

FAIRFIELD TOWNSHIP COMMITTEE
WORK SESSION ACTION MEETING
VIA TELECONFERENCE
OCTOBER 6, 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 6th day of October 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 provided by Committeeman Tommy Clark, Jr.

ROLL CALL

The roll call was recorded as follows:

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

ALSO PRESENT

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

Mayor Byrd asked the Township Committee if they had any questions on the Work Session Action minutes of August September 1, 2021. There were none. Mayor Byrd entertained a motion to adopt.

APPROVAL OF MINUTES

WORK SESSION ACTION MINUTES SEPTEMBER 1, 2021

Committeeman Mark K. Pierce, Sr. moved to approve the minutes as written seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr. yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

ORDINANCE FOR INTRODUCTION (FIRST READING)

None

ORDINANCE FOR PUBLIC HEARING (SECOND READING) (ONE)

Mayor Byrd read Ordinance No. 5 - 2021 into the record as follows:

ORDINANCE NO. 5 - 2021

CAPITAL ORDINANCE PROVIDING FOR VEHICLE IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE PURCHASE OF A SALTBOX FOR 2020 F-350 DUMP TRUCK AND BUILDING IMPROVEMENTS TO PUBLIC WORKS GARAGE AND APPROPRIATING TWENTY-TWO THOUSAND DOLLARS (\$22,000) THEREFORE

Committeeman Tommy Clark, Jr. moved to open Public Hearing on Ordinance No. 5 - 2021 seconded by Committeeman David Gonzalez. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

There being comments from the public, Mayor Byrd entertained a motion to close the Public Hearing on Ordinance No. 5 - 2021.

Committeeman Tommy Clark, Jr. moved to close the Public Hearing seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr.

Mayor Byrd entertained a motion to adopt Ordinance No. 5 - 2021 on final reading.

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

REVIEW OF BILL LISTS PROVIDED BY CFO

Mayor Byrd announced that there are two (2) Bills Lists, one being from the September 15, 2021 whereby there was no quorum to conduct said meeting and one (1) for tonight's meeting. Mayor Byrd asked the Township Committee if they had any questions or concerns on the bill lists provided by the Chief Financial Officer.

Mayor Byrd entered his conflict on payable #21-00602 to South State, Inc. on Resolution No. 129 - 2021. Deputy Mayor Marvin Pierce, Jr. entered his conflict on payables #21-00764 and #21-00763 to Fairfield Volunteer Fire Company No. 2 on Resolution No. 129 - 2021.

RESOLUTIONS

Mayor Byrd read Resolution No. 128 - 2021 into the record as follows:

RESOLUTION NO. 128 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$375,779.39

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 128 - 2021 seconded by Committeeman Tommy Clark, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

Mayor Byrd read Resolution No. 129 - 2021 into the record as follows:

RESOLUTION NO. 129 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$55,437.07

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 129 - 2021 seconded by Committeeman Mark K. Pierce, Sr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr. yes; Deputy Mayor Marvin Pierce, Jr., yes, but abstained on payables #21-00764 and #21-00763 both to Fairfield Volunteer Fire Company No. 2 and Mayor Benjamin Byrd, yes, but abstained on payable #21-00602 to South State, Incorporated.

Mayor Byrd read and explained Resolution No. 130 - 2021 into the record as follows:

RESOLUTION NO. 130 - 2021

A RESOLUTION OF APPOINTMENT PART TIME SENIOR CENTER FACILITIES ATTENDANT

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 130 - 2021 seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

Mayor Byrd read and explained Resolution No. 131 - 2021 into the record as follows:

RESOLUTION NO. 131 - 2021

A RESOLUTION OF COMPENSATION FOR EMERGENCY MANAGEMENT COORDINATOR DUTIES

Committeeman Tommy Clark, Jr. moved to adopt Resolution No. 131 - 2021 seconded by Deputy Mayor Marvin Pierce, Jr. Roll Call Vote: Committeeman Tommy Clark, Jr., yes; Committeeman David Gonzalez, yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

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

CONSENT AGENDA

(RESOLUTION NO. 132 - 2021 THROUGH RESOLUTION NO. 134 - 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. 132 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE ISSUANCE OF STREET OPENING PERMIT(S) TO SOUTH JERSEY GAS COMPANY PERMIT NO. 15 - 2021 / INSTALLATION OF GAS SERVICE / 21 WALDENS DRIVE (304' N C/L HARTZ DRIVE]

