

Montclair's costly dysfunction under Sean Spiller | Editorial

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Montclair taxpayers will have to pay out a whopping \$1.25 million to settle these claims of retaliation, and that's just for starters. (Illustration | NJ Advance Media)

By

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After a whistleblower alleged that Sean Spiller and other Montclair officials took thousands of dollars in health benefits that they weren't legally entitled to, they have yet to face any real consequences.

But Montclair taxpayers will have to pay out a whopping \$1.25 million to settle her claims of retaliation, and that's just for starters – we don't yet know how much they'll have to pay for the battalion of lawyers the town hired to defend these guys.

Spiller, the mayor of Montclair, didn't go to the council meeting this week where the settlement was [announced and voted on](#). He has been running ads on TV, however, saying that he is protecting our democracy, as he eyes a potential run for governor.

So what, you might ask, has he done to ensure transparency and accountability for the taxpayers of Montclair? Below are some of the highlights to date.

- **Allegedly took illegal benefits:** Even though Spiller already had a salary of at least \$360,000 from the state's largest teacher's union, of which he is president, he still took thousands of dollars in illegal benefits and other payments from Montclair, according to this whistleblower, the town's former Chief Financial Officer. "He relied on the legal opinions that the township provided," was all that Spiller's lawyer would say. Of the six officials accused of this, three pled the Fifth, including Spiller. One denied it, claiming she deserved these benefits because she worked two full-time jobs in Montclair. And two hadn't yet been deposed.
- **Retaliated against the whistleblower, she says:** After the CFO, Padmaja Rao, challenged Spiller and other officials about this, she says they retaliated against her, having her removed from the finance committee and asking council members for criticisms of her job performance. Spiller has denied this, saying he was just asking about her work. She also says Spiller was covering up corruption in the fire department by signing off on an illegal, no-bid contract to a politically connected firm to investigate alleged racial bias. The firm found no bias, which is curious, because it contradicted the results of an internal investigation. Spiller wouldn't discuss that with us. And the CFO cites another scandal she says Spiller and others refused to act on, even after prosecutors referred it back to them and urged them to investigate: Firefighters were netting pension credits that they weren't entitled to.
- **Tried to hide the evidence:** When Spiller was deposed in this case, he answered by pleading the Fifth to avoid self-incrimination, then asked a judge to keep that deposition secret, which would allow him to hide what incriminating questions he refused to answer. His lawyer told us that "he denies any wrongdoing" and was just trying to keep the transcript confidential "to avoid any misrepresentation." It wasn't just the deposition, though – the township's attorneys tried to keep this entire case a secret. They fought [to hide a trove of public documents](#), including further details about Montclair's finances, and even a memo in which the assistant township attorney told council members that they were not eligible for these health benefits. "I can't imagine anyone, anywhere... other than maybe the CIA, Defense Department, the NSA, that has this need for secrecy," the judge in the case, Stephen Petrillo, reportedly marveled.

- **Unleashed lawyers to stifle a critic:** After a Montclair resident fiercely criticized Spiller at a public meeting, she got [slapped with a subpoena](#) demanding that she be deposed in this case – even though she’s just a member of the public who says she has no personal knowledge about it. Spiller had no opinion on whether hitting Sarah Avery with a subpoena was right or wrong; he was apparently ok with it. The end result? A citizen criticizing him got targeted for an interrogation.

Now ask yourself: Is this all really protecting our democracy?

What the township of Montclair fought for here, at great expense, was the individual interests of Spiller and other officials accused of wrongdoing, not the public good.

They denied public documents until they were forced to turn some over, running up legal fees at every turn. And now, under a bill our Legislature [passed just this week](#), gutting the Open Public Records Act, we’d have even less ability to fight back – because what lawmakers think we need is *more* secrecy.

“What they’ve defended is the indefensible,” notes the CFO’s attorney, Nancy Erika Smith, of Spiller and the other officials. And it’s the residents of Montclair who will pay for it.