

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

**THIS IS A SPECIAL MEETING OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD VIA- AUDIO CONFERENCING ON WEDNESDAY, AUGUST 12, 2020 AT 7:10 P.M.**

**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  
Megan O'Hanlon, Assistant Budget Consultant  
Tamara Robinson, City Clerk's Office

A moment of silence was recognized.

The City Clerk announced the "SPECIAL NOTICE: Please be apprised anyone wishing to discuss Agenda or General Items shall email their statements or questions to [citizencomments@orangenj.gov](mailto:citizencomments@orangenj.gov) no later than 7:00 p.m. the day prior to the scheduled public hearing. The City Council reserves the right to respond or not respond during the meeting to any citizen's submission."

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 sent to the Star Ledger, published in the Record-Transcript on Thursday, August 6, 2020, posted on the City's Website ([www.ci.orange.nj.us](http://www.ci.orange.nj.us)) and the Council's Website ([www.orangetwpnjcc.org](http://www.orangetwpnjcc.org)) and filed in the Office of the City Clerk.

Chief Financial Officer Nile Clements read into the record the Budget Amendment – CY 2020:

**Resolution 331-2020**

**A RESOLUTION TO AMEND THE CITY OF ORANGE  
TOWNSHIP CY 2020 MUNICIPAL BUDGET**

**BUDGET AMENDMENT – CY 2020**

**WHEREAS**, the Local Municipal Budget for the Calendar Year 2020 was introduced on May 19, 2020; and

**WHEREAS**, the public hearing on said budget was held on June 16, 2020 as advertised; and

**WHEREAS**, the City of Orange Township desires to amend said budget.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Orange Township that the attached amendments to the introduced budget for Calendar Year 2020 be made.

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the CY 2020 Local Municipal Budget so amended.

CURRENT FUND	<u>FCOA</u>	<u>From</u>	<u>To</u>
<b><u>GENERAL REVENUES</u></b>			
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations			
Summer Food Program	10-608	\$0.00	\$ 372,880.00
Clean Communities	10-602	0.00	45,675.00
Recycling Tonnage Grant	10-569	0.00	6,529.00
EC Recreation and Open Space Trust Fund Local Aid Program	10-685	0.00	150,000.00
CARES Act - Coronavirus Relief Fund	10-857	0.00	1,285,300.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations	10-001	792,341.00	2,652,725.00
3. Total Miscellaneous Revenues	13-099	16,442,639.00	18,303,023.00
5. Subtotal General Revenues	13-199	23,642,639.00	25,503,023.00
6. Amount to be Raised by Taxes for Support of Municipal Budget:			
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	07-190	51,665,048.05	51,658,519.05
Total Amount to be Raised by Taxes for Support of Municipal Budget	07-199	52,139,566.00	52,133,037.00
7. Total General Revenues	13-299	75,782,205.00	77,636,060.00

