

FAIRFIELD TOWNSHIP COMMITTEE  
WORK SESSION ACTION MEETING  
AUGUST 4, 2015

CALL MEETING TO ORDER

Mayor Byrd called the meeting to order at 7:05 p.m.

OPEN PUBLIC MEETINGS ACT STATEMENT

Mayor Byrd read the following OPMA Statement into the record as follows:

This meeting of the Fairfield Township Committee shall come to order. The New Jersey Open Public Meeting Law was enacted to ensure the right of the public to have 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 4th day of August, 2015 at the Fairfield Municipal Building in Fairton New Jersey is held pursuant to notice of date, time and place of same having been submitted to South Jersey Times, The Daily Journal, and The Press of Atlantic City and also duly posted on the bulletin board in the lobby of the Township Hall.

SALUTE TO THE FLAG / MOMENT OF PRAYER

Mayor Byrd led the flag salute followed by a moment of prayer given by Committeeman Clark.

ROLL CALL

The following roll call was recorded as follows:

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

The following members were present: Township Administrator Davis, Township Solicitor Carr and Township Clerk Gonzales.

APPROVAL OF MINUTES

WORKSESSION ACTION MEETING OF JULY 7, 2015

Committeeman Clark moved to approve the Work Session Action Minutes of July 7, 2015 as written seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes; and Mayor Byrd, yes.

There are no Closed Session Minutes for July 7, 2015 as there was no Closed Session meeting.

REVIEW OF BILL LIST PROVIDED BY THE CFO

Mayor Byrd asked if anyone had any questions on the bill list. There were questions.

Mayor Byrd announced that Committeewoman Servais had to step out of the meeting to take a call. Ms. Servais will be joining us momentarily.

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

There being no comments to be received, Mayor Byrd asked for a motion to close the public comment on current agenda items only.

Deputy Mayor Pitts moved to close the public comments on current agenda items only seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; and Mayor Byrd, yes.

Mayor Byrd read the following resolutions into the record:

RESOLUTION NO. 124 - 2015

A RESOLUTION AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS IN THE AMOUNT OF \$970,161.24  
Committeeman Clark moved to adopt Resolution No. 124 - 2015 seconded by Deputy Mayor Pitts. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; and Mayor Byrd, yes.

RESOLUTION NO. 125 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY ENDORSING THE SUBMISSION OF THE 2014 RECYCLING TONNAGE GRANT APPLICATION

Deputy Mayor Pitts moved to adopt Resolution No. 125 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; and Mayor Byrd, yes.

Mayor Byrd announced that Committeewoman Servais is now present.

RESOLUTION NO. 126 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE EXECUTION OF DISCHARGE OF MORTGAGE SMALL CITIES PROGRAM BETWEEN WILLIE MAE SCOTT "MORTGAGOR" AND THE TOWNSHIP OF FAIRFIELD "CO-MORTGAGEE"

Deputy Mayor Pitts moved to adopt Resolution No. 126 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes; and Mayor Byrd, yes.

Mayor Byrd announced that Resolution No. 127 - 2015 and Resolution No. 128 - 2015 will be explained by Fire Chief Bateman.

Fire Chief Bateman appeared and explained into the record that due to Federal Regulation changes made previously to the refurbishing of ambulances, the cost that was indicated at a previous meeting to refurbish the 2005 ambulance has increased. The original cost was not to exceed \$100,000.00. Pursuant to the changes that went into effect, the cost for refurbishing the 2005 ambulance to a new model will be not to exceed \$150,000.00. Chief Bateman indicated that it could be less than \$150,000.00 and explained that it is best to have the "cushion" than be short.

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

RESOLUTION NO. 127 - 2015

A RESOLUTION RESCINDING RESOLUTION NO. 116 - 2015 ADOPTED ON JULY 7, 2015

Deputy Mayor Pitts moved to adopt Resolution No. 127 - 2015 seconded by Committeeman Clark. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes; Servais, yes and Mayor Byrd, yes.

RESOLUTION NO. 128 - 2015

A RESOLUTION BY THE TOWNSHIP COMMITTEE FOR THE TOWNSHIP OF FAIRFIELD AUTHORIZING A QUESTION TO BE PLACED UPON THE NOVEMBER 3, 2015 GENERAL ELECTION BALLOT TO REFURBISH THE 2005 AMBULANCE OF THE FAIRFIELD TOWNSHIP AMBULANCE SERVICE FOR FAIRFIELD TOWNSHIP NOT TO EXCEED \$150,000.00

Committeeman Clark moved to adopt Resolution No. 128 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, abstain; Pitts, yes; Servais, yes; and Mayor Byrd, yes.

