

**CITY OF ORANGE TOWNSHIP NEW JERSEY
CONFERENCE MEETING MINUTES
September 2, 2014**

This was a conference meeting of the City Council of Orange Township, located at 29 North Day Street, Orange, NJ. The meeting was held on Tuesday, September 2, 2014 at 7:00pm.

Roll Call:

Present:

East-Ward Councilman Kerry J. Coley
At-Large Councilman Elroy A. Corbitt
North Ward Councilwoman Tency A. Eason
At-Large Councilwoman April Gaunt-Butler
West Ward Councilman Harold J. Johnson, Jr.
South Ward Councilwoman Jamie Summers-Johnson
At-Large Council President Donna K. Williams Arrived at 7:02pm

Also Present:

Madeline Smith, Deputy Municipal Clerk
Dan S. Smith City Attorney **(arrived at 7:10pm)**
Adrian Mapp, Director of Finance **(arrived at 7:18pm)**
Kevin D. Harris, Legislative Research Officer **(Arrived at 9:00pm)**
Margaret Homere, Clerk's Office
Marty Mayes, Representing Administration

Absent:

The Deputy Municipal Clerk asked all to stand for a Moment of Silence

SPECIAL NOTICE: Please be apprised anyone wishing to discuss Agenda or General Items shall sign one (1) book. There will be two (2) columns in the book, one (1) for Agenda Items and one (1) for General Issues. Each person signing the book will check Agenda Items or General Issues. If they check only Agenda Items or General Issues, they will be allowed to speak for five (5) minutes. If they check both General Issues and Agenda Items, they will be allowed to speak for ten (10) minutes.

Sunshine Law

The Deputy Municipal Clerk announces that the requirement of N.J. S.A. 10:4-9 et. Seq. "Sunshine Law" has been met. A notice of this meeting was sent to the *Star Ledger* and published in the *Record-Transcript* on July 17, 2014, posted on the Bulletin Board in City Hall and filed in the Office of the Municipal Clerk

Matters for Discussion

Presentation by Hakim Simms – Orange Director of Police
(Postponed to 9-16-14)

Resolutions and Ordinances

The Deputy Clerk stated that any Resolutions and Ordinances can be discussed now.

- Councilman Corbitt stated he would like to discuss Ordinance 17-2014.
- Council President stated that it would be withdrawn and replaced with a resolution that would be walked on the agenda.
- Council President stated that there are monies that weren't encumbered were already allocated for the water infrastructure. She stated that in 2002 approximately thirty (30) million allocated and that approximately 4.7 million was left and that some of that money would be used. She also stated that the 2002 ordinance would be amended to reflect the change.
- Councilman Crobitt stated that Ordinance 17-2014 did not identify the specific improvements that would be done.
- Council President responded stating that Scarfar Construction Company that did work contacted the council regarding worked they had done and an unpaid bill. Going back to Arlen Kemp when they were doing improvements with the water infrastructure and all the change orders that went along and this is one of the final change orders.
- Councilman Corbitt stated supporting document stating specific improvements should be included.
- Councilman Corbitt requested a review of Resolution 207-2014. He commented that there was error.
- Council President stated that the error was corrected.
- Councilman Corbitt requested a review of Resolution 214-2014 he stated that \$256,183.51 bid from CDBG Colgate was not the lowest bidder.
- Mr. Mayes responded stating that there was indeed a lower bidder, that the company was missing information from their bid package.
- Councilwoman Eason commented on Resolution 209-2014 stating that request for Pool Cover years ago was rejected for safety reasons. She wanted to know if safety would be an issue.
- Mr. Mayes responded stating that the Pool Cover was essential for Colgate location to stop the debris and vandalism. He also stated that the Pool with cover would be checked periodically for vandalism and debris.
- Council President asked if there were any feedback on a Maintenance Agreement.
- Mr. Mayes responded stating he was working on getting pricing or possible the Public Works Department handling the maintenance.
- Councilman Corbitt asked was there a reason for the meeting not being televised.
- Mr. Mayes responded stating he wasn't aware that it wasn't being televised.
- Council President asked Attorney, Dan Smith if there was a reason the meeting wasn't being televised.
- Mr. Smith responded stating that he did not know.
- Councilwoman Gaunt-Butler commented on Resolution 209-2014 by asking why were the Pool Covers and repairs being done at the end of the summer.
- Mr. Mayes responded stating that repairs had to be done after the water had been pulled from the pool to see what repairs needed to be done. He stated that the middle of the pool had an expansion joint that needed to be fixed prior to the Pool Cover installation.

