

CITIZEN'S COMMENTS

AUGUST 5, 2020 MUNICIPAL COUNCIL MEETING

JEFF FELDS

Conference Meeting Presentation

Amended Master Plan Zoning Ordinance

1. If the Master Plan was amended in late CY 2018, why the delay in presenting this amended master plan zoning ordinance during the summer and during a pandemic?
2. Is there a blacklined amended master plan zoning ordinance highlighting the changes to this voluminous ordinance?
3. If so, why wasn't it shared with all interested stakeholders?
4. Does the amended master plan zoning ordinance address the planning board procedural requirement arising after the adoption of a redevelopment plan, such as the need to obtain a redeveloper designation and a fiscal impact study?
5. Was this proposed amended master plan zoning ordinance vetted and approved by planning board, zoning board and special outside redevelopment counsel prior to its submission to the local governing body?
6. Was this proposed amended master plan zoning ordinance vetted with the local planning and zoning boards prior to its submission to the local governing body?
7. Why the delay in producing to me pursuant to OPRA the Nishuane Group executed CY 2020 retention contract?
8. What were Willis Edwards III connections to the Nishuane Group principals?
9. Do any other city employees, consultants and outside professionals have similar connections to Willis Edwards III?
10. How much has Orange paid the Nishuane Group to prepare this proposed amended master plan zoning ordinance?
11. In the last three years, how much has Orange paid the Nishuane Group to correct and to cure certain patent procedural errors and omissions?
12. In the last three years, how much has Orange paid the Nishuane Group without obtaining detailed time summaries and allocations of services? See, PO 20-00145
13. Are monies turned over from certain planning board escrows used to reduce the amount of monies due and owing the Nishuane Group? See, PO 19-01232, 20-00927, -00929, -00932, -00950, -00950.
14. Has the planning board and zoning board each enacted annual reorganization rules and procedures governing their meetings and approval processes?

Regular Meeting

Approval of Minutes

15. Who drafted, reviewed and approved the proposed June 16, 2020 and July 8, 2002 meeting minutes prior to their submission to the local governing body for approval?
16. Do the proposed minutes adequately and correctly disclose whether written responses to my

written agenda related questions were posted on a public website prior to consideration by the local governing body, whether stakeholders were provided a reasonable opportunity to fact check legislative representations and warranties prior to municipal approvals, and whether the local governing body provided stakeholders a reasonable second reading public hearing opportunity to be heard on ordinances not subject to referendum challenge?

17. Why the delay in posting the June 16, 2020 regular meeting video on a public website?
18. When will the June 16, 2020 “initial” CY 2020 Budget Public Hearing minutes be approved and posted on a public website?

Ordinances

First Reading

North Main Street Redevelopment Plan Approval Ord. 29-2020

19. Who drafted, reviewed fact checked and approved this redevelopment plan ordinance prior to its inclusion on the August 5, 2020 agenda?
20. Under what authority did the local planning board consider and approve a redevelopment plan prior the local governing body approving the investigative study and authorizing the local planning board to consider a redevelopment plan?
21. Will there be a public city council presentation about the North Main Street redevelopment area and plan prior to its approval?
22. Why was my family’s former warehouse excluded from the North Main Street redevelopment plan?
23. When was the Main Street Redevelopment Plan described in the North Main Street redevelopment Plan adopted?
24. Why did Orange have to recommence the Main Street Investigative Study and Redevelopment Plan Process in CY 2019?
25. Under the terms of this proposed redevelopment plan, when are redeveloper designation and a fiscal impact study a precondition to any planning board approvals?

Main Street Commercial Hours of Operations Ord. 30-2020

(Sponsored by Council person Eason)

26. Who drafted, reviewed, fact checked and approved this proposed ordinance prior to its inclusion on the August 5, 2020 agenda?
27. With whom was the proposed Main Street business hours ordinance vetted?
28. Did the Warren Administration sign off on this proposed business hours ordinance?
29. Did the local chamber of commerce sign off on this proposed business hours ordinance? Does this proposed ordinance discriminate against businesses that traditionally serviced the trade and opened and closed earlier than the hours proposed in the ordinance?
30. Does this proposed ordinance unfairly aid competing businesses located in other parts of the City?
31. In this pandemic, is it prudent to impose any additional restrictions on small business owners?

Resolutions

Amended and Expanded Reock Street Redevelopment Plan with Condemnation Powers Planning Board Authorization Res. 311-2020

32. Who drafted, reviewed, fact checked and approved this proposed condemnation redevelopment plan resolution prior to its inclusion on the August 5, 2020 agenda?
33. Why isn't the proposed area or name of this condemnation redevelopment plan area disclosed in the caption?
34. Why the urgent need to convert this plan to a condemnation plan?
35. How much additional monies will be paid to the Nishuane Group for this sudden and on the eve of planning board approval change?

Blau & Blau Affirmative Tax Appeal Retention Res. 320-2020

36. Despite my various OPRA requests, why the delay in disclosing all affirmative tax appeal cases filed by Orange?
37. What are the Blau & Blau contingent fee terms? **33 1/3%**?
38. Based upon schedule A, what is the projected Blau & Blau aggregate contingent fee?
39. Why did our mayor reject my **10%** of additional short and long term tax exemption recovery settlement negotiated with our BA and former city attorney Pennington? Cf: PO 20-00720. See, McNellis-Wallace v. Hoffman, __ N.J. Super. (App. Div. July 31, 2020); Mills v. State, A-5356-18T2 (App. Div. Aug. 3, 2020).
40. Which proposal on its face was more beneficial to Orange and its taxpayers?

