

FAIRFIELD TOWNSHIP COMMITTEE  
REGULAR ACTION MEETING  
NOVEMBER 17, 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:

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 17th day of November, 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. Committeewoman Servais led a moment of silence for the loss of lives perished by terrorist in the Paris massacre bombings.

ROLL CALL

The following roll call was recorded as follows:

Committeeman Morton, present; Deputy Mayor Pitts, present; Committeewoman Servais, present and Mayor Byrd, present.

ABSENT:

Committeeman Clark was absent.

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 SEPTEMBER 15, 2015; CLOSED SESSION SEPTEMBER 15, 2015  
WORK SESSION/ACTION MEETING OCTOBER 6, 2015; REGULAR ACTION MEETING OCTOBER 20,  
2015 and CLOSED SESSION MEETING OCTOBER 20, 2015

Deputy Mayor Pitts moved to approve the minutes as written seconded by Mayor Byrd. Roll Call Vote: Morton, no; Pitts, yes; Servais, yes with the exception of the Regular Action and Closed Session Minutes of September 15, 2015 as abstain due to being absent from meeting and Mayor Byrd, yes.

REVIEW OF BILL LIST PROVIDED BY CFO

Mayor Byrd announced that not all of the vouchers present for payment have the required 3 signatures. Mayor Byrd recommended that bill list be tabled and only pay the bills that would lapse such as the insurance or any other serious bills that would put the Township behind or place the Township in harm's way and to ensure that those bills have the required 3 signatures before they are mailed out. Deputy Mayor Pitts moved to table those bills that require the 3 signatures seconded by Mayor Byrd.

ORDINANCES FOR INTRODUCTION (FIRST READING)

ORDINANCE NO. 10 - 2015

AN ORDINANCE FOR OPEN BURNING OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF CUMBERLAND

Deputy Mayor Pitts moved to introduce Ordinance No. 10 - 2015 on first reading seconded by Mayor Byrd. Roll Call Vote: Morton, no; Pitts, yes; Servais, yes and Mayor Byrd, yes.

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

None

PUBLIC COMMENT ON CURRENT AGENDA ITEMS ONLY

Mayor Byrd read the following into the record as follows: In order for the Committee to conduct all business of the Township in the most productive manner possible, meeting attendees will be given (five) minutes, all-inclusive to comment on any agenda items(s) without comment or question from the Committee, but only on items specified on the agenda listed for the current meeting. Please step up to the microphone at the appropriate time, and state your name and address for the record

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

Deputy Mayor Pitts moved to open the meeting for public comment on Current Agenda Items Only seconded by

Mayor Byrd. Roll Call Vote: Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd yes.

Russell Pierce, 376 Fairton-Gouldtown Road appeared and indicated that it is his understanding that there is an ordinance for wood stacking. Mr. Pierce indicated that he would like to know who is complaining about the wood in somebody's yard.

Mayor Byrd responded that he really is not sure who is complaining about it. Mr. Pierce indicated that somebody is complaining about it for the Township to come up with the idea to make an ordinance. Mr. Pierce stated you haven't had enough complaints yet have you?

Mr. Pierce stated that he believes that he is being attacked when you are talking about the wood business. He stated that he does not have to have a business license and if he does need one, he would get one and if this is not satisfied to you that he would take and move his wood in another area, and that they cannot do anything about that.

Mayor Byrd asked Mr. Pierce if he was stating that he was the one that came up with the ordinance, is this why you are talking to me like this. Mr. Pierce stated you all just came up with this. He stated that he has always had the wood in the yard for the longest of time. Mr. Pierce stated that you still have not told me who came up with the idea of the ordinance and if the ordinance is going to be for residential, farmland or what it is going to be.

Mayor Byrd advised Mr. Pierce that the ordinance on the agenda is just for discussion and that it is not being introduced and that he does not believe that is because of Mr. Pierce. Mr. Pierce stated that he believes it is. Mr. Pierce stated that he will fill the whole side of wood in his yard between him and the Mayor and it makes no difference to him and that it is not a threat, that it was a promise to the Mayor.

Virginia LeMatty, 9 LeMatty Way appeared and indicated that she had a question pertaining to Item No. 15 on the Agenda as Public Comment. She asked if they are just giving everybody five (5) minutes for comments on Current Agenda Items Only or are you going to open the meeting afterwards because at the last meeting they were present and you did not have any time for any comments after the meeting. If people have comments that are not on current agenda items only will the public be allowed to make their comments.

