

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION MEETING
JUNE 16, 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 OPMA Act 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 16th day of June, 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; Committeewoman Servais, present and Mayor Byrd; present.

Also present were Township Administrator Davis, Township Solicitor Carr and Township Clerk Gonzales.

APPROVAL OF MINUTES:

WORK SESSION / ACTION MEETING MAY 5, 2015 AND CLOSED SESSION MEETING
MAY 5, 2015

Motion moved by Deputy Mayor Pitts to approve the Work Session/Action Meeting and Closed Session Meeting of May 5, 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

REVIEW OF BILL LIST PROVIDED BY CFO

The Township Committee was reviewing the bill list. Mayor Byrd stated that the Township Committee will come back to the Bill List.

Mayor Byrd read the following ordinance into the record:

ORDINANCE FOR INTRODUCTION (FIRST READING)

ORDINANCE NO. 9 - 2015

AN ORDINANCE AMENDING ORDINANCE NO. 8 - 2015 OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY TO ESTABLISH THE DEFENSE AND INDEMNIFICATION OF TOWNSHIP OFFICIALS

Mayor Byrd asked for a motion to introduce Ordinance No. 9 - 2015 on first reading. Deputy Mayor Pitts moved to introduce Ordinance No. 9 - 2015 on first reading seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

PUBLIC COMMENT ON CURRENT AGENDA ITEMS ONLY:

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

Virginia LeMatty, 9 LeMatty Way appeared and asked that Ordinance No. 9 - 2015 be explained into the record as there are several residents of the Township that are unable to attend tonight's meeting.

Township Solicitor Carr explained that in this case, we are dealing with an ordinance that was introduced and adopted by this committee, providing for a defense of elected officials in the event of litigation involving them, providing they were not in the wrong, providing that they did not commit certain acts.

He advised that in this case, there was the word "not" left out of the original ordinance and it was raised to our attention and the appropriate thing is to try to engineer this thing as you do the right thing as an elected officer, you can anticipate on being defended. He explained as to the word "nots", if you committed various for instance, acts, such as criminal act, something outside of your line of duty then you are not entitled with a defense and that is really what this introduction ordinance was about was reworking that paragraph to make sure it reflected the actual intent that was discussed.

Ms. LeMatty stated that there are several lawsuits against the Township and asked if this would play into those several lawsuits against the Township. Township Solicitor Carr explained that the way it was put together, it is engineered saying prospectively, it does not go back in time.

Patrick Conahey, 240 Cedar-Fairton Road, appeared and inquired which liquor license is Resolution No. 110 - 2015. The Township Clerk stated it is for Terrigno's Fairfield Inn.

Carla Smith, Fairfield Township Tax Collector appeared and requested that the governing body hold off on Resolution No. 109 - 2015 indicated on tonight's agenda. Ms. Smith explained that she has not heard a response from Ms. Hanby on this matter.

There being no further comments. 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.

Mayor Byrd asked if the members of the Township Committee have had a chance to review the bill list and if there were any questions. There were none.

Mayor Byrd read the following resolutions into the record as follows:

RESOLUTION NO. 106 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS

Deputy Mayor Pitts moved to adopt Resolution No. 106 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

RESOLUTION NO. 107 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY APPROVING BUDGET AMENDMENT - CHAPTER 159 - CLEAN COMMUNITIES GRANT

Mayor Byrd requested that Resolution No. 107 - 2015 be tabled for the next meeting to obtain the documentation information for said resolution. Motion moved by Deputy Mayor Pitts to table seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

RESOLUTION NO. 108 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING REFUND OF TAX OVERPAYMENT OF \$312.15 TO CLINTON WILLIAMS, BLOCK 19.03, LOT 2 KNOWN AS 1 WALDENS DRIVE

Deputy Mayor Pitts moved to adopt Resolution No. 108 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 109 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING MARIANE HANBY REDEMPTION OF TAX SALE CERTIFICATE NO. 14-00041 IN INSTALLMENTS FOR BLOCK 36, LOT 66 KNOWN AS LUMMIS MILL ROAD

Deputy Mayor Pitts moved to table Resolution No. 109 - 2015 as per the request from the Tax Collector seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 110 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE FOR 2015-2016 LICENSE TERM - TERRIGNOS FAIRFIELD INN, LLC

Deputy Mayor Pitts moved to adopt Resolution No. 110 - 2015 seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 111 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING THE EXECUTION OF DISCHARGE OF MORTGAGE SMALL CITIES PROGRAM BETWEEN KATHLEEN MARTIN "BORROWER" AND FAIRFIELD TOWNSHIP "LENDER"

Deputy Mayor Pitts moved to adopt Resolution No. 111 - 2015 seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 112 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING THE EXECUTION OF A BLUE LIGHT PERMIT APPLICATION FROM AARON S. BUTCHER, FAIRTON FIRE AND RESCUE VOLUNTEER

Deputy Mayor Pitts moved to adopt Resolution No. 112 - 2015 seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, abstain; Pitts, yes; Servais, yes and Mayor Byrd, yes.

