

“What’s going on with the building next to Town hall?!”

Whether speaking to residents directly or engaging with them on Facebook, this is the question I get most often and welcome any opportunity to answer it. While some regurgitate misinformation they’ve been spoon-fed from what they think is a legitimate Facebook news page, others are truly curious to the story behind my property on Washington Avenue.

My response is always the same direct, honest answer: ‘Nothing is going on!’ I then tell curious residents that the real question to ask is, ‘Why?’ While I’ve answered this question countless times, I will break it down here in one succinct answer along with irrefutable documentation. The documentation has been out there all along, but depending on where you get your news, you probably have never seen it published.

I’m going to begin with the *when and why* I was forced to file my lawsuit. I will then chronicle ad nauseam the retaliation I’ve suffered and continue to suffer.

I am the owner of 170 Washington Avenue, LLC. My ownership interest began in 2008 along with other partners. My partners soon left the LLC and I remained the sole member. A [sworn declaration](#) by defendant, Mr. Kevin Esposito, stated in #2 that I acquired my interest sometime in 2013, which is categorically false. As a matter of fact, we had already been in discussions for potential sale of the property for some time prior. Proof of that fact is shown in an appraisal letter dated in early 2013. Additionally, a quick Google search of property tax records clearly shows my [ownership dating back to 2008](#). You would think a certified Tax Assessor such as Mr. Esposito would know this information. We have just dispelled the first of many falsehoods.

During my early ownership, I had several communications with Mr. Esposito—serving as both Tax Assessor and as Township Manager—about the Township potentially purchasing the property to expand the existing municipal lot adjacent to Town Hall. This we all agree on. Contrary to what has been reported since, we never had any formal discussions regarding price, timing, etc. The current L-shaped public lot is undersized and inadequate, and the addition would have squared-off and expanded the space. Additional parking would also help to support local businesses. After all, we have all seen Nutley invest in parking to support Franklin Avenue.

As we informally kept communicating, Mr. Esposito, in his capacity as Township Manger, eventually informed me that he met with the Council in private session and had the authority to pursue an acquisition. The first step would be a commercial appraisal. In Mr. Esposito’s

sworn declaration, #5, he states that 'Plaintiff was upset and refused to allow the appraiser to conduct the appraisal.' What he doesn't state is **Why** I was upset. Maybe it was because instead of an appraisal to purchase my property, an eminent domain appraisal was scheduled instead! Yes, that's right. After wasting my time for two years and instead of good faith negotiations, they wanted to take the property via eminent domain in 2013. In addition, I would soon come to learn that the property's assessed value had been DRAMATICALLY decreased.

At this point, I decided the Township was not serious about purchasing the property and I began preparing to rehabilitate the building. I immediately had plans drawn up to completely renovate the building and add a full second story. Soon after, I was scheduled for a Planning Board hearing.

It was during this time I found the assessment on my property had been drastically and substantially reduced from **\$525k to \$270k**, a 44% reduction. This is interesting because most taxpayers must file tax appeal paperwork and prepare for a 'fight' to get their assessment reduced. Yet, I was blindly given this '*gift*.' Note: the property located adjacent to mine, which was in a similar state of disrepair at the time, had their assessment increased. It was at this precise time that a light bulb went off in my head and I quickly put together the facts: My property's assessment had been reduced, and then the Township tried to take the property via eminent domain. At this point, I knew something didn't smell right! So, based on some good advice from a County Tax Administrator I know, I was advised to OPRA request the property record card, as well as all correspondence from the reval Company to the Tax Assessor's office along with notes, records and work product. I received a memo from Mr. Esposito answering my OPRA request stating that 'no other records exist' other than what was provided, which was nothing.

You would think that was the worst of it, right? Not even close. At this time, Mr. Esposito was serving in a dual capacity as Belleville's Tax Assessor and Township Manager. This was NOT a temporary appointment, nor was it 'interim', as he held the Township Manager position for more than 2.5 years and had a contract. As I started to openly discuss this injustice, someone eventually pointed me toward, State Statue 40:81-11. This is probably the easiest Statue the State Legislature ever passed.

40:81-11. Appointment of municipal manager and other officers; qualifications of attorney; terms of office

The municipal council shall appoint a municipal manager, an assessor, an auditor, a treasurer, a clerk, and an attorney. One person may be appointed to two or more such offices, except that the offices of municipal manager and auditor or assessor shall not be held by the same person. In municipalities containing more than 10,000 inhabitants the municipal attorney must have been admitted in the State of New Jersey to practice as an attorney-at-law for a period of 5 years or more. All such officers appointed by the council shall hold office during the pleasure of the council, except the clerk and the assessor, who serve for terms as provided in chapter 9 of Title 40A of the New Jersey Statutes.

