

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION MEETING
JANUARY 20, 2015

CALL TO ORDER

Mayor Byrd called the meeting to order at 7:10 p.m.

OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Byrd read the following OPMA 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 advance notice of and to attend the meeting of public bodies at which any business affecting their interests are discussed or acted upon. This meeting held on the 20th day of January at the Fairfield Township 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 having been duly posted on the bulletin 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 by Committeeman Morton.

ROLL CALL

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

STAFF MEMBERS PRESENT:

Acting Township Administrator Green, Township Solicitor Carr and Township Clerk Gonzales.

APPROVAL OF MINUTES

Committeeman Morton moved seconded by Mayor Byrd to table the minutes of the Work Session Meeting and Closed Session Meeting of December 16, 2014, to a later time on the agenda. All committee members voted in the affirmative.

ANNOUNCEMENTS / PRESENTATIONS

ALLIANCE FOR SUBSTANCE ABUSE PREVENTION AGREEMENT

Andrea Bianco-Rieti presented the governing body an overview of The Alliance for Substance Abuse Prevention a/k/a A.S.A.P. The Alliance Programs for 2014-2017 was covered during her presentation.

Ms. Bianco-Rieti explained that the alliance consists of participating municipalities within the Cumberland County such as Township of Deerfield, Greenwich, Hopewell, Shiloh, Upper Deerfield and it was indicated that Fairfield Township was a participant in the past.

She indicated that the County of Cumberland has offered grants from the Governor's Council on Alcoholism and Drug Abuse.

Upon the presentation, Mayor Byrd indicated that he would provide the information to our Township Solicitor to review and take into consideration at a later time during tonight's meeting.

REVIEW OF TOWNSHIP BILLS PROVIDED BY THE CFO The Township Committee reviewed the bill lists. Upon their review, an inquiry was made by Committeeman Clark regarding the payment for Terrigno's Fairfield Inn. The Acting Township Administrator explained the bill into the record.

Mayor Byrd inquired on the payment for Bresciano's Florist. Said item was explained into the record.

Committeewoman Servais raised concerns regarding the overhead street lighting billing. A discussion ensued regarding the possibility of looking into solar power mounted lights for overhead street lighting.

It was indicated that there are some solar panels in the Public Works Garage that will be looked into.

ORDINANCE FOR INTRODUCTION (FIRST READING)

None

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

None

PUBLIC COMMENT ON AGENDA ITEMS ONLY

Mayor Byrd asked for a motion to open the meeting to the public on Agenda Items Only.

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

Gouldtown Fire Department appeared to inquire on the status of two (2) vouchers submitted for payment. It was indicated that their inquiry would be looked into by the CFO.

Viola Thomas-Hughes, Fairton-Gouldtown Road appeared to raise a question regarding Resolution No. 52 - 2015 indicated on the agenda. Mrs. Thomas-Hughes stated that she understands that the appointment for the Risk Management Consultant was tabled earlier on at a previous meeting and did not understand the reasoning why this appointment was tabled.

Mrs. Thomas-Hughes indicated that the Sungenis Insurance Agency had been faithful for many years to the Township and always readily available to assist and indicated that there were no problems with the insurance agency.

Mrs. Thomas-Hughes indicated that her general concern is that this Township Committee should be making the selections and no one else.

Mrs. Thomas-Hughes indicated her other concern was when newly elected Committeeman Clark was sworn into office, Mr. Clark stated that he wanted to be fair, do what is right and be guided. She indicated that if a campaign manager is making the recommendations for the Township Committee and if this governing body is taking the advice of the campaign manager this would be an issue on ethics.

Jill Sungenis of Sungenis Insurance Agency appeared and stated that regardless of tonight's outcome, she gave thanks to the Township Committee for giving them the opportunity to represent Fairfield Township for the past 25 years.

Nancy Sungenis of Sungenis Insurance Agency appeared and stated that their relationship with Fairfield Township and the Fire Companies has been wonderful. She expressed her thanks for the opportunity to serve them and if asked to do it again, they would be very pleased to do so.

