

FAIRFIELD TOWNSHIP COMMITTEE
WORK SESSION ACTION MEETING
SEPTEMBER 1, 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 18th 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 special moment of prayer for Township Committeewoman Joanne Servais and her family for their family loss, her husband Richard Servais.

ROLL CALL

The following roll call was recorded as follows:

Committeeman Clark, present; Committeeman Morton, present; and Mayor Byrd, present.

ABSENT

Committeewoman Servais and Deputy Mayor Pitts

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 WORK SESSION/ACTION MEETING AND CLOSED SESSION MEETING
AUGUST 4, 2015

Township Clerk Gonzales went in the record to respectfully request that the minutes be tabled for the next scheduled meeting. Township Clerk Gonzales explained the delay of the minutes because of copier breakdown and could not get the technician out until today.

Mayor Byrd asked for a motion to defer the minutes of the Work Session/Action Meeting and Closed Session Meeting of August 4, 2015 to the next scheduled meeting. Committeeman Morton moved to defer the minutes 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 the Township Committee if they had any questions on the bill list. Committeeman Clark questioned the payable submitted for the Tri-County Animal Control Officer and the animals taken to the SPCA.

Mayor Byrd advised that the Tri-County Control contract is for his professional services as our Animal Control Officer. Any other work outside of his contract, like when the Animal Control Officer has to take to the Cumberland County Shelter is an additional cost for his services.

Mayor Byrd asked for a motion to adopt Resolution 135 - 2015

RESOLUTION FOR PAYMENT OF BILLS

A RESOLUTION OF FAIRIFELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING THE PAYMENT
OF TOWNSHIP BILLS IN THE AMOUNT OF \$31, 548.87

Committeeman Clark moved to adopt Resolution No. 135 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes and Mayor Byrd, yes.

ORDINANCES FOR INTRODUCTION (FIRST READING)

None

ORDINANCES FOR PUBLIC HEARING (SECOND READING)

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. Mayor Byrd reminded everyone of the five (5) minute rule.

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

Mayor Byrd asked anyone wishing to make their comments on current agenda items only to please come forward.

Mr. Albert Jones appeared with a question on Tri-County Animal Control Services. He stated that he understood we have a contract with Tri-County Animal Control Services and we are up to \$1,050.00.

Mayor Byrd advised Mr. Jones that the Township does have a contract with Tri-County Animal Control, however, we do have to pay the animal control officer for any other work outside of his contract. Mayor Byrd explained one example was a resident who passed on and had 30 cats inside her home. The cats had to be removed from the house and taken to the Cumberland County SPCA.

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

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

RESOLUTIONS

Mayor Byrd announced that Resolution No. 136 - 2015 and the Oath of Office will be addressed later in the meeting.

RESOLUTION NO. 136 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPOINTMENT OF AN ADDITIONAL DEPUTY EMERGENCY MANAGEMENT COORDINATOR (OFFICE OF TOWNSHIP ADMINISTRATOR PURSUANT TO DIRECTIVE NO. 102)

OATH OF OFFICE

TREEMANISHA M. STEWART, EMERGENCY MANAGEMENT COORDINATOR ALONG WITH HER TWO (2) DEPUTIES JOHN BOGAN AND R. DARRYL DAVIS

RESOLUTION NO. 138 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY AUTHORIZING TO REFUND THE APPLICATION DEPOSIT FOR EVENT HELD ON JULY 25, 2015/FAMILY FUN DAY

Mayor Byrd asked the Township Clerk if all was in order for the refund. The Township Clerk advised affirmative. Committeeman Clark moved to adopt Resolution No. 138 - 2015 seconded by Mayor Byrd. Roll Call Vote: Clark, yes, Morton, yes and Mayor Byrd, yes.

NEW BUSINESS

EVENT APPLICATION

VOICE OF HOLINESS CHURCH OF GOD IN CHRIST, 475 BURLINGTON ROAD, BRIDGETON TO HOLD A RELIGIOUS TENT REVIVAL ON SUNDAY, SEPTEMBER 6, 2015 THROUGH FRIDAY, SEPTEMBER 11, 2015 AT 7:30 P.M. at 991 EAST COMMERCE STREET

The Township Clerk advised that the applicant fulfilled all applicable documents and indicated the reason the Township Committee did not have a copy of the application or the documents to accompany the application due to the copier breakdown. The Township Clerk also advised the Township Committee that it is at their discretion to waive the application fee as the applicant falls under a non-profit organization.

