

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

November 7, 2014

Planning Board Professional(s):

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

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

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

Planning Board Deannexation Professional(s):

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

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

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

Roll Call Taken as Follow(s):

Manuel E. Aponte, V-Chairperson, present

Committeeman John Carman, present

Charles Eykyn, present

James Garth, Sr., Chairperson, another engage.

Frank Kearns, present

Robert Levy, another engage.

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

Peter Miller, Township Administrator, recused

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.

PUBLIC HEARING(S):

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

May the record reflect: Chairman Garth was not present this evening due to another engagement. Vice Chairperson Aponte presided.

Attorney Doyle questioned when Mayor McCullough recused himself from the hearings. He indicated it was believed he had a conflict but now it is referenced that he recused himself. Township Committeewoman Pfrommer stated at the end of the roll it is announced and she believes it has been noted that he recused from these proceedings. She advised this is why the Mayor has sent her in his place. Attorney Doyle asked if there is anything in writing. Special Board Solicitor Marcolongo asked Mrs. Wilbert if there was ever a writing from the Mayor recusing himself. Board Secretary Wilbert stated no.

Township Committeeman Carman stated he apologies to Special Board Solicitor Marcolongo, because he should have discussed this with him before this evening. Township Committeeman Carman stated he was elected to the Freeholder Board and it is his intention to resign from Township Committee in January and by doing so he loses the Planning Board seat. He stated after eight (8) months of testimony, he is not one to quit, he stated he is not sure how this is going to go there is much that has to be weighed. He asked Attorney Doyle if there is any objection for him to act as the Mayor's Designee to finish this matter.

Attorney Doyle stated he believes Township Committeeman Carman's continuity serves a purpose and as he previously noted and stand by the legal position he made originally that the legislature did not intend when they adopted the Statute that allowed the Mayor to appoint a designee to sit in Planning Board as another Committeeperson. He stated he will continue this position as a matter of law, however, recognizing at the same time Township Committeeman Carman's continuity makes abundance. Township Committeeman Carman stated if it were a problem he would hold off on resigning. He stated eight (8) months of testimony he does not want to waste anyone's time nor his own.

Attorney Doyle stated when Township Committeeman Carman was half way through his commentary he was hoping he was indicating that he would be appointed to one of the citizen member positions, however, there is another way of doing it and it has been laid out. He stated he will see him in 2015. Special Board Solicitor Marcolongo asked Attorney Doyle if Mr. Carman is made the Mayor's Designee will he have difficulty with this. Attorney Doyle stated no, because as he has time to reflect upon it he will no longer be a Township Committeeperson and this was his original objection so that changes.

Special Board Solicitor Marcolongo called Mr. Miller and advised him that he was still under oath. Mr. Miller stated before he goes forward this evening he would like address a question Attorney Doyle had concerning the benefit of seven (7) freeholders having to campaign here. He note specifically the comment made concerning the District 1 Freeholder whose is a democrat and what could they do for us.

Mr. Miller stated timing is everything and yesterday he received a phone message from Freeholder Corsey who saw an article in the newspaper and offered to write a letter on behalf of the Township. He stated this message demonstrates the District 1 Freeholder, though he is a democrat, does work for Egg Harbor Township and knows who we are. He also added that the Freeholders provided the Township 1.6 million dollars this year to purchase 40 acres of land and all nine (9) of them voted in the affirmative. Mr. Miller stated he wanted to clear this up because there was concern as to what benefit we get from seven (7) Freeholders campaigning in the Township.

Mr. Miller stated he would like to discuss Super Storm Sandy. He advised the Township was one of many communities impacted by Super Storm Sandy in the last week of October, 2012. He stated the Township started planning activities on October 26 and the storm was anticipated to hit us by the 29th or 30th of October. Mr. Miller stated residents in Seaview Harbor, Anchorage Poynte, Morris Beach, West Atlantic City, Harbor Drive and other low lying areas were advised to evacuate by 4:00 p.m. on October 28th. Mr. Miller then marked exhibit B33 the proclamation from Atlantic County for the State of Emergency in Atlantic County. He advised this was issued by Emergency Management Coordinator, Vincent Jones, on October 27th at 6:00 a.m. in the morning.

Mr. Miller than referred to page II of exhibit B33 specifically noting the underlined area, which he read into the record concerning the barrier island and flood prone areas and time periods which it was required they leave. He also noted that Governor Christie signed his Emergency Declaration for the storm later in the day and then the County later modified their evacuation order for the residents, which included Seaview Harbor, until 4:00 p.m. on October 28, to seek safety from the storm.

Mr. Miller stated the Township hand delivered flyers to the doors of the residents in Seaview Harbor and the other effected communities. He also advised the police placed robo calls to all the individuals having landlines in the 911 system to advise the residents in Seaview Harbor of the evacuation and the

need to evacuate their home. He stated the Township did not physically remove anyone and if they choose to ignore the order and ride out the storm we allowed them to. He indicated when the sustained winds were 35 mph the Township was ordered by the Office of Emergency Management to stay put and wait for the storm to go through.

Mr. Miller stated through testimony residents advised the Township did nothing for them during the storm. He indicated they advised Joe Stewart and his army truck had to help them get out. Mr. Miller stated if Mr. Stewart's truck helped them get out that means they were there after 4:00 p.m. on October 28th and they did not want to ride out the storm and the Township was not in a position to go back in and help them get out based upon the directives of the Office of Emergency Management.

Mr. Miller stated the day after the storm the Township was out to inspect properties, which included Seaview Harbor. He indicated because of number of downed utility poles blocking Route 152 they were not allowed to go back in. He stated it is his understanding using the email system in Seaview Harbor the Mayor sent out an email to his residents advising them of this information. Mr. Miller indicated the news media was also advising this also. He also noted he taken several phone calls from residents in Seaview Harbor and advised as soon as the poles are removed from the road they would be able to go back home.

Mr. Miller advised as an example of his communications he has an email he exchanged with a resident of Seaview Harbor on November 1 (2012), which was marked exhibit B34. Mr. Miller than explained the email was from Ken Steinberg concerning his frustration with the evacuation and if the Governor's ban was for Longport why people in Seaview Harbor cannot get back. Mr. Miller advised Mr. Steinberg was concerned with the safety of his property and he wanted to assess to see if damage occurred.

Mr. Miller indicated he responded to Mr. Steinberg advising Longport Boulevard was closed due to the number of telephone/electrical poles that were down blocking the road. Once they were removed residents would be allowed to return. He also advised that he had been out to Seaview Harbor every day that week and Mr. Steinberg's home did not appear to have physical damage. Mr. Miller continued reading the email exchange that he had with Mr. Steinberg advising that the Township was keeping the lines of communication open.

Mr. Miller stated on Sunday, November 4th he was in Seaview Harbor with a FEMA representative assessing the damage and Seaview Drive. Mr. Miller stated he was in Seaview Harbor every single day for the first ten (10) days after the storm hit. He stated the police department did provide protection for all the resident's homes while they were evacuated and the police presence was there the whole time.

Mr. Miller advised the Township held a public information meeting on January 24, 2013 for all residents impacted by the storm at the community center. He advised letters were sent to the neighborhoods that were impacted. He advised the Township, during this meeting, assembled a panel of everyone involved with the emergency response. He advised at this meeting FEMA announced grant money would be available and that your municipality would have to apply for the residents to raise their homes. He indicated the residents needed to supply a letter of interest to the municipality in order for them to make the application on their behalf.

Mr. Miller presented a letter dated February 28, 2013 from the Township Engineer to the County submitting the application on behalf of the residents in Egg Harbor Township, including Seaview Harbor seeking the money, which was marked exhibit B35 (Mr. Miller noted for the record he is not presenting

the total application, just the part of the application that applies to Seaview Harbor). Mr. Miller referred the members to page 2 of exhibit B35, which is the scope of 48 residential dwellings to be raised to the new advisory building elevations and the amount was \$1,440,000.00. Mr. Miller then went over the contents of page 3 & 4, which included a list of the homes in Seaview Harbor that submitted letters to be included in that program and the last page is a map showing where Seaview Harbor is located within Egg Harbor Township.

Mr. Miller stated several months went by and we did not hear anything from the State and we have 48 residents calling inquiring about this matter on a regular basis. Mr. Miller advised he reached out in September to the State Office of Emergency Management for the Hazard Mitigation Grant Program and they advised they had not made a decision yet. Mr. Miller stated since not hearing from them he sent an email in January, 2014 summarizing that almost a year had passed and we had not heard from them.

Mr. Miller stated based upon this email to the State he received an apologetic call advising him that they had decided a few months before not to go through the municipalities but to deal directly with the property owner. He advised they explained if the property owner had submitted a letter and they have FEMA claim number they have contacted all the property owners. Mr. Miller stated he asked the State for a list of who they had contacted they would only provide the list of who they have funded so far. He indicated they would not provide who that may have rejected or who may not have applied that was on the original list. Mr. Miller stated only one (1) person in Seaview Harbor, who was Mr. McGlinchey, received funding and this was just two (2) or three (3) months ago for this program.

Mr. Miller stated an individual had testified that they had called his office in September and had spoken with two (2) individuals one of which did not know anything and the other advised the Township does not know anything yet. Mr. Miller advised he did not call this individual back because his administrative assistant advised them that we did not know anything yet. Special Board Solicitor Marcolongo advised the email Mr. Miller sent to the State was marked exhibit B36.

Mr. Miller stated the Township's response in Seaview Harbor from the devastation of Super Storm Sandy was timely and appropriate. He indicated all the damage within the public r-o-w that the Township is responsible for was repaired within ten (10) months of the storm based upon a grant that was applied for and received. He indicated if you read the paper there are still public projects that are not done yet.

Mr. Miller advised he spoke with a resident a few days ago that is hoping to receive approval to raise his house before the year is over. He indicated there are still people stressed and one of things that has helped the residents of Seaview Harbor with the house raising is that he reports to the ABFE which is the advisory board and Seaview Harbor was in a wave velocity zone. He indicated the Township fought on their behalf and other residents of the Town and they were reclassified as an "A" zone so the requirements for what was under the flood plain for raising houses went away for residents.

Attorney Doyle with respect to B34 the Mr. Steinberg in this email chain is the same Mr. Steinberg on serving on the economic commission. Mr. Miller stated yes. Attorney Doyle stated the only way he could get home was over the Margate Bridge and directly to Seaview. Attorney Doyle stated forgetting everything that is going on now a matter that poles were down somewhere between the distance between Egg Harbor Township and Seaview Harbor and there was no impediment in the shorter distance between Longport and Seaview Harbor.

Mr. Miller stated people had to be routed through Northfield, through Margate, through Longport to get to Seaview Harbor. He stated the storm wiped out rather tall utility poles and there were a lot of live wires so it was unsafe to go that way. Mr. Miller advised they allowed him, police, and some public works employees to safely maneuver around because they were part of the emergency response team but they were not comfortable about allowing residents to go through that way

Attorney Doyle stated in reference to exhibit B35 there is a list which has a number of names from Seaview Harbor attached. He asked if they received copies of what went out. Mr. Miller stated he did not individually notify the 48 people that the application was submitted. He indicated it was announced at a public meeting and it was in the paper that the Township had submitted the application. Attorney Doyle referred to exhibit B36 the email dated January 31, 2014 which references a LOI. Mr. Miller advised that is the application submitted. Attorney Doyle then continued by reading a section of the email advising that at the time of submittal the Township was told a decision would be made within eight (8) months, which would have been August, 2013. He then stated Mr. Miller indicated he made a call in September, 2013 because nothing happened. At the time of the call they had stated no decision had been made. Mr. Miller stated this is correct. Attorney Doyle stated then Mr. Miller sent the email in January, 2014. He asked what Mr. Miller did between September, 2013 and the time of the email in January, 2014 to find out where it was. Mr. Miller stated he did nothing.

