

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, DECEMBER 15, 2020 FOLLOWING THE CONFERENCE MEETING.

Council President Coley 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
Adrian Mapp, Director of Finance
Nile Clements, Chief Financial Officer
Kenneth Douglas, Fire Director
Raymond Wingfield, Deputy Director of Public Works
Laquana Best, Director of Planning
Marlin G. Townes, Legislative Research Officer
Tamara Robinson, City Clerk's Office
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:

- **November 16, 2020 Conference Meeting Minutes**
(Council Members Johnson, Jr. and Summers-Johnson were absent and should abstain)

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

Roll Call:

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

Motion passed.

- **November 16, 2020 Regular Meeting Minutes**
(Councilmember Johnson, Jr. was absent and should abstain)

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: None
- Abstain: Johnson, Jr.
- Absent: None

Motion passed.

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2020:

- Department of Community Service – November 2020: \$16,600.00
- Department of Planning & Economic Development – November 2020: \$50,058.00
- City Clerk’s Office – November 2020: \$475.00
- Orange Historical Preservation Commission – November 2020: \$140.00

CONSTABLE REPORTS: None.

OPRA REPORTS:

Month of November 2020: 103 OPRA requests received, 77 completed and 26 pending.

CONSTABLE REPORTS: None.

OPRA REPORTS: None.

COUNCIL REPORTS

Fire Department - Deputy Chief Matthew Kohault and Director Kenneth Douglas reported the following:

- All vehicles are prepared for the snow storm.
- Reminded residents to check their smoke and carbon monoxide detectors and clear outside vents.
- Urged resident to keep fire hydrants cleared to allow accessibility in an emergency.

Finance Committee – Council Vice President Eason reported the following recommendations from the meeting held on December 15, 2020:

- Ordinances 63-2020 and 64-2020 be tabled for amendments and brought back at the first meeting in January.
- There are no outstanding objections and the legislation can move forward.

Council President directs Clerk to file reports.

COMMUNICATIONS AND PETITIONS

Public Notice – NJ Transit will be accepting grant applications from organizations who wish to apply for the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant. Applications will be available from December 11, 2020 to February 5, 2021 at 3:00 PM. In order to complete a grant application, all organization must go to the following website: <http://s-rides.njtransit.com>. This public notice can viewed at the Municipal Council Website: <https://orangetwpnjcc.org>.

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 have been posted on the website www.orangetwpnjcc.org under the December 15, 2020 Council Meeting.

1) Donna K. Williams – donnakdevose@aol.com

Please accept this letter as a follow-up to my question at the last city council meeting (12/1/2020).

I have seen the demolition of homes on Central Place in Orange, NJ in preparation for the next phase of Walter G.

I would like to know the following:

1. Has the design been confirmed?
2. Will it be consistent with the form of housing in that immediate area, which is 1 family or 2 families?
3. Will there be off street parking for each home?
4. Will this redevelopment bring funding for the surrounding homes to allow improvements?

2) Zonasha Ward – zamward@gmail.com

We appreciate your help and all that was said in last night’s December 1st council meeting about emergency protocol. Our neighbors are a young family with a Preschooler and baby that was born in the pandemic. A tree fell on their home during the council meeting. Our surrounding neighbors came to their aide and council women Summers-Johnson and Fire Director Douglas were instrumental in helping the situation while being in a virtual meeting. This exemplifies Orange’s ability, strength and unity. More can be done however to strive to move Orange forward toward being the best.

Our neighbors did call 911, they told us the operator was nonchalant and sounded unconcerned because no one was hurt or in danger. They requested the persons badge number, because it's not the 1st time the operations have brushed off issues when called. They then called the non-emergency numbers only to hear busy signals at both the Fire and Police Departments.

This event has highlighted inadequacies that must be addressed. We did receive the new Fire Department numbers in an email early this morning. We need to move swiftly to update all numbers and voicemail boxes in all city departments to better serve the community.

A busy signal, full / un-setup voicemails and apathetic first-responders are never what a person in need should receive.

