

REGULAR MEETING MINUTES

Oceanport, New Jersey
April 5, 2001

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on April 5, 2001 at 8:00 P.M.
- MEMBERS PRESENT:** Councilpersons Apruzzi, Gatta, Lyons, Wolfe, Silkworth and Mayor Gemma.
- MEMBERS ABSENT:** Councilman McGann.
- OFFICIALS PRESENT:** Deputy Borough Clerk, Kimberly A. Jungfer and Borough Attorney, Francis A. Margalotti.
- INVOCATION:** Borough Chaplain Berry gave the invocation.
- PLEDGE OF ALLEGIANCE:** Mayor Gemma led the audience and members of the Council in the flag salute.

As copies of the minutes from the regular meeting held on March 12, 2001 had been made available to the members of the Governing Body, Councilwoman Silkworth moved to waive the reading of same and approve the minutes as presented by the Borough Clerk. It was seconded by Councilman Wolfe and unanimously approved by Council.

CLERK'S REPORTS:

1. The Deputy Clerk reported she was in receipt of the Police Report for March, 2001 and it would be posted.
2. Raffle license applications made by the Monmouth Park Charity Fund:
 - a. 50/50 on premise cash raffle
 - b. Off premise prize raffle
 - c. 50/50 off premise cash raffle
 - d. Off premise prize raffle

The Deputy Clerk advised that the paperwork was found to be in order, after which Councilman Wolfe moved to approve the raffle applications. It was seconded by Councilwoman Gatta and unanimously approved by Council.

3. Raffle license application made by the Shrewsbury Parent Teacher Group Inc:
 - a. On Premise prize raffle
 - b. 5/50 on premise cash raffle

The Deputy clerk advised that the paperwork was found to be in order, after which Councilman Wolfe moved to approve the raffle applications. It was seconded by Councilwoman Silkworth and unanimously approved by Council.

MAYOR GEMMA: Mayor Gemma broke the order of the meeting for one matter. Mayor Gemma stated he and the Council had just that evening received a copy of a letter and had heard that there is concern among some residents regarding a reduction in the hours the library would be open. He was clear and direct that as far as he knew there were no plans to change anything related to the operation of the library. That has never been discussed nor was the matter brought to the Council and he was unclear as to what this was about.

Mayor Gemma stated that if people were here tonight because of the library he encouraged them to stay, but emphasized that changes have never been discussed or anything of this nature brought to his attention.

COMMITTEES:

COUNCILMAN APRUZZI: Councilman Apruzzi asked the Deputy Clerk to read resolution **#R-01-39** canceling certain funds from Bond Ordinance #729, after which he moved to approve same. It was seconded by Councilwoman Gatta and unanimously approved by Council.

Councilman Apruzzi called for the 2nd reading of an ordinance which amends the Salary Ordinance fixing the salaries of certain employees for 2001 and asked the Deputy Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX AND DETERMINE THE SALARIES OF CERTAIN BOROUGH OFFICIALS" PASSED AND APPROVED MARCH 16,1939.**

Mayor Gemma opened the meeting to the public for any comments on this subject only.

As no one from the public wished to be heard, Councilman Apruzzi moved to close the public hearing. It was seconded by Councilman Wolfe and approved by Council.

Councilman Apruzzi moved to adopt this ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilwoman Gatta:

The Deputy Clerk called the roll:

AYES:	Councilpersons Apruzzi, Gatta, Lyons, Wolfe and Silkworth
NAYS:	None
ABSENT:	Councilman McGann
ABSTAIN:	None

Councilman Apruzzi called for the 2nd reading of an bond ordinance for various improvements and asked the Deputy Clerk to read the Affidavit of Publication and the proposed ordinance by title only as follows: **BOND ORDINANCE APPROPRIATING \$575,000. AND AUTHORIZING THE ISSUANCE OF \$403,745. BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH, NEW JERSEY.**

Mayor Gemma opened the meeting to the public for any comments on this subject only.

Mayor Gemma explained the purpose of the ordinance was for capital improvements. He further explained these are short-term bonds to make road improvements and various improvements throughout the Borough.

Jackie Cole, 37 Steeplechase Court stated she did not understand what the money was being spent on at which point Mayor Gemma stated that copies of the ordinance were available and it listed all the items of expenditures, which he read.