Mayor Byrd advised that public comments are held at the end for items not listed on the current agenda. Ms. LeMatty indicated that this is why she is asking because at the last meeting the public was not allowed to issue their comments because the meeting was adjourned.

Harvel Brown, 163 Clarks Pond Road appeared to inquire if the Township had come to a resolution with the property line next to his house.

Mayor Byrd advised Mr. Brown that his inquiry can be addressed during the Public Comment at the end of the meeting as this is for comments to be received on current agenda items only.

Geneva Brown, 195 Shoemaker Lane appeared and inquired on the proposed wood stacking ordinance. Ms. Griffin asked if there were any draft copies available.

Mayor Byrd advised Ms. Griffin that the Township Committee has a couple of ordinances that they received from different townships. Ms. Griffin asked if they will be made available to the public. Mayor Byrd advised that they could be made available.

Ms. Griffin indicated that you really cannot make comment on a wood staking ordinance as far as the general public goes without having any information before the public to review or comment on.

Mayor Byrd explained that it is on the agenda for the purpose of the Township Committee to have a discussion only.

Mayor Byrd explained to Ms. Griffin that the Township does not have an ordinance for the general public's comment.

Ms. Griffin asked then why it would be put on the agenda. Mayor Byrd advised so the Township Committee can discuss it that is how you develop an ordinance if you want to have one. Ms. Griffin indicated that she is not exactly sure how you would develop an ordinance and discuss it when there is no information available for discussion.

Ms. Griffin made reference to the Bill List. She indicated that the Bill List was not approved by vote of 2-2 split which means the measure failed so no bills will be paid. Mayor Byrd stated it seems that is the way it went.

Ms. Griffin stated that she did not hear the following confirmed when the vote took place.

Township Solicitor Carr interjected and advised that a motion was made, and it comes back on the agenda and the motion made was to table the bill list and it will be visited on the agenda as Item No. 10 under Resolutions.

Ms. Griffin indicated that she served ten (10) notices and asked Township Solicitor Carr if he received the copy.

Township Solicitor Carr asked for clarification on the notice. Ms. Griffin stated on the repayment of taxes.

Solicitor Carr advised that he did. Ms. Griffin asked Township Solicitor Carr when this matter would be discussed.

Solicitor Carr advised Ms. Griffin that he had circulated the matter to the Township Committee and that he presumes it is going to be discussed. Ms. Griffin asked if the matter would be discussed in open session. Township Solicitor Carr advised because of litigation; he suspects not.

Ms. Griffin indicated that when the notice was served, she was unaware of the time, the voting members of the committee, that the November 3, 2015 was canceled or that another one was rescheduled in a timely manner and therefore, the ten (10) day letter has been held but will be moved forward as you make your motion or not make your motion today.

There being no further comments to be received, Mayor Byrd asked for a motion to close the public comment on Agenda Items Only.

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

Mayor Byrd announced that a vote was taken earlier on payment of the bills for Resolution No. 157 -2015; a vote was taken on payment of the bills. At this time, the Township Solicitor indicated just to be clear; you took a vote on tabling the bills. He advised that you could take a vote on the whole bill list or you could take a vote on amending the bill list if you are just going to pay the emergency bills. At this time, Mayor Byrd indicated that he would entertain a motion to just pay the emergency bills of the Township. At this time, Mayor Pitts moved to pay just the emergency bills. At this time, Committeewoman Servais inquired what you are considering to be as emergency bills.

Mayor Byrd indicated the insurance, electricity, telephone, shared service agreement with the City of Bridgeton and things of that nature that would put the Township in harm's way.

Committeewoman Servais indicated that she believes the mayor should name them off into the record and check them off on the bill list.

Mayor Byrd read the following: Corporate Benefits Insurance, City of Bridgeton, Verizon, School Taxes, NJ Department of Labor, Vision Service Plan and the Utilities Authority.

Resolution No. 157 - 2015 was read in the record by Mayor Byrd as follows:

RESOLUTION NO. 157 - 2015

A RESOLUTION OF FAIRIFELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS FOR Corporate Benefits Insurance, City of Bridgeton, Verizon, School Taxes, NJ Department of Labor, Vision Service Plan and the Utilities Authority was moved by Deputy Mayor Pitts seconded by Mayor Byrd. Roll Call Vote: Morton, no; Pitts, yes; Servais, yes; and Mayor Byrd, yes.