- 3) **Carl Fields, Jr. – dri8ver@yahoo.com**
 1. When will the CBAC be formed for CY 2021? This is the second request!
 2. When will the Public Safety Committee be formed? This is the second request!
- 4) **Seven Oaks Society – sevenoakssociety@gmail.com**

Design Standards

At the planning meeting on November 30, 2020, the developer seeking to demolish 3 single family homes on Highland Avenue was approved to build 140-Units in conflict with the valid concerns of the public.

It was blatantly apparent the City of Orange Township is in need of city wide design standards. So that we can become the town we should be rather than remaining the town developers want us to remain. We need standards that invoke vision and ingenuity rather than merely fulfilling the minimum requirements.

Our town has a great wealth of handsome Architecture including Tudor, Victorian, Craftsman, Federalist, and Art Deco Buildings. We need to have standards that demand our character be honored and future developments that are modern and contextual so that future generations can look on them with pride.

In order to properly breathe life into Main Street, Central Ave, Scotland Ave and the Landmark Orange Memorial Hospital we must do so with the care and attention our 214 year old town deserves. In order to Move Orange Forward we need to be bold and have vision we need to stop seeing this place for what it is now, but what it can be. Then attract those who can make it happen.

We urgently need well-devised standards, for Lighting, Signage, Landscaping, Fenestration, Public right of ways, New Construction, Major Renovations (both residential and commercial).

- 5) **Jeff Feld – hardwaredad@aol.com**

Preliminary Conference Meeting

Local Housing Authority Executive Director Presentation

1. What is the status of the Walter G. Alexander Phase IV Project?
2. What is the status of the local housing authority's FY 2019 and FY 2020 audits?

3. Does the local housing authority owe any monies to Orange with respect to the affordable housing project housing its Thomas Boulevard executive offices?
4. In or about August 2018, did the local housing authority issue a false and defamatory press release about Attorney Feld's professional character, integrity and competency?
5. Has the local housing authority retained independent counsel to examine the "fairness" of the Walter G. Alexander Phase III long term tax exemption transaction?
6. Did Orange retain an independent expert to examine the "fairness" of the Walter G. Alexander Phase III long term tax exemption transaction?
7. If so, why does Orange refuse to post this expert report on a public website?
8. Upon his assumption of elected office on July 1, 2020, did councilperson Ross resign as a local housing authority commissioner?
9. Under developing case law, can monetary damages be imposed against a public official in his or her individual capacity for abridging, impairing, or limiting a well-established constitutional and statutory right? See, *Tanzin v. Tanvir*, 592 U.S. __ (Dec. 10, 2020).
10. Under developing case law, can a public official forfeit his entire public pension for certain criminal convictions relating to the abuse of his or her official position? See, *State v. Zacche*, A-5118-18T1 (App. Div. Dec. 2, 2020); Editorial: "NJ Supreme Court Should Rely on NJ Constitution" 226 N.J.L.J. 3018 (Nov. 30, 2020).

Regular Meeting Agenda

Preliminary

11. As a preliminary matter, because the Local Finance Board did not consider and vote on Orange's two emergency appropriation applications on December 9, 2020 and because this municipality is a qualified bond municipality, under what authority is the local governing body approving the issuance of additional indebtedness without the prior consent of the Local Finance Board?
12. Who prepared, reviewed and approved the agenda and meeting minutes prior to its submission and posting on a public website?
13. Who is responsible for ensuring that all proposed municipal legislation bears the approval signature of a licensed attorney prior to the release of the agenda?
14. Who is the Jeff Felds referred in prior approved meeting minutes?
15. 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?
16. When will Orange respond to all my prior unanswered virtual meeting submissions?
17. Why was the Russo Long Term Tax Exemption Redevelopment Area Bond Ord. 60-2020 omitted from the December 15, 2020 Agenda?
18. When will be the second reading on this Long Term Tax Exemption Redevelopment Area Bond Ord. 60-2020?
19. Under developing case law, can monetary damages be imposed against a public official in his or her individual capacity for abridging, impairing, or limiting a well-established constitutional and statutory right? See, *Tanzin v. Tanvir*, 592 U.S. __ (Dec. 10, 2020).
20. Under developing case law, can a public official forfeit his entire public pension for certain criminal convictions relating to the abuse of his or her official position? See, *State v. Zacche*, A-5118-18T1 (App. Div. Dec. 2, 2020); Editorial: "NJ Supreme Court Should Rely on NJ Constitution" 226 N.J.L.J. 3018 (Nov. 30, 2020).

