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, JANUARY 19, 2021 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 Deputy Chief Matthew Kohaut

Nile Clements, Chief Financial Officer Marty Mayes, Director of Public Works Laquana Best, Director of Planning

Marlin G. Townes, Legislative Research Officer

Tamara Robinson, 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:

December 15, 2020 Conference & Regular Meeting Minutes

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

Motion passed.

December 29, 2020 Special Meeting Minutes

Motion to adopt by Councilman Ross, second by Councilman Johnson, Jr. The motion was approved by unanimous vote.

Motion passed.

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2020:

- Department of Community Service December 2020: \$6,855.00
- Department of Planning & Economic Development December 2020: \$88,416.00
- City Clerk's Office December 2020: \$765.00
- Orange Historical Preservation Commission December 2020: \$210.00

CONSTABLE REPORTS:

- Richard Noizy Month of November 2020 Security on November 14 and 28, 2020.
- Richard Noizy Month of December 2020 Security on December 5 and 19, 2020.

OPRA REPORTS:

Month of December 2020: 152 OPRA requests received, 128 completed and 24 pending.

COUNCIL REPORTS

Finance Committee – Council Vice President Eason reported the following recommendations from the meeting held on January 19, 2021:

- Resolutions 21-2021 and 24-2021 will be removed from the Consent Agenda and discussed during Executive Session.
- Resolutions 33-2021 and 34-2021 will be removed from the Consent Agenda for a separate vote.

Council President directs Clerk to file reports.

COMMUNICATIONS AND PETITIONS None.

<u>CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS</u>

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

1. Murphy Wilson, 362 Heywood Avenue:

- Resolution 35-2021 inquired if the contract with SHI will include:
 - o Zoning Board applications online and wants to provide input in creating the online application; and
 - o Will software package allow building templates?

2. Mike Bonner, Gov Pilot.

- Provided a detail description of the services offered by Gov Pilot, which includes, but is not limited to, allowing the public to submit applications in digital form and online payment services.

Tamara Robinson from the City Clerk's Office read the following emailed citizen comments received from Jeff Felds which have been posted on the website www.orangetwpnjcc.org under the January 19, 2021 Council Meeting.

3. JEFF FELDS - hardwaredad@aol.com:

Agenda

December 2020 Monthly OPRA Report

- 1. Of the 24 pending and open December 2020 OPRA Requests, who are the requestors?
- 2. Of the 24 pending and open December 2020 OPRA Requests, what departments or boards have delayed production?
- 3. Have these departments and boards historically delayed production of government records pursuant to OPRA?
- 4. What is the status of the executed CY 2020 Nishuane Group retention agreement?
- 5. 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?
- 6. How many CY 2019 and CY 2020 OPRA Requests remain open and pending?
- 7. Did Orange receive any additional federal document subpoenas or requests for additional materials in CY 2019 and CY 2020?
- 8. If so, what were their dates of issuance and receipt by Orange's record custodian?
- 9. 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?

Agenda Action Items

Ordinance 2-2021 Amending Streetscape Qualified Bond Resolution 26-2021 Local Finance Board Application

- 10. When will the supporting CY 2021 Annual Debt Statement, Supplemental Debt Statement and LFB Application be posted on a public website?
- 11. What will be the additional tax burden on local taxpayers?
- 12. What will be Orange's remaining qualified municipal debt availability?
- 13. When will the LFB consider this application?

Resolution 24-2021 CY 2021 Legislative Research Officer Retention

- 14. What State enabling statute authorizes this discretionary position?
- 15. What added value does this \$50,000 political patronage position serve?
- 16. Will all disputes, if any, be adjudicated via arbitration or by the Superior Court?
- 17. Who monitors this law firm's work product?
- 18. Who approves all payments to the legislative research officer?
- 19. Is this an unnecessary line item expense that could be cut or reduced during the COVID 19 pandemic? CY 2021 \$60,000 Outside Budget Consultant Retention Res. 22-2021 CY 2021 \$125,000 Outside Auditor Retention Res. 36-2021

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20. What additional professional services do our outside auditors and budget consultants provide Orange?

- 21. Do their respective agreements break out the retention caps for certain professional services?
- 22. Why do we have to outsource these professional financial services, duties and responsibilities?
- 23. Why can't the in-house finance department produce a financial statement that an independent auditor can verify?
- 24. Is it proper for an auditor to prepare the financial statement that it also audits?

Resolution 38-2021 Appropriation Transfer

25. How much monies were transferred to satisfy unexpected CY 2020 Group Insurance Obligations?

Resolution 30-2021 Bill List

- 26. By what resolution, did Orange retain a lobbyist (Mercury Public Affairs LLC) in CY 2020? PO 20-01099-\$10,833.
- 27. On what matters was it necessary for Mercury Public Affairs LLC to lobby on behalf of Orange?
- 28. Who is Orange's Mercury Public Affairs LLC contact?
- 29. How much did Orange pay mercury Public Affairs LLC in CY 2020?

