

THIS WAS A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD IN THE COUNCIL CHAMBERS, CITY HALL, 29 NORTH DAY STREET, ORANGE, NEW JERSEY, ON TUESDAY, DECEMBER 18, 2018 FOLLOWING THE CONFERENCE MEETING.

Roll Call:

Present:

Councilman Tency A. Eason, North Ward
Councilman Christopher Jackson, At-Large
Councilman Harold Johnson, Jr. West Ward
Councilwoman Jamie Summers-Johnson., South Ward
Councilwoman Donna K. Williams, At-Large
Council-president Kerry Coley, East Ward

Also Present:

Joyce L. Lanier, City Clerk
Chris M. Hartwyk, Business Administrator
Gracia R. Montilus, Acting City Attorney
Kenneth Douglas, Fire Director
Captain Dunn, Police Department
Adrian Mapp, Finance Director
Joy Lascari, Chief Financial Officer
Marlin G. Townes, Legislative Research Officer
Lisette Sanchez, Records Support Technician
Margarette Homere, Senior Clerk

Absent: Councilwoman Adrienne Wooten, At-Large

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

The City 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 12, 2018, posted on the Bulletin Board in City Hall and filed in the Office of the City Clerk.

APPROVAL OF MINUTES MEETINGS

October 2, 2018 – Conference & Regular Meeting Minutes
(Councilman Johnson, Jr. cannot vote, because he was not present.)

**Motion to adopt the Conference and Regular meeting minutes from October 2, 2018 by Councilwoman Williams, seconded by Councilwoman Summers-Johnson.
The Motion was approved by unanimous vote.**

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2018

- Clerk’s Office- Month of November 2018 –Total collection \$1,041.00

- Historic Preservation Commission-Month of November 2018- Total collection \$70.00

CONSTABLE REPORTS

Darnell Brodie – Month of November 2018 - No activity

OPRA REPORTS None.

COUNCIL REPORTS

Library: CM Johnson reported that the Library did not meet this month.

Finance: Councilwoman Williams provided information on who had attended the Finance Committee meeting. She asked the BA to speak about the Foxes in the South Ward. The BA reported that foxes are not animals that can be removed by the Animal Control Officer by law. If they see a fox after hours, they should call the Police Department. Councilwoman Williams also reported that in January there will be a discussion regarding employee benefits as it relates to disability. There will be a work session in January on the budget.

Councilwoman Williams inquired if the administration received anything for Ordinance 58-2018 and 59-2019 from Local Finance Board. The BA advised they were approved. The Report for 58-2018 was received. The Local Finance Board agenda was requested. Resolution 364-2018 The BA commented that funds were added for contingent liabilities and will be resolved for first quarter 2019.

Councilwoman provided other information from the meeting. The BA also reported that Resolution 367 is missing a law firm from the title that is in the resolution.

Planning: Councilwoman Eason reported that the Planning Committee meeting will be on 12/19/18.

A.B.C. : No report.

DPW Ms. Kaitlin Gordon reported on who attended the meeting and reported on the snow removal procedure for upcoming snow falls.

Police: Capt. Dunn reported that Santa was coming on 12/19/18 to Police Department between 3 and 6 p.m. All children are invited.

Fire: Director Kenneth Douglas reported that there were two fires last week. The fire at 691 Scotland Road was due to no smoke detectors in the home. The second fire was at Hilliard Street and there were two burned victims. There was also a vicious dog attack. The Fire Department's toy drive is scheduled for 12/21/18 at 3 p.m. Community Relations Specialist Jamie Anderson reported that the Firemen collected money for toys for the children in Orange. He thanked all the merchants and residents for donating.

Housing: On Thursday, December 20 the Housing Authority and Mayor were at the Elks Lodge.

Council President directs Clerk to file reports.

COMMUNICATIONS AND PETITIONS The Clerk reported the following:

A Letter from the Passaic Valley Sewage Commission dated December 14, 2018 rescheduling the Public Hearing regarding the City of Newark Appeal - PVSC Assessment of Third and Fourth Quarter 2018 User Charges to Wednesday, March 13, 2019 at 10:00 a.m. at the PVSC, Public Meeting Room, located at 600 Wilson Avenue, Newark, New Jersey.

CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS

The City Clerk made the following statement:

Pursuant to section 4-10 of the Code of the City of Orange Township, each person addressing the Council shall step up to the microphone, shall give his or her name in an audible tone for the record, and unless further time is granted by the presiding officer, shall limit his or her address to Five (5) minutes.

The public is expected to conduct themselves in a proper manner, any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments.

