

ETHICAL STANDARDS BOARD
September 5, 2019 SPECIAL MEETING MINUTES

Members Present:

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

Others Present:

Thomas Neff, Township Manager;

There was one member of the public in attendance.

The meeting was called to order at 6:05pm by Mr. Cooper. Mr. Neff read the meeting notice statement.

Mr. Cooper asked for a motion to adopt the February 27, 2019 meeting minutes. A motion was made by Mr. Cooper, and seconded by Mr. Henkel. Unanimous 6-0 vote in the affirmative.

Mr. Cooper announced an opportunity for the public to comment on any matters of concern. No comments were made.

A motion was made by Mr. Henkel, seconded by Ms. Boren, to go into closed session (Res. No. CS 09 05 2019) to discuss a complaint filed against Kevin Aberant by Russ Smith and a response received by Kevin Aberant. Unanimous 6-0 vote in the affirmative.

The sole member of the public departed the room.

Closed session began at 6:09. Discussion ensued.

Mr. Cooper reiterated the important role of the members and the need to carefully scrutinize this case, and all other on the merits. He appreciated that there had been no communications among members about the matter at hand so that the Board could handle it after proper notice was given.

Members all advised that they had read the Complaint and a response from the Respondent. Mr. Cooper reminded everyone that the Board had not yet required a response from the Respondent under the Ethics Code. Having received it, the Board could consider its contents if necessary.

The Board concluded that the Complaint alleged a violation of the Moorestown Code of Ethics. Accordingly, the Moorestown Ethical Standard Board had jurisdiction.

Members indicated that they could find no factual basis in the Complaint that Respondent's actions on behalf of the Township (acting in his official capacity) had any personal interest – financial or otherwise - in a property matter, as alleged in the Complaint.

Members took note that there was an allegation that Respondent's residence was near a property that the Township was discussing in a public meeting. However, the Board noted that the property was approximately a half mile away, and separated by a four lane highway and a lake, from Respondent's residence.

Members also took note that the Complaint alleged that Respondent lived in the same neighborhood as certain people who expressed strong opinions about the property matter and that Respondent was alleged to have referred to at least one person who expressed an opinion by their first name at a Township Committee meeting. However, members noted that living in proximity to people who have strong opinions about a matter and being familiar with them to the point of being on a first name basis did not preclude an official from being involved in a matter or mean that professional involvement was in any way a breach of ethical standards.

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No members could identify any factual basis or link between Mr. Aberant and the "anti-Miles site" group within the material submitted by Mr. Smith that would give rise to a violation of the Moorestown Code of Ethics. There was no further proof alleged to connect the Respondent to the group and the Respondent denied any affiliation to the group. Thus, the blanket assertion was completely unpersuasive.

A motion was made by Ms. Boren at 6:29 and seconded by Mr. Cooper to end closed session and resume the public session. Unanimous 6-0 vote in the affirmative.

The public session resumed at 6:30.

Mr. Cooper asked, and the Board unanimously agreed, the Recording Secretary to reflect in the minutes that neither the Complainant nor the Respondent were in attendance.

Mr. Cooper then made the following motion to be the finding of the Board on the Complaint:

Upon a review of the Complaint and the Response from the Respondent, which the Board did not ask for, (1) the complaint was rightfully within the jurisdiction of the Moorestown Ethical Standards Board as the Board is charged with hearing such complaints by Township under Ordinance;

(2) there were no questions that any member of the Board had before reaching a decision on disposition of the Complaint;

(3) the complaint is devoid of a factual basis upon which there could be found a violation of the Moorestown Township Code of Ethics; and

(4) Respondent's alleged actions, as set forth in the Complaint, were not in conflict with the Moorestown Code of Ethics.

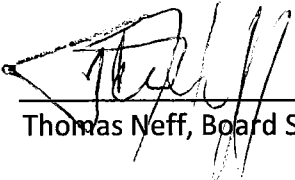
Mr. Henkel voiced his concurrence with Mr. Cooper, and suggested including in the motion a specific reference to Section 9-12 of the Moorestown Township Code

The motion was seconded by Ms. Boren. Vote: Unanimous 6-0 vote in the affirmative.

Mr. Cooper asked Mr. Neff, as Secretary to the Board, to have Township staff memorialize the vote in a letter to the Complainant and the Respondent.

A motion to adjourn the September 5 meeting was made by Mr. Henkel and seconded by Ms. Boren. Unanimous 6-0 vote in the affirmative.

VOTE:	
COOPER	Y N
HENKEL	Y N
BOREN	Y N
ORSINI	Y N
SHAW	Y N
WILKINSON	Y N



Thomas Neff, Board Secretary

Date of Adoption: November 7, 2019