

REGULAR MEETING MINUTES

Oceanport, New Jersey
December 20, 2001

REGULAR MEETING: The Regular Meeting of the Oceanport Mayor and Council was called to order on December 20, 2001 at 8:00 P.M.

MEMBERS PRESENT: Councilpersons Apruzzi, Gatta, Lyons, Wolfe, McGann, and Mayor Gemma.

MEMBERS ABSENT: Councilwoman Silkworth.

OFFICIALS PRESENT: Borough Clerk, Patricia L. Varca 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.

Mayor Gemma stated that the members of the Oceanport Fire Department have a presentation to make to Councilman Lyons and Stu Briskey came forward and presented Councilman Lyons with a plaque recognizing and thanking him for his hands on leadership as the Fire Commissioner and it was greatly appreciated, as well as his honesty and integrity he brought to the office and appreciated all his efforts over past years.

Councilman Lyons thanked the members of the Fire Department for this honor and commented that he did not know this was going to happen and was quite surprised and advised that it has been his privilege to serve as the Fire Commissioner over the past years and wished them all the best in the future. He commended the volunteers for their skill, determination and training and stated it was unsurpassed in surrounding communities and again thanked everyone in the Fire Company for this honor.

Mayor Gemma advised that we are going to go out of order on the agenda and conduct the public hearing on the second reading of the zoning ordinance amendment regarding cemeteries.

Councilman McGann then called for the second reading and public hearing on an amendment to the zoning ordinance regarding cemeteries and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only, as follows: **AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ON JULY 3, 1969.**

Mayor Gemma stated prior to opening the meeting to the public, he wanted to ask the Borough Attorney several questions relative to this ordinance and asked if a copy of this ordinance was provided to the owner of the cemetery.

Mr. Margalotti commented that he was not sure that the version of the ordinance that was re-introduced at the last meeting and now before the Council for public hearing was the draft that was

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submitted, but he was informed by the Clerk's Office that the original version that was introduced at the November meeting was provided to the owner of the cemetery. He continued that the form of the ordinance that is currently before the Council and did contain some minor clarifications and changes, but the original version essentially contains all of the same set backs, with one minor exception, so the substance of the ordinance before the Council was provided to the cemetery owner in November.

Mayor Gemma asked if at that time, the owner of the cemetery voiced any objections to the provisions in the ordinance, specifically as to the set back for the crematorium from residential properties, to which Mr. Margalotti stated he has had no communication from the owner of the cemetery since the action first taken in November nor from the cemetery's Attorney.

Mayor Gemma then opened the meeting to the public for any comments or questions on this matter only.

Sal Vecchione, Woodbine Way asked how the Borough Attorney without speaking with anyone, come up with the recommendation to make the set back 150' and recommended this to the Planning Board for their consideration, to which Mr. Margalotti explained that he spoke to the Borough Engineer about the various set backs after the first version of the ordinance was drafted and when the distances were plotted out on the site plan, which the cemetery had provided and used in its first application before the Planning Board, we realized that there was an inconsistency between the 700' distance from the nearest residential lot and a 200' minimum distance to any other building and in this case that would have been the mausoleum building. Mr. Margalotti continued that you could not satisfy both set backs and still come up with a viable site where the crematorium could be located, so one or the other of the set backs had to be modified and the Borough Council elected to modify the 200' set back by reducing that to 150' in order to preserve the 700' as a maximum distance from the nearest residential lot.

Mr. Vecchione commented that this is how some of the residents become confused due to changes that were not made public when the application was presented and we don't become privy to these matters until we are at a Planning Board meeting and this was something that one of the residents over heard being discussed and the feedback that came to the residents was that the Borough Attorney was making these changes on his own because he was unhappy about the setbacks.

Mr. Margalotti explained to Mr. Vecchione that he does not decide anything and merely advises the Borough Council and the Council makes all decisions for the Borough and secondly, Mr. Vecchione's speculation was incorrect and he never had any conversations with either the cemetery owner or their counsel except for a conversation with their attorney prior to the first version of this ordinance being introduced back in November and that was only with regard to some legal research which they wanted to provide to the town to re-state its opinion as to what its rights were under the Cemetery Act, but since that first version was introduced, he has had no contact with either the owner or their attorney. He continued that the changes made were as a result of going over the set back calculations with the Borough Engineer.

