

NEW YORK CITY - On September 11, 2001, at approximately 9 a.m., Muslim terrorists murdered 2,993 people. Most of those murdered were civilians at the World Trade Center. Many were from New Jersey and our neighboring towns including 13 Westfielders and one Scotch Plains resident. We shall never forget.



Courtesy of Ed Zazzali - September 11, 2001

Fanwood Adopts \$8.48-Mil. Budget; Police Chief to Retire at Year End

By **TED RITTER**
Specially Written for The Scotch Plains-Fanwood Times

FANWOOD — Mayor Colleen Mahr, at the borough council's monthly meeting Tuesday night, announced that Police Chief Donald

Domanoski, after 33 years of service, will retire at the end of this year. "We wanted the community to be aware of it," she said, adding, "We will be looking at the next steps over the next several months."

Chief Domanoski has headed the Fanwood force since July 1, 2002, when he succeeded former Police Chief Robert Carboy. He joined the department as a patrolman in 1977, rising through the ranks to become a corporal in 1987 and a sergeant in 1989. He eventually was elevated to Lieutenant of the Operations Division and then to captain in 1998.

Mayor Mahr and the borough council unanimously adopted an amended 2009 municipal budget that totals \$8.48 million. Including schools, the county and the borough, Fanwood homeowners will see a property tax increase of about \$587 this year - based on an average home assessment of \$85,000. Fred Tomkins, the borough's chief financial officer, explained that the amount of the municipal budget to be financed by taxes is nearly \$5.6 million. Mr. Tomkins said the budget is "only up less than 1 percent," or about \$63,000, compared to last year, "which is amazing."

Mr. Tomkins said about 62 percent of the Fanwood property tax bill is for school taxes, which is up \$407 this year. The municipal tax portion is about 21 percent of the property tax bill, which is up about \$86. The remainder of the property tax goes to the county, which is up \$94.

He said this is "fairly normal" and "not an unusual breakdown in suburban communities in New Jersey."

Mayor Mahr said the budget is the result of "conservative, prudent, but smart fiscal planning."

Pointing to the tax increase, the mayor said, "That's a lot of money; we understand that," adding, "We understand your pain and your frustration."

Mayor Mahr credited the efforts of the citizen's budget task group, which was formed early this year to analyze the borough's budget picture and recommend ways to save money and operate more efficiently.

The five-month delay between the budget's initial introduction on March 31, then amendment and adoption was due to the borough's application for extraordinary aid from the state, which it ultimately did not receive this year, as it has in the past few years.

Mr. Tomkins said that while the borough was "forced to go to this point of the year without adopting a budget...because we're in September, we had a pretty good idea" of how individual accounts looked in terms of cash flow. As a result, Mr. Tomkins said, the borough was able to prepare a budget "amendment consisting of principally shifting things within line items of the budget" in order to make up for the denied extraordinary aid and still keep it below

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9/11 Ceremony to Be Held Friday Evening

WESTFIELD - The Town of Westfield will observe the eighth anniversary of the 9/11 terrorist attacks with a community gathering on Friday, September 11, 2009, at the 9/11 Memorial site on North Avenue at East Broad Street. The ceremony will begin at 6:30 p.m. with the ringing of the First United Methodist Church bells.

Mayor Andrew Skibitsky will deliver the opening remarks to be followed by a reading of Commemorative Litany by Rev. Ed Carl of the First United Methodist Church. Msgr. William Harms of St. Helen's Church and Rabbi Douglas Sagal of Temple Emanu-El will then offer prayers of commemoration. A wreath will be presented by an honor guard and taps will be performed by Ted Schlosberg of the N.J. Workshop for the Arts.

The ceremony will conclude with a period of quiet contemplation as, according to Mayor Skibitsky, "We stand together as a community to support each other and those who lost loved ones." In the event of rain, the ceremony will be moved to the Westfield Town Hall, 425 East Broad Street. All are welcome.



Fred T. Rossi for The Scotch Plains-Fanwood Times
 LABOR DAY FUN...The rides and great food are enjoyed at the 35th Annual Saint Bartholomew Italian Festival last weekend in Scotch Plains.

Scotch Plains Township Asks Judge To Dismiss Dem. Chair's Lawsuit

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

SCOTCH PLAINS — Scotch Plains Township Attorney Brian Levine last month asked a state Superior Court judge to dismiss a lawsuit filed by Democratic Party Chairman

Richard Samuel. The lawsuit demanded that the 2009 municipal budget and the ordinance creating a sewer utility be voided and that Mayor Nancy Malool be declared disqualified from holding the mayor's office due to what Mr. Samuel said was her

interference with how former municipal manager Michael Capabianco performed his duties.

In his complaint filed in early July, Mr. Samuel 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. These meetings, he claimed, violated the state's open public meeting act.

Mr. Levine's August 26 filing in Union County state Superior Court included minutes from relevant council meetings along with affidavits from Mayor Malool and three of the four other council members — Deputy Mayor Jeff Strauss and council members Mary DePaola and Dominick Bratti — that Mr. Levine said were proof that Mr. Samuel's claims were baseless.

Earlier this summer, Mr. Levine sent a letter to Mr. Samuel requesting that he withdraw his complaint.

"I am still disappointed that [he] has not agreed to withdraw his lawsuit," Mr. Levine told *The Scotch Plains-Fanwood Times*. He said township taxpayers would pay the legal costs of defending against Mr. Samuel's suit. Mr. Levine told *The Times* that Mr. Samuel "has not recognized that all the public meetings on the budget and the sewer utility were done in accordance with state statute and he has not provided any proofs that the mayor interfered with the position of municipal manager." For his part, Mr. Samuel told *The Times* that "lawyers can and do file motions all the time. It is not significant what either party says. What I am most interested in is what the judge decides."

