

5) REPORTS:

Finance Committee Report - by Hon. Donna K. Williams (See Attachment)

CONSTABLE REPORTS:

None

OPRA REQUEST REPORTS

None

Council President Eason directs Acting Deputy Clerk to file reports.

6) COMMUNICATIONS AND PETITIONS

None

- 7) CITIZEN COMMENTS ON GENERAL ISSUES / AGENDA ITEMS 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 TEN (10) 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.

Council President Eason recognized the following citizens for comments:

William Lewis of 688 Mosswood Avenue stated his concerns as follows:

- Question: Who represents the South Ward? Stating matters are brought to the table and no one comments or addresses those concerns. Further stating, the South Ward bares 42% of the tax burden.
- School System: Level 3 monitoring; 2 new principals in Heywood Avenue School. Still school rating declined.

Jeff Feld stated his concerns as follows:

- Share sentiment of the lack of City Attorney presence.
- City Website minutes are not posted.
- Error on Block and Lot that he caught on resolution. Who's reviewing resolutions for accuracy?
- Resolution 216-2013 (Bill List): Why was it not posted on the website?

Katalin Gordon of 211 Park Place stated her concerns & inquires as follows:

- Resolution 213-2013: Does not reflect previous data. Also indicating, now there is a loan in place?

- What month was the last month the Council received a report from the Administration?
- Pilot Programs: Stating her concern with increase in residents verses safety measures because the Police and Fire Department are not properly staffed. What is their plan for the discrepancy in staffing verse developer research data?
- Concerned with Council's lack of power in retrieving data/reports from the Administration? Further inquiring if the Council has called up Consumer Affairs for assistance?
 - Councilman Marable responded to Ms. Gordon's question concerning the reports: stating a financial report was provided in April. Further commenting that Council has gone to extended measures to receive reports from the Administration.
 - Council President Eason echoed Councilman Marable in that Council has exhausted extensive measures to receive reports from the Administration. Seeking counsel from Consumer Affairs and the City Attorney. Adding, if anyone can provide resolution(s) to receive reports from the Administration they are open to follow-up.
 - Marty Mayes, Director of Planning and Public Works responded to Ms. Gordon concern as to the inclusion of a loan in Resolution 213-2013. Stating, Is the loan predicated on the grant? No, the loan serves as a match dollar for dollar of \$600K. For the remaining #300K, the funds are coming from the CDBG Grant applied for in 2012.

Richard Bryant, Exec. Dir. Of Valley Arts, 580 Forest Street:

- Announced upcoming Hats City Street Festival (sponsored by Valley Arts) – June 15th 2013, 11am to 9pm; Showcasing various artist throughout the day with twenty vendors and four galleries.
 - Councilwoman Jones-Bell stated she was excited about the HATS Festival and personally invited her family and friends to support the event.
 - Council President Eason inquired into the hours of the Stage Performances. Reminding Mr. Bryant of the residency community surrounding the festivities and informing Mr. Bryant of the many disturbances of the peace complaints that have come before Council. Further inquiring about, the level of Police presence and participation for proper safety measures.

Gloria Stewart of 62 Hampton Terrace stated her concerns as follows:

- Announced there are Academic Activities taking place throughout the School District as such: Tri-Math-A-Lon, Spelling Bees and History Bowl; further stating there is an activity planned this Saturday at Lincoln Avenue School from 1:00pm – 3:00pm.
- Stated she's glad to see Margarette Homere, Acting Deputy Municipal Clerk facilitating the Council Meeting.
- Would like to see the Mayor at the Council Meetings.
- Oakwood Avenue between Freeway Drive and Main Street needs to be paved.
- Recycling: How do residents/city benefit?

- Police Director Simms indicated the Police Department is not staffed properly. In review of the budget, did Council consider additional staffing for the police department?
- Oppose statement made by resident Mr. William Lewis that the South Ward bears the brunt of the taxes. Adding the East, West and North also share in the tax burden.
- Would like 2008 comparison to 2013 Budget and Salary Ordinance.

