



SCOTCH PLAINS

THE TIMES

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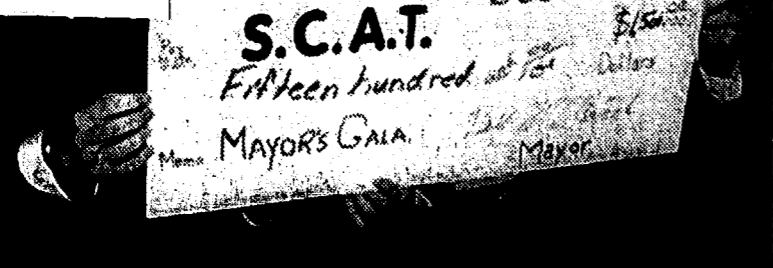
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A WORTHY CAUSE... Scotch Plains Mayor William F. McClintock, Jr. presents Mrs. Patricia DiFrancesco with a check for \$1,500 for the benefit of the School and Alliance Team, SCAT, from the proceeds of the Fourth Annual Mayor's Gala held December 2 at the Shackamaxon Country Club. For another picture, please see Page 22.

ORDINANCE WILL BECOME EFFECTIVE ON SATURDAY, APRIL 1 Township Council Adopts Ordinance Banning Cigarette Vending Machines by 4-1 Vote

*Contract for Recycling Firm Extended for Another Month,
Deputy Mayor Johnston to Be Appointed Mayor on January 1*

By GLENN A. KAPLINSKY
Specially Written for The Times

The Scotch Plains Township Council voted Tuesday to join approximately 25 other municipalities in the state and approximately 200 in the country by banning cigarette vending machines effective April 1.

The council voted in favor of the ordinance 4-1, with Councilwoman, Mrs. Joan Papen, opposed. The issue was hotly contested by residents supporting and

opposed to the measure. Violators will be subject to a fine of \$200 each day a cigarette vending machine is "owned, operated or permitted on their premises."

The ordinance was passed on the urging of Harry F. "Skip" Ungar, a Brandywine Court resident. The matter had been pending since this summer's fact-finding hearing.

Mr. Ungar thanked the council for their efforts in banning the machines with a poem:

*Though it may get distributors miffed,
Our new law gives our town a great left.
Cigarettes won't be seen
In a vending machine.
What a wonderful holiday gift.*

The ban includes all machines in town as any controls on the machines would present a difficult enforcement problem, officials noted.

Westfield has refused to approve a similar ordinance, while East Brunswick has banned the machines.

The intent of the ordinance would be to keep cigarettes out of the hands of minors, officials explained.

The Health Advisory Board had previously voted 5 to 1 in favor of banning the machines. One board member had abstained. This recommendation, however, was not binding on the council, it was noted.

There are, according to Mayor William F. McClintock, Jr., approximately 18 cigarette vending machines in the township. Mr. Ungar added that most of the machines are located in restaurants or gas stations.

The Scotch Plains Downtown Committee refused to take a stand on the issue.

Mrs. Papen was in favor of having some sort of control on the machines such as having an attendant or a locking device.

Mayor McClintock stated he knew someone whose under-aged children purchased cigarettes from many of the town's vending machines. He said this was an ex-

ample of how the current law is being enforced. The children were not stopped or even questioned, he stated. The children were allowed to purchase cigarettes from vending machines at four out of five establishments, the children's parents noted.

They were unaccompanied by any adult.

This example was cited in support of the theory that the enforcement of the existing law prohibiting sales to minors is lax.

Mrs. Karen Blumenfeld, General Counsel for the New Jersey Group Against Smoker's Pollution which has been fighting smoking for 20 years, claimed two-thirds of all high school students buy their cigarettes from vending machines, based on the findings of a State Department Health Survey. Mrs. Blumenfeld said industry figures show 56 per cent of minors buy their cigarettes from vending machines. She was in favor of a total ban only.

"Controls will not work. Locking devices don't work," Mrs. Blumenfeld said.

Voluntary controls will not work because vending machine companies will not comply, she alleged. Health officials and studies listed by Mrs. Blumenfeld indicate only a total ban on cigarette vending machines will keep cigarettes out of the hands of minors.

She termed the banning of cigarette vending machines, "a small but significant step."

James Feinberg of Mannie's, a Jersey City-based vending machine company, which has been in business since 1933, said locking devices are "100 per cent effective." He went on to say sales from his one machine in Scotch Plains average two cartons or 20 packs per week.

Mr. Feinberg said his firm is one of the larger vending machine operators. He surmised that few sales are made to minors.

William Lear, the President of the New Jersey Coalition for

Smokers' Rights, said "Smokers should have rights."

