

CITIZENS COMMENTS

MARCH 1, 2022 COUNCIL MEETING

1. Troy Simmons

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As Chair of the Historic Preservation Commission, I strongly urge the City Council to reject the Orange Planning Board's recommendation of February 23, 2022, to designate central Orange as an Area in Need of Redevelopment with Condemnation. If the Council does designate the area as for redevelopment, it should not allow the designation to supersede the existing zoning and Historic Preservation Ordinance. Without these laws in place, there is a serious risk of losing historic sites and neighborhoods, harming the quality of life in Orange.

The proposed redevelopment area overlaps with designated historic districts and includes sites listed on the federal and state registers of historic places. The Nishuane Group paid no attention to historic preservation in its study, made only four site visits in a study of over 600 properties, and inspected none of the properties it designated for condemnation. Some of the inappropriate recommendations in its final report could have been avoided if the Historic Preservation Commission had been consulted and if the HPC had a designated liaison to the Planning Board. Among these is the recommendation that the Orange Memorial Hospital Site, which is on the national and state registers of historic places, be condemned. If instead the City followed the established process for review by the HPC before any alteration of a historic site that is visible from the street, the HPC could work with the property owner to develop a plan that meets its needs but doesn't destroy the appearance and utility of historic and structurally sound buildings, as we have done with many other property owners.

The factors considered in recommending condemnation, such as being serviced by old sewer lines and having an "obsolete design," are so vague and overbroad that they apply to almost any building in the area. City Hall, which is also on the national register of historic places, would meet the qualifications to justify condemnation and demolition under the proposal approved by the Planning Board.

This letter deals only with issues that concern the HPC, but they are hardly the only reasons the proposal should be rejected. For many reasons, I ask that the Council reject the proposal to designate central Orange for redevelopment, or at least not allow the designation to supersede existing zoning and historic preservation ordinances.

2. Aisha Samuel

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TRAFFIC AROUND SCHOOLS

It seems that none of the schools in Orange have a designated drop-off/pick up area, in particular, the Forest Street School. Perhaps the council should consider making the area around schools only accessible via one-way traffic during the hours of 7:30 - 9 and 2:30 - 4. I have gotten into countless arguments with truck drivers who decide to drive that way in particular during pick up and drop off times. These drivers also don't care about speed limits either.

APARTMENT BUILDINGS

We do not need any more apartment buildings in the area. We need single family homes, not apartment buildings.

CORA

Just say no. Simple. It will not benefit anyone in the area, neither directly nor indirectly. Eminent domain is not accessible in this day and age.

3. Paul Lombardo

paul lombardoart@gmail.com

My father, Joe Lombardo is the owner of 345 Columbia Street (block 2701, lots 14 and 18), where we operate Lombardo Iron & Railing Co. He has been in business for the past 40 years and I have worked alongside him, helping him to grow the business for the last ten years. Within that time, I have supported local businesses and become an active member of the community. Business is thriving and I am passionate about keeping this dying trade alive, expanding upon what my father has established, while continuing to provide a necessary service to the City of Orange and the surrounding communities out of our well-maintained industrial workshop.

I am concerned about the Central Orange Redevelopment Area (CORA) study because:

- this study was created irresponsibly by **not** properly notifying the businesses and residents in the immediate area about the plan and the criteria it would follow to create the final report. As per reports from residents, minimal, if any, on-site visits were conducted to assess the current conditions of properties.
- this study does not include the proper community input from stakeholders who will be directly impacted by the CORA.
- this study proposes power of condemnation and threatens the existing residents, historic sites, and several long-standing and successful local businesses that fall within the boundaries. It will decrease property and business values for all properties within the boundaries not designated for condemnation, increasing predatory practices done by investors taking advantage of discounts.
- this study allows for tax abatements to developers for up to 30 years, with no restrictions, and it allows the City to ignore the Master Plan and all zoning and historic preservation ordinances, allowing developers to build in ways that add further stress to already overburdened infrastructure and have a negative impact on public safety and the quality of life.

