

**MINUTES CITY COUNCIL
CITY OF ORANGE TOWNSHIP
NEW JERSEY**

THIS IS THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD VIA AUDIO-VIDEO CONFERENCING ON TUESDAY, MAY 5, 2020 FOLLOWING THE CONFERENCE MEETING.

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

Roll Call:

Present: Councilwoman Kerry Coley, East Ward
Councilman Christopher Jackson, At-Large
Councilman Harold Johnson, Jr. West Ward
Councilwoman Jamie Summers-Johnson, South Ward
Councilwoman Donna K. Williams, At-Large
Councilwoman Adrienne Wooten, At-Large
Council-President Tency A. Eason

Also Present: Joyce L. Lanier, City Clerk
Chris Hartwyk, Business Administrator
Gracia R. Montilus, City Attorney
Kenneth Douglas, Director of Fire
Adrian Mapp, Director of Finance
Nile Clements, Chief Financial Officer
Marlin Townes, Legislative Research Officer
Kathrina Nease, Water Superintendent
Paula Ferreira, Tax Collector
Margarette Homere, City Clerk's Office
Tamara Robinson, City Clerk's Office
Lisette Sanchez, Records Support Technician

The City Clerk announced that the requirement of N.J.S.A. 10:4-9 et. seq., "Sunshine Law" has been met. A notice of this meeting was published in the Record-Transit on Thursday, April 16, 2020 and sent to the Star Ledger on Thursday, April 2, 2020, posted on the City Council and the City of Orange website and filed in the Office of the City Clerk.

APPROVAL OF MEETING MINUTES:

April 1, 2020 Special Meeting

**Motion to adopt by Councilwoman Williams, second by Councilwoman Summers-Johnson
The Motion was unanimously approved.
Motion passed.**

· **April 7, 2020 Conference & Regular Meeting**

**Motion to adopt by Councilwoman Williams, second by Councilman Johnson, Jr.
The Motion was unanimously approved.
Motion passed.**

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2020:

- Department of Community Service – Month of March 2020: \$7,933.13

CONSTABLE REPORTS: The City Clerk announced that there were no Constable reports.

OPRA REPORTS: The City Clerk announced that there were no OPRA reports.

COUNCIL REPORTS:

Councilman Johnson, Jr. inquired about the use of the Orange Public Library building.

- Business Administrator Hartwyk advised the library is closed per the Governor Murphy's Executive Order. In a State of Emergency, the City's prepared emergency operation plan includes the use of the library as an emergency operation center (EOC). Some library employees have been moved over to the emergency management primary employee list to keep building open 24/7. A secondary EOC location has been established so that when the Governor's Executive Order restrictions are lifted before the emergency disaster is concluded the City will move from an operations plan to recovery plan, which can last 18 months. The second EOC is presently being used as a decontamination site for our first responders and EMT.

Councilwoman Wooten reported the following:

- The City of Orange Township's 2020 Census response is at 39.5%.
- The State of New Jersey's 2020 Census response as a whole is at 58.6%.
- Outreach resources are being implemented, which includes contacting buildings and placing posters and St. Matthews Church is helping.
- The Legal Help Desk has assisted over 120 callers with evictions, tenant and unemployment problems and executive orders. You can reach the Legal Help Desk can be reached at (973) 640-3526.
- In regards to Governor Murphy's Executive Order regarding renters, a landlord can use a tenant's security deposit for rent, but must be paid back.
- The 90 days grace period only applies to unemployed tenants who have no source of income and are waiting for unemployment benefits.

COMMUNICATIONS AND PETITIONS

Council President Eason reported the following:

- Essex County Board of Chosen Freeholder's Resolution No. R2020-00324 – 2020 County Budget – insertion of items of revenue from the State of New Jersey, Department

of Transportation for the Main Street and Scotland Road intersection improvement - \$105,576. (Adopted April 15, 2020)

CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS:

“SPECIAL NOTICE: Please be apprised anyone wishing to discuss Agenda or General Items shall email their statements or questions to citycouncil@orangenj.gov. no later than 7:00 p.m. the day prior to the scheduled public meeting. For the citizen comment portion of the meeting, the public will be allowed to question or comment on any new matter raised during the meeting. New matter is any discussion had by a council member or a City administrative staff person regarding any agenda item during the course of the meeting. Please email any question or comment relating to any new matter to Council President at teason@orangenj.gov with your name and address. The City Council reserves the right to respond or not respond during the meeting to any citizen’s submission.”