Connie Savarese, 92 Herbert Place, asked about roads to be done and Mayor Gemma stated that the 2001 roads had not been selected yet.

Mrs. Savarese stated that at the corner of Werah and Herbert the road is in terrible condition especially after the winter to which Councilman Wolfe stated he would take a look at the situation.

Mayor Gemma stated that he did not want to create the impression that by the Borough taking a look at a road it meant that the Borough would be paving the road. He explained the process of selecting the roads for improvement, whereby the Borough grades each road and tries to get to the worst roads first in a long-term program, doing a few roads each year.

Mary Bova, 66 Comanche Drive commented on the dreadful condition of Wardell Circle.

Mayor Gemma explained that the Borough has applied to the DOT for grant monies for Wardell Circle. Mayor Gemma further explained that all Borough roads are about the same age and are therefore deteriorating at about the same rate and for a long period of time repaving was deferred, with cold patch being used instead.

Anthony Sempkowski, Cayuga Ave., asked how it is determined which roads are to be paved.

Mayor Gemma responded that there is a program for roads in place, which grades the condition of the road. He asked Councilman Wolfe to explain the program in more detail.

Councilman Wolfe explained that the Borough Engineer, Superintendent of Public Works, Councilman McGann and himself review all roads that have not been recently repaved. He stated over the last fifteen years fifty (50) roads have been done in town so it is an ongoing process and even the roads done fifteen years ago are starting to come back into the cycle.

Councilman Wolfe stated that Cayuga was a separate situation because of elevations. He stated that there is a project presently underway whereby the Borough's it trying to reduce its flood rating with FEMA. This in turn would enable the Borough to apply for grant monies to raise homes above flood elevation. The long range goal on Cayuga is to get all the houses elevated and then raise the road, which is the only real long term solution to the flooding problems.

Mr. Sempkowski stated that it has been years since the 1992 flood and he has not seen anything done.

Councilman Wolfe stated that Councilman McGann, who was not present this evening, is spear heading this program for the Borough and Cayuga is the one road he had in mind when he went to the State to try to lower the FEMA rating. He further explained that the Borough presently

has a FEMA rating of 10 and through this project, if the Borough's rating could be lowered to an 8 there would then be funding available.

Mr. Sempkowski asked how long this would take, to which Councilman Wolfe stated that it should be done by the end of the year.

Mayor Gemma added that the Borough has been working with a professor from Stockton State College for over two years. He added that a first step is to do the study and reduce the rating, second to raise the homes and third to look at the road. Mayor Gemma stated he was sympathetic to Mr. Sempkowski's frustration.

Mr. Sempkowski asked how the Council President's road got done and how was that funded.

Mayor Gemma explained that this road was done in conjunction with the Northeast Monmouth County Regional Sewerage Authority replacing a trunk line and with DOT monies.

Councilman Wolfe added that the entire project was about \$125,000.00 which was planned to coincide with the Sewerage Authority trunk line replacement because some of the costs were shared and the DOT funding was available.

Mr. Sempkowski asked about utilities opening roads and why they were not held accountable for damage they do to the road.

Councilman Wolfe explained the permitting process for a street opening permit and the follow up that is done. He added that as far as he was aware the utilities have always responded quickly when the Borough contacts them regarding problems to roads due to their street openings.

Mr. Sempkowski asked how these street openings are recorded.

The Deputy Borough Clerk stated there was full documentation in the Borough Clerk's Office.

Daphne Halpern asked about item 7 of the Bond Ordinance relating to the sprinklers at the soccer fields. She stated she did not recall it being on the five-year management plan of the Recreation Committee and was confused as to why the sprinkler system was necessary.

Councilman Apruzzi responded that a sub-committee was meeting regarding doing this work or putting the money into other parks. As this point recommendations are going back to the Recreation Committee of possibly not doing the sprinkler system because of information which has been received about another method to handle the process. This issue will be decided next week at the Recreation Committee meeting with the majority's position being brought back to Council. If the Recreation Committee decides on capital Improvements other than the sprinkler system a resolution will be passed moving the dollars from that project to something else.

Mayor Gemma explained that this ordinance allows the Borough to raise the money but it does not require the Borough to spend this money. He added that the ordinance has to be in place to fund the projects if the Borough decides to move ahead.