Councilman McGann concurred with the comments made by the Borough Attorney and stated that he and Mr. Margalotti spoke on this issue at least a month ago regarding the concerns of the appropriate set backs.

Mr. Vecchione pointed out that he never said that the Attorney spoke with anyone but merely stated that he understood from the Attorney speaking with the residents that night that information came back that the cemetery President was not happy with the 200' requirement after he had reviewed the ordinance amendment that we were not privy to.

Mr. Vecchione has asked that the Council look into the term clusters and asked what constitutes a cluster, a new and/or old cluster and could someone explain the 450' that is in the amendment with regard to distance between clusters.

Mr. Margalotti explained that a building cluster would be a grouping of any buildings close together whether they be of the same use or if they were of different uses, that would constitute a building cluster and the proposed ordinance would provide set back distances for establishment of different building clusters and also establish this 150' minimum distance between another freestanding building and any building cluster. He commented that there is no unique or precise definition of what constitutes a building cluster other than a group of buildings that by their proximity to each other form a cluster.

Mr. Vecchione felt this made for a very vague section of this ordinance and in one section states about set backs on anything that fronts the street has to be so many feet back and he felt that was already in existence and again asked about the clusters and when does one end and another begin, since it states in the ordinance that there must be 450' between clusters and he cannot get an answer from the Planning Board nor has he received one tonight.

Mr. Margalotti explained that the ordinance does not specify an answer to his question, other than there is no limit on how large an individual cluster may be, so that a property owner could, in fact, enlarge an existing cluster by adding additional buildings to the grouping, provided that the certain distances between buildings within the cluster are maintained. He further explained that if they were to add or construct another building in close proximity to the existing grouping of buildings, that would still be part of the same cluster, but if they wanted to start a new cluster, which by definition would have to be more than just a single building, the ordinance does specify a minimum distance that a newly created cluster could be to an existing cluster.

Mayor Gemma advised Mr. Vecchione that if his concern was the definition of the term building cluster, he recommended he review Section 68-23, 8(a) which defines what a building cluster is and it states "buildings separated by distances of less than 200' shall be deemed clusters and the maximum width of any building cluster shall be 470'", so there are definitions that the Planning Board has determined.

Mr. Vecchione brought up a matter in Wall Township changed a residential zone to a cemetery zone and the new owner sold it and advised that he could do whatever he wanted and the township then changed back the zoning to make it a residential zone and that ordinance was overturned by the Supreme Court, to which the Borough Attorney advised was not exactly what took place, but the change in the zone was correct. Mr. Vecchione stated in our amendment to the ordinance it states that we are changing the area where the cemetery is located and asked Mayor Gemma to explain that section.

Mayor Gemma stated we are not changing the R-2 zone and that is the difference between the Wall Township case and us and we are saying that the cemetery is a conditionally permitted use

within this R-2 Zone and this type of use has restrictions upon it and we are not creating a cemetery zone and the zone remains an R-2 residential zone.

Mr. Vecchione asked if this ordinance said that in an R-2 Zone no crematoriums are allowed in this zone by an amendment to our zoning ordinance and Mayor Gemma explained that until the pending legislation is adopted into law, municipalities do not have the right to regulate the use and our Attorney has advised repeatedly that it would be an invalid ordinance and the Mayor stated he would not pass something that was not valid.

Amy Goldsmith, State Director of the NJ Environmental Federation, which is a citizens organization, part of a national organization known as the Clean Water Action and she resides in Red Bank and is familiar with this area. Ms. Goldsmith asked about the section talking about environmentally sensitive property and define same with a set back of 50' and asked why that set back was chosen, since she is aware of wetlands on that site.