CURRENT FUND	FCOA	From	To
<b><u>GENERAL APPROPRIATIONS</u></b>			
(A) Operations- Within "CAPS"			
GENERAL GOVERNMENT			
Office of the Administrative Services			
Salaries & Wages	20-100-1	782,963.00	884,827.00
City Clerk			
Other Expenses	20-120-2	105,330.00	106,330.00
Clerk - Election Expenses			
Salaries & Wages	20-120-1	30,000.00	20,000.00
Public Works Director			
Other Expenses	20-165-2	131,273.00	157,598.00
Finance - Accounting			
Salaries & Wages	20-130-1	664,635.00	616,044.00
Tax Assessor			
Other Expenses	20-150-2	71,650.00	96,650.00
Planning Division			
Other Expenses	20-170-2	353,030.00	368,030.00
DEPARTMENT OF COMMUNITY SERVICES			
Older Adult			
Other Expenses	27-365-2	33,900.00	23,900.00
Cultural Affairs			
Other Expenses	28-370-2	44,100.00	34,100.00
DEPARTMENT OF POLICE			
Administration/Patrol Division			
Salaries and Wages	25-240-1	15,583,635.00	12,683,635.00
School Guards			
Salaries and Wages	25-240-1	498,629.00	369,212.00
DEPARTMENT OF FIRE			
Salaries and Wages	25-265-1	8,576,465.00	6,776,465.00
Other Expenses	25-265-2	434,025.00	498,025.00
DEPARTMENT OF PUBLIC WORKS			
Snow Removal			
Other Expenses	26-292-2	82,400.00	96,400.00
Equipment and Vehicle Maintenance			
Other Expenses	26-315-2	979,198.00	940,017.00
Total Operations within "CAPS"	34-199	58,634,918.00	53,934,918.00
Total Operations Including Contingent - within "CAPS"	34-201	58,644,918.00	53,944,918.00
Detail:			
Salaries & Wages	34-201-1	34,653,667.00	29,867,523.00
Other Expenses	34-201-2	23,991,251.00	24,077,395.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	34-299	66,328,581.00	61,628,581.00

CURRENT FUND	FCOA	From	To
<b><u>GENERAL APPROPRIATIONS (Continued)</u></b>			
OTHER OPERATIONS - EXCLUDED FROM "CAPS"			
Police Department - S&W - CAP Waiver		0.00	2,900,000.00
Fire Department - S&W - CAP Waiver		0.00	1,800,000.00
Total Other Operations - Excluded from "CAPS"		2,131,000.00	6,831,000.00
PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUES			
Summer Food Program	41-608-2	0.00	372,880.00
Clean Communities	41-602-2	0.00	45,675.00
EC Recreation and Open Space Trust Fund Local Aid Program	41-685-2	0.00	150,000.00
CARES Act - Coronavirus Relief Fund	41-857-1	0.00	1,285,300.00
Total Public and Private Programs Offset by Revenues	40-999	798,870.00	2,652,725.00
Total Operations- Excluded from "CAPS"	34-305	2,951,685.00	9,505,540.00
Detail:			
Salaries & Wages	34-305-1	1,021,815.00	7,007,115.00
Other Expenses	34-305-2	1,929,870.00	2,498,425.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	34-309	7,203,624.00	13,757,479.00
(O) Total General Appropriations - Excluded from "CAPS"	34-399	7,203,624.00	13,757,479.00
(L) Subtotal General Appropriations	34-400	73,532,205.00	75,386,060.00
9. Total General Appropriations	34-499	\$ 75,782,205.00	\$ 77,636,060.00

**BE IT FURTHER RESOLVED**, that these amendments in accordance with the provisions of N.J.S.A. 40A:4-9 be published in the Record-Transcript which is an official newspaper of the City on August 6, 2020 and that said publication contain notice that the hearing on the attached amendments will be held on August 12, 2020 via audio-video conferencing at 7:00 PM.

**BE IT FURTHER RESOLVED**, that pursuant to N.J.S.A. 40A:4-9 these amendments shall not be effective until after the public hearing thereon.

The City Clerk announced this is the Public Hearing on the Amendments for the Calendar Year 2020 Local Municipal Budget.

**Motion to open the Public Hearing on the amendments for the Calendar Year 2020 Municipal Budget for the City of Orange Township by Councilman Ross, second by Councilman Johnson, Jr.**

The City Clerk announced this is an advertised Public Hearing on the amendments for the Calendar Year 2020 Municipal Budget. Copies have been made available to the public on the City's Website ([www.ci.orange.nj.us](http://www.ci.orange.nj.us)) and the Council's Website ([www.orangetwpnjcc.org](http://www.orangetwpnjcc.org)).

