



Horace Corbin for The Westfield Leader and The Times

**LITTANY OF NITTANY...** Penn State University students visited Westfield last weekend to raise money for THON, benefiting children with cancer and their families. THON is held at Penn State on February 22 to 24. For more information, see THON.org. Pictured, left to right, are: Jana Goldfarb of Westfield, Tiffany Glab of State College, PA, Jessica Hartley of Lindenhurst, N.Y., Alexandra Caraballo of Miami, Fla., and Marisa Pollack of Marlboro.

## SP Mayor Vows to Enact SID Ordinance This Year

By FRED T. ROSSI  
Specially Written for The Westfield Leader

SCOTCH PLAINS — Mayor Martin Marks said Monday that the Scotch Plains township council this spring would enact an ordinance establishing a special improvement district (SID), not only in the downtown business district, but also along Route 22.

Nearly four years after the council defeated a similar ordinance in the face of vocal opposition from business and property owners, the mayor and Deputy Mayor Nancy Malool led a meeting on Monday night for downtown business and property owners to again discuss the operations and advantages of a SID.

Calling his 2004 vote against the SID ordinance "one of my biggest regrets," the mayor said that in the years since that vote, "there hasn't been a lot of change" in the downtown.

"Having a successful business district is an asset to the entire community," he said, and called the downtown in its present condition "somewhat of a drag on the community."

In 2003 and 2004, prior to the council's formal consideration of the SID ordinance, a steering committee of business and property owners and several residents crafted the details of operating a SID, established its priorities and planned how to assess property owners.

With those basic outlines in place, the mayor told the group, of about 45 attendees, at Scotch Hills Country Club that "a SID will be established in Scotch Plains by the township council" by June. He called on opponents to "acknowledge that reality and then work with it to make it work best for you."

The mayor cautioned that the matter could become a political issue in a year when township voters will re-elect a mayor and a council member.

"If this gets mired in politics, it doesn't bother me. I believe it's the right thing to do for Scotch Plains," Mayor Marks said.

Both Mayor Marks and Deputy Mayor Malool said a new ordinance would contain most of the provisions of the 2004 ordinance, although some minor changes could be made by a new steering committee that will be formed in the next few weeks.

"But we're not going to reinvent the wheel," Ms. Malool said. She said she plans to hold three or four meetings in the next month so that the new steering committee can examine the 2004 plans and make any small changes.

In a brief presentation, Ms. Malool outlined some of the benefits of a SID, including an increased customer base, improved advertising and promotions, access to grants, and recruitment of new businesses. The SID would be managed by a non-profit corporation, which would hire a professional manager to primarily promote downtown Scotch Plains, as well as, conduct business recruitment and retention.

Its annual budget would be funded via a six-tiered flat rate formula, in which properties valued up to \$100,000 would pay an annual assessment of \$250; properties between \$100,001 and \$200,000 would pay \$550; those valued between \$200,001 and \$300,000 would pay \$800; properties between \$300,001 and \$750,000 would pay \$1,250; those valued between \$750,001 and \$2 million would pay \$1,500; and properties valued above \$2 million would pay \$2,000 annually.

It's expected that the initial operating budget would be larger than what was anticipated four years ago due to the additional businesses along Route 22 included in this year's SID ordinance, Ms. Malool said.

## Cell Tower

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towers in order to provide seamless coverage.

He also said that of the four cell-phone-carrier providers that would have cell coverage on the monopole, only two operate on 800 MHz.

Mr. Pierson also said, in his opinion, that if this tower application were approved, the applicant would require a second tower in Cranford to gain seamless coverage.

However, so far, the coverage maps supplied by the cell carriers shown in the subsequent meetings do not depict coverage of 800-MHz frequencies, as confirmed by Mr. Pierson.

The hearing will continue on Monday, March 10. Mr. Meese is expected to present one or two of his witnesses. Mr. Schmidt will have his chance to present witnesses at a later date.

## SP Police Officer Delivers Baby in Back Seat of Car

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

SCOTCH PLAINS — One of Scotch Plains Township's newest residents arrived last week in a most unconventional setting, delivered in the middle of a freezing night by a township police officer in a makeshift delivery room — the back seat of a car.