- Councilwoman Gaunt-Butler stated her concerns about the pool or pool covers being damaged during the Winter.
- Mr. Mayes stated there is a possibility of vandalism but he more concerned about the protection of the Pool rather than the Pool Cover.
- Councilman Johnson, commented on Resolution 209-2014 stating that the \$10,850 cost for new motor was not included the contract. He also stated that there was nothing stating that the old motor wasn't any good.
- Councilwoman Summer-Johnson responded stating that she was the Aquatic Director for The City for over twenty years and that Colgate Pool was not repaired when Central and Met Calf were repaired. There was an automatic feed put in and the water was going into the home of the residents in that area.
- Councilman Johnson, Jr., addressed Council President stating the Proposal stated that there would be a purchase of a new motor, but the contract didn't have the language for the purchase
- Council President asked Attorney Dan Smith he had the contract for Resolution 209-2014.
- Councilman Johnson, Jr., stated the proposal from Albright stated that the motor would be declared good or bad if electrical work needed to be done.
- Councilman Johnson, Jr., stated that he wasn't clear if Albright would be doing the electrical work and would there be another Resolution done to determine if the condition of the motor and a need for electrical work.
- Council President asked Councilman Johnson, Jr., to read the section in the proposal he was referencing.
- Mr. Mayes responded stating a motor would be purchased if needed.
- Mr. Smith explained the proposal to the Council
- Councilwoman Eason requested a review of 216-2014 of the Bill List.
- Councilwoman Eason asked Mr. Mapp who had received paid training.
- Mr. Mapp responded stating that the training was done for all the employees in the Finance Department with the exception of one who had already received prior training
- Councilwoman Eason asked if there were any Stipulation stating the length of time an employee has stay employed with the City after receiving training.
- Mr. Mayes responded stating that he believed that there was an Ordinance put in place sometime early this year or late last year, but he didn't know the specifics of the Ordinance.
- Councilwoman Eason stated she wanted to know how many Grants the City had received year to date.
- Mr. Mayes responded stating he would get the report to the Council for next meeting.
- Mr. Mapp stated that they receive a monthly report from the Grant Consultant. To make that apart for financial report that they submit.
- Councilwoman Eason asked Mr. Mapp for a copy of the latest report.
- Mr. Mapp responded stating that he would include a copy of grant consultant's report in his financial reports to the Council.
- Councilwoman Eason commented on Page 5 of the Bill List. She asked if the City was getting paid for recycling their toner.
- Mr. Mapp responded stating that he didn't have an answer about the recycling of toner cartridges.
- Councilwoman Eason stated that it would be a benefit to the City if recycling was done.
- Councilwoman Eason commented on Page 9 of the Bill List. She asked if the city had a pest control contract.