- Mr. Jeffrey Feld advised he delivered a heads up memo yesterday incorporating all questions and comments. On Friday, Department of Community Affairs issued press release regarding two projects in Orange. Discussed some settlements by the City. Inquired regarding no response to OPRA subpoenas. Main Street designation study condemnation study.
- Derrick Henry commended services of fire department and crossing guards. Wants to know if it is true that crossing guards are not receiving uniform vouchers?

Motion to close Citizen Comments by Councilwoman Williams, seconded by Councilwoman Summers-Johnson.

The Motion was approved by unanimous vote.

- The Business Administrator advised this is the first time he has hears about the crossing guard uniform vouchers and if there is an issue he will resolve it.
- The Business Administrator reported that City Attorney stated that the letter regarding subpoenas was released by his office today.
- The Business Administrator reported on Resolution 357-2018. advised they were paying taxes – church was given wrong information and should have been designated as exempt. City was not entitled to the money.
- The Business Administrator commented on the salary settlement reserve resolution and that neither account had been touched. \$800,000 from the salary adjustment account and \$750,000 pension.
- The Business Administrator new law firms have been added to Resolutions. 366-2018, 367-2018 and 368-2018.
- The Business Administrator transfer resolution aggregate amount \$697,600 which is 1% less than budget.
- The Business Administrator advised the City Attorney and Mayor determine who gets selected.
- The Business Administrator does not have an answer why there is a 2017 settlement coming on the agenda now, but this was damage made to a house of over \$26,000 but settlement was reached for \$15,000.

- Councilwoman Williams – Radium Girls and Orange Park clean up. The cleanup was a result of the Radium Girls efforts. Their work in Orange Park led to a number of new OSHA laws in the State. The administration is looking into erecting a stone plaque in the park. The EPA and DEP have determined that the park is safe.

COUNCIL COMMENTS

- Councilwoman Summers-Johnson reported that she attended the 150th anniversary of Orange High School. She also commented on how the press is selective on what they report when it comes to her. The Orange/East Orange Transcript should just be called the East Orange Transcript because there is absolutely nothing positive reported about the City of Orange. She also attended the Orange High School Home Opener and saw a number of alumni come in with their **college shirts** on. Students from Orange High do go to college. She thanked the residents for contacting her when they needed something so she can do her job for them.
- Councilwoman Williams spoke about the negativity in the city and summed it up by saying if you have nothing nice to say don't say anything at all. She announced that Assemblywoman Timberland will be hosting a coat drive on Thursday, 12/20/18 at Level 10, on Center Street, from 5 p.m. to 9 p.m. She reported a business district meeting is scheduled on 12/28/18 from 11 a.m. to 1 p.m. at Sandwiches Unlimited. She sent her condolences to the Fisher family.
- Councilwoman Eason suggested that everyone start the new year on a positive note and also commented that there is an individual in the Police department who handles the crossing guard concerns. The BA advised if the police department cannot resolve a crossing guard concern he should be reached.
- CM Jackson advised about inactivity of Policy and Procedure Committee. He wants to get membership up – 3 Council Members and 4 citizens appointed by non-member councilmembers. cjackson@orangenj.gov to communicate with him. He also commented that he needs to appoint a landlord to the Rent Leveling Board so if you would like to recommend someone or would like to volunteer please contact him. Community issues should be brought to a Council persons' attention.
- CM Johnson, Jr. wished everyone a happy holiday. He reported on the play at the Middle School that he and his wife attended. The student in the play were top notch and he got some autographs from them.
- Council President Coley asked the BA if snow plan has been put into effect. The BA advised last year's plan is still in effect and they will continue to put it into effect. Council President Coley reiterated that he will no longer be answering questions of the public during council meeting. Requested citizens reach out to the Department Directors and/or Council members for answers. First council meeting in January was moved from January 2 to January 3.
- Councilwoman Williams inquired from Council President that he is not responding to any citizen comments during a meeting as Chair but as a Council Member she will answer questions. Council President Coley advised that he will cap council comments to 5 minutes. He also stated that she would respond during Council Comments. She disagreed.
- Councilwoman Eason reminded woman to hold their pocketbooks close to them when they are walking from the stores. A woman had her purse taken from her last week. Councilwoman Eason will support Council President's decision.
- Councilman Jackson will support Council President's decision. Questions can and will be answered by Directors and Council Members but not at Council meetings.

