

February 26, 2008
New Business

Discussion regarding Local Finance Board/DCA

Jeffas: After... at the end of the last meeting, I had an occasion... that Mr. Gonnelli was going to have a hearing the next day at the DCA about the question of the conflict between Councilman and Fire Official. That hearing in fact was scheduled, did not take place, but was scheduled. I did go out there and I'll be honest with you, I was shocked to see Mr. Leanza walk in on behalf of the Town. The night before, we had a Council meeting, and I don't recall having any discussion about sending the Town Attorney on issue that is not the Town's, it is an ethical complaint filed by some anonymous individual who is making an allegation and the Ethics Board is looking into it, and it's not the Town of Secaucus, unless it is, maybe that would be the first clarification, Is it the Town of Secaucus that filed the complaint?

Mayor: No

Jeffas: Ok, so if Frank was going there on behalf of this governing body, I guess my concern is, was he going to take a position on behalf of the Town and if so what position?

Mayor: I think that Frank is capable of explaining himself.

Frank: The answer to the first question, the reason that I was there was that whatever of the result of the hearing is, whatever the determination of the Local Finance Board, has tremendous impact upon the Town. The question of the ability of a Council person to sit on this board. So, not only does this affect the Council, it also is raising and brings into issue, potentially, all the votes that were taken in the interim. This concern was brought about not only by me, but also by our Bond Counsel. Whenever we do a debt issue, under the law, we have an obligation to do a fair and open disclosure. One of the things that I have to do as Town Attorney, is attest to the right of every officer of the Town of Secaucus to his position. I brought up this instance to our Bond Counsel and the in debt issues that were done subsequently of my being aware of what was happening to Mr. Gonnelli, we've had to disclose this. And that was one of the reasons that I went down there to find out what was going to be the outcome of that. Depending on how it was one way or another, we had the obligation to the people who hold our debt know. SEC rule and, by the Local Finance rule, anything can impact the liability or legality of any of the debt insurance that we owe(own?), has to disclose to all the people that hold it or whenever we go out for a new debt insurance and there is nothing that is more important to the Town than the ability of the members of the governing body to sit and take votes on Town action.

Jeffas: Since we had a meeting the night before, who authorized your attendance?

Frank: I was authorized by the Mayor and the Town Administrator. And if you look at my contract and how I was picked and the proposal, they are the ones that can authorize me to appeal. Also, even without their approval, again, if we look at the proposal, my job is statutorily and in the request for proposal is to attend any and all administrative hearing at which the Town may have interest. The Local Finance Board recognizes that the Town has an interest in it and as

you know they mis-captioned this as Secaucus vs. Gonnelli and we corrected them , it IN RE Gonnelli. But the Town has an interest that is recognized by the Local Finance Board. As a matter of fact, during their investigation, I had been contacted by them for additional information precisely, they want a copy of our ordinances and ordinances related to the Fire Department.

Jeffas: At the end of it, my understanding was the attorney for Mr. Gonnelli would be submitting some paperwork and it sounded like they were saying the Town could submit paperwork. Are we planning to submit paperwork and take a position on this on a matter that we have no interest in?

Frank: Who said that we have no interest in, you said that we have no interest in. The Town has an interest in.

Jeffas: If you are going to send the paperwork and take a position, what is the position the Town is , we are talking about seven guys here, and a community, what is the position we are taking?

Frank: The position is going to be the same opinion that I gave back in October 2006.

Jeffas. Is the only position that you can take is the one this governing body resolved, which was a position of support for Mike Gonnelli? We never passed an ordinance saying, take a position against a governing official.

Frank: I don't think that it is necessary to pass an ordinance or you can't pass an ordinance to that effect. My understanding was that resolution about sending that letter , was not necessarily to contradict the opinion, but just to support that Mr. Gonnelli intentionally did not do anything ethically wrong, number one and number two, I was instructed the day or a day afterwards that at least one member of the Council had changed his mind in respect to that. So if there was a letter to be sent down it was never approved.

Jeffas: Here's my problem, what I get out of it. We have a quote "Unknown" person filing and Ethical complaint and we all know who it is, this person does not pay a penny to advocate his position. We, the Town are now paying to advocate his position. Let him hire an attorney. He has cost the Town thousands of dollars on another issue and hasn't paid for it. Let him hire an attorney, let him go, let him advocate his position. Stop advocating for him.

Frank: I am not advocating his position.

Jeffas: His position is.....

Frank: It happens to be the same as the Town's position, it happens to be the position that we think is correct.

Jeffas: A position that was written prior to the election and ...

