

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION MEETING
AUGUST 18, 2015

CALL MEETING 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 as follows:

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 18th day of August, 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

The following roll call was recorded as follows:

Committeeman Clark, present; Committeeman Morton, present; Deputy Mayor Pitts, present and Mayor Byrd, present.

ABSENT:

Committeewoman Servais was not present for tonight's meeting.

The following members were present: Township Administrator Davis, Township Solicitor Carr and Township Clerk Gonzales.

Mayor Byrd read the following business into the record:

APPROVAL OF MINUTES

REGULAR ACTION MEETING JULY 21, 2015 AND CLOSED SESSION MEETING JULY 21, 2015

Deputy Mayor Pitts moved to approve the Regular Action and Closed Session minutes of July 21, 2015 as written seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; and Mayor Byrd, yes.

REVIEW OF BILL LIST PROVIDED BY CFO

Mayor Byrd asked the Township Committee if they had any questions on the bill list. There were none.

RESOLUTION FOR PAYMENT OF BILLS

Mayor Byrd asked for a motion to adopt Resolution 130 - 2015

RESOLUTION NO. 130 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$328,911.93

Committeeman Clark moved to adopt Resolution No. 130 - 2015 seconded by Deputy Mayor Pitts. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes and Mayor Byrd, yes.

ORDINANCES FOR INTRODUCTION (FIRST READING)

None.

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

None.

PUBLIC COMMENT ON CURRENT AGENDA ITEMS ONLY

Mayor Byrd asked for a motion for public comment on current agenda items only.

Committeeman Clark moved to open seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes and Mayor Byrd, yes.

Mayor Byrd asked the public to come forward for their comments on current agenda items only. There being none, Mayor Byrd asked for a motion to close the public comment.

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

RESOLUTION NO. 131 - 2015

A RESOLUTION FOR REFUND OF TAXES DUE TO STATE TAX APPEAL JUDGEMENT FOR BLOCK 55, LOT 25, BLOCK 55, LOT 51, BLOCK 55, LOT 51.01 AND BLOCK 55, LOT 55

T. ZANDER & SONS INC. PROFIT SHARING (OWNERS OF PROPERTIES)

Deputy Mayor Pitts moved to adopt Resolution No. 131 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes and Mayor Byrd, yes.

NEW BUSINESS

A. CLEAN COMMUNITIES DATE

Mayor Byrd announced that a date needs to be established along with a rain date for the 2015 Clean Communities Day. During the discussion, Mayor Byrd asked if anyone had any objections to scheduling the date as Saturday, August 9, 2015 with a rain date of Saturday, September 5, 2015. There were no objections.

Mayor Byrd asked for a motion to adopt Resolution No. 133 - 2015

RESOLUTION NO. 133 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY TO CONDUCT THE 2015 CLEAN COMMUNITIES DATE ON SATURDAY, AUGUST 29, 2015 WITH A RAIN DATE OF SATURDAY, SEPTEMBER 5, 2015

Deputy Mayor Pitts moved to adopt resolution No. 133 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes and Mayor Byrd, yes.

B. DISCUSSION OF TESTING DIRT UNDER BARRELS AT THE CONVENIENCE CENTER

Mayor Byrd announced that the Township received a letter regarding the testing of the drum barrels at the Convenience Center. Mayor Byrd indicated that this is one of the things that we need to do to move forward is to get the testing done where the drum barrels were located and to his understanding, the drum barrels were reported as empty. The ground where the drum barrels were detected must be tested. Calmar Associates, LLC has proposed to verify the location of fourteen (14) drums previously identified by Fralinger; remove fourteen (14) drums from the side slopes of the former landfill; following removal, physically inspect surficial soils in the immediate vicinity drums; in addition, soils will be field screened for volatile organics using a Photo Ionization Detector meter; dispose of drums at a steel reclamation facility; and generate a letter report summarizing the removal and disposal to the client for \$2,950.00.

Committeeman Clark inquired if this scope of work is at the request of the New Jersey Department of Environmental Protection Agency. Mayor Byrd indicated that the NJDEP has requested this for the Township to move forward with picking up the trash or adding clean fill as required to provide a minimum of 2 feet of cap thickness.

