

**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, DECEMBER 6, 2011, AT 7:00 PM.**

| 1) ROLL CALL                             | PRESENT     | ABSENT                |
|--|-------------|-----------------------|
| Hon. Hassan Abdul-Rasheed (West-Ward)    | _____       | <u>Arrived@7:59pm</u> |
| 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@7:15pm</u> |
| Hon. Tency A. Eason (North- Ward)        | _____X_____ | _____                 |
| Council President                        |             |                       |

**ALSO PRESENT**

|   |             |       |
|---|-------------|-------|
| Shinell Smith, Deputy Clerk                       | _____X_____ | _____ |
| Hon. Eldridge Hawkins, Jr., Mayor                 | _____X_____ | _____ |
| Marvin T. Braker, City Attorney                   | _____X_____ | _____ |
| Dwayne D. Warren, Legislative Research Officer    | _____X_____ | _____ |
| Valerie Jackson, Acting Deputy Director of Admin. | _____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 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.

3) **MATTERS FOR DISCUSSION**

- **Property Revaluation - by Valerie Jackson-Director of Planning**

Ms. Jackson started the presentation by introducing Mayor Hawkins to be followed by Ryan Riccio, Tax Assessor and Mr. Del Guercio, Appraisal Systems, Inc.

Mayor Hawkins stated that on or about 2007, Orange had a revaluation at a peak of the housing market. He said because of that and the fact that Orange had not had a revaluation in over 40 years, there was a huge shift in property tax burdens primarily from the commercial properties to the residential properties. Many homeowners experienced large increases in their taxes, some

even doubled. He said the real estate market has tanked and many residents are paying taxes based on the value assessed at the peak of the housing market. Mayor Hawkins stated year after

year we have suffered from tax appeals; last year tax appeals were about \$375,000.00 and this year it is about \$400,000.00 in revenue that we are losing based on these tax appeals. He said there is a difference between revaluation and reassessment. He stated the reassessment that we were bringing forward would have been a shorter, quicker process that would not have been as invasive as a full blown revaluation because the law would have allowed us to use some of the data from the previous revaluation. He said so much time has passed since that initial occurrence and us not being able to get it to the Council that we now have to do a full revaluation which entails people going from home to home and doing full inspections to properly assess the values in our city. Mayor Hawkins stated he thinks this is necessary; administratively we don't believe it is appropriate knowing that there is a disparity in the tax base.

**Ryan Riccio, City of Orange Tax Assessor**

Mr. Riccio stated he was appointed July 1 and one of the biggest concerns during his interview was if he was in favor of revaluation or reassessment at the time. He said he would not be able to judge that until he was in the position for a while. He said all he did during his first few months here were tax appeals; there were 437 county tax board appeals and we have received the final judgments on and there has been a reduction of a ratable base of over \$12 million which equates to about \$417,000.00 tax loss. He said he thinks the numbers were about the same last year. Mr. Riccio said after being in the job for a while, he does not see any other option to equitably distribute and after meeting with the tax court administrator, this is really our only other option. He said he sent out an advertisement for a RFP for a revaluation program, there were two responses and the lowest bidder is here tonight. (Appraisal Systems, Inc.)

Councilwoman Williams asked if this could be done in house.

Mr. Riccio stated this would have to be done outside; this would not be approved by the state. He said there are only nine companies in the state of New Jersey that are approved to do revaluations and Appraisals Systems, Inc. is one of them. He said the manpower needed would not be possible to do in house.

Councilwoman Williams said there have been questions about software that could be used and the reevaluation could be done in house.

Mr. Riccio said the state would have to approve the revaluation firm and they have a list of approved firms. He said what is involved in revaluation versus reassessment is that a reassessment is not a re-inspection of every property in the municipality. He said a reassessment would use some of the information from the last revaluation. He stated attempts would be made to inspect every property in the township and at least they would all be inspected from the exterior and there will be a percentage that will not be inspected because of lack of access.

Councilwoman Williams asked of the 437 tax appeals, were they all successful.