Non-Agenda Action Items of Public Importance Feld X Admissions against Interests Ramifications

- 30. What metrics are used by the local governing body to determine when a comprehensive independent investigation is required?
- 31. In light of the extraordinary January 13, 2021 Feld X admission against interest by Orange, will Orange retain new special independent counsel and experts to pursue all colorable monetary long term tax exemption professional negligence claims and causes of actions against third parties?

Tamara Robinson 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 Montague, III, second by Councilman Johnson, Jr.

The motion was approved by unanimous vote. Motion passed.

COUNCIL COMMENTS

Councilman Johnson, Jr. commented on the following:

- Burden lifted from his shoulder and looking forward to the inauguration of President Biden.

Councilman Montague, III commented on the following:

- Announced the free coat, clothing and food packages giveaway on January 29th at 439 Main Street from 1 p.m. to 3 p.m.

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- Announced the virtual Job Readiness Program:
 - Scheduled for every Wednesday between the hours of 5:30 p.m. to 7:00 p.m. (February 17, 2021 – March 24, 2021)
 - o Registration deadline is February 12, 2021
 - o Call to register at (973) 332-7496

Councilwoman Summers-Johnson commented on the following:

- Thanked the Tremont Place Neighborhood Watch for their tribute to honor Dr. Martin Luther King Jr.'s memory by lighting up their home walkways with luminaries, which shows neighborhood solidarity in our community during these troubling times.
- Wants to ensure that all senior homeowners in the City of Orange be afforded the same amenities given to seniors who live in senior buildings.

Councilman Ross commented on the following:

- Informed Director Mayes that Rev. Jacob Vital from the First Baptist Church was not notified regarding sidewalk work.
 - o Director Mayes advised that the County is installing a new traffic light and he will contact the County Engineer.
- Successful Citywide Clean-up on January 18th and thanked all of the volunteers.
- Wants to get a team together for a comprehensive clean-up of garbage and rodent infestation.
- Invited all Orange Business Owners to participate in a virtual meet and greet meeting with the Business Administrator and the Municipal Council on Thursday, January 28, 2021 at 9:00 a.m. to discuss any and all issues and concerns they may have for the betterment of their business and community.

Council Vice President Eason commented on the following:

- Sidewalk repair on Highland Avenue and Main Street and other streets that are being filled with black tar.
 - o Business Administrator Hartwyk and Director Mayes will reach out to the County Engineer.
- Business Administrator Hartwyk reported that the Orange Public Library is currently closed for quarantine purposes. The library is being operated with a skeleton staff, wherein residents can order by phone, internet or fax and thereafter pick up. A full opening date for the library will depend on the pandemic. In the meantime, residents can use the libraries at East Orange, Newark and West Orange.
- Offered a safety tip to residents:
 - O Urged residents not to use their home address when using Craig list instead meet them at a secure spot.

Councilwoman Wooten commented on the following:

- Expressed her concern regarding street closures and requested that the residents and Council be informed of same.
- Article in TapInto.net dated January 16, 2021 entitled "Orange Mayor made Vice Chair of Urban Mayor's Cannabis Committee", to examine the impact of the newly legalized marijuana industry and urban areas.

- Thanked everyone who participated in the Citywide clean up.
- Kami Willis from Baba Gardens has expressed her group's commitment to clean up twice a month.
- Drove around to see the luminaries in tribute to honor Dr. Martin Luther King Jr.'s memory and thanked the neighborhood watches for same.

Council President Coley commented on the following:

- Announced that the due date for senior property tax freeze applications has been extended to end of February 2021.

ORDINANCES-SECOND READING/PUBLIC HEARING

An ordinance to amend and supplement the Code of the City of Orange Township to create Chapter 153 entitled "Portable Lavatories". (Sponsored by Council Member Clifford Ross) – Amended (Postponed from the December 1st 2020 Meeting)

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 Councilwoman Wooten, second by Council Vice President Eason.

Roll Call:

Ayes:

Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council

President Coley

Nays:

None

Abstain:

None

Absent:

None.

Motion passed.

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 Council Member Adrienne Wooten)

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.

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Motion to adopt on Second Reading by Councilwoman Wooten, second by Councilman Ross. Roll Call:

Ayes:

Johnson, Jr., Montague, III, Ross, Summers-Johnson and Wooten

Nays:

Eason and Council President Coley

Abstain: Absent:

None

None

Motion passed.