RESOLUTION NO. 133 - 2021

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

RESOLUTION NO. 134 - 2021

A RESOLUTION FOR REFUND OF TAX OVERPAYMENT OF \$1,340.64 TO WELLS FARGO FOR BLOCK 5, LOT 11.02

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

OLD BUSINESS

REPORT EVALUATING AND RECOMMENDING AWARD OF AN ENGINEERING SERVICE CONTRACT / MUNICIPAL BUILDING ADA COMPLIANCE PHASE 2 CDBG PROJECT #21-0322-00

Mayor Byrd announced that the Township received three (3) responses to the RFP for Engineering Services for the Municipal Building ADA Compliance Phase 2 CDBG Project #21-0322-00. The responses were scored by the Township Administrator using the scoring criteria included in the legal published notice. As a result of the scoring sheets, Consulting Municipal Engineers (CME) scored the highest as the top consulting firm for the project. The report will be made available to the public upon publication notifying the public that this report may be inspected at the office of the Township Clerk.

After polling the Township Committee as CME as their top consulting firm for the project, all Township Committee members voted in the affirmative to request a contract from Consulting Municipal Engineers (CME) with regard to DCA Project #21-0322-00. The award of contract will occur by resolution contingent upon funds in place for the Township Committee and its Solicitor to consider.

Mayor Byrd asked the Township Committee if they had any Old Business to report. There were none.

NEW BUSINESS

BRIEF PRESENTATION ON SEATBELT SAFETY

Mayor Byrd gave a brief presentation on Seatbelt Safety. The Township is a JIF Member whereby a requirement is that safety be placed on the agenda and is presented at least once during the year. A copy of the Seatbelt Safety was provided to the Township Committee for their view in order to receive credit on our safety program. Mayor Byrd asked the Township Committee if they had any questions. There were none.

TOWNSHIP COMMITTEE REPORT / REMARKS

Committeeman Tommy Clark, Jr. stated to continue to wear your face mask and for everyone to stay safe and thanked everyone who called in to join tonight's teleconference meeting.

Committeeman Mark K. Pierce, Sr. echoed the same remarks issued by Committeeman Tommy Clark, Jr.

Committeeman David Gonzalez thanked his fellow committeemen and the public on tonight's teleconference call and for everyone to stay safe and to wear your face mask when appropriate and needed.

Deputy Mayor Marvin Pierce, Jr. thanked everyone who may be on the phone for taking the time to tune in tonight's teleconference meeting.

MAYOR'S REPORT / REMARKS

Mayor echoed the same remarks issued by the Township Committee and too wear your seatbelt as safety as well.

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

There were no comments from the public. 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 David Gonzalez, yes; Committeeman Mark K. Pierce, Sr., yes; Deputy Mayor Marvin Pierce, Jr., yes and Mayor Benjamin Byrd, Sr., yes.

Mayor Byrd stated that before the Township Committee adjourns the meeting, he advised that in his packet, the Township received two (2) offers to purchase Township owned property. He advised that one of the properties is Block 13, Lot 11 offered for \$2,910.00. He advised that the minimum bid was \$2,900.00 at the time of the Land Sale. He asked the Township Committee if they approve on selling Block 13, Lot 11 in the amount of \$2,910.00. He indicated that the two (2) properties were in the Township Committee packets and not indicated on the Agenda. He advised that there was a second request offer that would be addressed after the first request is considered.

Deputy Mayor Marvin Pierce, Jr. stated that he had one question. He asked when this property was placed on the Land Sale.

Mayor Byrd advised that this property was on the last Public Land Sale in 2017. Mayor Byrd advised that this is the only way we are allowed to accept bids anyway, that they had to have been placed on the last Land Sale and advised that there was no bids received during the 2017 Public Land Sale.

Deputy Mayor Pierce, Jr. stated that he just wanted to make sure it was indicated on that Land Sale.

Deputy Mayor Pierce, Jr. stated that the other question he had was because it has been some time since the Land Sale and also because he is not familiar with the action legal side of that, he asked if we are allowed to auction land and how long can you do this just to make sure we are clear, is there a time frame until the next land sale goes up.

Mayor Byrd explained that it is really up to the Township Committee to do another Land Sale, but when you have a Land Sale, once the land is advertised and there were no bidder's that placed a bid, people can come to the Township and make an offer for the property at the minimum bid or offer more or offer less. He advised that it is up to the Township Committee to decide what they want to do, until we have another Land Sale, and then the process would continue that way.