Council President Coley announced that before opening the hearing he wished to outline the procedure. Each person desiring to be heard will rise their hand, give his/her name and address before speaking. The Council President will recognize one speaker at a time, in order of rising, as nearly as he can

determine. Address all questions to the Chair, when necessary, they will be referred to the individual Members of the Governing Body, Municipal Officials or Advisors. Questions must be confined solely on the amendments Calendar Year 2020 Municipal Budget before us; school or county matters are not proper subjects for this hearing and cannot be discussed or answered here this evening.

**Assistant Budget Consultant Megan O'Hanlon did not have any comments.**

**Council President Coley declared open the Public Hearing on the amendments for the 2020 Calendar Year Budget.**

**The following citizen comments were submitted for the Public Hearing:**

- 1) Jeffrey Feld, 11 Alexander Lane, Short Hills, New Jersey, [hardwaredad@aol.com](mailto:hardwaredad@aol.com) submitted the following questions:

**Amended CY 2020 Budget Public Hearing**

1. Will interested stakeholders be provided an opportunity to ask oral questions about the Amended CY 2020 Budget?
2. Under what authority may a local governing body limit and restrict a statutory budget public hearing?
3. Has the local governing body, the mayor and the city clerk received a written legal opinion as to the validity of this official political free speech limitations and prior restraints on oral public budget hearing questions and comments policy and procedure?
4. What is the status of Orange's CY 2019 Audit and Amended CY 2020 User Friendly Budget?
5. What is the status of the written responses to my open and outstanding June 16, 2020 introduced CY 2020 Budget public hearing questions?
6. Since the introduction of the CY 2020 Budget, has Orange authorized any new additional long term indebtedness?
7. Since the introduction of the CY 2020 Budget, has Orange issued any new additional long term indebtedness and offering materials?
8. Why hasn't the link to this latest offering statement been posted on a public website?
9. Since our BA did not attend the June 16, 2020 original CY 2020 Budget Public Hearing and since two councilmembers were sworn into office after the June 16, 2020 original CY 2020 Budget Public Hearing, would it be prudent that the BA be provided a reasonable opportunity to discuss and to explain the structural reforms contemplated by the budget and disclosed to the Local Finance Board at its July 8, 2020 public hearing, including the combination of the finance director/cfo positions, historical deferred water/sewer utility and street paving capital improvements and maintenance and the combination of the police/fire director positions?
10. Had Orange not held an accelerated tax lien sale in CY 2019, would Orange have had an unfunded deficit?
11. How large would that deficit have been?
12. Has the accelerated tax lien sale purchaser commenced in rem tax lien foreclosure actions against any of the properties?

13. Who determined what properties to include and to exclude from this CY 2019 accelerated tax lien sale?
  14. Will these structural reforms commence in CY 2020 or in CY 2021?
  15. Are any COVID-19 related expenses included in the amended CY 2020 Budget?
  16. What type of COVID-19 related expenses are included in or excluded from the CARES Act grant?
  17. What type of COVID-19 related expenses will be amortized over five years?
  18. When will this amortization commence? CY 2020? CY 2021?
  19. What type of unfunded unreserved liabilities does Orange have? 5% of long term tax exemption revenues due and owing to the County?
  20. What type of intangible causes of actions and claims does Orange have against any third parties?
- 2) Samantha Crockett, 270 Heywood Avenue, Orange, New Jersey:
    1. Inquired about budget spent last year compared to this year?
  - 3) Aubrey Murdock ([universityoforange@gmail.com](mailto:universityoforange@gmail.com)) submitted the following letter:

Dear City Council,

Here are two questions pertaining to CBAC and citizen oversight of the budget for tomorrow's special meeting of the City Council:

- 1) Will the CBAC report be made publicly available on the City's website? And will a recorded video of the CBAC presentation be made publicly available on the City's website?
- 2) What is the approval process for reprogramming line items in the budget? Who makes reprogramming decisions? The department of administration's reprogramming protocol should be written and shared publicly.