Council President Eason entertains a Motion to Close Citizen Comments.

Motion: Corbitt **VOICE VOTE** **Second:** Jones-Bell

8) COUNCIL COMMENTS

Council President Eason recognized the following Council Members for comments.

Councilwoman Jones-Bell:

- Shared and directed her comments to resident Gloria Stewart that efforts are being made for Council and the Administration to work together. As well noting, the Administration and Council met and discussed options for bringing on a Business Administrator.

Councilwoman Gaunt-Butler:

- Question: Do we know the status of 400 Oakwood Towers?
 - Council President Eason responded no. Further stating, the City Attorney has not followed up and will initiate follow-up herself.
- Question: Does the Council know the status on Parking Permits for the residents on Alden Street?
 - Councilwoman Williams commented even though permits are displayed tickets is still being issued.
 - Council President Eason asked Police Director Hakim Simms: Are all police officers aware of the Resolution and Ordinance updates?
 - Director Simms replied yes and disseminated throughout personnel. Ensuring Council that he will follow up to ensure updates are implemented.
- Invited the community to attend the unveiling of the Plaza for Cotton Funeral Home Director, June 18th, 2013 at 3:45pm.

Councilman Marable:

- Thanked all present Directors for attending the Council Meeting. Specifically noting personnel that are not present: City Attorney, Fire Chief (because we don't have one), City Clerk (has not been for 2 1/2 years... Give a few appearances here and there), Chief of Staff, Finance Director, Mayor and of course there is no Business Administrator because we don't have one.
- Expressed concern with who is responsible and/or searching for a new Business Administrator. Stating the search should have started eight months ago when the Council rejected the Mayor's choice for a Business Administrator.

- In closing in response to a comment about non-responsiveness of the South Ward Council Person, Councilman Marable stated he is the Councilman for the South Ward and is not aware of issues that have impacted his ward that he has not addressed.

Councilman Corbitt:

- Requested an update on the light outage on Lincoln and Central Avenue.
- Requested an update on the One Way Signage for Taylor and Pierson Streets.
- Commented on the Bill List item in question regarding the Breakfast held at the Elks Lodge. Stating he would like to think the event was not politically motivated; citing senior residents from more than senior buildings attended the event.
- Supports the renovation of the High/Alden and Central Playground/Baseball Field.
- Commented and echoed the sentiment of resident Gloria Stewart on continued comparison of the South Ward verses other Wards. Stating he would like for the comparisons to stop for the betterment of Orange.
- Announced the upcoming Fundraiser at Lincoln Avenue School to aid the students in their trip to the Netherlands.
 - Council President Eason added the school committee would like for each Council Member to make a donation to help send the Robotics Team to the Netherland.

Councilwoman Williams:

- Wished congratulations to all those that won their election.
- Announced June 18th Essex County Environmental Health Department will be presenting during the City Council Meeting Matters of Discussion.
- Requested the Fire Department Ambulance Program Report be submitted to Council.
- Expressed condolences to Senator Frank Lautenberg Family.
- Announced there will be a Special Election October 16th for the replacement of the Senator's Seat.
- Shared with the Council a complaint from a Vendor/Contractor; stating she received a call from the Carpet Contractor that he heard negative service comments from the Council President Eason and stated if the Council doesn't stop talking negatively of the contractual services he will file a Defamation Law Suit.

Councilman Abdul-Rasheed:

- No comments

Council President Eason recognized the City Attorney Dan Smith for comments.

Dan Smith stated he would like to apprise the Council and community of the reasoning for his lateness. In that he had a family emergency with his 10 year old daughter; stating he scheduled coverage to attend until he arrived from the City's Office. However, he had to be pulled away. Hence, Mr. Smith called upon Mr. Wenzel Esq. to sit in on behalf of

the City Attorney's Office until he arrived. Thanking Mr. Wenzel for attending on such short notice.