- Mr. Mayes responded stating the Bill List was referring to Bed Bug Sniffing Dogs for City Hall and the Police Station.
- Councilwoman Eason asked if would cost less to have a contract.
- Mr. Mayes responded stating that presently they were utilizing the least expensive format by utilizing one the Public Works employees who is a licensed to do pest control jobs.
- Councilwoman Eason commented on Page 10 of the Bill List. She asked who owned the vehicle that had body work done.
- Mr. Mapp responded stating he didn't know.
- Council President asked Mr. Mayes if he know who owned the vehicle.
- Mr. Mayes stated he didn't know who owned the vehicle.
- Council President directed Mr. Mayes to send an e-mail to find out who the owner was.
- Councilwoman Eason directed Mr. Mayes to send the response to the Clerk's office.
- Councilman Corbitt asked about two items that followed directly after the body work. He directed Mr. Mayes to find out if they were for the same vehicle.
- Councilwoman Eason requested to review Page 13 of the Bill List in the Programs & Special Events section. She wanted to know the definition of O.A.S.
- Mr. Mapp responded stating it was Office of Older Adult Services.
- Councilwoman Eason asked if the item was for the Senior Picnic.
- Mr. Mapp responded stating that it was.
- Councilwoman Eason asked about other item on Page 14 of the Bill List. She asked if the item was for the same event.
- Mr. Mapp stated that one item was listed under Older Adult Services and the other under Cultural Affairs.
- Councilwoman Eason wanted to know they had the same Director.
- Mr. Mapp stated that he would verify the Directors for those departments.
- Councilwoman Eason asked if there was a special bank account for Events.
- Mr. Mapp responded stating that the money was coming from the Budget Account.
- Councilwoman Eason stated her concerns about too much money coming out of the Budget Account.
- Councilwoman Eason commented on a \$6,000 item coming out of the Grant Account on Page 18 of the Bill List.
- Councilwoman Eason commented on the back pack cost out of the Recreation Trust Account on Page one in the back of the Bill List.
- Mr. Mapp requested that an item on Page 35 of the Bill List in the amount of \$939.05 be removed because it was a duplicate.
- Councilwoman Eason asked Mr. Mapp to explain how the City's M.O.E.T Program was funded.
- Mr. Mapp responded stating that he would verify the accounts that funded the program.
- Councilwoman Eason requested for the next meeting under matters for discussion a presentation about the M.O.E.T Program including all bill invoices.
- Council President asked Mr. Mapp if he thought he would be ready on September 16, 2014 to do the presentation.
- Mr. Mapp responded stating that he needed to speak with the Deputy Business Administrator as it pertained to invoices. He stated that the M.O.E.T. Program was a funded as Summer Employment Program and that it would be salaries and not invoices.

- Council President asked Councilwoman Eason if she wanted the total expense including salaries in the M.O.E.T. Presentation.
- Councilwoman Eason stated she wanted the residents to understand what the Program was and how it's being funded, salaries and all the expenses
- Mr. Mapp stated that the Program was a training program through the Mayor's Office Employment in Training and that a number of the young people worked for the City this Summer were funded through that Program.
- Councilwoman Eason commented that there was no source of funding.
- Mr. Mapp stated that he would verify the source of funding.
- Councilwoman Eason stated that she did not see M.O.E.T. in the budget.
- Council President stated that the presentation for the next meeting should include, purpose, full salaries, how it's funded and operating cost. She stated that she would also like to know if there were any Grants associated with the Program.
- Councilwoman Eason commented on Page 43 and 44 of the Bill List. She wanted to know account they were coming out of.
- Mr. Mapp stated that in the very center of the page it stated the specific account. He stated that items in question were coming out of the Recreation Trust Account because it was a recreational activity.
- Councilman Coley requested a review of Resolution 203-2014. He had questions regarding the Bid process.
- Council President asked Mr. Carl Smith, Tax Collector he wanted to consult with the City Attorney before answering the question.
- Mr. Smith responded stating that the City had reputable investors who wanted to purchase the City's Liens and was the best way to go about the process.
- Council President asked if it would be advertised.
- Mr. Smith responded stating that it was advertised the previous Thursday in the Star Ledger.
- Councilwoman Eason asked if this in lieu of an auction.
- Mr. Smith stated no separate from a tax sale lien auction or a foreclosure auction. He stated that the Liens were bundled and put out to Bid which could be a one-time economic boost for the City with projected revenue of half a million dollars to two million dollars.
- Council President requested verification that tax payers had an opportunity to pay their taxes and that the next step would have been an auction. Where does the auction come in trying to get the properties current?
- Mr. Smith responded stating that he would present an In Rem Foreclosure List at the September 16th meeting. He stated that they were doing all phases, tax sale liens as well as In Rem Foreclosures to cover all bases.
- Council President asked when would the tax lien sale be taken place.
- Mr. Smith stated that the regular tax sale lien it would be held on September 24, 2014 for delinquencies from 2013.
- Council President asked if those properties would be in the auction.
- Mr. Smith responded stating that they will not be in the auction and that they were properties that had back taxes and had accumulated interest for a few years. He stated they were the liens that didn't sell at prior tax lien sale.
- Council President requested clarification that those properties were presented at a prior auction.

