

MS Appoints Key Positions, Honors Young Athletes

By GINA LEVINE-LEVY
Specially Written for The Westfield Leader

MOUNTAINSIDE—The borough council Tuesday night passed resolutions appointing its chief financial officer (CFO), supervisor of accounts and public defender.

Jill Goode, who is completing her CFO certification, will serve as CFO for a \$43,000 annual salary. She will also act as treasurer. Former CFO Dianne Marus will serve as the part-time supervisor of accounts for a salary not to exceed \$15,000.

Mayor Robert Vigilanti said the goal is to have Ms. Marus assist the new CFO during the "transitional period."

Attorney James Forst from the firm David Spector and Associates, a Westfield councilman, will replace former Public Defender Kelly Waters, who resigned to accept a judgeship in Union.

Mr. Forst's anticipated term, according to the mayor, is one year. The council has not yet determined his salary.

The council passed a resolution of commendation to honor four young athletes who received the Keep It Positive (KIP) award from the Inter-County Youth Soccer League for "good sportsmanship."

Residents Nicholas Gordin, Max Menaker, Kimberly Osieja and Lee Sport received the KIP awards last month and were commended by the council at Tuesday's meeting.

"This resolution will now go down in the history of Mountainside," Councilman Paul Mirabelli said.

"This is one of the nicest things we as a governing body get to do," the mayor added. "For a small community, you have a lot to be proud of from our children."

The council passed another resolution recognizing March 2007 as Youth Art Month to "encourage the support of quality school art programs for children and youth."

In another resolution, the council renewed its health services contract for this year with the Westfield Board of Health for \$32,334. The regional health board provides "basic health and inspection services as required under state law," according to the resolution.

In other business, the council introduced three separate ordinances. The first would increase membership fees for the Mountainside Community Pool. Memberships for residents would cost \$255 for a family membership, \$130 for a single membership and \$90 for seniors.

A second would establish the position of website coordinator, for a \$2,600 annual stipend. The governing body announced earlier that assistant recreation director Adam Lieb would serve as the coordinator in

addition to his duties in the recreation department.

The third would appropriate \$3 million towards the third phase of the borough's road-improvement program. Mayor Vigilanti said he anticipates the work would cost \$2 million, and said the borough over-appropriated funds to avoid the expense of rewriting the ordinance, should the work exceed that amount. He said the roads to be improved have not been determined.

The mayor said now that the borough's previous five-year road-construction program is completed, Borough Engineer Michael Disko would compile a new list of roads that need work based on predetermined priorities. The list is scheduled to come out in the spring.

The previous road improvement project based need on current condition, road traffic and ability to get outside assistance.

Mr. Mirabelli encouraged residents who are concerned about their streets to contact Mr. Disko in the engineering department at (908) 232-2409.

During audience participation, resident Scott Schmedel asked Mayor Vigilanti whether he is considering the need for a community center and/or senior housing.

"We recognize that there is a need for some type of senior-citizen housing in Mountainside," the mayor said. He said he is in the "embryo stage" of researching housing opportunities at no cost to taxpayers.

Mayor Vigilanti said housing options subsidized by the government would not be exclusive to borough residents. He said housing built by private investors would most likely be unaffordable.

The mayor said he is researching programs where seniors would live in "high quality" apartments or town homes, pay "large" down payments along with monthly maintenance and then have the opportunity to sell, interest free, to recover their initial down payment.

He said the property would be open to outside residents if they could not be filled.

"This is the first inning of a nine-inning game," said the mayor, emphasizing that he is in the very early stages of research. He said he has addressed many local seniors about the plan and has received a mixed response.

The mayor said a community center would most likely be open to all ages, since seniors would occupy the space during the day, and youths would occupy it at night. He said such a facility might or might not be located on the same premises as senior housing.

The council holds meetings the second and third Tuesdays of each month at 8 p.m. in borough hall.