Council President Eason commented and inquired that Mr. Wenzel is not on the approved list of Attorney's; he's not a part of the City's Attorney Office... How would you have paid him?

Dan Smith replied that was not a subject of his comment and will address at a later time. However, noting Mr. Wenzel has provided special counsel to this town in the area of Labor Law of which the Council President is aware and has been providing services since to the City of which the Council President is aware as well.

Council President Eason commented we are still in the budget and are trying to save the City some money. Further stating the concern is that the City's Attorney's Office still has to pay Mr. Wenzel.

Dan Smith added Mr. Wenzel does not interfere with the Council President Budget powers. And thanked Mr. Wenzel attending the meeting in his absence.

Council President Eason provided her comments as following:

- Question: Made inquiry into the status of the meeting of Oakwood Avenue?
- Recycling Canisters: Is there anything that precludes progress?
- Commented on website updates and status as well as inquires into the status of the Business Administrator? Stating the council is working diligently to provide services to the residents.
- In response to Mr. Feld inquiry, the Council has proceeded legally in every effort and has exhausted all avenues and will continue to provide such services.
- Requests from Dan Smith, City Attorney a formal response and presentation as to a legal remedy/advice as to what the City Council can do to solve the matter of the Business Administrator, a Personnel Matter Investigation and the meeting of Oakwood Avenue Status. Requesting Kevin Harris, Legislative Research Officer to weigh in on data/ information.
 - Dan Smith, City Attorney to Council President Eason stated Kevin Harris has a very fine role as legal research officer in response to Council President Eason request for Mr. Harris to "weigh in on" statement to not ask Mr. Harris to act outside of his duties and responsibilities in that capacity.

9) ORDINANCES—SECOND READING/PUBLIC HEARING

14-2013 An ordinance requiring minimum distance from identical or similar use within the C-1A and C2 Zoning Jurisdictions.

a) Second reading by title

Council President Eason recognizes the following for comments.

- **Jeff Feld:** What would be the impact on taxes?

On the motion, Councilwoman Williams requested submission of a Summary of Comparison of other Municipalities.

On the motion, Councilman Marable made inquiry into the value of Councilwoman Williams requested Summary of Comparison after the summary.

On the motion, Councilwoman Jones-Bell asked if the Legal Research Officer Kevin Harris to comment. Kevin Harris stated East Orange tried such an ordinance and was not successful on the first try; however, experienced success on the second attempt. As well, Maplewood and Livingston benefited from such an ordinance.

b) Motion to close public hearing:

Motion: Corbitt **Second:** Jones-Bell

Yeas: Abdul-Rasheed, Corbitt, Gaunt-Butler, Jones-Bell, Marable, Williams and Eason

Nays: None

Abstentions: None

Absences: None

Council President Eason ruled the motion was carried by Seven Yeas; No Nays; No Abstentions and No Absences.

c) Motion for final adoption:

Motion: Corbitt **Second:** Jones-Bell

Yeas: Abdul-Rasheed, Corbitt, Gaunt-Butler, Jones-Bell, Williams and Eason

Nays: Marable

Abstentions: None

Absences: None

Council President Eason ruled the motion was carried by Six Yeas; One Nay; No Abstentions and No Absences.

10) ORDINANCE INTRODUCTION /FIRST READING
None

11) CONSENT AGENDA

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 REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE OF THE AGENDA.

Council President Eason entertained a motion to *Suspend the Rules* and ADD Resolutions 217-2013 and 218-2013 to the Consent Agenda.

***217-2013** A resolution for Emergency Temporary Appropriations to the Calendar Year 2013 Budget for the month of June.

***218-2013** A resolution amending a contract authorizing Lerch, Vinci & Higgins, LLP Registered Municipal Accountants, 17-17 Route 208, Fair Lawn, New Jersey 07410 to set as Budget Consultants to the Municipal Council of the City of Orange Township, New Jersey upon adoption of this resolution not to exceed \$32,000.00 (As Amended).

