

FAIRFIELD TOWNSHIP COMMITTEE  
REGULAR ACTION MEETING  
VIA TELECONFERENCE  
JULY 21, 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 21st day of July 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, Committeeman Mark K. Pierce, Sr., present; Deputy Mayor Marvin Pierce, Jr., present and Mayor Benjamin Byrd, Sr., present.

MEMBER ABSENT

Committeeman David Gonzalez.

ALSO PRESENT

Township Administrator Michael Burden, Township Solicitor Al Marmero and Township Clerk Linda M. Gonzales.

APPROVAL OF MINUTES

WORK SESSION ACTION MEETING MAY 5, 2021

The Work Session Action minutes of May 5, 2021 were tabled to the next scheduled meeting.

REGULAR ACTION MEETING MAY 19, 2021

Committeeman Mark K. Pierce, Sr. moved to approve the Regular Action minutes of May 19, 2021 as written seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., abstained and Mayor Benjamin Byrd, Sr., yes.

REGULAR ACTION MEETING JUNE 16, 2021

Committeeman Tommy Clark, Jr. moved to approve the Regular Action minutes of June 16, 2021 as written seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., abstained; Deputy Mayor Marvin Pierce, Jr., yes 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 entered into the record his conflict on payable #00031 to South State, Incorporated. There being no questions and or other conflicts, Mayor Byrd read Resolution No. 101 - 2021 into the record and entertained a motion to adopt.

## RESOLUTIONS

### RESOLUTION NO. 101 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$398,817.69

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 101 - 2021 seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes, but abstained on payable #00031 for South State, Incorporated.

### RESOLUTION NO. 102 - 2021

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

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 102 - 2021 seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., abstained.

Mayor Byrd read the Consent Agenda into the record and asked the Township Committee if they had any questions. There were none. Mayor Byrd entertained a motion to adopt the Consent Agenda.

## CONSENT AGENDA

(RESOLUTION NO. 103 - 2021 THROUGH RESOLUTION NO. 109 - 2021)

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

### RESOLUTION NO. 103 - 2021

A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS N.J.S.A. 40A:4-87 / 2018 RECYCLING TONNAGE GRANT

### RESOLUTION NO. 104 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE ISSUANCE OF STREET OPENING PERMIT TO SOUTH JERSEY GAS COMPANY  
PERMIT NO. 13 - 2021 / INSTALLATION OF GAS MAIN / COLLETT DRIVE 40' TO 237' N OF THE C/L OF FAIRTON-MILLVILLE ROAD

### RESOLUTION NO. 105 - 2021

A RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR HAWTHORNE AVENUE, HIRES AVENUE AND MERCHANT STREET RECONSTRUCTION

### RESOLUTION NO. 106 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE RENEWAL OF A RETAIL LIQUOR LICENSE APPLICATION FOR INACTIVE LIQUOR LICENSE NO. 0605-33-001-005 PURSUANT TO SPECIAL RULING N.J.S.A. 33:1-12.39 TO BRACKISH, LLC FOR THE 2021 - 2022 AND 2022 - 2023 LICENSE TERMS

### RESOLUTION NO. 107 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY HIRING DEMITRIUS WILLIAMS AS PART TIME PUBLIC WORKS LABORER

### RESOLUTION NO. 108 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY ENDORSING APPLICATIONS FOR CATERING PERMITS / LA ESPERANZA MEXICAN RESTAURANT & BAR

### RESOLUTION NO. 109 - 2021

A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87 - NJDOT FY2021 MUNICIPAL AID GRANT - BUCK STREET, ELMER AVENUE AND CLARK STREET RECONSTRUCTION

On a motion by Deputy Mayor Marvin Pierce, Jr. moved to approve the above Resolutions by Consent Agenda seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman Mark K. Pierce, Sr., 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.

Committeeman Mark K. Pierce, Sr. 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 New Business to report.

Committeeman Mark K. Pierce, Sr. had no New Business to report.

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

TOWNSHIP COMMITTEE REPORT / REMARKS

Committeeman Tommy Clark, Jr. had no report to make at this time. He thanked everyone who joined our teleconference meeting and for everyone to stay safe.

Committeeman Mark K. Pierce, Sr. had no report to make at this time. He thanked everyone who tuned into tonight's teleconference and for everyone to stay safe and well.

Deputy Mayor Marvin Pierce, Jr. had no report to make at this time. He thanked everyone who took the time to join our teleconference meeting.

MAYOR'S REPORT / REMARKS

Mayor Byrd reported that he attended the Cumberland County Improvement Authority meeting and part of the discussion at the meeting was the idea that some of the members want to get high speed internet across the County in which he thought was a great idea. He indicated that during the meeting discussion, the members were going back and forth as to what direction to take.

Mayor Byrd thanked everyone who joined tonight's teleconference meeting and for everyone to stay safe as this pandemic is not over.

