

FAIRFIELD TOWNSHIP COMMITTEE  
REGULAR ACTION MEETING  
OCTOBER 17, 2018

CALL TO ORDER

Mayor Byrd called the meeting to order at 7:08 pm

Mayor Byrd read the OPMA Statement into the record as follows:

OPEN PUBLIC MEETINGS ACT STATEMENT

This 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 meeting held on this 17<sup>th</sup> day of October 2018 at the Fairfield Municipal Building in Fairton New Jersey is held pursuant to notice of date, time and place of same having been submitted to The South Jersey Times, The Daily Journal, and The Press of Atlantic City on January 11, 2018 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, present; and Mayor Byrd, present.

MEMBERS ABSENT

Committeeman Gonzalez and Deputy Mayor Pierce.

ALSO PRESENT

Acting Township Administrator Burden, Township Solicitor Carr and Township Clerk Gonzales.

Mayor Byrd entertained a motion to table the Work Session Action Minutes of October 3, 2018.

APPROVAL OF MINUTES

WORK SESSION ACTION MINUTES OCTOBER 3, 2018

Committeeman Clark moved to table seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

REVIEW OF BILL LIST PROVIDED BY CFO

Mayor Byrd asked the Township Committee if they had any questions on the bill list provided by the Chief Financial Officer. There being no questions, Mayor Byrd entertained a motion to adopt Resolution No. 147 - 2018.

RESOLUTION NO. 147 - 2018

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$308,099.53

Committeeman Clark moved to adopt Resolution No. 147 - 2018 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Committeeman Manson, yes; and Mayor Byrd, yes.

ORDINANCE FOR INTRODUCTION (FIRST READING)

There were none.

ORDINANCES FOR PUBLIC HEARING (SECOND READING) - (TWO)

Mayor Byrd read Ordinance No. 4 - 2018 into the record as follows:

ORDINANCE NO. 4 - 2018

AN ORDINANCE TO UPDATE THE ZONING ORDINANCE AND SPECIFICALLY THE REZONING OF BLOCK 52, LOT 35 AND TRACT 8 AS PART OF THE MRCW (MARINE RECREATION CONSERVATION AND WILDLIFE ZONE)

Committeeman Clark moved to open public hearing seconded by Committeeman Manson. Roll Call Vote: Clark, yes, Manson, yes; and Mayor Byrd, yes.

There were no comments from the public. Mayor Byrd entertained a motion to close public hearing.

Committeeman Clark moved to close public hearing seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

Mayor Byrd entertained a motion to adopt Ordinance No. 4 - 2018 on final reading.

Committeeman Clark moved to adopt Ordinance No. 4 - 2018 on final reading seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

Mayor Byrd read Ordinance No. 5 - 2018 into the record as follows:

ORDINANCE NO. 5 - 2018

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF HUSTED LANDING ROAD

Committeeman Clark moved to open public hearing seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

There were no comments from the public. Mayor Byrd entertained a motion to close the public hearing.

Committeeman Clark moved to close the public hearing seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

Mayor Byrd entertained a motion to adopt Ordinance No. 5 - 2018 on final reading.

Committeeman Clark moved to adopt on final reading seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

Mayor Byrd read the Public Comment on Current Agenda Items & Non Agenda Items as follows:

PUBLIC COMMENT ON CURRENT AGENDA ITEMS & NON AGENDA ITEMS

In order for the Committee to conduct the business of the Township in the most productive manner possible, meeting attendees will be given five (5) minutes, all-inclusive to comment on any agenda item(s) without comment or question from the Committee and any non-agenda items including all dialogue, questions and responses from both the speaker and the Committee for the designated public portion of the meeting. There may be no transference of a speaker's time to other attendees. Please step up to the microphone at the appropriate time, and state your name and address for the record.

