

FAIRFIELD TOWNSHIP COMMITTEE
SPECIAL MEETING
MARCH 15, 2016

CALL TO ORDER

Mayor Byrd called the meeting to order at 7:00 p.m.

OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Byrd read the following OPMA Statement into the record:

This Special Meeting of the Fairfield Township Committee shall come to order. The New Jersey Open Public Meeting Law was enacted to insure the right of the public to have advanced notice of and to attend the meeting of the public bodies at which any business affecting their interests are discussed or acted upon. This Special Meeting held on this 15th day of March 15, 2016 at the Fairfield Municipal Building in Fairton New Jersey is held pursuant to notice of date, time and place of same having been electronically submitted to South Jersey Times, and The Press of Atlantic City and also duly posted on the bulletin board in the lobby of the Township Hall.

SALUTE TO THE FLAG / MOMENT OF PRAYER

Mayor Byrd led the flag salute followed by a moment of prayer given by Committeeman Clark.

ROLL CALL

The following roll call was recorded as follows:

Committeeman Clark, present; Committeeman Manson, Deputy Mayor Pierce, present and Mayor Byrd, present.

ALSO PRESENT:

Township Solicitor Carr; Township Clerk Gonzales and Conflict Township Solicitor Siciliano.

Mayor Byrd read the following into the record:

RESOLUTION NO. 78 - 2016

A RESOLUTION AUTHORIZING THE COMMITTEE TO ENTER INTO EXECUTIVE SESSION NOT OPEN TO THE PUBLIC UNDER N.J.S.A. 10:4-12 (b)(7) (ACTION MAY BE TAKEN)

MATTERS RELATING TO THE ATTORNEY - CLIENT PRIVILEGE

SHARP VS FAIRFIELD TOWNSHIP

Mayor Byrd asked for a motion to adopt Resolution No. 78 -2016. Deputy Mayor Pierce moved to adopt Resolution No. 78 - 2016 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; Pierce, yes and Mayor Byrd, yes.

Mayor Byrd announced that the Township Committee will now convene into Executive Session. Mayor Byrd announced that action may be taken as a result from the Executive Session.

At this time, Mayor Byrd and Township Solicitor Carr recused themselves from entering into Executive Session.

Conflict Township Solicitor Siciliano presides the Executive Session in place of Township Solicitor Carr.

At this as the audience is leaving the meeting room to allow the governing body to enter into Executive Session, Mr. Don Taylor, a former Township Committeeman who is named in the Michael Sharp vs Fairfield Township requested that he be allowed to be a participant in the Executive Session discussion. Conflict Township Solicitor Siciliano advised Mr. Taylor that he could not participate in the discussion as this matter is under the Attorney-Client Privilege. A Sheriff Officer present was asked to see that Mr. Taylor exited the meeting room so that the governing body could go into Executive Session.

The Township Committee enters into Executive Session at 7:15 p.m.

The Township Committee reconvened into Open Session at 7:45 p.m. The Sheriff Officer present opened the doors for the public to come back into the meeting room.

Mayor Byrd presided the meeting at 7:46 p.m.

Mayor Byrd announced that the Township Committee discussed the Michael Sharp v Fairfield Township matter in Executive Session and as a result of the discussion, he asked for a motion on Sharp vs Fairfield Township.

Committeeman Clark advised that this matter dates back to 2013 whereby he along with the other newly elected officials were not in office are faced with this complaint in which a decision has to be made.

Committeeman Clark indicated that based on the information that was given and also the advice given by the Council members and it his understanding that all individuals named in this complaint will be dropped without prejudice. Committeeman Clark explained in economic reasoning the \$75,000.00 settlement could turn into \$125,000.00 or even more.

Committeeman Clark moved to grant Counsel Baxter the authority to settle the complaint Sharp v Fairfield Township in the amount of \$75,000.00 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; Pierce, no and Mayor Byrd, abstain.

PUBLIC COMMENT

Mayor Byrd asked for a motion to open the meeting to the public. Deputy Mayor Pierce moved to open the meeting to the public seconded by Committeeman Clark. All members voted in the affirmative.

