

**MINUTES CITY COUNCIL
CITY OF ORANGE TOWNSHIP
NEW JERSEY**

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 29 NORTH DAY STREET, ORANGE, NEW JERSEY. THE MEETING WILL BE HELD ON WENESDAY, NOVEMBER 6, 2013, IMMEDIATELY FOLLOWING THE CONFERENCE MEETING.

1) PLEDGE OF ALLEGIANCE TO THE FLAG

2) ROLL CALL

PRESENT

ABSENT

Hon. Hassan Abdul-Rasheed	(West Ward)	Arrived@7:32pm	_____
Hon. Elroy A. Corbitt	(At-Large)	X	_____
Hon. Tency A. Eason	(North Ward)	X	_____
Hon. April Gaunt-Butler	(At-Large)	X	_____
Hon. Linda Jones-Bell	(East Ward)	X	_____
Hon. Edward B. Marable Jr.	(South Ward)	_____	X
Hon. Donna K. Williams	(At-Large)	X	_____
Council President			

ALSO PRESENT

Madeline F. Smith, Deputy Municipal Clerk	X	_____
Hon. Dwayne D. Warren, Esq., Mayor	_____	X
Marty Mayes, Acting Business Administrator	X	_____
Dan S. Smith, City Attorney	X	_____
Keith Harvest, Legislative Research Officer	X	_____
Margarette Homere, Clerk's Office	X	_____

3) The Deputy Municipal Clerk announces that the requirement of N.J. S.A. 10:4-9 et. seq., "Sunshine Law" has been met. A notice of this meeting was sent to the Star Ledger and published in the Record-Transcript on July 18, 2013, posted on the Bulletin Board in City Hall and filed in the Office of the Municipal Clerk.

4) APPROVAL OF MINUTES OF PREVIOUS MEETINGS

October 15, 2013 – Conference & Regular Meeting

Councilman Abdul-Rasheed and Councilwoman Gaunt-Butler cannot vote, because they were not present.

Motion to adopt: Jones-Bell ALL IN FAVOR VOICE VOTE Second: Williams

5) REPORTS:

Clerk's Office: Month of August 2013 - \$121.54
Month of September 2013 - \$346.19

COMMITTEE REPORTS:

Public Safety: Councilman Corbitt reported the Committee met with the Police Department concerning 340 Thomas Boulevard. Council President Williams and Councilwoman Jones-Bell made inquiry into Essex County providing fencing of area to deter future activity.

Finance: Council President Williams reported the Committee met on October 29, 2013 regarding concerns surrounding the Capital Bond Ordinance, Collection of Fees via Credit Card, Fire Department Resolution of two SUV's, Contract for Car Wash, Orange Housing Authority Cancellation of Taxes, PrimePoint HRMS & Payroll Services, Shared Services with Millburn, Emergency Appropriation Funds for Lawsuit, and Transfer Appropriations.

CONSTABLE REPORT:

No Activity

OPRA REPORTS:

Month of October 2013:

- 17 OPRA Requests, 46 items completed and 6 six outstanding left.

President directs Clerk to file reports.

6) COMMUNICATIONS AND PETITIONS:

None

7) CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS:

PURSUANT TO SECTION 4-10 OF THE CODE OF THE CITY OF ORANGE TOWNSHIP, "EACH PERSON ADDRESSING THE COUNCIL SHALL STEP UP TO THE MICROPHONE, SHALL GIVE HIS OR HER NAME IN AN AUDIBLE TONE FOR THE RECORD, AND UNLESS FURTHER TIME IS GRANTED BY THE PRESIDING OFFICER, SHALL LIMIT HIS OR HER ADDRESS TO TEN MINUTES".

THE PUBLIC IS EXPECTED TO CONDUCT THEMSELVES IN A PROPER MANNER, ANY DEROGATORY, ABUSIVE OR THREATENING STATEMENTS WILL NOT BE PERMITTED. THE CHAIR WILL IMMEDIATELY RULE SUCH CONDUCT OUT OF ORDER AND TERMINATE ANY FURTHER COMMENTS.

Council President Williams recognized the following citizens for comments:

Jeff Feld of 268 Main Street:

- Commented on CFO tenure vote.
- OPRA Non-Compliance with various departments not providing information, Documentation of Council Meeting Minutes / Appearance on the Website and Agenda Readiness.
- Commented on the following Ordinances and Resolutions: 43-2013, 356-2013, 357-2013, 358-2013, 359-2013, 365-2013 and 373-2013.

