

MUNICIPAL COUNCIL AGENDA

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, JANUARY 4, 2011 IMMEDIATELY FOLLOWING THE CONFERENCE MEETING AT 7:43 PM.

1) PLEDGE OF ALLEGIANCE TO THE FLAG

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

The Municipal Clerk announced that Council President Abdul-Rasheed has a quorum.

ALSO PRESENT

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

3) 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 in City Hall and filed in the Office of the Municipal Clerk.

4) APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Conference & Regular Meeting December 21, 2010

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

Council President Abdul-Rasheed entertained a Motion to Adopt.

Motion: Williams

Second: Corbitt

The roll call by the Municipal Clerk was as follows:

Yeas: Corbitt, Eason, Marable, Morton and Williams

Nays: None

Abstentions: None

Absence: Jones-Bell

Council President Abdul-Rasheed ruled the Motion was carried by Five Yeas, No Nays, No Abstentions and One Absence.

5) REPORTS:

Department of Planning & Development - Month of November 2010- \$15,517.00

CONSTABLE REPORTS

None

President directs Clerk to file reports.

6) COMMUNICATIONS AND PETITIONS

None

7) CITIZEN COMMENTS ON GENERAL ISSUES/AGENDA ITEMS

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

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

Council President Abdul-Rasheed recognized Karen Wells- (Please see the attached)

Karen Wells of Highland Street stated that she and a group of citizens implemented a website. Mrs. Wells stated that the website was created to show how the town and its finances are mismanaged. She stated that Council should visit the website so that they can see the research that has been done (Please see the attached for web information). Mrs. Wells stated her concerns and opinions as follows:

- The City is losing almost one million dollars in revenue due to tax appeals.**
- Mrs. Wells stated that the three individuals who voted against the reassessment still have not given a reasonable explanation as to why.**
- After speaking with a host of financial analysts, Mrs. Wells felt the vote against the reassessment was political. She asked that those Council Members speak up if their votes were not political.**

- **Neither one of Orange's train stations are handicap accessible, which is against the American Disabilities Act.**

Council President Abdul-Rasheed asked Calvin Bell, Deputy Director of Public Works to have a side bar with Mrs. Wells, with respect to the train stations being handicap accessible.

Mrs. Wells stated that she has a petition signed by one hundred and eighty-nine commuters to support the implementation of the train stations to make them handicap accessible. However, New Jersey Transit stated that they need something from the City to satisfy this petition.

Council President Abdul-Rasheed in response stated that they need something in writing on City letterhead.

- **Mrs. Wells stated the City of Orange and another Municipality reimburses all current and former employees for their medical co-pays. Mrs. Wells stated that she had already been in talks with the BA but wanted everyone else to know this was being done. She stated that this is something that should be researched.**

Council President Abdul-Rasheed recognized John Mason, BA

Mr. Mason in response stated, all payments being made are pursuant via contracts ratified by this governing body.

- **Information Technology- the e-mail server needs an overhaul because it is extremely slow. There are companies out there who will do upgrades for municipalities, for free.**
- **The bill list should be seen on the City's website. A simple PDF file can be created and downloaded to the site for all to view.**

Mr. Mason stated that this has been discussed and there will be a bill list on the web before the next City Council meeting.

- **Trenton is giving consideration to signing a bill that will give tax credits for historic preservation and restoration. Mrs. Wells stated, as a self appointed town historian there are a number of historic sites available for this tax credit. However, we cannot become an historic district until the town gets a Historic Commission. (Please see the attached website information)**

Council President Abdul asked Mrs. Wells if she had spoken to Director Valerie Jackson

Mrs. Wells in response stated that she had spoken to both Director Jackson and the Mayor. However, there seems to be an issue with that.

- **Mrs. Wells stated that the Council should have been able to come up with a budget without a Budget Consultant.**
- **The Administration should have presented a proposed budget by now.**

Council President Abdul-Rasheed recognized James Corvino (Please see the attached detailed statement)

Council President Abdul-Rasheed recognized Dave Fox, Esq.

Dave Fox of 70 South Orange Avenue, Livingston, New Jersey stated that Fox and Fox are in support of Orange's Police and Firefighters. Mr. Fox stated that he echoes the same sentiment as Council Members Corbitt, Eason and Morton, as it relates to the crime, chaos and catastrophes that will occur as a result of the lay-off of Police and Fire. Mr. Fox stated that these lay-offs are scheduled to take place without a budget, which is unheard of. He stated that the Fire Employees were willing to give back over three hundred thousand dollars within the next six months through various sacrifices and that number was refused without a budget. Mr. Fox stated that this is twice the amount that will be saved through lay-offs and still it has been rejected.

Mr. Fox stated that other municipalities such as Newark and Carney have had success with avoiding some lay-offs with his assistance and he would like to do the same for the Police and Fire in Orange. However, it's almost as if there's an indifference to the lay-offs.

Mr. Fox mentioned that two police officers were killed in the line of duty, when he was interrupted by Council President Abdul-Rasheed who felt that his comment was a bit impetuous. Council President then allowed Mr. Fox to continue.

Mr. Fox stated if avoidance of these lay-offs happened in other municipalities then surely it can happen here. He stated that the proposal they're offering should allow them to avoid lay-offs for at least a period of six months, which was the agreement as the Mayor only wanted to address six months. It was said that the Mayor would satisfy this Council but he in fact refused the proposed offer. Mr. Fox stated that both proposals for Fire and Police have been turned down; and the lay-offs are scheduled to go in effect two days from this day. Mr. Fox stated that absence of a budget or any meaning response to what they have proposed is almost baffling, given the stakes that we're facing and the resolution by Council. He stated that Hillside has a similar situation and have gone to court and is still in court, which delayed the lay-offs by four months.

