

Orange mayor and director barred from interfering with police chief

By DIANE CURCIO

A Superior Court judge yesterday imposed restraints upon Orange, blocking the new mayor and police director from interfering with Police Chief Robert Sarge's supervision of day-to-day operations of the 85-officer department.

Sarge filed a complaint against Mayor Robert L. Brown and Police Director Charles C. Cobbertt contending he has been subjected to "political interference in the workplace and political harassment" since the officials took office in July. Sarge was appointed police chief in January, 1984, capping a 24-year career with the department.

Judge Paul Thompson signed an order imposing seven restraints upon the city officials. They included stopping them from reducing Sarge's \$57,498 salary to \$42,000; assigning po-

lice officers to the detective bureau, appointing an acting chief when Sarge is on vacation and forcing him to wear his uniform when on duty.

Twelve other police chiefs from throughout Essex County attended the hearing in support of Sarge, who is president of the county chiefs' association. Stephen Shaw, who represents New Jersey State Association of Chiefs of Police, sought to intervene also contending "the principles involved are of statewide application."

Shaw said the association was instrumental in helping the state Legislature write the statute adopted in 1981 which defines a police chief's authority.

Jerome Convery, Sarge's attorney, argued Orange was in violation of a statute stipulating the chief is "directly responsible for the routine day-to-day operations" of a department.

Cobbertt was a police lieutenant

Sarge points to pay cut, actions as 'harassment' by new regime

before he was appointed director on July 5. In his complaint, Sarge charged Cobbertt never sought a leave of absence from his \$37,541 Civil Service post and continues to collect that salary in addition to a \$2,000 stipend as police director.

The new director named a police union leader as his confidential aide, Sarge noted, contending the appointment "bypasses the chain of command for sworn police personnel who must be subordinate to the chief of police." Sgt. Charles Penta, president of the Orange Police Superior Officers Association, is the aide to the police director.

Under the Brown administration,

Sarge contended his office has been moved, his secretary fired, his mail is being screened and he no longer has access to a police car for personal use. The chief also complained he has been instructed to be on the job from 8 a.m. to 4 p.m. and maintain a daily log of his whereabouts.

Robert Westreich, who said he will be serving as special counsel to Orange for the case, argued the city intends to dispute every allegation raised by Sarge. Thompson set a full hearing on the matter for Oct. 13.

Westreich said the mayor had rescinded his order to reduce Sarge's salary.

But the attorney said "the plaintiff's problem from Day One has been he doesn't believe the director has any authority over him and he's fundamentally wrong." Westreich said the Administrative Code of Orange, which was adopted in 1976, states the police department shall be headed by a director. But in response to Thompson's questions Westreich conceded the code does not specify the duties of the director.

Cobbertt attended the hearing and afterwards denied Sarge's allegations of interference. "I'm trying to give the department the best working conditions, bring back the morale and integrity of the department," said the new director.

In the past year, two Orange officers have faced criminal charges, involving theft and endangering the welfare of a boy. In February, five officers

including Cobbertt and Penta filed suit against the city and Sarge over sick leave requirements.

Thomas Vena, an assistant city attorney, said the mayor and council are reviewing the administrative code and the police portion will probably be amended.

Westreich said the city wants Sarge to be in the office between 8 a.m. and 4 p.m. so he can be available to the elected officials. "The city can't function if the police chief is going to Whitehouse Station (Sarge's home) 30 miles away from here during the hours when the elected officials are in their offices," said the attorney.

Convery argued Sarge must be free to set his own hours, depending on his responsibilities as the city's top lawman. The hours of Sarge's workday is one of the items to be resolved during the hearing.

Newark chief judge, council clash on car radio noise arrests

By FREDERICK W. BYRD

Reports that a municipal court judge had dismissed cases involving violations of Newark's noise control ordinance—reports branded false by the chief judge—led to a heated exchange at yesterday's conference of the city council.

In the meeting with Chief Judge Clifford Minor, Councilman Anthony Carrino said councilmen are "swamped" by complaints about loud car radios.

"We are talking of drivers with four by eight speakers in their trunk; they sound like the Boston Symphony going down the street."

"So we got after the police, and they made 25 arrests" in recent months, he said.

Councilman Ronald Rice added: "When the first case got to court, the judge said to the policeman 'what do you expect, it's hot out.'"

"We do not need a municipal court unless the judges are sensitive to our local codes and the citizens' needs," he said.

Minor took strong exception, saying the councilmen "cannot leverage the court or say what decisions must be made."

Then he added the judge, Myrna Milan, "did not dismiss the case. There was a full trial and the person involved was found not guilty."

The chief judge also said a letter sent to Milan by the council was "intimidating. Please do not intimidate judges."

The letter, dated Sept. 19, noted councilmen "are besieged with complaints about loud radios which are being blasted at all hours of the day and night."

"In fact, it has been indicated by several citizens that in some cases the playing of loud radios is a signal that the drug pusher is in the area."

