

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE CODE OF THE BOROUGH OF MILLTOWN", MORE PARTICULARLY CHAPTER 14, CODE OF ETHICS.

BE IT ORDAINED by the Borough Council of the Borough of Milltown, County of Middlesex and State of New Jersey as follows:

SECTION I

Chapter 14, The Code of Ethics, is hereby deleted in its entirety and in its place the provisions of this Ordinance shall govern.

SECTION II

In accordance with the provisions of that certain law entitled "An Act Concerning Standards Of Ethical Conduct For Officers And Employees Of Local Government And Repealing Section 1 of P.L. 1983, c.188, S-2027," there is hereby established a Municipal Ethics Board of the Borough of Milltown consisting of six (6) members who shall be residents of the municipality, at least two (2) of whom shall be public members. The members of the Ethics Board shall be appointed by the Borough Council of the Borough of Milltown and shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three (3) members of the Ethics Board shall be of the same political party.

SECTION III

The members shall serve for a term of five (5) years; except that of the members initially appointed, two (2) of the public members shall be appointed to serve for a term of five (5) years, one (1) member shall be appointed to serve for a term of four (4) years, and the remaining members shall be appointed to serve for a term of three (3) years. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring in the membership of the Ethics Board shall be filled

in the same manner as the original appointment for the unexpired term.

SECTION IV

The members of the Ethics Board shall serve without compensation but shall be reimbursed by the Borough for necessary expenses incurred in the performance of their duties under the Act.

SECTION V

The members of the Municipal Ethics Board shall annually elect a Chairman from among the membership.

SECTION VI

All necessary expenses incurred by the Municipal Ethics Board and its members shall be paid, upon certification of the Chairman, by the Borough Treasurer within the limit of funds appropriated by the Borough Council by annual or emergency appropriations for those purposes.

SECTION VII

The Municipal Ethics Board may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of law within the limits of funds appropriated by the Borough Council for such purposes.

SECTION VIII

The Municipal Ethics 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 municipality;
- (b) To issue subpoenas for the production of documents and the attendance of witnesses with respect to its

- investigation of any complaint or to the holding of a hearing;
- (c) To forward to the county prosecutor or the Attorney General or other governmental body any information concerning violations of the municipal code of ethics or financial disclosure requirements by local government officers or employees serving the municipality which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;
 - (d) To render advisory opinions to local government officers or employees serving the municipality as to whether a given set of facts and circumstances would constitute a violation of any provisions of the municipal code of ethics or financial disclosure requirements;
 - (e) To enforce the provisions of the municipal code of ethics and financial disclosure requirements with regard to local government officers or employees serving the municipality and to impose penalties for the violation thereof as are authorized by this act; and
 - (f) To adopt rules and regulations and to do other things as are necessary to implement the purposes of this act.

SECTION IX

A local government officer or employee serving the municipality may request and obtain from the Municipal Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the municipal code of ethics or any financial disclosure requirements. Advisory opinions of the Municipal Ethics Board shall not be made public, except when the Ethics Board, by the vote of two-thirds of all of its members, directs that the opinion be made public. Public advisory opinions shall not

*The following
Regulations
Disclosure Statements*

disclose the name of the local government officer or employee unless the Ethics Board, in directing that the opinion be made public, so determines.

SECTION X

The Municipal Ethics Board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee serving the municipality is in conflict with the municipal code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The Ethics Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the Ethics Board shall conclude that the complaint is outside its jurisdiction, frivolous or without basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the Ethics Board with any statement or information concerning the complaint which he wishes. Thereafter, if the Ethics Board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the municipal code of ethics or any financial disclosure requirements. The board shall conduct a hearing in the manner prescribed by law, concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the local government officer or employee. The Ethics Board shall render a decision as to whether the conduct of the officer or employee is in conflict

~~AAE if
Jr 10/10/12~~

with the municipal code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the Ethics Board.

If the Ethics Board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limitations of ~~this act~~ ^{the N.J. State Statute}. A final decision of the Ethics Board may be appealed to the Local Finance Board within 30 days of the decision.

SECTION XI

All statements, complaints, requests or other written materials filed pursuant to this act, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this act shall be preserved for a period of at least five (5) years from the date of filing or preparation, as the case may be.

SECTION XII

Each clause, section or subsection of this Ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be effected..

SECTION XIII

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION XIV

This Ordinance shall take effect immediately upon adoption and publication according to law.