ABOUT GOVERNMENT...Students at Franklin Elementary School in Westfield learn about state government last Friday as Senator Tom Kean, Jr. and Assemblyman Jon Bramnick help them act the roles of the legislature and governor.

Westfield Police Investigate Series of Vehicle Burglaries

By SUZETTE F. STALKER
Specially Written for The Westfield Leader

WESTFIELD - Town authorities are investigating a string of motor vehicle burglaries that occurred between Saturday evening and early Sunday morning on the south side of Westfield.

Sergeant Scott Rodger of the Westfield Police Department confirmed to *The Westfield Leader* Tuesday that more than a dozen vehicles had been entered while parked in their owners' driveways. He said the vehicles had been unlocked at the time the incidents occurred.

In several instances, he noted, multiple automobiles had been burglarized at a single address. Most of the break-ins involved late model vehicles. Money and other items were removed from some of the vehicles, while others had nothing taken from

them but had been rifled through, Sgt. Rodger said.

The streets where the burglaries occurred, roughly between 8:30 p.m. on January 13 and 7:30 a.m. on January 14, included Dakota, Nevada and Wyoming Streets; Ayliffe and Pine Grove Avenues; Boulevard and Vernon Terrace.

Among the various property removed from the vehicles were coins, cash, a double screen DVD player, an iPod Nano MP3 player, a satellite radio, a compact disc player and navigational systems.

Two motor vehicles were entered at one residence on Nevada Street and another two were burglarized at a Boulevard home, while three vehicles were entered at one Ayliffe Avenue address. According to Sgt. Rodger, authorities believe the series of incidents are related.

Mountainside Planning Board Begins New Year

By STEVEN REILLY
Specially Written for The Westfield Leader

MOUNTAINSIDE - The borough's planning board met on January 11 for the first time in 2007. John Tomaine was sworn in to a new term and re-elected chairman of the governing body.

Ted Zawislak was named vice chairman; Craig Schwartz was sworn in for another term as a regular member. Jeffrey Wass was sworn in as a first alternate; David Friedenberg was sworn in as a second alternate. Vincent Loughlin was appointed board attorney, and Ruth Rees was named board recording secretary.

The board heard an application for a three-lot subdivision on Woodland Avenue and Little Court. The applicant, Primavera Parkview, proposed dividing two existing residential lots into three sub-divisions. The application did not contain any variances for

consideration by the board.

The next applicant before the board sought a variance to build a detached garage and driveway at a Parkway Drive residential home.

The board said it would announce its decisions on both applications at its Thursday, February 8 meeting.

In other news, the board postponed two applications until later meetings. An application to construct a two-story addition to a residential home on Coles Avenue was postponed indefinitely. An application to permit music instruction in a residential home on New Providence Road was postponed until the February 8 meeting.

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WF Bond Referendum

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20.8 kids in fifth grade, as compared to Washington's 22.3.

Ms. Leiz said if the bond is defeated, "we can't guarantee class size... We could accept a child into our schools, but we may give flexibility as to where the placement occurs."

Ms. Cassie said, "The community was willing to let it (enrollment) get to there because they thought it was a temporary thing. So you would go for the bulge and know that you're going to fall back. But now, the indicator is that we're going to stay like this and that's what people are reacting to."

The bond would also provide \$3 million to expand the Roosevelt cafeteria and library, in addition to making other building renovations. "We're doing some refurbishing of (80-year-old) Roosevelt because I think they need that. It does affect the atmosphere," Mr. Foley said.

He said there is a disparity of about 50 students entering sixth grade, with Roosevelt accommodating 280 students to Edison's 230. He said the difference could be solved "not by any great expenditure of money, but by simply taking some students and sending them from the north side to the south side, and I think it's perfectly reasonable to taxpayers of Westfield to expect parents to be able to cope with that."

To entice northside students to voluntarily attend Edison—which would receive 75 energy-efficient windows in its science wing for \$200,000—the BOE will attempt two methods suggested by the CACE in September.