"This movement to ban cigarette vending machines is a 'back door' to the prohibition of cigarettes." Children purchase their cigarettes in stores, where the price is cheaper, and not from vending machines.

"If the total ban passes, people who own and operate vending machine companies will lose their jobs," he claimed, adding that education should be stressed.

Martin Fafette of Mountain Avenue, a smoker, was also against the ban. He advised the council to represent all of the people and "not just the radical fringe."

Mr. Fafette has become annoyed with the "bash the smokers" trend he said he sees exhibited today.

"We need to address other more important issues. You are harassing smokers," he said.

Councilwoman Papen agreed with his comments. However, Mayor McClintock countered by saying the vast majority of the calls and letters he has received on the subject were in favor of a total ban.

While Deputy Mayor Robert E. Johnston voted in favor of the ban, he did so with reservations.

"I am not in favor of the wording of the ordinance. If people are determined to smoke, they will," he claimed.

Councilman Alan M. Augustine said he was concerned about protecting children's health. He asked, "Has anyone heard that cigarette smoking is good for you?"

Councilman Augustine called nicotine "the most addictive substance known to man."

Mayor McClintock said, "This is purely an issue regarding our youth. We are not out to bash smokers. Alcohol and adult magazines are not sold in vending machines. Neither should cigarettes."

He noted those wishing to purchase cigarettes may do so 24

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Borough to Join New Sewer Authority Along With Eight Other Communities

Search for Senior Housing Ends Over Lack of Available Land

By JEANNE WHITNEY
Specially Written for The Times

The Fanwood Borough Council confirmed December 14 at its regular meeting that it would not continue the search for a borough site where senior citizen housing could be built.

"We have closed the chapter on this issue, for the meantime," Fanwood Mayor, Mrs. Linda d. Stender, said.

At a public hearing in November with residents of the Watson Road area where a site for housing was being considered, Mayor Stender said a 1988 borough study revealed a need for and interest in senior citizen housing. At a council agenda meeting December 17, the Mayor pointed out that at the hearing no senior citizens expressed a need for housing. Councilman Bruce Walsh urged the council and Mayor to seriously weigh residents' objections to the housing project.

A 1991 federally-funded study by Planners Diversified of Summit identified seven possible sites in the borough for senior citizen housing. The majority being privately held properties. The Watson Road site was rejected by the council when it was determined that land from residents' yards next door would be needed to make it a workable location. Officials said the neighbors were not willing to sell their properties.

The borough is "99 per cent developed," Councilwoman, Mrs. Maryanne Connelly, said, suggesting there is little available land for such a project.

A lot at LaGrande Avenue and Second Street previously occupied by Dean Oil is a proposed site. The site is considered unusable at this time because of oil contamination and ground water, the Mayor has said. Councilwoman Connelly said the council has researched prospective sites for the past two years.

Jack Molenaar, a professional Planner and Chairman of the Fanwood Downtown Revitalization Committee, said he favored use of the Dean Oil site not only for senior citizen housing but in combination with retail and office space. He provided a sketch of a three-story building as an example.

Republican Councilman Andrew J. MacDonald resigned his position this month as Council Liaison to the Downtown Revitalization Committee, a position that he held since January, saying the committee was not effective. Mayor Stender said a new liaison would be appointed in January.

The council reported the borough had reached a settlement prior to the November 7 trial date, after one-and-a-half years of litigation, in which Fanwood was named with eight other towns to enter into a service contract with a new regional sewer authority.

The authority has not been given a name at this time.

It will cost the borough \$300,000 a year, which is due in June, according to Borough Attorney Dennis Estis. Scotch Plains will owe \$1.8 million yearly, he said. The newly-formed authority will be responsible for disposal of sewage and maintenance of the system. Mr. Estis said he had anticipated a six to eight month trial, at considerable expense to the borough, if a settlement was not reached.

In another issue, Mr. Estis said a borough-wide vote was required to allow 50-50 raffles at the Memorial Day Carnival. Allowing such a raffle in response to a request by the Department of Recreation and Community Services would make Fanwood "a gambling town" under current law, he said.

Councilman Donald S. Kolterjahn asked that Mr. Estis discover whether a vote was possible on it before November.

The council will vote on the Enrollment and Facility Recommendations from the Board of Education at the end of January. Councilman Kolterjahn said. The report describes anticipated enrollment and staffing needs until the year 2000. Copies of the report are at the Fanwood Library and Borough Hall.

Councilwoman Connelly said the library was awarded \$8,475 in state aid for next year. This is a decrease of

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Eight Graders Did Well On Early Warning Test

A Total of 210 of 220 Seniors Passed Proficiency Test

The Scotch Plains-Fanwood School District released the results of the Early Warning Test last week which was administered to students last March. The test is considered an "early warning" of how students are doing as they prepare for the High School Proficiency Test-I which was given to fourth graders.

