

WF Mayor Deems Councilmen 'Out of Order' During Debate

By MICHAEL J. POLLACK
Specially Written for The Scotch Plains-Fanwood Times

WESTFIELD - In response to Town Councilman Tom Bigosinski's calls for lowering the rate for legal expenses, Councilman Peter Echausse, head of the Finance Policy Committee, recommended 31 municipalities to survey in order to compare rates.

Over the summer, Town Clerk Claire Gray and Town Administrator Jim Gildea received and compiled data from 13 municipalities that responded.

At January's reorganization meeting, Mr. Gildea told new council members that Town Attorney Robert Cocker's base salary, \$59,805 in 2006, covers "ordinary duties" governed in the town code. Other activities, deemed "extraordinary duties," vary as they come up during the course of the year and/or are assigned by the council. The extraordinary duties are governed by an outside rate of \$150 an hour, Mr. Gildea explained.

In the survey, which used Scotch Plains, Westfield, New Brunswick, Clark, Berkeley Heights, Fanwood, Cranford, Millburn, Chester, Rahway, Union, Hillside, Nutley and Summit as examples, the towns averaged \$147-per-hour rates for municipal attorney and \$146-per-hour rates for partners and associates, with Mr. Gildea saying Westfield is "right at the average."

Mr. Bigosinski has said he favors a competitive-bidding mechanism when compensating town, planning board and board of adjustment attorneys.

In May, Mr. Bigosinski said the town could save upwards of \$47,000 on its estimated \$230,000 legal budget by amending the hourly rates of attorneys working under Mr. Cocker and Labor Attorney Rick Danser.

During Tuesday's discussion, after vetting the statistics, Second Ward Councilwoman Jo Ann Neylan thanked Mr. Gildea for the findings after "many meetings where the town attorney was put on the defensive because of misrepresentations that we pay an exorbitant amount of money for our town attorney."

The committee recommended unanimously keeping the \$150 an hour rate for the municipal, planning board and zoning board attorneys.

In terms of the 14 towns, six go to RFP (request for proposal) for appointed positions. Westfield is one of the eight that does not. Mr. Echausse said in terms of conducting RFPs for appointed positions, the way the current system is structured, "with the mayor making the decisions and the checks and balances by the town council, (is) sufficient in my mind."

Third Ward Councilman Dave Haas supported the concept of RFP saying it would provide for "an open book" and "protect against cronyism."

Mr. Haas told *The Times* on Wednesday that since "several" towns go to RFP, the survey shows that Westfield "wouldn't be breaking new ground."

At the meeting, Mr. Haas also took issue with the survey, saying "there are communities in here that aren't very representative of Westfield." He questioned the point of the survey and found "no more than seven or eight that are similar to us in population and socioeconomic distribution."

Mr. Haas, who alleged he voiced his concerns earlier, said certain numbers should be thrown out and are "clearly skewing the average." For example, he cited Nutley and New Brunswick's planning board attorneys' base salaries, \$21,000 and \$29,917, respectively, while none of the other 12 communities topped \$12,000.

When Third Ward Councilman Mark Ciarracca said towns such as Nutley and Chester were used because of their inclusion in Mr. Bigosinski's claims, Mr. Haas said the objective of the survey "was not to check Tom's (Bigosinski's) memo."

Mr. Echausse responded, "No, no, no, you're wrong because I was publicly castigated by Mr. Bigosinski on this issue. I said to Mr. Bigosinski that I, as finance chairman, would stop the budget process if he would give me hard data because I'm in the business of making financial decisions on fact, not based upon conversations with people in his law firm. He said

'I can't do that.' I said, 'You can't do it or you won't do it?'"

He admitted that the numbers aren't "perfect" because it is not a statewide database, but said, "We're working on information in a presentation by Tom."

Mr. Haas responded that the towns used "solely because they were in Tom's memo," regardless of the findings, "may or may not be appropriate to include in our average."

When asked by First Ward Councilman Sal Caruana, Mr. Haas said he "absolutely" pointed out the towns he felt were inappropriate, "I did object to it at the time."

Mr. Caruana disagreed, saying, "You're objecting now because the data doesn't fit your presupposition," adding that Mr. Haas didn't bring the arguments up in committee. "That really is a low blow in terms of the committee process."

