

FAIRFIELD TOWNSHIP COMMITTEE
REGULAR ACTION MINUTES
SEPTEMBER 15, 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 15th day of September, 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 for Committeewoman Servais family for the loss of Ms. Servais husband 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.

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

WORK SESSION MEETING AUGUST 4, 2015, CLOSED SESSION MEETING AUGUST 4, 2015; REGULAR ACTION MEETING AUGUST 18, 2015 AND CLOSED SESSION MEETING AUGUST 18, 2015

Deputy Mayor Pitts moved to table the minutes for the next scheduled meeting 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 for a motion to table the bill list for the next scheduled meeting due to some technicalities resulting of not having all the vouchers provided for the Township Committee's review.

ORDINANCES FOR INTRODUCTION (FIRST READING)

There were none.

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

There were none.

PUBLIC COMMENT ON CURRENT AGENDA ITEMS ONLY

Mayor Byrd asked if anyone presented wishing to present their comments to be made on current agenda items only to please come forward.

John Paff, 172 Silver Lak Road, Bridgeton, approached and thanked the Township Committee for placing three (3) items on tonight's agenda that he had requested to be placed on the agenda. Mr. Paff stated that the one he wanted to discuss mostly ties into the business license code. Mr. Paff indicated that he did not know if it is known or not, but that he had made a judiciary request with the Bridgeton Court because he had heard that a complaint was made on Mayor Byrd. He advised that what he did find was the Mr. Russell Pierce had filed two (2) complaints on September 8, 2015 against Mayor Byrd for operating a business from his home without a license. Mr. Paff indicated that probable cause has not been determined for the issuance of this complaint that it was sent to Vicinage 15 for probable cause of determination and at that point going to a summons or not.

Mr. Paff stated that he thinks this underscores a problem, about the confusing nature of Fairfield Township business ordinance. Mr. Paff stated that he read our business license ordinance and that he cannot understand exactly that, which is prohibited. Mr. Paff indicated that he did read in response to an OPRA Request sent to Township Clerk Gonzales.

Mr. Paff stated that he had a letter written from the Administrator in July this year, from the City of Bridgeton Administrator where they gave an opinion on it just as a courtesy and they also mentioned that it was a confusing ordinance as to what is exactly is and what is exactly is not what needs to be licensed and business that do not.

Mr. Paff indicated that in just speaking with people in the last couple of meetings that he had been here, he finds there is a lot of conversation and there is a lot suspension about people in position of authority within the Township operating businesses without a license. Mr. Paff stated that it just seems to be a distraction and that he does not fault Mr. Pierce for bringing the complaint and does not fault the mayor for not having a business license because he is not sure that he even needs one.

Mr. Paff indicated that the most important thing going forward is to get this business license changed, get the code change so that it is clear. Mr. Paff explained that the rules should be clear and that there should be no ambiguity of this nature, it should be clear on whether you need one or not and that is what the ordinance should say, there should be a rule and it should be enforced.

Mr. Paff stated that he thinks the Township is suffering for not having clarity in this ordinance. Mr. Paff suggested that the Township Administrator and the Township Solicitor get together and maybe poll or survey the ordinances in other townships in the area and come up with something that is clear for people, so they know how to govern themselves.

Secondly, Mr. Paff stated that what he wanted to talk about was the insurance. He indicated that he did post on his blog, about Fairfield Township being one (1) out of three (3) towns within the Tri-County Area, Salem, Gloucester and Cumberland that has been essentially sanctioned by its Joint Insurance Fund, Tri-Co for not having written policies in place governing things such as sexual harassment and all nature of things and not provided training to its employee and officials and because of that, you have gotten a \$100,000 deductible instead of \$20,000.00 and he does not believe the taxpayer should be subject to that kind of financial liability, when the fix is pretty easy.

Mr. Paff suggested that the Township Committee instruct and direct their Township Solicitor and Township Administrator to get in touch with TRICO-JIF and try too as soon as possible to get those courses in, get the resolutions passed, do whatever needs to be done to get the Township out of exposure because the Township does have quite a few suits. He explained that it is like having house insurance; you want to make sure that you are insured because it could be a ruin with a financial loss of the Township if you do not do this.

Thirdly, Mr. Paff stated that he went through the Township Code, referencing *Disorderly Conduct and Loitering* in which he believes is illegal. He explained that when the criminal code was passed in 1979, it pretty much pre-empted all the street conduct such as loitering. He stated that you will find that if your Township Solicitor was directed to review those ordinances, most of them, he will most likely state they need to be appealed. He advised that he is aware that the Township is in the recodification process, and it would be good to have the Solicitor to look at them so they do not get carried over in to the new code book.

