

July 29, 1982

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# Clark Patriot

'A Voice for All, an Echo for None'

VOL. 16 NO. 30

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## Parties meeting today in water-tank lawsuit

By R. R. Faszczewski  
Representatives of both the township Planning Board and the Middlesex Water Co. were due in a pre-trial conference before Superior Court Judge Milton A. Feller today to clarify the issues in a suit brought by the water company against the planning body last month and to set a trial date, according to Judge Feller.

Contacted by The Clark Patriot last week, the judge said the case involves an allegation by the water company that the March 23 decision by the planners the determination as to whether or not the utility was to be permitted to erect a five-

million gallon storage tank at its Madison Hill Rd. pumping station was under the purview of the township's zoning board rather than the planning body.

The judge said the water case was heard by the Planning Board, and it should have made the decision in the matter then referring it to the Zoning Board of Adjustment.

He explained the main issue seems to be whether the planning body followed statutes governing its power. According to the judge, planning boards are supposed to deal with hear-

ings on conditional uses and variances for the size and shape of proposed structures to be erected on property which is within the permitted use category.

The Zoning Board, on the other hand, according to Judge Feller, deal with granting or denying variances for those who wish exemptions to prohibited uses.

The issue, therefore, appears to hinge on whether the proposed tank is a permitted or prohibited use.

According to Frederick Yoerg, Jr., the chief engineer for Middlesex Water Co., it is the opinion of the firm's attorney, Ar-

nold Attanasio of Westfield, since the property contains the utility's pumping station the tank would be a conforming use, and therefore the decision should be made by the Planning Board.

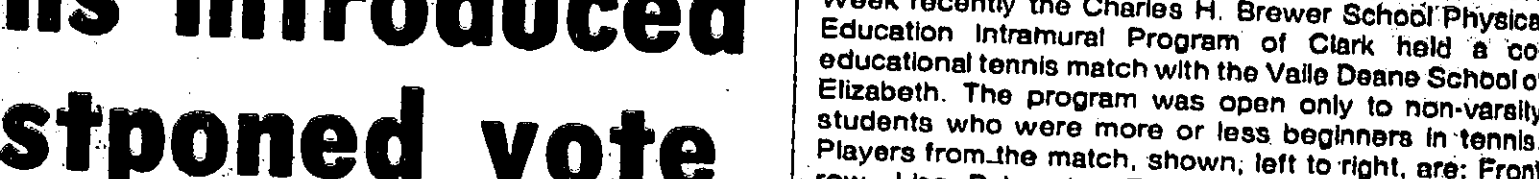
The engineer added the utility has gone through several months of hearings, including several informal sessions with the planners and six public hearings, and has relocated the proposed site of the tank to save trees in addition to changing the plans to lower the structure more into the ground and to "lower its profile."

The time for the planners to determine jurisdiction, he

said, was before the long hearing process began, not after it is over.

He added the water firm does not think it is fair it should "have to start back at square No. 1" by beginning the procedure all over again by appearing before the Zoning Board of Adjustment.

The attorney for the Planning Board, Irvine Johnstone, Jr., who reportedly ruled the use variance was "under the jurisdiction of the zoning board, had no comment on the case, because it is pending in court, when contacted by The Clark Patriot.



KEEPING IN SHAPE - Students at Clark's Carl H. Kumpf School celebrated National Physical Fitness Week recently. Nicholas Medvedich, a student, does pullups as Thomas Hannon, the physical education teacher looks on. (Please see another picture inside.)

## Reforms introduced on postponed vote

A bill that would improve communications and reduce confusion when weather emergencies force postponement of elections was introduced by Assemblyman Bob Franks today.

Assemblyman Franks said his bill resulted from the "misinformation and costly confusion" last April 6 when a snow emergency caused Gov. Thomas Kean to cancel school elections in eight counties, including those in Clark's two school districts.

"My bill closes the gap in the law by establishing final responsibility for the notification of election officials and the mass media by telephone and messages by radio or television," he said.

"Some polls were closed, some remained open all day, poll workers were confused and thousands of potential voters were confronted with confusing television and radio announcements."

"I share the concern with the League of Women Voters regarding low voter turnout for these elections, and believe my bill will help assure smooth postponement and re-scheduling pro-

cedures when similar emergencies occur in the future. In turn, this will increase voter participation, a goal shared by everyone," the lawmaker continued.

The Republican concluded his bill also provides for a minimum mandatory postponement of two weeks to provide for the use of absentee ballots in rescheduled elections.

Assemblyman Franks said this bipartisan support makes him confident the full Assembly will approve the measure.

"The experience in April was like a fire drill that went wrong," he said.

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GOOD STYLE - James Lesons, the physical education instructor at Clark's Frank K. Hahnly School, center, has Jeannie Abruzzo, left, demonstrate the proper technique for throwing the lacrosse ball, while, left to right, Randi Sheps, Adam Glorstein and Chris Linquist observe.