Councilman Lyons stated that he felt the question here was if the sprinkler system was a part of this Bond Ordinance why wasn't it on the Master Plan and Ms. Halpern concurred with Councilman Lyons statement.

Councilman Apruzzi stated that the sprinkler system was in the Recreation Master Plan for the year 2003. He explained further that it was moved into 2001 when there was discussion about renovation of the fields by the Soccer Association as part of an overall redoing of the fields. The thought was at that time to put a sprinkler system in to support the revitalization of the fields, but since then the Committee has gotten further information stating the planned sprinkler system may not be necessary and the sub-committee is reevaluating the issue.

As no one else from the public wished to be heard, Councilman Apruzzi moved to close the public hearing. It was seconded by Councilwoman Gatta and approved by Council.

Councilman Apruzzi moved to adopt the bond ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilwoman Silkworth.

The Deputy Clerk Called the roll:

AYES: Councilpersons Apruzzi, Gatta, Lyons Wolfe and Silkworth
NAYS: None
ABSENT: Councilman McGann
ABSTAIN: None

Councilman Apruzzi called for the introduction of an ordinance allocating funds from the Capital Improvement Fund for the balance of Public Works equipment and asked that the Deputy Clerk read the proposed ordinance by title only as follows: **AN ORDINANCE AUTHORIZING \$9,000. FOR THE BALANCE OF PUBLIC WORKS EQUIPMENT FROM THE CAPITAL IMPROVEMENT FUND.**

Councilman Apruzzi moved to approve this ordinance on first reading. It was seconded by Councilwoman Silkworth.

The Deputy Clerk called the roll:

AYES: Councilpersons Apruzzi, Gatta, Lyons, Wolfe and Silkworth.
NAYES: None
ABSENT: Councilman McGann
ABSTAIN: None

Councilman Apruzzi moved to hold the public hearing on this matter at the Council meeting scheduled to be held on May 3, 2001 and to advertise same in accordance with law. It was seconded by Councilman Wolfe.

The Deputy Clerk called the roll:

AYES: Councilpersons Apruzzi, Gatta, Lyons, Wolfe and Silkworth.
NAYS: None
ABSENT: Councilman McGann

ABSTAIN: None

Councilman Apruzzi announced that the Spring Egg Hunt would be held on Saturday, April 14th at Blackberry Bay Park at approximately 10:00 A.M. He further stated that the Easter Bunny would be there.

Councilman Apruzzi explained that the drainage situation at Blackberry Bay Park has been corrected by the Public Works Department with consultation from the Borough Engineer. The solution was to put some cuts in the parking islands and more stone will be placed in the parking lot.

COUNCILWOMAN GATTA: Councilwoman Gatta reported that on April 7th the First Aid would be having its annual health screening. Registration was held last week with about 100 people signing up and it will be held at the First Aid Building.

Councilwoman Gatta announced that two Oceanport students were honored at the Monmouth County School Boards Association. The awards were for Student Achiever and are given to an outstanding 8th grader and an outstanding 12th grader. Councilwoman Gatta extended congratulations to this year's winners, Julie Vaccarelli, the 8th grade student achiever and Lauren Chaump, the 12th grade student achiever.

Councilwoman Gatta explained that about a month ago a 5th grade teacher from Maple Place called and stated he would like to plan a project with the seniors of the Borough and was informed that Councilwoman Gatta was the Borough liaison to the Senior Citizens. There was a meeting and a project was discussed.

Councilwoman Gatta further explained that this past Wednesday was senior day with 21 Oceanport seniors going to Maple Place School. It was a wonderful event with 8th graders making baked goods and the 5th graders spending one and one half hours working and playing with the seniors. She added that she would hope these types of projects would continue and be expanded upon.

Councilwoman Gatta thanked all the seniors for giving time out of their busy schedules because she felt the project really made a difference.

Councilwoman Gatta reported on the Board of Health meeting commenting that the West Nile Virus was discussed and is something that everyone should be concerned about. She asked that if anyone encounters a dead crow, they should call the Monmouth County Health Department since they will be keeping records of the dead crows.

Councilwoman Gatta stated there would be handouts in Borough Hall, in the schools and also in the library regarding West Nile Virus. She also said there will be news in the bulletin and information sent to the schools about the geese droppings and precautions that should be taken when in contact with these droppings.

