



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

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June 29, 2009

Susan Jacobucci, Chair
Local Finance Board
101 S Broad St – PO Box 803
Trenton, NJ 08625-0803

(via e-mail to SJacobucci@DCA.state.nj.us)

Dear Ms. Jacobucci:

I intend this letter to be my complaint against Sherry Scull, a member of the municipal council of the Township of Pemberton. In accordance with N.J.A.C. 5:35-1.1(b), following are the required elements of the complaint:

1. **State the point of the Local Government Ethics Law alleged to be violated.**

N.J.S.A. 40A:9-22.5(d), which states: “No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.”

2. **State the name(s) and title(s) of the parties involved in the action and against whom the complaint is filed.**

- Complainant John Paff and the New Jersey Libertarian Party
- Councilwoman Sherry Scull

3. **Set forth in detail the pertinent facts surrounding the alleged violative action.**

1. The minutes of the Township Council’s February 4, 2009 meeting¹ indicate that Councilwoman Scull cast her vote in favor of Ord. 5-2009 that resulted in raises being given to twelve supervisors. Since the vote was 3 in favor and 2 against, Scull’s affirmative vote was a deciding vote.
2. The minutes (page 43) and a February 6, 2009 Burlington County Times article (see attached) indicate that Councilwoman Scull’s husband Harry

¹ On-line at http://m.b5z.net/i/u/6106776/i/2-4-09_MEETING_MINUTES.pdf

“is a longtime employee of the township's water department, which had two supervisors approved for a raise.”

3. A March 20, 2009 letter to the editor of the Burlington County Times articulates why Scull’s husband and an “indirect financial or personal involvement” that was impacted by Scull’s vote. The letter, in its entirety, states:

It was with much amusement that I listened to the [Pemberton] Town-ship solicitor's argument that it was not a "direct" conflict for Council-woman Sherry Scull to provide the tie-breaking vote to approve a raise for her husband's boss.

I am a senior citizen and I have been around those lawyer types long enough to recognize a tap dance when I see one.

So a "direct" conflict, I suppose, would have been if Scull 's husband was the supervisor of the Water Department, instead of just an employee.

The indirect conflict, as I see it, is that Mr. Scull 's work environment would get a whole lot better - or a whole lot worse-depending on how Ms. Scull voted.

No matter how you slice it, Councilwoman Scull should have exercised the bare minimum of ethics required for a member of government and disqualified herself from that vote.

Now I don't know what legal research the solicitor is basing his opinion on, but my quick consultation of Webster's Dictionary says a person should "disqualify or withdraw from a position because of prejudice or personal interest."

Ms. Scull. there is definitely, "an appearance of partiality or bias."

But what do I know is I'm just a retired Air Force Chief Master Sergeant and a very concerned senior citizen of Pemberton Township.

Shem Miller

CMSGT, USAF Ret.

Pemberton Township

4. **Indicate whether the complaint concerns the complainant in any way and what, if any, relationship the complainant has to the subject of the complaint.**

Complainant has no interest in or relationship to this complaint greater than any other citizen or organization who wishes for all government officers and employees to comply fully with the Local Government Ethics Law.

5. **Indicate any other action previously taken in an attempt to resolve the issue and indicate whether the issue is the subject of pending litigation elsewhere.**

No other action has been taken previously in an attempt to resolve this issue and this issue is not the subject of any pending litigation.

Thank you for your attention to this matter. I ask that you please acknowledge your receipt of this complaint within 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a stylized flourish at the end.

John Paff

Pemberton Twp. OKs pay increases - The 12 supervisors will receive pay increases on average of 5.6 percent this year, 4.1 percent in 2010 and 4 percent in 2011.

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By Mark Zimmaro, BCT staff writer, mzimmaro@phillyBurbs.com

PEMBERTON TOWNSHIP - The Township Council approved substantial pay raises for a dozen of the municipality's supervisors at a meeting Wednesday despite a financial crunch that officials say may require them to cut services and possibly lay off some employees.

Council voted in favor of the ordinance by a 3-2 margin to establish new salaries for the workers who have been without a contract or a raise since 2006.

A packed room of residents voiced opinions for both sides on whether the council should approve the raises just two weeks after the township's business administrator sent a letter to all 165 township employees informing them the municipality was preparing a layoff plan as a possible solution to a \$2.3 million shortfall in anticipated revenues for the 2009 budget.

According to the ordinance, the 12 supervisors will receive pay increases on average of 5.6 percent this year, 4.1 percent in 2010 and 4 percent in 2011. The 12 also will receive retroactive pay raises for 2007 and 2008 since the supervisors received no raises those years because they were working under the terms of a previous contract.

Township officials said the proposed salaries are based on a new, five-year contract recently negotiated by administration with the supervisors' union.

Several residents and certain council members were upset with the outcome.

"I think that administration negotiated a very poor contract," said Councilman Tom Inge, who along with Councilman Richard Prickett voted against the ordinance. "I think administration lost touch with Pemberton Township. This should never have been approved. I have been against it from the very beginning and I still am."

The 12 supervisors who are a part of the union are: the buildings and grounds supervisor, construction official, supervising clerk typist, supervising mechanic, urban enterprise zone coordinator, recreation coordinator, supervisor of public works, water supervisor, director of recreation and senior services, superintendent of public works, municipal court administrator and water superintendent.