Plantation to weave Aug. 1 show

The Dr. William Robinson Plantation at 593 Madison Hill Rd., Clark, will be open to the public from 1 to 4 p.m. on Sunday, Aug. 1. There is no admission charge.

Guided tours of the 300-year-old farmhouse and grounds will be conducted by costumed members of the Clark Historical Society.

The herb garden contains two sections of herbs used in the kitchen, a section of medicinal herbs and

another for aromatic herbs and those used for dyeing.

A Summit resident, Ellen O'Shea, will demonstrate basket weaving and exhibit samples of her work. She uses rice straw, which is collected and shaped to make bread baskets. The early colonists used rice straw for their beehives.

Cane and reeds are more commonly used today because they are more readily obtainable.

Mrs. O'Shea learned her craft at the Pennsylvania Farm Museum in Lancaster, Pa. She is a member of the Miller-Cory Museum staff and their craft show.

Signatures count's on rent-law petitions

By R. R. Faszczewski

As of press time, the petitions submitted last week to the Office of the Township Clerk calling for Township Council to either repeal the recently-enacted rent-control ordinance or to place the issue before the voters in the November General Election were still being examined against a list of registered voters to determine their authenticity and legality.

According to Assistant Township Clerk Mrs. Catherine Clancy, she had just begun the process of counting the signatures, and it would be necessary to check with the Union County clerk to determine if there were any newly-registered voters whose names should be counted among the number used to determine how many signatures are required and

in checking the registration of those signing the petitions.

She added those who had led the petition drive, Thomas Winters, a Board of Adjustment member, and James E. Knoch, a member of the Board of Education and the Clark Taxpayers Coalition, had said there were 3,373 signatures on the petitions.

However, according to Mrs. Clancy, this number was not yet official since the count had not been completed.

Mr. Knoch, who helped engineer a similar, yet unsuccessful petition drive two years ago, has said the will continue soliciting additional signatures so there should be a sufficient amount which any signatures be disqualified.

During the former drive to repeal an earlier version of the rent-control law, Township Clerk Edward R. Paduniak had disqualified substantial portions of the petitions submitted then because of duplications and inadequate proof of voting registry. The sponsoring organization then, the Clark Property Owners Assn., also continued to submit signatures throughout the time it took to check the petition.

Reportedly, both Mr. Knoch and the president of the New Jersey Tenants Organization, Phyllis Salowe-Kaye, have conceded they expect a certain amount of the signatures to be disqualified.

The progress of the petition drive beyond the 3,373 signatures was not able to be determined as of press time.

Certification must be completed within 20 days, according to state and federal statutes. The Governing Body will then have 60 days to decide whether to act on the petition. Should it take no action, the question of rent control would automatically be put to public referendum in November.

The leader of the Clark Tenants Assn., Sanford Krasky, could not be contacted to determine what action, if any, his group will take to stop the campaign to overturn the recently-amended ordinance which sets township rent ceilings at between 7 and 8%.

Also, both Mr. Paduniak and Township Attorney Joseph J. Tatars are expected to return from vacation some time this week, and they could not be reached at press time to give the legal ramifications of the petition drive.

At the July 18 ceremony commemorating the efforts of American Legion members who sparked the fund drive, and raised \$35,000 in 1932 when the cornerstone was put into position.

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FESTIVE OCCASION - Enjoying the Annual Father's Day "Weldfest" at Clark's Deutscher Club, shown left to right, are: Rep. Matthew J. Franks, whose district includes Clark; Clark Township Council President Virginia Apellan and Deutscher Club president, Robert Schuler. (Please see a story and another picture inside.)

MATCH POINT - In conjunction with Physical Fitness Week recently the Charles H. Brewer School Physical Education Intramural Program of Clark held a co-

educational tennis match with the Valig Deane School of Elizabeth. The program was open only to non-variety students who were more or less beginners in tennis.

Players from the match, shown, left to right, are: Front row, Lisa Palmquist, Tina Katz, Tom Sforza, Brian Haines, Kelly DeMaezo and Kim Doyle; second row, Michelle Weissman, Sharon Bernasky and Colleen Ritzie.

Bank shows top paintings in Clark

In co-operation with the Clark Art Assn. United Counties Trust Co. will display the winning paintings of the Annual Spring Show at its Clark office at 315 Central Ave. to Tuesday, Aug. 31.

The public may view these paintings from Monday to Friday from 8:30 a.m. to 2:30 p.m. and on Saturday from 9 a.m. to noon.

Naval cathedral marks anniversary

Comm. Anthony Polari and many members of the Union County American Legion attended the 50th anniversary commemorative ceremony conducted by the American Legion