Nancy Ridgeway, 582 Irving Avenue approached and indicated that we have a resolution on the agenda for a \$2,490,000 General Obligation Refunding Bonds, Series 2015 and asked if the resolution could be explained to her.

Mayor Byrd explained to Ms. Ridgeway that the Township issued its General Improvement Bonds Series 2006 with maturities through February 15, 2027. Due to declining municipal rates, the 2006 Bonds can now be refinanced at lower interest rates saving the Township a significant amount of money. The estimate of debt service savings to be approximately \$99,000.00, net of all costs of issuing the refunding bonds.

Ed Kimley, 582 Seabreeze Road approached and asked if there was ever a problem before on the insurance deductible that it was a \$500,000.

Mayor Byrd stated that he has not heard that amount before, that his understanding it was \$100,000.00.

Mr. Kimley asked who created the problem; he asked if it was the new insurance carrier.

Mayor Byrd explained that it is on the Township itself, it is not the insurance. The Township has not had these policies in place for years and we are going to correct it as it was brought before the Township Committee tonight by Mr. John Paff.

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

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

RESOLUTIONS

RESOLUTION NO. 141 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$\$227,742.72

Said item was tabled for the next scheduled meeting.

RESOLUTION NO. 142 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY CHANGE IN 2015 ASSESSMENT DUE TO FIRE BLOCK 33, LOT 10 KNOWN AS 89 FAIRTON-MILLVILLE ROAD

Deputy Mayor Pitts moved to adopt Resolution No. 142 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes and Mayor Byrd, yes.

NEW BUSINESS

SHARED SERVICE AGREEMENT BETWEEN COUNTY OF CUMBERLAND AND VARIOUS MUNICIPAL AND PUBLIC ENTITIES TO PETITION THE BOARD OF PUBLIC UTILITIES IN OPPOSITION TO THE INTENDED DISCONTINUANCE OF MAINTENANCE OF COPPER LANDLINE TELECOMMUNICATIONS WIRING

Mayor Byrd asked the Township Committee if they had time to review the Shared Service Agreement. The Township Committee tabled the matter for the next scheduled meeting for further review on a motion by Deputy Mayor Pitts, seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes and Mayor Byrd, yes.

At this time Mayor Byrd announced an *Add On Resolution* as Resolution No. 143 - 2015 and asked that Township Solicitor explain such resolution into the record.

Township Solicitor Carr stated that the Township Committee recently had before them in Executive Session, Chuck Austermuhl, Esquire, counsel appointed by JIF to defend the Township regarding the B&M Auto Salvage vs Fairfield Township Docket No. 14-CV-7451 and based upon Mr. Austermuhl recommendation the litigation be resolved in the amount of \$40,000.00.

Mayor Byrd stated for the record, should the Township of Fairfield not decide to go along with the settlement or the advice of the counsel appointed by JIF, we are taking a gamble to and now the taxpayers are on the hook for the money way above than what JIF is willing to settle the matter.

2015 ROAD PROGRAM PRECONSTRUCTION MEETING NOTICE

Mayor Byrd read into the record a notice that was sent to the Township of Fairfield for a preconstruction meeting that is scheduled for Wednesday, September 16, 2015 at 10:30 am at the County Engineer's Office in Bridgeton.

BUSINESS LICENSE CODE

Mayor Byrd indicated that he agrees with Mr. John Paff that our business license ordinance needs to be cleared up to make it understandable and straight across the board. and that we should have our Township Solicitor and Township Administrator should start looking to into revising our business license code. Mayor Byrd asked if the Township Committee had any questions.

Committeeman Morton indicated that he believes it is a great idea to have the business license revised, however, he when it comes to a vote, it is important that any member of the committee that might be impacted by those revisions, abstain from voting on it because it could have an adversary affect or lack of.

Mayor Byrd stated and if it does not. Committeeman Morton stated he did not have an issue with that.

Deputy Mayor Pitts stated that he agrees as well that the business license code needs to be clarified.

At this time, Administrator Davis indicated that for the record that he has as well as the Township Solicitor did some research work and copies will be provided to the Township Committee for the review on the various ordinances obtained from various similar municipalities as Fairfield Township.

\$2,490,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015

Mayor Byrd read into the record the refunding of bonds that would save the Township a significant amount of money on bonds issued in 2006.

