

Residents Form Coalition Against Ice Rink at Gumbert

By CHRISTINA M. HINKE
Specially Written for The Westfield Leader

WESTFIELD — A group of residents who neighbor Gumbert Park have formed the Gumbert Park Neighborhood Coalition (GPNC) to collectively oppose the implementation of an ice rink at the park.

On May 22, the town council authorized the mayor to execute a lease agreement with a private business, Arena Realty Partners, LLC (ARP), to erect a temporary, full-size ice rink atop the basketball courts at Gumbert Park, located between North Avenue, Fourth Avenue and South Chestnut Street. ARP, which additionally owns the indoor ice rink Union Sports Arena

on Route 22, also has proposed to have bathrooms, a skate rental office, a chiller, Zamboni storage, changing rooms and a dumpster area located at the park facility. The town is still negotiating the terms of the agreement and is planning to finalize the terms within the week, Town Attorney Thomas Jardim told *The Westfield Leader*.

A letter on behalf of the GPNC was sent by attorney Robert Simon of Herold Law last Thursday to the mayor and town council and copied to the New Jersey Department of Environmental Protection (NJDEP) Green Acres Program, Mr. Jardim; Kathleen Neville, the town's zoning

official, the Westfield Recreation Department and ARP.

The GPNC opposes the project "for a myriad of reasons, including the enormous detrimental impact the proposed development and intensification of use of Gumbert Park will have on the surrounding residential neighborhood, with inevitable adverse impacts of noise, light pollution, off-site parking, and traffic," the letter states.

In summation of the letter, the GPNC is seeking that the town council and mayor file a formal application with the NJDEP Green Acres Program and receive approval from the NJDEP commissioner, as well as file an application with the town's zoning board of adjustment to seek approval for the relief necessitated by the town's Land Use Ordinance and the New Jersey Municipal Land Use Law (MLUL), including use and bulk variance relief and site plan approval. The GPNC's position is that the project is in violation of the Green Acres regulations, the MLUL and the town's ordinance.

Green Acres places restrictions that "prohibit the town from changing, varying or altering the use of the property" without first having approval from the NJDEP commissioner, the letter states. GPNC asserts that since the proposed ice rink will be enclosed in a tent, it is therefore an indoor facility, which is in violation of Green Acres, which says the land is to be used for public outdoor recreation. In addition, since the rink will only be accessible to those who pay to enter and only accessible for public use 8 percent of the operating hours — the other 92 percent being used for sessions by hockey teams and clubs — the letter states the project needs approval by the NJDEP.

"We have been working with the Green Acres folks" to comply with

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Westfield to Offer Curbside Bulk Waste Pickup at \$185

By CHRISTINA M. HINKE
Specially Written for The Westfield Leader

WESTFIELD — The town is going to offer a bulky waste curbside pickup program in the fall at a permit fee of \$185, up from \$80 when the town previously offered the service, Town Administrator Jim Gildea announced at Tuesday's town council meeting.

The town has received no bidders after it requested bids twice for the bulky waste program and had since been negotiating with its previous hauler, Republic Services, to come up with a solution. Republic also told the town that it would have a minimum number of permits sold in order to conduct the pickup. In the past, the town on average had sold about 1,400 permits, and Republic may ask for a minimum of about 400 to 500 permits to be sold in order to haul away people's bulky items.

The pickup schedule would be the same as past pickups, with each ward having a week of its own for pickup of bulk, and would begin the last week of September. The cost would not be subsidized by the town as it had been in the past.

In other business, Matthew Ceberio was appointed as a member of the planning board to fill an unexpired term ending December 31, 2019. Frank Smith had recently resigned from his post on the board.

Resident Greg Kasko during the public comment part of the meeting asked the status of Police Chief David Wayman's position in the police department, saying Chief Wayman has been absent from his office for seven days.

"His current status is unchanged," Mr. Gildea said.

The Union County Prosecutor's Office engaged in an investigation of a hit-and-run accident at the Westfield Con-



ENJOYING THE RAHWAY RIVER...Multiple teams took part in the annual Cranford Canoe Club July 4th canoe races down the Rahway River in Cranford.

Silbergeld Apologized to Former Student in Midst of Lawsuit

By LAUREN S. BARR
Specially Written for The Westfield Leader

WESTFIELD — *The Westfield Leader* has obtained a copy of the state judiciary's file regarding a defamation lawsuit filed in 2009 by former Westfield High School (WHS) teachers Marc Silbergeld and Tara Pignoli against Jeanmarie McCarthy. *The Leader* also has obtained e-mails, from Mr. Silbergeld to a former student, who *The Leader* identified as M.O., which were provided to the Telluride School District in Colorado where Mr. Silbergeld was teaching before his resignation in June.