Councilwoman Gatta wished everyone a Happy Easter, Joyous Passover and Happy Spring.

COUNCILMAN LYONS: Councilman Lyons announced that this week marks the national observance of National Library Week and with that in mind he thought it appropriate to make some observations about the Oceanport Library. There are about 1300 cardholders, checking out

approximately 30,000 items per year. He stated that our little library has a tremendous impact on the citizens of this town perhaps more than any other agency in the town. The Oceanport Library circulates about 5 items per capita per year. He felt it would be illuminating to look at the similar numbers of surrounding towns, Little Silver circulates 6.5, West Long Branch 5.3 and Monmouth Beach 11.9. These are similar size towns and according to State library systems for towns of this size per capita circulation is about 7.0. He continued that although Oceanport is doing pretty well, its not doing that well and he thinks that anyone who has used the Oceanport Library and has seen the other libraries mentioned the answer is obvious. Oceanport is the smallest library of any of the towns mentioned tonight, the only one smaller is Sea Bright and Sea Bright even has its own meeting room. It is the least prepared to service the community and for those of you who believe that we can get by because of the proximity to the Monmouth County Eastern Branch, those other towns mentioned are members of that system and can use that system.

Councilman Lyons continued that Councilwoman Gatta and himself attended the Board of Health meeting last night in the library. He stated that the library can either be a library or a meeting place but it can't be both at the same time. The meeting took place when the library was closed and there was some much material on the table that had to be cleared, particularly tax forms, before the members of the of the Board of Health could even sit down to conduct the meeting.

Councilman Lyons stated for a matter of discussion he had submitted an item to the Capital Committee to investigate expanding the size of the library. The Committee took the position that expansion of the Oceanport Library was not appropriate. A note that the Committee has not included this as an item in either 2002 or 2003.

Councilman Lyons stated he was not comfortable with a committee of four deciding the future of the Borough's library. He felt there should be an open public debate on where the library ought to go. With that in mind, Councilman Lyons asked the Mayor to schedule a properly noticed open public meeting on this issue such as we have done for other things that concern residents of this town such as the heliport in West Long Branch and the park property the County took over from the track.

Councilman Lyons asked Councilwoman Silkworth to use her good offices to request the attendance at that meeting of Freeholder Narizani, Renee Swartz, President of the Monmouth County Library Association and Kenneth Sheinbaum, Director of the Monmouth County Library to offer their views and perhaps entertain questions from the residents.

Councilman Lyons continued that he had spoken a lot just on the physical plant of the library. The physical plant pales in significance compared to the people who work there. Librarians invented the term public service. It was Councilman Lyons pleasure to ask any retired or working librarian, members of library associations and volunteers to stand and be recognized.

Councilman Lyons took particular note to the working librarians of the Borough, both public and school, Linda Riden, Michele Dorsey, Valerie Mina and Connie Lyons for the work that they do for the residents. He further commented that one of the reasons there are so many residents with library cards is that Linda Riden brings all the second graders into the library every year and has them get a library card.

Councilman Lyons said it was his privilege, along with other members of the governing body to go to the Wolf Hill School Library this week and read to students. He continued that there are wonderful libraries in the schools and they deserve a big public library as well.

Mayor Gemma stated that with that challenge the Council will follow normal procedure for these types of meetings whereby allowing time to arrange for the requested guests to be scheduled and then notice would be given as to the date of the public meeting on the matter.

COUNCILMAN WOLFE: Councilman Wolfe asked the Deputy Borough Clerk to read resolution **R-01-40** appointing an Alternate Municipal Prosecutor under the Local Public Contracts Law after which he moved to approved same. Councilwoman Gatta seconded the motion which was unanimously approved by Council.

Councilman Wolfe announced to the public that the Council met with the Borough Engineer that evening and the 2000 Road Program is starting next week. There will be some drainage work that is going to take place on the initial segments of the project and ultimately ending with the repaving of several roads including the parking lot at Port-Au-Peck Firehouse. The Borough Engineer stated the contractor has given a completion date of Memorial Day.

Mayor Gemma asked that Councilman Wolfe name some of the roads being done.

Councilman Wolfe explained that these were roads approved in the year 2000. The roads include the continuation of Hiawatha between Port-Au-Peck And Comanche Drive, a portion of Manitto, which will contain some drainage work, Werah Place between Itaska and Winhar. There is also a DOT grant for Main Street, and since the Borough road program was done with the DOT program, the State would not allow work after November 1, 2000 because of freezing therefore the 2000 road program was delayed and carried over into 2001.