HEARING / RICE NOTICE
MUNICIPAL CLERK

Mayor Byrd announced that the public hearing regarding Municipal Clerk Rice Notice will be skipped at this time and come back too later this evening.

Mayor Byrd read the following New Business into the record:

NEW BUSINESS

DISCUSSION / INTERIOR PAINTING OF MUNICIPAL BUILDING

Township Administrator Davis announced that he had mentioned this to the committee via memorandum, of the need to have the municipal building painted. The labor will be provided by the Fairton Federal inmates. Mr. Davis indicated that the cost for the paint would be approximately \$500.00.

Deputy Mayor Pitts inquired if colors have been selected for the municipal building. The Administrator indicated that he has several professional color samples that will be provided to the committee.

Mayor Byrd asked for a roll call vote to paint the interior building of the municipal building at a cost of \$500.00. The following roll call was recorded as follows: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd read the following old business into the record:

OLD BUSINESS (DEFERRED FROM MAY 19, 2015 MEETING)

RESOLUTION NO. 101 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY REQUESTING THE CUMBERLAND COUNTY BOARD OF CHOSEN FREEHOLDERS TO CONSIDER EXPANDING THE USE OF THE OPEN SPACE FUND TO INCLUDE RECREATIONAL DEVELOPMENT AND HISTORIC PRESERVATION

Deputy Mayor Pitts moved to adopt Resolution No. 101 - 2015 seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

UPDATE ON CREDIT CARD MACHINE FOR TAX COLLECTOR'S OFFICE

The Township Administrator announced on his further research done with several communities who currently utilize a credit card machine to collect property taxes. He explained that the cost is minimal and that there are no fees charged to the municipality for credit card swipe. Mr. Davis stated that we are receiving more residents coming in to pay their property taxes with a credit or debit card.

There were no objections from the committee. Mayor Byrd asked for a roll call vote on the credit card machine for the Tax Collector's Office. The following roll call was recorded as follows: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

UPDATE ON NEW EMPLOYEE TIME CLOCK

The Administrator reiterated from the previous meeting regarding the use of a biometric time clock. The time clock will require each employee to clock in by using their fingerprint. He indicated that way there is no one, not that we have had any issues that he is aware of in people clocking in or out for other people. He explained that by using the biometric time clock will also allow us to increase our Human Resources efforts and be more up to date as we do not have a Human Resource Department.

Committeewoman Servais asked what is wrong with the time clock we have now. She stated that the Township just replaced the time clock last year. The Administrator stated that the time clock that we have currently is operating sufficiently. He indicated the difference here, there is no room for error in time, there is no possibility of someone clocking in and out for someone else and it saves time because it is all computerized.

Committeewoman Servais stated that she has heard from a few people that there are problems with the biometric clock not working well. The Administrator indicated that the biggest issue is fingerprints not being cleaned.

Committeewoman Servais asked the Administrator if he had such time clock one at his restaurant in Bridgeton. The Administrator stated that he did. Ms. Servais asked the Administrator if he had problems with the time clock. The Administrator stated that the problems he had were greasy fingerprints from his cooks.

Deputy Mayor Pitts asked the Administrator if there was a term contract for the time clock. The Administrator indicated that there is none.

Committeeman Morton asked the Administrator how he resolved the fingerprint issue at his restaurant.

The Township Administrator stated that his employees are to wash their hands and to use hand sanitizer prior to placing their index finger in the time machine.

Committeeman Morton indicated that our maintenance department works daily with greasy materials and inquired if this would be an issue. The Administrator stated that if they wash their hands and use hand sanitizer there would be no problems.

Committeewoman Servais asked the Administrator if he had done away with the fingerprint time machine at this restaurant. The Administrator stated he did away with the fingerprint time machine due to some changes that were associated with his restaurant and that his restaurant is not the question here.

Mayor Byrd asked the committee to come back to the fingerprint machine at the next scheduled meeting and decide on this so that way anybody can research the matter further.

Committeeman Clark stated that the same fingerprint system is utilized at his place of employment. He indicated that when the fingerprint does not work accurately, they have a discrepancy edit form that they can use as a backup when the fingerprint does fail. He indicated that if we are going to revisit this, we may want to think about looking into the discrepancy edit form as a backup in the event the fingerprint does not work correctly.

There being no further discussion on the time clock. Mayor Byrd announced that we will now have the State Trooper to come forward with his report.

Clifford Petty, Assistant State Commander, Bridgeton Station appeared and presented an updated statistical analysis of their proactive and reactive state police activity in Fairfield Township mostly for the finish month of May. Trooper Petty indicated that he was here last on March 17, 2015.

Calls for service for the month of May in Fairfield Township, State Police were called out 216 times in the month of May which placed Fairfield Township third among behind Upper Deerfield Township and Pittsgrove Township for volumes of calls. 181 cars were stopped which is behind Pittsgrove Township and ahead of Deerfield Township; 7 motor vehicle accidents; 39 criminal investigations behind Upper Deerfield Township which is roughly doubled. An incident on Shoemaker Lane where several suspects were arrested for aggravated assault over a vehicle sale dispute and a Township resident who was driving and overturned her vehicle twice on Buckshutem Road. The driver was placed under arrest. Both incidents involved having them flown to Cooper Hospital.

