

MINUTES CITY COUNCIL
CITY OF ORANGE TOWNSHIP
NEW JERSEY

A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD VIA AUDIO-VIDEO CONFERENCING ON APRIL 26, 2022 AT 7:02 P.M.

Council President Kerry J. Coley led all assembled in the Pledge of Allegiance to the Flag.

ROLL CALL

PRESENT

Council Vice President Tency A. Eason
Councilmember Harold J. Johnson, Jr. (Arrived at 7:03pm)
Councilmember Weldon M. Montague, III
Councilmember Clifford R. Ross
Councilmember Jamie B. Summers-Johnson (Arrived at 7:08pm)
Councilmember Adrienne Wooten
Council President Kerry J. Coley

ALSO PRESENT

Joyce L. Lanier, City Clerk
Chris M. Hartwyk, Business Administrator
Gracia R. Montilus, City Attorney
Marlin G. Townes, Legislative Research Officer
Margarette Homere, City Clerk's Office
Tamara Robinson, City Clerk's Office
Trisha Scipio, Clerk's Office
Gabrielle Sims-Shelton, City Clerk's Office (Arrived at 7:06pm)

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 and published with the Star Ledger on Saturday, April 16, 2022, posted on City's website (www.ci.orange.nj.us) and Council's website (www.orangetwpnjcc.org) and filed in the Office of the City Clerk.

CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS

The City Clerk announced the "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 the 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.

MATTERS FOR DISCUSSION

PRESENTATION / DISCUSSION

Mott MacDonald Professional Engineering Firm – To discuss Ordinance 28-2022 and Ordinance 29-2022.

28-2022 A bond ordinance providing for various acquisitions and improvements to the City's water and sewer systems, by and in the City of Orange Township, in the County of Essex, State of New Jersey; appropriating \$3,320,000 therefor and authorizing the issuance of \$3,320,000 bonds or notes of the water and sewer utility of the City to finance costs thereof.

29-2022 A bond ordinance providing for Phase I of the PFAS treatment at the Chestnut Street Pump Station, by and in the City of Orange Township, in the County of Essex, State of New Jersey; appropriating \$7,000,000 therefor and authorizing the issuance of \$7,000,000 bonds or notes to finance the cost thereof.

Business Administrator Chris Hartwyk introduced SUEZ Representatives. He explained that the presentation was around the Ordinances on the agenda. Ordinance 28-2022 is for what we call the M Cap Expenses (Maintenance Capitol Items). Under our contract with Suez, there is a \$750,000 annual credit towards M Cap items and everything over maintenance items is billed to the city. For occasion of emergency such as water main, sewer main, or storm water main break, the digging up of a curb box that's not readily accessible, reconstructing a curb box, storm water grates that collapse and all the things that are fairly common in a system with in our age that has suffered from deferred maintenance. This Ordinance is sized after significant negotiation between the city and Suez with regard to what was an appropriate M Cap as well as which charges should apply. As a result this approved in an Ordinance at the end of the year and paid to Suez who has already fronted the funds for these items to perform the emergency work. Ordinance 29-2022 is the Ordinance in which Siavash Isazadeh a Systems Engineer from Suez is here to explain the background on the PFAS requirements of the temporary system and the permanent system. The New Jersey Department of Environmental Protection adopted regulations that were effective 6/1/2021, they require every water supply system to test their water system, and if a certain level of PFOA's are found then they must build a treatment facility to extract the PFOAs from the water through a treatment process. The city did the test and exceeded some of the initial levels set forth by the DEP, we were required along with several other municipalities, to immediately undertake a temporary treatment plan to be followed by a permanent treatment plan. The temporary plan is up and running and is permanent to the DEP which was designed and constructed by Suez and ACOM. The water is being treated to abstract PFOAs pursuant to that temporary system. The temporary system costs are included in the Ordinance. The balance of the \$7,000,000 is for the first phase of the permanent process, which is roughly and \$11,000,000 project. The balance will come when the design is complete and initial construction to get the accurate figure. Siavash Isazadeh stated the system is temporary which is designed to run until December 31. There is a report done monthly and has been working well. There were a few options explored, a granular active carbon system will be located at the same place and will be connected after the temporary system is discharged. It is 60 percent of the design. The critical aspect of this design is it is a fast moving project and now that we now the GAC based on the experience and study that has been done, carbon is the solution. Suez has regular meetings with ACOM so they can procure the materials in advance. The permanent system will remove the entire PFAS, the studies have been complete and they are also looking at studies done in other municipalities. There is a twenty minute retention time. This carbon system will also improve the quality of the overall water. Councilmember Harold J. Johnson, Jr. inquired which water is being referred to, which is the tap water. The water was treated prior to this but not for PFOAs. Councilmember Harold J. Johnson, Jr. also inquired about the water received from the City of East Orange, American Water if it needed to go through the treatment system. Business Administrator Chris Hartwyk stated the water from the City of East Orange goes through the treatment system, the water from American Water is already treated but it goes through the system anyway. Councilmember Harold J. Johnson, Jr. inquired about the funds when the city did the New Jersey infrastructure system, are they applied to this, or would the city have to request more funds. Business Administrator, Chris Hartwyk stated the \$7,000,000 is a part of the I-Bank and there will be a second phase of the application at a later date. The city has targeted the PFAS Treatment system facility as potential water quality improvement that would be eligible for certain pots of money for the Federal Infrastructure Act. The application deadlines have not open yet, so the city does not know the time frame, and we have to move forward at this stage. If we receive a grant it would go toward the debt we have. Councilmember Clifford R. Ross inquired the about the cost of the permanent system which is approximately \$9.6 million, which means we bond out for \$4,000,000. The temporary will stay on until the permanent system is ready to turn on which should be September 2023. Councilmember Adrienne Wooten stated she received information from Finance that this would put us in a 2.6 percent toward our debt ratio out of our 3.5% allowance. With the \$4,000,000 where would that put the city's debt ratio and do we foresee any other bonds that we would have to approve. Business Chris Hartwyk stated remaining in debtness for this project will keep us under the