Council President Eason stated the following resolutions have been *REMOVED* for a *SEPARATE VOTE*: 215-2013, 216-2013, 217-2013 and 218-2013.

Council President Eason announced Resolution 211-2013 has been *WITHDRAWN* by the Administration.

***211-2013** A resolution authorizing the sale of Block 1702, Lot 2 to the highest bidder for a minimum of \$102,600.00.

RESOLUTIONS: *209-2013 –*216-2013

***209-2013** A resolution authorizing the refund of taxes paid due to overpayment in the amount of \$3,375.75 to Alexis Dunbar.

***210-2013** A resolution authorizing the refund of taxes due to county board judgment in the amount of \$2,486.40 to Peter J. Zipp, Esq. of Zipp and Tannenbaum LLC for 404 Washington Properties LLC, 404 Washington Street Avenue, Block 0703, Lot 006.

***212-2013** A resolution authorizing a refund of \$100.00 to Eva Polcaro, 1086 Livingston Avenue, North Brunswick, NJ 08902 for a Certificate of Habitability Inspection at 20 Lafayette Street, Orange, NJ.

***213-2013** An enabling resolution authorizing the acceptance of a loan by the Department of Public Works and Engineering from the State of New Jersey Department of Environmental Protection Green Acres Programs for multi park improvements Phase III and IV in the amount of \$600,000.00.

***214-2013** A resolution authorizing the purchase of landscape play unit structure for the Alden Street / High Street Park Project under State Contract #A81422 to General Recreation, Inc., PO Box 440, Newton Square, PA 19073 in the amount not to exceed \$55,497.00.

MOTION TO ADOPT CONSENT AGENDA:

Council President Eason entertained a motion to adopt the Consent Agenda.

Motion: Corbitt **Second:** Jones-Bell

Council President Eason announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Gaunt-Butler, Jones-Bell, Marable, Williams and Eason

Nays: None

Abstentions: None

Absences: None

Council President Eason ruled the motion was carried by Seven Yeas; No Nays; No Abstentions and No Absences.

Council President Eason stated the Resolutions that were Removed for a Separate Vote will now be considered for a vote.

***215-2013 A resolution renaming the corner of William and North Center Streets in the City of Orange Township Doris Langley Henry Way.**

Council President Eason entertained a motion to adopt.

Motion: Corbitt **Second:** Gaunt-Butler

Council President Eason announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Gaunt-Butler, Jones-Bell, Marable, Williams and Eason

Nays: None

Abstentions: None

Absences: None

Council President Eason ruled the motion was carried by Seven Yeas; No Nays; No Abstentions and No Absences.

***216-2013 A resolution approving the bill list for council meeting vote on June 5, 2013 dated May 30, 2013 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 Grand Total: \$2,729,857.70.**

Council President Eason entertained a motion to adopt.

Motion: Abdul-Rasheed **Second:** Williams

Council President Eason announced the roll call as follows:

Yeas: Corbitt, Gaunt-Butler, Jones-Bell, Williams and Eason
Nays: Abdul-Rasheed and Marable

Abstentions: None
Absences: None

Council President Eason ruled the motion was carried by Five Yeas; Two Nays; No Abstentions and No Absences.

***217-2013 A resolution for Emergency Temporary Appropriations to the Calendar Year 2013 Budget for the month of June.**

Council President Eason entertained a motion to adopt.

Motion: Abdul-Rasheed **Second:** Jones-Bell

Council President Eason announced the roll call as follows:

Yeas: Corbitt, Williams and Eason
Nays: Abdul-Rasheed, Gaunt-Butler, Jones-Bell and Marable
Abstentions: None
Absences: None

Council President Eason ruled the motion DO NOT CARRY by Three Yeas; Four Nays; No Abstentions and No Absences.

