

CITIZEN'S COMMENTS
MUNICIPAL COUNCIL MEETING
OCTOBER 20, 2020

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Essex County Board of Elections Presentation

1. What is the limited jurisdiction and function of the County Board of Elections?
2. Who is responsible for ensuring that all local municipal elections are free and fair?
3. If a registered voter has not received a V-B-M ballot, how does that registered voter obtain a V-B-M ballot?
4. How is a voter notified of his or hers rejected ballot?
5. What is the process for contesting the rejection of a casted ballot?
6. If one wants to cast a provisional ballot, where are the four Orange ward polling places?
7. Who is responsible for ensuring that all campaign election reporting forms have been filed?
8. Who is responsible for ensuring that all social distancing campaign limitations were honored by all candidates for office?
9. Who is responsible for ensuring that all V-B-M ballots have been delivered?
10. What is the difference between an active and inactive voter?
11. If you receive a V-B-M ballot for a voter no longer residing at that address, how does one notify, return or void that V-B-M ballot?
12. When and how are our registered voter rolls scrubbed of voters who have not participated in four consecutive November election cycles?
13. Who is responsible for disclosing the number of V-B-M mailed, the number of VB-M ballots returned, and the number of disqualified votes in the last three Orange V-B-M elections?
14. What were these actual voting yield numbers?
15. What is the process to shift all May municipal elections to the November election cycle?
16. If a local elected official must resign from office, what is the process of filling that vacated elected position?
17. Who determined not to hold a noticed conference meeting presentation on the proposed water/sewer fee increase ordinance?

September 2020 OPRA Report

18. Of the 38 pending and open September 2020 OPRA Requests, who are the requestors
19. Of the 38 pending and open September 2020 OPRA Requests, what departments or boards have delayed production?
20. What is the status of the executed CY 2020 Nishuane Group retention agreement?
21. What is the status of all affidavits of title and closing statements delivered in connection with the Bank of America/Rossi Paints March 2019 acquisition transaction?
22. What was the average September 2020 OPRA response time?
23. How many days did it take to produce requested documents relating to the August 26, 2020 planning board meeting to Attorney Feld?
24. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
25. Did Orange receive any additional federal document subpoenas in CY 2019 and CY 2020?
26. If so, what were their dates of issuance and receipt by Orange's record custodian?

27. Why the delay in producing and posting the “notorious” Walk-On \$350,000 Contract Approval Res. 237-2015 adopted September 18, 2015, the availability of funds certification, the three requisitions for payment and the three issued checks?

Preliminary Repetitive Re-Occurring Not-Yet Answered Non-Agenda Item Questions

28. Why the delay in posting the October 6, 2020 virtual meeting video on a public website?
29. Who is the mayor’s current chief of staff?
30. What is the status of the written legal opinion or memorandum regarding the validity of holding a non-virtual planning board meeting in a heated tent on a contested Wawa application?
31. What is the status of the CY 2020 Audit?
32. What was the statutory or Best Practices filing deadline for the CY 2020 Audit?
33. When do you expect the CY 2020 Best Practices Inventory Responses to be posted on a public website?
34. When do you anticipate holding a public hearing on Orange’s CY 2020 Best Practices Inventory Responses?
35. Has Orange enacted an anti-nepotism policy?
36. What is the status of the private sale of the former Lincoln Avenue police station?
37. What is the status of the promised Long Term Tax Exemption Policy and Procedure Ordinance?
38. What is the status of the July, August and September 2020 monthly operating and revenue reports?
39. What is the status of the accounting of all long term tax exemption revenues due and owing the County?
40. What is the status of the accounting of all short term tax exemption revenues not collected by Orange due to the blanket waiver and the lack of increasing staged payments?
41. What is the status of the written legal opinions regarding the validity of all pre-October 6, 2020 virtual meetings’ civic participation restrictions and limitations?
42. What is the status of the written legal opinion or memorandum regarding the validity and adverse consequences of a mayor’s current or former law partner acting as the local planning board attorney at the August 26, 2020 and October 7, 2020 planning board meetings during which the mayor was present and acting in a quasi-judicial function?
43. When did Attorney Aaron Mizrahi become a city employee?
44. What is the status of the written legal opinion or memorandum regarding a city councilperson simultaneously serving in an official (and not liaison or ex officio) capacity on the local housing authority?
45. Has Councilperson Ross availed himself to an advisory ethical opinion from the State Division of Local Government Services?
46. Have the two newly elected council members attended any basic local government seminars regarding their new statutory and common law fiduciary councilperson duties and obligations?
47. What is the status of Feld XIX defendants’ outstanding discovery responses?
48. What is the adverse consequences of a public official asserting his or her Fifth Amendment right against self-incrimination?
49. What is the status of Orange’s current water/sewer utility capacity?
50. Without interconnections with other water utilities, can Orange meet its current water/sewer needs?
51. Without interconnections with other water utilities, can Orange meet its projected increased redevelopment needs?

