

THIS WAS A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP HELD IN THE COUNCIL CHAMBERS, CITY HALL, 29 NORTH DAY STREET, ORANGE, NEW JERSEY, ON TUESDAY, SEPTEMBER 19, 2017, FOLLOWING THE CONFERENCE MEETING.

The Chair led all assembled in a Salute to the American Flag.

ROLL CALL

Present:

Councilwoman Tency A. Eason, North Ward (arrived @ 7:22)
Councilman Christopher Jackson, At-Large
Councilman Harold Johnson, Jr. West Ward
Councilwoman Jamie Summers-Johnson, South Ward
Councilwoman Donna K. Williams, At-Large
Councilwoman Adrienne Wooten, At-Large
Council-President Kerry Coley

Also Present: Joyce L. Lanier, City Clerk
Chris Hartwyk, Business Administrator (BA)
Eric Pennington, City Attorney
Marlin Townes, Acting Legislative Research Officer
Margarette Homere, Senior Clerk
Marty Mayes, Director of Planning/Public Work
Adrian Mapp, Director of Finance (arrived @ 8:28)
Joy Lascari, Chief Financial Officer
Capt. Dunn, representing the Police Director
Deputy Chief Long, representing the Fire Director (arrived @ 7:51)

The City 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 13, 2017, posted on the Bulletin Board in City Hall and filed in the Office of the City Clerk.

APPROVAL OF MINUTES MEETINGS

March 29, 2017 Budget Hearing

Error on minutes Councilwoman Summers-Johnson was present at that meeting but had arrived late.

Motion to adopt the Budget Hearing as amended by Council, seconded by Councilman Johnson, Jr. seconded by Councilman Jackson.

By consensus the Budget hearing minutes from March 29, 2017 were adopted.

June 7, 2017 Budget Hearing

Motion to adopt the Budget Hearing as amended by Councilman Johnson, Jr., seconded by Councilwoman Summers-Johnson.

By consensus the Budget hearing minutes from June 7, 2017 were adopted.

July 6, 2017 Reorganization, Conference & Regular Meetings. Voted on separately.

Motion to adopt the July 6, 2017 Reorganization meeting by Johnson, Jr., seconded by Councilwoman Summers-Johnson.

By consensus the Reorganization meeting minutes were adopted.

Motion to adopt the July 6, 2017 Conference meeting by Johnson, Jr., seconded by Councilwoman Summers-Johnson.

By consensus the Conference meeting minutes were adopted.

Motion to adopt the July 6, 2017 Regular meeting by Johnson, Jr., seconded by Councilman Jackson.

By consensus the Regular meeting minutes were adopted.

REPORTS:**DEPARTMENT MONTHLY REVENUE COLLECTION**

- Clerk's Office –Month of July 2017 total collection-\$33.75
- Department of Health-Month of July 2017 total collection-\$22,981.00
- Department of Health-Month of August 2017 total collection-\$16,532.00

CONSTABLE REPORTS

- Richard Noizy- Month of August 19, 2017-Pro Cops Security & August 19, 2017 –Monthly meeting.
- Darnel Brodi -Month of August 2017- no activity
- Cory Perkins-Month of August 2017-no activity
- Mohamad Toure-Month of August 2017-no activity

**OPRA REPORTS - Month of July 2017 - 80 OPRA received 72 completed and 8 pending
Month of August 2017 – 94 OPRA received 64 completed and 30 pending**

COUNCIL REPORTS

Finance: Councilwoman Williams provided an oral report of the time line for the Salary Ordinance.

Planning: No report.

- Housing: There was no meeting before this meeting.
- Library: There will be a meeting the coming Thursday at 6:30 P.M.
- Police: Cpt. Dunn reported that Detective Grundy passed away.
Cpt. Dunn provided information on service calls that had been answered by the Police Department. Provided statics on tickets that had been given out. Spoke about the gun buyback program that would be taking place in the near future.
Cpt. Dunn answered questions from the Council Members.
- Fire: Deputy Chief Long sent condolences to the Police Department for their loss. He reported that the Fire Department was invited to the Newark OEM training course. The new recruits are doing well and training hard. In October they will be going to schools and senior building to speak on fire prevention. The Business Administrator reported that there would be an installation program in the North Ward in October.
- Public Works: Ms. Gordon reported on the September 13th meeting, providing information on some outstanding issues such as; the abandoned property ordinance, an instructor on violation and summons for abandoned properties, plans by the Public Works Department on curb side to curb side snow removal, as well as other issues.