64-2020

An ordinance to amend and supplement Chapter 138 of the City of Orange Township Municipal Code entitled "Noise". (Sponsored by Council Members Adrienne Wooten and Jaime Summers-Johnson)

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 Johnson, Jr. The Motion was unanimously approved.

Motion passed.

Motion to adopt on Second Reading by Councilman Montague, III, second by Councilwoman Summers-Johnson.

Roll Call:

Ayes:

Johnson, Jr., Montague, III, Ross, Summers-Johnson and Wooten

Nays:

Eason and Council President Coley

Abstain:

None

Absent:

None

Motion passed.

ORDINANCES-INTRODUCTION/FIRST READING

2-2021

A bond ordinance amending and supplementing Bond Ordinance number 22-2020 heretofore finally adopted by the City Council of the City of Orange Township on July 8, 2020 entitled, "Bond Ordinance providing for the Main Street Streetscape and Traffic Control Project, by and in the City of Orange Township, in the County of Essex, State of New Jersey, appropriating \$5,400,000 therefor and authorizing the issuance of \$5,400,000 bonds or notes to finance the cost thereof", to increase the appropriation to \$8,000,000 and to increase the authorization of bonds or notes to \$8,000,000 therein.

Motion to adopt on First 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.

Second Reading/Public Hearing is scheduled for February 16, 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.

The City Clerk announced that Resolutions 21-2021, 24-2021 31-2021, 33-2021, 34-2021, 35-2021 and 38-2021 will be removed from the Consent Agenda for a separate vote.

- *22-2021 A resolution authorizing and ratifying a professional services contract with Lerch, Vinci & Higgins, LLP, located at 17-17 Route 208, Fairlawn, New Jersey 07410 for assistance with preparation of the annual budget commencing on January 1, 2021 through December 31, 2021 in an amount not to exceed \$60,000.00.
- *23-2021 A resolution authorizing the extension of a communications services contract with Direct Development, LLC in an amount not to exceed \$15,000.00 commencing January 1, 2021 through December 31, 2021 with the option of extending for the year 2022.
- *25-2021 A resolution authorizing a contract with General Code, LLC to supplement, print and electronically publish the ordinances of the City of Orange Township for the calendar year 2021 in an amount not to exceed \$16,000.00.
- *26-2021 A resolution of the City of Orange Township, in the County of Essex, State of New Jersey authorizing the submission of an application to the Local Finance Board requesting approval of (i) the issuance of qualified bonds under the provisions of the municipal qualified bond act, specifically N.J.S.A. 40A:3-4, (ii) issuance of qualified bonds with non-conforming maturity schedules under the provisions of the local bond law, specifically N.J.S.A. 40A:2-26(e), and (iii) the issuance of qualified bonds through the New Jersey Infrastructure Bank pursuant to the provisions of N.J.S.A. 58:11b-9(a).
- *27-2021 A resolution appointing Shawneque Johnson, a resident of Orange, New Jersey as Commissioner to the Municipal Alcohol Beverage Control Board for a three-year term commencing January 19, 2021 and expiring January 18, 2024, for the City of Orange Township.
- *28-2021 A resolution rescinding resolution 470-2020 entitled "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" and appointing Carl Fields, Jr. as Alternate No. 4 to the Zoning Board of Adjustment.

- *29-2021 A resolution recognizing February 1, 2021 as Teen Dating Violence Cay in the City of Orange Township and asking residents to wear orange in observance of this day. (Sponsored by Council Member Adrienne Wooten)
- *30-2021 A resolution approving the bill list for Council Meeting on January 19, 2021 dated January 13, 2021 and approving checks to be issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$3,262,957.20)
- *32-2021 A resolution authorizing a refund for a construction permit over -payment in the amount of \$1,100.00 to Kevin Philemon.
- *36-2021 A resolution authorizing a contract with PKF O'Connor Davies, LLP to serve as municipal auditors and to perform calendar year 2020 audit, and to assist with the preparation of the annual financial statement, as needed, along with ancillary accounting services in an amount not to exceed \$125,000.00.
- *37-2021 A resolution honoring the late Adekunle James, Business Administrator of the Orange Board of Education for his years of service to the City of Orange Township. (Sponsored by the Orange Municipal Council)
- *39-2021 A resolution appointing Yasmeen Chism as a Tenant Representative to the Rent Leveling Board in the City of Orange Township, New Jersey (Sponsored by Council Member Harold J. Johnson, Jr.)

Motion to adopt Consent Agenda by Councilman Montague, III, second by Councilwoman Summers-Johnson. Thereafter, Councilman Montague, III and Councilwoman Summers-Johnson both rescinded their motions.

Motion to adopt Consent Agenda 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

Navs:

None

Abstain:

None

Absent:

None

Motion passed.