Mayor Gemma stated that we are trying to be consistent as much as we can with a rational standard as to the distance of environmentally sensitive property and it is not only wetlands, but we define it as the 100 flood plain and other items and felt this was a fair standard. He further explained that in certain instances the wetlands line may or may not be in back of the 100 year flood elevation and we wanted to make sure that as a minimum that there was at least 50' distance between these areas and the use.

Ms. Goldsmith asked if the Council has considered what the actual design and whether the impact on the air would be greater with regard to the way the wind blows, to which Mayor Gemma stated we did not and our real concern was trying to keep a balance because if we created an ordinance that was so restrictive that there was no feasible manner in which to allow the use to be placed on the property, we would not be able to have our ordinance stand and we tried to keep the building as far away as possible from any residences of our citizens.

Ms. Goldsmith asked for clarification in the ordinance where testing of the stacks would be required and asked if that would be applied to the facility in question, to which Mayor Gemma stated it would be applied to any facility that falls within that zone. Ms. Goldsmith felt that the testing was an excellent idea especially that the reports would be filed in the Clerk's Office so there is a record and as the laws change, it gives the Borough a base to make sure the changes in air quality are being met, but her question is the comment regarding the standards of the DEP and EPA on particulates and mercury, but what are the applicable requirements the ordinance is referring to from the DEP and EPA specifically and what action can be taken if either the town or specific agency feels there are concerns as a result of this testing.

Councilman Wolfe advised that the applicant, Woodbine Cemetery, applied to the State in January of this year for a permit which was a 38 page document which contain guidelines dealing with particulate matter and that is why we quoted the DEP applicable standard and there is a standard in this permit for this site as far as the volume that is allowed to come out of their release stack and/or vent and there is an enforcement mechanism if they exceed any of the limits of any of the substances set by the DEP. Councilman Wolfe stated although it is the responsibility of the operator of the cemetery to notify the DEP when it exceeds any of the specified standards for emissions, with copies being filed in the Clerk's Office, they will be forwarded to the DEP as well as to the Monmouth County Board of Health, of which this Borough is a member, so we have checks in place.

Ms. Goldsmith asked if the Council was aware that there is currently a draft DEP Mercury Advisory Task Force report and the final is due out on January 3rd and Mayor Gemma stated that is the reason we used the term applicable requirements because we were aware of this possible change in their standards.

Ms. Goldsmith stated that she would ask the Council to consider putting in either this ordinance or some other documents in the Borough some of the recommendations being made by this Task Force with regard to providing education to people who are making funeral plans and choices can be made prior to a person passing away and choices made by the families and information provided by funeral homes, etc. with regard to living wills and reducing the amount of mercury emissions, because it is a toxin for both fresh and salt waters and we must do whatever we can to try and lower these toxins and she and her group would be happy to work with the Borough in order to better protect our neighborhoods as we go about these issues and assist people with their dental choices.

Mayor Gemma asked Ms. Goldsmith in this regard, to contact our Borough Clerk, Patti Varca some time next week for a listing of the names and meeting dates of our Environmental Commission, who will be given the task of dealing with these emissions.

Mary Kinslow, 23 Locust Ave. West Long Branch wanted to give a copy of the air pollution permit and Mayor Gemma instructed her to leave it with the Clerk. Mrs. Kinslow stated she was very upset about this ordinance and not certain that it is a good thing and the set backs are from a residential area which pushes the possibility of the crematorium being closer to a day care center and to a park and that is not mentioned in the ordinance. She stated she had hoped the Council would take a little bit more time to think about that aspect of it because the park and day care center can grow and she is not sure if she is comfortable with the ordinance not taking into consideration the 750' buffer from children playing in the park or attending the day care center. She is asking for the Council to re-think that and take a bit more time.

Mayor Gemma stated our concern is that the applicant has submitted a building permit to put a crematorium in those buildings by the property line and have been denied because he has been informed that he needs site plan approval, but if we do nothing and the applicant submits an application to the Planning Board without an ordinance in place with no standards, and with the pending legislation in Trenton, we will have no standards in place for this type of facility and this was a policy decision we made to keep this use as far away as possible from residential homes and although we understand about parks and day care, this is an area where people live and spend the majority of their time and we have to make the best choice we can under a difficult situation.

