

Garwood Council

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Louis Petruzzelli, chair of the AFC committee, told *The Westfield Leader* that the cost for all utilities of the AFC were estimated by the Musial Group to be approximately between \$4,000 and \$5,500 per year, based on usage of seven hours a day, five days a week. \$3,400 is the current yearly Little League utility bill, he said.

Keith Sluka told *The Leader* that under the turf field contract, the turf field installer will maintain and upkeep the turf field for the first eight years.

Mr. Sluka also said the committee had discussed potential equipment the borough's Department of Public Works may need to invest in to maintain the AFC, but costs and an itemized list were not determined yet.

The AFC will replace the Garwood Little League Park located on the south side of town at the end of Myrtle Avenue. The new AFC will be expanded into the forested area along Rankin Avenue to include a little league field, a 280 by 165 foot multi-use turf field, basketball and bocce courts, a playground, an air-conditioned and heated field house that can also be used for senior meetings, a full kitchen, scoreboards, field lighting, and a walking path.

The council heard from a standing room-only audience of residents who were both for and against the AFC.

Some residents stated the AFC is a benefit to the children and also how the borough would be perceived by homeowners and new home buyers.

"You have to provide some of those facilities locally, which we don't have...we are running out of space," said Angelo Alimonti. "We short-changed the Garwood students since I was born and raised in this town."

Many residents of the age-restricted condo complex, The Pointe, spoke against the high cost of the AFC and the added taxation they would have to pay, given the residents at The Pointe pay about double the taxes of the average homeowner in Garwood. Also, other residents outside of The Pointe agreed the cost of the AFC is too high.

Ed Guinan of Center Street said, "I have lived in Garwood with my family for 20 years, before that my wife lived here for 35 years... I am not opposed to children, I have three of them myself. I am not opposed to recreation... This project, at this expense, is large for a relatively small group of people who some of voted for to make that decision on our property taxes. I heard something about the value added to the town, the only value I see added is to my taxes."

John Conlin of Hemlock Avenue said, "I'd like to see my taxes go down, but not at the expense of our children."

"A 2010 Census found 814 Garwood residents are age 18 or younger. That would mean spending \$4,000 for every one of those children," said William Connolly of Chestnut Court.

Kathleen Villaggio, who was on the AFC committee back in 2000, said at the time, residents were involved in the development of the project and they were in favor of it. "People were involved in this field and it is sad to see the new people in town fighting against us old people...we should all work together. This is something good. This is good," she said.

Some residents asked to have the AFC be voted on by the public by way of a referendum on November's ballot. A sentiment shared by Councilman Jim Mathieu, who voted against the cost of the AFC.

"It's unfair to go ahead with this project when so few people don't know the numbers," said Mr. Mathieu.

"Only in government can we come up here and say let's do our dream project and come up with the money later," said Mr. Mathieu, who suggested letting the voters decide and should it be denied to build a field using solely the surplus funds.

Councilman Timothy Hak said, "The last time I saw this many people in this room was seven years ago...the line was out the door. Everyone wanted to push forward with this project. Now here we are so many years later, my son has already gone through baseball, so he will never see the total advantage of the field. How many kids are going to be pushed aside?"

There is likely to be another bond ordinance introduced before the end of 2012, Sara Todisco, chairwoman of the finance committee, told *The Leader*. During her committee report, she said various borough departments have said they would like a bond, and she told *The Leader* they are to submit to the committee a wish list for equipment and upgrades to their departments.

According to capital project requests from last year, the DPW would like to replace its 27-year-old dump

truck, about \$150,000; replace an existing 1991 bucket truck, \$130,000; replace an existing 1991 wood chipper, \$55,000; replace a 1983 Borough Hall phone system, \$35,000, and would like \$30,000 for a sidewalk-repair program. The fire department has said it would like to replace its 25-year-old Jaws of Life device, which costs about \$15,000 to \$25,000, Mr. Mathieu told *The Leader*.

In other news, a Police Benevolent Association (PBA) negotiation agreement was passed, 5-1, by council.

The new agreement includes longevity benefits for new hires as of January 1, 2012, and will receive \$2,145 after serving five years on the police force, \$3,414 after serving 10 years, \$4,267 after serving 15 years, and \$5,121 after serving 20 years.

"Normally longevity is based on a percentage and compounded over years of service and saved the borough a bit of money," said Councilman Victor DeFilippo, head of the PBA negotiations committee.

Salary raises will be retroactive to January 1, 2012, at 2 percent, and go up 1.75 percent in 2013 and 1.75 percent in 2014.

Officers with less than 20 years of service as of June 28, 2011, will not receive Medicare Part B.

"This does save the borough...in the long term. As it stands now the officers when they retire Medicare is paid for the husband and spouse up until death. That will stop. All incoming officers will not share that," said Mr. DeFilippo.