"You will understand how dismayed and angered the council members became upon hearing an alleged report that you dismissed several cases brought before you on violation of the noise ordinance."

"The council members took great exception to the thought that any municipal court judge, appointed by the mayor and confirmed by them, would deliberately refuse to uphold the laws which they have legislated," the letter added.

Minor explained to the council he had instructed Milan not to respond. "The judicial code of ethics does not allow a judge to discuss pending cases," he explained.

"I will discuss the council's wishes with my judges at our regular Friday conference," he said.

But he criticized the councilmen for writing the letter before looking at the trial transcript.



Daughters of history

Aileen Maury, left, Frances Englander and Esther Foster, right, review the agenda of the Short Hills chapter of the Daughters of the American Revolution (DAR) meeting. Maury is the chapter's regent and Foster is the recording secretary.

Photo by George Baumann

Council President Henry Martinez responded. "I am glad you came today because you can see the councilmen's frustration. We bear the brunt of all the complaints."

Also during the conference, Councilman Donald Tucker asked that a motion or resolution be developed to tell builders of the city's new policy of not giving any further tax abatements to

warehouses

He explained. "Based on a report on abatements from Caprio (Raphael Caprio, a professor at the Rutgers Graduate School of Public Administration), we noted the taxes warehouses would pay are not much different now under abatement or regular taxes, and abatement gives them undue protection in the future."

Orange to probe 'abuses' by school workers

By KEVIN DILWORTH

The Orange City Council last night formally created a municipal investigation committee, comprised of all seven council members, to delve into "alleged improprieties" and reports that school district employees had sex with students, sold drugs with them and engaged in other criminal acts.

The council said the committee will hold a closed meeting at 7:30 p.m. next Tuesday.

Formation of the committee is a direct result of comments made by truant officer Rocco C. Zarillo about abuses involving employees and students.

Zarillo, a former director of information and complaints for Orange, has said the abuses "a very serious situation. There is no question about it."

Members of the Essex County Prosecutor's Office, along with the Orange Police Department, also are investigating the allegations.

Barbara Peters, vice president of Orange's five-member appointed school board, has said, "We have 17 years worth of accumulated garbage" working for the district and that six out of seven individuals suspected of wrongdoing have tenure.

In other business last night, the council approved the appointment of Benjamin Calvin, an investigator with the city's welfare department, to the Orange Housing Authority.

Calvin, a Mechanic Street resident, will fill the two remaining years, through April 19, 1990, of the unexpired term of the Rev. Clarence Norman, who resigned.

The council also authorized a 30-day extension through Oct. 24 for payment of third-quarter taxes. The extension, according to a resolution, is needed because the council did not adopt the budget until last month and the 1988-89 tax bills were mailed out late.

During the public-speaking portion of the meeting, Zarillo told the council school board members Waverly Baskerville and Calvin West "agitated, intimidated and humiliated" him at a closed-door session of the board.

Zarillo said Schools Superintendent Patrick J. Pelosi called the meeting to ascertain why he bypassed the board of education and made his complaints about suspected abuses to the city council.

The truant officer said Baskerville and West repeatedly "insisted" he tell them the names of the school district employees and students involved in

drug trafficking and sexual misconduct.

Peters, school board vice president, also spoke last night, saying City Council President James J. Brown two weeks ago chastised her for using language before the council that he personally found offensive.

Peters then asked Brown whether he thought it was all right for himself to be a perennial user of vulgar lan-

guage around city hall and to "use quite a list of adjectives" to describe municipal employees he does not like.

Councilman-at-large Todd Mark Galante defended Brown by saying, "The things he tells people are things he says as an individual, not as the council president."

Brown subsequently quashed all further discussion on the vulgar language controversy.

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Newark may have to pay laid off workers \$1 million

By FREDERICK W. BYRD

Newark may be liable for some \$1 million in back pay to workers laid off during the government reorganization instituted at the beginning of Mayor Sharpe James' two-year-old administration.

The workers have since been reinstated under state Civil Service law.

Assistant City Counsel Oliver Cato explained under the reorganization, 23 permanent city employees were laid off and their job titles abolished, and an additional 13 permanent employees were demoted.

Of those 36 employees, 23 appealed to the state Department of Personnel, he said.

According to Cato, 10 workers were given back their jobs; some after a review by city officials and others by order of the state.

"Six others who were turned down by the state are appealing to the Appellate Division of Superior Court," he

added. No hearing date is scheduled on their appeal.

The employees were laid off in August, September and October of 1986, along with several hundred temporary workers.

Cato said the city is responsible for the workers' back pay, excluding whatever income they may have made during their layoff.

"It is a complicated formula and we are negotiating with them now," he said, "so I cannot say exactly how much the city owes."

Councilman Ralph Grant noted that tonight the city council is to vote on an ordinance giving Leonard Chavis, the former recreation director, \$129,950 in back pay.

Grant said this meant the total owed to all those reinstated could be more than \$1 million.

Cato said nine of the 10 workers who won back their jobs had decided to return to work for city government, though they had the option of taking their back pay and not returning.