

JODY LEIGHT

I wish to submit comments of proposed Ordinance 23-2020, which is coming up for a second reading at tomorrow's meeting.

It is commendable that the Council is taking action n to increase transparency and to create a neutral forum where members of the public can feel safe reporting any issues concerning alleged police misconduct. This can only serve to improve community-police relations and improve public safety overall.

However, certain aspects of the ordinance as drafted raise potential legal issues, and the public interest might best be served by having this reviewed by counsel before taking action.

One issue is having the Police Director sit on a Civilian Review Board, and having specific duties related to audits of his department. This is not in any way meant as criticism of the current Director. Nevertheless, having the Director sit on a Civilian board could create the appearance that the Review Board is not independent, which would compromise its ability to function. Also, having authority regarding audits of the Director's own Department can be construed as a conflict of interest.

I am also concerned about lack of clarity in the sections relating to appointment of other members. I am personally familiar with two of the organizations listed, The University of Orange and the HUUB. I drafted the University of Orange's 501(c)(3) application, and have participated in activities sponsored by that organization and the HUUB. The latter organization is a program affiliated with the First Unitarian Universalist Church of Essex County, where my husband served as minister for nine years. Both organizations do good work and contribute substantially to the Orange Community. But it is not at all clear that the requirements for being a "member in good standing," to the extent they can be determined, have any bearing on qualification to serve on a Civilian Review Board. Too, while I have nothing but the highest esteem for First UU (as a lifelong Unitarian-Universalist and a clergy spouse), I must note that creating the appearance of favoring one particular church or denomination raises possible I First Amendment issues regarding separation of church and state.

Finally, a drafted, the ordinance appears to designate as organizations responsible for designating Review Board member's entities or categories that are not in fact organizations.

The creation of a Civilian Review Board is an important action. The enabling legislation deserves more careful drafting.

Thank you for considering my comments.

In light of the current litigation in New Jersey's Supreme Court surrounding the City of Newark and its citizen review board, it is the Administration's opinion that this ordinance should be withdrawn and redrafted after the court makes its determination in the Newark case. Oral arguments have been heard in April and a decision should be made before the end of the Court's term.

MEMBERS OF THE SEVEN OAKS SOCIETY

Kerry Paul; Jamar & Leonor Young; Sharae Ira Griffith; Alexandra Laurore; Barry Hill; Angel

Ortega; Samantha Crockett; Timothy Ware; Aquil and Thyana L. Jannah; Katie & Tom Pogue; Shaqueena Sampson and Andy Mulgrave; Zonasha and James Ward; Alison Broadbent; Kerry and Filana Paul and Jacqueline Allen,

As a tax-paying citizen in the Township of Orange New Jersey, please acknowledge and reply to our community's collective concerns in regard to our town's safety and the exorbitant budget.

I urge the city and city council to consider either a 0% increase in our budget or a reduction of taxes.

The City will take this into consideration. It is the Administration's policy every year to be sensitive to the potential of a tax increase occasioned by the budget.

Instead of increasing the budget, please reprogram and find ways to work within the current budget numbers like many of us have had to do this year (including the school district and schools that I work for).

Last year, there was a large tax increase that caused myself and many of our neighbors to either refinance or make serious cuts. Due to COVID, my current company is not giving anyone a raise and many of my neighbors are in the same position or out of work. We must find ways to eliminate excess spending.

Below are our questions:

Township Traffic / Speeding / Signage

- a) Regarding the Flashing lights on Heywood Ave. & Mosswood Ave: in order to curb the issue with speeding, we suggest that the Township make the lights RED at all sides in order to create a 4-way stop. (e.g. Similar to South Orange at the intersection of Montrose Ave & Vose Ave). If the speeding persists, we should move to replace the lights with physical 4-way stop signs. Is this possible, and if not why?

A traffic study must be done in order to change the lights or put a 4-way Stop Sign at an intersection. We will make plans to do a traffic study at this intersection and proceed in accordance with the study's findings.