percentage that we are allowed to issue. The utility will remain self-liquidating which is being addressed. Administration has been careful in watching the line of debt. The city is under 3% debt and the ceiling is 3.5%. The challenge is dealing with unforeseen emergencies, which is why the administration has been careful and watchful. Council Vice President Tency A. Eason inquired if we had any room for error and the city has the room. Councilmember Harold J. Johnson, Jr. inquired if Suez is involved in any other municipalities in Essex County and Craig Gardina, Project Manager for Suez stated that the City of Orange Township is the only municipality in Essex County but he believes they handle Toms River and Rahway as well. Council President Kerry J. Coley inquired if there would be any kind of build-out to the water system which there will be a build-out at the Beach Street Station. Where the trailers are now is where the permanent system will be located. This will be a 20 year pay back unless we receive additional funds. The first two pieces are already built into the regular water rate base. The administration is currently working on the numbers for the third part. If a rate increase is needed it would be about 8% starting the end of 2022 or beginning of 2023. Councilmember Clifford R. Ross inquired if this would be affected by new developments coming which it would not. The calculations are from the DEP and from Suez which Council President request the report be sent to the City Clerk's Office within a week.

A motion to close Citizens Comments was made by Councilmember Clifford R. Ross and seconded by Councilmember Harold J. Johnson, Jr.

PERSONNEL MATTERS

221-2022 A resolution to hold an executive (closed) session to discuss Personnel Matters.

A motion to adopt Resolution 221-2022 was made by Councilmember Weldon M. Montague, III and seconded by Councilmember Harold J. Johnson, Jr.

Roll Call:

Yeas: Hon. Tency A. Eason, Hon. Harold J. Johnson, Jr., Hon. Weldon M. Montague, III, Hon. Clifford R. Ross, Hon. Jamie B. Summers-Johnson, Hon. Adrienne Wooten and Hon. Kerry J. Coley

Nays: None

Abstain: None

Absent: None

Motion Adopted

A motion to enter into Executive Closed Session was made by Councilmember Weldon M. Montague, III and seconded Councilmember Harold J. Johnson, Jr.