Viola Thomas-Hughes appeared and indicated that she just wanted to say to those who voted in the affirmative that she prayed that they did not listen to the Mayor tell them something that he thought happened since he was not on Township Committee. Ms. Thomas-Hughes stated that she was in office in 2013. She indicated that if that was the case, she could have brought a lawsuit against Mr. Sharp for the names that he used to call her when she sat up as Township Committee, referring to her in a negative and defamatory way. Ms. Thomas-Hughes stated that she wished the newly elected officials listened to the tapes back in 2013.

Ms. Thomas-Hughes asked Committeeman Clark if he had listened to any of the 2013 tapes. Committeeman Clark said he read the documents. Ms. Thomas-Hughes asked Committeeman Manson if he had listened to the 2013 tapes. Committeeman Manson stated that he read the documents and the advice from counsel.

Ms. Thomas-Hughes stated but you did not listen to any of the 2013 meeting tapes. Ms. Thomas-Hughes indicated that she is up here standing telling them that you are wanting to spend \$75,000.00 of tax payer's money for a frivolous law suit. Ms. Thomas-Hughes indicated that if that is the case, then everyone should sue the Township and that maybe she should also sue the Township for all the names that she was called by Mr. Sharp.

Ed Kimley, 84 Seabreeze Road appeared and directed his comment to Committeeman Clark. Mr. Kimley stated you indicated that you were taking the advice of counsel. Mr. Kimley stated did you know that Mr. Baxter represents Viola Thomas-Hughes and Michael Morton and he never once spoke to them once.. Mr. Kimley stated you are taken the advice of a lawyer who never spoke to his clients. Mr. Kimley stated what you are saying is right, your settling because of the cost of it, but the problem with that is in 2008 Wayne Byrd filed a lawsuit on the Township saying Billy Ridgway called him the "N" word. Mr. Kimley passed out copies of memos for those who would like to read it indicating that Billy Ridgway and Nate Dunn stating that this never happened. Mr. Kimley indicated that the Township paid Mr. Wayne Byrd \$72,500.00 so as to not sue. Mr. Kimley stated and guess what happened, he stated that he got the money in 2010 and in 2012 he wants \$150,000.00 more because Mr. Byrd has stated that former Committeewoman Servais told the newspaper that he received \$72,500.00 lawsuit from the Township and now, in 2014, Michael Sharp files a lawsuit on the Township because he states that Russell Pierce called him a boy and also called Ben Byrd a monkey. Mr. Kimley stated right here are the memos, stating it did not happen and that there are no names indicated on here.

Mr. Kimley indicated that there is a pattern here that when Ben Byrd is in office, his family and friends come up to this Township like it is an ATM. Mr. Kimley stated you are going to settle and when you settle, guess who is going to come back in another year or two, his family and friends. He said you are not doing it for the tax payers, that at least Marvin Pierce had the guts and stood up for the taxpayers. Mr. Kimley stated you are doing it for your friend who got your son a job.

Joseph Servais, 37 Fairton-Gouldtown Road appeared and indicated that he knows the Township is not paying on his behalf. Mr. Servais said he won his case in court and that he believes that if everybody else took their case to court, they would win and he guarantees that no lawyer fee is going to be \$75,000.00 for not reason whatsoever.

Mr. Servais asked what grounds are you paying for besides what the lawyer tells you. Mr. Servais asked what grounds, what are the damages, and the reason to pay Mr. Sharp \$75,000.00.

Mr. Servais indicated that if the Township pays Mr. Sharp in which Mr. Servais just won his case that the Township better deduct his because he will be coming for a legitimate lawsuit.

Geneva Griffin, Fairfield Township resident appeared and indicated regarding the issue on settling the complaint Sharp vs Fairfield Township. Ms. Griffin stated that at a time when Mr. Sharp was on the Township Committee, that you have to have thicker skin when you are posing as a public servant. Ms. Griffin indicated that at the last meeting, she recalled Mr. Clark's concern regarding the public contacting you at your employment. Ms. Griffin stated that this is your job also, we hired you, you asked for the votes that mean that you are also on our payroll.

Ms. Griffin stated when somebody make things uncomfortable for you or you don't want to deal with it, that is all of a part of what goes on in the Township. Mr. Griffin indicated that she does not know who called Committeeman Clark or what it was about, but yes if we need the Township Committee from the years she has served here since

2003 and if we need the Committee should something come up and they the public need to contact you that it is necessary because that is a part of your responsibilities.

