

FAIRFIELD TOWNSHIP
WORK SESSION ACTION MEETING
APRIL 7, 2015

CALL TO ORDER

Mayor Byrd called the meeting to Budget Caucus Meeting to order at 7:00 p.m.

OPEN PUBLIC MEETINGS ACT STATEMENT

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 Workshop Action Meeting held on this 7th day of April, 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 members were present: Committeeman Clark, Committeeman Morton, Deputy Mayor Pitts, Committeewoman Servais and Mayor Byrd.

APPROVAL OF MINUTES

REGULAR ACTION MEETING MARCH 17, 2015

CLOSED SESSION MEETING MARCH 17, 2015

Mayor Byrd indicated that the minutes will be tabled.

REVIEW OF BILL LIST PROVIDED BY CFO

The bill list was reviewed by the Township Committee. Upon their review, inquiries were made on the following: The Animal Control Officer, bills within his scope should be paid according to his contract, however, questions regarding cats taken to the SPCA were brought forth. A bill payable to the Planning/Zoning Solicitor was questioned as it was indicated that there was no Planning/Zoning Board meeting as reflected on the invoice submitted by the attorney. A bill payable to Diagnostic Services was inquired upon. It was indicated that the bills in question are to be pulled and be checked into and that a breakdown be provided by the Planning/Zoning Board Solicitor and bring back to the Township Committee with the clarifications.

ORDINANCES FOR INTRODUCTION (FIRST READING)

There were none.

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

ORDINANCE NO. 4 - 2015

AN ORDINANCE TO ESTABLISH A JOINT MUNICIPAL COURT PURSUANT TO N.J.S.A. 2B 12-1, ET SEQ. BETWEEN THE CITY OF BRIDGETON AND THE TOWNSHIP OF FAIRFIELD

Deputy Mayor Pitts moved to open the public hearing seconded by Committeewoman Servais. All members voted in the affirmative. There were no comments. Deputy Mayor Pitts moved to close the public hearing seconded by Committeewoman Servais. All committee members voted in the affirmative. Deputy Mayor Pitts moved to adopt Ordinance No. 4 - 2015 on final reading seconded by Committeewoman Servais. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, yes and Mayor Byrd, yes.

ORDINANCE NO. 5 - 2015

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2015

Deputy Mayor Pitts moved to open the public hearing seconded by Mayor Byrd. All committee members voted in the affirmative. There were no comments. Deputy Mayor Pitts moved to close the public hearing seconded by Mayor Byrd. All members voted in the affirmative, except Committeewoman Servais. Deputy Mayor Pitts moved to adopt Ordinance No. 5 - 2015 on final 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:

Mayor Byrd asked for a motion to open the meeting to the public for their comments on agenda items only. Deputy Mayor Pitts moved to open the public comment for agenda items only seconded by Mayor Byrd. All members voted in the affirmative.

RESOLUTIONS

RESOLUTION NO. 81 - 2015

A RESOLUTION AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$259,592.88

Deputy Mayor Pitts moved to adopt Resolution No. 81 - 2015 seconded by Committeeman Clark with the exception of the bills pulled aside for clarification. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 82 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY ACCEPTING THE MUNICIPAL AUDIT REPORT FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2014
Deputy Mayor Pitts moved to adopt Resolution No. 82 - 2015 seconded by Committeeman Clark.
Roll Call Vote: Clark, yes Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 83 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY ADOPTING THE CORRECTIVE ACTION PLAN FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2014
Deputy Mayor Pitts moved to adopt Resolution No. 83 - 2015 seconded by Committeeman Clark.
Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 84 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY AUTHORIZING THE REFUND OF TAXES DUE TO STATE TAX APPEAL JUDGEMENT FOR BLOCK 35, LOT 2 AND BLOCK 36, LOT 64
Deputy Mayor Pitts moved to adopt Resolution No. 84 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

NEW BUSINESS

Mayor Byrd announced on an application received by the Fire Company requesting approval to submit an application for Roadway Solicitation and an application to the New Jersey Division of Alcoholic Beverage Control Commission for the sale of Alcoholic Beverage.

The following resolution were read and adopted as follows:

RESOLUTION NO. 85 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY GRANTING CONDITIONAL APPROVAL TO THE FAIRFIELD TOWNSHIP VOLUNTEER FIRE COMPANY NO. 2 TO MAKE AN APPLICATION TO THE STATE AND COUNTY CONSENTING THE CHARITABLE ROADWAY SOLICITATION
Deputy Mayor Pitts moved to adopt Resolution No. 85 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton; abstain; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 86 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPROVING THE SOLICITATION OF SOCIAL AFFAIR PERMIT TO THE FAIRFIELD TOWNSHIP VOLUNTEER FIRE COMPANY NO. 2.
Deputy Mayor Pitts moved to adopt Resolution No. 86 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes; Servais, yes and Mayor Byrd, yes.