An 8th grader could read and interpret this Statute correctly. Simply put, you cannot be the Tax Assessor and Township Manager of the same municipality at the same time. Period! Yet, Mr. Esposito was serving in this capacity for nearly 2.5 years. Understand, in my opinion, the nature of this law is exactly meant to prevent the type injustice which was being attempted on me. As the Tax Assessor, Mr. Esposito oversees assessments of town properties, and as Township Manager he could decide to pursue eminent domain on the very property under his purview as Assessor. There is a clear State Statute on this topic, as well as a 2001 multi-page [NJ Attorney General's opinion](#), which actually predates the State Statute, explicitly saying this practice shall not be permitted.

I find it fascinating that all the 'advocates,' who claim to have the interests of the taxpayers in mind, conveniently missed this most important, and legal, point.

For Mr. Esposito to say in his [sworn declaration, #5](#) that the suit was filed because I wanted the township to pay an unfair price is **clearly false and outrageous**. The suit was filed because he was clearly serving inappropriately in a dual office capacity in conflict with State Statute. Furthermore, in my opinion, what happened to me is precisely what this law is meant to prevent. This law should have protected me, and would have if the Township Council didn't inappropriately hire Mr. Esposito to also serve as Township Manager.

Bombshell

This next part falls into the realm of just too unbelievable, but try to wrap your heads around this...

There is a Nutley based blogger, about whom I was once optimistic, that continues to blast the current Township Manager for having numerous jobs. However, he remained completely silent when Mr. Esposito was clearly holding the job illegally and never mentioned a word about Mr. Esposito's SIX other jobs while he served as Township Manager, his seventh. With all the 'research' this person does, he somehow missed this BOMBHELL...

While Mr. Esposito held the job as Township Manger, he had SIX (yes, 6) Tax Assessor jobs including Belleville Assessor, which is why he should not have been holding the office of Township Manager. But, here's a little secret you should know. The New Jersey Assessors handbook, 105.34 mandates all Assessors to post their office hours on the Treasury Division website. You'll be happy to know, Mr. Esposito did comply with this mandate. Here is a [list of his then office hours for the six municipalities he served as Tax Assessor at the time he was also serving as Township Manager](#). Mr. Esposito was a very busy man with his six (6) Tax Assessor jobs. The problem was his hectic schedule left **ZERO** hours in the week to be Belleville's Township Manager. I repeat...the problem was his hectic schedule left ZERO hours in the week to be Belleville's Township Manager. I find that odd because I'm certain he was paid \$5,000/month for the part-time position; a position he should never have held in the first place. So, either Mr. Esposito wasn't serving as Township Manager at all, which we all know isn't true, or he was acting as Township Manager while performing one of his six Tax Assessor jobs. This is an undeniable fact supported by the evidence above, but I took the liberty of [plotting the days and hours on a weekly chart](#). When did Mr. Esposito have time to serve as Township Manager?! Where were all the taxpayer advocate watch-dogs in this situation?!

In short, that's the **when and why** the lawsuit was filed. Now I ask you this question: What would you have done? What if you knew the Township had inappropriately hired someone to serve in a capacity that is specifically prohibited by State Statue, and where the NJ Attorney General himself, Mr. John Farmer, even wrote an opinion on this matter? What if then, the person serving in that inappropriate dual capacity attempted to take your property via eminent domain at a drastically reduced value? Would you sit back and ignore all of this or would you defend yourself? Does this sound frivolous as the Township claims? Well, I make no apologies for defending myself.

Is there currently any doubt why this administration has so ferociously come at me and attacked me viciously?!

For these reasons, in early 2015, I was regrettably forced to file a lawsuit. The first part of the suit pertained to the illegal dual office holding. The second was related to the Township's attempt to improperly 'take' my property.

Unanimous Planning Board Approval

Keep in mind; the craziness hasn't even begun yet. As the Township had not yet been served with the lawsuit, I had already been to the Planning Board in September 2013 and received unanimous approval to begin renovations. That approval included a parking variance, whereby my [site plan showed two on-site parking spaces](#) in the rear of my building. The same parking area and garbage dumpster area that previous owners of my building have utilized going back decades. My plan required 7 parking spaces. I showed two and received a variance for the remaining spots. Designs were submitted and approved by the Building Department, and the permits were issued. Construction soon commenced and I was moving very quickly. After the sham appraisal attempt in early 2013, I had already drafted plans, made an application to the Planning Board and received unanimous approvals by late 2013. The next step was drafting the construction documents to submit to the Building Department.