There being no further comments to be received from the public, Mayor Byrd asked for a motion to close the public portion. Deputy Mayor Pitts moved to close seconded by Mayor Byrd. Roll Call: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTIONS

RESOLUTION NO. 47 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD TOWNSHIP, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$53,939.13

Committeeman Morton moved seconded by Committeewoman Servais to adopt Resolution No. 47 - 2015. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 48 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING THE ISSUANCE OF STREET OPENING PERMIT TO SOUTH JERSY GASCOMPANY - PERMIT NO. 1 - 2015 - INSTALLATION OF GAS SERVICE - 7 ROGERS AVENUE

Committeewoman Servais moved seconded by Mayor Byrd to adopt Resolution No. 48 - 2015. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 50 - 2015

A TRANSFER OF 2014 APPROPRIATION RESERVES

Mayor Byrd explained because of certain departments that had over expended their budget in December in which the CFO indicated that such appropriation reserves would have to be transferred to cover the expenditure overages. Committeeman Pitts moved seconded by Mayor Byrd to adopt Resolution No. 50 - 2015. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais yes and Mayor Byrd, yes.

RESOLUTION NO. 51 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY IMPLEMENTING DISCRETIONARY SPENDING ENDING DECEMBER 1ST OF EACH CALENDAR YEAR

Mayor Byrd explained this resolution is because of the above Resolution No. 50 - 2015.

Mayor Byrd advised that a policy will be implemented to curb overspending expenditures at the end of the year. He indicated that when departments over expend it creates a hardship on the CFO to locate funds to cover such overage. Each department is given a budget and if such department over expend their budget, the over expenditure will be deducted from their budget in the next year.

Deputy Mayor Pitts moved seconded by Mayor Byrd to adopt Resolution No. 51-2015.

Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION 52 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY APPOINTING A RISK MANAGEMENT CONSULTANT FOR 2015

Mayor Byrd asked for motions for the appointment of Risk Management Consultant for 2015.

Committeewoman Servais moved to appoint Surgenis Insurance Agency as the Risk

Management Consultant for 2015 seconded by Committeeman Morton

Mayor Byrd asked if there were any other motions to be made for the appointment of Risk Management Consultant for 2015.

Deputy Mayor Pitts moved to appoint CEB as the Risk Management Consultant for 2015 seconded by Mayor Byrd.

The Township Clerk called for a roll call vote made for the appointment of Sungenis Insurance Agency as the Risk Management Consultant for 2015

Roll Call Vote: Clark, no; Morton, yes; Pitts, no; Servais, yes and Mayor Byrd, no.

Said vote did not pass 2 -3.

The Township Clerk called for a roll call for the appointment of Corporate Employees Benefits (CEB) as Risk Management Consultant for 2015.

Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

Said vote passed 3 -2 appointing CEB.

RESOLUTION NO. 53 - 2015

A RESOLUTION RATIFYING ACTIONS OF JANUARY 13, 2015 SPECIAL MEETING

Township Solicitor Carr explained said resolution is due to an issue raised pursuant to notice under NJSA 10:4-1 et seq. The Solicitor advised that it would be appropriate for the Township Committee to contemplate ratifying by resolution all its action taken at the January 13, 2015 meeting.

Deputy Mayor Pitts moved seconded by Mayor Byrd to adopt Resolution No. 53-2015.

Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

RESOLUTION NO. 54 - 2015

A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN THE COUNTY OF CUMBERLAND AND THE TOWNSHIP OF FAIRFIELD TOWNSHIP REGARDING THE ALLIANCE SUBSTANCE ABUSE PREVENTION FROM JULY 1, 2014 TO JUNE 30, 2015

Committeewoman Servais moved seconded by Mayor Byrd to adopt Resolution No. 54 - 2015. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

NEW BUSINESS

REPLACEMENT OF FAIRFIELD TOWNSHIP'S 2005 AMBULANCE

Mayor Byrd announced that the Township was approached by the Ambulance Service requesting to refurbish its 2005 ambulance. Mayor Byrd asked the Township Committee for their input. The Township Committee concurred that said item be tabled for the February 3, 2015 meeting for further consideration.