Roll Call:

Yeas: Hon. Tency A. Eason, Hon. Harold J. Johnson, Jr., Hon. Weldon M. Montague, III, Hon. Clifford R. Ross, Hon. Jamie B. Summers-Johnson, Hon. Adrienne Wooten and Hon. Kerry J. Coley

Nays: None

Abstain: None

Absent: None

Motion Adopted

Entered into Executive Session at 7:41pm

Council President Kerry J. Coley stated that a Rice Notice was sent to the City Attorney. Council President Kerry J. Coley was informed that the City Attorney, Gracia R. Montilus was employed as the City Attorney in the City of Hillside. Council President Kerry J. Coley asked how many municipalities he is employed with. As a Prosecutor or a City Attorney, Gracia R. Montilus asked. All of the above, Council President Coley replied. Gracia Montilus stated he worked as a Township Attorney for two municipalities including Orange, the Municipal Prosecutor for the municipality of South Orange, and per diem (which is per day or as needed) in Newark. In accordance to the Ordinance he is a full time employee with the City of Orange. On a typical day his hours varies, he is the first one here, when he pulls in to the park in lot he doesn't see anyone, nor when he leaves. He is a part time employee for the City of Hillside and his hours are flexible. He works for South Orange two days a week, two hours a day (a total of four or five hours for the week). As an Attorney, you don't see a problem with representing two different municipalities, asked Council President Kerry J. Coley. City Attorney Gracia R. Montilus stated I do not, I see me doing my job as required, I see putting in the time as necessary as required as well. As I said, when I pull into Orange, there is no one here, when I come in on the weekends there is no one here either. So I do what I need to do to make sure that my hours, my commitment to Orange is satisfied on a daily basis as well as any other commitment I may have. What about during the Council meetings. This past meeting you (Gracia R. Montilus) were – I believe you were – I need to hear from you, I don't want to assume anything, you were logged on to two different meetings, City of Orange meeting and City of Hillside meeting stated Council Kerry J. Coley inquired. I was observing and supervising if you will this meeting as well as the other meeting in Hillside because I had my Deputies covering the Orange meeting as well as my Assistant covering the Hillside meeting stated City Attorney Gracia R. Montilus. Councilmember Adrienne Wooten asked what the objective is to this meeting. Council President Kerry J. Coley stated the objective was to find out how the City Attorney could represent two towns, on City time. We are trying to find out. Councilmember Adrienne Wooten stated if you don't explain to the Council, probably everyone else knows except two Council people. How are we supposed to know what this is, you (Council President Kerry J. Coley) just started asking a lot of questions. So you can give us an objective. Council President apologized. Gracia R. Montilus stated, I want to correct something that Council President Kerry J. Coley said, I am not working in Hillside on Orange's time, let me make that clear. Let me make another point very clear to you and everyone else, first and foremost as I indicated to you, I haven't appeared at any Council meeting for the past three of four meetings because I was bereaving the death of my father. I appreciate a limited number of people on Council who reached out to me and expressed their condolences. I had arranged for both of my Deputies to cover three meeting since I wasn't on there. After I spoke to the Mayor, and took off the time I needed to take off, with his blessing and the Business Administrator's blessing which I am very thankful for, I made arrangements for my Deputies to cover these meetings. Two meetings in March and a meeting in April. The last meeting that took place, I again, logged on to supervise the meeting, as I should. As the City Attorney I should monitor and be aware of what is going on, which is the same thing I did in Hillside. The code in Hillside allows me to delegate attendance of those meetings, which I did with my First Assistant, and I will continue to do so as necessary. But I am not working in Hillside or any other municipality on Orange's time. I just don't do that. I can't think of a good example, but I think you maybe suggesting that I am stealing time. I can't really think of a comparison, but I want to make it clear, that the position in Hillside is a part time position, the position in Orange is a full time position, nothing precludes me from having multiple positions, to the extent that I do my job and I get my job done. As a matter of fact, and the Business Administrator will tell you, anyone in Orange who has other positions is required to authority or the blessing or the permission of the Administration (The Mayor or the Business Administrator). Which is exactly what has transpired. So when that happens (permission is given) there is nothing that precludes me from doing what I need to do to advance my career, to feed my family, and most importantly to meet all of my obligations that I am required to meet. Councilmember Jamie B. Summers-Johnson asked Council President Kerry J. Coley if he had a conversation with any other Councilmember about this matter prior to this meeting which he responded no. Councilmember Jamie B. Summers Johnson asked if the members are Council are just hearing about this Rice Notice – the notice she received only stated that we were Rice Noticing Attorney Montilus, she proceeded to ask if any conversation went further than that with any Councilmember that is in this meeting now, which was answered no. Councilmember Jamie B. Summers Johnson went on to state that she did not believe that because everyone is a little too comfortable when normally everybody is asking a lot of

