

**TOWNSHIP OF KNOWLTON
COUNTY OF WARREN, STATE OF NEW JERSEY
TOWNSHIP COMMITTEE MEETING MINUTES
October 23, 2014**

A regular meeting of the Knowlton Township Committee was held at the Knowlton Township Municipal Building. Present were Mayor Farber, Deputy Mayor Cuntala and Committee Members Mathez and Starrs. Also present were Municipal Attorney Richard Cushing and Municipal Engineer Ted Rodman. The minutes were recorded by Lisa Patton, Municipal Clerk.

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by publishing notice of all regularly scheduled meetings in The Star Gazette, Star Ledger or Express Times, as well as providing said schedule in the Municipal Clerk's office.

The meeting was called to order at 7:05 pm by Mayor Farber with a salute to the flag and roll call.

APPROVAL OF MINUTES:

A motion was made by Committeeman Mathez and seconded by Deputy Mayor Cuntala to approve the September 25, 2014 minutes with an amendment to explain the court door installation was delayed due to a measurement error. Roll Call: Mathez – yes, Cuntala – yes, Odorizzi – absent, Starrs – yes, Farber – yes.

RESOLUTIONS:

**Resolution 14-95
Resolution Approving Payment Of Vouchers
(copy attached)**

A motion was made by Committeewoman Starrs to approve Resolution 14-95. The motion was seconded by Deputy Mayor Cuntala. Roll Call: Mathez – yes, Cuntala – yes, Odorizzi – absent, Starrs – yes, Farber – yes.

**Resolution 14-96
Resolution Approving Donation of Speed Monitor To Blirstown Township
(copy attached)**

Engineer Rodman provided the resolution specifying the serial number, make and model of the speed monitor. Committeeman Mathez requested that wording allowing Knowlton Township to borrow the monitor be changed from twice a year to several times per year. A motion was made by Committeeman Mathez and seconded by Committeewoman Starrs to approve Resolution 14-96. Roll Call: Mathez – yes, Cuntala – yes, Odorizzi – absent, Starrs – yes, Farber – yes.

**Resolution 14-97
Resolution Approving Knowlton Elementary School PTO Raffles Applications For Raffles
To Be Held On November 15, 2014 At Brook Hollow Winery
(copy attached)**

A motion was made by Committeeman Mathez to approve Resolution 14-97. The motion was seconded by Committeewoman Starrs. Roll Call: Mathez – yes, Cuntala – yes, Odorizzi – absent, Starrs – yes, Farber – yes.

Resolution 14-98
Resolution Approving Submission Of NJDOT Grant Application
For Overlay Of Polkville Road
(copy attached)

A motion was made by Committeeman Mathez and seconded by Deputy Mayor Cuntala to approve Resolution 14-98. Roll Call: Mathez – yes, Cuntala – yes, Odorizzi – absent, Starrs – yes, Farber – yes.

OLD BUSINESS:

Municipal Court

Committeewoman Starrs stated she attended a meeting with Judge Santini and the AOC to address overcrowding in the courtroom. She reported that the Township Committee is considering moving municipal offices to 622 Route 94. She presented a floor plan drafted to house the municipal clerk, CFO, tax collector, tax assessor and accompanying staff. Mayor Farber suggested that a 5 year plan be initiated for renovations to the house.

Intersection Site Distances

Engineer Rodman will provide a list of intersections with sight distance easements for roadside mowing purposes at the next meeting.

Time Clocks

The municipal clerk requested an amendment to the time clock policy allowing employees who attend off site meetings to log their time and location instead of travelling to the municipal building to punch in and out. This change would help to minimize comp. time. Township Committee members present were in agreement to approve the request. Committeewoman Starrs will amend the policy.

Committeewoman Starrs stated one employee has not complied with the time clock policy. Mayor Farber stated three employees have failed to punch the time clock at all.

The municipal clerk stated the policy is being applied in a discriminatory manner because she received a letter warning of further disciplinary action for not punching the clock correctly when the time clock does not always work. A sample of the clock punching over previous times making the card unreadable was provided to the Township Committee. She also noted employees who have not punched the clock at all have not received letters. Committeewoman Starrs will follow up.

