

**CITY OF ORANGE TOWNSHIP NEW JERSEY
CONFERENCE MEETING MINUTES
October 7, 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, October 7, 2014 at 7:05pm.

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

Also Present:

Madeline Smith, Deputy Municipal Clerk
Hon. Dwayne Warren, Mayor
Dan S. Smith City Attorney
Adrian Mapp, Director of Finance
Joy Lascari, Chief Financial Officer (arrived at 7:07pm)
Kevin D. Harris, Legislative Research Officer (arrived at 7:07pm)
Margaret Homere, Clerk's Office

Absent:

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

SPECIAL NOTICE: Please be apprized 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 City Attorney Robert Tarver

Council President stated that at previous Council Meetings questions were raised by the residence of Orange, N.J. and she thought that it was important to have had Mr. Tarver speak on the following:

- The total amount of bills that had been paid to Mr. Tarver to date ;
- The purpose of the investigative committee.

Council President asked Mr. Tarver to go to the podium and introduce himself and addressed the questions.

Mr. Robert L. Tarver, Jr., Attorney in the State of New Jersey stated that he had represented the City Council in number of matters most noticeably a litigation they had commenced last year with *The City Council of Orange vs. The City of Orange*. He stated that he was at the meeting because he thought that it was important that both the Council and the Citizens got general scope of the litigation they had been involved in and why they had been involved in that litigation. Mr. Tarver apologized to the members of the public because he was forced to keep his back to them while addressing the Council. Mr. Tarver stated that last year they commenced litigation and the reason for said litigation was that the statutes stated that when a Business Administrator was hired it was done with the advice and consent of a City Council and he stated in doing that the City Council felt that it was important that they have a role as it was contemplated by the statute. He stated that the Administration felt differently and installed Mr. Edwards as Deputy Business Administrator.

Council President asked Mr. Tarver to stop speaking for a moment.

Council President requested that Mr. Dan Smith, City Attorney to stand and speak at his seat.

Mr. Smith, Attorney for the City stated that Mr. Tarver was well aware that the matter was currently in litigation and that there is a Third-Party Complaint where certain Council Members were represented by their own individual council who should be there as part of any presentation that had to do with the litigation. He stated that he would submit that Mr. Tarver while wanting to address the public and the Council stated that the fact still remained that there were at least four Council Members and Council Chairperson included who were also represented by defense council in third-party complaint and he submitted that those individuals should have been present as part of the dialog. He stated that the questions had to do with how much money was extended and therefore a true picture would have been better reflected if all attorneys that were tied to the case were allowed to be in attendance. He submitted that the matter as more appropriate for an executive session.

Mr. Tarver asked Council President if he could respond.

Council President responded with a yes.

Mr. Tarver stated that he understood Mr. Smith's concerns, but that there were two things that needed to recognize. He stated that the first was the Council had a fiduciary duty to the citizens of the City of Orange and it was their responsibility to let the citizens know the scope of the litigation, not about strategy, but that they were letting them know why the council had done and that there was nothing improper in doing that. He stated that if the Council deemed necessary that other Council could give their perspective of the litigation. He stated that him being the lead council, it was his responsibility to be able to address the public with regard to the City's matter and that was why he was there.

Council President stated that also the portion of other bills that were paid. The questions were pertaining to Mr. Tarver's bills.

Council President stated that Mr. Tarver should speak on his bills and the question as to why the investigative committee was formed.

Mr. Smith stated that there were individual lawyers who represented various council members who should have been there and allowed to weigh in on the subject. He stated as far as the third-party complaint was concerned Mr. Tarver was not the lead defense council. He stated let the record be clear that he may be representing the plaintiffs in the litigation, but not in the third-party complaint.

Mr. Tarver stated that he already made that clear and that he was there as the lead council for a matter representing City Council as initiated by the City. He asked if he could continue his presentation and that he would be brief.

Mr. Tarver continued his presentation by stating that it was important because the statute gave the City Council certain rights allowing city council to be a part of the decision as to who became the City's Business Administrator directly by statute. He stated that the City Council was concerned about the actions of the Administration appearing to go against the statute. He stated that they took the council's discretions completely out of the picture by appointing a Deputy Business Administrator in the absence of a Business Administrator. He stated that the council felt compelled to vindicate its rights. He stated that was the scope of the litigation and that it had been going on for approximately one year.