Mr. Mathieu was opposed to the new PBA contract because of yearly raises when layoffs, unemployment and social security freezes are seen throughout the borough, a more expensive contract while the police force is down one officer, and he is against including longevity benefits when new borough employees are no longer entitled to longevity.

He also said payouts for retiring officers this year were about \$200,000. "We have to stop paying people not to work," Councilman Mathieu said.

MS BOE

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the fact that its legal counsel could not attend. The MEA has since retained new legal counsel.

Ms. Weiss then addressed the public directly, saying, "I urge you to be careful of who and what you believe until an agreement has been reached...it is impossible to portray a thorough and accurate picture of the give and take that must occur at the bargaining table, and doling out small bits of information without any background information is sure to deceive. We welcome the fact-finder's report and, once an agreement has been reached, we know the public will see that we have been fair and reasonable in our bargaining. In the meantime, know that we will continue to do our jobs with the same high standards as always."

The next negotiating session is tentatively scheduled for Wednesday, August 29. Ms. Weiss' entire statement can be viewed on the district's website, located at mountainsideschools.org.

At the top of the meeting, the board recognized several students who were awarded prizes from the New Jersey Association for School Librarians (NJASL). The NJASL is an organization that "advocates high standards for librarianship and library media programs in the public, private and parochial schools, in the State of New Jersey, to ensure that students and staff become effective users of information."

The NJASL recently sponsored two scholastic competitions aimed at furthering this objective.

The first competition was an essay contest entitled "Why My School Library is Important to Me." Spencer Murdoch, a fourth-grade student from Deerfield School, was awarded first place in the Elementary School category and was featured in the June NJASL newsletter for her achievement.

The second competition was a letter-writing contest encouraging students to write to fictional characters from their favorite books and the authors of those books.

Lily Sanzalone, a sixth-grade student from Deerfield School, was awarded second place for her work.

Ellis Sartorio, a sixth-grade student from Deerfield School, and Frances Hisgen, an eighth-grade student from Deerfield School, were both awarded honorable mentions for their letters.

Board President James Ruban and Ms. Lubarsky each congratulated the students on their accomplishments.

The next BOE meeting open to the public is scheduled for Tuesday, August 28, at 6:30 p.m. at the Beechwood School Media Center.



Dominic A. Lagano for *The Westfield Leader*

WELL DONE...During its meeting Tuesday night, the Mountainside Board of Education recognized several students who were awarded prizes from the New Jersey Association for School Librarians.

Nick Delpopolo

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asked the referee to allow the other player the time needed to collect himself. He only wanted to win "the right way."

"That showed me he had the inner strength as well as the physical to reach levels that others could not," Mr. Rabinowitz said.

By third grade, Nick had become a New Jersey State Wrestling champion.

Nick's parents also recognized his talents, particularly his passion for Judo.

When he was 12 years old, they sent him to live in upstate New York where he could train with Jason Norris, a 1992 Olympic Silver Medalist.

"He knew the game inside and out, from both a coach's standpoint and an athlete's," Nick said. "He offered great advice, on and off the mat."

The experience inspired him to pursue his Olympic dream.

"I'd see all the memorabilia, articles and trophies, and I just looked at the Olympics as the pinnacle of the sport," Nick said. "I decided I clearly had to make that level."

Two years later, Bergen Catholic High School in Oradell, N.J. recruited him for its wrestling team, where again, he excelled, often employing his Judo moves on the mats. He participated in seven matches in a "Best of the East" tournament.

But when Nick was a sophomore, he suffered a serious injury, tearing almost all of the ligaments in his knee. He had to have reconstructive surgery, and it ended his wrestling

Freeholders

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proval from the state," Mr. Sullivan said. "We're not going to take the light out. It was done at the request of Westfield."

In other news, the Freeholders approved the New Jersey Meadowlands Commission landfill in Kearny as the county's new designated facility for bulky waste.

Jonathan Williams, special counsel for the Union County Utilities Authority, who made a presentation in support of the new facility, explained that the facility in Newark, where the waste had previously been shipped to, had declared bankruptcy and stopped accepting the waste in mid-June.

"The price which was previously being paid towards the disposal of this waste was significantly reduced as a result of this emerging action," Mr. Williams said.

The freeholders also voted to approve a contract with a Maryland-based company, Sodexo, to take over the dietary and housekeeping services at Runnells Specialized Hospital in Berkeley Heights, effective September 1.

According to a statement by the county, the measure will save a little more than \$2 million over the course of the contract, with \$443,000 being saved for the remainder of the year, and approximately \$1.6 million next year. As part of the contract, Sodexo will give current Runnells employees in good standing the first right of refusal for any employment opportunities that arise, and current employees who are re-hired by Sodexo will have the salary they were previously making matched. More than 80 full-time positions at the hospital will be impacted by the contract.

