



CARLSTADT RUTHERFORD LYNDHURST THE PEOPLE'S NEWSPAPER NORTH ARLINGTON EAST RUTHERFORD

Days of grandeur here again



STAFF PHOTO/JAIMIE WINTERS

Iviswold Castle was opened up to Felician faculty and students last week after the 14 year renovation was completed earlier this month.

14 years in the making, Iviswold renovations are complete

BY MATTHEW MALYSA
Staff Writer

The \$9 million transformation of the historical Iviswold Castle on Felician College campus in Rutherford is finally complete—after nearly 14 years of careful, step-by-step restoration.

After considerable delays due to the project's general contractor filing for bankruptcy in the 2012, the 18,000 sq. foot castle, which houses both student areas and administrative offices, is now the operational campus focal point that college officials had hoped it would be.

Last week, local media took a castle tour hosted by the project's principal architect, Annabelle Radcliffe-Trenner, who detailed the extensive work that went into breathing new life to the three-story, 25-room 19th-century castle.

"The college had a choice of doing something much simpler, but opted to really commit to keeping the history of this building alive. Everything they did, the decisions they made, were fiscally responsible. Where they thought it would make a great visual impact, they spent the money, and where we could save, we saved. It was a very good systematic approach to the project," said Radcliffe-Trenner.

As she led the tour, the architect explained how the building was originally built by New York newspaper tycoon and land developer Floyd W. Tomkins in 1869, and as a simple stone, mansard-roofed, two-story stone house. That building was greatly enlarged and redesigned when it

was purchased by David Brinkerhoff Ivison in 1887.

Ivison, a well known textbook publisher in the late 19th-century, turned the house into much of what it resembles today. His architect, William H. Miller, used un-coursed brownstone that was obtained from a local Belleville quarry to line the walls. He added turrets, iron railing balconies, a music room and the porte-cochere. The castle was modeled after the style of Chateau de Chaumont in the Loire Valley in France.

The building, which Ivison named Iviswold Castle, has changed hands several times during its existence, with ownership varying from a private residence to a men's club until it eventually became vacant by 1937. Fairleigh Dickinson University purchased the building in 1942, and converted it into classrooms, a library and administrative offices.

According to Radcliffe-Trenner, in the process of converting the building for educational purposes, FDU concealed many of the original castle finishes, including decorative painted ceilings, plaster cornices, walnut paneling, frescos, chandeliers and skylights that became hidden by drop ceilings, room partitions and heavy coats of paint.

"All kinds of amazing things were covered over," she said, stating that thankfully, workers took measures to hide many of the building's now coveted treasures rather than demolish or remove them during the castle's conversion into an educational space.

FDU closed the Rutherford

SEE CASTLE, PAGE A6



STAFF PHOTO/JAIMIE WINTERS

The original staircase was replaced in the 1960s with a modern one. Using old photos the college decided to bring back the grandeur of the foyer and rebuilt the original stairway.



STAFF PHOTO/JAIMIE WINTERS

The drawing room with its hand painted trompe-l'œil ceiling fully restored might be available for rentals in the future.

Concerts in the park could be liability for towns

BY MATTHEW MALYSA
Staff Writer

The Rutherford mayor and council were recently made aware that the borough could be found in violation of copyright laws for a lack of musical licensing for public performances of music at Rutherford sponsored concerts and festivals according to a correspondence from a performing rights organization.

Music licensing fees are common for restaurants and bars that play live music, but this is a fairly new concept for municipalities – at least in Rutherford. To offer live music legally, venues in most cases must pay licensing fees that approach or exceed \$1,000 a year.

There are three main performing rights organizations mentioned in the U.S. copyright law - Broadcast Music, Inc. (BMI), American Society of Composers, Authors and Publishers (ASCAP) and SESAC, Inc. The organizations specialize in music performance rights management and represent their respective songwriters, composers and music publishers to make sure they receive all of the royalties entitled to them.

While promoters and live music venues are well aware of

Jazz about licensing

The issue: Performing rights orgs want towns to pay licensing fees to protect from copyright infringement at events.

The law: The Copyright Law requires music users get permission from each songwriter/composer to play their music.

How it works: For a fee to main performing rights orgs, a town gets discounted blanket licensing.

What is the problem: Towns say promotional companies already pay the fees and officials are hesitant to pay \$1,000.