**Mr. Riccio stated the majority of the tax appeals were successful and some of the ones that were not successful may end up being in state tax court appeals. He said there are 79 state tax court appeals pending.**

**Councilwoman Williams asked if there were variations in the amounts charged.**

**Mr. Riccio stated he was not privy to what the arrangements were with their attorneys.**

**Councilwoman Williams stated the last revaluation was unprecedented at the height of the market.**

**Councilman Morton asked is this a good time for revaluation.**

**Mr. Riccio stated he could not say where the market is going or what it is doing. He said the bid price for the revaluation is \$364,900.00 payable over 5 years.**

**Councilman Marable asked if someone had a successful tax appeal, would the revaluation override the tax appeal.**

**Mr. Riccio stated once the revaluation is in place, it would override any tax appeal judgment.**

**Councilman Marable stated during the last revaluation, some property owners had their taxes lowered. He asked if the ratable base would remain the same.**

**Mr. Riccio said the ratable base would change because the values would change. He said the ratable base is made up of the total of everyone's assessment.**

**Councilman Marable said his recollection from 2006 is there was a shift from the commercial to the residential, (commercial taxes went down and residential taxes went up) and wanted to know if the taxes would shift back.**

**Mr. Riccio said his general knowledge is in 2006 the residential sales were sky rocketing throughout all of New Jersey, so when the revaluation firm came in and reviewed the properties and what they consisted of, they had to compare them to sales that had occurred. If the residential sales were rising at a higher rate than what the commercial properties were, then there would be a different percentage change. He said the residential property owner would see a greater decline.**

**Council President Eason asked again about having the revaluation done in house.**

**Mr. Riccio repeated his answers that he gave earlier.**

**Councilwoman Williams asked how many ratables do we have.**

**Mr. Riccio said there are 5200 line items and there are about 264 exempt properties. He said he would have to check his office for the exact numbers.**

**Rick Del Guercio, President, Appraisal Systems, Inc. (A COPY OF THE BROCHURE IS AVAILABLE FOR VIEWING IN THE CLERK'S OFFICE.)**

**Mr. Del Guercio introduced his staff with him and gave an overview of his company and details of the revaluation done in Orange in 2005. He said the values were set as of the assessing date of October 1, 2005. He said at that time it was the absolute peak of the housing bubble. He said he had a job to do and that was to look at the facts. He said there was a shift where the tax burden was dramatically taken off of the commercial properties which saw no where near the rate of appreciation that residential property did at that time. He stated he did revaluations in other towns and it was consistent. He said the weight of the high refund figure is hurting the finances of municipalities and the only way to correct it is by doing a reassessment or reevaluation. He said compliance plans were created by the state essentially to be done by the assessor after reevaluation. He said reassessment is only an option within the four year window and that time has passed. Mr. Del Guercio stated there is only one remedy and that is doing a reevaluation. He named the different staff members he would have to use and advised this should not be done in-house.**

**Mr. Del Guercio stated in the last three years the residential market is decreasing at a much greater pace therefore reversing what happened ten years ago.**

**Councilman Marable asked if three properties had a value of about \$900,000.00 after a revaluation if the total value would change.**

**Mr. Del Guercio stated the overall aggregate may drop about 20% - 30% and there would be redistribution within the new aggregate.**

**Mr. Del Guercio repeated some of the same examples given earlier.**

**Councilman Marable stated he saw a seal of New Jersey in the literature from Appraisal Systems, Inc. and wanted to know if they were affiliated with the state.**

**Mr. Ernie Del Guercio stated his company is approved by the state of New Jersey to perform revaluations. He said every year the Director of Taxation promulgates a list of approved revaluation firms and that is just to signify that Appraisal Systems, Inc. have that approval.**

**Councilman Marable asked for clarification of one of the staff members.**

**Council President Eason stated at the end of the last reevaluation, it turned into a nightmare, and asked what would be done to not have this happen again.**

**Mr. Del Guercio said there is one big difference and that is when there is a shift that we not only saw in Orange but also other towns is going to cause a lot of problems and when the taxpayers got their tax bills, they were upset. He said the opposite should be true for this reevaluation.**