Councilman Wolfe wished everyone a happy Passover and happy and healthy Easter.

COUNCILMAN MCGANN: Absent.

COUNCILWOMAN SILKWORTH: Councilwoman Silkworth asked the Deputy Clerk to read resolution **R-01-41** regarding the collection of garbage and trash in the Borough after which she moved to approve same. Councilwoman Gatta seconded the motion which was unanimously approved by Council.

Councilwoman Silkworth explained that in March the Borough received 7 days notice that the garbage contractor would no longer be picking up the Borough's trash. The Borough then started looking for another contractor. The Borough was then notified that as of the next day there would be no trash pickup. The Borough Clerk, Deputy Clerk, Borough Engineer and Borough Attorney very quickly marshaled their forces and contracted with Marpal, who had formerly done collection in the Borough. The Borough was very fortunate to get another contractor, unfortunately though, one of the consequences of this is that the Borough had a very good contract, possibly too good with the former garbage collector and the new contract has considerably higher costs. The Borough will be facing some budgetary challenges as we go through the rest of this year and into next year.

Mayor Gemma added that some of the municipalities that Forgione, the previous garbage contractor, serviced in Union and Middlesex went for quite a few days without their garbage being

collected. He commended the staff in Borough Hall since there was not one day with service interrupted.

Mayor Gemma continued that this situation will be a big hit on the budget and though the Borough is trying to recoup losses from Forgione, every other creditor is trying to do the same thing.

Councilwoman Silkworth announced that as part of the ongoing capital improvements to Borough facilities and buildings she was pleased to announce that two major projects have been completed. The first being the new generator at the Port-Au-Peck Fire Company which has been installed and tested. She went on to say that in the case of a power failure, there will be power to the gas pumps for Borough vehicles and there will be facilities functioning at the firehouse.

Also at Port-Au-Peck Firehouse for many years they have struggled with the heating and air conditioning system and really held it together with scotch tape, chewing gum and an assortment of kinds of things like that. There is now a new heating and air-conditioning system at the firehouse that has also been test and is functioning correctly. This is a newer more efficient system so there should be some cost savings from that standpoint. A representative from the fire company has expressed thanks and appreciation for these efforts. This is a long time coming, but the difficulties were worked through and everyone is very pleased with the end result.

Councilwoman Silkworth wished everyone a Happy Easter and joyous Passover.

MAYOR GEMMA: Mayor Gemma accepted Councilman Lyons challenge to have a public meeting in the near future where the issues of the library could be discussed. He asked Councilman Lyons to be prepared to discuss items such as what are the potential proposals, what are the potential costs, what are the potential funding sources and ultimately what is the potential impact on the budget so all facts are available for a responsible discussion.

Mayor Gemma stated that when the information is available then a public hearing would be scheduled and advertised, and asked everyone present this evening about the library, to please come again to give the Council their thoughts and ideas not only about what the needs are, but also to address those needs in terms of funding sources.

Mayor Gemma explained that the Governing Body's job as elected officials is prioritization of dollars and as everyone has heard tonight there are a lot of priorities.

Mayor Gemma then opened the meeting to the public for any comments or questions anyone might wish to make.

Robert Skolnik, Burnt Mill Circle, stated he had appeared at the last court hearing in West Long Branch regarding the helicopters. He learned that complaints against the property owner were pending by the West Long Branch Zoning Official. He continued that however that is resolved, the continued operation of the facility is covered by a resolution, an agreement of some kind, between West Long Branch and the property owner so there will be no effect on the continued operation of the heliport.

Mr. Skolnik continued that he got a copy of the resolution and the opinion of the West Long Branch Zoning Officer that the resolution, right or wrong, was not the proper way to establish a zoning change and knowing this, Mr. Skolnik checked into the possibility of a group of concerned

property owners retaining counsel to set aside the resolution. With all that done, Mr. Skolnik asked if the Borough Counsel should be representing the Oceanport homeowners and follow the lead of the West Long Branch Zoning Official and seek to set aside this resolution as an improper way to amend the Zoning Ordinance.