ORDINANCES–SECOND READING/PUBLIC HEARING

The Clerk read Ordinance 58-2018 by Title

58-2018 (Amended) bond ordinance providing for the 2018 Road Paving Project through the New Jersey Transportation Infrastructure Bank, by and in the City of Orange Township, in the County of Essex, State of New Jersey; appropriating \$10,000,000 therefor and authorizing the issuance of \$10,000,000 bonds or notes to finance the cost thereof.

The Chair declared the time open for a hearing on Ordinance Number 58-2018.

Mr. Jeffery Feld 1) why does it not have a signature by attorney and

2) supplemental debt statement why isn't there a water/sewer utility line.

The Business Administrator said its's separate because its self-liquidating.

Seeing no one else, the Chair declared the time closed.

Motion to close the public hearing by Councilwoman Williams, seconded by Councilwoman Summers-Johnson.

The Motion was approved by unanimous vote.

Motion to adopt Ordinance Number 58-2018 by Councilwoman Williams, seconded by Councilman Johnson, Jr.

On the motion: Councilwoman Williams requested a copy by Director Mayes to be given to her.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten

Motion Carries.

The Clerk read Ordinance 59-2018 by Title.

59-2018 Bond ordinance of the City of Orange Township, in the County of Essex, New Jersey, providing aid to a redevelopment project located at 374-76 and 377 Crane Street in the City of Orange Township and appropriating \$250,000, therefor, and providing for the issuance of \$250,000 in bonds or notes of the City of Orange Township to finance part of the cost thereof.

The Chair declared the time open for a hearing on Ordinance Number 59-2018.

Ms. 2018 Kaitlin Gordon inquired about project. She spoke on the Reock Street project and comparisons.

Seeing no one else, the Chair declared the time closed.

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

The Motion was approved by unanimous vote.

Motion to adopt Ordinance Number 59-2018 by Councilman Johnson, Jr., seconded by Councilman Jackson.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten.

Motion Carries.**ORDINANCES INTRODUCTION/ FIRST READING**

62-2018 Ordinance to amend Ordinance No. 12-2010, Chapter 98 Food Handling Establishments, adopted August 4, 2010 and amended Ordinance No. 21-2012, adopted September 4, 2012.

Motion that Ordinance xx-2018 be introduced on first reading and that the public hearing would be held January 15, 2019 by Councilwoman Williams, seconded by Councilman Jackson.

On the Motion: Councilwoman Williams commented that the summary page does not note what is being changed and she was told that it would. She wants a summary page for changes. The Clerk reported that changes are indicated by underlines and strikeouts.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten

Motion Carries.

The City Clerk read Ordinance Number 63-2018 by Title.

63-2018 Capital Ordinance appropriating \$400,000 from the capital surplus fund to pay for various capital improvements and acquisitions of equipment for various departments, in and by the City of Orange Township, in the County of Essex, State of New Jersey.

Motion that Ordinance 63-2018 be introduced on first reading and that the public hearing would be held January 15, 2019 by Councilman Johnson, Jr., seconded by Councilwoman Summers-Johnson.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten

Motion Carries.

CONSENT AGENDA

The City Clerk read the following statement.

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

RESOLUTION NO. 344-2018 POSTPONED DECEMBER 4, 2018 REGULAR MEETING

344-2018 A resolution authorizing settlement in the matter of Joseph Juliano v. City of Orange Township. (voted on separately)

RESOLUTIONS NUMBERS *347-2018 THROUGH*370-2018

***347-2018** A resolution appointing Aida Gaston as a tenant representative to the Rent Leveling Board in the City of Orange Township, New Jersey. (Sponsored by Honorable Jamie Summers-Johnson)

***348-2018** A resolution supporting the Goals of World Aids Day and honoring Sharon Bagley. (Sponsored by Honorable Donna K. Williams)

***349-2018** A resolution authorizing settlement in the matter of Paula McDougal v. City of Orange Township in the amount of fifteen thousand dollars (\$15,000.00).

***350-2018** A resolution authorizing the services of David C. Stanziale, LLC., to represent Christopher Hartwyk, Business Administrator, individually, for the City of Orange Township in the matter Anthony Holmes v. City of Orange Township, et al, in an amount not to exceed \$10,000.00.

***351-2018** A resolution directing that Ordinance No. 60-2018 take effect immediately.
(Withdrawn)

***352-2018** A Chapter 159 resolution to insert a special item of revenue and an appropriation of an equal amount in the calendar year 2018 budget for the Essex County, New Jersey – CDBG Sub Recipient Agreement [FFY 2018] HUD Grant Number B-18-UC-34-0101 for City of Orange Township High & Alden Street Park Restroom Facility in the amount of \$120,000.00.

