

Galloway councilman's tow work for police not ethics violation, attorneys advise

By EMILY PREVITI Staff Writer | Posted: Thursday, January 14, 2010 |

GALLOWAY TOWNSHIP - A recently elected township councilman can continue to tow vehicles for the Police Department without running afoul of ethical guidelines, attorneys advised Tuesday.

Township Council voted 4-0 that night to approve a list of five towing companies that will provide towing services during the upcoming year.

Councilman Tom Bassford abstained.

"I'm philosophically opposed to any councilman doing business with the township," he said later.

Bassford, who works for a title insurance company, often bows out of Planning Board decisions on applications filed by his clients.

Bassford was referring to Councilman Don Purdy. Purdy owns DP Towing and already was on the towing list for the Police Department before he started his campaign last year. The race was a first for Purdy and Republican running mates Whitney Ullman and Dennis Kleiner. The trio won the election, along with Bassford, an incumbent who served as mayor until the end of 2009.

Purdy sought advice from Township Solicitor Michael Blee and Ed Jacobs, a private attorney, before he assumed office Jan. 5.

Both lawyers assured him he would not violate ethical guidelines by staying on the list because his elected office does not put him at an advantage, according to letters from Blee and Jacobs.

That advice seemed sound to John Weingart, associate director of the Eagleton Institute of Politics at Rutgers University in New Brunswick.

"I think the threshold question is, 'Is the councilman receiving a benefit or appearing to receive a benefit?'" Weingart said.

Any company that obtains an operating license, which costs \$300 and is good for a year, can make the list. The township does not cover costs for towing. Rather, the owner of the towed vehicle pays.

"The way you're describing it, that doesn't seem to be the case," Weingart said. "There's no inherent reason why a person elected to a part-time position should have to make a professional sacrifice, which is what would happen if he took himself off the list at no gain to government integrity or government confidence."

Galloway offers jobs to each contractor with the same relative frequency. Of more than 900 jobs during 2009, 22 percent were handled by DP Towing. Pomona Garage and Hy-Way Motor took 20 percent each, while Regional Tire and Denny's Auto Repair each got 19 percent, according to township records.

Denny's owner Dennis Spier sued the township, Purdy and the Galloway Township Police Department in 2004, claiming Purdy had unfairly tarnished his reputation with inaccurate reports to police that Spier, a former Zoning Board member, and his workers behaved unsafely while working. Purdy also raised questions during public meetings about whether Spier could ethically hold a towing contract while his wife, Sgt. Jody Jucciarone, worked for the Police Department.

Superior Court Judge Valerie Armstrong dismissed that case.

Spier objected two years later to the township's decision to require taxi drivers to pass a background check required for a permanent operator's license rather than allow them to drive on a temporary permit during the month-long process of completing the background check.

Contact Emily Previti:

609-272-7221

EPreviti@pressofac.com

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