Mayor Gemma responded that from a policy perspective from the Borough of Oceanport, it has always been the Borough's position that if the situation could be taken back to what it once was, then the concerns are addressed from our citizens. How West Long Branch handles their internal matters is West Long Branch's concern. He further explained that this means two things, back to the way it was is two flights in the morning and two flights in the evening since 1972. The problems started when it began being used as a commuter stop.

Mayor Gemma agreed with Mr. Skolnik regarding certain procedural aspects, but if it flights remain at two (2) flights in the morning and (2) flights in the evening it works.

Mr. Margalotti commented that the Borough has been monitoring and tracking the ongoing developments through the West Long Branch Municipal Court. He added that the facility is located in West Long Branch therefore it is only that town that has legal jurisdiction over the operation of the heliport and the question of whether or not the operation in its present form constitutes a zoning violation. The resolution referred to this evening was adopted last year by the West Long Branch Mayor and Council to memorialize what they hoped would be a satisfactory settlement of the problems that had arisen through the heliport operation in terms of the routing of the flights and the increase in numbers of flights, flights on weekends and holiday. The Borough of West Long Branch attempted to negotiate a settlement with the operators that would lessen the harsher effects of the operation as it had existed. However, at the time the resolution was passed there was pending in the West Long Branch Municipal Court complaints filed by the Code Enforcement Officer, Mr. Donlon charging that the operation as it existed represented a violation of the Zoning Ordinance, the theory being that it was an illegal expansion of a pre-existing non conforming. Mr. Margalotti gave a brief history on the heliport to explain why it was considered an expansion of use. He further explained that when the change of use occurred the owners of the building should have applied to the Zoning Board of Adjustment for an expansion of use, which they did not, thereby the basis for the Code Enforcement Officer issuing complaints against the property owner, which complaints are pending in the West Long Branch Municipal Court.

Mr. Margalotti continued that the session Mr. Skolnik referred to, the property owner attempted to get the complaints dismissed on the basis of the Resolution that had been adopted by the governing body. Mr. Donlon stated he didn't have to abide by that resolution, because it is his view that it is pure and simply a zoning matter, therefore something that can only be resolved within the jurisdiction of the Zoning Board of Adjustment. Because the property owner refused to make the appropriate application, Mr. Donlon has elected to continue the prosecution and it was Mr. Margalotti's understanding that the complaints are being carried to another trial date. He did not have the new trial date, but is supposed to be informed when the court schedules the new date.

Mr. Skolnik stated Mr. Margalotti may be right or wrong with regard to the historic aspect of the heliport, but felt there seems to appear to be a rush and the residents are going to be left with three flights a day under this deal unless somebody does something and if the Council refuses to do that, he would continue to request private counsel for the interest of the citizens.

Mayor Gemma understood what Mr. Skolnik was saying, but from the perspective of policy, commented that Mr. Margalotti is monitoring the situation. He continued that if the Borough is being asked to spend money to take it down to something less than three flights, the Borough has decided not to spend the taxpayers money for litigation. Mayor Gemma's stated in his opinion and belief, the opinion of the counsel that if the flights are kept at the agreed number regardless of the mechanism they used for that number, then the Borough's money is not best spent for litigation. He continued that as a private citizen, Mr. Skolnik, still has the right to institute his own litigation.

Mr. Jim Petrantis, Burnt Mill Circle, stated he was here for an issue that had to do with something that is in our town, although it is located right next to the helicopters. He stated that the two biggest problems on his end of town are the helicopter and the projected problem of the crematorium, side by side. West Long Branch is sending Oceanport the dust, noise and pollution from the helicopters. We will be sending them back Mercury poisoning. He stated this is a very serious issue and he understands that the Planning Board is going to meet on May 9, 2001 to discuss the facility, but if you basically read a quote from Mr. Scerpico, the attorney for Woodbine Cemetery, the Borough has no say if Woodbine can operate a crematorium.

Mr. Petrantis stated he had a forty one (41) page study prepared by DANS which he would like to offer copies to the Mayor and Council. He continued that the report, among other things, covered the very serious aspects of Mercury contamination primarily in the everyday process of having dental amalgams. He stated that if the amalgam is not disturbed, there is not a great deal of contamination, but if amalgams are subject to high temperatures then pollutants are put in the air.