Council President Eason testified that she is not precluding any citizens from commenting during the meeting. She encouraged citizens to reach out the Gracia Montilus, City Attorney for the City of Orange with any concerns with regards to citizen comments. In addition, any citizen making OPRA requests and the information is available on the websites so proceed and obtain the information from the websites. If the information is not available on the websites, please let the City know so that the websites can be updated.

Furthermore, Council President read into the record the new guidelines for Citizen Comments in accordance with the Governor Murphy’s Executive Order:

It shall be the policy of the City Council of the City of Orange Township that the public may comment at the Council meetings by emailing any questions or comments to citycouncil@orangenj.gov. All questions or comments must be submitted by email no later than 7:00 p.m. the day prior to the scheduled public meeting for posting on the website and available to the public. For the citizen comment portion of the meeting, the public will be allowed to question or comment on any new matter raised during the meeting. New matter is any discussion had by a council member or a City administrative staff person during the course of the meeting regarding any agenda item. All questions or comments relating to any new matter should be emailed to Council President at teason@orangenj.gov with your name and address. *The City Council reserves the right to respond or not respond during the meeting to any citizen’s submission.* Notice of this policy containing the above language shall be placed on the City of Orange Township’s website and the City Council’s website within forty-eight (48) hours of the meeting, or whenever the meeting is noticed, whichever date is earlier.

Council President Eason addressed the following citizen comments and/or questions:

- Jeff Felds’ questions were not received; therefore, Council President apologized and advised that Corporation Council Montilus will respond to Mr. Jeff Felds questions in writing after the meeting.
- Kaitlyn Gordon’s inquired about the minutes and was referred to the website where the minutes are being posted.

- A resident inquired about tax freeze application which requires the City to add information. Business Administrator Hartwyk referred them to the Tax Collector.
- An employee inquired about health benefits and Business Administrator Hartwyk will address.

**Motion to close Citizen Comments by Councilwoman Wooten, second by Summers-Johnson.
Motion was approved by unanimous vote.
Motion passed.**

COUNCIL COMMENTS

Councilwoman Summers-Johnson commented on the following:

- Reported a problem in the vicinity of Sterling Avenue and Haxton Avenue where someone is stealing packages. The vehicle identified is a 2010 Black Ford Fusion, License Plate W1985. Encouraged all residents to be on the lookout.
- Thanked the Ebenezer Baptist Church for supplying residents with food.

Council President Eason commented on the following:

- Reported that there are still unresolved issues at 98 High Street with cleaning and sanitizing the building. Business Administrator Hartwyk advised that a notice has been issued to the building owner and the deadline to comply is Thursday, May 7th.

Councilman Coley wished all the Mother's a Happy Mother's Day.

Council President Eason also commented on the following:

- Reminded everyone that the Municipal Election scheduled for Tuesday, May 12, 2020.
- Announced that the Hall of Records and the Board of Election will be open on Saturday from 9 a.m. to 1 p.m. for anyone who wants to change their address, request a mail in ballot and/or complete their mail in ballot.
- A voting booth is available at the Hall of Records only for vision impaired residents.
- The Essex County Clerk's Office will be open from 6 am to 8 pm. on Election Day, May 12, 2020.
- The Municipal Election for the City of Orange Township is solely being handled by the Essex County Clerk; therefore, he should be contacted with any questions.

ORDINANCES-SECOND READING/PUBLIC HEARING

2-2020 An ordinance to amend and supplement the Code of the City of Orange Township, Chapter 7, "Affirmative Action", to add Article III, entitled "Orange Residents' Employment Policy" to require hiring of City residents on construction projects. (Sponsored by Council Member Donna K. Williams) (POSTPONED FROM THE 03/03/2020, 03/24/2020 and 04/07/2020 REGULAR MEETINGS)

The City Clerk announced Ordinance 2-2020 will be postponed and the Public Hearing will be held on June 3, 2020 Council Meeting.