**Mr. Del Guercio said he hopes to get into all homes and explain to the taxpayers exactly what is happening. He said there is a website now that they did not have before and people can go and see when the appraisers will be in their area and also do research on-line. He said the appraisers will have company ID's.**

**Councilwoman Williams asked about a public forum for the taxpayers.**

**Mr. Del Guercio said he has done forums in surrounding towns and again the website is very helpful.**

**Councilwoman Williams asked what documentation the taxpayers would have after the reevaluation is completed.**

**Mr. Del Guercio stated they would get a property record card and there would be something on the website to help them read it or they can go to Appraisal Systems, Inc to meet one-on-one.**

**Councilwoman Williams asked what is being done to stay abreast of reevaluations instead of waiting another 40 years.**

**Mr. Del Guercio stated every county is different and there are some counties that avoid this issue. Essex County has realized it is to no one's advantage to wait that long. A lot of municipalities are doing reassessments right after the reevaluations or they are doing compliance plans.**

**Councilman President Eason stated Joseph DiVincenzo, Jr. was in attendance and wanted to say few words about leasing the Orange Reservoir. The Council was polled and the vote was Six Yeas, No Nays, No Abstentions, One Absence.**

**Joseph DiVincenzo, Jr. Essex County Executive**

**Mr. DiVincenzo thanked the Council for letting him come and speak before them and asked if they would reconsider leasing the Orange Reservoir to the County. He talked about Codey Arena, Turtle Back Zoo, the Safari and McLoones Boathouse all in the same area. He said the reservoir brings McLoones Boathouse to life.**

**Councilman Morton stated he was at the Christmas Party at McLoones Boathouse last night and it is beautiful. He said he still has questions about the \$600,000 lien. He said he does not want to sign with this over our heads. Councilman Morton said he wants this to happen but there are too many unanswered questions.**

**Mr. DiVincenzo said the County used capital dollars for this project. He said McLoones is renting it and the County does get monthly rent and money after a certain amount in addition to the rent. He said the County also receives beautification money. He said McLoones Boathouse is another place visitors can eat besides at the concession stand. He said this is something that we can all enjoy.**

**Councilman Morton asked what the \$525,000.00 is going to be used for. He also said he has not seen the tax lien. He said we need answers and he cannot give his vote at this time.**

**Council President Eason stated the same concerns as Councilman Morton.**

**Mr. DiVincenzo stated he just want to work together with Orange and get this done. He said he would come back if he has to.**

**Councilwoman Williams asked what revenue the Orange reservoir is bringing in at this time.**

**Ms. Jackson stated the Orange Reservoir is currently on the Green Acres list and is not revenue producing property.**

- **Tony Galento Plaza-by Valerie Jackson- Director of Planning**

**Ms. Jackson stated work has been done in this area for the past year and she has given updates as progress is made.**

**Ed Martoglio, President, RPM**

**Mr. Martoglio said he has been working in Orange for about 25 years. He said Tony Galento Plaza is their first transit development although he has done other developments in Orange. His latest project was Grand Central and is now finished. He said the Transit Village project will have two phases. He had a presentation board that outlined the project. One building will be the market rate (no restriction on the income level) building that will contain 80 apartments and parking for 175 vehicles on site and ground level space for about 13,000 feet. He said in the front of the building will be a water sculpture and a gathering place where the community can come together. The building adjacent to that is to be a five story building with 53 apartments that will have parking for about 100 vehicles under the building and is meant to be the affordable housing. He said it would have 13,000 feet ground level spaces also. He said he would like to see some type of health and wellness in some of the spaces. He said the market rate units are one and two bedrooms. He said he very excited about this project and thanked the Council for allowing him to speak before them.**

**Council President Eason asked where the post office fits in.**

**Mr. Martoglio stated the post office is in the back. The building is facing the train station.**

**Councilman Abdul-Rasheed asked the same question about how many apartments are in the market rate buildings.**

**Mr. Martoglio answered the question again. (See above response)**

**Councilman Abdul-Rasheed asked about how many Orange laborers or employees can be a part of the project.**

**Mr. Martoglio stated about 25%-30% of the contracts will be awarded to a minority owned firm and he anticipate that each of the sub contractors will hire 25% of their workforce from the City of Orange. He said at the height of the construction there may be 150-170 workers on site if all projects are ongoing.**