William R. Lewis of 688 Mosswood Avenue:

- Commented on the following Ordinances and Resolutions: 46-2013, 356 to 359-2013, 365-2013 and 366-2013.

Katalin Gordon of 211 Park Place:

- Expressed concern with the numerous Business Administrator Representatives.
- Commented on Resolutions 374-2013.

Michael Morris of 375 Fairview Avenue:

- Commented on Resolutions 374-2013. Stating his block (Fairview Avenue) has not been paved in 50yrs and would like it added to the list for repair.

Ingrid M. Williams of 765 Valley Street:

- Expressed concern with the closing of the Orange Library.

Council President Williams entertained a Motion to Extend the Meeting.

Motion: Jones-Bell

Second: Eason

Council President Williams announced the roll call as follows:

Yeas: Corbitt, Eason, Jones-Bell, Gaunt-Butler and Williams

Nays: None

Abstentions: Abdul-Rasheed

Absences: Marable

Council President Williams ruled the motion was Carried by Five Yeas; No Nays; One Abstention and One Absent.

Motion to Close Citizen Comments:

Motion: Abdul-Rasheed

VOICE VOTE ALL IN FAVOR

Second: Jones-Bell

8) **COUNCIL COMMENTS**

Council President Williams recognized the following Council Members:

Councilman Abdul-Rasheed:

- Resolution 365-2013 Emergency Appropriations: Asked if Council was provided Legal Documents in the previous Executive Closed Session?
 - o Conversation ensued between Council Members and Gary Gordon, Esq. as to whether Council will sign off and approve Resolution 365-2013.

Council President Williams entertained a Motion to go into Executive Closed Session.

Motion: Jones-Bell

Second: Corbitt

Council President Williams announced the roll call as follows:

Yeas: Corbitt, Eason, Jones-Bell and Williams

Nays: Abdul-Rasheed and Gaunt-Butler

Abstentions: None

Absences: Marable

Council President Williams ruled the motion was Carried by Four Yeas; Two Nays; No Abstentions and One Absent.

A resolution to ADOPT Resolution 377-2013 to hold an Executive Closed Session:

Motion: Corbitt

Second: Jones-Bell

Council President Williams announced the roll call as follows:

Yeas: Corbitt, Eason, Gaunt-Butler, Jones-Bell and Williams

Nays: None

Abstentions: None

Absences: Abdul-Rasheed and Marable

Council President Williams ruled the motion was Carried by Five Yeas; No Nays; No Abstentions and Two Absent.

Council President Williams entertains a Motion to Reconvene.

Motion: Abdul-Rasheed **VOICE VOTE ALL IN FAVOR** **Second:** Jones-Bell

Councilman Abdul-Rasheed:

- Commented on Deputy Director Responsibilities, accountability and advancement.
- Thanked Marty Mayes, Planning and Public Works Director for his diligence and efforts in completing requests.
- Commented on Resolution 374-2013.
- Requested the Acting Business Administrator name be added to the Agenda.
- Inquired if City Hall is still adhering to the 4:30pm closing?
- Made inquiry into and requested follow-up on City Hall's Phone System?
- Requested the Legislative Research Officer to follow up with moving the Day Labors.
- Budget Hearings: Requested the Legislative Research Officer, Kevin Harris to prepare a Resolution setting guidelines or procedure to implement Budget Dates & Hearing Dates is scheduled by February.
- Inquired with Police Director Simms regarding the alleged Tampering of Wiring in City Hall.
- Commented on a rise in criminal activity on South Essex Avenue (between Freeway Drive East & Mechanic Street).
- Announced the Library Meeting is scheduled for November 7th.

Councilman Corbitt:

- Commented on the possibility that the Administration posted negative print media and information throughout the City regarding 2 questions on the Ballot.
- Made inquiry into the Water Company Maintenance Contract of drains.
- Requested City Vehicle Assignment Log.

Councilwoman Eason:

- Made a strong accusation that the Administration posted negative print media and information throughout the City regarding 2 questions on the Ballot.
- Made inquiry into black garbage cans perceived to be from the County.
- Made a strong accusation that the Administration removed her banner(s) from location(s).
- Commented on the absence and lack of support from the Administrations Staff (i.e., Business Administrator, Chief Financial Officer, Mayor, etc.).
- Announced the Fire Department and St. Matthews Church are hosting Thanksgiving Day Dinners on Thanksgiving.

