

**CITIZEN'S COMMENTS  
MUNICIPAL COUNCIL MEETING  
DECEMBER 1, 2020**

**SEVEN OAKS SOCIETY – [sevenoakssociety@gmail.com](mailto:sevenoakssociety@gmail.com)**

**We hope everyone had a Happy and Healthy Holiday.**

**The Seven Oaks Society would like to give our thanks to Orange Fire Department and our City Council members who were in attendance on Saturday at 11am. Our Fire Safety Seminar was a success and was much appreciated by the South Ward residents.**

**Please share our below letter at the upcoming Council meeting, hopefully this action can help other neighborhoods know about the informative presentation our Fire Department can provide. They even had a surprise for the children which was very thoughtful on the Directors part. We are encouraged to know that our Councilwoman will be adding 3 more such seminars in our ward:**

Thank you to the Orange Firefighters and Council Members that were present at the Seven Oaks Society Winter Fire Safety Seminar on Saturday November 21st at 11am. We were blown away at the level of the presentation that was provided by our Firefighters.

We would like to take this moment to express our genuine thanks for your team's very dynamic presentation on CPR and Fire Safety. Their expertise in addressing the updated approaches of cardiopulmonary resuscitation (CPR) was valued by the neighbors. The surprise of 'Sparky' coming out was also exceedingly cherished by children.

*Things we learned:* When dealing with an unresponsive person we should always call 911 1st, so we know help is on the way. Have a fire extinguisher in your home (especially in the kitchen and at the grill) and how to properly maintain and operate it. We learned to PULL the pin, AIM at the base, SQUEEZE the handle, and SWEEP the flame.

We are truly grateful for your time, professionalism, and presence.

**JEFF FELDS – [hardwaredad@aol.com](mailto:hardwaredad@aol.com)**

**Preliminary Conference Meeting  
CY 2020 Best Practices Inventory Postponed Responses**

1. Why the delay in holding a mandatory public hearing on Orange's CY 2020 Best Inventory Responses until after the November 3, 2020 elections and the Thanksgiving Holiday?
2. When will Orange adopt an anti-nepotism policy and procedure?
3. How many current city employees would be impacted by this anti-nepotism policy and procedure, including the mayor's brother and the mayor's former and current law partners?
4. Why does Orange need public safety assistance?

5. What Best Practices Inventory Core Competencies and Circuit Breakers failed to warn and predict Orange's current CY 2020 Financial Emergency?
6. When did each councilperson learn of Orange's current CY 2020 financial predicament?

#### **CY 2020 Audit**

7. How many adverse findings and recommendations does the CY 2019 Audit contain?
8. How many CY 2019 Audit findings and recommendations are repetitive?
9. Why the delay in delivering and posting the entire and complete CY 2019 Audit?
10. Is the current financial emergency disclosed as a subsequent footnote event?
11. When did each councilmember receive the complete CY 2019 Audit?
12. When will each councilmember certify receipt and review of certain portions of the

#### **CY 2019 Audit**

13. Will each councilmember certify his or her review of the CY 2019 Audit footnotes?
14. When will the local governing body (after providing all proper procedural due process notices) terminate Orange's relationship with certain department heads?
15. Did each councilperson receive and review the State Commission of Investigation CY 1998 Report on Orange?

