

**CLOSTER BOARD OF ETHICS**  
**295 Closter Dock Road**  
**Closter, NJ 07624**

**Minutes**

**Meeting of February 12, 2008**

The Meeting was called to order at 8:25 pm by Chairman Michael L. Prigoff. Late start was due to inclement weather and the small meeting room being locked. The meeting was initiated in the new conference room. In attendance were Board Members: Michael L. Prigoff, Steven Harz, Mike Lewis, Arthur B. Dolson and Joseph Yammarino. Absent was John McTigue.

As there was no flag, the Pledge of Allegiance was dispensed with. Notification of compliance with the Open Public Meetings Act, with notice published in the Press Journal on January 10, 2008, was given.

**Approval of Minutes**

The Board approved the minutes of the meeting held on January 17, 2008.

**“Pay to Play” Ordinance**

Chairman Prigoff reported that he had appeared before the Mayor and Council and conveyed the Board’s input on the proposed ordinance. The Governing Body appreciated the Board’s input, and deferred consideration of it so that the suggested changes could be incorporated.

**Financial Disclosure Forms**

Local disclosure forms are still not available. The Board approved a memorandum to be sent to all persons required to file, containing suggested instructions to utilize the forms available on the DCA web site.

**Ethics Complaint CBE-2008-01**

The Board entered into executive session to discuss the responses to the subpoenas. [At this time the Council Chambers became available and the meeting was moved to the Council Chambers as there was insufficient room to adequately conduct the meeting in the new conference room.]

Following the brief executive session, the meeting was reopened to the public, and

Councilwoman Amitai, represented by Russell R. Huntington, Esq., was interviewed by the Board.

Chairman Prigoff explained the status of the written complaint that the Board had received.

Ms. Amitai addressed the Board and stated that she had inadvertently distributed the email in question to persons who were not members of the council. She expressed her interest in replying to the writer of the original email and felt a necessity to respond quickly. She said that she at no time realized that there was anything wrong in so doing. She stated that she was truly sorry for her actions.

Mr. Huntington addressed the Board and suggested that many times things happen without a proper apology. Council members could be moved to relieve a citizen's feelings. He pointed out examples distinguishing between poor judgment and unethical behavior when responding to the public, and suggested that while this instance may have been poor judgment, it was not a violation of the Borough's Ethics Code.

Chairman Prigoff responded referring to the more restrictive language of the State Ethics, which has been urged as an aspirational standard in local government.

Mr. Lewis addressed the position of police department members being concerned what matters are placed in their files.

Mr. Yammarino questioned Ms. Amitai's motive in replying to the citizen's email.

Mr. Dolson questioned who were members of the police committee.

With respect to the other issue which was of concern to the Board, Mr. Huntington summarized that in his opinion, there was no violation of the Open Public Meetings Act as there were no exchanges other than the original e-mails circulating and responding to same. A reply to a resident doesn't constitute an ethics violation but rather an act to address a concern of a constituent, and that the disclosure to outsiders was inadvertent.

At the conclusion of this interview, the Board entered into executive session to discuss this matter.

In executive session, the Board discussed the terms of a proposed decision on the matter and determined to include an advisory opinion to the Governing Body about the use of email communication. The matter was continued to the next meeting.

The meeting was adjourned at 10:00 pm.