

**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 MONDAY, NOVEMBER 16, 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 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
Adrian Mapp, Director of Finance
Nile Clements, Chief Financial Officer
Marty Mayes, Director of Public Works
Laquana Best, Director of Planning
Marlin Townes, Legislative Research Officer
Tamara Robinson, City Clerk's Office
Maggie Homere, City Clerk's Office

Absent: Councilman Harold Johnson, Jr., West Ward

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:

- **October 14, 2020 Special (Executive Session) Meeting**

Motion to adopt by Councilman Ross, second by Councilwoman Wooten.

The motion was approved by unanimous vote.

Motion passed.

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2020:

- Department of Community Service – October 2020: \$7,852.50
- Department of Planning & Economic Development – October 2020: \$46,026.00
- City Clerk’s Office – October 2020: \$201.00
- Orange Historical Preservation Commission – October 2020: \$215.00

CONSTABLE REPORTS: None.

OPRA REPORTS:

Month of October 2020: 133 OPRA requests received, 92 completed and 41 pending.

COUNCIL REPORTS

Alcoholic Beverage Control Board – Councilman Ross reported the following:

- There is a Commissioner missing on the Board.
- The current Board Secretary is scheduled to retire and the next meeting is scheduled for December 10, 2020.
 - o Business Administrator Hartwyk confirmed that the ABC Board will have a Secretary assigned.

Finance Committee – Council Vice President Eason reported the following recommendations from the meeting held on November 16, 2020:

- There are no outstanding objections and all of the legislation can move forward.

Council President directs Clerk to file reports.

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 be allowed to participate in this portion of the Council Meeting via audio call in number and video conferencing platform by stating their name and address when directed to do so by the Council President. All public comments submitted through electronic mail or written letter before the meeting shall be read aloud by the City Clerk. The City Council reserves the right to respond or not respond during the meeting to any citizen’s questions or comments. If the Council wishes to address any comments it shall be done during the remote public meeting.

The City Clerk reported that the emailed citizen comments received from Jeff Felds has been posted on the website www.orangetwpnjcc.org under the November 16, 2020 Council Meeting.

- 1) **JEFF FELDS** – hardwaredad@aol.com, 11 Alexander Lane, Short Hills NJ:

Preliminary Conference Meeting

1. Why the delay in holding a public hearing on Orange's CY 2020 Best Inventory Responses until after the November 3, 2020 elections?
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?
7. When will Orange's CY 2019 Audit be delivered and posted?
8. When will the local governing body (after providing all proper procedural due process notices) terminate Orange's relationship with certain department heads?

Regular Meeting Agenda OPRA

9. 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?
10. Of the 41 pending and open October 2020 OPRA Requests, who are the requestors?
11. Of the 41 pending and open October 2020 OPRA Requests, what departments or boards have delayed production?
12. Have these departments and boards historically delayed production of government records pursuant to OPRA?
13. What is the status of the executed CY 2020 Nishuane Group retention agreement?
14. 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?
15. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
16. Did Orange receive any additional federal document subpoenas or requests for additional materials in CY 2019 and CY 2020?
17. If so, what were their dates of issuance and receipt by Orange's record custodian?
18. 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

19. 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?
20. 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?

21. 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?
22. 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?
23. What is the status of the accounting of all long term tax exemption revenues due and owing the County?
24. 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?
25. What is the status of the accounting of all monies due Orange from the HACO Thomas Boulevard Building?
26. What is the status of the private sale of the former Lincoln Avenue police station?
27. What is the status of the private sale of the former Orange Memorial Hospital Site?
28. What has been the one year soft carrying costs of this former hospital site?
29. Did the Local Finance Board approve the original issuance of the Orange Memorial Hospital Acquisition Indebtedness?
30. What is the status of the private sale of the former Orange YWCA and Rossi Paints site?
31. What is the status of the promised Long Term Tax Exemption Policy and Procedure Ordinance?
32. Prior to this Bill List, how many prior year unpaid bills are there? Florio & Kenny (PO 20-0368);

The City Clerk read into the record Citizen Comments up to the five-minute timeframe allotted to each citizen. As a result, all of the comments submitted by Jeff Felds were not all read into the record.

Motion to close citizen comments by Councilman Ross, second by Council Vice President Eason. Both Councilman Ross and Council Vice President Eason withdrew their motion, as there was another citizen who wanted to comment.

The following citizen commented live:

2) William Hathaway:

- a. Wished everyone a Happy Thanksgiving;
- b. Announced the Orange Fire Department's Annual "Gift to Give" Thanksgiving Dinner Distribution scheduled for Thursday, November 26, 2020 from 11 a.m. to 2 p.m. at 234 Lincoln Avenue (Central Fieldhouse – across the street from the firehouse); and
- c. Reminded everyone that St. Matthews Church is providing COVID testing every Monday in November 2020 at 336 Oakwood Avenue.

