

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, SEPTEMBER 15, 2020 FOLLOWING THE CONFERENCE MEETING

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

Roll Call:

Present: Council Vice-President Tency A. Eason, North Ward
Councilman Harold Johnson, Jr. West Ward
Councilman Weldon M. Montague, III, At-Large
Councilman Clifford R. Ross, At-Large
Councilwoman Jamie Summers-Johnson, South Ward
Councilwoman Adrienne Wooten, At-Large
Council President Kerry Coley, East Ward

Also Present:

Joyce L. Lanier, City Clerk
Lisette Sanchez, Deputy City Clerk
Chris M. Hartwyk, Business Administrator
Gracia R. Montilus, City Attorney
Adrien Mapp, Director of Finance
Nile Clements, Chief Financial Officer
Marty Mayes, Planning/Public Works Director
Marlin Townes, Legislative Research Officer
Katrina Nease, Superintendent of Water
Maggie Homere, City Clerk's Office

The City Clerk announced that the requirements of N.J.S.A. 10:4-9 et. seq., "Sunshine Law" has been met. A notice of this meeting was sent to the Record Transcript, published in the Star Ledger on July 16, 2020, posted on the City's Website (www.ci.orange.nj.us) and the Council's Website (www.orangetwpnjcc.org) and filed in the Office of the City Clerk.

APPROVAL OF MEETING MINUTES:

- **June 11, 2020 Special Meeting – Budget Hearing. (Council Members Montague, III, Ross, Summers-Johnson and Wooten should abstain)**

Motion to adopt by Councilman Montague, III, second by Council Vice President Eason.

Roll Call:

Ayes: Eason, Johnson, Jr. and Council President Coley
Nays: None
Abstain: Montague, III, Ross, Summers-Johnson and Wooten
Absent: None

Motion passed.

Councilman Montague, III withdrew his motion to move to adopt the June 11, 2020 Special Meeting – Budget Hearing Minutes.

Motion to adopt by Councilman Johnson, Jr., second by Council Vice President Eason.

Roll Call:

Ayes: Eason, Johnson, Jr. and Council President Coley
Nays: None
Abstain: Montague, III, Ross, Summers-Johnson and Wooten
Absent: None

Motion passed.

- **June 11, 2020 Special Meeting – Executive Closed Session. *(Council Members Montague, III, Ross, Summers-Johnson and Wooten should abstain)***

Motion to adopt by Councilman Montague, III, second by Councilman Johnson, Jr.

Roll Call:

Ayes: Eason, Johnson, Jr. and Council President Coley
Nays: None
Abstain: Montague, III, Ross, Summers-Johnson and Wooten
Absent: None

Motion passed.

Councilman Montague, III withdrew his motion to move to adopt the June 11, 2020 Special Meeting – Executive Closed Session Minutes.

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

Roll Call:

Ayes: Eason, Johnson, Jr. and Council President Coley
Nays: None
Abstain: Montague, III, Ross, Summers-Johnson and Wooten
Absent: None

Motion passed.

- **June 18, 2020 Special Meeting – Budget Hearing. *(Council Members Montague, III and Ross should abstain)***

Motion to adopt by Councilman Johnson, Jr., second by Council Vice President Eason.

Roll Call:

Ayes: Eason, Johnson, Jr., Summers-Johnson, Wooten and Council President Coley
Nays: None

Abstain: Montague, III and Ross
Absent: None

Motion passed.

- **June 29, 2020 Special Meeting – Budget Hearing. (Council Members Montague, III and Ross should abstain)**

Motion to adopt by Councilman Johnson, Jr., second by Council Vice President Eason.

Roll Call:

Ayes: Eason, Johnson, Jr., Summers-Johnson, Wooten and Council President Coley
Nays: None
Abstain: Montague, III and Ross
Absent: None

Motion passed.

- **July 2, 2020 Special Meeting – Budget Work Session.**

**Motion to adopt by Council Vice President Eason, second by Councilman Montague, III
The Motion was unanimously approved.**

Motion passed.

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2020:

- Historic Preservation Commission - Month of August 2020: \$140.00

CONSTABLE REPORTS:

- Richard Noizy – July and August 2020 – no work due to COVID-19.