Mayor Byrd read the following New Business into the record:

NEW BUSINESS

EVENT APPLICATIONS

- A. HORSESHOE TOURNAMENT, SATURDAY, AUGUST 22, 2015 FROM 9:00 AM TO 10:00 PM AT 308 GOULDTOWN-WOODRUFF ROAD, BRIDGETON

Mayor Byrd asked the Township Committee if they had any questions. There were none. Mayor Byrd asked for a motion to approve the event application. Committeewoman Servais moved to approve seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

- B. HORSESHOE RODEO AND LIVE MUSIC, SUNDAY, AUGUST 30, 2015 FROM 3:00 PM TO 8:00 PM AT LA MEXICANA RESTAURANT, 233 BRIDGETON-FAIRTON ROAD

Mayor Byrd asked the Township Committee if they had any questions. There were none. Committeewoman Servais moved to approve the event application seconded by Committeeman Morton. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

Mayor Byrd asked the Township Committee if they had any New Business. Committeeman Morton stated that he had some new business. Committeeman Morton announced the following: On behalf of the concerned citizens of Fairfield Township, we like to request that Troy Pitts, Sr. resign based on his failure to reside in Fairfield Township.

Mayor Byrd asked Committeeman Morton if he had submitted some documentation or claim. Mr. Morton stated that based on the discussion he has had with individuals in Fairfield Township, he was asked to bring this up.

He stated that in the event that Mr. Pitts does not resign, he is certain that some of the citizens will be filing the paperwork to that effect, and this is an opportunity for him to do it in a dignified manner.

Mayor Byrd asked Deputy Mayor Pitts if he had any comments on this matter.

Deputy Mayor Pitts indicated that he would issue his comments later in the meeting during the Township Committee Comments portion.

C. AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)

Mayor Byrd asked if the Township Committee had any questions on the presentation given earlier by Fire Chief Bateman on the automatic external defibrillators (AED). There were none. Mayor Byrd asked for a motion to approve the automatic external defibrillators to be installed at the Municipal Building and the Senior Center. Committeewoman Servais moved to approved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

D. PRESENTATION OF NEW JESEY MANUFACTURES INSURANCE BY TOWNSHIP ADMINISTRATOR R. DARRYL DAVIS

Township Administrator provided the Township Committee information regarding a program hosted by New Jersey Manufactures for pre-teen drivers. The program is at no cost to the Township of Fairfield. He advised that the program is to inform and educate our young children who will be or are in the process of obtaining their driver's permit. Mr. Davis advised that NJM Insurance would like to host the program here in the municipal building in the meeting room on August 11, 2015 at 6:30 p.m. Mr. Davis indicated that certificates will be issued to the youths upon the conclusion of the program and also asked the Township Committee if refreshments could be provided .

Mayor Byrd asked the Township Committee if they had any questions. There were none. Mayor Byrd asked for a motion to approve holding the program here in the municipal building and authorizing the Township Administrator to obtain \$75.00 from the recreation account. Committeeman Clark moved and seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes; Pitts, yes; Servais, yes and Mayor Byrd, yes.

OLD BUSINESS

Committeewoman Servais inquired on the request made by the school to provide them dumpsters for wood debris clean up at a previous meeting if we had received the written request from the school. It was indicated that the Township has not received a written request.

PUBLIC COMMENT

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

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

George Harris, East Avenue appeared and indicated that he has appeared in the past before the Township Committee to see when will a Public Land Sale be held. He stated that the former Township Solicitor was to prepare for such and to this day, he has not been given an answer as to when a Public Land Sale will be held to sell these properties that the taxpayers of this Township are absorbing.

Mr. Harris was informed that his request would be looked into by our Township Solicitor. Mr. Harris stated that he would like to have that answer at the next scheduled meeting.

Mr. Harris indicated that he does not understand why we have to go to a referendum by placing a question on the ballot referring to the refurbishing of the 2005 ambulance. He stated that now the cost to refurbish is going to cost more than the first quote presented because we did not move forward to get the ambulance refurbished by delaying the matter to be put on the ballot.

Mayor Byrd stated that he believes it is important that the taxpayers of the Township be asked for their voice on big ticket items such as this.

