

**ETHICAL STANDARDS BOARD**  
**FEBRUARY 4, 2019 SPECIAL MEETING MINUTES**

**Members Present:**

Scott Cooper, Glenn Henkel, Jamie Boren, Matthew Orsini, Jayne Wilkinson, Michael Shaw

**Others Present:**

Thomas Neff, Township Manager

Karen Daily, Township Manager's Admin. Assistant

Kevin Aberant, Township Attorney

The meeting was called to order at 7:03pm by Mr. Neff. Mr. Neff read the meeting notice statement:

Mr. Cooper asked for a motion to adopt the November 29, 2018 meeting minutes. A motion was made by Mr. Henkel, seconded by Ms. Boren. All in favor with the exception of Ms. Wilkinson and Mr. Shaw who were not present at that meeting.

Mr. Neff addressed the Board Members and provided a brief overview of the Board's official duties and responsibilities in regards to complaints and financial disclosure statements (FDS). He noted that the Board has a narrow charge as set forth in State statute (Local Government Ethics Law that allows for the creation of the board) and the Township's implementing ordinance.

Mr. Henkel asked about FDS enforcement and whether the Board needed to continue having an enforcement role. Mr. Neff advised that as long as the Board exists, there would be no other agency with enforcement powers so it is good to keep that as a Board function for so long as the Board exists.

Mr. Cooper extended a welcome to the two new members Mr. Shaw and Ms. Wilkinson. Mr. Cooper asked if they had any questions. There were no questions from either Mr. Shaw or Mr. Wilkinson.

Mr. Cooper stated that this Board will meet at least once a year for re-organization and that there may also be other meetings scheduled outside of receiving complaints.

**Reorganization:**

Mr. Henkel nominated Mr. Scott Cooper for Board Chairman. Seeing there were no other nominations, Mr. Henkel motioned to close the nominations for Board Chairman, seconded by Ms. Boren. Mr. Henkel made a motion to accept Mr. Cooper as the Board Chairman, seconded by Ms. Boren, all other members voted in favor of same.

Mr. Cooper nominated Mr. Glenn Henkel for Vice Chairman of the Board. Seeing there were no other nominations, Mr. Cooper motioned to close the nominations for Board Chairman, seconded by Ms. Boren. Mr. Cooper made a motion to accept Mr. Henkel as the Board Chairman, seconded by Ms. Boren, all other members voted in favor of same.

Mr. Henkel nominated Mr. Thomas Neff for Board Secretary. Seeing there were no other nominations, Mr. Henkel motioned to close the nominations for Board Secretary, seconded by Ms. Boren. Mr. Cooper made a motion to accept Mr. Neff as the Board Secretary, seconded by Ms. Boren, all other members voted in favor of same.

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Mr. Henkel nominated Ms. Karen Daily for Alternate Board Secretary. Seeing there were no other nominations, Mr. Cooper motioned to close the nominations for Alternate Board Secretary, seconded by Ms. Boren. Mr. Cooper made a motion to accept Ms. Daily as the Alternate Board Secretary, seconded by Ms. Boren, all other members voted in favor of same.

Mr. Cooper then discussed a complaint that had recently been filed by Mr. Russel Smith against Mr. Douglas Joyce, Chairman of the Planning Board. Mr. Cooper briefly discussed the complaint and the responsibilities of this Board to accept and review this Complaint. Mr. Cooper read the Township Code and the expectations of the Ethical Standards Board. Mr. Cooper confirmed the Board received and acknowledged receipt of the complaint. The Board would later review the complaint received on January 15, 2019 regarding an Alleged Ethics Violation and decide if it is within their jurisdiction, frivolous or without any reasonable factual basis. After that determination, the person to whom the complaint was submitted against would then have an opportunity to respond to those accusations. In this particular situation, the person whom this complaint was submitted against had already submitted a response to the charges against him. This Board did not, ask for same, however, it was Mr. Joyce's right to provide it. The Board had not met as a group to considered anything to this point, and the only thing they had done was to accept the complaint. The Complainant, Mr. Smith, had written several other emails to members of the Board, demanding that those members of the Ethical Standards Board recuse themselves from hearing this matter and having it moved to another jurisdiction. Mr. Cooper asked if Mr. Smith was in attendance of this meeting. Mr. Smith did not reply and did not appear to be in attendance at this meeting.

Mr. Cooper made a motion that the Board go into executive session for the purpose of discussing the complaint with legal counsel and to receive legal advice from the Township attorney. This motion was seconded by Mr. Shaw and all other members voted in favor of same. At approximately 7:20pm the Board moved to an adjacent room for closed session and returned at approximately 8:40 pm.

Mr. Cooper addressed the Board and members of the public. Complainant, Russel Smith had made requests that several members of the Board recuse themselves from reviewing this complaint. Those members each stated individually that they felt they could accept and review any ethical matters on its merits and consider this complaint impartially. There was also a request from Mr. Smith that the entire Board recuse itself from this matter. The Board feels as a whole they can impartially render an opinion on this matter as it is their duty to serve this Township. A motion was made by Mr. Cooper, seconded by Mr. Henkel, all those declining to recuse respond to the roll call vote with a "Yes". Upon the roll call vote each member voted "Yes".

