

ETHICAL STANDARDS BOARD - NOVEMBER 6, 2008
UNAPPROVED MINUTES
BOROUGH OF HASBROUCK HEIGHTS
ETHICAL STANDARDS BOARD MEETING
MINUTES

A Meeting of the Ethical Standards Board of the Borough of Hasbrouck Heights was held on November 6, 2008 at 8:02 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ.

Board Secretary Rose Marie Sees stated that the meeting complied with the Sunshine Law, adequate notice of this meeting having been made to all members of the Ethical Standards Board by personal service on October 17, 2008 and transmitted to The Observer, The Record and The Herald News on October 17, 2008

ROLL CALL: Present: Board Members Robert Burns, Gloria Cotter, Andrew Link III, Garrett Pepe. Absent: Board Members Peter Deppert and Ann Fuhro

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE: Chairman Pepe led in the Salute to the Flag and Pledge of Allegiance.

Chairman Pepe asked for a moment of silence for James Jarvis, a member of this Board and active member of the Community who passed away. He welcomed new member Gloria Cotter.

OLD BUSINESS:

APPROVAL OF MINUTES: Regular Meeting of March 12, 2007

On a motion by Board Member Burns, seconded by Board Member Link, and unanimously carried, the foregoing Minutes were approved.

NEW BUSINESS:

RESOLUTION NO. 1

RE-ORGANIZATION OF THE BOARD AND APPOINTMENT OF ITS OFFICERS
AND ADOPTION OF ITS PROCEDURAL RULES

WHEREAS, a quorum of the Ethical Standards Board of the Borough of Hasbrouck Heights now being duly constituted and composed of its current membership having been otherwise duly appointed for their respective terms as prescribed by ordinance, this Body has convened for its first meeting of the year 2008,

NOW, THEREFORE, BUT IT RESOLVED by the Ethical Standards Board of the Borough of Hasbrouck Heights that it does hereby organize itself for the year 2008, and does hereby appoint as its officers for this year the following members respectively:

Chairman: GARRETT PEPE;

On a motion by Board Member Link, seconded by Board Member Burns, and unanimously carried, the foregoing appointment of Chairman was approved.

Vice Chairman: GLORIA COTTER;

On a motion by Board Member Link, seconded by Board Member Burns, and unanimously carried, the foregoing appointment of Vice Chairman was approved.

And BE IT FURTHER RESOLVED, that it does hereby appoint the following to serve in the following respective capacity to this Board for the year 2008:

Secretary: ROSE MARIE SEES;

On a motion by Board Member Pepe, seconded by Board Member Link, and unanimously carried, the foregoing appointment of Secretary was approved.

BE IT FURTHER RESOLVED, that it does hereby adopt as its procedural rules the current edition of Roberts' Rules of Order.

Date: November 6, 2008 /s/ Garrett R. Pepe Chairman

I hereby certify that the foregoing is a true copy of the resolution of the Ethical Standards Board of the Borough of Hasbrouck Heights duly adopted in this matter on November 6, 2008.

Date: November 6, 2008 /s/ Rose Marie Sees Secretary

REQUEST OF CAROL J. SKIBA AND CHRISTIAN SEMENECZ TO CONSIDER THEIR ALLEGATIONS OF ETHICAL VIOLATIONS BY LEONARD INTRONA, MARYETTA SACCOMANO AND THE DEMOCRATIC CAMPAIGN COMMITTEE, "HASBROUCK HEIGHTS VICTORY 07," IN RESPECT TO CAMPAIGN FUNDING

Chairman Pepe began by saying that he felt he had a conflict of interest, having either worked with parties named in this complaint and recused himself if the board so desired to hear the complaint.

Board Member Link also had a conflict of interest and recommended returning it to the Bergen County Ethics Committee.

Board Member Burns requested a legal opinion.

Borough Attorney Ralph Chandless did not disagree with that idea, as it was his opinion that the board would have a problem with any question raised regarding an elected official. He recommended that the Board meet to make a record by noticing the complainant and respondents.

Board Member Burns asked if someone could articulate the complaint.

Borough Attorney Chandless asked if anyone would object. Joseph Maccarone, Attorney for the respondents said he would object if he could not rebut, then it would get into the issue of a hearing to which Mr. Chandless agreed. Mr. Chandless said he could categorize the complaint very briefly, without getting to the merits of the complaint. Mr. Maccarone said that could not be done without getting to the merits.