Mr. Harris stated that the public has an opportunity to be heard during the public comments if they have or have no objections to refurbishing the ambulance as opposed to the question being placed on the ballot.

Russell Pierce appeared to inquire on his OPRA Request pertaining to the complaint he issued regarding the business licenses. He asked why his complaint was not provided to an entity outside of Cumberland County due to conflict in nature of the complaint. Mr. Pierce indicated that he wants an answer to his OPRA as to when did it go, where did it go and how was the complaint provided.

The Township Administrator advised Mr. Pierce to come to his office tomorrow at 1:00 p.m. to give him the response regarding his OPRA Request.

Mr. Pierce indicated that as far as the dumpsters being provided for the school to dispose of the wood debris, that the contractor should not have received payment for the work because it was not completed. Mr. Pierce was informed that it was not a contractor. The tree cleanup work was done by the school.

Mr. Pierce inquired if the track at the school was being used. Mr. Pierce was informed that he would have to inquire with the school.

Mr. Pierce indicated that this is his third time he is bringing up the complaint regarding the tall grass./weed vegetation on R-O-W and nothing has been done.

Michael Sharp, P. O. Box 5092, Bridgeton appeared and indicated that the issue with the business license appears to be extremely selective. He stated the reason why he brings this up to say is because certain committee people who do not have a business license because they park their business trucks at their residences, however, what has not been addressed, is those same people who park backhoes, trucks, abandoned vehicles, smaller dump trucks at their residences, but those people are not being targeted for a business license. Mr. Sharp stated when you start talking about who should have a business license or not, if you are not going to do all, then do not do any, as you cannot be selective. Mr. Sharp stated in addition to this, he stated that the Township does have people obviously operating a business like cutting up wood and selling it. Mr. Sharp stated this is a county violation to have so much wood piled up at a residence that is not being used for home use. Mr. Sharp stated that it is also a health violation because it is a fire hazard, and this is not being addressed and it is something that he feels needs to be addressed.

Mr. Sharp addressed also raised another issue that came up last week regarding the Convenience Center. He stated that previous administrations, certain people are still on this board today, when that issue was brought up then, they said it was not an issue, no big deal, but now it appears to be a big deal and it is going to cost an exuberate amount of money to resolve. Mr. Sharp indicated that he believes it is the right of the public to know what is going on and also, who is at fault for happening and that it is on record who was at fault as to why it happened, and it should be addressed accordingly. Mr. Sharp stated that he is asking that these manners be addressed if the Township truly wants to move forward.

Mr. Sharp stated that last week he brought up about people serving on boards with past criminal histories. He stated that he owes Township Solicitor Carr a copy of the Patterson, New Jersey lawsuit. Mr. Sharp stated that he feels that the Township Committee should take their own action which is in their own authority to do so, knowing what you did not know then, but what you do know now about the status of people serving in that capacity with that type of history in the Township. Mr. Sharp stated to a convicted cocaine dealer serving on a Planning Board is a slap in the face and it is something that should be rectified as soon as possible.

Ed Kimley, 84 Seabreeze Road, Bridgeton appeared and indicated that there is no law against a convicted felon being on the Planning Board. He advised that there is no just cause to remove a convicted felon from serving on the board.

Mr. Kimley stated that for any committee member that sits up there that says they did not know I was a convicted felon, they are lying. He stated that Nancy Ridgway brought it up at a meeting as to why we had a convicted felon serving on the Planning Board.

Mr. Kimley stated the real slap in the face is 25 Lance Avenue living in Gloucester Township, plus he (Deputy Mayor) has a business in this Township and you (the Mayor) have a business in this Township, you lied to every person in this audience, that you do not have a business.

Mayor Byrd stated to Mr. Kimley that he did not know what he is talking about. Mr. Kimley stated what he is talking about is everything you say, you say is, I did not know he was a convicted felon, but you did.

Mayor Byrd stated to Mr. Kimley, I knew that you sold drugs and how would I have known this. Mr. Kimley stated that he has told people that he does not hide the matter.

Mayor Byrd asked Mr. Kimley, why would I know that? Mr. Kimley stated that he told Mayor Byrd before.

He stated that the mayor stood in the yard when Mr. Kimley was going to go before the Planning Board and told him that people do not want you to subdivide your property because of your past.

Mayor Byrd asked Mr. Kimley what are you talking about? Mr. Kimley stated that he has a very good memory and for some reason you do not want to remember anything.