The municipal clerk will notify the Deputy Mayor when she is out of the office for classes or errands. Mayor Farber asked how much vacation time is earned by the clerk. The municipal clerk stated she has 6 weeks of vacation time, approximately 100 sick days, and has never utilized all of her vacation or sick time. She suggested the reinstatement of a full time assistant if there is concern with office coverage.

Committeewoman Starrs stated that flexible hours are not permitted. Hours are 8:00 am to 4:00 pm for all municipal staff. Those are the hours that must be worked unless there is an offsite work conference or meeting or the employee is taking a sick or vacation day.

NEW BUSINESS:

Knowlton Fire and Rescue

Eric Weber, Fire Chief, reviewed the status of EMS vehicles and noted the agreement with Hackettstown Ambulance is working well. He will meet with the municipal clerk to coordinate renewal of vehicle registrations and license plates.

Chief Weber explained this has been a difficult year with fire vehicle mechanical problems. The engine is currently out of service for repairs. Repair costs are estimated to be over \$16,000. Committeeman Mathez stated it is disturbing that the vehicle is not very old and requires extensive maintenance. Chief Weber stated the vehicle has been problematic from the start. He said the company is requesting the acquisition of a rescue truck. The cost could range from \$520,000 to \$600,000.

Discussion took place regarding regionalization or the establishment of a fire district. Chief Weber noted that if regionalization did occur, Knowlton would still need two engines. Committeeman Mathez asked how many structural fires occur yearly. Chief Weber said approximately five.

Mike Bates stated that the fire company needs to do something and needs to know how to proceed. Discussion also took place regarding leased vehicles.

Debra Shipps, Station Road, suggested that depreciation value of purchasing new vehicles should be considered. Chief Weber stated the fire company is open to options, but is currently inhibited from doing their job. Chief Weber requested to meet with two Committee members to determine how to proceed. Mayor Farber and Committeeman Mathez will follow up.

Mike Bates requested the status of mutual aid agreements. Attorney Cushing is working on the agreements.

Economic Development Advisory Council

Warren County has asked municipalities to establish economic development advisory councils to attend a joint meeting on November 13th. Clayton Taylor, Bill Clifford and Mayor Farber volunteered to attend the meeting.

Warren County Open Space Plan

Committeeman Mathez will provide information requested by the county to complete an Open Space Plan.

Dog Ordinance Amendment

The municipal clerk reported that Alan DeCarolis, Animal Control Officer, requested an amendment to the dog ordinance to delete acreage requirements and allow up to 10 domesticated pets per residence. He also suggested that apartments and mobile homes be allowed to have no more than 2 domesticated pets.

Sandy Dorrell explained the rationale for including acreage requirements in the existing ordinance and urged the Township Committee to consider not changing the ordinance in the interest of responsible pet ownership.

Mayor Farber stated he has received a complaint regarding feral cats. He reminded property owners that if they feed the cats, they will encourage the cats to stay. The municipal clerk will contact the animal control office regarding the issue.

Shared Service Zoning Officer

Discussion took place regarding a shared zoning officer with Blairstown Township. Township Committee members present agreed that Mayor Farber will conduct further negotiation with Blairstown regarding salary. In the interim, a temporary prorated salary or hourly rate will be established.

American Fuel

Discussion took place regarding an outstanding judgment against American Fuel. Committeewoman Starrs reported that Judge Santini recommended that Attorney Cushing address the matter.

Trick or Treat

Halloween Trick or Treating will take place on October 31st from 4:00 to 7:00 pm. The annual Township and Lions' Club Bonfire Event will be held at the Lions' Club pavilion on Route 46 from 7:00 pm to midnight.

PUBLIC COMMENT:

Claire Fraser, Learn Road, stated she has a drainage problem on her property caused by DPW work. Brian Peck, DPW Supervisor explained a rotting pipe was replaced on Learn Road. Mrs. Fraser's son stated drainage created a gully which is creating wetlands, which degrades the property and creates an environmental concern. Mrs. Fraser said there is a 4 foot long and 3 foot wide trench on Learn Road.

Mayor Farber explained that drainage issues on Learn road may be due to development which has taken place in recent years.