The committee proposed not offering bussing to eligible Roosevelt students, while providing bussing to Edison. Also, Edison's staff hope to unveil a "pre-engineering" choice program, with topics including design, the physics of electricity and robotics.

"If that doesn't work, then my recommendation (in September 2008) will be to draw a line and say 'you go to Edison,'" Mr. Foley said.

Mr. Foley said one factor causing a surge in the school-age population is the recent trend in tear-downs. He points to the 250 knockdowns since 2001 as possible causes for overcrowding.

"In this year alone, the estimate I got was 75 (tear-downs)," he said. "Every one of those knockdowns represents an old person like me who sold their home to a younger family with children; so, if you take these numbers and you want to add a little bump, add about 100 kids to each one of these numbers and you have a pretty good idea what your first

grade is going to be."

However, Mr. Foley said live births have gone down since 2000. In 2000, Westfield experienced 455 births. That number went down in subsequent years to 422 in 2001, 410 in 2002, 406 in 2003 and 384 in 2004, "which should result in a slight decrease" in elementary enrollment, Mr. Foley said.

Concerning the option to sell the Elm Street administration property to offset costs, he said, "it's no secret that the property is valuable." He added that if he could find an opportunity to move out "at the right price and right arrangement," he would.

"We haven't found enough benefit yet," he said. "We did look at moving the administration to Lincoln, but when all was said and done, the architect was talking about a little over \$3 million. How much was I going to get for Elm? I'm not selling the field, just the building and the adjoining parking lot. That would be about \$4 million."

He said realtors told the BOE about the Torcon building off Central Avenue. "If we could get the price down, maybe that's worth the move," he said. "Right now, they're looking at about \$3.2 million. I don't think there's enough net gain to go through the effort."

"If I could pocket \$2 million that I could put in the capital reserve to do other maintenance and other capital projects and get a valuable ratable on the tax bill, that would be a great thing to do," he continued.

When asked if his job would be easier if he didn't have to deal with the 'politics' and could redirect as he wished, Mr. Foley smiled and replied, "If I could be dictator, that would be great."

Voting hours on Tuesday are from 9 a.m. to 9 p.m.

Erratum

In a front-page article in the January 11 edition regarding Christmas tree disposal schedules for Westfield and Scotch Plains, the Westfield Conservation Center was incorrectly stated to be on Rahway Avenue. The Conservation Center is on Lambert Mill Road. We regret the error and apologize for any inconvenience it may have caused.

Also, coverage of the Westfield Board of Adjustment meeting incorrectly reported the name of the board's new vice chairman. Christopher Masciale was appointed vice chairman and Kathy Nemeth was re-appointed recording secretary.

POLICE BLOTTER

Westfield

Sunday, January 7, Andrew L. Garrison, 21, of Westfield was arrested on the 1200 block of West South Avenue and summonsed for driving while intoxicated. He later was released to a responsible individual.

Monday, January 8, a Boynton Avenue resident reported the theft of \$10 in coins from her apartment. There was no sign of forced entry and nothing else reported missing; however, some personal bank papers had been tampered with.

Wednesday, January 10, Johanna Henao, 21, of Rahway was arrested on two outstanding traffic warrants during a motor vehicle stop at Central Avenue and Wyoming Street. One of the warrants, from Linden, was for \$389 while the other, from Piscataway, was for \$240. Henao posted bail and was released.

Wednesday, January 10, Otis Williams, 66, and Karen West, 40, both of Elizabeth, were arrested during a motor vehicle stop in the 500 block of Westfield Avenue. Williams was held on \$280 bail on a traffic warrant from Elizabeth while West was held on two Elizabeth traffic warrants totaling \$1,160.

West additionally was charged by Westfield authorities with hindering apprehension for allegedly providing police with a false name and date of birth and given bail of \$500. Both West and Williams were committed to the Union County jail on default of bail.

Thursday, January 11, Stanley Paul, 19, of Roselle was arrested during a motor vehicle stop at South and Central Avenues and charged with possession of less than 50 grams of marijuana. He was released with a summons.