Council President directs Clerk to file reports.

COMMUNICATIONS AND PETITIONS

Clerk Lanier reported on the following:

The Orange Board of Education has filed a complaint in Superior Court against Joyce L. Lanier, the City Clerk for filing the petitions submitted by the Committee of Petitioners in support of municipal referendum question, the Essex County Clerk who is charged with the preparation and printing of the ballot for elections and the Committee for an Elected School Board the entity who filed the petitions which requested the printing of a referendum question on the November 7, 2017 general election ballot.

CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS

The City Clerk made the following statement:

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 Five (5) 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.

The following residents and business owners made comments.

- Mr. Anthony Johnson, spoke about the referendum regarding the School Board and asked that the Council do whatever they can to see that the residents get a School Board Elected by the people of Orange.

- Ms. Jody Leight, commented on the School Board going to court to stop the referendum and hiring attorneys with no cap on what they would spend. As a tax payer she found this distressing.
- Mr. Jeffery Feld questioned where the 2016 audit was and when would it be presented. He spoke about current law that the Council Members should be aware of and other issues he felt were important.
- Ms. Katlyn. Gordon commented on the late OPRA items that were reported on during the meeting. Ms. Gordon did not recall seeing the Councils and Mayor's salary raise in either salary ordinance. She commented that the residents do not have enough time to comment during the meetings while the Council has no time limit.
- Ms. Karen Wells commented that the Historic Preservation Commission is looking for a comprehensive plan from the Board of Education that shows the parking and the school in one document so the commission's architects can look at it and make recommendations. Ms. Wells commented on mistakes that she found in the presentation packet that had been given out. Ms. Wells commented that there STEM program is not even teaching coding to the children.
- Mr. Daniel Frank spoke of his concerns with the Board of Education plans to build a parking lot behind his house.
- Ms. Alania Brennam-Kuprec commented that she and her wife had moved to Orange from South Carolina and they have been impressed with the kindness of the community. She shared her impression of what the Mayor and Council are doing for the community and provided healthy suggestions on how to take care of the city going forward.
- Brandon Matthews commented about the votes that took place at the last meeting, and in his option, the council did not have all the information they needed to make an informed judgement regarding the Board of Education plans.
- Ms. Gloria Stewart encourages residents to come and make the Orange school system better instead of criticizing it. Ms. Stewart spoke about parking for teachers and the need for more parking. Ms. Stewart spoke about walk-on items and how they are not transparent so they should not happen. Nothing is that important that it can't wait.
- Mr. Troy Simmons, spoke about the request by the Historic Commission to the Board of Education and that they did not provide the information that had been requested. Mr. Simmons spoke about the three 17th century homes that the Board of Education has control of. He asked that the Council and the Board of Education to cooperate with the Historic Commission.
- Mr. Tyrone Tarver spoke about the Board of Education suing the Committee for an Elected Orange School District. He does not agree with the Board of Education spending tax payer's money to overturn the tax payers will for an elected Board. He spoke about the nation student's scores (Park Exams) and that the students are not doing as well as they should.
- Mr. Derrick Henry commented on the Orange School and their million dollar plan presented at this meeting which had very little detail. He commented on a number of failures by the City and the Board of Education with citizen's monies. Mr. Henry spoke of other concerns that he had.

Motion to Close Citizen Comments by Councilwoman Summers-Johnson, seconded by Councilman Johnson, Jr.

The Motion was approved by unanimous vote.