**Councilman Abdul-Rasheed asked Mr. Martoglio if this is approved that he would come back and give a second presentation relative to the leasing and eligibility requirements. (Also what background checks are done)? He asked that the administration to hold RPM to that.**

**Councilman Morton asked if the drawings were presented before.**

**Mr. Martoglio stated yes and the only change was the height of buildings.**

**Councilman Marable stated he has had ongoing conversation with the City and Mr. Martoglio about the name (Tony Galento Plaza) and he will not support this. He said it needs to be decided what this is going to be called; that this is a train on the track picking up speed.**

**Ms. Jackson agreed that Councilman Marable has had discussions about the name for the development and for tonight it is immaterial to refer to everything in the redevelopment agreement as RPM Development Group or Urban Renewal.**

**Steve Marella, McManamon & Scotland, Redevelopment Counsel to the City of Orange**

**Mr. Marella said names can change. He said the resolution authorizing the execution of the document presumably will provide that the document be executed substantially in the form addressed. He said he doesn't think a simple name change without more would constitute a substantial change in the agreement.**

**Ms. Jackson asked Mr. Marella if he could help us do that tonight so that we can move this forward.**

**Mr. Marella stated we can do that but the one question he has is for RPM is that he understands the Urban Renewal Entity papers has been submitted but the name can be changed.**

**Councilman Marable stated he is speaking for himself as far as the name change.**

**Council President Eason asked if Tony Galento Plaza is the name of the area or street. She said research should be done to make sure the name can be changed.**

**Ms. Jackson stated research will be done.**

**Mr. Marella stated it is important that this project moves on a timely basis. He said by executing this agreement there are adequate controls built into it to protect the City's interest. He said one of those up front is the designation of the redeveloper is a conditional designation until such time as due diligence has been completed and on the time line it is basically 120 days from the time the agreement is executed the redeveloper would have to make a go or no go decision and serve a confirmation or termination notice. He said at that point the designation would no longer be conditional and the redeveloper would be completely committed to the project.**

**Mr. Marella said the agreement also provides for the acquisition of the parcels that are necessary for the project; three of which are City owned parcels, one is privately owned but the potential redevelopers is attempting to negotiate a purchase of that parcel.**

**Mr. Marella stated there is a contingency satisfaction deadline by the date which is no later than two years from the effective date of the agreement. He said there are four contingencies that would have to be satisfied for the project to move forward. They are the approvals contingency,**

**the acquisition contingency, financing contingency and the PILOT contingency. He said with the sale of the City owned properties; one of the things you will notice in the agreement is that a fixed purchase price has not been included yet. He said we have reached out and there will be an appraisal done of the City's parcels to get a sense of the fair market value of the parcels. He said there will be further negotiations because the parcels are being purchased in an "as is" condition; there may be some environmental remediation involved which under the terms of the agreement which has been negotiated and may result in a credit to the redeveloper for the cost of doing that. He said there is also the possibility of negotiating terms for the purpose in which case the City's interest would be secured by a mortgage. Mr. Marella said if the purchase price is not agreed upon within 30 days following the City's receipt of the project performa which the timeline is set out (about six months from now) and not agreed upon and approved by the City Council, then either party may terminate the agreement. He said this was a brief overview.**

**Councilwoman Williams asked if there were specific addresses for the City's properties.**

**Ms. Jackson stated she did not have exact addresses.**

**Councilwoman Williams asked would there be any incentives for the tenants.**

**Mr. Martella said at this time, there are none.**

**Councilwoman Williams said it would be important to have a forum for the present residents and the residents that would be moving here.**

#### **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 announced that Ordinance 37-2011 is removed by the Administration.**

**Councilwoman Williams asked about Ordinance 38-2011 and what is the spirit behind it.**

**Councilman Abdul-Rasheed stated he asked at the last Council Meeting to have the Legislative Research Officer to reduce and put this legislation forth reducing at the time what he thought was 60 days to 40 days. He said the City Attorney indicated it was 90 days. He said having said that, he does not think it takes a quarter of a year for us to determine the working habits, the communications, the qualifications, etc. of an acting director. He said it is not so much the spirit, that was his intention and he thinks it is self explanatory. He said he did not confer with any Council Members and/or the Administration relative to this legislation. He said he thinks it is simple and straight forward. He said it helps us to know that if these directors are going to be serving the citizens of Orange and not strictly the Administration.**

