



Alex Taner for The Scotch Plains-Fanwood Times  
NEVER ENDING DEBATE...Westfield resident Adina Enculescu pleads to the Union County Board of Chosen Freeholders at Thursday night's meeting to reconsider the placement of the HAWK light in front of her home on Central Avenue.

## Scotch Plains Council

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and they could "start over," as only two bids were received and one was incomplete. The timing of the legal advertising for the request was then questioned but, it was determined that indeed, the bid was advertised appropriately.

The question of tabling the resolution was brought up, however, Mayor DePaola noted that the council does not meet again until mid-August. The council was in general agreement that, despite the fact that there were only two bids and one was rejected, that proper procedure was followed. Following the discussion, Mr. Glover accepted the placement of the resolution on the consent list saying, "I'll go along with the consensus."

Mr. Glover later explained that he didn't have a problem with the bid going to Halecon but he felt that, "The council should think about it before they spend \$300,000."

Also discussed was the Rahway Valley Sewage Authority's intention to enter into a public-private partnership. The authority overseas a system of sewer pipes that lead to a wastewater treatment facility, which serves Scotch Plains and 13 other towns. The partnership is intended to bring in a company to run its cogeneration plant, a plant that

was supposed to save taxpayers over \$1 million a year but has proved thus far to be a money pit. The authority has requested a meeting with the council in order to present their plan.

"It looks like they are trying to get into another business. If it saves us money fine, but I think it would be great to know what's going on," Mr. Glover said.

The council also took up resolutions involving changes on township roads. A crosswalk was approved and added to the township's list of mid-road crosswalks. It will be marked with the traditional signs in the road telling motorists to stop for pedestrians in the crosswalk. Flashing signs were suggested by Councilman Mickey Marcus, however, Police Chief Brian Mahoney indicated that would be cost prohibitive. The crosswalk is intended to allow access to the new Ponderosa Park by the public. The Chief is also hoping to be able to get a left-turn lane into the lot.

The speed limit on Martine Avenue between King Street and Cooper Road will be reduced to 35 miles per hour and the speed limit on Rahway Road between Cooper Avenue and Raritan Road will be reduced to 40 miles per hour. The changes follow a two-year study by the county.

## Fanwood Rec. Commission

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training wheel toss, which teaches children how to ride a bicycle, was successful with 43 participants including walk-ons. With the help of Bruce Zakarin and Willie Green, he said, "It was an incredible day."

Since some people, including the mayor, could not attend, they will be holding another one on Sunday, October 7, from 1 to 4 p.m. Mr. Carter said he received several e-mails from parents who were "ecstatic" and "overjoyed their kids learned how to ride."

"It was a tremendous day," Mr. Carter said. "Parents were happy with how long it took to teach the kids to ride."

Mr. Green said that prior to the event, 31 people were registered. The breakdown included: 16 females and 15 males; 13 from Fanwood, 17 from Scotch Plains, and one from Berkeley Heights; five 8-year olds and sixteen 6-year olds. Mr. Green said it was an "unbelievable turnout."

The Commission also discussed the issues of banners, signs, and flyers for local programs on the fence at LaGrande Park. Since they are illegal and have no organization, they questioned if there should be an official place to hang the advertisements. Mr. Green mentioned the possibility of a board on the recreation building where all the signs could be placed.

"I think the board is a brilliant idea," Commissioner Bruce Zakarin said. "Willie [Green] can look further and take suggestions."

The commission also discussed updating the signs in the front entrances that indicates rules of the park. Mr. Budiansky said the current signs are in poor condition with certain parts crossed off or taped.

Mr. Carter also discussed the formation of Team Haven Baseball Club this fall season, an initiative to stop the divisive nature between child athletes from Fanwood and Scotch Plains. As a person who has been involved in managing sports teams for the majority of his life, he stated that he witnessed bullying within the leagues of both towns, which he said the separation was "disturbing."

The team would consists of 12 children of the nine-to-11 age range from both towns that would be entered in the Basking Ridge fall league. Mr. Carter said the budget is approximately \$4,100, which covers training expenses, entry fee into the league, insurance waivers, equipment and uniforms, and umpire costs.

Mr. Budiansky said he was completely opposed to the idea of another team, especially since he said the commission does not fund any of the existing Fanwood and Scotch Plains leagues. Mr. Zakarin also agreed stating that it establishes a precedence of favoritism.

"This sets a terrible precedent for us," he said. "We would be directing a lot of our limited resources to support 12 kids."

Mr. Carter said if the borough hosted a tournament, like other towns such as Roselle Park, they could create a lot of revenue which could be used to beautify the fields and other places in town. Despite some opposition and concerns, a motion was passed to at least look into the idea and match the funds requested.

In the Director's Report, Mr. Budiansky announced the outcome of summer programs and the status of current projects. The summer travel camp, which is in its second year, was a success with 40 campers the first week and 36 campers the following week. The Commission is also working on the electrification of the pavilion. With entertainment every week, they could play music and use microphones with an outlet on a post.

Regarding the 2012 Union County (UC) Kids Grant Application, Mr. Budiansky said the borough is working on a skateboard park with an estimated cost of \$100,000. With grant money from the 2011 UC Kids Rec Trust, the commission also decided on installing an irrigation system for the Forest Road Park improvements despite having to shut down the fields for a few months.

The next commission meeting will be held on Tuesday, August 28, at 7:45 p.m. at the LaGrande Park recreation building.

## 'Ineligible' Pensions

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before it was illegal" for part-time professional contractors to be in the state pension system, "because it was creating a huge unfounded liability."

"You were putting off for future taxpayers hundreds of thousands, if not millions, of dollars in pension obligations to pay for our, at that time, current attorney needs. It was wrong from a financial standpoint and it was wrong because we had a pension system that was going bankrupt," Mr. Haas told *The Times*. "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, 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 they 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 cer-

tainly 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 believed 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](http://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).



Paul Lachenaier for The Scotch Plains-Fanwood Times  
TRICKY TRAY...A shopper with her tricky tray tickets prizes inside Frank's Auto Repair hopes to win the basket of her choice at Fanwood Ladies' Night Out on July 18.

## Nick Delpopolo

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jured as the clock was running out...which could have ended the match in Nick's favor. However, Nick 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 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 weeks 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](http://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](http://NickDelpopolo.com).

## Freeholders

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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.

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