

THIS WAS A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD IN THE COUNCIL CHAMBERS, CITY HALL, 29 NORTH DAY STREET, ORANGE, NEW JERSEY, ON TUESDAY, MARCH 15, 2016, IMMEDIATELY FOLLOWING THE CONFERENCE MEETING.

The Chair led all assembled in a Salute to the American Flag.

Roll Call:

Present: Councilman Kerry Coley, East Ward (had stepped out of the room)
Councilman Elroy A. Corbitt, At-Large
Councilwoman Tency A. Eason, North Ward
Councilman Harold Johnson, Jr. West Ward
Councilwoman Jamie Summers-Johnson., South Ward
Councilwoman Donna K. Williams, At-Large (had stepped out of the room)
Council President April Gaunt-Butler, At-Large

Also Present: Joyce L. Lanier, City Clerk
Louis Copeland, Acting Duty BA
Adrian Mapp, Finance Director
Dan Smith, City Attorney
Kevin Harris, Legislative Research Officer
Margarette Homere, Senior Clerk,
Kenneth Douglas, Fire Director,
John Wade, Acting Police Director
Joy Lascari, Chief Financial Officer

The City Clerk announces that the requirement of N.J. S.A. 10:4-9 et. seq., The Sunshine Law had been met. A notice of this meeting was sent to the Record-Transcript and published in the Star Ledger on July 16, 2015, posted on the Bulletin Board in City Hall and filed in the Office of the City Clerk.

APPROVAL OF MINUTES MEETINGS

February 22, 2016- Conference & Regular Meetings Minutes

Motion by Councilman Corbitt, seconded by Councilwoman Summers Johnson to adopt February 22, 2016 Conference & Regular Meetings Minutes.

By consensus the Regular and Conference meeting minutes were approved.

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION

Clerk's Office for the month of February 2016- Total: \$1003.05

CONSTABLE REPORTS-

- **Richard Noizy- Month of February 2016- Pro-Cops - Security Service -2-1-2016**
- **Darnell Brodi-Month of February 2016-No Activity**

OPRA REQUESTS

- **57 OPRA Items requested in February 2016, 42 was completed 15 remain outstanding.**

COUNCIL REPORTS

Councilman Johnson, Jr. – No report.

Councilwoman Summers-Johnson – Will e-mail the report.

Councilwoman Williams – The Finance Committee had not met.

Councilwoman Eason – Reported on the Planning Board meeting.

Director Douglas – Gave a statement on the recent fire in Orange. Council

Members thanked the Fire Department for what they do.

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Council President directs Clerk to file reports.

The City Clerk reported that the Council would be going into executive session to discuss litigation matters and attorney client advisement.

Motion to go into executive session by Councilwoman Summers-Johnson, seconded by Councilman Johnson.

The Motion was approved unanimously

COMMUNICATIONS AND PETITIONS- **None**

CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS

The City Clerk made the following statement:

Pursuant to section 4-10 of the Code of the City of Orange Township, each person addressing the Council shall step up to the microphone, shall give his or her name in an audible tone for the record, and unless further time is granted by the presiding officer, shall limit his or her address to Five (5) minutes. The public is expected to conduct themselves in a proper manner, any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.

The following residents and business owners made comments.

Mr. Jeffery Feld thanked the Council for the public forum on water but was disappointed that it was not taped. Spoke of recent OPRA request that he had entered. Asked about the 2016 budget.

Asked about 58-2016 questioning how much money was paid on that settlement and asked about attorney fees. Commented that he was not given all the outstanding litigations as of November 2015. Spoke about his concerns regarding the WYCA negotiations.

Ms. Katalin Gordon asked about the abandoned property list and the new entry.

Ms. Gloria Stewart asked the Council to consider other times to hold their executive session besides in the middle of Council meetings. Commented that the Mayor nor Mr. Mapp were present. She would like to see the Committee meetings and other meetings should be repeatedly broadcast for the residents. Asked about 54-2016 and how that was going to work. Would like a report on recycling in the city. How is the city benefitting from recycling? Ms. Stewart made other statements regarding the administration.

Motion by Councilwoman Williams, seconded by Councilwoman Summers-Johnson, to close the citizen comments.

Council President Gaunt-Butler gave her condolences to the family that had the fire. She spoke to Attorney Smith about campaigning on city time or with city money. She stated that she sees it happening in the city. After further discussion about a memo from Attorney Smith that no one had received, it was decided that the employee handbook has a section that states that campaigning was not allowed..