Councilwoman Williams stated she wanted to hear the reason for doing it. She said she guess 90 days is typically the normal time to assess and to look at a person and the work they are going to be doing. She said with our process it is so cumbersome because they would have to come before

this Council to get started, enter the job and transition in. She said she does not think it is enough time.

Councilman Abdul-Rasheed said he did not see any time in stone and he is not going to go back and forth.

Council President Eason stated most of the legislation done by previous Council Members is vague and going forward it should really state what it is going to do. She said at the end of the time a person is acting, they should be reappointed or they should be relieved of their duty in the acting capacity.

Mr. Braker stated he did not sign the ordinance and is surprised it is on the Agenda. He said there was something in the previous ordinance that stated that the person had to be terminated after the 90 days or they would have to come back before the Council for an extension. He said he remembers something in the ordinance about the working test period being 90 days generally for Civil Service employees which was the intention of the 90 days legislation.

Councilman Marable stated the proposed ordinance is identical to the existing ordinance except for the change from 90 to 40 days and it does clearly state this is what currently exist that person "shall no longer continue to be employed by the City of Orange in said position on the 91<sup>st</sup> day". He said there is no question if you are working in the capacity on the 91<sup>st</sup> day that is contrary to the law, he doesn't see any need to clean that up. He said the issue is the term and the same results should occur at the expiration of that period.

Councilman Abdul-Rasheed stated the ordinance follows the previous ordinance that Council President Eason authored. He stated he is somewhat perplexed as to how this ordinance got on the Agenda as he always checks with the Clerk's office.

Deputy Clerk Smith stated there would be changes in the office and if the resolutions and ordinances are not in the office by the deadline we would not continue to add them if they are late.

Councilman Abdul-Rasheed asked again why there is a problem with this ordinance and asked that it be removed from the Agenda.

Council President Eason stated Ordinance 38-2011 is removed and asked the Council if they were comfortable with the 90 days. She said it does not make sense to go over this again if the Council is not going to support it.

Council Abdul-Rasheed again asked that the ordinance is removed and he is asking that the Legislative Research Officer put forward another piece of legislation for the City Attorney's perusal. He said if he presents by request of the Legislative Research Officer for legislation and it is appropriate and the City Attorney signs it and it is submitted to the Clerk's office in a timely fashion and it is on the Agenda, then the Council votes it up or down. He said Council President

**Eason is polling the Council on legislation that he intends on moving forward and he does not think this is appropriate.**

**Councilwoman Williams stated we have taken the time to put committees in place and if the committee structure is used, on those committees you have three Council Members, so in that discussion you know where you are going based on the questions and/or concerns in the committee meeting. She said you have to consider civil service laws.**

**Council President Eason asked Attorney Braker and Mr. Warren to get together on this ordinance to be resubmitted before this Council.**

**Councilwoman Williams asked about Resolution 327-2011. She said this is a personnel matter and why this wouldn't be discussed in a Closed Session.**

**Mr. Braker said as with many resolutions they have to be placed on the public Agenda. He said if you have any questions related to personnel matters we can always go into an Executive Session. He said he can answer generically.**

**Councilwoman Williams asked if there was a time constraint.**

**Mr. Braker stated yes there are time constraints on this.**

**Councilman Marable stated he has never seen this before and asked would this always come before the Council. He said he will not vote on this until he has answers.**

**Capt. Sooy stated there are time constraints.**

**Councilwoman Williams suggested the Council go into a Closed Session.**

**Councilman Abdul-Rasheed stated he is familiar with this resolution and he does not have any specific questions.**

**Council President Eason polled the Council for an Executive Session at the end of this meeting before the Council votes.**

**The vote was Six Yeas.**

**Councilman Marable asked what is the source of the funding for Resolution 324-2011.**

**Mr. Bell stated he is not sure of the source, this is something that was put together by the City Engineer, Arlene Kemp.**

**Ms. Jackson stated this is a Green Acres site and it has a certificate of funds attached to the document. (Although she does not see Green Acres on the Certificate, it may have been an oversight).**

**Councilman Marable asked about awarding this as a non fair open contract.**

Ms. Jackson stated when we go out for design services or professional services, we do a non fair and competitive and ask for qualifications related to design services of professionals. She said we typically do not go out for bid for design services.

