

**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, MARCH 2, 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
Council President Kerry Coley, East Ward
Councilwoman Adrienne Wooten, At-Large

Also Present:

Joyce L. Lanier, City Clerk
Lisette Sanchez, Deputy City Clerk
Chris M. Hartwyk, Business Administrator
Gracia R. Montilus, City Attorney
Adrian Mapp, Finance Director
Nile Clements, Chief Financial Officer
Todd Warren, Police Director
Vincent Vitiello, Chief of Police
Kenneth Douglas, Fire Director
Marty Mayes, Director of Public Works
Laquana Best, Director of Planning
Marlin G. Townes, Legislative Research Officer
Margarette 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:

- **February 2, 2021 Conference Meeting Minutes**

Motion to adopt by Councilwoman Summers-Johnson, second by Councilman Johnson, Jr.

Roll Call:

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

Nays: None

Abstain: Council President Coley

Absent: None

Motion passed.

- **February 2, 2021 Regular Meeting Minutes**

**Motion to adopt by Councilman Ross, second by Montague, III.
The Motion was unanimously approved.
Motion passed.**

REPORTS:

DEPARTMENT MONTHLY REVENUE COLLECTION 2021: None.

CONSTABLE REPORTS:

- Richard Noizy - Month of January 2021 – Volunteer Services on 1/3/2021, 1/16/2021 and 1/24/2021.

OPRA REPORTS: None.

Point of Order: City Attorney Montilus requested to go into Executive Session as there are some legal issues that he would like to discuss with Council regarding legislation on the agenda.

Motion to go into Executive Session to go over legal matters/potential litigation that has arisen and the Law Department needs to discuss with Council by Councilwoman Summers-Johnson, second by Councilwoman Wooten.

Roll Call:

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

Motion failed.

COUNCIL REPORTS

Finance Committee – Council Vice President Eason reported the following recommendations from the meeting held on March 2, 2021:

- Recommendation has been made to withdraw Resolution 109-2021 and bring back on March 16, 2021 with additional information to be discussed during Executive Session.
- The Budget Consultant and Finance Committee have reviewed all the legislation and there are no outstanding objections; therefore, the legislation can move forward.

Police Department – Police Chief Vinny Vitiello reported the following:

- Provided Council with the February 2021 Monthly Report.
- Monthly tip of the month: Warned residents that there is a lot of fishing scams going around, urged them not provide anyone with their personal information over the phone and to practice safe computing.
- Food distribution giveaway on March 2nd at Main and Sussex Street.

- Food distribution giveaway on March 3rd at 234 Lincoln Avenue and in front of the Orange Public Library on Main Street.

Fire Department – Director Kenneth Douglas reported the following:

- No members of the Fire Department are sick with COVID.
- Fire Department continues to provide mutual aid to support surrounding towns with fires.
- Thanked Police Department and Community Service for their continued support in the food distribution.
- Preparing for the spring fire initiative.
- Reminded residents to check the smoke detectors in their house.
- Residents can call the Fire Department for free smoke detectors at (973) 346-2300.
- Final inspection is underway for the two apparatus forthcoming to the Fire Department.

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 inquired if there were any citizens that wished to make comments. Thereafter, the City Clerk read the following citizen comments submitted, which were posted on the Council’s website for the March 2, 2021 meeting.

- 1) **CARL FIELDS, JR. – dri8ver@yahoo.com**
 1. When will the City pass a resolution creating the Citizen Budget Advisory Committee for CY 2021?
- 2) **JEFFREY FELD – hardwaredad@aol.com**

CY 2021 Budget Related

Second CY 2021 Emergency Appropriation Res. 104-2021

\$150,000 Aggregate/ \$25,000 Per Matter CY 2021 Settlement Authorization Res. 107-2021

\$145,000 Financial Training & Consulting Services Res. 109-2021

1. Are stakeholders entitled to responses before a local governing body considers and takes official action on a posted agenda action item? See, Jeffrey S. Feld, v. City of Orange Township, A-3449-15T1 (Aug. 8, 2018) (“Feld XIV”).
2. After adoption of Res. 104-2021, how much money will have been appropriated to date, including via the original CY 2021 temporary budget resolution?
3. Has Orange already run through all monies appropriated under the original CY 2021 Temporary Budget Resolution?