Mr. Kimley stated to the mayor, tell Mr. Sharp that you are not the one that did not say it was going to cost \$900,000.00 to fix the landfill, remember two (2) meetings ago, you said that you never said that.

Mr. Kimley stated the slap in the face is people having businesses and not obtaining their business licenses.

He stated that you as the mayor, you should lead by example. The Deputy Mayor should lead by example and that he does not live in the Township.

Mr. Kimley stated that a family member of Mr. Pitts came here and told the former Mayor that Mr. Pitts did not live in this Township and stated where you reside. Mr. Kimley stated family and friends are the ones that get you.

Committeeman Clark stated that he just wanted to address that Mr. Kimley stated the whole committee was aware of Mr. Kimley's criminal past. Mr. Kimley stated to Committeeman Clark that he was not on the Township Committee at the time.

Mr. Kimley stated that he may have a criminal past but he does not sit there and lie to the taxpayers.

Committeeman Clark stated for the record that he did not know of any criminal history or criminal activity that Mr. Kimley has indicated until now.

Ms. Nancy Ridgway, 582 Irving Avenue appeared and stated that the question she has right now is if you do a crime and you get incarcerated and you do the time, how long does that have to follow you in your lifetime if you paid the punishment for what you did. Mr. Ridgway stated think about that.

Mr. Carlos Smith, 30 Harts Drive expressed his concern regarding abandoned properties in the Township. He stated that there is a house located across the street where the grass was being cut, however, no one has come back to maintain the tall grass and weeds. Mr. Smith stated that obviously someone or some foreclosure company is paying taxes on these properties. He would like the Township to look into and if need be, the Township to address the nuisance and place a lien on the property for the cleanup work.

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

Deputy Mayor Pitts moved to close the public comment seconded by Mayor Byrd. All members voted in the affirmative.

Mayor Byrd announced that the Township Committee will now convene into Executive Session. Mayor Byrd asked for a motion to enter Executive Session.

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

Township Solicitor Carr announced the purpose of Township Committee entering Executive Session is pursuant to N.J.S.A. 10:4-12(b)(8) MATTERS RELATING TO THE EMPLOYMENT RELATIONSHIP for the purpose of interviews for the position of Emergency Management Coordinator.

The meeting adjourned at 7:50 p.m.

The Township Committee convened into Open Session from the Executive Session with all members present at 8:25 p.m.

The Township Solicitor announced the time is now 8:25 p.m. and the Township Committee is now out of Executive Session having conducted one (1) interview and discuss the position of Emergency Management Coordinator and also having discuss a add on litigation issues relating to B&M Auto vs. Fairfield Township, Matter of Zander Road and Hulitt vs Fairfield Township.

At this time, Mayor Byrd announced that next we will have comments/remarks from the Township Committee.

#### COMMITTEE REPORTS

Committeewoman Servais commented on Mr. Michael Sharp's statement made earlier regarding the Convenience Center that we are spending so much money out there. She stated that Mr. Sharp failed to tell everybody, he said that everybody should know what is going on at the Convenience Center and that she agrees that everybody should know why the landfill is in the shape it is now. Ms. Servais stated that we started to fix something over there, and somebody chooses to call the New Jersey Department of Environmental Protection and tell them that we were fixing it up. Ms. Servais stated that they also failed to tell everybody that when NJDEP came out they went out and inspected the entire site and found out that for the last 15 to 20 years no one had been maintaining the landfill.

Committeewoman Servais stated that the dump was to be maintained until the year 2017 and then the State of New Jersey would take it over.

Committeewoman Servais stated that when they spoke with the state representative, she indicated to the Township that if it was not maintained they would not take it at that time, so now money is being spent over there. Ms. Servais stated spread it out over for last 15 years and see how much it is per year because nobody chooses to maintain the Convenience Center which used to be the dump.

Committeewoman Servais stated there was no dirt brought in, no trash was picked up, people were allowed to dump leaves in the back, piles of glass, pieces of rolled up snow fence as high as this meeting room that had to be cleared out of there. She explained that all this stuff had to be done and we did get all these stuffs cleared out of there and it did not cost the Township nowhere as near \$900,000.00.

Committeewoman Servais stated and now everybody keeps saying it is costing us money. Ms. Servais stated it is going to cost us money to finish it because nothing was spent on it for the 15 to 20 years and further that that is not maintaining if you do not go in there by doing a little bit this month, a little bit next month, a little bit this year and a little bit next year. She stated that you do not maintain something by ignoring it.