Jaime Murray, Environmental Commission Chair offered to look into storm water management ordinances to address the problem. Engineer Rodman will look into the issue and report his findings.

Candice Nattland, Route 46, commended Alan DeCarolis, Animal Control Officer, for his help with a lost dog.

Debra Shipps, Station Road, reported there has been a burglary on Poppy's Court. She requested State Police presence in the area and at meetings to provide updates to the community.

Sandy Dorrell stated there should be no problem with employees punching a time clock.

Jaime Murray, questioned the public input process for NJDOT grant applications. Engineer Rodman explained the state's SAGE reporting process.

Tracy Allen asked how the Township paid for previous fire trucks. She asked if the Township could apply for grant funding to purchase vehicles. Township Committee members explained previous grant applications were not successful.

ADJOURNMENT:

There being no further business, a motion was made by Committeewoman Starrs and seconded by Deputy Mayor Cuntala to adjourn the meeting at 10:20 pm. All were in favor.

Respectfully submitted,



Lisa K. Patton
Municipal Clerk

**TOWNSHIP OF WARREN
COUNTY OF WARREN, STATE OF NEW JERSEY
PUBLIC SESSION MEETING MINUTES**

[During the issue of the Lisa Patton matter, the Minutes were taken by the Municipal Attorney, Richard Cushing, so that the Clerk could concentrate on the issue.]

October 23, 2014

Present: Mayor Ron Farber, Deputy Mayor Kathy Cuntala, Committeewoman Adele Starrs, Municipal Attorney Richard Cushing, Clerk Lisa Patton

Absent: Committeeman Scott Odorizzi

Disqualified: Committeeman Rene Mathez

Time: Approximately 7:20 pm

This matter involves a letter dated September 3, 2014, from Thomas Neff, Director of the Division of Local Government, Department of Community Affairs, regarding a disciplinary action brought against Lisa Patton.

This matter was held in public session because the Clerk, in response to a Rice Notice, requested public session. Prior to considering the question involving the Clerk, the Township Committee addressed the issue of whether **Committee person** Rene Mathez should disqualify himself from the proceedings and step down from the dais. The municipal attorney reported that he had found no cases directly on point, but that disqualification by Mr. Mathez for this matter seemed to be the safest approach since the Clerk asserted he reported her activities to the Prosecutor. Mr. Mathez agreed to disqualify himself from the matter and moved to the audience. Mr. Mathez felt that he had the right to **be heard** the proceedings in the public session because it was he and another candidate that were running for office when the alleged conduct of Ms. Patton **against them** occurred.

The next issue before the Township Committee was the question of whether the hearing should be adjourned because of the unavailability of Lisa Patton's lawyer. Lisa explained that she did not put the matter on the agenda because she thought it was going to be adjourned. The municipal attorney explained he had a conversation with Lisa Patton's lawyer, Brett Morrow, **earlier on October 23, 2014**, wherein the municipal attorney agreed with Mr. Morrow that the adjournment request would be presented to the governing body. Mr. Morrow indicated he had been hired the day before, but had a previous, personal matter preventing his attendance.

The Mayor and Committee considered the matter and it was concluded that the matter had been pending for a long time before, that there was a deadline to get an answer back to Mr. Neff, and the issue was not the Clerk's guilt or innocence, but whether or not there should be a full hearing on the matter. Accordingly, there was a motion made by Committeewoman Starrs and seconded

by Deputy Mayor Cuntala to proceed ahead. The vote was 3-0 in favor of proceeding ahead with the matter.

The Mayor and Committee proceeded to discuss the issue. The attorney read Mr. Neff's letter into the record. A copy is attached. There were discussions back and forth between the Clerk and the Township Committee members. Ms. Starrs asked Ms. Patton about a conversation they had earlier wherein Ms. Patton indicated that she was coerced into signing the Settlement Agreement. Ms. Patton said that she signed the Settlement Agreement, but that she had done nothing wrong. She had merely been in the municipal building in order to provide some information about voters to Bill Clifford, who was campaigning for one of the candidates. She said that even though she did nothing wrong, she could not afford to continue to pay for a lawyer and take time off of work to deal with the issue. She said she just wanted it put behind her. She also said that the Committee knew all of the facts of the matter that it needed to know and that the matter should be finally resolved. She indicated a willingness to take an increased penalty, if that would resolve the matter.