Councilman Marable asked about Resolution 332-2011. He said there was a flurry of e-mails today regarding this. He said his comment goes to the attachment from the Orange Fire Department. He read the last paragraph on page 3. (See Attached) He said this issue came up during the budget hearing and he disagrees entirely. He said he is not disagreeing with notion that is the situation that currently exists, but he is unaware of any authority that provides the unrestricted use of a municipal vehicle for the emergency management coordinator. He said he is not going to assume by this memo the OFD is setting this policy, he is sure it does not have the authority to do that. He said he believes this memo recites an inaccurate statement. He said he is unaware of anything in the City of Orange's Municipal Code or the state guidelines for emergency management that provides a vehicle. He said there is reference in the state regulations regarding being available 24/7. He said in his mind that could be providing that person with a cell phone. He said the notion that a vehicle would be provided means it would need gas, insurance, service, washed and he wanted to point out that he sincerely disagrees with the notion expressed in the OFD statement.

Mr. Braker stated there were memos that went back and forth. He said his memo was dated November 22, 2011 and he forwarded his position to Mr. Warren. He said the both of them agreed this was a resolution that needed to be tabled in light of the research they did. Mr. Braker said he recalls from the last resolution that was passed relative to the emergency management coordinator, whomever it may be, that attached to that document was some backup information setting the policy for the use of the vehicle.

Councilman Marable said he agrees with Mr. Braker that the governor can remove someone from office but there is a provision whereby the office would be vacated in his view if the appropriate training has not been complied with. He said he does not know if it has been complied with or not, but if since 2008, he believes the regulation requires compliance within the first year.

Mr. Braker said Councilman Abdul-Rasheed submitted a number of questions and requested the answers by way of a report.

Councilman Marable said he was not aware of Mr. Braker's opinion until today.

Councilwoman Williams asked if there is an automobile specifically for emergency management and is there any historical background on the same.

Mr. Braker stated in the past, the emergency management coordinator had a car.

Councilwoman Williams asked about emergency management and vehicles in other towns.

Mr. Braker stated he would have to look at that.

**Councilman Abdul-Rasheed stated there are other people historically that can attest to the use of the emergency management coordinator's vehicle. He said he does not know that it has to come from the City Attorney; it can come from the citizens who have observed this for the past 20 years, the fire department, the police department and the one who maintains the vehicle. He said his position has not wavered. He said he received Mr. Braker's opinion today and did not receive it from Mr. Braker but from the Legislative Research Office and he asked that it be sent to the Clerk's office who distributed it to his colleagues and hopefully they are in possession of it and have had time to review it and the supporting document which he had forwarded. He said the issue is not just the vehicle; it is from the position of the whole emergency management coordinator's position and/or vehicle. He said it is everything, such as salary, time, duties, reports, etc. He said Mr. Braker said he could attempt to answer his questions. He said he is asking his colleagues to join him on the petition.**

**Mr. Warren stated he received a request from Councilman Abdul-Rasheed to draft legislation that would declare the emergency management coordinator's position was vacant. He said he then received information from Mr. Braker, a legal memo, that the jurisdiction was not with the Council to declare it vacant, but it was with the governor. He said he reviewed the memo and the law cited was correct. He said he did legal research also and the Mayor has the power to appoint an emergency management coordinator. He said there was no information if the Mayor is qualified for the position. He said if there is a vacancy, the governor can appoint someone until the Mayor appoints someone permanently. He said there are some confusing issues.**

**Council President Eason asks should the resolution be voted up or down.**

**Mr. Warren stated there are some problems because you don't know if you have a vacancy. He said he is not sure the Mayor made the proper appointment of himself to the position.**

