

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION MEETING
VIA TELECONFERENCE
JUNE 16, 2021

CALL TO ORDER

Mayor Benjamin Byrd, Sr. called the meeting to order at 6:00 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 June 2021 via teleconference is held pursuant to notice having been submitted to The South Jersey Times, The Daily Journal, and The Press of Atlantic City on January 11, 2021 and also duly posted on the Township website.

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, Deputy Mayor Marvin Pierce, Jr., present and Mayor Benjamin Byrd, Sr., present.

MEMBERS ABSENT

Committeemen David Gonzalez and Mark K. Pierce, Sr.

ALSO PRESENT

Township Administrator Michael Burden, Charles Fiore, Marmero Law, LLC in place of Township Solicitor Al Marmero, Marmero Law, LLC and Township Clerk Linda M. Gonzales.

APPROVAL OF MINUTES

WORK SESSION ACTION MEETING MAY 5, 2021

REGULAR ACTION MEETING MAY 19, 2021

Mayor Byrd entertained a motion to table the Work Session Action minutes of May 5, 2021 and the Regular Action minutes of May 19, 2021 to the next regular scheduled meeting.

Deputy Mayor Marvin Pierce, Jr. moved to table both the Work Session minutes of May 5, 2021 and the Regular Action minutes of May 19, 2021 seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Deputy Mayor Marvin Pierce, Jr. and Mayor Benjamin Byrd, Sr., yes.

ORDINANCE FOR INTRODUCTION (FIRST READING)

None

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

None

REVIEW OF BILL LIST PROVIDED BY CFO

Mayor Byrd asked the Township Committee if they had any questions and or conflicts on the bill list provided by the Chief Financial Officer to please put them on the record.

Mayor Byrd and Committeeman Tommy Clark, Jr. entered into the record their conflict with regard to payable #00031 to South State, Inc.

There being no further questions and or conflicts, Mayor Byrd read Resolution No. 97 - 2021 and entertained a motion to adopt.

RESOLUTIONS

RESOLUTION NO. 97 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$579,854.08

Deputy Mayor Marvin Pierce, Jr. moved to adopt Resolution No. 97 - 2021 seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes, but abstain on payable 00031 to South State, Inc., Deputy Mayor Marvin Pierce, Jr., yes; and Mayor Benjamin Byrd, Sr., yes, but abstain on payable 00031 to South State, Inc.

RESOLUTION NO. 98 - 2021

A RESOLUTION FOR REFUND OF TAX OVERPAYMENT OF \$1,226.97 TO LERETA, LLC FOR BLOCK 31, LOT 38.03

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 98 - 2021 seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

RESOLUTION NO. 99 - 2021

A RESOLUTION APPROVING RENEWAL OF SOUTH STATE, INCORPORATED RESOURCE EXTRACTION PERMIT APPLICATION

Charles Fiore, Marmero Law, LLC standing in for Township Solicitor Al Marmero, Marmero Law, LLC indicated into the record that the three (3) committee members present at tonight's meeting constitutes a quorum, however Mayor Byrd works South State, Incorporated and the son of Committeeman Tommy Clark, Jr. is employed for South State, Incorporated of which a conflict exists and the Resolution cannot be passed at this time. He recommended that either the Township Committee may want to schedule a Special Meeting or table until the next scheduled meeting in order to have the proper amount of votes for the Resolution to be passed and adopted in this matter.

Mayor Byrd entertained a motion to table the renewal application for South State, Incorporated to the next scheduled meeting.

Committeeman Tommy Clark, Jr. moved to table Resolution No. 99 - 2021 seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

RESOLUTION NO. 100 - 2021

ADOPTION OF 2021 MUNICIPAL BUDGET

Mayor Byrd announced that the budget was introduced on March 17, 2021 and a Public Hearing was held on April 21, 2021. As indicated at both the introduction and public hearing, the budget is a zero tax increase. Mayor Byrd asked the Township Committee if they had any questions. There were none.

Being there were no questions, Mayor Byrd entertained a motion to adopt.

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 100 - 2021 seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

OLD BUSINESS

Committeeman Tommy Clark, Jr. had no Old Business to report.

Deputy Mayor Marvin Pierce, Jr. had no Old Business to report.

Mayor Benjamin Byrd, Sr. had no Old Business to report.

NEW BUSINESS

Committeeman Tommy Clark, Jr. had no Report Business to report.

Deputy Mayor Marvin Pierce, Jr. had no New Business to report.

Mayor Benjamin Byrd, Sr. had no New Business to report.

At this time, Mayor Byrd gave the floor under New Business to Howard Melincove, attorney representing South State, Incorporated.