Date: May 13, 1991

MAY 13, 1991

RESOLUTION

To the Mayor and Borough Council

Borough of Milltown, County of Middlesex, New Jersey

WHEREAS, the Borough Council of the Borough of Milltown has adopted Ordinance No. 820 establishing a Municipal Ethics Board, and

WHEREAS, the appointed members of the Municipal Ethics Board have met and organized, and are desirous of complying with the intent of said ordinance, and

WHEREAS, Section VIII, sub-section (f.) instructs the Board to adopt rules, regulations, etc., to implement the purposes of said ordinance, now therefore

BE IT RESOLVED, that the following Rules and Regulations be adopted and made supplement to Ordinance No. 820:

A. Definitions;

1. "BOARD" means the Municipal Ethics Board of the Borough of Milltown, Middlesex County, New Jersey;
2. "BUSINESS ORGANIZATION" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity;
3. "GOVERNING BODY" means the Borough Council of the Borough of Milltown, Middlesex County, New Jersey;
4. "INTEREST" means the ownership or control of more than 10% of the profits, assets or stock of a business organization or any interest whatsoever which yields directly or indirectly to the local government officer or employee or member of his/her immediate family a monetary or other material benefit but shall not include the control of assets in a non-profit entity or labor union;
5. "LOCAL GOVERNMENT AGENCY" means any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than purely advisory nature, but shall not include a school board;
6. "LOCAL GOVERNMENT EMPLOYEE" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district;
7. "LOCAL GOVERNMENT OFFICER" means any person, whether compensated or not, whether part-time or full-time: (a) elected to any office of a local government agency; (b) serving on a local government agency which has the authority to enact ordinances, approve development applications, or grant zoning variances; (c) who is a member of an independent municipal, county, or regional authority; or (d) who is a managerial executive or confidential employee of a local government agency, as defined in Section 3 of the "New Jersey Employer-

Employee Relations Act", P.L. 1941, c 100 (C. 34:13A-3), and (e) members of the Environmental Commission, Rent Leveling Board, Municipal Ethics Board and Fire Prevention Board and professions listed in the Administrative Code, but shall not mean any employee of a school district or member of a school board;

8. "LOCAL GOVERNMENT OFFICER OR EMPLOYEE" means a local officer or a local government employee;
9. "MEMBER OF IMMEDIATE FAMILY" means the spouse or dependent child of local government officer or employee residing in the same household.

B. Regulations; Local government officers or employees under the jurisdiction of the Municipal Ethics Board shall comply with the following provisions:

1. No local government officer or employee or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest;
2. No Local Government Agency shall, for a period of one year next subsequent to the termination of office of a member of that agency
 - a. award any contract which is not publicly bid to a former member of that agency, or
 - b. allow a former member of that agency to represent, appear for, or negotiate on behalf of, any other party before that agency
 - c. Employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and rules and regulations promulgated pursuant thereby, any former member of that Agency.

(Note) the restriction contained in this sub-section shall also apply to any business organization in which the former agency member holds an interest.
3. No Local Government Officer or Employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others;
4. No Local Government Officer or Employee shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgement;
5. No Local Government Officer or Employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgement in the exercise of his/her duties.
6. No Local Government Officer or Employee, member of his/her immediate family, or business organization in which he/she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value, based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties. This provision

- shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his/her official duties.
7. No Local Government Officer or Employee shall use, or allow to be used, his/her public office or employment, or any information not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for himself/herself, any member of his/her immediate family, or any business organization with which he/she is associated;
 8. No Local Government Officer or Employee, or business organization in which he/she has an interest, shall represent any person or party other than the local government in connection with any cause, proceeding, application, or other matter pending before any agency in the local government in which he/she serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;
 9. No Local Government Officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution, or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.
 10. No Elected Local Government Officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to, or accepted by the officer or a member of his/her immediate family, whether directly or indirectly, in return therefor; and
 11. Nothing shall prohibit any Local Government Officer or Employee, or members of his/her immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his/her, or their, own interests.

C. Disclosure Statements

1. Local Government Officers shall annually file a signed copy of a financial disclosure statement pursuant to this resolution, which shall include the following information, specifying, where applicable, the name and address of each source and the local government officer's job title:

- a. each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or a member of his/her immediate family during the preceeding calendar year; individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income; if a publicly traded security is the source of income, the security need not be reported unless the local government officer, or member of his/her immediate family has an interest in the business organization;
 - b. each source of fees and honariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches, or writings received by the local government officer or a member of his/her immediate family during the preceding calendar year;
 - c. each source of gifts, reimbursements, or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the local government officer or a member of his/her immediate family during the preceding calendar year;
 - d. the name and address of all business organizations in which the local government officer or a member of his/her immediate family had an interest during the preceding calendar year, and
 - e. the address and brief description of all real property in which the local government officer or a member of his/her immediate family held an interest during the preceding calendar year
2. The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. The Local Finance Board shall transmit sufficient copies of the forms to the Municipal Ethics Board for filing in accordance with this resolution. The Ethics Board shall make the forms available to the local government officers within their jurisdiction.
- For Local Government Officers serving this municipality the original statement shall be filed with the Borough Clerk. A copy of the statement shall be filed with the State of New Jersey, Department of Community Affairs, Local Finance Board. A copy of the statement shall also be filed with the Municipal Ethics Board. Statements shall be filed on or before April 30th each year. Any person appointed to the position of a local government officer subsequent to April 30th shall be required to file a financial disclosure statement within thirty (30) days of his/her appointment and shall thereafter file such disclosure statements on or before April 30th of each year.

Respectfully submitted,
The Municipal Ethics Board
Borough of Milltown

The foregoing resolution was unanimously adopted by the five members of the Municipal Ethics Board of the Borough of Milltown present at a regularly scheduled meeting on May 18th, 1994.

Carleton I. Myers, Chairman

Borough of Milltown
Middlesex County, New Jersey

Municipal Ethics Board

Meeting of November 28, 1994

39 WASHINGTON AVENUE
MILLTOWN, NEW JERSEY 08850
(908) 828-2100



The meeting was held in the Conference Room of the Borough Hall at 8:00 P.M., notice thereof having been duly promulgated. Present were all members of the Board: Sue Barre, Melinda Granieri, William Johnstone, George Lewycky, Martin Lukacs and Carleton Myers.

It was determined that, since personnel matters would be involved, the meeting would be in executive session and closed to the public until an initial determination of the complaint filed was made. The call of the meeting being on a complaint filed and attached hereto, known as Complaint 1994-1.

After careful consideration of the complaint, as filed, it was the unanimous decision of the Board that there was no violation of the Rules and Regulations of the Code of Ethics of the Borough of Milltown. However, we do feel there is a need for a determination by the Borough Attorney. (This determination was later reported to the Mayor and Borough Council in session).

At this meeting the Board also received the resignation letter of Sue Barre, addressed to the Mayor and Borough Council. Members expressed their regrets and Sue was thanked for her participation to date.

Note: At the subsequent Council Meeting the Finance Committee was reminded to keep us in their sights and the Finance Officer promised to do so.

No further business appearing, the meeting was adjourned and the members moved to the Council Chambers.

Carleton I. Myers, Chairman

**Borough of Milltown
Middlesex County, New Jersey
Municipal Ethics Board**

Complaint Record

Complaint No.: 1994-1

Date Received: 11-21-94

Subject: Unauthorized repavement of portion of Washington Avenue by
Cardell Construction Company allegedly approved by Councilman Eric
Steeber and/or Supervisor of Public Works Craig Loniewski.

Complainant: John Rega Title: Councilman

Address: 176 South Moetz Drive, Milltown Phone: (908) 545-8455

Date Reviewed: 11-28-94 Members Present: Sue Barre, Melinda Granieri,
William Johnstone, George Lewycky, Martin Lukacs and Carleton Myers.

I. Determination: There was no violation, as written, of any portion
of the Rules and Regulations of the Code of Ethics of the Borough

II. Action Taken:

Returned to Complainant _____ Dismissed: _____

Referred to:

- | | |
|----------------------------|------------------------------|
| a. Attorney General _____ | d. Borough Council _____ |
| b. County Prosecutor _____ | e. Borough Attorney <u>X</u> |
| c. Mayor _____ | f. Department Head _____ |

III. Hearing Held: Date: N/A

Location: _____

Board Members present: _____

Witnesses Called: _____

Determination: _____

Recommendation(s): The Board feels there is a need for a
determination by the Borough Attorney.

(Use other side if needed)

John Rega, Councilman
Borough of Milltown
176 South Moetz Drive
Milltown, New Jersey 08850
(908) 545-8455

November 21, 1994

Mr. Carleton I. Myers, Chairman
Milltown Ethics Board
139 Washington Avenue
Milltown, New Jersey 08850

Dear Carleton,

Mayor Graulich, Councilman Winant, and I have some concerns about an incident that has received quite a bit of publicity this past week. For the following reasons, we think that the Municipal Ethics Board should look into the matter.

Background

On Monday, November 14, 1994, Councilman Eric Steeber announced at our Council Meeting that an unauthorized expenditure of approximately \$8,400 was mistakenly made to re-surface the lower portion of Washington Avenue; and that the employee would be reprimanded.

Mayor Graulich pointed out that this was a serious matter, and indicated that he didn't understand how a job of this magnitude could have been authorized without Council approval. Mayor Graulich asked the Borough Attorney, C. Van Booream, to conduct an investigation and present his findings back to the Council.

We have since learned that the employee, Craig Loniewski, who is supervisor of public works, does not agree with Councilman Steeber's assessment of blame for this error. Craig Loniewski insists that Councilman Steeber authorized the work.

We then read in Thursday's issue of the Home News that the contractor involved, Cardell Construction Company, is the Milltown Democratic Party's largest contributor (October 28, 1994 N.J. ELEC report).

As we look back over the past few months, a similar project was given to Cardell to do a "temporary resurfacing" of South Moetz just prior to the election for approximately the same amount of money (both just slightly under the bid threshold of \$12,000).

Open Questions

Who selected Cardell ?

Why are neither of the two parties (Councilman Steeber & Superintendent Loniewski) telling the same story as to "who authorized the work", or "who said what" ?

Why was Cardell selected (without bidding) in September for the So. Moetz Drive work, and then again in November for lower Washington Avenue ?

When the South Moetz job was given out in September, we certainly must have anticipated that the lower portion of Washington Avenue was going to be done shortly... Why weren't the two jobs put together, as we have always done in the past (since 1988), and "bid out" according to law ?

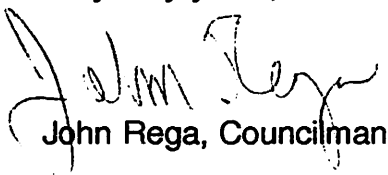
What was the hurry (starting and completing the work just hours prior to council discussion) ?

Knowing that Cardell was the Democratic party's largest campaign contributor, why wasn't the work "bid out" anyway (to at least avoid the *appearance* of impropriety) ?

With all of the publicity, front page stories in both the Home News and Sentinel, we feel that taxpayers may have some of the same questions as we do. These events have an all too familiar ring "of years gone by", when Craig's predecessor, Glen Newman, was *indicted and convicted* of questionable dealings, and the borough went "bankrupt" for precisely the same reasons; 1. Spending money without first appropriating the funds, and, 2. Failing to having the chief financial officer *certify* that budgeted funds are available. We cannot allow our public works department to return to a "slush fund" for *political paybacks*.

In order to restore confidence in our current governing body, we think a review by the local ethics board would be a good first step, and we look forward to your recommendations. We have enclosed recent articles and ELEC report for your file.

Very truly yours,



John Rega, Councilman

cc: Mayor Raymond "Duke" Graulich
Councilman Ed Winant
C. Van Booream, Borough Attorney
Michael A. Januszka, Borough Clerk

MILLTOWN

Mayor questions funds for road fix

By BERNHARD WARNER
Home News Staff Writer

MILLTOWN — Allegations of mismanagement were being aired yesterday following the completion of road repairs to a rutted section of Washington Avenue.

Road crews from Cardell Inc. of the Keasbey section of Woodbridge repaved a 100-yard portion of Washington Avenue yesterday that stretched from the Main Street intersection to John F. Kennedy Boulevard.

The work, however, came under fire from Mayor Raymond "Duke" Graulich, who contended the Democratic Borough Council majority did not appropriate the funds to pay for the work.

"You'll get no argument from me as to how bad it (the road) was, but I'd like to see that you have the money to pay for it before it's done," Graulich said. "I'm sure it's a violation of state statutes to spend money before you appropriate the funds."

The mayor said he did not know crews would be paving Washington Avenue yesterday. Rather, the road was supposed to be rebuilt and possibly widened next year with state funds paying most of the bill, the mayor said.

"I just came out to have a cigarette, and I saw the roller over here," the mayor said, pointing to the freshly paved surface. "A cop said to me, 'How far they going?' I said, 'I have no idea.' If I hadn't come out for a smoke, I wouldn't have known it was being done."

LOCAL REPORT

But Councilman Eric Steeber, a Democrat who oversees the borough's road improvements project, said there were funds available to do the work yesterday afternoon.

Steeber acknowledged last night, however, that the funds had not been legally appropriated to begin the work.

Steeber said that there was a mix-up involving a borough employee who thought the project had council approval.

Last night Graulich charged that Steeber violated state law and asked for a state probe to determine who was at fault.

About \$42,000 was left over from a previous road project to resurface the "upper portion" of Washington Avenue from the railroad tracks to Ryders Lane, Steeber said. The council dipped into those excess funds to pay for the work, the councilman said.

Work on the "lower portion" of the road is expected to continue today, said Steeber, to smooth the remainder of the pothole-marred roadway to the railroad tracks. The work, he said, will cost about \$7,000.

Council members originally eyed the leftover funds to purchase furniture for the new municipal complex, but that option was shelved at the last moment as additional road improvements were prioritized.

Last night the council voted along party lines to appropriate the funds to pay for the project that was completed yesterday.

Mayor calls for probe of road project

BY SCOTT GOLDSTEIN

Staff Writer

Milltown Mayor Raymond "Duke" Graulich is calling for an internal investigation into an \$8,000 paving project that began without municipal approval.

A 200-foot portion of Washington Avenue, from Main Street to John F. Kennedy Boulevard, was repaved Monday and Tuesday by Cardell Inc. of the Keasbey section of Woodbridge.

"The Borough Council took no action to have that work done," Graulich said. "A resolution to transfer funds was never adopted and it still has not been certified by the chief financial officer to confirm funds are available."

The mayor conceded that council members knew \$42,000 was available in the municipal budget and said the governing body last month discussed whether to use the money for the paving project or to purchase furniture for the new Borough Hall.

"We made a motion to withhold action," said Graulich, who claimed he was shocked to see a road crew on Washington Avenue Monday afternoon.

"I went outside (Borough Hall) for a cigarette and I saw a roller rolling asphalt," he explained. "A police officer asked me about the extent of the project ... I didn't even know it was being done."

The governing body approved the project by resolution Monday night. All four council Democrats voted in favor of the resolution, while Republicans Ed Winant and John Rega opposed it.

"This is like putting the carriage before the horse," said Graulich, a Republican.

The mayor said he authorized an internal investigation by Borough Attorney Charles Van Boorem III.

"I asked the attorney to give a report on his opinion of this matter and I will contact the (state) Department of Community Affairs," Graulich said. "I think there are possible violations of public contracts law and the local bonding law."

Democratic Councilman Eric Steeber, chairman of the Public Works Committee, said the project was the result of miscommunication.

"Evidently, (Public Works Director Craig Loniewski) went ahead and ordered the job to commence without checking with the chief financial officer," Steeber said. "I believe it was an honest mistake."

"We knew there were funds available, it was just a matter of putting (them) in the proper account," he continued. "I think what happened was the roads crew was coming in to repave one of the roads and

Continued on page 2

Sentinel

SERVING EAST BRUNSWICK, MILLTOWN, SOUTH RIVER

NOVEMBER 16, 1994

Mayor calls for probe

Continued from page 1

the public works director figured they can just go and do Washington Avenue while they're here."

According to Steeber, "everyone knew that money was earmarked for the road." He suggested that local Republicans were lashing out after last week's apparent election defeat.

"They lost two seats this year and they're looking to discredit the Democrat-controlled council," Steeber said. "It's a

shame they can't act like gentlemen and believe people made an honest mistake."

Graulich said the circumstance reminded him of the \$850,000 budget shortfall which surfaced in 1986 and resulted in a two-year state takeover of Milltown finances.

"I don't want the past to return by doing something like this," he said. "I know \$8,000 is a minor amount of money, but there are certain procedures to follow and they were not followed."

SENTINEL, NOVEMBER 16, 1994 17

MILLTOWN

Mistake paved way for road-fix payment

By BERNHARD WARNER
Home News Staff Writer

MILLTOWN — The new asphalt on Washington Avenue may have cooled, but that hasn't stopped the political sparks from flying.

Until Monday, patching up the "lower portion" of Washington Avenue had been discussed often, but the Borough Council never took action. The uneven roadway spanning from the Main Street intersection to the railroad tracks was marked with potholes likely

to worsen if unattended before the winter.

No one is arguing that the repairs weren't necessary, but the manner in which the job was awarded was illegal, Republicans said.

Mayor Raymond "Duke" Graulich

has accused Democratic Councilman Eric Steeber of illegally giving the job to Cardell Inc., a contractor from the Keasbey section of Woodbridge. Graulich said the funds for the project

■ See JOB, page A2

JOB: Payment made without council OK

■ Continued from page A1

approval was required before the work could be granted.

There are a series of state statutes that govern how a governing body can award contracts for capital improvement projects. The state's Local Fiscal Affairs Law, Local Budget Law, and Local Public Contract Law dictate how taxpayers' money can be spent and what is obligated of a municipality upon entering into such an agreement, said a spokesman for the state's Department of Community Affairs.

Robert Friant of the DCA said "ultimately the responsibility comes back to the governing body."

If Steeber didn't get authorization from the council to spend the funds he would be in violation of state law, Friant said.

Friant cautioned that the DCA would investigate the matter only

if there was a formal complaint filed that Steeber's actions were unethical. All criminal matters, Friant said, would be handled by the Middlesex County Prosecutor's Office.

Graulich Monday called for Borough Attorney Charles "Van" Booream III to investigate the matter to determine who was at fault. The mayor said he would take the matter to the DCA or state Attorney General's Office after conferring with Booream.

Steeber said yesterday the work was mistakenly awarded and that neither he nor Craig Loniewski, the borough's superintendent of public works, maliciously intended to spend the money without getting council approval.

Steeber said he never authorized the work but instead asked Loniewski to get a quote from Cardell — a contractor doing road work elsewhere in the borough — about what it would cost to patch up the road.

"Craig Loniewski interpreted

that the council's plan was to resurface the street. Evidently, the price came in, and he said the work could start," the councilman said.

But Republican Councilman John Rega said this explanation didn't make sense. A borough employee for nearly 30 years, Loniewski has enough experience to know when the borough can and cannot go ahead with a project, Rega said.

"I know that what (Steeber said about Loniewski Monday) is probably not true. Craig is too experienced to know not to go out and arbitrarily spend borough funds," Rega said.

Rega added that an 11th-hour vote to approve paying the contractor after the work was completed was something he could not support. The council voted 4-2 along party lines Monday to pay Cardell \$8,400 for the work.

Monday's Borough Council meeting, the first since Election Day, was marked with political

shots by both parties.

Furthermore, news that Cardell was the biggest campaign contributor to the Democrats campaign made matters worse.

Cardell contributed \$2,000 to Democratic council candidates Dennis Connelly and Kevin Bosworth's campaign on Oct. 14. That figure represented about 20 percent of the campaign money raised by the party through October.

Steeber contended yesterday he had no dealings with the Democrats' campaign and was unaware of who the big spenders were.

Richard Rydstrom, an unsuccessful Republican council candidate, was not shocked that Cardell contributed to the Democrats' campaign. Instead, he said the real problem is that Steeber's mistake wasn't caught in time.

"I think that it's unfortunate that you don't have a lot of experience on the council at the present time to help not make these mistakes," Rydstrom said.

MILLTOWN

GOP seeks probe under ethics code

By BERNHARD WARNER
Home News Staff Writer

MILLTOWN — Republicans have charged Democratic Councilman Eric Steeber with violating the borough's ethics ordinance, saying he gave work to the Democratic Party's biggest campaign contributor without Borough Council approval.

The Republicans will refer the matter to the borough's recently formed ethics committee, Republican Councilman Ed Winant said yesterday.

GOP officials allege Steeber violated the ethics code when he allowed Cardell Inc., a Woodbridge-based construction firm, to pave a section of Washington Avenue before the council voted on it.

Election records indicate that Cardell contributed \$2,000 to the campaigns of Democratic council candidates Dennis Connelly and Kevin Bosworth. The figure represented about 20 percent of the total funds raised by the party through October.

The Democrats swept the local election for two council seats, denying Winant's bid for a third term and an attempt by former GOP Councilman Richard Rydstrom to return to the council.

The ethics code forbids government officials from accepting favors, including political contributions, given "for the purpose of influencing him/her directly in the discharge of his/her official duties."

The code also forbids government officials from engaging in any transaction in "substantial conflict with the proper discharge of his/her duties in the public interest."

Winant said yesterday Steeber had to have known Cardell was the party's biggest contributor and could have avoided the problem by having the council put the project out to bid.

"This probably wouldn't have come into question, had their biggest contributor not been involved," Winant said.

Winant added that the matter should go before the ethics board because that is why the group was formed in the spring.

The ethics committee and its guidelines were created after an incident in 1993 involving former Republican Councilman Jack Sulzinski. The Republican council granted a \$15,000 engineering contract to Sulzinski the day after he resigned from his council post.

Ironically, anti-Republican sentiment stemming from the controversy may have helped Steeber win a council seat in 1993.

The road-repaving issue came to light Monday after Mayor Raymond "Duke" Graulich accused Steeber of illegally granting a contract to pave Washington Avenue before the council approved the work.

At Monday's council meeting, Steeber said the work proceeded because the borough's supervisor of public works, Craig Loniewski, mistakenly gave his approval.

Steeber has said he was unaware that Cardell had contributed to the Democrats' 1994 campaign.

But the Republicans aren't buying Steeber's response.

"His explanation that it's an oversight is questionable. I don't think anyone wants to make a mountain out of a molehill, but I don't think this is a molehill," Winant said.

Graulich on Monday asked Borough Attorney Charles "Van" Booreman to investigate the matter. Yesterday, Republicans asked the ethics committee to get involved.

The six-member committee consists of a political cross-section of the borough: two Republicans, two Democrats, and two independents. The committee, however, has been shorthanded since a member died recently.

The committee's chairman, Carleton Myers, said yesterday that the Republicans have not contacted him with their complaint.

MILLTOWN

Mayor Raymond Graulich asked for an investigation into a Washington Street pavement project to determine who allowed the work to be done without Borough Council approval.

The \$8,400 job, given to Cardell Inc. of Woodbridge, included resurfacing the roadway in front of the post office.

While the work had been dis-

cussed several times, no official action was taken to proceed with the project.

Councilman Eric Steeber, who oversees streets and sanitation, said the resurfacing commenced after Craig Loniewski, the borough's superintendent of public works, gave his approval.

■ The Board of Education will meet Tuesday at Joyce Kilmer School to discuss the ongoing controversy with the Spotswood Board of Education regarding the daily delivery of lunches.

The Spotswood board recently adjusted the rates for delivery and asked Milltown to pay an additional \$3,608 for the service.

— Bernhard Warner

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION

CM 185

TRENTON, NEW JERSEY 08625 0105

POLITICAL PARTY, IF ANY

Democrat

CANDIDATE OR COMMITTEE NAME

Election Fund of Bosworth & Connolly

STREET ADDRESS

51 Pardun Avenue

CITY

Milltown

COUNTY

Middlesex
ELECTION TYPE

General

STATE

NJ

ZIP CODE

08850

ELECTION DISTRICT OR MUNICIPALITY

Borough of Milltown

OFFICE SOUGHT

Council

DUPLICATE

11/8/94

29-DAY PRE ☒ 11-DAY PRE

20-DAY POST

REPORT QUARTER

April 15

July 15

Oct. 15

Jan. 15

FOR STATE USE ONLY

RECEIVED

OCT 28 1994

ELECTION LAW ENFORCEMENT

E12110101 694

SUMMARY TABLES

DO NOT ATTEMPT TO COMPLETE TABLES I & II UNTIL APPROPRIATE SCHEDULES HAVE BEEN COMPLETED

TABLE I. RECEIPTS

	THIS REPORT	CUMULATIVE TO DATE
1. MONETARY CONTRIBUTIONS OF \$200 OR LESS	\$ 1500.-	\$ 2500.-
2. MONETARY CONTRIBUTIONS IN EXCESS OF \$200 [Schedule A]	\$ 2500.-	\$ 7301.64
3. IN KIND CONTRIBUTIONS OF \$200 OR LESS	\$ -0-	\$ -0-
4. IN KIND CONTRIBUTIONS IN EXCESS OF \$200 [Schedule B]	\$ 300.-	\$ 300.-
5. LOANS RECEIVED [Schedule C]	\$ -0-	\$ -0-
6. SUB TOTAL - CONTRIBUTIONS (ADD LINES 1 THRU 5)	\$ 4300.-	\$ 10101.64
7. ADJUSTMENTS FOR EXCESSIVE CONTRIBUTIONS (SUBTRACT EXCESSIVE CONTRIBUTIONS) (-)	\$ -0-	\$ -0-
8. TOTAL CONTRIBUTIONS	\$ 4300.-	\$ 10101.64
9. ADD AMOUNT OF FUNDS REMAINING FROM PRIOR CAMPAIGN (+)	\$ -0-	\$ 254.51
TOTAL RECEIPTS (ADD LINE 8 + LINE 9)	\$ 4300.-	\$ 10356.15

TABLE II. DISBURSEMENTS

1. CAMPAIGN EXPENSES [Schedule 1(D)]	\$ 4806.01	\$ 7667.04
2. OTHER DISBURSEMENTS [Schedule 2(D)]	\$ -0-	\$ -0-
3. CONTRIBUTIONS MADE TO AND ON BEHALF OF OTHERS [Schedule 3(D)]	\$ -0-	\$ -0-
4. IN KIND CONTRIBUTIONS OF \$200 OR LESS (TABLE I, LINE 3)	\$ -0-	\$ -0-
5. IN KIND CONTRIBUTIONS IN EXCESS OF \$200 (TABLE I, LINE 4)	\$ 300.-	\$ 300.-
6. SUB TOTAL - DISBURSEMENTS (ADD LINES 1 THRU 5)	\$ 5106.01	\$ 7967.04
7. REFUNDED DISBURSEMENTS [Schedule F] (-)	\$ -0-	\$ -0-
TOTAL DISBURSEMENTS (LINE 6 MINUS LINE 7)	\$ 5106.01	\$ 7967.04

RECEIVED

SCHEDULE A

Monetary Contributions In Excess of \$200

CONTRIBUTOR NAME		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
OCCUPATION			
EMPLOYER NAME		AGGREGATE AMOUNT \$	DATE(S) RECEIVED
EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)			AMOUNT(S) RECEIVED THIS PERIOD \$

CONTRIBUTOR NAME <i>CME Associates</i>		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE) <i>3141 Borden town Ave.</i>	
OCCUPATION —		<i>Parlin, N.J. 08859</i>	
EMPLOYER NAME —		AGGREGATE AMOUNT \$ <i>500.-</i>	DATE(S) RECEIVED <i>10/15/94</i>
EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE) —			AMOUNT(S) RECEIVED THIS PERIOD \$ <i>500.-</i>

CONTRIBUTOR NAME <i>Cardell, Inc</i>		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE) <i>1000 Industrial Ave.</i>	
OCCUPATION		<i>Keasbey, N.J. 08832</i>	
EMPLOYER NAME		AGGREGATE AMOUNT \$ <i>2,000.-</i>	DATE(S) RECEIVED <i>10/14</i>
EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)			AMOUNT(S) RECEIVED THIS PERIOD \$ <i>2000.-</i>

CONTRIBUTOR NAME		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
OCCUPATION			
EMPLOYER NAME		AGGREGATE AMOUNT \$	DATE(S) RECEIVED
EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)			AMOUNT(S) RECEIVED THIS PERIOD \$

CONTRIBUTOR NAME		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
OCCUPATION			
EMPLOYER NAME		AGGREGATE AMOUNT \$	DATE(S) RECEIVED
EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)			AMOUNT(S) RECEIVED THIS PERIOD \$

(COMPLETE THIS FOR EVERY PAGE USED)	TOTAL, THIS PAGE \$ <i>2500.-</i>
(COMPLETE THIS LINE FOR LAST PAGE USED)	GRAND TOTAL \$ <i>2500.-</i>

SCHEDULE B

In-Kind Contributions In Excess of \$200

CONTRIBUTOR NAME <i>Joseph C. Valenti</i>		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE) <i>51 Pardon Hop.</i>	
OCCUPATION <i>Insurance Agent</i>		<i>Milltown, N.J. 08850</i>	
EMPLOYER NAME <i>Snediker Valenti, Inc.</i>		EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE) <i>PO Box 1325</i> <i>New Brunswick, NJ 08901</i>	
DESCRIPTION OF RECEIPT(S) <i>Deposit to Phone Co. for election day phone</i>	DATE(S) RECEIVED <i>10/11/94</i>		AMOUNT(S) RECEIVED THIS PERIOD <i>\$ 300</i>
	AGGREGATE AMOUNT: <i>\$ 300.-</i>		
CONTRIBUTOR NAME		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
OCCUPATION			
EMPLOYER NAME		EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
DESCRIPTION OF RECEIPT(S)		DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD
			\$
AGGREGATE AMOUNT: \$			
CONTRIBUTOR NAME		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
OCCUPATION			
EMPLOYER NAME		EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
DESCRIPTION OF RECEIPT(S)		DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD
			\$
AGGREGATE AMOUNT: \$			
CONTRIBUTOR NAME		CONTRIBUTOR ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
OCCUPATION			
EMPLOYER NAME		EMPLOYER ADDRESS (NUMBER AND STREET, CITY, STATE, ZIP CODE)	
DESCRIPTION OF RECEIPT(S)		DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD
			\$
AGGREGATE AMOUNT: \$			
(COMPLETE THIS FOR EVERY PAGE USED)		TOTAL, THIS PAGE \$ <i>300.-</i>	
(COMPLETE THIS LINE FOR LAST PAGE USED)		GRAND TOTAL \$ <i>300.-</i>	

SCHEDULE 1(D) - DISBURSEMENTS
DISBURSEMENTS FOR CAMPAIGN EXPENSES

PAYMENT DATE	CHECK NO.	PAYEE NAME AND ADDRESS	PURPOSE	FULL AMOUNT	PRO-RATA AMOUNT THIS REPORTING ENTITY	PRO-RATA AMOUNT OTHERS
10/12/94	213	Postmaster Milltown, NJ	postage	\$ 250.00	\$	\$
10/12/94	214	New Brunswick Bindery 22 Home News Row New Brunswick, NJ	printing	143.10		
10/12/94	215	New Brunswick Bindery 22 Home News Row New Brunswick, NJ	printing	143.10		
10/12/94	216	Joseph J. Revolinsky 32 Elm Place Milltown, NJ	delivery fee	20.00		
10/12/94	217	Angie Brucato 345 Clay St. Milltown, NJ	delivery fee	90.00		
10/12/94	218	Dennis Connolly 38 So. Durst Drive Milltown, NJ	delivery fee	40.00		
10/17/94	219	Bur-Noa-Focus, Inc. Oakdale Plaza, Hwy. #34 Matawan, NJ	signs	2,747.47		
10/20/94	220	Kevin Haver 15 Gramercy Dr. Piscataway, NJ	mailing pieces	925.00		
10/20/94	221	Steve Goodman 75 Wilson Rd. Somerset, NJ	photos	147.34		
10/20/94	222	Postmaster Milltown, NJ	postage	300.00		
(COMPLETE THIS FOR EVERY PAGE USED) TOTAL, THIS PAGE				\$ 4,806.01	\$	\$
(COMPLETE THIS LINE FOR LAST PAGE USED) GRAND TOTAL				\$ 4,806.01	\$	\$

STATEMENT OF CAMPAIGN DEPOSITORY AND CAMPAIGN TREASURER

OPENING BALANCE this report (If any previous report was filed, insert closing balance as of the date of such report; if a first report insert zero.)

\$ 3,195.12

DEPOSITS (All funds must be deposited in a campaign bank account.)

4,300.00

DISBURSEMENTS (Include bank charges.)

5106.01

CLOSING BALANCE this report. (If final report, complete "Declaration of Final Report," below.)

\$ 2,389.11

DEPOSITORY INFORMATION

Farrington Bank	100472-7	Election Fund of Bosworth & Connolly
NAME OF BANK	ACCOUNT NUMBER	NAME OF ACCOUNT

630 Georges Rd., North Brunswick, NJ 08902
ADDRESS OF BANK

Joseph C. Valenti
NAME OF TREASURER

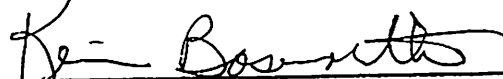
828-3800
(908) 828-0333
TELEPHONE NUMBER

51 Pardun Ave., Milltown, NJ 08850
ADDRESS OF TREASURER

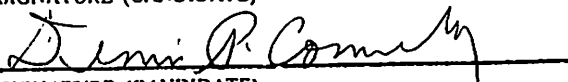
CERTIFICATION

I certify that the statements on this document are true, and that the contribution amounts received conform with the limitations designated by law.
I am aware that if any of the statements are willfully false, I am subject to punishment.

DATE Kevin Bosworth
PRINT FULL NAME (CANDIDATE)


SIGNATURE (CANDIDATE)

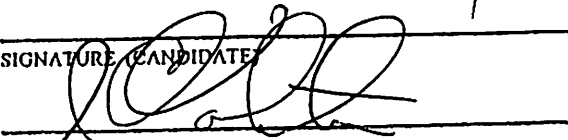
DATE Dennis Connolly
PRINT FULL NAME (CANDIDATE)


SIGNATURE (CANDIDATE)

DATE PRINT FULL NAME (CANDIDATE)


SIGNATURE (CANDIDATE)

10/27/94 DATE Joseph C. Valenti
PRINT FULL NAME (TREASURER)


SIGNATURE (TREASURER)

DECLARATION OF FINAL REPORT

If this is the Final report, sign applicable Declaration below. Chapter 65 of the Laws of 1993 requires that all filing entities continue to file reports with the Commission until all campaign business is wound up and the fund dissolved.

☐ I certify that all contributions or other monies received by this election fund have been disbursed, that there are no outstanding loans or other obligations, and that the election fund has wound up its business and has been dissolved.

DATE SIGNATURE OF CANDIDATE

SIGNATURE OF TREASURER

DATE SIGNATURE OF CANDIDATE

DATE SIGNATURE OF CANDIDATE

BALANCE ON HAND (IF ANY) \$