



Photo by Jennifer A. Lawson
Louis Graham, left, Shadeed Woods, center, and his cousin, Hasan Woods, display some of the birds that fell and died in their Montclair neighborhood

Poison suspected in death of birds

By JERRY THOMAS

Some dozen birds spotted "falling out of the air" over Montclair yesterday might have been poisoned, an official at the Montclair-based Pound Animal Welfare Society said.

Glenn Tompkins, assistant manager of the agency, said he located 10 birds that were found on the ground in the Lexington Avenue area.

"Two are alive, but they are shaking at this moment; they don't look too healthy," he said last evening.

Tompkins said he responded to the scene after receiving calls from alarmed residents in the area.

Louis Graham, who lives at 13 Lexington Ave., said he and several eyewitnesses saw the birds "falling out of the air."

"They were just falling on wires and falling out of trees," Graham said. "I have never seen anything like this before."

Concerned residents, Graham said, picked up more than a dozen of the birds. Ten of them, described as finches, were handed over to the animal agency.

But Graham noted that as soon as Tompkins left the scene, they found almost a dozen more birds.

"They are spread out across the street and down the street," he said.

Tompkins said he had no idea how old the birds are or where they originated, but noted they are seen year round in the area.

The animal specialist said he intends to have tests conducted to trace to source of the poisoning, or determine just what caused the birds' malady.

Newark board votes school absence policy

By REGINALD ROBERTS

The Newark Board of Education approved a new policy last night limiting the number of days a student may be absent from school and remain eligible to complete a grade to 18.

The policy, approved during a meeting at district headquarters, goes into effect when the 1988-89 school year begins Sept. 7.

Under the old policy, a student could miss up to 30 days and still be promoted at year's end. At a public forum last week on absenteeism, school officials said the 30-day limit hampered the district in its efforts to meet state demands that it reach a 90 percent attendance rate.

The new policy will require students to attend school at least 162 days, which is exactly 90 percent of the 180-day school year.

Deputy Superintendent Eugene Foti said last week that many students abused the old limit by staying out of school up to the 30 day maximum.

"We want to send a message that we have standards we are going to live up to," said Executive Superintendent Eugene Campbell last night.

But board member Malcolm George expressed concern that the new policy may be a burden on some disadvantaged students. "The board and staff should look at this policy closely," he cautioned. "A lot of these children come from broken homes, and they happen to be absent and have excuses."

The policy allows for the following excuses: Disabling illnesses, recovery from accidents, required court appearances, death in the family, religious observances and "good causes" acceptable to school principals.

In a related policy on promotion and retention, the board established provisions that allow students to advance to the next grade level despite more than 18 absences. They also set quarterly attendance requirements for high school students.

Elementary school students who miss more than 18 days will be promoted in the event of certain unusual circumstances. The instances include chronic or long-term illnesses or injuries. Students must meet academic standards for exceptions to be granted.

High school students may be absent up to 18 days, but must also have a 90 percent attendance rate during each of the four 45-day cycles of the school year. Again, the attendance requirements may be waived in "extenuating circumstances" if the student meets all course requirements.

In the public portion of the meeting, Valerie Quinones, a parent, complained about a municipal judge's handling of school truancy cases.

Quinones said she monitored a court session in which the judge threatened parents of truant students with jail terms. "I'm going to lock you up and take your child away from you," she quoted the judge as telling the parents. Quinones added that the mother implored that she had not been notified by school officials of her child's absence.

Board President Charles Bell responded it is as a last resort that the school district takes parents to court.

Son follows dad as board attorney

The West Orange Board of Education made it a family affair last night when it appointed Stephen J. Christiano as its attorney.

He replaced his father, Samuel.

Samuel Christiano has practiced law in West Orange for 40 years, 30 of those as board attorney. He will retire Sept. 1 and his son will take over the family business.

Stephen Christiano, who will receive a pro-rated annual salary of \$37,000 over the seven months, was graduated in 1976 from Fordham and from the DePaul University Law School in Chicago in 1979. He had been

helping his father with board business over the past eight years.

Three schools—West Orange High, Edison Junior High and the Redwood Grammar School—will be affected when Eagle Rock Road eastbound will be closed for sewer installation. Eagle Rock Road will be closed eastbound from 9 a.m. to 3:30 p.m. from Sept. 17 to Nov. 7. Alternate routes to the schools will be developed and announced shortly.

Next year's school budget will be introduced Nov. 8 and is expected to be adopted, pending the county superintendent's approval, on Jan. 10.

Trash site fee request angers Essex executive

By DIANE CURCIO

The state Board of Public Utilities (BPU) has only begun gathering information to determine if the tipping fees at Essex County's trash transfer stations are fair, and already one operator is seeking to increase the \$92.80-per-ton rate by \$5.10.

County Executive Nicholas Amato said yesterday he "hit the ceiling" when he learned that Waste Management Inc. submitted a letter from its controller stating that the company is entitled to a 5.35 percent increase, retroactive to Aug. 1.

Samuel Lybrand, general manager of the facility on Avenue A in Newark, said there is a stipulation in the contract calling for a "normal annual escalator" based on hikes in the consumer price index.

Under the contract, Amato argued, the county must have received the notice within 15 days of the publishing of the index on Nov. 30, 1987, before any hikes could be imposed for 1988. He said no notice was given until the county received a letter from the controller Aug. 17.

Moreover, the county executive said, the "BPU position changes the whole complexion of everything." He was referring to the board's declaration that the transfer stations are utilities subject to regulation.

"Once the BPU assumed jurisdiction over the operators and the rates, any provision in the contract is subject to the BPU. Therefore, even if the contract provides for a consumer price index increase, it's no longer automatic," Amato maintained.

