

A CONFERENCE 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, APRIL 5, 2011, IMMEDIATELY FOLLOWING THE PUBLIC BUDGET HEARING AT 8:15 PM.

1) ROLL CALL	PRESENT	ABSENT
Hon. Elroy A. Corbitt (At-Large)	_____X_____	_____
Hon. Tency A. Eason (North Ward)	_____X_____	_____
Hon. Linda Jones-Bell (East Ward)	_____X_____	_____
Hon. Edward B. Marable, Jr. (South Ward)	_____X_____	_____
Hon. Rayfield Morton (At-Large)	_____X_____	_____
Hon. Donna K. Williams (At-Large)	_____X_____	_____
Hon. Hassan Abdul-Rasheed (West Ward)	_____	_____X_____
Council President		

Council Vice President Marable announced there was a quorum.

ALSO PRESENT

Claude Wallace, Acting, Municipal Clerk	_____X_____	_____
Hon. Eldridge Hawkins, Jr., Mayor	_____	_____X_____
Marvin T. Braker, City Attorney	_____X_____	_____
Dwayne D. Warren, Legislative Research Officer	_____X_____	_____
John F. Mason, Business Administrator	_____X_____	_____
Shinell Smith, Clerk's Office	_____X_____	_____

PLEASE STAND FOR A MOMENT OF SILENCE

SPECIAL NOTICE: Please be apprised anyone wishing to discuss Agenda or General Items shall sign one (1) book. There will be two (2) columns in the book, one (1) for Agenda Items and one (1) for General Issues. Each person signing the book will check Agenda Items or General Issues. If they check only Agenda Items or General Issues, they will be allowed to speak for five (5) minutes. If they check General Issues and Agenda Items, they will be allowed to speak for ten (10) minutes.

2) 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 Orange Transcript* on July 8, 2010, posted on the Bulletin Board in City Hall and filed in the Office of the Municipal Clerk.

3) **MATTERS FOR DISCUSSION**

- Presentation by Enforsys regarding a proposal to review the Police Department Computer Aided Dispatch.

The presentation was conducted by Captain Kevin Sooy and Enforsys representative Mr. Plate. The Enforsys grant is over a year old, which includes a two year maintenance agreement. This grant has already been approved by the City Council. The purpose of this grant is to be used for upgrades not hiring, as per Police Director John Rappaport. This presentation was only to enlighten everyone as to what Enforsys had to offer the City of Orange Township, as there are other municipalities that already utilize their services. Enforsys offers a real time computerized interactive system, which allows police detailed and accurate information, with respect to crime and other activities that may require their immediate attention. [Please see the attached detailed information. Click Here](#)

- Setting the date for July 2011 Meeting- Hon. Donna K. Williams

The Council agreed by majority vote that July 5th will be the date in which the Re-Organization meeting will take place. This is a non-election year and it would make more sense to have the Re-Organization the same day as the City Council meeting. There was no vote needed on this decision, as per City Attorney Marvin Braker.

4) RESOLUTIONS AND ORDINANCES

The resolutions and ordinances to be presented at tonight's meeting are listed on the attached Regular Meeting Agenda. If any Council Member wishes to discuss any resolution or ordinance, it may be discussed at this time.

Council Vice President Marable suggested that resolution 73-2011 be discussed, as it relates to the budget. He stated that this would be an ideal time to have Mr. Lerch shed some clarity as to any inquiries that may be surrounding this agenda item.

Both Councilman Corbitt and Councilwoman Eason agreed that it is not the Council's intention to adopt the budget this night, as there are other amendments that need to be made.

Council Vice President Marable stated, if there is no actions taken place tonight it will definitely place us behind the 8 ball, with respect to converting to a calendar year. He stated that we should take the opportunity to use this amended budget as a steppingstone, as a way to the budget process.

Councilman Corbitt stated that he doesn't see how the town amended budget to be voted up so many other changes that had not yet been implemented into this budget. Councilman Corbitt placed specific emphasis on the fact that 12 rehired fire fighters had not been included in the amended budget.

Council Vice President Marable stated to his knowledge the 12 fire fighters had been reflected in his budget.

Councilwoman Williams stated asked Mr. Braker if it's alright to discuss the budget with majority of the Council in an Executive Closed Session.

Mr. Braker stated in response that it would not be done in an Executive Closed Session. He then stated that Councilwoman Williams was correct with respect to it being held in a public forum. Mr. Braker stated that the budget could be discussed amongst a committee but not in an Executive Closed Session.

