



# THE SCOTCH PLAINS-FANWOOD TIMES

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## SP Reaches Accord on Police Officers' Discrimination Lawsuit

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

SCOTCH PLAINS — The township has reached a settlement with four township police officers who had filed a reverse discrimination lawsuit against the Scotch Plains Police Department, an African-American former police chief and the chief's white predecessor.

While declining to provide details of the settlement that was reached on April 13, Township Attorney Brian Levine told *The Scotch Plains-Fanwood Times* that the long-standing matter had been "amicably resolved." The settlement, he added, is subject to the approval of the township council. Mr. Levine said he expected to submit the proposed settlement terms to the council early next month.

The roots of the lawsuit date back six years, when police officers Kevin

Lonergan, Brian Cheney, Matthew Fugett and Brian Garbinski were reprimanded by then-Captain Marshall Nelson for their performance during an April 2000 traffic stop involving four African-American men. The four officers alleged that Mr. Nelson, an African-American who served as police chief from 2002 to 2004, had improperly reprimanded them for their performance during the traffic stop, had said that excessive force had been used on the men being stopped and had made racially biased comments regarding the manner in which the four white officers handled the stop of the vehicle.

The officers' lawsuit also claimed that, despite then-Chief Thomas O'Brien's awareness of Captain Nelson's alleged unprofessional conduct, no measures were taken against Captain Nelson.

In February 2004, retired State Superior Court Judge Edward Beglin, Union County, dismissed the officers' lawsuit, saying they had failed to prove they had been discriminated against by Mr. Nelson and Mr. O'Brien and had failed to show any adverse effects on their employment in the aftermath of being reprimanded.

In a ruling on July 5 of last year, an appellate court said the officers could pursue certain aspects of their lawsuit, which alleged that Mr. Nelson had improperly reprimanded them for their performance during the April 2000 traffic stop.

The appellate court concluded that Judge Beglin had erred in dismissing the officers' claim that Mr. Nelson's alleged disciplinary remarks to the officers had created a hostile work environment. The court said last summer that the officers, to support a hostile work environment claim under the state Law Against Discrimination (LAD), had to show that Mr. Nelson's conduct occurred because the officers were white. The court concluded that this had occurred "because the facts and the legitimate inferences that may be drawn from those facts suggest that Nelson would not have reacted as he did if the officers in question were black."

All of Mr. Nelson's comments during the course of his investigation of the officers' conduct during the traffic stop "could reasonably be found by (a) jury to be sufficient under the LAD to have created a hostile work environment," the appellate court said. The court added that those remarks "could be understood as being infused with a divisive 'black against white' view of the workplace that a jury would be entitled to conclude was 'severe' within the LAD."



Michael J. Pollack for The Scotch Plains-Fanwood Times  
GREETINGS FROM PARK...Representative Michael Ferguson visits Park Middle School in Scotch Plains on Monday. He spoke to the students about government's impact on everyday life. The students presented him with greeting cards that he will give to troops in Iraq when he travels there next month.

## Board OKs Drive-Up Window At Local Popeye's Restaurant

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

SCOTCH PLAINS — The township planning board gave its assent Monday night, subject to approval from Union County officials, to an application from the operators of the Popeye's chicken outlet on Terrill Road to make improvements to the site, including the addition of a drive-up window and a dedicated drive-through lane.

Robert Kraus, the attorney for Mascot Corp., the owners of six Popeye's franchises in New Jersey, including the Scotch Plains outlet, told the board that "85 percent of the business at Popeye's three other (New Jersey) stores with drive-ups are take-out" orders, adding that the drive-up window will lessen the number of customers inside the store and reduce the number of cars having to park in the parking lot.

Plans call for the entrance to the property from Terrill Road to be moved toward the southern border of the property, further away from the building itself. The right side of the new driveway will lead cars toward the parking lot behind the building, while the left lane will be for those wishing to use the drive-through service. There will be two menu boards alongside the driveway, with the pick-up window being situated at the rear of the building.

