

Legislators Vow Action on State Supreme Court Ruling

TRENTON — On Tuesday, the State Supreme Court said a new law requiring judges and justices to contribute more toward their pension and health benefits is unconstitutional for judges and justices because it cuts their salaries. The 3-2 decision said the new law violates the terms of the state Constitution that guarantees no diminution of salary for judges and justices.

The provision was included so they could not be punished by members of the other two branches of government for unpopular decisions.

The state, attempting to bring costs under control, has argued that health benefits and pensions are separate from judicial salaries.

Several legislators, on a bipartisan basis, vow to bring the matter to the voters in November. To get the matter on the November ballot, the legislature must act by August 6.

Oliver Statement on Supreme Court Ruling on Judicial Pensions

Assembly Speaker Sheila Oliver (D-34, East Orange) on Tuesday released the following statement on the state Supreme Court's ruling on the pension contributions of judges:

"When we passed the landmark pension and benefit reform legislation last year it was with two distinct goals in mind — to protect taxpayers and to protect the long-term solvency of our employee pension systems.

"This ruling threatens to undermine those goals and we intend to put forth a legislative remedy that would ensure that does not happen.

"Therefore the Assembly will move swiftly to consider a constitutional amendment that will resolve the court's legal concerns while enabling us to move forward with a fiscally responsible plan to shore up our pension systems," Asw. Oliver said.

Decroce: Supreme Court Ruling Is Off The Mark

Assemblywoman BettyLou DeCroce (R-26, Whippany) issued the following statement in response to Tuesday's state Supreme Court ruling that the state's judges are not required to contribute more to their pensions and healthcare benefits. The Legislature, last year, enacted a new law mandating increased contributions for all public employees:

"The state's highest court today showed true contempt for taxpayers and their fellow public employees by declaring its members and their colleagues are above the law. This ruling cements the public's perception that

the judiciary is an elitist club. No court should have had a say in this matter. It's a direct and blatant conflict of interest. The decision should rest with our taxpayers who pay the costs for these very generous pension and healthcare benefits the judiciary enjoys for a lifetime."

Asw. DeCroce said she supports ACR-152, a measure that would allow voters to decide if the state's constitution should be amended to clarify that the judiciary must abide by the pension and healthcare law enacted last year by the Legislature.

Thompson: Liberal Supreme Court Would Rather Rewrite Our Laws

Senator Sam Thompson (R-12, Old Bridge) issued the following statement in response to the ruling issued by the New Jersey Supreme Court in the case of DePascale v. State of New Jersey:

"Today's ruling is another example of a liberal Supreme Court that would rather rewrite our laws and constitution than read them for what they obviously say. Quite simply, salary is salary and benefits are benefits. Our constitution only protects the salaries of judges, and nothing else. It is obvious that some judges on our Supreme Court either don't understand plain English or they just don't care.

"The pension and benefit reforms that were approved by the Legislature and signed into law by the Governor are meant to apply to all public employees. We cannot allow judges

to treat themselves as a protected class of public employee that is immune from necessary reforms that apply to everyone else.

"If the Supreme Court insists on misusing our constitution to give judges a special privilege that was never intended, then we must act to approve a constitutional amendment that levels the playing field. While nobody likes larger deductions from their paychecks, it's only fair that all public employees be required to contribute more for increasingly expensive benefits as is common in the private sector."

Senator Thompson is sponsor of SCR-33, a proposed constitutional amendment that would remove the provision prohibiting the diminishment of judicial salary during a justice's or judge's term.

Senator Oroho: Supreme Court Putting Self Interest First

Senator Steven Oroho (R-24, Sparta) stated the following about Tuesday's state Supreme Court pension and health benefits ruling:

"Our state Supreme Court has once again failed New Jerseyans, this time by putting self interest above the public good. Today's ruling further demonstrates the elitist nature of a Court that continues to thumb its nose at the

Chivukula Opens Campaign Office

SOMERVILLE — Assemblyman Upendra Chivukula (D-17, Somerset) will open his Congressional campaign office in Somerville Thursday, July 26. Mr. Chivukula is the Democratic candidate for Congress in the 7th Congressional District.

"I look forward to working with all our great volunteers and supporters in what will be a very active political campaign," Mr. Chivukula said.

Mr. Chivukula will face two-term Republican incumbent Rep. Leonard Lance in the fall.

"Lance has continued his move to the extreme right with his 100 percent Pro-Life stance and opposition to any type of common-sense gun control. He's out of touch with the current 7th Congressional district," added campaign manager Joey Novick.

