

FAIRFIELD TOWNSHIP COMMITTEE
REGUAR ACTION MEETING
APRIL 21, 2015

CALL TO ORDER

Mayor Byrd called the meeting to order at 7:00 p.m.

OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Byrd read the following OPMA Statement into the record:

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 21st day of April, 2015 at the Fairfield Municipal Building in Fairton New Jersey is held pursuant to notice of date, time and place of same having been submitted to South Jersey Times, The Daily Journal, and The Press of Atlantic City and also duly posted on the bulletin board in the lobby of the Township Hall.

SALUTE TO THE FLAG / MOMENT OF PRAYER

Mayor Byrd led the flag salute followed by a moment of prayer given by Committeeman Clark.

ROLL CALL

Committeeman Clark, Committeeman Morton, Deputy Mayor Pitts, Committeewoman Servais and Mayor Byrd.

APPROVAL OF MINUTES:

REGULAR ACTION MEETING MARCH 17, 2015

CLOSED SESSION MEETING MARCH 17, 2015

Committeewoman Servais moved to approve the Regular and Closed Session Minutes of March 17, 2015 as written seconded by Deputy Mayor Pitts. All members voted in the affirmative.

REVIEW OF BILL LIST PROVIDED BY CFO

Deputy Mayor Pitts made inquiry and Committeewoman Servais questioned the bills submitted for payment from Siciliano for charging to prepare an annual report and to swear in a Planning/Zoning Member into office. Mayor Byrd indicated that he would have the Township Administrator reach out to Siciliano.

PUBLIC HEARING OF 2015 MUNICIPAL BUDGET

Mayor Byrd asked for a motion to open the public hearing for the 2015 Municipal Budget. Deputy Mayor Pitts moved seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

There were no comments. Mayor Byrd asked for a motion to close the public hearing. Deputy Mayor Pitts moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 87 - 2015

ADOPTION OF 2015 MUNICIPAL BUDGET

Deputy Mayor Pitts moved to adopt Resolution No. 87 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

PUBLIC COMMENT ON CURRENT AGENDA ITEMS ONLY

Mayor Byrd asked for a motion to open the meeting to the public on current agenda items only. Deputy Mayor Pitts moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Chief Harris, Gouldtown Volunteer Fire Company came forward and indicated that the allotment for the Fire Company was not indicated on tonight's bill list or at the last meeting.

Neil Young, Township Chief Financial Officer explained that we are here for the budget to be adopted so that the full funds are available to pay your bills.

He explained that at the beginning of the year, were allocated 26.25% of the budget to be spent, and the Township does not get the rest of it until the budget is adopted. Mr. Neil indicated the budget has passed tonight; at the next meeting we will be able to process your allotment. Mr. Neil explained to Chief Harris that he was allotted \$45,000.00 and the Township gave you \$11,250.00 and we cannot give the Fire Company the rest of the \$11,250.00 until the budget is adopted.

There being no further comments, Mayor Byrd requested a motion to close the meeting to the public. Deputy Mayor Pitts moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTIONS

RESOLUTION NO. 88 - 2015

A RESOLUTION AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$29,988.83

Deputy Mayor Pitts moved to adopt Resolution No. 88 - 2015 minus the bills for Siciliano seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 89 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPROVING THE BLUE LIGHT PERMIT APPLICATION FOR ALBERT JONES PERMIT NO. BLV-036003

Committeewoman Servais moved to adopt Resolution No. 89 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 90 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE ISSUANCE OF STREET OPENING PERMIT TO SOUTH JERSEY GAS COMPANY PERMIT NO. 1 - 2015 / 3 COPIN DRIVE - INSTALLATION OF GAS SERVICE

Deputy Mayor Pitts moved to adopt Resolution No. 90 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

ORDINANCES FOR INTRODUCTION (FIRST READING)

Mayor Byrd read Ordinance 6 - 2015 into the record:

ORDINANCE NO. 6 - 2015

AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY, STATE OF NEW JERSEY REVISING LAND MINING, EARTH, AND RESOURCE EXTRACTION OPERATIONS ARTICLE I SECTION 13-8-1 THROUGH SECTION 13-8-15

Committeewoman Servais indicated that this Ordinance was just received and there has been no time to review or discuss this ordinance. Said ordinance apparently went to the Planning/Zoning Board and she indicated that she does not recall the Township Committee discussing this matter to be referred to the Planning/Zoning Board. Committeewoman Servais also indicated that a couple members on the Township Committee who serve on the Planning/Zoning Board should not have partaken in voting.