- b) Regarding the speeding on Heywood Ave: in order to create safety around the Heywood Ave Elementary school, we have long suggested there be an officer placed at the top of the hill on Berkley Ave & Heywood Ave just as there is one at the intersection of Scotland Ave & Heywood Ave. That would curb the speeding and frequent U-turns that make it unsafe to drop off/ retrieve children. When can we make this possible?

We previously recommended that Heywood Avenue be a one-way street towards Scotland Road. We will revisit the one-way street plan and will look into the effect of placing a police officer at the top of the hill would have on traffic.

- c) We suggest a formal letter be sent to the Berkley Tennis Club Association (located on 311 Tremont Place) to address the members speeding on one side of the street in order to enter the facility. Would this be the proper protocol, and if not, what would you suggest?

We will have a police traffic unit do traffic and speed enforcement in the area near the entrance of the facility.

- d) Can the Council also address the lack of proper soil retention of the clay courts at the Berkley Tennis Club Association (located on 311 Tremont Place). (e.g. when it rains the streets become red with clay that is not properly retained.)

This is not a violation or infraction of the Municipal Code.

- e) We suggest that there be adequate speed signage on Heywood Ave (btw Center Street & Berkley Ave) to reinforce the speed limit. We are aware that there are funds budgeted for city signage so when will this aforementioned issue be addressed?

DPW will be sent out to determine where additional signs can be placed.

Township Budget from the Mayors Recommended Budget Calendar 2020

- I. Can the council or Department of Administration provide the Citizens of Orange transparency concerning the written Regulations for the Towns “reprogramming” the budget line items?

Please reach out to the Business Administrator to provide clarity on this question.

- i) What is the approval process for reprogramming each budget line item? (e.g. can 1k be moved without an administrative approval)

Please reach out to the Business Administrator to provide clarity on this question.

- ii) Are there metrics available for who does the oversight of the Townships reprogramming? By Whom? Who does the reprogramming the most? Which Department request the most reprogrammed funds?

For all three of the above questions, one clarification we need is what do you mean by reprogramming?

- a) Can there be more clarification on the library’s requested budget increase (e.g. 100k for books, magazines, and CDs)? Instead of having just a hard \$ amount, there should also be an amount column showing how many items were purchased / \$ amount.

The budget for the Orange Public Library in 2019 was \$1,096,000. The proposed budget for 2020 is \$946,000. The budget the Library submitted to the City Council was \$1,270,193.72. The increases for certain line items come from \$100,000 owed to the State Pension Board. The other increase is in building maintenance. The third increase is in professional services. The Pension is an unfunded prior year liability, maintenance is necessary to keep the building open, and the professional service increase is necessary for the historic preservation architect to prepare an application for funding from The Library Construction bond act with the state of NJ.

- b) Can the council please explain and provide details surrounding the line item of \$946,000.00 for Maintenance of Free Public Library? How will this money be allocated? We are aware that the government gave a 2.5-million-dollar grant to the Library for Hurricane Sandy relief. We have yet to see that money at work, so we are concerned that

you are asking for an additional \$1,370,19.72 (total Library Budget, not including the 2.5 million grant). How does this new budget reflect the effects of the COVID-19 pandemic?

A copy of the Library budget is attached. The minimum library funding permitted by statute is \$474,517.95. The balance of the funding requested by the Library is discretionary. However, if not funded at the level of \$900k or greater --- the Library services and hours of operation would need to be cut.

- c) Please explain the “Other expenses” category for the Business Administrator’s office budget of \$780.00. What are the “others”?

The “other expenses” category is actually an “operating expenses” category and a breakdown of the \$780.00 is located underneath it. A copy of the breakdown is attached.

- d) Can the council please explain the 20% increase to the police budget? Due to the impact of COVID, how can we justify an increase in hiring and salary? We have noticed that multiple departments have requested more funds for salaries and wages. Conversely, many residents of Orange have been furloughed, laid off and/or had their wages frozen. Why can't our township follow our Mayor's instruction to “Do more with less”?

