

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION MEETING
VIA TELECONFERENCE
OCTOBER 20, 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 20th 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 given by Committeeman Mark K. Pierce, Sr.

ROLL CALL

The following 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, Mike Burns, Marmero Law, LLC in place of Township Solicitor Albert K. Marmero, Marmero Law, LLC and Township Clerk Linda M. Gonzales.

Mayor Byrd asked the Township Committee if they had any questions on the Work Session Action minutes of October 6, 2021. There were none. Mayor Byrd entertained a motion to adopt.

APPROVAL OF MINUTES

WORK SESSION ACTION MINUTES OCTOBER 6, 2021

Committeeman Mark K. Pierce, Sr., moved to approve the minutes of October 6, 2021 as written 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.

ORDINANCE FOR INTRODUCTION (FIRST READING)

None

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

NONE

REVIEW OF BILL LISTS PROVIDED BY CFO

Mayor Byrd read Resolution No. 135 - 2021 into the record asked the Township Committee if they had any questions or concerns on the bill lists provided by the Chief Financial Officer. There being none, Mayor Byrd entertained a motion to adopt Resolution No. 135 - 2021.

RESOLUTIONS

RESOLUTION NO. 135 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$1,141,673.49

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 135 - 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 Resolution No. 136 - 2021 into the record. He advised this property was listed on the Township's Public Land Sale held on July 19, 2017 whereby no bids were received. He asked the Township Committee if they had any questions.

There being none, Mayor Byrd entertained a motion to adopt.

RESOLUTION NO. 136 - 2021

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS BLOCK 13, LOT 11

Deputy Mayor Marvin Pierce, Jr. moved to adopt Resolution No. 136 - 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 and Mayor Benjamin Byrd, Sr., yes.

Mayor Byrd read Resolution No. 137 - 2021 into the record and also advised this property was listed on the Township's Public Land Sale held on July 19, 2017 whereby no bids were received. He asked the Township Committee if they had any questions. There being none, Mayor Byrd entertained a motion to adopt.

RESOLUTION NO. 137 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS BLOCK 18, LOT 33

Committeeman Mark K. Pierce, Sr. moved to adopt Resolution No. 137 - 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. 138 - 2021 THROUGH RESOLUTION NO. 141 - 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. 138 - 2021

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE ISSUANCE OF STREET OPENING PERMIT(S) TO SOUTH JERSEY GAS COMPANY PERMIT NO. 16 - 2021 / INSTALLATION OF GAS SERVICE / 3 COLLETT DRIVE [124' NW C/L OF FAIRTON-MILLVILLE ROAD]

RESOLUTION NO. 139 - 2021

A RESOLUTION FOR REFUND OF TAX OVERPAYMENT OF \$1,035.48 TO CORELOGIC FOR BLOCK 5.01, LOT 2

RESOLUTION NO. 140 - 2021

A RESOLUTION FOR REFUND OF TAX OVERPAYMENT OF \$1,102.69 TO CORELOGIC FOR BLOCK 27, LOT 30

RESOLUTION NO. 141 - 2021

A RESOLUTION FOR REFUND OF TAX OVERPAYMENT OF \$995.71 TO CORELOGIC FOR BLOCK 37, LOT 4

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

Mayor Byrd announced that at a previous meeting he had brought up under New Business that there was an interest made in the sale of Township property that was advertised on July 19, 2017 whereby no bids were received.

During the discussion, there were some concerns that came up as to whether those properties would have to be re-advertised. Mayor Byrd directed the Township Administrator to contact the Township Solicitor for clarification as it was his understanding with counsel that once a property is publicly advertised for sale and if there is no interest, the Township can engage in a sale of the property.

Mayor Byrd announced that they had received correspondence from the Township Solicitor and was advised by counsel that once a property is publicly advertised for sale, and if there was no interest, the

Township can engage in a direct sale of the property to an interested party, so the properties that an offer was made can be sold to the party who now expresses interest in purchasing the property.

There was no Old Business to report from the rest of the Township Committee.

NEW BUSINESS

None

TOWNSHIP COMMITTEE REPORT / REMARKS

Committeeman Tommy Clark, Jr. thanked everyone who joined tonight's teleconference meeting and to continue wearing your face mask whenever possible.

Committeeman David Gonzalez echoed same remarks as Committeeman Clark. He thanked everyone who joined who took time from their busy schedule and invest in their time in our Township and for everyone to stay safe and still maintain vigilance in this pandemic by social distancing and wearing your facemasks when necessary.

Committeeman Mark K. Pierce, Sr. thanked everyone for joining in and taking an interest in what is going on in our Township.

Deputy Marvin Pierce, Jr. reiterated the same remarks as his fellow Committeemen and thanked everyone for joining our teleconference.

MAYOR'S REPORT / REMARKS

Mayor Byrd thanked everyone for taking their time out on their busy schedule to join our teleconference meeting and to continue the guidelines of the CDC. He reported that in watching the news regarding the docked trailers at the ports to be mindful in that so that you are not caught off guard in food and supplies.