Mayor Byrd read Resolution No. 158 - 2015 in the record. Mayor Byrd announced that a copy of the 2015 Best Practices Inventory was provided in the Township Committee packets and indicated that he does not know if any of the members had time to look it over. He advised that he did review the questionnaires and asked if the Township Committee had any questions.

Committeewoman Servais advised that she reviewed the questionnaires and inquired who answered the questions.

Mayor Byrd indicated that he believes it was a coordinated effort between the Chief Financial Officer, the Township Administrator, and the Township Clerk.

Committeewoman Servais advised that she had a couple of questions to ask. Committeewoman Servais referenced the Local Government Ethics Law. She asked if everyone had reviewed this and if anybody attended the Local Government Ethic Law Seminar. Committeewoman Servais asked the Township Committee if they are aware of the annual New Jersey League of Municipalities Convention that is going on this week in Atlantic City.

Committeewoman Servais indicated that all of the members of the Township Committee with the exception of herself and Committeeman Morton who will be leaving in December should be attending these seminars. She advised there is so much information out there for the Elected Officials such as the Local Government Ethics Law, Planning/Zoning, and Elected Official Duties. She explained that there is so much information and a lot of things for them to collect to bring back to this Township to run things smoother. She indicated she did not see where any committee person who is going to be here next year sign up to attend the Convention and that it is a shame.

Mayor Byrd asked Committeewoman Servais if she had reviewed the questionnaire because the resolution is asking if it was reviewed and not asking for your opinion.

Committeewoman Servais asked if he had reviewed it. Mayor Byrd advised that he did and that is why he is trying to take a roll call vote on the resolution.

Committeewoman Servais indicated to go ahead that she was giving her opinion because there are things on here that is checked as yes and should be a no.

At this time Mayor Byrd asked for a motion for Resolution No. 158 - 2015. The following motion was recorded as follows:

RESOLUTION NO. 158 - 2015

A RESOLUTION OF CERTIFYING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FAIRFIELD REVIEWED THE 2015 BEST PRACTICES INVENTORY QUESTIONNAIRE FOR CY2015

Deputy Mayor Pitts moved to adopt Resolution No. 158 - 2015 seconded by Mayor Byrd. Roll Call Vote: Morton, no; Pitts, yes; Servais, no and Mayor Byrd, yes. The motion failed.

Mayor Byrd announced that earlier we touched on Wood Stacking Ordinance. He advised there are two (2) ordinances in their packet for their review. He advised it is basically for health and public safety as well as an issue that should be brought to the Planning/Zoning Board. Mayor Byrd asked if the Township Committee had any questions and or comments. There were none.

NEW BUSINESS

WOOD STACKING ORDINANCE

Deputy Mayor Pitts stated that there are a couple of ordinances that were obtained from other municipalities regarding outside storage of firewood and its regulations. He indicated that during his travels around different parts of the Township, he sees several piles of wood as close to 10' high which is hazard for kids being around. He stated that it is an issue as a fire hazard and that in addition to that we do not know where the wood is coming from other towns, municipalities or states that could introduce insects that we are not aware of. He indicated that the ordinance governs the setbacks, outside storage and the amount of storage wood for personal use.

Committeeman Morton indicated that he has some concerns about it. Committeeman Morton stated that this has been a trend for some time but that no one has really explained why it is such an issue right now. He advised that the only clues we have is there a rift between some individuals in the room and that every time that happens a new ordinance gets passed to cover that. He indicated that oddly enough someone is preparing to address the committee tonight about a more pressing issue and no ordinance was put together for that, so it seems like ordinances are put together at the convenience of certain committee people, but then other things that are important to the members of this community it is overlooked and not addressed.

Committeeman Morton stated he has to question the motivation for this when we say things like it is a safety hazard for children, then so are snow drifts. He stated when we deal with foreign fora and ecological problems and are we taken wars on potato bugs and stink bugs too.

Committeeman Morton stated certainly these things can be used to justify such an ordinance, but that is not the case here. He indicated that anybody that buys into this is allowing themselves to have the wool pull over their eyes.

