

Residents question attorney's qualifications; seek expertise

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FRANKLIN LAKES — Residents last week questioned borough officials about the recent hiring of a new attorney to handle issues related to the borough's affordable housing obligation.

In a meeting in August, attorney Brian Nelson was hired to temporarily assist the borough in developing its Fair Share Housing Plan under the latest round of rulings issued by the state Council on Affordable Housing. At that meeting, Borough Council President Paulette Ramsey voted to hire Nelson; Councilmen Michael Friscia, Brian Trava and Steve Marcus were absent. When the matter was raised on a consent agenda at a subsequent meeting, Ramsey and Friscia opposed the move.

At the same time, Borough Attorney William Smith expressed his disapproval of Nelson, citing a

lack of expertise in this area and raising the question of patronage, precipitating a public disagreement between himself and Mayor Maura DeNicola.

Among other things, Smith argued that Stuart Koenig, the borough's former attorney on affordable housing issues, should not have been replaced due to his favorable reputation. He also cited the link between Nelson and DeNicola, who had hired Nelson to represent her during her mayoral campaign.

According to Menna, Supko & Nelson LLC's Web site, Nelson counsels clients on issues involving municipal law, land use, zoning, redevelopment, economic development, affordable housing, campaign finance, election law and government affairs.

Prior to joining the firm, Nelson said he had practiced law at Gibbons, based in Trenton, and at Parker & McCay. Additionally, he

said he served as a law clerk to Superior Court Judge Wilbur Mathesius and to the former counsel of the New Jersey Republican State Committee at Graham, Ourtin & Sheridan.

"I've represented private developers," Nelson said in an interview last Wednesday, "some who only do affordable housing. I also represented parties who sought changes to the affordable housing law. Experience from the private sector is important. I know what developers are looking for and how best to protect the borough."

DeNicola said Nelson had been retained by the borough previously to assist with a Department of Environmental Protection issue pertaining to the dumping of millings behind Tommy John Field.

Although Nelson's firm represented the municipality of Harrison on affordable housing issues,

ATTORNEY

FROM PAGE 4

he said he does not have experience representing municipalities on affordable housing issues on his own.

Residents wanted their own answers at last week's meeting.

"I urge you to consider an attorney's level of experience," borough resident Ira Belsky said. "You don't want someone with some experience, but one with extensive experience. You should interview more than one so that you can say, 'We have someone we're comfortable with and no one can challenge our selection.'"

"It shows poorly [on] the town and members of the council to select someone just out of law school a few years," said resident Vincent O'Brien.

Residents also brought up the issue of Nelson's relationship with DeNicola.

"It absolutely has to raise a question of favoritism," Belsky claimed.

"I don't understand how you can say it's not political when he's done political work for council members," said resident Robert Medeiros.

Nelson, however, said in a subsequent interview that he never worked on any campaigns for office in Franklin Lakes.

"I was paid for legal service," he said, making a distinction. "Actually, my firm at the time was paid; I never saw the money. I never made a political contribution to anyone in Franklin Lakes."

After DeNicola and council members did not respond, members of the public pressed the council on the matter.

DeNicola then asked if anyone wanted to comment, and after a few moments of silence, Friscia said, "I voted against Brian Nelson because we have a state renowned attorney. I don't see the justification to walk away from his experience."

To Belsky's repeated query about whether the borough had considered more than one attorney for the position, DeNicola said, "We made a blanket request for qualifications."

In an interview last Wednesday, DeNicola declined to comment on how many people had responded to the blanket request. She said the borough was satisfied with the work Nelson had done for the borough previously.

“Knowing he had COAH experience challenging municipalities was important to us,” she said. “It’s necessary to have all kinds of legal advice and having guidance readily available is also important.”

Additionally, DeNicola said Nelson’s hiring was not political patronage.

“There was no patronage,” she said. “That’s very misleading and a disservice to me and the borough. This is not about politics and has nothing to do with anything except what’s best for the borough.”