Deputy Mayor Pitt's concern was regarding the cost qualifiers in the proposal stating the cost does not include addressing any contaminated soil and/or liquid waste. Any drum containing solid and or liquid waste will be required to be tested to determine the contents of the drum prior to disposal. Contents of the individual drums will be containerized and submitted to a NJ certified laboratory for analysis at a cost of \$700.00 per drum/sample.

Mayor Byrd stated that the background report indicates that no liquid waste was identified in any drum when they were inspected and a physical inspection of surficial solids directly beneath, and in the immediate vicinity of the inspected drums did not indicate the release of contamination based upon visual and physical senses.

Mayor Byrd states that the report states that there was no liquid waste but does not specify the solids.

Mayor Byrd stated that since the contents of drums are unknown, to have Calmar provide a quote to check for the solids and revisit this matter at the next scheduled meeting. There were no objections from the Township Committee on having the Township Administrator reach out to Calmar Associates, LLC to provide a proposal for the solids.

OLD BUSINESS

There were none.

PUBLIC COMMENT

Mayor Byrd asked for a motion to open the meeting for public comment.

Deputy Mayor Pitts moved to open the public comment seconded by Committeeman Morton. All members voted in the affirmative.

Mayor Byrd asked anyone wishing to come forward with their comments, to please come forward.

Russell Pierce, 376 Fairton-Gouldtown Road, Bridgeton stated he had a question for the Code Office. His question was if anyone knew what their job consists of? Mayor Byrd asked Mr. Pierce what his question was.

Mr. Pierce stated the question would be that he understands that there are a lot of businesses in the Township, that he is hearing that normally the Code Office sends out the application for those who have a business license to come in for renewals.

Mayor Byrd asked Mr. Pierce if he had stopped by the Code Office. Mr. Pierce stated no that he is asking the question here because he is hearing nobody has received an application and nobody has come in this year to renew their business license. Mayor Byrd suggested that Mr. Pierce should stop by the Code Office tomorrow and inquire.

Mr. Pierce stated that the Code Officer would not be in tomorrow, that the Code Officer would not be in till Thursday. Mayor Byrd stated that Mr. Pierce can submit an OPRA request to find out the information in writing as to whom or does not have a license.

Mr. Pierce stated that he knows that a lot of them do not have a license just by him traveling around in town.

Mr. Pierce also stated that he would like to know where we are on his application request that he submitted on the mayor to get this business license. Mr. Pierce stated that he asked for information on getting an entity outside of the Township to come and investigate to see if they should get a business license. Mr. Pierce stated that he did not fill out his application for an opinion, and that was what he received was an opinion.

Township Administrator Davis addressed Mr. Pierce that he did receive a response with reference to your question.

Mr. Pierce said yes it went from one Administrator to another Administrator. Mr. Pierce stated that he had asked to go out, and he was advised that it was a conflict for our Township to be interviewed with the City of Bridgeton or Upper Deerfield. Mr. Pierce stated that he also asked that the Township reach out to an outside county, and he asked if we have done that.

Township Administrator stated that he reached out to the City of Bridgeton. Mr. Pierce stated, isn't that a conflict?

Township Administrator Davis stated no it is not. Mr. Pierce asked, "do we not have a shared service agreement with them? The township Administrator stated we have services with them that have nothing to do with this matter.

Mr. Pierce stated that we are not going nowhere by addressing this with the Administrator of the City of Bridgeton.

Township Administrator Davis stated that the proper procedure is for him as the Township Administrator to approach the City of Bridgeton Administrator and asked him for his opinion and he confirmed with his Code Enforcement Department.

Mr. Pierce stated what you are telling me is that in order for me to go forward with this is that he has to go downtown or the court and sign a complaint to have him go before the Judge is what you are telling me.

Mr. Pierce stated that you are not doing your job because he is asking for information, and we are paying you all this money and I am still not getting any answers. Mr. Pierce stated that we started this nine (9) months ago.

The Township Administrator stated that he was not here nine (9) months ago. Mr. Pierce stated well six (6) or eight (8) months ago, but they were so in a hurry to fire me as a Volunteer of the Township by calling me a racist.

Township Administrator Davis stated to Mr. Pierce, you are bringing things up that I had nothing to do with or was here.

Mr. Pierce stated that he was bringing it to his attention, because if you can do for one then you can do for the rest.

