

Rahway Ave. Railway Quiet Zone To Be Implemented in September

By MICHAEL J. POLLACK
Specially Written for The Westfield Leader

WESTFIELD — The quality of life for many southside residents of Westfield, along with pockets of people in Clark and Scotch Plains, may improve this fall.

Last August, Westfield Mayor Andy Skibitsky formally signed an agreement between Consolidated Rail Corporation (Conrail) and the town, authorizing Conrail to perform the work necessary to establish a quiet zone at the Rahway Avenue railway grade crossing.

Last week, the Westfield Council earmarked \$50,000 to Conrail, which

said it is ready to install the necessary equipment at the crossing. The quiet zone would ultimately mitigate the effect of train whistle noise in the area.

Effective June 2005, the Federal Railroad Administration (FRA) required that locomotive horns be sounded at all public grade crossings 15 to 20 seconds before entering a crossing. A pattern for blowing the horn would then last until the train clears the crossing.

However, new rules also provided the framework for towns to establish "quiet zones," in which the horn use is either curtailed during nighttime

hours or for 24 hours. Quiet zones can be formed provided that certain safety measures are in place and the crossing's accident rate meets FRA standards.

Westfield is seeking to create the first 24-hour quiet zone in the state after the aforementioned ruling.

In a quiet zone, though an engineer is relieved of any obligation to sound the horn, he or she is permitted to use his or her discretion if an animal or person is in danger.

Conrail, which owns, operates and maintains the line, must install constant-warning time devices and power-out indicators to meet the safety requirements established under the FRA rules.

The warning device adjusts for the speed of a train and causes the gates to close when the train is a certain time away from the crossing. The indicators tell the engineers that the gates and bells are not working and that they should blow the horns.

In accordance with the last steps of establishing a quiet zone, Westfield will conduct traffic and train counts. Westfield Third Ward Councilman Mark Ciarrocca, who heads the council's Public Safety, Transportation and Parking Committee, said the equipment installation should be finished by August, and that by September, the quiet zone will be fully established.

"It's going to be a substantial improvement in the quality of life for residents in the area," Mr. Ciarrocca said. Making the \$50,000 payment to Conrail for installation of the necessary equipment is a "significant step to pushing the ball over the line," he said.



Christina M. Hinke for The Westfield Leader
GOING, GOING...Hyatt Hills Complex in Cranford and Clark is one of General Motors' assets that was sold off to the bankruptcy corporation Motors Liquidation, which will sell the land to pay creditors.

GM Prepares to Sell Hyatt Hills as Part of Liquidation

By CHRISTINA M. HINKE
Specially Written for The Westfield Leader

CLARK — Hyatt Hills Golf Complex contracted employees and commission members are left wondering what will happen to the course after General Motors (GM) Corporation transferred the asset to Motors Liquidation to sell off the land as it seeks to pay off creditors.

GM had turned the 87-acre property from a manufacturing plant to a brownfield redevelopment site used as a golf course, mini-golf course, driving range and restaurant. It opened in 2002, and GM signed a 25-year lease to a recreation commission made up of seven, town-appointed, volunteer Cranford and Clark townspeople, including Clark Mayor Sal Bonaccorso. To date, the commission has not heard from GM, nor has GM returned phone calls to the commission inquiring about the news of the sale.

Use of the property comes into play in attracting potential buyers.

The manufacturing plant, which initially produced hard rubber for steering wheels and handles and later produced roller bearings, that formerly was on the site has caused soil contamination, such as from petroleum, solvents, arsenic, PCBs and inorganic contaminants of metals. The estimated cost to remove the soil would have run the company a reported \$200 million.

According to the New Jersey Department of Environmental Protection (NJDEP), the soil was never removed from the site, but GM had relocated soil to a designated area within the property and capped it and layered it with clean soil, on which the golf course was built.

This is normal procedure in these instances, according to NJDEP spokesman Larry Hajna. He said the agency did not have documentation of a plastic liner used as a cap. Clay can also be used as a cap over the

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SP Dem. Chair Sues Mayor; Fights Budget, Sewer Utility

By FRED T. ROSSI
Specially Written for The Westfield Leader

SCOTCH PLAINS — Alleging that the township council had conducted its municipal budget deliberations mostly in secret, township Democratic Party Chairman Dick Samuel filed a complaint last week in state Superior Court that requested that the ordinance creating a sewer utility as well as the 2009 township budget be voided and that Mayor Nancy Malool be declared disqualified from holding the mayor's office.

