

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION SESSION MEETING
OCTOBER 16, 2019

CALL TO ORDER

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

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 16th day of October 2019 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 3, 2019 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 Tommy Clark, Jr.

ROLL CALL

The following roll call was recorded as follows:

Committeeman Tommy Clark, Jr., present; Committeeman Mark K. Pierce, Sr., present and Mayor Benjamin Byrd, Sr., present.

MEMBERS ABSENT

Deputy Mayor Marvin Pierce, Jr. and Committeeman David Gonzalez.

ALSO PRESENT

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

APPROVAL OF MINUTES

WORK SESSION ACTION MEETING OCTOBER 2, 2019

Mayor Byrd entertained a motion to table the minutes of the Work Session Action Meeting of October 2, 2019.

Committeeman Tommy Clark moved to table seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

REVIEW OF BILL LISTS 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 were none, Mayor Byrd entertained a motion to adopt Resolution No. 143 - 2019.

RESOLUTION NO. 143 - 2019

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$307,533.54

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 143 - 2019 seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

ORDINANCE FOR INTRODUCTION (FIRST READING) (ONE)

Mayor Byrd read Ordinance No. 9 - 2019 into the record as follows:

ORDINANCE NO. 9 - 2019

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF TRUCKS AND RELATED EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT OF THE TOWNSHIP OF FAIRFIELD, IN THE COUNTY OF CUMBERLAND, NEW JERSEY AND APPROPRIATING FIFTY-FIVE THOSAND DOLLARS (\$55,000) THEREFORE

Committeeman Tommy Clark, Jr. moved to introduce Ordinance No. 9 - 2019 on first reading seconded

by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

None.

Mayor Byrd read the Public Comment on Current Agenda & Non Agenda Items into the record 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.

Mayor Byrd entertained a motion to open Public Comment on Current Agenda & Non Agenda Items.

Committeeman Mark K. Pierce, Sr. moved and seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

Russell Pierce, 376 Fairton-Gouldtown Road appeared to inquire why his Business Registration application was not on tonight's agenda. He advised that recently the Township approved a Business Registration application for an applicant located on Clarks Pond Road who is zoned as Agricultural, the same zone as his property, however, when he made a former application for a Business Registration he was informed that his application was revoked because he needed a variance. In sum, Mr. Pierce illustrated that all business registration applications are being approved except his and would like to know why.

Mayor Byrd advised Mr. Pierce that the Township would look into his concerns.

Mr. Pierce alluded that if he is required to make an application to be presented to the Planning and Zoning Board for a variance, he would like to know if Mayor Byrd and Deputy Mayor Pierce have a variance for their properties and that he put in an OPRA Request for this.

Ed Kimley, 84 Seabreeze Road addressed the Township Committee that Mr. Pierce did receive a response to his business registration. He said they are telling him he is in Agricultural zone that you're only permitted what is in use in the agricultural zone. He said to go over and talk to Michelle Behm, the Tax Assessor regarding the sale of firewood which he disclosed is permissive in agricultural zone.

Mr. Kimley stated three (3) weeks ago, the Township Committee approved a Business Registration to Sunshine Dog Dive Park on Clarks Pond Road which is zoned as agricultural. He stated this is not an agricultural business. Mayor Byrd stated that he recalls the application come before the Township Committee and he had asked if everything was in compliance and in order. Mr. Kimley stated that the Acting Township Administrator answered as a yes, but he is saying no to Mr. Pierce. Mayor Byrd responded that he was not sure of the circumstances right now, but that he is listening to him and that we are going to look into the matter.

Mr. Kimley indicated you have Lanning Brothers Farm, Hawking Farm, Coombs Salt & Hay Farm, which are all businesses and they are not allowed there because they are selling agricultural products in an agricultural zone. He stated it makes no sense to tell someone you're selling an agricultural product in an agricultural zone, so you cannot have it. Mr. Kimley made reference to document in the Tax Assessor's Office revealing that selling firewood is in agricultural zone.

Lastly, Mr. Kimley specified that the Township Committee has a right to protect the public, that the Township Committee made a motion to terminate the Public Works Foreman, Nate Dunn. He stated existing employees will be immediately suspended. He stated the Township Committee has a duty and has to follow the law. Mayor Byrd replied to Mr. Kimley that did he not sign a complaint against the Township for this issue. Mr. Kimley remarked that he filed a law suit and that your attorney's are telling you that I had 45 days to file. He stated that the Resolution was good for a year and that year has been up.

Geneva Griffin stated that she does hope that the nonsense about the Firewood stops and the tickets and the use of Township's resources stops.

Ms. Griffin made referenced to Resolution No. 148 - 2019 on tonight's agenda, it looks like Fairfield Township Ambulance Service and Audit Report of Fairton Fire - EMS - Rescue Squad is going to be discussed in Executive Session and would like to know why is it being discussed in Executive Session.