Mr. Fox stated that we need to get a hearing on this issue as there is a very simple method which has been developed for both groups to avoid all lay-offs all together. He stated that there is a chance that these lay-offs can be delayed where others can intervene as to avoid the more inevitable disaster.

Council President Abdul-Rasheed recognized Doris Clarke

Doris Clarke of the City of Orange stated that the handicap sign is down near the school just before Main Street and there are now two taxi cab signs.

Council President Abdul-Rasheed recognized Councilwoman Eason

Councilwoman Eason stated that there has two taxi and one handicap at that location for over the past four years. She stated the handicap sign had fallen and should be replaced.

Council President Abdul-Rasheed recognized Calvin Bell, Deputy Director of Public Works

Mr. Bell stated that he is aware of the sign and it will be replaced.

Ms. Clark stated that there should be three handicap parking spots in front of the bank, instead of one.

Ms. Clark stated that that snow removal on Williams Street was horrible and in past years it had been promptly attended to. She stated fifty thousand dollars on plows and it still wasn't done properly. Ms. Clark stated that there should be police on Main Street ticketing those who make illegal u-turns. She stated that alone could generate a good amount of revenue.

Ms. Clark asked where that money will go once police are laid-off. She stated that our property taxes are still going up twenty percent so why are they laying-off police. Ms. Clark stated, if the plan is to take their money and put them on the street, then don't raise our property taxes.

Council President Abdul-Rasheed recognized William R. Lewis

William R. Lewis of 688 Mosswood Avenue stated that Council isn't asking the right question when someone makes a suggestion as it relates to what's good for the City. He stated that Council should be asking for the economic feasibility study that shows this. Mr. Lewis commended the Council for their attempt on presenting a budget. However, it makes no sense to debate with Mr. Braker but advised that they read the Budget law and become familiar with it. He stated the first step should have been to discuss this with the CBAC; and a lot of time could have been saved if the budget had been circulated to all Council Members prior to this meeting. Mr. Lewis stated that this is not something that should be delivered and discussed the night of the meeting because it's far too serious, such as the role of a Council person. He stated if Council or CBAC doesn't know the Budget law then Title 40 should be the reference point.

Mr. Lewis stated that Council has to look at goals and objective because we got to get ratables and bring in money, which will prohibit lay-offs of vital services. He stated when there is very little money the viable services are police, fire and public works.

Mr. Lewis stated with respect to the reassessment, he provided Council with two resolutions and has no idea as to where they are. Mr. Lewis stated that he gave them a proposal that would cost zero dollars and nothing was done. He stated that Council debated with one another and the Mayor about the reassessment and still they didn't do anything to resolve the issue.

Council President Abdul-Rasheed recognized Lt. Orlando, Soto, Orange Police Dept.

Lt. Orlando Soto of 162 Bee Meadow Place, Whippany, New Jersey stated that he is a product of the school system here and has been a resident over thirty years; and also works for the City. Lt. Soto stated that he is here to ask all public officials to acknowledge the Lord God because He is the ruler over the Council and this country; and we need to go to Him if we haven't already. Lt. Soto stated that we need to sincerely search our hearts and think about what we're doing. He stated, those being laid-off aren't the only ones being affected but the citizens as well. Lt. Soto stated that God knows our thoughts so we have to proceed with caution as we all will be held accountable for what we do.

Lt. Soto stated that there is wisdom in the Council of many and God has ordained those in position. He stated, in order to avoid these lay-offs there must be a meeting of the minds. Lt. Soto asked all those who are watching to pray for those who are in a position so that God can give them the wisdom to make the right decisions. He then asked that the lay-offs be delayed in good faith without having to go to court, until we can decide on the right thing to do.

Council President Abdul-Rasheed recognized Jeffrey Feld (Please see the detailed statement attached)

Please see page 7 for with respect to the questions asked by Mr. Feld in his remaining time.

Council President Abdul-Rasheed recognized Mr. Mason

Mr. Mason stated in response to question number one, we will endeavor to have the Annual Debt Statement for 2011 posted on the City's website.

Mr. Mason stated in response to question number two, the residents should have the tax bills twenty five days in advance or prior to February 1st. He stated that they had begun mailing them out already.

Mr. Mason stated in response to question number four, the auditor has been working diligently on it. However, he has to get an update as to his status.

Mr. Mason stated in response to question number three, there had to have been printing issues but he will be sure to provide Mr. Feld with all the missing Financial Statement sheets, pursuant to his OPRA request.

Council President Abdul-Rasheed recognized Davis Hannah

Davis Hannah of 749 Scotland Road stated his concern as to the lay-off of police and fire when we're already understaffed and have been for many years now. Mr. Hannah stated that he called the Governor's Office to inquire as to whether or not Orange had filed a lay-off plan for police and fire. He stated that he was instructed to call the Division of Local Government and who advised him that there had not be a plan filed but there should be. Mr. Hannah then called the Division of Fire and Safety stated that Orange should have filed a plan with the State.

Mr. Hannah asked if the real democrats on the Council or Mayor's Office would please stand up and fight for what's right. He stated that the fire department currently has sixty-two workers and will soon be cut down to fifty when they're already under staffed. Mr. Hannah stated that history shows what can happen when we're under staffed as we run a higher risk of lives being lost. Mr. Hannah asked how important are the lives of citizens to both Council and Mayor.