COUNCIL COMMENTS

- Council President Coley commented that he had not heard many questions from the residents mostly comments.
- Councilwoman Williams asked that Mr. Lee, clarify that the school building is being repaired with some additions and is not a new school. The Council President had the Business Administrator explain the budget process that took place for the salary increases. The Council President asked Mr. James or Mr. Lee from the School Board, to come to the podium and speak about the separation of properties once the buildings were torn down. Would there be a fence or a wall? It was stated that it would be acceptable to the community, they would beautify the property and plant bushes for the parking lot for the residents in the back. They would help, would try to fix up the outside of the historic buildings.
- Councilman Jackson spoke about his comments from the last meeting and stated that he encourages residents to come and speak their feeling.
- The Business Administrator spoke about the audit for 2016 and the reason for the delay. The filing of the Financial Disclosure forms and what had been done to have those who had not filed to file their forms. He spoke about the Tax Assessor position and who took that position. The Business Administrator provided details of the new Tax Assessor. He spoke in general terms on how an employee enters the retirement system.

Motion to recess by Councilwoman Eason, seconded by Councilwoman Summers-Johnson. The Motion was approved by unanimous vote.

Motion to reconvene by Councilwoman Eason, seconded by Councilman Jackson. The Motion was approved by unanimous vote.

City Clerk Lanier stated that for future Citizen Comments she would like questions written down and passed to the front. That will help clarify what you would like to know or what you want answered.

- Councilwoman Summers-Johnson commented about the Orange Public School system and how important it is to have student and parent participation. She defended the school system and asked that resident visit the schools before they judge the schools. Councilwoman Summers-Johnson spoke on all the activities that had taken place last week that had not been reported in the local newspaper.
- Councilman Jackson restated what he had stated during citizen's comments and encouraged residents to join the many committees to help Orange move forward.
- Councilwoman Wooten stated that there a lot of activities that take place in Orange and provided information on other activities that took place and spoke about the upcoming alumni weekend. She talked the resident for coming to the meeting and thanked the residents that come to the activities offered by the city.
- Councilwoman Eason stated she moved to orange in 1973 and spoke about the negative people and their negative motives. She spoke about how hard the teachers and the

administration work. She spoke about the need of the Bond for the Schools and the repairs that are needed. Councilwoman Eason spoke about the ROTC students and their activities this past year.

- Councilman Johnson gave his condolences to Directive Grundy's family. The Councilman reported that he was working on a Town Hall meeting for his ward.
- Councilwoman Williams asked the Business Administrator about the status of the legislation for 7 Oaks Way. The Business Administrator stated it should be ready for the October meeting. The Councilwoman questioned the status of the YWCA. The Business Administrator stated that the city had received bids and they are under review. Councilwoman Williams suggested that events be announced during the Director's meeting so the Council's calendar can be updated with the events. The Business Administrator agreed. She spoke of the diversity of the town and welcomed the newcomers to Orange. She updated the residents of upcoming events. She spoke about the budget hearing that dealt with the salary raises and the attendance by residents.

Motion to extend the meeting past 10:30 by Councilwoman Summers-Johnson, seconded by Councilman Johnson.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

The Council President requested an update on the wells from the Business Administrator. Business Administrator Hartwyk reported that a report would be given at the next Council meeting. He reported that in the last three weeks three wells went down unexpectedly. Council President Coley reminded the residents not to leave personal items in their vehicles where they can be seen. The Council President asked the Business Administrator to look into IDs for members of Boards and Committees and perhaps Council Members. Business Administrator Hartwyk stated that they had purchased an ID machine and will make every effort to provide the IDs. Council President Coley spoke of events that he had attended.

With regards to the Bond Ordinance for the School Business Administrator Hartwyk reported on research that had been completed with regard to the Bond needing the Council's approval. The law stated that the Council shall borrow the money determined by the Board of Education and Schools Estimate unless the amount of debt that is being proposed exceeds 1.5% of the average equalized valuations of taxable property in the city. The logic is that the bond is being paid out of taxes and not out of the city's budget. The Council President extended his condolences to a number of families that had lost loved ones.

ORDINANCES-SECOND READING/PUBLIC HEARING

The Clerk read Ordinance 52-2017 by title.