Frank: And hasn't changed since then.

Jeffas: It's a very tangled web.

Frank: I don't think that its that tangled of web and I think the outcome and I think the outcome is going to be very clear. My suggestion is , why not wait until March 12th and see what happens then.

Jeffas: Well, we are going to advocate a position that is going to have an effect every single volunteer firefighter and official throughout the State and we are the Town who is blessed enough to take.

Mayor: Councilman Jeffas, may I ask you a question? How does that it effect a volunteer firefighter? I don't understand.

Jeffas: You don't understand if a volunteer fire fighter happens to be on a governing... part of a governing body, you are now going to stop him from advancing, potentially to any level higher up in that fire department, and potentially , potentially, down to the volunteer level. Depending on how the DCA wants to take it. This situation has been in place for 200 years. No issues.

Mayor: That is not so.

Frank: This situation has been in effect for 200 years and no one made it issue except for Mr. Gonnelli, because there never has been anybody that has been a Fire Chief and a Councilman. Has there?

Mayor: Not at the same time.

Mike G.: He is talking about Secaucus. We are talking about the entire State of Ne Jersey.

Frank: Well, that is going to be up to the Local Finance Board.

Mike G.: So what you are doing is, rolling the dice here to get even with me, lets... stop Frank.... to get even with me, to effect every volunteer fire fighter in the State of New Jersey.

John S. No true.

Mayor: I don't think that is true.

Mike G: It is true, John, Mayor.

Mike G. Just let me finish John, and then you can go.

John S. Sure.

Mayor. Lets keep it in order.

Mike G. When I got to Trenton that morning, and I went with several of my brother fire fighters, Councilman Bueckner and Councilman Jeffas came, and my attorney came, and they told us that

Mr. Leanza was going to be there. I asked you what you were doing there. You said,... why didn't you tell us last night at the Council meeting, you said do you think I really want to be here, I would rather be home watching my son. You said that you got a call late last night from the Mayor and David to attend. Correct?

Frank: That is what I just said.

Mike G. The next day I call David.. Did you call Frank to go? What did you tell me David?

David: I did not call Frank that night to go.

Frank: No, we spoke about it before we left.

Mike G. David, I asked you, did you ask Frank to go? And what did you tell me.

David: I said , no frankly, I did not have a direct conversation with Frank to go.

Mike G. You told me you didn't tell him to go. So you know what happen. Someone up here has to start telling the truth.

Frank: Maybe it just was the Mayor and some of the other cCouncilman....

Mike G. Because, now you are getting into things that you never spoke about, which is fine. I know that you are confident that you will win, and you very may well win.

Frank: It is not a matter of winning or losing, its letting them make a

Mike G. The bottom line is that you have a seven member governing body, you couldn't have the decency to tell the guys up here that you were going there?

Mayor: I think I can answer that. After the meeting, and there was conversation on it, Mr. Leanza had asked me, should I be there? And I purposely told him I think you should be there, because number one , you made a statement at a Council meeting, that Frank Leanza was not

John B. We gotta use these mikes.

Mayor: Here, that you think that Mr. Leanza is giving out bad opinion and that his opinions aren't good, and I certainly know that you did that, ok? And I think that it is very, very important, for the public to understand, that the opinions that are given by the Town Attorney, are valid. Now, if the Local Finance Board decides that Mr. Leanza is wrong, that is fine. OK? But, remember this, Mike, and you keep pointing and you pointed out at the last council meeting, the Mayor of Paramus.....

Mike G. No, no, no, that is where Mr. Iacono went and we know what the Mayor of Paramus is going to say.

Mayor: Hold on. Let me tell you something, when we first found out from the Mayor of Paramus, when the first issue arose about the five o'clock clubs, and the three o'clock clubs in the fire house, I had met the Mayor of Paramus in Atlantic City, at the Mayor's convention, and he had advised me of some of the things that the Paramus volunteer fire department have done to address the issues that we were having at the time. And of course, he also pointed out, that when he was a chief but when he became Mayor, he stepped down, because he thought and believed and had an opinion, that it was a conflict. Now I know that you have pointed to other Towns; Wildwood Borough, I haven't been chasing around or looking at what other communities do. I think the truth of the matter, is that we are sworn to an oath to obey the Laws of the State of New Jersey, OK and

Mike G. That's right

Mayor: And if the State of New Jersey , alright, believes that you can hold two positions, then I think you should be able to, and if the State of New Jersey believes you can't, the you are not going to be able to.