Mayor Byrd asked the Township Committee if they had any comments. There were none. Mayor Byrd asked for a motion to approve the tent revival of the Voice of Holiness Church and to also waive the application fee.

Committeeman Clark moved to approve and waive the application fee for the tent revival of the Voice of Holiness Church seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes and Mayor Byrd, yes.

OLD BUSINESS

A. DISCUSSION AND CONSIDERATION BY WAY OF A RESOLUTION REGARDING THE EVERGREEN ENVIRONMENTAL RESTORATION

Township Solicitor Carr advised that Evergreen Environment is looking to make some changes on Seabreeze Road. He advised that Evergreen Environmental have gone in the 2014-year Township's Land Use Board. The Land Use Board voted in the affirmative and gave them their blessings. Township Solicitor Carr indicated that it is going to include returning a piece of ground that they own to its natural state which is going to include flooding of some of the ground. He advised that Evergreen Environmental submitted their information to the NJDEP indicating that it is going to benefit 250 acres of wetlands.

Solicitor Carr advised that Mr. Holt from the Evergreen Environmental Restoration contacted him what he really needed was a letter from the Mayor approving the project, therefore it became appropriate to bring this to the

Township Committee to say our Land Use Board approved this a year ago, but before the Mayor uses his authority to sign such a letter, that the Township Committee needs to be brought up to speed so this is not an action by the Mayor not consonant with the Township Committee wish.

Solicitor Carr indicated that he spoke with the Township Engineer Robert Hunter and that Mr. Hunter indicated to him that he had reviewed the information provided to him and did not see any issue with the information provided, nothing new that the Land Use Board

Township Solicitor Carr stated that he does not know that the Township Committee needs to pass a resolution to the affect for the Mayor to sign the letter, but he believes it would be appropriate to offer the members of the Township Committee the opportunity to ask questions, to discuss and provide an objection to such a letter being signed.

Mayor Byrd asked the Township Committee if they had any questions.

Committeeman Clark asked if they are going to be making a presentation. Township Solicitor Carr stated that the Evergreen Environmental Restoration made their presentation to the Township Land Use Board in 2014. He advised they are not asking to come back, they are asking a follow up to that 2014 resolution, a letter of support.

Committeeman Morton had no questions.

Mayor Byrd stated that he had the opportunity as well to discuss with the Township Engineer about the project. He advised that the Township Engineer stated that he had no concerns about it. Mayor Byrd stated he did bring up the Seabreeze Road, his concern about when due to flooding, that Seabreeze Road is not damaged or that we are not going to have a problem out there. The Township Engineer indicated to him that there would not be a problem.

Mayor Byrd stated that he believes we should move forward, and it might be good for wetlands restoration.

Mayor Byrd asked for a motion authorizes him as the mayor to sign the letter of support. Committeeman Clark moved authorizing Mayor Byrd to sign the letter of support seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, yes and Mayor Byrd, yes.

Mayor Byrd announced the following as Old Business - Clean Communities Day

Mayor Byrd announced that at the previous meeting, the 2015 Clean Communities Day dates were established. It has come forth that the dates established did not allow enough time to get the letters out to the volunteers and a request to move the dates to: Saturday, September 12, 2015 with a rain date of Saturday, September 19, 2015.

Mayor Byrd asked for a motion to approve the requested dates for the 2015 Clean Communities Day. Mayor Byrd moved seconded by Committeeman Morton. Roll Call Vote: Clark, yes; Morton, yes and Mayor Byrd, yes.

Mayor Byrd announced the following as Old Business - Email Policy

Mayor Byrd announced that two (2) resolutions were provided to the Township Committee, one from Greenwich Township and the other by John Paff, New Jersey Libertarian Party. Mayor Byrd indicated that he has no problem with the Email Policy from Mr. John Paff. Mayor Byrd asked the Township Committee if they had any objections to the email policy from John Paff. There were no objections.