52. Were the costs of all CY 2020 interconnections included within the adopted CY 2020 Budget?
53. Did Orange transcend the boundaries of legitimate legal advocacy by failing to deliver certain material documents to its Feld X Walter G. Alexander Phase III “fairness” expert?
54. When will Orange post its Feld X Walter G. Alexander Phase III “fairness” report on a public website?
55. Why does this “fairness” report omit any discussion of NJHMFA long term tax exemptions?
56. . In the original Walter G. Alexander 3 Phase Redevelopment Agreement dated September 30, 2009, did the redeveloper promise a market rate phase?
57. On July 1, 2012, did Willis Edwards III confront Attorney Feld about his refusal to buy a table at Mayor Dwayne D. Warren’s initial inauguration ball?
58. Shortly after July 1, 2012, were all pre-July 1, 2012 city council meeting videos removed and scrubbed from Orange’s official public website?
59. In or about November 2012, did Willis Edwards III unilaterally reject out-of-hand a \$1,000 Feld V OPRA settlement negotiated by Judge Rachel Davidson?
60. . Did Orange breach its August 5, 2020 promise to post within 48 hours responses to all post August 5, 2020 written virtual citizen comments and questions?
61. Did Orange breach its February 7, 2018 agreement with the Appellate Division and Attorney Feld to present a \$20,000 Feld V settlement agreement negotiated by the BA and former city attorney Pennington to the local governing body for approval?
62. Which current councilmembers voted in favor of a certain walk-on \$350,000 contract resolution approved without any public comment after a closed executive session and the subject of a certain federal guilty plea announced on October 14, 2020?
63. Which current city employees’ signatures appear on any contract, requisition or check relating to the October 14, 2020 federal guilty plea?
64. Today, how many federal cooperating witnesses are embedded in Orange City Hall?
65. Is the October 20, 2020 Agenda another official misconduct entrapment ruse?

Ordinances - Second Reading

Amending Central Orange Redevelopment Plan Approval Ord. 29-2020

66. Will there be a noticed public city council presentation about this Amending Central Orange Redevelopment Plan prior to its approval?
67. Is this a with or without condemnation powers amending redevelopment plan?
68. When in the planning board approval process is a Central Orange Redevelopment Plan redeveloper required to obtain a redeveloper designation or redeveloper agreement and a net benefits fiscal impact study?
69. When did the Nishuane Group replace Don Meisel as our city planner?
70. Since its original retention, how many original and amending redevelopment studies as well as original and amending redevelopment plans has the Nishuane Group prepared?
71. How much has Orange paid the Nishuane Group for this work?
72. Has the Nishuane Group broken out its fees for each investigative redevelopment study and plan?
73. How many approved redevelopment plans currently exist in Orange?
74. Which redevelopment plans are located within Opportunity Zones?
75. Is there a master map highlighting the boundaries of all these redevelopment plans and opportunity zones?
76. Under the terms of this proposed redevelopment plan, when are redeveloper designation and a fiscal impact study a precondition to any planning board approvals?
77. When did our mayor execute the Nishuane Group CY 2020 retention agreement?

78. Was the Nishuane Group implicated in any of the CY 2020 federal indictments or guilty pleas relating to Orange?
79. After the Franklyn Ore guilty plea, why hasn't Orange terminated its relationship with the Nishuane Group?
80. After the August 26, 2020 planning board amended Reock Street (with condemnation powers) investigative study cross examination of the Nishuane Group, what weight should be accorded to the Nishuane Group work product?

First Reading

Water/Sewer Connection Fee Amending Ord. 52-2020

81. Who drafted, reviewed, fact checked and approved this proposed ordinance prior to its inclusion on the October 20, 2020 first reading agenda?
82. Does the caption adequately advise stakeholders of the financial implications of this fee ordinance?
83. On what comparisons, were these increased fees based?
84. In what CY will these fees become effective?
85. Is there a one-time connection fee on all properties?
86. Will this fee be due in one lump sum or payable in installments?
87. How much additional revenue is this ordinance projected to raise in CY 2020? CY 2021?
88. Are these fees subject to any review or approval by any State entity or agency?
89. Why the sudden urgency for these increased fees?

Amending Water/Sewer Infrastructure Qualified Bonds Ord. 53-2020

Amending Water/Sewer Infrastructure Qualified Bonds Ord.54-2020

90. Why the sudden urgency for these two amending qualified bonds ordinances?
91. Did Orange amend the original November 2018 Supplemental Debt Statements?
92. Have bond anticipation notes been issued in connection with these two ordinances?
93. Do these amendments require the approval of any State entity via a public hearing?
94. Do these amendments require State notification?