Councilwoman Jones-Bell:

- Commented on negative posting throughout the City to discourage registered voters from voting.

- Send her condolences to the Polhill Family that suffered an Asthma Attack in Newark while playing basketball.

Councilwoman Gaunt-Butler:

- Requested the names to be placed on the Bill List of Employees that are attending training.
- Requested the meeting date for the Library.

Council President Williams:

- Commented on Budget Hearing Dates.
- Commented on the fluctuation of appointees and time line for the Business Administration Vacancy.
- Commented on political signage throughout the City.
- Made inquiry into the Master Plan and Code Enforcement.
- Made inquiry to Dan Smith of the status of Tyshammie Cooper and what position will she be returning?
- Commented on the two questions that were placed on the ballot.
- Send condolences to all that lost family members.

9) ORDINANCES–SECOND READING/PUBLIC HEARING

ORDINANCES TABLED FROM AUGUST 7, 2013 REGULAR MEETING

- 22-2013 REMAINED TABLED**
 An ordinance setting forth an employee tuition reimbursement policy and guidelines or the City of Orange Township and amending and supplementing Chapter 23 of the Municipal Code and the appendix Titled City of Orange Township – Employee Handbook of personnel policies and procedures.
- 32-2013 REMAINED TABLED**
 A Bond ordinance providing for various capital acquisitions and improvements, by and in the City of Orange Township, in the County of Essex, State of New Jersey (The “City”); appropriating \$9,826,000 therefore and authorizing the issuance of \$8,935, 500 bonds or notes of the City to finance the costs thereof.
- 37-2013 REMAINED TABLED**
 An ordinance setting outside employment guidelines for the City of Orange Township and amending and supplementing Chapter 23 of the Municipal Code and the appendix titled City of Orange Township – Employee Handbook of Personnel Policies and Procedures.

43-2013

WITHDRAWN

An ordinance to amend Ordinance #129-69, Chapter 60, Barbershops and Beauty Parlors.

a) Second Reading by Title

b) Motion to close Public Hearing:

Second:

c) Motion for final adoption:

Second:

MOTION TO LIFT FROM TABLE: Eason

SECOND: Gaunt-Butler

MOTION TO WITHDRAW: Williams

SECOND: Gaunt-Butler

Council President Williams announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Eason, Jones-Bell, Gaunt-Butler and Williams

Nays: None

Abstentions: None

Absences: Marable

Council President Williams ruled the motion was WITHDRAWN by Six Yeas; No Nays; No Abstentions and One Absent.

10) ORDINANCE INTRODUCTION /FIRST READING

46-2013

An ordinance to amend the code of the City of Orange Township, Chapter 200, entitled "Vehicle and Traffic" Section 200-52-1 Handicapped Parking Spaces. (500 S. Center Street, Apt. 9)

a) **Motion to adopt in first reading:**

Motion: Abdul-Rasheed

Second: Jones-Bell

Council President Williams announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Eason, Jones-Bell, Gaunt-Butler and Williams

Nays: None

Abstentions: None

Absences: Marable

Council President Williams ruled the motion was Carried by Six Yeas; No Nays; No Abstentions and One Absent.

b) **Public Hearing December 3, 2013**

47-2013 An ordinance to amend Ordinance #129-69, Chapter 60, Barbershops and Beauty Parlors.

a) Motion to adopt in first reading:

Motion: Abdul-Rasheed Second: Jones-Bell

Council President Williams announced the roll call as follows:

Yeas: Abdul-Rasheed, Eason, Jones-Bell, Gaunt-Butler and Williams

Nays: Corbitt

Abstentions: None

Absences: Marable

Council President Williams ruled the motion was Carried by Five Yeas; One Nay; No Abstentions and One Absent.

b) **Public Hearing November 18, 2013**

48-2013 **TABLED**

A bond ordinance providing for various capital acquisitions and improvements, by and in the City of Orange Township, in the County of Essex, State of New Jersey, (The "City"); Appropriating \$3,025,000 therefore and authorizing the issuance of \$2,880,951 Bonds or notes of the City to finance part of the costs thereof.

MOTION TO TABLE 48-2013:

MOTION: Corbitt **VOICE VOTE ALL IN FAVOR** **Second:** Jones-Bell

49-2013 **WITHDRAWN by Council**

An ordinance amending Chapter 156 of the Municipal Code of the City of Orange Township dealing with owners supplying heat to occupants. (Sponsored by: Council Member Hassan Abdul-Rasheed)

11) 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.