Township Solicitor indicated that perhaps that since we do not have anything as a written email policy, that we adopt in a form of passing a resolution.

At this time, Mayor Byrd asked for a motion to adopt Resolution No. 139 - 2015

RESOLUTION NO. 139 - 2015

A RESOLUTION OF THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY ADOPTING EMAIL POLICY FOR FAIRFIELD TOWNSHIP ELECTED AND APPOINTED OFFICIALS

Committeeman Clark moved to adopt Resolution No. 139 - 2015 seconded by Committeeman Morton. Roll Call Vote: Clark, yes; Morton, yes and Mayor Byrd, yes.

The Township Solicitor indicated what happens now that we have adopted the resolution is of course, first of all is that the website is going to become a necessary important component to this policy.

Mayor Byrd stated that the Township Administrator is working on the website and inquired with the Township Administrator if he will have the proposals at the next scheduled meeting. Administrator Davis confirmed.

B. BUSINESS LICENSE APPLICATION UPDATE HANNAH'S FLEA MARKET

Township Clerk Gonzales gave the Township Committee an update on the pending application is waiting for approval from the Fire Marshall. Ms. Gonzales advised the Township Committee that the Fire Marshall indicated to her that he did not feel that his office needed to approve being that it is an outdoor sale, but that he would be getting back to her.

Mayor Byrd stated that it is in his opinion that further research and obtain further information because this is the first time of him hearing of this issue.

Mayor Byrd asked Committee Clark if he had any questions. Committee Clark inquired if this location is located on Route 49. The Township Clerk confirmed. Committeeman Clark stated that he knows in the past, he has seen vehicles on the side Route 49. He advised that to him, it was a hazard. He indicated that the applicant had tried to place some orange cones out there, but it is really dangerous. Committeeman Clark stated that he does not know how his parking situation is for this type of flea market. Committeeman Clark stated that if the applicant could provide at least somewhere where people can pull in. His concern is the hazard parking on Route 49 and crossing this busy highway.

Committeeman Morton indicated that his only question is would this be a matter that needs to go before the Planning and Zoning Board. Mayor Byrd indicated that is why we need to research more and bring those issues up.

Committeeman Morton indicated under normal circumstances, someone would make an application to the Planning and Zoning Board prior to the Township Committee. Mayor Byrd indicated not if it is for a yard sale.

Committeeman Clark inquired with the Township Clerk if she knew any reason or why the applicant was submitting an application because they have been operating for quite some time. Township Clerk Gonzales indicated that she did ask the applicant. The applicant advised the Township Clerk that he has always made an application because he was required too and always made an application every year.

Mayor Byrd announced the receipt of a Warning Letter from the NJDEP regarding the Township's Convenience Center. He advised that at a previous meeting we were looking into a company to test the ground where the drum barrels were identified. Mayor Byrd asked the Township Administrator Davis how we are coming along with that.

Township Administrator Davis stated that he has, and the information is forthcoming. Mayor Byrd asked if the Administrator could contact Calmar Associates to provide us with a detailed quote on the testing of liquid and/or solids as indicated on their proposal.

At this time, Mayor Byrd announced that we go back on the agenda for the oath of office for Treemanisha M. Steward as the Emergency Management Coordinator along with her two (2) Deputies John Bogan and R. Darryl Davis.

At this time, Committeeman Morton indicated that before we do the oath of office for the Deputies, do we not address the resolution in regard to the Deputies because you have a resolution on the agenda for us to vote on.

Mayor Byrd read the following resolution into the record:

RESOLUTION NO. 136 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPOINTMENT OF AN ADDITIONAL DEPUTY EMERGENCY MANAGEMENT COORDINATOR (OFFICE OF TOWNSHIP ADMINISTRATOR PURSUANT TO DIRECTIVE NO. 102)

At this time, Committeeman Morton stated that before we vote on this, are we going to have a discussion on this.

Mayor Byrd indicated yes; do you want to discuss this. Committeeman Morton stated yes that he just wanted to know if either the Emergency Management Coordinator or a member of this Township Committee could explain to the public on how we arrived at the appointment of Mr. Davis and Mr. Bogan.