The following citizens participated live on the meeting and asked questions regarding the 2020 Budget:

- 4) Derrick Henry, 253 Ogden Street, Orange, New Jersey;
- 5) Jacqueline Scott, Scotland Road, Orange, New Jersey;
- 6) Yasmeen Chism;
- 7) Carl Fields, Jr.; and
- 8) Vincent Otieno.

**Motion to close the Public Hearing to the Municipal Budget to the Municipal Budget on the Calendar Year 2020 Budget by Councilman Johnson, Jr., second by Councilman Montague, III. The motion was unanimously approved. Motion passed.**

**CITIZEN BUDGET ADVISORY COMMITTEE (CBAC) – The CBAC did not have any comments.**

## **CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS**

The City Clerk read into the record the “SPECIAL NOTICE: Please be apprised anyone wishing to discuss Agenda or General Items shall email their statements or questions to [citizencomments@orangenj.gov](mailto: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](mailto: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 Mr. Jeffrey Feld submitted the following questions, which were posted on the website and answers will be posted once received:

### **\$84,508 Playground Equipment Resolution 336-2020**

1. Why was consideration of this playground equipment resolution delayed until this August 12, 2020 special meeting?
2. When did Orange receive the playground equipment proposal?
3. When did the CFO execute a playground equipment availability of funds certification?
4. When did Orange receive the ballfield proposal debated and rejected at the last August 5, 2020 city council meeting?
5. When did the CFO execute a ball field availability of funds certification?
6. Are different sources of funds used for each proposal?
7. Why didn’t a department head execute the availability of funds certifications?
8. Will the local governing body reconsider approval of the ball field resolution defeated at the last city council meeting?

### **Amending Reock Street Phase I Private Sale Resolution 337-2020**

9. Who drafted, reviewed, fact checked and approved this amending private sale resolution?
10. Who drafted, reviewed, fact checked and approved the original phase I redeveloper designation resolution 205-2019 adopted June 5, 2019?
11. When did this phase I redeveloper designation lapse?
12. When did this phase I project receive planning board approvals?
13. Who drafted, reviewed, fact checked and approved the phase I redevelopment agreement approval resolution 272-2020 adopted June 16, 2020?
14. Were demolition and other permits issued by Orange prior to the approval and execution of a phase I redevelopment agreement?
15. Who drafted, reviewed, fact checked and approved the walk-on phase I acquisition resolution adopted July 1, 2020?
16. Who drafted, reviewed, fact checked and approved the phase I long term tax exemption and \$200,000 redevelopment area bond ordinances 20- and 21-2020 adopted July 8, 2020?

17. Prior to the close of second reading public hearing comments on July 8, 2020, had there been any public presentations on this phase I long term tax exemption and RAB issuance?
18. On what facts and property valuations was the contractual minimum guaranteed payment fixed?
19. Does Orange receive an annual 2% administrative fee under the phase I financial agreement?
20. On July 8, 2020, had the redeveloper acquired legal title to all the properties subject to the phase I redevelopment agreement, phase I financial agreement and phase I RAB issuance?
21. Was “fraud in the inducement” the subject of Judge John C. Kennedy’s first published precedential appellate division opinion? See, Walid v. Yolanda for Irene Couture Inc., 425 N.J. Super. 171 (App. Div. 2012).
22. Has the local governing body adopted a phase II redeveloper designation resolution?
23. Is the redeveloper’s counsel also a designated “shelf registration” approved special outside redevelopment counsel?
24. Does Council person Wooten have an inherent conflict of interest/appearance of impropriety considering and voting on any transactional matter involving Deputy City Attorney Avram White?
25. Who are the current equity holders of this Reock Street Phase I redeveloper?