Resolutions

Crane Street Water Abatement Res. 417-2020

95. Does Orange hold a valid lien on this property?
96. If so, why was this lien excluded from prior accelerated tax lien sales?
97. Who made the determination to exclude this and other valid liens from accelerated tax lien sales?
98. Is Orange providing unequal and special treatment to a certain property owner and redeveloper?
99. Why should other taxpayers bear this loss of revenues?

D & R Urban Renewal II Redeveloper Designation Res. 421-2020

100. In what stage is this project?
101. Has this project already received planning board approvals?
102. Did this project present a fiscal impact study to the planning board?
103. At what point in the Main Street redevelopment process is a redeveloper designation required?
104. During the planning board process, who acted as the planning board attorney?

105. Did the planning board attempt to limit civic public participation during this application hearing?

Amending St Mathews NIDA Installment Payment Res. 423-2020
Amending Ethiopia Church Installment Payment Res. 424-2020

106. Does Orange hold valid liens on these properties?

107. If so, why were these liens excluded from prior accelerated tax lien sales?

108. Who made the determination to exclude this and other valid liens from accelerated tax lien sales?

109. Is Orange providing unequal and special treatment to a certain property owners and redevelopers?

110. Why should other taxpayers bear this loss of revenues?

111. What are the amended terms of payments and should they have been offered to other taxpayers?

Upper Main Street Area in Need of Redevelopment (without condemnation powers) Study
Planning Board Authorization Res. 425-2020

112. Why the sudden urgent need for this addition study?

113. Why were these properties excluded from the contested original and amended Main Street redevelopment studies and plans? Main Street, North Main Street, Upper Main Street.

114. Was this area excluded from the amended master plan discussion?

115. Who determined to exclude condemnation powers?

116. What metrics were used to make this condemnation powers exclusion determination?

117. Why does the caption fail to name and disclose the boundaries of this Upper Main Street investigative study in its caption?

118. Who will provide published and written notice of the planning board investigative study hearing?

119. Is written notice limited just to the listed Upper Main Street property owners?

120. When is this virtual planning board investigative study hearing anticipated to occur?

121. What are the projected costs of this investigative study?

122. Were monies appropriated in the CY 2020 Budget for this investigative study?

Bill List Res 426-2020

123. What items are seeking pre-issuance approvals?

124. What items are seeking after-the fact issuance ratification approvals?

125. When did the finance department advise the local governing body of the Bank of America/Rossi Paints \$2,857,000 bond anticipation notes rollover and \$32,141.25 interest payment? PO 20-01630

126. What is the status of the Bank of America/Rossi Paints acquisition transaction?

127. Were the original bond anticipation notes issued notwithstanding the filing of Feld XIX within the statutory 20 days estoppel period?

128. Who rendered a clean opinion in the original bond anticipation note transaction?

129. Who were the equity holders in the Bank of America sale transaction?

130. Did Orange pay a premium to this seller?

131. What is the status of Orange's Feld XIX discovery responses?

132. Was the default judgment satisfied by Walk-On Res 411-2020 disclosed in the CY 2019 audit? PO 20-01631

133. Why did a councilperson (and not the administration) sponsor this walk-on judgment satisfaction resolution?
134. Why the delay in satisfying a default judgment entered against Orange in CY 2019?
135. Which in-house attorney represented Orange in this default judgment action?

Supplemental Questions submitted October 20, 2020

136. What additional services did Rock Fleet perform for \$26,785? **PO 20-00864**
137. Are these services tied to any first reading water/sewer connection fee ordinance?
138. What is the urgency for this water/sewer connection fee ordinance?
139. On what basis has Orange calculated the connection fees for all new long term tax exemption construction projects?
140. Have certain redevelopers received a windfall at the expense of other taxpayers?
141. In which department's revenue stream do these connection fees flow?
142. What was the template used for this first reading water/sewer connection fee ordinance?
143. What are the consequences of a public entity negligently, recklessly and intentionally adopting erroneous and sanitized meeting minutes?
144. On what public website are planning board meeting virtual meeting videos and minutes posted?
145. On what public website are the planning board October 28, 2020 non-virtual heated tent Wawa application civic participation and agenda item links posted?
146. Why the delay in processing this Wawa application?
147. At what point does a traffic study become stale?
148. Why is there an additional non-Wawa related item on this non-virtual planning board agenda?
149. What happens to all my planning board comments and questions once my letters are sent to the city attorney and not distributed to planning board members?