He indicated there is no hurry for this ordinance. He stated that at a time when people are stock piling wood for fuel, it is not a good look. He advised if you want to take this on, to wait until spring; there is no reason for people to have stocked piles in the spring.

Committeewoman Servais had no comments.

Mayor Byrd advised that he does not have much to say about it; only that he is not the one that came up with the ordinance, but that he does agree with some of the points of it. He said as you drive around the Township it is supposed to be a Clean Communities, but when you see people's personal yards that have wood laying around all over the place and that he believes it needs to be addressed in one way in fashion or form.

PROFESSIONAL SERVICES FOR 2016

The Clerk announced that the RFP/RFQ for 2016 Professional Services was advertised and that she has received calls responding to the RFP/RFQ.

Mayor Byrd asked the Township Clerk to provide the Township Committee with a copy of the RFP/RFQ.

Committeewoman Servais asked the mayor if he thought it would be a good idea to provide a copy of those RFP/RFQ to the two (2) new incoming elected Township Committee members for their review as they will have a decision in the selection of the professionals.

Mayor Byrd indicated that they could have a copy of the RFP/RFQ's as well.

Mayor Byrd read the following Old Business into the record as follows:

OLD BUSINESS

PROPOSAL FROM FRALINGER ENGINEERING FOR LANDFILL METHANE GAS TESTING PERFORMING METHANE QUARTERLY SAMPLING IN ACCORDANCE WITH THE CURRENT NJDEP METHANE MONITORING REQUIREMENTS FOR THE LAST QUARTER OF 2015 FOR \$2,250.00 AND SAME MONITORING REQUIREMENTS FOR ALL FOUR QUARTERS OF 2016 FOR \$9,000.00

Mayor Byrd indicated that a copy of the proposal was provided by Fralinger Engineering firm. He advised that Fralinger Engineering firm was monitoring the wells at the Convenience Center on behalf of the Township and that how this got out of whack that he is really not sure however, we need to make sure these wells are being monitored. Mayor Byrd indicated that we need to either have Fralinger Engineering firm to monitor the wells or obtain some additional quotes from other companies.

The Township Solicitor interjected at this time and indicated that based on the amount, obtaining some additional quotes would be the best route.

Mayor Byrd advised the Township Committee that it is his suggestion to obtain some additional quotes for the well monitoring and inquired if the Township Committee had anything to say about this.

Committeewoman Servais commented that you stated that you do not know how it got of whack, it is because Mr. Fralinger's Office was performing the monitoring of the wells last year because they were the Engineers for Fairfield Township. Committeewoman Servais asked what happened with the Township Engineer this year that they could not monitor the wells like our former Township Engineer did before.

Mayor Byrd indicated well maybe they can and maybe we will have to get quotes from them.

Committeewoman Servais stated that the new Township Engineer should include it in their fee. She indicated that the new Township Engineer charges the Township something every month and what are they charging the Township for.

Mayor Byrd asked if any other Township Committee members had anything to say. There were no comments.

Mayor Byrd announced next on the agenda is Committee Reports/Remarks.

COMMITTEE REPORTS / REMARKS

Mayor Byrd asked the following members for their comments:

Committeewoman Servais asked the mayor to circle back to her in order to allow her to finish writing up something.

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

Committeeman Morton indicated that he had no comments.

Committeewoman Servais indicated that she too would like to say thank you to everyone for coming out tonight and that she wished that more people would have been present tonight. Committeewoman Servais indicated that she will reserve her further comments for the next meeting and maybe we will have more people in attendance because there is something that everybody needs to hear and that if the people do not come out that she will be sending out newsletters to everybody to let them know what is going on.

MAYOR'S REPORT / REMARKS

Mayor Byrd indicated that he wanted to thank everybody for coming out and for their patience to the Township Committee.

PUBLIC COMMENT

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

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

Mayor Byrd announced that he will read again the five (5) minute statement for Public Comment as follows:

The Committee welcomes participation of interested organizations and individuals during work session/action, regular action and special meetings. However, in order to conduct the business of the Township in the most productive manner possible, attendees will be given five (5) minutes, all inclusive, 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. Please step up to the microphone at the appropriate time and state your name and address for the record.

Mayor Byrd reminded everyone one at a time if anyone would like to address the Township Committee to please come forward.