Lisa stated that she is not admitting full guilt because she got caught in the middle of a political activity. None of her activity was politically motivated. Lisa also indicated that she felt that the Township was not given all of the facts. She said the experience was very stressful; the Prosecutor went to a fellow employee's home; she was waiting for the Prosecutor to come to her home which upset her.

Committee members raised a question about why they had not received earlier correspondence from the Division of Local Government Services regarding this issue. Specifically, there was reference to a letter of May 27, 2014, that was addressed to the Township, but never received by either the Mayor or any Committee persons. The Mayor brought up that perhaps the Division of Local Government Services should send items by certified mail so that there is a clear indication they are received.

The Mayor and Committee debated the matter. Concerns were expressed that it was hard to evaluate whether the penalty was fair based on the evidence that was presented in Mr. Neff's letter. Lisa indicates she did nothing wrong, but an earlier letter from the Department of Community Affairs contained references to witnesses complaining about her conduct. Committee members felt uncomfortable about making a decision as to whether the penalty imposed was fair.

The attorney explained the process as to what would happen if the settlement was not agreed to. He explained that the matter would go back to the Department of Community Affairs which would refer the matter to the Local Finance Board for a hearing on the ethics issue. That hearing would involve the presentation of witnesses, cross-examination, and a determination. The Local Finance Board could then refer it back to Local Government Services for a determination as to whether the Clerk had violated the requirements of her office. Essentially, there are two possible proceedings: (1) the ethics violation allegation; and (2) the question of whether the Clerk's performance violated the standards of her office.

Committeeman Rene Mathez, who was disqualified from participating on the Committee, requested the right to comment. He pointed out that he was the candidate running for office when the event occurred. He contended it was only fair that the victim should have the right to comment. He expressed great unhappiness as to what had gone on. He indicated that the Clerk's position should be neutral and there should no use of municipal facilities for political events. He said that it undermines the system of government and, as a result, he felt that the matter should go for a full hearing before the Local Finance Board and, if appropriate, before the Division of Local Government Services.

A motion was made by Committeewoman Starrs and seconded by Deputy Mayor Cuntala to advise Mr. Neff that the Township did not consent to the settlement and that it should be sent to the Local Finance Board for a full ethics hearing, and, if appropriate, returned to the Department of Community Affairs, Local Government Services, for a determination as to whether discipline should be imposed upon the Clerk for violation of her duties as Clerk.

The vote was Cuntala and Starrs in favor of the motion; the Mayor in opposition. The motion carried.

In addition, the attorney was directed to write to the Division of Local Government Services to raise the following issues:

1. To request that all communications from the Division of Local Government Services be sent to the homes of the Township Committee members due to the fact that certain correspondence from the Division of Local Government Services did not reach the governing body members or did not reach them in a timely manner.
2. That the Division of Local Government Services be advised that the Township felt that it did not have complete information and requested any information in the possession of the Department regarding this matter.
3. That the Township be kept more up to date with respect to any future proceedings both before the Local Finance Board and any proceedings before Division of Local Government Services.

After the completion of discussion, Ms. Patton indicated that she was disappointed with the decision.

Respectfully submitted,

Richard P. Cushing, Esq.
Municipal Attorney

Subject: October 23 minutes

From: Lisa Patton <clerk@knowlton-nj.com>

Date: 11/7/2014 10:36 AM

To: dcushing@gklegal.com, Kathy & Randy CUNTALA <krrmolly@embarqmail.com>, Adele Starrs <tandastarrs@hotmail.com>, Rene Mathez <renemathez@embarqmail.com>, S Odorizzi <sodorizzi@knowlton-nj.com>, rmathez@knowlton-nj.com, Scott O <originalodor1@gmail.com>

Dick and Township Committee Members,

Thank you for providing minutes from the October 23rd meeting regarding discussion pertaining to the DCA matter.