Mrs. Kinslow commented she had submitted the air pollution permit because she needs some assistance in finding the mercury standards in the permit, to which Councilman Wolfe stated there is a section contained in the permit dealing with the EPA but there is no specific number in there, but only to their standards.

Mrs. Kinslow stated she has read that permit application many times and also contacted the DEP many times and has not been able to get a response back as to where the volatile organic compound of mercury is in that permit and cannot find anyone to answer her questions and her question is this something that is listed as going into the stack and if its not in the permit, it doesn't have to be measured and she is very concerned about this.

Mayor Gemma explained that we recognize that we cannot set arbitrary standards and the best we can do is to reference the standards from the various environmental protection agencies and that is why we have referenced the DEP and the EPA standards because we believe that mercury is included in their standards and that is the best we can do at this point.

Mrs. Kinslow wanted to submit letters written by a concerned resident in the area who is very concerned about the health hazards with this type of facility and gave the copies to the Clerk.

Mrs. Kinslow stated the ordinance mentions dismembered body parts and asked what that meant, to which Mr. Margalotti explained if a person has an amputation and it is decided to incinerate that dismembered part, that would also fall within the definition of human remains and would be subject to the conditions set forth in the zoning ordinance.

Mrs. Kinslow asked if that meant if someone goes to the hospital and has something removed, and the hospital needs to dispose of this, would that be okay to use the facility for disposal of some type of a piece of body part in this facility, to which Mayor Gemma answered yes and read in the appropriate section of the ordinance which states that the rules and regulations of the ordinance section must be met.

Mrs. Kinslow commented that in the Cemetery Act there is no mention of body parts, by Mayor Gemma pointed out that the Governing Body does not have the right to control the use of the crematory, to which Mrs. Kinslow stated she felt the Council was going above what the statute act allows. Mr. Margalotti stated that is not true and in fact, explained that the definition of human remains and/or remains is verbatim to what is contained in the Cemetery Act.

Councilman Wolfe pointed out to Mrs. Kinslow that they are not referring to medical waste in the ordinance and there is a section in the permit, which specifically disallows medical waste from being incinerated in this type of facility.

Ed Miller, 94 Hiawatha Ave. applauded the Mayor and Council for doing everything they could under a difficult situation and they have done everything they could under the law. He continued he wanted to comment on what the EPA has as far as a number for mercury, is for incinerators and they don't include crematoriums and they also list mercury as one of the top 50 toxic chemicals and he did not understand why they don't have a standard for crematoriums but if some time in the future when their permit comes up for renewal, he would hope that the Council members would check with the DEP and EPA to see if a number is in existence in order to make sure that change becomes part of our testing.

Chris Baggot, 200 Comanche Drive, a contractor for the Federal Environmental Protection Agency and specializes in air pollution, wanted to clarify a few things said tonight and stated that mercury is not in the VOC standards because mercury is not an volatile organic compound and while there is no specific number in the DEP for mercury, it doesn't matter because there is something called the National Ambient Air Quality Standard that says the highest effluent concentration that can leave that stack is .05 milligrams per cubic liter or 50 micrograms per cubic liter. He continued that whether there is specific DEP number doesn't matter because the EPA on a federal level has precedence and there are also some other standards, which may take precedence as well, but he is not sure. He stated there are also TBC's (To Be Considered) and they can consider particular special circumstances based on a community and then there is the Clean Air Act and under that Act,

they have to do Prevention of Significant Deterioration and we happen to be in the New York Air Shed and no one can put up a new source of air pollution in this community without first conducting a study to say that it will not significantly deteriorate the air quality of this air shed, which is the entire New York urban area.

Councilman Lyons asked if we can presume that since the DEP Permit has been granted, that all of these pre-conditions have been met by virtue of the DEP granting the permit, to which Mr. Baggot commented he would not make that assumption and also stated that he is not challenging the permit since he has never reviewed this document, but he would not necessarily assume that all of the leg work required has been completed. Councilman Lyons asked if this were the case, how would the Borough go about challenging this matter, to which Mr. Baggot stated he would have to check into this and would get back to him.