Committeeman Morton indicated this resolution, in particular refers to Mr. Davis as he understands that Mr. Bogan is already the Deputy Emergency Management Coordinator. Committeeman Morton asked so if someone here can explain how we arrived at Mr. Davis as the optimum for this position.

Mayor Byrd asked the Township Administrator Davis if he wanted to explain. Administrator Davis stated under the New Jersey Law Directive No. 102 allows for the appointment of an additional Deputy Emergency Management Coordinator. Under the Directive 102 the appointment of an additional Deputy is a salaried employee.

Mayor Byrd asked if Committeeman Morton had any further questions. He indicated he did not.

At this time, Mayor Byrd read Resolution No. 136 - 2015 into the record and asked for a motion.

RESOLUTION NO. 136 - 2015

A RESOLUTION OF FAIRFIELD TOWNSHIP, CUMBERLAND COUNTY APPOINTMENT OF AN ADDITIONAL DEPUTY EMERGENCY MANAGEMENT COORDINATOR (OFFICE OF TOWNSHIP ADMINISTRATOR PURSUANT TO DIRECTIVE NO. 102)

Committeeman Clark moved to adopt Resolution No. 136 - 2015 appointing R. Darryl Davis as an additional Deputy Emergency Management Coordinator pursuant to Directive No. 102 seconded by Mayor Byrd.

Roll Call Vote: Clark, yes; Morton, no and Mayor Byrd, yes.

At this time, Mayor Byrd announced that we will do the oath of office to the Emergency Management Coordinator and her two (2) Deputies.

At this time, the Township Solicitor interjected and advised that the oath of office is for the Emergency Management Coordinator Ms. Stewart and Deputy Bogan. Resolution No. 136 - 2015 died on the floor as a 2-1 vote for the additional Deputy.

Township Clerk Gonzales introduced Treemanisha M. Stewart to the audience as Fairfield Township's new Emergency Management Coordinator and her Deputy Emergency Management Coordinator John Bogan.

Township Clerk Gonzales commenced the Oath of Office and congratulated them both.

Mayor Byrd thanked Ms. Stewart, Mr. Bogan and also Mr. Davis. Mayor Byrd stated that he wanted the Emergency Management Coordinator to know, like I told her yesterday, that we're going to stand with you 100% and we're going to make it, no matter what people try to do, we're going to make it anyway and if there is anything you need, please make sure to call him.

At this time, Mayor Byrd asked for Committee Report/Remarks

COMMITTEE REPORT/REMARKS

Committeeman Clark gave thanks for everyone coming out tonight. Committeeman Clark stated that he was also sorry for the loss of Committeewoman Servais husband and that we pray for her family will be able to have healing in this time of sorrow.

Committeeman Morton stated that he is looking for verification you're Honor, are we not having an Executive Session this evening before we close the meeting.

Mayor Byrd asked Committeeman Morton do we need to go into Executive Session. Committeeman Morton stated that he believes we have some reports here that we need to discuss. Mayor Byrd asked Committeeman Morton do you need to go into Executive Session. Committeeman Morton stated that he has some questions that he needed to address with the Township Committee that involve potential litigation. Mayor Byrd indicated then we will go into Executive Session right after we are done with Public Comments.

Mayor Byrd asked Committeeman Morton if he had any other comments to make now.

Committeeman Morton indicated that he'd like to thank the public for coming out. He stated that he is glad that we have support for the new OEMC position. He stated that he wanted to convey that it is a big undertaking and that he is glad that she has family and friends here to support you and that he knows the community stands behind you as well.

Committeeman Morton stated that we are going to do everything in our power to not only make sure you have all the support that you need but that it is done in the right way.

Committeeman Morton stated that he would also like to paraphrase that as we go into Executive and does not anticipate that we will be in there long. He stated we are going to address some issues in regard to potential litigation and that he is glad to see that we members of the community here tonight are not only holding the committee accountable, but providing solutions.

Committeeman Morton stated that he does believe in if you are not part of the solution, you are part of the problem and that he is glad to see the members of the community are presenting potential solutions as well and that it is something that he would like to see happen more often and that it is truly a demonstration that we are working together, especially when the committee cannot only recognize those entities and bring positive solutions, but also taking those solutions into consideration and making them part of the plan.