21. Is the County and Orange about to confront a political “Tyshammie Tsunami,” including severe blowback from the Camden Empowerment Zone Corporation bad faith bankruptcy filing dismissal and repetitive false and misleading retaliatory deflecting defamatory hate speech statements made by public officials against dissenting stakeholders?

OPRA

22. Of the 26 pending and open November 2020 OPRA Requests, who are the requestors?
23. Of the 26 pending and open November 2020 OPRA Requests, what departments or boards have delayed production?
24. Have these departments and boards historically delayed production of government records pursuant to OPRA?
25. What is the status of the executed CY 2020 Nishuane Group retention agreement?
26. 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?
27. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
28. Did Orange receive any additional federal document subpoenas or requests for additional materials in CY 2019 and CY 2020?
29. If so, what were their dates of issuance and receipt by Orange’s record custodian?
30. 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?

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.

The City Clerk inquired if there were any citizens that wished to make comments. The following citizen commented live:

- 1) **James Ward**
- Thanked Council Members for attending and contributing to the Seven Oaks Coat Giveaway, wherein 300 jackets, coats and sweaters were distributed.
 - Implored to Council the importance of design standards for development in the City of Orange Township.
 - Expressed his appreciation for the research and work done to introduce the noise ordinance.
- 2) **Janice Morrell**
- Relative to Res 468-2020, Can you list some of the extraordinary expenses related to Covid-19 that the municipality has experienced?
 - Relative to Res 472-2020, How many contracts does the municipality have relative to IT services?
- 3) **Katalin Gordon**
- Requested that the City announce the procedure for obtaining night parking permit decals.

Motion to close citizen comments by Council Vice President Eason, second by Councilman Johnson, Jr. The motion was approved by unanimous vote.

Motion passed.

COUNCIL COMMENTS

Councilwoman Wooten commented on the following:

- Thanked Mr. James Ward for his support and comments regarding the Noise Ordinance.
- Meet with Administration regarding garbage contract for 2021.
- Acknowledged the residents' complaints regarding rat problem in the City.
- Amendments to the Code regarding code enforcement to ensure enforceability.
- Meeting with Police Department's Traffic Division regarding signage, street parking and parking tickets on Hampton Terrace.
- Seven Oaks Society coat drive success and thanked both Seven Oaks Society and all Council Members who assisted.
- Thanked Mayor Warren for providing hot coco and donuts.
- Thanked Ms. Karen Wells for thinking of people waiting in line.
- Christmas tree, Menorah and Kwanzaa candle lightings.
- Mayor's Toy Giveaway on December 21st between 3 p.m. and 6 p.m. at 29 Park Street.
- Wished everyone a happy and a safe holiday.

Council Vice President Eason commented on the following:

- Thanked Stacey Martin and team for their coordination on the food distribution.
- Thanked Seven Oaks Society for their coat drive.
- Announced the Coat & Toy Giveaway by the City of Orange Township and the Orange Democratic Committee on December 19th.
- Working behind the scenes participating in meetings to keep the City vibrant and funding coming in.
- Wished everyone a happy and safe New Year.
- Thanked Deputy Director Wingfield for providing the storm update.

Councilman Johnson, Jr. commented on the following:

- Wished everyone a happy and safe holiday.
- Expressed his gratitude for the COVID 19 vaccine's arrival.
- Expressed his appreciation towards his colleagues and Administration.
- Announced his retirement from his day job.