Mr. Petrantis then read a portion of the study regarding the average fillings per person and the consequences of Mercury pollution. He further explained a study in Britain regarding cremation and the amount of Mercury that is dispelled annually because of the process.

Mr. Petrantis stated that it is the job of the Mayor and Council to protect its citizens from these types of things.

Councilman Lyons stated that he and Councilman Wolfe sit on the Planning Board and asked if Mr. Petrantis was at the last Planning Board meeting to which he stated he was.

Councilman Lyons asked Mr. Petrantis if it was his contention that the Borough has some control over the facility other than the Site Plan itself.

Mr. Petrantis stated that he is saying that the Borough has taken the position that it is only looking at the Site Plan.

Mayor Gemma went through procedure urging Mr. Petrantis to bring the information to the Planning Board, as it is inappropriate for the Council to make any comment on an application that is before a sitting board. He continued that the Council cannot comment, because that would run the risk of tainting the record.

Mayor Gemma stated that as to the Borough's position which has nothing to do with the record, to which he wanted to be clear that there is a statute called the Cemeteries Act which says the State has authority over the use of cemeteries. He continued that not only does that State have sole authority in terms of what they will regulate, there is not even a notice provision unless there has

to be a structure built. If a structure were not needed then the Borough would not even have to be notified of the crematorium.

Mayor Gemma stated there are real concerns about the law, there are real concerns about what it does and how it hamstrings a local official and there are real concerns about why that is, and our State officials may have to answer those questions.

Councilman Wolfe stated that there was no testimony on the application at the last Planning Board meeting and it was moved to the May date. During this time the Board Attorney, Pat Menna was going to speak to the applicant's attorney, Jack Scerpico and the attorney for Turtle Mews, Mr. Neiman to discuss the legal ramifications even before it comes back to the Board.

Mr. Petrantis thought that this forum was the proper place to bring something he felt involves the public safety.

Mr. Stuart Briskey, 46 Werah Place stated that about two council meetings ago he brought up some purchase orders for the Fire Department from 1999 that had not been paid and he was wondering if they have been paid to which Mayor Gemma stated that they did not know if they had been paid.

Mr. Briskey would also like to document a utility pothole on the corner of Itaska and Seneca Place.

Mr. Anthony Sempkowski, Cayuga Avenue asked when the residents could expect to see any type of work from the flood study.

Mayor Gemma stated that when the Borough receives the report back from the consultant as to the FEMA classification, Mr. Sempkowski would be notified. At that time it would be a good idea to ask about the funding for the project.

Ms. Daphne Halpern asked Councilman Lyons to expand a little regarding his comment on the Capital Expenditure Board.

Councilman Lyons explained the organization and function of the Capital Improvement Committee and the Capital budget.

Ms. Halpern asked if this was done under the current administration or the previous to which Mayor Gemma said it was done under the current administration.

Councilman Lyons explained how each department is asked for their input on the Capital Budget but added that they have never asked anybody anything on Borough buildings that he was aware of. He corrected that comment stating that the Library has never been asked to be a part of the process.

Councilman Lyons stated that he made an unsolicited input to the Committee last year, after having done considerable work on sculpting the needs of the library as far as circulation and projected population and square footage is concern. The Library Association came up with a number in conjunction with Councilman McGann, which he put before the Capital Improvement Committee. The Committee normally takes input from citizens in the various areas. For reasons known only to

itself, the Committee elected to take no public or other comment during its deliberations on the library. In conclusion the library plan was not approved, which the Committee is perfectly in their right to do. He explained that the Committee is looking at a lot of competing things in this Borough for the Capital dollars.

Councilman Lyons continued that he was and continues to be unhappy with the process for the library because he feels that public debate is necessary.

Councilman Lyons stated that the Capital Improvement Committee will get another unsolicited input from him this year and would like the public meeting to be part of the Capital process.

Ms. Halpern stated for clarification that as part of the process the Mayor instituted, a Committee of four members was established to look at long term needs and to look at many different groups and facilities within in the Borough.

Councilwoman Silkworth noted that there are five (5) Borough residents on the Capital Improvement Committee and three council people that act as liaisons as well.

Mayor Gemma stated that the process started about three years ago and the Borough had never done long term Capital budgeting previously and explained it was new and still getting underway, but it was looking at the long term needs of the Borough.