Howard Melincove entered into the record and advised that he is the attorney for South State, Incorporated regarding the application that was presented to the Township Committee for the renewal of the license mining permit for South State operational on Reeves Road. He indicated as the Township Committee is aware, in 2016 this type of application is a two (2) step process, the first goes before the

Planning & Zoning Board for essential a technical review of the new mining plan and the second step after the Planning & Zoning Board is to come before the Township Committee for the actual issuance of the renewed permit. He advised that as he indicated in the materials that they had presented along with their application for the permit renewal before the Township Committee, they presented the proof of the fact that they appeared before the Planning & Zoning Board earlier this year and that the Planning & Zoning Board approved the new mining permit and was memorialized it by a Resolution of April 13, 2021 of which they have presented. He advised that is way they are here before the Township Committee.

Mr. Melincove indicated that if the Township Committee recalls the same thing happened under the new mining ordinance when South State, Incorporated appeared before both the Planning & Zoning Board and the Township Committee in 2016 and advised this a renewal that they will do every 5 years as required under the new mining ordinance.

Mr. Melincove advised that they do understand of course of the issue of conflicts of interest and that they do understand also that the Township Committee would need at least a minimum of a quorum for this to move forward and that he appreciates that was not available this evening. He advised that there were two (2) points that he wishes to make and not in the merit of the application but just an understanding how they will now proceed procedurally with this matter. He stated the first is that they do have all the materials in with the accordance with the mining ordinance and that is by the letter that they had received from the Township's Engineer, James Winckowski dated June 11, 2021 all of which is in front of the Township Committee. He stated that being said, they appreciate the fact obviously that you come up with no prejudice to the continuation of the mining operation by South State, Incorporated and that he just wanted to put this out on the record and that South State, Incorporated will continue with the mining operation even though this matter is now pending in front of the Township Committee. The second point that Mr. Melincove and something that the Township Committee would like to discuss is that it may be difficult to achieve for a quorum on this application because of a number of conflicts that we have experienced in the past with South State, Incorporated such as with Mayor Byrd of which he is not an employee of South State, Incorporated but rather an independent contractor who contracts services with South State, Incorporated and so at some future date perhaps at the next month's meeting date that will be held in July even if there are members that have conflicts, there may be coming a point in time where the Doctrine of Necessity will have to be invoked in order for there to be a quorum and allow this to move forward. Mr. Melincove advised that the Township's Solicitor can explain what the Doctrine is and that at some point and time even a member who has a conflict may be called upon to vote on this application simply because the applicant is entitled to action and a quorum.

Mayor Byrd advised Mr. Melincove that the Township Committee does understand the Doctrine of Necessity. He stated that the Township Committee had a couple of members who could not make tonight's meeting and that he is hoping that the members can make it to the meeting in July.

Mr. Melincove stated that South State, Incorporated certainly appreciates the fact that sometimes members are not able to attend a meeting and that is fine. He advised that he will continue to be in touch with the Township Clerk and with the Township Administrator to see where we are in the form of conflicts and a quorum so that we can move this matter along as rapidly as possible.

TOWNSHIP COMMITTEE REPORT / REMARKS

Deputy Mayor Marvin Pierce, Jr. gave thanks to everyone that attended tonight's meeting.

Committeeman Tommy Clark, Jr. echoed Deputy Mayor Marvin Pierce, Jr. remarks and to continue to be safe.

MAYOR'S REPORT / REMARKS

Mayor Byrd thanked everyone that attended tonight's meeting and to continue to be safe and that he also wanted to take a moment to thank the Township Committee for putting their work in. He stated that understands some of the members are not present tonight but that for the members that are present tonight he thanked them and for the work they put in another zero tax increase in the budget.

Mayor Byrd stated that for five (5) years in a row, Fairfield Township has been a zero tax increase which is unheard of in some municipalities and still being able to operate.

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. At the appropriate time, please state your name and address for the record.

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

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

Nancy Ridgeway, 582 Irving Avenue wishes everyone well. She thanked the Township Committee for finally approving the 2021 Municipal Budget so that the tax bills can go out in time and that she is really excited about it. She wished everyone a nice 4th of July and for everyone to stay safe.

Ms. Ridgeway also thanked Mayor Byrd for elegantly leading and handling the devastating situation that the Township had a few weeks ago.

There being no comments, Mayor Byrd entertained a motion to close Public Comment on Current Agenda Items & Non Agenda Items.

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

There was no need for an Executive Session.

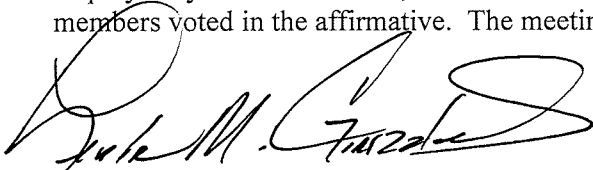
EXECUTIVE SESSION (IF NEEDED)

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

ADJOURNMENT

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

Deputy Mayor Marvin Pierce, Jr. moved and seconded by Committeeman Tommy Clark, Jr. All members voted in the affirmative. The meeting adjourned at 6:22 pm.



Linda M. Gonzales, RMC
Township Clerk