OPRA REPORTS:

Month of August 2020: 130 OPRA requests received, 104 completed and 26 pending.

COUNCIL REPORTS - Council President directs Clerk to file reports.

Finance Committee - Council Vice President Eason reported that a meeting was held on September 15, 2020 and the Committee recommends voting down Ordinance 46-2020 and Resolution 376-2020.

ABC Board – Councilman Ross reported that a tavern will be coming before the ABC Board cited for underage drinking and fighting.

Orange Housing Authority (“OHA”) – Councilwoman Wooten reported that the OHA had their Annual Golf outing on September 14, 2020 wherein they raised money and provided \$10,000.00 in scholarships for Orange students to attend college.

COMMUNICATIONS AND PETITIONS

None.

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 citizencomments@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 Vice 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.”

The City Clerk reported that the emailed citizen comments with partial answers have been posted on the website www.orangetwpnjcc.org under the September 15, 2020 Council Meeting. The remainder answers will be posted once received.

- 1) Jeff Felds, hardwaredad@aol.com submitted the following questions and/or comments:
 - 1. Will the Main Street Project Slide Deck be posted on an official public website?
 - 2. What are the estimated costs of this Main Street Project?
 - 3. From what sources will this Main Street Project be funded? Grant monies? Bond Proceeds? Surplus?
 - 4. Who is Bright View Engineering?
 - 5. Have they done any prior projects in the City of Orange Township?
 - 6. Is Bright View Engineering related to or affiliated to any entity that did or is currently doing work for the City of Orange Township?

Conference Meeting
August 2020 OPRA Report

- 7. Of the 26 pending and open August 2020 OPRA Requests, who are the requestors? JEFF FELD (11); ANDREW FORD; NANCY SCANLON; ISAAC CHEHUBAR; CARLY KAMINSKY; RAUL HUARACHI; LENIKA WHITE; LEAH SAMETH (2); PHYLLIS FELICIANO; ALISON WEIR; DAMON REDMOND (2); PEYTON CHASE (2); & CIERA GRIFFIN
- 8. Of the 26 pending and open August 2020 OPRA Requests, what departments or boards have delayed production?

DEPARTMENT	NUMBER OF PENDING REQUESTS
Police	1
Building	13
Tax Collector	1
Law	2
Business Administrator	5
Code Enforcement	2
Finance	2

9. What was the average August 2020 OPRA response time? ABOUT 5 BUSINESS DAYS
10. How many days did it take to produce requested documents relating to the August 26, 2020 virtual planning board meeting to Attorney Feld? ITEMS PENDING
11. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
CY-2019 – 14 PENDING
CY 2020 – 38 PENDING
12. Did Orange receive any additional federal document subpoenas or informal requests via defense counsel in CY 2019 and CY 2020?
13. If so, what were their dates of issuance/requests and receipt by Orange’s record custodian or special outside defense counsel?
14. Which in-house city attorney disobeyed the Feld XX written order directing the City of Orange Township to disclose the date of issuance and receipt of all CY 2018 federal subpoenas?

New and Amended Virtual Meeting Citizens Comments Restrictions and Limitations

15. When and why did the citizens comments virtual meeting limitations caption change since the last September 1, 2020 virtual meeting?
16. Why were 3 minutes oral citizens’ comments eliminated?
17. Under what authority can the local governing body unilaterally remove a 3 minutes oral comment provision without providing stakeholders reasonable notice and an opportunity to be heard prior to instituting these new political free speech restraints?
18. Who issued the written legal opinion as to the validity of this unilateral post September 1, 2020 prior restraint on virtual political free speech?
19. What was the cause for this stealth new and amended post September 1, 2020 virtual meeting citizens’ comment policy and procedure?
20. Was this new and amended post September 1, 2020 virtual meeting citizens’ comment based upon some other template or public guidance?
21. Other than the City of Orange Township, how many other municipalities filter written comments and questions through a local elected official and not the tenured municipal clerk?
22. Does the City of Orange Township’s D & O policy and administrative code indemnification provisions cover reckless and intentional constitutional and civil rights violations?

Ordinances Second Reading

Amended Main Street Business Hours Ord 30-2020 (sponsored by Councilperson Eason)

23. Will the procedural legislative history of this amended ordinance be set forth on the face of the amended ordinance? I reserve my rights until the official second reading public hearing on this amended ordinance.