#### **Regular Meeting**

##### **Agenda**

##### **Ordinances**

##### **First Reading**

##### **\$250,000 Redevelopment Area Bond Ord. 59-2020**

##### **Russo Related Lincoln Avenue 30 Year LTTEL Long Term Tax Exemption**

##### **Ord. 60-2020**

##### **\$1,800,000 Water/Sewer Utility Emergency Appropriation Ord. 61-2020**

16. Do local elected officials have a constitutional, statutory and common law duty to respond to all pertinent second reading public hearing and agenda item related questions prior to taking official action?
17. Do any of the proposed December 1, 2020 Agenda ordinances and resolutions bear the approval signature of our City Attorney or Deputy City Attorney?
18. When will the Local Finance Board consider the \$250,000 Redevelopment Area Bond and \$1,800,000 Emergency Water/Sewer Utility Appropriations Applications?
19. Will this impact and delay the December 15, 2020 second reading public hearing dates?
20. Why aren't these LFB applications attached to the proposed municipal legislation?
21. Will there be a properly noticed net benefits fiscal impact study presentation prior to the second reading public hearing on the redevelopment area bond and long term tax exemption ordinances?
22. Does the supporting long term tax exemption net benefits fiscal impact study undermine and contradict Orange's Feld X "fairness" injury expert report?
23. Does this long term tax exemption net benefits fiscal impact study comply with the DLGS long term tax exemption tool kit issued November 18, 2020?
24. Was a non-urban renewal Russo related entity (Russo Acquisition LLC) the planning board applicant?
25. Is this fact glossed over in the body of the long term tax exemption ordinance?

26. Did each councilmember review the relevant Planning Board minutes, transcripts and resolutions relating to this 30 year Russo related Lincoln Avenue long term tax exemption project?
27. Does our water/sewer utility have the current capacity to handle this new additional demand?
28. What is the current status of our wells and water/sewer capacity?
29. Has our water/sewer utility cured all its outstanding noticed violations?
30. What connection fees, if any, will apply to this new project?

### **Municipal Court Director Ord. 62-2020**

31. What other municipalities have a Municipal Court Director?
32. What was the template used by in house attorney Mehta for this proposed legislation?
33. Will there be any additional new costs and expenses relating to this new municipal director position?
34. Who will have direct jurisdictional oversight of this new Municipal Court Director? The Essex County Assignment Judge? Our mayor? Or, the local governing body?
35. Who will be responsible for reviewing, accepting and transmitting all citizens municipal criminal complaints to all appropriate career professional prosecutors for probable cause intake review?
36. Did our current municipal court supervisor (on the advice of certain in-house attorneys) fail to submit my Feld XVII municipal criminal complaint to career professional prosecutors for probable cause intake review?

### **Consent Agenda Resolutions**

**CY 2020 Financial Emergency/Local Finance Board Related  
Public Safety Department Consolidation Working Group Res. 459-2020  
\$250,000 Redevelopment Area Bond Application Res. 460-2020  
\$1,525,000 CY 2020 Intra-Line Item Appropriation Transfer Res. 462-2020  
\$1,800,000 Water/Sewer Utility Emergency Appropriation Res. 465-2020**

37. In connection with its Annual CY 2020 Surplus Invasion Application, did Orange represent to the Local Finance Board that this public safety structural reform would occur in CY 2020?
38. Is the local governing body backstepping from a cost-saving promise and representation made to the Local Finance Board?
39. Why aren't all LFB applications and certifications attached to the submission authorization resolutions?
40. Based upon my last November 18, 2020 virtual appearance before the Local Finance Board, does the Redevelopment Area Bond Application supporting materials need to be updated in order to demonstrate compliance with the November 18, 2020 issued long term tax exemption tool box?
41. When did the local governing body learn of the \$1,800,000 water/sewer utility, \$1,300,000 employee medical benefits and \$40,000 telephone shortfalls?
42. From what source will the \$1,800,000 water/sewer utility emergency appropriation shortfall be funded?
43. When will amortization of this \$1,800,000 water/sewer utility emergency appropriation commence?