OLD BUSINESS

None

DEPARTMENT REPORTS

The Township Committee was provided the following reports for their review: Township Administrator; Township Solicitor, Tax Collector; Tax Assessor; and Registrar of Vital Statistics.

COMMITTEE REPORTS / REMARKS

Deputy Mayor Pitts inquired the Township Administrator's report if we had heard anything further from the other contractor regarding the improvements at Senior Center as mandated from the Cumberland County Health Department. The Township Administrator indicated that she had not heard back. Mayor Byrd suggested that if the Township Administrator does not hear back from the other contractor by tomorrow to please reach out to the other contractors who have submitted their estimates and provide them to the Township Committee for their review so that we can move forward on this matter.

Committeewoman Servais stated that it was very sad to see that the Township will not have Sungeins Insurance Agency as they have been very reliable and dependable and are located in the County and that it is very sad that we are going outside of the County and that we will be placing a burden on our Township Administrator and Township Clerk when it comes to having documents executed and such.

Committeeman Morton stated that in observing of what has happened tonight and the record should reflect that not everything that is said is challenged as it should be, and some things unsaid should have been challenged way before now.

Committeeman Morton stated that some of the votes that were taken tonight were indicated as procedural incorrect and that he will be looking in this. Committee Morton explained the reasoning why he is bringing this up and indicated to the audience that if they should see a vote take place that should not have or an inconsistency that now is the time to challenge it and also that if the public has any questions or concerns they need to be raised at this meeting so that they can be resolved here instead of waiting for another meeting.

Deputy Mayor Pitts stated that the decisions made by the Township Committee, or rather speaking for himself, were based upon his own decision upon the review of the RFP's submitted.

Deputy Mayor Pitts stated that it is not always easy to select someone just because they are from this municipality.

Deputy Mayor Pitts in closing gave thanks to everyone for coming out tonight.

Committeeman Clark stated that changes sometimes are necessary in certain aspects, and that it just part of life.

Committeeman Clark stated that a lot of people do not like change or changes, but that changes are necessary, and the changes made are to prosper.

MAYOR'S REPORT / REMARKS

Mayor Byrd stated that he as Mayor gets one vote along with the rest of the Township Committee.

Mayor Byrd stated that when he decides to use his vote, his vote is based upon a lot of things and that is why he was elected to do and that is what he will do.

Mayor Byrd made reference to last year when there were some things that was voted on that he sometimes did not agree on the way it was voted upon and that is how this Township Committee operates.

PUBLIC SESSION

Mayor Byrd asked for a motion to open the meeting for public comments. Deputy Mayor Pitts moved to open the meeting seconded by Committeeman Morton. All members voted in the affirmative.

Virginia LeMattey, 9 LeMattey Way, Bridgeton appeared and indicated that she has lived in this township for quite some time and that she has observed and attended several of the Township Committee Meetings.

Ms. LeMattey stated that she did not know if there was quite a big price difference between the insurance agencies. Ms. LeMattey indicated that all she knows is that she hopes that she never hears that someone who is not on the Township Committee has had any influence or is putting in any input.

Ms. LeMattey stated that what you are doing is placing a hardship on the people that work here and indicated that she does not think it is fair to go outside of our community when Cumberland County has many good insurance agencies even if the contract was not awarded to the same agent that the Township has used for the many years in the past. Ms. LeMattey indicated that she would like to know if the Township Committee made contact with other agencies in Cumberland County or did you just zero in one company that is not even from this community.

Mrs. LeMattey stated that she can see the same things happening on this committee that has been going on for years as a 3-2 vote when nothing really important is going to pass.

Michael Sharp, P.O. Box 5093, Bridgeton appeared and indicated that he was here previously at the last meeting concerning the issue concerning the payment of his attorney fees.

