

REGULAR MEETING MINUTES

Oceanport, New Jersey
December 6, 2001

- REGULAR MEETING:** The Regular Meeting of the Oceanport Mayor and Council was called to order on December 6, 2001 at 8:05 P.M.
- MEMBERS PRESENT:** Councilpersons Apruzzi, Gatta, Lyons, Wolfe, McGann*, Silkworth and Mayor Gemma.
Councilman McGann arrived at 8:20 p.m.
- 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.

As copies of the minutes from the regular meeting held on November 15, 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 approved by Council.

CLERK'S REPORTS:

1. Application for membership to the Oceanport Fire Department made by Robert D. Spahr and the Clerk advised that the application had been reviewed by the Police Department.

Councilman Wolfe moved to approve the application. It was seconded by Councilman Lyons and approved by Council.

COMMITTEES:

ORD.#

747

COUNCILMAN APRUZZI: Councilman Apruzzi called for the second reading and public hearing of an ordinance regarding the Police Department and asked the Clerk to read the Affidavit of Publication and the proposed ordinance by title only, as follows: **AN ORDINANCE REPEALING THE ORDINANCE ENTITLED "THE POLICE DEPARTMENT ORDINANCE OF THE BOROUGH OF OCEANPORT" PASSED AND APPROVED ON DECEMBER 1, 1938; SUBSTITUTING THEREFORE AN ORDINANCE PROVIDING FOR THE ORGANIZATION, MAINTENANCE, REGULATION AND CONTROL OF THE POLICE DEPARTMENT AND PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS.**

Mayor Gemma opened the meeting to the public for any comments or questions 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 Councilwoman Gatta 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 Silkworth.

The Clerk called the roll:

AYES: Councilpersons Apruzzi, Gatta, Lyons, Wolfe and Silkworth.

NAYS: None.

ABSENT: Councilman McGann.

ABSTAIN: None.

#R-01-69

Councilman Apruzzi then asked the Clerk to read resolution **R-01-69** regarding rules and regulations of the Police Department, after which he moved to approve same. It was seconded by Councilwoman Silkworth and approved by Council.

Councilman Apruzzi then moved to withdraw a previously introduced zoning ordinance amendment, which was introduced on November 15, 2001 with regard to cemeteries. It was seconded by Councilman Wolfe and approved by Council.

Councilman Apruzzi then moved to introduce an amendment to the zoning ordinance with regard to cemeteries and asked the Clerk to read the proposed ordinance by title only, as follows:
AN ORDINANCETO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "BOROUGH OF OCEANPORT ZONING ORDINANCE" PASSED AND APPROVED ONL JULY 3, 1969.

Mayor Gemma asked the Borough Attorney to explain the changes made in this ordinance and the reason for said changes.

Mr. Margalotti advised that the following are the changes that would become effective upon the adoption of this ordinance, which has just been re-introduced:

- 1} With respect to set backs from any environmentally sensitive area, which would be wetlands, lands within a 100-year flood plain or areas having slopes in excess of 10% that set back was 25 feet in the initial amendment and this proposal would increase that to 50 feet.
- 2} The definition of environmentally sensitive property remains the same, with the exception that in the original version there was included the phrase "transition areas" and it was felt upon review that it was rather vague and might create problems of enforcement and that phrase has been eliminated in the definition of environmentally sensitive property.
- 3} The definition of maximum building length and the previous version provided that a building elevation that could be viewed from a public street could not exceed 100 feet in length and there was some concern expressed about how clear that was and whether or not that might be confused with any elevation that could be viewed from a public street, including an elevation that ran perpendicular to a public street and this change would clarify what the intent of the Council was in that language and that is to define the building elevation that not only is viewed from a public street, but runs parallel to the public street and that would be the elevation to which the 100-foot length maximum would be applied.

4} Lastly, following the introduction of the ordinance on its first reading in November, a draft of that had been forwarded to the Planning Board for review and comments and after the Planning Board met, did issue a recommendation back to the Mayor and Council in which they recommended that the ordinance also include a requirement for quarterly emissions testing to determine whether or not the smoke emissions were in compliance with the standards set by the NJ Department of Environmental Protection and also the United States Environmental Protection Agency, both with regard to particulate matter and also with regard to mercury content and this changed ordinance, which is being reintroduced this evening, would include that as a requirement for granting of any site plan approvals for any crematorium facility.

Mayor Gemma asked Mr. Margalotti, in order to be very clear, if this ordinance changes in any way the 700 foot set back, to which Mr. Margalotti stated that the set back remains the same distance requirement from any residential property line.