Mr. Baggot advised that in the Clean Air Act standard, there is a provision that says if there is a national monument or a national park within 50 miles of that source, that also gets special consideration and we certainly have them within that distance as well as endangered species and other categories under the Clean Air Act.

Mr. DeVito, 25 Massaro Street thanked the Mayor and Council for proceeding with this ordinance and it is very much appreciated.

Mr. DeVito asked in one portion of the ordinance it says the remains must be in containers and asked if that meant that the cemetery could not have a scatter garden on the premises, to which Mr. Margalotti stated that was the intent of that section and there is nothing in the Cemetery Act allowing such an area.

Mr. DeVito questioned the time limit for the operation of the facility and for the public to access the cemetery and asked if that is above the Cemetery Act, to which Mr. Margalotti stated there the Cemetery Act is silent about the hours of operation and use.

Mr. DeVito asked about the building clusters and the set backs and questioned if the wording should state not less than 150' to which Mr. Margalotti explained the wording says minimum which is the same thing as saying not less than because it is the minimum distance.

Mrs. Kinslow questioned the hours of operation questions just raised and wondered if the Cemetery Act doesn't mention hours of operation and we are including it in the ordinance and thinking about the children that are in the neighborhood on the weekends playing outside and why would we allow the facility to be in operation on Saturdays and Sundays, to which both the Mayor and Attorney pointed out that people are buried on both of those days and Mr. Margalotti stated you cannot close down a cemetery on a weekend and explained that the hours set are for the entire cemetery.

Mrs. Kinslow asked if the Council would try to get the information mentioned by the gentleman earlier about what the true hazardous impact area because she was told when she called that they don't have procedures to do this and she wanted to know what the input was to this hazardous impact area and Mayor Gemma advised we would try with the assistance of people like Mr. Baggot.

Mrs. Kinslow asked if there is any place in the ordinance that the Council can include the feelings of the members of the Community stating that even though this ordinance is being adopted,

the town does not want the crematorium, to which Mr. Margalotti stated that this was not an appropriate statement for the ordinance.

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

Mayor Gemma asked if anyone on the Council wished to make any statements prior to the vote being taken.

Councilman Apruzzi stated it has been said many times that the Council does not control the situation based on the Cemetery Act of the State of NJ and he believed that this Council has taken the best steps possible to at least limit its existence insofar as within the cemetery. He continued that by placing the set backs in our ordinance, the building will be the furthest away from any residence in that zone and as an elected Official of this Borough, he has to understand that the people in that area, as well as other residents who may not be coming out to voice their opinions, have a fear of what is going to happen in that area and his position is to vote yes for this ordinance because we don't know what the future may hold and felt that what is happening in Toms River now, twenty-five years later finding situations that are coming up and if the standards are changed, we will be ready to make these changes with the manner in which we have worded our ordinance in order to insure that our residents are protected as best as possible.

Councilwoman Gatta stated she concurs with everything Councilman Apruzzi just said and does believe that while we cannot prohibit a crematorium, we certainly can do the best we can to minimize the impact to our residents and this is very important. She also felt we should take extreme heed to what is in the newspapers this week about the Toms River reports, where everyone kept saying that there would be little impact on what was going on years ago and you have to applaud those citizens who kept fighting as well as our residents who have come forward and the research they have done on this matter.