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

Janice Fisher, Friends of Animals United New Jersey spoke in her capacity as an Animal Welfare Advocate in the State of New Jersey. She stated that she works with animal friendly legislation throughout the State of New Jersey and in particular she was involved in crafting the proper shelter and tethering law. She advised that she was speaking about an incident that occurred to one of our local residents and wanted to mention that her organization has received numerous calls of concern of the welfare of dogs and puppies, particularly the sheltering of these animals situated at 1430 Bridgeton-Millville Pike. She advised that the latest call that she received was from Ms. Darlene Reed regarding an attack by the dogs on her elderly cat on her yard. She advised that Ms. Reed tried to call into tonight's teleconference meeting, but that her phone does not have free minutes and she would have been charged per minute to make this call and that she was pretty upset. Ms. Fisher stated that Ms. Reed was in her own yard and for the third time in a row, 2 dogs came into her property and they attacked her cat and that while they attacked her cat, she tried to protect herself and the cat and that she was scratched and has a bad bruise and an infection in her eye and she felled to the ground and hit her head. She reported that Ms. Reed's cat has punctured wounds and broken teeth and she had to take the cat to the veterinarian and that Ms. Reed spent a half day at the hospital requiring a Cat Scan and X-ray's. Ms. Fisher reported that Ms. Reed is 73 years old and has lived in our community for 35 years and that she also did try to reach out to the Mayor today. Ms. Fisher stated that Ms. Reed called the State Police and that her point is that according to the contracted Animal Control Officer, these dogs have been loose from the 1430 Bridgeton-Millville Pike property numerous times and that her question is and that she knows the Township Committee does not have answer now but that she is hoping that they think about this in light of what has happened, what would the Township do to implore to the best of their ability that Ms. Reed, a 73 year old woman, a resident of the Township for 35 years will be able to have quiet and enjoyment on her property and not fear an attack from these dogs and her pets or on herself. Ms. Fisher stated that she knows that the dogs breed and that they are high predatory dogs and that it is not the dog's fault that they are loose

and they attack, that it is the owner's fault and that she did not know if dogs at large summonses have been issued, and if they have, it has not been a deterrent to keep these dogs off of other people's property.

Ms. Fisher stated that she did not know the owner nor does she have an axe to grind with him and that she only knows the work that she does in New Jersey and that she does know that Companion Animals of New Jersey are commonly protected by Ordinances against vicious attacks by other dogs and as she stated before, people have a right to quiet and enjoyment of their property. She stated the property at 1430 Bridgeton-Millville Pike has many dogs on the property including litters of puppies and stated that this has been documented recently by the Cumberland County Sheriff's Office and that she believes it is time to take this matter seriously and finally that Ms. Reed and her pet suffered injuries and that it is only a matter of time she believes it is logical to understand that any of those unvaccinated dogs that are unvaccinated to rabies if the dogs are loose and contact rabies by a rabid animal and they bite a resident that the Township better believe there is going to be a lawsuit against the municipality and that this has happened across the country.

Ms. Fisher stated that she was calling in on behalf of Ms. Reed and that Ms. Reed is hoping to have a meeting with the Mayor. Ms. Fisher stated that today she gave the Township Clerk Ms. Reed's phone number and that she is hoping that there is something that the Mayor will do regarding this situation.

Mayor Byrd stated that this is his first time hearing about this and that he knows the Township has Ordinances and we also have Animal Control Officers. He stated that he himself had to take a resident to court about a dog and the person that he took to court was found guilty of the charges. Mayor Byrd stated surely everyone in our township should enjoy their peace. Mayor Byrd stated that he would like to do is look into this matter a little further and ensure that our Animal Control Officers are aware of what is going on. He advised that he did not know if Animal Control was aware but as Ms. Fisher stated that Ms. Reed was attack and no charges have been made.

Ms. Fisher stated that Animal Control Officers are 100% aware and they have been out to the property.

Mayor Byrd stated to Ms. Fisher when you asked what are the intentions of the Township, our intentions are to make sure the rules of the law are being followed and they will be reaching out to Animal Control to see what the situation is and what steps they are taking.

Ms. Fisher stated that she believes our Animal Control has issued some summonses for the dogs running at large, but that it did not seem to make a difference and that she is sure that Animal Control can give the Township the data on how many times these dogs have been loose, but that at this point in time, if this dog attacks another animal that she did not know why the dog would not be considered vicious and that there are other measures that can be taken so that the dogs could be contained in their own property.

Mayor Byrd stated to Ms. Fisher if you say that you left the phone number with the Township Clerk today, then the best that he can do right now is to look into this and get back to her.

Terry Peifer, Founder of Companion Animal Advocates stated that she wanted to follow up on this but in a different way. She stated that she knows the Township is aware that they have a Kennel Ordinance and that the 1430 Bridgeton-Millville Pike property has in its location and that it does not matter how many properties it has, it is an establishment and that they are selling and breeding dogs. She stated that the property owner is selling the puppies for \$350.00 each and that the property owner does not have a kennel license.