Deputy Mayor Marvin Pierce, Jr. stated his question on the time frame as to how long if you don't have a Land Sale in ten (10) years is where he was getting at if that land is available just to make sure we are legal because it has been quite some time since the last Land Sale. He advised that he did not know if there was a certain period of time that after would it have to go to another Land Sale or is it open for people to make offers 3 to 5 years later.

Charles Fiore, partner of Marmero Law, LLC in place of Township Solicitor Albert K. Marmero stated that the question he has in order to give the appropriate answer, he asked are these pieces that are being purchased, are they contiguous to the property owner that is purchasing or it is a piece that would be unrelated to another parcel immediately next to it.

The Township Administrator advised not the people who live next to them are buying them.

Mr. Fiore stated based upon that and again, the law is a little gray in that particular area, but based upon the duration of 2017 Land Sale, he would recommend that the Township do another Land Sale. He stated that he knows it is crazy because the amount of money the Township is going to receive is nominal and the cost of advertising is very costly for a town, but unfortunately, we would have to go through that process since it's been so long.

Mr. Fiore stated that he believes the other Committee person brought up a good point. He advised there is no end line, it could be 4 years, 10 years, but he thinks that in order to be safe, the Township would have to go to another Land Sale unfortunately.

Mayor Byrd asked if what he is saying is there a law that states that after so many years that you have to do another Land Sale.

Mr. Fiore stated no, the law basically is that unless it would be a contiguous piece, you have to go out to a Land Sale because the person would have had to place a bid during the Land Sale. He stated once the Land Sale was concluded whatever time frame it was concluded, it may have been whatever the date and time if they did not bid on it, they would not be permitted to come in afterwards and bid on that piece, they would have had to bid on that Land Sale. Mr. Fiore stated that there is no statute that has a time frame that would extend it.

Mayor Byrd stated that he just wants to make sure that we are in compliance in what we are doing.

Mayor Byrd stated that when he discussed this with Township Solicitor Albert Marmero about a month ago or so, his answer was a little bit different than yours. Mayor Byrd advised that he was going to call Mr. Albert Marmero so that we all are on the same page.

Mr. Fiore suggested that for tonight that the Township Committee can table.

Mayor Byrd advised that the Township Committee will not move forward tonight and that we should table tonight because he wants to make sure we all are on the same page.

Mr. Fiore stated that he would make sure that he gets the Mayor and the Township Committee the accurate information for them.

Mayor Byrd stated with that being said, the Township Committee will circle back on this when they receive the accurate answer.

Committeeman Tommy Clark, Jr. recommended that maybe we need to update the list of the properties that were sold.

Township Clerk Linda M. Gonzales advised that the list has been updated. She advised that there are (22) properties that are available for sale that received no bids from the 2017 Public Land Sale.

Mr. Charles Fiore announced that they are in the process of getting the final judgement on one (1) of the foreclosures that they are doing In Rem Foreclosures that maybe we could add those to the list as well.

Deputy Mayor Marvin Pierce, Jr. stated that would be on a new list.

Mayor Byrd stated first we need to find out the information about our Land Sale because in speaking with Mr. Marmero, he stated that after the Township has had a Land Sale, if the public wanted to come and make an offer for the piece of property that has been already advertised and was not sold, that the Township could sell it and that we need to make sure that what we are doing is compliant, because of what Mr. Fiore just stated, we must find out because it is not what Mr. Marmero told us. Mr. Fiore advised that he would confront this and report back.

Mayor Byrd directed Township Administrator Michael Burden to contact Mr. Marmero tomorrow and to provide the Township Committee in writing regarding the Land Sale matter.

Mayor Byrd asked the Township Committee if they had any further questions or comments regarding this matter. There were none.

There was no need for an Executive Session.

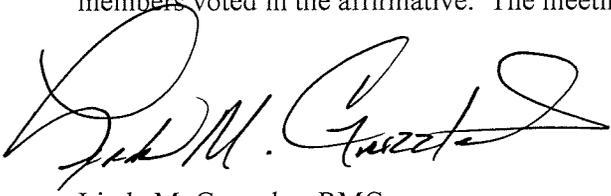
EXECUTIVE SESSION (IF NEEDED)

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.

Committeeman Mark K. Pierce, Sr. moved and seconded by Committeeman Tommy Clark, Jr. All members voted in the affirmative. The meeting adjourned at 6:33 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