

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, OCTOBER 4, 2011, AT 7:05 PM.

1) ROLL CALL	PRESENT	ABSENT
Hon. Hassan Abdul-Rasheed (West-Ward)	___ X ___	_____
Hon. Elroy A. Corbitt (At-Large)	___ 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)	_____	<u>Arrived@7:10pm</u>
Hon. Tency A. Eason (North- Ward)	___ X ___	_____
Council President		

ALSO PRESENT

Shinell Smith, Acting, Deputy Clerk	___ X ___	_____
Hon. Eldridge Hawkins, Jr., Mayor	_____	___ X ___
Marvin T. Braker, City Attorney	___ X ___	_____
Dwayne D. Warren, Legislative Research Officer	___ X ___	_____
Valerie Jackson, Act. Dep. BA	___ X ___	_____
Shirley Bailey, 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) The Acting Deputy 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 14, 2011, posted on the Bulletin Board in City Hall and filed in the Office of the Municipal Clerk.

Council President Eason announced the appointment of Valerie Jackson as Acting Deputy Business Administrator in the absence of Mr. John Mason, Business Administrator.

3) MATTERS FOR DISCUSSION

Public Works Initiative – Stephanie Gidigbi, Chief of Staff

Ms. Gidigbi stated the Administration was approached by the New Jersey Labors International Union of North America, Local Union 1153 to discuss a public works initiative that would employ their laborers on an as needed, temporary/emergency work basis to supplement our work force. She said there are several Orange residents as members who are qualified laborers seeking to have a memorandum of understanding

with the City for local partnership. She stated they would like to present their request to Council tonight. The agreement would allow the municipality to hire their members from time to time to perform maintenance, repairs and/or construction work on a temporary/emergency basis. She said such labor would be at the sole discretion of the municipality. She said wages, benefits etc would be negotiated by the Local 1153 and city leadership taking into consideration the current economic challenges of the City. At the time we have come to terms with all of our laid off employees and thought it might be prudent for partnership because the MOU would be used for emergency work only. We have money allocated for the budget accordingly. She said the administration sees this as an opportunity to hire local qualified Orange residents on an as needed or emergency basis. She said at this time a member from Local 1153 will present their proposal to the Council.

Council President Eason said the only presentation she was aware of was from Ms. Gidigbi and the Union would have to wait.

Ms. Gidigbi stated this is an emergency work MOU and it is not to replace any jobs. She said we have all of our public works employees back at this time and this is really an alternative mechanism that we found to hire local Orange residents to participate in jobs that might be available on an emergency work basis.

Councilman Marable asked why not hear from them now.

Councilman Abdul-Rasheed stated he thought it would be the consensus of the Council how to proceed with respect to that.

Councilman Corbit said he too thought the presentation would be from the Administration.

Council President Eason said if it is the wish of the Council, then one person will come forward and speak.

Councilman Corbitt asked Ms. Gidigbi what would be considered an emergency situation.

Ms. Gidigbi stated that would be at the discretion of the public works director. She said it could be something out of the ordinary that we are not able to handle with the manpower that we have.

Councilman Abdul-Rasheed asked would this not also have to go to the BA and the Mayor.

Ms. Gidigbi answered yes.

Councilman Morton asked if all of public works people will be working before the emergency people are called.

Ms. Gidigbi stated again this is to supplement the existing work force, not to replace them.

Council President Eason stated during contract negotiations, OMEBA agreed to comp time, not overtime so how would paying these emergency people be justified.

Ms. Gidigbi stated this would be on an emergency basis and there is money budgeted for emergencies.

Council President Eason said the reason there is money for emergencies is because OMEBA cannot work overtime but can get comp time. She asked is it fair to pay outside people to come in and work and get paid.

Ms. Gidigbi said again, this is to supplement the work force and if the Council does not want to support it, then we will move accordingly.

Councilman Abdul-Rasheed said since one person can speak from the Union, OMEBA has been injected in this and should be allowed to speak also.

Councilman Marable asked Ms. Gidigbi if the Council will have to affirmatively agree to this MOU at some point.

Ms. Gidigbi said yes, but they have not done the negotiations yet. This is merely an opportunity for them to make a presentation. She said this is an administration's matter for discussion.

Councilman Marable asked if the Council does not ascend to it can she not move forward. He asked why we are discussing this if the Administration doesn't need the Council to agree to it.

