

AGENDA
FAIRFIELD TOWNSHIP COMMITTEE
WORK SESSION ACTION MEETING
VIA TELECONFERENCE
MAY 4, 2022

CALL TO ORDER

Mayor Tommy Clark, Jr. called the meeting to order at 6:00 p.m.

Mayor Clark 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 ensure 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 4th day of May 2022 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 10, 2022 and duly posted on the Township website.

SALUTE TO THE FLAG / MOMENT OF PRAYER

Mayor Clark led the flag salute and gave a moment of prayer.

ROLL CALL

Committeeman Stephen M. Bateman, present; Deputy Mayor Benjamin Byrd, Sr., present; Committeeman David Gonzalez, present; Committeeman Mike Peterson, present and Mayor Tommy Clark, Jr., present.

ALSO PRESENT

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

Mayor Clark asked the Township Committee if they had any questions on the minutes of the Regular Action Meeting of April 20, 2022. There were none. Mayor Clark entertained a motion to approve the minutes.

APPROVAL OF MINUTES

REGULAR ACTION MEETING APRIL 20, 2022

Committeeman David Gonzalez moved to approve the minutes of April 20, 2022 as written seconded by Deputy Mayor Benjamin Byrd, Sr. Roll Call Vote: Committeeman Bateman, yes; Deputy Mayor Byrd, yes; Committeeman Gonzalez, yes; Committeeman Peterson, yes and Mayor Clark, abstained.

ORDINANCE FOR INTRODUCTION (FIRST READING)

None

ORDINANCE FOR PUBLIC HEARING (SECOND READING)

None

REVIEW OF BILL LIST PROVIDED BY CFO

Mayor Clark asked the Township Committee if they had any questions and or conflicts on the Bill List provided by the Chief Financial Officer.

Deputy Mayor Benjamin Byrd, Sr. entered the record his conflict with payable #00189 to Pierce Towing & Auto Service. There being no further questions and or conflicts, Mayor Clark entertained read Resolution No. 84 - 2022 into the record and entertained a motion to adopt.

RESOLUTION

RESOLUTION NO. 84 - 2022

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$962,196.70

Deputy Mayor Benjamin Byrd, Sr. moved to adopt Resolution No. 84 - 2022 seconded by Committeeman David Gonzalez. Roll Call Vote: Committeeman Bateman, yes; Deputy Mayor Byrd, yes, but abstained on payable #00189 to Pierce Towing & Auto Service; Committeeman Gonzalez, yes; Committeeman Peterson, yes and Mayor Clark, yes.

Mayor Clark read the Consent Agenda into the record and asked the Township Committee if they had any

questions and or concerns. Deputy Mayor Benjamin Byrd, Sr. entered his conflict on Resolution No. 91 - 2022. There being no further questions or conflicts, Mayor Clark entertained a motion to adopt the Consent Agenda

CONSENT AGENDA

(RESOLUTION NO. 85 - 2022 THROUGH RESOLUTION NO. 93 - 2022)

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. 85 - 2022

A RESOLUTION OF SUPPORT FROM FAIRFIELD TOWNSHIP AUTHORIZING THE SUSTAINABLE JERSEY 2022 ENVIRONMENTAL DEFENSE FUNDS (EDF) CLIMATE CORPS PROGRAM APPLICATION

RESOLUTION NO. 86 - 2022

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, AUTHORIZING THE INSTITUTION OF AN *IN REM* TAX FORECLOSURE

RESOLUTION NO. 87 - 2022

A RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS NJSA 40A:4-87 AMERICAN RESCUE PLAN ACT OF 2021 / CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS

RESOLUTION NO. 88 - 2022

A RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS NJSA 40A:4-87 NJDOT FY2022 MUNICIPAL AID GRANT / RECONSTRUCTION OF HAWTHORNE AVENUE, HIRES AVENUE AND MERCHANT STREET

RESOLUTION NO. 89 - 2022

A RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS NJSA 40A:4-87 NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS / SMALL CITIES CDBG FOR ADA COMPLIANCE TO THE MUNICIPAL BUILDING

RESOLUTION NO. 90 - 2022

A RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATIONS NJSA 40A:4-87 NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS / SMALL CITIES CDBG FOR HOUSING REHABILITATION

RESOLUTION NO. 91 - 2022

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS BLOCK 30, LOT 10

RESOLUTION NO. 92 - 2022

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS BLOCK 19, LOT 35

RESOLUTION NO. 93 - 2022

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT OF SALE FOR PROPERTY KNOWN AS BLOCK 14, LOT 19

On a motion by Committeeman Stephen M. Bateman to approve the above Resolutions by Consent Agenda seconded by Committeeman David Gonzalez. Roll Call Vote: Committeeman Bateman, yes; Deputy Mayor Byrd, yes but abstained on Resolution No. 91 - 2022; Committeeman Gonzalez, yes; Committeeman Peterson, yes and Mayor Clark, yes.