John Palus, an engineer who designed the site plan, told the board

that Popeye's "very limited menu" should cut down on the potential for excessive stacking of cars waiting for service. There will be room for up to seven cars to idle between the pick-up window and the entrance from Terrill Road. Given the restaurant's limited menu offerings, Mr. Palus said he doesn't foresee a situation where more than seven cars would be

waiting to place or pick up orders at one time.

Marc Gillman, a principal of Mascot Corp., told the board that the restaurant's peak hours are usually between noon and 1 p.m. and 6 and 7 p.m. During these times, he said that as many as 25 cars will enter the property, to either utilize the drive-up

CONTINUED ON PAGE 12

## Spatola Resigns, Utilities Auth. Hires New Director

By PAUL J. PEYTON  
Specially Written for The Scotch Plains-Fanwood Times

RAHWAY — The Union County Utilities Authority (UCUA) has hired a new executive director following the resignation of Dr. Joseph Spatola, which became effective last Thursday. Dr. Sunil Garg of Summit, a scientist and attorney, has assumed the role of director.

Dr. Spatola, who has been at the helm of the authority for more than a decade since replacing Jeffrey Callahan, resides in Scotch Plains with his wife, State Superior Court Judge Joanne Spatola.

Neil Cohen, a state assemblyman who serves as general counsel to the UCUA, told *The Scotch Plains-Fanwood Times* Tuesday that Dr. Spatola holds an engineering degree from Syracuse University.

"He is a great guy," the assemblyman

said, noting that Dr. Spatola is an "engineer by trade" and "very detailed."

Dr. Spatola will assist the new director in the operations of the UCUA until late June. The new director, Assemblyman Cohen said, has "extensive scientific background and is also an attorney."

"He has a great background," Mr. Cohen said.

Dr. Garg has been employed as a consultant with The EcoShelf Group,

CONTINUED ON PAGE 12

## MS BOE Reorganizes; Childcare Rates to Rise

By GINA LEVINE-LEVY  
Specially Written for The Scotch Plains-Fanwood Times

MOUNTAINSIDE — The Mountainside Board of Education (BOE) swore in newly re-elected board member Marybeth Schaumberg and new board member Joseph Tinnirella Tuesday night. The board re-elected John Perrin and Ms. Schaumberg to the positions of president and vice president, respectively.

During its regular meeting, the board approved a motion to submit a tax levy of \$11,276,433, which was approved by voters April 18, to the borough. That figure includes \$10,884,860 in the general fund and \$391,573 in debt service.

In other business, the board approved a rate increase for the 2006-2007 Mountainside Child Care program. The current rate of \$6 for "scheduled base hours" and \$6.50 for "unscheduled" and "beyond base" hours will increase to \$8 and \$8.50, respectively. The current rate of \$1 per minute, after 6 p.m., will remain.

Business Administrator Roderic McLaughlin said that a first-time audit



PROUD OF OUR YOUTH...The Scotch Plains-Fanwood Girls State Championship Swim Team is honored at the DECA "Student in Government Night" during the Scotch Plains Council meeting Tuesday night. Councilman Frank Rossi said, "this is a real good representation of what our youth can do."

## SP Council to Adopt Budget In May With \$1 Million Hike In Spending

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

SCOTCH PLAINS — The \$22 million municipal budget that will be voted on by the township council next month includes slightly more than \$1 million in spending increases. Most of the increases are due to mandated hikes in several areas beyond the control of the local government.

The council is scheduled to hold a public hearing and then a vote on the 2006 budget, which makes up about 17 percent of the local property tax bill, at its Tuesday, May 9 meeting. If it is adopted, the municipal portion of township property taxes will increase by 4.5 percent to \$13.7 million, or \$73 for the average taxpayer. The municipal tax levy is up \$754,284 over last year.

Last year's property tax rate for municipal government purposes on an average assessed home of \$121,000 was \$1.33 per \$100 of assessed value, or \$1,609. This year's rate on a similarly valued home will be \$1.39 per \$100, or \$1,682, if the budget is approved.