Committeewoman Servais stated that yes, she does agree that everybody in the Township should know exactly why we are spending money over at the dumpsite, because nobody took care of it for 15 to 20 years.

Committeewoman Servais stated that Mr. Sharp wants to just blame this on 2 or 3 people; she stated it is not just 2 or 3 people. She explained it was administration after administration after administration for all those years that totally ignored it. Ms. Servais stated it was not going away, rather than it was sitting there and deteriorating more and more.

Committeeman Morton stated that he normally he thanked the public for coming out and he thanked them for their dedication and diligence.

Committeeman Morton stated that however now, he sees that you now are a witness to a failure to act.

Mr. Morton stated that they brought up some issues forth that need to be addressed. Mr. Morton stated very specifically that the fact that our membership here is antiquated and unhealthy.

Committeeman Morton indicated that we also discussed some issues in regard to the ballot which were very valid, and it seems that one of the members of the community has identified a problem. Mr. Morton stated each time we put something on the ballot that the committee would be able to address the price increases because of our inability to make a decision.

Committeeman Morton indicated thirdly that we are 35 days out of compliance for an Emergency Management Coordinator. Mr. Morton explained that we have done what we can by advertising the position and are still unable to come to a consensus when in fact we decided that we are going to have a consensus, we went directly to the Township Committee Remarks/Report portion of the agenda. Mr. Morton indicated there was no vote, but there should have been a vote. Committeeman Morton indicated that there should have been a vote tonight as whether or not we should take action and we are again, not taking action.

Committeeman Morton indicated that failure to act is an act of non-compliance, failure to act is an act of defiance and right now, for several counts we are in defiance of the law, and this is now on the record.

Committeeman Morton indicated that in the event if we were to have an emergency, as his alerts tells him, there is a pending emergency in the next 12 hours, and we do not have adequate coverage.

Committeeman Morton stated that a problem that could have been resolved tonight but should not have existed 35 days ago.

Mr. Morton we are out of compliance and we as the Township Committee are now failing you. Mr. Morton stated that he asks the public to be vigilant, pay close attention, call your congressman, call local law enforcement and be a part of the judicial process because we are out of compliance, that nobody on this committee is taking the responsibility and he thanked the audience for their time.

Committeeman Clark indicated that we wanted to convey this thanks to the Township residents for coming out and to continue to attend the meetings and that he appreciates their time.

Deputy Mayor Pitts indicated that he first wanted to address Mr. Harris concerns issued in the record earlier this evening regarding the Public Land Sale. Deputy Mayor Pitts stated that we are going to work on that and see about scheduling a sale.

Deputy Mayor Pitts stated to Mr. Pierce to please see the Township Administrator tomorrow to provide you with the information you seek in your request.

Deputy Mayor Pitts stated that he agrees with Mr. Sharp's statement regarding the concerns of business licenses that it should be a fair and consistent system for everybody and not just certain individuals and is in agreement with his concerns regarding convicted criminals serving on Boards.

Deputy Mayor Pitts addressed Mr. Kimley's statement made earlier regarding all of us on the committee were aware about your past criminal history. Mr. Pitts stated that he did not know him and does not know him now.

Deputy Mayor Pitts addressed Ms. Ridgway question she brought up earlier in regards as to how long a criminal history should follow an individual's life. Mr. Pitts stated that certain convictions should follow an individual's life for the rest of their lives, for instances child molesters and bank robbers.

Deputy Mayor Pitts addressed the concern issued by Mr. Smith regarding abandoned properties not being properly maintained. Mr. Pitts indicated that the Township is working on these issues and one of them is upcoming for action.

Lastly, Deputy Mayor Pitts read into the record a statute of the definition of domicile to answer the concerns to support his residency.

Deputy Mayor Pitts indicated some particulars in the record naming certain individuals who have approached his family being questioned about his residency.

Deputy Mayor Pitts indicated that he would file a complaint if his property is trespassed upon and if the harassment continues.

MAYOR

Mayor Byrd stated that he wanted to go back to the discussion held in Closed Session regarding the interview for Emergency Management Coordinator will be continued for further interviews at the next scheduled meeting and that we are not in jeopardy as far as the process.

Mayor Byrd indicated that he did not have much to say. He stated that he feels that a lot of things that go on in our Township a lot of it is driven by hatred driven by people being up on the Committee that maybe you do not like their opinions or what they want to vote on. Mayor Byrd stated that he is hoping for a change.

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

The meeting was adjourned at 8:45 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