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SCOTCH PLAINS

# THE TIMES

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FANWOOD

VOLUME 35-NUMBER 38

SEPTEMBER 17, 1992

30 CENTS



Welcome

## AUTUMN

SEPT. 22, 1992

### High School Goals discussed at meeting

Further discussion and possible resolution relative to the Scotch Plains-Fanwood Board of Education's High School Goal will take place by the Board at its Regular Public Meeting scheduled for September 24, beginning at 8 pm. Main components of the High School Goal concern instructional levels, student placement criteria, waiver form and class ranking at the High School.

The Board's September 24 meeting will occur at the school district's Administrative Offices Building, Evergreen Avenue & Cedar Street, Scotch Plains. The public is invited to attend.

### Books, books, books! at the Fanwood Library sale

The Friends of the Fanwood Library will hold their semiannual book sale on Saturday, September 19th, from 10 am to 3 pm. The sale will be held at the library, on North Avenue near Martine Avenue. In case of rain, the sale will be held Saturday, September 26. Anyone wishing to help can call Carol Campel at 322-9179.

### Craft Show/Flea Market at Fanwood Train Station

The Fanwood Junior Women's Club will hold its craft show and flea market on Saturday, October 3, 1992, at the Fanwood Train Station from 9:00 am to 4:00 pm. Funds raised will go towards our scholarship and other community funds.

The Women's Club will have baked goods, hot-dogs, refreshments and face painting for everyone.

Interested crafters or vendors should contact Mrs. Biondi at 322-3866 or Mrs. Deuchar at 654-7699.

### Board re-establishes Attendance Officer

The Scotch Plains-Fanwood Board of Education has re-established the position of district Attendance Officer, and High School teacher Brian Homm has been appointed to the post.

The Attendance Office, housed at the High School, handles matters regarding the legal residency of student enrollees and regarding student attendance and related department. Any citizen of Scotch Plains or Fanwood who suspects that a non-resident student or students is/are attending any one of the district's eight schools is asked to report that information as specifically as possible by calling Mrs. Eleanor McClymont, Director of Pupil Services, at 232-0280. Mrs. McClymont and Mr. Homm work jointly in investigating such cases.

As part of the Board of Education's policies concerning student department, the Board has instituted Saturday Detention for those students whose unacceptable behavior has caused them to be so assigned. Saturday Detention will be held from 8:15-11:45 am on school premises and will be supervised by certificated personnel.

## Fanwood ordinance challenged in court

On August 31, 1991, an Essex County resident was stopped by two Fanwood police officers for allegedly speeding. When stopped, the officers suspected the individual of being intoxicated and had him submit to a number of field tests. The individual was then arrested for Driving While Intoxicated (D.W.I.). Two summonses were issued - one for D.W.I. and the second for speeding.

According to Thomas Hood, a Plainfield attorney representing this individual, his client requested copies of all 'discovery' matters on September 9, 1991. 'Discovery' entails the materials that the police acquire and accumulate through their investigation or the proof that the police will produce in court. The individual (defendant) advised Fanwood that N.J.S.A. 47:1A-2 limited copying charges. However, the defendant was informed that pursuant to Fanwood Municipal Ordinance 89-04-R, discovery items were \$3.00 per page. If purchased, the defendant's bill would be \$60.

On November 8, 1991, the defendant filed a Notice of Motion with the Superior Court-Union County to compel discovery by the Borough of Fanwood and to fix a reasonable cost. On December 9, 1991, the Honorable William L.E. Wertheimer stated in a letter that his court did not have jurisdiction to hear the matter until the municipal court had made some ruling on the issue.

However, Judge Wertheimer referred the borough to N.J.S.A. 39:4-131.1 which incorporates by reference N.J.S.A. 47:1A-2.

On December 23, 1991, the defendant filed a Notice of Motion with the Municipal Court of Fanwood to compel discovery and to fix a reasonable cost. Although the defendant believed that the costs beyond what the state suggests were unfair, he ultimately paid the \$60 and received the discovery materials. The defendant is seeking the difference - or \$47.50 in reimbursement.