According to a copy of the budget obtained by *The Scotch Plains-Fanwood Times*, the biggest item in the budget is the \$4.71-million appropriation for the police department, of which \$4.37 million is for salaries and wages. Last year's police department budget was \$4.52 million.

Other line items within the public safety area include \$190,000 for the fire department and \$386,000 for fire hydrant service.

Maintenance of the approximately 100 miles of streets in Scotch Plains will cost \$2.28 million this year, with just over half of the amount being appropriated for salaries and wages, according to the budget. The overall expenditure for this area is down slightly from the 2005 level. Another \$240,000 will pay for street lighting

throughout the township.

Parks and recreation, which includes not only ballfields, playgrounds and parks but also the Scotch Hills Country Club and senior citizen transportation, will see an increase from nearly \$946,000 last year to \$976,700. Two-thirds of that amount is for salaries and wages.

Gasoline prices have risen more than 20 percent in the past year and, after declining during the winter months, have begun to climb anew in recent weeks. The higher cost of gas is also reflected in the increase of nearly 50 percent for gasoline expenditures, from \$95,000 in 2005 to \$140,000, according to the budget. This is not the only area that will be seeing such increases in appropriations.

Much of this year's budget increase of nearly 5 percent is due to higher

mandated contributions to the Police and Firemen's Retirement System, which is nearly doubling from \$188,302 last year to \$374,603, and to the Public Employees Retirement System, which is increasing from \$28,754 to \$74,700; fees to the Rahway Valley Sewerage Authority, which are increasing by about \$194,000 to \$965,414, and more expensive group health insurance premiums, which are increasing by \$176,000.

The increases in these four line items alone will account for about 60 percent of the overall rise in municipal spending this year.

In addition to the property tax levy, the township government, in financing local government activities and services, will also rely on about \$2.1 million in surplus and \$3.127 million in state aid, according to budget figures.

## High School Students Conduct SP Council Meeting

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

SCOTCH PLAINS — As they have done for a number of years, students from the Scotch Plains-Fanwood High School DECA program conducted Tuesday evening's township council meeting, where they approved several ordinances and resolutions and congratulated the girls varsity swim team on winning the state championship for a second straight year.

DECA is a marketing club that is advised by Joseph Franzone, a marketing teacher. In addition to being involved in a number of community projects, DECA competes on a regional, state and national level in business competitions, where students go through role playing and present various business plans and ideas.

At this week's council meeting, David Ginsberg sat in for Mayor Martin Marks; Mike Golland sat in for Deputy Mayor Nancy Malool;

Katie Devlin filled in for Councilwoman Carolyn Sorge; Andrew Goldberg sat in for Councilman Frank Rossi; Jon Birnbaum filled in for Councilwoman Paulette Coronato; Dan Rogan sat in for Township Manager Thomas Atkins and Angela Smith filled in for Township Clerk Barbara Riepe.

The council approved two resolutions authorizing the police department to purchase two new vehicles, one a marked patrol car and the other an unmarked vehicle. Another resolution hired Bill McCloney as the golf pro at the Scotch Hills Country Club. McCaffrey Tree Service was awarded a \$17,400 contract to perform tree work in various township parks.

The council also named Chief Financial Officer Lori Majeski to assume the duties of township tax collector.

At the start of the meeting, Jim Fawcett, president of the Scotch Plains-

CONTINUED ON PAGE 12



RAISING FUNDS...Area residents enjoy themselves during the recent "Casino Night" fundraiser for the Frazee House restoration project. The fundraiser for the 18th-century farmhouse was held at the Shackamaxon Country Club in Scotch Plains.



SPRING FLING...People enjoy themselves in downtown Westfield Sunday afternoon at the annual Spring Fling sponsored by the Westfield Area Chamber of Commerce. A break in the weather came just in time for everyone to have a good time.

### PAGE INDEX

Regional .....	2-3	Obituary .....	8	Real Estate ....	13-21
Editorial .....	4-5	Education .....	9-11	Classifieds ....	20
Community ....	6-7	Sports .....	13-18	A&E .....	22-24

CONTINUED ON PAGE 12