

SP Council to Consider Fee For Large OPRA Requests

By FRED T. ROSSI
Specially Written for The Scotch Plains-Fanwood Times

SCOTCH PLAINS – The township council said it would further discuss a proposed ordinance to charge fees to individuals or media organizations filing document requests under the Open Public Records Act (OPRA) if complying with those requests involves “an excessive amount of time” for township employees.

Township Attorney Brian Levine told the council at its conference meeting on Tuesday that the state’s OPRA statute, enacted in 2002, allows municipalities to require payment of what the statute calls “a special-service charge” for locating, assembling and photocopying a large amount of documents.

Noting the increasing number of OPRA requests being received, Mr. Levine said some requests take township employees so much time to gather the required documents that it takes them away from their regular jobs.

He recommended that the township utilize the special-service charge for any OPRA request taking more than 20 minutes to fill, with the requesting party being charged \$100 per hour for the time expended by township employees.

Council members discussed some of the details of how such an ordinance would be implemented, including how the time necessary to fill a request would be estimated so the requesting party would know how much the charge would be and could decide whether the proposed \$100-per-hour fee would be too excessive.

Mayor Martin Marks asked Mr. Levine to contact other area municipalities that have enacted a similar ordinance to see how it has worked and to report to the council so that it could hold further discussions.

In other business, the council agreed to secure the services of City Connections LLC to develop and manage the township’s website. In January, company president Morris Eneyart spoke to the council about his firm, which has developed and manages several dozen municipal websites in New Jersey, and its services.

The township’s technology advisory committee met recently to discuss the proposal and, according to Councilman Kevin Glover, agreed that the township should secure the services of City Connections.

Township Manager Thomas Atkins said a formal contract, which calls for City Connections to be paid \$7,000 for the first year, cannot be signed until the township’s 2007 municipal budget is introduced, either later this month or early in April.

Officials anticipate that the township’s revamped website could be operational within six months.

At next Tuesday’s regular meeting, eight members of the Scotch Plains-Fanwood High School DECA program will sit in for the mayor and council, as well as the township manager, township attorney and township clerk and, as they do every year, act as the governing body by running the meeting, casting votes, making announcements and discussing pending matters.



Wayne Baker for The Scotch Plains-Fanwood Times
SAND BOTTLES...Costumed children make sand art at Sunday's Purim Carnival at the Jewish Community Center in Scotch Plains. In addition to crafts, the carnival included arcade-style games, face painting and inflatable rides. Purim, one of Judaism's most festive holidays, centers around the reading of the biblical book of Esther.

Board of Ed. Budget Meeting

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eliminating ROTC completely, slowly phasing out German, beginning with no German offered next year to fifth and sixth graders, eliminating one music position, which would mean fewer music classes district-wide, redefining the substance-abuse counselor position as half-time, cutting one teacher/supervisor position and dropping two clerical positions. These staff positions are all current positions.

In addition to trimming current staff, Mr. DeSordi recommended that instead of adding nine new staff members, the board forgo three new positions and add six academic staff members. The three lost positions would include two high-school teachers and one middle-school teacher.

At the beginning of his presentation, Mr. DeSordi cited four issues that impact the need to trim the school district budget. He said the new surplus restriction based on S-1701 legislation passed last year caused the school to return \$800,000 to the property-tax returns. School districts used to be allowed a 3-percent surplus, he said. The changes dropped the surplus to 2-percent.

Next, he cited this year’s A-1 legislation changes from Trenton. The legislation changed the enrollment-adjustment formula, which Mr. DeSordi said resulted in the district receiving about \$1.3 million less from the state. The district also lost “the ability to save for a rainy day,” he said, because A-1 legislation eliminated school districts’ banked cap.

Labor settlements are the third factor impacting the budget, he said. Contracts mandating increases in salaries and fringe benefits propel operating expenses beyond revenue under the 4-percent cap, according to Mr. DeSordi.

He pointed to property-tax relief, noting that the new 4-percent property-tax cap faced by municipalities means schools receive less money.

“Everyone I talk to seems to be struggling to cut \$500,000 to \$800,000,” he said, referring to administrators in other school districts.

Planning Bd.

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ronment,” which consists of residences on the other side of North Avenue and a Knights of Columbus building adjacent to the restaurant property.