Councilwoman Summers-Johnson commented on following:

- Thanked Seven Oaks Society for their coat drive which she was able to attend.
- Sterling Avenue Block Association giveaway.
- Attendance at the Fire Safety seminar on Claremont Terrace.
- Attendance at tree lighting in recognition for lives lost due to gun violence.
- South Ward's block association meetings scheduled for Thursday, December 17th – 5:30 p.m. Nassau Street and 7:00 p.m. Claremont Terrace.
- Expressed her gratitude for the formation of block associations in the South Ward that has allowed residents to meet and work together.

- Thanked the Department of Public Works for their impeccable leaf collection, assistance with leaf bags, recycle bins and loading her vehicle for food distribution.
- Goal to pilot leaf pickup out of the bag.
- Reiterated the need to have all Department Directors participate in Council Meeting to address and respond citizen comments/questions.
- Expressed here appreciation to Detectives Cherry and Polhill from the Police Department who attend the South Ward block association meetings and provide stats of crimes and safety tips.
- Thanked the Fire Department for their fire safety presentation at Metcalf Park for the second grade students of Heywood Avenue.
- Informed the residents that every traffic situation she requested the City Engineer look into were not approved. Therefore, she will schedule a zoom meeting with the residents to show them the report and decide what further steps to take.
- Coat Drive scheduled for Saturday, December 19th between 1 p.m. and 4 p.m. at the Huub located at 35 Cleveland Street.
- Wished everyone happy holidays.

Councilman Ross commented on the following:

- Inquired regarding the \$829,473 grant awarded to the City.
 - Business Administrator Hartwyk reported that a monthly grant report is distributed by the Grant Writer to each Council Member. In addition, the City has accepted the grant award but same has not been funded.
- Need for a comprehensive plan with the City, garbage collectors and residents to combat rats in the City and enforcement of the Code.
- Thanked the Seven Oaks Society for their coat giveaway.
- City of Orange Township's and Orange Democratic Committee's Coat & Toy Giveaway scheduled for Saturday, December 19th between 1 p.m. and 4 p.m. at the Orange food distribution site located at 234 Lincoln Avenue.
- Wished everyone a safe and happy holidays.

Councilman Montague, III commented on the following:

- Thanked the Council for their help and guidance.
- Thanked the Department of Administration and Business Administrator Hartwyk for helping him succeed.
- Thanked the citizens for their input.
- Thanked the City Clerk's Office for all their assistance.
- 200 food boxes available for distribution on Thursday, December 17th. Asked any resident who needs food to contact him at (862) 233-5701 and he will deliver same.
- Wished everyone happy holidays.

Council President Coley commented on the following:

- Expressed his appreciation to the Essex County administration for rolling out the COVID 19 vaccine.
- Wished everyone a Merry Christmas and Happy New Year.

ORDINANCES-SECOND READING/PUBLIC HEARING

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.

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 email comments sent in by Jeff Feld:

1. When will these new water/sewer fees become effective?
2. Will they apply to any approved redevelopment project that has not yet commenced construction or received a certificate of occupancy?
3. Is Orange's water/sewer utility currently self-liquidating?
4. Was Orange's water/sewer utility self-liquidating in CY 2018 and CY 2019?
5. What is the status of Orange's current water/sewer utility capacity?
6. Without interconnections with other water utilities, can Orange meet its current water/sewer needs?
7. Without interconnections with other water utilities, can Orange meet its projected increased redevelopment needs?
8. Were the costs of all CY 2020 interconnections included within the adopted CY 2020 Budget?
9. Does our water/sewer utility have the current capacity to handle this new additional demand?
10. What is the current status of our wells and water/sewer capacity?
11. Has our water/sewer utility cured all its outstanding noticed violations?

Motion to close Citizen Comments by Councilman Ross, second by Councilman Johnson, Jr. The Motion was unanimously approved.

Motion passed.

Motion to adopt on Second 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.

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.

