

4) MOTION TO RECESS:

Council President Eason entertained a motion to recess.

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

5) ROLL CALL EXECUTIVE (CLOSED) SESSION

The Municipal Clerk announced the roll call as follows:

ROLL CALL	PRESENT	ABSENT
Hon. Hassan Abdul-Rasheed (West Ward)	X	_____
Hon. Elroy A. Corbitt (At-Large)	X	_____
Hon. April Gaunt-Butler (At-Large)	X	_____
Hon. Linda Jones-Bell (East Ward)	X	_____
Hon. Edward B. Marable, Jr. (South Ward)	X	_____
Hon. Donna K. Williams (At-Large)	Departed at 7:55pm	_____
Hon. Tency A. Eason (North Ward) Council President	X	_____

ALSO PRESENT

Dwight Mitchell, Municipal Clerk	X	_____
Dan S. Smith, City Attorney	X	_____
Avram White, Esq., Assistant Attorney	X	_____
Kevin Harris, Legislative Research Officer	X	_____
Antoinette Dismukes, Clerk Office	X	_____

Council President Eason recognizes Avram White, Esq. Assistant Attorney of the Orange Township.

Mr. White stated his focus will be on a large environmental litigation of which he provided binders to the Council containing a Memorandum that describes the litigation as well as a DRAFT resolution counsel is recommending the Council consider for inclusion at the next Council Meeting scheduled for April 16th, 2013 – regarding a Consent Judgment to end the litigation. The Consent Judgment and a number of news articles that describe the litigation are located in the back of the binder.

The litigation is the New Jersey Department of Environmental Protection sued the successor company a chemical company that produced agent out of Newark in 2005. The company practiced chemical dumping in the Passaic River and contaminated the

Passaic River and the Newark Bay. The defendants in the lawsuit strategically included third party defendants to seek contribution from them to help with the

cleanup; totaling three hundred various entities and 70 municipalities inclusive of the Township of Orange; Suing Orange in 2009. Orange settlement amount is \$95,000. Counsel recommends settling at \$95,000 due to the significant amount of monies that can accrue in litigation fees, environmental study fees, etc. Counsel sought payment options with the State over the course of three years as to which the State agreed. The payments would be \$32,000, \$32,000 and \$31,000. Counsel is currently investigating and seeking reimbursement from the City's Insurance Coverage.

Council President Eason recognized Councilman Marable Jr.

Councilman Marable Jr. inquired as to how much legal fees have the City incurred thus far. As well, what would be the likely-hood of this occurring again?

Mr. White responded none; in-house counsel has conducted the research and negotiated on behalf of the City. The Consent Judgment will release the City from liability under the Spill Act going forward. However, it will not release the Township if it becomes a Federal Case. In addition, Counsel recommends Pollution Insurance. In terms of the liability the current insurance only covers the City under the Spill Act.

Council President Eason recognized Councilman Abdul-Rasheed.

Councilman Abdul-Rasheed made inquire into the Townships coverage as it related to Pollution Insurance? Also, is it the recommendation of the legal department do we need Pollution Insurance?

Mr. White stated currently the city does not have Pollution Insurance and strongly recommends the township acquire Pollution Insurance due to the likely-hood there is going to be Federal suits. In that having the coverage protects the City and in this particular matter it would be resolved.

Council President Eason recognized Councilman Corbitt.

Councilman Corbitt inquired into the total cost of the cleanup?

Mr. White responded the cost is in the millions.

Council President Eason recognized Dan Smith, City Attorney.

Mr. Smith stated there are three matters counsel would like to bring to the Council's attention for settlement consideration and place on the April 16th, 2013 Regular Council Meeting Agenda for approval.

1. Jeffrey Conway: Alleged his civil rights were infringed upon? An agreement has been reached for \$130,000 inclusive of all attorney and damages fees. Counsel is seeking a Confidentiality Agreement and/or Non-Disparagement Agreement.
2. Elliot Hodges: Citizen sustained significant eye injury due to excessive force by the Police Officer involved. Mr. Hodges had to undergo a series of eye surgeries that was unsuccessful. A settlement amount has been offered at \$90,000 for all fees inclusive of attorney fees.
3. Jack's Construction vs the City of Orange: Jack's Construction rendered services by way of installing a fence for the city and was not paid for services rendered. The settlement amount is set for \$3500.

Council President Eason inquired with Mr. Smith if the City has the Insurance Money to cover the settlements presented.

Mr. Smith stated he would have to confirm the numbers in the morning.

6) MOTION TO ADJOURN

Council President Eason entertained a motion to adjourn the Special (Closed) Session.

Motion: Gaunt-Butler

Second: Jones-Bell

ADJOURNMENT TIME: 8:16pm

7) MOTION TO RECONVENE:

Council President Eason entertained a motion to reconvene.

Motion: Gaunt-Butler

VOICE VOTE

Second: Corbitt

The Municipal Clerk announced the roll call as follows:

ROLL CALL

		PRESENT	ABSENT
Hon. Hassan Abdul-Rasheed	(West Ward)	_____	_____X_____
Hon. Elroy A. Corbitt	(At-Large)	_____X_____	_____
Hon. April Gaunt-Butler	(At-Large)	_____X_____	_____
Hon. Linda Jones-Bell	(East Ward)	_____X_____	_____
Hon. Edward B. Marable, Jr.	(South Ward)	_____X_____	_____
Hon. Donna K. Williams	(At-Large)	_____	_____X_____
Hon. Tency A. Eason	(North Ward)	_____X_____	_____
Council President			

ALSO PRESENT

Dwight Mitchell, Municipal Clerk	_____X_____	_____
Kevin Harris, Legislative Research Officer	_____X_____	_____
Antoinette Dismukes, Clerk Office	_____X_____	_____

MOTION TO ADJOURN

Council President Eason entertained a motion to adjourn the Special (Closed) Session.

Motion: Jones-Bell

Second: Gaunt-Butler

ROLL CALL

		PRESENT	ABSENT
Hon. Hassan Abdul-Rasheed	(West Ward)	_____	_____X_____
Hon. Elroy A. Corbitt	(At-Large)	_____X_____	_____
Hon. April Gaunt-Butler	(At-Large)	_____X_____	_____
Hon. Linda Jones-Bell	(East Ward)	_____X_____	_____
Hon. Edward B. Marable, Jr.	(South Ward)	_____X_____	_____
Hon. Donna K. Williams	(At-Large)	_____	_____X_____
Hon. Tency A. Eason	(North Ward)	_____X_____	_____
Council President			

Council President Eason ruled the meeting was adjourned with Five Yeas; No Nays; No Abstentions and Two Absences.

ADJOURNMENT TIME: 8:19pm

Dwight Mitchell
Municipal Clerk

Tency A. Eason
Council President

MINUTES APPROVAL

Passed on May 21, 2013

Conference & Regular Meeting on April 2, 2013

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

The roll call by Municipal Clerk was as followed:

Yeas: Corbitt, Gaunt-Bell, Jones-Bell, Marable Jr., Williams and Eason

Nays: None

Abstentions: None

Absences: Abdul-Rasheed

Council President Eason ruled the Motion was Carried by Six Yeas; No Nays; No Abstentions; and One Absent.