

**MINUTES OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
UPPER DEERFIELD, IN THE COUNTY OF CUMBERLAND, HELD ON  
THURSDAY, FEBRUARY 23, 2012, AT 3:30 P.M. IN THE MUNICIPAL BUILDING,  
HIGHWAY 77, SEABROOK, NEW JERSEY, PURSUANT TO NOTICE**

Present were: James Crilley, John Daddario, Bruce Peterson, John T. O'Neill, Sr. and Scott Smith all being members of the Township Committee. Also present were: Theodore Baker, Solicitor; Roy Spoltore, Township Administrator/Clerk; Teresa Warburton, Recording Secretary, David J. Rogers, Streets and Recreation Supervisor and Amy Colaneri, Treasurer.

The meeting was called to order by Chairman James Crilley and he read the following public meeting announcement.

“This meeting is called pursuant to the provisions of the Open Public Meetings Law. This special meeting of February 23, 2012 notice was sent to The News of Cumberland County February 17, 2012, published on February 20, 2012, posted on the bulletin board in the Municipal Building and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. In compliance with the State Fire Safety Statutes, Chairman Crilley instructed those present how to exit the room in an emergency.

James Crilley stated that this is a Final Disciplinary Hearing for Kim Hemple-Miletta, which is being recorded. Chairman Crilley turned the meeting over to Township Solicitor Theodore Baker. Mr. Baker stated that a Rice Notice was provided to Ms. Hemple-Miletta and she has requested in writing that this hearing be held in an open session.

Township Solicitor Ted Baker gave an overview of the charges against Ms. Hemple-Miletta.

1. Failure to make required disposition of funds.
2. Co-mingling funds of others with a personal checking and/or savings account.
3. Failure to abide by Township policy and direction regarding the handling maintenance of accounts.
4. Failure to account for entrusted funds of others.
5. Mishandling of funds entrusted by others.
6. Failure to comply with Township Directive dated November 19, 2010, regarding creation of separate accounts for travel funds.
7. Failure to abide by Township policies and direction with respect to sponsoring and arranging off premises trips and activities for participants at the Township Senior Center.
8. Insubordination.
9. Dishonesty.

Mr. Baker stated that on January 9, 2012 a preliminary hearing was held and at the conclusion of the hearing the Committee decided to suspend Kim Hemple-Miletta from her duties as Senior Center Director pending further investigation. The purpose of today's hearing is to present additional information that has been obtained and to allow Ms. Hemple-Miletta the opportunity to present any documents she may have obtained pertinent to the charges. After hearing the testimony the Township Committee may discuss the charges and information presented in closed session but the Committee must take formal action in an open session.

Mr. Baker called the first witness by telephone Mr. Justin Jackson, son of Pearl Jackson. The phone call was amplified through the sound system in the meeting room. Mr. Baker asked Justin Jackson if his mother, Pearl Jackson, frequented the Senior Center. Mr. Jackson replied yes. Mr. Baker asked Mr. Jackson if he had called the Mayor regarding an issue and the reason for the call. Mr. Jackson stated he contacted Mayor Crilley in December 2011, after his mother had not been refunded money for a trip to Ireland that was cancelled. Mr. Baker asked the amount that Pearl Jackson had paid to Ms. Hemple Miletta for the Ireland trip. Mr. Jackson stated that the amount paid was around \$2,800 or \$2,900. Mr. Jackson stated when he contacted Ms. Hemple-Miletta back in October, she told him she was waiting for the money to be returned from an insurance policy. Mr. Jackson contacted Ms. Hemple-Miletta again in November requesting the refund of money and Ms. Hemple-Miletta again said she was waiting for the money from an insurance policy. Mr. Jackson stated that his mother did reach out to the Travel Agency and the agency stated that Ms. Jackson would need to get the refund from Ms. Hemple-Miletta. Mr. Jackson added that his mother has all of her Ireland trip receipts and as of this date she still has not received a refund of her Ireland trip money. Mr. Baker asked Ms. Hemple-Miletta if she had any questions for Mr. Jackson and she did not have any at this time.