On June 25, 1992, the Honorable Susan N. Mullen, J.M.C. of Fanwood, ruled that "Borough Ordinance has established fees" and held that the fees were reasonable "to defray the costs and time involved" in "reviewing the file and

sorting the discoverable documents".

Thomas Hood, the defendant's attorney, has filed an appeal of Mullen's decision to the Superior Court of New Jersey - Union County. In his brief to the County, Hood states that the "defendant has looked high and low for relief from Fanwood's oppressive discovery charges". He claims that the question "is three dollars a page a reasonable cost of discovery?" was never addressed. According to Hood, "inasmuch as the county itself only charges .50¢ per page for discovery, the divergent and high cost of discovery is a question of great public impact and one which should be heard on its merits".

Mr. Hood also states that Fanwood asserted that the file was "reviewed and sorted". According to

Hood, "had someone actually reviewed the file prior to making copies, one would have easily noticed the defendant did not need to pay \$3.00 per page for a copy of his own driver's license, registration, and insurance card as well as a copy of the summonses of which he possessed the originals. Accordingly, the quantity of time spent in reviewing and sorting was clearly negligible". According to Fanwood Chief Anthony Parenti, prior to duplication of discovery materials individuals may request to have items deleted from reproduction.

Mr. Hood contends that "there is already a widespread disparity in discovery charges in Union County which are only likely to escalate as municipalities view hapless drivers as mere ratables in their never ending search for means of

*Please turn to page 5*

## Fanwood Council Highlights

September 9, 1992

Upon the recommendation of Councilman and Chairperson of the Building and Zoning Committee, Andrew MacDonald, the ordinance regulating the use of mobile storage structures was once again tabled until further consideration. Councilman and Chairperson of the Public Works Committee, David Borger, proposed resolutions authorizing purchases for stone and asphalt.

The council also approved the rental of a

dump truck and a packer for the annual removal of leaves. The purchase of a new pick-up truck was also approved. Responding to Councilman Chester Lindsey's question regarding the type of truck to be purchased, Councilman Frank Rossi explained that the amount is allotted in the public works section of the capital budget. Rossi stated that the price of the truck must be within that limit.

Councilman and Chairperson of Administration and Finance,

Frank Rossi proposed a 'professional services contract' for Michael Mitzner. Mrs. Mitzner is the Fanwood Borough Prosecutor. The resolution hiring Mr. Mitzner for this additional legal service was amended to include the stipulation 'not to exceed \$2,000'. The entire Council with the exception of Councilman Chester Lindsey voted to approve this resolution.

The matter for which Mr. Mitzner was hired is discussed in THE TIMES article entitled 'Fanwood Ordinance Challenged In Court'.

## Scotch Plains Day & Races celebrate 10th Anniversary

Every October since 1982, the Scotch Plains Recreation Commission has sponsored a five-mile race through the township, as well as a one-mile fun run. In that time, runners have accomplished the five-mile feat in as little as 28½ minutes, which presents a challenge for this year's competitors, Saturday, Oc-

tober 10. Together with the Scotch Plains Chamber of Commerce and volunteers assisting along the route, men and women can register to compete in various age categories with a first, second and third place trophy being awarded in each: 18 and under, 19-29, 30-39, 40-49, 50-59 and 60 and

over. A Mayor's trophy will be awarded to the first Scotch Plains resident to finish the five mile run, and a best over-all trophy for the male and female will also be presented. T-shirts will be given out to the first 150 entrants. For the one-mile run, only one trophy will be awarded for the best time for a male and a female. Elec-

tronic timer will be used. The five-mile race start is scheduled for 9 am and the one-mile fun run at 9:05 am. Registration is \$8.00 per entrant, but \$10.00 on the day of the race between 8:15 am and 8:45 am at the rear of the Municipal Building, 430 Park Avenue, Scotch Plains. Call 322-6700 for further information.