Attorney Doyle asked Mr. Miller based upon his January, 2014 email what did he receive in response. Mr. Miller stated he had a telephone conversation with the person who runs the program and he indicated they made a decision several months ago to administer the program directly and eliminating all municipalities as the middleperson and all the Township residents should have notified by his office in the past few months. Mr. Miller stated no one called within the few months regarding the status of the program. He indicated based upon this he assumed what the administrator of the program said was accurate since he received no phone calls.

Attorney Doyle asked what Egg Harbor Township did immediately after the storm to help residents return to their homes. Mr. Miller stated he does not understand Attorney Doyle's question. He stated there were power lines down blocking the road and you could not get to Seaview Harbor and the barrier island was closed until November 1st. Mr. Miller stated the Township used the Governor's Office, the Office of Emergency Management to get the Boulevard upgraded to a high priority to get the poles up off the ground and relocated and this was done by November 1st. He indicated there were crews out there by the 31st of October working on the poles.

Mr. Miller stated to have six (6) 40' ft. utility poles with all the power transferred within 48 hours of a storm of that magnitude is working to get the residents home. Attorney Doyle asked what other neighborhoods or streets within the Township were significantly affected. Mr. Miller stated Anchorage Poynte, which is located right down the Boulevard from Seaview Harbor, Somers Point-Mays Landing flooded out. He indicated the Scullville Fire House had three (3) to four (4) feet of water. Harbor and Ships Drive along the river, further up the river near Greentree Golf Course, Patcong Creek had flooding, West Atlantic City had flooding, and Margate Causeway had flooding. Attorney Doyle asked if any of these other places have to depend upon getting to their homes upon any other municipality. Mr. Miller stated he advised the people in West Atlantic City that were evacuated depend upon Pleasantville, the residents on Margate Causeway had to go through Northfield to get back home. Mr. Miller stated if the utility poles had not gone down they would not have had to use the barrier island to go back home. He indicated this goes beyond the control of us. He indicated Mother Nature knocked down the poles not Egg Harbor Township.

Attorney Doyle asked if Egg Harbor Township provided any assistance such as law enforcement, emergency services in other municipalities who were helping the people of Seaview Harbor or in these other areas. Mr. Miller stated he does not understand his question. Attorney Doyle asked if Egg Harbor Township police, fire, or emergency service called upon by other municipalities to help. Mr. Miller stated Egg Harbor Township was dispatching for Margate and Ventnor because their systems went down and Longport was overwhelmed because their calls went to Longport and they were kicking them to us so we could help. The Township also did some dispatching for Somers Point for a while. He stated none of the public work employees or police officers went to neighboring towns, since there were enough issues to deal with in Egg Harbor Township.

Attorney Doyle stated Mr. Miller mentioned everything that was damaged was repaired within 10 months. He asked if this was the repair needs in Seaview Harbor or throughout the Township. Mr. Miller stated it was within Seaview Harbor, which included 150' ft. of bulk head to build a retaining wall in order to repair the road on Seaview Drive. He stated that was the only public property that was damaged in Seaview Harbor for the storm. Attorney Doyle asked what the cost of this was and what was the funding that was received. Mr. Miller stated it was about \$35,000.00 and it was 90% funding and 10% the Township. Mr. Miller stated the repairs were done and receiving funding later. Attorney Doyle the repairs themselves were done 10 months later. Mr. Miller stated the way disasters work is that you have to wait for the declaration to be issued, you have to wait for the FEMA process to follow, they have to sign off on the scope of the work before you can do it. He advised this took until May for them to sign off and as soon as they did we were out to bid and the work was done sometime in August or September.

Board Member Aponte asked when the Township provided mutual aid to the other Township to get back in did the Township have an agreement or contract. Mr. Miller stated within Atlantic County there is a pathway system and if your system goes down you will automatically go to the other town and there is no questions asked. He indicated when Longport goes down they come to the Township. He advised we cannot say we are busy. He advised when Somers Point goes down they come us. He advised Ventnor goes to Margate, Margate goes to Longport and since both of them were down Longport was overwhelmed at that time so they sent them over to us to assist them. He indicated this is what mutual aid is all about we all work together for public safety.

Board Member Rosenberg asked if there was any assistance either physical equipment or financial received by Egg Harbor Township from the County immediately following the storm. Mr. Miller stated no. Mr. Miller stated the Township actually hosted all the EMT's that came from up and down the East Coast for a week at the Community Center. He indicated as part of the response people were displaced, injured and hurt. He advised they were doing searches of houses up and down the barrier islands. He indicated there were about 50 EMT's from Pennsylvania, South Carolina, and New England that responded and we housed them all at no charge because the County needed assistance.

Mr. Miller advised the EMT's were out 12 to 14 hours a day within the barrier islands. He advised Longport had two (2) or three (3) feet of sand in their roadways that had to be removed and Atlantic City had people that had the whole first floor of their home flooded. He stated the Township shut down the senior and recreation program because a storm like this happens once every 500 years and we worked with our residents of Atlantic County and when the County approached Egg Harbor Township to host the Township Committee stated of course. He indicated we did not realize a few days would turn into more, however, no realized the devastation suffered.

Board Member Aponte stated it was devastating for him also. He indicated he was not in his house and he does not live in Seaview Harbor or Anchorage Poynte. Board Member Aponte asked did everyone who had to get into Ventnor, Margate or Longport have to take the Margate Bridge and over the Atlantic City/Dorset Avenue Bridge. Mr. Miller stated this is correct. He advised if you lived in Longport you had to go through Margate to get home they could not get over the Kennedy Bridge. Board Member Rosenberg asked what the time frame was compared to Longport-Somers Point Boulevard and access to Atlantic City through West Atlantic City. Mr. Miller stated there was one (1) lane opened on the Black Horse Pike by October 31st, but there was a Sheriff's Officer at the border line not letting anyone onto the barrier islands until November 1st. He stated the Township Police Department manned a barricade at the West Atlantic City Fire House to turn people away. He indicated we were only allowing those who showed proof that they lived in West Atlantic City, but no one could get pass the Sheriff Officer who was on the Atlantic City border.

Mr. Miller stated his next heading is snow plowing. He stated residents have testified that the Township either did no snow plowing or did not plow snow during certain snow events. He stated Mr. Kinnery of 16 Sunset Boulevard testified on June 30th that the residents of Seaview Harbor have no snow plowing, however, he did not submit any supporting documentation. Mr. Miller stated at the same meeting Mrs. Burns testified the Township did not plow snow on January 30 or 31st of 1987. He indicated these dates were specific because she was moving and she indicated that snow removal has not been any better since.

Mr. Miller presented the weather history for the period of time of January 30 and 31st 1987 as well as January 29, 1987 and February 1, 1987, this information was obtained from W Underground and was marked exhibit B37. Mr. Miller referred to the information he provided advising the Board specifically to the bottom of the page showing there was -0- precipitation on both January 30 and 31st of 1987. He also noted there was no snow on January 29th or February first as referenced again on exhibit B37.

Mr. Miller stated Mr. D'Angelo, 103 Hospitality Drive, testified on June 2nd, that sometime between 2003 and 2008 there was a 9" inch event an when he had to go to work. He advised the State Highway was clean but the road was not plowed. Mr. D'Angelo did not provide any other times when snow was not plowed, except for this one time and he did not provide a month, day or year.

Mr. Miller stated Mr. Stewart testified that during the December, 2009 blizzard he plowed a single path for people to get by. Mr. Miller further noted that Mr. Stewart did not reference any other time when his company, Trident, assisted in snow removal. Though both Mr. D'Angelo and Mr. McGlinchey did give him credit for other events. Mr. Miller stated Mr. Stewart did not provide any documentation or invoices for the work that he did.

Mr. Miller advised during the blizzard of 2009 the State and the Federal Government declared a state of emergency and we were eligible for funding from them. He indicated we had well over 20" of snow and throughout the Township had a lot of residents like Mr. Stewart who did the same thing.

Mr. Miller stated Mr. McGlinchey provided testimony on the December 19, 2009 blizzard and the February 6, 2010, 18" inch snowfall and the January 8, 2011, 7" inch event. Mr. Miller stated Mr. McGlinchey testified that the State Highway was down to the black top. He did not indicate times frames for his testimony on either the February 6 or January 8 snow events. Mr. Miller stated he finds his testimony inconsistent.

Mr. Miller advised Mr. McGlinchey is the public works director for Winslow Township since 1979 and the blizzard took all the municipalities a couple days to dig out from and that since 1979 he has been in charge of every snow event and is there from start to finish. Mr. Miller then referred to page 15 of the April 21st, 2014 minutes, he then read into the record Mr. McGlinchey's testimony concerning the December snow event. He then presented a time line concerning Mr. McGlinchey's testimony advising the time periods involved. Mr. Miller then noted that Attorney Doyle attempted to use Mr. McGlinchey as an expert due to the nature of his job within Winslow Township. Such as asking him about the amount of equipment that Egg Harbor Townships has, the amount of roads we have.

Mr. Miller indicated during this time with Mr. McGlinchey Attorney Doyle did not ask any questions concerning Winslow Township. Such as how many roads they have, how many miles of road, how much equipment. Mr. Miller advised the Township's public works director will be presented later, but he will testify that at 8:00 p.m. at least a few hours before Mr. McGlinchey got to Seaview Harbor our public works was already in and plowed the center line of all the roads. Mr. Miller stated Mr. McGlinchey gave this credit to Mr. Stewart but it was the Township public works who had done so.

Mr. Miller stated he also finds something else inconsistent with Mr. McGlinchey's testimony. Mr. Miller stated Mr. McGlinchey testified that since he is in charge of public works he is responsible for the entire snow plow operation in Winslow from start to finish. Mr. Miller stated he knows snow had to be plowed on Sunday and he does not know how he got back based upon this testimony. He stated when you add 18 hours, his travel time, and his 3 hours how he got back to Winslow the next day to supervise the remaining snow plowing operation in Winslow Township.

Mr. Miller stated he did receive from Winslow Township their records since it was declared a state of emergency they have to file paperwork to receive money for reimbursement. Attorney Doyle stated he will be objecting to this and the testimony. He stated he would like to know how this goes to the statutory terms that there has been social and economic detriment to the majority of the residents if the petition is not granted or to the financial wellbeing of the municipality. Attorney Doyle stated he is aware that an OPRA request was made to Winslow Township concerning these records and he does not believe it helps the process.

Board Member Aponte stated he is not testifying for Mr. Miller, however, he believes Mr. Miller is saying the timeline is inconsistent. He indicated maybe it was taken a little too far, but if you leave at 4:00 am in the morning and now it is more than 24 hours later it really is not possible. He indicated if there is something to add to fact he would like to see it.

Mr. Miller stated what he saw his purpose was the residents, one after another, testified the Township did not provide service and they witnessed that the Township did not provide the service. He indicated all the documents he is presenting goes to the credibility of the witnesses of what they told the Board. Mr. Miller stated the Board can weigh this information when they weigh the facts

Mr. Miller stated Mr. McGlinchey is the one that Attorney Doyle used to go through a lengthily discussion about what he did, how many hours, and where he was. Mr. Miller stated he is a fact witness and any facts he has given a document has been pass around concerning it. He advised their testimony had very few documents submitted to support their position. Mr. Miller indicated Attorney Doyle asked the other day that he knew they were talking about succession for years. Mr. Miller stated if they were, then from 2009 to 2014 why no one took a single picture of us not plowing the snow to submit as an exhibit.

