

Judge rules against mayor in Hillside council spat

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ELIZABETH -- A Superior Court judge ruled today that Hillside's mayor exceeded his authority when he appointed a business administrator, attorney and auditor without the township council's approval.

The judgment comes nearly a month after the township's governing body sued Mayor Joseph Menza for illegally installing his executive appointments after he took office July 1. The lawsuit contended that the legislation governing the township's form of government requires the council's approval for such personnel selections, and the judge agreed.

"Under the Faulkner Act, the court finds the council carried out its advice and consent role, rejected the nominations and, accordingly, none of the three nominees were confirmed. None has the authority to act on behalf of the township of Hillside," said Superior Court Judge John Malone.

The judge placed a permanent injunction on the mayor from appointing his selections without the council's consent and also said that the contested appointees could not collect any pay for time they may have spent working for the township.

In a heated July council meeting, Menza selected Christos Diktas as attorney, Paul J. Lerch as auditor and Joseph Greer as acting business administrator.

Diktas represented Menza in Wednesday's court appearance in Elizabeth, where dozens of people packed Malone's chambers to hear the latest installment in a long standing battle between the branches of Hillside's municipal government.

Menza is the township's third mayor since Hillside switched to its current form of government nearly a decade ago. The terms of Menza's predecessors were riddled with friction, lawsuits and political wrangling with the council. The first mayor, Barbara Rowen, resigned during her first term, citing personal attacks by the council. Rowen's replacement, Karen McCoy Oliver, effectively abandoned her post after clashes with the governing body.

The municipal spats often wound up in court.

The council's suit filed last month also asked the judge to bar the mayor from taking over the council's meeting room, located near the clerk's office, for office space. The judge denied that request.

During the hearing, council president Edward Brewer and council member John Kulish sat in the second row, in front of Christine Burgess, the previous township attorney who the council majority argues continues to serve until a mayoral appointee is approved.

Menza said he thinks that issue remains unclear.

"The ruling was that the appointments were not confirmed. It doesn't mean that standing appointments here are (confirmed), or that there is a holdover attorney," said the mayor. "Again, we are in a quandary."

Menza said he hoped the issue would be addressed at a conference he hopes to set up with the township council.

Brewer would not confirm whether both parties would meet and said he would see what happened while working through attorneys.

"I think at this point it's up to him because he has to present a budget to us, or else there's going to be financial problems," said Kulish. "He needs to come to us."