Resolutions

CY 2019 Nunc Pro Tunc Special Outside Counsel Cap Increase Res. 367- & 368-2020

24. Why the sudden urgent need for these two \$1,500 and \$20,000 CY 2019 nunc pro tunc resolutions?
25. Were these increased CY 2019 professional fees included in the amended CY 2020 Budget?

City Council Quarterly Newsletter Res. 374-2020

26. Why the sudden urgency for this quarterly newsletter resolution?
27. Was this expense included in the amended CY 2020 Budget?

Bill List Res 378-2020

28. When did Attorney Aaron Mizrahi become a city employee? PO 20—01445
29. In what department? With what compensation?
30. What is Attorney Aaron Mizrahi's historical history and relationship with Mayor Dwayne D. Warren Esq and Avram White?
31. Can the law partner of a planning board member act as counsel for that planning board?
32. Can the law partner of the mayor be employed by Orange without the express consent of the local governing body?
33. What are the consequences of this disqualifying conflict of interest?
34. How much have we paid Gluck Walworth in connection with RPM Litigation? PO 20-00726
35. What are the docket numbers for this RPM Litigation?
36. Do any of the allegations mirror the allegations asserted by Attorney Feld but rejected by Mayor Warren and Orange's special outside defense counsel?
37. When will the CY 2019 Audit be delivered and posted on a public website? PO 20-00324
38. Who received DCA training? PO 20-01429
39. For whom did our special outside budget consultant perform professional services: the Township's executive or legislative branches. PO 20-00196

Tax Sale Certificate Cancellation Res. 381-2020

40. Why the urgency in this resolution?
41. How much does Orange need to pay the cancelled tax lien holder?
42. Who approved the inclusion of this tax lien in the accelerated CY 2019 tax lien sale?
43. What tax assessor improperly applied the short term tax exemption laws here?
44. Is there a written policy and procedure for contesting and abating contested tax liens outside the judicial process?
45. Who determines what liens are subject to this out-of-court tax lien resolution process?
46. Was my family denied equal access to this out-of-court tax lien resolution process?
47. Under Mr. Mapp's watch, how many entities were granted five years short term tax exemptions by Orange?
48. Under Mr. Mapp's watch, how many entities failed to make yearly and increasing five year short term tax exemption payments to Orange?
49. Under Mr. Mapp's watch, how much short term tax exemption revenues does Orange owe the County?

One Year Suez Water Management Contract Extension Res. 382-2020

50. How much has the base contract increased since February 9, 2018?
51. Did the local governing body hold a special meeting in January 2018 to amend Res 424-2017?
52. Didn't our BA have to rescue Attorney Montilus and to explain the January 2018 amendments to a contract approved at the last meeting in CY 2017?
53. If so, why isn't this fact disclosed in the body of Res 381-2020?
54. In January 2018, didn't Council president Coley request and Suez agree to provide reports to the local governing body?
55. Did Attorney Montilus attempt to conceal his pre July 1, 2018 additional water/sewer compensation from me pursuant to OPRA? See Feld XX (ESX-L-0220-19) (June 28, 2019 correspondence).

56. Did Attorney Montilus attempt to conceal from stakeholders the perilous financial, working wells and environmental protection notices situation involving Orange's water/sewer utility?
57. Was the water/sewer utility self-liquidating in CY 2016 and CY 2018?

Non-Agenda Matters

Legislative Body Special Conflicts Counsel

58. Why does the local governing body need a special conflicts counsel?
59. How does this position differ from the duties and obligations of the legislative research officer?
60. Who drafted the posted RFP?
61. Does the position of local governing body special conflicts counsel need to be created by ordinance?
62. Were monies appropriated and included in the amended CY 2020 Budget for this local governing body special conflicts counsel?
63. Why the sudden urgency for this legislative body special conflicts counsel?
64. Did local public officials and outside professionals conspire to impair, to abridge and to restrict my family's access to the judicial system?
65. Did local public officials and outside professionals conspire to impugn and to impair my professional competence, integrity and reputation by issuing patently false frivolous litigation press releases?
66. Did local public officials conspire to boycott, to support our business competitors and to drive my family out of Orange?
67. 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?