Committeeman Clark moved to open Public Comment on Current Agenda & Non Agenda Items seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

Mr. George Hicks, 5 Hartz Drive appeared for an update on the petition that he provided to the Township Committee at the previous meeting regarding questions from concerned citizens pertaining to the mining operation by Don Rogers, Inc.

Township Solicitor Carr advised that this matter was filed in Superior Court within the last 12 hours.

Mr. Hicks asked if the Township Committee has issued their answer to the questions presented on the petition that was provided to them at the previous meeting.

Mayor Byrd advised Mr. Hicks that this matter as he had explained to him that it is in litigation and therefore, at this time, the Township is not in a position to respond, however, it is being handled in the legal system and the Township cannot comment as this would interrupt the legal process.

Mr. Ed Kimley, Seabreeze Road appeared and posed a question to the Township Solicitor. He asked is this building open to the public as he was told that he could not come into the municipal building.

Township Solicitor responded that he did not understand what Mr. Kimley was stating, but that he (Mr. Kimley) was present in the municipal building right now, correct.

Mr. Kimley stated that the Township used tax payer dollars to advertise the position of a full time Township Administrator and inquired why the position was not filled yet as there were several candidates who responded to the advertisement.

Mayor Byrd advised Mr. Kimley that it is the discretion of the Township Committee who they choose or not choose.

Mr. Dennis Pierce, 203 Clarks Pond Road thanked the Acting Township Administrator and the Public Works for doing a great job.

Ms. Nancy Ridgeway, 582 Irving Avenue appeared to inquire the length of a mining permit. Mayor Byrd advised Ms. Ridgeway it is renewable every five (5) years.

Mr. Russell Pierce, 376 Fairton-Gouldtown Road appeared and stated that the Office of the Township Clerk needs a window where the Clerk can assist the public rather than being approached by the Administrator and having to sign in with the receptionist.

Mayor Byrd explained to Mr. Pierce that the Township Clerk has a vast of responsibilities that she handles. The public needs to sign in and state their purpose as to what their needs are for the Township Clerk or any of the other offices and if available and if not, then an appointment is to be made.

Mr. Lonnie White, Hartz Drive appeared to inquire on the mining operation. Mayor Byrd advised that the Township Solicitor is handling on behalf of the Township.

There being no further comments, Mayor Byrd entertained a motion to close the Public Comment on Agenda Items and Non Agenda Items.

Committeeman Manson moved to close seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

### RESOLUTIONS

Mayor Byrd read the following Resolutions into the record as follows:

#### RESOLUTION NO. 148 - 2018

A RESOLUTION AUTHORIZING AND ADOPTING AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL AND THE EMPLOYEE HANDBOOK

Committeeman Clark moved to adopt Resolution No. 148 - 2018 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

#### RESOLUTION NO. 149 - 2018

THIS IS A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN FAIRFIELD TOWNSHIP AMBULANCE SERVICE, GOULDTOWN FIRE COMPANY AND FAIRTON FIRE AND RESCUE, ALL OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY, NEW JERSEY

Committeeman Manson moved to adopt Resolution No. 149 - 2018 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

Mayor Byrd read the Consent Agenda into the record as follows:

#### CONSENT AGENDA RESOLUTION NO. 150 - 2018 AND RESOLUTION NO. 151 - 2018

The Consent Agenda includes items of business which are not controversial & do not require individual discussion. A motion approving the Consent Agenda is moved, seconded and voted upon as one item by the Township Committee. If any discussion is requested on a Consent Agenda item, it is removed from the Consent Agenda to the Regular Agenda

Committeeman Clark moved to approve the Consent Agenda Resolution No. 150 - 2018 and Resolution No. 151 - 2018 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

#### RESOLUTION NO. 150 - 2018

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF CUMBERLAND APPROVING THE SUBMISSION OF APPLICATION FOR MEMBERSHIP TO THE NEW JERSEY FIREMEN'S ASSOCIATION FOR DAVID L. BLACK