Mayor Gemma also asked if the intent of these changes are to be consistent with the law and to be clear and precise and not vague, to which Mr. Margalotti stated that was correct.

Councilman Lyons asked if this ordinance, as crafted, does it present the potential applicant a reason to challenge it in court, in the opinion of the Borough Attorney, to which Mr. Margalotti stated this is a hard question to answer because he does not know how an applicant would evaluate the impact of the proposed ordinance on his situation and if Councilman Lyons' question is do the set backs and other requirements of the proposed ordinance allow the operator of the cemetery to find any location in the cemetery property that would accommodate a crematorium facility at least the size of the building that was the subject of the earlier site plan application before the Planning Board, without having to apply for any variances from any of the set back and distance requirements, his answer would be yes. He continued that if you look at the site plan of the entire cemetery property, you can find a location that would satisfy and be in compliance with all of the set back requirements which the proposed ordinance would impose, provided that you were looking at the size of the facility fairly similar to what was proposed to be erected previously.

Councilman Lyons asked in that case, if for whatever reason the cemetery operator does not agree with the ordinance and takes us to court, did Mr. Margalotti think the Borough would have a reasonable chance of this ordinance surviving a court challenge, to which Mr. Margalotti stated he felt we do because we have not drafted an ordinance that would attempt to do through the back door what we cannot do through the front door, namely try to in a backhanded way, prevent him from using a portion of the cemetery for a use which has been declared by law to be an appropriate use of cemetery property. Mr. Margalotti continued that we are not trying to deny him that use, but merely attempting to impose reasonable controls and reasonable regulations on where that facility may be erected, giving due regard and concern to owners of surrounding properties.

Mayor Gemma asked Mr. Margalotti if he thought this ordinance reasonably related to the intended purpose of zoning, to which Mr. Margalotti stated definitely because you have inconsistent uses and you have a cemetery which is a non-conforming use sitting smack in the center of a residential zone, you have proposed various uses in that special exception area, which are totally non-residential in their nature and therefore, he felt it was the obligation of the zoners and the planners to strike a harmonious compromise to make sure that the inconsistent uses are not detrimental to each other and since you have these inconsistent uses here, it is the obligation of the town to impose reasonable controls to allow all legitimate uses to be developed, but not to present a hardship to each other and felt this was a proper subject for zoning control.

Councilman Apruzzi then moved to approve this ordinance on first reading. It was seconded by Councilman Wolfe.

The Clerk called the roll:

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

Councilman Apruzzi then moved to hold the public hearing on this ordinance at the Council meeting scheduled to be held on December 20, 2001 and to advertise same in accordance with law. It was seconded by Councilman Wolfe.

The Clerk called the roll:

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

Councilman Apruzzi advised that the 17th annual holiday tree lighting was held this past Sunday and we had a great crowd with singers from the high school and refreshments at the Port-au-Peck Fire House that were arranged by the Recreation Committee and he thanked the firemen for the use of the house and also to all the residents who attended.

Mayor Gemma noted for the record that Councilman McGann was now in attendance and had arrived at 8:20 p.m.

COUNCILWOMAN GATTA: Councilwoman Gatta noted that this Saturday, December 8th from 9 am to 3 pm our First Aid Squad was conducting their annual holiday bazaar at the Squad Building on Pemberton Ave. and explained that this is one of their major fund raisers that they do and she encouraged all our residents to attend and support the Squad and reminded everyone that the Squad is also selling trees, wreaths and grave blankets at this site.

Councilwoman Gatta reported that in October the First Aid Squad made 44 calls, which equated to 247 man/woman hours.

Councilwoman Gatta advised that at the end of December, our Safe Homes Pledge will be going out to parents in the Borough and this is the 5th year in which the Borough Council, Board of Education, PTO, Police Department and the Alliance to Prevent Alcohol and Drug Abuse asked parents to sign in September a Safe Homes Pledge and by doing so, these parents are stating publicly that they will not allow parties or gatherings in their home when they are not there, that they will not serve or allow any youth under the legal drinking age to consume alcohol in their home or on their property and they will not allow the use of illegal drugs. She continued that when we started this in 1997, they had 193 parents signing the pledge and this year we have 294 parents in just five years and were very encouraged by that number.

Councilwoman Gatta commented that we have received a letter from the Board of Education to participate in their Strategic Planning and three members of the Council will participate in this process in February and they are Councilmen Apruzzi and Wolfe as well as herself and she will keep the Council apprised of what goals come from this planning.