Walk-On Tax Abatement Res 364-2020 adopted Sept. 1, 2020

68. Why the delay in posting a non-emergent walk-on Res 364-2020 whose notice of adoption was published in the Star Ledger?
69. Why is Orange waiving the payment of outstanding taxes and water charges?
70. Who benefitted from this waiver? The owner? The purchasing redeveloper? Local taxpayers? Breach of Fiduciary Duties
71. After being sworn into office on July 1, 2020, did Councilperson Cliff Ross resign from the local housing authority board?
72. If so, when?
73. If not, under what authority or written opinion?
74. Does the local housing authority owe any monies to the City?
75. If so, how much?
76. When will the local housing authority be compelled to post its FY 2018 and FY 2019 Audits on a public website?
77. What is the status of Feld X per se disqualifying conflict of interest Walter G. Alexander Phase III "fairness" report?
78. When was this Feld X "fairness" report initially due?
79. Why the delay in producing this Feld X "fairness" report?
80. What is the status of the Lincoln Avenue former police station private sale?
81. What is the status of the Rossi Paints renovation of the former Bank of America site?

82. Why the delay in producing closing documents relating to the acquisition and transfer of the former Bank of America property?
 83. If a complaint is filed within a twenty days statutory estoppel period, who bears the risk of loss and how can counsel deliver a clean transactional opinion?
 84. When was the last time, the local governing body received a monthly revenue and operating report?
 85. Under Mr. Mapp's watch, how much long term tax exemption revenues does Orange owe the County?
 86. Since the introduction of the CY 2020 Budget, has the City hired any new full or part time employees?
 87. If so, how many? Their names? Their Departments? Their Compensation?
 88. What 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 indictment announced on August 19, 2020?
 89. Would the City of Orange Township qualify as an "overburdened community" under new State environmental law?
 90. Did Orange have a relationship with Powell Capital Markets, Inc?
 91. If so, what was the nature of this relationship?
 92. If so, when did this relationship terminate?
- 2) Charlie Wirene, Managing Director of The HUUB at the First Unitarian Universalist Church of Essex County, 35-47 Cleveland St, Orange, NJ 07050, charlie@oranehuub.org submitted the following letter with questions:

To the City of Orange Township Administration and City Council,

The First Unitarian Universalist Church of Essex County was founded on Cleveland St in 1890, and has been an institution in Orange for 130 years. Over the past five years, through The HUUB, First UU's growing urban ministry, we have cultivated relationships across the city, developed community based programs, and invested significantly in repairs and improvements to our properties to make them more useful spaces for our neighbors. We are home to four small churches, four community based organizations, and a handful of resident groups. We serve Orange residents from all four wards and across its diverse cultural groups. The HUUB and First UU are a beloved community space for countless Orange residents and community members.

As active community members we are disheartened and disappointed at the lack of communication about these plans to the properties in the redevelopment area. To date we have received one letter after the plan was being made. We are deeply concerned that this plan is punitive to people trying to maintain older buildings and those struggling economically in these times.

We have three questions:

1. We received notice in June about a presentation of this study at the planning board meeting, but the notice arrived too late for us to attend. We have also been witness to other plans being memorialized by the planning board, and have seen that questions and concerns raised are completely disregarded by both the Nishuane Group, the Planning Board, and the

Administration. Do council members feel comfortable that there has been adequate community engagement when at every council meeting and every planning board meeting there are residents and property owners saying they have received little to no communication, and that there has been no attempt at truly engaging the community in these studies?

