

Advocate says officials violated disclosure laws

Ethics Board chairman calls lack of filings 'unfortunate'

BY JANE MEGGITT Staff Writer

Acomplaint has been filed with the Ethics Board claiming that numerous Milltown officials failed to file their required financial disclosure statements with the borough.

John Paff, chairman of the Open Government Advocacy Project for the New Jersey Libertarian Party, filed the ethics complaint on April 21.

According to Paff, six members of the Milltown Planning Board and three members of the Zoning Board of Adjustment, as well as certain members of the Board of Health, Shade Tree Commission, Library Board, Ethics Board and the Ford Avenue Redevelopment Agency, did not file 2008 financial disclosure requirements by the state-imposed April 20 deadline. Paff said the lack of filings is in conflict with both municipal and state laws.

Milltown Ethics Board Chairman Ed Winant responded to Paff's complaint by asking the borough clerk to notify the 17 officials that they must file or face dismissal from their committees.

Ed Winant, chairman of the Ethics Committee, last week sent an email to Municipal Clerk Michael Januska asking that he send reminders to everyone who had not submitted the required documents. Winant noted that filing the financial disclosure is a municipal and state requirement punishable by personal fines if the documentation is not received. If those individuals fail to file by a given date to be determined, it should result in their dismissal from their agency.

Winant said in his email that it was unfortunate so many had failed to file.

"Hopefully, it was just an oversight on their part and a reminder will get most of them to comply or be removed from the committees, boards or commissions. I further realize that it is difficult to get residents to serve; however, this is the law. Everyone should comply or not accept these positions," Winant wrote.

Paff said the ultimate goal of the ethics ordinance is to get officials to file documents so that the public can detect possible conflicts.

"If Mr. Winant's solution achieves that goal, I have no problem with it," Paff said.

Noncompliance with financial disclosure filings is a common problem in several towns that Paff has contacted, he said. He has filed similar complaints against officials in Wanaque, Passaic County; Gloucester Township in Camden County; and Middletown in Monmouth County; as well as others.

Paff said it is important that officials file the documents so that citizens can more easily detect whether an official is in a conflict of interest when performing their official duties.

As a hypothetical example, Paff noted that a zoning board member's wife could work for a company owned by an applicant before that board. If that official had filed a financial disclosure statement, the public would know the sources of his family's income and realize it would be a possible conflict for the member to vote on or participate in the application.

Paff said his complaint serves another purpose. "I think that it's fair to say that Milltown's Ethics Board, up to now, felt that its job was to simply react to complaints," he said. According to Paff, the board has only met twice since it was created in the early 1990s.

"I think that the fact that so many officials failed to file their 2008 forms might cause the Ethics Board to rethink its mission and become more proactive," Paff said.

Though Mayor Gloria Bradford and members of the Borough Council all filed their disclosure statements on time, Paff thinks they should be concerned about the fact that so many others allegedly violated the law.

"Hopefully they'll start thinking along the lines of, 'Since we had a problem with compliance with the Local Government Ethics Law, are we sure that our internal checks and balances are sufficiently rigorous to prevent us from properly and fully complying with other laws and obligations?' I think that this sort of self-critical review is important and can lead to other areas of improvement," Paff said.

Winant said the issue may be discussed at an upcoming council meeting.

Januszka said he sent out the ethic forms for 2009 on April 20, but he did not expect to go after the 2008 forms. He said he will send follow up reminders to those who don't return the forms, and the Ethics Board will then be given a list of those who did and did not comply.