***353-2018** A resolution authorizing the acceptance of a grant totaling \$15,215.00 from the County of Essex, Division of Senior Services for the partial funding of a senior citizen public health nurse.

***354-2018** A resolution authorizing an agreement for Professional Services with Joseph A. Garcia, Esq. of Chasan Lamparello Mallon & Cappuzzo, PC for legal services from January 1, 2019 to December 31, 2019 at a rate of \$150.00 per hour not to exceed \$25,000.00.

***355-2018** A resolution authorizing the City of Orange Township to enter into a Memorandum of Understanding (MOU) with the East Orange Health Department of Health and Human Services regarding activities related to the delivery of HIV testing and counseling services.

***356-2018** A resolution authorizing the City of Orange Township to participate in an electronic tax sale with RealAuction.com, LLC, and ROK Industries, Inc., d/b/a NJTaxlieninvestor.com for calendar year 2019.

***357-2018** A resolution authorizing the refund of overpayment of taxes paid on Block 3002, Lot 2, 136-140 Main Street, for taxes paid from 2015-2018 on property that should have had an exempt status.

***358-2018** A resolution designating a representative and an alternate to the Essex County Community Development Block Grant Committee in the year 2019.

***359-2018** A resolution authorizing the City of Orange Township and Municipal Council to accept the Planning Board's resolution for review and consideration for the properties known as Main Street Area Investigation concerning Block 2602, Lots 16, 18; Block 2201, Lots 1, 25, 26; Block 2603, Lots 1-15; Block 2101, Lots 1, 2, 3, 4, 28; Block 2704, Lot 3; Block 2605, Lot 8; Block 2102, Lots 1, 32-34; Block 2801, Lots 1-9; Block 2004, Lots 1, 13-17; Block 2902, Lots 1-22; Block 2903, Lot 1; Block 1901, Lots 1, 18-23; Block 1902, Lots 1, 4, 12-23; Block 3002, Lots 1-14; Block 3003, Lots 1-7, Block 1801, Lots 1, 7, 8, 22-25; Block 1701, Lots 1, 14-18; Block 1704, Lots 1, 6, 7; and Block 3104, Lots 1-11, City of Orange Township, New Jersey.

***360-2018** A resolution authorizing the City of Orange Township to submit certain project applications received from the Orange community for the inclusion within the County of Essex Community Development Block Grant Application for the year 2019.

***361-2018** A resolution authorizing Maser Consulting, P.A., 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 to provide professional engineering, design and construction administration services for the High and Alden Park Restroom Facility in an amount not to exceed \$20,000.00.

***362-2018** A resolution authorizing the award of a non-fair and open contract to Pennoni Associates, Inc., 24 Commerce Street, Suite 300, Newark, New Jersey 07102 for professional engineering and surveying services (Phase 1 & II) for the 2018 New Jersey Infrastructure Bank Roadway Improvements to various streets in an amount not to exceed \$334,000.00.

***363-2018** A resolution approving a list of private snow plowing contractors to perform snow plowing services on an "as needed" basis in an amount not to exceed \$40,000.00 commencing December 1, 2018 through December 31, 2019. **(Withdrawn)**

***364-2018** Resolution reserving funds for salary settlements.

***365-2018** A resolution authorizing the City of Orange Township to charge a \$25.00 fee per mailing to delinquent properties that are causing the need for a tax sale. **(2019)**

***366-2018** A resolution authorizing the law firms of Murphy Partners, Gluck Walrath, LLP, Chasan, Lamparello Mallon & Cappuzzo, P.C., Louis P. Rago, Esq., and Post, Polak, Goodsell & Strauchler, P.A. to participate on an as needed basis in the pool of qualified redevelopment counsel on behalf of the City for a one (1) year period.

***367-2018** A resolution authorizing the retention of the following law firms on an as needed basis: David C. Stanziale, LLC, Lamb Kretzer, LLC, the Pennington Law Group, Murphy Partners, LLP, Michael A. Armstrong & Associates, LLC, Scarinci & Hollenbeck, LLP, Weiner Law Group, LLP, Law Offices of Jeanette Calderon-Arnold, Esq., Post, Polak Goodsell & Strauchler, P.A., Mulcahy & Flanagan, LLC, the law offices of Yvette Gibbons, LLC and Eric M. Bernstein, LLC to provide defense counsel for special engagements on behalf of the City, its officers, agents and employees.