Mr. Tarver stated that as it pertained to his Bill that initially when they went to the City regarding his representation he stated that they made an overture to be able to represent the City at the municipal rate. He stated that he requested to do it that manner and that a resolution was prepared and that the City decided that they would not accept the resolution. He stated that he moved forward with the representation not knowing if he would be paid, but was acting in good faith representing the City Council. He stated that at the conclusion of the first part of the litigation Judge Teare awarded what was known as reasonable council fees and that was what how he was paid initially. He stated as they moved forward in the litigation and that at the conclusion of the last part of the litigation Judge Arre decided that all the parties involved should be paid a reasonable attorneys fees by way of case law. He stated that there is a case law that stated that when city council initiates actions against the city that the City pays for all of the attorneys who are involved in the litigation. He stated that his bill appeared on the last meeting's agenda and that the bill encompassed work from April 2013 to present.

Mr. Tarver responded to the questions of the investigative committee stating that the statute and case law allowed for City Council in its responsibility to be able to investigate matters of city government where it was important to do so regarding employees, payments, contracts and any other functions of city government.

Council President asked Mr. Smith if he had any questions.

Mr. Smith stated that there were a number of reasons that had prolonged the litigation. He stated with respect to attorney's fees by Mr. Tarver, that at no time did the City block him from receiving the City's rate for council fees. Mr. Smith stated that the City did request that he would only be allowed to charge what the City's standard defense council's rates which the record reflected. He stated as it pertained to the special investigative committee that it was without question that the Town had a right to inquire and investigate but that the circumstances that caused the first resolution to justify the investigatory committee was moot and that the facts no longer existed.

Council President requested that Attorney, Smith stop speaking. She stated that he was going into an area where they had not gone and that the investigatory committee had been convened and papers had been received it was premature for him speak on what was moot verses what was not. She stated that she was able to speak with clarity that there was a resolution placed before the Administration to enter into contract with Mr. Tarver which Administration denied. She stated that was how the first step went and that it wasn't until the Court hearing post the resolution that an argument was made by Mr. Smith before Judge Tier asking that she order that Mr. Tarver pay the City's fees. She stated without verbatim that Judge Tire stated that Mr. Smith had an opportunity to enter into a contract with Mr. Tarver and that Mr. Smith which he refused therefore she made the ruling she did at that time. She stated that Mr. Smith was there to defend the case.

Council President stated to Mr. Smith that he represented the City and when arguments were made in superior Court and that when disagreements came about and the way they were handled before a Superior Court Judge and with that they moved forward.

Council President stated that Mr. Tarver was there because citizens had asked questions to be put on the record about the fees and in terms of the forming of the investigative committee.

Mr. Tarver stated he did not want to go into the substance of the investigative committee because it may also invoke certain matters that needed to be handled in an executive session.

Council President stated that she was opening up the questions to certain council members, but would reconvene at another time for an executive session as stated by Mr. Tarver.

Councilwoman Eason stated that she was baffled because she had submitted an OPRA Request on September 8, 2014 which was denied by the City's Attorney's Office. She stated that she did not understand why her request was denied when Mr. Tarver stated they as City Council Members should have access to everything.

Council President mentioned to Councilwoman Eason that the investigative committee was just convening at that time and that her OPRA may very well fall under it, but she wasn't sure about Councilwoman Eason's request.

Council President asked Mr. Tarver if he had any further questions or had any closing statements. Mr. Tarver responded with a no as it pertained to questions.

Mr. Tarver stated in closing that it was important to for everyone to note that there were often disputes between the Administration and the Council and that those disputes were handled by way of a lawful process and that this was one of the lawful processes that the law allowed and that the statutes and case law allowed to be able to resolve situations where Council felt they needed to have information where they may not be able to get or prefer to get through said method.

Council President asked Mr. Mapp if there was anyone in attendance from Administration to present for M.O.E.T.

Mr. Mapp responded stating he wasn't aware of anyone be there to present.

Councilwoman Eason stated that the M.O.E.T. presentation was her request and she wanted to know what would be their recourse. She stated that the Council may need a legal opinion on the issue.