Councilwoman Silkworth mentioned that as far as the buildings are concerned, the discussion of the Capital Improvement Committee has dealt more in the area of maintenance since most of the buildings are at least twenty five (25) years old and the maintenance issues were exceedingly large. She continued that everyone is aware that the Borough Hall Complex is small from a library standpoint, from a Police Department standpoint and from a front office standpoint. She explained that the Committee knew that because of the maintenance needs the dollars were not there for everything that was presented to it.

Councilwoman Silkworth explained about the facilities assessment that was done and the information it provided.

Councilman Lyons stated that except for the library, none of the other tenants of Borough Hall have ever submitted a plan regarding expansion. He suggested that we might use the public hearing to look at Borough Hall as a whole, but first the tenants have to come up with their needs.

Kathleen Boyle stated that years ago there used to be a copy of the Budget inserts in the bulletin, stating it was useful to see where the tax dollars were going and wondered what happened to it.

Mayor Gemma stated that he had tried to give a budget explanation in his State of the Borough message but stated maybe more information should be provided in the bulletin.

The Deputy Clerk explained that copies of the budget are available in the Borough Clerk's office for review.

Beth Henderson, Port-Au-Peck Ave. had a follow-up question on the trash collection and was curious as to what Forgione was being paid.

Mayor Gemma explained that there was a two year contract with Forgione and the cost was in two components as with any trash contract, one being collection fees and the other being tipping fees. Both of those costs had been capped at \$21,000.00 per month. He further explained Marpal is charging 16,000 a month for collection and the question becomes now the tipping fees. The Borough is estimating the tipping fees and the total cost will probably be between ten thousand (10,000) and fifteen thousand (15,000) dollars per month higher then under the previous contract.

Ms. Henderson asked if these records were being kept when Forgione was doing the collection.

Mayor Gemma explained records were not kept because under the contract the costs were fixed.

Ms. Henderson asked if the State has already given its approval to the crematorium, to which Mayor Gemma stated that was his understanding, but that proof would have to be provided to the Planning Board.

Mr. Jim Petrantis quoted State Statute and did not believe that it was a done deal that the State has given its approval.

Ms. Halpern asked the names of the Capital Improvement Committee.

Councilwoman Silkworth provided the names of the members of the Committee and Mayor Gemma explained the selection process for that Committee and most importantly that they were not affiliated with another organization in the Borough and are purely an advisory committee, they make no decisions but rather recommend to the Mayor and Council.

Mr. Alan Schneider, Horseneck Point Road, asked if something could be done about the condition of his road. He stated that there were some very serious potholes that could do some real damage to vehicles.

Councilman Apruzzi stated he was on Horseneck Point Road last week and he agreed that there were some very bad areas of the road.

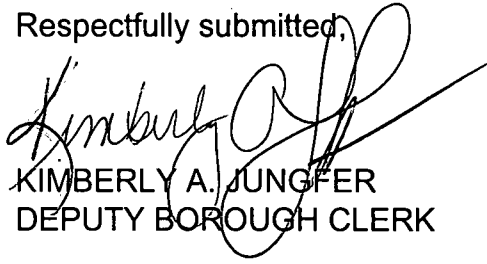
Mayor Gemma stated that he would have Tom Crochet get out there with some hot patch and fix them to the best of his ability.

Mayor Gemma seeing no other comments from the public, closed the public portion of the meeting.

Councilman Wolfe moved to approve the vouchers on the Bill List dated April 5, 2001. It was seconded by Councilman Apruzzi and unanimously approved by Council. 2000 VOUCHERS PAID THIS METING \$ 230.82. TOTAL 2000 VOUCHERS \$230.82. TOALL 2001 VOUCHERS PAID \$199,716.57. TOTAL 2001 VOUCHERS PAID THIS MEETING \$765,548.36. TOTAL 2001 VOUCHER S \$965,264.93. TOTAL RECREATON TRUST \$108.00. TOTAL DOG REGISTRY \$327.20. TOTAL TRUST ACCOUNT \$5,291.50. (SEE BILL LIST)

At 9:35 p.m. Councilwoman Silkworth moved to adjourn this meeting until the next regular meeting scheduled to be held on April 19, 2001 at 8:00 P.M. It was seconded by Councilwoman Gatta and unanimously approved by Council.

Respectfully submitted,



KIMBERLY A. JUNGFER
DEPUTY BOROUGH CLERK