Mr. Miller stated yes there was a blizzard and Winslow is like Egg Harbor Township. They had to submit document. Board Member Aponte asked that Mr. Miller get to the document. Special Board Solicitor Marcolongo introduced a packet of five (5) pages marked Exhibit B38. Mr. Miller advised the document is about 58 pages thick and he took out the pages where Mr. McGlinchey's name appeared. He indicated Page I tells you what the documents is. He indicated it is their ability to put in for reimbursement for the storm of December 19, 2009. Mr. Miller stated when you go to the first line of the first page you will see Edward McGlinchey's name and the date 12/19. Mr. Miller then indicated to the Board that the document being discussed is the hours that they billed for not necessarily the hours that they worked, because Mr. McGlinchey drove for 13 hours on the 19th with his pick-up truck and billed for 12 hours with the plow on it.

Mr. Miller stated the following pages reiterate the two (2) pieces of equipment that Mr. McGlinchey had and what the rate was they were getting for him. The next document is a memorandum from Mr. McGlinchey to the Township Administrator dated January 5th telling him what his man hours were for the storm. He indicated a total of 41 people worked on December 19th and 20th. He indicated they used 8 O'clock as the start time but some people came in at 9 but this is not necessarily the time the plow hit the roads. He indicated the staff worked from 10 to 15 hours that day so the boss working 18 hours is reasonable. Mr. Miller stated on Saturday the 20th his people were in for 12 hours from 6:00 a.m. to 6 p.m. and there were 39 individuals working. Mr. Miller stated he would assume if his people were in on Saturday he was supervising and he was in from 6 to 6 also or maybe he came in at 8:00 a.m. or 9:00 a.m.

Mr. Miller stated the purpose of this is his credibility about his 18 hours working and his 3 hours there and back and for him to then put 12 hours, as they billed for the State of New Jersey and the Federal Government to reimburse Winslow Township for a 12 hour day and his personnel were done by 6:00 p.m. that night this tells him he had to be in by 6:00 a.m. in the morning to bill for the 12 hours.

Mr. Miller stated in snow events he is generally on duty 9 to 12 hours a day and he takes a tour of the town to check up on what public works do in certain neighborhoods. So that he can question them and hold them accountable. He indicated not plowing Seaview Harbor would have probably terminated his employment a long time ago. He indicated the Mayor lives there and if he did not plow his neighborhood he would have been calling his cell phone asking where are you, where is public works. He stated he can assure that there were no times when Seaview Harbor was never plowed in the 25 years he has been here.

Mr. Miller stated over his 25 years here he has had numerous interactions with people from Seaview Harbor. He stated as he had previously indicated Vic Fiore and Ralph Henry sat on the Planning Board and the Planning Board had meetings in the winter time and no one ever said we didn't plow the snow. Mr. Miller stated he has spoken with Mr. McGlinchey, as well as, Mr. Stewart a few times and never had a person from Seaview Harbor say we had not plowed the snow in 25 years.

Mr. Miller advised his next item concerns National Flood Insurance Program and the Community Rating System. He indicated two (2) witnesses testified about this program before the Board. He indicated on June 30th Mr. Kinney testified the Township is the only costal town not participating in the CRS system from Cap May to Amboy. Mr. Miller noted he did not provide any documentation to support his statement. Mr. Miller stated on July 21 Mr. DaBek reappeared as a witness to discuss the Flood Insurance Program and rating system. He advised Mr. DaBek provided the Board four (4) documents.

Mr. Miller advised S58 was an eleven (11) page document explaining the CRS program, S59 was a two (2) page facts sheet, S60 was a newspaper article where he had said the Township would be joining the program and S61, which he indicated Mr. DaBek had displayed and advised everyone from Brigantine to Cape May is in the program except for Wildwood.

Mr. Miller advised he has been working in Egg Harbor Township since 1989 and he has not had any resident in Seaview Harbor ask why we are not in the CRS program. He advised the Township has participated in the National Flood Insurance Program since 1974. He then introduced Exhibit B39: List of communities within State of New Jersey who have participated in the National Flood Insurance Program and how long they have participated (this is a 13 page document only provided page 3) highlighted Egg Harbor Township.

Mr. Miller stated the National Flood Insurance Program had two (2) different programs. He indicated the original program the Township joined in 1974. He indicated they revised this program in 1983 calling it a Firm Map so the Township has participated for 40 years in the Flood Insurance Program.

Mr. Miller stated about ten (10) years ago the Township had an inquiry from a West Atlantic City resident about becoming involved in the Community Ratings System. He indicated the Township evaluated and knew there would be about 400 properties would benefit from it. He indicated the cost estimate to get into the program was about \$15,000.00. He indicated the way the CRS program works is when you join you receive 5% the first year and you have to do certain things to earn points and then it will be increased to 10% and 15%. He stated no town in New Jersey has went beyond the 20% discount.

Mr. Miller stated at the time this was discussed most residents insurance was \$500.00. He indicated if the Township were to join it would save 5% which is \$25.00 for each of the 400 residents for a total of \$10,000.00. The Township said we are going to spend \$15,000.00 to save 400 residents \$10,000.00 it does not make sense so they choose not go forward with program. Mr. Miller advised this did change. He indicated the U.S. Congress adopted Biggert Waters Flood Insurance Reform Act. He indicated the act was to begin phasing in late 2013 going into 2014.

Mr. Miller stated this act was to take the Federal Government out of the insurance subsidy business and raise the premiums so insurance companies would write it. He indicated the increases to the premiums are in the tens of thousands of dollars and with this the Township said we need to become part of the Community Ratings System. He indicated about the time the Township decided to do so Super Storm Sandy hit and changed things. He stated the Township did start the program in earlier 2013 to have the Engineer certified as a Flood Plain Manager. Mr. Miller stated it took at least six (6) months to complete the classes. Mr. Miller introduced B40: Memorandum from Township Engineer. He stated on April 16, 2014 the Township sent letter to FEMA to begin the process for the Township to be in the program. He stated a few weeks later Mr. Watkins (Township Engineer) went to a program for technical assistance in Tuckerton and on May 15 we met with FEMA and the New Jersey of Department of Environmental Protection representatives and on July 1 they sent a letter stating these are the homes that have to be upgraded in order to participate in the program.

Mr. Miller stated one of the issues is that before the Township can be in the program all the homes have to be in compliance before you can join. He stated there are about 20 homes that have to do basic work such as adding flood vents or re-grading properties. He indicated the Township hopes to be in compliance and within the program in the next few months. Mr. Miller stated returning to the

comments of Mr. Kinney and Mr. DaBek concerning the levels of other municipalities participating in the program he presented a chart marked B41: The State of New Jersey Flood Insurance Policy Community Rating Systems participation as of May, 2012 and it corresponds with Exhibit S61.

Board Member Aponte asked on the 20 properties discussed are they private properties. Mr. Miller stated yes. Board Member Aponte asked if the Township could make them do it. Mr. Miller stated the Township can encourage them, console them and advise of the benefit by getting them into the program and their savings with the flood insurance. Mr. Miller stated the Township is not receiving resistance from the residents but there is cost involved but no one has told the Township they will not participate or comply.

Board Member Aponte stated there are 20 residents and if one becomes a free rider then everyone else does not get into this. Mr. Miller stated yes. He indicated we have certify to FEMA and the Department of Environmental Protection that we are 100% in compliance before they let us into the program.

Mr. Miller stated the information he passed out references the top 50 towns, as far as, flood insurance policies within the State of New Jersey. He indicated on the first page Sea Isle City does not participate in the CRS program, Wildwood does not, Middle Township does have some property that is not in it. He advised also on this list is Cape May and Amboy and you will see Brick Township, Lacey Township, Keansburg Borough, Monmouth Beach, the City of Long Branch, and Sea Bright are not participating in the program. Mr. Miller stated he believes the testimony that we are the only ones not participating is not necessarily accurate.

Mr. Miller stated Exhibit S61 had an area in white with no explanation as to what it was. Mr. Miller stated he was able to print out the map. Special Board Solicitor Marcolongo marked this as Exhibit B42: Mr. Miller indicated there are red stars and green stars. He indicated the map is based upon the top 50 municipalities based upon policies. He indicated at the top of the list there is Ocean City who has 17,000 people participating in the program and at the bottom of the list is Barnegat that has 1,034 and we have only have 400 properties effected so the Township would not be on the list. He indicated the testimony was that there was something wrong because we were not on the list.

Mr. Miller advised the red stars show the top 50 municipalities that do not participate. He indicated there are stars for Somers Point, Sea Isle, Middle, Wildwood and Lower also have water frontage. He indicated when you go up toward Amboy the Towns previously mentioned Keansburg, Monmouth Beach, Long Branch, and Sea Bright are all on the coast line. He indicated Brick Township has some frontage, Seaside Heights is on it. He indicated having the entire map and understanding what it represents other than placing it up and saying from Brigantine to Cape May only Wildwood does not participate.

Mr. Miller stated since the map represented the top 50 policy holders not 51 he took a look and discovered other coastal communities are not in the CRS program. He advised he reviewed Ocean County because it is on its way to Amboy. He found Beachwood, Eagleswood, Island Heights, Little Egg Harbor Township, Ocean Gate, Pine Beach, Seaside Heights, and Tuckerton are not in the CRS program and these towns are more coastal then the Township. He indicated while statements were made that we are a coastal town. The Township is actually a back bay and river community effected by tidal waters and not ocean water. He indicated the Township is not unique in its level of participation. He indicated only 59 municipalities out of 565 municipalities in the State are in the program. He stated there are also others in midland areas that are part of the program they are not just all along the coast line.

Mr. Miller indicated he is providing this information to show clearly show the residents of Egg Harbor Township specifically Seaview Harbor are not being treated differently than others within the State. He indicated the motivation now to become part of the program is because of the Biggert Waters Act. He indicated before Sandy the average homeowner's policy in Egg Harbor Township was \$690.00 a year. He indicated the policies are going to be \$6,000.00 or \$7,000.00 if we do not participate in the program.

Mr. Miller stated in the Spring of 2014 Congress took action to delay the phasing in of this so the Township does have time to get into the program. Mr. Miller stated Somers Point does have a red star, as shown on the map, however, just the past week they sent paperwork in to participate in the program. He indicated they received their compliance within the last few months and they are doing as we are, since Sandy hit they started hustling to get their paperwork in. Board Member Aponte stated this is still based on system of compliance by private residents, though it behooves them to do it. He indicated going from \$600.00 to \$6,000.00. Mr. Miller stated they will never be at \$690.00 again they will be twice or triple this, but getting into the program will help. He advised some examples are if you did not raise your home under the advisory program you could literally be paying \$29,000.00 to \$30,000.00 a year in flood insurance if you did not do certain things to your home.

Attorney Doyle stated Mr. Miller provided a list of the towns that did and did not participate. He indicated it was B41. He asked if it was issued in May, 2012. Mr. Miller stated yes. Attorney Doyle indicated it is not up-to-date. Mr. Miller indicated it matches Attorney Doyle's S61. He indicated this list was at the same site where the map came from. Attorney Doyle asked if Mr. Miller updated information to find out if any of the towns listed as non-participating, notwithstanding the map, have since decided to participate. Mr. Miller stated no. He indicated his purpose was to clarify what S61 stood for from direct testimony not to do an analysis of the State of New Jersey as to who in the last two (2) years joined the program.