Councilwoman Gaunt-Butler stated that she thought the purpose was for Mr. Tarver's presentation was to address the public. She asked if it would be prudent for him to stay around for public comments.

Council President asked a council member to check if Mr. Tarver was still in the building.

Councilwoman Gaunt-Butler stated maybe they should ask the public if they had any questions pertaining to Mr. Tarver.

Council President stated if he returned they would reserve time for questions.

Council President addressed Councilwoman Eason stating that she spoke with the Mayor and that he was scheduled to attend to present for M.O.E.T. She stated that there must have been a change in plans which they were not notified.

Resolutions and Ordinances

Council President stated that any Resolutions and Ordinances were listed on Regular Meeting Agenda and that could be discussed at that time.

- Councilman Corbitt had a question as it pertained to Ordinance 19-2014. Stated that they had conversation surrounding it at the last council meeting and that he had not gotten any clarity on his concerns. He stated that the current Ordinance 19-2014 indicated that a deposit currently remained in the City's Water excess bonds in proceeds of approximately \$3 million dollars. He stated that the in the supplemental debt statement which was attached to the ordinance at the last council meeting only indicated \$1.5 million dollars and did not mention the remaining \$1.5 million dollars. Council President stated that one would be rescinded. She stated that Councilman Corbitt asked that one be rescinded.

- Councilman Corbitt stated that he asked for Resolution 69-2014 that they did concerning the \$1.2 million dollars to be rescinded. He stated that it asked the Council to approve the Administration to getting a supplemental loan from the New Jersey Environmental Infrastructure.
- Council President asked for clarification from Councilman Corbitt was referring to Resolution 69-2014.
- Councilman Corbitt clarified with a yes, stating that the impression given at that time was that the \$1.2 million dollars would be used for an outstanding debt surrounding the water pump station. He stated that he still wasn't comfortable with what the use of the \$1.5 million dollars. He stated that it was not clearly outlined in Ordinance 19-2014.
- Councilman Corbitt wanted to know specifically how the \$1.5 million dollars would be used.
- Council President stated that the 69-2014 would be rescinded.
- Council President asked Mr. Mapp if he was ready to speak on Ordinance 19-2014.
- Councilman Corbitt asked Mr. Mapp if they had applied for the \$1.2 million dollar loan.
- Mr. Mapp responded stating that they did not.
- Councilman Corbitt asked Mr. Mapp, why they didn't apply for the \$1.2 million dollar loan.
- Mr. Mapp responded stating that it wasn't necessary.
- Councilman Corbitt asked Mr. Mapp when they discovered that it wasn't necessary to apply for the loan.
- Mr. Mapp stated that he believed that it was last month. He stated the reason for that was that they had received commission from the governing body to apply to NJ EIT for a loan to pay the obligation. He stated that they submitted the application and it was approved and they would have then had to introduce an ordinance which they had done in order to create the appropriation to spend the money. He stated that upon reviewing a capital ordinance that was already on the books that had been adopted several years ago. He stated that they realized that there had been sufficient money in the ordinance that would be able to cover the \$1.2 million dollars. He stated that instead of going forward with the loan application that was submitted to N.J. E.I.T. they decided the best course of action would not be to incur an additional \$1.5 million dollars of debt, but instead present to the Council an ordinance to repurpose a portion of the funds that had been set aside in the ordinance from several years ago for purpose "X" and that it would only be able to be use for that purpose. He stated that because it was available they decided to go to the Council and ask to repurpose money from purpose "X" to purpose "Y" with purpose "Y" being the obligation they have with Scafar.
- Councilman Corbitt stated that in doing so they had eliminated some of the burden from the tax payers by getting rid of the \$1.2 million dollars.
- Mr. Mapp responded stating that he was correct.
- Councilman Corbitt asked why they were increasing the amount to \$300,000 if they had applied for the \$1.2 million dollars.
- Mr. Mapp stated that they did not go for \$1.2 and that the amount for the application would have been more than that, but the reason for the difference was because of what is known as Section 20 Cost for legal, engineering which were soft costs that were also obligations of the municipality.
- Council President informed Mr. Mapp that Mr. Mobley was in the room and asked if he wanted to add more information regarding the Ordinance.
- Council President asked if there were any more questions.
- Councilman Corbitt stated that he still did not receive a clear explanation. He stated that he hoped the Council and the citizens would receive that night a clear break-down as to how the \$1.5 million would be used.