4. Res. 104-2021 will permit and authorize Orange to operate through what date?
5. When does the Administration anticipate posting the CY 2020 Unaudited Financial Statement?
6. When does the Administration anticipate delivering the CY 2021 Budget to the local governing body?
7. When will the CC form and appoint a CY 2021 Citizens Budget Advisory Committee?
8. Why the continued need for external financial training and consulting services?
9. Since his arrival in July 2012, how much additional outside financial consulting fees has been incurred and paid under the watch of our finance director Adrian Mapp?
10. How much does Orange owe the County in statutory long term tax exemption revenues?

Continuing Federal Investigation Related

\$60,000 CY 2021 Critchley Retention Res. 112-2021

\$30,000 Lamb Kretzer- Carey Litigation Extension Retention Res. 111-2021

\$20,000 Chasen Lamparello-Carey Litigation Retention Res. 117-2021

11. How much has Orange paid the Critchley law firm since its special emergency retention in CY 2017 after the FBI raided Orange's City Hall?
12. Did Orange adopt an appropriate continuing services retention resolution in CY 2018, CY 2019 and CY 2020?
13. Did Orange receive any additional FBI/Federal Grand Jury subpoenas or requests in CY 2019, CY 2020 or CY 2021?
14. Are the Critchley fees being paid by Orange's PEJIF Carrier?
15. Are the professional services time summaries relating to the Critchley fees subject to production pursuant to the Open Public Records Act and Common Law Right to Access?
16. When did Orange begin to insert the following language: "WHEREAS a certification of funds is not required because the payor of this agreement is the City's insurance carrier PEJIF"?
17. Are the professional time summaries relating to fees paid by the PEJIF Carrier subject to production pursuant to the Open Public Records Act and Common Law Right to Access?
18. When and why did the Chasen Lamparello law firm need to replace the Pennington Law firm in at least 3 matters? Res. 113- to -115-2021.
19. If the Chasen Lamparello law firm is defending Orange in various litigation matters, is it proper for a Chasen Lamparello lawyer to appear before the planning board in various contested redevelopment matters?
20. Is Orange waiving its right to contest any dispute in the "open" Superior Court and not in a "concealed" alternative dispute forum?
21. Is there a chart setting forth how much Orange (or its PEJIF carrier) has expended defending certain matters to date? Carey?
22. What are the basic allegations in each matter? Tort? Breach of Contract? Whistleblower? Wrongful termination? Prerogative Writ?

First Reading

RPM Related South Center Street Urban Renewal Associates LP 30 Year LTTEL Rehabilitation Long Term Tax Exemption Ord. 11-2021

RPM Related 651 Lincoln Avenue Urban Renewal Associates LP 30 Year LTTEL Rehabilitation Long Term Tax Exemption Ord. 12-2021

\$50,000 Integra Realty CY 2021 Retention Res. 120-2021

23. Do these two proposed discretionary RPM related long term tax exemption rehabilitation ordinances validate my prior post April 17, 1992 non-urban renewal entity NJHMFA Section 37 long term tax exemption legal analysis?
24. Why do the two proposed discretionary RPM related long term tax exemption rehabilitation ordinances bear the approval signature of our City Attorney and not special outside redevelopment counsel?

Motion to close citizen comments by Councilwoman Wooten, second by Councilman Johnson, Jr. The motion was approved by unanimous vote.

Motion passed.

COUNCIL COMMENTS

Councilwoman Wooten commented on the following:

- Thanked everyone who prayed for her family during trying times.
- Thanked Council Members Montague, III and Summers-Johnson for their support.
- Reminded residents the seriousness of COVID 19.
- Women History Month programs with Councilwoman Summers-Johnson and shout out to women.
- March 1st was Self-Injury Awareness Day.