Mr. Baker called his second witness, Township Administrator Roy Spoltore. Mr. Baker asked Mr. Spoltore when the issue of Ireland trip money not being refunded was raised. Mr. Spoltore stated that the Mayor discussed the issue on December 15, 2011 at a closed session meeting of the Township Committee. Mr. Spoltore noted that as a result of the discussion, Mr. Baker was going to request Ms. Hemple-Miletta gather information (bank statements, receipt books, insurance policies) pertaining to trips associated with the Senior Center. Mr. Baker provided a spreadsheet showing all Ireland trip receipts, deposits and expenditures to the Township Committee, Mr. Spoltore and Ms. Hemple-Miletta and identified it as Exhibit HM-1. Mr. Baker asked Mr. Spoltore to explain the spreadsheet. Mr. Spoltore stated there were six seniors listed in the receipt book at the Senior Center making payments amounting to \$8,868.90 for the Ireland Trip. There was also \$3,600 deposited into an Edgar Joyce Senior Center Advisory Account with no receipt being written in the trip receipt book. The total amount of receipts and deposits for the Ireland Trip that can be identified through the information the Township had available totaled \$12,468.90 and appears to have been made payable to Ms. Hemple-Miletta. Mr. Spoltore stated that at the preliminary disciplinary hearing on January 9<sup>th</sup>, Ms. Hemple-Miletta stated that all Ireland trip money was made out to her personally. The total amount of money that was deposited into the Edgar Joyce Senior Center Advisory Account for the Ireland trip was \$6,218.00. A check written on Oct. 22, 2010, made payable to the Travel Authority in the amount of \$2,000 from the Edgar Joyce Senior Center Advisory Account was returned for insufficient funds. The Edgar Joyce Senior Center Advisory Account was closed by Ms. Hemple-Miletta on Feb. 4, 2011 with \$292.40 in the account. When the account was closed, none of the \$6,218.00 Ireland trip money was refunded or spent on any expenditure related to the Ireland trip. Ms. Hemple-Miletta wrote a check to the Travel Authority in the amount of \$2,000 on Jan 14, 2011, a refund check on April 20, 2011 in the amount of \$540, a refund check of \$200 on June 22, 2011 and a possible refund check in the amount of \$200 all from her personal bank account. This left a balance of \$9,528.90 that was still owed in refunds for the Ireland trip. The total owed to seniors does not include the \$2,000 that was paid to the Travel Authority.

Mr. Baker handed out a Senior Center Purpose and Policy document dated November 19, 2010 to the same individuals as HM-1 which was listed as Exhibit HM-2. Mr. Baker asked Mr. Spoltore to explain certain sections of the document pertaining to policy issues that were presented to Ms. Hemple-Miletta in a November 2011 meeting in the Senior Center with Ms. Hemple-Miletta, the Township Committee senior center liaisons and the Township Administrator. Mr. Spoltore noted the following key points of the document: 1. Beginning January 2011, a travel club must be formed to be

responsible for all planning and liabilities of future trips – Township employees cannot act as a travel agent or plan any trip on Township time; and 2. The Edgar Joyce Senior Center Advisory Account is to be closed and the travel club must open its own account.

Mr. Baker handed out a document to the same individuals as HM-1 showing external withdraws from the Edgar Joyce Senior Center Advisory Account which was listed as Exhibit HM-3. Mr. Baker asked Mr. Spoltore to explain the data listed on this document. Mr. Spoltore explained that he found three payments from the advisory account that appear to pay for personal bills of Ms. Hemple-Miletta, when he was reviewing the bank statements from 2005-2010. Checks were written from the advisory account on May 3, 2010 to Direct TV in the amount of \$183.15, to Sprint on May 10, 2010 in the amount of \$311.28 and to Sprint on July 16, 2010 in the amount of \$158.46. Mr. Spoltore added during his review of the checking account that there were around 24 other questionable expenditures that would need to be investigated further and that the advisory account was overdrawn 11 times. Mr. Spoltore added that since the advisory account was not a municipal account this is the first time he had seen the bank statements.

Mr. Baker handed out a document to the same individuals as HM-1 which shows a co-mingling of accounts which was listed as Exhibit HM-4. Mr. Spoltore stated that in reviewing some of the personal bank statements Ms. Hemple-Miletta provided to the Township there was evidence that senior center trip deposits were being co-mingled with Ms. Hemple-Miletta's personal bank account and expenditures being paid out of her personal account. Mr. Spoltore explained that the document shows \$10,157.42 being paid to Norwegian Cruise Lines and as previously stated \$940 was refunded for the Ireland trip and \$2,000 was paid to Travel Authority from her personal bank account.