Ms. Griffin indicated that she wanted the record to reflect the following. Ms. Griffin stated that she is an African American woman. She worked for the New Jersey Division Civil Rights as an investigator for ten (10) years. She investigated charges of unlawful discrimination. She said she looks at this Committee and that she understands that by reviewing the documents they are possibly hurtful if that is all that you read was the allegations and charges.

Ms. Griffin indicated that she was present and was present when the "boy" comment was made and that she was present and close to being present when Leo Selb said that the term "monkey" was used. Ms. Griffin stated that as a civil rights investigator, she came upon an incident and that she wanted to keep this clear because she understands what they are doing when they are looking at the documents. She indicated that when an allegation is made it is just an allegation and that she would never be here saying that she opposed a settlement, a lawsuit and if it actually happened in her life, she would never settle that she would want to court to hear. Ms. Griffin stated a settlement is not something that you take just for the money of it. She indicated that if you were hurt, if you were degraded and you're alleging that your whole race was degraded, what are you settling for? She asked are you settling for money or are you going to take a stand and have some principals about yourself. Ms. Griffin stated that because she was here, she could clearly tell us the effects of discrimination whether it is age, sex, race, creed, color or whatever the effects of discrimination goes all the way around, it is going to affect where you live at and it will affect your education level. She indicated that they came in here themselves and said that what you heard and what was said was unlawful discrimination because the term "boy" was used by a feeble old man to another man. Ms. Griffin indicated that when you deal person to person to her that you should be able to stand for yourself. Ms. Griffin indicated that if somebody called her that and that she had not heard that term referred to her in a long time, but if they did, she asked do you feel like the word they called you. Ms. Griffin referred to sticks and stones will break your bones but the word will never hurt you. Ms. Griffin stated that she means it and that you can call her what you want and that their ramifications of what you called her is how she is going to deal with you. Ms. Griffin stated that she is not going to say that you degraded me, my history, my ancestry, everybody in my family and I am going to take a settlement for money because you called me black, but I am going to take green and that is going to soothe me.

Ms. Griffin stated this is a bogus complaint from the beginning. She indicated that she heard Mr. Gonzales and Mr. Kimley were having a discussion outside and it got a little heated and that she saw Mr. Gonzalez stand to Mr. Kimley saying "boy" you don't know who you are talking to or you don't know who you are messing with."

Ms. Griffin indicated that Mr. Gonzalez used that term against Mr. Kimley who is Caucasian. She indicated to Mr. Gonzalez that he did not mean it in a racial term, you meant what you said. Ms. Griffin stated that she said she stopped them at that point and stated we can't do that right here because we are being sued right now for using that terminology and that she declares that when that statement was made about "boy" and she was here and the wolf still in the building, it was not meant to be discriminatory at all, it had nothing to do with it at all, it was a slang from an older man to a younger person and that she is confident of this because she investigated it.

Ms. Griffin indicated that she is telling us now to be sucked into a lawsuit that some lawyers put together that they are the one's getting paid. Ms. Griffin stated that she understands the position of the Township, that she has already help defend the Township against lawsuits that she knew that were brought frivolous against the Township.

Ms. Griffin stated that she would never recommend anything other than a full settlement or a case if this statement was truly made. She stated that you take the matter to a court of law and let the law decide whether there is going to be a jury and see whether or not Mr. Sharp wins.

Ms. Griffin made reference to the statement made by Ms. Thomas-Hughes earlier tonight about Mr. Sharp. She advised that for two (2) years, Mr. Sharp disrupting the entire Township Committee meetings pertaining to Ms. Servais who was on the Township Committee then regarding her business license and he is going to come in and sue the Township.

Ms. Griffin stated that she has the experience behind of what she is saying and that her skin is not going to change or her stance. Ms. Griffin stated that it is not right for someone to use discrimination as much as it hurt their people, as guys to get some money. She stated if you are black green is not going to solve it.

Don Taylor, 53 appeared and advised that the public should have been afforded the opportunity to speak on this matter before the Township Committee voted. Mr. Taylor indicated with all due respect to the Mayor, that he should not have conducted the meeting and relinquished the meeting to the Deputy Mayor as it puts undue influence on the rest of the Committee as the Mayor is named in the lawsuit. Mayor Byrd inquired as how it places undue influence. Mr. Taylor stated that because you know each other and you work together and things like that and that from attending JIF meetings that it is taught that if there are any improprieties you should recuse yourself from the situation.