2. We've been told churches and community centers have been included in study areas for the "benefit" that can be derived from the process for these entities. We have yet to hear a clear articulation of what these benefits may be. What are the benefits associated with being included in this plan as a church and community center? BENEFITS FOR CHURCHES INCLUDE BUT ARE NOT LIMITED TO, A VARIETY OF AUTHORIZED ADAPTIVE REUSES FOR CHURCHES THAT MAY BE EXPERIENCING A STEEP DECLINE IN CONGREGATION MEMBERSHIP AND FACILITY USE. Further as churches expand uses to non-tax exempt uses, the redevelopment plan may be helpful in accommodating those uses. CHURCHES ALSO MAY BENEFIT FROM THE INCLUSION OF ADJACENT PROPERTIES IN THE REDEVELOPMENT AREA AND SUBSEQUENT IMPROVEMENTS TO AND REINVESTMENT IN THOSE PROPERTIES CONTIGUOUS TO OR NEAR THE CHURCH. What assurances are you offering that this isn't a stepping stone towards a plan with condemnation? THE EXERCISE OF THE POWERS OF THE REDEVELOPMENT LAW ARE DISCRETIONARY POWERS GRANTED TO THE MAYOR AND THE COUNCIL BY STATUTE. THE GRANT BY THE MAYOR OR COUNCIL OF FUTURE ASSURANCES WHICH WOULD BIND FUTURE CITY COUNCILS OR MAYORS -- ACTIONS IS NOT PERMITTED. SO A PROMISE NOT TO INCLUDE A PROPERTY IN A REDEVELOPMENT AREA, CONDEMNATION OR NOT – IS NOT VALID OR ENFORCABLE.
3. In the current economic climate, greatly exacerbated by the conditions of COVID-19, we question the validity of both the Master Plan and subsequent neighborhood plans' reliance on chain/franchise brick and mortar retailers as a cornerstone for local economic development. Does the City Council or Business Administrator have any plans to offer support to existing small businesses and residents? WE DO NOT AS OF THIS DATE HAVE SUFFICIENT DATA TO CONCLUDE THAT THE FIRST PART OF THIS STATEMENT/QUESTION IS TRUE OR VALID, BASED ON COVID-19. FURTHER WHILE COVID 19 HAS IMPACTED CERTAIN CHAIN/FRANCHISE BRICK AND MORTAR BUSINESSES NEGATIVELY, IT HAS ALSO HAD A POSITIVE ECONOMIC AFFECT ON OTHERS. NEITHER THE MASTER PLAN NOR THE REDEVELPMENT PLANS RELY EXCLUSIVELY ON "CHAIN/FRANCHISE AND BRICK AND MORTAR RETAIL. SUPPORT TO SMALL BUSINESSES AND NOT FOR PROFITS HAS BEEN OFFERED THROUGH THE FEDERAL GOVERNMENT PPE PROGRAMS, CARES ACT FUNDING AND FEMA NATIONAL DISASTER MITIGATION FUNDING. THE CITY HAS NO PROGRAMS FOR SMALL BUSINESS SUPPORT.
- 3) Carmen Engel, 174 Heywood Avenue emailed a letter to Council Vice President which was read into the record. Ms. Engel is requesting interpretation of Ordinances 138-01, 138-02 and 138-04 to resolve a reoccurring dispute in her neighborhood. In addition, Ms. Engel inquired about a previous request for a quiet zone at the corner of Heywood and South Center Street.

Point of Order: City Attorney Montilus reminded everyone that the Citizen Comments policy in place was voted upon by the Governing Body; therefore, we should not be deviating from same.

Motion to close Citizen Comments by Council Vice President Eason, second by Councilman Ross. The Motion was unanimously approved. Motion passed.

COUNCIL COMMENTS

Councilwoman Summers-Johnson commented on the following:

- Expressed her concern with not allowing the citizens to speak and supports changing the policy;
- Wants all City Directors to be a part of the meeting and ready to answer questions from the citizens;
- Attended Nassau Street Neighborhood Watch meeting on September 14, 2020 and encouraged residents to start neighborhood watches.
- Tree ribbon cutting event for a little free library in honor of Mayor Robert Brown who was the first African American Mayor in the City of Orange Township at Washington Dodd apartments.
- Installation of a little free library at Washington Dodd apartments in memory of Shawn Dawkins is scheduled for September 22, 2020.
- Census float in the City of Orange Township on September 12, 2020 and encouraged residents to complete their 2020 Census.
- Thanked the Orange Board of Education and Superintendent for granting permission to install free little libraries in front of Forest Street School and Heywood Avenue School.

Councilman Montague, III commented on the following:

- Reminded everyone of the Back to School event scheduled for Saturday, September 26, 2020 at 1:00 p.m. at Colgate Park. There will be book bags and school supplies giveaways, free food and gifts, a skateboard competition, free COVID testing, U.S. Census sign up and voter registration.