Upon his report, Trooper Petty asked if anyone had any questions and or concerns.

Mayor Byrd asked if there was any update on the two (2) escaped prisoners. Trooper Petty indicated there was none other than what we have heard on the news. It was indicated that a woman who worked at the prison had a relationship with both prisoners. The prisoners are still being searched for.

Mayor Byrd thanked Trooper Petty for his report and coming out tonight.

PUBLIC COMMENT

Mayor Byrd asked for a motion to open the meeting to the public. Deputy Mayor Pitts moved to open seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd yes.

Viola Thomas-Hughes appeared and indicated that she was present at the last meeting and asked about the increase in the budget and wanted to know if anyone found out on her inquiry.

Mayor Byrd stated that he had talked to the Chief Financial Officer in which the CFO emailed the mayor the information. Mayor Byrd stated that unfortunately he did not get to print it but that he would have it for her at the next meeting.

Ms. Thomas-Hughes stated that when you did the increase in the line budget nobody knows where the increase in the budget was. Mayor Byrd stated we did have the line increase written down and presented to us and went through the budget process spending quite a bit of time on it and when you just came in a couple of weeks ago and asked about, that means that we would have to revisit it again. He indicated that we did not have the information right in front of us because the budget process was over with.

Ms. Thomas-Hughes stated so nobody knows what budget line item it is when you reviewed the budget.

Mayor Byrd stated that when he reviews it, he would have it. Ms. Thomas-Hughes asked if any of the other committee members would have the information. Mayor Byrd stated that he could not speak for anyone else.

There were no further comments to be received. At this time, Mayor Byrd asked for a motion to close the public portion. Deputy Mayor Pitts moved to close seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd announced that the Township Committee will now convene into Executive Session and action may be taken as a result of the Executive Session.

Township Solicitor Carr announced the following matters for discussion in Executive Session are as follows:

Litigation Matters

Tax Appeals - Zander and Servais
Fairfield Township vs Wildlife
Fairfield Township vs B&M Auto
Fairfield Township vs Hulitt
Fairfield Township vs Zirkle

The meeting was adjourned at 7:35 p.m.

The Township Committee reconvened back into open session from the Executive Session with all members present.

Township Solicitor Carr announced that the time is now 8:15 p.m. and the Township Committee is now out of Executive Session having discussed the litigation matters of two (2) tax appeals; Fairfield Township vs Wildlife; Fairfield Township vs B&M Auto; Fairfield Township vs Hulitt; Fairfield Township vs Zirkle and including a security breach that could potentially affect the Township.

The Township Solicitor indicated it was noted when we entered Executive Session and shut the doors, we had to pass Resolution No. 113 - 2015 authorizing to enter Executive Session and recommended to pass the motion to technically enter Closed Session.

At this time, Mayor Byrd asked for a motion to adopt Resolution No. 113 - 2015 authorizing the Closed Session. Deputy Mayor Pitts moved to adopt Resolution No. 113 - 2015 seconded by Committeeman Clark. Roll call vote: Clark, yes; Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes.

Mayor Byrd announced a recreation activity request by Gouldtown Family Fun Day to be held on Route 49 near Tipp's Trailer Park. There being no objections, a motion by Committeeman Clark to approve seconded by Committeewoman Servais. Roll call vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, abstain.

Mayor Byrd announced correspondence received by Mr. Ernest Zirkle about Senator Van Drew establishing a Delaware Bay Commission. Mayor Byrd stated that Mr. Zirkle had come before the committee and discussed with us that they have had several meetings about the shoreline and protecting the shoreline. Mayor Byrd stated that they would like a liaison to the commission from the Township and Mr. Zirkle is interested in being the liaison to report back to us, if the Township Committee cares to do so, or if one of the Township Committee members would like to serve as the liaison to the Delaware Bay Commission.

There were no objections from the Township Committee to having Ernest Zirkle serve as the liaison for the Delaware Bay Commission. The following resolution was adopted as follows:

RESOLUTION NO. 114 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING ERNEST ZIRKLE TO SERVE AS THE LIAISON FOR THE TOWNSHIP TO THE DELAWARE BAY COMMISSION

Deputy Mayor Pitts moved to adopt Resolution No. 114 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

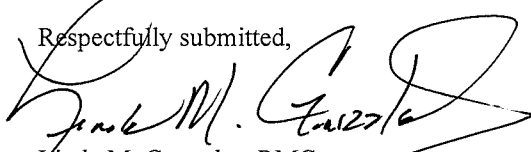
RICE NOTICE - MUNICIPAL CLERK

Township Solicitor Carr stated for the record, there was a Rice Notice provided and Attorney Joseph G. Gindhart responded and copied to all members of the committee asking on behalf of his client, Ms. Gonzales that the matter is to be discussed in public session. Mr. Carr stated the committee is now free to pick up where they were discussing this in Closed Session several weeks ago.

At this time, Township Clerk Gonzales steps down from the dais to sit with her attorney, Joseph G. Gindhart, Esquire for the public hearing.

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,


Linda M. Gonzales, RMC
Township Clerk