Councilman Lyons advised that he was not present at the workshop meeting on Monday, but had put into writing his comments and concerns about this ordinance. He stated that the attempt on the part of the Borough to regulate this activity is perfectly acceptable and within the proper confines of what a Governing Body should do, but he is concerned about several items, including the testing and felt the discussion was vague, both in the ordinance and in previous meetings and his opinion has not changed with regard to what the test requirements are; he has been listening to this process for over a year, both at the Planning Board and before the Council and he has read the EPA reports and the North American Crematorium Association, listened to testimony from dozens of people and no one has given, as far as he can tell, documentation that the operation of this facility poses a hazard to us all. He continued that he recognizes the dangers raised by the Toms River incident, which does not have anything to do with crematoriums, but here we are today with a permit in hand and ready to go forward and the possibility of litigation has been raised tonight not by him, but feels it is very real and thinks it will happen and in the end, after spending a lot of money, we will still have a crematorium operating inside this Borough and it will be based on this ordinance and he thinks this ordinance will be challenged in court.

Councilman Lyons went on to state that although he shares everyone's concerns about the environment, he needs more proof and has not heard it and understands the real possibility of litigation that has been mentioned in print and thinks it will happen and that we will lose and cannot vote to approve this ordinance as written, since he feels it is a bad move for the Borough.

Councilman Wolfe commented he will be voting yes on this ordinance and feels that we have brought to bear many facts over many months of deliberations and included comments from the Borough Engineer as well as the Borough Attorney, who has researched the matter and by not having any ordinance in place, we are putting both the Borough and the Planning Board at a great disservice as far as trying to regulate a possible application that might be submitted. Councilman Wolfe felt we have done the best we could under the circumstances to regulate as much of the site as was possible. He continued that his concerns about the stack emissions testing that Councilman Lyons brought up is a concern and that testing was put in our ordinance even though the State of NJ does not have a schedule of inspections of these types of facilities and lacking that, he felt it would be remiss on the part of the Council not to have some type of standard in place to test the material coming out of that stack.

Councilman McGann thanked the residents of our community for their participation over the last six to nine months in coming out and attending these meetings and he realizes that at times there has been frustration and obviously we have asked for your patience during this time so that we could act and he realizes how they must have felt when we told you to go back to the Planning Board to voice those concerns, but this is now the appropriate time for this Governing Body to act and he is in favor of this ordinance and will vote for it because he believes there is a rational basis for what this Council is doing as far as taking police powers, which we are entitled to do under the Constitution of NJ, to write such an ordinance to regulate this use. He commented that we have included the separation distances between the use and residential dwellings and it is appropriate under these circumstances and we have that right to regulate. He continued that we, as a Governing Body, cannot cower under the potential threat of litigation and we must go forward and do what we feel is correct for all of our citizens and much has been said about this ordinance and again, he thanked the residents and appreciated all of their efforts over the last several months.

Mayor Gemma stated that even though he is not voting on this matter tonight, he wanted to make several comments and continued that he realizes that the residents felt that the Council should have been doing more and at times were quite angry with this Body, but he had indicated at the beginning that this Council was not going to do anything for show and we have followed the procedures set forth by law to the very best of our ability and this ordinance is not just for show, but fulfills the policy considerations of trying to protect our citizens as best we can, given the extent of the law. He further stated that it would have been very easy for us to just pass something for the sake of doing something, but we did not do that. He stated that if this document is challenged, we will, in fact, defend this ordinance within the purposes of land use and in the best interest and safety of our residents. Mayor Gemma asked that the residents, who have put forth much energy and effort because of their legitimate concerns on this matter, to write to your Legislators who will be voting on January 3rd on legislation giving municipalities the right to regulate crematoriums in their town and it has passed the Senate and hopefully, it will pass the Assembly and then must be signed by the Governor. He urged everyone to do everything they can to make sure that Legislation gets passed and the bill signed into law.

Mayor Gemma promised the residents that if that Legislation is passed and signed into law and municipalities like Oceanport are given the right to regulate crematoriums, he expects some time in January or February 2002 we will be adopting an ordinance to regulate that use.

Councilman McGann then moved to adopt this ordinance on second and final reading and to advertise same in accordance with law. It was seconded by Councilman Wolfe.

The Clerk called the roll:

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

Mayor Gemma stated he would have to excuse himself from the rest of the meeting and asked Council President Gatta to chair the remainder of the meeting, but prior to his leaving, he wanted to present Councilman Lyons with a plaque from the members of the Governing Body thanking his for his efforts over the past several years and acknowledging the Council's appreciation for his time in office.