Councilman Johnson, Jr. commented on the following:

- Requested that the Administration present to the Council updated information regarding to Orange Public Library, the Highland Train Station and Orange hospital site.

Councilman Ross commented on the following:

- Inquired about the status of the 2021 Budget introduction.
- Inquired about the filling of potholes around the City.
- Urged everyone not to let their guard down.

Councilwoman Summers-Johnson commented on the following:

- Inquired as to when the signs ordered will be placed.
- In recognition for Women History Month, the following events will be held: zumba, walks in the reservoir, mental health, health, spiritual and financial workshops in the month of March.
- Book giveaway scheduled for March 11, 2021 between the hours of 2:00 p.m. and 3:30 p.m. in front of the Heywood Avenue School located at 421 Heywood Avenue. For more information, please call Councilwoman Summers-Johnson at (862) 272-1155, or email at jsummers@orangenj.gov

Councilman Montague, III commented on the following:

- Partnership with the Department of Labor. PSE&G has 3,600 jobs available throughout the State of New Jersey (1,800 in Essex County) ranging from entry level to management.

- Job Readiness Program is available every Wednesday at 5:30 p.m. through zoom. For enrollment to the virtual seminars, please call Councilman Montague, III at (862) 233-5107 or (973) 332-7496.

Council Vice President Eason commented on the following:

- Thanked Councilman Montague, III for the food giveaway at Washington Dodd.
- Dividers for Dunkin Donuts.
- Pipe bursting around the City.
- Urged everyone to pay attention to COVID and encourage family members to get vaccinated.
- Thanked Council colleagues who honored her for Women History Month and everyone who have congratulated her.

Council President Coley commented on the following:

- Inquired about the health reimbursement for retirees.
- Inquired about the Zoning Board’s recommendations on zoning ordinance.
- Requested that Director Mayes reach out to the Department of Transportation and request patch work on Freeway Drive West.

ORDINANCES-SECOND READING/PUBLIC HEARING

4-2021 An ordinance amending Chapter 210 (Development Regulations), Article V (Development Standards) Section 32 Storm Water Management Requirements of the Municipal Code of the City of Orange Township. (Amended)

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 Johnson, Jr.

The Motion was unanimously approved.

Motion passed.

Motion to adopt as amended 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.

ORDINANCES-INTRODUCTION/FIRST READING

3-2021 **An ordinance to amend Chapter 4, Article II of the Municipal Code of the City of Orange Township to clarify and update the qualifications for the Legislative Research Officer. (Sponsored by Council Member Kerry J. Coley). *(Withdrawn from the February 2, 2021 Meeting and postponed to the February 16, 2021 Meeting)***

Point of Order: City Attorney Montilus advised he had requested to go into Executive Session to discuss various issues regarding the legality of certain legislation being presented and his request to go into Executive Session was denied. As City Attorney, he is advising Ord. 3-2021 cannot be considered due to its legality and the Law Department has issued a legal opinion. Therefore, City Attorney Montilus is requesting that the Council reconsider his request to enter into Executive Session.

The Council President advised that this Ordinance was introduced on February 2, 2021 and the Law Department had one whole month to give the Council a written explanation, which it failed to do.

Councilwoman Wooten stated for the record that she would like to remove herself from any liability.

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

Roll Call:

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

Motion passed.

Final Reading is scheduled for April 6, 2021.

10-2021 **An ordinance to amend the Code of the City of Orange Township, Chapter 200, entitled "Vehicles and Traffic", Section 200-10.2, Residential Permit. (New Street) (Sponsored by Council Member Adrienne Wooten)**

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.

Final Reading is scheduled for April 6, 2021.

11-2021 An ordinance of the City of Orange Township to approve a tax exemption for a thirty (30) year period and to authorize the thirty (30) year exemption and authorizing the execution of a financial agreement between the City and South Center Street Urban Renewal Associates, L.P.