52-2017 A Bond Ordinance providing for improvements to and demolition of building existing on, lots owned by the Board of Education and acquisition of additional lots, all for the purpose of constructing and expanding parking lots for the Orange Board of Education Public School District by the City of Orange Township, in the County of Essex, New Jersey, appropriating \$1,194,000 therefor and authorizing the issuance of \$1,194,000 Bonds or notes of the City to finance the cost thereof. (FAILED, AT THE SEPTEMBER 5, 2017, RECONSIDERED AND POSTPONED TO SEPTEMBER 19, 2017 MEETING)

The Chair declared the time open for a hearing on Ordinance Number 52-2017.

- Mr. Jeffery Feld asked about the usage table that was not provided. The residents do not know what the money will be spent on.
- A statement was made that there was not a clear indication regarding the three buildings. She suggested postponing the vote.
- Mr. Matthews commented that the Historic Commission is not against parking for teachers and stated that all the commission was asking for was time to review the plans that were presented.
- Ms. Mary Mead commented that she felt that the proposed parking lot would negatively affect the street she lives on and the property values.
- Ms. Patricia Arthur supports the Bond and insisted that the teachers do not have adequate parking.
- Mr. Henry felt that the Council was voting on a blank check providing his reasons why. There needed to be more information before the Council voted.
- Ms. Gordon commented that she did not understand why the Council "Shall approve the Bond". Asked why have all the public hearings and why have an ordinance to approve it if there is no opportunity to vote it down.
- Mr. William Hathaway supports the Ordinance's passage by the Council and provided his reasons why.
- Ms. Karen Wells commented that she felt that if the tax payers are going to spend that kind of money they should have a breakdown of the cost.
- Mr. Lee, Superintendent of Orange Schools, provided information regarding approval of monies within a Type I school district. He commented that the bond is three years old. He also reminded residents that there were public meeting by the Board of Education and the School Estimates Board three or four years ago for the bond.
- Ms. Elaina Cooper, she felt that the residents wanted to know how the monies would be allocated, they were not against spending the money.
- Ms. Gloria Stewart commented that she attended the Board of Education meeting where Mr. Lee provided information regarding the Bond and what it was for. Ms. Stewart favored Mr. Lee as the person to get the schools back in shape as he had done in the past.
- Mr. Tyrone Tarver, commented about the past history of the bond and its issues. Commented that the list that was given does not have enough detail and spoke about the \$800,000 and what it would be used for. Other school districts provide complete details of what the money will be spent on. So the vote should be postponed until more detail is given.

Seeing no one else, the Chair declared the time closed.

Motion to close the public hearing by Councilwoman Wooten, seconded by Councilman Johnson, Jr.

The Motion was approved by unanimous vote.

Motion to adopt Ordinance Number 52-2017 by Councilwoman Williams, seconded by Councilman Johnson, Jr.

On the motion: Councilwoman Williams felt it was important that citizens came out to say that they support the ordinance but they just need more information. Gave her option on the working of “Shall” and “May” within the law.

Councilman Jackson supported the ordinance. He stated that he had seen plans on how the money was going to be spent. He also felt that postponing the ordinance and providing the residents with the information they request would not harm the students of Orange.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Wooten, Coley

Nays: Williams

Abstain: None.

Absent: None.

Motion Carries.

ORDINANCES INTRODUCTION/ FIRST READING

The City Clerk read Ordinance 58-2017 by title.

58-2017 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. (346 South Jefferson Street)

Motion that Ordinance 58-2017 be introduced on first reading and that the public hearing would be held October 17, 2017 by Councilwoman Summers-Johnson, seconded by Councilwoman Eason.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

The City Clerk read Ordinance 58-2017 by title.

59-2017 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. (263 Duane Street)

Motion that Ordinance 59-2017 be introduced on first reading and that the public hearing would be held October 17, 2017 by Councilwoman Williams, seconded by Councilwoman Wooten.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

The City Clerk read Ordinance 60-2017 by title.

60-2017 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. (114 Elm Street)

Motion that Ordinance 60-2017 be introduced on first reading and that the public hearing would be held October 17, 2017 by Councilman Johnson, Jr., seconded by Councilwoman Wooten.