Motion to close citizen comments by Councilman Ross, second by Council President Coley. The motion was approved by unanimous vote. Motion passed.

COUNCIL COMMENTS

Councilman Ross commented on the following:

- Inquired if there are any plans for the abandoned house located at 563 Berkeley Avenue.
 - o Director Mayes advised that he will do some research and provide an update.
- Expressed his concern of unwanted deer in his backyard and wanted to know if the City can provide any assistance.
 - o Director Mayes advised that he will report same to the Rudy Giordano, Animal Control Officer.
- Inquired if there are any grants for renters.
 - o Business Administrator Hartwyk advised that he believes there are grant programs by both the County and the State and will provide information.
- Virtually attending the New Jersey League of Municipalities and participated in the Newly Elected Officials Seminar and is scheduled to take Ethics and Open Public Records Act Seminars.
- St. Matthews Church is doing COVID testing every Monday in November 2020.

Councilwoman Wooten commented on the following:

- Reminded everyone that COVID 19 numbers are going up in New Jersey and asked that same be taken seriously. In addition, she warned everyone to be careful and continue wearing your mask to protect yourself and others.
- Wished everyone a safe and Happy Thanksgiving.

Councilwoman Summers-Johnson commented on following:

- Little libraries at both South Street and Forrest Street Schools and requested donations.
- Food distribution every Wednesday and Thursday at the Field House from 10 a.m. to 2 p.m.
- Saturday, November 21st, three street naming with Mayor Warren and Councilwoman Wooten at the following locations:
 - o Designating Tremont Avenue beginning at S. Center Street and ending at Mosswood Street as Vivian Gaunt Way in Honorarium at 9:00 a.m.;
 - o Designating Mosswood Avenue beginning at Warwick Avenue and ending at Tremont Avenue as Honorable William R. Lewis Way-In-Memoriam at 9:15 a.m.; and
 - o Designating the intersection of Mosswood Avenue and Heywood Avenue as Mrs. Anne Jackson- Johnson Place in Memoriam at 9:30.m.
- Advised she has a 24 hours/7 days a week answering service where the residents can reach her at (862) 272-1155.
- Wished everyone a safe and Happy Thanksgiving.
- Attended the Urban Mayor's United Conference on November 16th
- Grab and Go turkey distribution at Central Playground fieldhouse.

Councilman Montague, III commented on the following:

- Wished all the residents of Orange and surrounding areas a Happy Thanksgiving.
- Announced an organization has donated for him to distribute 50 turkey meals to give away.
- On December 5th, there will be drive through COVID testing at Park Avenue. Results will be given in two days.

Council Vice President Eason commented on the following:

- Wished everyone a Happy Thanksgiving.
- Urged everyone to be vigilant about COVID and wear a mask and gloves.
- Informed the residents of Governor Murphy's Executive Order, which states that there could only be gatherings of 10 people inside and 150 people outside. Therefore, she requested that residents call the Police when they see a lot of people in one location to avoid the spreading of the virus.
- Ask everyone to pray for one another to be safe.
- Announced President Trump has conceded.

Council President Coley commented on the following:

- Display of Veteran posters/banners honoring those who served selflessly for our County on Main Street by the Department of Community Services and thanked Mr. Godfrey for a great job.
- Wished everyone a Happy Thanksgiving.

ORDINANCES-SECOND READING/PUBLIC HEARING

50-2020 An ordinance to amend the Code of the City of Orange Township, Chapter 46 entitled "Air Pollution", to update open burning/open fire requirements and responsibility for overnight functions. (Sponsored by Council Member Jamie Summers-Johnson)

The City Clerk inquired if there were any residents wishing to comment. There were no live citizen comments. Thereafter, the City Clerk read into the record the following citizens comments received via email:

- 1) Sharanda Bennett
 - i. I am a resident of Clairmont Terrace and I am in favor of having fire pits in the City of Orange.
- 2) Jeffrey Wingfield
 - i. Please amend the ordinance and current code in regards to fire pits. I am a homeowner and in 2009 when I brought my home on Nassau Street, I have been gifted a constructed fire pit in my yard. It would be beneficial to finally use it.
- 3) Jill Summers-Phillips
 - i. I am a resident of 311 Reynolds Terrace, Orange, NJ. I am in favor of the amendment of the code.

Motion to close Citizen Comments by Council Vice President Eason, second by Councilman Montague, III.

The Motion was unanimously approved. Motion passed.

Motion to adopt on Second Reading by Council Vice President Eason, second by Councilman Ross.

Roll Call:

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

Abstain: None
Absent: Johnson, Jr.