**Council President Eason stated the Mayor's term ended June 30, 2011.**

**Mr. Warren stated the statute does not provide for a holdover position and he does not know if there was another appointment.**

**Mr. Braker stated the law says you must have someone in the position of emergency management coordinator at all times.**

**Councilman Abdul-Rasheed stated if he had not brought this up, the Mayor would still be in the position indefinitely.**

**Mr. Braker said the 90 days did not apply to this position, it applies to directors. This position of emergency management coordinator is by state statute.**

**This conversation went back and forth and some information was repeated.**

**Councilwoman Williams asked for a report to see if the continuing requirements were met. She said it appears at the onset, everything was in compliance. She said at the time, Mayor Hawkins was a police officer. She said she could be wrong. She said she wanted to make sure that whomever is in the position, they are in compliance.**

**Councilman Marable stated the position is vacant and needs to be filled. He said this is an issue that needs to be resolved. He said he disagrees with Councilwoman Williams when she assumed everything was fine from the start. He said his recommendation is to table this resolution.**

**Councilman Abdul-Rasheed said he disagrees with Councilwoman Williams because Mayor Hawkins was a patrolman in West Orange that would qualify him to be the emergency management coordinator. He does not know if it is transferable.**

**Councilman Abdul-Rasheed asked about Resolution 310-2011. He said relative to United Water, Ms. Jackson was going to respond to a citizen's complaint about United Water and customer service. He said United Water is on the bill list and does not want to pay the bill at this time.**

**Ms. Jackson stated she and Mr. Bell met with Mr. Jaime Anderson. She said she did speak with United Water. She said their policy is when they come upon lead pipes; they are to replace those pipes and when they were working across the street, they came across lead pipes. This affected Mr. Anderson and his lead pipes had to be removed. She said neither United Water nor the City is responsible for the piping on a resident's property. Ms. Jackson said she spoke with customer service at United Water about exploring alternatives and she wanted residents to find a disclaimer but she said they have come up with very good reasons around doing that. The City of Orange's policy is once we find lead pipes; we are obligated to replace them.**

**Councilman Abdul-Rasheed stated after coming to Mr. Anderson's property, United Water replaced lead pipes in his driveway and he (Mr. Anderson) had to pay. He said he did not understand United Water talking to Mr. Anderson with disrespect.**

**Councilman Abdul-Rasheed asked that the amount (\$687,636.17) on the bill list for United Water is deducted at this time with the consent of his colleagues.**

**Council President Eason stated United Water should take a loss here. (She said "if isn't broke, don't fix it"). United Water broke it and should fix it. Mr. Anderson had no problems before United Water came to fix his neighbor's pipes.**

**Ms. Jackson stated liability issues relate to the City of Orange because United Water is contracted by the City and is representing us.**

**Councilwoman Williams asked if United Water is required because the pipes are lead or is it because of the danger of lead pipes.**

**Ms. Jackson said she will get information on removing lead pipes.**

**Mr. Braker said Mr. Anderson only wants to be in the position he was in before United Water started the repairs on his neighbors' property. Mr. Braker said he would contact United Water if need be.**

**5) MOTION TO ADJOURN**

**Council President Eason entertained a Motion to Adjourn**

**MOTION: Morton**

**Voice Vote**

**SECOND: Jones-Bell**

**ADJOURNMENT: 10:06PM**

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**Shinell Smith**  
**Deputy Municipal Clerk**

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**Tency A. Eason**  
**Council President**

**MINUTES APPROVAL**

**Councilman Corbitt cannot vote because he was not present**

**Passed on December 20, 2011**

**Conference and Regular Meetings on December 6, 2011**

**Council President Eason entertained a Motion to Adopt.**

**Motion to Adopt: Morton**

**Second: Jones-Bell**

**The roll call by Deputy Municipal Clerk was as followed:**

**Yeas: Abdul- Rasheed, Jones-Bell, Marable, Morton and Council President Eason**

**Nays: None**

**Abstentions: None**

**Absences: None**

**Council President Eason ruled the Motion was carried by Five Yeas, No Nays, No Abstentions and No Absences.**