The party will kick off at 6:30 p.m. at 205 Main Street. Somerville is the Somerset County seat.



GRADUATION...Union County Sheriff Ralph Froehlich presents a graduation certificate to Officer Timothy O'Grady and K-9 Reese during graduation for Class 12-01 from the Sheriff's K-9 Training Academy. Five new police K-9 teams graduated during ceremony at Union County College in Cranford.

Asw. Simon: Self-Serving and Clear Example Of The Courts

Assemblywoman Donna Simon (R-16, Flemington), who is a primary sponsor of an Assembly resolution that would clarify the Legislature's intent requiring judges to increase their pension and healthcare benefit contributions, issued the following statement regarding the state Supreme Court's 3-2 decision upholding a lower court ruling saying the judiciary was not covered by the new law:

"The high court has affirmed the flawed ruling issued by an appellate court which is self-serving and a clear example that the courts expect taxpayers to bear the burden of supporting the perks of some of the highest paid public employees in the state. The fairest ways to resolve this issue is to let the voters decide on a constitutional amendment that says the ju-

diary is not a privileged group and should be included in the new pension and healthcare law. We can correct the court's misinterpretation by putting the question before the voters in November."

Asw. Simon is a primary sponsor of ACR-152, which would allow voters to decide that the Legislature has authority to pass laws increasing contributions from justices' and certain judges' salaries for employee benefits. The Senate version, SCR-110, was released from the Senate Budget and Appropriations Committee on June 21, and the concurrent resolutions were placed on the desks of the members in the Senate and Assembly the same day. August 6 is the deadline to complete the process that will put this question on November's ballot.

DOE Releases Taxpayers' Guide to Edu. Spending

TRENTON — The Department of Education has released the 2012 Taxpayers' Guide to Education Spending to help New Jersey residents and interested citizens learn how their tax dollars are spent in their schools.

"This report today demonstrates our commitment to providing clear and usable data on our schools to taxpayers across the state," Acting Commissioner of Education Chris Cerf said. "For the second year in a row, this guide now includes a full accounting for all dollars spent on our schools to provide a complete picture of spending in the state."

The Guide provides information about school districts' annual budgets. Included are two types of total expenditures are total spending per pupil, which includes all district expenditures including state expenditures on behalf of school districts, and budgetary costs per pupil, which only includes costs that are similar among school districts.

This is the second year that the Guide includes a full accounting of all spending on education in New Jersey. The former Guide did not include costs such as transportation, debt service, federal funds, and state payments on behalf of the districts for pension, Social Security, and post-retirement medical costs. The previous guide also omitted costs of tuition and students sent out of district.

For the 2010-11 school year, the average total spending per-pupil spending in the state was \$17,352.

The guide also compares school districts of similar size and ranks districts in 14 of the 17 spending

categories, such as total administrative costs or total classroom instruction, and in four staff indicators, such as student-teacher ratios and ratios of faculty to administrative staff.

Costs are ranked on a per pupil basis from low to high, with three years of data presented for spending categories and two years of data presented for staffing indicators.

Trend information shows that spending in key areas has been proportionately stable since 2006-2007. For example, over that time, the budgetary cost per pupil for instruction was virtually flat, rising from 59.0 percent to 59.1 percent; the budgetary cost per pupil for administration declined from 11.0 percent to 10.5 percent and the budgetary cost per pupil for student support services rose from 15.1 percent to 15.6 percent.

The Taxpayer Guide to Education Spending can be found at: <http://www.nj.gov/education/guide/2012/>.

Passing of Sally Ride

EDISON — Senator Barbara Buono, (D-18, Edison) made the following statement Tuesday about the recent passing of Sally Ride: "The U.S. lost one of its great icons yesterday. Sally Ride was a trailblazer and role model for millions of Americans — both young and old alike — showing us that anything is possible if you are determined enough to see it through. Whether through her two missions aboard the Challenger or her work with Sally Ride Science, she worked to inspire the next generation of girls and boys to follow in her footsteps and pursue a career in science. We need more people like Sally Ride, a true American legend."

Birchwood Developer Files Challenge to DEP Requirement

By DELL SIMEONE
Specially Written for The Westfield Leader and Th Times

CRANFORD — The Cranford Township Committee held a special meeting on Monday night, at which it was supposed to award a contract for restoration of the lower level of the municipal building on Springfield Avenue, which was damaged by excessive flooding last year during Hurricane Irene.