Mr. Hannah stated that there is no budget nor is there a plan of safety. He stated that the Council should lay out a plan or insist that the Mayor lay out a safety plan for the citizens of Orange. He stated that the plan should state the cuts but include how the citizens will be protected, in light of the decrease to those who provide vital services. Mr. Hannah stated that the tax burden falls on the backs of the working class citizens of Orange because we don't have enough commercial entities to offset the cost. Therefore, we should have been provided with a plan of safety since we pay for those services. Mr. Hannah stated that it's time to stop playing with the numbers as lives are at stake.

Council President Abdul-Rasheed recognized Kaitalin Gordon

Kaitalin Gordon of 211 Park Place stated, at the previous Council meeting three Council Members voted against aligning the City's fiscal year with the calendar year. Ms. Gordon stated that the resolution was implemented on behalf of the request of many residents, as a way to make their tax billing easier to read and show how our taxes change from year to year. Ms. Gordon asked that the three Council Members who voted against the resolution have it brought back and reconsidered, as there are many residents that are in favor of a calendar year.

Ms. Gordon stated that neither the CFO nor his Deputy have been in attendance at the meetings. She stated that it is now unacceptable for the part-time CFO not to attend meetings as it is his duty and this governing body should address it as they are not meeting their responsibility to the tax payers by letting this situation drag on. Ms. Gordon stated, if Mr. Mason cannot find a qualified CFO then it's up to the Council to turn to the State for help.

Ms. Gordon stated with respect to resolutions 5,6,7 & 8, is the grant for Environmental Consulting Services provided by the DP contingent upon the selection of terms of Dewberry Environmental Services; or is the firm choice of the City's Administrations based on prior performance and how many firms with similar qualifications are available.

Ms. Gordon stated that she asked Mr. Godfrey if she could show pictures of the snow removal. Mr. Gordon stated that Mr. Godfrey advised she get Mr. Mason's approval before presenting the pictures. Therefore, she asked if he would allow them to be shown at the next meeting. Ms. Gordon stated that she would like to show pictures of the snow cleaning.

Mr. Mason stated that we will accommodate the request as long as we have the technical capability, along with Council's approval.

Ms. Gordon stated that the snow removal on her street hadn't gone as far as to open it up for through traffic. She asked if it was the City's responsibility to plow the snow for street parking as the residents on her street do not have driveways. Therefore, they have no choice other than to park on the street. Ms. Gordon stated all but two cars adhered to the alternate parking rules on her street. However, the plows blocked those cars in and left the side with fewer cars untouched.

Council President Abdul-Rasheed asked Deputy Director Bell if he could have a side bar conversation with Ms. Gordon with respect to parking, plowing and snow removal on her street.

Council President Abdul-Rasheed recognized Kerry Coley

Kerry Coley of 53 Hampton Terrace stated that we know that the City does not have a budget so we don't know the true number of this alleged deficit. Mr. Coley stated that he called out sick because he had to take his oldest daughter to the emergency and he returned home to stay with his youngest daughter. He stated that the Acting Police Director/Mayor showed up to his home to check on him, which is something that has never happened in his years as a police officer; and it was completely out of line. Mr. Coley stated that it is his hope the City Attorney reminds the Acting Police Director/Mayor of his duties. He then stated, with police, fire and other City workers being laid-off we'll be working with a skeleton crew.

Mr. Coley stressed that those in power are not in a position to intimidate people or abuse their authority. Mr. Coley stated that he is still a man and he will not be intimidated.

Council President Abdul-Rasheed recognized Gloria Stewart

Gloria Stewart 62 Hampton Terrace stated that she and her neighbors moved their cars from one side of the street to the other, with hopes that the plows would clear the other side but they were in fact plowed in.

Mrs. Stewart stated her concerns and opinions as follows:

- The Mayor has not been in attendance at the past couple of meetings so it sends a signal that he has made his decision and it's final.
- What is the Acting Clerk being paid? Was he one of the ones that interviewed for the Deputy Clerk's position? Is the plan to make him the permanent Clerk?
- Why hasn't the CFO attended meetings?
- The CFO should be fired.
- The BA may be doing more with less but needs help to move this City forward.
- There was a big issue raised when Council presented a budget but there were no issues when the Mayor, BA or CBAC didn't present a budget.
- People are being laid-off that have been long term residents here. The Mayor has hired who he wanted but most of them live out of town.
- We're those hired by the Mayor Civil Service. The Civil Service was put in place to help secure jobs but the Mayor has overridden that policy.

- Mrs. Stewart stated, at some point we have to come together and use some wisdom in our decision making but the Mayor refuses to do that. She stated that you have to have wisdom and be spiritually grounded but we don't have that.
- There have been 117 deaths in Essex County but how many of those deaths were from Orange; and how many of our youth have lost their lives. We need to take better account and be concerned with what's happening with our youth.
- If police and fire are cut it can be most catastrophic, such as the Oakwood Avenue fire, which was due to a lack of fire fighters so how much more will these lay-offs impact us.
- Everyone has the option of filing a tax appeal. Instead of complaining about the reassessment not taking place try filing a tax appeal.
- Mrs. Stewart asked if Council can stop the Mayor's staff from being paid via the bill list. Mrs. Stewart stated that the Council needs to stop the Mayor from making decisions or replace him.

Council President Abdul-Rasheed recognized Murphy Wilson

Murphy Wilson of 362 Heywood Avenue stated her concerns and opinions as follows:

- Mrs. Wilson stated, as a tax payer, she expects to have Police, Fire, Public works and a budget.
- Mrs. Wilson asked how you know that you need to lay-off in the absence of a budget.
- The Council produced a budget and the Administration has a problem with it when they have produced nothing.
- Mrs. Wilson stated that we don't need finger pointing but we need the Council and Administration to come together and produce a budget.