The baby boy was delivered by Police Officer Brian Cheney early last Tuesday morning after a 911 call, placed at 3:30 a.m., alerted police that a pregnant woman had gone into labor at the Country Club Village apartments on Country Club Lane.

"My shift had ended and I was finishing my paperwork in the car," Officer Cheney told *The Westfield Leader*. "I heard the call and said I would go down there."

When Officer Cheney arrived, he was flagged down in the parking lot by the expectant father, who led him to his wife in the back seat of their car.

Fellow officers Edward Budzinski and Stan Pearson arrived immediately to assist Officer Cheney, who had observed that the baby's head was already crowning, signaling an imminent delivery.

"I was standing outside the only open door," he said, "barking out things I needed" to Officers Budzinski

and Pearson.

Besides the car's interior dome light, the only other illumination during the birth was from Officer Pearson's own flashlight.

With the temperature in the mid-teens, Officer Cheney said he had little conversation with the expectant parents during the delivery, except telling the father to start the car and turn on the heat.

"I wasn't nervous," said Officer Cheney, who had delivered babies before while on duty, most recently about seven years ago. "I didn't even realize how cold it was until after the baby was born and I started shaking."

He said his biggest concern was that "the baby was all right" and that there were no complications.

The baby boy was born less than 10 minutes after Officer Cheney's arrival at the scene. The baby was eventually transported to JFK Hospital in Edison.

Officer Cheney said while they awaited the arrival of rescue squad personnel, the newborn had its umbilical cord clamped, was wrapped in sheets and blankets, and was given oxygen by mouth.

He said doctors at the hospital asked him to come in to sign the baby's birth certificate as "attending physician."

## Special-Education Budget

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student counts. "We don't know who will come. We don't know who will leave," Mr. Kozlik said.

Business Administrator Robert Berman concurred, stating some special-education students graduate, voluntarily leave the program or turn 21. "We can't budget for contingencies," he said. "The regulations don't allow us to do that."

New Jersey has one of the highest concentrations of autistic-type students in the nation, with a majority coming from Bergen, Morris, Ocean and Union Counties, according to Mr. Kozlik.

In this regard, the board approved out-of-district placement for two students, the cost totaling \$90,744. The board then approved the transfer of \$80,288 from the unreserved fund balance of the extraordinary aid to the 2007-2008 budget to cover this unforeseen cost.

Officials said that another unpredicted cost that occurred in the 2007-2008 school year was the placement of a child in a residential service, typically a facility where the child lives and receives constant supervision. This 2007-

2008-budget line increased \$134,362, which carried over to the 2008-2009 budget.

Board member Anne Riegel said the state deadline to submit a tentative BOE budget is February 15. She said the board could make adjustments afterward. "We know this is going to be a tough budget to put together," she said. "This is probably one of the toughest budgets we have ever presented to the public."

The board will discuss the general-education section of the budget at its Tuesday, February 5, meeting.

Board member Richard Solomon said the school district is working on a solution to get the Westfield High School television station aired on Verizon FiOS.

"Verizon has made it clear that they don't want to work with us on this," he said. He said he believes if a Verizon FiOS high-speed Internet connection is installed at the high school, the signal from the station would most likely get through to the cable connection. He said officials are looking into the costs for Verizon FiOS.

## Elizabeth Family Faces Jail for Bilking WF Man

WESTFIELD — Three members of one family are facing jail time for their part in bilking Westfield's Stephen Bogart, 89, out of his life savings.

Janet Garcia, 53, her son Richard Garcia, 26, and Lucia Heinz, 23, Richard's girlfriend, pled guilty to charges last Friday in front of State Superior Court Judge Stuart Peim and are each expected to be sentenced to three years in state prison, according to the Union County Prosecutor's Office. The defendants all reside on Pennington Street in Elizabeth.

According to Union County Assistant Prosecutor Ann Rubin, Mr. Bogart was a customer of Richard Garcia, a barber and current owner of Jersey Cutz Barber Shop on South Avenue in Westfield.

"During the spring of 2006, Richard befriended the elderly man and offered to run errands for him," Ms. Rubin said.

