

Approved
3/16/2016

FAIRFIELD TOWNSHIP COMMITTEE
CLOSED SESSION MINUTES
MARCH 2, 2016

A Closed Session Meeting was held on March 2, 2016 at the Fairfield Township Municipal Building with Mayor Byrd presiding the meeting at 8:05 p.m.

The following members were present:

Committeeman Clark, Committeeman Manson, Deputy Mayor Pierce, and Mayor Byrd.

The following staff members were present:

Conflict Township Solicitor Siciliano and Township Clerk Gonzales.

At this time, Mayor Byrd and Township Solicitor Carr recused themselves from the discussion of Sharp vs Fairfield Township.

Conflict Township Solicitor Siciliano announced that the doors are now closed and we are in Executive Session to discuss as follows:

MATTERS RELATING TO THE ATTORNEY - CLIENT PRIVILEGE N.J.S.A. 10:4-12 (b)(7)

(1) SHARP VS FAIRFIELD TOWNSHIP

Salvatore Siciliano, Conflict Township Solicitor brought the newly elected officials up to speed on the Michael Sharp vs Fairfield Township. This matter has been in litigation since 2013. An agreement was discussed in settling this case for \$75,000.00. During the discussion, due to economics and the understanding that the named individuals in this lawsuit will be dismissed once the suit is mutually agreed upon.

Upon discussion of Sharp vs Fairfield Township, Mayor Byrd and Township Solicitor returned back into Executive Session to discuss the following matters below.

(2) GRINER VS FAIRFIELD TOWNSHIP

A discussion was held on approving the settlement agreement.

(3) WILDLIFE PRESERVES INC. VS FAIRFIELD TOWNSHIP

A discussion was held on the suit for settlement and a Stipulation of Dismissal.

MATTERS RELATING TO THE EMPLOYMENT RELATIONSHIP - N.J.S.A. 10:4-12(b)(8)

(1) COLLECTIVE BARGAINING

A discussion was held as a result from a previous meeting with Council 18 and the Township of Fairfield Negotiations Union proposal. Said item will be addressed in the near future to finalize the contract.

(2) PAYROLL PENSION CLERK

Applicant was re-interviewed for the position. Upon the discussion, the applicant was selected to fill the position.

(3) REORGANIZING THE CODE ENFORCEMENT AND PLANNING AND ZONING OFFICES

A discussion was held on the possibility of dividing the departments. Said matter will be addressed again in the future.

(4) SCHOOL CROSSING GUARD

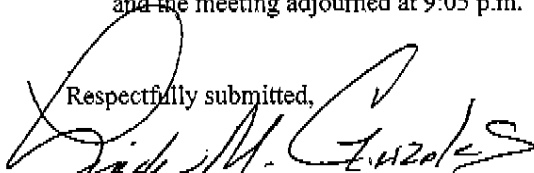
A discussion was held regarding the previously hired school crossing guard who has given notice that her last day would be Friday. During the discussion, the vacant position is to be advertised.

(5) ANIMAL CONTROL OFFICER

A discussion was held regarding the Township not having an Animal Control Officer. The Township advertised for Request for Proposals but did not receive a proposal. County Wide Animal Control has submitted a proposal to serve the Township as their Animal Control Officer.

There being no further discussion, Mayor Byrd asked for a motion to go out of Executive Session. Deputy Mayor Pierce moved to adjourn seconded by Committeeman Manson. All members voted in the affirmative and the meeting adjourned at 9:05 p.m.

Respectfully submitted,


Linda M. Gonzales, RMC
Township Clerk

Approved
4/6/2016

FAIRFIELD TOWNSHIP COMMITTEE
SPECIAL MEETING
MARCH 15, 2016

CALL 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 Special Meeting of the Fairfield Township Committee shall come to order. The New Jersey Open Public Meeting Law was enacted to insure 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 Special Meeting held on this 15th day of March 15, 2016 at the Fairfield Municipal Building in Fairton New Jersey is held pursuant to notice of date, time and place of same having been electronically submitted to South Jersey Times, 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 Manson, Deputy Mayor Pierce, present and Mayor Byrd, present.