Mayor Byrd asked each Township Committee if they also had just received the ordinance and they all responded affirmative. At this time, Mayor Byrd asked for a motion to table introduction for the next meeting. Deputy Mayor Pitts moved to table for the next meeting seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd read Ordinance No. 7 - 2015 into the record:

ORDINANCE NO. 7 - 2015

AN ORDINANCE TO AFFIRM THE TOWNSHIP OF FAIRFIELD'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL TOWNSHIP OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS AND AFFILIATED INDEPENDENT CONTRACTORS WORKING WITH THE TOWNSHIP OF FAIRFIELD

Mayor Byrd asked for a motion to introduce Ordinance No. 7 - 2015. Deputy Mayor Pitts moved seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, yes and Mayor Byrd, yes.

ORDINANCES FOR PUBLIC HEARING (SECOND READING) - NONE

NEW BUSINESS

DISCUSSION PROCURING SERVICE TO CONTRACT WITH PHOENIX ADVISORS TO BE THE TOWNSHIP'S CONTINUING DISCLOSURE AGENT ON ALL BOND ISSUES [SEE ATTACHED PROPOSAL WITH COST FOR SAID SERVICE]

The Township Auditor explained said item into the record. Questions from the Township Committee were addressed by the Auditor. The Chief Financial Officer advised that there is no set line item in the operating budget. He explained that when we do bonding, there is a section 20 costs that is associated in with these bond ordinances that we could fund through one of the line items being that it being only \$600.00 would not be a problem.

There being no further comments or questions, the following resolution were read into the record by Mayor Byrd.

RESOLUTION NO. 91 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY TO PROCURE THE SERVICES OF PHOENIX ADVISORS, LLC AS THE TOWNSHIP'S CONTINUING DISCLOSURE AGENT

Deputy Mayor Pitts moved to adopt Resolution No. 91 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

OLD BUSINESS

DISCUSSION OF FINANCING OF THE REPLACEMENT OF FAIRFIELD TOWNSHIP'S 2005 AMBULANCE

Mayor Byrd indicated that it was his suggestion from the previous meeting, that the financing for the refurbishing of the 2005 ambulance should be voted upon by the registered voters via referendum. There being no comments from the Township Committee, Mayor Byrd asked for a motion to place the financing via referendum. Deputy Mayor Pitts moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes; Servais, no and Mayor Byrd, yes.

At this time, it was indicated that Chief Bateman had earlier on stated that the refurbishing of the ambulance would cost under \$100,000.00. He advised the Township Committee to be aware that the Fire Company just received an article at the Fire House that there are going to be new regulations in 2016 on all new and refurbishing of ambulances as the price would inflate if you're referring to put the matter via referendum in the November election. He indicated that in two (2) years, the Township did not have to go referendum for an ambulance when this one cost less.

PUBLIC COMMENT

At this time, Mayor Byrd asked for a motion to open the meeting to the public. Deputy Mayor Pitts moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Pat Conahey, Emergency Management Coordinator appeared and advised that he turned in a packet to the Township Committee requesting the appointment of Emergency Management Coordinator and noticed that it was not reflected on the agenda. Mayor Byrd advised that it was not placed on the agenda because we still have an issue to address with you regarding the fire truck.

Tom Zander, one of the owners' of 1600 acres at the end of Back Neck Road where it turns into gravel advised that he has paid over a half million dollars in taxes. He asked if the Township has ever contacted Fish & Game as they have property all around this. He advised that the Fish & Game generate money for hunting permits. He asked for the Township to contact them to help contribute to this matter and asked if the Township could get back with him on our findings. Mayor Byrd indicated that the Township Administrator is scheduled to be in tomorrow and will have him contact them.

