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Mayor and Messmer Face Off Over Moses Letter at Council Meeting

Town attorney says whether or not Mayor Barberio asked for leniency for a convicted pot dealer, his letter was 'legal, ethical and appropriate.'

By [Natalie Davis](#) | [Email the author](#) | November 23, 2011

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The Parsippany Township Council's Tuesday night meeting at Town Hall provided the backdrop for Mayor James Barberio finally to speak publicly about a controversial correspondence revealed last month. The letter spoke about the case of a friend's grown son, who pleaded guilty to conspiracy to distribute eight pounds of marijuana.

During the meeting's public comment portion, resident Roy Messmer took the mayor to task for using official township letterhead stationery when he wrote to [Morris County Superior Court](#) Judge David H. Ironson on behalf of 26-year-old Daniel Moses.

"This does not represent the citizens of Parsippany," Messmer scolded Barberio, stating his opinion that the use of township letterhead was improper.

Messmer also mentioned an [Oct. 21 Patch article](#) in which Barberio, when asked about the letter, is quoted as saying:

"I did not ask for leniency. What the young man did was wrong, and he will pay for his crime. I commend the Parsippany Police Department for their work in this case. Yes, I wrote a letter. I wrote it on behalf of Daniel Moses' father, who has been my friend for many years. They're a good family, and he is a good man who has volunteered with many groups for the benefit of Parsippany Troy-Hills. But I never asked for a reduction in sentence, and I am glad justice was done."

Pulling out a copy of Barberio's letter to Judge Ironson, Messmer read the mayor's words from the first sentence of the missive's last paragraph: "I hope the court will be as lenient as possible when sentencing Daniel ..."

Messmer then talked about a drug-related burglary in his neighborhood and said it was representative of a growing "drug problem in the nation, not just in this town."

He then addressed the mayor directly.

"I don't know what you were thinking when you wrote this letter," Messmer said, "but I think the residents, the taxpayers of Parsippany, are due an explanation."

Barberio fired back, saying he had spoken with several members of the press on this topic. He mentioned receiving a call from a reporter and having a conversation in which he never said "leniency."

(Patch stands by the [quote from its Oct. 21 report](#), which was transcribed during a phone call received from the mayor that same day after an [event at 1 Sylvan Way](#).)

The mayor contended that he could not have asked for a reduction in sentence because he did not know what the sentence was. Daniel Moses ultimately received five years in prison with the option of parole in one year.

Barberio then yielded the floor to Justin Marchetta, who was at the council meeting to fill in for absent Township Attorney John Inglesino.

The lawyer read a letter, this one written by Inglesino, Marchetta said, into the public record.

In Inglesino's words, Barberio's letter "was erroneously characterized in court by a Morris County assistant prosecutor as 'inappropriate' because, according to that assistant prosecutor, the Parsippany-Troy Hills Police Department and federal authorities were involved in the investigation and prosecution of Mr. Moses."

Inglesino, through Marchetta, continued, intimating that questioning the appropriateness of the letter revealed a lack of knowledge regarding how the legal system works.

"In the American justice system, a period of time elapses between a criminal conviction or plea bargain arrangement and sentencing," Marchetta read. "During that time, the convicted individual may, and indeed typically does, call upon friends, family, employers, clergy, community leaders and others to submit letters on his or her behalf to the court for purposes of familiarizing the court with the individual."

The letter goes on to say that Inglesino discussed the matter with Prosecutor Robert Bianchi, "who has confirmed to me that the subject letter was not illegal."

In fact, Marchetta—reading Inglesino's ideas—called the mayor's letter "legal, ethical and appropriate."

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Kenneth Kaplan Flag as inappropriate
 9:22 am on Wednesday, November 23, 2011
 When you become a mayor, you don't cease to be a human being. Your heart goes out to a friend whose child is in trouble. I would think a lot less of the Mayor if he had not written a letter on behalf of his friend's son. Using his official stationery did not indicate the backing of the municipality; it just showed that the statement was coming from an individual who had achieved a position of respect in the community.

[Reply](#)

Michael Brancato Flag as inappropriate
 10:00 am on Wednesday, November 23, 2011
 I'm sorry, Kenneth, but I have to disagree with you on one point: using his official stationery absolutely indicates the backing of the municipality. That is exactly what official letterhead is for.