Mike G.: I think, number one, this was initiated the year during my election for council, in an effort to persuade me not to run for council. One hundred percent correct. and Councilman Reilly, I will never put you on the spot, because I know you defended me and you have made several comments that, to people that, if this goes the wrong way, I would quit the council, because I always wanted to be Fire Chief.

John R: I could not deny that Mike. I know you as a man, and outstanding Fire Fighter..... and that is where you heart is....

Mike G. (At the same time) you did..... so that point is

John R: You come back.....

Mike G. I don't think you can be a fireman either John, but Charlie Voorhees sat up here as a Captain, and you know what, I don't think you can be Captain neither, because the firemen receive the same stipend, we'll get into this in court. Let me just read one thing that was in the Bergen Record that never took place:

Elwell said that he is not completely set against Gonnelli keeping both positions, and he said that he plans to call meetings with the entire Fire Department and Gonnelli to seek a compromise that would include reapportionating the duties of Deputy Chief to remove any areas of conflict.

I don't know, that was about eight months ago and that meeting never took place.

Mayor: I think the only way to removed the conflict would be for the Secaucus Fire Department to change its code and appoint an Administrative Chief and that is my understanding.

Mike G: I'm not saying what it meant, but you never did that.

Mayor: No, absolutely not. And I was never approached by the Fire Department to do it.

Mike G.: You said you were going to do it, the Fire Department never said they were going to do it.

Mayor:and I had spoke to, I believe I spoke to the chief about this a long, long time ago and I spoke to several fire fighter.

Mike G. Chief, you are here, I can ask you the questions. Did the Mayor and eve speak to you about that? Did the Mayor ever speak to you about removing the areas of conflict?

Chief Parisi: (Inaudible)

Mayor: Did I not have a

Mike G. Don't get nervous chief.

Chief P.: I did not think that it was the right time at this time....

Mike G. : What did you say, I didn't hear what you said?

Chief P:you mentioned to me to appoint a director to oversee us. And I said that it was not....

Mike G. I never heard that, but did he speak to you about removing my areas of conflict?

Chief Paris: No, I don't.....

Mike G. That is what he said, he did. You can spend, Frank,because Marty Pachman did a ton of research on this. A ton of research, and David, I think the question was asked to you did Marty any research on this, an you said no.

David: That is what Marty told me.

Mike G. Well, Marty did like, twenty or thirty hours worth of research at whatever he gets an hour....

John B. Just to interject, I asked David that question. He went to Marty and he said he did not research. I went to the Miss Barkala's office today, and I pulled several, files, of which she is well aware, of not what I pulled, and on there, were bills from Marty Packman through Scarinci and Hollenbeck on this whole issue of the conflict. So that bothers, me that was one of the problem I had tonight, that I didn't get into, but somebody says they weren't involved in this and I see several pages of billing to the Town where Marty Pachman is investigating the conflict between being a Councilman and Fire Chief, that really bothers me. When I ask a specific question and I get that kind of an answer. I think anybody here sitting in that position, if I can't get an straight answer on that.....

Mayor: Councilman Bueckner, I think I would be glad to invite Mr. Pachman to the next meeting, and question him the same thing, because I am not aware of that.

Mike G.: We have it in black and white.

Mayor: I know, I don't deny it, but I don't know who authorized him to do it. I will be very honest with you.

John B. And the worst part of it all is, this was done in July and August of 06' when Gonnelli wasn't even a Councilman. So we spent all this Town money, before he became a Councilman, before the conflict existed, so, boy if that isn't wasting Town money, then tell me what the hell is it. I tell you that is frustrating.

Mike G. I tell you what, win or lose, and quite honestly I don't know this is a Board made up of... its not a judge and its not a jury, its Board made up of people throughout the State involved in local politics. Do I have a strong feeling there? I really don't. But win or lose, discourage someone from volunteering, this can take a whole new level. This could take a level where it talks about people who volunteer for ambulance squads, people who volunteer, hey we have a guy that I took his seat here, who was the Deputy Coordinator of the Office of Emergency Management volunteer. I am the Deputy Fire Chief, and he never had a conflict. So, I don't really get that, but.... intend to bring that up. You know. John you sat here as a fireman, not to repeat it, Mr. Heflich was a fireman, Charlie Voorhees sat here as a Lieutenant and a Captain, (Councilman Reilly....but) let me finish, there is no buts. I don't get anything different than you get. And this is not, we should not be debating this, the bottom line is that Frank was there. He answered the questions, that is not the way he answered it to me, Gary or John, but we'll see what happens on March 12th.