Michelle Burry, 84 Seabreeze Road appeared in regard to the proposed wood stacking ordinance.

Ms. Burry referred on the comment by Committeeman Morton that perhaps no wood stock piling for the spring or a 2-cord limit was proposed earlier on during the meeting. She advised that part of the seasoning of your spilt wood is to stockpile it in the spring so that it seasons over the late spring and summer heat before you need to use it.

Ms. Burry advised that anybody that has a wood stove or burns wood knows that in a winter below 40 degrees that you can go through 2-cords in January and February constantly having it done. She indicated that when she was growing up, they had a wood stove, and they would slow burn oak wood starting in late December and would not finish until mid - April and easily go through 4-cords.

Ms. Burry indicated that she understands the stacking of a certain height. She advised that she does not agree with the safety issues. She stated kids typically are not going to play around a wood pile. She indicated that she has never heard of an incident where a child got seriously injured, damaged, or killed by fallen stack of wood pile.

Ms. Burry stated just like Committeeman Morton had stated that snow drifts, ice there is so many other ways that anybody can get hurt not just kids.

Ms. Burry referred to the area where the bugs go. She believes region wide that there are going to be bugs everywhere in a region and she does not see how we are going to bring out an area out of bugs unless you bring in a professional logger to cut wood for fire.

Ms. Burry referred to Professional Services. Ms. Burry asked if this was public advertised.

Ms. Burry was advised that it is done every year in November for the new calendar year.

Geneva Griffin, 195 Shoemaker Road appeared and stated Mr. Pitts, please resign.

Ms. Griffin stated that Mr. Pitts is worrying about bugs. She stated that she thought Mr. Pitts was going to read the ordinance from the community that he resides in, but that he did not. She indicated to Mr. Pitts that he does not live in this community as they have stated this at many, many meetings and that he should not be making rules and regulations for anyone else within this Township to live, particularly when you do not live by them.

Ms. Griffin stated that there has been no incident of a child being hurt by fallen wood. She indicated that you see more trees that have fallen over in the woods, on the township roads, leaning still dangerously close to the roads and to the wires, but that he is not worried about those trees.

Ms. Griffin indicated that she is going to be careful about what she says because normally what she says means what she says. She stated that if he has an issue with an individual that he ought to be man enough to deal with that issue instead by using the Township as a front to come at anyone because he is not doing anything for the taxpayers and the only one that is benefiting from you sitting on those seats, is himself.

Ms. Griffin indicated that if you are going to be worried about public safety, then why he is not worried about his big trucks rolling up and down the road. She advised that more kids have been hit by big trucks who have failed inspections time after time again, than a fallen log.

Ms. Griffin stated that if you are going to be set rules for someone else, who we have asked you many times to follow the rules that are already in place. She indicated the business license ordinance has not been amended or rescinded and therefore you are required to follow it.

Ms. Griffin stated that this is not a game and if he thinks it a game, that it is a game that he is not going to win. She indicated that she was going to bring in her dominoes from her car this evening to show them an example but was not sure how wide the table in front of her and how it is going to go like the domino effect, one is going to fall, the other is going to fall, the next one is going to fall, and everyone else who needs to fall is going to fall.

Ms. Griffin stated because we are not going to give up.

Ms. Griffin congratulated Mr. Pierce, Jr on his victory and said that she certainly hopes that he has more plans for this Township than what they have got so far.

Ms. Griffin indicated that she is working on a Community Civic Enhancement Project so that the voters that are so disgruntled that they do not even go to the voting polls that they do not respond.

She indicated that when we have 577 under votes that there is a problem. She stated the voters are disgusted and that she understands their disgust, but that she certainly intends on waking them up, even as she continues to fight the battle in court because it is not over. Ms. Griffin stated ballot rigging, election fraud, unfairness and interference in the election process has to stop for the betterment of the residents of this Township.

Ms. Griffin stated if you are not a resident, you are exempt from what she is saying, but you are not exempt if you are still sitting on the Township Committee refusing to give up the seat and saying something as silly as absolutely something as ignorant as you are worrying about a wood stock and a bug that might come into the Township. She indicated that she wanted to wait until she could get a few breaths so that she could try to decompress to say just how ignorant that sounded to anybody that has ears.