Board member Tim Livolsi asked whether, “from an architectural standpoint, does it belong in a residential zone?” Mr. Livolsi characterized the exterior design as “contemporary,” while Mr. Lauro said he preferred “classical,” saying he didn’t feel it would be “detrimental to the area.”

Mr. Fawcett said the proposed building had a “strip-mall appearance,” adding that “we’re a little overwhelmed” by what he termed a “generic” plan. The proposed design, he said, shows “no indication or nod to what was there before.” Board member Chris Abeel called the design “a far departure” from the previous building, which had “much more of a neighborhood feel.”

Ray Chmiel, vice president for construction with Charlie Brown’s, said the company had spent the past two years coming up with new designs for its restaurants and that the Scotch Plains site would be the first to encompass the new exterior look (photographs are online at charliebrowns.com).

“We’re proud of this and proud to bring this to Scotch Plains first,” he said. Mr. Chmiel said his goal is to reopen for Labor Day.

After board members expressed reservations, they agreed to allow the company to do some preliminary engineering and foundation work at the site, but asked for new designs for the building’s exterior. Mr. Lauro agreed, and asked if he could consult with board members about possible revisions prior to their submittal at the board’s Thursday, April 5, meeting.



David B. Corbin for The Scotch Plains-Fanwood Times
ANCHORMAN...MSG Network host and Mountainside resident John Giannone, center, speaks with Scotch Plains-Fanwood Times reporter Linda Condriello, left, and Arts & Entertainment editor Mike Pollack about covering the New York Rangers and getting involved in Mountainside sports. Watch Mr. Giannone’s interview at the Times office last Friday at goleader.com/video.

Marks, Glover Clash

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said the state Department of Community Affairs (DCA), which regulates municipal budgets, does not permit municipalities to anticipate a level such as the \$100,000 figure because, for one, the facility is a new operation and has no track record upon which to base such a projection.

The mayor said Mr. Glover — by writing the March 1 letter, which the mayor said contained “misrepresentations, mischaracterizations and lies” — had “alienated your fellow council members, the management of the township and the volunteers” on the township recreation commission.

Mrs. Malool told Mr. Glover his letter to the newspapers last week had “misrepresented the revenue figures.”

Mr. Marks accused Mr. Glover of not understanding DCA regulations, saying that a municipal-budget process is “complicated” and takes time for newcomers to the township council to understand.

When the mayor told him that “our trust level (with you) isn’t quite there yet,” Mr. Glover responded by saying he felt the same way about the mayor.

The mayor repeated his statement about Mr. Glover “alienating” the township staff and volunteers. “That is not the way to be a council member,” Mr. Glover retorted by saying he knew of certain township employees whom the mayor had alienated.

Mayor Marks said the “appropriate place to have those conversations (about the golf facilities) is right here” with members of the council. “If you want to be confrontational, do it here, not through the papers.” He said Mr. Glover’s letters “don’t lend to (a sense of) teamwork; they don’t help the team.”

When the mayor again urged him to discuss matters with the council “face-to-face” instead of through the newspapers, Mr. Glover recalled the mayor’s characterization last year of state legislators as “gutless” when it came to property-tax reform and told the mayor, “I am not gutless.”

Mr. Glover said he had “no agenda here,” except a desire to see the operating numbers at the two golf facilities. At one point during the argument, when Dick Samuel, the Democratic campaign manager last fall, tried to speak, Mrs. Malool told him the public was not permitted to speak at budget meetings. The mayor then handed sheets of blank paper to Mr. Samuel and told him that if he had something to say, “write another letter to the newspaper and (Mr. Glover) can sign it.”

While budget meetings in recent years have been events largely unattended by the public, Mr. Samuel has attended each of the council’s budget meetings this year and has written letters to local newspapers in support of Mr. Glover’s actions on the council.

Former Democratic council candidate Barbara Baldassarre and former council candidate Phil Wiener, who served as treasurer for the Democratic campaign in 2006, have also attended budget meetings.

BOE Race

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The candidate holds a bachelor’s degree from Johns Hopkins University and a doctoral degree in neuroscience from the State University of New York. He has been a faculty member at the Downstate Medical School in Brooklyn for 25 years, where he teaches neuroscience to first-year medical students.