Committeeman Morton stated that he wanted to thank Mr. Paff for being here this evening.

Mayor Byrd announced that he noticed we have our Tax Assessor present tonight.

Ms. Behm stated that she was present tonight to clarify something that she had said earlier on regarding Burlington Road. She stated that on the front page of the tax map, is a basic road listing. Ms. Behm stated that when she looked at it, she had explained that the jurisdiction of the tax map is the Township Engineer's Surveyor. She indicated that they are the one's responsible for making sure that when a property roadway is deeded to the Township, it then has to be accepted by the Township and dedicated as a public roadway in order for it to appear on the tax map. Ms. Behm stated that the tax map is not always 100% accurate and explained that sometimes we find properties that look like a street but they are really not a street and vice versa.

She stated that when she spoke with the mayor the other day, you had asked me about Old Burlington Road, and she explained that she simply looked at the main road listing and it does not show Old Burlington Road. She explained tonight though on Page 23 where you turn to actual tax map, you will see a dotted line goes across a major part of Block 29. She explained that this does not show up on the regular tax maps pages as a street. She advised that when this is indicated like this, that dotted line basically shows where there is an easement or right-of-way on deed on file

for the property that it touches. Ms. Behm stated in this case, it looks like it is coming out from Clarks Pond Road and going all the way out to Shoemaker Lane. Ms. Behm stated that in her experience as an Assessor, normally what she sees each individual property if the property does not have access to the property and the closest roadway to gain access and the owner of this property allows them to access across their roadway to get to their property, it would be both on their deed or a single deed of easement. That easement would spell out specifically what the purpose of that easement was for that one person to access their property or for multiple people to access their properties. In this case, it looks like the right-of-way easement is on both sides all the way down to the stripe. She indicated that she has not reviewed this and has no knowledge of this and that she just wanted to clarify that what she said did not exist there, but actually does exist here and what is she does not know what it is. Deed research would have to be done and needed to say the Township Engineer had research this before and whatever he came up with and that this the map is his jurisdiction. Ms. Behm stated that she has no legal documentation in front of her for her to review to be able to say what it is. Ms. Behm stated that whether it still exist or extinguished she has no knowledge of this whatsoever.

Mayor Byrd thanked Ms. Behm for her clarification.

PUBLIC COMMENT

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

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

Russell Pierce, 376 Fairton-Gouldtown Road, Bridgeton appeared and indicated that the map that Ms. Behm, Tax Assessor just discussed, he stated that last year the Township Engineer got involved. Mr. Pierce stated that it is a right-of-way and not a road. He indicated that he came to the Municipal Building to speak with the Township Administrator today to speak with him about this road only to be told that the Administrator did not have time.

Mr. Pierce stated that the property owner paid someone last week to clear it up. Mr. Pierce reported that there was more trash dumped on the road and he took photographs and dated when it was cleaned and destroyed again.

Mr. Pierce reported that this afternoon, he noticed where the Township had gone out to the road and dump dirt on top of the debris. He asked what the Township's hurry was on closing the road until they actually find what out what really is going on. He also stated that hunting season starts in a couple of weeks and that he knows Orville Brown is not that concerned of this property and must be the only two (2) who are doing the damage to the road so that nobody has access to it.

Mr. Pierce reported that he was here at the Township Committee meeting last year when the same thing happened.

He stated that there were boards painted with nails so that whoever tries to get into the property would not get in. He also reported that it is on record last year when the Township Engineer did declare this road as a right-of-way.

Mr. Pierce stated that earlier on tonight that he heard the Mayor state that maybe we ought to go out and look at Route 49 before we jump into the pot and today, he does not understand why the Township Administrator had somebody place this pile of dirt in the middle of the road to block it off and a No Trespassing sign.

Mayor Byrd asked Mr. Pierce did you say that Ms. Johnson that was owns the road property.

Mr. Pierce stated that he did not say that, that he said it was the Township Engineer. Mayor Byrd asked then whose property is it as far as you know. Mr. Pierce stated it is Ms. Johnson's in the back it is blocked and cannot get in without permission.

Mayor Byrd stated that when a person clears a right-of-way open then they are clearing someone else's land correct.