Councilwoman Gatta wished all our residents who are celebrating Hanukah a very happy and blessed holiday.

COUNCILMAN LYONS: Councilman Lyons stated he has been approached by several residents over the last several weeks with regard to concerns related to ComCast Cable from the prospective of the yearly cost of the cable services and the other is the doubt of the survival of the Internet access for many ComCast customers who purchase that service. He stated that there have been articles in the newspapers about both issues and some of the speculation has had the cost increasing by 18%, but as near as he can tell from talking with representatives of ComCast, that is not true and what they are putting out to the residents is an average cost of 5.7% and 1.7% of that is due to their increase in costs in operating their plant and the rest of it is based on the cost of programming.

Councilman Lyons stated with regard to the issue of the Internet service, he commented that there has been speculation in the newspapers about the company who is presently providing Internet access through ComCast and the possibility of some customers having their Internet service cut off as the company goes into Chapter 11, but ComCast has made an arrangement with this company to carry those customers for the next 90 days while ComCast gets its own network together and then takes those customers onto their new network, but there will be new addresses necessary for the e-mail services.

#R-01-70

COUNCILMAN WOLFE: Councilman Wolfe asked the Clerk to read resolution **R-01-70** transferring funds, after which he moved to approve same. It was seconded by Councilman Apruzzi and unanimously approved by Council.

Councilman Wolfe moved to award a bid for the repaving of Port-au-Peck Avenue from Ticonderoga Avenue up past Blackberry Bay Park to Michie Construction, Inc., for a base bid of \$131,106.24, which takes the road work from Ticonderoga to Mohican and Alternate #1A in the amount of \$14,494.37 which goes from Mohican to Serand Ave. subject to the approval of the DOT and to return the bid bonds to the unsuccessful bidders. It was seconded by Councilman McGann and unanimously approved by Council.

Councilman Wolfe commented over the last three years the Borough has received over \$600,000 in grants funded entirely through the State for road improvements in the town and we will be undertaking another program next year on Wardell Circle with another grant we have been notified we will be receiving.

Councilman Wolfe advised that he has a note from Bobby Fiore of Fiore Paving who is our contractor for the past year's road improvement program and there are still several items remaining on the punch list, specifically the one in front of Mr. Briskey's home on Manitto Place and he advises that the work will be done within the next two to three weeks. He continued that the original idea was to have the area milled out, but the patching is more definitive but he is going to have a company come in and use an infra red system which heats the pavement up and allow the contractor to shave the heated material away and reform the roadway so as to provide the proper drainage in that area.

Councilman Wolfe wished everyone a happy holiday.

COUNCILMAN MCGANN: Councilman McGann mentioned that we have received the official notification regarding the grant from the DOT for Wardell Circle in the amount of \$150,000 and we have arranged a meeting of the residents of Wardell Circle for December 13 at 7:30 p.m. here in the meeting room, with our Borough Engineer, Tom Rospos, to discuss the various options and alternatives that this project presents to us as to curing the problems with that roadway.

Councilman McGann stated in regard to the Main Street project there is still some additional work that has to be done concerning the pipe collapse and replacement of the water lines at that location and it is now scheduled to be undertaken no later than January 14, 2002 according to the contractor following a meeting he and Councilman Wolfe had at the Borough Hall about this project.

Councilman McGann wished everyone happy holiday.

COUNCILWOMAN SILKWORTH: Councilwoman Silkworth stated she was pleased to announce tonight that we have a new Bulletin Editor, Beth Henderson and she brings a good background to this position as she has produced a variety of newsletters in her career ranging from Exxon USA to the Pollution Control Financing Authority of Warren County and to the Marlboro Board of Education. She continued that Mrs. Henderson is currently the Director of the JW Ross Cultural Art Center and Library in Sea Bright and felt she will bring a nice perspective to our newsletter and has every expectation to meet the standards that were set by Rosemarie Terra.

Councilwoman Silkworth commented that we owe a great deal of thanks to Ro for doing the Bulletin for over ten years, which means 60 issues of this Community Newsletter went out during her tenure as Editor and we are very thankful and appreciative of her efforts.

Councilman Silkworth wanted to also mention that on December 18th we will be receiving bids for the roofs of the three buildings, Port-au-Peck Chemical Hose Fire House, Borough Hall and Public Works and really don't know what type of money we are talking about at this time as far as what we will be able to address, but we will at least be able to put a plan into motion for future years and incorporate these projects in our capital improvement plan.