Chairman Pepe said he would not want this board to hear this complaint and it be determined there was a conflict.

Board Member Burns said he did not get a copy of the complaint which the board secretary said was sent on July 3, 2008 to all board members. He was provided a copy.

Mr. Chandless in continuing that it be a conflict, said for example that Mr. Burns appointment was confirmed by two of the respondents.

Chairman Pepe put a motion forward that this board does not hear this complaint due to the possibility of a conflict of interest among some of its members and that we turn it over to the County for their review, seconded by Board Member Link, with Board Members Link, Pepe, and Cotter voting yes and Board Member Burns abstaining.

MISCELLANEOUS FROM PUBLIC

Chris Semenez, 415 Jefferson Avenue, wanted to know when the Board passed by resolution a code of ethics. He also questioned if the complaint was received in July, why the board did not meet within 30 days. Chairman Pepe said it was of the opinion that this was being sent to the State.

ADJOURN:

There being no further business to be conducted by the Ethical Standards Board, the meeting was adjourned at 8:21 p.m. on a motion by Chairman Pepe.

I, ROSE MARIE SEES, Board Secretary of the Ethical Standards Board, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Regular Meeting held on November 6, 2008.

Rose Marie Sees Board Secretary

ETHICAL STANDARDS BOARD - MARCH 12, 2007
BOROUGH OF HASBROUCK HEIGHTS
ETHICAL STANDARDS BOARD
REGULAR MEETING
MINUTES

A Regular Meeting of the Ethical Standards Board of the Borough of Hasbrouck Heights was held on March 12, 2007 at 8:05 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ.

Board Secretary Rose Marie Sees stated that the meeting complied with the Sunshine Law, adequate notice of this meeting having been made to all members of the Ethical Standards Board by personal service on February 20, 2007 and transmitted to The Observer, The Record and The Herald News on February 20, 2007

ROLL CALL: Present: Board Members Robert Burns, Andrew Link III, Peter Deppert, Ann Fuhro, James Jarvis, Garrett Pepe: Absent: None

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE: Chairman Burns led in the Salute to the Flag and Pledge of Allegiance.

OLD BUSINESS:

APPROVAL OF MINUTES: Regular Meeting of September 18, 2006

On a motion by Board Member Jarvis, seconded by Board Member Fuhro, with Board Member Pepe abstaining as he was absent on that date, the foregoing Minutes were approved.

NEW BUSINESS:

RESOLUTION NO. 1

RE-ORGANIZATION OF THE BOARD AND
APPOINTMENT OF ITS OFFICERS AND ADOPTION OF
SCHEDULE OF REGULAR MEETINGS AND ADOPTION
OF ITS PROCEDURAL RULES

WHEREAS, a quorum of the Ethical Standards Board of the Borough of Hasbrouck Heights now being duly constituted and composed of its current membership having been otherwise duly appointed for their respective terms as prescribed by ordinance, this Body has convened for its first meeting of the year 2007,

NOW, THEREFORE, BUT IT RESOLVED by the Ethical Standards Board of the Borough of Hasbrouck Heights that it does hereby organize itself for the year 2007, and does hereby appoint as its officers for this year the following members respectively:

Chairman: GARRETT PEPE;

On a motion by Andrew Link III, seconded by James Jarvis, with Mr. Pepe abstaining, the foregoing appointment of Chairman was approved.

Vice Chairman: JAMES JARVIS;

On a motion by Mr. Link, seconded by Board Member Burns, with Board Member Jarvis abstaining, the foregoing appointment of Vice Chairman was approved.

And BE IT FURTHER RESOLVED, that it does hereby appoint the following to serve in the following respective capacities to this Board for the year 2007:

Secretary: ROSE MARIE SEES;

On a motion by Board Member Jarvis, seconded by Board Member Link, and unanimously carried, the foregoing appointment of Secretary was approved.

Attorney: WILFREDO ORTIZ II;

On a motion by Board Member Burns, seconded by Board Member Jarvis, with Board Member Link and Board Member Fuhro voting Nay, the foregoing appointment of Board Attorney was approved.

BE IT FURTHER RESOLVED, that it does hereby adopt as its schedule of regular quarterly meetings those times, dates and places as appears on the list attached hereto, and

BE IT FURTHER RESOLVED, that it does hereby adopt as its procedural rules the current edition of Roberts' Rules of Order.