What could happen: Towns could be fined for music at concerts in the park, streets fairs etc.

the obligations to pay royalty for

SEE MUSIC, PAGE A5

Town to get first chief since 2008

BY MATTHEW MALYSA
Staff Writer

Mayor Joe DeSalvo was expected to appoint Lt. John R. Russo as the new Rutherford Chief of Police at the March 26 council meeting, which took place after press time.

The Rutherford Police Department has been without a chief since 2008,

when the council opted to eliminate the position in favor of appointing a civilian police director. Captain Hal Ciser has been running the RPD for the last two years, after former Police Director John Thompson retired in February 2012. Thompson earned \$82,000 a year, with no health benefits, and former Police Chief Steven Nienstedt earned approximately \$180,000 annually -- between base pay,

longevity pay and bonuses -- when he retired.

The council can either accept or deny the mayor's appointment at the March 26 meeting.

Russo scored the highest on the civil service police chief exam according to Mayor DeSalvo. The mayor can choose from the top three scoring candidates of the test.

Salary ordinances

In order to regulate the salary for the police chief position, the council has already introduced two ordinances, which will change the salaries for the positions of police chief and police captains. Borough Attorney

SEE POLICE, PAGE A6

INSIDE

BUSINESS & REAL ESTATE	D1	OPINION	A4
CROSSWORD	B2	LAW AND ORDER	A2
DINING	B2	PUBLIC NOTICES	C4
ENTERTAINMENT	B2	SCHOOLS	C3
MARKETPLACE	D7	SPORTS	CI-C2
OBITS	C5		



Museum in transition

Doors remain closed, director resigns

A3



In full swing

Baseball, softball coverage

C1



Real Estate, Just BetterSM

AREA'S TOP SELLING BROKER!
Why list your home with anyone else?
FREE MARKET EVALUATION!
Rutherford • 11 Park Avenue • 201-939-0001
Lyndhurst • 273 Ridge Road • 201-939-8900
cocciairealty.com

FEATURED HOME

215 Orient Way, Unit A1, Rutherford

FEATURED AGENT

Carol Hanson
Cell: 201-280-6237
Carol.Hanson@mycoccia.com

DREDGE

FROM PAGE A3

"We are confident that we have identified and addressed all of the potential operational issues, including those concerning the tides and barges," CPG spokesperson Ray Germann said.

Taking the engineers and contractors' experience into account, the EPA believes the schedule can be met, said David Kluesner, EPA Community Affairs coordinator.

Dust, smell, noise

Preliminary calculations suggest the emissions generated by dredging won't exceed EPA or New Jersey Department of Environmental Protection (NJDEP) thresholds, the report reads.

According to the report, exposure hazards from wind-borne dust over a few minutes or hours aren't typically a public protection concern. Adverse health effects are associated with higher concentrations and dust naturally disperses in the ambient air. The operation is considered "short term."

Chemicals such as dioxins and PCBs tend to stick to sediment and aren't easily dissolved in water, the report reads. Airborne dust isn't expected because river material has high moisture content and will be transported with water on top.

Generally the chemicals in concentrations found in the river don't emit odors; however, the sediment could produce hydrogen sulfide, known to have a rotten egg smell. All naturally occurring sediment will have some smell due to plants and decaying leaves, the report reads.

Monitoring for volatile organic chemicals (VOC) will be conducted downwind. Should a monitor detect VOC or dust concentrations over set levels during a 15-minute period, work will stop until the problem could be resolved.

The report claimed the dredging doesn't fall under NJDEP noise statutes, but the project will attempt to adhere to noise limits set by state law, however. Maximum hourly averages on the eastern shore of noise for daytime activity is 75 decibels, or about as loud as

a vacuum cleaner, and 65 decibels for evening activity. Additional noise control measures aren't considered necessary since the work will be done at least 1,000 feet from the nearest residential area, the report indicated.

Since most work will be done during the day, staged lighting isn't anticipated outside of sunrise or dusk on cloudy days. Barges moving at night require lighting directed at the river to navigate. Residents can log complaints, which the CPG will investigate, to an EPA hotline that will be established in the coming months.

How low to go

Another criticism of the project is that the dredging will only go down two feet when contamination exists deeper in the riverbed. All debris above the 2-foot depth will be removed. Anything discovered beyond that depth will be left. A formal debris study wasn't conducted.