I would like to hear the council member's or departments' responses detailing how they will address my concerns around this issue and I would also like to request:

- that City Council votes to table the accepting of this study until proper community input is received from all Orange residents and businesses within the boundaries that wish to participate in the study
- that City Council votes to table the study until all residents and businesses within the boundaries are notified of their rights throughout the process and their rights once a redevelopment plan is established by Council vote
- that City Council say NO to any study or plan that blacklists more than 500 properties in the city, slating approximately 10% (65) of them for condemnation, as this study does.

4. Volora Howell
volora@gmail.com

My name is Volora Howell, 483 Mountainview Ave, City of Orange, NJ 07050. I've lived here since 1988. I am asking the City Council to say NO to the Study. The reason for the skepticism, the community has not received notification in a timely manner. Many properties are going to be eliminated. Historical properties should not be destroyed. Many questions have not been answered. The community should be involved and informed.

5. Tisa Singleton
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Dear City Council,

I am a lifelong resident, and I live on Fairview Avenue.

I am concerned about the Central Orange Redevelopment Area (CORA) study because this study allows for tax abatements to developers for up to 30 years, with no restrictions, and it allows the City to ignore the Master Plan and all zoning and historic preservation ordinances, allowing developers to build in ways that add further stress to already overburdened infrastructure and have a negative impact on public safety and the quality of life. Furthermore, these new developments don't do anything but hurt the current long term residents that can't even afford to move from one street to another in Orange due to the astronomical rent increases.

I would like to hear the council member's or departments' responses detailing how they will address my concerns around this issue and I would also like to request that City Council votes to table the study until all residents and businesses within the boundaries are notified of their rights throughout the process and their rights once a redevelopment plan is established by Council vote.

I'd also like to know what's going on with the current state of the Orange Fire Department? It was stated online, "Help out the brothers and sisters in orange fire department. We have been operating out of one firehouse for the last three years due to "contaminated" soil at Washington Street firehouse. Now the members have to deal with the apparatus parked out in freezing temperatures because the last two bays are not structurally sound. Trucks are parked outside with no water or tools so members have to load tools into the trucks before responding. Our main concern is the safety of our citizens and people who come to our city. We need the support and help of the citizens to contact the council members and mayor of this situation." This seems extremely dangerous, neglectful, and our Fire Fighters deserve so much better than to be working under these conditions. Can someone give us a date when will the fire house on Washington St be able to be reopened safely?

Lastly, thanks so much Ms. Wooten for all your help with getting our parking sign fixed after it came down so abruptly.

6. Martin A. Bowman
Mbowman644@gmail.com

Orange City Council

Do not approve any designation that would use eminent domain, resulting in the demolition of historic buildings, owner-occupied houses, and thriving businesses. Central Orange desperately needs redevelopment, but this is NOT the way!! YOU CAN DO BETTER! You must do better!!!!!!

7. **Janis Blumgart**
janis378@aol.com

Dear City Council,

I am a resident of Orange and I live at 765 Valley St.

I am concerned about the Central Orange Redevelopment Area (CORA) study because I am concerned about displacing residents and businesses that are functioning successfully in this area , as wells as some beautiful historic buildings.

I am also aware that: *this study proposes power of condemnation and threatens the existing residents, historic sites, and several long-standing and successful local businesses that fall within the boundaries.*

I would like to hear the council member's or departments' responses detailing how they will address my concerns around this issue and I would also like to request that any plan they come up with for redevelopment, work around the existing businesses, homes and historic buildings that are fully functioning, and leave them standing and incorporate them into their plans.

8. **Jody Leight**
j_cyberbunny@yahoo.com

To the City Council:

As a homeowner, taxpayer, and long-term Orange resident, I was appalled that the Planning Board approved the ill-considered proposal to designate all of Central Orange as an area in need of redevelopment with condemnation, and urge the Council to reject the recommendation. At the very least, the Council should insure that any designation does not supersede the existing historic preservation ordinance and zoning ordinance.