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 email comments sent in by Jeff Feld:

1. Did the local governing body obtain an updated written legal opinion or memorandum regarding the validity of approving the incurrence of additional indebtedness without the prior approval of the Local Finance Board?
2. If so, who authored this written legal opinion or memorandum?
3. Has our BA, Finance Director, CFO, Bond Counsel, Outside Budget Consultant and Outside Auditors each approved the enactment of this municipal debt legislation without the prior consent of the Local Finance Board?
4. From what sources will the emergency appropriation shortfalls be funded?
5. When will amortization of the emergency appropriations commence?
6. In connection with its LFB emergency appropriations applications, did Orange waive its rights to amortize these obligations over ten years?
7. In connection with its LFB emergency appropriations applications, did Orange provide a detailed accounting of what specific loss of municipal revenues are directly traceable to the COVID-19 pandemic?
8. In connection with its LFB emergency appropriation applications, did Orange disclose all steps to cut expenses?

Motion to close Citizen Comments by Councilman Ross, second by Councilman Montague, III. The Motion was unanimously approved.

Motion passed.

Motion to adopt on Second 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.

59-2020 A bond ordinance of the City of Orange Township, in the County of Essex, State of New Jersey, providing aid to a redevelopment project located at 33-51 Lincoln Avenue and 60 Scotland Road in the City of Orange Township and appropriating \$250,000, therefor, and providing for the issuance of \$250,000 in bonds or notes of the City of Orange Township to finance part of the cost thereof

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 email comments sent in by Jeff Feld:

1. Was this recourse qualified bond ordinance application submitted to the LFB on or about November 18, 2020 without the prior consent of the local governing body?
2. Did the local governing body ratify and approve the submission of this unattached application on December 1, 2020?

- 3. Did our BA, Finance Director, CFO, Outside Budget Consultant, and Outside Auditors each approve the submission of a recourse qualified bond application rather than a non-recourse redevelopment area bond issuance?
- 4. Was the differences and adverse consequences of each financing vehicle explained to the local governing body and the community during a noticed public hearing?
- 5. Why was the November 18, 2020 filed application not attached to the December 1, 2020 submission approval resolution?
- 6. Has Orange issued updated offering materials in connection with the refinancing of certain indebtedness?

Motion to close Citizen Comments by Councilman Ross, second by Councilman Johnson, Jr. The Motion was unanimously approved. Motion passed.

Motion to adopt on Second 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.

61-2020 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 an anticipated deficit in operations in the Water/Sewer Utility Fund of the City for the 2020 fiscal year directly attributable to COVID-19.

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 Councilman Ross. The Motion was unanimously approved. Motion passed.

Motion to adopt on Second Reading by Councilman Montague, III, 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.

ORDINANCES-INTRODUCTION/FIRST READING

58-2020 An ordinance to amend and supplement the Code of the City of Orange Township to create Chapter 153 entitled “Portable Lavatories”.

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 January 19, 2021.

63-2020 An ordinance to amend Chapter 71-12.1 Fence Materials; Prohibitions; of the Municipal Code of the City of Orange Township to further prohibit barbed wire on any residential or commercial property in the City. (Sponsored by Councilmember-At-Large Adrienne Wooten)

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

On the Motion: Council Vice President Eason reported that she will send amendments to be considered for the ordinance.

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 January 19, 2021.

64-2020 An ordinance to amend and supplement Chapter 138 of the City of Orange Township Municipal Code entitled “Noise”. (Sponsored by Councilmember-At-Large Adrienne Wooten & South Ward Councilmember Jaime Summers-Johnson)

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

On the Motion: Council Vice President Eason reported that she will send comments to be considered for the ordinance.

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 January 19, 2021.

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. *467-2020 THROUGH *474-2020