- Mr. Smith stated that they were presented at prior auction, but they couldn't find any investor.
- Council President asked were present investors come from.
- Mr. Smith stated that investors came from inquires over last year. He stated that they thought it would be best to bundle the liens.
- Council President asked what percentage of property owners paid their taxes included in the Tax Amnesty period.
- Mr. Smith stated that he could not give a percentage, but that some property owners did take advantage by paying during the Amnesty period June and July of 2014.
- Council President asked if bundled sale was being done in place of an auction.
- Mr. Smith stated a foreclosure must be done on a property before that property can be put up for auction. He stated that they felt it was best to bundle the liens to find an investor. He stated that he would have twenty properties that would be foreclosed on the agenda for the next meeting. He stated that he was required by Statues to hold a tax sale lien each year.
- Council President asked if the bundled tax sale lien was being done before the auction tax sale lien.
- Mr. Smith responded stating that was correct because the bundled represented liens that did not sell at past tax sale.
- Councilwoman Eason asked why was the senior building on the tax liens sale list? She asked if they were notified.
- Mr. Smith stated that before the lien has been placed on the property they were notified by letters and notices with no response.
- Councilwoman Eason She requested that it be taken off the list so that she could contact the new manager.
- Mr. Mapp stated that all delinquencies on the list had to be treated equally and they would not be able to remove the property from the list.
- Council President asked if the senior building lien could have included water.
- Mr. Smith responded yes.
- Mr. Mapp wanted to clarify that the seniors in the building on the tax lien list would not be put out of their home.
- Councilman Johnson, Jr. commented that the lien on the senior building was far less than the other liens on the list. He asked if the investor would have the opportunity to foreclose on the properties.
- Mr. Smith stated that the investors would have an opportunity to foreclose on the properties, but before they must be notified in advance of any foreclosure.
- Councilman Johnson, Jr. asked about the total value of the proprieties on the list.
- Mr. Smith stated he didn't the total value of the proprieties on his list.
- Councilman Johnson, Jr. stated the City was shifting the liabilities which could possible become assets into the hands of investors who could profit and the City would receive nothing in return.
- Mr. Mapp stated that the City acquired the municipal liens as a result of the annual tax sale all liens that were not sold to investor would revert back to the City. The stated that the liens would have sat on the City's book for a very long time unless they did something about them.
- Council President asked about the Bid Process as it pertains to bundled sale which included investors.

- Mr. Mapp stated it depended on how the advertisement that was done in the Star Ledger. He stated that they would select the most responsible party and following that it would go back to the Council for approval.
- Council President asked about time frame of an investor foreclosing on a property after they have purchased the lien. She asked if the owner would have an opportunity to redeem the property.
- Mr. Mapp stated that if an investor purchased the Municipal Liens the City would receive immediate cash and that investor would have to stay current on all future taxes and the investors have a certain timeframe in to foreclose.
- Council President asked the time frame for an investor to foreclose.
- Mr. Mapp stated that normally the City could foreclose in six months, but an investor could foreclose two years after acquiring a lien.
- Council President asked could a property owner redeem their property from an investor who purchased a Lien on their property.
- Mr. Mapp responded stating that the property owner could redeem their property any time by paying the interest and penalties that had been accumulated over the period of the delinquency. He stated that a property owner could take back their property the very next day after the Lien had being sold to an investor.
- Councilman Johnson, Jr. commented on the appraised value dollars on all the properties on the Tax Lien sale list being fifty to sixty times more than the total lien amount of over two million dollars.
- Councilwoman Eason asked if the manager at the senior building wanted to pay the Lien Bill would she be able to do so.
- Council President commented that some of the liens were new on the list including the senior building were not from the last Tax Sale.
- Councilwoman Eason asked what would happen if the resolution was delayed until the next meeting.
- Mr. Mapp stated that the Liens will stay on the books.
- Councilwoman stated that she was concerned about the Senior Building not having enough time to pay before the Tax Sale and to wanted avoid them having attorney involved.
- Mr. Mapp he responded stating that it was a great idea. He stated that if any Council Members had a way of getting any of the property owners from the list to pay, they welcomed the assistance.
- Councilman Johnson, Jr. commented on 39 Central Avenue being the movie theater. He suggested that the City Foreclose on that property.
- Council President stated that the location was not the movie theater.
- Councilman Johnson, Jr. stated that the total cost value of all the properties should be on the list to assist the Council Members in making a better decision on the Resolution. He stated his concerns about the investors owning all the properties in a short time making a huge profit and the City gaining very little profits.
- Mr. Mapp stated that an appraisal could be done on all the properties and they could then provide the assessed values, but could not provide the market value.
- Council President stated that the City had market value in-house in the Tax Assessors office
- Mr. Mapp responded stating that the Tax Assessors office only had assessed values.
- Council President stated her concerns on the process of the Tax Liens being not handled in the most beneficial way for the City. She asked if the list was sent out via Certified Mail Return Receipt.

