

**CITIZEN COMMENTS**  
**MUNICIPAL COUNCIL REGULAR MEETING**  
**DECEMBER 7, 2021**

**William Hathaway**  
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Good evening Members of the Orange Community,

On Saturday, December 18<sup>th</sup> the Orange Democratic Committee will be hosting their Annual Toy Drive and Coat Giveaway for the Orange Community, which will take place at the Central Playground Field House located at 234 Lincoln Avenue starting at 12:00 p.m. This will be a first come, first served event. This event is open to Orange residents. We will enforce all COVID-19 regulation. All participants who would like to donate their time, please be vaccinated or provide a COVID-19 test 24-48 hours prior. For all donations, please contact either Chairwoman Antoinett A. Hall at 323-427-6146 or Vice President William Hathaway at 862-520-2409 or 862-766-7386.

**Jeffrey Feld**  
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**Conference Meeting**

1. Does Section 4-9 (E) of the Orange Administrative Code limit the number of conference meeting presentations and discussions to just two (2) and not three (3) per meeting?
2. What is the status of Orange's acquisition and flip of the former Bank of America property for the Rossi Paint properties?
3. Is there any pending Feld XIX related litigation (ESX-L-0028-19) challenging the validity of this acquisition and flip transaction under State law?
4. Did Orange comply with all pre COVID 19 outstanding discovery and deposition requests in this still pending Feld related action?
5. Was the Bank of America seller's affidavit of title true and accurate?
6. What is the effect of filing litigation within a 20-day estoppel period?
7. If litigation is filed within this 20-day estoppel period, can any attorney deliver a clean bond opinion under current State Supreme Court case law?
8. Was this hybrid Feld XIX prerogative writ/civil rights act violations action filed prior to the CY 2020 indictments and guilty pleas relating to Orange?
9. Did Orange terminate its relationship with the special outside redevelopment counsel involved in this former Bank of America acquisition and flip transaction and Feld XIX litigation?
10. Who were the equity holders of the former Bank of America property ownership entity?
11. Based upon a federal guilty plea disclosed in early CY 2020, why hasn't Orange severed its relationship with its current municipal planner?
12. Why the delay in holding a mandatory noticed CY 2021 Best Practices Inventory Response Public Hearing pursuant to Local Finance Notice 2021-17 (Sept. 29, 2021)?
13. When did Orange submit its CY 2021 Best Practices Inventory Responses with the State?

14. Why the delay in posting Orange's CY 2021 Best Practices Inventory Responses on a public website?
15. In CY 2021, how many State mandated and extended filing deadlines did Orange miss? Annual Debt Statement? Annual Financial Statement? Introduction of CY 2021 Budget? User Friendly Budget? Adoption of CY 2021 Budget? Annual Ethical Financial Disclosure Statements? CY 2020 Audit? Best Practices Inventory Responses and Public Hearing?
16. How many other outside part time gigs funded by taxpayers' trust fund monies, does Orange's full time finance director hold?
17. As a public member of the Local Finance Board and as mayor of the City of Plainfield, did Orange's finance director have actual and constructive knowledge of these State mandatory and extended filing deadlines?
18. What is the status of the CY 2020 Audit?
19. What is the status of monthly and quarterly operating and revenue reports prepared under the direction of Orange's Finance Director?
20. Does the local governing body have the authority to remove any Director after providing appropriate due process notice and an opportunity to be heard?
21. Why and when was the Police Director deleted from the Agenda?
22. When will I and others receive written responses to all our prior outstanding and pending repetitive questions of public interest and importance?

#### **Regular Meeting**

23. Whose form, sufficiency and legality approval signature appears on all proposed municipal legislation listed on the December 7, 2021 Agenda?
24. Is it odd that a law firm who submitted a RFQ would suddenly decline after-the-fact to act as the special municipal council conflict attorney, thereby causing the rescission of the original retention resolution? Res. 500-2021
25. With respect to the two CY 2022 professional services shelf registration retention resolutions 501- & 502-2021, who within the law department makes the ultimate assignment of matters?
26. Does the planning board attorney have an inherent special outside redevelopment counsel prohibited professional conflict of interest in representing the municipality in any transaction that may require local planning board approvals?
27. Who assessed the special outside redevelopment counsel work product of the DeCotiis law firm and its assertion that the NJHMFA Section 37 long term tax exemption was not repealed and replaced effective April 17, 1992 as well as the City of Newark's failure to transmit long term tax exemption revenues to the County?
28. Did the mayor and deputy city attorney have any prior employment relationship with any of the law firms listed on shelf registration retention resolutions 501- & 502-2021?
29. With respect to the \$2,264,551.76 Bill List, when will the balance of all post October 8, 2021 S & W (\$1,338,522.17) be presented to the local governing body for approval?
30. Does special outside labor counsel have any other employment relationship with any city employee in any other municipality, such as Irvington?
31. Why are certain material attachments, schedules and exhibits omitted from the Scotland Holdings RSBRM Urban Renewal LLC Redeveloper Designation Res. 507-2021?