Mr. Braker, City Attorney stated the Council does have to sign it but this is a boilerplate form.

Councilman Marable said such language (hiring qualified Orange residents) may be illegal. He said we would not have an agreement that goes to the notion of hiring Orange residents, that may be our hope, that may be our desire, but when it comes to it, we may end up with all of these employees, none of whom are Orange residents if the agreement does not specifically speak to that.

Ms. Gidigbi then pointed to an area on the presentation to Councilman Marable.

Council President Eason asked how many union members would be used. She said people would not just be hired off the street.

Councilwoman Williams asked if all of public works employees were back to work.

Ms. Gidigbi answered yes.

Councilwoman Williams asked if this MOU is to contract another union to come in and assist the City.

Mr. Braker answered yes. He said this is an as needed basis. He also said this is not exclusive to Orange residents.

Councilwoman Williams asked what happens if a contract worker comes in and works x amount of days; does it mean that he now becomes a permanent employee.

Mr. Braker answered no. He said again, these are temporary employees and that is how the agreement is characterized.

Jerry Bellmeer – Trenton, NJ Local 1153

Mr. Bellmeer stated in the interest of solidarity, he had a conversation with Mary Short and is asking that this matter is discontinued for discussion and as a union they will have a discussion within themselves about what this is. He said he did want to answer a few questions. One question was about residency and their goal was on a temporary basis, as needed basis to provide work for their local members in an emergency. He said in an emergency the closest place to work is where you live and there are 25 members living in Orange.

Mr. Bellmeer said there is no interest to get carried over the civil service threshold which he believes is 90 days. He gave two examples of cities (Cranford and Fanwood) where the union was able to supplement the workers during Hurricane Irene.

Councilman Abdul-Rasheed said he thinks someone from OMEBA should be able to speak since so much was said by Mr. Bellmeer (Local 1153).

Alvenia Jones – President, OMEBA

Ms. Jones thanked Mr. Bellmeer for withdrawing their proposal and agreeing to sit down with OMEBA to discuss this matter further. She said there is strength through unity. She said all of the Public Works employees that were laid off are back to work and the laid off employees at the Court are back. She said one of the problems the Union has is when an employee leaves, the Administration is supposed to bring our other employees back. She said our employees sacrificed giving up comp time so the laid off workers could come back. She said the Administration wanted \$200,000.00 give back. She stated Public Works has the capability to work flex hours, which is in the contract, but they are not doing so. She said when public works employees worked during the snow storm, some employees used their own equipment. She asked if you get the guys to come in during an emergency, what equipment they will use.

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 President Eason recognized Councilman Marable

Councilman Marable asked about Resolution 266-2011 and wanted to know is this grant being submitted without any prior decision making in terms of which streets are at issue.

Council President Eason recognized Valerie Jackson, Act. Dep. Business Administration asked Calvin Bell, Director, Public Works to address this issue.

Mr. Bell said in response to Councilman Marable's question, a roadway improvements survey was completed several years ago (approximately 12 years ago) which identified all of the streets in the city. He said since that time, many streets have been repaired and this resolution is in reference to the streets that have not been repaired.

Councilman Marable stated assuming some of the streets have been repaired; there must be a hierarchy where the streets were moved up to the top and he asked do we know where the top five streets are at this time.

Mr. Bell stated the survey did reveal the nature of the streets as far as very poor, poor, or moderate, etc. He said those that would have been done already would have obviously been removed from the list and those streets that are remaining would be done in the order of how poor they are.

Councilman Marable asked if there is such a list of streets that would be prioritized assuming that we receive this grant.

Mr. Bell answered yes.

Councilman Marable asked if that information can be shared with the Council.

Mr. Bell answered yes. He said although there is a list, this is just a request for a grant that is done on a yearly basis although it is for \$2.7 million, there are several streets listed (13 roadways), and it should be noted in the past, we never got anything near \$2.7 million. We usually get about approximately \$250,000.00 to \$300,000.00. He said although we may have 13 streets on the list at this time, we must be cognizant that if we should only get approximately \$200,000.00 as in the past, that every street on the list will not get done.