- Mr. Smith, Tax Collector responded stating that they were sent out via regular mail and that they were not required to send the list via certified mail.
- Council President stated that since there was no return receipt there was no way of knowing that the property owners got the notice.
- Mr. Smith stated that it was the same process he used to send the regular tax sales.
- Council President stated that the notice could have gone to the property address and not the billing address.
- Councilman Coley had a question on the total value of the Liens being sold for less.
- Mr. Smith responded stating that the offer could possibly less than the total value of the liens. He stated the investors would give their bid through a blind bidding process.
- Councilman Coley asked who would determine the acceptance of the bids.
- Mr. Smith stated that the Administration would determine which investor to accept.
- Councilman Coley asked if the bid offers would come before the governing body.
- Mr. Smith responded stating that only the awarding bidder would be presented to the governing body.
- Councilman Coley stated that there should be a minimum bid that the City would accept.
- Council President asked if the advertisement that went out stated a minimum bid.
- Mr. Smith responded, no.
- Council President asked for a copy of the Ad that went out.
- Mr. Smith stated that the copy was in his office.
- Council President requested a copy for the Council.
- Council President asked if it was the State Statues that mentioned requiring the delivery of certified mail return receipt as it pertained to the Tax Sales. She asked if the City had the ability to send the certified and require a return receipt.
- Mr. Smith stated the City could have done it Certified, but chose to follow the Statues to save on delivery cost.
- U asked if the property would get a certified return receipt notice at the Tax Sale.
- Mr. Smith responded stating that they did not provide certified mail notices.
- Council President asked if that because of what the statutes sated on sending notices.
- Mr. Smith stated that was correct.
- Council President asked if the City would be able to do a stricter process by sending the notices via certified mail return receipt.
- Mr. Smith stated that it could be done but it wasn't beneficial for the Resolution.
- Councilwoman Eason asked why the advertisement was done without the Council's approval of the Resolution.
- Mr. Smith responded that the Advertisement was for the permission to accept bids not to award the bids. He stated that the statutes stated that the advertisement could be done before the Council Meeting was done.
- Councilwoman Eason commented that the Council did not approve the City to move forward with the project. She asked about the advertisement done before the approval of the project.
- Mr. Mapp responded stating placing the Ad did not require the consent of the Governing Body. He stated that if they were making a recommendation to award a contract they would need their consent.