The Township Solicitor responded to Mr. Sharp that his matter was sent to Conflict Counsel to seek a legal opinion and that he will be reporting back.

Ed Kimley, 811 Seabreeze Road, Bridgeton appeared and indicated that he recalls when Mr. Byrd had stated that we should not be paying the Zirkle's or Chiappin 's legal fees and inquired why are you going to pay for Mr. Sharps' attorney fees, is it because he is your friend.

Mayor Byrd's response to Mr. Kimley was, if he had heard him stating that we are going to pay for his attorney fees.

Mr. Kimley made the statement that he was 100% sure that it would be paid for because of the friendship.

Mayor Byrd stated to Mr. Kimley then what is the point of having the matter turned over to a Conflict Counsel if we are going to pay for his legal fees as you are alluding.

Mr. Kimley made reference to the timeline of a tort claim and indicated that his understanding is that a tort claim must be submitted within 90 days of such incident and deemed void if not filed within the 90-day period.

Patrick Conahey, 240 Fairton-Cedarville, Bridgeton appeared and made references to the statements issued earlier regarding the selections made were based on change. Mr. Conahey stated that changes are based on facts and for someone who provided their service for over 20 years without any problems, that he would like to know what those facts are and why the change for over 24 years and that the people have a right to know.

Mr. Conahey indicated that he does not believe that a chairperson can make a motion or even second the motion under Roberts Rules of Order and that he would be looking into this.

Mayor Byrd's response to Mr. Conahey was that if it was not procedural, then we will take care of this matter.

Gouldtown Fire Chief Wayne Carter appeared and gave thanks to the governing body for introducing the bond ordinance for the purchase of a fire truck. Fire Chief Carter asked if the governing body would have to have 4 votes in order for the bond to pass. The Township Solicitor indicated that a bond must be passed by the super-majority of the governing body.

Fire Chief Wayne asked if supposedly the ordinance does not pass, then what do you do and if the public would have to sue the Township in order to purchase the fire truck.

The Township Solicitor's response was that it would be conjuncture at this point.

Fire Chief Carter then asked what if it did not pass. The Township Solicitor's response was that it would be conjuncture on his part, but that we would deal with it.

Mr. Richard Servais, 37 Fairton-Gouldtown Road appeared and indicated that he has heard why the Risk Management Consultant was not chosen and would like to know why the change and its reasoning.

Deputy Mayor Pitt's response was that for him he read the RFP packages and the one he selected was more appealing and offered a cheaper rate.

Committeeman Clark response was that as far as money is concerned, that anytime that you can save some money for the Township and someone put in a lower bid, we should entertain it.

Mayor Byrd response was that upon his research conducting after looking at all the paperwork, he made his decision on how he voted the way he did. Mr. Servais asked Mayor Byrd if someone had made the suggestion to him. Mayor Byrd's response was that nobody did.

Mr. Kennard Husted, 215 Husted Bateman Road, Bridgeton appeared and indicated that he has held his business in the Township for many years. He made reference to the timing of obtaining his annual business license. He asked that the governing take into consideration making some changes in procedural of business license application for those businesses that have been established as opposed to a first-time applicant.

Mr. Husted reported the road condition on Husted Bateman Road and asked that the Township to look into it.

Viola Thomas-Hughes, 493 Fairton-Gouldtown Road, Bridgeton appeared and indicated that she is highly disappointed in this governing body for not selecting Sungenis Insurance Agency as the Risk Management Consultant. Mrs. Thomas-Hughes indicated that Sungenis Insurance Agency has been a staple in this community for many years and served the residents of this township.

Mrs. Thomas-Hughes expressed a concern regarding an individual who has been here all of last year and is starting again this year requesting that the Township pay his attorney legal fees.

She indicated that if this individual is living in or renting from Mr. Pitts' home, that Mr. Pitts should not have a vote in the matter.