Michael Sharp, P.O. Box 5082, Bridgeton appeared and indicated that last year when the cost was expended for cameras around the municipal building.

Upon his research, it is a requirement to post signs to the public to indicate that those cameras are operating.

He also indicated that the Township website is not being updated.

Mr. Sharp also referred to appointments on the Planning/Zoning Board. He asked if any of the Township Committee members that voted in the Planning/Zoning Board members knew they were voting in a convicted member on the board.

Mr. Sharp indicated it is public knowledge and the Township Committee should ensure that a background is checked to ensure those appointments. He indicated that he has an issue with turning over sensitive documents to the Planning Board knowing that a convicted member is on the Planning Board.

Mayor Byrd advised that at no time that he was aware of that type of information was provided to us. Mr. Sharp asked the other committee members if they were aware of this convicted felon. Deputy Mayor Pitts, no, Committeeman Clark, no, Committeeman Morton, no, Committeeman Servais, no.

Ed Kimley approached and spoke about what Mr. Sharp provided to the Township Committee regarding the convicted felon.

George Harris approached and asked for status on holding a Public Land Sale. He also would like to know why we are still holding these properties and not liquidating these properties.

Mr. Harris would like to know at the next meeting how much revenue we are losing and how many are out for sale.

John Bennett, George Street appeared and reported South State, Inc. was working for the City of Bridgeton. They used the median to store their equipment. The median is full of ruts, small piles of black top and left it there. He asked if the Township Committee could call South State, Inc. to take care of this.

Russell Pierce appeared and indicated that he signed a complaint against Benjamin Byrd and Troy Pitts regarding not having a business license. He would like to know if there is going to be an investigation into this matter. The Township Solicitor indicated that he would check into it.

Virginia LeMatty appeared to report loads of tires being dumped on Clarks Pond Road all the way up to Bridgeton.

Ernest Zirkle, retired veterinarian informed a concern regarding rabies in Cumberland County.

Nancy Ridgeway appeared and referred to the mining ordinance that was tabled tonight.

Ms. Ridgeway asked how the mining ordinance came to be and if there was still an Environmental Commission in existence.

Russell Pierce approached and asked if a conflict exists with the Township Solicitor and Code Enforcement Officer. The Township Solicitor indicated that it would.

There being no further comments to be received, Mayor Byrd asked for a motion to close the meeting to the public.

Deputy Mayor Pitts moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd announced that the Township Committee will now go into Executive Session and asked for a motion. Deputy Mayor Pitts moved seconded by Committee Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Township Solicitor Carr indicated into the record the following discussions to be held in Executive Session:

Update on Litigation Matters NJSA 10:4-12: (b)(7)

Wildlife Preserves vs NJDEP & Fairfield Township
Hulitt vs Fairfield Township
Griner vs Fairfield Township
Sharp vs Fairfield Township
Zander & Sons vs Fairfield Township
Zirkle vs Fairfield Township

Personnel Matters NJSA 10:4-12 (b)(8)

New Township Administrator

Mayor Byrd announced that after the Executive Session, action will be taken.

The Township Committee convened into Executive Session at 8:00 p.m.

The Township Committee reconvened into Open Session with all members present at 9:00 p.m.

The Township Solicitor announced that the Township Committee is now in Open Session having a discussed an issue relating to personnel as to the Administrator's contract and litigation issues regarding Wildlife Preserves vs NJDEP & Fairfield Township; Hulitt vs Fairfield Township; Griner vs Fairfield Township; Sharp vs Fairfield Township; Zirkle vs Fairfield Township and a personnel issue relating to the position of a Deputy Tax Collector and one other personnel issue.

Mayor Byrd asked for a motion to approve the Administrator's contract in the form as presented with changes as to salary being reflected as a gross of \$46k a year, including the payment of waiver of health benefits, adhere to time clock rules as the other employees have, vacation and sick leave in conjunction with the personnel handbook.

RESOLUTION NO. 92 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPROVING THE TOWNSHIP ADMINISTRATOR'S CONTRACT

Deputy Mayor Pitts moved to adopt Resolution No. 92 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

Mayor Byrd announced that the Township of Fairfield received notice from the County of Cumberland Mosquito Control to apply aerial and ground application during the 2015 Season.