44. In CY 2020, how many line item appropriations have been re-shifted and reallocated?
45. Will the local governing body take any official action before the December 16, 2020 Essex County Freeholders Meeting opposing any retroactive Essex County salary increases during this COVID 19 pandemic?
46. When will the mayor and the local governing body authorize our post July 2016 FBI raid of Orange's public library BA to take the structural reforms proposed and disclosed to the Local Finance Board in connection with Orange's CY 2017, CY 2018, CY 2019 and CY 2020 Surplus Invasion Applications?
47. When will the mayor and the local governing body authorize our post July 2016 FBI raid of Orange's public library BA to pursue all colorable claims and causes of actions against third parties, including former and current city employees, in-house attorneys and outside counsel?
48. When will the mayor and our post July 1, 2018 municipal attorney meet with me face-to-face to discuss all my pending claims and causes of actions against Orange?
49. What is the status of the accounting of all long term tax exemption revenues due and owing the County?
50. 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?
51. What is the status of the accounting of all monies due Orange from the HACO Thomas Boulevard Building?
52. Is Orange's water/sewer utility currently self-liquidating?
53. Was Orange's water/sewer utility self-liquidating in CY 2018 and CY 2019?
54. What is the status of Orange's current water/sewer utility capacity?
55. Without interconnections with other water utilities, can Orange meet its current water/sewer needs?
56. Without interconnections with other water utilities, can Orange meet its projected increased redevelopment needs?
57. Were the costs of all CY 2020 interconnections included within the adopted CY 2020 Budget?

**Lincoln Avenue Former Police State Redeveloper Designation and Private Sale Rescission Res. 461-2020**

58. Who drafted, reviewed and approved this rescission resolution prior to submission to the entire local governing body for approval?
59. Does the caption mirror the body of the rescission resolution?
60. Is there a typo as to either resolution in the Resolved paragraph?
61. Why the delay in rescinding this redeveloper designation and private sale authorization resolution?
62. When did Orange decide to rescind this contested redevelopment project?
63. Who was the redeveloper counsel?
64. In what other contested transactions has this redeveloper counsel been involved?
65. Are this redeveloper's principals involved in any other redevelopment projects in Orange?

**Improper Accelerated Tax Lien Sale Cure Res 464-2020**

- 66. What curative steps has Orange instituted in order to avoid holding other accelerated tax/water lien sale on properties subject to bankruptcy code automatic stay protections?
- 67. Of the current CY 2020 Accelerated Lien Sale, how many are repetitive properties?

**Bill List Res. 466-2020**

- 68. By what resolution did our local governing body authorize our outside budget consultants to perform an additional \$17,355 in fees and expenses/ PO 20-00169
- 69. In CY 2020, how much has Orange paid its special outside budget consultant?
- 70. In CY 2020, how much has Orange paid its federally implicated municipal planner

**The Nishuane Group? PO 20-01729**

- 71. Who review and approves all Nishuane Group purchase orders/requisitions/time summaries prior to placing their invoices on a monthly bill list?
- 72. What is the status of the executed CY 2020 Nishuane Group retention agreement?
- 73. In CY 2020, how much has Orange paid its legislative research officer?

**OPEN AND OUTSTANDING QUESTIONS**

**Nov. 16, 2020 CC Meeting**

- 74. Of the 41 pending and open October 2020 OPRA Requests, who are the requestors?
- 75. Of the 41 pending and open October 2020 OPRA Requests, what departments or boards have delayed production?
- 76. Have these departments and boards historically delayed production of government records pursuant to OPRA?
- 77. 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?
- 78. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
- 79. Did Orange receive any additional federal document subpoenas or requests for additional materials in CY 2019 and CY 2020?
- 80. If so, what were their dates of issuance and receipt by Orange's record custodian?
- 81. 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?

**CY 2020 Financial Emergency Related**

**Water/Sewer Connection Fee Ord. 56-2020**

**\$5M Emergency Appropriation Ord 57-2020**

**Bill List Res 453-2020**

**Bergen Health Care Benefits System Res 454-2020**

**\$5M Emergency Appropriation LFB Application Res. 456-2020**

- 82. What is the status of the private sale of the former Orange Memorial Hospital Site?
- 83. What has been the one year soft carrying costs of this former hospital site?
- 84. Did the Local Finance Board approve the original issuance of the Orange Memorial Hospital Acquisition Indebtedness?
- 85. What is the status of the private sale of the former Orange YWCA and Rossi Paints site?