Answers to some of the resident's questions.

Attorney Harris and Attorney Smith discussed a vote that had been taken and the City Clerk reported that a correction was sent to the newspaper.

Mr. Copeland stated that the budget was late due to an IT issue and that it would be delivered by April 5th. Mr. Copeland had no update regarding Acting Police Director Wade.

Mr. Copeland did not have an update on appointing a Planner but may have one by the next meeting. Regarding 54-2016 Mr. Copeland provided an update on the bidding and on the expanded service of the buses. Mr. Copeland stated that a report on recycling would be ready by next week. Mr. Copeland reported that residents do have opportunities for hire on City projects. With regard to sharing the Acting BA position and shared duties. Mr. Copeland stated that the Acting BA position is a shared duty between himself and Mr. Mayes. Salaries will have to be discussed in executive session.

COUNCIL COMMENTS

Councilwoman Summers-Johnson spoke of organizations that were giving money and taking donations for the victims of the fire. She gave the dates of her quarterly Southward meetings.

Councilman Johnson spoke of the abandoned property ordinance that had been passed in 2015 and about how the administration does not discuss the status of the properties that are on the abandoned property list. Spoke of the duties of Mr. Marty Mayes and asked Mr. Copeland if he was assigned as Acting BA by Mr. Mayes or

by the Mayor's office. Mr. Copeland stated he was assigned by the Mayor. Councilman Johnson felt that the letter assigning Mr. Mayes as Acting BA, which Mr. Mayes could not produce, would have come from the Mayor's office and that the secretary should have a copy.

Councilwoman Williams gave her condolences to the May family. The Councilwoman asked Mr. Copeland about the lateness of the budget and he provided her with the reasons why it was late and what had been done so far. It was discussed by Councilwoman Williams and Mr. Copeland that the budget would be delivered on April 5th and the Councilwoman stated that late arrival will put the budget hearings behind schedule. Councilwoman Williams commented that if the administration could deliver the budget earlier than April 5th that would be helpful.

Councilman Corbitt stated that at the public forum last night that Mr. Joe Sinerger made a false statement regarding the Councilman's response time to him on the water situation in the city. Councilman Corbitt stated that he continues to find ways to raise revenue and as it relates to the abandoned properties he has to have a conversation with the law department and others in the administration. The Councilman stated that an ordinance should be drafted for the broadcasting of the meetings. He felt that the Nishuane Group had good ideas to bring revenue into the city and he felt that they should have gotten the contract and commented that they should be brought back to the city. He spoke of the disrespect toward the Council by a resident during citizens comments.

Councilwoman Eason asked if anyone had spoken to Mr. Royster to find out how the Council could help resolve the broadcasting problems. The Council needs to find out the bottom line on what needs to be done. She then asked the Acting BA to follow up on that and give the Council an answer at the next meeting. Mr. Copeland stated that he would. The Councilwoman spoke about the two fires that took place in the North Ward.

Council President Gaunt-Butler gave her condolences to the families that had the fires. She spoke to Attorney Smith about campaigning on city time or with city money. She stated that she sees it happening in the city. After further discussion about a memo from Attorney Smith that no one had received, it was decided that the employee handbook had a section that stated that campaigning was not allowed. The Council President asked that the memo from Attorney Smith be sent to her. The Council President shared her concern about the lateness of the budget and spoke of the dates that the city had missed regarding the budget. She quoted the administrations assurances about the budget being on target and on time. She spoke about the residents and the council members calling out during meetings and about mutual respect of one another. Council President Gaunt-Butler had gone to a workshop on Creative Solutions for Vacant Property and recommended that Council Members look at Trenton's 5 point plan on vacant properties.

Motion to close Council comments by Councilwoman Summers-Johnson, seconded by Councilman Johnson.

The Motion was unanimously approved.

ORDINANCES–SECOND READING/PUBLIC HEARING

The Clerk read Ordinance 9-2016 by Title.

9-2016 An ordinance to exceed the Municipal Budget appropriation limits and to establish a cap bank in accordance with N.J.S.A. 40A:4-45.14 for the Calendar Year 2016.

The Chair declared the time open for a hearing on Ordinance Number 9-2016.

Mr. Feld suggested tabling the ordinance until the budget is presented.

Ms. Gordon questioned if the budget appropriations can be 3.5% year after year.

Motion to close the public hearing by Councilman Corbitt, seconded by Councilwoman Williams.

The Motion was unanimously approved.