Ms. Griffin stated that if you really want to take care of the Township and you don't think oil in the ground around your neighbor's houses, your family's house that has wells in the yard is more of a hazard than a pile of wood and a bug, then you need your head examined.

Mary Molinsky, 19 Fairton-Cedarville Road appeared and advised that a few years ago she had suggested that the Township Agenda be posted at the Post Office where the public go. She indicated that all that she sees posted at the Post Office is information about the school board and that perhaps the Township should post their Agenda, that it would encourage the public to see what is going on and what is going to be discussed so that they could come out to the Township Committee meetings.

Harvel Brown, 163 Clarks Pond Road appeared and indicated that it has been going on now for approximately 3 - 4 months and that it started last year. He advised that he has an easement along the side of his property that is questioned on. Mr. Brown indicated that he had asked certain individuals to not do anything until we received settlement from the Township on whose property it is. He explained he went through different avenues trying to figure out what is going on. He said he contacted Fralinger Engineering firm and certain members on the Township Committee to get their take on this matter and wanted to know what is happening.

Mayor Byrd advised that the last conversation that he had with the Township Engineer was yesterday and that he had explained to him that Mr. Brown had a survey done and that the entrance way appeared to be on Mr. Brown's property.

Mayor Byrd stated that he asked the Engineer if that means that it is not Old Burlington Road and that the Engineer indicated that he was pretty sure it wasn't if it was on Mr. Brown's property. Mayor Byrd indicated that Old Burling Road may be in there somewhere, but that also means that the Township has not been maintaining Old Burling Road and that it has not been maintained to his recollection 20 years or more.

Mayor Byrd indicated that the Township Engineer advised that the Township does not have to maintain or open Old Burlington Road. Mayor Byrd stated to the Township Engineer that the Township never opened the road so why should the Township have to spend thousands of dollars to open the road and that the Township Engineer indicated to him that the Township does not have to open the road because it was never maintained it in the very first place.

Mayor Byrd stated that a resident had stated at a previous meeting that she had paid someone to open the road and that the only reason that the Township got involved in the front part of it was because the Township received a complaint and we felt that the Township may have been placed in harm's way. He advised what we found out was that Old Burlington Road is not open as far as can be seen because what was seen as being opened was on Mr. Brown's property.

Mr. Brown inquired if the resident who paid someone to open that part of the road, did that person obtain a survey or permits as his property is damaged.

Mayor Byrd advised Mr. Brown that he himself could investigate if such was done and explained that the Township needs to stay neutral on this matter as it is now turned into a civil issue.

Mayor Byrd advised that the Township thought that Old Burlington Road went through there, according to the Township Engineer it was not on Township's property, it could be a right-of-way or could be an easement through there and that there are no houses present and the Township has not maintained it.

Mayor Byrd explained that as far as he is concerned, he does not believe that the Township should spend tens of thousands of dollars to try to open the road up when the resident stated that they had paid someone to open the road up in the first place and has never been maintained by the Township and that he believes there is an entrance way off on Shoemaker Lane which means there still may be access right up and coming off Shoemaker Lane and that the taxpayers should not be burdened by spending tens of thousands of dollars to open the road when it never was maintained.

Committeewoman Servais asked if the easement is next to Mr. Brown's property as he indicated that his property has to be an easement because there is land back there that would be land locked if it was not for this easement.

Ms. Servais advised that this has nothing to do with the Township that it is a civil matter. The people who have the easement on their property have not said anything that others cannot use that easement right, it is just that they came on to his property which was wrong to go on his property as long as they stay with the easement that has been established, they can clear that to get to their property but that it has nothing to do with the Township.

She advised that it only has to do with the easement and the people that granted the easement to the people who own the property in the back.

Committeewoman Servais advised that in the State of New Jersey you cannot have a land lock piece of property.

She explained that you are supposed to be able to get to it the shortest way possible across another property. She advised that if the easement is along the side of your property, you simply cannot close off the access to their property just because somebody dumped trash on it.

Ms. Servais stated if they have an easement back there and people are dumping, it is their responsibility to clean it up because it is on their easement, and they should keep it clean and not the Township.

Russell Pierce, 376 Fairton-Gouldtown Road appeared and advised that the road that we are talking about on Old Burlington Road goes right down beside Mr. Brown's property.