OLD BUSINESS

REPLACEMENT OF FAIRFIELD TOWNSHIP'S 2005 AMBULANCE

A request to the Township Committee from the Fairfield Township Volunteer Fire Company to refurbish its 2005 ambulance not to exceed \$99,000.00. Upon discussion and its need for replacement, Mayor Byrd advised that his opinion is to allow the registered voters to vote via referendum. Mayor Byrd advised the Township Committee that is only his opinion and requested that the Township Committee provide their input for consideration at the next scheduled meeting.

Committeeman Morton inquired on the status of the code book codification.

Committeewoman Servais inquired on the status from the Public Works Supervisor regarding the existing dump truck in need of replacement. Upon the discussion, it was indicated that the Public Works Supervisor provide the Township Committee an estimate to weld the dump body and also the cost to replace the dump body as one was indicated available through the county as a used dump body. The used dump body was indicated for approximately \$3,000.00.

A Fairfield Township school cross guard was discussed as she has indicated to retire from said position on June 19, 2015. It was indicated that the position be advertised in account held by the Township with Careerbuilders.com

At this time, Mayor Byrd asked if the Committee was inclined to move the Committee Reports, Mayor's Report to allow the meeting open to the public, unless if the Solicitor needed to provide the governing body his report beforehand. The Solicitor indicated that he had updates on his report and would provide them if it was granted.

Mayor Byrd at this time asked for a motion to open the public session. Committeeman Morton moved to open the public portion seconded by Committeeman Clark. All members voted in the affirmative.

Ms. Robertson appeared and pointed out several items of safety concerns at the Fairfield Township ballpark located behind the municipal building that if not addressed could be a liability and a suit.

It was also indicated that a sink was needed at the concession stand. The Township is presently modifying the kitchen mandated by the Cumberland County Board of Health and if it is allowed, the sink that is being replaced at the Senior Center could be located at the concession stand. A person of interest who has a plumbing license could install the sink at the concession stand as per the speaker. The concrete flooring at the concession stand was also addressed and it was indicated that volunteers were available to do such if the Township had no objections.

Upon further discussion, the mayor advised that he would meet with the Public Works Supervisor in the morning with the concerns and have them address those issues immediately if the Township Committee had no objections. There were none indicated by the governing body to move forward.

At this time, Mayor Byrd opened the meeting to the public.

Russell Pierce appeared and was asked to wait for his turn to be called regarding his Rice Notice.

Nancy Ridgeway appeared and asked if South State was in compliance with the Township code and further if they were not, would the Township Committee have addressed such? Mayor Byrd indicated that she could file a complaint with the Code Enforcement Officer to report such a complaint to the Township Committee.

Ms. Ridgeway inquired on a payable to Environmental Resolutions in conjunction with the Planning and Zoning Board and indicated that she has seen no work thus far from the Planning & Zoning Board this year. Mayor Byrd advised this was as a result from last year and that Ms. Ridgeway could submit an OPRA for this if she so desires.

Deborah Scott appeared to report an incident involving her grandson during adverse weather in which the vehicle he was operating was totaled due to the black ice. During the discussion, it was led that said road in which the alleged accident occurred was deemed as a County Road and was instructed to contact the appropriate county officials.

There being no further comment, a motion by Deputy Mayor Pitts to close the public portion seconded by Committeewoman Servais. All members voted in the affirmative.

Mayor Byrd announced that the Township Committee will now address a couple of issues.

Committeewoman Servais indicated that before we address the issues, she would like to know when did the RICE Notice change. She advised that when a Rice Notice is to be provided, it was brought before the entire committee for a vote, whereas now the Rice Notice was directed at the request of one person, being the mayor.

The Solicitor indicated that if that was the tradition of the committee beforehand, we should exercise the same and explained in the event of an emergency whereby a Rice Notice would be served without the whole committee. Committeewoman Servais disagreed.

Mayor Byrd announced that if that was traditional, then we could postpone the hearing of such individuals by taking a vote to the next scheduled meeting if that is the way as explained by Committeewoman Servais.

Committeewoman Servais responded that the allegedly "Riced Employees" were already present tonight.

Russell Pierce who received a Rice Notice appeared.

The testimony began with Mr. Pierce indicating that he is being called due to a political vendetta. He elaborated on his comment issued at the previous meeting in which a discussion was held regarding a concern of stray cats which tied into a payable bill to the Animal Control Officer. A suggestion was indicated that perhaps owners of cats should be required to be licensed such as owners of dogs in which it was indicated that there are a lot of stray cats in the community. He indicated that they be given to the Chinese and since that comment he has been named as a person who used "offensive language".

Mr. Pierce was asked by Deputy Mayor Pitt if he had ever been called for using inappropriate sayings in the past. He elaborated on them and their findings.

Committeeman Clark indicated that he was unaware that Mr. Pierce who he has known for quite some time was a volunteer. He advised that volunteers are held to a high degree as any official and does not like the direction we are going in on this matter.