Council Vice President Eason commented on the following:

- Inquired about the formation of the proposed two Council Committees.
- COVID-19 testing on September 21st and 22nd from 11:00 a.m. to 6:00 p.m. at St. Matthews Church, 336 Oakwood Avenue
- St. Matthews Church becoming a voting site for the General Election scheduled for Tuesday, November 3, 2020.
- Thanked Councilwoman Summers-Johnson for the two little free libraries at Washington Dodd apartments and expressed her appreciation for including the North Ward.
- Inquired from City Attorney Montilus the number and names of the attorneys in the Law Department. City Attorney Montilus responded and reported that the Law Department has 5 attorneys: 1 City Attorney, 1 Deputy City Attorney and 3 assistants. The names are: Gracia Montilus, City Attorney; Avram White, Deputy City Attorney; Vaughn Parchment, Chirag

- Mehta and Aaron Mizrahi are all Assistant City Attorneys. Lastly, the City Attorney confirmed that there is a part-time Assistant City Attorney named Shawn McGovern.
- Explained to the residents the reason for adopting legislation in the City of Orange Township.
 - September 27, 2020 at 5:00 p.m. - Sunday Interfaith Action Movement around the state in the park where voter registration and 2020 Census will be done.
 - Requested that the policy to allow the citizens to be speak at the council meeting be done in collaboration with all seven council members and the City Attorney.

Councilman Ross commented on the following:

- Requested from Business Administrator Hartwyk a list of grants applied for within the past year, what the grant was for, grant amounts received and accounting on what it was spent for.
- Requested from Business Administrator Hartwyk a status of redevelopment of the YMCA. Business Administrator Hartwyk advised that on September 14, 2020 a RFP notice was distributed to 75 developers, posted on the website and published in the newspaper with a return date of October 26, 2020. Designation of developer is anticipated to come before the Council in November 2020.
- Inquired from Director Mayes about the uncovered pools. Director Mayes confirmed that the pools are being exercised. The pool at Colgate Park is due to be upgraded and engineers will be there to take measurements and do various tests to determine upgrade. Director Mayes anticipated first part of completion to be in December. The pool covers will be put back on.
- Urged residents to complete their 2020 Census.

Councilwoman Wooten commented on the following:

- Census float in the City of Orange on September 12, 2020 and encouraged everyone to complete their 2020 Census.
- The City of Orange Township is at 51.4% compliance.
- Community engagements asking residents to fill out their 2020 Census.
- 2020 Census upcoming events: September 19th at Metcalf Park, September 20th at Central Park, September 24th at Colgate Park and September 25th at Ropes Park.
- October 5, 2020 4th Annual Domestic Violence Event – Purple Tree Lighting at Military Park on Main Street.
- Thanked Dr. Gerald Fitzhugh II, Ed. D. Superintendent of the Orange Public Schools for all of the information distributed regarding the district, reopening and uplifting the spirits of the children.
- Food pantry in the City of Orange Township is available for the residents.
- Reported that she and Councilwoman Summers-Johnson will be proposing legislation to allow the public to speak during the Council Meetings.

Councilman Johnson, Jr. commented on the following:

- Inquired about the completion of the field house and whether the City is planning an open house and grand opening. Director Mayes confirmed same should be completed within 2 weeks and a grand opening is forthcoming.

Council President Coley commented on the following:

- Thanked Director Mayes for putting together the Main Street project presentation.

City Clerk reported that there will be six (6) polling sites in the City of Orange Township for the General Election scheduled for Tuesday, November 3, 2020. A General Election flyer will be forthcoming.

ORDINANCES-SECOND READING/PUBLIC HEARING

30-2020 An ordinance to amend and supplement the Code of the City of Orange Township to create Chapter 72 entitled “Commercial Hours of Operation – Main Street”. (Sponsored by Council Member Tency A. Eason) (Amended) (Public Hearing will remain open until October 6, 2020)

The City Clerk inquired if there were any residents wishing to comment.