In his 10-page complaint filed on July 6, Mr. Samuel, who attends most council sessions and at times this spring protested when the governing body adjourned into closed executive session, claimed that much of the council's deliberations on the budget and the establishment of the sewer utility were held behind closed doors under the guise of discussions regarding personnel matters and layoffs of township employees.

"For the last six months," Mr. Samuel told *The Westfield Leader* this week, "a situation has arisen where the mayor and council have been acting mostly in secret" in violation of the Open Public Meetings Act. "We're a government of laws and ought to be following the statute. People have a right to know what's going on."

Mayor Malool told *The Leader* that Mr. Samuel "is doing nothing more than wasting taxpayers' money so

that we can defend a frivolous and baseless lawsuit."

In his filing, Mr. Samuel said that in March he had sent a e-mail to Township Attorney Brian Levine saying he was "disturbed that the budget discussions are being held in closed session." A month later, Mr. Samuel had an e-mail exchange with Mayor Malool in which she informed him that the council "has discussed the budget in closed session in the context of personnel issues, i.e., layoffs."

The mayor also said the budget had been discussed "because you can't have a discussion about the layoffs without talking about the budget. There are no cover-ups here," she added, telling Mr. Samuel that "everything will be discussed openly."

Mr. Samuel called the council's pattern of conduct "sufficient to lead one to believe that other illegal discussions were held and other illegal decisions were made."

He also accused the mayor of wrongly attempting to influence and pressure former township manager Michael Capabianco "in one or more of his official duties" during the February 18 meeting at which Mr. Capabianco resigned. Mr. Samuel also wrote in his complaint that the two township employees named to temporarily act as co-managers were "co-managers in name only" because Mrs. Malool "appropriated to herself the

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Lauren Barr for The Westfield Leader
PACKED AGAINST LAND SALE...More than 200 residents packed the municipal building in New Providence on Monday to express their concerns over turning over town property to Union County for open space development.

Mayor Casts Tie-Breaking Vote to Sell Park to County

By LAUREN S. BARR
Specially Written for The Westfield Leader and The Times

NEW PROVIDENCE — On Monday night the New Providence Borough Council voted 4-3 to sell Oakwood Park and the River Walkway property to Union County for one dollar in exchange for the county to build an estimated \$3.5-million sports complex that would include two football/soccer fields, two baseball diamonds, a 50-car parking area, relocation of a playground and two new field house/concession areas.

The council had, over the past several months, drafted a Memorandum of Understanding (MOU) between the borough and the county to set forth the terms of the sale of the land and future usage of the facilities. In the MOU, the county "agrees to allow priority of (New Providence's) scheduling as much as possible" and states that the borough will not be charged any usage fees. Any other entity wishing to use the facility, such as the New Providence Police Athletic League (PAL), will be charged a fee, which the county will retain. If the county does not fulfill its end of the agreement, the borough will be permitted to reacquire only the 15.61-acre Oakwood Park portion of the land, while the 13.79-acre River Walkway will remain with the county forever.

Almost all of the residents who spoke at Monday's meeting agreed that improvements need to be made to Oakwood Park, which currently has drainage problems and playing fields in poor condition, but many spoke against the sale of the property to the county due to concerns about land control, maintenance and future



Paul Lachenauer for The Westfield Leader
HITTING A HIGH NOTE...Nicole Hart performs in front of the Westfield train station Tuesday night at the Sweet Sounds Downtown Jazz Festival.

Westfield Garners AAA Rating From Standard and Poor's

By MICHAEL J. POLLACK
Specially Written for The Westfield Leader

WESTFIELD — Earlier this month, the Town of Westfield was involved in a re-financing transaction in which \$8.2 million of existing short-term debt was converted into longer-term General Obligation bonds. As a prelude to this public sale, Standard and Poor's (S & P) has assigned its highest credit rating, AAA, to the town.