- Mr. Mapp stated that some place in the ordinance for “X” amount for Section 20 expenses.
- Mr. Mapp read Section A of the ordinance which mentioned the use of an additional \$200,000.00.
- Councilman Corbitt stated that the difference was \$300,000.00 not \$200,000.00.
- Mr. Mapp stated that he understood and that the difference pertained to the soft cost whether it was engineering or legal. He stated further that they could not spend the money any way they wanted and that there is the obligation that the municipality had with the contractor for the work that had been done three or four years prior.
- Councilman Corbitt confirmed that the obligation was for \$1.2 million dollars.
- Mr. Mapp stated that for any of the other funds that were made available such as Section 20 obligations. He stated that when contracts were awarded those contracts must be approved.
- Councilman Corbitt stated that had the use for the money been stated specifically the ordinance the Council would have moved on supporting the ordinance. He stated that they must give the Council an itemized list on how the money would be used.
- Council President asked Attorney, Smith if legal cost were still on going on the matter and did he know to date what the amount due for the legal cost were.
- Mr. Smith stated he wasn’t sure what the bills were to date, but they were still outstanding bills.
- Councilman Corbitt asked if the contractor was in litigation with the City on the matter. He stated that when they came before the Council they had stated that they were not going to sue.
- Council President responded stating that the contractor stated in March that they wouldn’t file suit, but had not been paid and thereafter filed suit in August.
- Mr. Smith stated that there may be some over lapping cost with the contractor but not significant.
- Councilman Corbitt commented that the costs wouldn’t be between \$200,000.00 and \$300,000.00.
- Mr. Smith stated that he was speaking from his perspective that they had worked out an arrangement. He stated that he couldn’t say \$200,000.00, but that he believed that there would be some other costs coming in closing the matter.
- Mr. Mapp stated that the same way money had been left in the ordinance from which they were taking the money and they couldn’t touch it for another purpose. He stated that the current ordinance could be looked at in the same way, that in putting the \$1.5 million dollars aside, to cover the actual work that had been done and to provide for any soft costs. The same way they couldn’t touch the money when it sat in Ordinance from a few years ago, then they wouldn’t be able to touch it if there wasn’t a legal obligation to pay from the \$1.5 million dollars that they were at that time asking the council to adopt on second reading.
- Councilman Corbitt asked if taking the money from the approval of the loan of \$1.2 million dollars from NJ EIT then took the money from the bond to pay the NJ EIT loan off could have been an option to avoid litigation.
- Mr. Mapp responded stating that they couldn’t do it that way.
- Councilman Corbitt asked why.
- Mr. Mapp stated that regarding the ordinance from several years ago was for a specific capital purpose, and the money was not used for that purpose.
- Council President requested that Mr. Mapp clarified if they could have still moved forward with the loan and go back to council to reallocate the money from the ordinance from several years ago to pay off the loan and would the process had been faster.
- Mr. Mapp stated he did not believe that they could use money from a Capital Ordinance to pay a loan
- Councilman Corbitt asked for the total cost for the project to date.
- Council President stated if they had gotten a loan they would have received interest on the loan.
- Councilman Corbitt stated it would have depended on how fast the turn-around occurred.
- Mr. Mapp stated that the total cost for the project to date was between \$10 and \$11 million dollars.