Attorney Doyle read from an article by Richard Degener, staff writer, published July 26, 2013. Special Board Solicitor Marcolongo asked staff writer for who. Attorney Doyle stated NewsBankcomNLSearch/WE/Publisher/P-action=print, he indicated he is not sure what newspaper that is in the social blogging world. Special Board Solicitor Marcolongo asked if it blog or a legitimate news source. Attorney Doyle stated if it is published he took it as legitimate news source. He then read the article: "there are 52 municipalities in the CRS system and Avalon in 2005 became the first in the State to get to a Class 6 rating, which requires at least 2,000 points and brought a 20% discount on flood insurance premiums. Shortly after Avalon did some other towns won the rating including Brigantine, Beach Haven, Long Beach Township, Stafford Township, Margate, Sea Isle City, and Longport".

Attorney Doyle stated when Mr. Miller stated he wanted to identify he identified it as a 2012 exhibit. Mr. Miller stated he identified to go along with Attorney Doyle's S61. Attorney Doyle stated he does believe that Mr. DaBek when he testified advised Sea Isle City did participate. He asked if that would be correct testimony. Mr. Miller stated according to the maps submitted they did not. He stated Mr. DaBek's testimony was everyone except Wildwood participated. So it would be correct that he said Sea Isle City participated. Attorney Doyle asked as of today, forget the map, does Sea Isle City participate. Mr. Miller stated if he could review the newspaper article Attorney Doyle has and it says it he will agree with him.

Mr. Miller stated he has no firsthand knowledge whether Sea Isle City is certified on November 7, 2014. Special Board Solicitor Marcolongo stated he believes this answers Attorney Doyle's question. Attorney Doyle presented a second article from Devin Loring, staff writer, Newsbank///, quoting the Mayor of Sea

Isle City, Leonard Desiderio, Attorney Doyle then read into the record the quote. Special Board Solicitor Marcolongo stated this article appears to be from the Atlantic City Press. Board Member Rosenberg asked if B42 exactly the same or different than S61. Mr. Miller Stated B42 is the map that appears at the web site S61 is B42 with the legend, the towns, what it means and everything else that was deleted from it.

Board Member Rosenberg stated what is not understanding is that Mr. Doyle indicated this map was updated in content not necessarily in format. Attorney Doyle stated he is not sure he understands the question. He indicated Mr. Miller shows Sea Isle City not participating and they are. Mr. Miller stated on S61 has a red star and reflects as a non-participating community in the Community Rating System Program. Board Member Rosenberg stated that is what he is asking is S61 identical in content not format to B42. Mr. Miller stated yes. Board Member Rosenberg stated this is contrary to what Mr. Doyle had indicated. Township Committeewoman Pfrommer stated the map is from 2012. Mr. Miller stated the map on the web site, submitted as S61 is from May, 2012 and the documents that he submitted go with this map.

Mr. Miller stated the testimony based on this map was that everyone from here down participates in the program except for Wildwood. Board Member Rosenberg stated he believed Mr. Doyle indicated S61 was updated information. Attorney Doyle stated he would like to make himself clear. Mr. DaBek recalls his testimony as being "here is the map and it does go with the 2012 document but the map is in error and that he knew specifically Sea Isle City is a participating municipality. He stated the record in terms of the newspaper articles would suggest it is a participating community.

Attorney Doyle stated he would like to introduce the June 1, 2014 bulletin from the CRS Table 3, which shows of now who participates and who does not. He indicated he does not want to get trapped into who was right or wrong. He indicated the larger issue is...is Egg Harbor Township in CRS, does it matter, should they be, why yes and why no, when. Board Member Rosenberg asked Egg Harbor Township participating or not.

Mr. Miller stated his testimony is that Egg Harbor Township is going through the process of participating in the CRS program. He stated the Township is not currently in the program and he does not anticipate being part of the program for another few months. He indicated from some of the newspaper articles from Attorney Doyle seem to update S61 to the say the exhibit they submitted that some of the towns that have red stars in the two and half (2 ½) years since this map went up have now gotten into the CRS program. Attorney Doyle added or that the map itself, even though a public document, was in error. He stated he is not sure which one it is.

Board Member Aponte asked was there anything that Mr. Miller saw that updated this map when he went to look for it. Mr. Miller stated no. He advised that is the most current map on their site. Board Member Aponte stated if this is the most updated map than we are spinning our wheels. He advised he believes Mr. Miller is saying they provided this map and here is the key to the map. Township Committeeman Carman asked if articles that were submitted were marked S76 and S77. Special Board Solicitor Marcolongo stated yes.

For the record: S76 is the press article from staff writer Devin Loring, where the mayor of Sea Isle was quoted and S77 is the article from staff writer, Richard Degener dated July 26, 2013.

Attorney Doyle stated Mr. Miller indicated they examined going into CRS system and found there were 400 possible participants and on average would benefit \$25.00, but the cost getting into the program would have been \$15,000.00 and the expected benefit would have been \$10,000.00 so it did not make economic sense. Mr. Miller stated this is correct. Attorney Doyle asked when this judgement made. Mr. Miller stated about ten (10) years ago, somewhere around 2000-2002 time frame.

Attorney Doyle asked if the proportion of the Egg Harbor Township population grow that were eligible to participate as of 2012 from the 400 in 2001-2002. Mr. Miller stated there may have been another two (2) dozen homes, so it maybe between 400 to 425 homes. Attorney Doyle asked if between 2001 and 2012 was it reevaluated this ten (10) year plus decision that was made. Mr. Miller stated yes. Attorney Doyle asked when was these reevaluations done. Mr. Miller stated he does not have a firm date maybe about four (4) or five (5) years ago we found insurance policies had crept up in Egg Harbor Township about \$50.00 to \$60.00 on average, but we drew same conclusion that we would spend more tax payers money for the benefit the residents would be getting.

Board Member Aponte asked how Mr. Miller new the insurance policies were going up \$50.00 or \$60.00. Mr. Miller stated we can call the people who administer the National Flood Insurance program, advise them of your municipality and they can tell you they have "X" number of policies in the community and the average policy is "X" dollars. He indicated when Biggert Waters came out we reached out to them and they told us at that time that the average policy in 2012 in Egg Harbor Township was \$690.00.

Attorney Doyle asked what the benefit would have been if the Township went into CRS and under the point system were able as other nearby Seashore Communities did upgrade its rating. Mr. Miller stated it takes about five (5) years to move up on the scale system. Mr. Miller explained there are nine (9) classes. He indicated Class 9 is a 5%, Class 8 is 10%, Class 7 is 15%, and Class 6 is 20%. Mr. Miller advised New Jersey does not have any community better than 20%. He indicated some of those towns that have reached 20% have been in the program almost since its inception and the program has been around since 1991 or 1992.

Attorney Doyle stated when Biggert Waters came through the average flood insurance was about \$690.00 so if they received 20% off it would have been a savings of \$140.00 among the 420 people for a total of \$60,000.00 to \$70,000.00. Attorney Doyle asked if the Township reevaluate the \$15,000.00 cost to get in has changed. Mr. Miller stated the cost to get into the program has went up to about \$20,000.00 and it will be an average yearly expenditure of about \$15,000.00 to \$16,000.00 a year to stay in the program. Attorney Doyle stated before this year the benefits under the program, as long ago, as at least 2012 not earlier, benefits overcame the expense. Mr. Miller indicated the last time he did it; it still was not there yet. Mr. Miller indicated in 2012 when he looked at it when the legislation was passed that is when he found it was \$690.00 and when the Township began talking about getting into the program for our residents.

Mr. Miller stated Seaview Harbor is not being treated any differently than any other neighborhood. West Atlantic City, Anchorage Poynte, Margate Causeway and the people along the Great Egg Harbor River all participate in the program and benefit from it. He stated the Township did not; not participate in the program because we were discriminating against the residents of Seaview Harbor. Attorney Doyle stated he did not suggesting this. He advised they have treated all 420 people who would have benefited equally. Attorney Doyle asked if there are 13,000 to 14,000 homes in Egg Harbor Township. Mr. Miller stated somewhere in that vicinity. Attorney Doyle stated so a judgement was made not to tax

15,000 homeowners for the benefit of 400 or so homeowners. Mr. Miller stated that is a decision that was made the second time it was looked at. Attorney Doyle stated the first time was 2001 or 2002 he asked when was the second time. Mr. Miller stated around the 2007 or 2008 time frame. Attorney Doyle stated from 2007 to post Biggert Waters in 2012 it was not re-examined. Mr. Miller stated it was four (4) years later from the last time we looked at it and Biggert Waters came along so we looked at it than we looked at it five (5) or six (6) years later when Biggert Waters came so over four (4) years later we looked at it again and said we need to join now.

Attorney Doyle stated exhibit B40 is documentation from Bob Watkins to Mr. Miller based on some type of communication. He asked when this occurred. Mr. Miller stated there was a meeting on July 21st and Mr. DaBek submitted exhibit S60 which was a news article that stated Peter Miller said the Township is participating in the CRS program. He indicated the next morning he called the Township Engineer and asked him to lay out for him what has been done since the Township started the process to get in CRS so that he could share it with the Board and show what was said in the newspaper article was accurate. Since we are taking steps to join.

Attorney Doyle read into the record a portion of S60 where Mr. Miller discusses CRS. He stated this article is dated April 17, 2014, but Mr. Miller wrote to Bob Watkins on July 22, 2014 the day after hearing testimony from Mr. DaBek. Attorney Doyle asked if the process was started on July 22 or was the process started in April when the article said you were. Mr. Miller advised his testimony was not that the Township had started that day. He stated he testified in October, 2013 Mr. Watkins became a certified flood plain manager by passing the CFM test. He indicated we sent him six (6) months prior to this to take all the classes. He advised this is his direct testimony.

Mr. Miller stated when he spoke with the newspaper, which may have been the same day as the Township sending the FEMA letter to start the process on April 16, 2014. He indicated he does not write the articles and not sure how the author characterized his statement. Attorney Doyle asked if the statement attributed to Mr. Miller "although Egg Harbor Township did not previously participate in the National Community Rating System was because of cost to the municipality" accurate. Mr. Miller stated yes. Attorney Doyle asked if the cost is \$15,000.00.

Mr. Miller stated the cost at the time we looked at it was \$15,000.00 around the 2000/2001 time and around 2008. He stated the savings projected for 400 homeowners and as Attorney Doyle pointed out but the 12,000 to 13,000 homes a decision was made that these 12,600 property owners should not be subsidizing 400 property owners because the cost was negligible. Mr. Miller stated yes, we made a decision, based upon cost, not to join the program in 2008 or previous to that.

Attorney Doyle stated at some point the benefits overwhelmed the cost but did not move on it until 2014. Mr. Miller stated no, he advised the Township started immediately upon it when the ABFE being issued and Biggert Waters being explained to us as to what the impact was when it was being implemented. Mr. Miller stated as soon as he went to a seminar concerning Biggert Waters he came back and advised his engineer to become certified because we had to get into this program because our homeowners are going to be crushed with premiums. Attorney Doyle asked when was this. Mr. Miller stated it was just before the storm hit, so it was sometime late summer of 2012.

Mr. Miller explained there are about four (4) to six (6) courses that you have to take and by October, 2013 he passed the test so within a year of Sandy hitting the Township Engineer had taken the classes and was certified as a flood plan manager which is one of the first steps to get into the program.

Attorney Doyle stated Mr. Miller had indicated no one within the State has done better than a Class 6, which is 20%. He indicated however an article previously entered into evidence advises the Borough of Avalon received one of the best flood ratings in the State and is a Class 5 rating which means a 25% discount on flood insurance premiums. Mr. Miller stated according to the information Attorney Doyle has recited they will be the first going there. Mr. Doyle stated this is dated July 26, 2013. Mr. Miller stated he can only rely on the documents he obtained from the FEMA website that tells him who is in the program and what discount they have. He indicated he is still using the May 1, 2012 date which is based upon the map he presented and the documents provided by the petitioners and this is the information FEMA has available.