Council President Abdul-Rasheed recognized Bruce Meyer

Bruce Meyer of 500 Berkley Avenue stated his concerns and opinions as follows:

- This past snow storm was the worst we've seen in over a decade. We only have the manpower and equipment for a certain level of snow removal and anything outside of that will require additional manpower. Even if we were fully staffed this was a snow unlike any other. Some major roadways are done by the County and State.
- Public Works worked very hard to clear the snow and in comparison to other towns our streets were some of the clearest.
- Under the circumstances and given speculation Public Works did an excellent job. Some questioned if they were pushing as hard as they could have, in lieu of lay-offs.
- Even if we were not facing budget problems we would still be short of manpower as we have been over the years.
- It is going to take an adjustment in attitude to understand the new reality as it relates to the services we do and do not have.
- It doesn't take much to introduce a budget as the Council has done; go through line item by line item and subtract twenty percent and we have a budget.

- **The budget is ongoing twelve months a year and money is being spent throughout that time and those expenditures that should not be have been voted down by the Council budget committee.**
- **Why is there a proposed budget worksheet being presented four days before the lay-offs?**
- **The largest expense to the City is the unionized contracts which are Police, Fired and Public Works, which should be looked at closely.**
- **Laying-off people is not the economic option that we should be looking at because we need bodies. We should be looking at overtime, sick leave and benefits which still pose a problem whether or not lay-offs take place.**
- **Negotiations are taking place as they should and it's neither Council nor the public's place to get involved.**
- **When it comes time to do the revaluation we would have just lost a million dollars if we're lucky, due to the fact we didn't do a revaluation.**
- **It is not true that we can do the reassessment for free and if anyone has any questions they should see the City's Tax Assessor for details.**
- **The Adult Services, Cultural Affairs and Recreation has been eliminated in order to keep other services but those people have families too, which is why we need to sit down and work something out.**

Council President Abdul-Rasheed recognized Lt. Tracy Wright

Lt. Tracy Wright of 400 Berryman Place stated that she was speaking on behalf of the officers being laid-off. Lt. Wright stated that January 19th will make twenty-one years that she's been on the force. She stated that this last group sworn in less than a year ago were born and raised in Orange and are the first to go. Lt. Wright stated that this group came through the Orange school system and all of them are articulate and have the best penmanship. She gave the group many accolades and expressed how dishearten she was to hear of them being laid-off.

Lt. Wright stated that the Mayor/ Acting Police Director had a bed check done on her when she called out sick. Lt. Wright stated that a bed check hadn't been done in over ten years. She stated that they came to her home flashing lights and harassing her parents, which are both handicap. Lt. Wright stated that she will not be run out of Orange and she has two master degrees to back her. She stated, if you think you have two law suits on your hands now from females.

Council President Abdul-Rasheed recognized Elvin Padilla

Elvin Padilla of 419 Central Avenue stated his concerns and opinions as follows:

- **December 29th Oakwood Avenue house fire**
- **January 2nd Tremont Avenue house fire**
- **Snow Emergency-**
 1. **housed 50 people from every walks of life**
 2. **provided food**
 3. **sat with those stranded for over 24hrs**

4. provided toys for children

5. drove those stranded to their homes over 24hrs later

- Mr. Padilla echoed the same sentiment as Mrs. Stewart with respect firing the CFO. He stated to Mr. Mason that we should call the alarm company and find out how many times Mr. Kelly has used his code to gain entrance into City Hall on the weekends.
- Mr. Padilla stated to Mr. Hannah that he is one of the citizens the union has put fear into if he's willing to accept a twenty percent tax increase, per a newspaper article written by Mr. Baraff for the Mayor.
- Mr. Padilla stated that an article said the Union Leaders are not serious about negotiating lay-offs but the Fire Department just negotiated over five hundred thousand dollars in give backs and the City said, no.
- The Civil service does not have the staff needed to thoroughly check documents. Therefore, they receive a ridiculous lay-off plan, stamp it for approval without reading it and send it out.
- Mr. Padilla stated that they have been in lay-off negotiations for three days straight, since they received the letters in the mail. A newspaper article stated that they were notified of the lay-offs in July, which is false.
- Be careful of the people who come up and speak about how good Orange is doing and about all the redevelopment plans because those properties are still empty.
- This Mayor says that he's worried about the citizens, yet he's sending them to the unemployment line.
- Mr. Padilla stated that he has been giving back for twenty-three years and just as those negotiations are dry so are their contracts. He stated that they are both tax payers and government employees so they're getting hit twice.
- Mr. Padilla stated that the Mayor would not approve the transfer for an individual to transfer to Lodi. He stated that the Mayor must have come to his senses and signed for the individual to get the job.
- Mr. Padilla stated that he holds the Mayor personally responsible for anyone who dies or gets hurt in the City.
- Mr. Padilla stated to the Mayor that those same people he's giving a lay-off slip to will be giving him one in 2012.

Council President Abdul-Rasheed recognized Ian Titus

Ian Titus of Elizabeth Street stated that he has been a resident of Orange since 1977. Mr. Titus state stated that he has been all around the world but there's no place like the City of Orange. He stated that the citizens of Orange are getting the short end of the stick with the lay-off of police and fire. The City should ask for a five percent decrease across the board instead of laying-off. The police and fire are being asked to do more with less and the police are our first line of defense when it comes to fighting crime. Mr. Titus stated that the citizens taxes are going up and the services are diminishing. He asked what will become of this town because the best police and fire are the ones who live here. Mr. Titus asked that all options are weighed before the lay-offs take place. Mr. Titus asked everyone not to have amnesia when election time rolls around.