On the Motion: Councilwoman Eason asked the Business Administrator if the City does an inventory on the Handicap parking to check if they are still needed. The Business Administrator stated that inventories are ongoing and a list will be presented in November to the Council for action.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.**CONSENT AGENDA**

The City Clerk read the following statement.

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 request, in which event, the item will be removed from the general order of business and considered in its normal sequence of the agenda.

RESOLUTION NUMBERS *307-2017 –*311-2017

***307-2017 A resolution authorizing the Tax Collector to refund subsequent water paid by the outside lien holder, Matthew Gould, for the property known as 368 Hawthorne Street, Block 1102, Lot 30, in the amount of \$126.42.**

***308-2017 A resolution authorizing approval to submit a grant application with the New Jersey Department of Transportation for the City of Orange Township Roadway Improvements for 2018 various streets project.**

***309-2017 A resolution appointing Aaron Wilson as Tax Assessor for the City Orange Township.**

- *310-2017** A resolution approving the bill list for council meeting vote on September 19, 2017 dated September 15, 2017 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$ 3,799,454.25).
- *311-2017** A resolution amending resolution 297-2017 entitled “A Resolution of the City of Orange Township authorizing an emergency appropriation pursuant to N.J.S.A. 40A:4-46 to satisfy the court order judgment mandating an increase in the Law Department salaries and wages and authorizing the issuance of emergency notes pursuant to N.J.S.A. 40A:4-51” to expressly state the breakdown of the emergency appropriation in satisfying the Court ordered judgement.

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

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley,
Nays: None.
Abstain: None.
Absent: None.

Motion Carries.

- 310-2017** A resolution approving the bill list for council meeting vote on September 19, 2017 dated September 15, 2017 and approving checks issued by the Finance Department in accordance with Ordinance 2-95 (Grand Total: \$ 3,799,454.25).

Motion to adopt Resolution 310-2017 by Councilwoman Summers-Johnson, seconded by Councilwoman Wooten.

On the Motion: Councilman Johnson, Jr. had customers on the bill list so he would abstain.

Roll Call:

Ayes: Eason, Jackson, Summers-Johnson, Williams, Wooten, Coley,
Nays: None.
Abstain: Johnson, Jr.,
Absent: None.

Motion Carries.

NEW BUSINESS AND WALK-ON ORDINANCES / RESOLUTIONS

The City Clerk read Resolution 312-2017 (WO) by title.

A resolution authorizing an agreement for professional services with Joseph A. Garcia, ESQ. of Chasan Lamparello Mallon & Cappuzzo, PC for legal services.

Motion to walk-on Resolution 312-2017 (WO) by Councilman Johnson, Jr., seconded by Councilwoman Summers-Johnson.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley,
Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

The City Clerk asked if there were any citizens that wished to speak on the resolution.

- Mr. Jeffery Feld questioned who made the determination that there was a conflict of interest.
- The City Attorney provided Mr. Feld with a detail explanation of why the City Clerk needed independent representation.

The City Clerk read Resolution 312-2017 (WO) by title.

A resolution authorizing an agreement for professional services with Joseph A. Garcia, ESQ. of Chasan Lamparello Mallon & Cappuzzo, PC for legal services.

Motion to adopt Resolution 312-2017 (WO) by Councilwoman Wooten, seconded by Councilman Johnson, Jr.

On the Motion: Councilwoman Williams commented that at court the judge had determine that the Clerk needed outside representation. Clerk Lanier agreed.

Roll Call:

Ayes: Eason, Jackson, Johnson, Jr., Summers-Johnson, Williams, Wooten, Coley,

Nays: None.

Abstain: None.

Absent: None.

Motion Carries.

OTHER PENDING BUSINESS None

Motion to adjourn by Councilwoman Summers-Johnson, seconded by Councilman Johnson, Jr.

By consensus the regular meeting adjourned at 11:32 P.M.

Approved:

Joyce L. Lanier
City Clerk

Kerry Coley
Council President