Mr. Baker reviewed individually each of the nine disciplinary charges with Mr. Spoltore and asked him that after his review of the documents if each of the charges were justified. Mr. Spoltore replied after Mr. Baker stated each charge that each individual charge in his opinion was justified based on the evidence he had reviewed. Mr. Baker asked Ms. Hemple-Miletta if she had any questions for Mr. Spoltore and she did not have any at this time.

Mr. Baker called his third witness, Ms. Kim Hemple-Miletta. Mr. Baker asked Ms. Hemple-Miletta if she received the November memo pertaining to the Senior Center Purpose and Policy. She stated she had. Mr. Baker asked if she understood the Township did not want any involvement with trips due to the liability issues. Ms. Hemple-Miletta understood the Townships concerns. Mr. Baker asked why she didn't open a checking account for the travelers club. Ms. Hemple-Miletta stated she intended too but was too busy. Mr. Baker asked if she had deposited trip payments into her personal bank account and she replied she had. Mr. Baker asked how much money was collected for the Ireland Trip, if she had any records of payments to the travel agency other than the \$2,000 and if Pearl Jackson had her Ireland trip money refunded. Ms. Hemple-Miletta stated she collected over \$12,000 for the Ireland trip, that payments were made to the travel agency and that Pearl Jackson had not been refunded her trip money. Ms. Hemple Miletta claimed that she had a trip insurance policy that would provide refund money for all the Ireland trip payments. Mr. Baker asked Ms. Hemple-Miletta if she could provide the name of the insurance company, name of the insurance agent, proof of payment for the insurance policy, phone number for the insurance company, anything that can document that there is an insurance policy. Ms. Hemple-Miletta stated she had been denied access to her office due to the prosecutor office investigation, when she was finally allowed access to her office she claimed it was trashed and she was unable to find the insurance policy information and is unable to provide any names of the insurance agent or the insurance company. Mr. Baker asked Ms. Hemple-Miletta about the personal payments to Direct TV and Sprint. Ms. Hemple-Miletta stated she did not do it on purpose. She claimed that she deposited the money back into the advisory account in conjunction with

the Bank manager at Colonial Bank. Mr. Baker asked her if she felt she did a good job of handling money. Ms. Hemple-Miletta said her receipt book was her guide and she told each senior not to give her any money unless they got a receipt.

Mr. Peterson asked if the locks were changed on the Senior Center Directors Office. Mr. Spoltore stated that the office lock was changed the week between Christmas and New Years and no one was provided access to the office until the Prosecutor's Office completed their investigation other than the nurse getting forms needed for the Office on Aging. Mr. Peterson asked if the trips were set up at the Senior Center and if the meetings were held during normal work hours. Mr. Peterson then read the trip portion of the November memo. Ms. Hemple-Miletta stated she was told the seniors could meet at the Center and they could use the parking lot for the bus. Mr. Peterson added he never heard of an insurance policy similar to what Ms. Hemple-Miletta was suggesting. Ms. Hemple-Miletta claimed it was a group leader liability policy. Mr. Daddario asked that during the past three months if she had been looking for the insurance policy if she found anything in her bank statement showing a payment was made. Ms. Hemple-Miletta stated the payment might have been done as a money order. Mr. Peterson asked if Ms. Hemple-Miletta was collecting money on Township time and she replied she was. Chairman Crilley asked other than Pearl Jackson how much money is owed for the Ireland trip. Ms. Hemple-Miletta replied it was over \$17,000. Mr. Crilley asked how she was going to be reimbursed from the insurance policy if you do not have any documentation. Ms. Hemple-Miletta stated she did not bring any documentation and she was not prepared to answer the type of questioning she was receiving today. With no other questions from the Committee, Ms. Hemple-Miletta read a statement that she prepared explaining her accomplishments as director of the Senior Center and she thanked the Seniors who came out today for their support.

At this time James Crilley, Chairman called for a motion to open up the meeting for public comments. On motion of Bruce Peterson, seconded by John Daddario to open up the meeting for public comments.