The study, as the Nishuane Group's presenter conceded at the hearing of February 23, 2022, involved a mere four site visits although over 600 sites are affected. There was no inspection done of any of the sites proposed for condemnation, an omission reflected in the many inaccurate descriptions contained in the report. The criteria applied to justify condemnation are so broad as to apply to virtually any property in Orange.

The redevelopment area includes multiple sites that have been redeveloped or improved within the past five years, as well as contributing historic sites.

Designation of Central Orange as an area in need of redevelopment allows for unrestricted tax abatements of up to 30 years, a practice which has already been applied to far too many for-profit developments in Orange, contributing to our high property tax rates.

While the Planning Board may have met the bare legal minimum requirements for notification of stakeholders (although I am personally aware of several property owners who were not notified), I cannot see what legitimate aims could possibly be served by rushing into such a drastic step without real input from stakeholders and a study that at least involves inspecting property before deciding that it qualifies for condemnation.

Please reject the Planning Board's recommendation. If the Council accepts the recommendation, it should at least insure that the designation does not supersede existing historic preservation and zoning ordinances.

9. Reverend Anthony P. Johnson
apjohnson@uuma.org

I have been a resident of the City of Orange Township for more than twenty years. For six years I have owned a home and resided at 219 South Essex Avenue, across the street from the site of the former Orange Memorial Hospital. The hospital site has now sat vacant for more than a decade. I grew up in a city whose center was badly damaged by urban renewal that took place during my teen and young adult years. It took four decades for the city of Danbury, Connecticut to carry out the redevelopment plan that was formulated when I was a teenager. By the time the plan was more or less done, many key and locally-owned businesses had moved to suburban malls or gone out of business. Some of the lots cleared for urban renewal remained vacant for twenty or more years. And now, in Danbury as elsewhere around the United States, suburban malls are fading or have faded away. As an adult, I have lived in several cities, including Boston, Los Angeles, and New Brunswick and Orange, NJ. For six years, I served as executive director of a community-based organization in New York City. In addition to my two seminary degrees, I hold a mid-career M.S. in Urban Policy Analysis and Management from the Milano School of the New School University.

At last week's virtual presentation, a member of the Planning Board stated that the redevelopment area included 643 parcels covering 130 acres. In my former role as CEO of a community based organization in the Lower East Side/Chinatown area of Manhattan, I saw how hard it was for highly experienced tenant and community organizers who lived in the neighborhood to stay on top of everything they needed to stay on top of in their neighborhood. At last week's virtual presentation by the Planning Board, those of us in the meeting were told that, prior to preparing its report, Nishuane had conducted four site visits. The assertion that four site visits would be sufficient for recommendations of the scale of those in this report cannot be accepted by anyone who knows anything about cities and redevelopment.

The report was developed with insufficient input from residents and business owners (who may or may not also be residents.) In addition to whatever one-on-one meetings Nishuane staff or city employees may have had with residents and business owners, there should have been open community meetings. Of necessity, such meetings would have been virtual and thus less engaging than in-person meetings, but they would have been better than the limited meetings that have taken place. Last week's Planning Board meeting provided an opportunity for community input, of which there was a great deal, and interaction. But the input was too little, too late. The input was also too critical of the plan to justify moving the present plan forward at this time. Moving the plan forward at this time will increase the distrust of the city's government by city residents who are paying attention.

A sizeable (mega) block area is already vacant facing South Day between Parrow and Henry streets. Except for that block and some smaller parcels there is little vacant land in this redevelopment area. A thoughtful redevelopment of that one parcel could encourage more of the redevelopment and upgrading that is already occurring in this neighborhood. Without a redevelopment plan in place, investors have been buying and upgrading properties and there is some (a small amount, to be sure, but some) new construction.

I have received numerous queries by phone and U.S. mail from individuals asking whether I was interested in selling my house. Whether it be for speculation or long-term investment, I suspect that what redevelopment is needed might be market-driven as well as planner-driven. (I say this as someone who thinks good planning is important.) The neighborhood does not need to be trashed in order to be improved or even for investors to make money.