Council President Abdul-Rasheed entertained a Motion to Close Citizen Comments.

ambulance. She then stated that the Fire Fighters go over and beyond their call as they were on Oakwood Avenue shoveling out the elderly as well during the blizzard. Councilwoman Eason stated that she is against them being laid-off and hope that they don't take place.

Councilwoman Eason stated to Mr. Feld that she is in contact with Mr. Phil Drexel from the League of Municipalities all the time as he is a great source for information.

Councilwoman Eason stated, as it relates to the Walter G. Alexander Water bill it needed to be closed so that they could move on with the project. Councilwoman Eason stated that she and Mr. Mason worked diligently on seeing that the bill be taken care of and there are no regrets.

Councilwoman Eason stated to the Finance Committee that there was no communication as it relates to the proposed temporary budget created by her, Councilman Corbitt and Councilman Morton and there could have been but the lines of communication works both ways.

Councilwoman Eason stated that we did not have the money to do the reassessment and it had not been planned out for. Therefore she didn't vote in favor of it and will not vote in favor of it in the future until it is properly planned. She stated that we not only represent the residents but the business, which is why a lot of them leave Main Street because the rent is too high. Councilwoman stated that she doesn't have a personal agenda but as for some who come to speak at the podium theirs may be politics. She stated that she would hope they figure out what their agenda is and hope that the residents can see right through it.

Council President Abdul-Rasheed recognized Councilman Morton

Councilman Morton thanked God for Mrs. Stewart's passion. Councilman Morton stated that he felt as if they were under attack for trying to do something positive. Councilman Morton stated that he will be working with Councilman Marable and Council President Abdul-Rasheed on another proposed budget. However, he felt there was no need to advice them of something that was still in the works and had not been completed until the day prior to the meeting.

Councilman Morton stated with respect to the lay-offs that his plan is to cancel the lay-offs, not postpone them. He stated that he had been calling Trenton to get answers and suggestions as to how to prevent the lay-offs. Councilman Morton stated that he would hope that the Investigative Committee can give feedback as to whether or not things were done properly by the Mayor. He stated that Council's hands are tied with respect to the lay-off but they're doing everything within in their power to act upon it. Councilman Morton stated that they presented a proposed budget for the Administration to look at but that's all they can do at this point.

Councilman Morton stated that it's not easy being a Council Member. He stated that the same individuals who ridicule and call them dumb are the ones who voted them in so they can't be that dumb. Councilman Morton stated that no one can't tell him that he doesn't have love for this City because he's on his job 24/7, along with the police. He stated this City is at its worse and he would like to see it come back to what it once was, at one time. Councilman Morton stated the threat of election is small potatoes because he's going to do what he needs to do whether or not he remains a Councilman.

Councilman Morton asked Mr. Bell if it were true that we paid an outside contractor six thousand dollars for three people, at two hundred and fifty dollars an hour. He stated that his numbers show we could have had twenty of our guys out there for the price that we paid those individuals. Councilman Morton stated that he understands that we don't have the equipment but we could have got the same work done using our people.

Council President Abdul-Rasheed recognized Calvin Bell, Deputy Director of Public Works

Mr. Bell stated that we outsourced twice during the blizzard because we only had eleven men working. He stated that there were five men on one shift and six on the other. The men worked from that Sunday on to remove the snow. Mr. Bell stated, by the time they reached out for contractors the roads weren't getting cleared fast enough and they had to look out for public safety. He stated, if there isn't enough manpower then they have no choice but to reach out to another entity to clear the snow.

Councilman Morton asked if the best deal that we could get was for two hundred and fifty dollars an hour.

Mr. Bell stated, the contractors that were used, were at the most affordable price. Mr. Bell stated that he's not sure if that price is accurate but at the time there was a decision that needed to be made. He stated that we can sit back and talk about the amount paid or the amount of snow that was removed. Mr. Bell stated that it was a tremendous amount of snow to be removed and it was beyond what we could do locally so an outside contractor was called in. If we don't have the snow removed properly it could lead to a tragic chain of events, which would be more costly to the City.

Councilman Morton stated that he understands that snow had to be removed but the cost astronomical. He stated that he was not aware until now that there were only eleven men on duty.

Mr. Bell stated that there were eleven men on duty from Sunday until now. He stated that there is normally a staff of twenty-three but not at this time. He then stated that men came in off vacation and from various places to work.

Councilman Morton asked if we would have to outsource at two hundred and fifty dollars an hour again in the event we have another snow storm this coming Friday.

Mr. Bell stated, if we have the manpower and vehicles Public Works will try to remove the snow as quickly as possible. Mr. Bell stated that he has been told that there were once eighty Public Works employees but now they're down to twenty-three. He stated that eleven men can only work so many hours and the expectations as to how quickly things will get done must change. Therefore, if there are only eleven available to work the next storm then they'll have to outsource to get the needed manpower.

Council President Abdul-Rasheed stated to Mr. Bell that the decision to outsource can only be made in real-time.

Mr. Bell replied, correct.

Councilman Morton stated, can we consider bringing our men in to work the snow storm.

Mr. Bell stated that it's not a matter of bringing our guys in, it's whether or not they're available.

Council President Abdul-Rasheed asked that Mr. Bell and Councilman Morton have a sidebar to discuss the hypotheticals as it relates to the upcoming snow storm.

Council President Abdul-Rasheed recognized Councilwoman Eason

Councilwoman Eason asked Mr. Bell why we didn't ask the County to help us because we give them a lot of budget dollars.

Mr. Bell in response stated that he personally called the County and was told that they had no vehicles available.

Councilwoman Eason stated that they could have had some of the trucks go down the side streets.