Mr. Pierce stated that he does not know, that all he is saying is that the road was opened from last year until now and further that deer season starts in a few weeks and all this occurred this past week and further today it even added more too it from the Township and that he is saying how come the Township get involved in a road that has been there forever just to block it off.

Mayor Byrd asked Mr. Pierce if he wanted to, he would read a letter from the Township Engineer because when the Township received a couple of complaints about the road being opened, we had the Engineer to look at it for safety and hazardous reasons. Mr. Pierce responded by stating then they need to block all of them off and not just one or two, all of them.

Mayor Byrd asked Mr. Pierce if it was blocked off before you cleared it.

Mr. Pierce stated that he did not clear it, that he had just told the Mayor that.

Mayor Byrd apologized, indicating that he did not mean that he, Mr. Pierce himself. What he was trying to convey was it blocked off before it was cleared. Mr. Pierce indicated no. Mayor Byrd asked then what was cleared then.

Mayor Byrd stated that he wants to make sure what we are doing because I want to read the letter from the Township Engineer. Mr. Pierce stated that if you investigate last year's file you will find where the Township Engineer declared that road as a right-of-way so that you could get in and out to this property and that he wants to know why it was blocked up even more today by the Township.

Mayor Byrd read the letter in full of the Township Engineer, Bohler Engineering Firm into the record.

Upon the Mayor reading the Engineer's letter, Mr. Pierce stated that the road had been opened from last year up until now and that we all know where Orville is coming from because he is a friend of yours, and that we also know the Engineer was here last year not the same one and they opened it up as a right-of-way for the people who own property there.

Mayor Byrd asked Mr. Pierce who opened the road, the Township did.

Mr. Pierce responded that it has been opened. Mayor Byrd stated that he is not sure about the hunting part down there as he does not hunt, but what he does know is that the road was opened up and that he himself looked at the road and could tell it was freshly opened up on both ends of the road and therefore because we are responsible for this Township, we got to make sure that our Township does not get sued if we can help it, so we contacted our professionals, the Township Engineer to look in to the matter and he has advised us what to do.

Mr. Pierce stated again I am saying to you it was the Engineer involved last year and you need to go into the files and find out what he had stated.

Mayor Byrd stated the Engineer no longer works for the Township. Mr. Pierce stated well you still have the paperwork where he had an opinion and he told us what it is on the paperwork it said Old Burlington Road.

Mayor Byrd stated that is what is indicated in the letter that he just read from the Engineer.

Mr. Pierce stated but he said it was not on Old Burlington Road, it is not a roadway, and it is a right-of-way.

Mayor Byrd responded that is what it said in this letter. Mr. Pierce said okay. Mayor Byrd informed Mr. Pierce that his time is up to move to the next person for their comments.

Gail Johnson appeared and stated that she is the one who owns this piece of property and that she was the one who cleared the property because she was trying to get in to her property and that she did the same thing last year and that she had the same problem, but that she would like to know how I am paying taxes and how am I supposed to get to my property when they told me that was my right-of-way.

Mayor Byrd asked Ms. Johnson if she cleared it from Clarks Pond Road to Shoemaker Lane. Ms. Johnson said no, she cleared it from where her property was and just so she could get to her property because there is no other way into my property.

Mayor Byrd asked if her property is attached to the road. Ms. Johnson indicated yes. Ms. Johnson stated that she cleared it, and they dumped the stuff in it and she contacted the State Police last night who then informed her to contact the Township. Ms. Johnson indicated that she is supposed to have her right-of-way and that if you do not get the right-of-way to your property after so many years that you could lose your right-of-way.

Mayor Byrd asked if this was a vacant lot, like you do not live there. Ms. Johnson stated it is just a field that she would like to rent out, but how can she rent it without the right-of-way.

Mayor Byrd asked Ms. Johnson if the field has corn in it now and how corn is removed from the field. Ms. Johnson responded that they would have to go through somebody else because she does not have a right-of-way because they keep blocking off the road.

Mayor Byrd asked Ms. Johnson how long they have been raising corn there. Ms. Johnson stated she only has been in it last year and this year, she explained she had rented it to someone else but they keep blocking off the road so I cannot get back there.