ALSO PRESENT:

Township Solicitor Carr; Township Clerk Gonzales and Conflict Township Solicitor Siciliano.

Mayor Byrd read the following into the record:

RESOLUTION NO. 78 - 2016

A RESOLUTION AUTHORIZING THE COMMITTEE TO ENTER INTO EXECUTIVE SESSION NOT OPEN TO THE PUBLIC UNDER N.J.S.A. 10:4-12 (b)(7) (ACTION MAY BE TAKEN)

MATTERS RELATING TO THE ATTORNEY - CLIENT PRIVILEGE

SHARP VS FAIRFIELD TOWNSHIP

Mayor Byrd asked for a motion to adopt Resolution No. 78 -2016. Deputy Mayor Pierce moved to adopt Resolution No. 78 - 2016 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; Pierce, yes and Mayor Byrd, yes.

Mayor Byrd announced that the Township Committee will now convene into Executive Session. Mayor Byrd announced that action may be taken as a result from the Executive Session.

At this time, Mayor Byrd and Township Solicitor Carr recused themselves from entering into Executive Session.

Conflict Township Solicitor Siciliano presides the Executive Session in place of Township Solicitor Carr.

At this as the audience is leaving the meeting room to allow the governing body to enter into Executive Session, Mr. Don Taylor, a former Township Committeeman who is named in the Michael Sharp vs Fairfield Township requested that he be allowed to be a participant in the Executive Session discussion. Conflict Township Solicitor Siciliano advised Mr. Taylor that he could not participate in the discussion as this matter is under the Attorney-Client Privilege. A Sheriff Officer present was asked to see that Mr. Taylor exited the meeting room so that the governing body could go into Executive Session.

The Township Committee enters into Executive Session at 7:15 p.m.

The Township Committee reconvened into Open Session at 7:45 p.m. The Sheriff Officer present opened the doors for the public to come back into the meeting room.

Mayor Byrd presided the meeting at 7:46 p.m.

Mayor Byrd announced that the Township Committee discussed the Michael Sharp v Fairfield Township matter in Executive Session and as a result of the discussion, he asked for a motion on Sharp vs Fairfield Township.

Committeeman Clark advised that this matter dates back to 2013 whereby he along with the other newly elected officials were not in office are faced with this complaint in which a decision has to be made. Committeeman Clark indicated that based on the information that was given and also the advice given by the Council members and it his understanding that all individuals named in this complaint will be dropped without prejudice. Committeeman Clark explained in economic reasoning the \$75,000.00 settlement could turn into \$125,000.00 or even more.

Committeeman Clark moved to grant Counsel Baxter the authority to settle the complaint Sharp v Fairfield Township in the amount of \$75,000.00 seconded by Committeeman Manson. Roll Call Vote: Clark, yes; Manson, yes; Pierce, no and Mayor Byrd, abstain.

PUBLIC COMMENT

Mayor Byrd asked for a motion to open the meeting to the public. Deputy Mayor Pierce moved to open the meeting to the public seconded by Committeeman Clark. All members voted in the affirmative.

Viola Thomas-Hughes appeared and indicated that she just wanted to say to those who voted in the affirmative that she prayed that they did not listen to the Mayor tell them something that he thought happened since he was not on Township Committee. Ms. Thomas-Hughes stated that she was in office in 2013. She indicated that if that was the case, she could have brought a lawsuit against Mr. Sharp for the names that he used to call her when she sat up as Township Committee, referring to her in a negative and defamatory way. Ms. Thomas-Hughes stated that she wished the newly elected officials listened to the tapes back in 2013.

Ms. Thomas-Hughes asked Committeeman Clark if he had listened to any of the 2013 tapes. Committeeman Clark said he read the documents. Ms. Thomas-Hughes asked Committeeman Manson if he had listened to the 2013 tapes. Committeeman Manson stated that he read the documents and the advice from counsel.