Please note I would like to clarify:

page 1 - Mr. Morrow had not been hired the day before. He explained to me that another retainer would be necessary. I did request representation, he was not available.

page 2- I did not say I was coerced into signing the affidavit. I signed it under advice of my attorney to end the matter. I was very preoccupied by the fact that I was

having surgery the next day. I desire to end this conflict which has been ongoing for over a year and focus on my job duties.

paragraph 3 - Please include my action stemmed from a desire to get away from a very hostile resident who inappropriately takes out his aggression on me for decisions made by the Township Committee. I am treated for a medical condition which can trigger a quick reaction to hostility, aggression and being screamed at. The resident had no other business in the office but to antagonize.

If the meeting was taped, please forward a copy of the tape.

Thank you for your consideration,

Lisa
Lisa K. Patton
Municipal Clerk

cc: Mayor Farber

— Attachments: —

**TOWNSHIP OF WARREN
COUNTY OF WARREN, STATE OF NEW JERSEY
PUBLIC SESSION MEETING MINUTES**

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October 23, 2014

SUPPLEMENTAL COMMENTS FORM PARTICIPANTS

November 10, 2014

The following Comments were received regarding the draft minutes. The Mayor and Committee can evaluate whether these comments should be used to correct the draft minutes or whether these Comments should be appended to the draft minutes when they are adopted.

Lisa Patton provided the following comments:

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Rene Mathez provided the following comments:

Committeewoman Cuntala asked Committeeman Mathez who was in the audience what he thought the Committee should do. Mathez responded that he agreed with Committeewoman Starrs that the matter should be sent back to the SADC because there were too facts that were unknown.



State of New Jersey
 DEPARTMENT OF COMMUNITY AFFAIRS
 101 SOUTH BROAD STREET
 PO BOX 803
 TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

DIVISION OF LOCAL GOVERNMENT SERVICES

CERTIFICATION OF LISA PATTON, RMC CERT. NO. C-1173

I, Lisa Patton, along with my Legal Counsel, J. Brett Morrow, Esq., met with Division of Local Government Services staff on July 22, 2014, to discuss a disciplinary settlement regarding my RMC certification. This was a result of allegations that on October 31, 2013, or November 1, 2013, I engaged in improper activities involving political flyers in support of a particular candidate for election to the Township Committee in the Township of Knowlton where I am employed as Municipal Clerk. Such flyers were ultimately mailed to Township residents. This activity occurred during regular business hours in the Township offices. I agree that I should not have been involved in such activity in the Township offices during regular business hours, due to my position there as Municipal Clerk.

In lieu of the Division of Local Government Services pursuing a disciplinary hearing against my RMC certification, pursuant to N.J.S.A. 40A:9-133.5, I am agreeing to a three day suspension of my certification. I understand that this disciplinary action will also include a three business day, unpaid suspension from my position as Municipal Clerk for the Township of Knowlton, which would be imposed by the Township Committee. As part of this disciplinary settlement, the Division of Local Government Services will not bring such charges before the Local Finance Board (LFB), and will then consider the matter closed.

I am aware that this disciplinary settlement does not preclude any citizen from bringing a complaint on their own before the LFB in regard to this matter. I am further aware that if similar or other charges are brought against me in a future case that is separate from this matter, the settlement of this matter would not preclude the Division of Local Government Services from pursuing a procedure against my RMC certification in any such future case, pursuant to the above statute.

Signed: *Lisa K Patton* Date: 8/13/14
 Lisa Patton, RMC

Signed: *[Signature]* Date: 8/13/14
 J. Brett Morrow, Esq.





State of New Jersey
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PO BOX 803
TRENTON, NJ 08625-0803

CHRIS CHRISTIE
Governor

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Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

September 3, 2014

The Honorable Ronald Farber, Mayor,
and Members of the Governing Body
Township of Knowlton
628 Route 94
Columbia, New Jersey 07832

**Re: Lisa Patton, Municipal Clerk
Township of Knowlton**

Dear Mayor Farber and Governing Body Members:

As you are aware, the Division of Local Government Services received documentation in December 2013 which contained allegations of improper use of work time, and Township of Knowlton resources by Lisa Patton, the Township's Municipal Clerk, during the time period leading up to the General Election in 2013. More specifically, the allegations include that Ms. Patton stuffed envelopes with political flyers in support of a candidate for the Knowlton Township Committee during regular business hours, and that she used the Municipal Court's copying machine to create copies of the flyers in question. These incidents occurred either on October 31, or November 1, 2013.