86. What is the status of the promised Long Term Tax Exemption Policy and Procedure Ordinance?
87. Prior to this Bill List, how many prior year unpaid bills are there? Florio & Kenny (PO 20-0368);
88. Will the local governing body take any official action upon proper notice terminating any director accountable for not disclosing earlier this financial state of emergency?
89. When will the CY 2019 Audit be delivered and posted upon a public website?
90. When will the offering statement approved at the last meeting be delivered and posted on a public website?
91. Why the one year delay until CY 2022 to commence the 5 Year amortization of the \$5M emergency appropriation?
92. How will this \$5M emergency appropriation be funded? Surplus? Public Note?
93. When did the local governing body learn of this looming CY 2020 Deficit?
94. What structural steps did the administration and local governing body take to stop the pre COVID 19 financial bleeding?
95. Will the CY 2020 federal indictments and guilty pleas be disclosed in any CY 2020 offering statements?

#### **Repetitive Re-Occurring Not-Yet Answered Non-Agenda Item Questions**

96. What is the status of the written legal opinion or memorandum regarding the validity of holding an October 29, 2020 non-virtual heated tent planning board meeting on the contested Wawa application?
97. What is the status of the written legal opinion or memorandum regarding whether the non-urban renewal entity NJHMFA long term tax exemption was repealed and replaced effective April 17, 1992?
98. What is the status of the written legal opinions regarding the validity of all preOctober 6, 2020 virtual meetings' civic participation restrictions and limitations?
99. 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, October 7, 2020 and October 29, 2020 planning board meetings during which the mayor was present and acting in a quasi-judicial function?
100. What is the status of a written legal opinion or memorandum regarding whether the filing of a law suit within a 20 days estoppel period stays the effective date of an ordinance not subject to referendum challenge and who assumes the risk of loss during this period?
101. 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?
102. Did Orange's Feld I, Feld II, Feld III, Feld IV, Feld VI, Feld VIII, Feld X, Feld XI, Feld XII, Feld XIII, Feld XIV, Feld XV, Feld XVI, Feld XVII, Feld XVIII, Feld XX and RPM II special outside defense counsel admit in open court his lack of redevelopment/long term tax exemption law expertise and competency?
103. Who appeared and argued on behalf of Orange at the February 7, 2018 omnibus extraordinary Appellate Division hearing, the Feld XVIII mootness dismissal hearing and the Feld XX OPRA production hearing?

104. When and why did Attorney Kretzer distance himself from Attorney Russo and Orange?
105. On July 1, 2012 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?
106. When will Orange post its Feld X Walter G. Alexander Phase III “fairness” report on a public website?
107. Does this “fairness” report discuss the extent of the economic injuries and harms inflicted by Orange and its taxpayers by this per se disqualifying conflict of interest?
108. Does this “fairness” report omit any discussion of non-urban renewal entity NJHMFA long term tax exemptions?
109. Does this “fairness” report omit all urban renewal entity long term tax exemptions approved under the watch of Christopher Hartwyk and special outside redevelopment counsel Gluck Walworth?
110. When did Attorney Aaron Mizrahi become a city employee and the deputy city attorney?
111. In February 2016, did Judge Christine Farrington find our mayor and Willis Edwards III to have willfully violated the law?
112. In October 2016, did the local governing body provide stakeholders reasonable notice and an opportunity to be heard prior to consideration and official confirmation action on the BA (Christopher Hartwyk), municipal attorney (Eric S. Pennington) and police director (Todd Warren)?
113. How many V-B-M ballots were mailed to Orange registered voters in connection with the November 3, 2020 elections?
114. As of Wednesday November 3, 2020, how many V-B-M ballots were returned (voting yield)?
115. What is the process of cleansing all “inactive voters” from the list of registered voters?
116. What is the process to shifting all May municipal non-partisan elections to the November election cycle?
117. Under developing United States Supreme Court law, did our Governor usurp legislative powers by converting Orange’s May 2020 nonpartisan election to an all V-B-M election?
118. Who is the mayor’s current chief of staff?
119. In CY 2014, did a certain current city employee and current local elected official conspire with a homeless non-resident to delay the May 2014 nonpartisan municipal election?
120. As a result of my CY 2014 pro-bono representation of then candidate Harold Johnson Jr., did a certain current city employee with the consent of his superiors file a professional ethics complaint against me?
121. What is the status of a written legal opinion or memorandum regarding the validity of considering and taking official virtual meeting action without providing stakeholders a reasonable opportunity to be heard?
122. Has Councilperson Ross availed himself to an advisory ethical opinion from the State Division of Local Government Services?