The motion for dismissal will be heard on Friday, September 25.

SP Zoning Bd. To Continue Hearing On HS LED Sign

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

SCOTCH PLAINS — The township's zoning board of adjustment will continue a hearing on a sign application at its October meeting and will also consider anew two other applications that were postponed at last week's meeting.

The Scotch Plains-Fanwood Board of Education is seeking approval to install a new lighted sign with changeable LED display outside the high school on Westfield Road, but board members' concerns about safety issues — particularly with drivers reading the sign as they drive past the school — led to the application being continued at the board's Thursday, October 1, meeting. The new four-foot by eight-foot sign would have a 16-inch by 88-inch programmable message section that could be changed via computer from inside the school building, according to Assistant Principal and Athletic Director Rob Harmer. There would be one row with space for five different messages that would continuously scroll.

The present sign requires the messages to be changed by hand, using actual lettering, and Mr. Harmer said the high school's DECA group, which is responsible for sign changes, sometimes cannot make necessary updates due to weather. A new sign that is programmable by computer would allow emergency information such as school closings, athletic or school events to be done from inside the building.

Board member Chris Abeel questioned the safety of the proposed sign given the number of pedestrians and traffic in the vicinity of the school as well as the width of Westfield Road. In response to a question from Tim Livolsi, Mr. Harmer and Anthony Miranda, interim director of buildings and grounds for the Scotch Plains-Fanwood Board of Education, said they envisioned the sign being operational until 9 p.m., the same hour that the building closes.

Mr. Abeel said he would like to receive input from the traffic safety officer or the county engineer while fellow board of adjustment member Rich Duthie said it would be helpful to have information on perceptive reaction time of drivers attempting to read the scrolling sign as they drove past. Board Vice-Chairman Ken Anderson told Mr. Harmer and Mr. Miranda that a planner or an engineer might be helpful at the October 1 continuation to advise the board on the sign.

In other business, Louis Novello was advised to update his application seeking to demolish a two-car garage at his property at 2059 Westfield Av-

enue and replace it with a three-car garage. Mr. Novello uses the existing garage to store equipment for his masonry business, and said he wanted to increase his space and also allow tenants in the two-family house to park their cars.

After Mr. Novello finished outlining his application, board attorney Vince Loughlin told the board that the correct notice for the application had not been sent to adjoining property owners. Mr. Novello uses the existing garage for business purposes and the proposed use of the new garage should be included in the notice so nearby residents know what the future use will be.

Mr. Novello said he did not conduct his business at the property, but Mr. Loughlin said he was not permitted to have residential and commercial uses together on one property. Mr. Anderson advised Mr. Novello to update his application, and Mr. Loughlin said he must include in the notice to neighboring property owners that he plans to raze the existing garage, which is now being used for storage of business materials, and replace it with a three-car garage in a zone where a three-car garage is not a permitted use on a property where a two-family dwelling is not a permit-

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Horace Corbin for The Scotch Plains-Fanwood Times
 CHAMPION BANQUET...Labor Day marked the championship game for the "St. Barts" softball league followed by a scrumptious picnic at Brookside Park in Scotch Plains.

Clark Sues RVSA Over User Charge For Sewage Flow

By **WAYNE BAKER**
Specially Written for The Scotch Plains-Fanwood Times

AREA — The Township of Clark has brought a lawsuit against the Rahway Valley Sewerage Authority (RVSA) and the RVSA's other 10 member municipalities. The suit is one of a string of actions Clark has taken to try to avoid the costs caused by the closing of U.S. Gypsum's (USG) Clark plant.

Clark faces these costs as a result of a user charge program established by the RVSA as part of an agreement adopted by the member municipalities, including Clark, in 1995. Clark had passed a pair of ordinances earlier this year establishing termination fees for various types of customers, and was sued by USG as a result.

The 1995 agreement sets forth the use of a five-year rolling average to minimize year-to-year fluctuations in the usage of RVSA's facilities, making budgeting by member municipalities easier. In the lawsuit, Clark claims that USG accounts for about 150 million gallons or 20 percent of Clark's sewage flow. According to the RVSA, Clark represents about 16

percent of the authority's total sewage volume. Thus, USG represents slightly more than 3 percent of the sewage processed by RVSA.

Clark claims the 1995 agreement contains "a provision for an upward assessment adjustment in the event a new user, which contributed significantly to the RVSA entered a member municipality."

In the township's suit, Clark claims that it will be overcharged by \$296,554, \$824,937 in 2010, \$643,862 in 2011, \$411,215 in 2012 and \$167,277 in 2013. Clark claims a total overcharge of \$2,343,847 will be made during the period until the five-year rolling average brings the adjustment into line with actual flows. In its suit, Clark asks the court to reform the contract to allow for large downward adjustments.

Alternatively, Clark is seeking to have the court void the 1995 agreement, going back to the assessment methodology of the earlier 1951 agreement based on annual metering. The township also claims the RVSA

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AS THEY WERE...The World Trade Center twin towers in New York City are pictured prior to the terrorist attacks of 9/11.



SUCCESSFUL OUTING...The Laguna Family enjoyed the distinction of winning the "Sportsmanship" Award at the Scotch Plains-Fanwood Boosters Golf Outing on August 31, at Shackamaxon Golf and Country Club. The outing, attended by more than 75 golfers, and more than 130 diners at the dinner afterward, benefited both the Scotch Plains-Fanwood High School Music Boosters and Athletic Boosters organizations. Proceeds from the outing will be used to purchase items on each organization's "wish list," including musical instruments, athletic equipment and scholarships.

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