On the motion, Council President Eason requested Councilwoman Williams to aid in clarifying the need to pass Resolution 217-2013. Stating she understands the ramifications and voted to pass the resolution; yet understanding the reservations of other council members.

On the motion, Joi Lascari CFO stated for clarity as well emphasized the consequences of the Council voting to not pass the resolution; Asking the Council for their will - With the understanding that their voting not to pass June Payroll because of two individuals. Stating not only will the City employees not get paid but neither will the Police Department, Fire Department, Medical Benefits and Insurance, Pension, Electricity, Water and the likes will not get paid as well causing a Shut Down of the City.

On the motion, Councilwoman Williams stressed the importance of passing Resolution 217-2013. Clarifying the opposition to said resolution due to two additional personnel hires. Stating the new hires does not add to the budget; it's a replacement of individuals and that the monies are already allocated within the standing budget.

On the motion, Councilman Corbitt emphasized the opposition to pass the resolution may cause extreme consequences to employees that have rendered

services to the city impacting their personal financial obligations. Further stating, he will not support such actions of not passing the resolution for the record.

On the motion, with further clarification Councilwoman Gaunt-Butler rescinded her vote to not to pass the resolution. Further, stating if she is presented with a Resolution in July for Emergency Temporary Appropriations that she will not support to pass the resolution.

On the motion, Councilman Marable expressed his decision to not pass the resolution includes the good, the bad and the ugly; stating if Council continues to give the Administration money they will continue to spend it. Further requesting, a reasonable payroll of individuals that were budgeted and not additional personnel that were never budgeted.

On the motion, with further clarification Councilwoman Jones-Bell rescinded her vote to not pass Resolution 217-2013.

On the motion, Councilman Abdul-Rasheed in an attempt to provide clarity asked the CFO if the Council does not pass the resolution then is it fair to say that not only the two people will not get paid but ALL of the City's Employees will not get paid?

Joi Lascari, CFO replied Yes, everyone will not get paid. The City Administration will not be able to pay anyone.

Council President Eason entertained a motion by Jones-Bell to RECONSIDER the vote.

Motion: Jones-Bell **Second:** Corbitt

Council President Eason announced the roll call as follows:

Yeas: Abdul-Rasheed, Gaunt-Butler, Jones-Bell, Corbitt, Williams and Eason

Nays: Marable

Abstentions: None

Absences: None

Council President Eason ruled the motion CARRY by Six Yeas; One Nay; No Abstentions and No Absences.

Council President Eason entertained a motion to adopt Emergency Appropriations.

Motion: Corbitt **Second:** Jones-Bell

Council President Eason announced the roll call as follows:

Yeas: Corbitt, Abdul-Rasheed, Gaunt-Butler, Jones-Bell Williams and Eason

Nays: Marable
Abstentions: None
Absences: None

Council President Eason ruled the motion CARRY by Six Yeas; One Nay; No Abstentions and No Absences.

***218-2013** A resolution amending a contract authorizing Lerch, Vinci & Higgins, LLP Registered Municipal Accountants, 17-17 Route 208, Fair Lawn, New Jersey 07410 to set as Budget Consultants to the Municipal Council of the City of Orange Township, New Jersey upon adoption of this resolution not to exceed \$32,000.00 (As Amended).

Council President Eason entertained a motion to adopt.

Motion: Corbitt **Second:** Jones-Bell

Council President Eason announced the roll call as follows:

Yeas: Corbitt, Gaunt-Butler, Jones-Bell Williams and Eason
Nays: Abdul-Rasheed, Marable
Abstentions: None
Absences: None

Council President Eason ruled the motion CARRY by Five Yeas; Two Nays; No Abstentions and No Absences.

12) OTHER PENDING BUSINESS

13) MOTION TO ADJOURN

Motion: Jones-Bell **VOICE VOTE** **Second:** Gaunt-Butler

Adjournment Time: 10:10PM

Madeline F. Smith, RMC
Deputy Municipal Clerk

Donna K. Williams
Council President