- Council President asked if they thought that it would have been a quicker process.
- Mr. Chris Mobley asked to clarify the question.
- Council President stated would it have been a faster process if they had pursued the loan and utilized the loan, then went back and used the money from the Ordinance from several years ago to pay off the loan.
- Mr. Mobley stated that could have been possible, but that one of the problems were that they were in process to getting approved for the loan. He stated that the loan had different bench marks before approval was completed. He stated that one portion of that process had been cleared and that they had applied to N.J.E.I.T for the funding. He stated that they had passed the bond ordinance and there were other steps they had needed take. He stated that Scafar Contracting was ready to be paid and they didn't want to wait and had initiated suit against the City. He stated they thought it would have been prudent to utilize the funds they already had to address the issue with Scafar Contracting and saved the City additional costs.
- Mr. Mapp stated that it would have spared them from going before the local finance board.
- Councilman Corbitt asked where he would find in the body of the ordinance that they were going to pay the contractor \$1.2 million dollars.
- Mr. Mapp stated that it did not have to be specific and that it wasn't specific to a contractor.
- Councilman Corbitt stated he would feel more comfortable if the body of the ordinance stated to whom the \$1.2 million dollars would be paid to.
- Councilman Corbitt stated that he was expecting a resolution to rescind Ordinance 69-2014.
- Council President requested that Mr. Mobley respond to the resolution to rescind.
- Mr. Mobley stated they had not done it, but that it was their intent to be expeditious to address the current ordinance issue and then return to rescind Ordinance 69-2014. He stated that they were aware of it and that it would be done.
- Councilman Corbitt stated although he understood, he would have felt more comfortable having a resolution to rescind that night before they moved they voted negative or affirmative forward on the \$1.5 million dollars being requested.
- Councilwoman Eason commented on Page 2, Section 3 of the current ordinance asking if it was an attempt to explain the use of the funds.
- Mr. Mapp stated that the section explained approximately \$10.5 million dollars of the funds to satisfy the obligation that existed.
- Councilman Corbitt stated that the section did not spell out exactly what the obligation was.
- Councilwoman Eason stated a gentleman had gone before the council at the last meeting and she did believe that they needed to pay him the money owed. She stated that the longer it's prolonged the more costly it would be. She stated that she did agree that they had to rescind Ordinance 69-2014.
- Councilwoman Eason asked what about the consequences if it wasn't passed that night.
- Council President reiterated the question.
- Mr. Mapp stated that it would be a better question for the vendor and that he couldn't attempt to answer.
- Council President stated that the consequences had already begun because litigation had been filed.
- Councilwoman Eason stated that the longer they waited more lawyer fees were being incurred. She stated the he did the work and deserved his money.
- Councilman Corbitt stated the requested at the last council meeting that the ordinance was written more clearly as well Ordinance 69-2014 to be rescinded.
- Mr. Mapp addressed Councilman Corbitt stating that the level of specificity he asked for when construction a Capital Ordinance was not common or the practice. He stated that an Ordinance

would not be made to say “Pay Scafar \$1.2 million dollars”. He stated that it would never be done that way.

- Councilwoman Eason asked how long had the bill had been outstanding.
- Mr. Mapp stated that it had been inherited by the current Administration.
- Councilwoman Eason commented that it had been in existence for two years.
- Mr. Mapp commented that it might have been three to four years old.
- Council President affirmed that it was indeed a four year old debt.
- Councilwoman Eason stated if the debt had been four year old prior to the current Administration. She stated that it she thought that it was time to pay the debt.
- Mr. Mapp stated that a lot of mistakes had been made and that that members of the governing body at that time should have never agreed to a change order without a source of funds and that there should have been certification of funds as the basis for the approval of the change orders. He stated the mistakes were water under the bridge and that they should pay the contractor to prevent further litigation.
- Councilman Corbitt stated that the Council needed to be kept in the loop of what going on. He stated Resolution 69-2014 clearly stated how the \$1.2 million dollars would have been funded.
- Council President asked Mr. Mapp should the resolution passed that night how would the Administration proceed and what would be their next step.
- Mr. Mapp responded stating that after it becomes effective passing the estoppels period of twenty days they would proceed in an expeditious manner to pay the outstanding obligation.
- Council President stated if they were any other cost attached the Administration would need to before the Council.
- Mr. Mapp stated that everything would go before the council.
- Council President stated if they used \$1.2 that the \$200,000.00 would not be utilized.
- Mr. Mapp stated that the money would sit in the account just as the \$1.5 million did against the ordinance.
- Councilman Corbitt asked if there were any other funds or bonds such as the \$1.5 million sitting in any account that have been unused. He stated that he was in the audit report \$1.5 million dollars sitting in two different places. He asked if it was \$3 million dollars of a bond that was not used.
- Council President asked Councilman Corbitt to save the question for council comments.
- Councilman Corbitt responded stating that he would.
- Council President asked if there were any other questions regarding Ordinance 19-2014.
- Council President asked the council members if they had any other questions on any other resolutions or ordinance.
- Councilwoman Eason had a question for the Deputy Clerk regarding Resolution 247-2014, Page 3 of the Bill List. She asked if they would be reimbursed for the \$8,000.00 for the Election.
- Ms. Smith responded stating that the Clerk’s Office did get reimbursed and had received a check for \$9,000.00 for the Municipal Election.
- Council President asked there were any other questions.
- Councilwoman Eason had a questions regarding Page 6 of the Bill List. She asked who received new furniture.
- Council President requested that Mr. Mapp respond to Page 6 of the Bill List. She asked if he knew who received new furniture.
- Mr. Mapp stated that he did not get the chance to review the Bill List with his staff, but he would do his best to respond. He responded stating that bill was for inspections and licensing department.
- Councilwoman Eason asked if it was warranted.
- Council President asked Mr. Mayes if the bill was warranted.