- *467-2020 A resolution certifying compliance with the directive of the Division of Local Government Services, regarding the annual audit for the Calendar Year 2019.
- *468-2020 A resolution of the City of Orange Township, in the County of Essex, State of New Jersey, authorizing the issuance of \$5,000,000 special emergency notes pursuant to N.J.S.A. 40A:4-55 to finance a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(m) to fund a deficit in operations and pay for extraordinary expenses related to COVID-19.
- *469-2020 A resolution of the City of Orange Township, in the County of Essex, State of New Jersey, authorizing the issuance of \$1,800,000 special emergency notes pursuant to N.J.S.A. 40A:4-55 to finance a special emergency appropriation pursuant to N.J.S.A. 40A:53(m) to an anticipated deficit in operations in the Water/Sewer Utility Fund of the City for the 2020 fiscal year directly attributable to COVID-19.
- *470-2020 A resolution appointing Carl Fields, Jr., a resident of Orange New Jersey to fill the unexpired term of Eddie Grubbs, as a regular member to the Zoning Board of Adjustment of the City of Orange Township, New Jersey
- *471-2020 A resolution designating McGee Ryan Assets, LLC as the redeveloper for the property located at 595 Lincoln Avenue and identified on the city tax map as block 6303, lot 7 and approving and authorizing the execution of a redevelopment agreement with McGee Ryan Assets, LLC for the sale and redevelopment of this property
- *472-2020 A resolution ratifying the award of an emergency contract between the City of Orange Township and Sysnet Solution Inc., 746 Route 18, Suite 2B, East Brunswick, New Jersey 08816 for cloud hosting of all servers, backup maintenance, and management options in response to the COVID-19 pandemic in an amount not to exceed \$140,000.00

- *473-2020 A resolution approving the bill list for council meeting vote on December 15, 2020 dated December 10, 2020 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$4,585,097.61)
- *474-2020 A resolution authorizing the issuance of a raffle license for Our Lady of Mount Carmel Church.

Motion to adopt Consent Agenda 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.

NEW BUSINESS AND WALK-ON ORDINANCES/RESOLUTIONS

The City Clerk read into the record the following walk-on Resolutions:

475-2020 (WO) A resolution for the transfer of appropriations.

476-2020 (WO) A resolution approving the Suez bill list for council meeting vote on December 15, 2020 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$7,613,102.17)

Motion to walk-on Resolutions 475-2020(WO) and 476-2020(WO) by Councilman Johnson, Jr., second by Council Vice President Eason.

Roll Call:

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

Motion passed.

The City Clerk inquired if there were any citizens that wish to comment. Thereafter, the Deputy Clerk read into the record the following comments received from Jeff Feld:

Walk-On Transfer of Appropriation Resolution 475-2020 (WO)

1. Why the omission from the "original" Dec. 15, 2020 posted agenda?
2. When did the Administration discover and realize a \$300,000 group insurance shortfall?
3. What was the root cause for this \$300,000 shortfall?
4. When did the Administration discover and realize a \$135,000 judgment shortfall?
5. Do these shortfalls undermine the validity of any prior executed certifications of funds availability?

6. Is this cause to terminate Orange's relationship with our Finance Director and CFO?

Walk-On Suez Water Bills 476-2020(WO)

7. Why the omission from the "original" Dec. 15, 2020 posted agenda?
8. When did the Administration discover and realize a partial \$7.6M water/sewer utility shortfall?
9. Are all the bills attributable to CY 2020?
10. If not, do any of the prior year bills undermine the validity of prior "self-liquidating" annual audit and annual/supplemental debt statements?
11. From what sources does Orange anticipate funding and paying these partial outstanding bills?
12. Were monies reserved for these outstanding bills?
13. What could be the projected exposure of other outstanding water/sewer bills and obligations?
14. When were these shortfalls disclosed to the Finance Committee?
15. Is this cause to terminate Orange's relationships with certain city employees?
16. Have these financial shortfalls been disclosed to the State and other municipal regulators?
17. Were these shortfalls disclosed in Orange's latest municipal debt offering statement?

Ms. Tamara Robinson from the City Clerk's Office read into the record the following comments from the Seven Oaks Society:

We need to be more proactive about serious the financial business of our town, in not having these matters handled as walk-on resolutions. These kinds of financial matters require the prudent attention of the public and should be a part of regular discussions going forward.

Walk-On Suez Water Bills 476-2020(WO)

1. Does any of these new cost affect the validity of the "self-liquidating" water utility?
2. Are funds held in reserve to satisfy the \$7.6M Suez budget shortfall?
3. Are there any repercussions for city staff/contractors for not anticipating this budgetary shortfall?
4. Have this financial shortfalls been disclosed to the Orange Finance Committee, or State/Municipal Regulators?