There was further discussion by the Council with respect to the amended budget and Councilwoman Eason stated that she would like to see one hundred thousand dollars added back to the Police Budget by cutting the funds from somewhere else. She request that Mr. Lerch look into making that amendment. Councilwoman Williams asked Mr. Lerch how much would we save per furlough day a week. Mr. Lerch in response stated that there would be a savings of fourteen thousand dollars a day, excluding those that fall under safety services.

Mr. Lerch stated that he was in attendance at the Local Finance Board's hearing held on March 25th, in which they approved a tax levy waiver of Seven hundred and thirty thousand, four hundred and ninety-two dollars; which means the City was allowed to raise the total tax levy greater than the two percent normally allowed. Mr. Lerch stated, once the approval was made they established the tax levy that the City of Orange can adopt for the fiscal year 2011 and the maximum tax levy is 34,964,147.00. Mr. Lerch stated that he mentioned the tax levy amount because it is the exact amount that had been approved by the majority of the City Council, as the special meeting on March 21st. Mr. Lerch stated by them approving the waiver, it now allows the city to go forward with the adoption of the budget. He stated that we did not have approval prior to that because we didn't comply with the State statute.

Mr. Lerch stated that Trenton has also reviewed and approve this budget. This budget clearly meets all requirements of the New Jersey Budget Law and it has been signed off by Trenton. He stated that there are several options at this point;

- 1. Without any changes the council can suggest amendments and if there are four affirmative votes then the amendment will take effect, and the budget will be adopted at subsequent date**
- 2. Assuming any line item is greater than 10% it will have to be advertised again to be considered at a subsequent meeting**
- 3. Effective May 1st, the City Council can make any necessary changes that they see fit to any line item because there is fluidity and flexibility in these line items**
- 4. The consequences of voting on this budget is that the tax levy is struck; the final taxes are due May 1st, under statute the requirement is to give taxpayers twenty-five days to pay their tax bill and if the process is delayed the tax bills for Orange cannot be mailed out**
- 5. A majority consensus with respect to the tax levy should be a deciding factor as to whether not the budget should be adopted at this meeting or the next**

Mr. Lerch stated in response to Councilwoman Williams that we are now at 9.25 percent tax increase with the amended budget.

Mr. Mason stated that he concurs with Mr. Lerch and agrees that the budget should be passed to get the ball rolling. He stated that Council still has three weeks to make amendments and a transitional resolution can be put in place.

Councilwoman Williams if Mr. Mason is still negotiation with other unions.

Mr. Mason responded, yes.

Mr. Braker stated that he is still in negotiation with other unions and there may soon be an agreement met with two.

Councilwoman Williams asked if negotiations are reached will some of the employees that were laid-off be able to return to work; if so will we be able to stay within the budget.

Mr. Mason stated that it is their hope to have some of those that were laid-off return to work. However, the numbers would have to be worked out with respect to the budget.

Councilman Corbitt stated that the Council needs to know how much the Administration has spent to date. He stated that we're looking to go over our \$34,964,147.00 tax levy and a 9.2% tax increase still doesn't sit well with him.

Mr. Lerch stated in response to Councilwoman Williams and Council Vice President Marable's inquiry that he can provide the amended budget electronically, as per their request. Mr. Lerch stated that the cuts provided were based on the actual spending that occurred.

Council Vice President Marable stated, based on the information given by Mr. Lerch from February 28 to the end of the fiscal year we know what the money will be spent on. Therefore, Mr. Lerch's backs will be based on discretionary spending.

Mr. Lerch stated that it will not necessarily change the record. However, unless there's something unforeseen then a month should not change what has been budgeted.

Councilwoman Eason stressed that we need to bring our police back by the summer due to the influx of crime. She stated that there is a big merchant that is talking about leaving the City is things don't change. She then stated that it is not her intention to increase the budget but the money needs to be pulled from other areas to get this done.

Councilman Morton asked what percentage has been spent to date since no one seems to be able to give us a number.

Mr. Lerch in response stated that the City would have spent ninety-eight percent of its budget by June 30th, which is why he recommended the two percent cut.

Council Vice President Marable stated that there is an item on the agenda that request twenty thousand dollars and we have to find it somewhere. He stated that we may have to tweak things as to the fire settlement. He then stated that there has to be an equivalent reduction somewhere.

Councilwoman Williams asked if the CBAC had their recommendation this night.

Council Vice President Marable recognized Bruce Meyer

Mr. Meyer stated that the tax levy is set. He stated that their recommendations are for the next fiscal year. Mr. Meyer strongly encouraged the Council to vote in the affirmative to pass the amended budget.