- Mr. Mayes stated that it was an item listed in the budget that had been approved. He stated that they were looking to add another inspector. He also stated that there were three people in the office and that there wasn't a desk for a fourth person.
- Councilwoman Eason commented that two desks were ordered.
- Mr. Mayes responded stating that it was only one desk and a computer, a computer table, a couple of chairs and a small filing cabinet that was ordered.
- Councilwoman Eason read the description of the desks stated on the Bill List stating that it was two desks.
- Mr. Mayes responded stating that one of desks was large and the other was a smaller desk. He stated that Councilwoman Eason was welcomed to taking a look at the furniture.
- Councilwoman Eason had a question regarding Page 12 of the Bill List, an item for a flag poles.
- Council President stated that she was going to make a comment on it and that they were located in front of the building and that they were all new.
- Councilwoman Eason stated that the items description stated that they were indoor flag poles.
- Mr. Mayes stated that he did order two new flags poles for inside the Council Chambers. He further stated the Council would be seeing items for flags that had been ordered on the Bill List. He stated that they went around the City to all the Parks and all the Municipal Buildings and saw that some of the flags were torn and tattered and some of the poles were all different sizes.
- Councilwoman Eason asked if he saw the graffiti that was on Main Street and if they were going to be getting rid of it as well.
- Mr. Mayes stated that had been an uptake in graffiti around the City and they spoke about in the Code Enforcement Department. He stated that they were looking to give out summons for some of it and that they did paint over some as well. He stated that they did order graffiti blocks.
- Councilwoman Eason stated that she left Mr. Mayes a few weeks prior on her concerns about Main Street.
- Mr. Mayes stated that he would look into the graffiti the next day on Main Street and North Day Street as per Councilwoman Eason's complaints.
- Councilwoman Eason had a question regarding Page 13 of the Bill List. She wanted to know who owned the car that got repaired for the \$1,380.00.
- Mr. Mayes responded stating that it was a Police Car.
- Councilwoman Eason stated that it did not state who had been driving the car and requested that Mr. Mayes gave an answer for the next meeting.
- Councilwoman Eason had a question regarding Page 15 of the Bill List regarding two 2 Bills with same invoice number and wanted to know if they were for the same event.
- Mr. Mayes responded stating that his department did not handle events.
- Councilwoman Eason commented on an invoice for additional netting for central baseball field.
- Mr. Mayes stated that it was passed by resolution at the last meeting.
- Councilwoman Eason wanted to know when the work would be completed.
- Mr. Mayes stated that he wasn't sure but that they were working on it, but that he would have an answer for a date of completion.
- Councilwoman Eason asked about Mr. Mapp about the invoice on Page 15 of the Bill List. She asked if they were two events on the same day.
- Mr. Mapp responded stating that they were two separate events and he did not believe they were on same day.
- Council President stated the invoice might have been done on the same day, but that they were two different events, the back to school event on Central Avenue and the employee appreciation event.
- Mr. Mapp stated that Council President was correct and that they were definitely two different events.