Hackensack Riverkeeper Bill Sheehan said he believes the whole length of the river from Dundee Dam to the bay should be

dredged in an effort to restore the river's value to the community.

"Get rid of the poison once and for all," Sheehan said. "They should go down until they hit clean sand."

In sampling programs and studies cited by the report, core samples showed a dioxin concentration over 3,000 milligrams per kilogram, a number that drops to under 500 below 5.5 feet. Average concentrations of mercury, benzo(a)pyrene, PCBs and other chemicals at the 3.5 to 5.5-foot level were less than half of the amounts found in the top two feet of sediment. "Our studies have shown that the risk from sediment to people and the ecology in the river is due primarily to surface sediment up to six inches - and that the contaminated sediments below 2 feet are buried and not in contact with people and organisms," Germann said. The cap is designed to prevent exposure to remaining sediment, he added.

According to the report, a steep slope in the riverbed adjacent to two baseball diamonds in the park prevents the installation of a cap in

that section.

Germann said deep contamination was deposited "years ago" and has been covered with "infilling sediment" in the meantime. Issues being addressed by the dredging are due to "historical contamination" and not as a result of "ongoing operations from the CPG or any other private or public parties," he said.

Flooding issues

Removing the top two feet is necessary for placement of the cap without exacerbating the river's flooding, EPA's Kluesner said. In the report, one of the guiding principals is to ensure dredging and capping "will not cause flooding and not increase the likelihood of flooding in the future" by leaving the riverbed at the same height as prior to operations and no addition of permanent structures to obstruct tidal flow.

The public is invited to an upcoming hearing on the draft plan in Lyndhurst, Kluesner said. A date has yet to be announced.

Email: grantm@northjersey.com

AGENCY

FROM PAGE A3

to the EnCap \$50 million fiasco. Borough Attorney Dick Allen said the taxpayers should not worry about losing money, because they are not the ones purchasing the bonds.

"At least there's one biblical truth to this: the borough won't have any responsibility over this transaction," Allen assured.

Councilman Joel Brizzi said that every decision the borough makes is based on risk. "We need more revenue," Brizzi noted, adding that the DPW is operating on a skeleton crew and cleaning and landscaping services were privatized in order to save money.

Brizzi estimated that taxpayers could save 30 to 60 percent on their property tax bills if and when American Dream becomes a reality.

Email: nicholaides@northjersey.com

MUSIC

FROM PAGE A1

music being preformed or played, the idea of a municipality having to pay does not seem to jazz with public officials in Rutherford, who are only first hearing about music licenses.

For a fee of \$327 to SESAC and a similar amount to each of the other two performing rights organizations, a municipality with a population under 25,000 people receives blanket licensing for all of the music played at events. According to Bill Lee, Senior Vice President of Licensing Operations for SESAC, Inc., between the three organizations, they have the ability to license nearly 100 percent of available music.

"Normal business practice is that if a municipality were to sign - they would sign with all three in order to be fully covered," said Lee, adding the blanket fees for municipalities are at a substantial discount and cover parades, concerts, festivals and more.

David S. Gold, an attorney with Cole, Schotz, Meisel, Forman & Leonard, P.A. in Hackensack, has advised both artists and entities on obtaining music licenses. Gold said that due to municipalities being targeted by performing rights organizations, a consortium called the International Municipal Lawyers Association (IMLA) has negotiated what they call a "simple, comprehensive and cost-effective blanket license agreements with ASCAP and with BMI on behalf of its members and all local governments in the United States."

IMLA's website states that the copyright clearance, which is a requirement under U.S. copyright law, is intended to save the local government time and expense of securing permission directly from each copyright owner every time music is used by various public entities within the community, such as community centers, muse-

ums, libraries or at special events.

Leah Luddine, a BMI spokeswoman, said that her organization has been licensing governmental entities for the use of its repertoire for more than 50 years. She said that for a local government entity, the two main components of the municipality license fee are the population size and special events; each municipality is different.

"As a central resource, BMI can grant blanket copyright clearance for more than 7.5 million songs through a single music license, saving the municipality the time and expense of contacting each songwriter or composer for permission," said Luddine.

Rutherford Borough attorney Phillip A. LaPorta warned the council during their March 12 meeting that once they purchase the licensing, they will most likely have to purchase the protection annually going forward if they intend to continue holding events like the summer concert series in Lincoln Park. "They have us in their sights," said LaPorta.