Mr. Taylor stated statements and facts and procedural history from Mr. Sharp's attorney regarding the dismissal for Joe Servais. Mr. Taylor stated Mr. Sharp sued him. Mr. Taylor stated that as Committee members you have a right

to rescind anything that you do and that you can rescind.

Mr. Taylor read into the record from Mr. Sharp's lawyer a motion to dismiss count 1 through 6.

Mr. Taylor indicated that he was here and he did not take it as a racial insult. He indicated that Joe Servais was not Mr. Sharp's supervisor and Joe Servais could not affect his life what so ever. Mr. Servais is disabled and Mr. Sharp was gainfully employed. He indicated that nothing caused Mr. Sharp any physical harm, loss in pay, doctor visit or had to see a psychologist.

Mr. Taylor indicated that when someone uses the "N" word or boy in such a way like we are not going to serve boy or the "N" word then you have a cause for. In this case, there is not cause for it.

Mr. Taylor stated that he wished that the Township Committee would have allowed the public the opportunity to address this before they made their decision and that is why they did not want him in the meeting.

Mr. Taylor stated that somebody on the Township Committee told Mr. Sharp's lawyer that this case is going to be settled. He indicated that he has the minutes to the meeting and the lawyer stated that a meeting would be scheduled in December. He advised that the meeting did not happen. He made referenced to a letter that an extension of time until February 4th to try to settle the case, but that it never happened.

Mr. Taylor stated Mr. Russell Pierce was not here working, that he was here as a regular citizen and him and Mr. Sharp got into a discussion.

Mr. Taylor indicated that if the Judge dismissed Mr. Servais, he most certainly would dismiss his and Mr. Russell Pierce and everybody else as well.

He indicated that the facts in this case are not true. He advised that he has copies of all the minutes in December where there was supposed to have a settlement, unless if you held a Special Meeting in which it must have been advertised, attendance record and recording and minutes.

Joanne Servais, 37 Fairton-Gouldtown Road appeared and indicated that she has a few questions. She stated that Mr. Sharp's attorney keeps saying that the Township Committee settled this matter at a Special Meeting held in December. Ms. Servais asked Mayor Byrd if he had called Mr. Sharp's attorney and told them that it was settled at a Special Meeting in December or in January.

Mayor Byrd asked Committeewoman Servais were you not here in December. Ms. Servais indicated that she was and that there was only one (1) meeting held in December as opposed to having two (2) meetings because there was no quorum for the 2nd meeting in December and that there was no Special Meeting in December.

Ms. Servais indicated that when she was being questioned about this matter from the beginning, she had given Conflict Township Solicitor Siciliano a load of paperwork and that when she hired Mr. Austermuhl for legal representation; he requested those documents from Mr. Siciliano who has yet to turn the documents over to him.

Ms. Servais advised that when she was the Mayor in 2013, she was harassed ten (10) months by Mr. Sharp about her getting a business license permit and now she is being told that you are saying that our business license ordinance is illegal and if it is illegal, all those who applied and paid for their business licenses that the Township would have to reimburse them accordingly. She indicated that when she was in business, she obtained a business license unlike you and a few other people. She explained that when she and her husband retired they no longer needed to obtain a license; however, Mr. Sharp for ten (10) months harassed her. He certainly did not care that South State did not get a business license, but she had to get one.

Ms. Servais stated that she could have sued the Township for allowing Mr. Sharp to harass her but that she did not pursue it because she did not want the burden placed on the taxpayers. Ms. Servais stated if you are going to settle this matter that the Township will have to settle with her she is going to do the same by filing a lawsuit and also to file a complaint with the Ethics Board.

Mr. Russell Pierce appeared and indicated that he has already been to court on this matter and the first has been dismissed and is waiting to hear on the second complaint and that all he is hearing is that don't settle yet because a settlement is coming from the Township.

Nancy Ridgway, 582 Irving Avenue appeared and indicated that she has been attending Fairfield Township meetings for nine (9) years. She indicated that this year, she has missed more Township Committee meetings than she has over the whole nine (9) years. She indicated in 2013 and 2014 she sat through all the meetings and every other week there was uproar. She indicated that when she attended the Township Committee meetings, she was practically the only one in attendance and is proud to see the meeting room full when she walks in.