Date: March 12, 2007 /s/ Garrett R. Pepe Chairman

I hereby certify that the foregoing is a true copy of the resolution of the Ethical Standards Board of the Borough of Hasbrouck Heights duly adopted in this matter on March 12, 2007.

Date: March 12, 2007 /s/ Rose Marie Sees Secretary

PUBLIC NOTICE OF RE-ORGANIZATION MEETING

NOTICE IS HEREBY GIVEN that the Ethical Standards Board of the Borough of Hasbrouck Heights conducts its re-organization meeting on Monday, March 12, 2007, at Borough Hall, 320 Boulevard, Hasbrouck Heights, New Jersey, duly adopted its schedule of regular quarterly meetings for the year 2007, each of which said meetings shall be

conducted at Borough Hall, on each of the following dates: June 5, September 4 and December 4, each commencing at 8:00 p.m. and all in the year 2007.

Dated: March 12, 2007

Secretary
Ethical Standards Board,
Borough of Hasbrouck Heights

On a motion by Board Member Burns, seconded by Board Member Jarvis, and unanimously carried, the foregoing Resolution was approved.

DISCUSSION OF PAY TO PLAY ISSUES:

Board Member Burns questioned the appointment of the Borough Attorney as Borough Attorney and if it was ethical. The Chairman said that nothing was brought before this body and this would be inappropriate without a formal complaint. Board Attorney Ortiz in light of the request of several agencies higher than this Board have been asked to review the appointments recently made, it would be inappropriate for this Board to do so. Board Member Burns made a formal complaint that all the information be sent to the Local Finance Board prepared by the Board Attorney and have them investigate. Again, he was advised that a formal written complaint must be presented before the Board as per Chapter 74-10 of the Borough Code which Mr. Pepe requested the Secretary to read in full. Board Attorney Ortiz referred to Chapter 74-8(A), which states "The Board shall have the following powers: A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the Municipal Code of Ethics or financial disclosure requirements by local government officers or employees serving the borough." It was noted that if this is in the hands of the Bergen County Prosecutor, then this Board should allow for time for response.

MISCELLANEOUS FROM PUBLIC:

Robert Thomasey, 307 Franklin Avenue, questioned how the Board could be comprised of an even number of people. Board Attorney Ortiz noted in accordance with the ordinance that formed this board, there are six members, with no more than three of the same party. Mr. Burns noted that under Robert's Rules of Order, the chairman may break a tie, even though he has voted in the procedural votes. The ordinance follows State statute. Regarding pay to play, he thought it wouldn't be wise for this Board to address at this time. He was also concerned with the reputation of the town with regard to all the unfavorable press received recently.

Robert Searle, 51 Henry Street, disagreed and thought this Board should use its power to initiate whatever they would want to initiate, and that the Board Attorney would want to recuse himself if he were in his place.

Councilwoman Carol Skiba, 191 Field Avenue, noted she had spoken with the Local Finance Board Ethics Divisions, and was given the impression that it was up to the Ethical

Standards Board in Hasbrouck Heights to do the first round of hearings and if whoever initiates the complaint is not satisfied, then they can appeal at the State level. There are many complex issues, and there may be many forums before this Board may decide to take any action.

Board Chairman Pepe said any complaints to this Board will be looked at.

Robert Schwalb, 167 Field Avenue, questioned how a complaint is received. He was advised it could be in a form of writing given to the Borough Clerk, which she will log and circulate to the Ethical Standards Board and Board Attorney with formal hearings to be scheduled. He recommended having a third representation of political parties such as Independent party. He was advised the Mayor and Council would need to be advised to change the ordinance. He also questioned the schedule of meetings.

CLOSE TO PUBLIC:

On a motion by Board Member Link, seconded by Board Member Burns, the public portion was closed.

ADJOURN:

There being no further business to be conducted by the Ethical Standards Board, the meeting was adjourned at 8:54 p.m. on a motion by Board Member Burns, seconded by Board Member Fuhro, and unanimously carried.

ETHICAL STANDARDS BOARD - MARCH 12, 2007 5

I, ROSE MARIE SEES, Board Secretary of the Ethical Standards Board, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Regular Meeting held on March 12, 2007.