"We extend our sympathies to those who will be laid off," Freeholder Sullivan said.

The county also is seeking to privatize the laundry services at the hospital, which runs at a deficit, closing last year at a deficit of \$11.3 million.

days.

"I rehabbed extremely hard and after five months, I thought I was ready, but still felt pain and pressure in my knee," Nick said. "So I went back to Judo and got really competitive again in six to eight months."

He returned to New York to work with Mr. Morris, and in 2006, Nick secured a spot on the Junior World Team.

In 2008, Nick qualified for the Olympic Trials in Las Vegas as the youngest competitor in his division at 19 years old.

He then moved to Boston to train with 1999 World Champion Jimmy Pedro, a four-time Olympian.

Nick's career has had its ups and downs, from competing at the World Championships in Tokyo in 2010 to him suffering through a bout of mononucleosis that took its toll. While he pushed himself to continue to train, he began to lose tournaments.

"I didn't feel strong or quick anymore and couldn't figure out what was wrong with me," Nick said. "I was relieved to learn it was mono."

While he achieved the World Rank of 16th (which he still holds today), Nick had lost some confidence and was determined to do better.

He knew an American had never won a gold medal in Judo, and he felt compelled to pursue his dream of being the first.

Nick decided to reconnect with Mr. Morris once more, moving back to upstate New York in 2011.

One month later, Nick became the first American male to win the Liverpool World Cup.

At the Olympic Trials in May 2012, he defeated a longtime rival, Michael Eldred. It secured Nick's spot on the U.S. Olympic Judo Team this summer, as well as the rank of Number One Judo Champion in the United States.

"I was so nervous and anxious that day," Nick said. "It was such a relief and great to win, but it just marked the beginning of the next chapter in my athletic career."

Nick continues to reside in New York and said he is preparing for the big event with two to three Judo workouts daily, combined with long runs.

Nick predicts it will take four to six wins to compete for the coveted medal.

He also is looking forward to attending other Olympic events such as Track and Field.

Nick said he is most grateful for the support of his parents.

"I thank them for adopting me, giving me this opportunity, allowing me to do what I needed to do," he said. "I know it couldn't have been easy to let me go at 12..."

Mrs. Delpopolo also offered her thanks to all those who have been supportive and sent good wishes to their family.

Nick shared his advice for kids who would like to one day compete in the Olympics:

"Dream big and pursue it to the best of your ability," he said. "Stay focused...and don't let naysayers get in your way."

On July 30, Nick will compete in the men's 73k weight class at the Olympics in London. The event will be streamed live at nbcolympics.com.

"It's the only tournament I've never fought in, and I don't know what to expect as it's a whole new venue and atmosphere," Nick said. "But I do know I'm going to rise to the occasion."

Those who wish to support Nick in his Olympic journey can do so at NickDelpopolo.com.

'Ineligible' Pensions

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pension system that was going bankrupt," Mr. Haas told *The Leader*. "We were providing benefits to people that were way out of proportion to what they had earned."

At one point, he said, Westfield had a part-time town attorney, municipal defender, prosecutor, judge and the board of adjustment and planning board attorneys in the pension system. He said most of the people in those positions have since been replaced, but the town believed two, the municipal judge and zoning board attorney, were grandfathered through the 2007 law. The replacement officials are not in the pension system.

"After reading the report, it seems likely to me that the Town of Westfield misread the subsequent legislation that created the defined benefit plan as grandfathering the part-time attorneys into the PERS as the report indicates many towns did," Mr. Haas said.

"However, as the report also makes clear, there were plenty of warnings from the state about this issue. I will be asking at the next council meeting if we did the full multi-factor analysis described in the IRS documents to determine which of our employees was eligible to continue in the program. If we did not, I will want to see them. If we did not, I am going to ask us to undertake such an analysis for all employees that were in the system at that time who might have been affected by the law and to report back to the appropriate state agency any errors we made with a recommendation that those pension credits be considered to be rolled back."

When asked why Mr. Boxer had named Westfield, the councilman said because he believes the judge and zoning board attorney probably were not still supposed to be in PERS.

Mountainside Mayor Paul Mirabelli said that there has been a lot of misinformation about who should or should not be in the state pension system, saying it is not very clear to the towns.

"We made a good faith effort and used the IRS guidelines to determine what an employee is. If it's not right, someone tell us," Mayor Mirabelli said. "If (it's) not (right), we'll fix it."

Jon-Henry Barr, who serves as president of the New Jersey Municipal Prosecutors Association and is prosecutor for Clark and Kenilworth, commented that, "the association has always taken the position that each municipality has the right to treat its municipal prosecutors in the way that they see fit." He said most town prosecutors are part-time employees, as he himself is considered. "We do not think that the association should interfere with any municipality that wants to hire municipal prosecutors on an independent contractor basis with a 1099 instead of a W-2 (IRS tax form), as most of us are paid."