***368-2018** A resolution authorizing the law firms of Chasan, Lamparello, Mallon & Cappuzzo, P.C., Rienzi Wirtz, LLC, Murphy Partners, LLP, Ehrlich, Petriello, Gudin & Plaza and Eric M. Bernstein & Associates, LLC to represent the City of Orange Township in regard to tax appeal matters.

***369-2018** A resolution for the transfer of appropriations. **(removed for separate vote)**

***370-2018** A resolution approving the bill list for council meeting vote on December 18, 2018 dated December 14, 2018 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$5,359,559.87).

371-2018(WO) A resolution of the City Council of the City of Orange Township, in the County of Essex, State of New Jersey authorizing an emergency appropriation pursuant to N.J.S.A. 40A: 4-46 and 40A:4-48 to pay for Comcast service, underfunded general liability insurance, and various emergency repair to the city wells and water system as a result of a severe winter storm in the aggregate amount of \$352,801.74

Motion to adopt the consent agenda by Councilman Jackson, seconded by Councilwoman Summers-Johnson.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten

Motion Carries.

The Clerk read the resolution by title.

344-2018 A resolution authorizing settlement in the matter of Joseph Juliano v. City of Orange Township.

Motion to adopt Resolution 344-2018 by Councilman Johnson, Jr., seconded by Councilwoman Summers-Johnson.

Motion to table by Councilwoman Williams, seconded by Councilman Johnson, Jr.

Roll Call:

Ayes: Jackson, Johnson, Jr., Summers-Johnson, Williams, Coley

Nays: Eason.

Abstain: None.

Absent: Wooten

Motion Carries.

The Clerk read the resolution by title.

369-2018 A resolution for the transfer of appropriations. (removed for separate vote)

Motion to adopt by Councilman Johnson, Jr., seconded by Councilwoman Summers-Johnson.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten

Motion Carries.

The Clerk read the resolution by title and the correction.

370-2018 A resolution approving the bill list for council meeting vote on December 18, 2018 dated December 14, 2018 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$5,359,559.87). \$5,331,301.15

Motion to adopt the Resolution 370-2018 as amended by Councilwoman Williams, seconded by Councilwoman Eason.

On the motion: Councilwoman Williams asked Director Mapp about bills on the bill list. The BA removed items from the bill list giving a new grand total of \$5,331,301.15

Motion to adopt amended Resolution 370-2018 by Councilwoman Williams, seconded by Councilman Jackson.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: Wooten

Motion Carries.

Motion to lift from the table Resolution 344-2018 by Councilman Jackson, seconded by Councilman Johnson, Jr.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Williams, Coley
 Nays: Summers-Johnson
 Abstain: None.
 Absent: Wooten

Motion Carries.

The Clerk read the resolution by title.

344-2018 A resolution authorizing settlement in the matter of Joseph Juliano v. City of Orange Township.

Motion to adopt Resolution 344-2018 by Councilman Johnson, Jr., seconded by Councilman Jackson.

Roll Call:

Ayes: None.
 Nays: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Coley
 Abstain: None.
 Absent: Wooten

Motion Fails.

NEW BUSINESS AND WALK-ON ORDINANCES / RESOLUTIONS

The Clerk read the resolution by title.

371-2018(WO) A resolution of the City Council of the City of Orange Township, in the County of Essex, State of New Jersey authorizing an emergency appropriation pursuant to N.J.S.A. 40A: A-46 and 40A:4-48 to pay for to pay for Comcast service, underfunded general liability insurance, and various emergency repair to the city wells and water system as a result of a severe winter storm in the aggregate amount of \$352,801.74

The Clerk asked if any citizen wished to speak.

Mr. Jeffrey Feld asked about the recently located, lost 2015 Comcast bills, which were not budgeted for. Emergency appropriation for water should have been done in March, but was not.

The BA provided information to answer Mr. Feld.

Motion to close citizen's comments by Councilman Johnson, Jr., seconded by Councilman Jackson.

The Motion was approved by unanimous vote.

Motion to adopt Resolution 371-2018(wo) by Councilwoman Williams, seconded by Councilman Jackson.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Coley
 Nays: None.
 Abstain: None.
 Absent: Wooten

Motion Carries.

OTHER PENDING BUSINESS

Councilwoman Williams asked the BA to comment on the recent notice that residents received regarding their water and the insurance they can buy for their water pipes. He said that insurance is to cover the resident if there is a water pipe failure from the street to their home. He provided information regarding the cost to repair without insurance.

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

By consensus the regular meeting adjourned at 10:14 P.M.

APPROVED:

Joyce L. Lanier
City Clerk

Kerry J. Coley
Council President