At this time, Howard Melincove thanked the Township Committee for the adoption of the Resolution for South State, Incorporated Resource Extraction Permit Renewal and wished everyone a happy summer.

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.

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

Nancy Ridgeway, 582 Irving Avenue thanked Mayor Byrd for attending the Cumberland County Utilities Authority meeting held last Thursday. She stated that the Mayor had mentioned that it was discussed for broadband and that she was wondering if the Township Committee believed that it is fair for the four (4) townships using the Cumberland County Utilities Authority to pay for broadband throughout the County and that the other thing that the Mayor did not mentioned was that there was a Resolution from table for the Cumberland County Utilities Authority to get monetization. She explained that it is a private company who wants to come in give the Utilities Authority a huge sum of money and that in return they would receive all of the revenue from the rate payer to make their interest rate as high as 12% for the money that they loan to the Utilities Authority.

Ms. Ridgeway asked if the Township Committee really believed that the residents of Fairfield Township would like to see a rate increase in their sewer bill and whether it was fair for Fairfield Township in part with Bridgeton, Upper Deerfield and Hopewell Township to pay for broadband throughout the whole County and that she would like to hear any discussion that the Township Committee would have on that matter.

Mayor Byrd stated first that he wanted to make it clear because Ms. Ridgeway stated that he did not tell the Township Committee about these issues. He advised that for one, the meeting that he had attended and the portion that he had was the selling or leasing of the CCUA was not discussed and from what he understood was that it was off the table. He advised that when he was there nobody said they were selling, none of the members said they were selling it to get money to pay for broadband. Secondly, he advised that Ms. Ridgeway had stated should the residents from these four (4) municipalities, did we think it was fair that those four (4) communities to pay for it. Mayor Byrd stated that if Ms. Ridgeway was at the meeting that he was at that according to the attorneys that were present and that they were jostling like he explained to the Township Committee, according to one attorney, the CCIA cannot use the funding that the residents from these (4) municipalities contributed to do broadband and he explained that is why he never mentioned it because it was stated at the meeting that we were sitting at that they cannot even use the broadband and that Ms. Ridgeway is asking the Township Committee if they think it was fair when you were sitting there when they stated that they could not use that money and if Ms. Ridgeway was sitting there at the meeting when he stood up and spoke that our municipality as well as the County deserves high speed internet broadband that he also stated because they put the matter on the table to table it for thirty (30) days. Mayor Byrd advised that when he stood up and spoke, that he asked the Committee that if when within those thirty (30) days could they look into other funding sources because they cannot use the money that the four (4) municipalities have been paying in and therefore, he did not want to mislead our Township Committee by bringing up these issues that you are basically asking the Township Committee about and that Ms. Ridgeway was not giving them the correct information.

Ms. Ridgeway response was that is why she asked the question. Mayor Byrd advised Ms. Ridgeway that she is asking them if it was fair that all four (4) communities to pay for it and you know that the attorney advised that they could not even use the money that the four (4) communities have put in. Ms. Ridgeway responded that right now they are looking into making a sub-division of the Utilities Authority so that they can collect money to use for the study to make plans for the broadband.

Mayor Byrd again advised Ms. Ridgeway that the attorney stated that they could not use none of the money for the study that came from the four (4) municipalities and that they postponed the whole conversation and it was tabled for thirty (30) days so that they can get legal clarification and he asked that Ms. Ridgeway to please not mislead this Board with misinformation.

Ms. Ridgeway stated there was a Resolution on the Agenda to stop the monetization at which she indicated that Mayor Byrd was not at the meetings held in May and June. Mayor Byrd advised Ms. Ridgeway that she made the statement that he did not bring it up because he was not at that meeting that the meeting that he did attend was the one he just talked about to the Board. He advised that they did not bring it up at the meeting he attended to sell or lease or do anything with the CCIA at that meeting.

Ms. Ridgeway stated there was a Resolution on the Agenda to remove the RFQ to go out for monetization which she advised that will be discussed again in August. Mayor Byrd advised Ms. Ridgeway that when she talks to the Committee to be fair to them. Ms. Ridgeway stated that she had hoped that when the Mayor mentioned it that he would discuss it with the Township Committee during a public meeting so that she could hear what the Mayor had to say from attending the meeting and not just that he attended the meeting.

Mayor Byrd advised that he cannot bring the Township Committee any information until the thirty (30) days are up in order to get clarification. Ms. Ridgeway asked if the Township Committee was even aware of the problems that are going on at the CCUA in the past three (3) months. Mayor Byrd's response was that he was not sure if they were aware. Ms. Ridgeway's response was that is what your Township Committee meetings are about to make the Committee members aware of what is going on that may be affecting Fairfield Township.

Mayor Byrd responded that nothing is affecting them right now because it has been suspended for thirty (30) days until they can seek clarification and in the thirty (30) days they did not say they were going to have a vote in thirty (30) days that were coming up and they postponed the meeting and that they could not use the residents money and they were going to postpone the meeting for thirty (30) days so at this point, Mayor Byrd stated that he has nothing to offer them because he does not have any legal language to tell the Township Committee.