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.

Final Reading is scheduled for April 6, 2021.

12-2021 An ordinance of the City of Orange Township to approve a tax exemption for a thirty (30) year period and to authorize the thirty (30) year exemption and authorizing the execution of a financial agreement between the City and 651 Lincoln Avenue Urban Renewal Associates, L.P.

Motion to adopt on First Reading by Councilman Johnson, Jr., 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.

Final Reading is scheduled for April 6, 2021.

13-2021 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. (241 Wallace Street) (Sponsored by Council Member Kerry J. Coley)

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

Final Reading is scheduled for April 6, 2021.

RESOLUTION TABLED AT THE JANUARY 19, 2021 REGULAR MEETING

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 lift from table by Councilman Johnson, Jr., second by Councilman Ross.

Roll Call:

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

Motion passed and is now lifted from the table.

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.

Point of Order: City Attorney Montilus advised that a written memo was given to the Council providing a legal opinion as to what should be done with this legislation. No action should be taken on this resolution, which he believes was improperly published and advertised. A sample was submitted for the Council’s consideration.

Councilwoman Summers-Johnson expressed her concern why would the Council want to vote on a resolution the City Attorney has provided his legal opinion not to take action.

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

On the motion: Councilwoman Wooten stated on the record she will not be voting for this resolution.

Councilman Johnson, Jr. expressed his concern that this resolution was placed on the agenda in January, but may have been worked on back in December 2020. Therefore, he is confused why the City Attorney’s office has not offered their assistance earlier to make this right. In addition, he does not understand why the Council cannot hire a Legislative Research Officer since they have always had one.

City Attorney Montilus advised that he is not telling the Governing Body not to have a Legislative Research Officer, but to do it right. The publication was incorrect and should be done in accordance with the City Code.

City Attorney Montilus further advised that the publication should not require the Legislative Research Officer to be an attorney.

Council Vice President Eason suggested the resolution be voted down and brought back correctly.

Roll Call:

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

Motion failed.

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 99-2021, 104-2021, 107-2021, 109-2021 and 122-2021 will be removed from the Consent Agenda for a separate vote.

RESOLUTIONS NO. *99-2021 THROUGH *124-2021

- *100-2021** A resolution designating the first Monday in March as COVID-19 Victims and Survivors Memorial Day. (Sponsored by the Orange Municipal Council)
- *101-2021** A resolution authorizing the award of a contract to Storage Engine, Inc., One Sheila Drive, Building 6-A, Tinton Falls, NJ 07724-2658 to purchase software license, product maintenance and the continuation of digitized scanning services of files archived in the Office of the City Clerk of the City of Orange Township, in the amount not to exceed \$21,255.46 from March 2, 2021 to December 31, 2021 under the Dell state contract M0003 89850.
- *102-2021** A resolution recognizing March 1, 2021 as Self-Injury Awareness Day in the City of Orange Township. (Sponsored by Council Member Adrienne Wooten)
- *103-2021** A resolution recognizing the month of March 2021 as National Women’s History Month in the City of Orange. (Sponsored by Council Member Adrienne Wooten)
- *105-2021** A resolution amending Resolution 21-2020(WO) entitled "A resolution awarding professional services contract for special counsel to provide Legislative Research Officer Services from January 1, 2020 through December 31, 2020 in an amount not

to exceed \$30,000.00" seeking to authorize additional attorney fees to O'Toole Scrivo Fernandez Weiner Van Lieu, LLC in the amount of \$1,050.00 making the new amount not to exceed \$46,050 for Calendar Year 2020.