Deputy Clerk Smith stated these resolutions have been Removed for a Separate Vote as follows: 361-2013, 365-2013 and 373-2013

Deputy Clerk Smith announced resolution 366-2013 has been **WITHDRAWN** by the Administration.

366-2013 A resolution for the transfer of appropriations for calendar year 2013 operating budget in accordance with N.J.S.A. 40A:4-59.

RESOLUTIONS: *350-2013 -*375-2013

- *350-2013** A resolution authorizing the purchase of (2) 2014 Chevrolet Tahoe 4WD SUV from Mall Chevrolet, 75 Haddonfield Rd., Cherry Hill, NJ 08002 under the City of Cranford Co-op Contract, A53130 to be used by the City of Orange Fire Department in an amount not to exceed \$98,000.00.
- *351-2013** A resolution awarding a contract for car washing services for all city owned vehicles to KC's Car Wash, 360 Thomas Boulevard, Orange, New Jersey 07050 for one (1) year commencing November 12, 2013 through November 11, 2014 in the amount not to exceed \$5,000.00.
- *352-2013** A resolution authorizing the award of a non-fair and open contract with Hatch Mott MacDonald, 27 Bleeker Street, Millburn, New Jersey 07041-1008 to provide additional environmental services related to the removal of an abandoned underground storage tank located at the Alden & High Street Park in the amount not to exceed \$19,850.00.
- *353-2013** A resolution authorizing the refund of taxes due to State Board Judgments in the amount of \$16,126.20.
- *354-2013** A resolution authorizing the refund of water/sewer charges in the amount of \$1,201.47 due to an over payment on property at 183 Parrow Street, Block 3405, Lot 18, Water Account No. 3273210000.
- *355-2013** A resolution authorizing the refund of taxes due to over payment in the amount of \$3,371.00.
- *356-2013** A resolution authorizing the tax collector to cancel balance of second, third and fourth quarters 2013 tax billing for Orange Housing Authority, 206 South Street, Block 3405, Lot 7 in the amount of \$869.95 plus interest.

- *357-2013** A resolution authorizing the tax collector to cancel third and fourth quarter 2013 tax billing for Orange Housing Authority, 131 Central Place, Block 3301, Lot 41 in the amount of \$2,636.95 plus interest.
- *358-2013** A resolution authorizing the tax collector to cancel second, third and fourth quarters 2013 tax billing for Orange Housing Authority, 113 Oakwood Avenue, Block 3302, Lot 7 in the amount of \$3,714.05 plus interest.
- *359-2013** A resolution authorizing the tax collector to cancel second, third and fourth quarters 2013 tax billing for Orange Housing Authority, 111 Oakwood Avenue, Block 3302, Lot 6 in the amount of \$7,434.06 plus interest.
- *360-2013** A resolution to accept sustainable Jersey Grant 2013 in the Planning Division.
- *362-2013** A resolution authorizing Prime Point HRMS & Payroll to process electronic payroll disbursements and payroll agency obligations for the City of Orange Township pursuant to N.J.A.C. 5:30-17.
- *363-2013** A resolution to insert a special item of revenue and an appropriation of an equal amount in the calendar year 2013 budget for shared services agreement with the Township of Millburn for the provision of Fire Sub Code Official and Fire Inspector Services for the 4th quarter of 2013.
- *364-2013** A resolution to insert a special item of revenue and an appropriation of an equal amount in the calendar year 2013 budget for Sustainable Jersey Grant 2013.
- *367-2013** A resolution re-appointing Mary L. Reed-Learmont to the Zoning Board of Adjustment in the City of Orange Township, New Jersey.
- *368-2013** A resolution re-appointing Murphy Wilson to the Zoning Board of Adjustment in the City of Orange Township, New Jersey.
- *369-2013** A resolution appointing Dennis Motley as a regular member to the Zoning Board of Adjustment in the City of Orange Township, New Jersey.
- *370-2013** A resolution appointing Eddie Grubbs as a regular member to the Zoning Board of Adjustment in the City of Orange Township, New Jersey.
- *371-2013** A resolution appointing Jacqueline Kimble as a first alternate member to the Zoning Board of Adjustment in the City of Orange Township, New Jersey.

