

MUNICIPAL ETHICS BOARD

February 8, 2012

CALL TO ORDER

Ms. Bacon called the meeting to order at 8:05 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, February 8, 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 (arrived at 9:18 p.m.), Agnes Messineo, John Paff,
Cynthia Voorhees
Absent: Martin Lokomowitz

PUBLIC DISCUSSION

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

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

APPROVAL OF MINUTES

January 11, 2012 Regular

Mr. Paff moved the adoption of the January 11, 2012 Regular Minutes as amended. Said motion was seconded by Ms. Voorhees and carried as follows upon call of the roll:

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

January 11, 2012 Executive Session -Part 1

Ms. Voorhees moved the adoption of the January 11, 2012 Executive Session - Part 1 Minutes as amended. Said motion was seconded by Ms. Messineo and carried as follows upon call of the roll:

AYES: Bacon, Messineo, Paff, Voorhees
NAYS: None

ABSENT: Barrier, Lokomowitz

January 11, 2012 Executive Session –Part 2

These minutes were held since there was not a quorum of members to take action upon them.

REPORTS

Ms. McCarthy reported that at the next Municipal Ethics Board meeting she would have a report of the 2012 Financial Disclosure Statement submissions.

OLD BUSINESS

Proposed Changes to the Code and/or Rules and Regulations

There was a lengthy discussion by the Board and the Attorney regarding proposed changes to the Municipal Ethics Code and/or its Rules and Regulations. Mr. Paff expressed his frustration that the Board has not had time to continue its review. He noted the last changes made were done at the August 17, 2011 meeting. Ms. Bacon provided a historical review of how the Code and the Rules and Regulations have been reviewed and amended. She noted the Board would continue to do so. Mr. Galvin stated that he would review the Code, the Rules and Regulations, the statutes, etc. He reminded the Board that they have had other issues that needed to be addressed.

In response to whether the Board would need an attorney to go to court to collect a fine issued by the Board, Mr. Galvin replied that after researching this matter, it was found the Board needs an attorney to go to court. Mr. Galvin stated it would make more sense if these matters could be heard in municipal court; however that would result require in amending the statute.

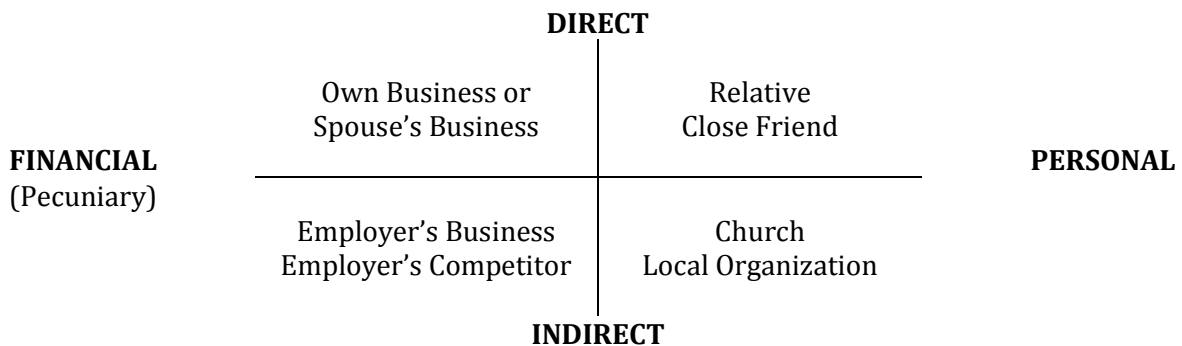
NEW BUSINESS

Conflict of Interest Matrix

Mr. Galvin reviewed the following matrix with the Board:

“CONFLICT OF INTEREST MATRIX*"

Provided by Dennis M. Galvin, Esq. www.galvinlawfirm.com



*"Michael A. Pane, "Conflict of Interest: Sometimes a Confusing maze, Part II New Jersey Municipalities, March 1980, 8, 9. See 132 N.J. 525-526." Cox. New Jersey Zoning and Land use Administration. (Gann 2006) Section 3-1.2 pgs. 50-51."

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. 10-03 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. 10-03 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. 10-03 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 Ms. Voorhees and carried as follows upon call of the roll:

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

The Board went into Executive Session at 9:08 p.m. Ms. Barrier arrived during the Executive Session at 9:18 p.m.

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

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

It was the consensus of the Board that the next meeting be scheduled either February 29, 2012 or March 6, 2012 or April 11, 2012.

ADJOURNMENT

A motion to adjourn the meeting at 10:24 p.m. was made by Ms. Voorhees, seconded by Ms. Messineo, and carried unanimously upon voice vote.

Approved: *As Amended*

Date: *April 30, 2012*

Ann Marie McCarthy, Township Clerk