The committee was also supposed to award a contract for clerk of the works for the reconstruction. However, that did not happen. The committee went into executive session immediately after the meeting convened. The session lasted two hours and 15 minutes.

When the meeting opened up again, Mayor David Robinson announced that matters pertaining to the repair of the lower portion of the municipal building would be addressed at another special meeting to be held Monday, August 1, at 7:30 p.m., at the municipal building.

Township Attorney Philip Morin announced that at 5 p.m. on Monday, the township was notified of a motion before the court by the Cranford Development Associates, (CDA) of the S. Hekemian Group of Paramus, the company that wishes to develop the Birchwood project, a 360-apartment unit complex with 60 affordable to be built at 215 Birchwood Avenue along with a five-story parking garage, challenging a requirement by the New Jersey Department of Environmental Protection (DEP) that they are deficient in not having a second road with access to the Birchwood property. The DEP also requires that CDA

elevate the road a foot above the flood plain.

CDA has filed a motion with state Superior Judge Lisa F. Crystal to be heard on Friday, August 3, before the site plan review, which is to take place on Wednesday and Thursday, August 8 and 9, at 10 a.m., before retired Superior Court Judge Douglas Wolfson at the Union County Courthouse, 2 Broad Street, Elizabeth. Both the CDA and the Cranford Township Committee have requested the hearing to be held in Cranford.

"They're looking for a motion on short notice in advance of when the court would hear a motion," Mr. Morin said. "A motion should not be heard prior to the next hearing date. We believe this a DEP matter and should not be before the court."

"The CDA is trying to make an end run around the DEP authority. We're going to object, and ask that this motion be rescheduled to allow us time to respond," Mr. Morin said.

The CDA sued the township using a builder's remedy lawsuit, by which it claims that Cranford has not met its quota for affordable housing units, and is trying to prevent the CDA from building apartments which would include affordable units. Judge Crystal ruled in favor of the developer.

The township, on the other hand, is objecting to the development because of the fear of more flooding caused by more people and inadequate infrastructure to accommodate a 360-unit apartment building on environmentally sensitive land. The township is appealing Judge Crystal's decision.

Rahway River Mayors Agreement Reached for Dam

REGION — Governing boards of the communities that are represented on the Mayors Council on Rahway River Watershed Flood Control agreed last week to enter into an interlocal agreement to fund the legal analysis on the development of the South Mountain Reservation detention dam.

The project once constructed is projected to detain storm water at peak flow conditions that would reduce water elevations in communities such as Millburn, Springfield, Union, Kenilworth, Cranford and Rahway. A U.S. Army Corps of Engineer's hydrology assessment indicated the project could reduce water elevations by almost three feet at the Route 78 confluence of the Rahway River.

"The cooperation shown by the communities that have decided to move forward is forward looking and is an attempt to implement solutions to flooding," Millburn Mayor Haimoff said.

Cranford Mayor David Robinson added that, "Cranford is pleased to participate to ensure the project takes a step forward to mitigate some of the flooding concerns our region has faced."

The legal analysis will be done to work out agreements with the City of Orange and Essex County, where the project is being sited. The Mayors Council has made a funding request to the State of New Jersey for planning funds to perform the environmental and design assessments. Most area legislators have made requests on the watershed communities behalf to include state funding for this effort.

Some communities have not signed on to the agreement as yet, given that the river doesn't directly impact

homeowners during storms. The Mayors Council is striving to ensure all watershed communities better understand the quantity and quality of the storm water contribution they make to what eventually reaches the river and then over flows its banks.

On September 20, along with the Rahway River Association, the Mayors Council will be sponsoring a regional storm water management conference to be held in Millburn. Mayors, administrators, engineers, planning and zoning board members and others will be invited to learn about the impact poor storm water management has and to set objectives to mitigate.

John F.X. Keane Named Unity Exec. VP

AREA — Unity Bank has appointed former Citibank executive John F. X. Keane, a 38-year industry veteran, as executive vice-president and chief lending officer. Mr. Keane is responsible for both commercial and Small Business Administration (SBA) lending.

Mr. Keane, a New Providence resident, most recently served as division director for New York City with Citibank, managing a portfolio of approximately 10,000 companies and more than \$1.2 billion in loans and \$6 billion in balances. Previously, he served as Citibank's senior vice-president/New Jersey region manager.

He earned a Master in Business Administration in Finance at New York University and a Bachelor of Arts in History from St. Bonaventure University and completed a Harvard University executive program.

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