Construction

My construction plans were eventually approved, permits were issued, and we started demolition. After demolition was complete, a massive amount of concrete was pumped into the basement and steel was delivered and erected for the second story.

An extremely important and vital fact to understand is that this was an **ACTIVE** job site for months! [Proof can be seen on the front page of the Belleville Times, in the June 2015 issue.](#) There is a photo of a concrete truck, which is parked in a paid metered spot in the municipal parking lot, feeding concrete into the lower portion of the building. Mr. Esposito in his capacity as Township Manager is quoted in this same article staying that "**there had been no major disruptions, and that deliveries are being accomplished in the morning hours.**" Why is this SO vital? Because within hours of the lawsuit being filed, the Township would change their story completely and block me from receiving any and all deliveries.

Serving the Lawsuit and Coincidental ‘Complaints’

The Township was formally served on the afternoon of [Tuesday, June 16th](#), and within hours there were two ‘complaints’ on the building. Again, after this had been an active job site for months with no complaints. Yet, within hours of the suit being served, an [employee who regularly sits in the Manager’s office makes the first compliant](#). Coincidence? Although I’m still not sure what the complaint actually was, the report states at 7:10 a.m. a truck was unloading material. Remember, Mr. Esposito was just quoted in the article saying deliveries were being accomplished early in the morning. This was 7:10 a.m. Apparently all of sudden, Mr. Esposito thought a lumber truck booming material was ‘dangerous.’

That same day, a Belleville Police officer [writes a report to the Chief](#) saying he was actually approached by Mr. Esposito. Do you not find this odd? The officer clearly thought so because he wrote a report about it.

Within a week or so, my job site was effectually shut down! It remains shut down mainly because of an [illegal Police Department Lookout order](#), which still stands today. I was no longer allowed to access my property from the rear through the municipal lot. Even though I had unanimous Planning Board approval to utilize the space behind my building for parking, etc. Only my building was mentioned in this illegal order. Only my deliveries were obstructed.

This is precisely when construction was halted and why the building is currently unfinished and beginning to deteriorate. Does that answer your question?

But, this is Belleville and these people do not stop; ever!

Ongoing Harassment

I then began to deal with a multitude of Township vehicles illegally parked and blocking the access to the rear of my building. This too was featured on the [front page of the Belleville Times](#). It continued and continued. It wasn’t just a DPW truck once. It was all kinds of [municipal vehicles and vehicles of employees for weeks. Please find the attached photos along with time and date stamps](#).

By mid-July 2015, the Township Law Department made a bizarre attempt, in my opinion, to cover their (butt). My attorney received a [letter from the Township Attorney](#). He not only addressed my attorney by the wrong name, but also went on to state that I called his office that afternoon. I never called this man’s office! Why would I? It was strange.

He went on to put in writing that the public parking lot ‘does not and never has serviced’ my building. Odd because for eight months, prior to my suit being served, I had unimpeded access to the rear of my property just like every other single owner has in the past. Odd because I had received unanimous Planning Board approval to utilize my parking area, which meant I would need to access it. Odd because the Town Manager himself was just quoted in the newspaper saying deliveries had been received in the early morning hours with no disruption. I can go on and on. The letter went on to state that I should make a formal request to the Governing body; the very Governing body I was now entangled in a Federal lawsuit with just to access my property, the very property in which construction was already well underway. SMH.

Amended Complaint for Harassment

At this time, we were forced to amend my complaint (lawsuit) to include the many extremely well documented retaliation charges. At this point, does any rational person disagree with me?!

And the retaliation continued...

This one really takes the cake! On July 1, 2015, I received a call from the Construction Department that more ‘complaints’ came in about debris in the back of the property. This debris was from unfinished work, which I could no longer get to because of the blockade of municipal vehicles constantly blocking access to my property. Regardless, I immediately called my demo/dumpster company and asked them to come out the same day. They did. When the dumpster [arrived the driver couldn’t get access because a DPW truck was blocking my driveway. In the attached photo, notice the dumpster.](#) In accordance with the illegal PD Lookout Order, the police were dispatched and he was illegally ordered out of a paid, metered spot in a PUBLIC parking lot. Enormously frustrated, I texted the then Police Chief, who informed me the pick up would be allowed and to have the driver return. I did. Upon his return, he was nearly arrested for allegedly disobeying the original Police orders. A text message exchange [between myself and the chief then ensued.](#) BTW. The dumpster driver was actually an off-duty Newark Detective, and this is all well documented.