- *106-2021** A resolution celebrating Women's History Month and honoring Councilwoman Tency A. Eason. (Sponsored by Council Member Kerry J. Coley)
- *108-2021** A resolution approving the bill list for council meeting vote on March 2, 2021 dated February 24, 2021 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Grand Total: \$3,700,688.88)
- *110-2021** A resolution authorizing the award of a contract to Filebank, Inc., 23 Thornton Road, Oakland, N.J. 07436 for records management services regarding files archived in the Office of the City Clerk of the City of Orange Township in an amount not to exceed \$15,000.00 under Keystone Purchasing Network Contract #KPN-201701-01 for the Calendar Year 2021.
- *111-2021** A resolution amending Resolution No. 189-2020 to authorize additional attorney's fees for Lamb Kretzer, LLC, as special counsel in Calendar Year 2021 with regard to Anthony Carey v. City of Orange Township, et al., Docket No. ESX-L-002475-20 in an amount not to exceed \$30,000.00.
- *112-2021** A resolution authorizing additional attorney's fees to be paid to Critchley, Kinum & Denoia, LLC in connection with matters pertaining to governmental inquires and investigations regarding the City of Orange Township and its employees in an amount not to exceed sixty thousand (\$60,000.00) dollars for Calendar Year 2021.
- *113-2021** A resolution amending Resolution No. 345-2020 to authorize additional attorney's fees for Childress & Jackson, LLC, as special counsel in Calendar Year 2021 with regard to Kason Scruggs, Jr., an infant by his G/A/L Salena West and Salena West, individually v. City of Orange Township, Docket No. ESX-L-1742-20 in an amount not to exceed \$20,000.00.
- *114-2021** A resolution authorizing the services of Chasan Lamparello Mallon & Cappuzzo, LLC to represent the City of Orange Township and Anthony M. Carey in the matter of Albanery Cruz-Rodriguez v. City of Orange Township, Anthony M. Carey and John Does 1-10, Docket No. ESX-L-2462-19 in an amount not to exceed \$20,000.00 for Calendar Year 2021.
- *115-2021** A resolution authorizing the services of Chasan Lamparello Mallon & Cappuzzo, LLC to represent Police Officer Pablo Cajiga in the matter of Kyyana D. Pulyado v. Township of Orange, Pablo Cajiga, Yolanda Holmes, Sergeant Aydil Olivera, Detective Sergeant Brian Mooney, John Doe Police Officers and John Doe Sgts/Chiefs and Supervisors, Docket No 2:17-CV-11304-KM-CLW, in an amount not to exceed \$10,000.00 for Calendar Year 2021.

- *116-2021** A resolution authorizing the services of Chasan Lamparello Mallon & Cappuzzo, LLC to represent Sergeant Rudolph Simmonds, Police Officer Milton Mendoza and Police Officer Richard Adrienzen in the matter of Louis D. Dessources v. Dennis Manning, et al., Docket No. 2:18-CV-09324-SD-LDW, in an amount not to exceed \$20,000.00 for Calendar Year 2021.
- *117-2021** A resolution amending Resolution No. 350-2020 to authorize additional attorney's fees for Michael Armstrong & Associates, as special counsel in Calendar Year 2021 with regard to Anthony Carey v. City of Orange Township, Docket No. ESX-L-002475-20 in an amount not to exceed \$20,000.00.
- *118-2021** A resolution amending Resolution No. 395-2020 to authorize additional attorney fees for David C. Stanziale, LLC, as special counsel in Calendar Year 2021 with regard to David F. Corringan v. Christopher M. Hartwyk, Docket No. VA-2020-0011E in an amount not to exceed \$20,000.00.
- *119-2021** A resolution authorizing the awarding of a contract for the CDBG 2019 Colgate Park Pool Improvements Phase I to V&K Construction, Inc., 37 Bartha Avenue, Edison, New Jersey 08817 in the amount not to exceed \$90,000.00.
- *120-2021** A resolution authorizing and ratifying the award of a non-fair and open professional services agreement with Integra Realty Resources-Northern NJ, LLC, 301 South Livingston Avenue, Livingston, New Jersey for the preparation of market, feasibility, economic impact, valuation (appraisal) analysis, fiscal impact and payment in lieu of taxes (pilot) studies in connection with certain proposed development and proposed redevelopment projects within the City of Orange Township for a period of January 1, 2021 through December 31, 2021 in an amount not to exceed \$50,000.00.
- *121-2021** A resolution authorizing the Mayor of the City of Orange Township to execute and record corrective deeds in order to comply with Green Acres Program requirements.
- *123-2021** A resolution authorizing the extension of the contract between the City of Orange Township and Wilentz, Goldman and Spitzer, P.A. as bond counsel for a period of ninety (90) days, ending March 31, 2021 in an amount not to exceed \$10,000.00.
- *124-2021** A resolution ratifying and authorizing the Memorandum of Agreement between Lagniappe Foods Company and the City of Orange Township in the aggregate amount of \$52,000.00 including \$24,000.00 from March through December of 2020 and \$28,800.00 for Calendar Year 2021.