John S.: This issue has been going around, and Gary, you say advocating, I don't take that position, I respectfully disagree with using the word advocating, I'd much rather say representing or view it as representing. I don't know who sent this letter, Mike.

Mike G.: John it was before your time.

John S.: I know but what happen with this and this issue has kicked around, it has caused a riff between you and I when you accused me of something to do with this Mike. I am being honest, and you do not dispute that .you accused me of being.....

Mike G: Not at all.

John S. Involved in this and I come back from vacation and I have no idea what you are talking about. It has caused those kind of back and forth kind of things, to claim that this Council was involved in this issue, I think we need to make it very clear, that wherever this letter came from, and you seem to have some sort of suspicion of where it came from, the opinion, as a Councilman, the only thing I know about it is that it did not come from me and to my knowledge it did not come from anybody sitting up here. I think we can all agree on that. An

opinion is that.....

Words from the audience that are inaudible.

John S. Mike, maybe you want to address that, you don't disagree with what I am saying....

Mike G: I firmly agree that the new Council sitting up here had nothing to do with it, the old Council that here, obviously agreed in getting an opinion. I don't believe that any of the Councilman or the Mayor sitting here sent the opinion. Do I believe that they knew it went, Yes. And I did get a phone call, and I wouldn't be afraid to use his name, Mr. Iacono, telling me that he was involved in it. I'm not saying you were.

John S: Mike, again, as I said that night, I have no idea what you are talking about, and I think you believe me at this point, so an opinion was given by the Town Attorney. What bothered me at the last meeting, Gary, as an attorney, you jokingly said something like, if Frank's opinion was upheld, would we pay, I think you were joking, for the appeal of this. That sounds kind of contradictory to me. We would pay for legal fees to dispute our own Town Attorney's opinion then, which is validated by the Local Finance Board, but that is beside the point. I don't know, you talk about spending money, I would be spending some real money, I think, for an issue that, in another words we contradict our own attorney. I don't know how we do that. All I do know is that personally, and I don't think personally anyone, I think the Mayor has expressed this too, Mike if the Local Finance Board, which is not just some kind of Board, it's a Board that oversees the ... Bonding, it oversees all the financial decision of the Town, so their decision is valid, we all know that. If they rule that this is a contradiction I think that we need to stand by it, if they rule that it is not, we will stand by that has always been my opinion. We sat here and talk about a letter of support as a personal reference for Mike, I have no problems with that, remember that, I still don't, I just want to stand by what the State, the Local Finance Board says is the right opinion., that's all. Because all this stuff has been kicking around every meeting and every time we get into Town business, we wind up getting back to this.

Mike G: I think the only reason why this is kicking around is because Frank attended the meeting.

John S. Ok, but Mike can we just say that we are going to wait until next month, its going to go to the Local Finance Board, and what ever they decide, I stake every member of this council, as the Mayor pointed out, we swore an oath to uphold what the law is. And if that is what the law is, then if that is what the law is, I intend to stand by it. That is all I want to say about it.

Jeffas: I have no issued with what you are saying, we are splitting hairs, and yes the Local Finance Board has a say and their say will be what it is. But the Town, in my opinion is not the advocate position against holding of two positions. The person who filed this Ethical complaint should be the advocate for the position.

John S. Exactly.

Jeffas: Frank is advocating.

John S. He is not advocating, he is there as.....

Mayor: Let Mr. Leanza answer.

Frank: I am advocating the position I gave in October and I think it is a manifest, conflict of interest and it is against the laws of the State of New Jersey for somebody to sit as the Fire Chief and a Councilman and I think it is clear and I think that is the way they are going to rule on March 12th. If I am wrong, I'm wrong. And that is my job as Town Attorney.

Mike Go. Did we pay you?

Frank: Excuse me?

Mike G. Who paid you.

Frank: Nobody yet.

John S. He's not going down and saying theyadvocates this position.... he is saying , he as the Town Attorney,

Mike G and John B. We are not paying him...

John S. He is an attorney.... he has to give you an honest opinion when you ask him for one.

Mike G. Did the Town pay him?

Frank: Lets see what the decision is and take it from there....

Jeffas: ...we take the position. John I am an attorney, you are sending him as an attorney and you are paying him, who is he advocating for, the person who is not paying him.

John S. Is he suppose to give you the wrong opinion, if he agrees with that anonymous opinion, is that wrong?

Jeffas: the ..Town .. has not position

John S: We just told you the Town has to, didn't he just explain to you, that he was asked to give an opinion, as an attorney he has advocate his opinion. Come one Gary, you know that.