Bill List Res. 328-2020

41. What additional services did our outside budget consultant provide Orange? PO 20- 00151, -00496
42. How much did the July 2020 primary cost Orange? PO 20-01345, -00154.
43. How much has Orange pay its special outside bond counsel in CY 2020? PO 20-00981, 01267,-01264.
44. Over the last ten years how much we expended responding to Judy Rothenberger matters? PO 20-00156.
45. In what matters are we paying Gluck Walworth? PO 20-00720
46. When did Orange's relationship with the Clark Law Group terminate? PO 20-01344.
47. Did the Nishuane Group provide appropriate time summaries to its purchase orders? PO 00145
48. Who reviewed all purchase orders prior to their inclusion on the Bill List? How much have we expended to date responding to the COVID-19 pandemic?

CY 2020 Municipal Budget Amendment Res. 331-2020

49. Are these proposed CY 2020 Budget Amendments subject to State approval?
50. Will there be an advertised public hearing on these proposed amendments prior to the adoption of the amended CY 2020 Budget?
51. When does Orange anticipate Orange finally adopting its amended CY 2020 Budget?
52. What is the status of the CY 2019 Audit?
53. Was our water/sewer utility self-liquidating in CY 2017?

Non-Agenda Items

54. Do public officials have a statutory or common law duty to disclose his or her receipt of a federal or state grand jury subpoena, search warrant or visit by a municipal regulator? See, Gilbert v. Stewart, A-1841-18T2 (App. Div. July 28, 2020)
55. If so, what are the adverse consequences of non-compliance?
56. Do local public officials have a duty to mitigate litigation and to cure all patent material procedural and substantive errors and omissions, including the failure to provide stakeholders a reasonable second reading public hearing opportunity to be heard on ordinances not subject to referendum challenge?
57. When will Orange respond and post all virtual meeting written responses?
58. Were legislative material boxes removed from Orange's official public website?
59. Who authorized the removal of these legislative material boxes from Orange's official public website?
60. When will Orange respond to all my open OPRA and common law right to access document requests, including disclosing the dates of issuance and receipt of all CY 2019 and CY 2020 federal or state subpoenas?
61. When will the local governing body adopt minutes to the January 2018 special water/sewer utility amended contract hearing?
62. Under developing case law and the Internal Revenue Code as amended, does a redeveloper receive reportable gross income from a below market sale and transfer of municipal property? See Commissioner of Internal Revenue v. Brokertec Holding, F. 3d (3d Cir July 28, 2020).
63. Will there be any special meetings in August?
64. What is the status of the former Lincoln Avenue police station private sale approved in CY 2019?
65. Since our BA's arrival in August 2016 shortly after the FBI raid of Orange's public library, how many different public officials, consultants and professionals have been terminated and replaced? Mayor's Chief of Staff? City Attorney? Deputy City Attorney? CFO? Tax Collector? Tax Assessor? Water/Sewer Utility Director? Recreation Director? Community Services Director? Special Outside Redevelopment Counsel? Planning Board Counsel? Planning Board Secretary? Tax Appeal Counsel?

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In reference to page 49, " Administration and Procedures", chart of "Application Submission requirements"

Recent events have forced this process to become paperless and even blueprints are put online so that we can all view them during virtual meetings.

It would be very progressive to continue this practice after we resume in person meetings.

The application process really should be paperless, especially when there are 15 copies required.

- 1) it saves trees!
- 2) it saves **postage \$\$\$**

MEMBERS OF THE SEVEN OAKS SOCIETY

Regarding the statement (#7 Citizens comments on general issues/ general item):
 Channeling public comments to email only reduces the dialogue with our Council as it eliminates those with questions who have limited or no means to connect to the internet. Also how does this action facilitate trust and collaboration in our community?

<i>RESO 312-2020</i>	<i>Amends reso 151-2020 to extend Galls uniform contract until 12/31, in the amount of 50k but not to exceed 70k, for police uniforms (as part of contract city of orange)</i>
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- Please clarify what was purchased, we saw a line item for 40K for riot gear that was passed through a resolution. We'd like more information on what this purchase entails.

<i>RESO 314-2020</i>	<i>Authorizing acceptance of 1 million grant from the safe routes to school prog.</i>
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- Is it possible for some of the received \$1M be allocated to aid in School Pedestrian Safety around other schools in the district or is this sum only dedicated for Park Ave Elementary?

<i>RESO 315-2020</i>	<i>Authorizing acceptance of 195k from NJDOT</i>
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- Where can we find information on the plan to improve the Orange Train Station?
- Is it possible to provide a detailed allocation of the accepted funds from 2018?

<i>RESO 320-2020</i>	<i>Authorizing's Blau & Blau (they filed such appeals in 2019 and 2020) law firm to file tax appeal for increase the assessments on the properties listed on schedule A</i>
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- Coronavirus Relief Fund how does the \$1.285M balance with how much was been spent to respond to the pandemic.

<i>RESO 331-2020</i>	<i>Budget amendment -> should be reviewed.</i>
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- Please advise in detail how the city plans to allocate the additional funds?
- EC Recreation and Open Space Trust Fund - How will this \$150K be spent. Can it be used to offset improvements to cover the costs for 310-2020 Metcalf Park Baseball Fields. Additionally, can some funds be used towards the existing Tennis courts at Metcalf Park, as they are in disrepair.
- Please Explain the projected rise in Section F - Revenues?
- It appears the city has captured some savings in the budget General Appropriations, when can we expect a presentation of the cost saving measures employed?
- How was the choice of Continental Trading and Hardware of Newark decided? Was there not a local City of Orange vendor who could have been chosen?

General issue/ items:

- In regard to the water infrastructure upgrades: Can there be more information provided around the “Maturity clauses” and how they relate to Orange? Has any of the work been done already? Or are starting from zero?
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- Please advise when the community will be receiving the Approved finalized budget for Calendar year 2020?
- Please provide documents to

As always, 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.



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