15-2020 An ordinance amending Ordinance 37-2017 relating to salaries of certain employees of the City of Orange Township (Management).

The City Clerk advised citizen comments is open to the public; thereafter, Council President Eason announced that she had not received any emailed citizen comments.

Motion to close Citizens Comments by Councilwoman Williams, second by Councilman Johnson, Jr.

The Motion was unanimously approved.

Motion to adopt by Councilwoman Williams, second by Councilman Coley.

Roll Call:

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

Motion passed.

ORDINANCES-INTRODUCTION/FIRST READING:

11-2020 An ordinance to amend and supplement Chapter 26, Article 1, Section 26-2, of the Code of the City of Orange Township entitled "Police Department: Organization; Personnel Limitations" to establish Police Chief Position. (Postponed from the 04/07/2020 REGULAR MEETING)

Motion to adopt by Councilman Jackson, second by Councilman Coley.

Roll Call:

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

Motion failed.

Ordinances 11-2020 was not voted down on the merits but voted down for procedural reasons and will be brought back revised.

12-2020 An ordinance to amend and supplement Chapter 18, Article 1, Section 18-7, of the Code of the City of Orange Township entitled "Deputy Chiefs" to establish Fire Chief Position duties. (Postponed from the 03/24/2020 and 04/07/2020 REGULAR MEETINGS)

Motion to adopt by Councilman Coley, second by Councilwoman Williams.

Roll Call:

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

Abstain: None
Absent: None

Motion failed.

Ordinances 12-2020 was not voted down on the merits but voted down for procedural reasons and will be brought back revised.

13-2020 An ordinance to establish Article V of Chapter 152 peddling and soliciting of the City of Orange Township, New Jersey, 2020. (Sponsored by Council Member Adrienne Wooten) (Postponed from the 03/24/2020 and 04/07/2020 REGULAR MEETINGS)

Motion to adopt by Councilwoman Williams, second by Councilman Johnson, Jr.

On the Motion: Councilwoman Williams inquired about signage and Ordinance on the books. In particular, are we duplicating or amending? Business Administrator Hartwyk will have to look into.

Roll Call:

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

Motion failed.

Ordinances 13-2020 was not voted down on the merits but voted down for procedural reasons and will be brought back revised.

14-2020 An ordinance to prohibit the use of plastic bags and regulate the use of paper bags by retail establishments within the City of Orange Township. (Sponsored by Council Member Adrienne Wooten) (Postponed from the 03/24/2020 AND 04/07/2020 REGULAR MEETINGS)

Motion to adopt by Councilwoman Williams, second by Councilman Jackson.

On the Motion: Councilman Jackson supports, but would like ordinance to include plastic bottles, Styrofoam, etc. since the issue is more than plastic bags.

Councilwoman Williams inquired what other municipalities have a similar ordinance. Councilwoman Wooten advised that the State is working towards moving the whole State towards eliminating plastic bags. In addition, Councilwoman Wooten advised that when the Ordinance comes back before the Council it will have the roll out information.

Councilman Coley inquired if the local Chamber of Commerce has been contacted on the proposed bagging change. Councilwoman Wooten advised that she has spoken with many business and will reach out to the local Chamber of Commerce. Council President requested a meeting with all the merchants.

Roll Call:

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

Motion failed.

Ordinances 14-2020 was not voted down on the merits but voted down for procedural reasons and will be brought back revised.

RESOLUTIONS TABLED/POSTPONED FROM PREVIOUS MEETINGS

400-2019 A resolution granting developer designation for Skyview Capital LLC and/or its affiliated B&O Urban renewal entity as a developer within the Transit Village district east portion of the Central Orange Redevelopment Area. (Amended) (TABLED FROM THE 12/03/2019, 12/17/2019, 01/03/2020, 02/04/2020, 02/18/2020, 03/03/2020, 03/24/2020, 04/07/2020 AND 04/21/2020 REGULAR MEETINGS)

Motion to lift Resolution 400-2019 from the table by Councilman Coley, second by Councilwoman Williams.