Mr. Miller stated if in 2014 someone finally hit 25% then they should be congratulated. Attorney Doyle stated it was actually 2013. Attorney Doyle asked Mr. Miller if he knows what Longport's rating is. Mr. Miller stated no. Attorney Doyle stated they are a Class 5 with a 25% reduction. Special Board Solicitor Marcolongo asked if Attorney Doyle was providing testimony. Attorney Doyle stated this is from personal knowledge. Attorney Doyle realized Mr. Miller had not asked the question but Solicitor Marcolongo and he placed on the record he apologized he should not have provided testimony and asked that the record reflect this.

Attorney Doyle asked of those 400 or so shore front properties, albeit there are only roughly 3% of homes in Egg Harbor, 92 of them or nearly 25% of them are from Seaview Harbor. Mr. Miller stated this a little less than 25% are in Seaview Harbor, but advised Mr. Doyle he is correct adding that over 25% are from Anchorage Poynte, which is on the other end of the Boulevard. Attorney Doyle stated they lost the opportunity over the years to benefit because the Township made an economic decision that in effect benefited the rest of the Township's homeowners. He indicated they were not forced to subsidize the 400 homeowners. Mr. Miller stated it was the same as the other 500 municipalities in the State of New Jersey decided. Attorney Doyle stated many of which would not qualify because it is hard to have FEMA if you are inland town. Mr. Miller stated there are 550 municipalities that participate in the National Flood Insurance program. He indicated all are eligible to join CRS.

Board Member Aponte stated he is not a CRS expert but he does not understand how you can make a private citizen do something to be 100% compliant. He stated he does not understand this. Special Board Planner Wisner stated you cannot. He advised the way it works is there are a number of things that private citizens can do, if you can cajole them or convince them to do voluntary things such as flood gates, vents in basements. He stated if you hit certain benchmarks of resident compliance then you get points towards whatever tier you can be.

Mr. Miller stated once the Township gets in we will be given a "to do" list from FEMA as to you have to implement these ordinances and standards. He indicated right now under the flood insurance program by ordinance you have to construct your finished first floor 1' ft. above flood level. He indicated Longport, as per their participation in CRS program adopted an ordinance requiring you construct 2' ft. above flood level. Mr. Miller stated he does not know if they will impose this standard on the Township. He indicated if the Township were to adopt an ordinance which says you have to be 2' ft. above sea level for the residents to get the benefit of being in the CRS program they may have to raise their house a foot.

Board Member Aponte stated it is up to the citizens to do a cost benefit analysis to see if it makes sense for them to do. Special Board Planner Wisner stated he did a little work in Margate on this type of stuff. Attorney Doyle asked if Mr. Wisner was sworn. Special Board Planner Wisner stated he was sworn at the

beginning. Attorney Doyle stated he just wanted to make sure. Special Board Planner Wisner stated the calculation, which he knows the numbers will be wrong, but it was something like this, there is a benchmark number that is the elevation above sea level that FEMA wants you to be at. He indicated if you are below this there was talk about charging a premium above your insurance premium anywhere from \$1,000.00 to \$2,000.00 per foot that were below where they wanted you to be. He stated for certain properties on the island, especially in the older ones, built slab on grade it could have been extremely expensive. He stated this would be on top of the general increase in premiums that people were seeing. He stated it could have been exponentially; prohibitively expensive to purchase flood insurance. Board Member Aponte stated and if they do not do it they lose their mortgage.

Special Board Solicitor Marcolongo stated yes, but there are some people who do not have mortgages and decide to go without it and this becomes problematic. Board Member Aponte how do you make XYZ person grade their property, even if it will be a \$4,000.00 to \$5,000.00 difference and someone does not have the money economically to do it. How do you make that one (1) last person do it, to get every body. Township Committeeman Carman stated you don't, Board Member Aponte agreed you don't.

Attorney Doyle stated he would like a document introduced showing Margate is a Class 5, which was achieved on October 1, 2013 and they began the program in 1992. He indicated it may be costly, but you must look at the long term benefit. He stated if your flood insurance were to go up \$5,000.00 to 10,000.00 and you will receive a 25% benefit then you do the cost analysis to help the town and your neighbors out.

Special Board Solicitor Marcolongo advised during the recesses Attorney Doyle provided him with exhibit S78 which are four (4) sheets containing the Community Rating Systems Eligible Communities effective May 1, 2014. Attorney Doyle asked Mr. Miller the decision made in 2001 or 2002 and then again in 2008 was made by "we" concerning the cost and the benefits. He asked who the "we" is in that statement. Mr. Miller stated in 2001 Township Committee acknowledge it and in 2008 he did the math and the numbers showed the same thing so at that time he was the "we". He advised during this time the Township did not have any residents asking to join.

Attorney Doyle asked if this was a policy decision or an administrative decision. Mr. Miller stated originally it was a policy decision unless there was a benefit that the benefit was greater than the cost to do it. He advised the two (2) analysis that the cost would be more than the benefit to the residents to participate. Attorney Doyle stated in 2008 it was an administrative decision which was yours. Mr. Miller stated correct. Attorney Doyle when it was decided to go into it was it an administrative decision or a policy decision. Mr. Miller stated it was a recommendation to Township that we needed to participate in the program and he was directed to do whatever was needed to get into the program. He indicated when the Biggert Waters Act came out and I knew what it was going to do he stated he received authorization from the Governing Body to have our Engineer get certified as a Flood Plain Manager and authorization to proceed for going into compliance.

Attorney Doyle stated since this was a reversal of the 2001 policy it had to come from Township Committee. Mr. Miller stated correct. He advised it was evident that the cost was going to skyrocket under the Legislation and he received authorization to start the process. Attorney Doyle stated with respect to the proceeding issue he asked Mr. Miller that he does not make policy the Governing Body does. Mr. Miller stated this is correct.

Mr. Miller advised his next heading is real estate. He indicated there was testimony given that the

property in Seaview Harbor everything says Longport it is not marketed as Egg Harbor Township but as Longport. He indicated you either believe you are in Longport or the real estate people believe you are in Longport.

Mr. Miller advised after the July meeting he went to the MLS listing and went through Seaview Harbor. Mr. Miller then passed out two (2) MLS listings printed out on July 31, 2014 from the MLS website. Mr. Miller stated Exhibit B43 is MLS listing for 41 Seaview Drive which does list the property as Egg Harbor Township, 08403, however, it does call us East Egg Harbor Township, Seaview Harbor. He advised it clearly identifies that the property is in Egg Harbor Township in the neighborhood of Seaview Harbor.

Mr. Miller advised the listing for 22 Seaview Drive which has the city identified as Egg Harbor Township, 08403. He indicated there is link and he clicked on for the realtor and he hit the button and the last page in the exhibit is the Realtor.com listing for 22 Seaview Drive Harbor and for the address it gives Egg Harbor Township, NJ 08403. He indicated they do not even say on this listing that it is adjacent to or near Longport.

Mr. Miller stated on this sheet they do list other agents listing on the lower right hand corner such as 26 Sunset Boulevard, Egg Harbor Township and another was in Longport because Longport is nearby. He indicated another exhibit he has is from one of his tours through Seaview Harbor he noticed there were a couple for sales signs and one person had a box in their front yard with a flyer. He indicated he is passing out is three (3) listings. He indicated two (2) came from a web site a Longport website and the other came from the persons flyer box in front of their house. Special Board Solicitor Marcolongo referenced this will be Exhibit B44 there was another for Longport He stated there are for sales signs that has a flyer box Exhibit B44: three (3) sheets of real estate listing.

Mr. Miller stated this exhibit shows 9 Sunset Boulevard, Egg Harbor Township, 08403 and it does say it is within walking distance of the Longport and beach areas, but Margate is within walking distance of Longport also. He indicated the next is 9 Seaview Drive, Egg Harbor Township, 08403 and the third one is 22 Seaview Drive, Egg Harbor Township, NJ 08403. Mr. Miller stated he went through the MLS listing and a couple real estate sites and he did not find a single one that said Seaview Harbor was in Longport. He indicated they all clearly said Egg Harbor Township and they did assign the proper zip code of 08403 to them. He indicated what he has provided is a representative sample of these.

Mr. Miller stated rather than overwhelm the Board with more exhibits, he indicated he could have provided five (5) or six (6) additional, to show they consistently identify as Egg Harbor Township and he only shows them because the testimony was all realtor listing identify as being Longport.

Special Board Planner Wiser asked for clarification. He stated all realtor listing identify it as being in Longport. He asked if this is what was correct. Mr. Miller stated he stands corrected. He indicated all realtor listing totally identify the municipality as being Egg Harbor Township, other than the one that identifies it being within walking distance of Longport no one ever mentioned Longport as part of their listing. Mr. Miller stated either the MLS or the individual realtor's listing.

Mr. Miller stated Mrs. Gordon testified she had an appraisal done for her property to refinance home. He indicated she gave the name of the woman from Re-max who did the appraisal and she listed three (3) comparables as 13 Dockside Drive, 08234, 25 Seaview Drive, 08403 and a Bayview Drive, Somers Point, address as a comparable. He stated some of these folks once did drive-by appraisals, but it appears she did a Zillow search. He indicated if you do a Zillow search you will find some properties in

Seaview Harbor listed as being in Longport.

Mr. Miller stated Zillow is not an MLS listing, a realtor, and it is not an offer to sell listing he advised it is a website that puts together people that has listings on it. He indicated yes, you can find it there but realtors cannot market MLS listings to say something is in a town that it is not in a town. He stated he believes Board Member Aponte indicated at an earlier meeting pointed out there are five (5) or six (6) steps that you go through before you buy a property. Mr. Miller stated going through all these different steps you have a property that is identified by block and lot and what town it is located within.

Mr. Miller stated there was no evidence submitted by the petitioners to show what they said was true. He indicated he did not see a single exhibit from them showing one (1) of these listings said Longport.

Attorney Doyle stated in his area the water front are often sold not from a simple one page printed out from the MLS, but from glossy magazine that shows these water front homes and other similarly situated homes. He asked if Mr. Miller looked at any of those. He asked if they have any of those type of magazines in this area. Mr. Miller stated yes. Mr. Miller then displayed a magazine asking Attorney Doyle if this is what he was describing. Attorney Doyle stated perhaps. Mr. Miller stated he did not want to present this as an exhibit because of the volume of it. He indicated he picked this magazine up in Longport at the real estate office across from borough hall. He stated he went through it and there is not one single property in Seaview Harbor listed as being in Longport.

Attorney Doyle asked if there is any others glossies that he has seen. Mr. Miller stated yes. Attorney Doyle asked if he had seen any Seaview Homes marketed or identified with as Longport properties. Mr. Miller stated no. Attorney Doyle stated this is not to say it does not exist, it is just that he has not seen it. Mr. Miller stated he has not seen it.

Mr. Miller stated his next subject is Seaview Harbor Water Company. Mr. Miller advised during the hearings the Board heard testimony that the Township has not paid for the fire hydrant bill. He indicated at least two (2) witnesses talked about the Township not paying the bill. He indicated the Township is not responsible for water service in Seaview Harbor and that it is private water company.

Mr. Miller stated yes the Township did have a billing dispute with them. However, he is happy to report that they have been able to resolve this. He explained the other night after the hearing Mr. Stewart provided to him the appropriate documentation certifying the hydrants work, as well as, the bill. Mr. Miller indicated the Township will be paying it.

Mr. Miller stated the matter has been resolved, however, he would like to make a point. The delivery of that service has nothing to do with Egg Harbor Township. He stated it is a private water company and has always been one.