Councilwoman Silkworth advised that she will not be at the next regular meeting on December 20th and wanted to wish everyone a very happy holiday and to Councilman Lyons, thanked him for all his time and efforts on behalf of the residents of the Borough.

MAYOR GEMMA: Mayor Gemma advised that everyone on the Council has a memo from our Tax Assessor, Helen Ward, with regard to tax exemption for Block 56, Lot 13 and basically it is an exemption that is due to a property owner by virtue of her status as the surviving spouse of an honorably discharged veteran who became 100% disabled as of April 25, 2000 and the application was made within the time limitation and the Assessor needs a decision from the Council with regard to how to apply the exemption to be the date the application was filed or the date of the disability. Following a brief discussion, it was agreed by the Council to have the exemption go back to the date of the disability.

Councilman Wolfe moved to grant the tax exemption to Nancy Souville, Block 56, Lot 13 for a surviving spouse's tax exemption to the date of the 100% disability declaration, which was April 25, 2000. It was seconded by Councilwoman Silkworth and unanimously approved by Council.

Mayor Gemma advised that earlier we discussed the amended ordinance with regard to the cemetery and the crematorium and commented it incorporated the recommendations made by the Planning Board and there was discussion about changing the set back, but we have left it as it was and that is the extent of what we can do by law. He continued that on November 19, 2001 a bill was introduced by Assemblyman Arnone in the Assembly and a companion bill was introduced in the Senate on November 26, 2001 by Senator Bennett and the bill is an amendment to Title 8A of the NJ State Statutes and says that in addition to other statutory regulatory requirements the Governing Body of a cemetery company shall not build or operate a crematorium without the prior approval of the municipal Governing Body of the municipality in which the crematorium is to be located. The Governing Body shall not issue its approval unless it determines, following a public hearing, that the approval can be granted without substantial detriment to the public good and the municipal Governing Body may be charged a reasonable fee for providing notice of the hearing.

Mayor Gemma explained that this bill would give municipalities the ability to regulate crematoriums but it is not law and has just been introduced in both the Assembly and the Senate and most likely will have to go through various committees. He has, on behalf of the Borough, written to the NJ State League of Municipalities Director, Bill Dressel, indicating that from our perspective, this is an important bill and asked that he support us on this matter of municipal home rule and he has also had conversations with several of our Legislators asking for their support on this matter and get it moving quickly.

Mayor Gemma commented that if this bill is not approved during the current session, it does not get carried over, but would have to be done all over again as new Legislation introduced in January. He stated that without this legislation in place this year we cannot regulate this use and are left with what we did tonight in trying to keep reasonable buffers. He offered his thanks to Senator Bennett for moving quickly on this matter and introducing the legislation as well as to Assemblyman Arnone, but urged the residents to write to their legislators and let them know that this is important legislation for our Borough as well as other towns in similar situations.

Mayor Gemma thanked the Recreation Committee for the tree lighting ceremony and wished everyone a Happy Hanukah.

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

Michael Keats, 17 Maple Ave. commented that he recently spoke with the Mayor advising him of the concerns of his neighbors on Maple Avenue and the surrounding area about a garage on the property of the cemetery that recently had a NJ Natural Gas line installed. Mr. Keats stated that if the cemetery owner attempted to install crematorium equipment in that garage building, the Mayor would take the necessary legal action to prevent that from happening and wanted to know if that was still the case.

Mayor Gemma advised that nothing has changed in that regard and as of this evening we spoke with our Building Inspector and made sure that there was not application pending in his office nor had he approved any application for any operation of a crematorium in that building. He

continued that when our ordinance goes into effect, it will further give us more basis to deny any such application, but as of yet an application has not been made to our building department and if one is made, our building department has 21 days to review and act upon the application and it is our understanding that our Building Inspector feels he does not have the statutory authority to issue such a permit and that site plan approval would be required.

Mr. Keats asked if the cemetery has re-applied to the Planning Board, to which Mayor Gemma stated that nothing has been received as of this date.

Mr. Keats asked if there is any way to expedite the adoption of this ordinance, to which Mayor Gemma replied that the adoption of the ordinance is pursuant to statutory requirements and we have followed the procedures to the letter of the law in order to make sure that it cannot be challenged because of that.

Mr. Keats thanked the Council for their actions earlier regarding the widow of the disabled veteran.