Committeeman Morton indicated that we are not equipped to make such findings. Tonight, we are arguing over the fact of the "C" word, however when the "N" word is used, nobody flinches at that, therefore, he is conflicted with such matter.

Committeewoman Servais made an inquiry to Deputy Mayor Pitts as to the question that he addressed to Mr. Pierce as to where did he get the copy of the letter? Ms. Servais advised that Mr. Pierce was at her house and noticed the letter and inquired about it as his name was mentioned.

Committeeman Morton argued that the letter should not have been drafted.

Mayor Byrd announced that the meeting is to stay on course.

At this time, Committeeman Morton interjected and stated that the matter should be dropped.

Committeewoman Servais stated that Mr. Pierce is being jumped on and this matter is going to cost the taxpayers in a lawsuit.

Committeeman Morton indicated that the governing body has heard the matter and recommends the matter be dropped and asked that a motion be in order.

The following roll call to dismiss the Pierce Rice Notice as follows: Clark, no; Morton, yes; Pitts, no, Servais, yes and Mayor Byrd, yes.

Committeeman Morton then moved to defer this matter to the next meeting seconded by Committeewoman Servais. The following roll call was as follows: Clark, no; Morton, yes, Pitts, no; Servais, yes and Mayor Byrd, no.

At this time, Committeeman Morton moved to dismiss the Rice Notice issued to Pat Conahey seconded by Committeewoman Servais. Roll call vote: Clark, no; Morton, yes; Pitts, no, Servais, yes and Mayor Byrd, no.

At this time, Pat Conahey, Emergency Management Coordinator was present. It was indicated that allegedly Mr. Conahey did not have authorization to have the OEM truck parked at his residence home for 3 months. It was also stated that the Township Administrator had no knowledge of Mr. Conahey receiving such authorization.

Mr. Conahey issued this testimonial on the truck. The truck was authorized by the former Administration allowing him to take the vehicle home. The purpose of taking it off site from the yard at the municipal building was to prevent vandalism. Mr. Conahey worked on the vehicle at this expense.

Mayor Byrd indicated that there was no authorization for the truck to be parked at this residence nor did he have authorization to do any modifications to the truck. Upon further discussion, the matter was brought forth regarding the State Police being called to Mr. Conahey's house at the request of the mayor.

Upon further discussion, it was indicated that this matter will be deferred to the next scheduled meeting to allow the mayor to listen to the audio of said meeting in which allegedly Mr. Conahey was granted the authorization. The following roll was as follows: Clark, yes; Morton, no, Pitts, yes, Servais, no and Mayor Byrd, yes.

Pat Conahey asked the mayor who was the alleged person who contacted him about the truck as he has a right to know.

At this time, Committeeman Morton moved to appoint a subcommittee to spearhead this problem seconded by Committeewoman Servais. The following roll call was as follows: Clark, no; Morton, yes; Pitts, no; Servais, yes and Mayor Byrd, no.

Mayor Byrd announced that the Township Committee will now go into Executive Session. It is anticipated that no action will be taken as a result of said discussion. Mayor Byrd asked for a motion to go into Closed Session. Deputy Mayor Pitts moved and seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, no; Pitts, yes; Servais, yes and Mayor Byrd, yes.

The Township Solicitor announced that the discussion to be held in Closed Session is for litigation matters regarding Zander and Sons vs Fairfield Township; Hulitt vs Fairfield Township; Hoffman vs Fairfield Township; Sharp vs Fairfield Township and Wildlife vs Fairfield Township.

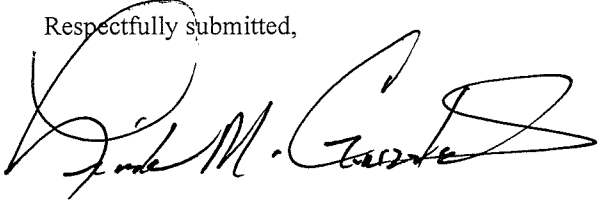
The Township Committee convened into Closed Session at 8:59 p.m. with all members present.

The Township Committee convened back into open session with all members present at 9:24 p.m.

The Township Solicitor announced that the doors are now open at 9:25 p.m. The Township Committee is now in open session. The Township Committee held a discussion on the Zander & Sons vs Fairfield Township; Hulitt vs Fairfield Township; Hoffman vs Fairfield Township; Sharp vs Fairfield Township, Wildlife vs Fairfield Township and added to the discussion, the litigation matter of Griner vs Fairfield Township.

There being no further discussion, Mayor Byrd asked for a motion to adjourn the meeting. Deputy Mayor Pitts moved to adjourn the meeting seconded by Mayor Byrd. All members voted in the affirmative and the meeting adjourned at 9:27 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda M. Gonzales". The signature is fluid and cursive, with a large initial "L" and "G".

Linda M. Gonzales, RMC
Township Clerk