Mr. Miller stated in the time he has been here on more than one occasion the president of the Seaview Harbor Community Association has approached the Township advising they are not happy with Seaview Water. He indicated they are the second (2nd) highest rates in the State, the quality of the water, we do not believe they have proper fire protection what can you do.

Mr. Miller stated in the mid 1990's he spoke with Longport, New Jersey American Water Company. He stated at that time Longport was not interested and with New Jersey American Water he spoke with at that time a gentleman by the name of Billy Capiness and he said he spoke with the predecessor water

company Seaview Water Company and they were not interested themselves. He indicated the matter did not go away. He advised the most recent came on December 6, 2010 via a letter from the Seaview Harbor Community Club signed by Ed McGlinchey, president, this was marked as Exhibit B45.

Mr. Miller stated in Mr. McGlinchey's letter he referenced a fire that occurred in August, 2010 that concerned himself and other residents of Seaview Harbor since we brought tanker trucks in and were not drafting water at that time and Mr. McGlinchey was concerned what the future held for Seaview Harbor.

Mr. Miller then proceeded to read paragraph 3 and paragraph 4 of Exhibit B45 into the record. Mr. Miller stated upon receiving this letter he contacted Dave Marino from New Jersey American Water Company and he did make offers to Seaview Harbor Water Company, but they rejected all his offers. He indicated he then went to the Borough of Longport and he had a couple conversations with them. Mr. Miller stated than after a couple months Mayor McCullough, Mr. Miller then asked that a June 2, 2011 letter to Mr. McGlinchey be marked as Exhibit B46, advised Mr. McGlinchey a meeting was coming up on June 7th to meet with the parties and see what Longport was willing to do.

Mr. Miller stated as he had indicated before this letter he was having ongoing conversations with the residents of Seaview Harbor, New Jersey American and the Borough of Longport. He stated we felt by the tentative meeting date being setup we would have report. He indicated the meeting did not take long and a couple days later we received a report from Longport as to taking over the water service in Seaview Harbor. He indicated it is a fax transmittal sent to Mayor McCullough dated June 10, 2011 and sent from the Deputy Municipal Clerk, Emilia Strawder. Special Board Solicitor Marcolongo stated this is Exhibit B47. Mr. Miller then read onto the record the fax transmittal cover sheet of Exhibit B47. He then referred to page two (2) of Ms. Strawder's letter (B47) last paragraph, four (4) lines down and read the remaining portion of this exhibit into the record advising Longport cannot supply water to Seaview Harbor.

Mr. Miller stated on behalf of the Community Club for Seaview Harbor the Township spent several months trying to find an alternative water supplier for them. He indicated at the end of the day we were unsuccessful. He advised Longport said no for the 2nd time in ten (10) years and New Jersey American Water Company, when Mr. Marino reported back, he advised their answer was no and they did not accept the offer. Mr. Miller stated we have attempted to work with them but we have been unsuccessful to convince someone to buy out Seaview Water Company or Seaview Harbor Water Company to hopefully provide better water service to residents in Seaview Harbor.

Attorney Doyle stated Mr. Miller presented documents going back to 2011 and later part of 2010. He asked if Mr. Miller will be producing any other documents relevant to Seaview Harbor Water Company that is more approximate to today's date. Mr. Miller stated three (3) years ago was our last effort to get someone to take them over. He indicated the Township did approve a year ago the franchise transfer to Aqua Water. The representation from Aqua Water to the Township Committee was they had the resources, they were going to make capital improvements and they would improve the system. He indicated Township Committee felt they would have a better water purveyor operating the system.

Attorney Doyle stated so the only role the Township has done in the last five (5) years with respect to the Seaview Water Company is to try to get them taken over for the benefit of the Seaview Harbor residents. Mr. Miller stated yes, he indicated it is a private water company and we have no other role. He stated the BPU regulates their rate. He indicated he does not know what he expects the Township to

be doing more than trying to work with the residents in trying to find another purveyor. He indicated we believe what the Township Committee did last summer to transfer the franchise to a larger company that made promises and representations to the Governing Body as to how they would be improving services to the residents will come to fruition once they take over. He further noted that during the meeting break Mr. Stewart mentioned that he is optimistic that come January that they will be on the docket for the Board of Public Utility approval.

Attorney Doyle stated the efforts Mr. Miller described over a six (6) month period constituted two (2) letters and a meeting. Mr. Miller stated there were multiple meetings, however, he does not have documents that would support this. He indicated you do not get from the letter in December to a report being issued in June without their being ongoing conversations.

Attorney Doyle stated exhibit B47 that was mentioned by Mr. Miller says it may be reliable for the residents to maintain their system and have it operating by the already existing Egg Harbor Township MUA. He asked if there was any negotiations with the MUA to purchase. Mr. Miller stated no, he advised the MUA is in the sewer business.

Attorney Doyle stated he was surprised that Mr. Miller did not mention, when asked if there was any other interaction between the Township and Seaview Water Company it was not mentioned that he stopped paying the bills. Mr. Miller stated he advised the Board at the beginning of the meeting that the billing dispute has been resolved and after the meeting this past Wednesday night Mr. Stewart presented the necessary reports and gave him a bill and the Township would be paying the bill. He indicated it was a billing dispute between a consumer and a vendor.

Attorney Doyle asked when this dispute began. Mr. Miller stated he was told by Mr. Henry on or about early August, 2012 that the fire hydrant system was not sufficient to provide firefighting purposes. Mr. Miller indicated after Mr. Henry told him this he sent him a letter confirming the conversation. He advised he would like to see the exhibit presented by Mr. Henry to read the first sentence.

Mr. Miller was given the exhibit presented by Mr. Henry (S37 and S38). Mr. Miller stated early in 2012 he met with Mr. Henry and Mr. George Miller for their application. Mr. Miller stated at the conclusion of the meeting Mr. Henry stated you cannot use our hydrants anymore. Mr. Miller advised a few weeks later he sent a letter to Mr. Henry stating based upon the recent conversation he had brought to his attention that the fire hydrants within Seaview Harbor do not provide sufficient water flow for firefighting purposes and this is the reason why they stopped paying the bill.

Mr. Miller stated he sent the letter based upon what Mr. Henry, a partner in the company told him within the presence of another partner, Mr. George Miller, not to use the fire hydrants. He indicated he sent the letter because if they told him to stop using the hydrants he is not going to pay for the fire hydrants.

Attorney Doyle asked if Mr. Miller was in attendance when Mr. Henry was present and testified, under oath, that he never told him this. Mr. Miller advised he did hear and he believes Mr. Henry's recollection may be poor. Attorney Doyle stated Mr. Miller sent a letter to confirm a conversation that Mr. Henry stated never existed. Mr. Miller stated he sent a letter from a conversation he had with him that today he does not recall, yes. Attorney Doyle asked if Mr. Henry called Mr. Miller subsequently stating he never said that. Mr. Miller stated never.

Attorney Doyle asked if Mr. Miller accepted his statement as true that the water company hydrants were useless. Mr. Miller stated he is the owner of the company. He is telling me don't use his hydrants. What am I going to say to him and he placed in the letter when the hydrants are upgraded we will start paying the bill again.

Attorney Doyle asked if they have been upgraded. Mr. Miller stated he received a report yesterday and the certification they provide meets the requirements that the BPU set forth in the document submitted by Mr. Stewart and he believes it was \$49. Attorney Doyle stated he asked if they have been upgraded and Mr. Miller stated they meet the standards. He asked if Mr. Miller ever tested them to see if they meet the standards. Mr. Miller stated the private water company is responsible for meeting the firefighting standards. He indicated the municipality has no authority to go in and test a private water company's system as to its capabilities.

Attorney Doyle questioned Mr. Miller if he had asked the BPU to make sure it was tested. Mr. Miller stated he had conversation with the BPU this summer about it. Attorney Doyle asked if it was this Summer, 2014. Mr. Miller stated the first time he knew they had no recollection of the letters he sent and the conversations they had.

Attorney Doyle stated if you accept what Mr. Henry said, as referenced by Mr. Miller, that the system doesn't work, that the hydrants do not work. Would that not be to the detriment of the citizens of Seaview Harbor that the hydrant's they look at and see every day, which they believe is their first line of defense against the fire does not work and is not sufficient. Mr. Miller stated he would be appalled with his water company if they didn't tell me they did not work.

Attorney Doyle asked that up to this point Mr. Miller was paying the bills. Mr. Miller stated yes, until he was told they did not work. Attorney Doyle asked if he was paying the bills out of tax payer money. Mr. Miller stated yes. Attorney Doyle stated Mr. Miller paid the bills because it defended and protected citizens of this Township. The ones that lived in Seaview Harbor. Mr. Miller stated the Township paid for a couple of reasons. He indicated the first is to provide fire protection to the residents and the BPU Tariff required us to pay it.

Attorney Doyle asked if you paid in part to protect the citizens of Seaview Harbor and now you have information you believe to be accurate from Mr. Henry that it did not protect the citizens of Seaview Harbor did he put them on notice that they were in trouble. He indicated the owners of the homes in Seaview Harbor. Mr. Miller stated Mr. Henry and Mr. Stewart are residents of that neighborhood and principals in that company. He stated he would assume fiduciary responsibility of the water company is to tell their clients that the hydrants don't properly work.

Attorney Doyle stated Mr. Miller stated he assumes they would advise due to their fiduciary duty. He asked Mr. Miller what about his fiduciary duty to 92 home owners. Mr. Miller stated his fiduciary duty is to pay for a service the Township receives. He indicated the owner of the company said he is no longer receiving that service so he stopped paying the bill. He advised he is not spending tax payer money on a service that is not being delivered according to the owner. Attorney Doyle stated this does not concern paying a bill. He indicated this concerns the protection of citizens of Egg Harbor Township and Mr. Miller is the chief administrative officer. Attorney Doyle stated Mr. Miller knew the fire hydrants were not working according to one of the owners and you have people that are unprotected. You do not tell them there is a problem.

Mr. Miller stated they were not unprotected. He indicated we came up with an alternative way of fighting fires. Attorney Doyle asked what this is. Mr. Miller stated we have a draft port there and we have a five (5) tanker and we worked out with Longport about dropping a hose across the bridge. Mr. Miller stated he went to his fire chief and advised they say the hydrants do not produce enough water. We are not paying the bill so you have to come up with an alternate plan to fight fires out there because we have protect the homes.

Attorney Doyle asked Mr. Miller if he notified Longport of his concern. Mr. Miller stated he told his fire chief of the concerns. He is the person responsible for firefighting. Mr. Miller stated he cannot testify as to what conversations he had with Longport Fire Department. He indicated the Chief can testify to that himself. Attorney Doyle asked when the fires happened in 2014. He stated one around July 3rd and the other around Labor Day what was the first bit of water used to defend those fires. Mr. Miller stated they took the water from the hydrant. Attorney Doyle asked that they are not useless. Mr. Miller stated for the purpose of knocking down a boat fire ten (10) minutes worth of water is probably all they need.

Attorney Doyle asked whom is Bill Danz. Mr. Miller stated he is the Fire Chief of Egg Harbor Township. Attorney Doyle asked if he has a working relationship with Chief Danz. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he was aware of the letter that was sent to the Seaview Harbor Water company dated June 9, 2014, by the Longport Volunteer Fire Department, Fire Chief Levon S. Clayton, a copy of which went to Bill Danz and the Egg Harbor Township Fire Department.

Mr. Miller stated yes. He indicated it was previously marked as an exhibit. Attorney Doyle stated the letter from Chief Clayton is a follow-up concerning letters that were being circulated throughout Seaview Harbor about the use of the fire hydrants throughout Seaview Harbor.