Ms. Ridgeway suggested that they read the RFQ that will be opened at 2:00 pm at the next meeting in August and that they are expecting to award the RFQ at that meeting at 4:30 p.m. that evening.

Mayor Byrd asked if they are going to award to a company that is going to lease the CCIA out. Ms. Ridgeway indicated that it is in the RFQ that they put out. Mayor Byrd asked Ms. Ridgeway if that is what she is asking the Committee that they are going to lease out the CCIA at the next meeting when they open up the RFQ.

At this time, Committee Tommy Clark, Jr. entered into the record to advise Mayor Board that the speaker's time has exceeded her five (5) minutes.

Mayor Byrd asked if there was anyone else from the public that would like to discuss any Agenda Items or Non Agenda Items. There were none. Mayor Byrd entertained a motion to close Public Comment on Current Agenda Items & Non Agenda Items.

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

Mayor Byrd stated for the record he just wants to make it clear that the CCIA was looking into what he understood was that they were looking into leasing their business and they were going to generate some money from a private company and also that they were going to do certain things with the money in looking into the broadband from what he was told. He advised that they realized that they had \$17 million dollars just sitting there so therefore there was no need to lease the CCIA out to another company.

Mayor Byrd explained that when he went to this meeting that he briefly touched earlier during tonight's meeting that nobody brought it up about leasing it at that meeting again. He advised that it was explained that they found \$17 million dollars and that is when the back and forth conversation took place as he explained earlier between the two (2) attorneys. He advised that one attorney had stated that the \$17 million dollars came from the residents of the four (4) communities that contributed to the CCIA. The other attorney advised that they could not use any of the \$17 million dollars to do broadband high speed internet and further that they could not even use \$150,000.00 of the \$17 million dollars to do the research because the CCIA had brought it up about doing the research before they spent the money and that one attorney had advised that they could and the other attorney advised that they could not, so therefore they postponed it for thirty (30) days to do a research so they can find out between the two (2) attorneys who went back and forth and further explained that at this this point nothing is moving forward and nothing is going anywhere from what he understood and that is when he stood up and stated that it is still a good idea to have broadband or high speed internet because in some of our rural communities they are not able to get on the internet and that it really exposed itself during the pandemic as schools were shut down, kids who had no access to the internet could not get their school work done and that he just wanted to explain that part to the Township Committee as he does not want the Committee to be misled that he is not reporting to them with certain stuff because they can research it if they would like to and that he just wanted to make it clear that in the next thirty (30) days no action is supposed to be taken and that gives the Township Committee enough time to look into what Ms. Ridgeway was trying to bring to the table.

At this time, Mayor Byrd asked the Township Committee if they had questions and or concerns with this matter.

Committeeman Tommy Clark, Jr. stated that he just want to first clarify by saying that they are fully confident in what Mayor Byrd will bring to the Township Committee when it is time for briefing and that he does understand that at some meetings the Mayor is present and that the Township Committee is not, but that the Mayor does bring the Committee up to speed when the Mayor gets all the correct information and that he has no doubt about that. Committeeman Clark indicated that the Mayor has proven that he is looking in the best interest of the residents of the Township and further that any should any situation arise that the Mayor feels as though the Township will not benefit that the Mayor will be on it and will make sure that the Township is protected and that the Mayor has proven himself time after time that he does things and makes decisions and brings it back to the Township Committee and as a Committee they do the best that they can for the residents of the Township and in the best interest of the Township.

Committeeman Mark K. Pierce, Sr. indicated that he had no questions or concerns.

Deputy Mayor Marvin Pierce, Jr. indicated that he had no questions or concerns.

At this time, Nancy Ridgeway entered into the record stating it is not the CCIA, the Cumberland County Improvement Authority it is the CCUA, the Cumberland County Utilities Authority. Mayor Byrd advised Ms. Ridgeway that she is now interrupting the meeting by talking midway when they are trying to finish the meeting portion and that her public comments were made and closed during the Public Session.

There was no need for an Executive Session.

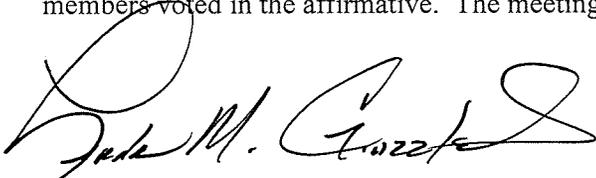
EXECUTIVE SESSION (IF NEEDED)

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.

Committeeman Mark K. Pierce, Sr. moved and seconded by Committeeman Tommy Clark, Jr. All members voted in the affirmative. The meeting adjourned at 6:37 p.m.

A handwritten signature in black ink, appearing to read "Linda M. Gonzales". The signature is fluid and cursive, with a large initial "L" and "G".

Linda M. Gonzales, RMC  
Township Clerk