Nearly two years after all this began—and only a few short weeks after my suit was served—in July 2015, Councilman Kevin Kennedy [penned a very well written letter seeking an investigation into my Planning Board approval](#) citing a ‘misrepresentation’ in my application and testimony. Notice that he didn’t think that during the hearing or immediately following the hearing. This letter comes immediately after I filed my suit. Coincidence?

They say it's impossible to fight City Hall. Understand, at this point I was up against the Township Manager, Township Attorney, Mayor and Council, Board Attorneys, various departments/offices including the Police Department, and a host of individual municipal employees. It wasn't easy. It's not easy. But I remained steadfast.

During the early stages of hearings and motions, and even though I was grossly underrepresented by my then legal Counsel, I had appealed to enough State agencies that two eventually stepped in and strongly asked for Mr. Esposito's immediate resignation. In September 2015, [the Essex County Tax Administrator gave Mr. Esposito 10 days to inform her how he intended on curing the 'conflict of interest.'](#) In January 2016, Mr. Esposito resigned from his position as Township Manager and retained his position of Tax Assessor. As astonishing as it may seem, Mr. Esposito was then given a raise as Tax Assessor to help offset the money he was losing from no longer being able to hold dual offices. You literally can't make it up. Oh, btw, there was silence from the taxpayer watching advocates. The very thing a taxpayer watchdog advocate is supposed to call-out fell upon deaf ears. Why?

Still think my case is baseless and frivolous? Are you scratching your head yet as to why the Township would continue to pay a law firm to continue to defend this case? The first part of my case was in fact cured when Mr. Esposito resigned and ended the illegal dual-office holding. The majority of the remaining claims mostly surround the extremely well-documented retaliation. Yet, many would have you believe my case was and is totally frivolous.

Beyond amending the suit to include the retaliation charges, I have repeatedly written letters over the past few years to the Township in an attempt mitigate my accruing losses. They have never responded.

- [August 2015](#)
- [May 2017](#)

Even after all this, would it shock you to know that the Township continues to pursue legal action against me? That they are looking to recover the legal fees they paid to defend all their self-imposed illegal and inappropriate actions? Because currently that's precisely where we are!

In November 2017, all that remained were the ongoing damages I suffered from being constantly harassed, victimized and shut down for more than 2.5 years. Or so I thought. Figuring access to the property would be allowed and we could also sort through the damages,

I was advised, albeit now it incorrectly, to voluntarily withdraw my case in an attempt to move forward.

What happened next? Like I said, there is no reasoning with, nor stopping these people. After voluntarily withdrawing my case, at the VERY NEXT Council meeting, the Council voted unanimously to come [after me for sanctions to recoup THEIR attorney's fees](#)! This was their first and immediate reaction after I voluntarily withdrew my case. Please understand that they do all this with YOUR tax dollars!

What next? I received a [violation letter](#) from the building department for an unfinished structure. Can you even imagine this?! I still have no access to the rear of my property because they illegally prevent me from accessing it. Yet, as soon as they think they are off the hook, they issue a violation letter for an unfinished structure they literally prevent me from completing. That violation letter was accompanied with [three tickets, threatening fines of up to \\$500/day for each violation](#).

Where do we stand today? I'm currently in Nutley municipal court trying to defend myself against violations for a building I do not have access to. Since I was grossly misrepresented in my original filing, I have also been forced to retain new Counsel to [defend myself against having to pay the Township's legal fees in this matter](#). This is the letter that was recently leaked out of the Township's legal department and published online, whereby many people thought I was filing another lawsuit.

Infuriated yet? Imagine how I feel. To date, I'm guilty of wanting to spend nearly \$1M to renovate a building on Washington Avenue with the hopes of beginning a revitalization of the area.

I am now a candidate for Mayor, and all those associated with the current administration who are running around town, dishing out talking points they've heard, and commenting on Facebook, saying absurd things like, "You want to fix Belleville, why don't you start with your own building!" Guess what? In order to fix my building I clearly have to start with Belleville, and that's precisely what they've forced me to do!

Still think I have an unsubstantiated case? A frivolous case? Still think the Township should be wasting taxpayer money to defend this garbage, let alone purse me for attorney's fees?

Please understand I am by no means looking for sympathy. I can certainly defend myself, but they started this nightmare. They have lied about what's been going on for years. They send

people out to spread rumors and misinformation. I'm merely answering the many questions they themselves have forced.

This building and my experience is a microcosm of everything that is wrong with Belleville. Please join me on Tuesday, May 8th in putting an end to it, and finally put people in office who want to do the work of the people. We deserve better. We deserve a #BetterBelleville