Special Board Solicitor Marcolongo asked Attorney Doyle to provide Mr. Miller with a copy of the letter (June 9, 2014) before he asked any other questions. Attorney Doyle stated he would read the letter to Mr. Miller. Attorney Doyle then read the entire June 14, 2014 letter from Fire Chief Levon S. Clayton into the record.

Attorney Doyle asked Mr. Miller when he was first familiar with this letter. Mr. Miller stated when one of Attorney Doyle's witnesses presented it. Attorney Doyle asked Mr. Miller having found out the fire hydrants were useful both by the fire that happened on July 3rd and this letter he still did not pay the bills. Mr. Miller stated the letter does not say it meets the standards that the BPU establishes. He indicated it says they will take water from that hydrant as long as it last.

Attorney Doyle asked if Mr. Miller ever found out objectively between himself and Mr. Henry by any other affirmation, proof, writing, document, test, conversation with the BPU that the hydrants did not meet standards. Mr. Miller stated yes he did. He indicated this is an October 14, 2014 email to him from the BPU entitled Seaview Harbor. May the record reflect this exhibit was marked B48.

Mr. Miller stated during one of the June meetings in this room he had spoken with Mr. Henry about how the franchise transfer was taking place and he noted it was taking forever. Mr. Miller advised he explained to Mr. Henry the Township wants to see this happen he will make a call to the BPU and try to move this along for him. Mr. Miller stated after this discussion Ms. LaPore sent an email to Mr. Stewart and previously marked S49. He indicated in this email was a question concerning fire protection. Mr. Miller then read into the record a section of Ms. Lapore's letter concerning fire protection based on ISO

ratings. He stated within this email it clearly states the BPU clearly states the ISO standards are what happens.

Mr. Miller stated a few months later he reached out to Ms. Lapore asking where the transfer to Aqua Water stood. Ms. Lapore stated there was an issue concerning the agreement where a portion of land would remain with Seaview Harbor for future residential development and Aqua Water would retain the portion of land that would contain portions of the water system. He indicated using the portion of the land that is sold is split 50/50 with the rate payer and is an internal issue for the BPU and as of October 14, 2014 the fire protection services are the main issue for the sale to go through.

Mr. Miller stated on October 14, 2014, after the Fire Chief's letter from Longport, the BPU was still advising him that they still had not resolved their firefighting issues. Mr. Miller stated the other night Mr. Stewart provided him with a report addressing ISO standards which he was required to do as the purveyor. Mr. Miller stated he met that requirement when he handed him the document the other night, which was November 5, 2014.

Attorney Doyle asked if it is not the first duty of the municipality to protect the public health, safety, and wellbeing of its citizens. Mr. Miller stated yes. Attorney Doyle he asked if this failed when the Seaview Harbor residents were not notified of the issues raised for the bills not being paid and the ownership saying the fire protection is not there. Mr. Miller no. He indicated his responsibility to provide effective firefighting. He indicated he there are large portions of the community that do not have fire hydrants and we have firefighting plans. He indicated we developed a firefighting plan for Seaview Harbor in the absence of a hydrant that could put out a structure fire. He indicated there are draft ports, tankers, and the hose across the bridge. He indicated our trucks carry several hundred gallons of water and our fireman trained on drafting the water.

Board Member Aponte asked if this testimony not better suited for the Fire Chief. Board Solicitor Marcolongo stated the question was asked of Mr. Miller, however, he does understand what Board Member Aponte is speaking of. Attorney Doyle asked Mr. Miller if he was familiar with the Seaview Harbor Community Organization and he knew Ed McGlinchey on a first name basis and as the president of the organization. He asked if Mr. Miller picked-up the phone and discuss the hydrants with him. Mr. Miller stated the BPU requirements is that the owner of the water company has a responsibility to notify their customers when there is a problem with their system.

Mr. Miller stated the letter from Mr. McGlinchey from December 6, 2010, which was previously marked, him and the residents of Seaview Harbor knew they had an inadequate fire protection system because he mentions in the letter we need to lay a hose across the bridge, we need tanker trucks and draft ports. He indicated the community was knowledgeable in 2010 that the Seaview Harbor hydrant system was not going to put out a fire. Attorney Doyle asked if the bills were not stopped from being paid in 2010 because of the letter. Mr. Miller stated no. He indicated until he had firsthand knowledge from the owner of the company saying don't use my hydrants anymore he stopped paying the bill. Once they meet the BPU requirements to demonstrate the system is in compliance with their standards he has no other option but to pay the bills. He indicated this was outlined in his letter of August, 2012.

Special Board Planner Wiser stated he has a few questions for Mr. Miller. He advised Mr. Miller had indicated there are sections of township that do not have fire hydrants. He asked for a few examples. Mr. Miller stated Harbor Acres does not have any hydrants. He stated most of the homes below Ocean Heights Avenue do not have hydrants, as well as, homes east of English Creek Avenue such as Alder and

Pine Avenues. He indicated if you take Pine Avenue to Asbury Avenue they do not have hydrants. He indicated maybe 60% of the Township has hydrants and a good 40% do not have hydrants. He indicated most of the Scullville section of the Township does not have hydrants. He indicated this is why they have tanker trucks assigned to their station. He indicated when they respond in Scullville to a fire they must bring water with them because there are no hydrants.

Special Board Planner Wisner asked if the communities that Mr. Miller is describing are older communities or more modern. Mr. Miller stated he mentioned Harbor Acres, which is a relatively new subdivision. Mr. Miller then referred to the map previously identified as Exhibit B3, outlining the sections of Egg Harbor Township that do not have water. Special Board Planner Wisner asked why would it not have been a requirement to run water for firefighting to these communities. Mr. Miller stated under the franchise that New Jersey American Water Company is successor in title to. They have the right to provide water in Egg Harbor Township but there are standards established by the BPU how far they have to extend a line from a dead head to serve a number of customers.

Mr. Miller explained there has to be so many customers per foot of roadway before they can be made to run the water line. He indicated in those areas referenced, which are CAFRA rural areas if the water is in Ocean Heights Avenue north and you build houses like Forest Walk which is off Pine Avenue two (2) miles south of it a developer is not going to pay to run a line two (2) miles to service a 16 or 17 lot subdivision. Special Board Planner Wisner stated these would be on well and septic. Mr. Miller stated this is correct.

Special Board Planner Wisner asked Mr. Miller for the balance of the Township that does have hydrants does he request periodic testing to make sure the hydrants are up to standards. Mr. Miller stated every five (5) years he receives a report from ISO that test the New Jersey American Water Company as to what their flow should be. He indicated the homeowners in these areas have lower fire insurance components than in Seaview Harbor because their hydrants can put out 300,000/500,000 gallons of water for about four (4) hours. He indicated the rating in Seaview Harbor is different because they can only put out 200,000 gallons of water for a 20 minute duration until the fire trucks arrive.

Special Board Planner Wisner asked if Mr. Miller receives the same periodic reports from Seaview Harbor Water as you do from New Jersey American Water. Mr. Miller stated he has not received this type of report from Seaview Water Company in over 20 years. Special Board Planner Wisner asked why does Mr. Miller receive them from New Jersey American Water but he does not receive them from Seaview Harbor. Mr. Miller stated probably because of the size of New Jersey American Water Company because it is part of their normal practice. He indicated the Township also independently contracts with ISO every five (5) years to do an analysis for the fire hydrants. He indicated this is why the Township has different ratings between Seaview Harbor Water Company and New Jersey American Water Company.

Special Board Planner Wisner asked Mr. Miller the testing that is separately contracted done in Seaview Harbor. Mr. Miller stated he went back ten (10) years and the ISO Company did not go into Seaview Harbor. He indicated he does not know if this is because Seaview Harbor did not ask them to come in like New Jersey American Water Company. He indicated the people he discussed this with at the ISO could not give him an answer as to why they were not in Seaview Harbor.

Attorney Doyle asked since the Township did not receive the reports every five (5) years as it had for New Jersey American Water Company did Mr. Miller not ask where they were. Mr. Miller stated these reports are submitted to the Fire Chief. He indicated he does not receive. Mr. Miller stated he found

out when he went looking for them. Attorney Doyle asked Mr. Miller if he discussed the conversation with Mr. Henry and the non-payment of bill with the Longport Fire Department, since they are the first responders or with the Mayor, who is resident of Seaview Harbor. Mr. Miller noted the Township Committee was advised the reason the bill was not being paid was because we were not receiving certification to the adequacy of the system, based upon Mr. Henry's conversation. He indicated the Township Fire Chief did speak with Longport's Chief. Attorney Doyle stated regardless when the fire came the hydrants were used. Mr. Miller stated they used what they could get out of the system and knocked the fire down.

Mr. Miller stated his next subject is the survey questions. Mr. Miller indicated there was when asked it was advised 92 people answered the survey, however, it was noted the Mayor did not receive survey at the advice of counsel. So it was 91 not 92. Mr. Miller also advised that in different parts of the testimony the person testifying indicated that 32 of the 72 people responding were full time residents. Mr. Miller referred to page 2 of 23 of the March 31, 2014 minutes where the individual said 73 of the homeowners plus the marina responded to the survey.

Mr. Miller stated he answered a few questions within the survey. He advised question 8 asked where children went to school. He advised his went to Egg Harbor Township K-8, but all three (3) went to a Catholic High School, which was his personal choice. He indicated 60% of the people surveyed stated Catholic School or other school so he is the same with them.

Mr. Miller stated another question was where do you primarily grocery shop. He indicated he uses Somers Point that is where Shop Rite and Acme is. He advised this is probably where people in Ventnor, Margate, and Longport also shop because this is where the grocery stores are.

Mr. Miller stated the survey indicated 65% of the residents in Seaview Harbor go to church in Longport. He indicated he goes to church in Linwood. He indicated another question concerned restaurants. He stated Longport only has Ozzie's and Catfish. He stated one (1) is open only in morning and the other is open only in the afternoon. He indicated there is not a lot of restaurants to go to in Longport. He advised most go to Somers Point, Linwood, Margate, Northfield, Egg Harbor Township and Atlantic City.

Mr. Miller stated for social activities it is no surprise the casinos are listed, as well as the beach, he indicated he went to the beach in Longport for twelve (12) years because it was the closest to his home also. Mr. Miller stated for health care they go to Somers Point. He indicated this would be natural considering there is a large hospital there and many Doctors in the immediate area of it. He stated his primary care physician is in Margate, his Dentist is in Northfield, his Orthopedic Doctor is in Somers Point and his dermatologist is in Cape May Court House so he also does not have a single Doctor in Egg Harbor Township.

Mr. Miller stated the question was asked if they use recreation facilities in Egg Harbor Township. He stated only one (1) resident said they did. Mr. Miller advised he does not play tennis, baseball or soccer anymore so he also does not go to the parks either. He stated this is consistent with the residents. Mr. Miller stated the question was asked if you use the library in Egg Harbor Township. Mr. Miller advised we belong to the County Library System so you can use any library you want. He indicated the survey should have asked how many actually have library card. He indicated he has used all the library branches since he has lived here.

Mr. Miller indicated the survey asked where do you tell people you live. He indicated people found this

confusing. He indicated he lives in Bargaintown section with a Pleasantville zip code and actually lived in Egg Harbor Township. He stated when he told people how to get to his home they were not confused.

Mr. Miller stated the open ended question concerned the lack of services. Recycling was an issue. He indicated in the Township is collecting twice a month and in Longport is collects twice a week, which was later corrected to once a week. Mr. Miller stated he asked the ACUA why they provided weekly recycling in Longport, Ventnor, and Margate. He advised they stated there is such a large weekly turn over that they decided to collect once a week before the next person moves in. Mr. Miller stated the rentals have dropped down in Longport and in Seaview Harbor you do not have weekly rentals. He indicated in Longport their year round population is around 950 they have 10,000 people every single week and in Ocean City they have 10,000 year round and 100,000 generating waste.