There were no objections to authorizing the mayor to execute the consent to agreement.

RESOLUTION NO. 93 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING CONSENT TO AERIAL AND GROUND APPLICATION FOR MOSQUITO SPRAY 2015 SEASON

Committeewoman Servais moved to adopt Resolution No. 93 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd moved forward with the next topic as a result of the previous meeting.

OLD BUSINESS

EMERGENCY MANAGEMENT COORDINATOR - PATRICK CONAHEY

Mr. Conahey appeared before the governing body. Mayor Byrd asked Mr. Conahey if he had any more to add from the last meeting where you told this Committee that you were going to take the vehicle home.

Mr. Conahey responded that he had a timeline of the whole event of first idea of even looking at the truck.

Mayor Byrd stated that first he wants to take off from where we left off at the last meeting where you told the Committee that you were going to take the truck home.

Mr. Conahey stated that he does not recall if it was the whole committee, if it was in here or if was outside, but the Committee was aware of him taking the vehicle home.

Mayor Byrd stated the Township Committee was not aware and the Committee did not know that is the reason why you are here tonight.

Committeeman Morton interjected and said that is not entirely true. Committeeman Morton stated your saying that the reason he is here is because I did not know? Committeeman Morton stated you did not ask me if I knew.

Mayor Byrd stated the reason why Mr. Conahey is here is because he took the truck home without the permission of the Township Committee.

Mayor Byrd stated that according to the vehicle policy, he is only allowed to take the blue truck when you are on Emergency Management business.

Mr. Conahey asked is this what this is all about is the vehicle ordinance?

Mayor Byrd stated what this is about is that you took the truck without the permission from the Township Committee, and you never asked at a meeting to take it home.

Mayor Byrd stated that at the last meeting we were discussing, you had indicated that it was in a September meeting and after further review and research and certified by the Clerk what you said at the meeting.

Mayor Byrd asked who gave you permission to take it home. Mr. Conahey stated the former Mayor, Deputy Mayor and other committee members knew.

Mr. Conahey stated that the reason I am standing here is because you have a political vendetta after me.

Mayor Byrd stated the reason why you are here is for taking the vehicle home without the permission of the Township for three (3) months.

Mr. Conahey asked if he was in violation of the ordinance. Mayor Byrd stated you are in violation for taking the vehicle home. Mr. Conahey asked violation of what? Mayor Byrd stated you are in violation of theft.

An argument ensued with Committeeman Morton, Committeewoman Servais & Mayor Byrd.

Mr. Conahey read the entire timeline from the beginning of the truck being introduced to the end.

OLD BUSINESS

TOWNSHIP VOLUNTEER - RUSSELL PIERCE

Russell Pierce appeared and indicated that this was a vendetta after him that has to do with past history with Mr. Byrd. At this time, Committeeman Morton moved to have this matter dismissed seconded by Committeewoman Servais. Roll Call Vote: Clark, no; Morton, yes; Pitts, no; Servais, yes and Mayor Byrd, no.

At this time Mayor Byrd asked for a motion to have Russell Pierce removed as a Township Volunteer for the offensive language used at a previous meeting. Deputy Mayor Pitts moved seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

Mayor Byrd asked for a motion to adjourn the meeting. Committeeman Morton stated that we have not done Department Reports yet. Mayor Byrd stated we did not have to.

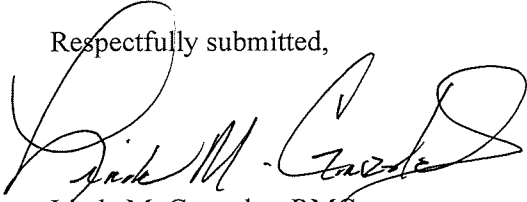
Mayor Byrd asked for a motion to adjourn the meeting. Deputy Mayor Pitts moved seconded by Mayor Byrd. Mayor Byrd stated the motion is on the floor. All in favor, only 3 voted yes.

Township Committeeman Clark, Deputy Mayor Pitts and Mayor Byrd left the meeting.

Committeeman Morton and Committeewoman Servais remained and indicated into the record their committee remarks.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

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