Rose Marie Sees Board Secretary

**BOROUGH OF HASBROUCK HEIGHTS
ETHICAL STANDARDS BOARD
REGULAR MEETING
MINUTES
September 18, 2006**

A Regular Meeting of the Ethical Standards Board of the Borough of Hasbrouck Heights was held on September 18, 2006 at 8:09 p.m. at Borough Hall, 320 Boulevard, Hasbrouck Heights, NJ.

Board Secretary Rose Marie Sees stated that the meeting complied with the Sunshine Law, adequate notice of this meeting having been made to all members of the Ethical Standards Board by personal service on January 11, 2006 and transmitted to The Observer, The Record and The Herald News on January 11, 2006.

ROLL CALL: Present: Board Members Robert Burns, Andrew Link III, Peter Deppert, Ann Fuhro, James Jarvis. Absent: Garrett Pepe

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE: Chairman Bums led in the Salute to the Flag and Pledge of Allegiance.

COMMUNICATIONS: Although Communications was not on the Agenda, Chairman Burns requested the secretary to read a letter from Councilwoman Carol J. Skiba (Copy attached).

Chairman Burns moved that this letter be put off to a future meeting for consideration. A vote resulted in Vice Chairman Link, Peter Deppert and James Jarvis voting Nay, Chairman Burns and Ann Fuhro voting Yes, defeating this motion.

OLD BUSINESS:

APPROVAL OF MINUTES: Regular Meeting of June 19, 2006

On a motion by Chairman Burns, seconded by Vice Chairman Link, and unanimously carried, the foregoing Minutes were approved.

NEW BUSINESS:

1. IMPACT OF RECENT SUPERIOR COURT DECISION ON JUDGE

Chairman Burns referring to the ongoing appointment of Joseph Jones, referred to the newspaper articles and adverse publicity to Hasbrouck Heights, questioning the nepotism, favoritism, question of a conspiracy, that he did not trust Board Attorney Chandless as he was suspect of most of his decisions, that he was told by other attorneys that he should not be participating in this part of the question if it was ethical for the son of the mayor to be appointed municipal judge. He asked Board Attorney Chandless if he should be present at this meeting as Board Attorney.

Mr. Chandless said there is not a complaint before this board tonight, so this board does not have jurisdiction. He continued there is a court case pending, the 45 days have not expired, even if there were to be an appeal. Mr. Semenez has publicly declared that he is going back to court, so that this matter is a matter of anticipated litigation and he would not comment further than to say that this board should not take jurisdiction of it.

2. MISLEADING FACTORS IN APPOINTMENT REQUIREMENTS REGARDING JUDGE POSITION

Mr. Burns stated that two or more councilpersons got together regarding residency requirements and changed the ordinance so the Mayor's son could qualify, it was done at the last minute on the 22nd of November. He said there was criticism by newspapers and residents, that it was illegal. He thought the Ethics Board should show some kind of ethics in this instance.

Mr. Chandless said that this ordinance was included in the litigation, the court decided the case that the judgment is still subject to appeal but the complainant stated he is going back to court, so another body of the borough should not be considering this.

When Mr. Burns stated he had sent a letter to the council and he was told they had never received it, he was told that in fact it was given to all council members. He again questioned if whether the judge was qualified based on the residency ordinance. He wanted another attorney.

Mr. Link said a change in residency requirements was done years ago on a continual basis and made purposely to have qualified personnel. He stated he had voted for Joseph Jones three years ago when Janice Gatto was appointed judge based on a tie vote broken by then Mayor William Torre.

Mr. Burns referred to a past issue of residency of a former judge. A dialogue between Mr. Burns and Mr. Link ensued.

Mr. Jarvis said he thought a lot of these questions will be answered through the courts where it is now, why should we hire another attorney.

Mr. Burns again stated he wanted another attorney.

Mr. Chandless said your jurisdiction is to make determinations under the ethics law, The court has presently determined there was no violation of the ethics law. He said that Mr. Burns had inaccurately portrayed the adoption of the ordinance.

Mr. Burns repeated his comments on the ordinance.

There being no further business to be conducted by the Ethical Standards Board, the meeting was adjourned at 8:46 p.m. on a motion by Andrew Link seconded by Ann Fuhro, and unanimously carried.

I, ROSE MARE SEES, Board Secretary of the Ethical Standards Board, do hereby certify that the foregoing Minutes are to the best of my knowledge a true account of the Regular Meeting held on September 18, 2006,

Rose Marie Sees Board Secretary