- Councilwoman Eason asked who has EZ- pass with the City an item on the Bill List for \$11.00.
- Mr. Mapp responded stating that the item went back three years and that he spoke with the Business Administrator.
- Councilwoman Eason stated that there was on one who had an EZ-Pass with the City.
- Council President stated that the Fire and Policemen had EZ-Pass, but they did not get charged for it.
- Mr. Mapp stated that he was told that the \$11.00 EZ-Pass invoice might had been for one of those entities and they might had been crossing out of State.
- Mr. Mapp stated that the \$11.00 needs to be paid.
- Councilwoman Eason asked who came up with the three year old date for the invoice.
- Mr. Mapp stated that it was a prior year bill and that he had a discussion with the CFO.
- Councilwoman Eason had a question regarding Page 2 of the Bill List an invoice for ticket purchase for \$1,500.00 under general trust account.
- Mr. Mapp asked Madame CFO if she had the answer for the \$1,500.00 invoice.
- Ms. Lascari stated that she didn't have any knowledge of it.
- Mr. Mapp stated that they will get the answer to Council.
- Councilwoman Eason commented that they should know the answer since the invoice was paid.
- Mr. Mapp stated that they paid a large number of bills.
- Councilwoman Eason stated that the invoice should have been presented as a purchase order to the Council for approval for payments.
- Mr. Mapp responded stating that the invoice was being presented to the Council by way of the Bill List.
- Councilwoman Eason stated that the invoice was already paid. She asked if they should pull the invoice from the Bill List until they received an explanation.
- Mr. Mapp stated whatever the Council decided was ok with him.
- Councilwoman Eason stated that she preferred that it was pulled until they got an explanation.
- Mr. Mapp stated that he believed there was a simple explanation, but he did not have it at that time.
- Council President stated that they would decide when they get to the item.
- Councilwoman Eason asked Mr. Mapp if the money had refunded back to the Board of Education was done.
- Mr. Mapp stated that he would ask the CFO.
- Mr. Mapp responded with a yes.
- Council President asked the Council Members to reserve for later.
- Councilwoman Eason stated that she saw something regarding the Board of Education and was wondering if it was on the Bill List.
- Mr. Mapp stated that the Mayor directed that it be done and he got a nod from the CFO confirming that the refund was done.
- Council President stated that there were two a tax levy one for July and another for August.
- Councilwoman Eason asked if Council President were going to discuss the matter when they got to it.
- Council President asked Mr. Mapp if the Board of Education was reimbursed.
- Mr. Mapp stated that according to the CFO that they were.
- Councilwoman Eason requested that the CFO step to the podium and state how much the Board of Education was refunded.
- Ms. Joy Lascari, CFO stated she did not know the exact amount that was refunded, but that they were being charged \$37,500.00 per half a year, \$18,000.00 per quarter which was the minimum

that could be charged without any water flow at all. She stated that the portion for the water account had been remitted to them. She stated that as soon as she was finished going through the audit and adjusting last year's entries she and she knew exactly where the funds were and she would know how she would be able to give it back to them. She stated that she spoke with them and they had agreed and had given her the time to give it back to them. She stated that she believed that she had to give back \$37,500.00.

- Councilwoman Eason asked if the \$126,000.00 was returned to the Board of Education and that they took subsequent payments from them.
- Ms. Lascari stated that she didn't think that \$126,000.00 was taken for water. She stated that there was a dispute about how much was to be pre-paid from the previous year.
- Councilwoman Eason stated that she had a statement that they took \$126,000.00.
- Ms. Lascari stated that she would review her records, but that she did not believe it was for water.
- Councilwoman Eason stated that she was pretty sure it was \$126,000.00 that was taken.
- Mr. Mapp stated that they would provide the specific numbers to the Council.
- Councilwoman Eason requested an email from Mr. Mapp before that up-coming Friday with the specific numbers as to how much was taken and how much was returned.
- Mr. Mapp stated that they would share with the Governing Body the amount that was remitted back to the Board of Education.
- Council President asked the Council if they had any other questions.
- Councilman Coley stated that he had a question regarding Resolutions 236-2014 and 237-2014. He asked if the PILOT was for twenty years or thirty five years.
- Council President asked Mr. Mapp to clarify that PILOTS came out of his office.
- Councilman Coley asked if the PILOT was for twenty years or thirty five years.
- Mr. Mapp stated that they collect the money but that he could not answer without a copy of the Agreement.
- Mr. Carl Smith addressed the Council stating that in the resolution enclosed a copy of the ordinance. He stated that the ordinance had been passed in 2012 was for twenty years.
- Councilman Coley stated that there was a letter signed by Matt Rinaldi attached to the Agreement that mentioned both twenty years and thirty five years.
- Mr. Matt Rinaldi, Tax Assessor for the City of Orange stated he wrote the letter and explained the language in the letter stating that it was for the shorter term of twenty years as it was stated in the letter. He apologized for the letter being ambiguous and he confirmed that the PILOT was for twenty years.
- Councilman Coley thanked Mr. Rinaldi and stated that was all the questions he had.
- Councilwoman Eason had a question regarding Resolution 249-2014 and 250-2014.
- Councilwoman Eason stated that the Mayor did a proclamation for both which included the Council and was presented to the family at the funeral. She stated that she didn't know why they were spending more money to do something different when they already recognized both families.
- Councilman Corbitt stated that he had a question about Resolution 252-2014 proclaiming October as Breast Cancer Awareness Month. He asked if they had done something like it before.
- Council President responded stating that it was done every October.
- Councilman Corbitt asked if it had to be done every October and that that it should be clear moving forward that it was Breast Cancer Awareness Month.
- Council President stated that because there were new awareness that happened and new treatments that happened they wanted to make the month relevant by shining a light on it because people were being affected by it and keeping in the forefront would be very powerful. She stated that it was their job to educate the Citizens and that it was a way they were doing so.