Mr. Haas interjected, saying, "You're absolutely wrong." He told *The Times* Wednesday that he "hadn't attacked specifics (of the survey) in the committee meeting" because he didn't feel they were "relevant," adding that he "probably should not have raised them at the council level."

Mr. Caruana then spoke over Mr. Haas, adding, "Like Mr. Bigosinski, the only way these guys know how to discuss this issue is by way of ambush, and here we are. David, I have to tell you, I'm extremely disappointed in you because you had the opportunity."

Mayor Andy Skibitsky had to implore his councilmen to "talk about this in a gentlemanly way."

At this point, Mr. Bigosinski interrupted and said, "You (Mr. Caruana) are full of crap. I gave you memos."

Mr. Bigosinski and Mr. Caruana shouted at each other, as Mr. Caruana responded, "You gave us garbage." This prompted the mayor to warn the councilmen that they were both "out of order" and tell Mr. Caruana to "please keep (his) voice down."

Mr. Caruana continued, saying Mr. Haas didn't give his objection in committee and now "[he is] destroying the (data) and I think that's completely unethical."

With councilmen continuing to raise voices, the mayor again had to remind everyone to speak civilly and that "(he) is running this meeting."

Mr. Echausse said, "I am not here to turn to Tom and go 'I gotcha.'" He said the goal was to see if the town was paying market rate and how it compares to other towns. "I'm not here to go to war on anyone from a political perspective."

Mr. Bigosinski said, "As far as the ambush and misrepresentation charges go, I think that's absolute crap." He said the data misses two points brought forth in his memo. He said the town code calls for the appointment of the town attorney, "not a town firm."

Mr. Bigosinski claimed that 75 percent of extraordinary work done in 2005 was performed by attorneys with less than 10 years of experience, some of whom are not admitted to practice in New Jersey.

Mr. Cocker said he remembered two instances in which he went to a lawyer in the firm outside of New Jersey because of the "specific expertise required."

Mr. Bigosinski again claimed the town was not following the Town Code and said the issuance of approximately \$150,000 in 2005 to associates is not provided for in the Town Code and gives "unfettered discretion to our town attorney."

Mr. Gildea responded, "Please, do not look at me or Bob (Cocker) or any employee who works for the town and insinuate that we're doing something wrong, insinuate that we're doing things arbitrarily, insinuate doing things that are illegal or fraudulent. That's not happening."

"It might have happened in the past," he added, "but it is not happening under my watch, his (Cocker's) watch or the mayor's watch. It really gets me upset when I hear council members, whose job it is to represent the town employees and the residents, say things that you're saying. It's very hurtful."

He said Mr. Bigosinski's premise is true about paying associates. However, for "20-years plus," he said, "the town has always used attorneys who have their own practice or large firms. It is not practical to use one person for the amount of legal work we have."

Resident Jim Baker of Lincoln Road asked how the town "got from \$100 an hour to \$150 an hour in a 13-month period?"

Mr. Foerst told Mr. Baker that the increase "was recommended by (by former) Councilman (Larry) Goldman."

Mr. Gildea said the finance committee recommended a "two-tier approach," raising the fee in March 2004 to \$125 an hour and \$150 in April 2005 after a survey of five communities found attorney fees ranged from \$125 to \$160 per hour.



WINTER WONDERLAND...Despite the mild weather, decorations underway at the Village Green in downtown Scotch Plains remind residents that winter and Christmas are approaching.

SP Council Discusses Parking

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was taken. Three years ago, the council held multiple public discussions about the parking situation and Mayor Martin Marks had said the solution "lies with the board of education."

Sgt. Hernandez said the practice of parking on streets around the high school has led to unsafe conditions for drivers traversing those streets, as well as for children walking to school. Residents have complained of driveways being blocked and visitors to their homes having nowhere to park during school hours.

Furthermore, he said, during the fall when residents pile leaves in the street for pickup, and during the winter when plowed snow piles up, students park their cars further into the center of the streets, making conditions even more dangerous.

Councilman Frank Rossi expressed hope that if the high school can make additional on-site parking available, the new restrictions, which will be enacted via a parking ordinance, could be rescinded.

During the hour-long meeting, council members discussed a number of other traffic-related issues with Chief Mahoney and Sgt. Hernandez, including excessive vehicular traffic on particular side streets that are often used as cut-throughs by drivers seeking to avoid delays at major intersections, parking and traffic concerns around McGinn School and the intersections at Raritan and Rahway Roads and at Morse Avenue and Westfield Road.

