

## Last night's vote

Paul Donnelly <pdonnelly@bhtwp.com>

Wed 1/3/2024 12:38 PM

To: Angie Devanney <adevanney@bhtwp.com>

Cc: Mayor Council <MayorCouncil@bhtwp.com>; BHCW TEAM <team@bhcw.io>; ocs@njoag.gov <ocs@njoag.gov>

Dear Angie, all,

During last night's Town Council meeting on Jan 2, 2023, I asked you and council to table the vote on whether Judge DeMassi be reappointed to another term, and I was met with an uncalled for tone and level of questioning regarding the matter. I was trying to vote without bias, but was doing my due diligence and waiting days/weeks to hear back from Liza Viana, our town administrator, with a number of questions that she refused to answer via email and in-person at the meeting.

I felt that I was deprived of my right as a councilman to properly vote and influenced to abstain, which I did. I have a right to vote for professional services and believe this should go back for a re-vote at the next meeting. I was elected to represent the people of our town, and if I see that something is off, I'm entitled to voice it. That's why I was voted in.

Based on my complaint, I believe that the Court Administrator did not properly do what a Court Administrator is supposed to do, and I believe it's currently being investigated. I'm trying to gather information to better understand, so I addressed the Township and my questions went unanswered and straight to vote. I don't know the Judge, I have no bias towards/against him, but feel that my rights as a councilman were blocked and information withheld, so my request to table the vote in order to gather more information was a legitimate request. If a Court Administrator can work without any rule of law, then the public needs to know about this because this can happen to anyone.

If you believe there is a conflict, then you need to get an injunction to prevent an elected representative from voting, and it can't be opinion from our township attorney. All attorney conduct is regulated by the NJ Supreme Court and they are bound to rules of professional conduct. I believe that the rules of professional conduct were not followed by the previous township attorney, and have always had a conflict when writing letters trying to block me at every move. I believe this is likely a conflict of interest to have the town attorney involved, as all conduct is bound by the rules of professional conduct. The town attorney is representing all council (including me), etc., not just the mayor and administrator. If there is a conflict, which it appears by trying to block me, then the town needs to look at alternate council for this specific situation. I'm entitled to communicate with our attorney, but instead have previously been shut down from communicating with our previous attorney. This feels to me like retaliation.

Regards,

Paul Donnelly

Councilman, Berkeley Heights

Meeting video starting @16:10 [https://www.youtube.com/watch?v=Ee\\_-ddTV1BI](https://www.youtube.com/watch?v=Ee_-ddTV1BI)