For the record: I am not interested in selling my house. When my spouse and I decided that Essex Avenue was the place for us to buy when we left our rental in the Valley, we looked for and found a house that would serve us well as a home for as long as we were commuting to work in New York City and more distant locations in the region and would be affordable after we retired. This neighborhood needs some investment, some of the structures need upgrading, and there are some vacant lots. But the neighborhood immediate to my house—the couple of blocks east and west of Essex Avenue—is a viable community except for the vacant hospital. And that property can be redeveloped without wreaking havoc with adjacent blocks.

10. Nancy Decicco
nancygirl4834@gmail.com

Dear City Council,

I am a homeowner living at 433 Lincoln Avenue C3 for the past 34 years. I am concerned about the Central Orange Redevelopment Area study. Residents and businesses were not properly notified of the vast scope of this project. This study threatens historic sites, existing residents and several long-standing and successful businesses, some of which have been in families for decades. I feel a project of the scope would be devastating to many residents, tax paying homeowners and businesses. I don't think a project this large would ever be completed and would leave this vast section of central Orange desolate and abandoned.

11. Aubrey Murdock
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Good Evening Council,

I live at 540 Liberty St. and work at 47 Cleveland St.

I am writing in response to the Business Administrator's comment last meeting about Community Benefit Agreements and the applicable laws in New Jersey. The BA said that he would be creating a memo outlining what those legal complications entail. I look forward to reading this memo and would like to know when it will be released and through what channel.

I am also writing with a concern about the Central Orange Redevelopment Area study. At last week's planning board meeting two business owners and one homeowner came forward to say that their businesses and home had been added to the study's condemnation list. Both of these business owners said that they wanted to stay in the city and continue putting money into the city; however, both were shocked to find their businesses on the list of properties to be deemed in need of redevelopment with condemnation. Other cornerstone institutions were on this list including Mt. Carmel church and Serrani's Bakery.

I cannot understand why the city would want to displace long-time local businesses, institutions, and homeowners. In the meeting the city's lawyers were quick to suggest they did not want to displace anyone, but then why would these homes and businesses be placed on a list that would reduce their rights to stay in place and incorrectly classify them as being ill-developed and run-down?

The planner that presented this study admitted to only conducting 3-4 site visits for this entire area, and not doing any research about viability of businesses beyond a superficial exterior survey, and looking at city reports. This report was not well researched and threatens to lose Orange reliable and steady local businesses that have opted to stay in Orange through turbulent economic times.

Before it comes to council for a vote, I urge the council members to research the properties listed as "in need of redevelopment with condemnation" in this study, and see if they are willing to gamble these important places for an unknown future.

Additionally, I want to mention that the city's attorneys, particularly Mr. Mizrahi continually interrupted citizen comment during the planning board meeting, and in one case said that those speaking up should be happy with what the city is doing. Not even feigning to care about citizen comment or robust civic engagement is not winning the administration any support in these plans.

Some of the places on this list are vital parts of Orange's city fabric and cornerstones that have anchored the city through ups and downs. The city should be investing in these assets, not burdening them with the designation of "in need of redevelopment with condemnation." The urban planning strategy that is being used through the instrument of Area in Need of Redevelopment studies is only one way to develop and care for a city. It is important for us not to lose Orange's existing assets while putting all our eggs in this basket.

Thank you so much for your time and your work.

12. Alan & Alison Broadbent
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We want to be on record that we adamantly oppose the new plan for Central Orange Redevelopment Area. It's short sighted and can't possibly support the citizens of Orange. Please vote NO!