Ms. Thomas-Hughes stated but you did not listen to any of the 2013 meeting tapes. Ms. Thomas-Hughes indicated that she is up here standing telling them that you are wanting to spend \$75,000.00 of tax payer's money for a frivolous law suit. Ms. Thomas-Hughes indicated that if that is the case, then everyone should sue the Township and that maybe she should also too sue the Township for all the names that she was called by Mr. Sharp.

Ed Kimley, 84 Seabreeze Road appeared and directed his comment to Committeeman Clark. Mr. Kimley stated you indicated that you were taking the advice of counsel. Mr. Kimley stated did you know that Mr. Baxter represents Viola Thomas-Hughes and Michael Morton and he never once spoke to them once. Mr. Kimley stated you are taken the advice of a lawyer who never spoke to his clients. Mr. Kimley stated what you are saying is right, your settling because of the cost of it, but the problem with that is in 2008 Wayne Byrd filed a lawsuit on the Township saying Billy Ridgway called him the "N" word. Mr. Kimley passed out copies of memos for those who would like to read it indicating that Billy Ridgway and Nate Dunn stating that this never happened. Mr. Kimley indicated that the Township paid Mr. Wayne Byrd \$72,500.00 so as to not sue. Mr. Kimley stated and guess what happened, he stated that he got the money in 2010 and in 2012 he wants \$150,000.00 more because Mr. Byrd has stated that former Committeewoman Servais told the newspaper that he received \$72,500.00 lawsuit from the Township and now, in 2014, Michael Sharp files a lawsuit on the Township because he states that Russell Pierce called him a boy and also called Ben Byrd a monkey. Mr. Kimley stated right here are the memos, stating it did not happen and that there are no names indicated on here.

Mr. Kimley indicated that there is a pattern here that when Ben Byrd is in office, his family and friends come up to this Township like it is an ATM. Mr. Kimley stated you are going to settle and when you settle, guess who is going to come back in another year or two, his family and friends. He said you are not doing it for the tax payers, that at least Marvin Pierce had the guts and stood up for the taxpayers. Mr. Kimley stated you are doing it for your friend who got your son a job.

Joseph Servais, 37 Fairton-Gouldtown Road appeared and indicated that he knows the Township is not paying on his behalf. Mr. Servais said he won his case in court and that he believes that if everybody else took their case to court, they would win and he guarantees that no lawyer fee is going to be \$75,000.00 for not reason whatsoever.

Mr. Servais asked what grounds are you paying for besides what the lawyer tells you. Mr. Servais asked what grounds, what are the damages, and the reason to pay Mr. Sharp \$75,000.00.

Mr. Servais indicated that if the Township pays Mr. Sharp in which Mr. Servais just won his case that the Township better deduct his because he will be coming for a legitimate lawsuit.

Geneva Griffin, Fairfield Township resident appeared and indicated regarding the issue on settling the complaint Sharp vs Fairfield Township. Ms. Griffin stated that at a time when Mr. Sharp was on the Township Committee, that you have to have thicker skin when you are posing as a public servant. Ms. Griffin indicated that at the last meeting, she recalled Mr. Clark's concern regarding the public contacting you at your employment. Ms. Griffin stated that this is your job also, we hired you, you asked for the votes that mean that you are also on our payroll.

Ms. Griffin stated when somebody make things uncomfortable for you or you don't want to deal with it, that is all of a part of what goes on in the Township. Mr. Griffin indicated that she does not know who called Committeeman

Clark or what it was about, but yes if we need the Township Committee from the years she has served here since 2003 and if we need the Committee should something come up and they the public need to contact you that it is necessary because that is a part of your responsibilities.

Ms. Griffin indicated that she wanted the record to reflect the following. Ms. Griffin stated that she is an African American woman. She worked for the New Jersey Division Civil Rights as an investigator for ten (10) years. She investigated charges of unlawful discrimination. She said she looks at this Committee and that she understands that by reviewing the documents they are possibly hurtful if that is all that you read was the allegations and charges.