- Councilwoman Eason stated that if the Council did not approve the Resolution the project would not be able to move forward.
- Council President asked how they move forward if the Council voted against the Resolution.
- Mr. Mapp responded stating that they would not be able to move forward.
- Council President asked about the City responding to the bid packages from the responses of the Ad.
- Mr. Mapp stated that they will not move forward without the approval.
- Council President wanted to know the response that would be given to the investors who would have been sending bid packages based on the advertisement should the Council voted against resolution.
- Mr. Mapp responded that would communicate effectively with those investors.
- Councilman Corbitt asked Mr. Smith based upon his experience if it would be better to foreclose or do a Tax Lien Sale.
- Mr. Smith responded stating that the City would have more fees should they foreclose verse walking away with cash by having a Tax Sale. He stated that there were guarantees that the foreclose process would give the City more money over having a Tax Lien Sale.
- Councilman Corbitt commented that if the City took possession of a property through the foreclosure process that there would be no taxes paid on that property.
- Councilwoman Gaunt-Butler stated that she had two quick questions.
 - She asked if Mr. Smith and Mr. Mapp would agree that it wasn't prudent to advertise before the Council's approval.
- Mr. Mapp responded stating that he didn't agree, because they wanted to able to have bid offers to present to the Council for consideration. He stated if they did not advertise there would have been nothing to present.
- Councilwoman Gaunt-Butler wanted to know what the bid assessment methodology was and how the Administration deemed bid acceptable or not.
- Mr. Mapp stated that they would look at the specification as to how the advertisement was done, the responses and the financial wherewithal of the bidder to determine a recommendation that would be presented to the Council for approval.
- Councilwoman Gaunt-Butler stated that it seemed like it was a moving target and not a hard fast formula that was being used to assess.
- Mr. Mapp stated that process wasn't different from bid specks being done had there been a street to be paved where the responses had to be reviewed to make a recommendation to the Council for the lowest and most responsible bid. He stated that the recommendation for the Resolution in question would be reversed where they would recommend the highest and most responsible bid.
- Councilwoman Gaunt-Butler stated that she agreed, but that they were looking at the numbers.
- Mr. Mapp stated that they wanted what was going to be best course for the City and appreciated the questions and the due diligence from the Council, but that the City still had over two million dollars in Liens that the City owns that would continue to sit on the books with no revenue being generated. He stated that if they were able to get a reasonable offer that the Council would agree that was reasonable they would get the lump sum infusion of cash and the owners of the liens would then be paying taxes on the liens current. He stated that it would improve the tax collection rate and it would reduce the reserve for uncollected that would then release pressure from the budget.

- Councilman Johnson Jr., commented on the tax certificate holder having to pay the taxes current.
- Councilwoman Eason stated that she would not vote on the Resolution until she contacted the managers at the senior building at 98 High Street.
- Councilman Coley asked what would a minimal bid acceptance on the over two million dollar liens based on the administration past experience in doing the tax sales.
- Council President stated that the last bid package that the investor offered fifty percent and the Administration was willing to accept the fifty percent.
- Mr. Mapp stated that he would rather not respond because he did not want to compromise potential proposals.
- Councilman Johnson, Jr., requested another review of Resolution 209-2014. He had questions about the purchase of a motor.
- Mr. Mayes stated that funds are there should the motor needs to be replaced.
- Councilman Johnson, Jr., stated the proposal wasn't clear.
- Mr. Smith, City Attorney read and explained the proposal as it pertains to the purchase of motor on as needed basis.
- Councilwoman Eason stated that there should be not changes to the proposal to avoid delays.
- Councilman Corbitt commented the cost of the motor not to exceed more than the amount stated in the agreement in Resolution.
- Councilman Johnson, Jr. needed more clarity on the wording of the Proposal as to the purchase of a motor.
- Council President asked who was going to correct the electrical system as stated in the Proposal.
- Mr. Mayes responded stating that PSE&G would be providing the electrical service.
- Council President asked if a Resolution be needed for PSE&G's service.
- Mr. Mayes responded stating that PSE&G would be supplying the power service for the location and there would be no need for a Resolution. He stated that the location had been without power for the last two years.
- Council President asked if it would be determined at that time if there would be a need for a new motor.
- Mr. Mayes responded yes.
- Councilman Johnson, Jr., stated that he had a better understanding of the Resolution.
- Councilman Johnson, Jr., stated he wanted to abstain from Resolution 212-2014.
- Council President stated that it would be removed for separate vote and Councilman Johnson, Jr., could abstain from the Resolution at that time.
- Councilwoman Eason requested clarification on Resolutions 210-2014 & 211-2014 asking which one was for the expansion of a fence at central playground.
- Mr. Mayes clarified that it was Resolution 210-2014 for the expansion of the fence.
- Councilman Corbitt asked if the expansion would stop foul balls from going over the fence and hitting parked cars.
- Mr. Mayes responded stating that the expansion was being done specifically for the netting at the first-base line to prevent anyone sitting there from getting hit with the ball.

MOTION TO ADJOURN

Council President Williams entertained a Motion to Adjourn

MOTION: Corbitt

Voice Vote

SECOND: Eason

ADJOURNMENT:

8:20PM

Madeline Smith, Deputy Clerk

Donna K. Williams, Council President