Mayor Marks asked the police department to make "a concerted effort" to enforce speed limits, saying increased ticketing is important more from "a safety perspective" than it is as a revenue-raiser. He said one of the

biggest complaints he hears from residents is about cars driving too fast on their particular street.

Chief Mahoney said the police department receives similar complaints and told the council that streets of concern are consistently identified, with patrols directed to monitor vehicular speeds.

SP Vehicle Restrictions

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among fire department members and house four cellular telephone company antennas, "is now operable."

The council introduced an ordinance to update various towing and vehicle storage fees the township charges. Police Chief Brian Mahoney has requested the change, noting that fees have not been modified "in a number of years," despite cost-of-living increases, higher gas prices and rising insurance rates. The public hearing on the ordinance will be held on Tuesday, December 12.

The township's annual holiday celebration is set for Sunday afternoon, December 3, on the Village Green, and on Park Avenue between Front Street, Westfield Avenue and East Second Street. Mrs. Malool said there will be carriage rides, a petting zoo and the lighting of the Christmas tree at 5 p.m., with Santa Claus arriving shortly beforehand.

The council's final regular meetings of the year will be held on December 12 and 19.

Rep. Ferguson

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Commerce Committee based on his seniority on the panel.

Mr. Ferguson said he has focused on mostly bipartisan issues, including legislation addressing health care and special education, during his tenure. On special education, Mr. Ferguson said, "We are trying to get full funding" for IDEA - the Individuals With Disabilities Education Improvement Act - which provides funds for special education.

The congressman said he has also helped procure federal funding for the Green Brook Flood Control project and the redesign of Route 22 in Somerset, as well as assisting Cranford with its flooding issues.

Looking at the election results that swept the GOP out of power in Con-

gress after 12 years, Mr. Ferguson said, "On Iraq, the President got the message loud and clear."

He said legislation proposed by Rep. Charles Rangel (D-NY) to bring back the military draft would be "a very serious policy change." Mr. Ferguson said the congressman previously voted against a similar bill. He said Mr. Rangel believes if children of congressional members were in danger of being drafted, the U.S. might be less apt to go to war.

Mr. Ferguson said he does not expect any staff changes in his Washington, D.C. or New Jersey offices. He said his offices receive thousands of communications each week, which are answered by his staff.

"We are fortunate that our constituents are not shy to let us know their opinions," he said.

Mr. Ferguson will begin his new term in January.

POLICE BLOTTER

Scotch Plains

Friday, November 24, Salvatore Cerchio, 20, of Scotch Plains was arrested and charged with disorderly conduct after police received a call that an intoxicated male was banging on the trunk of a motor vehicle that was parked in the municipal lot. He was transported to police headquarters, where he was processed and released with a summons.

Friday, November 24, a resident of Tusnell Lane reported an incident of criminal mischief. According to police, the victim discovered when he went out to his car in the morning that the windshield had been broken sometime overnight.

Saturday, November 25, a patron at a Route 22 restaurant reported a motor vehicle burglary. According to police, while the victim was parked in the lot, someone smashed a window on the vehicle and removed the navigation system. The value of the system was \$600.

Saturday, November 25, a resident of Bonus Hill Road reported an act of criminal mischief. According to police, someone drove over the victim's lawn during the night, causing damage.

Saturday, November 25, Antonio DiMuzio, 41, of Scotch Plains was arrested on an outstanding Plainfield warrant. According to authorities, he also was charged with eluding police after allegedly driving away following a stop for a motor vehicle violation. He was arrested at his residence, police said. DiMuzio was transported to police headquarters, where he was processed and released to the Plainfield Police Department.

Sunday, November 26, Jose Diaz, 27, of Plainfield was arrested and charged with driving while intoxicated after being stopped for a motor vehicle violation. According to police, a strong odor of alcohol was detected coming from the car. Diaz was transported to police headquarters, where he was issued a summons and released.