Sal Vecchione, Woodbine Way stated that Senator Palaia, without knowing what was in Assemblyman Arnone's bill, commented that what we need is a law with some teeth. He commented that if this bill should die in December, since they most likely wouldn't have a special session, then it would then be re-introduced in January. He asked Mayor Gemma if he would object, if in January, Senator Palaia, Assemblyman Arnone and some other legislators actually put in a law with teeth that actually knocked out a crematorium in a residential neighborhood.

Mayor Gemma responded that he would not object, but pointed out that he wants a law introduced that from our perspective is better for the Borough of Oceanport and also would want a law that is going to be passed.

Mr. Vecchione suggested that the Council further review some of the sections of the zoning amendment with regard to clusters in that it does not mention when a cluster ends and when it begins, but it says that the clusters must be 450 feet apart and he advised that no one on the Planning Board could answer the questions raised by the public on this issue. He continued that if you have three mausoleums and they are a cluster and then you begin a new building, you have 450 feet between the clusters.

Mayor Gemma stated the intent on clusters was not to have the units too close to each other, however, it was also the concern of the Council to get an ordinance passed sooner rather than later and if it is going to take some further amending that's okay, but he wants to get this ordinance adopted because if we don't have this in place, then we don't have any standards at all including the setback standards.

Stu Briskey, 46 Werah Place reported potholes in the area of 275 Port-au-Peck Avenue at the last meeting and they are still not fixed and asked what the status of the situation is presently.

Councilman Wolfe first thanked Mr. Briskey for his comments with regard to the inlet and he brought this up with Mr. Crochet the following day about the safety issue and it was addressed the next day. He and Mr. Crochet went out and looked at the pot holes in the vicinity of 275 Port-au-Peck Ave. and those are not easily filled with cold patch and the plan is to go in there and use hot

patch, using a roller and dig out the area to make a larger opening in order for the patch to better hold and we need to just get an opportunity to get the hot patch.

Mr. Briskey commented that he was not able to attend the last meeting at the Port-au-Peck Firehouse but he advised Mayor Gemma that he is very disappointed in his final decision on going against the volunteers in regard to the exemption of fees and felt the Mayor has over stepped his bounds on the original intent of that ordinance and especially in view of the September 11th crisis.

Mrs. Mary Kinslow, 23 Locust Ave., West Long Branch stated at the last meeting the Mayor promised that he would think about passing a resolution from the town's point of view opposing the crematorium for health concerns and asked if that was discussed at the work shop meeting, to which Mayor Gemma stated it was not discussed and felt that the resolution would be changed in that it should not oppose the crematorium, but supporting legislation regarding this type of facility.

Mrs. Kinslow asked what would happen if an application is filed for the barn and we have no resolution on file, to which Mayor Gemma explained that the resolution would not prohibit this from happening and is not a law.

Mrs. Kinslow asked if anyone appealed the NJ Air Pollution permit dated January 3rd from the town, to which Mayor Gemma stated we did not try to appeal that permit because there is a 45 day time limit when an appeal can be filed and we were not even aware that the permit had been issued. Mrs. Kinslow stated she brought this up because when she spoke with the DEP she was informed that even though it states 45 days, you can write an appeal and felt that something could still be sent, to which the Mayor stated that if the applicant does file again, we will consider this action.

Mrs. Kinslow stated the wording read earlier by Mayor Gemma is presently contained in the Cemetery Act and she is a bit confused since the detailed plans and specifications have to be approved by the town to which the Mayor explained that they have to go for site plan approval, but we have no ability to control use, so the Legislation discussed earlier goes to the heart of the ability to control use and the real issue is not where it goes, but whether it is appropriate to go at all.

Mr. Margalotti pointed out a section that Mrs. Kinslow read, states the plans must be certified by the State with the municipality, so the State has the exclusive jurisdiction to review the plans and specifications for this type of a facility and once they are reviewed and approved by the State, a copy is filed in the municipality.

Mrs. Kinslow addressed the two applications that the President of Woodbine Cemetery put into the DEP, the general permit and the letter of interpretation with regard to the statement made at the last meeting stating that these were withdrawn, but in speaking with the DEP today, she was informed that they are still pending before that body and there is time for the Mayor and Council to put in a written response and Mayor Gemma commented that we had discussed this matter with our Borough Engineer and the response to the DEP from his office is that there have been reported findings of endangered species on the property and therefore, in our opinion, if they truly are endangered species, that any transition areas should be of exceptional resource value.