After being confronted by M.O.

via e-mail regarding the inappropriate sexual nature of their relationship when she was his student, Mr. Silbergeld used his WHS e-mail to respond to M.O., saying, "I am sorry for hurting you. I am sorry for taking advantage of my position and not being a stronger/better person. I am sorry I took advantage of the situation; I was irresponsible and selfish." The e-mail is dated September 3, 2012, three years after the defamation lawsuit was filed, and two years before it would settle. The e-mails obtained by *The Leader* are the e-mails that were provided to the Telluride School District just prior to Mr. Silbergeld's resignation last month.

The e-mails provided also include an exchange between M.O. and Mr. Silbergeld regarding a voice mail he left her where he allegedly accused her of "ruining my life." In the exchange Mr. Silbergeld writes, "I am truly sorry and getting what I deserve. I DID THIS, NOT YOU."

The lawsuit states that in February of 2006 Mr. Silbergeld was called to then WHS Principal Robert Petix's office where he met with Mr. Petix and Westfield Police Detective Ronald Allen, who advised him that an anonymous woman had made an allegation that Mr. Silbergeld was having an inappropriate relationship with an underage high-school student. According to the lawsuit filed by Mr. Silbergeld, the police said that they investigated the matter and found

it "to be without merit."

Soon after that, Mr. Silbergeld was contacted by the Institutional Abuse Investigation Unit (IAIU), which according to the State of New Jersey's website, "is a child protective service unit that investigates allegations of child abuse and neglect in out-of-home settings such as foster homes, residential centers, schools, detention centers, etc."

According to the lawsuit, the IAIU advised Mr. Silbergeld "that the allegations were 'unfounded'" but he was "automatically and permanently entered into a New Jersey database for accused sexual offenders." Through the course of the litigation, those records were reviewed by State Superior Court Judge William Daniel, who ordered that the records not be disclosed to the parties as they were "not essential to the resolution of an issue before the Court."

In September 2006, Mr. Silbergeld, through his attorney, Stephen Schechner, was able to obtain the police records identifying the individual as Mrs. McCarthy who filed the anonymous complaint alleging inappropriate behavior by Mr. Silbergeld with a student.

The lawsuit further alleged that Mrs. McCarthy called Mr. Silbergeld a "pedophile" to a woman identified in the lawsuit as Anne Bristow in December of 2008. The lawsuit claims that Mrs. McCarthy made "false and

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Kristan McAlliney for The Westfield Leader

WINTER WONDERLAND...Quimby Street in downtown Westfield was transformed into a winter wonderland Sunday for "Christmas in July"; it was even snowing. Santa and Mrs. Claus cut their vacation short at the Jersey shore to attend the event, which was sponsored by the Downtown Westfield Corporation.

Report: Hartz's Apts. Will Hike Student Pop. 39 Percent

By CHRISTINA M. HINKE
Specially Written for The Westfield Leader

CRANFORD — The school system has the potential to see an increase of 39 percent more students should 905 apartments be built at 750 Walnut Avenue, as proposed by Hartz Mountain Industries, which owns the commercial property. The study conducted by Ross and Haber, hired by the Cranford school district, says, "based upon the current attendance zones the impacted schools would be Walnut, Livingston and Hillside."

"We estimate that by the time that these units are completed there is the potential for 353 school-aged children to be added to the Cranford schools. On average this is a yield of approximately 39 percent in total," the report states.

Ross and Haber says the Rutgers study that Hartz Mountain Industries professionals have used to project the number of school-aged children who would inhabit the proposed apartments is out of date and invalid. Hartz projected 136 school-aged children (approximately a 15.35-percent yield on average) based upon the Rutgers

study. "Not only has 12 years transpired since that study was done but a number of events, including the collapse of the housing market, changes in the rules governing affordable units and changing economic trends have impacted the validity of the study," Ross and Haber says about the Rutgers study.

Ross and Haber has used community-based data, or data based upon school districts with similar District Factor Groups (DFGs). "For Cranford we looked at the impact of similar types of units in Monroe Township (Middlesex County), Ridgewood, Summit, Westfield and Fair Lawn. These are all districts that we have provided multiple projection reports to and have found our results, based upon the parameters we used, to be within an acceptable range over time (approximately 3 percent +/- over five years)," the report states.

"It is clear that the district would have major issues in absorbing even the 136 students projected (which in

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Courtesy of Lt. Joseph Giannuzzi/Mountainside Police Dept.

CRASH...A two-vehicle accident occurred Monday at 1:43 p.m. at the intersection of Mountain Avenue and New Providence Road in Mountainside. One driver was transported for a minor injury to Overlook Medical Center in Summit by Union County Emergency Medical Services. Traffic was delayed in the area for 45 minutes.



HEAD START ON THE HOLIDAYS...Crowds gather on Quimby Street in downtown Westfield on Sunday for the "Christmas in July" promotion sponsored by the Downtown Westfield Corporation.

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