#### RESOLUTION NO. 151 - 2018

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF CUMBERLAND APPROVING THE SUBMISSION OF APPLICATION FOR MEMBERSHIP TO THE NEW JERSEY FIREMEN'S ASSOCIATION BRYCE N. DUNN

#### RESOLUTION NO. 152 - 2018

A RESOLUTION AUTHORIZING TOWNSHIP COMMITTEE TO ENTER INTO EXECUTIVE SESSION NOT OPEN TO THE PUBLIC PURSUANT TO N.J.S.A. 10:4-12 (B)(8) MATTERS RELATING TO THE EMPLOYMENT RELATIONSHIP / PART TIME CONVENIENCE CENTER WORKER (ACTION MAY BE TAKEN)

Township Solicitor advised the Township Committee that he had one topic to add and discuss in

Executive Session being Litigation Matter / Don Rogers, Inc.

Committeeman Clark moved to adopt Resolution No. 152 - 2018 seconded by Committeeman Manson.  
Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

At this time, Mayor Byrd announced that the Township Committee will convene into Executive Session to discuss matters indicated on Resolution No. 152 - 2018.

The Township Committee is now in Executive Session at 7:31 p.m.

The Township Committee reconvened into Open Session with all members present at 7:40 p.m.

Township Solicitor Carr announced that the doors are now open at 7:40 pm and the Township Committee is now in Open Session after having discussed Employment Matter and Mining Litigation.

Mayor Byrd entertained a motion to adopt Resolution No. 153 - 2018 as a result from the Executive Session.

RESOLUTION NO. 153 - 2018

A RESOLUTION AS TO HIRING OF CHRIS BURCH IN THE POSITION OF A PART TIME CONVENIENCE CENTER WORKER

Committeeman Clark moved to adopt Resolution No. 153 - 2018 seconded by Committeeman Manson.  
Roll Call Vote: Clark, yes; Manson, yes; and Mayor Byrd, yes.

OLD BUSINESS

There were none.

NEW BUSINESS

PROPOSED DRAFT ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY, NEW JERSEY TO REGULATE WIRELESS TELECOMMUNICATION FACILITIES AND INSTALLATIONS IN THE TOWNSHIP OF FAIRFIELD

Mayor Byrd announced the proposed draft ordinance has been referred to the Township Engineer and Township Planner for their input.

COMMITTEE REPORTS / REMARKS

Committeeman Clark thanked the residents for coming out tonight. Committeeman Clark indicated that the Township is doing everything in their power in a legal aspect to refrain from a lawsuit regarding the concerns raised on the mining operation.

Committeeman Manson stated that the mining operation is in the legal process and we have to be cautious on how to handle this matter legally and safely without putting the Township or its residents in harm's way.

MAYOR'S REPORT / REMARKS

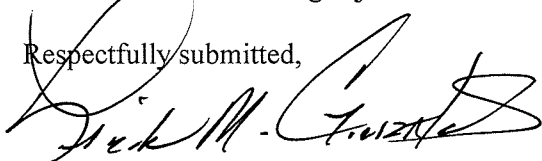
Mayor Byrd thanked everyone for coming out tonight and to just finish off what Committeeman Clark and Committeeman Manson stated, we do the best we can. We hear your concerns and we have to let the legal system guide us accordingly. He advised that this is his 5<sup>th</sup> time around as Mayor and that it is not an easy job. Some people may look at it that we are a small municipality, what kind of issues could we possibly have. Mayor Byrd advised that there is always something going on and a lot of it as well and we have to deal with all matters in the best possible way.

ADJOURNMENT

There being no further business to come before the Township Committee, Mayor Byrd entertained a motion to adjourn the meeting.

Committeeman Clark moved to adjourn seconded by Committeeman Manson. All members voted in the affirmative. The meeting adjourned at 7:45 p.m.

Respectfully submitted,



Linda M. Gonzales, RMC  
Township Clerk