Councilman Marable stated his point is we have had discussion previously in terms of ranking of the streets in Orange to be done and if we got this money and did even semi-bad off streets in Orange, it would be better than doing nothing. He asked are we attacking those streets that are worse and are we in agreement with the prioritization that has been put in place. He said he had asked other Council members to give him the streets in their wards, but he has not received one response in terms of what they consider

the worse streets and he was trying to initiate a discussion whereby we had some dialogue with public works if there was disagreement or some benefit to dialoging on that subject. Councilman Marable stated it is all related (money related to the streets) and he not suggesting we should not apply for the grant, but this is an ideal time to further discussion regarding which streets are in fact worse off and need to be prioritized by the City.

Council President Eason recognized Councilman Abdul-Rasheed

Councilman Abdul-Rasheed stated he believes no disrespect to Director Bell that a lot of this discussion (as he thinks Mr. Bell would agree) was under the auspices of former Public Works Director/Municipal Engineer, Arlene Kemp. He asked if Mrs. Kemp was in attendance and she was not. He said he has several questions for her for some of the very reasons he just stated.

Council President Eason recognized Councilwoman Williams

Councilwoman Williams stated she was looking at the list on the back and she said in our last street paving project, some streets were not completed and she did not see one of the streets not completed on the list. She asked if the streets that were not completed be included in this list.

Mr. Bell said they would consider finishing the incomplete streets.

Councilwoman Williams asked Mr. Bell to check the specific street (Fairview) she was referring to. She also asked for a report for all of the streets in need of repair.

Councilman Abdul-Rasheed asked if Mrs. Kemp would have a part in the decision making for this grant if we submit this grant and if we get this grant.

Mr. Bell answered as she was the one who initiated this project, she would have a role in the decision making.

Councilman Abdul-Rasheed asked if this is not passed tonight, is there a timeframe as to when we would receive the money.

Mr. Bell stated he is not sure of the answer and would check into it and get back to the Council.

Council President Eason asked if the main objective is to get the funding and once we get it can the list be modified.

Mr. Bell said it would depend on how it is worded.

Lastly, Councilman Abdul-Rasheed asked Mr. Bell to get back to him regarding Fuller Terrace and Adrienne Ct.

Valerie Jackson, Act. Dep. BA stated she believes this is a time sensitive grant. She said if there is an opportunity to amend the grant they will make every effort to do so. Ms. Jackson asked Mr. Bell to reach out to Mrs. Kemp.

Councilman Corbitt stated he hopes Day Street is on the list. He said there are people from all over coming to City Hall and you want to project a positive and conducive image, so if Day Street is not on the list, it should be.

Mr. Braker, City Attorney said there are attachments to the resolution that reference roadway data sheets, etc. He said there is a place for the engineer design, so she will be a part of this project.

Councilman Marable asked about Resolution 265-2011. He said he was shocked to see that we are contemplating spending \$500,000.00 to renovate that old building. He asked is it someone's belief that leveling that thing and building a new building couldn't be done for \$500,000.00; that would be an improvement over what we have.

Valerie Jackson, Act. Dep. BA/Dir. Planning, stated one thing with the CDBG application is that any application submitted, we have to (1) present, (2) look at the funding that is available, negotiate with the County accordingly related to the existed funding.

Darrell Holcomb, Director of Community Services, stated he would have to confer with the Municipal Engineer because she takes care of the facility aspects along with the DPW Director. He said he would have to sit down with them and get back to the Council in terms of cost effectiveness because we do not really price out the buildings.

Councilman Marable asked Ms. Jackson who submitted the application to the CDBG?

Ms. Jackson stated the application was submitted by Mr. Pressey and the cost was certified by Mrs. Kemp, Municipal Engineer.

Councilman Marable asked Mr. Holcomb to look into the matter and get back to the Council.

Council President Eason recognized Councilwoman Williams

Councilwoman Williams asked Mr. Holcomb if work had been started on the building during the summer.

Mr. Holcomb answered yes. He said Arlene Kemp, Municipal Engineer used some grant money to start work on the upper central field house. He said he and Mr. Pressey would go by to see the work that was done and what still needs to be done.

Councilwoman Williams said she wanted Councilman Marable to know work had started since he asked about tearing the building down and starting over. She asked for the total investment done so far.

Mr. Holcomb said he believes the reason for the repairs was a letter from one of the commissioners of the baseball league and the high school baseball coach that stated the place was in disrepair and really needed to be fixed. He stated at that time, Mrs. Kemp looked into it and saw there was some wiggle room to utilize some other grant funding to try to resolve some of the problems.

Council President Eason recognized Councilman Marable

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

Nays: None

Abstentions: None

Absences: Council President Eason

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