There was further discussion as to where the twenty thousand dollars would come from with respect to the resolution for the reservoir. Mr. Mason stated that the money will be deducted from the law department's budget, which was in response to Councilman Morton's inquiry. Council Vice President Marable asked if the funds were available beyond thirty-five thousand. Mr. Mason in response stated that the funds are available.

Council Vice President Marable asked Mr. Lerch with respect resolution 72 – 2011, as it relates to canceling tax appeals, would it be wise to pass this resolution pending the amendments that were contemplating.

Mr. Lerch stated that the idea behind cancelling the four hundred thousand dollars was based on the calendar year transition application, which supplies sufficient funds commencing July to fund at least four hundred thousand in tax appeals, if not more. Mr. Lerch stated, should the Council decide not to proceed with the transition year conversion there is another method of financing called a refunding bond, which is to refund the tax appeals under NJSA 48:2-51. Mr. Lerch stated in response to Council Vice President Marable that his recommendation is that it is appropriate as part of the fiscal year budget since there are options available to the City shall some judication come that will have a financial impact on the City.

Councilwoman Williams asked Mr. Lerch what happens if a tax appeal ruling comes in between May 1st and June 30th.

Mr. Lerch stated that they will not be paid, as there are no statutory requirements that payments must be made from this day to June 30th.

Councilwoman Williams asked Mr. Mason, once the judgment is made on minor tax appeals do we pay out thirty, sixty or ninety.

Mr. Mason in response stated that those are taken as credits towards future taxation so there's no payout. Mr. Masons stated that he would have to check with the Tax Assessor but there is probably a sixty to ninety day payout for those that do go through.

Council Vice President Marable recognized Councilwoman Eason

Councilwoman Eason stated according to the Tax Collector the change in calendar year will also help us with tax appeals because they are based on a fixed calendar year.

Councilwoman Eason asked with respect to ordinance 12-2011, did we already make this change.

Council Vice President Marable stated that we had passed a resolution supporting the change. However, this ordinance is a step in and making it official.

Councilwoman Eason asked Director Rappaport with respect to ordinance 5-2011, as it relates to the dumpsters being covered, are the police suppose issue summons to those that are left open.

Director Rappaport stated that it would have to take place during the day because there will be no one to summons at night.

Mr. Braker stated that the police will have to summons the owner of the property in which the dumpster stands. However, they would have to do their research to do so. Mr. Braker stated that the owners name can be found in the tax owners and the same applies to the Board of Education.

Director Rappaport stated that they will have to work out a process. He stated with the current crime rate he's perplexed as to why dumpsters would now be an issue.

Councilwoman Eason stated that she's just trying to get the specifics with respect to this ordinance.

Councilwoman Eason asked Director Kemp with respect to ordinance 9-2011, how the snow removal can be done between Washington and Main Street when half of it is in East Orange.

Director Kemp in response stated that there will be a revision made. She then asked Mr. Braker if it can be revised after the change has been made.

Mr. Braker stated that it would be a material change and therefore would have to be brought back.

Director Kemp stated to Mr. Mason that this ordinance will be withdrawn and placed on the next agenda.

Council Vice Marable recognized Councilman Corbitt

Councilman Corbitt asked with respect to ordinance 11-2011, how do we plan to increase the salary and pay for both a Deputy Director and CFO.

Mr. Mason stated that this is for the next budget year and once the entire process has taken place we will be in the next calendar year.

Councilman Corbitt suggested that Mr. Mason keep in mind that we're looking at a two percent cap and don't see how it possible to keep both positions and increase the salary.

Councilman Corbitt stated with respect to resolution 74-2011, in the 5th paragraph it mentions that the CFO has prepared the necessary certification, when we don't have a Chief Financial Officer.

Mr. Mason stated that we do have a Certifying Officer and a Deputy Director of Finance. However, there will be a minor change to the wording.

Councilman Corbitt stated with respect to ordinance 13-2011, he is sponsoring this ordinance and asked that the Council supports him. He stated that the idea is to cut down on the politics and that the individual making the contribution is doing it from their heart, and not with the intent that one hand washes the other.

Council Vice President Marable recognized Councilman Morton

Councilman Morton stated with respect to 85-2011, what was the original amount of money approved for this project.

Director Kemp stated that the original amount was nine million dollars. She stated that the exact amount can be found on the resolution. Director Kemp stated that the all the change orders have been associated with the sludge filled tank. She stated that there may be other change order to come but not as big as this one.

Councilman Morton stated that we are spending over two hundred thousand dollars on renovations to a pool. He asked Director Kemp what renovations were being made.

Director Kemp stated that the inside of the pool needed to be dug up and resurfaced because it had not been done in over twenty years. The grant was received around 2005 or 2006 and the project was bid back in March. The money had to be reprogrammed to do a shelf ready project.