The test is scored in three levels. Those students who scored in the first two levels passed the test. Students whose scores fell into the third level will be given remediation so that they will be able to pass the proficiency test.

A total of 98.7 per cent of students successfully completed the reading test with 93.5 students passing the mathematics test and 96.1 the writing test.

In terms of the proficiency test, a total of 210 of 220 Scotch Plains-Fanwood High School's 12th grade students have passed. The test was first given in the fall of 1993. A total of 93.2 per cent of students passing the writing test. A total of 85.5 per cent of the class passed all three sections.

The test was administered a second time last spring for those students who did not pass the first time around. Following this test, the percentage of students passing in reading rose to 98.2 per cent. A total of 96.8 per cent of the class has now passed the mathematics test with a

total of 98.2 per cent passing the writing test. A total of 95 per cent of the class has now passed all three sections.

The High School Proficiency Test-I was given for the first time last year. The test replaced the Ninth-grade Proficiency Test. Students must pass the test in order to graduate.

The proficiency test was administered in October to those seniors who had not passed it and to all juniors.

Councilman MacDonald Resigns from Committee

In last week's issue of *The Times* it was reported that Fanwood Borough Republican Councilman Andrew J. MacDonald had resigned from the Borough Council when in fact he had announced he was leaving his position on the Downtown Committee.

During the December 7 meeting, his resignation from the committee was not made clear at the time. The councilman did talk to our reporter following the December 14 meeting. His comments are covered in a story in this week's issue.

Detached Rental Unit on Farley Avenue, Existing Without Permits, Presents Problems

Board Attorney Says 'Special Reasons' Must Be Given to Legalize Structure

By SUZETTE STALKER
Specially Written for The Times

The Fanwood Zoning Board of Adjustment last Thursday tabled an application which would allow a borough couple to maintain on their single lot, in addition to their own home, a detached rental unit which has apparently existed peacefully but without permits for the past 20 years.

Mr. and Mrs. Michael McLane, who have owned the property at 180 Farley Avenue since May, testified

they had purchased it with an understanding from their realtor that the rental home was permitted under the borough's zoning ordinance.

Mr. McLane said he subsequently learned, however, that he required a use variance in order to maintain the auxiliary dwelling as a rental unit, even though it had been rented by the property's former owners to a series of relatives and non-relatives over the past two decades, and the current tenants have lived there for several years.

Several longtime neighbors of the McLanes' property turned out in support of the application, emphasizing that the rental unit, which was gradually converted from an art studio legally run by the property's former owner into living quarters, had never caused any disturbance to the neighborhood.

Board Attorney Charles H. Brandt, though concurring with board members that the McLanes were "innocent victims" of apparent misrepresentation by their realtor, told the applicants that in order for the board to grant them a use variance — which must be approved by five board members — the couple would have to demonstrate "special reasons" to justify a departure from the borough's zoning ordinance.

Mr. McLane suggested his application could qualify for a grandfather clause since the rental unit had already been in existence for many years, and the property is tax-rated as a two-family lot. He also argued that eliminating the second dwelling would decrease the value of his and

adjacent properties.

Officials, while sympathetic, told the couple they could not be covered under a grandfather clause since the auxiliary building had never existed legally as a rental unit, noting the only renovation permit the municipality had on record was one for the addition of a bathroom while the building was still an art studio.

"The problem is that a crude building which legitimately served as an art studio was then converted without building permits into living quarters," Mr. Brandt commented, wondering,

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DEADLINES HELP PAPERS SERVE YOU

Those preparing press releases for submission to *The Westfield Leader* or *The Times* are reminded all copy should be in the hands of the Editor at 50 Elm Street, Westfield, by 4 p.m. on the Friday before the Thursday on which they wish it to appear.

Leader releases also may be mailed to Post Office Box 250, Westfield, 07091, and Times releases to Post Office Box 368, Scotch Plains, 07076, to meet the above requirements.

For events which happen the week-end prior to publication, press releases should reach the Editor by Monday of the week of publication at 10 a.m.

Obituaries will be taken until Tuesday at 5 p.m.

For events which are planned weeks or months in advance, we encourage submission of stories as early as possible prior to the event.

The above deadlines are meant to enable us to prepare your copy carefully.

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SHOPPING DAYS
LEFT TO CHRISTMAS



ALL LET UP...The business location of the Schmiede Tree Service on South Avenue in Fanwood has trees on the property lit up for Christmas.

HOW TO GET THE TIMES
Just Fill in the Form
On Page 10
And Return It to Us!

— A Very Merry Christmas to All —