FAIRFIELD'S NON-COMPLIANCE WITH THE JIF'S AND MEL'S RULES REQUIRING WRITTEN POLICIES, TRAINING AND OTHER PROCESSES INTENDED TO LOWER EMPLOYMENT PRACTICE LIABILITY (EPL) CLAIMS

Mayor Byrd indicated that he agrees also with Mr. Paff's statement made earlier on contacting our TRI-CO JIF to start as soon as possible on getting the Township compliant.

LEGAL REVIEW OF CODE SECTIONS 3-3 DISORDERLY CONDUCT AND 3-8 LOITERING

Mayor Byrd indicated that as stated by Mr. John Paff earlier on during the meeting, if the Township Committee has no objections and having our Township Solicitor to look into this matter. The consensus of the Township

Committee had no objections and recommended that the Township Solicitor move forward with this subject.

ELECTED OFFICIALS LIABILITY SEMINAR

Mayor Byrd announced the JIF Elected Officials training program. It was indicated that for each municipal Elected Official who attends the training, a \$250.00 credit will help to reduce each members MEL Liability Loss Funding. The dates and times of the training were announced in the record.

OLD BUSINESS

BUSINESS LICENSE APPLICATION - HANNAH'S FLEA MARKET

Mayor Byrd asked the Township Clerk if she had any objections on the issuance of said license. Township Clerk Gonzales indicated that according to history for the past seven (7) years, a license was granted in the past for Hannah's Flea Market. The applicant has paid the required application fee accompanied with the insurance certificate and said license should be granted.

Mayor Byrd asked if the Township Committee had any questions. There were none.

At this time, Township Clerk Gonzales asked Mayor Byrd for record purposes to assign the issuance of business license the next resolution number as Resolution No. 144 - 2015:

RESOLUTION NO. 144 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY APPROVING APPLICATION FOR A BUSINESS PERMIT TO HANNAH'S YARD SALE, LLC DBA HANNAH'S FLEA MARKE, LLC

Committeeman Clark moved to adopt Resolution No. 144 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes and Mayor Byrd, yes.

COMPUTER AND WEBSITE UPDATE - TOWNSHIP ADMINISTRATOR

Township Administrator Davis provided the Township Committee copies of his search conducted on computer and website updates. Mr. Davis respectfully asked the Township Committee to review them and to please contact him with any questions that they may have.

COMMITTEE REPORTS / REMARKS

Deputy Mayor Pitts gave thanks for everyone as usual for coming out tonight. Mr. Pitts stated that he noticed new faces in the audience, and he appreciates their audience.

Committeeman Clark gave thanks everyone thus far for being professional and respectful, although public comment is coming up and wanted to remind everyone to continue to be professional and respectful and stay within the five (5) minute window so that everyone has an opportunity to speak and thanked everyone for coming out tonight.

Committeeman Morton stated that he is grateful for the opportunity to have you all here tonight and be able to speak to you a few more times before his term is up. Committeeman Morton indicated that he wants to thank Mr. Paff for coming out as he has proved positive that one individual can have a positive impact on policy as Mr. Paff indicated tonight that he was appreciative that the Mayor allowed at least three (3) of his concerns be placed on the agenda and that too often, we say oh I am only a one voice, or I am just a one vote and what can one person do.

Mr. Morton explained in Mr. Paffs' ability to approach the Township Committee in a positive and professional manner, and we are starting to see some very good policies take place. He encouraged the rest of the community that when you see something that needs to be addressed, that by all means not only bring it to the Township Committee but let us engage in forward thinking. Mr. Morton stated that they say just don't bring the problem but bring a few solutions that we can take a look at and that is exactly what Mr. Paff has done, not only has he pointed out the problems that we all have taken a look at, but he has offered some viable solutions that are actually working in other municipalities and for that he is grateful for that.

Committeeman Morton indicated that he realizes that the order of the agenda does not really allow Township Committee Comments Remarks again after the Public Comment, but that he is always eager to hear what the public has to say so that they can take those concerns and address them at the next meeting and thanked everyone for their time.

MAYOR'S REPORT / REMARKS

Mayor Byrd thanked everyone for coming out tonight. Mayor Byrd stated just like with Mr. Paff and some of his ideas that he brings to the table, he believes they are good ideas. Mayor Byrd stated that the governing body does not know everything and that if anyone has any good constructive ideas to bring to the Township to make a positive change, we are willing to listen to you. He advised that we are all in this together, that the governing body cannot do all by themselves and thanked everyone again.

PUBLIC COMMENT

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

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

Nancy Ridgewood, 583 Irving Avenue approached and talked about the petition before the Board of Public Utilities regarding the intended discontinuance of maintenance of copper landline telecommunications wiring by Verizon New Jersey, Inc. Ms. Ridgewood indicated that this has been going on for over a year. Ms. Ridgewood urged the Township Committee to support this petition.

