

NEWS

Complaint against Levante dismissed

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NEWTON -- A complaint filed with the state against Mayor Wayne Levante that accused him of inappropriate behavior was dismissed recently by the state's Local Finance Board.

Levante was first notified of the complaint in mid-May when he received a letter from the Local Finance Board, saying the board "dismissed the allegations as having no reasonable factual basis." The Local Finance Board takes on ethics complaints filed against local officials where there is no formal local ethics board.

This past week, Levante was provided with a copy of the complaint and who filed it. The complaint was received by the finance board on Dec. 20 and was filed by Anthony C. Neggers II, a Newton resident, member of the Newton Board of Education and the same person who filed the same ethics complaint regarding Levante with the Newton Town Council in November.

Levante, who was subject to a Town Council meeting behind closed doors as a result of the November complaint, said when he got the state's dismissal letter in May, he immediately tried to find out who filed the complaint and what it said.

"They told me I had to wait 30 days for my (Open Public Records Act) request to be filled," the mayor said Thursday. "I got the file this week."

The dismissal letter signed by Timothy J. Cunningham, chair of the Local Finance Board, summarizes the complaint, but does not say who filed it. The summary notes the allegations are that "you inappropriately contacted the PTO Co-President ... via Facebook Messenger; were involved in a heated verbal altercation" against three named people; "Protested at a residence being used for a boardinghouse; and used your Mayoral Facebook page to endorse three write-in Board of Education candidates."

In dismissing the accusations, Cunningham's letter says, "as a resident of the town, you are free to have and express your own opinions about the school district. The 'heated verbal altercation' and protest at the boarding house do not amount to an unwarranted privilege or advantage."

The letter notes that the state law on local officials' ethics "does not regulate behavior that takes place when you are not acting in your official capacity. If any parties felt harassed, threatened, etc. they could have pursued the appropriate civil and criminal charges."

As to the Facebook page, the letter notes that Levante, "like a regular citizen," is free to post on his personal page, and he is free to endorse school board candidates.

Levante said, "I knew all I was doing, the way I was doing it, was what was permitted."

He said he felt the filing of complaints with both the town and the state "was used to retaliate against people."

Of the political endorsements and vocal opposition to the school board's proposal for an \$18.69 million bond issue to pay for an expansion to the Merriam Avenue School, Levante said he "didn't do anything that any politician wouldn't do."

After Neggers filed a complaint with the town, the Town Council met in executive session with Levante in early November. Among the papers filed with the state complaint was a Nov. 17 letter from Town Manager Thomas S. Russo to Neggers saying the allegations in Neggers' Nov. 6 complaint to the town "have been reviewed by the Town Council" and "have been addressed appropriately internally."

In March, the council again took Levante to task for more social media comments. A few days after the shooting deaths of 17 people, most of them students, at Marjory Stoneman Douglas High School in Parkland, Fla., Levante referred to conspiracy theories that some gun-reform protesters were posing as students.

That time, the council went into public session and in a 4-1 vote -- Levante voted, "Hell no" -- approved censuring the mayor for his comments, which the council deemed "exhibited inappropriate and unprofessional behavior in the opinion of the majority of the Council, by engaging in conduct unbecoming of a mayor in his interaction with the public and at Council meetings that reflects negatively on the Town of Newton as a whole."

At the time of his censure, Levante had already announced he would seek a second term on the Town Council. He lost in the May election, where seven people ran for three seats on the council. His four-year term as councilman ends on June 30.

In early June, Levante filed petitions with the Sussex County Clerk that qualify him to run as an independent for the county's Board of Chosen Freeholders in November.

Levante was elected by the council to serve as mayor last July.

In Newton's form of government, the five-member council annually elects one of its members to serve as mayor, a position that traditionally is rotated every year.

The mayor's post is largely ceremonial, but the person does chair council meetings, and signs most legislative acts on behalf of the council.