The City Clerk announced that the following resolutions were removed from the Consent Agenda for a separate vote:

*31-2021 A resolution asking Mayor Dwayne D. Warren, Esq. to conduct a comprehensive independent investigation into the allegations and events described in a January 8,

2021 Tapinto East Orange/Orange letter to the editor entitled "Hate crimes should have no place in Orange". (Sponsored by Council Members Adrienne Wooten and Jamie Summers-Johnson)

At the advice of City Attorney Montilus, no action was taken on this resolution as it was pulled from the Agenda during the Conference Meeting.

*33-2021 A resolution approving qualified consultant engineers to provide consulting engineering on an "as needed" basis for one (1) year commencing January 1, 2021 through December 31, 2021.

Motion to adopt by Councilwoman Summers-Johnson, 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.

*34-2021 A resolution authorizing Bright View Engineering to provide contract administration and construction observation services Phases III-IV for the Main Street Streetscape and Traffic Control Project in an amount not to exceed \$425,000.00.

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

Ayes:

Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council

President Coley

Nays:

None

Abstain:

None

Absent:

None

Motion passed.

*35-2021 A resolution authorizing a contract to SHI International, 290 Davidson Ave., Somerset, NJ 08873 to purchase a cloud-based government management platform and support services under Sourcewell Cooperative Contract #081419-SHI commencing January 20, 2021 through December 31, 2022 in an amount not to exceed \$185,505.14. (Amended)

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

Point of Order:

City Attorney Montilus reported that at the request of Council President Coley he

looked at the resolution and supporting documents.

Business Administrator Hartwyk confirmed that the term of the contract on the title states "January 1, 2021 to December 31, 2021" and should be corrected to reflect "January 20, 2021 through December 31, 2022."

Chief Financial Officer Nile Clemens confirmed the Certification of Funds will be revised to state "in an amount not to exceed \$185,505.14."

City Attorney Montilus also confirmed that the contract will be revised to reflect the contract term.

Thereafter, the City Attorney Montilus read into the record the revised title:

35-2021

A resolution authorizing a contract to SHI International, 290 Davidson Ave., Somerset, NJ 08873 to purchase a cloud-based government management platform and support services under Sourcewell Cooperative Contract #081419-SHI commencing January 20, 2021 through December 31, 2022 in an amount not to exceed \$185,505.14. (Amended)

Motion to adopt as amended 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.

*38-2021 A resolution for the transfer of appropriation reserves.

Motion to adopt by Councilwoman Wooten, second by Councilman Montague, III. Roll Call:

Ayes:

Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council

President Colev

Nays:

None

Abstain:

None

Absent:

None

Motion passed.

OTHER PENDING BUSINESS

None.

NEW BUSINESS AND WALK-ON ORDINANCES/RESOLUTIONS

Resolution 40-2021(WO) A resolution to hold an Executive (Closed) Session.

Purpose:

The purpose of this meeting is to discuss contract, litigation matters and personnel matters.

Motion to adopt 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

None Nays: Abstain: None Absent: None

Motion passed.

Motion to go into Executive (Closed) Session by Councilman Johnson, Jr., second by Councilman Montague, III.

Roll Call:

Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council Ayes:

President Coley

Nays: None Abstain: None Absent: None

Motion passed.

Entered into Executive Session at 8:59 p.m.

Motion to reconvene by Council Vice President Eason, second by Councilman Montague, III. The motion was approved by unanimous vote.

Reconvened at 9:54 p.m.

The City Clerk announced that it is her belief that official action cannot be taken in a Conference Meeting and a resolution was removed from the Consent Agenda.

The City Attorney Montilus reported he will offer his legal opinion regarding taking official action during a Conference Meeting. In the meantime, Resolution 31-2021 will remain with no official action taken.

*21-2021 A resolution authorizing an agreement for professional services with Joseph A. Garcia, Esq. of Cleary Giacobbe Alfieri Jacobs, LLC for legal services from January 1, 2021 to December 31, 2021 at a rate of \$150.00 per hour not to exceed \$10,000.00.

Motion to adopt by Councilman Montague, III, second by Council Vice President Eason. **Roll Call:**

Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson, Wooten and Council Ayes:

President Coley

None Nays: Abstain: None Absent: None

Motion passed.

*24-2021

A resolution awarding professional services contract for special counsel to provide legislative research officer services from January 1, 2021 through December 31, 2021 in an amount not to exceed \$50,000.00.

Motion to table by Council Vice President Eason, second by Councilwoman Wooten. 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 Councilman Montague, III, second by Councilwoman Wooten. The motion was approved by unanimous vote.

Meeting adjourned at 10:02 p.m.

The next City Council Conference and Regular Meeting will be held on Tuesday, February 2, 2021 virtually at 7:00 p.m.

Approved: February 16, 2021

Joyce L. Lanier

City Clerk

Kerry J. Coley/

Council President