32. Does the proposed redeveloper agreement contain any explicit performance approval and “shovels in the ground” deadlines and events of default?
33. What is the status of this redevelopment project?
34. Has this proposed project already received planning board approvals?
35. In light of the CY 2021 Best Practices Inventory and two City of Newark Planning Board public notices published this week in the Star Ledger subsequent to the last November 29, 2021 planning board meeting, should the planning board public notice template be updated and modernized so that all future public notices disclose whether a project is subject to a duly designated redevelopment plan and is located in a duly designated Opportunity Zone?
36. Should redeveloper designation by the local governing body be imposed as a condition precedent to any local planning board application for a project located within a duly designated redevelopment area?
37. How many positions of the local planning board remain open and vacant?
38. How many terms of local planning board members lapsed in November 2021?
39. When will our mayor nominate or re-nominate holdover members to the local planning board?
40. Is it odd that Notice of a Planning Board Memorialization Resolution adopted October 27, 2021 relating to the subdivision of 105 Main Street and 104 William Street was finally published in the Saturday December 4, 2021 Star Ledger-five days after the November 29, 2021 planning board hearing?
41. Who is monitoring all current approved redevelopment projects and plans to ensure that no project exceeds height and story restraints?
42. Does an above ground parking garage floor count in the calculation of height and story redevelopment restrictions?
43. With respect to the \$555, 000 Intra-line Item CY 2021 Appropriation Transfer Res. 508-2021, what unforeseen events caused the need to transfer additional monies to administration O & E (\$90,000), city council O & E (\$60,000) health benefits (\$250,000), and workers’ compensation (\$55,000) and telephone (\$65,000) line items?
44. After approval of Res 475-2021 and Res 508-2021, is there a cumulative summary indicating how much monies were transferred to and from certain CY 2021 Budget intra-line items?
45. Why the emergent need for a \$7,500 municipal council newsletter?
46. Were monies appropriated in the CY 2021 Budget for this municipal council newsletter?
47. Although Res. 509-2021 refers to three bids, why was only two bids disclosed on the face of this \$7,500 retention resolution?
48. If fiscal restraint is a goal, when will Orange’s official public website be updated and modernized, thereby eliminating the need for two competing public websites? Tabled Municipal Legislation
49. At what point will the local governing body take some form of official action on a repeatedly tabled Amending Ordinance 24-2021 sponsored by the Council President?
50. Why the emergent Res. 479-2021 need to amend the Central Orange Redevelopment Plan to include extraordinary condemnation powers?
51. What specific properties will be subject to extraordinary condemnation powers?

52. Who were the professional planners who originally excluded the threat of condemnation from the original and amended Central Orange Redevelopment Plans?
53. Who is monitoring the progress of the two consolidated prerogative writ redevelopment plan with condemnation powers actions involving Orange Commons SG LLC, including whether discovery is permitted in a prerogative writ action challenging the validity of a discretionary municipal ordinance not subject to referendum challenge? See, ESX-L-8692-20; ESX-L1395-21.
54. Why does Orange continue to retain a certain law firm with no redevelopment law expertise to defend Orange?
55. Is there a substantive and procedural distinction between a prerogative writ involving the validity of a discretionary municipal legislative action and the validity of a quasi-judicial land use board decision?
56. How is the four year \$2,598,397.35 Johnson Communications police eyes in the sky project Res. 480-2021 being funded?
57. Is this a capital type project that must be included in an amended capital budget?
58. Can a local governing body contractually bind a municipality for more than one year by resolution?
59. Was an availability of funds certificate attached to Res. 480-2021?
60. Why the delay between approval of additional municipal indebtedness and installation of the capital improvement? See, Res. 495-2021.

**November 2021 OPRA Report**

61. Of the 41 outstanding November 2021 OPRA requests, who are the requestors and who are the delinquent departments?
62. How many other CY 2021 OPRA requests remain open and outstanding?