13. Jeffrey Feld
hardwaredad@aol.com

MARCH 1, 2022 AGENDA QUESTIONS

Redevelopment Related LTTEL Long Term Tax Exemption Ordinance 3-2022

1. Does this proposed post November 18, 2020 tax exemption handbook urban renewal entity LTTEL long term tax exemption financial agreement and the mayor's supporting explanatory letter undercut and contradict Orange's and McManimon Scotland & Baumann's Feld X (HUD-L-1038-19/ESX-4978-13) Walter G. Alexander Phase III LTTEL long term tax exemption "fairness" contention?
2. Prior to consideration and official action on any redevelopment related matter, shouldn't we return to prior robust informed civic participation best practices and require a public presentation introducing the project to the community, the number and composition of units, a brief net benefits fiscal impact explanation and the height, parking, set back and design variances, if any, required from the applicable controlling redevelopment plan?
3. Was a supporting tax exemption toolkit net benefits fiscal impact study attached to the proposed 30 years LTTEL long term tax exemption?
4. Can Orange's current water/sewer, traffic and school system infrastructure handle the inflow and impact of all these new residential units?
5. Has Orange adopted a Best Practices Inventory Inclusionary Zoning Ordinance or an Ordinance requiring all redevelopers to contribute to a fund to preserve existing affordable housing units or to fund certain public improvements?
6. Were any of the Freeman redeveloper's lawyers implicated or connected to the federal Newark Watershed criminal investigation or bankruptcy liquidation?

Resolutions

7. Why the urgent need for a third \$700,000 Pension Related and a fourth \$3,300,000 Water/Sewer Utility CY 2022 Emergency Appropriation Resolutions prior to introduction of the CY 2022 Budget? See, Derek Hall "Effort to reduce property taxes could prove to be complicated: November's election results and years of increases have prompted the governor and lawmakers to take up the issue" The Sunday Star Ledger Front Page (Feb. 27, 2022)
8. Why the urgent need for a third post January 1, 2022 \$247,000 CY 2021 Budget Line Item Reappropriation Resolution?
9. Since January 1, 2022, how much CY 2021 Budget line item appropriated monies were re-shifted to other line item purposes?
10. In the interests of robust informed civic participation, why are the amounts of grant awards excluded from the resolution's agenda caption? \$782,700 street improvements; \$39,693.50 environmental cleanup; \$16,500 police academy
11. What type of additional outside professional financial accounting and budget consulting services did Orange receive in January 2022? (PO 21-0076)
12. Who are the two equity holders subject to the tax lien in rem foreclosure authorization resolution? Orange Flats LLC and 256 Henry Holdings LLC
13. Why were these tax lien certificates excluded from prior bulk tax lien certificate sales?
14. Why the delay in foreclosing these outstanding tax lien certificates?
15. How much monies have we expended defending and obtaining the Jean Baptiste severance pay litigation dispute?
16. How much monies have we expended prosecuting and defending the separation of powers dispute between the local executive and legislative branches? (ESX-L-5312-21; ESX-L-9649-21)
17. Despite Feld XIX (ESX-L-0028-19) being filed within the twenty days estoppel period, did bond counsel deliver a clean opinion in connection with the former Bank of America/Rossi Paints acquisition transaction?
18. What is the status of this contested acquisition transaction?

19. Did the seller deliver a materially false and erroneous affidavit of title to Orange?
20. How much has Orange paid its bond counsel in CY 2015, CY 2016, CY 2017, CY 2018, CY 2019, CY 2020 and CY 2021?
21. Did our bond counsel have a duty to intervene and to question the validity of all post April 17, 1992 non Redevelopment Area Bond long term tax exemption transactions whose percentage of revenues were less than 10%?
22. Do all Orange professional attorney service contracts contain or exclude a mandatory arbitration clause? See, Notices to the Bar-Arbitration Provisions in Retainer Agreements and the Scope of an Attorney's Disclosure Requirements (Delaney v. Dickey), 228 N.J.L.J. 509 (Feb. 21, 2022).

Other Intervening Issues of Public Importance

23. Is it true that two bays do not work at the Central Avenue Firehouse and that fire engines are parked outside the building?
24. Is it true that another racial civil rights violation complaint has been filed against our local police department? See, Anthony G. Attrino "Black shopper sues police, says white cops pointed guns at him" The Star Ledger (Feb. 26, 2022)
25. Were the police officers Latino?