Thursday, January 11, Randall Wiley, 44, of Plainfield was arrested at the Somerset County jail on outstanding traffic warrants from Westfield, for \$430; Tinton Falls, for \$171, and Egg Harbor, for \$286, as well as a criminal warrant from Bloomfield for \$500. Wiley was committed on default of bail to the Union County jail.

Friday, January 12, Albert Cheng, 20, of Belle Mead was arrested along with two juveniles during a motor vehicle stop in a municipal lot behind businesses along East Broad Street. All were charged with possession of less than 50 grams of marijuana. The juveniles, a female from Fords and a male from Plainfield, were released to their parents. Cheng was released with a summons.

Friday, January 12, Darren J. Stewart, 47, of Plainfield was arrested on the 600 block of West North Avenue pursuant to a no-bail civil contempt warrant issued by the State Superior in Union County.

Stewart was a passenger in a motor vehicle that was stopped for several motor vehicle violations. He also was placed under arrest pursuant to contempt of court traffic warrants issued by the municipal courts of Union and Springfield townships in the amounts of \$300 and \$184, respectively. Stewart was held pending release to the Union County Sheriff's Office.

Friday, January 12, a resident of the 900 block of Prospect Street reported that his motor vehicle was damaged through an apparent act of criminal mischief while parked in the driveway of his home. The damage consisted of various dents and scratches plus a cracked windshield.

Friday, January 12, Christopher Kellett, 24, of Clifton was arrested at Prospect and Charles Streets and charged with possession of less than 50 grams of marijuana. He was released with a summons.

Friday, January 12, Kenneth Boger, 23, and John Harrington, 24, both of Westfield, were arrested at North Avenue and Birch Place and charged with possession of less than 50 grams of marijuana. Boger also was arrested on an outstanding traffic warrant from Clark and was released after posting the \$165 bail. Both men were released on their own recognizance on the Westfield charge.

Saturday, January 13, Robert Neglio, 21, of Iselin was arrested on the 600 block of South Avenue on an outstanding Metuchen traffic warrant. He was released after posting \$750 bail.

Saturday, January 13, Drew Miller, 21, of Scotch Plains was arrested during a motor vehicle stop on the 100 block of Elm Street and charged with unlawful possession of a weapon, described by police as a butterfly knife. He was released on his own recognizance with a summons.

Saturday, January 13, Anthony D. Thompson, 23, of Elizabeth was arrested at the Woodbridge Police Department on two warrants - a traffic warrant and a criminal warrant - issued by the Westfield municipal court. He was processed at Westfield police headquarters and held on a total of \$325 bail. Thompson was transported to the Union County jail in lieu of bail.

Saturday, January 13, Melissa Mackaravitz, 28, of Union was arrested at the south side Westfield train station on a Long Branch criminal warrant. She was released after posting \$800 bail.

Saturday, January 13, Caitlin Bludgos, 18, of Westfield was arrested and charged with underage possession of alcohol following a motor vehicle stop at a Mountain Avenue house of worship.

Three male juveniles from Westfield also were taken into custody on the same charge and later released to their parents. Bludgos was released on her own recognizance with summonses to a responsible individual pending a January 18 court date.

Saturday, January 13, Thomas C. Mone, 38, and Wilbert A. Uettwiller, 44, both of Lindenhurst, N.Y., were arrested and charged with theft by deception for allegedly attempting to per-

petrate a chimney repair scam at a residence on Boulevard.

Mone also was arrested on traffic warrants from Westwood, for \$425; Irvington, for \$200 and Teaneck, for \$120, and posted bail on all three. He and Uettwiller were released after posting \$500 bail each on the Westfield charge.

Sunday, January 14, Kamelacha Carter, 31, of Somerset was arrested following a motor vehicle stop at South Avenue and Sussex Street on two outstanding traffic warrants, one from New Brunswick for \$117 and one from Roselle for \$325. She posted bail on both and was released.