Motion passed.

51-2020 An ordinance to amend the Code of the City of Orange Township, Chapter 200, entitled “Vehicles and Traffic” Section 200-52-1 Handicapped Parking Spaces. (433 Lincoln Avenue)

The City Clerk inquired if there were any residents wishing to comment. There were no citizen comments.

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

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

Roll Call:

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

Motion passed.

53-2020 A bond ordinance amending bond ordinance number 43-2019 finally adopted by the City Council of the City of Orange Township, in the County of Essex, state of New Jersey on November 18, 2019 to amend the description of improvements and the useful life set forth therein.

The City Clerk inquired if there were any residents wishing to comment. There were no citizen comments.

Motion to close Citizen Comments by Councilman Montague, III, second by Council Vice President Eason.

The Motion was unanimously approved. Motion passed.

Motion to adopt on Second Reading by Council Vice President Eason, second by Councilwoman Wooten.

Roll Call:

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

Motion passed.

54-2020 A bond ordinance amending bond ordinance number 51-2019 finally adopted by the City Council of the City of Orange Township, in the County of Essex, State of New Jersey on November 18, 2019, to amend sections 1, 3 and 5 therein.

The City Clerk inquired if there were any residents wishing to comment. There were no citizen comments.

Motion to close Citizen Comments by Councilwoman Summers-Johnson, second by Councilman Montague, III.

The Motion was unanimously approved. Motion passed.

Motion to adopt on Second Reading by Council Vice President Eason, second by Councilwoman Summers-Johnson.

Roll Call:

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

Motion passed.

ORDINANCES-INTRODUCTION/FIRST READING

56-2020 An ordinance to amend the Code of the City of Orange Township by repealing and replacing Chapter 88, “Fees” Article VIII entitled “Department of Public Works” Section 15 “Fees” in its entirety.

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

Roll Call:

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

Motion passed.

Second Reading/Public Hearing is scheduled for December 15, 2020.

57-2020 An ordinance of the City of Orange Township, in the County of Essex, State of New Jersey, providing for a special emergency appropriation pursuant to N.J.S.A. 40A: 4-53(m) to fund a deficit in operations and extraordinary expenses of the City directly attributable to COVID-19 which is anticipated to be experienced by the City in the current 2020 fiscal year.

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

Roll Call:

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

Motion passed.

Second Reading/Public Hearing is scheduled for December 15, 2020.

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. *450-2020 THROUGH *456-2020

- *450-2020** A resolution authorizing approval to submit a grant application with the New Jersey Department of Transportation for the City of Orange Township FY 2020 Transportation Alternatives Set-Aside program.
- *451-2020** A resolution ratifying and authorizing a contract for services with Enforsys Police Systems, Inc., located at 27 Bleeker Street, Millburn, NJ 07041, to provide support and maintenance of the software for the police dispatch, mapping and records management for the Orange Police Department for the period of August 1, 2020 until July 31, 2021 in an amount not to exceed \$29,000.00.
- *452-2020** A resolution authorizing the awarding of a contract for managed phone line solution to Municipal Technologies, LLC, 746 Route 18, Suite 2B 2nd Floor, East Brunswick, New Jersey 08816 for a five year term commencing November 16, 2020 in an amount not to exceed \$106,145.11 in the first year of the contract and \$63,645.11 every year thereafter.
- *453-2020** A resolution approving the bill list for council meeting vote on November 16, 2020 dated November 9, 2020 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$3,841,498.99)
- *454-2020** A resolution authorizing the City of Orange Township to join Bergen Municipal Employee Benefits Fund

***455-2020** A resolution appointing Christopher Hartwyk as Fund Commissioner and Marty Mayes as Alternate Fund Commissioner for the Bergen Municipal Employee Benefits Fund

***456-2020** A resolution approving the certification of the Chief Financial Officer as to the anticipated deficit in operations and extraordinary expenses of the City of Orange Township, in the County of Essex, State of New Jersey directly attributable to COVID-19 pursuant to N.J.S.A. 40A:4-53(m), and approving the submission of an application to the Director of the Division of Local Government Services in connection with the proposed funding of such anticipated deficit and extraordinary expenses through a special emergency appropriation of the City.

Motion to adopt Consent Agenda by Councilman Montague, III, second by Councilwoman Wooten.

Roll Call:

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

Motion passed.

NEW BUSINESS AND WALK-ON ORDINANCES/RESOLUTIONS None.

OTHER PENDING BUSINESS None.

Motion to adjourn by Council Vice President Eason, second by Councilman Ross. The motion was approved by unanimous vote.

Meeting adjourned at 8:03 p.m.

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

APPROVED: December 15, 2020


Joyce L. Lanier
City Clerk


Kerry J. Coley
Council President