Ernest Zirkle, Back Neck Road approached and touched off where Ms. Ridgewood left off on the copper landline telecommunications wiring by Verizon. Mr. Zirkle emphasized that this impact hurts everybody as Ms. Ridgewood stated and that he wanted to further emphasize this impact hurts our children who cannot get service to use via computer to do their homework and asked that the Township support this petition.

Geneva Griffin, 125 Shoemaker Road, Bridgeton appeared and indicated that she heard a rumor and would like to clarify what is the Township's deductible through JIF.

Mayor Byrd indicated that he believed it was \$100,000.00. Ms. Griffin inquired where she could obtain a copy of the notified the Township because she had heard it was \$500,000.00. Mayor Byrd indicated that he has not seen that letter.

Ms. Griffin asked what the amount was normally. Mayor Byrd indicated that he was not sure, but he believed it was \$20,000.00 at first and then increased over the years. Mayor Byrd indicated that he would see if he could get the documentation so that Ms. Griffin could obtain an OPRA request for the information.

At this time, John Paff appeared and asked Mayor Byrd if he could approach with the answer to the question.

John Paff stated that there are two different things. One is a deductible and a coinsurance. The deductible for a compliant municipality is usually \$20,000.00 and for a noncompliant municipality it is \$100,000.00. He advised there is also coinsurance which after the deductible, for the amount after the deductible it is a percentage that the Township would have to pay, it is a 20% coinsurance clause that for a compliant municipality applies to the first \$250,000.00 of payout that exceeds the deductible. Mr. Paff explained for a compliant municipality and used the City of Vineland for an example, if they were to have a lawsuit, with a 100,000.00 deductible plus they would have to pay 20% of the next \$250,000.00 for a total of \$70,000.00. He advised Fairfield Township is penalized with a \$100,000.00 deductible and 20% coinsurance requirement for the next \$2,000.00 of a claim, meaning that a non-complaint municipality which suffers a \$2,000,000 EPL claim must contribute \$100,000 plus 20% of \$2,000,000 for a total of \$500,000 with insurance covering the rest.

Ms. Griffin thanked Mr. Paff for the clarification and asked Mr. Paff for a copy. Mr. Paff gave Ms. Griffin the copy.

Ms. Griffin indicated that what she does not have is the reason for the error and that she will be looking for the reason for the error and why suddenly the Township is not in compliance to the degree that our insurance premiums have gone up like this.

Mayor Byrd asked what error first? Ms. Griffin indicated that she was at a meeting when the JIF agent was here the agent stated was that if we were a private insurer or if we had our own insurance, that they would of dropped us based on the way we settle lawsuits and settlements and everything else that we would not be able to get reasonable insurance.

Ms. Griffin stated that she will be going back to the business license because that is another issue for her. She advised that she issued business license under the direction of the Township Committee and that some of the members now on the Committee are still here tonight. Ms. Griffin indicated that she was required, mandated, and counted for. She indicated that every business that you saw in this Township was required to be licensed. She indicated that it seems now that when we have two (2) Township Committee members that have identified themselves as business owners in this Township who are non-compliant and not appearing before the Planning Board themselves now suddenly, we have a problem with our business license. Ms. Griffin asked when the last time the business license ordinance was revised was.

Mayor Byrd indicated that he believed it was in 2013. Ms. Griffin stated if it was in 2013 why the need to have to be done again. Mayor Byrd indicated that apparently the ordinance was not done right. Ms. Griffin asked when it was not done right.

Ms. Griffin stated it is the same ordinance that was in place when you were the mayor before.

Mayor Byrd advised Ms. Griffin that the Township Solicitor from last year gave his opinion about the business license before now and his opinion from last year and the Bridgeton Administrator opinion is the same.

Ms. Griffin stated the Bridgeton Administrator is not our Administrator. She advised that she appreciates the help that we receive from our municipalities based on how they run their municipality, but it is time for us to run our Township the way that we are supposed to run our Township and not get ourselves backed up in the wall and try to use another Township as an example. Ms. Griffin indicated that the last time the business license ordinance was revised was by Solicitor John Carr in 2011. She advised the ordinance was designed to fit specific needs then and now it is going to be revised again to do what because you do not want to go by the rules.