In a letter of January 20, 2014, the Division asked Ms. Patton to respond to the allegations and to schedule a meeting with Division staff to discuss same. Ms. Patton did so and met with members of Division staff on March 18, 2014, to discuss the matter. After that meeting, and in conjunction with review by staff of all the documentation, and telephone discussions with some of the witnesses included in the documentation, the Division determined that some form of disciplinary action against Ms. Patton was necessary to resolve this matter, and again contacted her in a letter of May 27, 2014, to meet with Division staff to discuss a disciplinary settlement.

On July 22, 2014, Ms. Patton, and her Attorney, J. Brett Morrow, met with members of my staff, and me, to review the findings and discuss a disciplinary settlement. After much discussion, it was agreed upon by all parties participating in the meeting that there was some culpability on the part of Ms. Patton, at least in regard to her handling of the political flyers in question. Such flyers would ultimately be mailed to residents of the Township. These activities occurred during regular business hours at the Township offices. Further, all agreed that some form of disciplinary action against Ms. Patton was warranted, short of a full disciplinary hearing seeking action against her Registered Municipal Clerk (RMC) certification, pursuant to N.J.S.A. 40A:9-133.5. Part of the discussion also included the option of the Division bringing these charges before the Local Finance Board (LFB) to determine if Ms. Patton should be charged with a violation of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq.



The Honorable Ronald Farber, Mayor,
and Members of the Governing Body

Page 2

September 3, 2014

I have determined that, in lieu of a full disciplinary proceeding against Ms. Patton pursuant to the above statute, her RMC certification is to be suspended for three business days. This will necessitate that she also be suspended from her position as Municipal Clerk for the Township of Knowlton for three business days. Further, I am requiring that Ms. Knowlton's suspension from her position as Municipal Clerk is to be without pay for the three days.

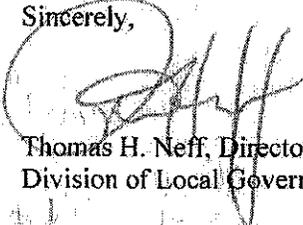
Please find enclosed an affidavit signed by Ms. Knowlton and her Attorney, agreeing to these terms. As long as the Governing Body for the Township agrees to the three day suspension without pay, the Division will not bring this matter before the LFB, and will consider the matter closed. The Division will leave to the discretion of the Township Committee which three days that Ms. Patton should be suspended, but they must be before the end of this year. The three days do not have to be consecutive.

If the members of the Township Committee are in agreement with these terms, please submit a letter to me, within the next three weeks, acknowledging agreement, and noting which three days Ms. Patton is to serve her suspension. The letter should be mailed to my attention at the Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625-0803. Further, once Ms. Patton has served her three day suspension without pay, the Division will require a letter from the Township's Chief Financial Officer (CFO), certifying that she received no pay for the three days that she served the suspension.

Finally, please be aware, as noted in the enclosed affidavit, the Division's settlement of this matter does not preclude any citizen from bringing a separate complaint before the LFB in regard to this matter, nor does it preclude the Division from initiating a disciplinary proceeding toward Ms. Patton's RMC certification if a case concerning a separate matter were to be brought against her in the future. If a citizen were to bring their own complaint against Ms. Patton before the LFB concerning this immediate case, the LFB could certainly take into consideration that the Division previously reached a settlement.

Thank you for your immediate attention to this matter and for your patience while the Division has conducted its inquiry into this complaint. If you have any questions, please contact Daniel Kaminski of my staff at (609) 292-9757, or at Daniel.Kaminski@dca.state.nj.us

Sincerely,


Thomas H. Neff, Director
Division of Local Government Services

THN:djk
enc.

c: Lisa Patton, Municipal Clerk
J. Brett Morrow, Esq.

**TOWNSHIP OF WARREN
COUNTY OF WARREN, STATE OF NEW JERSEY
PUBLIC SESSION MEETING MINUTES**

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