John B. Its ironic, because at this same time, excuse me, at the same time, this Council passed a resolution, all members of the Council, whether they changed their minds after the fact is irrelevant. The fact that they passed the resolution, saying that they support Mike Gonnelli, he does not have a conflict, in our opinion because, he abstains, or whatever that letter was,....

John S: No, No that was not the letter...

John B. Let me finish. Frank wrote a letter, that went inside, that is not the letter that came out from Anthony. Anthony wrote that letter in his words, which was useless, ok because it certainly did not take the position of what we were talking about that night. Worse than that, we passed a resolution to send a letter down there, the letter never went out, who took it upon themselves to go contrary to what this Council voted and did not send the letter? I want to know who is responsible for that. Somebody here has to be responsible. I don't want to blame Iacono, he is gone. Who is responsible for that letter not going out? Mayor, you are the Chief Executive, so where the hell is it going to fall, on me?

Mayor: I will take the responsibility, but as I remember, after that meeting, there was a vote, and then some Council people withdrew.

John B: Not that night. Don't make up that story.

Richie: I withdrew my vote that evening, spoke to Frank the next day and asked Michael Marra what...

John B: Does that void..

Richie: Do I need to get into the reason why I withdrew?

John B: No, No. That does not matter. Rich. The point is that this Council passed a resolution by the majority, and you may have disagreed later, and fine, no body told you had to do anything after the fact. We passed a resolution, John Shinnick, said tonight that he was in favor of that and still is, I presume. So all of the people that were here, with the exception of yourself and the Mayor said, well I change my mind too. So it was 5 to 2 that the letter never went out. What was that, who made that decision. Somebody here has got to take responsibility.

John S. The letter was not drafted that night,....

John B: I didn't say it was drafted that night....

John Reilly: I think you wanted to see a copy of the draft.

John B. That is correct.

John S. We were going to see the letter.

Mayor: That is precisely as I remember it.

John S. Frank did you not rule that we could not draft a letter in support of it, we could draft a personal referral or a reference.....

Frank: Saying Mike was an excellent firefighter,

John OK.

Mayor:.... a request to send a letter supporting Mike in that position, in his position. That was the request. I remember that opinion coming back from the Town Attorney that we could not do that. And I think that is what ended it, John. That's my recollection.

John B.: Did we ever do that at a Council meeting?

Mayor: No., we probably didn't.

John B. No, but we passed a resolution at a Council meeting.

Mayor: The Town Attorney may have ruled that we can not do that.

John B. The Town Attorney is right there, why don't you ask him?

Frank: I have no problem in sending a letter down saying that Mike Gonnelli is a good councilman...

John B: Did you send one down Frank?

Frank: No, I did not. I can't.

John B: No, not down there, did you send a letter inside? The letter that came out from Anthony, was that the same letter you sent in?

Frank: No.

John B.: Did you send it to the Council, because, I never got one.

Frank: No, I sent it to the Town Administrator.

John B. So it went to Anthony and it died a natural death. A wonder how that happened. I tell you, if you don't smell a rat here, I do. Recommend sending one down now when his case is in two weeks, go ahead. I suggested that the last time. Can't happen. But Frank, you know, just so that I am clear, your position , you are not taking a position on behalf of the Town, is that correct?

Frank: I am taking the same position as Town Attorney, and as Town Attorney , just like I do on behalf of the Town of Secaucus.

Mayor: Hold on Mr. Jeffas, there was a request by a Councilman, there was a request by a citizen and a meeting...

John B: Who was the Councilman?

Mayor: There was a request by a citizen as to whether the two positions could be held. The Councilman also asked that same position. I believe it was Councilman Kickey. When it was asked, I had said to Frank, why don't you look into this, I was always under the impression I can remember going back when John Reilly thought about, when your term was coming up to run, you had the position to be captain and have the opportunity to be chief when you were Councilman. Correct me if I am wrong, John.

John Reilly, No that was before ... I was on the Council.

Mayor: But we were always under the impression that you could not be a chief and be a Councilman. You could be a volunteer firefighter and I know that some things have changed over the years with respect to uniform allowances, etc, but I think there are other issues, Frank raised them. Councilman you said at later time, when the report came out that if you were elected you would deal with it. You said that you had other opinions..

Mike G. I have an pinion just like Frank has an opinion. My opinion is there.

Mayor: You know the best part of this, is if they rule in your favor, then its gone to bed.

Mike G: Does anybody want to vote, because I want to take the bus.

Mayor: If a senior requests the bus, we don't normally go sixty miles with the bus.

John B: I am a senior, I can request the bus. I got permission for that.....