Mayor Byrd explained that this is what I want going to do because you said that you did not clear the road all the way through, and you paid somebody to clear it from where to where. Ms. Johnson stated no that she did, and she only cleared it from across the road to her property. Mayor Byrd advised Ms. Johnson that first of all, she should of contacted the Township because the roadway is a right-of-way and now it is opened all the way through for vehicle traffic to go through and it really should not be that way without the Township being notified because you own the land on the side of it and it's the Township's right-of-way through the center and that he agrees with Ms. Johnson that she is supposed to get to her property, but we also need to make sure that the way it is done is not a hazard or danger to anyone because if someone comes through there in a 4-wheeler or someone pulls out into traffic because we do not have any signs posted.

Mayor Byrd advised Ms. Johnson that the Township Engineer will be contacted tomorrow and seek his advice as to what exactly we need to do so she can have access and maybe either tell us that we need signage or something stating this is a Dead End because that road should not be opened all the way through.

Mayor Byrd also advised Ms. Johnson that in the future when she hires someone to do work on township property like the Township Engineer indicated they must be bonded.

At this time, the mayor answered his cell phone to answer a call. Ms. Nancy Ridgway who was seated in the meeting room as a public member stated from where she was seated *"This Is A Public Meeting"*. Mayor Byrd stated to Ms. Ridgway to please try not raise her voice up like that, that she did not know if that was an emergency or if it had something to do with the Township, so please excuse him and he will excuse her.

Committeeman Morton asked the mayor did we authorize to have that right-of-way instructed in the past 2 days.

Mayor Byrd stated that the Township Engineer instructed the Township to react to it immediately because of the risk exposure to the Township because of the road opened up, so what he did, he asked the Township Administrator to see what we could do to block the road until the Township Engineer could direct us what to do as he explained to Ms. Johnson the safest way so she can access to her property plus we could put signage up and make sure it is safe and the Township is not in harm's way.

Committeeman Morton stated that he is not accusing, but he is curious, usually when a road is block for an emergency, a barrier is put up usually a temporary barrier am I to understand that a truck load of dirt was drop there.

Mayor Byrd responded right and that we might have the dirt back here and that he was not sure where the dirt came from, but he knows we had dirt in the back.

Committeeman Morton stated that in the future it might be advisable until we have had the opportunity to discuss this as a committee concerning the fact that the Engineer's letter is dated yesterday and we are meeting today, that a temporary barrier could have been put up there.

Mayor Byrd stated isn't a pile of dirt temporary. Committeeman Morton stated no. Mayor Byrd stated you pick up with a backhoe and put it back on the truck. Committeeman Morton stated that he does not see it as temporary at all, that he sees that is a foundation for a permanent solution.

Committeeman Morton stated that all he is asking that in the future perhaps since we knew that we were going to meet within 24 hours that we could have discussed this because it has caused a hardship for a taxpayer.

Mayor Byrd asked Ms. Johnson if the other end of the road was opened. Ms. Johnson stated no. Mayor Byrd stated that we will make sure we get in touch tomorrow with our Township Engineer tomorrow, but right now we are going to keep our roads safe until can figure out the safest way to deal with it, because again, we have 4-wheelers all over the place and we do not want any trouble.

Ed Kimley, Seabreeze Road appeared and stated that he was here before, and it took 3 committee members to vote for to block off Seabreeze Road and that he was wondering when did the Township Committee have a meeting to block this one off.

Mayor Byrd stated to Mr. Kimley that we did not have a meeting and as I just explained to you when the Engineer determined that the road was unsafe, and that the Township was at exposure for it and I asked the Township Administrator to take the appropriate action to protect the Township. Mr. Kimley said the same Engineer that said Elmer Road was unsafe. Mayor Byrd responded that he was not sure about that. Mr. Kimley stated that he knew he was 100% sure.

Mr. Kimley stated Bob Hunter said, right or wrong, Elmer Road is being undermined and there were two (2) State Engineers said it was not, so either he lied, or he cannot read a tape measure.

Mr. Kimley stated that this Township, you can't hire people that will say what you want because you want to block off the road for your friend and you got the Engineer to say this. Mr. Kimley stated there is going to be another lawsuit filed by Ms. Johnson. Mr. Kimley said it makes no sense; it is nothing but lawsuits coming in because you want them to do what you want them to do.