123. 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?
124. What are the adverse consequences of a public official asserting his or her Fifth Amendment right against self-incrimination?
125. Walter G. Alexander 3 Phase Redevelopment Agreement dated September 30, 2009, did the redeveloper promise a market rate phase?
126. In the original, did Willis Edwards III confront Attorney Feld about his refusal to buy a table at Mayor Dwayne D. Warren's initial inauguration ball?
127. Shortly after July 1, 2012, were all pre-July 1, 2012 city council meeting videos removed and scrubbed from Orange's official public website?
128. 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?
129. 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?
130. 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?
131. 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?
132. Which current city employees' signatures appear on any contract, requisition or check relating to the October 14, 2020 federal guilty plea?
133. If municipal legislation is amended just prior to the meeting, is the original and amended legislation preserved on a public website?
134. On October 6, 2020, did the local governing body approve an Amended Res. 403-2020 without providing stakeholders any opportunity to comment upon the amended virtual civic participation resolution prior to taking official action?

**Amended Post Amending Master Plan Repealing & Supplementing Development Regulations Ord. 48-2020**

135. Do local elected officials have a constitutional, statutory and common law duty to respond to all pertinent second reading public hearing and agenda item related questions prior to taking official action?
136. How much has Orange paid the Nishuane Group in connection with the drafting and preparation of this amended development regulations?
137. Do the amending and superseding post amended master plan Chapter 210 development regulations need the written input of Orange's two local land use boards prior to second reading?
138. Why the delay in approving these amending and superseding post amending master plan Chapter 210 development regulations?
139. Is there a blacklined draft highlighting the drafting changes?
140. What outside law firm reviewed and approved these amending and superseding post master plan Chapter 210 development regulations?
141. For properties located within a duly designated redevelopment area, when is a redevelopment agreement or redeveloper designation required?



142. Will the Wawa applicant require a redevelopment agreement?
143. After the last August 2020 planning board meeting and CY 2020 federal indictments and guilty pleas, what weight should be afforded to the Nishuane Group work product?
144. Does this new ordinance remove the obligation to obtain a net benefits fiscal impact study during the planning board process?

**LaQuanna Best Director Appointment Confirmation Res. 427-2020**

145. Did the local governing body engage in improper horse trading with the mayor by unanimously approving the appointment of an unqualified Ms. Best in exchange for a walk-on politically face saving salary freeze?
146. As the Planning Board Secretary, did Ms. Best conspire and/or aid and abet the suppression of political free speech and our robust marketplace of competing ideas?
147. If the mayor nominated Ms. Best via letter dated September 30, 2020, was Ms. Best the acting director on October 6, 2020 and October 28, 2020 who approved the holding of a non-virtual heated tent planning board hearing on the Wawa application?
148. As planning board secretary and the post September 30, 2020 acting director, did Ms. Best seek to obtain any independent legal opinions?
149. Has each councilmember reviewed the nominee's performance as the Planning Board Secretary including OPRA Compliance, OPMA virtual meeting compliance, minutes drafting, assuring prior access to all application materials, distributing all heads up memos to all planning board members prior to the meeting and obtaining all appropriate legal opinions?
150. As the Deputy Director, what were Ms. Best's chain and command duties and responsibilities?
151. Over whom did Ms. Best have oversight responsibilities and duties?
152. Under Ms. Best's watch, did Orange timely respond to all OPRA requests regarding certain Main Street and warehouse certificate of occupancy applications and approvals?
153. Under Ms. Best's watch, did Orange engage in discriminatory certification of occupancy inspection and enforcement?
154. If Ms. Best is confirmed a director, does she have to resign as the planning board secretary?