Mrs. Kinslow commented that the ordinance the Borough wants to adopt says 50 feet on top of that buffer and if you put this ordinance through and it pushes them away from the area, would you not be setting the town up for some type of suit, to which Mayor Gemma stated that is why they

amended the ordinance took out transition area because if the DEP comes back with the 150 feet because of endangered species, it is out of our hands.

Councilman McGann brought up the fact that there is also a new requirement that a structure must be 20 feet from the buffer line, which is another DEP requirement and something they must comply with.

Mrs. Kinslow stated the ordinance states that the emissions will be tested on a quarterly basis and asked if someone in town has that expertise and equipment to perform these tests, to which Mr. Margalotti stated it would not be up to the town, but up to the operator of the facility to obtain the appropriate testing and to submit the results to the town on a quarterly basis.

Councilman Lyons asked if anyone knows at which range from the source of emission the testing is done, to which the Mayor explained that there are standards for the testing and the DEP has set certain standards as to the amount of effluent at so much of a range and testing would be to insure that the standards set by the DEP are within the limitations.

Mrs. Kinslow disagreed stating that as far as she knew, although she was not an expert, there is no standard operating procedure to warrant the input of what goes in the chamber and volatile organic compounds that are listed in the air pollution permit do not carry mercury as going in as a volatile organic compound so it won't be monitored. Mayor Gemma stated that the ordinance amended this evening specifically talks about mercury and the EPA standards, so we are trying to be as specific as possible using standards that are defensible standards that we can utilize.

Mrs. Kinslow asked if anyone has ever asked what the average mercury filling that they base their impact on, to which Mayor Gemma stated all we can do is look at the standards that are set and we cannot create new ones, because that would be beyond our scope. Mrs. Kinslow asked if the Mayor knew what the impact area is, to which Mayor Gemma responded stating that the permit talks about two things: about particulate pursuant to the DEP permit as well as mercury levels pursuant to the EPA levels and those are the standards they use and we have to try as much as we can to utilize those standards.

Councilman Lyons stated that his concern was that if we find out the range and he is speaking of the distance, which might be 75 feet and test at 75 feet and find it to be satisfactory, then at 175 feet and it is also satisfactory, that then raises the entire issue of buffers and distance and everything else as far as the satisfactory and this ordinance enshrines the possibility that the crematorium can be operated satisfactorily because we are testing against satisfactory operation and that range becomes very critical for the Borough.

Mayor Gemma responded that until there are other opportunities for us to regulate use, this is the best we can do in this situation.

Rosemary Conte, 15 Maple Ave. stated that the cemetery brought in the high pressured gas line into the property and she understood from the Construction Official, Mr. Joyce, that they were only putting in heating units in those two buildings and asked if there was any reason they needed to have a high pressure gas line installed, to which Mayor Gemma stated there is no reason, but we do not have the ability to control that installation.

Councilman McGann asked the Attorney if the Borough can stop the issuance of a permit for a gas line, to which Mr. Margalotti stated you cannot do that when it is being installed in a public street.

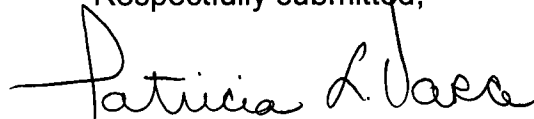
Mrs. Conte stated when she called Kiely Construction Company when they were planning to do this project, since the NJ Natural Gas Company knew nothing about this installation, she was told it was for the installation for a new business and asked if anyone knew anything about the new business, to which the Mayor stated he knew nothing about an application being made for any new use for that property.

As no one else from the public wished to be heard, Mayor Gemma closed the public portion of the meeting.

Councilman Wolfe moved to approve the vouchers on the Bill List dated December 6, 2001. It was seconded by Councilman McGann and unanimously approved by Council. TOTAL CAPITAL \$14,565.48. TOTAL DOG REGISTRY \$9.60. TOTAL RECREATION TRUST \$1,990.00. 2001 VOUCHERS PAID \$144,852.79. TOTAL 2001 VOUCHERS PAID THIS MEETING \$612,401.32. TOTAL 2001 VOUCHERS \$757,254.11. (SEE BILL LIST)

At 9:07 p.m. Councilwoman Silkworth moved to adjourn this meeting until the next regular meeting scheduled to be held on December 20, 2001 at 8:00 P.M. It was seconded by Councilman Wolfe and unanimously approved by Council.

Respectfully submitted,



PATRICIA L. VARCA
BOROUGH CLERK