Sunday, January 14, James Korn, 25, of Westfield was arrested and summonsed for DWI and refusal to submit to an Alcotest following a motor vehicle stop at the Route 28 plaza. He was released on his own recognizance to a responsible individual.

Monday, January 15, unknown persons burglarized a home under construction on Davis Court sometime between January 13 and 15 after gaining access to the premises through an unsecured garage. The lock on a toolbox was cut off and \$2,765 worth of tools was taken.

Scotch Plains

Friday, January 12, Benjamin Lopez, 54, of Newark was stopped for a motor vehicle violation and later arrested and charged with driving without a license.

Saturday, January 13, Chantal Mueller, 21, of Fanwood was killed in a motor vehicle accident on Route 22 at 12:41 a.m. According to police, witnesses observed the vehicle traveling at a high rate of speed prior to striking the right curb of the roadway. The vehicle then struck a concrete island located at the intersection of Mountain Avenue and Sheffield Street, police said. The vehicle was then seen severing a utility pole, continuing on to strike several small trees before coming to rest in water-retention basin, police said. (See related story on page 1.)

Sunday, January 14, Mohammed B. Bouaichi, 33, was arrested following a motor vehicle stop for obstruction of justice and was subsequently charged with DWI.

Fanwood

Tuesday, January 10, a Scotch Plains juvenile was arrested and charged with truancy after leaving school without permission. He was turned over to the authorities at Scotch Plains-Fanwood High School.

Wednesday, January 11, Oscar R. Segal, 31, of New York City was arrested and charged with an outstanding warrant out of Jersey City following a motor vehicle stop on Midway Avenue.

Wednesday, January 11, Derrick L. Muldrow, 34, of Belmeade was arrested and charged with an outstanding Woolrich warrant after a field investigation.

Thursday, January 11, Howard K. Bell, 42, of Somerset was arrested and charged with numerous outstanding Franklin Township warrants after a motor vehicle stop on Martine Avenue.

Friday, January 12, Gregory S. Williams, 21, of Fanwood was arrested and charged with obstruction of justice and possession of a controlled dangerous substance (CDS) after a motor vehicle stop on Second Street.

Friday, January 12, a resident of Luis Place reported being the victim of burglary. While police were gathering information of a possible suspect, a broadcast from the Union Police Department revealed that officers were in pursuit of a stolen vehicle, police said.

According to police, the stolen vehicle was apprehended after a confrontation with the driver of the vehicle. It was revealed the driver was wanted for questioning in connection to the Luis Place burglary. A subsequent search of the vehicle determined the suspect to be in possession of items taken from the Fanwood victim.

Frederick J. McBrinn, 27, of Jersey City was arrested and charged with burglary, theft and aggravated assault against two police officers. He was transported to the Union County jail, where he is being held on \$200,000 bail, police said.

Friday, January 12, a resident of the 100 block of Herbert Avenue reported that someone threw eggs at the house and the victim's vehicle.

Saturday, January 13, James Ball, 35, of Westfield was arrested and charged with an outstanding Boundbrook warrant after a motor vehicle stop on Hettfield Avenue.

Saturday, January 13, Jason A. Anderson, 25, of Old Bridge was arrested and charged with outstanding warrants out of Harrison and Carteret after a motor vehicle stop on Pleasant Avenue.

Sunday, January 14, Lee C. Tyler, 23, of Morristown was arrested after a motor vehicle stop for an outstanding Hampton warrant. A subsequent search revealed he was in possession of a CDS, which he was also charged with, police said.

Sunday, January 14, Luis O. Castillo, Jr., 43, of Plainfield was arrested on a Union County Sheriff's Department no-bail warrant after a motor vehicle stop on Midway Avenue. He was turned over to the Union County Sheriff's Department, police said.

Sunday, January 14, Ted Philippe, 30, of Linden was arrested on an outstanding Linden warrant after a motor vehicle stop on LaGrande Avenue.