Fanwood

Monday, November 20, Lewis C. Graves, 48, of Westfield was stopped for a motor vehicle violation on Hetfield Avenue and arrested on an outstanding East

FW Train Station to Host Security Exercise Dec. 8

FANWOOD - On Friday, December 8, from 4 to 8 p.m., a Homeland Security Preparedness exercise will be conducted at the Fanwood Train Station. There will be a large number of law enforcement and other public safety professionals in and around the train station at this time. Extra police presence is related to this exercise, and residents are asked to not become alarmed. The exercise is not anticipated to affect commuter time, train schedules or parking availability.

The exercise is being conducted in partnership with the Borough of Fanwood; the Fanwood Police Department; the County of Union's Board of Chosen Freeholders, County Police, Office of Emergency Management, Prosecutor's Office, Sheriff's Office and Union County Emergency Response Team (UCERT); New Jersey Office of the Attorney General; New Jersey Office of Homeland Security; New Jersey State Police; New Jersey Transit and the New Jersey Urban Area Security Initiative.

The public safety community will be as minimally invasive as possible. The Borough of Fanwood apologizes in advance for any inconvenience this exercise may cause. Anyone with questions should call the Fanwood Police Department at (908) 322-5000 or the Union County Office of Emergency Management at (908) 654-9881.

WF Police Department Provides Snow Notice

WESTFIELD - The Police Department requested the assistance of the public in assuring that town roads are safe during periods of snow removal. In order to facilitate the removal of snow, it is requested that all vehicles be removed from the street when possible, so that snow plows can clean the streets to their maximum width.

Under NJ Title 39, an unregistered insured motor vehicle cannot be parked on a public street at any time and will be towed. A registered motor vehicle left on a public street without being moved for 48 hours is considered abandoned and may be towed.

Contact the Traffic Safety Bureau with any questions at (908) 789-6068.

Orange warrant.

Wednesday, November 22, Pamela G. Edwards, 37, of Scotch Plains was arrested on an outstanding Watchung warrant after a Martine Avenue motor vehicle stop.

Wednesday, November 22, Cresencio Vera-Luna, 26, of Plainfield was arrested and charged with DWI after a motor vehicle accident on Midway Avenue. Minor injuries were reported.

Saturday, November 25, Candice Cobb, 19, of Plainfield was arrested and charged with providing false information to police after a motor vehicle stop on LaGrande Avenue.

Sunday, November 26, Sophie L. Roberson, 46, of Plainfield was arrested on an outstanding South Plainfield warrant, which was revealed after a motor vehicle stop on South Avenue. She also was charged with providing false information to police.

Sunday, November 26, two 15-year-old female juveniles and a 14-year-old female juvenile, all from Scotch Plains, were arrested and charged with theft by means of conveyance, specifically a motor vehicle, after a Farley Avenue motor vehicle stop.

Sunday, November 26, a resident of Poplar Place reported a burglary. According to police, the burglary occurred sometime between 12:30 and 9 p.m. Reported missing were several pieces of jewelry and various other items, police said. The incident is under investigation.

Westfield

Saturday, November 18, Michelle Spencer, 38, of Newark was arrested on Central Avenue near Grove Street on a criminal warrant issued by the Irvington Police. She was turned over to Irvington police.

Sunday, November 19, Wanda J. Delgado, 25, of Lodi was arrested by New Jersey State Police at the Short Hills Mall on a criminal warrant issued by the Westfield Court. She was released after posting \$500 bail.

Sunday, November 19, Joshua Veitze, 22, of Plainfield was arrested following a motor vehicle stop at Lamberts Mill Road and Lamberts Circle and charged with possession of less than 50 grams of suspected marijuana. He was released on his own recognizance with a summons pending a November 29 court date.

Sunday, November 19, a Scotch Plains resident reported the theft of his wallet from a business in the 100 block of North Avenue. The wallet, which contained a small amount of cash, bank cards and personal items, was left on a countertop and taken by one or more unknown individuals.

Thursday, November 23, after being stopped for motor vehicle violations, Hugo Reis, 25, of Clark was arrested at Boulevard and Grove Street and charged with DWI. He later was released to a responsible individual.

Friday, November 24, a burglary was reported at a residence on the 300 block of Scotch Plains Avenue in which an X-box 360 and some video games were reported stolen. Police said the front door of the residence had been left unlocked.

Friday, November 24, police reported that a 21-year-old Westfield man was assaulted in the 500 block of Downer Street. According to the victim, the male suspect threw dirt in his face and then punched him several times before fleeing the scene. The victim was transported to Overlook Hospital in Summit for treatment. No one had been charged in connection with the incident.

