionable activities occurred — has resigned.

Also, the former president and chairman resigned to make way for Swanson, and now the four-

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president.

"I am fully confident they will more than meet the challenges facing Playboy Enterprises in the '80s," Hugh Heiner said.

Huston for five years has served as Playboy's chief financial officer and was a member of the board of directors and its finance committee along with Christie Heiner.

Miss Heiner will report directly to her father and will be a permanent part of the management structure.

The last 15 months have been a trying time for the company. Last February police raided two of its casinos in London in an investigation that eventually led to the loss of the firm's casino license there. A panel of magistrates refused to renew licenses for the facilities, which had been the financial backbone of the corporation.

In November, rather than appeal the decision, the company sold its British gaming operations.

The troubles in Britain generated troubles in New Jersey when the company applied for a temporary operating permit, but in the end, it was Heiner's bribery in the early 1960s which



CHRISTIE HEINER
Named president of Playboy

cost the company its Atlantic City casino.

After losing the British casinos, the company quickly sold off money-losing resort hotels and other operations to reduce its expenses.

"Our first task is to complete the transition of Playboy from a broadly based corporation to a clearly focused communications company," Christie Heiner said.

"In addition to its successful magazine publishing business and entrance into the lucrative pay cable business, Playboy also has profit opportunities by capitalizing on the value of its name through magazine and product licensing and club franchising," she added.

"In fiscal 1983, we expect to maintain our strong balance sheet position and to achieve significant profits," said Miss Heiner, a 1974 summa cum laude graduate of Brandeis University.

on the operation of the city's government.

Everything from the payroll to the city's inventory to tax information will be at the fingertips of anybody with access to "Prime Information 1000," the city's new computer system that was unveiled Wednesday.

Commissioner Michael Matthews, director of revenue and finance, said the centralized data-processing system will be operational in July, at which time all the city's bookkeeping functions will be programmed into it.

The system came with a price tag of \$330,000, but Matthews said it will be a money-maker within three years.

The city currently spends about \$128,000 to hire outside firms for data processing, he said, while other bookkeeping functions are handled manually.

"Atlantic City has been in the process of outgrowing itself very quickly," Matthews said.

When it is made operational, the system will handle everything from traffic tickets to tax bills and still have the capacity to perform data processing functions for other municipalities, Matthews said.

have made the comments about Lazarow's appointment of non-county residents to the commission. "Why did she bring it up? Why make a disturbance?" he said.

"I prefer not to answer Mr. Levine's charges," Miller said in a telephone interview Wednesday night. "Because as usual he does not know what he is talking about."

He should be the last person to speak about politics," she continued. "He was appointed by his good friend Joseph Lazarow when we already had an artist on the board. You are only supposed to have one. If that's not politics, I don't know what is. He has contributed nothing to the commission and is a do-nothing member," she added.

Levine, a celebrated artist, is the owner and operator of Louis Artist Village at St. James Place and the Boardwalk. He's been sketching portraits of celebrities and tourists on the beach for 45 years.

Known as the "world's fastest artist," he can sketch "a perfect likeness" in two minutes. He first acquired the title at the 1939 World's Fair and was the only artist invited back to the 1940 World's Fair.

the prisoners.

The overcrowding has prevented county officials from meeting the requirements of that agreement.

Complicating the county's situation is a ruling by another federal judge Tuesday, a day after Kean released his proposal, ordering the corrections department to remove more than 100 state inmates from the Union County Jail by July 1 because overcrowded conditions there were unconstitutional.

That ruling resulted from a suit brought originally by prisoners at the Union jail. Although the ruling applies only to the Union facility, Worthington and Walsh said they feared inmates here and in other county facilities would file similar suits against county governments.

Worthington said he would "put the heat on" local state legislators to fight the Kean proposal, and said he expected county officials statewide to do the same.

"Let's face it. You've got a Democratic Legislature and a Republican administration," he said. "You think those legislators are going to protect the governor on this when they know they'll take heat over it at home?"

Isolation Orphans Two Towns in Egg Harbor Twp.