Ms. Peifer stated that since August 1, 2021, either the Sheriff's Office or State Police have had to make trips out to this property (10) ten plus times on a variety of animal cruelty violations from improper shelters, confinement issues, dog bites and no adequate water. She stated that the property owner was issued a Notice of Violation for improper shelter and lack of necessary care by the Sheriff's Office. She stated that the Township sent the property owner a letter indicating that they could not have a kennel on their property because it is not zoned and gave the property owner until September 12, 2021 to apply for a variance and the property owner has not applied for the variance and that the Township has done nothing about it.

Ms. Peifer reported that there was a Notice of Order to stop construction on the property. She advised that this month, the State Police were going to give the property owner a ten (10) Day Warning that they had to apply for a kennel license because the Township Administrator told her that the Township did not have a Police Department and that she should contact the State Police to enforce the Township Ordinances. She stated why having the State Police to enforce the Township ordinances is beyond her understanding, however she did contact the State Police and the State Police was going to issue the property owner a Warning.

Ms. Peifer stated the property owner has been issued summonses for not licensing their dogs for multiple years and for the dogs running at large and that as you can see, this property owner does not adhere to the law or respect them.

She reported that the Township Administrator went to the property and stated that the kennel closures were taken down and that there was only one dog left, a Husky dog. She stated after the Township Administrator's visit, both the Husky and its enclosure buddy were seen and spotted with pictures running at large a few times. She stated shortly after the Township Administrator's visit and statement, the Sheriff's Office were back on the property as a follow up on their Notice of Violation and clearly on their bodycam, not only were all the dogs there, the kennels were exactly the same as they were and that the Township Administrator was advised about this. Ms. Peifer asked if the Township Administrator has gone back out after given this credible information that the bodycams on the Sheriff's Office contradicted his statement.

Mayor Byrd stated that the Township Committee cannot answer her questions right now because they were just told about this and that the Township will look into it and that if she leaves a letter with the Township Clerk that the Township will circle back to her and that at this point this is all we can do.

Melissa Williams reported a situation at the Fordville Cemetery where her family members are buried. She stated that on September 26, 2021, someone decided to put a gate at the cemetery and they literally destroyed the cemetery and took all of her love ones belonging off of their grave sites without the family given notice. She stated that she tried reaching out to the Mayor and other board members and other people to get some answers. She stated this cemetery is not a cemetery where you cannot place flowers, decorations or anything on the grave sites. She stated that the cemetery caretaker took all the belongings off of the grave sites and placed them in a trash container.

Mayor Byrd stated that the cemetery is not under the Township's control. He stated that he has heard complaints about the same thing and that when he looked into the matter, that there are signs posted about certain things that you are not supposed to put on the grave sites.

He advised that he was told that the caretakers started enforcing the rules more because people were leaving so much stuff and nobody would pick them up and also someone took a van and drove over some of the headstones and that there was so much debris and trash and that once the balloons deflated they are left there scattered in the cemetery and other things and that it got to be too much for the caretakers to handle, therefore the cemetery had to enforce the rules.

Ms. Williams reported that the caretakers do not keep the cemetery well kept.

Mayor Byrd advised Ms. Williams that the best thing for her to do was to contact the church/cemetery as the Township does not govern the cemetery.

Kamaya Scott echoed the same remarks made by Ms. Williams and that she understands that there is a sign at the cemetery; however the sign does not fully apply to everyone. She stated that the sign did indicate certain things would be removed within a week. She advised that her son's father passed away and it had not even been a week when his belongings were removed and that they were never notified and that the community should be notified. She advised that her grandmother has been buried at the cemetery for 25 years and nobody complained until recently whereby there was some gang activity going on at the cemetery.

Mayor Byrd stated that he does not want to speak too much for the people that is in charge of the Fordville Cemetery who controls it and that is why he suggested to Ms. Williams to contact the caretakers at the cemetery because the Township does not make the rules there and that he understands what Ms. Scott and Ms. Williams are reporting.

Ms. Scott reported that she went to the cemetery to speak with the caretaker in regards to this situation and that this person was very nasty towards her and that he basically walked away and locked the gate and got into his vehicle and left.

Mayor Byrd asked Ms. Scott what was the caretaker's response regarding the removed items. She stated that he said because the signs and she told him about her grandmother and that for 25 years nobody had a problem until now of all a sudden because of the gang activity that the love ones have to be reprimanded.

Mayor Byrd stated that because of some of the things that were going on at the cemetery caused the caretakers to start enforcing the rules because it was getting so far out of control that they did not know what more to do and this is what was explained to him. He stated it is unfortunate, but sometimes all it takes is a small group of people to mess it up for everyone and hopefully when things calm down maybe some things might be able to change.

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 Deputy Mayor Marvin Pierce, Jr. to adjourn the meeting. All members voted in the affirmative. The meeting adjourned at 6:39 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