Motion to adopt Ordinance Number 9-2016 by Councilman Corbitt, seconded by Councilwoman Williams.

Councilwoman Eason stated that this ordinance has to be passed before we introduce the budget.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

The Clerk read Ordinance 10-2016 by Title.

10-2016 An ordinance amending and supplementing Chapter 107 of the Code of City of Orange Township Municipal Source Separation and Recycling Ordinance.

Ms. Stewart asked about the sharing and supplementing in the ordinance.

A Public Works representative stated the there is no change, the ordinance is bringing the city code up to County standards.

Motion to close the public hearing by Councilman Corbitt, seconded by Councilwoman Eason.

The Motion was unanimously approved.

Motion to adopt Ordinance Number 9-2016 by Councilman Corbitt, seconded by Councilwoman Eason.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: None.
Abstain: None.
Absent: None.

Motion Carries.

Motion to extend the meeting by Councilwoman Eason, seconded by Councilwoman Williams.

Roll Call:

Ayes: Coley, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: Corbitt
Abstain: None.
Absent: None.

Motion Carries.

ORDINANCES INTRODUCTION/ FIRST READING

The City Clerk read Ordinance Number 16-2016 by Title.

16-2016 An ordinance amending Chapter 4 of the Municipal Code of the City of Orange Township entitled Administration of Government (Sponsored by Council Member April Gaunt-Butler)

Motion by Councilman Corbitt, seconded by Councilwoman Williams that Ordinance 16-2016 be introduced on first reading and that the public hearing would be held April 19, 2016.

Attorney Harris suggested that the ordinance be amended by removing the wording “whole council” from the ordinance. Attorney Harris explained that under the Faulkner Act an ordinance should pass by the a majority of the full authorized membership of the governing body so if you have seven members then you need four votes. So this ordinance is bringing the city code in line with the Faulkner Act.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: None.
Abstain: None.
Absent: None.

Motion Carries.

Motion by Councilman Corbitt, seconded by Councilwoman Williams that Ordinance 16-2016 be introduced on first reading and that the public hearing would be held April 19, 2016.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: None.
Abstain: None.
Absent: None.

Motion Carries.

The City Clerk read Ordinance Number 17-2016 by Title.

17-2016 An ordinance amend the Code of the City of Orange Township, Chapter 200, entitled “Vehicles & Traffic”, Section 200-64 Parking Permit Meter Zones designated) (Sponsored by Council Member April Gaunt-Butler)

Motion by Councilman Corbitt, seconded by Councilman Johnson that Ordinance 17-2016 be introduced on first reading and that the public hearing would be held April 19, 2016.

Roll Call:

Ayes: Coley, Johnson, Jr., Williams, Gaunt-Butler
Nays: Corbitt, Eason, Summers-Johnson.
Abstain: None.
Absent: None.

Motion Carries.

The City Clerk read Ordinance Number 18 -2016 by Title.

18-2016 An ordinance to amend the Code of the City of Orange Township, entitled “Vehicles and Traffic” Section 200-52-1 Handicapped Parking Spaces (51 Hampton Terrace)

Motion by Councilman Corbitt, seconded by Councilwoman Summers-Johnson that Ordinance 16-2016 be introduced on first reading and that the public hearing would be held April 19, 2016.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: None.
Abstain: None.
Absent: None.

Motion Carries.

The City Clerk read Ordinance Number 19 -2016 by Title.

19-2016 An ordinance to amend the Code of the City of Orange Township, Chapter 200 entitled “Vehicles and Traffic” Section 200-52-1 Handicapped Parking Spaces. (466 Highland Avenue – South Side)

Motion by Councilman Corbitt, seconded by Councilwoman Summers-Johnson that Ordinance 19-2016 be introduced on first reading and that the public hearing would be held April 19, 2016.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

The City Clerk read Ordinance Number 20 -2016 by Title.

20-2016 An ordinance authorizing the display of notices prohibiting the sale of any product containing dextromethorphan as an active ingredient to any person under 18 years of age and requiring health inspections and reporting of violators.

Motion by Councilman Corbitt, seconded by Councilwoman Summers-Johnson that Ordinance 20-2016 be introduced on first reading and that the public hearing would be held April 19, 2016.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: None.

Abstain: None.

Absent: None.

Motion Carries

The City Clerk read the following statement.

All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so request, in which event, the item will be removed from the general order of business and considered in its normal sequence of the agenda.

Motion by Councilwoman Williams, seconded by Councilman Johnson, to suspend the rules to place two resolutions on the consent agenda.