(Continued from Page 21)

Anchorage homeowners association can sympathize with McCullough's feeling of isolation.

He said he's certain the residents of his neighborhood would like to become a part of Somers Point as badly as McCullough and his neighbors want to join Longport.

"We feel sort of like a long lost community," Sturtis said. "We are kind of forgotten out here. We've felt like that all along."

Besides the two developments and a hotel near Anchorage, the buffer between the mainland and shore towns is made up of salt-water marsh dotted by small, barren islands like Pork Island and Whirr Pool Island.

The history books say that both Somers Point and Longport formed in the late 1800s out of land originally a part of Egg Harbor Township.

Heinz has his own explanation as to why the swampy area remained with Egg Harbor.

"Apparently, nobody wanted it," he said. "I think it was as simple as that."

Police from Somers Point and Longport have assisted residents of the isolated sections, and motorists on Route 152, for decades.

The police chiefs in the two towns said the service is provided under a working agreement with the Egg Harbor Township department.

Residents in Anchorage are served by — and donate funds to

— Somers Point fire and rescue squads and Seaview Harbor docks the same with Longport squads, Sturtis and McCullough said.

But any move to annex the sections would take more than heartfelt pleas of the hundred or so homeowners.

It would take the cooperation of officials and residents in each of the towns.

Jeff Brindley, a spokesman with the state Department of Community Affairs, said it could be done if 60 percent of the registered voters in the affected areas sign a petition supporting the plan.

Also needed would be resolutions in support of the move from each of the towns involved. McCullough said he's confident

he could generate support in his area.

"I'm sure most residents would very much like to be a part of Longport," he said.

"I can only see good benefits to Longport."

Homes in the section are worth an average of \$225,000 and would provide a good tax rate to the city, he said. Seaview Harbor has its own water system and doesn't need sewers, he added.

"The only thing they would have to provide is trash pickup," he said. "Their police and fire departments already serve the area and don't get a dime for it." But despite McCullough's plea and the lure of taxables, Longport Mayor Leon Leopardi seems

uninterested in the idea.

"I'll never happen," he said simply. Howard Kupperman, a city commissioner, is a bit more optimistic.

"I'm willing to sit down and talk about it, but I can't say if it would be favorable or unfavorable," he said. "We would have to study the impact on Longport."

Sturtis said he also believes his community would be an excellent rateable for its new adopted municipality. The homes are high-priced and as of now there are no school children in the area.

But Somers Point Mayor Harvey Smith said he believes it's too early to say if annexation of the Anchorage Foynte section

would benefit his city.

"There is no question we can service their needs better than Egg Harbor Township," he said. "We'll have to look at it from a financial view."

In any event, Heinz claims the issue should be considered now, before further development springs up in the area.

Egg Harbor Township plans oppose any future housing in the wetland sections, but do favor development of recreational uses, such as a marina.

Plans for a luxury, 300-slip marina on the edge of the Seaview Harbor development were rejected by the Township Board of Adjustment last year, but appears of that project are pending.

Egg Harbor Township Committee
SPECIAL MEETING
Municipal Building, 3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Wednesday, November 9, 2016 – 5:00 p.m.
AGENDA

- I. Call to Order
- II. Opening Statement Pursuant to the Open Public Meetings Act
- III. Roll Call: Joe Cafero
Frank Finnerty
Paul Hodson
Laura Pfrommer
James J. McCullough (Recused)

The purpose of this Special Meeting is to review the Planning Board’s Impact Report on the Petition for Deannexation by Seaview Harbor Realignment Committee and to hear presentations, accept public comment on the Impact Report and any other business which may become necessary.

- IV. Pledge of Allegiance
- V. Impact Report on the Petition for Deannexation by Seaview Harbor Realignment Committee

A. Public Comment/Statement

Motion	To close the public comment/statement portion of meeting
Vote:	

- VI. General Public Discussion

Motion	To close the public portion of meeting
Vote:	

- VII. Adjournment

Motion	Motion to adjourn the meeting
Vote	