Ms. Griffin stated that she knows that Mr. Pitts and Mr. Byrd are related. She stated that she has heard enough about Mr. Pitts not living in the Township. and she to ask Mr. Pitts for his own good, that if he is not a Township resident and she is not talking about him owning land in this Township. She indicated there are people in Philadelphia that own land here in the Township and they do not get to serve on this Committee. The Township is not aware, the people as a majority are not aware that you are self-serving. Ms. Griffin stated to Mr. Pitts that if he does not live in this Township, she does expect it and that she is not going to send around a petition, but that she is going to show him what she has but that she expects his resignation immediately.

Ms. Griffin stated that Mr. Byrd knows where Mr. Pitts lives and that it is not a joke what you are doing, your immediate resignation should be handed in as well.

Gail Johnson, 406 South Burlington Road appeared and indicated that she came before the Township Committee at the last meeting about her property on Clarks Pond Road and that it still has not been opened up and would like to know when the road will be opened up.

Mayor Byrd inquired with the Township Administrator what was the status of from your last meeting when you spoke with the Township Engineer. The Township Administrator indicated the Township Engineer's status was pretty much the same. The Township Engineer suggested that we close the road.

Ms. Johnson stated that it has now been two weeks and why is she still waiting to get to her property. She indicated that it did not take the Township two weeks to close the road; rather it only took the Township only one day.

Ms. Johnson asked when will the Township be open her road so she can get to her property. She indicated that she opened it and that someone closed it and the Township reclosed it and that she wants a date from the Township when the road is going to be opened or if you are not going to open the road.

Mayor Byrd advised Ms. Johnson that he will contact the Township Engineer tomorrow again.

Ms. Johnson stated that the Township Engineer has already indicated that it is a right-of-way.

Mayor Byrd stated the Township Engineer stated that it is a township right-of-way. Ms. Johnson stated that if it is a township right-of-way why has the Township not open the road. Mayor Byrd explained that it has not been opened for years and it is going to cost the taxpayers money to open it.

Mayor Byrd explained to Ms. Johnson that he wants to do is to make sure with the Township Engineer how much it is going to cost the Township to open the township right-of-way and too maintain this right-of-way.

Ms. Johnson asked if the Township could tell her when her road would be opened up. Mayor Byrd advised Ms. Johnson that when he speaks with the Township Engineer tomorrow, and he will convey the information to the Township Administrator. Mayor Byrd asked Ms. Johnson if the Township Administrator had her telephone number to contact her. Ms. Johnson indicated that he did.

Ms. Johnson stated that she is going to give the Township a few more days and that if she does not hear from the Township within those few days, that the Township will be hearing from her attorney.

Russell Pierce, 376 Fairton-Gouldtown Road, Bridgeton appeared and stated that he is confused and that he would like to know who is in charge of the staff at the municipal building.

He asked if the Township Clerk is over the Township Administrator or is the Township Administrator over the Township Clerk. He explained that when he comes to the municipal building to speak to the Township Clerk that he has to see the Township Administrator first.

Mayor Byrd stated that he was not exactly sure.

Mr. Pierce then directed his question to the Township Solicitor if he knew.

The Township Solicitor stated that he did not know what the chain of command looks like here.

Mr. Pierce stated that when he comes in the municipal building to talk to the Township Clerk and the Township Administrator pulls her off where I cannot do my business with the Township Clerk and that he has to go through the Township Administrator first in order to get to the Township Clerk and would like to know why that is.

Mayor Byrd asked Mr. Pierce if when he does come into the municipal building if he comes in to handle his business professionally or if he comes in to disrupt the municipal building.

Mr. Pierce stated well you will have to ask them. He stated that he comes in for an OPRA or whatever he comes in for that he brings a witness with him because he knows that the mayor wants to slam dunk him.

Mayor Byrd response was why would I want to do that? Mr. Pierce stated because you do every time, I turn the corner you want to call me a racist. Mayor Byrd responded I do? Mr. Pierce stated that the mayor had put out a flier on him as one.

Mr. Pierce stated that he also would like to know when he was a volunteer for the Township, he was required to have a background check and that he wanted to know if a background check was done on the Township Administrator yet and that he wants a background check on him also that that he would like a copy of the background check when it is done.

Mayor Byrd advised Mr. Pierce that when he comes into the municipal building that he should be able to conduct his business.

Mr. Pierce stated that he was in the Township Clerk's Office the other day for an OPRA Request and that the Township Administrator came into the Township Clerk's Office and told the Township Clerk I need you in my office right now.

At this time, Ms. Griffin sitting in the audience stated that OPRA Requests are handled by the Township Clerk.

Mr. Pierce stated that he knew that but that he wanted the Township Committee to tell him that.