Councilman McGann stated he enjoyed working with Councilman Lyons over the past three years, had many long discussions about many different issues and he hoped that he would stay involved in the Community.

CLERK'S REPORTS:

1. Police report for the month of NOVEMBER, 2001 and a copy will be posted on the bulletin board.
2. Raffle license application made by the Oceanport PTO to be held on March 1, 2002, various prizes.

The Clerk advised the paperwork was found to be in order and the required fees had been paid, after which Councilman Wolfe moved to approve said application. It was seconded by Councilman Lyons and approved by Council.

COMMITTEES:

COUNCILMAN APRUZZI: Councilman Apruzzi reported on December 11th, our Borough Clerk received a letter from Dispatcher Joan Williams requesting a leave of absence without pay for the purpose of pursuing a disability retirement and at this time the Council desires to support her petition by granting her a leave of absence from her dispatcher position with the following stipulations, which Councilman Apruzzi offered as the following motion:

Motion to approve a leave of absence for Joan Williams, Police Dispatcher, without pay, effective December 20, 2001; this leave of absence will be for a period not to exceed six (6) months from today; vacation, sick or personnel days will not be accrued during the leave of absence; health and dental coverage will continue during the leave of absence; Ms. Williams will file her disability application within thirty (30) days of this motion and lastly, the Borough of Oceanport has the right to verify Ms. Williams application for disability retirement. It was seconded by Councilman Wolfe and approved by Council.

Councilman Apruzzi moved to appoint Patrolman Jonathan Tucci as a permanent member of the Oceanport Police Department upon the successful completion of his six-month probationary period. It was seconded by Councilman Wolfe and approved by Council.

Councilman Apruzzi reported that the November Police Report states that we received 621 calls by our Dispatchers and our Officers responded to 718 calls.

Councilman Apruzzi announced that the Borough has received from the NJ Department of Community Affairs a \$10,000 grant which will be matched by the Recreation Trust Fund for work at Charles Park and this came through the efforts of the Recreation Committee, who applied for the grant themselves through our Recreation Coordinator, Christine Smith.

Councilman Apruzzi thanked all the volunteers who have worked for the Borough over the past year including, fire, first aid, and all the other committees and boards. He also extended his thanks and appreciation to Councilman Lyons for serving with us on this Body and giving us his time and efforts.

COUNCILMAN LYONS: Councilman Lyons advised that he has been contacted by members of several Veteran's organizations concerning the treatment of flags at gravesites at the Woodbine Cemetery, specifically the removal of the flags without notice, pulled out and not replaced and the veterans are quite upset. He contacted the cemetery today and was informed that they have a twice a year clean up of the gravesites to remove a lot of debris and other items that are left around and it is done in the winter and spring. He stated that the flags are placed by veteran's organizations before Memorial Day and Veteran's Day which coincides with their clean up and although he cannot argue with the cemetery's goal to keep the site clean and orderly, but felt concern about the proper treatment of the flags once they were removed. He felt that they have reached a compromise, where the cemetery will turn the flags over to him when they have been removed and he will advise the veteran's groups about this matter.

Councilman Lyons thanked all of the members of the Council for their kind comments this evening and for the plagues and stated it has been a privilege to serve this Borough over the last three years and he wished everyone well in their future endeavors and wished all of our residents a happy holiday.

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution **R-01-71** transferring funds, after which he moved to approve same. It was seconded by Councilman McGann and approved by Council. **#R-01-71**

Councilman Wolfe asked the Clerk to read resolution **R-01-72** approving a senior citizen's and veteran's tax deduction for Block 44, Lot 15, after which he moved to approve same. It was seconded by Councilman McGann and approved by Council. **#R-01-72**

Councilman Wolfe then asked the Clerk to read resolution **R-01-73** approving a tax exemption for a surviving spouse of a disabled veteran and refunding taxes paid in 2000 and 2001, after which he moved to approve same. It was seconded by Councilman McGann and approved by Council. **#R-01-73**

Councilman Wolfe moved to appoint Troy R. Hartsgrove as a Helper I in the Public Works Department at a salary of \$28,000 effective January 2, 2002, which is to fill a vacancy in that Department. It was seconded by Councilman McGann and approved by Council.