The Clerk read Resolution 62-2016 by title.

A resolution to rescind resolution 134-2015.

The Clerk read Resolution 63-2016 by title.

A resolution by the Municipal Council of the City of Orange Township determining that Willis Edwards III shall not be indemnified for attorney's fees for any legal actions beyond the date of the Court's order of February 18, 2016 and no fees or cost related to legal defense shall be paid for any actions beyond that date.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: None.

Abstain: None.

Absent: None.

Motion Carries

The City Clerk read the following statement.

All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so request, in which event, the item will be removed from the general order of business and considered in its normal sequence of the agenda.

The City Clerk reported that Resolution 58-2016 had been withdrawn.

Motion to approve the Consent Agenda by Councilman Corbitt, seconded by Councilwoman Williams.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: None.

Abstain: None.

Absent: None.

Motion Carries

RESOLUTION NUMBERS *50-2016 -*61-2016

***50-2016 A resolution proclaiming the month of March 2016 as Women's History Month (Sponsored by Council Member Donna K. William)**

***51-2016 A resolution celebrating the life, work & achievements of Captain Scott J. Kelly Captain, USN, retired, and Nasa Astronaut (Sponsored by Council Member Donna K. Williams)**

***52-2016 A resolution for the transfer of appropriation reserves.
(Removed for a separate vote)**

***53-2016 A resolution authorizing the City of Orange Township to add 208 Hickory Street to its existing City of Orange Township abandoned properties list.
(Removed for a separate vote)**

- *54-2016** A resolution authorizing the award of a contract providing a fixed bus route and on demand busing services for the older adult and handicapped population of the City of Orange Township not to exceed \$330,000.00 for the term of two (2) years to Samuel Transportation, Inc. **(Removed for a separate vote)**
- *55-2016** A resolution awarding a three (3) year contract for municipal refuse and recycling collection services for the City of Orange Township to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey 07307 commencing April 1, 2016 through March 31, 2019 in the amount not to exceed \$3,007,260.00. **(Removed for a separate vote)**
- *56-2016** A resolution authorizing the awarding of a contract for the NJDOT 15 Roadway Improvements to Berryman Place & Ridge Street to American Asphalt & Milling Co., 96 Midland Avenue, Kearny, New Jersey 07032 in the amount not to exceed \$231,770.00.
- *57-2016** A resolution amending Resolution Number 207-2015 authorizing the acceptance of Community Development Block Grant funds for the year 2015.
- *58-2016** A resolution authorizing settlement of a worker's compensation claim in the matter of Keith Jackson v. the City of Orange Township, in an amount not to exceed One Hundred Fifty Thousand Nine Hundred Fifty Seven \$150,957.00 dollars.
- *59-2016** A resolution approving the City of Orange Township participating in the Public Entity Joint Insurance Fund by approving the execution of a Joint Trust Agreement and a resolution to join.
- *60-2016** A resolution authorizing the employment of Kirk Charles, 6 Prospect Terrace, Montclair, New Jersey 07042 to provide Court reporting services to the Alcoholic Beverage Control Board of the City of Orange Township in an amount not to exceed \$3,500.00. **(Removed for a separate vote)**
- *61-2016** A resolution approving the bill list for council meeting vote on March 15, 2016 dated March 11, 2016 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$ 2,834,832.69). ****Note – the Bill list will be amended at the March 15, 2016 Council meeting to include the Salary and Wages portion of the bill list)****

Resolutions on separate vote:

The Clerk read Resolution 52-2016 by Title.

52-2016 A resolution for the transfer of appropriation reserves.

Motion to approve Resolution 52-2016 by Councilman Corbitt, seconded by Councilwoman Williams.

On the Motion Councilwoman Williams asked the Clerk if there was an invoice for certain funds. The Clerk stated that the Clerk's Office received an estimate and she had started a process to obtain the items. The approximate amount was for \$3,000.00
Ms. Lascari came to the podium and reported that there were still funds in the Council and Clerk's budget.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: None.
Abstain: None.
Absent: None.

Motion Carries.

The Clerk read Resolution 53-2016 by Title.

53-2016 A resolution authorizing the City of Orange Township to add 208 Hickory Street to its existing City of Orange Township abandoned properties list.

Motion to table Resolution 53-2016 by Councilman Corbitt, seconded by Councilman Johnson.

Roll Call:

Ayes: Coley, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler
Nays: Corbitt, Eason
Abstain: None.
Absent: None.