"There is no way to overstate the importance of receiving a AAA rating from Standard and Poor's for our municipal debt," Westfield Finance Policy Chairman Sal Caruana said last Tuesday night. "For those of us in the world of finance, it is like a *New York Times* four-star rating to a restaurateur or a five-star Mobil rating to a hotel. It is the highest award from an organization considered to be the gold standard, and there are multiple benefits and implications for our community."

According to Mr. Caruana, "from a practical point of view," earning such a rating will save the town thousands of dollars in financing costs. At the next public meeting, the town will discuss how the "significant" cost savings under the new credit rating compares to what the town's refinancing costs might have been under the old rating, AA-by Moody's.

Also ranked highly, Scotch Plains received Moody's Aaa rating, considered the best quality, in 2006 during its

last bond sale. S & P assigned its AAA rating to Summit's series 2008 general and school refunding bonds, totaling \$9.8 million, and affirmed its AAA rating on the city's outstanding GO bonds.

According to S & P, Summit's stable outlook "reflects the city's position as an economic hub of the region in addition to its access to the New York City labor market. Furthermore, the outlook is based on the continued strength of the city's financial position and the expectation that it will be able to maintain its manageable debt burden."

While bond ratings for municipalities such as Westfield, Scotch Plains and Summit are considered "best quality," some Union County towns see "upper medium" marks. Bonds in the upper medium category are assigned "1," "2" or "3" by Moody's based on the strength of the issue within each category. Accordingly, "A1" would be the strongest group of A securities, and "A3" would be the weakest A securities.

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Garwood Hears Roadwork, RVSA, Fireman Questions

By RAYNOR DENTIZIO
Specially Written for The Westfield Leader

GARWOOD — Construction was the dominant topic at Tuesday's meeting of the Garwood Borough Council as residents questioned the governing body regarding roadwork and building projects in the borough.

During the workshop portion of the meeting, Second Avenue resident Karl Eid expressed a complaint regarding both the pace and inconvenience associated with construction on his street. Mr. Eid said he has not had access to his driveway for nearly a week and that as a result his wife has been forced to walk through the construction to get to their house. He also said he was not notified of the pending work until he received a letter tucked into his door the day before construction commenced.

"I'm wondering if there's any information about when this is going to get done," Mr. Eid said. "At the pace they are going, I'm really concerned."

Mayor Dennis McCarthy said Borough Engineer Don Guarriello typically inspects the progress of roadwork, however Mr. Guarriello was not in attendance at Tuesday's meeting. The contract calls for the work to be completed prior to the start of school and Mayor McCarthy said the borough would contact Crossroads Construction, the company contracted for the work. The council said it will also investigate and address problems associated with notifying residents of construction.

Later, questions from residents Karen Resetar related to zoning ordinance compliance and Catherine Madera regarding issues with gas lines were referred to the planning board and the Public Service Electric & Gas

(PSE&G), respectively.

Residents Anne Leonard and Bruce Paterson called on the governing body to reexamine the 90-day suspension of volunteer firefighter Allan Tweedle. The suspension was approved on June 23 following closed-door hearings, which took place at both the May 26 and June 9 council meetings. Mr. Paterson said he believed the length was excessive and the council should move to lower it.

"Something is not right with that sentence and I think you should demand it, knock it down to 30 days," Mr. Paterson said. "Have the Chief prove why it should be 90 days."

Responding to the comments, Borough Attorney Robert Renaud said governing body "did not go out and seek" to hear the complaint, but rather were required to under borough ordinances. He also said the party involved was sent a notice and had the option of holding the hearing in public. Mr. Renaud said since the hearing was held in private, only Mayor McCarthy and the council have heard all of the evidence.

"The mayor and council are obligated to hear it and only the mayor and council heard it by a decision that the person involved chose," Mr. Renaud said.

Mr. Paterson also used the public portion of the meeting to criticize the actions of the Rahway Valley Sewerage Authority (RVSA). Referencing an article from the July 2 edition of *The Westfield Leader*, Mr. Paterson said RVSA Manager of Regulatory Compliance, Anthony Gencarelli, had called a plan to hire a third engineer at the authority "excessive." Mr. Paterson said he had criticized Garwood's

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