

MUNICIPAL ETHICS BOARD

April 12, 2013

CALL TO ORDER

Ms. Messineo called the meeting to order at 7:07 p.m. in the Council Chambers in the Municipal Complex. Ms. Messineo 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 7:00 p.m. on Friday, April 12, 2013. 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: Catherine Barrier, Agnes Messineo, Shanel Robinson, Cynthia Voorhees

Absent: Patricia Bacon, John Paff

PUBLIC DISCUSSION

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

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

EXECUTIVE SESSION

Ms. McCarthy 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: **Complaints #11-01**, which may result in disclosure of personal and private information, if the public was not excluded, pursuant to NJSA 10:4-12(b)(3) and **Matters concerning pending or anticipated litigation with regard to Complaint #11-01** wherein the Board is or may become a part, pursuant to NJSA 10:4-12(b)(7).
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 Ms. Robinson, seconded by Ms. Voorhees and carried as follows upon call of the roll:

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

The Board went into Executive Session at 7:12 p.m.

A motion was made by Ms. Voorhees, seconded by Ms. Robinson to come out of Executive Session at 8:10 p.m. Said motion carried unanimously upon voice vote.

RESOLUTION OF VIOLATION

	:	
IN THE MATTER OF	:	FRANKLIN TOWNSHIP ETHICS BOARD
JAMES WICKMAN	:	DOCKET NO.: 11-01
	:	

WHEREAS, the Franklin Township Ethics Board (“Board”) is authorized by the Local Government Ethics Law (N.J.S.A. 40A:9-22.1 et seq), to resolve complaints alleging ethics violations by local government officers and employees; and

WHEREAS, a complaint was filed against James Wickman, a Fire Commissioner in District No. 1 in the Township of Franklin, alleging a violation of the Franklin Township Ethics Code (“Code”) Sections 2(C) and 2(D), alleging that he had a direct conflict of interest in voting on a settlement as an elected official and a direct personal financial interest in achieving a settlement that avoided potential personal cost; and

WHEREAS, the Board, initially determined that the allegations were within its jurisdiction and had a reasonable factual basis to open an investigation; and

WHEREAS, on April 11, 2012, the Board held a hearing, in public session, in accordance with the Administrative Procedures Act, as required; and

WHEREAS, on May 30, 2012, the Board held a meeting in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-7 et seq), and in Executive Session determined James Wickman was in violation of Franklin Township Ethics Code Sections 2(C) and 2(D) as follows:

- C. No local government officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.
- D. No local government officer or employee shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence or judgment.

WHEREAS, the Board, at the May 30, 2012 Executive Session determined to impose a fine on James Wickman in the amount of \$250.00;

NOW, THEREFORE BE IT RESOLVED, by the Franklin Township Ethics Board, County of Somerset and State of New Jersey, on the 12th day of April, 2013 that James Wickman is found in violation of Franklin Township Ethics Code Sections 2(C) and 2(D) as follows:

- C. No local government officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.
- D. No local government officer or employee shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence or judgment.

BE IT FURTHER RESOLVED that the Franklin Township Ethics Board hereby imposes a fine on James Wickman in the amount of \$250.00;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to James Wickman and the Township Clerk.

The aforesaid resolution was moved by Ms. Barrier, seconded by Ms. Voorhees and carried as follows upon call of the roll:

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

The Board directed that the following be included in the cover letter accompanying said resolution:

- Redacted language to protect confidentiality of James Wickman and complainant
- Appeal process
- Send check made payable to State of NJ to the Municipal Clerk within 30 days
- Encouragement to maintain ethics and the need to recuse oneself from voting

ADJOURNMENT

A motion to adjourn the meeting at 8:20 p.m. was made by Ms. Voorhees, seconded by Ms. Robinson, and carried unanimously upon voice vote.

Approved: *As Amended*

Date: *June 20, 2013*

Ann Marie McCarthy, Township Clerk