"Mr. Bogart's sight was failing and Garcia took on the responsibility of paying Bogart's bills. Richard would write the checks and Bogart would sign them. Since Mr. Bogart was legally blind, he didn't realize that he was signing checks made out to Richard Garcia, Lucia Heinz and to 'cash.' Garcia deposited those checks in his joint account with Heinz. Eventually, Garcia got an ATM card on Bogart's account and was able to take cash at will."

Ms. Rubin said that Janet Garcia, Richard's mother, got involved in March of 2007.

"Janet was able to convince Mr. Bogart to give her power of attorney over his affairs," Ms. Rubin said. "Within a week Janet had transferred \$225,000 to Richard's account and \$11,000 to her own (account). Basically, they cleaned out Mr. Bogart's accounts."

According to the prosecutor's office, the thefts first came to light in February 2007, when Helen Rentoulis, owner of Vicki's Diner in Westfield, noticed that Mr. Bogart had stopped coming into the diner for his customary two meals a day.

She also recalled that when Richard Garcia once accompanied Mr. Bogart to the diner, Mr. Bogart had mentioned that Garcia was "helping him with his bills." Ms. Rentoulis then called the police.

Westfield Detective James McCullough began the investigation that uncovered the sting.

"Mr. Bogart had no idea that money had been removed from his accounts" Detective McCullough said.

Police said a search warrant for Mr. Garcia's home turned up bank documents belonging to the Garcia's and to Mr. Bogart, as well as Mr. Bogart's wallet and personal jewelry. A legal guardian was appointed for Mr. Bogart as a result of the investigation.

Mr. Bogart is a lifelong resident of Westfield and even served as the town's tax collector at one point.

Janet Garcia pled guilty to conspiracy to commit theft. Richard Garcia and Heinz pled guilty to two counts of theft. Janet's daughter, Jacqueline Garcia, was also implicated in the crimes. She will have to forfeit her position as a dispatcher for the Elizabeth Fire Department and will be barred from public employment for life, authorities said.

Union County Prosecutor Ted Romankow praised Ms. Rentoulis. "This abuse might never have come to light if not for the efforts of this private citizen. I can't stress enough how important it is that we, as a community, look out for our elderly citizens."

Sentencing is scheduled for Thursday, April 4. The defendants must repay \$120,000 before sentencing. Some of the money was already recovered, authorities said.



Courtesy of Barbara Uhr  
**BIRD WATCHING...** A Westfield resident spotted a white-tailed hawk on her Willow Grove property on Sunday afternoon.

## Land Use Taskforce Report

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line.

Mr. Heinbokel said the intent is to "enhance the visual appeal of structures by requiring surface variation," thereby "minimizing the monolithic look of excessively large walls."

Mr. Heinbokel called this measure "one of the more important elements" of the taskforce's report.

Deeming the town's Floor Area Ratio (FAR) "an area of great controversy," Mr. Heinbokel said the taskforce worked to simplify FAR, which takes into account the "volume of living space that covers a lot." FAR did not count unheated two- and three-car attached garages or unheated attic space, which "inflates the bulk of a structure."

The group worked to eliminate the various exemptions and rework FAR to measure the exterior, not interior, structure walls.

The group also "redefined" the maximum number of stories, currently set at three. The group decided to reduce the permitted number of stories to "2.5" in all residential zones. The "half-story," by new definition, would have a floor area less than or equal to one-third of the gross floor area of the floor below.

Also, under new definitions, a basement would be considered a story if it is more than four feet above the average grade elevation, among other classifications. The taskforce arrived at the decision in an attempt to "control excessive foundation heights," a continuing problem.

The taskforce identified the elimination of garages as a "growing trend" in town. This practice allows homeowners to utilize the lot coverage attributable to detached garages to add on to the prin-

cipal living structure. Because of its "concern" over the matter, the taskforce proposed requiring garages in all residential zones — minimum one-car garages in the RS-6 and 8 zones, and two-car garages in all others.

Because Land Use Law specifically grants "exclusive authority" to the planning board and board of adjustment in planning and zoning matters, the role of the architectural review board had been rendered "advisory" in capacity. However, the taskforce recommended the board expand its role to allow for the voluntary review of all submitted building plans. The board would make recommendations for design changes to help encourage building proportions that are compatible with the surrounding neighborhood.

At the presentation's end, Mr. Foerst said the committee "hit a homerun."