Roll Call:

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

Motion passed.

Motion to adopt by Councilman Coley, second by Councilman Johnson, Jr.

On the motion: Councilwoman Williams confirmed with Business Administrator Hartwyk that ongoing negotiation meetings are being held and a new resolution will be presented to the Council in the near future.

Roll Call:

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

Motion failed.

Resolution 400-2019 was not voted down on the merits but voted down for procedural reasons and will be brought back revised.

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.

RESOLUTIONS NO. *181-2020 THROUGH *194-2020

- * Resolutions 181-2020, 182-2020 and 192-2020 were removed from the Consent Agenda to be voted on separately.**
- *183-2020 A resolution authorizing the services of David C. Stanziale, LLC., to represent Dwayne D. Warren, Mayor in the matter, Anthony Carey v. City of Orange Township, et al., Docket No. ESX-L-002475-02 in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**
- *184-2020 A resolution authorizing the services of David C. Stanziale, LLC., to represent City of Orange Township in the matter, Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**
- *185-2020 A resolution authorizing the services of Lamb Kretzer, LLC., to represent Sergeant R. Wilson, police officer Quenta Boyd and Sergeant Raymond Hamm in the matter, Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**
- *186-2020 A resolution authorizing the services of Lamb Kretzer, LLC., to represent City of Orange Police Department in the matter, Robert Garth v. City of Orange Township, et al., Docket No. ESX-L-006306-19 in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**
- *187-2020 A resolution authorizing the services of Lamb Kretzer, LLC, to represent City of Orange Township in the matter, “JSPJ, LLC v. City of Orange Township”, Docket No. ESX-L-00276-20 in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**
- *188-2020 A resolution authorizing the services of Lamb Kretzer, LLC, to represent City of Orange Township in the matter, “Keith Butts v. City of Orange, et al.”, Docket No. ESX-L-7756-19 in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**

- *189-2020** A resolution authorizing the services of Lamb Kretzer, LLC, to represent Raymond Wingfield in the matter, “Anthony Carey v. City of Orange Township, et al”, Docket No. ESX-L-002475-02 commencing April 21, 2020 to December 31, 2020 in an amount not to exceed \$30,000.00. (Amended)
- *190-2020** A resolution accepting the Planning Board’s recommendation and designating Central Valley area between the West Orange border and Scotland Road as a non-condemnation area in need of redevelopment and an area in need of rehabilitation in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- *191-2020** A resolution authorizing the issuance of not to exceed \$5,000,000 of Tax Anticipation Notes of 2020 for the City of Orange Township, in the County of Essex, State of New Jersey.
- *193-2020** A resolution authorizing a settlement agreement between the City of Orange Township and Scott Cabrera residing at 636 W. Christopher Street, Orange, New Jersey for the cost of cleaning the basement of his residence after a sewage backup in the amount of \$4,800.00.
- *194-2020** A resolution approving the bill list for council meeting vote on May 5, 2020 dated April 29, 2020 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$3,800,923.00).

Motion to adopt Consent Agenda by Councilwoman Wooten, second by Councilman Johnson, Jr.

Roll Call:

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

Motion passed.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE:

- *181-2020** A resolution authorizing an agreement between Foley Incorporated, 855 Centennial Avenue, Piscataway, New Jersey 08855 and the City of Orange Township for preventive maintenance services to the generator located at the Freddie Polhill Law and Justice Complex, 25-29 Park Street, Orange, New Jersey 07050 commencing May 1, 2020 through December 31, 2020, in an amount not to exceed \$13,903.36.

Motion to adopt by Councilman Coley, second by Councilwoman Williams

Roll Call:

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

Motion passed.

***182-2020 A resolution authorizing the services of the Pennington Law Group, P.C., to represent the City of Orange Township in the matter of Anthony Carey v. City of Orange Township, et al, Docket No. ESX-L-002475-02 in an amount not to exceed \$30,000.00 for calendar year 2020. (Amended)**

Motion to Return to Administration by Councilwoman Williams, second by Councilman Jackson.

Roll Call:

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

Motion passed.