Though Lee said that SESAC allows municipalities to terminate their agreements with them, he did state that each of the organizations has an obligation to protect their clients and ensure proper compensation for the public performances of the copyrighted musical works of the authors, composers and publishers they represent. Organizations that sell music licensing have been known to be very persistent in pursuing fees from businesses and other entities.

In 1995, both BMI and ASCAP lawyers admitted to a New Jersey state assembly committee that they sent undercover "music verifiers" to various locations that refused to sign a fee agreement with their companies.

"The one thing I think is important to understand is that this is not a request - it is a demand - these organizations, and their respective artists are entitled to reasonable royalties and will pursue the matter should an individual or entity refuse to comply," said Gold. He explained that a performing rights organization will often issue a series of letters seeking compliance before filing a complaint for infringement in Federal Court.

Penalties for live performance copyright infringement can range from \$750 to \$30,000 per song in some cases; however, "willful" copyright infringement can be as high as \$150,000.

Attorney and former Rutherford Mayor John Hipp said his administration received information concerning performing rights during his time in office, but chose not to respond on the grounds that the borough always contracted performances out through a third party that assumes responsibility.

"Publishers are scrapping to get money every which way. Their business model has been shot to hell over the past few years now that they have to depend on Apple and iTunes," said Hipp, who deals with copyright issues.

Performers are responsible for paying royalties when playing someone else's music but the venue may or may not be held responsible.

"They are basically saying why take the risk when we only want around three hundred dollars -

but if you take a fee like this from every municipality in the country - that really comes out to a lot of money for not actually doing anything," said Hipp, adding the likelihood of the borough being sued for the performance of any one particular song during a concert of

festival was very low.

"While legally these companies aren't wrong - the cost of litigation for them needs to be worth the cost of their attorneys," said Hipp.

Email: malysa@northjersey.com

Free to Borough Residents

Borough of North Arlington
Document Shredding Day
Saturday, March 30

9 a.m. to 1 p.m.

Borough Hall Parking Lot, 214 Ridge Road

WHO SHOULD COME? Anyone wanting to get rid of unwanted or outdated financial records, bank books, old bills, insurance policies or any other sensitive material that can be discarded.

WHY? To keep sensitive personal information out of the hands of identity thieves and others who may misuse information about you. Every day identity thieves sift through household garbage looking for social security numbers, bank account numbers and personal data that they can use to take advantage of you and your family.

IS SHREDDING

SAFE? Yes. The paper shredder on loan to the borough is enclosed in the back of a panel truck and security cameras allow residents to watch their documents being destroyed. The shredder can accommodate paper only; documents in hard cover binders or plastic will not be accepted.

WHAT HAPPENS AFTER THE DOCUMENTS ARE SHREDDED? The shredded documents are taken to a recycling center and made into new paper products and the borough gets recycling credits for the amount of paper shredded.



To help you store your recyclables, the borough will be selling 25 gallon recycling barrels to residents for just \$10 each on shredder day.

GETTING READY
TO RETIRE?

We have over 40 years of combined experience helping people just like you. We can help you maximize your investment income, while at the same time reducing your risk.

We will help guide you through the retirement process. If you have a 401 K plan you really should seek out sound advice. That's what we provide.

We will build a roadmap to your peace of mind.

- Retirement Planning
- Portfolio Management
- Fee based investment advisory services

Please call to schedule a free consultation.
201-804-4800

Erik Larsen CFP, EA - Daniel E. Larsen CPA
Registered Representatives

136 Ridge Road, Lyndhurst, NJ 07071
E: Erik@Larsencapital.com

000348864-01GNJMG



In Memoriam

In loving memory on your anniversary, Doreen Sheehan, going to Heaven on Easter Sunday 1986. We love you & miss you always.

Love,
Mommy, Daddy,
Christine, nieces,
nephews, family
& friends.

TheDOJO
TheDOJO.org (201) 933-3050
Sensei Dan

Healthy Eating Education
for Children & Adults



STOP SMOKING & FEEL
BETTER WITH ACUPUNCTURE

201.933.5450 SpineTherapys.com
576 Valley Brook Avenue, 2nd Floor, Lyndhurst



SUMMERS COMING
LOSE WEIGHT
WITH ACUPUNCTURE

THE SPINE
INSTITUTE
OF NEW JERSEY



0003458383-01GNJMG