Point of Order: City Attorney Montilus reported that at the request of two council members he submitted a Legal Opinion regarding Ord. 30-2020 on September 9, 2020 where he invited questions and discussion. No questions were received by email nor any telephone calls. The research conducted by his office determined that Ordinance 30-2020 as it stands does not pass constitutional muster. It was confirmed that all Council Members received a copy of the Legal Opinion.

Once again, the City Clerk inquired if there were any residents wishing to comment. Council Vice President Eason confirmed there were no citizen who wished to comment.

The City Clerk confirmed that the public hearing will remain open until October 6, 2020.

ORDINANCES-INTRODUCTION/FIRST READING:

45-2020 An ordinance of the Municipal Council of the City of Orange Township adopting the Amended Central Orange Redevelopment Plan pursuant to N.J.S.A. 40A:12a-7 (generally located by Lincoln Avenue, Main Street, South Essex Avenue, Freeway Drive East, the border with the City of East Orange, and Central Avenue/Jackson Street).

Motion to adopt on First Reading by Councilman Montague, III, second by Councilman Ross.

Roll Call:

Ayes: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council President Coley
Nays: None
Abstain: None
Absent: None

Motion passed.

Second Reading/Public Hearing is scheduled for Tuesday, October 20, 2020.

46-2020 An ordinance to amend the Code of the City of Orange Township, Chapter 200, entitled "Vehicles and Traffic", Section 200-64, Parking Meter Zones Designated. (Sponsored by Council Member Jamie Summers-Johnson)

On the Motion: Councilwoman Summers-Johnson reminded Business Administrator Hartwyk to inform the group doing the survey that the residents are requesting a decrease in meter hours 9:00 a.m. to 7:00 p.m.

Motion to adopt on First Reading by Councilman Montague, III, second by Councilwoman Wooten.

Roll Call:

Ayes: None
Nays: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council President Coley
Abstain: None
Absent: None

Motion failed.

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. *366-2020 THROUGH *385-2020

The City Clerk announced that Resolutions 369-2020, 373-2020 and 376-2020 were removed from the Consent Agenda for a separate vote.

***366-2020** A resolution naming September 2020 as National Suicide Awareness Month in the City of Orange Township. (Sponsored by Council Member Adrienne Wooten)

***367-2020** A resolution authorizing additional funds to pay attorney fees to Jeanette Calderon-Arnold for work performed in Calendar Year 2019 to correspond with an increase to the contract for legal representation of tax appeal matters in an amount not to exceed \$1,500.00 making the new contract total \$26,500.00 for the Calendar year of 2019.

***368-2020** A resolution authorizing additional funds in an amount of \$20,000.00 to pay attorney fees to Scarinci & Hollenbeck, LLP, for work performed in Calendar Year 2019 as special counsel with regard to various legal matters increasing the contract total to an amount not to exceed of \$130,000.00 for the Calendar Year of 2019.

- *370-2020** A resolution naming October 2020 as National Domestic Violence Awareness Month in the City of Orange Township. (Sponsored by Council Member by Adrienne Wooten)
- *371-2020** A resolution celebrating Hispanic Heritage Month in the City of Orange Township. (Sponsored by Council Member Adrienne Wooten)
- *372-2020** A resolution celebrating September 21, 2020 as National Historically Black Colleges & Universities (HBCU) Day in the City of Orange Township. (Sponsored by Council Member Adrienne Wooten)
- *374-2020** A resolution authorizing a one-year (1) contract with Morris Weber & Associates Inc. located at 75 Lane Road, Suite 404, Fairfield, NJ 07004 for the preparation of the City of Orange Township Municipal Council's quarterly newsletter in an amount not to exceed \$7,500. (Sponsored by Councilmembers Coley and Montague III)
- *375-2020** A resolution appointing Ametide Aurelus to the Open Space, Recreation and Historic Preservation Advisory Board. (Sponsored by Councilmember-At-Large Adrienne Wooten)
- *377-2020** A resolution authorizing the purchase playground equipment from MRC, Inc., 2130 Route 35, Building B, Suite 222, Sea Girt, New Jersey 08750 for the Central Playground Improvements Project under the Educational Services Commission of New Jersey (ESCNJ) co-op contract #20/21-06 in an amount not to exceed \$37,117.74.
- *378-2020** A resolution approving the bill list for Council Meeting vote on September 15, 2020 dated September 9, 2020 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$6,737,740.69)
- *379-2020** A resolution amending resolution #336-2020 to modify the contract with Whirl Construction, Inc., 194 Main Street, P.O. Box 110, Port Monmouth, New Jersey 07758 for the project known as the Central Playground Improvements Project in an amount not to exceed \$1,268.00.
- *380-2020** A resolution authorizing and ratifying the extension of the contract between the City of Orange Township and Sysnet Solution Inc., 746 Route 18, Suite 2B, East Brunswick, New Jersey 08816 for a period of sixty (60) days, commencing August 14, 2020 ending October 14, 2020.
- *381-2020** A resolution authorizing the cancellation of Tax Sale Certificate No. 19-00721 on Block 4301, Lot 2, 188-206 Central Avenue in addition to refunding Fig Cust FigNJ19, LLC & Sec Pty all accrued interest, penalties and fees in an amount not to exceed \$59,968.14.