OLD BUSINESS

PLANET NETWORKS, RIGHT-OF-WAY USE AGREEMENT

Township Solicitor Albert K. Marmero spoke on behalf of the request from Planet Networks, Right of Way Use Agreement. He advised the Committee as they may recall in 2021 or early 2022, a Planet Networks representative appeared before the Township Committee with a request to use the availability of the Township's R-O-W, the same request that Planet Networks have made to other municipalities as well. He stated that one of the things the representative of Planet Networks who came before the Township Committee clarified at the meeting that this is not any kind of 5G technology, that it is simply an expansion of internet services, so what they are looking to do is bury and apply some fiber optic cables either underground or on existing utility poles. He explained what Planet Networks provided was a draft

access agreement. Solicitor Marmero explained what his office did was provide a revised version that would protect the Township. He explained that according to Federal Law, the Township has too grant Planet Network access that they are seeking, however, the Township is allowed to add certain protections and benefits for the Township. He explained that his office added language in the access agreement that states any kind of access that Planet Networks wants, that they must get approved by the Township Committee. He advised that there is a 30-day period that they must submit plans and indicate what it is that they are planning on doing. The Township would get to look at them, the construction office, his office and anyone else who would like to review them . Planet Networks would need to get all proper permits and approvals and of course if they do get those permits and approvals, then they can make the installations that they are seeking.

Also, Solicitor Marmero stated that his office added language where the Township Committee can invoice Planet Networks for any costs that they have incurred, and those costs can for Professional fees where if they submit plans to install some fiber optic cables, the Township can have their Engineers to look at them and well as his office and that those costs would be passed on to Planet Networks.

He also explained that if there are any kind of meetings, teleconference meetings to discuss the access, those costs would be passed on to Planet Networks and of course any review of a document or plans, those charges would be passed on to Planet Networks as well. He advised that the law does allow for these costs, however, the law does not allow the Township to make any revenue from this but does allow the Township to pass the actual costs on to Planet Networks. Solicitor Marmero advised that this was added to the Agreement and made it clear that anything that Planet Networks wants to do has to be reviewed and approved by the Township Committee. Solicitor Marmero explained that at the time Planet Networks submitted their request, it was a blanket agreement where they install fiber optics on any of the Township's Right-of-Ways essentially at any time, and the revised agreement from his office essentially controls the process and puts the Township in the driver's seat which would allow any costs to be passed on to Planet Networks.

Solicitor Marmero asked the Township Committee if they had any questions that he would certainly address them now or if they prefer to digest this and look at it further and ask questions at a later time that we could certainly do that as well. He advised that ultimately what we would do, if this Agreement meets the Township Committee's need, we would have a Resolution for approval for the Agreement at some time in the future and also share it with Planet Networks because they have not seen the revised Agreement and make sure it works for them.

Mayor Clark thanked Solicitor Marmero and asked the Township Committee if they had any questions for the Solicitor. There were none.

NEW BUSINESS

None

COMMITTEE REPORTS / REMARKS

Committeeman Stephen M. Bateman had no report or remarks to make at this time.

Deputy Mayor Benjamin Byrd, Sr. thanked everyone for attending tonight's teleconference meeting to continue to stay safe as it seems COVID-19 cases are on the rise again.

Committeeman David Gonzalez stated that he had a couple things to report and that one is that he wanted to publicly announce to the Township that he decided not to run for re-election this year therefore you will not see his name on the ballot. He gave thanks to the public and the residents of the Township for all their support during his tenure. He gave thanks to the Township Committee and that it has been a pleasure working with them. He praised the professionalism of the Township Committee and their dedication to the township and that he also wanted to thank the staff of our township. Committeeman Gonzalez stated that the township employs a great bunch of people who are dedicated to the public and that he looks forward to finishing out his term this year and again thanked the public at large.

Committee Gonzalez stated that he wanted to also announce on a commission called the AIR Commission that will affect veterans that receive services from the Veterans Administration in our state and other states as well. As a disabled veteran himself, he receives VA services and that he wants the community to be aware of this commission. He explained that the AIR Commission is a political commission that was assembled by the former President of the United States Donald Trump. The assembled commission will shut down some of the veteran's hospitals around the states to privatized them. He stated that this commission is not good for our veterans who have served graciously for our armed services.

Committeeman Mike Peterson thanked Committeeman Gonzalez for his services to the community and also as a fellow veteran and that he really appreciates the information that he just passed on to our

community and gave thanks for everything that he has done and that he looks forward to seeing him and wished him good luck as he goes forward.