Saturday, November 25, Bobby Lee Reeves, Jr., 37, of Jersey City was arrested at South and Central Avenues and charged with DWI. He later was released to his wife.

Saturday, November 25, Mark Boyle, 19, of Westfield was arrested outside a residence on Kimball Circle and charged with DWI. He later was released to a responsible individual.

Saturday, November 25, Allen Futran, 18, of Westfield was arrested at Barchester Way and Naworth Path and charged with possession of less than 50 grams of marijuana and possession of drug paraphernalia. Police officers came upon the suspect while checking a burglar alarm. He was released on his own recognizance.

Saturday, November 25, Tyeesha Braxton, 19, of Plainfield was arrested and charged with theft and shoplifting on the 600 block of North Avenue. West Authorities alleged Braxton under-rung \$550 worth of merchandise for \$25. They also allege she credited gift cards in the amount of \$700 and made purchases with them. She was released on her own recognizance.

Sunday, November 26, Nadiah Jallod, 28, of Roselle Park was arrested at South Avenue and Crossway Place and charged with DWI. Jallod later was released to a responsible individual.

Mountainside

Friday, November 24, a patron at a Route 22 theater reported a motor vehicle burglary. According to police, a purse and a handbag that contained cash, two palm pilots, a cellular telephone, credit cards and house keys were removed from the vehicle.

The victim later reported that an attempt was made to use an ATM card belonging to the victim to withdraw cash and that a stolen credit card was successfully used to make purchases, police said.

Friday, November 24, an employee at a Route 22 nursing home reported that his motor vehicle was burglarized while he was at work. According to police, the victim's passenger side window was smashed and the vehicle was ransacked. The victim reported that his GPS holder and adapter were removed from the vehicle. The value of the missing items, plus the damage to the car, is approximately \$300.

Saturday, November 25, Francis M. Ondash, Jr., 34, of West Orange was arrested and charged with DWI after a motor vehicle stop on Route 22.

Saturday, November 25, a resident of Meeting House Lane reported an incident of criminal mischief. According to police, someone broke the victim's light post from its base. The value of the light post is \$300.

Saturday, November 25, a resident of Meeting House Lane reported an incident of criminal mischief. According to police, someone knocked over the victim's light post. The value of the light post is \$200. Police confirmed there were other acts of criminal mischief reported in the vicinity.

Sunday, November 26, Jorge Abreu, 48, of Hillside was stopped for driving an unregistered motor vehicle on Route 22, after which it was revealed he was driving with a suspended driver's license. He was transported to police headquarters, where he was processed and released with a summons.

Sunday, November 26, Patrick T. Lilly, 27, of Scotch Plains was stopped on Route 22 for failure to maintain a lane and was subsequently arrested and charged with DWI. He was transported to police headquarters, where he was processed and released with a summons.

Planning Bd.

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The board said neighbors' concerns about the quality of their utility service were not in the board's purview and must instead be resolved by the local utilities. Since the property in question is located on Mountain Avenue, a county roadway, Mr. Witt said he will also seek approval for his application from county officials.

WESTFIELD GLEE CLUB

82ND WINTER CONCERT

SATURDAY,
DECEMBER 2ND
8:00 PM

THE PRESBYTERIAN CHURCH IN WESTFIELD
140 MOUNTAIN AVENUE

DONATIONS:
Adults: \$15.00
Students & Seniors: \$12.00

Tickets Available at the Door

FW Rec.

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tunity to take free pictures with Santa and Mrs. Claus and also participate in holiday crafts such as making holiday ornaments, door hangings and picture frames.

"There is something for everyone at this event," Recreation Director Bob Budiansky said.

The recreation commission will hold two guessing contests - one on the amount of M&Ms in a jar and the other on the amount of lights decorating the borough's Christmas tree. Refreshments will be served outside to caroling provided by high-school students and the Girl Scouts.

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MEMENTOS...Congressman Mike Ferguson (R-7) visited *The Scotch Plains-Fanwood Times* office last week and was presented with newspaper baseball caps and mousepads with scenes from Fanwood, Scotch Plains and Westfield. Mr. Ferguson and publisher Horace Corbin joke about politicians receiving gifts, and the Congressman was assured the mementos were of only nominal pecuniary value.

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