"Mr. Boxer's analysis fails to cite a single published court opinion where the courts concluded that municipal prosecutors or similarly situated part-time employees were actually just professional service contractors and not part-time employees," Mr. Barr said.

"The comptroller is very selectively deciding for the first time in the history of state government that we should be finding an employer-employee relationship (and) we should be finding a professional services or independent contractor relationship and that simply is not the case," Mr. Barr continued. "Moreover, he does nothing to distinguish between municipal prosecutors and municipal judges. What makes the judges different than municipal prosecutors?"

He said judges, like part-time municipal attorneys, also have private law practices, mentioned by Mr. Boxer as rationale for an individual being a professional services contractor and not an employee.

"(There was) no mention of municipal judges when they actually have an even stronger basis to be determined to be professional services providers...the silence is deafening on the part of the state comptroller," Mr. Barr said. He called the report "an outrageous attack" on prosecutors.

He said a 2010 statute "declared that all part-timers should not be in PERS" unless they were already receiving pension credits, a statute he called "a very reasonable approach."

"I tend to think that part-timers should never have been included in the state pension system to begin with, but I also believe that every one of us who started with that understanding should certainly be able to continue with that understanding," Mr. Barr said. "It seems grossly inappropriate for you to tell an individual who has put in five, 10, 15 years as a part-time employee, who took the position because they be-

lieved they were going to be entitled to pension credits, to suddenly be told, 'no, you're now out.'"

Mr. Barr said the state's lone investigator in the pension and benefits division told some municipal prosecutors association members that they had to get out of PERS, stripping them of their pension credits, and that one prosecutor sued and won his case that he was entitled to PERS as a part-time employee. He said the association believes those in PERS prior to 2008 are legally entitled to remain. "Any attack on that is really unfounded and unfair," he said.

State Senator Nicholas Scutari (D-22, Linden), whose district includes Fanwood, said he feels the state comptroller was, "just helping to clarify some confusion and I'm sure that the towns that aren't in compliance will rectify their situation based on the report, and if they fail, that will be problematic."

"I think there was some significant confusion...I would have thought that the towns would have gotten it clarified before, but they didn't," Senator Scutari said. "I don't think anyone did it intentionally."

Sen. Scutari said he chaired a special legislative committee on pensions review a number of years ago. "There is no doubt that we need to get control of the pensions to the point where I said we have to close it out to (some) people because it is such an enormous debt burden that we are going to have."

A private-practice attorney, the Senator, who also is city prosecutor in Linden, said he receives one year of service in the pension system for every year he is in the system regardless of how many public jobs he has. According to state records at www.app.com/section/DATA/DataUniverse, he has been in PERS since 1994.

"Some of the grandfathering provisions, that's where the confusion is. Grandfathered or not, you still had to be a city (of Linden) employee, which is that you primarily do the work. I am the chief prosecutor in Linden," he said, noting that in some cases of contracts, the person listed as the official receives pension credits when in fact employees of the person's law firm actually did most of the paperwork. "And the (new pension) law was meant to prevent that," Sen. Scutari said.

"You have to be an employee of the town. The report was mostly critical of professionals that were not actual employees of the town. There are certain towns that have employees and there are others that use independent contractors," Sen. Scutari said.

The Senator said in the past, appointees would consolidate their earnings from numerous part-time posts to gain a larger pension.

"One of the problems we (commission on pensions) saw, people would be in the pension system for \$1,500 a year for 30 years...and they got a job at the end making \$120,000" and received a pension based on their three highest years of earnings. That law has since been changed to the five highest years."

State Assemblywoman Nancy Munoz (R-21, Westfield), whose district includes Westfield and Mountainside, said she does not see any confusion on the part of employees and towns as to who is in the pension system.

"I am very unhappy about it because I think that we have enough problems in the state for the taxpayers that we don't need to put an additional burden on them," Asw. Munoz said. "I am uncomfortable with the idea that people took advantage of the situation...these are people who are professionals who should probably have known better."

Asw. Munoz said these part-time officials were "probably hoping or pretending that they were grandfathered in or pretending that they didn't understand it."

"I think it is completely wrong and I would actually be in support of some sort of penalties for this certainly going forward," Asw. Munoz said. "I think it is criminal that you would put this burden on the taxpayers." She said she found Mr. Boxer's findings "appalling" and is "outraged" by the report.

"Since there was some confusion I would say that going forward we better make it very clear that there be no confusion and that if it continues that there be some sort of penalties," Asw. Munoz stated. "This is a huge burden for the taxpayers that needs to be stopped."

Westfield Mayor Andrew Skibitsky commented on the matter for the town with a letter to the editor (please see page 4).

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