

MUNICIPAL ETHICS BOARD

January 11, 2012

CALL TO ORDER

Ms. Bacon called the meeting to order at 8:13 p.m. in the Council Conference Room in the Municipal Complex. Ms. Bacon read the following statement:

“In accordance with Section 5 of the Open Public Meeting Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Meeting of the Municipal Ethics Board of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and transmitted to the officially designated newspapers indicating that this Meeting would take place at the Municipal Complex, 475 DeMott Lane, Somerset, NJ 08873 at 8:00 p.m. on Wednesday, January 11, 2012. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.”

ROLL CALL

Present: Patricia Bacon, Catherine Barrier, Martin Lokomowitz, Agnes Messineo, John Paff,
Cynthia Voorhees
Absent: No One.

2012 REORGANIZATION

Chairperson & Vice Chairperson

Ms. Voorhees nominated Patricia Bacon as Chairperson and Agnes Messineo as Vice Chairperson of the Municipal Ethics Board, each for a one-year term ending December 31, 2012.

The motion to nominate Patricia Bacon as Chairperson and Agnes Messineo as Vice Chairperson of the Municipal Ethics Board, each for a one-year term ending December 31, 2012 carried upon acclamation.

PUBLIC DISCUSSION

A motion was made by Mr. *Paff* to open the meeting to the public. Said motion was seconded by Ms. Voorhees and carried unanimously upon voice vote.

There being no comments made by the public at this time, a motion was made by Ms. Messineo to close the public discussion. Said motion was seconded by Mr. Lokomowitz and carried unanimously upon voice vote.

APPROVAL OF MINUTES

December 13, 2011 Regular

Ms. Messineo moved the adoption of the December 13, 2011 Regular Minutes as amended. Said motion was seconded by Mr. Paff and carried as follows upon call of the roll:

AYES: Bacon, Lokomowitz, Messineo, Paff, Voorhees
NAYS: None
ABSENT: Barrier

December 21, 2011 Regular

Ms. Voorhees moved the adoption of the December 21, 2011 Regular Minutes as submitted. Said motion was seconded by Ms. Messineo and carried as follows upon call of the roll:

AYES: Bacon, Lokomowitz, Messineo, Voorhees
NAYS: None
ABSENT: Barrier
ABSTAIN: Paff

December 13, 2011 Executive Session –Part 1

Mr. Paff moved the adoption of the December 13, 2011 Executive Session – Part 1 Minutes as submitted. Said motion was seconded by Mr. Lokomowitz and carried as follows upon call of the roll:

AYES: Bacon, Lokomowitz, Messineo, Paff, Voorhees
NAYS: None
ABSENT: Barrier

December 13, 2011 Executive Session –Part 2

Ms. Voorhees moved the adoption of the December 13, 2011 Executive Session – Part 2 Minutes as submitted. Said motion was seconded by Mr. Lokomowitz and carried as follows upon call of the roll:

AYES: Lokomowitz, Messineo, Voorhees
NAYS: None
ABSENT: Barrier

Ms. Bacon and Mr. Paff did not vote on this motion.

December 21, 2011 Executive Session

Mr. Lokomowitz moved the adoption of the December 21, 2011 Executive Session Minutes as submitted. Said motion was seconded by Ms. Voorhees and carried as follows upon call of the roll:

AYES: Lokomowitz, Messineo, Voorhees
NAYS: None
ABSENT: Barrier

Ms. Bacon and Mr. Paff did not vote on this motion.

REPORTS

Ms. McCarthy reported that the appointees appointed to boards and commissions on January 3rd at the Township Council Reorganization Meeting have until February 3rd to file their 2012 Financial Disclosure Statements.

OLD BUSINESS

Proposed Changes to the Code and/or Rules and Regulations

As a result of the many complaints the Board has before them, this item is to be carried forward as a pending item.

NEW BUSINESS

Collection of Fines Mechanism

A discussion ensued regarding how the Municipal Ethics Board could collect outstanding fines. Mr. Galvin, Board Attorney, stated the enforcement of fines is with the Superior Court. Mr. Galvin stated that when a board member is fined it is more about being disgraced than being fined. He stated he would like to see the fines increased and the jurisdiction changed from Superior Court to Municipal Court. He stated these changes would have to be changed by the Legislature.