MAYOR'S REPORT / REMARKS

Mayor Clark echoed the same remarks issued by Committeeman Gonzalez and Committeeman Peterson.

Mayor Clark thanked both Committeemen Gonzalez and Peterson for their services to our country. He stated that it was a pleasure working Committeeman Gonzalez on this Committee and that Committeeman Gonzalez has a worth of knowledge and that he appreciates all of his knowledge that he has brought to this Committee and making the Committee aware of issues that the Committee may not have known about.

Mayor Clark stated that Committeeman Gonzalez has been very instrumental in the community and that he hopes that one day he will see him back on the Committee.

Mayor Clark read Public Comment on Current Agenda Items & 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. At the appropriate time, please state your name and address for the record.

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

Deputy Mayor Benjamin Byrd, Sr. moved and seconded by Committeeman Mike Peterson. Roll Call Vote: Committeeman Bateman, yes; Deputy Mayor Byrd, yes; Committeeman Gonzalez, yes; Committeeman Peterson, yes and Mayor Clark, yes.

Bridget Borlak, 20 Starkey Lane reported numerous concerns that she has with a business that is not far from her residence. The business is El Pueblito Restaurant situated at 142 Fairton-Cedarville Road. She indicated the business is located approximately one football field length from her home. She indicated that that she has been a Fairfield Township resident for over 10 years and has experienced very little difficulty since moving into the community and unfortunately that has changed in the last year. She indicated that the changed emits from El Pueblito business and their lack of concern for disturbing their neighbor.

Ms. Borlak reported that she has contacted both the Code Enforcement Officer and the Township Administrator about her concerns regarding the level of noise coming from the business at hours far beyond those designated as acceptable in Chapter 326 of the General Legislation of Fairfield Township.

She stated that El Pueblito has continuously over exceeded the maximum permissible sound levels on several occasions, most notably on August 14th, August 21st, September 18th and September 20, 2021. She reported that these violations have been documented through recordings and registered complaints with the State Police. She also stated that she see's violations physically happen outside municipal offices hours and that it is understandable that the Township may be unaware that they are occurring. She explained that her purpose for speaking tonight is to bring to the governing bodies attention of the repeated violations and to clearly indicate that these violations have encroached upon her family's quality of life.

Ms. Borlak indicated that she had spoken with both the Code Enforcement and Township Administrator about her concerns. The Township Administrator had assured her that he had spoken with the owners of the restaurant that this type of behavior would desist. She advised that she can assure the Township that these violations have not desist and the noise continues. She advised that she had sent an email to the Administrator on October 23, 2021 at midnight to advise him that she was unable to sleep due to the noise being generated from the restaurant and also that she registered the complaint with the State Police about the noise. She also reported that she had contacted the Code Enforcement Officer and the Township Administrator to look at the restaurant's property where the restaurant has constructed fencing seemly done without permits.

Ms. Borlak stated that the Township Administrator returned her call on February 16, 2022 stating that the work that was done at the property required no permit. She also reported that there are several dogs behind the restaurant's property who have escaped from their enclosure and that she has video evidence where the dogs pursued her while she was out for a walk and the same with the dogs roaming on her

property with no supervision.

Ms. Borlak reported that on November 28, 2021, she contacted 9-1-1 to report a fire at the restaurant's property and that the fire department responded in a timely manner and that the fire department did not report to her what caused the fire. She advised that to the best of her knowledge, it seems someone on the property was perhaps trying to burn trash and a surrounding brush and tree caught on fire.

She reported that it had been brought to her attention, that the restaurant intends to hold celebrations over the course of the next four days and according to the restaurant's advertisement on social media, the celebrations begin on May 5th as a celebration of the restaurant's anniversary with a DJ. The celebrations are to from 8:00 pm to midnight.

Mayor Clark thanked Ms. Borlak's very detailed report . He advised Ms. Borlak that he will continue to follow up with the Township Administrator as it appears that both have continued to have dialogue on this matter. Mayor Clark advised her that he will need to find out what is the Township's next course of action that the Township can do on their part legally and also to work with the State Police and to continue follow up's on some kind of resolution.

There being no further comments, Mayor Clark entertained a motion to close Public Comment on Current Agenda and Non-Agenda Items.

Deputy Mayor Benjamin Byrd, Sr. moved and seconded by Committeeman Stephen M. Bateman. Roll Call Vote: Committeeman Bateman, yes; Deputy Mayor Byrd, yes; Committeeman Gonzalez, yes; Committeeman Peterson, yes and Mayor Clark, 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 Clark entertained a motion to adjourn the meeting.

Deputy Mayor Benjamin Byrd, Sr. moved and seconded by Committeeman Mike Peterson. All members voted in the affirmative. The meeting adjourned at 6:29 p.m.



Linda M. Gonzales, RMC
Township Clerk