**Non-Agenda Item Matters**

26. Did Orange receive any additional federal document subpoenas in CY 2019 and CY 2020”
27. If so, what were their dates of issuance and receipt by Orange’s record custodian?
28. Did Orange breach its August 5, 2020 promise to post within 48 hours responses to all August 5, 2020 written citizen comments and questions?
29. 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?
30. Did the local governing body give a “middle finger salute” to Attorney Feld, his family and all other Main Street owners and businesses by not vetting the proposed hours of operation ordinance, the Mayor Brown street designation resolution and by painting a Main Street Black Lives Matter mural not within the boundaries of the Black Lives Matter Plaza?
31. What was the criteria used to select the location of the Mayor Brown Street Designation?
32. Based upon the August 5, 2020 heated “hate speech” discussion between the City Attorney and the council president, what does the Orange Law Department believes constitutes “hate speech” in the City of Orange Township?
33. Who was involved in planning and organizing the Black Lives Matter Main Street Mural Painting Event evidenced by our Mayor’s July 31, 2020 notification letter produced to me pursuant to OPRA on August 10, 2020?
34. Who monitors the work product of all city employees and outside professionals?

Council Vice President Eason confirmed that no more citizen comments were received.



**Motion to close citizen comments by Council Vice President Eason, second by Councilman Johnson, Jr.**

**The motion was unanimously approved.**

**Motion passed.**

**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. \*335-2020 THROUGH \*337-2020**

**\*335-2020 A resolution adopting the Calendar Year 2020 Municipal Budget (January 1, 2020 -- December 31, 2020).**

**Motion to adopt 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.**

**\*336-2020 A resolution authorizing the purchase and installation of playground equipment to Whirl Construction, Inc., 194 Main Street, P.O. Box 110, Port Monmouth, New Jersey 07758 for the Central Playground Improvements Project under the Educational Services Commission of New Jersey (ESCNJ) Co-Op Contract #20/21-02 in an amount not to exceed \$84,508.00.**

**Motion to adopt by Councilman Ross, second by Councilman Johnson, Jr.**

**On the Motion:** Councilwoman Summers-Johnson expressed her concern that the equipment ordered does not have a handicap accessible swing and the re-ordering of stainless steel slide which becomes extremely hot during summer days.

Director Mayes reported that the existing swings are 25 years old and he had opted for the stainless steel slide since it will be durable, longer lasting and avoids cigarette burns. Moreover, Director Mayes informed the Council that if they prefer a plastic slide the change can be made.

Councilwoman Wooten inquired about the safety surface equipment.

Director Mayes reported the City is replacing all of the rubberized surfacing for all of the play areas.

Business Administrator Hartwyk reported that the City will add the handicap swing to the project.

Director Mayes reported that the park equipment's life expectancy is over 20 years.

Councilman Ross inquired when the work will be completed.

Director Mayes reported the in a matter of weeks after presenting the adopted Resolution to the County.

Councilman Montague inquired about the damaged chin-up bar and its liability to the City.

Director Mayes reported that this project is being financed by the \$140,000 approved in 2019 earmarked for Colgate Park and another \$140,000 has been approved for 2020. The City will have to decide on how to spend the funds for the Colgate Park and the location of the chin-up bar can be decided.

**Roll Call:**

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

**Motion passed.**

**\*337-2020 A resolution amending certain provisions of resolution 280-2020(WO) adopted on July 1, 2020 authorizing the acquisition of certain properties from the New Jersey Department of Transportation for redevelopment purposes, and approving the sale of a portion of said properties to Peek Reock I Owner Urban Renewal, LLC pursuant to an approved Redevelopment Agreement with the City.**

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

**Roll Call:**

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


**Motion passed.**

**Motion to adjourn by Council Vice President Eason, second by Councilwoman Summers-Johnson.  
The motion was approved by unanimous vote.**

**Meeting adjourned at 8:10 p.m.**

**The next City Council Conference and Regular Meeting will be held on Tuesday, September 1,  
2020 virtually at 7:00 p.m.**

**APPROVED:           October 6, 2020**

  
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Joyce L. Lahier  
City Clerk

  
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Kerry J. Coley  
Council President