***192-2020 A resolution authorizing the award of an emergency contract between the City of Orange Township and Continental Trading & Hardware, Inc., 400 Delancy Street, Newark, New Jersey 07105 to provide hardware materials and supplies in response to the COVID-19 pandemic in an amount not to exceed \$29,000.00.**

Motion to adopt by Councilwoman Wooten, second by Councilwoman Wooten.

On the Motion: Councilwoman Williams inquired as to the availability of the hardware stores in Orange to provide supplies. Business Administrator Hartwyk advised that they were able to get the plexiglass sheets at a competitive price.

Roll Call:

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

Motion passed.

NEW BUSINESS AND WALK-ON ORDINANCES/RESOLUTIONS:

The City Clerk read into the record each of the following walk-on resolutions:

***195-2020(WO) A resolution authorizing extension of grace period for second quarter property taxes to June 1, 2020.**

represent Sergeant Rudolph Simmonds, Police Officer Milton Mendoza and Police Officer Richard Adrienzen in the matter of Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW, in the amount not to exceed \$30,000.00 for Calendar Year 2020.

***197-2020(WO)** A resolution authorizing the services of Michael A. Armstrong & Associates, to represent Retired Police Officer Roderic J. Miller and Sgt. Denise Banks in the matter of Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW, in the amount not to exceed \$30,000.00 for Calendar Year 2020.

Motion to walk-on Resolutions 195-2020(WO), 196-2020(WO) and 197-2020(WO) onto the agenda by Councilwoman Williams, second by Councilman Johnson, Jr.

Roll Call:

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

Motion passed.

The City Clerk declared the time open for emailed citizen comments on the walk-on resolutions. Council President Eason announced that she had not received any emailed citizen comments.

Motion to close citizen comments by Councilwoman Williams, second by Councilman Coley. The motion was approved by unanimous vote.

***195-2020(WO)** A resolution authorizing extension of grace period for second quarter property taxes to June 1, 2020.

Motion to adopt by Councilwoman Williams, second by Councilman Johnson, Jr.

On the motion: Business Administrator Hartwyk advised that the resolution is consistent with the Executive Order signed by the Governor COVID-19 allowing tax payers to take advantage of the 30-day grace period authorized by the State with no penalties. Second quarter taxes previously due on May 1 can now be paid on June 1 with no penalties imposed. All payments paid after June 1 unless extended by the Governor will impose a penalty.

Roll Call:

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

Motion passed.

***196-2020(WO)** **A resolution authorizing the services of the Pennington Law Group, PC, to represent Sergeant Rudolph Simmonds, Police Officer Milton Mendoza and Police Officer Richard Adrienzen in the matter of Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW, in the amount not to exceed \$30,000.00 for Calendar Year 2020.**

Motion to Return to Administration by Councilwoman Williams, second by Councilman Jackson.

Roll Call:

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

Motion passed.

***197-2020(WO)** **A resolution authorizing the services of Michael A. Armstrong & Associates, to represent Retired Police Officer Roderic J. Miller and Sgt. Denise Banks in the matter of Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW, in the amount not to exceed \$30,000.00 for Calendar Year 2020.**

Motion to adopt by Councilwoman Williams, second by Councilman Coley.

Roll Call:

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

Motion passed.

OTHER PENDING BUSINESS

Fire Director Kenneth Douglas thanked the Mayor, Council, Business Administrator, Police Department Katrina Nease and the Orange fire fighters for all of their support during this trying time in the City of Orange Township.

Water Superintendent Katrina Nease also thanked the Council and stressed that flushable wipes are not flushable. Furthermore, gloves and masks should not be flushed but thrown out in a disposable garbage.

Business Administrator Christopher Hartwyck urged everyone to dispose wipes, gloves and masks properly as it is causing sewer backups around the City of Orange Township.


**Motion to adjourn by Councilwoman Wooten, second by Councilman Jackson.
The Motion was unanimously approved.**

Regular Meeting adjourned at 9:14 p.m.

**The next City Council Conference and Regular Meeting will be held on Tuesday, May 19, 2020
virtually at 7:00 p.m.**

APPROVED:


Joyce L. Lanier
City Clerk


Tency A. Eason
Council President