Motion Carries.

The Clerk reported that Resolution 53-2016 is tabled until April 5, 2016.

The Clerk read Resolution 54-2016 by Title

54-2016 A resolution authorizing the award of a contract providing a fixed bus route and on demand busing services for the older adult and handicapped population of the City of Orange Township not to exceed \$330,000.00 for the term of two (2) years to Samuel Transportation, Inc

Motion to approve Resolution 54-2016 by Councilman Corbitt, seconded by Councilwoman Eason.

On the motion when asked about the duration of a contract Attorney Smith stated that a service contract can be up to 3 years. Mr. Copeland reported that the Council

will get a fixed scheduled at the next meeting. Mr. Copeland stated that there was only 1 bidder for the contract.

Roll Call:

Ayes: Coley, Corbitt, Eason, Summers-Johnson

Nays: Johnson, Jr.,

Abstain: None. Gaunt-Butler

Absent: Williams

Motion Carries.

The Clerk read Resolution 55-2016 by Title

55-2016 A resolution awarding a three (3) year contract for municipal refuse and recycling collection services for the City of Orange Township to Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey 07307 commencing April 1, 2016 through March 31, 2019 in the amount not to exceed \$3,007,260.00.

Motion to approve Resolution 55-2016 by Councilman Corbitt, seconded by Councilwoman Eason.

Councilman Coley recommended tabling the resolution and have a public hearing. There are too many complaints by the residents about their services.

A representing from DPW, stated that the vendor would have to be kept on a per-denim bases if the resolution is tabled which will cost the city a lot of money for recycling services The vendor has addressed the complaints and has given the city better service.

Councilman Johnson stated that Director Mayes should have been at this meeting to answer questions about the contract and the vendor and he felt that the resolution should be tabled.

Mr. Copeland, the Acting Deputy BA, provided information on the cost of the service without a contract. The current contract expires March 31, 2016. It will cost the City \$30,000.00 per month for extensions to the current contract.

Councilman Coley stated that the City had the bid in December of 2015 and the Council is now getting the resolution. It should have been presented earlier.

Councilwoman Williams commented to Mr. Copeland, the Acting Deputy BA, that it is the practice of the Council to have the vendor present when considering their contract.

Councilwoman commented that Council Members could have gone to Town Hall and spoken to Director Mayes about the contract before that evening.

Motion to table Resolution 55-2016 by Councilwoman Eason, seconded by Councilwoman Summers-Johnson.

Roll Call:

Ayes: Coley, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: Corbitt

Abstain: None.

Absent: None.

Motion Carries.

The Clerk read Resolution 60-2016 by Title.

60-2016 A resolution authorizing the employment of Kirk Charles, 6 Prospect Terrace, Montclair, New Jersey 07042 to provide Court reporting services to the Alcoholic Beverage Control Board of the City of Orange Township in an amount not to exceed \$3,500.00.

Motion to approve Resolution 60-2016 by Councilman Corbitt, seconded by Councilwoman Eason.

Councilwoman Eason confirmed to the Council President that the money was in the budget.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams, Gaunt-Butler

Nays: None

Abstain: None.

Absent: None.

Motion Carries.

The Chair read Resolution 61-2016 by Title.

61-2016 A resolution approving the bill list for council meeting vote on March 15, 2016 dated March 11, 2016 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$ 2,834,832.69). **Note – the Bill list will be amended at the March 15, 2016 Council meeting to include the Salary and Wages portion of the bill list)**

Motion to amend Resolution 61-2016 to add salaries and wages and in addition to remove the Nishuane Group on page 30, in the amount of 19,348.36, for a new total of \$6, 691,482.49 by Councilman Corbitt, seconded by Councilwoman Eason.

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams

Nays: Gaunt-Butler

Abstain: None.

Absent: None.

Motion Carries.

Motion to adopt Resolution 61-2016 by Councilman Corbitt, seconded by Councilwoman Summers-Johnson

Roll Call:

Ayes: Coley, Corbitt, Eason, Johnson, Jr., Summers-Johnson, Williams

Nays: Gaunt-Butler

Abstain: None.

Absent: None.

Motion Carries.

NEW BUSINESS None

OTHER PENDING BUSINESS None.

Motion to adjourn by Councilwoman Summers-Johnson, seconded by Councilwoman Eason.

By consensus the regular meeting adjourned at 11:10 P.M.

APPROVED:

Joyce L. Lanier
City Clerk

April Gaunt-Butler
Council President