Mr. Pierce stated that Mr. Brown said that he had his ground surveyed, he had his front of his ground surveyed and in order to get to his property line he has to get to all 4 corners. Mr. Pierce advised that this road has been in there forever as long as he recalls when he was a kid.

Mr. Pierce indicated that he is 65 years old now and that he has permission to go back in there to hunt in the back of the field. He advised that is the right-of-way to get there and that they kept that road cleaned up so that they could get in and out of there to maintain that field whenever they got ready. Mr. Pierce indicated that he is going to file a complaint on Mr. Brown if he approaches him for going into that road again.

Mr. Pierce addressed Deputy Mayor Pitts regarding his safety concerns. He stated that Mr. Pitts needed to go out and look at the chimney sitting down on Fairton where the houses caught on fire. He stated that the house should have been taken down shortly after the house fire. Mr. Pierce stated look at all the vacant houses that have been through house fires, they need to be cleaned up and you talk about safety.

Mr. Pierce also mentioned for him to go out and look at the brick at the Fire House where it is fallen apart that needs to be taken care of.

Robert Johnson, 437 Seabreeze Road appeared to report that Old Burlington Road has been in existence way before Harvel Brown was born and himself as well.

Mr. Johnson indicated that he has a deed that is from 1927 and the deed states woods right-of-way. He advised that this is the closest way there and that he has been through there. Mr. Johnson stated that Mr. Brown is talking about the entrance being dug up and stuff and that it was the Township's equipment who did the digging and that he was not the one who did the digging.

Mr. Johnson stated that he and his wife opened the road and that as far as he knows Mr. Brown has the 4x4 with nails in them outside where Mr. Brown blocked it off. Mr. Johnson indicated that he opened the road because of the debris that Mr. Brown dumped in there and that is where he goes in.

Mr. Johnson stated that where Mr. Brown has it blocked off now that Mr. Brown has it blocked off where he does not even own it. He advised that it is the neighbor's property that he has the 2x4 board with nails in them. They are nailed to maybe his tree on his side but someone else's tree on the other side.

Mr. Johnson stated that the Township blocked it off and that they dug with the machine and that the entrance is a mess and that it is worse than it ever was. He advised that he had a tractor-trailer back in there when he had hay back in there and that he does not know what Mr. Brown is talking about.

Mr. Johnson stated that that road was there and that he used it and that he did not live there when he used it. He stated that he had a full-size tractor-trailer back there getting the hay and that he rented the field from Gail's grandfather, and he bought that back in 1927 and that he used to go back in horse and wagon and so did his wife.

Mr. Johnson stated that he did not understand Mr. Brown's problem and that his problem is up here (in the head).

Mayor Byrd asked if there was anyone else that would like to address the Township Committee. There were no further public comments to be received.

Mayor Byrd asked for a motion to close the public comment portion.

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

Mayor Byrd announced that the Township Committee will now convene into Executive Session and asked for a motion to adopt the Resolution Authorizing Committee to Enter into Executive Session.

#### RESOLUTION NO. 159 - 2015

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



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

GRINER VS FAIRFIELD TOWNSHIP

HULITT VS FAIRFIELD TOWNSHIP

GRIFFIN VS FAIRFIELD TOWNSHIP

Deputy Mayor Pitts moved to adopt Resolution No. 159 - 2015 seconded by Mayor Byrd. Roll Call Vote: Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

The meeting was adjourned at 7:55 p.m.

The Township Committee convened back into Open Session at 8:28 pm with all members present.

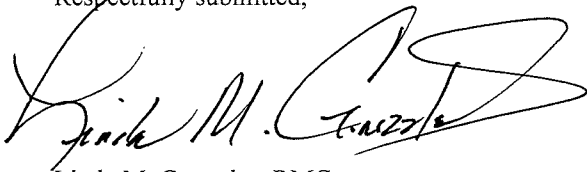
Township Solicitor Carr announced that the Township Committee is now out of Executive Session and the doors are open after having discussed the following litigation matters:

Griner vs Fairfield Township; Hulitt vs Fairfield Township and Griffin vs Fairfield Township.

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

Deputy Mayor Pitts moved to adjourn seconded by Committeeman Morton. All members voted in the affirmative and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda M. Gonzales". The signature is fluid and cursive, with the first name "Linda" and last name "Gonzales" clearly legible.

Linda M. Gonzales, RMC  
Township Clerk