Mayor Byrd asked Ms. Griffin to please not disrupt the meeting. Ms. Griffin stated that she was just trying to be helpful.

Committeeman Morton stated to Mr. Pierce that although Mayor Byrd has a point, that the Township Administrator has a responsibility to keep peace in the municipal building.

Committeeman Morton indicated statutorily we must have a Township Clerk whereas statutorily we do not have to have an Administrator and that he would suggest to Mr. Pierce that when you come in the municipal building if you have business with the Township Clerk that you be very deliberate in handling your business with the Township Clerk and that if anyone gets in your way, legally that could be a problem. Committeeman Morton stated statutorily they are hampering your due process.

David Morrissey appeared and indicated that he has an agricultural business in the Township. He indicated that he has experienced theft and vandalism for years.

Michael Sharp, P.O. Box 5092, Bridgeton appeared and addressed the issue with the business permit. He indicated that is not a new issue. Mr. Sharp indicated that the issue was brought to light about business permits back in 2010 and 2011 when you had a committee person submit a permit to do business in the Township and that it was divulged that it does not need a business license.

Mr. Sharp stated that he had a question to the Township Solicitor where he heard Committeeman Morton say that if you had a business or an alleged business in the Township that you should abstain from any vote with reference to a committee person. Mr. Sharp stated in that respect then if you own a home in the Township should you abstain to any business with the town because you have a vested interest in the town, either way, so having a personal interest in town does not negate your duties as a committee person and that if he is wrong, to please let him know.

Mr. Sharp stated no matter what you may have business in the township we all live in the town and we all pay taxes in township, so being on the committee does that exempt you from voting on anything to deal with the town because then you would not have a committee it would be fruitless and does not make any sense.

At this time, Mayor Byrd asked Mr. Sharp to hold on for one section. Mayor Byrd used the gavel and stated that what we want is to try to have an orderly meeting and this is the second time I need to address Ms. Griffin about blurted out when someone is at the podium. He stated that when she was at the podium people were respectful.

Ms. Griffin asked Committeeman Morton if he heard what she blurts out. Committeeman Morton stated that he was listening to Mr. Sharp. Ms. Griffin asked Committeeman Clark what she just blurted out.

Ms. Griffin indicated to Mayor Byrd that she is not a fool. She asked that the Mayor not call her name out as I am not being disruptive. Ms. Griffin stated the answer to his question is called a conflict of interest.

Mr. Sharp stated that he feels disruptive and that he thinks that Ms. Griffin should be removed.

Mayor Byrd stated let's stop right here so that Mr. Sharp can have his five minutes.

Mr. Sharp began where he stopped and indicated that if he is wrong, how that is a conflict of interest then everything would be a conflict of interest if you live in the Township and inquired if is that correct or is that incorrect.

The Township Solicitor indicated that at this point it is a hypothetical and a fair point to raise and we will obviously have to deal with it.

Ed Kimley, 84 Seabreeze Road appeared and inquired in the Township Committee Financial Disclosure Statement it indicates only two (2) committee persons own businesses is that true?

Committeeman Morton stated that he has business registered in the County of Gloucester and Cumberland but has not traded under the name in about 10 or 15 years. He advised he does not have a business license because he is not practicing or earning revenue from the business, he was the consultant or does business from his home, but that there are certain individuals on this committee that might in fact do that on a daily basis.

Mr. Kimley stated that it is a conflict of interest when you are changing an ordinance so that you don't need a license right or wrong?

The Township Solicitor stated it is hypothetical and we have to deal with it and he agrees it is an issue.

Mr. Kimley indicated that when the lawsuits were filed for Mr. Byrd and Mr. Sharp, he contacted the Official Corruptions Unit and sent them all the paperwork. Mr. Kimley stated that people were telling him to not to say this to let them do it, but that he knows they are arrogant, and they are going to do it, but this is to cover you because the fingers are going to come to you. He indicated when they paid the claims out, they are going to be prosecuted for insurance fraud.

Mr. Kimley stated that you better put it all in writing what your recommendations are and that he is not just flapping his lips. He advised they have all the paperwork and indicated that his brother would have been prosecuting first but due to statues of limitations.

John Paff, 172 Silver Lake, Upper Deerfield appeared and indicated that he noticed one thing tonight and wanted to call attention to it. He referenced the matter as a walk on resolution or a late starter. He stated that it is a resolution that is brought up right at time without it being on the agenda. He said the resolution was to pay a \$40,000.00 claim.