- *382-2020** A resolution authorizing the City of Orange Township to enter into a one-year extension agreement with Suez Water Environmental Services, Inc., to provide continuing operation and maintenance of the water supply, transmission and distribution system, wastewater collection system, storm water system, and customer service, billing and collection system commencing February 9, 2021 through February 8, 2022 in an amount not to exceed \$1,792,750.00.
- *383-2020** A resolution appointing Lorien Malone as a citizen member to the Public Works Committee of the City of Orange Township. (Sponsored by Council Member Clifford R. Ross)
- *384-2020** A resolution authorizing the Tax Collector to refund Friendly Auto Repair for overpayment remitted for Block 2503, Lot 17 also known as 522 Main Street, Orange, New Jersey 07050 in the amount of \$5,021.30.
- *385-2020** A resolution authorizing the Tax Collector to refund Zamal Haque for duplicate payment remitted for Block 5502, Lot 4 also known as 2 Lindsley Place, Orange New Jersey in the amount of \$4,953.23.

Motion to adopt Consent Agenda by Council Vice President Eason, second by Councilman Johnson, Jr.

Roll Call:

- Ayes: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council President Coley
- Nays: None
- Abstain: None
- Absent: None

Motion passed.

The following resolutions were removed from the Consent Agenda for a separate vote:

- 369-2020** A resolution authorizing the award of a non-fair and open contract with Neighborhood Planning and Architectural Design, Inc. (NPAD), 132 South Harrison Street, East Orange, New Jersey 07018 to provide project management professional services to comply with federal and state guidelines for the Highland Avenue Train Station improvements in an amount not to exceed \$29,500.00. (Amended)

Motion to adopt by Councilman Ross, second by Councilman Montague, III.

Roll Call:

- Ayes: Eason, Montague, III, Ross, Summers-Johnson, Wooten and Council President Coley
- Nays: Johnson, Jr.
- Abstain: None
- Absent: None

Motion passed.

373-2020 A resolution rejecting the bid for the project known as the Public Works Yard Facility and Site Improvements.

Motion to adopt by Councilman Ross, second by Councilwoman Summers-Johnson.

Roll Call:

Ayes: None
Nays: Eason, Johnson, Jr. Montague, III, Ross, Summers-Johnson, Wooten and Council President Coley
Abstain: None
Absent: None

Motion failed.

376-2020 A resolution authorizing a refund of license fees paid by restaurants to the City of Orange Township for outdoor dining due to COVID-19. (Sponsored by Council Member Kerry J. Coley)

Motion to adopt by Councilman Montague, III, second by Councilman Johnson, Jr.

Roll Call:

Ayes: None
Nays: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council President Coley
Abstain: None
Absent: None

Motion failed.

NEW BUSINESS AND WALK-ON ORDINANCES/RESOLUTIONS - None.

OTHER PENDING BUSINESS – None.

**Motion to adjourn by Councilman Montague, III, second by Councilwoman Wooten.
The motion was approved by unanimous vote.**

Meeting adjourned at 9:10 p.m.

The next City Council Conference and Regular Meeting will be held on Tuesday, October 6, 2020 virtually at 7:00 p.m.

APPROVED: October 6, 2020

**Joyce L. Lanier
City Clerk**

**Kerry J. Coley
Council President**