Mr. Paff had some questions regarding the Board filing in civil court and Mr. Galvin stated he would look into it and get back to the Board with an answer.

EXECUTIVE SESSION

Mr. Galvin read the following resolution:

RESOLUTION APPROVING EXECUTIVE SESSION FOR THE FRANKLIN TOWNSHIP ETHIC'S BOARD

WHEREAS, NJSA 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances set forth in paragraph (b); and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Ethics Board of the Township of Franklin, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from the Board's discussions of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows: **Matters concerning Complaint Nos. 10-01A; 10-03 and 11-02** which may result in disclosure of personal and private information, if the public was not excluded,

pursuant to NJSA 10:4-12(b)(3); ***Matters concerning pending or anticipated litigation with regard to Complaint Nos. 10-01A; 10-03 and 11-02*** wherein the Board is or may become a part, pursuant to NJSA 10:4-12(b)(7); and ***Matters involving Complaint Nos. 10-01A; 10-03 and 11-02*** which may result in the imposition of a civil penalty or suspension or loss of license or permit, pursuant to NJSA 10:4-12(b)(9).

3. It is anticipated at this time that the above matter will be made public at the conclusion of this matter to the extent as permitted by law.
4. This Resolution shall take effect immediately.

The aforesaid resolution was moved by Mr. Paff, seconded by Mr. Lokomowitz and carried unanimously upon voice vote.

The Board went into Executive Session at 8:45 p.m. Ms. Barrier arrived during the Executive Session at 9:15 p.m.

A motion was made by Ms. Voorhees, seconded by Ms. Barrier to come out of Executive Session at 10:30 p.m. Said motion carried unanimously upon voice vote.

Ms. Bacon announced the following was discussed in Executive Session: Complaints Nos. 10-01A; 10-03 and 11-02.

It was the consensus of the Board that the next meeting be scheduled for Monday, January 30, 2012 at 8 p.m.

At 10:36 p.m., Ms. Bacon and Mr. Paff left the meeting.

EXECUTIVE SESSION

Mr. Galvin read the following resolution:

RESOLUTION APPROVING EXECUTIVE SESSION FOR THE FRANKLIN TOWNSHIP ETHIC'S BOARD

WHEREAS, NJSA 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances set forth in paragraph (b); and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Ethics Board of the Township of Franklin, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from the Board's discussions of the hereinafter specified matters.

2. The general nature of the subject matter to be discussed is as follows: ***Matters concerning Complaint Nos. 10-04, 11-01 and 11-03*** which may result in disclosure of personal and private information, if the public was not excluded, pursuant to NJSA 10:4-12(b)(3); ***Matters concerning pending or anticipated litigation with regard to Complaint Nos. 10-04, 11-01 and 11-03*** wherein the Board is or may become a part, pursuant to NJSA 10:4-12(b)(7); and ***Matters involving Complaint Nos. 10-04, 11-01 and 11-03*** which may result in the imposition of a civil penalty or suspension or loss of license or permit, pursuant to NJSA 10:4-12(b)(9).
3. It is anticipated at this time that the above matter will be made public at the conclusion of this matter to the extent as permitted by law.
4. This Resolution shall take effect immediately.

The aforesaid resolution was moved by Mr. Lokomowitz, seconded by Ms. Messineo and carried unanimously upon voice vote.

The Board went into Executive Session at 10:40 p.m.

A motion was made by Mr. Lokomowitz, seconded by Ms. Voorhees to come out of Executive Session at 10:57 p.m. Said motion carried unanimously upon voice vote.

Ms. Messineo announced the following was discussed in Executive Session: Complaints Nos. 10-04, 11-01 and 11-03.

ADJOURNMENT

A motion to adjourn the meeting at 10:59 p.m. was made by Mr. Lokomowitz, seconded by Ms. Voorhees, and carried unanimously upon voice vote.

Approved: *As Amended*

Date: *February 8, 2012*

Ann Marie McCarthy, Township Clerk