"I'm not saying that these people shouldn't get raises," said resident Rose Mary Bishop, "just not this year and not next year. Not when you're talking about laying people off."

Council members who were in favor of the ordinance argued that several of the supervisors had been underpaid for years compared to what their counterparts in other towns earned.

"In my opinion, this should not be considered as raises or as pay increases but as newly established salaries for newly established unions," said Council President Diane Stinney.

The proposed 2009 salaries range from a low of \$38,804 for the recreation coordinator to \$68,761 for the superintendent of public works.

The lowest pay raise for 2009 was a 4 percent salary increase given to six of the 12 supervisors. The largest raise was a 9.4 percent increase given to the director of recreation and senior services.

Controversy erupted when one resident raised the question of Councilwoman Sherry Scull 's connection to the union. Scull 's husband, Harry Scull , is a longtime employee of the township's water department, which had two supervisors approved for a raise.

Township solicitor Jacob Archer said he was "not aware" of the connection until the meeting and the matter would "certainly be brought back up to the public once it was discussed."

Calls to Gluck Walrath LLC, Archer's law firm, were not returned Thursday.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

JON S. CORZINE
GOVERNOR

CHARLES A. RICHMAN
ACTING COMMISSIONER

September 14, 2009

The Honorable Sherry Scull
Council Member
203 Seminole Trail
Browns Mills, New Jersey 08015

Re: Local Government Ethics Law
Complaint #LFB-09-003
Complaint #LFB-09-017
NOTICE OF VIOLATION

Dear Councilwoman Scull:

The Local Finance Board (Board) issued a **NOTICE OF VIOLATION** regarding its findings in the matter of Complaint #LFB-09-003 and C-09-017 against you. Enclosed is the **NOTICE** issued by the Board.

Please be advised that the **NOTICE** is not a final determination if you desire to avail yourself of the right to request an administrative hearing. If a hearing is requested in accordance with the enclosed **NOTICE**, the Board will not issue a final decision until the completion of the administrative hearing process.

Should you have any questions regarding this matter, please contact David Nenno at (609) 292-0479.

Sincerely,

Susan Jacobucci, Chair
Local Finance Board

C: Shem R. Miller
John Paff
Mary Ann Young, Township Clerk

SJ:DN

Enclosure

C09-003 and C09-017, NOTICE / An Equal Opportunity Employer • Please See Rules of Practice and Procedure



**STATE OF NEW JERSEY
LOCAL FINANCE BOARD
NOTICE OF VIOLATION**

In Re: [Sherry Scull, Council Member, Township of Pemberton, Complaint #09-003 and 09-017]

This matter having come before the Local Finance Board (Board) pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., upon complaint that, at the February 4, 2009, Pemberton Township Council Meeting, Councilwoman Sherry Scull voted to adopt Ordinance No. 5-2009 establishing the salaries of twelve Township positions including the Water Superintendent Raymond Williams who is the supervisor of her husband Harry Scull in violation of N.J.S.A. 40A:9-22.5(d); and

WHEREAS, the Board determined that the allegations were within its jurisdiction, were not frivolous and were based upon a reasonable factual basis, authorized an investigation of this complaint; and

WHEREAS, the Local Government Ethics Law states:

N.J.S.A. 40A:9-22.5(d) No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, the Board, having considered the matter and the relevant statements and information presented and all documentation with the written response to the allegations submitted by Councilwoman Sherry Scull, concluded that the introduction and passing of Ordinance No. 5-2009 had a direct financial impact on the Water Department Superintendent who supervises the husband of Councilwoman Sherry Scull and, given the scope of control wielded by a Department Superintendent over his employees, both Councilwoman Sherry Scull and her husband had a direct or indirect personal involvement in the Ordinance that might reasonably be expected to impair her objectivity or independence of judgment in violation of N.J.S.A. 40A:9-22.5(d).

It is therefore,

DETERMINED that Councilwoman Sherry Scull shall be assessed a fine in the amount of \$200.00 for her violation as related to her engaging in activities prohibited by the statute. Said fine shall be payable to: Treasurer, State of New Jersey, and be submitted to: Susan Jacobucci, Chair, Local Finance, P.O. Box 803, Trenton, New Jersey, immediately. If payment of said fine is not received within 10 days receipt of this **NOTICE**, Councilwoman Sherry Scull is subject to additional fines as determined by the Board in accordance with its powers in N.J.S.A. 40A:9-22.10, Violations and Penalties.

NOTICE that Councilwoman Sherry Scull is entitled to an administrative hearing in accordance with N.J.S.A. 40A:9-22.12 to contest this **NOTICE**. Any request for an administrative hearing shall be filed with the Local Finance Board within 30 days receipt of this **NOTICE**. If an administrative hearing is requested, the Board will not issue a final decision until the completion of the administrative hearing process. Said hearing request shall be filed with Patricia Parkin McNamara, Executive Secretary, Local Finance Board, Department of Community Affairs, P.O. Box 803, Trenton, New Jersey 08625.



SUSAN JACOBUCCI, CHAIR
LOCAL FINANCE BOARD