Council Vice President Marable recognized Councilwoman Williams

Councilwoman Williams asked Director Kemp if she had the renderings for the new design.

Director Kemp in response stated that they are not renderings but specifications. The broken concrete is taken away, the pool is re-pointed, lining, draining systems, new coping and a handy cap lift. This pool will be eco-friendly because most contractors are going that route.

Councilman Morton asked Director Jackson with respect to 91-2011, does the property located at 278 Park Avenue belong to the City.

Director Jackson in response stated that this property does not belong to the City. She stated that the grant funds provided are for demolition of the property, which is on the vacant and abandon properties list.

Councilman Morton asked Director Jackson are we knocking down specific properties to get them out of the way or is there a plan in place.

Director Jackson stated, in this particular case the property is not in a redevelopment area and has been sitting for some time due to fire damage so there is no plan for it at this time.

Councilman Morton asked if we will take the owner to court to establish this property.

Director Jackson stated we might proceed with spot blight eminent domain as stated in the resolution, if the owner fails to do anything with it; then we can sell the property.

Councilman Morton stated that they are now cleaning out the lot on Hickory Street, across from Walter G. He asked Director Jackson what are the plans for that lot.

Director Jackson stated that the Council authorized the property to be transferred to the Orange Housing Authority, which is a part of the Phase I and Phase II development, and it will be cleaned out and fenced in. She stated that they hold construction meetings twice a month in the trailer.

Council Vice President Marable stated with respect to ordinance 10-2011, stated that there were questionable steps taken with respect to the redevelopment plan and its authorization.

Director Jackson stated that she will provide the time line and remove what doesn't belong.

Council Vice President Marable stated with respect to resolution 90-2011, the resolution does not reflect the amount on the letter, which is for twenty-five thousand.

Mr. Braker stated that he negotiated the amount down to twenty thousand dollars. Therefore, the letter should state five thousand and fifteen thousand, which is what the resolution reflects. Originally, the initial discussion was for twenty-five thousand.

Council Vice President Marable stated recognized Councilman Corbitt

Councilman Corbitt asked where we will get the twenty thousand dollars.

Mr. Mason stated on resolution 90-2011 it identifies the funds as being available from the law department.

Council Vice President Marable recognized Councilwoman Williams

Councilwoman Williams asked Mr. Braker if we would pay out five thousand initially and fifteen thousand upon completion.

Mr. Braker stated that it is not to exceed twenty thousand so it will be no more than that, which is stated in the letter dated January 25th.

Council Vice President Marable recognized Councilwoman Eason

Councilwoman Eason stated, shouldn't the amount not to exceed be reflected in the title.

Councilwoman Eason asked Director Kemp with respect to ordinance 9-2011, where will the residents park their cars during a blizzard, in order for the streets to be cleaned.

Director Kemp stated that she has no suggestions at this time. She stated at some point people have to have less cars or find a place to put them.

Council Vice President Marable stated that the people in the Valley already have very little parking. He stated that the streets are narrow and congested. There needs to be a solution other than one to get rid of their cars.

Director Kemp stated, if the cars are parked there is no way to remove the snow. She stated that Valley Street is narrow which makes snow removal even more difficult. She stated that this is her only answer to solving this problem because she can't hire more men or purchase new equipment. Director Kemp stated that the only other suggestion she has is for the City to turn some of the abandon lots into parking facilities for a snow emergency.

5) MOTION TO ADJOURN

Council Vice President Marable entertained a Motion to Adjourn.

MOTION: Eason

SECOND: Jones-Bell

The Acting Municipal Clerk announced the roll call as follows:

Yeas: Corbitt, Eason, Jones-Bell, Morton, Williams and Council Vice President Marable

Nays: None

Abstentions: None

Absences: Council President Abdul-Rasheed

Council Vice President Marable ruled the motion was carried by Six Yeas, No Nays, No Abstentions and One Absence.

ADJOURNMENT: 10:10 PM

**Dwight Mitchell
Municipal Clerk**

**Hassan Abdul- Rasheed
Council President**

MINUTES APPROVAL

Passed on May 3, 2011

Public Hearing and Conference Meeting on April 5, 2011

Council President Abdul-Rasheed cannot vote because he was not present.

Motion to Adopt: Morton

Second: Eason

The roll call by Municipal Clerk was as followed:

Yeas: Corbitt, Eason, Jones-Bell, Marable, Morton and Williams

Nays: None

Abstentions: None

Absences: None

Council President Abdul-Rasheed ruled the Motion was carried by Six Yeas, No Nays, No Abstentions and No Absences.