Sunday, January 14, James T. O'Brien, 3rd, 42, of Fanwood was arrested on an outstanding Union County Sheriff's Department no-bail warrant after a motor vehicle stop on South Avenue. He was turned over to the Union County Sheriff's Department, police said.

Monday, January 15, a resident of Tillotson Road reported that someone attempted to gain entry to their home by cutting the screen of the victim's back door, police said. According to police, entry was not gained.

Westfield Postmaster Retires After 36 Years of Service

WESTFIELD - Kenneth Brown, postmaster of Westfield and Mountainside, officially retired after 36 years with the Postal Service, effective January 4.

Born in Brooklyn, N.Y., he has resided in Westfield for 50 years. He attended Holy Trinity schools and graduated from St. Peter's College in Jersey City. Mr. Brown is also a veteran of the U.S. Marine Corps.

Mr. Brown held a supervisor position in Union before his appointment to the position of Garwood postmaster. In 1990, he was appointed postmaster of South Orange, and was appointed postmaster

of Westfield and Mountainside in 1995.

Frank Pace has been appointed Officer in Charge until a new postmaster is selected.

Mr. Brown is a communicant at St. Helen's Church in Westfield, a member of the Knights of Columbus and an executive board member of the Westfield School Boosters Association.

Mr. Brown and his wife, Ann, a former secretary to the Westfield fire chief, have two daughters, Christine Charlton and Robyn Brown Percival, and are the grandparents of six children, all residing in Westfield.



Kenneth Brown

Espinosa Lawsuit

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Lapolla called one of the department directors to ask why Mr. Espinosa was still on the county payroll.

In August 2000, the county was still paying Mr. Espinosa, at which point the county sent a letter telling him to return to his position at the jail or resign. However, Mr. Espinosa refused to do either and was placed on leave without pay but continued to receive health insurance.

Kathy Hatfield of Schenck, Price Smith & King LLP of Morristown, said Mr. Espinosa opted not to take the Atlanta job. He had found part-time and later full-time work with Parmalat, a dairy product company, in 1997 but wanted to remain in Union County in order to stay active in the state's pension system. Ms. Hatfield said Mr. Espinosa was still on the county payroll and receiving benefits while he worked for Parmalat.

According to court documents, Mr. Espinosa sought another position outside of corrections by letter to the county but claimed he never received a response. A disciplinary hearing officer determined that Mr. Espinosa "had abandoned his job," at which point the county terminated him and stopped paying benefits. On August 2, 2001, Mr. Espinosa filed a lawsuit in United States District Court against the county for violation of his "procedural due process rights" and for "retaliation of the First Amendment."

"We find Espinosa failed to establish a causal link between his expressive conduct and his termination...." the court ruled. "If what Espinosa

claims was true, then it follows that the county would have terminated him on August 14, 2000 even if he would have returned to jail. During his deposition, however, Espinosa admitted that he would not have been terminated had he returned to the jail and started working on August 14, 2000."

The court states Mr. Espinosa knew he would come off the payroll at the conclusion of the trials "because he was no longer performing any services for the county."

"We do not see how Espinosa can now claim the county's following through on his intention was in retaliation for his testimony," the court stated. They noted that he was paid 27 months back pay after the trials ended and health insurance for 33 months by the county. They later said Mr. Espinosa "received over \$100,000 from the county while working at another job on a full-time basis."

The court found that his procedural due process rights were not violated because of the five-month delay.

"We are very pleased that the circuit court agreed with the district court to dismiss this complaint," Ms. Hatfield said. "It has been a long road."

Mr. Espinosa has since moved to Florida, where he is employed in law enforcement "at a lower paying job" than what he made in Union County, Mr. McCreey said.

Legal fees for the county as of the end of 2006 totaled \$282,500 for Schenck, Price, Smith & King LLP of Morristown and McElroy, Deutsch, Mulvaney & Carpenter of Morristown.