Ms. Ridgway stated for the two (2) committee members who voted to put an additional 2 cent tax minimum per for 100,000 values on the taxpayers of this community for what the citizens had to sit through and tolerate by the

Township Committee is disgraceful. She stated that they sat in the audience and they listened to Michael Sharp the back and forth arguments month after month and you are going to reward him with our tax dollars and that is disgrace to the citizens of this community.

She indicated that she may not be a resident of this Township, but that she does own property here and gets a tax bill and it is not right when Committeeman Manson or Committee Clark were not here, you did not see what they had to go through as citizens. She advised that there were times when she would go home and say you can't go to Fairfield Township because it is scary.

Ms. Ridgway recommended that the Township Committee rescind the vote they took and think about people like her who had to sit here month after month listening to Mr. Sharp and having to go home and think about it as to when a fight is going to break out. Ms. Ridgway stated tonight you have a Sheriff's Officer here and asked if they were afraid.

Ms. Ridgway stated that there was times when Michael Sharp was on the Township Committee that she went home scared half to death.

Albert Pierce, 344 Clarks Pond Road appeared and inquired if the Sharp vs Fairfield Township case is still in litigation. Conflict Township Solicitor Siciliano indicated that the case is still active. Mr. Pierce questioned how you can settle a claim when all the parties have not been heard and asked if this was standard procedure.

There being no further comments, Mayor Byrd asked for a motion to close the public comment. Committeeman Clark moved seconded by Deputy Mayor Pierce. All members voted in the affirmative.

COMMITTEE REMARKS / COMMENTS

Committeeman Clark stated that he wanted to say that this job is not an easy one and that he did get something out of what Ms. Ridgway stated earlier. He stated that he as a taxpayer of Fairfield he had a concern and some decisions that were made by the Township Committee in 2004 and 2008 and out of frustration he decided to run for office to see what is going on with his tax dollars. He stated that he would think that everyone in this room has a right to run for office. He stated that there are going to be some mistakes, some learning curves and some positive things as well. He indicated that he has yet to see since he has been in office give this Township Committee any positive feedback on what the Committee has done.

Deputy Mayor Pierce had no remarks or comments at this time.

Committeeman Manson had no remarks or comments at this time.

MAYOR'S REMARKS / COMMENTS

Mayor Byrd stated that once again people make allegations and say what he said and what he didn't do of what he said and what he didn't do. Mayor Byrd stated that when he built his home in 2002 his taxes were \$3,400.00 a year and by 2008 his taxes went up \$8,000.00 a year and that he decided to come to the Township to find out what is going on and what he learned was that if you do not go along with what has been going for years by the same people then you become their enemy because you decided to come here and the people that elected you for you to make the decision.

Mayor Byrd advised that he is thankful for the courage that Deputy Mayor Pierce had this evening and that he is also thankful for the courage that Committeeman Manson and Committeeman Clark showed this evening by using their own opinions and how they felt about the situation. He advised that their job here is not out to vindicate anybody, there job is to look out for the residents of the Township. He indicated that they are not professionals, meaning that they are not lawyers but in the same token, they followed the professionals according to what they said.

He advised that he is proud of all the Township Committee for standing on their own, standing up when you disagree with them and for standing up for what they think is right for the residents of the Township because we all live here and everything that goes on affects all of us.

Mayor Byrd indicated that he watched the different things made back in 2013 and even before then he watched the different things that went on and the different decisions that were made by the Township Committee made and they surely was not perfect either and that he did not like some of the decisions that were made but they had a right to do it because they were the elected officials in the Township. He stated Committee Clark is 100 % right whereby he stated earlier on that this job is not an easy one because every decision you make you are going to be criticized for it.

Mayor Byrd indicated that you try to keep focus on the job and the residents and you feel that what your decision is and your decision from this day forward is in the best interest of the residents that is exactly why they were voted for.

Mayor Byrd lastly stated that he sits up here on the dais as the Mayor of Fairfield Township and that he too gets disgusted as well. He gets disgusted with what has happened in the past, why taxes are so high and why our newly Committee people are subjected to this.

At this time, Mayor Byrd asked for a motion to adjourn the meeting. Deputy Mayor Pierce moved to adjourn seconded by Committeeman Clark. All members voted in the affirmative. The meeting adjourned at 8:29 p.m.

Respectfully submitted,

/s/ Linda M. Gonzales, RMC

Linda M. Gonzales, Township Clerk