Increases in hiring are to offset current and future retirements and to meet staffing levels for a City of this size and population. All wage and salary increases are governed by collective bargaining agreements that expire at the end of this year. The requested increases for various departments' salaries and wages correspond with annual raises determined by the collective bargaining agreements applicable with each union.

- e) Can the council please further explain the \$2,680,000.00 for the Police Department- salaries and Wages- CAP Waiver?

The City's police department incurred significant overtime costs and retirements over the prior two years. As such the City was required to make additional hires. The City hired 10 police officers and 5 special law enforcement officers – class II in CY 2019 and plans to hire an additional 3 new officers and 2 new special law enforcement officers – class II in CY 2020. These hires are critical to provide adequate public safety and to ensure compliance with the Governor's Executive Order in response to Covid-19 requiring residents to “stay at home”. Furthermore, this is the last year of the collective bargaining agreement which provided a 3% annual wage increase plus steps.

- f) Can the council please provide a report, which was requested by the previous Council President during a budget meeting, on the achievements (e.g. jobs provided or have been filled and how many have been helped) by the Community Service Aide/ Re-Entry Coordinator that was employed 4 months ago with a salary of \$75,000.00? This position was not publicly posted, as legally required, but was appointed by the Mayor. The citizens agree with the previous Council President, that providing a report would help us understand the efficacy of this added cost.

This report does not exist, but has been requested.

- g) There was a mentioned plan to move civilian duties, including positions such as crossing guards, out of the police department's budget. Civilian duties should be a separate

department in order to lend transparency to the operating costs of the police department. Will this be done?

Public safety changes will be coming in the near future. Under guidelines provided by Civil Service, most civilian positions in police must remain in police. Crossing guards are covered by a different union agreement. They are represented by OMEBA, but as a unit can be moved out of OMEBA if the Administration asks and the Council approves. The Administration intends to submit legislation to reorganize the Police and Fire Departments to a Public Safety Department pending Council approval.

- h) Can the council please explain why is there a \$450,000.00 request for Fleet management under the Department of Fire? This request should be FROZEN, due to our current health & financial crisis.

There is no \$450,000.00 request for “fleet management” in the fire department budget. In the Administration Budget, on page 6, there is a \$450,000.00 increase which is the consolidation of all vehicles, maintenance and operational costs for the city’s entire fleet under a new fleet management program. Last year, the capital budget included the acquisition of fire trucks. These have been ordered, are under construction, and will be delivered soon. For decades the city has “purchased” vehicles using bonded indebtedness which is not a “Best Practices” solution for vehicle management or acquisition.

- i) Can the council please explain why the Emergency Authorization for the Ian Betz case at the sum of \$1,510,000.00 is the town taxpayer’s responsibility?

The City is self-insured up to \$750,000 per injury incident that happens on City property. This was a quadriplegic case where someone was struck by a tree during a storm on City property. The City and the excess insurer opted to settle the cases rather than go to trial and risk a much larger verdict. \$750,000 of the 1.5 million is reimbursed by the excess carrier.

- j) Can the council please explain what is the Emergency Authorization for Health Benefits at the sum of \$300,000.00 and what is the purpose of it?

Depending on what you are referring to it is either a catastrophic loss involving a police captain, or it is the temporary appropriation for health benefits pending the adoption of the budget.

- k) Can the council please explain why under the Department of Community Services there was a salary increase while personnel who are slated for retirement has not left and is still collecting wages?

We do not understand the question. Please provide clarification.

- l) Can the council please explain why under Recreation: there is an increase in salary and headcount, but no increase in programming. Please explain how this is possible.

The pandemic has caused a level of uncertainty in programming. Programming ideas are being retooled so that services can be provided during these times. Staff has been kept on to attend to the food distribution program and the summer foods program, while alternative recreational programming for the summer is planned.

- m) With energy usage being down, can the council please justify the increase in energy cost at \$440,000.00?

We have no indication that energy usage is down.