Motion to adopt Consent Agenda by Councilwoman Summers-Johnson, 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.

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

***99-2021 A resolution for the Transfer of Appropriation Reserves.**

Motion to adopt by Councilman Montague, III, 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.

***104-2021 A resolution for Emergency Temporary Appropriations #2 to the Calendar Year 2021 budget.**

Motion to adopt by Councilman Montague, III, 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.

***107-2021 A resolution to grant the City Attorney’s office for the City of Orange Township limited authority to enter into settlement agreements up to \$25,000.00 per case and not to exceed \$150,000.00 for the 2021 Calendar Year. (Sponsored by Council Member Kerry J. Coley)**

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

Point of Order: City Attorney Montilus advised that no action be taken until there is a roundtable discussion with the Council and the Law Department in respect to various cases.

Councilwoman Wooten expressed her concern that the average settlement is more than \$25,000.00. In addition, it is her opinion legislation like this should come from the Law Department.

Roll Call:

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

Motion passed.

***109-2021 A resolution to appoint Lerch, Vinci, & Higgins, LLP, 17-17 Route 208, Fair Lawn, New Jersey 07410 to provide finance training and consulting services to the City of Orange Township’s Finance Department and Administration for an amount not to exceed \$145,000.00.**

Motion to withdraw 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.

***122-2021 A resolution authorizing an agreement for professional services with Harwood Lloyd, LLC, 130 Main Street, Hackensack, NJ 07601 for legal services to provide conflict counsel to the City of Orange Township Municipal Council for the Calendar Year 2021 in the amount not to exceed \$25,000.00. (Sponsored by Council Member Kerry J. Coley)**

Point of Order: City Attorney Montilus renewed his request for an Executive Session. This resolution is asking for the Council to enter into an agreement for legal services to provide conflict counsel and inquired if a conflict has been identified. Secondly, a legal opinion will be forthcoming as he is uncertain if the publication was done correctly. To that end, City Attorney Montilus suggested that this resolution be withdrawn or tabled for further roundtable conversation with the Law Department.

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

On the motion: Councilman Johnson, Jr. inquired and the City Attorney Montilus confirmed that the only way to to retain a conflict attorney is if there is an existing conflict. It is the opinion of the City Attorney Montilus that advertising for this contract was improper.

The Council President Coley advised that there is a need to get a conflict attorney for the Council. In addition, it seems that everything that the majority of the Council wants to do the City Attorney Montilus finds a conflict. More

importantly, some of the legal opinions of City Attorney Montilus are questionable and Council President Coley wants a second opinion.

City Attorney Montilus advised that only because the Council does not agree with his legal opinions which are supported by case law or statute does not create a conflict.

Roll Call:

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

Motion passed.

NEW BUSINESS AND WALK-ON ORDINANCES/RESOLUTIONS


City Attorney Montilus advised that a settlement will be forthcoming at the next meeting for review and consideration of the Council. In the meantime, he is welcoming the Council to reach out to him individually to discuss same if they have any questions.

OTHER PENDING BUSINESS None.

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

Meeting adjourned at 9:30 p.m.

Approved: April 6, 2021



Joyce L. Lanier
City Clerk



Kerry J. Coley
Council President