Councilman Wolfe thanked Councilman Lyons for the past three years and felt he had accomplished many things over these years and he will be missed.

Councilman Wolfe wished everyone a happy and healthy holiday.

COUNCILMAN MCGANN: Councilman McGann commended the efforts of the Department of Transportation for the great job they did on Highway 36 this past weekend and did new plantings in the area of the entrance to Monmouth Park Race Track and they have been very cooperative with the Borough in trying to enhance the Highway 36 corridor to Monmouth Park and he felt we would be seeing more and more improvements in that area as we progress into 2002.

Councilman McGann reported that with regard to grants, Congressman Holt has written a letter to the municipality advising us that there is \$300,000 available to Oceanport from the Federal Transportation Fund and he attended a meeting yesterday in Ewing Township at the Federal Bureau with Councilmen Apruzzi and Wolfe, our Borough Engineer, Tom Rospos and our Borough Attorney, Mr. Margalotti and there are certain guidelines that we must follow and there are certain conditions that this grant will be made subject to and at this point he cannot say that we will definitely receive these funds, since we do have to follow many various guidelines under the Federal standards, but the good news is that he did make those funds available to us, which would be used to alleviate the flooding on the lower portion of Cayuga Avenue as well as addressing the flooding area on Gooseneck Point Road and he thanked Congressman Holt for his efforts.

Councilman McGann reported that we have received a letter from Gary Brousell who is a resident on Wardell Circle in regard to a meeting that we had with the residents of that street concerning the improvements we will be doing there in 2002 with a DOT grant for \$150,000 and that project will be undertaken shortly and appreciated his note and will consider the comments made in his letter when we are making our final decisions about that project.

Councilman McGann wished everyone a very Merry Christmas and hoped everyone would enjoy the holidays.

COUNCILWOMAN SILKWORTH: ABSENT.

MAYOR GEMMA: Absent.

COUNCIL PRESIDENT GATTA: Council President Gatta reported that for the month of November our First Aid Squad answered 42 calls and completed 505 man/woman hours and many of those were dedicated to the Bazaar and to the selling of the Christmas Trees. She advised that on behalf of the First Aid Squad, she wanted to announce that they were very pleased about the Bazaar and the participation of our residents in the purchasing of trees and wreaths from the Squad.

Council President Gatta reported that on November 18th, 11 members of the Squad were re-certified in Extrication Training Course, which is an 8-hour course and everyone was successfully re-certified.

Council President Gatta also advised that last night John Connor was elected as the Captain of the Squad for 2002.

Council President Gatta thanked Councilman Lyons for his dedication to the Council and to our residents and worked very hard for the community and wished him much success in his future endeavors and hoped he enjoys his retirement.

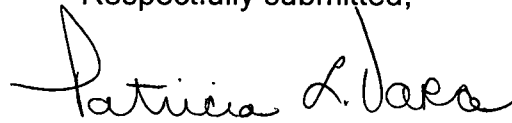
Council President Gatta offered her best wishes to everyone for a very Merry Christmas and Happy New Year.

Council President Gatta then opened the meeting to the public for any comments or questions they might wish to make, but seeing none, closed the public portion of the meeting.

Councilman Wolfe moved to approve the vouchers on the Bill List dated December 20, 2001. It was seconded by Councilman Apruzzi and unanimously approved by Council. CAPITAL \$1,385.50. DOG REGISTRY \$106.00. RECREATION TRUST \$1,360.00. 2001 VOUCHERS PAID \$85,002.72., TOTAL VOUCHERS PAID THIS MEETING \$59,793.41. TOTAL 2001 VOUCHERS \$144,796.13. (SEE BILL LIST)

At 9:35 p.m. Councilman Lyons moved to adjourn this meeting. It was seconded by Councilman McGann and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK