

From: cshowtime@aol.com <cshowtime@aol.com>

Sent: Wednesday, March 10, 2021 6:54 PM

To: Mayor Jack DeLorenzo <mayordelorenzo@Hasbrouck-Heightsnj.org>; Laurie Varga <lvarga@Hasbrouck-Heightsnj.org>; Councilwoma Josephine Ciocia <councilwomanciocia@Hasbrouck-Heightsnj.org>; Councilman Russel Lipari <councilmanlipari@Hasbrouck-Heightsnj.org>; Councilman Steven Reyngoudt <Councilmanreyngoudt@Hasbrouck-Heightsnj.org>; Councilman Russel Lipari <councilmanlipari@Hasbrouck-Heightsnj.org>; councilmanhillman@hasbrouck-heightsnj.org <councilmanhillman@hasbrouck-heightsnj.org>

Subject: Borough Ordinance Violations

OPRA request findings

Please find the attached 2020 HHPD purchase order page 16 showing items purchased at Colaneri Brothers. This is a violation of the Hasbrouck Heights Code of Ethics as well as the chapter on Conflicts of Interest. It is known that Chief Michael Colaneri Senior's son has a business interest in Colaneri Brothers. The Chief works at the shop from time to time helping his son. At the time of purchase, GTBM Inc had blowers in stock. GTBM is where the disinfectant was purchased (PO order 200599). Please take appropriate action and refer this to the ethics board.

BOROUGH OF HASBROUCK HEIGHTS
Purchase Order List From 01/01/2020 To 12/31/2020

Date : 02/04/2021

Page : 16 of 19

Line No.	Vendor# Name Fund Account No.	Line Item Description	PO Number	Original Amount	Current Balance	(+) Adj. (PV>PO)	(-) Adj. (PO/Final Pay)	Status
1. 80	V. E. RALPH & SON, INC.	ORDER #335352,335354,335364 NITRILE GLOVES,WIPES, SURG MASKS (COVID-19)	200561	554.20	163.70	0.00	0.00	O
1. 740	WERNER, JEFFREY	REIMBURSEMENT FOR ANTI-DUST BREATHABLE MASKS (COVID-19)	200587	242.49	0.00	0.00	0.00	C
1. 806	G.T.B.M. INC.	INV #0000023572 ASP/ASEPTIC/SANITIZATION/DISINFECTANT (COVID-19)	200599	375.00	0.00	0.00	0.00	C
1. 2491	COLANERI BROTHERS	INV #2037 HAND-HELD BLOWER,GAS CAN, OIL MIX (COVID-19)	200600	212.89	0.00	0.00	0.00	C
1. 859	PAPERCLIPS	INV #0054239-001 LYSOL WIPES (COVID-19)	200601	39.98	0.00	0.00	0.00	C
2.	PAPERCLIPS	INV #0054266-001 PURELL (COVID-19)	200601	55.18	0.00	0.00	0.00	C
1. 2491	COLANERI BROTHERS	INV #2047-SPRAYER ATTACHMENT (COVID-19)	200644	59.95	0.00	0.00	0.00	C
1.	COLANERI BROTHERS	INV #2055-SPRAYER ATTACHMENT (COVID-19)	200645	59.99	0.00	0.00	0.00	C
2.	COLANERI BROTHERS	INV #2055-RED MAX HB281 S/N 20191300068 (COVID-19)	200645	179.99	0.00	0.00	0.00	C
2. 859	PAPERCLIPS	INV #0054314-001-HAND SANITIZER (COVID-19)	200646	17.88	0.00	0.00	0.00	C
1. 1280	MICHAEL COLANERI	REIMBURSEMENT FOR DECONTAMINATION (COVID-19) SHED SUPPLIES	200660	61.28	0.00	0.00	0.00	C
3. 859	PAPERCLIPS	INV #0054354-001 LYSOL/PUREL SANITIZER (COVID-19)	200663	37.61	0.00	0.00	0.00	C
1. 1718	JOANNE INGLESBY	REIMBURSEMENT: HP 61 INK CARTRIDGES-WORK FROM HOME (COVID-19)	200664	55.99	0.00	0.00	0.00	C
1. 1280	MICHAEL COLANERI	REIMBURSEMENT: HAND SANITIZER (BOE), WIPES, DISPENSER STAND (COVID-19)	200665	769.77	0.00	0.00	0.00	C
1. 283	BERGEN CO. POLICE CHIEFS	KN95 MASKS (COVID-19)	200703	750.00	0.00	0.00	0.00	C
1. 859	PAPERCLIPS	INV #0054285-002,0054356-001-WIPES/SOAP (COVID-19)	200716	55.85	0.00	0.00	0.00	C
1.	PAPERCLIPS	INV #0054443-001-LYSOL & SANITIZER (COVID-19)	200856	84.53	0.00	0.00	0.00	C
1. 156	STAN'S SPORT CENTER	INV #1059048 3 NAVY BLUE FACE MASKS HHPD (COVID-19)	200857	576.00	0.00	0.00	0.00	C
1. 1003	BRIAN DONOHUE	HHPD CASE #2020-02913 REIMBURSEMENT FOR NEW BOOTS/DETAILED TO A COVID-19 CALL ON 03/29/2020 (COVID-19)	200863	360.00	0.00	0.00	0.00	C
2. 1450	MICHAEL COLANERI	PETTY CASH-DISINFECTANT (COVID-19)	200927	59.76	0.00	0.00	0.00	C
1. 859	PAPERCLIPS	INV #0054575-001 SANITIZER (COVID-19)	201072	27.59	0.00	0.00	0.00	C
1. 2491	COLANERI BROTHERS	INV #2516 SPRAYER ATTACHMENTS (COVID-19)	201089	59.97	0.00	0.00	0.00	C
1. 80	V. E. RALPH & SON, INC.	ORD #335364/INV #400475 10-000583-MOLDED SURGICAL MASKS (COVID-19)	201133	52.80	0.00	0.00	0.00	C
1. 859	PAPERCLIPS	INV #0054525-001 GEL SANITIZER (COVID-19)	201136	19.90	0.00	0.00	0.00	C
1.	PAPERCLIPS	INV #0054663-001-CLO1665 CLOROX WIPES (COVID-19)	201172	65.90	0.00	0.00	0.00	C
1. 1073	ULINE, INC.	NITRILE GLOVES (\$75.00) + SHIPPING (\$11.83) ORD #40367133	201274	86.83	0.00	0.00	0.00	C

THE LAW OFFICES OF
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*REPLY TO NJ OFFICE

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March 24, 2022

Hasbrouck Heights Ethics Board
320 Boulevard
Hasbrouck Heights, New Jersey 07604
Attn: Laurie Varga, Secretary to the Board

**Re: Complaint of cshowtime@aol.com I/M/O
Former Chief Michael Colaneri**

Dear Ms. Varga:

I reviewed the minutes and other materials provided in connection with the January 26, 2022 meeting of the Borough of Hasbrouck Heights Ethics Board (the "Board"). Based on those materials, I concur with the advice of the late Borough Attorney *Emeritus* Ralph Chandless, Esq. Specifically, I find that the above-referenced complaint should be dismissed by the Ethics Board because the Board lacks jurisdiction to hear the complaint as the Board has no authority over the Chief of Police position and cannot find one way or other violations of the rules governing police personnel. Notwithstanding, I also find and concur with Mr. Chandless that no violation of the Hasbrouck Heights Ordinances – Ethics occurred based on the facts set out in the complaint. The following provides the basis for this opinion and advice.

By way of background, on or about March 10, 2021, an e-mail was sent by cshowtime@aol.com to the Mayor and Council as well as the Borough Clerk/Business Administrator attaching the results of a prior OPRA request apparently indicating that the Borough's police department had purchased items in an amount equal to approximately \$572.79 from Colaneri Brothers and that former Chief Colaneri's son has an interest in that business. The complainant goes on to conclude that the purchase of these items from Colaneri Brothers is "a [v]iolation of the Hasbrouck Heights Code of Ethics as well as the chapter on Conflict of Interest." See complaint documents attached hereto.

Based on the e-mail which makes up the ethics complaint, the owner of Colaneri Brothers is not alleged to live in the same household as retired Chief Colaneri. Further, the New Jersey Treasury website provided the attached documents which confirms that John Colaneri is the owner and CEO of Colaneri Brothers, LLC located at 236 Park Avenue, East Rutherford, New Jersey 07073. See attached. Since I have no proof to the contrary, I must find that John Colaneri is related to former Chief Colaneri but does not reside in the same house as former Chief Colaneri in Hasbrouck Heights.

Hasbrouck Heights Ordinance §74-3 (Ethical standards) provides:

Officers and employees of the Borough of Hasbrouck Heights shall comply with the following provisions:

A. No officer or employee of this Borough or member of his or 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 or her duties in the public interest.

B. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or others.

C. No officer or employee shall act in his or her official capacity in any matter where he, a member of his or her immediate family or any business organization in which he or she has an interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment.

D. No officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

E. No officer or employee, member of his or her immediate family or any business organization in which he or she has an interest, shall solicit or accept any gift, favor, 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, directly or indirectly, in the discharge of his or 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 officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties.

F. No officer or employee shall use or allow to be used, his public office or employment or any information not generally available to the members of the public which he receives or acquires in the course of and by reason of his office or employment for the purpose of securing financial gain for himself, any member of his immediate family or any business organization

with which he is associated. No officer or employee shall disseminate or cause the dissemination of any information gained in the course of the performance of official duties with the intention to mislead the public or with the knowledge that such information or parts thereof are erroneous. [Amended 12-10-2013 by Ord. No. 2315]

G. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the Borough in connection with any cause, proceeding, application or other matter pending before any agency of this Borough. This provision shall not be deemed to prohibit an employee from representing another employee where the representation is within the context of official labor union or similar representational responsibilities, nor shall this provision be applicable to the Public Defender with respect to representation of defendants in the Municipal Court.

H. No officer shall be deemed in conflict with these provisions if by reason of his or 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 or her as a member of any business, professional 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.

I. No elected officer shall be prohibited from making any 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 or her immediate family, whether directly or indirectly, in return therefor.

J. Nothing shall prohibit any officer or employee of the Borough of Hasbrouck Heights or members of his or her immediate family, from representing himself, herself or themselves in negotiations or proceedings concerning his, her or their own interests.

Hasbrouck Heights Ordinance § 74-2. Definitions provides in relevant part:

A. As used in this chapter, the following words shall have the meanings indicated:

MEMBER OF IMMEDIATE FAMILY — The spouse or dependent child of an officer or employee residing in the same household.

Assuming the facts as alleged and set out above, there is nothing in the record before the Ethics Board to even suggest that former Chief Colaneri has a financial interest in Colaneri Brothers, LLC nor that a Member of his Immediate Family has an interest in that entity. Even assuming that Chief Colaneri “works at the shop from time to time helping his son” and further assuming that John Colaneri is former

Chief Colaneri's son, there is no basis to find a violation of the Borough's Ethics Ordinance (§74-3 (Ethical standards)) because there are no facts before the Board suggesting that former Chief Colaneri has a financial interest in Colaneri Brothers, LLC nor that John Colaneri (the owner of Colaneri Brothers, LLC) lives in the same household as former Chief Colaneri. Further, it is important to point out that the Ethics Board is limited to apply the above-recited Ethical Standards (A-J) strictly ONLY and no other.

As to the complained of "conflict of interest", we must look to Hasbrouck Heights Ordinance §17-1 (Conflict of Interest Prohibited) which states in full:

No officer or employee of the Borough of Hasbrouck Heights shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in substantial conflict with the proper discharge of his duties in the public interest, except in accordance with the terms of this chapter.

There is no evidence before the Board to suggest that former Chief Colaneri's use of his son's business for the purchase of approximately \$572.00 of materials was in substantial conflict with the proper discharge of his duties. Moreover, the Ethics Board, in my opinion, lacks subject matter jurisdiction over this specific complaint.

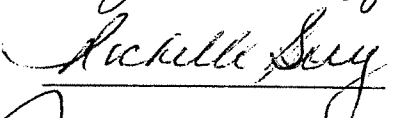
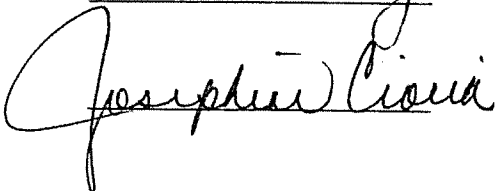
Respectfully, my recommendation to the Hasbrouck Heights Ethics Board is to dismiss the instant ethics complaint based upon lack of subject matter jurisdiction and notwithstanding to find no violation of the Hasbrouck Heights Ethics Code and the Conflict of Interest section of the Ethics Ordinances of the Borough for the reasons set forth above.

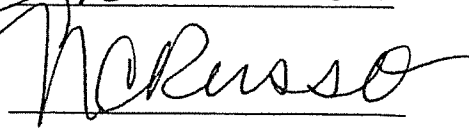
Please contact me with any questions or comments.

Respectfully yours,
/s/Richard Malagiere
RICHARD MALAGIERE

RM/rm
Enc.

Reviewed and Adopted by the Ethics Board


**STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
LONG FORM STANDING WITH CHARTER DOCUMENTS**

COLANERI BROTHERS LLC
0450184126

I, the Treasurer of the State of New Jersey, do hereby certify that the above-named New Jersey Domestic Limited Liability Company was registered by this office on July 14, 2017.

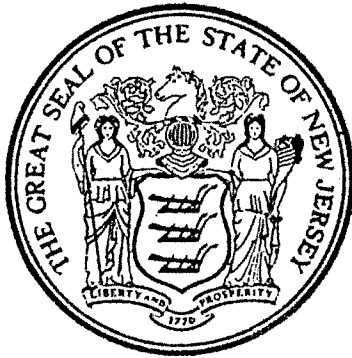
As of the date of this certificate, said business continues as an active business in good standing in the State of New Jersey, and its Annual Reports are current.

I further certify that the registered agent and office are:

JOHN COLANERI
236 PARK AVENUE
EAST RUTHERFORD, NJ 07073

I further certify that as of the date of this certificate, the following amendments and changes are on file in this office:

CHANGE OF AGENT AND OFFICE	04/13/2021
Annual Report filing with officer/member change	04/13/2021



IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed
my Official Seal at Trenton, this
8th day of March, 2022

A handwritten signature in cursive script, appearing to read "Elizabeth Maher Muoio".

Elizabeth Maher Muoio
State Treasurer

Certificate Number : 6129281504

Verify this certificate online at

https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

BOROUGH OF HASBROUCK HEIGHTS

Purchase Order List From 01/01/2020 To 12/31/2020

Date : 02/04/2021

Page : 16 of 19

Line No.	Vendor#	Name	Line Item Description	PO Number	Original Amount	Current Balance	(+) Adj. (PV>PO)	(-) Adj. (PO/Final Pay)	Status
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1.	740	WERNER, JEFFREY	REIMBURSEMENT FOR ANTI-DUST BREATHABLE MASKS (COVID-19)	200587	242.49	0.00	0.00	0.00	C
1.	806	G.T.B.M. INC.	INV #0000023572 ASP/ASEPTIC/SANITIZATION/DISINFECTANT (COVID-19)	200599	375.00	0.00	0.00	0.00	C
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1.	859	PAPERCLIPS	INV #0054285-002,0054356-001-WIPES/SOAP (COVID-19)	200716	55.85	0.00	0.00	0.00	C
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1.	2491	COLANERI BROTHERS	INV #2516 SPRAYER ATTACHMENTS (COVID-19)	201089	59.97	0.00	0.00	0.00	C
1.	80	V. E. RALPH & SON, INC.	ORD #335364/INV #400475 10-000583-MOLDED SURGICAL MASKS (COVID-19)	201133	52.80	0.00	0.00	0.00	C
1.	859	PAPERCLIPS	INV #0054525-001 GEL SANITIZER (COVID-19)	201136	19.90	0.00	0.00	0.00	C
1.		PAPERCLIPS	INV #0054663-001-CLO1665 CLOROX WIPES (COVID-19)	201172	65.90	0.00	0.00	0.00	C
1.	1073	ULINE, INC.	NITRILE GLOVES (\$75.00) + SHIPPING (\$11.83) ORD #40367133	201274	86.83	0.00	0.00	0.00	C