He moved to Scotch Plains from Brooklyn in 1992. He and his wife, a dance teacher, have a daughter who is in 10th grade at SPFH.

Fanwood resident Ron O’Connor, an incumbent who is not opposed for re-election, said he was running “to help represent the interests of Fanwood residents, taxpayers and our students. I have seen firsthand through my children the benefits of having a great school system.”

“There are many challenges that will be faced in the coming three years. I would like to be part of helping the Scotch Plains-Fanwood school system define its tradition of educational excellence,” he said.

POLICE BLOTTER

Fanwood

Monday, February 26, a business located in the 300 block of North Avenue reported that it was issued bad checks from a Westfield resident.

Tuesday, February 27, a gas station in the 100 block of South Avenue and another located in the 300 block of South Avenue both reported that a customer paid for gas with a counterfeit \$20 and a counterfeit \$50 bill.

Friday, March 2, in the early morning hours, residents on Laurel Place, Byron Lane and South Avenue reported that their basements were flooded due to the heavy volume of rain.

Saturday, March 3, James H. Gordon, 38, of Plainfield was arrested and charged with DWI following a motor vehicle stop on South Avenue. According to police, a subsequent investigation revealed outstanding warrants out of Irvington and Maplewood, as well as a not-bail warrant issued by the Union County Sheriff’s Department. He was processed and released to the Union County Sheriff’s Department.

Monday, March 5, an abandoned stolen vehicle was recovered in the 50 block of Cray Terrace. The vehicle was stripped before being abandoned, police said.

Lieutenant Richard Trigo warned residents of a recent trend in car thefts in which suspects strip the vehicle in one location and then tow it using either rope or chain to a dumping location. Anyone who witnesses an incident of a car being towed by anything other than a tow truck is asked to contact police immediately.

Scotch Plains

Wednesday, February 28, Tyler Smith, 21, of Plainfield was arrested following a motor vehicle stop for an outstanding Scotch Plains warrant.

Saturday, March 3, a resident of Forest Road reported that someone scratched the side door of his vehicle while it was parked in the driveway.

Sunday, March 4, a Piscataway resident visiting a resident on O’Donnell Avenue reported that someone removed several gift cards from her bag. The cards were valued at \$450, police said.

Sunday, March 4, a resident of Westfield Avenue reported that someone broke the side window of his vehicle with a rock.

Sunday, March 4, a Country Club Lane resident reported that someone removed several CDs from her unlocked vehicle. The value of the CDs was \$40, police said.

Sunday, March 4, Christian Cook, 39, of Watchung was arrested following a motor vehicle stop for an outstanding warrant out of Somerset County. He was processed and turned over to the Somerset County Police.

Westfield

Friday, February 23, Jeffrey N. Littman, 18, of Westfield was arrested on the 700 block of Central Avenue, for alleged unlawful possession of alcohol by an underage person. He later was released with a summons.

Saturday, February 24, James A. Caldora, 62, of Westfield posted \$120 at Westfield police headquarters on a traffic warrant issued by the Union Municipal

Court

Monday, February 26, Sharly Azard, 22, of Scotch Plains was arrested during a motor vehicle stop on the 600 block of West South Avenue on an outstanding Westfield traffic warrant for \$150. Azard was released after posting bail.

Wednesday, February 28, Brianna Nieves, 20, of North Plainfield was arrested during a motor vehicle stop at Raritan Road and Lake Avenue in Scotch Plains and charged with hindering apprehension. Nieves allegedly twice gave police a false name and date of birth. She was released with a summons.

Thursday, March 1, Jorge Mena-Pilco, 22, of Plainfield was arrested for contempt of court on a traffic warrant for \$283 issued by the Perth Amboy Municipal Court. The arrest occurred during a motor vehicle stop in the 200 block of South Avenue, East Mena-Pilco was released after posting bail.

Thursday, March 1, an incident of credit card fraud was reported in the 200 block of East Broad Street. The victim reported that improper charges were made to her ATM card in the amount of \$2,829.93.

Friday, March 2, Francesca Albano, 19, of Scotch Plains was arrested on an outstanding Scotch Plains traffic warrant following a motor vehicle stop at East Broad Street and West North Avenue. Albano was released after posting \$145 bail.