Mayor Byrd answered it is an Executive issue. Township Solicitor advised that it is a Personnel Issue. Ms. Griffin quoted the Audit. Mayor Byrd explained that it is a legal personnel issue. Ms. Griffin stated okay, it just doesn't read like that at all and it really should be lined up on what you are going to do.

Mayor Byrd advised that it is indicated on the Resolution and specified what the discussions will be held Executive Session. The Rescue Squad is personnel. Ms. Griffin pointed out that a rescue squad employee is personnel and that a rescue squad is an entity.

Nancy Ridgeway, 582 Irving Avenue questioned if the Township would be entering into a Shared Services Agreement with the Cumberland County Improvement Authority for fleet maintenance services and if the Township was going to do it by Resolution.

Mayor Byrd advised Ms. Ridgeway that he would like to look over it and will respond back to her with an answer. Ms. Ridgeway described that the Improvement Authority does it by Resolution and she believes that the Township Committee should also do it by a Resolution.

RESOLUTIONS

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

RESOLUTION NO. 144 - 2019

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, CANCELLING UNFUNDED APPROPRIATION BALANCE UNDER A CERTAIN CAPITAL ORDINANCE PREVIOUSLY ADOPTED BY THE TOWNSHIP OF FAIRFIELD FOR THE PURCHASE OF A DUMP TRUCK IN THE TOTAL AMOUNT OF \$35,000

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 144 - 2019 seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

RESOLUTION NO. 145 - 2019

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING A CONTRACT AWARD TO STATE CONTRACT VENDOR, BEYER FORD, MORRISTOWN, NJ FOR THE PURCHASE OF A 2019 FORD F-250 SRW XL-4WD REG CAB 8' BOX

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 145 - 2019 seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

RESOLUTION NO. 146 - 2019

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPROVING APPLICATIONS FOR BLUE LIGHT PERMITS

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 146 - 2019 seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

RESOLUTION NO. 147 - 2019

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE ISSUANCE OF STREET OPENING PERMIT(S) TO SOUTH JERSEY GAS COMPANY PERMIT NO. 11 - 2019 / INSTALLATION OF GAS SERVICE / 35 LONGVIEW DRIVE 270' SOUTH C/L REEVES ROAD

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 147 - 2019 seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

RESOLUTION NO. 148 - 2019

A RESOLUTION AUTHORIZING TOWNSHIP COMMITTEE TO ENTER INTO EXECUTIVE SESSION NOT OPEN TO THE PUBLIC (ACTION MAY BE TAKEN)

N.J.S.A. 10:4-12(b)(4) FAIRFIELD TOWNSHIP & NJSCA CUMBERLAND COUNSEL #18

N.J.S.A. 10:4-12(b)(8) RESIGNATION OF FULL TIME PUBLIC WORKS LABORER;

ADVERTISEMENT OF FULL TIME AND PART TIME PUBLIC WORKS LABORER; FAIRFIELD TOWNSHIP AMBULANCE SERVICE AND AUDIT REPORT OF FAIRTON FIRE - EMS - RESCUE SQUAD

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 148 - 2019 seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes and Mayor Benjamin Byrd, Sr., yes.

The Township Committee is now in Executive Session at 7:15 p.m.

The Township Committee convened into Open Session. Township Solicitor announced that the door are now open at 7: 28 p.m. and the Township Committee is now back in Open Session after having discussed Collective Bargaining Agreement, Public Works Personnel Matter, Pending Litigation Matter and Ambulance Squad.

As a result of the Closed Session, on a motion made by Committeeman Mark K. Pierce, Sr. to accept letter of resignation letter by Public Works Laborer Chris Burch seconded by Committeeman Tommy Clark, Jr. All members voted in the affirmative.

OLD BUSINESS

None

NEW BUSINESS

None

COMMITTEE REPORTS / REMARKS

Committeeman Tommy Clark, Jr. thanked everyone for coming out and to drive safe.

Committeeman Mark K. Pierce, Sr. thanked everyone for coming out.

MAYOR'S REPORT / REMARKS

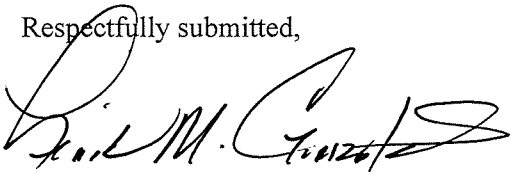
Mayor Benjamin Byrd, Sr. thanked everyone for coming out tonight and that they will look into the businesses as indicated earlier during the meeting as we want to be fair with everyone.

ADJOURNMENT

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

Committeeman Tommy Clark, Jr. moved to adjourn the meeting seconded by Committeeman Mark K. Pierce, Sr. All members voted in the affirmative. The meeting adjourned at 7:35 p.m.

Respectfully submitted,



Linda M. Gonzales, RMC
Township Clerk