Mr. Pierce stated to Township Solicitor Carr you were hired to inform them what they can do and cannot do. I am asking you what has been done. Township Solicitor Carr stated to Mr. Pierce this is your comment, this is public comment, this is not a question and answer, make your comment Mr. Pierce. Mr. Pierce stated that is his comment. Township Solicitor Carr stated thank you and we will take it under advisement.

Mr. Pierce stated that he needed to know how come we cannot take this matter out of this township into another township. He stated that he would bet on it that Clayton would do the investigation and asked can we do that.

Township Solicitor stated I am not going to tell you what you can do or not do.

Mr. Pierce stated then we are not going to do anything further right?

Township Administrator Davis responded to Mr. Pierce that he did what Mr. Pierce asked for.

Mr. Pierce stated that he also filled out another OPRA request last week but has not been in to bother Mr. Davis because he was out of the office for a funeral.

Mr. Pierce stated then what you are telling me about the problem I am having, you're telling me I have to go to the courthouse and file an ethics complaint.

Township Administrator Davis stated I am not telling you anything, I am answering your question.

Mr. Pierce stated no you are not, you are giving me nothing, you're giving me your answer to what you want me to have.

Mayor Byrd stated to Mr. Pierce that his five (5) minutes were up.

Mr. Pierce stated okay you can have them, you can tell me my five (5) minutes are up and whatever, but it is not over Ben because every time I look up, you all are doing things that you want to do instead of what you are supposed to do.

Mayor Byrd asked Mr. Pierce if he was selling firewood without a license. Mr. Pierce responded back, I don't know, am I? Mayor Byrd stated you do what you got to do.

John Paff, 172 Silver Lake Road, Bridgeton. Mr. Paff stated that he serves as Chairman of the Open Government Advocacy Committee for the New Jersey Libertarian. The Advocacy is about Open Meetings and Transparency.

Mr. Paff stated that he wanted to ask a couple of questions, and he just heard from our Township Solicitor that the public comment is not a question-and-answer period, and he knows that, but perhaps, the Township Committee could give him a couple of answers. Mr. Paff stated that one thing, when he looked at the Township website, he stated it is seriously out of date. He stated that the most recent set of Township Committee minutes are January 15, 2013, and the most recent agenda is from the Reorganization Meeting of January 6, 2014.

Mr. Paff stated that it would be a lot helpful for him as he does run a blog and he does write about Fairfield from time to time and that he is interested in what is happening here as he is in every municipality and it would be a lot helpful for him and he imagines a lot helpful to other people as well if the meeting minutes were kept more or less up to date and asked if there were any plans from the Township to put those meeting minutes where they are current.

Township Administrator Davis advised Mr. Paff that he has been working on this diligently and has completed his research on getting the Township a new and revised website and it is in the final stage of getting it up and running.

Mr. Paff stated his other question is regarding emails of Township business that are circulated among the committee members and among the staff. Mr. Paff stated in looking on the website he does not see many email addresses and the only email address that he sees on the website is for Acting Township Administrator Jacqueline Green as fairfieldtwp@gmail.com.

Mr. Paff stated that he has had correspondence with the Township Clerk Linda M. Gonzales at email address fairfieldtownshipnj.org which is the domain name for the Township website. Mr. Paff stated that he is wondering do the committee members have emails that are fairfieldtownshipnj.org emails like the following as an example: committeemansoandso@fairfieldtownshipnj.org or mayorsoandso@fairfieldtownshipnj.org or are these emails if you are in fact sending emails, are they on your own personal accounts like comcast, gmail, or yahoo and he wondered if the committee could tell him that because he has a concern about that if that is the case.

Mayor Byrd stated that he has not sent any emails to anyone on township computer. Mayor Byrd stated that the Township Administrator brought his attention a possible security breach issue that we are trying to address with our system. He stated that at this time, he himself has not sent any emails like that.

Mr. Paff referred to a situation that occurred in Greenwich Township. He stated that the Mayor of Greenwich at the time had either resigned or left the services being the mayor. Mr. Paff stated that after this mayor left, he asked for emails that he sent and received. The Township Clerk had to go to the former mayor because they did not have a centralized email server set up and she had to go and ask him to please give her his emails.

Mr. Paff stated this is not how it works. He stated that the Township should be able to recover without asking, without even the knowledge of that person's emails being looked at or collected. He stated you could have a Mayor, a Township Administrator leave, or pass away and those emails may never be recovered.