Various members of, and staff to, the Board indicated that they could impartially and fairly consider the request and no members or staff recused themselves.

A motion to accept that those aspects of the complaint pertaining to alleged violations of the Moorestown Code of Ethics as being within the jurisdiction of this Ethical Standards Board was made by Mr. Henkel, seconded by Mr. Shaw. All other members voted in favor of same.

A motion to find the complaint pertaining to alleged violations of the Moorestown Code of Ethics contained reasonable factual basis was made by Mr. Cooper and seconded by Mr. Henkel. All other members voted in favor of same.

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Mr. Cooper mentioned that Mr. Joyce had already sent an unsolicited letter, dated January 29, 2019, to the Board addressing each aspect of the complaint. Mr. Joyce's response was read aloud. Mr. Cooper made a motion to accept Mr. Joyce's response, seconded by Mr. Henkel. All other members voted in favor of same.

Mr. Cooper also pointed out that Mr. Joyce had been provided advice from the Planning Board counsel and was told he was able to vote on the matter(s) in question. Mr. Cooper asked the Board if they had any further comments, after reviewing the complaint by Mr. Smith and response by Mr. Joyce.

Mr. Shaw stated that from the complaint itself, the Complaint did not have enough evidence there was a conflict, but that he would have had questions for Mr. Joyce. However, Mr. Joyce's response clarified any concerns he may have had.

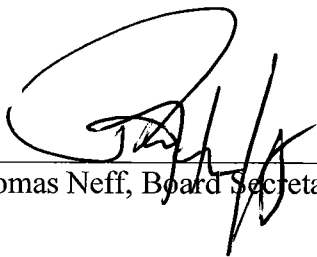
Mr. Cooper felt Mr. Joyce acted properly and there is was no reasonable doubt there was no ethical violation.

Mr. Cooper made a motion for a roll call vote of the Board, that after considering both the January 15, 2019 complaint and Mr. Joyce's January 29, 2019 response, that Mr. Joyce had not violated the Township's Ethical Standards Code. This motion was seconded by Mr. Henkel. A roll call vote was taken. All members responded in the affirmative.

Mr. Cooper asked Mr. Neff, as Secretary to the Board, to have Township staff memorialize same. A motion to conclude this matter and dismiss the January 15, 2019 complaint was made by Mr. Cooper, seconded by Mr. Henkel. This concludes the matter of this complaint.

The next regular meeting for the Ethical Standards Board is scheduled for Wednesday, February 27<sup>th</sup> at 7pm.

Mr. Cooper opened the floor for Public Comment. Seeing there was none, Mr. Shaw made a motion for adjournment, seconded by Mr. Henkel. All other members voted in favor of same.



Thomas Neff, Board Secretary

Approved: 2/27/2019

**ETHICAL STANDARDS BOARD  
FEBRUARY 4, 2019 SPECIAL MEETING  
EXECUTIVE SESSION MINUTES**

**Members Present:**

Scott Cooper, Glenn Henkel, Jamie Boren, Matthew Orsini, Jayne Wilkinson, Michael Shaw

**Others Present:**

Thomas Neff, Township Manager  
Karen Daily, Township Manager's Admin. Assistant  
Kevin Aberant, Township Attorney

At the regular meeting, Mr. Cooper made a motion that the Board go into executive session for the purpose of discussing the complaint and potential litigation and to receive legal advice from the Township attorney regarding same. This motion was seconded by Mr. Shaw and all other members voted in favor of same. At approximately 7:20pm the Board moved to "the Donut Room" for closed session.

Mr. Cooper shared with other members of the Board that he had received some emails from the Complainant, Mr. Smith, asking him to recuse himself from this matter. Mr. Smith had also asked that other others recuse themselves. Individual members of the Board discussed the request to recuse themselves and each indicated an ability to impartially and fairly consider the complaint. With the concurrence of the attorney, no recusals were deemed necessary or legally required.

It was discussed that the Board's adjudicatory jurisdiction extended to complaints regarding violations of the Moorestown Code of Ethics -- and not to alleged violation of the Open Public Records Act or the Open Public Meetings Act -- such alleged violations being the jurisdiction of other State agencies.

It was also discussed that the duty of this Board is to consider the following (1) whether the complaint pertaining to alleged violations of the Moorestown Code of Ethics was within this Board's jurisdiction; and (2) whether the complaint was frivolous or without factual basis. If it was within the Board's jurisdiction and there was a minimal factual basis, the Board would ordinarily notify the accused officer or employee of the nature of the complaint and the facts/circumstances contained therein and the officer or employee would then have the opportunity to respond. Since Mr. Joyce has already submitted an unsolicited response, it was determined the Board could consider the response in their determination as to whether a reasonable doubt did or didn't exist. Based on those documents the Board could consider whether the officer or employee was in conflict with the Code of Ethics.

The Board reviewed Mr. Smith's complaint and Mr. Joyce's response.

At 8:39pm there was a motion by Ms. Boren to enter back into public session, seconded by Mr. Cooper. All other members voted in favor of same.

  
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Thomas Neff, Board Secretary

Approved: 2/27/2019