Mrs. Thomas-Hughes stated that she believes that the whole governing body should take some ethics courses and there is no charge for these courses so that you do not put yourself in liability any more than you have already put yourself into.

Mrs. Thomas-Hughes also stated that she is disappointed in the fact that there is not one woman appointed on the Planning/Zoning Board. She indicated that last year, the Planning/Zoning Board voted and made their recommendation to put her back on the Planning/Zoning Board last year and she believes that there was an error on the resolution where the term would commence this month and not immediately.

Mrs. Thomas-Hughes stated that you also put in an individual on the Planning/Zoning Board who was appointed last year who never showed up for one meeting and then in January of this year, you appointed that same individual again to the Planning/Zoning Board.

She stated that as she indicated last year by having someone who has already taken the classes and passed all the required tests and knows about the Planning/Zoning in this area and then you put in brand new people who are not experienced whereby you will have to send them to the courses at a cost.

Mrs. Thomas-Hughes stated that you say you have your interest in the Township and the residents at hand, that you need to think before you are swayed by your votes.

Mrs. Thomas-Hughes made referenced to the newly elected Township Committeeman Clark that she herself sat where he is sitting.

She explained as being the first timer coming in and indicated that a lot of times her votes were influenced by people who she thought were her friends and recommended that he take under consideration from a former wise council member that sometimes you just need to take a step back and make your own decision.

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 to close seconded by Committeeman Clark. All members voted in the affirmative.

There being no further business, Mayor Byrd announced that the Township Committee will now enter into Executive Session to discuss legal and personnel matters indicated on Resolution No. 49 - 2015.

RESOLUTION NO. 49 - 2015

RESOLUTION AUTHORIZING THE TOWNSHIP COMMITTEE TO ENTER INTO EXECUTIVE SESSION NOT OPEN TO THE PUBLIC UNDER N.J.S.A. 10:4-12 FOR THE FOLLOWING MATTERS:

MATTERS RELATING TO THE ATTORNEY - CLIENT PRIVILEGE NJSA 10:4-12 (b) (7)

K. JONES AND FAIRFIELD TOWNSHIP
CITY OF BRIDGETON & FAIRFIELD TOWNSHIP JOINT COURT SERVICES
WILDLIFE PRESERVES INC. V NJDEP TRI-STATE DREDGING & FAIRFIELD
TOWNSHIP

MATTERS RELATING TO THE EMPLOYMENT RELATIONSHIP NJSA 10:4-12 (b) (8)

RICE NOTICE J. CLARK

Mayor Byrd advised that action is anticipated as a result of the discussion held in Closed Session at which the Township Committee will convene back into Open Session.

The Township Committee convened into Open Session with all members present at 9:13 pm.

The Township Solicitor announced the time is now 9:13 p.m. and the doors are now open. The Township Committee has come out of Executive Session having discussed those matters listed on the agenda under Executive Session with the addition of litigation matter of Ivan Cater v Fairfield Township.

Mayor Byrd announced the following resolution into the record:

RESOLUTION NO. 55 - 2014

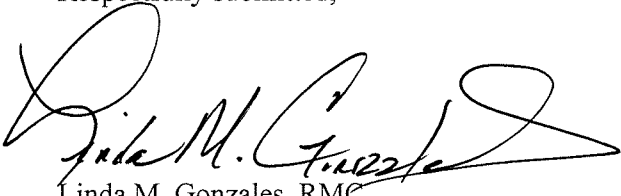
RESOLUTION RECOMMENDING TERMINATION OF JEREMY CLARK, PUBLIC WORKS PART TIME EMPLOYEE FOR CAUSE

Mayor Byrd asked for a motion to adopt Resolution No. 55 - 2015. Deputy Mayor Pitts moved to adopt Resolution No. 55 - 2014 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd announced no further business, this concludes the Regular Meeting and asked for a motion to adjourn the meeting.

Committeeman Morton moved to adjourn seconded by Mayor Byrd. All committee members voted in the affirmative. The meeting was adjourned at 9:20 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