Ms. Griffin indicated that she was present and was present when the "boy" comment was made and that she was present and close to being present when Leo Selb said that the term "monkey" was used. Ms. Griffin stated that as a civil rights investigator, she came upon an incident and that she wanted to keep this clear because she understands what they are doing when they are looking at the documents. She indicated that when an allegation is made it is just an allegation and that she would never be here saying that she opposed a settlement, a lawsuit and if it actually happened in her life, she would never settle that she would want to court to hear. Ms. Griffin stated a settlement is not something that you take just for the money of it. She indicated that if you were hurt, if you were degraded and you're alleging that your whole race was degraded, what are you're settling for? She asked are you settling for money or are you going to take a stand and have some principals about yourself. Ms. Griffin stated that because she was here, she could clearly tell us the effects of discrimination whether it is age, sex, race, creed, color or whatever the effects of discrimination goes all the way around, it is going to affect where you live at and it will affect your education level. She indicated that they came in here themselves and said that what you heard and what was said was unlawful discrimination because the term "boy" was used by a feeble old man to another man. Ms. Griffin indicated that when you deal person to person to her that you should be able to stand for yourself. Ms. Griffin indicated that if somebody called her that and that she had not heard that term referred to her in a long time, but if they did, she asked do you feel like the word they called you. Ms. Griffin referred to sticks and stones will break your bones but the word will never hurt you. Ms. Griffin stated that she means it and that you can call her what you want and that their ramifications of what you called her is how she is going to deal with you. Ms. Griffin stated that she is not going to say that you degraded me, my history, my ancestry, everybody in my family and I am going to take a settlement for money because you called me black, but I am going to take green and that is going to soothe me.

Ms. Griffin stated this is a bogus complaint from the beginning. She indicated that she heard Mr. Gonzales and Mr. Kimley were having a discussion outside and it got a little heated and that she saw Mr. Gonzalez stand to Mr. Kimley saying "boy" you don't know who you are talking to or you don't know who you are messing with."

Ms. Griffin indicated that Mr. Gonzalez used that term against Mr. Kimley who is Caucasian. She indicated to Mr. Gonzalez that he did not mean it in a racial term, you meant what you said. Ms. Griffin stated that she said she stopped them at that point and stated we can't do that right here because we are being sued right now for using that terminology and that she declares that when that statement was made about "boy" and she was here and the wolf still in the building, it was not meant to be discriminatory at all, it had nothing to do with it at all, it was a slang from an older man to a younger person and that she is confident of this because she investigated it.

Ms. Griffin indicated that she is telling us now to be sucked into a lawsuit that some lawyers put together that they are the one's getting paid. Ms. Griffin stated that she understands the position of the Township, that she has already help defend the Township against lawsuits that she knew that were brought frivolous against the Township.

Ms. Griffin stated that she would never recommend anything other than a full settlement or a case if this statement was truly made. She stated that you take the matter to a court of law and let the law decide whether there is going to be a jury and see whether or not Mr. Sharp wins.

Ms. Griffin made reference to the statement made by Ms. Thomas-Hughes earlier tonight about Mr. Sharp. She advised that for two (2) years, Mr. Sharp disrupting the entire Township Committee meetings pertaining to Ms. Servais who was on the Township Committee then regarding her business license and he is going to come in and sue the Township.

Ms. Griffin stated that she has the experience behind of what she is saying and that her skin is not going to change or her stance. Ms. Griffin stated that it is not right for someone to use discrimination as much as it hurt their people, as guys to get some money. She stated if you are black green is not going to solve it.

Don Taylor, 53 appeared and advised that the public should have been afforded the opportunity to speak on this matter before the Township Committee voted. Mr. Taylor indicated with all due respect to the Mayor, that he should not have conducted the meeting and relinquished the meeting to the Deputy Mayor as it puts undue influence on the rest of the Committee as the Mayor is named in the lawsuit. Mayor Byrd inquired as how it places undue influence. Mr. Taylor stated that because you know each other and you work together and things like that and that from attending JIF meetings that it is taught that if there are any improprieties you should recuse yourself from the situation.