Prior Outstanding Written Questions

26. Are We the People and not the mayor, certain redevelopers and the local housing authority the ultimate clients and constituents of the City Attorney and local governing body?
27. When will the CY 2020 Audit and the "as of Dec. 31, 2021" annual debt statement be posted on a public website?
28. How many non-tax appeal matters are pending against the municipality?
29. How does Orange intend to stop and to mitigate the public trust fund cash bleeding related to its in-house legal department and litigation?
30. Has the City reserved any monies for all the litigation matters listed on the Feb. 15, 2022 and March 1, 2022 Agendas?
31. Does the local governing body receive monthly or quarterly Best Practices outstanding litigation update reports?
32. How does the local governing body monitor and review the professional work product of these cases?
33. In 2017, did Attorney Feld, BA Hartwyk and City Attorney Pennington negotiate a global Feld related settlement that the mayor rejected upon the advice of special outside defense counsel?
34. In 2013, when the local governing body approved the contested Feld X Walter G. Alexander Phase III LTTEL long term tax exemption agreement, who were the chairs of the Housing Authority of the City of Orange (Cliff Ross) and the Orange Housing Development Corp. (Avram White)?
35. Does the Feb. 15, 2012 sworn testimony of the City's then outside redevelopment consultant (Thomas Banker) undermine and contradict the City's Remanded Feld X contention that the Long Term Tax Exemption Law does not contain a 10% of revenues minimum floor on all non-Redevelopment Area Bond transactions?
36. How much Feld II, Feld III, Feld VI, Feld X, Feld XIII, Feld XV, and Feld XVIII long term tax exemption revenues and net sale proceeds did the City negligently, recklessly and intentionally leave on the table?
37. Who decided not to pursue all PILOT/cooperation agreement payments due from the local housing authority to Orange and disclosed in annual local housing authority audit footnotes?
38. How does the local governing body monitor all bad faith and fraud upon the court allegations against the municipality, such as whether the Sept 29, 2009 Walter G. Alexander Three Phase

Redevelopment Agreement, the Feb.15, 2012 Thomas Banker deposition, the March 6, 2014 depositions of Marty Mayes and Dr. Walter D. McNeil, Jr. and all pre Sept 2020 in effect and authorized but not yet on line long term tax exemption agreements were provided to the City's Remanded Feld X "fairness" expert for review and whether the conditional status and net benefits fiscal impact study of the Walter G. Alexander Phase IV Project was conveyed to the City's "fairness" expert?

39. Who decided on a CY 2000 marker for determining what long term tax exemptions to provide the Remanded Feld X Walter G. Alexander Phase III "fairness" expert to review?
40. By selecting this artificial date, what long term tax exemptions were excluded and omitted from the Remanded Feld X Walter G. Alexander Phase III "fairness" expert's report?
41. Did the local governing body review, approve and pay the fees of the Remanded Feld X Walter G. Alexander Phase III "fairness" expert?
42. Who ultimately paid these stealth fees and expenses of the Remanded Feld X Walter G. Alexander Phase III "fairness" expert?
43. How much has Orange expended prosecuting and defending this separation of powers action filed by the administration against the local governing body? ESX-L-6949-21
44. How many lawsuits are being paid by the JIF Insurer?
45. How many lawsuits are being paid by taxpayers' trust fund monies?
46. Is Scarcinci Hollenbeck being retained as labor counsel or as additional litigation counsel?
47. Who monitors the bill list so that legal invoices relate to active pending matters and not to old and cold matters involving my mother as a named plaintiff? (PO 21-00538)
48. Today, how many in-house attorneys does Orange currently employ?
49. Who is the current in-house attorney assigned to OPRA review and compliance?
50. As of Dec. 31, 2021, how many CY 2021 OPRA requests remained outstanding?
51. Of the 47 pending and outstanding Feb. OPRA requests, to who are they due and from what departments are documents missing?
52. What is the likelihood that on February 15, 2022 a majority of the Millburn local governing body designated RPM Development Group the conditional developer of a 75 unit 100% affordable housing project located at the Township's downtown DPW site without holding a promised public forum prior to consideration and official action on a decision that will affect the future of this neighboring suburban community?