Mr. Miller advised in Seaview Harbor there are 92 families living there and he does not believe their population increases tenfold during the summer. He indicated this is the reason why we do recycling every two (2) weeks throughout the Township.

Mr. Miller stated there was discussion concerning emergency services. He indicated the representation seems to be that because we have mutual aid and Longport responds first, somehow they are not receiving the same level of service. He indicated yes the services are coming from Longport from mutual aid but the services are being provided at no additional charge. Mr. Miller advised there was an issue over 9-1-1 calls as referenced in survey question 20. Such as they do not know where they are because there is confusion as to where Seaview Harbor is with the dispatchers.

Mr. Miller advised when a 9-1-1 call is received by Egg Harbor Township on a land line there are two (2) different screens that pop-up. He stated one gives name, address, and phone number and the other has a map that has a dot to show where the house is. Mr. Miller than provided a personal story about his son utilizing the 9-1-1 system when he was a child advising that when his son dialed 9-1-1 and hung up a police office did come to his door to make sure everything was alright. Mr. Miller stated the Township does know where you are when calling 9-1-1.

Mr. Miller stated a cell phone is a little different. He indicated with all the different providers and their towers the call may bounce around but if it ends up in Longport, Somers Point or on the Boulevard it is automatically switched to the appropriate municipality where you are.

Mr. Miller stated question 21 discussed building code and that it was not adjustable. He indicated in 1977 the State of New Jersey adopted the Uniform Construction Code and the building code in all 565 municipalities in the State of New Jersey is the same building code that you construct by. He indicated if there was an issue with compliance to the code it would be no different than other town in New Jersey.

Mr. Miller stated they talked about their insurance premium being high he indicated this is related to the ISO rating they have and the ability of their water company to properly fight fires. Mr. Miller stated another item discussed within the survey was their civic involvement and he has already discussed this issue the other night and submitted exhibit B7 with respect to this matter.

Mr. Miller stated it his conclusion that anyone of the Board Members would have the same answers as he does as to where you worship, where you go to doctors, grocery or where you go socially. He indicated we are a metropolitan area and we all interact throughout this County.

Attorney Doyle asked Mr. Miller if he ever conducted a survey. Mr. Miller stated yes. He advised the last was about seven (7) years ago. He advised has done resident and neighborhood surveys. Sometimes they concern a section of the municipality or it can be municipal wide. Attorney Doyle asked how they do the municipal wide surveys. Mr. Miller stated municipal wide we will do the mailer. He indicated at one time a newsletter was sent out quarterly and the survey was within it. He stated we would ask it be completed and mailed back.

Attorney Doyle asked at that particular time what was the percentage of the people got it replied. Mr. Miller advised it was more than 50% of about 10,000 homes. Attorney Doyle stated generally that type of survey you receive 5% to 10%. Attorney Doyle asked what the percentages were for other surveys. Mr. Miller stated between 25% to 30%. He indicated because the surveys had to do with things people were interested in is why we received a higher response. Attorney Doyle asked what these surveyors were of.

Mr. Miller indicated we performed one for the open space tax to see if it would be supported by the community. He stated the other surveys were concerning recreation activities and facility needs. He indicated we also did the livable communities were we posted surveys on the website where people could interact.

Attorney Doyle asked when was the open space done. Mr. Miller 2000 or 2001. Attorney Doyle a response rate of 75 out of 92 is 80% is high. Mr. Miller stated he agrees. Attorney Doyle stated Mr. Miller is taking the Seaview Harbor survey as one (1) person. He then asked Mr. Miller how long he has lived in Egg Harbor Township. Mr. Miller stated a little less than 25 years. Attorney Doyle than referred to question 5 within the Seaview Harbor survey. He asked Mr. Miller if he were to ask the contiguous Egg Harbor Township residents if they are full time. What would be the answer. Mr. Miller stated he believes it would some type of number between 85% to 90%. Attorney Doyle stated this is different than Seaview Harbor. Mr. Miller stated Seaview Harbor indicated their number is 50%.

Attorney Doyle stated question 6 of the survey spoke of school age children. He asked Mr. Miller what percentage of Egg Harbor Township residents would say they have school age children. Mr. Miller there are 45,000 people in the Township and there are 8,000 school age children. He indicated he not sure what the combination would be for single-parents or how many have more than one (1) child so it would be difficult. He indicated he would not want to speculate. Attorney Doyle asked if it would not be substantially greater than the 15% in Seaview Harbor. Mr. Miller stated Attorney Doyle would have to define substantial, however, he really does not know.

Attorney Doyle stated question 7 of the survey asked how many children attend elementary, middle, and high school. He advised in Seaview Harbor they said 20% have children in school. Mr. Miller stated he cannot answer this question. Attorney Doyle asked across the Board in Egg Harbor Township how many children go to public schools. Mr. Miller stated he cannot provide answer to this question. Attorney Doyle stated in Seaview Harbor there are -0-.

Attorney Doyle asked Mr. Miller if he researched how many children went to the public schools from Seaview Harbor. Mr. Miller stated he did not research, however, he knows one (1) or two (2) that graduated from high school in 2008 and 2009.

Attorney Doyle stated Mr. Miller indicated that he does not food shop in Egg Harbor Township. He asked if Mr. Miller knows how many others in Egg Harbor Township do. Mr. Miller stated when he goes

to Somers Point he sees many Township residents. Attorney Doyle stated the survey indicated there are 2.9% of the residents that shop in Somers Point. He asked if the percentage for Egg Harbor Township would be higher. Mr. Miller stated it would be speculative but yes more than 2.9% would. Board Member Aponte stated Mr. Miller went through the survey and now we are going through each again. He stated this is not something that needs to be done.

Attorney Doyle stated Mr. Miller took the survey and answered the questions the same. He indicated this is not the point. The point is Seaview Harbor is a very different community than Egg Harbor Township. He indicated the differences are shown in the answers of Mr. Miller. The Seaview Harbor people say they do not live their full time, I don't have children, but if I do I do not send them to public school, when I go food shopping I don't go to Egg Harbor Township. He stated they did not commission a survey of Egg Harbor Township. He advised this survey points out the Seaview residents do not live their life in Egg Harbor Township.

Special Board Solicitor Marcolongo stated he believes the Board Member Aponte is saying the point has been made but asking another seven (7) questions from Mr. Miller concerning that survey would not help you bring the point across anymore. Attorney Doyle stated he will leave the question off at items 18-21 of the survey. Board Member Aponte stated he does believe made your point absolutely clear.

Attorney Doyle stated on questions 18-21 are more specific and objective questions and answers. He if Mr. Miller felt any of them were accurate. Mr. Miller stated he believes the people honestly answered the question. Attorney Doyle stated so the question concerning confusion with their address brought some type of issue their lives is accurate. Mr. Miller stated as to their response yes. Attorney Doyle asked Mr. Miller if he believes the confusion exist. Mr. Miller stated no. He indicated people know where Seaview Harbor is. Attorney Doyle asked if they know it is part of Egg Harbor Township. Mr. Miller stated if they need to know they probably know but if you live in another part of the State they would not. He indicated he goes up to Princeton, New Jersey and he never knows when he is in West Windsor or Cranberry. He indicated it all runs together.

Attorney Doyle asked Mr. Miller if he believes the zip code confusion is legitimate. Mr. Miller stated no. He indicated if you use the proper zip code the mail will be delivered. Attorney Doyle stated he went on "zip code" and asked what Egg Harbor Township's zip codes were and he was given the two (2) that exist in the municipality and they did not mention 08403. Mr. Miller asked what they provided. Attorney Doyle stated 234 and 232. Mr. Miller stated the 234 is the only one associated with Egg Harbor Township. He indicated the 232 is Pleasantville. Mr. Miller further noted Anchorage Poynte residents use 225, which is Somers Point zip code. He stated he is not sure if it is a point of perception as to the confusion or the desire to have a different address.

Attorney Doyle the reality of miss sent letters, bills and checks that did not come in and other horror stories. He asked if these things did not happen. Mr. Miller stated if the person put the wrong zip code on the mail was not delivered. Attorney Doyle asked if Mr. Miller remembers seeing the exhibit S67, which was a news article. He indicated the confusion is regularly suffered. Mr. Miller stated he cannot interpret the intent of the writer of this article. He stated the article discusses unique character of the Township and how we have three (3) causeways that have different names such as West Atlantic City, Margate Causeway, Anchorage Poynte and Seaview Harbor. He indicated people do not identify them as being Egg Harbor Township. Attorney Doyle stated this has happened to more than just the people who have testified to. Mr. Miller stated he does not know this as a fact.

Attorney Doyle asked Mr. Miller as a result of the complaints he has heard about services provided by Egg Harbor Township confusion, delay and distance has he taken, as the administrator, any different actions or ask the police, fire, or emergency service to do anything different since March 31, 2014. Mr. Miller asked in what instance. Attorney Doyle in providing services to the citizens of Seaview Harbor. Mr. Miller stated we provide fire, police protection and if we need to rely upon Longport we do and we provide public work services. He indicated as far as revising or changing anything he has.

Attorney Doyle asked that the police chief will testify. Mr. Miller indicated he has advised the police chief, fire chief and they provided minutes that were prepared so they could read them to see the issues that were raised. Attorney Doyle stated when you say the people of Seaview Harbor pay like everyone else does through their taxes they just get them from mutual aid when it is appropriate from Longport or other municipalities. Mr. Miller stated he advised the appropriate public safety or law enforcement agency will be dispatched to Seaview Harbor to respond to whatever the issue is at that moment.

Attorney Doyle stated Seaview Harbor gets the benefit of this because they pay taxes to Egg Harbor Township who participates in the mutual aid agreement. Mr. Miller stated they are provided a high level of protection and the methodology for doing it may rely on mutual aid to have someone there quicker. He stated depending upon what may be occurring at that time. Attorney Doyle asked as far as police patrols when there is non-issues does Egg Harbor Township run them regularly through Egg Harbor Township Seaview Harbor. Mr. Miller advised he will let the Police Chief answer this question as to the protocol for patrolling.

May the record reflect: Since Mr. Miller advised he had additional subjects to discuss and after discussion between Special Board Solicitor Marcolongo and Attorney Doyle. The Board decided Mr. Miller would be unable to finish this evening and continued the hearing until Monday, November 17, 2014, 5:00 p.m.

Motion Carman/Kearns to carry hearing to Monday, November 17, 2014, 5:00 p.m. Vote 6 Yes:
Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg

Special Board Solicitor Marcolongo advised that after trying to coordinate the availability of the room, himself, and Special Board Planner Wisner, as well as, dealing with three (3) major holidays in December Board Secretary Wilbert advised the only dates available to meet in December are the 3rd and the 15th. He indicated after discussing this with Attorney Doyle, whom has a prepaid vacation and will not be available on the 3rd so the only meeting date will be Monday, December 15 2014, 5:00 p.m.

Attorney Doyle stated he will extend the time for the Board to make its report to February 28, 2015.

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

SECTION II:

a. **General public discussion:** **Motion Rosenberg/Eykyn to open public portion. Vote 6 yes**

May the record reflect no one came forward

Motion Pfrommer/Rosenberg to close public portion. Vote 6 Yes

Motion Carman/Pfrommer to adjourn at 8:30 P.M. Vote 6 Yes: Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg

Respectfully submitted by,

Theresa Wilbert, Secretary