Parsippany Flag as inappropriate
 6:00 pm on Wednesday, November 23, 2011
 KEN- Open your eyes, that Child in trouble is, Dan Moses is 26 years old DRUG DEALER who got caught with 8 pounds of Marijuana. Most college graduates would have been holding a job for over four years at 26 years old, moving up the corporate ladder. Mayor Barberio would have known this type of ethical behavior is inappropriate, maybe if he Graduated from college and took a course in Ethics he would have known better. SHAME ON YOU MAYOR BARBERIO.

Mel Flag as inappropriate
 9:39 am on Wednesday, November 23, 2011
 No one should be above the law my friend, had this kid been in possession of a few grams of weed maybe the pleas from the Mayor would be heartfelt....but 8 pounds?
 AND using the township's stationery? EXTREMELY INAPPROPRIATE!!!! Barberio and his good 'ol boy methods of leadership are a painful episode

for Parsippany.

[Reply](#)

Nick Kumburis

Flag as inappropriate

1:27 pm on Wednesday, November 23, 2011

It never ceases to amaze me how every one is from such "good families". If that was the case, why is the kid dealing drugs?

And for the lawyers: Legal does not mean right and illegal does not mean wrong. Just because his using the letterhead was not illegal, doesnt make it right. He was intentionally trying to use his influence as Mayor to request leniency to an admitted criminal while using his position to provide favors for his friends. This my friends is wrong.

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Mark

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5:07 pm on Wednesday, November 23, 2011

Great job on this story, Natalie. Thank you for following up on one of the most obvious and blatant lies by a politician I have ever seen. To me the most galling aspect of this is that Barberio thinks he can just say whatever he wants, despite "lenient" being in the damn letter, and no one will hold him to account.

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Sharon Miller

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7:09 pm on Wednesday, November 23, 2011

Obviously, the mayor had no idea the letter he wrote to the judge would become public. He probably also did not consider that his use of township letterhead would be considered improper, which, of course it is. If he really wrote the letter as a man who only wanted to help his friend, he should not have used his position as a power play. It's time for him to issue a statement of apology to Parsippany citizens taking ownership of his poor judgement and stop making excuses for himself. Man up, Mr. Barberio, and admit you made a mistake.

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fourfeet

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10:10 pm on Wednesday, November 23, 2011

Mommy should clean the mess in Messmers diaper so he can stop whining. So sick of this person acting like a stand up citizen. He is one of the most hateful people I know. Lord help anyone who is different from him.

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George P. Marone

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11:18 pm on Wednesday, November 23, 2011

I think Mayor Jamie Barberio works very hard at his job and truly has the best interest in making Parsippany a better community to live in. Presidents, Governor's, Mayors at one time or another all make mistakes. I agree his words were inappropriate and some times we don't take the time to think out what we are saying and how to handle matters more appropriately. If Mayor Barberio sent the letter on his own personal stationary and signed it Mayor Barberio, I guess that it would have been O.K. or would Mr. Messmer have made an issue of that since he is very politically inclined. Lets not make Mayor Barberio into a William Jefferson Clinton.

Lets not become what Washington D. C. is. George P. Marone

[Reply](#)

madalien

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12:27 am on Thursday, November 24, 2011

What the mayor did in plain englins h was LIE! Don't you people get it? He said he didn't ask for a lighter sentence, when in fact, he DID! I wish people would be more active in their towns as Roy. What other lies are we being told? Politics as usual I guess and nobody cares. At least someone does. Good job Roy & the Patch for calling him out!

[Reply](#)

parpardon

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3:38 pm on Friday, November 25, 2011

George Marone, I couldn't agree with you more. We will never know what really took place in the interview with Patch and the Mayor. It wouldn't matter if the Mayor put it on letterhead or not. Messmer still would have made an issue of it. Messmer goes around Galcier Hills spreading poison. We are sick of him. Madalien, if you think Roy cares you are mistaken. Unless you are just like him. You need to do your research on Messmer. I did and I am not surprised at what I found.

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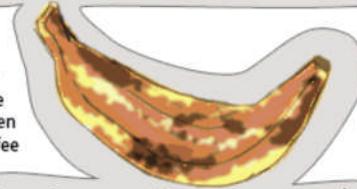
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