- *372-2013** A resolution appointing Gerard John Schubert as a second alternate member to the Zoning Board of Adjustment in the City of Orange Township, New Jersey.
- *374-2013** A resolution authorizing the awarding of a contract for the 2012 NJDOT Roadway Improvements to Monroe Street and Conover Terrace to Reivax Contracting Corp., 356 Thomas Street, Newark, New Jersey 07114 in the amount not to exceed \$223,667.40
- *375-2013** A resolution celebrating the life of Phillip Thigpen, Sr.

MOTION TO ADOPT CONSENT AGENDA:

Motion: Corbitt **Second:** Jones-Bell

Council President Williams announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Eason, Jones-Bell, Gaunt-Butler and Williams

Nays: None

Abstentions: None

Absences: Marable

Council President Williams ruled the motion was Carried by Six Yeas; No Nays; No Abstentions and One Absent.

RESOLUTION 342-2013 TABLED FROM 10-15-2013 MEETING

342-2013 REMAINED TABLED

A resolution rejecting Michael A. Hackett, Esq. as Temporary Municipal Judge in the City of Orange Township.

The Deputy Clerk stated those resolutions that were removed will now be considered for a Separate Vote.

- *361-2013** A resolution requesting approval of the Director of the Division of Local Government Services to establish a dedicated trust by rider for snow removal, pursuant to N.J.S.A. 40A:4-62.1.

Motion: Corbitt **Second:** Abdul-Rasheed

Council President Williams announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Eason, Jones-Bell, Gaunt-Butler and Williams

Nays: None

Abstentions: None
Absences: Marable

Council President Williams ruled the motion was Carried by Six Yeas; No Nays; No Abstentions and One Absent.

***365-2013 A resolution providing for an Emergency Appropriation to Settle all issues in the Case of CYFA Corp. vs. City of Orange Township and City of Orange Township vs. Township of West Orange in the amount of \$100,000.00.**

Motion: Jones-Bell **Second:** Abdul-Rasheed

Council President Williams announced the roll call as follows:

Yeas: Abdul-Rasheed, Corbitt, Jones-Bell, Gaunt-Butler and Williams
Nays: None
Abstentions: Eason
Absences: Marable

Council President Williams ruled the motion was Carried by Five Yeas; No Nays; One Abstention and One Absent.

***373-2013 A resolution approving the bill list for council meeting vote on November 6, 2013 dated October 31, 2013 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$5,004,854.68).**

On the motion, Council President Williams REMOVED said items from the Bill List: Pg.5 - \$85.00, \$48.46, \$4.53, \$4.53, \$4.53; Pg.6 - \$1,115, \$192.75; Pg.7 - \$2,145, \$5,896, \$2,332, \$311.82; Pg.9 - \$311.82; Pg.10 - \$409.34; Pg.15 - \$40, \$66, \$23.95, \$409.33; Pg.17 - \$596, \$1,750, \$900, \$900, \$100, \$225, \$500, \$77.67, \$66.65, \$102.63, \$409.33; Pg.20 - \$106.98; Pg.23 - \$6,750, \$20.

(Total Amount Removed: \$25,904.32)

AMENDED GRAND TOTAL: \$4,978,950.36

Motion to Adopt as AMENDED: Abdul-Rasheed **Second:** Jones-Bell

Council President Williams announced the roll call as follows:

Yeas: Corbitt, Eason, Jones-Bell, Gaunt-Butler and Williams
Nays: Abdul-Rasheed
Abstentions: None

Absences: Marable

Council President Williams ruled the motion was Carried by Five Yeas; One Nay; No Abstentions and One Absent.

12) OTHER PENDING BUSINESS

13) MOTION TO ADJOURN

Motion: Corbitt **VOICE VOTE ALL IN FAVOR** **Second:** Jones-Bell

Adjournment Time: 12:38am



Madeline F. Smith, RMC
Deputy Municipal Clerk



Donna K. Williams
Council President

Passed on December 3, 2013

Regular Meeting on November 6, 2013.

Motion to Adopt: Jones-Bell **Second:** Eason

Council President Williams announced the roll call as follows:

Yeas: Corbitt, Eason, Gaunt-Butler, Jones-Bell and Marable

Nays: None

Abstentions: None

Absences: Abdul-Rasheed and Williams

Council President Williams ruled the motion was carried by Five Yeas; No Nays; No Abstentions and Two Absent.