The county executive said yesterday he spoke

Old rate under probe as firm seeks increase

with Waste Management vice president Joseph Graziano, with whom the county negotiated the contract. Amato said he "suggested to him in the strongest words possible that the company should rethink its position."

Amato said he expects to meet with Graziano promptly on the issue. The Waste Management official could not be reached for comment yesterday.

According to the county executive, it appeared that Waste Management is "thumbing their noses at the BPU." Amato said he considered the company's stance "a strong offensive position, but poor public relations" that will strain its relationship with the county.

Two transfer stations have operated in Newark since Aug. 1, 1987, when the county was closed out of the Meadowlands landfills. Amato's administration was the first in the state to implement a trash transfer operation, which relies upon trucking garbage to out-of-state landfills.

The second Newark station is located on Frelinghuysen Avenue and operated by Solid Waste Recycling & Transfer Inc. Solid Waste is paid the same \$92.80-per-ton fee for municipal garbage as Waste Management. Solid Waste has not sought a rate increase, Amato said.

At the transfer stations, haulers are charged

\$102 for municipal debris, which includes the stations' charge, services fees, a \$1 50-per-ton state recycling tax and a \$2.85 fee for county administrative costs.

Last summer the BPU issued temporary approval of the rates. There was a dispute, however, over whether the stations were subject to board scrutiny. The issue was resolved earlier this month when the board declared that the stations are utilities and demanded to see the companies' financial records.

Waste Management has asked for an extension on the deadline for turning over its records.

Murray Laulich, who represents Newark in the city's battle to gain a host municipality fee and lower tipping rates at the stations, opposes any leniency for Waste Management, contending that the two stations operators have already overcharged the county by \$20 million.

Laulich said it is "outrageous" for Waste Management to seek an increase when it had not complied with the BPU's request for records to justify the current rate.

The attorney said he finds it incredible that Waste Management pays \$65 a ton to dispose of Essex garbage at its subsidiary landfills when Solid Waste pays \$35 a ton at landfills with which it is not affiliated. He noted that those figures are based on preliminary reports.

"To come in here and say that, plus they want an increase—we're angry," said Laulich. "They're a public company, a large company. They ought to know better before they push the city or county around."

Rate averaging woes costing Newark dearly

By FREDERICK W. BYRD

Newark is losing some \$20,000 a day, or more than \$6 million a year, because of the failure of the state Legislature to pass a bill averaging garbage disposal costs in Essex, Hudson, Bergen and Passaic counties and also because Essex County refuses to pay host municipality benefits to the city, according to several city councilmen.

At yesterday's conference meeting, Councilman Anthony Carrino presented an analysis saying that if the rate averaging bill before the state Senate is passed, Newark will save \$4 million a year on garbage tipping fees.

He said that bill also contains a provision of \$4 a ton for Newark as the host municipality for two garbage transfer stations. That would mean another \$2 million a year for the city, Carrino said.

And, he said, if the county would just pay the city the 50-cents-per-ton minimum host benefit required by state law, that would mean \$257,000 a year.

Council President Henry Martinez said the rate averaging bill had passed the Assembly and is before the Senate.

"But Senate President John Russo has not posted the bill for a vote," he added.

He noted that County Executive Nicholas Amato has said he will not provide host benefits to Newark unless rate averaging is passed.

Councilman Donald Tucker warned the council members against "confusing the two issues."

"Our host benefits have nothing to do with rate averaging. We should be getting an equitable fee now," he said.

Jackie Mattison, Mayor Sharpe James' chief of staff, said, "We have held numerous meetings with the county and they do not want to strike an agreement without rate averaging."

Councilman Ralph Grant responded, "In that case, Newark should rescind its agreement on these transfer stations and let the trash go to some other town."

Mattison, who is also a state assemblyman, chid-

ed the "arrogance of the county executive. We took him to court over these transfer stations, and now he is punishing us by not paying anything."

Tucker said, "We should take him to court again."

In other business, the council deferred action on declaring blighted a parcel of land at University and Bank streets where a developer wants to build a parking garage.

The council members said several local businessmen object that they would have to move and the city would lose jobs if the project is built.

"They include the Famous and the La Strada restaurant and the PowerPlay Records," Martinez said.

"The owner of the Famous bought a city-owned building two years ago, spent \$250,000 renovating it, and he feels it is unfair to make him move now," he said.

Council members said they would vote on the blight designation at another meeting Aug. 30.

Witness to Orange house burglary credited with arrests

An eyewitness to an Orange house burglary yesterday was credited with alerting the police to the crime and later identifying the suspects so they could be arrested.

Police Director Charles Cobbert said the suspects, East Orange residents James Perry, 40, of Watson Avenue, and James Allen, 28, of South Grove Street, were taken into custody on Heywood Avenue near Berkeley Avenue.

Both men were arrested about 11:35 a.m., shortly after they illegally entered a Heywood Avenue

home, ransacked the residence and stole some jewelry, he said.

According to Cobbert, the pair got into the residence by breaking a glass front door and exited through a rear door.

Within moments after the police got word of the break-in, Cobbert continued, Officers Michael Crowley, Phil Marinaccio and Edward Ruff, along with Police Detective Ronald Rogers, sped in patrol cars over to Heywood Avenue.

When the police arrived there, Cobbert said, they met the eyewitness who in turn pointed out the

fleeing suspects. The police captured the suspects after a brief foot chase, he added.

Much credit must go to the alert neighbor, Cobbert reiterated, especially for his "cooperativeness in acting as our extended eyes and ears" in the community.

The police director said both Perry and Allen were charged with burglary and breaking and entering.

Cobbert said Perry has no known occupation. And he said Allen told authorities he was employed as a sandblaster.

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