Walk-On Transfer of Appropriation Resolution 475-2020(WO)

5. When did the Administration discover and realize a \$300,000 group insurance shortfall?
6. What was the root cause for this \$300,000 shortfall?
7. When did the Administration discover and realize a \$135,000 judgment shortfall?

The City Clerk read into the record the comments from Janice Morrell:

Res 476-2020 - If I have understood the resolution correctly, we owe \$7,613,102.17 to Suez. Does this amount include the monies listed in Resolution 469? The resolution stated the City of Orange Township is disputing additional monies listed in the remaining balance. How much money remains in the balance? Who monitors the invoices to ensure that the municipality does not receive bills listing markups and overcharges?

Ms. Janice L. Morrell commented live had the following comments:

At the end of the past successive years, it appears that we owe monies to Suez. Does structural deficit exist relative to our agreement/contract with Suez? Does the administration need to renegotiate the contract? Has COVID resulted in more spending for the City? If so, how much.

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

Motion passed.

Business Administrator Hartwyk reported the following regarding the walk-on resolutions:

- In regards to the \$300,000 shortfall in group health line:
 - The City's group health program is a self-insured.
 - The City estimates it budget from the prior year expenditures.
 - At the end of 2019 and into 2020, there was a catastrophic loss resulting in the City owing \$300,000 for one claim.
 - The City was not aware of the gravity of the matter when it budgeted for 2020.
- Transfer of Appropriations:
 - Adjustments at the end of the year to settle cases are not uncommon.
 - Adjustments have been made in prior years for settlements and judgments.
- Bill list and Suez Resolutions:
 - Only \$1.2M of the \$7.6M actually had to come before the Council since the other amount was previously approved.
 - The whole \$7.6M was brought before the Council for transparency.
 - Held payment for Suez bills and questioned markups for emergency work and capital improvements.
 - The markups were 15% on labor and materials.
 - Markup did not show up on 2019 bills.
 - An audit of the all 2019 and 2020 Suez bills was done.
 - Contract only allows for markups on materials but not labor.
 - Audit revealed a double payment of \$938,000.
 - The City was able to reduce the amount owed by over \$2M.
 - The \$1.2M is for work paid from the operating budget though the capital maintenance line.
 - The \$1.8M is for reduction in revenue resulting from the Governor's Executive Order that took away all enforcement of water and sewer bills.
 - Repayment of \$1.8M does not start until 2022 and the City has 5 years to pay.
 - Anticipates the City will be able to pay \$1.8M within 2 years.
 - Last 2 years, the City did not owe Suez any money at the end of the year.
 - Department of Administration is preparing a RFP for the operating and maintenance agreement.
 - Contract with Suez does not expire until the end of 2021.

475-2020 (WO) A resolution for the transfer of appropriations.

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

Roll Call:

Ayes: Eason, Johnson, Jr., Wooten and Council President Coley

Nays: Montague, III, Ross and Summers-Johnson
 Abstain: None
 Absent: None

The City Clerk announced that the resolution had obtained 4 ayes and 3 nays. Thereafter, she inquired from the City Attorney if the majority vote would be sufficient for the motion to pass. The City Attorney confirmed that it was.

After the meeting, it was determined that a transfer resolution requires two-thirds vote of the full membership of the Municipal Council. Therefore, the **Motion failed.**

476-2020 (WO) A resolution approving the Suez bill list for council meeting vote on December 15, 2020 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$7,613,102.17)

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

Roll Call:

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

Motion passed.

OTHER PENDING BUSINESS None.

Motion to adjourn by Councilman Montague, III, second by Councilwoman Summers-Johnson. The motion was approved by unanimous vote.

Meeting adjourned at 10:11 p.m.

The next City Council Conference and Regular Meeting will be held on Tuesday, January 5, 2021 virtually at 7:00 p.m.

APPROVED: January 19, 2021



 Joyce L. Lanier
 City Clerk

 Kerry J. Coley
 Council President