When Second Ward Councilwoman JoAnn Neylan asked if the town would "see a [visible] difference" after implementing the findings, Mr. Foerst said the "goal is not to know." In explaining his response, he said ideally, "You would have construction and never notice it... You're not going to see these problems anymore."

Mr. Heinbokel said the project "took a lot longer than we thought it would." While he said the recommendations are not "perfect," he said they are not "overreaching."

"I think it's tough enough," he concluded. Mr. Heinbokel will conduct a similar presentation at next Tuesday's public meeting. The public can send comments until February 26. To view the document, see westfieldnj.gov and send all suggestions to landuse@westfieldnj.gov



Fred Rossi for The Westfield Leader

**COMPETING FOR CONGRESS...** Republican hopefuls seeking the party nod to replace Rep. Mike Ferguson, who is not seeking reelection, for the 7th Congressional District speak with party leaders in Clark last Thursday at the Grand Centurions. Candidate Kate Whitman, daughter of former Governor Christie Whitman, is speaking. Other candidates pictured, left to right, are Christopher Venis, Scotch Plains Mayor Martin Marks and State Senator Leonard Lance. See story on page 3.

## POLICE BLOTTER

### Westfield

Saturday, January 19, Gregory Giresi, 25, of Westfield was arrested and charged with driving while intoxicated (DWI) after a motor-vehicle stop at Kimball and Lawrence Avenues. He was released on his own recognizance to a responsible individual.

Saturday, January 19, Joseph Gachko, 50, of Westfield was arrested on an outstanding Westfield warrant after a motor-vehicle stop at East Broad Street and Park Drive. He was released after posting \$225 bail.

Sunday, January 20, Frank Macaluso, 18, of Plainfield was arrested and charged with DWI and possession of less than 50 grams of suspected marijuana after a motor-vehicle stop at Dudley Avenue and Clark Street. He was released on his own recognizance to a responsible individual after he was issued summonses.

Sunday, January 20, Miriam Romero, 23, of Plainfield was arrested on South Avenue and Crossway Place on an immigration violation detainer. She was turned over to Immigration Customs Enforcement.

Friday, January 25, Diego Navarrete, 21, of Elizabeth was arrested at South Avenue, East, and Cacciola Place on an outstanding warrant from Scotch Plains. He was released after posting \$89 bail.

Friday, January 25, Hector Olivo, 23, of Plainfield was arrested at South Avenue and Boulevard on an outstanding Plainfield warrant. He was released after posting \$150 bail.

Saturday, January 26, three men were arrested after a motor-vehicle stop at South and Central Avenues and charged with possession of less than 50 grams of suspected marijuana and with underage possession of alcohol.

The men, all 19 years old, were identified as Nicholas Mitsingas of Linden, Christopher Gallego of Westfield and Jason Jeney of Clark. They were released on their own recognizance with summonses.

Saturday, January 26, Amanda Bracuto, 20, of Kenilworth, was arrested on an outstanding Westfield warrant on the 500 block of South Avenue, East. She was processed and released after posting \$500 bail.

Saturday, January 26, after being stopped for motor-vehicle violations, Jennifer Flynn, 22, of Westfield, was arrested at Central and Roger Avenues on outstanding warrants from Westfield and East Brunswick. The warrants carried bail amounts of \$233 and \$550, respectively.

According to police, a search subsequent to the arrest showed Flynn was in possession of less than 50 grams of suspected marijuana, for which she was released on her own recognizance. She also posted total bail on the warrants.

Monday, January 28, Christine Malczanek, 21, of Scotch Plains, was arrested after a motor-vehicle stop at North Avenue and Elmer Street and charged with unlawful possession of a hypodermic needle and possession of ketamine, a tranquilizer

### Scotch Plains

Tuesday, January 22, a resident of County Club Lane reported that someone obtained his bankcard information and withdrew \$600 from his account.

Friday, January 25, Justin Brown, 28, of Dunellen, was arrested for an outstanding warrant after a motor-vehicle stop.

Friday, January 25, a resident of Hunter Avenue reported that someone called his house numerous times at odd hours in the night.

Saturday, January 26, Christopher Kramer, 23, of Piscataway, was arrested for an outstanding warrant after a motor-vehicle stop.