Mr. Bell stated that it is there duty to only do County roads. He stated, knowing this we still reached out to them and were told that no vehicles were available.

Councilwoman Eason stated that she received a text from Joe D's executive (Phil Elijah) and he didn't say he couldn't do it but we needed Public Works to plan for it.

Council President Abdul-Rasheed stated to Mr. Bell that he should make that a part of his plan for the anticipated upcoming snow storm.

Council President Abdul-Rasheed entertained a Motion to extend the meeting at 10:30 pm.

Motion: Williams

Second: Eason

The Municipal Clerk announced the roll call as follows:

Yeas: Eason, Morton, Williams and Abdul-Rasheed

Nays: Corbitt and Marable

Abstentions: None

Absences: Jones-Bell

Council President Abul-Rasheed ruled the motion was carried by Four Yeas, Two Nays, No Abstentions and One Absences.

Councilman Morton reminded everyone of the Job Fair scheduled to take place in the Council Chambers on Wednesday, January 5th at 3 pm.

Council President Abdul-Rasheed asked Dieter Lerch (Budget Consultant) to stand and introduce himself to the audience and everyone in TV Land. Mr. Lerch then addressed the podium and introduced himself to everyone.

Council President asked Mr. Mason if there was a safety plan on file and if there are different stages based on what the emergency may be.

Mr. Mason in response stated that all departments have a plan based on the outcome of the lay-offs on Friday and they are prepared to work with a reduce number of staff.

Council President Abdul-Rasheed stated, isn't it safe to say that we had a plan in place prior to the projected lay-offs.

Mr. Mason replied, yes.

Council President Abdul-Rasheed stated to all that the fifty thousand dollar contract for the Shauger Group was published in error. The Council voted it down by six nays.

Council President asked Mr. Mason what is the status of our CFO. He then asked the Legislative Research Officers what can the Council do to terminate the CFO's contract. Council President stated to Mr. Mason that he know he's busy but so is everyone else. However, he asked that Mr. Mason share how much Mr. Kelly receives in bi-weekly pay. Council President stated that he is aware we need a Registered Municipal Finance Officer on the books and knows that is the reason we have kept Mr. Kelly for this long. Council President ask that everyone keep in mind that there is probably not much that can be done because of statutory protection.

Council President stated with respect to the snow removal, it is his belief that every Public Work's employee was working diligently. He stated that this was a record breaking snow storm and they were low on manpower so it took time to remove the snow. Unless someone saw them slacking when they should have been working, there should be no complaints as this was not the normal snow fall.

Council President Abdul-Rasheed recognized Councilman Marable

Councilman Marable stated to Mr. Bell, why was there a manpower of eleven compared to twenty-three.

Mr. Bell stated that men were on vacation, holiday time and out sick.

Councilman Marable stated that he understood the comments of Mr. Corvino who is a highly professional and is a hard working Public Works employee and he said it best that they did a fine job given the situation. Councilman Marable stated that the response to the snow storm in his opinion was woeful; and part of that was explained by this notion that we had eighty workers years ago and now we have less than fifty percent of those. He stated that he had received a call from Parkview Terrace because their street hadn't been plowed after two days. He stated that he placed a call to the director and she was in disbelief. On the third day he had personally

visited this street and it still had not been plowed so he reached out to the Mayor, after not being able to make it down the street. Councilman Marable stated that he will be in talks with Mrs. Kemp in regards to making their snow removal strategies a matter for discussion.

Councilman Marable stated that he recognized how hard Mr. Bell had worked as he appeared to be running on fumes as well as the other men but it just was not enough. Councilman Marable stated that he had seen no salt on the streets and the residents need to know if eleven men were salting or shoveling. He stated that residents need to know the status as to whether or not their street will be plowed; or if it's so minuscule that it will have to wait. Councilman Marable stated that the Shauger Group plowed Parkview Terrace out but Public Works plowed them back in.

Councilman Marable stated that more than half the staff out at one time strikes him as unusual. He stated that you can't allow more than half of your staff to be on vacation at any one time no matter what the holiday is. We knew the snow was coming way in advance so someone has to make the hard decision to step in and say that an individual cannot take vacation at this time. Councilman Marable stated, if this snow is coming again we cannot allow this to happen again. Councilman Marable stated, in the face of lay-offs it creates an atmosphere where these issues becomes aggravating. Therefore, he will be reaching out to Mrs. Kemp to ask her to consider the City snow removal strategy and what its plan is as the information will be help. He stated that Ms. Gordon had suggested a strategy be put in place to make things easier for the residents; and we should in fact put a plan in place.

Councilman Marable told a story of a cruise that he and his wife had taken and there was no view. He stated that there was pure darkness once the lights were out, with zero visibility as he couldn't even see his own hand in front of his face. He stated that he remembered thinking to himself that it was a dangerous environment to be in, as he could have injured himself in multiple ways. Councilman Marable made the analogy as to say, that operating in the dark is a dangerous thing, and that is his feeling towards both the lay-off and budget situation. He stated that he feels helpless as a Council person because he has no information, doesn't know if things are warranted, overestimated or if they were done properly because he's so in the dark.

Councilman Marable stated that he was impressed with the Budget Consultant's knowledge and expertise; and we're not paying him at this point because we have no budget. He mentioned that the Budget Consultant had asked for numerous documents from the City so that as a Council they could prepare a budget and were rebuffed. He then stated that he doesn't know how one does that without certain tools and that is why they hadn't prepared a budget as a Council; which is separate from what three individuals on the Council had done.