Nellie Faye Kohl stated that she has been going to the Senior Center for quite awhile now and always got a receipt from Kim for money paid for crafts, trips, etc. She did not believe that Kim would do anything to harm the seniors in anyway.

Mildred Gibe stated she has gone on all of the trips and if any trip was cancelled the money was always returned to the seniors in full. She added that Kim has been a sister, mother, father, etc. to each and every one of the seniors that come to the Center; everyone takes care of each other. She concluded by stating that Kim has helped the seniors in various ways over her years as Director.

Kathleen Hamilton spoke about the Kozier's trip that was also cancelled, stating that it took awhile to get the money back but it was refunded in full. Ms. Hamilton added that the Prosecutor's Office did go through Kim's office and documents were taken out of her office. Ms. Hamilton stated that Kim has always given receipts for any money given to her. She concluded her statement by saying that she did not believe that Kim would have used any of the money given to her for her own personal use.

Ms. Cheeseman stated that she attends the trips and she has always been given a receipt for every dollar she paid. Ms. Cheeseman believes that the funds will be refunded from the insurance policy.

Judy Hussla stated that her husband has early onset Alzheimer's and she could not get him to go anywhere except to the hospital. Kim has helped her get her husband involved at the Center. Ms.

Hussla would love to see Kim come back and stay as the director of the Senior Center. Ms. Hussla added she personally saw boxes taken out of Kim's office and she hopes that she is proven innocent.

With no other public comments James Crilley, Chairman called for a motion to close the meeting for public comments. On motion of Bruce Peterson, seconded by Scott Smith and unanimously approved the meeting was closed for public comments.

James Crilley, Chairman called for a motion to go into Closed Session to discuss the testimony given today on the personnel matter. On motion of Bruce Peterson, seconded by John Daddario, to go into closed session to discuss the testimony, unanimously carried 5-0.

Bruce Peterson made a motion, seconded by Scott Smith and unanimously approved 5-0 to reopen the Disciplinary Hearing to a public session.

## REOPEN TO PUBLIC SESSION

James Crilley stated that the Committee has discussed and reviewed the testimony; the Chairman asked if there was a motion from the Committee.

John T. O'Neill, Sr. stated that he has not heard anything different from the first disciplinary hearing and he made a motion to move for discharge. Bruce Peterson seconded the motion to discharge Kim Hemple-Miletta as Director of the Senior Center. Chairman Crilley asked if anyone on the Committee had any comments before taking a vote.

John T. O'Neill, Sr. stated that Kim Hemple-Miletta has done a great job as the Director of the Senior Center. However her failure to account for funds, the co-mingling of funds and her disregard of the November memo for Senior Center policy is cause for discharge.

James Crilley stated this hearing is not about how well the social activities are being run at the Senior Center. The Township Committee has a responsibility to the taxpayers that their funds are protected and policies are being followed. The Chairman also did not believe that there was an insurance policy that would provide a refund of money to the seniors.

Bruce Peterson stated that Kim Hemple-Miletta has done a good job and that some of the seniors are very close to her. Mr. Peterson added that she has had over a year to follow and implement directives from the November memo. One of the Township Committees primary functions is to serve as the resident's trustee of the public funds. Kim has admitted to violating all of the charges made. This hearing did not have to be in public it was Kim's decision. It is also ludicrous to think that the Prosecutor's Office is involved in some kind of conspiracy as has been suggested.

John Daddario stated that this would have been an immediate discharge had it been anyone else. He added he has known Kim and her family for a long time. He hoped Kim would come here today and provide all of the evidence to prove her innocence. Politics do not enter any of his decisions as Committeeman, he stated he does what he feels is in the best interest for every citizen in Upper Deerfield Township.

Scott Smith stated that Kim has done a great job and has been a friend for many years. However the Committee has a legal obligation to do what is best for all of the Townships citizens.

With no other comments, Chairman Crilley asked for a roll call vote on the motion to discharge Ms. Kim Hemple-Miletta. The roll call was recorded as a unanimous vote to discharge Ms. Hemple-Miletta as Senior Center Director.

There being no further business to come before the Committee, on motion of Bruce Peterson, seconded by Scott Smith to adjourn, unanimously carried.

Respectfully submitted,

---

Teresa L. Warburton  
Recording Secretary