Saturday, January 26, Kyle Lefaver, 28, of Garwood was arrested for an outstanding warrant after a motor-vehicle stop.

Sunday, January 27, Kenroy Campbell, 26, of Newark was arrested for an outstanding warrant after a motor-vehicle stop.

Sunday, January 27, Linda Lance-Hudanich, 58, of Avenel, was arrested and charged with DWI after a motor-vehicle stop for a moving violation. According to police, a strong odor of alcohol was detected at the time of the stop. Lance-Hudanich was transported to headquarters where she was released with a summons, police said.

### Mountainside

Wednesday, January 23, Rafael Perez, Jr., 30, of Secaucus, was arrested following a motor-vehicle stop on Route 22 for driving with a suspended license.

Wednesday, January 23, a patron of a Route 22 theater reported that someone smashed the rear window of her vehicle while it was parked in the lot. According to police, the victim's insurance card, registration and a brown, medium-sized purse containing a cell phone were removed from the vehicle.

Police responded to a second incident at the theater involving another vehicle that was broken into, where access was gained by smashing the rear window. According to police, a purse containing personal items was removed.

Wednesday, January 23, a patron of a Route 22 restaurant reported that someone smashed the driver's side window of his vehicle. According to police, a laptop, a Palm Pilot and other miscellaneous items valued at \$2,390, were removed from the vehicle.

The manager of the restaurant stated that he has a surveillance video that recorded the incident, police said. The video revealed two male suspects, appearing to be Hispanic, who exited a mini-van, after which one male smashed the window of the victim's vehicle and removed the items, police said. The incident is under investigation, authorities said.

Saturday, January 26, a Route 22 liquor store reported that someone placed a clothing collection receptacle in the parking lot without permission.

## GOP Endorse Candidates For 7th Congr. District

AREA — State officials from Legislative District 21 released their endorsements Wednesday for candidates in the GOP Primary Election, to be held June 3, to replace Rep. Mike Ferguson, who is not seeking reelection to his 7th District seat.

Senator Tom Kean Jr. (LD-21, Westfield), current Senate Minority Leader, supported State Senator Leonard Lance (LD-23, Flemington) for Congress.

Mr. Lance previously served as Senate minority leader.

LD-21 Assemblymen Eric Munoz of Summit and Jon Bramnick of Westfield announced their support Wednesday of former Summit Council

President Kelly Hatfield in her Congressional bid.

The 7th District includes a large portion of Union County encompassing most of the 21st Legislative District, which includes parts of Union, Morris, Somerset and Essex Counties.

Assemblywoman Linda Stender of Fanwood (LD-22, Scotch Plains) is seeking the Democratic nod once again to be the party's candidate for the 7th District in the General Election in November.

Asw. Stender narrowly lost to Rep. Ferguson in 2006. At this time, Asw. Stender faces no opposition in the Democratic primary.

## Biunno Gets Probation For Stealing from Church

MOUNTAINSIDE — William Biunno of Mountainside was sentenced last week to three years probation by a judge for stealing more than \$20,000 from his church during an 11-year period.

The 75-year-old former bank president pled guilty in October to third-degree "theft by unlawful taking."

As part of his probationary sentence, Mr. Biunno is required to pay back the church. According to the Union County Prosecutor's Office, Mr. Biunno turned over a check for \$16,000 to the judge and is obligated to provide another \$6,000 within 60 days.

All proceeds will go to the Archdiocese of Newark, which oversees Our Lady of Lourdes Roman Catholic Church in Mountainside where the theft occurred — and where Mr. Biunno was an active trustee, an usher and a member of the choir, according to Assistant

Prosecutor William Kolano.

Mr. Biunno was arrested on July 25, 2007, after an investigation headed up by Sergeant Vincent Gagliardi of the Prosecutor's Office and Detective Michael Jackson of the Mountainside Police Department.

The thefts, many of which were recorded on the church's security cameras, primarily occurred when Mr. Biunno was supposed to place the congregation's donations into a receptacle during Sunday Mass.

"On the security tapes, Biunno could be seen examining the money and choosing a portion of the proceeds for himself," Mr. Gagliardi said.

Mr. Biunno will perform 100 hours of community service for his probationary sentence.

"Ironically," Mr. Kolano said, "he has been assigned to perform his service in a church."