Mr. Paff stated that he puts the Township of Fairfield on notice about this and a final regarding emails, he stated that there should be a written rule policy that states that if an email deals with Township business it must be sent and received on the designated Township email account. He stated that he has seen municipalities and school boards where they almost have a fabricated system where the stuff that they want to make public, they use their township account and the emails that they rather have on the side and have nobody find about, they send all their emails by using their gmail accounts and that there should be a policy that states you will be subject to certain consequences if you are found to have been found on sending emails out when on your own personal account when a Township account has been put to your use. Mr. Paff stated that these are the types of things that build into accountability into a system so that when a member of the public asked for emails, they are reasonably certain that they are getting all the emails and not just what the Township Committee people want the public to see.

The Township Solicitor stated that he will draft a policy for the Township Committee to review for implementation.

Viola Thomas-Hughes, 493 Fairton-Gouldtown Road, Bridgeton stated that she was not able to attend the last meeting as she was not in town. Ms. Thomas-Hughes stated that the meeting before that, you had your Township Engineer to come forth during the public portion to speak about Thomas Drive and would like to know the Township Committee's reasoning and what is the Township Committee going to do with the \$89,150.00 grant for the reconstruction of Thomas Drive and has there been an Engineer's Report.

Ms. Thomas-Hughes stated that she is overly concerned because that is a township road and for some reason it has gone neglected just like some of the other roads in the Township. Ms. Thomas-Hughes stated that she can recall when she was not even on the Township Committee, the drives were all dirt roads such as Piercetown Road, Fairfield Manor, and Longview Drive. She stated as a member of the Township and a taxpayer, the residents came to the Township Municipal Building and eventually, the Township got those roads paved.

Ms. Thomas-Hughes stated just like any other road in the Township where residents reside and there is a possibility of someone not having access to emergency services. Ms. Thomas-Hughes stated that she would like to know the Township Committee's reasoning, are they are going to accept the grant, or they going to reconstruct the road.

Ms. Thomas-Hughes stated like she has stated before there are handicap residents that live on that road. Ms. Thomas-Hughes also asked why there would be any consideration from the Township Committee that would entertain something from the Township Engineer saying that we do not want the grant.

Ms. Thomas-Hughes stated do you know how bad that looks to the State on a Township such as ours, even putting in for grants like the one you have already authorized Mark Blauer of Blauer Associates to apply for, what would that look like for scoring for future grants.

Mayor Byrd stated that from what he understands, there are additional fees that the Township has to pay to process the grant.

Ms. Thomas-Hughes stated that is not what the letter states, that if you read the letter, it does not state that.

Mayor Byrd stated that is why at the meeting he had with the Township Engineer to elaborate on the letter. He stated that when he elaborated on the letter, he is repeating to you what he stated to the Township Committee.

Ms. Thomas-Hughes asked if we had received anything from the Township Engineer. Mayor Byrd stated that he had not.

Ms. Thomas-Hughes stated so it has been about a month, but she noticed we are still paying bills for the Township Engineer.

Mayor Byrd stated that we also have two (2) years to process the grant. He explained that he was informing every one of the grants that we received and asked the Township Engineer to attend the meeting. Mayor Byrd stated that the Township Engineer did not tell the Township Committee to not do it, he just gave the pros and cons and an estimate as to what it would cost to do the entire road.

Ms. Thomas-Hughes asked if the Committee received anything in writing from the Township Engineer. Mayor Byrd stated no that he came to the meeting and provided the information. Ms. Thomas-Hughes stated that her concern is that we have had other roads in the Township like Clarks Pond Road such as and Goober Road, other Township Engineers have gone out there and gone out for bid, so why has this Township Engineer consider going out to bid instead of quoting something from the top of his head because he did not give anything in writing concerning this.

Ms. Thomas-Hughes stated that she just has a concern that we need to improve the livelihood of our residents in this community and that as she has stated before, this is something that every person, especially the elective officials should be fighting on to improve the livelihood of every resident in the community. Ms. Thomas-Hughes stated that anytime we receive a grant to improve the road, we should use the grant as much as possible to improve the road.

Ms. Thomas-Hughes indicated that her other concern, was that she does not see Committeewoman Servais present tonight and asked if anyone knew if how her husband was doing?