questions. She went on further to state that she was confused at - last she checked she is a full time teacher and a supposed part time Council person, even though she feels like she is full time with that. She stated the last Council meeting, you had to get off because you had to go to a meeting at church but your thing still said Kerry Coley so it could still look like your still in the Council meeting but you let us know you had something else to do. So she wanted to find out because she didn't want to be a part of any witch hunt, she stated from statements made, one could assume there is gossip going on and she wants everything to stay business. Councilmember Adrienne Wooten stated the question should have been asked if any City employees were aware of the content of this Rice Notice. Councilmember Harold J. Johnson Jr. stated he was patiently waiting to weigh in, and we can be emotionally charged on getting to the bottom of this. He was a little concerned when the City Attorney was answering questions on getting to the bottom of this so he was taking notes. He asked for clarification on the City Attorney's Part time position in Hillside, which is Township Attorney. He is the Municipal Prosecutor for South Orange, he has his own personal practice and all of this with the personal blessings of the Mayor. Councilmember Adrienne Wooten was concerned about hearing comments like "emotionally charged", is it because the voices raised are from black women? Councilmember Harold J. Johnson, Jr. wanted to clarify he was answering the reason he had been sitting silent while Council President posed questions. City Attorney Gracia R. Montilus stated there are two important things Council should know, he works over forty hours as a City Attorney for the City of Orange Township and that includes when the Mayor calls at all times of the day and night as well as the Business Administrator no matter what time including weekends. He also wanted to remind the Council body that there have been other City Attorney's that have represented more than one municipality. Judge Marvin Breaker, Judge Dan Smith who was a Municipal Court Judge in Orange as well, and he believes Michael Prichley. There are City Attorneys in other municipalities that do the same thing, currently and presently. If this is a personal vendetta it is a shame. He stated he is a professional, he does not steal time, and he resents any implication in that regard. There are members who know me outside of his position as the City Attorney. He has also given pro-bono services and was happy to do so. He has also fulfilled items that are outside of his job title to assist residents of the City of Orange Township. How he fills his other time - is his professional right, it's his prerogative, it's his ambition, and it is what he chooses to do. He was on 24 hour call, 24 hour service during the Covid pandemic emergency. He was to advise the Mayor in respect to the mandates by the Governor that he needed to be advised on and they had meetings every single day. He stated he is a professional and he will never stop looking for other opportunities to feed his family nor will he infringe on his obligations that he has committed to. He stated, he believes one of the Executive Orders by Governor Murphy called for a compensation during the Covid emergency, he didn't ask for any, he didn't seek any, I didn't get any, but he did his job while 90% of our employees were home by 4:30pm - those who actually had to come to work. The City Attorney's office has never suffered for the lack of man power since he has been here. If he was a laborer we would not be having this conversation. Councilmember Jamie B. Summers Johnson inquired about Council President Kerry J. Coley stating earlier that Executive Closed Session would not take long, and that the City Attorney not fulfilling the duties of his job was not mentioned. Council President Kerry J. Coley stated this is not a witch hunt but how Gracia Montilus would continue to serve the City of Orange Township as the City Attorney, making sure we are getting all that the city is paying him to do. This is not a personal issue. City Attorney Gracia R. Montilus stated he hopes that he has answered all questions fully and professionally and he will always serve the clients of this community, the City of Orange professionally, with every fiber that he has in his professional being. He thanks the select few that already knew this. Council President Kerry J. Coley thanked City Attorney for his comments.

A motion to exit the Executive Closed Session and reconvene the Special Meeting was made by Councilmember Harold J. Johnson, Jr. and seconded by Councilmember Jamie B. Summers Johnson


Motion Adopted

Open Meeting was reconvened at 8:11pm

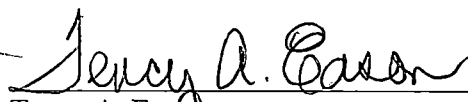
A motion to adjourn the meeting was made by Councilmember Weldon M. Montague, III and seconded by Councilmember Harold J. Johnson, Jr.

The meeting was adjourned at 8:11pm

Approved: September 20, 2022



Joyce L. Lanier
City Clerk



Tency A. Eason
Council President