- n) Can the council please explain why under Loan payments for Principal and Interest (Listed as Debt Services for the City listed at \$2,242,939.00); What is the remaining balance on all the bonds listed and when do they end?

There is an attached Official Statement with the end dates for all bonds.

Community questions regarding the South Ward

- a) Regarding the Easement in between Haxtun Ave and Mosswood Ave. We suggest there be official city signs for the private easement. (An easement is defined as a right to cross or otherwise use someone else's land for a specified purpose.)

This is under review and when we have an analysis of the title issues, we will get back to you.

- b) Is the aforementioned easement, Does the city regard this space as public or private? Also, where does the responsibility for maintenance lay?

See a) above.

- c) Concerning home flipping construction projects: the city needs to provide more oversight, through Planning / Historic Commission. Additionally, there is non-permitted work occurring during non-permitted hours and there are changes being done to many homes character and landscaping without regard to existing ordinances.

We are aware of certain code violations and pursue them vigorously. If you are aware of code and construction violations, please report them to the Building Department. If you wish to be anonymous, report them to the Mayor's Hotline.

- d) Current Tax appeals have not been processed due to Covid-19 shutdowns. Please provide guidance to the citizens how are currently seeking an appeal.

The deadline for filing was extended beyond April 1st until July 1st. Beyond that tax appeals have to follow the statutory process. This process also includes the County and the State.

- e) As per the 2018 Master Plan the Historic Commission has the power to provide a Historic district tax abatement for landmarks and districts (2018 Master Plan-pg165), how does the council plan to move forward with providing the commission with the power and authority to execute these abatements?

Historic Preservation Commission legislation is under review for potential modification. This question will be addressed during those modifications. We do not yet know what the modifications entail.

Community questions regarding Noise / Crime

Why has the 10 pm city ordinance not been properly enforced? There are at least two properties on the corner of Heywood and South Center Street that have consistently been a source of violations.

Since these issues have remained unresolved for years, it has become an unsafe situation. I have personally shown up at public meetings and have expressed the problem to multiple council members. There needs to be a more vigilant approach to enforce 10 pm curfew. When I have attempted to rectify the situation, but it has not ceased. In the process, I have been called multiple derogatory epithets and contacted the police to no avail.

737 South Center Street - July 5th - I called the police station at 10 pm - spoke to a supervisor - as this went on well past midnight still no one had come to shut it down

I. Video is available for your reference

Please provide the video. We will have the police department review all relevant tapes of phone calls into dispatch on this issue. If appropriate we will discipline any employee who did not respond in accordance established policy and procedure. We will direct the police department to add these two "hot-spots" to regular patrol between the hours of 8pm and 3am.

General community questions

- a) Is there a way to increase library access through programming and community outreach? Further, do we track library utilization and measure which services are being most frequently used?

The Library is a separate statutory entity and must be divorced in operation from the City. As such, the City is not involved in either the programming or the metric analysis. However, we will ask the Library Board if they can answer your question.

- b) Can the council please advise which Ward generates the most revenue for the township? And why is it that not reflected in the services that the respective ward's receives (e.g. road paving, signage, recreational options etc.)

The City is not permitted to engage in the practice of economic redlining which is what this question seems to suggest. The City's Administration and the City Council's approach is and always has been gauged by what is beneficial to the City as a whole.

- c) For the Police Department: we are requesting an immediate decrease and for funds to be allocated to early intervention programs. Black Lives should also matter in the Township of Orange.

The \$75,000.00 salary for the Community Service Aide / Re-Entry Coordinator are funds being used for an early intervention program. Your comment is noted and will be taken into consideration by both the Administration and the Council.

- d) We suggest the council looks into mandating home flippers / Real-estate investors to pass along tax abatements to the new homeowners to aide in the unforeseen property tax increase.

The Council and Administration will look into this. Please give us a written explanation of how it should work so we can compare it to our constitutional limitations on how to implement it.

* We are eager and available to assist the Council and the Township with Moving Orange Forward, and we want to continue to be supportive of our town by becoming informed, getting involved, and conducting meaningful conversations with set boundaries.