Mr. Paff stated that this is a bad thing to have those type of resolutions because people should be able to look at the agenda prior to the meeting and people should be able to rely on that agenda to determine on whether they want or not want to attend the meeting because they can say they do not see anything of interest here so they chose not to attend that they are not going to attend that meeting, but had the resolution been on the agenda to pay a \$40,000.00 settlement or whatever it may be, they may have said that they have something to say about that.

Mr. Paff stated the question is that when the Township learn of the \$40,000.00 settlement. He said it would be one thing if the Township learned about that settlement this morning and it was imperative that it be acted on tonight and it is one thing if the Township learned about that settlement some days or weeks ago and decided not to put it on the agenda because it deprives the public of knowing.

Mr. Paff explained that the agenda is very important, and people rely on this. He explained that the public could look at the agenda over the weekend and consider what I want to talk about, what comments I want to make or what research do I need to do on this particular issue to be able to come in and make their comment or ask questions.

Mr. Paff stated that when the Township Committee decides to say were just going to add this as a late starter, it's a walk on resolution, that it deprives the public of the ability to interact mean fully with the Committee.

Mr. Paff indicated that he is not going to drill the Committee on an answer of when did they know about and if it was done did it on time., he indicated that we will assume for the purposes of now, that you just found out about it and you put it on the agenda as a late starter because you had to because of some urgent reason why you did.

Mr. Paff cautioned the Township Committee in the future, that they are undermining the purposes of the Open Public Meetings Act every time you do that. Mr. Paff explained that he has seen some towns where it gets so bad that they will have that resolution and hold it in their pocket, and they see the opposition in the audience and they wait till the opposition is not present during that meeting before they bring it up as a late starter. He explained that they do this intentionally to deprive those people of their right to speak for and to protest and to object to what the Committee is doing.

Mr. Paff indicated that it is a very important thing to him that the Township Committee very carefully consider having the Agenda fixed by Friday and unless there is something that is really truly an urgency, an emergency needs to be acted on. Mr. Paff indicated he noticed tonight where the Township Committee tabled or postpone of few things tonight for the next meeting and that they could of done with the same on this particular resolution and recommended that they do not put on late starters on the agenda because he believes it hurts the public's ability to interact with the Township Committee.

Ms. Geneva Griffin, 195 Shoemaker Lane appeared advised John Paff at first she did not know why they thanked him but know she knows because a regular employee of the Township cannot tell the Township Committee who employs them how to behave according to their training.

Ms. Griffin indicated that what she has for the Township Committee tonight is a copy of the bill list for taxes for the land that was removed from her possession and indicated that the Township Solicitor Carr is aware of that. Ms. Griffin stated that it seems that the Township has taken the tax money as stated by and documented by the Tax Collector without any information. She indicated there has not been a checked returned and that the Township has been receiving it and keeping it from last year and based on the interest of 18% what you would charge a resident once they paid a certain amount late that at this point it is now \$11,509.88. Ms. Griffin stated that for the number of years that the Township has retained it for a total amount of \$19,821.23. She indicated that since this current Township Committee is in the business of giving away the township monies that she wants her money returned with interest. Ms. Griffin indicated that does not include the \$7,000.00 survey cost and \$2,000.00 perk test.

Ms. Griffin indicated that all have documentation; checks cancelled and properly noted from the bank that the Township has received. Ms. Griffin stated that she is leaving a copy for the Township Committee for their information and that she will be acting upon the matter quicker than Wayne Byrd can say sue.

Nancy Ridgway, 582 Irving Avenue appeared and encouraged the Township Committee including the Township Administrator to attend the JIF Elected Officials Seminar.

Russell Pierce, 483 Fairton-Gouldtown Road appeared and advised that he understands that Old Burlington Road was cleared and that a day later some brush was pushed back into the road and that the State Police was contacted and would like to know who made the complaint to the Township about Old Burlington Road.

At this time, Committeeman Morton indicated that he did not know but that it is a good question because it was certainly acted upon pretty quickly.

Mr. Pierce stated that he understands she had the road cleared and then over the weekend there was brush pulled back out again and then a day later, the Township went out there and dump more trash on top of the debris already there and he understands that in order for the Township to act on something you would have to file a written

complaint and would like to know if anybody knew who made the complaint.

Committeeman Morton indicated that to his understanding there was no written complaint file so if you were to submit an OPRA request there would be nothing for you to see. He stated that from what he understands it was a verbal complaint and that it was acted upon immediately. Committeeman Morton stated the real question is who called in which he does not know and why was it acted upon so quickly.

Mr. Pierce stated that he is asking the Township Committee to go to the sources on whoever made the complaint and took it to the Township Administrator, somebody know to act on it.

