

Hudson County News

Jersey City Corporation Counsel Answers Suit Seeking His Ouster

By Jim Edwards

Jersey City's top municipal lawyer has accused its mayor of surrounding himself with a "cancer" of supporters who have defied federal court orders and used their positions to line their pockets.

Corporation Counsel Alex Booth also hints that the mayor engaged a municipal court judge in impermissible chitchat about a case the judge was handling.

Ordinarily, those might be regarded as explosive allegations, but here it's merely politics by other means.

The assertions come in response to a suit by Mayor Glenn Cunningham, who is trying to obtain an injunction that would remove Booth from office, *Cunningham v. Booth*, HUD-L-622-03.

Cunningham's complaint, filed in January, reads like a primer in political gossip about Booth. So Booth has used his Feb. 27 answer to turn up the heat.

Both pleadings outline a competing series of maze-like conspiracy theories that motivate both men.

The mayor's claims are that Booth has prevented the city from undertaking various real estate and building projects; that he stood aside while a harbor operator used the waterfront as an illegal dumping site; that he blocked modernization of the city's computer system;

that he had a conflict when his law partner lobbied the city on behalf of a client; and that he and his brother conspired to privatize the city's Municipal Utilities Authority to win his law firm a lucrative bond counsel contract.

Cunningham has been prevented from firing Booth by the City Council, which is at odds with the mayor and has kept Booth on as a thorn in Cunningham's side.

Booth's response charges that a "Brain Trust" of individuals have attached themselves to the mayor "largely for the purposes of advancing their own personal and financial interests."

Booth alleges that Cunningham sought to fire him for trying to frustrate those interests, which include city officials who get paid twice for doing one job, and "advisers" who recommend contracts to the city in which they have a financial interest. The MUA privatization allegation he dismisses as fiction.

Booth focuses most of his ire on Jersey City Business Administrator Carlton McGee — although McGee is not a named party. Specifically, Booth claims that McGee and one of the mayor's political advisers, Bobby Jackson, tried to persuade Booth to approve the purchase of 80 photocopying machines for the city, a deal in which they had a cash stake.

McGee and Jackson "told Mr. Booth, in no uncertain terms, that they had a strong personal financial interests in this photocopier proposal, and consequently would appreciate his cooperation," Booth's papers allege.

Separately, Booth says, McGee also received a \$15,000 stipend on top of his regular salary for supervising the city's Insurance Fund Commission, even though by virtue of his job title he is already the supervisor of that fund.

And, says Booth, McGee wanted to hire a firm called "Ebonics Computer System" to handle a \$2 million computer upgrade. The proposal was "a huge waste of money," the papers say. Only after Booth's intervention was the project scaled back, he claims.

McGee did not return a call for comment.

The strangest tale Booth tells centers around one afternoon in mid-January, when the mayor sent a "task force" of several city officials and police officers to execute a search warrant on a harbor operator accused of using its land as an illegal dumping site. The task force, led by Cunningham ally Lou Manzo, a former chief of Jersey City's Health Division, and former Mayor Gerald McCann, who served a federal prison term for tax evasion, shut down the harbor site for six hours while they poured dye down toilets to see if it would leak into the Hudson River. Booth charges this was in defiance of a federal judge's order.

Booth also claims that Municipal Court Judge Leonard McCrea, who issued the warrant, later met

Cunningham at City Hall to discuss the results of the search. The judge then recused himself. McCrea denies the warrant was discussed.

What does all this have to do with Booth's job? Good question. Although the suit claims Booth had "concerns" about McCann's involvement, it does not detail them. Booth's lawyer, Ravinder Bhalla of Krovatin & Associates in Newark, says only, "We decline at this time to go further than what he stated."

Cunningham's lawyer, Michael Stein of Pashman Stein in Hackensack, argues that Booth's ongoing partnership in Brownstein, Booth & Barry of Union City contravenes Jersey City's code, Sections 3-23A and 3-14, which demand that he "devote full time" to the post.

Stein says the partnership also violates Rule of Professional Conduct 1.7(a), which states, "A lawyer shall not represent a client if the representation of that client will be directly adverse to another client," Stein says. Booth's partner, Robert Barry, once represented a Hudson County waste management body in a dispute with the city.

Bhalla contends that the RPC is not relevant because under *Coyle v. Warren County*, 170 N.J. 260 (2002), statutes that allow the council to retain Booth take supremacy over the RPCs.

Booth's answer ends with chutzpah, given that he and Cunningham are mostly not on speaking terms. He says, "Despite his differences with mayor on certain issues, Mr. Booth ... remains always available to the Mayor to assist with legal issues as they arise." ■