Councilman Marable stated that he wrote Mr. Mason and copied all Council Members. He stated to Councilwoman Eason that she was critical as to him not reaching out to her when he in fact sent her a letter.

Councilwoman Eason in response stated that she had never received a letter from Councilman Marable.

Councilman Marable stated that he place the letter in Councilwoman Eason's hand at the previous Council Meeting.

Councilman Marble stated that the letter asked that the Budget Consultants request be honored and that was rejected. He stated that the Council has a right to that information and this notion that somehow it may not be kept in confidence. Councilman Marble stated that he will renew his request which was signed by himself and Council President Abdul-Rasheed with hope that those documents will be released.

Council President Abdul-Rasheed thanked the Police and Fire Department for their assistance during the snow storm.

Council President Abdul-Rasheed stated that he knows the Mayor and Administration are in a tough position but since day one they have not been collaborative with the Council during the budget process, until the target date of January 7th.

9) ORDINANCES–SECOND READING/PUBLIC HEARING

None

10) ORDINANCE INTRODUCTION /FIRST READING

None

11) CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE OF THE AGENDA.

Point of Order, Councilwoman Williams walked on “A Resolution Appointing Special Council”.

Council President Abdul-Rasheed suspend the rules of the agenda to place on the Agenda resolution 10-2011.

Motion: Corbitt

Second: Williams

On the Motion, Councilwoman Williams stated that she needed to make some modifications to this resolution such as that in paragraph one it should read resolution 328-2010 and number three says the total billing is twenty thousand and that should be changed to ten thousand.

Council President asked Mr. Braker if these are material facts and if they are should the whole resolution be changed.

Mr. Braker in response stated that it is his belief that billing amount can be changed. Mr. Braker stated that he has had a conversation with the Legislature Research Officer but he has his own opinion and would like to state it for the record. Mr. Braker stated that the Council

does not have the right to appoint special Council or to hire and negotiate contracts. Mr. Braker stated that Council indicated they know they don't negotiate contracts so he's a bit concern with that. He stated that he can sign the resolution as to form and sufficiency but has an issue with the legality of it.

Mr. Braker stated, under the Faulkner Act the Mayor has the authority to negotiate contracts and bring them before the Council for purposes of approval. Mr. Braker stated in his opinion may not be popular or what Council wants to hear but this is his opinion with respect to this resolution and not on behalf of the Mayor. Mr. Braker stated that he is putting his opinion on the record because he's being asked to sign off on it. Mr. Braker stated, under the Faulkner Act and recent case law within the past five years, 2005 City of Newark case, site 183 NJSA (maybe page 360), which addresses this particular issue. He stated that it is important to note that Council has legislative authority and can pass ordinances, resolutions and set their own rules and regulations anytime they choose, as long as it's not in violation of State Law because you cannot override State Law and/ or Federal Law.

Mr. Braker stated stand against the Administration with regards to Elected Officials being furloughed despite the fact that they received Furlough notice from the Administration. Mr. Braker stated that Councilwoman Williams was right, under the Faulkner Act 40:69-8. However, it's the Mayor that negotiates contracts and the Council that appoints the Clerk and Deputy Clerk. Mr. Braker stated that even Mr. Mason put out a RFQ on Council's behalf, not the Council.

Councilwoman Eason stat that Mr. Mason put out the RFQ on behalf of the Clerk not the Council.

Mr. Braker stated, it's not about protecting the Mayor. He stated that there isn't a Council person who hasn't come to him that he hasn't tried to protect. Mr. Braker stated that he can sign it to form and sufficiency but it's the legality that he has a problem with.

Council President Abdul-Rasheed re-iterated that Mr. Braker has no problem signing the resolution but it's the legality that he has an issue with. He stated that Mr. Braker gave his opinion as it relates to the law and Council is not to negotiate contracts.

Council President Abdul-Rasheed recognized Councilwoman Williams

Councilwoman Williams stated that this resolution was not to negotiate contracts but to hire an attorney on the Council's behalf to assure that the lay-offs had been conducted in the proper manner. She stated that the Administration has not cooperated with the Council and therefore they are filing suit against them. Councilwoman Williams stated that the Legislative Research Officer reached out to an attorney and was given a rate. There were no negotiations involved.

Council President Abdul-Rasheed stated, clearly the City attorney did not have a problem with the material facts being changed from twenty thousand to ten thousand.

Council President Abdul-Rasheed recognized Dwayne Warren, LRO

Mr. Warren stated that the City Council wanted to assure themselves by way of resolution 328-2010 that the Mayor took the necessary steps with respect to the lay-offs. The Council has the right to use their investigative tools such as the courts in this matter to see that the proper steps were taken. Mr. Warren stated that Council had to seek outside Council in this case because they're suing the Administration.

Council President Abdul-Rasheed recognized Councilman Marable

Councilman Marable asked what is the source of these funds.

Councilwoman Williams in response stated that it will come out of City Council's budget.

Council President Abdul-Rasheed asked Mr. Mason where the money would come from to pay for outside Council.

Mr. Mason in response stated that there is no certification of funds on this resolution. Therefore, there is no indication that funds are available from any City source.

Council President Abdul-Rasheed stated to his colleagues that there is normally a certificate of funds associated with a resolution such as this, as per the director of a particular department, along with the signature of the CFO. However, this one lacks that.

Councilwoman Eason stated that it hasn't always been present on all resolutions.

Council President Abdul-Rasheed stated that both Councilwoman Eason and the BA are correct, as some of them have certificate of funds and some do not.

Mr. Mason stated that he would think that any resolution with an expenditure of City funds would have a certification of funds on it.

Councilman Corbitt stated, with that being said we need to be consistent across the board with respect to some having the certificate and some lacking it. He stated that he doesn't think that it's important to start that right now with something as critical as this resolution that's before us.