Mayor Byrd indicated that what he does know that it is a township right-of-way and that it does not matter who called and made the complaint. Mayor Byrd indicated that when it was looked at the township engineer stated that it was an immediate danger and would have an effect on the Township and that immediate action had to be taken, so it does not matter who called and said what. Mayor Byrd stated that the Township Engineer advised that it was a danger, a hazard and that the Township could be sued if someone should get hurt.

Mr. Pierce indicated then if that is so what about the roads at Sea Breeze, Fairton-Millville Road and lets block off all those roads because they are unsafe. Mr. Pierce asked how much money was spent on the Township Engineer to write the letter to block off the road. Mr. Pierce indicated that somebody made the complaint and that one of the members of the Township Committee knows who made the complaint and that he knows who made the complaint, but that he wants the Township Committee to tell him.

Robert Pierce, 304 Clarks Pond Road appeared to inquire what is the deal with Sea Breeze and if there are any lawsuits. Mr. Pierce indicated that whoever was on the Township Committee at the time, should have had some money coming back from the property owners who sold their properties because he believes the Township bought some row to some of those properties. He indicated that when the Township made the deal with the property owners and the State of New Jersey to put the wall up. The Township had to buy a certain amount of row of the POW there.

He indicated that at the time as he recalls that all they wanted to do to put the wall up and that the people from Philadelphia who owned a lot of the property out there would go back to Philadelphia and say hey, fishing good, dock down at Fairfield Township, summer house for sale indicating that a lot of people from the city jumps on these type of things and does not know what the homeowners got for their property.

Mr. Pierce asked if anyone lives out there as he has not been out there for years.

Mayor Byrd indicated that the side where the wall was, he believes the State came in and bought the State bought the properties behind the wall.

Mr. Pierce stated that then what the State did to us then, they gave us the money and charged us to put the wall up knowing that the wall would not sustain in keeping the water from coming in and got our money tied up in and then they go in and make a deal to buy the land and we get no taxes from this. He stated that the State does this all the time and turns the property for hunters to use. He advised that when he was on the Township Committee at the time, we maintained the road so that the property owners could get in and out, but we knew we could not continue because everything a heavy rain came the road was out.

Mr. Pierce indicated that when the State came in and said hey we are going to buy these properties and ask the Township if they had any kind of lien or have anything to do with the monies put up here because he believes the Township Committee at that time, Marvin Pierce and Marion Kennedy and they bought a certain right in order to have enough room in order to put the wall up.

Mayor Byrd indicated that he remembers being on the Township Committee with Marvin Pierce and Marion Kennedy but does not recall all the particulars that Mr. Robert Pierce mentioned.

Mr. Pierce recommended that the Township check into it and find out since we are still paying the State of New Jersey.

At this time, Ed Kimley was going to approach and was advised by Mayor Byrd no more comments to be received by him.

Mayor Byrd stated that if anyone that has not come before and wants to address the Committee that we welcome you to.

Mayor Byrd announced that you come before the Township Committee one time only for your comments on agenda items only and one time only for any comments not on the agenda.

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

Deputy Mayor Pitts moved to close seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes and Mayor Byrd, yes.

Mayor Byrd asked for a motion to adopt Resolution No. 145 - 2015 authorizing to enter into Executive Session.

RESOLUTION NO. 145 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD AUTHORIZING THE COMMITTEE TO ENTER INTO EXECUTIVE SESSION PURSUANT TO NJSA 10:12-4 (b)(8)

Deputy Mayor Pitts moved and seconded by Mayor Byrd. All members voted in the affirmative.

The Township Solicitor announced that the Township Committee will convene into Executive Session for the purpose to discuss one (1) personnel issue.

At this time, the Township Committee took a five (5) minute break prior to entering Executive Session.

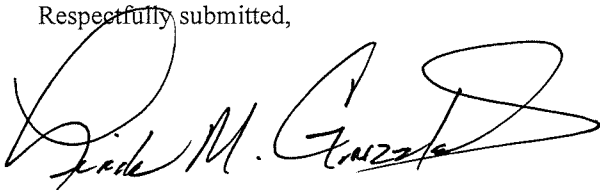
The Township Committee returned back into open session with all members present at 8:34 p.m.

Mayor Byrd announced that the Township Committee is now in open session and the doors are opened.

There being no further business, Mayor Byrd asked for a motion to adjourn the meeting. Committeeman Morton moved and seconded by Committeeman Clark. All members voted in the affirmative.

The meeting was adjourned at 8:37 p.m.

Respectfully submitted,



Linda M. Gonzales, RMC
Township Clerk