Friday, March 2, a resident of the 200 block of Walnut Street reported the gas hatch and cap on her motor vehicle were damaged through an act of criminal mischief while the vehicle was parked outside of her home.

Friday, March 2, a Mountain Avenue resident reported that a storm window on his home was damaged through criminal mischief and that a porcelain and gold metal address plate was taken from the front of his house.

Friday, March 2, a Kimball Avenue resident reported the theft of the driver’s side mirror from his motor vehicle while the vehicle was parked in the roadway in front of his house.

Saturday, March 3, Constance Licato, 68, of Maplewood was arrested on an outstanding traffic warrant issued by the Union Township Municipal Court with a bail amount of \$400 following a motor vehicle stop at West North Avenue and Clark Street. Licato was transported and turned over to the Union Police Department.

Saturday, March 3, a Kimball Avenue resident reported that someone struck her motor vehicle with an egg near the intersection of North Chestnut Street and Mountain Avenue.

Saturday, March 3, following a motor-vehicle accident investigation on the 700 block of Rahway Avenue, Walter T. Allen, 45, of Westfield was arrested for allegedly driving while intoxicated (DWI). No injuries were reported. Allen was released to a responsible individual.

Sunday, March 4, Rodney Watson, 51, of Westfield was arrested for alleged DWI following a motor vehicle stop at Central Avenue and Grove Street. He was released to a responsible individual.

Fanwood Council

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mandated pension, sewerage and other expenses, but said, “Until the state comes up with a better system, I guess we’re stuck with it.”

Borough officials plan to amend the introduced budget once a decision on state aid is made in late June or early July. The mayor and council plan to hold a final public hearing on July 10.

Following the special budget meeting, the governing body held its monthly agenda meeting.

Planning board chairman Greg Cummings and consultant Paul Ricci conducted a presentation on a proposed “oversized-home” ordinance. Mr. Cummings said the borough researched the measure for the past year, and the planning board has approved it.

He said the borough would like to take “a three-step approach” when permitting renovations or new home construction. “It’s all about proportionality,” he said. “You have to look at the broader picture.”

Mr. Cummings said the proposed ordinance would reduce the construction height limit by about three feet,

limit lot coverage and increase side-yard setbacks for smaller or narrower properties to make sure they conform to neighboring properties.

“Other than taxes, this is one of the most burning issues in Fanwood,” Ms. Mitchell said.

Mr. Higgins said the measure “makes tremendous sense.”

Borough engineer Joe Pryor said the borough is working with the county’s public works department to “relieve gridlock” at Martine and South Avenues.

He said officials hope to “adjust the timing” of the red lights to allow more time for the busy intersection to clear before changing to green. He said the county would provide traffic and other analysis.

Also, Tuesday night, Ms. Dolce led a discussion about parking restrictions proposed by Scotch Plains in the vicinity of Scotch Plains-Fanwood High School. She said the issue would be on the agenda at the municipal shared-services committee’s March 16 meeting.

Ms. Dolce said Scotch Plains officials made “no attempt to bring all parties to the table” in considering the measure, saying, “Fanwood did not know what Scotch Plains was doing.” She suggested forming a task group, including residents, to consider the issue “in a holistic way.”

The Scotch Plains measure calls for permit parking from 9 a.m. until 2 p.m. on multiple streets near the high school.

“Whatever comes out of [the March 16 shared-services committee] meeting will be a sign of where we’re going on this,” Mayor Mahr said.

In other business, borough officials said the contractor on the LaGrande Park project (Dumort Contracting), despite recent weather-related delays, is working to complete the job.

“Frustrated” borough officials previously suggested possible legal action against the contractor and its bonding company in order to get the delayed project done, but Mr. Pryor predicted that would not be required.

Mr. Pryor said the contractor plans to add another layer of infield dirt, level the outfield and install foul poles in time for the start of the spring sports season.

However, he said, there are “some concerns about the visual impact of the irrigation pump” for the park’s new ballfield. He said because local residents have voiced “some objections,” officials are looking at “feasible alternatives.”

Mayor Mahr said she expects county-grant-funded benches, bases and bleachers to be ordered and installed at the park by opening day.

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