- Councilwoman Eason stated that the resolution had been done every year and wanted to know what the Council would be doing to follow up. She mentioned a few organizations which had awareness seminars and thought that it would be a good idea if the Council did something to educate the citizens on cancer awareness.
- Council President stated that the City did “Go Pink” in the month of October. She stated that the Council was going to join the Department of Community Affairs at the football game that coming Friday where they dedicated the game to breast cancer awareness where everyone wore pink. She stated that there would be a statement in an upcoming email stating “Orange is the new Pink”.
- Councilman Johnson stated that he had a few questions on Resolution 248-2014 which was directed to Director Mayes.
- Mr. Mayes introduced himself.
- Councilman Johnson congratulated Mr. Mayes on seeking US made products and presenting a New Jersey Company the opportunity to give the City new sweepers
- Councilman Johnson asked about the estimated time of arrival on getting the new sweepers on the streets.
- Mr. Mayes responded stating that they were looking to have the sweepers on the street in the next two months after the order was placed.
- Councilman Johnson asked if they were going to retire the one that was still working.
- Mr. Mayes responded stating that they were getting two new sweepers and would be keeping one of the old sweepers that had been working fairly well and moving forward they would have three
- Councilman Johnson asked if the requisition went it should they have the sweepers by February 15, 2014.
- Mr. Mayes responded hopefully yes.
- Councilman Johnson asked if they had to put any signage on the sweepers once they were received.
- Mr. Mayes responded stating that they would need to be painted with DPW and that at that time they were all white.
- Councilman Johnson asked if it was safe to say they would have them by mid January.
- Mr. Mayes responded stating yes.
- Councilman Johnson stated he had no further questions.
- Council President asked if they were any other questions.
- Councilwoman Eason asked Mr. Mayes if they were making sure the equipment to be purchased was new and not used.
- Mr. Mayes stated that the only new equipment could be purchased with bonds.
- Councilwoman Eason stated that she would like to see the requisition and the vendor’s information as well.
- Mr. Mayes responded stating that it would not be a problem for her to see the actual requisition.
- Councilwoman Eason stated that she would like the same from the Fire Department as well.
- Council President stated that the reason for the Fire Department placing an order for a used truck was because the period of time it took to purchase a new truck. She stated that she would have the Fire Director speak more on the subject.
- Mr. Michael Dowd, Deputy Fire Chief stated that they had just purchased a used Fire Engine because the ones they had were approximately twenty years old. He stated in terms of the bond they were in the process of purchasing brand new equipment. He stated that normally they did not like to purchase used but because of the fact that they had delayed the purchases for so long they were in need of equipment. He stated that they had just received the used vehicle that day and they hope to get at least two to three years of service from it. He stated as it pertained to the new equipment from the bond they were expecting that shortly and would be presented before the Council and that he would discuss it at that time.

- Council President asked the Council Members if they had any other questions.

MOTION TO ADJOURN

MOTION: Summers-Johnson

Voice Vote

SECOND: Gaunt-Butler

The meeting was adjourned by a unanimous vote at 8:26 P.M.

**Madeline F. Smith, RMC
Deputy Municipal Clerk**

**Donna K. Williams
Council President**