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

Deputy Mayor Piits moved to close seconded by Committeeman Clark. All members voted in the affirmative.

Mayor Byrd announced hearing for the demolition, repair, or board up of the property located at 73 Fairton-Gouldtown Road

HEARING SCHEDULED FOR 7:30 P.M.

DEMOLITION, REPAIR OR BOARD-UP OF THE IMPROVEMENT SITUATE ON BLOCK 32, LOT 27 KNOWN AS 73 FAIRTON-GOULD TOWN ROAD

Township Solicitor Carr indicated that on tonight's agenda there is a complaint for demolition, repair, or board up proceedings. Township Solicitor Carr stated that while it happens to be scheduled during a meeting, it does not necessarily have to be, but it works that well because we have the ability for all to be present and witness what is being undertaken. Solicitor Carr explained that there was a complaint brought and published pursuant to law for the demolition of Block 32, Lot 27, known as 73 Fairton-Gouldtown Road. He stated that the premises were found to be an imminent danger and there was a demolition order because of the danger that it represented.

He advised that nothing happened to the owner, therefore, the Township Committee asked that we pursue an order for the demolition for the simple reason we want to add the cost of the demolition from the building as an additional tax on the property.

Township Solicitor Carr indicated that notices were given to those interested parties that appeared on the title to the building and a notice was given that a hearing would take place at 7:30 p.m. tonight and that anyone could show up to answer the complaint to appear in person, or otherwise, indicate at this hearing why the Township should not take action on the demolition of the building at 73 Fairton-Gouldtown Road.

At this time, Solicitor Carr asked if anyone present tonight had a complaint about the demolition. He stated that their silence would be used to say that yes, we should demolish the building and add the tax cost to the property record as a lien.

Solicitor Carr stated for the record that there was no one that appeared defending or given reason the building should not be demolished.

There being no further matters, Mayor Byrd asked for a motion to enter Executive Session.

Deputy Mayor Pitts moved to enter Executive Session seconded by Committeeman Clark. All members voted in the affirmative.

Township Solicitor indicated into the record pursuant to Resolution No. 132 - 2015 the following matters to discuss in Executive Session as follows:

MATTERS RELATING TO THE ATTORNEY-CLIENT PRIVILEGE NJSA 10:12:4(b)(7)
B & M AUTO SALVAGE VS FAIRFIELD TOWNSHIP

MATTERS RELATING TO THE EMPLOYMENT RELATIONSHIP NJSA 10:4-12(b)(8)
INTERVIEWS FOR POSITION OF EMERGENCY MANAGEMENT COORDINATOR

The Township Committee reconvened into open session at 8:27 p.m. with all members present.

Township Solicitor announced that the Township Committee is now out of Executive Session at 8:29 p.m. after having discuss litigation matter B&M Auto Salvage vs Fairfield Township and applicants interviewed for the position of an Emergency Management Coordinator and an add on issue relating to pending litigation as to committee person residence issues.

Mayor Byrd announced the interviews held tonight for the position of Emergency Management Coordinator, a candidate was selected. The following resolution was read into the record:

RESOLUTION NO. 134 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR - TREEMANISHA M. STEWART

Committeeman Clark moved to adopt Resolution No. 134 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes and Mayor Byrd, yes.

COMMITTEE REMARKS/COMMENTS

Committeeman Clark gave thanks to everybody for a peaceful, respectful, and professional meeting tonight.

Committeeman Morton had no remarks or comments to make at this time.

Deputy Mayor Pitts gave thanks to all for coming to the meeting tonight.

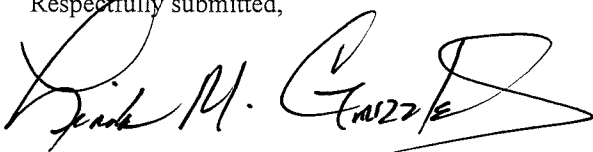
MAYOR REMARKS/COMMENTS

Mayor Byrd gave thanks for everyone coming out once again and for everyone to have a safe trip getting home.

There being no further business, Mayor Byrd asked for a motion to adjourn the meeting.

Deputy Mayor Pitts moved seconded by Committeeman Morton. All members voted in the affirmative. The meeting was adjourned at 8:33 p.m.

Respectfully submitted,



Linda M. Gonzales, RMC
Township Clerk