Mayor Byrd stated that the Township cannot protect their road, because it is a Township Road. Mayor Byrd stated legally before you clear it you have to approach the Township.

Mr. Kimley stated I am glad you said that clearly. Mr. Kimley indicated that grass grows, little trees grow, if you take and scrape and you go and scrape that is not clearing. He said there is no law that says there is a right-of-way, but when a tree grows up those right-of-way stops, and you have a right to keep the weeds down.

Mr. Kimley stated weeds grow every week, you certainly do not mow grass/weeds on Township Roads and indicated that Seabreeze Road has only been mowed once.

Mr. Kimley stated that if the Township Engineer was present, he would call him a liar to his face. Mr. Kimley stated that you should read the George Griner lawsuit and see who you brought back into this Township, but you know you brought because when you tell him to speak, he speaks.

A man unidentified appeared and stated that he wanted to know why the Township of Fairfield is going to receive eight (8) police vests being that we do not even have a police department. The unidentified man stated it is published in The Daily Journal newspaper. The speaker was advised that it must be an error.

Nancy Ridgeway, 582 Irving Avenue appeared and indicated that at a few meetings ago, the mayor stated that he had texted someone at the Fire Hall about an issue going on at the public meeting. She stated tonight, the mayor is on the telephone at a public meeting. Ms. Ridgeway stated these meetings are open to the public. Ms. Ridgeway stated that everything that is goes on in these meetings, she should be able to hear, unless you announce that you are going into Executive Session and therefore, she believes that these are the rules. Ms. Ridgeway stated there should not be any whispering on this board, there should be no texting and nobody on the telephone and she is hoping that they follow the rules.

John Paff, 172 Silver Lake Road, Upper Deerfield Township appeared and stated that he just wanted to follow up on what Ms. Ridgeway just stated. Mr. Paff stated that he wanted to cite the rule, it is the Open Public Meetings Act, the preamble of it says, the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of all public bodies.

Mr. Paff stated that he does not know factually if it is true or not, but he would say categorially if members of the committee are texting each other or texting anyone else and they are receiving text, which subverts the legislatures intent of having Open Public Meetings.

Mr. Paff stated that taken in its logical conclusion, if that were to be allowed at all, the committee could just sit up in front of the audience and do everything by text and therefore that would be totally against and opposed to what the OPMA stands for.

Mr. Paff stated that he believes in addition to an email policy, there should be a prohibition on texts and that there has been amendments suggested to the OPMA Act and they are having exceptions placed in there for text that are family emergencies and things along those lines. Mr. Paff indicated that he believes a bright line of rule would be in order that you just do not text or converse over the telephone when you are having a public meeting.

Mr. Paff stated that he believes that is in keeping with the spirit of the OPMA to allow the public to come and see everything, all the formulations of the policy, because they are entitled to according to law.

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

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

Mayor Byrd announced that the Township Committee will now convene into Executive Session.

Township Solicitor Carr announced that the purpose of the Executive Session pursuant to Resolution No. 140 - 2015 to discuss potential litigation regarding Township Committee residence.

Mayor Byrd announced that the Township Committee will take a 10-minute break prior to entering Executive Session.

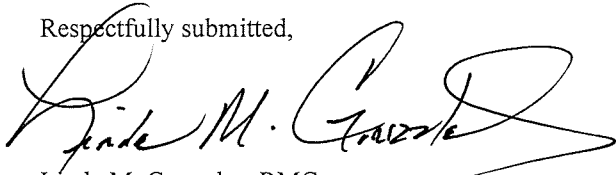
The meeting was adjourned at 8:03 p.m.

The Township Committee convened into Open Session with all members present at 8:32 p.m.

Township Solicitor Carr announced the time is now 8:32 p.m. and the doors are open, and the Township Committee is now in Open Session from having discussed potential litigation of a residence of a Township Committee person.

Mayor Byrd asked for a motion to adjourn the meeting. Committeeman Clark moved seconded by Mayor Byrd. Roll Call Vote: Clark, yes; Morton, no and Mayor Byrd, yes.

Respectfully submitted,



Linda M. Gonzales, RMC
Township Clerk