The Municipal Clerk announced the roll call as follows:

Yeas: Corbitt, Eason, Marable, Morton, Williams and Abdul-Rasheed

Nays: None

Abstentions: None

Absences: Jones-Bell

Council President Abdul-Rasheed ruled the motion was carried by Six Yeas, No Nays, No Abstentions and One Absence.

RESOLUTIONS NO. *2-2011, *3-2011, *5-2011- *8-2011

- *2-2011** A resolution authorizing the Tax Collector to refund the subsequent water/sewer charges paid by the outside lien holder, Dorothy M. Johnson, in the amount of \$200.00 for property known as 417 Highland Terrace, Block 163, Lot 15.
- *3-2011** A resolution authorizing the Tax Collector to cancel seven (7) inactive water accounts, as per the memo and spreadsheet received from United Water Services.
- *5-2011** A resolution accepting a grant from the New Jersey Department of Environmental Protection's (NJ Dep) hazardous discharge site remediation fund to perform environmental investigations at 481 New England Terrace, which is part of the Central Valley Redevelopment area and Brownfield Designation Area, in an amount not to exceed \$42,230.00.
- *6-2011** Resolution authorizing the award of a Non-Fair and open contract for Dewberry, 600 Parsippany Road, Suite 301, Parsippany, New Jersey to provide Environmental Consulting Services for 481 New England Terrace, Orange, New Jersey in an amount not to exceed \$42,230.00.
- *7-2011** A resolution accepting a grant from the New Jersey Department of Environmental Protection's (NJ Dep) hazardous discharge site remediation fund to perform Environmental Investigations at 490 Central Avenue, which is part of the Central Valley Redevelopment area and Brownfield Designation Area, in amount not to exceed \$42,230.00.
- *8-2011** Resolution authorizing the award of a Non-Fair and open contract for Dewberry, 600 Parsippany Road, Suite 301, Parsippany, New Jersey to provide Environmental Consulting Services for 490 Central Avenue, Orange, New Jersey, in an amount not to exceed \$42,230.00.

Council President Abdul-Rasheed entertained a Motion to adopt the Consent Agenda.

Motion: Eason

Second: Morton

The Municipal Clerk announced the roll call as follows:

Yeas: Corbitt, Eason, Marable, Morton, Williams and Abdul-Rasheed

Nays: None

Abstentions: None

Absences: Jones-Bell

Council President Abdul-Rasheed ruled the motion was carried by Six Yeas, No Nays, No Abstentions and One Absence.

The Clerk announced those resolutions that were removed for a separate vote.

1-2011 A resolution approving the bill list dated December 22, 2010 and approving checks issued by the Finance Department in accordance with Ordinance 2-95. (Pages 1-12, Grand Total: \$1,521,221.86)

Council President entertained a Motion to adopt.

Motion: Corbitt

Second: Eason

The Municipal Clerk announced the roll call as follows:

Yeas: Corbitt, Eason and Morton

Nays: Marable, Williams and Abdul-Rasheed

Abstentions: None

Absences: Jones-Bell

Council President Abdul-Rasheed ruled the motion did not carry by Three Yeas, Three Nays, No Abstentions and One Absence.

4-2011 A resolution authorizing the City of Orange Township to add various properties to its existing City of Orange Township Abandoned Properties List.

Council President entertained a Motion to adopt.

Motion: Corbitt

Second: Williams

On the Motion, Councilwoman Williams asked Director Jackson if the owners who have been burned out of their homes been contact, with respect to their properties being placed on the list for abandon houses.

Council President Abdul-Rasheed recognized Valerie Jackson, Director of Planning

Director Jackson in response stated that the owners had not been contacted with respect to their properties being placed on this list. She stated that the properties were placed on the list because they have been vacant and blighted for more than six months. Director Jackson stated that she has been in contact with the property owners but they are waiting for the City to take some action. Director Jackson stated by placing them on the list it gives the City more latitude to do spot blight eminent domain. She stated, in the properties current condition she receives a lot of complaints and now that it's on the list the City can do something with it.

Councilwoman Williams asked Director Jackson if any of the homeowner had insurance.

Director Jackson stated all but two had insurance and many have been paid by their insurance company.

The Municipal Clerk announced the roll call as follows:

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

Council President Abdul-Rasheed ruled the motion was carried by Six Yeas, No Nays, No Abstentions and One Absence.

10-2011 A Resolution Appointing Special Council

Council President entertained a Motion to adopt.

Motion: Corbitt

Second: Williams

On the Motion, Councilman Marable stated that there seems to be a split legal opinion. He stated that he would rather have Ms. Hasan present to get an idea as to her strategy. Councilman Marable stated Ms. Hasan will probably seek an injunction. However, he's going to abstain because there are still too many unanswered questions. Councilman Marable stated that he's no way in favor of people being laid-off but had no time to review or get more details relative thereto.

Council President stated that he's not in favor of lay-offs but there is a question as to whether or not it's legal and if we can proceed.

The Municipal Clerk announced the roll call as follows:

Yeas: Corbitt, Eason, Morton and Williams
Nays: None
Abstentions: Marable and Council- President Abdul-Rasheed
Absences: Jones-Bell

Council President Abdul-Rasheed ruled the motion was carried by Four Yeas, No Nays, Two Abstentions and One Absence.

12) OTHER PENDING BUSINESS

13) MOTION TO ADJOURN

Council President Abdul-Rasheed entertained a Motion to Adjourn.

Motion: Corbitt

Voice Vote

Second: Morton

Adjournment Time: 11:20 PM